

**TOWN OF FISHKILL PLANNING BOARD  
POSITIVE DECLARATION - NOTICE OF INTENT  
TO PREPARE A DRAFT ENVIRONMENTAL IMPACT STATEMENT**

This determination 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 Planning Board, as lead agency, has determined that the proposed action described below may have a significant effect on the environment and that a Draft Environmental Impact Statement (“DEIS”) should be prepared.

**Name of Action:** Rolling Hills of Fishkill

**SEQRA Status:** The proposed action is Type I pursuant to 6 NYCRR 617.4(b)(2). The Planning Board is the lead agency. The Planning Board has accepted a “Draft Environmental Impact Statement, Draft Scoping Document by the applicant.

**Scoping:** The Draft Scope is available at the Town of Fishkill Town Hall in the Planning Department located at 807 Route 52, Fishkill, NY 12524 and online at: <https://www.fishkill-ny.gov/public-hearings.html>. A Public Scoping Session on the Draft Scope shall be held on September 12, 2019 at 7:00 p.m. at the Town of Fishkill Town Hall, 807 Route 52, Fishkill, New York and written comments are being accepted by the Planning Department until 4:30 p.m. on September 13, 2019.

**Description of Action:** The Applicant is currently seeking Zoning Map and Text Amendments from the Town of Fishkill Town Board (the “Town Board”). These Zoning Map and Text Amendments are the initial step in an approval process with the ultimate goal of receiving Site Development Plan Approval to develop multifamily residential buildings together with accessory commercial uses. The Town Board referred the Application to the Town of Fishkill Planning Board Rolling Hills at Fishkill (“Planning Board” or “Lead Agency”) for its report and recommendation, and the Planning Board is serving as Lead Agency for the SEQRA review. Design Development Plans are to be submitted as part of the DEIS so as to allow the Lead Agency to review the environmental impacts for the Project as a whole. The proposed development consists of 30 buildings, totaling 463 apartments and 784 bedrooms, along with 24,000 square feet of retail space. Town-owned land (Tax Map Parcel No. 5955-02-875598-0000) will be purchased from the Town by the Applicant following all proper procedures at a fair market value, and a land donation will be provided by the Applicant for the traffic improvements proposed at the intersection of NY Route 9D and Hudson View Drive. The proposed Zoning Text Amendments include edits that are specific to the RMF-5 Zoning District that would impact development in the RMF-5 Zoning District in the Town. These apply to Town Code Chapter 150 “Zoning” as amended November 11, 2018. The proposed Zoning Text Amendments request, *inter alia*, modifications of the defined limitations for commercial developments, which are permitted accessory uses within the RMF-3 and RMF-5 Zoning Districts, as outlined in Section 150-73.B(9)(a) of the Town Code.

**Project Location:** The Project Site consists of approximately 56.85 acres and includes three parcels identified on the Town of Fishkill Tax Maps as Tax Map Parcel Nos. 5955-02-8562672, 5955-02-875598 and 5955-02-900555 as well as the land incorporated and identified as Riga Boulevard on the survey for the Project Site, as listed in the supporting documents. The 7.084-acre lot identified as Tax Map Parcel No.: 5955-02-875598 is currently owned by the Town of Fishkill. Under existing conditions, 15.85 ± acres of the subject site along the NY Route 9D frontage is in the PB (Planned Business) Zoning District, while the remaining 41 ± acres are located in the RMF-5 Zoning District. Approval of the rezoning sought by the Applicant from the Town Board will result in the entire subject site being zoned RMF-5.

**Reasons Supporting This Determination:** The Planning Board concludes that there is at least one potential significant adverse impact on the environment from the change of zoning based and the proposed site plan. The potential significant adverse impacts are identified below.

**For Further Information Contact:**

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**POTENTIAL SIGNIFICANT ADVERSE IMPACTS**

1. The Project Site consists of approximately 56.85 acres and includes three parcels identified on the Town of Fishkill Tax Maps as Section 5955, Block 02, Lots 856672, 875598, and 900555, as well as the land incorporated and identified as Riga Boulevard on the Survey for the Project Site, as listed in the supporting documents. The 7.084-acre Lot 875598 is currently owned by the Town of Fishkill. Under existing conditions, ±15.85 acres of the subject site along the NY Route 9D frontage is in the PB (Planned Business) Zoning District, while the remaining ±41 acres are located in the R-MF-5 Zoning District. Approval of the rezoning sought by the Applicant from the Town Board will result in the entire subject site being zoned R-MF-5.
2. The Planning Board reviewed the Environmental Assessment Forms Parts 1, 2 and 3.
3. The Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 and determined that the potential exists for significant adverse impacts to the following resources associated with the proposed action: Impact on Land; Impact on Surface Water; Impact on Plants and Animals; Impact on Transportation; Consistency with Community Plans; Consistency with Community Character.

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4. Consistent with 6 NYCRR 617.7, the Planning Board has considered all reasonably related long-term, short-term, and cumulative environmental effects associated with the proposed action, including other simultaneous or subsequent actions.
5. The Planning Board hereby issues a Positive Declaration pursuant to the requirements of the State Environmental Quality Review Act, 6 NYCRR 617.7, which means that there will be a DEIS prepared in order to evaluate the potential for adverse impacts and available mitigation measures.