Chapter 7: Other SEQRA Analyses

A. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

SEQRA requires the consideration of any irreversible and irretrievable commitments of environmental resources that would result from implementation of an action. Irreversible commitment of resources refers to resources that would be permanently altered or lost, while irretrievable commitment refers to resources that would be consumed or expended and could not be recovered.

Certain resources, both natural and human-made, would be expended to effectuate the few improvements currently proposed, and also future buildout by lot owners. These resources include the use of the land, building materials, energy, and human effort (time and labor) required to construct the Rural Lanes, equestrian trails, site landscaping, and stormwater management practices currently proposed as part of the Subdivision. Future development of the Site (e.g., construction of residences) by others would similarly require the commitment of resources. These resources are considered irretrievably committed because their reuse for some purpose other than buildout of the Subdivision would be highly unlikely.

The land that makes up the Site is the most basic resource irretrievably committed. Following approval of the Proposed Action, the ±605.7-acre Site would be subdivided and a small portion developed in the future with residences, with the remainder reserved for agricultural uses or preserved as open space. As discussed in Chapter 4, “Agricultural Resources,” the RDAs to be established by the Applicant’s Declaration would permit the conversion of less than two-tenths of 1% (0.2%) of the Town’s active agricultural land base to residential use. Given that the vast majority of the Site (approximately 90 percent) would be reserved for agricultural uses (without any permitted structural development) or be preserved as open space, the future development of the Site, i.e., the worst case Conceptual Future Buildout Scenario, would not be a significant adverse impact.

The resources that would be used in the future construction of Site improvements (Rural Lanes, equestrian trails, stormwater management features) and residences (e.g., wood, concrete, and glass), the energy (in the form of gas, diesel, and electricity) consumed during the construction of the residences or by construction equipment, and the various building mechanical systems (heating, hot water, and air conditioning), would also be irretrievably committed. Due to the size of the Site and its areas to be preserved in relation to the limited amount of development proposed, this impact would not be significant.

Construction would also require commitment of person hours of labor, which can be viewed as beneficial to the community, the local economy, and the construction industry with respect to the generation of jobs. These workers are expected to have a positive impact on existing local businesses.

B. DISADVANTAGED COMMUNITIES

Effective December 30, 2024, Section 8-0109(2)(k) of the New York State Environmental Conservation Law (amended by the Environmental Justice Siting Law [EJSL]) requires that environmental impact statements evaluate the effects of an action on Disadvantaged Communities (DACs) as a result of a disproportionate pollution burden. On January 29, 2025, NYSDEC proposed draft amendments to the SEQRA regulations to implement this new statutory provision.[1] In May 2026, NYSDEC finalized SEQRA regulations (SEQRA, 6 NYCRR 617) to incorporate the SEQRA-related requirements of the EJSL. This includes changes to both the text of the SEQRA regulations and to the environmental assessment forms (EAFs) to include additional questions focused on DACs. The adopted amendments become effective June 12, 2026. NYSDEC's *Environmental Justice Siting Law Interim Guidance* ("Interim Guidance") addresses whether a proposed action would result in disproportionate impacts on a DAC.[2] According to the Interim Guidance, "a disproportionate pollution burden is a pollution burden within an affected disadvantaged community that is, or would be, significantly greater than that same burden in comparable non-DACs, as a result of the proposed action." Under New York State's Climate Leadership and Community Protection Act, DACs are defined as communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate- income households.

NYSDEC's Disadvantaged Community Assessment Tool (DACAT) is a screening tool created to help assess disproportionality and consider whether a potentially affected DAC has an increased likelihood of experiencing a moderate to large impact based on existing burdens or vulnerabilities as compared to relevant non-DACs.[3] The DACAT identifies the entire Town of Amenia (Dutchess County Census Tract 100) as within a "DAC identified as having comparatively higher burdens and vulnerabilities."

The Final FEAF[4] identifies the following direct or indirect impacts of a project that may affect a DAC: new noise sources or expansions/modifications of existing noise sources (i.e., noise from operational sources or construction activities); emissions of air pollutants including mobile emissions; wastewater discharges; generation of odors; light pollution; new or modified radiation sources; or new or modified sources of solid waste generation, management, or disposal. In adopted Parts 2 and 3 of the FEAF for the Proposed Action, the Planning Board determined that the Proposed Action would not result in significant adverse

---

[1] NYSDEC, *Notice of Proposed Amendments to 6 NYCRR Part 617, Regulations Implementing the State Environmental Quality Review Act*, https://dec.ny.gov/news/environmental-notice-bulletin/2025-01-29/public-notice/statewide-notice-of-proposed-amendments-to-6-nycrr-part-617-regulations-implementing-the-state-environmental-quality-review-act.

[2] NYSDEC, Appendix C, State Environmental Quality Review Act, Environmental Justice Siting Law Amendments Draft SEQR Guidance, https://dec.ny.gov/sites/default/files/2025-01/part617risguidanceappc.pdf.

[3] NYSDEC, Disadvantaged Community Assessment Tool: Assessing Comparative Burdens and Vulnerabilities in Disadvantaged Communities, https://storymaps.arcgis.com/stories/7f0ffdde675e4e3788632c1b4cce6c0a.

[4] NYSDEC, Final FEAF, https://dec.ny.gov/sites/default/files/2025-01/part617appb.pdf .

impacts with respect to any of the pollution categories identified by NYSDEC's Final FEAF (e.g., air emissions, odors, noise, light pollution, radiation, solid waste generation).

The adopted Scoping Document included in **Appendix 1** also does not require the assessment of a number of technical potential impact areas which were determined by the Planning Board to be either irrelevant or without potential for significant adverse impacts, including pollution impacts. These areas are potential impacts on land, groundwater and surface water, plants and animals, historic and archaeological resources, transportation, energy, on noise, odor and light.

As discussed in the preceding chapters of the DEIS, the Proposed Action would not result in significant adverse impacts in the following technical areas: visual impacts; land use, zoning, and community plans; agricultural resources; and community character—including potential impacts on the affected DAC (the Town).

Based on the foregoing, the Proposed Action would not result in significant adverse impacts on the affected DAC (the Town) and would not cause or increase a disproportionate pollution burden on the affected DAC, as the Proposed Action would not place significantly greater burdens on the Town than on non-DACs.