



# Town of Poughkeepsie

## Planning Department

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State Environmental Quality Review  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance  
**ADOPTED April 20, 2023**

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 POUGHKEEPSIE PLANNING BOARD**, as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and therefore a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Erie Materials, Inc. – 657 Sheafe Road

**SEQR Status:** Type 1   
Unlisted

**Coordinated SEQRA Review:**  Yes  
 No

**Conditioned Negative Declaration:**  Yes  
 No

**Location**

657 Sheafe Road, Grid #6159-01-278549, Zoned B-H (Highway Business), +/- 3.63 acres

**Description of Action**

The proposed action (“Project”) includes a change of use for a site of +/- 3.63 acres with an existing building, to be redeveloped as a building material sales and storage facility inclusive of a new outdoor storage yard and accessory storage structure, revised parking and building additions. Existing site access from Sheafe Road, a Town highway, will be widened to accommodate access by wide-body WB-50 size trucks. The Project will be served by Town water service. The Project includes elimination of an existing subsurface disposal system (SDS) and a new SDS subject to approval by the Dutchess County Department of Behavioral and Community Health (DC DBCH). It also provides conditions for abandonment of the on-site SDS connection to an existing sewer pump station located on adjoining parcel 6159-01-283578 in the event the pump station (presently in private ownership) is transferred to the Town of Poughkeepsie in the future. The Project includes on-site drainage improvements pursuant to a Stormwater Pollution Prevention Plan (SWPPP), and stormwater discharge at the rear of the site into an aquatic resource buffer area adjoining off-site wetlands associated with the nearby Casperkill Creek.

The plan of redevelopment for rear materials storage includes a paved outdoor storage yard of 38,755 square feet (SF) and a retaining wall, a 3-sided storage shed of 1,728 SF and refuse enclosure, 14 parking spaces and gated access to the rear of the site, and a covered rear loading dock addition of 2,370 SF. The plan for redevelopment in front of the building includes a showroom addition of 1,056 SF, revised front building access and customer loading area, and 23 parking spaces.

The site was occupied by an indoor recreation facility that vacated the site several years ago. A site plan approval was obtained by another applicant ca. 2021 for site redevelopment for church use. Implementation began with preliminary demolition inclusive of tree clearing of the rear site portion, then work stopped and the church application was subsequently withdrawn.

**Required Permits and Approvals**

- Town Planning Board site plan and architectural review approvals.
- Town Board approval of easements and/or maintenance agreements (e.g., stormwater management, sewer pump station access, sight line management).
- Town Zoning Board of Appeals (ZBA) approval of area variances.
- Town Highway Department Highway Work Permit.
- Dutchess County Department of Behavioral and Community Health (DC DBCH) approval of sanitary sewer service.
- New York State (NYS) Department of Environmental Conservation (DEC) General Permit for Stormwater Discharges from Construction Activity.

**Documents, Studies, Materials and Comments Reviewed and Considered by the Lead Agency**

A Planning Board application, development plans, Preliminary SWPPP, Real Estate Purchase of Sale contract (redacted), correspondence and responses to comments prepared by applicant architect and engineer consultants, and associated materials in support of the site plan application, along with a Full EAF Part 1 with attachments for SEQR review, were received. Notice of SEQR Lead Agency Intent by the Planning Board and EAF and materials were circulated for coordinated review of an Unlisted Action on February 21, 2023, and no objection was received. The Planning Board reviewed submittals and received written and verbal comments from its advisory consultants, staff and Departments, as well as the public at a duly noticed public hearing. The Planning Board and reviewers had knowledge and the record of the previous Valley Church Site Plan application for the same site that received a SEQRA Negative Declaration and site plan approval on October 17, 2019, and as amended on February 20, 2020; it is hereby incorporated by reference.

**Reasons Supporting This Determination:**

**1. Land**

The total acreage of the site of the proposed action is +/- 3.63 acres. Approximately 3.22 acres will be physically disturbed. Due to the fact that the proposed action will physically disturb greater than one (1) acre of land, it is subject to receipt of a State Pollutant Discharge Elimination System (SPDES) General Permit, requiring the preparation of a project specific Stormwater Pollution Prevention Plan (SWPPP). Additionally, the proposed action is subject to applicable erosion and sediment controls, as approved by the Town Engineer. These required measures are anticipated to mitigate the land disturbance impacts. Prior to the commencement of any site work, the applicant’s contractor and consulting engineer are required to meet with the Town’s Planning Department, the Town’s Building Department, and the Town Engineer. Upon meeting, erosion control measures will be discussed and agreed to for implementation. There are no moderate to large-scale stormwater impacts anticipated as a result of this proposed action. Therefore, no significant and adverse environmental impacts are anticipated.

**2. Geologic Features**

There are no unique or unusual land forms within the project site (e.g., cliffs, dunes, minerals, fossils, caves). Therefore, no significant and adverse environmental impacts are anticipated.

**3. Surface Water**

No wetlands were identified on the site. The Casperkill Creek, a class C stream, was identified offsite to the west. An unnamed federal wetland (R3UBH) of +3.43 acres was identified offsite a short distance west of the site western property line, with a Town regulated 25-foot aquatic buffer extending onto the western

portion of the site. No required permits for work in or near wetlands or streams were identified under State, federal nor municipal Town (Chapter 116) regulations.

The 25-foot aquatic buffer boundary is located on the west side of a raised berm and its existing vegetation near the western end of the site, that provide considerable separation and screening between the Project and the off-site wetlands. An existing channel through the berm drains existing site runoff towards the wetland and Casperkill Creek. As in the previous Valley Church approved site plan that was withdrawn, redeveloped site runoff will be directed to the channel and the channel will be protected with rock riprap. The Erie Materials Inc. Project will provide channel modification and rip rap that disturbs approximately 200 SF of the 25-foot depth aquatic resource buffer on the west side of the berm, substantially less than the 0.1 acre (4,356 SF) threshold for disturbance that would otherwise require an aquatic resource permit.

The Erie Materials Inc. Project includes approximately 3.02 acres of impervious surface, substantially greater than the previous Valley Church site plan. The Project includes an underground stormwater infiltration system that will collect a portion of the existing and new site run-off and direct it to groundwater. The remaining portion of existing runoff and excess runoff will be directed to drainage pipes that discharge to a riprap channel through the rear berm to an aquatic resource buffer, which borders an offsite wetland and eventually drains to the Casperkill Creek. Project plans indicate installation of stormwater drainage pipes through an estimated +/-230 linear feet of the vegetated berm. On April 20, 2023, in response to comments by Planning Board wetland consultant Aspen Environmental, Christian Paggi, P.E., proposed to modify the drainage pipes in the rear of the property to avoid disturbance to the existing berm.

A draft SWPPP and associated storm water management plans have been prepared by the applicant and reviewed by the Town's consulting engineer. The final SWPPP, storm water management and erosion control plans will be in conformance with requirements of the current NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, the NYSDEC Stormwater Management Design Manual, and the NYS Standards and Specifications for Erosion and Sediment Control. The implementation of the SWPPP as part of the construction and post-construction plan design in conformance with statutory requirements will provide the protections required for downstream land owners and surface waters without the need for specific mitigation as a condition of approval.

Accordingly, the proposed action is not anticipated to affect one or more wetlands or other surface water bodies (streams, rivers, ponds, lakes). Therefore, no significant and adverse environmental impacts are anticipated.

**4. Groundwater**

The proposed action is not anticipated to result in new or additional use of groundwater, or have the potential to introduce contaminants to ground water or an aquifer. Therefore, no significant adverse and environmental impacts are anticipated.

**5. Flooding**

The proposed action is not proposed on lands anticipated to be subject to flooding. The proposed action site is not located in the floodway, nor in the 100-year floodplain; it is within the 500-year floodplain, and no potential impacts were identified. Therefore, no significant adverse environmental impacts are anticipated.

**6. Air**

The proposed action will not require a state regulated air emission source. Therefore, no significant adverse environmental impacts associated to air are anticipated.

**7. Plants and Animals**

Per the submitted Full EAF Mapper, the site is located within or near occurrences of the Indiana bat (endangered). Existing trees on the site may provide habitat for this species. The development plans contain notes stating no tree removal shall occur from April 1 to September 30, in accordance with NYS DEC guidance to avoid direct impacts during this time the bats are not hibernating and may be present on the site. The proposed action is not anticipated to result in the significant loss of flora or fauna. Therefore, no significant and adverse environmental impacts are anticipated.

**8. Agricultural Resources**

The proposed action is not located in or adjacent to an Agricultural District. Therefore, no adverse environmental impacts are anticipated.

**9. Community Services**

The Project will be served by Town water service. The Project includes elimination of an existing subsurface disposal system (SDS) and a new SDS subject to approval by the Dutchess County Department of Behavioral and Community Health (DC DBCH). It also provides conditions for abandonment of the on-site SDS connection to an existing sewer pump station located on adjoining parcel 6159-01-283578 in the event the pump station (presently in private ownership) is transferred to the Town of Poughkeepsie in the future. No constraints on capacity to serve the project were identified. The Project is served by Town Police and by the Arlington Fire District. The Project architect indicated that modification of systems to provide fire protection will be evaluated and modified in accordance with Building Permit review, and that an additional hydrant will be located on the site if required. Therefore, no significant and adverse environmental impacts are anticipated.

**10. Aesthetic Resources**

The proposed land use, as proposed, is not obviously different from, or in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. Therefore, no significant adverse environmental impacts are anticipated.

**11. Historic and Agricultural Resources**

Consultation was conducted with New York State Parks, Recreation, and Historic Preservation (OPRHP) for the previous Valley Church site plan application. A letter dated September 23, 2019, from OPRHP anticipated no impact on archeological and/or historic resources listed in or eligible for the New York State or National Registers of Historic Places. The Project, as proposed for modification on April 20, 2023 (see #3 Surface Water impact evaluation above), will have limits of disturbance consistent with that of the previously approved Valley Christian Church site plan. In addition, the EAF, as amended through March 27, 2023, identifies a residence at 13 Camelot Road that may be potentially eligible for the State or National Register; however, it is located at a distance of over 400 feet southwest of the Project with intervening vegetation. Therefore, no significant and adverse environmental impacts are anticipated.

**12. Open Space and Recreation**

There is no anticipated loss of recreational opportunities or a reduction of an open space resource as designated in any adopted Town open space plan as a result of the proposed action. The existing parcel does not contain such resources and is zoned B-H (Highway Business). Therefore, no significant and adverse environmental impacts are anticipated.

**13. Critical Environmental Areas**

The proposed action is not located in or adjacent to a Critical Environmental Area (CEA). Therefore, no significant and adverse environmental impacts are anticipated.

**14. Transportation**

The proposed action will not result in a change to existing transportation systems. A Town Highway Work Permit may be required for work on the site curb cut located on a Town highway (Sheafe Road). Trip generation estimated by the applicant indicated 21-43 trips truck trips daily between 6:00AM and 5:00PM, where uses generating less than the 100 peak hour vehicle trips can be considered to have no significant impact on traffic. No significant impact on adjacent streets relative to traffic generation is anticipated. Therefore, no significant and adverse environmental impacts are anticipated.

**15. Energy**

The proposed action will utilize the local energy grid, electric and gas. Therefore, no significant and adverse environmental impacts are anticipated.

**16. Noise, Odor, and Light**

The proposed action will not result in a permanent significant increase in noise. Construction-related noise must adhere to Town Code requirements. Project sponsor Erie Materials Inc. conducted a noise analysis of anticipated Erie Materials Inc. equipment anticipated to be used on the site, in relation to the standards of Town Code Chapter 139, Noise. The analysis measured the most likely unreasonable noise to be produced by the safety back-up alarms installed on forklifts and trucks, at distances of 5, 50 and 100 feet behind the vehicles, for tests of 20 seconds duration, evaluated for minimum, average and maximum decibel levels. It was determined that the noise produced from these devices was within the limits outlined in Chapter 139. The nearest residential use is the adjoining Deer Creek Apartments to the north. Vehicles will be over 200 feet from the closest wall of the apartments; the residential units are located 45 feet in elevation above the elevation where noise is produced; and there is vegetation planted on the site of the apartments between the apartments and the property line; all of which will reduce the decibel levels reaching the apartment buildings from the Erie Material operations.

The proposed action will not result in outdoor odors. A refuse enclosure will be located in the southwest portion of the site a projected 37 feet from the rear residential property line: It will be over 300 feet from the nearest residence subject to ZBA area variance approval. The application for building materials sales and storage does not involve putrescible waste, indicated no bulk storage of liquids, and no storage of hazardous materials was identified.

Proposed lighting plans do not indicate any substantial escape of lighting offsite, and will be subject to the Town Code lighting regulations.

Therefore, no significant and adverse environmental impacts are anticipated.

**17. Human Health**

The proposed action will not result in the potential for exposure to contamination. Therefore, no significant adverse environmental impacts are anticipated.

**18. Consistency with Community Plans**

The proposed action is not inconsistent with adopted land use plan. The Project is consistent with the permitted uses of the B-H District and §210-59, subject to ZBA approval of area variances. Therefore, no significant and adverse environmental impacts are anticipated.

**19. Consistency with Community Character**

The proposed action is not inconsistent with the existing community character and involves redevelopment of a site with a former commercial use for a new commercial use that is consistent with the permitted uses of the B-H District and standards of §210-59, Building Materials Sales and Storage, subject to ZBA approval of area variances. The Project boundary on the north adjacent to a multi-family use includes a screening fence 8 feet in height. The Planning Board noted that the adjacent northern parcel was rezoned

by its owner from commercial to residential use and developed for multifamily use with recognition of the B-H zoning and permitted uses on the site of the Project. The applicant response indicates the screening fence 8 feet high will extend around the west side of the storage yard. In addition, the residential uses to the west and southwest are screened by vegetation on the site, inclusive of a western berm to be retained undisturbed, and by intervening vegetation and distances of over 300 feet. The Planning Board determined that the Project meets the standards for site plan approval in §210-152. Therefore, no significant adverse and environmental impacts are anticipated.

### **Other Potential Impacts**

In addition to the discussion of impacts in the sections above, the Lead Agency has also considered, and hereby issues a determination, concerning the following:

1. The proposed action would not result in a substantial adverse change in existing air quality, ground water quality or quantity, or noise levels; a substantial increase in solid waste production; a substantial increase in potential for flooding, or leaching problems.
2. The proposed action would not result in the impairment or the environmental characteristics of a Critical Environmental Area.
3. The proposed action would not create a material conflict with the community's current plans or goals as officially approved or adopted.
4. The proposed activity would not impair the character or quality of important aesthetic resources.
5. The proposed action would not result in a major change in the use of either the quantity or type of energy.
6. The proposed action would not create a hazard to human health.
7. The proposed activity would not result in a substantial change in the use, or intensity of use, of land devoted to agricultural, open space, or recreational use.
8. The proposed action would not result in the creation of material demand for other actions that would result in one of the above consequences.
9. The proposed action would not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
10. When analyzed with two or more related actions, the proposed action would not have a significant impact on the environment and when considered cumulatively, would not meet one or more of the criteria under 6 NYCRR 617.7.

For Further Information:

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**This negative declaration was authorized at a meeting by the Planning Board held on April 20, 2023**