



Memo

To: Town of White Creek
From: Nan Stolzenburg
Date: November 19, 2012
Re: Updated Subdivision, Site Plan and Mobile Home Laws

I am happy to submit to you my suggested edits to the Town of White Creek site plan, subdivision and mobile home laws. The changes are based on the Comprehensive Plan recommendations, including the Audits of these laws. I have prepared these files in two ways: one shows all the edits (cross outs and underlines) and commentary as to why something was changed. The others are 'clean' versions showing all the changes included and formatted. The mobile home law is not digital at this point, so the suggestions I have included describe the changes that could be adopted. It may be useful to get the mobile home law scanned so that these changes could be added in like the site plan and subdivision laws.

Both site plan and subdivision laws have expanded in the number of pages. I know that lots of people get upset when they see so many pages. I understand that concern. On the other hand, these laws are now up to date, up to par with state laws, and detailed enough to give the Town the ability to protect and plan for the things that the Comprehensive Plan addressed. I urge you to not judge the suggestions by length alone.

There are a few points that definitely need your attention and discussion as follows:

Highlights of the Site Plan Law changes include:

1. Updates to bring the law into conformance with NYS Town Law 274-a, such as filing requirements, hearing updates, referrals, time frames, etc.
2. Adding an abbreviated site plan procedure for all residences, including mobile homes. This law will take over the review and approval of mobile homes and treats them similarly with all other residences. Because the planning board will do a site plan review, the section of the mobile home law that currently does that is recommended to be deleted. The abbreviated site plan is a one-meeting review to ensure that farms, and the environment are adequately protected during all development. I hope this accomplishes those goals but in an easy and not overly burdensome manner.
3. Added design standards for commercial buildings as per the plan.
4. Added rural siting standards to protect rural character and the environment as per the plan.

5. Added definitions as many important ones were lacking.

6. Included additional features that should be included on the site plan, including identification if farming activities are taking place nearby so as to ensure the Planning Board evaluates and mitigates adverse impacts on farming in the area as per the plan.

Highlights of the Subdivision Law changes include:

1. Updates to bring the law into conformance with NYS Town Law 276, such as filing requirements, hearing updates, referrals, time frames, etc. The subdivision law especially was missing or lacking, in my opinion, of several important procedural details.

2. Added definitions.

3. Added a section to allow for conservation subdivisions. This is set as a voluntary process someone could take. The Comprehensive Plan suggested that a new law that establishes density of development along with density bonus incentives could be established to make use of the conservation subdivision design more attractive and effective. You should consider if you want to undertake that now or not.

4. I did not address exempt subdivisions, agricultural subdivisions, and changing the definition of minor subdivisions. These were recommended to be addressed in the Plan, but there really was no consensus in the Plan as what to do about them. So we have kicked the can down the road a bit, and I suggest you all discuss these again to give me direction as to what you want to do about them. There are some who think the minor subdivision ought to remain at 2 lots. Others feel like they should be up to 4 lots. It is my opinion that moving it to 4 lots may be appropriate, especially if you change or remove the exempt or ag subdivisions. We can discuss that. My major concerns are with the exempt and agricultural subdivisions. Please review the Subdivision Audit in the Comprehensive Plan for a full discussion. But in short:

- a. The only normal 'exemption' of subdivisions is when a boundary line adjustment is made.
- b. State law definition of subdivision allows for 'minor' and 'major'. There is no such thing as an exempt or agricultural subdivision.
- c. The county is only supposed to file subdivision plats that are approved by Planning Boards. Without any review (as in the exempt ones), I do not clearly see how these could be legal.
- d. Since many subdivisions often seen in White Creek would fall in the category of 'exempt' there are a lot, or could be a lot of new lots created that never receive any review. That treats some people different than others, and more importantly, the goals of the town may not be met because some land development is not reviewed.
- e. The exempt subdivisions rely on deed restrictions to notify future landowners that a subdivision may be needed. Towns have little, if any ability to enforce deed restrictions and so I feel this is a very weak position to ever have those subdivisions reviewed. I think these are big loopholes and feel that the only exempt subdivision is a lot line adjustment. Further, they are targeted to subdividing for family members. I understand the intent of that is to make it easy to pass land along to family members. But the issue is not the USER but on the impacts of development on land and I don't see why exempting family members is any different than requiring your good neighbor to go through subdivision. And, it is something very problematic to enforce, and treats people differently. If you want a simpler process for small subdivisions, the minor subdivision process is the way to go. I have many of the same concerns related to the ag subdivisions.

Highlights of changes to the Mobile Home Law

1. Mostly, I have suggested the mobile homes outside of mobile home parks be removed as that is now reviewed by the Planning Board and treated as no different as any other residence. This is as per the Plan.
2. I have suggested keeping the mobile home and travel trailer park sections with some minor changes. The license will still be required and still final approval from the town board, but all the site planning will be done via the site plan law. The safety inspector (building inspector) will still do all the inspecting and when satisfied all requirements are met, will issue a certificate of occupancy.

I suggest that you look these over and when ready, we can have a phone conference call so I can go over them in more detail. I think there is plenty here to start your review and as you go along, I would be happy to talk or email as needed.