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## ***Impact Zoning in the Town of Hyde Park***

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### **I. Introduction**

Hyde Park is a town of approximately 21,000 people located on the eastern shore of the Hudson River just north of the City and Town of Poughkeepsie. It straddles a densely populated urban area to the south in Poughkeepsie and agricultural lands and open space to the north and east in the towns of Rhinebeck and Clinton. It has never had an urban center of its own, but has developed its commercial areas principally along north/south state highways 9 and 9G under typical highway business zoning.

Hyde Park is also world famous as the home and burial place of Franklin and Eleanor Roosevelt, bringing U.S. presidents and foreign royalty to the town almost every year. Tourism is a major industry, supported not only by the Roosevelt home and library, but also by Eleanor Roosevelt's retreat known as Valkill, the Vanderbilt Mansion, Staatsburg (formerly known as Mills Mansion), and the Culinary Institute of America, formerly a Jesuit seminary known as St. Andrew-on-Hudson, the home and burial place of Teilhard de Chardin.

The historic center of Hyde Park at Route 9 and Market Street no longer represents the visual center of town, but it does signify the break between highway commercial development to the south along Route 9 and predominantly residential development to the north. The town hall and main library are located near the intersection. Recently sidewalks have been installed at the historic crossroads at Market Street and restoration of corner buildings is under consideration.

In 1991, residents began development of a new comprehensive plan for the town. The then existing zoning and master plan were developed in the 1970's in a suburban style with little tailoring to the needs of the town. A survey done by the master plan committee found that town residents cared deeply about reversing the sprawl-orient-

ed highway business pattern of development and maintaining open space between community centers. In 1997, the Town Board adopted a new comprehensive plan, to be effective upon adoption of revised zoning and subdivision laws to implement the plan. The Town is currently in the final stages of approving revised zoning and subdivision laws.

## **II. The Comprehensive Plan**

The 1997 Comprehensive Plan created a clear vision for the Town with established communities serving as “cores” for high density mixed use development, surrounding neighborhoods and hamlets serving as areas for medium density residential development, and the areas outside hamlets and neighborhoods reserved for open space. Unity and cohesion within the community centers, and particularly the “cores,” is a major theme.

“The people of Hyde Park desire that their Comprehensive Plan deepen all residents’ sense of unity, and increase interactions within existing settlement areas and throughout the Town. They see the visual beauty of their home community being enhanced through tree-lined transportation corridors, by relocating distribution cables underground, by means of unified signage, by implementing design guidelines and by preserving the existing stone walls. At the same time, they wish to encourage pedestrianism by providing walkway options between and within housing clusters, by developing integrated street-scapes, by designating scenic roads and by implementing concentrated buffered parking areas. They see clustered dwellings, multi-use buildings, on-street parking and the infill of commercial venues as means to building stronger identities within each “core”, or community grouping within the Town’s boundaries. Their vision includes a village green, community-wide events, period street lighting, and accessible gathering places throughout the community as ways to heighten civic cohesion in Hyde Park.”

*Comprehensive Plan of the Town of Hyde Park (1997), at 3-4.*

Commercial development is desired, but clearly not in the highway commercial pattern that dominated the second half of the twentieth century.

“The residents of Hyde Park are concerned that their Comprehensive Plan encourage development. At the same time, they wish such development be kept to an appropriate scale, and not impact the appearance of the community in a negative way. . . . They also wish to encourage local residents to become entrepreneurs through home businesses, child care projects, agricultural initiatives and business support services. Clustering shops, developing waterfront landings, allowing industrial parks and professional offices would all offer broader employment options. And they see an enhanced infrastructure, including sewage system, adequate water, access roads and telecommunications links, as essential to attract new ventures.”

*Id.*

Finally, the Plan recognizes the importance of tourism to the Town, and the need to make Hyde Park itself attractive if the tourism industry is to succeed.

“More and more, Hyde Park residents are coming to see that the tourism industry can play an important part in the local and regional economy. Hyde Park is home to a number of attractions which draw visitors from around the world. Among these “magnet” venues are the sites associated with Franklin and Eleanor Roosevelt, the Vanderbilt Estate, the Mills Mansion and the operations of the Culinary Institute of America. Finding additional ways to promote these attractions is but one part of the vision of Hyde Park residents. They see, too, that the vast scenic resources of this Hudson River community must be guarded: the open spaces, the public parks and the river viewscapes. In addition, they see Hyde Park as the gateway to the great natural beauty of the entire Northern Dutchess region. These tourist facilities could be augmented with cultural activities and seasonal events, trail systems for bicycles and pedestrians, intra-community tours to facilitate travel between sites, and information kiosks and signs. Additional visitor amenities are also envisioned, including a hotel-conference center, transportation linkages by water and by rail with the larger urban centers, additional eating establishments and bed and breakfast lodgings. All of these elements of the vision will serve to further develop economic and social life in Hyde Park.”

*Id.*

After acknowledging barriers in the way of achieving the vision, referred to as “contradictions,” the Comprehensive Plan adopted eighteen implementing steps, called “projects.” The projects are organized under master proposals, which in turn are organized under four strategic directions. As recently updated by the Town Board, these four directions are enhancement of community identity; economic expansion; civic cohesion; and organic growth in community centers.

### **III. The New Zoning**

The central concept of the new zoning for Hyde Park is to zone according to impact. A principal purpose of the draft zoning law, as stated in Article 1 thereof, is “To encourage a pattern of land use in the Town in which development with higher density, scale, and intensity of use, mixed land use, and mixed building use occurs in community centers with appropriate infrastructure and municipal services, and in which outlying areas are reserved for lower density, scale and intensity of use and maintenance of open space and natural resources.”

The three principal measures of impact are therefore scale, density and intensity of use. As defined in Article 2 of the draft zoning law:

Scale is the size or extent of a use or structure, expressed in gross square feet, including the total area occupied or used for all uses, principal and accessory, including all floors of all structures on a particular lot, but not including required off-street parking.

Density is the relative compactness or closeness of a use of land expressed in dwelling units per acre or employment units per acre. One employment unit is one to three persons simultaneously engaged in the conduct of a particular business, trade or occupation.

Intensity of use is the amount of traffic generated by a use or structure, expressed as the number of daily vehicle trips associated with the use or structure.

For example, the maximum scale for uses in the Greenbelt or Waterfront Districts,

the low density areas outside hamlets, neighborhoods and the town center, is 4,000 gross square feet. A Neighborhood Core allows 6,000 gross square feet, a hamlet core 12,000 gross square feet, and a town center core 32,000 gross square feet. The areas of the neighborhoods, hamlets and town center outside the cores allow slightly less maximum scale than the core.

The maximum density follows a similar pattern. In the Greenbelt and Waterfront Districts, the maximum residential density is one unit per four acres if clustered, one unit per six acres if conventional subdivision. In the Neighborhood Core the maximum residential density is 8 units per acre, in the Hamlet Core 12 units per acre, and in the Town Center Core 24 units per acre. Commercial density is similar. In the Greenbelt and Waterfront Districts, the maximum employment unit density is one unit per acre. In the Neighborhood Core the maximum density is 15 employment units per acre, in the Hamlet Core 20 units per acre, and in the Town Center Core 50 units per acre.

Finally, the intensity of use limit for the Greenbelt and Waterfront Districts is 15 daily vehicle trips. In the Neighborhood Core the maximum intensity is 2,740 trips, in the Hamlet Core 5,480, and in the Town Center Core 10,970 trips. Clearly the zoning attempts to channel the high traffic uses into the cores, where the performance standards are designed to assure adequate pedestrian and vehicular movement of traffic.

Reflecting a major goal of the Comprehensive Plan, virtually all future commercial development will be channeled into existing community centers identified as “cores,” with two exceptions discussed below. The cores will be developed for mixed commercial and residential uses. In order to achieve the type of quality development desired in the Comprehensive Plan, performance standards ranging from infrastructure to architectural design and streetscape proportions have been provided in Articles 4 and 5 of the draft law, either as requirements or as guidelines.

The two major exceptions to the restriction of commercial growth to the existing centers are the Bellefield Planned Development District (“PDD”) and the Planned Unit Development (“PUD”) District. The Bellefield PDD is designed to bring new tourist related business to the largely undeveloped area between and south of the FDR Home and Val-Kill, two important national historic landmarks. The PDD is described in the draft zoning law as follows:

“The Bellefield Planned Development District is intended to be a planned economic development, mixed use district centered in tourist related businesses. The name 'Bellefield' is in recognition of the potentially significant role the national historic sites managed by the National Parks Service in the Town could play in the development of a stronger commercial tax base for the Town. Planned development is needed to ensure that the District is developed in a way that preserves the natural beauty of the land, promotes tourism and the connection between the FDR Home and Valkill, supports the existing business district in the Town Center, and sensitively expands the Town Center with planned mixed use development. The provisions of this District are intended to streamline permitting and allow greater use flexibility.”

Draft Zoning Law, § 108-3.1-1(H).

In addition to meeting the general purposes of the District set forth above, the Bellefield PDD is intended to provide for a mixture of uses: promoting tourism related businesses and building the Town's commercial tax base; complementing the FDR Home and Valkill National Historic Sites; developing a walkway or other link between the FDR Home and Valkill; supporting the existing commercial activity in the Town Center; sensitively expanding the existing mixed use Town Center; maintaining and developing an attractive gateway entrance to the Town Center at Teller Hill; preserving and protecting important views and natural features of the landscape; and serving the region beyond the boundaries of the Town of Hyde Park. A development proposal in the Bellefield PDD must include a comprehensive plan for at least 100 acres. *Id.* at § 108-5.11(B).

In contrast, the PUD is an overlay district to be used to create a new center of mixed use outside the existing cores. Although the Town has no particular location in mind for a PUD, it wants to be open to proposals for significant new developments adequately designed to avoid sprawl. As defined in the draft Zoning Law:

“The general purpose of the PUD Overlay is to allow the planned creation of new mixed use community centers and the transition of existing community centers from Neighborhoods to Hamlets to Town Centers. The PUD process is also intended to encourage and allow more creative and imaginative

design of land developments than is possible under district regulations. The PUD process is intended to allow substantial flexibility in planning and designing a proposal. While greater density and more lenient siting requirements may be granted, PUD proposals should reflect the principles of traditional neighborhood development incorporated in the Comprehensive Plan of the Town.”

*Id.* at § 108-8.1(A).

Impact and performance zoning has permitted the Town to embrace mixed use development not permitted under its current zoning. Although early drafts had virtually no use chart, in the interest of accepting as wide a mix of uses as possible in the Cores, the list of regulated uses has grown in response to public comments. However, it is still generally less than a typical zoning law, with the intention of allowing in the cores any use that can comply with the prescribed limits for scale, density, and intensity of use, and with the performance standards set forth in Articles 4 and 5. Also, in recent revisions of the draft zoning law, low-impact and no-impact commercial uses have been specifically allowed in the Greenbelt and Waterfront Districts.

#### **IV. Conclusion**

Hyde Park is one of the few towns in the Hudson Valley to rely heavily on impact zoning to achieve its goals. Its highest priority is to reenforce and develop traditional walkable mixed use community centers, and to preserve to the extent practicable the open space and natural resources outside those centers. Impact zoning is allowing Hyde Park physically to shape those centers, to assure a wide range of uses and affordable housing types, and to encourage growth consistent with its overall vision.

The Town expects to complete the SEQRA review and public comment period in January, 2003, and to adopt the new zoning and subdivision laws in February, 2003. The current proposed laws and zoning map are posted on the internet at [www.hydeparkny.us](http://www.hydeparkny.us).