Chapter 3: Land Use, Zoning, and Community Plans

A. INTRODUCTION AND SUMMARY OF FINDINGS

This chapter analyzes the potential for the Proposed Action to result in significant adverse impacts related to consistency with surrounding land uses, local zoning, and adopted community plans.

As required by the final Scoping Document (**Appendix 1**), the following plans, policies and resources relevant to the Proposed Action were considered:

- Town of Amenia Comprehensive Plan Update (2007);
- Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities (2023);
- Dutchess County Agricultural and Farmland Protection Plan (2015);
- Dutchess County Environmental Mapper (web application);
- Chapter 9 of the Dutchess County Natural Resources Inventory Report (2011);
- Dutchess County Historical Resource Survey (web application);
- Dutchess County Aerial Access (web application); and
- Cornell Cooperative Extension, Dutchess County, 2022 Agricultural Profile for Amenia.

As summarized below and demonstrated in the detailed analysis that follows, the Proposed Action is consistent with surrounding land use trends, complies with all applicable regulations and requirements of the Town Zoning Code, and would be consistent with several goals and objectives found within adopted community plans, policies and resources applicable to the Town of Amenia and the Site.

The Proposed Action reinforces the goals and vision of the Town Comprehensive Plan by complying with all applicable regulations and the requirements of the RR, RA, SPO, SCO, RDO, and AQO zoning districts in which the Site is located.

By setting aside two large lots for conservation, promoting farming, and limiting development of structures to less than 1% of the overall Site, the Subdivision directly advances the Hudson River Valley Greenway Compact Program and Dutchess County Greenway Connections objective of protecting natural resources while maintaining agricultural uses.

The Proposed Action would allow for the development of 23 lots that are large enough to support residential and agricultural uses and are intended to be used for both; this supports positive trends identified in Cornell Cooperative Extension's 2022 Agricultural Profile for Amenia and advances the vision, goals, and initiatives of the Dutchess County Agricultural and Farmland Protection Plan.

Chapter 9 of the Dutchess County Natural Resources Inventory was extensively studied during conceptual design and the layout of the lots and selection of areas restricted to

residential development (the RDA of each lot) were guided by planning tools including the Dutchess County Historical Resource Survey, the Dutchess County Environmental Mapper, and Dutchess County Aerial Access.

B. USES OF LAND

EXISTING CONDITIONS

SITE

The Site is currently used for and improved with existing residential buildings, equestrian facilities, paddocks, and other agricultural uses (see **Figure 3-1**). The northwestern area of the Site, as well as portions of the eastern and southern areas of the Site, are farmed for row crops. The southwestern portion of the Site is used for equestrian uses, including a large paddock and various equestrian buildings. The eastern portion of the Site, as well as the perimeter along the south, are dominated by forest land, with areas of brush interspersed. There are a few ponds on the Site, as well as a wetland area in the northwestern corner. The Site also contains agricultural soils and areas of steep slopes.

Table 3-1 below summarizes the existing land coverage of the Site (see **Figure 3-2**).

Table 3-1
Site Existing Land Cover

Land Use	Acres
Row Crop	223.6
Brush	23.1
Forest	159.4
Wetland	17.7
Paddock	167.6
Impervious Surfaces	5.3
Grass	7.1
Waterbody	1.9
Total	605.7

Notes: See **Figure 3-2.**
Sources: Rennia Engineering Design, PLLC

WITHIN 1,500 FEET OF THE SITE

Land uses within 1,500 feet of the Site (the "Community Land Use Study Area") are shown on **Figure 3-3**. Within the Community Land Use Study Area, land use transitions from existing and emerging centers to the north (Amenia Town Center) and west (Silo Ridge Field Club) to large, mostly forested parcels over 5 acres to the south and east. Silo Ridge Field Club is situated just beyond the western extent of the Community Land Use Study Area, west of NYS Route 22. On the east side of NYS Route 22, within the Community Land Use Study Area between Silo Ridge Field Club and the Site, is agricultural land, comprising approximately 178 acres of fields surrounding residential and agricultural structures, an approximately 68.5-acre industrial property that contains an active sand and gravel mining operation (owned by County Organic Recycling), and smaller single-family residential lots of approximately 1 to 5 acres.

Within the portion of the Community Land Use Study Area found to the south of the Site, along the Old Route 22 corridor, uses of land transition from the sand and gravel mining

operation to additional residential uses on large lots, working farms comprising residential and agricultural structures embedded within fields of cropland, and forested lands that comprise nearly the entire study area to the south and east of the Site.

TOWN OF AMENIA

The Town Comprehensive Plan and the Dutchess County Department of Planning's Centers and Greenspaces Guide (the "Centers and Greenspaces Guide") for the Town provide additional information on the composition and distribution of existing land uses throughout the Town as a whole.[1] The Town Comprehensive Plan concisely summarizes the historic uses of land in Amenia as follows:

> *Amenia is still a rural Town with development primarily in and around the hamlets of Wassaic and Amenia, as well as in the southern end of Town near the hamlet of Dover Plains. The smaller crossroad areas of Amenia Union, Smithfield, Leedsville, and South Amenia, also have some concentrated development—although the development in these areas is primarily comprised of older single-family homes. The areas surrounding these hamlets and crossroads are largely rural. This development pattern has prevailed in Amenia for the better part of 200 years* (Town Comprehensive Plan, page 50).

The Centers and Greenspaces Guide further describes the uses of land in the Town as a mix of rural and suburban densities, including two "Existing Centers" of development, Amenia Center and Wassaic Hamlet, complemented by two "Emerging Centers," the Silo Ridge Field Club and the site of the former New York State Taconic Developmental Center campus. The Site is situated just south of Amenia Center and just east of Silo Ridge Field Club, and is connected to both by NYS Route 22. The Wassaic Hamlet is approximately 3 miles south on NYS Route 22.

The Centers and Greenspaces Guide provides special focus on the large, contiguous tracts of greenspace in the Town:

> *The Town of Amenia has 12 areas of continuous greenspace over 1,000 acres in size, including 271 agricultural district parcels, 10,514 acres in agricultural production, and 6,030 acres either under conservation easement or otherwise protected.*

Multiple greenway corridors also traverse the Town, with the Centers and Greenspaces Guide citing 85 miles of streams and 13,140 acres of unbuildable area:

> *These stream corridors, State and Federal wetlands with their buffers, flood plains, and steep slopes (of 20% or more) act as biodiversity connectors between greenspaces.*

The Town Comprehensive Plan notes an overall change in land use patterns prompted by the creation of various subdivisions coupled with a decline in acreage devoted to active farms. Land use surveys conducted during the creation of both the Town's 1968 Comprehensive Development Plan and the 1991 Master Plan identified a 25% decline in the amount of land devoted to agriculture between 1968 and 1991; a further 12% decline occurred between 1991 and 2008. The Town Comprehensive Plan also notes that "Amenia still has significant amounts of land to develop" (Town Comprehensive Plan, page 50).

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[1] Dutchess County Department of Planning and Development, *Green Spaces: Town of Amenia*, available at https://www.dutchessny.gov/Departments/Planning/docs/Green-Spaces-Amenia.pdf.

FUTURE WITHOUT THE PROPOSED ACTION

SITE

Absent the Proposed Action, the Site would not be subdivided and the existing agricultural/equestrian conditions of the Site would remain. Any future development on the existing lots, including residential development, would be subject to the requirements of the RR, RA, SCO, RDO, and AQO zoning districts, the Site's underlying zoning.

WITHIN 1,500 FEET OF THE SITE

Within the 1,500-foot Community Land Use Study Area surrounding the Site, Silo Ridge Field Club will continue to be developed, subject to its Town-approved master plan and any amendments to it, as well as any required discretionary approvals from the Town's land use boards. Other than the Proposed Action, there are no other known development applications or other significant changes to the land use characteristics within the 1,500-foot Community Land Use Study Area.

FUTURE WITH THE PROPOSED ACTION

SITE

In the future with the Proposed Action, the Site's two existing lots would be subject to a conventional non-realty subdivision (see **Figure 3-4**), resulting in a new total of 27 lots, including:

- Twenty-three (23) residential-agricultural lots (identified as Lots 1 to 23);
- Two (2) existing equestrian lots (agricultural uses to remain) (identified as Lots K-1 and K-2); and,
- Two (2) forest conservation lots (to be preserved) (identified as Lots F-1 and F-2).

The lots are proposed to be accessed via three Rural Lanes; these are mostly comprised of existing farm roads, and would provide sufficient frontage for each proposed lot. The Proposed Action also includes the installation of equestrian trails, site landscaping improvements, and required stormwater management practices. No other development of the Site or other construction activity is proposed as part of the Application.

The proposed lots meet or exceed all applicable dimensional requirements under the Zoning Code; no area (or use) variances are required. Each of the proposed lots exceeds 5 acres, requiring only a "Permission to File" from DCDOH.

The Applicant is not proposing construction of residences or of any agricultural or equestrian facilities as part of the Proposed Action. Any such future construction by a lot owner would require site plan approval from the Planning Board, as well as necessary permits from other governmental agencies (i.e., DCDOH).

The Applicant proposes to record the Declaration against the entire Site, which would restrict future residential development of Lots 1 to 23, prohibit residential development on Lots K-1 and K-2, and prohibit any development of Lots F-1 and F-2. The Declaration is not required by the Zoning Code, but rather has been voluntarily offered by the Applicant to avoid or mitigate certain of the potential environmental impacts of the Subdivision and of future development of Lots 1 to 23, K-1 and K-2, including potential impacts to natural resources, visual resources, and community character, as well as ensure continued agricultural and equestrian uses of the Site. The Declaration would preserve forest conservation areas (Lots

F-1 and F-2) and create a restricted residential development area within each of Lots 1 to 23 that is not greater than 10% of the area of the lot (the Residential Development Area or RDA), and additional areas in which all vertical development of any kind is restricted (see **Figure 3-5**). The Declaration would require future development to comply with certain special design standards in addition to complying with the Zoning Code. The proposed design standards would all exceed all applicable requirements of the Zoning Code. The Declaration would ensure that any future development of the residential-agricultural lots is consistent with the character in the area, including architectural scale. Over 90% of the Site would be permanently protected by virtue of the Declaration and applicable underlying regulations of the Zoning Code, ensuring that the majority of the land remains in agricultural or natural use, including through the protection of forested lands and natural vegetative buffers, thereby maintaining the rural character of the Site. The Applicant proposes, as a condition of approval to create a homeowner's association that would maintain the private roads (i.e., Rural Lanes) and enforce the Declaration.

While no development is proposed as part of the Application, for qualitative analysis purposes and as required by the final Scoping Document a conceptual future "worst-case" buildout scenario (the Conceptual Future Buildout Scenario) for the 23 residential-agricultural lots by one or more of the future owners of the lots has been considered (refer to Chapter 1, "Description of the Proposed Action" and **Appendix 1**). The Conceptual Future Buildout Scenario is based on the Declaration and utilizes the RDA for each lot, combined with the design standards for homes and accessory structures/improvements, to establish a theoretical lot-by-lot program of residential and agricultural development. The Conceptual Future Buildout Scenario also contemplates the planting of trees and potential installations of swimming pools, ponds, and recreational features accessory to the primary residence (tennis courts, etc.).

The Conceptual Future Buildout Scenario represents the changes in land use for the Site that might occur in the future with the Proposed Action and also serves as the basis for the detailed analysis of potential visual and aesthetic impacts of the Proposed Action, as described in Chapter 2, "Visual Impacts." The development on the Site (subject to the proposed Declaration) is expected to occur gradually over time (as has been the case with other recent residential developments in the Town, including Westerly Ridge and Silo Ridge Field Club) and would be subject to market conditions and the preferences of potential lot owners. The resulting land use changes (permitted by and compliant with the Zoning Code) would be consistent with the rural residential and agricultural character of the Site's surroundings, which, aside from the mix of density permitted by the Silo Ridge Field Club master plan, is characterized by low-density residential development on large lots, supplemented by large- and small-scale agricultural activities.

In consideration of the above, and as analyzed elsewhere throughout this DEIS, the changes to land use expected to occur on the Site with the Proposed Action, which would be restricted by the proposed Declaration, would not result in a significant adverse impact with regard to land use compatibility. As discussed below, no additional mitigation measures are warranted.

MITIGATION

The Proposed Action would result in land use changes that are consistent with the surrounding Community Land Use Study Area. Following the subdivision, restrictions on development (described below) and the applicable requirements of the Zoning Code would protect approximately 90% of the Site, promote agricultural economy and continuity, and

preserve viewsheds. The Conceptual Future Buildout Scenario sets forth a rational pattern of low-density development pursuant to these restrictions, ensuring that the Proposed Action advances the Town's rural patterns of residential development and agriculture.

The Declaration would protect environmentally sensitive lands identified in the Conservation Analysis, previously prepared by the Applicant and accepted by the Planning Board (see **Appendix 3**), and ensure continued agricultural and equestrian uses of the Site. The creation of 23 residential agricultural lots, subject to the restrictions of the Declaration, would directly support the Town's agricultural ecosystem and promote agricultural industry, businesses, and agritourism.

With the Declaration included as part of the Proposed Action to restrict the future use of land and development of residential structures, no significant adverse land use impacts would result from the Proposed Action, and no additional mitigation measures are warranted.

C. ZONING

EXISTING CONDITIONS

TOWN OF AMENIA ZONING – GENERAL OVERVIEW

The Town Zoning Code is Chapter 121 of the Town Code. There are 8 zoning districts and 13 overlay districts (some containing sub-zones) throughout the Town (see **Figure 3-6**). **Table 3-2** below lists the Town's zoning districts, along with the approximate acreage of each, and the overall percentage of the Town's land each zoning district covers.

As shown in **Table 3-2**, the most prevalent zoning districts in terms of size and percentage of the Town's land are the RA and RR Districts, which are mapped on the Site. These two districts comprise approximately 92% of the Town's land area. The AQO, which is split between the Upland and Valley Aquifer areas, is mapped over the entire Town, including the Site. The remaining overlay districts mapped on the Site, including the SPO, SCO, and RDO Districts, are also among the most prevalent in the Town in terms of land area.

SITE

The Site is located within the RR and RA Districts. Portions of the Site are also within the following four overlay districts: SPO, SCO, RDO, and AQO.

The general purpose of these districts, as well as their permitted uses and dimensional requirements are summarized below.

Rural Residential (RR)

The purpose of the RR District is described in the Town Zoning Code as follows:

> *The purpose of this district is to allow residential uses in a rural setting, at a lower density than is allowed in the hamlets* (Town Zoning Code, §121-7).

Table 3-2
Town of Amenia Zoning Districts and Percentage of Total Land

Zoning District / Overlay District	Approximate Size of District (Acres)	Approximate Percentage of Town Land within Zoning District / Overlay District (%)
Rural Agricultural (RA)	**20,153**	**74%**
Rural Residential (RR)	**4,877**	**18%**
Suburban Residential (SR)	1,362	5%
Hamlet Mixed Use (HM)	311	1%
Hamlet Residential (HR)	339	1%
Highway Commercial (HC)	26	0.1%
Industrial/Manufacturing (M)	12	<0.1%
Office Commercial/Industrial (OC)	316	1%
Aquifer Overlay – Upland Aquifer	**15,261**	**56%**
Aquifer Overlay – Valley Aquifer	**12,686**	**44%**
Aquifer Overlay – Valley Aquifer Buffer	163	0.6%
Floodplain Overlay	1,429	5%
Historic Preservation Overlay	410	1.5%
Mixed Use Institutional Conversion Overlay	376	1.4%
Mobile Home Overlay	66	0.2%
Resort Development Overlay	**1,205**	**4%**
Scenic Protection Overlay: Road Visual Protection Zone	**1,653**	**6%**
Scenic Protection Overlay: Scenic Visual Protection Zone	**8,469**	**31%**
Scenic Protection Overlay: Trail Visual Protection Zone	**408**	**1.5%**
Soil Mining Overlay	295	1.1%
Stream Corridor Overlay	**2,490**	**9%**

Notes:
See **Figure 3-6**.
Zoning Districts/Overlay Districts shown in **bold** are mapped on the Site.
All acreage calculations determined by GIS and are approximate.
Sources: Town of Amenia Zoning Map; Dutchess County GIS Data.

Approximately 28.3 acres out of the Site's total 605.7 acres (approximately 4.6% of the Site) is in the RR District. The RR District is limited to the following areas (see **Figure 3-7a**):

- A strip of RR zoning found along the east side of Old Route 22 and south of the Depot Hill Road (the Old Route 22 frontage of existing parcel 403720);
- The eastern extension of existing parcel 212034 which fronts along the north/south oriented portion of Depot Hill Road; and

The portion of existing parcel 403720 along the north side of Depot Hill Road.

The RR District is intended to provide for low-density residential development in a rural context, preserving open space and the rural character of Amenia outside of the hamlet cores. It allows residential uses while limiting more intense development patterns typical of denser districts such as hamlet or suburban zones. The RR District aims to protect the Town's natural resources, scenic views, and predominantly rural pattern of settlement by

encouraging development in appropriate locations and limiting building in environmentally sensitive areas. The district encourages flexibility in development location and layout within overall density standards, and density transfers are permitted from RR District parcels to hamlet zoning districts to further conservation goals.

The list of permitted uses in the RR District is found in the Town Zoning Code Use Table (Attachment 1 of the Zoning Code)[2]. In the RR District, single-family dwellings, accessory apartments, and similar low-impact uses are permitted by right subject to compliance with the Zoning Code and applicable site plan standards. Small home occupations or home-based business uses may require special permits from the Planning Board and must maintain a residential appearance. Agricultural uses and rural-scale forestry and recreation are also permitted, sometimes with site plan approval from the Planning Board depending on scale. Larger or non-residential uses, such as commercial operations beyond home occupations, typically need special permits or site plan approval from the Planning Board. The RR District prohibits heavy industry, asphalt plants, hazardous waste disposal facilities, and solid waste management facilities.

The list of dimensional standards for the RR District, including minimum setbacks and road frontage, minimum yard setbacks, maximum building heights, and maximum footprints for non-residential structures is found in the Town Zoning Code Dimensional Table (Attachment 2 of the Zoning Code). The minimum lot size in the RR District is 5 acres. In determining minimum lot sizes, wetlands must be subtracted from total acreage. The maximum allowed impervious coverage is 10%, intended to facilitate open space preservation.

Rural Agricultural (RA)

The purpose of the RA District is described in the Town Zoning Code as follows:

> *The purpose of this district is to maintain the Town's working landscape by promoting agriculture, forestry, recreation, land conservation, and low-density residential uses, as well as compatible open space and rural uses, by encouraging such activities and discouraging large-scale residential development* (Town Zoning Code, §121-7).

Approximately 577.45 acres, or 95% of the Site, is within the RA District (see **Figure 3-7a**.

The RA District was established to encourage the continuation of agriculture and preservation of open space in the Town. The RA District aims to avoid unreasonably restricting or regulating farm structures or farming practices while supporting agricultural operations and other economic activities requiring large contiguous open space areas. The RA District also aims to protect prime and statewide important agricultural soils and maintain the Town's rural landscape by encouraging open space development options. The RA District supports the Town's vision of a diverse community with agriculture as a fundamental component, protecting agricultural lands from incompatible development while allowing flexibility for farmers and landowners. Conservation analysis is required for conventional major subdivisions in the RA District to identify lands with conservation value, including agricultural soils, and determine appropriate preservation strategies.

The list of permitted uses in the RA District is found in the Town Zoning Code Use Table (Attachment 1 of the Town Zoning Code). For the RA District, uses permitted by right, by

[2] Town of Amenia, *Zoning Use Table (§ 121 Attachment 1)*, available at https://ecode360.com/attachment/331307/AM1016-121a%20Use%20Table.pdf.

right subject to site plan review, and permitted by special permit are identical to the RR District. The RA District prioritizes agricultural operations and low-density residential uses. Agricultural uses, farm operations, and related activities are strongly supported without unreasonable regulation, consistent with New York State Agricultural District protections. Conservation subdivisions, density transfers, and limited development subdivisions all require Planning Board special permits and must satisfy conservation analysis requirements identifying agricultural soils, ecological resources, and other conservation values. The RA District prohibits heavy industry, asphalt plants, hazardous waste disposal facilities, and solid waste management facilities.

The list of dimensional standards for the RA District, including minimum setbacks and road frontage, minimum yard setbacks, maximum building heights, and maximum footprints for non-residential structures is found in the Town Zoning Code Dimensional Table (Attachment 2 of the Town Zoning Code). The dimensional standards for the RA District are identical to the RR District, with the exception of the minimum lot size for conventional subdivisions which is 10 acres rather than 5 acres, the minimum road frontage for conventional subdivisions along a County Road which is 300 feet rather than 400 feet, the maximum density for conservation subdivisions which is 5 dwelling units/acre (du/ac) rather than 3 du/acre, and the maximum footprint for nonresidential structures which is 6,000 square feet rather than 4,000 square feet. In determining minimum lot sizes, wetlands must be subtracted from total acreage.

Resort Development Overlay (RDO)

The purpose of the RDO District is described in the Town Zoning Code as follows:

> *The purpose of this overlay district is to provide use and design flexibility to encourage resort development that fits into the rural character of the Town and protects its scenic, historic, and environmental resources. This district provides a procedure for master planned development of large properties to promote tourism, recreation, and open space and natural areas protection* (Town Zoning Code, §121-7).

With the exception of a small area at the southeast corner of the Site, the approximately 445.6-acre (approximately 74%) portion of the Site mostly comprised of existing parcel 403720 is mapped in the RDO District (see **Figure 3-7b**).

The RDO District is intended to promote tourism, recreation, and open space protection. Within the RDO District, all of the underlying land use district regulations would remain in effect, except those that are modified by Town Zoning Code Section 121-18 or the Overlay District Use Table (Attachment 7 of the Town Zoning Code).[3] The RDO District permits large-scale resort developments that incorporate major design elements of TND while accommodating the unique characteristics of resort uses. The RDO District allows for economically productive resort uses that would not otherwise be permitted in underlying land use districts, providing flexibility for resort development while maintaining compatibility with Amenia's rural character. The RDO District permits resort developments that may include hotels, inns, recreational facilities, and related amenities while respecting important environmental resources. The RDO District may overlay different underlying zoning districts,

[3] Town of Amenia, *Overlay District Use Table (§ 121 Attachment 7)*, available at https://ecode360.com/13959753

and while it generally does not change the use and dimensional requirements of underlying districts, it provides additional development options specifically for resort uses.

Scenic Protection Overlay (SPO)

The purpose of the SPO District is described in the Town Zoning Code as follows:

> *The purpose of this overlay district is to protect the scenic character of scenic resources in the Town, including scenic road corridors, the Harlem Valley Rail Trail, and prominent scenic areas that remain substantially undeveloped and/or that lie within important scenic viewsheds* (Town Zoning Code, §121-7).

This district extends to areas visible from or within scenic road corridors, the Harlem Valley Rail Trail, and other important scenic viewsheds.

A large portion of the Site is located within the SPO. As shown on **Figure 3-7c**, approximately 491.9 acres of the Site is within the SPO, which equates to approximately 81% the Site. While the Site is not located within close proximity to any of the Town's "scenic roadways," it does contain "scenic areas visible from public viewpoints" owing to its location on Depot Hill. As such, any potential development including both conventional and conservation subdivision layouts within certain areas of the Site is subject to additional SPO District site plan review criteria.

The SPO District provides protection for scenic road corridors and regulates land uses within designated scenic areas to preserve Amenia's rural, historic, and agricultural qualities while still allowing reasonable use of properties within the district. The SPO District applies to areas visible to the public that substantially retain scenic character or lie within important scenic viewsheds.

The SPO District includes all land within 800 feet of the right-of-way of NYS Routes 44, 22, and 343, and within 500 feet of any other designated scenic roads or the Harlem Valley Rail Trail.

Within the SPO District, a continuous green buffer at least 100 feet deep along NYS Routes 44, 22, and 343, and 50 feet deep along other scenic roads or trails must be maintained, to consist of native trees, shrubs, fields, meadows, and lawn areas, though this requirement does not apply immediately around existing residences. Shade trees at intervals averaging every 50 feet, or other plantings consistent with the landscape's aesthetic character, must be provided within 25 feet of the right-of-way where they would not block scenic views. The Planning Board may waive these requirements upon written finding that such waiver would not impair scenic preservation purposes.

Within the SPO District all of the underlying land use district regulations remain in effect, except those that are modified by Town Zoning Code §121-14.1 or the Overlay District Use Table (Attachment 7 of the Town Zoning Code). Within the SPO District, site plan approval is required for uses and activities that would otherwise be permitted without site plan review in the underlying district, including residential uses. This additional review requirement allows the Planning Board to assess visual impacts and impose conditions to protect scenic resources.

Stream Corridor Overlay (SCO)

The purpose of the SCO District is described in the Town Zoning Code as follows:

> *The purpose of this overlay district is to protect the water resource values and biodiversity of the Wassaic Creek, Amenia Creek, Webutuck Creek, and Ten Mile River, and certain designated tributaries* (Town Zoning Code, §121-14).

The SCO District includes all land lying within 150 feet of the top of the bank on each side of all streams classified by NYSDEC and identified on the Town's "Stream Corridor Overlay District" Map. Within the Site, the SCO District is mapped within the eastern and southern extents of existing parcel 403720, along two unnamed watercourses that provide connections to the wetlands north and south. Approximately 25.2 acres (or approximately 4%) of the Site's total acreage is mapped in the SCO District (see **Figure 3-7d**).

The SCO District provides special protection for the Town's stream corridors to preserve their scenic character, biodiversity, and water quality. These protections are meant to safeguard water quality, scenic resources, and the community's overall appearance while reducing flood damage risks. The SCO District regulates land uses along watercourses to prevent erosion and stream pollution from surface or subsurface runoff, protect aquatic and riparian habitats, maintain natural stream processes, and preserve the aesthetic quality of stream corridors. This overlay district recognizes that stream corridors are environmentally sensitive areas requiring special management to protect both ecological functions and public safety.

As specified in Town Zoning Code §121-14.D, within the SCO District no principal structure may be located within 100 feet of a watercourse, and no accessory structure 200 square feet or larger may be located within 50 feet of a watercourse. For any application where the disturbed area lies partially within the SCO District, an erosion and sediment control plan is required if the total disturbed area (including portions outside the SCO District) exceeds 10,000 square feet.

Within the SCO District all of the underlying land use district regulations remain in effect, except those that are modified by Town Zoning Code §121-14 or the Overlay District Use Table (Attachment 7 of the Town Zoning Code), which may impose additional restrictions or special permit requirements beyond those of the underlying district. When special permits, site plans, variances, or subdivision approvals are required, SCO District requirements are considered in those proceedings without requiring separate site plan approval. The Planning Board may grant site plan approval only upon finding that the proposed activity would not: degrade scenic character and would be aesthetically compatible with its surroundings; would not result in erosion or stream pollution from runoff, considering slopes, drainage patterns, water entry points, soil erosivity, depth to bedrock and water table, and other relevant factors; and would comply with other applicable [Town Zoning Code] provisions.

Aquifer Overlay (AQO) Upland Aquifer and Valley Aquifer

The purpose of the AQO District is described in the Town Zoning Code as follows:

> *The purpose of this overlay district is to protect groundwater resources that provide both public and private drinking water supplies* (Town Zoning Code, §121-7).

The entire Town is located within the AQO District, which is divided into two types of aquifers: the Valley Aquifer and the Upland Aquifer. The Site contains both of the identified aquifers, with the Valley Aquifer overlying the majority of the Site (approximately 486.8 acres or 80% of the Site) and the Upland Aquifer primarily located within the eastern portion of the Site, mostly within the two lots proposed to conserved (approximately 118.9 acres, or 20% of the Site) (see **Figure 3-7e**).

The AQO District was created to protect the health and welfare of Amenia residents by minimizing potential contamination and depletion of the Harlem Valley's aquifer resources. The Valley Aquifer contains significant groundwater in generally more developed areas, and the Upland Aquifer contains less groundwater quantities and less development.

The overlay district recognizes that groundwater is the primary drinking water source for most Amenia residents and businesses, making aquifer protection essential for public health. The regulations aim to prevent contamination while allowing reasonable land uses compatible with aquifer protection goals.

Within the AQO District, all of the underlying land use district regulations remain in effect, except those that are modified by Town Zoning Code §121-15 or the Overlay District Use Table (Attachment 7 of the Town Zoning Code).

ADDITIONAL GUIDANCE FROM THE TOWN ZONING CODE

Rural Siting Principles

The Rural Siting Principles in §121-31 of the Town Zoning Code establish guidelines that apply (to the extent practicable) to the siting of nonresidential uses that are subject to site plan or special permit approval as well as the siting of residences in new subdivisions or other developments. These principles are also recommended but not required for the siting of individual residences on existing lots. The Rural Siting Principles are meant to preserve the Town's rural character by working with the natural landscape rather than against it, protecting traditional landscape features such as stone walls and hedgerows, minimizing visual impacts of development, and maintaining the scenic quality that defines the Town. These principles encourage development patterns that to the extent practicable respect existing topography, vegetation, and historic settlement patterns while reducing environmental disruption.

The seven Rural Siting Principles address the following aspects of development:

- §121-31(A) encourages retention and reuse of existing old farm roads and lanes wherever feasible rather than constructing new roads or driveways, as this minimizes clearing and disruption while taking advantage of the attractive appearance of old lanes lined with trees and stone walls, though this approach should not be used where road widening would destroy these valuable landscape features.
- §121-31(B) encourages preservation of stone walls and hedgerows as traditional landscape features that define outdoor areas naturally and create wildlife corridors, noting that using these features as property lines is often appropriate as long as setback requirements do not force buildings into the middle of fields.
- §121-31(C) encourages the siting of buildings at the edges of fields or in wooded areas rather than in the middle of open fields, though septic systems and leach fields may be located in fields.
- §121-31(D) encourages using existing vegetation and topography to buffer and screen new buildings unless they are designed and located close to the road in the historically traditional manner, recommending that buildings be grouped in clusters or tucked behind tree lines or knolls rather than spread across the landscape.

- §121-31(E) calls for minimizing clearing of vegetation at the road edge, clearing only as much as necessary to create a driveway entrance with adequate sight distance, and using curves in the driveway to increase screening of buildings.
- §121-31(F) encourages buildings be sited in such a way as to not protrude above treetops and hill crestlines as seen from public places and roads, using vegetation as a backdrop to reduce structural prominence, and opening views through selective cutting of small trees and pruning lower branches of large trees rather than clearing large areas or removing mature trees.
- §121-31(G) encourages minimizing the crossing of steep slopes with roads and driveways. When building on slopes, the guidance is to take advantage of topography by constructing multilevel structures with entrances on multiple levels such as walk-out basements and garages under buildings. The flattest portions of sites should be utilized for subsurface sewage disposal systems and parking areas.

The Planning Board applies these principles during site plan review and special permit proceedings, and in the SPO District, compliance with Rural Siting Principles is specifically referenced in the Town Zoning Code.

FUTURE WITHOUT THE PROPOSED ACTION

SITE

Absent the Proposed Action, the Site would not be subdivided and the existing agricultural/equestrian conditions of the Site would remain. Any future development on the existing lots, including residential development, would be subject to the requirements of the RR, RA, SPO, SCO, RDO, and AQO zoning districts, the Site's underlying zoning.

FUTURE WITH THE PROPOSED ACTION

SITE

The Proposed Action has been designed to fully comply with the requirements of the RR, RA, SPO, SCO, RDO, and AQO zoning districts, the Site's underlying zoning. In addition, any future development on the 23 residential-agricultural lots, which would be subject to the Applicant's proposed Declaration, would require site plan approval as an additional layer of Town discretionary approval as well as Town Zoning Code compliance.

The following sections summarize the Proposed Action's compliance with the requirements of the Site's zoning districts (as applicable).

RA/RR District Compliance

All proposed lots would meet and/or greatly exceed the minimum required acreage (5 acres in RR District, 10 acres in RA District), meeting the intent of the RR and RA Districts to promote rural residential development on 23 large lots ranging in size from 7 to 41.5 acres. As part of the Conservation Analysis approved by the Planning Board (**Appendix 3**), building envelopes were established for all lots, designed to avoid sensitive habitat areas, and comply with SPO District and other applicable overlay district requirements. Following the approval of the Conservation Analysis, those building envelopes were used to establish the RDAs designated in the Declaration, in which residential development is permitted.

RDO District Compliance

Of the two existing Site lots only parcel 403720 is located within the RDO District. The RDO District is a permissive overlay district that provides additional development flexibility, but does not impose any obligation on landowners to pursue resort development. The Applicant has elected not to pursue resort development or avail itself of the additional design flexibility offered by the RDO District for the following reasons:

- First, the zoning of the vast majority of the Site is RA, which encompasses approximately 95% of the Site, and a conventional residential/agricultural subdivision fully compliant with RR District (and RA District as to the remainder of the Site) use and dimensional requirements is an as-of-right land use that is not subject to Planning Board consent. The Applicant's election was confirmed by the Planning Board in its Conservation Findings for the Application (Resolution #9 of 2023), which expressly found that a conventional subdivision is appropriate for the Site and authorized the Applicant to proceed on that basis.
- Second, pursuing an RDO District resort-scale development at the Site would be inconsistent with smart growth principles applicable to the Town. The Centers and Greenspaces planning framework directs development intensity toward the hamlet centers—Amenia Center and Wassaic Hamlet—where public infrastructure exists or can be extended. The Town has been actively working on trying to find ways to promote both centers and provide new infrastructure to drive investment in those areas. The Site is separated from Amenia Center by NYS Route 22 and is not served by public water or sewer. Resort-type and scale commercial development at this location, requiring major infrastructure investment and generating significant traffic on Old Route 22, would divert economic investment away from the hamlet centers and undermine the Town's stated goal of strengthening those centers as the focus of community activity and commerce.
- Third, the final Scoping Document requires an RDO District hamlet development alternative, which is compared to the Proposed Action in Chapter 6, "Alternatives." That analysis demonstrates the land use, visual, and agricultural impacts of RDO District development compared to the Proposed Action, which are in all aspects greater than the same potential impacts of the Proposed Action.

For these reasons, the proposed conventional subdivision under the RA and RR Districts, rather than development of the Site as a resort development under the RDO District, is fully consistent with the Town Zoning Code, the Planning Board's Conservation Findings, and smart growth principles applicable to the Site.

SPO District Compliance

The Proposed Action does not include any new improvements except for the proposed Rural Lanes, stormwater management practices, and site landscaping, which would be subject to site plan review and approval. Because the limited proposed improvements do not meet the thresholds in Town Zoning Code §121-14.1.D, the Proposed Action is not materially affected by SPO District regulations. Site plan approval would be required for all future activities on land in the SPO District exceeding the thresholds in Town Zoning Code §121-14.1.D.

Detailed analyses of the potential visual impacts of the buildout of the Proposed Action and of four alternatives within and as seen from the SPO District are contained in Chapter 2, "Visual Impacts," and Chapter 6, "Alternatives." These analyses include visual simulations of

the Proposed Action and the alternatives from key viewpoints including Delavergne Hill, Old Route 22, and Depot Hill Road. The visual analyses have been prepared in accordance with the methodology developed jointly by the Applicant's visual consultant (Saratoga Associates) and the Planning Board's consultant (George Janes, AICP). The analysis of the Proposed Action demonstrates that the Conceptual Future Buildout Scenario[4] is consistent with Town Zoning Code §121-14.1.F "General Standards" and the siting of the RDAs and application of the lot-by-lot design/architectural standards of the proposed Declaration minimize visual impacts as viewed from public vantage points. Consistency of the Proposed Action's Conceptual Future Buildout Scenario with SPO District General Standards is discussed below (also refer to the figures presented in Chapter 2, "Visual Resources").

- *§121-14.1(F)(1) Will not significantly impair scenic character and will be aesthetically compatible with its surroundings.*

  As shown in Chapter 2, "Visual Resources," the visual renderings of the Conceptual Future Buildout Scenario as seen from the vantage points required by the final Scoping Document (including a panoramic view from DeLavergne Hill) illustrate that the worst case future buildout scenario for the Proposed Action would not significantly impair scenic character and would be aesthetically compatible with the surrounding rural residential and agricultural character. This is further supported by the following discussions related to the other SPO District standards.

- *§121-14.1(F)(2) Will minimize the removal of native vegetation, except where such removal may be necessary to open up or prevent the blockage of scenic views and panoramas from publicly accessible places.*

  The proposed RDAs are adjacent to, and intended to avoid disturbance to, existing native vegetation. Each RDA has been located adjacent to or behind existing vegetative features that provide natural screening, including native hedgerows along the proposed Rural Lanes and established tree lines at field edges. Driveways serving individual lots would be designed to preserve existing vegetation, and the design/architectural standards set forth in the Applicant's proposed Declaration include requirements for compatible native landscaping within RDAs and the preservation of existing stone walls and hedgerows as traditional landscape features. As shown in Chapter 2, "Visual Resources," these private standards (which have been incorporated into the visual modeling) would further screen future development, rather than diminish any scenic views from the publicly accessible locations studied.

- *§121-14.1(F)(3) Will locate and cluster buildings and other structures in a manner that minimizes their visibility from public places.*

  The intention of this general SPO District standard is to avoid the dispersion of structures across an open landscape in a manner that maximizes potential visual impacts. The intentional placement of RDAs along field edges and behind existing vegetative lines would minimize visibility from public places and achieve the same objective without clustering, which would be inconsistent with the Site's agricultural character.

[4] The Conceptual Future Buildout Scenario is the worst-case scenario for future development of the Proposed Action by the future lot owners.

- *§121-14.1(F)(4) Will be at least 40 feet below the crestline of any ridge and will not disturb the continuity of the treeline when viewed from a publicly accessible place. As used herein, "crest line" means the natural ground elevation of the land. The only portions of a structure that may project higher than 40 feet below the crest line shall be a chimney, satellite dish, antenna, or cupola, which shall not be higher than 30 feet below the crest line.*

  Residential structures would be restricted to the RDAs established by the Declaration, which have been located to minimize disturbance of existing vegetation, avoid crestlines or hills present within the Site, and avoid extensive clearing for construction. Structures would be at least 40 feet below the crestline of any ridge and would not disturb the continuity of the tree line when viewed from a publicly accessible place. Within the developable portions of the Site, there are no prominent knolls or ridgeline breaks that would allow homes to be tucked below the horizon as seen from public vantage points. The forested ridgeline and crestline of the Site are located within the eastern portion of the property, which is within proposed forest Conservation Lots F-1 and F-2 and would therefore be protected from any future development.

- *§121-14.1(F)(5) Will not result in clearing a building site area, including accessory structures and parking areas (excluding the area required for driveway and utility access), greater than 30,000 square feet in area for a single-family residence. This building site area shall be designated on the approved plan by a "building envelope," and all buildings and parking areas shall be located within the building envelope, except where additional clearing is required by the County Health Department for siting a subsurface sewage disposal system. Clearing for such disposal systems shall occur, to the maximum extent practical, where it will not detract from the visual protection purposes of this section.*

  All residential buildings and driveways would be located within the RDAs established by the Declaration, which have been sited to avoid the need for extensive land clearing. Clearing within the RDA would not exceed 30,000 square feet. Septic systems would be sited in coordination with DCDOH to minimize disturbance outside of the RDA to the maximum extent practicable. No mechanized clearing would be permitted outside of the established RDAs.

- *§121-14.1(F)(6) Will comply with the requirements in Subsections G (Landscape), H (Architecture), I (Fences) and J (Rural Siting Principles), except where site features are screened from public roads or trails.*

  As noted above, the RDAs have been located on already open land adjacent to or behind existing vegetative features that provide natural screening, and the Declaration includes standards for additional compatible landscaping intended to further screen the homes, including the planting of shade trees and preservation of existing hedgerows and tree lines. The design/architectural standards set forth in the Declaration also address lighting, architectural elements (including color and building materials, roofs, and windows), and fencing. All fencing would be required to be made primarily of wood and be limited to the RDAs, which would preserve visual access to surrounding land from public vantage points.

  The Proposed Action's compliance with each of the Rural Siting Principles is addressed below. The design/architectural standards of the Declaration and Rural Siting Principles of the Town Zoning Code have been incorporated into the visual modeling of the Conceptual Future Buildout Scenario.

Finally, it is important note that the Dutchess County Supreme Court has recently confirmed that the purpose of the SPO District "is not to require or ensure that there never be anything visible in scenic areas except the natural surroundings but rather, that steps be taken to ensure the character of the viewsheds in scenic areas not be substantially changed by proposed projects that come within the SPO's boundaries" [*Meili v. Town of Amenia Planning Bd.*, Index No. 2023-53442 at p.8 (Sup. Ct. Dutchess Co. 2023)]. The siting of the RDAs and the design/architectural restrictions imposed on future lot owners by the Declaration would satisfy this requirement and therefore conform to the purpose of the SPO District.

In summary, the lot-by-lot design/architectural standards of the Declaration would ensure that future development is consistent with SPO District General Standards. The application of those design/architectural standards on each individual lot would be evaluated and confirmed during required site plan review of future proposed development of the lot by the Planning Board.

SCO District Compliance

In general, the Proposed Action would not result in any new construction within the SCO District, except for the construction of the proposed Rural Lanes and enhancements to be made to the existing Rural Lane crossing over one of the Site's unnamed streams. The crossings will utilize existing agricultural crossings and culverts to minimize stream disturbance. All of the RDAs re been located outside of the SCO District.

AQO District Compliance

The entire Site is located within the AQO District. A Recharge Calculation was prepared as part of the Conservation Analysis (Rennia Engineering Design, PLLC, October 19, 2021, last revised May 5, 2023; see **Appendix 3**) and was reviewed and accepted by the Planning Board as part of the Conservation Findings (Resolution #9 of 2023, August 9, 2023). That analysis demonstrated that individual on-site well and septic systems serving the 23 proposed residential-agricultural lots at projected residential densities would not deplete or degrade the aquifer, and that projected water consumption would not exceed the natural recharge rate of the Site. Any future site plan application by a lot owner for residential construction on a lot would include site-specific DCDOH review and, if required by the Planning Board, supplemental AQO recharge calculations consistent with Town Zoning Code §121-15. No significant adverse impact to aquifer resources is anticipated from the Proposed Action.

Rural Siting Principles Compliance

The Proposed Action and the restrictions of the Declaration have also been guided, to the maximum extent practicable, by the recommendations contained in the Town's Rural Siting Principles (Town Zoning Code §121-31), as follows:

- *§121-31(A) Wherever feasible, retain and reuse existing old farm roads and lanes rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls.*

  Three Rural Lanes are proposed. One (Rural Lane C) is an existing loop road tht currently serves the existing equestrian facility. Two new Rural Lanes (Rural Lanes A and B) would serve the proposed lots. Proposed roadway locations have been designed to follow existing agricultural roads/hedgerows/stone walls in order to

minimize disturbance, preserve existing agricultural features, retain existing trees and vegetation, decrease the need for new impervious surfaces, and to blend the proposed roadways into the surrounding landscape.

- *§121-31(B) Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.*

  Proposed property lines and Rural Roads have been designed to follow existing hedgerows and stone walls allowing said features to be preserved and utilized in the natural delineation of the lots and road rights-of-ways. The Declaration requires the preservation of stone walls and hedgerows. The Proposed Action would expand existing hedgerow features by providing additional landscaping and hedgerows along the proposed Rural Lanes, which would enhance these agricultural features and maintain a robust wildlife corridor.

  The proposed RDAs have been located to comply with the Town's Rural Siting Principles, including siting potential home sites toward the edges of existing fields.

- *§121-31(C) Avoid placing buildings in the middle of open fields. Place them either at the edges of fields or in wooded areas. Septic systems and leach fields may be located in fields, however.*

  RDAs have been established for each proposed Lot, limiting the area of potential residential development. The RDAs are located along the edge of existing vegetation, adjacent to existing or proposed roadways, and in areas where existing topography partially/fully screens potential development from viewpoints. Further, the RDAs have been located to ensure fields are reserved for future agricultural or open space use.

- *§121-31(D) Use existing vegetation and topography to buffer and screen new buildings, if possible, unless they are designed and located close to the road in the manner historically found in the Town. Group buildings in clusters or tuck them behind tree lines or knolls rather than spreading them out across the landscape in a "sprawl" pattern.*

  To the extent practicable, and where site conditions permit, the RDAs have been sited to utilize existing vegetation and topography as natural buffers and screening. The Town Zoning Code recognizes that this principle applies "if possible"— an acknowledgment that site-specific conditions will determine the extent to which clustering behind knolls or within wooded areas is achievable. Within the developable portions of the Site, the topography does not include prominent knolls or ridgeline breaks that would allow homes to be tucked below the horizon as seen from public vantage points. The forested ridgeline and crestline of the Site are located within the eastern portion of the property, which is within proposed forest Conservation Lots F-1 and F-2, and is therefore protected from any development.

  Given the existing topography, the placement of RDAs was guided by a careful reading of the land itself, allowing existing hedgerows, stone walls, and tree lines to inform where development could best be sited to minimize potential visual impacts. Each RDA has been located adjacent to or behind existing vegetative features that provide natural screening, including hedgerows along the proposed Rural Lanes and

established tree lines at field edges. These features—many of which follow historic agricultural boundaries—serve the same screening and buffering function as a knoll or woodland edge, and their use as screening is consistent with Town Zoning Code §121-31(B)'s directive to preserve stone walls and hedgerows as traditional landscape features.

Where the Rural Siting Principles call for clustering, the intent is to avoid the dispersal of structures across an open landscape in a manner that maximizes visual intrusion. On this Site, the placement of RDAs along field edges and behind vegetative lines achieves that same objective without clustering, which would be inconsistent with the Site's agricultural character.

Similarly, any future non-agricultural buildings would be sited in such a way as to allow large gaps of open land for continued agricultural use. “Sprawl” is characterized by "unrestricted and rapid expansion" into rural areas[5] and the related expansion of public infrastructure into these areas. The proposed lot sizes are substantially larger than the minimum size required by the Town Zoning Code, and the Proposed Action utilizes private Rural Lanes and would not require the extension of new public infrastructure. The Applicant’s Declaration incorporates restrictions designed to prevent the negative impacts typically associated with sprawl.

- *§121-31(E) Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.*

  The proposed lots would be served by new/existing Rural Lane(s) (private roadways), which would be constructed as part of the Proposed Action and receive additional hedgerow plantings. Future residential development would be limited to the RDAs, which are areas adjacent to existing vegetation, which would not be disturbed. Driveways serving individual lots would be designed to preserve vegetation to the extent practicable.

- *§121-31(F) Site buildings so that they do not protrude above treetops and crestlines of hills as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.*

  Residential structures would be limited to the RDAs established by the Declaration, which have been located to minimize disturbance of existing vegetation, avoid crestlines or hills present within the Site, and avoid clearing of construction areas. The highest crestline of the Site would be preserved as part of Conservation Lots F1 and F-2, which are forested lots extending to the eastern/elevated portions of the Site.

- *§121-31(G) Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multilevel structures with entrances on more than one level (e.g., walk-out basements, garages under*

[5] Planetizen, *What Is Sprawl?*, available at https://www.planetizen.com/definition/sprawl.

buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking areas.

Existing agricultural roadways are found throughout the Site, most of which run with the existing topography, minimizing disturbance. The proposed Rural Lanes would utilize existing agricultural roadways for construction to the maximum extent practicable, minimizing crossing of steep slopes. Driveways serving development on the lots would be reviewed for compliance with the above guidance and the SPO District regulations as part of SPO District-required site plan approval of each individual lot.

MITIGATION

The Proposed Action proposes no changes to the Site's underlying zoning and requires no use or area variances. All proposed lots would meet or greatly exceed the minimum required acreage, meeting the intent of the RR and RA Districts to promote rural residential development on large lots. Approximately 90% of the Site would be permanently protected by virtue of the Declaration and applicable underlying regulations of the Zoning Code, ensuring that the majority of the land remains in agricultural or natural use, including through the protection of forested lands and natural vegetative buffers, thereby maintaining the rural character of the Site. The Declaration's restrictions on development (summarized below) have been crafted following the requirements of the underlying zoning and the Town's Rural Siting Principles and would promote agricultural continuity, and preserve viewsheds. The Conceptual Future Buildout Scenario tests a worst-case model of low-density development pursuant to these restrictions ensuring that the Proposed Action advances the Town's rural patterns of residential development and agriculture.

The Declaration would protect environmentally sensitive lands identified in the Conservation Analysis, previously prepared by the Applicant and accepted by the Planning Board, and ensure continued agricultural and equestrian uses of the Site. The creation of 23 residential-agricultural lots, subject to the restrictions of the Declaration, would directly support the Town's agricultural ecosystem and promote agricultural industry, businesses, and agritourism. A homeowner's association would be created to maintain the private roads (Rural Lanes) and enforce the Declaration and any other easements, covenants, and restrictions that may be recorded against the Site or any of the lots.

Any future development on the 23 residential/agricultural lots would be subject to the Applicant's proposed Declaration, and would require site plan approval by the Planning Board as an additional layer of Town discretionary approval and Town Zoning Code compliance. No significant adverse zoning impacts would result from the Proposed Action, and no additional mitigation measures are warranted.

D. COMMUNITY PLANS

POLICIES AND RESOURCES RELEVANT TO THE PROPOSED ACTION

As required by the final Scoping Document, the following presents an analysis of the Proposed Action's consistency with various relevant policies and resources, from the following sources:

- Town of Amenia Comprehensive Plan Update (2007);
- Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities (2023);
- Dutchess County Agricultural and Farmland Protection Plan (2015);
- Dutchess County Environmental Mapper (web application);
- Chapter 9 of the Dutchess County Natural Resources Inventory Report (2011);
- Dutchess County Historical Resource Survey (web application);
- Dutchess County Aerial Access (web application); and
- Cornell Cooperative Extension, Dutchess County, 2022 Agricultural Profile for Amenia.

Under each separate heading below, relevant goals and objectives from each of the above planning and policy resources are summarized, followed by an assessment of the Proposed Action's consistency with each. As demonstrated through the assessments below, the Proposed Action is consistent with several goals and objectives of these community plans.

TOWN OF AMENIA COMPREHENSIVE PLAN UPDATE (2007)

Comprehensive Plan Vision

The Town Comprehensive Plan[6] begins with an overarching vision that articulates the community's desired future, then establishes goals that translate this vision into focused objectives:

> *We want Amenia to grow into a diverse, vital, and business-friendly community of agriculture, small businesses and homes all located in an appealing setting with great natural beauty; a unique unity of six different, clean, well-preserved historic town hamlets (Amenia, Wassaic, Amenia Union, South Amenia, Smithfield, and Leedsville); and amenities that attract residents, travelers, shoppers, diners, and vacationers* (Comprehensive Plan, page 5).

As described further below, the Proposed Action advances the vision of the Town Comprehensive Plan.

The Proposed Action has been intentionally designed to encourage small-scale agriculture and preserve open space. The Proposed Action would preserve agricultural/equestrian use of two existing farm parcels (i.e., Lots K-1 and K-2). Approximately 545 acres (90% of the Site) would be permanently protected by virtue of the Declaration and applicable underlying regulations of the Zoning Code, ensuring that the majority of the land remains in agricultural or natural use, including through the protection of forested lands and natural vegetative buffers. This represents a total of 2.2% of the Town's total land area being preserved as agricultural/open space.

The Proposed Action includes 23 lots which could be developed for residential or agricultural uses. Part of the appeal for future lot owners, as documented in the Conservation Analysis, is that the Site contains numerous natural resources offering scenic vistas of Amenia's rural landscape. The Declaration and the setting aside of the two Conservation Lots would help preserve these natural resources.

[6] Town of Amenia, *Comprehensive Plan*, available at https://www.ameniany.gov/comprehensive-plan/.

The Town's six distinct hamlet areas, per Dutchess County's "Hamlet Design Guidelines," are typically reserved for smaller residential lots such as those created by Conservation Subdivisions. The large residential-agricultural lots of the Proposed Action, on the other hand, have been designed to comply with RA and RR District density and dimensional requirements, and are intentionally not designed to together comprise a hamlet.

The Proposed Action would attract new residents who would support local businesses, preserve agriculture/open space, and add to the tax base of the Town.

Assessment of Town Comprehensive Plan Goals

The Town Comprehensive Plan's vision is to be implemented through six overarching goals, generally summarized below, followed by an assessment of the Proposed Action's consistency with each:

- *1) To achieve a broad-based balance between the rural, historic, and agricultural beauty of the Town as it is and the need for appropriate and smart economic growth and development*.

  The Proposed Action is a conventional subdivision that has been designed to comply with the intent and use and dimensional requirements of the RA and RR Districts.

  In part as a result of the prior Conservation Analysis process, the layout of the subdivision has been designed to ensure the preservation of existing agriculture and encourage its expansion. This includes the preservation of existing agricultural facilities (i.e., the equestrian center on Lots K-1 and K-2), and the Declaration, which would restrict the location of residential development, and require agricultural practices, including construction of additional hedgerows, etc. The two forest Conservation Lots (F-1 and F-2) would protect and preserve existing habitat.

- *2) To establish a business-friendly attitude and commitment that*:

  a) will attract and support the development of retail, small businesses, service businesses, and even light industry;

  b) will create employment opportunities (especially for young people); and

  c) will increase tax revenues.

  The Proposed Action offers numerous economic benefits to the Town, including an increase in property tax revenues following subdivision and again upon future development of the 23 proposed residential-agricultural lots; an increase in jobs for future construction on the lots and to support these construction jobs; and a minor increase in population for the Town, which could induce additional business to support such an increase.

- *3) To develop and encourage the growth of agriculture as a profitable business within the context of preserving open space*.

  The existing equestrian center on proposed Lots K-1 and K-2 would remain and would be connected to the 23 residential-agricultural lots via roadside trails. Residents of the Site would likely result in an increase in the use of these facilities and other businesses throughout the Town.

  The RDAs established by the Declaration would restrict residential development on the 23 residential-agricultural lots to carefully located areas to ensure that residential Town growth does not compromise preservation of existing open space. The Declaration would

require that areas outside of the RDAs be utilized only for agricultural and open space uses. The subdivision would have greater than required residential lot sizes, which would be encumbered by the Declaration, ensuring that the majority of the Site would remain open space. More importantly, the Subdivision would create 23 farms with a variety of equestrian uses, small-scale (but not dairy) farming, and crop/hay planting, creating an agricultural ecosystem that would help to drive tourism and agricultural businesses to the Town.

- *4) To encourage more housing – low, affordable, moderate-income, high-end, and rental – to create a genuinely multigenerational community*:

  a) a vital place with good schools for growing families;

  b) a safe place for young people to grow up and to which they will want to return because of the employment opportunities they have here; and

  c) an attractive, safe place for elderly people.

  The Proposed Action would create 23 lots for residential use, increasing the overall availability of housing in the Town. No residential development is proposed as part of the Application, but future residential owners of the proposed lots can be expected to be moderate- to high-income earners who would contribute to the local economy and its workforce. The future residences would increase tax revenues, which could be used to improve schools and other public facilities, and programs for seniors and young families with children.

- *5) To maximize our strengths and attract tourists, shoppers, athletes, lovers of good food and wine, historians, and other money-spenders*.

  An increase in moderate- to high-income residences would ultimately result in an increase of "money-spenders." A modest influx of discretionary income within the Town would increase local revenue sources, support local businesses and build on the business from tourists that makes up a large part of the Town's current economy.

  The existing equestrian facility at the Site hosts tourist attractions (e.g., the Silo Ridge Masters). Preservation of the equestrian center on Lots K-1 and K-2 would increase the likelihood that such events could continue.

- *6) To forge a strong positive public consensus about the future of Amenia so that we will live up to the commitments we make, enforce the laws/regulations we have, and consistently support community pride*.

  The Proposed Action has been designed to comply with the Town Zoning Code. The proposed lots have been designed to not only comply with all applicable requirements of the Town Zoning Code, but also with the agricultural, open space, and low-density intent of the Town Comprehensive Plan.

Assessment of Additional Elements Relevant to the Proposed Action

In addition to the six overarching goals outlined above, there are several statements driving the policy recommendations of the Town Comprehensive Plan that are supported by the Proposed Action, described further below.

1) *Scenic Viewshed Protection*: Within the context of acknowledged recent development proposals in the Town, the Town Comprehensive Plan discusses protection of scenic resources through proper planning.

It is important to the other goals of Amenia's Comprehensive Plan that these developments be designed in a way that does not detract from the scenic character of the community. Protection of most of the landscape as open space, either as recreational land for golf, or forest lands, or for farming and equestrian activities, will help maintain the scenic character of what is widely regarded as the Town's most important viewshed, i.e., the views from the top of Delavergne Hill, down the Harlem Valley, and across the Valley to Depot Hill (Comprehensive Plan, page 10).

The proposed Declaration would establish a 78-acre "No Vertical Improvement Zone" in the central field, within which no buildings or structures of any kind could be constructed. The RDAs are intended to ensure that homes are placed at lot edges within defined perimeters, subject to height restrictions and architectural design guidelines. As outlined further in Chapter 2, "Visual Impacts," the Applicant's extensive efforts to incorporate smart-growth principles into the design of the Proposed Action would preserve scenic views from DeLavergne Hill—a priority scenic asset identified in the Town Comprehensive Plan.

2) *Private Conservation Tools*: The Town Comprehensive Plan specifically references the need for proactive planning principles by private landowners to guide land and open space preservation.

The Town is in danger of losing much of its open landscape to development. A combination of proactive planning by the community and cooperation by landowners and conservation organizations is needed to keep Amenia's landscape beautiful and productive (Comprehensive Plan, page 12).

As part of the Proposed Action, the proposed Declaration, which restricts development on, and together with underlying zoning regulations, provides for the preservation of approximately 90% of the Site, would run with the land in perpetuity. The Declaration would require the two forest Conservation Lots F-1 and F-2 and the No Vertical Improvement Zone within the central field. Furthermore, no further subdivision of the Site would be permitted. The restrictions would be enforceable by a homeowner's association, the Town, and individual lot owners at the Site.

3) *Agricultural Preservation and Diversification*: The importance of the preservation of the Town's agricultural economy is referenced throughout the Town Comprehensive Plan, including the acknowledgement that a diversified agricultural industry is emerging in the Town.

A different kind of farm industry, which is more diversified, is replacing dairy farming throughout Dutchess County. It includes horse farms, sheep farms, organic vegetable farming, and raising other animals and crops for specialized niche markets (Comprehensive Plan, page 12).

….the retention of agriculture as a viable industry offers significant benefits to the Town and has regional ramifications (Comprehensive Plan, page 12).

The proposed Declaration would directly support the Town Comprehensive Plan's goals to encourage diversified, profitable, small-scale agriculture while also preserving open space historically used for agriculture. As a result of the Proposed Action, approximately 545 acres of the Site's 605.7 acres (approximately 90%) would permanently remain in agricultural or natural use. By permitting and encouraging small-scale family farming on

the 23 residential-agricultural lots, the Proposed Action would provide opportunities to further diversify the local agricultural market while also fulfilling the Town's goal to encourage more housing.

Conclusions

The Proposed Action is a model for conservation-based rural development. Based on the foregoing analysis, the Proposed Action is consistent with the goals and objectives of the Town Comprehensive Plan. It significantly advances the goals of the Town Comprehensive Plan through open space and agricultural preservation, viewshed protection, and sustainable design. While it does not directly implement all elements of the Town Comprehensive Plan (e.g., public trail access or centralized workforce housing), it offers complementary alternatives to support those goals in other ways, including a payment of a fee-in-lieu in support of affordable housing. The Proposed Action would not result in significant adverse impact with regard to consistency with the Town Comprehensive Plan. On the contrary, the Proposed Action is well-positioned to become a long-term asset to the Town and a precedent for a thoughtful coexistence of residential and agricultural development. Preserving approximately 90% of the Site for agricultural and open space uses—representing 2.2% of the Town's total land area—is consistent with the Town's stated goals for agricultural preservation, open space protection, and sustainable rural development.

GREENWAY CONNECTIONS: GREENWAY COMPACT PROGRAM AND GUIDES FOR DUTCHESS COUNTY COMMUNITIES

General Overview

The Greenway Compact Program (the "Greenway Compact") is a voluntary community planning approach supported by New York State for the 13 counties in the Hudson Valley region.

The Greenway Compact promotes intermunicipal cooperation on five complementary goals:

- Natural and cultural resource protection;
- Economic development including agriculture and tourism;
- Public access and trail systems;
- Regional planning, and
- Heritage and environmental education.

To implement the Greenway Compact, Dutchess County created *Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities* (the "Greenway Guides").[7] The Greenway Guides offer detailed recommendations on a variety of current planning topics, from retrofitting commercial strips, saving farmland, designing conservation subdivisions, and creating walkable centers, to site specifics on signs, parking, lighting, and landscaping. The Greenway Guides are organized through five general themes (A to E) as follows: (*A) Protecting the Countryside, (B) Strengthening Centers, (C) Improving Suburbs, (D) Greenway Connections, and (E) Site Specifics.*

[7] Dutchess County Department of Planning and Development, *Greenway Guides*, available at https://www.dutchessny.gov/Departments/Planning/Greenway-Guides.htm.

Assessment and Conclusions

The Greenway Compact promotes intermunicipal cooperation on natural and cultural resource protection, economic development including agriculture, public access and trail systems, regional planning, and heritage and environmental education.

Several elements of the Proposed Action are consistent with the Greenway Guides, particularly to the core goal of Protecting the Countryside. By setting aside two large forest Conservation Lots (Lots F1 and F2) and limiting development through the Declaration, the Proposed Action would directly advance this Greenway Compact objective of protecting natural resources and maintaining agriculture as an economically viable land use. The Proposed Action also aims to strategically locate new buildings within historically agricultural lands, so that future homes would co-exist with active farmland while also protecting scenic views. With approximately 90% of the Site's acreage to be natural open space or agricultural land, the Proposed Action would in fact exceed the Greenway Guides' conservation goals.

The Greenway Guides encourage an economy based on agriculture, tourism, and stewardship. The Proposed Action would further this objective by replacing a single, underutilized private farm with 23 lots that for combined residential and agricultural use, each contributing to local employment, feed purchases, farrier and veterinary businesses, and tourism related to equestrian events.

The ownership of all roads, stormwater management practices, and conserved open space (forest Conservation Lots F-1 and F-2) by a homeowner's association would ensure no fiscal or operational burden would fall to the Town or Dutchess County. The Town lacks sewer/water infrastructure outside hamlet areas. However, Town ownership or long-term operation of a new public water infrastructure or a wastewater treatment plant to serve the proposed Subdivision is not feasible, as recognized in prior Planning Board discussions.

The Greenway Guides encourage towns to "integrate individual projects into the regional landscape pattern of farms, forests, and open lands." The Proposed Action accomplishes this by linking with adjacent open lands and equestrian corridors and preserving large amounts of forested land, thereby maintaining regional habitat connectivity and agricultural continuity. The Greenway Guides also specifically recommend designing subdivisions thoughtfully, including preservation of farmland as a best practice for rural development. These are central features of the Proposed Action, which by design maintains the overwhelming majority of the Site for agricultural use and open space conservation.

The Proposed Action's compliance with existing zoning regulations further demonstrates adherence to local land use controls developed within the Greenway Compact framework, which values municipal home rule while encouraging smart-growth principles. This thoughtful balance between accommodating residential development and preserving the working landscape exemplifies the type of regional cooperation and resource stewardship that the Greenway Compact was designed to foster across Dutchess County communities.

The Proposed Action would not result in a significant adverse impact with regard to consistency with the Greenway Compact and the Greenway Guides. The Proposed Action balances rural preservation, agricultural productivity, scenic protection, and economic sustainability without exposing the Town to infrastructure or maintenance risk. For the reasons set forth above, the Proposed Action is consistent with the Greenway Compact program and the Greenway Guides applicable to the Town of Amenia. No significant adverse

impact with regard to consistency with the Greenway Compact is anticipated, and no additional mitigation is required.

DUTCHESS COUNTY AGRICULTURAL AND FARMLAND PROTECTION PLAN

Plan Vision

The Dutchess County Agricultural And Farmland Protection Plan (the "AAFPP")[8] lays out the following vision:

> *Dutchess County has established a long-term vision that builds on the positive direction agriculture has taken in the County. The vision for the Plan is to inspire, foster commitment, and motivate high levels of performance for the future. Simply put, the County's vision for its agricultural community is to have a diversity of profitable farms and agricultural businesses that continue to contribute significantly to our economy and quality of life* (AAFPP, page 9).

Summary of AAFP Goals

Agricultural Economic Development

This goal focuses on strengthening agriculture's role as a vital economic engine for Dutchess County. It emphasizes supporting farm profitability through market development, value-added opportunities, and fostering agricultural entrepreneurship. The County recognizes that many Dutchess County farms are diverse, small, limited-acreage operations (10 to 180 acres) that add significantly to overall quality of life and economic impact, generating dollars that fuel the local economy through equipment purchases, veterinary services, and other investments.

Agricultural-Related Services and Technologies

This goal addresses the need to support the infrastructure and services that enable modern farming operations to thrive. It includes ensuring farmers have access to technical assistance, soil and water conservation resources, equipment services, and emerging agricultural technologies that can improve productivity and sustainability while reducing operational costs.

Farmland Accessibility and Protection

This goal balances two critical needs: preserving existing farmland from conversion to non-agricultural uses and ensuring that the next generation of farmers can access affordable land. The County has committed approximately $6 million through the Partnership for Manageable Growth and Open Space and Farmland Protection Matching Grant Program, contributing to the protection of almost 2,500 acres as of 2010. The goal recognizes that farmland protection requires multiple strategies, including purchase of development rights, transfer of development rights, conservation easements, and agricultural zoning that maintains viable farming operations.

Regulatory Policies and Programs

This goal aims to create a regulatory environment that supports rather than hinders agricultural operations. It emphasizes implementing "Right-to-Farm" protections,

[8] Dutchess County Department of Planning and Development, *Agricultural Plan and Actions*, available at https://www.dutchessny.gov/Departments/Planning/Agricultural-Plan-Actions.htm

streamlining permit processes for farm operations, and ensuring that local zoning and land use regulations recognize agriculture as a legitimate and valued use. The AAFPP includes model Right-to-Farm laws that municipalities can adopt to protect farmers' ability to engage in normal agricultural practices and to educate new residents about the realities of living near working farms.

Public Awareness, Education, Communication, and Collaboration

This goal recognizes that maintaining a strong agricultural community requires public support and understanding. It focuses on educating residents about agriculture's economic and cultural contributions, promoting locally grown products, and fostering collaboration between farmers, municipalities, and county agencies. The goal emphasizes building bridges between the farming community and the broader public to ensure continued support for agricultural preservation and farm-friendly policies.

Assessment and Conclusions

The Proposed Action is consistent with the Dutchess County AAFPP. The Proposed Action directly advances the AAFPP's central vision for diverse and profitable farms and agricultural businesses by encouraging agriculture to co-exist with residential use and maintaining it as the dominant land use on the Site. While the original 1998 AAFPP's biggest concern was the continuing loss of farms and conversion of farmland into non-farm uses due to development pressure, the current AAFPP recognizes that there are now excellent prospects for a continuing and vital agricultural industry based on new markets, growing interest in local agricultural products, and opportunities for continued land preservation for the next generation of farmers. By creating the 23 residential-agricultural lots, the Applicant would enable agriculture on the Site to remain economically viable, thereby embodying the AAFPP's understanding that farmland preservation is best achieved not through absolute prohibition of development, but through thoughtful land use strategies that keep agricultural operations active and productive.

The Proposed Action directly supports the AAFPP's legislative intent, which the model Right to Farm Law describes as aiming to maintain and preserve rural traditions and character, permit the continuation of agricultural practices, protect the existence and operation of farms, encourage the initiation and expansion of farms and agri-businesses, and to maintain a viable farming economy. The setting aside of the two large forest Conservation Lots would align with the AAFPP's environmental conservation objectives and limitation by the Declaration of residential development to approximately 0.9% of the Site would ensure that agricultural operations can complement residential use and continue on the vast majority of the Site. The Proposed Action supports diversity of farming and agricultural businesses, not mere preservation of acreage. The AAFPP acknowledges that many Dutchess County farms are diverse, small, limited acreage operations (10 to 180 acres) that add to the overall quality of life and economic impact. The Proposed Action is consistent with this existing pattern.

The Declaration would ensure that the thoughtfully designed conventional subdivision would support continued agricultural use rather than displacing it. Based on the foregoing analysis, the Proposed Action is consistent with the AAFPP's vision for diverse and profitable farms that contribute to the County's agricultural economy. No significant adverse impact with regard to consistency with the AAFPP is anticipated and no additional mitigation is required.

DUTCHESS COUNTY ENVIRONMENTAL MAPPER

Overview

The Dutchess County Environmental Mapper[9] (the "County Environmental Mapper") is an interactive digital planning tool that integrates multiple layers of environmental, agricultural, cultural, and regulatory resource data to inform land use decision-making throughout Dutchess County. Developed and maintained by the Dutchess County Department of Planning and Development, the Environmental Mapper consolidates and visualizes information from the County's Natural Resources Inventory (the "NRI")—including wetlands inventories, steep slope mapping, stream corridors, biodiversity assessments, prime agricultural soils classifications, aquifer recharge areas, floodplains, historic district boundaries, and various overlay zones. This digital tool enables municipal officials, planning boards, conservation commissions, property owners, developers, and consultants to identify sensitive environmental and cultural resources on specific parcels and in surrounding areas, facilitating informed decision-making during comprehensive planning, zoning development, site plan review, subdivision design, and environmental assessment processes. By providing immediate visual access to data that would otherwise require consulting multiple agencies and reports, the Environmental Mapper streamlines the preliminary analysis phase of development projects and helps ensure that sensitive resources are identified and considered early in the planning process.

The County Environmental Mapper supports the planning approaches advocated throughout Dutchess County's planning framework, particularly in Chapter 9 of the NRI (discussed further below), by allowing users to visualize how individual parcels relate to broader landscape patterns and natural resource networks rather than viewing properties in isolation. The tool's layered mapping interface enables users to overlay different data sets—such as viewing wetlands in conjunction with steep slopes and prime agricultural soils—revealing the interconnected nature of environmental features and their cumulative importance to ecological function. This accessibility is particularly important for implementing resource-based planning approaches like Amenia's conservation analysis requirements.

As a planning tool rather than a regulatory instrument, the County Environmental Mapper provides information and context but does not present measurable goals, or impose restrictions on land use. The data layers displayed in the Environmental Mapper reflect existing regulatory frameworks such as state and federal wetlands jurisdiction, NYSDEC-mapped streams, and Federal Emergency Management Agency (FEMA) floodplains, locally adopted overlay zones (such as aquifer protection districts or scenic protection areas), and informational resources (such as prime agricultural soils or biodiversity blocks) that may inform but do not dictate planning decisions. Municipal boards and project applicants use the Environmental Mapper to understand site conditions and constraints, identify features that may require permits from various agencies, recognize resources that local comprehensive plans prioritize for protection, and design projects that work with rather than against the landscape's inherent characteristics. The tool supports the proactive, collaborative approach to development review that Dutchess County communities increasingly favor—enabling early

[9] Dutchess County Department of Planning and Development, *Environmental Mapper (Natural Resources Inventory),* available at https://gis.dutchessny.gov/nri/

conversations between applicants and reviewing boards about how projects can be configured to avoid or minimize impacts to sensitive resources.

Analysis and Conclusions

The Proposed Action was developed and refined over a four-year period utilizing the information from the County Environmental Mapper in tandem with on-site field studies done by professional consultants. The information available through these sources contributed to the layout of the residential-agricultural lots and the RDAs on those lots and the avoidance of sensitive environmental features. The multi-layered approach to site analysis involved systematically identifying, mapping, and strategically avoiding wetlands, steep slopes, stream corridors, and contiguous biodiversity resources documented in the County Environmental Mapper's database. This iterative design process ensured that the subdivision layout was informed by actual site conditions rather than imposed upon the landscape without regard for environmental constraints. The delineation of Prime and Statewide Important Agricultural Soils visible in the County Environmental Mapper directly informed the location and arrangement of RDAs on each of the 23 residential-agricultural lots, ensuring that buildings would be sited to preserve the highest-quality agricultural lands for continued productive agricultural use. By utilizing the County Environmental Mapper throughout the planning and design phases, the Proposed Action demonstrates the type of proactive, data-driven approach to development that the County's planning tools were specifically created to facilitate, an approach that recognizes natural resources not as regulatory obstacles to be minimized, but as foundational landscape features that should guide and enhance development decisions. This methodology results in a subdivision design that works with, rather than against, the Site's inherent environmental characteristics, achieving the balance between careful residential growth and resource conservation that represents the core objective of Dutchess County's integrated environmental planning framework.

For the reasons outlined above, the Proposed Action is consistent with and complementary to the information represented by County Environmental Mapper. The information available through the County Environmental Mapper as well as through the site-specific field studies completed by licensed professionals which were reviewed and considered by the Planning Board in the Conservation Analysis process and in making a determination of environmental significance under SEQRA, was utilized in the design of the Proposed Action (including the proposed Declaration restricting development), which would in turn preclude any potential significant adverse impacts to natural resources without additional mitigation.

CHAPTER 9 OF THE 2011 DUTCHESS COUNTY NRI

Overview

The Dutchess County NRI[10] is a comprehensive, multi-chapter evaluation of all major natural elements of the county's ecosystems. The NRI was developed collaboratively by the Dutchess County Department of Planning and Development, Cornell Cooperative Extension Dutchess County, and numerous environmental experts to serve as a decision-making tool for municipal officials, planning boards, conservation commissions, and watershed organizations.

[10] Dutchess County Department of Planning and Development, *Natural Resource Inventory*, available at https://www.dutchessny.gov/Departments/Planning/Natural-Resource-Inventory.htm

The NRI consists of nine chapters. Pursuant to the requirements of the final Scoping Document, the assessment below focuses on the Proposed Action's consistency with Chapter 9 of the NRI (Chapter 9), titled "Ecological Implications for Local Decision-Making."

NRI Chapter 9 serves as the capstone of the entire NRI, translating the technical information from the previous eight chapters into practical guidance for local planning and land use decisions. The chapter connects the NRI to sustainable regional planning principles based on Dutchess County's Greenway Compact program and local planning tools. The chapter introduces the Centers and Greenspaces approach as a way for local communities to integrate traditional land use, transportation, and ecological planning to promote sustainable new development opportunities; protect natural and agricultural heritage; end wasteful land, energy, and pollution practices; and provide wider transportation choices. The strategy is built on four patterns for interconnected natural and human ecosystems:

- Centers: Priority locations for mixed-use growth (cities, villages, hamlets, emerging centers) organized within a ¼- to ½-mile convenient walking radius;
- Greenspaces: Priority areas for conservation, combining active farmland and continuous natural areas into large "biodiversity blocks" of over 1,000 acres for area-sensitive species;
- Greenway Corridors: Waterway systems, connecting natural patches, and critical linkages between greenspaces for water quality protection and wildlife movement; and
- Greenway Routes: Transportation linkages between centers, connecting trails to sidewalk systems and regional rail lines to tree-lined main streets.

Case Study of the Town of Amenia

NRI Chapter 9 features a case study of how the Town of Amenia incorporated natural resource data into its 2007 Comprehensive Plan Update and the Town Zoning Code. Beginning in 2003, the Town Comprehensive Plan Committee found that the most frequently raised commentary during public input sessions dealt with natural resources and scenic viewsheds, which set the Town apart and are the key to future prosperity. The primary policy statement on the topic of sustainability became:

> *….this Comprehensive Plan Update is essentially about making Amenia more sustainable: that is, enabling Amenia to grow and prosper without depleting or destroying the environmental, historic, and visual resources that form the basis of that prosperity* (Comprehensive Plan, page 14).

The Town created two key implementation mechanisms:

- An overall pattern for development via zoning districts and overlay maps reflecting underlying resources and concentrating development in appropriate locations.
- A development permit and planning process requiring documentation of natural resources as a first step.

Even basic building or zoning permit applications must include maps showing wetlands, watercourses, biodiversity areas, and slopes exceeding 15%. Major subdivisions require a Conservation Analysis showing lands with conservation value on the parcel and within 200 feet of boundaries, including:

- Wetlands, watercourses, steep slopes (15 to 30% and over 30%);
- Prime and statewide important farmland soils;
- Land in active agricultural use;
- Trail corridors and scenic viewsheds;
- Public water supply wellheads;
- Park and recreation land;
- Contiguous biodiversity areas: forestland, wildlife corridors and habitats and vernal pools;
- Historic and archaeological sites from the Town Comprehensive Plan and other adopted protection plans;
- Designated overlay zones;
- Buffer areas for screening;
- Stone walls and large trees (18-inch diameter or larger);
- Previously disturbed land suitable for development; and
- Other land with recreational, historic, ecological, agricultural, water resource, scenic or natural resource value.

The Amenia case study portion of NRI Chapter 9 reports that the Town's planning process:

- *has gone from one of contentiousness to collaboration, largely due to the active and prolonged input from the community. The strong emphasis on good planning has become a source of great pride to the community* (NRI Chapter 9, page 21).

The overarching message of NRI Chapter 9 is that successful ecological planning requires a broad approach rather than fragmented, parcel-by-parcel analysis; positive planning that identifies where growth should go, not just what to prevent; integration of environmental protection with economic development; and collaboration between municipalities, farmers, developers, and conservation interests. The Amenia case study demonstrates that when communities invest in thorough natural resource documentation and require robust analysis of site constraints and opportunities up front, the result can be collaborative problem-solving that achieves both development and conservation objectives.

Assessment and Conclusions

The Proposed Action is consistent with Chapter 9 of the Dutchess County NRI. First, the Proposed Action would maintain large, contiguous blocks of agricultural land and forest conservation areas rather than fragmenting the existing Site landscape into isolated parcels. The NRI specifically advocates for creating large "biodiversity blocks" of over 1,000 acres for sensitive species, and while the Site itself does not reach that threshold, the design of the Subdivision preserves connectivity with surrounding agricultural and natural lands and positively contributes to the larger landscape patterns that NRI Chapter 9 identifies as essential for ecological health. By limiting the maximum building footprint across all 23 residential-agricultural lots to 0.9% of the Site while approximately 90% of the Site would be preserved for agriculture and conservation, the Proposed Action strives for precisely the type

of development pattern that NRI Chapter 9 envisions, one that respects both human needs and ecological integrity.

The planning process for the Proposed Action also aligns directly with the principles established in the chapter's detailed case study of the Town of Amenia itself, which describes how the Town incorporated natural resource data into the Town Comprehensive Plan and Town Zoning Code. Chapter 9 describes Amenia's Conservation Analysis process, that requires identification of wetlands, watercourses, slopes, prime agricultural soils, land in active agricultural use, scenic viewsheds, unfragmented forestland, wildlife corridors and habitats, and other natural resource values, and requires the Planning Board to take into account the Town's goal of protecting biodiversity and ecological connections to adjacent parcels. A Conservation Analysis for the Proposed Action was completed, and Conservation Findings were adopted by the Planning Board. The Proposed Action creates an overall development pattern that reflects underlying resources and concentrates limited development in appropriate locations. The designation of large forest conservation lots and the preservation of agricultural lands for continued farming demonstrate that the Proposed Action has been designed with these considerations in mind.

The information available through the NRI and resulting from the Town-required Conservation Analysis, as well as through the site-specific field studies completed by licensed professionals which were reviewed by the Planning Board in the Conservation Analysis process and in making a determination of environmental significance under SEQRA, was utilized in the design of the Proposed Action (including the proposed Declaration restricting development), which would in turn preclude any potential significant adverse impacts to natural resources without additional mitigation.

DUTCHESS COUNTY HISTORICAL RESOURCE SURVEY

Overview

The Dutchess County Historical Resource Survey (the "HRS")[11] was prepared in the early 1980s as a comprehensive, countywide inventory of historic buildings, structures, landscapes, and cultural features throughout Dutchess County. The HRS was prepared collaboratively by the Dutchess County Historical Society, the Dutchess County Department of Planning and Development, and architectural historians. The HRS reflects an extensive field review of virtually every road in the County. Its purpose was to document the locations and characteristics of historic resources through detailed maps, photographs, and descriptive forms that captured the County's architectural and cultural heritage at a specific point in time. The scope of the HRS distinguishes it from typical historic inventories by including not only individual buildings and structures but also cultural landscapes, working agricultural settings, and notable viewpoints, recognizing that the historic character of Dutchess County encompasses both built structures and the broader rural landscape context in which they exist.

Although separate from the State and National Registers of Historic Places ("S/NR"), the HRS emerged from an agreement between the County Planning Department and the New York State Office of Parks, Recreation, and Historic Preservation ("OPRHP") to facilitate historic review for Community Development Block Grant (CDBG) projects. Cross-referencing

[11] Dutchess County Department of Planning and Development, *Historic Resource Survey (GIS Mapping Application)*, available at https://gis.dutchessny.gov/hrs/

proposed projects against the HRS allowed agencies to ensure that CDBG-funded activities would not adversely affect historic resources, establishing the HRS as a practical screening tool rather than a regulatory designation. The HRS was not designed to be continually updated; rather, it remains a point-in-time snapshot of historic resources as they existed in the early 1980s. This temporal limitation means that the age of the HRS—now over 40 years old—requires that conditions of listed resources must be verified and the relevance of individual entries must be assessed in light of current on-site conditions. Resources documented in the HRS may have been demolished, significantly altered, or lost their historic integrity over the intervening decades, while other historically significant resources built or recognized after the HRS's completion would not be included.

Despite its age, the HRS remains a reference tool for local planning and environmental review processes throughout Dutchess County. The HRS serves an important identification and documentation function, allowing municipalities and project sponsors to recognize when proposed activities may affect historically significant areas or viewsheds and to consider those resources during project planning and environmental review under SEQRA. However, the HRS functions as an informational resource rather than imposing regulatory preservation requirements—its mapped features indicate where historic resources may be present and merit consideration, but do not automatically trigger preservation obligations beyond identification and reasonable assessment during the planning process. This screening function allows communities to balance respect for historic character with the practical realities of ongoing development and changing land use needs.

Assessment and Conclusions

The HRS identifies one historic site (Historic Site 102) and four “significant viewpoint” locations within the Site boundaries. Historic Site 102 was documented as a simple, unaltered vintage farmhouse constructed between the late 1700s and early 1800s within a farm landscape setting. However, review of historic aerial imagery from the Dutchess County Aerial Access archive confirms that while the structure remained standing through 1995, it was no longer visible by 2000, indicating demolition sometime during that five-year period. Because this resource has been absent for more than two decades, no direct or indirect impacts to Historic Site 102 would occur as a result of the Proposed Action.

Moreover, the Proposed Action respects the broader objectives of the HRS by preserving the agricultural and rural character that defines Dutchess County's historic landscape. The four HRS-mapped significant viewpoints within the Site represent visual locations deemed noteworthy at the time of documentation but do not correspond to physical historic resources requiring preservation under current County, State, or Federal programs. In the area surrounding the Site, the HRS identifies six additional viewpoints and eight historic resource entries consisting primarily of dispersed residential structures and agricultural buildings typical of rural Dutchess County. These off-site resources were considered by the Applicant and the Planning Board in the process of determining the vantage points to be studied in the visual impacts assessment included in DEIS Chapter 2, “Visual Impacts.”

Because the HRS functions as a screening and identification tool rather than a regulatory register imposing preservation obligations, the Proposed Action satisfies its requirements by recognizing mapped resources during the environmental review while avoiding any adverse effects to inventoried structures or cultural landscapes.

The Proposed Action's layout and development restrictions under the Declaration ensure that the physical integrity, context, and setting of these off-site resources would remain unaffected. The Proposed Action's preservation of agricultural lands demonstrates consistency with the fundamental purpose of the HRS: documenting and respecting the historic rural character that continues to define Amenia and distinguish it as a community where agricultural heritage remains a foundation for future prosperity.

In addition to reviewing the HRS, the Applicant has consulted with OPRHP under Section 14.09 of the New York State Historic Preservation Law. No archaeological or historic sites or resources have been identified on the Site except for one precontact archaeological site, which was extensively studied through a Phase 1A/1B process within a formerly proposed lot that has since been eliminated by the Applicant, and that would be avoided. Based on the Phase 1A/1B studies, which were submitted to and reviewed by OPRHP, OPRHP determined that avoidance of the precontact site is sufficient mitigation and that no further archaeological work is necessary. A letter received from OPRHP dated August 9, 2022 confirmed that the Proposed Action would have no impacts on archaeological and/or historic resources. The Planning Board relied on the Applicant's consultation with OPRHP as the basis for determining (through FEAF Parts 2 and 3) that the Proposed Action has no potential to result in significant adverse impacts related to historic resources.

DUTCHESS COUNTY AERIAL ACCESS

Overview

Dutchess County Aerial Access ("Aerial Access")[12] is the County's comprehensive aerial imagery archive and web-based mapping platform that provides historical and current aerial photography spanning multiple decades of landscape change throughout Dutchess County. Maintained by the Dutchess County Department of Planning and Development, Aerial Access offers users the ability to view georeferenced aerial photographs from various time periods—typically including imagery series from the 1950s, 1960s, 1970s, 1980s, 1990s, and continuing through to current high-resolution imagery updated on regular cycles. The application enables users to observe how the landscape has evolved over time, documenting patterns of development, agricultural land conversion, forest succession, wetland changes, infrastructure expansion, and shifts in land use that have shaped the County's current conditions.

The platform allows users to verify existing conditions on properties, identify features that may not appear on standard maps (such as old field boundaries, historic structures, former farm roads, tree lines, or drainage patterns), confirm when structures were built or demolished, trace the expansion of developed areas, observe changes in vegetation cover, and document baseline conditions for comparison with proposed alterations. For environmental assessment purposes, Aerial Access provides evidence to determine such factors as whether areas have been previously disturbed, how forest patches have expanded or contracted, and whether streams have changed course. The archive's historical imagery is particularly valuable for historic resource verification, as demonstrated in its ability to confirm that structures documented in the County's HRS may have since been demolished. As a companion tool to the County Environmental Mapper and the HRS, Aerial Access

[12] Dutchess County Department of Planning and Development, *Aerial Access (GIS Mapping Application)*, available at https://gis.dutchessny.gov/aerialaccess/

provides the visual verification and temporal context necessary to understand historic and existing conditions beyond what abstract mapping can convey.

Assessment and Conclusions

Aerial Access served as a complement to the County Environmental Mapper and HRS in the planning and design process for the Proposed Action. For instance, Aerial Access imagery was instrumental in confirming that Historic Site 102—the farmhouse documented in the HRS as standing within the Site—was demolished sometime between 1995 and 2000, as the structure remained visible in the 1995 imagery series but had disappeared by the 2000 imagery series. This verification through sequential aerial photography prevented the Subdivision from being designed around a constraint that no longer existed. More broadly, the aerial imagery allowed the Applicant to analyze vegetation patterns, identify existing field boundaries that have persisted over decades, trace historic farm road alignments, and understand how the agricultural landscape has been managed and maintained. These insights informed the strategic placement of the two forest Conservation Lots and the configuration of residential-agricultural parcels to align with longstanding land use patterns.

The information available through Aerial Access as well as through the site-specific field studies completed by licensed professionals which were reviewed by the Planning Board in the Conservation Analysis process and in making a determination of environmental significance under SEQRA, was utilized in the design of the Proposed Action (including the proposed Declaration restricting development), which would in turn preclude any potential significant adverse impacts related to agricultural, historic and natural resources without additional mitigation.

CORNELL COOPERATIVE EXTENSION, DUTCHESS COUNTY, 2022 AGRICULTURAL PROFILE FOR AMENIA

Overview

The Cornell Cooperative Extension's Dutchess County 2022 Agricultural Profile for Amenia (the "Profile")[13] is a detailed data-driven assessment of agricultural land use, farm enterprises, and economic activity in the Town, providing statistics that document the community's ongoing commitment to agriculture. The Profile confirms that Amenia has 285 farm parcels comprising 18,516 acres of the Town's 27,951 total acres, meaning that approximately 66% of the Town is in active agricultural use—one of the highest percentages of any municipality in Dutchess County. This statistic underscores the central role that agriculture continues to play in defining the Town's character, economy, and landscape. The Profile documents that the number of parcels in Agricultural District 21 in the Town has increased by 1,762 acres (10%) from 2008 to 2022, demonstrating that despite development pressures from the extension of MNR's Harlem Valley Line to Wassaic and an influx of affluent part-time residents, the Town has succeeded in expanding rather than contracting its agricultural land base. This growth trend stands in stark contrast to many communities where farmland is steadily lost to development, reflecting the Town's deliberate policy choices and successful implementation of farmland protection strategies including

[13] Cornell Cooperative Extension Dutchess County, *2022 Town Agricultural Profiles*, available at https://ccedutchess.org/agriculture/2022-town-agricultural-profiles

conservation easements, agricultural district enrollment, and land use regulations that support continued farming.

The Profile provides a detailed breakdown of farm enterprise types and economic activity that reveals the diversity and evolution of the Town's agricultural economy. Production agriculture, including hay, corn, and field crops, represents the largest segment by acreage in the Town, with farm operations on 10,050 acres of property, followed by dairy operations on 1,875 acres and horses (boarding and private farms) representing another significant category. The Profile notes that the Town Comprehensive Plan has documented a shift from traditional farming uses such as dairy, hay, and field crops toward an increase in the number of horse farms and vineyards, reflecting changing market dynamics and the emergence of new agricultural opportunities. The economic analysis shows that while many farms in the Town are small operations grossing less than $10,000 in annual sales (typical of Dutchess County where most farms are small, limited-acreage operations between 10 and 180 acres), these farms generate significant dollars spent on investments such as equipment, veterinary fees, and other services that fuel the local economy. A considerable number of the Town's farm parcels (47) have capital investments between $10,000 and $100,000, while 58 parcels have invested $100,000 or more, demonstrating that agriculture represents substantial economic activity beyond just the gross sales figures and that a large portion of these capital investments circulate back into the local economy.

The Profile references key planning documents including the Town Comprehensive Plan and Town Zoning Code, noting that the Town Comprehensive Plan recommends strategies for preserving agriculture and open space. The Profile also documents the dramatic increase since 1991 in lands protected by conservation easements (increasing from 522 acres to 3,553 acres), and acknowledges recent demographic changes and development pressures while highlighting that a current focus on developing the hamlet center, along with intermunicipal studies of local aquifers and the Route 22 corridor, have emphasized the importance of protecting the Town's outlying farmland and scenic viewsheds. By updating agricultural statistics on a regular basis, Cornell Cooperative Extension provides communities with the evidence needed to assess whether farmland protection strategies are working, identify emerging trends in agricultural enterprises, so that they can adjust policies to support the next generation of farmers. The Profile demonstrates that the community's multi-decade commitment to preserving its agricultural character has succeeded—agricultural land is expanding rather than contracting, representing not merely a remnant of the past but a growing foundation for the community's sustainable future.

Assessment and Conclusions

The Proposed Action demonstrates strong consistency with the Profile, which provides detailed documentation of the Town's agricultural economy, land use patterns, and the evolving character of farming operations in the community. The Profile confirms that approximately 66% of Amenia is in active agricultural use. This underscores why preserving agricultural land has been a central priority in the Town's adopted planning documents, including the Town Comprehensive Plan and the County's Greenway Connections framework. The Profile documents that the number of parcels in the agricultural district in Amenia has increased by 1,762 acres (10%) from 2008 to 2022, demonstrating that despite development pressures, the Town has succeeded in expanding rather than contracting its commitment to agriculture. The Proposed Action directly supports this trend by devoting over 70% of the Site to agricultural use and another 20% of the Site to open space conservation,

ensuring that the Site would continue to contribute to Amenia's agricultural economy and scenic rural heritage rather than be converted solely to residential use. The Profile notes that production agriculture, including hay, corn, and field crops, represents the largest segment by acreage in Amenia, with farm operations on 10,050 acres of property, and the Applicant's proposal for up to 23 small-scale farms would ensure that the Site remains available for precisely these types of productive farming activities that define the Town's rural character and economic base.

Furthermore, the Proposed Action aligns with the Profile's recognition of evolving agricultural patterns and the importance of protecting farmland while accommodating necessary residential growth. The Proposed Action's design confines low-density residential development to the RDAs while preserving the majority of land for agriculture and conservation, thereby embodying this dual objective of accommodating growth while protecting agricultural resources. The Profile acknowledges that Amenia has seen demographic changes including an influx of affluent part-time residents and an increase in major development proposals, and notes that a recent focus on developing the hamlet center, along with participation in intermunicipal studies, have highlighted the importance of protecting the Town's outlying farmland and scenic viewsheds. The Proposed Action responds directly to these planning priorities by offering the Declaration, which restricts residential development in a manner that maintains agricultural viability and scenic character rather than fragmenting farmland or obscuring important viewsheds.

The Profile documents that many farms in Dutchess County are small farms grossing less than $10,000 in annual sales, yet these farms generate significant dollars spent on investments that fuel the local economy, reinforcing the importance of preserving not just large commercial agricultural operations but also the smaller-scale farming activities that are intended on the residential-agricultural lots proposed by the Applicant. By maintaining active agricultural use across the overwhelming majority of the Site, the Proposed Project ensures that the Site would continue to contribute to the 66% of the Town that has remained farmland (as of 2022), a proportion that demonstrates that agriculture is not merely a remnant of the past but an expanding foundation for the Town's sustainable future.

The Proposed Action is a model for conservation-based rural development. It significantly advances the goals of the Town Comprehensive Plan through open space and agricultural preservation, viewshed protection, and sustainable design. Based on the foregoing analysis, the Proposed Action is consistent with the findings and trends documented in the Profile for Amenia. The Proposed Action would not result in significant adverse impact with regard to consistency with the Profile and evolving agricultural trends in the Town. Instead, the Proposed Action is well-positioned to become a long-term asset to the Town and a precedent for a thoughtful coexistence of residential and agricultural development.

MITIGATION

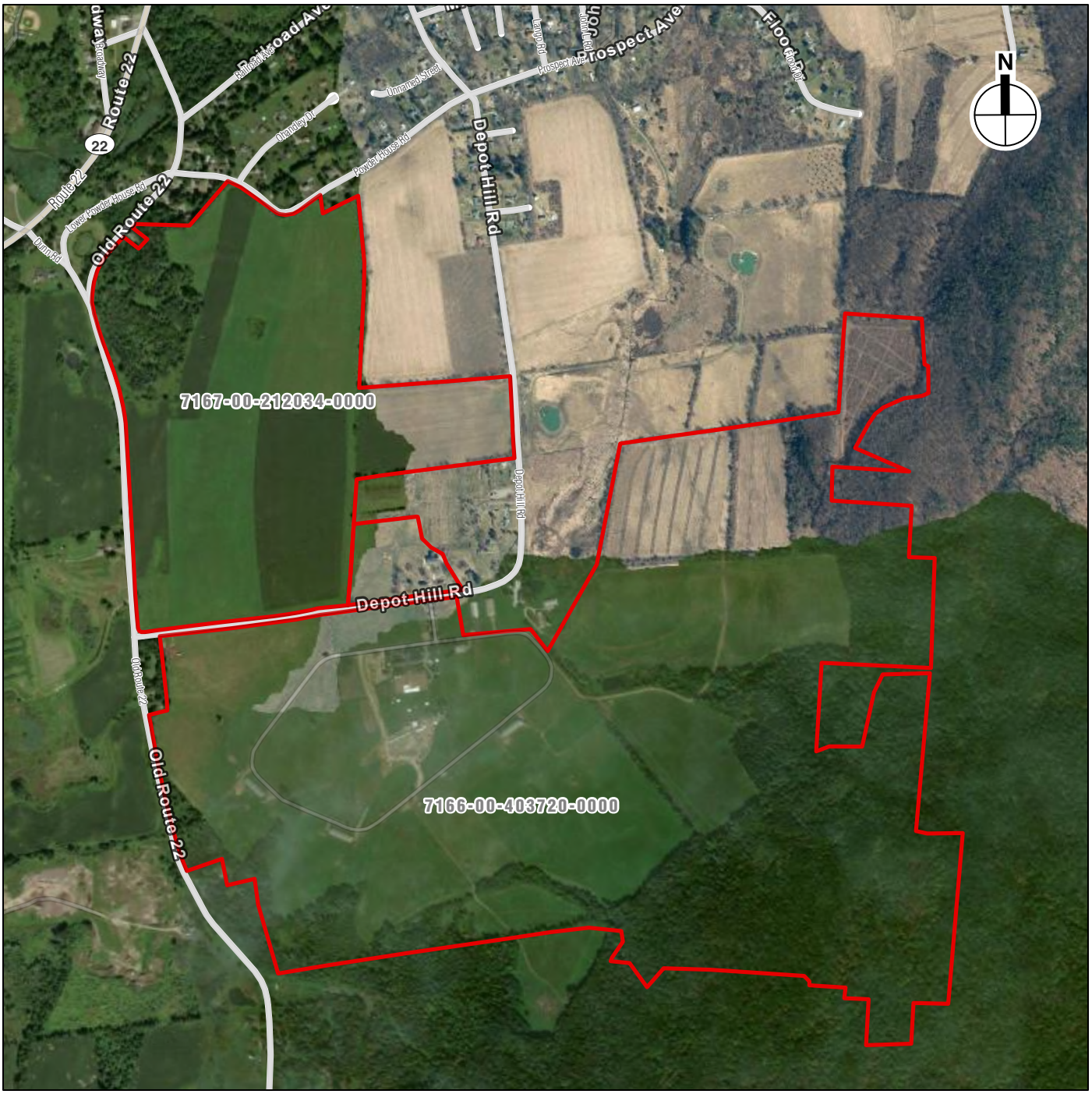
It is the Applicant's opinion that the Proposed Action would not result in any significant adverse impacts related to consistency with adopted community plans, policies, and planning resources.

As a result of the development restrictions proposed as part of the Subdivision and applicable regulations of the Town Zoning Code, approximately 90% of the Site would be preserved for agriculture and conservation, in turn promoting agricultural continuity, and preserving viewsheds. The Conceptual Future Buildout Scenario sets forth a worst-case model of low-

density development pursuant to these restrictions ensuring that the Proposed Action advances the Town's rural patterns of residential development and agriculture.

Any future development on the 23 residential/agricultural lots would be subject to the Applicant's proposed Declaration, and would require site plan approval as an additional layer of Town discretionary approval and Town Zoning Code compliance. No significant adverse impacts would result from the Proposed Action, and no additional mitigation measures are warranted.

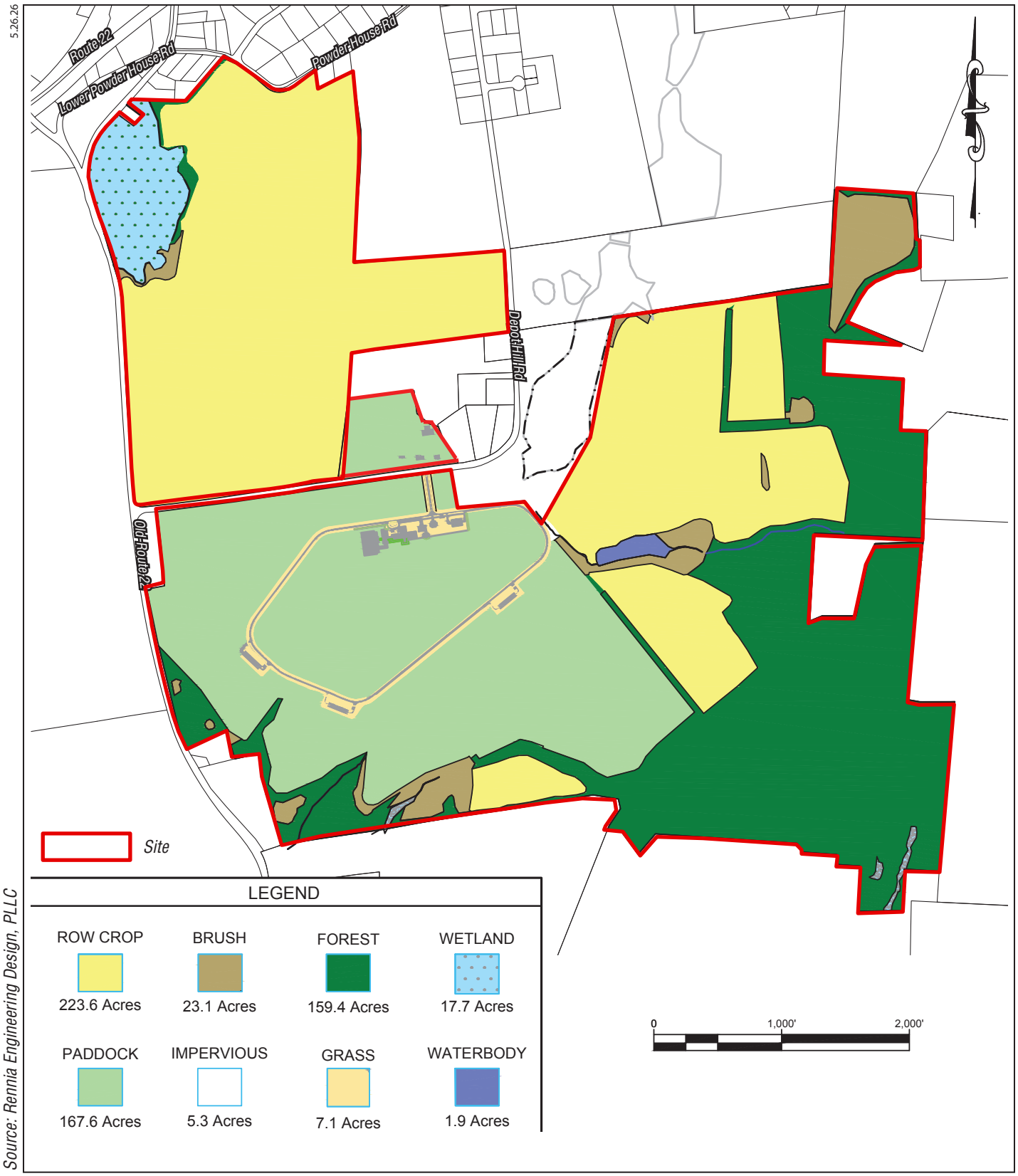
5.20.26



Project Site Aerial

KEANE STUD SUBDIVISION

Figure 3-1

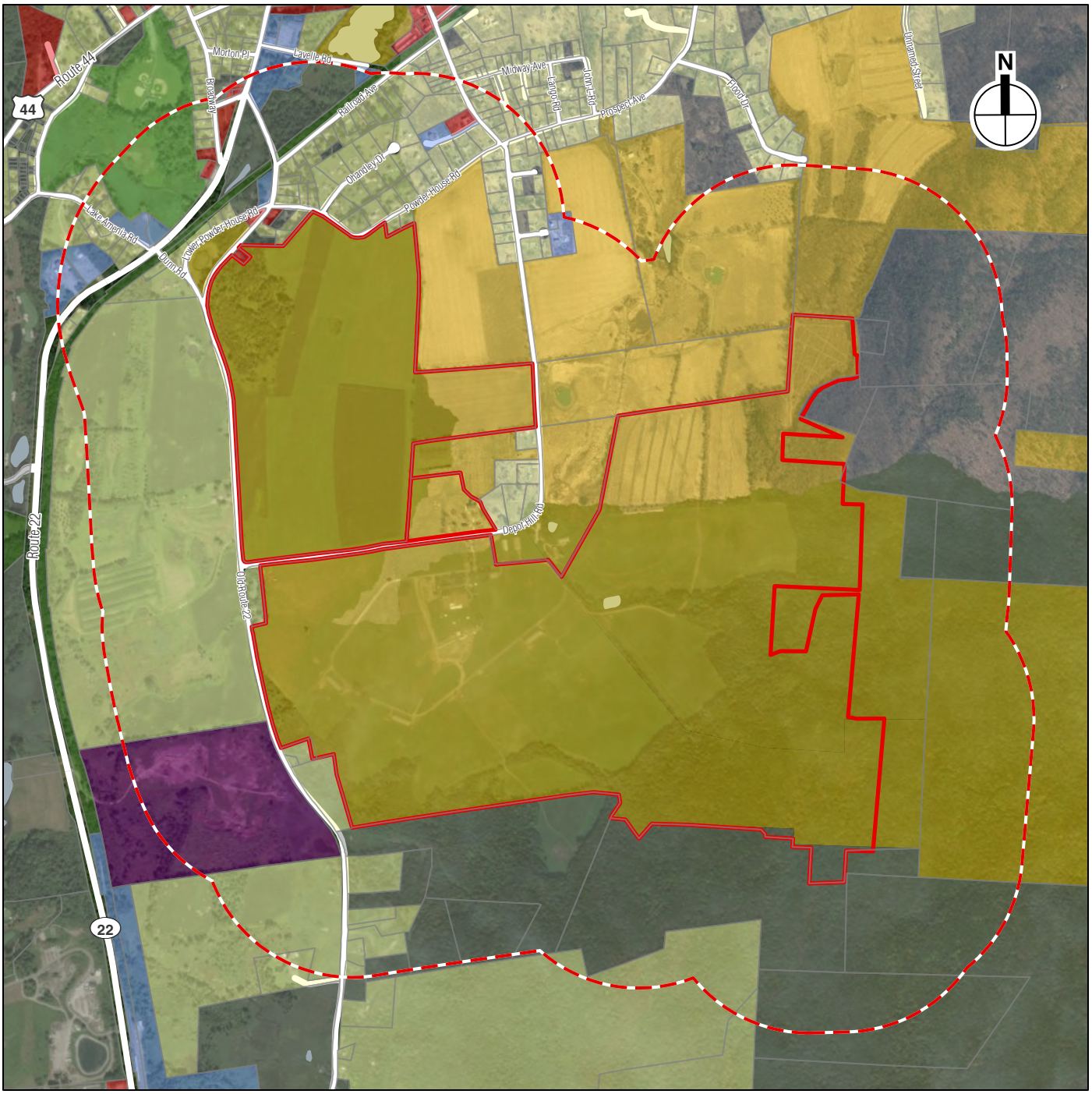


Site Existing Land Cover

KEANE STUD SUBDIVISION

Figure 3-2

5.20.26



Site
Community Study Area
Tax Lot Boundary
Residential
Agricultural
Commercial
Public Services
Recreation and Entertainment
Industrial
Vacant Land
Wild, Forested, Conservation Lands, and Public Parks

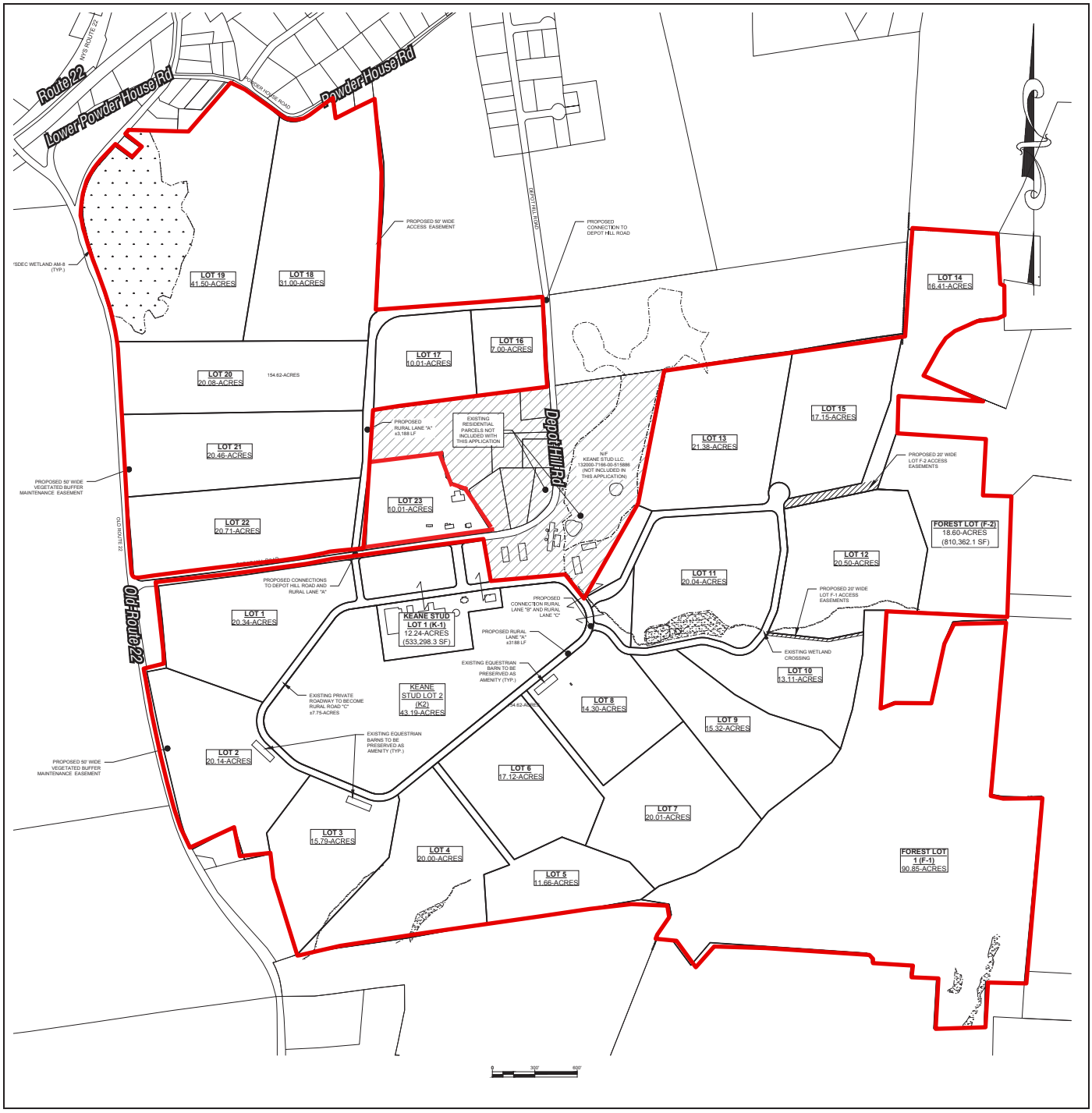
0 2,000 FEET

Existing Land Use -
Site and Community Study Area

KEANE STUD SUBDIVISION

Figure 3-3

5.26.26

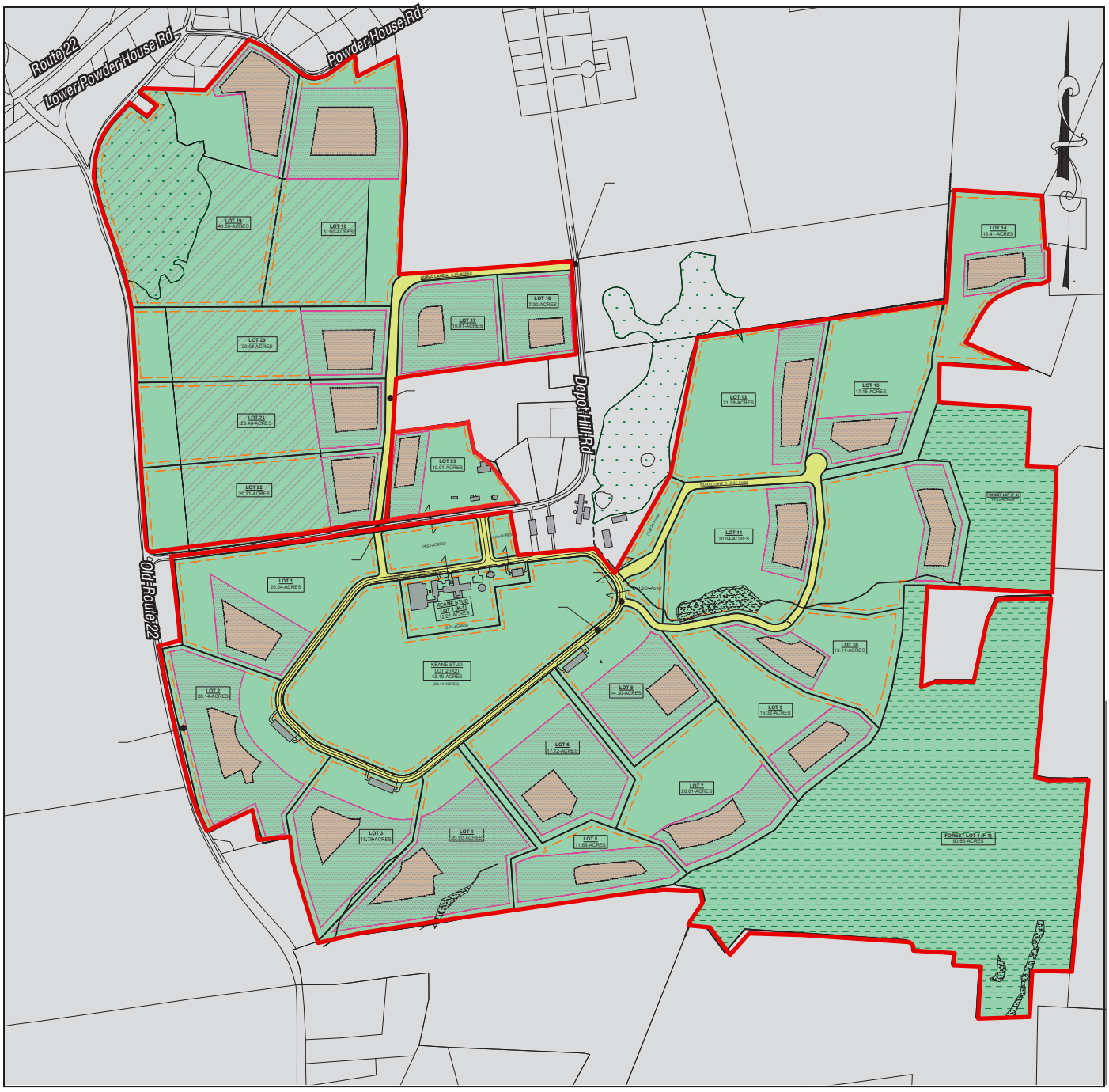


Source: Rennia Engineering Design, PLLC

Site

Proposed Project Property Line(s)

Proposed Subdivision



Site

Agricultural/Open Space Area

Residential Perimeter

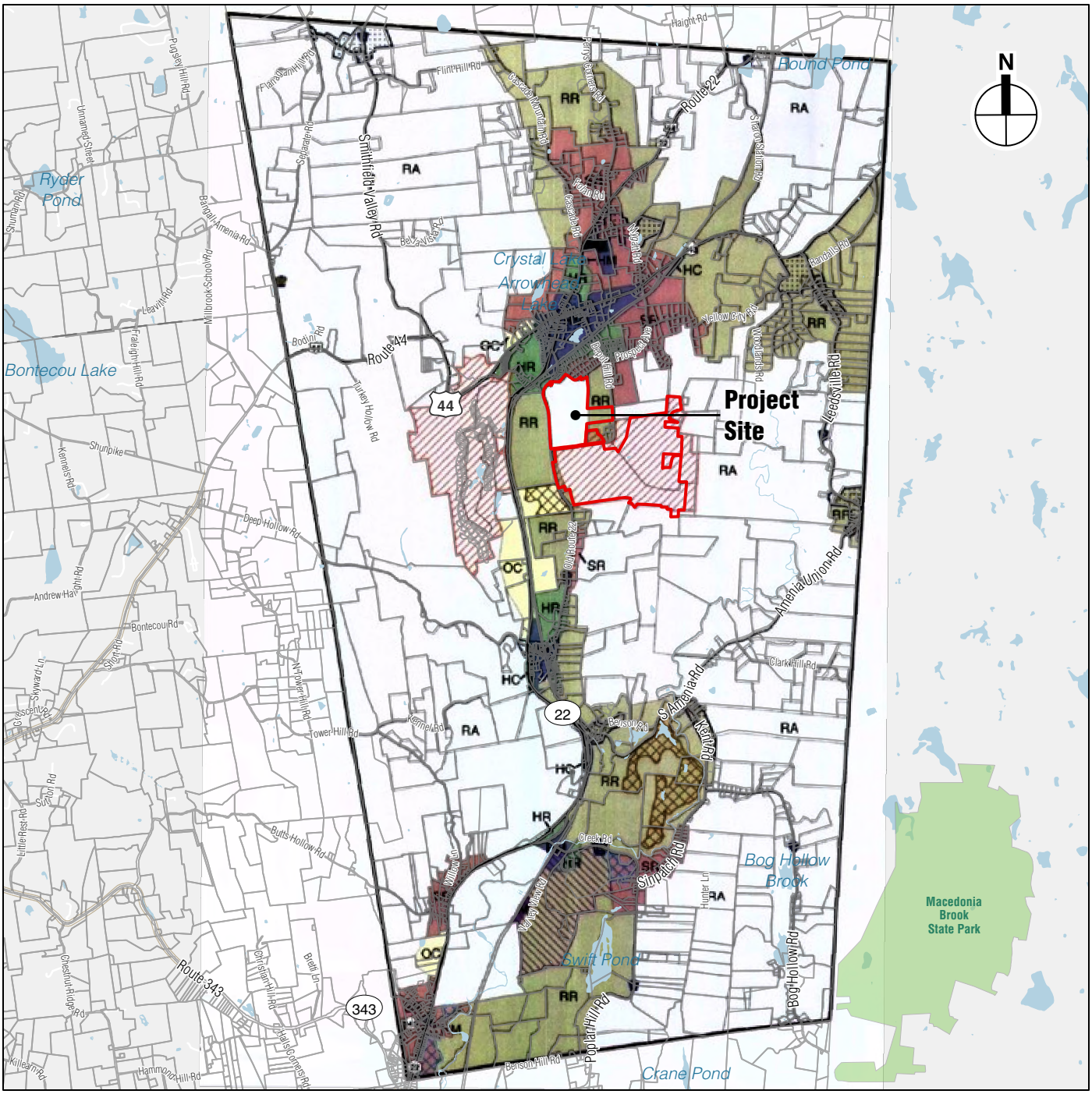
Residential Development Area (RDA)

Non-Vertical Zone (NVZ)

Rural Lane & Right-Of-Way (ROW)

Proposed Subdivision - Conserved Land and Residential Development Areas

5.20.26



0 2,000 FEET

Site

Tax Lot Boundary

HC Highway Commercial

HM Hamlet Mixed-Use

HR Hamlet Residential

M Industrial/Manufacturing

OC Office/Commercial/Industry Mixed-Use

RA Rural Agricultural

RR Rural Residential

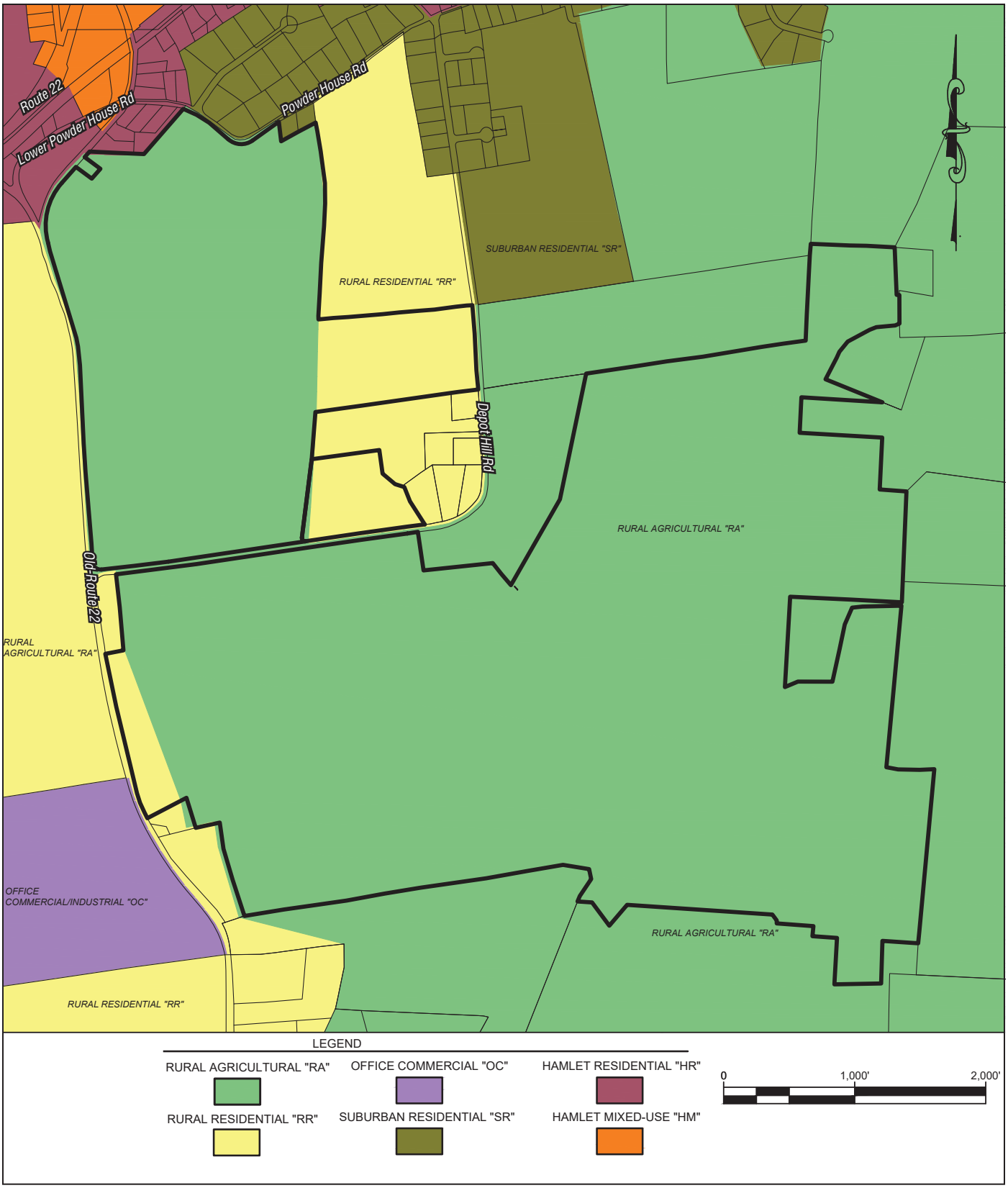
SR Suburban Residential

Resort Development Overlay District

Town of Amenia Zoning Map

KEANE STUD SUBDIVISION

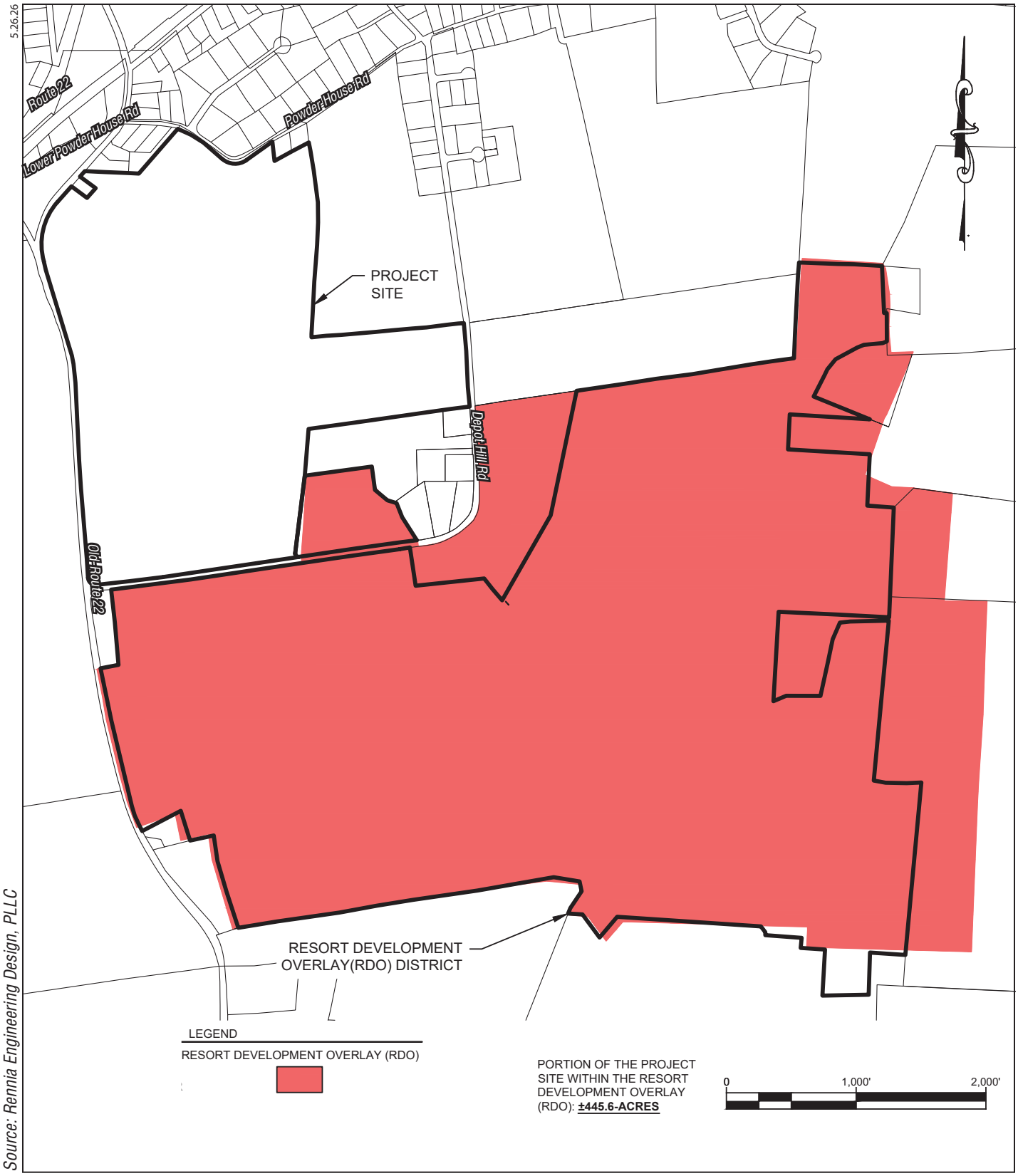
Figure 3-6



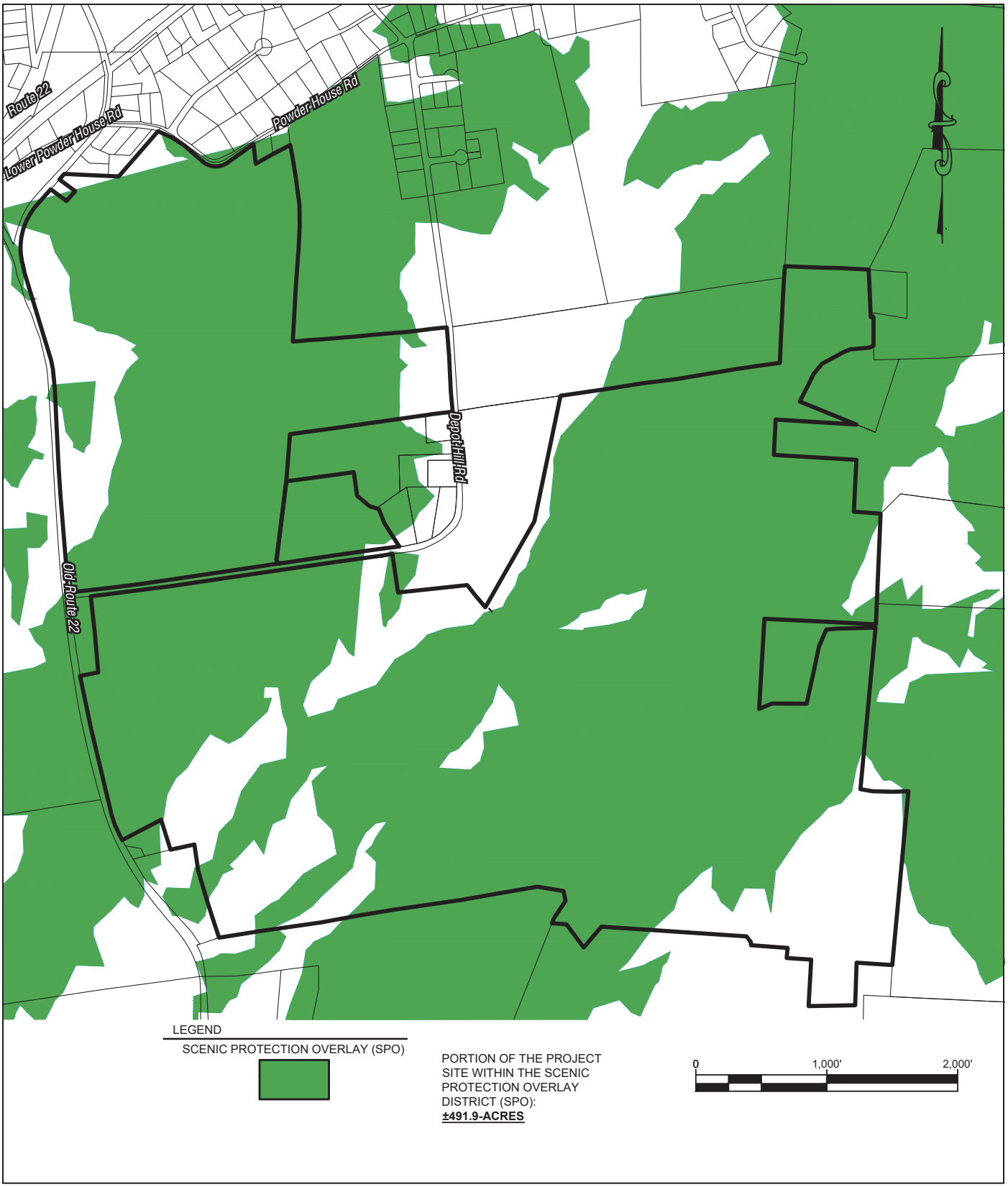
Site Zoning - Rural Residential (RR) and Rural Agriculture (RA)

KEANE STUD SUBDIVISION

Figure 3-7a



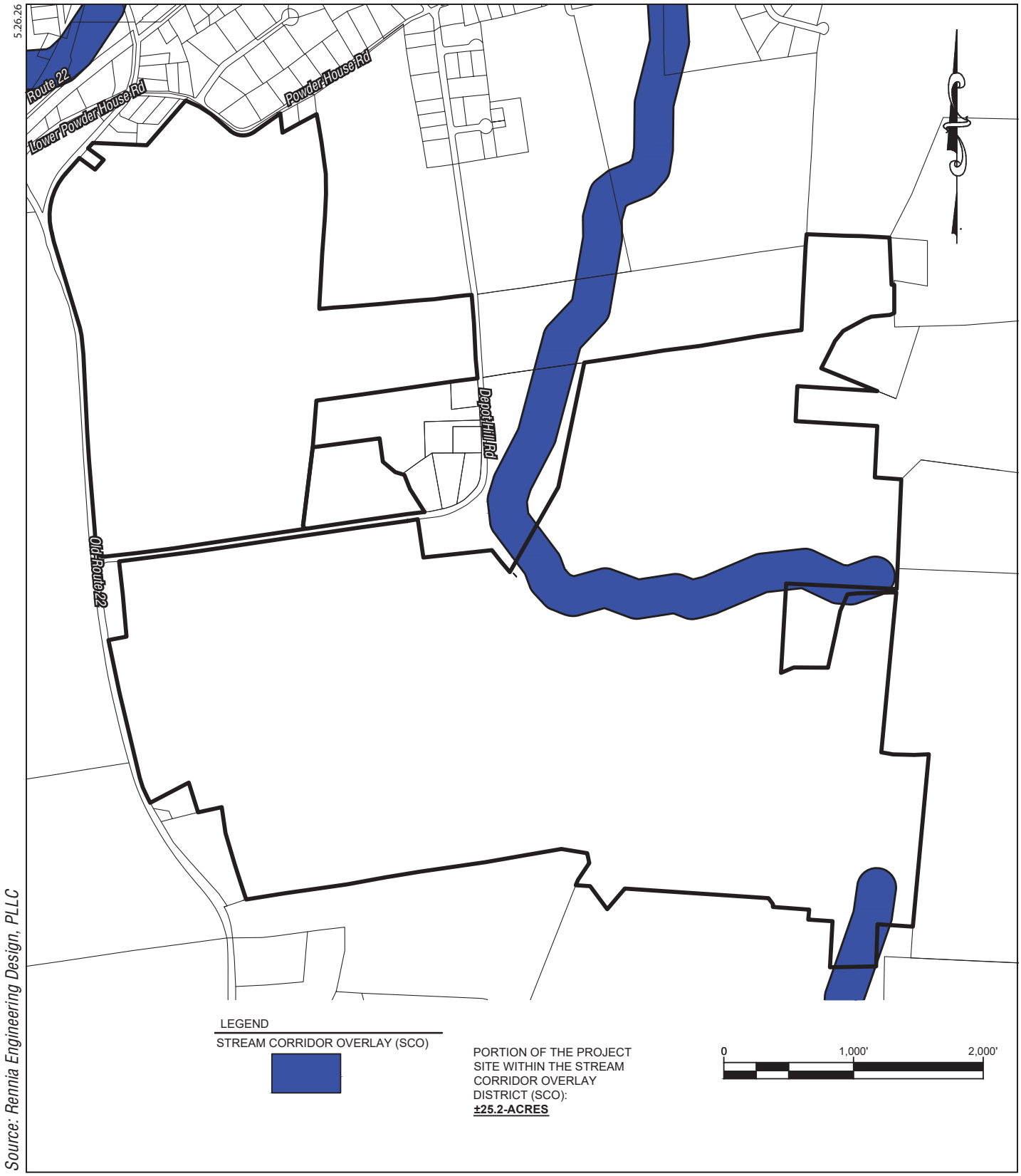
Site Zoning - Resort Development Overlay (RDO)



Site Zoning - Scenic Protection Overlay (SPO)

KEANE STUD SUBDIVISION

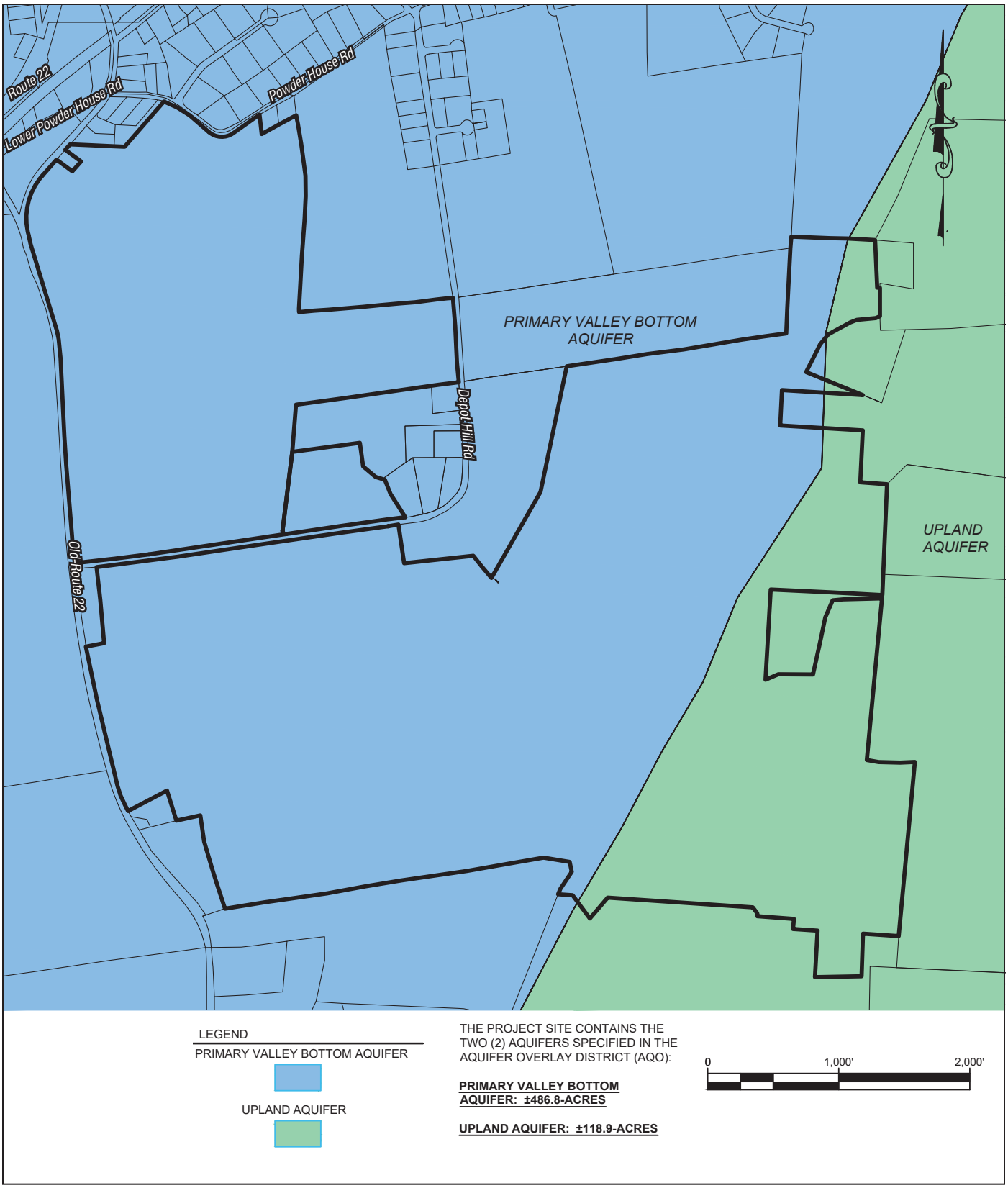
Figure 3-7c



Site Zoning - Stream Corridor Overlay (SCO)

KEANE STUD SUBDIVISION

Figure 3-7d



Site Zoning - Aquifer Overlay (AQO)

KEANE STUD SUBDIVISION

Figure 3-7e