

DRAFT
Town of White Creek
Comprehensive Plan and Ag Protection Plan
Steering Committee Meeting Minutes
July 21, 2010

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

Minutes: The minutes of the June meeting were approved.

Review of Draft Goals and Recommended Actions: The Steering Committee continued its review of the draft goals and recommend actions. Nan reiterated that the goal of the comprehensive planning process was to find ways to balance different interests in the community in a way that sought to meet the overall vision that the community had set out for itself. She noted that conflicts between goals will exist and Steering Committee members should strive to find a way forward that balances these competing goals while keeping the vision in mind.

Conservation Subdivisions: The committee began the review where it left off in May looking at the idea of promoting conservation subdivisions in the Town of White Creek. The conservation subdivision is a layout technique whereby the uniqueness/critical components of the landscape for the community (agricultural, open space etc) is identified first (with the objective of preserving it); houses are typically clustered and sited to have access to this piece of the parcel; then the houses are connected with roadways and trails that minimize road building; and then lot lines are built. This preserves the critical open space or farmland for the future.

In general there was positive reaction to the conservation subdivision technique because it met many community goals. The following comments/questions were raised:

- Perry asked how ‘critical agricultural lands or environmental features are defined? Nan noted that when the conservation subdivision law is written these details are defined in it but the Comprehensive plan should offer a general sense. (The LESA analysis on farmland is a point from which to begin for example.)
- Rody noted that he had been exploring the idea of developing a methane digester that would handle waste from several farms (simultaneously reducing odors) and producing electricity for the farms and residents in the hamlet of White Creek. He had traveled to Pennsylvania to see how effective this alternative energy source could be and the benefits to communities of reducing odors from agricultural production. The idea of a methane digester in the Township will be included in the plan.
- Gulley noted that the degree to which houses can be clustered will in part need to be determined by the quality of land available. Land is finite and sufficient land needs to be available to meet the requirements of septic systems. Perry noted that health ordinances and building code requirements would address some of these concerns. Ashton noted that sewage transportation corporations can be formed like in the Cambridge Freight Yard using some new wastewater disposal technologies to allow for joint, more environmentally friendly septic systems in housing clusters.
- Ownership. Rody asked who would own the preserved ‘large’ critical landscape portion of the parcel subdivided. Nan noted that there are several options: (a) the original landowner could

continue to own it and use it for farming/open space, or an easement could be put on it; (b) it could be ‘an estate’ lot—sold as the largest lot to a new owner; (c) a home owners association could own it.

- Who would pay taxes on the large preserved lot? Like above—either (a) the existing owner who would presumably have an ag assessment on the land, (b) the estate land owner; (c) or home owner’s association who ever held title to the land.
- It was clarified that in conservation subdivisions a legal document is created to restrict development of the open space or farmland which is part of the large parcel through an easement (held by an organization like ASA) or deed restriction (NAN IS THIS CORRECT?)
- Lots part of conservation subdivisions typically hold greater value as people are attracted to parcels with access to open space. Hence a 100 acre parcel divided into 20 five acre lots is usually not as valuable (or has the same value) as a 100 acre parcel with one 50 acre preserved parcel and 20 diverse sized other lots.

There was consensus among the Steering Committee members that the conservation subdivision landuse tool was a good one to recommend for the Town of White Creek as it both preserved open space and farmland but allowed for development.

Next the question was should the Comp Plan committee recommend that ‘conservation subdivisions’ be either (a) voluntary, (b) mandatory (c) required for certain sized subdivisions or (d) an incentive created for developers to want to design conservation subdivisions. And, should there be a density level. (Note: It had already been concluded that minimum lot sizes was not the appropriate land use tool to use to limit the number of houses but rather a more flexible tool that would allow for a range of housing options was using density—number of houses allowed on a parcel but allows for smaller or larger lots.)

Nan noted that voluntary cluster subdivision development has been around a long time and very few developers voluntarily do it. (Pine Plains a 2000 acre section of land was purchased by a developer who was going to divide it into 2000 one acre housing lots. Through community pressure concerned about the impact that this would have on the quality of life of the rural community the developer revised its plan and preserved half of the land and developed 650 houses instead—some of which are two family homes). Developers who are mandated to undertake conservation subdivisions are not shying away from it.

Sweet noted the attractiveness of creating incentives for conservation subdivisions.

The Committee seemed to gravitate toward creating a reward or incentive to promote the use of conservation subdivisions. Typically Nan explained that this comes by offering a density bonus-- of allowing for additional houses—increasing the density or number of houses for people who wish to preserve open space and cluster houses. In discussing this concept, the following questions/comments were raised:

- Typically the conservation subdivision law outlines what percentage of the parcel has to be preserved. Typically it is 50%. Perry asked if density could be higher if the rate of land preserved was greater than say 50% of the parcel. Sweet asked if the uniqueness of the property could be determined and then a percentage set for that parcel. Nan noted that minimum % of parcel that needed to be preserved for a conservation subdivision can’t be subjective but outlined in the law (otherwise there is leaway for abuse). Criteria for what determines agricultural or environmental space can be outlined. The applicant has to have knowledge of the parcel and

what wetlands, stream corridors and open space is available and design comes following this analysis. Nan will provide us with language for this.

- Development rights for open space of the preserved parcel are transferred to an entity like the Agricultural Stewardship Association.
- It was noted that the conservation subdivision does not work as well for subdivisions of 5 or 10 acre parcels but larger ones.
- Roady asked if density should be based on how close to the village the parcel is—suggesting that those closer to the Village of Cambridge could be developed more densely. Nan noted this could be done using zoning as a tool. Gulley and Perry noted that lots of good farmland is around the Village and the hamlet of White Creek so this may not be desirable.
- Nan shared a ‘build out’ scenario she had developed for the Town of Cairo in NYS. The Town of Cairo has no zoning and only a 1.25 acre minimum lot size. She shared the map documenting the results of the analysis with the White Creek Steering Committee. If the Town of Cairo were to allow for all the homes possible given only this one regulation there would be 17,500 new houses. If development were restricted from wetlands and unbuildable lots then it would only dwindle to 11,500 new houses—again destroying the character of the community. Cairo sought to change this through their comprehensive plan.
- Moore noted that density requirements would limit the number of houses which came into the community but it would not require a minimum lot size.
- Should incentives for conservation subdivisions be established for minor and major subdivisions? Currently a minor subdivision is one lot and major subdivision is anything beyond this.

The Steering Committee concluded that it wanted to recommend conservation subdivisions in the Comprehensive Plan—that provide incentives to developers to use them—‘density bonuses’, criteria for open space and farmland to be preserved has to be defined, and a density for development should be established that is sustainable for the town. The Committee would probably not set that density level. A ‘sliding scale density’ (which uses a scale to set the density based on the original size of the parcel—resulting in different densities for different sized parcels) is not desirable. (See Nan’s presentation in May for more details about the tool ‘sliding scale density’.)

The meeting closed with an initial discussion/comments about minor and major subdivisions. Roady suggested that the number of lots that could be created through a minor subdivision be increased from one to two or three. Perry noted that the one minor subdivision allowance had been a significant factor holding back on major subdivisions. Someone else suggested that if the number of lots for minor subdivisions was raised then conservation subdivisions and density requirements could be used for minor as well as major subdivisions. A variety of options were discussed very briefly. Nan will outline various options for the next meeting---a balance has to be struck. Ultimately the Comprehensive Plan provides the general concepts for land use tool options and future committees are charged with ironing out the details.

Other Topics Discussed at the Meeting:

- Moore noted that developers in the Town of Hoosick were reviving discussion of some sort of a dump or waste site on a former farm property. Previous administrations there had disallowed it. Does White Creek want to limit potential for such activities in the Comp Plan?
- Gulley noted the importance of getting curriculums focused on agriculture back in the schools to promote agriculture in the community.
- With regard to land with agricultural assessments, Roady asked about who would pay the penalty if land was converted—suggesting it should be the developer not the farmer. Nan will look into the law which is set by Ag and Markets and report back to the committee.

- Perry noted that he had donated his Town Board member salary to the Town of White Creek to establish a PDR Fund and the Comprehensive Plan would guide establishment of the fund. He handed out a draft resolution to the Committee members to consider at the next meeting. Questions were raised about if another community member wanted to donate funds to the Town fund would they get the tax break for donations? Ashton will inquire. Both Ag Districts # 4 and 24 should be included in the resolution.

Next Meeting Weds. August 18th at 7:30pm in the Town of White Creek Mountain View Drive Offices. Purpose of the meeting is for the committee to continue to review laundry list of land use tools for Town of White Creek and review and discuss sub-topic thematic strategies—starting with ‘buffers’ on page 11.