

## **2.0 LAND USE, ZONING & PUBLIC POLICY**

### **2.1 Existing Conditions**

#### *Land Use*

The site of the proposed project is presently vacant, wooded land, owned by the Town as public open space. An irregular pattern of old stone walls is evidence of past agricultural use although the rugged nature of the topography suggests that it would likely have been used as pastureland as opposed to cultivated farm fields. There is also evidence on the site that it is lightly used at present for passive activities such as walking and hunting.

Land in the immediate area surrounding the Pugsley Road site is largely vacant, undeveloped woods or old field overgrowth. Refer to Figure 1-2 which highlights the area generally within one-quarter mile. Directly adjacent to the north, in the Town of Patterson, are two single-family residence lots, surrounded by woodlands. Directly west on the opposite side of Pugsley and Fields Corners roads is the site of the proposed Commercial Campus warehouse project, which recently started construction. Directly to the south is wooded, open space land which is largely designated wetlands. Directly to the east abutting the central portion of the subject site is a single, County-owned parcel that is presently being used as a vegetative debris dump site by the County Highway Department. Along the east side of the property is Interstate Route 84, a major limited access highway and regional east/west transportation corridor. Further east is a mix of single-family lots, a Town recreation complex, and a number of commercial/industrial buildings (Terravest Corporate Park). The Interstate physically isolates the site from uses on the east side of the highway.

Land in the larger site vicinity is developed in a mix of uses, including single-family residences to the north in the adjoining Town of Patterson, Tilly Foster Farm to the south, a County-owned property that is open to the public for various community-related activities, and commercial/retail development on properties further to the south of NYS Route 312.

The physical character of the Pugsley Road corridor is a rural road with portions bordered by woodlands, and with stone walls along some portions.

#### *Zoning*

The site area is zoned RC Rural Commercial allowing the following permitted uses: craft workshop, nursery, office, restaurant, recreation and kennel; and accessory uses: outside storage, private utilities, restaurant, retail, personal services and professional services. Additionally, the opposite side of Pugsley Road is zoned OP-3 Office Park. This zoning would allow a variety of other uses including bed-and-breakfast/country inn, equestrian center, farm use and residential, although the neighboring property has recently been approved by the Town for a warehouse use.

Bulk regulations stipulated for the RC district and applicable to the prospective use are:

- Minimum Lot Size of 200,000 sf (4.59 acres); minimum configuration of 400' by 400'.
- Minimum Yard of 100' on all sides; Parking setback of 100' on all sides.
- Maximum Lot Coverage of 45%

- Maximum Building Height of 3 stories or 35’.
- Minimum Open Space on the lot of 55%.

An environmental conservation buffer of 50 feet is required to be preserved in a site development; that is defined in the Town Code as a vegetated buffer to screen the land use from adjoining properties or public rights-of-way. Additionally, the Town Zoning Map designates certain areas to be a Ridgeline Overlay District, defined by the Code as the uppermost 50 vertical feet of a hill or mountain above a minimum elevation of 500 feet above mean sea level (irrespective of zoning district lines). There are numerous such areas mapped in the Town, including two north/south ridges paralleling the west side of Pugsley Road and the round-topped topographic knoll located in the northeast corner of the subject property.

## 2.2 Existing Public Policy

### *Town of Southeast Comprehensive Plan Update 2014*

Public policy as relates to land use in the Town of Southeast is guided primarily by the Town Comprehensive Plan which was last updated in 2014. Future development of the site area is addressed generally in the Comprehensive Plan in discussions of the I-84/Route 312 area and in a more specific Future Land Use map, where the site area is designated for “lower density commercial”. Following the adoption of the 2002 Comprehensive Plan, the Town implemented a “Rural Commercial” (RC) Zoning District at key entry points into the Town and specific parcels of notable rural character. [Page 5-6, Comprehensive Plan] The properties on the east side of Pugsley Road, including the project site, are included in the RC designation. Subsequently in 2007, the Town acquired the subject site for the purposes of open space preservation and recreation.

While the Town Comprehensive Plan Update (adopted 8/21/2014) does not identify the subject Pugsley Road site as dedicated open space, nor does its Open Space & Conservation Map (Figure 4-3, Comprehensive Plan), the Plan Update advocates for increasing available parks and recreation facilities and recommends that “...*The Town should also pursue opportunities for public private partnerships in the development of recreational resources which would benefit the Town.*” [page 9-5].

In descriptions of the general area of this site, the Plan advocates tourist-oriented development, recreation, commercial activity related to tourism, and other uses that would maintain the scenic and rural quality of the area and its gateway location. The project site is located within the I-84/Route 312 Interchange area which is identified in the Comprehensive Plan as a potential commercial area. [Figure 7-1, Comprehensive Plan]

Discussion in the Plan with regard to economic development refers to the site area:

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: ... The I-84/Route 312 interchange—This area is envisioned as a node of commercial activity. Continued development within the Terravest Corporate Park, the Highlands Center, and any potential development in the “Campus at Fields Corner” along Pugsley Road would be compatible with this vision. [Page 7-4, Comprehensive Plan]

### *Town of Southeast Croton Plan*

Around 2002, the Town of Southeast worked with the Putnam County Division of Planning and Development to create a plan to be part of a watershed-wide “Comprehensive Croton System Water Quality Protection Plan” (“Croton Plan”). The Comprehensive Croton Plan supports the implementation of the New York City Department of Environmental Protection (NYCDEP) Watershed Regulations<sup>1</sup> which were implemented to protect the water quality of the New York City (NYC) drinking water supply. Most every watershed community has its town-specific Croton Plan.

The project site is located within the watershed of the Middle Branch Reservoir of New York City's drinking water supply, which is a NYSDEC Priority waterbody and is designated as phosphorus-restricted by the NYCDEP. The Reservoir is threatened by high levels of nutrients primarily resulting from conventional in-ground septic systems. Therefore the project design, in particular its stormwater management techniques, must limit or reduce its nutrient levels to permitted concentrations, including the capture and removal of sediment and debris in runoff, maintenance of vegetative cover wherever possible, and appropriate design of the onsite septic system to reduce the movement of nutrients into downstream waters.

The project site is located within a large commercial growth focus area identified in the Croton Plan, encompassing land that is currently zoned OP (Office Park) and RC (Rural Commercial) and surrounding the site on three sides. [FA/C/S4, Figure 2.3-1, Croton Plan] This area is characterized as commercial office park and an area envisioned for commercial growth that is not served by centralized sewage collection or treatment. Various analyses conducted in the preparation of the Plan used projections of new commercial growth in the I-84/Route 312 growth area consistent with the Town's Comprehensive Plan. [Page 3-16, Croton Plan]

Recommendations in the Comprehensive Plan Update and reiterated in the Croton Plan generally do not relate to site specific development projects although some topics in the plans can be applied to planning and development at the site level. In particular, topics concerned with natural resource protection are certainly relevant to a natural site that is being considered for development. Economic development “while preserving the town's rural residential character and protecting the Town's portion of the regional drinking water supply” is also relevant to a “lower density commercial” use.

### **2.3 Future Without the Proposed Project**

With this site under its current ownership by the Town of Southeast and its designation as dedicated open space, future development would be limited to improvements related to passive human activities and preservation of natural resources. Such use could include public access

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<sup>1</sup> “Rules and Regulations for the Protection from Contamination, Degradation and Pollution of New York City Water Supply and its Sources,” more commonly referred to as the New York City Department of Environmental Protection (NYCDEP) Watershed Regulations.

for hiking, nature walks, trail biking and the like, and improvements that could enhance such activities -- development of a fitness trail, for example.

Current zoning would permit uses listed above for the RC district, however its designation as open space precludes any change from its present use without an act of the NY State Legislature to alienate its present use for another stated purpose. Under the language adopted by the Town Board, the alienation approved for the proposed recreation use is “specifically conditioned upon such site being deed restricted to prohibit the site from being used for any purpose other than Recreation as may be defined by the Town of Southeast Zoning Code.”<sup>2</sup>

Absent the proposed project, it is anticipated that the project site would remain wooded and underused without improvements.

## 2.4 Potential Impacts

### *Land Use & Zoning*

The potential impact of the proposed project on land use and zoning that presently surround the site will be primarily related to the intensity of use since the site in its present condition is fully wooded with apparent human use limited to incidental recreation by hikers and hunters. Regular and intensive use envisioned for the proposed recreational use will result in increased noise and increased traffic activity for the local area. The added traffic is not projected to significantly impact the local roads north of the site (for reasons explained in the Traffic section).

Ambient noise from activities on the site will increase background noise levels periodically (see further description in the Noise section). The only sensitive receptors identified in the local area are two single family residences at the northern property line, where periodic increases in human-generated ambient noise will be experienced from time to time and potentially above the level of the persistent traffic noise heard from the nearby highway.

The introduction of the proposed facility on the general land use pattern of the study area will not have an adverse effect on the variety of human uses, which include commercial/industrial activity to the south and east, and soon to the west, and vehicular movement in the regional transportation corridor to the east. The typical outdoor activity on such commercial and industrial properties is largely centered on vehicular activity which would not experience an impact from the increased noise and traffic activity at the project site.

The proposed use will change the character of the land adjoining the two residential lots to the north from woodland to open land with recreational activity, which will necessitate the preservation of a vegetative buffer along the common property line to minimize the change.

There will be no zoning change necessary to accommodate the proposed project.

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<sup>2</sup> Town of Southeast Town Board, Resolution 12/2020 Requesting the New York State Legislature Introduce Home Rule Legislation to Authorize the Discontinuance and Alienation of Parkland Located on Pugsley Road”, adopted February 20, 2020.

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*Public Policy*

The following summary outlines ways in which the proposed project will address relevant policy goals cited from the Comprehensive Plan document (and are also restated in the Croton Plan). These issues are further discussed in the corresponding subject chapters of this DEIS.

- *Natural Resources - 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. [p. 4-10, Comprehensive Plan]*

Development of the project plans has taken the natural resources of the site into consideration through the design process. The presence of wetlands, watercourses, topography and slopes, the ridgeline, woodland habitats and the sensitivity of the NYC water supply have played a part in the physical layout of project components and particulars of the design intended to protect these resources to the maximum extent practicable. Appropriate stormwater management techniques including use of permeable surfaces to encourage the infiltration of runoff water are key for any development in this watershed.

- *Land use - 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. [p. 5-23]*
- *Community character - Maintain the Town's picturesque rural character while allowing for appropriate commercial development. [p. 5-23]*
- *Community facilities and services - The Town of Southeast is committed to providing its residents with adequate, accessible, and efficient community facilities and services. [p. 9-6]*

The proposed project will provide economic benefits directly to the community through tax revenues as well as increased revenues to the local economy through patronage of other businesses in the area. Further community benefit will be realized through providing needed recreation space for Town residents. The physical setting for the proposed project allows it to fit into the landscape around it, preserving acres of trees within public open space such that its presence will result in minimal change to its surroundings while being in a location that is readily accessible from the regional transportation network.

In its formal request to the NY State Legislature to authorize the discontinuance and alienation of the existing parkland, the Town of Southeast Town Board stated that the subject site "...will serve a greater public benefit if it were owned and developed for recreational use by a private project sponsor" in exchange for land to be acquired from the sponsor (at Starr Ridge Road) and dedicated as parkland.

- *Economic development - 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. [p. 7-4]*

The proposed project will benefit the community directly through tax revenues and employment. As a non-residential land use, the project will not generate additional population to the Town while providing additional recreational services available to school-aged children and young adults of local families.

- *Traffic - 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. [p. 8-7]*

The project location that is close to the Route 312 and I-84 corridors will provide a readily accessible site for local and regional visitors via the existing transportation network without the need to expand the existing infrastructure.

This project is envisioned to enhance the virtues of the Town of Southeast as “the economic center of Putnam County” [Page 5-9, Comprehensive Plan] while maintaining its rural community character through preservation of the visual buffer of woodland along the I-84 corridor including the prominent ridgeline.

## 2.5 Mitigation Measures

### *Land Use & Zoning*

While for most land uses in the surrounding area the proposed project will not necessitate particular measures to reduce its impact, the close proximity of the two nearby residential lots necessitates that a buffer be preserved or enhanced, with vegetation or otherwise treated, to mitigate the change in intensity of use. Recreation uses are generally considered to be compatible with residential uses in proximity to each other, however the intensity of recreational use anticipated at Brewster Yards should be mitigated so it doesn't significantly impact its residential neighbors. The project plan shows a buffer of 260 feet or more of existing woodland vegetation to be preserved between the closest proposed development disturbance and the northern property line of the subject site.

There will be no zoning change necessary to accommodate the proposed project.

### *Public Policy*

The project plan as proposed will be compatible with the general, relevant policies contained in the Comprehensive Plan Update and the Croton Plan, accounting for the various mitigation measures outlined in the topic-specific sections of this document. The project plans include appropriate provisions to preserve sensitive natural resources (including wetlands, watercourses, steep slopes, and the ridgeline) and provisions for protection of stormwater quality to the greatest extent practicable.