



ENVIRONMENTAL, LAND USE AND REAL ESTATE LAW

Via email only to: david@gordonsvenson.com

Friday, 11 August 2023

David Gordon, Esq.
Gordon & Svenson LLP
42 Catherine Street
Poughkeepsie, NY 12601

Re: Village of Rhinebeck : 6 Mulberry Street

Subj: Application of Dutchess Shepherd LLC for Zoning Law Amendment, Subdivision Approval, and Site Plan Approval

Dear David:

As you may recall, our firm represents the neighbors to site of the above-referenced project. I have recently visited the Village web page which hosts the document repository for this project. I am writing to pose some questions which arise from the review of the documents in that repository.

1. Need for an accurate, complete FEAf.

It is clear from the repository that the Dutchess Shepherd LLC [Applicant] has been submitting document to the Village Board in furtherance of attempts to provide a complete application.

In the letter by my clients' planning consultant, Nan Stolzenburg, dated October 3, 2022, she described a menu of inadequacies and/or inaccuracies in the Applicant's Full Environmental Assessment Form [FEAF] Part 1, saying:

I recommend that the [EAF] Part 1 not be accepted as complete and that no further SEQr review commence until the deficiencies are addressed.

I am attaching a copy of Ms. Stolzenburg's letter for your convenience. Her comments regarding the Applicant's EAF Part 1 can be found at Item 2(A) beginning on Page 6.

I did not see among the documents on the Village web page a revised EAF Part 1. I reiterate Ms. Stolzenburg's statement that the environmental review of this application should not proceed to a determination of significance without requiring the Applicant to submit a revised FEAf that is both complete and accurate.

Office address:
224 Morton Road
Rhinebeck, New York 12572

jlyons@grantlyons.com
845 876 2800
grantlyons.com

Mailing address:
P. O. Box 370
Rhinecliff, New York 12574

David Gordon, Esq.
Re: Village of Rhinebeck : 6 Mulberry Street
Subj: Application of Dutchess Shepherd LLC

What concerns me is that, the "Peer Review" letter from Ms. Nelson at Tighe & Bond indicates that her firm is working on a draft EAF Part 2. I don't think that either Tighe & Bond or the Village Board can accurately complete the EAF Part 2 if Part 1 is deficient. Further work on a suggested EAF Part 2 should be halted until a revised EAF Part 1 is received from the Applicant.

2. A draft EAF Part 3 at this time is premature and raises concerns.

The Tighe & Bond "Peer Review" letter also indicates that they are working on a draft EAF Part 3 for the Village Board. That means that Tighe & Bond will be creating an EAF Part 3 that suggests what the lead agency's decision should be for its determination of significance. This raises concerns that the judgment of Tighe & Bond will be substituted for that of the Village Board in making the determination, and that having that "suggested" EAF Part 3 in hand before they even do their own work in completing the EAF Part 2 and considering and deliberating on the proper determination of significance, will unduly influence the outcome of the lead agency's decision.

I request that the Village Board not be reviewing any draft EAF Part 3 until they have completed the EAF Part 2 on their own and reached their own decision on their determination of significance.

3. Request for correspondence to be posted on the Village web page.

I note that there is no covering correspondence posted on the Village web page in connection with any of the Applicant's documents that have been submitted since the Spring. Perhaps there was none in these instances. Could you confirm for me that any correspondence to the Village Board or its consultants or attorney from the Applicant or its consultants or attorneys will be posted on the Village web page.

4. Confirming opportunity to be heard prior to SEQRA determination of significance.

I know that you indicated to me during one of the meetings that the public would have an opportunity to be heard at a public meeting before the Village Board makes its determination of significance as lead agency. It would provide comfort to our clients if you could confirm that again, and let me know if any date has been set forth such a meeting.

5. What is the anticipated process and time table for the Board's determination of significance?

I would appreciate it if you could outline for me the anticipated procedural steps to be taken in this environmental review between now and the issuance of a determination of significance, and indicate the anticipated time table for those steps as well.

David Gordon, Esq.
Re: Village of Rhinebeck : 6 Mulberry Street
Subj: Application of Dutchess Shepherd LLC

I thank you for your ongoing assistance, and courtesy and consideration.

Very truly yours,


John F. Lyons

c via email: Mayor Gary Bassett and the Members of the Village Board
Ms. Martina McClinton, Village Clerk