

State Environmental Quality Review Act (SEQR)

FINAL SCOPING DOCUMENT

**Draft Generic Environmental Impact Statement
Proposed Adoption of Amendments to Town Zoning Law, Subdivision Law, and
Comprehensive Plan for Centers and Greenspaces Plan**

Town of Red Hook, Dutchess County, New York

DESCRIPTION OF THE PROPOSED ACTIONS

The Town Board has proposed amendments to the Town of Red Hook Zoning Law, Subdivision Law, and Comprehensive Plan to implement the proposed Centers and Greenspaces Plan. The amendments will create two new zoning districts (the Agricultural Business District and the Traditional Neighborhood Development District), and will replace the Town's existing residential cluster subdivision regulations with provisions for conservation subdivisions, designed to more concertedly preserve the natural and scenic qualities of open space. The amendments will also add a new section on open space incentive zoning, in addition to other incidental changes necessitated by these amendments. In order to encourage village-scale density within the Traditional Neighborhood Development District, the law eliminates the density bonus for provision of central water in the R1 and R1.5 Districts. The amendments are designed to protect the health, safety and welfare of Town residents, to bring the Town's Zoning Law and Subdivision Law into conformance with the Town's Comprehensive Plan, *Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities* pursuant to Chapter 17-3 of the Town Code, and with recent changes to New York State Town Law.

To prepare the proposed amendments, the Town Board, working with the Villages of Red Hook and Tivoli, appointed an 11-member Intermunicipal Task Force comprised of representatives from each of the three municipalities' Planning Boards and Zoning Boards of Appeals along with additional appointees from each of the municipalities, including one member from the Town's Conservation Advisory Committee. The Task Force worked for over three years to create the Centers and Greenspaces Plan and the proposed amendments to the Zoning and Subdivision Laws. In preparing the proposed amendments, the Task Force sought out the preferences and priorities of townspeople through five community meetings and workshops, two meetings held specifically for landowners in the proposed Agricultural Business District, numerous meetings with individual stakeholders representing various interests in the community, and more than 200 Task Force meetings, workshops, and forums, including meetings with Town and Village Boards, committees and organizations to solicit their input.

This Final Scoping Document has been prepared by GREENPLAN Inc. for the Town Board of the Town of Red Hook, Lead Agency for the SEQR review of the proposed

Amendments to Zoning Law, Subdivision Law, and Comprehensive Plan

actions. The Town Board will prepare a Draft Generic Environmental Impact Statement (DGEIS) under 6 NYCRR 617.10, the implementing regulations for the State Environmental Quality Review Act. The document will be prepared in a generic format because adoption of the proposed amendments to the Zoning Law, Subdivision Law and Comprehensive Plan will have a wide application, will affect properties throughout the Town, and will have generic or common effects.

The proposed amendments to the Zoning Law, Subdivision Law and Comprehensive Plan have been designed to be consistent with the Dutchess County Greenway Compact Program guidelines and with the Town's *Local Waterfront Revitalization Program*. To implement the Centers and Greenspace Plan residential densities would be increased in parts of the Town deemed appropriate for compact, pedestrian-oriented, village-scale development and decreased in other parts of the Town deemed more appropriate for rural and agricultural uses. The proposed law will achieve this in part through incentive zoning, among other techniques. Conservation subdivision design is proposed to be used as a tool for new residential development in the proposed Agricultural Business District.

DGEIS INTRODUCTION

The Draft Generic Environmental Impact Statement (DGEIS) will assemble relevant and material facts, evaluate reasonable alternatives, and be analytical but not encyclopedic. It will also 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 DGEIS and included in an appendix.

The DGEIS 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 DGEIS will group each issue identified into one Existing Setting, Impacts, and Mitigation section to permit more expedient and efficient review. Footnotes will be used as the form of citing references. All assertions will be supported by evidence. Opinions of the DGEIS authors that are unsupported by evidence will be identified as such.

The DGEIS 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 DGEIS. Other SEQR documentation will only be referenced if it is available at the Town Hall for inspection.

DRAFT GEIS CONTENTS

Cover Sheet listing preparers and name of contact person, title of actions, DGEIS identification, location of actions, Lead Agency, and relevant dates (i.e. date of acceptance, date of public hearing, final date for submission 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 the proposed actions, the public need and benefits, and a summary of potential environmental impacts, and proposed mitigation measures. A summary will be provided of the actions required of the Town Board as well as others, such as the Town Planning Board and the Dutchess County Department of Planning and Development. Alternatives to the proposed actions will be summarized here.

II. Description of the Proposed Actions

This portion of the DGEIS provides a description of the 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 proposed amendments to the Zoning Law, Subdivision Law and Comprehensive Plan.
- b. Proposed Amendments:
 - i. The Town and surrounding areas will be identified on a map and the regional context will be illustrated. Other relevant maps that could contribute to an understanding of the Centers and Greenspaces Plan will also be provided, including an illustrative sketch plan of the Traditional Neighborhood Development District.
 - ii. The proposed zoning map changes will be identified, described and mapped. Describe the rationale for the proposed districts.
 - iii. The proposed Zoning text amendments will be identified and described.
 - iv. The proposed Subdivision text amendments will be identified and described.
 - v. The proposed Comprehensive Plan text amendments (if any) will be identified and described.
- c. Public Need and Benefits:
 - i. The potential consequences of a likely conventional suburban development scenario of the affected lands (both in the proposed Agricultural Business District and the Traditional Neighborhood Development District), under existing Zoning, will be discussed.
 - ii. The public need and potential benefits, including social and economic considerations, of an alternative development scenario of the Town as recommended by the Centers and Greenspaces Plan will be discussed.

- iii. Decreasing the density of development in the proposed Agricultural Business District may have an effect on the cost of housing in the community. To compensate for this potential effect the proposed Zoning Law amendments include a requirement for a variety of housing types and an allowance for ancillary apartments in the proposed Traditional Neighborhood Development District, and the permitting of row or attached dwelling units in the R1 and H Districts. The effects of these provisions on housing affordability will be discussed.

B. Location

- a. The Town's location in the context of the Hudson River Valley region will be described.
- b. Existing Zoning and Land Uses in the Town and surrounding areas will be illustrated and discussed.
- c. Red Hook is home to a portion of a National Historic Landmark District, State Scenic Byways, the Mid-Hudson Historic Shorelands Scenic District, Scenic Areas of Statewide Significance, and a Coastal Zone (Local Waterfront Revitalization) area. It is also within the Hudson River Valley National Heritage Area and the state's Hudson River Valley Greenway, to name just a few of the designations that have recognized the town's exceptional natural and cultural characteristics. Red Hook is also a member of the Greenway Compact. Each of these designations will be discussed together with a discussion of the proposed amendments to the Zoning Law, Subdivision Law, and Comprehensive Plan's consistency with such designations and their implications for planning in Red Hook.

C. Implementation

- a. SEQR Process
- b. Reviews and Approvals

III. Environmental Setting, Impacts, Mitigation

This section of the DGEIS will include three separate subsections for each topic or impact issue: an assessment of the existing environmental conditions, future without the proposed actions, and potential generic impacts of the proposed actions. The *future without the proposed actions* section will analyze how the Town will grow and change without any changes to the current Zoning Law, Subdivision Law and Comprehensive Plan. The *potential impacts* section will analyze and evaluate potential impacts associated with implementation of the proposed amendments to the Zoning Law, Subdivision Law and Comprehensive Plan. 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, Zoning, and Public Policy:
 - i. Describe existing and potential land use and zoning in the Town. A build-out analysis of those sections of the Town that will be affected by the proposed Zoning Law amendments for the Agricultural Business District will be discussed, both under the current Zoning Law and the proposed amendments, in order to illustrate the differences that exist between the current and proposed zoning. The analyses will provide quantitative data where possible. The Town Board and its consultants have previously prepared a land use build-out analysis for the affected areas and a fiscal impact analysis, which will be used as a basis of discussion.
 - ii. Discuss maximum potential development density (generic build-out) for proposed land uses in the Town.
 - iii. Discuss whether proposed land uses are compatible with the rural, scenic, natural and historic character of the Town. Address the extent to which the proposed amendments will prevent the proliferation of additional suburban sprawl throughout the Town.
 - iv. Discuss how the Traditional Neighborhood Development District, Agricultural Business District, and open space incentive zoning are consistent with the goals and intent of the existing Comprehensive Plan. Discuss conformance of the proposed actions with relevant Dutchess County planning documents including Directions and Greenway Connections.
 - v. Discuss potential impacts and appropriate mitigation for the actions.
- b. Agricultural Resources
 - i. Identify agricultural districts, active agricultural lands, historic agricultural structures and lands, prime and statewide important agricultural soils, and other criteria used to define the proposed Agricultural Business District, and discuss current regulatory requirements and land classifications in the Town.
 - ii. Discuss potential impacts and mitigation including the proposed actions' potential impact on the viability of maintaining agricultural land for agricultural purposes. Include a comparison of the Planning Board review process for existing and proposed uses in the proposed Agricultural Business District.
- c. Local Waterfront Revitalization Program
 - i. Describe the consistency of the proposed actions with the policies of the Town's Local Waterfront Revitalization Program

B. Water Resources.

- a. Ground Water:
 - i. Identify and describe important aquifers in the Town. The groundwater study of the proposed Traditional Neighborhood Development District prepared for the Town by The Chazen Companies will be summarized.
 - ii. Discuss potential impacts and mitigation based upon the groundwater study completed for the Town.
- b. Surface Water: (wetlands discussed in a separate section)
 - i. Locate and describe surface water resources in the Town that may be affected by future development with particular emphasis on the proposed Traditional Neighborhood Development District area.
 - ii. Discuss federal and state surface water regulations.
 - iii. Describe drainage patterns and flooding potential.
 - iv. Discuss stormwater management including potential impacts on 100-year floodplains and stormwater quantity and quality.
 - v. Describe potential impacts to surface water features resulting from increased stormwater from new development.

C. Terrestrial and Aquatic Ecology

- a. Vegetation:
 - i. Identify possible presence of unique, rare and/or endangered, threatened and special concern species through contact with the New York State Natural Heritage Program and the US Fish & Wildlife Service.
 - ii. Discuss potential impacts and mitigation.
- b. Wildlife:
 - i. Identify possible presence of unique, rare and/or endangered, threatened and special concern species through contact with the New York State Natural Heritage Program and the US Fish & Wildlife Service.
 - ii. Discuss potential impacts and mitigation.
- c. Wetlands:
 - i. Identify mapped locations of State and federal wetlands within the proposed Traditional Neighborhood Development and Agricultural Business Zoning Districts.
 - ii. Discuss State and federal compliance requirements for any future land use development within freshwater wetlands as well as adjoining upland areas.
 - iii. Discuss potential impacts and mitigation.

D. Transportation

- a. Traffic: Discuss existing traffic patterns and volumes in the Town, based upon recently completed traffic studies and AADT¹ counts. Where information is available from such studies, describe physical and operating characteristics.
 - i. Estimate maximum potential traffic generation rates resulting from the existing zoning build-out and proposed zoning build-out scenarios based on the standards developed by the Institute of Transportation Engineers. The potential for reduced traffic congestion in the Town, as a result of reduced densities, will be discussed.
 - ii. Identify intersections of concern in the Village of Red Hook and the Town, based upon the data from existing traffic studies.
 - iii. Discuss potential impacts and mitigation measures.
 - iv. Discuss the potential for future traffic improvements, including traffic calming measures, connections to existing public roads and streets, or other alternative transportation management methods.
- b. Public Transportation:
 - i. Discuss current and potential public transportation services in the Town that may be available to serve future development in the Traditional Neighborhood Development District including road-based public transit such as LOOP services.
 - ii. Discuss potential impacts and mitigation.
- c. Pedestrian and Bicycle Environment:
 - i. Discuss the existing and potential pedestrian and bicycle system available to serve the Town. Address pedestrian and bicycle access, trails and pathways. Describe potential for dedicated bicycle and pedestrian lanes. Describe the Town's 1998 Trails Feasibility Study.
 - ii. Discuss potential impacts and mitigation.

E. Community Services and Infrastructure

- a. Police and Fire/Emergency Protection:
 - i. Describe existing police services and fire/emergency services provided by the Town and/or Villages.
 - ii. Discuss potential impacts and mitigation.

¹ AADTs are collected by county and state agencies and consist of Average Annual Daily Traffic on roads.

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- b. Utilities:
 - i. Discuss availability of electric, natural gas, cable, Internet, and telephone services in the Town.
 - ii. Discuss potential need for expansion of existing services.
- c. Water and Wastewater:
 - i. Discuss existing and projected future availability and adequacy of water supply and wastewater treatment based upon studies completed for the Town by The Chazen Companies and C.T. Male Associates.
 - ii. Estimate maximum water use requirements and sanitary sewage disposal requirements based on the existing zoning build-out and proposed zoning build-out scenarios.
 - iii. Discuss potential improvements that may be required to serve future development with and without the proposed amendments and mitigation measures.
- d. Schools:
 - i. Discuss potential impacts and mitigation measures.

F. Cultural and Historic Resources

- a. Historic and Archaeological Resources:
 - i. Identify the presence of known historic and/or archaeological sites within the Town based upon the New York State Site Inventory.
 - ii. Discuss potential impacts and mitigation measures.

G. Community Character

- a. Discuss the existing and proposed future character of the Town under both the existing zoning build-out and proposed zoning build-out scenarios.
- b. Describe the potential character of the proposed land use scenarios and how they will conform to and/or enhance community character.
- c. Discuss the use of design standards or guidelines.
- d. Discuss the extent to which the proposed Traditional Neighborhood Development District could lead to or detract from creation of a greenbelt at the southern gateway (Route 9).
- e. Discuss potential impacts of the proposed Traditional Neighborhood Development District on adjoining residential lands including potential increased noise, light, and air quality impacts.
- f. Discuss impact on availability of affordable housing.

H. Economic and Fiscal Considerations

- a. Describe and discuss the existing Town and School District tax base.
- b. Discuss potential revenues to the Town and School District generated from the existing zoning build-out and the proposed zoning build-out scenarios.
- c. Discuss the potential costs of providing services, including additional school services, based upon the build-out analysis and consultation with local school districts.
- d. Discuss whether there would be impacts on the Town's potential future tax base and revenues, based upon studies completed for the Town by Fairweather Consulting.
- e. Discuss funding alternatives for the provision of community services, such as special improvement districts for lighting, drainage, water, and sewer.

IV. Alternatives

The following alternatives will be discussed in the DGEIS. 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 types; c) ability to protect the Town's agricultural resources; d) ability to protect the Town's community character including its rural, natural, scenic and historic character; and e) the ability of each alternative to avoid significant adverse environmental impacts. Each alternative will be evaluated in sufficient detail so that, at the conclusion of the SEQ process and following public hearings on the proposed actions, the Town Board can select the proposed actions, alternatives to the proposed actions, or some combination of the proposed actions and/or alternatives. Where possible, the alternative analyses will include quantitative data.

Traffic levels for the alternatives will be estimated. This analysis will show the relative effects of additional density in the Traditional Neighborhood Development District versus more dispersed development throughout the Town.

Community services, infrastructure, and economic and fiscal considerations will use the existing fiscal impacts analysis as a base and describe, generally, the potential impacts of new growth.

- A. No Action Alternative.** Describe a scenario where the proposed actions are not taken.
- B. Modification to the Conservation Option of the Agricultural Business District (1).** Analyze the impacts of the proposed amendments to the Zoning Law but with a modification that the conservation option of the Agricultural Business District permits a purchase of development rights density bonus of: a) 1 dwelling unit per 5 acres; b) 1 dwelling unit per 6 acres.
- C. Modification to the Conservation Option of the Agricultural Business District (2).** Analyze the impacts of the proposed amendments to the Zoning Law but with

a modification that would allow landowners in the proposed Agricultural Business District an alternative method to determine the number of development rights, and to sell those development rights, as follows. 1) Subtract from the total (gross) acreage of the parcel: a) mapped NYS DEC and NWI wetlands; b) acreage subject to a conservation easement or other long-term easement that expressly prohibits development; and c) six (6) percent of the gross acreage as an allowance for roads, drainage features, and lot shape irregularities. 2) Divide the remaining net acreage by the minimum lot size established for the parcel set forth in the 1999 Reference Map. This calculates the total number of development rights the property yields. This alternative would also permit landowners to sell development rights from a parcel over time, as follows: at the time of the initial sale of development rights, the total number of development rights would be calculated based on the above method; landowners could sell all or a portion of the development rights; a conservation easement would be placed on the entire property at the time of the first sale of development right(s). The remaining development rights could be sold at a later time.

- D. Modification to the Limited Development Option of the Agricultural Business District (1).** Analyze the impacts of the proposed amendments to the Zoning Law but with a modification that the limited development option of the Agricultural Business District is calculated at: a) one dwelling unit per ten (10) acres using conservation subdivision design; b) one dwelling unit per six (6) acres using conservation subdivision design.
- E. Modification to the Limited Development Option of the Agricultural Business District (2).** Analyze the impacts of the proposed amendments to the Zoning Law but with a modification that the limited development option of the Agricultural Business District is calculated as follows: one dwelling unit for parcels 0 to 6 acres in size; two dwelling units for parcels > 6 to 40 acres in size; one dwelling unit per twenty (20) acres for parcels greater than 40 acres in size, all using conservation subdivision.
- F. Modification to the Limited Development Option of the Agricultural Business District (3).** Analyze the impacts of the proposed amendments to the Zoning Law but with a modification that the limited development option of the Agricultural Business District is calculated at one dwelling unit per forty (40) acres, using conventional subdivision (i.e., without a requirement for conservation subdivision).
- G. Deletion of the Limited Development Option of the Agricultural Business District.** Analyze the impacts of the proposed amendments to the Zoning Law but with a modification that the limited development option of the Agricultural Business District is deleted.
- H. Increased Development Potential in Traditional Neighborhood Development District.** Analyze the impacts of the proposed amendments but with a modification to Table 1 in Section 143-49.1G that would increase development

potential in the Residential Neighborhood Subdistrict of the Traditional Neighborhood Development District as follows:

TABLE 1: MAXIMUM HOUSING EQUIVALENT UNITS PER ACRE		
	By Right	By Incentive Zoning
Residential Neighborhood Subdistrict	1 unit per net acre	TND House: 6 units per net acre TND Cottage and TND Duplex: 8 units per net acre TND Town house and TND Apartment: 12 units per net acre

I. Deletion of Traditional Neighborhood Development District and Open Space Incentive Zoning. Analyze the impacts of the proposed amendments to the Zoning Law but with a modification that the Traditional Neighborhood Development District and the Open Space Incentive Zoning provisions are deleted.

V. Unavoidable Adverse Impacts

This section of the DGEIS 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 DGEIS 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 DGEIS will generically describe how adoption of the proposed actions might affect local business, sensitive environmental settings, traffic congestion, population characteristics, and community services. The extent to which the proposed actions may induce growth in surrounding communities, and the potential impacts of such growth elsewhere, will be described. Analysis in this section will draw on accepted planning principles and the Dutchess County Plan: Directions will serve as a basis for assessment of intermunicipal or countywide implications of the actions.

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 the proposed 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 proposed actions such as other relevant SEQR documents (includes Positive Declaration, Final Scoping Document, Notices, Town Board Resolutions), correspondence, references, and other supporting materials.

Interested Agencies:

Town of Red Hook Town Clerk	Town Board of the Town of Clermont
Town of Red Hook Planning Board	Town Board of the Town of Saugerties
Town of Red Hook Zoning Board of Appeals	Town Board of the Town of Ulster
Town of Red Hook Agriculture and Open Space Advisory Committee	Dutchess County Department of Planning and Development
Town of Red Hook Conservation Advisory Council	Dutchess County Department of Health
Town of Red Hook Economic Development Committee	Dutchess County Water and Wastewater Authority
Town of Red Hook Farmland Protection Committee	Dutchess County Department of Public Works
Town of Red Hook Design Review/Hamlet Committee	NYS Department of State (Coastal Management and Local Government)
Town of Red Hook Greenway and Trails Committee	NYS Department of Transportation
Town of Red Hook Recreation Commission	NYS Department of Environmental Conservation
Town of Red Hook Water Board	NYS Department of Agriculture and Markets
Town of Red Hook Zoning Review Committee	NYS Office of Parks, Recreation, and Historic Preservation
Intermunicipal Task Force	Pace University Land Use Law Center
Red Hook Central School District	Hudson River Valley Greenway
Red Hook Public Library	Hudson River Heritage
Tivoli Free Library	Scenic Hudson
Village of Red Hook Board of Trustees	Michele Robinson Greig, PhD, AICP
Village of Tivoli Board of Trustees	Christine Chale, Esq.
Village of Saugerties Board of Trustees	
Town Board of the Town of Rhinebeck	
Town Board of the Town of Milan	