

A. INTRODUCTION

This chapter describes existing land uses and zoning conditions in the project area. It anticipates and evaluates those changes in land use and zoning that are expected to occur independent of the proposed development through the anticipated build year of the proposed project (2008). This chapter then assesses potential impacts of the proposed project on matters pertaining to land use and zoning. The land use study area has been defined to include residential, commercial and agricultural uses and development within a one-half-mile radius of the project site.

Various sources provided information on land uses within the study area, including field surveys, assessment of aerial photography, evaluation of topographical and land use maps, and research of municipal documents and other primary and secondary sources. The land use and zoning policies of state, county, and local agencies were consulted to determine existing regulations, guidelines, and master plans. The proposed project was then evaluated for compliance with those plans.

B. EXISTING CONDITIONS**LAND USE**

The land use study area is defined within a one-half mile radius of the project site and is located in Orange County, New York in the Town of Hamptonburgh, as indicated in Figure 3.1-1.

PROJECT SITE

The approximately 370 acre site comprises all or parts of tax lots, identified on the Town of Hamptonburgh tax map as Section 1, Block 1, Lots 20.2, 21.21, and 21.22, and, which are divided east to west by Route 416 in the Town of Hamptonburgh. Table 3.1-1 describes the project site parcels. The project site is bounded by the Wallkill River to the west and by agricultural land and/or low-density residential development to the north, east and south. Public park land is located to the south and west of the project site. Manufacturing, warehousing, shipping and industrial uses are located north of the project site, along Neelytown Road. Conrail Railroad tracks border the site to the east. The property consists of cleared, vacant and pasture lands, woodlands, horse farms and related outbuildings.

The majority of the project site was used for agricultural purposes from as early as 1940, and currently the entirety of the project site is used as horse farms, with the exception of the undeveloped woodlands. As shown in Chapter 2, "Project Description," Figure 2-3, the 9 acre property to the west of Route 416 consists of Parcel C and is bordered to the west by the Wallkill River. The property to the east of Route 416 consists of Parcels A and B and comprises 364 acres. Eager Road provides access to Parcels A and B from NYS Route 416 to the west, and Neelytown Road, to the east.

**Table 3.1-1
Project Site Description**

Tax ID Number	Parcel Label	Approximate Acreage	Location
1-1-21.22	A	284 acres	southeast corner of Eager Road and Route 416
1-1-21.21	B	80 acres	northeast corner of Eager Road and Route 416
portion of 1-1-20.2	C	9 acres	west side of Route 416 at Eager Road intersection
total:		373 acres Approx. 370 acres	
Source: Town of Hamptonburgh Assessors Office, September 2004 and 2005.			
Note: Parcel D consists of a 9-acre Right to Repurchase area held by the Applicant within the 75.5-acre parcel identified on the tax map as Section 1, Block 1, Lot 20.2.			

Parcel A contains one farmstead, consisting of two houses, a barn, and an outbuilding. A separate outbuilding associated with a farmstead on Parcel B is also located on this parcel. Aside from the existing farmstead, Parcel A is predominantly open farmland mixed with wooded areas. A large pond is located in the central portion of this parcel.

Parcel B contains two horse barns, and three outbuildings that are associated with a horse farm operated by a leasee. The outbuildings in this area are used for hay storage and for maintenance of farm equipment, respectively. A potable water well is located in a shed in the front of the horse barns. A second horse farm is located near the north-central portion of Parcel B, consisting of a house and a horse barn. A well is located adjacent to the front of the horse barn in this farmstead.

Parcel C consists of an approximately nine acre utility Right to Repurchase held by the Applicant and is part of the 75.5-acre parcel shown on the Hamptonburgh tax map as Section 1, Block 1, Lot 20.2. Parcel C is predominantly open meadow and pasture land. The Wallkill River is located to the west of this parcel, and it fronts Route 416 by a strip of land to be used as an entrance from the Route 416 right-of-way.

STUDY AREA

Land uses within one-half mile of the surrounding areas are a mix of low-density single-family residential, agricultural uses, park land, light industry and vacant land. North of the project site are several parcels of vacant land and agricultural land located in both the Town of Hamptonburgh and the Town of Montgomery. More recent developments to the north of the project site include manufacturing, warehousing, shipping and industrial uses off of County Route 99 (Neelytown Road) and commercial uses that service commercial trucking.

West of the project site includes land within the Town of Hamptonburgh, the Town of Montgomery and the Town of Wallkill. Land uses in this area comprise a mix of agricultural and residential, with several large vacant parcels. Interstate 84 runs through several of these parcels

in a north-easterly direction. In the vicinity of the project site, Route 416 and Beaver Dam Road provides access across of I-84 to the north. North of I-84, State Route 416 provides access to the Orange County Airport, the Village of Montgomery, and Route 211. These areas are mostly agricultural and residential, with the exception of Orange County Airport. The area of land located between County Route 99 (Neelytown Road) and Interstate 84 is mostly vacant or used for agriculture. Beaver Dam Road provides access to an agricultural and residential area north of I-84.

Land uses to the south and west of the project site include residential, industrial, vacant land, and parkland. Thomas Bull County Park is adjacent to the project site on the southwest side of Route 416. This 710 acre public park includes a six acre pond, a boathouse, and recreation areas for fishing, picnicking, and golfing. Two industrial lots are also located to the south, including a former quarry and a wood manufacturing facility.

Land uses to the east of the project site include commercial, agricultural, residential, industrial and vacant land. Most of the commercial uses located south of Route 99 are uses that support truck traffic generated by industrial uses, or are themselves industrial uses.

ZONING

PROJECT SITE

The proposed project is located in an R-4A Zoning District. Permitted principal uses in this zone district include: single-family dwelling units, bed-and-breakfast (as an accessory to a dwelling unit), kennels, day-care centers/facilities and veterinary clinics, agricultural operations, and cemeteries. Uses which require a special permit from the Town Board include convalescent and nursing homes, churches and related places of worship, permitted outdoor recreation facilities, sand and soil extraction, commercial or public stables and/or riding academies, and active-adult, age-restricted residential development.

A portion of the project site lies within the Town's Gateway Road Overlay District, along NYS Route 416, that encourages the preservation of the agrarian setting along this corridor. Article III, Zoning Districts and Map of Zoning Districts, of the Town of Hamptonburgh Zoning Code states that "all structures to be built on a tract of land that includes land within the Gateway Road Overlay District shall be sited and clustered on the tract in such a way as to avoid occupying or obstructing view of land in this district."

In addition, Section 150-9C.(4)(e) of the Town of Hamptonburgh Zoning Code¹, states "conservation subdivisions in accordance with Section 150-21² shall be the preferred residential land development technique for land within, adjacent to or affecting the overall character of a Gateway Road Overlay District provided that: [1] all structures and/or parking areas are effectively screened on a year-round basis by existing landform and/or vegetation or by substantial new planting and berming as viewed from the public right-of-way, provided that such treatment does not diminish the prominence of key scenic vistas including views of historic properties and landscapes."

¹ All further references to "Section" pertain to sections of the Town of Hamptonburgh Zoning Code unless otherwise specified.

² Section 150-21, "Average density and conservation subdivisions; incentive zoning in conservation subdivisions".

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In addition, the project site is located within the Town's Airport Overlay Subdistrict. This zoning was established for the purpose of maintaining public safety and the protection of property against the hazards of low-flying aircraft and aircraft flying in normal patterns around the Orange County Airport. Special provisions in this district pertain to the height of proposed buildings. The Town Building Inspector makes a determination whether a proposed building or buildings will create an unreasonable hazard either to aircraft or to any occupants of the proposed structure because of height and location.

A portion of the project site is also located in the Town's Floodplain Overlay District which prohibits the storage of materials below the flood elevation, and provides for more specifically targeted review of development to insure that water carrying capacity is preserved in the floodplain and stream dynamics are not detrimentally altered. All of Parcel C and approximately 25 percent of Parcel B are located on the 100-year floodplain.

STUDY AREA

The one-half mile study area contains several zoning districts. The northern portion of the study area is zoned I, Industrial Park and LUI, Limited Uses Industrial District. Permitted uses in the I, Industrial Park Zoning District include scientific and research labs, warehouses, manufacturing, nonnuisance industry, offices, agricultural operations, and motor vehicle sales. Permitted uses in the Limited Uses Industrial District are similar to those in the Industrial District; however manufacturing operations and nonnuisance industry are special permit uses.

The southern portion of the study area is zoned R-3A, 3-acre residential. Permitted uses in the R-3A Zoning District include single family residences with a minimum lot size of three acres, agricultural operations, and day care centers. Active-adult housing requires a special permit in this district. Land adjacent and east of the project site is zoned I, Industrial Park. The land south of the Industrial District along Neelytown Road/County Route 99 is zoned R-4A, 4 acre residential. The western portion of the study area is zoned R-4A.

PUBLIC POLICY

A number of public policy documents guide development within the Town of Hamptonburgh, including the Town's Comprehensive plan. Orange County also has several policy documents which provide recommendations on development on a county-wide basis. These include the *Orange County Open Space Plan* and the *Orange County Land Use Plan*. The *Hudson River Valley Greenway Compact*, a state sponsored and voluntary program that aims to facilitate compatible development and preservation in the region, also has a number of recommended policy goals and objectives. In addition, Orange County has prepared an *Agricultural Economic Development Strategy*. This public policy document is discussed in Chapter 3.16, "Agriculture Resources."

TOWN OF HAMPTONBURGH COMPREHENSIVE PLAN

In September 2003, the Town of Hamptonburgh adopted a planning and zoning analysis to supplement the town-wide Master Plan prepared in 1990. The purpose of this report, titled *Comprehensive Planning and Zoning Analysis*, was to evaluate the goals and objectives set forth in the Comprehensive Plan of 1990. The report makes recommendations regarding future land use, development, and zoning decisions that serve to update the original plans' objectives.

The Comprehensive Plan encourages the preservation of the rural, semi-rural and agricultural character of Hamptonburgh. The Town also seeks to encourage a conservation approach to subdivision to permit density that considers natural features. Lands within the project site are recommended for rural preserve density, which encourages average density and thoughtful use of conservation development. Specifically, the Town seeks to avoid the visual appearance and environmental impacts of suburban sprawl.

The Comprehensive and Zoning analysis expanded and modified the objectives of the 1990 Plan to include updated guidelines. These are summarized as follows:

Objective A, “Hamptonburgh as a Predominantly Residential and Rural Community” encourages the continuation of the Town’s rural, semi-rural and agricultural character through incorporating major features of the natural and manmade terrain into subdivision design. Stream corridors, wetlands, stone walls, tree lines, fields and wooded area should be retained as integral parts of development proposals.

Objective C, “Provision for Open Space and Recreation” recognizes the value of open space for community character and the natural environment of the Town.

Objective D, “Maintain and Enhance Community Character and Appearance,” encourages design that is compatible with the natural environment. Specifically, the analysis recommends that new development in the Town of Hamptonburgh should be designed so as to not diminish rural landscapes and natural areas readily visible to the public. The analysis places emphasis on the scenic character of many of the roads in the Town and creates guidelines for the Gateway Road Overlay District that encourage development that is sensitive to the scenic quality of these roads.

Objective E, “Provide Opportunities for Flexible Subdivision Design-Conservation Development,” seeks to encourage a cluster approach to subdivision that would achieve protection of open space area, produce a better relationship of development to the land and increase the diversity of housing types. This provision encourages cluster development that allows the same number of lots as permitted under the density requirements of the Zoning Law, but permits an alternative layout that preserves open space and the natural resources on the site.

Objective F: “Provide Opportunities for a Greater Variety and Range in Available Housing Types, Living Environment, Occupancy Tenure and Housing Cost” promotes the development of active-adult, age-restricted housing. The analysis recommends that any age restricted housing “should incorporate a designed residential development consisting of a group of residential dwellings, detached, semidetached or attached, complete with adequate and appropriate recreational amenities which are developed under unified sponsorship and control according to a general land use and development plan.” (p. 8).¹ The analysis further recommends that all active-adult, age restricted dwelling units are serviced by public or private central sewerage and water supply facilities.

¹ Town of Hamptonburgh Planning and Zoning Analysis. Frederick P. Clark Associates, Inc. August 2003

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ORANGE COUNTY OPEN SPACE PLAN

The Orange County Open Space Plan (2004) is intended to be a five year plan that makes recommendations on the following open space categories: water resources, agriculture, recreation, landforms and landscapes, and biological diversity. The Plan recognizes the social, environmental and economic benefits of preserving open space in the County and discusses several elements relevant to the project site and the proposed project.

Water Resources

The Plan establishes water resource protection as a priority goal and identifies water supply and water quality protection as the two major components of this objective. The Plan identifies the Wallkill Watershed as one of four selected priority watersheds in Orange County. According to the plan, “the Wallkill River drains the heartland of Orange County, including approximately 14,000 acres of highly productive organic soils (black dirt/muck).”(p.IIIb-5).¹ The Wallkill River borders the north of the property and is classified by the New York State Department of Environmental Conservation as a Class B Fresh Surface Water.

Agriculture

The Plan provides an inventory and analysis of the economic impact of agriculture in Orange County. The Plan notes the ongoing transition of the agriculture industry as well as the decline in the number and size of farms in the County. As the population increases, the plan notes that development pressure will likely result in the continued conversion of agriculture use to residential. The Plan suggests that individual Towns utilize land use and zoning regulations to guide development.

Recreation

The Plan recognizes the importance of preserving a variety of recreational experiences county-wide, and emphasizes open space preservation and the improvement of recreational opportunities.

Landforms and Landscapes

The Plan identifies specific areas of historic, cultural and scenic importance in the county, including the Wallkill River along Route 416, located in the vicinity of the proposed project.

Biological Diversity

The Plan recognizes the importance of the County’s biological diversity and specifically mentions the significance of the protection of wetlands, farmland, and waterways, including the Wallkill River.

ORANGE COUNTY COMPREHENSIVE PLAN

In 2003, the Orange County Legislature updated their 1987 Comprehensive Plan. The Plan lays out a “Vision for Quality Communities” that establishes guidelines and principles for future development. Those sections pertinent to the proposed project are discussed below.

¹ Orange County Open Space Plan, July 2004

The Allocation of Land Resources section discusses several elements relevant to the project site, including the protection of open space and the preservation of vital agricultural lands. The Plan's guiding strategy for land use is defined as the "Urban-Rural Concept." This concept identifies "Priority Growth Areas" which recognize the growth potential in and around historic communities and centers, including cities, villages, and hamlets. The areas immediately surrounding these centers are considered for transportation hubs, interchanges, crossroads, and corridors. Oftentimes, these surrounding areas are defined by areas where public infrastructure such as centralized sewer, water and higher capacity roads exist or could be efficiently extended. The Plan identifies Campbell Hall, a hamlet near the project site as a neighborhood center.

The Housing and Neighborhood Preservation Strategy section of the plan discusses the need for a diverse housing stock in the County and acknowledges the increased demand for additional housing. The Plan makes several recommendations that are pertinent to the proposed project. The development of additional rental housing and senior citizen housing, including independent living, assisted living, skilled nursing and life care options for elderly residents is encouraged. The plan also encourages the development of facilities and programs that serve the special needs of youth, elderly, disabled, mobility impaired, and economically challenged segments of the population.

The Comprehensive Plan also provides planning and design guidelines for development in rural areas. The guidelines state that that development should preserve natural features; protect scenic vistas; preserve farmland and open areas; place buildings in tree lines or in clusters that form new hamlet centers; and, preserve stone walls. Guidelines for residential developments state that subdivision planning should be imaginative and responsive to the natural environment and the community as a whole; large-scale subdivisions should be designed as neighborhoods, with integrated open space systems and various amenities that serve the resident population; environmental features should be preserved and enhanced; and, neo-traditional design techniques and street systems should be considered for large-scale development.

HUDSON RIVER VALLEY GREENWAY COMPACT

In 1991, the Hudson River Valley Greenway Act created a process for voluntary regional cooperation among 242 communities within 13 counties that border the Hudson River to preserve scenic, natural, historic, cultural and recreational resources while encouraging compatible economic development. The Town of Hamptonburgh is a Hudson River Valley Greenway Community.

The Greenway Connection program has five stated goals: natural and cultural resource protection; economic development including agriculture, tourism and urban redevelopment; public access; regional planning; and, heritage and environmental education. To meet those goals, the *Greenway Guides* establish guidelines and principles for future development. There are five components to the *Greenway Guides*: Protecting the Countryside; Strengthening Centers; Improving Suburbs; Greenway Connections; and Site Specifics.

The "Protecting the Countryside" section of the *Greenway Guides* includes Rural Development Guidelines. These guidelines state that development should minimize the clearing of vegetation and preserve important natural features; place buildings and access roads in tree lines, on mildly sloping ground, or along the edges of fields; locate structures and septic systems more than 100 feet from streams or ponds to protect water quality; and, maintain or enhance scenic views.

The *Greenway Guides* also call for Greenway Connections and protecting natural habitat. The Site Specifics section of the *Greenway Guides* identifies landscaping, signs, parking lots, lighting and street trees as elements that must be addressed properly when developing a site. The landscaping principles outlined in the guide include taking advantage of natural features, use of low-maintenance plants, increased plantings along the public frontage, and use of landscaping to frame views of architecture and open space.

C. THE FUTURE WITHOUT THE PROPOSED PROJECT

LAND USE

PROJECT SITE

The future without the proposed project represents the projected future conditions of land use on the site and in the immediate area in 2008 (build year).

STUDY AREA

Within the one-half mile study area, there are five projects under consideration or currently under construction.

East of the project site, on the west side of Neelytown Road (County Route 99) there are two applications currently under consideration by the Town of Hamptonburgh Planning Board. The first is an industrial subdivision, known as the Hamptonburgh Business Center, which includes five buildings for office/warehouse use located on five lots. This project will consist of approximately 120,000 square feet of flex space and is located approximately 1,000 feet east of the project site. The second is the proposed construction of a 13,250 square foot building, for office/warehouse/shop use.

Also, east of the project site, on the east side of Neelytown Road, two site plans were approved by the Hamptonburgh Planning Board. The first is a 3,040 square foot office and garage for an electrical service company. The second consists of 11,750 square feet for the manufacture of pallets and wood chips.

Plans for an industrial park have been considered for a site adjacent to and immediately north of the project site. If pursued, the proposed Pyramid Industrial Park would be located on Eager Road and County Road 99. The industrial park plans indicate four warehouses on for four lots. The project proposes to develop approximately 1.27 million square feet of space. Approximately 50 percent of the total square footage or, 635,000 square feet could be developed by approximately 2008. As noted in Chapter 3.9, "Traffic and Transportation," the Town Planning Consultant requested the inclusion of this project in the analysis on the basis the potential for it to proceed.

ZONING

In 2003, the Town Board of the Town of Hamptonburgh amended the Town's Zoning Code, including rezoning the land within the project site from AR-5, Single Family Residential/Agricultural District to R-4A, 4-acre residential. Therefore, in the future without the Proposed Project, no changes to the Zoning Code are expected that will affect the project site.

PUBLIC POLICY

In 2003 the Town Board updated its 1990 Comprehensive Plan by adopting the Comprehensive Planning and Zoning Analysis. In addition, in 2003 and 2004, respectively, Orange County adopted the County Comprehensive Plan and the Open Space Plan. Given the recent adoption of these Town and County planning policy documents, no new public policy changes are expected in the future without the Proposed Project.

D. POTENTIAL IMPACTS OF THE PROPOSED PROJECT

LAND USE

Since the project site is largely undeveloped, the proposed residential project will represent a change in land use from undeveloped and horse farm to an age-restricted conservation development of 300 residential units. The proposed project will result in a higher density than current uses on the project site and residential uses in the study area. The site plan is illustrated in Chapter 2, "Project Description," Figure 2-5.

ZONING

With one minor exception, as discussed below, the proposed project has been designed to conform with the provisions of the Town of Hamptonburgh Zoning code. The project will be an active-adult age-restricted residential community, and as such, is designed to conform to the provisions of Section 150-15K, "Active-Adult, age-restricted housing," a special permit use established by Local Law 2 of 2003. The proposed wastewater treatment plant situated on parcel D is designed in conformance with Section 150-15K(17).

Pursuant to Section 150-15K(3)(a) and (b), the number of units permitted in an active-adult development is calculated dividing the net lot area by the minimum lot area requirements for the underlying zoning district. The project site is in a R-4A district, in which four acres are required per unit. The result of this is then multiplied by four to determine the allowable number of housing units. Net lot area is determined by subtracting from gross site acreage the number of acres of certain environmentally sensitive lands. Specifically, the code requires that the gross lot area be reduced by 100 percent of the number of acres of wetlands under state and federal jurisdiction, and by seventy-five percent of number of acres of 100-year floodplain and slopes exceeding 25 percent slope.

As described above, the project site is composed of three parcels, as shown in Table 3.1-1. Parcels A and B are separated by the Eager Road right-of-way, and Parcels A and B are separated from Parcel C by the Route 416 right-of-way. These three parcels together comprise the lot on which the project is proposed under Section 150-2B.

As part of the project, a subdivision approval will be required for Parcel C. As mentioned above, this parcel will be used for the project's waste water treatment plant and related infrastructure. As preferred by NYSDEC, the plant must be located close to the Wallkill River to permit a direct discharge of waste water to the river. The parcel would contain approximately 9 acres and is currently owned by Mr. Hal Jones who operates a commercial horse farm on the parcel and the surrounding land. Under a Modified Right of Repurchase (see Appendix J), Green Acres Development Group, the owner of the project site, has the legal right to subdivide (as agent of the owner) and purchase Parcel C from Mr. Jones for use as a sewage treatment plant for the project. This right has been transferred to the applicant as part of this project and the applicant

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will subdivide and purchase Parcel C as part of the project site. The applicant has discussed the proposed subdivision of Parcel C with Mr. Jones.

The proposed subdivision of Parcel C will create a “flag” shaped lot located over 1000’ from Route 416. The main body of the lot will house the treatment plant, its driveway and small parking area as well as reserve areas for possible future plant expansion or subsurface disposal. The main portion of the lot would be connected to Route 416 by an access drive about 50’ wide. The lot would have direct frontage onto Rt. 416. The drive’s entrance onto Route 416 would be located directly across the street from Parcel A. The utility lines would connect Parcels A and C by running under Route 416. Parcels A and C would both be owned by the applicant and used together as part of the project. The proposed use of Parcel C complies with the Town’s Comprehensive Plan which designated the parcel for use as a sewage treatment plant. The plant will be located over 1000’ from Route 416 outside the Town’s Gateway Overlay District. The front of the plant will be landscaped to screen and/or enhance its visual appearance from Route 416.

The Town Attorney has opined that the subdivision of Parcel C would create a non-building lot under the Town’s zoning code and an area variance would be required from the Town’s Zoning Board of Appeals allowing the lot’s creation. The applicant will apply for this variance. Because Parcel C is an integral part of the project site, the applicant has included the parcel’s acreage in the project’s unit density calculations. Approximately 9 homes were derived from Parcel C and are included in the project’s total home count

Based on the criteria for determining the number of units that would be allowed to be constructed, the site was surveyed to determine the location and extent of the environmentally sensitive lands, as defined in Section 150-15K(3)(a) and (b) of the Zoning code. The locations and extent of the relevant environmental lands for the project site are illustrated on Figure 3.1-2, and are further described and discussed in the following chapters. The particular sensitive environmental lands include DEC and ACOE wetlands, open water, 100-year floodplains, and areas with slopes over 25%. The wetland delineated maps have been submitted to the ACOE and the NYSDEC, however, neither agency has completed their final verification of wetland boundaries as of the date of this DEIS. Partial wetland verification has been obtained from the NYSDEC for wetland boundaries south of Eager Road, but not for areas north of Eager Road. All federal and state wetlands were delineated using the delineation criteria and standards established by the ACOE and the NYSDEC. As a result, no significant changes in the wetland delineations are expected. However, any adjustments to the site plan or changes in net density would be made pending these agency’s determinations and Town consultant review of the wetland boundaries.

The net lot area and unit count calculations for the proposed project are shown in Table 3.1-2, below. As shown in the table, the exact total gross acreage of the project site is 369.53 acres. To arrive at net lot area, the net acreage of environmentally sensitive lands, 69.94 acres, is subtracted from the gross site acreage of 369.53 acres to yield a net lot area of 299.58 acres. This net lot area is then divided by four (the minimum per-unit lot size in the underlying R-4A zoning district), resulting in 74.90, which is again multiplied by four to determine the allowable number of housing units of 299.60. Rounding this number upward results in the net allowable number of housing units of 300.

**Table 3.1-2
Net Lot Area Calculation**

Environmentally Sensitive Land Type	Gross Acreage of Environmentally Sensitive Land	% to Exclude from Net Area	Net Acreage of Environmentally Sensitive Land	Totals
Gross Site Acreage				369.53
DEC Wetland	23.18	100%	23.18	
ACOE Wetland	22.5	100%	22.5	
Open Water	7.04	100%	7.04	
100 Year Floodplain	15.42	75%	11.56	
Slopes over 25%	7.55	75%	5.66	
Total Acreage of Environmentally Sensitive Land to be Excluded			69.94	69.94
Net Lot Area				299.59= 300
Reference: Section 150-15K(3)(a) and (b)				

Table 3.1-3 below, summarizes the bulk and dimensional regulations of the R-4A zoning district and compares the bulk and dimensional components for the proposed project to the requirements of the Zoning Code. As shown in the table, the project complies with all but one of the bulk and dimensional standards for the proposed 300 units (232 detached single-family homes and 68 attached single-family homes) on the approximately 370 acre project site.

**Table 3.1-3
Schedule of Bulk and Dimensional Regulations
For R-4A Zoning District – Active-Adult, Age-Restricted Uses**

Bulk and Dimensional Regulations	Permitted/Required	Proposed Project
Minimum Gross Lot Area	20 acres	369.53
Development Potential	1 unit per 1 acre	311units
Maximum Density	no more than 400 units (see note 1)	300 units
Minimum Floor Area (s.f.)	1,500 s.f.	1,500 s.f.
Minimum Lot Frontage	500 feet (see note 2)	6,076 feet
Minimum Lot Width	700 feet (see note 2)	6,076 feet

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Minimum Building Setback from Perimeter Property line		
Front	150 feet	150 feet
Rear	150 feet	150 feet
Side	100 feet/200 feet	100 feet/200 feet
Landscape Buffer from all property lines	100 feet	100 feet
Minimum Building Separation	50 feet	15 feet proposed (see note 3)
Maximum Stories/Height	2.5 stories/35 feet	2.5 stories/35 feet (see note 4)
Minimum Parking per unit	2 space/unit	600 spaces required 672 spaces proposed
Minimum Visitor Parking Spaces	0.50/unit	150 spaces required 168 spaces proposed
Open space	50% gross acres	185 acres required ±255 acres (69%) proposed
Gateway Road Overlay District Regulated Area	1000 feet	1000 feet
Recreation area	313 sf/unit	2.16 acres required 8.0 acres (±1000 sf/unit) proposed
Notes:		
1. Section 150-15K(4) limits the number of units in any active-adult, age-restricted housing development to a maximum of 400 units.		
2. Project lots Parcel D and Parcel A are separated by the Route 416 right-of-way and this is considered to same lot under Section 150-11B for purposes of lot width and lot frontage.		
3. The Applicant seeks a waiver of the Building Separation requirement; see discussion below.		
4. Height requirement subject to and compliant with the Airport Overlay Zoning District as set forth in the Town of Hamptonburgh Zoning Code.		
Source: Town of Hamptonburgh Zoning Code.		

As indicated in the table above, the project deviates from one standard: the proposed building separation distance of 15 feet is less than the 50 foot minimum separation as specified in the code. The proposed project is designed in a neo-traditional layout with building spaced approximately 15 feet apart. Section 150-13A of the Town’s Zoning Code provides that the Town Board in reviewing special permit requests may deviate from the existing requirements set forth in Section 150-15, which includes building separation requirements. Section 150-3A authorizes the Town Board to deviate from specific requirements when there is a finding that such deviation is both necessary to permit the use of the property and that such deviation is “no less than protective of public health, safety and welfare; is not detrimental to adjoining properties, existing uses or permitted uses within such properties; will not create hazardous or obnoxious conditions; is approvable by any other municipal, county, state or federal agency having jurisdiction over the proposed use; and will not compromise the other explicit goals of this Chapter, including, but not limited to, the orderly flow of traffic, protecting scenic areas and enhancing the regional appearance of the Town and protecting the established character and

social and economic well being of both private and public property.” As a result, a Building Separation waiver is included as part of the proposed action.

This cluster design allowed by permitting narrower than specified building separation distances is also intended to preserve significantly more open space than would be possible if the 50 foot separation were employed. Of the approximately 370 acre site, 255 acres are proposed to remain open space. The design is also intended to preserve and highlight the site’s natural features like ponds, wetlands, woodlands and views of the countryside.

In the R-4A district, each unit requires a minimum of two parking spaces. The applicant proposes 580 resident garage spaces with an additional 170 spaces intended for visitor parking.

The proposed action will be in compliance with the required open space percentage within the R-4A district, as the project will preserve approximately 69 percent of the site as open space, whereas zoning requires a minimum of 50 percent. The proposed project will also comply with the provisions of the Gateway Road Overlay District (GROD) in that the majority of the proposed single family and townhomes will be restricted from view of Route 416 by nature of topography and project design. The proposed action will be designed as a conservation subdivision, taking into consideration the natural resources on the property. The vast majority of the project site that is located within the Gateway Road Overlay District would remain undeveloped in accordance with the spirit of the GROD. Seven single-family residences will be visible from NYS Route 416. These seven homes are arranged to minimize any potential visual impacts (see Chapter 3.2, “Visual Character”).

The proposed project will comply with the provisions of the Airport Overlay Subdistrict. All buildings on the proposed development will be 2.5 stories or 35 feet. The proposed water tower will be 35 feet. This height is within the limits established by the Airport Overlay District and the regulations of the R-4 Zoning District. It is not anticipated that the height of the proposed buildings will intrude into airport approach or take-off slopes, or adversely impact safety concerns related to the airport.

The proposed project will comply with the provisions of the Floodplain Overlay District in that no development is proposed in the area of the project site within the 100 year floodplain. The wastewater treatment plant discharge pipe will be located in the floodplain.

The application and plans submitted for the Four Seasons at Hamptonburgh project demonstrate that the housing mix and density generally conform to the Zoning Code Amendments of August 2003. Moreover, the overall layout and concept of the Four Seasons project is in furtherance and in conformity¹ with the letter, as well as the spirit of the newly amended Zoning Code.

PUBLIC POLICY

This section analyzes the fundamental consistency with the Town’s public policy and planning documents.

TOWN OF HAMPTONBURGH COMPREHENSIVE PLAN

The 2003 Comprehensive Planning and Zoning Analysis provide a framework for development and update the Town Comprehensive Plan of 1990. The analysis examines and maps existing

¹ With the exception of the necessity to obtain a Building Separation waiver, which is included as part of the proposed action.

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zoning and land use and proposes amendments to several zoning districts, including the project site. The plan encourages a rural preserve density for the project site.¹

The project site is also shown on Figure 8, entitled “Active-Adult, Age Restricted Housing – Lots Meeting Minimum Net Lot Area Requirement.” This map depicts lots, including the project site, with net lot area of 20 acres or more after environmental constraints reductions. According to the Plan, these lots are appropriate for active-adult, age-restricted housing and respond to the needs of the Town’s older residents. The number of units is determined by dividing the net lot area by the minimum lot area required for single-family houses within the zoning district and multiplying this result by four. As discussed above, the proposed project is consistent with this provision of the Comprehensive Plan. These policies, as defined in the Comprehensive Analysis, are intended to control and manage the density and appearance of this type of housing in order that it is compatible with the character of the Town.

Several of the objectives of the Comprehensive and Zoning Analysis are relevant to the proposed project. These are as follows:

Objective A, “Hamptonburgh as a Predominantly Residential and Rural Community” encourages the continuation of the Town’s rural, semi-rural and agricultural character. The proposed project will replace a portion of the existing agricultural use with a higher density residential use. Development will occur on smaller lots on Parcel A so as to preserve a substantial portion of the site’s natural features.

Objective C, “Provision for Open Space and Recreation” recognizes the value of open space for community character and the natural environment. The proposed project will incorporate large parcels of open space into the development design, including a portion of Parcel A, and the entirety of Parcel B, totaling approximately 255 acres. Deed restrictions could be placed on the open space portions of Parcel B to restrict further development. By preserving these parcels at their current densities, the scenic corridor along NYS Route 416 is further protected. Therefore, the proposed action is consistent with this objective.

Objective D, “Maintain and Enhance Community Character and Appearance,” encourages design that is compatible with the natural environment. The proposed project will protect the scenic quality of Route 416 through the design and the placement of the proposed buildings. Seven single-family homes will be partially visible from Route 416. In addition, a wide natural buffer will separate the community from the adjacent roadways. The proposed buildings will be clustered in order to preserve and highlight the natural features of the project site. As a result, the proposed project is consistent with this objective.

Objective E, “Provide Opportunities for Flexible Subdivision Design-Conservation Development,” encourages a cluster approach to subdivision that would achieve protection of open space area, produce a better relationship of development to the land, increase the diversity of housing types, and promote open space preservation. This provision encourages cluster development that allows the same number of lots as permitted under the requirements of the underlying zoning district, but permits an

¹ Figure 1, entitled “Proposed Comprehensive Planning Map-Townwide.”

alternative layout that preserves open space and the natural resources on the site. Although the proposed project proposes a higher density use that requires a Town Board special permit, the homes will be closer together and on smaller lot area, preserving a significant amount of open space rural vistas. The design is intended to preserve and highlight the site's natural features including ponds, wetlands, woodlands and views of the countryside. Therefore, the proposed project is consistent with this objective.

Objective F: "Provide Opportunities for a Greater Variety and Range in Available Housing Types, Living Environment, Occupancy Tenure and Housing Cost" promotes the development of active-adult, age-restricted housing. The analysis recommends that any age restricted housing "should incorporate a designed residential development consisting of a group of residential dwellings, detached, semidetached or attached, complete with adequate and appropriate recreational amenities which are developed under unified sponsorship and control according to a general land use and development plan." (p. 8).¹ The proposed project is consistent with these objectives. The proposed project also includes various measures designed to minimize adverse effects on visual resources and provide an attractive development project in keeping with the character of the surrounding area. The proposed action also includes recreation amenities to serve the homeowners such as a clubhouse, swimming pool, tennis courts, putting greens, and walking trails.

ORANGE COUNTY OPEN SPACE PLAN

The Orange County Open Space Plan (2004) is intended to be a five year plan that makes recommendations on the following open space categories: water resources, agriculture, recreation, landforms and landscapes, and biological diversity. The Plan recognizes the social, environmental and economic benefits of preserving open space in the County and discusses several elements relevant to the project site and the proposed project, as follows:

Water Resources

The Plan establishes water resource protection as a priority goal and identifies water supply and water quality protection as the two major components of this objective. The Plan identifies the Wallkill Watershed as one of four selected priority watersheds in Orange County. The Wallkill River borders the northwestern end of the property and is classified by the NYSDEC as a Class B Fresh Surface Water. The wastewater treatment facility will be located on approximately nine acres on Parcel C of the project site pursuant to an individual SPDES permit issued by NYSDEC. The treated effluent will be discharged to the Wallkill River. In addition, the proposed project includes an extensive stormwater mitigation plan (see Chapter 3.7, "Stormwater Management and Subsurface Water") that will limit any possible disturbance to the Wallkill River Watershed from increased impervious surfaces. As a result, the proposed project is consistent with this aspect of the County's Open Space Plan.

Agriculture

The Plan provides an inventory and analysis of the economic impact of agriculture in Orange County. The proposed project will be constructed, in part, on land that is or historically been

¹ Town of Hamptonburgh Planning and Zoning Analysis. Frederick P. Clark Associates, Inc. August 2003

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used for agricultural purposes, thereby removing portions of the overall site's farmland acreage from Orange County's farmland inventory. Although the proposed project will result in the permanent closure of one horse farm operation, the proposed project will result in the avoidance of disturbance of the majority of the open fields and meadows comprising Parcel A. In view of the proposed project's avoidance of a substantial portion of the site's existing agricultural lands, and despite the closure of one tenant-operated horse farm, the proposed project will have no significant adverse impact on the agricultural land base or agricultural economy (See Chapter 3.16, "Agriculture Resources") and is consistent with the County's Open Space Plan.

Recreation

The Plan recognizes the importance of preserving a variety of recreational experiences county-wide, particularly preserving open space and improving recreational opportunities. The proposed project complies with this element of the Open Space Plan by including a variety of on-site recreation amenities to serve the homeowners. The applicant will also reserve significant portions of the project site as open space, including portions of Parcel A and the entirety of Parcel B. In addition, as shown in Figure 3.1-3, open space will be incorporated into the proposed design of the individual residential clusters. The area adjacent to Route 416, "The Meadow" will remain undeveloped. On the west side of the site, "The Green" will serve as communal open space for residents. In addition, "Overlook Park" is an area of open space that provides a buffer to the pond and its wetland, located in the center of the proposed action. Smaller pockets of open space will be included within the proposed development, including "Meadow Green" on the south side of the proposed action and "The Grove" on the southeastern side.

Landforms and Landscapes

The Plan identifies specific areas of historic, cultural and scenic importance in the County, including the Wallkill River along Route 416, located in the vicinity of the proposed project. The proposed site plan places the homes closer together and on smaller lot areas will protect the integrity of the rural vistas and scenic views along Route 416, a designated Scenic Road within the Town of Hamptonburgh.

Biological Diversity

The plan recognizes the importance of the County's biological diversity and specifically incorporates protection of wildlife habitat, wetlands, farmland, and waterways, including the Wallkill River. The proposed site plan complies with these elements, by minimizing the clearing of vegetation and preserving important natural features in order to minimize disturbance to existing wetlands and woodland areas (see chapter 3.3, "Vegetation and Wildlife").

ORANGE COUNTY COMPREHENSIVE PLAN

The Orange County Comprehensive Plan lays out a "Vision for Quality Communities" that establishes guidelines and principles for future development. There are several elements of the Comprehensive Plan that are relevant to the proposed project.

The Allocation of Land Resources section discusses several elements relevant to the project site, including the protection of open space and the preservation of vital agricultural lands. Although the proposed project will replace certain agricultural uses on the project site, significant parcels will be retained as open space. The proposed project is also consistent with the Plan's

encouragement of neo-traditional design which will cluster homes in order to protect important rural vistas and open space in the area.

The proposed development is also consistent with the urban-rural concept of the Comprehensive Plan which identifies “Priority Growth areas” in and around existing areas of development. The project site is located in proximity to the Hamlet of Campbell Hall, an identified Priority Growth Neighborhood Center.

The Housing and Neighborhood Preservation Strategy section discusses the need for a diverse housing stock in the County and acknowledges the increased demand for additional housing. The Plan makes several recommendations regarding the development of additional rental housing and senior citizen housing, including independent living, assisted living, skilled nursing and life care options for elderly residents is encouraged. Although the proposed project does not include rental units, it will be designed and intended for occupancy limited to persons who are 55 years of age or older.

The Comprehensive Plan also provides planning and design guidelines for development in rural areas. The proposed project is consistent with the residential design guidelines set forth in the Orange County Comprehensive Plan. The site plan, which features a neo-traditional design, is intended to encourage a sense of community. Many of the proposed buildings will include front porches and will be located close to the tree-lined street to encourage an interaction between pedestrians and resident, reinforcing the notion that neighborhood is a community. Landscaped public greens offer outdoor space for public gathering and socializing. The design and density of the project reflects a traditional development pattern.

HUDSON RIVER VALLEY GREENWAY COMPACT

The proposed action is consistent with the goals and objectives of the Hudson River Valley Greenway Compact which seeks to encourage economic development that is compatible with the preservation and enhancement of natural and cultural resources with the protection, preservation, and enhancement of natural and cultural resources including natural communities, open spaces, historic places, scenic areas and scenic roads.

Four Seasons at Hamptonburgh will maintain consistency with the Rural Development Guidelines through careful design and consideration of the natural resources on the project site. The proposed design minimizes the clearing of vegetation by clustering the buildings on Parcel A of the project site. By placing the homes closer together and on smaller lot areas, significantly more open space and rural vistas can be preserved. The design is also intended to preserve and highlight the site’s natural features include ponds, wetlands, woodlands and views of the countryside.

E. MITIGATION

No significant adverse land use, zoning and public policy impacts are expected; therefore, no mitigation will be necessary.