

**Town of Putnam Valley Proposed Town Code Changes
Town of Putnam Valley, New York**

Supplemental Environmental Assessment Part 1

Town of Putnam Valley Town Board
265 Oscawana Lake Road
Putnam Valley, New York 10579
Contact: Mr. Sam Oliverio, Supervisor
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July, 2020

Supplemental EAF Information:

At the Town Board meeting on July 15, 2020, the Town Board of the Town of Putnam Valley declared lead agency for proposed zoning and town code amendments. Following that meeting, the Town Board further discussed the proposed amendments and has made certain modifications. These modifications are indicated in this Supplemental Part I Environmental Assessment Form and are italicized and shown in “red” are also detailed as follows:

Page 6:

1. A new Section 165-20 shall be added to the Town Code stating:

“The Planning Board shall have the right to waive or amend the submission requirements of Section 165-16(C)(a) and (b) concerning a Development Approval Plan for any applicant, upon a vote of a majority plus one of the total Board, if, in its opinion, the best interests of all concerned will be served.”

2. A new Section 165-21.1(C) shall be added to the Town Code stating:

“The Planning Board shall have the right to waive or amend the submission requirements of Section 165-21(C)(1) concerning a Site Plan for any applicant, upon a vote of a majority plus one of the total Board, if, in its opinion, the best interests of all concerned will be served.”

Pages 6-7:

3. That the second sentence of Town Code Section 165-21.1(A)(1) be amended to state:

“Upon receipt of a complete set of development approval plans (residential districts) or site plans (nonresidential districts), the Planning Board may forward a set of all pertinent materials to the Town of Putnam Valley Committee for the Conservation of the Environment (“CCE”) for its review and recommendations. *If the Planning Board determines not to refer a set of development approval or site plans to the CCE for review and recommendation it shall promptly notify the CCE of such decision”.*

Page 7:

4. That Town Code Section 161-7(B)(1) shall be amended to state:

“In all cases, the approving authority may refer any application submitted to it pursuant to this chapter to the CCE for review and report. The date of referral from the approving authority shall be deemed to be the date of the first regularly scheduled monthly meeting of the CCE after receipt of a complete set of pertinent materials from the approving authority. recommendations. *If the Planning Board determines not to refer a set of development approval or site plans to the CCE for review and recommendation it shall promptly notify the CCE of such decision”.*

It is noted that the environmental impacts due text changes represented in #1 and #2 above have been fully discussed in this Supplemental EAF document. Proposed text changes to #3 and #4 above represent a notification requirement which does not have any negative environmental impacts.

Draft 1a

1.0: INTRODUCTION: LOCATION, DESCRIPTION AND PURPOSE OF PROPOSED ACTION.

1.1: Introduction

Pursuant to the New York State Environmental Quality Review Act (SEQR), the proposed action discussed in the Full Environmental Assessment Form (EAF), is the adoption of the revisions to the Town of Putnam Valley Town Code, specifically Chapters 120 (Vehicles and Traffic), Chapter 161 (Tree Cutting) and Chapter 165 (Zoning). In accordance with recommendations of the 2007 Comprehensive Plan, the Town Board of Putnam Valley is proposing to support farming, increase environmental protection to wetlands and trees, prohibit the use of any building, structure or premises for the sale or distribution of marijuana in all zoning districts, and to provide safe, off-street parking for recreational vehicles.

1.2 Project Location

The town of Putnam Valley is located in Putnam County, [New York](#). The population was 11,809 at the 2010 census. Its location is northeast of [New York City](#), in the southwest part of Putnam County. [Midtown Manhattan](#) is a forty-five to fifty-minute drive.

The town has a total area of 43.0 square miles (111 km²), of which 41.4 square miles (107 km²) is land and 1.6 square miles (4.1 km²), or 3.72%, is water. 14,089 acres of [Clarence Fahnestock State Park](#) lies within the boundaries of Putnam Valley and 1,000 acres is owned by the Hudson Highlands Land Trust, an environmental preservation trust in the [Hudson Valley](#)^[5]

At the 2000 [census](#) there were 10,686 people, 3,676 households and 2,874 families residing in the town. The [population density](#) was 258.2 per square mile (99.7/km²). There were 4,253 housing units at an average density of 102.7 per square mile (39.7/km²).

1.3 Study Land Use Area

The land use study area is comprised of the entire town of 43.0 square miles. Within the study area there a broad range of uses ranging from single family residential to light industrial. Residential uses are primarily concentrated around the lake communities of Lake Peekskill, Lake Oscawana and Roaring Brook Lake as well as in two cooperative communities: Floradan Estates and Three Arrows. Mixed commercial uses are focused in the Lake Peekskill hamlet as well as at several “corners” which are situated at road intersections and provide local shopping. There are several public parks as well as a regional senior center.

1.4 Project Description

Background

In the spring of 2020, the Town Board at the recommendation of the Planning Board as well as from input from town residents determined that certain chapters of the Town Code required supplement and revision:

- Streamlining the Planning Board application review process
- Preserving existing farming while maintaining environmental protection
- Prohibit the use of any building, structure or premises for the sale or distribution of marijuana in all zoning districts.
- Prohibit street parking of recreational vehicles and permit parking of recreational vehicles in side-yards.

Revisions to the zoning and tree cutting chapter will allow the Planning Board, with a super majority vote to waive certain site plan requirements thereby streamlining the review process and reducing cost and time to residents.

The zoning revisions changes are intended to ensure that farming operations and requirements will remain while environmental resources will be protected by the removal of the RA zoning district.

Prohibition of the use of buildings, structures or premises for sale or distribution of marijuana is intended to ensure the safety of all residents.

Prohibition of street parking of recreational vehicles will provide greater road safety for residents. Side yard parking of recreational vehicles will provide a viable alternative to street parking.

Existing Zoning and Code Chapters

The existing zoning presently permits a property located in an AG district to continue to benefit from certain code requirements and regulations when the property is no longer part of the AG district by conversion to the RA district. This conversion allows the property owner to continue to be exempt from certain local laws while not committing to be included in the Putnam County Agricultural District (town AG district). The proposed change does not reduce any of the existing provisions in the town code regarding farm operation uses.

The town Planning Board is charged with the review and approval of site plan applications. Site plans must meet zoning code requirements in order to be complete. The proposed revision will permit the Planning Board to waive certain requirements by super majority vote if the Board determines that the requirements are not applicable to the project under review.

Presently the town code does not include the regulation of the sale or distribution of marijuana.

The town code does not contain a regulation that prohibits on street parking of recreational vehicles.

Proposed Code Revisions:

Generally, the proposed revisions are intended to provide the following:

- Flexibility to the Planning Board in the review of site plan applications in order to reduce cost and time to residents without compromising existing requirements.
- The continuance of farming in the town while strengthening resource protection to those properties not included in the AG zone.
- Prohibiting the sale and distribution of marijuana except for duly registered marijuana dispensing facilities dispensing duly prescribed Medical Marijuana
- Prohibition of on street parking of recreational vehicles will enhance the protection and safety of residents.

Specifically, the proposed revisions involve:

- Removal of the RA zoning district from the zoning code
- Providing the ability of the Planning Board to waive certain site plan requirements.
- Prohibit the sale and distribution of marijuana with exemption for duly registered marijuana dispensing facilities dispensing duly prescribed Medical Marijuana
- Prohibit on-street parking and permitting side yard parking of recreational vehicles.

Text of Proposed Revisions:

1. A new Section 165-20 shall be added to the Town Code stating:

“The Planning Board shall have the right to waive or amend the submission requirements of Section 165-16(C)(a) and (b) concerning a Development Approval Plan for any applicant, upon a vote of a majority plus one of the total Board, if, in its opinion, the best interests of all concerned will be served.”

2. A new Section 165-21.1(C) shall be added to the Town Code stating:

“The Planning Board shall have the right to waive or amend the submission requirements of Section 165-21(C)(1) concerning a Site Plan for any applicant, upon a vote of a majority plus one of the total Board, if, in its opinion, the best interests of all concerned will be served.”

3. That the second sentence of Town Code Section 165-21.1(A)(1) be amended to state:

“Upon receipt of a complete set of development approval plans (residential districts) or

site plans (nonresidential districts), the Planning Board may forward a set of all pertinent materials to the Town of Putnam Valley Committee for the Conservation of the Environment ("CCE") for its review and recommendations. *If the Planning Board determines not to refer a set of development approval or site plans to the CCE for review and recommendation it shall promptly notify the CCE of such decision*".

4. That Town Code Section 161-7(B)(1) shall be amended to state:

"In all cases, the approving authority may refer any application submitted to it pursuant to this chapter to the CCE for review and report. The date of referral from the approving authority shall be deemed to be the date of the first regularly scheduled monthly meeting of the CCE after receipt of a complete set of pertinent materials from the approving authority. recommendations. *If the Planning Board determines not to refer a set of development approval or site plans to the CCE for review and recommendation it shall promptly notify the CCE of such decision*".

5. That the following sections of Town Code Article VIIA entitled "Special Provisions for County Agricultural District Properties" shall be amended as follows:

§ 165-26.1 is hereby stricken in its entirety and replaced with the following:

"Purpose. The purpose of this Article VIIA is to create an Agricultural District Overlay Zone which provides special regulations with respect to properties located in agricultural districts created under Article 25-AA of the New York State Agriculture and Markets Law and § 283-a of the New York State Town Law, in recognition of § 305-a(1) of the Agriculture and Markets Law (hereinafter referred to as the "AG District Overlay Zone."

§ 165-26.2 is stricken in its entirety and replaced with the following:

"Districts

A. The following overlay zoning district is hereby created:

Zoning District Name	Abbreviated Designation
Agricultural District Overlay Zone	AG

B. Properties falling within the Agricultural District (AG) overlay zone shall be those properties included within the County Agricultural District under Article 25-AA of the New York State Agriculture and Markets Law. The Agricultural (AG) District shall be an overlay zone corresponding to and including only those properties so designated. Removal or withdrawal of a property from the County Agricultural District shall result in that property's being located in the base zoning district in effect as of the date of removal or withdrawal."

§ 165-26.3 is stricken in its entirety and replaced with the following:

“Permitted Uses: bulk and site development plan regulations:

A. AG Agricultural Overlay District.

(1) Permitted uses: farm operations as defined in Agriculture and Markets Law § 301(11);

(2) Special permit uses bed-and-breakfasts, commercial stables, camps and outdoor recreational facilities.

(3) Accessory uses: residential uses to house the owner of the farm operation, his/her immediate family, and those exclusively employed by him/her in connection with the farm operation.

(4) Lot and bulk regulations.

(a) All lots shall contain at least the minimum size required to be included in the County Agricultural District; all principal and accessory structures other than fences and walls shall be no closer than 50 feet to any lot line; all structures designed for the housing, care and/or feeding of livestock shall be no closer than 100 feet to any lot line; and no structure (except for silos) shall exceed 35 feet in height.

(b) Any lot which lawfully existed on the effective date of enactment of this Article VIIA, which fails to meet the minimum lot area requirement of a lot, shall be considered a legal nonconforming lot and may be employed for farm operations subject to all other dimensional regulations specified herein. Any abutting nonconforming lot(s) located in the AG District, which is/are owned by the same owner or owners, shall be considered as one merged lot for the purposes of this chapter.

(5) Site development plan review in agricultural districts. Activities which comprise farm operations in agricultural districts shall be subject to the site development plan approval procedures outlined in this Subsection A(5), rather than §§ 165-16 or 165-21 of this Code, unless the proposed activity poses a threat to public health or safety, including ground and surface water, in which case the provisions of §§ 165-16 and/or 165-21, shall apply to the fullest extent authorized by Ag and Markets law 8 Article 25-AA.

(a) Site development plan submission requirements:

[1] Application form, required fees and escrow.

[2] A scaled drawing of the site and location map showing boundaries and dimensions and identifying contiguous properties and any recorded easements and roadways, prepared by a New York State licensed architect, engineer, or land surveyor.

[3] Existing contours showing elevations at two-foot intervals.

[4] Illustration of regulated wetlands, wetland buffers, water bodies and/or watercourses and buffers associated with the water bodies and/or watercourses delineated in accordance with Chapter 144 of the Putnam

Valley Town Code.

[5] Illustration of existing and proposed water supply and sewage disposal systems.

[6] Proposed location and arrangement of buildings and structures on site, including means of ingress and egress, parking, circulation of traffic, and signage, exterior dimensions of buildings and structures along with any available blueprints, plans or drawings.

[7] A description of the project including the intended use of the land and proposed buildings, structures, signs and any anticipated changes in the existing topography and natural features of the site to accommodate the changes. The application shall also include a certified copy of the County approval for the admission of the property into the Agricultural District and the application submitted to the County such admission/review.

[8] A soil erosion and sediment control plan shall be prepared in conformance with state requirements and Chapter **155** of the Code of the Town of Putnam Valley to the fullest extent under Ag and Markets Law Article 8 25-AA.

[9] A stormwater pollution prevention plan under Chapter **102** of the Putnam Valley Town Code to the fullest extent authorized under Ag and Markets Law Article 8 25-AA.

[10] Additional information as required by the Planning Board.

(b) Procedure:

[1] Application shall be submitted to the Planning Board and shall be placed on the next available agenda.

[2] An application will be deemed complete when all the information and documentation required under Subsection 5(a) above has been received and reviewed by the Planning Board.

[3] The Planning Board may require a public hearing for applications in which there is substantial public interest. The public hearing shall be conducted at the Planning Board's next regular meeting following the day it deems the application complete. The Planning Board shall mail a notice of said hearing to the applicant, all abutting property owners, and those property owners within 200 feet of the subject site at least 10 days prior to said hearing and shall give public notice of said hearing in a newspaper of general circulation in the Town at least five days prior to the date thereof.

[4] The Planning Board shall approve the proposed farm operation upon the applicant's demonstrating that:

[a] The proposed project constitutes a farm operation within the meaning of Agriculture and Markets Law § 301(11) and conforms

to the farm operations represented in the application for admission/renewal to the Agricultural District and all terms and conditions of such approval.

[b] The proposed project complies with the requirements of paragraph 2(a) and does not pose a threat to public health or safety, including unnecessary degradation to streams, wetlands, water bodies, and/or groundwater.

[5] The Planning Board shall issue its decision at its next meeting after it deems an application complete. If the Planning Board requires a public hearing under this section, it shall issue its decision no later than 30 days after such public hearing.

[6] The Planning Board may impose reasonable conditions upon the approval.”

§ 165-26.4 is hereby stricken.

§ 165-26.5 is stricken and replaced with the following:

“Future Subdivisions:

Future subdivisions of all lots now or hereafter included within the AG District shall be subject to the following criteria and shall require Planning Board approval under the procedures applicable to lots outside the AG District.

A. The maximum number of lots into which any AG lot may be subdivided may not exceed that number of lots into which the AG lot could have been subdivided prior to that lot's inclusion in the AG District. This calculation shall be made by the Planning Board based on submission of requisite documentation provided by the applicant prior to any site disturbance, shall be certified by the Town's planning, engineering and wetland consultants, and shall be filed with the Town Clerk.

B. Where the above calculations cannot be made because an AG parcel has already been disturbed to facilitate farm operations, all lots resulting from any future subdivisions of that parcel shall conform to the bulk requirements of the CD Zoning District, except that no lot shall contain fewer than 10 acres of net lot area.”

A new 165-26.6 shall be added to ARTICLE VII of the Town Code stating as follows:

“Future Zoning and Building Requirements”

Parcels and buildings which are no longer included in the County Agricultural District must comply with the base zoning district requirements and the New York State Building

Code in effect as of the date the property is no longer included the County Agricultural District.”

Town Code Section 165-16B is hereby amended to add a new subsection (5) stating as follows:

“Any farm operation in PD, CD, R-1, R-2, and R-3 Zoning Districts, except for those properties located in the Agricultural Overlay District (AG) regulated under Section 165-26 of the Town Zoning Code.”

6. A New Town Code Section 165.65.1 is hereby added to state:

Section 1. Legislative Intent.

The Town Board has recognized that several states, in addition to permitting the distribution of medical marijuana, have also permitted the distribution of marijuana for recreational purposes. The Town Board also recognizes that the legalization of marijuana in New York is a subject of current discussion and community forums organized by the State, and that the New York State Commissioner of Health has recommended that the recreational use of marijuana be considered for legalization in New York. A public hearing having been held before the Town Board, and the Town Board has found that Town residents are greatly concerned about the retail sale of marijuana in the Town if it should become legal in New York. Accordingly, it is the intent of the Town Board to prohibit the use of any building, structure or premises for the sale or distribution of marijuana in all zoning districts.

Section 2.

A new Section 165-65.1 shall be added to the Town Code stating as follows:

§ 165-65.1 Prohibitions

A. No building, structure or premises approved and licensed as a Medical Marijuana Facility pursuant to Article 33 of the New York Public Health Law may be used for the sale of any product containing Tetrahydrocannabinol (THC) other than lawfully prescribed and dispensed Medical Marijuana for medical conditions.

B. Except for duly registered marijuana dispensing facilities dispensing duly prescribed Medical Marijuana, no building, structure or premises within any use district in the Town of Putnam Valley may be used for the sale or distribution of Marijuana and/or substances containing THC, including but not limited to Marijuana, cannabis vaporizers, cannabis tea, Cannabis edibles, cannabis capsules, oils, and creams (Marijuana Products).

Section 3.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 4.

This Local Law shall take effect upon filing with the Secretary of State.

7. A New Town Code Section 120-11.1 is hereby added to state as follows:

“No Recreation Vehicle, as same shall be defined in the Town Zoning Code, shall be parked on a Town highway for a period of more than 24 hours during any month, and no Recreation Vehicle shall be used as living quarters while parked on a Town Highway”.

Town Code Section 165-27 J(2) is hereby amended to strike the words “or side yard”.

1.5 Project Impacts

The overall effect of the proposed code revisions will be:

- To continue existing allowable farmland use in the code while improving natural resource protection.
- Reduce cost and time by streamlining the review process of applications before the Town Planning Board.
- Provide for the safety and security of residents by the prohibition of the sale and distribution of marijuana and on-street parking of recreational vehicles

These revisions can be anticipated to result in a number of positive impacts for stakeholders in the town. There are no changes made to farming as a permitted use currently allowed in the town code. Natural resources will be more fully protected by requiring farms no longer in the AG district to applicable permits to conduct work in environmentally sensitive areas.

The Planning Board will have greater ability to apply discretion in the application of site plan requirements when applications are submitted for minor projects which do not have substantial adverse environmental impacts. This will result in streamlining applications with a reduction in time and cost to applicants while still maintaining all applicable environmental regulations.

The prohibition of the sale and distribution of marijuana except for duly registered marijuana dispensing facilities dispensing duly prescribed Medical Marijuana will result in greater safety and improve public welfare.

The proposed revisions will not result in any land disturbance, increases in pollutants or additional community services.

2.1 Full Environmental Assessment Form

Part I of this Full Environmental Assessment Form (EAF) evaluates the potential for environmental impacts to be created by the approval of the amendments by the Town of Putnam Valley Town Code by the Town of Putnam Valley Town Board. This legislation is generic in nature, not site-specific, and does not directly result in physical change to the environment.

The form that follows is published by the New York State Department of Environmental Conservation, and portions are designed for site-specific actions rather than area-wide or generic proposals. As a result, consistent with the form's directions, these non-relevant sections (contained in Sections D and E on pages 3-13 of the form) are not completed.

Draft