DRAFT ENVIRONMENTAL IMPACT STATEMENT
for the
TOWN OF WALLKILL LOCAL ZONING LAW AMENDMENT

LEAD AGENCY
Town of Wallkill Town Board
600 Route 211 East
PO Box 398
Middletown, NY 10940

CONTACT PERSON FOR LEAD AGENCY
Supervisor John Ward
Town of Wallkill
(845) 692-7832

PREPARED BY:
Behan Planning Associates, LLC
6 Lake Avenue, Suite 200
Saratoga Springs, New York 12866

CONTACT PERSON FOR PREPARERS
John J. Behan, AICP
(518) 583-4335

October 2005

Date of Submission to the Lead Agency: 10/25/05

Date of Acceptance of the DEIS by the Lead Agency: 10/27/05

Deadline by which public comments on the DEIS are due: 11/29/05

LIST OF CONTRIBUTORS

EIS COORDINATION AND TOWN PLANNERS
Behan Planning Associates, LLC
6 Lake Avenue, Suite 200
Saratoga Springs, New York 12866
Contact: John J. Behan, AICP
(518) 583-4335

LANDSCAPE ARCHITECT
Cynthia Behan, Landscape Architect
70 White Street
Saratoga Springs, New York 12866
Contact: Cynthia Behan, LC
(518) 581-0923

TOWN OF WALLKILL LOCAL ZONING LAW AMENDMENT
DRAFT ENVIRONMENTAL IMPACT STATEMENT

TABLE OF CONTENTS

I. DESCRIPTION 2

A. PROJECT OVERVIEW, PURPOSE AND SUMMARY 2

i Overview 2

ii Purpose 2

B. LOCATION 3

C. DESCRIPTION 3

i: §249-19 D. Lot and Building Standards for the RA District 4

ii: §249-19 D. Lot and Building Standards for the R2 District 5

iii: §249-19 D. Lot and Building Standards for the R-1 District 7

iv: Conservation Subdivision § 249-80 12

v: Planned Interchange Development (PID) District: 15

vi: Performance Overlay District (POD) 16

vii: Removal of section 249-21 "Cluster developments" 16

II. ENVIRONMENTAL SETTING 18

A. INTRODUCTION 18

B. SOILS, SLOPES AND TOPOGRAPHY 19

i: Soils 19

ii: Topography and Slopes 19

C. WATER RESOURCES 20

D. NATURAL FEATURES 21

i: Areas of Biological Significance 21

ii: Threatened and Endangered Species 21

E. LAND USE AND ZONING 24

i: Residential Areas 24

ii: Commercial 24

iii: Industrial 25

iv: Agricultural 25

F. PARK AND RECREATION RESOURCES 26

G. COMMUNITY SERVICES AND INFRASTRUCTURE 27

i: Water 27

ii: Sewer 27

iii: Community Facilities 27

iv: Roads 27

H. CULTURAL RESOURCES 28

i: Historic Resources 28

ii. Community Character and Quality of Life 28

I. FISCAL RESOURCES 28

III. POTENTIAL IMPACTS AND MITIGATION 30
A. INTRODUCTION 30
B. SOILS, SLOPES AND TOPOGRAPHY 30
i. Additional Mitigation Measures 30
ii. Ability to use conservation approach without public sewer and water infrastructure 31
C. WATER RESOURCES 34
D. NATURAL FEATURES 35
i. Open Space in the RA District 35
ii. Open Space in the R-1 and R-2 Districts. 36
iii. Modification of Conservation Subdivision based on community input 36
E. LAND USE AND ZONING 37
i. Residential: 37
ii. Residential Build-out Analysis: 37
iii. Commercial: planned interchange development (PID) district 38
iv. Industrial: Addressing land use conflicts within the MI District 40
v. Agriculture: new opportunities 40
F. PARK AND RECREATION FACILITIES 40
G. COMMUNITY SERVICES AND INFRASTRUCTURE 41
H. CULTURAL RESOURCES 41
I. FISCAL IMPACTS 41
i. Cost of Community Services 41
ii. Value of Conservation Units versus Conventional Units. 42
J. OTHER IMPACTS 44

IV. UNAVOIDABLE ADVERSE IMPACTS 46
A. INTRODUCTION 46
B. SOILS, SLOPES AND TOPOGRAPHY 46
C. WATER RESOURCES 46
D. NATURAL FEATURES 47
E. LAND USE AND ZONING 47
F. PARK AND RECREATION RESOURCES 47
G. COMMUNITY SERVICES, INFRASTRUCTURE, & TRANSPORTATION 47
H. CULTURAL RESOURCES 48
I. FISCAL RESOURCES 48
J. GROWTH INDUCING IMPACTS 48

V. ALTERNATIVES 50
A. MODIFICATIONS 50
B. NO ACTION 50

VI. APPENDIX A: 1

A. BUILD-OUT PROCEDURES SUMMARY A: 1
i. RA District A: 1
ii. R-2 District A: 1
iii. R-1 District A: 2
B. LOCAL ZONING LAW AMENDMENTS (PROPOSED ACTION) A: 4
i. Amendments to Existing Districts A: 4
ii. Conservation Subdivision A: 12
iii. Performance Overlay District A: 20
C. MAPS

I. DESCRIPTION

A. PROJECT OVERVIEW, PURPOSE AND SUMMARY

i Overview and Benefits.

The proposed action is the adoption of a local law amending sections of the town's existing zoning regulations. For the most part, the changes relate to regulations related to residential development and uses. In addition, new protections are proposed for conflict areas between residential and commercial or industrial districts. The proposed local zoning law is a step towards bringing the town's zoning regulations into conformance with the recently adopted Comprehensive Plan. Adoption of this law will have a beneficial impact on the Town of Wallkill.

The SEQR process began with the establishment of the Wallkill Town Board as lead agency and completion of an Environmental Assessment Form (EAF). The EAF was submitted to all involved agencies and a public hearing was held to solicit comments from the public. Following the public comment period and subsequent modifications to the original zoning amendments, the Town Board determined that there was a need to prepare of an Environmental Impact Statement (EIS).

ii Purpose

These modifications are designed to implement the recently adopted town Comprehensive Plan, reduce the intensity of residential development in some areas, enhance environmental protections, protect cultural resources and rural character, and encourage open space conservation and sensitive treatment of natural features during site planning and design. The proposed action is the first step in coordinating the town's development regulations with the recently adopted Comprehensive Plan (2005).

These amendments also respond to a number of the issues which persuaded the town board to enact a town-wide moratorium for residential development. A six month moratorium was established September of 2004 and later extended in March of 2005 (4 months) and August of 2005 (4 months) restricting the approval of all subdivisions of three or more dwelling units within the town. The stated purpose and intent of these actions was to provide an opportunity to reform the zoning code and update the town's comprehensive plan. The moratorium law's purpose and intent also called for changes to be made to the zoning code conducive to the preservation of open space and encouragement of controlled growth.

One of the most significant changes within this proposed action is the establishment of a "conservation subdivision" ordinance to encourage new residential development to

protect sensitive natural resource areas through careful site planning and design flexibility. The conservation subdivision section implements the Comprehensive Plan's vision which identifies the need to preserve its open spaces and minimize harm to the local landscape.

B. LOCATION

The Town of Wallkill is located in the northern portion of Orange County, NY and covers approximately 62 square miles. The town sits adjacent to the City of Middletown and is crossed by Interstate 84 and Route 17. The proposed action impacts the town's RA, R-2, R-1, PID, and MI zoning districts. These districts cover a significant portion of land in town (please see the zoning map provided in the appendix).

C. DESCRIPTION

The zoning actions listed are identified as preliminary steps in implementation of the Town of Wallkill Comprehensive Plan. The proposed amendments are:

i. Modification to the town's residential zoning districts (RA, R-2, and R-1) creating two density tables. The first (Type 1) for conventional subdivision developments, and the second for Conservation Subdivision developments (Type II) where the provision of open space is required.
ii. To establish a Conservation Subdivision law for use in the town's residential districts;
iii. Modification to the town's Planned Interchange Development district removing "High Rise Multiple Residences" as an allowed use.
iv. To establish a Performance Overlay District for application in areas of town where residential districts abut the town's Planned Interchange Development (PID) district and Manufacturing Industrial (MI) district.
v. Removal of Section 249-21 "Cluster developments" from the town's zoning ordinance. Note: this cluster section is essentially being replaced by the conservation subdivision section.

Each of these actions are described in more detail below

i: §249-19 D. Lot and Building Standards for the RA District

Modifications to the RA district proposed as part of this action include establishment of Type I and Type II subdivision tables. Type II subdivision tables are the same as existing density figures from the town's zoning code. However, density for Type I subdivisions are lower than Type II densities by 50%. In order to be eligible for Type II density, developers must conform to the requirements of §249-80 Conservation Subdivisions.

Modifications to the RA district are made to encourage the use of conservation subdivision development techniques. Currently, the use of conservation subdivision or any type of cluster subdivision is not allowed within this district. However, under this proposal, this type of site planning – often referred to as Open Space Subdivisions – is encouraged through incentives within the RA zoning district. Specifically, density for all development that utilizes the conservation subdivision approach (referred to as Type II subdivisions) will be calculated using a 2-acre minimum lot size (plus soils formula). Development proposals that do not utilize the conservation subdivision approach (type I subdivisions) and associated law, will calculate density following a 3-acre minimum lot size (plus soils formula).

It is important to note that currently within the RA district, density is calculated using a 2-acre minimum lot size (plus soils formula). With these proposed modifications, the same number of units allowed today would be allowed under Type II subdivisions. The only additional requirement is conformance with the conservation subdivision regulations of this proposed action (§249-80). The specifics of the conservation subdivision are discussed in subsequent pages.

Comparison of Existing with proposed Type 1 and Type II density calculations for §249-19 D. Lot and building standards for the RA District. *Note: Existing zoning table to be removed and replaced with Type I and Type II tables.*

Existing Zoning		
Group	Environmental Factor	Min Lot Size
I	2	2
II	1.35	2
III	1	2
IV	0.71	2
V	0.67	2
VI	0.67	2
VII	0.33	3
VIII	0.33	3
IX	0.17	No Septic
X	0.1	No Septic
XI	0.17	5.8
XII	0.33	No Septic
XIII	0.17	No Septic
XIV	0.1	No Septic
XV	0.1	No Septic

Type I Subdivision		
Group	Environmental Factor	Min Lot Size
I	1.00	3
II	0.68	3
III	0.50	3
IV	0.36	3
V	0.34	3
VI	0.34	3
VII	0.17	4.5
VIII	0.17	4.5
IX	0.09	No Septic
X	0.05	No Septic
XI	0.09	8.7
XII	0.17	No Septic
XIII	0.09	No Septic
XIV	0.05	No Septic
XV	0.05	No Septic

Type II Subdivision		
Group	Environmental Factor	Min. Lot Size
I	2	2
II	1.35	2
III	1	2
IV	0.71	2
V	0.67	2
VI	0.67	2
VII	0.33	3
VIII	0.33	3
IX	0.17	No Septic
X	0.1	No Septic
XI	0.17	5.8
XII	0.33	No Septic
XIII	0.17	No Septic
XIV	0.1	No Septic
XV	0.1	No Septic

Lot Frontage in the RA District
In addition to the changes described above, the establishment of a **lot frontage** requirement of 50' is introduced to ensure for adequate separation between driveways and other site plan components at the right-of-way line. In this proposal, lot frontage will be measured along the right-of-way line, while lot width will continue to be used for regulating lot width at the building line.

ii: §249-19 D. Lot and Building Standards for the R2 District
Existing standards and allowed densities in the R2 zoning district are unchanged and re-titled "Type II Subdivisions" while Type I Subdivisions are created with a 50% reduction in density. Developers and landowners who utilize Type II subdivision tables must conform to the requirements and regulations of §249-80 Conservation Subdivisions of this proposed action.

Similar to the RA district, the R-2 district is modified to allow for and encourage the use of conservation subdivision development techniques. Under this proposed action, use of Conservation Subdivision techniques is encouraged through incentives. Density for all Type I subdivisions (those that do not use the Conservation Subdivision approach) is calculated at a minimum lot size of 1.5 acres for a single family home (plus soils formula where there is no sewer and water). For Type II subdivisions, (those that utilize the conservation subdivision approach) density will be calculated using a 3/4-acre minimum lot size (plus soils formula if no sewer and water).

Open space requirements within the R-2 District for Type II subdivisions is 30% of the development site. In addition, 10% of the site's buildable land must be included in the conservation area. It is important to note that there is no change in allowed density from current figures for those landowners and developers who utilize Type II density calculations and adhere to the requirements of §249-80 Conservation Subdivisions of this proposed action.

Comparison of Existing with proposed Type 1 and Type II density calculations for §249-20 D. Lot and building standards for the R2 District. *Note: Existing zoning table to be removed and replaced with Type I and Type II tables.*

Existing Zoning Requirements (to be replaced)

	A	B	C
Minimum required			
Lot area (square feet) subject to soil and drainage review	0.75	0.75	0.75
Lot width	150	150	200
Lot depth	200	200	250
Front yard	35	35	35
Rear yard	30	30	35
One side yard	20	20	20
Both side	40	40	40
Floor area (square feet)	1000	1000	1000
Maximum permitted			
Lot coverage	30%	30%	25%
Building height (feet)	35	35	35

Type 1 Subdivision – Conventional

	A	B	C
Minimum required			
Lot area (square feet) subject to soil and drainage review	1.5	1.5	Soils*
Lot width	150	150	200
Lot depth	200	200	250
Front yard	35	35	35
Rear yard	30	30	35
One side yard	20	20	20
Both side	40	40	40
Floor area (square feet)	1,000	1,000	1,000
Maximum permitted			
Lot coverage	30%	30%	25%
Building height (feet)	35	35	35

**use soils formula, but no less than 1.5 acres.*

Type II Subdivision – Conservation (note – same density as under existing zoning)

	A	B	C
Minimum required			
Lot area (square feet) subject to soil and drainage review	0.75	0.75	Soils*
Lot width	150	150	200
Lot depth	200	200	250
Front yard	35	35	35
Rear yard	30	30	35
One side yard	20	20	20
Both side	40	40	40
Floor area (square feet)	1000	1000	1000
Maximum permitted			
Lot coverage	30%	30%	25%
Building height (feet)	35	35	35

**use soils formula, but no less than 0.75 acre.*

iii: §249-19 D. Lot and Building Standards for the R-1 District

The R-1 District is modified through the establishment of Type I and Type II density tables and reductions in density for certain residential uses. As in other residential districts, Type II projects in the R-1 district are not required to follow the additional regulations of §249-80 Conservation Subdivisions. These projects are referred to as "conventional." Type II refers to developments that will follow the regulations of the proposed "conservation subdivision" law described herein. Allowed density is higher for Type II projects to encourage the use of conservation planning techniques and open space protection (in these cases, 20% of a development sit must remain open). Note: this higher density is the same as the figure allowed under existing zoning regulations.

A large variety of residential uses are allowed within the R-1 district. As a result, updates for this district include tables for each use (Multiple Dwellings, Row or Attached Housing, One-Family Condominium, and others such as Single Family Units) detailing Type I and Type II subdivision densities (comparisons of the existing with proposed Type I and Type II tables are provided below).

Residential development within the town's more urban areas (primarily covered by the R-1 district) has been a concern for many years and was a significant topic discussed at planning meetings and public workshops. The comprehensive plan reviews trends and impacts from large apartment and condominium-style structures in Wallkill pointing out that the town has the second highest number of large housing structures in Orange County. Following the recommendations of the comprehensive plan, density and lot sizes were reviewed for the R-1 district.

These amendments address the community's concerns regarding the potential impacts of high density development on public infrastructure, schools, traffic, and open space. Specifically, the proposed amendments to the R-1 district include reductions in density for many of the higher intensity use types such as multiple dwelling-type housing. The density modifications are in keeping with the recommendations of the comprehensive plan calling for only a "limited number of multi-family units" within this district. Recognizing that the R-1 district does play a role in the provision of affordable housing, senior housing density remains the same as under existing zoning. In addition, the comprehensive plan has set forth a strategy for addressing affordable housing to be implemented by the town in concert with local, county, and regional agencies.

Allowed density figures for senior housing and single family home residential uses were not modified as these uses are consistent with the recommendations of the comprehensive plan to promote a variety of residential uses and ownership housing opportunities (see page 17). Specific changes to the allowed density are detailed in the tables presented below.

Comparison of existing zoning with proposed Type I and Type II requirements from §249-22 C (6) (i) for Multiple Dwellings

Existing Zoning *(figures to be removed and replaced with Type I and Type II tables)*

	1	2	3	4
Rooms	Efficiency	1 bedroom	2 bedroom	3 bedroom
Minimum Required				
Land Area:				
Total (acres)	5	5	5	5
Per DU (square feet)	3,900	4,800	7,200	14,500

Type I Conventional

	1	2	3	4
Rooms	Efficiency	1 bedroom	2 bedroom	3 bedroom
Minimum Required				
Land Area:				
Total (acres)	10	10	10	10
Per DU (square feet)	11,700	14,400	21,600	43,500

Type II Conservation

	1	2	3	4
Rooms	Efficiency	1 bedroom	2 bedroom	3 bedroom
Minimum Required				
Land Area:				
Total (acres)	10	10	10	10
Per DU (square feet)	7,800	9,600	14,400	29,000

Comparison of existing zoning with proposed Type I and Type II requirements from §249-22 C (7) (i) for Row or Attached Housing

Existing Zoning (figures to be removed and replaced by Type I and Type II tables)

	2	3	4
Rooms	1 bedroom	2 bedroom	3 bedroom
Minimum Required			
Land Area:			
Total (acres)	5	5	5
Per DU (square feet)	5,400	7,200	8,700

Type I – Conventional

	2	3	4
Rooms	1 bedroom	2 bedroom	3 bedroom
Minimum Required			
Land Area:			
Total (acres)	10	10	10
Per DU (square feet)	10,800	14,400	17,400

Type II – Conservation

	2	3	4
Rooms	1 bedroom	2 bedroom	3 bedroom
Minimum Required			
Land Area:			
Total (acres)	10	10	10
Per DU (square feet)	8,100	10,800	13,050

Comparison of existing zoning with proposed Type I and Type II requirements from §249-22 C (8) (K) for One-family condominium

Existing Zoning (to be removed and replaced with Type I and Type II tables)

	2	3	4
Rooms	1 bedroom	2 bedroom	3 bedroom
Minimum Required			
Land Area:			
Total (acres)	5	5	5
Per DU (square feet)	5,400	7,200	8,700

Type I – Conventional

	2	3	4
Rooms	1 bedroom	2 bedroom	3 bedroom
Minimum Required			
Land Area:			
Total (acres)	10	10	10
Per DU (square feet)	10,800	14,400	17,400

Type II – Conservation

	2	3	4
Rooms	1 bedroom	2 bedroom	3 bedroom
Minimum Required			
Land Area:			
Total (acres)	10	10	10
Per DU (square feet)	8,100	10,800	13,050

Comparison of existing zoning with proposed Type I and Type II requirements from §249-22 D. Lot and building standards for the R1 District.

Existing Zoning (to be removed and replaced with Type I and Type II tables)

	A	B	C
Minimum required			
Lot area (square feet) subject to soil and drainage review	12,500	12,500	Soils*
Lot width	80	80	100
Lot depth	100	100	125
Front yard	35	35	35
Rear yard	30	30	35
One side yard	15	15	15
Both side	30	30	35
Floor area (square feet)	600	600	600
Maximum permitted			
Lot coverage	35%	35%	25%
Building height (feet)	35	35	35

Type 1 Subdivision – Conventional

	A	B	C
Minimum required			
Lot area (square feet) subject to soil and drainage review	18,750	18,750	Soils*
Lot width	100	100	125
Lot depth	125	125	150
Front yard	35	35	35
Rear yard	30	30	35
One side yard	20	20	20
Both side	40	40	40
Floor area (square feet)	600	600	600
Maximum permitted			
Lot coverage	35%	35%	25%
Building height (feet)	35	35	35

**use soils formula, but no less than 30,000 sq. ft.*

Type II Subdivision – Conservation

	A	B	C
Minimum required			
Lot area (square feet) subject to soil and drainage review	12,500	12,500	Soils*
Lot width	80	80	100
Lot depth	100	100	125
Front yard	35	35	35
Rear yard	30	30	35
One side yard	20	20	20
Both side	40	40	40
Floor area (square feet)	600	600	600
Maximum permitted			
Lot coverage	35%	35%	25%
Building height (feet)	35	35	35

**use soils formula, but no less than 20,000 sq. ft.*

iv: Conservation Subdivision § 249-80

The conservation subdivision approach to site development is used for all Type II subdivisions and projects. In these cases, a high level of environmental sensitivity is required in exchange for site design flexibility. For example, housing units may be sited on smaller lots providing that there is adequate water supply and wastewater disposal capability. Site planning shall use a conservation-design approach to the layout of any development. The benefit to the community is greater resource protection than currently was available under the current zoning, which does not encourage significant open space or natural resource protection. The conservation subdivision process is described below.

Conservation Subdivision Process

The conservation subdivision process is as follows:

Step 1: Determination of lot count;
Step 2: Identification of conservation resources and open space; and
Step 3: Layout of structures and dwellings.

Step 1. Determination of lot count:

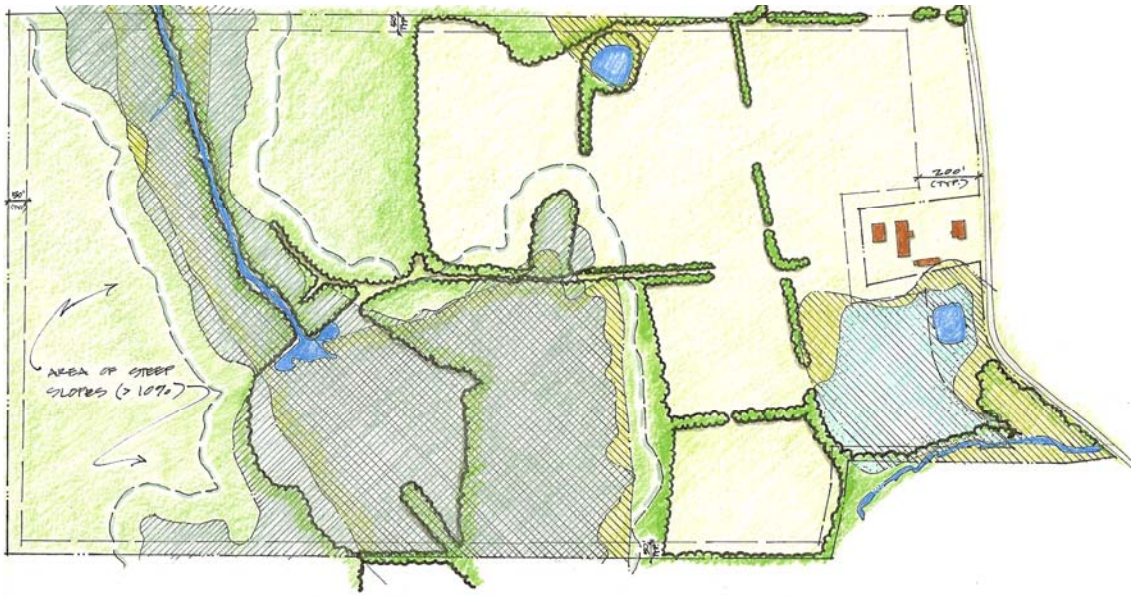
The initial step in developing a conservation subdivision is determining the allowed number of lots. This is accomplished by the applicant providing the planning board with a conventional subdivision layout using Type II density figures and lot sizes (detailed within the RA District section of the zoning code). The applicant must show how all lots would be "buildable" to town standards during planning board review.

Lot Count: This drawing shows the number of buildable lots allowed using a conventional subdivision approach and meeting the minimum lot sizes for the RA district (Type II subdivision).

Step 2. Identification of conservation resources

Using a "tract resource map" the developer or project applicant will identify and map the existing natural and cultural resources found upon a development site. These include farms and farmland, adjacent conservation areas, sensitive environmental resources, scenic roads and views, historic structures, and forest areas (among other features).

Depending on the underlying zoning district, between 20 and 40 percent of the total site is to remain "undeveloped" by conservation easement. While permanently protected from development, a variety of uses are allowed within these areas including but not limited to passive and active recreation, agricultural uses, septic systems, stormwater management systems, and forestry operations. This wide variety of uses is proposed in order to provide a significant amount of flexibility in site layout and protection of resources. For example, through this process a landowner or farmer would be able to realize the full development value for a property while keeping half of the site open. This "undeveloped" portion could continue to be used for farming or another income generating use as allowed under the proposed action.



Tract resource map: shows environmental features and development constraints including wetlands, steep slopes, unbuildable soils, streams and floodplains, and other resources such as vegetated areas, hedgerows, existing structures, and other cultural features.

Step 3. Layout of lots and home sites

Following identification of resources, the applicant will lay out the lots and home sites, working to conserve as much contiguous area of the previously identified natural resources (in the tract resource map) as practicable.

Overall, use of the conservation subdivision process will improve the quality of development and protection of resources in Wallkill – particularly rural areas where similar techniques such as "clustering" have not been previously allowed. Furthermore, the conservation approach will result in a smaller development footprint through the use of smaller minimum lot sizes without increasing density or the overall build-out of the town.

Conservation Layout: this drawing shows protection of roadside area and utilization of flexible lot sizes to minimize impact to the natural environment.

Summary of Benefits

In these examples, the amount of development constraints significantly limited development opportunities in both the conventional and conservation approach. However, using the conservation layout, the developer was able to protect the roadside views (leaving an open area at the entrance to the subdivision), include a small pond in the conservation area for public use, minimize impact to vegetated areas (shown in green), and provide trails and other amenities in the open space behind the homes.

v: Planned Interchange Development (PID) District:
Within the PID district, section 249-28 C.(21) was deleted. This section refers to High Rise Multiple Residences. Under this proposed action, High Rise Multiple Residences will no longer be allowed by "special permit" within the PID.

It is important to note that the Comprehensive Plan highlights this district as a priority for further review and updating. The PID covers an extensive area of town and allows for a wide variety of uses through the special permit process including the aforementioned multiple residences (to be removed) as well as office and research buildings without limitation to building height, manufacturing, warehouses, heliports, quarry operations, and gasoline filling stations (to name just a few). During the planning process, many residents have expressed frustration and concern regarding the uncertainty of potential development within PID areas, particularly related to high density residential.

In contrast to the variety of uses currently allowed, the plan's land use vision and character area map highlight areas of the PID that are to be established as more defined and specific areas. For example, some areas are considered "Enterprise" and are more appropriate for light industrial and back office uses while others, such as the "office and research" area are identified as growth zones for medical, office and other similar types of employment opportunities. With consideration of these recommended future development patterns, high density residential uses are to be removed as an allowed use as predominately inconsistent with the comprehensive plan's vision for these areas.

<u>The following text is proposed to be removed from the zoning ordinance</u>:
§249-28 C.(21) High-rise multiple residences consisting of either rental dwelling units or dwelling units in condominium or cooperative ownership.

- *(a) Each building shall be a minimum of two stories in height and a maximum of four stories.*
- *(b) The minimum lot size shall be 10 acres*
- *(c) The maximum permitted density shall be 15 units per acre. To derive the acreage used in computing the allowable number of units on a given proposal, use the gross acreage minus the acreage allotted to bodies of water, areas subject to flooding and ponding, areas which have slopes in excess of 20%, existing rights-of-way, and easements.*
- *(d) The maximum lot coverage shall be 20%. In addition, the maximum amount of the lot covered by impervious material (i.e., building, road, parking lot, sidewalk, etc.) shall be 50%.*
- *(e) Off-street parking spaces shall be provided in the following amounts for each:*
  - *[1] Efficiency: 1.5*
  - *[2] One-bedroom: 1.75*
  - *[3] Two-bedroom: 2.25*
  - *[4] Three-bedroom: 2.50*
- *(f) There shall be provided on the same lot suitable and adequate recreational facilities. For each 75 units, or portion thereof, one acre of active recreational facilities shall be provided (i.e., tennis courts, swimming pool, basketball court, etc.)*

vi: Performance Overlay District (POD)

The POD is established to provide special protections for areas of Wallkill where residential districts abut the PID and MI zoning districts. The overlay district establishes a two-tiered buffer as follows:

POD Core Overlay Area:

- 100' buffer within the PID and MI districts where said districts abut a residential zone or residential use
- 50' buffer within all residential districts that abut the PID and MI district.

POD Secondary Overlay Area:

- 200' buffer within the PID and MI districts where said districts border with a residential district or residential uses.

Within the Core Overlay Area no structures or buildings are allowed with the exception of limited accessory structures, fences, and other landscaping components. Within the Secondary Overlay Area, buildings and structures are allowed as long as they meet with the additional requirements described within the law. Uses allowed within the Secondary Overlay Area are intended to be less intrusive on surrounding residential areas. For example, manufacturing, airports, freight terminals, and junkyards are all prohibited from this area. In addition, height is capped at 35' and structures can not be larger than 10,000 square feet.

vii: Removal of section 249-21 "Cluster developments"

This section of the town's zoning ordinance will be removed. The proposed Conservation Subdivision will be promoted and used as the method to protect open space, natural resources, and other special community features during the development process.

II. ENVIRONMENTAL SETTING

A. Introduction

As the amendments to the town's zoning laws would impact approximately 38,500 acres within Wallkill, this EIS looks at and describes potential impacts and mitigation measures for the town in broad terms. Much of the following discussion draws upon the recently adopted Town of Wallkill Comprehensive Plan (2005) as well as information from New York State Department of Environmental Conservation's Natural Heritage Program and Hudson River Estuary Program and other sources.

Districts Amended	Acreage
MI	4,046
PID	3,708
R-1	2,860
R-2	7,689
RA	20,211
Total Acres:	**38,514**

Wallkill (year 2000 census population of 24,659) surrounds the City of Middletown on three sides (see regional overview map in the appendix). The area of town closest to the city is the most developed and densely populated of the town. This "core area" is traversed by a number of state, county, and interstate highways including Interstate 84, NYS Route 211, and NYS Route 17. Over the past decades, Wallkill, and this core area in particular, has become home to a number of large-scale retail and commercial operations. Furthermore, the majority of Wallkill's neighborhoods can be found in the areas surrounding the center of town and are made up of a variety of residential use types including for example, single- and two-family dwellings, apartments, condominiums, and townhouses. The town's peripheral areas include rural and farm areas as well as small hamlets and historic settlements. These areas have also been the focus of residential development in recent years. In these cases, new dwellings have been primarily single-family homes with private wells and septic systems.

B. SOILS, SLOPES AND TOPOGRAPHY

i: Soils

The town is underlain by two general soil series[1] (a collection of several soil types of similar development origin) which can be described as follows:

Mardin Eri: This soil series is the most prevalent Town-wide. It is found on dominantly sloping and sloping, deep, moderately well drained and somewhat poorly drained, medium textured soils; on uplands. Soils of this series can pose moderate to severe limitations to various types of development.

Hoosic-Madrin-Canandaigua: This soil series occupies the areas of the Town along its eastern boundary, surrounding the Wallkill River. The soils of this series are dominantly gently sloping and range from excessively drained (Mardin soils) to poorly drained (Canandaigua soils). Canandaigua soils are hydric soils, which underlie floodplains and wetlands of the Town. Hoosic soils and Mardin soils are developed extensively throughout the Town. The moderately well drained aspects of these two soils generally pose moderate limitations to various types of development.

Prime farm soils

Wallkill, historically a very active farming community, retails a significant amount of land dedicated to agricultural operations (according to the real property tax database, over 6,000 acres are still farmed in Wallkill). Farming has been successful in town, in large part due to the prevalence of soils amenable to agriculture. According to the Orange County Soil Survey, approximately 12,895 acres of town are considered prime farmland soils with an additional 504 acres of black dirt soil.

ii: Topography and Slopes

The elevation of Walkill ranges from 360 feet above mean sea level (a.m.s.l.) to 1040 feet a.m.s.l. The highest elevations are in the Pocatello and Howell's Depot sections of Town, in the southwest. The lowest elevations are in the Mechanicstown area, in the southeast. The average elevation of the town is approximately 650 feet a.m.s.l. Steep slopes are found throughout the town with areas of concentration found in Highland Lakes State Park and the area of town south of the reservoir, west of the City of Middletown. (See Building Constraints Map within the appendix of this EIS). The town is characterized by a glacially modified landscape, and the majority of the town is underlain by loamy till and ground moraines. There are also significant sand and gravel deposits along the Wallkill and Shawangunk Kill.

[1] Soil Survey of Orange County, New York. US Dept. of Agriculture, Soil Conservation Service in cooperation with Cornell University Agricultural Experiment Station. Issued October 1981.

C. WATER RESOURCES

The town contains significant water resources, such as the Shawangunk, Dwaarkill and Wallkill Rivers, and the Highland and Pocatello Lakes. The Wallkill River provides numerous areas that support important habitat for wildlife, including a number of rare plants. Scattered throughout the town, wetlands encompass 1,796 acres or more than four percent (4%) of Wallkill's total land area (see Building Constraints Map in the appendix of this DEIS). The Wallkill and Shawangunk Kill Rivers were identified in the Orange County Open Space Plan as priority aquatic systems due to their unique ecosystems. There are three well head protection zones located within the Town limits, and four on the southeastern border with Hamptonburg. There is a water supply watershed located west of Middletown, which is classified as a permanently protected open space.

A significant portion of the town's residents utilize private wells for drinking water. As such, it is particularly important to care for the town's groundwater resources and limit pollution from development and runoff.

D. NATURAL FEATURES

Wallkill has a diverse natural environment including many creeks, streams, and water bodies, varied topography and scenic views, forest and woodlands, animal and plant habitats, and other unique natural features.

i: Areas of Biological Significance

According to a study completed by the Orange County Planning Department, Wallkill has a significant amount of land considered "biologically significant." Areas of importance include the Highland Lakes State Park, areas along the Wallkill, Dwaar Kill, and Shawangunk Kill Rivers, a major portion of the western section of town south of Route 211 (in the area of the reservoirs), and other smaller sites scattered through town. Specific animal species and communities identified within these areas include the northern goshawk, red-shouldered hawk, upland sandpiper, wood turtle, midland clubtail, cobra clubtail, and an amphibian concentration area.

ii: Threatened and Endangered Species

The following information was provided by the New York State Department of Environmental Conservation, Hudson River Estuary Program. Each species below has been documented in the Town of Wallkill in at least one of the sources listed in the endnotes.

Listed species
Indiana bat maternity sites[2](federally endangered)
Pied-billed Grebe [3] (state threatened)

(See following pages for unlisted species)

[2] NY Natural Heritage Program database (2005) program website: www.nynhp.org
[3] NYS Department of Environmental Conservation, Breeding Bird Atlas 2000. website: www.dec.state.ny.us

Unlisted species that are rare or declining and may be affected by changes in zoning

Species Name	NYS Listing [4]	NYS Species of Greatest Conservation Need [5]	Hudsonia-regional [6]	Development Sensitive [7]
Black Rat Snake[8]		Y	regionally scarce	
Eastern Box Turtle [7,9]	sc	Y		y
Eastern Hognose Snake [7]	sc	Y		y
Four-toed Salamander [7]		Y	regionally scarce	
Jefferson Salamander [7]	sc	Y		y
Jefferson Salamander complex [7]	sc	Y		y
Marbled Salamander [7]	sc	Y		y
Northern Black Racer [7]		Y		y
Northern Dusky Salamander [7]			declining, vulnerable	y
Northern Red Salamander [7]			regionally-rare	y
Northern Slimy Salamander [7]			regionally scarce	
Spotted Salamander [7]			vulnerable	y
Spotted Turtle [7, 8]	sc	Y		y
Wood Frog [7]			vulnerable	y
Wood Turtle [7,8]	sc	Y		y
Grasshopper Sparrow [2,8]	sc	Y		y
Cerulean warbler [8]	sc	Y		y
Cooper's Hawk [2,8]	sc	Y		y
Red-headed woodpecker [8]	sc	Y		y
Sharp-shinned hawk [2]	sc	Y		y
Red-shouldered Hawk [2,8]	sc	Y		y

sc= species of special concern – species found to be at risk of becoming endangered or threatened in New York

Additional unlisted bird species that are rare or declining and may be affected by changes in zoning

Species Name	NYS Listing	NYS Species of Greatest Conservation Need	Hudsonia-regional	Development Sensitive
Alder Flycatcher[10]			regionally rare breeder	
American Black Duck[10]		y	regionally declining	
American Kestrel[10]			regionally declining	y
American Redstart[10]				y
American Woodcock[10]		y		y
Baltimore Oriole[10]				y
Bank Swallow[10]			regionally-scarce breeder	y
Barred Owl[10]			regionally-scarce breeder	y
Belted Kingfisher[10]				y
Black Vulture[10]			regionally rare breeder	
Black-and-white Warbler[10]				y

[4] NYS Department of Environmental Conservation, endangered species list, website: www.dec.state.ny.us
[5] NYS Department of Environmental Conservation, state wildlife grants species of greatest conservation need, website: www.dec.state.ny.us
[6] Kiviat, E. and G. Stevens. 2001. Biodiversity Assessment Manual for the Hudson River Estuary Corridor. NYS Department of Environmental Conservation. Albany, NY. www.hudsonia.org
[7] Miller, N.A. M.W. Klemens, and J.A.Schmitz. 2005. Southern Wallkill Biodiversity Plan Balancing Development and the Environment in the Hudson River Estuary Watershed. MCA Technical Paper No. 8, Metropolitan Conservation Alliance, Wildlife Conservation Society, Bronx, New York. www.wcs.org/mca
[8] NYS Department of Environmental Conservation, NY amphibian and reptile atlas, website: www.dec.state.ny.us
[9] Orange County Planning Department. Rare Species data collected for the 2005 Open Space Plan www.co.orange.ny.us
[10] NYS Department of Environmental Conservation, Breeding Bird Atlas 2000. website: www.dec.state.ny.us

Black-billed Cuckoo[10]		y		y
Blue-headed Vireo[10]			regionally rare breeder	
Blue-winged Warbler[10]		y		y
Bobolink[10]			vulnerable	y
Broad-winged Hawk[10]			regionally scarce breeder?	
Brown Thrasher[10]		y		y
Carolina Wren[10]			regionally rare breeder	
Chestnut-sided Warbler[10]				y
Eastern Bluebird[10]			regionally vulnerable	
Eastern Kingbird[10]				y
Eastern Meadowlark[10]		y	regionally declining	y
Eastern Towhee[10]				y
Eastern Wood-Pewee[10]			regionally vulnerable	y
Field Sparrow[10]				y
Fish Crow[10]			regionally-scarce breeder	y
Golden-winged Warbler[10]	sc	y		
Great Blue Heron[10]			regionally rare breeder	
Louisiana Waterthrush[10]		y		y
Northern Flicker[10]				y
Orchard Oriole[10]			regionally-scarce breeder	
Ovenbird[10]			regionally vulnerable	y
Pine Warbler[10]			regionally-scarce breeder	
Prairie Warbler[10]		y		y
Prothonotary Warbler[10]		y		y
Rose-breasted Grosbeak[10]				y
Ruffed Grouse[10]		y		
Savannah Sparrow[10]			regionally-scarce breeder?	y
Scarlet Tanager[10]		y	regionally vulnerable	y
Spotted Sandpiper[10]				y
Veery[10]				y
Virginia Rail[10]			regionally-scarce breeder	
Willow Flycatcher[10]				y
Wood Duck[10]			regionally vulnerable	
Wood Thrush[10]			regionally vulnerable	y
Worm-eating Warbler[10]		y	regionally-scarce breeder	y

sc= species of special concern – species found to be at risk of becoming endangered or threatened in New York

E. LAND USE AND ZONING

i: Residential Areas

Over a quarter of Wallkill's land occupied by single-family homes, located in a variety of neighborhoods throughout town. Residential lot sizes vary widely with smaller lots from approximately 10,000 square feet (mostly found close to the City of Middletown and in the town's small hamlets), to larger parcels over 100-acres on the periphery. In total, residential uses encompass approximately 11,889 acres, or twenty-nine percent (29.5%) of Wallkill's total land area.

The availability of public water and sewer concentrated higher density development east of the City of Middletown. However, a significant amount of development in the last thirty years has occurred in areas of the town lacking water and sewer service. Due to the need for on-site septic systems and wells and more stringent development standards, single-family subdivisions in recent years have generally been of a lower density, approximately one to two acres per residence, and more scattered than in the past.

Single-family development over the last 5 years has been fairly evenly distributed across the town with concentrations occurring in the eastern and northern sections of town including areas outside of Circleville, along Scotchtown Collabar Road near Goshen Turnpike, around the eastern section of the City of Middletown.

In addition to single family development, a number of apartments and multi-family units have been built within Wallkill, particularly within the R-1 and PID zoning districts. According to the Wallkill Building Department, there are 18 apartment complexes within Wallkill with approximately 360 units built over the past five years and an additional 400 units either already approved or being considered within the development review process. According to the comprehensive plan, the Town of Wallkill has the second-highest number of units in apartment structures only behind the City of Middletown (page 72). Limiting the number of future apartment structures through diversifying the housing stock is a stated goal in the comprehensive plan. On page 17, the plan highlights the need for single- and two-family housing within medium density areas of town with only a small number of multi-family units. The plan promotes a general reduction in density within these areas (primarily R-1 zoning district) and homeownership opportunities above apartment and rental schemes.

ii: Commercial

Commercial land uses, including office space, encompass about 1,315 acres, or three percent (3%) of Wallkill's total land area. While the major concentration of commercial areas exists along NYS Route 211 and Route 17 in the southeastern portion of the town, commercial uses are also located west of the City of Middletown along Mohagen Avenue; and north of the City of Middletown along NYS Route 17M in the vicinity of Shwangunk Road. Large commercial complexes and nodes of office uses exist in the town predominantly in the I-84 interchange along Crystal Run Road. In addition,

commercial uses serving local residential neighborhoods have developed in Circleville at the intersection of Goshen Turnpike and Route 302; along Route 17M between Washington Heights and Fair Oaks; and in Scotchtown at the intersection of Goshen Turnpike and Route 211.

The 2005 Comprehensive Plan identified a number of major issues related to commercial development in town including:

- transitions between commercial and residential areas (primarily where PID zoning is adjacent to residential districts),
- inadequate landscaping and poor site design, lack of pedestrian amenities and general connectivity, and
- a lack of defined desired uses – primarily within the PID zoning district.

iii: Industrial

Industrial uses encompass approximately 741 acres, or two percent (2%) of Wallkill's total land area. Primary issues related to the town's industrial areas identified within the 2005 Comprehensive Plan include:

- limited public infrastructure in industrially-zoned areas (which reduces development potential and value)
- the lack of specific, allowed uses within the MI district (currently, a broad range of uses are reviewed as special permit applications).
- conflicts with adjacent land uses

iv: Agricultural

Agriculture uses encompass approximately 6,634 acres or twelve percent (16%) of Wallkill's total land area and are concentrated along the southeast, northeast and northwest perimeter of the town. Farmland in the town is generally described as upland. The upland soils are particularly well suited to grasses and as a result grow good quality hay and silage. Of the total 6,634 acres of farmland, "black dirt" (also called "muckland") farms occupy approximately 175 acres northwest of the City of Middletown

F. PARK AND RECREATION RESOURCES

Parks/recreation land uses and community facilities encompass about 3,608 acres or nine percent (9%), of Wallkill's total land area. The Town of Wallkill has thirteen park and recreational areas, both public and privately-owned: Highland Lakes State Park is a state park located in the eastern section of town covers over 3,000 acres and is mostly undeveloped woodlands. Dundee Circle Park located at the intersection of Dundee Circle and Stoneridge Road; Patio Road Park located on Patio Road; Memorial Park; Fortune Road Park located on Woodstock Road; Marlboro Commons Park located at the intersection of Sheffield Drive and Fitzgerald Drive; C. Hudson Thompson Memorial Park (Circleville Park); Howard Drive Park (The Little League Park); Stephens Avenue Park located at the intersection of Mills Road and Stephens Avenue; Sarah Lane Park located on Sarah Lane and Crystal Run Road; Washington Heights Park located between New York Avenue, Ontario Road and Rhode and County Route 17M (North Street); and Circle Drive Park on Circle Drive.

The C. Hudson Thompson Memorial Park in Circleville (Circleville Park) is the largest town park and has facilities for swimming, fishing, paddle boating, volleyball, picnic areas, pavilions, baseball and soccer fields and a playground. The town has an active recreational program open to residents of all ages, including programs such as adult softball leagues, ballroom dancing, a senior citizens program and Little League baseball and soccer, which includes over 400 participants.

The town recently conducted a community survey[11] investigating the nature and condition of the existing recreational facilities. The populace at large and governmental leaders indicated dissatisfaction with the overall range of community facilities and services. Of particular note were the town's parks and recreational facilities. Residents did not express a high level of satisfaction with the existing parks and level of maintenance. Major areas of concern generally centered on the need for enhanced enforcement of property maintenance codes and increased police patrol; installation of new playground equipment, provision of biking and walking trails; and organization of community activities for residents of all ages.

[11] Town of Wallkill Parks & Recreation Survey, February 2001.

G. COMMUNITY SERVICES AND INFRASTRUCTURE

i: Water

The Town of Wallkill's main sources of drinking water include rivers, streams, ponds, reservoirs, springs and wells. In order to meet State and U.S. EPA standards, the town must undertake rigorous yearly inspections and testing. As part of the planning process, the town continues to publish an Annual Drinking Water Quality Report. Wallkill is relatively well serviced by a water and sewer system. The Town of Wallkill Consolidated Water District #1 (Cons. W.D. #1) water source is entirely a ground water (well) supply having approximately 4,300 connections, and services approximately 14,200 people encompassing approximately 7,542 acres.

ii: Sewer

The Town of Wallkill's sewer system covers approximately 6,019 acres. For the most part, residential uses within the R-1 and R-2 districts are fully serviced by a sewer system. However, there are selective parcels zoned R-1 and R-2 situated further north that are not serviced by a sewer system. The Rural Agricultural (RA) parcels are not serviced by the town's municipal sewer system.

The Town's existing sewage plant is located on the Wallkill River with a capacity of 4 million gallons per day (MGD). The current average daily load is 3.1 MGD. The existing pipes for the system have a capacity of 900,000 gallons.

iii: Community Facilities

Community facilities encompass 1,460 acres of town and include the Town Hall, libraries, hospitals, educational facilities, places of worship public cemeteries, including Wallkill Cemetery along Route 17 near Middletown and Pinehill Cemetery off of Route 17M and a range of public service facilities, such as local neighborhood associations and others.

The Town of Wallkill Town Hall is located at 600 Route 211 East; however, the town is scheduled to relocate its operations to a recently-purchased structure at 99 Tower Drive.

The town is served by three libraries: the Middletown/Town of Wallkill Thrall Library located at 11-19 Depot Street; the Ramapo Catskill Library System at 619 North Street; and the Orange County Community College Library at 115 South Street.

iv: Roads

The Town of Wallkill presently maintains 166.2 miles of town-owned. Most of the roads are paved; however, approximately thirteen (13) miles of these roads are maintained as gravel roads. In addition to these roads, there are numerous private roads within the town, with maintenance responsibilities belonging to the abutting property owners.

H. CULTURAL RESOURCES

i: Historic Resources

The town contains wealth of rural and historic resources, including two buildings on the National Register of Historic Places. The John Tears Inn is located at 1224 Goshen Turnpike, and the William Bull, III House, also known as the "Brick Castle," is located on Bart Bull Road. In addition to the National Register locations, the county has identified the "Panoramic views from Scotchtown Turnpike near Circleville" as one of eleven scenic preservation sites within the county.

ii. Community Character and Quality of Life

The Town of Wallkill is a diverse and pleasant place to live and work. While still primarily a residential "commuter" community, the town's commercial base has increased dramatically over the past few decades. Some of Wallkill's diversity can be seen in its housing types, ranging from single-family country estates to high rise apartments, businesses (e.g., farms, retailing, medical, office, and research facilities), and its roadway system (ranging from highways, commercial corridors, local neighborhood streets, and even dirt roads!).

However, the town's zoning ordinance does not provide the planning board or applicants the tools needed to celebrate this diversity and retain the special cultural features of the community. Wallkill will continue to grow. But the quality and form of that growth is determined in part by zoning regulations. Wallkill has recognized its unique places and special quality of life in the recently adopted comprehensive plan. Now, these zoning amendments present the first step in implementing the town's vision and maintaining its special qualities.

I. FISCAL RESOURCES

The Town of Wallkill has a diversity of land uses that contribute to the fiscal health of the community. According to the New York State Office of Real Property Services, in 2003, residential properties made up over $261 million of the town's total tax valuation of almost $659 million. As with most New York State communities, tax rates and tax obligations are a concern for Wallkill residents and businesses. During workshops and meetings, participants mentioned that the potential fiscal impact of the proposed zoning amendments were a concern. Specifically, there was concern over the potential impact that cluster housing (homes on smaller lots) would have on municipal tax assessments as well as land value.

III. POTENTIAL IMPACTS AND MITIGATION

A. INTRODUCTION

The proposed action will serve to limit the impacts of development on the town's environmental resources. Primarily through the conservation subdivision process, more focus and attention will be paid to these resources during site planning. The overall impact of these changes will be beneficial to the town when compared to the potentially adverse impacts under Wallkill's existing zoning. In addition to the focus on natural resources, the proposed action will reduce the overall town population build-out through density reductions in the R-1 and PID districts.

These topics, impacts, and mitigation measures are woven into the sections below based on impact topic. In some cases, impacts and mitigation discussions are broken down by zoning district.

B. SOILS, SLOPES AND TOPOGRAPHY

In areas where sewer service is not available (such as the RA District), the town's existing zoning ordinance provides a base minimum lot size which is increased based on the underlying soil types. This process serves to limit the total number of units allowed on a parcel through a consideration of the ability of the soils to support development.

Under the proposed action, this process will remain for the determination of total number of units allowed. However, where a subdivision applicant utilizes the town's conservation subdivision approach, the final site layout will be allowed a greater amount of flexibility. This flexibility is intended to encourage site design that not only respects soil capacity for development but also the numerous other natural and cultural features found on a development parcel.

In contrast, those subdivisions that select the conventional style of development (no open space requirements), determination of density *and* site layout will be based on the soils formula for minimum lot sizes. As mentioned earlier, for conventional subdivisions, referred to as Type I subdivisions, density has been reduced. This will serve several purposes including limiting the overall impact of residential development on the rural areas of town and encouraging applicants to utilize the conservation approach (where figures are unchanged from existing zoning).

i. Additional Mitigation Measures

In general, poorly drained soils can limit development and can be problematic for use of septic systems. The provision of sewer service would mitigate this issue. However, it is

not likely, intended, or consistent with the town's Comprehensive Plan that sewer services be provided throughout the town.

Prime Farm Soils, in addition to being appropriate for agriculture, also include many characteristics that make them attractive for development. However, development of these soil types is in contrast to the Comprehensive Plan's support of continued farming and agricultural operations. As such, these soils should be identified through the conservation subdivision and site planning process and development limited in these areas to the greatest extent practicable.

ii. Ability to use conservation approach without public sewer and water infrastructure

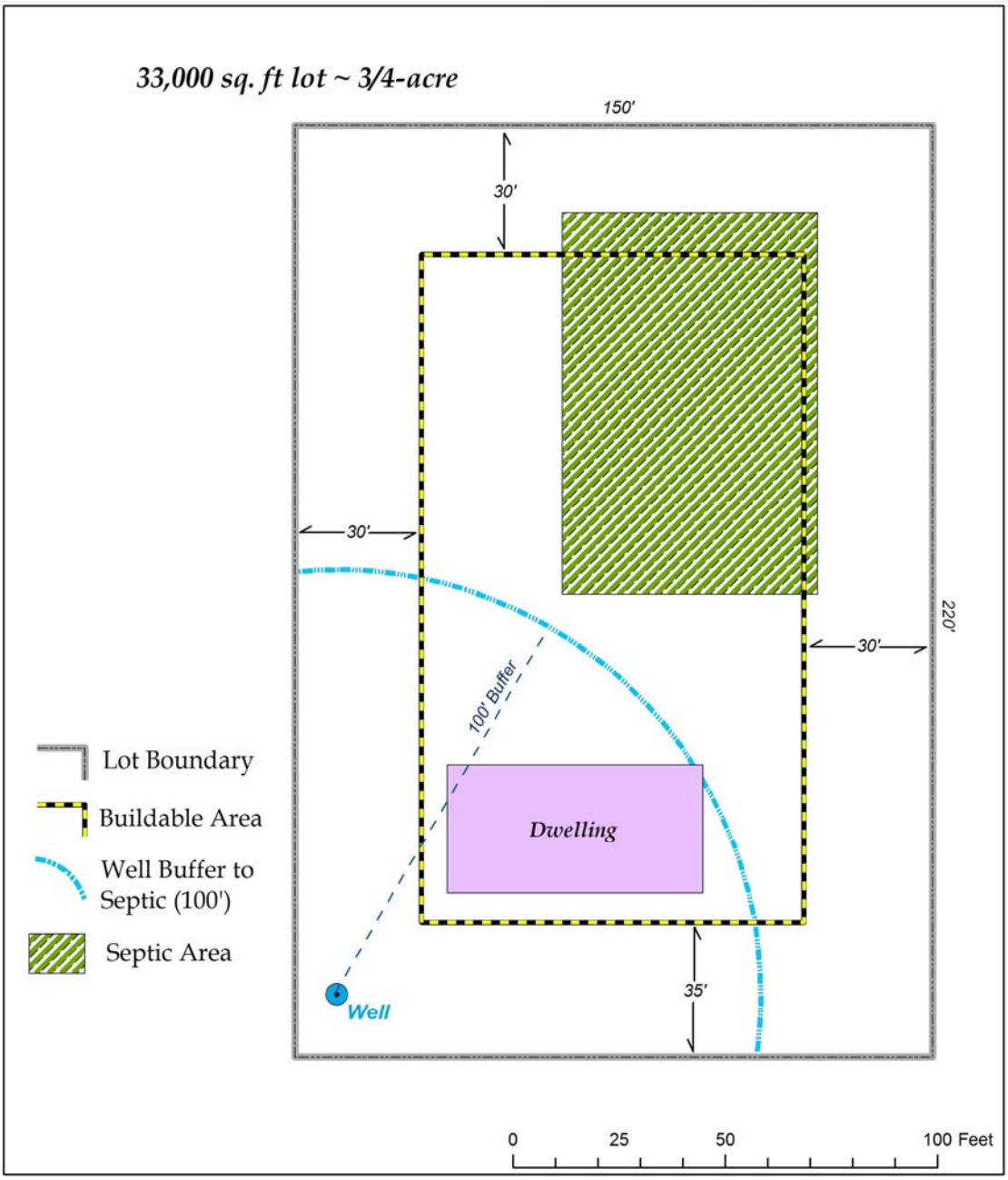
Currently, the primary controlling factor for site layout within the RA District is the town's soils formula. The soils formulas not only determine overall project density, but minimum lot sizes are also calculated based on soil characteristics. For example, each acre of group VII soils is multiplied by 0.33 to determine the total number of units for that area. (e.g., 100 acres of group VII soils would equal a maximum number of 33 units). Next, lots would be laid out on the site according to the minimum area and bulk requirements (such as minimum lot size and lot width) and buffers from environmental features such as wetlands. For example, all home sites with group VII soils must be placed on a minimum lot size of 3 acres (other soil types have alternate lot size requirements).

This system will remain in place for all type I subdivisions (those not utilizing the conservation subdivision approach). However, all projects conforming to the requirements of the conservation subdivision section proposed as part of this action would only use soils tables for total allowed number of units. For lot layout, conservation subdivisions would be allowed greater flexibility, using the minimum lot size of 32,670 square feet (3/4 of an acre). This minimum lot size can be used for all conservation subdivision projects within the RA district regardless of the underlying soil type.

In the conservation subdivision approach, the environmental tract resource map is the primary factor in determining the location of units. Subdivision applicants and the planning board use the tract resource map to identify all of a particular site's environmental constraints and features such as wetlands, streams, ponds, plant and animal habitats, vegetated areas, and woodlands. Applicants are encouraged to include these resources within the site's conservation area and locate lots in sections of the parcel where adverse impact to environmental features can be limited.

One difficulty with the conservation subdivision process is locating home sites with well and septic systems on relatively small lots. The primary limiting factor in the layout of home sites on small lots is the 100' required setback between wells and septic areas (200' where the septic area is at a lower elevation than the well). This becomes particularly difficult in situations where environmental features such as wetlands and slopes constrain the depth and/or width of a lot.

However, in a review of three recently approved projects within the RA District, the vast majority of home sites including well, house, and septic area was confined to an area of 20,000 square feet – which easily fits within a 3/4-acre lot. Of the twenty lots reviewed, the average area dedicated to septic absorption area, house site, and well was 20,000 square feet with the largest area at 31,200 square feet and the smallest just under 15,000 square feet. The sketch below is a representative lot from the cases looked at in this analysis. The sketch demonstrates how, even in the case of poor soils and an enlarged septic absorption area, the home, septic area, and well still fit within the 3/4-acre lot.



<u>Lot Layout</u>: in this example, a house, well, and septic area is located within a 33,000 square foot lot. The septic absorption area covers almost 5,500 square feet and is outside of the buffer are required for wells (100').

During presentations of the zoning amendments and subsequent public question and answer sessions, some participants stressed concern that ¾ acre lots were not feasible within the town of Wallkill where septic systems are used for wastewater treatment.

The difference in the required length for septic absorption trenches with poor soils and good soils for septic systems is approximately 40% more. Of course, the increased amount of trench would result in a larger septic absorption area. However, this would not necessarily require a larger lot size.

For example, in a "best case scenario" for septic, a 4 bedroom house with a percolation rate of 1 to 5 min/inch would require 216 feet of trunk length. This trunk would be distributed over five lines of 50 feet each, with each line taking up about six feet.

> Required trunk length: 216'
> Number of lines: 5 lines at 50' each in length and 6' each in width (each line is 2' wide with 4' separation), resulting in 300 square feet for each line (50' X 6').
> Total area for trunk lines: 1,500 square feet (300' X 5 lines)
> Required 50% overflow: 750 square feet
> Total area including overflow: 2,250 Square feet

Now, using an example where percolation rates are slow – 46 to 60 min/inch, the same 4 bedroom house would require 578 feet of trunk length. These lines would likely be distributed over 10 lines, each 60 feet in length.

> Required trunk length: 578'
> Number of lines: 10 lines at 60' each in length (maximum allowed) and 6' each in width resulting in 360 square feet for each line (60' X 6').
> Total area for trunk lines: 3,600 square feet (360' X 10 lines)
> Required 50% overflow: 1,800 square feet
> Total area including overflow: 5,400 square feet

The difference in these areas would not necessarily require large lots and could certainly be located on a parcel of 32,670 square feet (3/4-acre). In addition, flexibility has been built into the conservation subdivision section to allow septic areas to be located within conservation areas under certain circumstances. *Note: all figures related to trunk length are from the New York State Department of Health's Individual Residential Wastewater Treatment Systems Design Handbook, 1996* (see table 4A).

Furthermore, in cases where other environmental features such as slopes, streams, or wetlands constrain the ability to locate a septic absorption area on a site, alternative septic absorption systems can be and are more commonly employed to conform to the limitations of the site. For example, according to the New York State Individual Residential Wastewater Treatment Systems Design Handbook, published by the New York State Department of Health, a raised system would require approximately 70% less trench area than conventional systems. While, this type of alternative system would likely be more costly than conventional system, their use in conservation subdivisions

could make strong economic sense – allowing the developer to build the full number of units allowed by density calculations – and environmental sense by helping to limit the overall ecological footprint of the development on the site (through the cluster approach).

The following graphic shows how home sites could be clustered through the conservation subdivision approach while still meeting the minimum setbacks for well and septic areas. Note, the graphic is based on the conservation subdivision sketches detailed in section I-C-iv on page 12.

C. WATER RESOURCES

Careful planning is essential to protection of Wallkill's water resources. The proposed amendments will result in a beneficial impact to the town's water resources through use of the conservation subdivision approach. Many resources, such as wetlands, are regulated by non-municipal organizations (e.g., NYC DEC and the Army Corps of Engineers). However, these amendments will provide the town with a stronger set of tools for protecting the non-regulated site features.

The town's comprehensive plan promotes the use of "Low Impact Development" (LID) techniques to limit the impact of development on water resources. The overall goal of LID storm water treatment is to maintain to the extent possible or mimic pre-development conditions through the use of structural and non-structural practices that detain, retain, percolate and evaporate water (The Practice of Low Impact Development – US Dept. of HUD, July, 2003). Essentially, these treatment practices "decentralize" stormwater management facilities to reduce storm water quantity and treat it at the source (rather than downstream). Low Impact Development strategies should be incorporated

into the layout and design of conservation subdivision projects to the largest extent practicable.

D. NATURAL FEATURES

As described previously, Wallkill is home to a diversity of natural resources, including federally and state-listed endangered animal species and their habitats. The town's existing zoning provides very little in terms of guidance for the protection of these resources.

Through the proposed amendments, the conservation subdivision approach will become the more commonly used technique for site planning and development. Through this technique, there is a much greater ability to protect important natural features (e.g., animal habitats) and limit fragmentation.

Initial drafts of these amendments included requirements for 50% open space within the RA district, 40% in the R-2, and 30% in the R-1. Based on public comment and concern, these figures were reduced to 40%, 30%, and 20% for the RA, R-2, and R-1 districts respectively. Nevertheless, these figures still provide for a significant amount of open space.

i. Open Space in the RA District

The RA district is primarily found within the rural areas of town and has the largest minimum lot sizes of all of the town's zoning districts. These lot sizes (currently 2 acres and larger) relate to the lack of infrastructure (sewer, water, etc.) in the area and the need to limit intense development (and focus it in areas where more intense development is appropriate).

The proposed conservation subdivision regulation allows for the same overall density in the RA District while requiring the house lots to be clustered in an area of the site that does the least harm to the environmental characteristics of the site. The larger percentage of open space (40% requirement) compared with the R-1 and R-2 Districts relates to the need to protect large areas of natural features, plant and animal habitats, and limit land fragmentation in the most undeveloped areas of town. The major goals of conservation areas within the RA District are protection of rural character, limiting roadside development, protection of natural resources such as plant and animal habitats and wildlife, and promoting continuation of farming and agriculture. These resource-focused goals should be used during the site planning process for new conservation subdivision developments in the RA District.

ii. Open Space in the R-1 and R-2 Districts.

As these districts make up a large portion of Wallkill's growth area, the vast majority of residential development here will employ public services for sewer and water. These areas, in large part, are already surrounded or nearby large-scale development and fragmentation of natural landscape has already occurred. The conservation subdivision approach requires 30% and 20% open space for the R-2 and R-1 districts respectively and will significantly enhance new developments, promoting environmentally sensitive design and layouts. However, dramatic improvements to natural features and habitats across the entire district are unlikely, due to the built-up nature of these areas. As such, goals for layout and use of conservation subdivision in these areas are provision of greenspace and usable recreation areas for residents as well as the protection of sensitive environmental features and resources on the site.

iii. Modification of Conservation Subdivision based on community input

Of course, to be successful, the conservation subdivision must be realistically implementable and usable. During initial presentations and discussions regarding these proposed amendments, the community and planning board suggesting alleviating certain requirements to ensure that the laws could be applied more efficiently and be more useful. Specific concern was raised about the amount of open space required within conservation areas and the ability to site homes based on the requirements of the conservation law. For example, peripheral buffers (originally 200') as well as a few design requirements were considered too onerous to allow for flexible conservation design. As a result of public comment and input from the planning board, the following changes were made to the conservation subdivision regulation:

- Minimum buffers from adjacent properties were reduced from 200' to 50'
- A waiver was established allowing for a reduction in the roadside setback from 200' to 50' in cases where natural vegetation and buffers remain, shielding the development from the roadside.
- The waiver allowing for cul-de-sac road to be 2,000' was increased to 2,500'.
- A waiver was established allowing for a lot width reduction from 150' to 115'.

E. LAND USE AND ZONING

The following section details impacts and mitigation measures related to the town's land use patter and zoning. A residential build-out analysis was conducted and is included below.

i. Residential:

The primary impact of the proposed action related to residential uses is the development of incentives for the conservation subdivision approach within the R-1, R-2, and RA zoning districts. Specifically, utilization of the conservation approach to residential development will help maintain the special qualities of the Town of Wallkill. As mentioned previously, for projects that utilize this approach, there will be no change in density. However, it is likely that some landowners will decide not to use the conservation approach and therefore develop using larger lots (3 acres or greater). This would reduce the overall number of units developed within residential districts.

Within the PID district, residential uses are removed completely (the only use allowed was high rise multiple residences) and within the R-1 district the number of allowed units for multiple dwellings, attached housing, and condominiums was reduced. This modification will reduce the overall build-out for this district from a maximum of 3,853 units to 2,534 units with a greater majority of single-family units provided under the proposed zoning (build-out is discussed in more detail below). This reduction is better synchronized with the town's ability to provide services to new residents, maintain quality of life in the community, and promote homeownership opportunities.

ii Residential Build-out Analysis:

In most districts, the proposed zoning amendments do not change the build-out potential. Rather, it is the form of design and layout that will change. Density reductions based on the zoning formula are established only within the PID district and certain uses of the R-1 district. For the most part, this is proposed to reduce conflicts between adjacent land uses (commercial/industrial and residential in the case of the PID) and limit the impact of full build-out on the town's infrastructure and ability to provide services (in the case of the R-1). Please see the following page for the build-out figures.

Residential Build-out Tables

Existing Zoning R-2, R-1, and RA Districts			
Zoning District	**Total acres in District**	**Acres of buildable land***	**Build-out prediction****
R-2	7,689	4,886	4,995 single-family
RA	20,211	12,175	4,057 single-family
R-1	2,860	1,584	651 single-family 3,202 multi-family
		Total Build-out (existing zoning)	**12,905 units**
Proposed Zoning R-2, R-1, and RA Districts			
Zoning District	**Total acres in District**	**Acres of buildable land***	**Build-out prediction**
R-2	7,689	4,886	4,995 single-family
RA	20,211	12,175	4,057 single-family
R-1	2,860	1,584	1,162 single-family 1,372 multi-family
		Total Build-out (proposed zoning)	**11,586 units**

**after removal of existing development and development constraints*
***single-family units were used as the primary residential use in the R-2 and RA districts. Within the R-1, multiple dwellings were considered for areas that met the zoning requirements.*
Note: PID district was not studied as part of this analysis as there are too many assumptions related to potential land uses (commercial, industrial, etc. through special permit).

As the table shows, the proposed zoning amendments to not dramatically impact the town's future build-out. Only the R-1 district shows a change in density from a total of 3,853 to 2,534 maximum units. In addition, the percentage of single family units would be increased under the proposed amendments in the R-1.

Note: A summary of the process used to develop these figures is provided in the appendix.

iii. Commercial: planned interchange development (PID) district

The primary impact of the zoning amendment on the town's commercial areas relates to the PID district. As mentioned earlier, the existing PID district allows for a variety of uses through the special permit process including multiple residences, office and research buildings, manufacturing, warehouses, heliports, etc. While this wide variety of uses allows landowners the flexibility to match trends in development, the size of the area has magnified the adverse impacts of uncertainty and incompatible development patterns.

Flexible zoning areas such as planned development districts are better-suited for areas targeted for redevelopment. In this way the uncertainty of future land uses and intensity is limited to a controlled area.

However, Wallkill's existing PID covers 3,700 acres (approximately 9% of the town) and has been the source of recent community controversy. Primary issues of concern related to the PID revolve around "border areas" where the PID is adjacent to single-family residential and the amount of high density residential development allowed through special permit. Each is described in more detail below:

Resolving adjacent land use issues through buffering:
As mentioned previously, the Performance Overlay District establishes an enhanced buffer between the PID/MI districts and adjacent residential districts. Initial drafts of this new district included protections for residential uses within the PID and MI districts. These restrictions were determined to be too significant of an adverse impact to commercial operations within these commercial districts. However, all new non-residential development within the PID adjacent to an existing residential structure shall be required to minimize any adverse impacts through buffering and landscaping. The planning board along with the town's landscape architect will review and approve or deny the applicant's buffer plan.

Limiting use conflicts through zoning:
The Wallkill Comprehensive Plan points out that the extensive list of potential uses detailed within the PID district presents significant challenges for planning for future growth and development. Perhaps most-significantly are the conflicts that often arise when residential and commercial development is located in close proximity without the proper upfront planning. With this in mind, the town's comprehensive plan has pointed out the need to prioritize the PID for update in the next round of zoning revision. For this action, High Rise Multiple Residences have been removed as a use allowed through special permit from the PID. As a result, the PID is exclusively a commercial, non-residential district. During the next zoning revision, it is expected that the PID will be broken down into new districts based on the vision of the comprehensive plan. As there are numerous alternative uses still available within this district, this was not considered to be a significant adverse impact to the ability of property owners to develop land in these areas.

During the earlier draft of these amendments a floating zone was proposed to allow for some residential density within the PID that met with specific criteria (e.g., conformance with adjacent land uses, etc). However, after public comment at presentations, review by the planning board and re-consideration by the town board, it was determined that the potential of the floating zone to continue the process of locating residential uses in inappropriate areas of town was too great. Further, with the revision of the PID district on the horizon (high priority in the comprehensive plan), it is assumed that these issues will be revisited within the upcoming year.

Industrial: Addressing land use conflicts within the MI District

The primary impact of this proposed action to the MI district and industrial uses is the use of the Performance Overlay District in areas of the town where the MI is adjacent to residential districts. As described above, the enhanced buffers will provide assurances to residents that future development within neighboring districts will not adversely impact the character and quality of life of their neighborhoods. In addition, all new non-residential development within the MI District adjacent to an existing residential structure shall be required to minimize any adverse impacts through buffering and landscaping. The planning board along with the town's landscape architect will review and approve or deny the applicant's buffer plan (this is the same requirement found within the PID).

Agriculture: new opportunities

The conservation subdivision presents an excellent opportunity for those involved in agriculture in Wallkill. Currently, there is no cluster option for those within the RA district. However, under this proposed action, landowners will be able to realize the full development potential of their property while locating all of the homes on a small portion of the parcel. The remainder of the land would remain free from development through conservation easement. However, the allowed uses for this area were left intentionally broad to provide flexibility to property owners. Agriculture is encouraged within the conservation areas and is an allowed use.

F. PARK AND RECREATION FACILITIES

The Comprehensive Plan recognized the need for the town to consider the future needs of residents in terms of active and passive recreation. Even a small amount of development will increase pressure on the town's park and recreation resources, in particular active recreation needs. For example, the state-owned Highland Lakes park, while a tremendous asset for the preservation of open space and passive recreation uses, is not available for active recreation such as field sports.

It is intended that the conservation subdivision technique will enable for some private and potentially public park and recreation areas to be included within new residential neighborhoods. This process, by providing recreation resources within each development, could help to limit the need for major park and recreation investments. Allowed uses within the conservation area would be finalized during the subdivision and site planning process with the planning board and described within the conservation easement. However, allowed uses within these areas was left intentionally broad to encourage the provision of community amenities such as playgrounds, ball fields, parks, and other recreational facilities. Further, the ownership structure of these features is flexible and should respond to the specifics of each site.

In an effort to meet recreation needs for new neighborhoods within the neighborhood, a small portion of the conservation area in conservation subdivision projects must be "buildable land." This will ensure that some portion of the property is dry and flat

enough for recreation uses such as a playground, ball field, or picnic area (among other uses).

G. COMMUNITY SERVICES AND INFRASTRUCTURE

The primary impact to the town's community services and infrastructure will be beneficial compared with existing zoning and build out. The proposed zoning reduces the overall town build-out, limiting the impact of new development on community services such as water, sewer, libraries, and schools.

There will be no increased adverse impact to transportation under the proposed action compared to the existing zoning regulations. The build-out shows a reduction in the total number of units from 12,905 to 11,586. This reduction will reduce the total number of future residents and slightly limit increases in traffic and congestion. However, along with other development (e.g., commercial) it is unlikely that the town will see any major reductions in traffic projections from current estimates

H. CULTURAL RESOURCES

While the state and national register will encourage the protection of historically-significant resources, the amended zoning will encourage more consideration of "unprotected" cultural resources that may be locally significant but not officially recognized. This will be accomplished through site design flexibility – such as allowing for less rigid and smaller lot sizes compared with existing regulations – to allow for high quality site design that considers the site's unique features. The conservation subdivision approach will be used to mitigate the impact of future development on these resources.

I. FISCAL IMPACTS

During public presentations and discussions, residents expressed concern regarding the fiscal impact of conservation subdivision techniques both upon town resources as well as individual landowners. In response to this concern, a review of studies researching the impact of conservation subdivision and open space was conducted. In addition, interviews with assessors, developers, and planners from communities in New York Sate familiar with the conservation subdivision approach were conducted (findings of this research is presented below).

i Cost of Community Services

In terms of overall impact to the town, the primary costs associated with residential development are its impacts on community infrastructure such as schools and libraries, road maintenance and plowing, and public safety (among other costs). These costs have been quantified in numerous "cost of community" studies which detail the fiscal impact of various types of development (residential, commercial, etc) upon municipal budgets.

Time and again, these studies have shown that most residential development does not "pay its way." For example, for every $1 in taxes paid a residential unit might actually require over $1 in municipal services. Meanwhile, other uses, such as commercial development and agriculture, are often cited as fiscal winners – essentially these uses pay more in taxes than in services required. A quick summary of some cost of community services studies *(Source: Charles J. Fausold and Robert J. Lilieholm, The Economic Value of Open Space, A Review and Synthesis)*

- The Northeastern Office of the American Farmland Trust, studied six rural towns in Connecticut, Massachusetts and New York State (1992) and found that on average residential development required $1.13 in municipal services for every $1 of revenue generated. Farm, forest and open space land required only $0.29 in services per dollar of revenue
- The Commonwealth Research Group (1995) studied eleven southern New England towns using the American Farmland Trust methodology and found that on average, for every dollar of revenue raised, the towns spent $1.14 in services for the residential sector, $0.43 for the commercial/industrial sector, and $0.42 for forest, farm and open space.

Related to the cost of services, these amendments will not adversely impact the Town of Wallkill's fiscal situation. The overall number of residential units will be the same or less in all districts addressed (RA, R-2, R-1, and PID). New residences built in clusters under the conservation subdivision approach will require less investment in infrastructure such as roads (and hence, less town maintenance) and, as described below, the value of these properties is likely to be higher and appreciate at a greater rate when compared to what is possible under the town's existing ordinance.

Further, the overall value of the town community-wide will be better maintained through use of the conservation approach. Wallkill is a diverse town. The town has a diverse geography, residents reflect a wide range of economic strata, housing types range from single family estates to small apartments, and there is a variety land uses providing a diverse economic base. The diversity and unique aspects of the community are significantly threatened by development practices that do not consider what makes Wallkill special. The conservation subdivision approach will provide the incentives to encourage future residential development to be mindful of the community's natural resources and protect the visual and aesthetic qualities that make Wallkill a place where people want to live. Protecting these qualities will certainly help maintain the town's long-term value.

ii. Value of Conservation Units versus Conventional Units.

At the foundation of this concern is whether clustered houses on smaller lots surrounded by protected open space holds an appeal to the average home-buyer as an investment. A number of studies have been developed to investigate the value of properties near open space. A summary of research is provided.

In one of the earliest studies of its kind, Jeff Lacy from the Center for Rural Massachusetts found that homes within conservation subdivisions appreciated at a higher

rate versus comparable homes within conventional subdivisions. In both areas reviewed as part of the research (developments within Concord, NH and Amherst, MA), the prospective home-buyer, selecting a residential property as an investment in 1980, would have achieved a higher rate of return on that investment by purchasing a "typical" home within a cluster housing development versus the "typical" home in the community. *(Source: An Examination of Market Appreciation for Clustered Housing with permanent open space, Center for Rural Massachusetts,1990*)

In a 1996 study conducted by the Lincoln Institute of Land Policy reviewed and summarized a number of approaches for measuring the economic value of open space. In a review of the studies which analyzed the market value of land adjacent to open space, Fausold and Lilieholm found that in case after case, homes close to open space were valued higher than similar homes without the open space amenity *(Source: Charles J. Fausold and Robert J. Lilieholm, The Economic Value of Open Space, A Review and Synthesis)*. Cases the authors reviewed include:

- A 1974 study of land values surrounding 1,294-acre Pennypack Park in northeast Philadelphia found a statistically significant rise in land value with proximity to the park, when controlling for other factors *(Source: Hammer, T.R., R.E. Coughlin, and E.T. Horn. 1974. The effect of a large urban park on real estate value. Journal of the American Institute of Planners 40(July): 274-277).*
- An early study of a 10-acre neighborhood park in Lubbock, Texas found that within a two-and-one-half block area around the park land values declined with distance from the park *(Source: Kitchen, J.W., and W.S. Hendon. 1967. Land values adjacent to an urban neighborhood park. Land Economics 43: 357-360).*
- A study of five parks in Columbus, Ohio found a positive impact (7 to 23 percent) on property values where properties faced open space *(Source: Weicher, J.C., and R.H. Zeibst. 1973. The externalities of neighborhood parks: An empirical investigation. Land Economics 49: 99-105.)*
- Correll et al. (1978) found that in Boulder, Colorado, the existence of greenbelts (linear open space features such as trails or stream corridors) had a significant impact on adjacent residential property values. While controlling for other variables, they found properties adjacent to greenbelts in the three neighborhoods studied to be worth an average of 32% more than those 3,200 walking feet away *(Source: Correll, M.R., J.H. Lillydahl, and L.D. Singell. 1978. The effects of greenbelts on residential property values: Some findings on the political economy of open space. Land Economics 54(2): 207-217).*

In *The Value of Open Space: Evidence from Studies of Nonmarket Benefits* by Virginia McConnell and Margaret Walls (January 2005), the authors summarized a number of studies and methodologies for determining the value of opens space and concluded that "that there is value to preserving most types of open space land uses, but the values tend to vary widely with the size of the area, the proximity of the open space to residences, the type of open space, and the method of analysis."

The Town of Pittsford, NY, has been utilizing cluster subdivisions since the early 1980s and has mandated its use in certain areas since 1986. According to the town assessor, the value of homes that are developed using the cluster technique are at least as valuable, and are likely more valuable than comparable homes in conventional subdivisions *(Source: interview with Pittsford Town Assessor 10/21/05)*. This assessment was confirmed by a local

developer who mentioned that the open space requirements (50% in Pittsford) had no adverse impact on land value *(Source: interview with Ted Spall, Spall Homes 10/24/05).*

Within Wallkill, the Town Assessor stressed that it is the desirability of the community, the town's location, the highway system (e.g., I-84 and Route17), easy access to Metro North Rail, and the quality of life within the community that makes it valuable. Furthermore, even if homes are arranged differently (on smaller lots for example), as long as the overall number of units didn't change, the value of the property would most likely remain the same when comparing conventional and conservation subdivisions *(Source: interview with Wallkill Town Assessor 10/21/05).*

Based on this information, it is clear that these zoning amendments will not result in a fiscal impact to the Town of Wallkill and will likely enhance the value of individual projects that are built according to the conservation subdivision approach. Within the RA and R-2 districts, where a developer utilizes the conservation approach to development there have been no reductions in density. The resultant number of developable units will be exactly the same as under existing zoning. However, these units will be clustered on smaller lots surrounded by open space. As the above discussion shows, it is likely that these units will be more valuable based on their proximity to permanently protected open space.

Within the PID district, residential was removed completely (high rise multiple dwellings was the only allowed residential use). This district is scheduled to be revised in the upcoming year at which point new districts will be created. There will be no loss of fiscal resources to the town as the district is primarily and will continue to be a commercial district.

Within the R-1 district, due to the magnitude of the potential build-out in this relatively small area, the proposed action reduces the overall allowed density. This relates primarily to the "high intensity" uses such as multiple dwellings. Allowed density for single-family dwellings is unchanged in the zoning amendments (where the conservation approach is utilized). Again, changes in the R-1 district will not result in an adverse impact on the town's fiscal resources.

J. OTHER IMPACTS

Adoption of the proposed zoning amendments will not have a significant impact on energy resources, odors, noise or vibration, or public health. Furthermore, while the conservation subdivision section allows for smaller lots, even where septic and well systems are proposed (for example within the RA District), all such develop shall continue to conform to the requirements of the Orange County Health Department and New York State Department of Health regarding standards for septic systems.

IV. UNAVOIDABLE ADVERSE IMPACTS

A. INTRODUCTION

Adoption of the proposed amendments will not reduce the quality, function or enjoyment of the town's resources. Rather, the amendments will result in more sensitive treatment of natural, cultural and environmental resources within Wallkill. The amendments include a slight reduction in density within some areas of town and incentives to utilize the conservation subdivision approach for residential development. Nevertheless, development will occur in Wallkill and will result in some adverse impacts to the environment.

B. SOILS, SLOPES AND TOPOGRAPHY

Development of any kind within the project area will impact slopes and topography. Generally, the steep slope areas of town are already protected through site planning. However, disturbance from regular development practices (e.g., grading for roads) will modify the existing landscape. The conservation approach provides an incentive to limit this type of disturbance to the greatest extent practicable.

Soil erosion is likely to increase as a result of development within the project area. A major portion of the town is still considered undeveloped, forest, woodlands, or agriculture. If these areas are developed according to the proposed zoning amendments soil erosion and the loss of quality farm soils is likely to occur.

C. WATER RESOURCES

Development will increase runoff through establishment of impervious surfaces such as structures, roads, and parking areas. In addition, a reduction in water quality is likely due to increased residential development. These types of uses will often increase the likelihood of contaminated runoff through the use of pesticides for lawn maintenance and the tendency for household chemical and automotive fluid spills.

D. NATURAL FEATURES

Development within the project area will impact a number of important habitats and species. The conservation subdivision law is intended to mitigate the impacts of residential development on these important features. However, any development, particularly in outlying, undeveloped areas is likely to adversely impact the habitat area of important plant and animal species in Wallkill.

E. LAND USE AND ZONING

The proposed action includes methods and technique intended to protect the unique qualities and characteristics of Wallkill. There will be no new or additional adverse impacts to the environment under the proposed action compared with the existing zoning.

Related specifically to agriculture, development within the RA district will likely adversely impact the ability of farming to continue in the future. The conservation subdivision process is designed to allow farmers to develop portions of a parcel while maintaining operation on another section. Nevertheless, as development continues within rural areas of town and land values increase, the motivation and need to sell land will increase and it will likely become more difficult for farm operations to continue.

F. PARK AND RECREATION RESOURCES

Development within the project area will increase the need for active recreation resources (likely at a lower amount compared with existing zoning). However, the conservation approach provides an opportunity to site park and recreation resources within neighborhoods – potentially alleviating the need for more formalize, town-sponsored parks.

G. COMMUNITY SERVICES, INFRASTRUCTURE & TRANSPORTATION

Development will increase the need for infrastructure and services in Wallkill. However, the total number of future residents will likely be less under the proposed zoning compared with existing figures (see build-out included within this document). It is inevitable that growth within the town of Wallkill will impact traffic, roadways, and congestion. While development will still occur and traffic flows and capacities will likely be adversely impacted, the proposed action would allow for a lower level of development compared to existing zoning regulations.

H. CULTURAL RESOURCES

As development occurs in Wallkill, the town's characteristics will invariably change. This might include the loss of some unique or historic resources that are locally important. However, the conservation approach recognizes these features as important to the community and encourages their protection through site planning and conservation areas.

I. FISCAL RESOURCES

The proposed amendments will not adversely impact the town's fiscal resources or significantly restrict land value. Rather, it is likely that protection of the town's unique characteristics and quality of life will enhance values.

J. GROWTH INDUCING IMPACTS

The proposed amendments will accommodate future residential growth in Wallkill. However, the population of the town is not expected to grow as a result of the proposed law by more than it would have without adoption (rather, it is expected that the full build-out would be slightly lower under the proposed zoning).

V. ALTERNATIVES

There are three alternatives the town can pursue. The town can adopt a different set of regulations (modifications), not adopt any new regulations (no action), or adopt the proposed local law (this action).

Of the available alternatives, adoption of the proposed local law as proposed would provide the best option by dealing with the issues related to the moratorium on certain types of residential development, implementing the priorities stated in the comprehensive plan, and ensuring that new development is consistent with the community's vision for the future. Adoption of the local law is consistent with the highly valued quality of life of Wallkill.

A. MODIFICATIONS

It is difficult to anticipate reasonable alternative to adopting the proposed local law. Extensive discussion on various alternatives took place during the development of the law and modifications were made throughout the process to ensure that the amendments are fair and reasonable. Many of the modifications are described within this document. For example, the amount of open space required for each new development was reduced as was the amount of buildable area to be included within conservation areas. Further, setbacks between adjacent properties were reduced (from 200' to 50') and waivers were incorporated in certain situations to allow for more design flexibility.

However, one alternative that was considered but rejected was modifying the density structure. For example, it was suggested that the existing zoning be used for 'conventional' subdivisions and a density bonus be awarded for projects utilizing the conservation subdivision process. In this way, those who decided to use the conservation approach would be allowed to develop more units than is currently allowed. In the end, this was rejected as it would likely increase the town's build-out and not be consistent with the goals of the comprehensive plan.

B. NO ACTION

The "no action" alternative means that the town would not adopt this proposed local law. In light of the effort that has been made to identify the town's need through the comprehensive planning process and through extensive efforts on the part of the town board as to the most appropriate ways to strengthen and protect the unique qualities of Wallkill while allowing for development, the "no action" alternative would be counterproductive and do nothing to further the town's goals.

Existing local, state, and federal regulations would likely be sufficient to protect the health, safety and welfare of town residents, but the benefits of the proposed local law would be wasted. The proposed amendments will provide guidance and flexibility to help maintain and enhance the resources and amenities that the Wallkill community cherishes.

The alternatives would not achieve the necessary balance between resource protection and growth and they would not address the town's comprehensive plan's vision or stated goals.

VI. APPENDIX

BUILD OUT ANALYSIS GENERAL PROCEDURES

A buildout analysis was performed for the RA, R-1, and R-2 zoning districts using CommunityViz GIS software. For the analysis all parcels that are identified in the assessment database as industrial, public or community service, parks, or roads were excluded. All commercial parcels were also excluded, except large (>10 acre) parcels that are classified as primarily undeveloped (e.g. campgrounds, camps, and small single-building uses). Building constraints were also removed from the "buildable" land, such as floodplains, NYSDEC regulated wetlands, surface water bodies, and steep slopes (> 20 %). Finally, as part of the analysis an efficiency of 80% was used to account for some of the buildable land being used up by new roads and utilities.

i. RA District Buildout Methodology

In addition to the above procedures, all parcels less than 2.0 acres were removed prior to the buildout analysis, as the minimum lot size in the RA district is 2 acres. Additionally it is assumed that a developed parcel would have to be at least 3 times the minimum lot size to be subdivided, as such all lots less than 6 acres that are classified as developed were removed. After removal of these parcels, 570 parcels, totaling 15,414 acres of the total 20,211 acres in the district were remaining for analysis. Environmental constraints were then removed from the parcels, leaving 12,175 acres of "buildable" land.

For the analysis the minimum lot size was dictated by the Soil Environmental Factor. Soil with an Environmental Factor greater than 0.33 was assigned a minimum lot size of 2 acres. A value of 0.33 was assigned a minimum lot size of 3 acres. A value of 0.17 was assigned a minimum lot size of 5.8 acres, and less than 0.17 was assigned as non-buildable.

After running the analysis, the buildout for the RA district predicts 4,057 new units are possible based on the available acreage. This number is reduced to 3,276 units if the 200-foot minimum lot width is input to the model. Several existing parcels within the analysis are less than 200 feet wide and thus would be considered non-buildable to maintain the minimum lot width. However parcels could be merged and or variances enacted, and thus the actual potential buildout within the RA district is likely between 3,276 and 4,057 units.

ii, R-2 District Buildout Methodology

In addition to the general procedures, all parcels less than 0.75 acres were removed prior to the buildout analysis, as the minimum lot size in the R-2 district is 0.75-acres.

Additionally it is assumed that a developed parcel would have to be at least 3 times the minimum lot size to be subdivided, as such all lots less than 2.25 acres that are classified as developed were removed. After removal of these parcels, 532 parcels, totaling 6,444 acres of the total 7,689 acres in the district were remaining for analysis. Environmental constraints were then removed from the parcels, leaving 4,886 acres of "buildable" land. Soil types were not evaluated as part of the analysis as it was assumed sewer and water is available or would be available in the future.

After running the analysis, the buildout for the R-2 district predicts 4,995 new units are possible based on the available acreage. This number is reduced to 4,265 units if the 150-foot minimum lot width is input to the model. Several existing parcels within the analysis are less than 150 feet wide and thus would be considered non-buildable to maintain the minimum lot width. However parcels could be merged and or variances enacted, and thus the actual potential buildout within the R-2 district is likely between 4,995 and 4,265 units.

iii. R-1 District Buildout Methodology

In addition to the general procedures, all parcels less than 12,500 ft^2 were removed prior to the buildout analysis, as the minimum lot size in the R-2 district is 12,500 ft^2. Additionally it is assumed that a developed parcel would have to be at least 3 times the minimum lot size to be subdivided; as such all lots less than 37,500 ft^2 that are classified as developed were removed. After removal of these parcels, 313 parcels, totaling 1,968 acres of the total 2,860 acres in the district were remaining for analysis. Environmental constraints were then removed from the parcels, leaving 1,584 acres of "buildable" land. Soil types were not evaluated as part of the analysis as sewer and water is present throughout the district.

Three different analyses were conducted for the R-2 district. The first analysis assumed single-family development throughout the whole district. This buildout predicts 4,426 new units are possible based on the available acreage. This number is reduced to 4,368 units if the 80-foot minimum lot width is input to the model. The actual potential buildout within the R-1 district is likely between 4,426 and 4,368 units if the district were to be fully developed as single-family housing (Note: this alternative was not included in the build-out tables within the EIS as complete build-out of all single-family housing is unlikely).

The second analysis, which is based on the existing zoning, assumed all parcels greater than 5 acres (74 parcels totaling 1,685 acres before the removal of constraints) would be developed as multi-family housing, and the remaining parcels would be developed as single-family. The minimum area needed per multi-family unit is 14,500 ft^2. Based on these assumptions, the buildout predicts 651 single-family units and 3,202 multi-family units. The single-family unit number is reduced to 622 units if the 80-foot minimum lot width is taken into account.

The third analysis, which is based on the proposed zoning, assumed all parcels greater than 10 acres (45 parcels totaling 1,486 acres before the removal of constraints) would be developed as multi-family housing, and the remaining parcels would be developed as single-family. The minimum area needed per multi-family unit is 29,000 ft^2. Based on these assumptions, the buildout predicts 1,162 single-family units and 1,372 multi-family units. The single-family unit number is reduced to 1,128 units if the 80-foot minimum lot width is taken into account.

PROPOSED LOCAL ZONING LAW AMENDMENTS

AMENDMENTS TO EXISTING DISTRICTS

Amendments to §249-19 (RA District)

§249-19 D. Lot and building standards for the RA District.

(2) Soil factors and lot size information

	Type I Subdivision Conventional Subdivisions	
Group	Environmental Factor	Min Lot Size
I	1.00	3
II	0.68	3
III	0.50	3
IV	0.36	3
V	0.34	3
VI	0.34	3
VII	0.17	4.5
VIII	0.17	4.5
IX	0.09	No Septic
X	0.05	No Septic
XI	0.09	8.7
XII	0.17	No Septic
XIII	0.09	No Septic
XIV	0.05	No Septic
XV	0.05	No Septic

	Type II Subdivision Conservation Subdivisions	
Group	Environmental Factor	Min. Lot Size
I	2	2
II	1.35	2
III	1	2
IV	0.71	2
V	0.67	2
VI	0.67	2
VII	0.33	3
VIII	0.33	3
IX	0.17	No Septic
X	0.1	No Septic
XI	0.17	5.8
XII	0.33	No Septic
XIII	0.17	No Septic
XIV	0.1	No Septic
XV	0.1	No Septic

All Type I subdivisions shall adhere to the regulations of this section. Applications for Type II subdivisions shall adhere to the regulations set forth within the Town of Wallkill's "Conservation Subdivision" law.

Parcels within the RA District under single ownership and identified on the Tax Map of the Town of Wallkill dated September 1, 2005 of less than 10 acres in size may be developed using the Type II subdivision calculations for conventional or conservation subdivisions

§249-19 D. Lot and building standards for the RA District.

(1) Minimum required: (add the following to the table lot and building standards table)

Lot frontage: 50’

Amendments to §249-20 (R-2 District)

§249-20 D. Lot and building standards for the R2 District.

Type 1 Subdivision – Conventional

	A	B	C
Minimum required			
Lot area (square feet) subject to soil and drainage review	1.5	1.5	Soils*
Lot width	150	150	200
Lot depth	200	200	250
Front yard	35	35	35
Rear yard	30	30	35
One side yard	20	20	20
Both side	40	40	40
Floor area (square feet)	1,000	1,000	1,000
Maximum permitted			
Lot coverage	30%	30%	25%
Building height (feet)	35	35	35

**use soils formula, but no less than 1.5 acres.*

Type II Subdivision – Conservation

	A	B	C
Minimum required			
Lot area (square feet) subject to soil and drainage review	0.75	0.75	Soils*
Lot width	150	150	200
Lot depth	200	200	250
Front yard	35	35	35
Rear yard	30	30	35
One side yard	20	20	20
Both side	40	40	40
Floor area (square feet)	1000	1000	1000
Maximum permitted			
Lot coverage	30%	30%	25%
Building height (feet)	35	35	35

**use soils formula, but no less than 0.75 acre.*

All Type I subdivisions shall adhere to the regulations of this section. All development applications for Type II subdivisions shall follow the regulations set forth within the Town of Wallkill's "Conservation Subdivision" law.

Amendments to §249-22 (R-1 District)

§249-22 C (6) (i). The following lot and building standards shall apply to such dwellings:

Multiple Dwellings

Type I Subdivision – Conventional

Number of Habitable Rooms in the Dwelling Unit (DU)	1 Efficiency	2 1 bedroom	3 2 bedroom	4 3 bedroom
Minimum Required				
Land Area:				
Total (acres)	10	10	10	10
Per DU (square feet)	11,700	14,400	21,600	43,500

Type II Subdivision – Conservation

Number of Habitable Rooms in the Dwelling Unit (DU	1 Efficiency	2 1 bedroom	3 2 bedroom	4 3 bedroom
Minimum Required				
Land Area:				
Total (acres)	10	10	10	10
Per DU (square feet)	7,800	9,600	14,400	29,000

(subsequent dimensional figures within the existing zoning tables unchanged)

All Type I subdivisions shall adhere to the regulations of this section. All development applications for Type II subdivisions shall follow the regulations set forth within the Town of Wallkill's "Conservation Subdivision" law.

§249-22 C (7) (i). The following lot and building standards shall apply:

Row or Attached Housing

Type I Subdivision – Conventional

Number of Habitable Rooms in the Dwelling Unit (DU	2	3	4
	1 bedroom	2 bedroom	3 bedroom
Minimum Required			
Land Area:			
Total (acres)	10	10	10
Per DU (square feet)	10,800	14,400	17,400

Type II Subdivision – Conservation

Number of Habitable Rooms in the Dwelling Unit (DU	2	3	4
	1 bedroom	2 bedroom	3 bedroom
Minimum Required			
Land Area:			
Total (acres)	10	10	10
Per DU (square feet)	8,100	10,800	13,050

(subsequent figures within existing zoning tables unchanged)

All Type I subdivisions shall adhere to the regulations of this section. All development applications for Type II subdivisions shall follow the regulations set forth within the Town of Wallkill's "Conservation Subdivision" law.

§249-22 C (8) (k). The following lot and building standards shall apply:

One-family condominium

Type I Subdivision – Conventional

Number of Habitable Rooms in the Dwelling Unit (DU	2	3	4
	1 bedroom	2 bedroom	3 bedroom
Minimum Required			
Land Area:			
Total (acres)	10	10	10
Per DU (square feet)	10,800	14,400	17,400

Type II Subdivision – Conservation

Number of Habitable Rooms in the Dwelling Unit (DU	2	3	4
	1 bedroom	2 bedroom	3 bedroom
Minimum Required			
Land Area:			
Total (acres)	10	10	10
Per DU (square feet)	8,100	10,800	13,050

(subsequent figures within existing zoning tables unchanged)

All Type I subdivisions shall adhere to the regulations of this section. All development applications for Type II subdivisions shall follow the regulations set forth within the Town of Wallkill's "Conservation Subdivision" law.

§249-22 D. Lot and building standards for the R1 District.

Type 1 Subdivision – Conventional

	A	B	C
Minimum required			
Lot area (square feet) subject to soil and drainage review	18,750	18,750	Soils*
Lot width	100	100	125
Lot depth	125	125	150
Front yard	35	35	35
Rear yard	30	30	35
One side yard	20	20	20
Both side	40	40	40
Floor area (square feet)	600	600	600
Maximum permitted			
Lot coverage	35%	35%	25%
Building height (feet)	35	35	35

**use soils formula, but no less than 30,000 sq. ft.*

Type II Subdivision – Conservation

	A	B	C
Minimum required			
Lot area (square feet) subject to soil and drainage review	12,500	12,500	Soils*
Lot width	80	80	100
Lot depth	100	100	125
Front yard	35	35	35
Rear yard	30	30	35
One side yard	20	20	20
Both side	40	40	40
Floor area (square feet)	600	600	600
Maximum permitted			
Lot coverage	35%	35%	25%
Building height (feet)	35	35	35

**use soils formula, but no less than 20,000 sq. ft.*

All Type I subdivisions shall adhere to the regulations of this section. All development applications for Type II subdivisions shall follow the regulations set forth within the Town of Wallkill's "Conservation Subdivision" law.

Amendments to PID District (§249-28)

Remove:

§249-28 C. (21) *High-rise multiple residences consisting of…..*

To Add:

§249-28 G. Mandatory Buffer of Pre-Existing Residential Structures
All non-residential development within the PID District shall provide buffering for adjacent, pre-existing residential uses. In general, this buffering shall be developed to alleviate the impact of non-residential development including but not limited to:

- Light
- Parking and loading areas
- Noise and odor
- Location of ancillary equipment such as dumpsters and HVAC
- Traffic flow and light glare from vehicles

Buffer Area
The area of buffer shall be commensurate with the potential impact to neighboring properties.

Review Process
During site plan review, development applicants shall provide a buffering plan demonstrating how the project will alleviate any potential adverse impacts to adjacent, pre-existing residential structures. The planning board shall review the buffer plan and reject for re-submittal, accept, or accept with modifications. In all cases, the planning board review shall include review by the town's landscape architect.

Amendments to MI District (§249-27)

Add the following text:

§249-27 F. Mandatory Buffer of Pre-Existing Residential Structures
All non-residential development within the MI District shall provide buffering for adjacent, pre-existing residential uses. In general, this buffering shall be developed to alleviate the impact of non-residential development including but not limited to:

- Light
- Parking and loading areas
- Noise and odor
- Location of ancillary equipment such as dumpsters and HVAC
- Traffic flow and light glare from vehicles

Buffer Area
The area of buffer shall be commensurate with the potential impact to neighboring properties.

Review Process
During site plan review, development applicants shall provide a buffering plan demonstrating how the project will alleviate any potential adverse impacts to adjacent, pre-existing residential structures. The planning board shall review the buffer plan and reject for re-submittal, accept, or accept with modifications. In all cases, the planning board review shall include review by the town's landscape architect.

Amendments to §249-21

§249-21 Cluster Developments - remove entire section

Amendments to §249-3 Definitions

Add the following definition:

Lot Frontage: distance between the side lot lines, measured along the right-or-way line and parallel to the street line.

PROPOSED CONSERVATION SUBDIVISION

A. Purpose

The purpose of the section is to allow future subdivision of land and the construction of new homes in the Town of Wallkill to be creatively designed and located in the landscape in a way that protects the natural resources and existing character of the town. In addition to this general purpose, conservation subdivisions shall promote the following objectives:

- Maintain the rural and open character of the town and encourage the preservation of open space
- Protect important views and scenic corridors as well as steep slopes, hillsides, and ridges
- Conserve scenic resources of rural corridors and roads and to reduce the occurrence of strip development
- Protect historic, archeological, and cultural features
- Protect valuable wildlife and habitat areas
- Locate buildings and structures on portions of the site that are most appropriate for development considering development suitability and conservation importance
- Allow for site design that provides flexibility and encourages a more practical lot layout, utility, and transportation network and facilitate the construction and maintenance of streets, utilities and public services in an economical and efficient manner.
- Encourage site design that is appropriate to the existing setting and consistent with surrounding land use and development patterns.
- Reduce adverse impacts of growth on surface water and groundwater quality.
- Protect contiguous open space areas and corridors
- Promote efficient use of land in harmony with its natural features
- Promote the maintenance of agricultural lands, farmland and farm uses
- Encourage the creation and provision of neighborhood-scale recreation resources through the subdivision and development process

B. Applicability

The Planning Board is authorized to permit use of this section, conservation subdivision, for all Type II Subdivision applications in the R-1, RA, and R-2 zoning districts.

C. Procedures

All applications being considered under this section shall adhere to the submission requirements set forth within Article III, Section 1. The following requirements shall be followed in addition to sketch plan submission requirements.

1. Determination of lot count
2. Identification of conservation resources and open space requirements
3. Subdivision layout

Following completion of these requirements, the applicant may submit a preliminary plat per Article III, Section 3 for major subdivisions and request final approval under Article III, Section 2 for minor subdivisions.

1. Determination of lot count

To determine the maximum number of lots within a conservation subdivision at the sketch plan phase, the applicant shall submit to the Planning Board a conventional subdivision plan showing the number of approvable lots on the parcel meeting the area and dimensional requirements of a Type II subdivision within the underlying district (as, if provided). The final number of lots shall be subject to Planning Board approval or request for modification of the applicant's submission during sketch plan review.

2. Conservation Resources, Areas, and Requirements

Tract Resource Map

The applicant shall develop a tract resource map and conduct a conservation analysis according to the procedures set forth below to identify the site's resources and unique features. The conservation analysis will assist in the design evaluation process for the site layout of the development area and will help identify the site's conservation areas. At a minimum, the following resources shall be included on the Tract Resource Map:

- Existing farms and farmland
- Lands that adjoin other conservation lands and larger tracts of land which have the potential to create continuous networks of conservation
- Environmentally sensitive lands such as streams and water bodies, wetlands, floodplains, steep slopes, natural habitats, etc.
- Scenic rural roads and viewsheds
- Historic structures and other cultural features such as stone walls, old barns, and foundations.
- Forested and vegetated areas
- Proposed land for recreational use including all active and passive recreation areas such as ball fields and trials.

Conservation Areas and Requirements

Based on the conservation analysis and information provided on the tract resource map, the subdivider shall highlight proposed conservation areas on the site map. For each conservation subdivision a portion of the total lot and a portion of the total buildable acreage must be included within the conservation area. Requirements vary for each residential district and are described below:

RA District

- A minimum of 40% of the site must remain as a permanently protected conservation area through conservation easement enforceable by the Town of Wallkill.
- Within the 40% open space a portion of land must be considered buildable (define). This area is determined as a calculation of the total buildable land on the site. For the RA District, a minimum of 15% of the site's total buildable land shall be included in the conservation area.

RA District Example:

100 acre parcel within the RA District

40 acres wetlands and steep slopes (un-buildable)
60 acres buildable land

Total required open space: 40 acres (40% of 100 acres)

Buildable acres required to be included within the 40 acres of open space: 9 acres (15% of 60 buildable acres)

Summary: The total amount of conservation land required in this example is 40 acres. Within this conservation area, 31 acres could be un-buildable (e.g., wetlands, steep slopes, etc.) while at least 9 acres must be classified as buildable land.

R2 District

- A minimum of 30% of the site must remain as a permanently protected conservation area through conservation easement enforceable by the Town of Wallkill.
- Within the 30% conservation area, a portion of this land must be considered buildable. This area is determined as a calculation of the total buildable land on the site. For the R-2 District, a minimum of 10% of the site's total buildable land shall be included in the conservation area.

R2 District Example:

50 acre parcel within the R2 District

25 acres wetlands and steep slopes (un-buildable)

25 acres buildable land

Total required open space: 15 acres (30% of 50 acres)
Buildable acres required to be included within the 30 acres of open space: 2.5 acres (10% of 25 buildable acres)

Summary: The total amount of conservation land required in this example is 15 acres. Within this conservation area, 12.5 acres could be un-buildable (e.g., wetlands, steep slopes, etc.) while at least 2.5 acres must be classified as buildable land.

R-1 District

- A minimum of 20% of the site must remain as a permanently protected conservation area through conservation easement enforceable by the Town of Wallkill.
- Within the 20% conservation area, a portion of land must be considered buildable. This is calculated as a percentage of the total buildable land on the site. For the R-1 district, a minimum of 5% of the site's total buildable land shall be included in the conservation area.

R-1 District Example:

30 acre parcel within the R1 District
10 acres wetlands and steep slopes (un-buildable)
20 acres buildable land

Total required open space: 6 acres (20% of 30 acres)
Buildable acres required to be included within the 30 acres of open space: 1 acre (5% of 20 buildable acres)

Summary: The total amount of conservation land required in this example is 6 acres. Within this conservation area, 5 acres could be un-buildable (e.g., wetlands, steep slopes, etc.) while at least 1 acre of the conservation area must be classified as buildable land.

Allowed uses within conservation areas

Land designated as conservation areas shall be limited to the following uses:

- Nature preserves
- Passive recreation
- Active Recreation
- Stormwater management systems, water supplies and distribution systems
- Septic systems (note: if septic systems are located within the conservation areas, minimum area requirements described herein as well as buildable lot

requirements per Section 5 of the Town of Wallkill Subdivision Regulations still apply.)

- Agricultural or farming operations
- Forestry operations with a forest management plan developed by a professional forester participating in the New York State DEC's cooperating forestry program.

No structure shall be erected upon the lands of such open areas except such as shall be determined by the Planning Board to be incidental to an allowed use. No building permit shall be given for such structure in the absence of site plan approval thereof given by the Planning Board in accordance with Article XI

Planning Board Approval of Conservation Areas and Uses

The selection of land to be designated as the conservation area and associated uses shall be subject to the approval of the Planning Board. The Planning board shall base its decision upon consideration of the tract resource map and in consideration of how the submission responds to the purpose and intent of this section.

Ownership and Management of Conservation Areas

Lands designated as conservation areas may be held in private or public ownership. The applicant will provide documentation for review and approval by the planning board of the proposed ownership and management entity of the conservation lands. Conservation lands held in private ownership shall be described in a conservation easement and recorded by the town on the official zoning map of the town and recorded by the County Clerk.

Ownership shall be with one of the following: the Town; another public agency subject to their acceptance; a qualified organization including a land trust incorporated with a purpose consistent with the use and management requirements for permanent protection of land; shared, common interest by all property owners in a subdivision; a homeowner, condominium, or cooperative association or organization; or other private ownership encumbered by a conservation easement.

Acceptance of Ownership of Conservation Areas by Town Board

For all projects proposing town ownership of conservation areas the planning board shall refer the preliminary subdivision plat to the town board for a determination on the acceptability of the ownership structure for the proposed conservation areas. The town may consider but shall not be obligated to accept ownership of any proposed conservation areas, either in fee simple or by conservation easement.

3. Subdivision Layout: *Development Area, Uses, and Dimensions*

Development area and site layout
Once land designated for conservation has been approved by the Planning Board the applicant shall identify appropriate lands and layout for development on the site. A sketch plan shall be submitted per Article III.

Subdivision Perimeter setbacks
For conservation subdivision projects within the RA District, the building area of new lots shall adhere to the following setbacks:

- 200' from all pre-existing town, county, and state roads (waiver may be requested to not less than 50' where vegetated natural buffer will remain)
- 50' from all adjacent properties that are not a part of the new subdivision

Planning Board Review
The Planning Board shall review the layout of lots and siting of structures for all applications being considered under conservation subdivision in accordance with Article III. In addition, all projects shall also be reviewed in consideration of conformance with the Town of Wallkill Comprehensive Plan.

Permitted and special permit uses
The permitted and special uses for the development area within any conservation subdivision shall be the same as the applicable, underlying zoning district.

Minimum lot size and dimensions To determine lot dimensions for the conservation subdivision, adherence to the following tables shall be required:

Single Family Dwellings located in the RA Zoning District.*

	RA
Minimum Required	
Lot area (square feet)	32,670
Lot width	150'
Lot depth	200'
Front yard	35'
Rear yard	30'
One side yard	30'
Both side	60'
floor area	1,000'
Maximum Permitted	
Max. lot coverage	30%
Max. building height	35'

**table relates to single-family units only. All other uses shall conform to the dimensional standards detailed within the RA district (§249-19).*

Single Family Dwellings located in the R2 Zoning District*

	A	B	C
Minimum Required			
Lot area (square feet)	21,780	21,780	32,670
Lot width	100’	100’	150’
Lot depth	125’	125’	200’
front yard	35’	35’	35’
Rear yard	30’	30’	30’
One side yard	20’	20’	30’
both side	40’	40’	60’
floor area	600’	600’	1,000’
Maximum Permitted			
Max. lot coverage	35%	35%	35%
Max. building height	35’	35’	35’

Type A: Sewer and Water
Type B: Sewer Only
Type C: No Sewer or Water
**Table relates to single family uses only, all other uses shall conform to the dimensional standards detailed within the R-2 District (§249-20).*

Single Family Dwelling Units in the R-1 Zoning District*

	A	B	C
Minimum required			
Lot area (square feet) subject to soil and drainage review	10,000	10,000	Soils**
Lot width	80	80	100
Lot depth	100	100	125
Front yard	35	35	35
Rear yard	30	30	35
One side yard	15	15	15
Both side	30	30	35
Floor area (square feet)	600	600	600
Maximum permitted			
Lot coverage	35%	35%	25%
Building height (feet)	35	35	35

**table relates to single-family units only. All other uses shall conform to the dimensional standards detailed within the R1 district (§249-22).*
***use soils formula, but no less than 20,000 sq. ft.*

Waivers
To allow for flexibility in site design and layout to meet the goals and intent of this section, any applicant applying for approval of a conservation subdivision may request a waiver from the Planning Board of following requirements.

1. 1,000 foot limit on cul-de-sac length (waiver from § 249-24.2. Cul-de-sacs) not to exceed 2,500 feet.
2. Roadway width and pavement areas from Town of Wallkill road specifications with authorization from Planning Board and Highway Superintendent
3. 200 foot setback from all pre-existing town, county, and state roads to no less than 50'. Reduction in setback requirement may only be awarded where vegetated natural buffer will remain.
4. Within the RA District, reduction of 150 foot lot width to no less than 110 feet.

The Planning Board shall provide a statement of findings stating that the waivers granted are commensurate with improvements in project design related to the purpose and intent of this section.

Definitions:

Buildable land: lands excluding water bodies, areas subject to flooding and ponding, areas which have slopes of over 20%, and exsting rights-of-way and easements.

Recreation, active: Leisure activities usually performed with others, often requiring equipment and taking place at prescribed places, sites or fields. Active recreation includes but is not limited to swimming, tennis, and other court games, baseball and other field sports, and playground activities.

Recreation, passive: Recreational activities that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking.

Recreation, commercial: Recreational activities provided on a fee-for-service basis such as golf courses, driving ranges, country clubs, downhill ski areas, horseback trail rides and similar activities, conservation or game clubs and hunting clubs, but not including such intensive uses as miniature golf operations, race tracks, water slide parks, or amusement parks.

PERFORMANCE OVERLAY ZONING DISTRICT

Definitions:

POD Core Overlay Area:

- 100' buffer within the PID and MI districts where said districts abut a residential zone
- 50' buffer within all residential districts that abut the PID and MI district.

POD Secondary Overlay Area:

- 200' buffer within the PID and MI districts where said districts border with a residential district

1. Purpose and Intent: The purpose of this overlay is to establish special land use standards and procedures for areas of Wallkill where the PID and MI districts abut a residential district in order to limit conflicts between business and residential uses in close proximity.

2. Applicability: the regulations, standards, and procedures of this section shall apply to:

- All land in the PID/MI districts within 200' of a residential zoning district
- All land in a residential district within 50' of a PID district.

3. Uses:

POD Core Overlay

No structure including parking areas may be placed within the POD Core Overlay Area with the exception of the following:

- Fences and walls to be used for landscaping and screening purposes
- Accessory structures for residential uses including sheds and garages (does not include structures for occasional, temporary, or permanent use by persons residing on the site such as swimming pools, decks, and accessory dwelling units).

POD Secondary Overlay

Land within the POD Secondary Overlay may be used for any purpose otherwise permitted in the underlying district, subject to the additional restrictions presented herein.

The following uses are specifically prohibited within the POD:

- Manufacturing, altering, fabricating, assembling, finishing, or processing of products or materials
- Exercise and amusement establishments, such as bowling alleys, skating rinks, golf driving ranges, miniature golf, pinball and video arcades, dance halls, sports arcades, pool arcades, go-cart racing, target practice, archery and related uses.
- Warehouses and wholesale establishments
- Hotels, motels and conference centers, etc..
- Bus, truck and railroad freight terminals

- Auditoriums, conference centers, sports arenas or other similar facilities.
- Airports and Heliports
- Quarry operations for sand, gravel, topsoil or other aggregate
- Motor vehicles sales establishment
- Gasoline filling stations
- Gasoline service stations
- Motor vehicle repair garages
- Motor vehicle rental and leasing establishments
- Outdoor storage of building supplies, raw material or equipment
- Junkyards

4. Area and dimensional standards:

Maximum allowed:
Height: 35'
Building size:10,000 square feet. *Note: no part of any structure larger than 10,000 square feet may be located within the POD.*

5. Landscaping

Applicants for development within the POD shall submit a landscaping plan for review by the Planning Board and the town's landscape architect. The landscaping plan shall conform to the minimum standards detailed below.

Within PID/MI portions of the POD Core Overlay Area:

Any side yards or rear yards within the POD shall be a minimum of 100 feet in width.

Parallel to the lot line of such side or rear yard within the first 25 feet in depth from said lot line, but not closer to the lot line that 10 feet, there shall be erected a wood or masonry fence 15 feet high, in front of which shall be planted hedges, trees, shrubbery, or other suitable screening material approved by the Planning Board.

The Planning Board may allow an alternate mitigation measure to required fencing and buffering after review and approval by the town's landscape architect.

Within Residential portions of the POD Core Overlay Area:
Any side yards or rear yards which are adjacent to a PID/MI district shall be a minimum of 50' in width.

Parallel to the lot line of such side or rear yard within the first 15 feet from said lot line, there shall be planted hedges, evergreens, deciduous trees and other appropriate screening material approved by the Planning Board

6. Performance Standards
The following standards shall apply to all uses and structures located within the POD.

Privacy:
- Business uses must not infringe on the privacy of neighbors or their quiet and peaceful enjoyment of their property.

Traffic and Connections:
- The Planning Board during site plan review may limit and/or require vehicle or pedestrian interconnections between neighboring properties in order to protect the safety of the public, to reduce congestion, and to reduce the adverse impacts of commercial traffic along residential streets.

New Commercial Buildings:
- New buildings, conversions, and site modifications located within the POD shall be sited, designed, constructed and landscaped in such a manner that, to the maximum extent feasible, the appearance reflects the existing scale and character of adjacent residential structures.

Parking:
- All parking facilities located within the POD shall be landscaped per §249-12 D. (11) Screening and Landscaping.

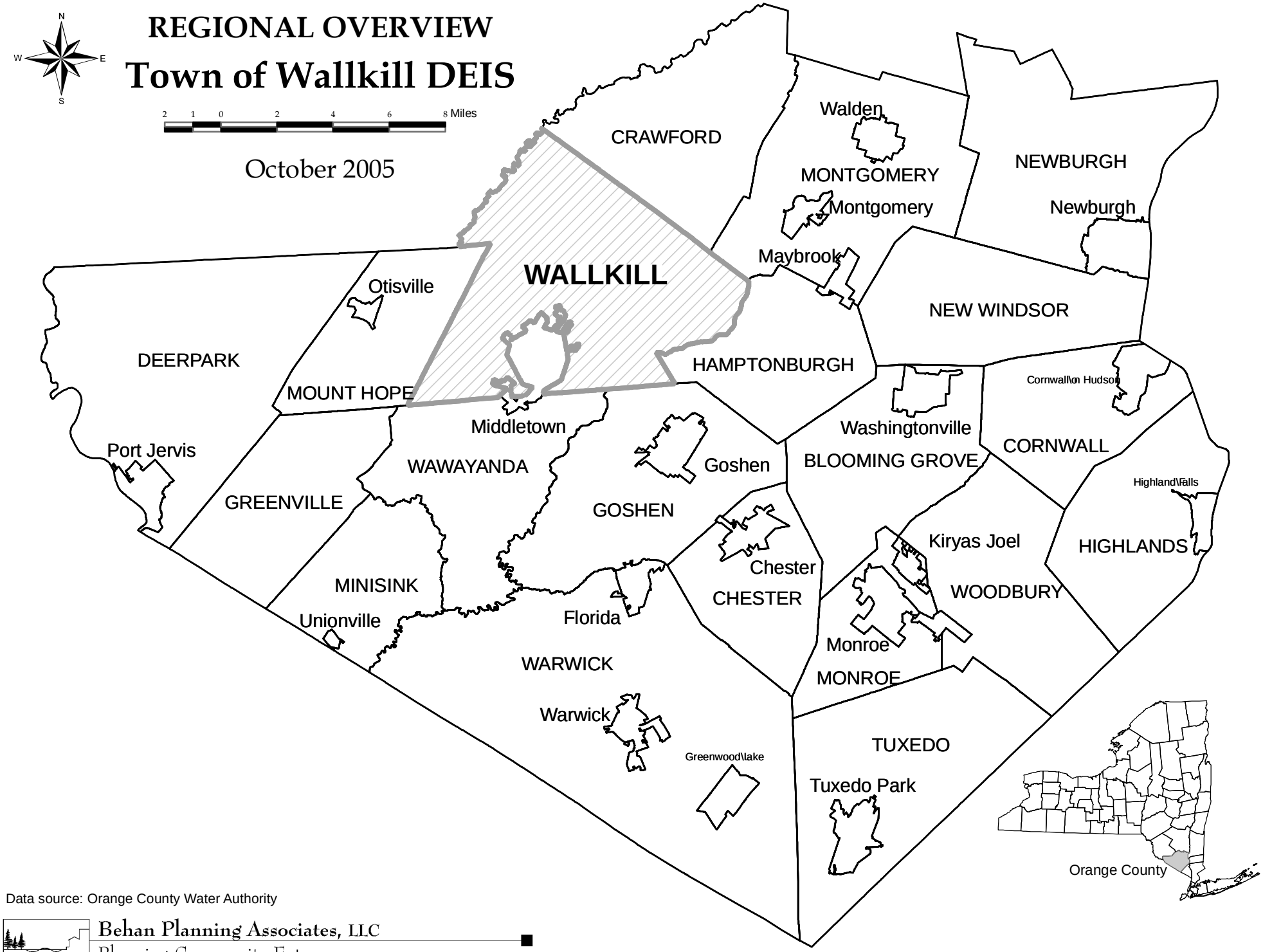
Lighting
- All exterior lighting, including lighting fixtures, lighting of walks and of parking areas shall be accomplished with low-level lighting
- Maximum height of any free standing light fixture shall be fifteen (15) feet.
- No light source shall be positioned or installed so as to cause glare or spillage into neighboring property beyond that normally associated by residential use.
- Lightning fixtures shall include a cutoff type luminary to prevent glare and spillage of direct light above the fixture.

Signs
- Business uses shall have no more than one (1) sign
- Maximum sign area will be one (1) square foot in area for every ten (10) linear feet of lot frontage, but not exceeding fifteen (15) square feet
- Lighting of such sign is permitted by direct illumination (no backlit, or translucent signs permitted), provided the lighting source is entirely screened from view and otherwise consistent with §249-11 H. (12).
- Signs shall otherwise be consistent with the provisions of §249-11

7. Site Plan Review
All building and zoning permits applications in the POD shall be subject to Site Plan Approval. Pre-existing non-conformity with this Local Law shall be reduced to the maximum extent practicable.

REGIONAL OVERVIEW
Town of Wallkill DEIS

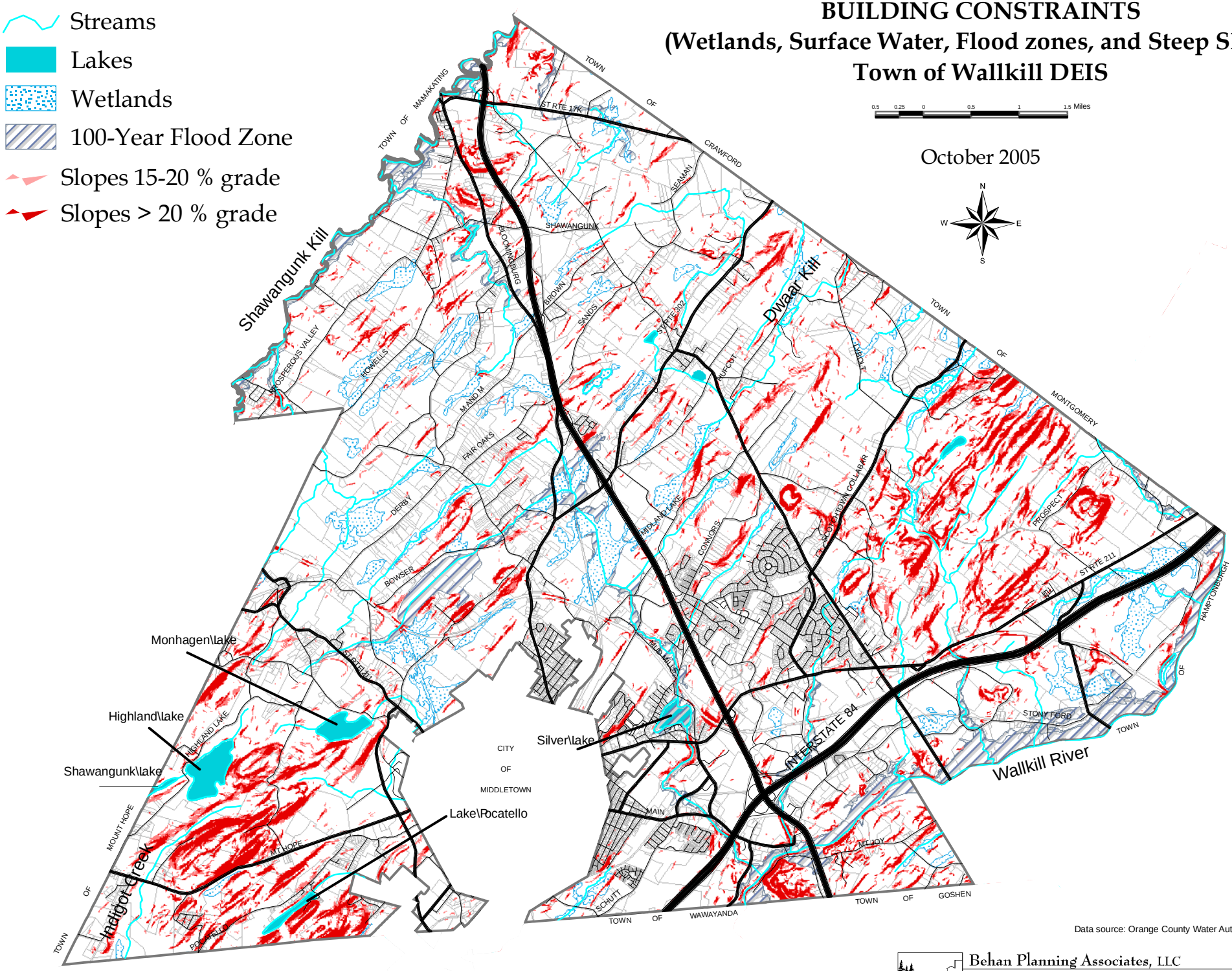
October 2005



Data source: Orange County Water Authority

Behan Planning Associates, LLC
Planning Community Futures

BUILDING CONSTRAINTS
(Wetlands, Surface Water, Flood zones, and Steep Slopes)
Town of Wallkill DEIS



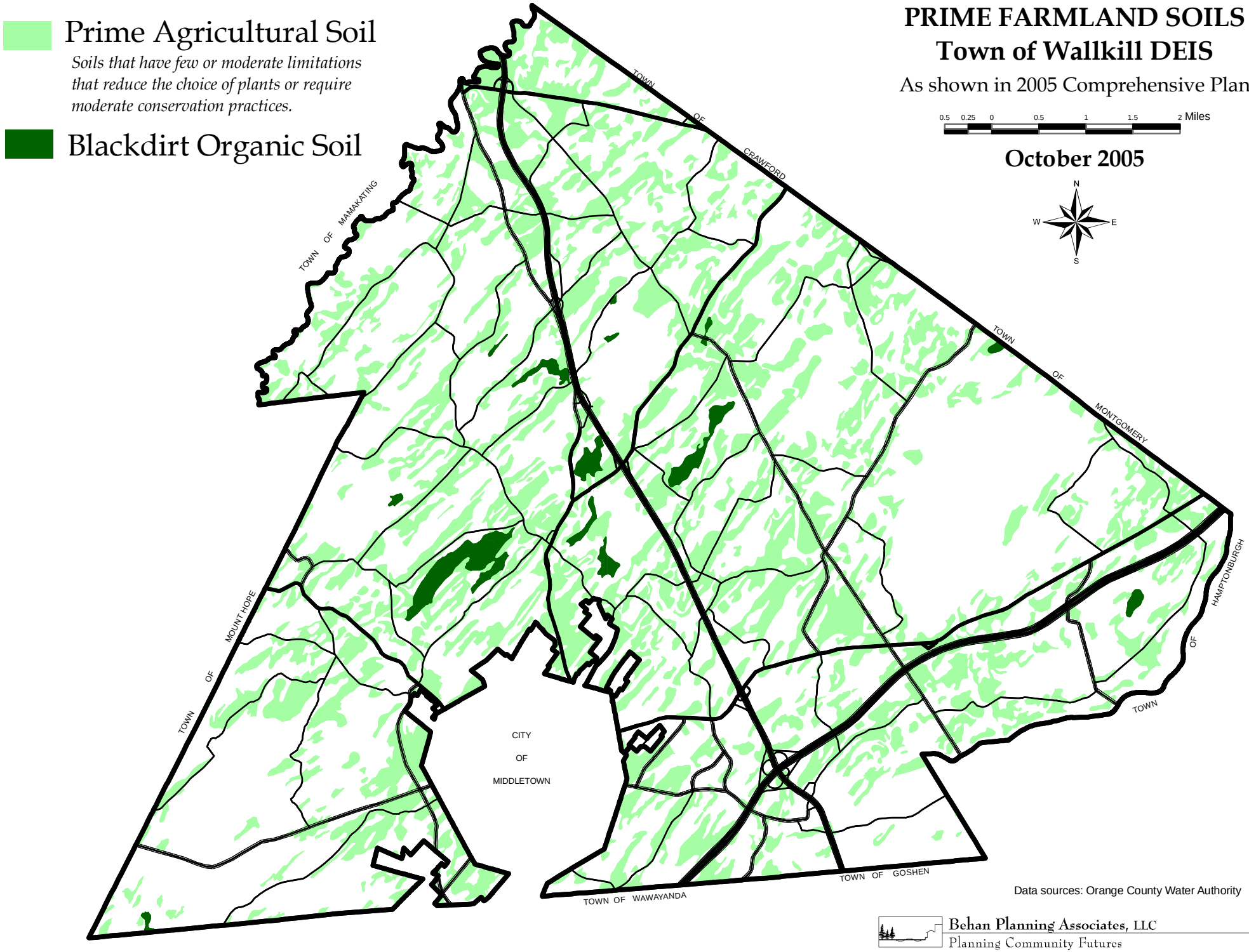
Data source: Orange County Water Authority, USGS

Behan Planning Associates, LLC
Planning Community Futures

PRIME FARMLAND SOILS
Town of Wallkill DEIS

As shown in 2005 Comprehensive Plan

October 2005



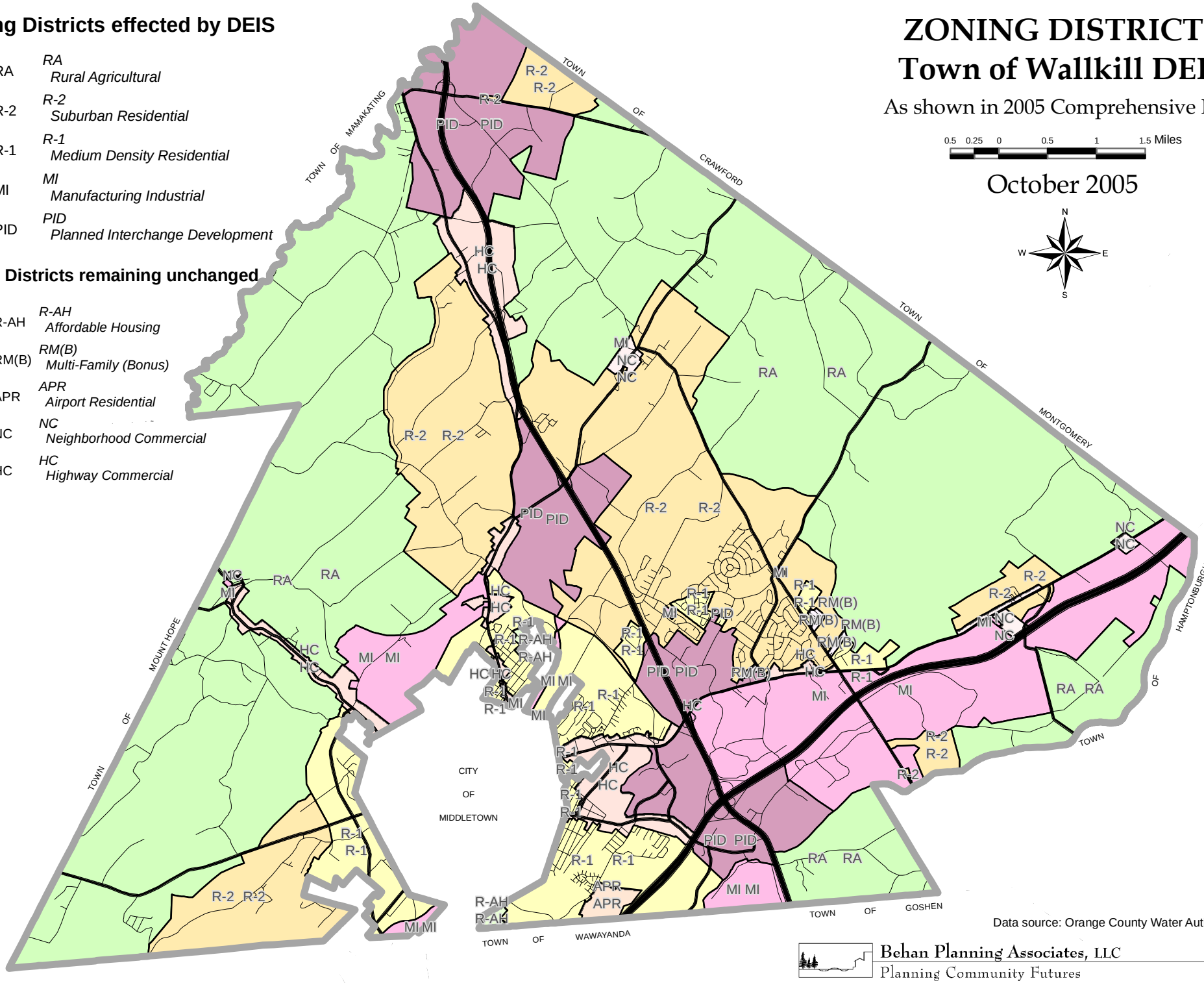
Data sources: Orange County Water Authority

Behan Planning Associates, LLC
Planning Community Futures

ZONING DISTRICTS
Town of Wallkill DEIS

As shown in 2005 Comprehensive Plan

October 2005



Data source: Orange County Water Authority

Behan Planning Associates, LLC
Planning Community Futures

WALLKILL CONSERVATION SUBDIVISION – October 20, 2005 update and recommendations

A. Purpose

The purpose of the section is to allow future subdivision of land and the construction of new homes in the Town of Wallkill to be creatively designed and located in the landscape in a way that protects the natural resources and existing character of the town. In addition to this general purpose, conservation subdivisions shall promote the following objectives:

- Maintain the rural and open character of the town and encourage the preservation of open space
- Protect important views and scenic corridors as well as steep slopes, hillsides, and ridges
- Conserve scenic resources of rural corridors and roads and to reduce the occurrence of strip development
- Protect historic, archeological, and cultural features
- Protect valuable wildlife and habitat areas
- Locate buildings and structures on portions of the site that are most appropriate for development considering development suitability and conservation importance
- Allow for site design that provides flexibility and encourages a more practical lot layout, utility, and transportation network and facilitate the construction and maintenance of streets, utilities and public services in an economical and efficient manner.
- Encourage site design that is appropriate to the existing setting and consistent with surrounding land use and development patterns.
- Reduce adverse impacts of growth on surface water and groundwater quality.
- Protect contiguous open space areas and corridors
- Promote efficient use of land in harmony with its natural features
- Promote the maintenance of agricultural lands, farmland and farm uses
- Encourage the creation and provision of neighborhood-scale recreation resources through the subdivision and development process

B. Applicability

The Planning Board is authorized to permit use of this section, conservation subdivision, for all Type II Subdivision applications in the R-1, RA, and R-2 zoning districts.

C. Procedures

All applications being considered under this section shall adhere to the submission requirements set forth within Article III, Section 1. The following requirements shall be followed in addition to sketch plan submission requirements.

1. Determination of lot count
2. Identification of conservation resources and open space requirements
3. Subdivision layout

Following completion of these requirements, the applicant may submit a preliminary plat per Article III, Section 3 for major subdivisions and request final approval under Article III, Section 2 for minor subdivisions.

1. Determination of lot count

To determine the maximum number of lots within a conservation subdivision at the sketch plan phase, the applicant shall submit to the Planning Board a conventional subdivision plan showing the number of approvable lots on the parcel meeting the area and dimensional requirements of a Type II subdivision within the underlying district (as, if provided). The final number of lots shall be subject to Planning Board approval or request for modification of the applicant's submission during sketch plan review.

2. Conservation Resources, Areas, and Requirements

Tract Resource Map

The applicant shall develop a tract resource map and conduct a conservation analysis according to the procedures set forth below to identify the site=s resources and unique features. The conservation analysis will assist in the design evaluation process for the site layout of the development area and will help identify the site=s conservation areas. At a minimum, the following resources shall be included on the Tract Resource Map:

- Existing farms and farmland
- Lands that adjoin other conservation lands and larger tracts of land which have the potential to create continuous networks of conservation
- Environmentally sensitive lands such as streams and water bodies, wetlands, floodplains, steep slopes, natural habitats, etc.
- Scenic rural roads and viewsheds
- Historic structures and other cultural features such as stone walls, old barns, and foundations.
- Forested and vegetated areas
- Proposed land for recreational use including all active and passive recreation areas such as ball fields and trials.

Conservation Areas and Requirements

Based on the conservation analysis and information provided on the tract resource map, the subdivider shall highlight proposed conservation areas on the site map. For each conservation subdivision a portion of the total lot and a portion of the total buildable acreage must be included within the conservation area. Requirements vary for each residential district and are described below:

RA District

- A minimum of 40% of the site must remain as a permanently protected conservation area through conservation easement enforceable by the Town of Wallkill.
- Within the 40% open space a portion of land must be considered buildable. This area is determined as a calculation of the total buildable land on the site. For the RA District, a minimum of 15% of the site=s total buildable land shall be included in the conservation area.

RA District Example:

100 acre parcel within the RA District
40 acres wetlands and steep slopes (un-buildable)
60 acres buildable land

Total required open space: 40 acres (40% of 100 acres)
Buildable acres required to be included within the 40 acres of open space: 9 acres (15% of 60 buildable acres)

Summary: The total amount of conservation land required in this example is 40 acres. Within this conservation area, 31 acres could be un-buildable (e.g., wetlands, steep slopes, etc.) while at least 9 acres must be classified as buildable land.

R2 District

- A minimum of 30% of the site must remain as a permanently protected conservation area through conservation easement enforceable by the Town of Wallkill.
- Within the 30% conservation area, a portion of this land must be considered buildable. This area is determined as a calculation of the total buildable land on the site. For the R-2 District, a minimum of 10% of the site=s total buildable land shall be included in the conservation area.

R2 District Example:

50 acre parcel within the R2 District
25 acres wetlands and steep slopes (un-buildable)
25 acres buildable land

Total required open space: 15 acres (30% of 50 acres)
Buildable acres required to be included within the 30 acres of open space: 2.5 acres (10% of 25 buildable acres)

Summary: The total amount of conservation land required in this example is 15 acres. Within this conservation area, 12.5 acres could be un-buildable (e.g., wetlands, steep slopes, etc.) while at least 2.5 acres must be classified as buildable land.

R-1 District

- A minimum of 20% of the site must remain as a permanently protected conservation area through conservation easement enforceable by the Town of Wallkill.
- Within the 20% conservation area, a portion of land must be considered buildable. This is calculated as a percentage of the total buildable land on the site. For the R-1 district, a minimum of 5% of the site=s total buildable land shall be included in the conservation area.

R-1 District Example:

30 acre parcel within the R1 District
10 acres wetlands and steep slopes (un-buildable)
20 acres buildable land

Total required open space: 6 acres (20% of 30 acres)
Buildable acres required to be included within the 30 acres of open space: 1 acre (5% of 20 buildable acres)

Summary: The total amount of conservation land required in this example is 6 acres. Within this conservation area, 5 acres could be un-buildable (e.g., wetlands, steep slopes, etc.) while at least 1 acre of the conservation area must be classified as buildable land.

Allowed uses within conservation areas
Land designated as conservation areas shall be limited to the following uses:

- Nature preserves
- Passive recreation
- Active Recreation
- Stormwater management systems, water supplies and distribution systems
- Septic systems (note: if septic systems are located within the conservation areas, minimum area requirements described herein as well as buildable lot requirements per Section 5 of the Town of Wallkill Subdivision Regulations still apply.)
- Agricultural or farming operations
- Forestry operations with a forest management plan developed by a professional forester participating in the New York State DEC=s cooperating forestry program.

No structure shall be erected upon the lands of such open areas except such as shall be determined by the Planning Board to be incidental to an allowed use. No building permit shall be given for such structure in the absence of site plan approval thereof given by the Planning Board in accordance with Article XI

Planning Board Approval of Conservation Areas and Uses

The selection of land to be designated as the conservation area and associated uses shall be subject to the approval of the Planning Board. The Planning board shall base its decision upon consideration of the tract resource map and in consideration of how the submission responds to the purpose and intent of this section.

Ownership and Management of Conservation Areas
Lands designated as conservation areas may be held in private or public ownership. The applicant will provide documentation for review and approval by the planning board of the proposed ownership and management entity of the conservation lands. Conservation lands held in private ownership shall be described in a conservation easement and recorded by the town on the official zoning map of the town and recorded by the County Clerk.

Ownership shall be with one of the following: the Town; another public agency subject to their acceptance; a qualified organization including a land trust incorporated with a purpose consistent with the use and management requirements for permanent protection of land; shared, common interest by all property owners in a subdivision; a homeowner, condominium, or cooperative association or organization; or other private ownership encumbered by a conservation easement.

Acceptance of Ownership of Conservation Areas by Town Board
For all projects proposing town ownership of conservation areas the planning board shall refer the preliminary subdivision plat to the town board for a determination on the acceptability of the ownership structure for the proposed conservation areas. The town may consider but shall not be obligated to accept ownership of any proposed conservation areas, either in fee simple or by conservation easement.

3. Subdivision Layout: *Development Area, Uses, and Dimensions*

Development area and site layout
Once land designated for conservation has been approved by the Planning Board the applicant shall identify appropriate lands and layout for development on the site. A sketch plan shall be submitted per Article III.

Subdivision Perimeter setbacks
For conservation subdivision projects within the RA District, the building area

of new lots shall adhere to the following setbacks:

- 200' from all pre-existing town, county, and state roads (waiver may be requested to not less than 50' where vegetated natural buffer will remain)
- 50' from all adjacent properties that are not a part of the new subdivision

Planning Board Review

The Planning Board shall review the layout of lots and siting of structures for all applications being considered under conservation subdivision in accordance with Article III. In addition, all projects shall also be reviewed in consideration of conformance with the Town of Wallkill Comprehensive Plan.

Permitted and special permit uses

The permitted and special uses for the development area within any conservation subdivision shall be the same as the applicable, underlying zoning district.

Minimum lot size and dimensions To determine lot dimensions for the conservation subdivision, adherence to the following tables shall be required:

Single Family Dwellings located in the RA Zoning District.*

	RA
Minimum Required	
Lot area (square feet)	32,670
Lot width	150'
Lot depth	200'
Front yard	35'
Rear yard	30'
One side yard	30'
Both side	60'
floor area	1,000'
Maximum Permitted	
Max. lot coverage	30%
Max. building height	35'

**table relates to single-family units only. All other uses shall conform to the dimensional standards detailed within the RA district (§249-19).*

Single Family Dwellings located in the R2 Zoning District*

	A	B	C
Minimum Required			
Lot area (square feet)	21,780	21,780	32,670
Lot width	100'	100'	150'
Lot depth	125'	125'	200'
front yard	35'	35'	35'
Rear yard	30'	30'	30'
One side yard	20'	20'	30'
both side	40'	40'	60'

floor area	600’	600’	1,000’
Maximum Permitted			
Max. lot coverage	35%	35%	35%
Max. building height	35’	35’	35’

Type A: Sewer and Water
Type B: Sewer Only
Type C: No Sewer or Water
**Table relates to single family uses only, all other uses shall conform to the dimensional standards detailed within the R-2 District (§249-20).*

Single Family Dwelling Units in the R-1 Zoning District*

	A	B	C
Minimum required			
Lot area (square feet) subject to soil and drainage review	10,000	10,000	Soils**
Lot width	80	80	100
Lot depth	100	100	125
Front yard	35	35	35
Rear yard	30	30	35
One side yard	15	15	15
Both side	30	30	35
Floor area (square feet)	600	600	600
Maximum permitted			
Lot coverage	35%	35%	25%
Building height (feet)	35	35	35

**table relates to single-family units only. All other uses shall conform to the dimensional standards detailed within the R1 district (§249-22).*
***use soils formula, but no less than 20,000 sq. ft.*

Waivers

To allow for flexibility in site design and layout to meet the goals and intent of this section, any applicant applying for approval of a conservation subdivision may request a waiver from the Planning Board of following requirements.

1. 1,000 foot limit on cul-de-sac length (waiver from § 249-24.2. Cul-de-sacs) not to exceed 2,500 feet.
2. Roadway width and pavement areas from Town of Wallkill road specifications with authorization from Planning Board and Highway Superintendent
3. 200 foot setback from all pre-existing town, county, and state roads to no less than 50’. Reduction in setback requirement may only be awarded where vegetated natural buffer will remain.
4. Within the RA District, reduction of 150 foot lot width to no less than 110 feet.

The Planning Board shall provide a statement of findings stating that the waivers granted are commensurate with improvements in project design related

to the purpose and intent of this section.

Definitions:

Buildable land: lands excluding water bodies, areas subject to flooding and ponding, areas which have slopes of over 20%, and exsting rights-of-way and easements.

Recreation, active: Leisure activities usually performed with others, often requiring equipment and taking place at prescribed places, sites or fields. Active recreation includes but is not limited to swimming, tennis, and other court games, baseball and other field sports, and playground activities.

Recreation, passive: Recreational activities that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking.

Recreation, commercial: Recreational activities provided on a fee-for-service basis such as golf courses, driving ranges, country clubs, downhill ski areas, horseback trail rides and similar activities, conservation or game clubs and hunting clubs, but not including such intensive uses as miniature golf operations, race tracks, water slide parks, or amusement parks.

WALLKILL CONSERVATION SUBDIVISION – October 20, 2005 update and recommendations

A. Purpose

The purpose of the section is to allow future subdivision of land and the construction of new homes in the Town of Wallkill to be creatively designed and located in the landscape in a way that protects the natural resources and existing character of the town. In addition to this general purpose, conservation subdivisions shall promote the following objectives:

- Maintain the rural and open character of the town and encourage the preservation of open space
- Protect important views and scenic corridors as well as steep slopes, hillsides, and ridges
- Conserve scenic resources of rural corridors and roads and to reduce the occurrence of strip development
- Protect historic, archeological, and cultural features
- Protect valuable wildlife and habitat areas
- Locate buildings and structures on portions of the site that are most appropriate for development considering development suitability and conservation importance
- Allow for site design that provides flexibility and encourages a more practical lot layout, utility, and transportation network and facilitate the construction and maintenance of streets, utilities and public services in an economical and efficient manner.
- Encourage site design that is appropriate to the existing setting and consistent with surrounding land use and development patterns.
- Reduce adverse impacts of growth on surface water and groundwater quality.
- Protect contiguous open space areas and corridors
- Promote efficient use of land in harmony with its natural features
- Promote the maintenance of agricultural lands, farmland and farm uses
- Encourage the creation and provision of neighborhood-scale recreation resources through the subdivision and development process

B. Applicability

The Planning Board is authorized to permit use of this section, conservation subdivision, for all Type II Subdivision applications in the R-1, RA, and R-2 zoning districts.

C. Procedures

All applications being considered under this section shall adhere to the submission requirements set forth within Article III, Section 1. The following requirements shall be followed in addition to sketch plan submission requirements.

1. Determination of lot count
2. Identification of conservation resources and open space requirements
3. Subdivision layout

Following completion of these requirements, the applicant may submit a preliminary plat per Article III, Section 3 for major subdivisions and request final approval under Article III, Section 2 for minor subdivisions.

1. Determination of lot count

To determine the maximum number of lots within a conservation subdivision at the sketch plan phase, the applicant shall submit to the Planning Board a conventional subdivision plan showing the number of approvable lots on the parcel meeting the area and dimensional requirements of a Type II subdivision within the underlying district (as, if provided). The final number of lots shall be subject to Planning Board approval or request for modification of the applicant's submission during sketch plan review.

2. Conservation Resources, Areas, and Requirements

Tract Resource Map

The applicant shall develop a tract resource map and conduct a conservation analysis according to the procedures set forth below to identify the site=s resources and unique features. The conservation analysis will assist in the design evaluation process for the site layout of the development area and will help identify the site=s conservation areas. At a minimum, the following resources shall be included on the Tract Resource Map:

- Existing farms and farmland
- Lands that adjoin other conservation lands and larger tracts of land which have the potential to create continuous networks of conservation
- Environmentally sensitive lands such as streams and water bodies, wetlands, floodplains, steep slopes, natural habitats, etc.
- Scenic rural roads and viewsheds
- Historic structures and other cultural features such as stone walls, old barns, and foundations.
- Forested and vegetated areas
- Proposed land for recreational use including all active and passive recreation areas such as ball fields and trials.

Conservation Areas and Requirements

Based on the conservation analysis and information provided on the tract resource map, the subdivider shall highlight proposed conservation areas on the site map. For each conservation subdivision a portion of the total lot and a portion of the total buildable acreage must be included within the conservation area. Requirements vary for each residential district and are described below:

RA District

- A minimum of 40% of the site must remain as a permanently protected conservation area through conservation easement enforceable by the Town of Wallkill.
- Within the 40% open space a portion of land must be considered buildable. This area is determined as a calculation of the total buildable land on the site. For the RA District, a minimum of 15% of the site=s total buildable land shall be included in the conservation area.

RA District Example:

100 acre parcel within the RA District
40 acres wetlands and steep slopes (un-buildable)
60 acres buildable land

Total required open space: 40 acres (40% of 100 acres)
Buildable acres required to be included within the 40 acres of open space: 9 acres (15% of 60 buildable acres)

Summary: The total amount of conservation land required in this example is 40 acres. Within this conservation area, 31 acres could be un-buildable (e.g., wetlands, steep slopes, etc.) while at least 9 acres must be classified as buildable land.

R2 District

- A minimum of 30% of the site must remain as a permanently protected conservation area through conservation easement enforceable by the Town of Wallkill.
- Within the 30% conservation area, a portion of this land must be considered buildable. This area is determined as a calculation of the total buildable land on the site. For the R-2 District, a minimum of 10% of the site=s total buildable land shall be included in the conservation area.

R2 District Example:

50 acre parcel within the R2 District
25 acres wetlands and steep slopes (un-buildable)
25 acres buildable land

Total required open space: 15 acres (30% of 50 acres)
Buildable acres required to be included within the 30 acres of open space: 2.5 acres (10% of 25 buildable acres)

Summary: The total amount of conservation land required in this example is 15 acres. Within this conservation area, 12.5 acres could be un-buildable (e.g., wetlands, steep slopes, etc.) while at least 2.5 acres must be classified as buildable land.

R-1 District

- A minimum of 20% of the site must remain as a permanently protected conservation area through conservation easement enforceable by the Town of Wallkill.
- Within the 20% conservation area, a portion of land must be considered buildable. This is calculated as a percentage of the total buildable land on the site. For the R-1 district, a minimum of 5% of the site=s total buildable land shall be included in the conservation area.

R-1 District Example:

30 acre parcel within the R1 District
10 acres wetlands and steep slopes (un-buildable)
20 acres buildable land

Total required open space: 6 acres (20% of 30 acres)
Buildable acres required to be included within the 30 acres of open space: 1 acre (5% of 20 buildable acres)

Summary: The total amount of conservation land required in this example is 6 acres. Within this conservation area, 5 acres could be un-buildable (e.g., wetlands, steep slopes, etc.) while at least 1 acre of the conservation area must be classified as buildable land.

Allowed uses within conservation areas
Land designated as conservation areas shall be limited to the following uses:

- Nature preserves
- Passive recreation
- Active Recreation
- Stormwater management systems, water supplies and distribution systems
- Septic systems (note: if septic systems are located within the conservation areas, minimum area requirements described herein as well as buildable lot requirements per Section 5 of the Town of Wallkill Subdivision Regulations still apply.)
- Agricultural or farming operations
- Forestry operations with a forest management plan developed by a professional forester participating in the New York State DEC=s cooperating forestry program.

No structure shall be erected upon the lands of such open areas except such as shall be determined by the Planning Board to be incidental to an allowed use. No building permit shall be given for such structure in the absence of site plan approval thereof given by the Planning Board in accordance with Article XI

Planning Board Approval of Conservation Areas and Uses

The selection of land to be designated as the conservation area and associated uses shall be subject to the approval of the Planning Board. The Planning board shall base its decision upon consideration of the tract resource map and in consideration of how the submission responds to the purpose and intent of this section.

Ownership and Management of Conservation Areas
Lands designated as conservation areas may be held in private or public ownership. The applicant will provide documentation for review and approval by the planning board of the proposed ownership and management entity of the conservation lands. Conservation lands held in private ownership shall be described in a conservation easement and recorded by the town on the official zoning map of the town and recorded by the County Clerk.

Ownership shall be with one of the following: the Town; another public agency subject to their acceptance; a qualified organization including a land trust incorporated with a purpose consistent with the use and management requirements for permanent protection of land; shared, common interest by all property owners in a subdivision; a homeowner, condominium, or cooperative association or organization; or other private ownership encumbered by a conservation easement.

Acceptance of Ownership of Conservation Areas by Town Board
For all projects proposing town ownership of conservation areas the planning board shall refer the preliminary subdivision plat to the town board for a determination on the acceptability of the ownership structure for the proposed conservation areas. The town may consider but shall not be obligated to accept ownership of any proposed conservation areas, either in fee simple or by conservation easement.

3. Subdivision Layout: *Development Area, Uses, and Dimensions*

Development area and site layout
Once land designated for conservation has been approved by the Planning Board the applicant shall identify appropriate lands and layout for development on the site. A sketch plan shall be submitted per Article III.

Subdivision Perimeter setbacks
For conservation subdivision projects within the RA District, the building area

of new lots shall adhere to the following setbacks:

- 200' from all pre-existing town, county, and state roads (waiver may be requested to not less than 50' where vegetated natural buffer will remain)
- 50' from all adjacent properties that are not a part of the new subdivision

Planning Board Review

The Planning Board shall review the layout of lots and siting of structures for all applications being considered under conservation subdivision in accordance with Article III. In addition, all projects shall also be reviewed in consideration of conformance with the Town of Wallkill Comprehensive Plan.

Permitted and special permit uses

The permitted and special uses for the development area within any conservation subdivision shall be the same as the applicable, underlying zoning district.

Minimum lot size and dimensions To determine lot dimensions for the conservation subdivision, adherence to the following tables shall be required:

Single Family Dwellings located in the RA Zoning District.*

	RA
Minimum Required	
Lot area (square feet)	32,670
Lot width	150'
Lot depth	200'
Front yard	35'
Rear yard	30'
One side yard	30'
Both side	60'
floor area	1,000'
Maximum Permitted	
Max. lot coverage	30%
Max. building height	35'

**table relates to single-family units only. All other uses shall conform to the dimensional standards detailed within the RA district (§249-19).*

Single Family Dwellings located in the R2 Zoning District*

	A	B	C
Minimum Required			
Lot area (square feet)	21,780	21,780	32,670
Lot width	100'	100'	150'
Lot depth	125'	125'	200'
front yard	35'	35'	35'
Rear yard	30'	30'	30'
One side yard	20'	20'	30'
both side	40'	40'	60'

floor area	600’	600’	1,000’
Maximum Permitted			
Max. lot coverage	35%	35%	35%
Max. building height	35’	35’	35’

Type A: Sewer and Water
Type B: Sewer Only
Type C: No Sewer or Water
**Table relates to single family uses only, all other uses shall conform to the dimensional standards detailed within the R-2 District (§249-20).*

Single Family Dwelling Units in the R-1 Zoning District*

	A	B	C
Minimum required			
Lot area (square feet) subject to soil and drainage review	10,000	10,000	Soils**
Lot width	80	80	100
Lot depth	100	100	125
Front yard	35	35	35
Rear yard	30	30	35
One side yard	15	15	15
Both side	30	30	35
Floor area (square feet)	600	600	600
Maximum permitted			
Lot coverage	35%	35%	25%
Building height (feet)	35	35	35

**table relates to single-family units only. All other uses shall conform to the dimensional standards detailed within the R1 district (§249-22).*
***use soils formula, but no less than 20,000 sq. ft.*

Waivers

To allow for flexibility in site design and layout to meet the goals and intent of this section, any applicant applying for approval of a conservation subdivision may request a waiver from the Planning Board of following requirements.

1. 1,000 foot limit on cul-de-sac length (waiver from § 249-24.2. Cul-de-sacs) not to exceed 2,500 feet.
2. Roadway width and pavement areas from Town of Wallkill road specifications with authorization from Planning Board and Highway Superintendent
3. 200 foot setback from all pre-existing town, county, and state roads to no less than 50’. Reduction in setback requirement may only be awarded where vegetated natural buffer will remain.
4. Within the RA District, reduction of 150 foot lot width to no less than 110 feet.

The Planning Board shall provide a statement of findings stating that the waivers granted are commensurate with improvements in project design related

to the purpose and intent of this section.

Definitions:

Buildable land: lands excluding water bodies, areas subject to flooding and ponding, areas which have slopes of over 20%, and exsting rights-of-way and easements.

Recreation, active: Leisure activities usually performed with others, often requiring equipment and taking place at prescribed places, sites or fields. Active recreation includes but is not limited to swimming, tennis, and other court games, baseball and other field sports, and playground activities.

Recreation, passive: Recreational activities that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking.

Recreation, commercial: Recreational activities provided on a fee-for-service basis such as golf courses, driving ranges, country clubs, downhill ski areas, horseback trail rides and similar activities, conservation or game clubs and hunting clubs, but not including such intensive uses as miniature golf operations, race tracks, water slide parks, or amusement parks.

Town of Wallkill: Draft Performance Overlay Zoning District

October 24, 2005

Definitions:

POD Core Overlay Area:

- 100' buffer within the PID and MI districts where said districts abut a residential zone
- 50' buffer within all residential districts that abut the PID and MI district.

POD Secondary Overlay Area:

- 200' buffer within the PID and MI districts where said districts border with a residential district

1. Purpose and Intent: The purpose of this overlay is to establish special land use standards and procedures for areas of Wallkill where the PID and MI districts abut a residential district in order to limit conflicts between business and residential uses in close proximity.

2. Applicability: the regulations, standards, and procedures of this section shall apply to:

- All land in the PID/MI districts within 200' of a residential zoning district
- All land in a residential district within 50' of a PID district.

3. Uses:

POD Core Overlay

No structure including parking areas may be placed within the POD Core Overlay Area with the exception of the following:

- Fences and walls to be used for landscaping and screening purposes
- Accessory structures for residential uses including sheds and garages (does not include structures for occasional, temporary, or permanent use by persons residing on the site such as swimming pools, decks, and accessory dwelling units).

POD Secondary Overlay

Land within the POD Secondary Overlay may be used for any purpose otherwise permitted in the underlying district, subject to the additional restrictions presented herein.

The following uses are specifically prohibited within the POD:

- Manufacturing, altering, fabricating, assembling, finishing, or processing of products or materials
- Exercise and amusement establishments, such as bowling alleys, skating rinks, golf driving ranges, miniature golf, pinball and video arcades, dance halls, sports arcades, pool arcades, go-cart racing, target practice, archery and related uses.
- Warehouses and wholesale establishments
- Hotels, motels and conference centers, etc..

- Bus, truck and railroad freight terminals
- Auditoriums, conference centers, sports arenas or other similar facilities.
- Airports and Heliports
- Quarry operations for sand, gravel, topsoil or other aggregate
- Motor vehicles sales establishment
- Gasoline filling stations
- Gasoline service stations
- Motor vehicle repair garages
- Motor vehicle rental and leasing establishments
- Outdoor storage of building supplies, raw material or equipment
- Junkyards

4. Area and dimensional standards:

Maximum allowed:
Height: 35'
Building size:10,000 square feet. *Note: no part of any structure larger than 10,000 square feet may be located within the POD.*

5. Landscaping

Applicants for development within the POD shall submit a landscaping plan for review by the Planning Board and the town's landscape architect. The landscaping plan shall conform to the minimum standards detailed below.

Within PID/MI portions of the POD Core Overlay Area:

Any side yards or rear yards within the POD shall be a minimum of 100 feet in width.

Parallel to the lot line of such side or rear yard within the first 25 feet in depth from said lot line, but not closer to the lot line that 10 feet, there shall be erected a wood or masonry fence 15 feet high, in front of which shall be planted hedges, trees, shrubbery, or other suitable screening material approved by the Planning Board.

The Planning Board may allow an alternate mitigation measure to required fencing and buffering after review and approval by the town's landscape architect.

Within Residential portions of the POD Core Overlay Area:
Any side yards or rear yards which are adjacent to a PID/MI district shall be a minimum of 50' in width.

Parallel to the lot line of such side or rear yard within the first 15 feet from said lot line, there shall be planted hedges, evergreens, deciduous trees and other appropriate screening material approved by the Planning Board

6. Performance Standards
The following standards shall apply to all uses and structures located within the POD.

Privacy:
- Business uses must not infringe on the privacy of neighbors or their quiet and peaceful enjoyment of their property.

Traffic and Connections:
- The Planning Board during site plan review may limit and/or require vehicle or pedestrian interconnections between neighboring properties in order to protect the safety of the public, to reduce congestion, and to reduce the adverse impacts of commercial traffic along residential streets.

New Commercial Buildings:
- New buildings, conversions, and site modifications located within the POD shall be sited, designed, constructed and landscaped in such a manner that, to the maximum extent feasible, the appearance reflects the existing scale and character of adjacent residential structures.

Parking:
- All parking facilities located within the POD shall be landscaped per §249-12 D. (11) Screening and Landscaping.

Lighting
- All exterior lighting, including lighting fixtures, lighting of walks and of parking areas shall be accomplished with low-level lighting
- Maximum height of any free standing light fixture shall be fifteen (15) feet.
- No light source shall be positioned or installed so as to cause glare or spillage into neighboring property beyond that normally associated by residential use.
- Lightning fixtures shall include a cutoff type luminary to prevent glare and spillage of direct light above the fixture.

Signs
- Business uses shall have no more than one (1) sign
- Maximum sign area will be one (1) square foot in area for every ten (10) linear feet of lot frontage, but not exceeding fifteen (15) square feet
- Lighting of such sign is permitted by direct illumination (no backlit, or translucent signs permitted), provided the lighting source is entirely screened from view and otherwise consistent with §249-11 H. (12).
- Signs shall otherwise be consistent with the provisions of §249-11

7. Site Plan Review
All building and zoning permits applications in the POD shall be subject to Site Plan Approval. Pre-existing non-conformity with this Local Law shall be reduced to the maximum extent practicable.