

Supplement

**Final GEIS
Comments and Responses to the Draft GEIS**

**Adoption of the Town of Poughkeepsie
Town Plan
Zoning Law and Land Subdivision Law**

FGEIS Accepted as Complete
August 22, 2007

**Final GEIS Comments and Responses to the Draft GEIS
Adoption of the Town of Poughkeepsie
Town Plan, Zoning Law and Land Subdivision Law**

Lead Agency: **Town of Poughkeepsie Town Board
One Overocker Road
Poughkeepsie, New York 12603**

Project Sponsor: **Town of Poughkeepsie Town Board
One Overocker Road
Poughkeepsie, New York 12603**

Prepared By: **LRC Planning Services, LLC
8 Morehouse Road
Poughkeepsie, New York 12603**

TABLE OF CONTENTS

Section	Page
I. Introduction	4
II. Comments Received and Description of Document Setup	6
III. Responses to Comments	7
A. Adequacy of the Draft GEIS Analysis	7
B. Implementation	7
C. Water Resources	9
D. Open Space	9
E. Incentive Zoning	10
F. Up-Zoning	11
G. Town Centers	12
H. Alternatives	12
I. Miscellaneous Comments	15
IV. Matters to be Decided	15
Written Comments Received	Appendix A
Public Hearing Transcript	Appendix B
Additional Correspondence	Appendix C

**Final GEIS Comments and Responses to the Draft GEIS
Adoption of the Town of Poughkeepsie
Town Plan, Zoning Law and Subdivision Law**

I) Introduction

The following are the responses to comments received during the public comment period on the Draft Generic Environmental Impact Statement prepared for the proposed Poughkeepsie Town Plan, the Zoning Law, and the Land Subdivision Law amendments. The full text of the Final Generic Environmental Impact Statement (FGEIS) may be found in Section V of the “Poughkeepsie Town Plan” document. As explained in the DGEIS the Town Plan also serves as the generic environmental impact statement analyzing the potential effect associated with the adoption of the proposed Town Plan, Zoning Law, and Land Subdivision Law.

This document, entitled “*Final GEIS Comments and Responses to the Draft GEIS*” is a supplement to, and is hereby incorporated by reference within, the Final GEIS¹. Collectively, this document and the Town Plan comprise the Final GEIS and hereafter are referred to as such. This Final GEIS has been prepared as directed by the Town Board of the Town of Poughkeepsie as the Lead Agency and has been prepared in accordance with the requirements of Article 8 of the Environmental Conservation Law, the “State Environmental Quality Review Act” (SEQRA), and the implementing regulations in 6 NYCRR 617. This Final GEIS responds to the written comments received during the public comment period on the Draft GEIS that commenced on May 25, 2007 and closed on July 9, 2007, including comments received at two public hearings held on June 13, 2007 and June 27, 2007. It is important to note that the public hearings on the Draft GEIS were held simultaneously with the public hearings on the draft Town Plan, the draft Zoning Law, and the draft Land Subdivision Law. Although the public hearing on the Draft GEIS was closed on June 27, 2007 the public hearings on the draft Town Plan, the draft Zoning Law, and the draft Land Subdivision Law remained open thereafter. As a result, this Final GEIS responds only to those comments pertaining directly to the Draft GEIS, because at the time of acceptance and publication of this Final GEIS the public hearings on the proposed Town Plan, Zoning Law, and Land Subdivision Law remained open and subject to additional public comment. Further, the Town Board may chose to consider additional public comment as amendments to the draft Town Plan, draft Zoning Law, and draft Land Subdivision Law. Depending on the significance of such additional amendments a Supplemental Draft Generic Environmental Impact Statement may be required.

Responses to each of the substantive comments received concerning the Draft GEIS may be found in subsequent sections of this document. Each of the responses serve to clarify, supplement to the extent necessary, and provide specific answers to the relevant topics discussed in the Draft GEIS. Where necessary to clarify or amend the text of the Draft GEIS, the Town Plan, and more specifically Section V of the Town Plan, have been revised accordingly.

The “action” examined in this Final GEIS is the adoption of the Town of Poughkeepsie Town Plan, Zoning Law, and Land Subdivision Law. Implementation of the goals expressed in the proposed Town Plan would generally take the form of, among other changes:

- 1) Changes to the location of residential and non-residential zoning district boundaries to limit or eliminate land use conflicts;
- 2) Changes to the proposed Zoning Map to introduce commercial and mixed use town centers and hamlet centers as a new type of district and to encourage the creation of high

1. See also Section V of the “Poughkeepsie Town Plan”.

density residential and commercial developments within the mixed use center and hamlets in order to preserve identified greenspace areas within the outlying undeveloped areas;

- 3) Consolidating residential districts to simplify the Zoning Map and the designation of residentially zoned areas;
- 4) Amending the permitted uses in the existing business and residential districts to eliminate potentially conflicting land uses;
- 5) Introducing design standards to be applied to all applications in the residential and non-residential districts to achieve a unity of design and cohesion between the movements of pedestrians and motorists;
- 6) Introducing mandatory clustering of residential units;
- 7) Introducing the use of incentives to allow a developer to obtain additional residential density in return for specific benefits to the Town.

All descriptions, comments, evaluations and recommendations regarding potential environmental impacts, and their significance, are based on data available at the time this Final GEIS was printed. This Final GEIS complies with the requirements of SEQRA as to scope, adequacy and content. It addresses the reasonably anticipated adverse and beneficial environmental impacts that may be generated by the proposed application.

Date Final GEIS Accepted As Complete: August 22, 2007

End of Final GEIS Consideration Period: September 4, 2007

II) Comments Received and Description of Document Setup

The following responds to comments received regarding the Draft Generic Environmental Impact Statement (Draft GEIS) prepared for the proposed amendments to the Town Plan, Zoning Law, and Land Subdivision Law (collectively "Amendments"). This document responds to the comments received during the public hearings on the Draft GEIS that were held on June 13, 2007 and June 27, 2007, and to the written comments received by the close of the public comment period on July 9, 2007. Copies of the written comments received on the Draft GEIS are reproduced in Appendix "A" of this document and a copy of the Draft GEIS public hearing transcript is reproduced in Appendix "B". Copies of Non-DGEIS correspondence commenting on the draft Poughkeepsie Town Plan, draft Zoning Law, and draft Subdivision Law are reproduced in Appendix "C".

Each of the substantive comments received have been categorized according to the nature of the inquiry, and are identified by letter in accordance with the following topics:

- A) Adequacy of the Draft GEIS Analysis
- B) Implementation
- C) Water Resources
- D) Open Space
- E) Incentive Zoning
- F) Up-Zoning
- G) Town Centers
- H) Alternatives
- I) Miscellaneous Comments

Comments concerning the same or similar topic have been grouped and responded to together in a summary restatement of the questions presented. The following is a list of the substantive written comments received. Each piece of correspondence has been given a letter designation in [brackets] which is used to identify the source of the comment as follows:

1. Letter from Doreen A. Tignanelli dated July 8, 2007. [L1]
2. Letter from Jennifer Van Tuyl, Esq., representing Ginsburg Development Corporation dated July 9, 2007. [L2]
3. Letter from Jennifer Van Tuyl, Esq., representing Ginsburg Development Corporation dated June 27, 2007. [L3]

The following persons provided testimony regarding the DGEIS at the June 13, 2002 public hearing:

1. None. All comments received at this public hearing directly concerned the draft Poughkeepsie Town Plan, the draft Zoning Law, or the draft Subdivision Law.

The following persons provided testimony regarding the DGEIS at the June 27, 2002 public hearing:

1. Doreen A. Tignanelli, transcript page 17 - 21.

The comments on the DEIS in the transcript of the public hearing proceedings are identified by sequential number with the transcript identified by the letter designation "PH".

III) Response to Comments

A) Adequacy of the Draft GEIS Analysis

Comment: *A Final GEIS should be prepared. [L1-1]*

Response: A Final GEIS which addresses the comments on the Draft GEIS has been prepared.

Comment: *The DGEIS has not sufficiently identified or mitigated potential environmental impacts of all proposed recommendations. [L1-2, L2-2, L2-3, L2-4, L2-5, L2-9, L2-11, L2-33, L2-34, L2-35]*

Response: As noted in Section V(A) of the Draft GEIS, 6 NYCRR 617.10 of the SEQRA regulations specifically authorizes the use of a generic impact analysis for the adoption of the proposed Town Plan, Zoning Law, and Land Subdivision Law. As noted in Part 617.10(A)(c) of the SEQRA regulation, “Generic EISs and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance. This may include thresholds and criteria for supplemental EISs to reflect specific significant impacts, such as site specific impacts, that were not adequately addressed or analyzed in the generic EIS.” In this case the Final GEIS acknowledges that a generic analysis simply cannot explore the full range of impacts associated with the development of a project on any one site anywhere in the Town of Poughkeepsie, but the Final GEIS does set forth parameters for review of project specific impacts in light of the land use policies set forth in the Town Plan and its implementing regulations (i.e. the Zoning Law and the Land Subdivision Law). The Final GEIS also makes specific recommendations for further study of key transportation corridors such as Route 9, Route 9G, Route 55, and Route 44, and sets forth a timetable for the Town Board to consider amendments to other chapters of the Town Code regarding wetlands and watercourses, erosion and sediment control, and architectural standards for residential and commercial development. The Final GEIS also acknowledges the role of SEQRA in assessing the potential impacts of a future site specific development that may come before agencies of the Town. (See also Eadie v Town Board of the Town of North Greenbush, 7 N.Y.3d 306, 854 N.E.2d 464, 821 N.Y.S.2d 142 (2006)).

Comment: *The proposed population reductions are not supported by a legitimate planning rationale. The DGEIS does not provide an analysis in support of the up-zoning to 2-acre and 4-acre densities. [L2-1, L2-5, L2-13, L2-35]*

Response: As noted in the Draft and the Final GEIS the primary thrust of the land use changes of the Town Plan are intended to push residential development densities toward the mixed use centers and away from the few large tracts of open space remaining in the town. The 2005 build out analysis performed by the Dutchess County Environmental Management Council indicates a high potential for dense development of these remaining open space tracts that could result in suburban sprawl. (See the discussion of Table 11 of the Final GEIS). Allowing for high residential densities (4 to 6 units per acre) within the mixed use centers, coupled with up-zoning of the

large tracts of open space (i.e. the designated “greenspace” areas) would ensure that the unique character of the greenspace lands, which are identified as significant features of the Town of Poughkeepsie, would be preserved to the extent practicable. In addition, the incentive density provisions would allow for up to a 100% “give back” of residential density, thereby lowering the effective residential zoning to 1-acre and 2-acre densities. Table 10 of the Final GEIS, and the discussion that follows analyzes the potential build out of the greenspace and the mixed use centers on housing availability.

Comment: *The analysis does not support the conclusion that traffic on Route 9 will get better, or that impacts to schools would be reduced. [L2-2, L2-4, L2-5, L2-6, L2-35]*

Response: As noted in the Draft and the Final GEIS build out discussion (see Table 10) the overall projected reduction in the number of potential housing units would effectively avoid traffic and school impacts associated with the units that could otherwise be constructed under the current zoning. No claim is made that traffic or schools would “get better” as a result of implementing the new Town Plan and the Zoning Law. Rather the focus is on impacts that would be avoided, whether related to traffic, schools, water, sewer, or general ecological considerations. In this regard there is no question that additional residential and commercial development would generate additional traffic on the major and minor roadways of the town, and that residential development would generate additional school age children. Here, the policies expressed in the Town Plan emphasize the preservation of the remaining large tracts of greenspace areas left in the town, by concentrating development in the mixed use centers, while increasing the minimum lot sizes for the remainder of the town – including the elimination of the former R-10,000 and the R-15,000 districts. The Town Plan is not an attempt to “role back” the character of the community in some vain attempt to create a rural town out of what is largely a suburban community. Rather its policies recognize that increasing costs for energy, road maintenance, and municipal and school services generate a need for a new model of land use and design for the town - one that emphasizes the use of compact design and preservation of limited natural resources. (See also FGEIS Table 11 in Section V(U)).

Comment: *The Town Plan does not analyze current and future economic trends including predictions as to population growth and demand for community services. [L2-11]*

Response: The common theme of the Town Plan and the DGEIS is the identification of the general short term and long term economic and population trends likely to be experienced by town residents. Like all such analyses these trends are identified primarily through empirical evidence of past trends. In this case, an exhaustive economic analysis is simply not required. (See discussion above regarding the use and the purpose of a Generic EIS analysis). In fact, the DGEIS includes a discussion of the potential demand for community services and the likely tax effect of implementing the Town Plan policies.

B) Implementation

Comment: *The Town Plan should include a plan to implement the policies to strengthen the wetland and water courses law and other environmental laws. [L1-3]*

Response: The Town Plan has been amended to provide a time table to consider additional legislation regarding signage, architectural standards, revisions to the Aquatic Resource Protection Law and the Erosion and Sediment Control Law, and a new Tree Preservation Law.

Comment: *The Town Plan should be amended to clearly identify that interconnection of roadways in new subdivisions to existing roads is the preferred policy. [L2-32]*

Response: The language of the draft Town Plan is considered adequate guidance as to the use of interconnections versus cul-de-sac roads. In addition the draft Zoning Law and draft Land Subdivision Law have been amended to provide regulatory guidance to the Planning Board as to when an interconnected road should be used.

C) Water Resources

Comment: *The DGEIS does not assess the potential impacts of the proposed zoning amendments on wetland resources because the current zoning code provides for the deduction of the 100-foot wetland buffer from the buildable area. [L1-4, PH-2]*

Response: As previously noted the purpose of the Draft and the Final GEIS is to analyze, on a conceptual level, the potential environmental effects adoption of the Town Plan, the Zoning Law, and the Land Subdivision Law may have on the Town. As noted in Section V(A) of the Draft GEIS, “*Generic EISs may be broader, and more general than site or project specific EISs and should discuss the logic and rationale for the choices advanced. They may also include an assessment of specific impacts if such details are available. . .*” In this case, of course, the GEIS is not intended to analyze the potential effect of any one project on wetlands, but it does identify mitigation for potential impacts to aquatic resources that would be required for all land development. Specifically, as noted in Section V(H) of the Final GEIS it is acknowledged that the design guidelines of the new regulations would provide protection for water bodies and wetlands, and describes the process to “net out” constrained land areas from the calculation of buildable land. The calculation does not however, require that buffer areas be excluded from the buildable land for the simple reason that a legislatively determined buffer area (or setback) is not, by itself, an environmental condition or feature that must be avoided. (See also Forte v. Zoning Board of Appeals of the Village of Warwick, 150 A.D.2d 339 [2d Dept 1989]. Land that could validly be built on by issuance of a permit cannot be automatically deducted from the net buildable acreage calculation.)

D) Open Space

Comment: *The former Girl Scout property on Spackenkill Road should receive special regulatory protections to ensure that the open space is protected. [L1-5]*

Response: The former Girl Scout property, along with several other properties, is identified as a “Major Greenspace Parcel” on Map 8 of the Town Plan. Although the zoning density and design provisions of the proposed Zoning Law and Land Subdivision Law are considered adequate to ensure the long-term preservation and protection of these greenspace parcels, the proposed Zoning Law has been amended to include a “Greenspace Overlay District” which may, upon future Town Board action, be applied to any of the greenspace parcels. This overlay district would severely limit the density and development options of the greenspace parcels and its implementation would require a separate environmental review before such a designation could be made. The Town Plan also generally supports the designation of additional Critical Environmental Areas (CEA) and it may be that the referenced property may qualify for such designation. Of course the designation of a CEA is a separate action requiring a separate environmental analysis under SEQRA.

Comment: *The Town Plan and the DGEIS do not adequately address other strategies to save open space such as transfer of development rights (TDR) and fee simple acquisition. [L2-9, L2-10, L2-31]*

Response: The Town Plan does recommend exploring the use of TDR and the purchase of land and easements as a means of open space. The fact that, generally, the public may not want to use tax payer monies to pursue such strategies does not prevent or limit their use by the local legislative body. In fact, during the spring of 2007 the Town Board, on its own motion, determined that the expenditure of \$150,000 to assist a local trust in acquiring land along the Hudson River near the Poughkeepsie Rural Cemetery was an appropriate use of public monies. There is nothing to prevent the Town Board from pursuing a TDR or a fee simple purchase strategy for a specific project provided there is an identified public benefit, and an environmental analysis is conducted.

Comment: *The language of the Town Plan in regards to the preservation of the Casperkill Golf Course is vague and should be strengthened. [L2-29, L2-30]*

Response: The Town Plan has been amended to identify the golf course as not only an important open space area, but an important source of outdoor recreation. In addition, the language in the draft Zoning Law in regard to “Incentives” (see §210-76) has been amended to clearly identify the importance of preserving a golf course as part of an incentive density subdivision plan.

Comment: *The Town Plan does not properly analyze the amount of parkland currently available against the stated policy that open space should be preserved. The Town already has parkland acreage far in excess of applicable standards. [L2-8]*

Response: The comment overlooks that parkland is not necessarily the same as “open space”. And that not all open space is parkland. As explained in the Town

Plan open space, whether as municipally owned parkland or as privately owned land, is an integral part of the overall character of the Town of Poughkeepsie. The goals and policies of the Town Plan with respect to pushing development densities toward the designated town centers while up-zoning the remainder of the residentially zoned areas are intended to provide a platform for the long term protection of open space, while still allowing development of those privately held open space lands in a way that is protective of the community asset.

Comment: *None of the stated purposes for a cluster subdivision are clearly applicable to the Casperkill Golf Course. [L2-42]*

Response: The draft Land Subdivision Law has been amended to identify the preservation of a golf course as a primary cluster subdivision purpose.

E) Incentive Zoning

Comment: *The incentive provisions do not adequately address the potential environmental impact associated with the potential new incentive dwelling units. [L1-7, L2-5, L2-12, L2-13, L2-34, L2-35]*

Response: The proposed incentive regulations hold the potential that a development may obtain a 100% “give-back” of residential density provided such development is able to provide several of the required public amenities. Not all such residential development will be able to do so. As noted in the discussion of incentive zoning in the Final GEIS the total potential number of additional incentive dwelling units is 1,467, which is approximately 14% of the total number of “Potential New Dwelling Units” that could otherwise be constructed (see Table 10 of the Final GEIS). In addition, it should be noted that this number of additional incentive dwelling units would not be located in any one area, but would occur in the remaining buildable land in the R-4A, R-2A and R-1.5A districts. The fact that these additional incentive units would be dispersed across the ±3,286 acres of remaining buildable land in the R-4A, R-2A and R-1.5A districts means that the potential environmental effects would not be concentrated in any one single area, thereby simplifying the process of designing site specific mitigation for the additional units. It should also be noted that the Final GEIS includes an analysis of the potential effects of these additional incentive dwelling units but also, as required by SEQRA, sets forth the parameters for additional site specific study of proposed development projects. (See FGEIS Section V(U))

Comment: *The incentive for preservation of historic properties should include those properties designated as locally significant. [L2-27]*

Response: The Tier 4 incentive for preservation of historic properties has been amended to include properties listed on a local registry of historic places.

Comment: *The incentives should be “by-right”. [L2-57]*

Response: The language of the draft Zoning Law has been amended to make it clear that the use of an incentive is solely at the discretion of an applicant, and to

streamline the process for Town Board review of an application that includes an incentive density bonus.

F) Up-Zoning

Comment: *The analysis does not support the conclusion that the Town Plan would preserve the character of existing residential areas.² [L2-3]*

Response: The Town Plan policies support legislation that would preserve not only the natural environment, but the man-made environment as well. In this case much of the man-made environment in the Town consists of densely populated residential areas, particularly east and west of Route 9. The provisions for establishment of setbacks from existing residences from proposed commercial and residential development would preserve and protect those existing neighborhoods from the adverse effects associated with new large scale residential and commercial development projects. In addition, it should be noted that large land holdings such as the Casperkill Golf Course would most likely only be approved for residential use as a cluster subdivision. In this case the establishment of a 100 foot perimeter buffer would be easily met since the units would be clustered many hundreds of feet from the nearest existing residences.

Comment: *Statements in the Town Plan that there exist development pressures are unsupported by the fact that the town has lost population between 2005 and 2006. [L2-6, L2-7]*

Response: Although the reason for the population decline has not been analyzed, it is likely the result of an aging population of “empty nesters” whose children have chosen to move elsewhere due to housing or employment factors. What cannot be ignored, however, is the building program of Marist College and Vassar College to construct additional dormitory space due to a lack of decent and affordable market rate housing for students. In addition, the pending application of Ginsburg Development Corporation and the Hudson River Heritage group for many hundreds of new housing units, the recent construction by the Widewaters Group of the Chestnut commercial plaza, and the pending redevelopment plans of Vornado Realty Trust for the South Hills Mall, to name a few, is an indication that the town is indeed facing future development pressure. Population increases and declines cannot, by themselves, support a conclusion that the town is, or is not, facing development pressure.

G) Town Centers

Comment: *The level of potential new commercial retail densities in the town centers does not reflect the opinions of residents expressed in the public participation process. [L1-6, L2-5, L2-11]*

Response: The land use and density of use provisions in the draft Zoning Law strike an appropriate balance between new potential residential and commercial growth and the protection of neighborhood character and open space/ecological preservation. In this case, the use of compact town centers

2. The commentary specifically mentions the Casperkill Country Club property owned by Ginsburg Development Corporation

to encourage the development of a mix of retail, commercial non-retail, and residential uses would provide for the creation of additional new housing while also encouraging the creation of new commercial uses to expand the town tax base. The town center design would prevent the type of suburban retail mall development that typifies commercial development along most of the major highway corridors in the town. Although public input indicates that residents feel that the level of retail development is sufficient, the draft Town Plan, and the draft Zoning Law that would implement its policies, must strike a balance between competing land uses to allow the marketplace to bring new taxable retail and commercial non-retail uses on-line. This is not a case where public opinion is used to approve, or disapprove a specific development project, but rather is a statement by the community at-large of the desires of its residents.

Comment: *The Crown Heights Center is unfairly treated. The size and the density of the center should be increased, and the list of uses should be stated. [L2-20, L2-41]*

Response: The Crown Heights Center is an overlay district that does not disturb the ability of land owners to develop or redevelop their land in accordance with the provisions of the underlying zoning district. To call the treatment of the Crown Heights Center unfair overlooks the opportunities afforded by the overlay district provisions. Within the overlay district on the west side of Route 9 there exist a mix of Office Research (O-R), Highway Business (B-H), Multi-Family (R-M) and Single Family Residential (R-20,000) district zoning. On the east side of route 9 exist Highway Business (B-H) and Single Family Residential (R-20,000) district zoning. Land owners are free to develop their holdings in accordance with the regulations of the underlying zoning district that affect their property. However, within the designated overlay area on both the east and the west side of Route 9 are blighted and underused properties that the town center overlay district regulations would encourage be re-developed as a high density mixed use (i.e. commercial and residential) project. The overlay district targets these blighted properties for re-development as a mixed use center, while avoiding the wholesale expansion of the overlay district into areas that have not experienced such blighted conditions. With respect to the dimensions of the Crown Heights overlay area the draft Zoning Law and draft Zoning Map have been amended to provide for an expanded area to ensure that there is adequate land to fully develop the town center.

Comment: *The uses allowed in the Crown Heights center should be "as-of-right" without any Town Board approval. [L2-21]*

Response: The process for approval of a development project in the Crown Heights Overlay District has been amended to provide for a simplified Town Board review. (See §210-24 of the draft Zoning Law dated August 24, 2007). As noted above the Crown Heights center is the only proposed town center that is also an overlay district. The use of an overlay district, rather than a standalone center district designation, was determined to be necessary to protect the existing landowners within the designated Crown Heights area. Not all of the existing land owners within the district are able to participate in the development of a mixed use town center, and simply applying a center district on all the land within Crown Heights would likely

result in some of the smaller landowners being financially squeezed as development interests would pressure them to sell their interests because they would not be able, on their own, to create a mixed use project on their property that would also be compatible with a mixed use town center.

Comment: *The residential densities for the Crown Heights center should be increased. [L2-22, L2-23, L2-25, L2-28, L2-41]*

Response: As noted in the Final GEIS the residential density of the Crown Heights Overlay District is the same as the Rochdale Road Hamlet District, namely 4 units per acre. As discussed in the Final GEIS the reason for this is that these two districts are surrounded by land that is already settled for single family and multi-family use at sufficiently high densities capable of supporting the new commercial uses that would be developed there. In fact, the design standards for the Crown Heights Overlay District and the Rochdale Road Hamlet District encourage the creation of pedestrian and bicycle paths to connect the existing neighborhoods to these new centers as a means of limiting automobile use and to facilitate the development of the commercial components within the mixed use centers. Allowing residential development densities above 4 units per acre would add far more residential density to the Crown Height and Rochdale Road areas than could be reasonably supported along with the required commercial uses.

Comment: *Hotels are allowed in all of the other centers on Route 9, including HRDD, and should be allowed within the Crown Heights center. [L2-24, L2-38, L2-39, L2-40, L2-41]*

Response: The Crown Heights center is a mixed use center, and it was determined that allowing potentially large hotels serving a transient population would adversely affect the long term viability of the residences within the center. That is the reason for inclusion of an "Inn" as an allowed use. By contrast and "Inn" would be restricted to serve a much smaller transient population (i.e. not more than 25 units) and could include a full service restaurant and small conference facility to service the general public. It should be noted that the South Hills Center and the Fairview Center are "commercial only" centers and do not allow residential uses. The HRD District is also unique in that it contains large historically significant structures that must be adapted for residential and non-residential use. In the case of HRDD it was determined that such reuse should include as wide a range of uses as possible to encourage the marketplace to provide appropriate tenants for the historic structures and property.

Comment: *The Croft Corners center should be reinstated. [L2-26]*

Response: The Croft Corners center was eliminated from the Town Plan as a mixed use or a commercial center for the simple fact that much of it is newly developed commercial space, or is a commercial space that is undergoing construction. The designation as a center would require the application of town center regulations that would have caused these new commercial uses to be non-conforming as to area, bulk and uses. This was determined to be an excessive use of town center zoning as applied to these newly constructed/under construction commercial buildings.

H) Alternatives

Comment: *The DGEIS fails to conduct an adequate analysis of alternatives. [L2-14, L2-15, L2-16, L2-17, L2-18, L2-19]*

Response: Part 617.9(b)(5)(v) of the SEQRA regulations requires that the discussion of alternatives in an EIS include . . .“a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor. The description and evaluation of each alternative should be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed. The range of alternatives must include the no action alternative. The no action alternative discussion should evaluate the adverse or beneficial site changes that are likely to occur in the reasonably foreseeable future, in the absence of the proposed action.” The discussion of alternatives in the DGEIS includes all of the required statutory elements and analysis. The purpose of the discussion of alternatives is to understand if the implementation of an alternative is preferred as a means to mitigate an adverse environmental impact that might arise as a result of implementing a proposed action. In this case, however, the land use policy directions in the Town Plan are the “preferred plan” as mitigation for the long term and short term adverse impacts that presently occur as a result of the current Town Plan policies and Zoning Law regulations. In this case the DGEIS examined the following alternatives:

- No Action.
- Limited up-zoning of greenspace areas, attractive bonus incentives, and compact centers.
- Significant up-zoning of greenspace areas, limited incentive densities, limited residential uses in the centers.
- Up-zoning greenspace areas with no incentives.
- Significant up-zoning of greenspace areas, limited incentive densities, expand the center districts and allow high density residential uses in all districts.
- Limited up-zoning of greenspace areas, attractive bonus incentives, and compact centers.

These alternatives represent a reasonable range of options that the Town Board considered as part of the DGEIS analysis. The fact that a reviewer would have selected other alternatives to review, among a limitless range of alternatives, does not invalidate the analysis that was conducted.

I) Miscellaneous Comments

Comment: *The versions of the Draft GEIS available at the Town Clerk’s Office and the Library are different from the one posted on the town web site. [PH-1]*

Response: As noted in a July 12, 2007 memorandum from LRC Planning Services to the Town Board the differences are attributable to a pagination error that occurred between printing of the hard copies and the electronic copies. With the sole exception of the page numbering and the numbering of some

of the paragraphs, the substance of the electronic and the paper copies of the Draft GEIS are identical.

Comment: *The Zoning Law lacks various definitions related to dwelling units and their occupancy. [L2-36, L2-37]*

Response: The draft Zoning Law has been amended to clarify several meanings including “dwelling”, “dwelling unit”, “attached unit”, “detached unit”, etc.

Comment: *Various comments relating to the language of the draft Zoning Law and draft Land Subdivision Law. [L2-43, L2-44, L2-45, L2-46, L2-47, L2-48, L2-49, L2-50, L2-51, L2-52, L2-53, L2-54, L2-55, L2-56, L2-57, L2-58]*

Response: The draft Zoning Law and the draft Land Subdivision Law have been amended as suggested.

IV) Matters to be Decided

Upon acceptance of this Final GEIS as complete a ten day period for public consideration of this document will be provided. During this ten day period the Lead Agency cannot take any action to approve or adopt any of the proposed Amendments. At the end of the ten day period the Lead Agency may take up the matter of adoption of a Findings Statement to complete the environmental impact review process under SEQRA, after which it may take up the matter of adopting the proposed Amendments themselves.

Appendix A

DGEIS Comments Received

NOTE: HARD COPIES OF THE CORRESPONDENCE RECEIVED ARE INCLUDED IN THE HARD COPY VERSION OF THIS DOCUMENT AND HAVE NOT BEEN REPRODUCED AS PART OF THE ELECTRONIC VERSION. COPIES OF THE HARD COPY VERSION ARE AVAILABLE AT THE OFFICE OF THE TOWN CLERK AND IN THE POUGHKEEPSIE LIBRARY.

Appendix B

DGEIS Public Hearing Transcript

NOTE: HARD COPIES OF THE CORRESPONDENCE RECEIVED ARE INCLUDED IN THE HARD COPY VERSION OF THIS DOCUMENT AND HAVE NOT BEEN REPRODUCED AS PART OF THE ELECTRONIC VERSION. COPIES OF THE HARD COPY VERSION ARE AVAILABLE AT THE OFFICE OF THE TOWN CLERK AND IN THE POUGHKEEPSIE LIBRARY.

Appendix C

Non-DGEIS Comments Received

NOTE: HARD COPIES OF THE CORRESPONDENCE RECEIVED ARE INCLUDED IN THE HARD COPY VERSION OF THIS DOCUMENT AND HAVE NOT BEEN REPRODUCED AS PART OF THE ELECTRONIC VERSION. COPIES OF THE HARD COPY VERSION ARE AVAILABLE AT THE OFFICE OF THE TOWN CLERK AND IN THE POUGHKEEPSIE LIBRARY.