

#### IV. SETTINGS, ANTICIPATED IMPACTS, AND MITIGATION

##### A. ZONING AND SURROUNDING LAND USE

###### A.1 Existing Conditions

The existing land use on the site is open space consisting of mixed upland forest typical for undeveloped land in the Town of East Fishkill.

Land uses adjacent to and within a half-mile radius of the project site consist primarily of single-family residences and some open space, and/or residential subdivisions to the north and east of the site (Figure IV.A-1).

###### Applicable Zoning District

R-1, Single Family Residential

###### Permitted Uses

Principle uses include: single family dwellings (not to exceed one per lot), farming, nurseries, and greenhouses. Special Permit uses include but are not limited to: stables and riding academies; kennels; recreational developments and camps; cemeteries; nursing homes; hospitals; churches, schools and public uses; hotels and motels; land excavation and filling; historic structures; and day care facilities.

###### Minimum Bulk Regulations

Min Lot Size: 1 acre

Frontage: 50 feet

Width: 125 feet

Depth: 150 feet

Min. Yard Requirements:

- Front: 50 feet

- Side: 25 feet

- Rear: 50 feet

Max. Building Coverage: 12% of lot area

Max. Height: 2.5 stories or 35 feet

###### Comprehensive Plans

There are two comprehensive planning documents that have relevance for the proposed project: the Town of East Fishkill 2002 Comprehensive Plan and Directions: *The Plan for Dutchess County*. Two of the major underlying concepts presented in the *Comprehensive Plan* are “clusters” and “conservation”. The *Comprehensive Plan* encourages cluster housing development where appropriate in order to increase energy efficiency, preserve open space and environmentally sensitive lands, and provide for future housing needs. The *Comprehensive Plan* states that high intensity clusters should be encouraged near existing centers, along major arterial roads, and near open space and recreational amenities. In addition to clustering, the *Comprehensive Plan* seeks to conserve the Town’s natural environment by channeling growth into lands that can best accommodate development and careful regulation of environmentally sensitive places in the

subdivision process, with the number of lots in a subdivision depending on the suitability of the land as well as the zoning. Maintenance of the Town's suburban and rural character through: subdivision regulations providing greater design standards to offer a variety of housing types and to preserve views, environmental land, community character, and quality of life; inclusion of affordable housing provisions in subdivision regulations.

The *Comprehensive Plan* states that both Town officials and citizens prefer lower residential densities overall and the *Comprehensive Plan* respects this desire by maintaining one to two acre densities throughout 90 percent of East Fishkill. However, the *Comprehensive Plan* also states that lower densities should not be read as an endorsement of sprawl. Rather, development within low-density residential areas should be implemented through cluster development, which allows for flexibility of lot design in order to maintain scenic and natural resources like woodlands, wetlands, and steep slopes.

*Directions, The Plan for Dutchess County*, which was published in 1985 is the comprehensive planning document for Dutchess County. On its Land Use Map, *Directions* classified the general vicinity of the project site as an area for rural uses. Rural land uses in the County Plan includes residential development with one-acre lots. *Directions* also established several planning goals and priorities for Dutchess County to advocate, many of which have relevance for the project site. Included among these goals are:

- The preservation and maintenance of the quantity and quality of the county's surface and groundwater resources;
- The protection of the County's soils, prime and important agricultural lands, steep slopes, and significant natural areas;
- An adequate long-term supply of clean, reasonably-priced water and environmentally sound disposal of wastes;
- The promotion of a land use pattern that strengthens existing centers, protects important natural resources, maintains an efficient transportation network, provides for economical services and facilities, fosters an orderly pattern of development, and helps each community protect its community values and distinct identity;

Other Major Developments

- As listed in the Table A.1-1 below, a number of other major, single-family residential and other developments have been proposed, contemplated, or are under construction in East Fishkill. The locations of these projects in relation to the proposed project are shown in Figure IV.A-2.

**Table A.1-1 Pending Projects in Site Vicinity**

<b>Project Name</b>	<b>Address</b>	<b>Size</b>	<b>Description</b>
Arthursburg Corners	Route 82 & TSP	6500 SF	2 commercial buildings
Four Corners	Philips Road	264 lots partially built	residential (crd) - single family
Four Corners Retail	Philips Road	9,600 SF	Retail space & professional office space
Hopewell Glen	Fishkill Road	248 lots 42 townhomes	residential (crd) - single family & townhomes
Meli	945 Route 82	2 lots & LLR	residential
Montage	Routes 52 & 216	124 lots	residential - single family
Saxon Woods	1886 Route 52	12 lots	residential - single family
Sprainbrook Meadows	50 Townsend Road	11 Lots	residential - single family
Summit Woods	3162 Route 52 - Stormville	175 lots	residential - single family
Taconic Innovations	877 Route 376	6441 SF	commercial building - school of children with autism

**A.2 Potential Impacts**

The proposed development will introduce a new land use for the property. The proposed site plan will include the development of 21 single-family residences with lot sizes ranging between 1.01 and 4.48 acres. The proposed conventional subdivision will complement the existing land uses in the area around the project site. The proposed conventional subdivision would provide additional single-family housing in a part of town where this type of housing has become the predominant land use.

Conformance to Zoning

The project has been designed to conform to the Town Code. In particular, the number of lots in the proposed subdivision does not exceed the number permitted under the applicable provisions of

§163-19 and §194-14.1 of the Town Code. In this case, the applicable sections are from the Code in effect in 2004.<sup>8</sup> The Code stipulates that the number of lots shall be determined based on deduction of a specified percentage of the environmentally sensitive lands from the total site acreage. In accordance with §163-19.C. and §194-14.1.B., the environmentally sensitive lands on this property are limited to the steep slope areas. There are no wetlands, waterbodies, watercourses, or 100-year flood boundaries mapped on the property.

The applicant conducted an analysis with the Town Engineer to determine the available lot count with the applicable criteria (the original mapping with slope breakdown is on file with the Town). Based on the analysis, the maximum permissible lot count would be 23 lots. Accounting for the slopes and general topography of the site, and for the required stormwater management measures, the current proposed plan is for 21 lots.

#### Comprehensive Planning and Zoning

The proposed development is consistent with the goals and policies set forth in the Town of East Fishkill *Comprehensive Plan* and *Directions: The Plan for Dutchess County*. Based upon the site's proximity to the Taconic State Parkway, Route 376, and other travel corridors, the proposed development is consistent with the *Comprehensive Plan's* goal of locating subdivisions near major roads.

The proposed development is also consistent with Dutchess County's 1985 comprehensive plan, *Directions*. The project would comply with *Directions'* goal of preserving the quality of surface and groundwater resources, as mentioned above in relation to East Fishkill's similar planning goal. The project would also accord with *Directions'* goal of maintaining an adequate supply of water. While the project would develop what was once agricultural soil on the property, the project site has not been prime or important agricultural land for many years, and thus, the proposed development would not affect *Directions'* goal of preserving important agricultural land. Finally, *Directions* called for the achievement of consistently high-quality site planning to promote beauty and ensure compatibility with surrounding land uses. The site plan proposed for the Hilltop Manor property development achieves this goal.

#### Other Major Developments

Estimates for the developments mentioned above indicate that these projects will generate a total population of over 2,700 persons, with a school-aged children population of over 800 within the Wappinger Central School District. Nearly 60% of the school-aged children are associated with the Hopewell Glen and Twin Creeks developments.

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<sup>8</sup> Town of East Fishkill established its regulations on environmentally sensitive lands by Local Law 2-2002, which amended §163-19 and created §194-14.1. The portions of the Town Subdivision Code relating to lot count, §163-19.C. and §194-14.1.B., changed in 2007 pursuant to Local Law 7-2007. This local law provided that it would not apply to any application for which a determination of significance had been adopted and, in addition, for which a DEIS had been submitted to the lead agency conducting environmental review as of the effective date of the law. (See excerpt from the current Code sections in Appendix 7.) As the Applicant submitted a DEIS prior to 2007, the version of §163 and §194 effective at that time of application applies to this subdivision, pursuant to Local Law 2-2002. (See Local Law 2-2002 in Appendix 7.)

### **A.3 Mitigation Measures**

#### Land Use

Natural buffer areas around the property perimeter will help to screen the proposed development from adjacent residential neighborhoods and other property owners. Each lot will have a landscape plan to ameliorate the effects of tree clearing for construction.

#### Comprehensive Planning and Zoning

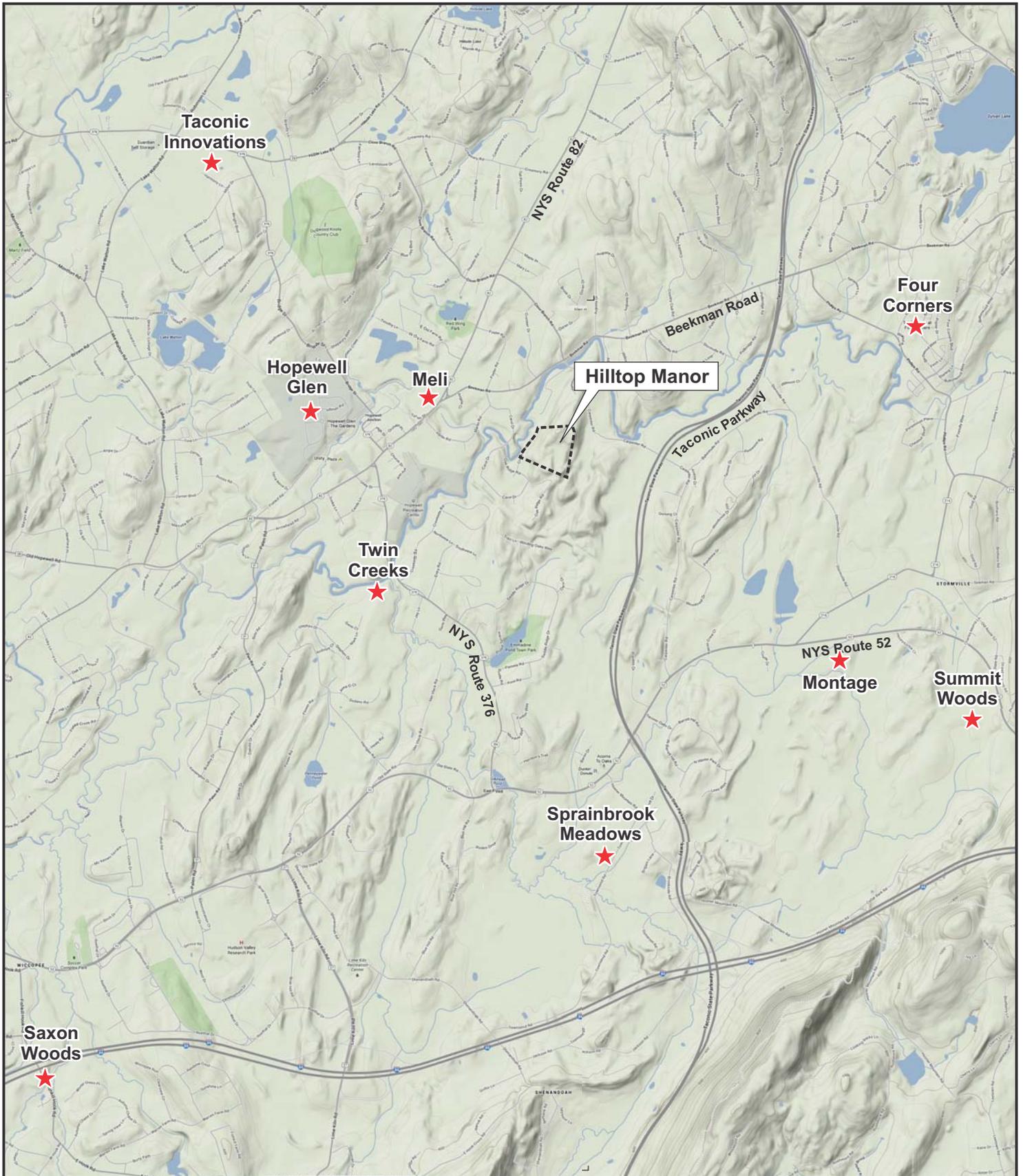
The proposed conventional development plan was preferred plan reviewed by the Town of East Fishkill in conjunction with the Town of East Fishkill's Comprehensive Plan. As such, no further mitigation measures are necessary. Similarly, the proposed development also conforms to other comprehensive planning documents in Dutchess County, thus requiring no further mitigation with regard to Land Use and Zoning.



**SURROUNDING LAND USES**

-  SINGLE FAMILY RESIDENTIAL (DEVELOPED)
-  MAJOR RIGHT-OF-WAYS/EASEMENTS
-  UNDEVELOPED RESIDENTIAL PARCELS
-  OTHER (CHURCH, PUBLIC GATHERING)
-  COMMERCIAL USE
-  CIVIC SPACE/RECREATIONAL USE

**Figure IV.A-1: Existing Land Use Conditions**  
 Hilltop Manor Residential Subdivision  
 Town of East Fishkill, Dutchess County, New York  
 Source: M. Gillespie & Associates Consulting Engineers, PLLC.  
 NTS



**KEY**

-  Site Property Boundary
-  Pending Projects

**Figure IV.A-2: Pending Projects in Site Vicinity**  
 Hilltop Manor Residential Subdivision  
 Town of East Fishkill, Dutchess County, New York  
 Base: Google Maps  
 Scale: 1" - 3,500'