

State Environmental Quality Review Act  
 Notice of Determination of Significance

**NEGATIVE DECLARATION**

Date: 12/3/24 [DRAFTv2]

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 Washington Planning Board as Lead Agency has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Clear Subdivision – 515 Woodstock Road

**SEQR Status:** Type 1   
 Unlisted

**Conditioned Negative Declaration:**  Yes  
 No

**Description of Action:**

The Applicants and property-owners, Timothy and Johna Clear, are seeking conventional subdivision approval from the Town of Washington Planning Board (the “Proposed Action”) to subdivide a 90.87-acre parcel into five lots (the “Proposed Project” or “Project”). Two of the lots would contain existing residential structures, while the remaining three would be vacant and intended for future single-family development. The property, located at 515 Woodstock Road (tax parcel 6766-00-021055), is situated within the RL-5 zoning district (5-acre minimum lot size) and Agricultural District 21 (APO Overlay) (the “Project Site”). The Project Site is bisected east-west by Woodstock Road, a Town-designated scenic road, resulting in a northern portion and southern portion. Each portion contains a pond and scattered wetland areas on either side of Woodstock Road. Existing structures on the property include two single-family residences – a farmhouse, cottage, and agricultural accessory structures on the northern portion and a ranch-style house on the southern portion – and multiple driveways.

Under the proposed subdivision, the northern portion would contain Lot 1 (23.4± acres), Lot 2 (10.1± acres), and Lot 3 (5.3± acres). The southern portion would contain Lot 4 (23.5± acres) and Lot 5 (28.4± acres). Lot 3 would include the existing farmhouse, cottage, and accessory structures. Lot 4 would contain the existing ranch-style house. The average lot size would be 18.17± acres.

The three vacant lots, Lots 1, 2, and 5, are intended for future single-family development in accordance with RL-5 district requirements. Proposed “building envelopes” shown on the Applicant’s Constraints Map (10/22/24) and Building Envelope Exhibit (11/19/24), ranging in size from approximately one to two acres, would delineate contained areas for future development of principal buildings and driveways to preserve natural and scenic resources outside of the envelopes. Access to Lots 3 and 4, which contain the existing single-family residences, would be provided by their respective existing driveways from Woodstock Road. New driveways would be required for Lots 1, 2, and 5. The entrances to the proposed driveways for Lot 1 and 5 are in the locations of existing farm road entrances from Woodstock Road, as shown in the lots’ respective building envelopes. The driveway for Lot 2, as shown in its proposed building envelope, would be placed on Stanford Road.

The Project also proposes to remove the kitchen of the existing cottage on Lot 3. No exterior construction is proposed as part of the Project.

**Location:** 515 Woodstock Road, Millbrook NY 12545

**Information Reviewed by the Lead Agency:**

The below determinations of the Lead Agency are based on a review of the Full Environmental Assessment Form (FEAF) Part 1 (plus appendices) prepared by the Applicant and last revised November 19, 2024, along with the following supplemental information, plans, and studies reviewed by the Lead Agency to accompany FEAF Part 1 and inform the Lead Agency's findings in FEAF Parts 2 and 3 (starting with the most recent):

- Building Envelopes Exhibit dated November 19, 2024
- Response to 10/31/24 AKRF Comments Letter from Jennifer L. Van Tuyl, (Cuddy+Feder LLP), dated November 19, 2024
- Comment Memorandum to the Planning Board from AKRF, Inc. (Town's Planning Consultant), dated October 31, 2024
- Memorandum to the Planning Board prepared by Steve Marino, PWS (Town's Wetland Consultant) on review of the Edgewood Environmental Consulting, LLC Phase 1 Bog Turtle Survey, dated November 4, 2024
- Revised Constraints Map prepared by LRC Group, dated October 22, 2024
- Post-hearing letter to Town of Washington Planning Board, Chairperson Susan Meaney, and Members of the Planning Board from Jennifer L. Van Tuyl, (Cuddy+Feder LLP), dated October 22, 2024
- Response to Drainage Comments letter from Kenneth Casamento, CPESC (LRC Group), dated October 22, 2024
- Soil Test Results letter from Kenneth Casamento, CPESC (LRC Group), dated October 22, 2024
- Phase 1 Bog Turtle Habitat Assessment prepared by Michael Fishman, CWB, FTWS (Edgewood Environmental Consulting, LLC), dated October 18, 2024
- Comment Memorandum to the Planning Board from AKRF, Inc. (Town's Planning Consultant), dated September 27, 2024
- Town of Washington Conservation Advisory Commission (CAC) Comment Letters dated September 4, 2024 and September 18, 2024
- Letter regarding planned Phase 1 Bog Turtle Survey from Kenneth Casamento, CPESC (LRC Group), dated September 17, 2024
- Memorandum to the Planning Board prepared by Steve Marino, PWS (Town's Wetland Consultant) on review of the Edgewood Environmental Consulting, LLC Wetland Delineation Report, dated September 3, 2024
- Comment Memorandum to the Planning Board from AKRF, Inc. (Town's Planning Consultant), dated August 30, 2024
- Letter from the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) dated August 22, 2024
- Response to 8/5/24 AKRF Comments Letter from Jennifer L. Van Tuyl, (Cuddy+Feder LLP), dated August 20, 2024
- Comment Memorandum to the Planning Board from AKRF, Inc. (Town's Planning Consultant), dated August 5, 2024
- Wetland Delineation Report prepared by Michael Fishman, CWB, FTWS (Edgewood Environmental Consulting, LLC), dated July 18, 2024.

- Habitat and Biodiversity Survey Report, prepared by Michael Fishman, CWB, FTWS (Edgewood Environmental Consulting, LLC), dated July 16, 2024
- Open Space Report prepared by Jennifer Van Tuyl, Cuddy + Feder, LLP, dated July 23, 2024
- Land Inventory Report prepared by LRC Group, dated July 23, 2024
- Town of Washington Natural Resource Inventory (NRI) Analysis Report, prepared by LRC Group, dated July 23, 2024
- Subdivision Plan Set dated July 23, 2024 (4 sheets) including the following:
  - Cover Sheet
  - Existing Conditions Property Survey prepared by Bambi Terrell Meunier, LS, dated February 5, 2024
  - Preliminary Subdivision Plat Plan prepared by Bambi Terrell Meunier, LS, dated July 23, 2024
  - Initial Constraints Map prepared by LRC Group, dated July 23, 2024
- Planning Board Subdivision Application and Agricultural Data Statement submitted by Larson Architecture Works PLLC, dated July 23, 2024

**Reasons Supporting This Determination:**

Having considered the above-referenced information against the criteria for determining significance found in Part 617.7(c)(1) of the implementing regulations pertaining to Article 8 (SEQRA) of the Environmental Conservation Law, the Lead Agency has determined that the Proposed Project will not have a significant adverse impact on the environment, and a Negative Declaration is therefore appropriate pursuant to the following criteria. The Proposed Project would result in a new five-lot residential subdivision, including three vacant lots which are intended for sale and future construction of single-family residences. While no exterior construction is currently proposed, this Determination of Significance assumes construction of three new single-family residences on Lots 1, 2, and 3 with typical infrastructure.

**1) The Project will not result in any significant impacts from “a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems” (§617.7(c)(1)(i)):**

The Project would create a conventional subdivision resulting in five new lots, two of which would contain existing single-family residences, and three of which would be vacant and intended for sale and construction of single-family residential development. Future development on the vacant lots would be restricted to delineated “building envelopes” proposed by the Applicant, as shown on the Applicant’s Constraints Map (10/22/24) and Building Envelope Exhibit (11/19/24), that would contain the principal residential and accessory buildings, including the main house with decks or porches, related outbuildings, possible swimming pool or other recreational structures, driveway, and parking areas. Air emissions from single-family homes may include smoke from chimneys and exhaust from boilers, if such facilities were included in the homes’ designs, and exhaust from residential use of gas-powered automobiles. The impact to air quality from these sources would not be significant.

The Project would not result in a substantial adverse change in ground or surface water quality or quantity. As public water and sewer supply are not available for residential uses on the Project Site, the Project may result in additional use of groundwater for three new single-family homes but would not introduce potential contaminants to ground water or an aquifer. Future development would require new water wells and septic system for three single-family homes. Anticipated average water demand is 5–10 gallons per minute (GPM) (1,320 gallons per day (GPD)) per lot, as calculated by the Applicant. While a portion of one of the new parcels lies on the outer edge of a tertiary aquifer recharge area, it is not within primary or secondary recharge areas or vulnerable aquifers identified in the Town’s Natural Resource

Inventory (NRI), Map 8 “Drinking Water Resources.” Groundwater withdrawal would remain within sustainable limits. The septic systems would be required to comply with Dutchess County Health Department permitting requirements prior to construction. Soil on the property is consistent with nearby areas and supports septic system densities exceeding the Town's requirements. Preliminary soil testing completed by the Applicant confirmed viable locations for septic systems on all three lots where future residential construction could occur, adhering to Dutchess County Department of Health guidelines and avoiding sensitive areas. The low-density development aligns with surrounding land use, and no significant groundwater impacts are anticipated. There are no known contamination risks, nor will the project involve bulk storage of hazardous materials or pesticide use near drinking water. Therefore, the Project is unlikely to create any adverse environmental effects on groundwater.

The Applicant's wetland consultant prepared a Wetland Delineation Report (7/18/24), and the Town's wetland consultant, Steve Marino, of Tim Miller Associates concurred with the report after review and an on-site inspection. Per the Wetland Delineation Report, the property does not contain any state- or federally regulated wetlands; however, there are a total of 18 wetlands identified on-site, 10 of which are Town-regulated wetlands. While the Project Site includes Town-regulated wetlands, future development would be restricted to specific building envelopes delineated on the Applicant's Constraints Map and Building Envelope Exhibit which will be filed with the Town and referenced through notes on the final subdivision plat. These building envelopes are all located beyond the wetlands and their associated Town-regulated adjacent areas (i.e. buffers) which vary from 50 feet to 100 feet depending on the size of the wetland.

Vehicular traffic associated with single-family residential use includes family automobile use, such as, commuting, errands, and school/social events, and three new homes would not introduce a significant trip generator that is out of character with the surrounding community. To serve the new residences, the Project proposes placement of two new driveways on Woodstock Road and one on Stanford Road. All driveway entrances would be approved by the Town of Washington Highway Superintendent prior to approval of the final subdivision plat.

Noise associated with any residential construction would be temporary and would not rise to the level of a significant impact. Operational noise would be consistent with typical single-family residences and therefore negligible, particularly as the lot acreage ranges from approximately 10.1 to 28.4 acres, which when combined with existing wooded areas to remain would serve to buffer sound (and provide privacy) between the Project and nearby properties.

Potential erosion, flooding, leaching or drainage problems would be addressed during construction and residential use through stormwater management, erosion, sediment, and pollution control measures required by local land use regulations. According to Map 4 “Steep Slopes” of the Town of Washington's NRI, steep slopes occur on approximately 21% of the Town land area, with 11% of land in the 20% or greater slope range and 5% of land in the very steep category (over 25%). On the Project Site, the proposed building envelopes contain areas where slopes are greater than 20% as well as areas of slopes 25% or greater, and therefore, future development may involve construction on steep slopes. However, the impact will be limited, as the nature and extent of the slopes within the building envelopes would be addressed with standard construction procedures and protective measures, such as incorporation of a sediment and erosion control plan. Construction within the building envelopes can also be configured to minimize impacts to steep slopes.

The Project Site is not in the 100-year floodplain nor in a coastal erosion hazard area. The construction of three single-family residences would not result in a significant increase in impervious coverage that would contribute to flooding.

**2) The Proposed Project will not result in any significant impacts from “the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources” (§617.7(c)(1)(ii)):**

Per the New York State Department of Environmental Conservation (NYSDEC) EAF Part 1 Mapper, the Project Site does not contain endangered or threatened species; however, according to the U.S. Fish and Wildlife Service (USFWS) IPaC Report, the site has the potential to contain Indiana Bat, Northern Long-eared Bat and Bog Turtle. While the Applicant's Habitat and Biodiversity Survey Report (7/16/24) concluded that the Project Site contains potential habitat for Indiana Bat and Northern Long-eared Bat (as well as the Tri-colored Bat, which is proposed for listing) no evidence of these species was found on the Project Site during the fieldwork.

The Proposed Project would not result in the removal or destruction of large quantities of vegetation or fauna. While the Project may result in the disturbance of vegetation or fauna associated with clearing and construction of three single-family residences, it would not be significant. The extent of the clearing has been restricted by the proposed building envelopes on each of the three vacant lots, by providing for use of existing farm roads as the locations of driveway entrances where possible (as on Lot 1 and Lot 5), and by incorporating the U.S. Fish & Wildlife Service's recommendation for seasonal restrictions on tree clearing to avoid impacts to bats. If tree clearing is required, trees would only be cleared in the winter months (October 31 through March 31), when bats are hibernating. Further, by limiting areas of tree clearing to the building envelopes, the Proposed Project avoids large clearcuts or fragmentation of forested habitat. Forested habitat corridors will remain across the entire property in areas where they currently exist.

At the request of the Town's Wetland Consultant, Steve Marino, of Tim Miller Associates, the Applicant's consultant performed a Phase 1 Bog Turtle Habitat Assessment (10/18/24) for select wetlands on-site which concluded that there is no potential habitat for Bog Turtle and no Bog Turtles were observed during the field work. In addition, the Phase 1 report noted that the nearest known Bog Turtle occurrence is about 4 km ( $\pm 2.5$  mi), away and therefore, it is unlikely that Bog Turtles from that population could reach any of the wetlands on the Project Site without having other significant habitats and wetland connective corridors in between. Therefore, the report concluded that the Project Site should not be considered potentially suitable habitat to support Bog Turtles. The Town's Wetland Consultant concurred with the conclusions of the study, after reviewing the report and visiting the site.

Therefore, the Proposed Project would not result in significant adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species.

While the development of three single-family homes may interfere with the movement of wildlife species, the interference would not be substantial. As there are no significant habitat areas on the Project Site (per the NYSDEC resource mapper), the Proposed Project would not result in adverse impacts on a significant habitat area.

The Proposed Project would not result in other significant adverse impacts to natural resources.

**3) The Proposed Project will not result in "the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part" (§617.7(c)(1)(iii)):**

The Project Site is not located in a designated Critical Environmental Area; therefore, the Proposed Project would not result in the impairment of the environmental characteristics of a Critical Environmental Area.

**4) The Proposed Project will not result in "the creation of a material conflict with a community's current plans or goals as officially approved or adopted" (§617.7(c)(1)(iv)):**

The Proposed Project would result in the creation of five zoning-complaint lots per the Town of Washington Zoning Code (2024). The smallest proposed lot, Lot 3, is  $5.3\pm$  acres, which is above the 5-acre minimum lot size in the RL-5 zoning district. The Proposed Project would result in low-density

residential development consistent with the surrounding area, as well as the goals described in the Town of Washington Comprehensive Plan (2015), including preservation of the Town's scenic and rural character and protection of the natural environment. In particular, the building envelopes restrict potential development to outside of protected sensitive areas, conserve natural resources, and protect scenic views south of Woodstock Road. Therefore, the Proposed Project would not result in the creation of a material conflict with a community's current plans or goals as officially approved or adopted.

**5) The Proposed Project will not result in “the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character” (§617.7(c)(1)(v)):**

The Project Site is not in or adjacent to a historic or archeological resource. No historic buildings or sites listed on the State or National Registers of Historic Places are located on or near the property. The New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) provided a letter of no impact dated 8/22/24.

The Proposed Project is consistent with surrounding land use patterns of low-density residential development and agricultural uses. The proposed parcels ranging from 5.3 acres to 28.4 acres are of similar size to the surrounding existing parcels, which range from 5 acres to 61 acres. The addition of single-family residential uses would not be obviously different from, or in sharp contrast to, current land use patterns in the vicinity.

The Proposed Project is compatible with the Town's scenic road provisions and the designation of Woodstock Road as a scenic road. The Proposed Project would not obstruct any officially designated scenic views. The views to the south from Woodstock Road are of lands containing scattered large wetlands restricting development, which would be protected by the building envelope on Lot 5. Pursuant to the Town Zoning Code, the issuance of driveway permits on scenic roads, as would be required for Lots 1 and 5, require only administrative review by the Highway Superintendent and do not require a public hearing or Planning Board approval. Moreover, the two new driveways on Woodstock Road (to access Lots 1 and 5) would utilize the entrances from existing farm roads.

Therefore, the Proposed Project would not result in the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character.

**6) The Proposed Project will not result in “a major change in the use of either the quantity or type of energy” (§617.7(c)(1)(vi)):**

The construction and operation of three single-family homes would require an insignificant amount of energy. The homes would be served by the local power utility, and they would not result in a major change in the use of either the quantity or type of energy.

**7) The Proposed Project will not result in “the creation of a hazard to human health” (§617.7(c)(1)(vii)):**

No significant impacts to human health are anticipated from the Proposed Project. All construction and operational activities would be undertaken in accordance with pertinent environmental and land development regulations and related permit and approvals requirements. Furthermore, according to the NYSDEC, there are no reported contaminants on the Project Site, and no contaminants are proposed to be introduced. Therefore, the Proposed Project will not result in the creation of a hazard to human health.

**8) The Proposed Project will not result in “a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses” (§617.7(c)(1)(viii)):**

The Project Site is within the Agricultural Protection Overlay (Agricultural District 21) and includes agricultural structures (which would be contained within proposed Lot 3). Approximately 20% of the soils on the Project Site are agricultural soils of both Prime and Statewide Importance per the U.S. Department of Agriculture and the Town’s adopted NRI Map for Agricultural Resources (Map 18). As shown on the Applicant’s Constraints Map, some areas of the agricultural soils also have other constraints such, such as wetlands. A portion of the Project Site’s agricultural soils have previously been developed for residential use.

The Applicant’s Constraints Map depicts the areas of agricultural soils on site. The Proposed Project will have a minor impact on soils classified within soil group 1 through 4 of the NYS Land Classification System. Proposed Building Envelopes 1 and 2 do not impact agricultural soils on site, however, the driveway of proposed Building Envelope 5 would impact the soils. This location was chosen by the Applicant for the driveway since it is an existing farm access road, and using this access avoided the need for new disturbance on the property. The remainder of Building Envelope 5 is outside of the agricultural soil area. The Project will not result in excavation or compaction of the soil profile of active agricultural land as the majority of the building envelopes are outside of the areas of the agricultural soils. Any disturbance to these soils will be temporary during the construction period with a small impact with the installation of a residential driveway.

Property in the Agricultural Overlay District is frequently used for family farming, or keeping of animals and for raising of crops. In response to expressed concerns about adverse impacts of the subdivision on such activities, the proposed subdivision has been designed to provide enough land in each parcel to provide for agricultural activities in conformance with applicable zoning and the size of the parcels.

The Project will not sever, cross or otherwise limit access to agricultural land as depicted on the Constraints Map. The Project Site does not provide a connection between large areas of farmland.

**9) The Proposed Project will not result in “the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action” (§617.7(c)(1)(ix)):**

Not applicable to the Proposed Action or Proposed Project.

**10) The Proposed Project will not result in “the creation of a material demand for other actions that would result in one of the above consequences” (§617.7(c)(1)(x)):**

Not applicable to the Proposed Action or Proposed Project.

**11) The Proposed Project will 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” (§617.7(c)(1)(xi)).**

Not applicable to the Proposed Action or Proposed Project.

**12) The Proposed Project will not result in “two or more related actions, undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision” (§617.7(c)(1)(xii)).**

Not applicable to the Proposed Action or Proposed Project.

**For Further Information:**

Contact Person: Susan Meaney, Chair, Town of Washington Planning Board

Address: 10 Reservoir Drive, Millbrook NY 12545

Telephone Number: 845-677-3419

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