

**Town of White Creek
Comprehensive Plan and Ag Protection Plan
Steering Committee Meeting Minutes
October 21, 2009**

Attendees: Don Sweet, Sarah Ashton, Carol Moore, Jim Perry, Darryl Caputo, Ed Gulley
Absent: Tim Smith, Rupert Jennings, J. Tudor, Rich Moses, Rody Walker, Peter Hetko, Bill Badgley,

Minutes: The minutes of the September 16th meeting were reviewed and approved.

Agenda: Nan reviewed the agenda with the group which included reviewing and discussing draft strategies for agricultural economic development, looking at maps produced by Don Meltz, and discussing her analysis of the Site Plan Review Law.

Maps: Nan passed out revised maps with soils information and agricultural districts. She noted that there is overlap between where there are agricultural districts and where farming is taking place and this is not always the case in other communities. She noted that there are lots of big parcels in the Town of White Creek—more than a lot of other towns in which she has worked so there is potential for subdivision. Some parcels that are being used for agriculture and in the ag districts are not getting exemptions. The Committee might ask Why? She noted that the assessor may not be identifying and classifying such parcels as agriculture. Caputo suggested using aerial maps to identify where there were woodlands that could be tree farms. Ashton will contact the Agricultural Stewardship Association to obtain updated information on properties conserved.

There was discussion about thinking more regionally—that White Creek was part of a larger geographic region with a particular character. To this end, Ashton will also ask the County to create a map of Southern Washington County with basic property classifications so that the Committee can see that the agricultural focus of White Creek fits in the context of a more regional focus on agriculture. Sweet asked about obtaining maps from neighboring counties like Bennington and Rensselaer and townships like Jackson. Caputo noted that looking more broadly at habitats and stream corridors is important particularly when it comes to woodland species—Nan noted that the Scarlet Tanager requires 25 acres of unbroken forests to reside in an area. Mapping of state and national forests could reveal opportunities—perhaps to link White Creek's State forests with those in Bennington County nearby. Sub watersheds again from a regional perspective might be mapped and reveal information about the ability to house septic systems and underscore limitations for development. Perry suggested that good buildable land could be identified and mapped. Nan noted that this helps communities to plan. Sweet noted that developers can figure out which lands can be developed more easily.

Ag Economic Development Strategies: Nan prepared a tool box of recommended strategies from which the Town could draw with regard to promoting ag economic development. Participants reviewed the list of the strategies. In general participants were comfortable with the strategies outlined. Perry noted that he was against tourism and farm tours. Sweet commented that White Creek has sort of remained a secret and such events expose people to the community which might result in changes. Nan noted that agri-tourism in the form of things like corn mazes brings in extra income to farmers, tourism helps educate people about the importance of farming and what it takes to be a successful farm thereby perhaps becoming more politically supportive. (The Amish it was pointed out have effectively integrated farming and tourism). Perry reiterated that it was a double edged sword and questions if tourism is compatible with agriculture. It was

suggested that the text be revised to suggest more consultation and input with farmers in design of agri-tourism projects. Gulley suggested an additional goal focusing on diversification of farming options. Perry suggested emphasizing ‘buy local.’ Moore acknowledged that grants are available but noted the need for someone to actually help farmers identify and write grants. Nan will include an appendix of grant opportunities but noted that USDA and Cornell Cooperative Extension were resources in this area. It was noted with regard to the 14th strategy that Southern Washington County had a certified local kitchen that can be leased to add value to locally grown/produced projects—The Battenkill Kitchen in Salem NY started with support of Cornell Cooperative Extension should be described as it functions in a similar way to the Hudson Valley Food Woods (albeit at a smaller level).

Site Plan Review Law Audit: Nan reviewed the Town’s existing Site Plan Review Law in relation to the draft vision and goals of the Town of White Creek’s Comprehensive Plan and to the desire to have land use regulations as ‘farm-friendly’ as possible. She provided the Committee with a six page table which described each article and offered for the Committee’s consideration a recommended strategy to amend the law to be more in conformance with the evolving Comprehensive Plan. She noted that the Site Plan Review Law authorizes the Planning Board to look at projects on a parcel by parcel basis; to look at how a project will function on a particular parcel—considering items like traffic, lighting, landscaping, environmental issues. The environmental analysis can look at the broader impact in the community. In many rural communities Site Plan Review is more important than Zoning. The goal is to site a project well not horribly. (Zoning regulates where something can happen and how much of it can happen; Site Plan Review is about how a particular project is situated on a lot; Subdivision regulations regulate how lots are formed.)

The question Nan asked during the analysis was how does the Site Plan Review Law stack up with the draft vision statement and goals. She congratulated the Town for creating a Site Plan Review Law with an excellent purpose statement which contextualizes agriculture. (See Footnote for the purpose statement)¹ Ultimately some of the language is vague and there are areas which could be improved upon to meet the goals of the plan. She went through each section and asked—how sensitive is this to agriculture, does it impede agriculture. Perry noted that he was convinced that site plan review was important. The goal of Site Plan review was not can or can’t something be located on a property but making sure that it is sited well. Nan suggested that the committee review the recommendations and comment on them. In reviewing the analysis with the Committee she noted that Article B Section 2 presented an enormous loop hole. It exempts all commercial structures of less than 7900 sq feet from Site Plan approval process; many small strip malls, convenience stores and gas stations are less than this size—in her 15 years of working on plans she has never seen such an exclusion. She suggests removing or lowering the size limits for site plan review exemptions for commercial structures less than 7900 sq ft in size.

¹ “Through site plan review, it is the intent of this local law to promote the health, safety, and general welfare of the town. This includes promoting agriculture and conserving and protecting agricultural resources. Additionally, through site plan review, the Town Board hopes to maintain a clean, attractive environment. Such an environment is hereby declared to be very important to the health and safety of the town’s inhabitants and essential to the optimum development of the town’s economy. It is also the intent of the law to ensure conservation of the natural and man-related resources of the town. Toward that end, this law provides a means for the town to:

- Conserve its agricultural resources and promote the town’s agricultural economy;
- Preserve water and air quality;
- Minimize traffic congestion and intrusive development impacts on nearby properties;
- Ensure access for emergency vehicles (police, fire protection, and ambulance service); and
- Provide adequate water supply and sanitary means for sewage and solid waste disposal.”

(Her job she reiterated is to point these things out and the Committee's to decide what components of her recommendations they think the community would want incorporated into the recommended plan. Another section of great concern regards Section #5 Definitions needs a lot of work. They need to be bolstered. The purpose statement of the Law is excellent but the definition section is weak. A list of definitions has to be included and defined. Ashton asked Nan if she could produce such a list and propose definitions. These could be appended to the analysis. Nan suggested that if nothing else definitions needed to be added to the Site Plan Review Law. Finally, Section 4 raises another big issue. It allows the Board to undertake a less intensive review of structures 20,000 sf or less in size. The Town could run into a whole lot of trouble here—not only should the size limit be significantly lower but what defines 'less intensive review' and how does an applicant 'request or apply for' a less intensive review—there should be a process. Moore pointed out that this opens the law to a lot of subjectivity.

Regarding other sections of the Law:

- Right now farmers do not have to go through the site plan review process except for if they wish to establish a composting facility—Nan suggested considering exempting composting facilities that are part of farm operations from site plan review.
- She suggests identifying and defining minor and major home occupations and perhaps consider requiring major home occupations to go through site plan review.
- The sign ordinance in the community is well done.
- The site plan review law does not address how it would be applied to changes of use. For example a residential property turned into a restaurant. This would involve creating a parking lot and clearing and grading...and it might be appropriate for such changes to go through site plan review.
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- With regard to any sketch plans and other information submitted and procedures ask the applicant to identify where there is farmland. Hence the impact on agriculture can't be measured. The information required and process should ask for acknowledgement of nearby farms.
- Ag Data Statement: This is great in the law but it does not tell land owners what to do with it. The surrounding farmers should be notified and invited to participate in the public hearings.
- Site Plan review process fees are noted in the law. She suggests striking reference to a specific fee and instead reference that the municipality can establish a fee. If a municipality wants to raise the fee they would have to change the law. Instead they can set an annual fee schedule..
- More information could be asked of the applicant about the plans including the exterior design, identification of active agricultural lands, and natural features such as streams etc.
- With regard to section 5E it notes how much the town board would limit its reimbursable costs (to \$2500) but a lot of projects require analysis which will far exceed this. (Take the Delmar Price Chopper Plaza) and the Town should not bear the additional cost but rather the developer.
- Article D included an excellent introduction echoing the purpose statement (and vision statement that has emerged from the Comp Plan process) but definitions and maybe even pictures need to be included to more fully give the planning board an understanding of what rural and small town character are otherwise again this is open to a lot of interpretation. What is adequate and compatible from a design perspective. Guidelines help people develop well designed projects. The New York Planning Federation's Rural Development office has developed design guidelines. White Creek could use these as a model. Nan could include a sample of these in the plan. The vagueness of some of the

design section needs to be adapted to meet the community character goals. Cairo (another community in NYS) has no zoning like White Creek and has a lot of undeveloped forest land and is using design guidelines moving forward.

- Article E suggests that the Planning Board can modify the Site Plan Review Law but only the Town Board can do so.

Following her review, participants asked how to involve the Planning Board and gain their comments. Ashton will talk with chair George Ruta. Ultimately it is the Town board that sets the policy and law. Other comments made included: change in use should go through site plan review, signage can impact a town and should be included, consideration should be given to strengthening the site plan review process to meet the community's goals, attempts should be made to treat all entities equally and establish rules that everyone goes by (Sweet suggested that people who have been here longer may understand the goals better and not have to go through as much process); details are important and more have to be included (but Caputo noted there are some that are bound to be left out erroneously). Perry noted that farmers owned 90% of the land so asked the question should they be exempt from site plan review to be fair to everyone. Nan noted that being in an agricultural district implies that there will be some level of review because agriculture has to be done in such a way that is an acceptable practice. (NAN IS THIS THE GIST OF WHAT YOU SAID??).

Overall, the Committee has to decide if it would like to or how it would like to include these recommendations in the Comp Plan. It could include them as its own recommendations, suggested recommendations offered by the consultant, in the text or as an appendix or not include them. Ultimately inclusion in the Comp Plan does not change the law. Subsequent to the hopeful acceptance of the plan by the Town Board, the Town Attorney and most likely a Town Board appointed subcommittee would review and refine such recommendations, hold a public hearing and include them in a revised Site Plan Review Law for the Town Board's consideration and following another public hearing consideration for adoption. Hence, the Steering Committee was asked to carefully review the recommended Site Plan Review Law recommendations that Nan proposed and come to the next meeting with suggestions.

Next Meeting Weds. November 18th 7:30PM Town of White Creek, 28 Mountain View Drive. Please review tool box of recommended strategies, Site Plan Review Law recommendations and Subdivision Law Review which Nan will forward.