

**DRAFT GENERIC ENVIRONMENTAL IMPACT  
STATEMENT (DGEIS)**

**Proposed Updates to the Zoning Code, Subdivision Code,  
and Comprehensive Plan of the Town of Liberty, Sullivan  
County, New York**

**September 2016**

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**CIRCULATION LIST**

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Lead Agency:

Town of Liberty Town Board

c/o Office of the Town of Liberty Town Supervisor

Town of Liberty Town Clerk

Interested Agencies:

Town of Liberty Planning Board

Village of Liberty

Sullivan County Planning Board

Sullivan County Farmland Protection Board

Town of Rockland Town Clerk

Town of Neversink Town Clerk

Town of Fallsburg Town Clerk

Town of Thompson Town Clerk

Town of Bethel Town Clerk

Town of Callicoon Town Clerk

New York State Department of Environmental Conservation: Environmental Notice Bulletin, NYSDEC.  
Department of Environmental Conservation, Division of Environmental Permits  
625 Broadway, Albany, NY, 12233-1750

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# SECTION I

## *Introduction*

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**I. INTRODUCTION**

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**A. OVERVIEW**

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This document is being prepared for the Town of Liberty as a Draft Generic Environmental Impact Statement (DGEIS). Under SEQR, a Generic Environmental Impact Statement, or GEIS, is appropriate when an action having a town-wide effect and an impact on future policies and projects is proposed. The SEQR process allows a municipality and the public to analyze effects of the proposed actions and the potential aggregate impacts of the proposed actions. Being more general than a site-specific EIS, a DGEIS can be used to consider and examine broad-based actions such as comprehensive plans, and code modifications. This DGEIS is an analysis of the proposed legislative actions and does not supplant any site-specific environmental analysis that would typically be required for any proposed development project as the adoption of the plan and code amendments will not directly result in any new construction or development. Site specific environmental analysis that would accurately study and mitigate any specific impacts is still required for individual projects and is not discussed under this DGEIS.

The proposed action by the Town of Liberty is to adopt updates to the January 2008 Comprehensive Plan, the Town Zoning Code, and the Town Subdivision regulations. The proposed DGEIS takes into consideration the land uses, management of development, and maintenance of resources for the areas involved, and provides a platform to analyze the proposed action. This DGEIS was prepared in accordance with the State Environmental Quality Review Act (SEQR) and its implementing regulations 6 NYCRR Part 617.

This document is being prepared as a DGEIS due to the proposed modifications to the 2008 Comprehensive Plan, the Town Zoning Code and Subdivision regulations. These documents are policy documents and regulations that guide development within the Town of Liberty. The intent of this analysis is to identify broad thresholds of potential impact based on the general nature of the proposed changes to the town's comprehensive plan and zoning. Minor adjustments to the draft amendments to these documents that may be considered as a result of the public review process would not necessarily require a full revision of this impact analysis. Instead, any recommended change(s) to the specific zoning regulations as a result of this process will be assessed to determine if it would warrant a revision or recalculation of this document, or if it would still fall under the global thresholds, scope and evaluations considered in this DGEIS. Minor adjustments to the proposed action can be specifically addressed in the Determination of Significance/Negative Declaration/Findings Statement that will be prepared at the conclusion of the environmental review process.

This DGEIS and associated process is to provide Town of Liberty Town Board, interested agencies, and the public with an understanding of, and the opportunity to provide comment on, the potential environmental impacts that may result from the proposed updates.

The proposed action of updating the comprehensive plan, zoning code, and subdivision regulations will provide benefits to the town and the community, these amendments are not expected to result in any significant adverse environmental impacts, and will not result in a direct physical change to the area. The proposed action will help to guide future development and will establish more clear standards and regulations for land use changes and development in the Town of Liberty. It is anticipated that the proposed action will result in an overall beneficial impact to the environment within the Town of Liberty.

**B. GENERAL OUTLINE OF SEQR PROCESS**

As the town's legislative body, the town board has the sole authority for the adoption of an amendment to the comprehensive plan and town code. The Town of Liberty Town Board has circulated a notice of intent to serve as lead agency for review of the proposed action pursuant to the requirements of the SEQR process along with other rules and regulations regarding adopting amendments to the town comprehensive plan and town code. The Town has chosen to use a generic environmental impact statement (GEIS) as the means to review the proposed action and consider any potential significant impacts pursuant to the SEQR regulations.

Upon review of the comments made by other agencies, the public, and its own consideration, the Town Board will either prepare a negative declaration or order the preparation of a Final GEIS. A negative declaration verifies that the DGEIS demonstrates that there are no significant adverse environmental impacts or that any significant impacts can be adequately mitigated and thus ends the SEQR process. Ending the SEQR process would allow the Board to take action on the proposed amendments. If, after review of the DGEIS, the town board finds it necessary to address any substantive or necessary revisions or supplements to the draft EIS, or an in-depth response to substantive comments is necessary and cannot be adequately addressed in the findings for a negative declaration then the town board would consider preparation of a final GEIS (FGEIS).

Should a FGEIS be required, the DGEIS will be revised for any relevant matters brought up in the review period. SEQR would be concluded with the preparation of a Findings Statement, subsequent to which the Town Board could implement the changes outlined in the proposed action (or as modified by the FGEIS and Findings Statement).

**C. PROJECT PURPOSE AND NEED**

In 2008 the Town of Liberty adopted its Comprehensive Plan. Prior to adoption, a process was undertaken to identify the long term goals and visions for the town. The town identified and defined a list of goals as follows:

- Balance conservation and development to provide for sustainable growth.
- Provide residents and visitors with a diversity of year round activities while preserving and capitalizing on the town's natural resources.
- Meet the housing needs of the existing and future Liberty population.
- Create, enhance and promote hamlet and village business centers.
- Encourage the diversification of Liberty's economic base by supporting environmentally conscientious initiatives, while achieving a sustainable balance between the built and natural environment.
- Sustain, promote and support active agricultural and forest land.
- Plan, build, manage and maintain public and private utilities and infrastructure to meet the needs of the growing population and environment.
- Recognize, support and promote the social and educational benefits of high quality schools and libraries while developing an educated, productive citizenry and quality workforce as a means of preparing for the future.
- Improve efficiency, information dissemination and communication within municipalities.
- Encourage the continuous support of improving tax reform through specific legislation.

There are renewed efforts within the town to grow without compromising the town character or causing damage to the natural and physical resources of the town. Liberty, like most towns in the Catskills, has suffered from a loss of economic base, loss of jobs, and concerns for the future of the community. In particular, the town is concerned that the cost of services, coupled with outmigration of youth as they reach adulthood along with a weakened job market, that the future of the town is at risk. The town seeks to ensure that the zoning laws properly guide growth, but do not make it unnecessarily time consuming or expensive to have otherwise positive projects to be proposed and built in the town. Land use regulations are a crucial part in insuring that Liberty continues to provide growth while protecting the natural setting, as such, the town has proposed updates to the comprehensive plan, as a guide for future land use, and these are an important part of this vision. The intent of the goals and vision for the town has mostly remained consistent, but with a review of the current environmental setting, a need to update and modify the existing town development guidelines and codes was identified so as to better meet the intent. The proposed solution was determined to require a modification of the comprehensive plan and related documents including zoning code and subdivision regulations.

The purpose of the proposed changes are intended to allow for better implementation of the original goals and build upon them to better guide development while maintaining the town character. The additional goals of the update to the comprehensive plan are to:

- Strengthen the tax base by encouraging appropriate economic development;
- Provide enhanced opportunities to grow around the existing hamlet centers while continuing to protect the natural, scenic character of Liberty;
- Ensure that the permitted uses in each district are appropriate for that area;
- Allow for the appropriate average density for the Agricultural Conservation (AC) district;
- Incorporate the recommendations of the hamlet committees and the Zoning Review Committee.

The need to make updates to the comprehensive plan and revisions to the zoning code and subdivision regulations stems from a desire to address the development in the town and align the development guidelines to a more appropriate level of density while fostering growth, but still protecting the natural resources and the character of the town. The proposed changes being initiated by revisions to the zoning code are related to the refined goals and future land use vision outlined in the proposed update to the comprehensive plan. Minor modifications are needed in the subdivision regulations to implement the conservation subdivision provisions in the proposed zoning code.

The 2008 Comprehensive Plan has relatively detailed information with respect to the town zoning code and some direct references to specific data within the zoning code. In order to implement the proposed changes to the zoning code, the related sections within the comprehensive plan must also be revised so as to avoid conflicting information.

With respect for the need for the proposed subdivision code revisions, there is cross reference between a section in the subdivision code and the zoning code section for Conservation Subdivisions (formerly Cluster Development). Because of the proposed changes to the Conservation Subdivision the reference in the subdivision code must also be revised for consistency.

This DGEIS will serve to summarize and evaluate the potential impacts and the extent to which additional mitigation is required as a result of the proposed changes.

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**D. PROPOSED ACTION**

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The proposed action includes an update to the town’s comprehensive plan and amendments to the zoning code and subdivision regulations. The proposed update and amendments are designed to promote land use development patterns that fit the overall goals of the town, better regulate and guide appropriate land use, strengthen standards for development, and promote reasonable growth in the town.

The update to the comprehensive plan is focused on the land use and zoning elements. The updates to the plan provides additional refinements to the town’s land use goals and include guidance toward potential changes to the town’s zoning code and subdivision regulations. The following recommendations are meant to reflect these changing needs and integrate the community’s input into the future land use regulations of the town.

- Update the zoning code so that it reflects community input and promotes growth while protecting Liberty’s natural resources and is consistent with the towns adopted comprehensive plan;
- Consider reduced minimum lot size requirements in the AC district in order to allow for residential growth while preserving the rural character of the district and maintaining agricultural uses;
- Promote the use of conservation subdivision for residential development in appropriate districts to reinforce conservation objectives and preserve open space, protect scenic views and maintain the rural nature of the town;
- Consider expanding the Neighborhood Residential area around the hamlet of White Sulphur Springs to encourage residential development in an established population node;
- Ensure that future zoning changes continue to support agricultural uses on properties in the Sullivan County Agricultural District;
- Establish a wellhead protection overlay district and corresponding regulatory measures to protect public water supply;
- Revise zoning district use tables to allow appropriate uses, reduce the number of uses requiring special use permits and increase by-right uses where appropriate;
- Ensure for high quality site planning and design for commercial developments in the town;
- Continue to explore opportunities for partnerships with the Village of Liberty, the Sullivan County Partnership, the Sullivan County Chamber of Commerce and Industry, Sullivan Renaissance, and the Sullivan County IDA to identify and attract investors and inventory shovel ready sites throughout the town;
- Continue and enhance the town’s farmland, forestland, and other open space protection efforts to include the identification and prioritization of land protection needs and resources. Promote and incentivize the use of conservation subdivision design for residential developments and guide new development towards existing hamlets to further conserve open space;
- Continue efforts to protect the sensitive natural and cultural resources of Liberty including scenic vistas, open spaces, watercourses and agricultural land.

To realize Liberty’s vision, the updates to the comprehensive plan must be actively applied and used as a framework through which decisions are made for future development plans with respect to each site and the overall impact on land use across the town. This DGEIS does not provide site specific analysis but does help to analyze the general effects of the principles and priorities of the proposed action that are used to guide development of the specific sites.

In addition, the updates to the plan recommend that the town make better use of the site plan review tool and of development design guidelines that have been developed. These development guidelines in conjunction with the increased use of the site plan review of the zoning code will allow for better designed site plans and a more comprehensive look at development of an overall area ultimately moving toward the land use goals outlined in the update to the comprehensive plan. The updates to the comprehensive plan recommend that the town revise the cluster subdivision section of the zoning code to have a greater focus on the conservation of open space resources. The updates further suggest that this conservation approach include additional incentives for land owners to set aside part of the land that is proposed for subdivision as a permanently protected conservation area.

The land use aspect of the updates to the comprehensive plan are divided into several character areas representing general land and development concepts with similar natural, cultural, or development features meant to outline future land use patterns. These character areas do not represent specific zoning boundaries, but rather, broad development and land use types. Included in the updates to the plan are a plan for these future land uses and a map illustrating the intended locations and patterns of the land uses.

The future land use plan is the centerpiece of the Comprehensive Plan Update. It synthesizes the goals and policies into a single, coherent land use vision. The overall objective of the future land use plan is to provide guidance for the town's land use regulations – primarily the zoning ordinance. The proposed recommendations and goals outlined in the updates to the comprehensive plan are the basis upon which the zoning changes were developed. The update to the comprehensive plan eliminates references to specific zoning requirements, and instead focus on the general guiding principles and vision of the town in advancing the concepts outlined in the future land use plan and leaves the specific zoning requirements to be addressed in the process of development of proposed zoning changes.

The modifications to zoning code include the use schedule and bulk requirements. These modifications have an effect town wide, but there are also more limited changes being proposed to the zoning code, such as the rezoning within the hamlet of White Sulphur Springs. The rezoning only affects the localized portions of the town where it is being enacted. Regardless of the reach of the proposed change, the ultimate goals are the ones outlined within the comprehensive plan. The proposed zoning code revisions are further summarized below.

- Adjustments to the use schedule in the AC, RD, R-1, R-2, SC, IC, and DCC zoning districts.
- Reduction of minimum lot size in the AC district from 10 acres to 5 acres.
- Reduction lot width requirement from 50 feet to 40 feet in the DCC District
- Replace the Cluster Development section with a Conservation Subdivision section.
- Create incentives for better conservation design and conservation subdivisions.
- Creation of a Wellhead Protection Overlay district
- Rezoning of portions of the AC, RD, and SC districts to R-1 in the area of White Sulphur Springs.

The proposed changes to the use schedules reduces the need for special permits and additional permitting for what would otherwise be appropriate uses that meet the intent and goals of the zoning code and comprehensive plan. The proposed use schedule modifications eliminate the need for special permits and projects are able to apply for authorization directly through the site plan approval process. This facilitates the permitting process for the town and developers by reducing cumbersome review requirements and superfluous approvals, but still provides town oversight of the development, thorough and timely review of development proposals, and encourages growth through a facilitated site plan review process.

The proposed zoning amendments also help clarify the requirements for site plan approval and expands the list of uses that require site plan approval.

The intent of this impact analysis is to identify broad thresholds of potential environmental impact based on the general nature of the proposed changes. Minor adjustments to the proposed action—such as those considered as a result of the review process—would not necessarily require a full revision of this analysis. Instead, any changes will be assessed to determine if it would warrant a revision, or if it would still fall under the global thresholds. Minor adjustments to the proposed action can be specifically addressed in the Findings Statement.

The proposed change to the zoning bulk table for the reduction in lot size in the AC district from 10 acres to 5 acres is intended to allow for more efficient development and for the paring off of individual lots for residential purposes from larger parcels without creating unnecessarily large single lots.

The reduction of lot width requirement in the DCC district from 50 feet to 40 optimizes use of this valuable but limited length of space along the roadway corridor.

Another proposed revision to the zoning code, which is also to be revised within the town subdivision regulations, is the Cluster Development allowance being revised to the Conservation Subdivision incentive. Due to the information being referenced in both the zoning code and subdivision code, it must be revised in all locations. The goal of Conservation Subdivisions appropriate places emphasis on good conservation-based design and the permanent preservation of open space and the natural setting and character of the area. In exchange for those amenities, the proposed regulations allow more compact development with some increased density in those parts of the property where development is more appropriate, with less of an impact on important conservation resources. The Conservation subdivision provides a more refined and comprehensive guideline over the Cluster Subdivision. The Conservation Subdivision also encourages this type of conscientious growth with improved incentives to conserve farmland and natural resources.

In order to increase protection for public water sources, a Wellhead Protection Overlay District is included in the proposed zoning amendment. The criteria for the overlay are based on the New York State Department of Health guidelines and are intended to protect the aquifer from potential sources of contamination. The district is defined as a zone which extends 300 feet outward in all directions from the property line of the parcel containing each protected wellhead.

#### *Proposed Zoning District Changes*

While the proposed zoning permitted use changes are being implemented throughout most of the zoning districts and effect potential development town wide, there are a few areas where district limits are proposed to be changed. In these cases, the effects of the proposed rezoning are localized to the area of the change and do not create significant town wide impacts. The district limits proposed to be changed all fall in the vicinity of White Sulphur Springs. Portions of the AC, RD and SC zones within White Sulphur Springs are proposed to be changed to the R-1 zone. These changes from a larger residential lot pattern are intended to create a residential hamlet district in the area around White Sulphur Springs to enhance community character while protecting local community resources and allow for a more hamlet neighborhood scale of residential development in the area served by the water district.

The specific changes and additions proposed to some of the zoning districts were recommended to refine the town’s land use pattern, to update and strengthen standards for both commercial and residential development and to better conform to the goals of the Comprehensive Plan and its updates.

Revisions to the town’s zoning districts are discussed in this section and all changes are specified. The revised zoning districts are:

|                             |     |
|-----------------------------|-----|
| Agricultural / Conservation | AC  |
| Rural Development           | RD  |
| Low-Density Residential     | R-1 |
| High-Density Residential    | R-2 |
| Conservation Subdivision    |     |
| Service Commercial          | SC  |
| Industrial Commercial       | IC  |
| Downtown Commercial Core    | DCC |
| Resort / Hotel              | RH  |
| Wellhead Protection Overlay |     |

The following sections describe the changes being made to each respective zone. Uses and bulk requirements that are to remain the same as in the existing zoning district are not included.

**AC – Agricultural/Conservation District**

**Intent:**

The Agriculture/Conservation District is intended to encourage preservation of agricultural land and open space. Minimize residential development through protection of sensitive natural areas, viable farmlands and water resources. Ensuring these resources protect the rural character of the town and are used in ways which adapt to those limitations and do not threaten the health and safety of adjacent neighbors.

**Changes in Use Schedule:**

**Uses not permitted under the existing zoning but Permitted As-Of-Right under proposed (draft) zoning**

- Dwelling, Two-Family
- Accessory Structure, Residential
- Home Occupations, Minor
- Private Stables

**Uses not permitted under the existing zoning but allowed with Site Plan Approval under proposed (draft) zoning**

- Home Occupations, Major

**Uses not permitted under the existing zoning but allowed with Special Use Permit with Site Plan Approval under proposed (draft) zoning**

- Daycare and Nursery Schools
- Lodging Facility
- Recreational Facility, Commercial/Private Outdoor
- Recreational Vehicle Parks and Campgrounds
- Shooting (Archery) Ranges, Outdoor, Private or Commercial

**Uses allowed by Special Use Permit with Site Plan Approval under the existing zoning now allowed with Site Plan Approval under proposed (draft) zoning**

- Bed-and-Breakfast

**Changes in Area and Bulk Schedule:**

| Minimum Lot Dimensions | Existing Dimensions | New Dimensions |
|------------------------|---------------------|----------------|
| Area                   | 10 acres            | 5 acres        |

**Changes in Zoning Map:**

The AC district would be reduced approximately 398.72 acres which would be replaced by the R-1 district. Refer to the comparison maps near the end of this section for more information.

**RD – Rural Development**

**Intent:**

The purpose of the Rural Development District is to provide a transition area between the AC and R-1 districts while complementing the agricultural lands and open space as well as providing low-density single-family dwellings that maintain the rural character of the town.

**Changes in Use Schedule:**

**Uses not permitted under the existing zoning but Permitted As-Of-Right under proposed (draft) zoning**

- Dwelling, Two-Family
- Accessory Structure, Residential
- Home Occupations, Minor
- Private Stables

**Uses not permitted under the existing zoning but allowed with Site Plan Approval under proposed (draft) zoning**

- Home Occupations, Major

**Uses not permitted under the existing zoning but allowed with Special Use Permit with Site Plan Approval under proposed (draft) zoning**

- Recreational Facility, Commercial/Private Outdoor
- Shooting (Archery) Ranges, Outdoor, Private or Commercial
- Shooting Ranges, Indoor, Private or Commercial

**Uses allowed by Special Use Permit with Site Plan Approval under the existing zoning now allowed with Site Plan Approval under proposed (draft) zoning**

- Bed-and-Breakfast

**Uses Permitted As-Of-Right under the existing zoning but allowed with Site Plan Approval under proposed (draft) zoning**

- Nurseries and Tree Farms

**Changes in Area and Bulk Schedule:**

There are no changes proposed to the area and bulk schedule for the RD District.

**Changes in Zoning Map:**

The RD district would be reduced approximately 254.07 acres which would be replaced by the R-1 district. Refer to the comparison maps near the end of this section for more information.

**R-1 – Low Density Residential**

**Intent:**

The purpose of the R-1 residential district is to provide areas adjacent to the village with neighborhoods of single-family and two-family dwellings of low to moderate density.

**Changes in Use Schedule:**

Uses **not permitted** under the existing zoning but **Permitted As-Of-Right** under proposed (draft) zoning

Accessory Structure, Residential  
Home Occupations, Minor  
Farm Stands

Uses **not permitted** under the existing zoning but allowed with **Site Plan Approval** under proposed (draft) zoning

Home Occupations, Major

Uses **not permitted** under the existing zoning but allowed with **Special Use Permit** with Site Plan Approval under proposed (draft) zoning

Day Care and Nursery Schools

Uses allowed by **Special Use Permit** with Site Plan Approval under the existing zoning now **not permitted** under proposed (draft) zoning

Dog Parks

Uses allowed by **Special Use Permit** with Site Plan Approval under the existing zoning now allowed with **Site Plan Approval** under proposed (draft) zoning

Public Parks and Playgrounds

**Changes in Area and Bulk Schedule:**

There are no changes proposed for the R-1 District.

**Changes in Zoning Map:**

The R-1 district would be increased approximately 653.73 acres. Refer to the comparison maps near the end of this section for more information.

**R-2 – High density Residential**

**Intent:**

The purpose of this district is to provide areas adjacent to the village for higher density neighborhoods of single-family, two-family and multifamily dwellings.

**Changes in Use Schedule:**

Uses **not permitted** under the existing zoning but **Permitted As-Of-Right** under proposed (draft) zoning

Accessory Structure, Residential  
Home Occupations, Minor

Uses **not permitted** under the existing zoning but allowed with **Site Plan Approval** under proposed (draft) zoning

Home Occupations, Major

Uses **not permitted** under the existing zoning but allowed with **Special Use Permit with Site Plan Approval** under proposed (draft) zoning

Day Care and Nursery Schools

Uses allowed by **Special Use Permit with Site Plan Approval** under the existing zoning now **Permitted As-Of-Right** under proposed (draft) zoning

Dwelling, Multi-family

Uses allowed by **Special Use Permit with Site Plan Approval** under the existing zoning now **not permitted** under proposed (draft) zoning

Dog Parks

Uses allowed by **Special Use Permit with Site Plan Approval** under the existing zoning now allowed with **Site Plan Approval** under proposed (draft) zoning

Public Parks and Playgrounds

**Changes in Area and Bulk Schedule:**

There are no changes proposed for the R-2 District.

**Changes in Zoning Map:**

There are no changes proposed to the zoning map for the R-2 District.

**Conservation Subdivision** (to replace Cluster Developments)**Intent:**

The proposed Conservation Subdivision will replace the Cluster Development as provided for under the existing zoning code and subdivision regulations. The Conservation Subdivision process is intended to incentivize future subdivisions to be creatively designed so that new homes are located in the landscape in a way that protects the rural character of Liberty and its historic, cultural, agricultural and forest resources through the subdivision and development process.

The proposed farm, forest, and outdoor recreation open space incentive option provides landowners and the Planning Board with the ability to appropriately modify the development density of the AC – Agricultural/Conservation Zoning, RD - Rural Development and RH - Resort Hotel Districts. The modified density is in return for permanent common open space protection, and allowing the protection of the rural farm and forest landscape, creation of outdoor recreation amenities, and maintenance of other important natural and cultural resources of the community through the more creative and flexible location of the developed portions of the original parcel.

The conservation subdivision will provide for single-family dwelling units and permitted accessory uses, wherein dwelling units are grouped in sections in order to maximize the amount of common open space and to preserve the natural settings. The proposed conservation subdivisions shall be subject to subdivision review and the Town of Liberty Planning Board shall have the authority to approve or deny plans for conservation subdivisions in AC, RD, or RH. The Planning Board may require plans to be submitted as conservation subdivisions if such approach serves to reduce potential adverse environmental impacts.

**Summary of Changes:**

In general the Conservation Subdivision focuses more on preservation of the portions of the parent parcel that have conservation value, and the design of the development portion is left more flexible to accommodate that. In a Cluster Subdivision, the focus is more on defining the development portion of the parent parcel first and then allowing the remaining portions of the lot to serve as the conservation areas.

The Conservation Subdivision further clarifies (beyond the existing Cluster Subdivision) the objective of this type of regulation by including language that clearly explains the intent behind the requirements and the goals of the conservations subdivision code. Each portion of the code where the technical requirements are stated is further described so as to define the intent behind the technical requirement.

The Conservation Subdivision is further incentivized (beyond the existing Cluster Subdivision) by allowing a more flexible layout and sizing of the lots as determined by the ability of the land to support all expected principal and accessory uses, to meet the goals of the developer, and as appropriate by the Planning Board. This is as opposed to predetermined bulk requirements that may not allow for the most effective design for the proposed development. One of the main incentives is a percentage increase in the total number of lots permitted to compensate for additional lands set aside as permanent common open space.

A more technical difference between the Conservation and Cluster is that multi-family dwellings are no longer permitted in the conservation subdivision. The AC and RH zones do not permit the use of multi-family dwellings and the RH district only allows them by Special Use Permit. So to keep more in line with the permitted uses of the underlying zones the allowance for multifamily dwellings has been removed from the

conservation subdivision. This also follows the intent more closely in the maintenance and preservation of the character and resources of the area as the driving force of these designs.

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**SC Service / Commercial District****Intent:**

The intent of the SC district is to provide areas within the Town for the development of commercial businesses and enterprises that serve the service needs of Liberty residents as well as the traveling public.

**Changes in Use Schedule:****Uses not permitted under the existing zoning but Permitted As-Of-Right under proposed (draft) zoning**

Dwelling, Single-Family Detached

Dwelling, Two-Family

Dwelling, Upper Story

Accessory Structure, Residential

Home Occupations, Minor

Eating and Drinking Places (*involving no more than 2,000 total gross square feet of floor area per use*)

Greenhouses, Commercial

**Uses not permitted under the existing zoning but allowed with Site Plan Approval under proposed (draft) zoning**

Home Occupations, Major

Bed-and-Breakfast

Building Supply Business

Eating and Drinking Places (*involving no more than 7,500 total gross square feet of floor area per use*)

Mixed Use Manufacturing/Retail and Service (*involving no more than 7,500 total gross square feet of floor area per use*)

Nurseries and Tree Farms

Personal Service Shops (*involving more than of 7,500 square feet of floor area per use*)

Recreational Facility, Commercial/Private Indoor (*involving 7,500 total gross square feet of floor area or less per use*)

Research, Design and Development Laboratories

Retail and Service Establishments (*involving no more than of 7,500 gross square feet of floor area per use*)

Wholesale and Warehouse Businesses

**Uses not permitted under the existing zoning but allowed with Special Use Permit with Site Plan Approval under proposed (draft) zoning**

Dwelling, Multi-Family

Mobile Home Parks

Dry Cleaning and Laundry Establishments

Farm and Garden Supplies and Equipment Sales

Funeral Home

Manufacturing (*involving more than 7,500 total gross square feet of floor area per use*)

Mixed Use Manufacturing and Retail and Service (*involving more than 7,500 total gross square feet of floor area per use*)

Mixed Use Wholesale/Retail (*involving no more than 7,500 total gross square feet of floor area per use*)

Public Buildings

Recreational Facility, Commercial/Private Indoor (*involving more than 7,500 gross square feet of floor area*)

Recreational Facility, Commercial/Private Outdoor

Retail and Service Establishments (*involving no more than of 20 ,000 gross square feet of floor area per use*)

Sawmills and Other Wood Product Industries  
 Schools, Private  
 Schools, Public  
 Services, Essential  
 Shooting (Archery) Ranges, Outdoor, Private or Commercial  
 Shooting Ranges, Indoor, Private or Commercial

**Uses allowed by Special Use Permit with Site Plan Approval under the existing zoning now allowed with Site Plan Approval under proposed (draft) zoning**

Convenience Retail Establishment(s) *(involving a maximum of 7,500 total gross square feet of floor area per use)*

Manufacturing *(involving no more than 7,500 total gross square feet of floor area per use)*

Personal Service Shops *(involving no more than of 7,500 square feet of floor area per use)*

Retail and Service Establishments *(involving no more than 2,000 gross square feet of floor area per use)*

**Uses Permitted As-Of-Right under the existing zoning but allowed with Special Use Permit with Site Plan Approval under proposed (draft) zoning**

Business and Professional Offices *(involving a maximum of 7,500 total gross square feet of floor area per use)*

**Uses Permitted As-Of-Right under the existing zoning but allowed with Site Plan Approval under proposed (draft) zoning**

Personal Service Shops *(involving less than of 2,000 square feet of floor area)*

**Changes in Area and Bulk Schedule:**

No changes are proposed for the area and bulk schedule.

**Map Changes:**

The SC district would be reduced approximately 0.94 acres which would be replaced by the R-1 district. See the comparison maps near the end of this section for more information.

**IC - Industrial Commercial District****Intent:**

The IC District is intended to provide areas within the Town for the development of job-producing business and industrial uses where such enterprises can be assured that their activities will not be in conflict with residential uses.

**Changes in Use Schedule:****Uses not permitted under the existing zoning but Permitted As-Of-Right under proposed (draft) zoning**

Dwelling, Single-Family Detached  
 Dwelling, Two-Family  
 Accessory Structure, Residential  
 Home Occupations, Minor

**Uses not permitted under the existing zoning but allowed with Site Plan Approval under proposed (draft) zoning**

Home Occupations, Major  
 Eating and Drinking Places (*involving no more than 2,000 total gross square feet of floor area per use*)  
 Eating and Drinking Places (*involving no more than 7,500 total gross square feet of floor area per use*)  
 Manufacturing (*involving no more than 7,500 total gross square feet of floor area per use*)  
 Personal Service Shops (*involving more than of 7,500 square feet of floor area per use*)  
 Recreational Facility, Commercial/Private Indoor (*involving 7,500 total gross square feet of floor area or less per use*)  
 Retail and Service Establishments (*involving no more than of 2,000 gross square feet of floor area per use*)  
 Retail and Service Establishments (*involving no more than of 7,500 gross square feet of floor area per use*)

**Uses not permitted under the existing zoning but allowed with Special Use Permit with Site Plan Approval under proposed (draft) zoning**

Bed-and-Breakfast  
 Cemeteries  
 Daycare and Nursery Schools  
 Farm and Garden Supplies and Equipment Sales  
 Health Institutions  
 Lodging Facility  
 Mixed Use Wholesale/Retail (*involving more than 7,500 total gross square feet of floor area per use*)  
 Public Buildings  
 Recreational Facility, Commercial/Private Indoor (*involving more than 7,500 gross square feet of floor area*)  
 Recreational Facility, Commercial/Private Outdoor  
 Restaurant, Fast Food  
 Retail and Service Establishments (*involving no more than of 20 ,000 gross square feet of floor area per use*)  
 Sawmills and Other Wood Product Industries  
 Schools, Public  
 Shooting (Archery) Ranges, Outdoor, Private or Commercial  
 Shooting Ranges, Indoor, Private or Commercial  
 Shopping Centers

**Uses allowed by Special Use Permit with Site Plan Approval under the existing zoning now allowed with Site Plan Approval under proposed (draft) zoning**

Convenience Retail Establishment(s) *(involving a maximum of 7,500 total gross square feet of floor area per use)*

Mixed Use Manufacturing/Retail and Service *(involving no more than 7,500 total gross square feet of floor area per use)*

**Uses Permitted As-Of-Right under the existing zoning but allowed with Special Use Permit with Site Plan Approval under proposed (draft) zoning**

Business and Professional Offices *(involving a maximum of 7,500 total gross square feet of floor area per use)*

**Uses Permitted As-Of-Right under the existing zoning but allowed with Site Plan Approval under proposed (draft) zoning**

Research, Design, and Development Laboratories

Wholesale and Warehouse Businesses

**Changes in Area and Bulk Schedule:**

No changes are proposed for the area and bulk schedule.

**Map Changes:**

The IC district would not have a change in acreage.

**DCC Downtown Commercial Core**

**Intent:** The intent of the Downtown Commercial Core district is to provide for the development of a traditional historic hamlet, urban cores and community centers, with both commercial and residential uses within this area.

**Changes in Use Schedule:****Uses not permitted under the existing zoning but Permitted As-Of-Right under proposed (draft) zoning**

Dwelling, Single-Family Detached  
 Dwelling, Two-Family  
 Dwelling, Upper Story  
 Accessory Structure, Residential  
 Home Occupations, Minor

**Uses not permitted under the existing zoning but allowed with Site Plan Approval under proposed (draft) zoning**

Home Occupations, Major  
 Public Parks and Playgrounds

**Uses not permitted under the existing zoning but allowed with Special Use Permit with Site Plan Approval under proposed (draft) zoning**

Daycare and Nursery Schools  
 Dog Parks  
 Recreational Facility, Commercial/Private Indoor (*involving 2,000 total gross square feet of floor area or less per use*)

**Uses allowed by Special Use Permit with Site Plan Approval under the existing zoning now allowed with Site Plan Approval under proposed (draft) zoning**

Eating and Drinking Places (*involving no more than 2,000 total gross square feet of floor area per use*)  
 Retail and Service Establishments (*involving no more than of 2,000 gross square feet of floor area per use*)

**Uses allowed by Special Use Permit with Site Plan Approval under the existing zoning now not permitted under proposed (draft) zoning**

Eating and Drinking Places (*involving no more than 7,500 total gross square feet of floor area per use*)

**Uses Permitted As-Of-Right under the existing zoning but not permitted under proposed (draft) zoning**

Business and Professional Offices involving a maximum of 7,500 total gross square feet of floor area per use  
 Professional Service Shop (*involving no more than 7,500 sq. ft. of floor area per use*)  
 Professional Service Shop (*involving more than 7,500 sq. ft. of floor area per use*)

**Uses Permitted As-Of-Right under the existing zoning but allowed with Special Use Permit with Site Plan Approval under proposed (draft) zoning**

Public Buildings

**Uses Permitted As-Of-Right under the existing zoning but allowed with Site Plan Approval under proposed (draft) zoning**

Personal Service Shops (*involving less than of 2,000 square feet of floor area*)

**Changes in Area and Bulk Schedule:**

| Minimum Lot Dimensions | Existing Dimensions | New Dimensions |
|------------------------|---------------------|----------------|
| Width (feet)           | 50                  | 40             |

**Map Changes:**

The DCC district would not have a change in acreage.

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**RH Resort Hotel District****Intent:**

This district is intended to provide areas within the Town for the normal development and expansion of resort hotel facilities along with related recreational enterprises, which facilities are typically characterized by a variety of building types, activities and densities of a substantially different nature from the surrounding area, including a mixture of recreational, commercial and residential uses.

**Changes in Use Schedule:****Uses not permitted under the existing zoning but Permitted As-Of-Right under proposed (draft) zoning**

Accessory Structure, Residential  
Home Occupations, Minor

**Uses not permitted under the existing zoning but allowed with Site Plan Approval under proposed (draft) zoning**

Home Occupations, Major

**Uses Permitted As-Of-Right under the existing zoning but allowed with Special Use Permit with Site Plan Approval under proposed (draft) zoning**

Boarding or Tourist Home  
Recreational Facility, Commercial/Private Outdoor

**Changes in Area and Bulk Schedule:**

The RH district would not have a change in the Area or Bulk Schedule.

**Map Changes:**

The RH district would not have a change in acreage.

### **Wellhead Protection Overlay Districts**

#### **Intent:**

The purpose of the creation of the two proposed Wellhead Protection Districts is to act as an overlay to other zoning districts shown on the official zoning map. Utilizing criteria from the New York State Department of Health the districts will preserve and protect natural resources in the well corridors and control certain activities or uses which could harm the local water sources.

The regulation will be provided through supplemental site plan review requirements defined in the proposed Wellhead Protection District Overlay chapter.

#### **Summary of Changes**

The proposed creation of the two areas and associated 300' buffers are delineated on the proposed zoning maps and are further defined and clarified in a proposed chapter to be included in the proposed updated zoning code. Any uses permitted in the underlying zoning districts shall be permitted within the Wellhead Protection Overlay District areas, except where the overlay prohibits such uses or activities, or imposes greater restrictions. The overlay shall only apply to those areas of a property which are within the 300' buffer shown on the zoning map, and does not apply to the entire property.

The plans will be evaluated for

- The location of the proposed use or activity in relation to the overlay boundary;
- The size and location of any existing impervious surfaces, and new proposed impervious surfaces, which would collect stormwater runoff. Any impervious surfaces which are outside the boundary of the overlay, but extend into it, shall be included.
- The existing and proposed new, topographic grading contours of the site.

In addition to other site plan review criteria, the Planning Board shall make a determination and recommendations regarding the following:

- The extent to which the proposed site construction or activity may increase the potential for groundwater contamination within the overlay boundaries;
- The adequacy of the proposed site plan design to prevent or mitigate potential groundwater contamination within the overlay boundary.
- Recommended site plan changes to address items of concern, as well as to remind and educate the property owner about the sensitive nature of the area and their responsibility to help protect it for all residents in the Town of Liberty.

*Proposed Map Changes*

In addition to the changes proposed to the zoning uses and bulk requirements, it is also proposed to adjust the boundaries of several of the zoning districts. These changes are generally centered around the White Sulphur Springs hamlet area. The intent of the rezoning of the areas is to provide more of a residential neighborhood character around the hamlet center to encourage and better support business growth and the creation of a hamlet like district and allow for a more neighborhood-scaled residential development in the area served by the water district.

The table below shows the net change in acres for each existing zoning district based on the proposed rezoning and shows the relative percent change for each zone.

**Summary of District Map Changes**

| District                    | Existing Area (acres) | Proposed Area (acres) | Area Change (acres) | Percent Change |
|-----------------------------|-----------------------|-----------------------|---------------------|----------------|
| AC                          | 20,429.46             | 20,030.74             | -398.72             | -1.95%         |
| RD                          | 20,935.87             | 20,681.80             | -254.07             | -1.21%         |
| R-1                         | 5,401.33              | 6,055.05              | 653.72              | 12.10%         |
| R-2                         | 145.87                | 145.87                | 0                   | 0%             |
| SC                          | 1,917.45              | 1,916.51              | -0.94               | -0.05%         |
| IC                          | 1025.8                | 1025.8                | 0                   | 0%             |
| DCC                         | 32.42                 | 32.42                 | 0                   | 0%             |
| RH                          | 118.6                 | 118.6                 | 0                   | 0%             |
| <b>TOTAL ALL DISTRICTS:</b> | <b>50,006.8 acres</b> | <b>50,006.8 acres</b> | <b>653.72 acres</b> | <b>1.31%</b>   |

Overall, the zoning changes proposed would result in modification to 1.3% of the total area of the town.

Zoning maps showing the existing and proposed conditions can be found in the index of this DGEIS.

# SECTION II

## *Impact Issues*

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A. LAND USE AND ZONING

1. EXISTING CONDITIONS

*Land Use*

The proposed update to the comprehensive plan refines the the future vision for the town that was established in the 2008 plan by presenting a future land use map that is intended to guide zoning district formation but is not meant as a parcel-based zoning map. In analyzing the existing land use conditions of the town, a Geographic Information System (GIS) database was utilized along with fieldwork, information gathered from workshops and meetings with Town officials. Under the 2008 Comprehensive Plan, a future zoning map and zoning district provisions were very specifically outlined to the point where it was virtually impossible for the town to amend the zoning code without amending the comprehensive plan. The proposed update to the comprehensive plan makes clear the intent of future zoning consideration but not to the level of detail where the town has little or no flexibility to consider reasonable and appropriate refinements to zoning lot sizes or uses in the future. Overall, the current zoning of the town has three main land use types as illustrated in the table below.

**Existing land Uses Based on Current Zoning**

| Land use Category                  | Area (Acres)  | Percent of Total Land Area |
|------------------------------------|---------------|----------------------------|
| Agricultural and Rural Development | 41,365        | 83%                        |
| Residential                        | 5,547         | 11%                        |
| Commercial / Industrial            | 3,094         | 6%                         |
| <b>TOTAL</b>                       | <b>50,007</b> | <b>100%</b>                |

Source: GIS Data

Agricultural and rural lands compose most of the uses, accounting for 83% of the 50,006 acres that make up the Town of Liberty. These uses encompass the majority of areas of the town not aligned along major transportation corridors. The residential districts makes up 11% of the land area and are primarily located in the vicinity of the vehicle corridors of NYS Route 55, and 52, and surrounding the village with small groupings scattered around the town. The commercial and industrial districts are primarily concentrated along the major local travel corridors of NYS Route 55, and 52, and also along NYS Route 17 in the southernmost area of the Town.

*Zoning Districts*

Currently, the Town of Liberty comprises eight specific zoning districts, as follows:

**Agricultural / Rural Development**

Agricultural / Conservation AC  
 Rural Development RD

**Residential**

Low-Density Residential R-1  
 High-Density Residential R-2

**Commercial / Industrial**

Service Commercial SC  
 Industrial Commercial IC  
 Downtown Commercial Core DCC  
 Resort / Hotel RH

About 82% of the town land is currently within the Rural Development district (at 41.9%) and in the Agricultural/Conservation district at (40.9%). These districts make up the vast majority of the town land and comprise all of the land outside of the main vehicular route corridors with the remaining zones being located along the vehicle corridors.

The residential district R-1 makes up about 11% of the land in the town while the R-2 comprises less than 1% of the land in Liberty. These districts permit higher densities of up to 4 and 6 dwelling units per acre, and are generally clustered in the vicinity of the major travel thoroughfares and radiating out from the village center.

The remaining commercial and industrial districts within the town combined comprise a minority of land in the town and are generally located directly adjacent to the main vehicle corridors. The DCC district is a small 0.1% of the town with RH making up a lightly larger amount at 0.2%. The SC and IC districts make up the remaining 3.8% and 2.1% of the town land.

A summary of the acreages and percentages of each zone is shown in the table below and paints a clear picture of the relative distribution of land within the town amongst the various zoning districts

***Comparison of Zoning Districts***

| District                       | Existing Acres | Percent of Town |
|--------------------------------|----------------|-----------------|
| Agricultural/Conservation (AC) | 20,429.46      | 40.9%           |
| Rural development (RD)         | 20,935.87      | 41.9%           |
| Low Density Residential (R-1)  | 5,401.33       | 10.8%           |
| High Density residential (R-2) | 145.87         | 0.3%            |
| Downtown Commercial Core (DCC) | 32.42          | 0.1%            |
| Service Commercial (SC)        | 1,917.45       | 3.8%            |
| Industrial Commercial (IC)     | 1,025.8        | 2.1%            |
| Resort/Hotel (RH)              | 118.6          | 0.2%            |

Source: GIS Data.

### *Local and Regional Plans*

In addition to the Town of Liberty Comprehensive Plan there are other planning guidance documents that affect portions of the land within Town of Liberty and guide the land use and development in the Town. Therefore, a brief discussion follows on the proposed action in relation to two particular and related elements-- the Sullivan County Agricultural Districts and the Town of Liberty Agricultural and Farmland Protection Plan. The intent behind both is the preservation and promotion of agricultural resources and farming activities.

#### Sullivan County Agricultural Districts

Under New York State's Agricultural Districts Law (ADL), two agricultural districts were formed in Sullivan County that impact the Town of Liberty. The creation of these districts is based on the understanding of the value of agricultural lands and businesses and the increasing obstacles facing farming due to development pressure and financial and regulatory difficulties.

The Sullivan County Agricultural District #1 (SCAD) encompass portions of land in the Town of Liberty. The areas within the SCAD are made up of lands currently used for agricultural uses, or lands that may potentially be used for agriculture. Agricultural districts are not permanent, but are constantly being reevaluated to ensure the district reflects the lands current use, or to incorporate new land, or to remove previously included lands that are no longer viable for agriculture, whether through development or for other reasons

Under the proposed action there are parcels of land to be rezoned from AC and RD to R-1. Some of the parcels fall within the SCAD. While the SCAD does not restrict the development of parcels within the Town, it does provide benefits and protections to parcels utilized and assessed as agricultural.

#### Town of Liberty Agricultural and Farmland Protection Plan

The Town of Liberty Agricultural and Farmland Protection Plan was developed in 2009 and clarified goals of the town to prioritize and support and encourage local farming efforts. In addition to discussing issues specific to agriculture, the plan also touched on other town wide issues such as the rural character, scenic beauty and quality of life in Liberty and the need for farm operations and other land uses to coexist and support one another.

Due to the changes in the proposed action to bulk requirements of the AC district and the rezoning of portions of the AC and RD to the R-1 zoning district, these fall within the influence of the Town of Liberty Agricultural and Farmland Protection Plan.

## 2. POTENTIAL IMPACTS

The intent of this impact analysis is to identify broad thresholds of potential environmental impact based on the general nature of the proposed changes. Minor adjustments to the proposed action—such as those considered as a result of the review process—would not necessarily require a full revision of this analysis. Instead, any changes will be assessed to determine if it would warrant a revision, or if it would still fall under the global thresholds. Minor adjustments to the proposed action can be specifically considered and addressed as part of the findings and determinations in completing the environmental review process.

### *Land Uses*

Under the update to the comprehensive plan are sections describing the vision for the future land use character areas for the Town of Liberty. The overall objective of the future land use plan is advanced mainly through individual land use activities as regulated through the zoning code-- the town's primary land use regulatory tool. The land use character areas described in the comprehensive plan are intended to be more general than specific land uses allowed in the zoning districts. The land use character areas as described in the updates to the comprehensive plan are used to create an overall vision for the town, and from this vision the zoning code modifications follow.

A map of the future land use character areas is provided in the appendix in the updates to the comprehensive plan and when compared to the proposed zoning district map it is clear there is a relationship between the two maps. It needs to be noted that the future character land use map is to illustrate the desired character of the different land use areas of the town and is not necessarily to be followed by the zoning exactly. The zoning map and associated codes are used to guide the development in a way that is compatible with the land use map.

From the land use character areas and the zoning code and map are developed, to better meet the vision of the updates to the comprehensive plan, not only was the zoning map refined, but the zoning code itself was refined through changes made to the permitted uses table, bulk requirements, and the addition and modifications of several sections.

The proposed modifications to the use table for each of the zoning districts are intended to better support the development desired in these districts in addition to establishing review and permitting processes appropriate for the proposed use in each respective district. The changes to the use table are defined under the Proposed Action section of this DGEIS. As demonstrated by data provided in the table there are not significant changes overall. Moreover, the intent of the overall land use category for each of the zones is not changing. The majority of the use changes involve expanding clarifying the regulatory requirements for the allowable uses within the various zoning districts. These proposed uses are not changing the intent of the zoning districts and are not changing the general land use in the areas of the zoning districts. The purpose of these changes is to correct deficiencies in the current zoning code where appropriate uses are either not permitted or are required to go through unnecessarily cumbersome layers of permitting and approval under the current zoning code. The changes to the proposed use schedule helps advance the desired mix of uses intended for each respective zone and brings the zoning code more in line with the goals of the comprehensive plan.

Residential uses are prevalent in the current land use patterns throughout the town, and in the commercials in particular. While the town encourages commercially-oriented uses in these areas, it is also recognized that residential uses, when properly set back from the road and appropriately buffered can

continue to coexist with nonresidential uses. The proposed code amendments provides for enhanced use of site plan review to accomplish this important objective.

The table of permitted uses (and special permit uses, site plan review uses, etc.) is intended to clarify for users of the zoning ordinance the requirements for these type of reviews, further, the content of this table in conjunction with the updates to the list of definitions, clarifies and define the specific uses that are appropriate for each specific zone and general land use category.

The addition of the Wellhead Protection Overlay District, the change to a Conservation Subdivision, and the few revisions to the bulk table requirements should have little effect on the land uses within the town.

The proposed rezoning of portions of the map is being limited to a relatively localized area of the town, but will result in slight adjustments to the overall proportion of land use groups within the town. The table below shows the proportional share of town land that is allotted to each land use based on its zoning criteria (i.e., agricultural and rural, residential, and commercial and industrial) under existing and proposed zoning. The amount of agricultural and rural zoned land, currently 41,365 acres, would decrease along with a very slight decrease in commercial and industrial lands. New low density residentially zoned land totaling ±653 acres would replace it.

The table below shows the net change in acres for the general land uses in the town based on the proposed rezoning and a comparison of the overall makeup of the town based on zoning land use.

**Changes in Land Use Based on Zoning Acreages**

| District Use Group        | Existing Area | Existing % of town land | Proposed Area | Proposed % of town land | % Change | Area Change |
|---------------------------|---------------|-------------------------|---------------|-------------------------|----------|-------------|
| Agricultural and Rural    | 41,365        | 83%                     | 40,713        | 81%                     | -1.58%   | -652        |
| Residential               | 5,547         | 11%                     | 6,201         | 12%                     | +11.79%  | 653         |
| Commercial and Industrial | 3,094         | 6%                      | 3,093         | 6%                      | -0.03%   | -1          |

Source: GIS Data

The preponderance of land in the town is Agricultural and Rural in the existing condition and remains that way in the proposed condition. The proposed impacts to the overall proportion of the zoning based land uses across the town are not significant. The proposed changes will be more noticeable in their immediate areas.

The land use changes potentially resulting from the proposed modifications to the zoning map are primarily localized to the White Sulphur Springs area and are intended to encourage a more traditional hamlet setting and mixed-use neighborhood area. This type of use generally creates more of a traditional town feeling. With the potential increase in the density of residential development, the potential for increased support of local businesses for this mixed use area is anticipated. While there are some changes to the specific land uses in the areas rezoned, the general character of the area is expected to slowly evolve to more of an increasingly settled country hamlet area and it is intended that the proposed changes will improve this area and create a stronger more sustainable hamlet.

*Zoning Districts*

Several changes to the zoning code are included under the proposed action, including changes to the use schedule, changes in bulk table requirements, and rezoning of portions of the town. The proposed modifications to the use table for each of the zones have the potential to impact lots throughout the town. As outlined in the introduction of this DGEIS, uses that were previously permitted in a zoning district may no longer be permitted. Overall, there is not expected to be significant adverse impacts from these changes, and the proposed amendments now require site plan reviews for the most of the major non-residential uses. Further, the proposed use schedule changes clarifies accessory residential uses permitted and includes special permit requirements for major home occupations which will serve to mitigate impacts as part of the review process.

The proposed rezoning of areas has the potential to impact the properties in zoning districts around the White Sulphur Springs hamlet. The properties in this area affected by rezoning may have uses that no longer conform to the proposed zone. In general, the proposed modifications to the bulk requirements should not have any significant impacts as they are less conservative in the R-1 district as opposed to the AC, RD districts. The changes to allowable uses between the existing and proposed zones may affect properties and future development.

The table below shows the net change in acres town wide for each zoning district based on the proposed rezoning that is occurring in the area of White Sulphur Springs.

**Changes in Zoning District Acreages**

| District                       | Existing Area   | Proposed Area   | Area Change   | % Change     |
|--------------------------------|-----------------|-----------------|---------------|--------------|
| Agricultural/Conservation (AC) | 20,429.46       | 20,030.74       | -398.72       | -2.0%        |
| Rural development (RD)         | 20,935.87       | 20,681.8        | -254.07       | -1.2%        |
| Low Density Residential (R-1)  | 5,401.33        | 6,055.05        | 653.72        | 12.1%        |
| High Density residential (R-2) | 145.87          | 145.87          | 0             | 0%           |
| Downtown Commercial Core (DCC) | 32.42           | 32.42           | 0             | 0%           |
| Service Commercial (SC)        | 1,917.45        | 1,916.51        | -0.94         | -0.05%       |
| Industrial Commercial (IC)     | 1,025.8         | 1,025.8         | 0             | 0%           |
| Resort/Hotel (RH)              | 118.6           | 118.6           | 0             | 0%           |
| <b>TOTAL ALL DISTRICTS:</b>    | <b>50,006.8</b> | <b>50,006.8</b> | <b>653.72</b> | <b>1.31%</b> |

Source: GIS Data

The zoning district area changes are limited to White Sulphur Springs and are intended to guide the growth of residential properties and businesses to suitable areas of the hamlet to foster long term success of the area.

The addition of the Wellhead Protection Overlay District to the zoning code creates the potential for existing uses currently in place no longer being permitted within the new overlay, and future uses that are permitted within the underlying zoning district being restricted by the proposed overlay. No significant adverse impacts to future land uses are expected as there will remain several land use options available for landowners. The critical importance and public benefit of maintaining the quality of public water supplies needs to take precedence of the potential adverse impacts associated with the prospective loss of a future land use option for affected properties.

The change to a Conservation Subdivision should create no adverse impacts as it is a tool that is used in specific individual cases and is applied directly to a subdivision when circumstances dictate. The Conservation Subdivision is not applied as a general requirement to all parcels in the districts where this would be a permitted approach to land development and therefore does not affect the status of previously developed parcels or necessarily affect the future development of any parcels. Further, should site-specific development projects warrant use of this tool, the impact is expected to be beneficial to the environment overall.

#### *Local and Regional Plans*

The proposed action helps advance some of the goals of the Sullivan County Agriculture and Farmland Protection Plan and the Town of Liberty Agricultural and Farmland Protection plan. In particular, as the town grows, the potential for enhanced support of agri-tourism and local farms can take place. In the White Sulphur Springs area, should the hamlet grow, that population base could also serve as a potential growing customer base for local food and farm goods and services producers.

The main change in the proposed action that may have an effect on agriculture in the town is the proposed rezoning of lots from the AC and RD districts to the R-1 district. The AC and RD districts allow for agriculture and associated uses, whereas the R-1 district does not permit most agricultural type activities. In this case there are potential impacts, but in general, the Sullivan County Agricultural District #1 and properties in that district/benefitting from an agricultural assessment are not dependent on the underlying zone as the eligibility for those benefits is based on the actual activity and resources of the used area and not the zoning requirements or parcel.

Another aspect of the proposed action that may appear to run counter to the agriculture programs but actually does not is the reduction in the minimum lot area bulk requirement for the AC district from 10 acres to 5 acres. Reducing the 10 acre minimum in the AC zone to 5 acres allows for land to be subdivided for uses such as single family homes without having needlessly large parcels for that type of use, therefore consuming less land, and allowing for greater preservation of agricultural and conservation areas. The minimum lot size established under zoning does not affect the ability for agricultural assessment for the land in that owners concerned about having a certain parcel size for agriculture can seek parcels of that size and similar for owners of farmland thinking about subdividing land for a future agricultural use. The proposed lot size change in the A-C District does not affect the use of the land for agricultural purposes as supported by the Town of Liberty Agricultural and Farmland Protection plan.

Under the NYS Ag. And Markets law, there are certain gross sales and/or acreage requirements for land to be assessed at (lower) agriculture values (versus higher development value). One set of the requirements involves property meeting a certain sales amount and the amount of land used as agriculture being at least 7 acres. There is also another provision for areas of land less than 7 acres that requires higher amount of gross farm sales. Further, the amount of assessed agricultural land can be combined from portions on several different parcels or it may be a smaller piece of one large parcel. The acreage requirements for the benefits of agricultural assessment are not tied to the lot size requirements of the zoning.

The Wellhead Protection Overlay District involves several parcels that are located in zones where agricultural uses are permitted. This district overlay has specific restrictions on certain uses, and there is one agriculture related use that is restricted in the overlay. Concentrated animal feeding operation (CAFO) or intensive use poultry and swine operations are not permitted within the overlay. The benefits of

increased protection outweigh the potential adverse impact, if any, to operations or uses that would not be permitted in the overlay district.

### **3. PROPOSED MITIGATION**

#### *Land Uses*

The proposed future character land use recommendations of the updates to the comprehensive plan and the consequent rezoning of portions of the map will result in slight adjustments to the overall proportion of zoning based land use groups within the town and will have no significant town wide impacts and therefore no mitigation is necessary. The overall proportions of the town are changed, but any impacts resulting from these changes are limited to the effects on land uses in the immediate area of the rezoning.

The land use changes resulting from the creation of the future land use plan in the update to the comprehensive plan and resulting rezoning are localized to the White Sulphur Springs area and are intended to allow for a more traditional hamlet area and mixed-use neighborhood cluster. Any impacts to the character land use of the area are expected to occur incrementally over an extended period of time where the development and change of parcels slowly change character based on the zoning land use requirements to align with the proposed character land use without causing any excessive hardship on any existing uses. In addition to the expected incremental natural evolution of the area character land uses mitigating the change in the area, the specific zoning based land uses are mitigated through the “grandfathering” of existing uses. These impacts are not considered significant and no further mitigation is required.

#### *Zoning Districts*

The proposed rezoning of lots from AC and RD to R-1 would potentially restrict uses that were previously allowed on parcels and that are presently occurring. The main land use difference between these zones is that R-1 does not permit most agricultural uses. This limitation that would potentially be imposed on lots currently being utilized for agriculture is mitigated through language in the zoning code that “grandfathers” the existing use if it is not permitted within the new zone.

The proposed rezoning of lots from SC to R-1 would potentially restrict uses that were previously allowed on parcels and that are presently occurring. This limitation that would potentially be imposed on lots currently conforming is mitigated through language in the zoning code that “grandfathers” the existing use if it is not permitted within the new zone. It should be noted that only one lot would be affected by the proposed rezoning from SC to R-1 and it is currently used as a cemetery which is a permitted use under the R-1 zone.

If the proposed action is accepted, any nonconforming uses and or conflicts with bulk requirements created by the changes to the zoning code ,whether they be AC,RD, SC, or R-1, will not be required to cease or be modified as they will be considered pre-existing conforming uses and will be “grandfathered” and permitted to continue.

If the proposed action is accepted, any nonconforming uses created by the Wellhead Overlay district will not be required to cease as they will be considered pre-existing nonconforming uses and will be “grandfathered” and permitted to continue.

None of the above impacts are considered significant and no further mitigation is proposed.

#### *Local and Regional Plans*

The county and town farmland protection plans are documents with goals to preserve and promote agriculture and agricultural uses. Ultimately these plans support agriculture as an important part of the local land use mix and to provide an area for people to live and work in an area where farming and the vitality of farming life is available and appreciated. With this consideration, the proposed action similarly is ultimately intended to make the town a viable and vibrant community, and while some proposed changes may hinder specific areas, overall the changes are made for the future growth and success of all areas of the town, and with that success, so too can agricultural uses flourish. To mitigate for the possible impacts to the existing uses, if the proposed action is accepted, no existing conforming uses will be required to cease. These existing conforming uses will be “grandfathered” and allowed to continue.

No mitigation is required for the part of the action reducing the 10 acre minimum in the AC zone to 5 acres as previously discussed under potential impacts there are no conflicts with these farmland plans, and ultimately the amount of land consumed for uses such as single family residential will be lessened, allowing conservation of the agricultural nature of the area.

One issue that will not be mitigated is the future restriction of concentrated animal feeding operations and intensive use poultry and swine operations within the limits of the Wellhead Protection Overlay Districts regardless if it is a permitted use in the underlying zone. Currently these uses do not exist within the limits of the districts, so no hardship is placed on any existing parcel. In addition, future prohibition of these uses is considered a matter of protecting the drinking water supply and the restriction is made in the interests of protecting the public health and safety.

**B. DEMOGRAPHICS and DEVELOPMENT**

**1. EXISTING CONDITIONS**

*Population*

A brief description of the population and growth in the Town of Liberty is summarized below. More detailed information can be found in the updates to the Comprehensive Plan located in the appendix.

***Changes in Population***

| <b>Population Data</b>     | <b>1990</b> | <b>2000</b> | <b>2010</b> |
|----------------------------|-------------|-------------|-------------|
| Population                 | 5,697       | 5,657       | 5,493       |
| Change from previous count |             | -40         | -164        |

*Source: U.S. Census Bureau*

As evidenced by the numbers, the population has shown a  $\pm 3.6\%$  decline from 1990 to 2010. This population loss contrasts with the trend of Sullivan County which has shown a 12% increase in population over the same time period. Even with the increase in population in Sullivan County, the general trend experienced in the majority of the areas in the Hudson Valley is an overall decline in population similar to what is occurring in Liberty.

*Development*

The town has a variety of housing options and zoning densities which range from the very rural, large wooded lot and farm areas of the AC and RD districts to the more residential oriented denser R-1 and R-2 zones. The town also provides for an array of commercial and industrial permitted uses in the town. Due to the nature of the proposed action the focus will be placed on the residential uses.

Currently the zoning of the town is about 94% agriculture, rural and residential. These zones contain the vast majority of housing within the town, and are the areas showing the largest increase in development (residential) based on building permit data.

Following is a table showing the number of building permits issued for new construction only for the various uses from 1990-2015.

**Building Permits Issued for New Construction**

| Year                  | Residential Permits | Commercial and Industrial Permits | Total      |
|-----------------------|---------------------|-----------------------------------|------------|
| 1990                  | 5                   | 1                                 | 6          |
| 1991                  | 60                  | 11                                | 71         |
| 1992                  | 55                  | 6                                 | 61         |
| 1993                  | 32                  | 3                                 | 35         |
| 1994                  | 25                  | 6                                 | 31         |
| 1995                  | 29                  | 5                                 | 34         |
| 1996                  | 36                  | 12                                | 48         |
| 1997                  | 34                  | 5                                 | 39         |
| 1998                  | 42                  | 0                                 | 42         |
| 1999                  | 41                  | 0                                 | 41         |
| 2000                  | 39                  | 13                                | 52         |
| 2001                  | 20                  | 0                                 | 20         |
| 2002                  | 38                  | 2                                 | 40         |
| 2003                  | 3                   | 0                                 | 3          |
| 2004                  |                     | 0                                 | 0          |
| 2005                  | 48                  | 12                                | 60         |
| 2006                  | 28                  | 6                                 | 34         |
| 2007                  | 63                  | 7                                 | 70         |
| 2008                  | 37                  | 4                                 | 41         |
| 2009                  | 38                  | 6                                 | 44         |
| 2010                  | 12                  | 2                                 | 14         |
| 2011                  | 9                   | 1                                 | 10         |
| 2012                  | 20                  | 2                                 | 22         |
| 2013                  | 21                  | 1                                 | 22         |
| 2014                  | 73                  | 0                                 | 73         |
| 2015                  | 39                  | 2                                 | 41         |
| <b>Yearly Average</b> | <b>34</b>           | <b>4</b>                          | <b>37</b>  |
| <b>Median</b>         | <b>36</b>           | <b>3</b>                          | <b>40</b>  |
| <b>Total</b>          | <b>847</b>          | <b>107</b>                        | <b>954</b> |

Source: Town of Liberty Building Department

Based on the available building permit data, new construction has grown incrementally since 1990 with residential construction making up about 89% of all new development in the town and averaging about 34 new units per year.

## 2. POTENTIAL IMPACTS

### *Population*

The loss/stagnation of population growth is a concern of the town. The current demographic trends are not anticipated to be affected by the proposed action as the changes to the development guidelines as outlined in the proposed action is not expected to create significant population growth, but it is intended that the proposed action will help to support any growth that occurs and better guide that growth. As these new regulations come under use, and if national and regional economic conditions improve, the town is expected to capture its share of this modest growth which is considered beneficial.

### *Development*

Due to the nature of the proposed rezoning and its results being focused on change with respect to residential zones the potential impacts of the proposed action must be evaluated on potential for development of residential areas in the town. The town has a variety of housing options and zoning densities which range from the very rural, large wooded lot and farm areas of the AC and RD districts to the more residential oriented denser R-1 and R-2 zones. The proposed action modifies the proportions of these zones based on the future land use plan goals and the resulting zoning modifications. Based on the current residential new construction growth rate of 34 units per year an analysis was performed to determine the effects on potential units being built under the existing zoning and development guidelines for the 25 year period to 2041. It was assumed that the growth rate would remain relatively constant over this period and reflect the past trends. Further, the allocation of that development would be proportionate to the amount units of development capacity available in each zoning district.

The build-out analysis removed from consideration for development environmental constraints including a 50' buffer around streams, areas within the 100-year floodplain, areas of lakes and ponds and slopes 25% or greater. Further, the total area available for development was reduced as allowance for infrastructure (roads, utilities, and inefficiencies in lot layout (15% reduction in AC and RD districts, 25% reduction in R1 and R2 districts). Based on this analysis at the end of the 25 year analysis period, the town would be at 37% of the town wide residential buildout capacity under the current zoning.

The baseline analysis above was used to compare to the potential impacts of the proposed action. This analysis uses the same parameters except that the proposed zoning was used. Under this analysis, the distribution of growth is altered slightly due to the proposed zoning changes and the effective overall capacity is increased from the rezoning to R-1 in areas and the minimum lot area reduction from 10 acres to 5 acres. Based on those parameters, at the end of the 25 year analysis period using the modifications to the zoning code, the town would be at 31% of its residential buildout capacity.

For all practical purposes, the remaining residential capacity of the town slightly increases under the new zoning due to the minimum lot size reduction in the proposed condition and the rezoning of areas to R-1. What the proposed zoning does is increase the available amount of potential residential units and slightly reallocate the available potential building unit capacity of the various zoning districts affected by the proposed action.

To further study the effects of the zone changes, the analyses were repeated except that the growth was approximately doubled to a rate of 70 units per year. Even at this accelerated pace of twice the existing growth rate, sufficient residential capacity exists for further development. Under this proposed zoning scenario, the town would be at 40% of its full residential buildout capacity.

The end result of these analyses reinforces the ideas behind the proposed action. The growth and development is driven by many factors, and part of the goal is to guide the changes without negatively affecting the overall town model. The overall town setting is maintained but the rezoning provides additional options for the location of the development potential, and as such it is expected there will be no adverse impacts.

Currently the zoning of the town is about 94% agriculture, rural and residential. These zones contain the vast majority of housing within the town, and are the areas showing the largest increase in development (residential) based on building permit data.

The proposed action will not directly result in any building activity. Moreover, the proposed zoning amendments are not anticipated to substantively impact demographics or town population levels. The current trends are expected to remain. The proposed action minimizes consumption of valuable agricultural land with the reduced lot areas. The additional capacity of more dense residential development will also help maintain housing affordability and choice within the town. This is in keeping with the goals of the updates to the Comprehensive Plan

Therefore, the proposed action is not expected to have a significant adverse environmental impact with respect to demographics or development.

### **3. PROPOSED MITIGATION**

The proposed action is not expected to directly result in any significant adverse impact or increase in building activity or town population. Therefore, no mitigation is proposed.

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**C. COMMUNITY FACILITIES**

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**1. EXISTING CONDITIONS***Public Facilities*

The Town of Liberty is home to a number of parks and other facilities which serve residents, tourists, and outlying areas. These resources for active and passive recreation include the Liberty Public Library, the Liberty Rail Trail, Grossingers Country Club, and the Liberty Main Street Stage which is a focal point of many local events Walnut Mountain Park, Francis A. Hanofee Park, and Swan lake Park. These provide sources of local recreation in addition to close access to the Catskill Forest Preserve and all of its available resources.

There are also many youth leagues such as the Liberty Youth Football Program, Liberty Little League and other groups and teams. Local churches, neighborhood associations and fraternal organizations or clubs provide additional opportunities.

*School Districts*

The Liberty Central School District consists of three different schools which enroll approximately 1,625 students from five surrounding townships, and the village and town of Liberty. Those towns include: Rockland, Fallsburg, Neversink, Thompson, and Bethel. The district is made up of three schools, Liberty Elementary, Liberty Middle School and Liberty High School. The district offers courses of study for students in pre-kindergarten through 12th grade, and has two campuses.

Other educational institutions located within Liberty are the Sullivan County Cornell Cooperative Extension, and Sullivan County BOCES.

*Fire Districts*

The Liberty Joint Fire District is one department composed of three volunteer fire companies; J.C. Young Company #1, Hose and Truck Company #2, and the Ontario Hose Company #3. These companies make up the department which consists of 165 volunteers and maintains 7 pieces of apparatus in a shared station in the Village of Liberty.

*Police Department*

The Town of Liberty is served by the NY State Police and Village of Liberty Police

*Ambulance & Rescue*

Mobilemedic EMS provides the Town, Sullivan County and surrounding areas with basic and advanced life support services, and classes in first aid and CPR among others. The operation maintains its headquarters in Hurleyville, NY with other operations facilities and substations in various locations including one in Liberty.

*Municipal Water*

Municipal water service is available in certain areas of the town of Liberty, mainly along the Route 52, 55 and 17 corridors, and in the vicinities of the hamlets of White Sulphur Springs, Ferndale and Swan Lake. These service areas generally align with areas which are generally higher developed.

Local municipal water services are provided by seven separate districts; Loomis, Ferndale, Stevensville, White Sulphur Springs, Indian Lake, Cold Spring Road, and Route 55. Many of the town's water districts are inter-connected

*Municipal Sewer*

Municipal sewer service is available in certain areas of the town of Liberty, mainly along the Route 52, 55 and 17 corridors, and in relation to areas of higher density such as the hamlet of Swan Lake and campus type facilities such as Grossingers Country Club and the Sullivan County Service buildings on Community Lane

Local municipal sewer services are provided by four separate districts, with the effluent treated at the two waste-water/sewer plants located within the town. The waste-water/sewer plants are operated and maintained in the hamlets of Loomis and Swan Lake.

**2. POTENTIAL IMPACTS**

Impacts to community facilities are tied closely to the population that uses them. The proposed action is not expected to create significant population growth or directly result in a significant increase in any new building activity. It is anticipated that the proposed action will help to support the growth and better guide the growth for increased benefit beneficially.

Any development proposals brought under the new development guidelines which would potentially increase the demand on any service or community facility must obtain must perform a site specific environmental analysis and obtain approvals through the town permitting process. It is through this approval process which exists now, and will remain in place, that the community resources are considered and verified if they have the capacity to handle the additional development.

Therefore, no adverse impacts are anticipated to community facilities with respect to the proposed zoning amendments.

**3. PROPOSED MITIGATION**

The proposed action is not expected to directly result in any significant adverse impact on the town's community facilities. Therefore, no mitigation is proposed.

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**D. COMMUNITY CHARACTER**

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**1. EXISTING CONDITIONS**

There is several character areas that exist within the town which are further detailed in the comprehensive plan and updates. These areas represent general land and development concepts with similar natural, cultural, or development features and together create the character and setting for the town and community.

**2. POTENTIAL IMPACTS**

A significant aspect of the update to the comprehensive plan is the defining of future general land use areas. These general land use/character areas are the building blocks that are used to shape the overall community character of the Town of Liberty.

The land use character areas that have been outlined in the comprehensive plan are:

- Rural and Agricultural Conservation
- Rural and Residential
- Neighborhood Residential
- Core Residential
- Commercial
- Resort Hotel
- Downtown / Hamlet Commercial
- Industrial Commercial

It is the summation and the interaction of these land use areas that create a community character.

The defined character areas to be used when outlining future land use patterns. The updates to the comprehensive plan further define the vision for the town character and its various areas. The proposed action will help conserve the existing character and grow the desired traits expressed by residents through the comprehensive planning process, and to improve areas which have been in need of change. The proposed zoning is the tool through which the development is funneled to achieve the goals outlined in the comprehensive plan.

The proposed zoning changes are intended to better align the zoning code with the updated comprehensive plan to help the town achieve its long term goals for the character of the town as a whole and for the individual areas.

**3. PROPOSED MITIGATION**

Overall, the proposed action is expected to benefit the community character and to not have an adverse impact by guiding development and reinforcing the vision for the various character areas of the community, and the town as a whole. Therefore, no mitigation is proposed.

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**E. NATURAL SETTING**

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**1. EXISTING CONDITIONS**

Liberty has many natural resources and characteristics that must be preserved and therefore considered in development of the town.

The many natural resources of Liberty include but are not limited to streams and streambanks along with the top of the slope and associated bordering trees and vegetation that help maintain water quality and provide for fish and other wildlife habitat. Streams can serve as viable spawning areas and also provide supporting habitat for birds including bald eagle habitat and other important species. Wetlands provide many benefits including flood prevention, treatment of stormwater by removing pollutants and in filtering out sediments, and they are an important resource critical to the survival of many fish and wildlife species. Water resources such as rivers, streams, ponds, lakes and reservoirs, are important for quality of life and provide recreation, drinking water, and natural habitats.

Forest communities including hemlock ravines and high elevation spruce-fir stands mixed within a mosaic of northern hardwood forest types are prevalent in the Catskills. These forests serve as the habitat that support species diversity including rare interior nesting birds like Bicknell's thrush. Many of the den sites for timber rattlesnake, a threatened species in New York State, are on unprotected land in the Catskills.

Rare plant species like Northern monkshood and Jacob's-ladder can still be found in the undisturbed forests of the Catskills and the cool talus slopes of the higher elevation offer a niche habitats that can support rare and endangered plants.

**2. POTENTIAL IMPACTS**

These resources are a priority of the town and several aspects of the proposed action work toward protecting and enhancing them. The proposed land use recommendations of the update to the comprehensive plan and the associated development code revisions should have no significant adverse impact on the natural resources of the town as much of the proposed action is with these features in mind.

The change to the AC zoning district minimum lot area from 10 acres to 5 acres is intended to allow for residential development that consumes less land and allows for greater opportunities for agricultural and forest land conservation for conventional subdivisions. Ideally the use of the Conservation Subdivision will be promoted to further protect the natural resources of the area while also allowing for suitable development.

The addition of the Conservation Subdivision strongly backs the idea of preserving and enhancing the town's natural resources. Though the use of the Conservation Subdivision, when development occurs, one of the primary focuses in the directing of development is how to best preserve conserve areas and highlight their significance.

The surface and subsurface area surrounding water wells or well fields supplying a public water supply system need to be protected to prevent groundwater contamination from land use activities. The creation of the Wellhead Protection Overlay District works to limit detrimental impacts and protect public water supply wells.

The proposed action will not directly result in any construction activity or land disturbance. As such, no significant adverse impacts are anticipated as a result of this action. With the addition of the aforementioned aspects of the proposed action, it is expected to be a positive impact on the town's natural resources. Any site-specific development proposal will still be required to follow proper environmental review procedures to ensure these resources are adequately considered and appropriate steps taken for their protection.

### **3. PROPOSED MITIGATION**

The proposed action is not expected to directly result in any significant adverse impact on the town's local topography and soil. Therefore, no mitigation is proposed.

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**F. FISCAL IMPACTS**

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**1. EXISTING CONDITIONS**

The Town of Liberty currently collects tax revenue from a varied tax base that includes residential, commercial, industrial, and agricultural parcels which allows the town to meet its base needs.

**2. POTENTIAL IMPACTS**

In the development of the update to the comprehensive plan and resulting development codes the town considered the economics of the community, and in particular, the costs of providing community services. The town recognizes that maintaining and improving the town's assessment base is important in keeping taxes down. Local government can adopt policies like those in the comprehensive plan and zoning amendments and these land use tools can help can set the stage for an enhanced tax base through the development process. But, because of a multitude of factors that drive the economy, and based on the expected pace of development in the region these policies will have limited impacts on the local economy other than to plan for and encourage the growth that is a factor of the overall fiscal portrait of the town.

Related to the cost of services, these amendments are not expected to cause a significant adverse impact the Town of Liberty's fiscal situation. A moderate increase in residentially zoned land as well as the potential for higher density residential development in the area of White Sulphur Springs will support the growth that could bring additional tax revenue to the town. Overall, there is a slight decrease in the amount of agricultural and ruraly zoned land and an increase in the amount of residentially zoned land. While the proposed action is not anticipated to increase the rate of growth significantly, it is intended to encourage the growth in selected areas where it is deemed most advantageous.

Since the proposed adoption of the amendments would not directly result in building activity, no significant adverse environmental impacts are anticipated. In fact, the long-term effects of the Proposed Action on the town's fiscal health are expected to support economic health, as community character is preserved and the long-term value of the community is increased.

**3. PROPOSED MITIGATION**

The proposed action is not expected to directly result in any significant adverse impact on the town's fiscal health. Therefore, no mitigation is proposed.

**G. TRANSPORTATION**

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**1. EXISTING CONDITIONS**

The town is well-located with its proximity to the Catskill Mountains and the Hudson Valley. The majority of the local transportation infrastructure is maintained and owned by the Town of Liberty. Sullivan County has several routes within Liberty, but the main transportation corridors for Liberty are New York State Routes 52, 55, and 17. The intersection of these significant routes is located at the center of Liberty. This network of town, county, and state roads offers convenient and efficient access to the town and surrounding areas.

**2. POTENTIAL IMPACTS**

The proposed action is not expected to directly result in any significant adverse impact on the town's transportation resources. If additional trips are generated they will be as a result of specific development proposals. The proposed action will not directly result in any new construction, but for any new development proposal, the individual project would be required to undergo a site-specific environmental analysis that would be able to more accurately determine impacts to transportation resources and any required mitigation.

**3. PROPOSED MITIGATION**

The proposed action is not expected to directly result in any significant adverse impact on the town's transportation resources. Therefore, no mitigation is proposed.

## **SECTION III**

### *Alternatives*

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**A. INTRODUCTION**

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SEQR requires that alternatives be examined as part of the environmental review process. These include the "No Action" alternative and "Modified Rezoning" alternatives.

Under the "No Action" alternative, the modified Comprehensive Plan and the proposed rezoned areas would continue to be zoned as they presently are. Under the "Modified Rezoning" alternative, the town could determine to enact some but not all of the proposed zoning amendments.

**B. NO-ACTION: DEVELOPMENT UNDER EXISTING ZONING**

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Under this alternative, the town would not proceed with the adoption of the modifications to the Comprehensive Plan, the proposed zoning amendments, or the subdivision regulation amendments, and development would continue under the existing standards.

The proposed action includes many important changes to the development guidelines of the town. The goal of these documents is to advance vision of the comprehensive plan. The no-action alternative would not implement any changes to the town, and it would not allow for the vision of the comprehensive plan to be achieved as effectively as if the changes were implemented.

**C. MODIFIED REZONING**

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While the proposed action is comprehensive in nature, the scale and scope of the individual proposed amendments to the town development guidelines does not preclude the option of excluding or modifying certain aspects of the amendments or action. However, the proposed amendments are the product of a significant analysis and are designed to fully implement the vision and goals set forth in the Comprehensive Plan. Moreover, together, the various components of the proposed amendments mutually support one another and are intended to allow all the changes to work toward a common goal.

For this DGEIS, additional alternatives, other than the "No-Action" alternative, are studied. Under the Impact Analysis of the DGEIS, several potential adverse impacts were discussed that would be the result of the proposed action.

Under the modified rezoning, various alternatives are discussed so as to compare the effects of the alternatives on the aspects of the related significant impacts. Below is a summary of the potential adverse impacts where the proposed mitigation previously discussed under the Impact Analysis may not completely satisfy all facets of the impact. Where the possibility exists that all facets are not satisfactorily addressed and alternatives to the proposed action are feasible, they will be explored.

Effects discussed in the Impact Analysis section of this DGEIS that warrant additional discussion

- Rezoning of parcels may make existing uses nonconforming.
- Rezoning of parcels in Sullivan County Agriculture District #1 are being rezoned to a district that is not conducive to farming.

When the more significant potential adverse impacts are considered, it becomes apparent the driving aspect of the proposed action behind these impacts is the rezoning in the area of White Sulphur Springs from AC and RD to R-1. As previously discussed, the intent of this change is to create a more hamlet like area and allow for long term success and strength with the guided development as designed in the proposed action.

In order to further mitigate (beyond what is already discussed in the Proposed Impacts section of this DGEIS) two alternatives will be explored and the adverse impacts of each will be discussed and compared with the proposed action

#### Alternative A

Instead of rezoning of the parcels in the AC and RD districts to R-1 as described in the proposed action, limit the rezoning only to lots that are not part of the agricultural district. This alternative eliminates any potential conflicts with limiting agriculture use on properties in the agricultural district but would greatly reduce the amount of rezoned R-1 land. The potential for low-density residential development would be limited due to the reduced available R-1 zoned land and this in turn reduces the opportunity needed to develop and grow a viable mixed-use hamlet

#### Alternative B

Maintain the rezoning of the parcels in the AC and RD districts to R-1 as described in the proposed action, but also allow for the creation of an overlay district. The general allowances of the overlay district would permit that any parcels within the limits of the Sullivan County Agricultural District, or can otherwise be shown to have significant agricultural value including meeting the requirements for an agricultural assessment, will be able to exercise the same agricultural uses and follow the same bulk requirements as permitted in the RD district. This will allow for the continuance and growth of existing and future agricultural uses and will also allow for permitted residential development at the density of the R-1 district, but

The proposed action allows for the greatest opportunity for the rezoned R-1 parcels to develop as outlined in the comprehensive plan and to help create and sustain the long term plan envisioned for the hamlet center in White Sulphur Spring by providing more opportunity for the establishment of local small businesses with support from residential development. The proposed action also allows for a more balanced long-term growth, and precludes growth which is not generally needed and does not advance the vision of the update to the comprehensive plan. By their nature of potentially limiting R-1 density residential development around the hamlet center, each of the alternatives compromises the vision for this area, but the alternatives allow for concessions to be made that address short term impacts.

While it is believed that greater long-term benefits would accrue under the Proposed Action (i.e., adopting all proposed amendments to the comprehensive plan, zoning code, and subdivision regulations as outlined in the proposed action), implementation of either of the "Modified Rezoning" alternatives would result in more benefits than would be possible under the "No Action" alternative.

The alternatives would provide more opportunity in line with the goals of the proposed action than the no action but not the amount of benefit as described in the proposed action. As such, the no-action and modified rezoning alternatives were not pursued.

## **SECTION IV**

### *Other Issues*

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**A. UNAVOIDABLE ADVERSE IMPACTS**

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Being legislative actions, the Proposed Action will not result in any direct unavoidable adverse environmental impacts.

The anticipated future development of lands under the proposed rezoning will likely result in the unavoidable adverse impacts typical of all development, such as demand for community services; increased solid waste generation; increased water use and sewage generation; increased usage of electricity and energy resources; and increased traffic. However, it is not anticipated that such demands will exceed the town's capacity to meet them, especially as the proposed action is not expected to create a sudden increase in new development.

It is also noted that any proposed development of land affected by the proposed action discussed in this DGEIS will be subject to its own environmental review under SEQR when such development is proposed. Through that process, the potential impacts would be reviewed and mitigated to the maximum extent practicable. The DGEIS is not intended to serve as a substitute for a site or design-specific environmental review which will still be required on a case-by-case basis at the time that an application for development approval is submitted.

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**B. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES**

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Typical irreversible and irretrievable commitments of resources associated with development include the commitment of land resources; manpower for the construction of structures; building materials such as wood, concrete and stone; energy resources such as gasoline, diesel fuel, and electricity; and water for domestic use and irrigation. These resources would be used whether the properties were rezoned or not.

The proposed adoption of the zoning amendments, in and of itself, would not entail any irreversible and irretrievable commitment of resources. In addition it is expected with the proposed zone changes incentivizing more efficient and compact development, that commitment of resources may be reduced over the current zoning and development guidelines.

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**C. GROWTH INDUCING IMPACTS**

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The Proposed Action involving the changes to the zoning code and other development guidelines is not expected to result in a significantly higher level of growth than that which could be expected under existing zoning. It is anticipated that the growth experienced will be better guided and more strategically fostered with the revised documents.

**D. EFFECTS ON THE USE AND CONSERVATION OF ENERGY**

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The energy resources that will potentially be affected by the rezoning of the project are electricity, gas and oil. The use and conservation of these energy resources are not anticipated to be affected by the Proposed Action.

**E. EFFECTS ON SOLID WASTE MANAGEMENT**

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The Proposed Action involving the changes to the zoning code and other development guidelines is not expected to result in any significant increase of solid waste production than that which could be expected under existing zoning.

**F. IMPACTS OF PUBLIC ACQUISITIONS OF LAND**

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The Proposed Action involving the changes to the zoning code and other development guidelines has no purposes toward (as per 6 CRR-NY 617.9) "...public acquisitions of land or interests in land or funding for non-farm development on lands used in agricultural production and unique and irreplaceable agricultural lands within agricultural districts pursuant to subdivision (4) of section 305 of article 25-AA of the Agriculture and Markets Law."

**G. ISSUES OF CONTROVERSY**

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There is a potential of some of the existing land uses no longer be permitted in their current zoning district or requiring a different level of approval. A use on a lot may have been allowed by right previously, but now requires a special permit or a lot may effectively become non-conforming due to its use under the proposed zoning changes. However, language is included within the zoning which would grandfather these uses due to their "pre-existing conforming" status, permitting them to continue operations, and rebuild in the event of loss. While this action would prevent new instances of the same use from locating in that district, specific uses which would become non-conforming have been allocated alternative areas for development in keeping with the goals of the Comprehensive Plan. It is intended that these pre-existing uses will eventually phase out and move to more appropriately zoned areas and be replaced over time with conforming uses, while not unduly forcing this change. Such transitions are deemed in the best interest of the overall Town development over the long term.