



July 19, 2024

Elizabeth Spinzia, Supervisor
Rhinebeck Town Board
80 East Market Street
Rhinebeck, NY 12572

Re: Locust Hill
Tax ID: 6170-00-223336-0000
CPL#: 15925.00

Dear Supervisor Spinzia and Town Board Members:

CPL is submitting the enclosed materials on behalf of the applicants, Kearney Realty & Development Group, and the Housing Partnership Development Corporation.

- Site Plan Set including Tree Survey, dated last revised 7/19/2024
- EAF Part 2 Narrative, dated 7/19/2024
- Sight Distance Measurement Detail
- Visual Assessment, dated 7/19/2024

As requested, the following is an updated response to comments received on the project to-date including those received as recently as June 24, 2024.

Numerous comments were received on the initial submission to the Town Board for the Locust Hill (formerly known as the Hamlet at Rhinebeck) application for a project specific rezoning to allow for workforce housing at the property on Rhinecliff Road. The comments have been addressed below and additional information is provided, as indicated.

Of particular note, the Planning Board submitted its comments to support its initial recommendation to the Town Board to reject the project application predicated upon its belief that “specific issues related to the project **on the proposed parcel** have raised concerns that the project is not appropriate for the site”. (Emphasis added)”. As indicated above, we have addressed all site-specific comments raised by all commenting entities. However, as the Planning Board’s comments are so contrary to the extensive review and analysis conducted by the Town Board and the conclusions reached by the Town Board which resulted in the 2019 adoption of legislation establishing the Workforce Housing District (§125-64.4 of the Rhinebeck Code) **applicable only to two specific properties** it is appropriate to point out the following.

The Town of Rhinebeck Town Board, local agencies and committees, including the Workforce Housing Committee have been working to address the affordable housing issue



for many years. The Town Comprehensive Plan (2009) discussed the need for affordable housing. One specific objective in the Comprehensive Plan Land Use Chapter was to: “identify Priority Growth Areas in close proximity to the Village of Rhinebeck and existing hamlets to facilitate development of new walkable neighborhoods”. The Comprehensive Plan recommended amending the Zoning Law and Map to create four new Neighborhood Residential (NR) Zoning Districts where residential density would be permitted at 6,000 s.f. per dwelling “contingent on community water and sewer with suitable buffers to preserve natural resources and buffers”. The subject property was identified as one of these four parcels recommended for higher density zoning and the “Village Gateway - VG” designation.

A great deal of time passed between the adoption of the Comprehensive Plan (recognizing the need for affordable housing and making recommendations for the adoption of legislation) and the actual adoption of legislation. Ultimately, after years of study and after several public hearings, the Town Board closed the public hearing on proposed affordable housing legislation in May of 2019. At such time, and again after extensive study, the Town Board determined to make the legislation/floating zone **applicable to only two parcels in the Town** by the creation of the Village Gateway zoning district¹ in two areas of the Town, one of which is the subject property at the western gateway into the Village on Rhinecliff Road. At the time, a newspaper article reported on the meeting as follows:

“Efforts to establish a workforce housing component of the town zoning law have been under discussion for three years, since officials realized no efforts had been made to conform with recommendations in the comprehensive plan revisions made in 2009.

‘So we [proposed] this because... it’s the right thing to do for the town, and we’re required to do it by law’ said town attorney Warren Replansky. ‘If we don’t do it, then we don’t meet our affordable housing obligation, and the town could be held to task for that.’”

Following the adoption of a negative declaration pursuant to SEQRA, on June 10, 2019, the Town Board adopted the Workforce Housing legislation as a floating zone, applicable to only the two Village Gateway zones which lie north and west of the Village. The Workforce Housing District, described in Section 125-15.GG and Section 125-64.4 of the Rhinebeck Code, provides a process for a developer to make an application to the Town Board for a project

¹ According to the Town Code (Section 125-15 H.):

“The purpose of the Village Gateway (VG) District is to allow for the development of residential neighborhoods within walking distance of the village where central water and sewer services are potentially available. This district is designed to provide a diversity of housing types in the community and to promote architectural design that is compatible with the overall historic character of the Village and Town of Rhinebeck. The district adjoins the northern gateway to the village on Route 9 and the western gateway to the village on Rhinecliff Road and Astor Drive where it is appropriate for compact village-like development at a density of one dwelling per 6,000 square feet of land area”



specific rezoning to allow for a workforce housing project in accordance with the criteria in the Town Zoning Code. The Applicant is seeking Town Board approval for the rezoning of the subject property for the proposed Hamlet at Rhinebeck Development and subsequent referral to the Planning Board for Site Plan review and approval.

The “Rationale for Determination of Significance” (hereinafter “Rationale”) for the Workforce Housing District zoning amendments discussed the consideration and environmental review process to develop the new district. The Rationale indicates that the enactment of the Comprehensive Plan and Zoning law amendments were subject to extensive environmental review which considered, in part, possible environmental impacts of such development in the Town and these two districts (Village Gateway / Workforce Housing).

The Rationale states, in pertinent part, as follows:

“Recommendation for this zoning law amendment was the outgrowth of the work of a Workforce Housing Committee appointed by the Town Board which worked with the Town Planner and the Attorney to the Town for nearly two years in developing this proposed local law. During that process, the Committee considered the possible environmental impacts of the increase in density of an a (sic) workforce housing project in either of these two zones and concluded that the siting of such a facility, in either of these two zones, had the least potential for adverse environmental impact on the Town of Rhinebeck, as well as the Village of Rhinebeck. These zones were selected because of their proximity to the Village, strong highway access availability and possibility of a connection to the Village water and sewer systems. The Town Board has determined that by limiting the size of such a facility to 80 units, the siting of such a facility in either of these two districts will have a minimal impact upon the environment with a resulting substantial benefit to the Rhinebeck Town and Village communities.”

The Rationale also states “the Town Board feels it is necessary and prudent to have this law in place in the event an opportunity presents itself for a sensible workforce housing development project **within these two zones**”. (emphasis added).

The Applicant has proposed a new Workforce housing community on a property that, after extensive study as referenced above, has long been identified by the Town of Rhinebeck as appropriate for more dense residential development in close proximity to the Village. In point of fact, before making application, approximately four years ago a representative of the Northern Dutchess Hospital (the seller) and a member of the Applicant team met with the Town Supervisor, another member of the Town Board and a member of the Workforce Housing Committee to discuss the appropriateness of this site for this project at the intended density. This was followed by a site visit and all feedback was supportive which engendered the purchase transaction and subsequent submission of the application. The proposed development meets the requirements of the Zoning Code and the intent of the



Code to bring a high-quality workforce residential development that fits into the community character of the Rhinebeck Town and Village.

Notwithstanding the foregoing, the Planning Board, without any in-depth environmental review similar to that conducted by the Town Board, has taken a position completely contrary to the position taken by the Town Board through the adoption of the Workforce Housing Zoning Amendments and the Rationale as reviewed above. The comments made by the Planning Board could easily be construed as excluding the only other Village Gateway parcel available for the overlay. Accordingly, if the Town Board adheres to the position taken by the Planning Board, it would completely undermine the entire process which took place between 2009 and 2019 and clearly and unequivocally exacerbate the position of the Town of Rhinebeck as same pertains to adhering to the requirements of law by providing for affordable housing through its zoning.

As the Town Board is aware, there is a high demand for affordable workforce housing in the Town of Rhinebeck and in the greater Hudson Valley. The need for affordable housing is not a new issue, but has been made worse by the Covid-19 pandemic. According to an article in the New York Times, about 49,000 New York City residents moved to the Hudson Valley in 2020, according to the nonprofit research organization Hudson Valley Pattern for Progress². The influx of new residents has driven up home prices and rents and reduced an already limited housing stock for new homebuyers and renters. In January 2019 Dutchess County had 1,577 homes for sale and in May 2022 the figure was 957. Workforce housing is therefore needed now more than ever.

The following is a response to comments received on the proposed project. Comments received are repeated herein for clarity with responses to each comment provided in **bold** text.:

Dutchess County Department of Planning and Development Comments (May 27, 2022):

1. Understanding that there is some concern from NYSDOT about the proposed driveway onto Rhinecliff Road, we support access onto this road as the most direct route into the village. If a vehicular driveway is not feasible, we strongly suggest that a pedestrian connection be maintained.

Based on discussions with the NYSDOT, a vehicular connection to Rhinecliff Road will be provided. In addition, as currently indicated on the site plan, a stone dust footpath will be provided through the property that will connect to the existing sidewalk along Rhinecliff Road.

² Workers in the Catskills Can't Find Places to Live, New York Times, August 21, 2022



2. The applicant could include more active amenities on the site, such as a playground or community garden.

A playground, walking paths and bicycle racks are amenities currently indicated on the site plan to support active outdoor recreation. Areas for community gardens will be considered as the project progresses.

3. The applicant could revise the sidewalk layout to provide a more direct pedestrian connection between the apartments and Rhinecliff Road.

A more direct pedestrian route to Rhinecliff Road will be evaluated, however this is likely to cause additional disturbance to steep slopes and naturally forested areas. The currently proposed stone dust footpath will result in the least intrusive and safest route for pedestrians to Rhinecliff Rd and the Village of Rhinebeck.

4. We are pleased to see the level of consideration put into the proposed architecture. The homes will be an attractive addition to the Town.

Comment noted.

Town Engineering Consultant Comments (Lawrence Paggi, May 16, 2022):

General:

1. The EAF Mapper indicates that Threatened or Endangered Animals including Northern Long-eared Bat are located on the project site. Appropriate mitigation shall be demonstrated to the Town Planning Consultant's satisfaction.

Notes have been added to Sheet C002 in the site plan set restricting tree clearing activities between March 31st and November 1st.

2. A Conceptual Landscape Plan and appropriate landscaping details shall be provided. If additional stormwater plantings may be required, that information would be reviewed by this office. The Landscape Plan is subject to the review and approval of the Town Planner.

A detailed landscape plan for the previous site layout was submitted to the Town on June 15, 2022. The current site plan (last revised May 9, 2024) calls for installation of street trees at an interval of every 50 feet. The landscape plan will be updated as part of the Planning Board review process.



3. Lighting and appropriate details shall be shown on the Site Plan or on a separate Lighting Plan and shall be coordinated with the utility plan. The Lighting Plan is subject to the review and approval of the Town Planning Consultant.

A lighting plan with appropriate details will be generated as part of the Planning Board Site Plan approval application.

4. Will the buildings include fire suppression systems? The plans should be submitted to the emergency service providers that will serve this site for review of site circulation, fire protection infrastructure and site access provided at the entrance onto Wells Manor Lane and connection to Rhinecliff Road. The applicant shall indicate if any access or site circulation will be restricted in any way by gates or traffic calming measures.

The buildings will have fire suppressions systems. The proposed water supply infrastructure will be designed to accommodate the expected flow rates for these systems. Plans were submitted electronically to the Village of Rhinebeck Fire Department for review and comment on July 15, 2024.

5. The existing wetland located in the northern corner of the property will be disturbed as a result of the proposed development. A Town wetland permit may be required.

A wetland permit application will be submitted with the Planning Board Site Plan approval application.

Plan Review:

1. Conceptual approval shall be demonstrated from New York State Department of Transportation for the proposed new driveway onto Rhinecliff Road (NYS Route 982M) prior to the Planning Board considering approval.

Preliminary comments have been received from the NYSDOT Region 8 Traffic & Safety Group. A revised traffic study dated August 2022, addressing all comments raised by the NYSDOT and the Town has been provided to the Town and the NYSDOT. A submission to the NYSDOT including a Stage 1 PERM 33-Com was submitted on July 3, 2024. Also included was the enclosed Site Distance Measurement Detail plan that indicates the measured site distance available at the current proposed site entrance on Rhinecliff Road. As indicated on the sketch, the minimum required site distance in both directions is provided at this location.



2. A sight distance plan and profile for the proposed new driveway onto Rhinecliff Road have been provided on sheet C302. The posted speed limit, NYSDOT required distances and measurements of provided sight distances left, right, turning and stopping shall be included in a table on the plan.

See enclosed Sight Distance Measurement Detail based on surveyed field measurements.

3. Please include all signage relevant to the site, including but not limited to: accessible parking signs, no parking signs, directional signs, stop signs, etc.

Detailed design drawings indicating the location of all proposed signage will be included with the initial Planning Board site plan approval application.

4. Please provide design dimensions of the proposed standard and accessible parking spaces.

Detailed design drawings indicating the dimensions of proposed standard and ADA parking spaces will be included with the initial Planning Board site plan approval application.

5. Please label elevations of the proposed contours on the grading plans.

Proposed contour labels are provided on Sheet C300 Overall Grading Plan and Road Profile, dated last revised 7/19/2024.

6. Please add locations of the proposed concrete curb to the plans.

Detailed design drawings indicating the locations of all proposed concrete curbs will be included with the initial Planning Board site plan approval application.

7. It appears that proposed sidewalk along the easterly property line is missing on sheet C402 (Utility Plan – 3).

The existing sidewalk along Rhinecliff Road terminates at the bed and breakfast located on the adjoining property. This project proposes to extend the existing sidewalk network by constructing the proposed stone dust foot path.



8. Please demonstrate that the proposed driveway grade does not exceed 15% and a negative grade within 20 feet of the street or highway right-of-way line is provided. A driveway profile is requested to be included with future submissions.

Driveway profiles complying with the noted standards have been prepared. Please refer to Sheet C300 Overall Grading Plan and Road Profile, dated last revised 7/19/2024.

9. Please note that an engineer's design is required for the retaining wall that has more than 4' exposed face. Proposed top and bottom elevations of the retaining walls shall be added to the plans. The Planning Board may wish to review the proposed retaining wall materials.

A note has been added to Sheet C002 General Notes, stating that a NYS licensed PE is required to design any retaining walls over 4 feet in height. Top/Bottom of wall elevations, wall materials texture and color will be submitted with the future Planning Board site plan approval application.

10. Fencing may be appropriate along the top of the retaining walls for protection.

Fall protection fencing along the top of all retaining walls will be included with the initial Planning Board site plan approval application.

Stormwater:

1. A stormwater pollution prevention plan shall be prepared for preliminary site plat approval since over one acre of disturbance is anticipated.

Preliminary stormwater design calculations have been provided. A stormwater pollution prevention plan will be included with the initial Planning Board site plan approval application.

2. An appropriate guaranty of long-term maintenance of the postconstruction practices must be provided as indicated in item 10e of the NYSDEC Notice of Termination (NOT) form. A stormwater maintenance agreement shall be submitted for review by the Town Attorney and this office.

A long-term stormwater maintenance agreement will be submitted in a form acceptable to the Town during the future Planning Board site plan approval application.



3. Appropriate erosion and sediment control measures shall be depicted. These measures shall also be included on a separate Erosion and Sediment Control Plan. A detailed, site- specific construction sequence shall be included.

Detailed design drawings indicating the locations of all proposed erosion and sediment control measures will be included with the initial Planning Board site plan approval application.

4. Locations and connections of the roof leaders to the proposed stormwater collection system shall be added to the plans.

Detailed design drawings indicating the locations of all proposed roof leaders and their connection to the stormwater management system will be included with the initial Planning Board site plan approval application.

Water & Sewer:

1. The project proposes connection to the Village of Rhinebeck water and sewage collection system. The available capacity to provide water and sewer service to the project site by the Village of Rhinebeck must be demonstrated.

Please refer to the previously submitted Willingness to Serve letter from the Village of Rhinebeck dated July 12, 2023 confirming the Village's capacity to provide sewer service for this project. A Water & Sewer Service agreement with the Village of Rhinebeck is under review and will be provided under separate cover.

2. Approval from the Dutchess County Health Department and the Village of Rhinebeck associated with the proposed water and sewer connections shall be demonstrated. Copies of all reviews and correspondence with those agencies shall be included with the future submissions.

Comment noted. The Town will be copied on all correspondence with the Dutchess County Department of Behavioral and Community Health as well as the Village of Rhinebeck Engineer.

3. We request that invert elevations of the proposed sanitary sewer be provided at the locations of crossing with the proposed storm sewer to demonstrate the required separation.

Detailed design drawings indicating the invert elevations of the proposed sanitary sewer at the requested locations will be included with the initial Planning Board site plan approval application.



Town of Rhinebeck Planning Board Comments: (July 26, 2022)

Existing Conditions:

The proposed building site is seriously compromised by the steep slopes that run north to south through the property. The applicant has said that retaining walls will be needed on the east side of the four proposed buildings. Assuming families with children will be moving into these apartments, the terrain and retaining walls could present hazards for young children playing outdoors. This also raises the question of the ability to provide adequate outdoor recreational facilities for both children and adults on this site.

Visit the workforce housing site if you have not already done so. (Maybe the Highway Department can bushhog a route through the woods and/or use a small excavator to remove fallen logs from a path).

This would provide a first-hand understanding of the limitations the heavily sloped terrain imposes for:

- Siting buildings and parking areas
- Providing safe access to roads
- Providing useable outdoor recreation space for tenants

There are some nice stone walls along the western edge of the property, and it would be ideal to retain those. The site is very uneven, sloped with a significant drop-off on the western edge. There might be some good sledding at times, but the prospect of using the western side of the property as an amenity for the residents is unlikely.

The site is heavily forested and will require a lot of tree cutting and the loss of a lot of understory. At present this site serves as a woodland buffer between the developed village and the open expanses occupied by The Gardens. Apart from the specific issues involving any habitat that is included in or directly impacted by the development within the boundaries of this lot, some thought needs to be given to the more general impact this development will have to the overall balance of development in this town and especially within the LWRP. We need to keep a check on sprawl.

Dutchess County Parcel Access shows this tax lot as being both inside and outside the Village, but the plans seem to indicate development only on the Town side of the lot. Why is that?

The importance of retaining wall safety is understood. Safety fence will be incorporated into the design of all retaining walls. In addition, other styles of retaining walls can also be explored, such as a stepped walls that limit the height of individual walls however this style of wall will result in additional soil disturbance.



Outdoor recreation areas are proposed for the project. The current design includes a playground, patio space, barbeques, picnic tables, walking paths, and open lawn areas. The Applicant is open to providing additional outdoor recreation opportunities as the arise.

The proposed buildings have been designed with walkout basements to fit with the existing landscape and site topography. This design approach minimizes the amount of excavation and area of disturbance required to develop the site.

The proposed access roads have been designed to comply with Town Code requirements for driveways, including a maximum slope of 10%. These access roads will be as safe as any other in the Town constructed to these standards.

As noted above, outdoor recreation opportunities have been incorporated into the site design. The site has been designed to take advantage of the walkout style of the buildings to create an open space behind the buildings. The site layout has also been reconfigured to provide a central lawn area that will allow all residents of the development to gather and enjoy.

Existing stone walls will be preserved to the greatest extent possible and will be reconstruction as appropriate to maintain the character of the site. The westerly boundary of the property will remain largely undeveloped to due restrictions related to wetlands and flood plain.

Tree cutting is necessary to allow development of this property. There will be a significant buffer of trees between the residential buildings and the public roadways north and south of the site. Visibility of the development from public roadways will be partially screened by preserving the existing trees the extent practicable.

The proposed Workforce Housing development on this property is consistent with the Town Comprehensive Plan and the Zoning Code. The Town Board created a “Workforce Housing District” as a floating zone to apply to only the two Village Gateway District areas, including the subject property. The subject property has been identified by the Town Board as an appropriate location in the Town for a Workforce Housing development that is consistent with the Town Code.

This project is ideally located at the boundary of the Village where it can take advantage of the availability of municipal water and sewer. Locating development adjacent to the Village is the definition of good land planning and the opposite of sprawl, by maximizing density in close proximity to the Village and minimizing the need for vehicular transportation.



Access – Ingress/Egress & Connectivity

The applicant is proposing 2 access points, one via the driveway into the Wells Manor housing facility, Wells Manor Lane, which discharges onto Astor Drive. The second is to access from Route 308.

a. Access from Wells Manor Lane. Wells Manor is an affordable housing facility for senior citizens. As a private road, it was not designed as a through road or to handle traffic volume beyond that of the senior citizen housing facility. Accessing an 80-unit apartment complex from a private road would be likely to create hazards for pedestrians using Well Manor Lane to access the village. Since it empties onto Astor Drive, a narrow Village/Town road, traffic volume could overwhelm the safe carrying capacity of Astor Drive. For housing developments on the scale of what the applicant is proposing, access should only be from a County of state highway.

The Applicant is willing to upgrade the existing Wells Manor Lane as appropriate to handle the additional traffic generated by this project.

As noted in the previously submitted traffic analysis, the project is expected to generate a maximum of 49 trips (entering and exiting) during the PM peak hour. With the addition of pedestrian connections to the Village, the estimated traffic generation may be further reduced.

The Traffic Impact Study indicates that the intersection of Wells Manor Lane and Astor Drive will operate at a level of service “A” when the development is completed, unchanged from the existing condition. The Intersection of Astor Drive and Montgomery Street will continue to operate at the same level of service as existing conditions following the development. The Traffic Study concluded that the development has no impact on the road network and no improvements or mitigation measures are needed.

In addition, the access via Wells Manor Lane is proposed to be a one-way exit only. As previously noted, the NYSDOT will require this design in order to allow the Rhinecliff Road access to be constructed as a full movement driveway.



b. Access to Route 308 is characterized by terrain and sight line limitations. Coming west from the Village, traffic descends steeply downhill and through a sharp left hand turn with a speed limit of 45 miles per hour, all of which contribute to a potential safety hazard for both those traveling on 308 and those either entering or leaving the proposed housing facility.

The site access road has been shifted west to improve sight distance based on comments received from the Town. The new access location provides the required sight distance per the enclosed Sight Distance Measurement Detail. Our office is working with the NYSDOT to ensure compliance with all design requirements for this entrance.

This plan would be much improved if there were some provision for a sidewalk or cycle path leading to the Village. Perhaps this could be accomplished by the applicant obtaining easements from neighboring properties (Wells Manor, Village Green, The Woods) who might want to participate in making walkable/ bikeable connections to the village. This would also help diminish the impact of car traffic into and out of this site.

The existing sidewalk along Rhinecliff Road terminates at the bed and breakfast located on the adjoining property. This project proposes to extend the existing sidewalk network by constructing the proposed stone dust foot path.

One of the impediments to developing a pedestrian/bicycle path to the train station from the Village is at the point where West Market crosses the Rhinebeck Kill. This bridge is between the Town Highway Garage and the SW corner of this proposed development lot. Is there any way to condition the approval of this development with the provision of a footbridge crossing the kill, or the widening of the existing bridge? Does the town (or Village, for that matter) have any leverage in enticing the applicant to engage in measures on the fringes of their property?

As noted above, the Applicant is proposing to develop a pedestrian connection to the Village. The cost associated with extending sidewalks west across the Rhinebeck Kill cannot be supported by the project as currently proposed.

Is there a safe way to cross to West Market over the street.

We believe this comment is in reference to crossing West Market Street (Rhinecliff Rd) to reach the Library and Starr Park on the south side of the road. The Applicant is willing to work with the NYSDOT to identify a safe means for crossing Rhinecliff Road. This may include installation of a mid-block crosswalk with pedestrian crossing signage fitted with rectangular flashing beacons to warn oncoming traffic of crossing pedestrians.



Site Layout & Design:

The Town's zoning law, in Article VIII, *Neighborhood Design Standards and Guidelines*, outlines the expectations for any residential development adjacent to the Village: "The intent of this article is to encourage and implement the Town of Rhinebeck's Comprehensive Plan smart growth policies by establishing standards and guidelines for creating compact walkable residential neighborhoods near the Village of Rhinebeck." In Section 125-64.1, *Town Design Standards*, we have: Any use established through the subdivision, site plan, special permit and other approval process set forth within this chapter, or maintained in conformance with this chapter, shall comply to the extent practicable with the Town of Rhinebeck Design Standards as determined by the Planning Board during the Board's review of the particular application within that application's environmental context." The plans submitted for this project show a row of two-story buildings fronting on a 100+ car parking lot, which taken together resemble a strip mall rather than a 'compact walkable residential neighborhood'. There is no suggestion in these plans that the guidance of Article VIII or Section 125-64.1, found in our zoning law, was followed in developing these plans.

Workforce housing is desperately needed in this town, but is 'exactly here' a suitable location?

Article VIII, *Neighborhood Design Standards and Guidelines*, applies to parcels within the Village Gateway (VG) District, Community Business – South (CB-S) District, Historic Preservation (HP20) District, Rural Agricultural (RA10) District, or the Residential Low Density (RL5) District. As Locust Hill is applying under the Workforce Housing (WH) District, Article VIII does not apply. Section 125-64.1, *Town Design Standards*, states that the Town of Rhinebeck Design Standards are assessed during the Town of Rhinebeck Planning Board's review of an application. To the extent applicable, the Applicant intends to comply with Section 125-64.1 once the project is in front of the Planning Board for review. The current site layout and building façade were achieved through input from representatives of the Town of Rhinebeck Town Board to comply with the requirements of Town Code Section 125-63. The Applicant is open to further changes if so desired by the Town of Rhinebeck. The location for Locust Hill is a suitable location for the proposed workforce housing development as determined by the Town of Rhinebeck Town Board and the Workforce Housing Committee. Both the Town Board and the Workforce Housing Committee deemed that the site is well suited for a workforce housing development because of the site's proximity to water and sewer, the Village of Rhinebeck, public transportation, and ample connecting roads.

Consider ways to make the development proposed for Rhinebeck more compatible with the Town's character and the neighborhood, and a more pleasurable home for tenants. This might require a reduction in the number of units and a change in the mix of tenant incomes to provide the project income needed to improve the development. For example, the



number of “workforce” tenants might be reduced and some middle income and market rate tenants added. (The rental housing market for all of these income groups is very tight in Rhinebeck.)

The proposed unit count of eighty (80) units is within the permitted maximum unit count for the Workforce Housing (WH) District. It is the understanding of the Applicant that the WH District was established to allow for the development of as many “affordable/workforce units” (defined in Section 125-63.B.1 as individuals making no more than 80% of the Area Median Income) as possible, up to the established maximum of eighty (80) units. However, according to Section 125-64.4.C.2, up to 20% of the units in a development within the WH District may be of the non-affordable/workforce variety. Therefore, if it is the desire of the Town of Rhinebeck, the Applicant is able to place up to sixteen (16) units in Locust Hill above 80% AMI.

Possible project design strategies:

1. Reduce the length of buildings. The proposed project has extremely long structures that evoke a “Motel 6” or “strip mall” aesthetic. The length of the buildings could be reduced by reducing the number of units in each building. One of the Kearney developments, *The Woods at Pawling* (photo below), is an example of a development with 80 units constructed in five rather than four buildings, reducing the length of the buildings. Presumably, each of these buildings contain about 16 apartments instead of the 20 apartments proposed for the Rhinebeck project. Building length for the Rhinebeck project could be further reduced if each structure contained 12 apartments. Provide greater separation between buildings, possibly in two rows, rather than one, retaining some of the existing trees between buildings.

The site layout has been revised, with input from the Town, to reduce the length and increase the number of buildings in order to better fit with the Town Design Standards as well as the proposed Village of Rhinebeck Comprehensive plan. Due to the grading required to achieve the proposed layout, few trees between the proposed buildings will be preserved, but select trees along the perimeter of the site have been identified for protection.

2. Divide parking into multiple, separate lots, well screened by trees and other landscaping.

As noted above, the current site plan (dated last revised July 19, 2024) has been revised with input from the Town to better comply with Town Design Standards providing smaller parking areas that are located between and behind the proposed buildings. A detailed landscaping plan will be developed for the current layout during the Planning Board review process. The landscaping plan will provide screening for the parking areas where necessary to limit views of the parking areas from the access road.



3. Improve building facades by eliminating artificial elements such as false shed dormers and colonial columns.

The Developer is open to design input from the Town and modifications of the building façade within the limits of what is permitted by the NYS Department of Housing and Community Renewal design standards.

4. If the length of buildings was reduced, the colonial columns and artificial roof dormers stripped from the facade, and the roof made steeper, the rectangular structure that would remain is reminiscent of a large, long barn – an example of iconic New England architecture.

Comment noted. Please refer to responses above.

5. If fewer, but larger windows were used, as in some of the Kearney “loft” developments, these “barn lofts” could be attractive structures, with the “feeling” of the renovated barn below, although obviously they would be larger/longer, with more regular windows.

With respect to project design, the current site layout and building façade were achieved through input from representatives of the Town of Rhinebeck Town Board to comply with the requirements of Town Code Section 125-63. The Applicant is open to further changes if so desired by the Town of Rhinebeck. As noted above, the Developer is open to design input from the Town and modifications of the building façade within the limits of what is permitted by the NYS Department of Housing and Community Renewal design standards.

Project Identification/Naming Convention

If the project goes ahead, consider a name change for the development. Rhinecliff is the historic hamlet in Rhinebeck. A name such as “The Hamlet at Rhinebeck” for a new development would detract from the historic importance of Rhinecliff and would be confusing. I rather like “The Barn Lofts at Rhinebeck” myself.

I find the use of the name, “The Hamlet” kind of off-putting and disingenuous. We have a hamlet in this town. It's called Rhinecliff. I suppose we can put up with the working title for this project so long as we are determining if it will be or not be, but I would like to not undercut the value of our authentic hamlet with the title of this development.

As noted previously, the name of the project has been revised to Locust Hill, with input from the Town based on historic references to the site.



Workforce Housing Objectives

Section 125-63, Affordable Housing, establishes the standards and guidelines for developing and administering affordable housing opportunities in the Town. In particular, Section 125-63.1.3, Determining eligibility of affordable housing applicants, establishes a point system for determining eligibility for available affordable housing units. Are the guidelines found in Section 125-63.1.3 part of the current application? If not, who is responsible for determining eligibility? The Purpose and intent of Section 125-63 includes the statement: "The Town recognizes that individuals with low and moderate incomes, who work in the Town and/or provide volunteer services to the Town, should have opportunities to find housing that is affordable to them within the Town." Section 125-63.1.3 reflects this objective. Does the business model/ management plan for this proposed development meet this specific objective?

As a workforce housing development, Locust Hill will provide the Town and Village of Rhinebeck with affordable housing options for individuals in the workforce with low or moderate incomes. The units will be rented in accordance with the applicable New York State Fair Housing Laws.

Public Outreach and Engagement:

We haven't effectively communicated the need for and benefits of affordable housing to Rhinebeck's residents or given them a chance to participate in shaping guidelines for it. Affordable housing would help Rhinebeck's lower wage earners, such as hospital staff, live closer to work, and would provide a wider hiring pool for local businesses. But it also would have other important benefits: 1) The children of long time Rhinebeck residents could afford to live in town. 2) Studies show that increasing density in or near villages and town centers revitalizes them and keeps them healthy during economic slumps. 3) The larger, concentrated customer base supports the kind of village stores that supply the everyday products residents need. 4) And, importantly for Rhinebeck, lower cost housing (with high-speed internet) attracts young professionals and artists who can contribute energy, creativity and innovation to a town with an aging population.

Comment noted. We agree that there is a clear need for affordable housing in the Town and benefits for existing residents associated with such housing. The Applicant is prepared to discuss these issues with the public during the site plan review process.



Comments from the Town Planning Consultant

There is uncertainty regarding the ingress/egress locations and requirements of NYSDOT. We believe, and a law was just adopted by the Town Board, that traffic should take access from the highest classification road if feasible, reasonable and safe in terms of ingress and egress. Emergency access, school bus access, and non-vehicular connectivity are all items that should be considered as part of a holistic approach to transportation for this site. With such close proximity to the Village, library, Town Park and on what may eventually become a trail connection to Rhinecliff, these issues are all relevant and important to consider.

The Site Plan proposes the main ingress/egress to be from Rhinecliff Road with one-way exit only egress to Wells Manor Lane/Astor Drive. As noted above, the Applicant is willing work with the Town and Village to develop pedestrian connections to the Village. Opportunities for school bus access and/or bus shelters will be evaluated as the project evolves.

Based on past discussions, there is a potential to create a connection between this property and the adjacent property where trails are proposed by the Winnakee Land Trust. If this potential exists, it would be a very positive connection to make and we would encourage such a connection.

Comment noted. Based on input received at public hearings on the project, Winnakee Land Trust is not interested in developing trail connections between the adjacent properties. The applicant remains open to developing those trail connections in the future if the opportunity arises.

We believe that safety concerns related to the proposed/potential Rhinecliff Road access point may possibly be mitigated by considering the potential to connect the project to the existing Town Highway Garage and the associated existing curb cut on Rhinecliff Road. The existing access has better sight lines than the location proposed by the applicant and is an existing connection. That said, it is not necessarily an easy connection to make as it may impact wetlands, would require assessing the needs of both uses, which aren't necessarily complimentary, and requires designing an entrance that works for both uses simultaneously. It would also likely create a more visible driveway on the WF-H parcel (looking north/east), but we are confident that an engineering solution could be identified. There are always trade-offs that need to be weighed as part of any application and this potential option would certainly require weighing trade-offs.

An access to Rhinecliff Road via the Town Highway Department would require construction of a bridge over the Rhinebeck Kill. Aside from the additional wetland and potentially flood plain disturbance that this would produce, the cost associated with constructing a bridge across the Rhinebeck Kill cannot be supported by the project as



currently proposed.

The ingress/egress access issue is a major item that the Town, applicant and NYSDOT must come to agreement on for this project to proceed. This is probably the primary issue to address before proceeding further with other proposal issues, items and concerns.

As noted above, our office is working with the NYSDOT to ensure compliance with all design requirements for the Rhinecliff Road entrance. The NYSDOT is requiring the secondary egress via Wells Manor Lane and the Applicant is obligated to follow these recommendations. The Applicant is open to schedule a meeting with all involved parties to address the issue.

The project encroaches into a wetland on the northern end of the project. A wetland permit will be required in addition to the required Site Plan. We don't believe a wetland permit application has been submitted.

A wetland permit will be submitted as part of the Planning Board Site Plan application.

Comments from the Town Consulting Engineer on this project should be reviewed and assessed.

Please see above.

Historic and Archaeological Preservation Comments (June 1, 2022):

1. The proposed access from either Rhinecliff Road with sight difficulties and/or Astor Drive, an important historic road in Rhinebeck, we believe to be not viable.

The access via Rhinecliff Road avoids impacts to the Darling Historic site. All NYSDOT entrance design requirements will be satisfied for this entrance, including minimum site distance. As noted above, the NYSDOT is requiring the secondary egress via Wells Manor Lane and the Applicant is obligated to follow these recommendations. The Applicant is open to schedule a meeting with all involved parties to address the issue.

2. The old growth forests, potential archaeology issues in and around the Darling house old foundation, and the design, size and location of the 80 units and parking areas are not workable in the current proposed plans. Further, the project seems to the committee to be out of step with Rhinebeck's historic character.

The building and site design were developed with input from representatives of the Town Board to comply with the requirements of Town Code Section 125-63. As noted above, tree clearing will be necessary to allow development of this site. Every effort will



be made to preserve specimen trees wherever possible. The proposed access drive avoids impacts to the Darling Historic site.

Workforce Housing Committee Comments (May 20, 2022):

1. Is there a specific funding source/program (such as a New York State program) that the developer is targeting for the project? If so, does that source/program provide for continuing input on operations and to what degree is the operation of the project under continuing review/inspection from the funding source? Is there a draft contract with the funding source and, if not, is it possible to be provided with a contract with that funding source for a similar project?

Please see previously submitted letter “Hamlet at Rhinebeck – WHC Response Letter 6.1.22”

2. On a related note, what is driving the unit mix and price point breakdown? There is a large percentage at 60% of AMI and a certain percentage above 80%, which is the maximum set forth in the underlying Rhinebeck zoning which would govern this type of project. Does the project require housing above 80% AMI (Average Medium Income) and, if so, will the developers ask the Town to change this requirement? Are there any other changes to the Town’s laws the developer will seek?

Please see previously submitted letter “Hamlet at Rhinebeck – WHC Response Letter 6.1.22”

3. How does the developer propose handling ongoing project reporting and monitoring to the Town is this something that will happen as part of ongoing funding program requirements?

Please see previously submitted letter “Hamlet at Rhinebeck – WHC Response Letter 6.1.22”

4. What is the structure for ongoing property management, repair and leasing? Is this something that is handled on-site, through a central office or a combination of the two?

Please see previously submitted letter “Hamlet at Rhinebeck – WHC Response Letter 6.1.22”



Waterfront Advisory Committee Comments (June 30, 2022):

Existing Land use

The Town is fortunate to have a woodland area adjacent to the Village. As stated in the LWRP “Maintained in their natural state, the brush, wooded and wetland areas serve to assist in flood and erosion control, air quality amelioration and noise absorption.” The WAC agrees with this statement.

As noted above, there will be a buffer of trees between the buildings on this site and the public roadways north and south of the property. This tree buffer along with natural and constructed grade changes will limit visibility of the project from either road after construction. The project does not propose any improvements within the Rhinebeck Kill flood plain and only minimal impacts resulting from grading for the access road within the 100 feet buffer area imposed by the Town Code Section 125-40.

Steps must be taken to maintain the rural appearance of the Town. The LWRP suggests development near the Village. It is the opinion of the WAC that this area, while close to the Village, is not suitable for this type of development due to the steep slopes, hardwood forest, the historical remnants of the stone walls, the archeological remnants and boundary with the Rhinebeck Kill, a tributary that flows into the Hudson River.

The Town Board rezoned this parcel and a second parcel at the northern edge of the Village as a Village Gateway” zoning district in 2016. The rezoning was part of a Town-wide rezoning effort that was, in large part, the enactment of recommendations in the December 2009 Town of Rhinebeck Comprehensive Plan, known as the Rhinebeck Plan. One specific objective in the Comprehensive Plan Land Use Chapter was to: “identify Priority Growth Areas in close proximity to the Village of Rhinebeck and existing hamlets to facilitate development of new walkable neighborhoods”. The Comprehensive Plan recommended amending the Zoning Law and Map to create four new Neighborhood Residential (NR) Zoning Districts where residential density would be permitted at 6,000 s.f. per dwelling “contingent on community water and sewer with suitable buffers to preserve natural resources and buffers”. The subject property was identified as one of these four parcels recommended for higher density zoning and the “Village Gateway - VG” designation.

According to the Town Code (Section 125-15 H.) :

“The purpose of the Village Gateway (VG) District is to allow for the development of residential neighborhoods within walking distance of the village where central water and sewer services are potentially available. This district is designed to provide a diversity of housing types in the community and to promote architectural design that



is compatible with the overall historic character of the Village and Town of Rhinebeck. The district adjoins the northern gateway to the village on Route 9 and the western gateway to the village on Rhinecliff Road and Astor Drive where it is appropriate for compact village-like development at a density of one dwelling per 6,000 square feet of land area”

The proposed project site has been identified by the Town as a suitable site for neighborhood residential development through a multi-year public planning process that considered other properties and areas of the Town.

Development near the Village is considered smart growth and is consistent with the Town’s Comprehensive Plan and the Zoning Code. Tree cutting will be limited as much as possible as to limit views of the development and to preserve specimen trees. The steep slopes found on the site have been incorporated into the site design through the use of walkout style buildings and retaining walls. The stonewalls located on site will be preserved to the greatest extent possible and restored where appropriate. As noted above, there will be a minimum of 100 feet buffer provided between the developed portion of the site and the Rhinebeck Kill. A detailed erosion and sediment control plan will be prepared in accordance with NYSDEC design requirements to ensure that offsite areas, including the Rhinebeck Kill will not be impacted by the development.

The WAC advises the proposed construction of the affordable housing complex areas, parking areas including both pervious and impervious areas, would require routine monitoring to protect the Rhinebeck Kill, The Landsman Kill, Vanderburgh Cove and the Hudson River from herbicides and runoff.

A Stormwater Pollution Prevention Plan (SWPPP) is being developed for this project. The SWPPP will include long term maintenance requirements for all proposed practices and a maintenance agreement will be established with the Town to ensure all stormwater management practices remain operational for the life of the development.

The project area has a mature forest with Black Walnut, Sugar maples, Locust and Black Cherry trees, and the ground is covered profusely with Mayapples. The WAC is opposed to the clear cutting of much of the forest as it will change the character of the gateway into the village.

Tree cutting will be limited as much as practical to develop the site and to limit views of the development and to preserve specimen trees. The existing site is 23.3 acres which is mostly forested. The proposed development preserves approximately 11 acres of forested land, or close to 50 percent of the property.



The WAC agrees with this statement in the LWRP. Herbicides are used extensively on lawns and parking areas are over contaminated with salt; all which may run off downhill to the Rhinebeck Kill under the proposed project.

As noted above, a Stormwater Pollution Prevention Plan (SWPPP) will be developed for this project. The purpose of the SWPPP and related stormwater management practices is to collect, treat, and release/infiltrate stormwater, prevent the release of contaminants from developed property downstream. The Applicant will commit to prohibiting the use herbicides and/or fertilizer on the site.

Historic and Scenic Features

The remains of the stone walls need to be preserved and protected; they are historical and date back to the 18th century. These old walls were used as property boundaries and separation of pastures for livestock. The WAC strongly recommends all stone wall, no matter the condition, be protected.

All on-site stonewalls will be preserved to the maximum extent practical and restored where applicable. It will be necessary to disturb the stone walls along Rhinecliff Road to allow construction of the access road required by the Town. The stone walls in this area will be reconstructed to restore the rural character of this area. Stone walls in the western portion of the site will be largely preserved.

The site is a hardwood forest area with several large mature trees which need to be identified and saved where possible. The scale of the building site and associated parking lots call for the clear cutting of mature hardwood forest that would reduce the forest by an estimated 40 percent. This severe ecocide indiscriminately levels every tree regardless of age or size. No attempt has been made to safeguard significant specimens or to present to our committee a plan for the long-term stewardship of what wooded areas would remain. The plan for the subsequent suburban style expanses of vast chemical intensive lawns that would replace these woods has been insufficiently explained and illustrated to our committee. The WAC advised these mature trees to be identified as to diameter, and species and any tree proposed for removal be identified and a reason given why it must be destroyed.

While the development would require the removal of approximately 50 percent of on-site trees, approximately 50 percent would be preserved, including in the western portion of the site above the Rhinebeck Kill. A tree survey has been conducted and is indicated on the Tree Plans within the most recent site plan drawing set for the project. The Tree Plans also indicate individual trees that will be removed. Wherever possible, specimen trees will be avoided and/or preserved. As previously noted, the Applicant has agreed to prohibit the use of herbicides and pesticides on the property. The Applicant is



willing to work with the Town and the WAC to develop a plan for long-term stewardship of the remaining forested land.

The foundation that remains as an archeological site may have served as the domestic quarters for the five African American servants that were associated with Captain Darling's household. While the foundation itself would be unscathed by the removal of the geological formations in the shoulder of Rhinecliff Road to open the site view for traffic, the graded area immediately adjacent to the house would be lost.

The Phase 1 Archeological Analysis, submitted to the Town on June 15, 2022 does not indicate any significance related to the “geological formations in the shoulder of Rhinecliff Road”, only the remains of the former Darling House site. Based on the Phase 1 Analysis and the plans submitted, the NYS Office of Parks, Recreation and Historic preservation issued a letter of “No Adverse Impact” dated May 24, 2022.

The WAC has concerns for the protection of the stone walls throughout the property, the protection of the historical foundation and protection of Astor Drive from increased traffic.

All stone walls will be preserved to the maximum extent practical and restored where applicable. The NYS Office of Parks, Recreation and Historic preservation issued a letter of “No Adverse Impact” dated May 24, 2022 based on the Phase 1 Archeological Analysis and Archeological Site Avoidance protocol. The historical foundation will not be disturbed and will be protected during construction. The access to Astor Drive, via Wells Manor Rd, is proposed to be a one-way exit only (see responses to traffic comments above).

The use of herbicides on the WF-H proposed site may result in adverse impacts on the fish and wildlife resources in the bordering Rhinebeck Kill which flows into Vanderburgh Cove.

The Applicant will maintain ownership of the site after construction is complete and will commit to prohibiting the use herbicides and/or fertilizer on the site.

The WAC has concerns about the use of herbicides on such a large development and the Stream area shall be protected.

The Applicant will maintain ownership of the site after construction is complete and will commit to prohibiting the use herbicides and/or fertilizer on the site.



WAC considers the proposal submitted by Kearney Developers to be an unacceptable alteration that would detrimentally disturb, disfigure, and destroy much of this irreplaceable and vulnerable cultural and environmental resource.

The proposed development site was not identified in the Comprehensive Plan as a Priority Conservation Area with especially high biodiversity value (Figure 9.11). The project was designed to minimize grading by siting buildings and access roads to fit the site topography. Site grading and clearing has been minimized to the extent practical. Approximately 50 percent of the existing vegetation will be retained. Buffers of existing vegetation and trees are maintained to minimize impacts to the Rhinebeck Kill. The Phase 1 cultural resource study completed for the site has found that the project will have no adverse impact to historic and cultural resources and the NYS Office of Parks Recreation and Historic Preservation has concurred with that assessment (May 24, 2022).

The WAC also recommends no destruction to the stone walls or the geologic forms, (the steep rocky slope).

Stonewalls will be preserved to the greatest extent possible and restored where applicable. The disturbance of steep slopes cannot be avoided. The team has designed the project to minimize disturbance to steep slopes. Previous design iterations proposed access routes that avoided steep slopes, but it was determined that this resulted in a larger area of disturbance, a greater loss of trees and reduced the buffer from the westerly property boundary.

WAC finds regrettable that Kearney Developers has in no way used language to convey that they understand the obligation that to build within a SASS District requires special sensitivity to the uniqueness of the site. Discordant materials such as vinyl fencing and modular block retaining walls will irrevocably spoil the aesthetics of the setting. The style of street lighting, signage, hardscape sidewalks, etc. are all treated in the most generic suburban style and are demonstrative of the monoculture creating approach unacceptable to the character of The Estates District, SASS, and the neighboring Village Historic District.

The building and site design were developed with input from representatives of the Town Board to comply with the requirements of Town Code Section 125-63. As noted above, the site layout has been designed to minimize the area of disturbance to the maximum extent practicable, preserving approximately 50 percent of the site from development. Consistent with Scenic Areas of Statewide Significance (SASS) for the Town of Rhinebeck LWRP recommendations, the development will provide buffers of existing vegetation to largely screen the development from adjacent roadways. The building materials and lighting for the project are at the concept stage. The Applicant is willing to work with the Town during the Planning Board Site Plan Approval process to



develop a project that is consistent with the SASS requirements and overall Town Character.

The WAC recommends strict adherence to the Town of Rhinebeck Design Standards that are a supplement to the Town Zoning Law. These standards address access, parking lots, screening within the parking lots, eliminating unnecessary Asphalt, pedestrian and bicycle circulation and building design criteria.

The project has been designed to comply with Town Design standards. All parking spaces will be porous pavement, the development parking areas will not be visible from Rhinecliff Road or Astor Drive, and pedestrian connections to the Village of Rhinebeck are proposed. Although these standards will be followed to the extent practical, it should be noted that the Workforce Housing Overlay district is not required to comply with Article VIII (Neighborhood Design Standards and Guidelines).

Any stone walls on the site shall be preserved as well as mature trees along the existing road (Rhinecliff Road). The traffic study presented by Kearney can in no way represent true vehicular use of Rhinecliff Road. It was conducted over three weekdays, off season in November, in the middle of the pandemic. That it concluded that no measures need to be taken to safely use Rhinecliff Road as an entrance, is contradicted by the subsequent assertion by Kearney that the geological formations in the shoulder of Rhinecliff Road would have to be destroyed to open the site view to make the proposed entrance safe. This permanent and irreversible alteration to the topography would result in the destruction of the ancient stone walls paralleling the roadway, as well as compromising the archeological integrity of the Darling site that sits atop this outcropping. It is speculated that this site is of great importance to our understanding of the African American servants associated with the Captain Nathan Darling house in the adjacent parcel. Also unaddressed is the statistical number of drivers who will opt to make a shortcut through this development to avoid sitting at the Village's traffic light, affecting the quality of life and safety of the residents of Astor Drive.

Stonewalls will be preserved to the greatest extent possible and restored where appropriate. The traffic study (dated August 2022) was revised to evaluate the concerns raised. A traffic study evaluates the number vehicular trips generated by a project and does not typically account for the geometric design of the project. The NYS Office of Parks, Recreation and Historic preservation issued a letter of "No Adverse Impact" dated May 24, 2022 based on the Phase 1 Archeological Analysis and the proposed Archeological Site Avoidance protocol. The historical foundation will not be disturbed and will be protected during construction. The NYSDOT is requiring the secondary egress via Wells Manor Lane. Given the winding nature of the proposed access road from Rhinecliff Road and the fact that the road will be privately owned should deter unauthorized use of this development as a "cut through" to Astor Drive. If necessary,



alternative measures such as vehicular gates can be considered to further limit unauthorized use of the access road.

WAC does not believe asking Rhinebeck to permanently trade a mature woodland buffer, with its abundance of wildlife habitat and sensitive wetland, for an inappropriately scaled, car-centric development of the highest design mediocrity, is not in the long-term best interest of the Town. While we recognize that far too little has been done for too long on the affordable housing front, this scheme's negative impacts demonstrate that a higher degree of design and environmental sensitivity be demanded to preserve Rhinebeck's reputation as one of the most beautiful and unique towns in the Hudson Valley. This proposal is out of step with the mandates put forward in Rhinebeck's zoning laws to create walkable neighborhoods of high quality.

The proposed Workforce Housing development on this property is consistent with the Town Comprehensive Plan and the Zoning Code. The Town Board created a "Workforce Housing District" as a floating zone to apply to only the two Village Gateway District parcels, including the subject property. The subject property has been identified by the Town Board as an appropriate location in the Town for a Workforce Housing development that is consistent with the Town Code.

As noted above, there will be a significant buffer of trees between the buildings on this site and the public roadways north and south of the property. It is unlikely that the development will be visible from either road after construction. The project does not propose any improvements within the Rhinebeck Kill flood plain and only minimal disturbance within the 100 feet buffer area imposed by the Town Code Section 125-40. Development near the Village is considered smart growth. Focusing development in and adjacent to areas of previous development helps preserve rural areas of the town. If this property is not developed, it increases the likelihood for development of prime agricultural land, which will detract from the Town's rural nature. Tree cutting will be limited as much as possible to limit views of the development and to preserve specimen trees.

The project site is a fragmented wooded parcel bounded by two well-travelled roads and in close proximity to the densely developed Village and therefore has limited wildlife habitat value.

Comments regarding the "car centric" nature of the development are unfounded as all developments must be designed in this manner as required by the Town Code. Development of this site is the least "car centric" development possible given the close proximity of the Village and the ability to develop pedestrian connections to the businesses and services it has to offer.



The WAC recommends that LWRP Policy 24B be adhered to

LWRP Policy 24B: PROTECT AND ENHANCE THE SCENIC QUALITIES OF ROADS IN THE TOWN NOMINATED AS SCENIC ROADS UNDER THE HUDSON VALLEY SCENIC ROADS PROGRAM AND THOSE DESIGNATED AS SCENIC ROADS BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

As noted above, with the exception of the work required to create the Rhinecliff Road entrance, there will be a significant buffer of trees between the buildings on this site and the public roadways north and south of the property. Visibility from both roads will be limited to the extent practicable after construction.

Given the Town's position prohibiting access via the established right-of-way over Wells Manor Lane, there is no other alternative to create access to this property that will not result in disturbance along Rhinecliff Road.

Town Attorney Comments (Replansky, June 24, 2024):

1. The 8/25/22 response to comments letter prepared by CPL and provided to us was based upon the original project submissions and plans. Since then, the project has been modified in accordance with comments received from the public, the Town Board, the Planning Board and other involved agencies. We noted that, in many cases, CPL's response to comments as set forth in its memo was based on the original plans for the project which have now been modified. In addition, many of CPL's responses state that those comments will be addressed in the site plan submittal to the Planning Board. Since we now have a proposed site plan for submittal for the Planning Board to review, and the project has now been revised, it would be helpful for CPL's comment letter to be updated to make reference to the revised plans and the current site plan.

This letter is provided in response to this comment. All previous comments have been revised as appropriate to reference current plans.

2. It would also be helpful if CPL could prepare a document which reviews each category of impacts and subcategories contained in Part 2 of the EAF with explanations as to why these impacts will be small or nonexistent with reference to the current plans for the facility. In cases where the impacts may be "moderate to large", an analysis as to why those will not be "significant" would be extremely helpful to the Town Board in completing its SEQRA review. I am enclosing a copy of an "Environmental Assessment Form Part 2 Proposed Narrative" which was prepared by the engineering firm of Bergmann Architects Engineers and Planners in conjunction with a large-scale solar project in the Town of Pine Plains. The Planning Board found



Bergmann's analysis to be extremely helpful in the conduct of its environmental review of the project which resulted in a Negative Declaration which was subsequently upheld by the Supreme Court in an Article 78 challenge. Please also keep in mind that because this is a Type I action, the Town Board is not permitted to issue a Conditional Negative Declaration so that all proposed mitigation must be voluntarily proposed by the applicant and not mandated by the Town Board so as not to run afoul of the prohibition on conditional declarations of Type I actions.

See enclosed EAF Part 2 Narrative prepared by Tim Miller Associates.

3. It is our understanding that your client's consultant was going to prepare a habitat study of the property with identification of all endangered and threatened species on the property. In this regard, of special concern are the Indiana Bat, Northern Long Eared Bat, Bog Turtle and Blandings Turtle. The Town Board has not yet received that study. When received, it must be forwarded to DEC and US Fish & Wildlife Service for their input and comments. It was our understanding that Hudsonia was going to perform a habitat study and a study of the proposed tree removal on the property. We have not received anything yet from Hudsonia.

Please refer to the Biodiversity Assessment and Impact Analysis (Habitat Study) prepared by Tim Miller Associates, dated June 19, 2024 and submitted to the Town on June 26, 2024. The Applicant has requested the input of DEC & USFWS and is awaiting comment.

4. It was also our understanding that your client was going to perform a Visual Impact Analysis of the development. Simply stating that the development will be screened by existing vegetation is not sufficient. I had recommended Saratoga Associates to perform a competent Visual Impact Analysis. The Analysis should include a study of impacts in both the leaf on and leaf off conditions.

Please refer to the Visual Assessment report prepared by Tim Miller Associates and Saratoga Associates, dated June 20, 2024 and submitted to the Town on June 26, 2024. Also, please see the enclosed amended Visual Assessment report, dated July 19, 2024, which includes an evaluation of leaf off conditions.

5. We were also expecting to receive a tree removal and disposal plan for the project. The Inventory of Trees is helpful, but needs to go further in identifying which trees will be removed and which will remain and that the disposal of trees will be performed in an environmentally sensitive manner. On-site chipping of trees should either be eliminated or substantially reduced.

The enclosed Locust Hill site plan drawing set includes an "Existing Tree Table" on



Sheet C103 which indicates all of the specific trees that will be removed with a note “TBR” (to be removed). Sheets C100-C102 indicate the locations of all existing trees and specific trees that will be removed are colored red. The Existing Tree Table and the Tree Plans (C100-C102) can be cross referenced using the Tree Tag Numbers.

Tree Removal and Disposal notes are included on Sheet C002 General Notes.

6. The plans indicate that there are existing wetlands along the creek and floodplain, which depict the required buffer areas for those wetlands. If there is going to be any intrusion into those wetlands or the 100-foot buffer, that has to be identified and the impacts of the same analyzed. A wetlands permit needs to be applied for, and issued by, the Planning Board. It is our understanding that you had indicated in an August 2, 2023 letter that an “environmental analysis map” was included in the submission. We have not seen that map in the current submissions unless you are referring to the tree survey pages which outline the wetlands, 100-foot adjacent buffer area, floodplain and stream on the property. If there is an additional environmental analysis map, we need to see that.

As noted above, a Town wetland permit application will be submitted as part of the Planning Board approval process. An updated Environmental Analysis map (Sheet C104) has been included with the enclosed site plan drawing set.

7. We also need a construction and tree clearing plan which provides the sequence and timetable for construction and your client’s voluntarily proposed mitigation of noise and other impacts from construction.

Please refer to Sheet C002 for the proposed construction and tree clearing plan, sequence and timetable for construction, as well as noise mitigation, erosion & sediment control including dust mitigation and related construction impacts mitigation.

8. In addition, the comments from DEC (attached) should be addressed.

See responses to DEC comments below.



NYSDEC Comments (November 8, 2023):

PROTECTION OF WATERS STREAM DISTURBANCE

There are no waterbodies that appear on our regulatory maps at the location you identified. Therefore, if there is a stream or pond outlet present at the site with year-round flow, it assumes the classification of the watercourse into which it feeds, and a Protection of Waters permit may or may not be required to disturb its bed or banks. If there is stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Waters permit would not be required to disturb its bed or banks.

If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

The bed or banks of a stream will not be disturbed. No permit required.

FRESHWATER WETLANDS

Your project/site is not within a New York State-protected Freshwater Wetland. However, please contact your town officials and the United States Army Corps of Engineers in New York City, telephone (917) 790-8411, for any permitting they might require.

An Army Corps of Engineer's nationwide wetland disturbance permit as well as a Town wetland permit will be required.

WATER QUALITY CERTIFICATION

If the US Army Corps of Engineers requires a permit pursuant to Section 404 of the clean Water Act for the discharge to fill in Waters of the U.S., then a Section 401 Water Quality Certification (WQC) will be required. Issuance of these certifications is delegated in New York State to DEC. If this project qualifies for a Nationwide Permit, it may be eligible for coverage under a DEC Blanket WQC. Coverage under a Blanket requires compliance with all conditions for the corresponding Nationwide Permit. For more information and to view all DEC Blanket WQCs, please visit <https://www.dec.ny.gov/permits/6546.html>. A determination on Corps jurisdiction and Nationwide Permit eligibility is likely necessary for a DEC jurisdictional determination.

The water quality certification will be coordinated as part of the USACOE nationwide permit application process.

STATE-LISTED SPECIES

DEC has reviewed the State's Natural Heritage records. We have determined that the site is located within or near record(s) of the following state-listed species:



Name	Status
Northern Long-eared Bat (<i>Myotis Septentrionalis</i>)	Endangered

A permit is required for the incidental taking of any species listed as “endangered” or “threatened”, which can include removal of habitat. Tree removal associated with this project should occur within the appropriate time of the year work window, November 1 through March 31, to avoid take and direct impacts to the Northern-long eared bat. If tree clearing cannot be completed within the acceptable time of year restriction, further review will be required.

The absence of data does not necessarily mean that other rare or state-listed species, natural communities or significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement of the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

Please see Sheet C002 that has been revised to include tree clearing restriction dates.

FEMA FLOODPLAIN

The project parcel is located within a Federal Emergency Management Agency (FEMA) floodplain. The municipality will determine if any additional jurisdictions are applicable to the proposal.

No impacts to the floodplain are proposed as part of the current project proposal. A floodplain development permit will not be required.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER

If the overall project will disturb over one acre of land, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-20-001), and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. Authorization for coverage under this SPDES General Permit is not granted until the Department issues all other necessary DEC permits.

A Stormwater Pollution Prevention Plan (SWPPP) is being developed for this project that will conform with the requirements of the General Permit for Construction Activity.

COASTAL MANAGEMENT ZONE, LOCAL WATERFRONT REVITALIZATION PLAN

The project site is located within the Coastal management Zone. If the Department had



individual permit approvals for this project, the Department would review it in accordance with Coastal Management Program requirements. For additional information about the Coastal Management Zone, please contact the NYS Department of State at (518)-474-6000 or doscstlcr@dis.ny.gov. Furthermore, the project site is located within the Rhinebeck Local Waterfront Revitalization Plan (LWRP) area. It should also be noted that the project site is within the Estates District Scenic Areas of Statewide Significance (SASS) boundaries. The municipality will determine if further coordination is required.

The project will comply with all Coastal Management Zone, LWRP and SASS requirements. Please refer to the Visual Assessments that have been prepared for the project.

CULTURAL RESOURCES

We have reviewed the statewide inventory of archeological resources maintained by the New York State Museum and the New York Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archeological resources.

For further information, please visit the New York State Office of historic Preservation website at <http://www.nysparks.com/shpo/>.

Based on the Phase 1 Analysis prepared for the project, the NYS Office of Parks, Recreation and Historic preservation issued a letter of “No Adverse Impact” dated May 24, 2022. The current plans include a revised site layout from the originally reviewed plan but will result in the same general area of disturbance as previously proposed, therefore the original “No Adverse Impact” determination remains valid.

OTHER

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. More information about DEC permits may be found at our website, www.dec.ny.gov, under “Regulatory” then “Permits and Licenses” Application forms may be downloaded at <http://www.dec.ny.gov/permits/6081.html>.

Comment noted.



Town Engineering Consultant Comments (Christian Paggi, June 25, 2024):

- Water and Sewer
 - The Applicant previously provided a 5/26/22 letter from the Village of Rhinebeck indicating their willingness to review the application to serve the project with water and sewer service. A subsequent letter dated 7/12/23 from the Village of Rhinebeck was also provided indicating that the Village appeared to have ample sewer capacity to serve the project, but any agreement to serve would be conditioned on the creation of an extraterritorial sewer district by the Town Board. These two correspondences alone are not sufficient for the Town Board to make a determination on potential impacts. Creation or extension of water/sewer districts intended to serve this project are actions that should be addressed as part of the SEQR review of this project. A pathway to executing the necessary water/sewer agreements with the Village should be provided by the Applicant and/or the Village if it hasn't been provided already. This pathway, which could be in the form of a narrative, should also identify the required regulatory approvals/decisions and any other involved agencies, along with, at a minimum, include preliminary feedback from the involved agencies documenting their concurrence with the proposed pathway. The 5/26/22 letter indicated that plans would be reviewed by the Village – If plans have been reviewed resulting in any comments or determinations by the Village, these should be provided to the Town. The 7/12/23 letter from the Village indicates that a capacity analysis of the Village sewer system has confirmed that ample capacity exists to serve the project – if there has been a similar study/finding relative to water, this should also be provided to the Town.

A Water & Sewer Service agreement with the Village of Rhinebeck is under review and will be provided under separate cover.

- Conceptual approval from the NYSDOT for the Rhinecliff Road access shall be provided.

Our office is working with the NYSDOT to ensure compliance with all design requirements for the site entrance. Application materials were provided to the Regional Permit Engineer on June 28 and July 3, 2024. NYSDOT Conceptual approval documentation will be provided under separate cover.

- Have the plans been circulated to the relevant emergency response agencies? Feedback from these agencies shall be provided by the Town if they haven't been already.



The plans have been provided to Rhinebeck Fire Chief, Bryant Knapp. Comments from the Fire Department are expected on or about July 23, 2024.

- The plans show a significant amount of earthwork required to achieve the layout proposed. Potential impacts during construction associated with this work shall be addressed by the Applicant (i.e., cut/fill analysis, associated truck traffic and impacts on existing roads, anticipated rock removal/blasting, erosion and sediment control and steep slope stabilization during construction, etc.). This can be addressed either on the plans and/or via responses/attachments to the EAF.

A cut/fill analysis has been performed, the results of which are included on Sheet C300. Overall, there is approximately 3,650 CY more cut than fill proposed. This excess material will be used onsite wherever possible, and the remainder will be transported to an appropriate offsite disposal area. Assuming the use of large triaxle dump trucks, this will result in anywhere between 228 – 365 truck trips. The proposed construction sequence includes construction of the Rhinecliff Road access as early in the process as possible to direct as much construction traffic to this road that is more able to accommodate the proposed construction equipment. Construction access via Astor Drive/Well Manor Drive will be kept to a minimum and any damage resulting from construction traffic will be repaired at the expense of the Development.

- In general, it is recommended that the Applicant review the EAF Part 2, since these are the criteria that the town will be using to identify potential impacts of the project (see NYSDEC guidelines). The Applicant can use the Part 2 to identify those topics that will likely be key issues/impacts specific to this project, and the DEC workbook provides helpful guidance as to how the Town will determine the significance.

See enclosed EAF Part 2 Narrative prepared by Tim Miller Associates.



In summary, the following additional materials are expected to be provided to the Town Board for review prior to the August 12th meeting:

- NYS DOT Conceptual approval (expected on or about July 26, 2024)
- NYS DEC and US Fish & Wildlife Service comments
- Water & Sewer Service Agreement with Village of Rhinebeck
- Rhinebeck Fire Department comments (expected on or about July 23, 2024)

We look forward to discussing this project further at the next Town Board meeting. Should you have any questions or require additional information, please contact me at (845) 686—2306 or by e-mail at alearn@cplteam.com.

Very truly yours,

Andrew L. Learn, PE
Associate Principal

Enclosures

C: File

Ken Kearney- Kearney Realty & Development
Charles Martabano, Esq.
Jon Dahlgren – Tim Miller Associates
James Levy, AICP-Planning4Places
Larry Paggi, PE- Lawrence J. Paggi, PE, PC