

## **Section 4: Comprehensive Plan and Zoning**

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### **4.0 INTRODUCTION**

The Town of Southeast revised its *Comprehensive Plan* concurrent with the planning and engineering efforts undertaken as part of the *Croton Plan*. Ultimately, this Croton Plan will become a document agreed to and administered by each municipality, Putnam County, NYCDEP, and NYSDOH. The Town's *Comprehensive Plan*, on the other hand, is approved by the Town of Southeast and will be used to guide the community toward its stated vision. Because the two documents were prepared concurrently, the same planning and analysis led to mutually consistent findings and recommendations.

This Section identifies the recommendations contained within the Town's *Comprehensive Plan* but does not reiterate the analysis leading to those recommendations. The reader is referred directly to the *Comprehensive Plan* for that information. Thus, this *Croton Plan* document becomes, by reference, an appendix to the Town's *Comprehensive Plan*.

The discussion of community character and development trends presented in Section 1, "Community Character and Needs," of this document is replicated almost in its entirety in the *Comprehensive Plan*. Section 1 of this document also includes, verbatim, the vision statement of the *Comprehensive Plan*.

### **4.1 COMMUNITY CHARACTER AND WATER QUALITY IMPACTS FROM DIRECTING GROWTH AWAY FROM AREAS WHERE NEW WWTPs ARE PROHIBITED**

Currently, new surface-discharging WWTPs would be specifically permitted in only a few instances within the Town of Southeast:

- New WWTPs in Septic Focus Areas to handle existing septic flows;
- New surface-discharging plants under the pilot phosphorus offset program; and
- New surface-discharging plants within the Bog Brook Reservoir basin.

Section 3 of this document describes the water quality benefits related to each of these instances. The Town of Southeast currently has two of the three possible WWTPs under the pilot phosphorus offset program. One is under construction, the second is undergoing the Town's approval process.

Other areas where sub-surface discharging plants would, theoretically, be permitted are typically constrained by natural features such as steep slopes, poorly percolating soils, or streams and wetlands. Unfortunately, many of these areas are where existing residential and commercial development activity is located. While the Town of Southeast seeks to balance new development with its rural character, the Town would like to see new commercial development occur where new WWTPs are prohibited.

The Town identified certain Growth Focus Areas (see Section 2.4.2) in which new development would be consistent with the *Comprehensive Plan*. Section 3 of this document identifies various infrastructure improvements that can be implemented to allow additional growth to occur in these areas. If these infrastructure improvements were not made, the Town's economic and community character would likely experience negative impacts. The water quality benefits from these infrastructure improvements are presented in Section 3.

## **4.2 UPDATED COMPREHENSIVE PLAN**

The Town of Southeast, as previously noted, has prepared an updated *Comprehensive Plan* concurrently with this document. It was the intent of the Town, in preparing the updated *Comprehensive Plan*, to make that document consistent with the *Croton Plan*. This *Croton Plan* is considered an appendix to the Town's *Comprehensive Plan*.

Listed below are the major goals and implementation actions of the *Comprehensive Plan* by subject area. Many of these implementation actions are broad recommendations that would need specific definition before they could be acted upon. While it is important that a comprehensive plan provide specificity within its recommendations, it is not the point or purpose of a comprehensive plan to provide specific language or maps detailing exactly how or where a policy recommendation would be implemented. The comprehensive plan is intended to provide the general policy which is implemented through adoption of local laws such as the zoning and subdivision regulations.

### **4.2.1 NATURAL RESOURCES**

#### *GOAL AND POLICY*

The Town of Southeast is committed to protecting its natural resources as a critical component of the Town's quality-of-life, rural and scenic character, and the region's water supply. Wetlands, watercourses, open space, woodlands, and agricultural lands contribute to the quality and character of Southeast, and their preservation, enhancement, and restoration must be considered in all actions that may affect them.

#### *IMPLEMENTATION ACTIONS*

- Revise the Town wetland law to better protect local wetlands and synchronize local, New York State, and federal wetland regulations. Among the revisions to be considered are increasing buffers from 50 feet to 100 feet on both sides of a wetland or watercourse and redefining "wetlands" to make smaller wetlands subject to protection measures.
- Establish a zoning overlay district to provide additional protection to the Great Swamp Critical Environmental Area. The overlay district should, for example, require decreased allowable development coverage (impervious surfaces) and on-site stormwater management.
- Continue to rigorously enforce environmental protection regulations in the Town Code, especially wetland and steep slope protections.
- Create a natural resource inventory (NRI) and adopt an open space master plan to identify and prioritize sites, parcels, and features to be protected, preserved and/or acquired. The inventory and plan should be incorporated into the site plan approval process.
- Increase the recreation fee for residential subdivisions to give the Town the option to pursue acquisition of additional park land or capital improvements to existing Town parks.

- Consider designation of new Critical Environmental Areas (CEAs), including:
  - The Village of Brewster wellfield and wetland system;
  - The aquifer area in the vicinity of Haine’s Pond;
  - The Atlantic White Cedar swamps just north of Lake Tonetta and Brewster Pond;
  - The scenic area between the Diverting and Croton Falls Reservoirs with historic importance as the location of old mines and habitat importance as the home of a large bat community; and
  - Bog Brook Wildlife Management Area.
- Take measures to improve the water quality in Tonetta Lake to improve this important recreational resource.
- Examine ways to assist the Peach Lake community through infrastructure improvements or inter-municipal agreements with North Salem.
- Consider additional designations of scenic roads.
- Adopt a local law to enable the Town to designate local historic districts, sites (Tilly Foster mine, cemeteries), and/or structures. Such a law could provide protection measures and/or incentives to preserve historic structures.
- Create a tree protection ordinance to ensure protection of significant trees.
- Consider a ridgeline protection ordinance to protect notable view sheds within the Town.
- Consider a stonewall protection ordinance to maintain stonewalls as important elements of the Town’s visual character.

#### **4.2.2 LAND USE AND COMMUNITY CHARACTER**

##### **LAND USE**

###### *GOAL AND POLICY*

The Town of Southeast seeks to balance a healthy economic environment with quality residential and commercial character while protecting the integrity of its natural resources and infrastructure.

###### *IMPLEMENTATION ACTIONS*

To accomplish these goals, the Town of Southeast intends to:

- Ensure that all local laws, including the zoning code and subdivision regulations, are consistent with the recommendations contained in this *Comprehensive Plan* and consistent with the review of water quality conditions and potential infrastructure improvements described in the *Croton Plan*.

##### **COMMUNITY CHARACTER**

###### *GOAL AND POLICY*

Maintain the Town’s picturesque rural character while allowing for appropriate commercial development.

*IMPLEMENTATION ACTIONS*

To accomplish these goals, the Town of Southeast intends to:

- Take efforts to have highway signs changed to direct travelers to “Southeast” instead of “Brewster.”
- Develop and adopt residential and commercial architectural design controls to encourage compatible architectural styles. Empower the newly created Architectural Review Board to apply these controls to new development.
- Revise the zoning code to strengthen design controls for signs. Include graphic examples of appropriate sign design.
- Implement a noise ordinance defining acceptable levels of noise during both day-time and night-time. Define what new noise levels constitute an impact on community character.
- Protect scenic stone walls. Amend the Subdivision Regulations to state that new parcel boundaries should, as much as possible, following existing stone walls.
- Update inventory of local historic resources and establish a program to protect the resources.

**ZONING**

- Create new “Rural Commercial” zoning district
- Reduce density of single-family residential districts surrounding reservoirs by creating a new “Rural Residential” (4-acre minimum lot size) zoning district.
- Create new Historic District overlay to provide protection for the Tilly Foster Iron Mine, cemeteries, and other local historic resources.
- Create a new “Parks and Open Space” zoning district to protect Town parks and open spaces.

**4.2.3 HOUSING**

*GOAL AND POLICY*

The Town of Southeast seeks a balanced diversity of housing opportunities and types to meet the needs of its current and future residents. The Town seeks to maintain its existing supply of housing, including its variety of price ranges, to accommodate residents of all income groups. New housing should reinforce the Town’s rural qualities and predominantly single-family detached housing character.

*IMPLEMENTATION ACTIONS*

To accomplish these goals, the Town of Southeast intends to:

- Amend Resource Protection Plan provision (§138-21) and site plan review criteria (§138-46) of the zoning code to indicate that resource protection areas, such as steep slopes and wetlands, can not be built upon.
- Reduce allowable density (down-zone) in residentially-zoned areas adjacent to reservoirs and their tributary streams. Low-density residential districts would be created around the reservoirs and major streams with a minimum lot size of 4 acres (see Figure 6-4).

- Change dimensional standards for single-family residential development in the OP-3 zoning district to R-40 and adjust RMF standards within the OP-3 district to be more consistent with the overall recommendation of the *Comprehensive Plan* to decrease residential density throughout the Town.
- Encourage provision of senior housing in appropriate locations in either residential or commercial zoning districts. Specifically define “senior housing” to ensure that the needs of seniors are met while minimizing the potential for senior housing to revert to standard market-rate multi-family units.
- Encourage the establishment of conservation easements for open-space set-asides in existing and future residential developments to ensure long-term preservation of that land.
- Increase buffer zones between residential and commercial uses to protect the rural residential character of the community.
- Strengthen existing subdivision regulations to enhance open-space protection provisions within conservation design subdivisions.
- Enforce architectural design standards and review procedures for new residential development in coordination with the newly established Architectural Review Board.

#### **4.2.4 ECONOMIC DEVELOPMENT**

##### *GOAL AND POLICY*

The Town of Southeast seeks a diversified base of business and industry to strengthen the Town’s tax base and to provide employment opportunities for area residents while preserving the Town’s rural residential character and protecting the Town’s portion of the regional drinking water supply. Future non-residential uses should be targeted to those areas where they will have minimal impact on water quality, traffic, and community character.

The Town envisions commercial growth continuing in the following areas:

- Route 22 north of Milltown Road—New commercial uses here would promote this area as the main shopping district within the Town. Design guidelines should be established to ensure the visual appeal of this gateway area.
- Route 6 east and west of the Village of Brewster—New development would be limited in scale due to watershed constraints. Design guidelines should be established to ensure the visual appeal of this gateway area.
- The I-84/Route 312 interchange—This area is envisioned as a node of commercial activity. Continued development within the Terravest Corporate Park, the new Highlands Center, and any potential development in the “Campus at Fields Corner” along Pugsley Road would be compatible with this vision. (Route 312 west of Pugsley Road contains parcels with significant visual appeal and an alternative zoning and development approach is envisioned here, see below.)
- Fields Lane—This area is an appropriate location for continued light-industrial/flex use or private recreation uses.
- Neighborhood Business Districts—Very limited new development within these districts to be compatible with adjoining residential neighborhoods. The list of allowed uses should be

changed to encourage compatible development. Automobile-related uses and strip malls should be discouraged.

*IMPLEMENTATION ACTIONS*

To accomplish these goals, the Town of Southeast intends to:

- Adjust the distribution of allowed uses within existing zoning districts to more clearly define areas of commercial development that are consistent with community character.
- Change uses in NB-1 districts to encourage compatible development near residential zones. Encouraged uses could include “specialty retail” or bed-and-breakfast type uses. Special permit criteria should be developed to ensure that new commercial uses would not negatively affect residential uses. Strip malls and automobile related uses are not seen as encouraged uses.
- Evaluate the allowed uses and location of Office Park (OP) zoning districts. Specifically, consider rezoning the OP-2, R-60, and HC-1 zoning districts on Route 312 west of Pugsley Road and the OP-1 district on Guinea Road to a new “Rural Commercial” zoning district to allow lower-intensity, but still high-value, land uses such as, but not limited to, bed and breakfast or inn, conference center/retreat, horse farms.
- Revise the allowed uses in the Fields Lane area to recognize the existing development pattern of warehouse facilities and outdoor storage. Encourage uses that do not require large wastewater flows.
- Update the zoning code to include design standards to ensure that larger retail facilities (“big box retail”) do not dominate the surrounding character of commercial or residential districts. Include site design and landscaping standards to lessen the visual impact of these types of uses.
- Clarify the allowed uses and lot dimension standards within the commercial zoning districts along Route 22 and Route 6 to define areas of appropriate commercial development.
- Clarify Special Permit criteria for commercial uses to ensure that the Town’s objectives with respect to design and buffering of neighboring uses are met. Clarify process by which Special Permit applications are reviewed.
- Consider a Route 22 overlay district to control new commercial development. Create access management guidelines to manage traffic flow in and out of commercial properties. Create design guidelines for future commercial development along Route 22 to emphasize the function of this area as the Town’s main commercial center. Discourage out-parcel development on parcels fronting on Route 22. Building design and landscaping standards should be created to modify this area’s suburban-strip appearance to a more focused town-center aesthetic.
- Create design guidelines for future commercial development along Route 6 to enhance this corridor’s function as a gateway into the community.
- Develop more descriptive, or graphic, design guidelines within the existing sign ordinance to encourage a more coordinated and attractive community.
- Attract “clean” businesses and industries that are appropriate for location in a drinking water supply watershed. Clean businesses would have minimum impervious surface area coverage,

and use or generate minimum quantities of waste- or process-water and require little or no use, storage, or transport of hazardous materials.

- Encourage businesses that market the scenic qualities of the Town such as tourism and lodging provided that strong design and siting criteria are established to prevent unwanted impacts on residential neighborhoods.
- Work with communication providers to provide technological advancements (such as fiber optic and high-speed internet access) within the constraints of the local law on wireless towers to attract high-value home- and/or technology-based industries.

#### **4.2.5 TRAFFIC AND TRANSPORTATION**

##### *GOAL AND POLICY*

The Town of Southeast is committed to maintaining an efficient, uncongested, safe and well-maintained network of roadways to serve local and through-travelers, especially residents, businesses, and visitors. In addition, the Town is committed to maintaining the rural flavor of Southeast by protecting the character of many of its rural and scenic roadways.

##### *IMPLEMENTATION ACTIONS*

To accomplish these goals, the Town of Southeast intends to:

- Create an Official Map of all roads within the Town. The Official Map would identify the classification of each road (arterial, collector, local street, etc.) and would identify any “paper streets” or planned roadway improvements. The Official Map would also identify designated scenic roads.
- Create traffic impact criteria that calls for maintaining the Town’s classification system on its roadways with respect to traffic volumes.
- Implement the Transportation Improvement District in the area of the I-84/Route 312 interchange.
- Enforce standards with respect to grade and width for private roadways to ensure safe and efficient flow of automobiles and emergency vehicles. Clarify standards within the Subdivision Regulations pertaining to responsibility for maintenance of roadway margins.
- Continue to enforce provisions for shared driveways and cul-de-sacs to provide better clarity with respect to allowed length (1,000 feet), width (18 feet), grade (10 percent maximum), and materials. Evaluate measures to ensure routine and long-term maintenance of private roadways or shared driveways by home-owner associations.
- Evaluate where new road connections between development areas could be created to alleviate congestion along collector roads.
- Continue to coordinate with Putnam County and New York State Department of Transportation on roadway improvements within Southeast.
- Encourage residents and businesses to comply with the Emergency-911 address changes. These changes would improve public safety for all residents and businesses.
- Scenic roads should be recognized as important community assets during the review of any development application. Where possible, all attempts should be made to maintain the functional classification of these roads.

- Amend the Town’s Subdivision Regulation to encourage creation of loop roads instead of multiple cul-de-sacs within new residential subdivisions where a loop road would not result in extensive impacts.
- Evaluate any proposals for new train service between Danbury and Brewster along the old railroad line paralleling Route 6.

#### **4.2.6 COMMUNITY FACILITIES AND SERVICES**

##### *GOAL AND POLICY*

The Town of Southeast is committed to providing its residents with adequate, accessible, and efficient community facilities and services.

##### *IMPLEMENTATION ACTIONS*

To accomplish these goals, the Town of Southeast intends to:

- Continue to cooperate with Putnam County in the development of a *Croton Watershed Plan* and any plans for diversion of wastewater outside of the New York City watershed.
- Continue to cooperate with the Village of Brewster to provide shared services and facilities, and to eliminate overlapping or duplicate services.
- Explore opportunities for creating “Rails to Trails” pathways to encourage bicycle and pedestrian mobility within the Town. Coordinate with Putnam County on bikeways and greenways.
- Provide new Town Hall complex to consolidate Town offices and accommodate court space.
- Adopt a master plan for Town recreation needs.
- Increase the recreation fee for residential subdivisions to give the Town the option to pursue acquisition of additional park land or capital improvements to existing Town parks.
- Continue to work with the school districts to improve provision of educational services and to expand physical facilities.

#### **4.3 REVISE COMPREHENSIVE PLAN AND ZONING LAWS**

Please refer to Section 4.2, above, for recommendations contained in the Town of Southeast’s updated *Comprehensive Plan*. These recommendations were developed to be consistent with the *Croton Plan* and the changes in development effected by the NYCDEP Watershed Rules and Regulations. ❖