12-12-79 (3/99)-9c
Rev. 09-03

SEQR

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

N.W. P.B. Project Number 01-42 Date: 9-10-03

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of New Windsor Planning Board, as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

Meadowbrook Estates Major Subdivision

SEQR Status: **Type 1** **X**
Unlisted ☐

Pursuant to 6 NYCRR 617.4 (b)(10) since the project is located next to the Town of New Windsor Mount Airy Sports Complex and involves units more than 67 residents.

Conditioned Negative Declaration: ☐ Yes
X **No**

Description of Action:

Applications have been made to the Town of New Windsor and Town of Cornwall Planning Boards for major subdivision approval for a proposed (total) 90 unit single family residential subdivision. The subject property consists of four parcels that total approximately 169.35 acres. The project site is located south and east of Mt. Airy Road, north of N.Y.S. Route 94 and east of South Jackson Avenue and Bethlehem Road, with +\- 136.33 acres located in the Town of New Windsor and +\- 33.02 acres located in the Town of Cornwall. In the Town of New Windsor 74 lots are proposed, and the remaining 16 lots will be located in the Town of Cornwall.

Location: Route 94, Town of New Windsor and Cornwall, Orange County
Town of New Windsor; 66-1-61.1 and 65-1-78
Town of Cornwall; 4-1-9.22 and 4-1-11

SEQR Negative Declaration

Reasons Supporting This Determination:
(See 617.7(a)-(c) for requirements of this determination; see 617.7(d) for Conditioned Negative Declaration)

The Town of New Windsor Planning Board adopted resolution and notice of lead agency designation to initiate a coordinated review of this application. Notice of lead agency was sent to all involved and all interested agencies on June 3, 2002. The Town of New Windsor Planning Board assumed the status of lead agency for this project on August 14, 2002.

The Town of New Windsor Planning Board coordinated with the Town of Cornwall Planning Board via correspondence dated October 28, 2002, January 28, 2003 and March 24, 2003. Public Hearings were held by the New Windsor Planning Board on April 23, 2003 and June 25, 2003 to receive comments on the subdivision and environmental issues.

The Planning Board, as part of the SEQR review of this project, considered and applied development guidelines and SEQR thresholds which included a review of the Full Environmental Assessment Form including several reports and studies compiling Part III submitted by the applicant in support of this action.

The Board retained a special traffic consultant, Philip Grealy, PhD., PE, of John Collins Engineers to review the potential traffic impacts. Recommendations from the review of the application and study have been incorporated into the project requirements.

A review was conducted by the Planning Board related to adverse environmental impacts. It was realized that additional agency approvals, both state and federal would be required, including review and approval by NYS DEC (Sewer Extension & Stormwater SPDES Permit), NYS DOT (Highway Work Permit), Orange County Department of Health (Water Main Extension and Realty Subdivision), and ACOE (Wetland Permit).

1. Impact on Land.

The proposed project is designed around the physical constraints of the property and attempts to minimize impacts to steep slopes, wetlands and watercourse. The total area of site disturbance will be approximately 67.41 acres, leaving approximately 101.94 acres, or 60% of the project site in its natural state. A site specific Erosion Control Plan has been prepared for the project providing for cutting and filling of the soil on steep slopes through use of accepted erosion and sedimentation

control techniques. All sediment and erosion control practices will be carried out in conformance with the New York Guidelines. The erosion control measures shall be monitored and inspected by the applicant's construction contractor throughout the duration of development process.

The project will include construction in areas where bedrock is within three feet of the existing ground surface and accordingly there is potential for blasting. Considerations will be implemented to avoid or minimize rock removal may include step footings, limited basement areas and the use of crawl spaces. If some blasting may be required it must be carried out in accordance with local and state requirements. Appropriate permits will be obtained.

2. Impact on Utilities (Water and Sewer).

The applicant intends to connect to the existing Town systems for both sanitary sewer and water service. All sewer and water improvements will be construed within the Town's rights-of-way's or sewer and/or water easements. All costs of this construction including upgrades to the Town of New Windsor Mount Airy sewer pump station will be borne by the developer.

3. Impact on Storm Water Management.

A storm water management report has been prepared to assess drainage impacts and provide a design for storm water management. To control and mitigate the effects on the development on storm water runoff, various storm water control structures are proposed as part of the project.

4. Impact on Plants and Animals.

No federal or state listed threatened or endangered species of plants or animals were located on the site.

5. Impact of Wetlands.

No proposed homes, or driveways encroach upon State wetlands or wetland control areas. A small portion of DEC wetland CO-12 does encroach into the property in the western corner of the site however this will remain undistributed.

There are also 42.69 acres of Army Corps of Engineers regulated wetlands, which include state regulated wetlands. Activities proposed on this land involve 0.48 acres of fill, primarily for road construction and such activity will require a permit from the U.S. Army Corps of Engineers.

Wetland mitigation will be provided on Lot 46 of the proposed residential project and will consist of the creation of +\- 1 acre of new wetland.

6. Impact of Transportation.

The applicant has also prepared a detailed traffic study of the proposed subdivision which concludes that all of the analyzed intersections would continue to operate at acceptable levels of service under both the No-Build and the Build condition, with the exception of Route 94\Jackson Avenue. Several mitigations, including sight distance, lane and grading improvements at the Route 94\Jackson avenue intersection and the installation of a left turn lane from NYS Route 94 (eastbound) onto Meadowbrook Lane, have been analyzed and will be installed by the developer, subject to approval from the NYS DOT. (Additional specific details are included in the Town's traffic consultant's review memorandum). Overall there will be no deterioration in the level of service to the area network as a result of the proposed project.

7. Impact on Zoning

The total property owned or controlled by the project sponsor totals _169.35 acres - 33.02 acres in the Town of Cornwall and 136.33 in the Town of New Windsor.

The Town of Cornwall property is located in the R-2 Zoning District and the 16 lots proposed all meet and/or exceed the minimum lot area requirement of 40,000 square feet.

The Town of New Windsor property is located partially in the R-1 Zoning District and partially in the R-3 Zoning District. At the time of submission of the land use applications for this project, 200 units would be permitted under the then existing zoning with central sewer and water. The original application submitted proposed 165 units on the New Windsor portion of the property.

The unit count was, thereafter, reduced to 137, then thereafter to 118 units. The Town subsequently adopted zoning increasing the lot sizes in both the R-1 and R-3 Zoning Districts. In doing so, all pending applications were grandfathered and permitted to proceed under the zoning existing at the time of submission.

Notwithstanding the fact that the project was grandfathered and the applicant's rights to develop up to 200 units was preserved, the applicant voluntarily revised its plan in consultation with the Planning Board and its consultants to the current proposal which proposes 74 single family detached dwellings served by central water and sewer on the New Windsor portion of the property. However, the 74 lots proposed are the same number of lots that would be permitted under the zoning in place at the time of application if the parcel were to be developed without central water and sewer. The lots will all have a minimum width of 125 feet. The lots in the R-1 Zoning District will have a net area of 1 acre excluding wetlands and easements from this area calculation. The lots in the R-3 Zoning District will have a net area of at least ½ acre. Furthermore, all lots in the subdivision will have a minimum gross lot area (density) of 1 acre.

This revised alternative was presented to the Planning Board. The alternative plan was deemed acceptable in regard to the grandfathering exemption granted, and the applicant endorsed to pursue and process the plan based on these minimum zoning standards. A copy of a letter dated April 25, 2002, signed by the Town Attorney and Planning Board Chair evidencing this agreement is included in the EAF. The 16 single family lots proposed for the Town of Cornwall meet the requirements for the R-2 Zoning District.

For Further Information:

Contact Person: Town of New Windsor Planning Board
Attn: Mr. James Petro, Chairman

Address: 555 Union Avenue, New Windsor, New York 12553

Telephone Number: (845) 563-4615

As a Type 1 Action, a Copy of this Notice will be sent to:

Chief Executive Officer, Town of New Windsor ✓
Attn: Mr. George J. Meyers, Supervisor

Other involved agencies:

NYS Department of Environmental Conservation, New Paltz ✓
New York State Department of Transportation, Poughkeepsie ✓
New York State Parks, Recreation and Historic Preservation ✓
Orange County Department of Health ✓
Orange County Department of Planning ✓
Town of Cornwall Planning Board ✓
Town of Cornwall Town Board ✓
Applicant ✓
Environmental Notice Bulletin, 625 Broadway, 4th Floor, Albany, NY 12233-1750 ✓