

Town of Philipstown Planning Board

Meeting Agenda

Butterfield Library, Cold Spring, New York 10516

January 15, 2015

7:00 PM

*Pledge of Allegiance
Roll Call*

Training Session

Review of conservation subdivision practice and procedures

Workshop

Horton Road LLC (Hudson Highlands Reserve): Discussion on proposed conservation subdivision

Adjourn

Anthony Merante, Chairman

Note: All items may not be called. Items may not always be called in order.

Town of Philipstown Planning Board
Planning Board Training Conservation Subdivision Workshop
January 15, 2015

Agenda

- | | |
|--|------------|
| 1. Introduction | 7:00- 7:10 |
| a. Workshop Purpose and Intent | |
| b. Review | |
| i. Role of the Planning Board | |
| ii. Relationship between Comprehensive Plan and the Zoning Code | |
| 2. Conservation Subdivision: Concept, Intent, Application | 7:10-7:30 |
| a. Concept | |
| i. Conventional subdivision vs. cluster subdivision | |
| ii. Conservation subdivision-purpose and process | |
| b. Philipstown Regulation | |
| i. Town Policy (from Comprehensive Plan) | |
| ii. The Conservation Analysis | |
| iii. Open Space Conservation Overlay District | |
| iv. Determining allowable quantity of units | |
| v. Planning Board's Role - discretion and flexibility | |
| 3. Discussion of Conservation Subdivisions | 7:30-7:50 |
| <hr/> | |
| 10 minute break | 7:50-8:00 |
| <hr/> | |
| 4. Conservation Easement: Concept, Intent, Application | 8:00-8:20 |
| a. What is a conservation easement/agreement? | |
| i. Qualified Organizations | |
| ii. Federal and NYS Legal Requirements | |
| iii. Conservation Purposes: Open Space & Habitat Preservation | |
| iv. Grantor/Donor Benefits | |
| b. The role of Grantee--Municipality or Land Trust | |
| c. Requirements in the Philipstown Code, Section 175-21 | |
| 5. Discussion of Conservation Easements | 8:20-9:00 |
| 6. Horton Road Subdivision: General discussion about the application of the Code | |

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Conservation Subdivision Workshop

January 15, 2015

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Review:

The Role of the Planning Board

The Comprehensive Plan and the Town Code: Roles and Relationship

Conservation Subdivision:

Concept

Philipstown Policy and Law

The Role of the Planning Board

The Planning Board...

- ❑ is an appointed body charged with **managing and implementing land use regulations, laws and government policies** (does not set policy)
- ❑ has two types of powers – **regulatory and advisory**

Regulatory



Advisory



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Regulatory Powers of the Planning Board

Division of a parcel of land for the purpose of sale, lease, mortgage, or otherwise, including subdivision of land into smaller units for sale, lease, mortgage, or otherwise.

Arrangement of proposed uses on a single parcel

See Plan Review section on subdivision and zoning. This section provides the Planning Board the opportunity to review and approve or disapprove individual parcels of land.

Notwithstanding any use of the word "shall" or any other mandatory language in any ordinance, the Planning Board may, in its discretion, grant a variance from the requirements of any ordinance if the following conditions are met:

1. The variance is necessary for the proper development of the property.



The Role of the Planning Board

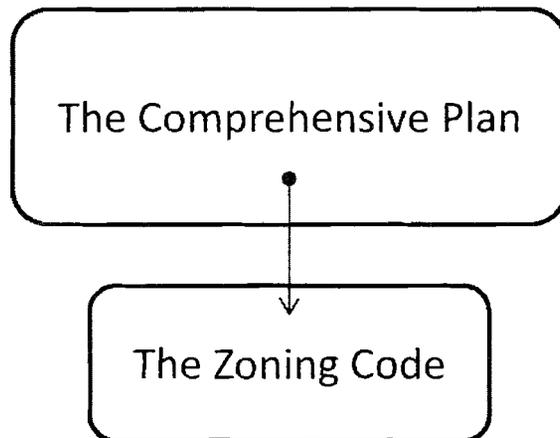
The Planning Board...

- Law
 - Policy
- Regulations
 - Law
- Policy
 - Regulations
- Guidance
 - Policy
 - Law
 - Regulations
 - Guidance

The Comprehensive Plan and the Town Code

The NYS Zoning Enabling Laws-require that

“Regulations must be based on a logical and comprehensive plan for the betterment of the whole community.”



Blueprint upon which land use regulations are based

Regulatory tool used to implement the Comprehensive Plan

The Comprehensive Plan and the Town Code

The Comprehensive Plan

- Policy

- Provides a means to connect “circumstances of locality” to the zoning law
- Removes the planning process from immediate political consideration
- Is a statement of goals
- Is a roadmap of how to achieve these goals
- Could take many different forms, but should be accessible and readable

The Zoning Code

- Law

- Is constructed to help carry out municipal planning goals
- Regulates
 - The use of land
 - The density of land use
 - The siting of development
- Format: Map and Regulations
- Provides for ‘relief’ from strict application of regulations (i.e. variances)

The Comprehensive Plan

10 Goals in Philipstown's 2006 Comprehensive Plan:

1. Character
2. Socio-economic diversity
3. Sense of community
4. Recreational opportunities
5. Taxes
6. Economic development
7. Natural resources
8. Roadways
9. Efficient use of infrastructure
10. Revise land use regulations

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Review:

The Role of the Planning Board

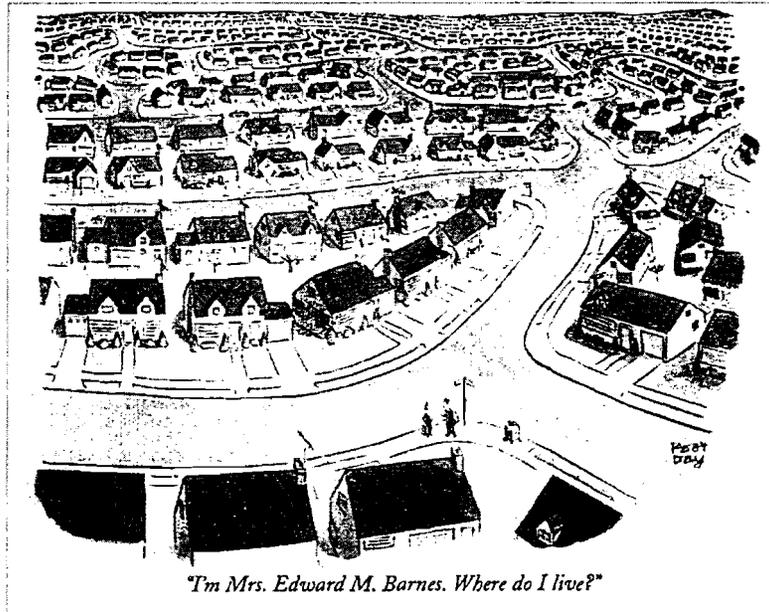
The Comprehensive Plan and the Town Code: Roles and Relationship

Conservation Subdivision:

Concept

Philipstown Policy and Law

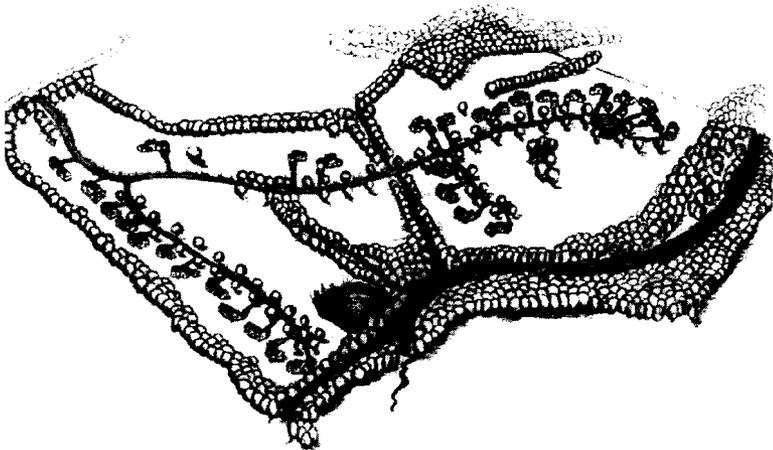
Conventional vs. Cluster Subdivisions



Conventional Subdivisions

- Characterized by uniform lot pattern (area/ frontage)
- Can be less efficient in use of natural resources, high reliance on automobiles, low density, unresponsive to context (sprawl)

Conventional vs. Cluster Subdivisions



Cluster Subdivisions

- Allows flexibility in site layout in exchange for protecting open space
- Allows same number of lots/ dwelling units as conventional, but in some cases communities may incentivize open space protection by allowing additional units (higher density)
- Adds flexibility to overall subdivision design
- May provide a diversity of housing types and sizes
- May reduce construction costs and environmental impacts by minimizing need for infrastructure (i.e. length of roads and sewers)

Conservation Subdivision

A Type of Cluster Subdivision

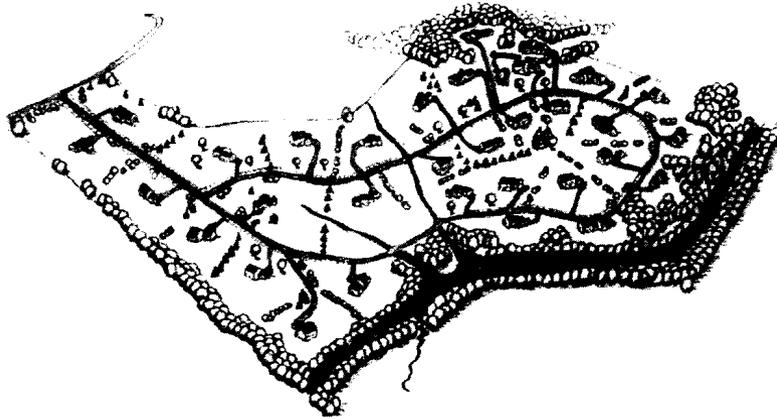
Intent:

****significant percentage of buildable uplands is permanently preserved****

Characteristics:

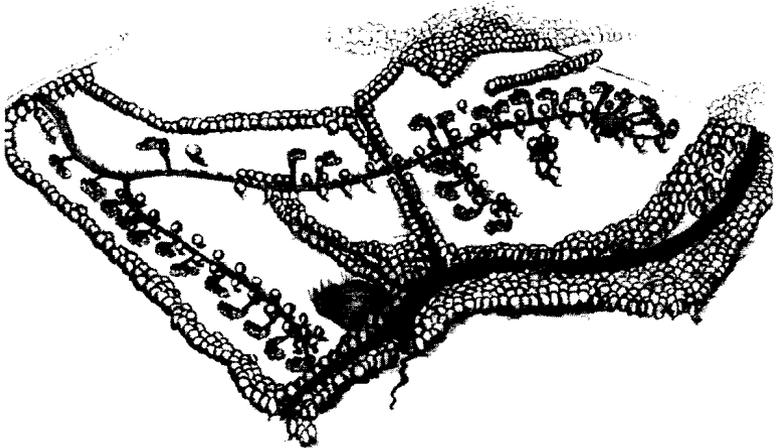
- Higher open space ratios (than typical cluster)
 - Conscious design to forge community-wide interconnected networks of open space.
 - Conservation of existing natural and cultural resources (i.e. not necessarily golf courses)
 - Intentional preservation designed around each site's most significant natural and cultural resources
 - Prioritizes open space networks as the first element to be "green-lined" in the design process.
-

Conventional vs. Cluster Subdivisions

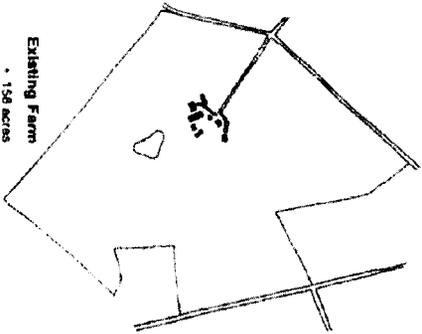


Cluster Subdivisions

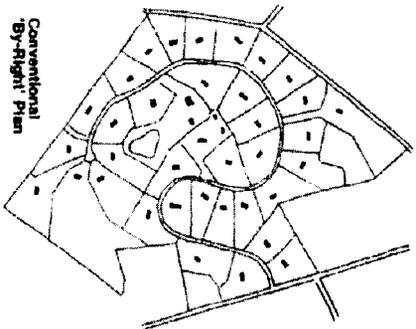
Can be accomplished by empowering the Planning Board to modify dimensional requirements (flexibility) within the framework of the adopted zoning regulations



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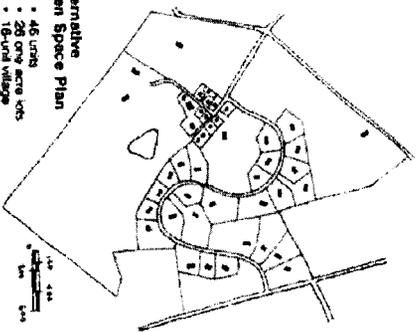
Existing Farm
• 156 acres



**Conventional
By-Right Plan**
• 38 units
• 3+ acre lots
• No open space
• No rural character



'By-Right' Cluster Plan
• 54 units
• 1+ acre lots
• 52% open space (but fragmented)
• Line of houses blocks rural views from one existing township road



**Alternative
Open Space Plan**
• 46 units
• 28 one-acre lots
• 16-unit village
• 4 units on three farms
• 60% open rural character
• Preserve and working farmland



Final Approved Plan
• 58 dwellings
• 40 one-acre lots
• 10 village lots
• 8 attached units
• 52% open space (98 acres)

Source: Town of Saratoga NY

Policy: The Comprehensive Plan

Basis for 175-20 in the Comprehensive Plan

10 Goals of Philipstown 2006 Comprehensive Plan:

1. Character
2. Socio-economic diversity
3. Sense of community
4. Recreational opportunities
5. Taxes
6. Economic development
7. Natural resources
8. Roadways
9. Efficient use of infrastructure
10. Revise land use regulations

Policy: The Comprehensive Plan

Goal 1) Conserve Philipstown's rural, historic and river-community character

Philipstown is a unique place characterized by great natural beauty, historic places and a sense of small-town community. This uniqueness is fragile and could be lost through a rapid influx of development. Development should be done in a manner that is sensitive to the town's special rural and historic qualities. There are four broad categories of strategies for this goal.

a) Discourage intensive development in areas not designated for future growth in the Comprehensive Plan, allowing only low-density development

i. provide incentives for voluntary density reductions

ii. encourage open space development, also known as clustering or conservation development, where appropriate

iii. development should be in scale and in character with its surroundings and lot size

iv. encourage a pattern of rural dirt roads with low-density rural subdivisions

v. require new rural roads to be compatible with the existing road system. In particular, new roads off of dirt roads should be in character with the surroundings.

vi. encourage institutional uses which fit the character of the community, and maintain good zoning control over those uses. Institutional uses on large parcels of land are traditionally low-intensity uses. If these parcels were developed for residential use it could have a large impact on the character of the community

Policy: The Comprehensive Plan

- b) **Preserve elements that contribute to Philipstown's rural and historic character** — *dirt roads, stonewalls, historic structures, sites and areas, significant trees, ridgelines, farmland, forests, the Hudson River shoreline and scenic viewsheds*
 - i. preserve the character of designated dirt roads pursuant to a road master plan
 - ii. preserve stonewalls, historic structures and large trees, and require consideration of these in the building permit process
 - iii. promote continued use of agricultural land for farming
- c) **Improve the visual qualities of Route 9**
 - i. establish buffers and higher standards for building design, as appropriate
 - ii. phase out billboards
- d) **Facilitate visual and physical access to the Hudson River**

Policy: The Comprehensive Plan

Goal 7) Protect Philipstown's natural resources

The town's natural resources are its green infrastructure contributing to public health, habitat, recreation and community character. Since over 40% of the town is protected as state park land or by conservation organizations, Philipstown is in a strong position with regards to natural resource protection. It is also important regionally as a valuable part of the federally designated Highlands Region. However, development pressures continue to pose a threat to our natural resources. Below is an array of strategies to protect our natural resources that need to be balanced with the other goals of this plan.

a) Protect water quality and quantity

- i. identify and protect aquifers, recharge areas and stream corridors
- ii. develop a program for septic system maintenance, remediation and education measures to minimize risk of surface and groundwater contamination
- iii. protect quality of Cold Spring's water supply
- iv. support NYC in efforts to avoid filtration of Catskill water supply serving Continental Village

b) Create an ongoing process to identify critical parcels of land for preservation and to develop ways to achieve these preservation objectives

- i. adopt a natural resource protection plan, and implement it through land use regulations and other measures

c) Preserve habitat and scenic resource values by encouraging the use of Open Development Area (ODA) regulations and clustering — *The ODA has helped Philipstown keep the density of housing down by allowing landowners to develop their land without having to put in a typical suburban subdivision.*

d) Facilitate the community's appreciation and enjoyment of the Hudson River

- i) encourage access and use of the riverfront to meet the variety of demands and needs of the community
- ii) safeguard and enhance the habitat of the river and its tributaries

e) Protect environmentally sensitive areas, including

Policy: The Comprehensive Plan

- e) **Protect environmentally sensitive areas, including**
 - i. Cold Spring Reservoir and Foundry Brook
 - ii. Scofield Ridge
 - iii. Large contiguous forest blocks (i.e. matrix forest)
 - iv. Hudson River shoreline
 - v. Constitution Marsh
 - vi. Brooks, wetlands and riparian buffer zones
 - vii. Ridgelines and steep slopes
- f) **Develop strategies to protect against environmentally hazardous material**
 - i. work with other agencies to identify hazardous materials and safeguards against them
- g) **Increase awareness and encourage commercial and residential construction practices which will reduce impacts on municipal services as well as the environment**
 - i. water conservation
 - ii. recycling programs
 - iii. renewable energy applications
 - iv. incorporation of materials with longer life
 - v. use of biodegradable materials
 - vi. efficient use of lighting
- h) **Conduct a town-wide biodiversity assessment, identifying areas that may have high habitat value for biodiversity**
- i) **Encourage adoption of new waste treatment methods to reduce the impact the current septic requirements have on the landscape**

Policy: The Comprehensive Plan

Goal 4) Expand recreational opportunities to offer a wider variety and greater capacity to meet current and future demand

Recreation is an important service provided by the Town. It provides a wide range of activities, serving all ages, at an affordable cost. Recreation is also a means for pulling different segments of the community together. Strategies for expanding recreational opportunities focus on Town facilities and programs, riverfront access, and working with outside agencies.

- a) Educate the public about current offerings by the Town and outside agencies
- b) Develop and implement a cooperative recreation plan with all interested parties, linking it to other Town programs and regulations
 - i. identify and encourage use of other facilities owned by schools and non-profits
- c) Explore opportunities to combine recreation with municipal, private, and non-profit development projects
- d) Explore the full range of options for funding recreational properties
- e) Identify sites for new structured recreational facilities that could also serve as a community focus
— *A swimming pool and ice rink were two of the most requested facilities in the town-wide survey.*
- f) Work with Putnam County Division of Planning & Development and NY Department of Transportation (DOT) to plan for appropriate road improvements along Route 9D to develop additional biking opportunities in the town
- g) Develop trail networks, including identifying bike trail opportunities to connect different areas of town, developing linkages for the north-south Greenway Trail and the east-west Northern Putnam Trail, and maintaining the existing horse trail network and consider additional horse trails where appropriate.
- h) Improve riverfront access using the Putnam Riverfront Alliance inventory of access points (appendix H). Riverfront plans should be developed closely with the Village of Cold Spring, Philipstown, Putnam County and all other stakeholders.

Law: Section 175-19.B, Conservation Subdivision

- Encouraged by Town
- Locates units on part of site most suitable for development
- Preserves valuable open space
- Allows variety of lot sizes
- Results in preservation of contiguous open space and important environmental resources
- Allows compact development
- Creates Walkable neighborhoods
- Increases flexibility in site layout

Law: Section 175-20, Standards for Conservation Subdivisions

- A. Conservation Analysis
- B. Density Calculation
- C. Minimum Lot Size
- D. Arrangement of Lots
- E. Yard and Frontage Requirements
- F. Impervious surface coverage
- G. Accessory Uses
- H. Open Space (min. area and configuration)
- I. Sewage Treatment
- J. Recreation Lands

Law: Section 175-20.A, Conservation Analysis

Why require a conservation analysis?

- To ensure 'mandated conservation restriction' (the conservation easement) achieves its purpose.
- Gives community a measure of control to preserve land with CONSERVATION VALUE (not just left over land)
- Ties the development with the community's goals (comprehensive plan and open space/recreation plan)
- Informs decisions of development (use, management, ownership of open space, terms of conservation restrictions)

Law: Section 175-20.A, Conservation Analysis

How to do a conservation analysis

- Recommended to be done in cooperation with a land trust (prospective grantee of the restriction)
- Analysis needs to be completed to determine lot layout and potential unit count

Law: Section 175-20.A, Conservation Analysis



- Step 1: Map Existing Conditions



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Law: Section 175-20.A, Conservation Analysis



- Step 2: Identify Site Constraints (wetlands, steep slopes)



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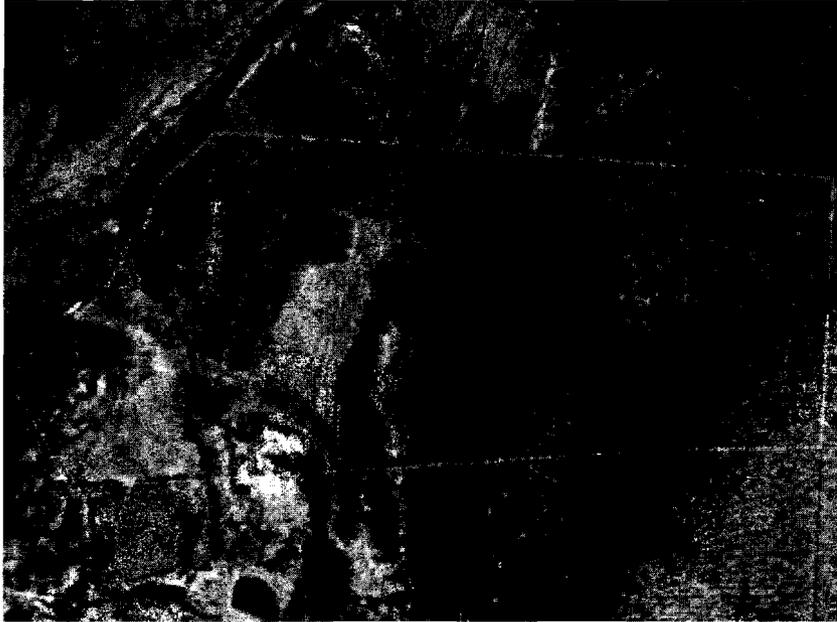
Law: Section 175-20.A, Conservation Analysis

- Step 4: Conservation Findings
 - Identify what elements will be conserved/protected

The maps illustrate the process of conservation analysis. The top row shows the 'EXISTING SITE' and 'SITE COMPONENTS'. The middle row shows 'REQUIREMENTS' and 'CONSERVATION ANALYSIS'. The bottom right shows a 'Conservation Map' with a legend for 'Conservation Area', 'Other Areas', and 'Conservation Restrictions'.

Source: [MAPD Slide Show](http://www.slideshare.net/mapdadmin/mapd-conservation-development-presentation-6-712-22507179) (Joel Russell and Robert Levite)
<http://www.slideshare.net/mapdadmin/mapd-conservation-development-presentation-6-712-22507179>

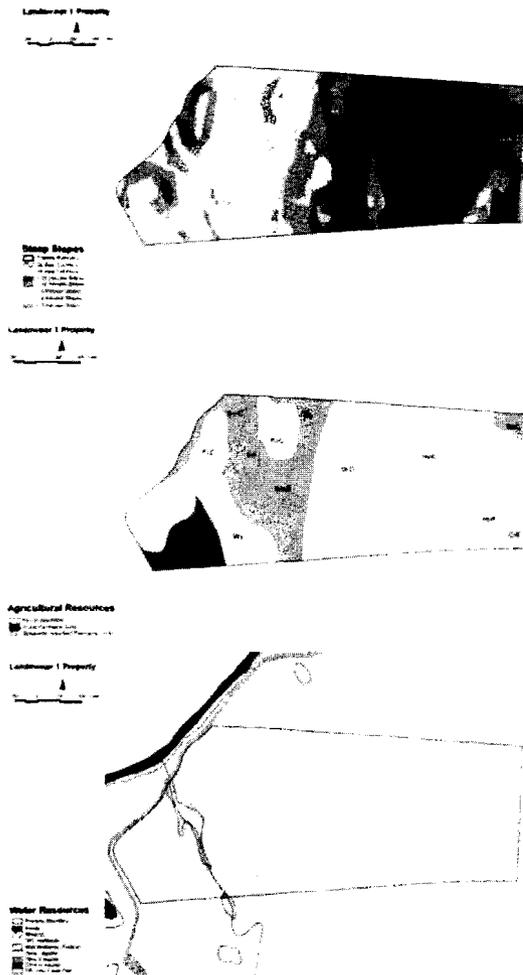
Law: Section 175-20.A, Conservation Analysis



Case Example: 100-acre site

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Law: Section 175-20.A, Conservation Analysis



Case Example: 100-acre site

- Conservation Analysis
 - slopes, soils, water resources

Law: Section 175-20.A, Conservation Analysis



Case Example: 100-acre site

- Conservation Analysis
 - slopes, soils, water resources
- Findings

Findings

- Do not develop on steep slopes
- Protect views of hillside
- Minimize disturbance of water resources
- Protect prime agricultural soils/farmland
- Maintain intact tract for wildlife habitat
- Provide visual buffer from road

Law: Section 175-20.A, Conservation Analysis



Case Example: 100-acre site

- Conservation Analysis
 - slopes, soils, water resources
- Findings
- Acceptable Development Plan

Law: Section 175-20.A, Conservation Analysis

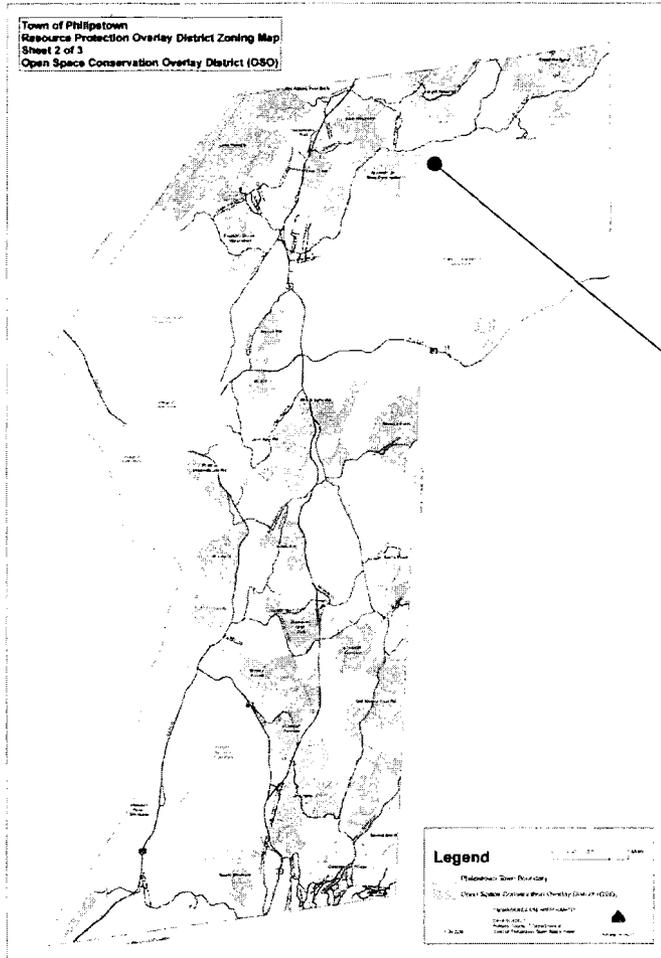


Case Example: 100-acre site

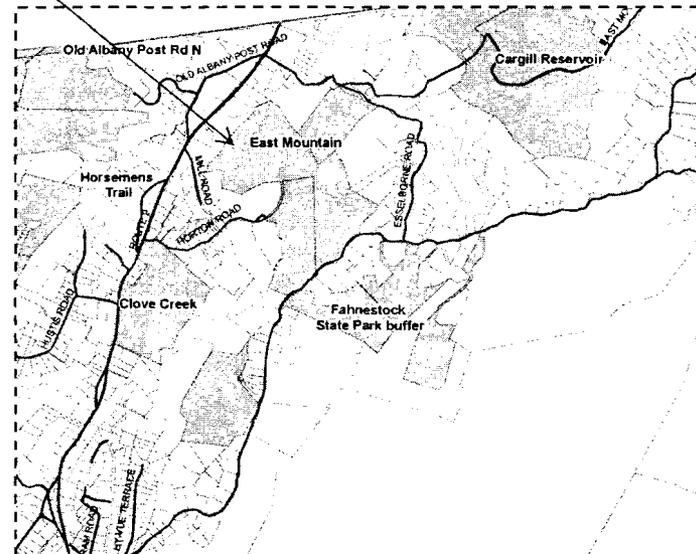
- Conservation Analysis
 - slopes, soils, water resources
- Findings
- Preferred Development Plan

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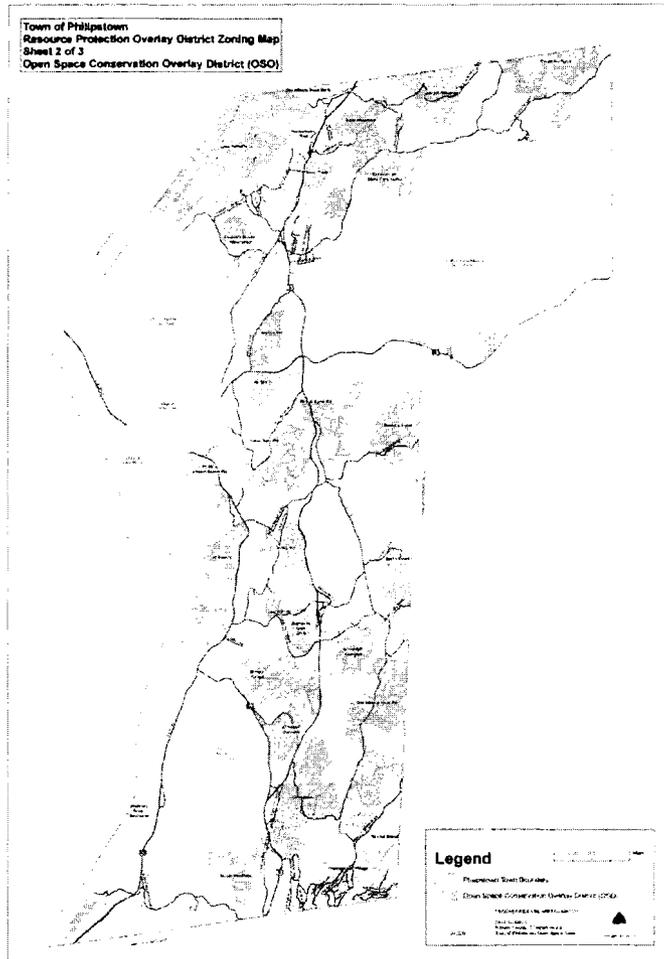
Law: Section 175-18, Open Space Conservation Overlay District



Overlay districts provide supplemental regulations to the underlying zoning district.



Law: Section 175-18, Open Space Conservation Overlay District



Special protection by locating potential development to:

- protect natural resources and attractive rural quality
- ensure preservation of important resource values

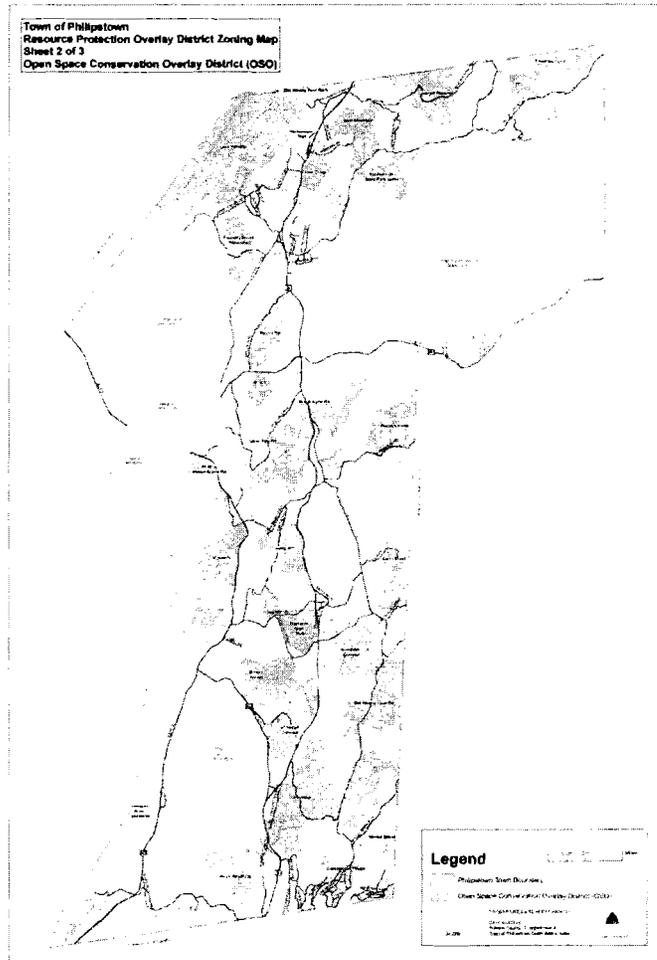
All underlying land use district regulations remain in effect except that-

- In a Conservation Subdivision
 - max. density 5 acre/dwelling unit
 - min. 80% preserved open space
- In a Conventional subdivision
 - min. lot size 15 acres

(different standards for institutional use)



Law: Section 175-18, Open Space Conservation Overlay District



Section 175-18 E:

“The conservation resource values identified [in the Open Space Index] shall be preserved to the maximum extent practicable in any development approval.”

Law: Section 175-20.B, Density Calculation

Maximum number of dwelling units (du) determine by
“yield plan” or “density formula”

- Density Formula

Step 1: Parcel area – 75% of constrained land (wet and slopes) = unconstrained area

Step 2: Unconstrained land x .85 (for infrastructure)

Step 3: Divide by maximum density for conservation subdivision in district

Example

100 acre parcel

10 acre constrained land

RR= 3 ac/du

OSO= max= 5 ac/du

Step 1: $100 - (10 \times .75) = 92.5$ unconstrained acres

Step 2: $92.5 \times .85 = 78.63$ acres

Step 3: $78.63 \text{ acres} / 5 \text{ acres/ du} = 15.73$
(always rounded up)

16 dwelling units allowed

Law: Section 175-20.B, Density Calculation

- Density Bonuses
 - Granted at the discretion of the Planning Board:
 - Up to **5%** increase in number of dwelling units for every **10%** of additional open space protected (beyond min. required)
 - up to **15%** increase in number of dwelling units if public access allowed (significant recreational benefit)

- Dwelling Unit Calculation

3+ bedrooms	=	1 du
2 bedrooms	=	.75 du
1 bedroom	=	.67 du
Studio apartment	=	.5 du

Law: Section 175-21, Conservation Easements

- Must protect open space with the most conservation value:
 - View corridors along scenic roads
 - Agricultural land
 - Ridgelines and steep slopes
 - Designated Critical Environmental Areas
 - Large areas of contiguous mature forest
 - Wetlands, watercourses, and stream corridors

- Identify on subdivision plat or site plan
 - use
 - ownership
 - management
 - method of preservation and the
 - rights of the owners of other lots in the subdivision to such land

Law: Section 175-21, Conservation Easements

- Ownership of Open Space

May be owned by a homeowner's association (HOA), dedicated to Town, County, or State governments, transferred to a nonprofit organization acceptable to the Planning Board, held in private ownership, or held in such other form of ownership as the Planning Board finds adequate to properly manage the open space land and to protect its conservation value, based upon the conservation analysis



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Conservation Subdivision Workshop

January 15, 2015
