

FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT



TOWN OF PLEASANT VALLEY, NY

2009 Comprehensive Plan, Zoning Code and
Subdivision Regulation updates

Lead Agency:

Town of Pleasant Valley Town Board
1554 Main Street
Pleasant Valley, NY 12569

Prepared By:

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December 2, 2009

FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT
for the
TOWN OF PLEASANT VALLEY, NY

Action: Adoption of the 2009 Comprehensive Plan, Zoning Code and Subdivision Regulation updates

Location: Town of Pleasant Valley, Dutchess County, New York

Lead Agency: Town of Pleasant Valley Town Board
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INTRODUCTION

This Final Generic Environmental Impact Statement (Final GEIS) has been prepared by the Town of Pleasant Valley, with assistance from Clark Patterson Lee, to comply with the NYS Environment Quality Review Act (SEQRA). In accordance with NYS Environmental Conservation Law (ECL), the Town Board formally accepted the Draft GEIS on September 4, 2009 and submitted a Notice of Completion to the NYS Department of Environmental Conservation, as required by law. Acting as the lead agency for the environmental review, the Town Board began the required minimum 30-day public comment period, which ended on October 19, 2009. A public hearing was then held on October 7, 2009 at Town Hall to allow residents and business owners within the Town the opportunity to publically comment on the Draft GEIS.

The primary intent of this Final GEIS is to respond to comments that were received at the public hearing as well as written comments that were received by the Town during the comment period. A summary of those comments and corresponding responses are provided in the section that follows. In some instances, comments were repetitive in nature. Multiple comments relating to a single issue were combined and summarized.

It is important to note that as individual projects are proposed and developed in the Town, they will be required to comply with the State Environment Quality Review Act. Specific environmental impacts associated with individual actions will be considered at that time and the Town will have an opportunity to ensure proposed projects support the Comprehensive Plan's vision and policies and conform to Zoning and Subdivision regulations.

SUMMARY OF PUBLIC COMMENTS

Although the comment period was intended to voice comments and concerns regarding the environmental review of the proposed actions, invariably comments are included regarding changes to the actions themselves. The comments below are a summary of the

comments that were presented during the public hearing held on October 7, 2009, as well as comments submitted to the Town during the public comment period.

Comment 1:

A formal request for the Town to undertake and produce a noise ordinance to prevent excessive noise levels and promote safety and enjoyment for the Town residents.

Response:

This comment does not pertain to the environmental review of the proposed actions. However, should the Town pursue a noise ordinance it should be located within the context of the Town Code/Law so that the ordinance can be enforced by the Town as well as the local police department.

Comment 2:

Regulations regarding animal husbandry should be kept simple in order to minimize the number of arguments that can be made against it as well as variances. Local organizations that encourage farming and agriculture, such as 4-H youth clubs or Future Farmers of America (FFA), should be accommodated in these regulations as well. People should be intelligent enough to make common sense decisions regarding the keeping of animals on their properties.

Response:

This comment does not pertain to the environmental review of the proposed actions. However, in response to the extensive public feedback regarding animal husbandry regulations, the Comprehensive Plan Committee revised this section of the proposed Zoning regulations to be less restrictive than was previously proposed. In addition, the revised regulations set forth a process for obtaining a special use permit for lots under the minimum size and outlines general language for providing proper housing/shelter/waste management without any reference to the number of animals has also been included.

Comment 3:

The commercial area should not be expanded from the hamlet of Pleasant Valley towards Creek Road as the topography and Wappinger Creek watershed does not lend itself to more commercial development.

Response:

The Comprehensive Plan (graphic #2) and Zoning map show the commercial area of the hamlet of Pleasant Valley within the vicinity of Main Street, West Road, and Wappinger Creek with the hamlet residential area extending farther out and east towards Creek Road. The hamlet residential land use and related district is intended to promote hamlet-scale residential development and no commercial uses. This should not be confused with the graphics shown in the Centers and Greenspaces Plan (graphic #2), which highlights the general areas for the hamlets. As identified in the Comprehensive Plan, various environmental constraints, including the Creek and surrounding topography, restrict intensive development farther out from the hamlet. Due to this, redevelopment of existing underutilized and vacant land in the hamlet for a mix of commercial and residential uses is highly encouraged.

Comment 4:

The GEIS was not found on the Town’s website.

Response:

The full draft GEIS was posted on the website during the full public comment period. Initially, there was a link on the home page of the website to the appropriate page. Although the home page link was replaced, the document was always located under the “Resources” drop down tab under the “Environmental Studies & Policies” tab on the home page. Due to this comment, a link to the document from the home page was restored.

Comment 5:

The zoning map does not match up with the Comprehensive Plan wording for the location of the Town hamlet as the hamlet should be centered at the historical Mill site.

Response:

Comparing the zoning map with the districts map in the Comprehensive Plan (graphic #2) shows that the two maps are consistent in their spatial locations for the hamlets in the Town. As a hamlet, there are no official boundaries as it is not an incorporated municipality, such as a village, town or city. Hamlet boundaries are perceived according to historical or local reference. The current “boundary” of the Pleasant Valley hamlet respects the historical extent of the hamlet by encompassing the area on both sides of Main Street/State Route 44 between West Road and Creek Road and is more-or-less centrally located near the intersection of Main Street and North Avenue/County Road 72. The illustrative sketch plan in the Comprehensive Plan is meant to show conceptual level design improvements and redevelopment opportunities to improve the hamlet, not necessarily identify a new town center.

Comment 6:

What is the date for adoption of the final Comprehensive Plan and Zoning/Subdivision regulations?

Response:

The documents are intended to be adopted after the completion of this environmental review, environmental findings are issued by the Town, and any mitigation or changes to the proposed actions due to comments offered by the public are undertaken. It is the intention of the Town to have all documentation updated and ready for adoption before the end of the moratorium on December 25, 2009.

Comment 7:

Rezoning of specific properties to residential that were previously commercial may be considered spot zoning and will result in decreased property values. Surrounding uses are commercial by nature, so the rezoning does not make sense.

Response:

This comment does not pertain to the environmental review for the proposed actions. Property tax assessments are not based on zoning, but rather the actual use of the property and the designated land use code that is given by the local tax assessor. The land use

code is dictated by the NYS Office of Real Property Services and used throughout. Spot zoning by nature entails the rezoning of a specific property without considering the broader context of the area and surrounding land uses. Rezonings may occur if done in concert with a community-supported land use development plan, such as a comprehensive plan, and it advances the health, safety, and welfare for the entire community. Rezoning and district changes may be a part of any update to a municipality's zoning code after a thorough review of existing land uses and districts, as well as anticipated and intended land development goals for the future.

Comment 8:

The environmental quality and nature of the community should be respected and preserved. Regulations should be carefully crafted to ensure this; less regulation is preferred as there is enough regulation in our lives.

Response:

The DGEIS took a hard look at the environmental impacts these proposed actions would have to the Town and concluded that, in general, the actions would have a positive impact. The policies and goals set forth in the Comprehensive Plan aim to preserve the existing character of the community and strive to contain development in specific areas to preserve environmental quality. The documents have been carefully crafted to minimize excessive regulations that do not pertain to protecting the health, safety, and general welfare of the community.

Comment 9:

The Town cannot require a local land trust to hold conservation easements from purchase of development rights (PDR) or transfer of development rights (TDR) programs. Land trusts are not required to hold conservation easements and many typically do not due to their small size.

Response:

The Town and Comprehensive Planning Committee should revisit this section of the land to ensure that the language does not limit their ability to conserve valuable environmental assets and land in the Town. Preserving the rural character and natural resources of the

Town as both a recreational and economic resource are key components of the planning initiatives undertaken in the past 2-3 years.

Comment 10:

There are very few land trusts in New York that are accredited under the Land Trust Alliance and requiring conservation easements in the Town to be held by “land trust organization(s) accredited” by this organization will severely constrain the Town’s ability to fully implement their goals.

Response:

The Town and Comprehensive Planning Committee should revisit this section of the land to ensure that the language does not limit their ability to conserve valuable environmental assets and land in the Town. Preserving the rural character and natural resources of the Town as both a recreational and economic resource are key components of the planning initiatives undertaken in the past 2-3 years.

Comment 11:

The regulations for manufactured homes in manufactured home parks should be revised to retain the existing recreational space requirements and setback requirements should remain the same to ensure proper siting of homes and any amenities.

Response:

Excessive setback requirements for manufactured homes may exclude new homes being constructed in existing manufactured home parks, thereby impacting the amount of affordable housing available in the Town. The Plan Committee should revisit this section of the documents to ensure that the regulations are appropriate and maintain the character of the Town.

Comment 12:

The proposed actions do not allow for economic growth of the Town and this should be re-evaluated in the environmental review.

Response:

The Comprehensive Plan identified population changes as well as general economic and occupational changes in the Town since the previous Town Plan. In order to curb additional sprawl into “greenspaces” and negatively impact environmental resources, economic development and growth has been rerouted towards the hamlets. In addition, recognizing the growing number of home occupations, the Comprehensive Plan and Zoning regulations proposed expanding the extent of these types of businesses. Although not excluded, industry was not seen as having a predominant foothold in the community – industrial zoning is still found in the Town in specific locations. Keeping agriculture one of the prime economic generators in the Town was seen as the primary initiative. By concentrating development and redevelopment towards the hamlets rather than spread out, agricultural lands can be protected. Farmers are also encouraged, and supported through the zoning regulations, to pursue secondary, farm-related businesses to support their existing agricultural operations. A combination of these initiatives supports economic growth in the Town.

Comment 13:

The town center (hamlet of Pleasant Valley) has been known for having some water pollution and this issue, along with the Town’s water test, should be re-evaluated in the environmental review.

Response:

As part of the environmental review process, the “Municipal Aquifer Report” from May 2007 was reviewed. The report found that, in general, the groundwater quality in the Town meets the standards defined by the NYS Department of Health. Groundwater can be impacted by various land uses, such as intensive agricultural operations, industrial uses, and commercial uses with expansive impervious surfaces. This can be especially evident in Pleasant Valley as residents rely solely on groundwater for their potable water and septic systems provide wastewater collection. In order to prevent elevated levels of elements and potential contaminants in groundwater and watercourses, the report recommended a groundwater management strategy that includes aquifer protection, stormwater management, and road icing policies. These strategies are outlined in a

model overlay ordinance that was utilized in other towns in the region. The Comprehensive Plan used the recommendations from the report and proposed that they be incorporated into the zoning regulations as well.

Comment 14:

The parking standards in the Zoning Code should be revised to include language to allow the Planning Board to decrease the number of parking spaces depending on the particular use of the property to decrease the amount of impervious surface or other SEQRA-related issues.

Response:

Increased water runoff can have a negative environmental impact on the community by carrying sediments and other pollutants into watercourses as well as decreasing the amount of impervious surface that is needed to recharge underground aquifers. Allowing the Planning Board to decrease the amount of parking required by a proposed use, based on specific criteria, would be beneficial to mitigating these potential environmental impacts. The Plan Committee may want to consider revisiting this section of the plan and discussing the recommendation/comment offered above to ensure groundwater quality and limit excessive impervious surfaces.

SUMMARY OF RECOMMENDATIONS

Based upon the summary of comments, no substantial changes are recommended to the Generic Environmental Impact Statement. As the majority of the comments were directed towards the content within the Comprehensive Plan, Zoning Code and Subdivision Regulations, the Comprehensive Plan Steering Committee reconvened to review the comments as well as the documents subject to this GEIS.

Several minor revisions in the documents have been proposed by the Committee for recommendation to the Town Board for final adoption. These revisions, summarized below, are not substantial; and, if adopted in their current format, will not have any negative environmental impacts to the Town. The summarized revisions only reflect regulatory changes; any grammatical revisions, administrative changes (i.e. fees,

powers/duties of Boards or individuals, review timeframes, etc.), minimal dimensional changes, or rewording of language that does not change the intent of the original regulation are considered insignificant for this environmental review and are not included.

Zoning Code

- *Refuse storage for single and two-family dwellings larger than standard 95-gallon receptacles shall be screened from view. Previously worded as bulk garbage with no size limitations. This regulatory change is minimal and would have no environmental impact; a positive visual impact is anticipated.*
- *Regulations for animal husbandry were revised to be slightly less restrictive from the original regulatory language. The revised regulation states that farming operations in conjunction with NYS Agriculture and Markets Law are not subject to this regulation. In addition, the Zoning Administrator may make reasonable accommodations for participants in 4-H or Future Farmers of America (FFA) organizations in order to retain farming as a viable enterprise in the Town. Minimum lot sizes, animal security, waste storage and handling, and animal housing are still regulated, although some of the dimensional requirements have been decreased in comparison to the original draft. The revised regulation still allows homeowners to own non-domestic animals while protecting the health and safety of neighboring properties and the environment, especially watercourses and wetlands. A positive environmental impact is anticipated, in terms of retaining community character and protecting water features from pollution.*
- *The Planning Board has the discretion to reduce the number of parking spaces required for any use if the number of spaces is considered excessive and would result in an increase in runoff and impervious surface. The Board must consider all factors which may affect the parking needs of the use prior to a reduction in parking. A decrease in parking and impervious surfaces has a positive impact on the environment by reducing stormwater runoff and pollution, as well as allowing for increased groundwater recharge.*

- *Private wind power generation facilities are allowed up to 100 feet in total height, from ground to the top of the blade in the vertical position. No negative environmental impacts are anticipated – a separate SEQRA assessment would be required for any proposed application.*

Subdivision Regulations

- *Shared access driveways or roads may be required by the Planning Board if several adjoining lots require access to a major street to limit possible traffic hazard. Positive environmental impact anticipated.*