

**RESOLUTION OF POSITIVE DECLARATION
ROLLING HILLS AT FISHKILL**

Mr. Lopez offered the following resolution, which was seconded by Mr. Brozier, who moved its adoption.

WHEREAS, the Town Board of the Town of Fishkill (“Town Board”) received an Application of a Zoning Amendment on August 31, 2018 requesting to construct a mixed use residential and commercial project on a 55 acre site (the “Site”), consisting of 30 buildings, totaling 463 apartments and 784 bedrooms, along with 24,000 square feet of retail space, (including a percentage of affordable units to be determined pursuant to Article IXB of Chapter 150 of the Town Code), approximately 21 acres of recreational space for walking and hiking, and approximately 24, 000 square feet of neighborhood commercial use above the residential units located Half Moon Road, N. Lockey Woods Road and NY Route 9D, identified as Tax Map Parcel Nos: 5955-02-856672, 5955-02-900555 and 5955-02-875598 in the Town of Fishkill, New York. The applicant is also seeking zoning map change to zone the entire site RMF-5, and a number of zoning text amendments to the Town Code Chapter 150 - Zoning. Under existing conditions, 15.85 +/- acres of the subject site along its NY Route 9D frontage is in the PB (Planned Business) Zoning District, while the remaining 41 +/- acres are in the RMF-5 Zoning District. Approval by the Town Board of the requested rezoning will result in the entire subject site being zoned RMF-5 (“Project”); and

WHEREAS, the Town Board referred the Application to the Town of Fishkill Planning Board (“Board”) and resolved that the Planning Board should serve as Leady Agency for the rezoning on October 11, 2018; and

WHEREAS, the Board determined that the Project is a Type 1 Action; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”) and corresponding regulations thereto, the Board declared its intent to assume the role of Lead Agency to coordinate environmental reviews of the Project; and

WHEREAS, copies of the Full Part I Environmental Assessment Form (“EAF”) were circulated to the identified agencies on November 27, 2018; and

WHEREAS, no objection to the Board acting as the Lead Agency was received within thirty (30) days of transmittal and the Board became the Lead Agency on January 10, 2019; and

WHEREAS, the Board received a Draft Environmental Impact Statement (“DEIS”), Draft Scoping Document on July 24, 2019 and the same was distributed to interested/involved agencies and submitted for publication in the Environmental Notice Bulletin (“ENB”) on August 2, 2019 for publication.

NOW THEREFORE BE IT RESOLVED,

1. The Board hereby adopts the Part 2 and Part 3 EAF as prepared by the Planning Board consultants and the Board, copies of which are attached hereto and made a part hereof; and
2. The Project and its potential impacts are significant in magnitude and number of persons affected; and

3. The Board hereby determines that the action may result in one or more potentially significant environmental impacts and hereby adopts and issues the Positive Declaration - Notice of Intent to Prepare a Draft EIS for the reasons set forth in Parts 2 and 3 of the EAF, including Impact on Land; Impact on Surface Water; Impact on Plants and Animals; Impact on Transportation; Consistency with Community Plans; Consistency with Community Character; and
4. Scoping of the Draft Environmental Impact Statement (“DEIS”) will be conducted, including an opportunity for public involvement; and
5. A DEIS will be prepared by the Applicant and submitted to the Lead Agency for review after a final Scoping Document is adopted; and
6. Notice of this Positive Declaration shall be submitted for Publication as required by 6 NYCRR §617.2 by the Planning Board Secretary; and
7. Copies of this Resolution, the EAF and Positive Declaration shall be sent by the Planning Board Secretary to all interested/involved agencies; and
8. A Public Scoping Session on the Draft Scope shall be held on September 12, 2019 at 7:00 p.m. at the Fishkill Town Hall, 807 Route 52, Fishkill, New York and the Public Comment period is open until September 13, 2019; and
9. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a vote which resulted as follows:

	AYE	NAY	ABSTAIN	ABSENT	PRESENT AT MEETING, NOT VOTING ON APPLICATION
David Allis	X			X	
Bridgette Anderson	X				
Anthony Brozier	X				
Jonathon Kanter				X	
Mary E. Hendricks	X				
Felix Lopez	X				
Suzanne Reider				X	

Filed, Office of the Town Clerk, Town of Fishkill, New York

8-15-19

Date

Rebecca Tompkins

Rebecca Tompkins, Town Clerk/Tax Receiver