

Town of East Fishkill

# NYS Route 52 from Taconic Parkway to Blue Hill Road Land Use and Zoning Study

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Prepared for



Prepared By





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## 1. INTRODUCTION

The town has authorized this study to help provide guidance toward creating an orderly plan to manage the future development along this busy highway corridor that connects to the Taconic Parkway. By considering appropriate measures to address vehicular and pedestrian traffic, future land use and development patterns, and conservation of the area's natural and historic resources, this corridor can become an increasingly important part of the town's economic base and community assets.

NYS Route 52 is one of the heaviest-travelled, full-access highway corridors in the town with daily traffic averaging more than 14,000 vehicles per day (NYSDOT AADT mapper). Not surprisingly, there have been many complaints about traffic congestion on Route 52 from the Taconic State Parkway to the intersection of Blue Hill Road and all of the intersections along Route 52 in this area. There are additional challenges in this corridor as there are no centralized sewer services in the area and there have been concerns over ground water quality due to excess sodium found in some of the water supply wells in the area.

Recognizing that there has been additional development proposed in this area which could exacerbate these issues, the town has authorized the preparation of this report to provide input into decision making on zoning, traffic management and utilities for the NYS Route 52 corridor in this area of East Fishkill.



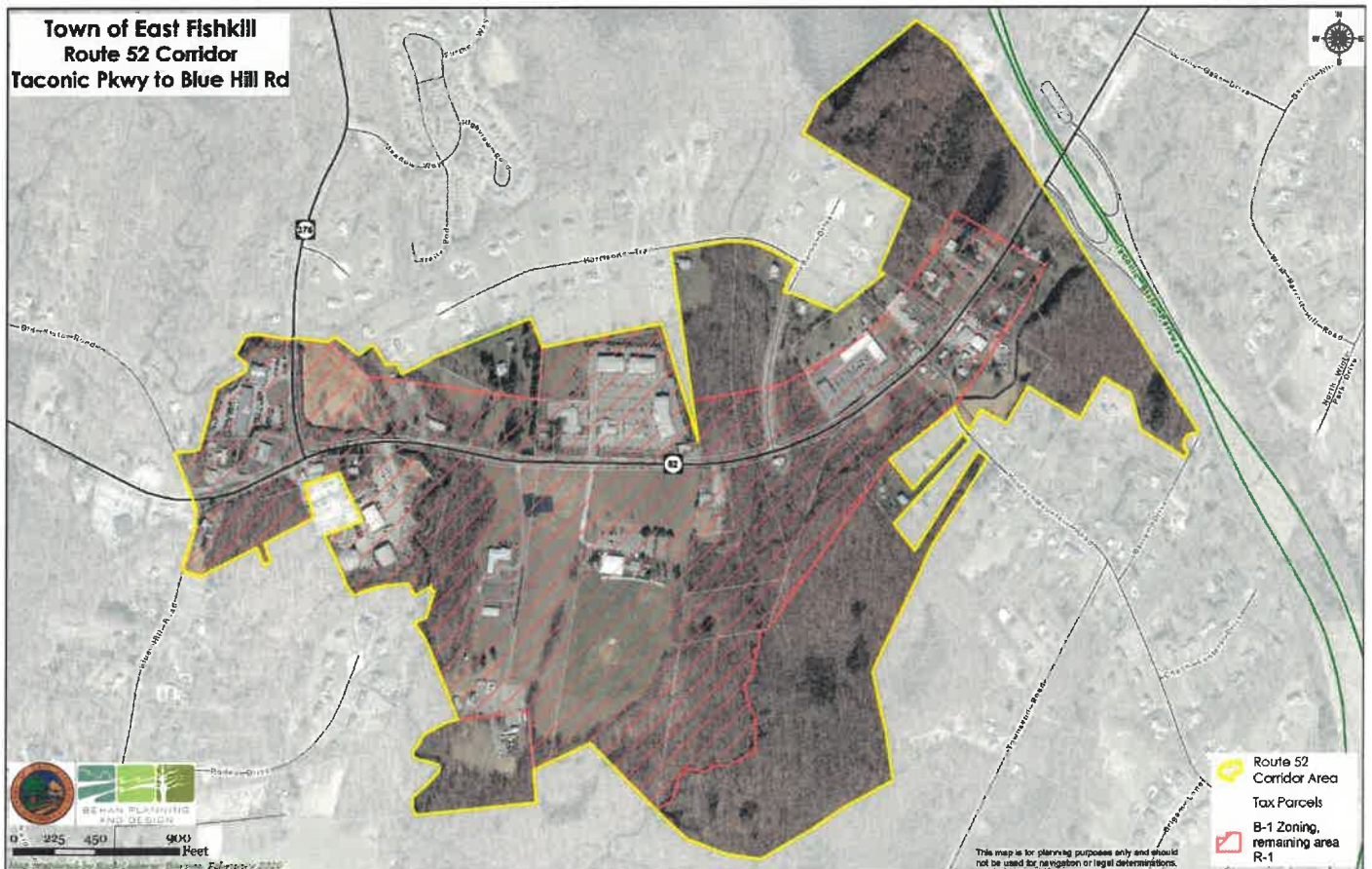
*NYS Route 52 in the study area is a heavily travelled corridor and has a developed a mix of commercial uses.*

## 2. EXISTING CONDITIONS—STUDY AREA PROFILE

**Historic Background.** If one is looking for “East Fishkill” on Google maps, the display will drop a pin at the intersection of NYS Routes 52 and 376 and the map area will be titled “East Fishkill”, however, from an historical perspective this area of town comprises one of town’s older historic hamlets formerly known as Gayhead. The area was one of several older settlement areas in the town, which also included nearby Stormville to the east and Shenandoah Corners to the south.

Waters from Shenandoah Creek, a tributary to the Fishkill were a key resource for the historic growth and early settlement of the area as a former gristmill located in Gayhead was a major economic anchor for the pre-American Revolution era agricultural economy of southern Dutchess County at the time. The region’s growth including the construction of the Taconic State Parkway, which opened in this area in the late 1930’s and later the addition of Interstate 84 to the highway system and the connections to these from the NYS Route 52 corridor have transformed the landscape in this corridor and will continue to contribute to growth and change in the area over the coming years. A brief overview of land use patterns and the environmental setting of the study area follows:

The aerial image below shows the tax parcels that have frontage along NYS Route 52 from the east at the Taconic State Parkway (on the right) to Blue Hill Road on the west (on the left). The commercially zoned area of the corridor (B-1 Zoning District) is depicted in the image by the red-lined hatch pattern (the remainder of the area of the parcels outside of the B-1 Zoning District are currently zoned residential (as part of the R-1 Zoning District)).



## NYS Route 52 Corridor Study Area Land Use Patterns.

### Land Use

A mix of uses are found in and around the study area including:

- Gas Station and Convenience Store
- Retail Plaza
- Inn (motel) and Dining Facility
- Town Public Safety/Emergency Service Facilities (Police and Fire)
- Town Highway Garage
- NYS Department of Transportation/Taconic State Parkway Park-n-Ride Facility
- Indoor and Outdoor Recreation (golf and tennis facility)
- Child-care/day care center
- Professional/Medical/Dental Offices
- Mixed-Use Retail/Office/Commercial Centers
- Bank with Drive-through
- Veterinary Hospital
- Automotive Repair
- Auto-repair
- Single-family residential
- Vacant land

Like many of the state highway corridors in town, the area has developed commercially with a mix of uses. Several retail/professional office developments are located here including Heritage Square and Taconic Plaza. Auto-related uses include gas stations and convenience stores and motor vehicle repair facilities. Recreation uses include a large outdoor golf driving range and golf training site. Public service uses are centered here including the Town of East Fishkill Police Headquarters, the Town Highway Department operations facility and the East Fishkill Fire District Administration and Training Facility. The Gayhead Elementary School is about a mile and a half distance and town hall and the library and town recreation center are about two miles north.

The Shenandoah Creek runs up through this area from the south and is joined by a major tributary running from Stormville Mountain and Stormville hamlet from the east. This stream includes large floodplain and wetland areas which are important resources for flood management and water quality conservation. The predominant land use at the outer perimeter of the study area is residential along with open woodlands and wooded wetlands and floodplain areas.

### Zoning

The B-1 zoning district covers a large portion of the properties in the study area that front on the state highways, with the land remainder of the lands outside these areas in the R-1 zoning district.

The town zoning includes Gayhead (the study area) as one of six designated "hamlet areas." These are "local neighborhood areas which serve the residents of the several sections of the Town with local services and neighborhood business uses. They are also areas where pedestrian/bicycle transportation between and among uses is to be encouraged. Gayhead Hamlet is noted as the area along New York State Route 52 from the Taconic State Parkway right-of-way to the intersection with Old State Road.

Transportation

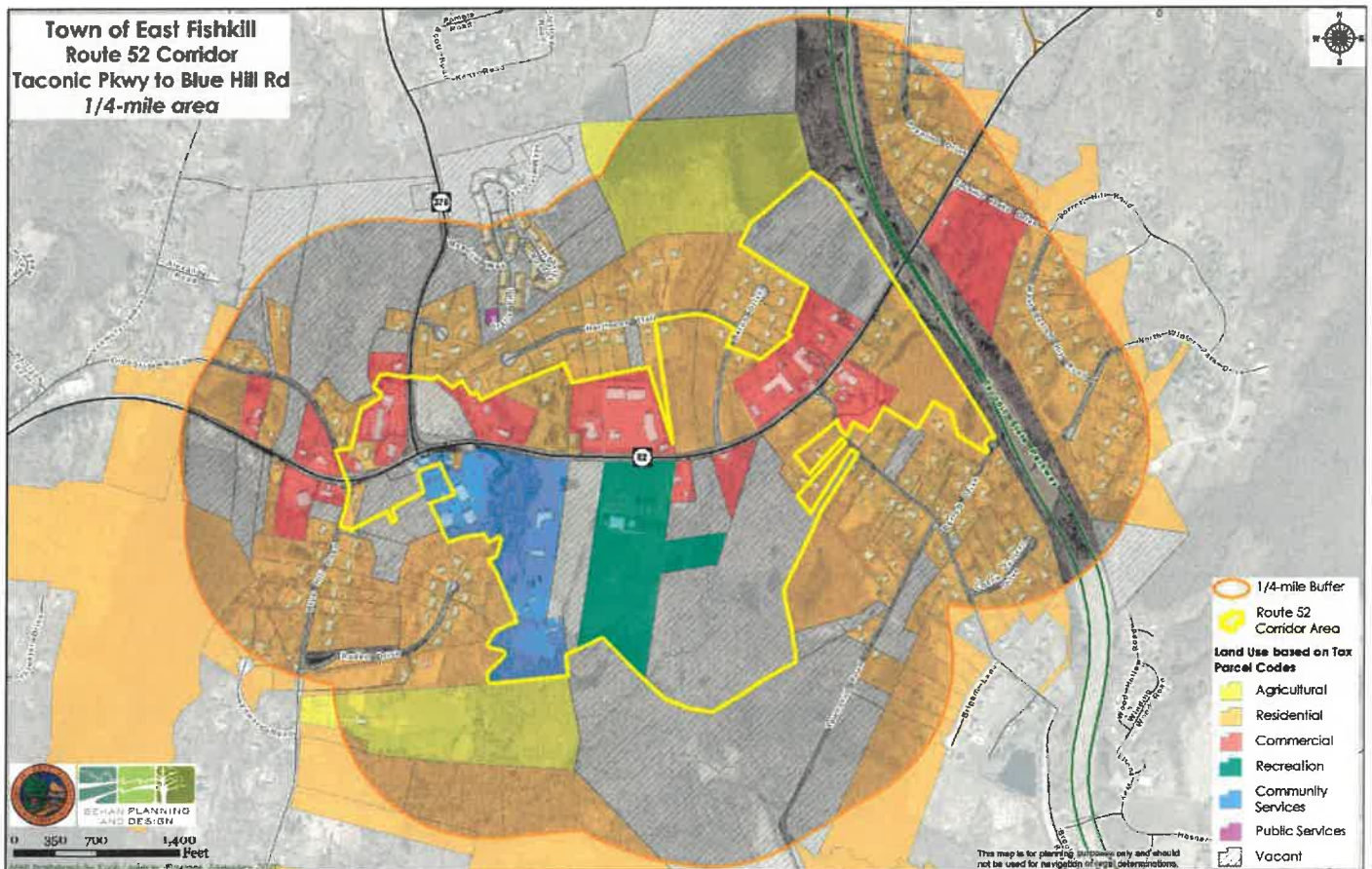
State highway system. The area is accessed by NYS Routes 52 and 376 and is adjacent to exit 38 of the Taconic State Parkway.

County highway system. Carpenter Road (county route 29) is located east of the study area, on the opposite (east) side of the Taconic Parkway.

Pedestrian and bicycle system. There are no public sidewalks or bike paths in the area. The state highway corridor does not provide a bike lane (although the topography appears to offer only a few constraints to facilitate creation of sidewalks, bike lanes or a shared-use path in the future.) The nearest connection to the planned Maybrook Trailway (part of the Empire State Trail) would be east along NYS Route 52 and north along Carpenter Road (Dutchess County Route 29) or north along NYS Route 376. The area includes access to the Dutchess County Rail Trail which runs north-south from the town line toward Hopewell Junction. The Heritage Plaza has an internal sidewalk system.

Transit. Regular transit bus service to this area from Dutchess County Transit Service is available on Route F connecting from Beacon runs along NYS Route 52 east to NYS Route 376 north to Hopewell Junction.

Access to Public Water & Sewer Service



The area is not generally served by public water supply and water supply is provided by private individual wells. There is no public sewer service currently serving the area and wastewater treatment is via individual septic systems. The drainage characteristics of the soil types here range considerably from poorly-drained (and therefore not well-suited to treatment by septic systems) to well-drained which are better in terms of septic system suitability.

The corridor has been identified as a potential for future installation of a water main, which would require the expansion of a nearby water district or the formation of a new water district. Perhaps a more limiting constraint to the orderly development of the area is the lack of centralized sewer system. Reliance on individual septic systems for wastewater treatment may limit the overall development potential for the area, which will be especially problematic for areas subject to flooding/high seasonal groundwater elevations and sites with poor suitability for septic systems.

### Surface Water

Three streams cross through the study area, including the Gayhead Creek. This flows into the area known as Gayhead Pond, and continues northward, where it joins other tributaries and eventually meets the Fishkill. State and Federal wetlands are located adjacent to the streams, and approximately half of the study area is located within the 1% annual risk flood zone.

Gayhead Pond, located on the northeast corner of routes 52 and 376, was silted in when the dam on the west side of 376 was breached. Now no longer an actual pond, it now has the characteristics of a wetland/ wet meadow.

### Habitats & Environmental Constraints

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

Included in the study site wetlands is about half an acre of rich sloping fen. Rich sloping fens are a unique habitat type that is considered imperiled in New York State, with only about 100 occurrences statewide<sup>1</sup>. Many of these are too small in area to qualify for protection under New York State Wetland Regulations.

The study area contains bog turtle habitat and Indiana bat habitat. The bog turtle is an endangered species in New York State, and the Indiana bat is endangered at the state and federal level.



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<sup>1</sup> *Fens are an important and unique wetland type. Fens are peat-forming wetlands that rely on groundwater input and require thousands of years to develop and cannot easily be restored once destroyed. Fens are also hotspots of biodiversity. They often are home to rare plants, insects, and small mammals. Larger animals like deer and livestock graze in this type of wetland. Fens are valuable to humans as well. They are important as sites of groundwater discharge and are good indicators of shallow aquifers. Vegetation in all wetlands plays an important role in recycling nutrients, trapping eroding soil, and filtering out polluting chemicals such as nitrates. (Weixelman & Cooper 2009 as cited in [https://www.fs.fed.us/wildflowers/beauty/California\\_Fens/what.shtml](https://www.fs.fed.us/wildflowers/beauty/California_Fens/what.shtml))*



### 3. EXISTING ZONING DISTRICT

#### <sup>2</sup>Summary of Permitted Uses

USES ALLOWED BY DISTRICT		
USE DESCRIPTION (P = Permitted S = Special Permit)	ZONING DISTRICTS	
	R-1	B-1
<b>Residential Uses</b>		
Nursing homes, alternative care housing	S	
One-family occupancy apartments		S
Single-family dwellings	P	
<b>General Uses</b>		
Cemeteries	S	
Churches, schools, public uses	S	
Commercial stables and riding academies	S	
Day-care facilities	S	
Farming, nurseries, greenhouses	P	
Greenhouses		S
Historic structures	S	
Hospitals	S	
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.		S
Large-scale recreational developments, camps	S	
Membership clubs	S	
Mortuaries		S
Outdoor recreation developments on sites at least 10 acres in size and subject to the provisions of § 194-67		S
Preparation of mulched materials	S	
Private stables	S	
Subdivision recreation areas	S	
<b>Business and Service Uses</b>		
Automobile service facilities, subject to the provisions of § 194-86		S

<sup>2</sup> From: <http://www.eastfishkillny.gov/Residents/ourtown.htm>

## USES ALLOWED BY DISTRICT

USE DESCRIPTION (P = Permitted S = Special Permit)	ZONING DISTRICTS	
	R-1	B-1
Banks, theaters, offices, restaurants and similar community services		P
Car washes		S
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		S
Commercial communications tower or antenna installation	S	
Commercial kennels		P
Drive-through retail and service facilities		P
Gasoline filling stations		S
Hotels and motels	S	
Medical or dental offices, medical centers, clinics or health services		P
Motels	S	
Personal service shops		P
Public utility structures, except commercial communications towers		S
Similar community services (i.e., similar to banks, theaters, etc.)		P
Stationary solicitor, peddler, vendor		S
Stores and shops for conducting business		P
Theaters		P
Utility substations	S	
<b>Accessory Uses</b>		
Accessory professional offices	S	
Accessory residential units (excluding lots with attached or multifamily units)	P	
Accessory retail, professional, and/or personal services in cluster subdivisions of 100 acres or more, subject to the provisions of § 194-46.1	S	
Church cemeteries less than four acres and church internal columbariums	P	
Commercial communications antenna installation co-located on commercial communications towers approved under Local Law No. 5-1998 or upon commercial communications towers approved under former § 194-76, subject to the provisions of (current) § 194-76	S	
Commercial communications antenna installation co-located on eligible buildings or structures as provided in §194-76	S	
Customary accessory uses, including retail sales incidental to any listed permitted uses		P
Customary home occupations	P	
Dish antennas	P	

**USES ALLOWED BY DISTRICT**

USE DESCRIPTION (P = Permitted S = Special Permit)	ZONING DISTRICTS	
	R-1	B-1
Excavation from or filling on a single lot of not more than 500 tons or 375 cubic yards, whichever is less, or earth material in any consecutive twelve-month period, as part of a bona fide landscaping operation on a lot upon which a primary residence is located, or for which a current, valid building permit therefor has been issued, and in accordance with § 194-75 (R-1 and R-2 Zones)	P	
Keeping of household pets	P	
Noncommercial radio transmitting towers (excluding lots with attached or multifamily units)	P	
Off-street parking	P	
Private garages or carports (not exceeding four spaces)	P	
Private garden house, toolhouse, gate house or similar private accessory use	P	
Private swimming pools, tennis courts	P	
Shared driveway for up to three lots as provided in § 194-67.1	S	
Signs	P	
Storage of auto trailers, boats and similar private vehicles	P	
Storage or parking of commercial vehicle (excluding lots with attached or multifamily units)	S	
Subdivision recreation areas	P	

## Summary of Dimensional Requirements

DISTRICT	MINIMUM LOT SIZE				MINIMUM YARDS (FEET)			MAXIMUM BUILDING COVERAGE	MAXIMUM HEIGHT	
	Area	Frontage	Width	Depth	Front	Side	Rear	In % of Lot Area	Stories	Feet
R-1	1	50	125	150	50	25	50	12%	2.5	35

District	MINIMUM LOT SIZE		MAXIMUM LOT COVERAGE (%)	MAXIMUM BUILDING COVERAGE (%)	MINIMUM YARD DIMENSIONS (FEET)					MAXIMUM HEIGHT		MIN. OPEN SPACE
	Area (acres)	Width at Building Line			FAR	Front	One Side	Both Sides	Rear	Feet	Stories	
B-1	--	--	75%	35%	.35	40	10	10	20	30	2	--

## EXISTING LAND USE PATTERNS

This hamlet included the early East Fishkill Post Office, Aaron Van Vlackren was the pioneer settler in the neighborhood of Gayhead. His son, Tunis Van Vlackren, built the first mill at Gayhead about 1768. Gayhead Pond, once located at the northeast corner of the intersection of New York State Routes 52 and 82 and now silted in, disappeared when the dam, located on the west side of Route 376 breached.



Water Resources-- water flows over these paved surfaces; it collects soil, pet wastes, salt, fertilizers, oils, and other pollutants.

The primary sources of pollutants in the Fishkill Creek watershed are from nonpoint sources. Nonpoint source pollutants arise from a number of sources rather than just one (i.e. parking lot runoff, stormwater, septic system effluent, agriculture or construction runoff). (Source: Natural Resources Management Plan for The Fishkill Creek Dutchess County Environmental Management Council and Fishkill Creek Watershed Committee, May, 2005.)

## 4. LAND USE AND ZONING RECOMMENDATIONS

**Future Lane Use.** The future land use plan for the Route 52 corridor should focus on maximizing its potential as a close-knit, vibrant hamlet center. Supporting existing investment and increasing opportunities for residential options of higher density in the appropriate areas and improving access to sidewalks and bike lanes will contribute to the hamlet's livability, vitality and connectedness. There is also an opportunity to recognize and preserve the important water resources and natural features in the corridor, including wetlands, a fen, and various streams and adjacent natural areas and forest land. Officially preserving these resources as a greenbelt and creating a trail system would ensure their permanent integration into the open space landscape of the hamlet, creating local recreational opportunities and contributing to a unique neighborhood character and destination.

**Transportation.** Coordinating any needed intersection improvements and improved driveway access management will help maximize the safety and efficiency of motor vehicle traffic movements. While there are no dedicated facilities for pedestrians and bicyclists along the highway corridor, this area is noted in the town code as a place where walking and pedestrian connectivity is encouraged.

Hence, the town should coordinate with NYSDOT and adjacent owners to explore options for adding sidewalks and bike lanes/a shared-use pathway along Route 52. These should be added on both sides of the road where space and topography permit. Safe and signalized pedestrians crossing should be incorporated at appropriate intersections along the corridor, including consideration for a future signal where justified at shopping plaza entrances. Exploration of the feasibility of constructing a shared-use path to connect the Gayhead Hamlet area northerly along NYS Route 376 to Emmandine Town Park and ultimately to Hopewell Junction would be a worthwhile endeavor.

A greenbelt trail system and permanent protection of important natural resources will help provide long-term balance between conservation and development.



A shared-use path can be a nice community amenity providing recreation, alternative transportation and opportunities for exercise.

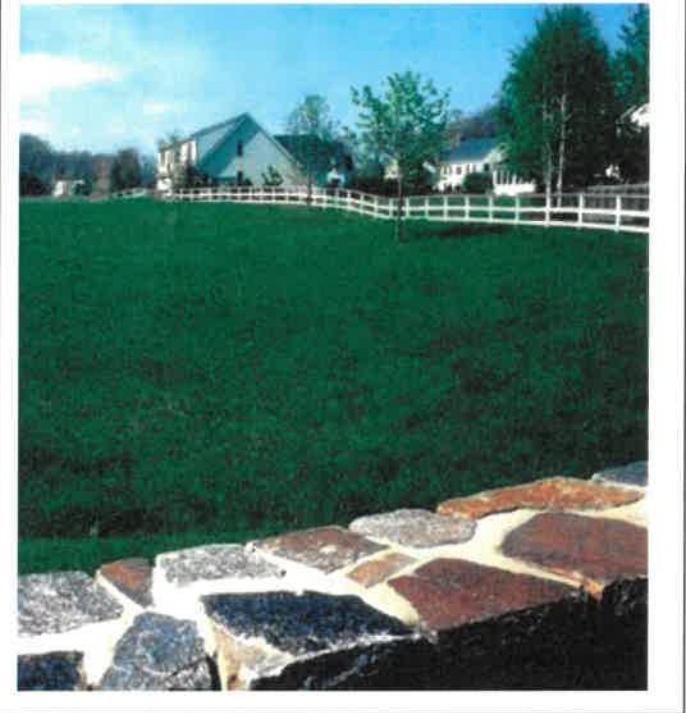


Wastewater Treatment. The study area's lack of central wastewater treatment will continue to be a challenge to accommodate future growth and development. There is large variability in existing conditions to support on-site wastewater treatment through septic systems. Areas of flooding and high groundwater are prevalent as are soils that are not well suited for septic systems. However, there also are areas, primarily in the central part of the hamlet, that offer very good conditions for on-site wastewater treatment via septic systems. Some form of wastewater treatment will be necessary in order to support any additional level of substantial residential or commercial development.

Extension of sewer lines and sewer district may be desirable to support current and future development if it is determined to be feasible and approvable. A large use base would be required to keep the cost per user reasonable. Given the favorable soil conditions in some areas, one possible opportunity for wastewater treatment would be to create a community septic system which, like regular septic systems, eliminate the need for costly infrastructure extensions, but provide joint wastewater treatment for a larger planned development or a for a group of properties instead of individual septic systems. The siting of either a traditional wastewater treatment system or a community septic system would require soil suitability testing and further planning, so a definite location has not yet been determined, but a plausible location in the area of suitable soil conditions exist in proximity of the golf training facility. In any case, connection to a sewer system will need to be made or possibly a larger centralized septic system could be an option to support the area development.

Zoning Options. Creation of an overlay district or a new zoning district would be the most efficient way to implement zoning changes while preserving the functions of the existing zoning districts in the area. A Gayhead Hamlet Overlay District could be created that would provide for an appropriate mix of additional uses (and to prohibit uses that are not amenable to the land use vision for this area such as additional gas stations). An overlay district as suggested could allow for additional options for residential development such as patio homes/small lot hamlet residential, townhomes and apartment buildings in areas capable of supporting such higher density uses. Further, the overlay could support allowing additional uses in areas of existing commercial development to add to the attractiveness and increase the blend of uses in the hamlet center. The district should include development design guidelines, which serve to increase the cohesiveness of the corridor's appearance. These would include setbacks and buffers, architectural design and materials, lighting, parking and landscape requirements. An alternative to an overlay would be the creation of a new zoning district to accommodate the land use recommendations. In either case, it is recommended the town consider the use of incentive zoning as provided for in NYS Town Law. Through incentive zoning, the town could secure amenities such as open space conservation, bicycle and pedestrian facilities and affordable housing options.

The green space in this image is the location of a community septic system designed to treat wastewater from all of the homes in its service area.



## 5. NEXT STEPS—ADVANCING THE RECOMMENDATIONS

The town could present the findings of this report for public review as an amendment to the town comprehensive plan—perhaps along with recently completed industrial lands studies completed by Behan Planning and Design and present a package of draft zoning amendments that would implement the land use changes recommended in these land use and zoning study plans.

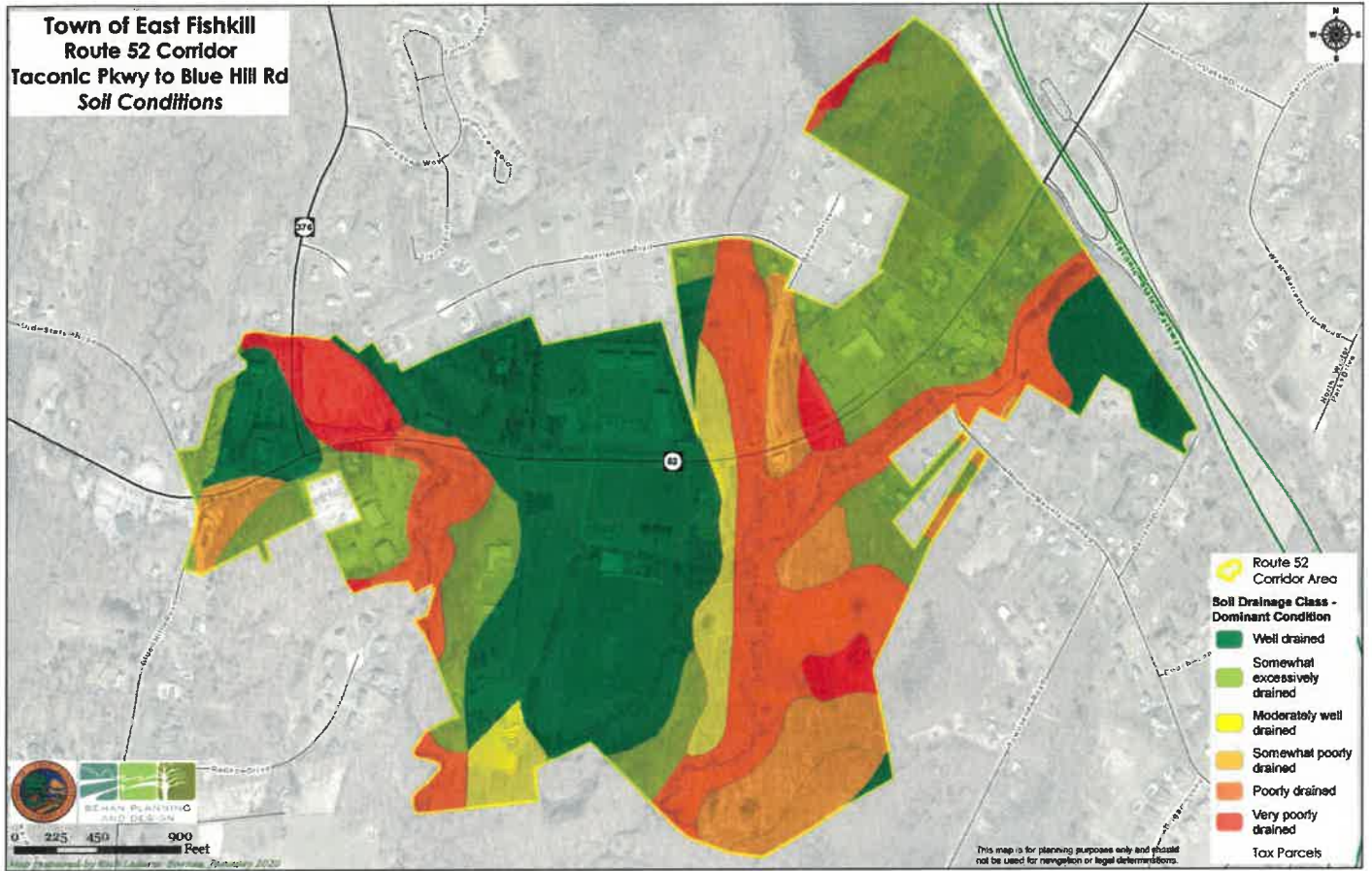
Further, the timing would be good to present the transportation system recommendations to the state and county transportation officials—in particular to advance the concepts for improvements to the area’s bike and pedestrian facilities.

Finally, the open space, farmland/natural resource and habitat conservation aspects of this plan and the above-referenced planning studies could be advanced by the town and in partnership with other area organizations such as the Dutchess Land Conservancy. Protection of water resources—both surface water and groundwater (and the open spaces and natural areas associated with these resources) would seem to be of high priority as the town’s geology places it in a position with many important water resources that are located in environmentally sensitive areas.



## APPENDIX A-1 SOIL DRAINAGE AND ENVIRONMENTAL SETTING MAPS

**Town of East Fishkill  
Route 52 Corridor  
Taconic Pkwy to Blue Hill Rd  
Soil Conditions**



**Town of East Fishkill  
Route 52 Corridor  
Taconic Pkwy to Blue Hill Rd  
1/4-mile area**

