

**TOWN OF STONY POINT  
2013 AMENDMENT TO 1995 MASTER PLAN  
AND IMPLEMENTING CODE REVISIONS  
SEQRA FINDINGS STATEMENT**

**Prepared for the Town Board of the Town of Stony Point  
Rockland County, New York**

**Lead Agency and Contact Person:**

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## **I. INTRODUCTION**

The Hudson River Town of Stony Point is the northern-most town in Rockland County and has a population of 15,059 (2010). Bordering the Palisades Park and Orange County to its north, Stony Point is located approximately 45 miles northwest of New York City and approximately 100 miles south of Albany.

Towns in New York State are granted the authority to prepare and adopt a comprehensive plan in accordance with New York State Town Law §7-272-a. A comprehensive plan is defined as “the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports ... that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town located outside the limits of any incorporated village or city.” The effect of adopting a comprehensive plan is that a Town’s land use regulations, which provide a mechanism to implement the Town’s vision, must be in compliance with its plan. In addition, all plans and projects by other governmental agencies must also consider the plan.

This Findings Statement, prepared pursuant to Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617 (State Environmental Quality Review, SEQR) is the conclusion of a generic SEQR process for the Proposed Action known as the 2013 Amendments to the 1995 Master Plan and Implementing Code Revisions. Under SEQRA, a “Generic” EIS, or GEIS, is prepared when a proposed action represents a comprehensive program having wide application and defining the range of future projects in the affected area. A Comprehensive Plan (previously also known as a Master Plan) is an area-wide policy document. The adoption of the proposed zoning changes, a legislative action, is also a generic action, not site-specific, and does not directly result in physical changes to the environment. A generic EIS, according to New York State Department of Environmental Conservation (NYS DEC) SEQR handbook, is a “type of EIS that is more general than a site-specific EIS, and typically is used to consider broad-based actions or related groups of actions that agencies are likely to approve, fund, or directly undertake... A Generic EIS differs from a site or project specific EIS by being more general or conceptual in nature....”

## **II. PROPOSED ACTION**

The proposed action is known as the 2013 amendment to 1995 Master Plan and Implementing Code Revisions. The Action encompasses the entire Town of Stony Point which includes approximately 31.6 square miles. Recommended plan updates were prepared by a Town-appointed advisory committee with the assistance of the Town Planning consultant. An initial version of the plan amendments was recommended to the Town Board March 10, 2011. In 2012 the Town received a grant through the US Environmental Protection Agency Quality Communities Technical Assistance Program and several recommendations from that effort were incorporated into a draft dated November 6, 2012. The recommendations were then analyzed in detail in a Generic Environmental Impact Statement and went through a final round of revisions to incorporate public comments raised during the SEQR process. The amendments, as adopted, are intended to be appended to the existing 1995 Town Master Plan. See Appendix I - 2010 Master Plan Amendment Recommendations (available in Town Hall) for a full discussion.

### **III. SEQR PROCESS**

A Positive Declaration was issued for the adoption of the amendments to the Comprehensive Plan by the Town Board on December 11, 2012. At that same Town Board meeting, a Draft Generic Environmental Impact Statement (DGEIS), which was submitted for consideration with the draft Comprehensive Plan amendments, was accepted as complete by the Town Board and notice of this action was distributed as required. A Public Hearing was opened on the Comprehensive Plan amendments, implementing zoning and the DGEIS on February 5, 2013 and that meeting was continued over several meetings and closed on June 25, 2013. A written comment period was extended for an additional fifteen days.

A final generic environmental impact statement (FGEIS) was prepared which responded to all verbal and written comments received during the full SEQR comment period and adopted by the Town Board on September 12, 2013. Notice of this action was distributed as required. The FGEIS was placed on the Town's website, made available in the Town Clerk's office for a period of at least ten days and distributed to the Rockland County Planning Department - an interested agency.

### **IV. SPECIFIC MITIGATIONS AND FINDINGS**

The following section is laid out by recommendation of the Comprehensive Plan Amendment as analyzed in the Draft Generic Environmental Impact Statement.

#### **A. Permitting Upper-floor Residential uses in the BU Zoning District (Route 9W Corridor)**

It is recommended that the zoning is modified to permit multi-family residential units above commercial uses in order to allow for supplemental, year-round income for property owners, while fulfilling town goals of providing a supply of housing which tends to be more affordable than existing housing options within the town and supplementing the local tax base.

##### **A.1 Specific Mitigations and Findings**

- Permitting residential uses commercial uses by Condition Use Permit and subject to a number of conditions, as enumerated in the Comprehensive Plan Amendment including a minimum livable floor area and a maximum number of bedrooms, will ensure quality design and minimize potential impacts to surrounding land uses and community services.
- Residential uses will not be permitted over commercial uses which involve the storage of toxic or flammable chemicals nor emit any unreasonable noise, odor, or vibration.
- Construction of residential uses will provide an additional customer source for local businesses.
- Allowing for mixed uses will increase the value of buildings thus increasing the Town tax base.

#### **B. Reduction of Parking Standards in the BU District**

It is recommended that the zoning be modified to reduce parking requirements to be more consistent with national and regional standards.

##### **B.1 Specific Findings**

- Based on inspection of recently constructed commercial developments, many existing commercial plazas within the Town regularly have empty parking spaces which is believed to be the result of overly onerous parking requirements.
- It would be more beneficial for the town if this land was instead utilized for additional development which could supplement the tax base, or landscaping to reduce impervious surfaces and improve stormwater management.
- Excess parking is not aesthetically pleasing and creates an auto-dominated landscape which is not desirable.
- No negative environmental impacts are anticipated.

### **C. Adjustment of Parking Requirements for Changes of Use**

It is recommended that the Town Building Inspector should be able to issue a reduction in the number of required parking spaces for a change of use application for a permitted use which does not propose any exterior site modifications in the Business (BU), Light Industrial( LI ) and Office (O) zones. This reduction is to be based on a sliding scale as described in the Comprehensive Plan Amendment.

#### **C.1 Specific Mitigations and Findings**

- This recommendation is intended to make the approval process, particularly when no exterior changes to a structure are proposed, as streamlined and efficient as possible.
- This recommendation is consistent with the economic development goals as stated in its Comprehensive Plan Amendment.
- Limitations on the total number of spaces which can be reduced will limit impacts related with this recommendation.
- No adverse environmental impacts are anticipated and no mitigations are required.

### **D. Reconsideration of Special Permit and Conditional Uses in nonresidential zoning districts.**

It is recommended that the zoning code be amended so that certain special permit uses be permitted as of right and certain conditional uses be permitted special permit uses in order to reduce the overall level of scrutiny applications must endure and create a more efficient and expeditious application review process.

It is further recommended that a new LI-2 zoning district be created within the Holt Drive LI district west of the existing rail line which permits light industrial uses, business uses and all special permit uses in the current Holt Drive LI zoning district as Conditional Uses (with the exception of wireless communications antenna towers and hotels and motels and restaurants accessory to hotels and motels which are recommended to remain as Special Permit Uses). It is recommended that these uses are subject to bulk requirements as specified in the Comprehensive Plan Amendment. Uses currently permitted in the LI zoning district should be reviewed as they may be inappropriate for areas outside of the Holt Drive area.

#### **D.1 Specific Mitigations and Findings**

- Site plan review by the Planning Board will continue to be required for all new construction of non residential uses as per the site plan regulations of the zoning code.

- Any and all controls or supplementary regulations placed on the use in the existing zoning code will still be applicable.
- Uses selected to be permitted by right are those which the Town feels complement existing uses in the zone and are less likely to have adverse land use impacts.
- Several uses had been permitted by the Town Board without establishing specific bulk criteria or ‘Use Group’. This amendment will establish a use group to provide better planning guidance for developers and the reviewing land use board.
- It is believed that an unnecessarily onerous development review process may impede development and, conversely, maximizing the efficiency of the application review process will encourage development and, or redevelopment and supplement the Town’s tax base.
- No adverse environmental impacts are anticipated.

**E. Auto Repair Without Gasoline Sales**

It is recommended the zoning code be amended to permit auto repair facilities which are not associated with gas stations subject to the same regulations are auto repair facilities which are associated with gas stations.

**E.1. Specific Mitigations and Findings**

- Given that the two uses are similar in intensity and will have the same bulk requirements, permitting auto repair without gasoline sales would not negatively impact surrounding land uses in the zone or have any adverse environmental impacts which would not be generally be associated with the development of auto repair facilities with gasoline service stations.
- No adverse environmental impacts are anticipated and no mitigations are required.

**F. Creation of a Technical Advisory Committee**

It is recommended that the Town zoning code be revised to formally create a Technical Advisory Committee, whereby prior to being heard by the Planning Board or after an initial hearing, the Town’s professional staff reviews plans and suggests technical changes outside of the Planning Board’s and Zoning Board’s regular monthly schedule. This committee should include the Town Planner, Engineer and Planning Board attorney. A member of the Planning Board and Zoning Board should also attend these meetings. Formal TAC reports should be made to both Boards to keep members apprised of pending application matters.

**F.1 Specific Mitigations and Findings**

- Review by technical staff can assist Town-developer cooperation which will have positive impacts including more efficient reviews, better understanding of local land use controls and Town goals by developers and better overall development plans.
- The applicant will have the option of appearing before the Planning Board or Zoning Board if disagreements arose with the professional staff.
- No adverse environmental impacts are anticipated and no mitigations are required.

**G. View Preservation**

It is recommended that the current regulation that limits development within 50 feet below the peak of a ridge be rescinded. It is further recommended that a view preservation overlay district

be developed that identifies specific areas to be protected and development within this area should be subject to supplemental Planning Board considerations and authority such as the authority to limit heights of structures relative to the treeline; to limit the colors and materials used in building construction; the ability to require more extensive screening landscaping; to limit the design of buildings in a manner that makes them less visible from important vistas, and the ability to require development be located at lower elevations of a lot within the limits of building envelopes.

#### G.1 Specific Mitigations and Findings

- Certain aesthetic resources are important to the Town and its residents and have positive impacts on local cultural tourism and property values within the Town.
- The primary areas for view preservation are Route 210, Route 9W, the Battlefield, and the PIP due to their high visibility, topography, proximity to the Hudson River, historic designation and locations which serve as ‘gateways’ to the Town.
- A current code requirement that limits development 50 feet below the peak of a ridge is impracticable and difficult to enforce. Removal of this regulation will not have adverse environmental resources.
- The creation of View Preservation regulations has been recommended as an alternative to a full prohibition of development near ridgetops as is currently in the code. This alternative will ensure areas subject to these regulations, are designed in a manner which respects the sensitive environmental resources but allows for some use of property.

#### H. Steep Slopes

It is recommended that man-made slopes be regulated in the town zoning code in the same manner as natural slopes.

##### H.1. Specific Mitigations and Findings

- This recommendation will have a positive impact on the protection of the Town’s geology, soils and topography.
- Maintaining the land’s topography can also have positive noise and visual impacts when a site undergoes development.
- No adverse environmental impacts are anticipated and no mitigations are required.

#### I. Townhouse and Condominium Development

The comprehensive Plan amendments originally recommended to amend the zoning code to permit owner occupied multi-family units in select residential zoning districts at current residential densities. Density bonuses were recommended to achieve additional town goals such as the provision of affordable housing and, or the permanent protection of open space and sensitive environmental resources.

##### I.1. Specific Mitigations and Findings

- The development of townhouses and condominiums was determined to have the potential for visual and community character impacts to existing single-family, suburban neighborhoods. The Town Board continues to desire to expand housing opportunities and believes these types of residential uses have the potential to preserve large tracts of natural environment throughout the town, but has determined that additional investigation

is required before Zoning can be adopted. Therefore the recommendation to amend zoning will continue to be a generic aspiration of the Master Plan, with implementation deferred to a future date, after adequate opportunity for more study and planning.

## **J. Accessory Apartments**

It was recommended accessory apartments be permitted in the R-1 and RR residential zoning districts.

### **J.1. Specific Mitigations and Findings**

- This recommendation has the potential to increase traffic on local streets.
- This recommendation has the potential for aesthetic and community character impacts to existing single-family, suburban neighborhoods and should not be implemented as proposed.
- Upon further consideration, it was determined that the potential for significant impacts as a result of Accessory Apartments permitting outweighed the benefits, and the recommendation and implementing zoning have been eliminated.

## **K. Tree Preservation**

It is recommended that tree preservation legislation be enacted to require Building Department or Planning Board approval for removal of excessive amounts of healthy, mature trees. It is further recommended that a Conservation Advisory Committee be appointed by the Town Board to make recommendations as to the specific provisions of this legislation.

### **K.1. Specific Mitigations and Findings**

- Large, mature stands of trees and areas defined by forested land is important to the overall character and land value of the Town.
- The additional review provision will allow for the Planning Board to determine appropriate mitigations for tree removal on a case by case basis.
- No adverse environmental impacts are anticipated.
- It was determined that a special commission would best be able to craft specific legislation governing tree removal. Environmental Impact review will be required at such time that the Town Board considers a specific local law implementing this recommendation.

## **L. Stream Protection**

It is recommended that the existing stream protection provision of the Town's zoning code be revised for clarity without substantive changes to the regulations.

### **L.1. Specific Mitigations and Findings**

- This recommendation will improve understanding of these regulations and will ultimately result in better protection of local water resources.
- As no substantive changes are proposed no negative impacts are anticipated and no mitigations are required.

## **M. Beach Road Area**

The town has recognized development pressure exists along the Hudson River waterfront area in vacant and underutilized areas. It is recommended that a long term planning strategy take several factors into account including the goals of the Comprehensive Plan Amendment as well as several challenges to development as identified in the plan amendment.

### **M.1. Specific Mitigations and Findings**

- Several challenges to waterfront development, as delineated within the Comprehensive Plan Amendment, will be critical to any development or redevelopment project and should be addressed by any future planning or development effort.
- Development, or redevelopment of the waterfront has the potential to increase local tourism and tax ratables for the town.
- Connectivity of the waterfront area with the Town's Route 9W commercial corridor would benefit both areas.
- Site specific proposals will undergo thorough site plan and SEQRA review.

## **N. Large-Scale Mixed Use Developments**

This long-term planning recommendation builds upon specific recommendation for mix use developments in the BU Zone (item A) above. As a long term planning goal, the Town should try to create a town center around the intersection of Route 9W (Liberty) with Main Street and adjacent blocks. A comprehensive parking scheme should be developed, aesthetic improvements identified and recommended during site plan reviews as opportunities arise, and improvements to pedestrian and bicycle connectivity should be created.

### **N.1. Specific Mitigations and Findings**

- The creation of a Town Center atmosphere will increase property values and visitor appeal in the commercial corridor of the Town.
- Improvements in pedestrian and bicycle connectivity will improve pedestrian safety and encourage these alternative means of transportation.
- This planning initiative should include workshops with business owners and other stakeholders to build consensus on planning specifics.
- Site specific proposals will undergo thorough site plan and SEQRA review.
- No adverse environmental impacts are anticipated and no mitigation measures are required.

## **O. Hazard Mitigation Planning**

While the Town adopted the Rockland County Multi-Jurisdictional Hazard Mitigation Plan in 2011, it is recommended that the Town analyze specific infrastructure, waterfront investments or other improvements for which they may be able to seek grants or other State and Federal funds.

### **O.1. Specific Mitigations and Findings**

- Waterfront areas of the Town are susceptible to flooding.
- Seeking outside funding opportunities will not have any adverse environmental impacts and no mitigations are required.

## **P. Tourism Initiatives**

It is recommended as a long-term planning goal to better capitalize on existing Town tourism destinations such as the Battlefield, theater and golf course and increase coordination and marketing of the Town at regional tourism destinations in an attempt to draw tourists in the area to Stony Point retail shops, dining and accommodations.

### **P.1. Specific Mitigations and Findings**

- Tourism will increase economic activity at local restaurants and commercial establishments and attract additional investment in the Town.
- No adverse environmental impacts are anticipated and no mitigations are required.

## **Q. Alternative Funding Sources**

As a long-term planning initiative, the Town should explore avenues to diversify funding sources including from government, institutional and private sources to supplement local tax revenues to fund local improvements.

### **Q.1 Specific Mitigations and Findings**

- Seeking outside funding sources aims to protect against future tax increases for Town residents.
- No adverse environmental impacts are anticipated and no mitigations are required.

## **R. Letchworth Village/ Patriot Hills Golf Course**

Given the prominence of its location and recent consideration of costs to maintain the area, it is recommended as a long-range planning objective to redevelop or otherwise attract redevelopment of the Letchworth Village/ Patriot Hills Golf Course site. It is further recommended that the Town develop a more specific vision for this site with envisioned uses, zoning, densities, development scale, design concepts and other features should be prepared to better inform a potential investor.

### **R.1. Specific Mitigations and Findings**

- It is important to the Town that some of the historic buildings be retained during redevelopment.
- Public and other stakeholder input is vital to this planning initiative.
- Once a specific redevelopment plan for this site is prepared it will require appropriate SEQRA review. This will require Town investment on the front end, but will increase the overall marketability and value of the property and expedite the site specific review process once a developer submits a plan.

## **S. Removal of Prohibitions on Average Density from Zoning**

It is recommended that the zoning code be amended to remove the minimum lot size requirement for Average Density Subdivisions and no longer require specific conditions under which Average Density Subdivisions be required.

### **S.1. Specific Mitigations and Findings**

- Average Density Subdivisions are a helpful planning tool that can preserve open space, preserve a range of sensitive environmental resources and reduce infrastructure costs.
- The regular use of average density subdivisions is supported by the Rockland County Comprehensive Plan.
- This tool has been successful, and should be able to be more widely applied by the Planning Board without Town Board approval.
- NYS Town Law §278 allows an avenue for clustering of homes below the 25,000 square foot lot area.
- Flexibility for the Planning Board to set bulk dimensions on a site by site basis during subdivision plan review is consistent with contemporary planning practice to best locate dwellings consistent with the character of a particular area and the environmental characteristics of a particular parcel of land.
- Removal of the minimum lot size requirement for average density subdivisions will not have any adverse environmental impacts.

#### **T. Permission of Parking of Rental Vehicles within the BU Zoning District**

It is recommended that the zoning code be amended to permit the accessory storage of commercial rental vehicles in the BU zoning district.

##### **T.1. Specific Mitigations and Findings**

- A maximum of 10 total vehicles for rent will be permitted to be stored on a single property.
- The zoning shall layout specific limits on the size of vehicles available for rent.
- To mitigate potential visual or neighborhood character impacts, rental vehicles shall not be permitted to be stored in a required front or side yard or any required rear yard abutting a residential zoning district.
- No parking space or area for rental vehicle storage shall be counted towards meeting the parking requirement.

#### **U. Clarification that the buffers from Residential Districts should be from Residential lots in Residential Districts.**

It is recommended that the zoning code be amended to so that the existing zoning requirement that non-residential uses must provide additional buffers to residential districts refer to only residential lots in residential zoning districts and not all residentially zoned properties.

##### **U.1. Specific Mitigations and Findings**

- Additional buffering has been found to be unnecessary adjacent to vacant or other non-residential properties.
- Setbacks will still be required as prescribed in the zoning code and site plan and SEQR review will continue to review landscaping and surrounding land use impacts to ensure all impacts are mitigated.
- This recommendations is not anticipated to have adverse environmental impacts and no mitigations are required.

## **V. Thresholds for Future Development**

The Generic EIS proposed for the Comprehensive Plan Amendments and the implementing zoning reflect the Plan's goals of streamlining the development review process, encouraging fiscally beneficial uses within the Town and encouraging the development of a range of housing types that generate fewer school children and the permitting of accessory apartments. The plan also reinforces a desired pattern of development concentrating commercial development within the BU Zoning District within the US Route 9W corridor while maintaining a suburban development and protecting sensitive environmental resources in the outer areas of the Town. This is consistent with responsible development within a responsible tax base.

As future development or redevelopment occurs, said proposals will be appropriately considered pursuant to SEQR and in so doing will demonstrate how any such development is or is not consistent with the Town's Plan and zoning. Any site-specific impacts must be analyzed consistent with SEQR and should address, on a site specific level, those areas of environmental analysis which were generically studied in the Draft and Final GEIS including, but not limited to specific generation of population, traffic and utility needs as well as specific visual and land use impacts.

When any development is proposed that exceeds the density levels or is not consistent with use or bulk requirements or the stated goals of the Town's Comprehensive Plan, environmental impacts should be revisited by the appropriate Agency. Where it is consistent, the level of SEQR review will be appropriately followed.

## **V. CERTIFICATION OF FINDINGS TO APPROVE THE PROPOSED ACTION**

WHEREAS, the Town Board, as Lead Agency, has considered the Draft, and Final Generic Environmental Impact Statements, public comments made during the public hearing and the full SEQR public comment period and having considered the preceding written facts and conclusions; and

WHEREAS, the Lead Agency considered all of the above-mentioned information with regard to the potentially significant adverse environmental impacts that may be expected from the adoption of the Draft Comprehensive Plan, related zoning amendments and proposed zoning map changes; and

NOW THEREFORE BE IT DETERMINED that the Lead Agency, consistent with the requirements of 6 NYCRR Part 617, makes the following additional findings:

1. The procedural requirements of Article 8 of the Environmental Conservation Law of New York State, and the rules and regulations promulgated thereunder (6 NYCRR, Section 617) have been met and complied with in full;
2. Consistent with social, economic, and other essential considerations under SEQRA and from among the reasonable alternatives thereto, the Proposed Action is one that minimizes or avoids significant adverse environmental impacts to the maximum extent practicable;

3. The Proposed Action is one that appropriately balances potential adverse impacts against potential beneficial impacts in the forms of creation of additional housing opportunities, promotion of opportunities for economic development and the generation of tax revenue as well as lessening of the tax burden and the protection of natural resources as well as the quality of life of Town residents.

These findings, and all actions set forth herein, shall be incorporated in any further approvals related to the Proposed Action and shall be deemed a part of any related approvals;

These findings shall be filed with the Stony Point Town Clerk; all Involved Agencies as identified in the EIS; and any person who has requests a copy;

A Copy of the Findings shall be maintained in the office of the Town Clerk so that they are readily accessible to the public and made available on request.

Certified by the Town of Stony Point Town Board by Resolution adopted on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Honorable Geoffrey Finn, Supervisor

\_\_\_\_\_  
Date