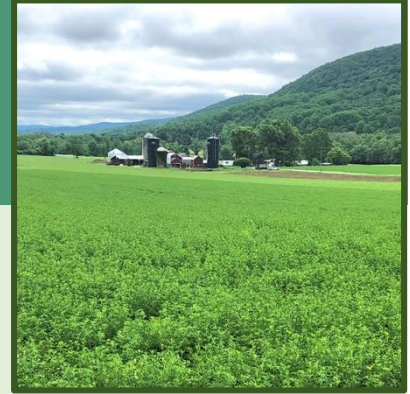


# Town of East Fishkill Industrial Lands Study September 10, 2019



Prepared for



Prepared By





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# Town of Fishkill

## Industrial Lands Study

### 1. INTRODUCTION

This study examines current and future industrial land use needs, opportunities, and constraints in East Fishkill, considers appropriate and feasible areas for industrial uses within the town, and presents recommendations for the zoning and development of industrial land. The goals of the study are to:

1. Preserve, protect, and grow existing businesses, while fostering opportunities for future growth;
2. Consider needs of all community members, businesses and residents, and integrate into the Town's long-term economic development strategy;
3. Identify future industrial district improvements and infrastructure that would lower barriers to appropriate additional industrial growth on underutilized parcels;
4. Identify and make recommendations regarding potential zoning map and text changes.

The purpose of the study was to address recent economic development initiatives as well as concerns raised by the community with regards to the location and permitted uses within some of the town's industrial districts. Residential development and market competition is changing the dynamic of many of the town's industrial areas as the demand for residential land has moved residential uses closer to industrially zoned areas, creating the potential for land use conflicts. At the same time, many non-industrial uses have begun to take advantage of the lower rents and flexible building types available in the town's industrial zones. For example, offices, daycare, or fitness facilities which can typically afford to pay more rent than a more traditional industrial tenant have begun to pop up in the town's industrial zones reducing available industrial property.

To address these concerns, Behan Planning and Design was engaged to conduct a study of the town's industrially zoned properties located outside of the I-84 corridor. Additionally, as recommended by the Town of East Fishkill Economic Development Committee, the consultant in collaboration with town staff has developed recommendations toward creating new zoning districts that would allow a mix-of-uses including light industrial and neighborhood-serving uses within areas currently zoned for industrial uses only.

### 2. EXISTING CONDITIONS—STUDY AREA PROFILE

This section of the report provides an overview of the land use and related development opportunities and constraints in each of the study sub-areas. Behan Planning and Design considered existing town planning documents<sup>1</sup> and reviewed geographic information system (GIS) data available from the town, Dutchess County and New York State including land use and environmental features and an overview of existing and emerging land use issues and opportunities as outlined by the town. As part of this process, we have considered the existing town comprehensive plan and county comprehensive plan, town zoning and land use regulations, and other pertinent documents provided.

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<sup>1</sup> *Town of East Fishkill Master Plan (Buckhurst, Fish & Jacquemart, Inc., 2002), Significant Habitats of the Town of East Fishkill (Hudsonia, 2005), Hopewell Junction Hamlet Study (Buckhurst, Fish & Jacquemart, Inc., 2005)*

**County plan context.** The study goals fit well within the context of guidance provided in Dutchess County's Centers and Greenspaces plan. The county promotes smart growth within a traditional and ecological pattern where new development should either:

- strengthen an existing city, village, hamlet, or town center;
- transform a suburban strip or subdivision(s) into a center in the form of a more walkable, mixed-use neighborhood; or
- fit gently into the rural countryside as a background element, preserving continuous natural and agricultural greenspaces.

From Dutchess County's Centers and Greenspaces Plan.

**Build close-knit, connected centers.....to protect our landscape legacy.**



- Reinforce existing centers and main streets;
- Mix uses to promote walking and biking;
- Connect major centers with transit services;
- Locally identify priority growth areas for close-in expansion and conversion of strip districts or subdivisions into new centers.

- Employ a range of protection measures for farmland and natural wildlife areas;
- Adopt policies that support agriculture;
- Plan for continuous greenspace systems;
- Locally identify priority greenspaces for future public or private conservation.

## Zoning Analysis.

Behan Planning and Design, in collaboration with the town planner, has conducted a zoning analysis of the industrial-zoned properties (including split zoned industrial properties) not abutting the I-84 corridor. These include the following five study areas and their immediate surrounding context:

Study Area 1: The I-3 zoned industrial lands in the vicinity of Route 376 and Van Wyck Lane.

Study Area 2: The I-2 zoned industrial lands in the vicinity of Ryan Drive.

Study Area 3: The I-2 zoned industrial lands in the vicinity of Hopewell Junction hamlet.

Study Area 4: The I-1 zoned industrial lands in the vicinity of Route 216 and the Stormville Airport.

Study Area 5: The I-2 zoned industrial lands in the vicinity of Route 52 and Leetown Road.

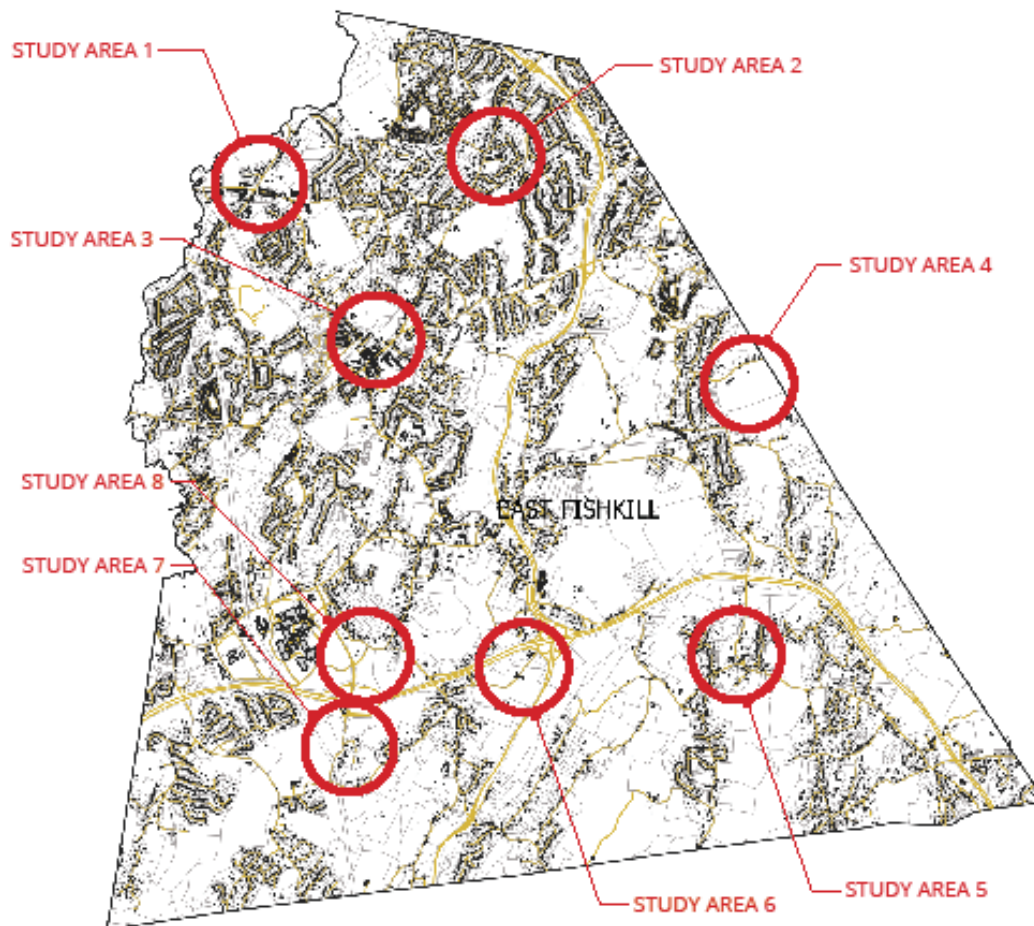
Study Area 6: The I-1 zoned industrial lands in the vicinity of Jackson Road.

Study Area 7: The I-1 zoned industrial lands in the vicinity of Lime Kiln Road.

Study Area 8: The I-1 zoned industrial lands in the vicinity of Shenandoah Road.

## STUDY AREAS

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## EXISTING ZONING DISTRICTS

The Town of East Fishkill contains 4 separate industrial zoning districts, as follows:

I-1 District: Light Industrial

I-2 District: Heavy Industrial

I-3 District: Light Industrial/Retail

I-1-S District: Light Industrial (Not found on zoning map – See Section 4)

### Summary of Permitted Uses in the Industrial Districts

A summary of the uses currently allowed by right and by special permit in the existing industrial districts, as found in the *Schedule of Permitted Uses (194 Attachment 2)*, is summarized below.

USES ALLOWED BY DISTRICT					
USE DESCRIPTION (P = Permitted S = Special Permit)	ZONING DISTRICTS				DEFINED
	I-1	I-2	I-3	I-1-S	
Farming, forestry, florists, greenhouses, nurseries, truck gardens and dairies	P	P	P	P	
Monument works		P			
Airports, flying schools and facilities for repair and maintenance of aircraft		S			
Any use of the same general character as listed permitted use, provided that the Board shall find that said use is not inconsistent with the generally accepted definition of the term "light industry" and where, in the estimation of the Board, the enterprise in question will be beneficial to the Town as a whole	S		S	S	
Asphalt mixing or concrete mixing plants		P			
Atomic generator or reactor		P			
Auto wrecking yard or junkyard		S			
Breweries		P			
Brick, glass, pottery, tile or terra-cotta manufacture		P			
Candy, cigar and cigarette manufacturing	P	P	P	P	
Chemical manufacturing or storage		S			
Cold storage plant, creamery, ice cream factory, bottling works, baking plant and food or drink distribution plant	P	P	P	P	
Commercial communications tower or antenna installation	S	S	S	S	
Commercial communications tower, subject to the provisions of § 194-76	S		S	S	
Commercial kennels	P	P	P	P	
Cosmetic and pharmaceutical manufacturing	P	P	P	P	
Excavations for soil mining (§ 194-75)	S	S		S	
Executive, business, sales, accounting and general offices	S	S		S	
Food processing, packing or canning		S			
Furniture and cabinet manufacturing	P	P	P	P	
Laboratories for scientific or industrial research, testing and development	P	P	P	P	
Laundry or cleaning plants	P	P		P	
Lumberyard, building material sales yard or contractor's equipment storage yards	P	P	P	P	
Mechanical, optical, photographic, scientific or electronic manufacturing	P	P	P	P	
Petroleum or bottled gas processing, manufacturing or storage		S			
Plastic manufacturing		S			
Plumbing, sheet metal or machine shops or motor vehicle repair facilities	P	P	P	P	
Public utility structures, except commercial communications	P	P	P	P	

## USES ALLOWED BY DISTRICT

USE DESCRIPTION (P = Permitted S = Special Permit)	ZONING DISTRICTS				DEFINED
	I-1	I-2	I-3	I-1-S	
towers					
Publishing, printing, and bookbinding	P	P	P	P	
Stationary solicitor, peddler, vendor	S	S	S	S	
Structural steel works, foundries or metal fabricating		P			
Textile, leather goods and clothing manufacturing	P	P	P	P	
Toys, games and novelties manufacturing	P	P	P	P	
Warehousing and distributing, provided that no outdoor storage of material shall be permitted	P	P	P	P	
<b>Special Permits</b>					
<i>Same as B-1, where property has frontage on Route 376 or Van Wyck Lane, or frontage on an approved subdivision road with direct access onto Route 376 or Van Wyck Lane (Note these uses listed as P(B1) - See Below)</i>			P		
One-family occupancy apartments			P(B1)		
Greenhouses			P(B1)		
Indoor recreation on sites at least 10 acres in size. If such indoor recreation uses are located in a domed or curved-roof structure which is set back a minimum of 100 feet from a street and a minimum of 100 feet from any existing residence located in a residential zone, the Planning Board may, as part of its special permit approval, authorize a height, as measured from the mean level of the ground at the front of the building to the top of the highest point of the roof, up to a maximum of 75 feet. In the case of any other roof structure, the height provisions in the bulk table shall apply.			P(B1)		
Mortuaries			P(B1)		
Outdoor recreation developments on sites at least 10 acres in size and subject to the provisions of § 194-67			P(B1)		
Automobile service facilities, subject to the provisions of § 194-86			P(B1)		
Banks, theaters, offices, restaurants and similar community services			P(B1)		
Car washes			P(B1)		
Commercial communications tower, provided that the parcel on which the tower is located abuts an I-1 zone; subject to the provisions of § 194-76			P(B1)		
Drive-through retail and service facilities			P(B1)		
Gasoline filling stations			P(B1)		
Medical or dental offices, medical centers, clinics or health services			P(B1)		
Personal service shops			P(B1)		
Similar community services (i.e., similar to banks, theaters, etc.)			P(B1)		
Stores and shops for conducting business			P(B1)		
Theaters			P(B1)		

There are a wide variety of uses currently permitted within the industrial districts of the town. Not all of these uses are really industrial in nature, such as “peddler / vendor” or “florist”, which would not likely have any significant impact on the town overall. On the other end of the spectrum there are some very intense industrial uses currently listed—such as “atomic reactors” “petroleum processing” and “chemical manufacturing”—which would have a large impact on the surrounding town. The appropriateness of each of these uses is further described below in the context of the surrounding landscape and land uses in each of



the industrial study areas. However, it was noted that a majority of the industrial uses listed above are not adequately defined in the town code. This is problematic as it can lead to ambiguity and uncertainty in what uses are actually permitted.

#### Additional References to Industrial Uses in Code

In addition to the *Schedule of Permitted Uses (194 Attachment 2)*, the following references to industrial districts were found within the code:

**§194-29.** Functions of the ARB (Architectural Review Board) – ARB reviews projects within I-1, I-2, I-3 districts.

**§194-46.3.** Contractor's recycling yard. This use is only permitted in I-1 and I-3 districts, with 100 feet of road frontage.

**§194-46.4.** Solid waste management facility and recyclables handling and recovery facility. These facilities are permitted in the I-1 and I-3 districts with 200 feet of frontage along a state road.

**§194-46.6.** Recreational indoor sports dome facility. These facilities are permitted only within the I-1 district with 500 feet of frontage along a state highway and within one mile of I-84.

**§194-46.7.** Economic redevelopment special permit. (ERSP) Allows for the redevelopment of existing and former industrial lands with flexibility in uses within the I-1 district, including *“manufacturing, industrial, light industrial, commercial, retail, restaurants, institutional, medical, hospital centers, recreation and hotels”*. Note: This section goes on to list other specific uses. [Pg. 194:90]

**§194-46.8.** Standards for transitional business use special permit. Planning Board has authority to permit *“transitional business”* in Hopewell Hamlet by Special Permit. This permits limited commercial uses on residential parcels that about I-1, I-2 or I-3 districts.

**§194-67.3.** Creation of certain lots in I-1 District. Planning Board has authority to allow flexibility in the design and creation of certain lots within the I-1 District with Special Permit since it has been determined that traditional bulk and dimensional requirements will not allow it to work. Minimum of 150 acres. If approved, all area and bulk requirements are waived for that lot **[not the use?]** hereafter.

- *“all determinations relating to bulk and dimensional standards, including frontage, setbacks, buildings covered, floor area ratios, and parking and loading requirements for any lot or lots subject to a special permit review hereunder, shall be made treating the entire site as a single unit”*
- *“Accordingly, upon the issuance of a special permit pursuant to this section, no further site plan review and approval shall be required for any lot or lots reviewed and approved hereunder”* [Pg 194:129]

**§194-75.** Land excavation and filling. The ZBA is authorized to grant a special permit for land excavation and filling. [Pg. 194:139]

**§194-84.** Design and construction requirements. Newly constructed or existing towers and antenna limited to 195 feet tall in I-1 district. 150 feet in I-2, I-3 and I-1-S districts. [Pg. 194:166]

**§194-101.** Height restriction exceptions. The height limit of 30 feet (2 stories) within the I-1 industrial district may be increased by 10 feet for every 100 feet of front yard depth. (No apparent limit, except a minimum of 10 acre lot, and building setback from property lines must be equal or less than height.)

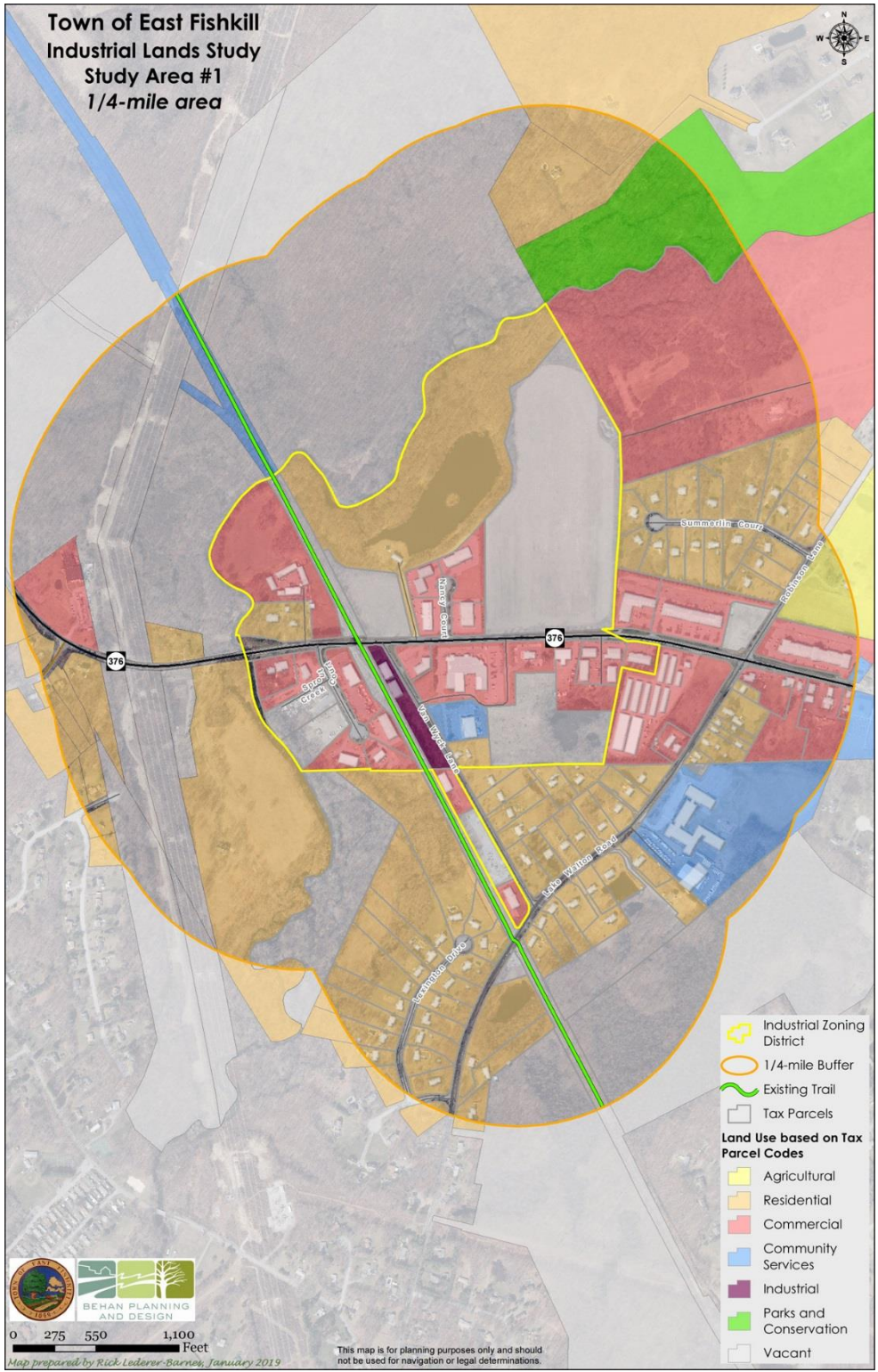
**§194-115.** Business and industrial districts. No parking required for a business or industrial use in a business or industrial district (I-1, I-2, I-3) may be located in a residential district.

EXISTING LAND USE PATTERNS

Study Area 1. (Sprout Creek Court/Nancy Court/NYS Route 376 Area).



Study Area 1 Land Use Patterns.  
Land Use



A mix of commercial uses are found in and around study area #1 including:

- Contractor's equipment yard
- Restaurant and bar
- Restaurant with drive through
- Auto-repair

- Personal/professional service
- Medical offices
- Business office
- Retail
- Warehousing
- Light manufacturing (door assembly, welding)
- Place of worship
- Educational facilities
- Single-family residential
- Agricultural
- Vacant land

The area has developed into a commercial corridor with a mix of uses. Nearby some of the major land uses are educational and outdoor recreational including Van Wyck Junior High School, Fishkill Plains Elementary School, the Southern Dutchess Equestrian Center and Dogwood Knolls Golf Course.

The study area is adjacent in the west to the Town of Wappinger, whose uses include large areas of natural land and open space along Sprout Creek and its floodplain, an electric transmission corridor, single-family residential, agricultural land and vacant land.

### Zoning

The study area is in the I-3 zoning district. To the east along NYS Route 376 is a strip of B-1 zoning and the remainder of the adjacent area in the town is R-1. There is a provision in the zoning ordinance that permits B-1 uses in the I-3 zone if the property fronts on NYS Route 376 or VanWyck lane.

Adjacent zoning districts in the town of Wappinger include residential (R3A and R40) and conservation commercial.

### Transportation

State highway system. The area is accessed by NYS Route 376 and is approximately 8 miles from Interstate 84 (via state highways.)

County highway system. Hillside Lane (county route 33) and Clove Branch Road (county route 29) are located east of the study area.

Pedestrian and bicycle system. The area includes access to the Dutchess County Rail Trail which runs north-south from the town line toward Hopewell Junction. A sidewalk system has recently been installed along NYS Route 376 westerly from Robinson Lane-Lake Walton Road to Summerlin Plaza entrance.

Transit. There is no fixed-route service in the study area. The nearest service area provided by Dutchess County Transit Service is approximately 2.5 miles away in Hopewell Junction.

### Access to Public Water & Sewer Service

The area is served by public water supply. There is no public sewer service currently serving the area and wastewater treatment is via individual septic systems. Predominant soil types here are considered somewhat excessively drained in terms of septic system suitability; meaning there may be some concern of inadequate retention time to allow for adequate treatment without some modification to the native soil profile.

### Surface Water

Sprout Creek forms the western border of the town with the town of Wappinger in study area 1. The creek is a major tributary to the Fishkill and supports a diverse fishery. The creek is stocked annually with 6,000 brown trout by NYS Department of Environmental Conservation with some contribution to the fishery by a

wild brown trout population. Wild brook trout can also be found in the headwaters. The creek and bordering vegetated wetlands and floodplain and an approximately 6-acre pond (including a small island) north of Nancy Court and a kettle shrub pool wetland area (noted as a potential habitat for Blanding's Turtles, a threatened species in New York) comprise part of the industrial district here.

#### Habitats & Environmental Constraints

The habitats and environmental constraints data was gathered from the DEC Environmental Assessment Form (EAF) Mapper, the NYS Cultural Resource Information System (CRIS), and the Hudsonia report entitled Significant Habitats of the Town of East Fishkill, Dutchess County, New York.

As noted above, study area 1 is located within potential Blanding's turtle habitat. The Blanding's turtle is considered a threatened species in New York State. The area could include habitat for the Indiana bat, a state and federally endangered species.

This site contains areas located within the 100 year floodplain.

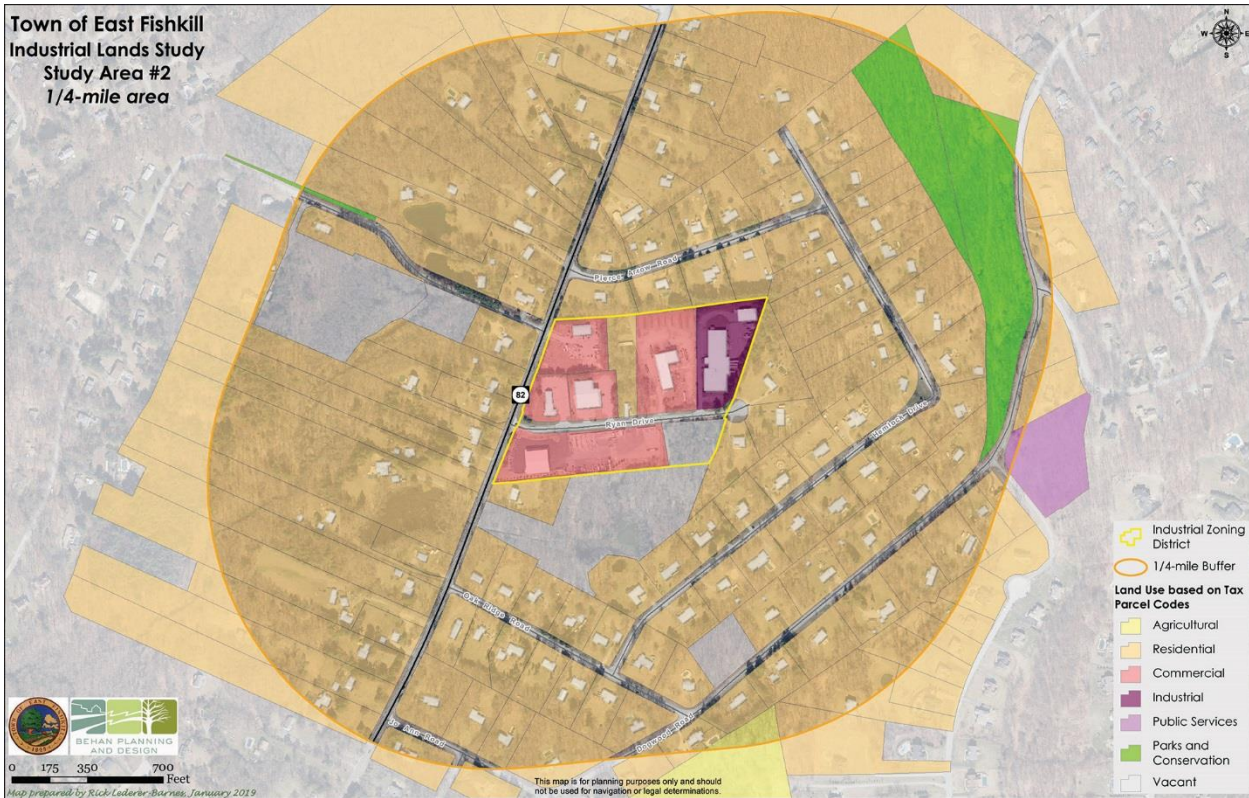
The Central Dutchess Water Transmission line runs through study area 1, and that corridor was the subject of a stage 1 cultural resource investigation.

Study Area 2 (Ryan Drive area off NYS Route 82).



Land Use

The industrial district here is comprised mainly of commercial uses with one manufacturing use.



Surrounding uses are primarily residential with some vacant land.

- Contractor yard (including outdoor storage, retail sales)
- Medical offices
- Indoor recreation
- Warehousing
- Light manufacturing (custom sheet metal and machining fabrication)
- Single-family residential
- Parks and conservation
- Vacant land

Land uses outside the industrial district includes a large residential district comprised of several neighborhoods. South of Ryan Drive about one-half mile down NYS Route 82 is the historic Phillips Farm. The oldest structure extant on the farmstead complex was built circa 1785. The property is significant as a grouping of farm buildings surviving in their historic context with a large cluster of nineteenth century barns and with open fields.

### Zoning

The study area is in the I-2 zoning district and the remainder of the adjacent area is in the R-1 zoning district.

### Transportation

State highway system. The area is accessed by NYS Route 82 and is approximately 7 miles from Interstate 84 (via state highways.)

County highway system. Sylvan Lake Road (county route 10) and Clove Branch Road (county route 29) are located just over a mile (north and south, respectively) from the study area.

Pedestrian and bicycle system. There are no separate bicycle or pedestrian facilities in the area.

Transit. There is no fixed-route service in the study area. The nearest service route (F) provided by Dutchess County Transit Service is approximately 2.5 miles away in Hopewell Junction.

### Access to Public Water & Sewer Service

The area is/will be served by public water supply as part of the federal Superfund project. There is no public sewer service currently serving the area and wastewater treatment is via individual septic systems. Predominant soil types here are considered excessively drained in terms of septic system suitability; meaning there is concern of inadequate retention time to allow for adequate treatment without some modification to the native soil profile.

### Surface Water

#### Habitats & Environmental Constraints

The habitats and environmental constraints data was gathered from the DEC Environmental Assessment Form (EAF) Mapper, the NYS Cultural Resource Information System (CRIS), and the Hudsonia report entitled Significant Habitats of the Town of East Fishkill, Dutchess County, New York. The vacant parcel just south of the industrial district was noted in the Hudsonia report as having a kettle shrub pool and potential Blanding's turtle habitat surrounding the pool. (The pool appears to have a drainage connection to a wetland habitat area to the east crossing under NYS Route 82.)

Study area 2 contains part of the Hopewell Precision Groundwater Contamination Site, and is a NYSDEC spill and remediation site. Hopewell Precision, Inc. has operated at either 15 or 19 Ryan Drive since the early 1970's manufacturing sheet metal parts and assemblies. Various painting and degreasing processes used at these locations generated wastes that were reportedly disposed of directly on the ground, resulting in a groundwater contamination plume which now extends about 1.5 miles in a southwesterly direction from 15

and 19 Ryan Drive. The U.S. Environmental Protection Agency, along with other agencies, have been managing pollutant remediation activities and design and installation of a new public water supply system for the impacted area.

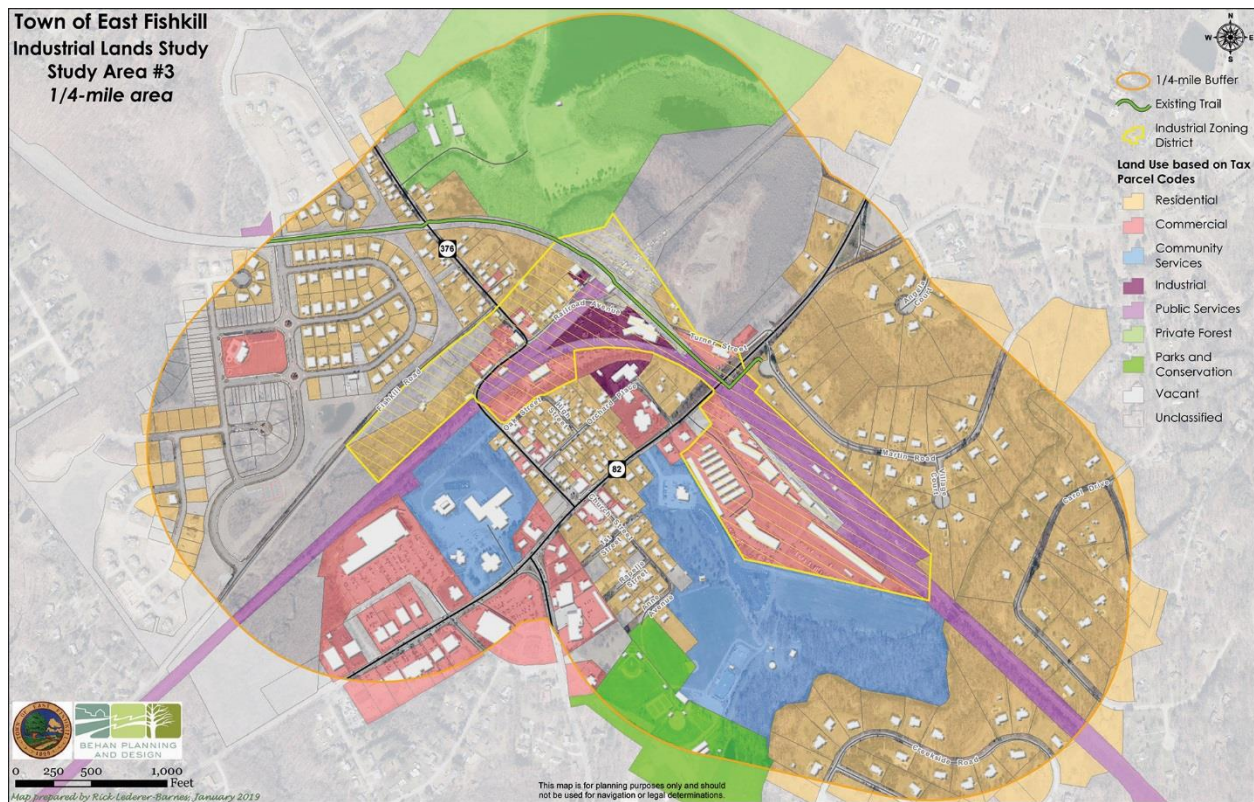
It is the site of a stage 1A cultural resource survey associated with the remedial investigation/feasibility study to address development of the new public water supply system being installed in the area. Information from New York State notes this area also could include habitat for the Indiana bat, a state and federally endangered species and Blanding's turtle habitat.



Study Area 3 (Railroad Avenue - Hopewell Yard area).



## Land Use



A mix of commercial and other uses are found in and around study area #1 including

- Public service (railroad yard)
- Contractor's equipment yard
- Restaurant and bar
- Motor vehicle repair
- Lumber yard, retail hardware supply
- Warehousing
- Junkyard
- Light manufacturing (welding)
- Single and two-family residential
- Recreation (rail trail)
- Vacant land

The area is comprised of primarily warehouse and outdoor storage type of uses including retail ranging from a hardware store and lumber yard to vehicle storage and junkyard. The Dutchess Rail Trail's southern trailhead begins here in Hopewell Junction and the trail is planned to be extended southeast as part of the Maybrook Section of the Empire State Trail.

This industrial district is part of the larger, historic Hopewell Junction hamlet area which includes a wide variety of commercial, residential, recreational and public service land uses

### Zoning

The study area is in the I-2 zoning district and the adjacent areas include parcels in the R-1, CRD, and B-2 zoning districts.

### Transportation

State highway system. The area is accessed by NYS Routes 82 and 376 and is approximately 4.5 miles from Interstate 84.

County highway system. Plain Road (county route 31) and Beekman Road (county route 9) are located southwest and northeast, respectively of the study area.

Pedestrian and bicycle system. The area includes access to the Dutchess County Rail Trail which runs northerly from Hopewell Junction. A sidewalk system exists west of the study area along NYS Route 82, beginning at the intersection of NYS Route 376, otherwise there are no separated pedestrian facilities in the study area.

Transit. There is a fixed-route service in the study area provided by Dutchess County Transit Service in Hopewell Junction and the town is part of county transit's dial-a-ride and flex zone service area.

#### Access to Public Water & Sewer Service

The area is served by public water supply. There is no public sewer service currently serving the district and wastewater treatment is via individual septic systems. (There is a sewer district and wastewater treatment facility nearby at the Hopewell Hamlet Sewer Plant.) Predominant soil types here are typically well-drained in terms of septic system suitability.

#### Surface Water

The study area is framed on two sides by the Whortlekill and the Fishkill. The Whortlekill is a tributary to the Fishkill. Its watershed contains a large area of wetlands, floodplain and a diverse habitat, as does the Fishkill. The creek and its watershed support a great diversity of species.

#### Habitats & Environmental Constraints

The habitats and environmental constraints data was gathered from the DEC Environmental Assessment Form (EAF) Mapper, the NYS Cultural Resource Information System (CRIS), and the Hudsonia report entitled Significant Habitats of the Town of East Fishkill, Dutchess County, New York. The Fishkill is stocked with brown trout, and has a significant brook trout population as well. Some plant and animal species found near the creek and in its watershed are on the state list of endangered or threatened species. The former include the bog turtle, wild hydrangea and live-forever. Threatened species in the creek and watershed include the bald eagle, Blanding's turtle, least bittern, pied-billed grebe, stiff-leaf goldenrod, swamp cottonwood and blazing star. Several salamander and turtle species are also species of concern. Study area 3 also could include habitat for the Indiana bat, a state and federally endangered species

Study area 3 was subject to a Stage 1a Cultural Resources Survey Remedial Investigation/Feasibility Study for the Hopewell Precision Groundwater Contamination Site and a Stage 1 Cultural Resource Investigation for the Central Dutchess County Water Transmission Line.

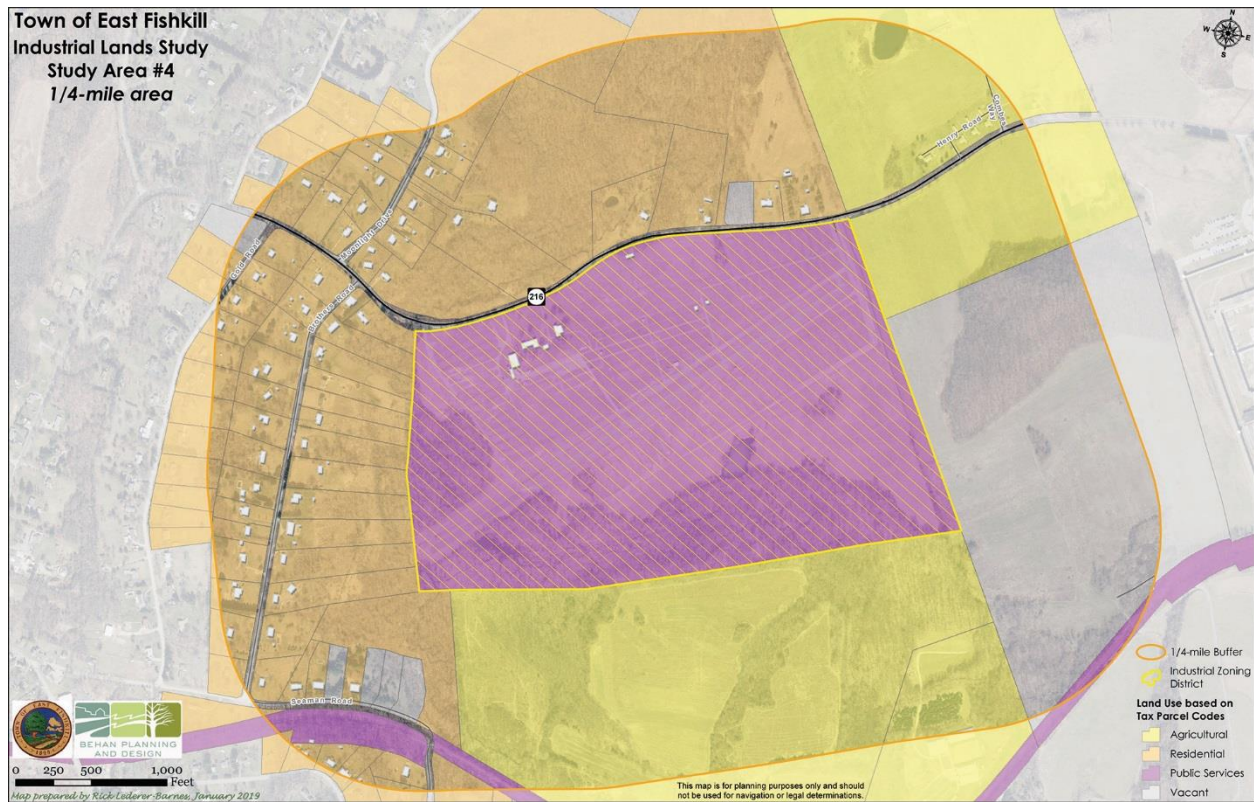
According to the EAF Mapper, the site NYS wetlands and is part of a floodplain forest natural community. The majority of this site is highly developed/disturbed land, though the undisturbed natural areas are important to the ecosystem health and water quality.

Study Area 4 (Stormville Airport area)

Town of East Fishkill  
Industrial Lands Study  
Study Area #4



## Land Use



The entirety of the industrial zoning district in study area #4 is comprised of a single parcel classified by the real property tax service as public service land use, likely due to its role as the former airport; home to the Stormville Airport Antique Show & Flea Market. In the areas surrounding this district, a few different land uses can be found, including:

- Residential
- Agricultural
- Vacant land
- Institutional (Green Haven Correctional Facility in the adjoining Town of Beekman)

The area is comprised primarily of a rural, open land setting. Despite being listed as agricultural land, the Metropolitan Transit Authority (MTA) operates a police dog training facility to the southeast of the district along the former railroad line. Part of the railroad corridor is planned to be converted to a shared-use path as the Maybrook Trailway section of the Empire State Trail.

## Zoning

The study area is in the I-1 zoning district and the adjacent areas include parcels in the R-1 zoning district.

## Transportation

**State highway system.** The area is accessed by NYS Route 216 and is approximately 4.5 miles from Interstate 84.

**County highway system.** Greenhaven Road (county route 8) and Beekman Road (county route 9) are located east and north, respectively of the study area.

**Pedestrian and bicycle system.** Currently there are no separated bicycle or pedestrian facilities in the study area, however the planned Maybrook Trailway is scheduled to be completed by 2021.

Transit. There is no fixed-route service in the study area provided by Dutchess County Transit Service in the study area, however; the town is part of county transit's dial-a-ride and flex zone service area. The closest bus transit line (Dutchess County Transit Route E) is located in Poughquag in the town of Beekman.

#### Access to Public Water & Sewer Service

There is no public water or sewer service currently serving the district. Water supply is via individual wells and wastewater treatment is via individual septic systems. Predominant soil types here are typically well-drained in terms of septic system suitability.

#### Surface Water

While the main part of the study area is predominantly upland, a tributary to the Fishkill runs south and east of the study area and includes a large area of wetlands and floodplain.

#### Habitats & Environmental Constraints

The habitats and environmental constraints data was gathered from the DEC Environmental Assessment Form (EAF) Mapper, the NYS Cultural Resource Information System (CRIS), and the Hudsonia report entitled Significant Habitats of the Town of East Fishkill, Dutchess County, New York.

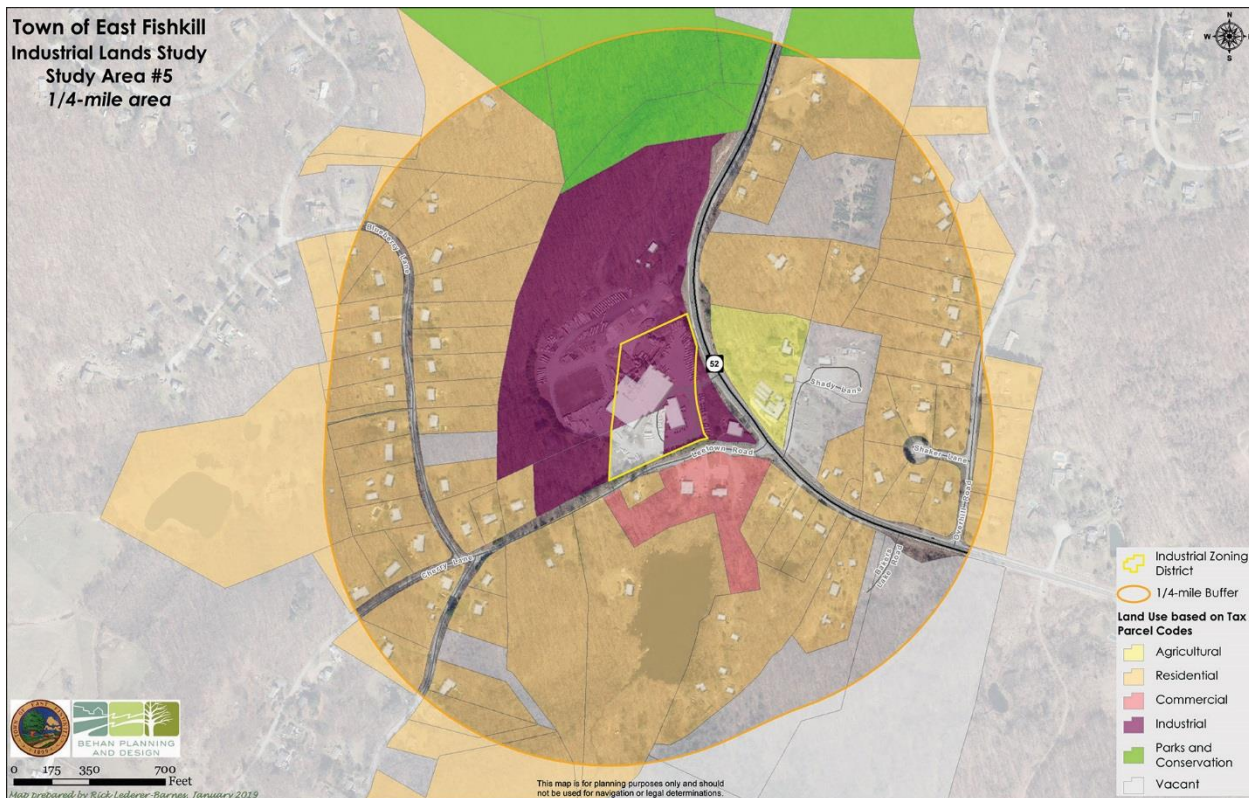
Study area 4 is contiguous to a large wetland area, and is considered habitat for the Indiana bat and the Bog turtle, both of which are considered endangered in New York State. The study area environs stretching over to the Town of Beekman includes large areas of contiguous meadows (including upland meadows, wet meadows and shrubby old fields) as noted in the Hudsonia report.

According to the NYSDEC EAF Mapper, the area in or near the study area contains an archaeological site. The exact location of this site is unclear, as it is not referenced on the NYS CRIS (often exact locations of sites like these are not disclosed publicly to protect potential cultural resources.)

# Study Area 5 (Route 52 and Leetown Road.)



## Land Use



Study area #5 is the location Package Pavement Products, Inc., a manufacturer and supplier of packaged blacktop, concrete and custom products. (From review of the aerial imagery, the area of operation appears to be greater than the zoning district boundary). According to county real property GIS data, the areas surrounding this district include:

- Industrial (Package Pavement)
- Residential
- Agricultural (greenhouse, nursery)
- Vacant land
- Commercial (restaurant, market)
- Parks and conservation

The area is primarily residential, recognizing the industrial use (package pavement plant) and the nearby retail/commercial node.

## Zoning

The study area is in the I-2 zoning district and the adjacent areas include parcels in the R-3 and B-1 zoning districts.

## Transportation

State highway system. The area is accessed by NYS Route 52 and is approximately 3.5 miles from Interstate 84.

County highway system. Milltown Road (county route 30) is about 2.5 miles south of the study area.



Pedestrian and bicycle system. Currently there are no separated bicycle or pedestrian facilities in the study area.

Transit. There is no fixed-route service in the study area provided by Dutchess County Transit Service in the study area, however; the town is part of county transit's dial-a-ride and flex zone service area.

#### Access to Public Water & Sewer Service

There is no public water or sewer service currently serving the district. Water supply is via individual wells and wastewater treatment is via individual septic systems. Predominant soil types here are typically well-drained in terms of septic system suitability.

#### Surface Water

While the main part of the study area is predominantly upland, a pond, wetland complex and tributary to the Leetown Brook runs south of the study area. This southerly watershed appears to connect to the upper reaches of the New York City East of the Hudson Watershed, while the area of the industrial district appears to drain southerly toward the Fishkill watershed.

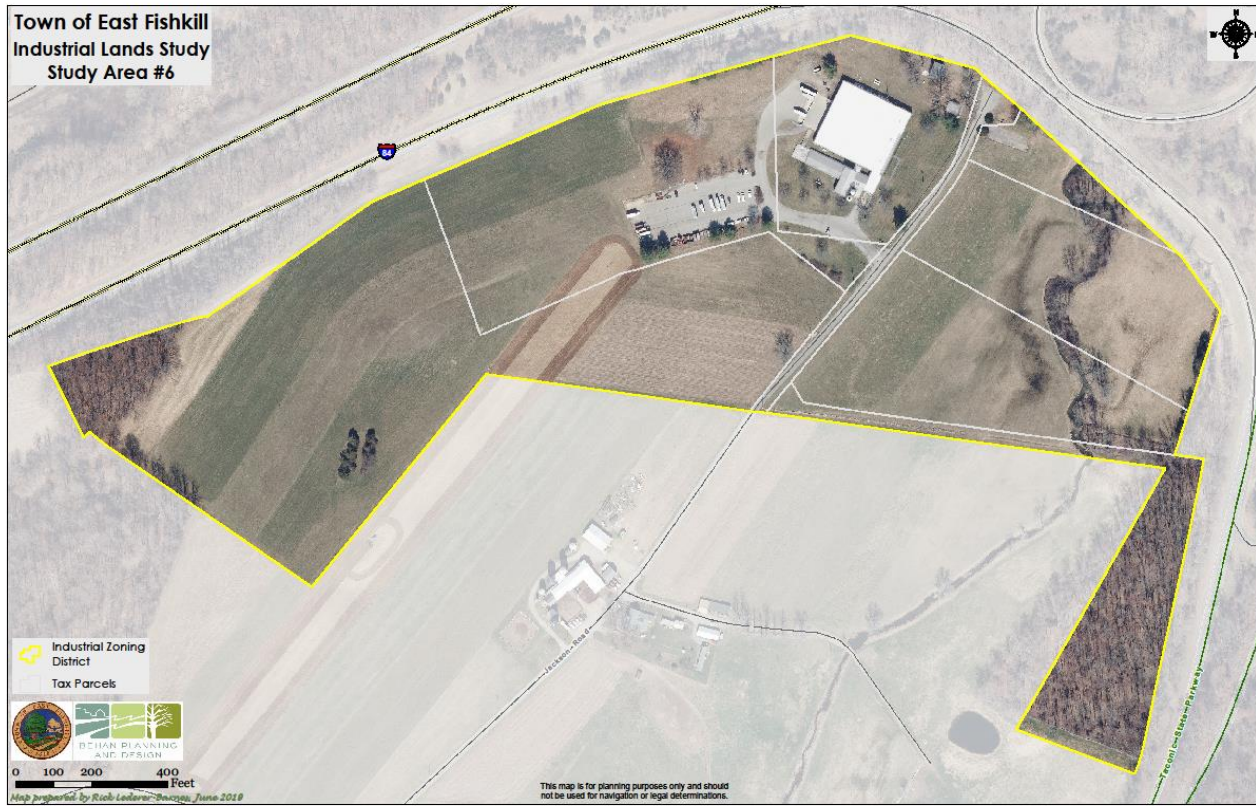
#### Habitats & Environmental Constraints

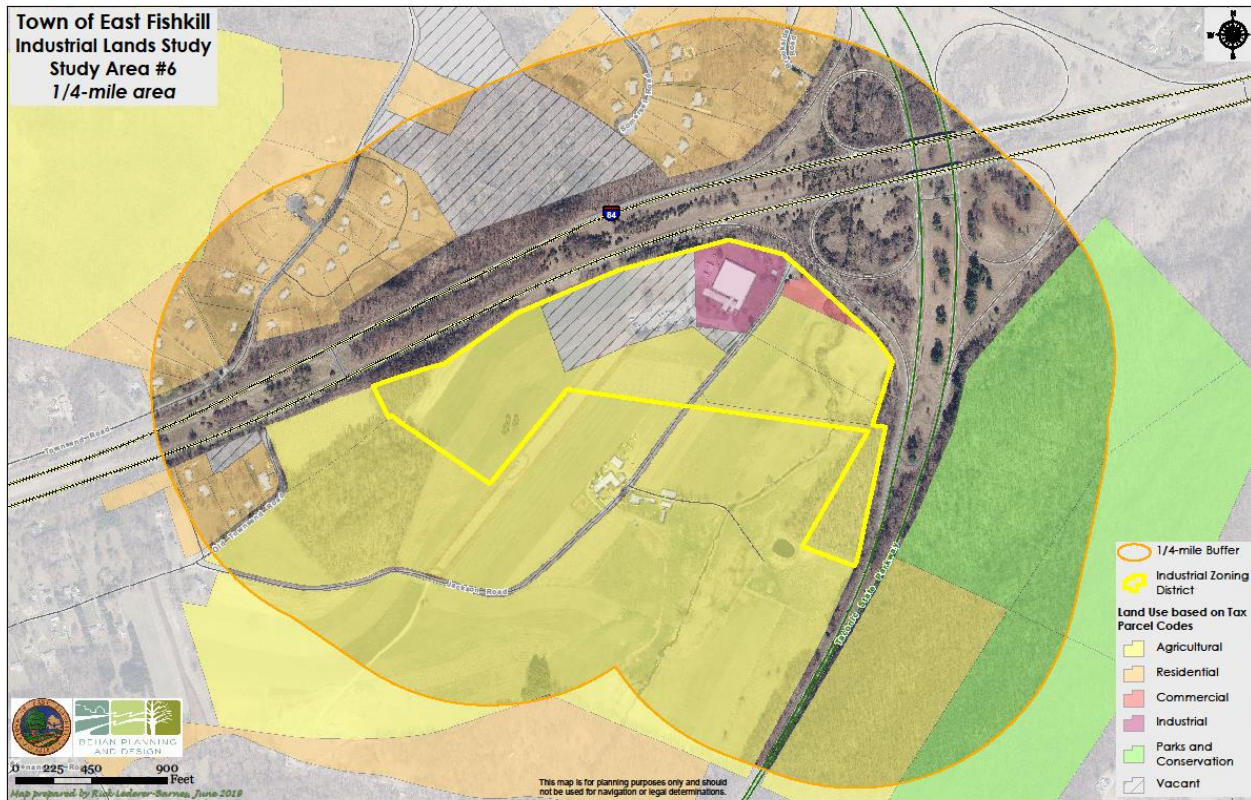
The habitats and environmental constraints data was gathered from the DEC Environmental Assessment Form (EAF) Mapper, the NYS Cultural Resource Information System (CRIS), and the Hudsonia report entitled Significant Habitats of the Town of East Fishkill, Dutchess County, New York.

#### Habitats & Environmental Constraints

According to the EAF Mapper, study area 5 could include habitat for the Indiana bat, a state and federally endangered species. The Hudsonia report on significant habitats notes the area contains a potential rocky crest, ledge, and talus habitats.

# Study Area 6 (Jackson Road)





## Land Use

Land Use in study area #6 includes agricultural, industrial, commercial, and vacant parcels. The industrial parcel contains a wholesale specialty food distributor, and the commercial parcel contains only a small parking lot.

The surrounding land use includes the following:

- Residential
- Agricultural
- Vacant land
- Parks and Conservation

The area to the south of study area 6 is comprised primarily of open agricultural land. Rural residential neighborhoods lie to the south and north, and to the east, across the Taconic Parkway, is a large wooded ridgeline along Hosner and Stormville Mountains, which includes a portion of the Appalachian Trail.

## Zoning

The study area is in the I-1 zoning district and the adjacent areas include parcels in the R-1 zoning district.

## Transportation

State highway system. Study site #6 is adjacent to Interstate 84 and the Taconic State Parkway. It is primarily accessed off of Interstate 84, via Shenandoah Road.

County highway system. County Route 27 (Limekiln Road) is located about a mile and a half west of the site.

Pedestrian and bicycle system. There are no separated bicycle or pedestrian facilities in this study area.

Transit. There is no fixed-route service in the study area provided by Dutchess County Transit Service, however; the town is part of county transit's dial-a-ride and flex zone service area. The closest bus transit line stop (on Dutchess County Transit Route F) is located about 2 miles away at the IBM facility.

#### Access to Public Water & Sewer Service

There is no public water or sewer service currently serving the district. Water supply is via individual wells and wastewater treatment is via individual septic systems. Predominant soil types here are typically well-drained, with the exception of the stream and small wetland area in the eastern area of the district.

#### Surface Water

While the main part of the study area is predominantly upland, a tributary to the Fishkill Creek runs through the eastern side of the study area, and includes an area of wetlands.

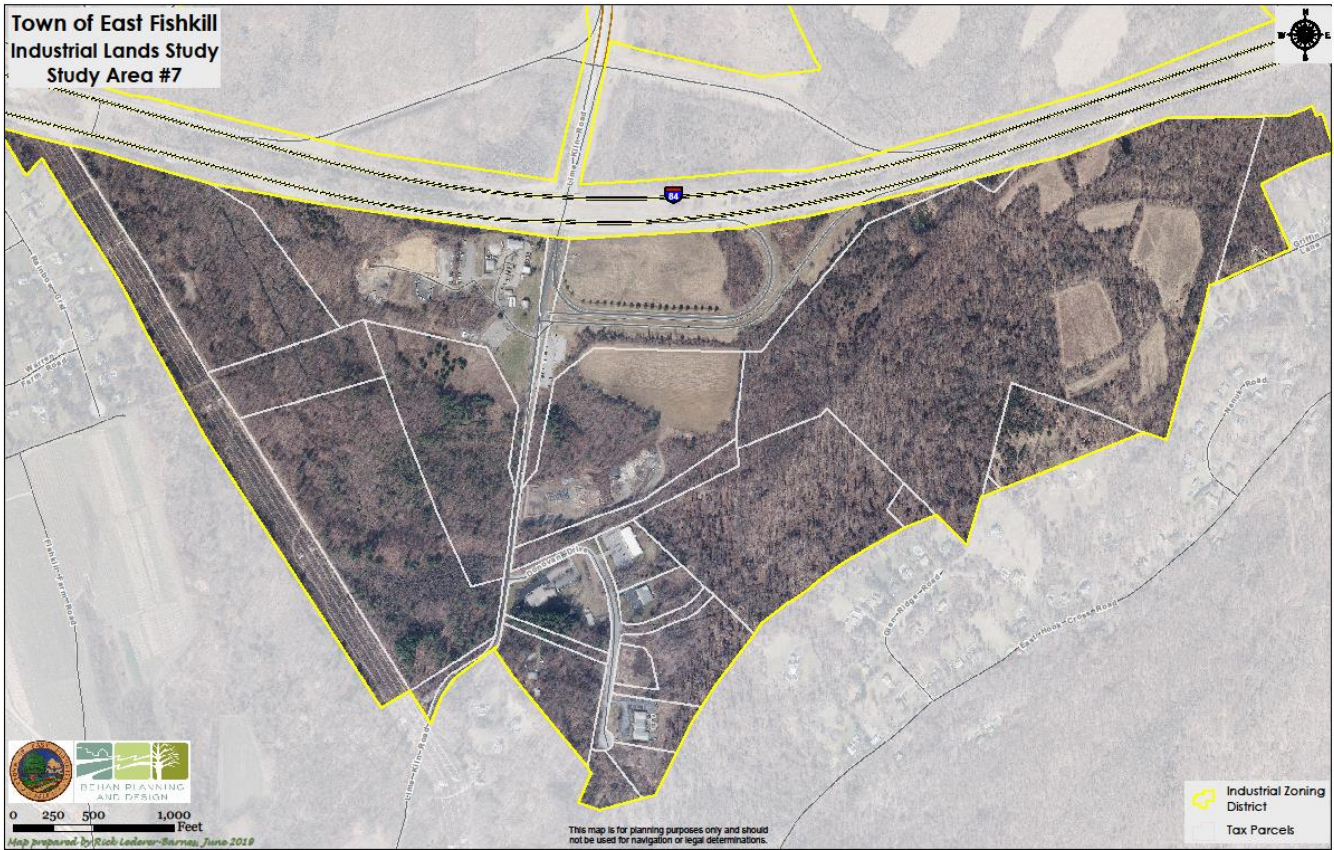
#### Habitats & Environmental Constraints

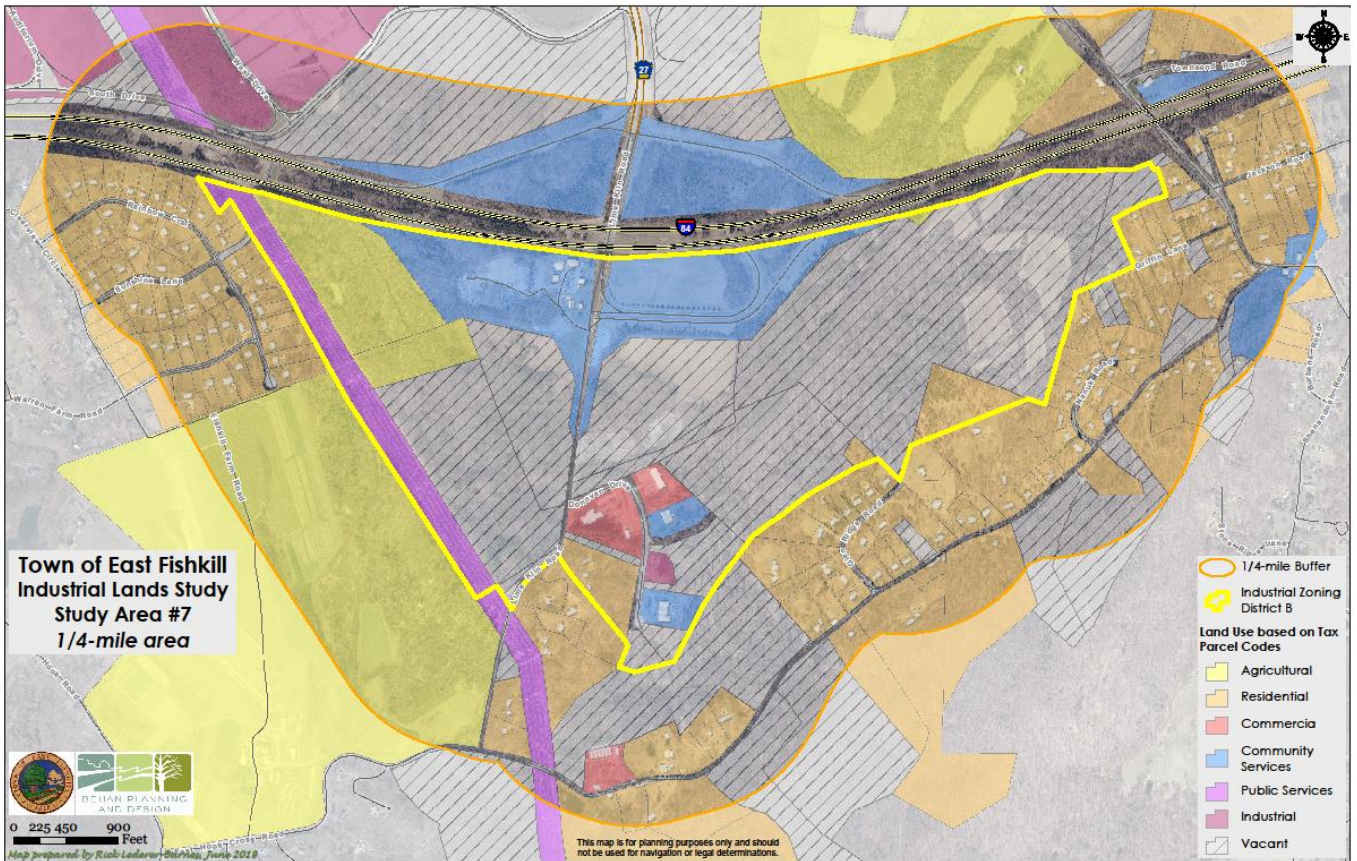
The habitats and environmental constraints data was gathered from the DEC Environmental Assessment Form (EAF) Mapper, the NYS Cultural Resource Information System (CRIS), and the Hudsonia report entitled Significant Habitats of the Town of East Fishkill, Dutchess County, New York.

The majority of study area 6 is classified as part of a contiguous meadow (an area greater than 50 acres which includes upland meadows, wet meadows, and shrubby old fields) as noted in the Hudsonia report. The study area is considered habitat for the Bog Turtle and the Indiana Bat, which are federally endangered species.

According to the NYSDEC EAF Mapper, the area in or near the study area contains a DEC spill or remediation site #314105. The details and exact location of this site is not specified in the EAF Mapper but is likely related to the Shenandoah Road Groundwater Contamination Site located just to the east and south of the district.

# Study Area 7 (Lime Kiln Road)





### Land Use

Land use in study area #7 is highly mixed and includes vacant land, community services, public services, residential, commercial, industrial, and agricultural. The majority of the land is vacant and wooded. The north central portion contains a NYSDOT facility and a park and ride. To the west is a wooded agricultural parcel. Residential areas border the south east side of the study area. Donovan Drive is a pocket of commercial, community service, and industrial uses, including a church, veterinarian, preschool, and an oil and natural gas company. A self-storage business occupies an industrial parcel at the southern tip of the study area and the Central Dutchess Water Transmission line borders the western edge.

The surrounding land use includes many of the same uses, including:

- Residential
- Agricultural
- Vacant land
- Public Services
- Community Services

### Zoning

The study area is in the I-1 zoning district and the adjacent areas include parcels in the R-1 and R-2 zoning districts.

### Transportation

State highway system. Interstate 84 lies directly to the north of study area 7. It is primarily accessed off of Interstate 84, via Lime Kiln Road. (Route 27)

County highway system. County Route 27 (Limekiln Road) bisects the study area.

Pedestrian and bicycle system. There are no separated bicycle or pedestrian facilities in this study area.

Transit. This study area contains a park and ride, and lies along Dutchess County Transit Service Route F, which makes a stop at the IBM facility north of Interstate 84.

#### Access to Public Water & Sewer Service

There is no public water or sewer service district currently serving the industrial district zone. Portions of the district include areas mapped as potential new water service expansion area. Water supply is via individual wells and wastewater treatment is via individual septic systems. About two thirds of the area is moderate to well-drained, with the remainder being somewhat to poorly drained.

#### Surface Water

Study area #7 contains about 54 acres of wetlands and multiple streams, primarily in the wooded areas.

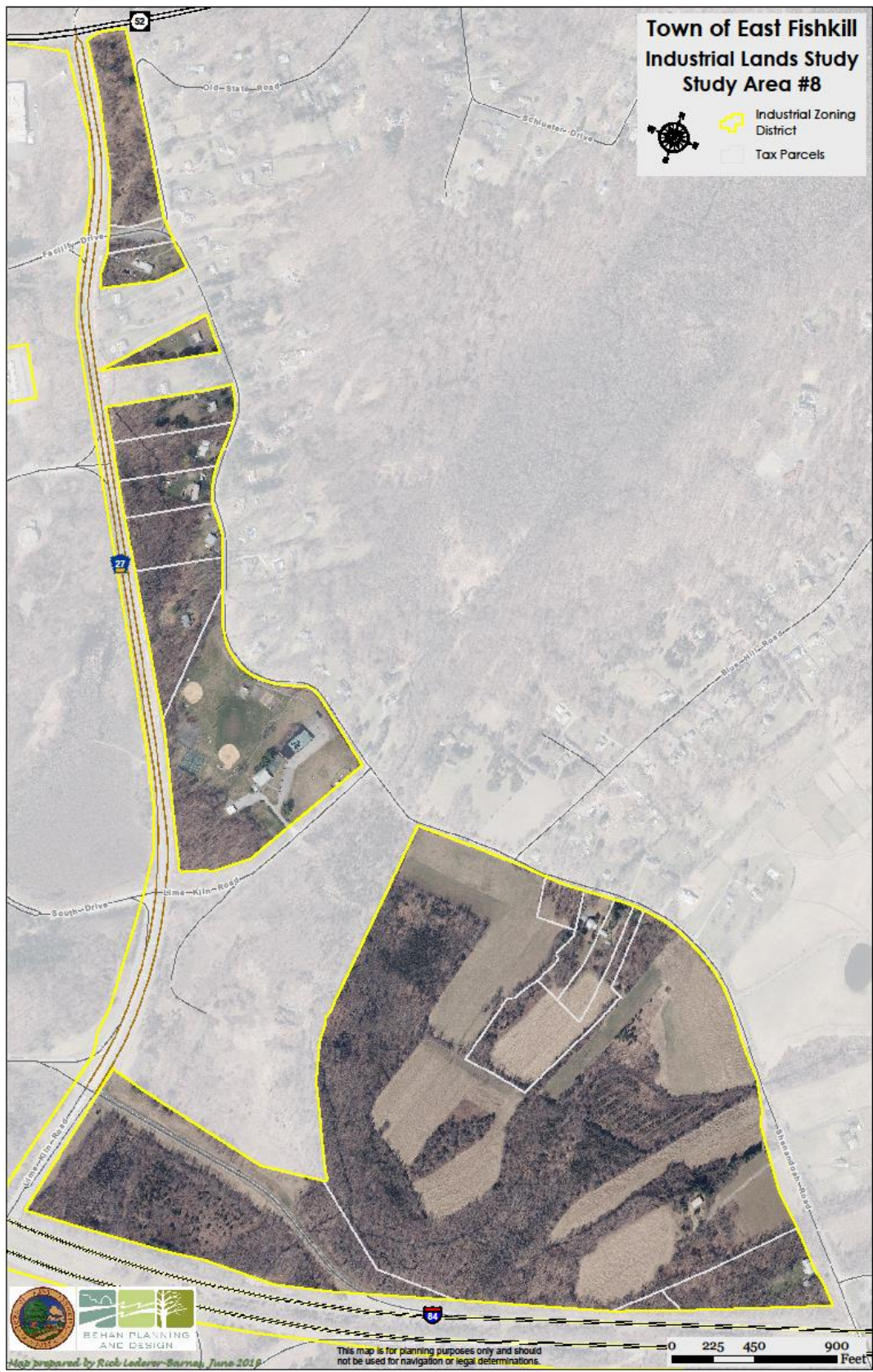
#### Habitats & Environmental Constraints

The habitats and environmental constraints data was gathered from the DEC Environmental Assessment Form (EAF) Mapper, the NYS Cultural Resource Information System (CRIS), and the Hudsonia report entitled Significant Habitats of the Town of East Fishkill, Dutchess County, New York.

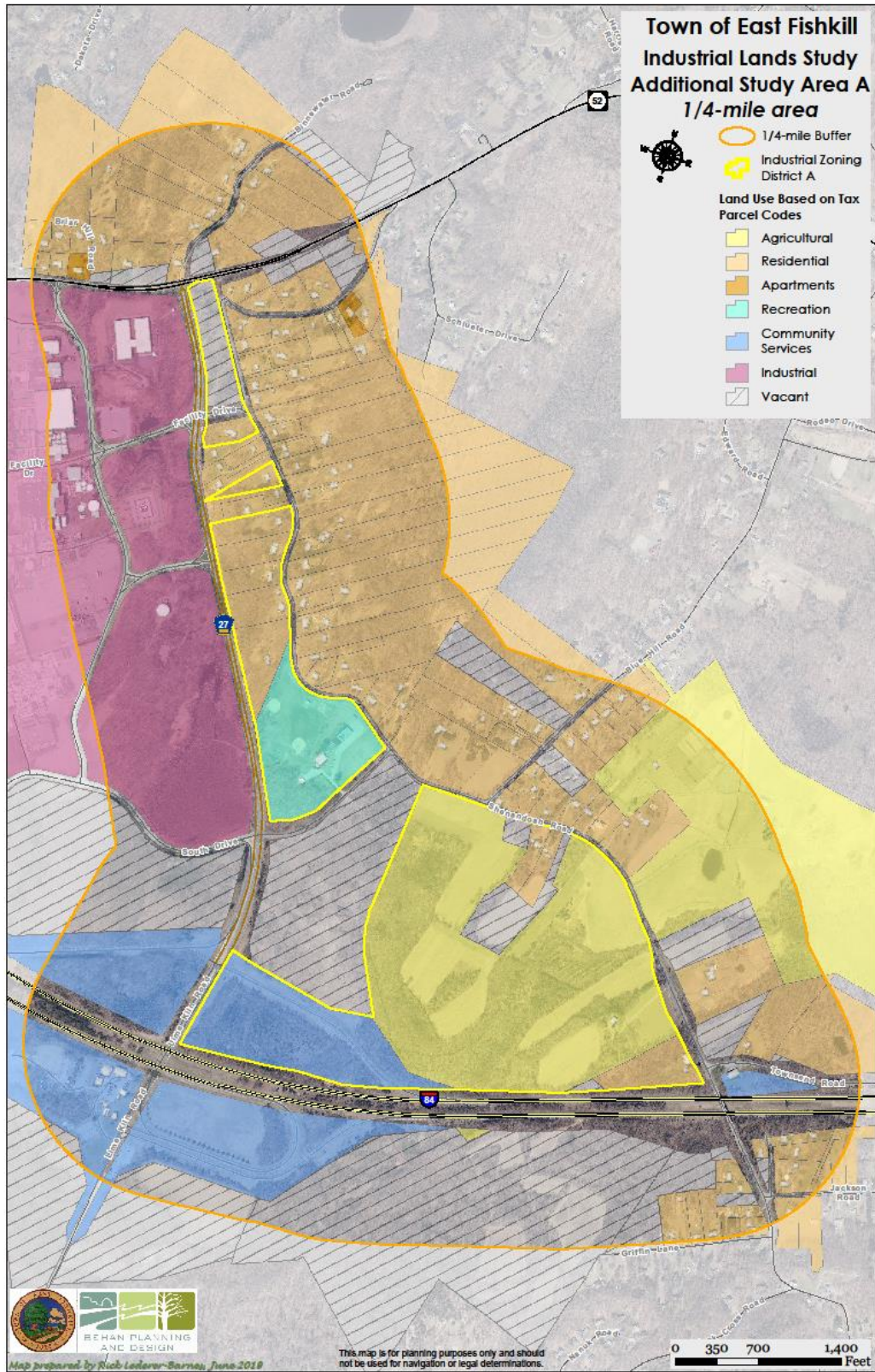
Study area #7 is noted as potentially containing habitat for the Bog Turtle, Bald Eagle, and Indiana Bat, which are federally endangered species.

According to the NYSDEC EAF Mapper, the area in or near the study area contains an archeological site, the nature of which is unknown. Not far to the south lies to former lime kiln for which the road is named. (The kiln was noted as an important early industrial use for the manufacture of lime—an important product for colonial industry and construction.)

# Study Area 8 (Shenandoah Road)







## Land Use

Study area 8 contains agricultural, residential, recreation, vacant, and community service land uses.

The surrounding land use includes many of the same uses, including:

- Residential
- Agricultural
- Vacant land
- Industrial
- Community Services

## Zoning

The study area is in the I-1 zoning district, with a pocket of Planned Commercial Park, PCP (Meadow Creek Corporate Park). The surrounding area is zoned I-1, R-1 and R-2.

## Transportation

State highway system. Interstate 84 is adjacent to study area #8 along the southern side, and state route 52 runs along the northern side.

County highway system. County Route 27 (Limekiln Road) lies directly to the west of the area. Most of the parcels are accessed via Shenandoah Road, which borders the eastern edge of the study area.

Pedestrian and bicycle system. There are no separated bicycle or pedestrian facilities in this study area.

Transit. This study area contains a motorcycle park and ride, and lies along Dutchess County Transit Service Route F, which makes a stop at the IBM facility..

## Access to Public Water & Sewer Service

There is no public water or sewer service currently serving the district. Water supply is via individual wells and wastewater treatment is via individual septic systems. Portions of the district include areas mapped as potential new water service expansion area/proposed development water system (Meadow Creek Corporate Park). The area containing a variety of soil types from well to poorly draining.

## Surface Water

Study area #8 contains large areas of wetlands and streams, primarily in the large southern section near I-84 along the wooded areas.

## Habitats & Environmental Constraints

The habitats and environmental constraints data was gathered from the DEC Environmental Assessment Form (EAF) Mapper, the NYS Cultural Resource Information System (CRIS), and the Hudsonia report entitled Significant Habitats of the Town of East Fishkill, Dutchess County, New York.

Study area #8 contains potential habitat for Bog Turtle, and Indiana Bat, which are federally endangered species.

According to the NYSDEC EAF Mapper, the area in or near the study area contains an archeological site, the nature of which is unknown.

This study area also contains two potentially historic homes on Shenandoah Road, including the Brown-Ricketts house.

### 3. LAND USE AND ZONING RECOMMENDATIONS

It is recommended that the future land use section of the comprehensive plan be updated as follows:

**Study Area 1—Fishkill Flats** This area has evolved into more of an area-wide/neighborhood commercial district with existing uses ranging from agricultural to medical offices, restaurants, medical offices and educational facilities among other uses. Nearby, the installation of sidewalks and the presence of the Dutchess County Rail Trail can help activate more bicycle and pedestrian accessibility to this area. The future land use plan should recognize the existing uses and the emerging rural-suburban commercial hamlet form. The zoning should be modified from its current Industrial 3 designation to a new B-3 zoning district that would permit a wider range of commercial uses. Recognizing existing motor vehicle repair and similar uses as potentially not in character with the long-term vision for the area, there should be limits on expanding these types of uses. Consider options for senior and multi-family housing for incentive zoning and adopt development design guidelines to enhance design quality of this emerging hamlet center. Continue to improve area streetscape with sidewalks and shared-use path connections to the Dutchess County Rail Trail including street trees, shade trees and plantings especially around parking areas and other landscape amenities and attractive and unified lighting systems for public areas.

Encourage continued investment in existing developments including, where appropriate, simple façade and site landscape improvements. Strengthen pedestrian, bicycle and vehicular connectivity between properties to improve both economic multipliers and reduce vehicle trips on the highway corridor. Focus on strengthening existing developed uses and consider protection of working farmland in the area to help preserve natural resources and protect the rural character of the area. Collaborate with land owners of farmland and natural areas including the equestrian center, Dutchess Land Conservancy and other potential partners in open space conservation and identify opportunities for resource protection and expansion of public access to natural areas along Sprout Creek for hiking, fishing, etc. as economic development/quality of life amenities and to maintain rural character of the Fishkill Flats area.

Consider benefits and cost of extending sewer service to the area to better accommodate some more restaurants, mixed uses including townhomes, apartments and condominiums. Build upon the Fishkill Flats brand identity for this commercial area and create a more unified look and feel along the main thoroughfares as an economic development amenity. Consider coordinating with Town of Wappinger, esp. around Sprout Creek corridor.

**Study Area 2—Ryan Drive.** Past pollution history emanating from this area creates an unfortunate legacy. Future land uses in this area should be limited to commercial and service type uses, the phasing out of industrial uses over time, and the establishment of design guidelines for enhanced landscape buffers. From a larger perspective along the NYS Route 82 corridor, look to improve connectivity for pedestrians and bicyclists as this is a major link for large residential areas north and south. Collaborate with Dutchess County Transportation Council and NYS Department of Transportation to evaluate potential for shared-use path along NYS Rte. 82. Along the corridor south of the study area is the notable historic Phillips Farm which provides an important connection to the town's rich agricultural history that is evident in the beautiful farm landscape. Consider potential opportunity to create conservation plan with Phillips Farm--an important part of town's agricultural heritage.

**Study Area 3—Historic Hopewell Junction.** This historic part of town is centered on the old railroad junction. The industrial zoning district here is most likely a remnant of the alignment of older land uses associated with the rail corridor. The corridor no longer is a major active railway and its use is changing. The Maybrook Trailway will be a shared-use bicycling and pedestrian path running along a 25-mile portion of the Metro-North Railroad (MNR) Beacon Line corridor connecting the Dutchess Rail Trail from Hopewell Junction to Brewster. This portion of the Maybrook Trailway, formerly referred to as the Beacon Line, does not currently have active train traffic, the project proposes building a "rail with trail" on the Brewster to Hopewell Junction segment. The trail is set to be completed in 2020.

As this area continues to evolve, the future land use patterns in the area north of NYS Route 82 are envisioned as transitioning from vehicle storage and related uses into a more mixed use hamlet commercial district. The Industrial 2 zoning district should be modified from industrial to reflect a more hamlet commercial type of pattern; supporting personal services, restaurants, cafes, and other similar commercial uses aligned along the state highway corridors while phasing out outdoor storage, junk vehicles and manufacturing/machine shop types of uses. Consider use of incentive zoning to foster this transformation to a more mixed use hamlet center. Development of a traditional hamlet center type of district would benefit from adoption of revitalization design guidelines customized to the limited space available in this area.

The land uses in the currently zoned industrial district south of NYS Route 82 appear to be stable, though over the long term this area too could be seen as evolving into more of a hamlet center and residential-commercial mixed-use district. The zoning in this area should be modified, if not in the near term (next 1-5 years) in the moderate term (next 5-10 years) to allow a transition to hamlet center type of uses; permitting and increased density to incentivize reinvestment and revitalization.

Improve and add to on-street parking wherever feasible including along NYS Route 82. This area has unique opportunities to expand the local trail system by exploring potential trail connections along the other former rail corridors and by taking advantage of the interesting streams, ponds, wetlands and natural features that are hidden away in proximity. Leverage the wetlands, ponds and environmentally sensitive areas into natural resource amenities with trails linking to town recreation areas such as Red Wing Park and the town recreation fields. Consider acquisition of strategically located dilapidated and underutilized properties to foster hamlet revitalization (public parking and pocket park) and environmental restoration. This area can be positioned to become more of a pedestrian-friendly destination; building upon and celebrating the area's history and its position adjacent to the rail trail, which could become an increasingly popular attraction.

From a larger, hamlet-wide perspective, it will be worthwhile to develop an overall coordinated plan for the area. Consider seeking grant or other funding to develop a revitalization master design plan for the larger Hopewell Junction hamlet center, building upon prior town planning efforts including the town's transportation design concept (proposed for funding under a federal transportation congestion mitigation and air quality improvement grant) that would improve the connection of Fishkill Road to the NYS Route 82 corridor and enhance traffic conditions within the hamlet of Hopewell Junction.

**Study Area 4—Stormville Airport.** Currently the venue of Stormville Airport Antique Show & Flea Market, this site is in an area that is abutted by residential, agricultural, open/vacant land. The industrial zoning designation is likely a remnant of the former active airport use. The NYS Route 216 corridor offers scenic resources as an important amenity for both town of East Fishkill and the adjacent town of Beekman.

It is appropriate to consider a future land use pattern for this area that is more residential and open space-oriented in nature, recognizing the area's scenic, open space and agricultural surroundings. A planned development approach is recommended as a zoning concept. This concept would be based on a comprehensive analysis of the site's conservation and development resources that would form the basis for creating a master plan for the site. Setting aside conservation land for resource conservation would be enabled by allowing denser development in less sensitive areas of the site to preserve more important areas. It is suggested that larger areas of the site that offer scenic and natural resource conservation values would be preserved allowing a more compact residential/focused development in appropriate locations on the property. Scenic views from NYS Route 216 and habitat enhancement and wetland resources of note at perimeter of this district are some of the resources that could be preserved as part of planned open space conservation based residential community in this location.

The land is well-suited for development of uses such as athletic fields, as the soil type and level terrain appear highly-amenable for cost-effectively creating natural turf fields. The site appears capable of supporting a fairly sizeable athletic field complex or similar venue. Other destination type uses that are

relatively low impact in terms of site development would include agri-tourism enterprises such as an orchard-cidery or a vineyard-winery with supporting commercial uses such as catering and reception hall, lodging, restaurant, etc.

Suggested future land use and zoning here would be toward a rural/residential/recreational character with incentives to create open space/recreation amenities. Ideally development here would be served by public/central water supply and wastewater treatment facilities. Perhaps a state of the art centralized community septic wastewater treatment facility would be feasible here due to the good soil conditions.

**Study Area 5—Pavement Packaging Plant.** This industrial use has been in this location for over half a century. Recognizing the long history of the industrial activity with little record of complaint, continued industrial zoning designation is recommended. Looking ahead, consider adding requirements to the zoning ordinance that designates the town as an interested party in any state or federal environmental permitting and compliance reporting and consider adding local regulations if necessary to address potential site-specific impacts. Modify the zoning district line to more precisely reflect the actual area currently in industrial use while providing large buffer of undisturbed natural area and ensuring impacts are appropriately mitigated (dust/air quality, noise, stormwater/runoff water quality). Consider review of nearby business district for appropriate compatible uses.

**Study Area 6—Jackson Road.** Located in an area of working farmland, and despite its proximity to the Taconic Parkway and I-84, the industrial district here is relatively remote and accessed solely by a town road that serves abutting agricultural land. Considering the overall rural agricultural land use patterns and lack of highway access and infrastructure the industrial zoning designation seems relatively inappropriate but for the presence of a specialty food warehouse operation (McMahon's Farm). In the long-term view, alternative zoning should be considered for this district, allowing for the continued use of the warehouse and distribution operation as a pre-existing, nonconforming use.

Adjacent to the industrial district is the Shenandoah Farm (<https://hudsonvalleyfresh.com/farms/shenandoah-farm/>), part of a 1,000-acre dairy operation in business for more than 125 years by the Jackson Family. It is appropriate to consider a future zoning framework for this area that supports the agricultural and related uses. Zoning definitions and related use and special permit requirements should be reviewed and clarified to ensure that agricultural and related supporting uses are permitted. Consideration for adoption of the NYS Agriculture and Markets Law (AML) definitions (Article 25-AA, §301) for use in the town zoning code is recommended.

**Study Area 7—Lime Kiln Road.** This area has some limited opportunities for new development on sites that are free from wetlands, floodplains and steep slopes. Relatively good access is available from the southern section of Lime Kiln Road. Donovan Drive provides access to Lime Kiln Corporate Park which has four occupied lots and four vacant/underutilized lots. A stream/wetland complex, extensive woodlands and steep slopes create a separation between the area with access to Lime Kiln Road and the eastern portion of the district which has access from Griffin Lane, a small local road that provides access to about a dozen or so residential lots and one area that appears to serve as a small junkyard type of use located in the industrial district on the north side of Griffin Lane.

The area with access to Lime Kiln Road is appropriate to maintain in a corporate/business park type of zoning pattern and this is a general location that appears suitable to support contractor and service yard type of uses provided certain design standards can be met including landscape buffering and screening. Due to the limited infrastructure availability and small overall amount of land free from development constraints, and recognizing the relatively quiet and low impact nature of the existing uses in this part of the district, industrial uses are not recommended for this area. There is already an oversupply of industrial land with full water, sewer, natural gas and electric service just to the north. The area with access to Lime Kiln Road and the I-84 interchange is appropriate to maintain in a corporate business park type of use. This

location also appears suitable to support uses like contractor headquarters and service yards due to the good accessibility, availability of existing trees and woodlands for screening and compatible surrounding land uses including the NYSDOT highway maintenance facility. The areas to the east, including the lands accessed by Griffin Lane, are not readily amenable to industrial uses for a number of reasons, including lack of infrastructure, inadequate highway access and prevalence of residential land uses that may lead to land use conflicts. If access to this area can be obtained from Lime Kiln Road, this eastern area could also be considered for corporate and contractor yard type of uses. Alternatively, rural residential uses would be most appropriate.

**Study Area 8—Shenandoah Road.** This is predominantly an area of low-density residential homes and farmland in a rural setting. Shenandoah Road has the character of a country road with stone walls, shade trees and views across open farm fields. To maintain compatibility with existing land use and community character, this area is more suitable for zoning toward rural residential and agricultural uses than conversion to industrial land, in particular when recognizing the existing inventory of undeveloped land in the immediate area that has superior highway access and capacity to support over one million square feet of office and industrial development (Meadow Creek Corporate Park.).

Recognizing that this part of town and the larger rural landscape of the Shenandoah area—and the successful implementation of farmland protection projects that have helped conserve some of the town’s important and historic farms (Fishkill Farms and Shenandoah Farms) in the area, this is a good area to consider future initiatives to continue to conserve these working farmlands working with willing landowners and conservation partners like the Dutchess Land Conservancy and the Hudson Highlands Land Trust as well as county and state agencies.

**Other/Related Land Use Issues:** Commercial trucking/contractor/storage operations. This use is experiencing high demand in town; apparently due in part to companies looking outside of Westchester County area for less expensive sites/compatible zoning. If these uses might be desired in town, consider undertaking a siting study to identify potential locations with: good highway access—ideally near I-84 and on state highway), land with few development constraints, manageable impact to adjacent land uses and ideally near area for supporting services (food/restaurant, etc.). Consider creating “Construction/Contractor Business Park” as an economic development opportunity. This would need to be well planned for traffic management, adequate design and aesthetic controls (landscape buffers and screening, etc.). Given the apparent interest in this land use in the town, it will be beneficial to find a centralized area with adequate facilities to support these types of uses. This will reduce such development pressure in other areas, while still capturing the fiscal benefits for the town

## 4. SUMMARY OF RECOMMENDATIONS

### **Study Area 1—Fishkill Flats:**

- Change current Industrial 3 designation to a new B-3 zoning district.
- Consider additional uses including senior and multi-family housing using incentive zoning.
- Consider limits to expansion of motor vehicle repair and similar uses.
- Adopt design guidelines to enhance and coordinate function and appearance of this emerging hamlet center.
- Continue to improve connectivity with sidewalks and shared-use path connections to the Dutchess County Rail Trail, and interconnected parking lots.
- Enhance streetscape with street trees, parking area shade trees and plantings, and attractive unified lighting.

- Examine feasibility of extending sewer service to the area.
- Collaborate with landowners and partners such as the Dutchess Land Conservancy, the equestrian center and others to protect rural character including historic properties, natural resources, open space and working farmland.
- Build on Fishkill Flats identity and sense of place as an economic development theme.

**Study Area 2—Ryan Drive:**

- Recognize the unfortunate legacy of past pollution and limit future land uses to non-industrial commercial and service type of uses, phasing out industrial uses over time.
- Establish guidelines for landscape buffers to protect neighboring properties.
- Improve connectivity along NYS Route 82 for pedestrians and bicyclists as a major north-south link for the community.
- Recognize that Phillips Farm is an important part of town's rich agricultural history and consider opportunity to create farmland conservation plan with Phillips Farm.

**Study Area 3—Historic Hopewell Junction:**

- Recognize the opportunities with the coming Empire State Trail, the history and assets of the area and phase out industrial uses over time and adopt new zoning district.
- New zoning district would reflect emerging hamlet commercial pattern that capitalizes on the vibrant, pedestrian-friendly opportunities in this historic area.
- Support uses including personal services, restaurants, cafes, and similar commercial uses along the state highway corridors and provide public parking—both on-street and in lots.
- Consider phasing out outdoor storage, junk vehicles and manufacturing/machine shop type of uses.
- Deploy zoning incentives to foster the transformation to a mixed use hamlet center.
- Adopt revitalization design guidelines customized to area properties and highway dimensions.
- Take advantage of the streams, ponds and natural features, existing and potential trails as a recreation and economic development amenity and build out a system of interconnected paths, parks and preserves to complement the real estate development opportunities.

**Study Area 4—Stormville Airport:**

- Consider creating a new zoning district responsive to the scenic and natural resources of the area with appropriate future development opportunities.
- Foster a future land use pattern more residential and open space oriented in nature.
- Implement a planned development zoning district with a rural/residential/recreational character.
- Secure scenic and natural resource conservation through a system of zoning incentives.
- Open space conservation with more compact residential/focused development pattern.
- Additional potential uses including large-scale athletic fields, other destination uses such as orchard-cider or vineyard-winery with supporting commercial uses including catering, reception hall, lodging, restaurant, etc.

**Study Area 5—Pavement Packaging Plant (Route 52-Leetown Road):**

- Maintain existing I-2 zoning district designation.

- Provide designated buffer area and slight expansion of district boundary to reflect area actually in industrial use.
- Consider adding provision to zoning district requirements to designate town as interested party in any state or federal environmental permits and compliance reporting.
- Review nearby business district for appropriate compatible uses.

#### **Study Area 6—Jackson Road**

- Consider rezoning to match adjacent R-1 residential zoning district.
- Review and update zoning definitions and requirements to ensure support of agriculture and related uses.
- Look to continue to foster farmland protection projects to maintain the town’s working farms and protect the rural character of the community.

#### **Study Area 7—Lime Kiln Road**

- Modify the industrial zoning designation to be more restrictive while providing for compatible uses including corporate/business park.
- Consider the addition of landscape buffer standards that would facilitate proper siting and operation of uses such as contractor headquarters and service yards.
- Modify zoning of the eastern section for rural residential uses.

#### **Study Area 8—Shenandoah Road**

- Modify the current industrial zoning toward rural residential and agricultural uses.
- Consider future initiatives to continue to conserve these working farmlands, working with willing landowners and conservation partners like the Dutchess Land Conservancy and the Hudson Highlands Land Trust as well as county and state agencies.



## 5. NEXT STEPS—ADVANCING THE RECOMMENDATIONS

The findings and recommendations can be reviewed by the town and considered for implementation. This report and the recommendations contained herein can serve as an amendment to the town comprehensive plan. It is recommended the town prepare and review a draft zoning amendment to implement the recommended changes at the same time as the town is considering the amendments to the comprehensive plan. The town would review these amendments for adoption per the requirements of NYS Town Law and the state environmental quality review act (SEQR) regulations. Prior to taking formal action, the town may find it helpful to conduct an informal review process of the recommendations from this report with the town's Business and Economic Revitalization Committee and the Planning Board and other stakeholders as identified by the town.

## APPENDIX A-1. EXAMPLE ZONING RECOMMENDATIONS

Example of more detailed zoning recommendations for implementation phase:

<b>STUDY AREA 1 – RECOMMENDED USES</b>		
<b>LIST OF USES IN ZONING</b>	<b>Existing Zoning in Study Area 1 (I-3)</b>	<b>Proposed Zoning in Study Area 1</b>
Residential Uses		
Mobile home parks		
Multi-family dwellings		
Nursing homes, alternative care housing		
One-family dwellings (detached, semidetached, or attached)		
One-family occupancy apartments	<i>P (B1)</i>	
Single-family dwellings		
Two-family dwellings		
General Uses		Y
Active and passive park and recreational areas, open space and activities, including swimming pools, tennis courts, ball fields, playgrounds, walkways, bikeways, nature trails and similar structures and facilities		Y
Assembly hall for meetings, conventions and exhibitions, provided that at the time of such use for any meeting, there shall be available parking spaces for all persons in attendance		
Bus stations		
Cemeteries		
Churches, schools, public uses		Y
Commercial stables and riding academies		
Day-care facilities		Y
Farming, florist, greenhouses		
Farming, forestry, florists, greenhouses, nurseries, truck gardens and dairies	P	Y
Farming, nurseries, greenhouses		
Government buildings or uses		
Greenhouses	<i>P (B1)</i>	Y
Historic structures		
Hospitals		Y
Hospitals or convalescent homes		
Indoor recreation on sites at least 10 acres in size. If such indoor recreation uses are located in a domed or curved-roof structure which is set back a minimum of 100 feet from a street and a minimum of 100 feet from any existing residence located in a residential zone, the Planning Board may, as part of its special permit approval, authorize a height, as measured from the mean level of the ground at the front of the building to the top of the highest point of the roof, up to a maximum of 75 feet. In the case of any other roof structure, the height provisions in the bulk table shall apply.	<i>P (B1)</i>	
Large-scale recreational developments, camps		
Membership clubs		
Monument works		
Mortuaries	<i>P (B1)</i>	
Nursery schools		
Outdoor recreation developments on sites at least 10 acres in size and subject to the provisions of § 194-67	<i>P (B1)</i>	

## STUDY AREA 1 – RECOMMENDED USES

LIST OF USES IN ZONING	Existing Zoning in Study Area 1 (I-3)	Proposed Zoning in Study Area 1
Preparation of mulched materials		
Private stables		
Public uses; schools, public buildings, places of worship, membership clubs and nursery schools		
Subdivision recreation areas		
Airports, flying schools and facilities for repair and maintenance of aircraft		
Any use of the same general character as a listed permitted use, provided that the Board shall find that said use is not inconsistent with the generally accepted connotation of a research and development park and where, in the estimation of the Board, the enterprise in question will be beneficial to the Town as a whole		
Any use of the same general character as listed permitted use, provided that the Board shall find that said use is not inconsistent with the generally accepted definition of the term "light industry" and where, in the estimation of the Board, the enterprise in question will be beneficial to the Town as a whole	S	Y
Asphalt mixing or concrete mixing plants		
Atomic generator or reactor		
Auto wrecking yard or junkyard		
Automobile service facilities, subject to the provisions of § 194-86	P (B1)	Y
Banking facilities with two or fewer automated drive-through lanes		Y
Banks, theaters, offices and restaurants		Y
Banks, theaters, offices, restaurants and similar community services	P (B1)	Y
Breweries		Y
Brick, glass, pottery, tile or terra-cotta manufacture		
Candy, cigar and cigarette manufacturing	P	
Car washes	P (B1)	Y
Chemical manufacturing or storage		
Cold storage plant, creamery, ice cream factory, bottling works, baking plant and food or drink distribution plant	P	
Commercial communications tower, provided that the parcel on which the tower is located abuts an I-1 zone; subject to the provisions of § 194-76	P (B1)	Y
Commercial communications tower or antenna installation	S	Y
Commercial communications tower, subject to the provisions of § 194-76	S	Y
Commercial kennels	P	Y
Commercial uses; retail shops, personal service shops, professional offices and grocery stores, subject to provisions in § 194-21		Y
Cosmetic and pharmaceutical manufacturing	P	
Drive-through retail and service facilities	P (B1)	Y
Excavations for soil mining (§ 194-75)		
Executive, business, sales, accounting and general offices		Y
Food processing, packing or canning		
Funeral homes		Y
Furniture and cabinet manufacturing	P	Y
Garages and gasoline filling stations		Y
Gasoline filling stations	P (B1)	Y

## STUDY AREA 1 – RECOMMENDED USES

LIST OF USES IN ZONING	Existing Zoning in Study Area 1 (I-3)	Proposed Zoning in Study Area 1
Hotels and motels		Y
Laboratories for scientific or industrial research, testing and development	P	
Laundry or cleaning plants		
Lumberyard, building material sales yard or contractor's equipment storage yards	P	Y
Mechanical, optical, photographic, scientific or electronic manufacturing	P	
Medical or dental offices, health service centers, clinics		Y
Medical or dental offices, medical centers, clinics or health services	P (B1)	Y
Medical centers or clinics		Y
Motels		
Office uses		Y
Personal service shops	P (B1)	Y
Petroleum or bottled gas processing, manufacturing or storage		
Plastic manufacturing		
Plumbing, sheet metal or machine shops or motor vehicle repair facilities	P	Y
Professional offices		Y
Public utility structures, except commercial communications towers	P	Y
Publishing, printing, and bookbinding	P	Y
Retail stores and shops oriented to an indoor mall		Y
<i>Same as B-1, where property has frontage on Route 376 or Van Wyck Lane, or frontage on an approved subdivision road with direct access onto Route 376 or Van Wyck Lane – Note: These Uses Are Noted as P(B1) in existing zoning column</i>	P	
Similar community services (i.e., similar to banks, theaters, etc.)	P (B1)	Y
Stationary solicitor, peddler, vendor	S	
Stores and shops for conducting business	P (B1)	Y
Stores and shops for conducting retail trade		Y
Structural steel works, foundries or metal fabricating		
Textile, leather goods and clothing manufacturing	P	
Theaters	P (B1)	Y
Toys, games and novelties manufacturing	P	
Utility substations		
Warehousing and distributing, provided that no outdoor storage of materials shall be permitted	P	
Wholesale stores and shops		
<b>Total Count of Permitted or Special Permit Uses</b>	<b>36</b>	<b>41</b>

## APPENDIX A-2. ADDITIONAL ZONING SUGGESTIONS

The following items are additional general suggestions, outside the purview of this study, which the Town of East Fishkill may wish to consider addressing in the coming years to improve and clarify the zoning ordinance.

**Use Schedule Cleanup.** It is recommended that the uses listed in the existing *"Schedule of Permitted Uses"* (194 Attachment 2) should be re-categorized, with clear definitions added for each type of land use. The existing schedule includes many uses which are described only vaguely, appear to be duplicates of other uses, or are overly broad. Very few of the listed uses are defined in the code. This can lead to confusion about what is actually allowed or desired in the town. Examples of this include:

*"Stores and shops for conducting business"*

*"Similar community services (i.e., similar to banks, theaters, etc.)"*

*"Any use of the same general character as a listed permitted use, provided that the Board shall find that said use is not inconsistent with the generally accepted connotation of a research and development park and where, in the estimation of the Board, the enterprise in question will be beneficial to the Town as a whole"*

*"Office uses" vs. "Professional offices" vs. "Executive, business, sales, accounting and general offices"*

*"Medical or dental offices, health service centers, clinics" vs. "Medical or dental offices, medical centers, clinics or health services" vs. "Medical centers or clinics"*

It is also recommended that the town should consider the removal of some uses which may not be desired by the community, such as *"atomic generator or reactor"* or *"Petroleum or bottled gas processing, manufacturing or storage"*. In general the town should work toward including the types of commercial uses that it would most like to attract.

**The I-1-S District.** The I-1-S Zoning District was not found on the official zoning map of the town, and it is unclear where it is located, or if it still is in existence today. There are multiple references to it in the code. According to *194 Attachment 1 – Table of Zoning Map Amendments*, there have been two rezonings of this district recorded between 1963 and 2017. In each case, the 5.1 acre parcel and 221.5 acre parcels were each rezoned from I-1-S to R-1 and R-2 respectively in the vicinity of Seaman Road. It is possible that these two rezonings removed the last two remaining instances of the district. If this is the case and can be confirmed, all references to this district should be removed.

If this district is in fact still in existence, it should be noted that it is virtually identical to the I-1 district in terms of allowed uses, and almost identical in terms of allowed area & bulk. (There is only a 5% difference in maximum lot coverage). Otherwise, the only effective difference found between the I-1 and I-1-S district is the allowable height of towers and antenna. The town should consider in the future if there is any need to keep this district. If it is decided that the I-1-S district is to be kept, its location should be clarified on the zoning map.

**District Purposes and Description.** It is recommended that for each of the zoning districts listed in *Article III – Districts*, that an intent and purpose of the district be added to help define the development goals and desired character for them.

**Clarification of Cross-District Uses.** The *Schedule of Permitted Uses* includes the following use description as permitted (P) in the I-3 Light Industrial district:

*"Same as B-1, where property has frontage on Route 376 or Van Wyck Lane, or frontage on an approved subdivision road with direct access onto Route 376 or Van Wyck Lane"*

It is understood that the intent of this is to allow any use permitted in the B-1 district to also be allowed in these select portions of the I-3 district. However, it is not clear if each of these individual uses would be

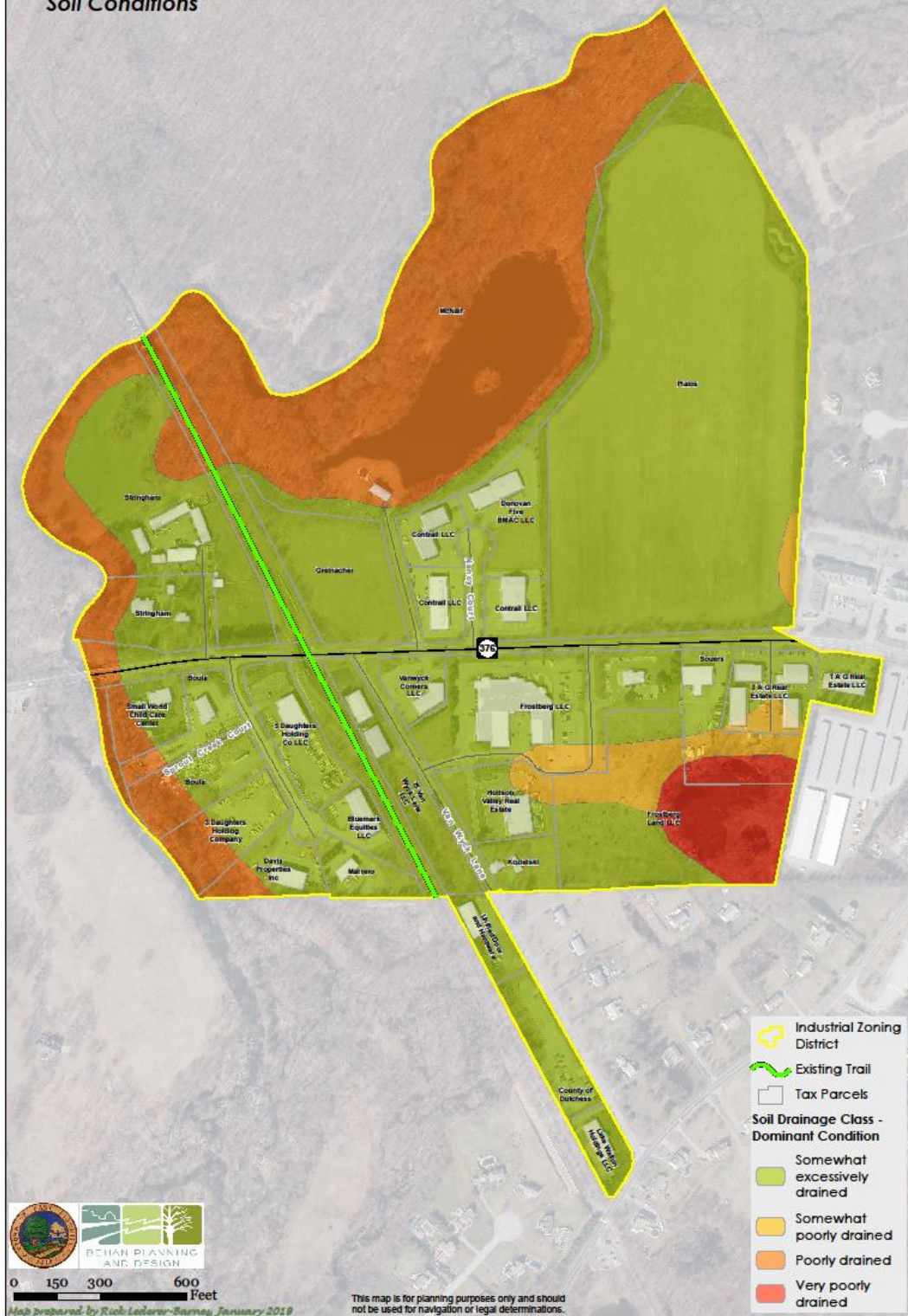
permitted as of right, or if they would be permitted only by special permit. (For example, if a use requires a special permit in the B-1 district, would it also require a special permit in the I-3 district, or is it permitted by right as implied in the table?) It is recommended that instead of using this blanket "Same as B-1 is permitted" description, that each individual use be shown in the I-3 column as either permitted (P) or special permit (S).

**Orphaned Industrial References.** There are a number of specific uses referenced in the zoning code as being allowed in industrial districts. However these uses are not listed in the *Schedule of Permitted Uses*, nor are they defined; for example, "Contractor's recycling yard" (§194-46.3) and "Solid waste management facility and recyclables handling and recovery facility" (§194-46.4.). It is recommended that these be addressed in future use schedule revisions.

**Transitional Businesses.** Section §194-46.8 of the town code allows the Planning Board to permit "transitional businesses" (commercial use) on residential parcels that abut an industrial district. As understood, this provision would allow for commercial businesses to begin encroaching into a residential district, which may not be desired. It is recommended that the town review this provision to determine if it is actually needed.

APPENDIX A-3 SOIL MAPS

Town of East Fishkill  
 Industrial Lands Study  
 Study Area #1  
 Soil Conditions







**Town of East Fishkill  
Industrial Lands Study  
Study Area #4  
Soil Conditions**



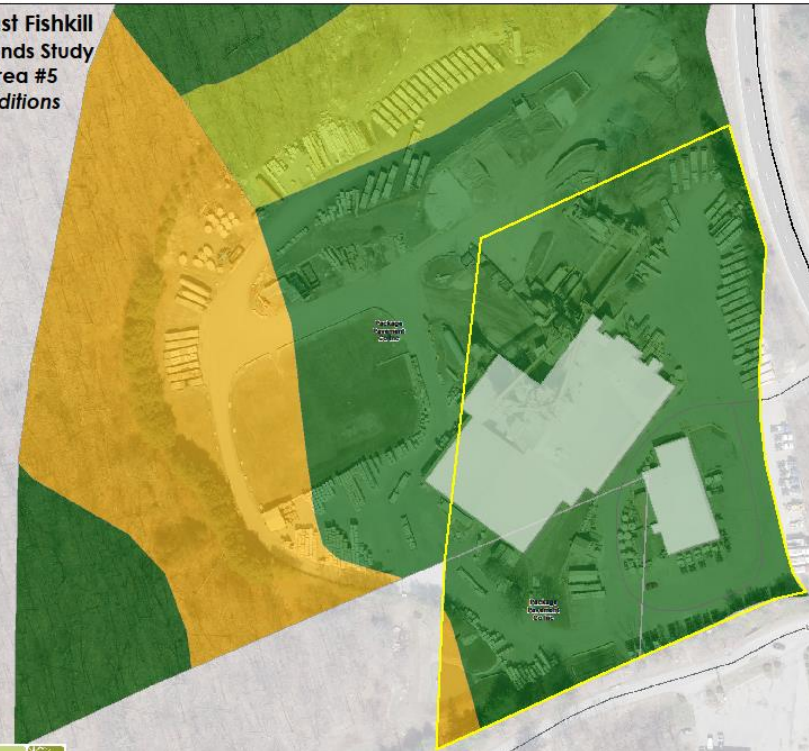
- Industrial Zoning District
- Soil Drainage Class - Dominant Condition**
- Well drained
- Somewhat excessively drained
- Somewhat poorly drained
- Poorly drained
- Very poorly drained



0 120 240 480 Feet  
Map prepared by Rick Lederer-Barnes, January 2019

This map is for planning purposes only and should not be used for navigation or legal determinations.

**Town of East Fishkill  
Industrial Lands Study  
Study Area #5  
Soil Conditions**



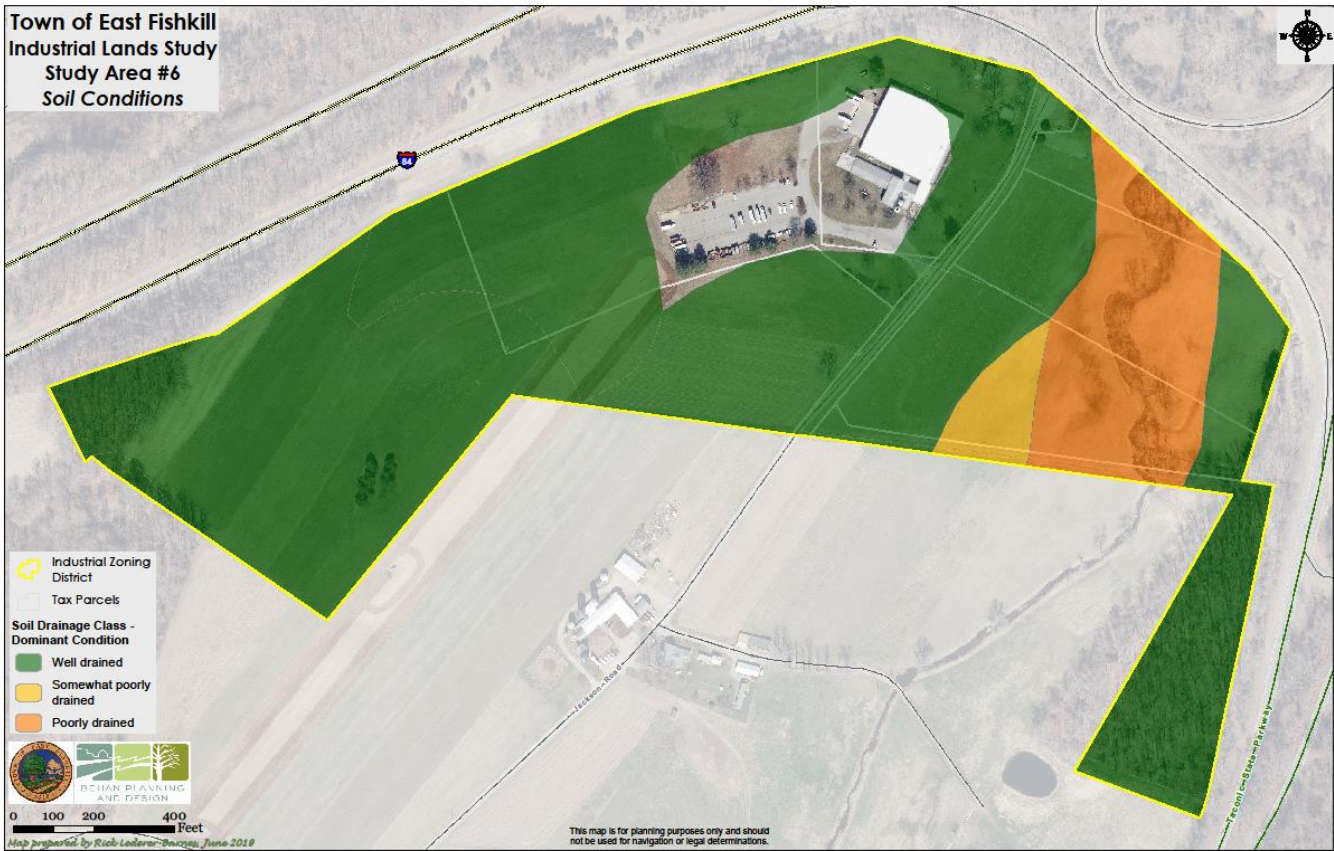
- Industrial Zoning District
- Tax Parcels
- Soil Drainage Class - Dominant Condition**
- Well drained
- Somewhat excessively drained
- Somewhat poorly drained



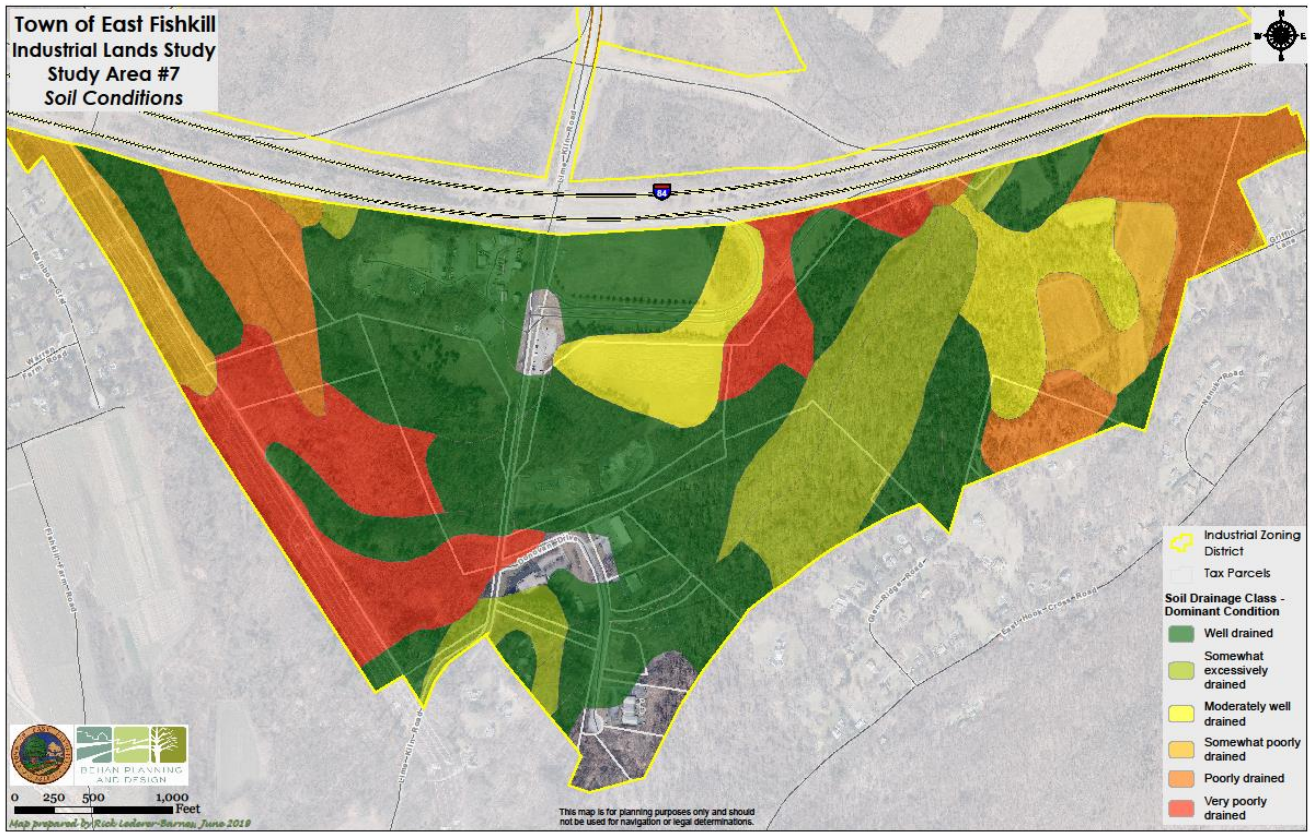
0 50 100 200 Feet  
Map prepared by Rick Lederer-Barnes, January 2019

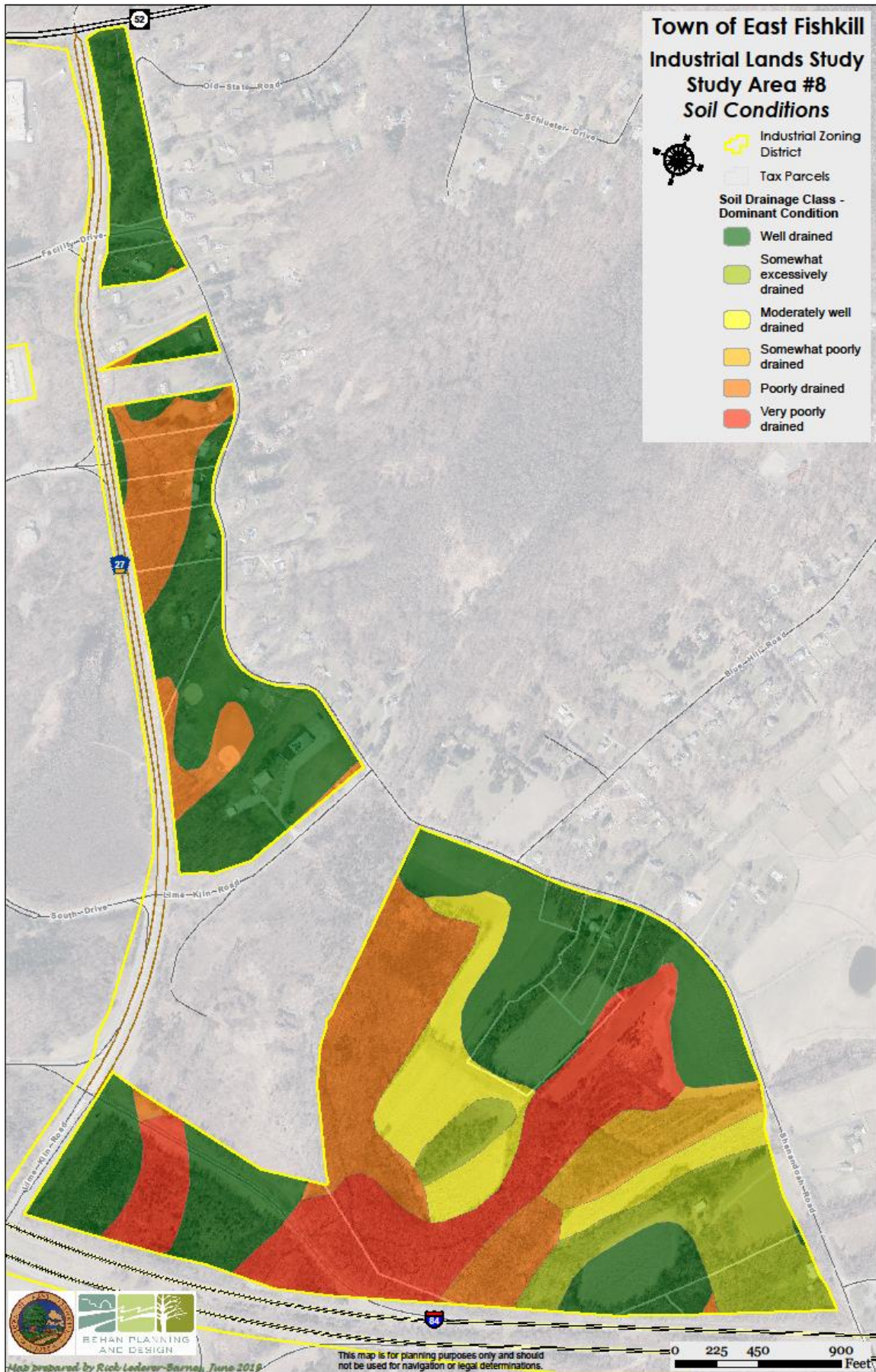
This map is for planning purposes only and should not be used for navigation or legal determinations.

**Town of East Fishkill  
Industrial Lands Study  
Study Area #6  
Soil Conditions**

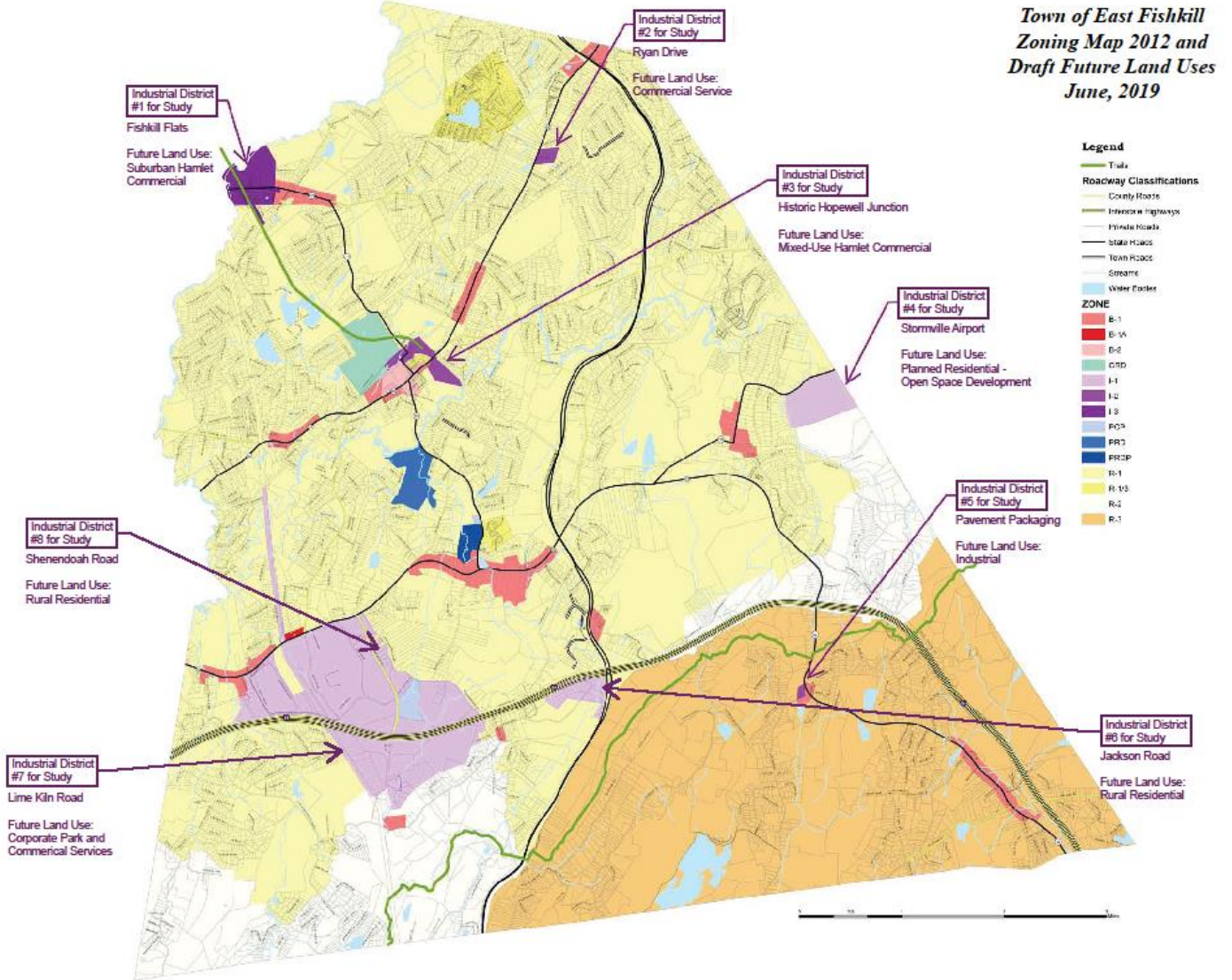


**Town of East Fishkill  
Industrial Lands Study  
Study Area #7  
Soil Conditions**





# APPENDIX A-4 DRAFT FUTURE LAND USE MAP



## APPENDIX A-5 DRAFT SCENIC AND NATURAL RESOURCE CONSERVATION DISTRICT

### Draft Scenic and Natural Resource Conservation Development District Concept

**Purpose.** To conserve the scenic and natural resources associated with the Stormville Airport site while fostering land use and development patterns that will add to the mix of residential, recreational and conservation resources of the town. By planning for the overall conservation and appropriate development of this district, a cohesive land use pattern will be achieved that will add to the long term assets of the town.

**Goal.** To conserve a minimum of 50 percent of the site's area of natural and scenic resource lands while providing for a mix of uses that address community needs and are economically viable.

**Community Benefits and Amenities.** The community benefits and amenities that may be desired include but are not limited to:

- Protection of the scenic roadside vistas from NYS Route 206.
- Conservation of the wildlife habitat corridor along the woodlands, wetlands and adjacent upland buffer.
- Recreation areas including athletic fields and hiking/nature trails.

**Incentives.** The incentives for enhanced development options may include but are not be limited to:

- Residential uses including:
  - Patio homes
  - Duplexes
  - Townhomes
  - Attached housing
  - Senior/age-restricted housing
  - Multi-family housing
- Recreational uses including:
  - Outdoor recreation development
  - Indoor recreation development
- Additional uses including:
  - Solar fields for photovoltaic generation
  - Commercial greenhouses
  - Agri-tourism enterprises such as an orchard-cidery or a vineyard-winery
  - Supporting commercial uses such as catering and reception hall, lodging, restaurant.

**Procedure.** The town board would adopt an amendment to the zoning ordinance to refine the above purpose statement and description of community benefits and amenities along with the zoning incentives available. The ordinance would outline the process for including a natural and scenic resource analysis of the site, the creation of a planned development from conceptual planning to final site plan and the application of the criteria for approval along with description of the evaluation process for determining the amount or level of community benefits and amenities in the grant of the particular development bonus or incentive that would be provided including any conditions of approval.