

# TOWN OF FISHKILL COMPREHENSIVE PLAN



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Fishkill, Dutchess County, New York

Adopted by the Fishkill Town Board September 23, 2009



# TOWN OF FISHKILL

## Comprehensive Plan

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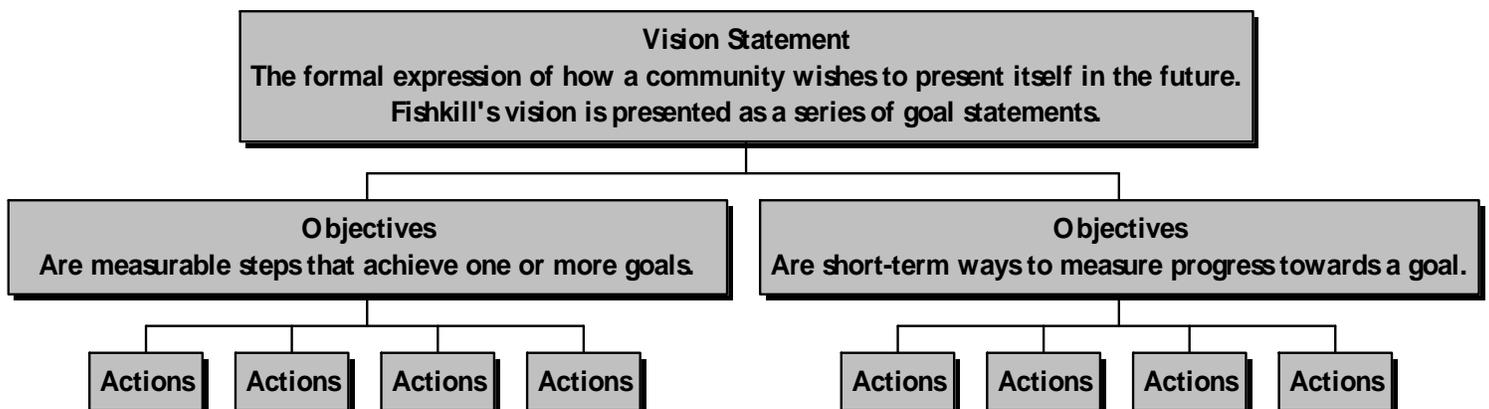
## Introduction

### COMMUNITY VISIONING

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Comprehensive planning is a collaborative process which can succeed when the various stakeholders – residents, municipal officials and business people of a community - reach consensus on their desires for future development and conservation. A well formulated vision statement is the formal expression of that community consensus. The vision statement sets the overall policy direction for the Comprehensive Plan and answers the question, “What do we want the Town of Fishkill to be?” and in so doing, sets the stage for defining “How do we get there?” Fishkill’s vision for the future emerged through a coordinated planning effort that included a community visioning session, more than 60 Fishkill Comprehensive Plan Committee meetings, and a successful, self-administered public opinion survey. For a survey to be statistically valid, a response rate of at least five percent is desirable. The outstanding response rate of 15 percent indicates the great interest that Fishkill residents took in planning for the Town’s future.

### The Fishkill Comprehensive Plan Visioning Process



The vision outlined in the Fishkill Comprehensive Plan is stated in a series of goals toward which Town programs and activities should be directed. These goals have been translated into short-term steps or objectives that move the Town toward success in realizing the vision. Recommended actions the Town government and others can take were developed for each of the objectives and answer the question “How do we get there?” The actions may involve adoption of specific strategies and policies (such as zoning amendments) that are needed to guide the Town towards fulfillment of its vision. It may also involve citizen committees and/or civic and not-for-profit organizations pulling together for a common cause. The way that the vision statement is translated into actions can be seen in the illustration above. Following below is the statement of goals that present the Town’s vision. Objectives and recommended actions to attain the vision appear in Chapter 2.

### **THE VISION FOR FISHKILL INCLUDES GOALS TO:**

- ⌘ **Conserve Critical Lands**, including the open spaces that define our landscape legacy, and critical environmental areas.
- ⌘ **Preserve the Special Significant Environmental Resources** that are integral to the long-term health, safety and welfare of our residents.
- ⌘ **Connect People and Places** with a network of roads, sidewalks, pedestrian paths and bicycle trails to reduce traffic congestion and enhance quality of life.
- ⌘ **Ensure Economic and Social Diversity** by providing a full range of housing types and sizes and encouraging use of “green building” techniques to reduce utility costs.
- ⌘ **Create Gateways** that welcome visitors to our town and define Fishkill as a quality community.
- ⌘ **Emphasize Scenic and Historic Stewardship** to enhance Fishkill’s unique sense of place.
- ⌘ **Create Great Places for People**, including neighborhoods and streets that encourage walking and social interaction, and parks and trails that provide opportunities for active and passive recreation.
- ⌘ **Promote Good Design of the Built Environment** to foster a distinctive, attractive community and stimulate continued private investment.
- ⌘ **Raise Community Awareness** about natural resource conservation efforts and “smart growth” principles that contribute to quality of life.
- ⌘ **Coordinate with the School Districts** when evaluating the benefits and costs of development.
- ⌘ **Work Cooperatively with Neighboring Municipalities** on issues that span political boundaries.

In developing the Fishkill Comprehensive Plan, the Town Board initially appointed a Comprehensive Plan Committee, which examined existing conditions and historic trends, and identified the potential amount of additional development that could occur in the Town based on the existing zoning. The summary of impacts that could potentially occur

*“Among the most important powers and duties granted by the [State] legislature to a town government is the authority and responsibility to undertake town comprehensive planning and to regulate land use for the purpose of protecting the public health, safety and general welfare of its citizens.”*

New York State  
Town Law § 272-a

based on the build-out analysis appears in Table 1 below. Data prepared by the Dutchess County Environmental Management Council and the Dutchess County Soil and Water Conservation District was also reviewed, as were the recommendations found in State and regional plans. Numerous representatives and consultants from Town committees and regional organizations were invited to the Committee meetings to share their knowledge and expertise. The Committee also reviewed the Town’s Zoning and Subdivision Regulations in response to the overwhelming preference of Town residents, as expressed in the

community visioning session and public opinion survey, that Fishkill’s future be defined by “smart growth” principles.

Subsequent to the initial review by the Committee, the Town Board appointed two different planning consultants, at two separate times, to compile the plan from its loosely constructed pieces. GreenPlan, Inc. authored the first draft, which was compiled in 2005. Morris Associates, in the beginning of 2007, was directed to make revisions and carry the draft forward to completion for the Town Board to hold a public hearing.

**Table 1: Build-out Analysis, Potential Impacts under Current Zoning**

(based on current Institute of Traffic Engineers guidelines, Urban Land Institute guidelines, and NYSDEC guidelines assuming 4 bedroom dwelling units )

Estimated Additional Dwellings	Estimated Additional Residents	Estimated Additional Vehicle Trips Per Day	Estimated Additional Police Officers	Estimated Additional Fire Fighters	Estimated Additional Water Consumed and Sewage Generated (gallons/day)
3,628	7,935	36,280	4	4	1,723,300 gpd

## WHAT IS SMART GROWTH?

Smart growth has emerged over the last decade as a comprehensive response to the rapid consumption of largely undeveloped lands for development purposes. Since the end of the Second World War, sprawl has been the dominant form of development in America. Defined as low density development on previously undeveloped lands, and characterized by a separation of uses that result in auto dependency, sprawl causes numerous negative impacts. In the public opinion survey, for instance, some of the strongest feelings

emerged when Fishkill residents were asked about traffic congestion. 87 percent of respondents agreed or strongly agreed with the statement that “traffic congestion is a problem in the Town,” while only 3.2 percent disagreed.

Americans have historically had a love affair with automobiles and the ease of movement they offer, but we have designed our communities on their use without much attention to mass transit options. Auto dependency is reflected in our Town’s Zoning Law, and it has created problems, both in Fishkill and elsewhere throughout the nation. Consider that the United States Centers for Disease Control and Prevention (CDC) has pointed to our built environment and transportation infrastructure as one of the root causes of obesity, the nation’s fastest rising public health problem, especially in children.

Today, one in seven children is considered obese and 61 percent of adults are overweight or obese. Auto-oriented design and a lack of mass transportation choices force vehicle dependency, which increases traffic congestion and the amount of sedentary time people spend behind the wheel. Rising gas prices and declining petroleum supplies make it imperative that we design our communities to provide for and encourage alternative modes of transportation.

Sprawl development results in other negative impacts. For example, between 1960 and 1985, the New York City metropolitan area expanded its land area by over 65 percent while the regional population in this same area grew by only 8 percent. In the Town of Fishkill, between 1970 and 2002, population increased approximately 65 percent while the amount of developed land increased by 132 percent, the bulk of that land devoted to single-family residences and roads. Sprawl is a nationwide concern not only because of our dependence on cars for transportation, but because of its many other hidden expenses, such as higher costs to build and maintain infrastructure, loss of important open space, agricultural lands and wildlife habitat, greater use of non-renewable resources, and air and water quality degradation.

Smart growth is well-planned development that protects open space, revitalizes communities, keeps housing affordable, and provides transportation choices. It “*seeks to maximize the quality of the built environment, while minimizing or eliminating negative impacts to the natural environment.*”

Jason F. McLennan,  
“The Philosophy of Sustainable Design”

In communities throughout the Hudson Valley and across the nation, there is a growing concern that development patterns dominated by sprawl are not in the long-term interests of our cities, suburbs, villages, and undeveloped areas. Instead of continuing to accommodate sprawl, many communities are developing smart growth planning strategies. Smart growth is based on the principle that for growth management to be effective, it must accomplish three things: it must boost the economy, enhance community vitality, and protect the environment.

A divergent coalition of 32 organizations called the Smart Growth Network has come together to support smart growth by adopting a set of ten principles. The coalition represents the interests of organizations as diverse as the National Association of Homebuilders, National Association of Realtors, National Wildlife Federation, American Farmland Trust, National Trust for Historic Preservation, and the Natural Resources Defense Council. Even government and governmental organizations like the U.S. Environmental Protection Agency, National Oceanic and Atmospheric Administration, the State of Maryland, the National Association of Counties, United States Conference of Mayors, and the Local Government Commission have agreed upon and adopted the smart growth principles.

The Smart Growth Network defines smart growth as:

*Development that serves the economy, community and the environment. It provides a framework for communities to make informed decisions about how and where they grow. Smart growth makes it possible for communities to grow in ways that support economic development and jobs; create strong neighborhoods with a range of housing, commercial and transportation options; and achieve healthy communities that provide families with a clean environment. In so doing, smart growth provides a solution to the concerns facing many communities about the impacts of the highly dispersed development patterns characteristic of the past 50 years. Though supportive of growth, communities are questioning the economic costs of abandoning infrastructure in the city and rebuilding it farther out. They are questioning the necessity of spending increasing amounts of time in cars locked in traffic and traveling miles to the nearest store. They are questioning the practice of abandoning brownfields in older communities while developing open space and prime agricultural lands and thereby damaging our environment at the suburban fringe. As these quality-of-life issues become increasingly important for American communities, local and state policymakers, planners, developers, and others are turning to smart growth as one solution to these challenges.*

The Smart Growth Network has devised ten principles that articulate the goals of smart growth. The principles help communities recognize and value smart growth and seek ways to implement it. The Fishkill Comprehensive Plan adopts the following ten principles and recognizes that the strategies and actions recommended in this Plan will be needed to put them into practice:

The Fishkill Comprehensive Plan outlines tools and strategies to take us to a community that, in many ways, echoes our past, with its close-knit neighborhoods, tree lined streets, natural and open space areas, and homes and businesses marked by appealing aesthetic character.

## Smart Growth Principles

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Strengthen and direct development towards existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair and cost-effective
10. Encourage community and stakeholder participation in development decisions

Putting the smart growth principles fully into action requires changes to the way the community functions. It requires that the Town and neighboring municipalities, community groups, local boards, developers, transit providers, and other government agencies agree to the new way of doing business. This shift, however, will be eased by the recommended process described in the Comprehensive Plan, which clearly illustrates the myriad economic, community, and environmental benefits gained from a smart growth approach. All interests, whether public or private, have a stake in an attractive, orderly, and environmentally sound community. Regardless of his or her role in the development process, each of the individuals involved in shaping Fishkill's growth stand to benefit from the improved quality of life that smart growth can provide.

*"Across the country, when people were asked about where they would prefer to live, work, shop, and recreate, they invariably select communities or neighborhoods that have an abundance of trees, open spaces, and uncluttered pedestrian ways. These preferences translate into clear economic terms: if a community can succeed in attracting new residents and businesses, it must be concerned about its appearance, physical character, livability, and 'feel.'"*  
The President's Commission on America's Outdoors

## BENEFITS OF THE PLAN

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There are definite benefits to be gained by the adoption and implementation of the Fishkill Comprehensive Plan. These include, but are not limited to, the following:

**Economic Benefits:** Smart growth protects the values that attract people and growth. Studies overwhelmingly show that real estate values remain stable in communities with high quality open spaces, protected scenic viewsheds, and intact historic resources. In fact, protected open space, beautiful views, and remnants of our collective history increase the attractiveness and value of adjacent properties, which in turn increases the tax base. Preserving open space, natural beauty and sensitive environmental areas is one

of the basic principles of “smart growth” because these features attract high quality residential and business developments, which are then located in selected areas deemed most appropriate for the common good of the entire community. Smart growth reduces the costs of providing public services like water, sewer and roads. It gives developers clear direction about the desired location, type, and design of new projects to smooth out the review process and reduce the costs of development. The provision of a variety of housing types and sizes sustains businesses and encourages economic growth, since businesses are unlikely to establish themselves or remain in an area where their employees cannot afford to live. Employment opportunities can grow and the vitality of the community is sustained.

**Environmental Benefits:** Conserving natural and cultural resources allows our biological diversity to remain intact and our community to remain healthy. Preserved wetlands continue to filter our pollutants, prevent flooding, and protect our drinking water. Open vegetated lands and forested hills cleanse the air and absorb storm water runoff, which in turn reduces erosion and danger of flooding. Reliance on the automobile is reduced, resulting in cleaner air. The adverse effects of roads and the chemicals that wash off in rain and snow are reduced and the harmony and balance of nature is more sustainable.

**Community Benefits:** The goals and success of preserving the scenic, natural and historic character of the Town can be measured in the number of acres of open space or wetlands preserved, but there are also community benefits that are more intangible perhaps, but just as powerful for residents. For many of us, seeing and experiencing the beauty of nature in our open spaces, and living in a community that has a distinct sense of place, triggers feelings of freedom and contentment, of living a decent and hopeful life. We develop civic pride, which causes us to change from being a resident to becoming a citizen, and then by supporting a common cause we join together and become a community. We feel we are part of a place in the world where our lives are worthwhile and meaningful.

A plan is like a road map showing us the routes we need to take to reach our goals. We should refer to the Fishkill Comprehensive Plan whenever decisions are being made that affect the future of our community. The Plan should become an essential part of Town policy influencing the decisions of Town officials, business owners and residents, as well as helping guide the decisions of other local municipalities and entities, including the County and State. Its implementation will improve our quality of life and make Fishkill an even better place to live, work and visit.

This Plan reflects many of the goals and policies that are found in the 1989 Town Development Plan Update. It also recommends strengthening procedures and ordinances to insure sustainable development. However, this Plan also breaks from some of the goals of the previous plan, as the type of growth that has occurred, as well as general

economic changes throughout our county, region and the country no longer makes some of the 1989 goals viable or practical.

For example, Chelsea Industrial Park, once an active industrial site and envisioned in the 1989 Plan as still in existence and prospering, is now mostly abandoned, with obsolete and decaying structures. Businesses have departed or closed and the rail siding has not been used in many decades. The site contains soil contamination due to a prior industrial use that consisted of a wood treatment/preservation operation. The surrounding properties have been developed as residential housing of different types, making the former industrial site a good candidate for soil remediation and redevelopment of additional residential dwelling units, not industrial uses. It is the desire of the Town to work with an interested developer and the NYSDEC to facilitate the soil remediation and see the site developed in a more appropriate manner that complements its surroundings and provides tax revenues for the town.

The Southern Dutchess Sand and Gravel site, along Route 9, is another example. Substantial opposition to mining expansion plans over the past several years by residents and environmental organizations has forced the property owner to consider other uses for the site. The site is nearing the end of its useful life as a mine. The town is considering how rezoning of this parcel might accommodate redevelopment that would be in keeping with town goals and needs.

The former Dutchess Mall site is radically changed from its former look with the demolition of the majority of the “dead” mall superstructure and the addition of Home Depot as anchor tenant. The former Mays Building sits vacant and the other pad sites contain viable businesses. Modifying the zoning to allow for mixed use development of residential and commercial in appropriate proportions may inject new life and energy into this site and bring in new revenues to the Town.

The former Texaco research campus of 33.1 acres, with its numerous buildings and industrial facilities, and the former “tank farm” parcel of 4.3 acres, are now almost entirely vacant since the merger of Texaco with Chevron. Soil and groundwater contamination investigation and remediation are occurring. The NYSDEC is actively involved with the owner to move forward with a timeline by which the sites can be designated as usable. There is no current timeline for redevelopment of the sites, nor is there any definitive plan for redevelopment. The Town should continue to monitor with Chevron what the future might hold for these sites.

Merritt Park, once envisioned to become a busy research-office and light industrial area, now contains the Old Navy Northeast Distribution Center and a plethora of residential dwelling units approved in stages and built by Toll Brothers. One leg of the long-proposed east-west Merritt Boulevard has been completed and no additional research-office or light industrial is planned or desired. While the area developed somewhat differently than envisioned in the 1989 Plan, the Town has done well with the manner in

which this area has developed, as the distribution center has little to no impact on the environment due to its proximity to Interstate Route 84, which collects most of the truck traffic entering and leaving the site.

The western leg of the Route 52 Bypass is no longer considered to be a viable project. Wetlands, wetland adjacent areas, archaeological concerns (the proposed area for the western leg is in an OPRHP archeo-sensitive area), as well as the substantial costs associated with permitting and construction of a bridge over the Fishkill Creek have dealt a death blow to the proposal, envisioned in the 1989 Plan as a way to ease traffic in the Village of Fishkill and the immediate vicinity. In December of 2006, the PDCTC (Poughkeepsie – Dutchess County Transportation Council), completed a two-part study, one entitled the **Fishkill Traffic Analysis**, and the other the **Route 52 Alternatives Analysis**. The Route 52 Alternatives Analysis focused on 4 key questions:

1. Is such a connection feasible?
2. How and where would such a road connect?
3. Would the road divert traffic from Route 52 in the Village Center?
4. Does the connection have public support?

The results indicated that the connection would not meet the goals of relieving congestion, increasing accessibility to the Village Center or improving overall safety, and therefore did not adequately answer the questions such that the Advisory Committee of the PDCTC would recommend funding it in the TIP (Transportation Improvement Plan). Consequently, the Town has abandoned the concept of the western leg of the Route 52 Bypass.

The Westage Business Center site has also developed differently than previously planned, but again, the Town is satisfied with and has benefited from the manner in which it did develop. This is a tribute to the Town officials and the Planning Board, which have consistently and diligently worked with applicants to fashion projects that have brought vibrancy to the center.

Other goals from the 1989 Plan have not changed from the prior Plan, and continue to be emphasized and expanded upon in this Plan. Some of these important items include:

- providing a variety of affordable housing;
- protecting wetlands and adjacent areas;
- providing for use of and protecting groundwater resources;
- preserving natural and ecological resources;
- preserving and maintaining community character;
- preserving open space; and
- providing adequate recreation facilities for residents.

## Goals, Objectives and Actions

### A. CONSERVE CRITICAL LANDS...

including the open spaces that define our landscape legacy, and critical environmental areas.

Fishkill has large tracts of open spaces that contribute to the Town’s natural beauty, in addition to numerous environmentally sensitive areas and significant ecological communities. In the public opinion survey, Fishkill residents identified the preservation of open space and scenic beauty as two of their top priorities. We cannot preserve all remaining undeveloped land as open space. However, in accordance with the mandate of an overwhelming majority of Fishkill residents, we must explore ways to protect open space lands to maintain Fishkill’s scenic beauty, natural environment, and quality of life. We should collaborate with public and private entities in Fishkill and in other communities to adopt long-term strategies to preserve these natural areas.

An ecological community is a group of plants and animals that share a common environment. A “significant” ecological community is one that is either rare in New York State or is an outstanding example of a more common natural community when compared to others in New York State.

The right of first refusal provides the Town with the option to acquire the property on matching terms in any case where a sale or development is proposed. While the agreement remains in place, the Town and the landowner explore preservation options, including purchase of development rights, transfer of development rights, fee simple acquisition, and conservation subdivision.

***1. Objective: Protect and preserve large open space parcels in public and semi-public ownership for Fishkill residents and for future generations.***

- a. Explore designating significant open space as identified on Map 2, as a Recreation District that permits only recreational and educational uses, agriculture, and forestry.
- b. Encourage coordination and collaboration with the Town of Wappinger and the Town

A “Critical Environmental Area” (CEA) is a special designation under the State Environmental Quality Review Act (SEQR). CEAs are designated by either the Town Board or Planning Board as areas that have unique or exceptional characteristics. A CEA designation does not change the zoning or permitted density of an area. It alerts the Planning Board that this is an area with unique characteristics so the Board can design the project to ensure that impacts to the area are minimized.

of Philipstown to identify common shared resources and work to formulate a plan for preservation that is in the best interests of all participating municipalities.

- c. Work with private landowners to include other parcels within the Town in Preservation efforts.

**2. Objective: Promote use of conservation easements and other mechanisms to acquire and preserve important open space lands in perpetuity.**

- a. Identify significant open space parcels that should be permanently protected and consider funding measures, such as an open space bond act, contributions (Payment in Lieu of Taxes [PILOT]) from tax exempt entities, or a real estate transfer tax, for purchase of development rights or fee simple acquisition of these parcels.
- b. Consider hiring a professional grant writer to pursue funding available from county, state and federal government agencies for open space and recreational land acquisition, such as the County Farmland and Open Space Program, the State Purchase of Development Rights Program, the Federal Forest Legacy Program, Federal Wetlands Reserve Program, and Federal Land and Water Conservation Fund.
- c. Work with the Dutchess Land Conservancy and others to find ways for landowners to use limited development techniques, such as reduced densities in residential subdivisions, as an alternative to full build-out.
- d. For properties identified for protection, consider entering into an agreement that provides the Town with a right of first refusal to purchase a given property outright, or to purchase the property's development rights.

The conservation overlay district would apply to areas where important environmental resources are located and would be designed to protect, enhance or restore significant natural features and the ecological connections between them. The standards for the district should be based upon the carrying capacity of the land so that development is compatible with natural resources, and should be designed to preserve and protect ecosystems in their entirety to the greatest extent possible by minimizing fragmentation of the landscape.

**3. Objective: Enact Critical Environmental Area (CEA) designations to help protect significant ecological communities.**

- a. Consider designating as a CEA the significant ecological communities on the Fishkill Ridge, at the mouth of the Fishkill Creek, and the two floodplain forests, as identified by the NYS DEC Hudson River Estuary Program on Map 3.
- b. Consider including significant natural/ecological community areas, as identified on Map 4, in the CEA designations.
- c. Encourage the Planning Board to obtain additional information on significant ecological communities as this information is updated by the NYS DEC Natural Heritage Program (see Map 4).
- d. Use SEQR to develop all practical means to avoid or mitigate

A conservation subdivision follows a five-step design process:

1. Map all natural resources.
2. Calculate development yield under current zoning, excluding from the calculation wetlands and other natural resources.
3. Locate house sites away from natural resource areas, but provide each house with proximity to or a view of adjacent open space areas.
4. Draw in street alignments and walking paths, linking together the houses, providing access to an outside street, and (if possible) providing views of the open space preserve.
5. Draw in lot lines around the housing sites.

adverse environmental impacts of proposed development projects on the unique or exceptional characteristics of a CEA, and on all sensitive environmental resources, prior to approval by the Planning Board or any other agency.

- e. Enact a conservation overlay district with standards to promote environmentally sensitive development in areas with significant ecological communities, as identified on Map 3.
- f. Recommend the use of non-invasive native species in new landscaping for projects reviewed by the Planning Board in the conservation overlay district.

### How to Create Conservation Subdivisions

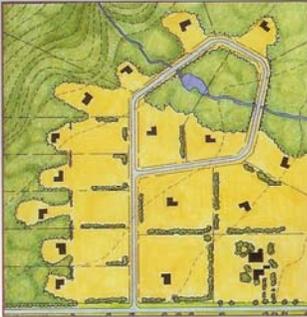
**Step 1**  
Require a map of the open space system for the parcel and surrounding area.



**Locate Development Pocket**

A sketch analysis of the area provides all the basic information to calculate how a development can fit into the landscape - what land should be protected and potential development pockets.

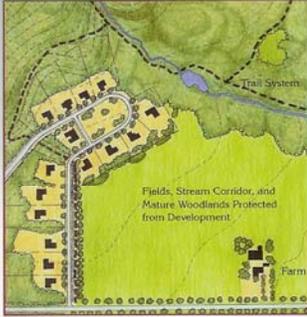
**Step 2**  
Conventional sketch layout determines maximum lot count under existing three-acre zoning.



**Typical Superimposed Subdivision**

- Productive farmland lost forever.
- Pleasant view from road eradicated.
- Stream corridor cut off by backyards.
- Large lots divide up and dominate the landscape.
- Individual road for each subdivision.
- Costly road and bridge construction.
- No chance for residents to enjoy special site features.

**Step 3**  
The same number of houses can fit into the landscape while preserving 80 percent of the open space.



**Conservation Subdivision**

- Large farm field protected.
- Rural view from road retained.
- Trail system allows access to stream.
- Smaller, but substantial individual lot sizes with central green.
- Potential connection to adjacent parcel.
- Less expensive construction costs.
- Residents have views of open field and direct access to woods.

Source: Greenway Guides

**4. Objective: Utilize state-of-the-art conservation planning techniques to protect important environmental resources and create a connected network of green space throughout the community.**

- a. Amend the current methods for density yield calculations in the Zoning Law to exclude wetlands and steep slopes, and streams when calculating density in conventional subdivisions and conservation (cluster) developments. This will result in a “net buildable area” based on the carrying capacity of the site.
- b. Consider replacing the average-density section of the Zoning Law with a section on conservation subdivision design that reflects the recommendations of *Greenway Guide A1*, as illustrated below. Designate conservation subdivision as a permitted use.

- c. Adopt design guidelines that incorporate patterns illustrating conservation subdivision design.
- d. Amend the Zoning Law to require conservation subdivisions when the site involves important environmental resources.
- e. Recommend that open space in new subdivisions be large contiguous tracts that maintain connections among habitats, protect areas with exceptional biodiversity, create a “greenspace” network throughout the community, and provide recreational opportunities, rather than being just checkerboard “leftovers” of open space scattered throughout the development and the Town.
- f. Adopt a local law that would allow the Town in its discretion to be a recipient of conservation easements.
- g. Recommend that open space in conservation subdivisions be protected with conservation easements held by a local land trust or the Town.
- h. Amend the Zoning Law to require that all community septic disposal systems or central sewage treatment plants developed as part of a conservation subdivision be subject to formation of a sewer district with management and operation by the Town of Fishkill.
- i. Amend the Subdivision Regulations to require that applicants show all natural and cultural resources on a site and surrounding areas during the sketch plan phase of the review.
- j. Include a requirement in the Zoning Law stipulating that Homeowner Agreements address the use of motorized vehicles on open space lands in conservation subdivisions.

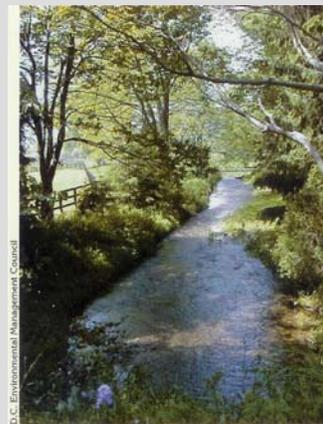
**5. Objective: *Ensure that infrastructure does not encourage sprawl.***

- a. Recommend that future developments reflect smart growth principles and seek to extend infrastructure into developed areas of the town that currently do not have such facilities in order to limit sprawl and lessen the impact on the environment.

**B. PRESERVE SIGNIFICANT ENVIRONMENTAL RESOURCES. . .**

that are integral to the long-term health, safety and welfare of our residents.

Conservation subdivision design should be used when a site involves important environmental features such as: slopes of 15 percent or greater on 25 percent or more of the property; wetlands on large portions of the property; aquifer and aquifer recharge areas; municipal water supply watershed areas; flood-prone areas; NYS Protected Streams or a Town Designated Protection Area; Critical Environmental Areas; sites bordering designated Scenic Roads; sites where community sewer, community water, or community water and sewer are available or planned; historic structures and sites, scenic viewsheds and special features identified by the town; publicly owned or designated open space areas or privately owned designated natural areas; areas with rare vegetation, significant habitats or habitats of endangered, threatened or special concern species; mature forests over 100 years old or locally important vegetation; unique natural or geological formations; existing and potential trails, bikeways and pedestrian routes.



A riparian area is the land adjacent to a stream. Preserving vegetation in this area is critical to maintaining a stream's water quality since vegetation prevents erosion, and large trees near the stream's edge shade the water which maintains dissolved oxygen for fish habitats.

Protecting open space allows for a number of ecological services to be provided by nature. Flood control, watershed and aquifer protection, oxygen production, natural pest and disease control, formation of topsoil, and erosion control are just a few examples of the services that are provided to the community, free of charge, simply because the forests, fields, and wetlands exist. Few if any human-made substitutes can supply the diverse array of benefits that flow from nature. Ecosystem values have been estimated to be as high as \$7,924 per acre per year for wetlands and floodplains. These factors are extremely important from an economic, as well as an ecological perspective. However, essential natural resources such as aquifers, streams, wetlands, and wildlife habitats are endangered by the increasingly rapid spread of suburbia in Dutchess County. Fishkill's natural resources are integral to the long-term health, safety and welfare not only of its residents but also of neighboring towns and the region. We should ensure that these resources are protected for present and future generations, even as new development occurs.

The Metropolitan Conservation Alliance defines vernal pools as "seasonal bodies of water that attain maximum depths in spring or fall, and lack permanent surface water connections with other wetlands or water bodies." Vernal pools support populations of specialized species. They are of great interest to ecologists because, despite their small size, they are characterized by high productivity and a unique assemblage of species adapted to breeding in seasonally flooded wetlands.

**1. Objective: Protect surface water quality and natural drainage areas.**

- a. Continue to work with the Wappingers Creek Watershed Committee and the Fishkill Creek Watershed Committee to develop intermunicipal watershed management plans to preserve the long-term health of these vital waterbodies.
- b. Designate the Fishkill Creek and the Clove Creek corridors as Critical Environmental Areas.
- c. Enforce the Town's Freshwater Wetlands, Watercourses and Waterbodies Law (Chapter 82) to assure compliance with the standards and requirements found therein to protect water resources, such as wetlands, streams, ponds, as well as trout spawning areas, etc.
- d. Encourage restoration of native vegetation on previously disturbed lands in riparian areas.
- e. Identify and map vernal pools on sites proposed for development in the Town. Strive for effective protection of vernal pools in accordance with the recommendations of the Metropolitan Conservation Alliances' *Best Development Practices*. Consider the adoption of a regulatory approach that respects private property rights and allows flexibility for property owners. Explore the use of incentives to encourage vernal pool protection.
- f. Incorporate information on the Town's website that sheds light on the use of fertilizers, pesticides, and herbicides in areas adjacent to sensitive aquatic environments and over aquifers. Include information on how to protect these resources.

The Fishkill aquifer is the only sole source aquifer in Dutchess County and plays an important role in the regional water supply. A sole source aquifer is one that supplies 50 percent or more of the drinking water for an area. Contamination of a sole source aquifer would pose a significant hazard to public health. Land uses in aquifer and aquifer recharge areas should be carefully regulated to permit maximum recharge and to protect water quality. Land use densities should be carefully matched to the carrying capacity of the land so that groundwater quality is maintained.

**2. Objective: Protect the quality and quantity of groundwater that the Town depends on for its present and future water supply needs.**

- a. Designate the new wellhead area at Red Schoolhouse Road and Cynwyd Road a Critical Environmental Area.
- b. Consider the adoption of an Aquifer Overlay District for the Fishkill aquifer and recharge areas.
- c. Require conservation subdivision design for residential subdivisions in the Aquifer Overlay District to reduce the amount of impervious surfaces.
- d. Prohibit use of infiltration basins over aquifer and aquifer recharge areas unless surface water quality flowing into the infiltration basin is of sufficient quality that groundwater will be protected.
- e. Adopt performance standards (such as the need for enclosed buildings or structures) for the storage of fertilizers, pesticides and herbicides, salt and coal to ensure provision has been made to prevent seepage of these substances into groundwater.

An infiltration basin is a shallow impoundment that is designed to infiltrate stormwater into the soil. Infiltration basins use the natural filtering ability of the soil to remove pollutants in stormwater runoff. However, some studies have shown relatively high failure rates compared with other stormwater management practices. Infiltration basins are not recommended over aquifer and aquifer recharge areas due to concerns about groundwater contamination.

**3. Objective: Improve stormwater quality by reducing pollutants that enter surface water and ground water, and by using natural processes as much as possible rather than engineered structures.**

- a. Encourage the use of innovative stormwater management techniques such as those that increase local infiltration rates, reduce runoff from impervious surfaces, improve groundwater recharge, and reduce flooding and pollution problems for new development and for retrofits, whenever possible, as described by the Low Impact Development (LID) Center at [www.lid-stormwater.net](http://www.lid-stormwater.net).

Scientific research has demonstrated that habitat fragmentation (dissecting large blocks of habitats into smaller fragments through road construction, subdivisions, and forest clear cutting) causes many species to disappear. Research has also shown that this process can cause human health problems. A study published in the February 2003 issues of the scientific journal *Conservation Biology*, demonstrates that reductions in small mammal diversity stemming from forest fragmentation leads to increased incidences of Lyme disease in humans.

**4. Objective: Reduce impacts of development on steep slopes.**

- a. Strengthen the Town's steep slope ordinance. Establish performance standards that control development based on the carrying capacity of the land.

**5. Objective: Protect areas rich in biodiversity.**

- a. Train Town Conservation Board members in bio-diversity assessment by encouraging them to participate in training programs offered by Hudsonia and the NYS DEC Hudson River Estuary Program.
- b. Where appropriate, ensure that adequate effort is being expended, using appropriate techniques—to assess significant species and habitats on parcels proposed for development.

- c. Refer to Metropolitan Conservation Association publications during the review of development proposals.

**6. Objective: Encourage use of native plant species for landscaping, and discourage the use of invasive species.**

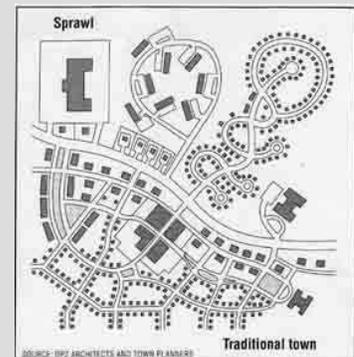
- a. Provide information about native and invasive plants and make it available at Town Hall and on the Town’s website.
- b. Recommend that all new landscaping for projects reviewed by the Planning Board make use of non-invasive native plants.
- c. Landscape all Town-owned properties and “Welcome to Fishkill” signs with non-invasive native plants.
- d. Encourage the County and the State (both NYS DOT and the Thruway Authority) to plant native species along roadways, in roadway medians, and on other lands under their ownership or management.

Street trees should be tolerant of pollution, heat and salt, be strong enough to require little maintenance, and be insect and disease resistant. The following urban tolerant street trees are recommended:  
 Little-leaf Linden  
 Thornless Honey Locust  
 Red Oak  
 Regent Scholartree  
 Hackberry  
 London Plane Tree  
 Green Ash  
 Village Green Zelvoka  
 Gingo (male only)

**7. Objective: Preserve existing trees where possible and require the planting of new trees when appropriate.**

- a. Amend the Zoning Law to include a section on tree and topsoil removal, grading and excavating that would establish regulations for any recontouring of land and removal of trees or topsoil (with the exception of sustainable forestry management) by requiring site plan approval, based on performance standards, from the Planning Board.
- b. Request that Dutchess County Department of Planning and Development map significant stands of forest, five acres and greater in size, as a tool for the Planning Board.
- c. Recommend the integration of existing forested areas and significant trees into site plans for new residential and commercial development.
- d. Recommend that woodland buffers along scenic roadways be preserved to the greatest extent possible during site plan and subdivision review.
- e. Amend the Subdivision Regulations to give the Planning Board greater flexibility in determining the appropriate spacing of street trees (based, for instance, on the posted speed limit, width of the road, and other factors), and revise the regulations to require planting of urban tolerant trees. Provide applicants with a list of appropriate street trees that meet these requirements.

Cul-de-sacs funnel all traffic onto arterials that become easily congested (top). This often results in large public expenses that could be avoided if drivers used a residential street network for local trips. Unconnected streets force cars, delivery vehicles and trash haulers to backtrack after making deliveries or pickups, and this can increase traffic, inconvenience residents and waste gas.



A connected street network with short blocks (bottom) encourages walking and bicycling and provides multiple routes that disperse traffic. Connected roads also have an improved emergency response time and are likely to have lower refuse and snow removal costs.

- f. Work with New York State Department of Transportation (NYS DOT), the County Department of Public Works, the Town Highway Department and local public utilities to minimize cutting of street trees.
- g. Encourage NYS DOT to plant street trees along NYS highway buffers and medians.
- h. Recognize and honor individuals and companies that take the lead in planting and protecting trees.

### **C. CONNECT PEOPLE AND PLACES. . .**

with a network of roads, sidewalks, pedestrian paths, and bicycle trails to reduce traffic congestion and enhance quality of life.

**I**n the public opinion survey, 87 percent of respondents identified traffic congestion as a major problem in Fishkill.

However, widening congested roads to accommodate traffic is not a long-term solution because traffic expands to fill the available road space. An axiom of transportation planning is that or “if you build them, they will come.” Instead, we should create multiple routes and means for people to get around. Residential neighborhoods should have pedestrian access to nearby shops, restaurants, parks, and other conveniences. Streets should be connected to provide multiple routes to destinations, and should have short blocks to minimize walking distances. A network of shared pedestrian-bicycle trails that link neighborhoods and encourage travel options should be planned and developed throughout the Town. To encourage alternative modes of transportation, traffic-calming measures, such as well-defined crosswalks, curb extensions, and narrower roads, should be used to create a safe environment for people traveling on foot or bicycle. Compact, mixed-use development should be permitted in designated areas of the Town so people are encouraged to walk to destinations, and public transit should be encouraged as an alternative to the automobile.

In the public opinion survey, 76 percent of respondents agree that paved shoulders and other pedestrian facilities should be provided in the town, 63 percent believe that bicycle lanes and paths should be developed, 64 percent want to encourage development that is not auto dependent, and 58 percent believe that more public transit should be provided.



A “complete street” is one that is safe and convenient for all users, including motorists, bicyclists and pedestrians.

#### ***1. Objective: Connect streets and neighborhoods to improve traffic circulation and safety, and encourage walking and bicycling.***

- a. Integrate new roads with the existing street network. In new subdivisions, require roadway connections to existing streets and adjacent neighborhoods wherever feasible. Discourage cul-de-sacs and dead-ends.
- b. Create connections between existing cul-de-sac streets and adjacent areas in the community to provide additional points of access and allow choices for drivers, bicyclists and pedestrians to take on their way to a particular destination.
- c. Discourage the creation of gated communities, which create breaks in the street network.

**2. Objective: Connect neighborhoods with paths, sidewalks, and bicycle lanes to encourage walking and bicycling and reduce traffic congestion.**

- a. Create off-street walking and bicycling paths as opportunities arise to link residential neighborhoods with each other and to nearby commercial sites.
- b. Create pedestrian networks and crosswalks for all commercial development and redevelopment to create connections to shared parking, public transportation, walking between stores, and to nearby residential neighborhoods. Require and plan for the installation of sidewalks and pedestrian paths during site plan review.
- c. Amend the Zoning and Subdivision regulations to require that all new site plan and subdivision applications include provisions for “complete streets” with sidewalks, pedestrian paths and, where appropriate, bicycle lanes. Sidewalks should be provided where density is appropriate (generally ½ acre lots or smaller), where they connect people with destinations and can provide a pleasant experience, and where they link to other sidewalks.
- d. Consider the potential for pedestrian and bicycle movements when authorizing road building and improvement projects, especially when specific destination points are involved, such as connecting schools and parks with residential areas.
- e. Request that DOT install sidewalks on both sides of Route 52 from the Town Hall to the Village of Fishkill, and from the Village of Fishkill to the former A&P Plaza.
- f. Request that DOT install raised crosswalks and crosswalk signals along Route 52 where traffic lights are located, and in areas where there are significant destinations such as public schools, parks, places of worship, and other community gathering places.
- g. Encourage the provision of on-street bike lanes and marked bike routes on collector roads and State and County highways consistent with any applicable NYS DOT standards for bike lanes and curbs.
- h. Work with other involved agencies to produce a weatherproof bicycle network map and make it available in Town Hall, at the libraries, and in the schools.
- i. Work with other involved agencies to install “Bikes Share the Road” signs, where appropriate, along bike routes throughout the Town.
- j. Require bike racks for commercial sites, parks, schools, and public facilities.

The number of trips people take on foot has dropped by 42 percent in the last 20 years.

In the 1970s, 60 percent of youngsters walked or rode their bikes to school, but today only 14 percent do.

*“We build communities with no sidewalks, and then we wonder why our kids don’t walk to school.”*

James O. Hill  
Univ. of Colorado Health Services Center



Trails provide recreational opportunities, create travel corridor habitat for wildlife, and supplement local transportation systems. As a linear open space resource, trails often become a cherished part of a municipal park system.

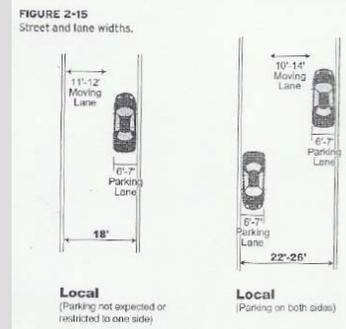
**3. Objective: Create a greenway trail along the Fishkill Creek to connect parks, neighborhoods and other important sites in the Town, and enhance opportunities for recreation and alternative ways of getting around.**

- a. Secure easements to allow for public access in the 50-foot “no-build” area along Fishkill Creek.
- b. Require dedication of land along the Fishkill Creek as parkland under NYS Town Law § 277.4 during subdivision review, or use recreation fees to acquire and manage “creekfront” lands.
- c. Pursue funding from the Hudson River Valley Greenway and TEA-21 to develop the Fishkill Creek Trail.
- d. Work with the City of Beacon to extend the Fishkill Creek Trail to the Hudson River.
- e. Work with the Village of Fishkill to extend a trail along the portion of the Creek that runs through the Village on the east side of Route 9.
- f. Connect the Fishkill Creek Trail with the Greenway Trail along the Hudson River and the County Rail Trail in East Fishkill.

**4. Objective: Connect the community with a town-wide network of hiking trails and bicycle paths that link residential neighborhoods, parks, shopping areas, and regional trails.**

- a. Create and adopt a hiking, biking and walking trails map as an official Town map and display it in Town Hall for use by the public and the Planning Board during the review of subdivision and site plan applications. Begin by mapping existing trail easements as the basis for creating a network of connected trails throughout the Town. Identify where trails should ideally be located, and ensure that new trails connect with existing trails on Stony Kill Farm, Mount Gulian, Scenic Hudson Land Trust lands, and other properties, and with regional trails including the Greenway and Blueway Trails and the County Rail Trail.
- b. Work with developers to create segments of hiking, biking and walking trails identified on the Trails Map during the subdivision and site plan review of affected parcels.
- c. Require open space preservation linkages in the design of new subdivisions wherever potential linkages are possible.
- d. Utilize conservation easements for hiking trails and bicycle paths and adopt a local law so the Town can be a recipient of conservation easements, when determined appropriate.
- e. Prohibit use of motorized vehicles on established trails, and install removable bollards at trail/roadway intersections to discourage such use.

“Traffic calming” is a general term for designing new streets or retrofitting existing streets to slow vehicle speeds. This can be as simple as striping for bicycle lanes or as comprehensive as a complete makeover of a street with landscaping and wider sidewalks.



Recommended road widths for a residential street serving fewer than 150 units. Source: “Residential Streets”

Designing for narrower roads is also a traffic calming technique. Our current road standards date to World War II when people were concerned about evacuation during a nuclear attack. These standards are often designed to make streets faster for cars, rather than safer for people. Wide, straight roads enable higher traffic speeds and signal to drivers that it is safe to drive faster. Conventional streets are designed to accommodate traffic speeds of 15 miles per hour faster than the posted speed limit. Studies have found a direct correlation between the width of a road and the number of pedestrian fatalities. Narrower roadways, as recommended by *Residential Streets*, discourage speeding and reduce vehicular accidents and pedestrian fatalities.

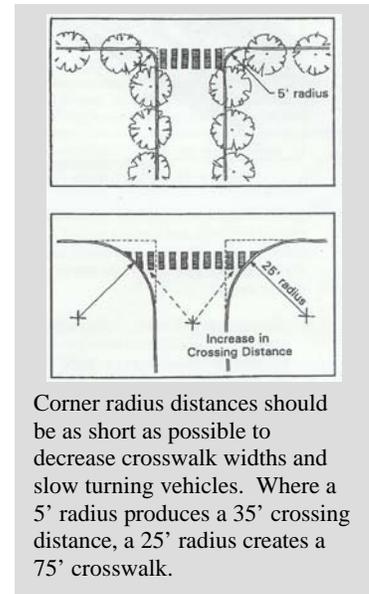
Many of the most popular neighborhoods share some basic characteristics. They are attractive, walkable, and locate homes close to work, entertainment, and schools. They offer a variety of housing options, and have parks and green space. These are the features of a traditional neighborhood.

**5. Objective: Connect commercial sites to improve transportation efficiency, safety and movement.**

- a. Require that developers create internal service roads and interior access to connect parking lots on all future commercial development and redevelopment along Routes 9, 9D, 52, and 82.
- b. Consolidate commercial entrances on roads where possible and use internal service streets as an alternative access.

**6. Objective: Apply traffic calming measures to reduce speeding and create a safe environment for pedestrians and bicyclists where necessary and appropriate.**

- a. Encourage future development to conform to the recommendations of publications like *Residential Streets* published by the Urban Land Institute, National Association of Home Builders, American Society of Civil Engineers, and Institute of Traffic Engineers or *Street Design Guidelines for Healthy Neighborhoods* published by Walkable Communities Inc., in consensus with emergency services and the school districts.
- b. Consider traffic calming techniques on streets in the commercial districts with curb extensions, neck downs, on-street parking, and well-defined textured or raised crosswalks.
- c. Consider narrowing overly wide existing residential streets by providing sidewalks, bicycle lanes, and/or planting strips and street trees, where appropriate. Consider narrowing excessively wide commercial streets, where appropriate and feasible, by adding landscaped center medians and on-street parking.
- d. Consider the use of on-street parking in new residential subdivisions to slow traffic, provide a buffer between traffic on the road and pedestrians on the sidewalk, and reduce impervious surfaces. Multi-family developments should consider the use of on-street parking in preference to creating separate parking lots where appropriate. Allow on-street parking to count as part of the parking requirement.
- e. Consider the use of a tighter turning radius at intersections to create shorter distances for pedestrians crossing the street and slow turning speeds for cars.
- f. Discuss with local fire officials whether emergency services can adopt a policy to purchase and/or utilize equipment that supports initiatives to reduce the size of emergency response vehicles and other equipment, which might allow for opportunities to develop narrower roads in subdivisions.



A recent survey conducted by Smart Growth America and the National Association of Realtors asked prospective homebuyers if they would rather live in a large lot neighborhood where they would depend entirely on cars to get around or in a more compact neighborhood with schools, shops and restaurants nearby. Sixty percent chose the compact neighborhood.

National Survey on Communities, October 2004

**7. Objective: Connect people and places with public transit.**

- a. Address the potential for public transit during Planning Board review of proposed residential and non-residential development.
- b. Create additional park-and-ride lots.
- c. Coordinate with Regional Transit Authorities and adjoining communities to improve regional transit services.

**8. Objective: Reduce the number of automobile trips by permitting compact, mixed-use development in identified areas of the Town to encourage walking and public transit.**

- a. Encourage the development of small-scale neighborhood shops, such as corner stores that provide goods and services geared towards the neighborhood, within walking distance of residential areas and ensure that they are well-designed and fit with the neighborhood character in accordance with the provisions of the town code covering such uses.
- b. Expand opportunities under the code to encourage additional small scale shops and corner stores in areas subject to redevelopment.

The national trend for smaller household size is reflected in the Town of Fishkill. In 1970, the average household size in the Town was 3.29 persons. By 2000, that number had declined to 2.35 persons per household. Household sizes are expected to continue to decrease as a result of more single-person and single-parent households and the aging of the baby boom generation, which is resulting in a greater number of empty nesters. These trends are expected to be long term and will be reflected in the housing market. Assuming that real incomes remain the same, smaller households mean there will be less demand for large-lot, single family homes and more demand for smaller, less expensive housing. The increase in the number of elderly and middle aged adults in Fishkill creates more demand for housing types that require minimal maintenance.

**D. ENSURE ECONOMIC AND SOCIAL DIVERSITY**

by providing a full range of housing types and sizes and encouraging use of “green building” techniques to reduce utility costs.

The most vibrant and successful communities are the ones that actively take a role in maintaining diversity. As Fishkill grows, we should ensure that it continues to provide a variety of housing types and sizes to encourage a socially and economically diverse community, and permit people in all stages of life to remain in the neighborhood. The provision of quality housing for people of all income levels in the community is a key part of any smart growth strategy. Individual neighborhoods should incorporate a variety of housing types suitable for a broad range of lifestyles—including singles and empty nesters, families with children, retirees, and people just entering the workforce—rather than serving only one household type and income group. Homes should use “green building” technology such as efficient building materials and energy efficient heating and cooling systems to minimize environmental impacts, reduce utility costs, and increase long-term affordability.



Cottage developments provide housing for people who want smaller homes.

**1. Objective:** Accommodate the housing needs of a broad spectrum of community residents so that our local workforce, senior citizens, first time homebuyers, and the children of residents can afford to live in Fishkill.

- a. Encourage the development of a variety of housing types and sizes in the same neighborhood, including single-family, two-family and accessory dwellings, cottage dwellings and multi-family units, live-work units and garage apartments. Ensure compatibility with community character and ensure compliance with the town's Affordable Housing Law and the Senior Housing Law.

**2. Objective:** Encourage use of efficient building materials and energy efficient heating and cooling systems (“green building” techniques) to conserve natural resources and reduce utility costs.

- a. Adopt a Green Building Guidebook that describes energy-efficient and environmentally sensitive building techniques. The Guidebook would explain potential cost savings and other benefits of using such techniques. Recommend that developers undergoing subdivision or site plan review consider the Guidebook's techniques.
- b. Encourage that projects developed with public funding, including all Town projects, make use of green building techniques. Such projects would serve as both models and test cases for private development.
- c. Make information available to development applicants on the State's Green Building Tax Credit program, and strongly support and encourage applications for use of the credit.
- d. Encourage use of solar heating and geothermal heating and cooling for individual development projects.

The Scenic Roads Program would include policies for assuring the protection and enhancement of scenic roads, such as preserving the tree canopy, stone walls, hedgerows, significant old trees, and other important elements in the roadside scenery, restricting signage and inappropriate fencing, and encouraging tree planting.

The Hudson Valley Scenic Roads Program has nominated Route 9D for scenic road designation. Route 9D from the Putnam/Dutchess County line to the City of Beacon has been nominated for Class A Scenic Road status for its excellent views of the river and mountains, while the portion of the roadway from the City of Beacon to the intersection with Route 9 is recommended for Class B Scenic Road status.

## **E. EMPHASIZE SCENIC AND HISTORIC STEWARDSHIP. . .**

to enhance Fishkill's unique sense of place.

Fishkill has a distinctive character defined by its ridgelines, scenic roads and viewsheds. Its historic structures and sites are tangible reminders of our town's rich cultural heritage. These features contribute to Fishkill's unique sense of place. They provide pleasure, foster civic pride, and attract positive development. We should emphasize scenic and historic stewardship to protect and enhance these features as development occurs.

Source: Greenway Guides



Development off a side road system (top) preserves views from the main road, unlike the same number of house lots facing the frontage (bottom).

**1. Objective: Protect the scenic beauty of the ridgelines that contribute to Fishkill's unique character.**

- a. Consider adopting a Ridgeline Protection Overlay District with siting, landscaping and design standards to protect the scenic character of the Town's ridgelines.

**2. Objective: Protect and enhance the aesthetic quality of scenic roads.**

- a. Create an inventory of roads that have significant natural, cultural and scenic resources and include the inventory as an amendment to the Comprehensive Plan.
- b. Encourage homes in new subdivisions to be placed off side roads or shared driveways, screened from the public view, rather than lining scenic roads with house lots.
- c. Work with the NYSDOT and Stonykill Environmental Center to encourage developers to screen new homes from view along the Breakneck and Stonykill sections of Route 9D.
- d. Identify and map scenic vistas and viewsheds that should be protected from intrusive development.

**3. Objective: Preserve and commemorate significant historic and archaeological structures and sites.**

- a. Work with the Town Historian to develop a comprehensive inventory of all historic properties in the Town, including historic properties of national, State and local significance.
- b. Nominate historic buildings for State and National Register designation. Where historic structures do not qualify for such designation, work with the Town Historian to consider criteria to govern local designation of sites.
- c. Allow adaptive re-use of historic structures to help preserve them by permitting a broader range of uses, such as bed and breakfasts or tourist guesthouse operations, provided that the re-use is subject to performance standards as part of Special Use permit requirements (which include protection of the historic structure).
- d. Preserve archaeological resources by carefully considering sensitive archaeological zones identified by New York State and local archaeologists during the SEQR reviews of proposed developments. File newly discovered archaeological sites with the State Archaeological Survey for inclusion in its database.
- e. Work with representatives of New York State, the Federal government and interested parties to purchase or otherwise preserve portions of the historic Fishkill Supply Depot lands that remain undeveloped and explore how these lands can best be used to commemorate the activities that occurred on these hallowed grounds, especially those lands where gravesites of former soldiers have been identified.

Fishkill has five sites on the State and National Register of Historic Places, including Dutchess Manor, Bannerman's Island Arsenal, Stony Kill Farm, VanWyck-Wharton House, and the Mount Beacon Incline Railway and Power House. Other structures, such as the Brinckerhof House, Kip House, and the Whitefield House, may be eligible for listing.



Sidewalks should be at least 5 feet wide to permit couples to walk side by side. Planting strips should be located between the sidewalk and the curb to separate cars from pedestrians and allow room for street trees and snow storage. Street trees provide shade and protect pedestrians on the sidewalk. These features, in addition to the narrower roadway, provide a more attractive and livable street than the one pictured below.

## F. CREATE GATEWAYS...

that welcome visitors to our Town and define Fishkill as a quality community.

The entrances to our town along the main roadways establish the first impression people have of Fishkill. These gateways should define our town as a quality community. Travelers along these corridors should be welcomed to Fishkill.

**1. Objective: Preserve the existing rural and scenic character of Route 9D and Route 9 at the entrances to the Town to maintain the “town and country” character and to distinguish Fishkill from neighboring municipalities.**

- a. Preserve existing vegetation as much as is practicable and create berms where necessary to conceal development from the main corridors into the Town and preserve the rural and scenic quality of these roadways.
- b. Recommend cluster subdivision of lands along Route 9D with development sited away from the highway and a generous conserved buffer along the roadways.
- c. See additional recommendations in “Scenic and Historic Stewardship” above.

*“We have given a disproportionate amount of our street space to vehicles, and the time has come to start giving some of it back to the pedestrians from whom it was taken.”*

William H. Whyte

**2. Objective: Welcome visitors to Fishkill.**

- a. Work with civic organizations and local businesses to install and landscape the “Welcome to Fishkill” signs proposed for the entrances to the Town with non-invasive native species. Encourage a local gardening club or civic organization to maintain the plantings.
- b. Identify areas where additional “Welcome to Fishkill” signs could be installed.

## G. CREATE GREAT PLACES FOR PEOPLE...

Including neighborhoods and streets that encourage walking and social interaction, and parks and trails that provide opportunities for active and passive recreation.

The street is our most important public space, but too often it is designed with only cars in mind. Residential neighborhoods should be designed to create streets and other common areas that encourage walking and foster interaction between neighbors. New development should reflect a human scale, emphasize pedestrians, and preserve open space that defines the neighborhood. Natural areas should be incorporated into site design by creating public greens and pocket parks in high-density areas and by preserving tracts of contiguous open space in outlying areas. Green space, in the form of local parks, community gardens, parks and greenway trails, should be



New roads should be designed to enhance scenic character and the rural appearance of the community. Wide asphalt roads should be avoided. Width should be no greater than necessary for safe movement of motor vehicles, and should incorporate traffic calming techniques to encourage safe driving and pedestrian use. Road layout should avoid impacts to adjoining properties and should respect and preserve the topography, stonewalls, flora and other natural features.

provided to expand opportunities for year-round passive and active recreation to meet the needs of a growing population and provide quality of life for individuals of all ages.

**1. Objective: Design neighborhoods with streets that are vital public spaces and are safe for pedestrians and cyclists, not just cars.**

- a. Require that road width is no more than is required for anticipated traffic volume and amend the Zoning and Subdivision Regulations to require sidewalks, planting strips between sidewalks and the curb, street trees, and on-street parking, as recommended in *Greenway Guide B2*.
- b. Encourage developers to design residential buildings with an orientation towards people, rather than cars, with front porches and recessed garages to create a pleasant walking environment and encourage social interaction.
- c. Allow the Planning Board to have the flexibility to modify the front yard setback in specific zoning districts under controlled circumstances to include a “build-to line” that defines a maximum front yard setback, rather than a minimum front yard setback, to define the public realm of the street.
- d. Require that setbacks of new homes be aligned with those of existing homes in infill development.

**2. Objective: Design parks as lively community gathering places with a variety of activities for people of all ages and strong connections to the surrounding neighborhoods.**

- a. Develop a long-range master plan for the development of parks and recreational facilities in the Town. Assess whether additional recreational lands and facilities will be needed to serve future population growth in accordance with the Town’s build-out. Determine whether the Town’s current recreation fees are sufficient to accommodate the recreational needs of future growth.
- b. Enhance and redevelop existing parks with funds from recreation fees. Include flower gardens, shade trees, public art, benches, restrooms, playing fields, large open areas for kite flying and picnicking, and walking paths that connect the various attractions and destinations throughout the park. Use traffic calming measures in the vicinity of parks so people can safely walk to them and, where park edges adjoin busy streets, create a buffer to create an enclosed space.
- c. Wherever possible, provide opportunities for visual and physical public access to the Hudson River.
- d. Continue to develop a network of trails and greenways throughout the Town, wherever possible.

For over more than three decades, Project for Public Spaces has studied parks and community gathering places to determine what makes a successful public space. Their research has discovered that great parks have four characteristics. They:

- 1. Improve connections to surrounding streets and neighborhoods, and make it easy for people to walk to and through the park.
- 2. Are safe, clean, and have a choice of conveniently located places to sit.
- 3. Have a wide variety of uses—the more activities the better—so both men and women of different ages and backgrounds can use the park throughout the day and, ideally, throughout all four seasons. The more a park is used the safer it is.
- 4. Are places that bring people of the neighborhood together, where people come to meet friends, and where they feel comfortable interacting with strangers. Sociability is fostered by special events, gathering places that accommodate a variety of activities, and amenities that encourage social interaction, such as a grouping of benches and small cafés with outdoor seating. People feel ownership and a sense of pride in the park, and volunteer to maintain it.

Source: *How to Turn a Place Around: A Handbook for Creating Successful Public Spaces*, by Project for Public Spaces.

**3. Objective: Engage the community in planning, funding, developing and maintaining parks.**

- a. Prepare a park plan that identifies suitable uses and the best design for new parks that the Town develops. The design process should include public involvement, with ideas for the park coming from the residents who will use it.
- b. Consider establishing a neighborhood stewardship program to maintain parks and ensure their safety.
- c. Provide opportunities for the creation of “adopt a garden” programs for seniors and neighborhood children to plant and maintain gardens in the parks.
- d. Encourage planting of memorial trees and installation of park benches to commemorate a person’s life.
- e. As opportunities present themselves, create public/private partnerships to manage and maintain parks and to schedule special events such as festivals, outdoor exhibits, nighttime movie screenings, and performances.

**H. PROMOTE GOOD DESIGN OF THE BUILT ENVIRONMENT. . .**

to foster a distinctive, attractive community and stimulate private investment.

**A**s Fishkill grows, the Town should ensure that new development enhances, rather than detracts, from the appearance of the community. Elements of the built environment, such as architecture, signage, lighting, parking, and the layout of development, have a lasting impact on a community’s sense of place. When well designed, these elements can enhance the visual quality and aesthetic character of the Town. Well-designed development projects can be enjoyed by residents for 100 years or more. But when done poorly, they can diminish quality of life for that same time period, and worse yet, can damage the economic fabric of the community. When applicants are provided with clear direction about a community’s preferred designs at the beginning of the approval process, before extensive engineering and design work has been conducted, they are more likely to build projects that have community support. By clarifying a community’s preferred designs, controversy over development proposals is minimized and the approval process is simplified and streamlined. The result is high quality design that creates enduring value and builds civic pride.

Section 150-1.1 of the Fishkill Code states that the *Greenway Guides* supplement other land use policies in the Town, and agencies should take the *Greenway Guides* into consideration when reviewing a project.

Section 149-3 of the Fishkill Code establishes a Town policy that new or amended land use laws and regulations should be consistent with the *Greenway Guides*.

**1. Objective: Give developers clear direction about the type of development the community desires, in order to expedite the review process and achieve high quality design that enhances and builds on Fishkill’s heritage.**

- a. Refer applicants to review the *Greenway Guides* in the planning of all development proposals.

- b. Adopt a clear commercial design standard to supplement the *Greenway Guides* with drawings and photographs that illustrate designs that are acceptable to the community, in order to assist developers, design professionals, and the Planning Board with the review and approval of commercial projects.

**2. *Require that new commercial development enhances the Town’s character and reflects vernacular site layout and historic architectural styles.***

- a. In the design standards for commercial development, emphasize architecture that complements human scale and historic setting, use of traditional building materials such as wood, stone or brick for façade treatments (and/or environmentally-friendly “green” building materials that closely resemble traditional materials), and traditional architectural styles and rooflines.
- b. Discourage corporate franchise architecture. Require that commercial franchises and chain stores develop designs that are consistent with local character (as illustrated in the design standards) and enhance the sense of place.
- c. Discourage “big box” designs surrounded by asphalt. Permit traditional neighborhood development as an alternative.



Fully shielded fixtures, such as the “light-structure green™” stadium fixtures shown on the right, minimize light spillage on adjacent properties. Since they are more energy efficient, they are also less expensive to operate.

**3. *Objective: Develop standards for lighting to enhance community character.***

- a. Amend the Zoning Law to include the recommendations of *Greenway Guide E5* on lighting to prevent glare, protect the night sky, reduce energy waste, and enhance the Town’s nighttime character. Consider including lighting standards based on the Illuminating Engineering Society of North America (IES) and International Dark Sky Association recommendations. Use the same concepts for public street lighting.
- b. Recommend that lighting levels comply with the recommendations of the IES for playing fields.

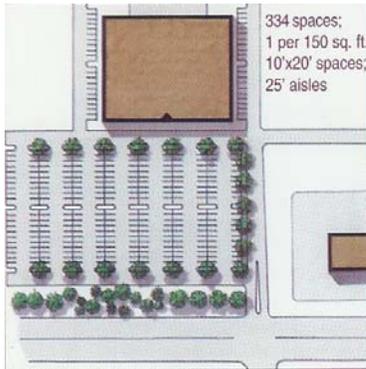


Design-based codes have emerged recently as an alternative to the traditional zoning method. They are based on the premise that form is more important than function when designing a community. Design-based codes illustrate how the street should be designed, where the buildings should be located in relation to the street, where parking should be located on the lot, and architectural features such as front porches. A design-based code can be used to create traditional neighborhoods with tree-lined streets, sidewalks, and homes marked by character.

**4. *Objective: Ensure that adequate but not excessive off-street parking is provided for residential and commercial development, and that parking lots are designed to enhance the appearance of the community.***

- a. Revise the Town’s parking standards to conform to the National Parking Association’s recommendations, which will result in less asphalt, less runoff, and more space for landscaping. Establish both minimum and maximum parking requirements. Require that applicants who wish to exceed the maximum requirement balance the increase with enhanced landscaping, screening and innovative design.

- b. Amend the Zoning Law to incorporate the recommendations of *Greenway Guide E3* on parking lot design and layout. The emphasis in parking lot design should be on dispersion on a site to reduce impacts.



This proposal for a 50,000 sq. ft. store would require 334 parking spaces based on the Town's current outdated parking standards. The result is an unattractive "sea of asphalt" that can blight a neighborhood and add to the urban heat island effect that raises surrounding air temperatures.



Under the standards recommended by the National Parking Association, only 200 parking spaces would be required. Breaking up the parking into two areas further reduces the parking lot sizes and allows room for more landscaping and for smaller stores along the road to screen the parking lot and create a more pedestrian-friendly development. More parking areas with fewer spaces in each are aesthetically more pleasing than single large lots.

Source: Greenway Guides

- c. Adopt additional standards to screen parking lots from roads and adjacent residential uses. Require planting of trees, shrubs and generous landscaping within and surrounding parking lots.

**5. Objective: Begin retrofitting existing commercial strips and adjacent areas as traditional neighborhoods.**

- a. Identify areas along Routes 9, 9D, 52 and Merritt Boulevard where existing zoning designations may need to be changed to allow innovative development techniques, such as traditional neighborhood development, that is appropriate in size and scale for the Town, and consider adopting a Traditional Neighborhood Overlay District (TN-O) for these areas (see Map 5 for general locations).
- b. Consider adopting a design-based code with clear standards, photographs, and illustrations so developers know in advance what criteria will be applied to projects in these areas. Ensure that neighborhoods are village-like in form and scale, and include open space, trails, and a pedestrian friendly environment. Provide a streamlined approval process (such as defining projects that comply with the code as permitted uses) to encourage landowners and developers in the TN-O to follow the design-based code.

*Redevelopment of a Residential Suburb as a Traditional Neighborhood*



**1. Existing conditions.**



**2. Add crosswalks and sidewalks.**

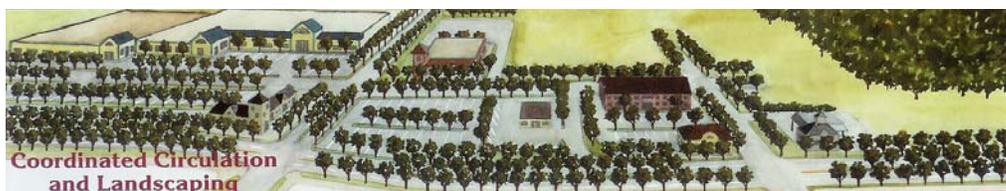


**3. Locate homes close to each other to encourage walking, and close to the road to define the street as a public space.**



**4. Add street trees and pedestrian amenities, such as benches.**

- c. Request that Dutchess County Planning and Development develop small area plans for the redevelopment of large commercial malls. Emphasize the creation of a Main Street environment by filling in the fronts of large parking lots with small, closely spaced or attached storefronts to build a walkable street frontage with courtyard parking behind, as recommended in *Greenway Guide C1* (illustrated below). Permit residential development on upper stories of these buildings, and require transit stops at these sites. Consider adopting a design-based code to permit and encourage development as planned, and adopt a Generic Environmental Impact Statement (GEIS) to expedite the review process.



A long-term redesign program can gradually transform commercial strips into mixed-use centers with each successive site plan application. With buildings up front, attractive architecture, wall signs and sidewalks can be featured along the street, rather than parking lots and large signs.

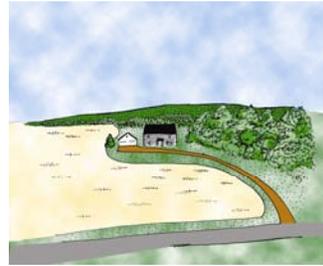
**6. Objective: Ensure that new residential development fits into its natural surroundings, rather than being superimposed as a dominant element of the landscape.**

- a. Amend the Zoning Law to incorporate the recommendations of *Greenway Guides A1* and *A2* on fitting new subdivisions into the natural landscape and preventing strip subdivisions. Provide applicants with design guidelines that illustrate conservation subdivision design.
- b. Adopt guidelines for siting homes around a site's natural features. To fit development into the landscape, buildings should be placed on the edges of fields or woods, or on the slopes of ridges and hills, as illustrated below:
- c. Prohibit clear cutting of building sites. Preserve as much existing vegetation as possible in all new developments to create a more established look in new neighborhoods.
- d. In new subdivisions, discourage the conversion of indigenous plant life on a site to manicured lawns and gardens using non-native and/or non-indigenous plants by providing educational materials to residents and newcomers.

Source: Greenway Guides



**Hilltop Siting – Avoid**



**Hillside Siting – Preferred**



**Forest Fragmentation – Avoid**

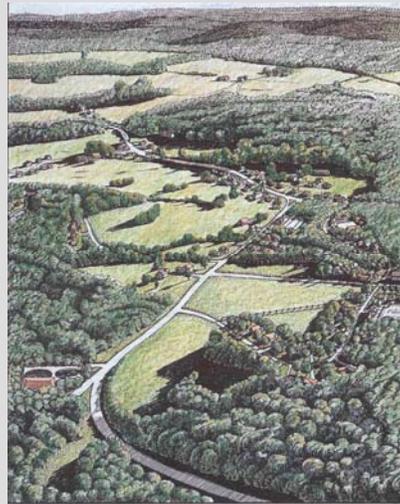


**Edge Siting – Preferred**

Buildings should be integrated into the landscape. Situating a home in a highly visible location, such as the middle of a wooded area or the crest of a hill, intrudes on the rural landscape and detracts from scenic views.



Conventional development spreads homes over the land on large lots.



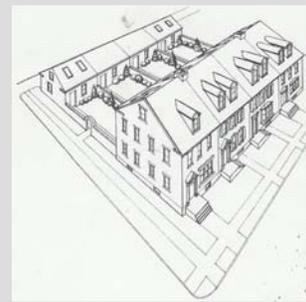
Conservation subdivision fits the same number of homes into the landscape.

**7. Objective: Ensure that new residential subdivisions are designed as pleasant, walkable neighborhoods.**

- a. Encourage front porches that open onto the street during site plan and subdivision review and amend the Zoning Law to prohibit “snout houses” where the garage is the main architectural feature and dominates the view from the street.
- b. Adopt design standards that govern the location of garages, as illustrated below, to hide the car and create a pedestrian-friendly environment.
- c. Permit tandem garages, where one car is parked behind another, to reduce the impact of garages from the street.



Different siding and roof treatments create visual interest and individualize each unit.



Townhouses with garages accessed from a laneway. This type of development creates a walkable street frontage.

- d. Require that multi-family developments be designed as row houses with garages accessed by rear alleys, or as garden courts with buildings
- e. For multi-family development, provide design standards that illustrate how each unit should be defined by architectural detailing and/or different roof or siding treatments.
- f. Require that underground utility boxes be screened or be located fully below ground.



Multi-family developments can be designed as “garden courts” with buildings facing a green and parking located to the rear. . .



Front porches on homes located close to the street encourage walking and socializing.



This type of development disconnects the house from the public realm and diminishes the pedestrian experience.

**8. Objective: Encourage redevelopment and/or rezoning of abandoned and underutilized commercial properties, as well as former mining sites and other unique properties to allow mixed uses or traditional neighborhood development, with an emphasis on affordable/workforce housing and neighborhood scale commercial and institutional uses.**

- a. Identify abandoned and underutilized commercial properties, such as the former Dutchess Mall, Chelsea Industrial Park, and the Southern Dutchess Sand and Gravel (SDSG) mining property and work with the site owners to market these sites to prospective businesses and entrepreneurs. Identify other areas along Route 9 south of I-84 where the goals of the 1989 Plan may no longer apply and study other potential development uses that might address current pressing needs of the town.
- b. Consider rezoning the Chelsea Industrial Park property for residential uses. The existing industrial structures, many of which are empty or abandoned, are outdated and in poor condition. The industrial park is no longer economically viable, as portions of the property have soil contamination issues that need to be mitigated and the surrounding properties have been developed as residential. By working with a motivated developer, the town can hope to see this site changed for the better and can reap the benefits of increased assessment for land that has fallen into decay, neglect and abandonment.
- c. Explore the potential for redevelopment of sites such as the Southern Dutchess Sand and Gravel mining site on Route 9 in the southernmost portion of the town for multifamily residential. The site is nearing the end of its useful life as a mine and many of the site development costs could be substantially lower due to the fact the site is cleared and graded, and some areas have been reclaimed as a result of the mining operation. Such a site could prove to be an excellent place for a range of housing, including workforce or senior housing. The 1989 Town Development Plan Update specifically addressed the need for housing for lower and middle income families, as well as seniors and called for construction of such housing by the use of innovative zoning techniques that promote environmentally sensitive development where adequate infrastructure components, reduced land development costs and provisions for lower cost housing present themselves.
- d. Consider residential development possibilities for the former Dutchess Mall, where mixed use development may add to greater utilization of the site and spur additional commercial development on parcels south of Interstate Route 84.

**9. Objective: Regulate businesses that may have adverse impacts on the neighborhood.**

- a. Amend the Town's "adult entertainment" zoning regulations to include adult bookstores, adult video and/or novelty stores, and the like. It has been well established that these uses have secondary adverse effects on their neighborhoods and should be regulated to minimize secondary adverse effects. The Town should study the issue and then set specific minimum distances between the location of adult uses and land uses that are sensitive to their secondary impacts in accordance with the guidelines developed from case law by the U.S. Supreme Court.

- b. Adopt a Zoning Law Amendment to restrict use of vacant commercial lots for permanent flea markets through the special use permit process and specific conditions.

## **I. STREAMLINE THE REVIEW PROCESS...**

for projects that promote “smart growth.”

To encourage smart growth projects we should streamline the review process to make approvals for smart growth projects more predictable, fair and cost effective.

### **1. Objective: Streamline the SEQR review and approval process for smart growth projects.**

- a. Develop small area plans for the redesign/redevelopment of large shopping malls, and adopt a design-based code as an innovative technique to facilitate new development.
- b. Provide developers with design standards to expedite the review process.
- c. Develop administrative policies and project review checklists for the Planning and Zoning Boards and applicants to expedite the review process. Post on the Town’s website.

### **2. Objective: Continue and expand on the current collaborative land use process to streamline the review process, and improve a project’s design.**

- a. The Town should continue to encourage its municipal officials and interested community members to attend the Community Leadership Alliance (CLA) Training Program, co-sponsored by the Pace University Land Use Law Center and the Glynwood Center, and should promote participation in other local training opportunities and initiatives.

The CLA provides training in collaborative leadership skills and land use law. Collaborative planning creates a permitting process that is less controversial, faster, easier, and less likely to result in litigation. The process includes early notification of neighboring landowners of a development proposal, and a description of the standards and criteria that will be applied to the project.

### **3. Objective: Ensure that municipal boards have the proper training to carry out the new planning and zoning requirements.**

- a. Request that Pace University or the Dutchess County Planning Federation conduct training sessions for the Planning Board and other Town Boards.
- b. Require that Planning and Zoning Board members take the self-administered Land Use Training Program certification offered by New York Municipal Insurance Reciprocal, Pace University Land Use Law Center, and the New York Planning Federation.
- c. Provide training opportunities for the Planning Board and employees of the planning and zoning office in the effective use of SEQR, the *Greenway Guides*, innovative planning techniques and design principles that support community objectives and successful smart growth techniques. Inform new members of training obligations before they join.
- d. Encourage the Planning Board to conduct tours of local examples of conservation subdivisions and traditional neighborhood developments (within practical and financial reason) so they can see these types of development first hand.

## **J. RAISE COMMUNITY AWARENESS. . .**

about natural resource conservation efforts and “smart growth” development techniques that contribute to quality of life.

**P**utting smart growth principles into action requires changes to the way we think about development. We need to understand the broader consequences of the choices we make and how our actions can contribute to - or detract from - a vibrant, healthy community. Increasing our awareness of how “smart growth” contributes to quality of life is crucial to the successful implementation of the goals of the Comprehensive Plan.

### ***1. Objective: Encourage various smart growth businesses and organizations to conduct workshops and provide educational materials to raise community awareness.***

- a. Consider using a combination of local public access television, newspapers, and the Town’s website, for the purpose of raising community awareness about natural resource conservation efforts and “smart growth” development techniques. For example, focus attention on one major topic area for every four to six month period.
- b. Encourage businesses and organizations to provide residents with information about green building techniques and its advantages, and encourage energy-efficient habits for individuals and households.
- c. Use the Town’s website to promote conservation “best practices.”
- d. Seek to educate residents about how to reduce stormwater runoff and maintain stormwater devices as part of overall educational efforts with respect to natural resource protection.
- e. Encourage landowners in areas adjacent to sensitive aquatic environments and over aquifers to protect these resources.
- f. Encourage businesses and companies to educate residents about Best Management Practices for septic maintenance and pump-outs to help prevent malfunctions, which could contaminate water resources or create other public health hazards.
- g. Seek to involve residents and businesses in decisions about traffic calming and traffic dispersal efforts. Curb extensions, on-street parking, connecting streets, and other traffic calming and pedestrian-friendly techniques are not without consequence. Local residents and businesses should be consulted about the tradeoffs involved.
- h. Inform the community about the importance and measurable benefits of habitat quality, diversity and connectivity.
- i. Work with local businesses and organizations to provide information to homeowners about proper use of fertilizers, pesticides, and herbicides, and landscaping alternatives that do not require use of chemicals, such as non-invasive native plant materials as an alternative to lawns and gardens using non-native species.
- j. Encourage the school districts to incorporate curriculum on the importance of planning, conservation, and development, and to include educational programs about the importance of environmental stewardship.

**2. Objective: Recognize and honor individuals and companies that improve Fishkill's quality of life with smart growth projects.**

- a. Honor local citizens as well as developers who have done an outstanding job of protecting special scenic or historic resources, have made a distinctive contribution to the built environment with a model development project, or have demonstrated a commitment to conservation through planting and protecting trees, or donation of land or conservation easements.

**K. COORDINATE WITH THE SCHOOL DISTRICTS. . .**

when evaluating the benefits and costs of development.

Public schools are often the most expensive and complex governmental service in a community. The schools are a significant aspect of our community, and ensuring that we continue to have good schools will make an important contribution to our quality of life. If we do not encourage strong coordination between town and school planners, our ability to manage and finance the cost of education will be compromised. Joint planning to coordinate policies and decisions will enable school and town planners to minimize impacts of development on school capacity and costs as the Town grows, and ensure continuing quality education for our children.

**1. Objective: Address potential impacts of development on school capacity and taxes.**

- a. Find ways for the Town and school districts to coordinate their policies and decisions.
- b. Continue to designate the school districts as Interested Agencies in all development applications that would generate school children so the Planning Board and the school districts can address potential impacts on schools.
- c. Use SEQR to identify and address school capacity issues, and require that proposals for major subdivisions be subject to a fiscal impact analysis as appropriate.
- d. Explore contributions (e.g., Payments in Lieu of Taxes [PILOT]) for tax-exempt entities in the Town.
- e. Encourage a diversity of housing types for people in all stages in life to reduce impacts of residential development on the school districts.

**2. Objective: Site new schools within walking distance of residential neighborhoods.**

- a. Adopt incentive zoning provisions that would encourage developers to provide community benefits in exchange for identified incentives. For instance, a developer could be permitted increased density if he or she provided land for the development of a school (when need arises) in appropriate high-density residential neighborhoods.
- b. Encourage the school districts to construct new schools (when need arises) within walking distance of high-density residential neighborhoods so children can walk to school and the cost of busing is reduced.

## **L. WORK COOPERATIVELY. . .**

with neighboring municipalities on issues that span political boundaries.

Sensitive environmental resources are not subject to municipal boundaries. Development that occurs on one parcel of land or near a body of water can often affect what happens on adjacent parcels or areas. Similarly, one municipality's plans to enhance its community character can be adversely impacted by how development occurs next door or just over the municipal boundary. We must work with neighboring municipalities, so that our efforts to protect Fishkill's natural resources and community character will not be frustrated by the plans and actions of other agencies. We should cooperate with other municipalities on issues that span political boundaries, and should take an active role in helping to shape the plans and decisions of other agencies that affect our Town.

**1. Objective: *Whenever possible, seek to develop and enact inter-municipal agreements with all neighboring municipalities to plan for conservation of natural resources that span municipal boundaries.***

- a. Work with the Towns of Philipstown, Wappinger, East Fishkill, the City of Beacon, and the Village of Fishkill to create compatible, local regulations to protect such important resources as wetlands and floodplains, aquifers, watersheds, historic resources and scenic viewsheds, using the powers granted to the Town under Town Law § 284.
- b. Consider the establishment of inter-municipal overlay districts to protect, enhance and develop community resources.
- c. Continue to work with the Wappingers Watershed Committee and the Fishkill Creek Watershed Committee to develop intermunicipal watershed management plans to preserve the long-term health of these vital waterbodies.
- d. Work with neighboring municipalities to designate the portion of the Hudson River in the Highlands as a "Scenic River" under the State Wild, Scenic and Recreational Rivers Act.

**2. Objective: *Work with neighboring municipalities to implement specific recommendations of the Comprehensive Plan pertaining to amenities for connecting people and places and enhancing community character.***

- a. Work with the City of Beacon to create a hiking and bicycling trail along the Fishkill Creek to the Hudson River, and with the Village of Fishkill on the portion of the Creek that runs through the Village on the east side of Route 9.
- b. Work with the Town of East Fishkill to connect the Fishkill Creek Trail with the County Rail Trail.
- c. Coordinate with neighboring municipalities to create consistent signage, lighting, and general redesign/redevelopment of Routes 9, 9D and 52 in accordance with the recommendations of *Greenway Connections*.

## Implementation

Implementation is one of the keys to a successful comprehensive plan. Updating the Fishkill Comprehensive Plan alone is not the end of the process. It is, in fact, just the beginning of what should be a vibrant, ongoing planning effort. Implementation will benefit the Town as a whole by raising the quality of life for all residents and making Fishkill a more attractive place to live, work, play and visit. The Plan will serve as the policy framework for a wide range of decisions concerning land use, development, design, and public investment priorities.

The Comprehensive Plan is designed to be the official statement of guiding principles for future conservation and development within the Town. For all future development applications in the Town of Fishkill, the Comprehensive Plan, along with recommendations found in the documents referenced therein, are considered to be the “guide” to be consulted for all applicable goals and objectives. Board approvals should fully consider the various enabling and guideline documents in order to secure the best types of projects that will bring maximum benefit for town residents.

If a proposed land use development application is found to be consistent with the Comprehensive Plan, as well as with such things as *Greenway Connections – Greenway Compact Program and Guides for Dutchess County Communities*, to the extent that it applies, then it can be determined by the authorizing board(s) that the project is in accordance with the official policies and shared vision for the future of the Town. Approvals of projects consistent with the Plan move the Town closer to its preferred land use goals.

The Town Board is ultimately responsible for conducting the SEQR review of the Plan and must issue either a Negative Declaration or a Positive Declaration prior to adoption. The Town Board must also consider applicable County agricultural and farmland protection plans created under the New York State Agriculture and Markets Law.

Once adopted, the Fishkill Comprehensive Plan must be filed in the office of the Town Clerk and a copy must also be filed in the office of the Dutchess County Department of

Planning and Development. It is further recommended that copies of the Plan be filed with the Village of Fishkill, all other surrounding towns, including those in Putnam and Orange Counties, as well as with the other government agencies whose plans were reviewed in the Plan, such as the New York State Departments of Transportation and Environmental Conservation, Dutchess County Departments of Health and Public Works and the Dutchess County Water and Wastewater Authority, Hudson River Valley Greenway, and the Town Planning Board, Zoning Board, Conservation Board, and Highway Department.

The Town Board must provide a maximum time interval for review of the Plan after it is adopted. The Plan should be periodically reviewed and amended as needs arise or as various economic indicators vary and as the demographics of the town and the region change in response to growth. It is recommended that the Town should review and/or update the Plan at least every five years to stay current with new land use development and business trends and population shifts. Further amendments can be accomplished by means of meeting minutes, resolutions, studies, reports, and other descriptive materials that may be adopted as part of the Town's overall Comprehensive Plan.

After adoption, the Town can begin to implement some of the changes that are recommended in the Plan. The Town Board has already made significant changes during the time this Plan has been formulated and completed. Passage of several important laws has taken place, laws dealing with issues that were identified as important by the public during the process.

**The Plan must follow the specific adoption procedures found in §272-a of NYS Town Law. These include making the Plan document available to members of the public at the Town Clerk's Office at least ten days prior to the public hearings. Other locations such as libraries and posting the Plan on the Town's website may also be used for public review of the document. The Town Board must hold a public hearing prior to formal adoption of the Plan.**

In 2003, Local Law No. 1 was passed, which established Chapter 82: Freshwater Wetlands, Watercourses and Water Bodies. The legislative intent of the law is to insure that activities in and adjacent to wetlands, watercourses and water bodies do not unduly impact the public safety, the natural environment or cause environmental degradation.

In 2003, Local Law No.4 was passed, which established the Senior Citizen Housing District, designed to expand affordable housing opportunities for senior citizens in the Town of Fishkill. This law encourages the development of moderately priced multiple dwelling units for senior citizens, ensuring that such developments provide a minimum of services and facilities to accommodate resident needs and to minimize detrimental effects on surrounding properties. The Senior Citizen Housing District is a floating zone that can be dropped over the RMF-5 (Residential Multifamily – 12 density units/acre), RMF-3 (Residential Multifamily – 8 density units/acre), PB (Planned business) and RB (Restricted business) zoning districts. Several developers have been able to successfully proceed through the approval process and have completed developments of which both the town and developer can be proud.

In 2004, Local Law No. 5 was passed, which established Article IXB – Affordable Housing Ordinance to provide guidelines, regulations and incentives for the development of moderately priced dwelling units for persons of low or moderate income levels. The Town has been successful in working with several developers to see an increasing and impressive number of such affordable units placed into the local housing market and restrictions placed on such units assure that all such units remain affordable in perpetuity.

In 2005, Local Law No. 14 was passed, establishing a new signage ordinance, which is consistent with *Greenway Connections* and is intended to encourage the use of signs as a means of communication, protect pedestrian and vehicular safety, protect property values, protect and enhance the aesthetic environment, and enhance the Town of Fishkill’s ability to attract sources of economic development and growth.

In 2008 Local Law No. 12 was passed, establishing the Beacon Hills District, which was designed to regulate future development in the Beacon Hills section of the town. Originally platted as a seasonal bungalow colony of mostly long, narrow or overly small lots, Beacon Hills now primarily consists of year-round single family dwelling units. Located at the base of a mountain, decades of development have exacerbated numerous environmental issues with which the town has grappled, such as stormwater runoff, erosion, flooding, sewage disposal system leachate, inadequate water supply and broken water lines, and roads that contravene town code requirements.

In order to effectively deal with these issues, the town specifically crafted and established the Beacon Hills District, which requires substantial documentation from applicants wishing to develop in Beacon Hills. This effort is clearly a response by the town to protect and preserve the natural resources of that area, including the Fishkill Creek, as well as protecting the property rights of residents and deals with the pressures of development in an effective and proactive manner.

The Town has moved forward on its decision to construct a new recreation center for residents to enjoy. The facility will open in 2009, with roughly 15,000 square feet of recreation space, which includes a senior center and a full, high school level gymnasium and basketball court.

Many of the town parks have been upgraded and amenities such as lighting, concession stands and restrooms are either built or are in the process of being planned. Recreation fees paid by developers into the Parklands Trust Fund are used to upgrade baseball fields, basketball courts, as well as raise the overall quality of the parks for all of the residents.

The Town of Fishkill has always striven to be on the cutting edge of ideas and methods to stay in touch not only with the needs of its residents but also of the larger region surrounding the Town. Fishkill has a number of “firsts” to which it can point as a leader in good government and continues to look for new ways to save money while providing

up-to-date services for its residents. The Town officials will use all of the resources at hand to work with local citizens, businesses and developers to maintain the Town of Fishkill's ongoing reputation as a prime place in the Hudson Valley to live, work and play.

**TOWN OF FISHKILL**

**COMPREHENSIVE PLAN**

**MAPS**

MAP 1 – CURRENT ZONING

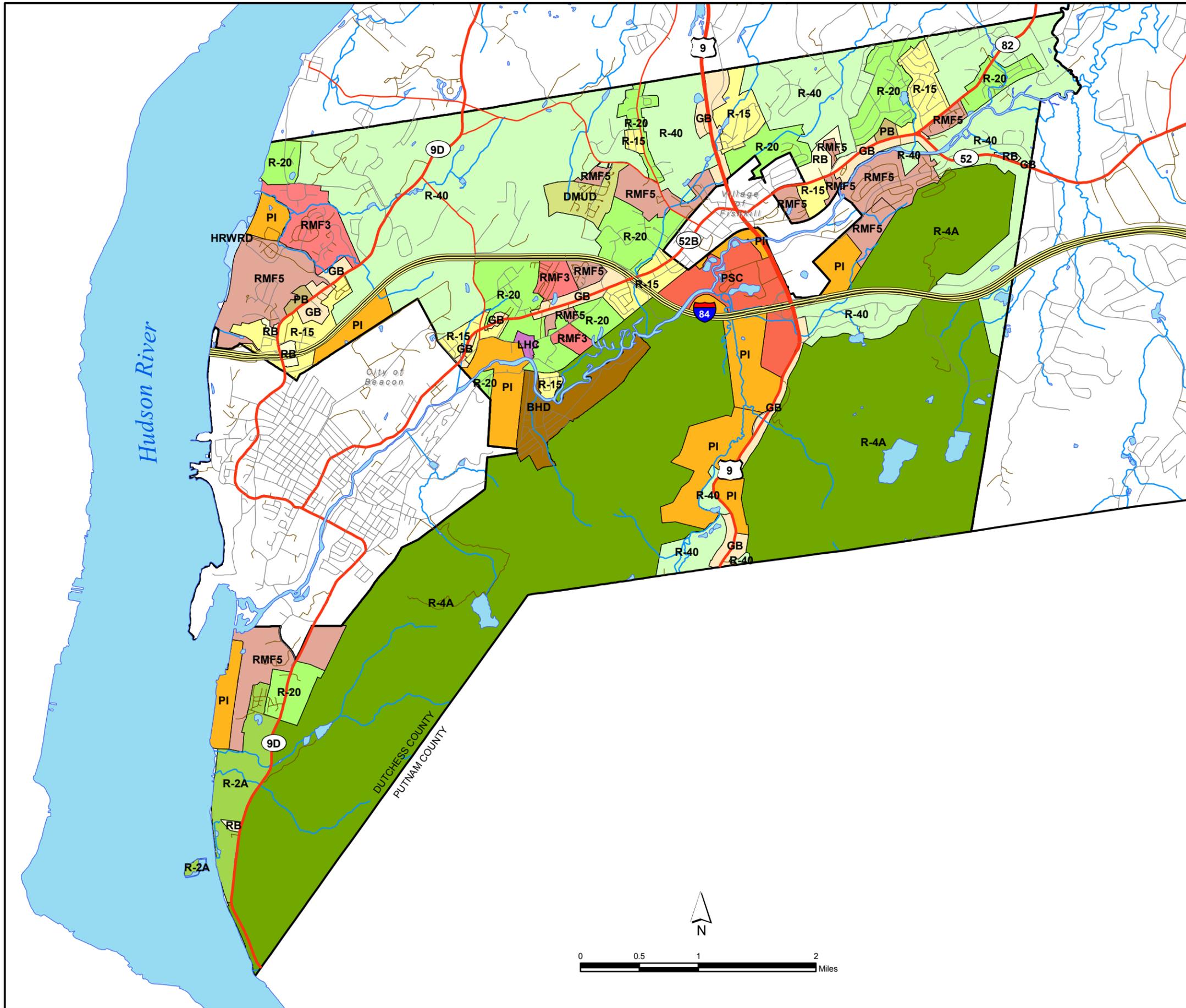
MAP 2 – PROPOSED RECREATION ZONING DISTRICT

MAP 3 – SIGNIFICANT ECOLOGICAL COMMUNITIES

MAP 4 – SIGNIFICANT NATURAL COMMUNITIES AND  
IMPORTANT AREAS (with accompanying text)

MAP 5 - GENERAL LOCATIONS FOR TRADITIONAL  
NEIGHBORHOOD DISTRICTS

# Map 1: Current Zoning Town of Fishkill



- Legend**
- Streams
  - Water Bodies
  - Municipal Boundaries
  - Local Roads
  - County Roads
  - Interstate Roads
  - Private Roads
  - State & US Roads

- Zoning - Town of Fishkill**
- GB - General Business District
  - RB - Restricted Business District
  - PB - Planned Business District
  - PI - Planned Industry District
  - PSC - Planned Shopping Center District
  - HRWRD - Hudson River Waterfront Recreation District
  - LHC - Local Historic Center
  - DMUD - Designed Multiple Use Development
  - R-4A - Residential-4 Acres
  - R-2A - Residential-2 Acres
  - R-40 - Residential-40,000 SF
  - R-20 - Residential-20,000 SF
  - R-15 - Residential-15,000 SF
  - RMF3 - Multi-Family Residential District
  - RMF5 - Multi-Family Residential District
  - BHD - Beacon Hills District

Data Sources:

Streams and Waterbodies: National Hydrography Dataset, U.S. Geological Survey, 2007

Municipal Boundaries: Dutchess County Real Property Tax Service, July 2008.

Zoning - Town of Fishkill: 1991; digitized by Dutchess County Planning and Development, 2004 (edits and Beacon Hills Overlay District by CCEDC GIS Lab March 2009)

Roads: Dutchess County Real Property Tax Service Agency, February 2009

Prepared by Dutchess County Environmental Management Council, June 2005  
 Updated March 2009, Cornell Cooperative Extension Dutchess County GIS Lab

WARNING: This map is not a substitute for land surveys or legal documents.  
 No accuracy or completeness guarantee is implied or intended.



CCEDC provides equal program and employment opportunities.  
 The programs provided by this agency are partially funded  
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# Map 2: Proposed Recreation Zoning District Town of Fishkill

## Legend

- |  |  |
|--|--|
|  Streams              |  Roads      |
|  Water Bodies         |  Local      |
|  Parcels              |  County     |
|  Municipal Boundaries |  Interstate |
|  |  Private    |
|  |  State & US |
- 
- Recreation Parcels**
-  Private Owner
  -  Municipal and State Property, Scenic Hudson Property
  -  Unknown (no ownership record found)

**Data Sources:**

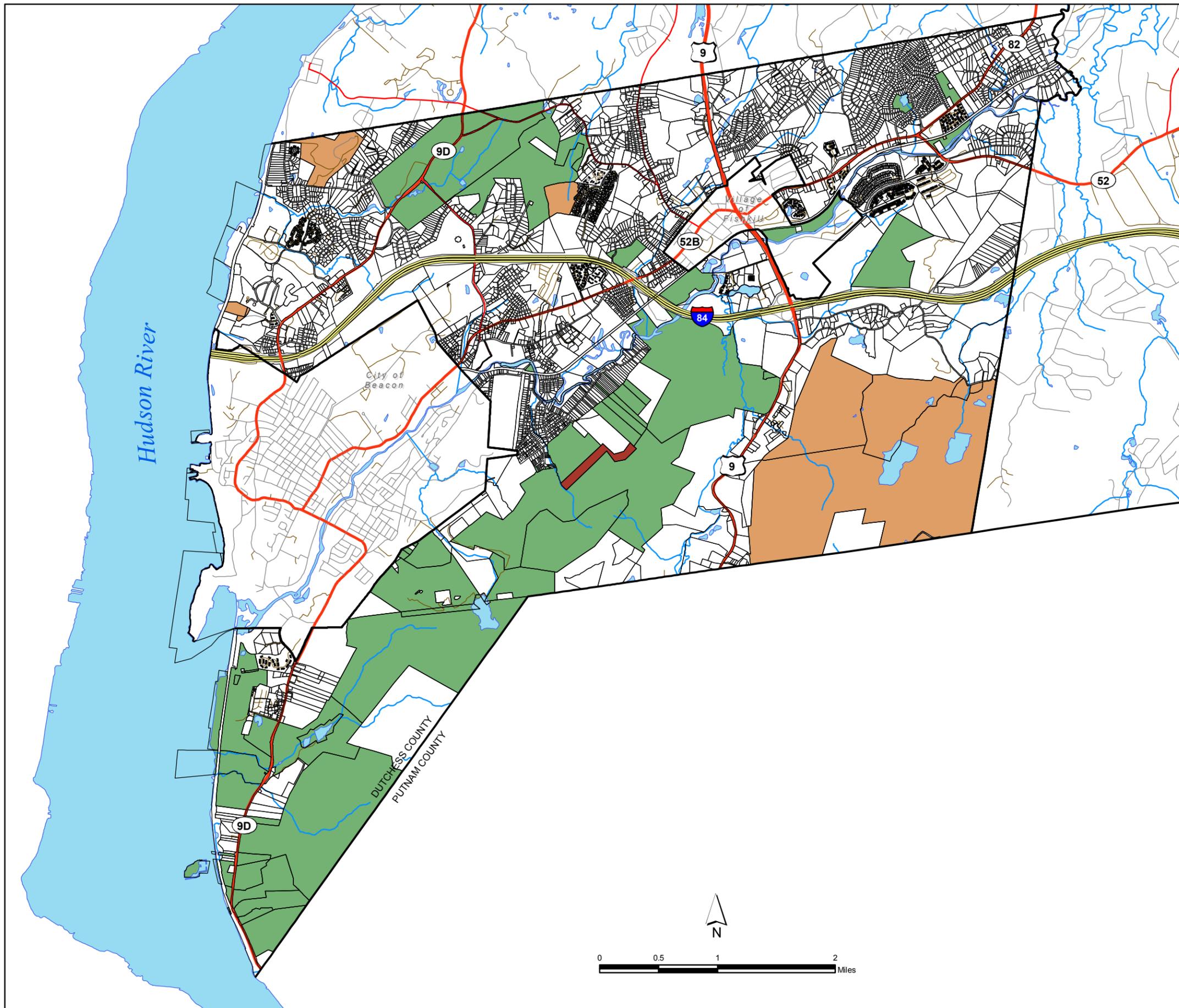
Streams and Waterbodies: National Hydrography Dataset, U.S. Geological Survey, 2007

Parcels: Dutchess County Real Property Tax Service Agency, January 2009

Municipal Boundaries: Dutchess County Real Property Tax Service, July 2008.

Recreation Parcels: Selected from tax parcels data, Dutchess County Real Property Tax Service Agency, by Dutchess County Environmental Council, 2005. Updated by CCEDC GIS Lab, March 2009.

Roads: Dutchess County Real Property Tax Service Agency, February 2009.



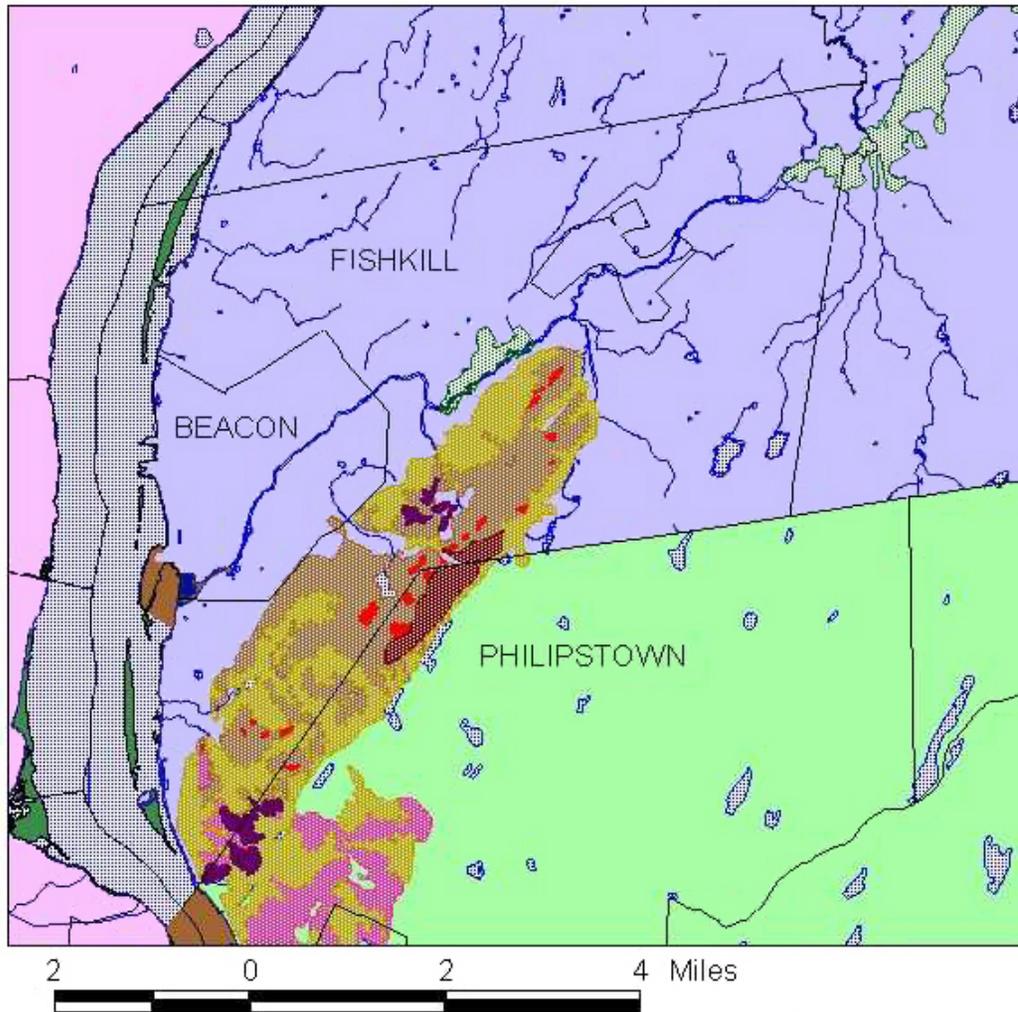
Prepared by Dutchess County Environmental Management Council, June 2005  
Updated August 2009, Cornell Cooperative Extension Dutchess County GIS Lab

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### Map 3: Significant Ecological Communities Town of Fishkill



Close up of the Fishkill Creek Mouth, located primarily in the City of Beacon  
Scale 1:12,000

#### Legend

##### Hudson River Habitat

Submerged Aquatic Vegetation

##### Fishkill, Breakneck and Scofield Ridge Habitats

Acidic Talus Slope Woodland

Appalachian Oak Hickory Forest

Chestnut-Oak Forest

Oak-Tulip Tree Forest

Pitch Pine Oak-Heath Rocky Summit

Red Cedar Rocky Summit

##### Fishkill Creek Habitats

Brackish Intertidal Mudflats

Brackish Tidal Marsh

Migratory Bird and Migratory Fish Concentration Area

Floodplain Forest

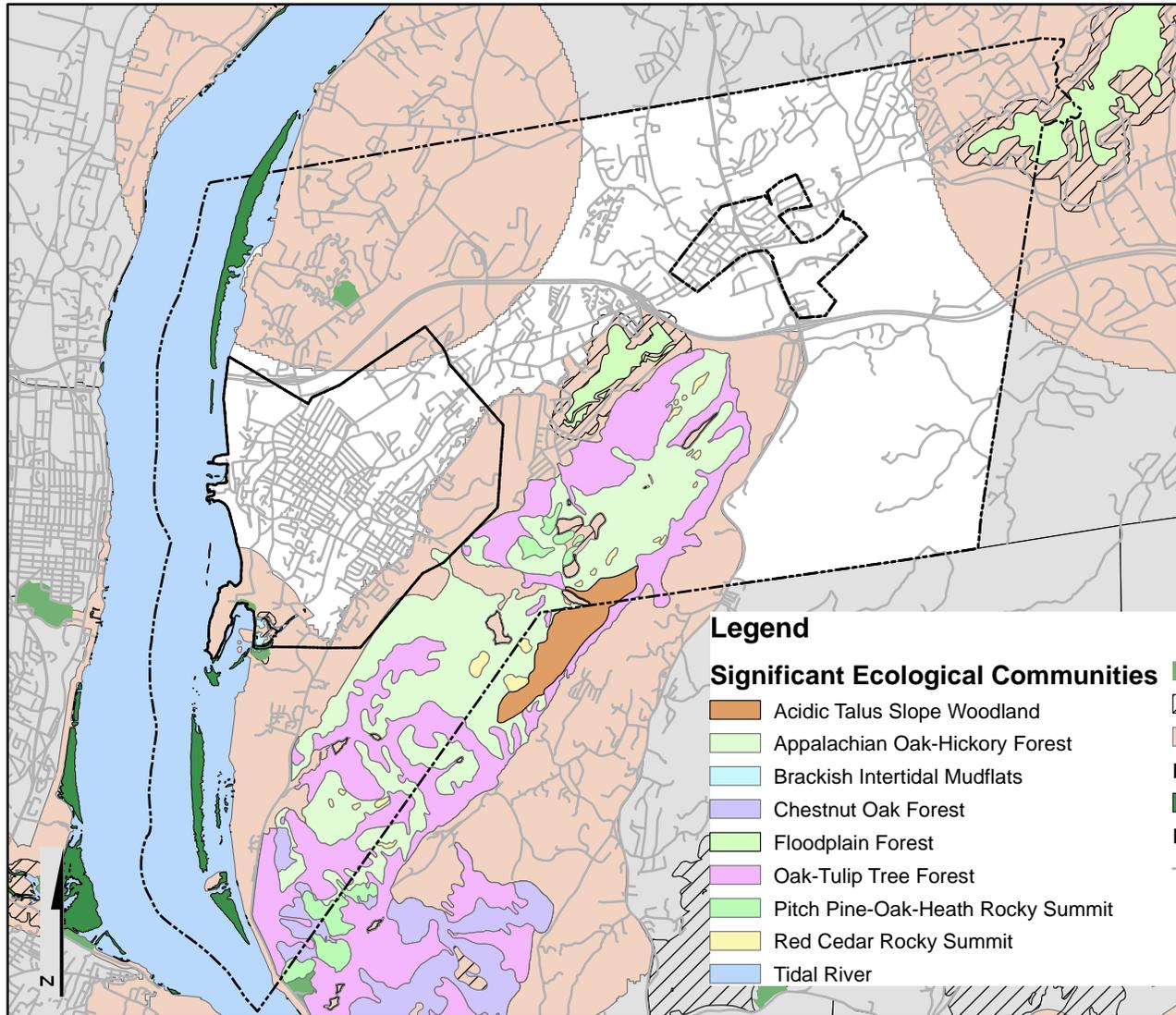
Waterbodies, 1:24,000

Lakes and Rivers

Map created 4 March 2004 by Karen L. Strong, Hudson River Estuary Program, NYS Department of Environmental Conservation 845.256.3061  
DATA SOURCES: Hudson River Habitat from NYS DEC; Other Habitat Data from NY Natural Heritage Program; Waterbody Data from Dutchess County; Basemap data from NYS Information Services



# Map 4: Significant Natural Communities and Important areas for the health of rare plants, animals, and significant ecosystems in the Town of Fishkill, NY



This map shows significant natural communities and important areas for rare plants, animals and significant ecosystems in the Town of Fishkill. The habitats displayed here are not all of those present in the Town. Please refer to the accompanying text for more information about the resources displayed on this map.

The map should be used for planning purposes only, and does not replace the need for site specific surveys, such as those required for environmental review.

## Legend

### Significant Ecological Communities

-  Acidic Talus Slope Woodland
-  Appalachian Oak-Hickory Forest
-  Brackish Intertidal Mudflats
-  Chestnut Oak Forest
-  Floodplain Forest
-  Oak-Tulip Tree Forest
-  Pitch Pine-Oak-Heath Rocky Summit
-  Red Cedar Rocky Summit
-  Tidal River

-  Plant Important Areas
-  Natural Community Important Areas
-  Animal Important Areas

### Hudson River Submerged Aquatic Vegetation

-  Vallisneria americana

### Roads

-  Local Streets



Cornell University

0 0.3 0.6 1.2 1.8 2.4  
Miles

This map was provided as part of DEC's Hudson River Estuary Program. For more information on this program please contact the Hudson River Estuary Biodiversity Outreach Coordinator at 845-256-3061.

Data Sources:  
NY Natural Heritage Program,  
NY State Department of Environmental Conservation,  
NY State Department of Transportation

Map created 22 April 2009 by Karen Strong,  
Hudson River Estuary Program,  
NYS Department of Environmental Conservation

# New York State Department of Environmental Conservation

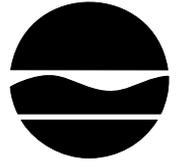
## Hudson River Estuary Program

Central Office, 5th Floor

625 Broadway, Albany, NY 12233-4750

Phone: (518) 402-8878 • Fax: (518) 402-8925

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Alexander B. Grannis  
Commissioner

### Important Habitat in the Town of Fishkill

Map 4 and this text was provided to the Town of Fishkill for the purposes of completing the Town of Fishkill comprehensive plan. It updates a map supplied by DEC's Hudson River Estuary Program in 2005 that identified significant ecological communities and "buffer areas" in the Town. This document provides the same information, updated for 2009. The information in this document is limited to data from the New York Natural Heritage program, which is what the original map is based upon. The New York Natural Heritage Program inventories only rare animals, rare plants, and significant ecological communities, as described below.

It also identifies additional sources of information for high quality biological resources that have become newly available since 2005 and can be helpful for the town's comprehensive planning process or open space planning. The two most notable additions is a December 2005 map, analysis and report from Hudsonia Ltd "Significant Habitats of the Fishkill and Sprout Creek Corridors" and a 2006 report that describes the large significant biodiversity areas [Wildlife and Habitat Conservation Framework for the Hudson River Estuary Corridor](#). The presence of significant biodiversity areas lets you know how habitats in Fishkill are a part of larger ecosystems in the Hudson Valley.

Map 4 contains nine significant ecological communities in the Town of Fishkill. "Buffer areas" are areas important for the health of known rare animals, rare plants, and significant ecosystems. They are based on known locations of the plants, animals, and ecosystems tracked by NYNHP and information about the needs of species and habitats and on the ground conditions. Because of the nature of important areas, a known location in one town often has an important area extending into an adjacent town. It happened on this map. In addition to the rare plants, rare animals, and significant ecosystems listed below, Important areas in Fishkill have summer roosting and foraging habitat for Indiana bat, a federally listed species.

#### Conservation

The new book [Conserving Natural Areas and Wildlife in Your Community](#) identifies many actions towns can take to raise awareness of and conserve its high quality natural areas. Links throughout this document bring you to [conservation guides](#) created by the New York Natural Heritage Program. These factsheets include more information about each rare plant, rare animal, and significant ecosystem listed here, including conservation issues. The conservation guide home page is <http://www.acris.nynhp.org/>.

Map 4 shows known habitat information for the Town of Fishkill. From those data, three priority areas emerged.

#### Hudson River and shoreline

The Hudson River is a vitally important tidal river habitat to a great variety of fish, invertebrates, and other wildlife, including a number of important recreational and commercial fish species. On land,

wetlands influenced by the tide are the most important river habitat. Of the tidal wetlands in Fishkill, the Fishkill Creek Mouth is the highest quality and largest extent. The tidal portion of the creek includes the mouth and the some upstream portions. In Fishkill and the City of Beacon, this area is an important spawning habitat for several species of migratory fish and an important winter and summer habitat for osprey, a NYS species of special concern. Significant ecological communities found there are the [brackish tidal marsh](#) and [brackish intertidal mudflats](#), both rare habitats in New York State. Rare plants found there include the [smooth bur-marigold](#) and [estuary beggar ticks](#). Historic records of rare plants in this area are the seaside goldenrod, heartleaf plantain, spongy arrowhead, quillwort, and American waterwort. [Pied billed grebe](#) use the marshes and bald eagles are found nearby.

The waters off Fishkill also contain important habitat. The Hudson off the shores of Fishkill is spawning habitat for the federally endangered shortnose sturgeon. Fishkill also has several [submerged aquatic vegetation beds](#) (also called SAV beds), shown in green on the map. SAV is very important habitat in the river, providing life supporting oxygen and habitat for invertebrate animals, which are an essential food source for fish and waterfowl that use the Hudson River Estuary.

#### New information

All of the tidal wetlands and other associated information can be obtained from Upper Hudson River Estuary Wetland Mapper CD, available upon request from the Hudson River Estuary Program. The Hudson River Estuary and Tidal Wetlands significant biodiversity area is described in [Wildlife and Habitat Conservation Framework for the Hudson River Estuary Corridor](#). Fishkill is in the Mid-Hudson River Estuary.

### **Fishkill Creek**

The Fishkill Creek mouth is a very high quality tidal habitat described above. Further upstream, two high quality [floodplain forests](#) cover almost 700 acres, and are shared with the Village of Fishkill and the Town of East Fishkill. The New York Natural Heritage Program estimates that 50% of New York's floodplain forests have been lost and that what is left is often small, which makes these examples particularly significant. Some of these areas along the Fishkill are NYS DEC protected wetlands, and a permit is required to make any alterations in the wetland or 100 foot buffer.

#### New information

In December 2005, Hudsonia Ltd., completed a map and report on habitats 3300 ft (1000 m) on either side of the Fishkill Creek. This report significantly adds to the knowledge base of habitats in the Town. Hudsonia biologists found several ecologically significant habitats that were not known by NYS DEC, several of which have the potential support rare plants and animals. Intermittent woodland (vernal) pools, calcareous wet meadow, and acidic bog are highlights. A copy of this report with maps and GIS database was delivered to the town in 2005.

### **Breakneck-Scofield-Fishkill Ridge**

The ridges have the most number of significant ecological communities in town, with a mosaic of six. Most of the forests are [Appalachian oak-hickory](#) and [oak-tulip tree](#), with small [chestnut-oak forest](#) and [acidic talus slope woodland](#). There are also even smaller patches of [pitch-pine oak heath rocky summit](#) and [red cedar rocky summit](#). Most of these forests are high quality examples when compared to other forests in the state – though oak tulip tree forest is a rare community, found mostly in southeast New York. The ridge is part of a larger forest area that stretches to the south into Philipstown and Putnam Valley. It is one of the largest forest blocks left in the Hudson Valley. The ridge is home to a number of rare wildlife species, including [timber rattlesnakes](#), [worm snakes](#), [least bittern](#), [peregrine falcons](#) and [bald eagles](#).

#### Additional information

The Breakneck-Scofield-Fishkill Ridge is the in the Hudson Highlands significant biodiversity area described in [Wildlife and Habitat Conservation Framework for the Hudson River Estuary Corridor](#). The Hudson Highlands stretch from Pennsylvania to Connecticut and are significant for large, high quality forests, rocky ledges and associated wildlife. [New England cottontail](#) has been recently added to the NY Natural Heritage Program database for Fishkill in this area.

#### **Important Habitat Outside of the larger areas mentioned above**

[Golden-seal](#), a rare plant known for its medicinal qualities, is also found in Fishkill.

#### New information:

Summer habitat for [Indiana Bat](#) found in neighboring towns generated important areas for the species in Fishkill. This means there may be significant habitat

#### **The New York Natural Heritage Program**

The New York Natural Heritage Program is a joint program of the Nature Conservancy and NYS DEC. They are also part of a continent-wide network of natural heritage programs called NatureServe. NY Natural Heritage works throughout New York State to identify rare plants and animals as well as significant ecological communities, which might be rare or of exceptionally high quality when compared to other examples in the state. None of the habitat types carry any legal designation.

# Map 5: General Locations for Traditional Neighborhood Districts

Town of Fishkill

## Legend

- |  |  |
|--|--|
|  Streams                            |  Local      |
|  Water Bodies                       |  County     |
|  Parcels                            |  Interstate |
|  Traditional Neighborhood Districts |  Private    |
|  Municipal Boundaries               |  State & US |

Data Sources:  
 Streams and Waterbodies: National Hydrography Dataset, U.S. Geological Survey, 2007  
 Traditional Neighborhood Districts: Designated by Town of Fishkill  
 Parcels: Dutchess County Real Property Tax Service, January 2009  
 Municipal Boundaries: Dutchess County Real Property Tax Service, July 2008.  
 Roads: Dutchess County Real Property Tax Service, February 2009

Prepared by Dutchess County Environmental Management Council, June 2005  
 Updated August 2009, Cornell Cooperative Extension Dutchess County GIS Lab

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