

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance
February 14, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The **TOWN OF CLINTON TOWN BOARD**, having an address of 1215 Centre Road, Rhinebeck, NY 12572, as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and therefore a Draft Environmental Impact Statement will not be prepared.

Name of Action: **Zoning Text Amendment to Section 250-31 of the Town Code – Alternate Care Facility**

SEQR Status: Type 1
Unlisted

Coordinated SEQRA Review: Yes
 No

Conditioned Negative Declaration: Yes
 No

Location
Town-wide.

Description of Action

The Proposed Action is the adoption of a local law that would amend Chapter 250 of the Town Code (Zoning), specifically, Section 250-31, regarding the regulation of Alternate Care Facilities ("ACF"). As presently written, Section 250-31 requires an ACF seeking an increase in its resident population, change in type of population, and/or expansion of facilities, to apply to the Planning Board for "a new special use permit" and "re-examination of the site plan." The local law would clarify that the same process applies to any use that does not already have an existing site plan or special use permit, including preexisting nonconforming ACFs. The local law also clarifies that any nonconforming ACF that receives an approval under Section 250-31 would be deemed in compliance with Sections 250-80 and 250-81(A) of the Town Code, regarding nonconforming uses. Finally the local law provides that nonconforming ACFs are only permitted to expand their resident population to an amount not exceeding fifty percent (50%) of the resident population that existed on the effective date of Chapter 250 of the Town Code (Zoning).

The clarifications proposed by the local law to Section 250-31 apply Town-wide, and do not authorize any development. Any applicant seeking to avail itself of the application procedures under Section 250-31 must apply to the Town Planning Board for a site-specific review by the Planning Board, including compliance with SEQRA.

The proposed local law was discussed by the Town Board at meetings held on November 9, 2022, December 13, 2022, January 10, 2023, and February 14, 2023. A duly noticed public hearing was opened on December 13, 2022, at which time public comments were received, and the hearing was closed on that same date.

Based upon comments at that public hearing, the initial draft of the local law was rejected by Resolution of the Town Board on January 10, 2023. The current version of the local law was thereafter introduced on January 10, 2023, and a public hearing was re-noticed and re-opened on February 14, 2024, at which time public comments were received, and the hearing was closed on that same date.

Required Permits and Approvals

- Town Board Approval
- Dutchess County Planning Referral

Reasons Supporting This Determination:

1. Land

The proposed action is not anticipated to involve the construction on or alteration of land surface. To the extent that any future land development proposals are presented to the Town upon the adoption of the Zoning Amendment, such proposals would be subject to a site-specific review by the Planning Board, including compliance with SEQRA. Therefore, no significant adverse environmental impacts to land are anticipated as a result of the Proposed Action.

2. Geologic Features

The proposed action is not anticipated to result in the modification of, or inhibit the access to, any unique or unusual land forms (e.g. cliffs, dunes, minerals, fossils, caves). To the extent that any future land development proposals are presented to the Town upon the adoption of the Zoning Amendment that could impact such features, such proposals would be subject to a site-specific review by the Planning Board, including compliance with SEQRA. Therefore, no significant adverse environmental impacts are anticipated as a result of the Proposed Action.

3. Surface Water

The proposed action is not anticipated to affect one or more wetlands or other surface water bodies. To the extent that any future land development proposals are presented to the Town upon the adoption of the Zoning Amendment that could impact such features, such proposals would be subject to a site-specific review by the Planning Board, including compliance with SEQRA. Therefore, no adverse environmental impacts are anticipated as a result of the Proposed Action.

4. Groundwater

The proposed action is not anticipated to have the potential to introduce contaminants to groundwater or an aquifer. To the extent that any future land development proposals are presented to the Town upon the adoption of the Zoning Amendment that could impact such features, such proposals would be subject to a site-specific review by the Planning Board, including compliance with SEQRA. Therefore, no significant adverse environmental impacts are anticipated as a result of the Proposed Action.

5. Flooding

The proposed action would not authorize development located within the 100-year floodplain. To the extent that any future land development proposals are presented to the Town upon the adoption of the Zoning Amendment that could impact floodplains, such proposals would be subject to a site-specific review by the Planning Board, including compliance with SEQRA. Therefore, no significant adverse environmental impacts are anticipated as a result of the Proposed Action.

6. Air

The proposed action is not anticipated to require a state regulated air emission source. To the extent that any future land development proposals are presented to the Town upon the adoption of the Zoning Amendment, such proposals would be subject to a site-specific review by the Planning Board, including compliance with SEQRA. Therefore, no significant adverse environmental impacts are anticipated as a result of the Proposed Action.

7. Plants and Animals

The proposed action is not anticipated to result in the loss of flora or fauna, interfere with the movement of any resident or migratory fish or wildlife species, impact significant habitat area, or otherwise impact threatened/endangered species or other natural resources. To the extent that any future land development proposals are presented to the Town upon the adoption of the Zoning Amendment that could impact such habitat, wildlife or natural resources, such proposals would be subject to a site-specific review by the Planning Board, including compliance with SEQRA. Therefore, no significant adverse environmental impacts are anticipated as a result of the Proposed Action.

8. Agricultural Resources

The proposed action is not anticipated to impact agricultural resources. To the extent that any future land development proposals are presented to the Town upon the adoption of the Zoning Amendment that could impact agricultural resources, such proposals would be subject to a site-specific review by the Planning Board, including compliance with SEQRA. Therefore, no adverse environmental impacts are anticipated as a result of the Proposed Action.

9. Aesthetic Resources

The proposed action is not anticipated to be obviously different from, or in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. To the extent that any future land development proposals are presented to the Town upon the adoption of the Zoning Amendment that could impact aesthetic resources, such proposals would be subject to a site-specific review by the Planning Board, including compliance with SEQRA. Therefore, no significant adverse environmental impacts are anticipated as a result of the Proposed Action.

10. Historic and Archeological Resources

The proposed action is not anticipated to be in or adjacent to a historic or archaeological resources. To the extent that any future land development proposals are presented to the Town upon the adoption of the Zoning Amendment that could impact such resources, such proposals would be subject to a site-specific review by the Planning Board, including compliance with SEQRA. Therefore, no significant adverse environmental impacts are anticipated as a result of the Proposed Action.

11. Open Space and Recreation

The proposed action is not anticipated to result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted Town open space plan. To the extent that any future land development proposals are presented to the Town upon the adoption of the Zoning Amendment that could impact open space or recreational resources, such proposals would be subject to a site-specific review by the Planning Board, including compliance with SEQRA. Therefore, no adverse environmental impacts are anticipated as result of the Proposed Action.

12. Critical Environmental Areas

The proposed action is not anticipated to be located in or adjacent to a Critical Environmental Area (CEA). To the extent that any future land development proposals are presented to the Town upon the adoption of the Zoning Amendment that could impact a CEA, such proposals would be subject to a site-specific review by the Planning Board, including compliance with SEQRA. Therefore, no significant adverse environmental impacts are anticipated.

13. Transportation

The proposed action is not anticipated to result in a change to existing transportation systems. To the extent that any future land development proposals are presented to the Town upon the adoption of the Zoning Amendment that could impact transportation systems, such proposals would be subject to a site-specific review by the Planning Board, including compliance with SEQRA. Therefore, no significant adverse environmental impacts are anticipated as a result of the Proposed Action.

14. Energy

The proposed action is not anticipated to utilize the local energy grid, electric and gas. To the extent that any future land development proposals are presented to the Town upon the adoption of the Zoning Amendment that could increase demand on energy resources such proposals would be subject to a site-specific review by the Planning Board, including compliance with SEQRA. Therefore, no significant environmental impacts are anticipated as a result of the Proposed Action.

15. Noise, Odor, and Light

The proposed action is not anticipated to result in an increase in noise, odors, or outdoor lighting. To the extent that any future land development proposals are presented to the Town upon the adoption of the Zoning Amendment could create noise, odor or lighting impacts, such proposals would be subject to a site-specific review by the Planning Board, including compliance with SEQRA. Therefore, no significant environmental impacts are anticipated as a result of the Proposed Action.

16. Human Health

The proposed action is not anticipated to result in the potential for exposure to contamination. To the extent that any future land development proposals are presented to the Town upon the adoption of the Zoning Amendment that could pose a threat to human health, such proposals would be subject to a site-specific review by the Planning Board, including compliance with SEQRA. Therefore, no significant adverse environmental impacts are anticipated as a result of the Proposed Action.

17. Consistency with Community Plans

The proposed action is not anticipated to be inconsistent with adopted land use plan. To the extent that any future land development proposals are presented to the Town upon the adoption of the Zoning Amendment that could be inconsistent with community plans, or the character of a specific neighborhood within the Town, such proposals would be subject to a site-specific review by the Planning Board, including compliance with SEQRA. Therefore, no significant adverse environmental impacts are anticipated as a result of the Proposed Action.

18. Consistency with Community Character

The proposed action is not anticipated to be inconsistent with the existing community character. To the extent that any future land development proposals are presented to the Town upon the adoption of the Zoning Amendment that could be inconsistent with community plans, or the character of a

specific neighborhood within the Town, such proposals would be subject to a site-specific review by the Planning Board, including compliance with SEQRA. Therefore, no significant adverse environmental impacts are anticipated as a result of the Proposed Action

Other Potential Impacts

In addition to the discussion of impacts in the sections above, the Lead Agency has also considered reasonably-related long-term, short-term, indirect and cumulative impacts of the Proposed Action, and hereby issues a determination, concerning the following:

1. The proposed action would not result in a substantial adverse change in existing air quality, ground water quality or quantity, or noise levels; a substantial increase in solid waste production; a substantial increase in potential for flooding, or leaching problems.
2. The removal or destruction of large quantities of vegetation or fauna; substantial interfere with the movement of any resident or migratory fish or wildlife species; impacts on significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species, or other significant adverse impacts to natural resources.
3. The proposed action would not result in the impairment or the environmental characteristics of a Critical Environmental Area.
4. The proposed action would not create a material conflict with the community's current plans or goals as officially approved or adopted.
5. The proposed activity would not impair the character or quality of important aesthetic, historic, archeological, or architectural resources.
6. The proposed action would not result in a major change in the use of either the quantity or type of energy.
7. The proposed action would not create a hazard to human health.
8. The proposed activity would not result in a substantial change in the use, or intensity of use, of land devoted to agricultural, open space, or recreational use.
9. The proposed action would not result in the creation of material demand for other actions that would result in one of the above consequences.
10. The proposed action would not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the proposed Action.
11. The proposed action would not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
12. When analyzed with two or more related actions, the proposed action would not have a significant impact on the environment and when considered cumulatively, would not meet one or more of the criteria under 6 NYCRR 617.7.

For Further Information:

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This negative declaration was authorized at a meeting of the Town Board on February 14, 2023