

**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**

December 2016

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Date of DGEIS Acceptance: _____

Start of DGEIS Public Comment Period: _____

Public Hearing: _____

Close of DGEIS Public Comment Period: _____

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CIRCULATION LIST

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 Division of Planning & Environmental Management

Sullivan County Agricultural and 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 Agriculture and Markets

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

I. INTRODUCTION

A. OVERVIEW

This document is being prepared for the Town of Liberty as a Draft Generic Environmental Impact Statement (DGEIS). Under the New York State Environmental Quality Review (or “SEQR”) Regulations (6 NYCRR Part 617), 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 development projects subject to SEQR review. The adoption of the plan and code amendments will not directly result in any new construction or development. The proposed action requires that virtually all major subdivision and commercial or industrial development proposals brought under the new development standards must perform a site-specific environmental analysis and conclude the SEQR review process prior to obtaining approvals through the town permitting process.

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 proposed action 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 is anticipated to 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 DGEIS, 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 the findings statement, the Town Board could implement the changes outlined in the proposed action (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 there are concerns for the future of the community. In particular, the town is concerned that the cost of public services, coupled with outmigration of youth as they reach adulthood, along with a weakened job market, puts the future of the town 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 goals and vision for the town has mostly remained consistent, but with a review of the current setting of the community, economics, and growth potential, it was determined that an update and refining of the goals of the comprehensive plan would better guide the town. With the comprehensive plan having proposed updates, the existing town development guidelines and codes were identified as requiring corresponding updates. Ultimately a modification of the comprehensive plan and related documents, including zoning code and subdivision regulations, should better guide future development allowing the town so that it can become its “vision”.

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 for development 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 an appropriate average residential density for the Agricultural Conservation (AC) district;
- Incorporate recommendations of the hamlet committees and the Zoning Review Committee.

The need to update the comprehensive plan and revisions to the zoning code and subdivision regulations stems from a want to support and foster growth in development in the town while still protecting the natural resources and character of the town. The updated comprehensive plan requires changes in the development codes of the town, including zoning code and subdivision regulations, so that there are no contradictions between the various documents that guide development within the town. The proposed changes and refined goals and future land use vision outlined in the update to the comprehensive plan require corresponding revisions to the zoning code. As a result of the conservation subdivision provisions that are included in the proposed zoning code, minor modifications are also needed in the corresponding sections of the subdivision regulations.

The 2008 Comprehensive Plan has reasonably 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.

D. PROPOSED ACTION

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;
- 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 the use of site plan review and maintain/provide for limited permitted “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 appropriate areas;
- 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 the overall impact on land use across each of the respective zoning districts established in 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 conjunction with the increased use of the site plan review process and the updated zoning code, this should allow for better designed site plans with a more comprehensive look at development of an overall area. This process of guiding and reviewing development will ultimately help move the town 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 these 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 a visual guidance tool 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 reflected on the land use plan, and are the basis upon which the zoning changes were developed. The updates to the comprehensive plan eliminate previously included references to specific zoning requirements. Instead, the updates to the comprehensive plan focus on the general guiding principles and vision of the town in advancing the concepts outlined in the future land use plan. The comprehensive plan leaves the specific zoning requirements to be addressed in the proposed revised zoning code.

The modifications to the zoning code include updated use schedule and bulk requirements. These modifications have an effect town wide in general, but the specific influences of the changes are only within the respective zones. 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
- Create a provision that permits the raising of crops in any zoning district as long as certain minimal criteria are met.
- 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

The proposed changes to the use schedules reduces the need for special permits for what would otherwise be appropriate uses that meet the intent of the zoning code and land use goals of the comprehensive plan. For these appropriate uses, the need for special permits is reduced or eliminated and projects are able to apply for authorization directly through the site plan approval process. This facilitates the permitting and approval process for the town and developers by reducing cumbersome review requirements and

unnecessary approvals. However, the proposed changes still provide the town with expanded, improved, and more efficient oversight of development.

The proposed change to the zoning bulk table for the reduction in the minimum 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 residential lots. Lots larger than 5 acres may still be created, the reduction to the 5 acre minimum should allow for conservation of more agricultural and forest land while still allowing an equivalent level of development.

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, while still allowing enough property access and street frontage to support various business models.

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 be 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 400 feet outward in all directions from the property line of the parcel containing each protected wellhead.

Proposed Zoning District Changes

The proposed permitted use changes to the zoning code are being implemented throughout most of the zoning districts and effect potential development town wide. The specific changes proposed to the zoning districts were recommended to refine the town's land use pattern and to update, streamline, and strengthen standards for both commercial and residential development. The anticipated results of these changes as described above are intended 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 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:

There are no changes proposed to the zoning map area or boundary for the AC District.

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 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:

There are no changes proposed to the zoning map area or boundary for the RD District.

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 to the area and bulk schedule for the R-1 District.

Changes in Zoning Map:

There are no changes proposed to the zoning map area or boundary for the R-1 District.

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 **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

Dwelling, Multi-family
Public Parks and Playgrounds

Changes in Area and Bulk Schedule:

There are no changes proposed to the area and bulk schedule for the R-2 District.

Changes in Zoning Map:

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

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

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

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 including; protection of the rural farm and forest landscape, creation of outdoor recreation amenities, and maintenance of important natural and cultural resources of the community. The more creative and flexible location of the developed portions of the original parcel offered by the modified density allow for these above mentioned protection and conservation of the desirable resources and features.

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 RD 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.

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

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 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*)
 Greenhouses, Commercial
 Mixed Use Manufacturing/Retail and Service Establishment (*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 Establishment (*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 per use*)
 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 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:

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

Map Changes:

There are no changes proposed to the zoning map area or boundary for the SC District.

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 per use*)
 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 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:

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

Map Changes:

There are no changes proposed to the zoning map area or boundary for the IC District.

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*)
 Personal Service Shops (*involving no more than 7,500 sq. ft. of floor area per use*)
 Personal Service Shops (*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:

There are no changes proposed to the zoning map area or boundary for the DCC District.

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:

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

Map Changes:

There are no changes proposed to the zoning map area or boundary for the RH District.

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 400 ft. 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 400 ft. buffer shown on the zoning map, and does not apply to the entire property.

The plans will be evaluated for:

- The type and 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 topography 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.

Zoning Map Summary

Though changes are proposed to the zoning uses and bulk requirements of some of the districts, these changes do not affect the size or boundary of any of the existing zoning districts.

The table below shows the acreage for each of the zoning districts and shows the relative percent for each zone.

Summary of District Map

District	Acreage	Percent of Total
AC	20,429	40.8%
RD	20,936	41.9%
R-1	5,401	10.8%
R-2	146	0.3%
SC	1,917	3.8%
IC	1026	2.1%
DCC	32	0.06%
RH	119	0.24%
TOTAL ALL DISTRICTS:	50,006	100%

SECTION II

Impact Issues

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. This land use map is not meant as a parcel-based zoning map, but is intended to guide general zoning district formation. 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 bulk requirements 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%
TOTAL	50,006	100%

Source: GIS Data

Agricultural and rural land uses comprise most of the area of the town, accounting for 83% of the 50,006 acres that make up the Town of Liberty. The agricultural and rural land uses encompass the majority of areas of the town not aligned along major transportation corridors.

The residential land use make up 11% of the area and are primarily located in the vicinity of the vehicle corridors of NYS Route 55, and 52, surrounding the villages, and also in small groupings scattered around the town.

The commercial and industrial land use areas 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 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	Acreage	Percent of Town
Agricultural/Conservation (AC)	20,429	40.8%
Rural development (RD)	20,936	41.9%
Low Density Residential (R-1)	5,401	10.8%
High Density residential (R-2)	146	0.3%
Downtown Commercial Core (DCC)	32	0.06%
Service Commercial (SC)	1,917	3.8%
Industrial Commercial (IC)	1,026	2.1%
Resort/Hotel (RH)	119	0.24%

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 Districts #1 and #4 (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 reevaluated to ensure the areas defined within the district reflect the current uses. Whether changes resulted from development or other reasons, the SCAD may be revised to incorporate new land, or to remove previously included lands that are no longer viable for agriculture or no longer meet the requirements for inclusion in the district.

Under the proposed action there are zoning districts, within the SCAD, that will be updated for land use requirements and bulk requirements. 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.

Under the proposed action there are zoning districts, within the limits of the Town of Liberty Agricultural and Farmland Protection Plan that will be updated for land use requirements and bulk requirements.

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 Use

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 the 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 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 the tools used to guide the development in a way that is compatible with the vision of land use map.

From the land use character areas, the zoning code and map are developed, to better meet the vision of the updates to the comprehensive plan; the zoning code itself includes proposed updates through changes made to the permitted uses table, bulk requirements, and the addition of the Wellhead Protection Overlay District and the Conservation Subdivision

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 conformance with the land use plan, 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 to permitted uses overall. The majority of the use changes involve expanding and 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 category 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 help advance the desired mix of uses intended for each respective zone, bring the zoning code more in line with the goals of the comprehensive plan, and facilitate the review process for uses suitable to the respective district.

Residential uses are the prevalent current land use throughout the town, including in the commercial areas. 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 adjacent properties, and appropriately buffered, can

continue to coexist with nonresidential uses. The proposed code amendments provides for the use of site plan review to reasonably protect these residential uses in otherwise commercial areas.

The land use table (special permit, site plan, as-of-right, etc.) is intended to clarify the zoning ordinance and the requirements for the corresponding type of reviews. Further, the content of the land use 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 adverse impact on the land uses within the town as they are all intended to align with the land use goals of the comprehensive plan.

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). There are no proposed changes to the zoning district boundaries, and the proposed updates to the allowable uses and bulk requirements will not have an effect on the relative percentage of the town which is currently zoned for these different types of land uses.

Land Use Based on Zoning Acreages

District Use Group	Acreage	% of Total Land Use
Agricultural / Rural	41,365	83%
Residential	5,547	11%
Commercial / Industrial	3,094	6%

Source: GIS Data

There are no impacts, as a result of the proposed update to the comprehensive plan and the associated zoning and subdivision code modifications, to the overall proportion of the zoning based land uses across the town.

Zoning Districts

Several changes to the zoning districts are included under the proposed action, including changes to the use schedule and changes in bulk table requirements. 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 not permitted in a zoning district may now be permitted in that district, and in a few limited cases, uses that were previously permitted may now not be permitted. In general the changes to the use schedule have been conducted in such a way so that typical, more appropriate land uses within a zoning district are permitted, while more atypical uses require more substantive review and permitting. For example, in a residential district such as the R-1, a single family dwelling would be a use that is permitted as-of-right, whereas a business such as a bed-and-breakfast would require a more substantive review through the special use permitting process. Overall, there is not expected to be significant adverse impacts from these changes, and the proposed amendments now require site plan reviews and permitting for most of the major non-residential uses throughout the zoning districts.

The proportional share of town land that is allotted to each zoning district does not change based on the proposed modifications. There are no changes to the boundaries or areas of the zoning districts, and the

proposed updates to the land use and bulk requirements will not have an effect on the relative amount of area of each zoning district. The changes to the use schedule clarify what is allowable within each zoning district and do not substantially change the original intent or the future development of the zoning district. The change in minimum lot size for the AC district does not change the area or the intent of the district, but does affect the potential full buildout capacity of the AC zoning district.

The addition of the Wellhead Protection Overlay District to the zoning code creates the potential for uses currently in place no longer being permitted within the new overlay. Also, future uses that are permitted within the underlying zoning district may be restricted by the proposed overlay. No significant adverse impacts to future land uses are expected as most of the land use options allowable within each respective zone impacted by the overlay will still be available for landowners. The critical importance and public benefit of maintaining the quality of public water supplies takes precedence over the potential adverse impacts associated with the prospective potential loss of a future land use option for affected properties within the overlay.

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 it would be a permitted approach to land development. Therefore, the conservation subdivision 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 aligns with the goals of the Sullivan County Agricultural District (SCAD) and the Town of Liberty Agricultural and Farmland Protection plan through the changes to the use schedule allowing the agricultural related uses, more efficient development and conservation of land suitable for agricultural purposes with the changes in the bulk requirements for the AC district, and preservation of agricultural and natural lands through the use of conservation subdivisions. In particular, as the town grows, the potential for enhanced support of agri-tourism and local farms can take place, and critical agricultural areas can be saved with development being allowed but in such a way as to be more efficient than under the current zoning requirements

The main change in the proposed action that may appear to run counter to the agriculture programs but actually it does not as the reduction in the minimum lot area bulk requirement for the AC district from 10 acres to 5 acres only affects the subdivision of lots for future development. Properties within the SCAD that are benefitting from an agricultural assessment are not dependent on the underlying zone for that benefit. The eligibility for those benefits is based on the actual activity and resources of the used area and not the zoning requirements of the parcel. Reducing the 10 acre minimum lot size 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, and does not affect the ability for agricultural assessment for a parcel.

A property owner is not limited to subdivide only 5-acres parcels. Simply, 5 acres is the minimum allowable lot size to prevent inappropriate high density residential use in the agricultural district. Therefore, with the demand for lots within the AC district expected to remain relatively consistent, the proposed zoning changes will allow for consumption of less agricultural land than under the current zoning while still meeting the

demand for development. Maintenance of the rural and agricultural character of the area and the availability of land for agriculture will be achieved by not needlessly consuming land with oversized lots for residential use, but also restricting minimum lot size to reduce density of development. The minimum lot size established under zoning does not affect the ability for agricultural assessment for the land. 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 AC District does not affect the use of the land for agricultural purposes as supported by the intent of the Town of Liberty Agricultural and Farmland Protection plan.

In addition, to the benefits of the proposed action and their alignment with the agricultural districts, the proposed zoning modifications extends the use of farmland even further with the addition of a section into the zoning code regarding raising of crops. Not only is crop raising permitted on lands within the agricultural and rural districts, the code also allows for crop raising on any parcel regardless of zoning district as long as the tract of land is sufficient in size (minimum of 8 acres) and the farming activities are no closer than 50 feet to adjoining properties or roads.

Under the NYS Agriculture 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 current cluster development regulations are not farm-friendly, as the minimum open space requirement also requires that 50% of the protected open space be used for recreation—which would not be an agricultural use. The proposed conservation subdivision regulations have no such recreational requirement and all of the protected open space may be used for agriculture.

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 these type of operations and 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 proposed zoning modifications will not result in changes to the overall proportion of areas of land use groups within the town and will have no significant town wide impacts with respect to general land use and therefore no mitigation is necessary.

The future land use plan in the update to the comprehensive plan and resulting rezoning are consistent with the land use goals of the town. There are no impacts to land uses and no mitigation is required.

Zoning Districts

The proposed zoning modifications including the use changes, reduction in minimum lot size of the AC zone from 10 acres to 5 acres, and the lot width in the DCC zone from 50 feet to 40 feet that would potentially restrict uses that were previously allowed on parcels and that are presently occurring. The zoning districts and their intent are not being changed by the proposed action. Aspects of the zoning districts are being changed that bring the zoning requirements closer to the intent of the zone and are intended to provide a clearer regulatory environment, for both the town and any developers, for growth. Any limitations that would potentially be imposed on lots currently being utilized for agriculture or other uses are mitigated through language in the zoning code that “grandfathers” the existing use if it is not permitted within the new zone.

If the proposed action is accepted, any nonconforming uses and or conflicts with bulk requirements use schedule created by the changes to the zoning code 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 intended to make the town a viable and vibrant community, and offers agricultural related benefits. The changes are being proposed to benefit 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 as result of the changes. These existing conforming uses will be “grandfathered” and allowed to continue.

No mitigation is required for the parts of the action including the changes to the Use table, the reduction of the 10 acre minimum lot size in the AC zone to 5 acres, and revision of the Conservation Subdivision requirements. As previously discussed, there are no conflicts with the farmland plans, and all things being equal, the amount of land consumed by development will be lessened and of lower impact in nature, allowing conservation of the agricultural and natural areas of the town while still allowing for appropriate development.

One impact from the proposed action to agricultural uses 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 they are 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.

Town Population Changes (Does not include the Village of Liberty)

Population Data	1990	2000	2010
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 of the town has shown a ±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.

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
Yearly Average	34	4	37
Median	36	3	40
Total	847	107	954

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 buildings 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 are 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 growth.

Development

Due to the nature of the proposed zoning and including the proposed minimum lot size changes in the AC zone, 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 moderate density residential-oriented development in the R-1 and R-2 zones. The proposed action reduces the minimum lot size in the AC district from 10 acres to 5 acres. Based on a current residential new construction growth rate that averages approximately 34 units per year for the past 25 years, an analysis was performed to determine the effects on potential units being built under the proposed zoning as compared to the existing zoning for the future 25-year period. 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. (Consideration was also given to the potential for a higher growth rate and a build-out analysis included a look at growth rate doubling from historic trends at approximately 70 residential building permits per year.)

For a baseline analysis of the current zoning, the build-out analysis considered all parcels with additional development potential and removed from consideration for development areas with environmental constraints including a 50' buffer around streams, areas within the 100-year floodplain, areas of lakes and ponds and areas with slopes 25% or greater. Further, the total area available for future development was reduced as allowance for infrastructure (roads and utilities) and inefficiencies in lot layout (15% reduction in the AC zone). Future development was allocated proportionally to each district according to its respective percentage of total development capacity for the combined areas of the AC, RD, and R-1 Districts. The analysis demonstrates how much of the current remaining capacity (i.e. how much area is currently left to develop excluding the existing houses including a lot area at the minimum lot size) is left at the end of the build out analysis period. Based on this analysis at the end of the 25-year study period, under the existing zoning the combined Agriculture/Rural/Residential districts would still have approximately 86% of the remaining residential buildout capacity available for further development. The AC zone would have approximately 71% remaining build-out capacity under current zoning.

The baseline analysis above was used to compare to the potential impacts of the proposed action and to compare the impacts from the pre-2011 zoning of the AC district. The following analysis uses the same parameters except that the proposed minimum lot sizes of 5 acres and another analysis at 3 acres was used for the AC zone. Under these analyses, the distribution of growth is altered slightly due to the proposed zoning changes and the effective overall capacity of the AC is increased due to the lot area reduction from 10 acres (the minimum lot size under the current zoning) to 5 acres (the minimum lot size under the proposed

action) and 3 acres (the minimum lot size of the 2011 and earlier zoning code and the allowable maximum density under the conservation subdivision).

Based on the 5-acre parameter for minimum lot size in the AC district, at the end of the 25-year analysis period using the modifications to the zoning code, the combined residential zones would still have approximately 88% their overall residential buildout capacity remaining and the AC zone would have approximately 87% of its remaining residential buildout capacity. The analysis assumes that the growth rate will maintain its existing historic trend and the total amount of newly developed lots will remain proportionally the same across all analyzed scenarios. The allocation of where the residential units are developed is based on the proportionate amount of total available units (capacity) for each zone.

Based on the 3-acre parameter, at the end of the 25-year analysis period, the combined residential zones would have approximately 90% of their overall remaining residential buildout capacity, and the AC zone would have approximately 91% of its remaining residential buildout capacity.

In addition, the build-out analysis also considered a scenario where growth essentially doubled from past trends to 70 units per year. Under this scenario, the findings were similar to above but at that rate of development, the AC zone would have approximately 41% of its residential buildout capacity remaining with the current 10-acre minimum lot size, 73% of its residential buildout capacity remaining with the 5-acre minimum lot size, and 81% of its residential buildout capacity remaining with the 3-acre minimum lot size.

The above scenarios are not necessarily intended to demonstrate a probable trend in development. The real purpose is two-fold; first to demonstrate in theory that with the 5-acre minimum lot size, an appropriate density of development can be obtained for the AC zoning district, the development proportionally allocated to the AC district could be increased over the current condition, but the consumption of land would be reduced; and secondly, that the impact on land and development at the proposed 5-acre minimum lot size would not have an adverse effect on land nor adversely impact the overall development capacity of the town. Reducing the minimum lot size in the AC zone from 10 acres to 5 acres (based on the analysis parameters) would increase the total developed lots in the AC zone by approximately ten percent over the 25-year planning horizon. However, even though the number of lots developed increases, the amount of land consumed by the development is reduced due to the smaller allowable lot size. There are no guarantees that developed lots will all be at the minimum lot size or that the distribution will be as analyzed, but the point remains that the amount of land consumption under a 5-acre minimum lot size is more efficient, and it is the thought of the town that the 5-acre density is the appropriate balance point between the current 10-acre lot size, and the previous 3-acre lot size, that gives a developed density appropriate for an agricultural area, while reducing the amount of land consumption that would otherwise be required with a 10-acre lot. It should be noted that a lot can be developed at 5 acres or 10 acres or whatever size is desired for a subdivision as long as it maintains the 5-acre minimum. This minimum lot size prevents over-densifying the AC zone and the conservation subdivision incentive provides enhanced opportunities to permanently protect larger tracts of contiguous farmland, woodland and natural resources as part of the development process while still fitting into the character of a rural and agricultural landscape.

For all practical purposes, the residential development capacity of the town slightly increases under the new zoning due to the minimum lot size reduction in the proposed condition. What the proposed zoning does is increase the available amount of potential residential units overall and specifically within the AC zoning district.

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 zoning updates provide 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, but the additional capacity of more dense residential development of the 5-acre lots compared to 10-acre lots will also help maintain housing affordability and choice within the town. This aspect is also 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.

C. COMMUNITY FACILITIES

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 Sullivan County Sheriff Office.

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.

The proposed action requires that virtually all major subdivision and commercial or industrial development proposals brought under the new development standards 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. Further, in consideration of the potential cumulative impacts of development of projects over time, which are not expected to be significant, nonetheless, the town and other service providers can continue monitor service demands and capacity as part of each agency's normal planning processes and make adjustments accordingly.

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.

D. COMMUNITY CHARACTER

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 and facilitate the development of appropriate uses 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.

E. NATURAL SETTING

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 protecting opportunities for suitable development densities.

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 natural and culturally important 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. Virtually all major subdivision and commercial or industrial development proposals must perform a site specific environmental analysis and obtain approvals through the town permitting process 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.

F. FISCAL IMPACTS

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 the density of residentially zoned land in the AC District will support some additional modest growth that could bring additional tax revenue to the town-in particular when considering the local economy as a whole and the need to maintain the town's population base which is an important contributor to local retail spending and maintaining existing businesses. Further, the town's goal of growing the commercial and job-producing economic base can be positive contributors to the local fiscal situation. The plan continues to support agricultural uses and removes from the current zoning some barriers to agricultural operations. Hence, agriculture can also continue to contribute positively to the local economy. While the proposed action is not anticipated to increase the rate of growth significantly, it is intended to encourage the growth at appropriate densities and through a facilitated review process.

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 are expected to support the economic health of the town, 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

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 requires that virtually all major subdivision and commercial or industrial development proposals must perform a site-specific 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

A. INTRODUCTION

SEQR requires that alternatives be examined as part of the environmental review process. These include the *No Action* alternative and *Modified Rezoning* alternatives. The purpose of the alternatives analysis is to provide a broader picture of the relative impacts and benefits of the proposed action when compared to other viable options.

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

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 better advance the 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 of the proposed action are implemented. The proposed action including the amendments to the comprehensive plan, zoning code, and subdivision regulations intends to bring these documents and ideas more in alignment with the goals of the comprehensive plan and ultimately to better prepare the town to handle future growth, provide a clear vision and process for business and residential growth, and to better protect and support the towns natural and agricultural resources.

C. MODIFIED REZONING

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 the goals outlined in the comprehensive plan.

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 considered but there were no significant adverse impacts identified in the evaluation.

Under the modified rezoning, various alternatives are discussed so as to compare the effects of the alternatives on the aspects of the related 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

- Proposed changes to zoning may make existing uses nonconforming.
- Reduction in minimum lot size.

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

Alternative A

Rezoning the parcels around the White Sulphur Springs Hamlet to R-1 from AC and RD districts was considered by the town. This alternative, while allowing the hamlet center to grow at a more country hamlet scale and pattern, was perceived to be contrary to a goal of maintaining a more agricultural and low density rural nature to this part of town. Further, this alternative led to concerns over zoning land to allow a higher residential density and related potential impacts to the county agricultural district and current and potential farm operations. Hence, this alternative was not advanced by the town.

Alternative B

Reduce the minimum lot size in the AC zone back to 3 acres, which was the level it was at prior to the 2011 zoning changes. This alternative would allow the AC zone to grow at a higher density. This alternative would make conservation subdivision more difficult to incentivize without increasing density even further. This alternative would not meet the town's goals of maintaining a low density AC zone where conservation of the landscape is a key element of the vision for the area as it grows over time.

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) than either of the "Modified Rezoning" alternatives or the "No Action" alternative. As such, the no-action and modified rezoning alternatives were not pursued.

SECTION IV

Other Issues

A. UNAVOIDABLE ADVERSE IMPACTS

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 land clearing and removal of natural areas with the built environment, 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.

Further, the proposed action includes many more provisions for site-specific development review through the special use permit/site plan review process than under the current zoning code. The proposed action requires that virtually all major subdivision and commercial/industrial development proposals brought under the new development guidelines must perform a site specific environmental analysis and obtain approvals through the town permitting process. There have not been any new, large, or significant unavoidable adverse cumulative impacts identified as a result of the proposed action.

B. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

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 developed under the existing zoning or under the zoning changes outlined in the proposed action. 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.

The proposed adoption of the zoning amendments, in and of itself, does not entail any irreversible and irretrievable commitment of resources.

C. GROWTH INDUCING IMPACTS

The Proposed Action involving the changes to the zoning code and other development guidelines will not induce 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 through utilization of the principles and requirements in the revised documents.

D. EFFECTS ON THE USE AND CONSERVATION OF ENERGY

The substantial 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

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

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

There is a potential issue of controversy that some of the existing land uses will no longer be permitted in their current zoning district or will require a different level of approval. A use on a lot may have been allowed "by right" previously, but as a result of the adoption of the proposed action, a special permit or site plan review may be required 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.

Further, while there is an additional burden to comply with the new requirements for special use permit and/or a site plan approval for certain uses in certain zoning districts, the impact of this burden in terms of cost of time and money to applicants is outweighed by the protection of the environment and the maintenance of overall health, safety and welfare of the town that is achieved through these site-specific planning and review processes.

The change in minimum lot size proposed in the A-C district to 5 acres may be controversial in that some will feel the minimum lot size should be reduced further and others may feel that the 10-acre lot size should be maintained. The town board as lead agency believes that the 10-acre minimum lot size is

excessive and that the 5-acre minimum lot size strikes an appropriate balance between maintaining the agricultural and conservation character of this district while allowing people to subdivide their land and maintain an overall low density development pattern. Further, the replacement of the cluster development provision with the more natural resource preservation-oriented approach set forth in the proposed conservation subdivision provisions in the town code will foster better site design and will create incentives that will result in larger areas of protected open space as part of the development process in the A-C and R-D districts.

Town of Liberty: Build-Out Analysis - 34 units per year

December 2, 2016

AC ZONING: 10-ACRE

Potential Future Units by District				Existing Units																										
Existing Zoning District	Lot Size	Max. Total Units	%	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	
R1	Note 5	2647	31.94%	684	695	706	717	727	738	749	760	771	782	793	803	814	825	836	847	858	869	879	890	901	912	923	934	945	956	
R2	7,000 sf	443	5.3%	36	38	40	41	43	45	47	49	51	52	54	56	58	60	61	63	65	67	69	71	72	74	76	78	80	81	
RD	3 acres	4036	48.7%	784	801	817	834	850	867	883	900	916	933	950	966	983	999	1016	1032	1049	1066	1082	1099	1115	1132	1148	1165	1181	1198	
AC	10 acres	1161	14.0%	745	750	755	759	764	769	774	778	783	788	793	797	802	807	812	816	821	826	831	836	840	845	850	855	859	864	
Total		8287	100.0%	2249	2283	2317	2351	2385	2419	2453	2487	2521	2555	2589	2623	2657	2691	2725	2759	2793	2827	2861	2895	2929	2963	2997	3031	3065	3099	
				Growth	34	68	102	136	170	204	238	272	170	340	374	408	442	476	510	544	578	612	646	680	714	748	782	816	850	

AC ZONING: 5-ACRE

Potential Future Units by District				Existing Units																										
Existing Zoning District	Lot Size	Max. Total Units	%	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	
R1	Note 5	2647	28.0%	684	694	703	713	722	732	741	751	760	770	779	789	798	808	817	827	836	846	855	865	874	884	893	903	912	922	
R2	7,000 sf	443	4.7%	36	38	39	41	42	44	46	47	49	50	52	53	55	57	58	60	61	63	65	66	68	69	71	73	74	76	
RD	3 acres	4036	42.6%	784	798	813	827	842	856	871	885	900	914	929	943	958	972	987	1001	1016	1030	1045	1059	1074	1088	1103	1117	1132	1146	
AC	5 acres	2343	24.7%	745	753	762	770	779	787	795	804	812	821	829	838	846	854	863	871	880	888	896	905	913	922	930	938	947	955	
Total		9469	100.0%	2249	2283	2317	2351	2385	2419	2453	2487	2521	2555	2589	2623	2657	2691	2725	2759	2793	2827	2861	2895	2929	2963	2997	3031	3065	3099	
				Growth	34	68	102	136	170	204	238	272	170	340	374	408	442	476	510	544	578	612	646	680	714	748	782	816	850	

AC ZONING: 3-ACRE

Potential Future Units by District				Existing Units																										
Existing Zoning District	Lot Size	Max. Total Units	%	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	
R1	Note 5	2647	23.7%	684	692	700	708	716	724	732	740	748	757	765	773	781	789	797	805	813	821	829	837	845	853	861	869	877	885	
R2	7,000 sf	443	4.0%	36	37	39	40	41	43	44	45	47	48	49	51	52	54	55	56	58	59	60	62	63	64	66	67	68	70	
RD	3 acres	4036	36.1%	784	796	809	821	833	845	858	870	882	895	907	919	931	944	956	968	981	993	1005	1017	1030	1042	1054	1067	1079	1091	
AC	3 acres	4044	36.2%	745	757	770	782	794	807	819	831	843	856	868	880	893	905	917	930	942	954	967	979	991	1003	1016	1028	1040	1053	
Total		11170	100.0%	2249	2283	2317	2351	2385	2419	2453	2487	2521	2555	2589	2623	2657	2691	2725	2759	2793	2827	2861	2895	2929	2963	2997	3031	3065	3099	
				Growth/Yr	34	68	102	136	170	204	238	272	170	340	374	408	442	476	510	544	578	612	646	680	714	748	782	816	850	

Note 1: Totals may be vary slightly from sum of column due to rounding.

Note 2: Existing Units and Max. Total Units based on GIS data and existing zoning code

Note 3: Growth per year of 34 total residential units based on data provided by Town of Liberty Building Department with growth rate assumed to remain consistent

Note 4: Max. Total Units refers to the potential overall capacity of the zoning district, it does not refer to the total build out based on the growth rate

Note 5: Lot size varies 10,000 s.f., 30,000 s.f., to 1 acre depending on location within sewer and/or water districts

Town of Liberty: Build-Out Analysis - 70 units per year

December 2, 2016

AC ZONING: 10-ACRE

Potential Future Units by District				Existing Units																									
Existing Zoning District	Lot Size	Max. Total Units	%	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041
R1	Note 5	2647	31.9%	684	706	729	751	773	796	818	841	863	885	908	930	952	975	997	1019	1042	1064	1086	1109	1131	1154	1176	1198	1221	1243
R2	7,000 sf	443	5.3%	36	40	43	47	51	55	58	62	66	70	73	77	81	85	88	92	96	100	103	107	111	115	118	122	126	130
RD	3 acres	4036	48.7%	784	818	852	886	920	954	989	1023	1057	1091	1125	1159	1193	1227	1261	1295	1329	1364	1398	1432	1466	1500	1534	1568	1602	1636
AC	10 acres	1161	14.0%	745	755	765	774	784	794	804	814	823	833	843	853	863	872	882	892	902	912	922	931	941	951	961	971	980	990
Total		8287	100.0%	2249	2319	2389	2459	2529	2599	2669	2739	2809	2879	2949	3019	3089	3159	3229	3299	3369	3439	3509	3579	3649	3719	3789	3859	3929	3999
				Growth	70	140	210	280	350	420	490	560	630	700	770	840	910	980	1050	1120	1190	1260	1330	1400	1470	1540	1610	1680	1750

AC ZONING: 5-ACRE

Potential Future Units by District				Existing Units																									
Existing Zoning District	Lot Size	Max. Total Units	%	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041
R1	Note 5	2647	28.0%	684	704	723	743	762	782	801	821	841	860	880	899	919	938	958	978	997	1017	1036	1056	1075	1095	1114	1134	1154	1173
R2	7,000 sf	443	4.7%	36	39	43	46	49	52	56	59	62	65	69	72	75	79	82	85	88	92	95	98	101	105	108	111	115	118
RD	3 acres	4036	42.6%	784	814	844	874	903	933	963	993	1023	1053	1082	1112	1142	1172	1202	1232	1261	1291	1321	1351	1381	1411	1440	1470	1500	1530
AC	5 acres	2343	24.7%	745	762	780	797	814	832	849	866	884	901	918	936	953	970	987	1005	1022	1039	1057	1074	1091	1109	1126	1143	1161	1178
Total		9469	100.0%	2249	2319	2389	2459	2529	2599	2669	2739	2809	2879	2949	3019	3089	3159	3229	3299	3369	3439	3509	3579	3649	3719	3789	3859	3929	3999
				Growth	70	140	210	280	350	420	490	560	630	700	770	840	910	980	1050	1120	1190	1260	1330	1400	1470	1540	1610	1680	1750

AC ZONING: 3-ACRE

Potential Future Units by District				Existing Units																									
Existing Zoning District	Lot Size	Max. Total Units	%	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041
R1	Note 5	2647	23.7%	684	701	717	734	750	767	784	800	817	833	850	866	883	900	916	933	949	966	983	999	1016	1032	1049	1066	1082	1099
R2	7,000 sf	443	4.0%	36	39	42	44	47	50	53	55	58	61	64	67	69	72	75	78	80	83	86	89	92	94	97	100	103	105
RD	3 acres	4036	36.1%	784	809	835	860	885	910	936	961	986	1012	1037	1062	1088	1113	1138	1163	1189	1214	1239	1265	1290	1315	1340	1366	1391	1416
AC	3 acres	4044	36.2%	745	770	796	821	846	872	897	922	948	973	998	1024	1049	1074	1100	1125	1150	1176	1201	1227	1252	1277	1303	1328	1353	1379
Total		11170	100.0%	2249	2319	2389	2459	2529	2599	2669	2739	2809	2879	2949	3019	3089	3159	3229	3299	3369	3439	3509	3579	3649	3719	3789	3859	3929	3999
				Growth	70	140	210	280	350	420	490	560	630	700	770	840	910	980	1050	1120	1190	1260	1330	1400	1470	1540	1610	1680	1750

Note 1: Totals may be vary slightly from sum of column due to rounding.

Note 2: Existing Units and Max. Total Units based on GIS data and existing zoning code

Note 3: Growth per year of 70 total residential units is a hypothetical rate based on doubling the current growth rate trend

Note 4: Max. Total Units refers to the potential overall capacity of the zoning district, it does not refer to the total build out based on the growth rate

Note 5: Lot size varies 10,000 s.f., 30,000 s.f., to 1 acre depending on location within sewer and/or water districts

Town of Liberty Sullivan County, NY

Build-Out Analysis Existing 10-Acre AC Zoning

November 2016

KEY

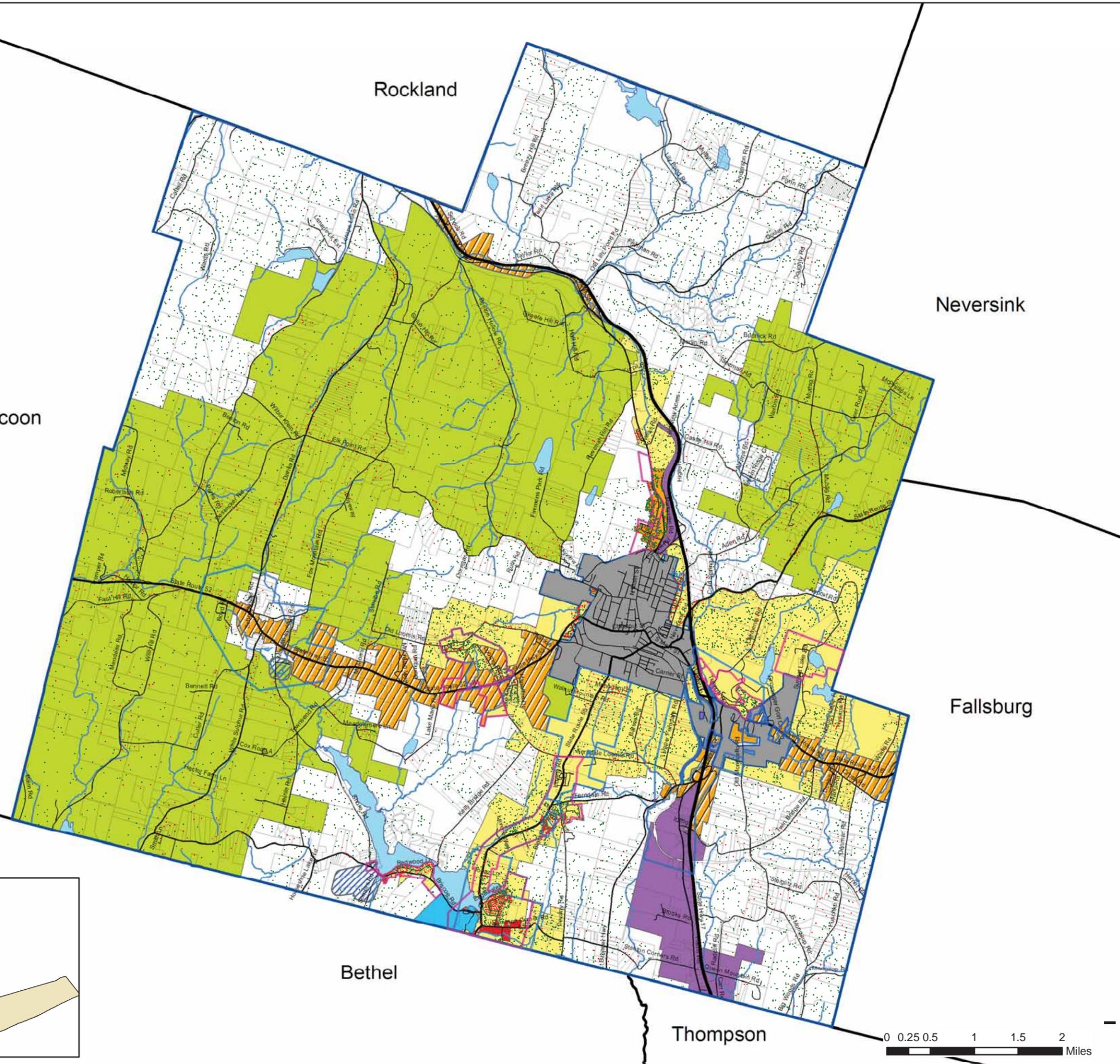
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|  | Sewer Districts |  | Existing Residences |
|  | Water Districts |  | Potential Residences |
|  | Parcel Boundaries | | 1 Dot = 1 Unit |
|  | Town of Liberty | | 1 Dot = 1 Unit |
|  | Village of Liberty | | |
|  | Streams | | |
|  | Lakes | | |
| Proposed Zoning | | | |
|  | Wellhead Protection Overlay Zone 400' Buffer | | |
| Existing Zoning | | | |
|  | AC Agricultural/Conservation | | |
|  | DCC Downtown Commercial Core | | |
|  | IC Industrial Commercial | | |
|  | R-1 Low Density Residential | | |
|  | R-2 High Density Residential | | |
|  | RD Rural Development | | |
|  | RH Resort Hotel | | |
|  | SC Service Commercial | | |

PROJECT # 2016 - 020

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Callicoon

Rockland

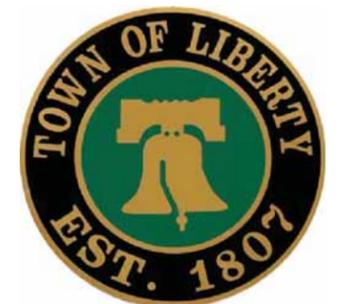
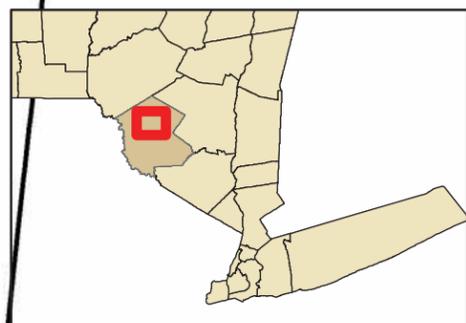
Neversink

Fallsburg

Bethel

Thompson

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Town of Liberty Sullivan County, NY

Build-Out Analysis Proposed 5-Acre AC Zoning

November 2016

KEY

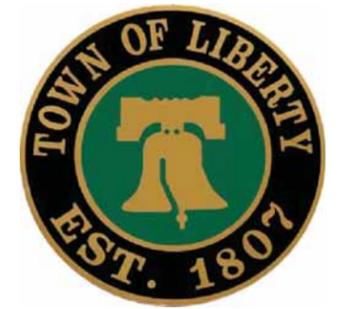
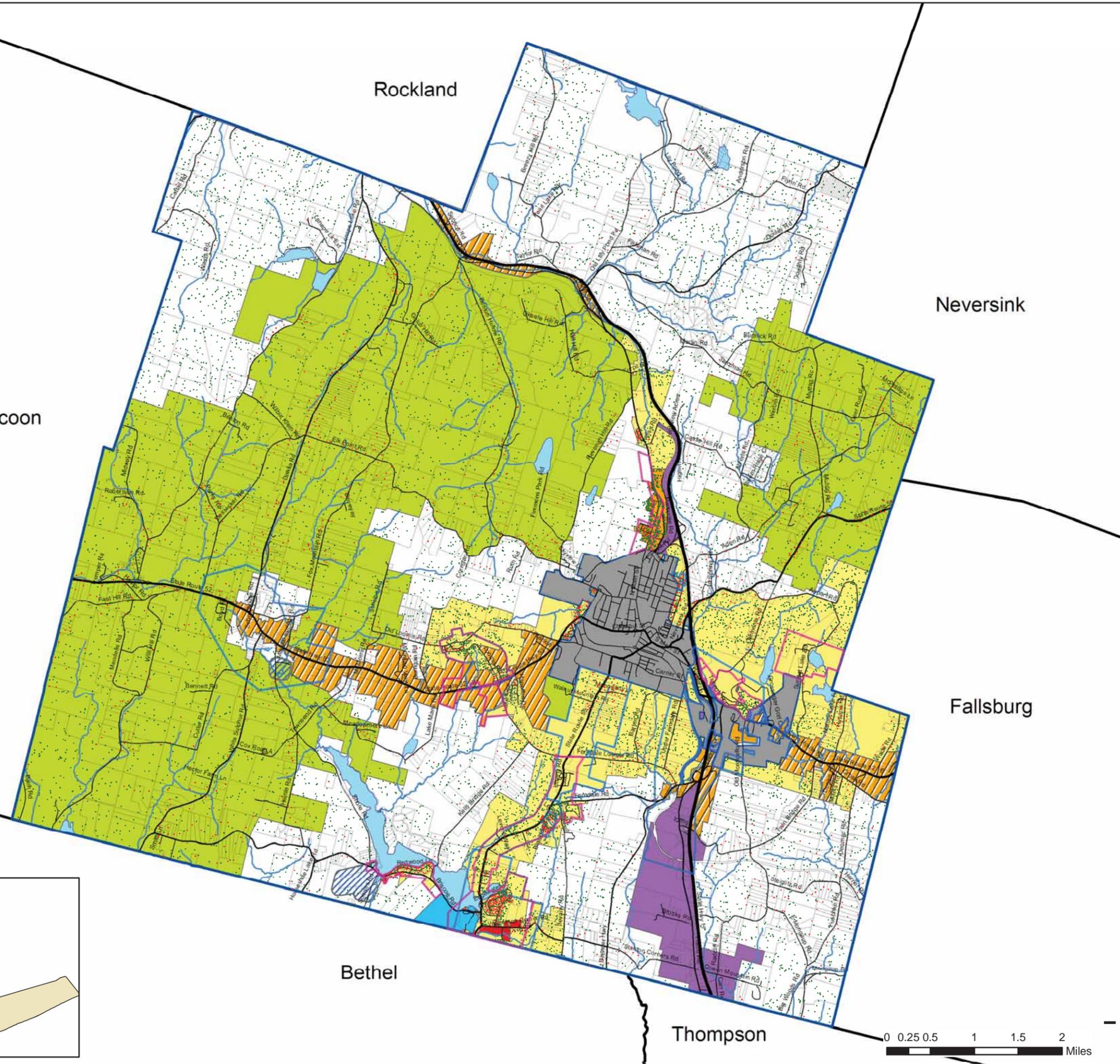
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|---|--|---|----------------------|
|  | Sewer Districts |  | Existing Residences |
|  | Water Districts |  | Potential Residences |
|  | Parcel Boundaries | | 1 Dot = 1 Unit |
|  | Town of Liberty | | 1 Dot = 1 Unit |
|  | Village of Liberty | | |
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| Proposed Zoning | | | |
|  | Wellhead Protection Overlay Zone 400' Buffer | | |
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|  | DCC Downtown Commercial Core | | |
|  | IC Industrial Commercial | | |
|  | R-1 Low Density Residential | | |
|  | R-2 High Density Residential | | |
|  | RD Rural Development | | |
|  | RH Resort Hotel | | |
|  | SC Service Commercial | | |

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Town of Liberty Sullivan County, NY

Build-Out Analysis Proposed 3-Acre AC Zoning

November 2016

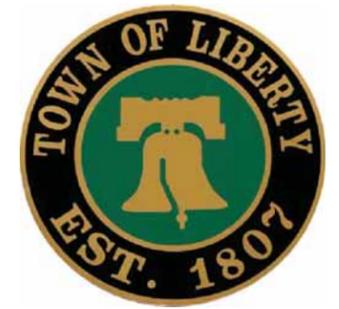
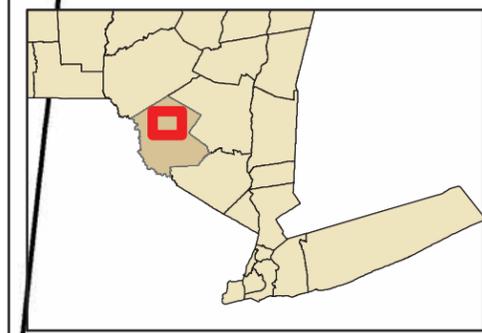
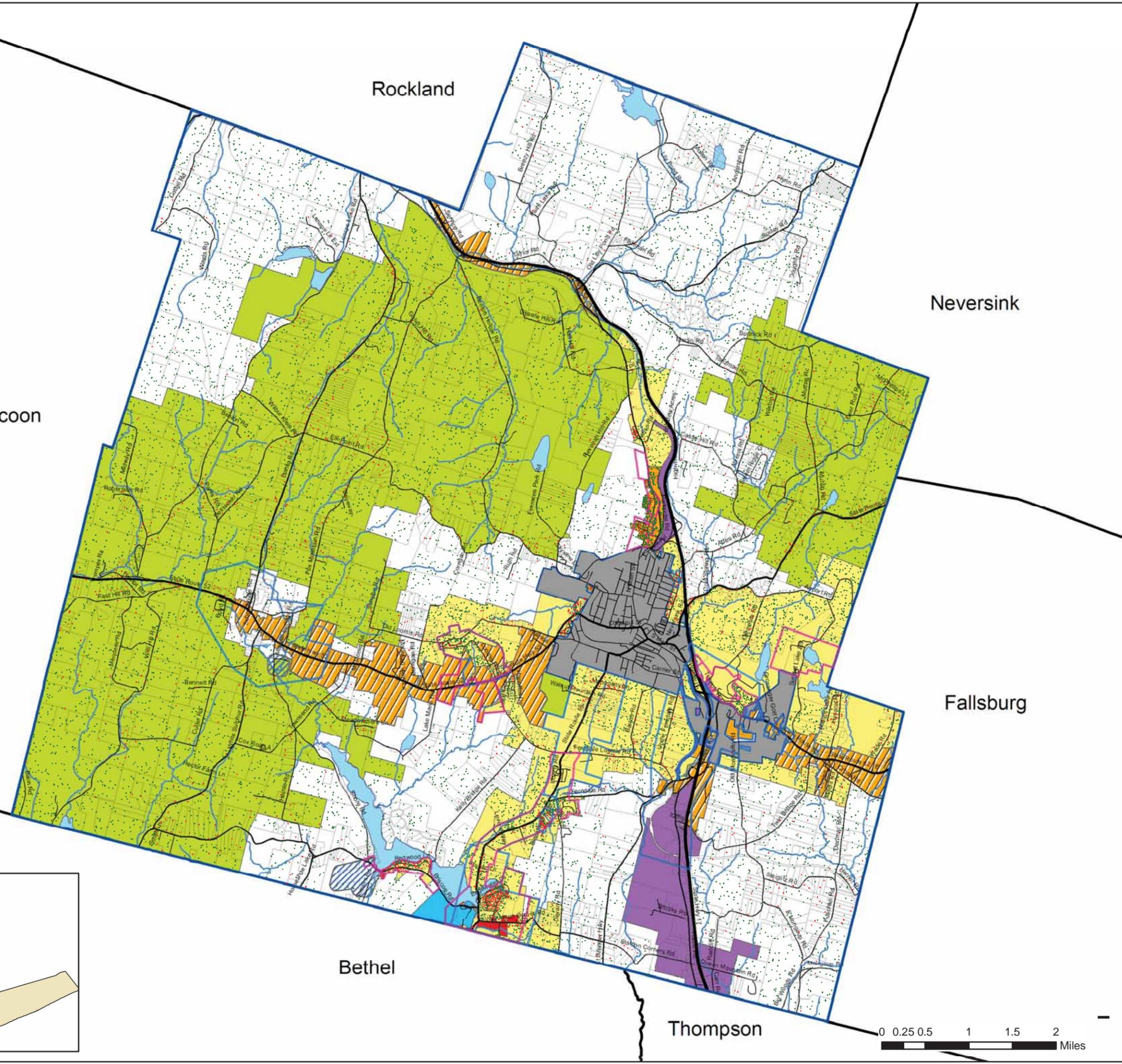
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- | | | | |
|---|--|---|----------------------|
|  | Sewer Districts |  | Existing Residences |
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