

**DRAFT**  
**Town of White Creek**  
**Comprehensive Plan and Ag Protection Plan**  
**Steering Committee Meeting Minutes**  
**November 19, 2008**

Attendees: Ed Gulley, Rody Walker, Jim Perry, Peter Hetko, Sarah Ashton, Donny Sweet

Absent: Carol Moore, Tim Smith, Richard Moses, Rupert Jennings, Adriano Manocchia, Mr. Townsend

**I. Introduction:**

The members of the steering committee introduced themselves to Nan Stolzenburg, the consultant working with the community to develop a comprehensive plan and agriculture/farmland protection plan. Then Nan introduced herself to the group noting that her firm Community Planning & Environmental Associates' (CPEA) focus is planning for small and rural communities. She seeks a collaborative relationship. Her role is to facilitate the process and understand and share with residents the realm of possibilities to meet the community's challenges. She noted that in addition to an MRP in planning she has an MS in Fisheries and Wildlife Management, worked at Cornell Cooperative Extension. Her partner Don also as an MRP in planning and concentrates on GIS and mapping—the computerized technical side of planning. 70% of their firm's work focuses on comprehensive planning and a good portion of the rest primarily focuses on Ag planning. She is/has worked with eight counties on Ag and Market Farmland Protection Plan development grants. Other work includes work on site plan review and subdivision and zoning regulations. She is the owner of a home-based business and she and her husband own a dairy farm.

CPEA offers clients a space on its website to post information about the planning which the steering committee indicated that they would like to avail themselves for the Town of White Creek planning processes.

She brought examples of plans and noted that copies were available on CPEA's website: a plan for Putnam has significant agricultural components. Pine Plains had no desire to adopt zoning and sought other means to meet its goals. Zoning for rural areas have to be based on new models—one can't impose suburban regulations on rural areas. She noted that the Town of Wright of which she is a resident has an Ag and Markets grant as well.

She explained that in accordance with the grant application, the Town of White Creek will mesh its Ag protection plan with its Comprehensive plan. Funds will allow the Township to get a broad look at the issues.

**II. What is a Comprehensive Plan?** Nan handed out flyers (attached) defining what a comprehensive plan is. She noted that it seeks to address three questions:

- (1) *What are the current conditions in the town?* She noted that the Town of White Creek had taken stock, mapped current conditions and held focus

groups/public meetings to obtain a lot of this information in the first phase of its planning process. Moving forward the Township needs a more in-depth understanding of the agricultural sector. For example, what kinds of farms are there and where are they located, are there small farms, larger dairy farms. We will seek to identify this information by engaging farmers, better understanding land uses, and what issues need to be addressed to allow farmers to be as successful as they can be, and what problems they face—for example in some parts of the State a significant issue is rented land is being pulled from farming. More data on soils, the relationship of farms to non-farms and what is happening around farms also needs to be obtained.

- (2) *What do we want to accomplish? To be in the future?* Nan suggested we may find that lots of people like the Township the way it is. It is important to define what the future (or current present status) is and in answering this question create a vision statement and goals to meet it.
- (3) *How do we get there?* A list of ideas or recommended action steps are created and implementation steps thoughtfully defined over the next 15 years.

The critical part, she noted, is figuring out what the community is looking for. The biggest conflict in most planning processes is the conflict between community goals and individual landowner goals. Exploring this nexus is what planning is all about—finding the common ground of the community’s needs and needs of the landowner. Comprehensive plans or ag protection plans are about land use very broadly defined to include roads, housing, recreation etc.

An Agriculture Protection Plan seeks to address the question: What can we as a town do to enhance farms? Agriculture is a profitable part of the community. The Ag Protection Plan will allow the community to collectively prioritize farmland locations—which in the future might be targeted for PDR funding; define what is a farm?

It provides a road map. Neither the Comp Plan nor the Ag Protection Plan are laws—they are enacted by the resolution of a town board. They serve as the policy statement of the Town and articulate a desire of what the community wants to implement in the future. At the NYS level there is a desire to empower local communities to define their own priorities. Her role is to help the community facilitate the process and meet the schedule. She is unbiased and brings another point of view having worked with a variety of rural communities—ultimately she is an informed facilitator with technical expertise in planning in rural communities.

Hetko asked how can we guard against the problems that the Town of Cambridge had which he thought included philosophical differences about issues like zoning as well as adopting a flawed planning process—with the community feeling that the steering committee meetings were secretive and did not adhere to open meetings laws. Nan responded that the White Creek Steering Committee must try as much as possible to reach the community through public meetings and engagement. The success of a comprehensive plan comes from the development of and acceptance by the community of the plan. If it is not embraced by the community then the plan will not be implemented.

Nan noted that the Town of White Creek has a big task and a small budget—local conversations have to be had by steering committee members with residents to maximize time for the planning process.

**III. Town of White Creek Planning Process:** In addition to the steering committee, the Town of White Creek has supporting partners in the development of the Comprehensive Plan. These include the Agricultural Stewardship Assn, Cornell Cooperative Extension and Washington County Soil and Water Conservation. All these supporting partners will donate in-kind time to help answer questions such as what types of farming is going on, who are the farmers, what are the soil types...they have broad and specific knowledge on particular aspects of the agricultural sector. Perry noted that these supporting partners could also be helpful in educating the general public about what a comprehensive plan is. Nan noted that lots of people think that comprehensive plans automatically mean zoning. It does not. It is a road map, a tool and a ‘ground-up’ document of what the community wants.

Gulley asked, “How do we get the public involved?” Nan noted that this is the nemesis of the planning process but offered these suggestions: The Steering Committee meetings need to be publicized and open to the community and minutes of the meetings available; a range of public meetings to solicit public opinion to shape the plan need to be held; reports need to be made at every town board meeting; press releases submitted to local papers; and most importantly there has to be personal contact—calling up diverse groups of people including farmers and encouraging their participation. Hetko noted that some people maybe ‘gun shy’ given what happened in the Town of Cambridge. Nan suggested being as open as possible—posting the meeting minutes in libraries and other gathering spots. She noted that it is natural that some suspicions and concerns are raised. Conflicts are inevitable but the goal is to look for common ground—defining the plan goals is important.

The group resolved to see if we could put an insert or fact sheet about the planning process and its schedule in with the tax bills mailed out in late December.

Walker asked if the agricultural sector was going to drive the planning process. Nan noted that it would drive the Agricultural Protection Plan and her understanding based on reading the State of the State report was that agriculture was a defining factor of the community’s character so should. Walker noted a need to educate the broader public in the town about the role of agriculture and desires to preserve it. He noted that he farms 1000 acres. Fear drives emotion of farmers and since they are large landowners they are often the ones who he feels suffer. Nan noted that the comprehensive plan is not a law. Walker noted that there is fear that laws will evolve from the plan. Nan noted that the community defines the plan and ultimately therefore what the potential laws could be. Sweet asked if there could be laws with no plan. Nan replied, “No. If there are then the laws can be challenged and the courts can view them as arbitrary, capricious.” The plan states what is sought to be accomplished. Lots of communities right now she noted are asking their lawyers to draw up wind tower ordinances. But without a plan they have no

basis. They don't really know: Where such wind towers should be located or not located? What kind of towers are desired by the community? What the community wants? A comprehensive plan helps to determine what can be accomplished in a legal way.

**IV. Other Issues:** The remainder of the meeting a variety of issues were brought up by Steering Committee Members and discussed with the facilitator.

Water Quality: Walker suggested that planning might result in more regulations for farmers. For example, Vermont enacted a law to control the quality of water and as a result the spreading of manure is limited from November to April which intensifies the spreading in the warmer months which affects air quality. He noted that he has 1200 cows, is highly regulated, and has a very good record with DEC. Sweet added that such regulations put smaller farms out of business—in the spring traffic is slowed because of agricultural equipment on the roads and the odor of spreading is problematic. Hetko observed that this is why planners need to put all the facts on the table to better understand the best course of action. Walker replied that most people know what they are against but not what they are for.

Nan noted that the issue of clean water is complicated and most people do not understand it fully. Information needs to be provided to the public and issues need to be fully explored from a variety of angles (strengths, weaknesses, opportunities and issues). Rural character (so desired by the community) needs to be defined. What is the rural character? What contributes to clean water? There are a million things that contribute to keeping water clean and it is the role of the plan to identify these. Some of them are regulating winter manure spreading and looking at farms in relation to streams but there may be programs like CAFO (Concentrated Animal Feed Operations) and other programs to work with the broader community long term to promote clean water. In agricultural districts it is normal agricultural practice already. Later in the meeting, Hetko noted that it was important to define what is clean water. Hetko suggested that changes could be encouraged but not mandated in the plan. Nan noted that water quality is a complicated issue and it can be impaired by too much nitrogen and phosphorous but this could be caused by leaking septic tanks (not agricultural practices). Sweet suggested that DEC itself had never determined what was naturally in the soil and water. They are seeking to take baseline soil and water samples. Nan noted that through the planning process the community would identify the issues of importance and look into the issues more fully. People will always think that the worst will happen if an issue is raised but this is not the case...the answer is not always a new regulation.

Farm and Nonfarm Relations: Walker sensed that there was a need to educate the public about agriculture and some of the necessary negatives. Nan noted that this was a purpose of the ag protection plan to do this. For example, the plan might recommend strategies to educate the public about agriculture through farm tours in year one and education programs for non-farm communities to help them better understand the complexity of the agricultural sector. In Putnam County for example there are lots of small farms—horse

farms. The issues between farm and non-farm residents in Putnam are significant. They identified lots of issues and developed lots of strategies to address them—there the County sought to engage the nonfarmer in understanding agriculture.

Following some additional conversation on water (above), Walker noted that in the Cambridge Comp Plan there was a desire to protect the scenic qualities of the Township so building on ridgelines was viewed as spoiling views. Farmers have a hard time and take on a lot of debt for which they need a return. Farmers ask if they are supposed to subsidize the broader public's rural view—at the expense of being unable to recover from losses. He continued that a plan had to be well thought out. No plan is not an option.

Nan replied that in every place where she works this is an issue. People have to be open and honest about issues. There are ways to preserve a view and gain equity in land. There are planning methods to do this. Walker asked if cluster housing with the preservation of open lands for farming (bought by the community) is such an option. Nan noted that lots of towns have adopted this strategy. Ultimately it is a very emotional issue—it is important to be open and listen and find common ground. Find where goals of the community and goals of the landowners can meet. No town wants to hurt a landowner. There are lots of innovation planning solutions including clustering development, developing a fund to purchase easements, devising various lease term easements (focusing on a period of years—thereby reducing taxes for a certain period in exchange for development rights.)

Walker suggested that it is important for farmers to understand the direction that the community wants to take to aid in their planning. For example, he was seeking funding for a methane digester which would generate a lot of electricity for the community but his grantwriter suggested waiting until the comprehensive planning process was complete because if the community was not supportive of agriculture then ultimately agriculture, his farm (and by extension the methane digester) would not be viable. The community needed to understand the consequences of such a decision. It was reiterated that we have to go through a community driven process to this end.

'Build Out' Analysis: A planning and educational tool is build out analysis. Nan noted that there are some issues faced by the agricultural sector that are not factors under local control—such as the price of milk, oil prices. However, it is important for the broader community to understand what having farms means? What the role of farms are in the community? For example, farms curb 'build out'—build out traditionally means more residences, more children to educate, more roads to maintain, more police, fire services to offer—and more taxes. Her firm could develop and analyze a 'build out' of the Town of White Creek—what the Township would look like if all the farms were to disappear and be replaced by residences and commercial entities. A fiscal analysis could be developed as well. All as educational tools. She showed a build out analysis that Broadalbin, a community with no zoning had done—loaded with dots—every dot represented a new home. The Town of Chatham did a fiscal analysis of such a 'build out' for about \$12K.

Community Planning & Environmental Associates can undertake a build out analysis—adjusting the scope of work accordingly. Perry and Ashton wondered whether or not it was instead feasible to draw conclusions from ‘build out analysis’ conducted on other rural communities. Sweet (later in the meeting) noted that such build out maps could be helpful in educating people at public meetings about the value of agriculture. Perry suggested that if it was done then fiscal analysis would be key—noting taxes now and taxes after the build out.

Walker asked who would make decisions about changing the consultant scope of work. Ashton replied that if significant changes were made that the Town Board would have to be consulted. No decision was made by the group on implementing a build out analysis. It was suggested that Nan think about the options of (a) bringing together analysis from other communities or seeing if a compilation of such studies already exists and (b) the potential cost of conducting a build out analysis of White Creek. Ashton suggested that about 20-25% of the land had slopes of more than 20% and was technically unbuildable upon. Sweet noted people build anywhere. Nan said that the rule of thumb was no development on slopes of more than 17% according to DEC, and other unbuildable parcels included areas around lakes, rivers, wetlands etc.

Planning Regionally?: Walker asked about planning and thinking regionally—engaging the Towns of White Creek, Jackson, Cambridge etc. in a collective planning process. Nan noted that NYS has a dismal record of regional planning. Land use laws are made at the town-level and are not county wide. Increasingly if you have land use regulations then you have to have a comprehensive plan and state grant applications are progressively desiring communities to have comprehensive plans.

Fate of Previous White Creek Planning Processes: Sweet ironically observed that each time that the Town of White Creek has sought to develop a comprehensive plan (’73 & early 90s) the general economy goes to hell and it takes a decade to recover. Nan inquired why and Perry suggested that the Town Board did not accept it. Nan noted that she could meet with the town board and explain what a comprehensive plan is if so desired.

Impact of Zoning on Economic Value of Land: Hetko asked if the relative economic values of land were different in townships with zoning and without. Nan replied that the uses of zoning generally creates value in land and property values ultimately rise because people know that things like junk yards are not going to adjoin property.

Density Technique: A member of the public noted that a fear in the Town of Cambridge Plan was under the original plan offered property could be subdivided into a limited number of parcels per 99 acres on a sliding scale—which Nan indicated was one method considered as a Density Technique. The general principals behind the ‘density technique’ and the focus on ‘density’ rather than ‘lot size’ is potentially a good strategy but you have to be careful not to set the density too low. There is a big difference between three plots on a five acre lot and three subdivisions on a 99 acre lot. Potentially the Town of

Cambridge set the density limits too low for the community... these are all strategies that need to be fully explored by the broad community as the plan moves forward.

Gaining the Confidence of People: Gulley reiterated his concern that the confidence of the residents needed to be regained. It had been gained during the data collection phase, he felt but the experience of the Town of Cambridge had eroded it some. He noted that there are three kinds of people—interested ones, those that don't care and some on Tabor Hill and Jermain Hill who speculated on the land. Nan noted the importance of engaging people in the process, soliciting their point of view, reaching out to them; holding meetings in each of the hamlets and building an understanding of the comprehensive planning process and confidence in what it can do. Ashton offered to reachout to Mr. Hefferman and Alex Zagorious—significant landowners with residencies outside the township.

**V. Next Steps:** The steering committee reviewed the schedule (attached) then talked about next steps and concluded the following:

- **Ag Focus Group #1: Weds. December 17<sup>th</sup> at 7:30PM in Jermain Hall.** The first Ag Focus Group would be held on 12/17. The focus of the meeting would be reviewing what a comprehensive plan is. Learning more about the agricultural sector in the township and listening to the farmers about the issues that they face. In addition to press releases, farmers will be personally invited by steering committee members to participate in the meeting as follows:
  - *Gulley* to invite Duane Robinson, Joe Hunt, Tudor, Lenny Austin, Bill Badgley
  - *Perry* to invite Sam Wolfinson, Jim Brownell, Will Moses, Jamie Snyder, Pete Niles,
  - *Walker* to invite Andrews, Jeff Gibson, Austin, Bill and Larry Nolan
  - *Ashton* to invite Skip Clark, Chris and Pete (Raspberries), Rich Moses, Roland and Mr. Dempsey, Bob Somers
- **Steering Committee Meeting, Weds. December 17<sup>th</sup> 6:30 – 7:30PM** Jermain Hall to review the flyer to be inserted in the tax bills and plan the agenda for the Weds. January 21<sup>st</sup> Public Visioning Workshop (see below).
- **Public Community Visioning Workshop** will be held on Weds. January 21<sup>st</sup> at 7PM in Jermain Hall.
- **Flyer on Comp Plan Process/Schedule in Tax Bills:** Nan and Ashton will work on a flyer to be included in the mailing of the Town of White Creek Property Tax bill in late December. The flyer will include information about what is a comp plan, the schedule for the planning process, and invitation to participate—most particularly in the Visioning workshop on 1/21/09. The flyer will be reviewed by the committee at its 12/17 meeting at 6:30PM.
- **Steering Committee Meetings Third Weds of the Month:** The Town of White Creek Comp Plan Committee will typically try to meet the third Weds of the month until completion of the plan.

- **Website/Community Postings:** Meeting minutes and the schedule for the Town of White Creek Comp Plan will be posted on the website, in Zacharies store, and the library as well as town hall.