

RESOLUTION #33 of 2011

Supervisor Edward

, seconded by Councilman

Coyle

, introduced the following

proposed local law, to be known as Proposed Local Law No. 3 of 2011, entitled "A Local Law Amending Sections 121-7(B), 121-14.1(A) and 121-14.1(B) of the Town of Amenia Town Code (Scenic Protection Overlay District), and Amending the Official Zoning Map of the Town of Amenia by Revising the Boundaries of the Scenic Protection Overlay District."

BE IT ENACTED by the Town Board of the Town of Amenia as follows:

Section 1. STATEMENT OF PURPOSE AND INTENT

The purpose of this local law is to refine the definition, description and boundaries of the Scenic Protection Overlay District in the Town of Amenia Zoning Law. In adopting this local law, the Town Board has considered the Town of Amenia Comprehensive Plan Update, the Town of Amenia Zoning Law, GIS data maintained by Dutchess County Planning and Development, a Long Form Environmental Assessment Form ("EAF"), and earlier efforts in Amenia to draw a Scenic Protection Overlay.

The protection of the Town's natural resources is a major priority of the 1991 Master Plan, and has been identified as an even greater priority of the Comprehensive Plan Update. In order

to allow growth that does not compromise the "rural, historic, and agricultural beauty" of the Town's "extraordinary scenic resources", the Comprehensive Plan Update recommends that the Town adopt a Scenic Overlay District "encompassing highly visible hilltops, hillsides, rolling terrain with farms and fields, and other scenic features of the Town." The Comprehensive Plan Update recommends that this Scenic Overlay District be mapped based upon the visibility of areas from multiple public vantage points and the value that viewsheds have to the community's residents.

The Town of Amenia Zoning Law was adopted to implement the Comprehensive Plan Update, including the creation of the Scenic Protection Overlay District. Specifically, the Scenic Protection Overlay District was composed of three elements: a Trail Visual Protection Corridor, a Road Visual Protection Corridor, and a Ridgeline Visual Protection Zone. This local law leaves the Trail and Road Visual Protection Corridors unchanged.

This local law modifies the Scenic Protection Overlay District by replacing the Ridgeline Visual Protection Zone with a Scenic Visual Protection Zone that more precisely implements the Comprehensive Plan Update's recommendations for a Scenic Overlay District. Specifically, the Ridgeline Visual Protection Zone was drawn based primarily upon the

visibility of areas from multiple public vantage points identified as scenic viewpoints, without adequately taking into account the value that certain viewsheds have to the community's residents.

For instance, the Comprehensive Plan identifies the views from the top of Delavergne Hill as "one of Amenia's greatest views", acknowledges that those views are "widely regarded as the Town's most important viewshed", and confirms that the views from Delavergne Hill have been identified as a scenic view of countywide significance. The Comprehensive Plan Update describes this view as "a vast panorama" of the Harlem Valley's scenic hills, farms, fields and forests, and notes that "visitors are often struck by the beauty of the foothills and valley as they enter the 'Gateway to the Berkshires.'"

The Comprehensive Plan Update also identifies agricultural landscapes as "a distinguishing feature of Amenia, responsible for much of its rural beauty and bucolic charm." The Comprehensive Plan Update recognizes that agricultural and forested lands provide economic value to the Town, and that they also "enhance the value of all of Amenia's land because of their contribution to scenic landscape and character." The Comprehensive Plan Update also acknowledges that scenic roads can be important

because of their surrounding landscape, that the scenic nature of these roads is impacted not only by the surrounding lands but also by the surrounding land uses, and that "in Amenia, the scenic roads often have views of bucolic farm lands and tree covered hills."

However, the Ridgeline Visual Protection Zone did not adequately take into account the value that these viewsheds have to the community. The Scenic Visual Protection Zone refines the prior Ridgeline Visual Protection Zone by giving heightened priority to the iconic views from Delavergne Hill. The Scenic Visual Protection Zone has also been redrawn using a combination of multiple data sources, procedures and algorithms that have been designed to more precisely identify those scenic viewsheds that are most valued by residents of the community.

The Town Board finds that the proposed revisions to section 121-14.1(A) and section 121-14.1(B) of the Town Code, and the corresponding revisions to the SPO boundaries depicted on the Official Zoning Map, are consistent with the goals and objectives of the Comprehensive Plan Update and the Zoning Law. Specifically, the Town Board concludes that the Scenic Visual Protection Zone is larger than the Ridgeline Visual Protection Zone and protects the Town's scenic areas regardless of their location on ridgelines and

will help preserve the Town's rural agricultural character.

Section 2. The definition of "Scenic Protection Overlay District" contained in Section 121-7 ("Establishment of Districts") of the Code of the Town of Amenia is amended to read as follows:

Scenic Protection Overlay District (SPO)

The purpose of this overlay district is to protect the scenic character of scenic resources in the Town, including scenic road corridors, the Harlem Valley Rail Trail, and prominent scenic areas that remain substantially undeveloped and/or that lie within important scenic viewsheds. See § 121-14.1

Section 3. Sections 121-14.1(A) and 121-14.1(B) of the Code of the Town of Amenia are amended to read as follows:

A. Findings and Purpose. Special protection of scenic road corridors, the Harlem Valley Rail Trail, and highly visible scenic areas is necessary to preserve the attractive rural, historic and agricultural qualities of the Town. The purpose of this Section is to regulate land uses within designated scenic areas to protect the Town's scenic beauty and rural character. This section is intended to apply to those areas that are visible to the public and that substantially retain their scenic character, and/or that lie within important scenic viewsheds.

B. Boundaries. The SPO District includes all land shown on the Resource Protection Overlay Districts Zoning Map as part of the SPO District, including identified scenic areas visible from public viewpoints, and land lying within 800 feet of the right-of-way of NY State Routes 44, 22, and 343 and within 500 feet of any other designated roads or the Harlem Valley Rail Trail. As used herein, the term "scenic road" shall be defined to include only specifically designated segments of road or rail trail corridors.

Section 4. Pursuant to sections 121-8, 121-14.1, and 121-69 of the Town of Amenia Zoning Law, the Official Zoning Maps adopted as a part of the Town of Amenia Zoning Law are hereby amended to conform with the map attached hereto showing the revised Scenic Protection Overlay District as established by the adoption of this Local Law. Pursuant to section 121-8 of the Town of Amenia Zoning Law, the Official Zoning Maps shall be updated to reflect this amendment immediately following the filing of this law with the Secretary of State. Pursuant to section 121-8 of the Town of Amenia Zoning Law, the Town Clerk shall also note this change on the Official Zoning Maps promptly after this law has been filed with the Secretary of State.

Section 5. The local law shall take effect immediately upon filing with this state's Secretary of State.

Pursuant to the Municipal Home Rule Law of the State of New York, it is necessary to hold a public hearing upon this local law. Supervisor Savroid offered the following resolution, which was seconded by Councilman Cayea, who moved its adoption:

WHEREAS, on August 18, 2011, the Town Board introduced this proposed local law for the Town of Amenia, to be known as Town of Amenia Proposed Local Law No. 3 of 2011, entitled "A Local Law Amending Sections 121-7(B), 121-14.1(A) and 121-14.1(B) of the Town of Amenia Town Code (Scenic Protection Overlay District), and Amending the Official Zoning Map of the Town of Amenia by Revising the Boundaries of the Scenic Protection Overlay District."

BE IT RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall on September 15, 2011, at 7 o'clock p.m., and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Amenia by the Town Clerk, at least five (5) days before such hearing and that such notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Amenia will hold a public hearing at the Town Hall, 4988 Route 22, Amenia, New York on September 15, 2011 at 7 o'clock p.m., on Proposed Local Law No. 3 of 2011, entitled "A Local Law Amending Sections 121-7(B), 121-14.1(A) and 121-14.1(B) of the Town of Amenia Town Code (Scenic Protection Overlay District), and Amending the Official Zoning Map of the Town of Amenia by Revising the Boundaries of the Scenic Protection Overlay District."

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the Town of Amenia Town Hall, 4988 Route 22, Amenia, New York, during normal business hours on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Amenia, New York
August 18, 2011


MAUREEN BONDS, TOWN CLERK

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Euvrard

Yes No

W. C. ...

Councilman Cayea

Yes No

Thomas Cayea

Councilwoman Doyle

Yes No

Dickie Doyle

Councilwoman Perotti

Yes No

Victoria Perotti

Councilwoman Riemer

Yes No

Doreen S. Riemer

DATED: Amenia, New York
August 18, 2011

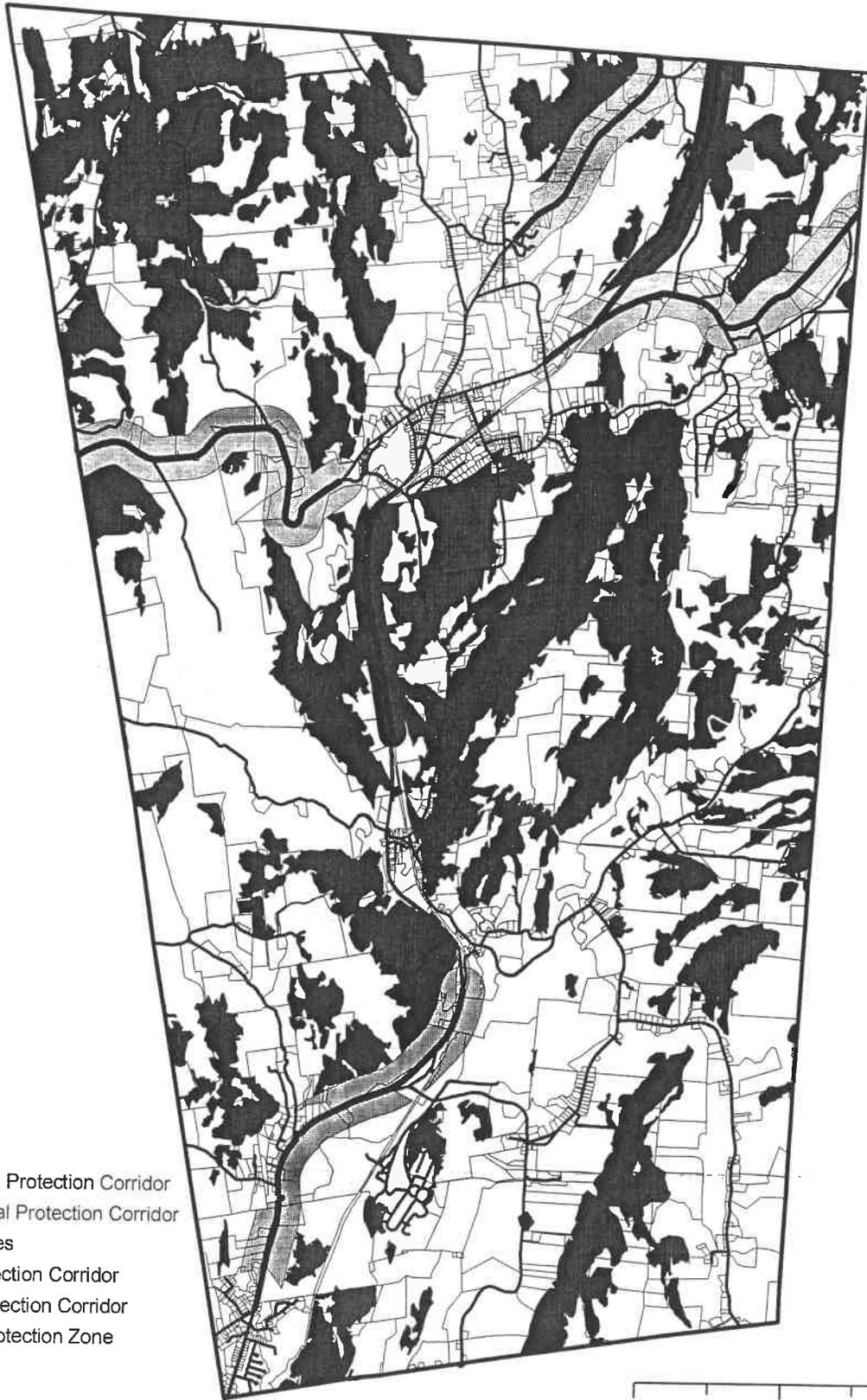


Maureen Bonds
Maureen Bonds, Town Clerk

Town of Amenia

Scenic Protection Overlay District

Prepared By: George M. Janes & Associates
August 2, 2011



Legend

- Trails with Visual Protection Corridor
- Roads with Visual Protection Corridor
- Parcel Boundaries
- Trail Visual Protection Corridor
- Road Visual Protection Corridor
- Scenic Visual Protection Zone

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