

A. INTRODUCTION

The Town Board of the Town of Rhinebeck (the “Town Board”) is considering a set of related actions: adoption of a Comprehensive Plan, adoption of a revised Zoning Law, and adoption of a local law protecting wetlands. In one important sense the individual actions are integral to one another: both the Zoning Law and the wetlands local law implement specific recommendations of the proposed Comprehensive Plan. Each of the individual actions was also developed in a coordinated fashion to ensure consistency. Each of these Actions was discussed and analyzed in a Draft Generic Environmental Impact Statement (DGEIS) issued on October 24, 2008. The Actions analyzed in the DGEIS are referred to in this document as the “Original Proposed Actions”. The DGEIS was prepared to analyze the Original Proposed Actions consistent with the Scoping Document adopted by the Town Board on September 8, 2008.

A public hearing was held on the DGEIS on November 17, 2008. Comments were received at that time from individuals making verbal presentations. The Town Board allowed for additional written comments to be submitted until November 30, 2008.

Subsequent to the public hearing on the DGEIS, the Town Board began considering changes to the Original Proposed Actions in response to comments received during the DGEIS comment period. The Proposed Actions remain the same as those analyzed in the DGEIS however modifications to certain elements/recommendations of the Comprehensive Plan and Zoning Amendments are being considered. These modifications, identified below, constitute the “Modified Proposed Actions” which are the subject of analysis in this Final Generic Environmental Impact Statement (FGEIS).

This FGEIS relies upon and references information and analyses contained within the DGEIS and also duplicates information where pertinent. The FGEIS also assembles relevant and material facts specific to new analyses resulting from the Modified Proposed Actions. The DGEIS and this FGEIS together constitute the Town Board’s record of analysis for purposes of the State Environmental Quality Review Act (SEQRA). This FGEIS was prepared pursuant to SEQRA (Article 8 of Environmental Conservation Law) and its implementing regulations (6 NYCRR Part 617).

This FGEIS incorporates by reference each of the documents that comprise the Modified Proposed Action. Information contained in the Comprehensive Plan, in particular, is relevant to the description of existing conditions and analysis of potential impacts of individual or collective recommendations within the Comprehensive Plan. SEQRA allows for the inclusion by reference of certain documents when those documents are available for full public review. This practice avoids unnecessary duplication of information found elsewhere and allows for a more concise environmental impact statement.

This FGEIS evaluates the cumulative effect of each element of the Modified Proposed Action. It is important to note that the Town Board will, by necessity, take individual action on each

element of the Modified Proposed Action or may choose to take action on only certain of the elements.

B. DESCRIPTION OF THE MODIFIED PROPOSED ACTIONS

The Modified Proposed Actions are largely the same as the Original Proposed Actions. While all components of the Original Proposed Actions are still considered viable alternatives, this FGEIS evaluates additional ways of implementing the overall vision of the Comprehensive Plan through the Modified Proposed Actions. For the purpose of clarity, this document refers to the Comprehensive Plan and Zoning Law as presented in the DGEIS as the “Original Comprehensive Plan” and the “Original Zoning Law.” The Comprehensive Plan and Zoning Law as presented in this document are referred to as the “Modified Comprehensive Plan” and “Modified Zoning Law.” There were minor modifications to the Wetlands Local Law including a modification to classify “filling” and certain limited “construction” activities as well as the placement of septic systems as “Regulated” acts within buffer areas instead of “Prohibited” acts.

Descriptions of the more notable changes to the Original Proposed Actions now being considered as the Modified Proposed Actions are presented below. Chapter II provides further details regarding these changes including discussion of modified zoning maps. These descriptions focus on specific proposed changes to the Modified Zoning Law. Appropriate changes were also made to reflect the Modified Zoning Law in the Modified Comprehensive Plan. Since the Original Comprehensive Plan contained some amount of latitude with respect to implementation of its recommendations, the number of changes to the Modified Comprehensive Plan were minimized.

The Modified Proposed Zoning amendments are summarized in relation to the Original Proposed Zoning amendments in Appendix A of this FGEIS. Appendix A summarizes the modifications made to the proposed Zoning amendments in relation to the July 14, 2008, proposed Zoning amendments which were included in the DGEIS.

This FGEIS incorporates by reference the Modified Comprehensive Plan and the Modified Zoning Law.

EXPANSION OF RA10 DISTRICT

The Modified Proposed Zoning replaces the HP20 Zoning District south of the Village, west of Route 9, and east of Morton Road with the RA10 Zoning District. The HP20 Zoning District would remain in the areas west of Morton Road and west of River Road north of Rhinecliff Road.

REPLACEMENT OF THE RC6 DISTRICT WITH THE RC5

The Rural Conservation 6 acre (RC6) district has been removed from the Modified Proposed Action and replaced with a Rural Conservation 5 acre (RC5) district. In general, the districts are the same, except that the RC5 district will require 5 acres per dwelling unit instead of 6. This change will result in some increased flexibility and affordability for owners of modestly sized properties wishing to subdivide their parcels and for people seeking to build outside of the more densely populated districts proposed around village and hamlet centers. In addition, the RC5 district will include a provision to allow for a one time subdivision of lots between 6 and 10 acres to allow property owners in the former R3A Zoning District to retain the ability to create a

subdivision even if the total property size is less than the 10 acres required under the RC5 for two lots.

REPLACEMENT OF THE ASTOR FLATS TND WITH A PLANNED CONSERVATION NEIGHBORHOOD

The Original Comprehensive Plan recommends a Traditional Neighborhood Design (TND) zoning district at Astor Flats and the Original Zoning Law amendments included such a district. The TND would allow for between 280 and 320 dwelling units and approximately 40,000 square feet of retail and 60,000 square feet of medical office space. The Modified Comprehensive Plan and Modified Zoning Law eliminate the proposed Astor Flats TND, and replace it with a “Planned Conservation Neighborhood” and Planned Conservation Neighborhood Overlay (PCN-O) Zoning District in a different location northwest of the Village (see Figure II-1). The proposed PCN-O would allow for the construction of residential units distributed across a mix of single-family attached and detached units, multi-family units, and a commercial space/community building of no more than 10,000 square feet. Figure II-4 shows a preliminary sketch of how approximately 175 units might be distributed on approximately 100 acres on the west side of Old Post Road roughly between Route 9G and Mt. Rutsen Road. While this sketch shows development in a specific location, development could take place anywhere within the overlay zone as long as the applicant is able to demonstrate that impacts are minimized by developing at that location.

The Town Board believes that the incorporation of TND principles into the Comprehensive Plan and zoning code is an important aspect of the Plan and that such principles are necessary to realize the overall goals of the Plan. However, the TND as proposed in the Original Proposed Action has been eliminated from the plan and replaced with a Planned Conservation Neighborhood (PCN) that incorporates certain TND principles. This change was made based on concerns from property owners and the general public that implementation of the Astor Flats TND might be unachievable given the fragmented property ownership of the location selected and that the Astor Flats TND might have negative effects on surrounding residential properties and negative effects on businesses within the Village. The PCN is planned as an overlay zone that would be located northwest of the Village in an area in which additional residential development would be compatible. Residential density is based on the underlying RA10 (10 acre) Zoning District with an allowance for density bonuses equal to a 25 percent unit bonus for provision of 20 percent affordable units and 25 percent unit bonuses for provision of trails and public access to those trails. Any development seeking to apply these bonuses must provide a minimum of 65 percent open space and must locate a minimum of 75 percent of the proposed dwelling units within approximately ½-mile of the Village of Rhinebeck. The PCN contains only a small amount of commercial space and would not be considered a destination for shoppers. While, the PCN location is not definite, a sketch plan has been prepared to show how approximately 175 units could be laid out on the land along the west side of Old Post Road. It would be the responsibility of developers to conduct site specific constraints analyses and to demonstrate site suitability of this site or other sites within the PCN Overlay zone.

In the location of the previously proposed Astor Flats TND, the Modified Proposed Actions would include a larger Community Business South (CB-S) zoning district to replace the area zoned TND in the Original Proposed Action. In addition, the portion of land zoned R3A under existing zoning would be zoned RC5 under the Modified Zoning Law.

The overall concept for the PCN was developed with certain TND principles and modeled in part after other TND developments. However, given the unique site and geographical characteristics, the PCN concept is considered to be more appropriate for the site. Like a TND, the PCN would result in compact development that occurs under tailored designed standards. However, since the PCN would not result in significant commercial development, and since it would not rely as heavily on transit service it would not entirely achieve all of the principles envisioned for the TND. The overall character and housing stock is anticipated to be largely consistent with TND concepts. For example, development in the PCN is anticipated to result in a range of single-family homes, town homes, and/or multi-family structures similar in character to those in a recently completed development in Warwick (Orange County). Photos demonstrating the general character conceived for the PCN are shown in Figure II-5. Through the use of design standards that are part of the PCN zoning, similarly styled residential development is anticipated to occur.

REMOVAL OF RHINECLIFF HAMLET EXTENSION

The Modified Proposed Actions no longer include the Rhinecliff Hamlet Extension (Rc-HE) district. The Rc-HE district was removed in response to concern that additional density at this location could adversely affect community character in the Hamlet and the recognition that appropriate levels and patterns of development could be achieved through application of conservation subdivision design under the RA10 Zoning District. The Rhinecliff Overlay District (RC-O), Rhinecliff Business (Rc-B), Rhinecliff Hamlet (Rc-H), and Rhinecliff Hamlet Transition (Rc-HT) Zoning Districts are all retained as contemplated in the Original Proposed Actions.

MODIFICATIONS TO NET-OUT PROVISIONS.

The Original Proposed Actions included requirements that environmentally constrained land be removed from total developable land area when calculating the number of units on a parcel being subdivided. The Modified Proposed Actions no longer require this net-out of environmentally constrained land in the HP20, RA10, ASH-F, and VG districts. This change was made in response to comments and analyses that showed that larger properties were still able to be developed with modest densities and unit counts while protecting sensitive environmental area.

MODIFICATIONS TO AFFORDABLE HOUSING PROVISIONS

Several provisions within the Modified Proposed Actions have been made in response to public comments expressing concern that the requirement for 20 percent affordable housing units in any new residential subdivision would be difficult to achieve and that a more modest requirement for 10 percent affordable housing units would be more feasible and would create greater numbers of new affordable housing units. The Modified Zoning Law now includes provisions requiring 10 percent inclusionary affordable housing units in all new development and includes an allowance for affordable housing units within the Civic (CIV) Zoning District which would allow the Town to more proactively develop, or market to a developer, Town-owned property for the purpose of creating new affordable housing units. The various other elements within the Original Proposed Actions for provision of affordable housing through two-family dwelling units, multi-family dwelling units, and accessory units (including Elder Cottage Housing Opportunity, or ECHO, units) remain unchanged.

ACTIVE SENIOR HOUSING FLOATING ZONE

The Original Comprehensive Plan and Original Zoning Law amendments proposed the potential creation of a Senior Housing Floating Zone (SH-F), permitting a maximum of 120 units of senior housing in the Historic Preservation (HP20), Rural Agricultural (RA10), Rural Countryside (RC6), Residential Low Density (RL5) and Village Gateway (VG) Zoning Districts.

The Modified Comprehensive Plan and Modified Zoning Law replace the SH-F with an Active Senior Housing Floating Zone (ASH-F) that could be applied in the RA10, Rural Countryside (RC5), and VG Zoning Districts. Similar to the former SH-F, the ASH-F would allow for the construction of up to 120 residential units for active adults and seniors, subject to a special permit, including criteria such as the availability of on-site sewer facility, certain buffering and height restrictions, open space requirements, the need to prepare a full Environmental Impact Statement under SEQRA, and a minimum of 10 percent affordable units.

TRANSFER OF DEVELOPMENT RIGHTS

Alternative 6, as presented in the DGEIS, includes provisions for a Transfer of Development Rights (TDR) provision to become part of the proposed Zoning Law. The Modified Proposed Actions include further considerations of how a TDR would be implemented. As envisioned in the Modified Zoning Law, TDR could occur between parcels in the HP20 and RA10 Zoning Districts, except that only parcels in the RA10 Zoning District and RL5 Zoning District would be considered as “receiving” parcels where additional density could be applied. The Modified Zoning Law also includes a provision allowing transfer of more dwelling units from working farms (one dwelling unit per five acres of gross density in either the HP20 or RA10) than would be permitted from non-agricultural properties (one dwelling unit per 20 gross acres in the HP20 or one dwelling unit per 10 gross acres in the RA10). As noted throughout this FGEIS, for the purposes of environmental analysis, the TDR provisions are not considered to result in any significant impacts since they are optional and since they would essentially result in a similar amount of development, only in different locations. Approval of a special permit for TDR would require full SEQRA review of the specific transfer of units, the location, and site-specific environmental conditions by the Planning Board.

MINOR ZONING TEXT OR MAP CHANGES

The Modified Zoning text and Zoning Map also include several small changes that do not have a significant effect on the environmental analyses presented in the DGEIS. These changes include minor map changes and changes to permitted uses.

The Highway Business (HB) and Highway Business Park (HBP) districts have been split into several new districts. These include the proposed Community Business South (CB-S) district on the west and east sides of Route 9 north of the Village. The Route 9/9G intersection is proposed for the Crossroads Business (Cr-B) District. The HBP District has been renamed and retained in the area along the west side of Route 9G north of Old Post Road. A portion of the current HB district west of Route 9 and south of the 9/9G intersection is also proposed as the Community Business South (CB-S) District. The HBP District on Route 9G and Kalina Road has been renamed the Community Business North (CB-N) District.

C. ALTERNATIVES CONSIDERED

The State Environmental Quality Review Act (SEQRA) requires the evaluation of a range of reasonable and feasible alternatives in addition to the evaluation of the Proposed Action. This section describes the alternatives as originally considered in the DGEIS and in the context of the Modified Proposed Actions. Much of the language herein is repeated from the DGEIS in order to provide the reader with relevant context for the analysis of potential impacts from each alternative in Chapter IV, “Environmental Setting, Potential Impacts, and Mitigation,” of this FGEIS. As was noted in the DGEIS, the alternatives considered by the Town Board include various permutations of elements of the proposed Comprehensive Plan and Zoning Law (each alternative considered the proposed Wetlands Local Law). These alternatives were developed by the Town Board in its deliberations of the Proposed Actions as a way of identifying feasible alternatives to achieving the goals and objectives of the Town with respect to implementation of the comprehensive plan.

The Modified Proposed Actions comprise specific elements of several of the alternatives analyzed within the DGEIS; thus, the DGEIS includes analysis of all of the individual components of the Modified Proposed Actions as part of one or several of the feasible alternatives. Key differentiators between the alternatives are recommendations pertaining to the Zoning Map (e.g., the proposed location and coverage of proposed zoning districts), proposed allocation of density within new centers of compact growth (e.g., the Astor Flats Traditional Neighborhood Development (TND), Planned Conservation Neighborhood (PCN), and Rhinecliff Neighborhood Extension), and the provisions for affordable housing or senior housing.

ALTERNATIVE 1: NO ACTION ALTERNATIVE

The Town Board may consider taking no action with respect to either the Comprehensive Plan, the proposed Zoning Amendments, or the proposed Wetlands Local Law. A decision to take no action would mean that the previous Comprehensive Plan (adopted in 1989) would remain in effect and that the existing Zoning Code and Zoning Map (see Figure III-1) would also remain. Taking no action on the proposed Wetlands Local Law would mean that the Town of Rhinebeck would not regulate activities in and around wetlands.

ALTERNATIVE 2: EXISTING ZONING WITH CONSERVATION SUBDIVISION PROVISIONS

This Alternative evaluates whether the goals and objectives of the proposed Comprehensive Plan can be achieved by retaining the existing Zoning Map (and the permitted residential densities within each Zoning District) and Zoning Code but revising the provisions for subdivision of residential properties to require new subdivisions to follow a Conservation Design Subdivision process. The Conservation Design Subdivision process would replace the Conventional Subdivision process (i.e., the existing subdivision regulations) that divides properties into lots based simply on a minimum required lot size and compliance with certain design standards for roads and other improvements but without integral consideration of environmentally sensitive lands or culturally important elements of the property (e.g., historic houses, historic stone walls, existing hedgerows, or scenic views).

ALTERNATIVE 3: MODIFICATIONS TO THE PROPOSED COMPREHENSIVE PLAN AND ZONING LAW

Alternative 3 reflects discussions held by the Comprehensive Plan Task Force and Town Board following receipt of the 2006 Comprehensive Plan from the CPC. Alternative 3 contains all of the same components as the Proposed Action but with a modified Zoning Map that retains the existing 3-ac zone, reduces the area mapped for both 10-ac and 20-ac zoning, and provides additional 1-ac zones in select areas to allow, potentially, for development of individual single-family residences not part of a larger subdivision (see Figure III-2). The proposed Conservation Design Subdivision provisions would be included in Alternative 3. Unlike the Modified Proposed Actions, Alternative 3 would include a TND at Astor Flats and Rhinecliff Hamlet Extension (Rc-HE) consistent with the Original Proposed Actions.

ALTERNATIVE 4: THE 2006 COMPREHENSIVE PLAN COMMITTEE DRAFT COMPREHENSIVE PLAN

Alternative 4 represents the work of the CPC as it was transmitted to the Town Board in April 2006. The 2006 Comprehensive Plan is largely similar to the Original Comprehensive Plan except that it included: a) an approximately 90-unit Rhinecliff Neighborhood Extension (also referred to as a Traditional Neighborhood Development (TND)) on undeveloped land at the northern end of the hamlet; b) a recommendation for a mandatory 10 percent set aside for affordable housing (similar to the Modified Proposed Actions); and c) a smaller area of land east of the hamlet of Rhinecliff designated for a proposed 5-acre residential zoning district (see Figure III-3). The Village Gateway North Zoning District was not included in the 2006 Comprehensive Plan. Alternative 4 is generally similar to the Original Proposed Actions with only a few minor Zoning map differences. However, Alternative 4 considers a Rhinecliff Hamlet Extension and TND which are no longer considered in the Modified Proposed Actions.

ALTERNATIVE 5: PROPOSED COMPREHENSIVE PLAN AND ZONING LAW WITHOUT THE ASTOR FLATS TND

Alternative 5 is identical to the Original Proposed Actions with the exception of the area proposed for the Astor Flats Traditional Neighborhood Development. Alternative 5 contemplates a continuation of the Highway Business Park (HBP) and Highway Business (HB) Zoning Districts, which would allow only commercial uses on these parcels located off Route 9. As with Alternative 5, the Modified Proposed Actions do not incorporate the TND but rezones the above mentioned parcels to the proposed Community Business South (CB-S) Zoning District. Furthermore, the Modified Proposed Actions includes a Planned Conservation Neighborhood Overlay while Alternative 5 does not contemplate an alternative higher-density residential component.

ALTERNATIVE 6: ALTERNATIVE DENSITY FOR THE HISTORIC PRESERVATION (HP20) DISTRICT

Alternative 6 was included in this DGEIS in response to public comment from land-owners in the proposed Historic Preservation (HP20) Zoning District. Alternative 6 considers an alternative zoning strategy for the HP20 Zoning District that would allow one dwelling unit per ten (10) gross acres of land with a minimum requirement of 80 percent open space preservation. Dwelling units could be transferred between non-contiguous parcels within the Historic Preservation District. Density bonuses could be applied, with a cap of approximately one unit

per four acres of land, for provision of public access to trails, additional open space, senior housing or affordable housing, or preservation of working agricultural properties. A number of the elements of Alternative 6 (replacement of the HP20 with the RA10, preservation of 80 percent open space, and provisions for transfer of development rights) have been incorporated into the Modified Proposed Actions.

ALTERNATIVE 7: MISCELLANEOUS ALTERNATIVES

In its deliberations over the proposed Comprehensive Plan and Zoning Law and in response to public comments during the scoping process, the Town Board determined that it would be prudent to analyze potential impacts of: a) permitting senior housing by Special Permit instead of through a floating zone; and b) removal of the requirement for deductions for environmentally sensitive lands (“net-out provisions”) from the calculation of permitted density. In the DGEIS, these specific policies were evaluated as part of this Alternative and are considered separate from any alternative Zoning Code or Zoning Map treatments. Within the Modified Proposed Actions, senior housing is contemplated as an Active Adult Senior Housing Floating (ASH-F) Zoning District and net-out provisions are not required in the HP20, RA10, ASH-F, and VG districts.

D. ENVIRONMENTAL SETTING, POTENTIAL IMPACTS, AND MITIGATION

LAND USE, ZONING, AND PUBLIC POLICY

A build-out analysis was conducted to project how much development could occur on undeveloped or underutilized properties and what the impact of that development on community services and the environment might be. Build-out analyses were conducted for the 2006 Draft Comprehensive Plan and then updated for the Original Proposed Action. This FGEIS further updates the Build-Out Analysis to reflect changes made to the Zoning Map and anticipated levels of development from the Modified Proposed Action.

2006 Comprehensive Plan Build-Out Analysis

In preparing the proposed Comprehensive Plan, the Town conducted a Build-Out Analysis (also referred to herein as the “2006 Comprehensive Plan Build-Out Analysis”) to estimate the potential impacts of growth under the current zoning and the proposed zoning. The 2006 Comprehensive Plan Build-Out Analysis Report dated December 4, 2005, is included as Appendix 2 to the proposed Comprehensive Plan, and is included by reference herein.

The 2006 Comprehensive Plan Build-Out Analysis estimated that the result of build-out under existing zoning would be the addition of 3,408 new residential dwelling units and 9,781 new residents. In 2003, the Town of Rhinebeck had a population of 5,005 residents. The implication of this build-out is that the Town’s population would triple to 14,785 people. The 9,781 additional residents, including 1,528 school children¹, would require 10 new paid police officers and 10 paid fire fighters, new town facilities and more classrooms and other space to

¹ The Fiscal Impact Analysis conducted for the Town by Peter Fairweather, AICP estimated that the current zoning would generate 1,262 school age children, slightly fewer than estimated in the build-out analysis.

accommodate the additional school children. The dwellings that these new residents would live in would require the construction of about 3,500 additional septic disposal systems generating more than 1.6 million gallons of sewage per day discharged to the ground, and these dwellings would also depend upon 3,500 new groundwater wells. There would be more than 1,486 acres of additional land (7% of the Town’s remaining land areas) devoted just to impervious surfaces like roads, driveways and structures. Projected vehicle trips in the Town (generated by the residential development alone) would be more than 34,000 additional trips per day by an additional 6,800 vehicles on the road, and these vehicles would need to travel to or through the Village or on Routes 308, 9 or 9G.

The defining concept of the Modified Comprehensive Plan is to accommodate a modest amount of growth while keeping available a base of land for rural uses while maintaining an overall population density at or below 150 persons per square mile, the threshold for a “rural” town as designated by the New York State Legislative Commission on Rural Resources. The 2006 Comprehensive Plan Build-Out Analysis estimated that the then-proposed Zoning would result in 1,408 additional dwelling units and 4,041 new residents. Potential impacts of the then-proposed zoning would be significantly less than the existing zoning. Population would increase to a total of only 9,046 persons, including 497 additional school children, requiring only one additional paid police officer and one additional fire fighter. Additional water usage and sewage generated would be only 674,000 gpd, and trip generation would be only 14,080 vehicle trips per day. The results of the 2006 Comprehensive Plan Build-Out Analysis showing potential impacts under the current zoning and the proposed zoning are summarized in Table I-1.

**Table I-1
Results of 2006 Comprehensive Plan Build-Out Analysis**

	Current Zoning	Proposed Zoning*
Additional Dwellings	3,408	1,408
Additional Residents	9,781	4,041
Additional School Age Children	1,528	497
Additional Vehicles on Road	6,816	2,816
Additional Vehicle Trips per Day	34,080	14,080
Acres of New Roads	513	212
Acres of Impervious Surfaces	913	377
New Police Officers	10	1
New Fire Fighters	10	1
Additional Water Consumed	1,613,800 gpd	674,000 gpd
Additional Sewage Generated	1,613,800 gpd	674,000 gpd
Notes: * -- 2006 Comprehensive Plan		
Source: Build-Out Analysis Report, December 4, 2005 (see Appendix 2 of the Comprehensive Plan).		

DGEIS Build-Out Analysis

A second build-out analysis was completed for the DGEIS to reflect changes in the Original Proposed Action since the 2006 Comprehensive Plan Build-Out Analysis was completed (specifically changes to the proposed Zoning Map), and to analyze the Alternatives being considered in the DGEIS.

That DGEIS Build-Out Analysis is incorporated herein by reference.

FGEIS Build-Out Analysis

The “FGEIS Build-Out Analysis” follows the same methodology as the “DGEIS Build-Out Analysis” and essentially the same methodology as the 2006 Comprehensive Plan Build-Out Analysis to estimate the possible number of new dwelling units that could be constructed. The FGEIS and DGEIS Build-Out Analyses use updated Geographic Information Systems (GIS) data and analysis tools that were not available at the time the 2006 Comprehensive Plan Build-Out Analysis was completed; thus there are some differences between the FGEIS and DGEIS Build-Out Analysis and the 2006 Comprehensive Plan Build-Out Analysis. However, for purposes of comparing between the Modified Proposed Action and each of the Alternatives in the DGEIS, these differences would not make any difference as the Modified Proposed Action and each of the Alternatives is considered with the same methodology within the DGEIS Build-Out Analysis.

Like the DGEIS analysis, the FGEIS Build-Out Analysis reports a range of potential new housing units based on the calculation of “High-Range Estimate” (full build-out of all remaining undeveloped or underdeveloped lands) and “Low-Range Estimate” (full build-out of all remaining undeveloped or underdeveloped lands with a 25 percent deduction to account for inefficiencies of development which must accommodate for roads, stormwater management infrastructure, and irregularities in parcel shapes). Both the High-Range Estimate and the Low-Range Estimate do account for environmentally sensitive lands (wetlands, floodplains, hydric soils, and steep slopes) by deducting these areas from gross parcel acreage.

While the GIS analysis was done on a parcel-by-parcel basis, the analysis results are summarized by Zoning District for each Alternative. Table I-2 summarizes the Low-Range Estimate and the High-Range Estimate of projected new dwelling units for the Modified Proposed Action, Original Proposed Action and each of the Alternatives. Table I-3 provides the detail by Zoning District for the High-Range estimate only. Both of these tables simply build upon the DGEIS build-out analysis by providing an additional row or column to reflect estimates for the Modified Proposed Actions.

Table I-4 compares the results of the DGEIS and FGEIS Build-Out Analysis for the Original Proposed Actions, Modified Proposed Actions, and each of the Alternatives with the desired target set by the Comprehensive Plan of retaining a population density at or below 150 people per square mile. As indicated in Table I-4, the Town’s year 2000 and current population (estimated in 2005) were both less than the threshold density for a rural community as defined by the New York State Legislative Commission on Rural Resources. However, even using a mean estimate of new dwelling unit (and not the High-Range Estimate), neither the Original or Modified Proposed Actions nor any of the Alternatives are able to achieve the desired threshold maximum of 150 people per square mile.

SUMMARY OF IMPACTS

Summary of Impacts on Land Use and Zoning

As indicated in the build-out analysis completed for this FGEIS, full build-out of remaining undeveloped or underdeveloped lands in the Town of Rhinebeck would result in population density exceeding the 150 people per square mile threshold for the definition of a “rural” community. However, the tools and techniques employed by the Modified Proposed Action would still serve to preserve the Town’s perceived rural character. Elements of the Modified Comprehensive Plan and Zoning such as the requirement for conservation subdivisions and the implementation of a Planned Conservation Neighborhood increase the ability to preserve large tracts of land. Exclusive of the 225 dwelling units that would be permitted in the Planned Conservation Neighborhood, build-out over the next 10 years would result in a total population density of approximately 159 persons per square mile which is notably lower than population density without the Planned Conservation Neighborhood or under existing zoning. If the 225 potential dwelling units considered for the Planned Conservation Neighborhood were implemented and the remaining 215 new units were distributed across the rest of the Town, the effective density of the Town outside the Village and the Planned Conservation Neighborhood would be closer to the 150 person per square mile target.

Table I-2
FGEIS Build-Out: New Dwelling Units, Low-Range and High-Range Estimates

Alternative	Low-Range Estimate (du’s)	High-Range Estimate (du’s)
Modified Proposed Action	1,568	1,971
Original Proposed Action	1,224	1,552
Alt. 1: No Action	2,357	3,142
Alt. 2: Conservation Subdivision	2,357	3,142
Alt. 3: Modified Plan/Zoning	2,163	2,817
Alt. 4: 2006 Comp. Plan	1,199	1,517
Alt. 5: No Astor Flats	944	1,232
Alt. 6: Alt. Density HP Zone	1,355	1,700
Alt. 7a: Senior Housing	Same as Proposed Action	Same as Proposed Action
Alt. 7b: No Net-Out	1,838	2,370
Notes:	High-Range Estimate represents full build-out of undeveloped or under-developed parcels within each Zoning District while accounting for environmentally sensitive areas. Low-Range Estimate represents an allowance for a development inefficiency factor of 25% to accommodate roads, stormwater management infrastructure, and irregularities in parcel shapes.	

Table I-3
FGEIS Build-Out: New Dwelling Units, Zoning District Summary†

Zoning District	Modified Proposed Action	Original Proposed Action*	Alts. 1 & 2**	Alt. 3	Alt. 4	Alt. 5	Alt. 6	Alt. 7b
R1A/RM1	38	38	583	79	35	38	38	61
R3A	--	--	1,850	1,810	--	--	--	--
R5A/RL5	31	31	709	355	8	31	31	42
RC6/R6A/RC5****	1,099	790	--	--	789	790	790	1,432
RA10/R10A	380	75	--	89	76	75	75	149
HP20/R20A	70	125	--	51	131	125	273	193
VG/NRW	128	128	--	68	68	128	128	128
TND/PCN****	225	320	--	320	320	--	320	320
Rc-HE	--	45	--	45	90	45	45	45
Totals	1,971	1,552	3,142	2,817	1,517	1,232	1,700	2,370

Notes: † - Using High-Range Estimate of dwelling units for build-out.
 * - The build-out for Alternative 7a is the same as the Original Proposed Action; only the manner in which Senior Housing is permitted is changed between the Proposed Action and Alternative 7a.
 ** - The build-out for Alternatives 1 and 2 are the same as only the manner in which residential dwellings are located within a property changes.
 *** - The build-out for Alternative 6 differs from the Proposed Action only within the Historic Preservation (HP20) Zoning District. For Alternative 6 an alternative density calculation based on one (1) dwelling unit per ten (10) gross acres is contemplated.
 ****- The PCN Overlay District and RC5 District are only found within the Modified Proposed Actions. The Modified Proposed Actions do not include a TND or 6 acre zoning districts. The RC5 district generally covers the same areas as the RC6 district under the Original Proposed Actions. The 225 dwelling units projected for the PCN is an approximate number and assumes an applicant is able to achieve density bonuses possible under the Modified Proposed Zoning.

Table I-4
FGEIS Build-Out: Population Density Comparison

Alternative	New dwellings*	Town Future Pop.**	Population Density***
2000 Census****	0	4,685	135.2
2005 Estimate*****	0	4,870	140.6
Modified Proposed Action	1,780	9,160	264.4
Original Proposed Action	1,388	8,618	237.2
Alts. 1 & 2	2,750	11,495	331.9
Alt. 3	2,490	10,871	313.8
Alt. 4	1,358	8,143	235.1
Alt. 5	1,088	7,492	216.3
Alt. 6	1,518	8,528	246.2
Alt. 7b	2,104	9,941	287.0
Notes:	* - Reflects mean of Low-Range and High-Range Estimates. ** - Estimates for each Alternative assume 2.41 persons per household and base population of 4,870 persons per 2005 estimate. *** - Uses US Census Bureau figure of 34.64 square miles of land area in Town of Rhinebeck. **** - Town outside of Village. ***** - From Dutchess County Department of Planning, "Population Forecasts 2005-2025"		
Source:	***** - From Dutchess County Department of Planning, "Population Forecasts 2005-2025"		

Summary of Impacts on Public Policies

The Modified Proposed Actions are intended to replace the 1989 Comprehensive Plan with an updated vision for the Town and updated implementation strategies through the Modified Zoning Law. The Modified Proposed Actions are considered to be generally consistent with other public policy documents that discuss the Town including Dutchess County planning documents as these documents were used as guidance throughout the comprehensive planning process. The Modified Proposed Actions would enhance the goals of the Hudson River Greenway and would not affect the provisions of the Greenway Compact. Furthermore, the Modified Proposed Action would help to preserve the characteristics that contribute to the various scenic road designations within the Town. The Modified Proposed Actions are consistent with the LWRP policy standards as discussed in Chapter IV.

Alternatives

In summary, each of the Alternatives would result in significantly different levels of future build-out. Alternatives 1 and 2, which rely on the existing Zoning Map would result in significantly greater levels of development than under the Original or Modified Proposed Actions and would present threats to the Town's existing land use and community character. Alternatives 4, 5, and 6 are similar to the Modified Proposed Action in terms of future build-out and would preserve the overall community character. Alternative 3 would result in significantly higher levels of future development and may compromise community character by resulting in greater numbers of single-family homes on smaller (1-acre to 3-acre lots). Alternative 7a would result in development levels identical to the Original Proposed Action. Alternative 7b would result in significantly higher levels of development on each property that could result in greater impacts to environmentally sensitive areas which contribute to the Town's community character.

Under the 10 year projection, if all of the 440 new housing units were distributed across the Town (as in Alternatives 1 and 2) and not in priority growth areas, population density would exceed the 150 person per square mile target within the first 10 years of future build-out. For each of the other Alternatives, the 10 year build-out would result in similar comparative impacts to the Original Proposed Action as with the full build-out comparison, just with fewer total units.

SOCIO-ECONOMICS, AFFORDABLE HOUSING, AND SENIOR HOUSING

The Comprehensive Plan and the Open Space and Affordable Housing Implementation Plan include detailed demographic analyses that describe a population in the Town of Rhinebeck that is aging as a result of two factors: 1) existing Rhinebeck residents aging in place, and 2) a decline in younger individuals and families as a result of increasing home prices that force them to look for housing elsewhere. Another trend evident in the data is the increasing gap between median home prices and median salaries, especially for the 47 percent of Rhinebeck households that make less than the median income. Median incomes have not kept pace with the 80 percent increase in median home prices. As median home prices increased over the last decade (prior to the decline experienced in the middle of 2008), and as the supply of apartments stayed level, the amount of housing that was affordable to younger individuals, seniors, or an individual or household making less than the median income decreases. This “housing affordability gap” threatens the socioeconomic character and economic diversity of the Town.

The proposed Comprehensive Plan, and the Zoning Law that would implement the recommendations of the Plan, includes a number of recommendations to increase the diversity of the housing stock to improve the affordability of housing to a range of existing and future Rhinebeck residents. Specifically, the Comprehensive Plan and the proposed Zoning Law: 1) permit increased density in priority growth areas; 2) increase opportunities for two-family and multi-family dwellings (both new construction and conversion of existing structures); 3) relax the standards for accessory dwelling units throughout the Town; and 4) include provisions for mandatory affordable housing.

Examples of specific measures to increase the availability of affordable housing include a requirement that 10 percent of all new residential units be affordable and the creation of zoning districts that allow for increased affordability. The Modified Proposed Action includes the creation of a Planned Conservation Neighborhood Overlay in an area northwest of the Village of Rhinebeck that would allow higher density single-family houses and townhouses that would be lower in cost on a per unit basis than detached single family homes on large lots. In addition, the Modified Proposed Action allows for multi-family dwelling units in the Civic (CIV) Zoning District as a way to allow the Town to partner with potential affordable housing developers in the development of affordable units on Town-owned land.

While the Original Proposed Action called for a requirement that 20 percent of all new residential units be affordable, the Modified Proposed Action only requires 10 percent affordability. On the basis of public comment and further evaluation of the costs for constructing housing, the Town Board determined that a 20 percent requirement might be infeasible and might make construction of housing units in general less feasible and that a 10 percent requirement would generate additional affordable housing because it creates less of an impediment to residential construction in general.

Finally, modification of the formerly proposed Rural Countryside 6-ac (RC6) Zoning District to the Rural Countryside 5-ac (RC5) and inclusion of provisions to allow for a one-time

subdivision of lots less than 10 acres would allow for the creation of a number of housing units that would not require the higher costs of infrastructure associated with larger subdivisions.

Additional opportunities for affordable housing would be provided by the relaxed standards for two-family, multi-family, and accessory dwellings. Section D.1 of Article VI would be amended in the proposed Zoning Law to permit two-family dwellings to be developed by new construction, not just by conversion. New construction of two-family dwellings would be permitted in all residential Zoning Districts as-of-right, except for the Rhinecliff Hamlet (Rc-H) district. Similarly, Section D2 of Article VI would substantially expand where new multi-family dwellings could be constructed to include the Rural Countryside (RC5) and Village Gateway (VG) Districts, in addition to the RM1 District (which is currently the only district where new multi-family can be constructed). In the RC5 District, up to 4 units in a multi-family structure could be constructed, and up to 6 units per structure would be allowed in the VG and RM1 Districts. For the conversion of existing structures for multi-family use, Section D3 of Article VI would be amended to substantially expand where multi-family dwellings by conversion would be allowed. Currently only the one acre (R1A/RM1) Zoning Districts allow this use. The proposed Zoning would allow the conversion of a single family to a multi-family dwelling in all residential districts, provided certain conditions were met. These amendments would allow for increased development of more affordable two-family and multi-family dwelling units.

In terms of accessory dwelling units, the Modified Proposed Zoning (Article VI Sections D4 and D5) would ease the current restrictions on an accessory dwelling within an existing principal structure by allowing for the expansion or an addition to the structure to accommodate the accessory unit. The Modified Proposed Zoning would also expand the allowance for an accessory apartment in a detached accessory structure by increasing the allowable square footage devoted to the use, allowing up to two accessory units in accessory structures (in addition to the principal dwelling and an accessory dwelling in the principal structure) for a total of 4 dwelling units on a parcel. If 4 units were sought, then one would be required to be affordable. Finally, Section D6 would be amended to expand the current Elder Cottage Housing Opportunity (ECHO) provisions by allowing a “cottage dwelling” to be placed on a lot as an accessory dwelling unit. While an ECHO unit had temporary implications in the current zoning, a cottage home has more permanent implications. These provisions would increase affordable housing opportunities in the Town.

The proposed affordable housing provisions in Article V Subsection CC of the Modified Proposed Zoning would add a requirement for new development to construct 10 percent of the units as affordable housing, or pay an affordable housing fee, donate land for affordable housing, or some combination of these, with potential density bonuses granted for providing specific community benefits. The Open Space and Affordable Housing Implementation Plan includes an analysis that demonstrates the potential economic feasibility of building a project with 20 percent affordable housing. However, the Town Board considered additional information raised in public comments on the DGEIS and modified the requirement for affordable housing to 10 percent of total units.

With respect to senior housing, the Modified Proposed Zoning includes an Active Senior Housing-Floating (ASH-F) District (Article VI Subsection D.37). The Floating District can be considered in the RA10, RC5, and VG Zoning Districts (subject to certain minimum acreage standards) and would require approval of a Zoning Map change by the Town Board and a Special Permit and Site Plan review by the Planning Board. The proposed Zoning caps the total number of senior housing units in any one development at 120 units (10 percent of which must

be affordable) with a maximum density of 3 dwelling units per gross acre of land in the RA10, 4 dwelling units per gross acre in the RC5, and 6 dwelling units per gross acre in the VG. Other criteria apply to the Active Senior Housing-Floating district and would need to be met in order for the proposal to be accepted.

These provisions would ensure that a full range of housing opportunities, including opportunities for individuals with low and moderate incomes, would be provided in the Town. These provisions would address any potential adverse impacts on housing affordability resulting from the decreased permitted density proposed in certain Zoning Districts in the Town.

Alternatives 1 and 2, which retain the existing Zoning Law and Zoning Map, would not result in any enhancements to the Town's ability to facilitate new affordable housing units. Single-family development on one-acre lots is not generally considered to be a successful strategy for achieving large numbers of affordable housing units, even though it may be feasible given certain favorable conditions such as the price of land. The predominance of available land within the R3A and R5A Zoning Districts would not result in any significant numbers of new affordable units. Further, limitations on where multi-family or two-family dwellings could be built would further limit options.

Alternative 3 would result in similar amounts of affordable housing as the Modified Proposed Action. In theory, because of the increased amount of land zoned within the R1A and R3A Zoning Districts, it may be more possible for an individual to purchase a piece of land and construct a single-family residence not as part of a larger subdivision. The DGEIS Build-Out Analysis for this Alternative indicates that approximately 5,500 acres of land within the R1A and R3A Zoning Districts could be made available for development in this fashion. This does not guarantee that these dwelling units would necessarily be affordable. It does provide a greater level of control by the individual home-owner/home-builder seeking to control costs by not making that individual subject to costs passed on by a land developer seeking to sell lots in a residential subdivision.

Alternative 4 would result in greater amounts of affordable housing than the Modified Proposed Action due to the Astor Flats TND (which envisioned up to 320 dwelling units with 20 percent affordable) and the Rhinecliff Neighborhood Extension (which envisioned up to 90 dwelling units with 20 percent affordable).

Alternative 5 is similar to the Modified Proposed Action in that no Astor Flats TND is considered. However, Alternative 5 does not include the proposed Planned Conservation Neighborhood (up to 225 units at 10 percent affordable) that the Modified Proposed Action includes. Alternative 5 does include an approximately 45-unit Rhinecliff Neighborhood Extension (at 20 percent affordable) which is not included in the Modified Proposed Action. Thus, in terms of affordable housing (with all other provisions for affordable housing within the proposed zoning remaining in place), Alternative 5 would result in 13 fewer units of affordable housing than the Modified Proposed Actions.

Alternative 6 would be similar to the Modified Proposed Action in that it increases the residential density within some of the Historic Preservation Zoning District to R10A. This alternative has a proposed 20 percent mandatory affordable housing provision. This increase in residential units would yield a higher number of affordable units but other difference between this alternative and the Modified Proposed Action such as the replacement of the TND with the PCN, replacement of the RC6 district with an RC5 district, and requirement for only 10 percent affordable housing would result in some further small differences.

Alternative 7a would permit senior housing units as-of-right through a special permit review process as opposed to through a floating zone. This change would, in theory, make senior housing developments easier to approve and thus more feasible. While senior housing units are an element of a diverse range of housing options within a town and are often provided in multi-family dwelling units, they are not necessarily affordable. Thus, there is no real change between Alternative 7a and the Modified Proposed Action with respect to the level of affordable units that would be provided as a result of permitting senior housing as of right. However, since the Modified Proposed Action does not include the Astor Flats TND or the Rhinecliff Neighborhood Extension approximately 73 fewer affordable units could be achieved under the Modified Proposed Action as compared to Alternative 7a.

Alternative 7b, elimination of net-out calculations, is included in the Modified Proposed Action for the HP20 and RA10 Zoning Districts. Alternative 7b would allow approximately 350 additional dwelling units when compared to the Modified Proposed Action. Using the proposed 20 percent mandatory affordable housing requirement under Alternative 7b means that this Alternative would yield approximately 244 more affordable housing units than the Modified Proposed Action which only requires 10 percent affordable housing.

WATER RESOURCES

SURFACE WATER

Erosion and subsequent sedimentation of surface waters is the greatest potential adverse environmental impact resulting from construction activity. Additional impervious surfaces associated with new development have the potential to adversely affect water quality by increasing the amount of runoff. In addition, increased stormwater runoff rates and volumes can result in increased flooding.

The proposed Comprehensive Plan has established an objective to prevent erosion and control stormwater runoff through the careful application of erosion control measures and protection of steeply sloped lands, including the bluffs along the Hudson River.

The Modified Proposed Action includes a number of measures such as amendments to the Town's Water Resources Protection Overlay zone and new methods of calculating residential densities in Article IV Section C of the proposed zoning law to protect sensitive areas.

GROUNDWATER

The proposed Comprehensive Plan recognizes a need to protect the Town's environmentally sensitive areas, including ground and surface waters, in order to ensure an adequate supply of safe drinking water. Groundwater resources are critical to future development in Rhinebeck. Since most of the Town relies on well water for domestic needs, it is essential to ensure that there is an adequate supply for future growth, and to protect this supply from potential pollution. To preserve the quality and quantity of groundwater resources and ensure a safe and adequate water supply for present and future generations, the proposed Comprehensive Plan establishes as an objective the need to "Protect surface and groundwater resources and natural drainage areas -- particularly existing and potential public water supplies. In sensitive aquifer recharge areas, prohibit activities that could pollute the groundwater." There are 11 specific actions detailed in the Comprehensive Plan and Chapter IV that are intended to protect the Town's groundwater.

TERRESTRIAL AND AQUATIC ECOLOGY

VEGETATION

The Town of Rhinebeck contains a diversity of habitats and plant species of conservation concern which are vulnerable to the adverse impacts often associated with development and construction. The consequences of land development can include widespread habitat degradation, habitat fragmentation, and the loss of native biodiversity. The proposed Comprehensive Plan recommends 12 specific actions relative to vegetation in the Town. These policies, if implemented, would have beneficial impacts on vegetation in the Town.

In addition, Article V, Section Y of the proposed Zoning Law would establish specific provisions for Habitat and Natural Resource Management. The proposed Zoning Law would also permit conservation subdivision as-of-right, and would require a special use permit for conventional lot-by-lot development. This would limit the amount of vegetation clearing that would occur on sites being developed. Thus, the recommended policies of the proposed Comprehensive Plan and the implementation of those policies in the proposed Zoning Law would have beneficial impacts on vegetation, particularly on species of conservation concern.

While the proposed Zoning Map would reduce permitted density in outlying areas of the Town, it would permit an increase in density within the proposed PCN Overlay zone. In the PCN Overlay, lands consist of upland hardwood forest, conifer swamp, and upland meadow. The upland hardwood forest and upland meadow habitat types represent two of the most common habitat types in the region. Furthermore, any development that would occur within the PCN-O would be required to demonstrate that the specific location of development protects wetland areas and the conifer swamp habitat type to the maximum extent practicable. While it is acknowledged that a small amount of sensitive habitat area or wetland area may be disturbed depending on the specific location of development, the PCN-O would on balance have a beneficial impact by concentrating development into certain areas, thereby minimizing disturbance to a significantly larger portion of land. Any development occurring within the PCN-O would be subject to review and would be required to document specific impacts and would also be subject to the Local Wetland Law which is also part of the Modified Proposed Actions.

Therefore, no significant adverse environmental impacts to vegetation are anticipated as a result of the proposed PCN-O and the Modified Proposed Zoning of these lands for an increased level of development.

WILDLIFE

Habitat fragmentation is among the primary threats to biodiversity. While some species and habitats may be adequately protected at a relatively small scale, many wide-ranging species require unbroken blocks of habitat. Landscapes with interconnected networks of unfragmented habitat are more likely to support a broad diversity of native species and the ecological processes and disturbance regimes that maintain those species. The Town of Rhinebeck still contains many large habitat patches, and careful siting of new development can protect these patches and maintain corridors between them.

One objective of the proposed Comprehensive Plan is to inventory important wildlife communities and protect and restore them through the preservation of natural areas and greenspace corridors. To achieve this objective, the Plan recommends the following actions:

1. Integrate the information contained in the Town's "Significant Habitat Study" into the site plan and subdivision review process and SEQR review process.
2. Adopt standards that require biodiversity assessment for proposed development. Apply the standards during the SEQR review of development applications, thereby ensuring that adequate effort is being expended--at appropriate times of year, using appropriate techniques--to assess wildlife resources on a parcel. Have the assessment prepared by a Town Board-appointed biodiversity consultant or qualified biologist, and the applicant assume financial responsibility for it.
3. Use the baseline inventories, combined with other regional data, to develop a biodiversity plan and map, which can then be used to make biologically sound decisions during the planning process.
4. Work with adjacent towns and continue to work with Hudsonia Ltd., to develop strategies for protecting bio-diversity in Rhinebeck. Continue to train CAC members and volunteers in biodiversity assessment.
5. Limit development, to the greatest extent possible, to already existing fragmented areas through the use of open space development [i.e., conservation subdivision]. Plan for new development to maintain ecological connections and protect critical resources so that further fragmentation does not occur.
6. Work with local land trusts to acquire conservation easements to help preserve environmentally sensitive lands.

As detailed in Chapter IV, the Plan also recommends designating several significant ecological areas as Critical Environmental Areas. The designation of these areas as CEAs under SEQR would provide additional review and added protection of these areas during the SEQR review of development proposals in these areas, a beneficial impact on plant species of conservation concern.

The extent of impacts to vegetation and wildlife from new development is largely a function of how much the existing habitat is fragmented by residential structures, roads, and other disturbed areas. Where habitat is preserved intact, there is a greater likelihood that the structures and functions of those habitats will be maintained and the vegetative and wildlife species that rely on them will be protected. Where new development is created in landscapes without regard to habitat, incremental losses occur that can accumulate to significant levels given the sensitivity of some species to human activity.

The proposed Zoning Law would overhaul the existing regulations with the intention of reducing fragmentation to habitat. Therefore, it is intended to reduce potential impacts to wildlife.

WETLANDS

According to the National Oceanic and Atmospheric Administration (NOAA), wetland loss nationwide was estimated at 300,000 acres per year during the 1970's and 1980's.¹ In New York State, by the mid 1980's, it has been estimated the state lost sixty percent (60%) of its wetland base. Through the enactment of the Federal Clean Water Act, there has been improvement in

¹ NOAA. Habitat Connections: Wetlands, Fisheries and Economics, Part 5. Obtained online at <http://www.nmfs.noaa.gov/habitat/habitatconservation/publications/habitatconnections/num5.htm>.

both the national and state wetland loss, but it has not been completely deterred. In the case of coastal states, such as New York, it has been noted that these states are losing wetlands to development more rapidly than inland states. In the absence of regulations governing wetlands smaller than the New York State Freshwater Wetland threshold of 12.4 acres, wetland loss is potentially a continued negative environmental impact.

As documented in numerous scientific references used to draft the Plan and associated regulations, the direct loss of wetlands or the degradation of wetlands, can have impacts on a number of ecological functions occurring within wildlife habitat. Wetlands also serve to attenuate flood waters. Wetland loss decreases the natural ability of the land to accommodate flood waters and diminishes the amount of pollutant removal and groundwater recharge that occur within healthy wetlands. These are important components for ensuring the quality and adequate quantity of drinking water. The loss or degradation of wetlands creates the potential for more costly water treatment options and/or flood control infrastructure.

The greatest threat to wetland function is the direct loss of wetlands due to filling, draining or discharging of toxic materials. Wetland loss or degradation can occur if structures (including stormwater management facilities or sewage disposal structures) are placed within wetlands, or if vegetation (including trees and brush) are removed, or if soil or gravel mining, feedlot operations or motorized vehicles are utilizing wetland areas. All of the aforementioned activities are prohibited by the proposed law and are intended to provide beneficial impacts by retaining wetlands in their natural state.

The Town recognizes there are situations where it would be necessary to conduct land activities in and around wetlands. In these situations, such as dredging, grading or excavating, limited construction within the associated buffer area of one hundred feet (100'), docks or dams, repair or modification to existing structures, activities associated with altering wetland hydrology (such as water control devices) and wetland restoration project, the proposed law sets forth regulations for obtaining permits and provides for review and approval by the Planning Board. By crafting the legislation in this manner, the Town is following very similar procedures as does the State in its review of wetland permits, which fall under their jurisdiction.

The Modified Proposed Action includes adoption of a new local Freshwater Wetland law that is intended specifically to protect wetlands that now fall outside the regulatory jurisdiction of either the New York State Department of Environmental Conservation or the United States Army Corps of Engineers. The definition of wetland included in the proposed local law is based upon the accepted methodology for identifying wetlands based upon three characteristics (vegetation, soil and hydrology) and does not rely upon size as a determining factor. This expands the level of protection to smaller wetlands that remain at risk currently and which do not fall under the jurisdiction of the State or Federal governments.

Thus, the Modified Proposed Action itself would not have any significant adverse impacts to wetlands and it is intended that the proposed Freshwater Wetland law would serve to protect wetlands from encroachment or direct impact by future development. The parcel-level analysis of potential impacts of the Proposed Action on development potential or feasibility for certain sites revealed that the Proposed Action would result in slightly lower, but still comparable, levels of development on each parcel as exists now without local wetland protection.

GEOLOGY

According to the very generalized Geologic Map of New York (Fisher et al. 1970), the bedrock geology of Rhinebeck is fairly uniform. The Town's topography varies from the steep banks along the Hudson River to the level and undulating area of central Rhinebeck to the steep slopes and hillier terrain in the eastern section of the Town. Development on steep slopes (greater than 15% gradient) is of concern because soils erode readily, they are unsuitable for roads and driveways, and on-site septic systems cannot be sited on them. The soils in the Town of Rhinebeck were examined to identify agricultural soils and the suitability of the soils to accommodate development, in particular, septic systems. The analysis revealed that nearly the entire Town maintains some characteristic which could limit the use of septic systems. The Town also has an abundance of soils of statewide importance and large pockets of prime farmland soils that are most productive for crops and vegetables but are also attractive for development because they are typically flat lands with suitable percolation rates. However, agricultural soils that area converted to other uses are permanently taken out of production, which has become an increasing problem in the region.

In order to address potential impacts to soils and problems that have occurred elsewhere with septic systems, it is essential that development densities be appropriate to the soil conditions. The Comprehensive Plan Committee reviewed the Dutchess County Aquifer Study in its consideration of the most appropriate density levels in the various areas of the Town to ensure that permitted densities did not exceed the carrying capacity of the soils. Soils that are most suitable for agriculture have been mapped and could be avoided to the extent possible by the use of conservation subdivision, which is required under the Modified Proposed Action. The policies in the Modified Comprehensive Plan are intended to reduce potential impacts on geology during site development.

TRANSPORTATION

The Modified Proposed Action and the Original Proposed Action include areas of potential higher residential or mixed-use density that could generate new traffic with the potential for affecting operating conditions or accidents within the study area. Therefore, this FGEIS collectively considers three Traffic Impact Studies for three distinct hypothetical projects or development scenarios. During the preparation of the DGEIS, a Traffic Impact Study was conducted to analyze the specific impacts of the Astor Flats TND which is no longer considered in the Modified Proposed Action. During preparation of the FGEIS, Traffic Impact Studies were performed to analyze the impacts of redevelopment of the Holy Cross School (on Morton Road) and development of a Planned Conservation Neighborhood (in the area of Old Post Road). The Holy Cross School site was identified as a possible development site because the existing buildings and wastewater treatment infrastructure present a possible opportunity for higher intensity development of this property currently zoned for 5-acre residential lots. Such redevelopment was raised during the public hearing process and the Town Board felt it prudent to evaluate potential impacts. The Town Board has considered various options for future development of the Holy Cross School site, including up to 120 units of senior housing. This FGEIS contains a Traffic Impact Study that evaluates potential traffic impacts from such a development at the Holy Cross School site. While that traffic study indicates that no significant adverse traffic impacts would result, the Town Board has determined that development at that scale would not be consistent with the community character of this portion of the historic district and that the underlying Residential Low Density (RL5) 5-ac zoning should be retained. It should be noted that several non-residential uses are permitted in the RL5 including conference center

and country inn. The following sections summarize the potential traffic impacts identified in each TIS as well as potential mitigation measures to address impacts.

ASTOR FLATS TIS

Under the 2017 Future conditions with development at Astor Flats there would be the following notable changes in LOS for the following study area intersections:

- The westbound East Market Street approach at U.S. Route 9 would decline from LOS E to LOS F during the Saturday Midday peak hour.
- The northbound U.S. Route 9 approach at East Market Street/West Market Street would decline from LOS C to LOS F during the Weekday PM peak hour.
- The southbound U.S. Route 9 approach at East Market Street/West Market Street would decline from LOS C to LOS F during the Weekday Midday and Weekday PM peak hours and from LOS D to LOS F during the Saturday Midday peak hour.
- The eastbound NYS Route 9G through/right-turn lane group at U.S. Route 9 would decline from LOS D to LOS E during the Weekday AM and Saturday Midday peak hours, and from LOS E to LOS F during the Weekday PM peak hour.
- The westbound NYS Route 9G through/right-turn lane group at U.S. Route 9 would decline from LOS E to LOS F during the Weekday PM peak hour.

The northbound U.S. Route 9 through/right-turn lane group would decline from LOS D to LOS F during the Weekday PM peak hour.

Potential Mitigation --U.S. Route 9 and East Market Street/West Market Street

Restriping the westbound East Market Street approach to form two 11-foot lanes, prohibiting on-street parking approximately 100 to 200 feet back from the approach, and retiming the traffic signal would improve LOS. Without these measures, there would be LOS F conditions during the peak hours, but LOS D or better during much of the day.

Additional improvements could come from NYSDOT installing the latest traffic controller technology for the traffic signal at the intersection of U.S. Route 9 and East Market Street/West Market Street.

Potential Mitigation --U.S. Route 9 and NYS Route 9G

Adding an exclusive right-turn lane to eastbound NYS Route 9G at the intersection of U.S. Route 9 at NYS Route 9G and retiming the traffic signal would improve LOS and delays. Additional improvements could come from NYSDOT installing the latest traffic controller technology for the traffic signal at the intersection of U.S. Route 9 and NYS Route 9G. Another possible measure is to reconstruct the intersection as a roundabout (a measure discussed and recommended in the Comprehensive Plan).

HOLY CROSS SCHOOL SITE TIS

Under the 2014 Build conditions for the analyzed development scenario at the Holy Cross School, there would be no notable changes in LOS at any of the study area intersections as all of the movements/approaches of the study area intersections would continue to operate acceptably at LOS A under 2014 Build Conditions during the peak hours studied.

PLANNED CONSERVATION NEIGHBORHOOD TIS

Under the 2017 Future conditions there would be the following notable changes in LOS for the following study area intersections:

- The northbound U.S. Route 9 approach at East Market Street/West Market Street would decline from LOS D to LOS F during the Weekday PM peak hour.
- The southbound U.S. Route 9 approach at East Market Street/West Market Street would decline from LOS C to LOS E during the Weekday Midday peak hour and from LOS D to LOS F during the Saturday Midday peak hour.
- The eastbound NYS Route 9G through/right-turn lane group at U.S. Route 9 would decline from LOS E to LOS F during the Weekday AM and Weekday PM peak hours.
- The westbound NYS Route 9G through/right-turn lane group at U.S. Route 9 would decline from LOS D to LOS E during the Weekday AM and Saturday Midday peak hours.
- The northbound U.S. Route 9 through/right-turn lane group would decline from LOS E to LOS F during the Saturday Midday peak hour.
- The eastbound Montgomery Street approach at U.S. Route 9 would decline from LOS C to LOS F during the Weekday PM peak hour and from LOS D to LOS F during the Saturday Midday peak hour.

Potential Mitigation --U.S. Route 9 and East Market Street/West Market Street

Restriping the westbound East Market Street approach to form two 11-foot lanes, prohibiting on-street parking approximately 100 to 200 feet back from the approach, and retiming the traffic signal would improve LOS and delays. Without these measures, there would be LOS F conditions during the peak hours, but LOS D or better during much of the day.

Additional improvements could come from NYSDOT installing the latest traffic controller technology for the traffic signal at the intersection of U.S. Route 9 and East Market Street/West Market Street.

Potential Mitigation --U.S. Route 9 and NYS Route 9G

Adding an exclusive right-turn lane to eastbound NYS Route 9G at the intersection of U.S. Route 9 at NYS Route 9G and retiming the traffic signal would improve LOS and delays. It is also recommended that, for the traffic signal at the intersection of U.S. Route 9 and NYS Route 9G, the latest traffic controller technology be implemented by NYSDOT. Another possible measure is to reconstruct the intersection as a roundabout (a measure discussed in the Rhinebeck Comprehensive Plan).

Potential Mitigation --U.S. Route 9 and Montgomery Street

Restriping the eastbound Montgomery Street approach to form two 13.5-foot lanes, restriping the northbound U.S. Route 9 approach to add an exclusive left-turn lane, and signaling the intersection would improve LOS and delays

Additional improvements could come from NYSDOT installing the latest traffic controller technology for the traffic signal at the intersection of U.S. Route 9 and Montgomery Street.

The impacts at the three intersections would be mitigated and the overall intersection LOS would be D or better (generally considered acceptable operating conditions). There is some limited

additional capacity available at the intersection with the improvements in-place to accommodate general growth or small sized proposed development projects.

COMMUNITY SERVICES AND INFRASTRUCTURE

Fire protection services in Rhinebeck are provided by volunteers in three fire districts. The Village has a part-time police department that provides contract services to the Town. The Town also contracts with the County Sheriff's Department to conduct police patrols of town facilities and recreation areas. Dutchess County Sheriff's Department and the State Police provide additional police protection for the town. Central to medical services in Rhinebeck is Northern Dutchess Hospital, a non-profit institution located on Route 9 on the corner of Montgomery Street. The Town of Rhinebeck is served by the Rhinebeck Rescue Squad, which is supported by the Northern Dutchess Paramedics, a commercial ambulance service that provides advanced life support.

The 2006 Comprehensive Plan Build-Out Analysis conducted as part of the Comprehensive Plan process indicates the need for approximately 10 new fire fighters and 10 new police officers (or about 1 new fire fighter and police officer for every 1,000 new residents) should the additional development allowed by existing zoning be realized. The DGEIS Build-Out Analysis results in a projected need for new fire fighters and police officers slightly lower than what was predicted by the 2006 Comprehensive Plan Build-Out Analysis. Under the Original Proposed Action only 6 new emergency service providers (3 fire fighters and 3 police officers) would be required to serve the larger community. The Modified Proposed Actions are only expected to result in 392 additional units compared to the Original Proposed Actions and are not expected to result in any drastic changes in the number of required emergency service providers based on the 1 police officer and firefighter per thousand residents assumptions.

The cost of providing emergency services is almost entirely borne by the residential property owners through property taxes. The 2006 Comprehensive Plan Build-Out Analysis estimates that the cost of additional emergency services can be borne by increased property tax revenue coming from new residential construction, but does note that the costs do escalate as the population increases.

There are no evident shortfalls in medical services. The numerous physicians and clinics in Rhinebeck and the diverse services provided by the Northern Dutchess Hospital serve much of northern Dutchess County.

CULTURAL RESOURCES

HISTORIC AND ARCHAEOLOGICAL RESOURCES

Rhinebeck has a rich cultural past spanning over 300 years of European settlement and thousands of years of pre-historic habitation. This legacy, which is outlined in detail in Chapter 12 of the Modified Comprehensive Plan, is recognized in several historic districts of state and national significance.

The Modified Comprehensive Plan recommends that all future land use decision-making in the Town should consider sites that are currently listed, or may be listed, on the National Register of Historic Places. It establishes an objective to "Protect historic resources and require new development within historic districts or near historic sites to be consistent with the existing setting of the site, taking into account the history, existing architecture and character of the

surrounding area.” To implement this objective, the Plan recommends 8 specific actions as described in Chapter IV. The proposed Zoning Law would serve to implement a number of these recommended actions. Therefore the Proposed Action would encourage the retention and restoration of historic buildings in the Town, a beneficial impact on historic resources.

COMMUNITY CHARACTER

The Town’s community character is a composite of a number of factors, principally the elements of the natural and physical environment, but also including the substantial number of historic resources within the community. Community character is also defined by the residential and commercial activity within the Town and the Village of Rhinebeck as well as the periodic events at the Dutchess County Fair Grounds that attract visitors to both the Town and Village.

As stated in the Comprehensive Plan, the existing community character is defined as “rural” – “a landscape where the predominant feature is the natural environment, such as open space, farmland, woodlands and water bodies, and where development intrusion is minimal.” The Comprehensive Plan includes the following language describing community character in the Vision Statement that sets the overall policy direction for the Comprehensive Plan: “Our guiding principle is that Rhinebeck is an exceptional place because of its desirable rural attributes, outstanding scenic, natural and historic resources, and thriving village and hamlet centers.” This Vision Statement reflects the results of the community survey in which 84 percent of respondents “Strongly Agree” that “Rhinebeck’s rural/small town atmosphere is a major strength” and 56 percent Strongly Agree (with another 30 percent “Agreeing”) that “Rhinebeck should stay rural by guiding growth to areas around the Village and hamlets.”

The Modified Comprehensive Plan identifies three different scales of development to be applied within the priority growth areas: Hamlet Infill Development and a Planned Conservation Neighborhood. The Town of Rhinebeck includes several historic hamlets that can incorporate additional development consistent with the character of the hamlet and surrounding areas. The Modified Comprehensive Plan recommends that a hamlet infill zoning strategy should be developed for the hamlets of Sepasco and Rock City. It also recommends that a separate zoning strategy be developed for the hamlet of Rhinecliff that recognizes the unique nature of this built-out area, allowing residential densities in Rhinecliff in keeping with the historic existing level of development, and a greenbelt surrounding the hamlet.

In addition, the Plan recommends ensuring that existing hamlet roads are not widened, but rather maintained as rural, country roads; developing and integrating design standards into the Zoning Law that recognize the uniqueness of the hamlet’s architecture and streetscapes; and limiting the square footage of new dwellings and additions to prevent proliferation of oversized, out-of-character homes. These recommendations would be implemented by the Rhinecliff Overlay (Rc-O) District in the proposed Zoning Law (Article VI, Section E), which includes special use and bulk regulations designed to maintain the historic integrity of the hamlet. The new regulations would apply to additions to existing structures, new construction, and other site features such as landscaping, lighting, parking, building height, fencing and setbacks. These regulations would have beneficial impacts on the hamlet’s character.

The Planned Conservation Neighborhood Overlay (PCN-O) would permit development at levels that match the prevailing pattern of development within the area northwest of the Village. Within that area, the predominant use would be single-family dwellings, but some amount of two-family and multi-family residential would be permitted to increase the potential for providing affordable housing. The PCN-O would permit a compact neighborhood where

residential buildings are in close proximity to each other and to important retail and cultural locations within the Village. This is a planning concept that is based on traditional small town development principles and would enhance the existing small town, rural community character. These recommendations for a Planned Conservation Neighborhood have been implemented in the Modified Zoning Law. By allowing for village-scaled density in and adjacent to existing settled areas, development levels in areas outside the hamlets and villages can be reduced without adverse impacts on housing affordability. Coupled with the use of conservation subdivisions in the proposed HP20, RA10, RC5 and the existing RL5 Districts which would surround the infill and hamlet overlay areas, the Modified Zoning provisions would ensure that the greenbelts defining the edge of the hamlets and village are maintained. Preservation of the historic “town and country” development pattern of the Town, which would result from the Modified Zoning, is a beneficial impact on community character.

In contrast to the existing Zoning, which would change the Town from a rural community to a suburban community, the Modified Zoning included in the Modified Proposed Action would direct new growth into a pattern that continues and strengthens the Town’s existing rural character.

It is important to note that the Modified Zoning does not rely exclusively on large minimum lot sizes to retain the Town’s community character. Such a zoning strategy is often referred to as “large-lot zoning” and does not, on its own, result in beneficial results to community character. Large-lot zoning is often synonymous with suburban sprawl. The Modified Comprehensive Plan and Zoning envision a distribution of new residential development between priority growth areas and the lands outside these areas. This sort of balanced and comprehensive management of growth is more likely to result in longer-term benefits and preservation of community character.

The proposed Zoning includes new lighting standards, new standards for landscaping, screening requirements, and the need for street trees. These standards, which would supplement the Town’s adopted Design Standards already used by the Planning Board, would have beneficial impacts on community character.

ECONOMIC AND FISCAL CONSIDERATIONS

Most of the Town falls within the Rhinebeck Central School District. Small portions of the Town are in the Hyde Park Central School District and the Red Hook Central School District. The 2006 Comprehensive Plan Build-Out Analysis conducted as part of the Comprehensive Plan includes a detailed projection of future capital and operating costs for the Rhinebeck Central School District. At full build-out, it is projected that the additional 1,500 new school-age children generated by new residential construction would require the construction of approximately \$50 million of new facilities. With annual capital costs approaching \$1.9 million and an increase of approximately \$18 million in operating costs for the additional 1,500 students, the Rhinebeck Central School District would experience a net fiscal impact of \$811,000 annually.

Since the Modified Proposed Action reduces the total future build-out, it results in smaller increases to the school budget as compared to existing zoning under the No Action Alternative. Residential development typically does not pay for itself with respect to school taxes. Each new household typically generates greater costs to the school district than it generates in revenue. However, by providing a range of housing options for different households at different life-cycle points, it is possible to generate property tax revenue without significantly increasing the costs to the school district. Apartments for young singles or couples or empty-nesters are an example of a

residential type that generates property tax (the owners of rental units do pay property taxes) without generating significant numbers of school-age children. Thus, the inclusion of multi-family housing under the Modified Zoning would tend to minimize potential impacts to the school district.

UNAVOIDABLE ADVERSE IMPACTS

Unavoidable adverse impacts are defined as those that meet the following two criteria:

- There are no reasonably practicable mitigation measures to eliminate the impact.
- There are no reasonable alternatives to the Proposed Action that would meet the purpose and need of the action, eliminate the impact, and not cause other or similar significant adverse impacts.

This FGEIS evaluates the Modified Proposed Action and alternatives at a generic level. The FGEIS indicates that there were no potential unavoidable adverse impacts identified for the Modified Proposed Action. The FGEIS did not, nor could it, evaluate potential site-specific impacts that may result from development of parcels based on the Modified Zoning Law. As such, future site-specific environmental impact assessments of development proposals may identify unavoidable adverse impacts; but those impacts would be more a function of the site-specific conditions or the development program and not a function of the Modified Proposed Action.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

The Modified Proposed Action would not directly result in the irreversible and irretrievable commitment of resources. To the extent that specific development encouraged by the Modified Proposed Action occurs, the building materials used, energy and electricity, and human effort expended in the construction process would be considered irretrievably committed. It should also be noted that the decisions to adopt the Comprehensive Plan, the Zoning Law, and the Wetlands Local Law are, in fact, reversible.

GROWTH INDUCING ASPECTS

The Modified Proposed Action is intended to establish a vision for the future of the Town of Rhinebeck (through the Modified Comprehensive Plan) and to manage new development in a manner that is consistent with the vision (through the Modified Zoning Law and the Wetlands Local Law). The Modified Proposed Action in itself will not result in new development and will not result in conditions that will make development any more, or any less, likely to occur within the Town of Rhinebeck. The Modified Proposed Action simply modifies the permitted densities, locations, and permitted or desired configuration of new development.

Future development permitted by the Modified Proposed Action would likely generate additional residential or commercial populations, additional traffic, additional demands on community services, and additional pressure on environmental resources. The Modified Proposed Action will reduce overall levels of development when compared to existing Zoning.

To the extent that the Modified Proposed Action reduces permitted development levels within the Town, market demand for that development may cause increased interest in development in neighboring communities. However, the Modified Proposed Action does include a land use strategy based on well-considered plans for local and regional growth management that includes priority growth areas where new residential and commercial development is encouraged (and

permitted densities are increased over existing permitted levels) to minimize the amount of development that would occur distant from existing centers. This provision may offset some of the potential displacement of growth from lower-density portions of the Town into surrounding communities. It should also be noted that the Modified Proposed Action was developed in collaboration with the Dutchess County Department of Planning, Northern Dutchess Alliance, and the Village of Rhinebeck and includes recommendations for a number of intermunicipal actions to manage growth in a regional fashion.

EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES

The Modified Proposed Action would not, itself, consume any energy nor would it have a direct impact on the energy supply system. However, development made possible by the Modified Proposed Action could lead to increased energy usage above existing conditions. Given that the Modified Proposed Action contemplates a reduction in total potential development levels compared to what existing Zoning would permit, it is likely that total energy utilization would also be less than what would be expected under the No Action alternative. *