

Land Use and Land Management

Subcommittee Chair: Jessie Bontecou and Tim Marshall

Subcommittee Members: Peter Groffman, Howard Schuman, and Julia Widdowson

Key Observations:

- In terms of acreage, residential uses make 37.1% of land use in Washington (excluding the Village of Millbrook), at 13,130 acres. Approximately 36.7% of the land use in the Town is agriculture.
- Land uses in the Town of Washington have essentially remained the same since the 1987 Master Plan.
- The Town of Washington Zoning Law provides six districts including four residential districts, one hamlet mixed use district and a land conservation district. In addition there are four floating districts including: Environmental Preservation, Industrial/Office, Mobile Home and Hamlet. There are also two overlay districts: agricultural protection and aquifer protection. The subdivision of land is addressed in the Town of Washington Land Subdivision Regulations.
- The Land Use Subcommittee is concerned with preserving agricultural land in the Town, as well as the rural character of the Town.

Existing Land Uses

In preparation for the Town's Comprehensive Plan, the Steering Committee established separate subcommittees each charged with direct responsibility for data collection, analysis, and making recommendations to the Steering Committee on topic areas typically covered in a Comprehensive Plan. The Land Use Subcommittee was charged with looking at the land use patterns as reported in the 1987 Master Plan and compare them to the present day conditions. Much of the subcommittee's information was derived from computerized data bases and maps supplied from and with the aid of the following agencies:

- Cornell Cooperative Extension Dutchess County GIS Resource Office
- Dutchess County Department of Planning
- Dutchess Land Conservancy
- Town of Washington Assessor's Office

Land Use Tables were generated based on 2008 Parcel Data supplied by the Dutchess County and the Town of Washington Assessor's Office. Data presented in Table # below is for the Town of Washington outside the Village of Millbrook.

	Total Parcels	Percent	Total Acreage	Percent
Agriculture	114	6.6%	12,990	36.7%
Residential	1,138	66.0%	13,130	37.1%
Vacant Land	407	23.6%	7,232	20.4%
Commercial	29	1.7%	116	0.3%
Recreation and Entertainment	4	0.2%	102	0.3%
Community Services	22	1.3%	1,139	3.2%
Industrial	4	0.2%	285	0.8%
Public Services	3	0.2%	152	0.4%
Wild and Forested Land	4	0.2%	235	0.7%
Total	1,725	100.0%	35,380	100.0%

Source: Dutchess County and the Town of Washington's Assessor's Office

Agricultural Land

There are 114 parcels of agricultural land comprising 12,990 acres in the Town of Washington. Agricultural land accounts for 36.7% of the land in the Town (second highest behind residential uses in the Town). According to the assessor's database, 37.4% of agricultural land is in cattle farms followed by horse farms (17.8%) and field crops (12.6%).

Residential Land

Residential land includes single-family homes, rural residences with acreage, multiple family homes, manufactured homes and seasonal homes. Parcels assessed as residential account for 37.1% of the land in Washington. The assessor's database reports that 41.3% of residential land is classified as rural residence with acreage (defined as a year round residence with 10 or more acres of land). Approximately 18.0% of residential land is single family residence and 17.1% is estate (defined as a residential property of not less than 5 acres with a luxurious residence and auxiliary buildings).

Residential type	Prop Class Code	Total parcels	Percent	Total acreage	Percent
1 family residential	210	762	67.0%	2,367.8	18.0%
2 family residential	220	28	2.5%	73.3	0.6%
3 family residential	230	3	0.3%	6.6	0.1%
Rural residential	240	209	18.4%	5,422.8	41.3%
Rural residential & Agriculture	241	35	3.1%	1,572.6	12.0%
Rural residential & recreation	242	1	0.1%	13.1	0.1%
Estate	250	31	2.7%	2,248.1	17.1%
Seasonal residential	260	2	0.2%	54.5	0.4%
Manufactured housing	270	1	0.1%	2.5	0.0%
Manufactured housing	271	1	0.1%	0.8	0.0%
Multiple residential	280	65	5.7%	1,367.8	10.4%
		1,138	100.0%	13,129.7	100.0%

Vacant Land

Vacant land in the Town of Washington includes 407 parcels consisting of 7,232 acres of land. It accounts for approximately 20.4% of the total acreage in the Town. Of the 7,232 acres of vacant land, 67.7% is residential vacant land over 10 acres in rural areas and 13.9% is residential land including a small improvement (not used for living accommodations) that can include a private garage on a parcel of land separate from the residence.

Commercial Land

There are 29 parcels of commercial land comprising 116 acres in Washington (less than 1% of the total land in the Town). Of the 116 acres of commercial land, 23.1% is classified as dog kennel/veterinary clinic, 20.6% is in living accommodations (which could include apartments, hotels, motels, etc.) and 19.0% is in converted residences (a building which has been partially converted or adapted for office space).

Recreation and Entertainment

Lands in recreation and entertainment include 4 parcels accounting for 102 acres of land (less than 1% of the total land in the Town). According to the assessor's database, this includes a former bowling alley (now self storage), health spa, riding stables and other outdoor sport (defined as Driving ranges, miniature golf, tennis, baseball, batting ranges, polo fields, etc.).

Community Services

Approximately 3.2% of the Town's land is in community services. There are 22 parcels of land comprising 1,139 acres. The assessor's database reports that 43.7% of community service land is in other educational facilities, 33.4% is in cultural and recreational facilities, and 8.3% is identified as a hospital.

Industrial

There are 4 industrial parcels comprising 285 acres of land (less than 1% of the total land in the Town). The majority of this land is defined as mine/quarry.

Public Services

Lands in public services include 3 parcels accounting for 152 acres of land in the Town (less than 1% of the total land in the Town). According to the assessor's database, the majority of public services land is in water supply, which is defined as Land used for the accumulation, storage, transmission or distribution of water for purposes other than flood control or production of electricity (e.g., aqueducts and pipelines).

Wild and Forested Land

Wild and forested lands include 4 parcels consisting of 235 acres (less than 1% of the total land in the Town). According to the assessor's database, the majority of wild and forested land is identified as forest land under Section 480-a of the Real Property Tax Law.

Protected Land

According to the Dutchess Land Conservancy there 5,270 acres in the Town of Washington held in conservation easements. The Cary Institute of Ecosystems Studies (IES) owns 1,676 acres of protected land. These lands combined make up roughly 20% of the 35,388 parcel acres that comprise the Town, excluding the Village of Millbrook.

Distribution of Land Use

Land uses in the Town of Washington have essentially remained the same since the 1987 Master Plan with the exception of a few changes, according to the Land Use Subcommittee. Changes identified by the Subcommittee included the gravel mine on South Road has closed and is now residential in use. The following summarizes¹ the distribution of land uses in Washington:

- Low-density residential uses (5 and 10 acres) are scattered throughout the Town along state, county and town roads, forming a strip pattern. High-density subdivisions (1 and 2 acre), removed from the main roads, occur in two places, at Horseshoe Road and between Stanford Road and Route 44a north of the Village. These areas, along with Washington Hollow and Mabbettsville, form the most concentrated residential areas in the Town. The most significant strip developments are found along State Routes 82 and 343 and County Route 97.
- Medium-density residential uses are scarce, found in small concentrations in South Millbrook and along the Route 343 spur area near Dover Plains. These are areas of mixed lot sizes and are predominantly low density. One mobile home park exists along the Route 343 spur.
- Commercial business uses are scattered throughout the Town, with only two small concentrations in the Mabbettsville area. Most of the isolated uses are compatible with the rural environment, such as dog kennels, landscape operations, antique shops, and diverse home occupations, particularly private contractors.
- Extractive industry uses, all sand and gravel mining operations are found in three locations and are still in operation, one is off Canoe Hill Road, one south of the Shunpike (Route 57) and the third is southwest of Kennels Road.
- Communication Corridor uses are distinguished by a single transmission line which crosses the northwestern corner of the Town along Wappinger Creek.
- Public and quasi-public uses are found on small parcels throughout the Town, but with a greater concentration in the central area near the Village. Large areas of institutional open space are located in the northeast corner of Town (the lands of the Millbrook School) and along the western border. The Cary Arboretum occupies a very large area in the western part of Town, providing nearly two thousand acres of protected wooded land.
- Recreation land is found mostly in the western portion of Town with the exception of the Town Park in Mabbettsville. Two private recreation clubs have property off Route 82 and Woodstock Road. A third area, Innisfree Gardens, is owned by a private organization whose lands are open to the public.
- Agricultural land is found nearly everywhere in the Town, in both large and small tracts. The largest concentration and largest overall area of farmland is found in the northeast. The only large area without a significant amount of active farmland is the southeast

¹ Summary is based on information presented in the 1987 Town Master Plan with minor revisions from the Land Use Subcommittee

corner of Town, where wooded land and residential uses predominate. There is also very little farming in the smaller areas of Jameson Hill Road and South Millbrook.

- Water resources consist of five named ponds and lakes and numerous smaller ponds, as well as Wappinger Creek.

Analysis of Land Use Regulations

This element of the Community Profile includes a review the current land use regulations that apply to the Town of Washington including an examination of zoning districts and development standards. The Town of Washington's Zoning Law purpose is set forth in Article 1. The purpose of this Local Law is to promote the public health, welfare, safety, convenience, order, prosperity and morals of the community in the following respects:

- To guide the future growth and development of the Town in accordance with the Town of Washington Comprehensive Master Plan by establishing population densities that will reflect a beneficial influence considering the most appropriate use of land relative to population trends, existing land use, environmental considerations, topographical features, soil types, economic activity, building development, and recognizing such conditions and trends both within the Town and in surrounding areas.
- To secure safety from fire, flood, panic, and other dangers; provide adequate light and air; prevent overcrowding of the land; and avoid undue concentration of population.
- To conserve the value of land and buildings in accordance with the character of the district and its suitability for particular uses; protect the economic stability of the entire Town; and provide for orderly and beneficial growth commensurate with the availability and capacity of public facilities and services, and the ability of land and natural resources to accommodate such growth.
- To establish the most beneficial relationship between land use, buildings, and the circulation of traffic throughout the Town with particular regard to the lessening of congestion, the safe and efficient movement of vehicles and pedestrians, the provision of adequate parking facilities, and convenient access appropriate to the prospective use.
- To guide public policy so as to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; and guide private enterprise in building development, investment, and other economic activity relating to land use and buildings.
- To safeguard natural, agricultural, historic and scenic resources; prevent the contamination of public and private drinking wells and aquifers, lakes and ponds, and freshwater wetlands and watercourses; and preserve the integrity, stability, and beauty of the community.
- To assure privacy for residences and freedom from nuisances and harmful, unsightly uses; and protect the community against unsightly, obtrusive, and noisome land uses and operations.
- To facilitate, as far as environmental conditions may permit, the accommodation of solar energy systems and equipment, and access to sunlight necessary therefore.

Article III, Districts Regulations, discusses six districts including four residential districts, one hamlet mixed use district and a land conservation district. In addition there are four floating districts including: Environmental Preservation, Industrial/Office, Mobile Home and Hamlet. There are also two overlay districts: agricultural protection and aquifer protection.

Low Density Residential District Uses permitted by right include agriculture/farm, animal husbandry, single-family homes and two-family homes. Uses permitted with a special use

permit include animal hospitals, barn conversion, bed and breakfasts, camps, churches, educational institutions, forestry, golf courses, home occupation, kennels, membership clubs, nursing homes or convalescent homes off street parking, parks, pig farms, playgrounds, public utilities, riding academies, shooting preserves, signs, soil mining, stables and wildlife preserves. The minimum lot size for this district is five acres.

Medium Density Residential District Uses permitted by right include agriculture/farm, animal husbandry and single-family homes. Uses permitted with a special use permit include barn conversion, bed and breakfasts, churches, two-family homes, educational institutions, forestry, golf courses, home occupation, membership clubs, nursing homes or convalescent homes, parks, playgrounds, shooting preserves, stables and wildlife preserves. The minimum lot size for this district is two acres.

High Density Residential District Uses permitted by right include single family homes. Two-family dwellings, bed and breakfasts, barn conversion and home occupation are permitted with a special use permit. The minimum lot size for this district is one acre.

Rural Residential District Uses permitted by right include agriculture/farms, animal husbandry, single-family homes and two family homes. Uses permitted with a special use permit include Animal hospital, barn conversion, bed and breakfasts, camps, churches, educational institutions, forestry, gold courses, home occupations, kennels, membership clubs, nursing homes or convalescent homes, off street parking, parks, pig farms, playgrounds, public utilities, riding academies, shooting preserves, sings, soil mining, stables and wildlife preserves. The minimum lot size for this district is ten acres.

Land Conservation District Uses permitted by right include agriculture. Uses permitted by special use permits include single-family homes, forest nurseries, forestry, golf courses, parks, recreational facilities, shooting preserves and wildlife preserves. The minimum lot size for this district is ten acres.

Hamlet Mixed Use District The Hamlet of Mabbettsville is an area of mixed residential and non-residential uses in which historic and residential character predominates, pedestrian activity is encouraged and suburban "strip" shopping center development is discouraged. Uses permitted by right include agriculture/farm and single and two-family homes. Uses permitted with a special permit include antique shops, auxiliary apartments, barn conversion, bed and breakfasts, clubhouses, craft workshops, home occupations, hotels and motels, off street parking, professional offices, signs, storage and repair of equipment, restaurants and retail and service businesses. Minimum lot size for this district for residential properties is one acre, for non-residential properties, half-acre. Non-residential uses are subject to additional standards (off-street parking, maximum building footprint and siting requirements of new buildings), while site plan or subdivision of land resulting in the construction of new roads is subject to architectural review.

Article III also provides a description of the four floating zones and two overlay districts.

Environmental Preservation District This district is defined as a geographic area of the Town of Washington exhibiting special and distinctive environmental characteristics which are of significant value to the public. These characteristics may include natural phenomena such as unique geologic strata, water bodies or watercourses, soil formations, slopes, vegetation, scenic views, viewsheds, sensitive watersheds, ridgeline protection and trail or wildlife migration

corridors, as well as historic or cultural resources of value to the Town. Maintaining the Town's quality of life depends in large part upon the protection of these areas. To preserve these valued resources it is necessary first to identify the areas with special qualities, and then to provide a means by which these areas shall be subject to development controls, over and above the controls provided by existing zoning district and overlay zone provisions.

Mobile Home District Single and individual mobile homes outside of mobile home parks are prohibited in all zoning districts of the Town, except as they may be permitted as emergency or temporary housing and for field offices or storage.

Hamlet District The purpose of this district is to permit the growth and development of such hamlet areas in a manner that is compatible with their existing historic, architectural and cultural fabric, and that follows the pattern of development found in historic hamlets in Dutchess County, New York State, and New England. Uses permitted by right include single and two-family homes, garages, home occupations, signs, off street parking and swimming pools. Uses permitted with a special permit include antique shops, bed and breakfasts, food stores, general stores, home occupations and professional offices. Minimum lot size for this district is one quarter acre. Architectural review has been established for the Hamlet District.

Industrial/Office District The purpose of this floating district is to allow provisions for industrial and office development because the Town Board finds such enterprises appropriate in diversifying the Town's economy and tax base, provided that they do not detract from its rural character. Allowable uses for this district include light industrial/manufacturing, food processing, offices, wholesaling, farm machinery, sales, and rental, veterinary hospital, research facilities, warehousing, multi-family housing, up to a maximum of twenty-five percent (25%) of the developed floor space and such other uses as the Town Board may deem appropriate. District Design Guidelines have been established for this district.

Agricultural Protection Overlay District The purpose of this district is to preserve agricultural land for food and fiber production; protect agriculturally productive farms; maintain a viable agricultural base to support agricultural processing and service industries; prevent conflicts between incompatible land uses; reduce costs of providing public services to scattered non-farm uses; pace and shape the growth of the Town; protect agricultural land from encroachment by non-agricultural uses, structures, or activities; and maintain the rural, natural, and scenic qualities of the Town.

Aquifer Protection Overlay District The purpose of this district is to preserve and maintain the quality and quantity of groundwater found in the Town of Washington sand and gravel, limestone, and limestone overlaid with sand and gravel aquifers, and thereby protect this water supply source for the Town.

Supplemental regulations are set forth in Article III, District Regulations and address wetlands and water courses, signage, open space subdivision, cluster subdivision requirements, telecommunication facilities, supplementary area and bulk regulations, parking and loading requirements, and nonconforming uses among others.

Article IV, Enforcement and Administration addresses building permits, certificates of occupancy, special permit applications, site plan review and approval, and standards for review and design, among others.

The subdivision of land is addressed in the Town of Washington Land Subdivision Regulations. The ordinance addresses typical subdivision regulations including standards for subdivision plats, street layout and design, improvements, and parks, open spaces.

Land Use Subcommittee

The land use subcommittee encourages the comprehensive plan committee and consultants to keep several things in mind:

- Understand the value, both in terms of quality of life, and in economic terms, of farmland and/or open space to your community:
 - The beauty of productive land enhances our quality of life.
 - The economic value of the businesses that agriculture keeps alive also keeps the local economy strong.
 - The economic value of farmland to the community's tax base has been proven in countless studies – farmland keeps taxes down.
 - The environmental benefits of open space – clean water, carbon sequestration, habitat for wildlife, etc. – are actually more than just benefits; they are essential to life.
 - Last but not least, fresh local food.
- Create a supportive business environment for farmers and make sure zoning codes support both old and new farmers.
- Support appropriate property tax strategies that encourage agriculture.
- Formulate a strategy for saving the **best** soils.
- Try to prevent, through careful zoning, conflicts between new development and agriculture.

Some observations on the land uses from the Subcommittee include the following:

- According to the Subcommittee, the original Master Plan is still useful in terms of land use. They are concerned about the large parcels of land owned by single owners and realize that the Town needs to look ahead.
- The Dutchess Land Conservancy (DLC) has protected nearly 30,000 acres in the county through easements. The DLC has 5,270 acres in conservation easements in the Town of Washington, while 1,676 acres of land is owned by conservation organizations (Institute of Ecosystem Studies). *The Dutchess Land Conservancy is a private non-profit land conservation organization dedicated to preserving for the public for present and future generations the scenic, agricultural and environmental resources of Dutchess County, New York, including open spaces, forests, water resources and wildlife habitats. DLC carries out its mission by obtaining through donation or purchase, conservation easements on privately held land and monitoring these easements in perpetuity. Conservation easements are legal agreements limiting future development in order to protect land for conservation purposes. DLC also holds land obtained through donation or purchase. In addition, DLC provides technical land-planning assistance; educates the public on matters of land conservation; and works with government organizations to encourage environmentally sound planning.*
- The subcommittee does not want to “unravel the quilt” – they feel as though they have a good Master Plan (1987) and good set of physical conditions (demographics and landscape) that they'd like to remain the same.

- The subcommittee feels as though they have a unique situation in the Town of Washington where they have not lost acreage in land use categories and land uses have not changed.
- Agricultural lands are located on large parcels – there is concern about passing farm land to the next generation – inheritance tax is an issue for passing it onto family members; tax structure/school taxes – the committee is concerned about property owners selling off parts of land to be able to pay their taxes.
- One subcommittee member has approximately 350 acres – is looking at selling development rights, but is not sure if it's right for him, for his farm or the Town. As it is, operating farms get a school tax rebate; Development Rights has a tax benefit; and easements have a tax deduction.
- Some towns have done a PDR (purchase of development rights) to preserve mechanisms; while some have passed a wetlands ordinance.
- Perhaps a question on the survey could ask residents would they support funding a bond for “open space preservation”.
- Farms can't operate on less than 300-400 acres.
- The subcommittee feels that most residents want taxes and quality of life in Washington to remain the same.
- One concern of the subcommittee is if the hamlet of Mabbitsville started to spread out (commercially) it will hurt the Village of Millbrook.
- The subcommittee is also concerned about housing pressures. There are currently plans for the development of 500 condominiums in the neighboring town of Pleasant Valley.
- The subcommittee strongly supports the preservation of open space.
- In their research, the subcommittee found that there has been relatively little change in the Town's land use patterns since the development of the last Town Master Plan.
- Taxes are killing farms – farmers cannot afford to keep and maintain large acreage, especially when there has been a decline in the number of people willing to farm. Losing large parcels of land would create a problem for the Town and undoubtedly change the way the Town looks.
- The large agricultural estates are tax positives. There are a large amount of taxes paid by a relatively small number of people. This could also have serious impact on tax rates in the future.
- There has also been a decline in the number of support services available to the local farms (i.e. veterinary services).