

State Environmental Quality Review
NEGATIVE DECLARATION
 Notice of Determination of Significance

Project Number**Date** _____

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Philipstown Town Board as lead agency has determined that the Proposed Action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Adoption of New Town of Philipstown Zoning Law and Zoning Map

SEQR Status: Type 1

Unlisted

Condition Negative Declaration: Yes

No

Description of Action:

The Proposed Action for purposes of this Negative Declaration comprises the following actions being considered by the Town Board of the Town of Philipstown, acting as Lead Agency under SEQRA:

1. The adoption of the proposed Town of Philipstown Zoning Law, which involves repealing the existing Chapter 175 of the Town Code and replacing it with a new Chapter 175; and
2. Amendments to the Zoning Map to reflect the new zoning district designations.

The proposed Zoning Law is intended to implement the goals of the Comprehensive Plan, and in particular Goal #10, which is to "revise land use regulations to implement the Comprehensive Plan and streamline the land use approval and enforcement process." The Town of Philipstown Comprehensive Plan was adopted by the Town Board on March 9, 2006.

The proposed Zoning Law includes the establishment of nine "land use" and seven "overlay" districts. The proposed land use and overlay districts and map revisions reflect the Town's desire to protect its community character by guiding residential and commercial development into appropriate locations throughout the Town. Nothing in these district provisions affects the rights of individual homeowners to use their homes and land as they always have for residential purposes.

Location: Town of Philipstown, town-wide

Findings:

The Town Board, as Lead Agency, has determined that the Proposed Action will not result in any significant adverse environmental impacts. The Proposed Action would implement the stated goals of the 2006 Comprehensive Plan and would decrease the potential residential development when compared to existing Zoning. The proposed Zoning would provide equivalent opportunities for commercial development, and increased opportunities for small businesses within designated hamlet districts. Overall, the anticipated levels of development under the Proposed Action would minimize future impacts to schools, community services, and the local road network. Furthermore, the Proposed Action includes a number of new protections for natural resources, historic and scenic resources, and community character.

Specifically, the Town Board determines (following the guidance of SEQRA) that the Proposed Action would:

- (i) Not result in “a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;” (§617.7(c)(1)(i))
- (ii) Not result in “the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;” (§617.7(c)(1)(ii))
- (iii) Not result in “the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;” (§617.7(c)(1)(iii))
- (iv) Not result in “the creation of a material conflict with a community’s current plans or goals as officially approved or adopted;” (§617.7(c)(1)(iv))
- (v) Not result in “the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;” (§617.7(c)(1)(v))
- (vi) Not result in “a major change in the use of either the quantity or type of energy;” (§617.7(c)(1)(vi))
- (vii) Not result in “the creation of a hazard to human health;” (§617.7(c)(1)(vii))
- (viii) Not result in “a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;” (§617.7(c)(1)(viii))
- (ix) Not result in “the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;” (§617.7(c)(1)(ix))
- (x) Not result in “the creation of a material demand for other actions that would result in one of the above consequences;” (§617.7(c)(1)(x))
- (xi) Not result in “changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or” (§617.7(c)(1)(xi))
- (xii) Not result in “two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.” (§617.7(c)(1)(xii))

When considered independently, none of the provisions of the proposed Zoning Law would result in significant adverse environmental impacts. Considered cumulatively, as required by SEQRA, no significant adverse environmental impacts would result if these specific provisions are considered together as a whole. Therefore, the Proposed Action will not result in any significant adverse environmental impacts.

Reasons Supporting This Determination:

The Town Board and its consultants prepared an expanded Environmental Assessment Form (EAF), dated November 23, 2010, to analyze the potential impacts of the Proposed Action. The EAF includes a full analysis of potential impacts of the Proposed Action. The key facts and conclusions supporting the Town Board’s determination of environmental significance are summarized below.

LAND USE, ZONING, AND PUBLIC POLICY

The Proposed Action is intended to facilitate the growth of Philipstown into a diverse, vital and business-friendly community of agriculture, commercial/industrial/manufacturing businesses, small businesses, homes and recreational opportunities located in an appealing setting with great natural beauty within the historic Hudson Valley, along the eastern shoreline of the Hudson River, while providing amenities that attract residents, travelers, shoppers (including antiques), diners and vacationers.

Furthermore, the Proposed Action is intended to implement the goals of the 2006 Comprehensive Plan, in particular the use and development of land. As such, the proposed Zoning Law would:

1. Protect the scenic, ecological, forest, agricultural, and open space resources of the Town
2. Protect the Town's groundwater and surface water
3. Concentrate development in hamlets
4. Maintain a healthy and diverse business community
5. Enable existing institutional uses to remain viable
6. Provide an array of housing choices at different price levels
7. Balance the Town's tax base
8. Create a document that is easier to use than the current zoning, and
9. Establish a development approval process that is predictable, efficient, and fair.

Under the Proposed Action the Town of Philipstown would be divided into the following land use and overlay districts. Overlay districts are intended to provide additional protection of important environmental resources and/or to permit certain types of economically productive uses that would not otherwise be allowed in a particular land use district. Overlay districts may overlap different land use districts, but would not change the use and dimensional requirements of the underlying land use districts unless specifically so stated in the proposed Zoning Law.

Rural Conservation District (RC). The purpose of this district is to promote land conservation, agriculture, forestry, recreation, and the preservation of open space, as well as other compatible rural uses, by encouraging such activities and by discouraging large-scale residential development, while allowing low-density residential uses. The maximum density for conservation subdivision is one unit per 5 acres, excluding density bonuses. The Planning Board may grant a density bonus of up to a 5% increase in the permitted number of dwelling for every 10% of additional open space protected beyond the minimum required for the entire parcel. In addition, if the applicant allows public access to the protected open space on the property and the Planning Board finds that such public access provides a significant recreational benefit to the Town (such as a trail connector or access to an important natural area), the Planning Board may grant an increase in the permitted number of dwelling units of up to 15%. Minimum lot sizes for conservation subdivisions depend upon the availability of public water and/or sewers. For conventional subdivisions, the minimum lot size is 10 acres.

Institutional Conservation District (IC). The purpose of this district is to preserve existing institutional uses of property of 20 acres or more that maintain significant amounts of contiguous open space and/or historic structures. The maximum density for conservation subdivision is one unit per 20 acres, excluding density bonuses. The Planning Board may grant a density bonus of up to a 5% increase in the permitted number of dwelling for every 10% of additional open space protected beyond the minimum required for the entire parcel. In addition, if the applicant allows public access to the protected open space on the property and the Planning Board finds that such public access provides a significant recreational benefit to the Town (such as a trail connector or access to an important natural area), the Planning Board may grant an increase in the permitted number of dwelling units of up to 15%. Minimum lot sizes for conservation subdivisions depend

upon the availability of public water and/or sewers. For conventional subdivisions, the minimum lot size is 20 acres.

Rural Residential District (RR). The purpose of this district is to allow residential uses in a rural setting, at a lower density than is allowed in the hamlets. The maximum density for conservation subdivision is one unit per 3 acres, excluding density bonuses. The Planning Board may grant a density bonus of up to a 5% increase in the permitted number of dwelling for every 10% of additional open space protected beyond the minimum required for the entire parcel. In addition, if the applicant allows public access to the protected open space on the property and the Planning Board finds that such public access provides a significant recreational benefit to the Town (such as a trail connector or access to an important natural area), the Planning Board may grant an increase in the permitted number of dwelling units of up to 15%. Minimum lot sizes for conservation subdivisions depend upon the availability of public water and/or sewers. For conventional subdivisions, the minimum lot size is 5 acres.

Hamlet Mixed-use District (HM). The purpose of this district is to allow the creation and expansion of hamlets in the traditional scale, density, architectural style, and mixed-use character of the existing hamlets of Garrison and Garrison Landing and of the Villages of Cold Spring and Nelsonville. Minimum lot sizes depend upon the availability of public water and/or sewers, ranging from 40,000 square feet where there are no sewers to 4,000 square feet if both water and sewer services are available.

Hamlet Residential District (HR). The purpose of this district is to maintain the traditional scale, density, and character of residential hamlets such as Continental Village, as well as residential neighborhoods surrounding designated hamlet mixed use areas. Minimum lot sizes depend upon the availability of public water and/or sewers, ranging from 40,000 square feet where there are no sewers to 4,000 square feet if both water and sewer services are available.

Suburban Residential (SR). The purpose of this district is to maintain the character of existing suburban density residential developments and to allow a limited extension of suburban growth patterns. The maximum density for conservation subdivision is one unit per 40,000 square feet, excluding density bonuses. The Planning Board may grant a density bonus of up to a 5% increase in the permitted number of dwelling for every 10% of additional open space protected beyond the minimum required for the entire parcel. In addition, if the applicant allows public access to the protected open space on the property and the Planning Board finds that such public access provides a significant recreational benefit to the Town (such as a trail connector or access to an important natural area), the Planning Board may grant an increase in the permitted number of dwelling units of up to 15%. Minimum lot sizes for conservation subdivisions depend upon the availability of public water and/or sewers. For conventional subdivisions, the minimum lot size is also 40,000 square feet.

Highway Commercial District (HC). The purpose of this district is to allow commercial uses that rely heavily on automobile and truck access and that would not be compatible with a hamlet mixed-use area.

Office /Commercial/Industry Mixed-Use District (OC). The purpose of this district is to allow areas for light industrial, service commercial, office, and research facilities. Such districts may also include, where compatible, housing and limited retail commercial development intended to support the primary uses or to provide adaptive reuse of existing commercial or industrial buildings.

Industrial/Manufacturing District (M). The purpose of this district is to allow industrial and related uses that are not compatible with most commercial, office, or residential uses, in isolated and well-buffered locations.

Floodplain Overlay District (FPO). The purpose of this Overlay District is to control development within the 100-year floodplain in order to minimize flood damage and protect water resources. This district also incorporates by reference the Town's existing Floodplain Protection Law, Chapter 90 of the Town Code. See §175-13.

Cold Spring Watershed Overlay District (WSO). The purpose of this Overlay District is to protect the water supply of the Villages of Cold Spring and Nelsonville, which includes the entire watershed of Foundry Brook. See §175-14.

Scenic Protection Overlay District (SPO). The purpose of this Overlay District is to protect the character of scenic resources in the Town, including designated scenic road corridors and the Hudson River watershed. See §175-15.

Aquifer Overlay District (AQO). The purpose of this Overlay District is to protect groundwater resources that provide drinking water for private wells and that may be used in the future to provide public water supplies. See §175-16.

Soil Mining Overlay District (SMO). The purpose of this Overlay District is to provide appropriate locations for soil mining to occur where landowners can achieve a reasonable return on their land from sand and gravel mining without adversely impacting their neighbors. See §175-17.

Open Space Conservation Overlay District (OSO). The purpose of this Overlay District is to afford special protections to tracts of land that have been identified in the Town of Philipstown Open Space Index and that are 30 acres or more in size. See §175-18.

Mobile Home Park Overlay District (MHO). The purpose of this Overlay District is to provide appropriate locations for mobile home parks, consistent with the requirements of §175-44.

BUILD OUT ANALYSIS

Residential zoning districts

As demonstrated by the build-out analysis contained in the EAF, the proposed Zoning Law would permit the development of 870 new dwelling units in the Town. This is significantly less than the 1,780 anticipated to be permitted by the existing Zoning Law. As such, the Proposed Action would reduce the number of potential new residents from 4,557 under existing conditions, to 2,228, and the number of school age children would decrease from 1,507 to 996.

It is anticipated that the Proposed Action would result in 1,740 additional vehicles making 8,275 additional vehicle trips per day on local roads, as opposed to 3,560 additional vehicles and 16,999 additional vehicle trips per day. The Proposed Action would consume less water, and generate less sewage than the future build out under the existing Zoning Law (328,560 gallons per day versus 676,400 gallons per day for both water and sewer).

Since the Proposed Action would generate fewer new dwelling units, it would result in fewer new residents, and thereby minimize any potential impacts to community services from existing conditions. The Proposed Action would require 3 fewer police officers, and 1 less firefighter than the future build-out under existing Zoning.

Commercial Zoning Districts

The proposed Zoning Law creates a number of opportunities for commercial development to occur. Many of the Zoning districts allow for a combination of uses including business uses (such as the proposed Hamlet Mixed-Use district). In addition, small-scale commercial uses would be allowed in some of the residential areas adjoining hamlet centers.

The proposed Zoning was designed to be flexible for small businesses, to encourage growth in the existing hamlet centers, and to minimize strip commercial developments. The proposed Zoning would increase the flexibility, and thus marketability, of areas that had previously been zoned for more strictly defined uses. The flexible nature of the proposed Zoning makes it difficult to quantify the amount of commercial development that could occur under the proposed Zoning when compared to the existing (more strictly defined) Zoning. This is partly because, under the proposed Zoning, much of the land that permits commercial development would be found within hamlet districts which allow for a variety of uses. As shown in Table 1, the proposed Zoning would increase the overall acreage permitting commercial development.

Table 1
Existing versus Proposed Acres of Permitted Commercial Uses

Existing Zoning	Acres	Proposed Zoning	Acres
Business B-1 (B-1)	169	Highway Commercial District (HC)	400
Business B-2 (B-2)	282	Office/Commercial/Industry Mixed-Use District (OC)	301
Industrial (I)	740	Industrial/Manufacturing District (M)	36
--	--	Hamlet Mixed-Use District (HM)	209
--	--	Hamlet Residential District (HR)	335
Total	1,191	Total	1,281

However, it can be assumed that because the proposed Zoning Law allows for a variety of uses within the same district, less single-purpose commercial and industrial development would occur under the proposed zoning in the HM and HR districts. Under both the existing and the proposed Zoning, there is more than enough land zoned for commercial uses to meet the anticipated commercial demand within the Town. The proposed Zoning concentrates commercial/mixed use development in more compact nodes to control environmental impacts of new commercial strip development.

SOCIO-ECONOMICS

DEMOGRAPHICS

The Proposed Action responds to demographic trends over the past two decades, and is intended to provide opportunities for housing a diverse range of household types and income ranges. It allows for a range of housing types that would be attractive to an aging population, or those priced out of the market for single-family dwellings.

SCHOOLS

The proposed Zoning Law would minimize potential impacts to the school district compared to the existing Zoning. As demonstrated by the build-out analysis contained in the EAF, the proposed Zoning would reduce the number of new dwelling units that could be constructed in the Town, as well as the number of potential residents and school children. Under the proposed Zoning Law, approximately 996 school age children would be generated at full build-out, as opposed to the current Zoning, which would generate 1,507 school age children. Thus, the proposed Zoning Law would diminish any potential impacts to the school districts compared to the existing Zoning.

HOUSING

The Comprehensive Plan recommended creative solutions for the provision of affordable housing, such as appropriate conversion of large houses to apartments, accessory apartments, and other ways of securing an unobtrusive range of housing for a variety of income levels. In response to this goal, the Proposed Action would permit single- and two-family homes, multi-family dwellings, accessory apartments, upper-floor apartments in mixed-use buildings, residential care facilities, and mobile homes and parks. Each of these housing types would be subject to specific regulations within the Zoning Law that would guide the development to appropriate locations within the town.

NATURAL AND ENVIRONMENTAL FEATURES

GEOLOGY AND TOPOGRAPHY

The Proposed Zoning Law would enhance protection of steep slopes through restrictions on development on lands with slopes of 20 percent or greater, along with increased limitations on steeper slopes as stipulated in §175-36.

SURFACE WATER RESOURCES

All streams and creeks within the Town of Philipstown ultimately outlet to the Hudson River. The streams and creeks within the Town are Indian Brook, Philipse Brook, Arden Brook, Foundry Brook, Clove Creek and Canopus Creek. Reservoirs are the primary drinking water source for the Village of Cold Spring, along with portions of the Village of Nelsonville and Continental Village. The proposed Cold Spring Watershed Overlay District (WSO) would protect the water quality of the reservoirs and water sources within the Cold Spring water supply watershed. The boundaries of this district include all land draining into the Cold Spring Reservoir System and Foundry Brook. Section §175-14 of the proposed Zoning Law identifies specific prohibited activities within the watershed and performance criteria for other regulated activities.

GROUNDWATER RESOURCES

Residences and businesses within Philipstown, but outside of the reservoir service areas, obtain their drinking water from underground water supplies. Bedrock aquifers underlie the entire town within the various Gneissic bedrock formations where water sources are obtained from drilled wells. A sand and gravel aquifer also exists within the Clove Creek Basin, which is located in the northerly region along the Route 9 corridor (North Highlands). The Clove Creek aquifer offers the highest yields of groundwater resources.

The Proposed Zoning Law creates an Aquifer Overlay District (AQO) to protect these resources. It encompasses the entire Town, dividing it into two subdistricts, the Clove Creek Aquifer (CCA) area, and the Regional Aquifer (RA), which encompasses most of the Town. These districts are intended to ensure the quality of all public and private wells, including future supplies. The proposed provisions of §175-16 are intended to prevent the degradation of water quality and to ensure adequate recharge of the aquifers.

FLOODPLAINS

To minimize flood damages and to protect the Town's water resources, the proposed Floodplain Overlay District (FPO) will further limit uses within this district prohibiting new residential construction, or installation of new sanitary septic or sewerage systems. However, replacement of existing facilities will continue to be allowed within this district.

SOILS & SOILS MINING

The Town's Comprehensive Plan noted that mining activities have had a major impact on portions of the NYS Route 9 corridor. Under the Proposed Action, the Soil Mining Overlay District (SMO) would be carried over from the current zoning and would limit soil mining to appropriate locations, while preventing adverse impacts to the surrounding areas or adversely affecting their neighbors. Activities within this district will require slope limitations and permanent stabilization/restoration upon completion of mining operations at all sites.

FORESTED LANDS

Significant areas of the Town of Philipstown are heavily forested. These areas are identified as "Matrix Forest" in the Town's Comprehensive Plan, and the Town's "Final Draft Philipstown Natural Resource and Open Space Protection Plan". These forest areas extend beyond the boundaries of the Town of Philipstown into the surrounding areas of Putnam Valley, and the also along the Town's northerly boundaries into the towns of Fishkill and East Fishkill in Dutchess County. Several locations within the Matrix Forest contain areas of significant ecological communities and pockets where rare species have been found. The proposed Open Space Conservation Overlay District (OSO) (§175-18) will restrict the density of development within parcels mapped on the Town's "Open Space Index".

AGRICULTURAL LANDS

As a result of the topography and hilly terrain within the Town, there are limited farming activities. The largest areas of this use are found in the northeast corner of the Town. Other smaller pockets of agricultural uses are found within the middle and southerly areas of the Town. The

Conservation Subdivision provisions in Article V require consideration of the protection of agricultural land when land is subdivided.

SCENIC AREAS AND VIEWSHEDS

To preserve its rural and historic character, the Town has determined that special protection of the Hudson River corridor and scenic road corridors are necessary. Therefore, the Proposed Action includes a "Scenic Protection Overlay District"(SPO) to regulate land uses within designated areas where these corridors are visible to the public. In addition to Site Plan approval for activities within this district, provisions are also provided for limited land clearing and landscaping requirements to preserve scenic buffer areas. Architectural specifications for the maintenance of existing structures and construction of new buildings are proposed. Limitations on the location and types of fencing proposed, where visible to the public, will also be imposed within buffer areas along scenic road corridors. The proposed zoning also includes provisions for the protection of ridgelines to maintain the scenic integrity of these visible high points in the Town's topography.

The SPO would provide special protection of the Hudson River corridor and scenic road corridors to preserve the attractive rural and historic quality of the Town. It would regulate land uses within designated scenic corridors to protect the Town's scenic beauty and rural character, and apply to those sections of road and river corridors that are visible to the public and that substantially retain their scenic character. Since the Proposed Action would preserve these important resources, no significant adverse impacts are anticipated.

COMMUNITY CHARACTER, OPEN SPACE AND HISTORIC RESOURCES SCENIC RESOURCES AND OPEN SPACE

The hills and valleys of Philipstown create spectacular views throughout the Town. Of special interest to the Town, as identified in Goal 1 of the Comprehensive Plan, is the preservation of elements that contribute to Philipstown's rural and historic character, which include the following: dirt roads; stone walls; historic structures, sites and areas; significant trees; ridgelines; farmland; forests; the Hudson River shoreline and scenic viewsheds. Further, these same elements that make Philipstown unique are also noted in other goals found in the Comprehensive Plan. For example:

- Goal 4 (Expand recreational opportunities) includes a recommendation to improve riverfront access using the Putnam Riverfront Alliance inventory of access points, and noting that riverfront plans should be developed closely with the Village of Cold Spring, Philipstown, Putnam County and all other stakeholders.
- Goal 6 (Pursue an economic development strategy) notes that the Town should recognize the historic scenic character of the rural parts of Route 9 and Route 9D and limit the scope and type of commercial development using the strategies noted elsewhere in this goal.
- Goal 7 (Protect Philipstown's natural resources) states that Philipstown's natural resources are its green infrastructure contributing to public health, habitat, recreation and community character, with over 40% of the Town protected as state park land or by conservation organizations. It is also noted that the Town is important regionally as a valuable part of the federally designated Highlands Region. Due to the development pressures which pose a threat to the Town's natural resources, this goal recommends strategies to protect these natural resources, which include goals to: Protect water quality and quantity; Create an ongoing process to identify critical parcels of land for preservation and to develop ways to achieve these preservation objectives; Preserve habitat and scenic resource values by encouraging the use of Open Development Area (ODA) regulations and clustering; Facilitate the community's appreciation and enjoyment of the Hudson River; Protect environmentally sensitive areas, including Cold Spring Reservoir and Foundry Brook, Scofield Ridge, large contiguous forest blocks (i.e., matrix forest), Hudson River shoreline, Constitution Marsh, brooks, wetlands and riparian buffer

zones, ridgelines and steep slopes; Develop strategies to protect against environmentally hazardous material; Increase awareness and encourage commercial and residential construction practices which will reduce impacts on municipal services as well as the environment; Conduct a town-wide biodiversity assessment, identifying areas that may have high habitat value for biodiversity; and Encourage adoption of new waste treatment methods to reduce the impact the current septic requirements have on the landscape.

- Goal 8 (Improve safety and aesthetics of roads) recognizes that the roads in the Town play a big part in shaping the community's character, and recommends that a master plan for all roads in Town be developed and, where appropriate, to introduce "traffic-calming" design measures, and to create pedestrian footpaths and bikeways.

The various elements identified within these goals, as well as many of the recommended methods to accomplish these goals, are addressed in the proposed Philipstown Zoning Law by various regulatory provisions described above, particularly the overlay districts and the conservation subdivision requirements.

HISTORIC RESOURCES

The EAF had analyzed a proposed Historic Preservation Adaptive Reuse Overlay District (HPO). The purpose of this Overlay District was to allow use flexibility for the adaptive reuse of buildings that are listed on the National Register of Historic Places that are on parcels of 15 acres or more, in order to provide economically viable ways to rehabilitate, maintain, and reuse them. See §175-15.1.

Following public comment on the Proposed Action, which included a number of concerns about potential environmental impacts of the HPO District as drafted, the Town Board has determined at this time not to include the HPO in the Proposed Action. However, the proposed Zoning Law still includes other protections that would enhance the protection of historic resources, such as the Scenic Protection Overlay district which, as described above, adds significant protections for the viewshed of all public roads in the Town. The Town Board may, at a future date, consider reintroducing the HPO in a different form and after fuller study of the issues, in a separate Zoning amendment.

UTILITIES AND INFRASTRUCTURE

SOLID WASTE

The Proposed Action will reduce potential development of most residentially zoned sections of the Town, which will reduce the amount of solid waste generated by the overall community in the future if the current Zoning were maintained. Therefore, it is expected that the Proposed Action will reduce impacts resulting from solid waste generation as compared with the existing Zoning.

WATER

The proposed Zoning Law includes two overlay districts intended to protect groundwater and surface water supplies: the Cold Spring Watershed Overlay District (WSO) and the Aquifer Overlay District (AQO). These districts will serve to protect the health and welfare of residents of the Town of Philipstown and the Villages of Nelsonville and Cold Spring by minimizing the potential for contamination and depletion of both the aquifer and reservoir systems from which residents draw their water. The aquifer system not only provides drinking water to public water systems and private wells, it also provides groundwater and surface water that is essential to the maintenance of healthy aquatic and terrestrial ecosystems. The Town has determined that a limiting factor on the carrying capacity of the land is its capability to provide water in sufficient quality and quantity so that water use by some users does not adversely affect other users. Another limiting factor on the carrying capacity of the land is its ability to absorb wastewater without adversely affecting the quality or quantity of groundwater and surface water necessary for water supplies and other needs of the natural and human environment. The purpose of these regulations is to protect the Town's groundwater aquifer system, to provide the most protective

standards to those areas of the aquifer at greatest risk of contamination, and to manage development so that groundwater supplies are not depleted or degraded.

SEWAGE DISPOSAL

The Proposed Action does not include any specific plans for establishing municipal sewer service within the Town of Philipstown under the Proposed Action. However, as part of Goal 9 (the "smart growth" goal) of the Comprehensive Plan, the Town, with active local community involvement, intends to study appropriate areas for new mixed-use development, explore the use of central sewer and water where appropriate, and consider developing master plans that balance community character and development potential.

Any specific plan for construction of sewage collection and treatment systems would have to undergo a separate environmental assessment. In general, provision of sewage collection and treatment within the Town would improve upon existing conditions and would ensure long-term protection of public health, as well as promote continued vitality for the small businesses and residents occupying these areas of the Town.

TRANSPORTATION

Since the Proposed Action, as demonstrated in the build-out analysis contained in the EAF, would reduce the anticipated number of new residents, vehicles, and vehicle trips from what could be generated under the existing zoning, no significant adverse traffic impacts are anticipated. Furthermore, additional SEQRA review would be required for any development applications seeking approvals from the Town in accordance with the proposed Zoning Law should it be adopted.

SUMMARY OF PROJECT CHANGES SINCE THE ISSUANCE OF THE EAF

In response to public comments, a number of changes were made to the Proposed Action since the issuance of the EAF. These changes included the elimination of the HPO District, as described above, as well as some clarifications and additions to the zoning text.

In §175-20.B(1), a density formula was added to the methodology for Conservation Subdivisions. Under the proposed Zoning Law, as revised, the maximum number of dwelling units in a Conservation Subdivision is based upon either a "yield plan" or a "density formula" that subtracts 75% of constrained land from the parcel's acreage and divides the "net acreage" by a density factor listed in the dimensional table. This "density formula" method is intended to streamline the review process and make it less burdensome to applicants, while simulating in a more efficient manner the lot count that would result from preparing a conventional subdivision "yield plan" for the same property. The density formula method had appeared in earlier drafts of the zoning that were discussed in numerous public meetings. Because it had generated confusion among some members of the public in previous meetings, the Town Board deleted it in the draft that was published for the public hearing and that was analyzed in the EAF. As revised, the zoning law permits an applicant to elect either to prepare a "yield plan" pursuant to §175-20.B(2) or to use the "density formula" pursuant to §175-20.B(1). Since this proposed text change is intended to simplify the development review process and make the document more user-friendly, and since it would offer similar environmental protections to the "yield plan" analyzed in the EAF, this change is not anticipated to result in any significant adverse impacts.

The remainder of the changes to the proposed Zoning Law included clarifications that were non-substantive in nature and do not warrant further review under SEQRA.

A copy of this notice has been sent to:

- Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-1750
- Environmental Notice Bulletin, 625 Broadway Albany NY 12233-1750
- Regional Director, New York State Department of Environmental Conservation, Region 3, 21 South Putt Corners Road, New Paltz, NY 12561-1696
- Commissioner, Dutchess County Department of Planning and Development, 27 High Street, Poughkeepsie, NY 12601
- Richard Shea, Supervisor, Town of Philipstown
- Tina M. Merando, Town Clerk, Town of Philipstown
- Town of Philipstown Town Board
- Town of Philipstown Planning Board
- Town of Philipstown Zoning Board of Appeals
- Town of Philipstown Town Attorney

For Further Information:

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