

January 31, 2023

Via E-Mail mmcclinton@villageofrhinebeckny.gov

Gary Bassett, Mayor
Village of Rhinebeck
76 E Market Street
Rhinebeck, New York, 12572

Re: Petition for Rezoning
Dutchess Shepherd, LLC
Tax Parcel 6170-19-568209
SEQRA Overview

Dear Mayor Bassett and Members of the Village Board of Trustees:

As you know, this firm represents Dutchess Shepherd, LLC (“Dutchess Shepherd”), which is seeking a zoning amendment to permit the adaptive reuse of an approximately 15,554 sq. ft. structure located on a 1.43-acre lot on West Market Street in the Village of Rhinebeck (the “Project”), identified as tax parcel no. 6170-19-568209 (the “Property”). I am writing in response to the January 9, 2023, letter from John Lyons to the Village Board.

Specifically, I wish to correct Mr. Lyons’ mischaracterization of the review process under the State Environmental Quality Review Act (“SEQRA”) and its alleged prohibition on balancing. The purpose of SEQRA “is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes” of the Village. . . . 6 NYCRR § 617.1(c). In that regard, the state legislature determined that the “environment, human and community resources should be given appropriate weight with social and economic considerations in determining public policy” and that “a suitable balance of social, economic and environmental factors be incorporated into the planning and decision-making” process. 6 NYCRR § 617.1(d) (underlining added). Accordingly, if any potentially significant adverse impacts are identified, the Village is obligated to engage in a balancing test in making its SEQRA determination. SEQRA regulations explicitly state that environmental factors should not be the sole consideration in decision-making. *Id.*

We fully expect that the Village Board will take a hard look at the Project and that the robust participation by the public will flesh out all potential adverse impacts for the Board’s consideration. In that regard, Dutchess Shepherd has prepared a Full Environmental Assessment Form and is preparing a Traffic Impact Study, Phase 1A archaeological study, Stormwater Pollution Prevention Plan and other reports for the Board’s review.

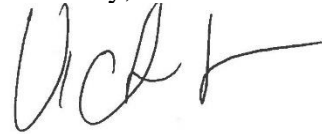
There are several resources available to assist the Board with its SEQRA review, including

the EAF workbook, available at: <https://www.dec.ny.gov/permits/91776.html>. For example, the workbook includes a table which defines thresholds for determining whether an increase in traffic is significant. Based on this table, a project which generates fewer than 100 peak hour vehicle trips will not result in any significant increases in traffic for purposes of SEQRA. We anticipate that the applicant's Traffic Impact Statement will project increases well below this threshold.

Mr. Lyons also requested that the Board voluntarily include the opposition as an "interested agency" under SEQRA. We request that the Board deny this request. My client does not object to the Village automatically providing the neighbors with copies of application materials without the need for a FOIL request, but giving their comments the same weight as a state agency is unnecessary, creates additional obligations for Village staff, and may provide legal standing to challenge the Board's ultimate decision where there may otherwise be none.

Thank you for your continued consideration of the Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria L. Polidoro", with a long horizontal flourish extending to the right.

Victoria L. Polidoro

Cc: David Gordon, Esq. (via e-mail david@gordonsvenson.com)
John Lyons, Esq. (via e-mail jlyons@grantlyons.com)
Justin Noyes (via e-mail jnoyes@villageofrhinebeck.gov)