

3.8 Land Use and Zoning

This section describes the existing zoning and land use designations as well as the present land uses on the project site and in the surrounding vicinity. The proposed project's compatibility with surrounding land uses is also evaluated and a discussion of appropriate mitigation measures as a result of the project's potential impacts is provided.

An evaluation of the project's consistency with the 2007 Comprehensive Plan Update is presented in Section 3.9, "Local and Regional Plan Consistency."

3.8.1 Existing Conditions

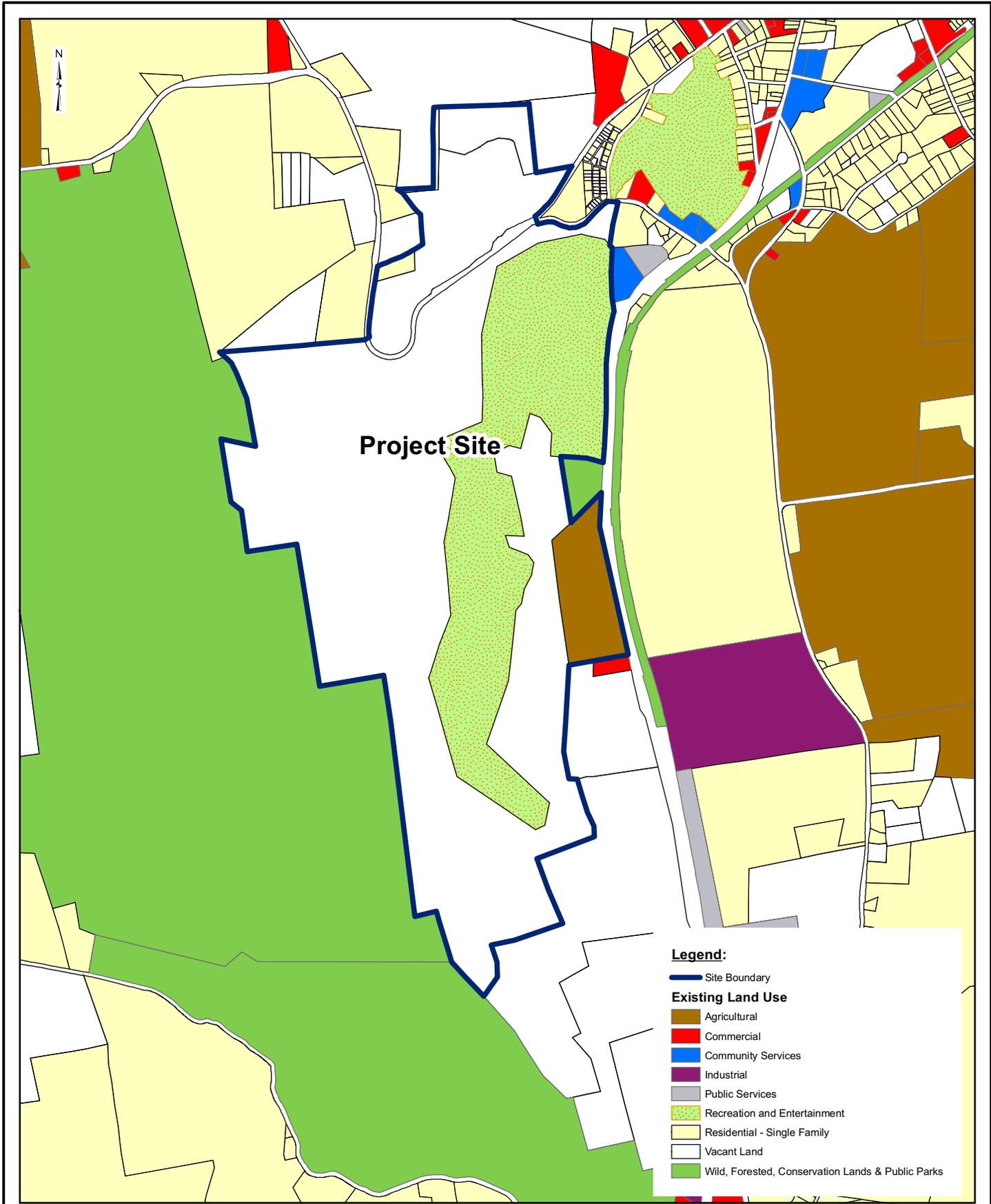
The project site is located in the north central portion of the Town of Amenia near the intersection of US Route 44 and NYS Route 22, southwest of the hamlet of Amenia. The project site is comprised of a 670±-acre area identified as Parcel Numbers 7066-00-732810, 7066-00-860725, 7067-00-742300, 7066-00-670717, 7067-00-709177, and 7067-00-628131 on the Town of Amenia Tax Map. According to the Zoning Law adopted in July 2007, the site is within the Rural Agricultural (RA) Zoning District and the Resort Development Overlay (RDO) District.

The site is located in a Dutchess County agricultural district. In accordance with Section 283-a of New York State Town Law, an Agricultural Data Statement has been prepared for the project. A copy of the Data Statement is included in Appendix 9.16. According to land use data from Dutchess County, none of the parcels within 500 feet of the project site were identified as in agricultural use. However, it appears from aerial photography that two of the properties are in agricultural use, and have been identified in the Agricultural Data Statement.

Land Uses on the Project Site and Surrounding Area

The 670±-acre project area is comprised of a 170±-acre parcel containing a golf course and clubhouse; a 2.2±-acre parcel developed with an unoccupied residential building; approximately 47± acres of wetlands, ponds, and watercourses; and 6± acres of roads, buildings, and other paved surfaces. The remaining acreage is undeveloped, non-agricultural land, including approximately 230± acres of contiguous wooded land in the western portion of the project site.

Figure 3.8-1, "Existing Land Uses," illustrates land uses in the vicinity of the project site, according to Real Property Class Code data obtained from Dutchess County Real Property Tax Service Agency.



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Silo Ridge Resort Community

Existing Land Uses

Town of Amenia, Dutchess County, New York

1 inch equals 1,600 feet

Figure 3.8-1

Source: Dutchess County Real Property Services - Tax Parcel Map

Drawn by: PWC

As shown, land uses surrounding the project site are varied and include a mix of residential, agricultural, commercial, public and community service, and vacant land.

North of the site, land uses primarily consist of single-family residences and vacant land. The hamlet of Amenia is located approximately ½-mile northeast of the site, at the geographical center of the Town from west to east at the intersection of three major transportation routes – Routes 22, 44, and 343. The hamlet is comprised of uses typical of a village center, including higher-density residential uses, community and public service uses, and recreational lands. Amenia Town Hall and Amenia Elementary School are located within the hamlet, as are several small restaurants and eateries, service establishments such as banks, realty offices, and law offices, and retail stores such as antique stores, grocers, and hardware stores.

The areas east and south of the project site include low- to moderate-density development, consisting of single-family residences, vacant land, and commercial, agricultural, and industrial uses. The majority of the land to the west of the project site is classified as “wild, forested, conservation lands and public parks” and includes the Tamarack Preserve, which is a private hunting and fishing club.

Zoning on the Project Site and Surrounding Area

Project Site

According to the Town’s revised Zoning Law adopted July 19, 2007, the project site is within the RA District and the RDO District. It is also located within the Aquifer Overlay District (AQO) and portions of the site are within the Scenic Protection Overlay District (SPO) and the Stream Corridor Overlay District (SCO). Table 3.8-1 summarizes permitted uses in the RA District according to §121-10, “Allowable Uses.”

Table 3.8-1 Schedule of Permitted Uses in RA District

Permitted Uses	Special Permit Uses*
Single-family dwellings	Two-family dwelling
Accessory Apartments	Multi-family dwelling
Agriculture	Residential care facility
Home occupations	Camp
Bed-and-breakfasts*	Craft workshop
Timber harvesting*	Kennel
Riding Academy*	Office
Municipal*	Public utility facility
	Recreational business
	Restaurant
	Retail business
	Service business
	Veterinary hospital
	Cemetery
	Educational/charitable/religious
	Membership club
	Soil mining**
* Subject to review and approval by the Town of Amenia Planning Board.	
** Subject to review and approval by the Town of Amenia Town Board.	

Each of the Town’s overlay districts is described in detail below.

Resort Development Overlay District (RDO)

According to §121-18, “Resort Development Overlay District,” of the Town of Amenia Zoning Law, the purpose of the RDO District is to provide use and design flexibility to encourage resort development that fits into the rural character of the Town and protects its scenic, historic, and environmental resources. The RDO District allows all allowable uses in the RA District, as well as the following uses:

- Lodging facilities, hotel-condominiums, meeting rooms, and conference facilities;
- Restaurants;
- Retail, recreational, and service businesses associated with the resort use;
- Riding academy and other equestrian uses; and other uses that may be approved by the Planning Board in issuing a Special Permit for a development plan consistent with the purposes of the Overlay District.

The RDO provides a procedure for master planned development of large properties to promote tourism, recreation, and open space protection. In exchange for granting land use and design flexibility, the Town seeks to achieve significant protection of open space resources, especially scenic viewsheds, ridgelines, water resources, and ecological resources. The regulations of the RDO supersede the use regulations of the underlying zoning district in cases where there is a conflict.

The RDO requires a Master Development Plan (MDP) for any proposed use that is not allowed in the underlying RA zoning district, subject to special permit approval by the Planning Board. The MDP approval process consolidates all required zoning and special permit reviews into one approval process. Upon approval of the MDP, site plan approval is required to implement individual components of the proposed plan. Any revisions to the MDP after approval would require site plan amendment.

According to the Zoning Law, the MDP includes a conceptual Site Plan showing an open space system (including preserved open space), access and road layouts, proposed buildings (including their uses, footprint, height, and total square footage), proposed recreational facilities, proposed utilities (including water supply and wastewater disposal), and a phasing plan if the project is to be built in phases. Where buildings will be visible from public roads, bicycle trails, or other publicly accessible areas, submission of proposed elevations of buildings and proposed architectural standards and covenants is required. Architectural standards and covenants may also substitute for any of the design standards that would otherwise be applied to the RDO. Sign standards may also be developed as part of the architectural standards and may substitute for other signage requirements in the Zoning Law.

The RDO also includes a provision for preparation of a conservation analysis and findings by the Planning Board; however, for projects for which a DEIS has been submitted prior to adoption of the section, the DEIS may substitute for the conservation analysis. Consistent with this provision, the detailed environmental analysis in this DEIS serves as the conservation analysis for the proposed project, with no need to prepare analyses specific to the conservation analysis requirements in the newly adopted Zoning Law and no need for a separate conservation findings process with the Planning Board.

The RDO contains a provision (see §121-18C(5)) limiting retail establishments that sell goods and supplies to no more than 5% of the total floor area of the proposed development. This limitation applies to retail stores and not to hotel, spa, or restaurant uses.

The RDO requires a minimum of 80% of the total land area of the parcel to be preserved by a conservation easement as open space, with a maximum impervious

surface coverage of 15% of the total site area. The RDO gives priority in open space protection to land within the Scenic Protection Overlay (SPO) and Stream Corridor Overlay (SCO) districts, especially the view to and from DeLavernge Hill, ridgelines, historic resources, unique ecosystems, prime agricultural land, and water resources.

Open space land preserved under this subsection may include farmland and farm structures, ponds and streams, and recreational land such as golf courses, cross-country ski trails, equestrian trails, and hiking trails. Protected open space does not include land lying under non-agricultural structures taller than 20 feet, non-agricultural buildings larger than 200 square feet in footprint area, or land that is covered by impervious surfaces other than trails or golf cart paths. In addition to the 80% open space requirement, the RDO also requires open space buffers of at least 100 feet from any existing residential uses that are not within the RDO District. Such buffers may be wooded or open and may contain trails, but may not contain any buildings or other recreational structures. This requirement does not apply where residential uses to be buffered lie across a State or County highway from the RDO District. The maximum height of 35 feet may be increased to five stories in the RDO District at the discretion of the Planning Board based on a visual analysis.

The density and dimensional standards in §121-11, all other density and dimensional regulations in the Zoning Code other than those contained in Section 121-18, and the parking and loading requirements of §121-38 do not apply to the RDO District and are superseded by the RDO. Other dimensional and density standards are proposed to be as approved by the Planning Board in the MDP, based upon the physical characteristics of the site, the character of the proposed development, relevant performance standards contained within the Zoning Code, and the requirements of the SEQR process.

The RDO includes a provision giving the Planning Board flexibility to apply principles of “Traditional Neighborhood Development” (TND) to the RDO, to the extent that the principles are consistent with a resort-oriented use. Like the RDO District section, the TND section of the Zoning Law (§121-12.1) recognizes that standards and guidelines developed for a specific proposed development can substitute for any design standards referenced in that section.

Developments in the RDO District are subject to the proposed workforce housing provisions in the Zoning Law (§121-42). The workforce housing section recognizes that employee housing for people employed at the proposed development can qualify as workforce housing and can be located on- or off-site. As an alternative to the provision of workforce housing, the Zoning Law allows for payment of in-lieu fees to a dedicated housing trust fund for the construction of workforce housing. In addition to in-lieu fees, the Zoning Law also considers a substantial contribution

toward the cost of providing water and/or sewer infrastructure in the hamlets of Amenia and Wassaic as potentially satisfying the requirements of the workforce housing provision. Such a contribution may satisfy the requirement if it substantially advances the Town's goal of providing such infrastructure and that the provision of such infrastructure would result in an increase of the availability of housing for the intended beneficiaries of workforce housing.

The Zoning Law acknowledges that at the present time, the Town does not have the mechanism in place to administer the proposed workforce housing regulations. The Zoning notes that if the administering program is not in place at the time of final approval of a project, the developer has no obligation to conform to the workforce housing requirements.

The RDO allows for the following modifications and waivers of certain requirements, as follows:

- Waivers may be granted for relief of requirements of the SCO District, where streams and water features are integrated into the MDP, provided that the Plan provides for water quality protection and mitigation of water quality impacts consistent with the purposes of the SCO District.
- As noted above, the Planning Board may waive the 35-foot height limit, provided that a visual impact analysis is performed, that any impacts on views are mitigated to the maximum extent practical, and that buildings are sited to minimize visual impacts by taking advantage of natural topography. No building is allowed to be more than five stories in height counting the stories from average grade at the front of the building and excluding any story contained within a roof.
- Where porous pavement or other partially permeable surfaces are used, the Planning Board may adjust the maximum impervious surface requirement upward if it determines, based upon the recommendation of the Town Engineer, that such increases are appropriate, provided that a note is placed upon any approved site plan or plat indicating requirements for maintaining the permeability of such surfaces.
- The open space buffer requirements may be reduced in situations where the siting of access roads, streets, or utilities within the buffer area can be accomplished without impact on adjacent residential uses.
- Finally, the requirements of the SPO District may be modified consistent with the overall purposes of the SPO, where the Planning Board finds based upon a viewshed analysis, that there will be no significant adverse impacts upon the scenic character of the Town.

Aquifer Overlay District (AQO)

The Town's Aquifer Overlay District encompasses the entire Town of Amenia and was created to protect the health and welfare of residents by minimizing the potential for contamination and depletion of groundwater resources. The AQO contains different zones and levels of protection depending on the characteristics of the aquifer, with regulations on the uses that can occur in each zone. The entire site is located within the AQO District. A majority of the developed portion of the project site lies within the Primary Valley Bottom Aquifer (PVBA) district. The balance of the site is within the Upland Aquifer (UA) district.

Stream Corridor Overlay District (SCO)

The Zoning Law includes a Stream Corridor Overlay District, the intent of which is to protect the Town's stream corridors to preserve their scenic character and water quality. That portion of Amenia/Cascade Brook on the project site is within the SCO District, as well as land within 150 of the top of bank. Areas within the SCO District may not contain a principal structure within 100 feet of the stream or an accessory structure 200 square feet or larger within 50 feet of the stream. The SCO gives the Planning Board discretion to modify the setbacks where streams and water features are integrated into the development plan and where an environmental impact statement has been prepared.

Scenic Protection Overlay District (SPO)

The Zoning Law includes an overlay district for scenic protection. The SPO District encompasses all land identified on the Scenic Protection Overlay District Map (July 2007), including mapped areas within 800 feet of Route 22 and Route 44 and within 500 feet of other designated roads and the Harlem Valley Rail Trail. It also includes "mapped ridgeline areas visible from multiple viewpoints," which are also shown on the Map.

The SPO District allows the Planning Board to waive one or more of the requirements of the overlay district. Projects for which a visual analysis was prepared as part of an Environmental Impact Statement are eligible for waivers if the waiver is supported by the SEQR Findings.

Surrounding Zoning Districts

The RA District generally surrounds the project area to the north, west, and south. The hamlet of Amenia to the northeast of the project site is comprised of zoning districts that accommodate the higher density and commercial nature of that area, including the Hamlet Mixed-Use (HM), Hamlet Residential (HR), Suburban

Residential (SR), and Highway Commercial (HC) Districts. The site is bordered to the east by the Rural Residential (RR) and Office/Commercial/Industry Mixed-Use (OC) Zoning Districts (see Figure 3.8-2, “Current Town of Amenia Zoning Map”).

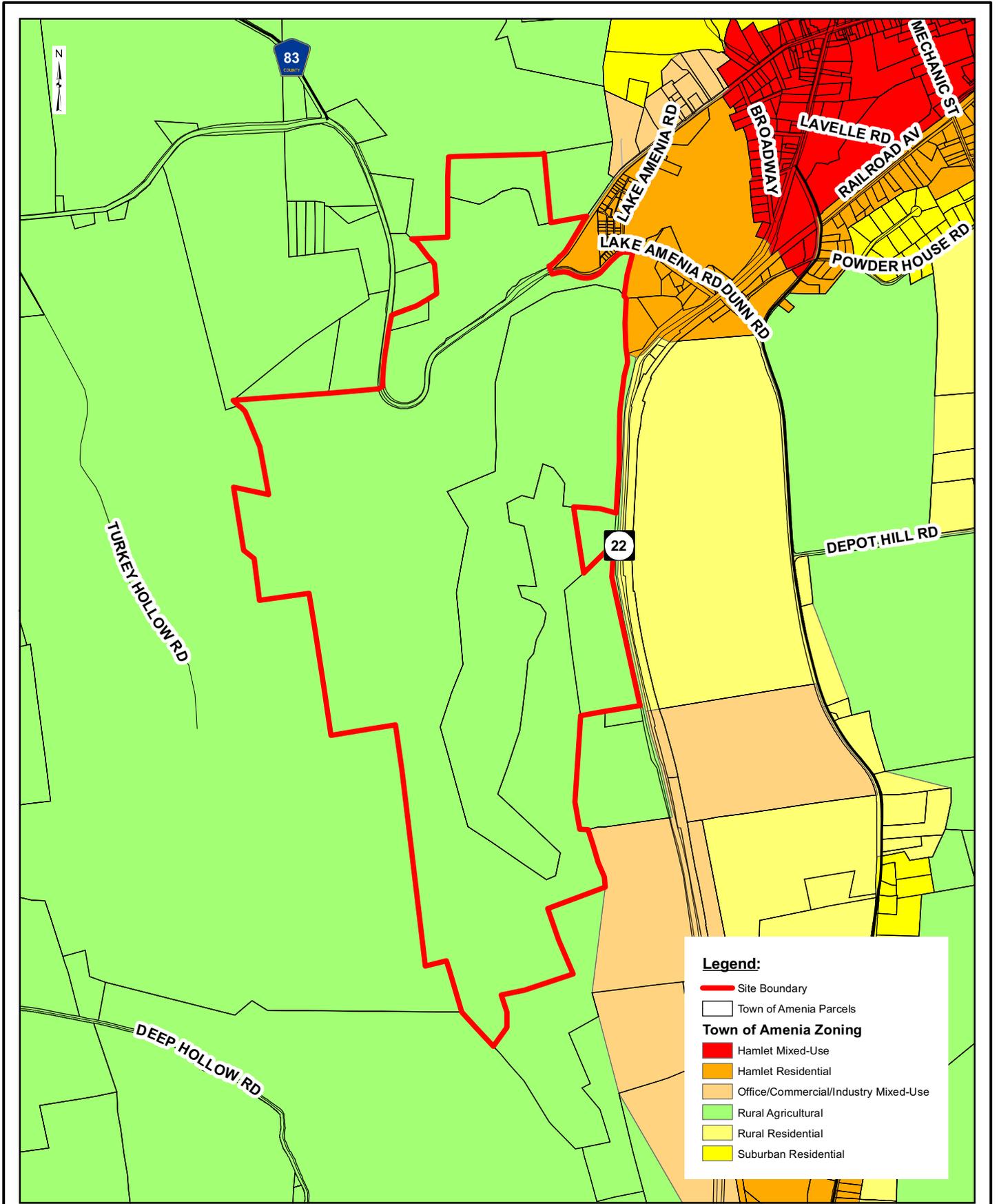
3.8.2 Potential Impacts

Land Use

The Proposed Action will consist of a maximum of 369 residential units, including townhouse units and single-family homes; a resort hotel; banquet space and restaurant space; conference space; and a spa and wellness center. The existing golf course will also be upgraded and improved, with renovations to the clubhouse and improvements to the greens and fairways. The proposed land uses are generally compatible with existing land uses in the surrounding area.

As described in Section 3.6, “Visual Resources,” large portions of the site will be landscaped, converted into recreational lands and amenities, or left undeveloped. For example, the western ridge has been kept free of development to preserve the natural character of the site and to provide opportunities for recreational uses, such as hiking trails. The layout of the buildings makes use of the natural landscape as much as possible so that landforms and vegetation help to screen buildings from view.

The proposed development will expand recreation and tourism in Amenia and create employment opportunities, which is consistent with one of the goals of the 2007 Comprehensive Plan Update. The project will also benefit the Town by preserving the golf course and providing additional recreational opportunities. A scenic overlook and observation deck will be provided on DeLavergne Hill, and the forested area and hiking/nature trails along the ridgeline in the western section of the project area will remain undeveloped. An Artisan’s Park is proposed on DeLavergne Hill to allow for passive recreation and enjoyment of the views from the hill. The hotel and spa will offer a pool, tennis courts, and garden area, including terraced planting beds, a waterfall, and outdoor banquet area.



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Silo Ridge Resort Community

Current Town of Amenia Zoning Map

Town of Amenia, Dutchess County, New York

1 inch equals 1,600 feet

Figure 3.8-2

Source: Town of Amenia Zoning Data, 2003

Drawn by: PWC

Zoning

As noted above, the Town of Amenia Zoning Map (2007) designates the project site as RA and RDO and all or portions of the site lie within the Aquifer Overlay District, Scenic Protection Overlay District, and Stream Corridor Overlay District. The Proposed Action complies with most applicable zoning regulations in the Town of Amenia Town Code, except as discussed below.

The Proposed Action was originally developed before the revised Zoning Law was adopted by the Town. As such, please note that partly as a result of the Town's revisions to the Zoning Law, which became publicly available during the course of the SEQR review process for the proposed development, the Applicant developed a new proposal and site plan based on the Traditional Neighborhood Alternative required by the Final Scoping Document. Please refer to Section 5.2 for a detailed description and analysis of this Alternative.

In accordance with the RDO, an MDP will be developed for the proposed project, which will reflect all the detail in the DEIS plan set in addition to the specific requirements for MDP as described in the Zoning Law, as well as architectural guidelines. The MDP approval process will consolidate all local land use approvals that may be required for the project, including:

- Special use permit for the MDP;
- Site plan approval (for the whole project or the first phase, depending on approach), consolidating the requirements of the RDO and the relevant overlay districts;
- Possible special use permit for storage of pesticides and/or herbicides;
- Possible waiver from TND standards (§121.12-1), height limitation, and other design guidance within the parameters outlined in the RDO; and
- Area variances for open space and impervious coverage.

The Proposed Action is consistent with the purpose of the RDO and with the allowable uses. The project also meets the majority of the requirements of the RDO District, but relief would be required from a few provisions. For example, most of the proposed buildings will exceed the 35-foot height limit in the RDO; therefore, a waiver from the height limitation would be requested. No building is proposed to be more than five stories tall. The waiver request is justified given the siting of the proposed buildings to minimize visual impacts, consistent with the height provisions in the RDO.

The Proposed Action does not meet the minimum 80% open space requirement or the maximum 15% impervious surface area limit; more specifically, the plan proposes approximately 75±% open space (500± acres) and 17±% (115± acres) impervious area. Area variances would be needed for relief from these provisions. It should be noted, however, that the Traditional Neighborhood Alternative complies with the foregoing provisions of the RDO. See Section 5.2 for details.

As noted above, projects proposed under the RDO are relieved from complying with the parking and loading requirements of §121-38 of the Zoning law, and the Planning Board is given discretion in determining the appropriate amount of parking for a particular site and the particular proposed use. The project proposes to take advantage of shared parking opportunities resulting from the mixed uses onsite, as well as proximity to the train station. Shared parking is also reasonable considering that most of the users of onsite commercial and retail facilities would be occupants of the residential or hotel units, and a shuttle will be provided for transportation to and from the train station and the hamlet of Amenia.

In accordance with the SCO District, no accessory structures are proposed within 50 feet of the bank of Amenia/Cascade Brook. Within the project site, the hillside area north and south of Route 44, the ridge in the west, and some areas along the eastern boundary of the site parallel to the Harlem Valley Rail Trail are mapped within the SPO District. The proposed project is being designed to be sensitive to the views from important areas, such as DeLavernge Hill, and to respect the view of the ridge west of the golf course. Where possible, buildings have been sited to take advantage of existing grade changes so as to reduce the visual impact of the project from Routes 22 and 44.

Requirements for land use management in the PVBA and UA districts do not constrain the proposed project. The project meets all general conditions in the proposed Aquifer Overlay District as outlined in §121-15(D) of the Zoning Law; specifically, as described in Appendix 9.12, "Aquifer Pumping Test Report," a water budget was prepared for the project which demonstrates that water consumption will not exceed the estimated natural groundwater recharge and the project will not include burial of heating fuel tanks with a combined capacity of less than 1,100 gallons. As noted above, a special use permit may be required depending on threshold quantities of stored pesticides or herbicides. No uses are proposed which are prohibited within the Aquifer Overlay District.

If a program is in place to administer the workforce housing requirements prior to approval of the Proposed Action, the Applicant will evaluate options for complying with the provisions, such as providing off-site housing or contributing to infrastructure improvements. The Applicant is proposing to dedicate the project's onsite wastewater treatment plant to the Town, which could be expanded to provide capacity to serve the hamlet of Amenia.

It should also be noted that as a resort community, the Proposed Action was not designed as a TND. The TND section of the Code (§121-12.1) states that projects within the RDO District are intended to incorporate the major design elements of TND. This section also recommends following the “Hamlet Design Guidelines” and the Greenway Connections for development of land use proposals. The Proposed Action complies with many of the principles of the Greenway Connections, as described in Section 3.9, but the project is neither designed as nor intended to be a traditional hamlet.

The TND section of the Code does allow for the development of architectural or form-based standards in lieu of following the above guidelines; the Proposed Action will use the visual analysis contained in this DEIS along with future architectural standards to govern development of the site. Consequently, these standards will function in lieu of the various design guidelines referenced throughout the Zoning Law.

Subdivision of Land

The Proposed Action does not include a subdivision, as all of the residential units would be owned in the condominium form of ownership; no fee-simple lots are proposed.

As required by the Final Scoping Document, a Conforming Zoning Alternative is evaluated in Section 5.0 of the DEIS. This alternative provides 41 five-acre lots, in conformance with the RA District minimum lot size and density requirements.

3.8.3 Proposed Mitigation Measures

Land Use

The proposed project and site layout include a variety of measures that will reduce the potential for conflict between existing land uses and the proposed residential development. As previously noted, the layout has been designed to make use of the site’s natural topography and vegetation. The site design takes advantage of the existing slope by stepping down the hotel buildings so that they appear smaller from certain vantage points. The majority of the residential uses will be tucked back into vegetation along the periphery of the golf course, reducing the project’s visual impact from some surrounding viewpoints. The proposed land uses are generally compatible with those in the immediate vicinity of the project site.

Zoning

Under the existing Zoning Law, several variances would be required for the Proposed Action, including an area variance for maximum height of the hotel and possibly the townhomes. The Proposed Action complies with some of the

requirements of the RDO District. However, area variances would be needed for relief from the minimum open space requirement and the maximum impervious surface area limit. Furthermore, the Proposed Action does not to any great extent incorporate the major design elements of TND.