

5.0 LAND USE, COMMUNITY CHARACTER, AND ZONING

The Town's future land use pattern is driven by its overall plan and vision for land use and community character, the zoning code that regulates the location and scale of uses, and the transportation network that ties all of the uses together. Within the overall plan and vision for land use and community character are considerations for housing, commercial development, and open spaces. Each of these issues is examined separately in this *Comprehensive Plan*.

This section provides an overview of the many issues that contribute to the overall community character that is most evident in the Town's land use pattern. Included in these considerations are community character, community facilities, land use regulations for housing and commercial development, and the Town's transportation network. The Town seeks to retain its overall rural character by revising development regulations to reflect existing patterns of low-density residential neighborhoods and to make commercial development more compatible with community character through proper siting criteria and design guidelines. Specific recommendations with respect to land use and zoning for residential and commercial areas are described in Sections 6 and 7.

5.1 LAND USE

EXISTING LAND USE PATTERN

The existing land uses in the Town of Southeast fall into ten main categories:

- Single-family Residential—The predominant use of land in the Town;
- Multi-family Residential—Residential structures containing more than one housing unit (examples include Reed Farm, Eagles Ridge, Hunters Glen, and Twin Brook Manor);
- Retail—This category includes service uses, general business and repair services. Major retail areas include Route 22 (which serves as the Town's central retail district) and Route 6;
- Office—Professional and corporate offices located throughout the Town but primarily at the I-84/Route 312 interchange and along Route 6 west of the Village of Brewster;
- Industrial and Light Industrial—These uses include traditional industrial uses as well as warehousing and distribution facilities. They are located primarily in the Fields Lane area and along Route 6 east of I-684;
- Institutional—This category includes land devoted to county and local government functions, schools, churches and other social, civic and religious functions of the community. The JFK Elementary School, Henry Wells Middle School and Brewster High School comprise one of the major institutional uses in Southeast. The schools, playing fields, and administration and maintenance buildings form a substantial educational campus.

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The other significant parcel is Morningthorpe on Turk Hill Road, a non-profit drug rehabilitation center;

- Parks—This category includes Scolpino Park, the park at Lake Tonetta and several other Town-owned parcels;
- Agricultural—Horse stables tend to be the primary agricultural land use remaining today, although Salinger Orchards and the Ryder Farm remain active;
- New York City Watershed—Undeveloped land purchased by the City of New York to buffer reservoirs and watercourses within the Town; and
- Undeveloped—Much of this land is constrained by steep slopes, wetlands, or lack of roadway access.

An analysis of the Town’s land use in 2000 was performed using tax parcel data provided by the Town’s Tax Assessor. The breakdown of land uses is summarized in Table 5-1. (Section 3, “Patterns of Development,” describes some of the changes in the land use pattern over the last 30 years; especially changes in the last decade.)

**Table 5-1
Land Use in Southeast, 2000**

Land Use	2000	
	Acres	Percentage
Agriculture	283	1.5%
Residential*	6,277	33.2%
Commercial/Industrial	702	3.7%
Government/Institution	1,077	5.7%
Vacant	6,379	33.7%
Open Space	1,237	6.5%
Water Supply	2,950	15.6%
Total**	18,905	100.0%
Notes:	* Approximately 5,960 acres (31.5 pct. of total land area) is single-family residential. ** Roads are not included in any of these categories. Thus, the total land area does not add to 35 square miles.	
Source:	Town of Southeast Tax Assessor.	

Figure 5-1 illustrates the distribution of these land uses throughout the Town and Village. Single-family residential development is the largest land use (approximately 32 percent). Vacant properties occupy approximately 33 percent of the Town total. Water supply lands are the next largest category at approximately 16 percent. Commercial development still tends to be located along the major thoroughfares, especially Route 22 which has become the Town’s main commercial shopping center.

From a land-use perspective, the Village of Brewster has historically served the role as the village center to the Town of Southeast. Today, its role has diminished with new commercial development located along the highway corridors of Southeast. While Brewster’s role as a municipal, institutional, and commercial center has been reduced with the suburbanization of Southeast, Main Street in Brewster still fulfills an important role as a commercial center. Smaller

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boutique-type stores, that don't compete with the larger retail facilities on Route 22, are located in the Village. Eating establishments and antique shops are also appropriately located within the Village. Coordinated planning between Southeast and Brewster to attract appropriate commercial development either in the Village or along the Town's commercial corridors could result in mutual benefits from a land-use and economic development perspective.

DEVELOPMENT POTENTIAL STUDIES

Several studies have recently been prepared on land use development potential within the Town of Southeast. As part of the Croton watershed planning effort coordinated by Putnam County, a *Phase I Planning Analysis* was prepared that, in part, identified community needs and areas for projected growth and development. A separate build-out analysis was performed by Edwards & Kelcey on behalf of the New York State Department of Transportation (NYSDOT) as part of its planning and design for the Route 22 corridor. Lastly, a residential development build-out was performed as part of this *Comprehensive Plan* for several areas of large vacant or under-utilized properties throughout the Town. Each of these studies is summarized below.

PUTNAM COUNTY PHASE I PLANNING ANALYSIS (2000)

The Putnam County *Phase I Planning Analysis* provides a baseline assessment of zoning and land use conditions within each municipality as well as a development build-out for areas zoned commercial, industrial, and high-density residential to determine “whether any adjustments are needed in [municipal] master plans and land use laws to meet community character needs and water quality goals.”* The *Phase I* report did not address low-density residential land, which currently makes up approximately 32 percent of Southeast's total land area; in addition, a significant portion of Southeast's undeveloped or vacant land is zoned for low-density residential use.

The development build-out analysis for Southeast notes that, of the 4,122 acres of land zoned for commercial and industrial uses in the Town, approximately 2,342 acres are considered vacant or underutilized. The *Phase I* report then determined how much of this vacant/underutilized land could actually be built upon after removing land that is constrained by regulatory restrictions, “including regulatory buffers, wetlands, steep slopes, and poor soils that do not permit the use of sub-surface wastewater treatment systems.”** Of the 2,342 acres, only 531 acres of commercial and industrial land are considered available for development. On these 531 acres, approximately 6.95 million square feet of building area could be constructed. Most of this could occur in three areas: the Fields Lane area (1.77 million square feet), an area south of Route 312 and west of Tonetta Lake (1.10 million square feet), and an area northwest of Route 312 along the I-84 corridor (1.36 million square feet). Thus, environmental constraints and the Watershed Regulations could diminish the amount of commercial/industrial development significantly.

For multi-family residential areas, the conclusions on actual amount of developable land are similar. The total acreage of multi-family zones in Southeast is 848 acres. Only 22 acres are considered buildable when constraints such as soil type, wetlands, wetland buffers, and steep slopes are considered. The *Phase I* report estimates that an additional 122 multi-family dwelling units could be built, all of which would be in the ‘RMF’ zone straddling Doansburg Road. It is

* Putnam County. *Comprehensive Croton System Water Quality Protection Plan Phase I Planning Analysis*. October 1998, Revised November, 2000, page 3.

** *Ibid.*, page 22.

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important to note, however, that the Phase I estimate did not take into account the prior approvals for this land. The majority of the RMF zone straddling Doansburg Road is part of the Fieldstone Pond development open space component. Thus, no further multi-family units could be developed in this area.

The *Phase I* report does indicate several areas where the Town's current, or anticipated, development pattern may affect water quality protection. The report notes that continued development of commercial and light industrial uses in the Fields Lane area, as recommended in this *Comprehensive Plan*, may be constrained by the prohibition on new surface-discharge wastewater treatment plants in the Muscoot basin. In addition, the *Phase I* report notes that the current phosphorus-restricted status of four of the five other reservoir basins in Southeast may limit the amount of additional commercial development in other areas of the Town.

NYSDOT ROUTE 22 BUILD-OUT ANALYSIS (2000)

The Route 22 Build-Out Analysis prepared by Edwards & Kelcey for NYSDOT addressed development potential town-wide as Route 22 is one of the central transportation links for the community.* This analysis used a classic planning overlay technique to identify important environmental constraints such as wetlands, steep slopes, and poor soils for septic systems. The analysis also identified significant vacant parcels and the zoning districts within the Town. When these "coverage layers" were combined, two different levels of potential development were estimated: the "low" estimate assumed that poor soil conditions would constrain future growth, and the "high" estimate assumed that soil conditions, and the challenge of wastewater treatment, would not be a factor in development. The "low" estimate projected that, on 171 properties, 3.4 million square feet of new commercial development and 823 new residential units could be built. The "high" estimate projected 12.9 million square feet of commercial development and 3,745 new residential units.

It is important to note that this analysis did not include specific site constraints or likely effects of the Watershed Regulations. Thus, the development potentials presented in the *Route 22 Build-Out Analysis* (and the Putnam County *Phase I* report), are likely higher than what could realistically be built.**

RESIDENTIAL DEVELOPMENT ANALYSIS

As part of this *Comprehensive Plan*, an analysis of potential development on large vacant properties in residential districts was prepared. Many of the vacant properties are located directly around the reservoirs or along wetland or stream corridors and are zoned for one- or one-and-a-half-acre lots. Approximately 7,000 acres of land were identified in this analysis, 5,900 acres of which were considered buildable (public lands, land occupied by utility rights-of-way, and institutions were not considered developable in this analysis). Under existing zoning, anywhere from 3,000 to 4,000 units of housing could be constructed assuming sufficient capacity for wastewater treatment and consideration of site-specific environmental constraints. While the ultimate number of new housing units would likely be less given the natural features that limit

* The development analysis also included a small portion of the Town of Patterson just north of the Southeast border.

** Without benefit of a detailed inventory of site-specific constraints, which would be an unwieldy exercise, the Route 22 analysis did use appropriate methodology for its traffic planning purposes.

development that are described in Section 4, addition of these housing units and the 9,000 people that could potentially occupy them, would alter the community character and the land use pattern of the Town. Section 6 provides a more detailed description of this analysis as well as specific calculations for each area analyzed.

SUMMARY

What each of these build-out analyses show is that existing zoning (and the large supply of vacant land) within the Town of Southeast could possibly result in a large amount of new residential and commercial construction. While the build-out estimates took environmental constraints into consideration and adjusted the estimated development levels, the overall development potential projected is higher than what could be supported by the Town's natural and physical infrastructure. In order for the Town to attain its goal of protecting the rural community character while balancing new commercial and residential development, changes to zoning districts are required.

FUTURE LAND USE

Figure 5-2 illustrates future land uses based on proposed residential and commercial development patterns (described below in "Zoning" and in Sections 6 and 7). Three areas of particular interest to the Town with respect to future development are described below.

RURAL COMMERCIAL DISTRICTS

The Town intends to implement a new "Rural Commercial" Zoning District at key entry points into the Town and specific parcels of notable rural character. Uses to be permitted in this new district will recognize the importance of visual character and will possibly be linked to Hudson Valley tourist-oriented development. Figure 5-2 indicates the potential location of these proposed districts.

BREWSTER NORTH DISTRICT

An opportunity may exist to enhance the area around the Brewster North train station. This area is generally defined by properties abutting Independent Way, the existing parking areas, and land on the east side of the railroad tracks. The Town of Southeast would support a parking garage and improved station facility at the location of the existing parking lots, if proposed by Metro-North, provided that new structures are designed to enhance the rural landscape and historic character of this area of the Town. The Town encourages Metro-North to change the name of the station to "Southeast" to recognize this as an important gateway into the Town. In addition, the Town would support small-scale retail uses integrated into the design of any station or garage so long as the retail use is intended primarily for the use of railroad commuters. Compatible uses could include a newsstand, coffee shop, florist, or drop-off dry cleaning. One or several pedestrian overpasses linking the east and west sides of the railroad tracks would improve connections between residential areas east of the tracks and the Village of Brewster. A parking garage could also be designed to reconnect Independent Way and the east side of the railroad tracks.

If, in the future, wastewater treatment capacity at this location were to become available, and environmental considerations with respect to wetlands and streams could be properly addressed, the Town envisions a more intense commercial use for this area (this may include a hotel/conference center, transportation center, and associated retail activity) to take advantage of the proximity to the train station and I-84. This type of development assumes that access from

I-84 and/or across the railroad tracks at Independent Way would be provided and that improvements to Route 312, as identified in the Transportation Improvement District report (see Section 8, “Traffic and Transportation”), would be implemented. Shared parking for train commuters and any other uses should be considered where feasible. Specific design guidelines and zoning provisions (height, floor area ratio, sign design) would have to be developed to ensure that any development would be consistent with the Town’s overall rural character.

ROUTE 312/I-84 INTERCHANGE

The interchange of Route 312 and I-84 is an important node of economic activity. The Town would like to see a continuation of commercial uses at this interchange and intends to implement transportation improvements to facilitate this development (see the discussion of the Transportation Improvement District in Section 8).

FIELDS LANE

The Fields Lane area has evolved into a location for light industrial uses that are not as appropriate on highly-traveled entryways into the Town. The Town would like to see the Fields Lane continued in this function and intends to amend its Zoning Code to reflect the shift toward outdoor storage at many of these uses (see Section 7).

VILLAGE OF BREWSTER

While the Village of Brewster is a separate political jurisdiction empowered to guide its own land use development, the Town of Southeast feels that it is important to mention the Village within the Town’s *Comprehensive Plan*. As indicated above, the Village has historically served an important role as a center of activity within the Town. As that role has changed with new commercial activity being developed in the Town along Route 22 north of the Village and Route 6 east and west of the Village, the Village remains an important feature to Town residents. The Village of Brewster provides smaller, specialized shopping and dining opportunities as well as vital Town functions (Town Hall, a Metro-North Railroad station, and a library are located within the Village). Many residents of the Town include Brewster as part of the community they identify as their own. The Town intends to develop land use policy and development guidelines for residential and commercial uses in a manner that will not negatively affect the Village of Brewster. (See additional discussion on the commonality of Southeast and Brewster below).

5.2 COMMUNITY CHARACTER

The Town of Southeast is a picturesque and peaceful community of nearly 35 square miles. Within that area is a diversity of landscapes and community patterns including: rolling hills, reservoirs, lakes, and streams, historic farm properties, rural settlements, and suburban housing developments as well as areas of commercial activity, both retail strips and office parks. The Village of Brewster, a separate political jurisdiction, is the historic center of the Town of Southeast and retains its identity as one of the centers of the Town.

The Town of Southeast is the economic center of Putnam County. The Town’s access to major transportation corridors, including the Metro-North Railroad and two interstate highways (I-684 and I-84), has made the Town an attractive location for new economic activity and a major exporter of workers to jobs in Westchester and Fairfield Counties, and New York City. As more people are choosing to live in Putnam County, Southeast’s community character is shifting from a rural to a more suburban community. However, the Town is committed to maintaining its overall rural quality in areas outside of the more developed commercial and residential districts.

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Guiding new development while retaining the Town's scenic resources and rural quality-of-life is a goal that should guide Town's land use and growth decisions.

The Town of Southeast is also located at the geographic center of the Croton Watershed, the source of 10 percent of New York City's drinking water supply during normal conditions and up to 30 percent during droughts. In all, 99 percent of the Town's land area lies within New York City's drinking water supply watershed. Five reservoirs are located in the Town—Bog Brook, East Branch, Middle Branch, Croton Falls, and Diverting Reservoir—and the drainage basin of a sixth, the Muscoot, occupies a portion of the southwest corner of the Town. The drainage basins for these reservoirs extend beyond the Town's boundaries into neighboring communities in Putnam and Westchester Counties. Southeast shares watershed basins with Patterson, Kent, and Carmel in Putnam County and with North Salem in Westchester County. The East Branch of the Croton River flows diagonally northeast to southwest through the Town. In addition, several large lakes and wetland areas are located in Southeast: Tonetta Lake and Peach Lake form the nucleus of several residential communities, and the Great Swamp is a regionally significant wetland area that covers parts of Southeast and Patterson.

The attractiveness of Southeast as a place to live and to do business is a product of its proximity to major business centers in the tri-state metropolitan area and the numerous scenic views and neighborhood qualities. In addition, housing prices in Southeast have lagged behind those of towns in northern Westchester County, attracting homebuyers otherwise priced out of the Westchester market. As these qualities have been discovered by the growing suburban market, the balance of different land uses in Southeast has shifted from a community of agricultural uses, larger estates and horse farms, seasonal homes, light manufacturing based on natural resources (e.g., timber and mining), and undeveloped open lands toward increased residential subdivision developments, commercial retail strips, and local and regional business offices. This change in the Town's land use pattern has resulted in impacts to the environmental character of the community, and to the water quality of both groundwater aquifers and reservoirs that provide Southeast and New York City with drinking water.

Physically, the character of the Town is defined by the streams and reservoirs and the rugged topography of the many hills that surround them. Historically, where the land flattened out from the hills and steep slopes, the rural landscape was dotted with farms, small hamlets, and low-density residential areas. This land use pattern was lost when the valleys were flooded for construction of New York City's reservoir system. Houses and farms were relocated to land above the reservoirs but the older centers were lost. Development and economic activity slowed until early in the 20th century when resorts were built to take advantage of the scenic qualities of the Town and its reservoirs. The post-World War II residential boom began to change the face of Southeast as existing residential neighborhoods matured. Growth over the last three decades has spread new residential development further and has changed the overall Town pattern to a more suburban character with nodes of commercial activity along the primary roads traversing the Town.

Economically, the community continues to be shaped by its location within the larger New York metropolitan area. Firms seeking to take advantage of the metropolitan market while providing quality-of-life for its employees will locate within Putnam County. The easy access to the interstate highways within the Town of Southeast provides many of these firms, and the Town itself, with a competitive advantage.

Specific goals and policies developed to protect the Town's community character are discussed in more detail in Sections 6 through 9 of this *Comprehensive Plan*.

The Town of Southeast's historic importance and natural setting require that special consideration be given to the quality of design. Design includes not only the architecture of individual buildings, but also their relationship to specific sites; streetscaping; landscaping; lighting; sign design; and other aspects of the public environment. Topics to be focused on for these guidelines will be gateways, ridge line development, building setbacks, office developments, parking roadside trees, screening, lighting, sign design and scenic roadsides.

GENERAL DESIGN PRINCIPLES*

The following general principles to guide future public and private development in the Town are in support of the goals and objectives of the Town's *Comprehensive Plan*:

- Future development throughout the Town should be of a context and scale that enhances the visual appeal of the Town and its character;
- Building heights and setbacks should conform to the predominant characteristics of each specific area and should preserve vistas to the surrounding hillsides and reservoirs; and
- The quality of design should be a general consideration of all development decisions in the Town. The Planning Board should enforce its right to submit special permit applications for architectural review.

GATEWAYS AND ENTRANCE CORRIDORS

The significant entrances to the Town should be given priority design consideration. "Gateways" have been defined at those points on the major arterial roadways leading into the Town. The roads into Southeast are significant not only for moving cars in and around the Town, but also serve as some of the first gateways to upstate New York. Some are historic old post roads and turnpikes. Other roads are the transition between suburban and rural areas of the Town while others are the gateways into the Town's different communities. A program to improve these entry points would benefit Southeast in three ways:

- Enhancement of the Town's image;
- Improvement of the experience of entering the Town; and
- Directing visitors and drivers to points of interest, such as historic or scenic features.

Four such gateways and entrance corridors have been identified for special design treatment: Route 22 from the north, Route 22 as it branches off I-684 from the south, Route 6 from Carmel, and Route 6 from Connecticut.

RIDGELINE AND HILLSIDE DEVELOPMENT

The ridgelines, wooded hillsides and hilltop pastures of Southeast are important natural assets that remain largely unspoiled by development. However, buildings can be constructed on slopes and still be perceived as rising above the ridgeline. The following guidelines are designed to ensure that future land development is sensitive to these special sites, and is compatible with the goals and objective of this plan.

- Development of parcels containing steep slopes should be evaluated during site plan review to minimize the potential for erosion and visual intrusion.

* Material from this section is from the 1992 *Town of Southeast Master Plan* prepared by Buckhurst Fish Hutton Katz & Jacquemart, Inc. Minor editing has been done.

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- Any commercial development that might visually extend above the ridgeline when viewed from a public highway should be carefully evaluated during site plan review. The developer should be required to submit detailed viewshed analyses and alternatives so siting choices can be evaluated by the Planning Board.
- Buildings should be sited to minimize intrusions into viewsheds. This can be achieved by taking advantage of topographic changes and existing vegetation.
- Buildings and other structures should be placed to maintain the harmony between the built and natural environment and not change the sequence of views to or from other areas of the Town. Objects such as dumpsters, antennas, satellite dishes, and solar panels should be screened. Where practical, development should occur at the edge of wooded and open areas.
- Ridgeline and hillside conservation areas should be designated within approximately 750 feet of ridgelines. Alternatively, protective overlay districts could be created for designated scenic vistas. One possible scenic overlay district could be along Route 6, looking north across the East Branch Reservoir to Joe's Hill and Devil's Den.

BUILDING SETBACKS

Conforming Lots

Where existing buildings express a traditionally modest (pre-zoning) front setback, creating a characteristically close relationship with the street, it is highly desirable to continue this pattern in order to retain the area's historic character. Therefore, the maximum setback of new construction should harmonize with the average setbacks of existing adjacent buildings.

Outside the areas of generally uniform building setback, where existing structures are located at various distances from the roadway, front setbacks may vary to a greater degree. Principal buildings shall generally be located within 100 feet of the front lot line unless there are substantial counter-balancing considerations (such as irregular topography, wetlands, or the preservation of natural rural features, including pastures, cropland or meadows.) In all instances, parking should be excluded from areas between the principal building and the roadway and located instead to the sides and back of the building.

Where commercial development is proposed adjacent to a residential use, a sideyard setback of 25 to 50 feet should be observed for buildings, parking, or storage. This area is to be used as a buffer zone and shall be landscaped according to the standards listed in the Parking Guidelines.

Non-Conforming Lots

Where the proposed expansion or reconstruction of a non-conforming lot fails to meet the above setback requirements, and if a variance is granted, increased screening should be provided to lessen the effect on adjoining lots.

For side and rear yard setbacks of between 25 and 30 feet, an increased number of both deciduous and evergreen shrubs, growing to a tall mature height, should be required, in a planting bed at least 10 feet wide.

OFFICE PARK DEVELOPMENTS

The exterior design of office developments should be given special attention because of the buildings' prominent and highly visible locations in the Town. The Town's zoning regulations for OP-1, OP-2 and OP-3 districts should be amended to reflect the following:

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- Broad naturally-landscaped buffers should be established along the I-84, I-684, and Route 22 frontages. Commercial buildings along these highways should be at least 150 feet from the paved edge of the highway. Residences should be set back at least 250 feet. This buffer area should be planted with trees or retain existing trees. On Route 22, the required 50-foot setback must be maintained to allow future planned expansion of the road.
- Site plans should identify and preserve specimen or mature trees. Heavy woods, tree breaks and allees of trees, and key rock outcrops should be maintained. Historic features, such as stone walls and stone chambers, should be preserved.
- Building height and bulk should relate to natural features and site topography. Building coverage should not exceed 20 to 25 percent (depending on zoning regulations) of the buildable land area, minus buffers and other designated natural features. Total coverage by impervious surfaces should be limited to 40 percent of the buildable area.
- Include pervious paving in areas of light use within parking lots. Use of pervious paving should be coordinated with the overall stormwater management program to ensure adequate control of stormwater volumes and pollutants.

COMMERCIAL/LIGHT-INDUSTRIAL USES

- The design of commercial, light-industrial, or “flex” buildings should include appropriate facade treatment on all sides of a building visible from streets. Unadorned “butler” buildings are discouraged.
- Mechanical equipment, such as air conditioning units and duct work or rooftop satellite dishes and telecommunication antennas should be set back from the edge of the roofline to minimize visibility from a road and surrounding properties. Where necessary, a cornice should be used to screen the equipment from view.
- Open storage or product display areas, exposed machinery, and outdoor areas used for the storage and collection of rubbish, must be visually screened from the road and surrounding land uses. Suitable types of screening include opaque wooden fences and dense evergreen hedges. Where evergreen hedges are proposed, a temporary fence should be built to provide screening until the evergreens are of sufficient height. In locations where potential health or safety hazards may arise (such as rubbish storage or collection areas), a solid wooden fence should be required.
- Include pervious paving in areas of light use within parking lots. Use of pervious paving should be coordinated with the overall stormwater management program to ensure adequate control of stormwater volumes and pollutants.

PARKING

- Parking lots should be located primarily at the side or rear of buildings. Landscape requirements within the parking areas will apply to side and rear parking lots, just as to front parking lots.
- Parking lots that must be placed along the road should have landscaped buffers to minimize their adverse visual impact on Town character.
- Parking areas should also be screened along lot lines bordering institutional or residential uses. Screening should be densely planted with a mixture of deciduous and evergreen trees and shrubs, and should create an effective visual barrier. Native trees and shrubs should be

planted wherever possible in order to capture the spirit of the area through indigenous species.

- Parking lots, even if landscaped, may not be calculated as part of a project's open space requirement.
- Include pervious paving in areas of light use within parking lots. Use of pervious paving should be coordinated with the overall stormwater management program to ensure adequate control of stormwater volumes and pollutants.

ROADSIDE TREES

Because roadside trees are extremely important to the character of the Town, removal of trees over six to eight inches in diameter (at breast height) should be absolutely minimized, especially along scenic roadways. The impact of removing existing trees as a result of new development can usually be lessened by shifting the site of the building, parking lots, or the entrance/exit drive. In addition, planting of new or replacement trees every thirty feet along side roads is encouraged, to reinforce the Town's rural character. New or replacement trees should be deciduous hardwoods, such as maple (*Acer* sp.), oak (*Quercus* sp.), linden (*Tilia* sp.), or sycamore (*Platanus* sp.), not conifers or flowering ornamentals, to be consistent with the rural character of the eastern hardwood forest.

Roadside trees should meet the following criteria:

- Cast moderate to dense shade in summer;
- Be long-lived, i.e., over 60 years;
- Be tolerant of pollution and direct or reflected heat;
- Require little maintenance by being mechanically strong and insect-and disease-resistant;
- Be able to survive two years with no irrigation after establishment; and
- Be of native origin.

STONE WALLS

Stone walls act to retain the character of rural roads and land parcels. Care should be taken to avoid disturbing existing stone walls. New development projects or road widening should seek to preserve these walls or rebuild the walls after relocation, if necessary.

LIGHTING

Lighting should be controlled in both height and intensity to maintain rural character. The light level at the lot line should not generally exceed 0.2 foot-candles measured at ground level. To achieve this, luminaires should be shielded to prevent light shining onto neighboring properties or public ways.

Where there is a mix of residential and commercial uses, light standards should be restricted to a maximum of 20 feet in height. In addition, all lighting (except that for security purposes) should be turned off between 11 PM and 6 AM. Exceptions would be made for those businesses that operate during these hours.

SIGN DESIGN

Since commercial roadside areas often act as entry ways to older and more densely settled areas of Town, sign design should be compatible with that in the Village center. The goal of regulation in this area is to encourage legible signs for commercial facilities and to identify the goods and

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services available, while deterring excessive visual competition which lowers the quality of the town scape and visual environment. Since these areas usually contain auto-oriented facilities, special care must be taken with sign design to avoid the clutter and confusion associated with commercial strip development, and to avoid becoming a center of visual blight.

Since multi-occupant structures are common in commercial roadside areas, the number of signs allowed per structure should be limited as follows:

- There should generally be no more than three different types of signs on a building; and
- If the building contains more than three occupants, there should be only one exterior sign per occupant, plus one sign for the entire complex.

Sign and landscape design is very important in these areas. Trees and shrubs help to integrate conspicuous, free-standing signs into the landscape, softening their larger scale.

Identification of businesses from moving cars must be balanced with the visual impact of large signs on the landscape. Restraint in sign design can aid in identification (since small, simpler signs identify businesses with less confusion), limit counterproductive sign competition, and protect the quality of the landscape.

Billboards should be prohibited and phased out over time.

COMMONALITY OF BREWSTER AND SOUTHEAST

As discussed above, the Village of Brewster and the Town of Southeast are separate incorporated entities. Their municipal budgets and administrations are separate, but the two municipalities share a history and an identity: Southeast residents have mail delivered through the Brewster Post Office and send their children to the Brewster Central School District. Many Town residents even say they live in Brewster, giving the Village's name to the entire Town.

Before the arrival of the railroad, the small community known as South East Centre (now Sodom) showed every promise of becoming the town center. However, the construction of the railroad and the foresight of the Brewster family drew ensuing development into the Village, which became the area's most urban center. The Village remains the center of many functions within the Town, despite the strong residential and commercial growth happening throughout the Town. The Village is the site of local government, library, churches, schools, and small scale shopping—all the necessary components of a town center.

Through its *Comprehensive Plan*, the Town of Southeast may set forth policies to enhance the centrality of the Village within the Town. The land use and zoning recommendations contained in this plan recognize that the Village of Brewster is an historical center of activity within the Town and that new activity should be encouraged in the Village by not creating competing centers of activity outside the Village. However, the Town does have commercial development on Routes 6 and 22 that serve different purposes than the commercial uses in the Village. Continuation of this pattern should not adversely affect the Village but should provide a range of commercial options for Town and Village residents. Residential development in the Town should not be continued in a pattern that discourages access to or use of the Village.

The following discussion identifies two possible scenarios for greater cooperation between Southeast and Brewster.

EXPANSION OF INTERGOVERNMENTAL COOPERATION

The Town and the Village boundaries would remain as they are, but more areas of inter-governmental cooperation would be established. A level of cooperation, increased over what exists today, would enable both Town and Village officials to deliver services to their tax-payers at reduced costs, with increased quality, effectiveness and convenience. Expanded inter-governmental cooperation between Brewster and Southeast could be handled through informal agreements to share services, solve mutual problems, or accomplish common goals. It could also be a formal contractual arrangement, under Article 5-G of NYS General Municipal Law. Such written service agreements have been shown to work best for new York municipalities where the participants are substantially different in size and capability. Natural resources not available to each municipality, such as water, sand and gravel, could be more equitably distributed through service agreements. Surplus facilities which become available through population decline, or shifting local priorities could be more easily shared. Major capital expenditures, such as water and sewer or data processing installation, could be shared, making available new facilities and services to both the Town and Village.

CONSOLIDATION OF THE TOWN AND VILLAGE

This scenario has a couple variations: coterminous town-village, town-village consolidation, and village dissolution. Rather than investigate the separate legal distinctions, this discussion will frame out the major issues and benefits that Southeast and Brewster should study if the concept is to answer current problems.

Before the two governments would merge, a period of intergovernmental cooperation would precede. The cooperation would be based on formal and informal agreements to identify problem areas and find mutually beneficial options. Cost-saving operational and organizational changes would be adopted, such as:

- Merging departments and services (planning and building departments, road maintenance);
- Joint use of buildings (Town and Village halls, Town and Village equipment sheds);
- Services for fees (library, recreation facilities); and
- Appointing one person to fill the same position in both Town and Village government (for example: Town and Village clerk; Town and Village justice).

The next step in the management improvement program would then be the merging or consolidation of the two municipalities. The existing inter-governmental coordination would then be strengthened by the combined tax bases of the Town and Village. Brewster would be able to draw upon the economic strength of Southeast to finance its revitalization, with the Town benefitting from the renewed vigor of its center. One possibility for commemorating the merger of the Town and the Village would be a common name for the new entity.

It should be mentioned that the interim period of intensive intergovernmental cooperation can be bypassed if the Village early on feels that consolidation is desirable. A village may dissolve on its own initiative after a referendum by village voters approving dissolution. However, because the Town is responsible for providing services to the territory of the former village, both governments should jointly plan future service delivery to avoid any confusion.

Some of the questions that a joint commission of the two municipalities should study, prior to deciding on consolidation are:

- Inventorying of services provided by the Village and Town. What services should the new government provide? What do these services cost?
- Planning the services provided by the combined government:
 - What services should the new government provide?
 - How are the existing services to be merged or new ones to be established?
 - Where will the functions be housed?
 - How many pieces of equipment should each department have?
 - What revenues can be expected locally?
 - What revenue is expected from State and federal aid?
 - How will consolidation affect real property taxes?
- Investigating the specific regulations on restructuring local governments:
 - Consolidation
 - Dissolution
- And finally, confronting and discussing the emotional questions:
 - What to call the combined municipality;
 - Residents' fear of losing their Town or Village identity;
 - Possibly conflicting personalities and ambitions of elected officials;
 - Possibility that the immediate effect for some residents (especially those living in the Town outside of the Village), might be an increase in taxes; and
 - Government employees' fear of change or losing jobs.

5.3 ZONING

EXISTING ZONING

A town's local laws including its Zoning Code and Subdivision Code, as well as its procedures for reviewing development applications through site plan review or architectural review, when taken together with other local laws for natural resource protection, form the community's toolbox for guiding growth and development in a manner that respects the existing community character and the community's vision for its future. The Zoning Code should clearly lay out what types of uses are appropriate in combination with similar and dissimilar uses. Zoning districts should be designated to appropriately separate the dissimilar uses and encourage mixes of other similar uses.

Southeast's base zoning regulations were adopted in May 1968 and have been extensively amended since that time. Commercial zoning was revised in 1985. Residential zoning was revised in 1991. The overall thrust of the changes has been to increase the minimum lot size of much of the Town's area (thereby reducing density in certain areas) and establish a performance zoning system. New procedures are established for determining densities in all residential districts which depend on soils, topography and other natural resource data. Density bonuses may be awarded if the proposed development promotes one or more of the following objectives:

- Preservation of prime agricultural land;
- Preservation of a historic area or landmark;
- Provision of moderate income housing; and
- Promotion of unique and innovative design.

The Town's zoning currently includes the following zoning districts (see Figure 5-3):

- R-80 District—Primarily a single-family detached dwelling unit with a minimum lot area of 80,000 square feet (i.e., just under 2 acres). Other permitted uses include churches and

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places of worship, with a minimum lot area of five acres and farms, commercial greenhouses and nurseries on a ten-acre minimum lot area. Buildings and uses of any government unit are also allowed.

- R-60 District—The same uses are permitted in this district as in R-80, with a decrease in the minimum lot area to 60,000 square feet per residence.
- R-40 District—The same uses are permitted in this district as in R-80, with a decrease in the minimum lot area to 40,000 square feet per residence.
- R-20 District—The same uses are permitted in this district as in R-80, with a decrease in the minimum lot area to 20,000 square feet per residence.
- RMF District—The same uses are permitted in this district as in R-80, with a decrease in the minimum lot area of 20,000 square feet per residence. Multi-family dwellings are also permitted in this zone.
- NB-1 Neighborhood Business—This district allows all types of commercial, service retail, office, and auto-related uses with a minimum lot area of 10,000 square feet.
- NB-2 Neighborhood Business—The same uses are permitted in this district as in NB-1, as well as hotels, motels, conference centers, and fast food restaurants. The minimum lot area is increased to 30,000 square feet.
- HC-1 Highway Commercial—Focused at the intersection of Route 22 and Route 6, commercial, service retail, office, warehousing and storage are all permitted uses in this zone with a minimum lot size of 80,000 square feet.
- ED-1 Economic Development—Stretched out along the eastern and western ends of Route 6 and just north of the Village along railroad tracks, this zone permits commercial, service retail, office warehousing and light industrial uses. The minimum lot area for this zone is 40,000 square feet.
- ED-2 Economic Development—Also located along Route 6 and the railroad tracks, this zone allows the same uses as ED-1, hotels, motels and public utilities on a minimum lot area of 80,000 square feet.
- OP-1 Office Park—Essentially zoned for offices and research labs, restaurants, conference facilities, warehousing and light industrial uses are also allowed on a minimum lot area of 120,000 square feet.
- OP-2 Office Park—This zone allows the same uses as in the OP-1 district as well as warehousing and light industrial uses without any special permit on a lot area of 200,000 square feet; and
- OP-3 Office Park—The minimum area for this zone is decreased to 100,000 square feet and allows the uses of OP-1, but also permits detached and attached single-family residential uses.

FUTURE ZONING

This Comprehensive Plan identifies several broad zoning actions that are given greater definition and discussion in Sections 6 and 7. Those actions include:

- Rezoning of large areas of undeveloped or under-developed residential properties to a new “Rural Residential” (4-acre minimum lot size) zoning district.

- Creation of a new “Rural Commercial” zoning district to replace certain Office Park (OP) zoning districts that will permit commercial development that has a smaller impact on environmental systems and the traffic network, but that will still permit high-value uses related to the Town’s rural character.
- Creation of an Historic District overlay zone that will recognize certain historic features (e.g., the Tilly Foster Iron Mine and cemeteries) within the Town to enhance recognition of these features and to minimize the potential for development on these sites (while permitting the continued use of the historic property or encouraging the adaptive re-use of the property for historic interpretation).
- Rezoning of publicly-owned park lands to a new “Park and Open Space” zoning district.

Figure 5-4 indicates the areas of proposed rezoning.

5.4 COMPREHENSIVE PLAN RECOMMENDATIONS

LAND USE

GOAL AND POLICY

The Town of Southeast seeks to balance a healthy economic environment with quality residential and commercial character while protecting the integrity of its natural resources and infrastructure.

IMPLEMENTATION ACTIONS

To accomplish these goals, the Town of Southeast intends to:

- Ensure that all local laws, including the zoning code and subdivision regulations, are consistent with the recommendations contained in this *Comprehensive Plan* and consistent with the review of water quality conditions and potential infrastructure improvements described in the *Croton Plan*.

COMMUNITY CHARACTER

GOAL AND POLICY

Maintain the Town’s picturesque rural character while allowing for appropriate commercial development.

IMPLEMENTATION ACTIONS

To accomplish these goals, the Town of Southeast intends to:

- Take efforts to have highway signs changed to direct travelers to “Southeast” instead of “Brewster.”
- Develop and adopt residential and commercial architectural design controls to encourage compatible architectural styles. Empower the newly created Architectural Review Board to apply these controls to new development.
- Revise the zoning code to strengthen design controls for signs. Include graphic examples of appropriate sign design.

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- Implement a noise ordinance defining acceptable levels of noise during both day-time and night-time. Define what new noise levels constitute an impact on community character.
- Protect scenic stone walls. Amend the Subdivision Regulations to state that new parcel boundaries should, as much as possible, following existing stone walls.
- Update inventory of local historic resources and establish a program to protect the resources.

ZONING

- Create new “Rural Commercial” zoning district
- Reduce density of single-family residential districts surrounding reservoirs by creating a new “Rural Residential” (4-acre minimum lot size) zoning district.
- Create new Historic District overlay to provide protection for the Tilly Foster Iron Mine, cemeteries, and other local historic resources.
- Create a new “Parks and Open Space” zoning district to protect Town parks and open spaces.

5.5 ENVIRONMENTAL ANALYSIS

The land use, community character, and zoning implementation actions of the *Comprehensive Plan* provide a legislative vehicle for managing growth in a manner that will provide a balance between a strong economic base, protection of a rural residential character, and protection of natural resource elements. These actions envelop policies of several intrinsically linked themes, such as natural resources, housing, transportation, community services, and economic development, and therefore are important underlying elements in ensuring that the Town achieves its long-term development objectives.

LAND USE, COMMUNITY CHARACTER, AND ZONING

LAND USE

The use of land within the Town is determined by its policies, development regulations, and planning goals. As the community grows, it will continue to decide how parcels within its boundaries will be used for certain uses to fulfil its goals and objectives. The Comprehensive Plan identifies a number of changes to the zoning code and subdivision regulations that will better refine and guide development within the Town.

Since a primary goal of the Town is to preserve its natural resources, it has specified objectives in the Plan to attempt to define where and how it would like new development to occur. To ensure that new policies and legislation do not conflict with existing land uses, the Town must clearly delineate the distribution of existing land uses, and then reconcile current local laws with its objectives for future development.

The Proposed Land Use map (see Figure 5-2) is an effective way of charting how the balance between natural resource protection and development objectives could be achieved over time. This map identifies portions of the Town that are envisioned as “Rural Residential.” At least 33 percent of the Town’s area is currently vacant or underdeveloped. Much of this area is currently zoned for single-family residential uses on one or more acres. A specific analysis of development potential under new low-density residential zoning is contained in Section 6. This

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rezoning would protect community character and provide water quality benefits from the reduced density.

COMMUNITY CHARACTER

The maintenance of an aesthetically pleasing community character is important to the Town not only for retaining a desirable quality of life for residents, but to ensure that property values remain healthy as well. One of the most beneficial attributes to the identity of the Town is its existing abundance of open space, natural resources, and rural character. The proposed implementation actions of the Plan recognize the importance of these natural traits and aspire to protect them through a series of targeted zoning and policy mechanisms.

In addition, certain actions propose to strengthen the built character of the community by introducing standards for new development, enhancing existing structures, and preserving historic elements. The Plan recommends signage regulation changes, implementation of design guidelines, and protection and registration of important historic and scenic elements. In doing so, local landmarks and visual assets would be protected from disturbance by new development.

Clearly defined architectural design controls would provide the Architectural Review Board with criteria to evaluate the appearance of proposed new developments during site plan review.

A complete inventory and listing of historic resources within the Town would encourage better consistency of architectural styles between old and new structures. In the case of scenic stone walls, protection would be mandated to prohibit any demolition or damage to the structural integrity during new construction.

Because signage in any community is visually formidable because of abundance and necessity, it is reasonable for the community to adopt regulations to set parameters for its signage design. How Southeast advertises itself and its businesses governs how it is perceived by those who live there and its image beyond its borders. To associate the richness and beauty of Southeast with the entire town-wide area within its borders, signage to visitors should identify “Southeast” as the destination. In strengthening signage regulations within the Town, a more harmonious appearance would further enhance the character by not detracting from its natural beauty with unnatural and intrusive visual noise.

ZONING

The Comprehensive Plan recommends a variety of zoning changes to regulate new development and protect open space and natural resources, targeting residential and commercial densities, historic areas, ecological corridors, steep slopes, and wetlands.

The new zoning districts proposed would reduce overall permitted density within residential districts to a density more consistent with existing housing, environmental features, community character, and with recent development experience. The new Rural Commercial zoning district would reduce development intensity at key locations where new commercial development should be designed to be more consistent with the overall rural character of the community. Both the residential and commercial zoning would have benefits to environmental protection efforts including water quality.

WATER QUALITY PROTECTION

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The reconciliation of all proposed and existing policies and zoning with a clearly defined land use and water quality protection strategy allows the Town to maintain a vibrant economic base while ensuring the protection of its natural resources and water quality.

The Land Use Plan map establishes a tangible depiction of protected areas, valuable scenic resources, open space corridors, parklands, and developable areas. The map serves as the embodiment of the Town's land use strategy, and identifies the boundaries of proposed zoning changes in the *Comprehensive Plan*.

The effects of specific zoning recommendations on water quality protection are discussed in Section 6, "Housing Development" and Section 7, "Economic Development." In general, the zoning changes recommended in the Comprehensive Plan reduce overall residential density and protect water quality. ❖