

DRAFT
Town of White Creek
Comprehensive Plan and Ag Protection Plan
Steering Committee Meeting Minutes
November 16, 2010

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

Minutes: The minutes of the October meeting were approved.

Review of Draft Goals and Recommended Actions: The Steering Committee continued its review of the draft goals and recommend actions.

Economic Development

Essentially it was determined to adopt the second set of recommendations that Nan has brought to the meeting in October with a few modifications/additions, as follows:

- Perry suggested integrating a focus on promoting by local campaigns to help local businesses. Work with local retailers to find out why people are not buying locally and build markets regional for local products like Troy and Saratoga (Walker added).
- Retain Recommended Actions about: ‘considering incentives to support, retain and attract businesses especially ag related ones; and Work with Washington County and NYS to enable provision of cable and high speed internet access to all locations in Town.
- There was discussion about retail chains noting that the plan shouldn’t say ‘no’ to them but promote local businesses instead and provide building site guidance and commercial building design standards to ensure that retail chains’ buildings are compatible with the community character desired to be retained by White Creek. No decision was taken on building size limits.
- The concept of promoting a cluster approach to economic development engaging the Town of White Creek, Town of Cambridge and Village of Cambridge was attractive. There were concerns about the sustainability/viability of creating a new Local Development Corporation (LDC). Instead of only recommending the formation of a nonprofit local economic development corporation (LDC), it was suggested that the plan integrate some other options like encouraging the existing Washington County Local Development Corporation to focus on the collective; looking to other existing nonprofits to fulfill this role regarding an economic development cluster approach including Towns and Villages of the Battenkill Valley (TVOBV) and the Cambridge Valley Community Development and Preservation Partnership, Inc. (Community Partnership). It was suggested that this potentially be a lower priority in the context of the plan. Such an entity should have participation from various sectors like agriculture and local government representation on the board.

Land Use Regulations

- An anchor of the plan that the Comp Plan Committee has come to consensus on is Conservation Subdivisions. Ultimately the details of the density bonus system will be adopted later following plan adoption but the Committee had tasked Nan with providing an example of ways in which the density bonus awarded with at Conservation Subdivision could be structured to help inform such a committee. She shared with the Committee a four point section from the Town of Cairo on density bonuses. The Committee recommended including two of the four points from the Town of Cairo density bonus section as *samples* in the White Creek Comp Plan. The first relates to the preservation of open space

and agricultural land preservation noting that a residential density bonus may be granted for the preservation of open space that exceeds 50% requirement for a conservation subdivision. For every additional 10% of land set aside as open space, a 5% residential density bonus may be approved. The maximum residential density bonus that may be granted for protection of open space and agricultural land preservation is 15%. The second point relates to public access and recreation...noting that a bonus of 25% may be approved for creation of public recreational lands or trails. Public access to streams, RR or open space land or for the provision of public fishing/hunting rights. The committee recommended deleting sections of the Cairo plan related to senior housing or cultural or historic buildings deeded to nonprofit agencies. This information will be included in the plan only as an example of a way White Creek could structure the density bonus system.

- The Conservation Subdivision should be integrated into White Creek's subdivision law but such laws including the density bonus incentives can be stand alone laws too Nan noted. Ultimately a committee needs to be appointed and a land use planner or lawyer can help develop the details of the revised law (s).
- Town of Greenwich: The Committee asked Nan to review the Town of Greenwich's Zoning Regulations. She handed out a zoning map and noted that there were many progressive concepts and a commitment to agriculture and rural character integrated. There were five districts with rural agricultural being the largest. Others include residential, hamlet/mixed use, commercial and industrial. The Zoning integrates site plan review and design standards like stream set-backs for all and architectural design guidelines for commercial uses. Clustering is encouraged and conservation subdivisions (I believe she said) were required for parcels with solids of statewide importance. The use table however which she shared suggests that lots of uses (from an air strip, hospital, light industry, retail etc) were permitted in the rural agricultural district by either site plan review or special permitted use. She noted that they did not use minimum lot sizes but required 300 feet of road frontage per parcel. She did not review the document in its entirety or all the details of the site plan review but this did raise questions about efforts to protect agricultural character of this district.
- Town of Halcott, Green County NY: Nan shared another example of Zoning map from the Town of Halcott which is community in the mountains with a number of hamlets perhaps closer in similarity to White Creek. (They have no village but several hamlets and it is a bit more rural and remote.) Halcott has serious water limitations so they do have minimum lot sizes because otherwise it is unsustainable given limited water resources. Halcott has one zone, encourages conservation subdivisions and allows for special permitted uses but wants to make sure that they are in character with the community. Rural zoning she noted does not have to be complicated. Much of Halcott's is based on water capacity and slopes as it is a very mountainous community.
- Discussion of Halcott brought up again the question of the quality and health of the water aquifer that sustains White Creek. Nan will give White Creek the contact information for a colleague at Rural Water Association who could help run some tests to map and assess the aquifer.
- Ultimately it was reiterated that zoning regulations have to be derived from the Comprehensive Plan—they fit specific needs and issues tailored to each community and its landscape. Communities who do not articulate principles for zoning in their Comprehensive Plans often end up coming back to zoning as a tool (in the face of a large developer, for example) and wish that they had at least incorporated the general principles/guidelines/broad parameters in their plans as guidance in case the Township ever wants to establish zoning regulations in the future. It gives the Town government guidance and direction emanating from a participatory process. Ultimately she noted that the nuts and bolts of such regulations are drafted by a separate future committee, shared in a public hearing for feedback, submitted to the Town Board to hold another public hearing before adoption.
- The Committee suggested that the term 'zoning' was often misunderstood. Zoning just says where what can happen and can add standards for specific types of development. Zoning is one tool a community can use and it works together with site plan and subdivision laws. The Committee itself, through the planning process, has learned that zoning can be simple and does not have to create many zoning

districts; effectively designed to meet the specific needs of particular rural community; and used to strike an effective balance between community goals and landowner rights. The committee was concerned that the simple word 'zoning' will cause concern among broader community members. The Committee itself has learned a lot about the benefits and limitations of an array of land use regulations and following this a long process of education within the Committee—committee members are more comfortable recommending that land use regulations or codes like zoning be considered as an option for the future in the plan. Hence, the committee suggested that another term be used like 'land use code' in the plan to reduce barriers to promoting understanding the concept of tools broadly. Land use code is a term often used to refer to a unified set of local laws that incorporates zoning, site plan and subdivision (ie the "code) part."

- The Committee reviewed the Land Use Code principles on page 24-26 that Nan had proposed incorporating into the plan should such be desired in the future. The principles outlined reflected sentiments of the planning process. It was reiterated with regard to statement '(d)' that such codes be written in clear *simple* language.... That conservation subdivisions be an anchor concepts—and cluster housing encouraged. The idea of two zones agricultural/rural and hamlet was attractive and that potentially hamlets could have shallower set-backs and mixed uses—like that currently of the hamlet of White Creek. Questions arose about whether hamlets should be discouraged from expanding outward along the road. (No conclusion reached about defining boundaries of hamlets.) There was an interest expressed in more proactively including Land Use Codes in the plan as an implementation step given the GlobalFoundaries development occurring in the region.
- Minor v. Major Subdivisions. Discussion was re-opened regarding retaining the minor v major subdivision categories. Currently more than one subdivision requires a major subdivision process. It is thought by some that this has kept down development and others that it constrains property owners from transferring land to their off-spring. Ultimately some of the burden regarding the major subdivision comes from developing the required roadways but some aspects of this were proposed to be changed to be in keeping with a rural road way. The data gathering phase collected information on major subdivisions and 28 occurred between 1993 – 2005 throughout the Township. (Many of these subdivided properties that had significant road frontage so the construction of additional roads was not necessary.) Hence, it was decided to pull the plan together and review the issue of minor v major subdivisions in the context of the whole document because concerns regarding the number of lots that define a minor v major may be offset by other changes to the regulations (like roads or shared private driveways—as opposed to roads) enabling family members to subdivide for their children.

Next Steps for Completing Comp and Ag Protection Plan

- Nan will pull together the whole document making edits, changes and modifications to the draft handed out in early 2010 using the minutes and her notes as a guide. She will plan to submit a revised plan to the committee in early January for review.
- Recommended actions need to be prioritized and a proposed Implementation Plan included in the plan. She will develop a draft of prioritized recommended actions for the Committee to review and make comments about. Recommended actions will include land use regulation updates to the subdivision law (including integrating conservation subdivision and density issues) and site plan laws, Right to Farm law, Mobile Home ordinance and will include information about land use codes.
- The Steering Committee will then review the whole document again...most likely in Jan. Feb and potentially March 2011.
- The Steering Committee would like to meet informally with the Town Board and Planning Board to share with them the contents of the plan and get some feedback from them. Jim and Sarah will work on the date for such a meeting in 2011.
- The Committee discussed ways to share information in the plan with and educate the public broadly about the recommended actions in the Comp Plan—including posting it on the website, having

copies in the Town office and library, summarizing portions for the Eagle newspaper and developing a brief Executive Summary highlighting recommendations that Committee Members can share with neighbors and residents.

- The Steering Committee will then hold a public meeting and develop the format for the public meeting. Comments will be gathered during the public meeting and then the Steering Committee will meet and review the comments and their bearing on the plan and recommended actions.

Other:

- Copy of Environmental Assessment Form will be included in the appendices.

Next Meeting Weds. January 12th at 7:30pm in the Town of White Creek Mountain View Drive Offices.

RESOLUTION: Conservation Easement Fund Account
\(DRAFT 9/22/10-With Comp Plan Steering Committee Comments)

WHEREAS, the Town of White Creek is endowed with much viable agricultural land and a major portion of the Town lies within Washington County Agricultural Districts No 24 and No. 5.

WHEREAS, the Town of White Creek desires to conserve and protect its natural resources and agricultural lands and to encourage the development and improvement of its agricultural lands for the production of food and other agricultural products.

WHEREAS, viable agricultural land is defined in The Agricultural District Law as land highly suitable for agricultural production and which will continue to be economically feasible for such use if real estate taxes, farm use restrictions, and speculative activities are limited to levels approximating those in commercial agricultural areas not influenced by the proximity of urban and related non-agricultural development, and

WHEREAS, the preamble of the NYS Agricultural Districts Law states clearly that urban pressure from expanding metropolitan areas takes the form of scattered development in wide belts around such urban areas, and that when this scattered development extends into good farm areas, speculation is stimulated and land values rise, costs of public services increase, resulting in a rise in both farm and non-farm taxes, and

WHEREAS, during the data gathering portion of the Comprehensive Plan, the people of the Town overwhelmingly are in favor of keeping White Creek rural and agriculture as its main industry, and

WHEREAS, the Town of White Creek is formally developing a Farmland Protection Plan with criteria rating all land in the town as to its value for farming purposes, and

WHEREAS, some landowners in the Town of White Creek may be willing to donate a conservation easement or sell their development rights on their property to protect the rural and agricultural value of their property but find legal fees, appraisals and the recording fees a deterrent, and

WHEREAS, the State of New York now provide revenue for the Purchase of Development Rights on a matching basis for landowners wishing to sell their development rights, and

WHEREAS, applicants for the State Purchase of Development Rights funds are looked upon more favorably when the local town shows both planning and financial support, and

WHEREAS, Agricultural Stewardship Association (ASA) or other land trusts have the capability of acquiring and holding and monitoring conservation easements in the Town of White Creek for those wishing to either donate an easement or sell their development rights,

NOW THEREFORE BE IT RESOLVED that the Town of White Creek set up a fund account for the collection and distribution of funds (to be called Conservation Easement Fund Account) to be used to offset cost of legal fees, appraisals, and or recording fees accrued by the landowner directly in connection with an agricultural conservation easement on the lands in the Town of White Creek. Landowners who apply through ASA or another land trust to protect their land for agriculture with a conservation easement and who meet the eligibility criteria (43 or more points using the LESA system as developed and approved in the Town of White Creek Farmland Protection Plan), may voucher for up to by not exceeding \$5,000 for costs associated with the above mentioned fees (and not reimbursed by another source) as available funds allow. Reimbursement to be allowed only after the easement is finalized; reimbursement must be requested within a year of easement being finalized. Should the Town decide to disband the Conservation Easement Fund Account remaining funds will be disbursed to the Agricultural Stewardship Association or other land trust serving the Township.