

3.9 Land Use and Zoning

3.9.1 Existing Conditions

Land Uses On-Site and in the Vicinity

The project site consists of two large agricultural parcels. The Keane Stud Farm property (Tax ID #403720, 216 Depot Hill Rd) includes three residences, six barns used to stable horses, pole barns for storage of hay and equipment, and a one-story administrative building housing the farm's offices, in addition to paddock areas for horses. It is in active use as a horse farm. Parcel #403720 is bisected by Depot Hill Road, creating a lot approximately 10 acres in size on the north side of the road. The former Syms parcel (Tax ID #515886, 168 Depot Hill Road) has no residential structures, but includes an old dairy barn, several dilapidated pole barns and an old silo. The Syms parcel is used for field crops and hay meadows. Both parcels are in Dutchess County Agricultural District #21, and receive agricultural assessments as a result of their ongoing agricultural uses.

The predominant land uses in the immediate vicinity of the site are residential and agricultural properties. On the ridge to the east of the parcel are a number of vacant wooded lots. Table 3-45, below, provides a breakdown by land use of all the parcels within 1/2 mile of the project site.

Properties within 1/2 mile of the boundary of the project site were identified using Parcel Access on the Dutchess County website (<http://geoaccess.co.dutchess.ny.us/parcelaccess/>). Any parcel that fell partially within the 1/2-mile zone around the site was included in the count, for a total of 3,549 acres consisting of 92 parcels. Land use within the site vicinity was determined using the land use codes and parcel area provided on the Parcel Access website. Single family residential property was the most common land use by lot count, with 43 parcels total (47% of parcels). However, only 57 acres, or 1.61% of the land counted in this survey, was devoted to single family use. Agriculture and vacant land make up 39.9% and 36.2% of the surrounding land use, respectively, by area. Field crops are the predominant agricultural use, and vacant land with improvements (includes golf courses) is the largest vacant-land use.

**Table 3-47
Land Uses within 1/2-Mile of Site**

LAND USE	Code	# of lots	Avg. lot size (ac)	Max. lot size (ac)	Min. lot size (ac)	Total acreage
AGRICULTURE						
Vacant farmland	105	5	103.13	286.60	13.20	515.64
Dairy farm	112	1	150.42	--	--	150.42
Field crops	120	5	149.91	465.60	27.66	749.56
RESIDENTIAL						
Single family	210	43	1.32	5.04	0.18	56.97
2-family	220	1	5.4	--	--	5.4
Rural residential	240	2	177.57	201.61	152.90	532.71
Rural residential + ag	241	1				
Multi family residential	280	2	30.28	59.35	1.20	60.55
VACANT LAND						
Residential vacant land	311	4	14.76	44.33	0.45	59.06
Vacant w/ improvements	312	4	189.36	402.23	36.69	757.44
Rural vacant <10 ac	314	4	2.68	3.65	1.06	10.71
Rural vacant >10 ac	322	2	26.02	41.16	10.88	52.04
Vacant rural	323	10	37.68	127.57	1.93	376.83
Vacant commercial	330	2	14.93	27.82	2.04	29.86
MINE/QUARRY						
	720	1	67.90	--	--	67.90
UTILITIES						
Water supply	822	2	1.22	2.21	0.23	2.11
Ceiling railroad	842	1	50.66	--	--	50.66
RECREATIONAL						
State park	961	1	64.78	--	--	64.78
Private fishing & hunting	920	1	6.40	--	--	6.40

Recent Proposals and Development

There are several development proposals for parcels surrounding the project site:

- Amenia Hills, a 19-lot conventional subdivision, is proposed on an existing 44.41-acre lot (Tax id #430145) located on Depot Hill Road 700 feet north of the project site. This

parcel is in the county tax rolls as vacant farmland as of the July 1, 2008 final tax roll, and is therefore included in the tally of agricultural parcels in the above table. Once this parcel is subdivided and developed, the number of single-family residential lots will increase to 62 of 110 parcels, or 56% of parcels.

- Silo Ridge is located approximately ½ mile west of the project site on NYS Rt. 22. It is currently an 18-hole golf course, and the developer intends to expand the existing golf course into a comprehensive resort community. The Town of Amenia Planning Board has declared that the Silo Ridge DEIS is complete as of October, 2007, and is currently reviewing the Master Development Plan.

There are no recently developed sites in the immediate vicinity of the project site, nor have there been any public improvements to roadways adjacent to the subject site.

The zoning code adopted July 19, 2007, is the one that now regulates development in the Town of Amenia, including development on the subject property. The zoning regulations that were current at the time the Scoping Document was prepared have been superseded by the new regulations. Only the new regulations are discussed in this section.

Under the adopted zoning code, the site's base zoning districts are Rural Agricultural (RA) and Rural Residential (RR), with several overlay districts that further control land use and development intensity. Overlay districts applicable to the site and its vicinity are the Resort Development Overlay District (RDO), Scenic Protection Overlay District (SPO), Stream Corridor Overlay District (SCO) and the Aquifer Overlay District (AQO). The majority of the site is zoned RA, with approximately 15 acres of the two parcels falling in the RR Zoning District: the 9.62-acre portion of parcel #403720 that is located across Depot Hill Road from the bulk of the site, and an area of approximately 7.5 acres adjacent to County Route 81 that applies to land within 150 feet to 330 feet from Route 81. The Resort Development Overlay Zone (§121-18), permits flexibility in land uses and density, but requires adherence to conservation standards and design guidelines that exceed the ordinary conservation subdivision standards. Greater restrictions mitigate the greater freedom in use and intensity of use on the small area permitted for development, and does not base the number of units on traditional calculations of density but requires a minimum of 80% of the site be placed in a conservation easement, and the site have less than 15% impervious cover. The other overlay zones impose specific limitations on land uses that are intended to protect the specific resources named. The proposed project is developed under the RDO.

The uses allowed in both the RA and RR zones include a range of traditional rural or agricultural activities and complementary commercial uses, listed below.

Permitted by Right:

- Single-family Dwelling
- Accessory Apartment
- Home Occupation
- Agriculture

Permitted by Right, requires Site Plan Approval:

- Bed & Breakfast

- Timber Harvesting
- Riding Academy (considered an accessory use when operated in conjunction with a farm, see Ch. 121, Article XII, Definitions)
- Municipal

Subject to Special Permit by Planning Board:

- Two-family Dwelling
- Multi-family Dwelling (*conversion*)
- Multi-family Dwelling (*new*)
- Residential Care Facility
- Camp
- Craft Workshop
- Kennel
- Office (*office use must be related to agriculture, or meet standards set in §121-10(l) that permit some commercial uses in residential structures*)
- Public Utility Facility
- Recreational Business
- Restaurant (*restaurant use must be related to agriculture, or meet standards set in §121-10(l) that permit some commercial uses in residential structures*)
- Retail Business (*not listed elsewhere –retail must be related to agriculture, or meet standards set in §121-10(l) that permit some commercial uses in residential structures*)
- Service Business (*not listed elsewhere –service must be related to agriculture, or meet standards set in §121-10(l) that permit some commercial uses in residential structures*)
- Veterinary Hospital
- Cemetery
- Educational/Charitable/Religious
- Health Care Facility
- Membership Club

Subject to Special Permit by Town Board:

- Soil Mining

In addition to the uses listed above, in an RDO additional permitted uses include:

- Lodging facilities, meeting rooms and conference facilities
- Retail, recreational and service businesses associated with the resort use
- Riding academy and other equestrian uses
- Such other uses as may be approved by the Planning Board in issuing a Special Permit for development plan consistent with the purposes of the overlay district.

Depending on the uses proposed, RDO applicants may be required to produce an in-depth conservation analysis and master development plan. Scenic and water resources are prioritized in determining the value of open space, and designs are encouraged to follow “Traditional Neighborhood Development” (TND) principles, although the Planning Board

may determine that this requirement does not apply, as provided in Section 121-12.1 (H)(2). Architectural standards and covenants specific to a particular RDO development may be used as a substitute for any design standards contained in the code (see §121-18(C)(3)(c)).

The RDO is “intended to incorporate major design elements of TND,” the standards for which are provided in §121-12.1 of the Zoning Code.

While projects in the RDO district are encouraged to adopt elements of TND, the RDO provides the Town of Amenia Planning Board with flexibility to determine what such development might look like, and the type of land uses that are appropriate. The final paragraph of the section (121-12.1H.2) deals with specific applicability of TND standards to the RDO district: “Within the RDO district, the requirement of a complete mixed use community shall not apply if it would not be economically viable in the location of the resort development or if it would have an adverse impact on the economic viability of the Hamlet of Amenia. However, the requirements of subsections B, D, E, F, and G above may apply if such requirements are consistent with the proposed resort use of the property.” The zoning code does not define a “complete mixed use community,” but defines “mixed use” as “any combination of residential, commercial, or industrial uses on the same lot or in the same building.”

CONVENTIONAL SUBDIVISION

Developed as a conventional subdivision, the zoning code allows 10-acre lots in the RA zone and 5-acre lots in the RR zone. These base acreage requirements allow fewer than 50 residential units overall, ignoring factors such as environmentally sensitive areas like steep slopes and hydrological features, or infrastructure requirements such as roads.

**Table 3-48
Lot sizes and Dimensional Requirements
RA and RR Districts (§121-11)**

	RA	RR
Minimum lot size (<i>conventional</i>)	10 ac.	5 ac.
Minimum road frontage for conventional subdivision		
Town road	250'	250'
County/State road	300'	400'
Minimum/maximum front yard setback		
Town Road	40'	40'
County/State road	60'	60'
Minimum side yard setback	30'	30'
Minimum rear yard setback	50'	50'
Maximum impervious surface coverage	10%	10%
Maximum height	35'	35'
Maximum footprint for non-residential structures	6,000 sf	4,000 sf
Maximum density for conservation subdivision	5 ac/du	3 ac/du

CONSERVATION SUBDIVISION

The newly adopted zoning also allows the development of a Conservation Subdivision on the subject property. Conservation subdivisions permit the same uses as would be allowed if the land were developed conventionally, but can permit increased density and design flexibility in exchange for protection of natural and agricultural resources. While considerable flexibility in lot layout is allowed, existing subdivision standards are assumed to prevail. A conservation analysis must be performed as a first step in determining a site's development limitations. The conservation analysis is the basis for net acreage, density and open space calculations, explained below.

Density: The maximum density permitted on a site is given in the Dimensional Table, provided above. In the RA zone, the maximum density is one dwelling unit per five acres of site area, and in the RR zone, the maximum density is one dwelling unit per three acres of site area. This number is obtained using the formula:

$$\text{Maximum density} = (\text{total site area})/(\text{dwelling units per acre})$$

The actual number of lots allowed in a conservation subdivision is obtained by multiplying maximum density by the buildable (net) acreage. This number is then multiplied by 0.85 to account for roads and infrastructure requirements to determine base density. Additional density is gained by adding back units to this number, based on density bonuses that are earned in return for providing specific benefits in the development. The final density cannot exceed the maximum density calculated by (total site area)/(dwelling units per acre), except in cases where a density transfer may be used. Density bonuses can be obtained in various ways, adding dwelling units to the number obtained above:

- Providing public access to open space that has a "significant recreational benefit" for the town garners a 25% bonus.
- Protection of 60% of the parcel as working farmland provides another 25% bonus.
- Preservation of open space beyond the required amount (50%) accrues an additional 10% density for each additional 5% of the parcel that is protected
- Provision of permanently restricted workforce housing, amounting to 10% of the total dwelling units, gives another 25% bonus lots (once the Town implements procedures for administering the program, workforce housing will be required in any development of 10 units or more, whether or not it is a conservation subdivision. According to §121-42.P, workforce housing is added to the total number of units allowed according to the maximum density calculation. If 25 units are allowed, 3 workforce units will be required, allowing 28 units to be built in total).

- Density transfer allows an additional 50% bonus on the receiving parcel – allowing maximum base density to be 150% of the ordinary maximum that is permitted.

Open space requirements: In a conservation subdivision, at least 50% of the property must be protected as permanent open space (§121-20.J.1). Open space conservation easements may include active farms and their structures, as well as access roads for agriculture and recreation. The *required* open space in a conservation subdivision may not include land that is in private yards within 100 feet of residential structures (§121-20.J.2), and may contain *up to* 25% land that is not buildable. For example, if a site's total area is 100 acres, 50 acres must be protected by the conservation easement, and of that 50 acres, 37.5 acres must be land that would otherwise be amenable to development. Presumably, additional unbuildable land can be voluntarily committed to the conservation easement.

Lot size and setback requirements: Minimum lot sizes in conservation subdivisions depend on provision of common or municipal sewer and water. The lot sizes permitted in conservation subdivisions are the same as those permitted in the HM and HR (Hamlet Mixed-use and Hamlet Residential) districts, and the HM setback requirements also apply (See Table 3-49).

**Table 3-49
Lot Sizes and Dimensional Requirements
HM District (§121-11)**

	HM
Minimum lot size (<i>conventional</i>)	*See below
Minimum road frontage for conventional subdivision	
Town road	40'
County/State road	50'
Minimum/maximum front yard setback	
Town Road	25'/40'
County/State road	30'/40'
Minimum side yard setback	10'
Minimum rear yard setback	15'
Maximum impervious surface coverage	50%
Maximum height	45'
Maximum footprint for non-residential structures	10,000 sf

* The table below indicates the lot size allowed depending on the utilities provided:

Sewer provided?	Water provided?	Required Lot Size
No	Yes	40,000 sf
Yes	No	20,000 sf
Yes	Yes	4,000 sf
No	No	40,000 sf

RESORT DEVELOPMENT OVERLAY

In an RDO proposal, density and lot dimension and lot-by-lot setback requirements are dispensed with in favor of stricter minimum open space, buffer and impervious surface standards. Specifically, the code states in §121-18(C)(5) – Maximum Impervious Surface Coverage and Dimensional Standards:

“Maximum impervious surface coverage, as defined in Section 121-74, shall be 15% of the total site area, including preserved open spaces. The density and dimensional standards in §121-11, all other density and dimensional regulations in this Chapter other than those contained in this Section 121-18, and the parking and loading requirements in Section 121-38 shall not apply and are superseded by this subsection. No more than 5% of the total footprint area may be used for retail establishments that sell goods and supplies. Maximum building height shall be 35 feet except as provided in Subsection 9 below. Dimensional and density standards shall be as approved by the Planning Board in the Master Development Plan, based upon the physical characteristics of the site, the character of the proposed development, relevant performance standards in this Chapter, and the requirements of the SEQR process.”

The RDO must include a minimum of 80% of the land area protected as open space under a conservation easement. Farmland and farm structures, ponds and streams, and recreational land, including hiking and equestrian trails, may be included in the protected open space. The entire development area is to be treated as a unit, according to §121-18(C)(10), with dimensional requirements applying to “the entire area covered by a Master Plan of Development and not to any individual parcels or lots which are portions thereof.” Buffers 100 feet deep are required between the RDO district and any existing residential uses not within the RDO district. The buffers may be wooded or open, and may include trails or paths, but may not include buildings or recreational structures.

Agricultural buildings, trails, golf cart paths may all be included in the conserved land areas, but land under non-agricultural buildings constructed within the conservation land that are larger than 200 square feet or taller than 20 feet in height cannot be included in the total conservation land.

RESOURCE PROTECTION OVERLAY DISTRICTS

Overlay districts that affect the development potential of the site include the SPO, SCO and AQO districts.

- Stream Corridor Overlay District

The stream corridor overlay district applies to land within 150 feet of streams classified by the NYS DEC, and others that are designated on the Town’s Resource Protection Overlay Districts Map. It imposes dimensional and use restrictions on structures within its boundaries. No principal structure may be located within 100 feet of a watercourse, and no

accessory structure larger than 200 square feet may be located within 50 feet of a watercourse. Docks, piers, bridges and similar structures are not subject to these setbacks.

For proposed development within the SCO (that is, within 150 feet of a protected stream), site plan approval is required for construction of any structure greater than 500 square feet. It is also required when a project will, within a one-year, fill or excavate greater than 5,000 square feet, clearcut more than 10,000 square feet of vegetation, or grade more than 10,000 square feet of "natural landscape." Agricultural uses and repair and maintenance of existing structures are exempt from site plan approval. An erosion and stormwater control plan is required for projects, lying wholly or partially within the SCO, that cause 10,000 square feet of disturbance. Site Plan approval can be granted if the Planning Board determines that the proposal will not degrade scenic character of the surroundings, and will not promote erosion or pollution to surface or subsurface waters as a result of runoff.

- Scenic Protection Overlay District

The Scenic Protection Overlay District (SPO) applies to lands mapped on the Resource Protection Overlay Districts Zoning Map. The protected areas include ridgeline areas visible from multiple viewpoints, land lying within 800 feet of NYS Routes 22, 44, 343 rights-of-way and land lying within 500 feet of the Harlem Valley Rail Trail and other designated scenic trails or roads. The intent of the SPO is to regulate land uses in order to protect scenic and rural value of the landscape from publicly visible locations throughout the town.

Site plan review is required for construction of any structure greater with a footprint of 500 square feet or greater and for agricultural buildings with a footprint larger than 10,000 square feet. Development in the SPO that will clear-cut, fill, excavate, grade or otherwise alter 5,000 square feet of the natural landscape within a single year also requires site plan review. Agricultural buildings with a footprint smaller than 10,000 square feet, repair and maintenance of existing structures, and clearing and grading associated with unpaved hiking trails, are exempt from the SPO regulations.

Within the SPO, general, landscape and architectural standards must be met for Site Plan approval to be granted. General standards require that scenic character is not significantly impaired and that the project is aesthetically compatible with its surroundings. Removal of native vegetation must be minimized, but may be permitted to open up public views that are blocked. Buildings should be located and grouped in a way that minimizes their visibility from public places. The tops of buildings must be kept, at a minimum, 40 feet below the crestline, and may not disturb the continuity of the treeline. Chimneys, cupolas, antennas, satellite dishes and other similar rooftop appurtenances are allowed to be 30 feet from the crestline. Building site areas must be located on a plan, and designated "building envelope." The area cleared for a single family home may not exceed 30,000 square feet, exclusive of driveways, utility access, and areas needed for subsurface sewage disposal.

Landscape standards require that a continuous green buffer with a 100-foot minimum depth be maintained along Routes 22, 44 and 343, and that a 50-foot minimum buffer be maintained on designated roads (notably, Depot Hill Road is not a "designated road" as defined by the Amenia Zoning Code). The buffer may consist of native trees and shrubs, fields, meadows or lawns. Shade trees or other plantings consistent with the aesthetic

character of the landscape must be planted within the road right-of-way. Existing trees lawns and shrubs are to be preserved to the extent possible, if their removal cannot be avoided, they should be replaced by native trees or other vegetation. New trees may be used to screen views of new construction, reducing visibility from public places. Clear-cutting trees (defined in the zoning code as "Any cutting of all or substantially all trees over six inches in diameter at breast height over more than 2000 square feet of land area") is prohibited when such clear-cutting would alter the publicly accessible crest line views of a ridge. Although not defined in the Zoning Code, a crest line is generally understood to refer to the top edge of a fold or ridge.

Architectural standards apply to structures that will be visible from public roads and trails, and pertain to roof and fenestration proportions. Additionally, the development is to comply with "Rural Siting Principles," which are explained in Section 121-31. The Planning Board may waive one or more of the specific requirements if the visual assessment prepared as part of an EIS supports such a waiver, and the waiver will not impair the scenic preservation intent of the SPO.

- **Aquifer Overlay District**

The Aquifer Overlay District is applied to the entire Town of Amenia, and it includes two major types of aquifers, both of which are present on the subject property. The Valley Bottom Aquifer, present on the lower-lying sections of the site nearest Depot Hill Road where development is proposed, is already the most heavily developed, and also contains significantly more groundwater. The Upland Aquifer, which includes the wooded hillsides of the site where no development is proposed, includes areas that have less groundwater and also less development. The site is included in the "Priority Valley Bottom Aquifer" because it is most susceptible to contamination because there is currently no public water supply in the area. The designation "Upland Wellhead Protection Area" has been defined, but not mapped yet, as a buffer that may be used to protect groundwater sources that may in the future be necessary to support development needs in the Upland Aquifer areas. The Aquifer Overlay District is meant to protect groundwater resources by regulating uses that are associated with potential sources of contamination, and to manage development in a way that does not deplete the water supply.

WORKFORCE HOUSING

The Town of Amenia Zoning Code includes a workforce housing requirement, aimed at providing workers in moderate-income households an opportunity live in Amenia at an affordable rate. Under this provision, households whose aggregate annual income is less than 80% of the Dutchess County median income are eligible to purchase homes and those with incomes less than 50% of the Dutchess County median income are eligible to rent homes. Income requirements are waived if the developer provides housing for on-site workers as part of the development plan.

Developments of 10 or more units are required to provide workforce housing at a rate of 10%, but the workforce units are not counted in the overall density. Rather than develop workforce housing units on-site, a developer may opt to pursue an alternative means of providing the

intended benefits of workforce housing. According to §121-42P, Mandatory Workforce Housing, acceptable alternatives include:

- a. Payment of a fee in lieu of constructing the workforce housing units as provided in subsection N.
- b. Construction of the required housing units in another location.
- c. Placing a restrictive covenant that satisfies the requirements of subsection G(2)(d) above [pertaining to sale and resale of designated workforce housing units] on one or more existing dwelling units located on the same property or on adjoining property.
- d. Make a substantial contribution toward the cost of providing water and/or sewer infrastructure to the hamlet of Amenia or Wassaic. In order to allow this contribution to substitute for satisfying the workforce housing requirement, the Planning Board must find that (i) the contribution substantially advances the Town's goal of providing such infrastructure and (ii) that the provision of such water and sewer infrastructure will result in an increase in the availability of housing for persons who are the intended beneficiaries of the workforce housing program as described in this Section 121-42.

It should be noted that as of June, 2008, the Town Board has not implemented a workforce housing program, but is working with Dutchess County to develop an administration program for workforce housing. Until the Town Board adopts an administration program, the requirements for workforce housing are not in effect. However, an Applicant is required to submit plans showing compliance with the workforce housing provisions in the event that such a program is implemented before the Applicant receives final approval. If no program has been implemented at the time of approval, the Applicant is no longer required to comply with the workforce housing provisions described in Section 121-42 of the Zoning Code.

3.9.2 Potential Impacts

The agricultural, residential and open space uses proposed in this project will be compatible with the predominantly similar uses surrounding the site. The proposal will continue the use of the property as a horse farm, while adding moderately dense residential development and protecting existing forests and fields under a conservation easement. The most significant impact will be the intensity of residential land use and concomitant recreational activity. There are currently three residences on the site, the proposal will increase the number of residences to 137. The horses currently on site are kept for breeding purposes only, and the development of the equestrian facility will increase the number of horses kept on site; the project proposes to have a maximum equine population equal to the current number of stalls at Keane Stud, 116 horses. The Town's newly-adopted zoning changes require that new development meet more stringent guidelines for protection of natural, visual, water and land resources than had previously been in place.

LAND USE

All of the uses proposed in the concept plan would be allowed within the RA and RR zoning districts by right or with special permit. Single-family residences and agriculture (both the stud farm and equestrian boarding count as agriculture, as would the community gardens and

hayfields) are permitted by right. A riding academy is permitted by right, but it requires a site plan. According to 121-18.C.1.d, “retail, recreational, and service businesses associated with the resort use” are permitted in the Resort Development Overlay. The remaining uses proposed – offices relating to operation of the site, small-scale retail and cafe that are accessory to the riding facilities, and the community uses for members of the homeowners’ association– are all permitted within the RDO.

BULK AND AREA REQUIREMENTS

The proposal does not comply with the Zoning regulation’s standards for a conventional or conservation subdivision in the RA zoning district, because it seeks greater density than either of these subdivision types will allow. Instead, the proposal requires invocation of the RDO regulation. Compliance issues are summarized in Table 3-50 and are further discussed in the following paragraphs.

**TABLE 3-50
Zoning Compliance**

	Proposed (1)	Conventional RA required	com- pliant	Conservation required	com- pliant	RDO required	com- pliant
Total Site Requirements							
Minimum Conservation Easement	418 acres - 87%	n/a	yes	50%	yes	80%	yes
Maximum Impermeable Surface Permitted	17.97 acres - 3.7%	10%	yes	10%	yes	15%	yes
Maximum Density (2)	3.5 ac/du	n/a	no	5 ac/du	no	n/a	yes
Maximum Number of Units	138	40 (3)	no	96 (5)	no	n/a	yes
Buffers/Setbacks from neighboring properties	120'	n/a	yes	n/a	yes	100'	yes
Maximum Retail Area Permitted (area/%)	3,000 sf (< 2%)	5,000 sf	yes	5,000 sf	yes	(7)	yes
Individual Lot Requirements (1)							
Lot Size (minimum)	5,500 sf (3)	10 acres	no	8,000 sf (6)	no	n/a	yes
Road Frontage (minimum)	50'	250	no	50'	yes	n/a	yes
Front Yard setback on Town Road (minimum)	35' to garage	40'	no	25'	yes	n/a	yes
Front Yard setback on Town Road (maximum)	190'	n/a	yes	40'	no		
Side Yard setback)	20'	30'	no	10' or 0'	yes	n/a	yes
Rear Yard (minimum)	20'	50'	no	15'	yes	n/a	yes
Maximum Footprint, non-residential building (8)	50,000 sf	6,000 sf	no	n/a	yes	n/a	yes

notes:

- (1) note that subdivision into individual lots is not proposed, however, the layout that is proposed could be adapted to single-lot development without altering (either by moving, reducing in size or eliminating) any structures, roads or other facilities. The analysis of the individual lot requirements assumes that single lots have been created using lot lines perpendicular to proposed roads, centered between apparent "build-to" lines on each lot.
- (2) Subject property is primarily in RA zoning district, although approximately 17 acres of the site are located in the RR zoning district. The RR zoning regulations apply to the +/- 10-acre section of the former Keane Stud Farm property that is north of Depot Hill Road, and to a 7-acre strip of land adjacent to Route 81 on the western edge of the site.
- (3) The smallest "lots proposed are found in Neighborhood 4, where lots would be 50' x 110'. In Neighborhoods 1, 2 and 3, lots are typically 100' wide, and may be as wide as 130'.
- (4) Permitted number of lots under conventional zoning scenario based on the formula: $Number\ of\ lots = (acreage) * (0.15) / minimum\ lot\ size$. As will be demonstrated in the Alternatives Analysis presented in Section 5 of this report, only 37 lots were actually sited.
- (5) Number of lots based on density calculations from Section 121-20(B) of Amenia's Zoning Code
- (6) Lot dimensions in Conservation Subdivisions are generally based on those allowed in Hamlet Residential and Mixed Use districts. Lot size depends on accessibility to municipal water and/or sewer systems. Because community water and sewer systems are proposed for the site, the smallest lot size is assumed to apply.
- (7) Small retail establishment, related to resort or recreational use, no more than 5% of total building footprint area may be devoted to retail sales.
- (8) Excludes agricultural uses. Approximately 25% of the footprint of the proposed structure is devoted to agricultural use (horse stalls).

CONVENTIONAL SUBDIVISION

If the site were developed as a conventional subdivision, 10-acre minimum lots would be required on the RA portion of the site and 5-acre minimum lots would be required on the RR portion of the lot. Due to the configuration and size of the RR areas of the site, however, there is no significant benefit derived by the reduced minimum acreage allowed in the RR zone: there are two patches of land in the RR zone; each is between 5 and 10 acres, and as a result, only two new parcels could be subdivided from the rest of the existing parcel. Given road access, frontage and topographic conditions, only the section of the site north of Depot Hill Road, which is slightly less than 10 acres, could be made into a stand-alone parcel. The balance of the site – approximately 465 acres – would support 39 lots, assuming 15% of land would be devoted to road and infrastructure. This gives a maximum of 40 lots if developed conventionally. In reality, the complex topography and hydrological features reduce the number of buildable lots significantly – one alternative development scenario that is presented later in this DEIS would have 37 10-acre or larger lots. A full analysis of site development as a conventional subdivision alternative is included in Section 5.2.

CONSERVATION SUBDIVISION

The maximum density permitted in a conservation subdivision is 5 ac/du in the RA zone, and 3 ac/du in the RR zone. Given a total area of 481.44 acres, with 17 acres zoned RR and 464.44 acres zoned RA, the maximum density that could be allowed would be 6 units in the RR zone, and 93 units in the RA zone, for a total maximum of 99 dwelling units as base density. Buildable area, or net acreage, has been obtained by subtracting the acreage of steep slopes greater than 30%, wetlands, water courses, floodplain, and half the acreage of slopes between 15% and 30% from the gross (total) acreage, then multiplying the outcome by 0.85 to account for road and infrastructure space requirements. Net acreage, as defined above, is 343 acres – allowing a base density of 58 dwelling units. However, density bonuses as a result of public access for recreational amenities, land in excess of required conservation land and provision of workforce housing bring the number of dwelling units as high as 118. If public access is not permitted and workforce housing is not included, there is still a 45-unit bonus because the area protected is 87% of the total site. The total number of units cannot exceed the base density, so 99 units is the maximum that would be permitted. Based on density alone, the proposed layout of 137 homes does not comply with the conservation subdivision regulation outlined in the town's zoning code. Table 3-51 provides the conservation analysis required by the zoning under the conservation subdivision (Section 121-20 of the Amenia Code).

**Table 3-51
Conservation Subdivision Density Analysis**

TOTAL SITE AREA		481.44	ac	
	Site Area in RR Zone	17.00	ac	
	Site Area in RA Zone	464.44	ac	
	(area)/3 ac. per du =			
	max buildout RR zone	5.67	units	
	(area)/5 ac. per du =			
	max buildout RA zone	92.89	units	
	TOTAL MAX BUILDOUT	98.55	units	
	residential development area (incl. roads and buffer)	62.45		
	conserved open space (recreation, agriculture & forested)	418.99	ac	87% of land total
	conserved agricultural land	241.60	ac	51.1% of land area
	# of workforce housing units	0.00	units	0.0% of proposed

BUILDABLE AREA DEDUCTIONS

SLOPES

0-15%	294.21	ac
15-25%	117.96	ac
25-30%	22.92	ac
30% & up	52.45	ac

WATER

Wetland A	10.0	ac
Wetland B	1.89	ac
Wetland BL	0.19	ac
Wetland C	0.43	ac
Stream C	0.20	ac
Wetland H	0.64	ac
Wetland J	0.86	ac
Wetland K	0.86	ac
Wetland I	0.21	ac

TOTAL 15.3 ac

NET ACREAGE & BASE DENSITY

if 30% slope is "unbuildable"

net acreage=
= 343 ac

base density = net acreage * (0.85)/5 ac per du
= 58 units

DENSITY BONUSES - can be applied to base density at discretion of the planning board

25% bonus if public is allowed access to protected open space of significant recreational benefit

= 15

Table 3-51 continued on next page.

25% bonus if 60% of property is preserved as farmland	=	0
10% bonus per extra 5% land placed in conservation above required 50%	=	45
25% bonus if 10% or more units are restricted to workforce housing	=	0
TOTAL BASE + BONUS		118
TOTAL PERMITTED	99	BASE DENSITY

Open space requirements: In a conservation subdivision, at least 50% of the property must be protected as permanent open space (§121-20.J.1). Open space conservation easements may include active farms and their structures, as well as access roads for agriculture and recreation. The *required* open space in a conservation subdivision may not include land that is in private yards within 100 feet of residential structures (§121-20.J.2), and may contain *up to* 25% land that is not buildable. Presumably, additional unbuildable land can be voluntarily committed to the conservation easement. With 69.37 acres devoted to residential development and related infrastructure, 85% of the site will remain in open space. Keane Stud farm, which is included in the overall tally of open space, makes up 71 acres, or 17% of the conservation land set-aside.

Lot size and setback requirements: Minimum lot sizes in conservation subdivisions depend on provision of common or municipal sewer and water. The lot sizes permitted in conservation subdivisions are the same as those permitted in the HM and HR (Hamlet Mixed-use and Hamlet Residential) districts, and the HM setback requirements also apply. The project has not been conceived as a subdivision, and therefore, there are no lot lines. Lot lines could be drawn between the houses to approximate a subdivision, and in this case, most setbacks would be met, although lots in Neighborhood 4 are undersized, and front yard setback maximums are exceeded in most of the lots in Neighborhoods 2, 3, and 4.

RESORT DEVELOPMENT OVERLAY

The proposal meets the area and bulk requirements of the RDO, which are limited to conservation area and impervious surface. At a minimum, 80% of the total land area must be protected by a conservation easement, and the proposal meets this requirement, with 85% protected. Permitted uses in the conservation easement area include farmland and farm structures, ponds and streams, and recreational land including golf-courses, and cross-country, hiking or equestrian trails. Small (less than 200 square feet and 20 feet tall) non-agricultural buildings uses can be permitted in the conservation easement area. The RDO regulation also prioritizes land in the SPO (Scenic Protection Overlay) and SCO (Stream Corridor Protection Overlay) districts, especially De Lavergne Hill views, ridgelines, historic resources, unique ecosystems, prime agricultural land and water resources.

- The proposed concept plan contains some development in the prime agricultural soils, as defined in the USDA/NRCS soil survey of Dutchess County. The project site has 223.81 acres of soils designated as either Prime Farmland or Farmland of Statewide Importance. Proposed development will consume 48.54 acres of prime agricultural soils. Despite this, the proposal will reserve 241 acres for agricultural uses.
- The proposed concept plan includes development (one house in Neighborhood 2) falling within the 150-foot SCO district. The house is outside of the 100-foot principle structure setback and therefore triggers site plan review.

The proposal avoids development on steep slopes with 95% of the development occurring on slopes of 15% or less, and no development on ridges. Less than one acre of forested areas will be removed to accommodate development. Hedgerows will be perforated by driveways in Neighborhoods 1 and 2, but will otherwise be protected and augmented with additional plantings. Development is limited near water resources and their buffers. The proposal attempts to concentrate development in areas that are not prioritized (even though site conditions make it difficult to do so completely).

A conservation analysis performed according to §121-20A is required only when the proposal includes uses that are not permitted in the underlying zoning district. Because the concept plan includes only uses that would be permitted, the conservation analysis is not strictly required. Like a conservation analysis, a master development plan is required only when uses are proposed that are not allowed in the RA zone. When a master development plan is required, the applicant must submit a special permit application for the project. Because of the uses proposed, neither is required. However, the applicant has undertaken both as integral components of the design development process. Additionally, site plan review is triggered by development of the equestrian facility and by development within resource protection overlay zones, discussed below.

The Town of Amenia Zoning Code promotes “traditional neighborhood development” (TND), also called neo-traditional development or new-urbanism, for development in some parts of the town. Section 121-18(C)(7), states that the “layout of streets, blocks, public spaces, and buildings in the RDO District shall follow the principles of Traditional Neighborhood Development described in Section 21-12.1 [Traditional Neighborhood Development Standards for HM, HR, MCO and RDO Districts] to the extent practical, unless the Planning Board determines that this requirement does not apply as provided in Section 121-12.1(H)(2).”

Section 121-12.1(H)(2) makes the following exception to the implementation of TND standards: “Within the RDO district, the requirement of a complete mixed use community shall not apply if it would not be economically viable in the location of the resort development or if it would have an adverse impact on the economic viability of the Hamlet of Amenia. However, the requirements of subsections B, D, E, F and G above [which cover multifamily dwellings, design guidelines, setbacks, and street and block configuration] may apply if such requirements are consistent with the proposed resort use of the property.” The zoning code does not define “complete mixed use community,” but “mixed use” is defined as “any combination of residential, commercial or industrial uses on the same lot or in the same building.” Depot Hill Farm will include a mix of uses appropriate to its rural setting – agricultural, recreational and residential uses are the primary uses proposed. Provision of small-scale, community-focused retail services is

consistent with new-urbanist practice¹, and Depot Hill Farm does not intend to develop commercial uses that would compete with established or new businesses located in the Hamlet. As stated in the *Amenia Concept Plan* developed by Dodson Associates, “there is no need to build new commercial facilities in Amenia’s countryside or along its outlying roadways because the space exists for new commercial development in the hamlet center and nearby areas,” (Dodson acknowledges that such development in the Hamlet would require a centralized municipal sewer system).

Considering the historic pattern of agricultural uses and farmsteads, the street-and-block layout is an inappropriate model. The proposed development takes its organizational cues from the spatial arrangement of agricultural fields, farm roads and hedgerows in an attempt to achieve a low-impact rural/agricultural aesthetic that complements the surrounding landscape. In plan view, the effect is similar to the streets built in 18th century Connecticut Valley towns such as Hadley, Sunderland and Deerfield, where a linear arrangement of houses on a single long street were the norm. The land-holding system in these historic communities allowed farmhouses to be built more densely than is typically associated with farmsteads, but less densely than is typically associated with the communities quoted by the New Urbanists. In the Connecticut River Valley, a landholder would be allotted tracts of land in different parts of the settlement – on the commons, in woodlots, in creek-bottoms – so that their holdings would be discontinuous but distributed equitably among all land-owning inhabitants. Houses were arranged along a commons, so that a sense of community was maintained among the residents, but the distances between the houses, and setbacks from the roads traversing the commons, were often on the order of 50 to 100 feet, because each house, even in a village, was a farmstead, replete with barns, livestock and agricultural processing activities.

The proposal adopts a new paradigm in community planning called “New Ruralism”, that differs from, but does not contradict, New Urbanism. It addresses rural and agricultural land uses and development with a similar critical stance that New Urbanists applied to urban and suburban development in the early 1980’s.

New Ruralism is built on twenty years of reform - in food, agriculture, and land use planning. The sustainable agriculture and local food systems movements have taken organic foods mainstream, made farmers’ markets a basic town-center amenity, and put “slow food” on a fast track. At the same time, New Urbanism projects and Smart Growth initiatives have demonstrated the possibilities of creating healthier, more livable urban centers. Communities large and small are utilizing smart growth tools to create mixed use, pedestrian-friendly and transit-oriented developments; to encourage infill, revitalize downtowns, institute ‘green’ building policies, and better balance the growth of jobs and housing. New Urbanism acknowledges farmland and nature to be as “important to the metropolis as the garden is the house”. Yet approaches for strengthening the vitality of surrounding rural areas as a means to contain and sustain cities have not been thoroughly investigated. In many ways, New Ruralism is now where New Urbanism and Smart Growth

¹ See Duany Plater-Zyberk (DPZ) “Smartcode Version 9.2,” Table 10, page SC42, in which “restricted retail[...] limited to neighborhood store or food service seating no more than 20,” is considered an appropriate retail use in rural areas such as Depot Hill Road. A “mixed use block” is not considered appropriate in rural areas. A more thorough discussion of the application of DPZ’s Smartcode and Transect to the proposal is included in Section 9.3 of this DEIS (Smartcode Version 9.2 retrieved from: http://smartcodecentral.com/docs/smartcode9_2/3000-SMARTCODE-UNANNOTATED.pdf, October 28, 2008).

were two decades ago – powerful ideas that were being generated mostly by professionals, out of sight of public and academic views.

[...]

Just as New Urbanists and ‘critical regionalists’ have articulated and demonstrated the potential for a renewed movement of place-affirming urban planning, our regional rural areas need a similar call to action. We are positing New Ruralism as a corollary of New Urbanism with a related framework of principles, policies, and practices, and with the following as its preliminary vision statement:

New Ruralism is the preservation and enhancement of urban edge rural areas as places that are indispensable to the economic, environmental, and cultural vitality of cities and metropolitan regions.

-Sibella Kraus, *A Call for New Ruralism*

“New Ruralism” promotes a traditional relationship between urban centers and the ex-urban places that support them.

RESOURCE PROTECTION OVERLAY DISTRICTS

- Hydrologic/Stream Corridor Overlay District - SCO District includes all land lying within 150 feet of the top of bank of the creeks shown on the Zoning Code Overlay map. Stream CONN 15-11-2-2-1, which discharges to wetland AM-10 is a designated SCO. One house in Neighborhood 2 is located within the SCO. Although the house is outside of the SCO 100-foot restriction zone, site plan review is required, and must address the goals of the SCO regulation.
- Scenic Protection Overlay – The proposed concept plan falls mainly within the SPO district, with all of the houses and road in Neighborhood 1 falling within the SPO district, all but two of the houses and all of the road in Neighborhood 2 falling within the SPO district, four of the sixteen houses and approximately 20% of the 900-foot road in Neighborhood 3 falling within the SPO, and 8 out of the 38 houses in Neighborhood 4 fall within the SPO on the north side of Depot Hill Road.

A detailed visual impact assessment is included in this DEIS in Section 3.7. As permitted in the Zoning Code, a proposed project is eligible for a waiver from the SPO requirements where a visual impact assessment is completed as part of an EIS and if the SEQR findings support the waiver. In the Applicant’s opinion, the combination of compact siting, maintenance and improvements to the hedgerows, neutral color palettes for new structures, management of outdoor environment, and proposed new plantings, mitigate the potential visual impacts. Refer to Section 3.7 for detailed discussion and photo simulations of the project.

- Aquifer Overlay District – The proposed agricultural uses of the site meet the exemption in the Zoning Code. To determine conformance with the AQO of the proposed new water supply to serve an average daily demand of 63,020 gpd, a calculation of natural recharge in the aquifer was completed based on the methodology in the code. It has been found that the parcel’s natural recharge exceeds the proposed consumption by

more than four times. Because the proposed consumption does not exceed the recharge, a special permit for the AQO is not required.

The land is in Dutchess County Agricultural District #21. Within agricultural districts, land is eligible to receive an agricultural assessment, which can significantly reduce the property tax burden on actively farmed lands. The fiscal impact of the agricultural assessment applied to the subject properties, both currently and post-construction operation of the facilities, is discussed Section 3.19, Fiscal Impacts. The agricultural assessment provides the proposed development incentive to continue actively farming the land. Agricultural districts also provide farmers protection from litigation and exemption from some land use regulations that would disrupt farming practice.

WORKFORCE HOUSING

The proposal does not include workforce housing units, the requirements of which are described in the Town of Amenia Zoning Code, Section 121-42. It is the Applicant's intent to make a donation to a town-managed housing fund if the Town adopts a local law. In the absence of local law adoption, alternative means of compliance with the workforce Housing Law will be pursued by the Applicant with the Planning Board as part of the site plan approval process. If the Town Board agrees to include Depot Hill Farm within the Town's water district, then the Planning Board will make a determination of adequacy as to whether water system improvements proposed by the Applicant will meet the intent of the Workforce Housing provision.

3.9.3 Proposed Mitigation Measures

With regard to development in the SPO zone, the project landscape architect has developed, and with the Applicant has studied, numerous schemes that did not extend into the SPO area before reaching the conclusion that such development would adversely impact the viewshed while also limiting opportunities for equestrian activities and continued agricultural use of the property. As an alternative, the Applicant proposes to site buildings within the SPO but with great attention to architectural means and site planning strategies to mitigate the visibility and visual impact of these structures. Additionally, plantings are planned to rebuild the hedgerows that will be disturbed during construction. Portions of the existing hedgerows in Neighborhood 1 and 2 will be selectively removed in sections of 18 to 26 feet in width to accommodate earthwork and construction of the driveways; then over time a phased re-planting effort is proposed to enhance the ecological quality and biodiversity of the existing hedgerows. Please see Section 3.7 for a thorough discussion of the visual impacts and mitigation measures that will be employed throughout the site.

The Applicant intends to comply with workforce housing requirements and is reviewing the alternatives to provision of workforce housing on site. It is the Applicant's intent to make a donation to a town-managed housing fund if the Town adopts a local law. In the absence of local law adoption, alternative means of compliance with the workforce Housing Law will be pursued by the Applicant with the Planning Board as part of the site plan approval process. If the Town Board agrees to include Depot Hill Farm within the Town's water district, then the Planning Board will make a determination of adequacy as to whether water system

improvements proposed by the Applicant will meet the intent of the Workforce Housing provision.

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