

**State Environmental Quality Review Act (SEQR)**

**DRAFT SCOPING DOCUMENT**

**Supplemental Generic Environmental Impact Statement  
Revisions to Proposed Town Comprehensive Plan  
Amendments to Town Zoning Law  
and Freshwater Wetlands Law  
Town of Rhinebeck, Dutchess County, NY**

On October 24, 2008, the Town Board of the Town of Rhinebeck issued a Draft Generic Environmental Impact Statement (DGEIS) to analyze three Proposed Actions consisting of the adoption of a new Comprehensive Plan for the Town of Rhinebeck entitled The Rhinebeck Plan, adoption of Amendments to the Town Zoning Law, and adoption of a Freshwater Wetlands Local Law (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.

Subsequent to public hearings 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 three specific elements/recommendations of the Comprehensive Plan and Zoning Amendments are being considered. These modifications, identified below, constitute the “Modified Proposed Actions” which will be analyzed in a Supplemental Generic Environmental Impact Statement (SGEIS).

- 1) The Comprehensive Plan recommends a Traditional Neighborhood Design (TND) zoning district at Astor Flats and the proposed Zoning Law amendments include such a district. The Town Board is considering modifying the Comprehensive Plan and proposed Zoning Law Amendments to eliminate the proposed Astor Flats TND, and replace it with a “Planned Conservation Neighborhood” and Planned Conservation Neighborhood (PCN) Zoning District. The proposed Planned Conservation Neighborhood zoning district would allow for the construction of approximately 175 residential units distributed across a mix of single-family attached and detached units and a commercial space of no more than 10,000 square feet proposed to be located on approximately 100 acres on the west side of Old Post Road roughly between Route 9G and Mt. Rutsen Road. In the location of the previously proposed Astor Flats TND, the Modified Proposed Actions would include a different zoning strategy for this area that would permit commercial development.
- 2) The Comprehensive Plan and Zoning Law amendments propose the potential creation of a Senior Housing Floating Zone (SH-F), permitting a maximum of 120 units of senior housing (including 20% affordable) in the Historic Preservation (HP20), Rural Agricultural (RA10), Rural Countryside (RC6), Residential Low Density (RL5) and Village Gateway (VG) Zoning Districts. A site potentially eligible for the SH-F designation is the former Holy Cross School (HCS) site located on Morton Road, which is proposed to be retained in the current 5 acre Zone (i.e. RL5 District). The Town Board is considering modifying the Comprehensive Plan and proposed Zoning Law to now include a Senior Housing Zone at the HCS site. The Senior Housing Zone would allow for the construction of up to 200 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 20% affordable units.

- 3) Alternative 6, as presented in the DGEIS, included 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 including a provision allowing transfer of more dwelling units at a 5 acre density from working farms than would be permitted from non-agricultural properties. The TDR would apply only to the HP20 and RA10 districts.

This Draft Scoping Document has been prepared by GREENPLAN, Inc. and AKRF, Inc. for the Town Board of the Town of Rhinebeck, Lead Agency for the SEQR review of the Modified Proposed Actions. The Town Board will prepare a Supplemental Generic Environmental Impact Statement (SGEIS) under 6 NYCRR 617, the implementing regulations for the State Environmental Quality Review Act. Under those regulations, 6 NYCRR 617.9(a)(7), the lead agency, in this case the Town Board, may require a Supplemental EIS limited to analyzing those specific potential significant adverse environmental impacts that may have not been addressed in the Draft EIS arising from changes to the Proposed Action(s). The document will be prepared in a generic format because adoption of the proposed Comprehensive Plan, Zoning Law and Freshwater Wetlands Law will have a wide application, will affect properties throughout the Town, and will have generic or common effects.

As discussed in the SEQR Regulations at 6 NYCRR 617.10(a) “A *generic EIS may be used to assess the environmental impacts of...an entire program or plan having wide application or restricting the range of future alternative policies or projects, including new or significant changes to existing land use plans...*” Individual actions proposed to be carried out in conformance with the subsequently adopted Comprehensive Plan, Zoning Law, and Freshwater Wetlands Law must comply with the requirements of SEQRA, including any site-specific development applications.

#### SGEIS INTRODUCTION

The SGEIS will draw on information contained with the DGEIS. The SGEIS will also assemble relevant and material facts specific to new analyses resulting from the Modified Proposed Actions. It will be clearly and concisely written in plain language that can be easily read and understood by the public. Highly technical material will be summarized and, if it must be included in its entirety, it will be referenced in the SGEIS and included in an appendix.

This Draft Scoping Document represents issues and known concerns identified by the Town Board. This document is intended to serve as the foundation for the identification of specific potentially significant adverse impacts not addressed or adequately addressed in the DGEIS, which might arise from the Modified Proposed Actions and appropriate mitigation measures. It is also intended to eliminate consideration of any impacts that are irrelevant or non-significant for purposes of SEQRA. It is important to remember that the Town Board’s purpose in analyzing the Original Proposed Actions and Modified Proposed Actions is how best to meet the twin goals of the Comprehensive Plan of retaining the rural character of the Town while allowing for a range of housing.

The SGEIS will be written in the third person without use of the terms I, we, and our. Narrative discussions will be accompanied to the greatest extent possible by illustrative tables and graphics. All graphics will clearly identify the subject item.

The SGEIS may incorporate by reference, in accordance with 6 NYCRR 617.9(b)(7), all or portions of other documents, including EISs that contain information relevant to the subject SGEIS. This is to avoid duplication of relevant environmental information that is readily available, such as the information on natural and cultural resources found in the proposed Comprehensive Plan. Any other documentation used will be briefly described, its applicable findings summarized, the date of preparation provided and such documents will only be referenced if they are available at the Town Hall for inspection.

## SGEIS CONTENTS

Cover Sheet listing preparers, title of action, SGEIS identification, location, Lead Agency, and relevant dates (i.e. date of acceptance, date of public hearing, final date for acceptance of comments).

Table of Contents including listings of tables, figures, maps, charts, and any items that may be submitted under separate cover (and identified as such).

### **I. Executive Summary**

The Executive Summary will include a brief description of proposed changes to the Original Proposed Actions subsequent to acceptance of the DGEIS and a summary of potential significant adverse environmental impacts and proposed mitigation measures from the Modified Proposed Actions. Alternatives to the Modified Proposed Actions will be summarized here. The Executive Summary will also identify other proposed changes to the Proposed Actions, and why those changes will not result in significant adverse environmental impacts not addressed in the DGEIS, and thus will be further addressed in the FGEIS.

### **II. Modifications to the Proposed Action**

This portion of the SGEIS will provide a detailed description of modifications that are proposed to be made to the Original Proposed Actions, which are being addressed in the SGEIS, along with a brief summary of collective elements of the Modified Proposed Actions, including background and need, location, and identification of appropriate governmental actions.

#### **A. Project Purpose, Need and Benefits**

- a. Background and history including the planning process, public participation components and studies completed for the Modified Proposed Actions.
- b. Comprehensive Plan Modifications
  - i. The changes being contemplated to the comprehensive plan will be identified and discussed, providing a rationale for those changes, and maps and graphics where appropriate.
- c. Proposed Zoning Amendments:
  - i. The proposed zoning map changes will be identified, described and mapped. This section will focus on elements of the proposed zoning and zoning map that are different from the Original Proposed Actions as described in the DGEIS.

- d. Public Need and Benefits:
  - i. The SGEIS will briefly summarize the overall Public Need and Benefits from the Modified Proposed Actions and identify any areas where the Modified Proposed Actions would serve different functions from the Original Proposed Actions as described in the DGEIS

**B. Location**

- a. Drawing upon information contained within the DGEIS, the SGEIS will briefly summarize the location and significant geographic characteristics specifically related to the Modified Proposed Actions identified in the SGEIS.

**C. Implementation**

- a. SEQR Process
- b. Reviews and Approvals

**III. Alternatives**

The Town Board considered a range of Alternatives in the DGEIS known as Alternatives 1 through 7b. These Alternatives, as described in the DGEIS, remain viable alternatives. This SGEIS introduces Modified Proposed Actions, which include relevant elements of the Original Proposed Actions described in the DGEIS. In addition, the following other alternatives that consider other options for specific components of the Modified Proposed Action will be discussed in the SGEIS:

**Alternative 8** – Senior Housing zone at HCS allowing up to 120 units (20% affordable) subject to a floating zone ("No Action" alternative)

**Alternative 9** – Development of a Planned Conservation Neighborhood on Old Post Road with 200 to 225 units to allow for additional multi-family and/or affordable housing at this site

**Alternative 10** – Development of a Planned Conservation Neighborhood on a different parcel of land within the RA10 district northwest of the Village

Each alternative will be analyzed to ascertain: a) consistency with the Comprehensive Plan goals and objectives; b) feasibility for provision of and opportunities for a range of housing including market-rate and affordable units; c) ability to protect the Town's community character including its natural, scenic, and cultural (historic) resources; and d) the ability of each alternative to avoid significant adverse impacts. The alternatives analysis will place emphasis on how the alternatives compare to the Original Proposed Actions as described in the DGEIS and the Modified Proposed Actions. Each alternative will also be evaluated so that, at the conclusion of the SEQR process and following public hearings on the Proposed Comprehensive Plan, Zoning Law and Wetlands Local Law, the Town Board can select from some variation of the Original or Modified Proposed Actions and/or alternatives. Where possible, the alternative analyses will include quantitative data as appropriate for a generic impact assessment.

The effects of the alternatives on natural resources will be evaluated generically using the inventory already assembled as part of the comprehensive plan process and DGEIS.

Traffic levels for the alternatives will be provided in a quantitative fashion based upon new traffic analyses, and the analysis already included in the DGEIS on potential traffic impacts of the previously proposed Astor Flats TND at the intersection of Route 9 at Market Street and Route 9 at Route 9G. The integration of these analyses will be described and discussed with regard to alternatives.

The effect of each alternative on cultural resources and community character will be described based upon how well the alternatives are able to guide growth in relation to the existing historic district and individual historic resources. Cultural and historic resources are a key component of the Town's overall community character so that analysis, earlier in the EIS, will also evaluate potential impacts on historic resources.

#### **IV. Environmental Setting, Impacts, Mitigation**

This section of the SGEIS will draw upon information provided in the DGEIS, and provide new information where relevant to specific components and potential significant adverse impacts of the Modified Proposed Actions not discussed in the DGEIS. The analysis will include the future without the Modified Proposed Actions and potential generic impacts of the Modified Proposed Actions. The *potential impacts* section will analyze and evaluate potential impacts associated with the Modified Proposed Actions, where impacts are different from the Original Proposed Actions as described in the DGEIS. Any proposed mitigation measures will be discussed, as appropriate, for each of the major issues identified in this Scoping Document.

##### **A. Land Use, Zoning, and Public Policy**

- a. Existing and Potential Land Use and Zoning:
  - i. Describe existing and potential land use and zoning along Old Post Road, Morton Road and in areas where proposed TDR regulations may result in differences from the analysis contained within the DGEIS. A build-out analysis for the modified proposed zoning law will be prepared and will be contrasted with the Original Proposed Actions build-out. The analyses will provide quantitative data where possible.
  - ii. Discuss whether potential land uses under the Modified Proposed Action are compatible with the rural, scenic, natural and historic character of the Town. Address the extent to which the Modified Proposed Actions will prevent the proliferation of additional suburban sprawl throughout the Town by assessing the extent to which such actions are consistent with the priority growth criteria articulated on page 1.9 of the Comprehensive Plan.
  - iii. Discuss potential impacts and appropriate mitigation for the Modified Proposed Actions.
- b. Agricultural Resources
  - i. Identify agricultural districts, active agricultural lands, historic agricultural structures, prime agricultural soils and discuss regulatory requirements and land classifications in the Town.

- ii. Discuss potential impacts and mitigation including the Modified Proposed Action's potential impact on the viability of maintaining present agricultural land for agricultural purposes.
- c. Local Waterfront Revitalization Program
    - i. Describe the consistency of the Original Proposed Actions and Modified Proposed Actions with each of the policies of the Town's Local Waterfront Revitalization Program.

**B. Traffic and Transportation**

a. Old Post Road TND

The following intersections will be evaluated to assess potential traffic impacts associated with the new proposed location of the TND on Old Post Road:

- Old Post Road/ NYS Route 9G/Wey Road
- Old Post Road/Mount Rutsen Road/Montgomery Street
- US Route 9/Montgomery Road

These intersections will be analyzed for the weekday AM, midday and PM peak hours and for the Saturday midday peak hour for Existing, No Build and Build Conditions. In addition, a safety assessment (i.e., accident data, sight distance and a discussion of general roadway conditions) would need to be performed on Old Post Road where the TND would be located. Include assessment of pedestrian circulation and bicycle movements (i.e. bicycle route designations) in the area. The condition, safety and adequacy of Old Post Road and other roads affected by the additional generation from the TND will be discussed in light of its capacity to handle the additional traffic and the effect the TND and any related improvements to the roads will have on community character and quality of life for neighborhood residents. Include an estimate of traffic generation for both peak hour and total trips per day when assessing impacts on community character and quality of life for neighborhood residents.

b. Morton Road (Senior Housing)

The traffic generated by potential development of senior housing at the Holy Cross site would be computed utilizing the most recent version of the ITE Trip Generation Manual and assigned through the street network in both Rhinecliff and Rhinebeck. This study would identify potential impacts in both Rhinecliff and Rhinebeck at the following intersections:

- Morton Road/Mill Road/South Mill Road

- Rhinecliff Road/Orchard Road
- Shatzell Avenue/Kelly Street/Charles Street

In addition, a safety assessment update to the AKRF study previously performed for Rhinecliff would be included as part of this work. Include assessment of pedestrian circulation and bicycle movements (i.e. bicycle route designations) in the area. The condition, safety and adequacy of Morton Road and other roads affected by the additional generation from the Holy Cross site will be discussed in light of its capacity to handle the additional traffic and the effect development of the Holy Cross site and any related improvements to the roads will have on community character and quality of life for neighborhood residents, with particular emphasis on the hamlet of Rhinecliff. Include an estimate of traffic generation for both peak hour and total trips per day when assessing impacts on community character and quality of life for neighborhood residents. (Qualitative Analysis)

### **C. Cultural Resources**

#### a. Historic and Archaeological Resources:

- Identify the presence of known historic and archaeological sites within the area along Old Post Road, Morton Road and areas potentially affected by TDR regulations. Identify areas with the potential for additional discovery. Identify the reasons supporting the inclusion of the Holy Cross site in the National Historic Landmark designation.
- Discuss potential impacts and mitigation including the creation of incentives for the protection of historic and archaeological resources.

#### b. Community Character

- Discuss the existing and proposed future character in areas affected by modifications to the Original Proposed Actions.
- Describe the potential character of development that will be permitted in areas affected by modifications to the Original Proposed Actions.
- Discuss the use of design standards or guidelines.

### **V. Unavoidable Adverse Impacts**

This section of the SGEIS will identify impacts that are likely to occur despite mitigation measures, and will compare the beneficial and adverse implications of these unavoidable impacts.

### **VI. Irreversible and Irretrievable Commitment of Resources**

This section of the SGEIS will focus on the impacts discussed in previous sections that will require an irreversible and irretrievable outlay of resources.

### **VII. Growth Inducing Aspects**

This section of the SGEIS will generically describe how the Modified Proposed Actions might affect local business, sensitive environmental settings, traffic congestion, population characteristics, and community services. The extent to which the Modified Proposed Actions may induce growth in surrounding communities, and the potential impacts of such growth elsewhere, will be described.

#### **VIII. Effects on the Use and Conservation of Energy Resources**

Due to the generic nature of this document, it will not be possible to discuss direct methods of conserving energy for these actions since no land development activities are being authorized by the actions. However, potential energy types and sources to serve future development will be identified and discussed. Energy conservation measures and other energy strategies, such as encouraging non-renewable sources of energy in the Town, will be identified and discussed.

#### **IX. Appendices**

The appendices will include background information relevant to the Modified Proposed Actions.

#### **Interested Agencies:**

Town of Rhinebeck Clerk  
 Town of Rhinebeck Comprehensive Plan  
 Committee of Rhinebeck  
 Town of Rhinebeck Conservation  
 Advisory Council of Rhinebeck  
 Town of Rhinebeck Highway Department  
 Town of Rhinebeck Planning Board  
 Town of Rhinebeck Zoning Board of Appeals  
 Village of Rhinebeck Board of Trustees  
 Village of Rhinebeck Planning Board  
 Village of Rhinebeck Police Department  
 Village of Red Hook Board of Trustees  
 Town Board of the Town of Red Hook  
 Town Board of the Town of Milan  
 Town Board of the Town of Clinton  
 Town Board of the Town of Hyde Park  
 Town Board of the Town of Esopus  
 Town Board of the Town of Ulster  
 City of Kingston Chief Executive Officer  
 Rhinebeck Central School District  
 Hyde Park Central School District  
 Red Hook Central School District  
 Rhinebeck Fire District  
 Rhinecliff Fire District  
 Hillside Fire District  
 Morton Memorial Library  
 Starr Library  
 Northern Dutchess Alliance  
 Dutchess County Department of Health  
 Dutchess County Department of Planning and Development  
 Dutchess County Department of Public Works  
 Dutchess County Water and Wastewater Authority  
 Dutchess County Sherriff  
 NYS Department of Agriculture and Markets  
 NYS Department of Environmental Conservation  
 NYS Office of Parks, Recreation, and Historic Preservation

NYS Department of State (Coastal  
Management and Local Government)  
NYS Department of Transportation  
Hudson River Heritage  
Hudson River Valley Greenway  
Pace University Land Use Law Center  
Scenic Hudson  
Northern Dutchess Hospital  
Arthur Brod, Jr., AICP  
J. Theodore Fink, AICP  
Warren Replansky, Esq.  
Graham Trelstad, AICP  
Michael Zarin, Esq.  
Morton Rd. Association  
Rhinecliff Hamlet Advisory Council  
Jennifer Van Tuyl, Esq.  
Larry Wolinsky, Esq.  
Wilderstein Preservation  
Winnakee Land Trust  
Dutchess Land Conservancy  
Rhinebeck Historical Society

**DETERMINATION TO PREPARE A SUPPLEMENTAL DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT REGARDING THE ADOPTION OF THE TOWN'S COMPREHENSIVE PLAN; AMENDMENTS TO TOWN ZONING LAW; AND ADOPTION OF A TOWN FRESHWATER WETLANDS LAW**

**WHEREAS**, on September 8, 2008, the Town Board of the Town of Rhinebeck, acting as Lead Agency under the State Environmental Quality Review Act (SEQRA) in the environmental assessment of three related Proposed Actions -- adoption of a Town Comprehensive Plan, adoption of amendments to the Town Zoning Law; and adoption of a Freshwater Wetlands Local Law -- adopted a Scoping Document for a Draft Generic Environmental Impact Statement (DGEIS) and caused the DGEIS to be prepared; and

**WHEREAS**, on October 4, 2008 and October 7, 2008 the Town Board held public hearings on the Proposed Actions; and

**WHEREAS**, on October 24, 2008, the Town Board issued a Notice of Completeness for the DGEIS; and

**WHEREAS**, on November 17, 2008, the Town Board held a duly noticed Public Hearing on the DGEIS at which numerous speakers offered comments on the DGEIS and the Proposed Actions; and

**WHEREAS**, the Town Board accepted written public comments on the DGEIS until December 1, 2008; and

**WHEREAS**, at a Town Board meeting on December 15, 2008, the Town Board discussed the verbal and written public comments and what, if any, modifications to the Proposed Actions should be considered in response to public comments and their own review of the Actions and DGEIS; and

**WHEREAS**, at the meeting on December 15, 2008, the Town Board specifically discussed and considered, among other issues, potential modifications to the Proposed Actions related to: relocating the proposed Astor Flats TND to an area west of Old Post Road; modifying the amount and procedure by which senior housing units might be permitted at the former Holy Cross School site on Morton Road; and how a Transfer of Development Rights (TDR) program might be implemented within portions of the Town to achieve objectives established in the proposed Comprehensive Plan; and

**WHEREAS**, at a Town Board meeting on January 6, 2009, the Town Board continued this discussion and entertained public comment on these issues;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board determines that the potential modifications to the Proposed Actions may have potential significant environmental impacts not fully addressed in the DGEIS such that a Supplemental Generic Environmental Impact Statement (SGEIS) limited to the specific potential significant adverse environmental impacts of the potential modifications not addressed in the DGEIS pursuant to 6 NYCRR 617.9(a)(7) and subject to the full procedures of 6 NYCRR 617 is warranted; and

**BE IT FURTHER RESOLVED**, the Town Board directs its consultants to prepare a SGEIS limited to the potential adverse environmental impacts, which have not been addressed in the DGEIS arising from potential modifications to the Proposed Actions; and

**BE IT FURTHER RESOLVED**, the Town Board directs Town Staff to circulate a draft Scoping Document to all Interested and Involved Agencies and to post the draft Scoping Document on the Town's official website at [www.rhinebeck-ny.gov](http://www.rhinebeck-ny.gov); and

**BE IT FURTHER RESOLVED**, the Town Board hereby solicits written comment on the draft Scoping Document from all Interested and Involved Agencies and the public at large and requests that any written comments be submitted to the Rhinebeck Town Clerk by close of business on January 26, 2009.

Whereupon this Resolution was declared adopted by the Town Board of the Town of Rhinebeck. The motion was offered by Town Board member \_\_\_\_\_. The motion was seconded by Town Board member \_\_\_\_\_.

The Town Board Members voted as follows:

**Supervisor Traudt:** \_\_\_\_\_

**Councilman Crane** \_\_\_\_\_

**Councilwoman O'Brien-Silverstein** \_\_\_\_\_

**Councilman Staley**

\_\_\_\_\_

**Councilman Washburn**

\_\_\_\_\_

This Motion was carried by a \_\_\_\_\_ vote of the Town Board Members on January 12, 2009.

\_\_\_\_\_  
**BARBARA CUNNINGHAM**

**Town Clerk**