**Preserving Open Space in our Communities - Why & How** 

## **Our CNY Landscape Heritage**

Route 20, LaFayette NY in 1913 Source: LaFayette, NY - Historic Photos of a 4-Cornered Hamlet, Roy J. Dodge, 2019





## Goals commonly identified in Comprehensive Plans:

- Retaining Rural Character (scenic and aesthetic resources)
- Local Agriculture Viability
- Water Resources Protection
- Open Space and Farmland Preservation
- Compatible New Development

## Current Development Trends: 2-Acre Zoning Standard

How does this effect stormwater runoff & pollutant migration to our waterways?





#### Roughness Coefficients (Manning's n) for Sheet Flow

Surface Description	n¹
Roof Tops	0.011
Concrete	0.013
Asphalt	0.015
Bare Soil	0.018
Sparse Vegetation <sup>2</sup>	0.100
Grass: Short grass prairie, Lawn	0.150
Grass: Dense grasses <sup>3</sup> , Meadow (good condition)	0.240
Range (natural)	0.130
Woods <sup>4</sup> : Light underbrush	0.400
Woods <sup>4</sup> : Dense underbrush	0.800

The n values are a composite of information compiled by Engman (1986) and Akan (1985).

<sup>2</sup> Areas where vegetation is spotty and consists of less than 50% vegetative cover.

<sup>3</sup> Species such as weeping lovegrass, bluegrass, buffalo grass, blue grama grass, and native grass mixtures.

<sup>4</sup> Consider cover to a height of 0.1 ft. This is part of the plant cover that will obstruct sheet flow.



# Our greatest asset in water quality protection is our Existing Open Space

- How can we both protect this valuable asset & allow for growth and new development?
- Through a tool called *Conservation Subdivision Design* process
- This Sketch Plan process for the subdivision of land allows full development rights
- It also protects much of the existing Open Space and Rural Character we all love about this region.
- But, it can't do that if it's not included in the local subdivision law.

## Land Use Tools for Protecting Open Space

Some are better than others for rural development

1. Setting Large Minimum Lot Size:

Limits options for land owners, developers, and the community

2. Purchase or Transfer of Development Rights:

Very limited funding exists for PDRs TDR's are Complex to set up and administer and require a stable and predictable real estate market

3. Overlay Zones

The use of variances is still possible which can dilute the usefulness of Overlay Zoning

4. Conservation Subdivision Design (CSD) Process

Simple process, super flexible, effective conservation

## Tool #4: Conservation Subdivision Design (CSD) Process

- Used to protect high-value natural resources while allowing for the maximum number of residences
- ✓ A simple 4-step approval process
- ✓ Preserves open space while keeping the same density standard
- ✓ Conserved land can be privately- or publicly- owned
- Conservation can also be included in zoning for Commercial & Industrial Development



**Conservation Subdivision** process offers one of the best tools for **protecting rural character** while also providing development needs and protecting land owner rights. An easement permanently protects a property's streams, wetlands, forests or open spaces WITHIN a subdivision, creating a more sustainable pattern of development.

## What are the Benefits of Conservation Subdivision Design(CSD)?

- 1. Preserves scenic beauty, rural character, and cultural and agricultural resources
- 2. Protects the critical ability of undeveloped land to absorb and filter stormwater runoff
- 3. Accommodates new growth and economic development
- 4. Protects land owner rights to develop through a more flexible subdivision regulation
- 5. A simple 4-step approval process applies only to "Major Subdivision" applications

## Economic Studies show that lots in conservation subdivisions

carry a price premium, are less expensive to build, and sell

more quickly than lots in conventional subdivisions.

## CSD is only used for "Major" subdivisions, with approval in 4 Steps:



## How is Open Space lost, or preserved through Subdivision?



## Standard Subdivision of large parcels begins like this



# Over time, open space converts to roofs, pavements and lawn, vastly limiting its absorptive, scenic and habitat value.



# Alternatively, *Conservation Subdivision* produces the same number of house lots on the same parent parcels, but



by locating them differently, preserves 50% of the Open Space, high stormwater mitigation value, and scenic rural character.

## **Conservation Subdivision** vs. Conventional Subdivision

















#### Open Space before...

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And a state of the state of the state

Source: Dealing with Change in the Connecticut River Valle A Design Manual for Conservation and Development

## Results Using Standard

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**Results Using** 









### **'Ringfield':** Homes Set among Woodlands, Meadows, and Ponds

#### by Randall Arendt

Location: Ring Road, Chadds Ford Township PA Developer: Richard Chalfant, Wilmington, DE Site Designer: : Richard Chalfant, Wilmington, DE Development Period: 1977-86

Approximately 56 acres (or 74 percent) of this 76-acre site have been preserved as open meadows and natural woodlands. An informal network of woodland trails links the various neighborhood areas with three ponds.

The township's Planned Residential District allowed the developer to achieve full density (38 dwellings, at the two-acre standard) and wisely did not impose any restrictions on lot size, width, or street frontage. This flexibility permitted the site designer wide latitude in fitting six condominium units, six attached townhouses, and 26 detached homes into a stunning landscape.



## Conservation Subdivision Design (CSD) process begins with a **"Map of Potential Conservation Lands"**

showing individual parcels & environmentally sensitive areas:





Miles

oses only. The RPDB and SMT

Cities Villages Reservations Towns County PDR Formion

map is for presentation

100 Clinton Square 126 North Salina St, Suite 200

Syracuse, NY 13202 Phone: (315) 422-8276

www.cnvrpdb.org

## So how does the CSD process work? The process is for "Major" subdivisions only



### **A Pre-application meeting with the Planning Board** is followed by a Site Walk and Sketch Plan

The developer, at least two Planning Board members, and neighbors attend the site walk. Scipio

Town of Scipio - Map of Potential Conservation Lands

Darker green areas indicate 2 or more environme conditions, i.e. higher conservation value lands

Public Water Lines Land Use (Parcel) Property Class Community Se Public Services servation Lands and Public Park County PDR Fermiand National Register Site Parcel

### A copy showing the parent parcel and sensitive lands on that parcel is made from the Town map.



During the site walk, this parcel map will be used to rough sketch the analysis for subdivision in 4 steps:

- 1. Delineating conservation areas
- 2. Identifying approximate house locations within potential development areas
- 3. Sketching alignment of streets and trails
- 4. Sketching in the lot lines

#### A checklist is used to identify specific resources during the site walk:

#### **Resource Analysis Checklist**

Site Address \_\_\_\_\_ Scipio, NY

#### Land:

Farmland

\_\_\_ One acre or less

\_\_\_\_ Between one and five acres

\_\_\_\_ Five to less than twenty acres

\_\_\_\_ Twenty acres or more

Number of farmland acres preserved by deed restriction \_\_\_\_\_

\_\_\_\_ Steep Slope Areas (15% slope or greater)
\_\_\_ No Steep Slopes

#### Water:

\_\_\_\_ Stream Corridor

\_\_\_\_ Lake Shore

\_\_\_\_ Aquifers, Aquifer Recharge Areas

\_\_\_\_ Freshwater Wetlands

\_\_\_\_ Wooded Wetlands or Swamps

Woodlands (areas with trees 15" or greater in diameter):

- \_\_\_\_ One acre or less
- \_\_\_\_ Between one and five acres
- \_\_\_\_ Five to less than twenty acres
- \_\_\_\_ Twenty acres or more

#### Habitat/Biodiversity:

\_\_\_\_ Known Threatened or Endangered Species

\_\_\_\_ Ecologically Sensitive areas (vernal pools, fresh water springs, etc.)

#### Cultural/Historic Resources:

\_\_\_\_ Buildings more than 75 years old

\_\_\_\_ Stone Walls

\_\_\_\_ Roads, Bridges, Culverts

\_\_\_ Cemeteries

# With the parcel map on a clipboard, the sketch analysis can begin during the site walk.



## All potential Conservation Elements are sketched in their approximate locations on the Parcel Map



### **Step 1. Identify Potential Development Areas, those areas outside of the identified resources**

(generally 100' from streams, steep slopes, wetlands, etc.)



# **Step 2. Approximate House Locations within the identified potential development areas**



## **Step 3. Sketch in the alignment of Streets providing access to the house lots**

(showing trail linkages to conservation area trails)



## **Step 4. Sketch in Approximate Lot Lines**

(delineate approximate boundaries of individual lots and conservation lands)



### When completed, this is the 'Sketch Plan'



36 Acres yields (18) 1-acre house lots and (18) acres of Conserved Land.

50% of the parent parcel to be under conservation easement, preserving open space views, habitat and water quality.

## With the Sketch Plan done, an engineering plan (Preliminary Plan) can be developed for Approvals



#### Through a simple easement, the Conserved Lands can be:

- a. privately held in one or two of the lots
- b. held in common in an HOA
- c. donated to a Land Trust or to the Municipality

#### 1. Establish a Local Zoning Commission & Begin Subdivision Review

- 2. Present information on CSD to the community (the options, advantages & disadvantages)
- 3. Tailor appropriate CSD language to be included in a Draft Town Subdivision document
- 4. Review and ammend the Town's Zoning & Subdivision regulations to include the CSD process
- 5. Present a coordinated Zoning & Subdivision package for SEQRA review, public review, hearing & adoption

Apply for up to 90% of the cost of subdivision updates with grant funding from NYS Dept. of State

## and Welcome Development!

## The Sketch Map Exercise







## Scipio's Flexible Zoning

#### **SUBDIVISION - SCENARIO 1**

- Landowner requests a "pre-application meeting" with Planning Board
- Town Clerk provides him with "Subdivision of Land Worksheet" so he can choose his best option
- He chooses "Standard Platting" since he just wants to subdivide off a small parcel for his sister at this time, will be creating less than 4 lots, and has no plans to further subdivision in the next ten years.
- Planning Board determines his proposal is a "Minor Subdivision"
- He provides a proposed "Final Plat" to the Planning Board for recommendation to Town Board for approval
- Planning Board reviews his proposed Final Plat showing one new lot at 40,000 s.f., and recommends it to the Town Board for approval.
- Town Board approves his Final Plat (the Plat, Lot, and date of approval is noted in the Town record, and Plat is recorded with the County)



#### **SCENARIO 2**

- This landowner chooses "Option Two Low Density" since she anticipates needing to subdivide her 50-acre parcel into a few (5) lots of various sizes eventually, but will only subdivide one lot now.
- Planning Board determines her proposal is a "Minor Subdivision"
- She provides proposed "Final Plat" to Planning Board for recommendation to Town Board for approval
- Planning Board reviews her proposed Final Plat showing Lot 1 at 60,000. In the future, she will be able to subdivide off another 3 lots at any size 40,000 s.f. or larger (for a total of 5 lots from the parent parcel).
- The PB recommends her Final Plat for approval to the TB
- Town Board approves her Final Plat, with 1 new lot created and 5 total future lots allowed noted in the Town record and recorded with the County)



#### **SCENARIO 3**

- Landowner chooses "Option One Basic Conservation" to maximize his ability to subdivide in the future, even though right now he just wants to convey a small parcel to his sister.
- Planning Board determines his proposal is a **"Major Subdivision"** with eventual potential full development of his **21 acre parcel**. PB discusses the "Resource Analysis Checklist" with him referring to the parcel on the Town's 'Map of Potential Conservation Lands' and sets a date for the 'Site Walk'.
- The "Sketch Plan" can be reviewed by the Planning Board at the time of the 'Site Walk' or at the office later, noting potential conservation areas.
- A "Preliminary Plan" based on the "Sketch Plan" is discussed with the PB.
- Planning Board reviews and approves the proposed Preliminary Plan, with 1 subdivision lot (any size at least 30,000 s.f.), and the area approved for up to 10 more lots at some future date, along with the conservation area to be put under perpetual easement.
- The "Final Plat" includes the conservation easement provided to the PB for recommendation to TB for approval.
- Town Board approves the Final Plat (Plat and Easement are noted in the Town record and recorded with the County)



#### Site Plan Review:

- Site plan approval is <u>not required</u> for agriculture, single-family dwellings, two-family dwellings in the Hamlet District, accessory apartments in the Ag/Residential District, and home occupations with no more than 2 nonresident employees and less than 30% of dwelling unit floor space.
- For most other uses, Site Plan approval is required by the Town Board upon recommendation from the Planning Board, but it is included as an integral part of the special permit approval process, so no separate site plan approval is required for uses requiring a special permit.
- Procedures for minor site plans are simpler than those for major site plans which require preparation by a licensed professional engineer, architect, or landscape architect.
- Major subdivisions are those that create more than 3 lots; where a public or private street is constructed or required to be widened; where public improvement is required; where there will be earthmoving activities beyond what is needed in the construction of a single family dwelling on each lot.

#### Site Plan Review for 'Major Subdivisions' Requires:

- A 'vicinity map' which can be a sketch superimposed on a United States Geological Survey or NYS DOT map of the area
- An 'existing conditions' map showing existing buildings, roads, utilities, other man-made features, topography, and all existing natural features from the 'Town of Scipio Map of Potential Conservation Land'

#### Steps:

Pre-application conference with the Code Enforcement Official and one person designated by the Planning Board Chair to discuss the nature of the proposed use and to classify it as a 'major' or 'minor' project.

Major projects require a preliminary conference with the Planning Board, prior to submission, to determine the information that will need to be submitted in the site plan.

An application for area variance may be made to the Zoning Board of Appeals where a proposed site plan contains one or more features that do not comply with the dimensional regulations.

A Best Practices reference document called *'Smart Development for Quality Communities'* is available at the Town Clerk's office and is recommended as guidance for use by applicants preparing for Site Plan Review.

#### Site Plan Review for 'Minor Subdivisions':

- A public hearing is not generally required for a minor project site plan, and materials do not have to be prepared by a licensed professional engineer, architect, or landscape architect unless the services of such professionals are necessary to provide accurate information or are otherwise required by law.
- Minor site plans require a concise description of the project and any changes in the existing topography and natural features; existing features of the site lying within 200 feet; and the proposed location and arrangements of structures and uses on the site.
- Also needed are ingress and egress, parking, circulation of traffic, and a sketch of any proposed structures showing exterior dimensions and elevations, with copies of available blueprints, plans, or drawings.
- If the parcel contains a stream, wetland, or floodplain; a copy of the floodplain map and wetland map that corresponds with the boundaries of the property are also needed.
- Agricultural structures with a footprint of over 10,000 sq. ft. require minor site plan approval, and those with a footprint of 10,000 sq. ft. or less are exempt from site plan approval requirements (NYS Law).

#### **Subdivision Regulation Summary:**

- Minor lot alterations can be approved through application process to the planning board within 62 days.
- This is true for things such as a lot line adjustment where lots are consolidated into fewer lots, or where a transfer of land is made from one property owner to another along adjacent lots with the simple adjustment of existing property lines. The subdivision of land is not considered a minor alteration.
- Minor subdivisions require two steps: 1. Pre-application meeting; and 2. Final Plat
- Major subdivisions require up to four steps: 1. Pre-application meeting; 2. Sketch Plan Review; 3. Preliminary Plan Application, Review and Approval; and 4. Final Plat Application Review, Approval and Filing.
- In order to prevent an accumulation of roadside parcels through repeated Minor Subdivision of land over time, Road Access Control will limit the proliferation of driveways along roads and associated safety issues. Access control will limit the number of new curb cuts (vehicle entry points) on any tract to one for minor subdivisions, and two for major subdivisions in any tenyear period.

#### **Code Enforcement Responsibilities:**

- 1. Erosion and sediment control
  - a. Issues permit for grading
  - b. Periodically inspects erosion control measures
  - c. Accepts DEC (SPEDES) permit for development that impacts more than 1 acre
- 2. Submit annual report of all applications, inspections and referrals, and actions taken
- 3. Inspect for compliance
- 4. Provide ZBA with facts of all cases
- 5. Notify in writing persons in violation
- 6. Order discontinuance of illegal use and stop work in writing
- 7. Receive applications for permits
- 8. Issue certificate of compliance or provide notice of deficiencies