



MEMORANDUM

TO: Fred Costello, Saugerties Town Supervisor
Members, Saugerties Town Board

FROM: Adriana Beltrani, AICP
Max Stach, AICP

RE: Winston Farm –SEQR Process & Timeline

DATE: August 20, 2024

CC: John Greco, Esq., Town Board Attorney
George W. Redder, Esq., Planning Board Attorney
Terri Wood, Secretary to the Supervisor
Howard Post, Planning Board Chair
David Brennan, Esq. Project Sponsor Attorney

Setting Up State Environmental Quality Review

The applicant, or “project sponsor” is petitioning the Town Board for a zoning amendment to Chapter 245 of the Town of Saugerties Code (the Zoning Chapter) to create the Winston Farm Planned Development District (PDD) for the purpose of redeveloping the project site (the “action”). The project site is an 840-acre tract currently zoned for General Business and Moderate Density Residential. The adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres, is listed as a Type I action pursuant to 6 NYCRR 617 (“State Environmental Quality Review” or “SEQR”). This is an action that is more likely to require the preparation of an Environmental Impact Statement (“EIS”) than those actions which are not Type 1. No site plan or development approvals are being sought at this time, however SEQR requires that the action include the entire set of activities or steps that will ultimately lead to the construction of the project site.

Because there is no site-specific plan proposed at this time, the Lead Agency is requiring the preparation of a “Generic” EIS or “GEIS.” A generic EIS is broader and more general than a site-specific EIS and explores various alternatives to the proposed action. GEISs explore the environmental setting of the project site, constraints on development, and analyze hypothetical scenarios or alternatives for development under the proposed zoning.

SEQR Process to Date

The following steps of the SEQR process have occurred to date:

- Notice of Intent to Declare Lead Agency: October 6, 2021
 - This step notified other involved agencies that the Town of Saugerties Town Board wished to lead and coordinate the environmental review for this project (assume “Lead Agency” status).
- Town Board Assumed Role of Lead Agency: January 10, 2022
 - This step formally established the Town Board as the “Lead Agency”
- Positive Declaration Determination of Environmental Significance and Notice of Public Scoping: July 13, 2022
 - This step determined that at least one environmental impact was likely to occur as a result of the action and ordered the preparation of an Environmental Impact Statement. The Lead Agency at distributed a “draft scope” or framework outlining the necessary contents of the

future GEIS, and notified the public and involved agencies of the upcoming scoping hearing and invited comment.

- Public Scoping Session: September 21, 2022
 - This scoping session invited in-person comments on the draft scope prepared by the applicant.
- Final Scope: January 4, 2023
 - The Final Scope constituted the official instructions for preparation of the GEIS, and any necessary responses to public or agency comment.
- Preliminary DGEIS Submitted for Review: August 15, 2024
 - This constitutes the project sponsor’s first attempt at drafting a GEIS that meets the requirements of SEQR and the Final Scope.

Next Steps

Draft GEIS Completeness Review

Pursuant to SEQR the Project Sponsor has submitted a Preliminary DGEIS. The Lead Agency is now undertaking a completeness review in order to ensure that the DGEIS adequately addresses all items outlined in the Final Scope, and that the contents of the GEIS provides adequate information needed to evaluate potential impacts, alternatives, and mitigation measures.

- **Timing:** The Town Board, as lead agency, has 45 calendar days from DGEIS submission (August 15, 2024) to determine whether the draft is acceptable for public review and comment.
- **Complete DGEIS:** If the DGEIS as submitted is deemed to be complete and adequate, the Board will need to prepare and file a notice of completion, before September 29, 2024, or the agreed upon deadline, which will state that the Board has accepted the DGEIS. The notice of completion and a copy of the DGEIS must be filed with the NYSDEC, the ENB (a weekly electronic publication of the DEC), all involved agencies, the Town, the project sponsor and any parties that request copies. Additionally, it is required that the DGEIS be posted online for public access at this time.
- **Incomplete DGEIS:** If the DGEIS is determined to be incomplete or inadequate, the Board will need to issue all identified deficiencies in writing, before September 29, 2024, or as otherwise extended. The project sponsor will then be required to revise the DGEIS and resubmit to the Lead Agency for review, at which time a 30-day review period for the Board would begin.
 - This process can be repeated as many times as needed for the Board to determine that the DGEIS is complete and adequate. Until the document is determined to be complete it is commonly referred to as a “Preliminary” GEIS.
- **Public Input:** Public review or input is **not** appropriate prior to issuing a notice of completion. Upon determination that the DGEIS is complete, the document is to be made public, per the next step outlined below.

Public and Agency Review

Once the Lead Agency determines that the Preliminary GEIS is complete, the Lead Agency will distribute and make the document available for agency and public review. The public comment period begins with the first filing and circulation of the notice of completion.

- **Timing:** The required public review period lasts a minimum of 30, or a maximum of 60 calendar days from the filing of the notice of completion.
 - **If a public hearing is NOT held:** The Town Board as lead agency will have 60 days from the filing of the DGEIS to file the Final GEIS (FGEIS, discussed below).
 - **If a public hearing IS held:** The Town Board as lead agency would have 45 calendar days from the close of the hearing to file the FGEIS.
 - **If additional time is required to prepare and file the FGEIS** the Town Board would need to advise the project sponsor in writing, including the anticipated date of filing.
- **Public Input:** During this period, the public, involved agencies, the Town Board and its consultants may comment on the DGEIS. It is recommended that substantive public comments be provided in writing, in addition to verbal comment at the time of a public hearing.

Final GEIS (FGEIS)

Substantive comments received during the comment period, whether in writing or at a public hearing, will be addressed by the Lead Agency in the FGEIS. “Substantive” comments relate to the impacts, alternatives or mitigations contained in the DGEIS, or raise important issues not previously addressed. General statements of objection or support are noted in the FGEIS summary but do not warrant a response.

It is noted that while SEQR requires the Lead Agency to prepare the GEIS, the lead agency will often request the project sponsor to prepare at least the first draft of the FGEIS. The FGEIS must be provided 45 days following the close of the public comment period or as otherwise necessary to adequately prepare it. If the project sponsor prepares the draft of the FGEIS, typically the time period will commence upon receipt by the lead agency.

Findings Statement

The findings statement is a written statement that considers the relevant environmental impacts presented in the GEIS, weighs and balances them with social, economic and other essential considerations, provides a rationale for the agency’s decision and certifies that the SEQR requirements have been met.

The findings statement is required to be filed with all involved agencies, as well as the project sponsor.

- **Timing:** Once the FGEIS has been filed, the Board must wait at least 10 days, but not more than 30 days, to adopt a findings statement.
- **Public Input:** Public input is **not** appropriate at this stage of SEQR review.

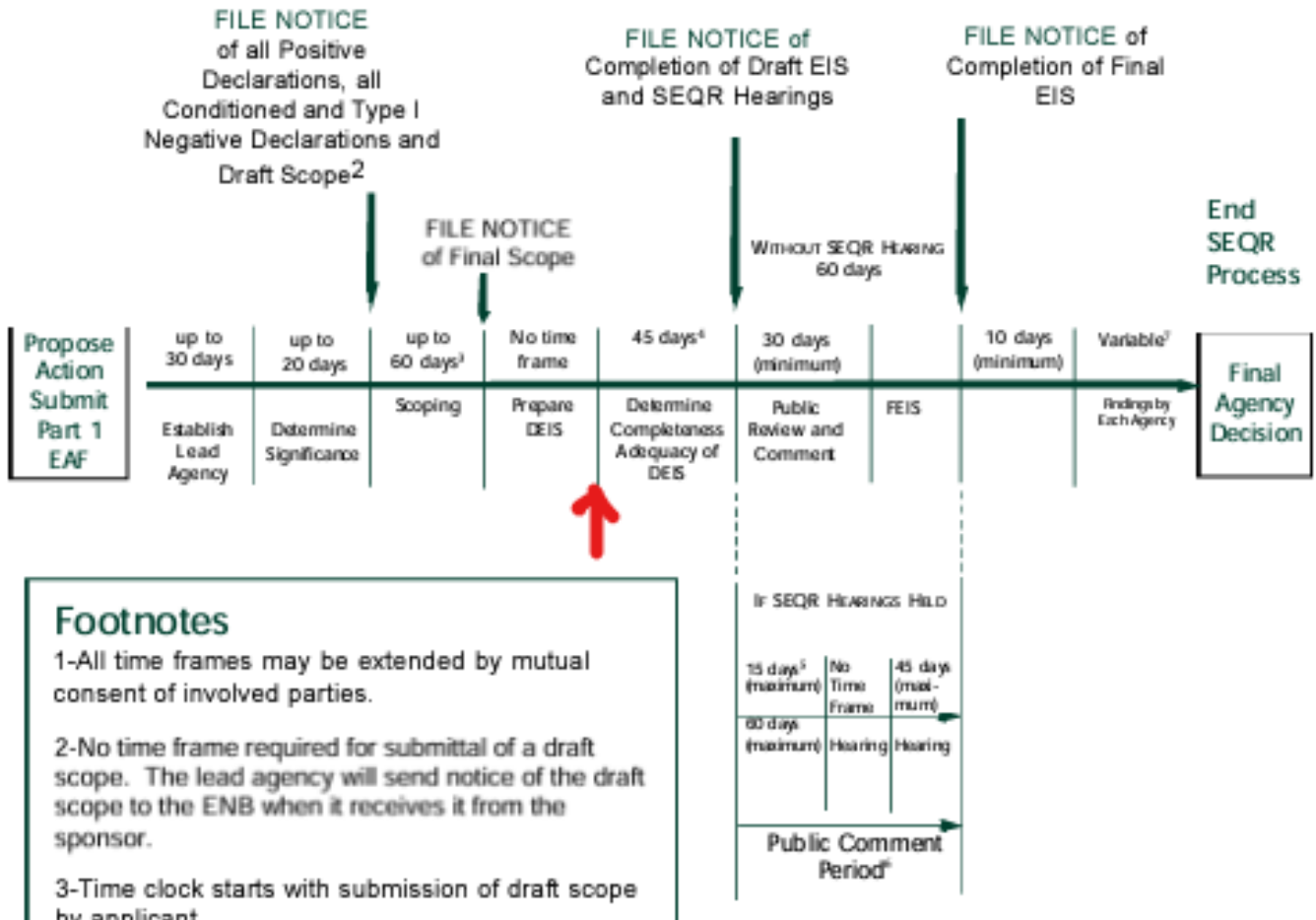
Overall Timeline

Below is the SEQR Time Frame chart as outlined in the *SEQR Handbook 4th Edition* and the Flow Chart as described by DEC. It should be noted that any time period outlined below may be extended by mutual agreement between the applicant and the lead agency. The current place in the process is indicated on both.

SEQR Time Frame		
Steps	Calendar Days	Citation
Establish Lead Agency	30	617.6(b)(3)(i)
Resolve a Lead Agency Dispute	20	617.6(b)(5)(iv)
Determine Significance	20	617.6(b)(3)(ii)
Scoping	60	617.8(f)
Determine Adequacy of a Submitted draft EIS	45	617.9(a)(2)
Determine Adequacy of a Re-submitted draft EIS	30	617.9(a)(2)(ii)
Draft EIS Public Comment Period	Minimum 30	617.9(a)(3)
SEQR Hearing (optional)	Minimum 15, maximum 60, after filing of draft EIS	617.9(a)(4)(ii)
Prepare final EIS (no SEQR hearing)	60 after filing of draft EIS	617.9(a)(5)
Prepare final EIS (SEQR hearing)	45 days after close of hearing	617.9(a)(5)
Prepare findings by Lead Agency (if the action involves an applicant)	Minimum 10 days, maximum 30 days, after the filing of final EIS	617.11(a) 617.11(b)
Prepare Findings by Involved Agency	Minimum 10 days after the filing of final EIS	617.11(c)
Conditioned Negative Declaration public comment period	30 days after date of publication in the ENB	617.7(d)(1)(iv)
Prepare final EIS (SEQR hearing)	45 days after close of hearing	617.9(a)(5)

Source: *The SEQR Handbook, 4th Edition*

SEQR TIME FRAMES ¹



Source: SEQR Flow Chart and Time Frames (Red Arrow indicates current place in the process)

We hope this clarifies the SEQR process relevant to the Winston Farm PDD petition. If you have any further questions, please do not hesitate to contact us.