

State Environmental Quality Review
NEGATIVE DECLARATION
Determination of Significance

Date: August 15, 2016

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 Dover 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: Dover Greens LLC

SEQR Status: Type 1 ☒
Unlisted ☐

Conditioned Negative Declaration: ☐ Yes
☒ No

Description of Action:

The Applicant, Dover Greens LLC, has submitted an application for approval for the reuse of the former Harlem Valley Psychiatric Center (HVPC) into a fully functioning campus encompassing Olivet University, Dover Tech Park, and Evangelical Center on a 513.75 acre site located on Route 22 in the hamlet of Wingdale in the Town of Dover (tax parcels 7159-00-162702, 7159-00-65920, and 7059-00-814768) (the "Site"). The Site will primarily contain educational facilities as well as space devoted to research and business/development partners, including digital media, e-commerce, and digital advertising in the greater field of information technology (the "Project"). The Project is proposed to be developed in nine (9) development phases.

The Site spans three (3) zoning districts, including the HR, CO, and HM Districts. Site plan, special permit, and erosion and sedimentation control permit approvals from the Dover Planning Board are required given the proposal's classification as a 'Major Project' in §145.60(C)(1) of the Town of Dover Zoning Code.

Location: Route 22, Wingdale, NY.
Tax parcel number 7159-00-162702, 7159-00-65920, and 7059-00-814768

Reasons Supporting This Determination:

The following materials have been reviewed, along with any supplemental correspondence:

1. Land Use Application, dated 6/1/15
2. Environmental Assessment (including Full EAF), dated 9/3/2015, last revised 8/9/2016

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3. Site Plan Drawings, dated 9/3/2015, last revised 8/9/2016
4. Overall Water Distribution and Sewage Collection Systems Drawings, dated 7/29/2016
5. Dover Greens Utilities Routing, dated 7/17/2016
6. Planning Board Presentations dated 9/21/2015, 11/16/2015, 12/7/2015, and 1/4/2016

The Planning Board classified the proposed action as a Type I Action and circulated its intent to serve as Lead Agency in a coordinated review of the project, to which no other agency objected, on September 28, 2015.

The Applicant retained the services of VHB Consulting for general planning services, Rennia Engineering Design, PLLC for engineering services, and Fellenzer Engineering, LLP for utilities planning.

The Environmental Assessment completed by the Applicant's planning consultant VHB covered the following topics: consistency with community plans, historic resources, visual conditions, natural resources, traffic, parking, utilities, community facilities and services, hazardous materials, construction phasing, and economic conditions. The Applicant's EA concludes that the Phase 1 and Full Build scenarios will not pose significant adverse impacts to the surrounding environment. The findings in the EA are incorporated by reference into this document with some impacts of concern summarized below.

In addition to the EA, the Planning Board relied upon information contained in an Environmental Impact Statement prepared for a previous, larger, mixed-use development plan for the same site to assist in making this present Determination of Significance. For comparison, the previous project proposed for the Site in 2010 included a development program for both the east and west side of Route 22 for a comprehensive transit-oriented redevelopment program of the former HVPC and additional land for approximately 1,376 dwelling units, approximately 238,500 square feet of commercial space, and approximately 70,250 square feet of community/recreation facility space. This earlier proposal included significant new construction contrasted with the present proposal that includes a significant amount of building rehabilitation in order to preserve the character of the Site. As evaluated in the previous EIS, potential environmental impacts to traffic, water and sewage demand, and open space were greater for the larger development project. The EA prepared for the Dover Greens project has sufficiently demonstrated that its reduced development program will not result in significant adverse impacts.

Impact on Surface or Groundwater Quality or Quantity

The Project will have a small impact on surface and groundwater quality and/or quantity. The documentation prepared for assessing engineering impacts demonstrates that adequate stormwater management practices are included in the site design and meet all New York State standards. The applicant has chosen to include green practices that reduce on-site impacts from stormwater runoff in the form of rain gardens, bioretention systems, and native non-invasive planting species.

The applicant is proposing to construct a new wastewater treatment plant to service the Site. The applicant intends to purchase an existing wastewater treatment facility on the west side of Route 22 and to replace it in phases. The design will incorporate a new expandable package plant that

will be installed in phases as the flow grows with the increase in population. The existing outfall will continue to be used and therefore the existing SPDES permit which allows for the discharge of up to 1.2 million gallons per day (gpd) of treated water will be modified and utilized. The new plant will be a Membrane Bio-Reactor (MBR) which generally consists of a conventional biological treatment process and membranes that provide microfiltration of the final effluent. The MBR facility will be capable of meeting stringent nutrient limits and will produce a high quality effluent which will not result in a significant adverse impact on the Great Swamp, to which it discharges.

Water for the site is currently supplied by the existing reservoir on the east side of the site above building 85. The existing water treatment system and a portion of the water main piping network have been maintained in operational condition. The water supply and distribution system will need to be evaluated and rehabilitated as required to meet the anticipated domestic and fire need for the campus for each phase.

The anticipated need for Phase 1 is 42,360 gallons per day. According to the Reservoir Yield Analysis ("Yield Analysis") prepared by Delaware Engineering, P.C., dated 9/23/09 the existing reservoir can safely sustain a withdrawal rate of 171 gallons per minute or 246,000 gallons per day during the drought of record in New York State, which occurred during the mid-1960's. The analysis also demonstrated that the reservoir is capable of sustaining a withdrawal rate of 332 gallons per minute during non-drought conditions. The calculated yield is well in excess of the anticipated need for Phase 1, therefore water need for the proposed Phase 1 campus will not result in any significant impacts.

The anticipated need for the Full Build campus is 206,865 gallons per day. As noted above, the existing reservoir can safely sustain a withdrawal rate of 171 gallons per minute or 246,000 gallons per day during worst-case drought conditions and a rate of 332 gallons per minute during non-drought conditions. The calculated yield is well in excess of the anticipated need, therefore water need for the proposed Full Build campus will not result in any significant impacts.

Impact on Transportation

The Project will have a small impact on transportation. The applicant has demonstrated that the first phase of the project, which includes two student dormitories, staff housing, administrative offices and business incubator uses, will operate at good levels of service (LOS "B") during each peak hour and that no mitigation is required.

As the phases are implemented the applicant will install a northbound and southbound left-turn lanes and a northbound right-turn lane on Route 22/55 and a westbound left-turn lane on Wheeler Road as mitigation for the increased traffic to the site. With this mitigation, the intersections will operate at acceptable level of service "C" during each peak hour. The applicant and the Planning Board will monitor actual traffic levels from each phase to determine when the proposed mitigation should be implemented.

After every substantial phase of development, Dover Greens will conduct weekday AM and PM traffic counts and intersection analyses at this intersection to confirm that the average delay for traffic passing through the intersection remains at or below 25 seconds per vehicle. In the event

that delays are above this value, Dover Greens shall be required to conduct additional analyses to confirm what level of improvement is required (if not all mitigation) to accommodate prevailing traffic and the next proposed phase of development.

The parking management plan in the EA describes short-term and long-term parking strategies to avoid any potential significant impacts to the site. The landscape master plan includes details on ground coverings, tree canopy coverage, entryway landscaping, and trail planning design for both Phase 1 and Full Build conditions. Both of these supplemental plans demonstrate no significant or adverse impacts in their respective areas of investigation.

Impact on Historic Resources

The project will result in a small impact to historic resources. The site contains 20 buildings which are listed on or eligible for listing on the State and National Registers of Historic Places. The applicant is proposing to reuse and rehabilitate 16 of the 20 buildings. The applicant has provided the Planning Board with typical building elevations which depict modifications, such as new windows and ramps, which are consistent with the historical nature of the buildings and which do not impair its historic characteristics.

The Applicant also maintained correspondence with the New York State Historic Preservation Office (SHPO) to address treatments for both listed and eligible buildings on-site. Because the proposed Dover Greens plan includes adaptively reusing the former HVPC buildings as a means to address the historic preservation concerns, the EA indicates that the Applicant will continue to consult with SHPO to ensure cultural resource compliance as a means to help reduce any significant adverse effects on the historic HVPC buildings in both Phase 1 and at Full Build conditions.

Impact on Community Character and Aesthetic Resources

The Project will not result in a significant adverse impact on community character. The Site is already established as a stately campus with large brick buildings surrounded by open space, recreational facilities, and an internal network of sidewalks, roadways and driveways, as well as a large area left as natural open space in the eastern portion of the site. Dover Greens proposes to adaptively reuse many of the existing buildings and campus layout. Of the 54 existing buildings on the Site, 33 are proposed to be rehabilitated and reused. The remaining 17 buildings will be either rehabilitated and reused or demolished and rebuilt in-kind due to poor structural conditions. Two new maintenance buildings, one new staff home, one new electrical substation, one new field house, and 13 new student dormitories, totaling approximately 613,140 square feet of new construction, are proposed to be built on the Site. These new buildings will mostly be constructed in previously disturbed areas of the campus.

The views of the site from the public road will be enhanced by the restoration of the buildings and new landscaping and signage. In Full Build, the buildings located along the east side of Route 22 will all be rehabilitated and reused. All of the larger buildings that are visible from Route 22 will also be rehabilitated and reused. The applicant has proposed a Landscape Master Plan which will provide for a new and refreshed aesthetic while preserving the attractive, historic and functional elements that create a comprehensive campus.

A uniform signage program has been developed for the site to avoid visual clutter.

The predominant land uses surrounding the Site include residential uses, open space, and commercial uses with some public and industrial uses. The residential uses are mostly single family houses, however, there are areas with apartment buildings and two- and three-family homes. Mobile home parks are located to the south of the site.

The proposed project, after completion of Phase 1 and in Full Build, would introduce a new use, college campus, to the area. No new buildings would be constructed near existing off-site uses. The new use is compatible with the surrounding uses in the area and with the prior use of the Site for institutional uses.

Impact on Natural Resources

The project will result in a small impact on natural resources. The Site has been previously constructed and disturbed. New construction is generally limited to areas which have been previously disturbed. Minor impacts during construction due to noise and dust may occur. These impacts, however, will be temporary and unavoidable and are not considered to be significantly adverse.

The site contains suitable summer habitat for the Long-eared Bat (*Myotis eptentrionalis*), a threatened species under the Endangered Species Act. In addition, a review letter from the US FWS on the 2013 report recommended protection of the eastern small-footed bat (*Myotis leibii*), which is currently listed as a Species of Special Concern in New York State.

A variety of conservation measures were proposed in the Biological Assessment Report to avoid or minimize impacts to these bat species. The recommended conservation measures guidance from Appendix D of the US FWS Northern Long-eared Bat Interim Conference and Planning Guidance document, published January 6, 2014, is consistent with the recommendations made in the Biological Assessment Report for the Indiana bat. The measures outlined in the Biological Assessment Report will be implemented during Full Build to avoid potential significant adverse impacts to endangered, threatened or special concern species on the site. Specific measures include: 1) Removal of potential roost trees, other than hazardous trees, will be conducted between October 1 and March 31 when bats are not typically present at the site. The limit of disturbance will be clearly marked with construction fencing prior to the start of tree clearing activities to prevent clearing beyond approved disturbance areas. 2) A Stormwater Pollution Prevention Plan (SWPPP), including an erosion and sediment control plan, has been prepared for the site to protect and improve water quality. Please refer to Section 5.6 Utilities. 3) The proposed project will, to the maximum extent practicable and feasible, limit the amount of outdoor lighting; and 4) As much as possible, new development is proposed for areas that were previously disturbed, leaving a significant swath of unfragmented forest that will remain undeveloped.

The subject site contains 31 wetlands, including a reservoir and several associated streams and drainage channels. In total, the wetlands add up to approximately 60 acres, approximately 12% of the site. Of the 31 wetlands, 25 are regulated by the US Army Corps of Engineers (USACOE) and nine are regulated by the New York State Department of Environmental Conservation (NYSDEC). The largest wetlands on the site are Wetland U (18.88 acres) located adjacent to

Route 22; Wetland GG (12.33 acres), which includes the reservoir and is located in the eastern portion of the site; and Wetland VV (14.15 acres) located east of the reservoir. The site drains to the Swamp River which flows north to the Tenmile River which is a tributary to the Housatonic River.

The EA indicates that the Applicant maintained direct communications with the New York State Department of Environmental Conservation regarding the preservation and/or minimal disturbance of 25 of the 31 on-site wetlands regulated by the US Army Corps of Engineers or New York State. During Phase 1, one (1) building will be located approximately 55 feet from a NYSDEC-regulated wetland, which will require permit coordination with NYSDEC.

The Great Swamp is a Critical Environmental Area. As discussed above, the new waste water treatment facility will discharge effluent which is cleaner than that which is currently being discharged by the existing wastewater treatment facility, resulting in a positive impact on a Critical Environmental Area. In addition, the Landscape Plan will reduce stormwater runoff pollution.

Impact on Utilities

The separate utilities drawings demonstrate existing and proposed utility (electricity and natural gas) lines and connections to both existing and proposed buildings at all nine (9) phases of the build out program. The EA indicates that Phase 1 will provide electricity through an underground feeder system with appropriate sectionalizing switches and replacement of the obsolete 2.5kV substation on-site. The new substation will provide 13.2 kV service in accordance with modern New York State Electric and Gas (NYSEG) standards. Heat will be provided via underground natural gas facilities to the site for full build-out conditions; however, the EA states that each individual building will be provided heat through individual natural gas tanks during Phase 1. These temporary tanks will be removed once it becomes more advantageous to heat the building load with piped natural gas.

In addition to the factors considered above, the Planning Board considered the following guidance from the State Environmental Quality Review Act and its implementing regulations and determined that the Proposed Action would:

- (i) Not result in “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))
- (ii) Not result in “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)(iii))
- (iii) 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))

- (iv) 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))
- (v) 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))
- (vi) Not result in “a major change in the use of either the quantity or type of energy;” (§617.7(c)(1)(vi))
- (vii) Not result in “the creation of a hazard to human health;” (§617.7(c)(1)(vii))
- (viii) 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))
- (ix) 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))
- (x) 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))
- (xi) 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; or (§617.7(c)(1)(xi))

The Planning Board has reviewed the full Environmental Assessment Form (EAF) and has thoroughly analyzed the information concerning relevant areas of environmental concern both submitted by the applicant and gathered by the Planning Board through its consultants. As a result of this careful review, the Planning Board of the Town of Dover, acting as Lead Agency, has determined that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not need to be prepared.

For Further Information:

Contact Person: Kelly Fusco – Planning Board Secretary
Address: Town of Dover Planning Department
126 East Duncan Hill Road
Dover Plains, NY 12522
Telephone Number: (845) 832-6111 ext. 100

A Copy of this Notice has been filed with:

- Town of Dover Town Board
- Town of Dover Town Supervisor
- Dutchess County Department of Health
- Dutchess County Department of Planning and Development
- NYS Department of Environmental Conservation
- Environmental Notice Bulletin
- New York State Department of Transportation
- United States Army Corps of Engineers
- Any person who has requested a copy

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