

**DRAFT**  
**Town of White Creek**  
**Comprehensive Plan and Ag Protection Plan**  
**Steering Committee Meeting Minutes**  
**May 18, 2010**

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

Minutes: The minutes of the February (with changes) and April meeting were approved.

**Suggestions for State and County Agricultural Agencies:** During the April meeting, Nan noted that the Dept of Agriculture wanted to ensure that each Farmland Protection plan also prioritized what the county and state should do. Plans were being turned back without this information. This analysis would inform county and state officials' planning processes. The Steering Committee began to brainstorm ways of addressing this. As a starting point, during the Data Gathering Phase of the Comprehensive Planning process, the steering committee held a meeting with farmers to identify strengths and concerns about agriculture in the Town of White Creek. The section from the data gathering report is below in a footnote.<sup>1</sup> During its May meeting committee members also suggested:

- Ag and Markets permit system should be revised to pro-rate fees based on the size of the farm. Perry noted that a very small cider operation paid as much as a very large cider operation which was a burden to smaller producers. Sweet noted that fees covered various inspection processes.
- Labeling products. The origin of products should be labeled to raise customer awareness and allow for them to choose to purchase locally produced products.
- Pricing structures for milk need to be revised.
- The New York Agriculture needs to investigate ways to become more competitive with producers in the West.

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<sup>1</sup> (Note: FYI Steering Committee members here is the excerpt from the Data Gathering Phase Report):

**Insights from Outreach within Agricultural Community**

The Steering Committee held a meeting with farmers to explore their thoughts about the strengths of the agricultural sector as well as their concerns and thoughts about the future. Participants noted that the Town of White Creek offered many features positive to the agricultural sector. In general they found that there is infrastructure —suppliers (machinery, grain suppliers, welders etc) (though not all in the immediate township) and technical assistance through entities such as the team at the County Soil and Water Department and the Agricultural Stewardship Association. The land has good soils to work with, diverse land with good pasture for dairy, and the growing season is good. There is access to markets for dairy products (i.e., Stewarts and AgriMart) as well as vegetables through farmers markets, roadside stands etc. The taxes for agricultural areas are lower and right to farm laws exist. Local leaders along with residents are supportive of agriculture.

Despite these positives, farmers have concerns and face challenges. Highest on the list of concerns was development pressures. Also of great concern, were pricing structures (e.g., within New York State, competitiveness with farms in the West and their impact on small farms), maintaining leaders interested in agriculture and enticing a younger generation to farm. They also noted a fear of excessive controls and regulations that will inhibit farm profitability. The role that the federal government plays in keeping food less expensive. There was also a fear of selling development rights only to have neighbors develop property making farming more difficult.

With regard to the future, farmers noted that a successful agricultural sector in the Township would be more profitable and involve the same or an expanded number of farms—farms which community-based and woodlots sustainable. This they thought would result in part from controlling where houses are put, taxes in check, residents eating locally produced products and community-driven zoning.

- Food policy should be reviewed. It is keeping the prices paid for food low and therefore farmer revenues artificially low.
- Buy-local campaigns should be promoted.

The Committee will come back to this issue and continue to brainstorm recommendations for NYS and County agricultural entities.

### **Land Use Tools:**

The bulk of the meeting focused on a presentation “Planning Options for White Creek” which Nan made. The goal of the presentation was to share information with the Steering Committee about different land use tools that rural communities have used to meet their goals. The objective of the presentation was to inform Steering Committee members about the options and tools available—about the potential strengths and weaknesses of various land use tools—to offer a balanced analysis of the benefits and shortcomings. The Steering Committee members sought to learn about these options asking questions to clarify the mechanism and its potential impact on communities. Committee members did not access the applicability of using these Land Use Tools in White Creek at the meeting—only sought to learn about options.

Nan provided a worksheet outlining her presentation (attached) which included information about the following land use tools:

- Set Back Requirements
- Density Requirements, including
  - Minimum Lot Size.
  - Density Averaging
  - Sliding Scale Density
  - Density Bonuses
- Siting Requirements
- Conservation Subdivision
- Buffers
- Building Design Standards for Commercial/Non Ag. Buildings
- Zoning

The remainder of the minutes refer to the ‘Planning Options for White Creek’ handout. Slide one focused on *Setback Requirements* which help guide the location of new buildings within an approved building lot. In addition to the comments on the Slide it was noted that Set backs can be designed to be flexible. Typically in villages or hamlets the set back from the road is shallow—to create a more neighborhood feel. In Villages/Hamlets such a setback from the road allows for highway expansion, installation of utilities along the road. Side setbacks not only reduce conflicts with neighbors but also can allow for access between homes of for example fire trucks or tractors (to back fields) and address other safety issues. Sometimes communities too have setbacks for environmental features to protect them—creating set backs from streams, wetlands etc. It was noted that septic systems had to be set back from a stream 100 feet but this does not mean that a structure could not be closer. Set backs from streams helps protect the vegetation around and banks of the streams and therefore contribute to protecting water quality. In more rural areas setbacks are often deeper but there is a concern that sometimes such setbacks result in homes being placed in the middle of a field. Hence they have limitations in rural areas.

*Density Requirements* control how many lots and/or housing units can be developed on any given parcel of land. She noted that urban communities seek high density in keeping with their character. Rural communities that seek to retain their rural character seek lower overall density. Nan explained that there

are a number of ways of regulating density and offered four strategies to the committee: (a) minimum lot sizes, (b) density averaging (c) sliding scale, and (d) density controls coupled with density bonuses.

‘Minimum lot sizes’ sets a minimum acreage requirement for every new lot. Nan suggested that is the simplest way of regulating density but often results in uniform, suburban development and does not do much to protect farmland.

‘Density Averaging’ sets a fixed density for new houses (but does not use a minimum lot size). (Nan shared the example of a 35 acre parcel assuming a density of one dwelling per 3.5 acres would yield 10 lots flexibly on the 35 acre parcel.) She clarified that the density was based on the size of the original parcel and stays with the deed. Once for example 10 lots are created out of the given 35 acre parcel then the land can no longer be subdivided. Record keeping is key but with computers and maps the Planning Board can easily do this. It is a simple and flexible strategy and can work easily with minor and major subdivisions. It provides flexibility to allow for accommodating various environmental or agricultural features (keeping some lots larger to keep these environmental or agricultural features intact). One of the purposes is to preserve lands which are farmed placing homes on land less desirable for farming. It was suggested that good soils were needed for installing septic systems but it was pointed out that many advances had been made in developing low cost, low/no maintenance septic systems that could be used in poorer soils (several such examples of innovative systems were installed in the Village of Cambridge).

‘Sliding Scale Density’—is a flexible approach that uses a ‘scale’ that sets the density based on the original size of the parcel. In the mid-west this is a technique frequently used but in NY State more communities started out using minimum lot sizes. As a result of using this technique, smaller parcels get more cut up and bigger lots are protected. Huge parcels—like 300 acre parcels—would have a limit to the number of parcels that could be created in an effort to retain such parcels for farming. Ultimately it treats different sized parcels differently which some perceive to be inequitable. It is effective in preserving farmland on the biggest parcels.

“Density Bonuses” offers more of a carrot approach and provides an incentive. It allows a developer/landowner to increase the number of dwellings they could subdivide within a given parcel in exchange for permanent provision of ‘public goods’ such as also protecting farms, farmland, natural areas, scenic areas or access to recreational areas. (In Villages it might involve creating senior housing, renovating a separate dilapidated building). The developer has to petition the town board for the increased density and propose a public good—the Town board can’t dictate the public good. A committee member suggested that the LESA scores prioritizing farmland could guide the Town Board’s decision.

‘Siting Requirements’: Nan noted that communities could establish a minor site plan review for houses (not requiring engineered or architectural stamped drawings) but it could look to minimizing clearing of vegetation, retaining rural landscape elements, placing buildings along edges of fields/avoiding steep slopes or construction in fields, re-using roads etc.

‘Conservation Subdivision’ she described as a siting and development process which protects farmland and/or natural resources while allowing for a maximum number of residences under local regulations. It does not result in greater density but is a ‘density neutral technique’. A developer would go through a four step process as mandated by law that starts with Step One: identifying the critical agricultural and environmental areas on a parcel. (Nan noted that most developers start looking at roads.) Step Two is locating housing sites to have direct or visual access to the age or environmental area; Step Three is to connect the houses with trails/roads that minimize road building; Step Four is drawing lot lines. The result is that some lots are smaller and some lots larger—one might be an ‘estate lot’ with the

environmental or farm feature on it. The open space actually has more value and the technique provides flexibility to the land owner. It is ultimately written into the subdivision law that the four step process must be followed. Nan noted that she has trained planning board members and community members in the technique, and the results are usually very positive. She suggested that landowners interested in undertaking conservation subdivisions meet first with the planning board at a preliminary sketch plan phase to discuss plans before incurring expenses of a surveyor etc.. Her handout shows the difference between a typical subdivision which results in uniform parcels and examples of conservation subdivisions. Conservation subdivisions have shown to be more desirable and marketable.

“Buffers’ can reduce conflicts between new residents and nearby farms and screen noises. They can be included in a subdivision process. Many planners, lawyers and those at entities such as the American Farmland Trust note that buffers are a good thing because they seek to minimize conflicts. Commercial buffers can also be established between residential and commercial properties. ‘Building Design Standards for Commercial and Non-Ag Buildings’ could be added to site plan review and contribute to preservation of place and community character.

‘Zoning’. Nan touched briefly on zoning noting that rural zoning laws can be simple—involve one district for the whole town or just treat hamlets differently; it could allow most uses only prohibiting a few—like a toxic nuclear waste site. It could separate conflicting uses—permitting certain uses in certain places. Existing site plan review regulations can be used, density, lot size, set backs or design standards can be incorporated within zoning if desired. If a zoning regulation is established the Town would have to establish a ‘zoning board of appeals’ through which a land owner could bring an appeal. This would be a separate entity from the Planning Board.

Nan concluded that the last four slides contained her thoughts about the benefits and drawbacks of land use regulations.

#### Next Steps:

The purpose of the May meeting was to learn about various land use tools.

- Moving forward, Steering Committee members were asked to review the handout and think about which ones might have relevance for the Town of White Creek. At the next meeting this can be discussed and explored further.
- Simultaneously, Nan will put together a laundry list of potential land use strategies for the Town of White Creek for the Plan for the Steering Committee to consider in context.
- It was proposed that the Plan include a page outlining the existing subdivision/site plan review regulations, any improvements to them and any additional potential regulations proposed so that community members could easily access information.
- It was also noted that several communities like Greenwich and Schuylerville had updated their land use regulations and there might be lessons to be learned from them.

**Next Meeting Weds. June 16<sup>th</sup> at 7:30pm in the Town of White Creek Mountain View Drive Offices.** Purpose of the meeting is for the committee to review laundry list of land use tools for Town of White Creek and review and discuss sub-topic thematic strategies.