

# DRAFT

## TOWN OF ALDEN COMPREHENSIVE PLAN APPENDIX



### OCTOBER 2009





## TOWN OF ALDEN COMPREHENSIVE PLAN

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**Appendix A**  
Public Participation



## MEETING SUMMARY

**SUBJECT:** Town of Alden Comprehensive Plan - Public Information Meeting

**DATE:** August 3, 2008

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The Public Information Meeting for the Town of Alden Comprehensive Plan was held at the Alden Village Hall Auditorium on July 29, 2008. The following reflects the comments from the public during the course of the meeting:

### General Comments

- Town Board should adopt plan, full adoption of the master plan is critical.
- Town needs to follow plan.
- Alden is defined as “rural” – commercial and industrial uses are related to the “ruralness”.
- Community is rural and has developed (or not developed) in this manner.
- Preserve character of Town and Village to make it an attractive destination (e.g. Lewiston and East Aurora).
- Preserve small town identity where people are the assets.
- Small town USA and its not broke.
- The image of Alden is important, but what is the image?
- Several towns have experienced an increase in population, while Erie County's population has decreased by 2%.
- The Village should be the hub.
- Village and Town governments need to work together more.
- Reduce government costs (merge services with villages).
- Merger of Town and Village must consider issues related to Village water and sewer infrastructure.
- Connect village and town recreational amenities – multi-use trails and paths and connect to other communities.
- The welcoming, friendly atmosphere of Alden and safe place to live should be capitalized on.
- Is more growth desirable for the Town; Alden should become better, rather than bigger.
- Alden is nice the way it is – keep it that way.

### Development/ Growth (residential)

- The Village should be the “hub”.
- Restrict commercial development to Village district boundaries.
- Need more housing options and other services for seniors.
- Walkability – connections to villages.
- Home occupation should be allowed but not disrupt surrounding uses.
- Study cost of services for home development as related to taxes (do a Nutter type study).
- High-density home development should be discouraged.
- Cater to the elderly so they can stay in the community (transportation, housing, etc.).
- Allow the town to grow without raising taxes.
- Consider condominium loopholes with regard to taxes and cluster development.

### Development/ Growth (commercial)

- Growth is inevitable (determine where it should go and define what this growth should be).
- Growth does not always mean a better world or community.
- Grow at an appropriate scale.

- Commercial uses should be small in scale.
- Cap the size of retail establishments.
- Don't make Broadway into Transit Road.
- Capitalize on what we have now.
- Allow light commercial to mix with residential uses.
- Vacant properties with vacant buildings should be redeveloped.
- Adaptive reuse of existing development rather than developing green lands.
- Mixed uses "randomness" outside village and plan to take advantage of cultural changes.
- Land on Broadway is only zoned commercial 500' back from the road; this causes some parcels to have split zoning with landlocked backlands zoned differently.
- Limit size of big box retailers.

### **Agricultural**

- 38% of Alden is farms that should be protected and maintained.
- Right to farm – zoning should support agriculture.
- Farming is important and farms are good for the tax base.
- Small farms contribute to the quality of the community.
- Broadway is an agricultural district with commercial zoning; this should be revised.
- Revisit distinction between commercial and agricultural development.
- Consider agricultural cooperative's.
- Hunting – consider as potential business opportunity for large property owners.
- Right to farm is very important and should be enacted.
- All farms are contributing to the rural character (large and small).
- Farms are a positive impact on the tax base – support them.
- Agriculture districts – how can commercial uses be allowed there?
- Agriculture is becoming more economically viable.
- Locally grown and organic produce will become more important – especially with rising fuel prices (makes small farms more important).

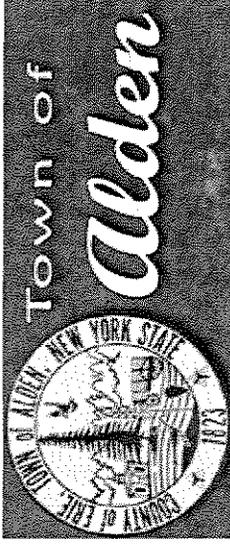
### **Environmental**

- Wetlands should not be disturbed.
- Conservation should be practiced in subdivisions.
- Green areas should be connected.
- Develop the Town and Village with walkability, shops, etc (what makes it special?).
- The 100-year floodplain, aquifers and soil types should be taken into account.
- Create a community nature center (e.g. Reinstein House/preserve).
- Land should not be rezoned for a particular uses if other lands in the Town are already correctly zoned and available.
- Residential houses should be required to utilize solar energy to reduce their carbon footprint.
- Need more trees on West Main Street.
- All new buildings should be required to install solar panels on their roofs.

### **Utilities/ Infrastructure**

- Localized energy production (gas wells for electric generation, harness hydroelectric power on Cayuga Creek, wind energy on Chaffee Farm, etc.).
- Adopt energy efficient development regulations (solar, etc.).
- Consider current road infrastructure and traffic conditions. Larger commercial development equals more traffic.
- High density development should not be allowed in areas of poor drainage and failing septic systems.
- Lack of historical creek maintenance has led to increased flooding and erosion.
- Municipal power community = stability.
- Localized energy production is possible.
- Recreational opportunities should be taken into consideration in the master plan.
- Existing road infrastructure should be taken into consideration in the master plan.

# Town of Alden Comprehensive Plan



**THE PUBLIC IS INVITED TO ATTEND A**

## **PUBLIC INFORMATION MEETING**

**July 29, 2008 - 6:30 PM**

*Alden Village Hall - Auditorium*

PLEASE JOIN US

**TO OFFER YOUR COMMENTS AND IDEAS FOR THE TOWN  
HELP IDENTIFY IMPORTANT ISSUES AND OPPORTUNITIES!!**

Economic Development  
Traffic, Water, Sewer

Community Character  
Quality of Life

Growth Management  
Farmland Protection

**Town of Alden Comprehensive Plan  
Public Information Meeting – July 29, 2008**

**Informational Survey**

1. Do you live in the Town or the Village of Alden? How long have you lived in there?

*Town* \_\_\_\_\_ *Village* \_\_\_\_\_ *Years* \_\_\_\_\_

2. What makes the Town of Alden a special place?

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3. What do you consider the top three issues in the Town?

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4. How important is agriculture and farming for the future of the Town?

*Very Important* \_\_\_\_\_ *Important* \_\_\_\_\_ *Relatively Important* \_\_\_\_\_ *Not Important* \_\_\_\_\_

If important, what do you think should be done to keep this industry productive?

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5. Is pressure for development an issue of concern in the Town?

*Yes* \_\_\_\_\_ *No* \_\_\_\_\_ *No Comment* \_\_\_\_\_

6. Does the Town of Alden need additional residential development and housing opportunities?

Yes \_\_\_\_ No \_\_\_\_ No Comment \_\_\_\_

If yes, which types of housing are needed (check all that apply):

- Single family homes on large lots*
- Single family homes on small lots*
- Patio homes*
- Condominiums and townhouses*
- Apartments / Duplexes*
- Senior housing opportunities*
- Affordable housing opportunities*

If yes, where do you think new residential development should be located?

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7. Is additional commercial development needed in the Town?

Yes \_\_\_\_ No \_\_\_\_ No Comment \_\_\_\_

If yes, what type is needed and where do you believe it should be located?

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8. Does the Town need additional recreational amenities?

Yes \_\_\_\_ No \_\_\_\_ No Comment \_\_\_\_

If yes, what types?

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9. Are there enough programs for youths and seniors in the Town?

Yes \_\_\_\_ No \_\_\_\_ No Comment \_\_\_\_

If no, what do you think is needed to better service youth or seniors?

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10. What is your vision for the Town of Alden?

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**Additional Comments:**

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***If you want to be contacted about future public meetings, please provide an email or mailing address for us to contact you:***

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# TOWN OF ALDEN SURVEY SUMMARY

## General Comments

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1. Received approximately 40 Surveys
2. Most focused on:
  - Small Town
  - Rural (uncrowded)
  - Quiet
  - Open Space / Farmlands
  - Safe
  - People (friendly)
  - Character
3. Farming / Agriculture
  - Many found important to very important
  - Some worried that it is too late to protect
  - Many mentioned Right-To-Farm Law (to protect Farmers)
  - Want some land kept zoned for agricultural use
  - Want smart development that preserves farming/open space
4. Housing
  - Most wanted residential development
  - Many different opinions on type (townhouses, condos, etc.)
  - Most wanted in appropriate places
5. Commercial Development
  - Biggest issue – with most comments
  - Many want business development, but many focused on smaller scale
  - Jobs, taxes and good business
  - Many mentioned Broadway, Walden, close to Village as locations
  - Want vacant structures filled
6. Recreation
  - Different opinions
  - Many mentioned bikes and walking trails
7. Miscellaneous Issues
  - Landlocked parcels
  - Lot sizes
  - Fire Departments
  - Windmills
  - Empty Ames Plaza
  - Attention to Millgrove
  - Reduced spending / taxes
  - Walkability
  - Keep taxes low
  - Community support agriculture/ organic farming
  - Need to revitalize commercial district in Village

## **TOWN OF ALDEN COMPREHENSIVE PLAN PUBLIC FOCUS MEETING SUMMARY**

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**Date of Meeting: November 18, 2008**

**Location: Alden Village Hall**

**Time: 6:30PM**

**Minutes Issued: December 19, 2008**

### **I. Welcome and Introductions**

Supervisor Smith welcomed everyone, provided a brief explanation of the project, introduced the members of the Comprehensive Plan Advisory Committee who were present and then introduced the consultants from Wendel Duchscherer (WD) - - Wendy Salvati, Drew Reilly and Sarah DesJardin. Drew Reilly provided further information on Comprehensive Plan and a recap of the Public Information Meeting. He explained that the purpose of the Public Focus Meeting was to confirm what had been heard from the public at that meeting and to also gather consensus on the draft goals and objectives.

### **II. Overview of the Goals and Objectives**

#### **Preserve Rural Character**

- Ensure that livestock can still be kept
- Develop transportation system within community for elderly and disabled
- Be more "specific"
- Better define agricultural use

#### **Protect Important Cultural and Environmental Resources**

- Historical society is not a museum
- Beacon Café is important
- Historic barns and older homes outside Village
- Churches and libraries are important for tourism

#### **Encourage a Diversity of Economic Development Activity**

- Problems with vacant storefronts
- Review the goals of neighboring communities (what is their zoning, desires, etc.)
- Consultation with Alden Merchant's Association
- No limit in Zoning Law regarding the amount of development
- Constraints of municipal infrastructure vs. adding more infrastructure

#### **Encourage a Diversity of Housing Types**

- Need more senior housing and transportation for seniors
- Condos/Patio homes
- Don't overburden the school district with residential housing
- Include pocket parks in residential areas

# Alden Comprehensive Plan Public Focus Meeting Summary

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## **Provide Potable Water to Areas in Need**

- The more water lines, the more pressure for development
- Must decide where water lines should go

## **Maintain and Promote Efficiency and Cooperation in Government**

- Need cooperation between the Town and Village and between Town, Village and School district
- Need a financial plan for governments and consolidation of services

## **III. Strengths, Weaknesses, Opportunities and Threats**

### **Farming**

#### Strengths –

- School-aged kids / FFA
- Great soils – some still remain
- Close proximity to Genesee County, where farming is significant

#### Opportunities –

- Agricultural tourism
- Organic farming
- Community-supported agriculture

#### Threats –

- Increasing taxes
- Installation of public water lines
- Lack of Right-to-Farm law protection in areas outside agricultural districts
- Limits on hours of farming operations
- Loss of prime farm soils to development

### **Commercial Development**

#### Strengths –

- Lots of commercial zoning
- Strong labor force
- Generates more in taxes (with less impacts)

#### Weaknesses –

- Decrease in advertising
- State prison
- Lack of public sewer
- People moving out of Town
- Need for health care facilities

#### Opportunities –

- Industrial development agency
- Village with a central business district
- Potential for development of health care facilities

#### Threats –

- Vacant buildings
- Poor economy

# Alden Comprehensive Plan Public Focus Meeting Summary

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## Cooperation with the Village of Alden

### Strengths –

- Ongoing collaboration for economic development
- Strong labor force
- Generates more in taxes (with less impacts)

### Weaknesses –

- Duplication of services

### Opportunities –

- Village and Town should merge
- Merge planning boards and zoning boards
- Merge snowplowing, refuse collection, etc.

## Residential Development

### Strengths –

- Lots of available land
- Large tracts of land for different kinds of residential development
- No development pressure (can be proactive rather than reactive)
- Generates more in taxes (with less impacts)

### Opportunities –

- Flag lots

## **IV. Next Steps**

Meeting adjourned at 7:20PM.

Respectfully submitted,



Wendy E. Weber Salvati, AICP

**Town of Alden Comprehensive Plan  
Public Focus Meeting – November 18, 2008**

**Informational Survey**

**1. In your opinion, what is the biggest issue facing the Town?**

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**2. Where do you think growth should occur in the Town?**

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**3. Where should commercial development be located in the Town?**

*Near Village boundary* \_\_\_\_ *Broadway* \_\_\_\_ *Walden* \_\_\_\_ *Genesee* \_\_\_\_

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**4. How can the Town and Village cooperate better?**

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**Additional Comments:**

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## **Survey Results from the Public Focus Meeting - 11/18/09**

### **1. Biggest issue facing the Town**

Loss of agricultural property and activities  
Cost of infrastructure development  
Unbridled residential development in outlying areas  
Loss of open space  
Too much commercial zoning on Broadway  
Maintaining "small town" character  
Water  
Where and how much residential development should be allowed  
Balancing the views of the vocal minority with the opinions of others  
Lot size and density  
Aesthetics and community character  
It is illogical to have a separate village that plans separately for itself (should be planning together)  
Threat of commercial and excessive residential development

### **2. Where should growth occur in the Town?**

Within geographic limits of the Village  
Near the Village  
Broadway (Ames Plaza)  
Near Tops Market  
Walden Avenue, around the prison  
Walden Avenue, near Wilson Greatbatch  
Put senior housing near the Village or around Broadway  
Housing (condos, apts., single-family) in the Village  
Millgrove and Genesee Street  
Broadway, Walden Avenue and Genesee St. (manufacturing and commercial)  
Do not target areas for new businesses and industries along major corridors (especially Broadway)

### **3. Where should commercial development be located?**

Broadway - 3  
Walden - 5  
Genesee - 3  
Near Village Boundary - 4

Broadway is already well zoned and properly developed  
Walden Avenue is the commercial backbone of the Town  
Keep the majority of businesses in the Village  
The Town needs a "big box" law  
Keep whatever goes on Broadway small in scale  
Do not make Broadway, Walden or Genesee another Transit Road  
Walden has infrastructure for industrial and commercial development  
Industrial areas should stay together  
No more commercial on Genesee in Millgrove  
Steer commercial development to Broadway, nearest the Village  
Don't sprawl commercial development out along highways; keep it in concentrated areas

#### **4. How can Village and Town better cooperate?**

Conduct joint meetings for economic development (regional planning for zoning and tax incentives)  
"Talk" - compare master plans and discover commonalities and then act on them  
Reconsider merging Town with Village  
Consolidate some services  
Hold a "Town Hall" meeting together  
Consolidate, consolidate, consolidate  
Village should contract for private garbage pickup and disposal with the Town  
Village should contract with the Town for snowplowing and brush pick up  
Eliminate duplication of services (economies of scale)  
Combine the Crittenden and Millgrove fire departments

#### **General comments:**

Fear that large landowners/farmers will be ignored in effort to become the next Town of Clarence  
Concern that the motives of the Committee are not aimed at the benefit of public (self serving)  
Town should develop a Right to Farm law with teeth  
Preserve prime farmland and farm soils  
Sort out the sex offenders in the prisons from what is listed for the Town of Alden (demographics)  
Town should enforce its property maintenance laws equally  
How can we encourage the redevelopment of vacant buildings?  
Residential subdivisions should include greenspace, parklands, etc. included within  
Turn the old Tops into a senior citizen housing project  
Develop landlocked parcels with housing  
The railroad bridge on Rte. 20 is a gateway/front door to the Village (it looks like a mudroom)  
Millgrove is perceived as a dumping ground filled with complaining people  
Define "rural"; what constitutes a farm?  
What about Crittenden and Town line hamlets?  
Creative zoning sounds dangerous for random development  
The Town should adopt a noise ordinance.  
Develop and adopt smart growth principles  
Ensure a safe and accessible food supply  
Apply appropriate size and scale to residential and commercial development  
Maintain and strengthen role of Town as supplier of agricultural products to the region  
Do not follow the failed practices and policies of Lancaster  
Productive farmland is one of Alden's greatest assets and should be used to guide prosperity  
The unspoken majority that does not attend meetings supports growth with limitations  
Would prefer Broadway to remain agricultural or with small businesses and homes (like now)  
Plan around the core (Village) and don't allow development to sprawl outward

**PRESS RELEASE – for immediate publication:**

**Date – March 25, 2009**

**Town of Alden seeks public opinion for their Comprehensive Plan**

The Town of Alden is in the midst of updating their Comprehensive Plan to help guide future growth and development in the community. As a part of this project, the Town is seeking the opinions of Town and Village, as well as others who frequent the area, to assist in the decision making for the final aspects of the Plan. Although the Town has conducted surveys at the two public meetings that were held for this project, they are looking to gather wider and more representative opinions to gain a sense of the vision for the Town of Alden. Areas of interest on the survey include commercial and residential development, agricultural protection and services for youth and seniors.

The public opinion survey can be found on the Town's website at <http://alden.erie.gov> (go to the link for the Town of Alden Comprehensive Plan). Completed surveys can be returned to Town Hall. The Town is eager to learn your thoughts and ideas so the public is encouraged to participate in this effort. Surveys are being gathered through early April, so please let your opinion count. For more information, contact the Town Supervisor's office.

**Town of Alden Comprehensive Plan  
Informational Survey**

The Town of Alden is preparing a Comprehensive Plan. The Plan will set forth priorities to help guide future decision making in the Town, particularly about land use and development. To assist with this effort, please take a few minutes to answer the following questions. Your comments are very important to the Steering Committee that is overseeing this project and are greatly appreciated.

1. Where do you live?

*Town of Alden* \_\_\_ *Village of Alden* \_\_\_ *Other* \_\_\_\_\_

2. If you live in the Town, how long have you lived here? \_\_\_\_\_ years

3. In your opinion, what things in the Town would you like to see change?

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4. In your opinion, what things in the Town would you like to see stay the same?

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5. Are there enough programs for youth in the Town?

Yes \_\_\_ No \_\_\_ No Comment \_\_\_

If no, what do you think is needed to better service youth (use reverse side if needed)?

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6. Are there enough programs for seniors in the Town?

Yes \_\_\_ No \_\_\_ No Comment \_\_\_

If no, what do you think is needed to better service seniors (use reverse side if needed)?

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7. Where should residential development occur?

\_\_\_ Around the Village of Alden

\_\_\_ In and around hamlet areas (e.g., Millgrove, Crittenden, Town Line, Alden Center, etc.)

\_\_\_ Anywhere in the Town

8. What type of housing is needed in Alden?

- Traditional single-family homes on large lots
- Two or three-family homes
- Apartments (3 or more units in one structure)
- Condominiums, Town Houses, etc. (attached or detached single-family on small lots)

Other \_\_\_\_\_

9. Where, and at what scale, should commercial development occur in the Town?

	Small scale	Medium scale	Large scale
<i>Near Village boundary</i>	_____	_____	_____
<i>Along Broadway (Route 20)</i>	_____	_____	_____
<i>Walden Avenue</i>	_____	_____	_____
<i>Genesee Street</i>	_____	_____	_____

10. Should the Town strive to protect/preserve agriculture use?

Yes \_\_\_\_\_ No \_\_\_\_\_ No Comment \_\_\_\_\_

If yes, why (check all that apply)?

- It is an important industry and provides jobs
- It is a way to preserve/protect open space
- It provides a source of local food supply
- It is a means of preserving important farm soils
- It is important part of the Town's rural character

Other \_\_\_\_\_

Name (optional): \_\_\_\_\_

Address: \_\_\_\_\_

Additional Comments (use reverse side of page if needed):

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**PLEASE return this survey no later than April 1, 2009 to:**

***Alden Town Hall, 3311 Wende Road, Alden, NY 14004***

To learn more about this project, visit the Town's website at

**[www.alden.erie.gov](http://www.alden.erie.gov)**

**TOWN OF ALDEN**  
**PUBLIC SURVEY #3 – SUMMARY OF RESULTS**

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1. Received 129 completed surveys as of April 15, 2009
  - 58% were from Town residents; 28% were Village residents
  - Of the Town residents that responded, 61% have lived in the Town over 10 years
  
2. Primary comments regarding what should change in the Town:
  - Need for more stores and small businesses
  - Need for more restaurants and drive-thru establishments
  - Get another grocery store (an alternative to Tops)
  - Clean up the Town / property maintenance
  - Redevelop / reuse abandoned/underutilized buildings and businesses
  - Make Town more walkable
  - Expand the tax base and make government more efficient (shared services)
  - Expand farming and stop development in agricultural district and on prime soils
  
3. Primary comments regarding what should stay the same:
  - Maintain rural quality of life and small town character
  - Maintain quality of recreational amenities / keep outdoor recreation
  - Don't turn Broadway into Transit Road
  - Protect the quality of life / social atmosphere
  - Keep the Village as the Town center
  - Maintain the mix and balance of farms and developed area
  - Keep farming and rural; develop other parts of the Town
  
4. Programs for Youth
  - 47% felt there are enough programs for youth, including 48% of Town respondents (31% said not enough; 21% had no comment)
  - Primary comments were requests for YMCA or Boys and Girls Club
  
5. Programs for Seniors
  - 30% felt that were enough programs for seniors; 62% had no comment and 8% felt there were not enough.
  - 29% of Town respondents felt that were enough programs for seniors (5% said not enough; 65% had no comment)
  - The most prevalent comment was a desire for more programs/activities for seniors, as well as requests for expanded van service
  
6. Location for residential development
  - Out of a total of 143 responses (some chose more than one category), the responses were about evenly split with 27% around the Village, 29% in and around hamlets, and 33% anywhere in the Town (and 11% wanting no further development).
  - Of the 84 responses from Town residents, the percentages were 28% around Village, 32% in and around hamlets and 26% anywhere in Town, with 14% wanting no further residential development

**TOWN OF ALDEN**  
**PUBLIC SURVEY #3 – SUMMARY OF RESULTS**

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7. Housing Type

- Single-family homes were overwhelmingly supported, with 59% of all respondents in favor (59% of Town respondents too)
- Condominiums and townhouses were the second highest choice (22% all; 18% Town residents)
- Those who favored apartments or multi-family housing wanted it to be located in the Village

8. Location and size of commercial development

- Out of 423 total responses, medium-scale development was favored (38% vs. 35% for small and 27% for large), regardless of location
- Those favoring smaller development wanted it near the Village (37%), with 22% supporting commercial development along Broadway
- Medium-scale development was fairly close, with Broadway favored (29%).
- Large-scale development was favored for Walden Avenue (38%) and Genesee Street (34%) – and 72% combined

9. Agricultural preservation

- Support for agricultural protection was strong, with 83% of all respondents in favor (81% of Town respondents in support)
- The top rated reasons for preserving agriculture included “an important part of the rural character” and “a means of preserving open space”. A local source of food supply was also considered important.

10. General Comments

- The #1 general comment was that residents love the rural, small town environment of Alden
- Most wanted to see development occur in a balanced manner that did not adversely affect the character of the community

## **TOWN OF ALDEN COMPREHENSIVE PLAN PUBLIC CHARRETTE - June 10, 2009 MEETING SUMMARY**

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### **Summary of Economic Development Group Sessions:**

This summary includes only comments received during the Economic Development break-out sessions for the Town of Alden Comprehensive Plan meeting held June 10, 2009. They represent comments raised by the public at those break-out sessions, and are not necessarily representative of wide public opinion. However, it should be noted that the input received at each of the three sessions held was consistent, suggesting some consensus in regard to economic development concepts being presented and proposed for the Comprehensive Plan. Because the comments were fairly consistent among all three groups, all comments have been combined into one list for the purposes of this meeting summary.

### ***Public Reaction to Recommendations/ Vision Map:***

There was general support for the Vision Map, with some minor comments/ revisions as follows:

- Crittenden hamlet should extend west to the County line. There is a mix of residential, business and light industrial uses in this area.
- Add West Alden as a hamlet area at Broadway and Three Rod Road.
- Consider establishing a Gateway feature at the entrance into Town at Genesee Street in Millgrove. (not universally supported)
- When asked if there should be tighter control on commercial zoning, all three groups agreed
- All three groups supported the concept of gateways into Town
- All three groups strongly support the concept of the Village as the primary business center in Alden
- All three groups supported the concept of small-scale, mixed use development in the designated hamlet areas
- All three groups supported stronger design standards

### ***Public Comments:***

In addition, the public offered a range of other comments/ input:

- The Town's Industrial Park needs more support, improvements
- Try to encourage location of new light industrial uses within the Industrial Park
- There is interest in a 'higher and better' use of County-owned land that is not needed for the County's operations. It was noted that the land had previously been a farm, which grew hay for use of the zoo animals. This was seen as a preferred use for this land. Secondary priority was for continued industrial growth, but there was concern about the amount of residential development in the vicinity.
- The opinion in regard to store size caps was mixed, with one group strongly in favor, and the other two more split. Size limits are seen as most appropriate in the hamlet areas, where small shops/businesses are seen as most appropriate. There was concern that putting in limits may constrain desirable development, while equal concern about inappropriate scale.
- There was strong sentiment in favor of supporting agriculture and agriculturally-related businesses as an important element of the Town's economic development efforts, and interest in taking a more proactive approach in support of agriculture. Concepts included an agricultural co-

op, allowing small businesses on active farms (e.g. small engine repair), encouraging agricultural support businesses (like Tractor Supply) and adopting a local right-to-farm law.

- It was noted that Alden is a rural community, and residents should not expect the full range of retail and amenities of a more suburban or urban town. At the same time, the Town should be sensitive to the needs of less mobile residents, particularly seniors. It was suggested that the solution is improved transportation, so seniors can get to appropriate shopping, even if it is not located in the Town.
- There was strong support for keeping the rural character of the area on Broadway designated on the vision map as Agricultural/Aquifer protection. If business development occurs along this segment of Broadway, it should be low impact and preferably compatible with a rural character (farm businesses, etc.) There was support for channeling traditional business/ retail/ commercial development on Broadway either nearer the Village or the Town Line hamlet area.
- It was noted that the area north of Broadway in this vicinity is not actively farmed, and possibly could support low impact businesses.
- The public agrees with the concept of the “economic expansion” area in the Millgrove area but is concerned that it be handled sensitively. There are residents in the area and there are traffic concerns along Walden and Genesee. Problem intersections were identified at Genesee and Walden; Genesee and Millgrove/ Wende; Walden and Town Line; and Walden and Wende. Noting that there are several vacancies in the area, it was clear that public preference is to fill vacant properties where possible, recognizing that businesses have a right to locate in appropriately zoned areas. Businesses like Wilson-Greatbatch were raised as a positive example of appropriate development.
- The vacant Bry-lin facility was seen as an opportunity and a problem.
- It was noted by one attendee that there may be limits on tapping into the sewer line along Walden, due to capacity limits (sized to meet needs of County facility, and no excess capacity available); this needs to be researched further. It was noted that Wilson Greatbatch is on a private system that was then turned over to the County.
- The Village is seen as the retail center for the Town and should be supported.
- It was noted that there is a need to slow traffic on Broadway in the Village. There is support for streetscaping, pedestrian improvements and other means of accomplishing this goal.
- The rail line bisects the Town and creates some parcels with very poor access, and even splits some parcels into two segments.
- One attendee noted that he had assisted in the development of landscaping standards for use with site plan reviews, but he believes they are not currently being used.
- There was strong agreement that aesthetics are important!
- The Walden and Town Line intersection is seen as an ‘eyesore’ right now. There is agreement with the concept of a better gateway feature in this location.

## **Summary of Land Use and Zoning Group Sessions:**

Drew Reilly, the Group Facilitator, opened each session by explaining the purpose of this break-out group: to discuss Zoning and Land Use issues throughout the Town and what should be done to improve upon, change or fix problems in the Town. He explained briefly the possible Zoning and Land Use tools that could be utilized on the Town (see attached hand out). Although there are many other tools that can help a Town reach its vision, this group will be focusing on Zoning/Land Use issues. The group utilized the draft Vision Map to discuss the different areas of the Town. The following represents the summarized results of the discussions that took place:

### ***In general, most of the representatives at this break-out group, agreed that the “Alden Suburban Development” area (to be renamed) was “OK”***

- One resident would like to see a Zoning Tool added that would help for more of a variety of housing lots in this area (everything the same; 200 feet of frontage). Could some overlay or incentive clause help to get more diversity especially in major subdivisions?
- Several residents pointed to the “drainage issues” in this area and could tighter standards be added to address this.
- Could we do a “build-out” type analysis to see what this area (and others) would look like if built out to zoning code requirements?
- Area needs to be walkable!

### ***Overall, most agreed that the Village transition area would be a good area for mixed use development and possibly senior housing***

- There was a comment from a resident stating that there was little land left to be developed in this area.
- It was noted thought that much of the development was road frontage and that in the future the backlands could be developed.
- Infrastructure will also be important for development in this area and sewer would have to come from the Village.
- It was stated that the first choice for senior housing should be in the Village, but if it couldn't go there, this area may be suitable.
- Some environmentally sensitive areas are within this area also.

### ***The Broadway corridor was then discussed, and the Vision Map was utilized to illustrate the different areas along this corridor***

- In the Village transition area of Broadway, most agreed that this area should be commercial, but should not compete with the Village. Some brought up the issue of building “caps” in this area (max. building size of 50,000?). It was agreed that this issue would be discussed again at the next committee meeting.
- Mixed use could be allowed in prescribed areas along the corridor.
- A question was raised about why sections of Broadway were rezoned to Commercial 500 feet back from the road RW. Questioned the logic, especially due to potential environmental issues and impacts to agriculture.
- The Vision Map clearly shows an area of Broadway to be located in the agricultural/aquifer protection area and the rural residential area. This area should not be zoned for commercial.
- The rest of Broadway is the Alden Suburban Development area, and is a mixture of residential and various commercial zonings. The mixture is good, but focus on the entrance to Alden to improve appearances should be accomplished.
- We talked more about the overlay proposed along Broadway and everyone agreed that design/appearances were very important. Some discussed limiting the uses along Broadway (don't allow anymore car repair facilities).

- A suggestion was made that in the area of Broadway that could be rezoned back from commercial, that the town consider a new Zoning that would allow both agriculture and some business uses.

***No one had an issue with the Agriculture/Aquifer Protection area. Some thought it should be larger, some thought it should be smaller (area south of Broadway enlarged to the south – larger Village transition area)***

***The groups also discussed the “Millgrove Hamlet/Economic Expansions” area***

- One resident disagreed with the rezoning of land on Walden to allow a specific business. He thought that those lands not in the sewer district should not be promoted (rezoned) for development. There are plenty of lands on the sewer district that could be developed.
- The plan should target areas for larger business development. Walden should be the target for this topic of development.
- Some questioned why certain areas in this area were zoned R-3 (Wende Road, Genesee and N. Millgrove). The Town should reconsider this.
- All agreed that this area should be mixed uses, but a plan is needed to illustrate what goes there.

***Final comments focused around the areas marked as Rural/Residential/Agriculture on the Vision Map***

- These areas are the rural component of Alden and things such as Rural Development Guidelines and Conservation Subdivision should be considered.
- A concern was raised about “strip frontage” development (an example is Westwood Road). Again, rules could be made to better control this type of development pattern.

## **Summary of Agricultural / Aquifer Protection Group Sessions:**

Wendy Salvati facilitated the group discussions that were centered on the agricultural and aquifer protection area illustrated on the Vision Map. Handouts for these discussions included the results from the Public Opinion Survey, the draft Findings and Recommendations for Agricultural Protection and Rural Character Preservation and the goal and objectives that focused on Preserving and Promoting the Rural Character and Quality of Life in the Town. Wendy explained the purpose of the break-out session, explained the area on the Vision Map and asked for public input on the draft goal and recommendations. The following was offered.

### ***Public Comments***

- The general feeling in all three sessions was that the Town was heading in the right direction with the work that has been done to date. The opinion of the participants was that agriculture should be supported and protected, especially areas with important farm soils. There was no vocal objection to the area delineated on the vision map.
- With respect to community character, the desire to keep Alden rural was reinforced. There was discussion about the concept of keeping commercial land uses in the right areas rather than letting them extend along the full length of Broadway. This received positive feedback from the public. There was support for revitalizing the Town Line hamlet area and having commercial development occur closer to the Village to maintain connections and keep things accessible for pedestrians.
- The potential for the Millgrove hamlet area was discussed. This area needs to be revitalized, which was noted as a difficult (but not impossible) task. However, the community has to have a vision and this is a good one. Property maintenance was seen as a big issue in this area. Also, it was asked if the County and State lands could go back to agricultural use. The vision map shows the area as potential residential or light industrial use. It was noted that the area used to be farmed and it should be again.
- Are there other lands available for parks and recreation use?
- The Town should pursue the PACE (Purchase of Agricultural Conservation Easements) program to protect agricultural lands and uses. The Town should also establish a Purchase of Development Rights (TDR) program to preserve agricultural lands. Other communities are doing this type of thing to help protect agriculture. The Town should also adopt the Right to Farm Law and demonstrate commitment for this land use.
- Farmers need to participate in local coops and farmers markets. People feel good about buying from local farmers. There is one local coop in Alden on County Road that is very successful. There is also a farmers' market in the Village; we need more of this type of thing because there is a market for it.
- What about oil and gas exploration?
- The Tractor Supply store in the Village will be a plus for the Town and tie in with the rural character of the area. Other uses of this nature would be good for the area. Uses of a similar size and scale – nothing too big, but definitely something to stimulate the economy in the area.
- The gateways in the Town need to be improved. We need proactive enforcement of the Building Code and property maintenance. The simple act of enforcing existing regulations could make the gateway areas in the Town look a lot nicer without a lot of effort.
- The Town should support home occupation uses. It is a good way to help farmers augment their income in the off season. However, this must be properly regulated

- The Town needs some kind of tree preservation law and landscape regulations. Site clearing permits that limit the amount of tree clearance or that regulate open space preservation are important. This is a good way to help prevent clear cutting of properties when they are developed or to help maintain rural character.
- Residential use was discussed and the need to limit residential development south of Broadway in the agricultural protection area. There was general support for larger lot sizes and different styles of development that preserve open space, such as clustering or open development areas. These types of residential development also preserve rural character.
- The general feeling was that the lands in the agricultural area would continue to be farmed well into the future and that this use would expand. If the Town institutes measures to protect agricultural use it will make the area more favorable for farming and others will buy land for this use.



***Town of Alden Comprehensive Plan***

**PUBLIC DESIGN**

**CHARRETTE MEETING**

**June 10, 2009 - 7:00 PM**

***Alden Town Hall***

**PLEASE JOIN US**

**TO CONTINUE THE PLANNING PROCESS FOR THE TOWN  
HELP US CONFIRM THE VISION FOR THE FUTURE!!**

## Press Release – for immediate release

*Contact: Wendy E. Weber Salvati  
(716) 688-0766  
wsalvati@wd-ae.com*

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### **Town of Alden Continues Planning for the Future**

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A Public Design Charrette Meeting to continue discussions and visioning for the Town of Alden Comprehensive Plan is scheduled for -

**Tuesday, June 10, 2009 – 7:00 P.M at the Alden Town Hall**

The purpose of this third public meeting is to update local residents and stakeholders on the progress of the Comprehensive Plan and provide an opportunity to view the draft Vision Map and recommendations for the future of the Alden community. This meeting will be very interactive with break out sessions and other opportunities for the public to provide their input. The Town is interested in developing this plan to help manage future growth in an effort to protect the overall quality of life, provide better economic opportunities, and evaluate ways to guide commercial growth, protect important resources and reduce the tax burden on residents. Comprehensive planning is one of the most important tools that a community can use to guide land use decision making in the future.

The Town has hired Wendel Duchscherer (pronounced - “when-dle do-sharer”), a Buffalo-based architecture, engineering and planning firm to assist with the preparation of the plan. Residents and other interested parties are encouraged to come out and continue their involvement in this important project to continue planning for the future of the community. Doors will open at 6:30PM so that residents can view maps and ask individual questions. The formal meeting will start at 7:00PM.



**Appendix B**  
History of the Town of Alden



## History of the Town of Alden, New York

### EARLY SETTLEMENT

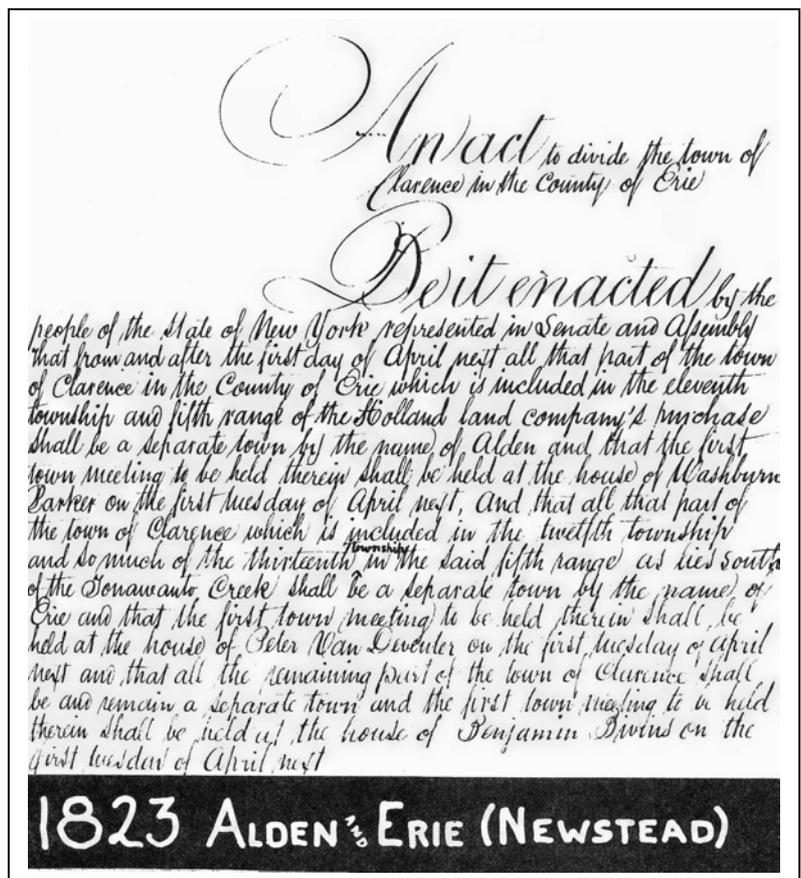
The history of Alden begins long before the first land purchases in 1806. The area was covered by a shallow sea millions of years ago as evidenced by the fossilized remains of sea creatures found in the world famous "Slate Banks" along Spring Creek, and along the shores of Cayuga Creek.

Alden was also home to several Native American tribes. Arrowheads and other stone implements have been found, especially in the Town Line area.

In the last decade of the 18<sup>th</sup> century most of the land in western New York came into the possession of the so-called Holland Land Company, and in 1798 surveying began in earnest with Joseph Ellicott as chief surveyor. The tract was divided into ranges six miles wide and one hundred miles long, extending from Lake Ontario to the northern boundary of Pennsylvania, and numbered from east to west. Three of these ranges were organized into the town of Willink, named for one of the principal members of the Holland Land Company. These large towns proved inconvenient as voters had to travel such long distances to exercise their right of suffrage. In 1808, there was a general reorganization of the counties and towns of the Holland Purchase. Niagara County was created, encompassing the areas of present-day Niagara and Erie Counties. At this time the Town of Clarence was created. Clarence included Alden, Newstead, Lancaster, Amherst and the Village of Buffalo. Erie County was divided from Niagara in 1821, with Tonawanda Creek as the county line.

On March 23, 1823, the State Legislature acted to create two new towns from Clarence—Alden and Erie. The name of Erie was changed to Newstead April 18, 1831. Alden's territory is mostly within township 11, range 5 of the Holland Company's survey. In 1826, the Buffalo Creek Reservation which laid south of the town was ceded by the Senecas to the Ogden Company and the land was opened to settlement. The Town of Marilla was formed in 1853 containing part of the Town of Alden and reducing the later to about 34  $\frac{3}{4}$  square miles.

The first town meeting was held May 27, 1823 at the home of Washburn Parker. At this meeting Edmund Badger was elected supervisor, \$75 was voted for road improvements and \$65 for the support of schools.

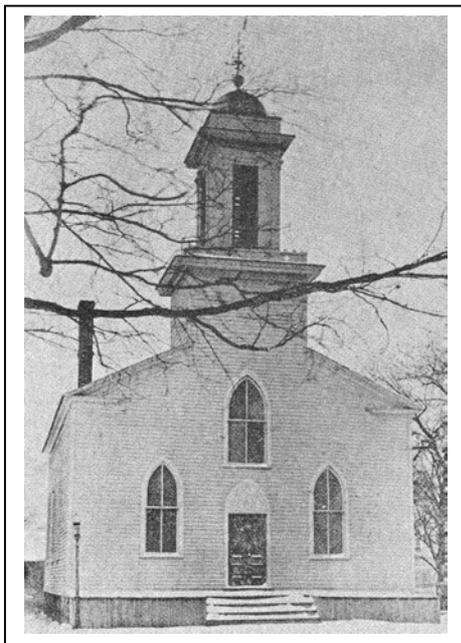


Also in 1823, a post office was established in the village and Joseph Freeman was appointed postmaster. It is presumed that prior to this, a meeting was held to select a name for the community. Seth Estabrook, and early settler and merchant, proposed the name "Alden" in honor of his mother-in-law, Hannah Alden Hebard, a direct descendent of John Alden of the *Mayflower*. It is reported that Mr. Estabrook said the town was as short and sweet as Hannah and her daughter—his wife.

Land records show that Jonas Van Wey, Zophar Beach, Samuel Huntington and James C. Rowan had purchased land on the western edge of the town. It is unknown if any of them actually settled on the land. Moses Fenno, who located in the spring of 1810, is given credit as the first settler. Fenno began improvements on the site of Alden village and raised the first crops there. He was followed later in the same year by Joseph Freeman, William Snow, John Estabrook and Arunah Hibbard. In 1811, Samuel Slade located  $\frac{3}{4}$  mile farther west and in the next two years several other pioneers established homes in various parts of the township.

In 1812, the first white child in the township was born, Emily, the daughter of Arunah Hibbard. In that same year, sorrow entered the settlement with the death of eighteen-year old Polly Cransky. She was buried on a little knoll in the forest east of the village. The following year when her father became very ill, he asked Joseph Freeman, a leading man of the settlement, to make some arrangements for a cemetery. Mr. Freeman purchased an acre of land for \$5, and Mr. Cransky was buried there shortly after. The forest covered acre was the beginning of the Evergreen Cemetery.

In December of 1813, able bodied men of all the towns around Buffalo were ordered out to help repel the British and their Native American allies from the Niagara frontier. In the Battle of Black Rock on December 31, the Village of Buffalo was burned, and forty to fifty Americans were killed, among them Moses Fenno of Alden. Native American massacres were fresh in the settlers' minds and in alarm many settlers headed back east, not stopping until they had put the Genesee River between themselves and their enemies, the British. In the spring of 1814, with an army of U.S. regulars encamped on the frontier, confidence was restored and most of the settlers returned to their homes. Many new families followed until quite a settlement was established in Alden.



As was the case in all villages settled by New England pioneers, a church and a schoolhouse were the next considerations after homes were established. The Congregational Society was formed in 1813 and later became the Presbyterian Church. In 1815, the Alden pioneers built a small log school and engaged Miss Mehitabel Estabrook to teach the children of the settlement. This little district school and others built later were the only schools available to Alden youth until the early 1850s when William Leonard built a seminary. The village district school was replaced in 1879 by the Union Grade School.

In 1814 John C. Rogers built a saw mill on Ellicott Creek in what is now called Sandridge. He later built a grist mill.

In 1822, Thomas Farnsworth moved from Vermont to Alden and settled a farm which then occupied land which today would comprise much of the present day village. He also started a tannery, the earliest industry in Alden, and had the first hotel.

Between the years 1830 and 1845, a great many German families arrived in this area, and due to their traditional hard working nature they caused the area to grow and develop.

The year 1843 brought railroading to the Village area of Alden, and in that year, the first depot was erected which provided the residents with both passenger and freight services on the new Buffalo and Attica line. This later became the Erie Railroad. In 1853, the Buffalo & Rochester Railroad built a line which became part of the New York Central through the Crittenden area. In 1883, the Delaware, Lackawanna & Western Company completed their road across the town between the other two lines. The Lehigh Railroad also ran a line across the town. These four lines gave the inhabitants of Alden ample facilities for reaching the markets.

In 1866, a disastrous fire destroyed all the businesses on the south side of Main Street in the village, but fortunately caused no loss of life as it occurred at night. The businessmen, undismayed by their misfortune, immediately began to clear away the ruins and very soon the burned buildings were replaced.

On May 7, 1869, the Village of Alden, the first and only village in the township, was incorporated. The first trustees were G.F. Vandervoort, E.W. Hendee, D.C. Skeelee, J.B. Pride and A.D. Farnsworth. A bit of local lore has a Dr. Cornwell going to Evergreen Cemetery and there taking the names from the tombstones so as to have enough names for the incorporation. By 1884, the village had about 600 inhabitants. There were three hotels, three stores, a hardware store, a jewelry store, a tannery, a sawmill and a cheese factory. A reincorporation was effected in 1891, which was followed by considerable road improvements. A fire department was organized in 1894 and a fireman's hall built the same year.



Until 1949, Alden operated under a special Charter of the State of New York. At that time most villages in the state were under the General Village Law. In March 1949, the voters voted to adopt that form of government as well. That meant, for one thing, the head village official would no longer be the President of the Village Board, but the Mayor. In the March 1950 election, William Rusher became the first Mayor of Alden.

In 1892, natural gas was found in Alden and a number of wells were drilled both within the village limits and in other parts of the township. Gas became the fuel and light of the village. When one of the early

gas wells was being drilled, quite an excitement was caused by striking a vein of black water that gushed out with such force as to interfere greatly with the work of drilling. This water was found to have valuable medicinal properties. Frank Westcott of the Alden Gas Company was the first to capitalize on this discovery. He built the Original Bath House and started the bath business which grew to a considerable industry. This proved to be the economic shot in the arm that the Village so desperately needed at that time. Besides the Original, there were two other bathhouses doing a profitable business in the treatment of rheumatism and kindred diseases, bringing countless people to the area both as guests and employees for nearly 60 years.

The Village of Alden still possesses much of its old charm which is reflected in many homes and buildings within its boundaries. Much, too, has changed, as can be seen in the large amount of new building—residential, educational and commercial. The village still remains the hub of local township activities and its blend of old and new keeps Alden Village an interesting place to see, live and shop in the 21<sup>st</sup> century.

Today, Alden is a friendly town of about 10,500 people. Ronald L. Smith is the town's Supervisor and the town offices are located on Wende Road. The official newspaper is the *Alden Advertiser*, which has circulated since 1914. The main business corridor runs through the Village of Alden along its main street, U.S. Route 20 (Broadway). Four fully equipped volunteer fire companies protect the community. The Town also boasts top ranked schools, numerous churches, and a wide array of active community organizations.

## **HAMLETS**

An account of the history of Alden cannot be told without looking at the settlement of Alden's hamlets, which gave birth to the town's population and commercial centers. The hamlets of Millgrove, Crittenden, Alden Center (Sandridge), West Alden and Town Line each contain rich and unique histories.

### **Millgrove**

Mill Grove (as it was originally spelled) is situated in the northwest corner of the town, about a mile and a quarter from the line of Lancaster and three quarters of a mile from the Newstead line.

The first house was built by Moses Case in 1817. In 1848, he built the first store and procured the establishment of a post office. His son, Hugh Case, was the first postmaster. Henry Sadler kept a store for a few years in the building erected by Mr. Case. Then in 1861, Emil Yund established a general store. At that time there were two hotels, the American and the Union, three shops and about twenty houses.

Prior to 1867, the Lutherans of Millgrove and vicinity worshipped in the schoolhouse, but that year they erected a church building next to the school. Services were in German.

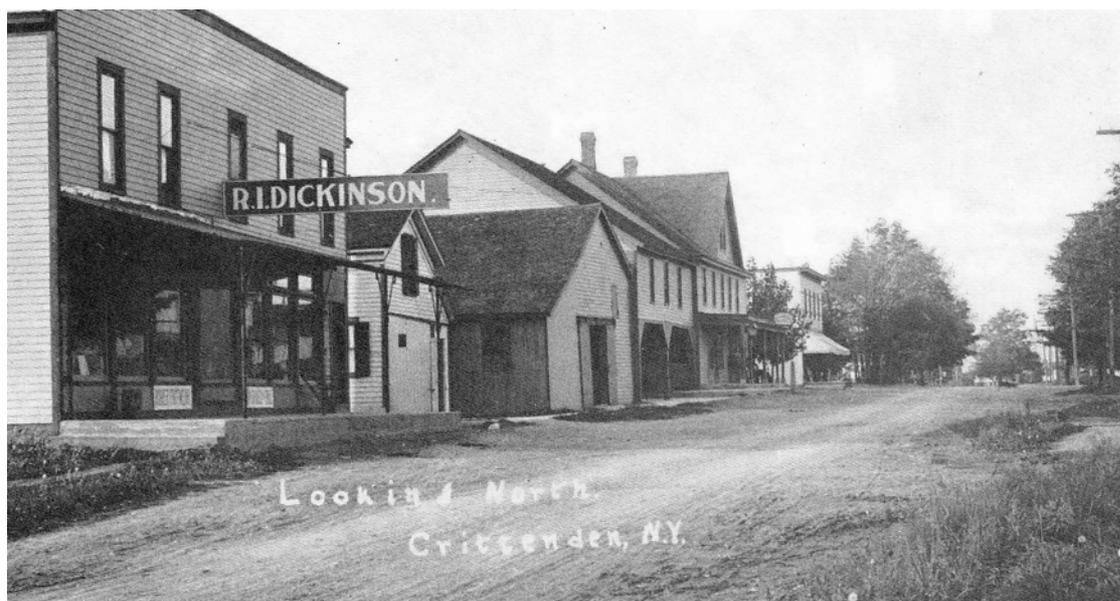
Two families that had much to do with the progress of Millgrove were the Wende families who had come from Germany and purchased nearly 800 acres of farmland. H.A. Wende persuaded the New York Central railroad to build a station about a mile southeast of the community. A descendent, Otto Wende, as Supervisor, persuaded the Erie County Board of Supervisors to move the county almshouse to the Millgrove area, where it is presently situated as the Erie County Home and Infirmary. Erection of the buildings began in 1923. Previously (1920) a penitentiary farm had been created, also on Wende land. The Erie County Penitentiary was built on Wende land with the first prisoners moving in, in September of 1924.

Today, the hamlet of Millgrove is seen as the commercial corridor and home to some of Alden's largest employers—Erie County Correctional Facility, Wende Correctional Facility, Erie County Home, and Greatbatch Medical. Walden Avenue and State Route 33 (Genesee Street) run from west to east through the area and serve as excellent transportation routes. The hamlet, with its mixture of residential and light commercial development, serves as a “gateway” to Alden from the neighboring communities to the north.

### **Crittenden**

The hamlet of Crittenden is situated in the northeast corner of the town, about three miles north of the Village of Alden. Benjamin Arbuckle built a home in the area in 1848. The house later became a hotel run by Amos Bump and others. When Michael Casey moved to the area in 1850 there were only eight or nine houses. About this time, John Edson built a steam sawmill in which he sawed a large portion of the plank used to build the Buffalo & Batavia plank-road (Genesee St.), which was completed in 1851-1852. The sawmill was destroyed by fire two or three years later.

In 1852, the Rochester & Buffalo Railroad, later called the New York Central, was built through the hamlet and a station was opened. At about the same time a post office was established which was named Crittenden, after Hon. John J. Crittenden of Kentucky, then Attorney General under President Fillmore.



In 1853, Israel Mallory built a hotel, and a general store followed in 1864, opened by the Edson family. St. Patrick's Roman Catholic Church was built in 1860 on land donated by Michael Casey. This church, originally a mission of the Corfu church, was recently closed. The Crittenden Presbyterian Church was organized in 1906. A church building was built just north of Genesee Street in 1910. It was leveled by a fire in 1944. A new building was dedicated in 1950, south of Genesee Street, on land donated by Mr. and Mrs. George Wilbur.

Today, this small hamlet serves as a “gateway” to Alden to travelers on Route 33 from communities to the east.

## **Alden Center (Sandridge)**

The hamlet of Alden Center, as the Sandridge area was known for many years, is situated almost exactly in the center of the town and near where the first saw mill and grist mill in Alden were built by John C. Rogers in 1814 and 1817 on Eleven Mile (Ellicott) Creek. The grist mill was sold to the Earl family, and then in 1847 to Charles M. Platt who operated it until his death in 1875. Mrs. Pratt continued to operate it for several years.

The records show a saloon and grocery being opened in 1850 by Michael Killinger, and in 1855, a hotel was built by George Holland. This became the property of Jacob Sandman. The post office was established April 1, 1857, with William J. Perry postmaster.

The first Catholic services at Alden Center were held about 1847. A small frame church building was erected in 1850 which served the congregation until 1872 when an addition was built. In 1893, the present brick building was constructed and was dedicated on May 13, 1894.

A small school house was built in 1852, followed by a larger two-story one in 1882. It was said that this school could accommodate up to two hundred students. In 1913 ground was broken for a large brick building. This was on the west side of Sandridge Road at the site of one of three saloons located within a few hundred feet of church property. This brick building has been remodeled and added on to several times and is still serving students.

## **West Alden**

This small hamlet is located almost due west of the Village of Alden on US Route 20. It was long known as Alden Centre, and consisted of a hotel, and a few shops and houses. Mr. B.F. Peck settled there as early as 1835. The hotel was long kept by A. Perry. When Alden Center (see above) obtained a post office, the locality in question was left without a name. About 1870, a post office was opened under the name "West Alden" with Christopher Strecker as postmaster. Charles Eels opened a store in 1872 and became postmaster. In 1884 there were a church building, a school, a wagon shop, store, a blacksmith shop and about twenty houses.

The Methodist Church of West Alden was organized in the summer of 1850 and a church building was erected in 1851-52. Membership dwindled and worship services ceased in 1883.

## **Town Line**

One would not guess that this tiny hamlet, straddling the line between Alden and Lancaster, on Route 20 would be the scene of one of the most spectacular bits of history in Alden's 186 years. This small community was settled about 1812 when Nathan Willis and John Webster erected saw mills on nearby Cayuga Creek. Its first post office was established in 1832. In 1884, there were three church buildings, a school, two hotels and two stores. One of the hotels, the school and all of the church buildings were in Alden. The hotel of George King and the grocery of James Willis were in Lancaster.

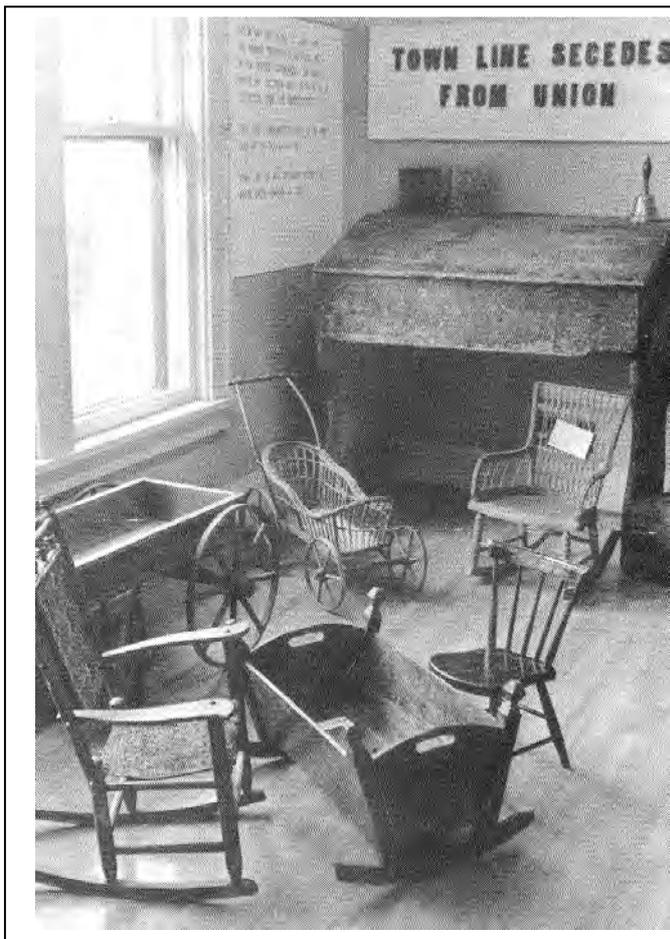
Town Line Lutheran Church was organized in 1853. A brick church was built in the same year. The present building was erected in 1875. St. Paul's United Church of Christ was organized in 1875 by a group that had broken away from the Lutheran Church. They built a building on the northeast corner of Town Line Road and Broadway (Route 20). After the widening of both Town Line Road and Broadway in

the late 1950s, the church was moved farther east on Broadway. There was also a Free Methodist Society.

During the 1850's, Town Line is reported to have been part of an active "Underground Railway" in Western New York, helping fleeing slaves from the South reach freedom in Canada. The Willis-Webster house at the top of the hill on Broadway is said to have been a station on the "Underground."

In spite of this concern for the slaves, the community met in late 1861 and voted 85-40 to secede from the Union! The motive behind this historic vote is unknown. Did it reflect true sentiment with the Confederacy? Did the vote reflect Copperhead (anti war) reaction to Lincoln's war? There was a large Copperhead constituency in nearby Lancaster. Or did the vote merely reflect the lack of willingness to bear arms?

It is said that the vote did not reflect the opinion of the entire community of Town Line, but nevertheless the decision stood until 1946. Steve Ferney, a reporter for the old *Buffalo Courier Express*, discovered that Town Line had never rejoined the Union. Most residents had forgotten their community ever seceded in the first place. When the fact was made public, a group of citizens decided a gala affair was in order, publicizing a vote to rejoin the Union. Even President Truman got involved and the area at the corner of Broadway and Town Line Road was renamed "Truman Square."



The vote was taken on January 24<sup>th</sup>, 1946. Two famous screen stars of the day, Caesar Romero and Martha Stewart, who were in Buffalo for the premier of their new movie, came out to Town Line to count the ballots on the same schoolmaster's desk on which the original secession resolution had been drawn up in 1861. The vote was 90 to 23 to rejoin the Union. A feast was held, bands played, and soldiers marched. The last stand of the Confederacy had fallen after 85 years. So ended Town Line's brief moment of glory. For several years after, the Town Line Firemen wore a "Last of the Rebels" patch on their uniform sleeves. The historic old schoolmaster's desk holds a proud place in the Alden Historical Society building's "Hamlet Room."

Today, with its mix of residential and light commercial development, Town Line serves as a "gateway" to Alden along US Route 20 from Lancaster and other communities to the west.

## NOTABLE LOCAL INSTITUTIONS AND INDUSTRIES

### Alden Black Water Baths

In 1891, while drilling for Natural Gas, Black Mineral Water was discovered 1,000 feet down in Alden. Very little was known of its medicinal qualities until 1903. In 1904, Frank Westcott drilled the first well, which was called "Old Faithful." In 1914, a second well was drilled (also 1,000 ft. down), yielding the same abundance of mineral water. At the time, the black liquid was said to be the finest mineral water in the United States.

The Alden Blackwater Bath House was the first formal manifestation of this discovery. This was a small frame building erected in November 1904 on West Main Street. About 1914, this building burned and was immediately followed by the existing brick structure now occupied by St. Aidan's Episcopal Church and it is the only remaining vestige of that important era.



During the first ten years over 60,000 baths were given. The price, at that time, was a dollar a bath and that included a massage under water, in a large tub. The suggested treatment was for 21 baths, one bath per day.

An analysis of this water, in a brief as published by a New York State Committee on Mineral Waters in 1936, substantiated the claim that this is the finest mineral water in the United States. The water contained: Sodium Chloride, Potassium Chloride, Calcium Chloride, Magnesium Chloride, Magnesium Bromide, Hydrogen Sulphide, and Calcium Sulphate. The carbon in the water, which gives it the black color, is of no medicinal quality. No chemist has ever been able to produce water such as was and is found here in Alden.

In 1915, there were 30 boarding houses in the Village of Alden.

At one time, this water was bottled and sold by Joseph Voegele, of Lancaster, New York.

The Original Bus met all trains at the Depot (Erie), Buffalo-Alden busses left Lafayette Square in Buffalo - 8 times a day.

The history of the Alden Inn began in 1910. Mr. Leo Morris and Mr. Allen built a brick bath house. Then in 1912, the Inn and 28 bathrooms were added. Its first name was Aldena Park Hotel, owned by Mr. Morris and Mr. Allen. Then its name was changed to the Alden Park Hotel, when owned by John and Marie Healy. Later, it was bought by Carlton Frantz and was called Alden Inn and Black Water Sanatorium for eight years. Then William Fahringer bought the hotel and operated it as the Alden Inn and Black Water Baths for 21 years.



The Alden Mineral Baths and Hotel became a competitor of the Original Baths when a hotel opposite the Alden Station of the Erie Railroad on Exchange Street became the Alden Mineral Baths & Hotel about 1908. Later it was named the Empire State Hotel. The Hotel was owned by Henry and Christian Bernhardt and their sister of Buffalo. Through the years, Mr. and Mrs. Charles Ellers were managers as were Mr. Shepard, Mr. Gaus, Mr.

and Mrs. Healy and Mrs. Leo Winegar. On Christmas Eve of 1949, this landmark building was destroyed by fire and never rebuilt.

Today, it is very sad to say that one of nature's healing gifts is not available in Alden any more. So ends an interesting, profitable, and attractive era for Alden, New York. However, the opportunity certainly exists today in the 21<sup>st</sup> century for someone with an entrepreneurial spirit to capitalize on the mineral-rich black water that still flows beneath the surface and bring the experience of the Alden Black Water to a new generation of people hungry for spa treatments and other body-relaxation methods.

### **Alden Historical Society**

The Alden Historical Society was organized on April 21, 1965. A small group of interested citizens had felt there was a need to preserve the history of the community by the collection of artifacts and documents of historical significance, relative to the surrounding area.



In November of 1966, Walden Roberts purchased his late uncle's home at 13213 Broadway and donated it to the Town of Alden to be used by the Historical Society. The home was donated in memory of his wife, Frances Young Roberts, a charter member of the Society. The building was dedicated on June 25, 1967. The building stands on property once belonging to the Holland Land Company. Aaron Bruce purchased the parcel of 230 acres in 1819. He sold the land to Thomas Farnsworth and his wife in 1821. It is assumed that at least part of the house was built by the

Farnsworths. During the 1840's, the deed changed hands four times. Frederick Lord purchased the property in 1852 and his family owned it for twenty-six years. Arthur Roberts, proprietor of the barbershop next door, bought the home from Dr. Carols Bowman. Arthur and his wife, Alice, lived here

for fifty years. Art died in 1958 and Alice continued to live here until her death, at which time their nephew, Walden, purchased it and donated the home to the Town of Alden.

In 1971, a historical marker was placed at the site of the Original Black Water Baths, now St. Aidan's Episcopal Church, on West Main Street. In 1975, another marker was placed marking the site of Moffat's Tannery, an early Alden Business, this site is now the Rite Aid Drug Store located on Broadway in the Village of Alden.

Over the years, the collection of artifacts continued to grow and a meeting space was badly needed. In 1996, this need was met with the construction of a 1000 square foot addition at the rear of the original building. The addition was named the "Ruth Davis Room" in 2006, recognizing Ms. Davis' nearly twenty years of service as the Society's curator.

### **Alden State Bank**

The Alden State Bank opened for business on October 5, 1916, in rented quarters in the building at 13205 Broadway, at the corner of Exchange Street. The establishment of the bank was the result of several local people who felt the need for a financial institution that would meet the needs of a growing Alden community. At this time, commerce was surging forward, largely due to business generated by the Black Water Baths.

As Alden grew, the bank grew as well, and in 1924, a new building which would provide more space was built. That building, now the office of the Alden Advertiser at 13200 Broadway, seemed spacious at the time when there was one active officer and three employees.

Eventually, along with continued community growth, came the need for still more space. In 1963, all of the bank's operations were moved to a new building at 13216 Broadway. A drive-thru teller and more teller stations were added. By the mid 1970's, even this building had become so crowded that the basement was finished to house the bookkeeping and computer operations departments.



By the late 1980's the bank again felt the need for additional space. Ground was broken in May 1992 to add 6,000 square feet onto the existing building. The lobby was remodeled and an additional drive-thru window was added. The remodeled bank now has nine offices for customer service, instead of the two which were previously available. In 1994, in order to serve the banking needs of neighboring communities, a new branch office was built in Lancaster, at 5802 Broadway, near Bowen Road.

The bank was founded to meet the needs of the community. With that philosophy in mind, Alden State Bank has invested in Alden schools, the fire department and purchased issues of local municipalities. Assets have grown from \$78 thousand in 1916 to \$200 million 2009. This success can be attributed to sound management and financial practices and to the loyalty of its customers.

## **Bennett Manufacturing Co.**

In 1906, a manufacturing plant was established by A.Y. Bennett on Railroad Street. Its first products were metal dashboards for buggies and other horse-drawn vehicles. These dashboards in appearance and durability excelled the patent leather dashes used in those days. Later, sheet steel and metal products were made.

In 1922, a new plant was erected on the present site and was destroyed by fire on July 10, 1924. The present structure was built the same year and greatly enlarged. The plant has been in operation continuously since that time and had a total of 150 employees during the mid 1970's. They are now manufacturers of waste receptacles and medicine cabinets, as well as custom sheet metal fabrication.

## **Doritex Corporation**

Doritex provides custom fitted uniforms on a rental and direct-sale basis for men and women, complete with cleaning, repair and replacement. The company also provides a wide variety of custom floor mats, custom logo apparel, rental towels, wet and dry mops, and janitorial supplies. Doritex is independently



owned and operated, providing service since 1972. They currently service over 1,200 customers weekly in Buffalo, Jamestown, Rochester and Syracuse, New York as well as Erie, Bradford and Warren, Pennsylvania. Incorporated in 1978, Doritex was located in a 36,000 square foot facility within the Alden Industrial Park. In order to remain competitive with large national competition, Doritex deemed that it was necessary to move to a large facility. In late 2005, Doritex began a \$4.5 million project to move into an 80,000 square foot building on Walden Avenue at the intersection of Wende Road. The structure was renovated and new energy efficient washers and dryers were installed, along with better material handling

equipment and more office space. Doritex at this time, also, became the only company in the area to utilize state of the art Radio Frequency Identification (RFID) technology to track their garments. With the project completed in 2008, Doritex now employs over 60 people.

## **Erie County Home and Infirmary**

A brief history of the Erie County Home & Infirmary dates back to Almshouse medical records of 1824, when most of the land comprising the present campus of the University of Buffalo, at Main Street, was owned by the county of Erie. This early location was called "Buffalo Plains" and consisted of the Almshouse, Hospital and Poor Farm. The Lunatic Asylum was also a part of this early complex. Two of these buildings are still in existence, one is Hayes Hall, used by the University, and the other, a smaller stone building, originally the nurses home, and now is a clubhouse.

On March 12, 1913, a group of taxpayers petitioned the supervisor to take action on the Almshouse, because of its unsafe condition. About 1920, a decision was made to move the Almshouse to a new location. Land owned by the "Wende Estate" was proposed as a site for a new county home. The building program was started in 1923.

In June of 1926, the patients who were chronically ill, and those recovering from surgery, were moved from the county hospital, as were the residents of the so-called, "Poor House," to the new Erie County Home & Infirmary, which is located at 11580 Walden Avenue, Millgrove, New York, in the Town of Alden. The complex covers 70 acres of beautifully landscaped grounds, and has undergone extensive remodeling changes over the years, becoming one of the most modern skilled nursing and health related institutions in the state. By 1973, the Home & Infirmary reached the capacity mandated by the state with 381 patients needing skilled nursing care and 297 needing a minimum of care.



In 1972, the county leased the High-Rise Dormitory at Buffalo State University College and moved 280 residents there to speed the state-mandated \$16.3 million updated building program. The reconstruction, remodeling and renovation of the old facilities were completed in 1975. The ground floor of the new building carries out medical and para-medical programs while patients occupy the two upper floors, which are double rooms with an outside view.

During the mid 1990's, a complete air conditioning system was installed throughout the facility, giving residents much-needed relief during the hot summer months.

Today, the Home is part of the Erie County Medical Center (ECMC) and emphasizes its family-oriented atmosphere. Residents can shop, visit friends, relax in spacious courtyards, go to the library or computer lab, and attend religious services, all without leaving the beautifully landscaped grounds. The facility provides 586 beds in both private and semi-private rooms. As a fully certified skilled nursing home, the Erie County Home is the largest of its kind in Western New York.

### **Erie County Penitentiary and Farm**

The original Erie County Penitentiary was located on Pennsylvania and Trenton Streets in Buffalo, New York. In the early 1920's, the Erie County Board of Supervisors decided that a farm should be purchased outside the City of Buffalo, where the most trusted inmates of the County Penitentiary would have something to do and also bring revenue back to the County by raising some of their food and dairy

products. A barracks type building was constructed in Alden to house the inmates and the farm plan was put into operation. This farming experiment was so successful that the Board of Supervisors engaged William J. Beardsley, the prison architect to prepare plans for a 300 cell Penitentiary at the County Farm. Morris & Allan Inc. - Builders began construction of this facility to be known as the Erie County Penitentiary at Wende, in 1923. It was planned and constructed in accordance with modern and sanitary ideas and compared favorably with any institution of its kind in the country. Prison experts visiting it reported it as one of the best. Most of the principal buildings were completed in 1924 and in September of that year, the old Penitentiary in Buffalo was closed and the prisoners transferred to Wende. At that time, Horace F. Hunt was the Commissioner of Charities and Correction. The Superintendent was Frederick E. Thieroff and the Farm Director was L.H. Moulton.

Over the years, additional buildings and cell blocks have been built to meet the needs of an ever increasing demand of new programs and housing standards. The facility during the 1970's accommodated over 700 inmates.

The industrial shop and 800 acre farm provided work for the inmates. There were paint, carpenter, and tailor shops as well as a bakery, cannery and laundry. Income was derived from services and sales to other County Departments. The men were assigned to work in the shops and on the farm. Women worked within their own unit, sewing and cleaning. Youths were assigned to the bakery and cleaning and upkeep of the building.

By the 1980's, Erie County was looking to construct a new jail while the state sought additional maximum-security space. An agreement was reached: Erie County would sell its Wende facility to the state, financing in part the county's new jail that would be constructed on the same sprawling parcel in the town of Alden. The state would renovate and expand the old jail into a state prison, providing much-needed cells in Western New York.

The original physical county jail plant in Alden was constructed in 1923-24. It followed a design by William Beardsley, a noted prison architect. Original construction was performed by Morris & Allen, Inc. A *Buffalo Courier-Express's* article from July 13, 1923, reported, correctly, that the first round of inmates would be arriving the following day.

The first building at the new county facility, constructed using inmate labor, was a combination -- dormitory, kitchen and work area. In addition to farming, part of the work performed by inmates included making pine coffins that were used to bury the area's indigent. The building is still in use today, housing the academic school and facility maintenance area.

The Alden parcel, originally donated by the Wende family, today houses not only the state prison bearing their name, but also the Erie County Home and Infirmary, the Erie County Correctional Facility and the state's Buffalo Correctional Facility.

With a growing inmate population necessitating an expansion of maximum-security prison beds in the early 1980's, the state purchased the Erie County Penitentiary in 1983 from Erie County for \$48 million. Erie County continued to share occupancy of the site until 1986, when construction of its new facility on the sprawling Wende grounds was completed.

Beginning in 1983, the state expanded the former Wende penitentiary in phases. Phase I consisted of initial security measures and provisions for support services for the initial round of 185 male inmates. Phase II involved population expansion and associated security support programmatic enhancements.

With the ultimate implementation of Phase III, which included new construction and renovation of existing buildings, Wende's conversion to a state facility was complete.

Today, the physical plant at Wende consists of 49 buildings. The facility encloses 15 acres within its secure perimeter.



The physical plant has changed dramatically. These changes include demolition of the old auditorium to provide space for a recreation/religious services building; demolition of the old power plant building inside the perimeter to allow for construction of a building for the state Office of Mental Health (OMH); construction of a new power plant and storehouse; construction of a new administration building; construction of a new range/training building; construction of a Quality of Work Life building and construction of a Regional Medical Unit (RMU).

Like the state prison system overall, Wende is a much safer facility than it was several years ago. Wende has seen a 53 percent decline in the number of all unusual incidents since 1997, down from 329 to 153 in 2001. The number of inmate-on-staff assaults dropped by 63 percent between 1997 and 2001, falling from 57 to 21. Additionally, the number of inmate-on-inmate assaults fell by 61 percent between 1997 and 2001, from 51 to 20.

In March of 2002, Wende opened its newly constructed Visitor Process Center. Volunteers from throughout the western New York community provide hospitality services to visitors to Wende during visiting hours on Saturday and Sunday (As a maximum-security prison, Wende inmates can receive visitors seven days a week during authorized visiting hours).

With a staffing complement of just over 800 employees, 527 of whom are security staff, Wende is a vital part of the community. And its employees do not take that responsibility lightly.

### **Greatbatch Medical**

Wilson Greatbatch, co-inventor of the first successful implanted pacemaker, founded Greatbatch, Inc. in 1970 to develop long-lived primary batteries to fuel pacemakers. His passion for reliability and innovation is the foundation for the company's full portfolio of capabilities and offerings.

Greatbatch Medical refined and produced a novel lithium/iodine anode/cathode chemistry battery, with exceptional capacity and reliability, which was first implanted in a patient in 1972. This technology, now highly optimized, is still the industry standard power source for pacemakers used to treat bradycardia. For tachycardia treatment, Greatbatch Medical invented the revolutionary high-rate silver vanadium oxide (SVO) chemistry in the first implantable cardioverter defibrillator (ICD), first implanted in a patient in 1987. As the prevailing battery chemistry used in these devices, SVO drives more than 80 percent of all ICDs today. To offer a more complete power source product to our customers, Greatbatch Medical began developing the wet-tantalum high-voltage capacitor technology in 1994, with the first product successfully implanted five years later.

In 2005, Greatbatch continued to redefine performance and reliability standards, opening two world-class manufacturing facilities, including one on Walden Avenue in Alden. The plant is equipped with state-of-the-art manufacturing, quality controls and a highly skilled staff. The facility uses Lean practices and closely adheres to Six Sigma philosophy.



The last two years have seen significant growth at Greatbatch Medical. The company was recognized with Industry Week's 2008 Best Plants for their Alden facility with 99.3% on-time delivery and 60% reduced changeover time. Greatbatch Medical continues to enforce the highest quality standards and Lean manufacturing while supporting the advancement of medical technologies and procedures.

### **Moffat's Tannery**

This Tannery was started in 1822 by Thomas Farnsworth. It was the first big manufacturing business in Alden. Moffat's Tannery was located on the north side of Broadway (near the present-day Rite Aid). Hides were local and foreign. Some came from South America. Oak bark was used in the process and the bark was obtained locally or shipped in by freight. Bark piles covered the lot next to the Tannery. Bark was piled to look like a building and roofed with bark.

A steam whistle blew a blast at six o'clock six mornings a week to awake the tannery workers, and again at seven to start work, at twelve for lunch, at twelve-thirty to return to work, and at five-thirty to go home. Most of the workers were brought to work by some member of the family with horse and wagon.

### **New York Glass Works**

One of Alden's early industries was the New York Glass Works. Attracted by the abundance and the cheapness of natural gas, Vernon A. Pancoast came to Alden and built the New York Glass Works in the fall of 1900 for the manufacture of glass bottles. The first bottles were made on January 24, 1901. The New York Glass Works was located at the eastern end of Railroad Street. The large building, with a cupola, contained three glass melting furnaces. There was also a warehouse and packing.

Since that time, the Works continued to grow, until at one time the yearly output exceeded 8,200,000 bottles, in the manufacture of which they employed 75 expert glass blowers and handlers. Alden was selected as the site of this factory because of its apparently inexhaustible supply of natural gas. Alden also had uncommonly good shipping facilities.

There were two furnaces in operation, making both the flint and the blue glass.

The Erie Railroad had a switch in the plant and brought in sand, soda ash, and lime for the making of glass; and for shipping bottles by the carload.

The pay for a glass blower was fairly big for the times and the community flourished for about 15 to 20 years when the price of gas became prohibitive. The event of machine blowing also had some effect on the business.

### **Spring Creek Cheese Factory**

The Spring Creek Cheese Factory began operation in 1880 under the guidance of its owner, Benjamin Gifford. The site was the south side of Broadway, just west of Tannery Creek. The premises are now owned by the Eastwood family. Small at first, the production soon increased to the point where it was utilizing the milk production of 400 cows. The records show that three years after its beginning, the operation produced in excess of 35,000 lbs. of cheese and netted a profit of \$3,400, a tidy sum in the 1880's. The plant also produced an estimated 12,000 lbs. of butter. In the year 1882, following a fire late in the 1880's, the plant was rebuilt and continued into the 20th century.

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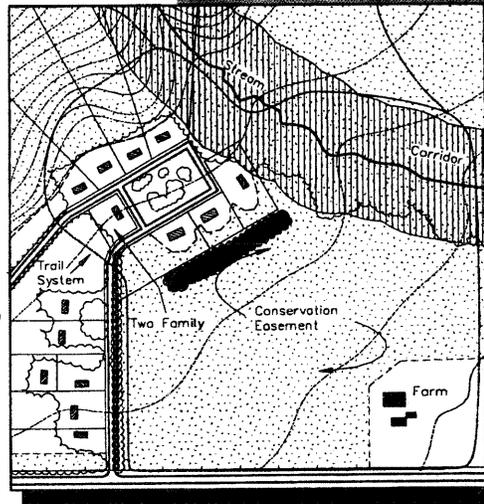
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**Appendix C**  
Rural Development Guidelines



# Rural Development Guidelines



October 1994

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Adapted from guidelines prepared by  
**Joel S. Russell,**  
**Chester E. Chellman III,**  
**Anne Tate**

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Published By:  
**New York Planning Federation**

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Prepared by: The Dutchess County Department of Planning and Development

# **Rural Development Guidelines**

Adapted from guidelines prepared by:

**Joel S. Russell**, Woodlea Associates

**Chester E. Chellman III**, White Mountain Survey Company

**Anne Tate**, Architect

**By the Dutchess County Department of Planning and Development**

**October 1994**

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Also Available: **Hamlet Design Guidelines**  
**Building Form Guidelines**

Published by:

**New York Planning Federation**  
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## INTRODUCTION

Most zoning laws that affect rural land have been copied from suburban areas. The form and pattern of development that they prescribe is suburban, characterized by single-use districts, monotonous, uniform subdivisions that overrun the landscape, and strip commercial development along highways. Most of the land developed around American cities since World War II has followed this suburban formula. And most rural residents do not favor this pattern, though their zoning laws usually mandate it.

In order to make land use regulation fit rural needs and traditions it is necessary to "re-invent" rural zoning. These guidelines show how such reinvented rural zoning would apply to typical tracts of rural land. The underlying principles of such zoning are listed at the end of this introduction.

This document is adapted from materials that were originally prepared for the Town of Hillsdale, New York, in Columbia County. An integral part of the Town's proposed zoning code and subdivision regulations, it was conceived as one of three "design appendices" to the code. This version is published by the Dutchess County Department of Planning and Development to show general principles of rural development and open space preservation. While these guidelines illustrate a specific zoning law written for Hillsdale, the overall approach is applicable to rural areas in Dutchess County and elsewhere. (The other two sets of design guidelines, "Hamlet Design Guidelines" and "Building Form Guidelines," are available at the address given on the Acknowledgements page.)

Hillsdale's "Master Plan," like that of most rural New York and New England communities, calls for concentrating development in existing hamlets, while maintaining an open, largely undeveloped landscape in the rural countryside. The two most common objections to implementing this type of plan are: (1) fear that it will abridge rural property owners' rights and (2) fear that it will destroy the character of the hamlets through over-development. (These fears are usually justified if suburban-style zoning is instituted.) As a result, most communities adopt "strip and sprawl" zoning in an attempt to be fair to rural landowners and to respond to anti-development sentiment among hamlet residents. The zoning then conflicts with the vision of the Master Plan.

There are alternative approaches. Zoning can actually give rural owners more choices in the use of land while still protecting open space. A companion document illustrates principles for hamlet development that allow growth while maintaining historic character.

The goal of Hillsdale's proposed zoning law is to maintain the traditional settlement pattern of the rural countryside while allowing compatible growth and a range of choices in the use of land. Typical zoning laws limit rural land uses to either agriculture or "cookie-cutter" residential subdivision. The zoning illustrated here allows a wide variety of non-residential uses of land, as well as flexibility in the layout of residential development.

In addition to principles of rural zoning, these guidelines contain general siting principles to help landowners and reviewing boards plan projects that fit into the rural countryside. The remainder

of the document consists of illustrations that show some of the choices available to landowners in using and developing their land under the proposed zoning.

The examples provide a guide for interpreting the zoning law by showing how alternatives to suburban development look on the land. The illustrations show four typical land parcels, containing 8, 17, 60, and 200 acres, respectively. Various development options are shown for each parcel, including examples of development that would not be permitted by the proposed zoning law.

These examples are intended as illustrations only. The unique topography, vegetation, and other natural and man-made features of each parcel should guide the planning process for that site. The relationship of each parcel to its surroundings should also be considered. Also, most of these illustrations show maximum development of a particular site. It is unlikely that the market in many rural towns would sustain maximum development of most parcels in the foreseeable future.

In viewing the examples, it is important to bear in mind that the zoning proposal developed for Hillsdale departs from conventional zoning in four major respects:

1. It allows a wide variety of uses by special permit, with performance criteria governing the issuance of special permits. These criteria favor small-scale uses of many kinds, as long as they have a minimal impact on the surrounding area.
2. It makes open space planning a central focus of development approvals by requiring a conservation analysis of land subject to development. Whenever a parcel is developed, "land of conservation value" must be preserved by conservation easement. In return for preserving open space, the landowner is allowed broad development flexibility on the land that is developed. Lots in such "flexible lot subdivisions" may be of any size that satisfies health codes. In order to develop a flexible lot subdivision, a conventional subdivision plan with 3-acre lots is submitted to establish a lot count. But whereas the conventional 3-acre plan is allowed "by right" under Hillsdale's old zoning, it is strongly discouraged in the proposed new zoning in favor of the flexible lots with open space conservation.
3. It requires that where development occurs in concentrations significantly greater than those currently present in the countryside, the development will follow the traditional patterns of a rural hamlet. These patterns are described in the companion document, "Hamlet Design Guidelines."
4. It prohibits strip commercial development, providing instead that commercial uses either be integrated into mixed use hamlets or, if they are of a scale or type that does not make a good close neighbor, isolated and buffered on large rural parcels.

# PRINCIPLES OF RURAL ZONING

## A good zoning law should do three things:

- Protect what is important to a community, while encouraging needed development that is compatible in character.
- Offer a streamlined review process for small-scale development.
- Provide for thorough, comprehensive, and efficient review of large projects.

The basic principles of rural zoning are as follows:

- 1. Impact is more important than use.** Rural zoning should permit a wide variety of uses, but subject them to performance standards which are used by the Planning Board or Zoning Board of Appeals to determine whether or not a use should be allowed by a special permit in a particular location. This maintains the sound rural tradition that landowners have flexibility in land use, as long as they do not negatively affect their neighbors or the town. With a choice of uses, landowners can make a living on their land without having to resort to large-scale residential development. Neighbors should have a significant opportunity to affect the uses around them by participating in an informal mediation process, as well as in formal and informal hearings.
- 2. Density is more important than lot size.** Most conventional zoning determines the number of units allowed on a parcel by setting minimum lot dimensions for each district. This leads to suburban-style subdivisions with uniform lots that permanently alter the character of a rural area by increasing its population and changing the landscape. Although areas that are not designated for intensive hamlet development need to maintain low densities, they do not need to have large minimum lot sizes. Large lots simply consume the landscape faster than small lots. Therefore, rural zoning should separate density from lot size, allowing very small lots as long as overall density guidelines are maintained.
- 3. Design is more important than density.** The impact of development and its profitability for the landowner are not simply a "numbers game." Attractive, well-planned low density developments are often more profitable than high-density ones. Well-planned high-density developments may fit in better with the town's character than low-density sprawl development. Good design and flexible planning are often more important than density to both the landowner's bottom line and a town's attractiveness.
- 4. The countryside should remain largely undeveloped, but not at the expense of the land's economic value.** By allowing a range of uses in the rural areas, landowners can make a living on their land. If they choose to develop the land, they should have several options for compatible development. This enables a town to fulfill its goal of preservation of rural land, while allowing a fair return to the landowner. Rural zoning should contain incentives for keeping private land undeveloped, such as density bonuses, the use of unpaved private roads, and the option of selling development rights for use in other areas. Non-zoning incentives might include leasing development rights to help offset property taxes on rural land.

- 5. Development should be concentrated in and near existing hamlet centers, following the traditional pattern and layout of the hamlets.** Significantly higher densities should be allowed within these limited areas. Street and lot layout principles should establish how these areas are to develop so that they will maintain their traditional rural small-town feeling.
- 6. Development should meet design standards that maintain local community character.** Back when everything was built by local contractors using local materials, towns had a special look and feel to them. Now that builders and developers, and the materials and architecture they use, come from all over the place, that distinctiveness of a place is gradually being lost to a standardized form of development found throughout suburban America. A rural zoning law should contain guidelines and plans for ensuring that new development is compatible, and does not create "Anywhere, USA."
- 7. Reviewing boards should have discretion to allow what fits into the community, to prohibit what does not, and to condition approvals to make sure that proposed development is appropriate.** Instead of having rigid use and bulk requirements, the reviewing board should have the flexibility to work with applicants and neighbors to come up with plans that fit the town. This should be done using clear guidelines as a basis for well-reasoned decisions. The reviewing board also should have the authority and resources to make sure that such plans are properly implemented.
- 8. Small-scale projects need less complicated review than large-scale ones.** Elaborate review is necessary for complex projects, but there is no need to subject three-lot subdivisions or small shops to the same process as a major expansion of the village. However, even small-scale development should satisfy generally accepted design principles to fit into the character of the community.

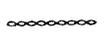
## **GENERAL RURAL DEVELOPMENT PRINCIPLES**

The following guidelines are recommended for subdivisions and the siting of residences, businesses and accessory structures.

- 1.** Wherever feasible, retain and re-use old farm roads and country lanes instead of constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls. (This is not appropriate where re-use of a road would require widening in a manner that destroys trees or stone walls.)
- 2.** Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.
- 3.** Avoid placing buildings in the middle of open fields. Place them either at the edges of fields or in cleared areas next to the fields. Septic systems and leach fields, however, may be located in fields.

4. Unless buildings are designed traditionally and located close to the road in the manner historically found in the town, use existing vegetation and topography to buffer and screen them.
5. Minimize clearing of vegetation at the edge of the road, clearing only as much as necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.
6. Site buildings so that they do not protrude above treetops and crestlines of hills seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selectively cutting small trees and lower branches of large trees, rather than by clearing large areas or removing mature trees.
7. Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multi-level structures with entrances on more than one level (e.g., walk-out basements, garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking areas. Use best management practices for erosion and sedimentation control, as recommended by the County Soil and Water Conservation District or other natural resource agencies.

## KEY TO ILLUSTRATIONS

	Land of Conservation Value
	Land Protected by Conservation Easement
	Stream Corridor
	Wetland
	Park/Greens
	Buildings
	Contour Lines
	Stone Wall
	Tree Line
	Trail
	Shared Driveway
	Planted Buffer

# EXAMPLE 1

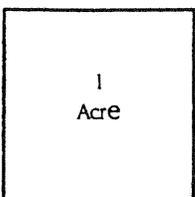
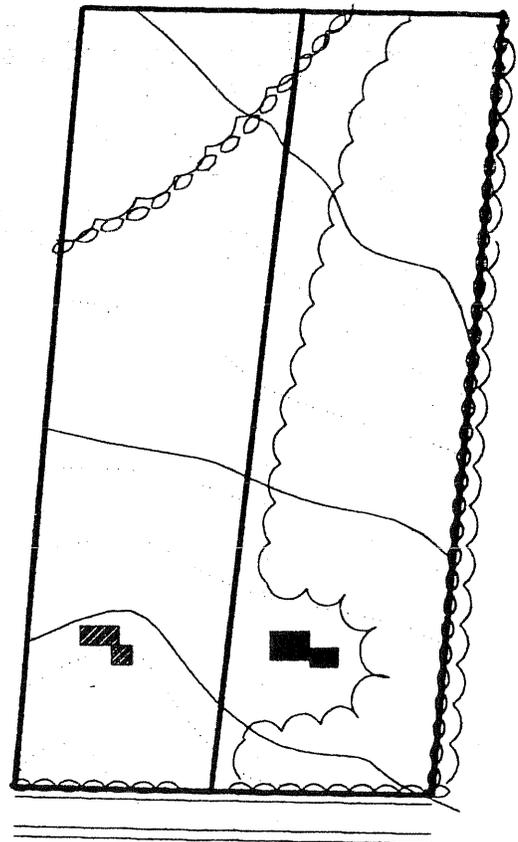
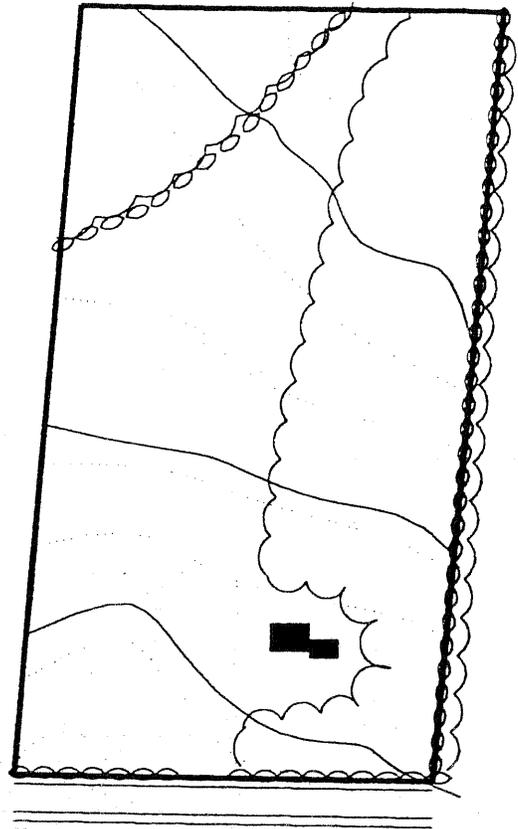
## 8-Acre Parcel

### Existing Parcel

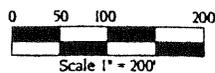
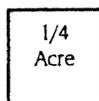
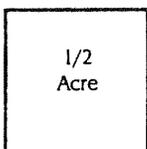
This 8-acre parcel consists of a scenic field and a wooded area. An existing house tucked into the woods has views across the field.

### Conventional 3-Acre Subdivision Plan for Lot Count

Under 3-acre zoning, the parcel could be divided into two lots of at least three acres each. This shows that a Flexible Lot Subdivision could have up to two lots. Under the town zoning system, however, such a plan would not be approvable unless at least 80% of the land were preserved as open space, including the scenic open field visible from the road.



Lot Size Reference



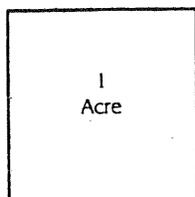
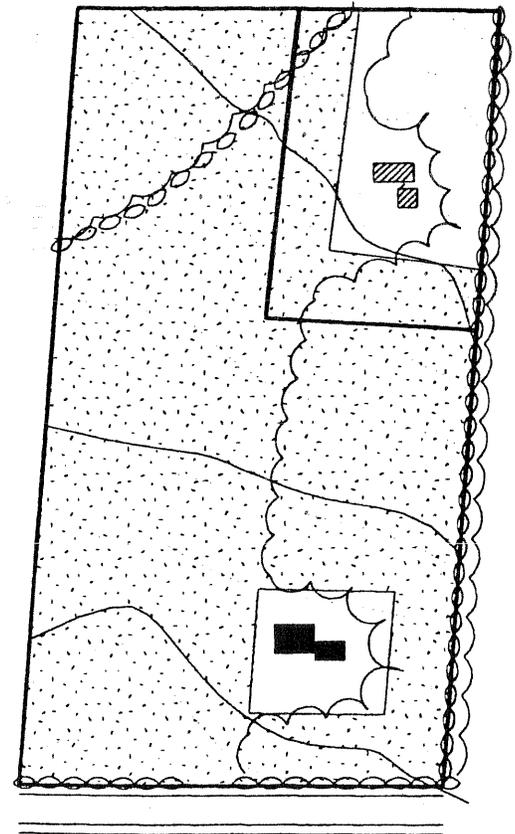
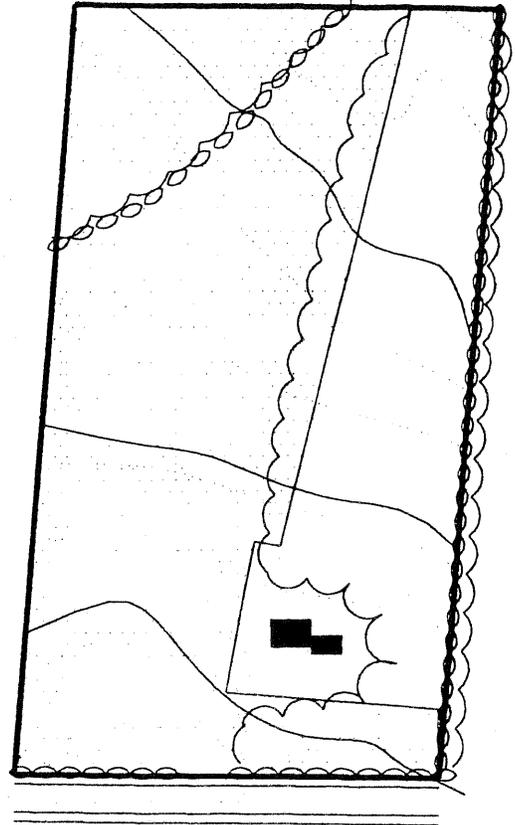
## 8-Acre Parcel

### Conservation Analysis

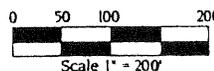
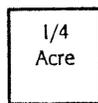
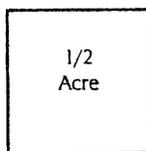
Significant conservation value is sometimes more difficult to establish on a small parcel than on a large one. In this case, land of conservation value includes the open fields and tree lines visible from the road and the mature forest in the rear of the parcel which is part of a larger forested area on adjoining land.

### Flexible Lot Subdivision: Rear Lot

In this example, a 1.5-acre lot is created in the back of the parcel, with access gained by a right-of-way easement across the remaining 6.5 acres. 80% of the parcel is preserved as restricted open space by conservation easement.



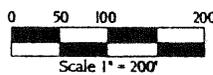
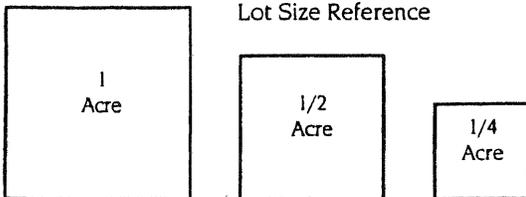
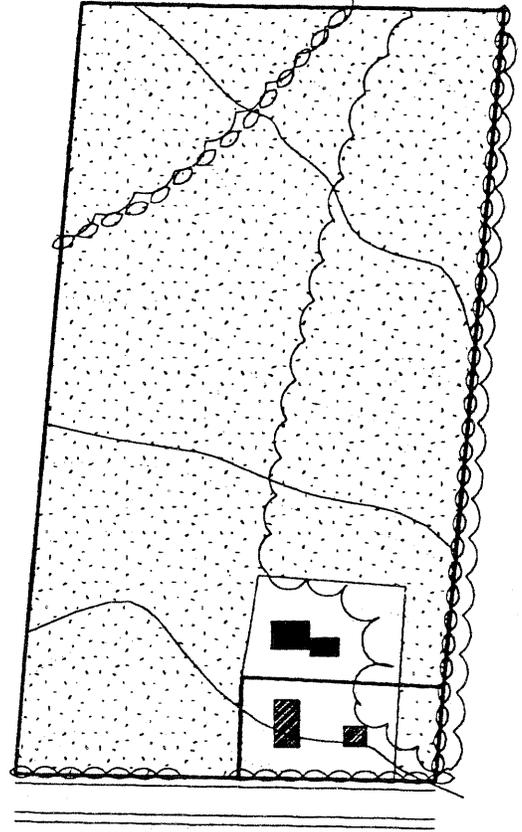
Lot Size Reference



## 8-Acre Parcel

### Flexible Lot Subdivision: Front Lot

An alternative configuration would place a .5-acre lot in the front of the property, close to the road, in the traditional pattern of rural development. This lot has a short driveway and could be an inexpensive homesite. It would be desirable for a house built on such a lot to follow the basic principles in the Building Form Guidelines. Again, under the town zoning system, 80% of the entire 8-acre parcel must be protected as open space.



## EXAMPLE 2

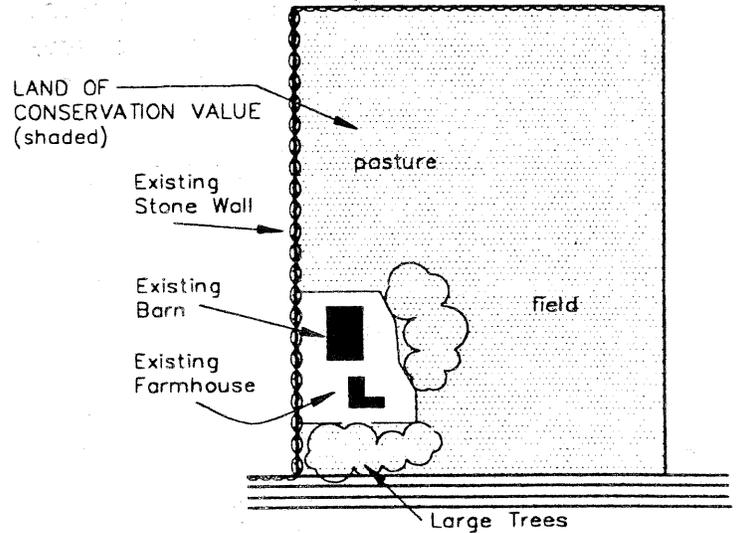
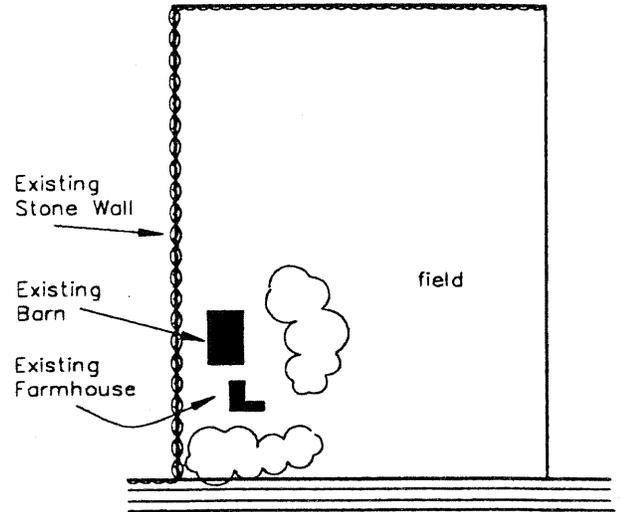
### 17-Acre Parcel

#### Existing Parcel

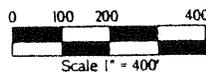
This 17-acre parcel consists of agricultural land with a farm house and barn nestled behind large trees in the southwest corner.

#### Conservation Analysis

Applying criteria for Conservation Value of Open Space, the field, pasture, and large trees are lands of "conservation value" worthy of preservation, especially the areas that are most visible from the road. This area is shaded on the map.



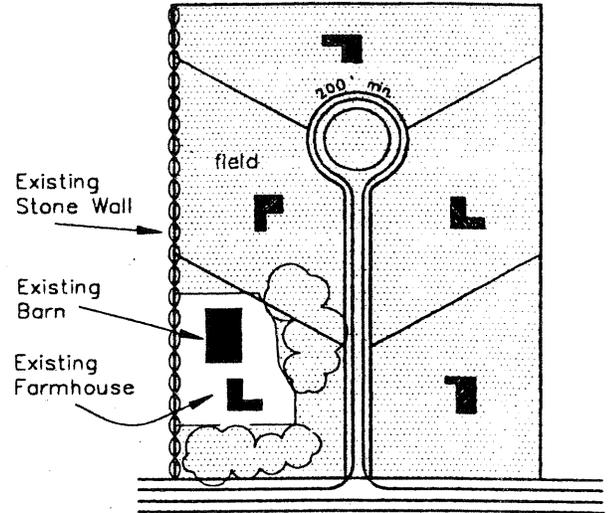
Lot Size Reference



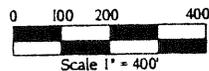
## 17-Acre Parcel

### Conventional 3-Acre Subdivision Plan for Lot Count

In order to determine the number of lots that can be built in a Flexible Lot Subdivision, it is necessary to lay out a conventional subdivision with 3-acre lots and a minimum of 200 feet of road frontage. This example shows that it is possible to create five such lots. The plan shown cannot be approved, however, since it would develop most of the open space of conservation value. (This type of conventional plan is the only way the property could be developed at maximum density under many older zoning ordinances.) In a Flexible Lot Subdivision, up to five lots would be permitted as long as 80% of the land were preserved as open space.



#### Lot Size Reference

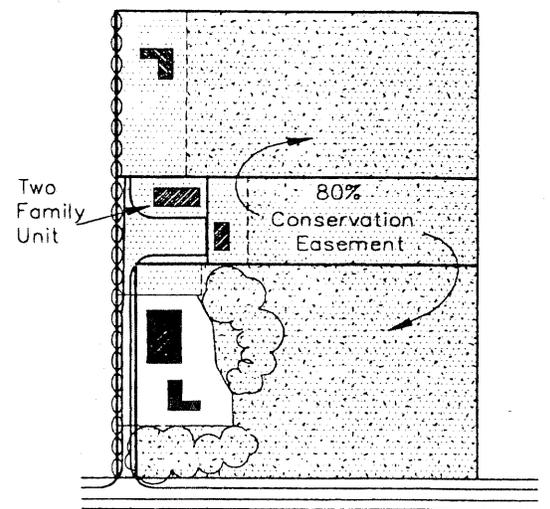
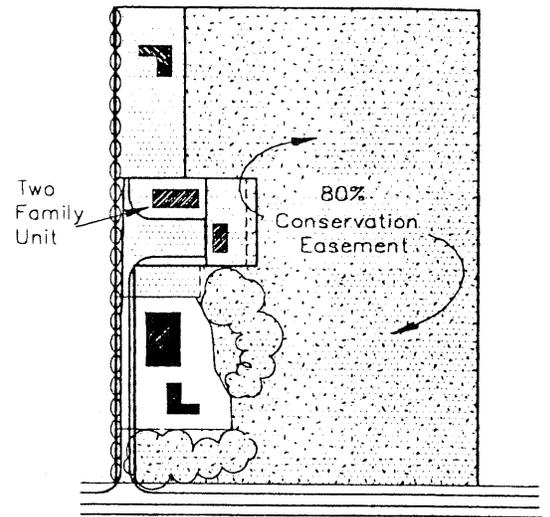


## 17-Acre Parcel

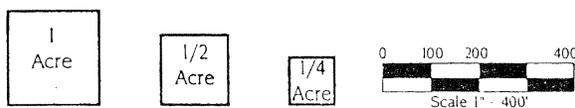
### Flexible Lot Subdivision Options

The five units allowed may be in lots of any size as long as 80% of the land is preserved as open space and the lots comply with the dimensional standards in the zoning code and health department regulations for water and sewage disposal. In the two illustrations, 80% of the parcel is preserved as open space by conservation easement, with two different lot configurations shown. In the first example, all of the preserved open space remains with the farmhouse and barn, with two small lots containing single family homes and one lot that has a two-family residence. These houses are sited to minimize their impact on the view from the road.

The second layout shows the same houses in the same places, but the open space is split among three different lots. This approach is appropriate where the land is wooded or where fields are divided by hedgerows or natural boundary lines. Breaking up a large open field with lot lines is usually not recommended unless the conservation easement contains land management guidelines for the field. The variety of lot sizes shown provides market flexibility and the clustering of houses offers the opportunity to create a neighborhood feeling. Other layouts that preserve open space of conservation value would also be acceptable.



#### Lot Size Reference



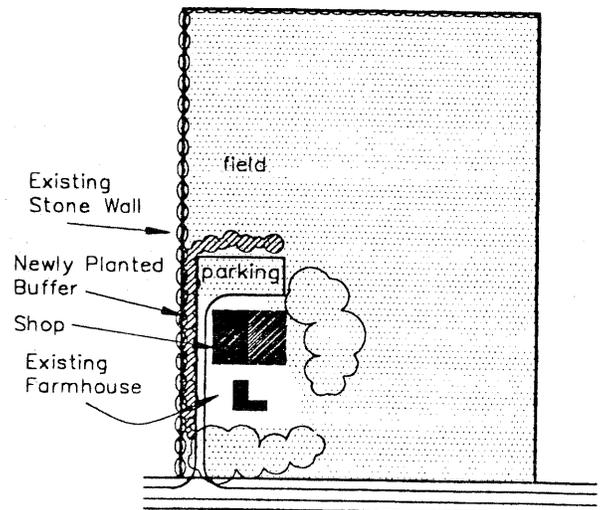
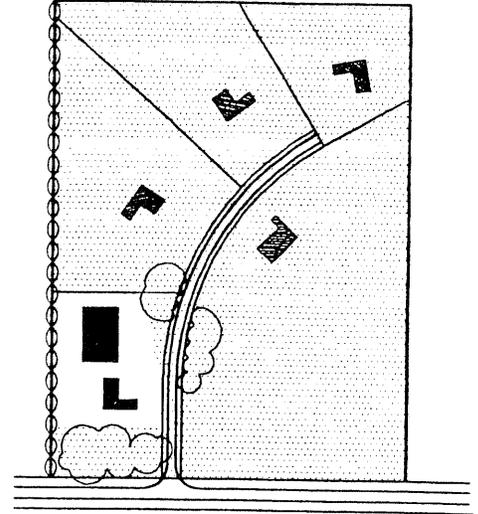
## 17-Acre Parcel

### Unacceptable Flexible Lot Subdivision

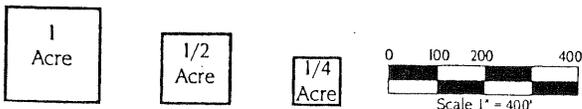
This Flexible Lot Subdivision does not preserve the open space of conservation value. The siting of the houses destroys the field as an agricultural and scenic resource.

### Mixed Uses

Another appropriate use of a 17-acre property might be as a site for a small business, which is allowed by special permit. In this example the barn has been expanded and converted into a small machine shop employing six people. It is screened from the road by the farmhouse and trees. The neighboring property is protected by a planted buffer and by conditions in the special permit limiting the hours of operation and requiring sound-proofing. The farmhouse can still be a residence and the farmland can be used by the owner or leased to another farmer. Additional house lots can be added later as shown in the previous examples. As an alternative, the barn could be converted to rental apartments, also by special permit. These small-scale commercial uses of under-utilized agricultural buildings with no close neighbors can generate enough extra income to enable a farmer to keep the land open and productive.



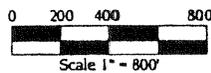
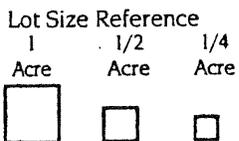
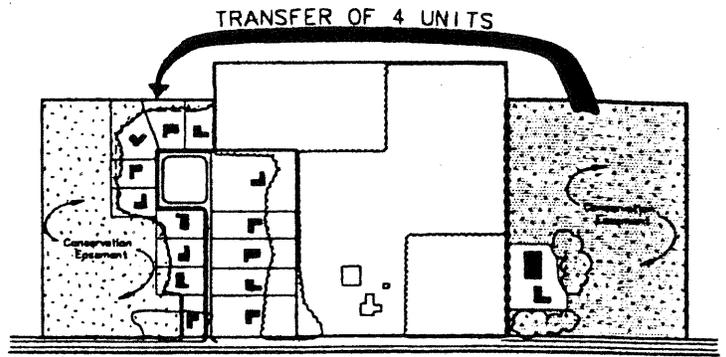
#### Lot Size Reference



## 17-Acre Parcel

### Transfer of Development Rights

In this scenario, a farmer with a valuable working field transfers four of his development rights to a nearby woodland property. This enables the neighbor to create a small hamlet of nine houses around a green. These development rights may be transferred to any suitable property in town by special permit. The land from which the rights were transferred must be restricted by conservation easement to prevent future residential development.



### EXAMPLE 3

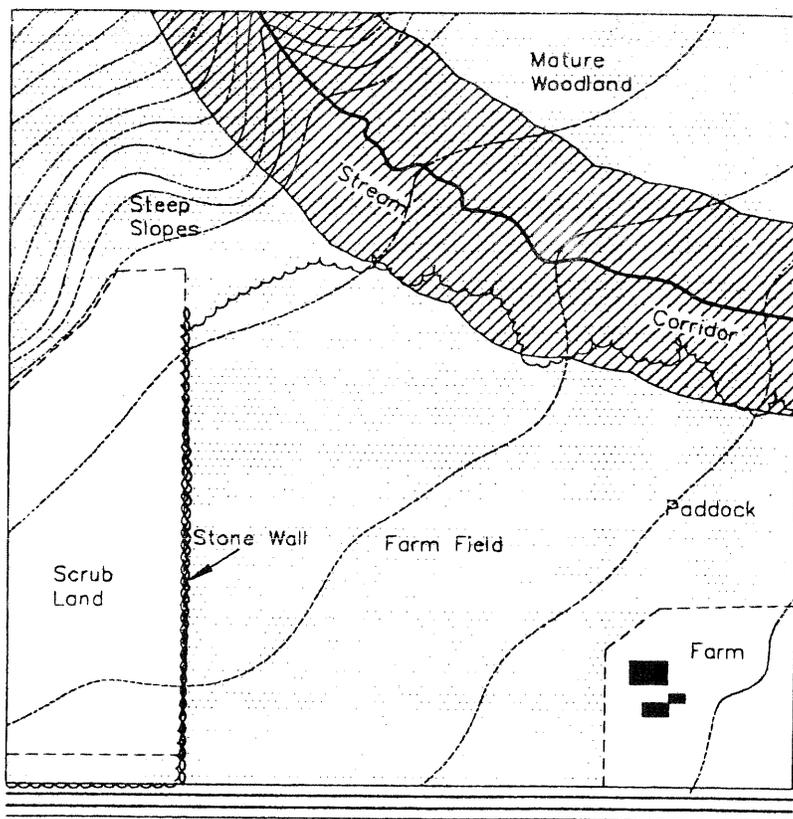
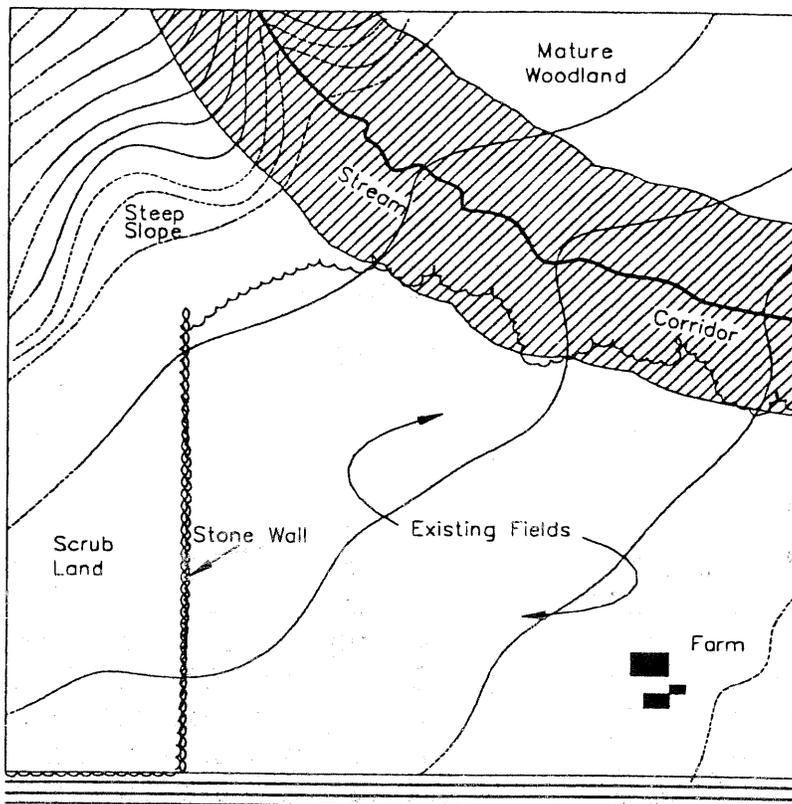
#### 60-Acre Parcel

#### Existing Parcel

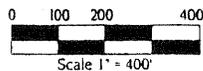
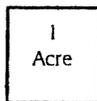
This tract includes recently logged young woodland (scrub land), agricultural fields, forested steep slopes and a stream corridor, as well as an existing farmstead.

#### Conservation Analysis

Land of conservation value includes the steep slope area, the stream corridor and mature woodlands beyond the stream, and the agricultural land. In addition, the land along the road has scenic value. These areas are shaded on the map. The scrub land and the disturbed land around the farmstead do not have significant conservation value.



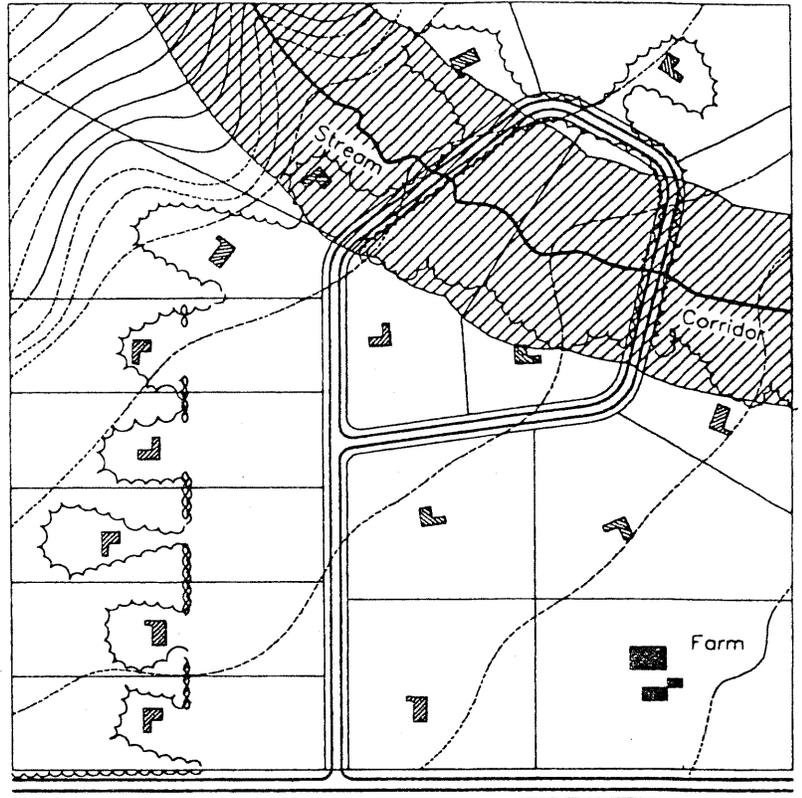
Lot Size Reference



## 60-Acre Parcel

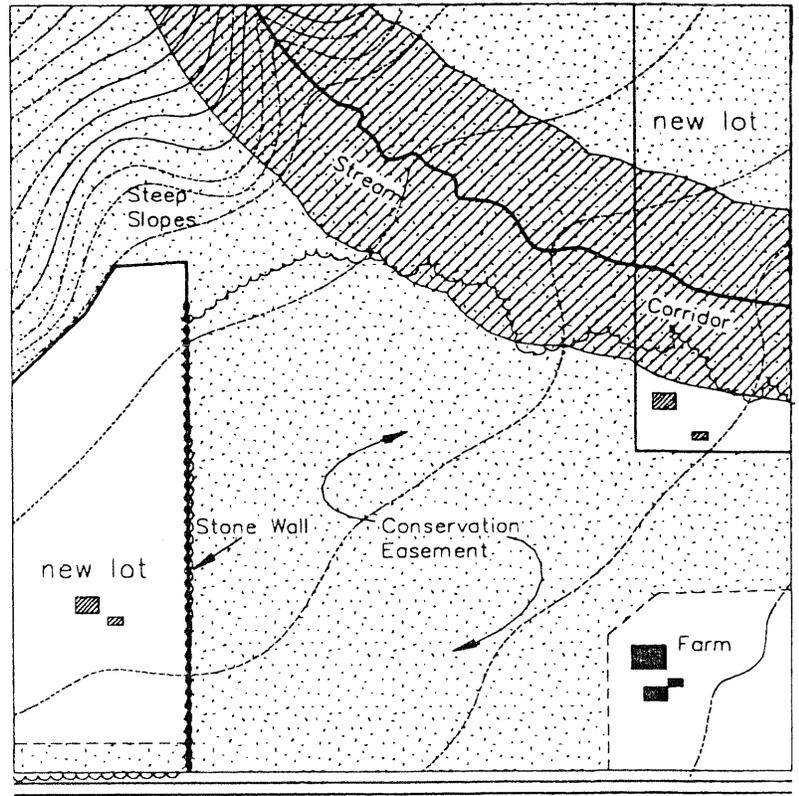
### Conventional 3-Acre Subdivision Plan for Lot Count

In order to determine the number of lots that can be built in a Flexible Lot Subdivision, it is necessary to lay out a conventional subdivision with 3-acre lots and a minimum of 200 feet of road frontage. This example shows that it is possible to create 16 such lots. The plan shown cannot be approved, however, since it would develop most of the open space of conservation value. (This type of conventional plan is the only way the property could be developed at maximum density under many older zoning ordinances.) In a Flexible Lot Subdivision, up to 16 lots would be permitted as long as 80% of the land were preserved as open space.

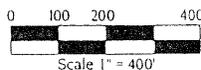


### Flexible Lot Subdivision, 3 Units

When the number of lots is less than half the probable number of lots that would result from a conventional plan, the Planning Board may waive the requirement of a conventional subdivision plan to prove the lot count. In this plan, two large lots of less than 10 acres are carved out of the farmland in a manner which leaves the farm intact. Each lot may be further subdivided as long as 80% of the 60-acre parcel remains preserved as open space by a conservation easement. The lot in the rear has no road frontage, but gains access from a deeded right of way.



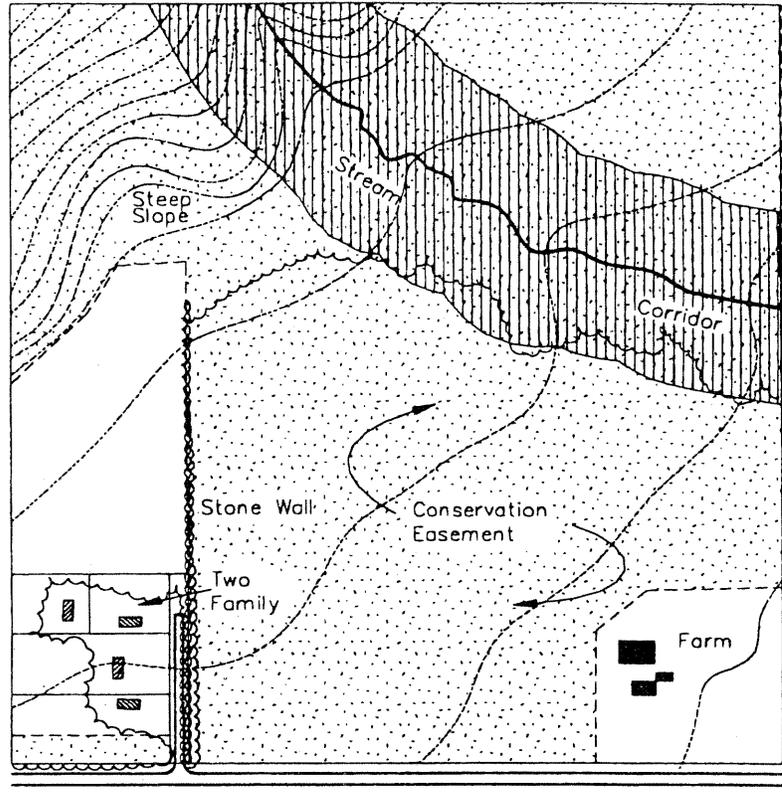
Lot Size Reference



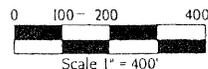
## 60-Acre Parcel

### Flexible Lot Subdivision, 6 Units

The cluster of houses in this example is similar to rural farm complexes. The conservation easement creates a scenic amenity for all the homeowners, while the farmland continues to be owned and worked by the farmer. Careful siting takes advantage of the existing stone wall and tree row and allows for further development of the property later. Since the number of lots here is less than half of the probable number that would result from a conventional subdivision plan, no conventional plan is required to prove the lot count. 80% of the site is protected by conservation easements. The conservation easement area does not include land that is within the private yards of the houses. Protected land includes the stream corridor, a hillside visible from the road, and a farm field which continues to be owned and worked by the farmer.



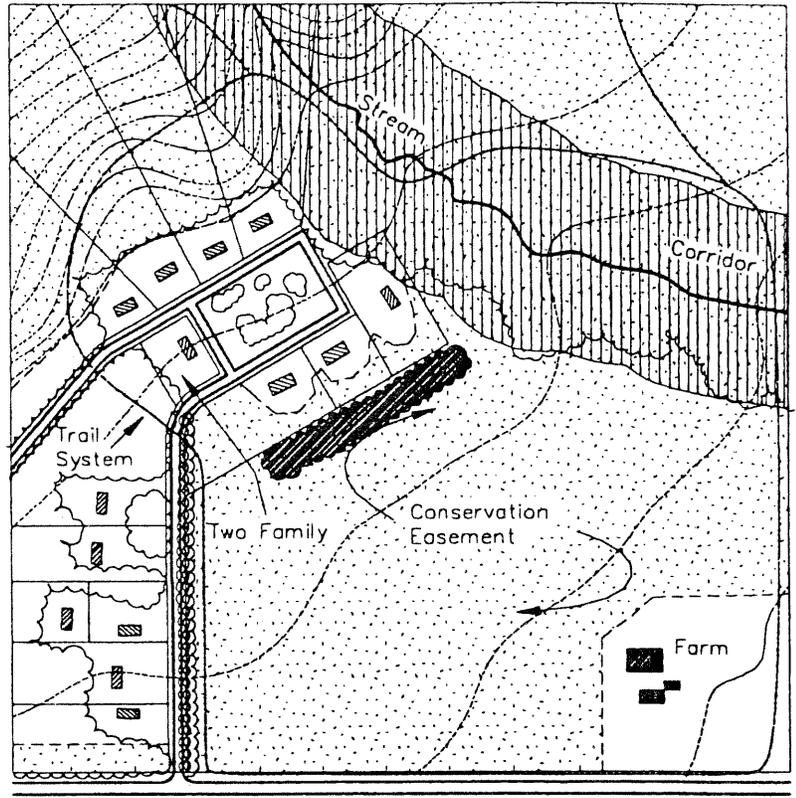
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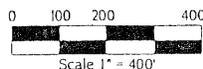
## 60-Acre Parcel

### Flexible Lot Subdivision, 16 Units

This example shows an expansion of the previous plan up to the maximum of sixteen units. A trail system for use by lot residents has been added. The houses line the new road and some are clustered around a green. Sheltered by the woods, houses can have privacy by keeping yards small and leaving wooded buffers between them. The new road follows the existing tree row and stone wall and can connect to the adjacent property for future development. A band of woods, consisting of small native trees transplanted from the scrub area as well as vegetation that has filled in naturally, buffers the view of the houses from the road. Many variations on this configuration are possible, including some large lots such as the ones in the 3-lot example, or the addition of apartments around the farmstead. Such configurations would be allowed as long as 80% of the parcel was preserved and the total unit count did not exceed 16. Small lot clusters should follow the hamlet siting guidelines.



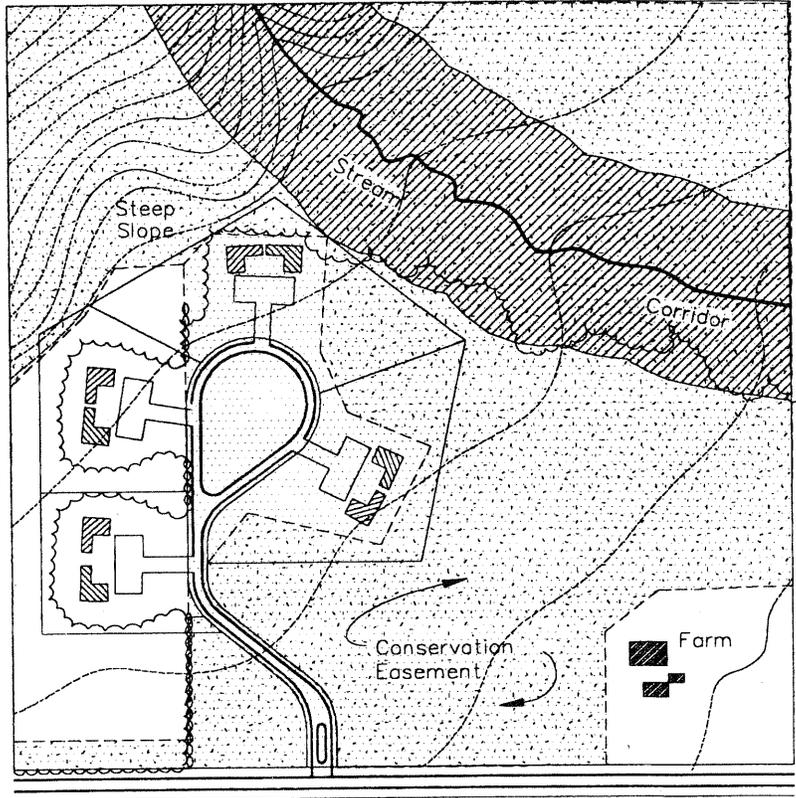
#### Lot Size Reference



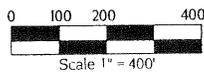
## 60-Acre Parcel

### Unacceptable Flexible Lot Plan for 16 Units

Not every plan which preserves 80% of the land as open space will be acceptable. Although 80% of the land is preserved by a conservation easement, these condominiums do not protect the most important open space of conservation value. The field has been crossed by a wide access road and the view has been marred by buildings that do not fit into their setting. High density housing clustered around parking lots violates the hamlet siting guidelines and is incompatible with both traditional hamlets and the countryside. This layout creates neither usable community space nor private outdoor space for residents.



#### Lot Size Reference

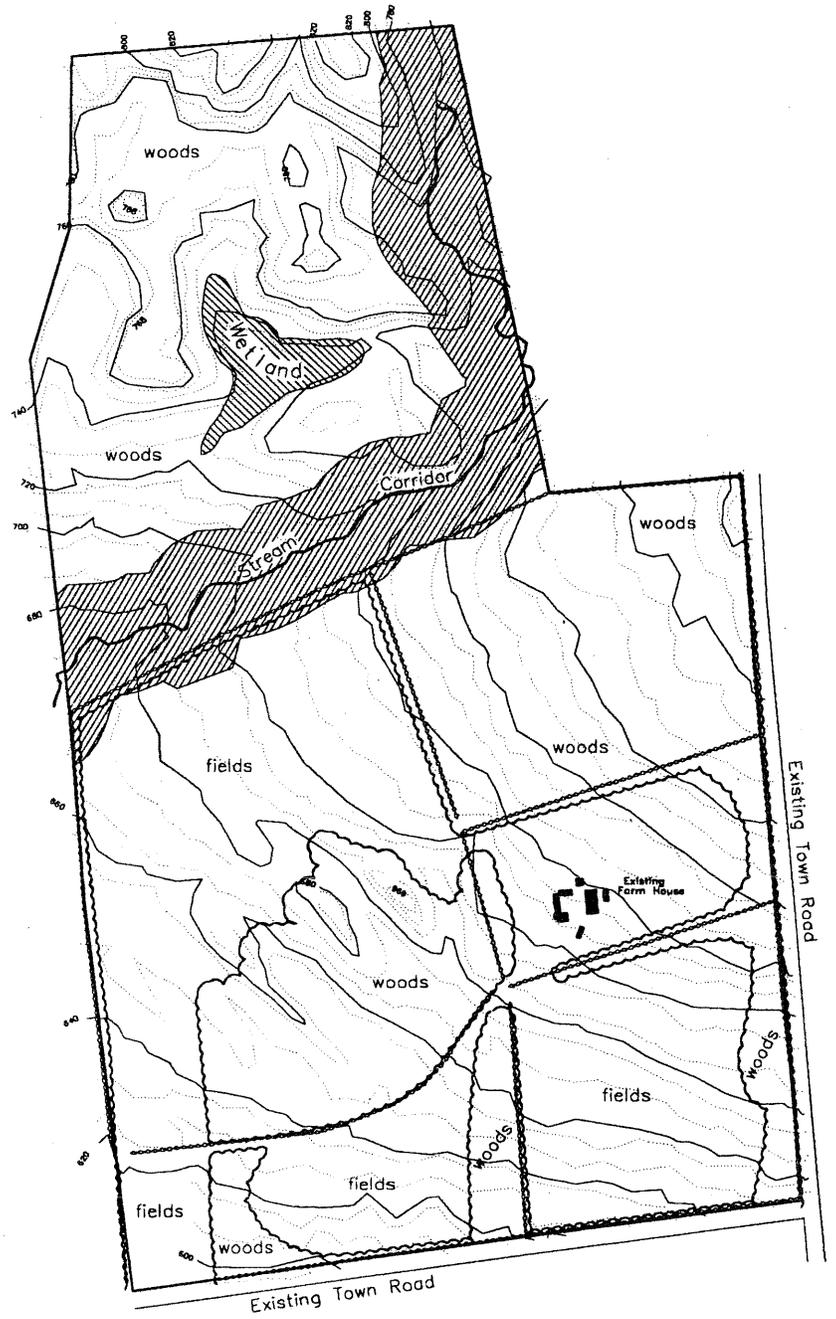


# EXAMPLE 4

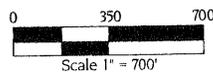
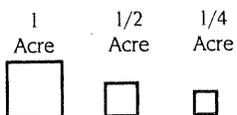
## 200-Acre Parcel

### Existing Parcel

This property contains agricultural fields and woods, some steep hills and wetlands on the north end of the property, and a stream corridor. There is an existing farmstead set back from the road, and frontage on two town roads. The property is assumed to be in a county-approved Agricultural District and, therefore, in the Town's Agricultural Overlay District.



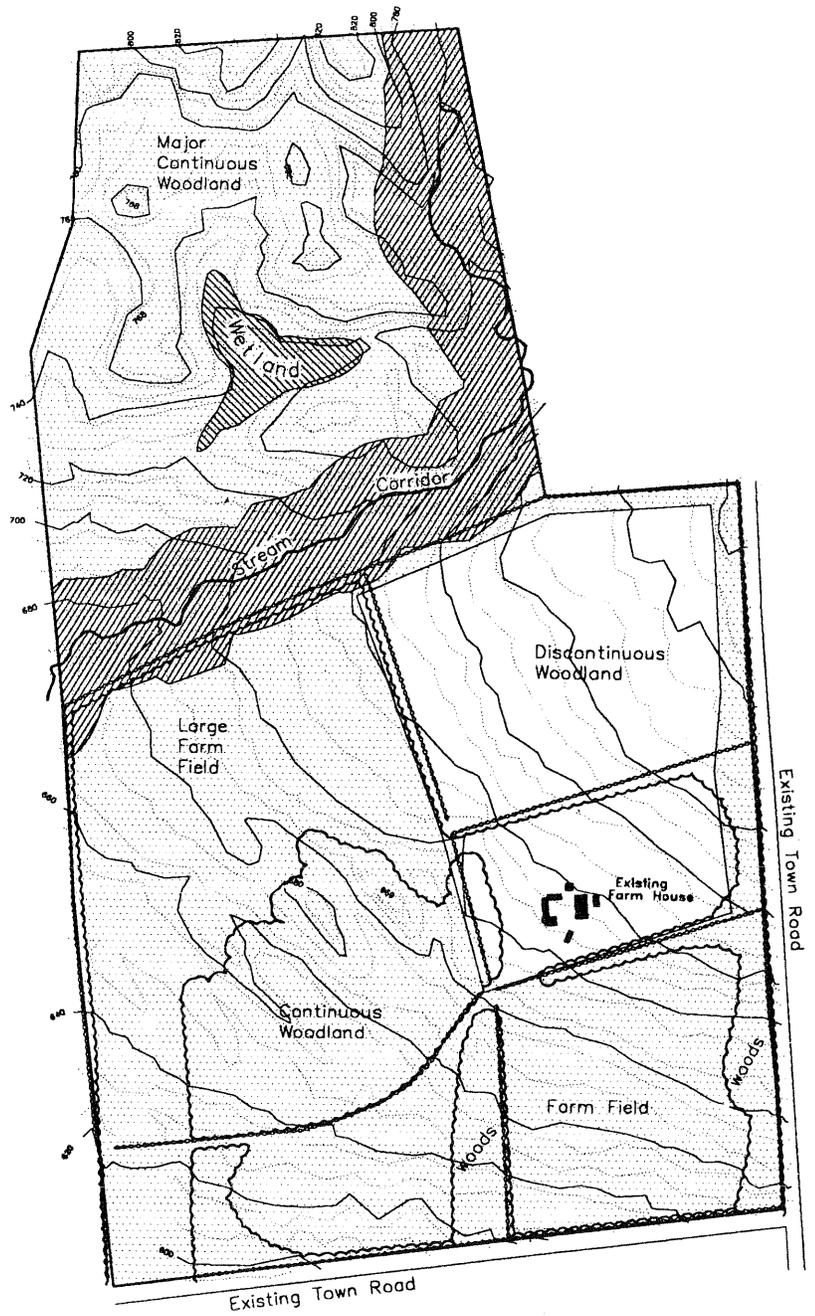
#### Lot Size Reference



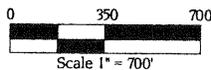
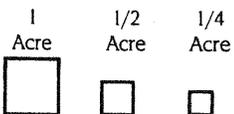
# 200-Acre Parcel

## Conservation Analysis

The areas of greatest conservation value include the stream corridor, wetland, and steep woodlands on the north side of the property. The farm fields have important conservation value. The view corridors along the town roads have conservation value because of their contribution to the town's scenic character. These areas of conservation value are lightly shaded on the map. The area described as "discontinuous woodland" and the fields around the farmhouse have the least conservation value.



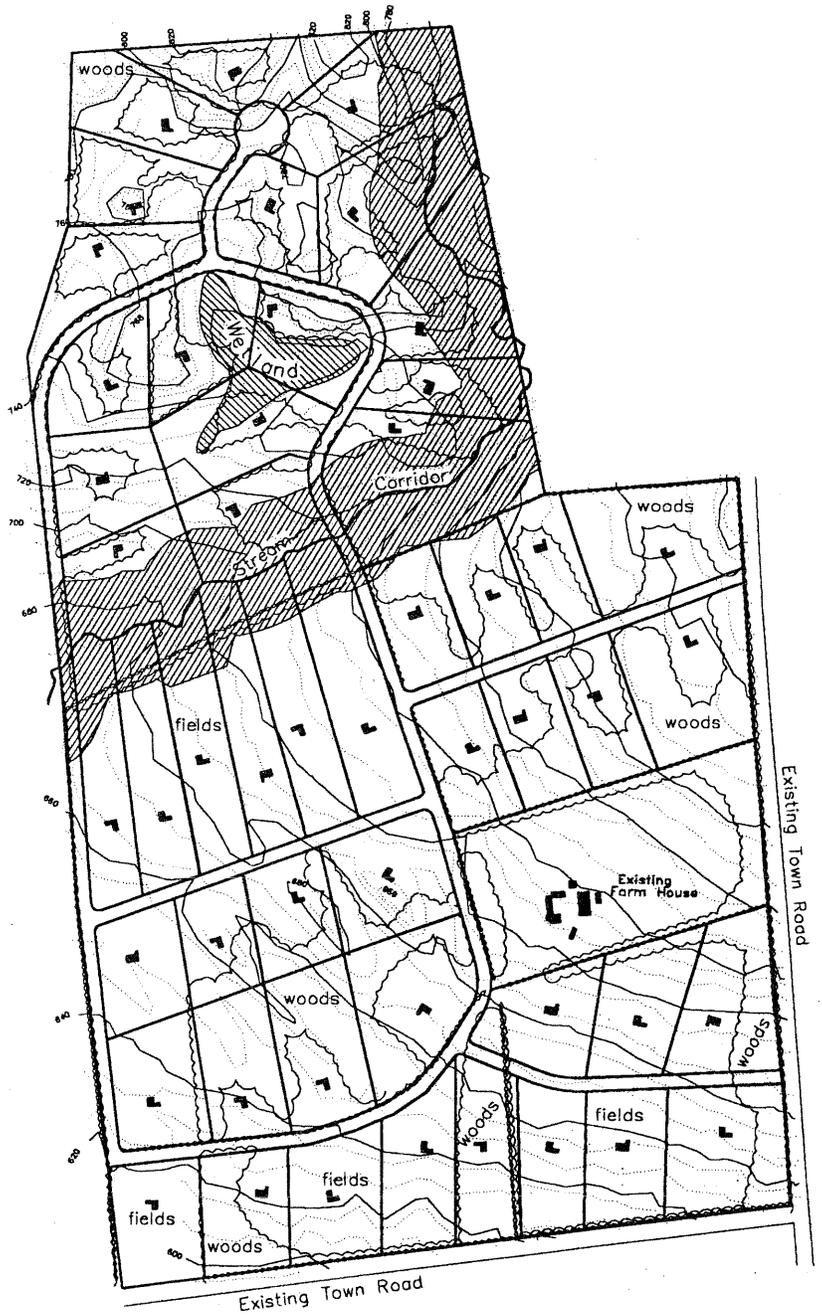
### Lot Size Reference



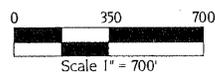
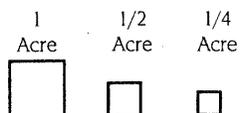
## 200-Acre Parcel

### Conventional 3-Acre Subdivision Plan for Lot Count

In order to determine the number of lots that can be built in a Flexible Lot Subdivision, it is necessary to lay out a conventional subdivision with 3-acre lots and a minimum of 200 feet of road frontage. This example shows that it is possible to create 51 such lots. The plan shown cannot be approved, however, since it would develop most of the open space of conservation value. (This type of conventional plan is the only way the property could be developed at maximum density under many older zoning ordinances.) In a Flexible Lot Subdivision, up to 51 lots would be permitted as long as 80% of the land were preserved as open space.



#### Lot Size Reference



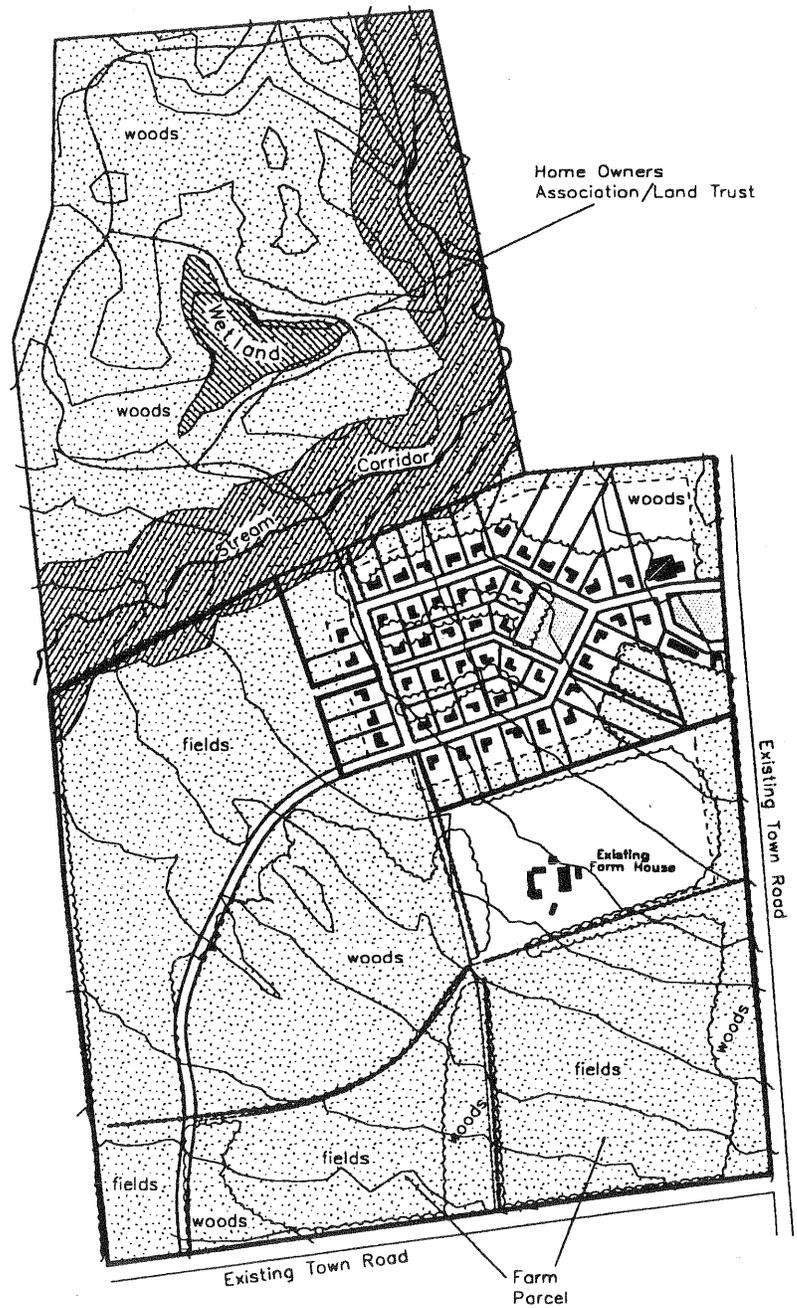
## 200-Acre Parcel

### Flexible Lot Subdivision, Mixed Use

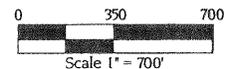
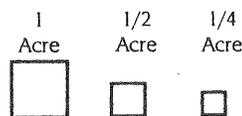
This plan shows a close-knit mixed-use hamlet. The farm has been able to keep most of its land in production and remains in private ownership, subject to a conservation easement on about one-half of the parcel. The valuable conservation land in the northern portion of the tract, now criss-crossed by trails, is also protected by a conservation easement and is owned by a homeowners' association or a non-profit land trust. The trail system or bicycle path extends through the wooded portion of the farm parcel.

Under this plan, the farm owner is able to realize the full development value of the farm, while continuing to farm it. He can even add some small business or light industrial activity to the farm complex if it would not disturb the neighboring hamlet. Employees of the farm or related businesses can live in the hamlet and walk to work. Since the land is in the agricultural overlay district, the farm owner may also be able to transfer some additional development rights to a location in the hamlet.

The hamlet follows the layout principle contained in the hamlet siting guidelines. It contains commercial, office and civic uses near the town road. Parking spaces are behind buildings and on the street in front of stores. Small greens provide neighborhood playgrounds and a focal point for this new community. Central water and sewer facilities would be required for this plan as well as for most clustered hamlet plans.



#### Lot Size Reference



## 200-Acre Parcel

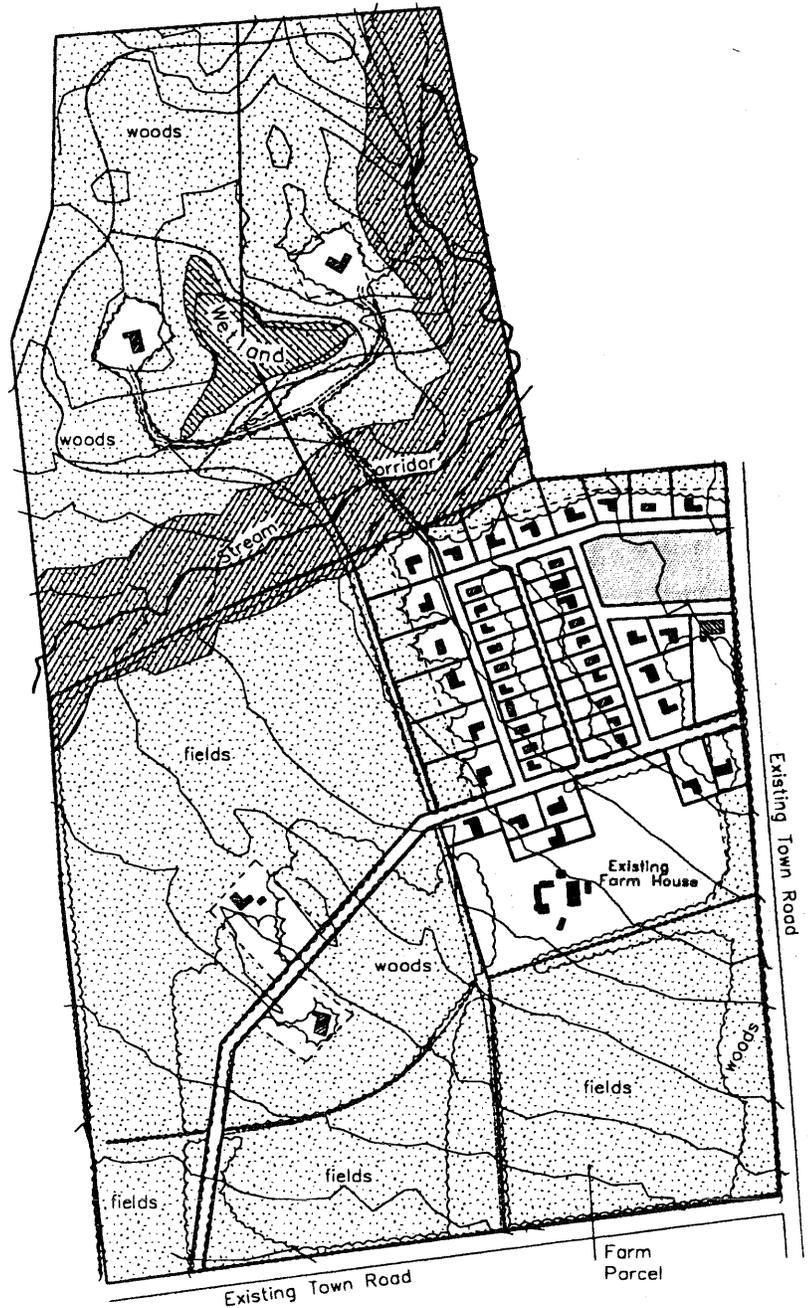
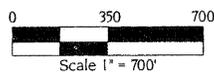
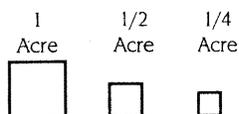
### Flexible Lot Subdivision: Estates, Farms, and Hamlet

This variation combines very small lots similar to those found in many hamlets, larger suburban-size lots, and very large estate and farm parcels. The large parcels are all restricted by conservation easement so that only one principal residence (with accessory facilities) can be built on each. Two large parcels are primarily agricultural, two are wooded, and one combines farmland and woods. A common driveway provides access to the two large parcels across the stream.

This plan provides less common open space, but preserves most of the land of conservation value. A trail system could be provided if it were properly located to avoid interfering with the privacy of the estate residences. Also, all or a portion of one of the estate lots could be made a recreational parcel for use of the homeowners or the public. As in previous examples, the hamlet contains some non-residential uses, and a green near the town road provides public open space. Well-sited light industrial uses could be accommodated on any of the three large parcels south of the stream, even under the terms of the conservation easement.

This approach perhaps best reflects and builds upon the existing rural and village character of the community.

#### Lot Size Reference

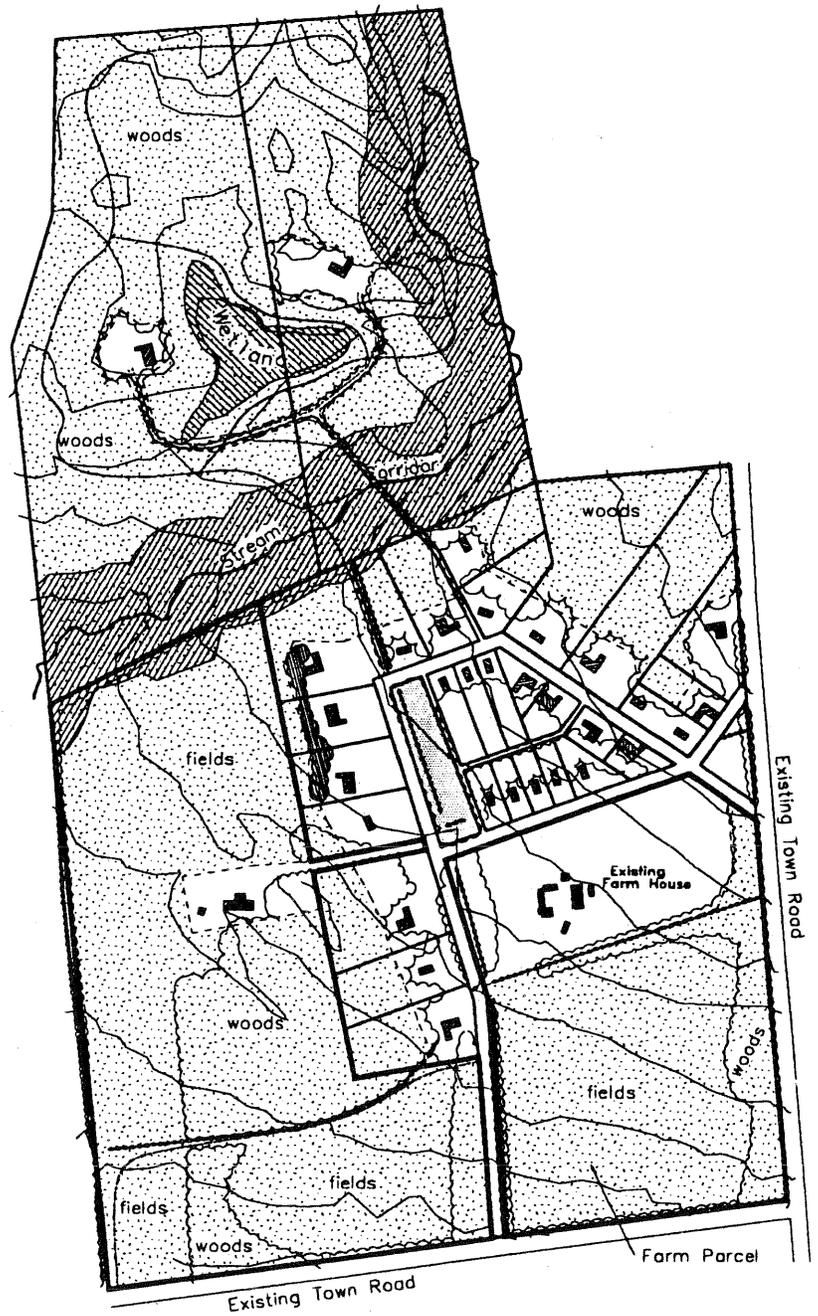


## 200-Acre Parcel

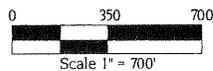
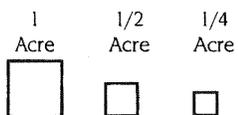
### Flexible Lot Subdivision: Estates, Farms, and Hamlet

This is a lower-density variation of the previous illustration. In this example, it might be possible to avoid public water and sewer because the lots are large enough and the few smaller lots could share common septic systems.

A tree buffer protects some of the new houses from the adjoining farm field. Four farm/estate parcels are shown, two of which could accommodate light industry. This plan shows the widest variety of lot sizes to meet different market demands.



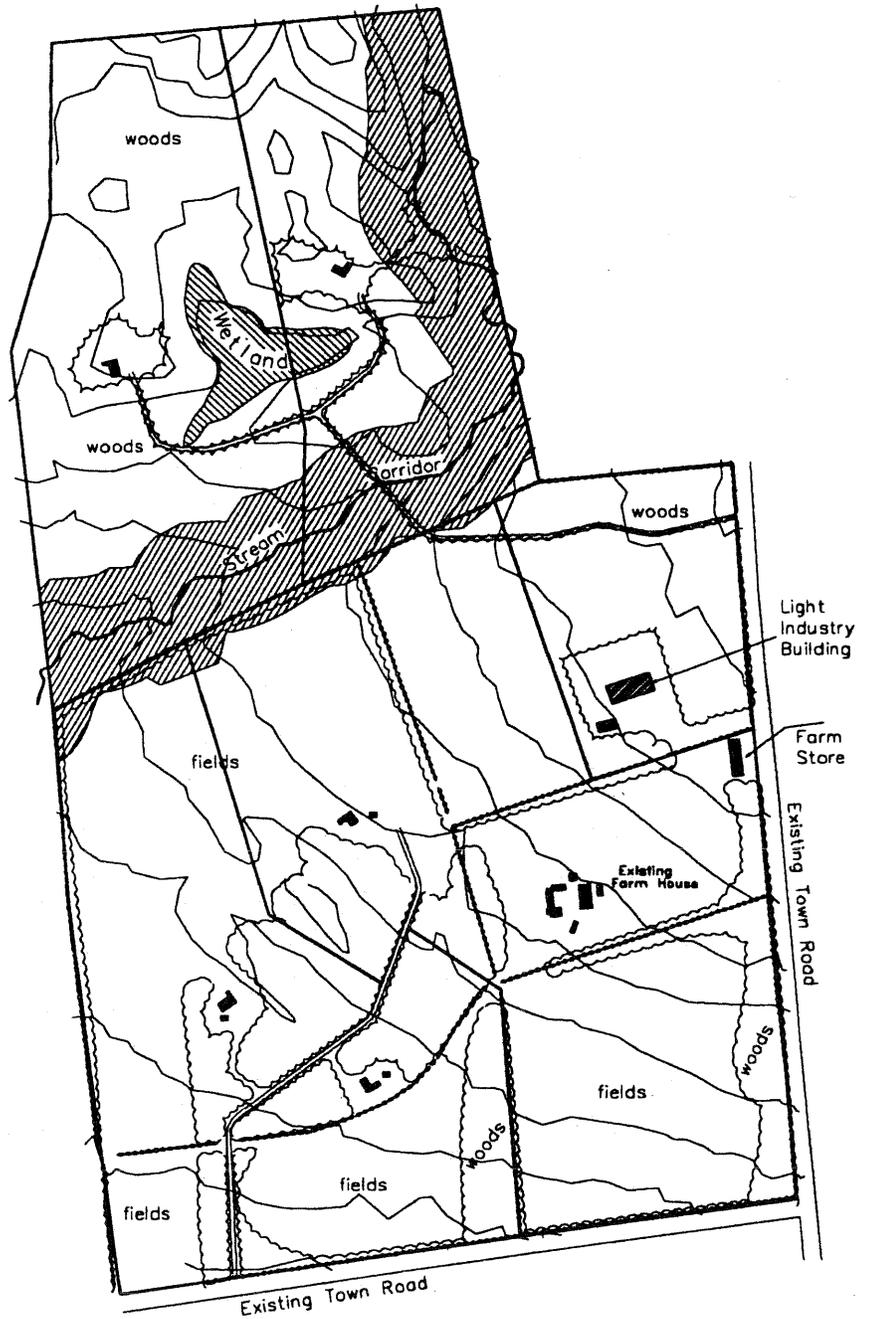
#### Lot Size Reference



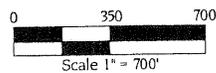
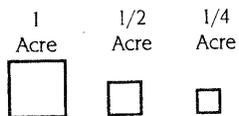
## 200-Acre Parcel

### Flexible Lot Subdivision: Estate Lots and Light Industry

A well-buffered parcel has been created to accommodate a larger scale light industry. Two common drive-ways serve an additional five large lots. The existing farm remains on its own smaller parcel. No conservation easement is necessarily required for this plan. However, if a large industrial facility is allowed, the Planning Board may impose a conservation easement on all or most of the land as a condition of its approval. The rationale for such an easement would be to mitigate the impact of the large facility.



#### Lot Size Reference

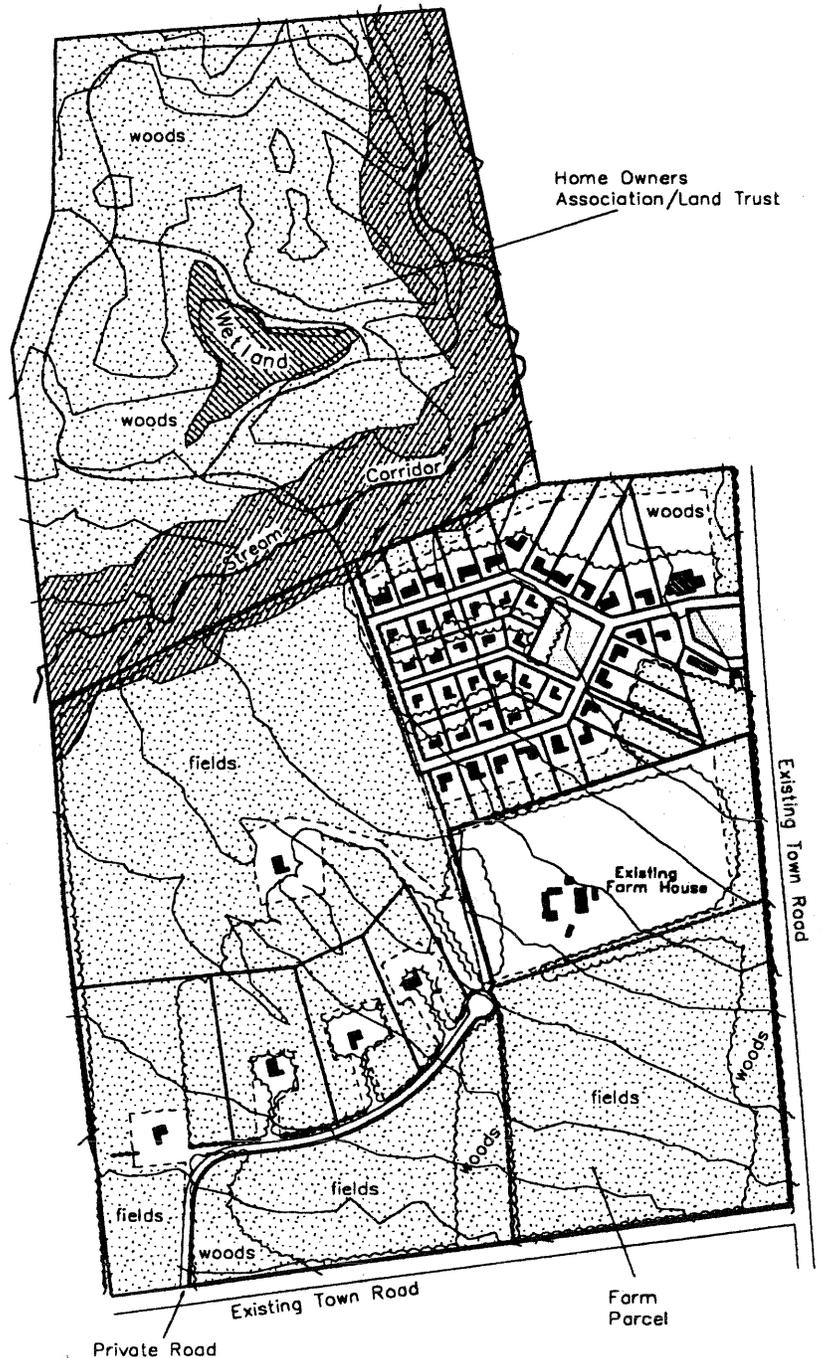


## 200-Acre Parcel

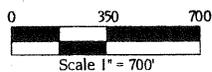
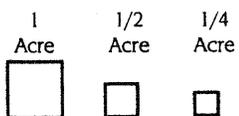
### Hamlet and Private Road Subdivision

A new hamlet is shown as on previous plans, with a passive recreation area owned by a land trust or homeowners association. In addition, five high-value large lots are shown with access from a private road. This is a traditional rural road, unpaved and only 18 feet wide. A separate homeowners association is responsible for maintaining the road according to a recorded road maintenance agreement. A conservation easement limits density and preserves land of conservation value on the parcel.

The farm owner could implement the private road subdivision component of this development herself, quickly, at low cost and high profit. The hamlet parcel could be sold to a developer for a more long-term project.



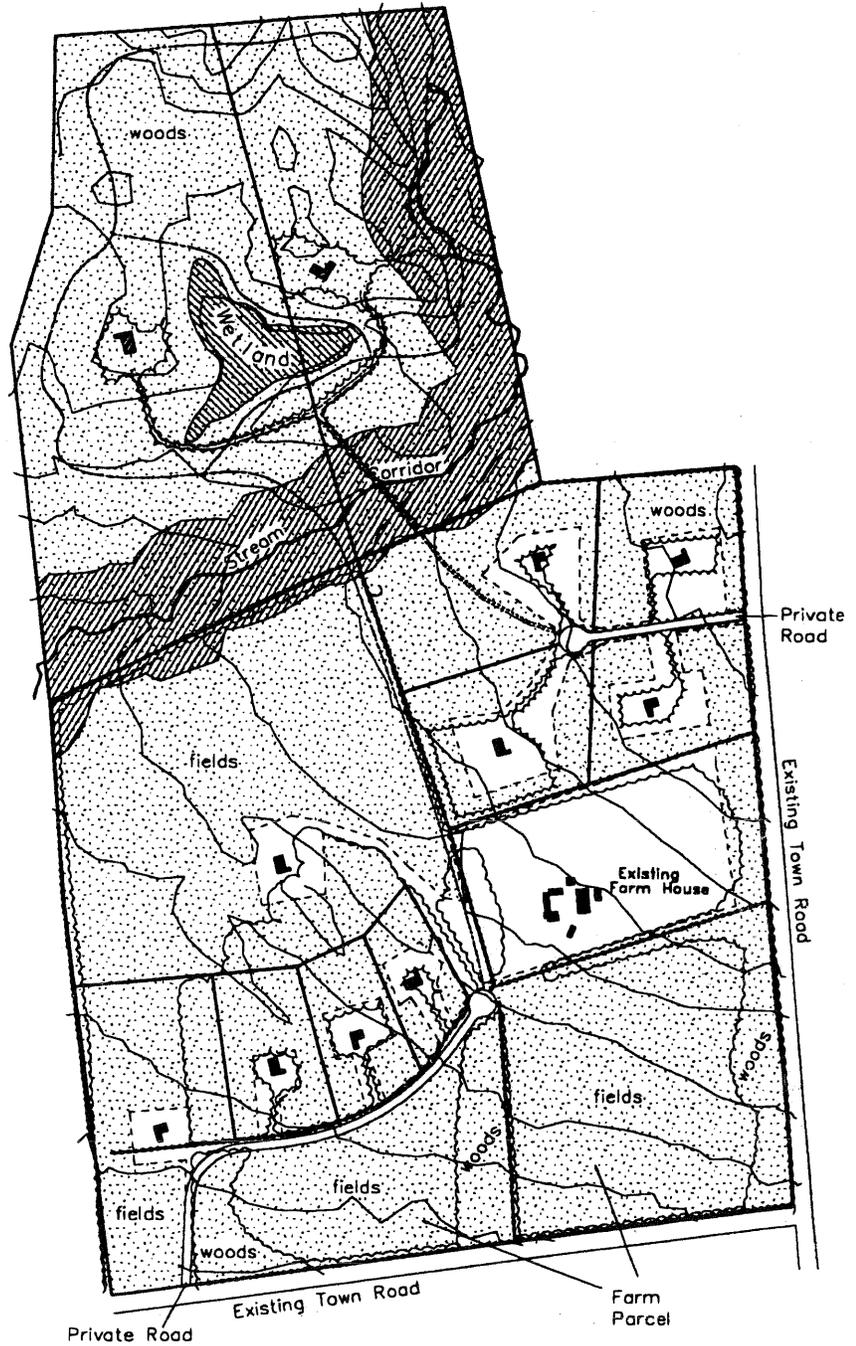
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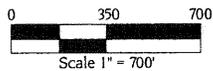
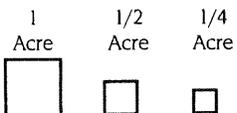
## 200-Acre Parcel

### Two Private Road Subdivisions

Another variation of the previous scenario would be to complete a second private road subdivision in the area where the hamlet was shown, producing four more high-value large lots.



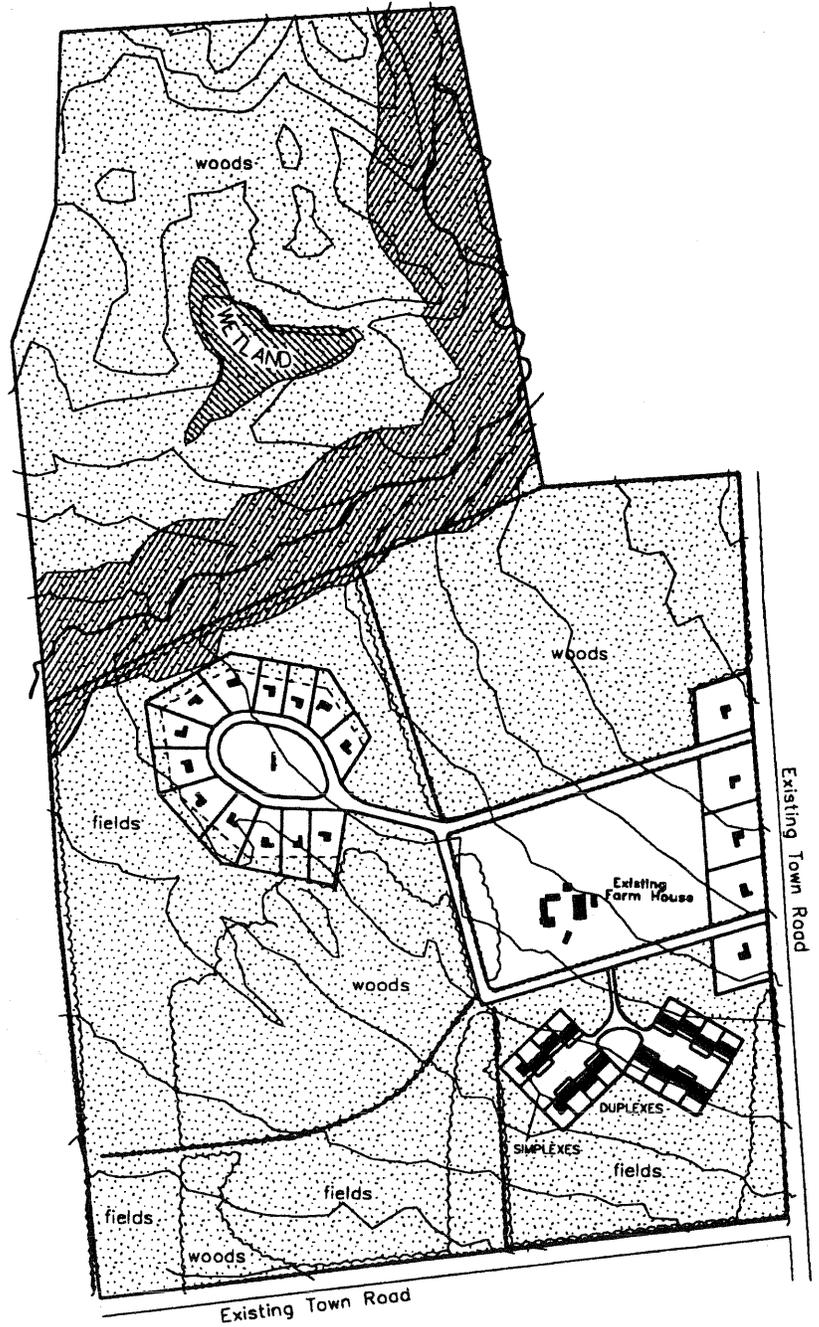
#### Lot Size Reference



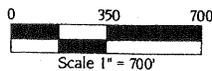
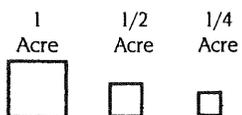
## 200-Acre Parcel

### Unacceptable Flexible Lot Subdivision

Not every plan which preserves 80% of the land as open space is acceptable. The five houses along the road spoil the rural character of the view. The plan does not preserve the valuable agricultural fields. Although a variety of housing types are offered here, none of them follow the hamlet siting guidelines. The three developments are widely separated from one another, creating enclaves. The lack of public spaces, civic facilities, and commercial uses would prevent this development from ever becoming a community.



#### Lot Size Reference



## Rural Guidelines

### *Preserving Rural Character*

**T**he Town's overall vision to **Protect Warwick's rural quality and natural environment** is the guiding principal behind these Design Guidelines. While it is easy to comprehend what it means to protect the natural environment, like our air and water, what does it mean to protect Warwick's rural quality? To understand what is meant by rural quality, we need to start with a common definition. As pointed out in the *Comprehensive Plan*, "rural" is defined by the State of New York on the basis of the number of inhabitants per square mile (i.e. 150 or fewer persons per square mile). Adhering to an arbitrary standard may help us to understand the geographic implications of how our community has developed, but it says nothing about quality of life, the beauty of Warwick's landscape, and the importance that the natural environment plays in providing for a quality of life experience. For these Guidelines, we have defined rural quality as **A landscape where the predominant feature is the natural environment, such as open space, farmland, woodlands, and water bodies, and the intrusion of development is minimal.**

For decades, Warwick has been one of the fastest growing Towns in New York State with a rate of growth exceeding that of Orange County, which is one of the fastest growing counties in the State. The Town is doing everything it can to help support agriculture as Warwick's most important industry. However, development of agricultural and other open lands and redevelopment of existing settlements is expected to continue to occur. Design guidelines provide one of the most effective tools available to assist in retaining the Town's rural qualities. A primary objective of these Guidelines is to create the appearance in the Town's rural areas, that the natural environment always remains the predominant feature of the landscape.

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FITTING INTO THE LANDSCAPE

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*Development should fit into its natural surroundings, rather than becoming a dominant element in the countryside.*

We should expect to enjoy and appreciate Warwick's rural environment, even after development occurs. This is possible if we identify and maintain the essential open space system of each location. Cluster subdivisions, with smaller average lot sizes, will preserve the important natural characteristics of the site and forever provide residents with a more rural setting than a conventional subdivision. The ability of the Town of Warwick Planning Board to require cluster subdivision (or conservation subdivision as it is sometimes called) is allowed by § 164-41.1 of the Town Zoning Law.

Ideally, most new construction will occur in and around the Town's three villages or five hamlets through the Town's Transfer of Development Rights (TDR) program. While the Town strongly encourages use of the TDR program, low density development is still permissible in rural areas. The Town's Open Space Index can help developers blend new buildings into the landscape by allowing for a review of important open space areas prior to submitting a plan for subdivision. Some sites will be more complicated than others, but identifying whether the site is part of the Town's open space system is the necessary first step in "fitting it in." Once site characteristics are fully understood, then suitable areas for development are delineated. Within these areas, house lots and roads are located. Only as a last step are the lot lines drawn in.

Cluster subdivision design begins with two kinds of maps that applicants must submit at the beginning of the application process. These maps include:

- A *Context Map* of the property and its surrounding neighborhood at a scale of 1"=1000'. Features shown should extend out 2,000 feet from the property in question. This map shows the major resources or features that cross property boundaries or are located on adjacent lands. These include streams, floodplains, ridgelines, wildlife migration routes, abandoned railroad rights-of-way, utility easements, wetlands, active farmland or prime agricultural soils, and aquifers. This information is either available from the Town or through a design professional.
- An *Existing Resources Map* of the proposed project site should identify special elements of the natural and cultural environment including all features of environmental, historic, or scenic value noted above and displayed at the scale required by the Zoning regulations. This map should also include on-site features such as barns and other agricultural buildings, woodlands (especially mature tree stands), stone walls, hedgerows, and views from the road. The intent of producing these maps

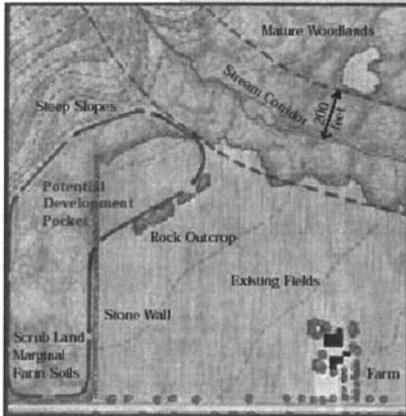
## CHAPTER 2 RURAL DESIGN GUIDELINES

is to emphasize the constrained lands on the site, but also to identify the lands without such constraints. Each landowner should be fully involved in the preparation of this map because it forms the basis for later design decisions. Landowners are likely to be very helpful in identifying those special features that give each property its special character or significance. When such elements are incorporated into the design of local conservation areas, the essential elements that help define the Town's quality of life and attract new residents to the community will be carefully protected for today's and all later generations to enjoy.

### CREATING A CLUSTER SUBDIVISION

*Studies show clustered homes appreciate faster than homes in conventional lot developments.*

In general, all new subdivisions in the Town that are not near the villages or in the hamlet areas, should be designed as cluster developments. The typical steps in designing a clustered development are as follows:

<p><b>Step 1</b> Develop a map of the open space system for the parcel and surrounding area.</p>	<p><b>Step 2</b> Conventional 3-acre sketch layout determines maximum lot count under existing zoning.</p>	<p><b>Step 3</b> The same number of houses can fit in to the landscape while preserving as much as 80 percent of the land as open space.</p>
		

#### Locate Development Pocket

A sketch analysis of the area provides all the basic information to calculate how a development can fit into the landscape - what land should be protected and potential development pockets.

#### Typical Superimposed Subdivision

- Productive farmland lost forever.
- Pleasant view from road eradicated.
- Stream corridor cut off by backyards.
- Large lots divide up and dominate the landscape.
- Individual road for each subdivision.
- Costly road and bridge construction.
- No chance for residents to enjoy special site features.

#### Cluster Subdivision

- Large farm field protected.
- Rural view from road retained.
- Trail system allows access to stream.
- Smaller, but substantial individual lot sizes with central green.
- Potential connection to adjacent parcel.
- Less expensive construction costs.
- Residents have views of open field and direct access to woods.

Under cluster development in Warwick, 50 percent or more of the unconstrained land is permanently set aside. This contrasts with a conventional subdivision that permanently removes valuable open space and consumes up to 100 percent of the land with dwellings, accessory structures, and manicured lawns. Clustering can protect large blocks and corridors of open space because they add to rather than subtract from the Town's existing open space areas.

**Common Uses for Protected Open Space:**

- Agriculture
- Community Gardens
- Forest Management
- Trails
- Visual/Sound Barriers
- Common Septic Fields
- Pastures or Paddocks
- Meadows
- Recreational Fields
- View Protection

Cluster developments have been reviewed and approved by the Warwick Planning Board for many years. They have been, and continue to be, based upon a "yield plan" to arrive at the number of lots that would be permissible under the regulations for the Zoning District(s) in which the property is situated. Not only is full density achievable in a cluster subdivision, but Warwick's Zoning regulations allow for an incentive that grants a density bonus when clustering is employed. Studies have consistently shown that the value of the lots in well designed cluster developments will be the same as, or better than, in a conventional subdivision. Often, cluster subdivisions have been described as "golf course communities without the golf course". This means that even though the house is on a smaller lot than in a conventional subdivision, because each dwelling has a great view and is surrounded by open space, it is frequently worth as much or more than the same house on a larger lot that is boxed in on all sides by other houses. It is well established that people pay more for park-like settings, which offset their tendency to pay less for smaller lots. Realtors can emphasize the protected open space rather than the size of the lot. For instance, rather than describing a house on a half-acre lot, it can be described as a house with great views or abundant recreation.

**PREVENTING STRIP DEVELOPMENT**

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*Build new housing in the countryside off side roads or shared drives, screened from the public view, rather than lining rural roads with house lots or commercial uses.*

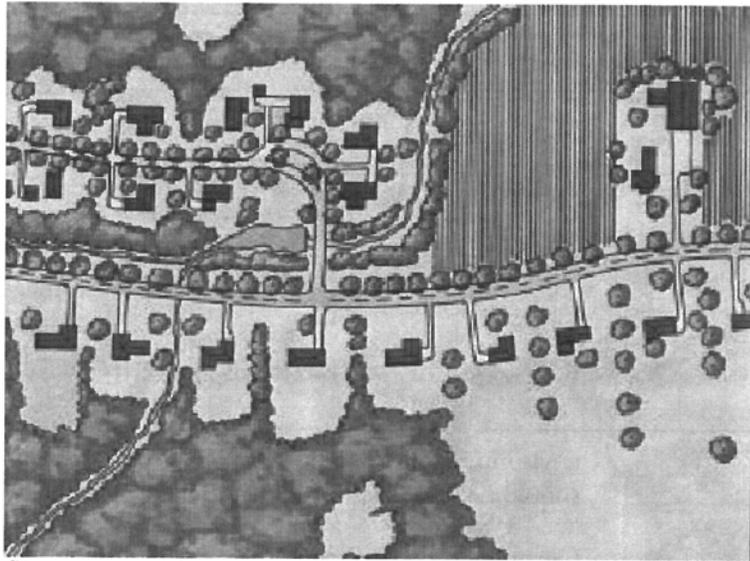
Just a few new houses along an existing public road, subdividing less than five percent of the surrounding land, can block the views of 100 percent of the open landscape. Unfortunately, the cheapest way to develop is to take advantage of the public road system to provide direct access to newly cut-off parcels. Small

## CHAPTER 2 RURAL DESIGN GUIDELINES

subdivisions, usually less than ten lots at a time, are lining the roads with individual lots, each with a separate driveway spaced 100 feet or so apart. As a result, vast amounts of fields, forests and open land in Warwick is being hidden behind back yards.

Similar to strip commercial development, strip residential development blocks views from the public roads and their rows of separate driveways create multiple conflict points for the flow of through traffic. This piecemeal pattern of development is all too quickly stealing our rural quality, destroying the scenic character of the road system, and making the roads less safe. Warwick encourages alternative patterns for minor subdivisions that gradually create a connected interior street system, or at the very least promote shared drives with provisions for possible future connections.

### Subdivisions should nestle into the countryside:



*Conservation development off a side road system (top) preserves open space and provides substantial green setbacks, rather than the same number of house lots facing the frontage (bottom).*

## STREETSCAPES AND ROAD CORRIDORS

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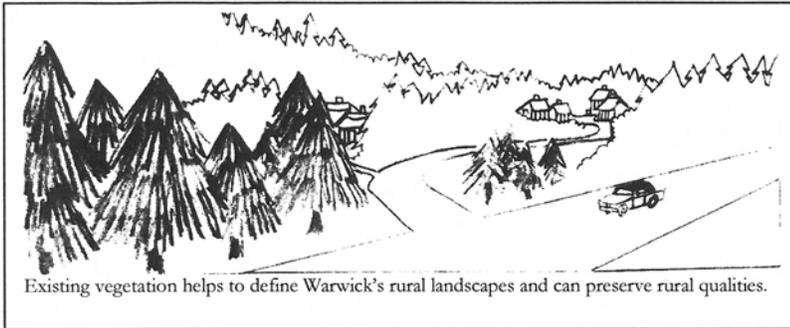
*New development can be fitted into the streetscape by preserving vegetation and respecting the land's topography.*

Existing vegetation along road corridors should be preserved to the greatest extent possible. Clearing and grading along the road frontage should be limited to the minimum necessary for safety, access and sight distance. Vegetation is one of the most important features of Warwick's rural landscape. Mature trees, shrubs,

## CHAPTER 2 RURAL DESIGN GUIDELINES

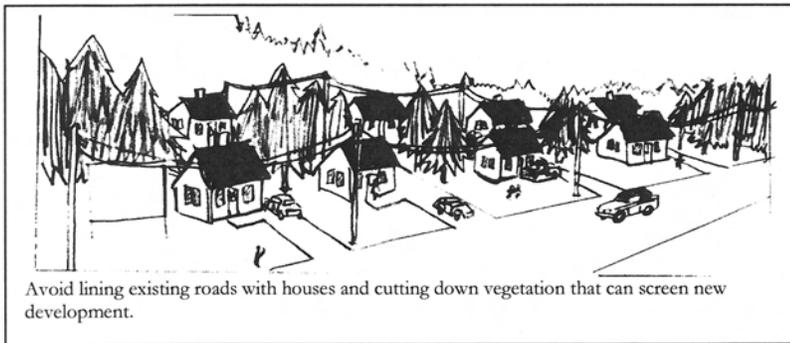
hedgerows and understory all help to define the Town's natural landscape, screen development, and provide environmental benefits such as absorption of stormwater runoff. These benefits are lost when existing vegetation is removed and merely replaced with small trees.

Roadways should follow the existing contours of the landscape to the maximum



Existing vegetation helps to define Warwick's rural landscapes and can preserve rural qualities.

extent possible. New roads should be sited and constructed to minimize disturbance to the natural environment caused by excessive cuts and fill. This is especially important on hillsides where the road should cross contours at an angle to reduce disturbance and visibility. In general, roadways that wind and curve with the natural terrain help to retain the appearance of an undisturbed, rural landscape.



Avoid lining existing roads with houses and cutting down vegetation that can screen new development.

Residential developments should be served by through roads that connect to adjacent neighborhoods. New developments often fail to provide connections to neighboring developments. This creates unnecessarily lengthy trips, discourages alternative modes of transportation such as walking and bicycling, and places a heavier burden on major corridors. In situations where physical or

environmental constraints prevent through roads, pedestrian and bicycle paths should be created to provide efficient access between neighborhoods.

Curbing on new residential streets should be avoided. Regardless of the type of material used, curbing tends to create a "suburban" look in new developments, giving visual emphasis to the roadway with its defining edge. In rural areas, the edge of the roadway should blend into the adjacent grassed or wooded area, and curbs should only be used when necessary to channel stormwater runoff. Wildlife, especially reptiles and amphibians benefit since curbed roads are often referred to as a "trough of death".



Narrow roads without curbing create a more rural feel.

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Use of roundabouts should be considered as an alternative to signalization for higher volume intersections regulated by stop or yield signs (especially where a major and minor road intersects) and where appropriate in new subdivisions. They have been used successfully in Western Europe and Australia for about 50 years and many are in use in Massachusetts, Vermont,



A roundabout in rural Massachusetts is used at a previously congested intersection.

Colorado, Maryland, Florida, and California. In 2001, one was constructed by the New York State Department of Transportation in Kingston. Roundabouts are characterized by yield-at-entry, deflection of the vehicle path, and entry flare, which contrasts them with traffic circles. Roundabouts also include splitter islands at all approaches, good sight distance, lighting, and signage. In addition to helping traffic flow more smoothly and reducing stops and starts, roundabouts are considered far safer than conventional intersections, resulting in a significant reduction in accidents and up to a 95 percent reduction in injuries to vehicle occupants. In addition to their safety advantages, roundabouts lower driving speeds, improve pedestrian crossing, eliminate the need for signals, reduce noise and air pollution, allow for enhancements such as landscaping, and reduce maintenance and enforcement costs.

## GARAGES

*Avoid siting garages so they become the predominate feature.*

If garages are not designed properly, they can clutter the landscape and become visually overwhelming. The visual dominance of garages on residential streets should be minimized through setbacks, design features or separating the structure from the house. The scale of the garage should always be smaller than the house and should not dominate the dwelling. If the garage is connected to the house, it should be set back at least ten feet from the front façade to emphasize its ancillary use. If the garage is located in the rear yard, it



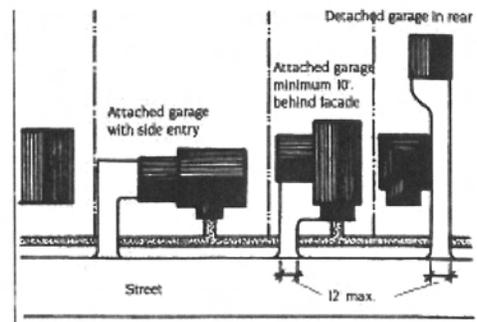
Typical garage behind house



Garage doors should not dominate building

## CHAPTER 2 RURAL DESIGN GUIDELINES

should be accessible either by driveway or rear alleys and designed with windows and dormers to integrate it with the house. Side garages are also an option where adequate lot width exists. Regardless of the location of the garage, individual doors should be provided for each vehicle. Even when garages are used in a home occupation, they should always be subordinate in appearance and location to the principal dwelling as shown in the illustration to the right.



## STORMWATER RETENTION

*Stormwater management basins can enhance rather than detract from new development.*

Stormwater runoff should be minimized and retained on-site. The design of drainage features, such as catch basins, swales, and collection ponds, should be treated as elements of the site's landscape plan and modeled upon the characteristics of naturally occurring ponds and streams found throughout the Town. Only native plant material suited to pond and stream bank environments should be used to control erosion. A list of invasive plants to be avoided can be found at the end of these Guidelines.



A stormwater management pond is hidden behind dwellings and landscaped to appear as if it is part of the natural setting.

## SITE DESIGN

*Preserve Existing Features*

The natural features of a site, including existing topography, natural watercourses, rock formations, hedgerows and mature trees, should be incorporated into the site

## CHAPTER 2 RURAL DESIGN GUIDELINES

design. The first step in any site design should be to assess the existing landscape and identify the site's natural features. Significant cultural features, such as stone walls, should also be preserved as much as possible. Development should work around these features, rather than be imposed on them. Sites that possess significant ecological properties such as aquifers, public water supply watersheds, wetlands, and streams, whose degradation would negatively affect other properties, should be developed in a manner that will effectively prevent the possibility of such degradation.

Vegetation is one of the most important features in Warwick's rural landscape. Mature trees, shrubs, hedgerows and understory all help to define the Town's natural landscape and provide environmental benefits such as absorption of stormwater runoff. These benefits are lost when existing vegetation is removed and merely replaced by small trees.

Existing vegetation should be preserved to the greatest extent possible by minimizing clearing and grading in new developments. Removal of existing vegetation alters the appearance of the landscape, which takes years to recreate through replacement plantings. Existing mature vegetation provides numerous environmental benefits such as breaking winds, providing shade, reducing soil erosion, and protecting wildlife habitats. Preserving existing vegetation also helps to screen new development. To adequately protect vegetation and ensure its long term survival, proper construction and erosion control techniques should be employed, as recommended in publications such as the NY State Department of Environmental Conservation's (DEC) *Reducing the Impacts of Stormwater Runoff from New Development*.



Preserving existing vegetation offers environmental and economic benefits and helps to screen new development.

New development should incorporate setbacks large enough to ensure preservation of existing woodlands that effectively screen the project from adjacent highways. Existing meadows and fields along the roadside should also be preserved to maintain Warwick's rural character. Development should occur behind these fields and be screened from view through the use of evergreen and hardwood trees set close to the structures.

Existing trees with a minimum 12 inch caliper should be identified on development plans and preserved. Mature trees are an important contribution to the landscaping and character of a site. Because it takes many years for trees to mature, the existing mature and healthy trees should be preserved. Studies have shown that a parcel of land with trees is automatically worth about 13 percent more to buyers than a similar lot that has no trees. Special caution should be taken by flagging trees to be protected prior to construction, and in defining a tree's drip line to avoid any disturbance near the tree's root system.

### *Site Landscaping*

New developments should be landscaped to provide visual interest in all four seasons by including deciduous trees, conifers, perennials and bulbs. Landscape plans that are limited to deciduous trees and shrubs leaves a barren winter landscape that fails to screen the development from the roadway and from neighboring properties. Appropriate plants should be included in the landscaping plan to provide an attractive visual landscape throughout the year.

#### **Good landscaping:**

- softens the edges of buildings
- screens undesirable places
- breaks northern winds and provides shade
- makes large buildings appear smaller and more human scale
- creates places for social gathering
- buffers against noise pollution
- helps reduce soil erosion by stabilizing soil and reducing storm water runoff
- provides wildlife habitats
- maintains and often increases property values

The use of native plant materials is strongly recommended as a means to reduce maintenance and create plantings that will blend with the rural character of the Town's open spaces. Site conditions should be carefully considered when selecting species. Trees and vegetation that are not sited properly will inevitably be short lived. Although native plants should be used in all natural areas, including stream corridors, forests and hedgerow renovations, non-native plants may be used in moderation in other areas provided they are disease resistant and are not aggressively invasive. Lists of invasive plants to be avoided can be found in publications such as Appendix E of *Preserving Community Character in Hunterdon County (NJ)*, which is duplicated at the end of these Guidelines.

New landscaping should be planted in natural clusters using varied plant material to create a natural appearance. While landscaping can



Trees and shrubs planted at regular intervals and in random clusters help define the road corridor.

## CHAPTER 2 RURAL DESIGN GUIDELINES

serve a variety of functions, it can create new problems by introducing a formal or monotonous appearance that is unnatural to the rural environment. In rural areas like Warwick, landscaping plans should include a variety of species planted randomly on the advice of a landscape professional.

Landscaping should be designed to maximize energy conservation. Deciduous trees should be planted to shade southern and southwestern exposures during the summer. Evergreens should be planted on northerly and northwesterly exposures to help break cold, northerly winds in the winter.

The landscaping of a site should blend in with the prevailing scale, appearance and neighboring uses, or should effectively screen the development from its neighbors, as appropriate. Landscaping should complement and enhance the buildings, rather than just screen unappealing site elements.

Where buffers are designed with earthen berms, the berms should emulate natural land forms of local terrain, and should be as wide as the mature branch spread of the tree species planted on them.

### *Buffering*

One of the principal benefits of living in Warwick and one of the main attractions to visitors and new residents is the rural environment that open farm fields provide. However, newcomers are frequently unaware of the intensity of agricultural activities, including the odors and dust that are generated. When new homes are situated adjacent to farms, vegetative buffers should be provided along the periphery of the development to separate residences from adjacent agricultural uses and mitigate possible conflicts.

Riparian buffers along streams should be provided to protect water quality and species habitat. Riparian buffers are vegetated areas adjacent to the stream banks. These buffers are an effective means of trapping sediments and pollutants that would otherwise run off the land and into the water. Additionally, these buffers contribute to wildlife habitat diversity, and provide needed shade to moderate stream temperatures necessary to support fisheries. Warwick has identified its most important streams as Designated Protection Areas and enacted minimum setbacks. However, all streams in the Town have important water quality and other functions and should be respected.

### *Street Trees*

Trees have traditionally been used in Warwick to define the edges of both rural roads and village streets, providing windbreaks for farmland and shade for sidewalks. Too often, the tangle of utility wires takes priority over trees, or roadside trees are cut down for the sake of wider roads and higher speed traffic. In general, all streets and roads in Warwick should be lined with trees unless important scenic views would be obstructed. Trees enhance the value of property, moderate temperatures, provide wildlife habitat, cleanse the air, and reduce noise.

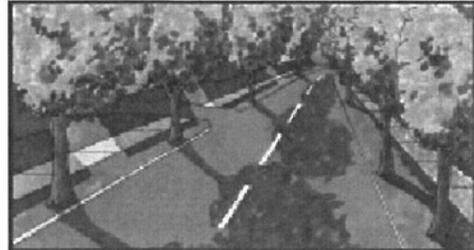
Street trees:

- provide shade to lower summer temperatures
- give a sense of protection from traffic for walkers along the sidewalk or road
- visually unify varied architecture, parking lots and setbacks along streets
- help slow down traffic by narrowing the field of vision from highway proportions
- increase adjacent residential property values by an average of 5 to 10 percent

Trees should be placed close to the road and to each other to create a park-like canopy. Trees placed close to the road have the additional benefit of helping to slow traffic by narrowing the field of vision.



Residential streets with large setbacks and no street trees look so wide that they induce higher speeds.



Narrower residential streets lined with trees provide a pedestrian scale and sense of enclosure to help slow traffic.

Street trees should be hardy varieties, salt and drought resistant, free of droppings that mar sidewalks and cars, and tall enough to frame the street and not block the view of storefronts. Appropriate trees include, but are not limited to:

- Pin Oak
- Red Oak
- Chinese Elm
- Ginko Biloba
- London Plane Tree

## CHAPTER 2 RURAL DESIGN GUIDELINES

### *Maintenance*

Maintenance of landscaping plantings should be ongoing throughout the life of the development. The selection of native plantings and the consideration of siting conditions will greatly reduce maintenance requirements.

## ARCHITECTURE

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Architecture is the most visible expression of local history, and a new building can make a striking contribution to its community. The following guidelines will assist builders to design new buildings that are compatible with Warwick's vernacular architecture.

### *Building Form*

New development in residential areas should reflect the character of surrounding architecture in scale, mass and building form. New buildings should be designed using a human scale. The human scale means that the size of the building relates to the approximate dimensions of the human body. Windows and architectural features are designed so that they are not much larger than a person. By using the human scale, a building appears more modest in size, does not dwarf or intimidate its residents, and is more compatible with Warwick's vernacular architecture.

### *Building Height*

The height of new buildings should be consistent with that of neighboring buildings unless special circumstances exist, such as scenic or ridgeline areas, where one and two story structures are encouraged. However, in hamlets, one-story structures are discouraged. Through the use of variations in building height, roof line and grade definition, the perceived height of the building can be effectively reduced.

### *Roof Design*

The style of roof lines is important because roofs are a predominant visual element of a building. As such, the roofs should be designed similar to the vernacular architecture, typically front and side gables. Gable roofs may vary in pitch from 7:12 to 14:12. Roof pitches below 8:12 on main roofs are discouraged. Mansard roofs should be avoided. Shed roofs are acceptable as secondary roofs but discouraged as main roofs. The minimum pitch of shed roofs should be 3:12. Flat roofs are also discouraged; for very large buildings a system of complex roofs should be used instead.

## CHAPTER 2 RURAL DESIGN GUIDELINES

Simple roofs consist of a single roof type. More complex roofs consist of a main roof type that is dominant, with attached secondary roof types that are similar and lower than the main roof ridge line. Although simple roof types are encouraged on small buildings, roofs of larger buildings should be more complex and should combine a main roof with lower, intersecting secondary roof types. This will create the additive assemblage of building elements that is characteristic of larger buildings in rural communities. It will also help to reduce the appearance of the building's mass.

Roof features such as cupolas, belfries, towers or similar structures should occupy a maximum of 10 percent of the roof area, where such features are historically accurate architectural elements. Dormers may take gable, hip or shed form, should consist primarily of windows, and should cumulatively not exceed 1/3 of the overall roof length. Cornices, brackets, and overhanging eaves are encouraged if appropriate to the style of the proposed design.

Where visible, roofs should be covered in shingle (slate, asphalt, or wood), or standing seam metal, as appropriate to the design and character of the building.

### *Rhythm of Openings*

Long uninterrupted walls are monotonous and should be modulated or broken up with architectural features such as windows, doors and columns. Windows and doors should be placed at regular intervals across the building façade. Though literal symmetry is not necessary, a general balance between façade elements is harmonious to the eye.

Windows should be vertical, in proportions ranging from a 1:2 to a 3:5 ratio of width to height. Multiple panes divided by muntins are encouraged, in accordance with the style of the building (small panes for colonial, large panes for Victorian, etc.). Single casement windows are encouraged; multiple ganged windows are acceptable. Windows wider than 3 feet are strongly discouraged.

Three window styles are encouraged: double hung, casement and bay. The window style should be consistent across the entire exterior of a building. Clear glass is preferred; smoked or reflective glass is discouraged.

Doors should have raised or recessed panels, be of vertical tongue and groove board style, or be glazed. The size, proportion and detail should be appropriate to the character of the building.

### *Façades*

Façades of large buildings should be interrupted with other elements, such as projecting porches, recessed wings, or columns, to reduce the appearance of mass.

Porches are strongly encouraged, with posts appropriately proportioned to the span and visual weight they carry; the taller the porch or the wider the span, the thicker the post or column should be.

### *Building Materials*

Traditional building materials should be used whenever possible for new construction. These include wood (clapboard, shiplap, board and batten, and shingle), brick, fieldstone, or stucco. Vinyl, aluminum and other synthetic siding materials are discouraged. The predominance of these synthetic building materials did not occur until the mid-twentieth century. Although there are certain synthetic products



Traditional residential architecture in the Village of Warwick is illustrated in this photograph.

that closely resemble traditional materials, most synthetics are difficult to integrate into the natural landscape or into older communities where traditional materials predominate. Furthermore, they are not as durable as traditional materials and some synthetics have undesirable environmental characteristics.

While materials such as concrete block may be more economic, they give a cold, warehouse appearance. Similarly, glass dominated buildings give a high-tech appearance. These building materials are generally not suitable for a rural area such as Warwick.

Windows and doors should be framed with wood or any other building material used in the façade with a minimum width of four inches. Window and door openings are an important element of a building, providing sunlight, fresh air, and the entry and exit to a building. Framing these openings emphasizes their importance and avoids a “hole in the wall” look.

### *Mechanical Equipment*

Mechanical equipment can be unsightly and should be concealed from public view. Utility boxes should be fully screened by using fencing, walls or vegetation, by locating them in the rear of a building lot, or by housing them in structures resembling outbuildings. Heating, ventilation, and air conditioning equipment typically mounted on the roof should be situated behind sloped roofs or at the rear of buildings so that it is beyond the sight lines as viewed from the ground and is adequately screened from all public spaces.



**Appendix D**  
Hamlet Design Guidelines



## Hamlet Guidelines

### *Local Business District Development and Redevelopment*

The Design Guidelines for Warwick's hamlets are meant to promote quality development that is attractive, convenient and compatible with surrounding uses and historic buildings in the Town. These Guidelines are intended to be general in nature and not to restrict creativity, variety or innovation. They apply to new development and redevelopment in the Town's Local Business (LB) Districts. Separate design standards apply for projects in the Town's Traditional Neighborhood-Overlay (TN-O) District, when combined with the Town's TDR program.

#### EXISTING AND NEW BUILDINGS

Existing buildings, if determined to be historic or architecturally significant, should be protected from demolition or encroachment by incompatible structures or landscape development. In fact, if an historic building is to be used for commercial, office, industrial, or rental residential uses, a Federal tax credit may be available. The U.S. Secretary of the Interior's *Standards for Rehabilitation of Historic Properties* should be used as the criteria for renovating historic/architecturally significant buildings.

All new buildings and remodeling or expansions of existing buildings, exclusive of buildings determined to be historic/architecturally significant, should conform with the following minimum structural and architectural design guidelines as much as possible.

#### *Building Setbacks*

Buildings should define the streetscape through the use of uniform setbacks along the build-to line for each block. The build-



This street illustrates many of the ideals for hamlet development • uniform setbacks, sidewalks separated from the street with planting strips, street trees, and historically compatible architecture with a variety of architectural features to create visual interest.

## CHAPTER 4 HAMLET GUIDELINES

to line should be generally continued across side yard set-back areas between buildings by using landscaping. The streetscape should also be reinforced by lines of closely planted shade trees, and may be further reinforced by walls, hedges or fences which define front yards.

### *Architectural Character*

Buildings should be either traditional in their architectural character, or be a contemporary expression of traditional styles and forms respecting the scale, proportion, character and materials of historic village and hamlet structures.

### *Architectural Variety*

A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

### *Scale*

The scale of new construction, including the arrangement of windows, doors and other openings within the building façade, should be compatible with historic buildings in the Town.

### *Building Mass*

Buildings of 40 feet or more in width should be visually divided into smaller increments to reduce their apparent size and contribute to a human-scale development. The mass of these buildings should be de-emphasized in a variety of ways through architectural details such as divisions or breaks in materials, window bays, separate entrances and entry treatments, variation in roof lines, awnings, or the use of sections that may project or be recessed up to 10 feet.

### *Articulation of Stories*

Buildings should clearly delineate the boundary between each floor of the structure through belt courses, cornice lines, canopies, balconies, or similar architectural detailing.

### *Consistent Cornice Lines*

Attached buildings within the same block should maintain consistent cornice lines in buildings of the same height within two-family attached, non-residential, or mixed use structures.

## CHAPTER 4 HAMLET GUIDELINES

### *Fenestration*

Windows and other openings should have proportions and a rhythm of solids to voids similar to historic buildings in the Town,

### *Front Façade*

The front façade of the principal building on any lot should face onto a public street. The front façade should not be oriented to face directly toward a parking lot.



Elevations of two multi-storied buildings with equal heights and widths. Architectural details such as porches, window, and roof dormers "articulate" a building's façade (right), which enhances the visual quality and contributes to human-scaled development

### *Roofs Materials*

Desired roof materials include slate (either natural or manmade), shingle (either wood or asphalt composition) and metal formed to resemble "standing seams." Roof color should be traditional, meaning that it should be within the range of colors found on historic buildings in the Town. Specifically discouraged are white, tan or blue shingles, red clay tiles, and corrugated metal. The use of fascias, dormers and gables is encouraged to provide visual interest. All gables should be functional.

### *Exterior Wall Materials*

Recommended exterior wall materials include stucco, wood clapboard, wood shingle, native stone, or brick of a shape, color and texture similar to that found in the historic buildings in the Town. Concrete block and metal structures should be avoided. No buildings should be sided with sheet aluminum, asbestos, corrugated metal, plastic or fiberglass siding.

### *Colors*

Colors used for exterior surfaces should be harmonious with surrounding development and should visually reflect the traditional colors of historic structures in the Town. Examples of incompatible colors include metallic, neon, and primary colors, which should be limited to accents. When accent colors are proposed, the number of colors should be limited to prevent a gaudy appearance. Specifically discouraged is brick that is white, tan or painted; color should be integral to the masonry materials.

## CHAPTER 4 HAMLET GUIDELINES

### *Fire Escapes*

Fire escapes should be located to the rear of buildings.

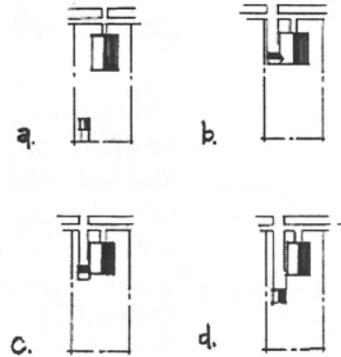
### *Accessory Structures*

All accessory structures, screen walls, and exposed areas of retaining walls should be of a similar type, quality, and appearance as the principal structure.

## GUIDELINES FOR HAMLET RESIDENTIAL AREAS

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To be consistent with the scale of buildings in traditional villages and hamlets, no single building in the hamlet residential areas should contain more than 3,500 sq. ft. of gross floor area. Buildings should have traditional sloping roofs with a minimum pitch of 9:12, and with overhanging eaves. Horizontal eaves should face the street, with the exception of civic and institutional buildings and places of worship, which may have the gable-end facing the street. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements should define the front entrance to all residences. Porches should be at least 4 feet wide. Garages, carports and secondary units should be located a minimum of 20 feet behind the front façade of the principal building.



Four alternative garage locations on a single-family housing lot: a) detached garage is accessed from an alley; b and c) attached garage, setback at least 20 feet from the front façade, is accessed from the local street; d) detached garage, behind the house, is accessed from the local street.

## GUIDELINES FOR HAMLET MAIN STREETS

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### *Multiple Uses*

Buildings should be designed for multiple uses, with offices and/or residential units on upper stories.

*Building Placement*

Buildings should generally be located close together with minimal side yard areas in order to form a fairly continuous row of shop fronts. Buildings should be located as close to the front lot line as allowed by the Zoning to reinforce the street wall and facilitate pedestrian access and circulation.

*Exterior Public and Semi-public Spaces*

Exterior public and semi-public spaces, such as courtyards or central squares, should be designed to enhance surrounding buildings and provide amenities for users, in the form of textured paving, landscaping, lighting, street trees, benches, trash receptacles and other items of street furniture, as appropriate. Courtyards should have recognizable edges defined on at least three sides by buildings, walls, landscaping, and street furniture, in order to create an “outdoor room” with a strong sense of enclosure.

*Building Footprint*

In order to be consistent with the scale of buildings in Warwick’s traditional villages and hamlets, no single building should have a building footprint exceeding 5,000 square feet. If a footprint greater than 5,000 square feet is required, then the façades of such larger buildings should be articulated to appear as multiple buildings, each with a maximum building footprint of 5,000 square feet.

*Building Roof*

Flat roofs with articulated parapets and cornices are consistent with traditional village buildings. Sloping roofs should have a minimum pitch of 9:12, and with overhanging eaves.

*Building Façades*

Building façades should provide architectural detail, and such detail, including eaves, columns, pilasters, cornices, windows and window surrounds, canopies, fascia, and roofs, should be proportionate with the building and compatible with historic buildings in the Town. The



Warwick’s Main Street illustrates historic building façades with a variety of architectural detail.

## CHAPTER 4 HAMLET GUIDELINES

architectural features, materials, and the articulation of a façade of a building should be continued on all sides visible from a public street. Concrete block is discouraged except on rear walls.

### *Shopfront Design*

Shopfront design should be based upon historic examples in the area. A minimum of fifty (50) percent of the front façade on the ground level should be transparent, consisting of display windows or door openings allowing views into and out of the



This illustration of a commercial block shows how varied architecture can be appropriately integrated with historic shopfronts.

interior to create visual interest at the street level. Windows should be distributed in a more or less even manner consistent with the rhythm of voids and solids of historic buildings, and should have low sills and high lintels consistent with the window proportions of historic buildings. Doorways, windows and other openings in the façade should be proportioned to reflect pedestrian scale and movement. Traditional canvas awnings without interior illumination are encouraged.

### *Entries*

Primary entries to shopfronts should be emphasized through the use of architectural features such as roofs, recessions into the façade, pilasters or other details that express the importance of the entrance.

### *Mechanical Equipment*

All mechanical equipment such as furnaces, air conditioners, elevators, transformers, and utility equipment, whether roof- or ground-mounted, should be completely screened from contiguous properties and adjacent streets in a manner that is compatible with the architectural treatment of the principal structure.

## CHAPTER 4 HAMLET GUIDELINES

### *Loading and Service Areas*

Loading and service areas should be completely screened with a 100 percent visually impervious buffer, except at access points, from the ground level view from contiguous property and adjacent streets.

### *Outdoor Storage*

There should be no outdoor storage of either materials or products.

### *Trash Storage*

Trash storage and recycling areas should be completely enclosed and screened from public view and adjoining buildings in a manner compatible with the architectural treatment of the principal structure.

## CIRCULATION SYSTEM

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The hamlet circulation system should allow for different modes of transportation and should include streets, sidewalks, bicycle paths and routes, and pedestrian ways. It should provide adequate traffic capacity, connected pedestrian and bicycle routes (especially off street bicycle or multi-use paths or bicycle lanes on the streets), control through-traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility through the neighborhood. The street system should provide functional and visual links within the residential neighborhoods and adjoining mixed-use, civic, commercial, and open space uses, and should be connected to existing and proposed external development. The following circulation guidelines should be followed, except as they may be changed from time to time by nationwide organizations such as the Institute of Traffic Engineers.

### *Pedestrian Circulation*

Convenient and pleasant pedestrian circulation systems should be provided continuously throughout the hamlet. Where feasible, any existing pedestrian routes through the site should be preserved and enhanced. All streets, except for alleys, should be provided with continuous sidewalks. The following features should also be integrated into Site Plans:

- (a) Sidewalks should be made of modular masonry materials, such as brick, slate, and concrete pavers, or concrete with brick borders or cast-in-place materials such as exposed aggregate concrete slabs. In

## CHAPTER 4 HAMLET GUIDELINES

order to ensure consistency, the final decision on sidewalk material should rest with the Planning Board. Asphalt sidewalks are strongly discouraged.

- (b) In the hamlet main street area, clear and well-lighted walkways should connect building entrances to the adjacent public sidewalk and to any parking areas. Such walkways should be a minimum of 6 feet in width and should be landscaped with trees, shrubs and other plant materials.
- (c) Intersections of sidewalks with streets should be designed with clearly defined edges. In the hamlet main street area, crosswalks should be provided at all street intersections and should be well lit and clearly marked with contrasting paving materials at the edges or with striping.
- (d) Sidewalks should comply with the applicable requirements of the Americans with Disabilities Act.

### *Bicycle Circulation*

Bicycle circulation should be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site should be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non-motorized users) and separate, striped, 4-foot bicycle lanes on streets. In the hamlet main street area, if a bicycle lane is combined with a lane for parking, the combined width should be 14 feet.

### *Public Transit Access*

Where public transit service is available or planned, convenient access to transit stops should be provided. Where transit shelters are provided, they should be placed in highly visible locations that promote security through surveillance and should be well-lighted.

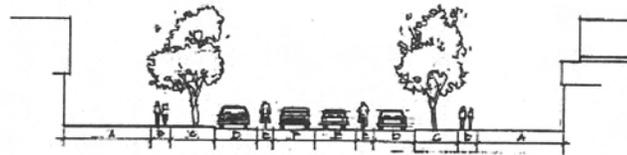
### *Motor Vehicle Circulation*

Motor vehicle circulation should be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as “queuing lanes,” curb extensions, roundabouts, and medians may be used to encourage slow traffic speeds. The street system should act as a functional and visual link between neighborhoods, civic and commercial areas, and open space.

*Hamlet Street Hierarchy*

Each street should be classified according to the following criteria. Arterial streets are considered inter-regional roads that convey traffic between hamlets and villages. Arterials should not bisect residential areas.

- (a) Hamlet Main Street. This street acts as a collector and provides access to commercial or mixed-use buildings, but it is also part of the Town's major street network. Parallel on-street parking helps to slow traffic. Additional parking is provided in lots to the rear or side of buildings.
- (b) Medium Volume Residential Street. This street provides primary access to individual residential properties and connects streets of lower and higher function.
- (c) Low Volume Residential Street. This street provides primary access to individual residential properties. Traffic volumes are relatively low.
- (d) Alley. These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access or alternate parking access to commercial or mixed-use properties. Utilities should run along alleys wherever practical.



Cross-section of a typical Main Street with the recommended dimensions of each component: A) building setback from street right-of-way; B) sidewalk; C) planting strip; D) parking lane; E) bicycle lane; F) travel lane.

### Attributes of Streets in Hamlets

	Medium Volume Residential Street	Main Street	Low Volume Residential Street	Residential Access Lane	Alley
Average Daily Trips	750-1500	750 or more	250-750	> 250	Not applicable
Right-of-Way	48-72 feet	70-88 feet	35-55 feet	40-55 feet	12-16 feet
Design Speed	25 mph	30 mph	20 mph	20 mph	10 mph
Auto travel lanes	Two 10 foot lanes	Two or three 12 foot lanes	Two 10 foot lanes, or one 14 foot (queuing) lane	One 14 foot travel (queuing) lane	Two 8 foot lanes for two-way traffic, or one 12 foot lane for one-way traffic
Bicycle lanes	4 foot lanes with no parking, or 6 foot lanes combined with parking lanes	Two 6 foot lanes combined with parking lanes	None	None	None
Parking	None, one or both sides, 8 feet	Both sides, 8 feet	None or one side, 8 feet	One side or both sides	None (access to individual drives & garages outside right-of-way)
Curb and gutter	Required; granite block curbing recommended, asphalt curbing prohibited	Required; granite block curbing recommended, asphalt curbing prohibited	Not required; inverted curb permitted under certain conditions	Not required; inverted curb permitted under certain conditions	At corners of intersections with other street types only
Planting strips	Minimum 6 feet	Minimum 6 feet	Minimum 6 feet	Minimum 6 feet	None
Sidewalks	Both sides, 3-5 feet	Both sides, 6-10 feet	Both sides, 3-5 feet	One or both sides	None

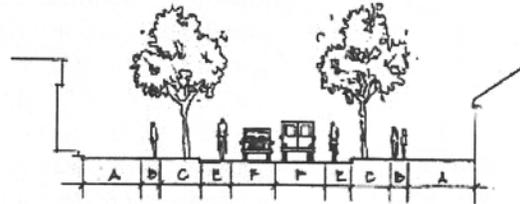
#### *Hamlet Street Layout*

The street layout should form an interconnected system of streets primarily in a rectilinear grid pattern. New development should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. The

## CHAPTER 4 HAMLET GUIDELINES

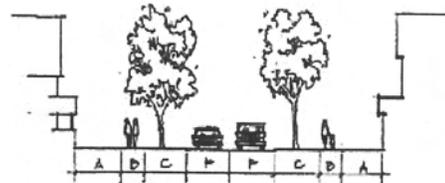
orientation of streets should enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, and minimize street gradients.

All streets should terminate at other streets or at public land. Low volume residential streets should terminate in stub streets only when such streets act as connections to future phases of development. Low volume residential streets should also terminate other than at other streets or public land only when there is a connection to the pedestrian and bicycle path network at the terminus. To the greatest extent possible, streets should either continue through an intersection, or terminate with a “T” intersection directly opposite the center of a building, or a view into an open space area.



Cross-section of a typical medium volume residential street with the recommended dimensions of each component: A) building setback from street right-of-way; B) sidewalk; C) planting strip; E) bicycle lane; F) travel lane

The use of cul-de-sacs and other roadways with a single point of access should be used only where no other alternatives exist. Where cul-de-sacs are deemed to be unavoidable, continuous pedestrian circulation should be provided for by connecting sidewalks that link the end of the cul-de-sac with the next street or open space. A minimum of two (2) interconnections with the existing public street system should be provided where practical. Linkages to adjacent developments and neighborhoods with pedestrian and bicycle paths are recommended where practical.



Cross-section of a typical low volume residential street with the recommended dimensions of each component: A) building setback from street right-of-way; B) sidewalk; C) planting strip; F) travel lane

Intersections should be at right angles whenever practical, but in no case less than 75 degrees. Low volume streets may form three-way intersections creating an inherent right-of-way assignment (the through street receives precedence) that significantly reduces accidents without the use of traffic controls. To slow turning vehicle traffic and shorten pedestrian crosswalks, the roadway edge at street intersections should be rounded by a tangential arc with a maximum radius of 15

## CHAPTER 4 HAMLET GUIDELINES

feet for local streets and 20 feet for intersections involving collector or arterial streets. The intersection of a local street and an access lane or alley should be rounded by a tangential arc with a maximum radius of 10 feet.

Curb cuts for driveways to individual residential lots are discouraged along arterial streets. Curb cuts in the hamlet residential areas should be limited to intersections with other streets or access drives to parking areas located to the rear or side of buildings. Clear sight triangles should be maintained at intersections unless controlled by traffic signal devices.

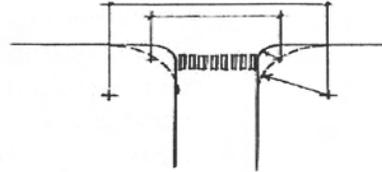


Diagram of a street intersection. Reducing the radius of street corners slows turning vehicle traffic and shortens pedestrian crosswalks

Alleys should be permitted to bisect blocks and to provide secondary access to adjoining properties. The following provisions should also be considered:

- (a) Alleys should be treated as private streets and should not be dedicated to the Town. Alleys should be dedicated to a property owners' association or dedicated as common easements across the rear portions of lots.
- (b) Any lot having access from an alley should additionally front upon a public street.
- (c) Curbing should not be required except at corners of intersections with other street types. At such corner locations, curbing should be provided for the entire corner radius and five (5) feet preceding. Such curbing should not extend more than six (6) inches above the finished pavement.
- (d) Alley lighting should be provided on all garages or on utility poles or lighting poles adjacent to parking areas. Lighting fixtures and lighting poles should be of a consistent architectural style and should complement the predominant architectural theme.
- (e) Design speed should not exceed 10 mph.

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## STREETSCAPE GUIDELINES

Streets should be designed to serve as a public space that encourages social interaction and that balances the needs of all users, including pedestrians, bicyclists

## CHAPTER 4 HAMLET GUIDELINES

and automotive traffic. To create the appropriate character of the street as a public space, the following streetscape guidelines should be considered.

### *Planting Strips*

Sidewalks should be separated from street curbs by a planting strip not less than 4 feet wide, planted with shade trees. In the main street area, the planting strip may be paved from the curb to the sidewalk, with street trees planted in tree wells of a sufficient size to allow for mature tree growth.

### *Shade Trees*

Shade trees should be provided along each side of all streets, public or private, existing or proposed, but not including alleys. In locations where healthy and mature shade trees currently exist, new trees may not be necessary, unless replacement or supplementation is desirable. Shade trees should be located in the planting strip between the street curb and the sidewalk. Shade trees should have a minimum caliper of 2 inches measured at chest height at time of planting, and should be spaced a maximum of thirty (30) feet on center, with exact spacing to be evaluated on a site-specific basis.

No more than 40 percent of new street trees should be of one species. Species should be selected to cast moderate to dense shade in summer, survive more than 60 years, have a mature height of at least 50 feet, be tolerant of pollution, heat, and salt, require little maintenance by being mechanically strong (not brittle), and be insect and disease resistant. Care should be taken to avoid species that suffer from limb drop and splitting, heavy fruit or nut crops, invasive root systems, or allergen production. In the main street area, the street treescape should consist of deciduous species that branch above eight feet to facilitate viewing of storefronts and signage. The following urban tolerant street trees are recommended:

- Ginkgo (male trees only)
- Green Ash
- Hackberry
- Little-leaf Linden
- London Plane Tree
- Red Oak
- Regent Scholartree



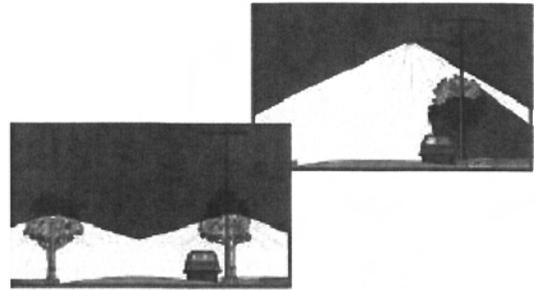
Narrower streets lined with trees provide a pedestrian scale and sense of enclosure to help slow traffic

**CHAPTER 4 HAMLET GUIDELINES**

Thornless Honey Locust  
Village Green Zelkova

**STREET LIGHTING GUIDELINES**

Street lighting should be provided on both sides of all streets at intervals of no greater than seventy-five (75) feet on center and at intersections. Street lighting should utilize cast-iron posts not exceeding twelve (12) feet in height. Lighting posts and fixtures should be of consistent architectural style throughout the hamlet and should complement the predominant architectural theme. Street lighting should be located between the street curb or pavement and the sidewalk.



Pedestrian scale fixtures focus light on streets, sidewalks, and storefronts, not on upper floors of buildings.

*Street furniture*

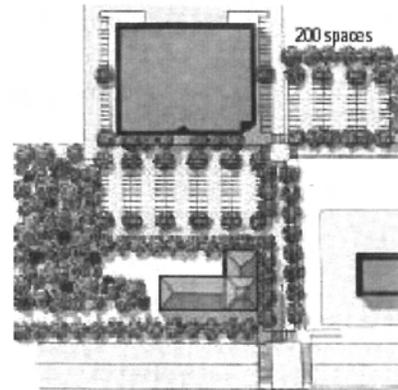
Street furniture is encouraged and should be located so as not to obstruct site lines of vehicles or pedestrian ways. Benches, when provided, should be placed to face sidewalks and other pedestrian ways.

**PARKING GUIDELINES**

Parking must meet the standards specified in § 164-43.2 of the Zoning Law. In addition, the following guidelines apply. In the event the hamlet parking guidelines conflict with § 164-43.2, the Zoning Law applies.

On-street parking should be provided in parking lanes parallel to street curbs along all public streets. In the hamlet main street area, on-street parking along the front property line should count toward fulfilling the minimum parking requirement for the use on that lot.

On-street parking should be supplemented, wherever necessary by off-



Break up parking into smaller areas to allow for smaller stores and to screen parking spaces.

## CHAPTER 4 HAMLET GUIDELINES

street parking areas located to the rear or, if no alternative exists, the side of buildings. Ideally, off-street parking should be provided in the rear yard perpendicular to the building, between the building and an alley that abuts the rear property line and provides access to the parking area. Buffering of parking lots in the hamlet commercial area from adjacent residences should be accomplished through generous landscaping.

Parking lots should be accessed either through an alley or through internal connections to parking lots on adjacent properties. Cross-access easements for adjacent properties with interconnected parking lots should be considered. Off-street parking should not be located in the front yards of buildings, nor should off-street parking be located on corner lots except when screened.

Any off-street parking space or parking lot in the hamlet main street area that abuts a sidewalk should be buffered from the sidewalk by a landscaped area no less than four feet wide in which a continuous row of shrubs, a wall, or a fence is provided, in addition to any shade trees provided. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas that serve low-impact parking needs, such as remote parking lots, parking areas for periodic use, and parking in natural amenity areas.



<b>5.0</b>	<b>CLARENCE HOLLOW OVERLAY DISTRICT</b>	<b>CHO</b>
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***5.1 PURPOSE AND INTENT***

- A. In accordance with the recommendations and policies of the Town’s comprehensive plan, the Clarence Hollow Overlay is intended to:
  1. Preserve the character of the Clarence Hollow community as a hamlet style area with mixed uses set in an historical context.
  2. Encourage and enhance the principals of Traditional Neighborhood Design, which call for a mixture of uses, improved walkability/connectivity, enhancement of neighborhood appeal, preservation of community character, etc.
  3. Continue and complement the design elements associated with the streetscape design for Main Street.
  4. Maintain and improve the traffic conditions and the walkability and pedestrian circulation of the area as development and redevelopment take place.
  5. Ensure that new buildings or building modifications are harmonious with surrounding structures in their use, scale and design
  6. Encourage the preservation of existing building and sites in a manner that maintains the historic and distinctive character of the hamlet.
  7. Minimize the removal or disruption of historic, traditional or significant structures or architectural elements in the hamlet.
  8. Allow for a mixture of uses that would allow many existing parcels of land and structures to be utilized without the need for a zoning variance.

***5.2 BOUNDARY***

- A. General Boundary: In general, this overlay zone represents all that area situated between Winding Lane and Davison Road, including all properties that have frontage along Main Street.

***5.3 PERMITTED USES***

- A. Permitted uses: the uses permitted in the Clarence Hollow Overlay shall be the same uses as permitted in the underlying zoning districts.
- B. Accessory uses: the accessory uses permitted in the Clarence Hollow Overlay shall be the same accessory uses as permitted in the underlying zoning district(s).

***5.4 AFFECT UPON SUBDIVISION REGULATIONS***

- A. The division of lands, regardless of the zoning classification, shall be subject to Chapter 193 of the Code of the Town of Clarence (Subdivision Law). The following special regulations/requirements shall apply to all subdivisions of lands within this overlay district:

Central Business District Area:

- a) In dividing parcels or combining parcels, the number of curb cuts (street access /driveways) to Main Street shall be minimized or reduced where practical. Shared driveways and cross access connections shall be encouraged.

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**5.5 SITE DESIGN REQUIREMENTS**

A. Architecture: A Community Character Protection Board shall be appointed by the Town Board to review all site plans submitted for approval within the Clarence Hollow Overlay Zone. Such Board shall be a recommending body to the Town Board/Planning Board and shall meet as required and requested by the Town Board. It is not the intent of these requirements to establish or match any particular architectural style or pattern. In general, the structures should have a hamlet style appearance and scale and meet the following standards:

1. Design elements should follow the Town's "Clarence Hollow Design Guidelines" (copies to be obtained from the Town).
2. Stoops, open colonnades, open porches, balconies, and bay windows may encroach into the front yard setback.
3. There shall be no building(s) that include internally illuminated signs. The color scheme of the signs should remain monotone or two-tone.
4. Building design materials shall include stone, brick and natural appearing materials. In concert with the residential character of the surrounding area, the use of vinyl siding shall also be allowed.
5. Blank concrete block walls or sheet metal at street level shall be avoided. Visually interesting activities at the sidewalk edge shall be maintained and/or established to engage pedestrian interest.
6. Painting: The Town strongly encourages all structures in the TND zoning district to use proper contrasts in paint schemes. Trim and foundations should be visually differentiated from the main body of the structure. Also, typically, only traditionally painted materials (such as wood) should be painted. No aluminum, vinyl, or similar hybrids shall be used in color schemes.
7. All rooftop units (HVAC) shall be properly screened or located so as not to be visible from the street.
8. If a project involves a property that has local historic significance, every effort should be made to preserve the character and integrity of the structure.
9. Additions to any building shall respect the original character of the property.

B. Landscaping: All landscaping shall be designed in accordance with the Streetscape Plan for Main Street in the Clarence Hollow area. A copy of these design guidelines can be obtained through the Town. For all development projects requiring site plan approval in the Central Business District area, a site plan shall be submitted for review and approval by the Town Landscape Committee and the Clarence Hollow Community Character Protection Board. The following elements shall be included in the required landscape submittal:

1. A site plan showing existing and proposed buildings, walks, driveways, off-street parking, freestanding walls, fences, landscaping and any other site amenities is required.
  - a. Walks - paved walkways from the existing public sidewalks in the Main Street right-of-way (R.O.W.) to the interior of the property are required. Materials may include concrete, brick, pre-cast concrete pavers or a combination of materials that are in

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keeping with the character of the surrounding architecture and streetscape. Asphalt walkways are not permitted.

- b. Driveways – all new driveways within the Main Street R.O.W. shall be constructed of concrete, concrete pavers, brick pavers or a combination of materials in keeping with the character of the surrounding architecture and streetscape. Asphalt driveways will not be permitted within the R.O.W. A driveway (highway access) permit is required by the N.Y.S. Department of Transportation for any new driveway within the roadway R.O.W.
- c. Screening of Off-Street Parking – All off-street parking areas shall be screened from the street. Screening should be a minimum of 42” in height, should be continuous and should conceal the parking area(s) from the street. Methods of screening may include stonewalls, picket fences, evergreen or deciduous hedges, other suitable landscape materials or a combination of materials. All screening should be located inside the applicant’s property boundary and should not encroach onto the public sidewalk. Screening should not limit a driver’s visibility of the sidewalk or street when exiting any off-street parking lot. Where the driveway intersects the street right-of-way, there should be no fence, wall, hedge or other material higher than 42” above grade for a distance of at least 15 feet on either side of the driveway.
- d. Walls - walls, which are visible from the street, may be constructed of stone, brick, stucco or a combination of masonry materials and should be in keeping with the character of the surrounding architecture. Concrete block and cast in place concrete walls are not permitted.
- e. Fences – fences which are visible from the street may be constructed of wood (or a synthetic material simulating wood), ornamental iron or other material in keeping with the character of the surrounding architecture. Picket and ornamental iron are appropriate fence treatments within the district. No corrugated metal, corrugated fiberglass, woven wire, or barbed wire fences will be permitted adjacent to the street right-of-way. A woven wire fence may be allowed if it is screened from the street by the use of an evergreen hedge or other acceptable material.

C. Other Design Requirements

1. Signage

The Town of Clarence recognizes that signage is necessary within the Clarence Hollow area, but like other design elements there is a responsibility to make sure that such signage respects the character of the historic Hollow. The Town strives to maintain signage requirements that compromise neither the design qualities of the Hollow nor the ability of individual businesses to be successful. All applications for new signs shall be referred to the Community Character Protection Board, as herein established, for review and comment prior to approval by the Town of Clarence Sign Review Board as established under Chapter 181 of the Code of the Town of Clarence.

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- 2. Other aesthetic requirements:
  - a. All dumpsters and loading areas shall be screened from the road by landscaping, fencing, or walls.
  - b. Lighting shall adhere to the guidelines set forth in the Clarence Hollow Design Guidelines.
  
- 3. Parking
  - a. The Town Board may reduce off-street parking requirements during the site plan review process to one (1) parking space per one thousand square feet (1,000 sq. ft.) of building space.
  - b. On-street parking may be counted as parking area for a business use if it is directly fronting the business property.
  - c. Cross-access and shared parking agreements may be used to meet the minimum parking requirements for the proposed use.

**5.6 UNDERLYING ZONING DISTRICT REGULATIONS**

Unless specifically addressed in this chapter, all other underlying zoning district regulations shall apply.

## G. Additional use regulations:

- (1) Same as § 225-13G(1).
- (2) No permit shall be issued for any residential use not served by either sewer or water systems.
- (3) Commercial agricultural operations: same as § 225-13G(2). [Added 5-27-1998 by L.L. No. 2-1998]

**§ 225-15.1. Route 62 Hamlet Overlay. [Added 9-26-2001 by L.L. No. 10-2001]**

## A. Purpose.

- (1) In accordance with the recommendations and policies of the Town of Eden 2015 Comprehensive Plan, this overlay district is designed to better manage and improve commercial growth along the Route 62 corridor through the implementation of guidelines to regulate development and redevelopment, architectural design, landscaping, signage, traffic and transportation. This overlay is also intended to encourage the development of uses that are in harmony with the surrounding area., preserve the pedestrian character of the hamlet, improve the visual character of the area, protect adjoining residential uses, and enhance the area as an important commercial center for the Town.
  - (2) This overlay will act to regulate the Route 62 corridor as a commercial district, with four distinct areas that possess unique characteristics, as follows.
    - (a) The area situated between approximately Shadagee Road and Schoolview Drive, zoned GB on the Town's Zoning Map, herein referred to as the "Hamlet Transition Area," is a transition area into the hamlet, which can support larger business and commercial uses.
    - (b) The area situated between approximately Schoolview Drive and Roswell Parkway, zoned OB and GB on the Town's Zoning Map, herein referred to as the "Residential/Office Area," is a mixed-use area suitable for residences and small commercial businesses in residential-type structures.
    - (c) The area between approximately Roswell Parkway and Second Street, zoned GB, herein referred to as the "CBD Area," is the central business core of the Town.
    - (d) The area between approximately Second Street and New Jerusalem Road, zoned GI, herein referred to as the "Industrial/Economic Development Area," is a growing industrial and commercial area of the Town.
  - (3) The Route 62 Hamlet Overlay District regulations will supplement the underlying zoning restrictions and provide for safe and orderly development within all four portions of the defined section of Route 62.
- B. Boundary description. This overlay district shall encompass the corridor of Route 62, including the four areas outlined above, extending from the intersection of Shadagee

Road on the north southward through the hamlet area and ending at New Jerusalem Road. The overlay district will also extend west along West Church Street from the intersection with Route 62 to the railroad, and along East Church Street eastward from the intersection with Route 62 for a distance of approximately 600 feet. The overlay district shall encompass all frontage and corner lots within the defined area along Route 62 and West and East Church Street.

C. Objectives. The special regulations contained herein, which govern all proposed development and redevelopment within the boundaries of the Route 62 Hamlet Overlay District, shall be founded upon the following objectives:

(1) Hamlet Transition Area.

- (a) The existing commercial character of the area shall be continued with attention given to architectural design and signage. While larger commercial uses and chains could be allowed in this area, the area is the entrance to the hamlet area, and architectural designs should complement surrounding land uses to improve the character and provide for a positive image of the area.
- (b) To promote more efficient traffic flow and traffic safety, every effort shall be made to provide shared means of ingress and egress to developed and developing properties. Where applicable, reference should be made to the Town/New York State Department of Transportation Access Management Guidelines and regulations.
- (c) Landscaping and setback standards shall be implemented to improve the visual characteristics of the area.
- (d) All signage and lighting fixtures shall be of an appropriate size and scale, and aesthetically designed, so as to improve the overall quality of the area.

(2) Residential/Office Area.

- (a) This is an area of mixed-use developments with a strong residential character. Attention should be given to the compatibility of adjoining developments when reviewing project proposals.
- (b) Conversions of residential structures for office or commercial use shall be allowed. Any new structures built within this area shall be the size and character of a single-family residence.
- (c) Projects should be "pedestrian friendly." Pedestrian access should be an integral part of any site plan in this area.
- (d) Parking should be at the sides or rear of the buildings wherever feasible, and screened to maintain the residential character of the area.
- (e) Landscaping and setback standards should be utilized to improve visual characteristics and buffer development and redevelopment from adjoining sensitive land uses.

- (f) Consideration should be given to the design, placement and height of lighting fixtures and signage. Such appurtenances shall be of an appropriate size and scale so as to reduce adverse effects and improve the character of the area.
- (3) CBD Area.
    - (a) Emphasis shall be placed upon redevelopment of existing properties.
    - (b) Projects should be "street and pedestrian friendly." Pedestrian access should be an integral part of the site plan for any development. Curb cuts should be kept to a minimum and shared driveways encouraged in order to minimize conflicts between pedestrian and vehicular traffic.
    - (c) Although sites should accommodate parking at the sides or rear of the building wherever feasible, parking requirements should be flexible, allowing street parking and agreements for shared parking between businesses to be counted as part of the required parking spaces.
    - (d) Architectural standards shall complement the character of a hamlet central business district and provide for an improved and positive image for the area. Appropriate facade designs that improve the character of the area shall be required. Chain (prototypical) buildings should be modified to be compatible with the character of the hamlet central business district.
    - (e) Development shall promote the character of the hamlet core by maintaining the existing setback and style of the row storefronts in this area.
  - (4) Industrial/Economic Development Area.
    - (a) This area shall be identified as an industrial/commercial growth area.
    - (b) Standards for this area shall provide sufficient controls to ensure proper development in this area, while providing enough flexibility to encourage business development.
- D. Permitted uses. The uses permitted in the Route 62 Hamlet Overlay District shall be the same as the underlying zoning district(s).
- E. Accessory uses. The accessory uses permitted in the Route 62 Hamlet Overlay District shall be the same as the accessory uses permitted in the underlying zoning district(s).
- F. Site design conditions.
- (1) General (applies to all four areas).
    - (a) All new buildings, modifications to buildings and changes in use within the Route 62 Hamlet Overlay District shall be subject to site plan review.
    - (b) A detailed landscaping plan shall be included with the site plan submission.
    - (c) Architectural renderings depicting all sides of the building(s) will be provided.

- (d) Refuse storage (dumpster) locations shall be depicted on the plans, and shall not be located near or adjacent to surrounding residential properties.
  - (e) No outdoor speakers or other noise-producing devices shall be permitted.
- (2) Hamlet Transition Area.
- (a) Off-street loading/service areas must be screened by wooden, brick or masonry fences at least six feet in height. Such fencing is also required for refuse dumpster locations. These areas should not be visible from Route 62.
  - (b) Spacing of curb cuts along Route 62 shall meet the requirements of the Town's Access Management Program or the NYSDOT Access Management Guidelines. Site plan design must make every effort to provide for shared access or cross-easement agreements to adjacent properties.
  - (c) Signage shall not include pylon signs or any form of flashing lights. Signage shall be designed at ground level, typically not exceeding 12 feet in height, and should contain components such as brick.
  - (d) Two concept sketches shall be presented to the Planning Board for its review. Each option shall include a rendering of how the building will appear from Route 62. Architectural guidelines are as follows:
    - [1] Diversity of architectural design shall be encouraged, but multiple buildings on the same site shall be designed to create a cohesive visual relationship between buildings.
    - [2] Prototypical corporate or franchise design style will be allowed in this area, but modifications should be made to accomplish an "Eden Theme" (rural farming community).
    - [3] The visibility of rooftop equipment should be minimized by grouping this equipment away from the public view.
    - [4] The sides of all buildings shall have an equivalent level of quality of materials, detailing and window placement. Abrupt ending of architectural details shall be avoided, and there should be no radical changes in details, features or materials.
    - [5] Long blank walls should be avoided.
    - [6] Modulation (defined as a measured setback or offset in a building face) shall be incorporated to reduce overall bulk and mass of buildings.
    - [7] Large buildings should have height variations to give the appearance of distinct elements.
    - [8] Building designs shall incorporate traditional building materials such as masonry, stone, brick, and other natural appearing materials.

[9] Building colors should accent, blend with, or complement the surrounding environment. Bright or brilliant colors should be reserved for trim and accents.

(3) Residential/Office Area.

- (a) Redevelopment of existing buildings shall be encouraged.
- (b) A landscape plan must be provided as part of the site plan application. All landscaping design shall include the provision for pedestrian access to and from the site.
- (c) Landscape treatments and plantings shall be designed as an integral part of the entire development plan. The landscape plan shall include trees and other design treatments that complement the existing streetscape design.
- (d) Signage shall be unobtrusive and be compatible with adjoining uses. Freestanding signs shall not be installed on pylons or greater than eight feet in height. Signs attached on the building shall meet all Town signage standards.
- (e) Architectural standards are as follows:
  - [1] Buildings shall be residential in character and size.
  - [2] Visually interesting activities at the sidewalk edge shall be maintained and/or established to engage pedestrian interest.
  - [3] New building forms and elevations should be detailed and articulated to create interesting rooflines and strong patterns of shade and shadow.
  - [4] Large structures should be designed to reduce their perceived height and bulk by dividing the building mass into smaller-scale components.
  - [5] The rear of buildings (existing and proposed) shall be enhanced, where appropriate, to improve public access from parking lots and to improve views to surrounding residential properties.
- (f) Redevelopment projects requiring site plan approval shall include plans for renovating the facade, and shall meet all other architectural standards as described above.

(4) CBD Area.

- (a) A landscape plan must be provided as part of the site plan application. All landscaping design shall include the provision for pedestrian access to and from the site.
- (b) Signage shall be unobtrusive. Freestanding signs are allowed, but signs may not be placed where they may obstruct free pedestrian movement. Signs shall meet all Town standards.
- (c) Architectural standards are as follows:

- [1] Trademark or prototypical buildings that identify the owner or occupant by a trademark architectural style are prohibited. Franchise operations shall be designed to harmonize with the four corners area.
  - [2] Blank walls and other dead or dull spaces at the street level shall be avoided. Visually interesting activities at the sidewalk edge shall be maintained and/or established to engage pedestrian interest.
  - [3] Building frontages should be active, with large nonreflective, minimally tinted window openings at ground level.
  - [4] Awnings and overhangs for shade and shelter are encouraged.
  - [5] New building forms and elevations should be detailed and articulated to create interesting rooflines and strong patterns of shade and shadow.
  - [6] Large structures should be designed to reduce their perceived height and bulk by dividing the building mass into smaller-scale components.
  - [7] The rear of buildings (existing and proposed) shall be enhanced, where appropriate, to improve public access from parking lots and to improve views to surrounding residential properties.
- (d) Redevelopment projects requiring site plan approval shall include plans for renovating the facade, and shall meet all other architectural standards as described above.
- (5) Industrial/Economic Development Area.
- (a) A minimum ground area of not less than 15% of the total site area to be developed shall be landscaped area. Five percent of internal parking areas shall be greenspace (landscaped islands).
  - (b) The arrangement and location of landscaped areas shall be dispersed throughout the development so as to prevent unsightliness and eliminate the monotony of parked cars.
  - (c) For all areas, planted deciduous trees shall have a minimum caliper of 2 1/2 inches, measured six inches above grade. All planted coniferous trees shall have a minimum height of six feet above finished grade.
  - (d) Landscape treatments and plantings shall be designed as an integral part of the entire development plan.
  - (e) The primary emphasis of the landscaping treatment shall be on trees. Every effort shall be made to preserve and integrate existing trees into the site design. Preservation of existing trees may be credited.
  - (f) All required vegetative plantings shall be maintained in a healthy and productive condition and shall be routinely examined. Plant materials shall be replaced, as necessary or as directed by the Town. The Town Code

Enforcement Officer shall enforce the upkeep of landscaped areas through periodic inspections and in response to complaints.

- (g) Diversity of architectural design shall be encouraged, but multiple buildings on the same site shall be designed to create a cohesive visual relationship between buildings.
- (h) Each application shall include a traffic control plan, including planned access to adjoining properties.
- (6) The Planning Board may waive or modify any requirement under this section, but must not diminish the intent and purpose of the Route 62 Hamlet Overlay District.
- G. **Parking.** In the CBD, Residential-Office, and Industrial/Economic Development Areas, the following parking requirements shall supercede other parking regulations contained in this chapter (other parking requirements are included in § 225-27A). [Added 8-14-2002 by L.L. No. 1-2002]
  - (1) **Shared parking.** Shared parking, defined as one or more parking facilities being used jointly by multiple users, shall be allowed. Parking demands must "peak" during different times of the day. There shall be a shared use agreement between the parties who will be sharing parking. Parking shall be within 500 feet of the business.
  - (2) **Credit for on-street parking.** The amount of required off-street parking shall be reduced by one off-street parking space for every on-street parking space adjacent to the business. The allowable credit toward off-street parking requirements shall be addressed during site/design review.
  - (3) **Reduction or waiver of minimum off-street parking requirements.** The Planning Board has the power to reduce or waive minimum off street parking requirements, taking into account the proposed use, pedestrian accessibility and other reasonable indications that the amount of parking is adequate to meet estimated parking needs.

**§ 225-16. OB Office Business District.**

A. Uses permitted by right:

- (1) Same as § 225-13A(2) and (3). Bulk regulations for the uses indicated are the same as found in the district from which referenced. *ch. rules* *sub. rules*
- (2) Local office, including but not limited to realtor, notary public, bondsman, attorney and insurance. Use Group a.
- (3) Living quarters accessory to a permitted commercial building. Living quarters should not be located in space designed as storefront space, or that portion of the building located on the ground floor facing the street. Use Group a. [Added 11-14-2001 by L.L. No. 8-2001]



## TOWN OF ELMA FINAL COMMERCIAL ZONING DISTRICTS

### Elma Center Overlay

#### **§ 144- Statement of Intent**

In accordance with the Regional Comprehensive Plan, the Elma Center Overlay is established to employ standards that improve the quality of development for the Elma Center hamlet area that result in the reuse and enhancement of existing structures, improvement in the overall visual quality of the area, and promote the creation of a unique, pedestrian-friendly district that focuses on the historic foundations of the Town of Elma. The image of the Elma Center area should reflect that of the older, more stately homes along Bowen Road north of Bullis Road.

#### **§ 144- Boundaries**

The boundaries of the Elma Center Overlay are as follows:

Beginning at a point along the centerline of Bullis Road, 300 feet west of the centerline of Bowen Road, the Overlay boundary runs parallel to Bowen Road at a distance of 300 feet from the centerline of Bowen Road south to the parcel that contains the Town of Elma Highway Department Garage. The boundary then runs east to the centerline of Bowen Road, then runs south to the centerline of Woodard Road. The boundary then follows the centerline of Woodard Road east 100 feet, then runs northeast along a parcel line to a distance 300 feet east of the centerline of Bowen Road. The boundary then runs parallel to Bowen Road, at a distance of 300 feet from the centerline of Bowen Road, north to the Pond Brook Homes parcel. The boundary then runs west to the centerline of Bowen Road, then runs north along the centerline of Bowen Road to the centerline of Bullis Road. The boundary then runs west along the centerline of Bullis Road to meet up with the starting point, 300 feet west of the centerline of Bowen Road.

#### **§ 144- Effective Upon Zoning**

The standards of the Elma Center Overlay shall be superimposed over, and supplement, the underlying zoning standards. Each use must conform to the standards of the underlying zoning district, as well as the standards of this overlay district, and the more stringent standards shall apply.

#### **§ 144- Permit Required**

- A. No person, firm, or corporation, not already using buildings for business purposes shall use any existing buildings or lands for any use, other than for normal farming purposes, without first procuring a permit for such use from the Town Board of the Town of Elma, which said permit shall only be issued after a hearing before the Town Board. The Town Board may refuse any

## TOWN OF ELMA FINAL COMMERCIAL ZONING DISTRICTS

such permit after such hearing if it appears to violate the Zoning Ordinance or if said proposed business or industrial use constitutes a nuisance or will imperil the health and well-being of any of the citizens of the Town.

- B. If such use is proposed for a building to be erected, the Town Board, after hearing held before it, may grant a preliminary use permit for a use described in §144-xx and thereafter the Building Inspector may issue a building permit for such building in the manner provided in the Elma Code. When the building is completed, a formal use permit, to be issued after application therefore and a hearing before said Town Board, shall be required before a certificate of occupancy is issued by the Building Inspector.

### § 144- Objectives

The standards contained herein, which govern all development and redevelopment within the boundaries of the Elma Center Overlay, are founded upon the following objectives:

- A. Establish criteria that promote the creation of a unique district consisting of a character that compliments the older, stately homes in the area.
- B. Promote the reuse and enhancement of existing structures.
- C. Improve the overall visual quality of the Elma Center hamlet area.
- D. Promote a streetscape that is pedestrian friendly and safe by promoting small scale buildings, encouraging buildings to orient and locate close to the street, eliminating front yard parking, and restricting the number of vehicle access points.
- E. Establish standards to ensure that new development or redevelopment is in character in terms of scale, design, use, and layout with the historic, pedestrian-scaled character envisioned for the hamlet.
- F. Access management practices should be employed to limit vehicular-pedestrian conflict points and to improve vehicle safety and traffic flow.
- G. Establish standards that allow for a harmonious mix of uses.
- H. Reduce signage clutter by controlling the number and size of signs, the placement of signs, and the appearance of signage. Signage should be designed to compliment the architecture of the building and promote the character of the Elma Center hamlet area.
- I. Landscaping and other amenities should be incorporated into site development to enhance the site and screen parking areas.

## TOWN OF ELMA FINAL COMMERCIAL ZONING DISTRICTS

### **§ 144- Permitted Uses**

The uses that are permitted within the Elma Center Overlay shall be determined by the underlying zoning district.

### **§ 144- Prohibited Use**

To ensure that certain undesirable uses are not allowed in the Elma Center Overlay, in the case that there is some indecision on a permitted use, or to ensure that a Special Use Permit is not granted, the following is a list of uses that are specifically prohibited within the Elma Center Overlay.

#### A. Principal

1. Any establishment with vehicle drive-thru facilities
2. Tattoo or piercing parlor
3. All automobile sale/ service stations, including gas stations
4. Marine or other vehicle sales and service
5. Truck terminals and wholesale or retail distribution centers
6. Self-storage facilities
7. Outdoor storage
8. Commercial car washes
9. Building equipment and contractor supply yards
10. Warehouses or wholesale centers
11. Any industrial or manufacturing use
12. Telecommunications facilities
13. Junk or salvage yard
14. Adult entertainment

### **§ 144- Submission Requirements**

1. The applicant shall meet all submission requirements of site plan review.
2. The applicant shall submit building plans and elevations indicating the façade treatments and construction materials and colors of all structures in compliance with the standards of the underlying zoning district and Elma Center Overlay.
3. The applicant shall submit a minimum of two different renderings of the proposed structure(s) to be developed on the site to allow the Planning Board to choose the alternative that they feel will best comply with the Overlay.

## TOWN OF ELMA FINAL COMMERCIAL ZONING DISTRICTS

4. The applicant shall submit a site plan that identifies all components of the development and indicates compliance with all the requirements of the Zoning Law and the Elma Center Overlay.
5. The applicant shall submit a landscape plan identifying the location, type, size, and planting specifications of all landscaping proposed for the site. The landscape plan shall also identify, in general, existing vegetation on the site.
6. The applicant shall submit a signage plan that shows the size, type, placement, lighting, design, and construction materials of each sign proposed for the site comply with all the requirements of the Zoning Law and the Elma Center Overlay.

### § 144- Design Standards

In addition to the general standards outlined in this section, all development within the Elma Center Overlay, with the exception of agricultural, single family residential, and two family residential structures, shall conform to the Town's Design Guidelines, where applicable (copy to be obtained from the Town).

#### A. Minimum Lot Dimensions

1. To encourage small-scale, pedestrian oriented activity within the hamlet area, the Planning Board may reduce the required lot width to 50 feet where public sewers exist.

#### B. Building Setbacks

The following setbacks shall supersede the setbacks of the underlying zoning and apply to all development within the Elma Center Overlay to promote the hamlet streetscape and to encourage pedestrian activity and safety. Where a setback is not established, the underlying setback shall be applied.

1. To encourage a visually appealing and pedestrian friendly streetscape, the front building setback shall be no less than 5 feet and no more than 10 feet as measured from the street right-of-way. Arcades, awnings, balconies, porches, and other architectural amenities shall be permitted to encroach upon the front setback by a maximum of 5 feet as long as it does not encroach upon the right-of-way.

#### C. Architecture

The architecture and design of any structure within the Elma Center Overlay shall comply with the standards of the underlying zoning and shall conform to the following general guidelines.

##### 1. General Design

- a. The architecture and design of any structure shall:

## TOWN OF ELMA FINAL COMMERCIAL ZONING DISTRICTS

- I. Comply with the character envisioned for the Elma Center hamlet area that compliments the older, more stately homes found along Bowen Road, north of Bullis Road;
  - II. Enhance the visual quality of the Elma Center hamlet area;
  - III. Be harmonious with adjacent uses;
  - IV. Be pedestrian oriented and promote pedestrian safety; and,
  - V. Comply with the Town's Design Guidelines, where applicable.
- b. The reuse or redevelopment of an existing structure shall be considerate of the original character of the structure. Any additions to an existing building shall conform to the requirements of the Elma Center Overlay.

### 2. Building Materials

- a. Any side of a building that faces a street or public right-of-way shall incorporate a façade constructed of any of the following materials: stone, brick, masonry, marble, wood or vinyl siding, or other material approved by the Planning Board.
- b. The use of cast concrete, cinder blocks, or metal paneling shall not be used on sides of a building that faces a street or public right-of-way.

### D. Site Layout

The site layout within the Elma Center Overlay shall comply with the standards of the underlying zoning and conform to the following general guidelines. In the case of conflicting standards, the regulations of the Overlay District shall prevail.

1. All new developments within the Elma Center Overlay shall install a sidewalk within the right-of-way and parallel to Bowen Road, in accordance with the County and Town standards, where applicable. The sidewalk shall measure no less than 5 feet in width and be placed at least 7 feet from the pavement edge along the entire frontage of the lot to allow for pedestrian circulation.
2. The building and site should incorporate design features that make it compatible and safe for both vehicular and pedestrian access and circulation.

### E. Parking and loading areas

Off-street parking shall comply with the standards of the underlying zoning and Article IV of the Zoning Code, and shall conform to the following additional standards:

1. Parking and loading areas must be setback from the street right-of-way a minimum of 20 feet.

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2. To reduce the impact of parking areas on the hamlet area, the Planning Board may reduce the required number of parking spaces if it determines that the presence of pedestrian traffic or nearby shared parking warrants less on-site parking.
3. A minimum of 10% of the interior of a parking area designed for 20 cars or more shall be devoted to landscaping used to break up the parking stalls where the parking area is visible from the public right-of-way.
4. A minimum of 20% of the interior of a parking area designed for 50 cars or more shall be devoted to landscaping where the parking area is visible from the public right-of-way.
5. Parking areas shall not contain a continuous single row of parking stalls of greater than 10 parking spaces without interruption by a landscaped island where the parking area is visible from the public right-of-way.
6. In addition to the screening of a parking area required in §144-44 E.(3), the use of decorative ornamental features, masonry walls, fencing, or a mix of each is encouraged to additionally screen parking and loading areas and to create a more visually appealing streetscape.
7. Pedestrian walkways shall be incorporated throughout a parking area to provide safe circulation of pedestrians between the parking area and entrance to a building. Pedestrian walkways shall consist minimally of a striped walkway. Preferably, pedestrian walkways should be constructed of concrete, or raised or stamped concrete to clearly indicate a pedestrian facility.

### F. Landscaping/ Screening

Landscaping and screening shall comply with the standards of the underlying zoning and shall conform to the following additional standards:

1. For every 25 feet of road frontage, a street tree shall be planted between the sidewalk and the edge of pavement, in conformance with County and Town standards, where applicable.
2. Additional shade trees shall be planted throughout the site of any non-single family or two family residence and non-agricultural use at a ratio of 1 tree per 10,000 square feet of lot area.
3. The required front yard shall consist of vegetative ground cover, perennial and annual landscaped areas, and/or other amenities that enhance the visual appearance and pedestrian friendliness of the streetscape. The use of hanging baskets and other decorative planters is encouraged.
4. All landscaped areas shall be maintained and any vegetation that dies shall be replaced during the following planting season.

## TOWN OF ELMA FINAL COMMERCIAL ZONING DISTRICTS

### G. Signage

Signage shall comply with the standards of the underlying zoning and §144-102.1 Signs, and shall conform to the following additional standards:

1. Proposed signage shall be designed to compliment the architecture of the building and comply with the historic, pedestrian friendly character envisioned for the Elma Center hamlet area.
2. Each building shall be permitted one building sign.
3. Individual building signs shall not be larger than 20 square feet.
4. In the case of multi-tenant buildings, each tenant shall be permitted one building sign of no more than 6 square feet that shall be counted towards the overall 20 square feet of total signage permitted for the building.
5. Building signs shall be completely affixed to a building and shall not protrude from the building more than 6 inches. An exception may be granted by the Planning Board for a building sign that protrudes from a building by a supporting arm or other ornamental feature of no more than five (5) feet so long as the sign is perpendicular to the building façade and sidewalk and does not obstruct views, cause a safety hazard, or negatively impact the character envisioned for the Elma Center hamlet area.
6. Any sign that protrudes over a sidewalk shall have a minimum clearance of 10 feet between the sidewalk and lowest part of the sign.
7. Free standing signs are not permitted.
8. The use of digital signage or flashing signs is not permitted.
9. Overall signage may not be lit from internal lights, only the use of individually internally lit characters on a sign, back lit signage, or directional lighting shall be used to light signage. The use of flashing or neon lights is not permitted.
10. The appearance and placement of signage shall be subject to Planning Board discretion as part of the site plan review process.

### H. Access Management

The objective of access management is to reduce the number of conflict points and to ensure pedestrian friendliness and safety.

1. The number of curb cuts and width of access drives for parking and/or loading areas shall be the minimum possible, as determined by the Planning Board, to maintain a pedestrian friendly streetscape.

## TOWN OF ELMA FINAL COMMERCIAL ZONING DISTRICTS

### I. Other

1. The use of decorative lighting structures is encouraged to comply with the historic, pedestrian friendly character envisioned for the hamlet.
2. The maximum height of any lighting structures shall be 16 feet.
3. Fencing placed in the front yard shall be no higher than 3 feet and shall consist of wood or faux wood picket or ornamental iron construction. A mix of stone, brick, or other masonry wall and fencing may be permitted. The use of stockade, metal, woven wire, or barb wire fences are not permitted in the front yard.
4. Outdoor Seating- Eating and drinking establishments located in the Elma Center Overlay may conduct their business along the sidewalk or within a public right-of- way provided:
  - a. The storage of goods, whether temporary or permanent, shall not be permitted outside of the building and/or structure.
  - b. The maximum outdoor seating area shall be no larger than 100 square feet and shall not extend further than 10 feet from the building in which the business is located.
  - c. At least 5 feet of the sidewalk shall remain free of such eating area and associated structures to allow for the safe and efficient movement of pedestrians.
  - d. The outdoor seating area shall be a temporary area, and shall not contain any permanent buildings and/or structures.

ARTICLE XXXVB  
HAMLET CENTER OVERLAY DISTRICT

**§ 85-409. Legislative Intent.**

In order to protect the aesthetic and visual character, promote and provide for the orderly development of certain corridors adjacent to commercial corridors within the Town of Brookhaven, the Town Board of the Town of Brookhaven hereby determines that it is necessary to establish a Hamlet Center Overlay District (HCOD). The Overlay District's regulations are intended to supplement the regulations of the underlying zoning districts and to provide for the compatibility of development along the identified corridors. In particular, the purpose of the Hamlet Center Overlay District shall include, but not be limited to, the following goals:

1. Encourage and promote the construction of pedestrian oriented facilities in both the public and private structure;
2. Provide a strong emphasis on aesthetics and architectural design to establish hamlet center identity, scale, architecture, diversity and focus;
3. Encourage the appropriate mix of residential, commercial, office and civic development and building density in close proximity to transit stops to promote pedestrian activity and minimize auto dependency;
4. Enhance the economic stability of the Town by promoting the attractiveness, convenience and accessibility of the commercial areas;
5. Encourage the development of attractive, convenient, and pedestrian-friendly off street parking facilities;
6. Encourage the installation of enhanced landscaping and architectural features.
7. Provide for and promote orderly development of concentrated infrastructure and encourage maximize transportation options along commercial corridors.
8. Regulate new development and redevelopment in order to eliminate the advance of strip commercial development.

**§ 85-409.1. Designation of Hamlet Center Overlay District.**

- A. The Hamlet Center Overlay District (HCOD) shall be comprised of all properties as shown on the Town of Brookhaven's Official Zoning Map on file in the Office of the Town Clerk and in the Office of the Department of Planning, Environment and Land Management.

**§ 85-409.2. Development permitted within the District.**

- A. All development and redevelopment of property within the Hamlet Center Overlay District shall be permitted in accordance with the provisions of Chapter 85 of the Town Code as applicable to the underlying zoning district and said

development/redevelopment shall comply with the development standards, guidelines and procedures set forth in this Article.

- B. The Main Street Business Design Manual dated July 2003, and any amendments thereto, on file in the Office of the Town Clerk and in the Office of the Town of Brookhaven Department of Planning, Environment and Land Management, is hereby adopted, incorporated and made a part of this Article.
- C. The provisions of this Article shall be incorporated into site plan review for any development and redevelopment of property.

### **§ 85-409.3. Transfer Of Development Rights**

The Town Board recognizes that the transfer of development rights from the Transitional Corridor Overlay District to the Hamlet Center Overlay District will further the goals of duly adopted Town of Brookhaven Land Use Plans and will further promote the orderly and efficient development of Main Street Business Districts.

A. All parcels of land within a Hamlet Center Overlay District shall be deemed “receiving districts” for the transfer of Pine Barrens Development Credits.

### **§ 85-409.4. General procedures.**

Upon receipt of an application for development or redevelopment within a Hamlet Center Overlay District, the Commissioner of Planning Environment and Land Management (herein Commissioner) or his/her designee, shall review the proposed development or redevelopment for compliance with the requirements of this Article.

### **§ 85-409.5. Site Development –Streetscape Improvements.**

A. All applications for development or redevelopment shall comply with streetscape improvements. Streetscape improvements are architectural or functional facilities or structures consisting of amenities that occur on site or offsite and encourage and facilitate human interaction with the built environment, but are not part of the building. Examples of streetscape improvements include, but are not limited to, the following: decorative light fixtures, fountains, sculptures, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking structures, trash receptacles and enclosures, and fences.

B. Streetscape improvements shall be reviewed for aesthetic functionality and compatibility with the character of the related Hamlet Center Overlay District and shall be designed to be consistent with all requirements of this Article.

### **§ 85- 409.6. Dimensional criteria.**

A. Minimum and maximum front-yard setback.

1. Notwithstanding provisions contained in the underlying zoning district, the minimum required front-yard setback shall be five (5) feet; the maximum permitted front-yard setback shall be twenty five (25) feet.

2. Notwithstanding the above, the Commissioner or his/her designee, upon application, may grant relief from the required dimensional criteria provided that the applicant has fulfilled all other requirements as applicable.

**§ 85-409.7. Front yard parking restricted.**

- A. All parking within a HCOD shall be located in the rear yard area.
- B. No parking shall be permitted in the front of the actual building setback.
- C. Parking lots for passenger vehicles, which were established under a valid prior approval, may be permitted in a required front-yard, provided that said parking area is enhanced pursuant to an approved landscape plan that provides pedestrian amenities. The Planning Board, upon consideration of the existing character of the site and of the surrounding community and land uses may waive or modify said requirement.
- D. On street parking adjacent to the development of the site may be included to satisfy the parking requirement.
- E. The Planning Board may grant variances from the required off-street parking provisions based on estimated peak use, pedestrian accessibility, and availability of transit service.

**§ 85-409.8. Access to site; parking.**

- A. Access to any property within the HCOD shall be coordinated with adjacent properties and shall to the extent possible eliminate curb cuts onto the designated roadway. The Planning Board, the Commissioner or his/her designee may require that all curb cuts and points of ingress and egress onto the designated corridor shall be eliminated wherever possible.
- B. The Planning Board, Commissioner or his/her designee, as part of site plan review, may request the consent of the applicant/owner for future access to or from an adjoining property.

**§ 85-409.9. Architectural requirements.**

- A. A design plan, demonstrating conformance with the architectural guidelines as contained in duly adopted Land Use Plans, as applicable, shall be submitted for new structures, additions to existing structures or those structures undergoing rehabilitation of greater than 50% of their assessed value.
- B. The Planning Board as part of its site plan review may require additional architectural amenities.
- C. Architectural lighting shall be recessed under roof overhangs or generated from a concealed source of low-level light fixtures.

- D. Site lighting shall be a clear white or amber light of low-intensity from a concealed source, and shall not spill onto adjoining properties, buffers or roadways and overhead lights shall utilize “cut off” refractors as controls. All development/redevelopment plans must demonstrate the relationship of light to the roadway corridor.
- E. Decorative, low-level intensity non-concealed source lighting that defines vehicular and or pedestrian ways may be deemed acceptable by the Planning Board or the Commissioner.

#### **§ 85-409.10. Landscape Requirements.**

- A. A landscape plan shall be submitted in conjunction with the development or redevelopment plan that is compatible with the recommendations contained within the duly adopted applicable Land Use Plan.
- B. The landscape plan shall be drawn to scale, include dimensions and distances, and clearly delineate all existing and proposed vehicular, bicycle and pedestrian movement, including but not limited to parking. The location, size and description of all landscaping materials shall be indicated on the land use plan.

#### **§ 85-409.11. Zoning Incentives.**

In order to encourage development in accordance with this article, the Planning Board is authorized, as part of its site plan review, to grant zoning incentives, as set forth herein, for development that offers special identified public benefits.

- A. The Planning Board is authorized to grant zoning incentives, including, but not limited to, increasing the FAR, reducing parking requirements or other land development standards as deemed appropriate for the development, dedication or contribution of one or more of the following:
  - (1) Public parking: municipal or public parking provided in addition to the minimum required on-site parking and excluding any fee paid in lieu of providing required on-site parking requirements.
  - (2) Sewage treatment plant capacity: The provision of additional sewer capacity, which is in excess of the minimum, required on-site demand.
  - (3) Civic/park space. The civic/park space incentives approved by the Planning Board shall include those types of parks and open space as set forth in the Main Street Business District Design Manual.
  - (4) Downtown infrastructure improvements: infrastructure improvements in the form of street furniture, lighting, pavers, plazas and related public amenities, which exceed the minimum Town requirements.

- B. In order for the Planning Board to determine the request for the zoning incentive, the applicant(s)/owner(s) shall submit, at the time of site plan submission, the following information:
- (1) The requested incentive.
  - (2) The economic value of the amenity to the public.
  - (3) A summary describing the benefits to be provided to the public by the proposed incentive.
  - (4) Documentation to demonstrate that adequate facilities exist for the additional demand generated by the proposed zoning incentive.
  - (5) Any additional information as may be required by the Planning Board.

**§ 85-409.12. General Severability.**

If any clause, sentence, paragraph, section or item of this local law shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not impair nor invalidate the remainder hereof, but such adjudication shall be confined in its operation to the clause, sentence, paragraph, section or item directly involved in the controversy in which such judgment shall have been rendered.

**Effective Date:** This local law shall become effective immediately upon filing with the Secretary of State of the State of New York.

Dated: October 18, 2005  
Farmingville, New York

LAURI MURRAY, DEPUTY TOWN CLERK  
TOWN OF BROOKHAVEN



# Mixed Use Zoning

## *A Citizens' Guide*



Prepared by the  
**Metropolitan Area Planning Council**  
with support from  
The Minuteman Advisory Group on Interlocal Coordination and  
the Commonwealth's Priority Development Fund



# Mixed Use Zoning: A Citizens' Guide<sup>1</sup>

## Why is Mixed Use an Important Tool for Your Community?



Traditional zoning was developed during a time when factories and many commercial uses were noisy, smelly, and/or hazardous to public health. To protect both public health and residential property values, early zoning focused on separating different uses and buffering them from each other to minimize nuisances.

Many traditional town centers pre-date the advent of zoning as well as the advent of the automobile. They feature a tightly clustered mix of stores, houses, local government buildings, and civic uses within walking distance of each other and often near public transportation. In many cases, this compact mix could not be built today. Certainly in many suburban or semi-rural communities, a mix of this type would not be permitted today.

*Mixed use itself is not a new idea. Housing above stores was common in village centers before the advent of zoning, as this 1865 photograph of Harvard Square, Cambridge, shows.*



Unlike the factories of yesteryear, much commercial development today is environmentally benign. There is no longer a good reason to separate and buffer different uses. In fact, there are often advantages to locating different uses near each other. Mixed use concentrated development, preferably near transit, is seen as a key “smart growth” tool to reduce auto dependence, preserve green space and natural resources, and promote revitalization, economic development, and modestly priced housing. It offers residents more of a sense of community and opportunities to socialize

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<sup>1</sup> This guide is based primarily on the experiences of five suburban communities currently preparing bylaws with assistance from the Metropolitan Area Planning Council (MAPC), supported by grants from the state’s Priority Development Fund. MAPC also investigated the mixed use experiences of other communities in the region and elsewhere in the state. Preparation of this guide and many of the public education materials used to shape the bylaws and educate the public were developed with additional funding from the MAGIC subregion. MAGIC – the Minuteman Advisory Group on Interlocal Coordination – is a subregion of the Metropolitan Area Planning Council (MAPC). MAGIC consists of officials from Acton, Bedford, Bolton, Boxborough, Carlisle, Concord, Hudson, Lexington, Lincoln, Littleton, Maynard, and Stow.

with their neighbors than a more isolated suburban lifestyle. Thus many communities are turning to “mixed use,” which generally refers to a deliberate mix of housing, civic uses, and commercial uses, including retail, restaurants, and offices.

Mixing uses, however, works best when it grows out of a thoughtful plan that emphasizes the connectivity and links among the uses. Results may be haphazard when communities simply enable multiple uses without providing guidance about the mix of uses and how they are spatially related. If your town is considering mixed use, it is most likely to succeed if the impetus grows out of a large-scale community planning effort and is recommended in a local Master Plan, Comprehensive Plan, Community Development Plan, or other studies. Effective plans are typically adopted by the community after a lengthy and considered public process, with input from local officials, planners, developers, property and business owners, and other interested citizens. Thus there is generally some official community expression of a will to move forward with mixed use as one of a number of strategies to manage future development in a way that furthers a variety of local goals.

### **What are the Benefits of Mixed Use Development?**

Different communities choose mixed use for different reasons. Some see it as an excellent way to incorporate a mix of housing types on a small scale while enhancing traditional town character. Others see it primarily as a vehicle for revitalizing struggling areas and spurring economic development. Still others use it to create or enhance village centers. Suburban communities in metro Boston have identified many benefits of mixed use development. Citizens find that mixed use:



- Spurs revitalization
- Encourages high quality design by providing both greater flexibility and more control
- Preserves and enhances traditional village centers
- Promotes a village-style mix of retail, restaurants, offices, civic uses, and multi-family housing
- Provides more housing opportunities and choices
- May increase affordable housing opportunities
- Enhances an area’s unique identity and development potential (e.g., village centers, locations near bike paths, or “gateway” areas that announce a community’s strengths)
- Promotes pedestrian & bicycle travel
- Reduces auto dependency, roadway congestion, and air pollution by co-locating multiple destinations
- Promotes a sense of community
- Promotes a sense of place
- Encourages economic investment

- Promotes efficient use of land and infrastructure
- Guides development toward established areas, protecting outlying rural areas and environmentally sensitive resources
- Enhances vitality
- Embodies “Smart Growth”
- Increases revenues
- Improves a municipality’s Commonwealth Capital score

Although mixed use is especially applicable near public transportation, it has advantages for other areas as well. Such benefits include the preservation of undeveloped or environmentally sensitive land elsewhere in the community, opportunities for more or different housing, bicycle and pedestrian-friendly destinations, and an enhanced sense of place or sense of community.



Each community will design its bylaw differently, depending on its particular priorities and on the specific opportunities of different locales. The incentives, controls, and tone will be carefully selected to achieve these local goals. If the community wants to encourage mixed use and be happy with the result, it needs to balance a number of potentially competing factors. On the one hand,

the bylaw should be structured to be attractive to developers and to avoid onerous requirements. On the other hand, it should ensure that new mixed use development is compatible with and enhances community character. Similarly, the community will want to be flexible enough to encourage innovative design but definitive enough to provide clear and predictable guidance.

The delicate balance and strong local control are achieved through the language of the bylaw, optional design guidelines, and the special permit process itself. **It is important to remember that through the special permit process, the municipality typically retains control and can turn down any development not to its liking.**

The remainder of this guide presents visual examples of mixed use “successes” and opportunities. A Technical Appendix, outlining some things to consider in reviewing mixed use proposals in your community, is available under separate cover.

## Mixed Use in Practice



New Mixed Use in Canton

The five communities we worked closely with are Bedford, Millis, Southborough, Stoughton, and Stow, all suburban and some quite small. We also reviewed the experiences of other communities, most notably Canton, where a mixed use bylaw passed and a new development, with housing, retail, and offices, was built near the Canton Center Rail station.

Specific areas in each town were chosen for a variety of reasons. Some, like Depot Park in Bedford, already had some improvements but also had ripe revitalization potential.



Bedford's Depot Park Improvements



Bedford Opportunities

Others, like the Lower Village area in Stow, are places where housing and a mix of uses would create more of a village atmosphere and improve the “gateway” potential of this main route into town.

In most cases, the vision is to create a vibrant and attractive village-style area with a lively mix of housing, retail, restaurants, offices, and other compatible uses.



Stow Lower Village



←← Vision for the Village Center at the former South Weymouth Naval Air Station

**Appendix E**  
Conservation Subdivision



## FITTING INTO THE LANDSCAPE

*Rural development should fit into its natural surroundings, rather than be superimposed as a dominant element in the countryside.*

### Why Fit In?

We should expect to enjoy and appreciate our environment, even after development occurs. This is possible if we identify and maintain the essential open space system of each location. Conservation subdivisions with smaller average lot sizes will preserve the important natural characteristics of the site and forever provide residents proximity to a rural setting. The ability to require conservation subdivisions is allowed by New York State Town Law, Section 281.



*A rural farm house sheltered in the treeline stands in contrast to the new house lots now dividing up the former fields.*

Ideally, most new construction will be encouraged in and around centers or in traditional hamlet-scale groupings, but low density development will still continue in rural areas. Local planning boards can insure that developers blend new buildings into the landscape by requiring that they **identify the open space system PRIOR to submitting any plan for subdivision**. Some sites will be more complicated than others, but identifying the open space system is the necessary first step for “fitting in.” Once site characteristics are fully understood, then suitable areas for development are delineated. Within these areas, house lots and roads are located. Only as a LAST STEP are the lot lines drawn in.

### Rural Development Guidelines

- **Minimize the clearing of vegetation and preserve important natural features.**
- **Retain stone walls, hedgerows, and other rural landscape elements.**
- **Place buildings and access roads in treelines, on mildly sloping ground, or along the edges of fields; avoid construction in open fields or on ridgelines.**
- **Locate structures and septic systems more than 100 feet from streams or ponds to protect water quality.**
- **Re-use farm roads or country lanes whenever possible, rather than constructing new wide roads.**
- **Maintain or enhance scenic views. Protecting the character of the landscape also protects the property’s most valuable assets.**

### Open Space System Components

- Agricultural Lands
- Wetlands and Floodplains
- Steep Slopes
- Mature Tree Stands
- Views from the Road
- Aquifer Recharge Areas
- Significant Plant and Wildlife Habitats
- Cultural Features, such as stone walls, barns, and historic buildings

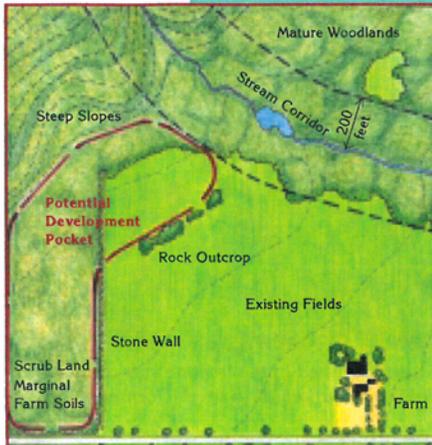
*“The ultimate goal is the creation of an interconnected network of protected open space weaving through each community.”*

*Randall Arendt*

## How to Create Conservation Subdivisions

### Step 1

Require a map of the open space system for the parcel and surrounding area.

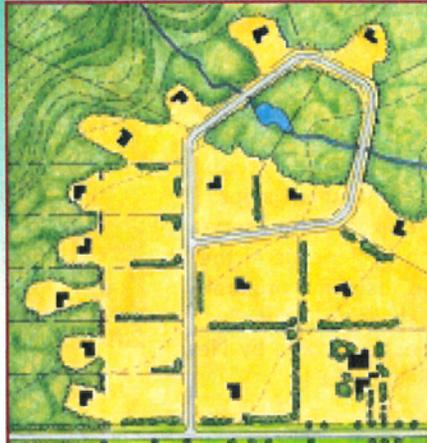


#### Locate Development Pocket

A sketch analysis of the area provides all the basic information to calculate how a development can fit into the landscape - what land should be protected and potential development pockets.

### Step 2

Conventional sketch layout determines maximum lot count under existing three-acre zoning.

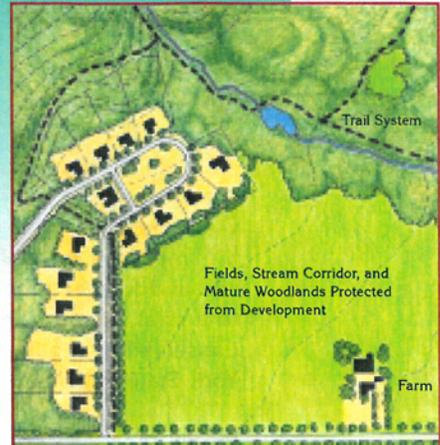


#### Typical Superimposed Subdivision

- Productive farmland lost forever.
- Pleasant view from road eradicated.
- Stream corridor cut off by backyards.
- Large lots divide up and dominate the landscape.
- Individual road for each subdivision.
- Costly road and bridge construction.
- No chance for residents to enjoy special site features.

### Step 3

The same number of houses can fit in to the landscape while preserving 80 percent of the open space.



#### Conservation Subdivision

- Large farm field protected.
- Rural view from road retained.
- Trail system allows access to stream.
- Smaller, but substantial individual lot sizes with central green.
- Potential connection to adjacent parcel.
- Less expensive construction costs.
- Residents have views of open field and direct access to woods.

## Maintaining Conservation Areas

There are three primary methods to secure the open space system:

1. dedicate for public park land;
2. create a conservation easement and maintain open space through a Homeowners' Association or agreement with a conservation organization; or
3. develop easements for certain community rights on private property, such as trails.

The second and third options will be used most frequently. Open space subdivisions are only possible when local planning boards believe enough in the conservation subdivision process in order to insist on making these techniques work.

### Common Uses for Protected Open Space System

- Agriculture
- Community Gardens
- Forest Management
- Trails
- Visual or Sound Barriers
- Common Septic Fields
- Pastures or Paddocks
- Meadows
- Recreational Fields
- View Protection
- Wildlife Habitat

#### Sources:

Randall G. Arendt, *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*, 1996  
 Dutchess County Department of Planning and Development, *Rural Development Guidelines*, New York Planning Federation, 1994

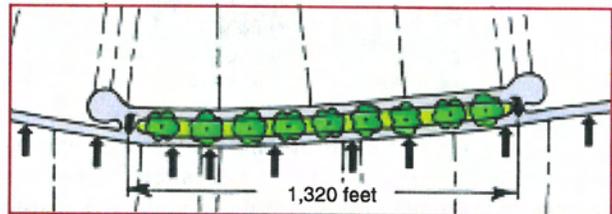
## PREVENTING STRIP SUBDIVISIONS

***Build new housing in the countryside off side roads or shared drives, screened from the public view, rather than lining rural roads with house lots or commercial uses.***

Just a few new houses along an existing public road, subdividing less than five percent of the surrounding land, can block the views of 100 percent of the open landscape. Unfortunately, the cheapest way to develop is to take advantage of the public road system to provide direct access to newly cut-off parcels. Small subdivisions, usually less than ten lots at a time, are lining the roads with individual lots, each with a separate driveway spaced 100 feet or so apart. As a result, vast amounts of fields, forests and open land in Dutchess County are being hidden behind back yards.

Similar to strip commercial development, strip residential subdivisions not only block views from the public roads, the rows of separate driveways create multiple conflict points for the flow of through traffic.

This piecemeal pattern of development is all too quickly stealing our rural heritage, destroying the scenic character of the road system, and making the roads less safe. Towns should encourage alternative patterns for minor subdivisions that gradually create a connected interior street system, or at the very least promote shared drives with provisions for possible future connections.



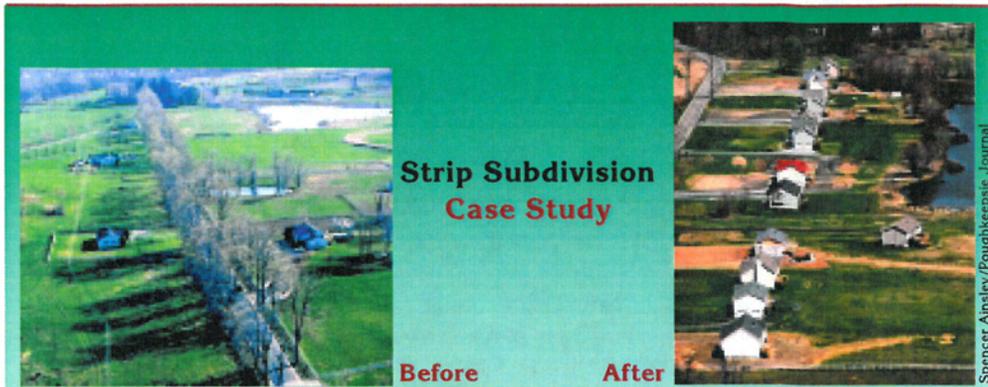
*Ten residential parcels in the Town of Washington share a frontage road, providing a landscaped buffer and a safer, quieter street for the home owners, compared to multiple lots with potential driveways across the state highway.*

**Subdivisions should be designed to settle back into the countryside.**



*Conservation development off a side road system (top) preserves open space and farmland views and provides substantial green setbacks, rather than the same number of house lots facing the frontage (bottom).*

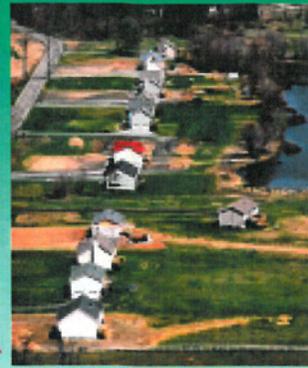
Robinson Lane, just outside the hamlet of Fishkill Plains showing the horse farm to the east and two initial house lots on the left in 1988.



### Strip Subdivision Case Study

Before

After



Robinson Lane after the edge of the farm was subdivided into "Rolling Meadows Subdivision", 15 one-acre lots facing the road.

One of the prettiest, tree-lined rural roads in southern Dutchess, Robinson Lane once looked something like this.



The mature maple trees were removed for multiple driveways.

The transformation of Robinson Lane from a distinctive scenic road to a routine residential strip is typical of numerous subdivisions along rural roads throughout the county. It is just too easy for land owners to lop off a few lots along the public right-of-way. Planning Boards should look for longer term solutions that protect the safety, capacity, and rural character of our road system.

In this case, a creative 15-lot alternative could be placed along a private drive or street built to reduced specifications that directly connects the new houses with the existing hamlet,

- allowing easy walking to the nearby stores and neighborhood schools;
- creating more scenic house sites facing farmland and natural ponds, not a busy road;
- reinforcing the hamlet center with a secondary street system;
- preserving the farm frontage as a greenbelt surrounding the hamlet;
- providing a protected street and front yards for children; and
- retaining the rural, tree-lined country road.



**Sources:**

Dutchess County Department of Planning, *Planning For Service Roads*, 1986  
 Rebecca Paley, *Lane's New Meets Old, East Fishkill Looks at Zoning*, Poughkeepsie Journal, April 26, 1999

## SAVING FARMLAND WITH DEVELOPMENT

*Create farm conservation and development plans that allow future home sites to co-exist with active farmland, conserve the best agricultural soils, and discourage roadside sprawl.*

Many farmers rely on the occasional sale of home sites to supplement farm income. The result can be piecemeal or strip residential development that undermines a town's rural qualities. Farm conservation plans offer an alternative strategy that protects equity, farmland, and views. Land owners subdivide home sites as needed over time according to a pre-approved plan based on conservation design principles.

The primary goal is the conservation of productive farmland for the long-range continuation of farm operations. Maintenance of open land is not an issue when conserved farm acreage continues to be part of the working landscape.



*When farm conservation and development plans work, agricultural operations and views will still look like this.*

**Because every farm is different, each farm conservation plan will be unique.** The location of acreage that is most appropriate for residential development will depend on the natural features of the landscape and on the density that the farm owner considers most compatible with the long-term operation of the farm. Plans may also identify potential acreage for a farm-related business or cottage industry.

### A simple example:

On a 100-acre farm in a five-acre zoning district, the total potential density, excluding farmstead, roads, steep slopes, wetlands and water, may be 15 five-acre lots.

Locate development pocket on 25 acres of marginal land, hiding the houses and roads within woodlands and along the far edges of open fields.

Approve incremental subdivision plan for up to 12 lots within the 25-acre development pocket, reducing minimum lot size.

Negotiate a **density easement** allowing 3 additional lots on the remaining 75 acres. Full density (15 lots) may be reached over time at the discretion of the farm owner. Even at full density, more than 50 percent of the farm is protected.



**Conservation and Gradual Development on a Working Farm**

## Limited Development Option

**Reduce density** by subdividing large tracts of land on which development is restricted by conservation easements.

The Dutchess Land Conservancy created a limited development plan for a 340-acre farm in the Town of Amenia, allowing only one home site on each of three subdivided parcels, and protecting the remainder of the subdivided acreage with easements. The farm owners were able to capitalize on the residential value of home sites on scenic but marginal farmland and continue to cultivate a significant portion of subdivided cropland through lease-back arrangements with their new neighbors.



- Shared access via existing farm road
- Leased farmland under easement
- Homes located off farmland

## Flexible Farm Incentives

1. Use conservation design guidelines to locate residential development, reserving the best farmland. (See "Fitting into the Landscape," A-1.)
2. Determine density option that best meets farm owner's goals, securing easement appropriate for concentrated density.
3. Locate home sites within identified development pocket; waive road frontage requirements and road standards to allow access via shared driveways or reduced-width local roads.
4. Review and approve conservation plan, waiving time limits and fees for incremental subdivision.
5. Incorporate approved plan as an addition to a municipal **Farm Conservation Map**.
6. Assure fast-track approval for future subdivisions based on pre-approved plan, maintaining agricultural assessment until subdivision occurs.



Dutchess Land Conservancy

*Help is available from planning staff and land conservancies for farm owners who wish to prepare farm conservation plans and for municipalities that encourage farm planning.*

## Who Benefits?

Farm conservation planning offers **the farm owner...**

- capital for reinvestment or expansion
- a broader range of density options
- more flexibility in locating home sites
- control over the pace of subdivision
- incremental extension of shared access roads
- reduced costs when planned lots are actually subdivided

Farm conservation planning helps **the community...**

- prevent repeated, uncoordinated subdivision
- move home sites away from scenic roads
- keep farmland on its tax rolls
- protect important farm soils
- support the agricultural economy
- retain the defining character of our countryside

### Sources:

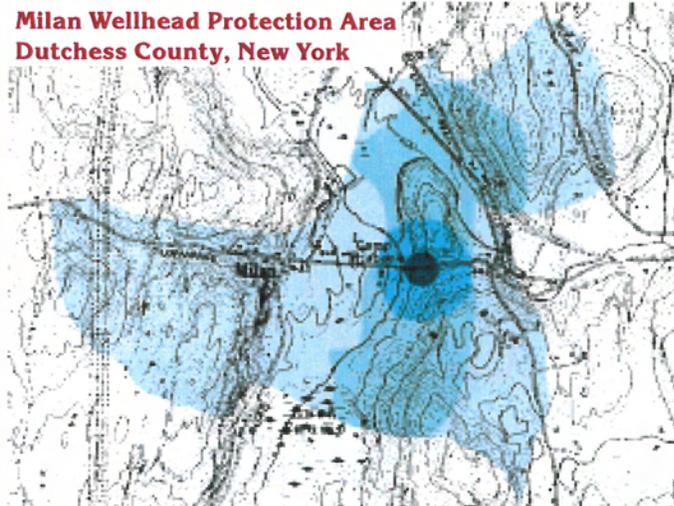
Regional Plan Association, *Tools and Strategies: Protecting the Landscape and Shaping Growth*, 1990

## WELLHEAD AND AQUIFER PROTECTION

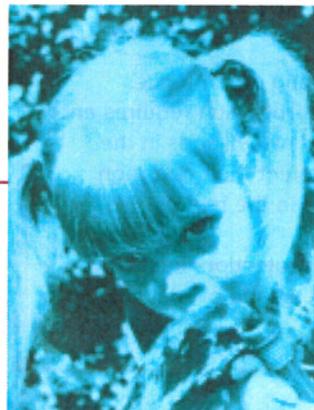
**Designate wellhead protection areas and adopt measures against potential sources of aquifer contamination to ensure long-term sources of clean drinking water.**

The cleanup of a contaminated groundwater source can be 30 to 40 times more costly than preventing it in the first place, and some contaminants are virtually impossible to remove. Contaminants can make their way through soil and fractures in the rock to underlying groundwater aquifers, then travel to a water supply well. The pumping action of larger public wells can actively draw contaminants into wells. Unsealed or abandoned wells can further act as direct conduits for contamination of groundwater, as can carbonate geology with its solution channels and sinkholes.

### Milan Wellhead Protection Area Dutchess County, New York



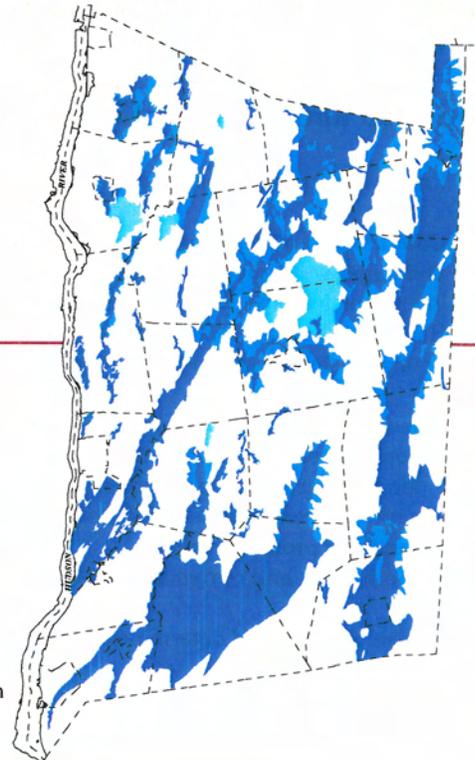
-  Secondary Management Area
-  Primary Management Area
-  1 Year Time of Travel
-  200-Foot Remedial Action Area



### Define the area to be protected

Choose a method of defining the wellhead and aquifer protection areas, such as:

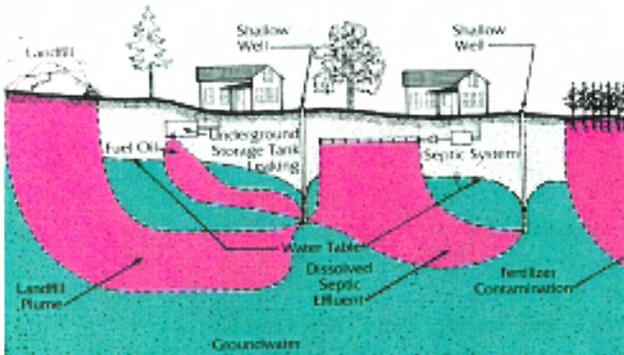
- Detailed delineation of one or more wellheads or an aquifer area by a professional hydrogeologist.
- Generalized delineation of one or more wellheads by a non-professional.
- Map priority protection areas.



### Dutchess County Aquifer Protection Areas

-  **Zone I** Permeable deposits directly overlying the aquifer
-  **Zone II** Less permeable deposits located upgradient from the aquifer
-  **Zone III** Area which may contribute to the aquifer through stream infiltration

## Identify Potential Sources of Contamination



Water contamination occurs when the intensity or location of certain land uses exceeds the natural cleansing capacity of the vegetation and soils.

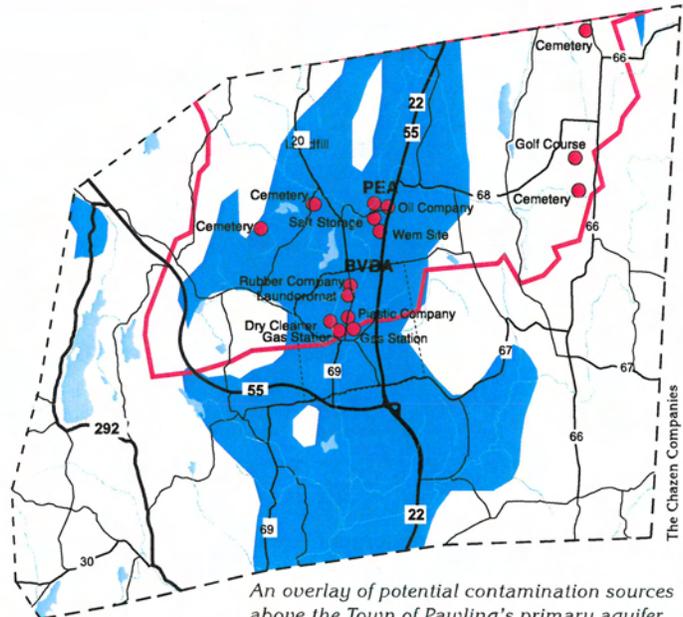
- **Residential uses**, such as septic systems, yard chemicals, and abandoned wells.
- **Agricultural uses**, such as feedlots, manure storage, and improper pesticide application.
- **Commercial uses**, such as gas stations, dry cleaners, junkyards, and car washes.
- **Industrial uses**, such as chemical manufacturing, storage tanks, pipelines, and mining.
- **Institutional uses**, such as landfills, deicing operations, sewage treatment plants, and cemeteries.

## Map Potential Contamination Sites

- Review available data at the Dutchess County Environmental Management Council, Department of Health, the NYS Department of Environmental Conservation, or your local town offices.
- Interview residents to gain historical knowledge.
- Conduct a field survey of aquifer and wellhead protection areas.
- Map and describe potential contamination sources as an overlay to the protection areas.

## Develop and Implement a Plan of Action

1. Enlist widespread public support and participation.
2. Coordinate protection program with neighboring communities and larger watershed planning area. Aquifer protection requires an intermunicipal approach. The four towns and two villages in the Harlem Valley have prepared a strategy to protect their common aquifer system that can be a model for others in the region.
3. Select priority tools for wellhead and aquifer protection, including:
  - zoning restrictions, such as setbacks, buffers, and overlay districts;
  - land acquisition or protective easements;
  - septic system maintenance programs;
  - wellhead protection signs;
  - monitoring and remediation of contaminated sites.
4. Devise timeline and determine resources and responsibilities.



An overlay of potential contamination sources above the Town of Pawling's primary aquifer.



Clean water is among everyone's top concerns.

### Sources:

The Chazen Companies, *Harlem Valley Watershed Investigation*, 1998  
 Horsley Witten Hegemann, Inc., *Water Supply Protection Program for Dutchess County, New York*, 1992  
 New York State Water Resources Institute, Cornell University, *Groundwater Contamination*, November 1988

# Growing Greener:

## CONSERVATION SUBDIVISION DESIGN

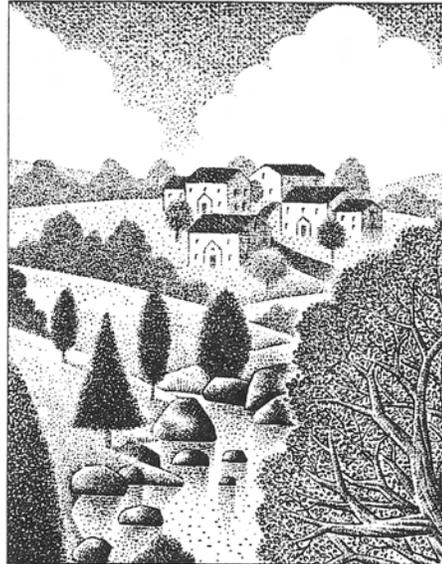
by Randall Arendt

Subdivision regulations are one of the principal tools for shaping our communities. It is through the subdivision review process that communities most directly assure that residential development is designed in a way which promotes community objectives such as the preservation of open space and natural areas.

But to back up a step, why should we be concerned about protecting open space? In a nutshell, by preserving open space we protect streams and water quality, provide habitat for plants and animals, preserve rural "atmosphere," provide recreational areas, protect home values, and reduce costs of municipal services. In short, land conservation makes our communities better places to live.

As you will see on the following pages, the conservation subdivision approach involves small, but significant, changes to the subdivision design and review process. When integrated with comprehensive plan and zoning provisions which encourage the preservation of open space, a community can — over a period of years — protect an interconnected network of conservation lands. Developers can easily become the community's leading conservationists, as each new subdivision adds another link to an area-wide open space system. One Michigan community<sup>1</sup> has, in fact, conserved more than 1,000 acres through this approach in the last eight years, a conservation value of at least \$10 million!

It is critical to realize that conservation subdivision design is not only fair to developers, it actually enhances the value of development. Studies comparing developments built according to conservation design principles with those following more conventional, land-consumptive, layouts show that houses tend to sell faster and real estate values appreciate more with conservation



design. This should not be surprising. Homebuyer surveys show that people strongly desire open space, recreation areas, and scenic views. See pages 8-9 for more on this.

Conservation subdivision design differs in several significant ways from the more familiar "cluster development" approach. Under conservation design principles (as you will see in the model ordinance), full density is achievable only when at least 50 percent of potentially buildable land is set aside. This compares with cluster provisions that frequently require only 25 to 30 percent of the gross land area to be conserved. Moreover, with cluster development this open space is often comprised of left over, undesirable areas such as stormwater management facilities or land under high-tension power lines.

Although clustering has produced a few small "green islands" here and there, conservation design can protect blocks and corridors of permanent open space.

These areas should be pre-identified on a community-wide map of potential conservation lands in the comprehensive plan (see page 11) so that each new development will add to — rather than subtract from — the community's open space acreage.

Another result is that conservation subdivisions make it easier for municipalities to implement community-wide greenway plans, which may depend on developers to provide critical links along particular stream valleys or hilltop ridges.

On the following pages you'll learn more about conservation subdivision design, and how this approach might benefit your efforts to plan for a more liveable community.

<sup>1</sup> Hamburg Township, Livingston County.

continued on page 8

**Editor's Note:** On the following pages, excerpts from Randall Arendt's *Model Ordinance Provisions for Conservation Subdivision Design* are set out, along with discussion of nine key issues — including the "economics" of conservation subdivisions. As a planning commissioner I've found it is often helpful in understanding how a proposal really works to see it in ordinance form. In reading through the model ordinance note, in particular, how the focus is on identifying land to be conserved **before** moving on to locate house sites and streets.

Our thanks to Island Press for allowing us to excerpt from the *Model Ordinance*, which appeared in *Arendt's Conservation Design for Subdivisions* (Island Press, 1996). Note also that Island Press will be publishing *Arendt's Growing Greener Workbook* this Autumn. It will contain illustrated case studies, and much additional material. For information on either publication, call Island Press at: 800-828-1302.

# MODEL ORDINANCE PROVISIONS FOR CONSERVATION SUBDIVISION DESIGN

## MINIMUM PERCENTAGE OF OPEN SPACE

The minimum percentage of land that shall be designated as permanent open space, not to be further subdivided, and protected through a conservation easement...

A minimum of fifty percent (50%) of the total tract area, after deducting the following kinds of unbuildable land...

wetlands... floodway and floodway fringe within the 100-year floodplain... land with slopes exceeding 25%, or soils subject to slumping... land required for street rights-of-way (10% of the net tract area)... land under permanent easement prohibiting future development...

## LOCATION OF OPEN SPACE

The location of open space conserved through compact residential development shall be consistent with the policies contained in the Open Space, Recreation, and Environmental Resources Element of the comprehensive plan, and with the recommendations contained in this section and the following section ("Evaluation Criteria").

Open space shall be comprised of two types of land: "Primary Conservation Areas" and "Secondary Conservation Areas." All lands within both Primary and Secondary Areas are required to be protected by a permanent conservation easement, prohibiting further development, and setting other standards safeguarding the site's special resources from negative changes.

### 1. Primary Conservation Areas.

This category consists of wetlands, lands that are generally inundated (under ponds, lakes, creeks, etc.), land within the 100-year floodplain, slopes exceeding 25%, and soils subject to slumping. These sensitive lands are deducted from the total parcel acreage to produce the "Adjusted Tract Acreage," on which density shall be based

### 2. Secondary Conservation Areas.

In addition to the Primary Conservation Areas, at least fifty percent (50%) of the remaining land shall be designated and permanently protected. Full density credit shall be allowed for land in this category

that would otherwise be buildable under local, state and federal regulations, so that their development potential is not reduced by this designation. Such density credit may be applied to other unconstrained parts of the site.

... The locations of Secondary Conservation Areas shall be guided by the maps and policies contained in the Open Space, Recreation, and Environmental Resources Element of the comprehensive plan, and shall include all or part of the following kinds of resources: mature woodlands, aquifer recharge areas, areas with highly permeable ("excessively drained") soil, significant wildlife habitat areas, sites listed on the [state natural areas inventory], prime farmland, historic, archaeological or cultural features listed (or eligible to be listed) on national, state or county registers or inventories, and scenic views into the property from existing public roads. Secondary Conservation Areas therefore typically consist of upland forest, meadows, pastures, and farm fields, part of the ecologically connected matrix of natural areas significant for wildlife habitat, water quality protection, and other reasons. Although the resource lands listed as potential Secondary Conservation Areas may comprise more than half of the remaining land on a development parcel (after Primary Conservation Areas have been deducted), no applicant shall be required to designate more than 50% of that remaining land as a Secondary Conservation Area.

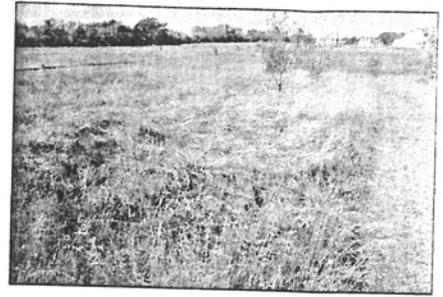
## EVALUATION CRITERIA

In evaluating the layout of lots and open space, the following criteria will be considered by the Planning Commission as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Planning Commission shall evaluate proposals to determine whether the proposed conceptual preliminary plan:

1. *Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the governing body for essential infrastructure or active or passive recreation amenities).*

2. *Preserves and maintains mature*

*continued on page 10*



Mown trail through open space. Stillmeadow development. Waukesha County, Wisconsin.

## Are conservation subdivision regulations fair to developers?

Conservation Design rearranges the development on each parcel as it is being planned so that half (or more) of the buildable land is set aside as open space. Without controversial "down zoning," the same number of homes can be built in a less land-consumptive manner, allowing the balance of the property to be permanently protected and added to an interconnected network of community green spaces. This "density-neutral" approach provides a fair and equitable way to balance conservation and development objectives.

Conservation zoning is fundamentally fair because it allows landowners



Tot lot in Garnet Oaks development. Bethel Township, Delaware County, Pennsylvania

and developers to achieve full density under the municipality's current zoning.

Although conservation zoning precludes full-density layouts that do not conserve open space, this is legal because there is no constitutional "right to sprawl."

Second, no land is taken for public use. None of the land which is required to be designated for conservation purposes becomes public (or even publicly accessible) unless the landowner or developer wants it to be. In the vast majority of situations, municipalities themselves have no desire to own and manage such conservation land, which they generally feel should be a neighborhood responsibility.

## 2 The "economics" of conservation subdivisions

The first advantage of conservation subdivision design is the opportunity it offers to reduce infrastructure engineering and construction costs. Because the development pattern is more compact, street and utility costs are reduced. In addition, conservation design can reduce the number of costly wetland crossings needed, since those



parts of the site are within the open space conservation area.

The second advantage occurs during marketing and sales, when developers and realtors can capitalize on the amenities that have been preserved or provided within the development. These positive features can form the basis for an environmentally-oriented marketing strategy highlighting the benefits of living in a community where forest habitat, meadows, wetland buffers, and/or productive farmland has been preserved.

A national survey of homebuyers conducted in 1994 by American Lives revealed that of 39 features critical to their choice, homebuyers ranked "lots of natural open space" and plenty of "walking and biking paths" as the third and fourth highest rated factors affecting their decisions.<sup>1</sup>

The "art" of marketing conservation subdivisions emphasizes that buyers of smaller lots are actually purchasing much more than their individual lots. With open space ranging from 50 to 65 percent, sales strategies focusing on this kind of amenity strike a responsive chord among many homebuyers, particularly when lots are laid out to maximize views of the conservation land.

When the conservation area abuts other similar land, as in the community-wide open space network, a further marketing advantage exists.

## 3 How do residential values in conservation subdivisions compare to conventional subdivisions?

Homes in conservation subdivisions tend to appreciate in value faster than their counterparts in conventional developments. A fairly long-term study comparing two Amherst, Massachusetts, subdivisions built at about the same time, with very similar homes that originally sold for almost the same price, found that homes in the "open space" subdivision (which included more woodlands, meadows, and trails, but smaller house lots) appreciated in

value 13 percent more over a 20 year period than the conventionally designed subdivision (which had much larger individual house lots, but little community open space).<sup>2</sup>

In conservation subdivisions with substantial open space, there is little or no correlation between lot size and price. These developments have sometimes been described as "golf course communities without the golf course," underscoring the idea that a house on a small lot with a great view is frequently worth as much or more than the same house on a larger lot which is boxed in on all sides by other houses.



Ponds at Woodward development. Kennett Township, Chester County, Pennsylvania.

## 4 Wildlife management benefits

Conservation biologists tell us that riparian woodlands along rivers, creeks, and streams offer our best hope for creating a system of interconnecting corridors for a variety of wildlife — from aquatic organisms and fish to amphibians and small terrestrial mammals (such as raccoons, muskrats, and otters) — that link the aquatic system to the adjoining upland.

Natural areas preserved in conservation subdivisions provide important habitat for wildlife to dwell in and travel through. The greenways that are one of the hallmarks of conservation subdivision design provide cover and naturally selected corridors for various species to move through, as they travel

<sup>1</sup> See page 5 for citation

<sup>2</sup> Jeff Lacy, "An Examination of Market Appreciation for Clustered Housing With Permanent Open Space." Center for Rural Massachusetts 1990. For information, call: 413-545-2612.

woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses....

3. If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads....

4. Maintains or creates an upland buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes, and ponds.

5. Designs around existing hedgerows and treelines between fields or meadows, and minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive vines. Also, woodlands of any size on highly erodible soils with slopes greater than 10% should be avoided. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. ...

6. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares....

7. Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.

8. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern...

9. Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, cellar holes, earthworks, and burial grounds.

10. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, and so on.

11. Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value....

12. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby houselots.

13. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcel, where applicable).

14. Provides open space that is reasonably contiguous. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development.

#### ELEMENTS OF THE PRELIMINARY PLAN PROCESS

##### 1. Pre-Application Discussion.

A pre-application discussion is strongly encouraged between the applicant, the site designer(s), and the Planning Commission. The purpose of this informal meeting is to introduce the applicant and the site designer(s) to the zoning and subdivision regulations and procedures, and to discuss the applicant's objectives in relation to the official policies and ordinance requirements....

##### 2. Existing Resources (Site Analysis) Plan.

Plans analyzing each site's special features are required for all proposed subdivisions, as they form the basis of the design process for greenway lands, house locations, street alignments, and lot lines. The applicant or his/her representative shall bring a copy of the Existing Resources (Site Analysis) Plan to the on-site walkabout. Detailed requirements for Existing Resources (Site Analysis) Plans are contained in another section of this ordinance, but at the minimum must include:

- (1) a contour map based at least upon topographical maps published by the U.S. Geological Survey;
- (2) the location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and 100-year floodplains, and all rights-of-way and easements;
- (3) soil boundaries as shown on USDA Natural Resources Conservation Service medium-intensity maps; and
- (4) the location of significant features such as woodlands, treelines, open fields or

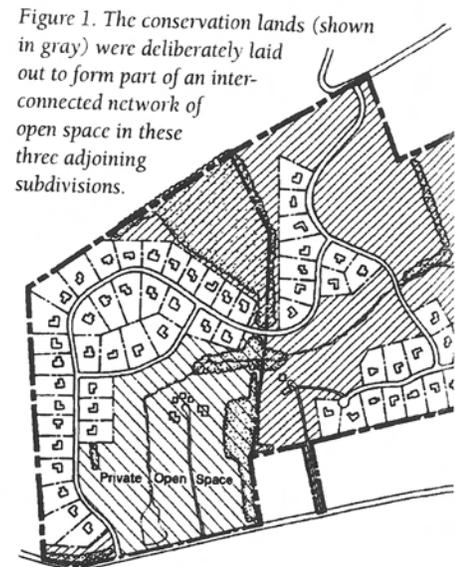


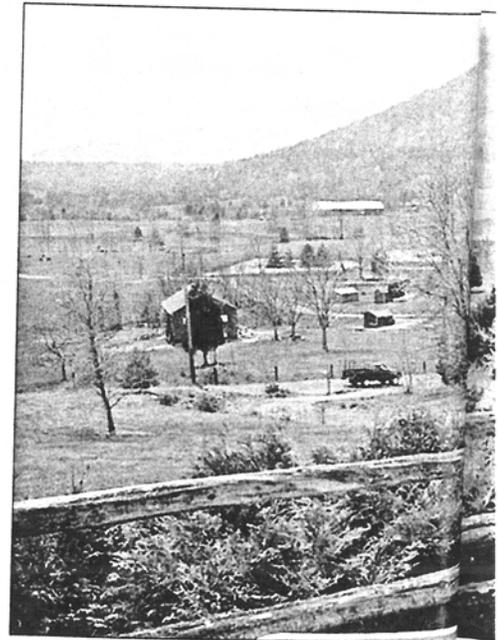
Figure 1. The conservation lands (shown in gray) were deliberately laid out to form part of an interconnected network of open space in these three adjoining subdivisions.

from their nests and burrows to their feeding places or hunting grounds.

In addition, conservation subdivisions can include areas managed as wildlife or wildflower meadows.

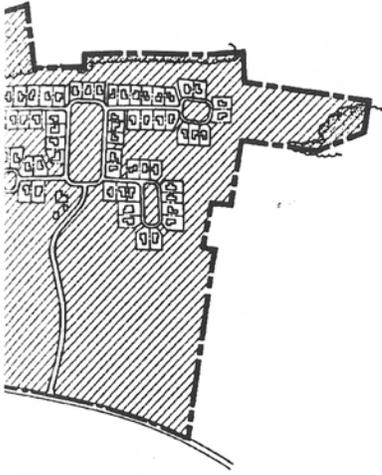
#### Community map of potential conservation lands

Although many communities have adopted either Comprehensive Plans or Open Space Plans containing detailed inventories of their natural and historic resources, very few have taken the next logical step of pulling



View from porch. Farmcolony development. Greene County, Virginia.

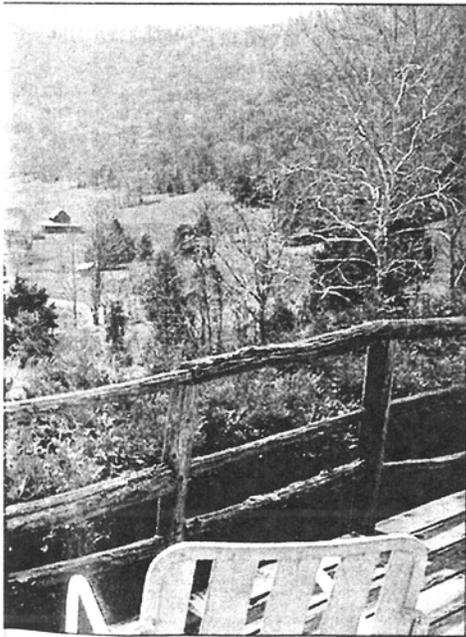
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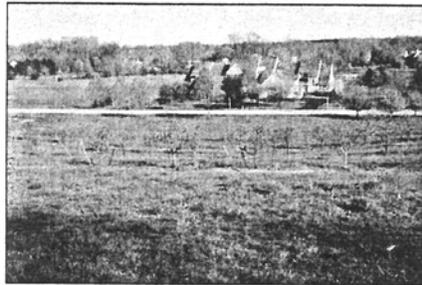
together all that information and creating a Map of Potential Conservation Lands.

Such a map is vitally important to any community interested in conserving an interconnected network of open space. The map serves as the tool which guides decisions regarding which land to protect in order for the network to eventually take form and have substance.

A Map of Potential Conservation Lands starts with information contained in the community's existing



planning documents. The next task is to identify two kinds of resource areas. Primary Conservation Areas comprise only the most severely constrained lands, where development is typically restricted under current codes and laws (such as wetlands, floodplains, and slopes exceeding 25%). Secondary Conservation Areas include all other locally noteworthy or significant features of the natural or cultural landscape—such as mature woodlands, wildlife habitats and travel corridors, prime farmland, groundwater recharge areas, greenways and trails, river and stream corridors, historic sites and buildings, and scenic viewsheds. These Secondary Conservation Areas are often best understood by the local residents who may be directly involved in their identification. Usually these



*View from hill. Ponds at Woodward development. Kennett Township, Chester County, Pennsylvania.*

resource areas are totally unprotected and are simply zoned for one kind of development or another.

A base map is then prepared on which the Primary Conservation Areas have been added to an inventory of lands which are already protected (such as parks, land trust preserves, and properties under conservation easement). Clear acetate sheets showing each kind of Secondary Conservation Area are then laid on top of the base map in an order reflecting the community's preservation priorities (as determined through public discussion).

This overlay process will reveal certain situations where two or more conservation features appear together (such as woodlands and wildlife habitats, or farmland and scenic view-



*Homes backing onto open space. Prairie Crossing development. Grayslake, Lake County, Illinois.*

sheds). It will also reveal gaps where no features appear.

Although this exercise is not an exact science, it frequently helps local officials and residents visualize how various kinds of resource areas are connected to one another, and enables them to tentatively identify both broad swaths and narrow corridors of resource land that could be protected in a variety of ways.

Not surprisingly, the most important step in designing a conservation subdivision is to identify the land that is to be preserved. By using the community-wide Map of Potential Conservation Lands as a template for the layout and design of conservation areas within new subdivisions, these developments help to create an interconnected network of open space spanning the entire municipality.

Figure 1 shows how the open space in three adjoining subdivisions has been designed to connect, and illustrates the way in which the Map of Potential Conservation Lands can become a reality.

## **6 Stormwater management & water quality**

Conservation subdivision design offers a more effective and less costly approach to stormwater management than conventional subdivision layout. This is because conservation design causes less disturbance to the subdivision parcel as a whole (leaving a greater percentage of woodlands and meadows in their natural state), providing larger areas of natural vegetation that act as buffers to help filter stormwater.

meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails...

These Existing Resources (Site Analysis) Plans shall identify both the Primary Conservation Areas (floodplains, wetlands, and steep slopes, and Secondary Conservation Areas ... The Existing Resources (Site Analysis) Plan shall form the basis for the conceptual Preliminary Plan, which shall show the tentative location of houses, streets, lot lines, and greenway lands in new subdivisions, according to the four-step design process described below.

### 3. On-Site Walkabout.

After the Existing Resources (Site Analysis) Plan has been prepared, the Planning Commission shall schedule a mutually convenient date to walk the property with the applicant and his/her site designer. The purpose of this visit is to familiarize local officials with the property's special features, and to provide them an informal opportunity to offer guidance (or at least a response) to the applicant regarding the tentative location of the Secondary Conservation Areas and the potential house locations and street alignments. If this visit is not scheduled before submission of the sketch plan or the Conceptual Preliminary Plan, it should occur soon thereafter.

### 4. Pre-Submission Conference.

Prior to the submission of the sketch plan or a Conceptual Preliminary Plan, the applicant shall meet with the Planning Commission to discuss how the four-step approach

to designing subdivisions, described below, could be applied to the subject property. At the discretion of the Planning Commission this conference may be combined with the on-site walkabout.

### 5. Conceptual Preliminary Plan.

After the pre-submission conference, a sketch plan or a Conceptual Preliminary Plan shall be submitted for all proposed subdivisions. As used in this ordinance, the term "Conceptual Preliminary Plan" refers to a preliminarily engineered sketch plan drawn to illustrate initial thoughts about a conceptual layout for greenway lands, house sites, and street alignments. This is the stage where drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed subdivision layout....

A Conceptual Preliminary Plan shall be submitted by the applicant to the zoning officer who will then submit it to the Planning Commission for review for the purpose of securing early agreement on the overall pattern of streets, houselots, Primary and Secondary Conservation Areas, and potential trail linkages (where applicable), prior to any significant expenditure on engineering costs in the design of streets, stormwater management, or the accurate delineation of internal lot boundaries....

### 6. Four-step Process.

Each sketch plan or Conceptual Plan shall follow a four-step design process, as described below (See Figure 2 below)

a. *Designating the Open Space.* During the

*continued on page 14*



Reducing runoff velocity allows stormwater to be absorbed into the soil and be taken up by the vegetation. Buffers also offer important infiltration and "recharge" benefits because they help maintain adequate flows of filtered water to underground aquifers. Aquifer replenishment is essential for maintaining stream flow during dry summer months, which is, in turn, necessary for the health of aquatic habitats.

Although the groundwater impact of an individual development may not be terribly significant, the cumulative effect of hundreds of acres of native woodland and meadows being evenly graded and

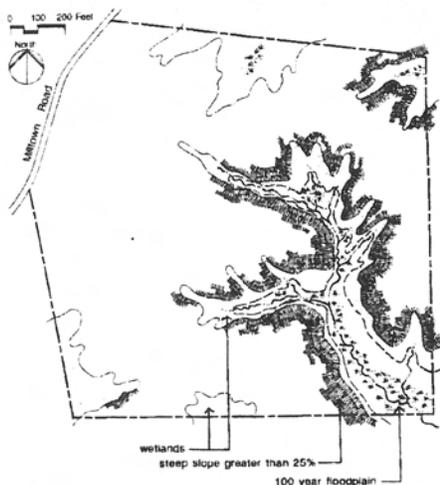
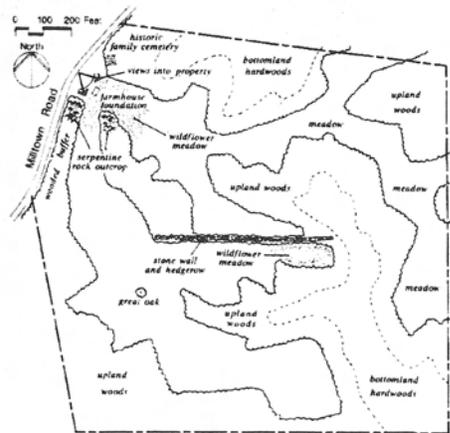


Figure 2. The Four-Step Process. Step 1, Part One. Identifying Primary Conservation Areas



Step 1, Part Two. Identifying Secondary Conservation Areas



Step 1, Part Three. Identifying Potential Development Areas



*Creek and meadow. Ranch at Roaring Fork. Garfield County, Colorado.*

covered with streets, driveways, patios, rooftops, and lawns (which allow for a surprisingly high amount of runoff) can be very considerable.

By reducing the overall area of impervious surfaces and suburban lawns that would otherwise be created, conservation design reduces the total volume of stormwater runoff.

### 7 Sewage Treatment

Conservation subdivisions offer greater opportunities to implement environmentally sensitive sewage treatment and disposal systems, known alternatively as “land treatment,”

“spray irrigation,” and “wastewater reclamation and reuse.” These terms describe variations of a well-documented technology that is superior to conventional mechanical systems in many ways because they produce only very small amounts of sludge by-products and help to replenish local aquifers.

With spray irrigation, wastewater is heavily aerated in deep lagoons where it receives a “secondary” level of treatment, similar to that provided by conventional sewage plants. It is then applied to the land surface at rates consistent with the soil’s natural absorption capacity. A growing number of environmentally sensitive golf courses are irrigated and fertilized with wastewater treated in this way. The practice has been well accepted by golfers and nearby residents because it is safe, odorless, and environmentally sound.

Although the conservation design makes it easier to use land treatment systems, a conservation subdivision can, of course, be served by conventional sewage plants, individual septic systems, or community septic systems.

### 8 Who will own and maintain the conservation land?

#### Ownership Choices.

There are basically four options, which may be combined within the same subdivision where that makes

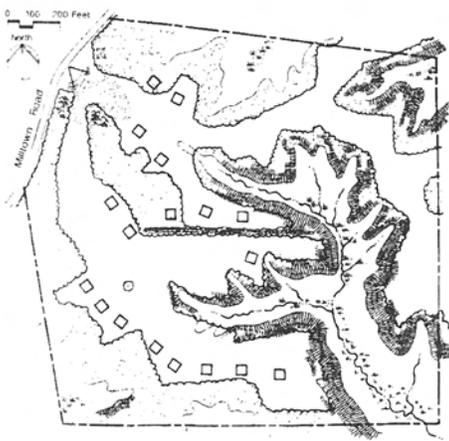
the most sense.

- **Individual Landowner**

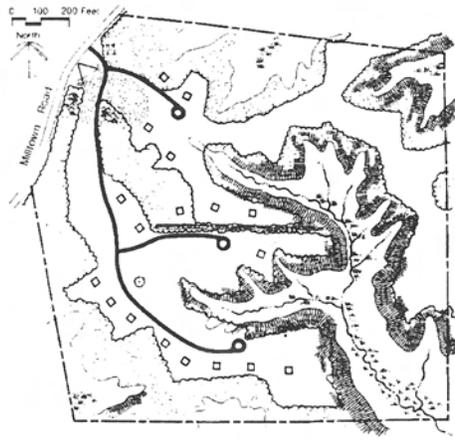
At its simplest level, the original landowner (a farmer, for example) can retain ownership to as much as 80 percent of the conservation land to keep it in the family. (At least 20 percent of the open space should be reserved for common neighborhood use by subdivision residents.) That landowner can also pass this property on to sons or daughters, or sell it to other individual landowners, with permanent conservation easements running with the land and protecting it from development under future owners. The open space should not, however, be divided among all of the individual subdivision lots as land management and access difficulties are likely to arise.

- **Homeowners’ Associations**

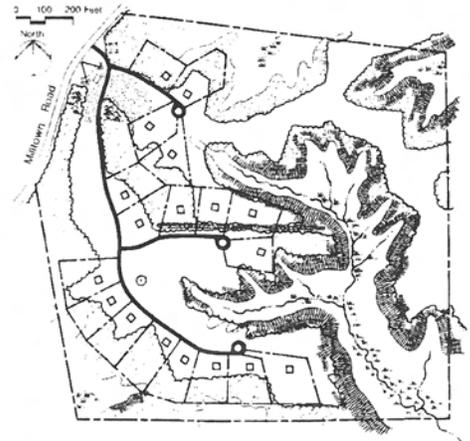
Most conservation land within subdivisions is owned and managed by homeowners’ associations (HOAs). A few basic ground rules encourage a good performance record. First, membership must be automatic, a precondition of property purchase in the development. Second, zoning should require that bylaws give such associations the legal right to place liens on properties of members who fail to pay their dues. Third, facilities should be minimal (ball fields and trails rather than clubhouses and swimming pools)



*Step 2. Locating House Sites*



*Step 3. Aligning Streets and Trails*



*Step 4. Drawing in the Lot Lines*

first step, all potential conservation areas (both primary and secondary) are identified, using the Existing Resources (Site Analysis) Plan. Primary Conservation Areas shall consist of wetlands, floodplains, slopes over 25%, and soils susceptible to slumping. Secondary Conservation Areas shall comprise 50% of the remaining land, and shall include the most sensitive and noteworthy natural, scenic, and cultural resources on that remaining half of the property.

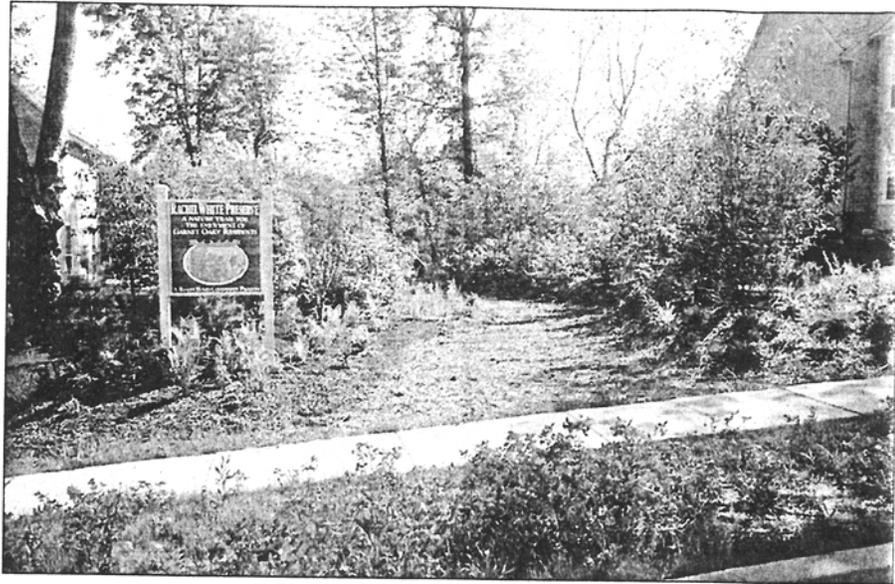
Guidance on which parts of the remaining land to classify as Secondary Conservation Areas shall be based upon:

- the procedures described in *Conservation Design for Subdivisions*...
- on-site visits or "walkabouts"
- the open space locational criteria
- the evaluation criteria
- information from published data and reports, and
- conversations with existing or recent owners of the property, and members of the planning commission.

*b. Location of House Sites.* During the second step, potential house sites are tentatively located. Because the proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the 14 evaluation criteria, subdivision applicants shall identify tentative house sites on the Conceptual Preliminary Plan and proposed house sites on the detailed Final Plan. House sites should generally be located not closer than 100 feet from Primary Conservation Areas, but may be situated within 50 feet of Secondary Conservation Areas, in order to enjoy views of the latter without negatively impacting the former....

*c. Street and Lot Layout.* The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the township and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels)....

*d. Lot Lines.* The fourth step is simply to draw in the lot lines (where applicable). ...◆



Trail sign. Garnet Oaks development. Bethel Township, Delaware County, Pennsylvania.

to keep annual dues low. And fourth, detailed maintenance plans for conservation areas should be required by the municipality as a condition of approval. The municipality has enforcement rights and may place a lien on the property should the HOA fail to perform their obligations to maintain the conservation land.

• **Land Trusts**

Although homeowners' associations are generally the most logical recipients of conservation land within subdivisions, occasionally situations arise where such ownership most appropriately resides with a land trust (such as when a particularly rare or significant natural area is involved). Land trusts are private, charitable groups whose principal purpose is to protect land under its stewardship from inappropriate change. Their most common role is to hold easements or fee simple title on conservation lands within new developments and elsewhere in the community, to ensure that all restrictions are observed. To cover their costs in maintaining land they own or in monitoring land they hold easements on, land trusts typically require some endowment funding.

• **Municipality or Other Public Agency**

In special situations a local government might desire to own part of the

conservation land within a new subdivision, such as when that land has been identified in a municipal open space plan as a good location for a neighborhood park or for a link in a community trail network. Developers can be encouraged to sell or donate certain acreage to municipalities through additional density incentives, although the final decision would remain the developer's.

**Maintenance Issues.**

Local officials should require conservation area management plans to be submitted and approved prior to granting final subdivision approval. ◆

Randall Arendt is a land use planner, site designer, author, lecturer, and advocate of conservation planning. He is vice president of conservation at the Natural Lands Trust in Media, Pennsylvania. Arendt is



the principal author of *Rural by Design: Maintaining Small Town Character* (APA Planners Press, 1994), and authored "Open Space Zoning: What It Is & Why It Works," in *PCJ* #5 (1992). If you have any questions, you can contact Arendt at: Natural Lands Trust, 1031 Palmers Mill Rd., Media, PA 19063; 610-353-5587. More details on the Growing Greener approach outlined in this article can be found at the Natural Lands Trust web site: [www.natlands.org](http://www.natlands.org)



**Appendix F**  
Department of Agriculture and Markets Information



## **Department of Agriculture and Markets Guideline – Conditions on Future Service**

The Project sponsor/permittee should impose the following conditions, as warranted or recommended on the management of water/sewer lines within agricultural districts:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within the agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a "subdivision," in part, as "any tract of land which is divided into five or more parcels." Water and/or sewer service will not be extended to the fifth and subsequent parcels where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident's property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.
- (3) If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from the agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.



## **Appendix G**

### Access Management Principles



## Principles of Access Management

Access management programs seek to limit and consolidate access along major roadways, while promoting a supporting street system and unified access and circulation systems for development. The result is a roadway that functions safely and efficiently for its useful life, and a more attractive corridor. The goals of access management are accomplished by applying the following principles:

1. **Provide a Specialized Roadway System:** Different types of roadways serve different functions. It is important to design and manage roadways according to the primary functions that they are expected to serve.
2. **Limit Direct Access to Major Roadways:** Roadways that serve higher volumes of regional through traffic need more access control to preserve their traffic function. Frequent and direct property access is more compatible with the function of local and collector roadways.
3. **Promote Intersection Hierarchy:** An efficient transportation network provides appropriate transitions from one classification of roadway to another. For example, freeways connect to arterials through an interchange that is designed for the transition. Extending this concept to other roadways results in a series of intersection types that range from the junction of two major arterial roadways, to a residential driveway connecting to a local street.
4. **Locate Signals to Favor Through Movements:** Long, uniform spacing of intersections and signals on major roadways enhances the ability to coordinate signals and to ensure continuous movement of traffic at the desired speed. Failure to carefully locate access connections or median openings that later become signalized, can cause substantial increases in arterial travel times. In addition, poor signal placement may lead to delays that cannot be overcome by computerized signal timing systems.
5. **Preserve the Functional Area of Intersections and Interchanges:** The functional area of an intersection or interchange is the area that is critical to its safe and efficient operation. This is the area where motorists are responding to the intersection or interchange, decelerating, and maneuvering into the appropriate lane to stop or complete a turn. Access connections too close to intersections or interchange ramps can cause serious traffic conflicts that result in crashes and congestion.
6. **Limit the Number of Conflict Points:** Drivers make more mistakes and are more likely to have collisions when they are presented with the complex driving situations created by numerous conflict points. Conversely, simplifying the driving task contributes to improved traffic operations and fewer collisions. A less complex driving environment is accomplished by limiting the number and type of conflicts between vehicles, vehicles and pedestrians, and vehicles and bicyclists.
7. **Separate Conflict Areas:** Drivers need sufficient time to address one set of potential conflicts before facing another. The necessary spacing between conflict areas increases as travel speed increases, to provide drivers adequate perception and reaction time. Separating conflict areas helps to simplify the driving task and contributes to improved traffic operations and safety.

8. **Remove Turning Vehicles from Through Traffic Lanes:** Turning lanes allow drivers to decelerate gradually out of the through lane and wait in a protected area for an opportunity to complete a turn. This reduces the severity and duration of conflict between turning vehicles and through traffic and improves the safety and efficiency of roadway intersections.
9. **Use Nontraversable Medians to Manage Left-Turn Movements:** Medians channel turning movements on major roadways to controlled locations. Research has shown that the majority of access-related crashes involve left turns. Therefore, nontraversable medians and other techniques that minimize left turns or reduce the driver workload can be especially effective in improving roadway safety.
10. **Provide a Supporting Street and Circulation System:** Well-planned communities provide a supporting network of local and collector streets to accommodate development, as well as unified property access and circulation systems. Interconnected street and circulation systems support alternative modes of transportation and provide alternative routes for bicyclists, pedestrians, and drivers. Alternatively, commercial strip development with separate driveways for each business forces even short trips onto arterial roadways, thereby reducing safety and impeding mobility.

## Importance of Access Management

With fewer new arterial roadways being built, the need for effective systems management strategies is greater than ever before. Access management is particularly attractive as it offers a variety of benefits to a broad range of stakeholders. By managing roadway access, government agencies can increase public safety, extend the life of major roadways, reduce traffic congestion, support alternative transportation modes, and even improve the appearance and quality of the built environment.

Without access management, the function and character of major roadway corridors can deteriorate rapidly. Failure to manage access is associated with the following adverse social, economic, and environmental impacts:

- An increase in vehicular crashes,
- More collisions involving pedestrians and cyclists,
- Accelerated reduction in roadway efficiency,
- Unsightly commercial strip development,
- Degradation of scenic landscapes,
- More cut-through traffic in residential areas due to overburdened arterials,
- Homes and businesses adversely impacted by a continuous cycle of widening roads, and
- Increased commute times, fuel consumption, and vehicular emissions as numerous driveways and traffic signals intensify congestion and delays along major roads.

Not only is this costly for government agencies and the public, but it also adversely affects corridor businesses. Closely spaced and poorly designed driveways make it more difficult for customers to enter and exit businesses safely. Access to corner businesses may be blocked by queuing traffic. Customers begin to patronize businesses with safer, more convenient access and avoid businesses in areas of poor access design. Gradually the older developed areas begin to deteriorate due to access and aesthetic problems, and investment moves to newer better-managed corridors.

After access problems have been created, they are difficult to solve. Reconstructing an arterial roadway is costly and disruptive to the public and abutting homes and businesses. The shallow property depth, multiple owners, and right-of-way limitations common to older corridors generally preclude effective redesign of access and site circulation. In some cases, a new arterial or bypass must be built to replace the functionally obsolescent roadway, and the process begins again in a new location. Access management programs can help stop this cycle of functional obsolescence, thereby protecting both the public and private investment in major roadway corridors.

## Elements of a Comprehensive Program

The manual provides specific guidance to state, regional and local agencies on developing and implementing an access management program or corridor access management plan. Comprehensive, system-wide access management programs involve the following key elements:

1. Classifying roadways into a logical hierarchy according to function,
2. Planning, designing, and maintaining roadway systems based on functional classification and road geometry,
3. Defining acceptable levels of access for each class of roadway to preserve its function, including criteria for the spacing of signalized and unsignalized access points,
4. Applying appropriate geometric design criteria and traffic engineering analysis to each allowable access point, and
5. Establishing policies, regulations, and permitting procedures to carry out and support the program.

State and local agencies may adopt specific policies, directives, regulations, or guidelines that are directly or indirectly related to access management. Access management regulations may address a variety of issues, such as access spacing and design, and are more enforceable than guidelines. Local agencies also establish land development regulations that affect access outcomes, such as subdivision regulations and lot dimensional requirements.

Another option is for state transportation agencies or local governments to acquire property access rights through purchase or eminent domain. The acquisition of access rights, while often costly and time consuming, is a strong and long lasting solution.

Some aspects of access management are addressed at the development review stage, in response to a request for a development or connection permit. This may be accomplished through the subdivision or site plan review process of local agencies or during the access permitting process of state agencies. Larger developments are often required to submit a traffic impact assessment to assist the agency in its review.

Access management is also addressed through roadway design. Geometric design features, such as interchanges, frontage roads, medians, median openings, auxiliary lanes, driveway design, and intersection channelization are used to manage access and vehicular turning movements. Geometric design criteria are normally included in design manuals and design objectives are advanced through the roadway improvement process.

**Appendix H**  
Agricultural Zoning



# Is Your Town Planning a Future for Agriculture?

A Checklist for Supporting Agriculture at the Town Level in New York

## Understanding Agriculture in Your Town:

### *Does Your Town...*

Yes  No

**...have a detailed section on agriculture in the town's comprehensive plan?** The comprehensive or master plan is the big picture view for the future of the town. Does your town's comprehensive plan refer to "maintaining rural character," but overlooks agriculture as the primary component? Consider having a town-appointed committee profile local farms to demonstrate the economic, cultural and environmental benefits of agriculture. Agriculture shouldn't be an afterthought!

Yes  No

**...have a consistent approach for local procedures that deal with agriculture?** Town boards, planning boards and zoning boards have different responsibilities, but a common regulatory outlook is possible. Update your comprehensive plan to reflect the value that agriculture contributes to your town's quality of life through open space, wildlife habitation, watershed purification and natural resource preservation. Establish, as a policy, that agriculture is beneficial to your town and fairness will follow.

Yes  No

**...have any visible demonstration of the value of local farms?** Does your town support a fair, an apple festival or other farm events? When agriculture is visible to the public, residents will better understand the benefit of having farms in town.

Yes  No

**...have farmers serving on local planning boards, zoning boards or local economic development committees?** Having farmers serve on town committees is one of the most effective ways for towns to incorporate agricultural concerns into local land use or economic development plans. Town Law Sect. 271(11) permits towns with state agricultural districts to allocate planning board seats to farmers.

Agricultural advisory committees can also be established to provide guidance to a town.

Yes  No

**...publicize where to go to get advice and assistance on farm questions?** Towns should help make the connection between farmers and local, state and federal agricultural and conservation organizations that can serve as resources.

## Creating a Supportive Business Environment for Farming:

### *Does Your Town...*

Yes  No

**...allow agricultural uses in more than one zoning district?** Agricultural businesses are not the same as other commercial development. Some towns confine agricultural businesses to the commercial zone only, while other towns prohibit such uses in the commercial zone. Farm enterprises often are hybrids of several different uses. Ordinances and regulations should allow farm business flexibility.

Yes  No

**...allow flexibility in regulations to accommodate the unusual needs of agricultural businesses?** Does your town have appropriate regulations for farm retailers such as expanded hours of business, temporary and off-site signs, parking near pick-your-own fields, or on street parking? The land use impact and off-site impact of a seasonal farm business can be much less than that of a full-time retail business. Pick-your-own operations or Christmas tree farms may have a hard time staying viable in a town that treats farms like all other retailers.

Yes  No

**...allow farm stands to sell produce purchased elsewhere?** Many towns have rules that require a certain percentage of farm stand produce to be grown on the farm. The basis for allowing a farm stand shouldn't be how much is grown on the farm, but

what benefit the farm provides to the town in terms of open space, wildlife habitation, watershed purification and natural resource protection.

Yes  No

**...allow rural businesses compatible with agriculture in farming areas?** Home-based occupations such as farm machinery repair shops, sawmills and other rural businesses can help farm families make ends meet. They can also provide an economically viable alternative to selling farmland for development.

Yes  No

**...work to pro-actively address trespassing on farmland?** When people trespass on farmland, crops, fields and infrastructure can be damaged. Communities can help protect public safety and prevent needless farm losses by pro-actively addressing trespassing problems.

Yes  No

**...have business infrastructure that supports modern farms?** Modern farming operations require services, as do other businesses. To support farm businesses, towns should ensure that telephone, electric and other wires are high enough to prevent accidents with farm equipment. They also should make snowplowing on roads leading to dairy farms a priority so that milk trucks can collect milk easily, and should maintain good culverts and drainage systems to help move water away from farm fields. Towns should also check their roads and bridges to determine whether they can handle tractor-trailers, which are commonly used to provide goods and services to farms.

## Supporting Appropriate Tax Policies for Farmland and Buildings

*Does Your Town...*

Yes  No

**...properly assess specialized agricultural structures?** Has your town assessor received training on assessing farmland and farm buildings? Specialized structures such as silos, milking parlors and permanent greenhouses depreciate in value over time. If your town frequently overvalues agricultural structures, this can have a chilling effect on all types of farm investment.

Yes  No

**...recognize the property tax benefits of farmland and support tax policies that are fair to farmland owners?** While farmland may provide less tax revenue per acre than other land uses, it also requires significantly less in local services. "Cost of Community Services" studies in over 15 New York towns have demonstrated that farmland generally pays more in taxes than it receives in local services. By comparison, residences generally require more in local services than they pay in taxes. Has your town considered adopting agricultural assessment values for fire, library or other service districts as a means of demonstrating that farmland requires fewer public services?

Yes  No

**...act as a resource for information about property tax reduction programs aimed at farmers and other farmland owners?** Local governments and New York state have developed a number of programs aimed at reducing property taxes for farmers and other owners of farmland. Does your town encourage the use of New York's Agricultural Assessment and Farm Building Exemption programs and the Farmers' School Tax Credit?

## Developing Strategies to Protect Your Town's Best Farmland

*Does Your Town...*

Yes  No

**...identify areas where it wants to support agriculture over the long-term?** Do you know where the best agricultural soils are located in your town? The USDA Natural Resources Conservation Service (NRCS) and Soil and Water Conservation Districts can be important partners in identifying productive agricultural soils. This soil data combined with other information can help towns identify priority farming areas where they want to support agriculture over the long-term.

Yes  No

**...have policies aimed at retaining large blocks of farmland that are able to support a variety of farm businesses?** Farmers don't want to be an "island in a sea of development." Has your town developed policies to keep large blocks of land in agricultural

use over the long-term? Larger areas of farmland provide greater opportunities for farms to adapt to changing market conditions. Retaining such blocks helps to ensure a future for farming.

Yes  No

**...limit expansion of infrastructure in areas where it wants to support agriculture over the long-term?** Extending water and sewer lines through farmland should be done with caution. Providing these services without accompanying planning measures can accelerate the loss of farmland. Focusing water, sewer and other services in already developed areas can help limit the development of a town's best farmland.

Yes  No

**...have a strategy for protecting its best farmland?** Once your town identifies its priority farming areas, complementary land use policies should be developed to encourage the retention of that land in continued agricultural use. Flowery language about agriculture in a comprehensive plan isn't good enough. Work with farmers to turn the ideas expressed in your comprehensive plan into specific policies to retain your town's best farmland.

Yes  No

**...encourage the use of conservation easements on farmland?** Does your town support applications to the state or federal government to purchase agricultural conservation easements on local farms? Have you considered providing funding for acquiring conservation easements on farmland? Agricultural conservation easements can be used to protect the natural resource base for agriculture. Once a conservation easement is recorded on farmland, the land will permanently be kept available as a resource for future generations of farmers.

## Limiting the Impacts of New Development on Agriculture

*Does Your Town...*

Yes  No

**...have policies aimed at limiting the impact of new development on productive farmland?** Does your town have strategies for limiting the footprint of new development? New development can take place in

many ways. Creative site planning can accommodate new development while limiting the loss of your town's best farmland.

Yes  No

**...require buffer zones between farmland and residential uses?** The old saying "good fences make good neighbors" has a modern corollary that says, "good buffer zones make new neighbors into good neighbors." New development should not place the burden on existing farms to give up boundary land as a buffer zone between agricultural and residential areas. New residential development should provide for its own buffer zone and/or landscape plantings for screening when necessary.

Yes  No

**...have an "agricultural zone" that limits the impacts of new developments on farms?** Does your town have a strategy for managing new development in agricultural zones in a way that supports agriculture over the long-term? Many towns in New York have zoning ordinances with "agricultural zones" that permit scattered development next to farms—a recipe for future conflict.

Yes  No

**...have planning tools that are supportive of New York State Agricultural Districts?** The Agricultural Districts Law, which was enacted in 1971, is one of New York's oldest farmland protection tools. Agricultural districts provide important "right-to-farm" protections to farmers. Does your town incorporate the boundaries of agricultural districts into your zoning maps and other local land use policies?

Yes  No

**...have policies to mitigate conflicts between farmers and non-farm neighbors?** A local Right-to-Farm Law expresses a community's support for agriculture. It can also prevent unnecessary lawsuits between farmers and non-farm neighbors by referring conflicts to mediation before the courts are involved. Cornell Cooperative Extension, Soil and Water Conservation Districts, the New York State Agricultural Mediation Program and other groups can serve as partners in addressing conflicts before they grow into painful disputes or expensive lawsuits.

# Total the Score!

## Your Results...

**Yes on 20-25**

Your town is very active in supporting a future for farming.

**Yes on 15-19**

Your town knows that farmers are good neighbors who provide lots of benefits to your quality of life, but you may need help in pro-actively supporting them.

**Yes on 10-14**

Careful! Your town may be less supportive of farms than you think—even unfriendly, perhaps inadvertently.

**Yes on 5-9**

Time to get to work on understanding farmers in your town and how you can help support their business and land use needs.

**Yes on 0-4**

Yours is not a farm friendly town, but there might still be hope. Seek help immediately from farmers, farm groups and related organizations

This questionnaire was developed based upon a section of *Preserving Rural Character through Agriculture*, written by Gary Matteson for the New Hampshire Coalition for Sustaining Agriculture.



Search	Town of Evans, NY	Index
Standard View	CHAPTER 200. ZONING	New Laws
§ 200-8.2. Rural Agriculture District ...	ARTICLE IIIA. Agricultural and Open Space ...	§ 200-8.4. Agricultural Advisory ...

*This electronic version of the Code is provided for informational purposes only. For the official version of the Code, please contact the municipality.*

### § 200-8.3. Right to farm.

#### A. Intent and purpose.

(1) The Evans Town Board finds, declares and determines that agriculture and family farms have contributed to the economy, scenic landscape, culture and quality of life in the Town of Evans and are a vital and valued part of the community. Agriculture provides employment and locally produced fresh commodities; agricultural diversity promotes economic stability; agriculture maintains open space and promotes environmental quality; and agricultural land does not increase the demand for services provided by local governments. In order to maintain a viable farming economy in the Town of Evans, farmers must be afforded protection allowing them the right to farm. When nonagricultural land uses extend into agricultural areas, agricultural operations may become the subject of nuisance suits. As a result, agricultural operations are sometimes forced to cease operation or are discouraged from making investments in agricultural improvements.

(2) It is the purpose of this article to reduce the loss of agricultural resources in the Town of Evans by practices inherent to and necessary for the business of farming to proceed and be undertaken free of reasonable and unwarranted interference or restriction.

#### B. Right-to-farm declaration.

(1) Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within the Town of Evans at all such times and in all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

(2) Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

- (a) Reasonable and necessary to the particular farm or farming operation;
- (b) Conducted in a manner that is not negligent or reckless;
- (c) Conducted in conformity with generally accepted agricultural practices;
- (d) Conducted in conformity with all local, state, and federal laws and regulations;
- (e) Conducted in a manner that does not constitute a threat to public health and safety or cause injury to health or safety of any person; and
- (f) Conducted in a manner that does not unreasonably obstruct the free passage or use of navigable waters or public roadways.

(3) Nothing in this article shall be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death.

C. Severability clause. If any part of the article for any reason, is found to be unconstitutional or invalid, such decision shall not affect the remainder of this article.

D. Duty of Town officers and boards to consider impact of farm operations on certain applications. The legislative intent and purpose of this article shall be taken into consideration by each Town officer and/or board in processing any application or request for rezoning, site plan approval, and/or special use permit approval when the property that is the subject of such application is located within one mile of an existing farm. Such Town officer and/or board shall, as part of its review of such application, determine whether appropriate and reasonable conditions may be prescribed or required that would further the purposes and intent of this article as part of an approval of the application. Such appropriate and reasonable conditions shall be determined on a case-by-case basis and may include, but not be limited to, requiring declarations, deed restrictions and/or covenants that run with the land and would notify future purchasers and owners of the subject property that owning and occupying such property might expose them to certain discomforts or inconveniences resulting from the conditions associated with agricultural practices and operations in the Town.

E. Notification of real estate buyers. In order to promote harmony between farmers and their new neighbors, the Town of Evans requires landholders and/or their agents and assigns to provide notice to prospective purchasers and occupants as follows:

"This property is within the Town of Evans. It is the policy of the Town to conserve, protect, and encourage the development of farm operations within our borders for the production of food and other products, and one should be aware of the inherent potential conditions associated with such purchases or residence. Such conditions may include, but are not limited to, noise, odors, fumes, dust, smoke, insects, operation of machinery during any hour, day or night, storage and disposal of plant and animal waste products, and the applications of chemical fertilizers, soil amendments, herbicides, and pesticides by ground or aerial spraying or other methods. Occupying land within the Town of Evans means that one should expect and accept such conditions as a normal and necessary aspect of living in such an area."

F. Informal resolution of disputes.

(1) Should any controversy arise regarding any inconveniences or discomforts occasioned by an agricultural operation, including but not limited to noise, odors, fumes, dust, the operation of machinery, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and/or pesticides, the parties may submit the controversy to the agricultural advisory committee as set forth below in an attempt to resolve the matter prior to the filing of any court action.

(2) Any controversy between the parties may be submitted to the agricultural advisory committee, whose decision shall be advisory only, within 30 days of the date of the occurrence of the particular activity giving rise to the controversy or of the date a party became aware of the occurrence.

(3) The effectiveness of the agricultural advisory committee as a forum for resolution of grievances is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.

(4) The controversy shall be presented to the committee by written request of one of the parties within the time limits prescribed above. The committee will investigate the facts of the controversy within 30 days of receipt of the request and must hold a meeting to consider the merits of the matter and, within 20 days of the meeting, must render a written decision to the parties. At the time of meeting, both parties shall have an opportunity to present what each party considers to be the pertinent facts.

G. Effective date. This article shall be effective immediately upon acceptance by the Evans Town Board and filing with the New York Secretary of State.

H. Definitions. Unless specifically defined above, words or phrases used in the article shall be interpreted so as to give them meanings they have in common usage and to give this article its most reasonable application.

**AGRICULTURAL ADVISORY COMMITTEE**

Comprised of local farmers and members of the farming industry (not to exceed five), and a member of the Evans Planning Board, one representative from the Erie County Farm Bureau and a Town Board liaison, as designated by the Town Board, for the purpose of providing guidance on agricultural issues and land use policies impacting farms, and to minimize, mediate and resolve conflicts between farmers and non-farm neighbors, as specified in § 200-8.4 of the Evans Town Code.

**AGRICULTURAL PRACTICES**

All activities conducted by a farmer on a farm to produce agricultural products and which are inherent and necessary to the operation of a farm and on-farm production, processing, and marketing of agricultural products, including but not limited to the collection, transportation, distribution, storage, and land application of animal wastes; storage, transportation, and use of equipment for tillage, planting, harvesting, irrigation, fertilization, and government-certified pesticide application; storage and use of legally permitted fertilizers, limes and pesticides all in accordance with local, state and federal law and regulations and in accordance with manufacturers' instructions and warnings; storage, use and application of animal feed and foodstuffs; construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products and livestock, for the sale of agricultural products, and for the use of farm labor, as permitted by local and state building code and regulations, including the construction and maintenance of fences.

**AGRICULTURAL PRODUCTS**

Those products as defined in Section 301(2) of Article 25-AA of the Agricultural and Markets Law.

**FARM**

The land, buildings, farm residential buildings, and machinery used in the production, whether for profit or otherwise, of agricultural products.

**FARMER**

Any person, organization, entity, association, partnership, or corporation engaged in the business of agriculture, for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock, poultry, fur-bearing animals, or fish, the harvesting of timber or the practicing of horticulture or apiculture.

**GENERALLY ACCEPTED AGRICULTURAL PRACTICES**

Those practices which are feasible, lawful, inherent, customary, necessary, reasonable, normal, safe and typical to the industry or unique to the commodity as they pertain to the practices listed in § 200-8.3B(2), entitled "agricultural practices." Editor's Notes: Defined in this subsection.

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§ 200-8.4. Agricultural Advisory Committee.

A. Title and purpose. This section shall be known as the "Agricultural Advisory Committee Law of the Town of Evans, New York." The purpose of this section is to establish an element of local government that can help the Town to:

- (1) Recognize the importance of agriculture as both a vital local economic base and as a landform that provides the Town of Evans with much of its rural, rustic character and charm.
- (2) Assure the continued viability of farming as an industry, which is important to the local economy and to the preservation of open space and vistas.
- (3) Provide for the most beneficial relationship between the use of land and buildings and the agricultural practices of the community.
- (4) To further encourage the wise use and management of the Town's natural resources through modern farming practices.
- (5) Provide a means for minimizing, mediating and resolving conflicts between farmers and nonfarm neighbors.

B. Formation of Committee; membership; terms of office

- (1) The Committee shall be composed of five members appointed by the Town Board as follows:
  - (a) Five residents of the Town of Evans from the agricultural community, including but not limited to representatives from the greenhouse, crop production, equine and dairy segments of the industry. The members shall recommend a Chairperson for appointment by the Town Board.
  - (b) One member of the Planning Board, one representative from the Erie County Farm Bureau and one member of the Town Board shall serve as ex-officio members.

This Committee shall seek guidance and assistance from other Town departments, boards and committees, as deemed necessary to carry out its duties.

- (2) The members appointed to the Committee shall serve for a three-year term. Upon initial formation, one member shall serve for a one-year term, two members for a two-year term and all others for a three-year term. Each year thereafter, reappointments or new appointments will be for three-year terms.
- (3) Appointments shall be from January 1 through December 31.
- (4) Members shall serve without salary.

C. Powers and duties. The Committee shall carry out the following:

(1) Advise the Town Board and the County Agricultural and Farmland Protection Board in relation to the proposed establishment, modification, continuation or termination of any county agricultural district. The Committee shall present advice relating to the desirability of such action, including advice as to the nature of farming and farm resources within any proposed or established area.

(2) Review of any proposed zoning amendments, policy change or development action proposed within the Town.

(a) Whenever a zoning amendment, policy change or development action (residential, business or industrial) is proposed that may affect a county agricultural district or a Town agricultural zoning district, it shall be referred to the Agricultural Advisory Committee for review. The Agricultural Advisory Committee shall have 45 days to review the action and respond with a recommendation(s) for the action(s).

(b) The Committee shall present advice relating to the desirability of such action, including advice as to the nature of farming and farm resources within any proposed or established area. This recommendation (s) shall include a determination as to whether the proposed action(s) will have an unreasonable adverse effect on the continued viability of a farm enterprise or enterprises within the county agricultural district or Town agricultural zoning districts. This recommendation(s) shall be advisory only.

(3) Review county, state and federal legislation affecting agricultural issues and communicate the effect to the appropriate board and/or the Town Board.

(4) Serve as a vehicle for communication between the agricultural community, the Town and/or the County Agricultural and Farmland Protection Board on the potential impacts or benefits of a variety of agricultural matters and issues.

(5) Mediate and resolve grievances between farmers and nonfarm neighbors in accordance with the Town of Evans Right-to-Farm Law. Editor's Note: See § 200-8.3, Right to farm.

(6) Meet on a regular basis, as determined necessary by Committee members, to carry out required duties, as listed above, but no less than two times a year, for review and recommendation purposes. As previously noted, the review and recommendations shall focus on zoning, planning activities and other actions proposed within the county agricultural districts and Town agricultural zoning districts.

(7) Submit to the Town Board an annual summary report of the activities of the Agricultural Advisory Committee. This summary report shall be submitted in January and outline activities undertaken during the previous year.

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§ 200-8.1. Agricultural and Open Space District (A-OS).

A. Intent. It is the intent of this district to maintain the rural tradition and character of the Town and stabilize land values through the preservation of rural and agricultural uses and to provide protection from uses adverse to the continuation of agricultural uses. In accordance with the Town of Evans Comprehensive Plan and the Regional Farmland Protection Plan for the Towns of Brant, Evans and North Collins, valuable agricultural, open space, scenic views, and conservation and environmentally sensitive areas should be identified and protected from the undesirable impacts of growth and development. That plan recognizes agriculture and open space as an integral part of the Town to be safeguarded from loss and destruction. Farming and farm-related industries provide income and jobs for residents. Activities that preserve farmland complement efforts to protect open space, scenic vistas and wildlife habitat. Preserving agricultural uses discourages urban sprawl, promotes wiser suburban development and controls public costs, resulting in a more economical allocation of public services, thereby controlling the value of land and the tax base. Protecting agricultural uses, farmland and open space also extends the history, tradition and ethics of the Town. It is the intent of this district to maintain the integrity of agricultural uses, promote agriculture as a component of the local economy, help farmers continue viable business activities under current economic conditions, and preserve open space and the rural character of the Town. Furthermore, this law is intended to put the recommendations of the Evans Comprehensive Plan and the Regional Farmland Protection Plan for the Towns of Brant, Evans and North Collins into action.

B. Permitted structures and uses.

(1) Principal structures and uses.

- (a) Agricultural, floricultural, aquaculture and horticultural pursuits, including but not limited to general farms and farm-related operations and industry, organic farming, greenhouses, plant nurseries, truck gardens, dairy husbandry, animal husbandry and the raising of crops, bees, poultry, livestock and livestock products, together with all customary buildings and other structures necessary for the production and storage of the products of such pursuits.
- (b) Vineyards and wineries (wineries must be located on the same property as the vineyard and require a special use permit).
- (c) Veterinarian, including offices for large animals and animal hospitals, provided that temporary manure storage facilities and other odor-, dust-, nuisance-producing substances shall be kept at least 60 feet from any property line and 100 feet from any nearby residential structure. Temporary manure storage facilities shall be prohibited in front yard areas.
- (d) Churches or other places of worship or religious education, parish houses, convents, rectories or parsonages.
- (e) Cemeteries, including mausoleums, provided that mausoleums shall be located a minimum distance of 200 feet from any adjoining residential district.

- (f) Public and private boarding stables and commercial horse boarding operations, provided that temporary manure storage facilities and other odor-, dust-, or nuisance-producing substances are stored at least 60 feet from any property line and 100 feet from any nearby residential structure. Temporary manure storage facilities shall be prohibited in front yard areas.
- (g) Farms equipped for horse training and/or horse breeding.
- (h) Forestry, silviculture, farm woodland and tree-farming activities.
- (i) Blacksmith or farrier.
- (j) Conservation areas, wildlife preserves and refuges.
- (k) Single-family dwelling.
- (l) Provided that a parcel so zoned has claimed and been granted an exemption referenced in § 582 of the New York Real Property Tax Law, § 301, § 302, § 304 and/or § 305 of the New York Agriculture and Markets Law, or any replacement or amendment of the same governing the provision and procedure for the granting of an exemption from all or a portion of real property taxes, or the assessment and valuation of such property for the purpose of determining the value or basis for such real property tax or taxes in consequence of the use of such parcel or part thereof for agricultural purposes or pursuits as referenced in the said Real Property Tax Law and/or said Agricultural and Markets Law of the State of New York, no more than three single-family dwellings; provided, however, that as to each such single-family dwelling, the same shall comply with, and be situated on the parcel so zoned to comply with the provisions of the design regulations set forth in Subsection C of this section, and as if each such parcel was on an individual lot of size and dimensions and conditions required therein and thereby. None of the aforesaid single-family dwellings may be used or occupied by other than the owners of the parcel upon which the same are located, or officers or employees of such owner or owners, and the families of such owner, officer or employee.

**[Added 1-16-2008 by L.L. No. 1-2008]**

- (2) The following uses shall be allowed by special use permit authorized by the Town Board (see § 200-45 of this chapter).
- (a) Private air strips.
  - (b) Sportsman and gun clubs.
  - (c) Picnic grounds or groves for which a fee or rental is charged for the use of the premises, excluding all amusement devices other than customary playground apparatus.
  - (d) Riding academies and arenas.
  - (e) Kennels.
  - (f) Home occupations, as permitted and regulated by § 200-17 of this chapter.
  - (g) Office of resident professional, secondary and supplemental to the agricultural use, as permitted and regulated by § 200-17 of this chapter.
  - (h) Farmers market.
  - (i) Commercial outdoor recreation facilities and campgrounds.
  - (j) Tourist homes and bed-and-breakfast establishments in accordance with § 200-16.1 of this chapter.
  - (k) Farm auction activities, open to the public on a regular basis.
  - (l) Wineries and retail sales of winery products in conjunction with an operating winery or vineyard.

- (m) Agritourism uses and activities.
  - (n) Farm equipment sales and repair services.
  - (o) Feed stores, tack shops and other agricultural support enterprises.
  - (p) Commercial livestock operations.
- (3) Accessory structures and uses.
- (a) Structures and uses customarily incidental to permitted principal uses, including but not limited to structures and uses for the storage of products or equipment, such as barns, sheds, silos, shops, coops.
  - (b) Refreshment stands dispensing food and nonalcoholic beverages incidental to the operation of commercial picnic groves, as permitted and regulated by § 200-45 of this chapter.
  - (c) Farm stands for the sale and display of agricultural products, provided that the stand shall not exceed 150 square feet in floor area and shall be set back at least 30 feet from any street line or property line, and that 75% of which has been produced on the premises or on other lands owned or leased by the applicant. No more than one stand per lot shall be permitted. Such stands must comply with § 200-23F(2) of this chapter.
  - (d) Windmills for the pumping of water with a tower height of 100 feet maximum, and such windmill is to be no closer than 150 feet to any street line or property line (special use permit required).

**[Amended 8-13-2008 by L.L. No. 7-2008]**

- (e) Farm water supply ponds for irrigation purposes, provided they are not located closer than 100 feet to the front property line.
- (f) Equestrian exercise tracks and riding rings.
- (g) Dog runs and paddocks.
- (h) Beekeeping, where hives are situated no closer than 50 feet to any property line.
- (i) Signs, as permitted and regulated by § 200-29 of this chapter.
- (j) Swimming pools, as permitted and regulated by § 200-17C of this chapter.
- (k) Noncommercial composting of waste undertaken in accordance with the Department of Agriculture and Markets Law and other applicable state and county regulations.

C. Design regulations.

- (1) Farms and other uses.
  - (a) Minimum lot area: five acres.
  - (b) Minimum lot width: 200 feet.
  - (c) Minimum front setback: 60 feet.
  - (d) Minimum side yards: 35 feet each side.
  - (e) Minimum rear yard: 50 feet.
  - (f) Maximum lot coverage: 10%.
  - (g) Maximum building height:

[1] Silos: 100 feet.

[2] Agricultural buildings and structures: 50 feet.

[3] All other structures: 35 feet.

(h) Minimum livable floor area, excluding attics, basements, cellars or attached garages:

[1] Under two stories: 1,200 square feet.

[2] Two stories: 1,600 square feet.

(2) Campgrounds.

(a) Minimum lot area: 10 acres.

(b) No structures, campsites or uses shall be located within 300 feet of any residential property line.

(c) All provisions of the Sanitary Code and regulation of the State Health Department shall be complied with.

(3) Keeping of animals.

(a) Horses, mules or donkeys: a minimum of two acres for the first two animals and 1/4 acre for each additional animal.

(b) Working dogs: up to six working dogs may be kept on any property measuring five acres or larger.

(c) Keeping of other undomesticated animals for noncommercial purposes, based on the following per-unit equivalent per acre. Any combination of undomesticated animals may be kept or raised as long as it does not exceed the maximum per acre, based upon the total site acreage.

[1] Poultry: 50.

[2] Ostrich: five.

[3] Llama: five.

[4] Swine/goat/sheep/deer: 10.

[5] Cattle/buffalo: 10.

[6] Mink, rabbit or other small fur-bearing animals: 50.

(4) Fencing.

(a) Fencing shall not be placed closer than 15 feet to the property line in any front yard.

(b) Stockade and other solid fencing, with the exception of stone farm walls, shall not be placed along the side lot line closer than 60 feet from the front property line.

(c) Fencing shall not exceed five feet in height up to 60 feet from the front property line; thereafter, fencing for the keeping of animals may be increased to a height not exceeding eight feet.

(d) Fencing in side or rear yards may be located along the property line. (A building permit from the Code Enforcement Office will be required.)

(e) Side yard fencing may only follow the property line from a point located 60 feet back from the front property line.

(f) All other fencing shall be consistent with § 200-34 of this chapter.

(5) Farm water supply ponds.

(a) All ponds shall be maintained so as to assure that they do not become offensive to neighboring properties by reason of stagnation, algae, mosquito breeding and similar conditions.

(b) No pond may adversely interfere with or impede the natural flow of water nor adversely impact any floodplain or wetland area.

(c) All new ponds shall conform to the requirements of the Soil Conservation Service.

(6) Animal waste/manure storage and land application.

(a) Temporary or permanent waste storage facilities shall not be located less than 100 feet from any perennial or intermittent stream, spring, pond, ditch, gully or creek.

(b) Temporary or permanent waste storage facilities and other odor-, dust-, and/or nuisance-producing substances shall be kept at least 60 feet from any property line and 100 feet from any nearby residential structure.

(c) Temporary or permanent waste storage facilities shall be prohibited in front yard areas and shall be situated a minimum of 100 feet from any existing drinking water supply well.

(d) Temporary or permanent liquid waste storage facilities must not leak or be otherwise unstable.

(e) The location of an animal waste storage facility in a floodplain shall require a floodplain development permit.

(f) Animal waste or manure, and water contaminated with waste nutrients, shall not be discharged to surface waters or groundwater.

(g) Water runoff shall not flow uncontrolled into or across storage areas or facilities, or areas with a large concentration of animals.

(h) Animal waste storage facilities must be properly sized for the projected accumulation based on expected application periods.

(i) The land application of animal waste is not permitted:

[1] Within 100 feet of an active drinking water supply well;

[2] Within vegetated ditches, waterways, gullies, swales or other areas where concentrated water flows during times when soil is frozen, snow-covered or saturated; and

[3] Within unvegetated water flow areas, such as intermittent streams, gullies or ditches.

(j) Animal waste storage facilities and the land application of animal waste must comply with all provisions of the New York State Agriculture and Markets Law and other applicable state and county regulations.

(7) All properties shall be maintained in accordance with Chapter 149 of the Town Code.

(8) Accessory structures and uses.

(a) Structure's location.

[1] From another structure: 20 feet.

[2] From any lot line: 20 feet.

[3] Size: 1,200 square feet maximum.

D. Definitions. As used in this section, the following terms shall have the meanings indicated:

**AGRICULTURAL BUILDINGS, STRUCTURES OR FACILITIES**

Shall include, but not be limited to, barns, silos, sheds, coops, shops, commodity buildings, farm machine or equipment storage buildings, greenhouses, stables, riding rings or arenas, exercise tracks, runs, dry lots, stalls, paddocks, pens, corrals or fences, windmills, water supply ponds, farm stands, manure storage facilities, wineries or vineyards, maple sugaring facilities or other storage buildings, outbuildings or enclosures.

**AGRITOURISM**

Agricultural uses, such as farms, ranches and vineyards, that through promotion and advertising of facilities and activities seek to attract visitors, guests and vacationers.

**ANIMAL**

Any animal, such as but not limited to poultry, birds, sheep, fish, cows, horses and other livestock.

**BARN**

A building used for the housing and care of horses or other livestock and for the storage of feed, hay, other crops and farm or equine equipment and permitted uses accessory to those listed herein.

**BOARDING STABLE**

A structure designed for the feeding, housing and exercising of horses not owned by the owner of the premises and for which the owner of the premises may receive compensation (see "horse farm").

**CAMPSITES**

Those areas specifically designated for temporary recreational use with a defined season and nonpermanent occupancy.

**COMMERCIAL HORSE BOARDING OPERATION**

An agricultural enterprise or farm operation consisting of at least five acres and boarding at least 10 horses, regardless of ownership, that receives \$10,000 or more in gross receipts annually from fees generated through boarding, breeding, training and/or sale of horses and the production and/or sale of crops associated with such operation.

**COMMERCIAL FARM OR LIVESTOCK OPERATION**

An agricultural enterprise or farm operation consisting of at least five acres that receives \$10,000 or more in gross receipts annually from monies generated through the production of crops, livestock and/or livestock products for sale.

**CONSERVATION AREAS, WILDLIFE PRESERVES AND REFUGES**

Areas set aside to protect and enhance habitat for the continuation of native species of birds and animals.

**CORRAL**

A fenced enclosure used for the regular confinement of livestock.

**CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS**

Shall include, but not be limited to:

- (1) Field crops, such as corn, wheat, oats, rye, barley, hay, potatoes and dry beans;
- (2) Fruits, such as apples, peaches, grapes, cherries and berries;
- (3) Vegetables, such as tomatoes, snap beans, cabbage, carrots, beets and onions;
- (4) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers;
- (5) Livestock, such as cattle, bulls, sheep, swine, goats, horses, donkeys, mules, ponies, farmed deer, llamas, buffalo, fur-bearing animals, ratites (e.g., ostrich, emus, rheas and kiwis);
- (6) Poultry, such as all domesticated and semidomesticated edible fowl, e.g., chickens, turkeys, ducks, guinea fowl, pheasant and pigeons;
- (7) Maple sap;
- (8) Christmas trees derived from a managed Christmas tree farm operation, whether dug for transplanting or cut from the stump;
- (9) Aquaculture products, such as fish, fish products, water plants and shellfish; and
- (10) Woody biomass, which means short rotation woody crops raised for bioenergy or retail merchandising of woodland products.

**FARM AUCTION**

The sale of agricultural property or products to the highest bidder.

**FARM EQUIPMENT**

Equipment and machinery required for the active production of crops and keeping of livestock, and equipment actively utilized for other farm operations.

**FARM or FARM OPERATION**

Land and on-farm buildings, farm dwellings, farm equipment and manure processing and handling facilities; equestrian and other equine pursuits, including but not limited to the raising, breeding, boarding, care, training and sale of horses; land uses for the production for sale of woodland products, including but not limited to logs, lumber, posts and firewood; and practices that contribute to the production, preparation and marketing of crops, horticultural products, livestock and livestock products as an enterprise, whether for profit or otherwise. Such farm operation may consist of one or more parcels of owned or rented land, with the parcels being contiguous or noncontiguous to each other.

**FARM WATER SUPPLY POND**

See "pond".

**FENCE**

An artificially constructed barrier, such as a corral, wall, paddock, pen or similar structure, of any material or combination of materials, erected to enclose or define a portion of land or for the keeping of animals.

**HORSE FARM**

A farm primarily used for the breeding and boarding of horses (see "boarding stable").

**KENNEL**

A shelter for a dog, cat or other domesticated animal; a facility for the boarding of three or more dogs over four months old; an establishment for breeding, showing, grooming, training, raising and/or sale of dogs, cats or other domesticated animals, typically for a fee or compensation.

**ORGANIC FARMING**

A farming production system that avoids or largely excludes the use of synthetically compounded fertilizers, pesticides, growth regulators and livestock feed additives. Such systems rely on crop rotations, crop residues, animal manures, legumes, green manures, off-farm organic wastes, mechanical cultivation, mineral-bearing rocks and aspects of biological pest control to maintain soil productivity and tilth, to supply plant nutrients and to control insects, weeds and other pests.

**PADDOCK**

A fenced area for turn out and/or exercising of animals.

**PASTURE**

An area used seasonally for grazing animals.

**POND**

Any man-made body of water (other than a store-bought, prefabricated type of decorative reservoir or basin) with a surface area greater than 100 square feet and/or a depth greater than 18 inches.

**PROPERTY LINE**

Street line, front property line, lot line or right-of-way line.

**RIDING ACADEMY**

An enterprise where horses may be boarded and cared for, offering instruction in riding, jumping and showing horses and/or horseback riding to the general public and/or to individuals that do not own or have a long-term lease for the horse that is boarded or otherwise kept and used at the facility for such riding.

**RIDING ARENA**

An enclosed area or structure for equestrian training, shows and/or entertainment.

**RUNOFF**

Any liquid or solid suspended in liquid that flows over the surface of the ground.

**SILVICULTURE**

A branch of forestry dealing with the care and development of forests.

**SPORTSMAN AND GUN CLUBS**

Institutions whereby members and/or guests enjoy said sport without any permanent occupancy of the premises.

**STABLE**

A building, or portion thereof, used for the feeding and housing of more than one horse.

**STALL**

An enclosure provided and designed for the feeding and housing of one horse.

**VINEYARD**

An area planted with grapevines or used for the cultivation of grapes.

**WINERY**

A winemaking establishment typically associated with a vineyard.

**WORKING DOG**

Any of various breeds of dogs developed and trained to do useful work, such as herding animals, pulling wagons or sleds, rescue activities, guarding property or guiding the blind.

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§ 200-8.2. Rural Agriculture District (R-A).

A. Intent. It is the intent of this district to maintain the rural tradition and character of the Town through the preservation of rural residential uses, agricultural uses and open space and to provide an area of transition between more intensive agricultural activities in the Town and developed areas. In accordance with the Town of Evans Comprehensive Plan and the Regional Farmland Protection Plan for the Towns of Brant, Evans and North Collins, valuable agricultural, open space, scenic views, and conservation and environmentally sensitive areas should be identified and protected from the adverse impacts of growth and development. It is the intent of this district to protect the rural character of the Town, preserve open space resources, maintain the integrity of agricultural uses and promote agriculture as a component of the local economy. Furthermore, this law is intended to put into action the recommendations of the Evans Comprehensive Plan and the Regional Farmland Protection Plan for the Towns of Brant, Evans and North Collins.

B. Permitted structures and uses.

(1) Principal structures and uses:

- (a) Agricultural, floricultural, aquaculture and horticultural pursuits, including but not limited to general farms and farm-related operations and industry, organic farming, greenhouses, plant nurseries, truck gardens, dairy husbandry, animal husbandry and the raising of crops, bees, poultry, livestock and livestock products, together with all customary buildings and other structures necessary for the production and storage of the products of such pursuits.
- (b) Vineyards and wineries (wineries must be located on the same property as the vineyard and require a special use permit).
- (c) Veterinarian, including offices for large animals and animal hospitals, provided that temporary manure storage facilities and other odor-, dust-, nuisance-producing substances shall be kept at least 60 feet from any property line and 100 feet from nearby residential structure. Temporary manure storage facilities shall be prohibited in front yard areas.
- (d) Churches or other places of worship or religious education, parish houses, convents, rectories or parsonages.
- (e) Private nonprofit elementary or secondary schools accredited by the New York State Department of Education.
- (f) Cemeteries, including mausoleums, provided that mausoleums shall be located a minimum distance of 100 feet from any adjoining residential district.
- (g) Public and private stables and commercial horse boarding operations, provided that temporary manure storage facilities and other odor-, dust-, or nuisance-producing substances are stored at least 60 feet from any property line and 100 feet from any nearby residential structure. Temporary manure storage facilities shall be prohibited in front yard areas.

- (h) Farms equipped for horse training and/or horse breeding.
- (i) Forestry, silviculture, farm woodland and tree-farming activities.
- (j) Wildlife preserves, conservation areas and refuges.
- (k) Single-family dwelling.

(2) The following uses shall be allowed by special use permit, as authorized by the Town Board (see § 200-45 of this chapter).

- (a) Private air strips.
- (b) Sportsman and gun clubs.
- (c) Commercial outdoor recreation facilities and campgrounds.
- (d) Picnic grounds or groves for which a fee or rental is charged for the use of the premises, excluding all amusement devices other than customary playground apparatus.
- (e) Riding academies and arenas.
- (f) Kennels.
- (g) Home occupations, as permitted and regulated by § 200-17 of this chapter.
- (h) Office of resident professional, as permitted and regulated by § 200-17 of this Chapter.
- (i) Golf courses, including accessory buildings, structures and uses which are necessary for or customary to golf course operations, provided that no building or structure shall be less than 150 feet from any street line or property line.
- (j) Driving ranges and putting courses.
- (k) Tourist homes and bed-and-breakfast establishments in accordance with § 200-16.1 of this chapter.
- (l) Winery retail sales in conjunction with an operating winery or vineyard.
- (m) Used farm equipment sales and repair services.

(3) Accessory structures and uses.

- (a) Structures and uses customarily incidental to permitted principal uses, including but not limited to customary farm accessory structures for the storage of products or equipment, such as barns, sheds, silos, shops.
- (b) Refreshment stands dispensing food and nonalcoholic beverages incidental to the operation of commercial picnic groves, as permitted and regulated by § 200-45 of this chapter.
- (c) Farm stands for the sale and display of agricultural products, provided that the stand shall not exceed 150 square feet in floor area and shall be set back at least 30 feet from any street line or property line, and that 75% of which has been produced on the premises or on lands owned or leased by the applicant. No more than one stand per lot shall be permitted.
- (d) Windmills for the pumping of water with a tower height of 100 feet maximum, and such windmill is to be no closer than 150 feet to any street line or property line (special use permit required).

**[Amended 8-13-2008 by L.L. No. 7-2008]**

- (e) Farm water supply ponds for irrigation purposes, provided they are not located closer than 100 feet from the property line.

- (f) Equestrian exercise tracks and riding rings.
- (g) Dog runs and paddocks.
- (h) Beekeeping, where hives are situated no closer than 50 feet from any property line.
- (i) Signs, as permitted and regulated by § 200-29 of this chapter.
- (j) Swimming pools, as permitted and regulated by § 200-17C of this chapter.
- (k) Noncommercial composting of waste undertaken in accordance with the Department of Agriculture and Markets Law and other applicable state and county regulations.

C. Design regulations.

(1) Farms and uses.

- (a) Minimum lot area: three acres.
- (b) Minimum lot width: 200 feet.
- (c) Minimum front setback: 60 feet.
- (d) Minimum side yards: 35 feet each side.
- (e) Minimum rear yard: 50 feet.
- (f) Maximum lot coverage: 10%.
- (g) Maximum building height:
  - [1] Silos: 100 feet.
  - [2] Agricultural buildings and structures: 50 feet.
  - [3] All other structures: 35 feet.
- (h) Minimum livable floor area, excluding attics, basements, cellars or attached garages:
  - [1] Under two stories: 1,200 square feet.
  - [2] Two stories: 1,600 square feet.

(2) Campgrounds.

- (a) Minimum lot area: 10 acres.
- (b) No structures, campsites or uses shall be located within 300 feet of any residential property line.
- (c) All provisions of the Sanitary Code and regulation of the State Health Department shall be complied with.

(3) Keeping of animals.

- (a) Horses, mules or donkeys: a minimum of two acres for the first two animals and 1/2 acre for each additional animal.
- (b) Keeping of other nondomestic animals, for noncommercial use, based on the following per-unit equivalent per acre. Any combination of animals may be kept or raised as long as it does not exceed the maximum per acre, based upon the total site acreage.
  - [1] Poultry: 50.

[2] Ostrich: five.

[3] Llama: five.

[4] Swine/goat/sheep/deer: 10.

[5] Cattle/buffalo: five.

[6] Mink, rabbit or other small fur-bearing animals: 50.

(4) Fencing.

(a) Fencing shall not be placed closer than 15 feet to the property line in any front yard.

(b) Stockade and other solid fencing, with the exception of stone farm walls, shall not be placed along the side lot line closer than 60 feet from the front property line.

(c) Fencing shall not exceed five feet in height up to 60 feet from the front property line, thereafter, fencing for the keeping of animals may be increased to a height not to exceed eight feet.

(d) Fencing in side or rear yards may be located along the property line. (Building permit from the Code Enforcement Office is required.)

(e) Side yard fencing shall only follow the property line from a point located 60 feet back from the front property line.

(f) All other fencing shall be consistent with § 200-34 of this chapter.

(5) Farm water supply ponds.

(a) All ponds shall be maintained so as to assure that they do not become offensive to neighboring properties by reason of stagnation, algae, mosquito breeding and similar conditions.

(b) No pond may adversely interfere with or impede the natural flow of water nor adversely impact any floodplain or wetland area.

(c) All new ponds shall conform to the requirements of the Soil Conservation Service.

(6) Animal waste/manure storage and land application.

(a) Temporary or permanent waste storage facilities shall not be located less than 100 feet from any perennial or intermittent stream, spring, pond, ditch, gully or creek.

(b) Temporary or permanent waste storage facilities and other odor-, dust- and/or nuisance-producing substances shall be kept at least 60 feet from any property line and 100 feet from any nearby residential structure.

(c) Temporary or permanent waste storage facilities shall be prohibited in front yard areas and shall be situated a minimum of 100 feet from any existing drinking water supply well.

(d) The location of an animal waste storage facility in a floodplain shall require a floodplain development permit.

(e) Animal waste or manure, and water contaminated with waste nutrients, shall not be discharged to surface waters or groundwater.

(f) Water runoff shall not flow uncontrolled into or across storage areas or facilities, or areas with a large concentration of animals.

(g) Animal waste storage facilities must be properly sized for the projected accumulation based on expected application periods.

(h) The land application of animal waste is not permitted:

[1] Within 100 feet of an active drinking water supply well;

[2] Within vegetated ditches, waterways, gullies, swales or other areas where concentrated water flows during times when soil is frozen, snow-covered or saturated; and

[3] Within unvegetated water flow areas, such as intermittent streams, gullies or ditches.

(i) Animal waste storage facilities and the land application of animal waste must comply with all provisions of the New York State Agriculture and Markets Law and other applicable state and county regulations.

(7) All properties shall be maintained in accordance with Chapter 149 of the Town Code.

(8) Accessory structures and uses.

(a) Structures location.

[1] From another structure: 20 feet.

[2] From any lot line: 20 feet.

[3] Size: 1,200 square feet maximum.

D. Definitions. As used in this section, the following terms shall have the meanings indicated:

**AGRICULTURAL BUILDINGS AND STRUCTURES**

Shall include, but not be limited to, barns, silos, sheds, coops, shops, commodity buildings, machine or equipment storage buildings, greenhouses, stables, riding rings or arenas, exercise tracks, runs, dry lots, stalls, paddocks, pens, corrals or fences, windmills, water supply ponds, farm stands, manure storage facilities, wineries or vineyards, maple sugaring facilities or other storage buildings, outbuildings or enclosures.

**ANIMAL**

Any animal, such as but not limited to poultry, birds, sheep, fish, cows, horses and other livestock.

**BARN**

A building used for the housing and care of horses or other livestock and for the storage of feed, hay, other crops and farm or equine equipment and permitted uses accessory to those listed herein.

**BOARDING STABLE**

A structure designed for the feeding, housing and exercising of horses not owned by the owner of the premises and for which the owner of the premises may receive compensation (see "horse farm").

**CAMPSITES**

Those areas specifically designated for temporary recreational use with a defined season and nonpermanent occupancy.

**COMMERCIAL HORSE BOARDING OPERATION**

An agricultural enterprise or farm operation consisting of at least five acres and boarding at least 10 horses, regardless of ownership, that receives \$10,000 or more in gross receipts annually from fees generated through boarding, breeding, training and/or sale of horses and the production and/or sale of crops associated with such operation.

**COMMERCIAL FARM OR LIVESTOCK OPERATION**

An agricultural enterprise or farm operation consisting of at least five acres that receives \$10,000 or more in gross receipts annually from monies generated through the production of crops, livestock and/or livestock products for sale.

**CONSERVATION AREAS, WILDLIFE PRESERVES AND REFUGES**

Areas set aside to protect and enhance habitat for the continuation of native species of birds and animals.

**CORRAL**

A fenced enclosure used for the regular confinement of livestock.

**CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS**

Shall include, but not be limited to:

(1) Field crops, such as corn, wheat, oats, rye, barley, hay, potatoes and dry beans;

- (2) Fruits, such as apples, peaches, grapes, cherries and berries;
- (3) Vegetables, such as tomatoes, snap beans, cabbage, carrots, beets and onions;
- (4) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers;
- (5) Livestock, such as cattle, bulls, sheep, hogs, goats, horses, donkeys, mules, ponies, farmed deer, llamas, buffalo, fur-bearing animals, ratites (e.g., ostrich, emus, rheas and kiwis);
- (6) Poultry, such as all domesticated and semidomesticated edible fowl, e.g., chickens, turkeys, ducks, guinea fowl, pheasant and pigeons;
- (7) Maple sap;
- (8) Christmas trees derived from a managed Christmas tree farm operation, whether dug for transplanting or cut from the stump;
- (9) Aquaculture products, including fish, fish products, water plants and shellfish; and
- (10) Woody biomass, which means short rotation woody crops raised for bioenergy or retail merchandising of woodland products.

**FARM EQUIPMENT**

Equipment and machinery required for the active production of crops and keeping of livestock, and equipment actively utilized for other farm operations.

**FARM or FARM OPERATION**

Land and on-farm buildings, farm dwellings, equestrian and other equine pursuits; land uses for the production for sale of woodland products, including but not limited to logs, lumber, posts and firewood; and practices that contribute to the production, preparation and marketing of crops, horticultural products, livestock and livestock products as an enterprise, whether for profit or otherwise.

**FARM WATER SUPPLY POND**

See "pond."

**FENCE**

An artificially constructed barrier of any material or combination of materials erected to enclose or define a portion of land or for the keeping of animals.

**HORSE FARM**

A farm primarily used for the breeding and boarding of horses (see "boarding stable").

**KENNEL**

A shelter for a dog, cat or other domesticated animal; a facility for boarding three or more dogs over four months old; an establishment for breeding, showing, grooming, training, raising and/or sale of dogs, cats or other domesticated animals, typically for a fee or compensation.

**ORGANIC FARMING**

A farming production system that avoids or largely excludes the use of synthetically compounded fertilizers, pesticides, growth regulators and livestock feed additives. Such systems rely on crop rotations, crop residues, animal manures, legumes, green manures, off-farm organic wastes, mechanical cultivation, mineral-bearing rocks and aspects of biological pest control to maintain soil productivity and tilth, to supply plant nutrients and to control insects, weeds and other pests.

**PADDOCK**

A fenced area for turn out and/or exercising of animals.

**PASTURE**

An area used seasonally for grazing animals.

**POND**

Any man-made body of water (other than a store-bought, prefabricated type of decorative reservoir or basin) with a surface area greater than 100 square feet and/or a depth greater than 18 inches.

**PROPERTY LINE**

Street line, front property line, lot line or right-of-way line.

**RIDING ACADEMY**

An enterprise where horses may be boarded and cared for, offering instruction in riding, jumping and

showing horses or horseback riding to the general public and/or to individuals that do not own or have a long-term lease for the horse that is boarded or otherwise kept and used at the facility for such riding.

**RIDING ARENA**

An enclosed area or structure for equestrian training, shows and/or entertainment.

**RUNOFF**

Any liquid or solid suspended in liquid that flows over the surface of the ground.

**SILVICULTURE**

A branch of forestry dealing with the care and development of forests.

**SPORTSMAN AND GUN CLUBS**

Institutions whereby members and/or guests enjoy said sport without any permanent occupancy of the premises.

**STABLE**

A building, or portion thereof, used for the feeding and housing of more than one horse.

**STALL**

An enclosure provided and designed for the feeding and housing of one horse.

**VINEYARD**

An area planted with grapevines or used for the cultivation of grapes.

**WINERY**

A winemaking establishment typically associated with a vineyard.

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**New York State  
Department of Agriculture and Markets  
10B Airline Drive  
Albany, New York 12235**

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**CIRCULAR 1500**

**ARTICLE 25AAA -- AGRICULTURAL AND FARMLAND PROTECTION PROGRAMS**

**AGRICULTURE AND MARKETS LAW  
AS AMENDED by Chapter 527 of the Laws of 2005,  
effective on February 12, 2006**

## **ARTICLE 25AAA - AGRICULTURAL AND FARMLAND PROTECTION PROGRAMS**

Sec.

- 321. Statement of legislative findings and intent
- 322. Definitions
- 323. State agricultural and farmland protection program
- 324. County agricultural and farmland protection plans
- 324-a. Municipal agricultural and farmland protection plans
- 325. Agricultural protection
- 326. Promulgation of rules and regulations

### **321. Statement of legislative findings and intent**

It is hereby found and declared that agricultural lands are irreplaceable state assets. In an effort to maintain the economic viability, and environmental and landscape preservation values associated with agriculture, the state must explore ways to sustain the state's valuable farm economy and the land base associated with it. External pressures on farm stability such as population growth in non-metropolitan areas and public infrastructure development pose a significant threat to farm operations, yet are the pressures over which farmers have the least control. Local initiatives in agricultural protection policy, facilitated by the agricultural districts program established in article twenty-five-AA of this chapter, have proved effective as a basic step in addressing these pressures. In an effort to encourage further development of agricultural and farmland protection programs, and to recognize both the crucial role that local government plays in developing these strategies, plus the state constitutional directive to the legislature to provide for the protection of agricultural lands, it is therefore declared the policy of the state to promote local initiatives for agricultural and farmland protection.

### **322. Definitions**

When used in this article:

1. "Agricultural and farmland protection" means the preservation, conservation, management or improvement of lands which are part of viable farming operations, for the purpose of encouraging such lands to remain in agricultural production.
2. "Plan" means the county and municipal agricultural and farmland protection plan as provided for in this article.
3. "Program" means the state agricultural and farmland protection program created pursuant to the provisions of this article.

### **323. State agricultural and farmland protection program**

The commissioner shall initiate and maintain a state agricultural and farmland protection program to provide financial and technical assistance, within funds available, to counties and municipalities for their agricultural and farmland protection efforts. Activities to be conducted by the commissioner shall include, but not be limited to:

1. developing guidelines for the creation by counties and municipalities of agricultural and farmland protection plans;
2. providing technical assistance to county agricultural and farmland protection boards, as established in article twenty-five-AA of this chapter, and municipalities;
3. administering state assistance payments to county agricultural and farmland protection boards and municipalities;
4. disseminating information to county and municipal governments, owners of agricultural lands and other agricultural interests about the state agricultural and farmland protection program established pursuant to this article;
5. reporting biennially to the governor and the legislature regarding the activities of the commissioner, the types of technical assistance rendered to county agricultural and farmland protection boards and municipalities, and the need to protect the state's agricultural economy and land resources.

**324. County agricultural and farmland protection plans**

1. County agricultural and farmland protection boards may develop plans, in cooperation with the local soil and water conservation district and soil conservation service, which shall include, but not be limited to:
  - a) the location of any land or areas proposed to be protected;
  - b) an analysis of the following factors concerning any areas and lands proposed to be protected:
    - i) value to the agricultural economy of the county;
    - ii) open space value;
    - iii) consequences of possible conversion; and
    - iv) level of conversion pressure on the lands or areas proposed to be protected; and
  - c) a description of the activities, programs and strategies intended to be used by the county to promote continued agricultural use.
2. The county agricultural and farmland protection board shall conduct at least one public hearing for public input regarding such agricultural and farmland protection plan, and shall thereafter submit such plan to the county legislative body for its approval.
3. The county agricultural protection plan must be submitted by the county to the commissioner for approval.

**324-a. Municipal agricultural and farmland protection plans**

1. Municipalities may develop agricultural and farmland protection plans, in cooperation with cooperative extension and other organizations, including local farmers. These plans shall include, but not be limited to:
  - a) the location of any land or areas proposed to be protected;

- b) an analysis of the following factors concerning any areas and lands proposed to be protected;
    - i) value to the agricultural economy of the municipality;
    - ii) open space value;
    - iii) consequences of possible conversion; and
    - iv) level of conversion pressure on the lands or areas proposed to be protected; and
  - c) a description of activities, programs and strategies intended to be used by the municipality to promote continued agricultural use, which may include but not be limited to revisions to the municipality's comprehensive plan pursuant to paragraph (a) of subdivision two of section two hundred seventy-two-a of the town law and land use regulations as defined in paragraph (b) of subdivision two of section two hundred seventy-two-a of the town law as appropriate.
2. The municipality shall conduct at least one public hearing for public input regarding such agricultural and farmland protection plan, and shall thereafter submit such plan to the municipal legislative body and the county agricultural farmland protection board for approval.
  3. The municipal agricultural and farmland protection plan must be submitted by the municipality to the commissioner for approval.

**325. Agricultural protection**

1. Subject to the availability of funds, a program is hereby established to finance through state assistance payments the state share of the costs of county and municipal agricultural and farmland protection activities. State assistance payments for planning activities shall not exceed fifty thousand dollars to each county agricultural and farmland protection board or one hundred thousand dollars to two such boards applying jointly, and shall not exceed fifty percent of the cost of preparing an agricultural and farmland protection plan. State assistance payments for planning activities shall not exceed twenty-five thousand dollars to each municipality other than a county or fifty thousand dollars to two such municipalities applying jointly, and shall not exceed seventy-five percent of the cost of preparing an agricultural and farmland protection plan. State assistance payments for implementation of approved agricultural and farmland protection plans may fund up to seventy-five percent of the cost of implementing the county plan or a portion of the plan for which state assistance payments are requested.
2. a) A county agricultural and farmland protection board, two such boards acting jointly, a municipality or two such municipalities acting jointly shall make application to the commissioner in such manner as the commissioner may prescribe. Application for state assistance payments for planning activities may be made at any time after the county agricultural and farmland protection board has formed and has elected a chairperson. A county agricultural and farmland protection board may make application for state assistance payments for plan implementation at any time after the commissioner has approved a county agricultural and farmland protection plan pursuant to section three hundred twenty-four of this article. Application made jointly by two county agricultural and

farmland protection boards may be made after such agricultural and farmland protection plan is approved by each county pursuant to the provisions of section three hundred twenty-four of this article.

- b) Within a county, a municipality which has in place a local farmland protection plan may apply and shall be eligible for agricultural protection state assistance payments to implement its plan, or a portion of its plan, provided the proposed project is endorsed for funding by the agricultural and farmland protection board for the county in which the municipality is located and that any plan developed on or after January first, two thousand six complies with section three hundred twenty-four-a of this article. State assistance payments to such municipalities shall not exceed seventy-five percent of the cost of implementing the local plan or portion of the plan for which state assistance has been requested. The commissioner may require such information or additional planning as he or she deems necessary to evaluate such a request for state assistance.
  - c) In evaluating applications for funding, the commissioner shall give priority to projects intended to preserve viable agricultural land as defined in section three hundred one of this chapter; that are in areas facing significant development pressure; and that serve as a buffer for a significant natural public resource containing important ecosystem or habitat characteristics.
3. Upon receipt of a request for state assistance, the commissioner shall review the request, consult with the advisory council on agriculture and, within ninety days from the receipt of a complete application, shall make a determination as to whether or not such projects shall receive state assistance.

**326. Promulgation of rules and regulations**

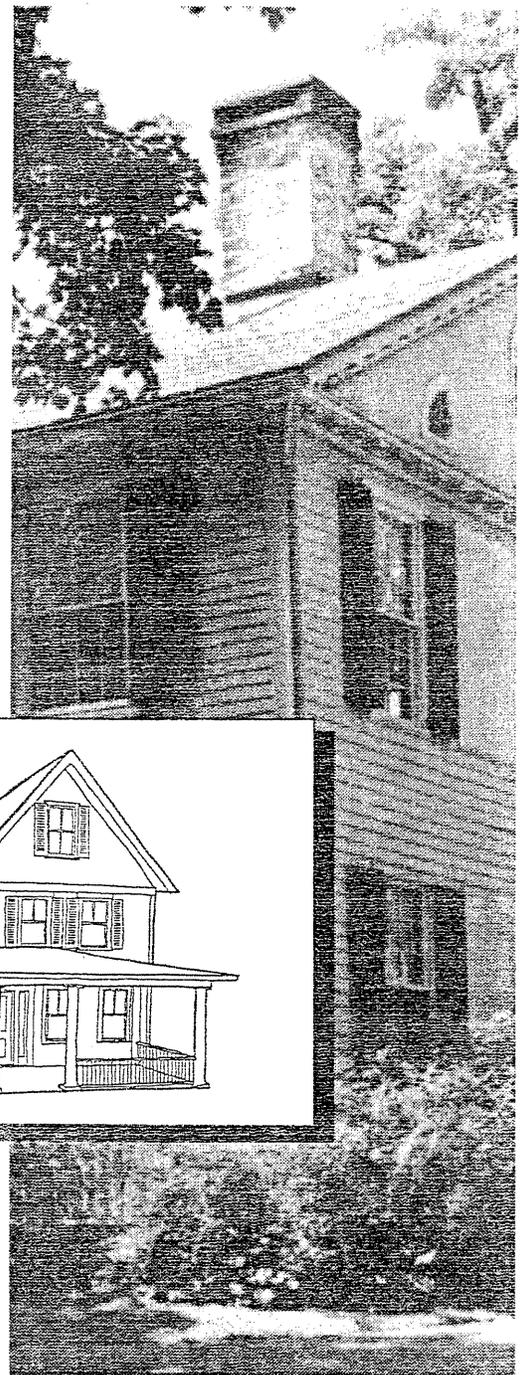
The commissioner is empowered to promulgate such rules and regulations and to prescribe such forms as he or she deems necessary to effectuate the purposes of this article.



**Appendix I**  
Design Standards



# Building Form Guidelines



October 1994

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Adapted from guidelines prepared by:  
**Anne Tate**, Architect  
**Joel S. Russell**, Woodlea Associates  
**Jennifer Shakespeare**, Architect

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Published By:  
**New York Planning Federation**

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Prepared by: The Dutchess County Department of Planning and Development

# **Building Form Guidelines**

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**Joel S. Russell**, Woodlea Associates  
**Jennifer Shakespeare**, Architect

**By the Dutchess County Department of Planning and Development**

**October 1994**

# ACKNOWLEDGEMENTS

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Also Available: **Hamlet Design Guidelines**  
**Rural Development Guidelines**

Published by:

**New York Planning Federation**  
**David Church**, Executive Director

Additional copies may be obtained from:

**New York Planning Federation**  
488 Broadway Suite #313  
Albany, New York 12207  
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## INTRODUCTION

This document is adapted from materials that were originally prepared for the Town of Hillsdale, in Columbia County, New York. An integral part of the Town's proposed zoning code, it was one of three "design appendices" to the code. The Dutchess County Department of Planning and Development has published this version to show how principles of preserving community character can apply to new buildings and building renovations in hamlet and village settings. These guidelines were derived from work done in Hillsdale, but are applicable to many communities in Dutchess County and elsewhere.

These building form guidelines are intended to help preserve and extend the architectural character of the town. They evolved from a study of the buildings constructed in the area over a long period of time and reflect different historical periods in architecture. However, across that history, certain characteristics remain consistent and form the basis of the guidelines. These guidelines do not mandate an architectural style, but rather contribute to a harmonious result. Concerned with the character of the town and its public spaces, the guidelines deal with the form of buildings only as they relate to the street or other public space.

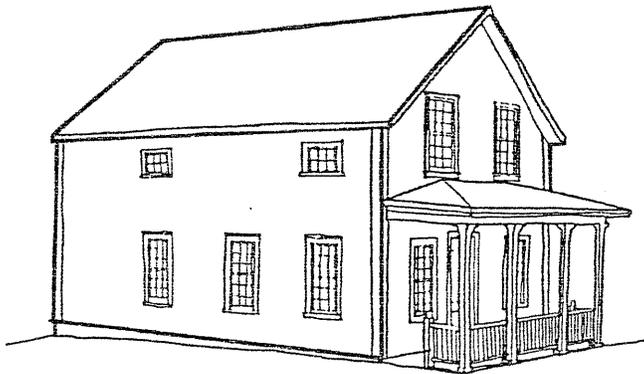
In the proposed zoning and subdivision codes for Hillsdale, these guidelines are purely advisory for one- and two-family residences. New commercial and multi-family uses, which require special permits, are required to comply with them. They may be modified as needed and incorporated into Dutchess County's town and village codes as a purely advisory tool or as a set of regulations. They are an example of how a community might encourage new builders to respect historic local styles.

The first section of these guidelines depicts typical buildings in a rural hamlet and describes their important characteristics. These buildings have adapted to a wide variety of residential and non-residential activities, but most were built as houses or barns. These building types are durable and adaptable and can continue to provide the basic building blocks for future development.

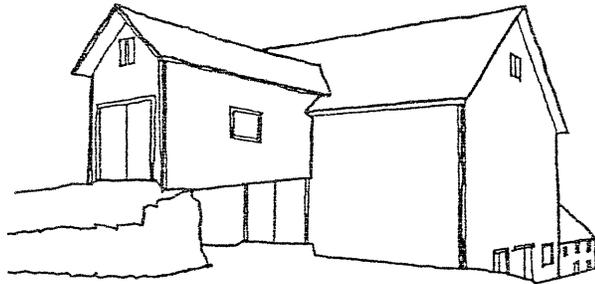
The second section describes specific guidelines derived from those buildings. For example, most of the buildings have pitched roofs. This is a result of tradition, timber dimensions and the need to shed snow. While newer building types may have flat roofs, this is not an indigenous solution and is not consistent with the developed character of the town. "Raised Ranch," "A-Frame" and "Split Level" are building types that, while popular and appropriate in many areas, are not typical forms for older hamlets. Additions to an existing structure or building complex should respect both the architecture of the existing building(s) and the larger context of the town. In general, additions and alterations that affect a building's relationship to the street should be used to make the building more consistent with these guidelines. In proposals for new construction where an addition, or additions, will increase the square footage of an existing building by more than 50%, the entire building should come into conformance with these guidelines.

Many variations on these guidelines are possible, including additions that reflect locally common or significant architectural styles that are not reflected here. Two elements that are essential to their implementation, however, are a properly drafted code, which spells out rules and procedures to produce desired results, and a set of illustrated guidelines to enable the reader to “see” the code as it comes to life on the landscape.

Too many modern zoning codes and subdivision regulations are written using words and numbers that are hard to understand and that dictate exactly what residents do not really want for their community. The Dutchess County Department of Planning and Development offers these guidelines and two companion pieces, entitled “Rural Development Guidelines” and “Hamlet Design Guidelines,” to help towns and villages make their standards clearer and bring them closer to what more and more communities do want.



*House*



*Barn*

**LOCAL EXAMPLES**

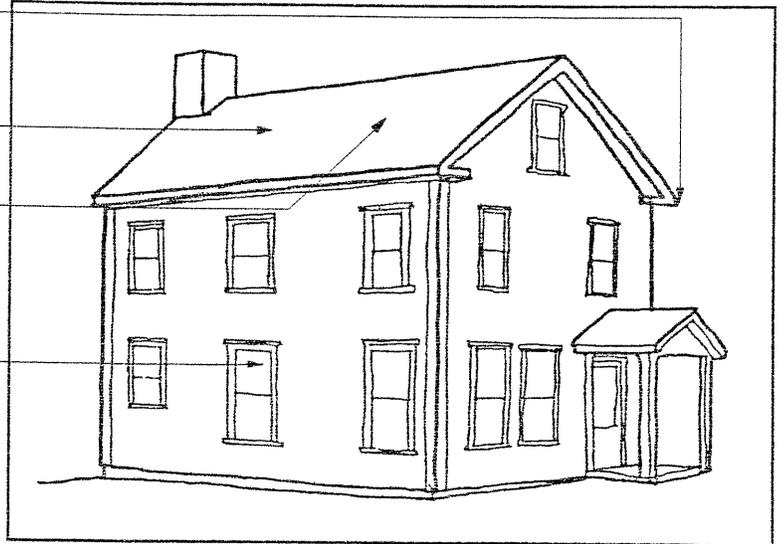
**Type 1**

Rake return

A simple volume with a gable roof perpendicular to the street

Roof pitch 8:12 to 12:12

Simple double hung windows, vertically proportioned



*Simple Gable House With Portico*

**LOCAL EXAMPLES**

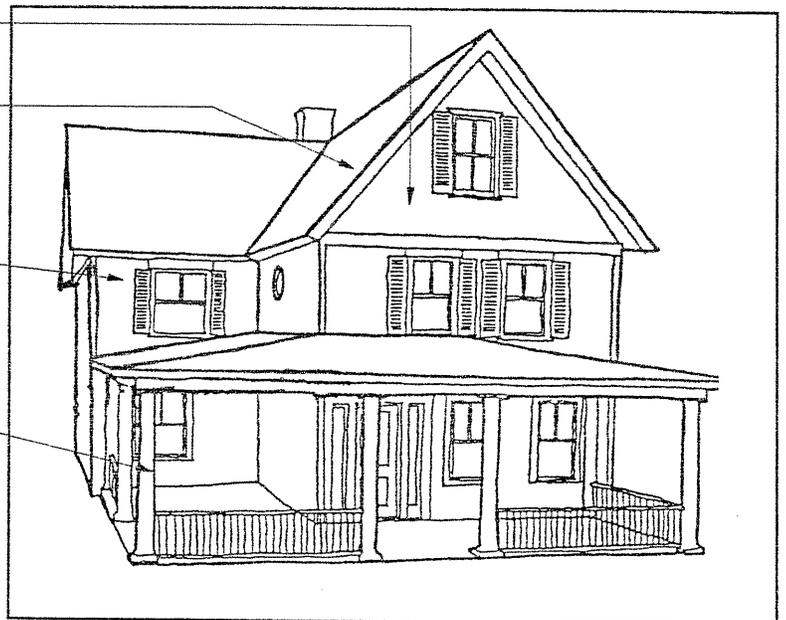
**Type 2**

Gable end faces street

12:12 roof pitch

Side "EL" set back from front face

Wrap-around porch



*Gable With EL*

**LOCAL EXAMPLES**

**Type 3**

Gable roof runs parallel to street

Wide eave detail

2-story plus attic

Pilaster corners

Central entry with pilaster trim



*Greek Revival 5 Bay*

**LOCAL EXAMPLES**

**Type 4**

Rake return

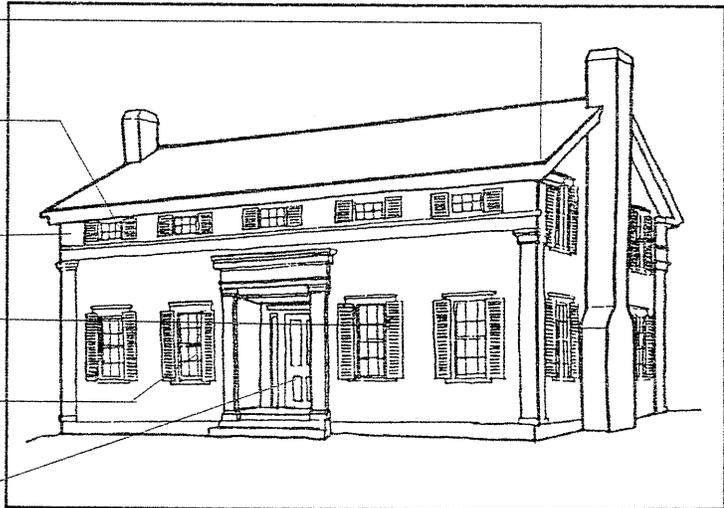
Eyebrow windows under eave,  
proportion 1.5:1

Extra wide fascia

Windows with multiple panes

Vertical double hung windows on the 1st  
floor

Elaborated entry with recessed door

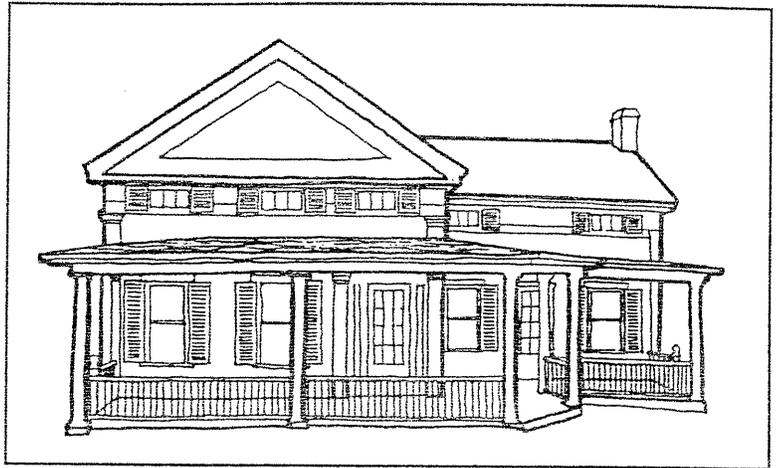


*A Variation of the Greek Revival House*

**LOCAL EXAMPLES**

**Type 5**

This example is a combination of the Gable with El and the Greek Revival Variation. It has the wrap-around porch and the attic windows across the face of the gable as well as under the eaves.



*The Composite House*

**LOCAL EXAMPLES**

**Type 6**

Shallow pitch roof 8:12

Bracketed eave

Embellished window casings

Paired narrow windows

Wrap-around porch



*Italianate*

**LOCAL EXAMPLES**

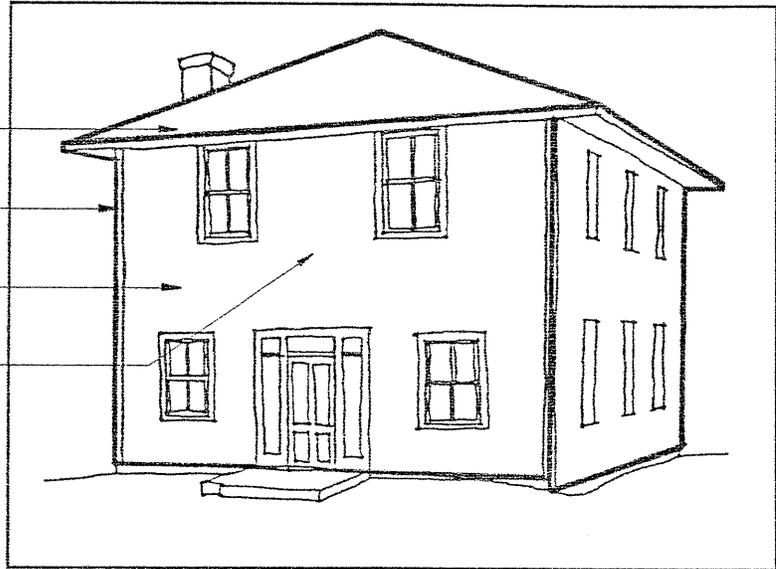
**Type 7**

Simple hip roof pitch 5:12 to 7:12

Main mass is a simple box

1 or 2-story facade

Balanced window placement



*Hip Roof, Academic Style*

**LOCAL EXAMPLES**

**Type 8**

Chimneys are centrally located or at the gable wall or at both gable walls near the peak

Roof pitch 8:12 to 9:12

Palladian windows

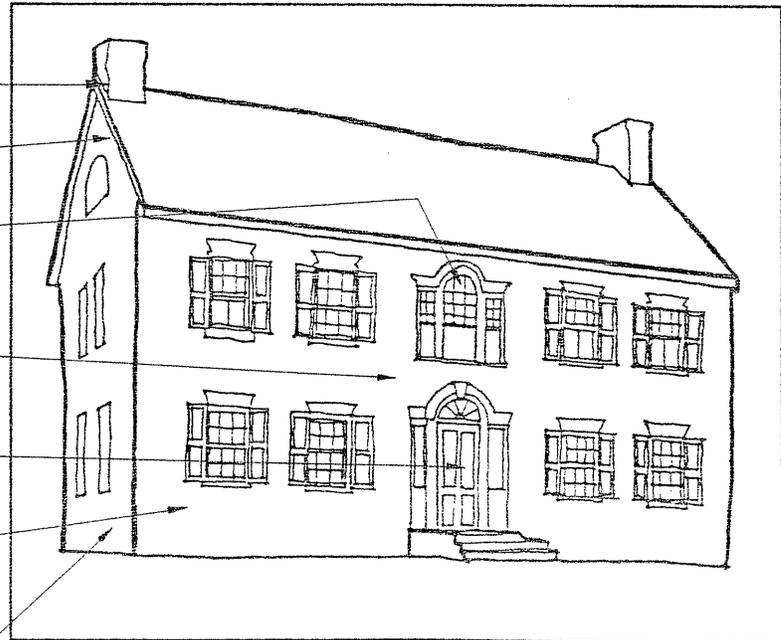
2-story, 3 to 5 bay facade with balanced door and window placement

Embellished entry: fan window, sidelights pilastered on full portico

Siding is brick, wood, shingle or clapboard

Sidewall materials are shingle or brick and may differ from facade

Brick facades have brick sidewalls



*Federal and Georgian*

**LOCAL EXAMPLES**

**Type 9**

Upper roof pitch differs from lower roof pitch

1.5 story facade

Porch addition

Entry is usually under the eave. When entry is at gable, end entry porches or porticoes are characteristic

Second story living space can be accommodated by the use of dormers in the lower roof slope



*Gambrel Roof*

**LOCAL EXAMPLES**

**Type 10**

Gable dormer

Concave slate roof

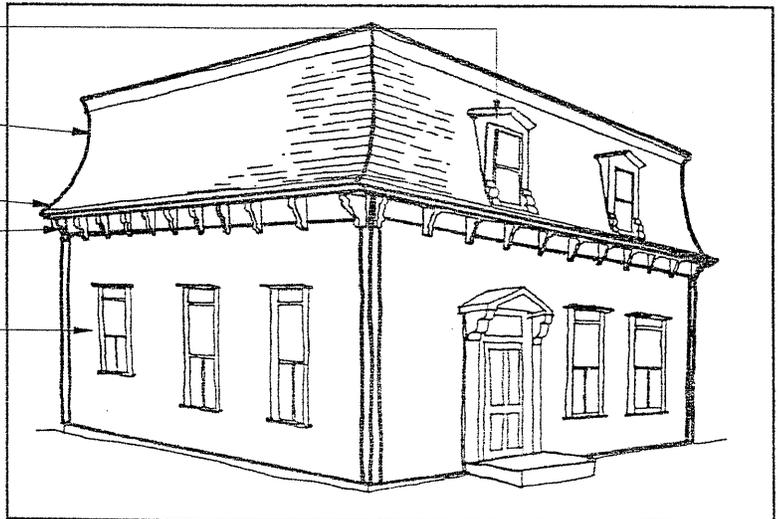
Protruding eave

Support brackets

1.5 to 2-story facade

Main mass is a simple boxy form

Siding material is brick, stone, shingle or clapboard

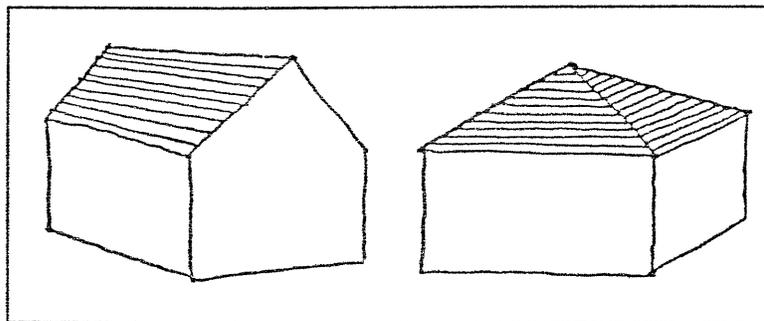


*Mansard Cottage*

## ROOF Roof Types

### Guideline

The two roof types that are predominant and encouraged in the town are *Gable* and *Hip*. Main roofs should conform to these shapes. The *Gambrel* and *Mansard* roof types are derived from the *Gable* and *Hip* respectively and are generally not encouraged.

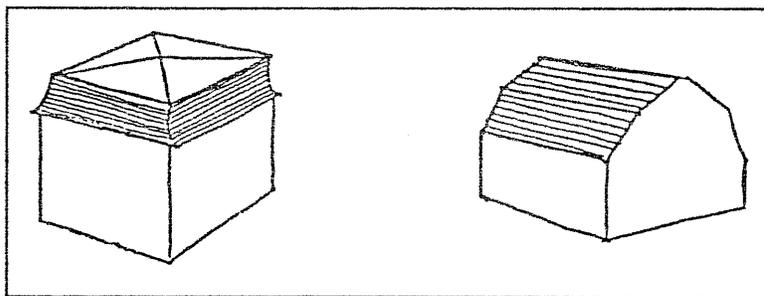


*Gable Roof*

*Hip Roof*

### Discussion

Because there are only a few examples of the *Gambrel* and *Mansard* in the hamlets, their prolific use is discouraged. However, limited use of these roof types will lend variety.



*Mansard Roof*

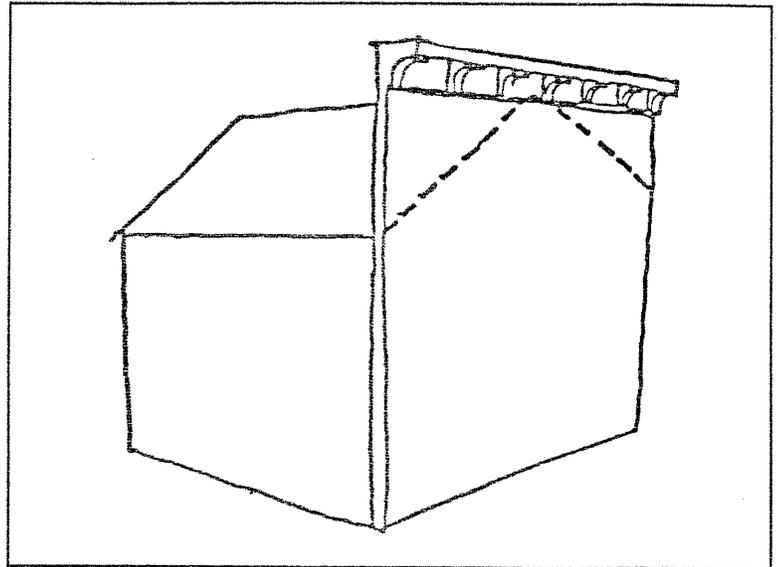
*Gambrel Roof*

**Guideline**

A fifth roof type is acceptable for commercial buildings: the *false front*. It consists of a front facade extended upward to mask the main sloped roof behind. It is characterized by a level overhanging cornice with a large frieze board and/or supporting brackets. Eave breaks are permitted at the cornice.

**Discussion**

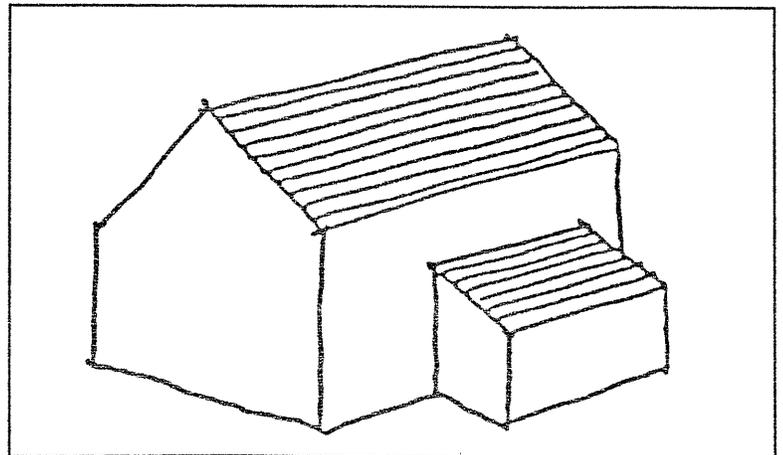
Although presently there are very few examples of the "False Front" in the area, as the hamlets are infilled with new commercial development this roof type (preferably attached to other buildings) would be appropriate for the densest commercial core areas of the hamlets.



False Front

**Guideline**

*Shed Roofs* are acceptable as secondary roofs but discouraged as main roofs. The highest roofline of the *Shed Roof* should be attached to the dominant building mass.



Shed Roof

## ROOF

### Roof Massing

#### Guideline

Simple roofs consist of a single roof type.

More complex roofs consist of a main roof type that is dominant with attached secondary roof types that are smaller and lower than the main roof ridge line.

Although simple roof types are encouraged on small buildings, roofs of larger buildings should be more complex and should combine a main roof with lower, intersecting secondary roof types rather than use only a single hinge roof.

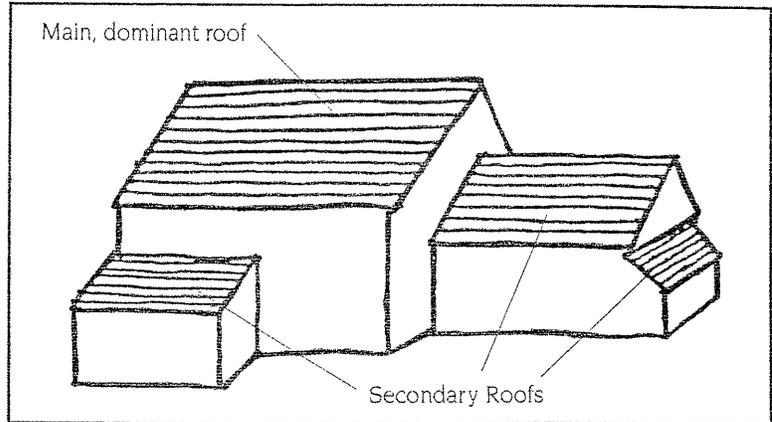
*Secondary Sheds, Gables and Hips* may be combined with any main or secondary roof type.

Combining *Mansard Roofs* with any other roof form other than a *Secondary Shed* or *Hip* is discouraged. All such additions should not extend above the *Mansard* eave line.

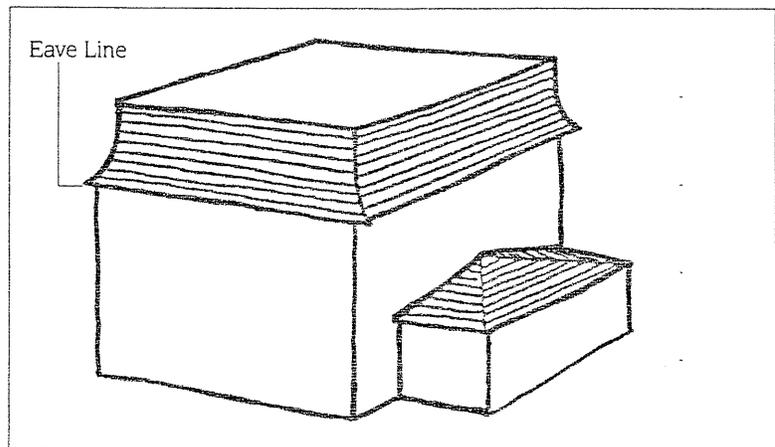
*Secondary Gambrels* should be combined with *Main Gambrels* and *Gables*.

#### Discussion

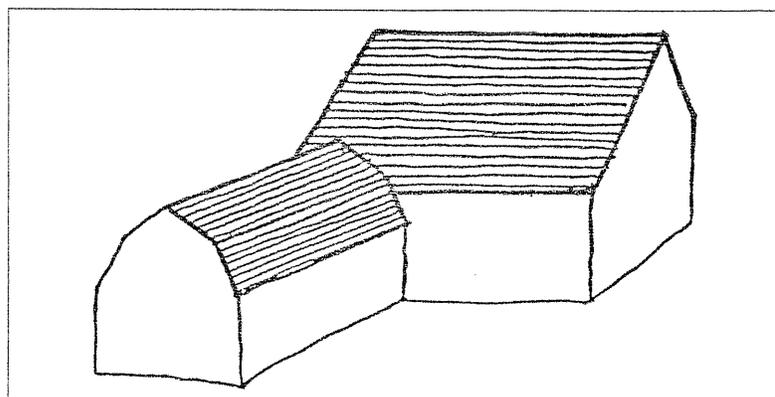
As a building increases in size, more complex roofs are necessary and encouraged to create the additive assemblage of building elements that is characteristic of the larger buildings in rural hamlets.



*Shed & Gable Additions to Gable-Roofed Buildings*



*Hip Roofed Addition to Mansard Roofed Building*



*Gambrel Addition to Gable Roof Building*

# ROOF

## Roof Pitch

### Guideline

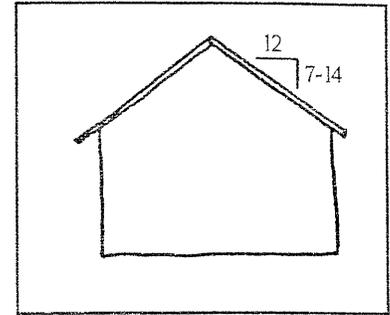
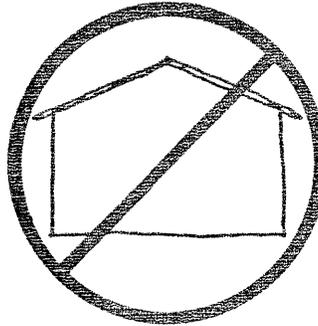
*Gable Roofs* may vary in pitch from 7:12 to 14:12. Roof pitches below 8:12 on main roofs are discouraged.

*Hip Roofs* may vary in pitch from 4:12 to 14:12. Roof pitches steeper than 9:12 on main roofs are discouraged. *Turrets*, both hip and conical, may range up to 14:12.

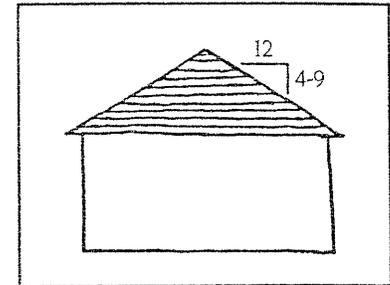
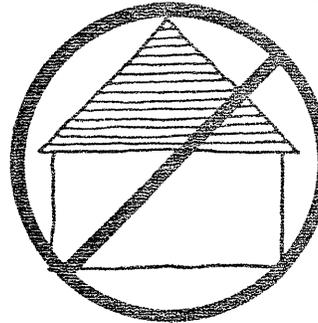
*Gambrel Roofs* have different pitches on their upper and lower roof planes. Upper roof pitches may vary from 5:12 to 8:12 while lower pitches may vary from 18:12 to 20:12. The most typical and harmonious arrangement is an upper roof pitch of 5:12 and a lower roof pitch of 20:12.

*Mansard Roofs* are built with a concave curve and they are characterized by protruding eaves and ridges and support brackets below the eave. They may not exceed 8' in height from eave to ridge. The height of *Mansard Roofs* should be designed in proportion to the size of the facade below. Though dormers are encouraged on *Mansard Roofs*, skylights are not.

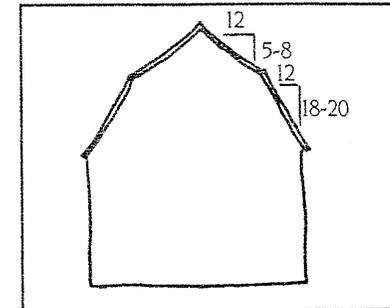
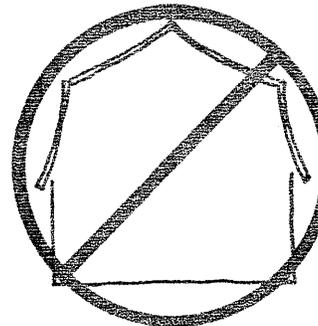
*Shed Roof* additions may vary in pitch from 4:12 to 14:12.



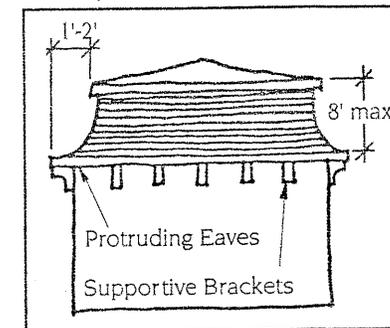
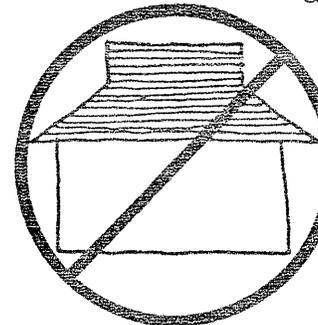
Gable Roof



Hip Roof



Gambrel Roof



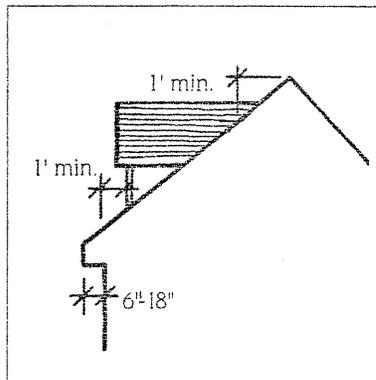
Mansard Roof

## ROOF Roof Details

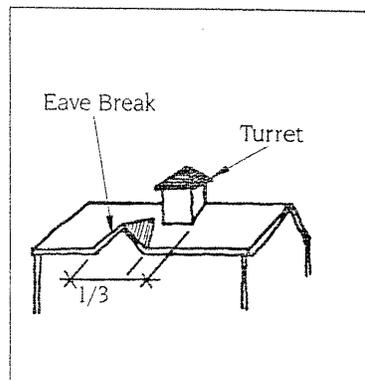
### Guideline

Roof overhangs of 6" to 18", exclusive of gutters, are encouraged.

Details consistent with the period styling of the building as discussed in the introduction are encouraged.



Roof Overhang and Dormer



Roof Features

## ROOF Roof Features

### Guideline

Dormers, lanterns, turrets, eave breaks and skylights may be added in proportion to the roof's overall size. Cumulatively they should interrupt the roof plane no more than 1/3 of the length of the eave line.

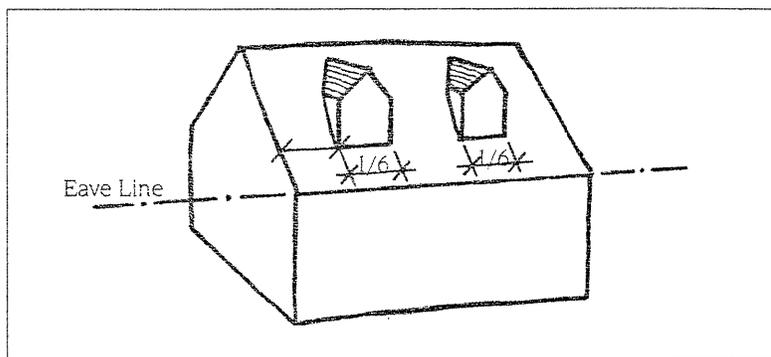
Dormers should be set back from the face of the building at least 1' and from the building sides at least 3'.

The face of the dormer should be minimal in height and made up mostly of window area.

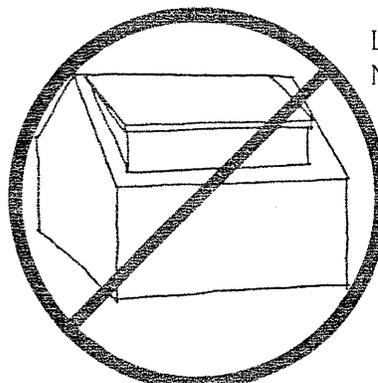
The dormer roof should connect to the main roof at least 1' below the main roof ridge line.

The roof pitch of gable dormers should match the roof pitch of the main roof.

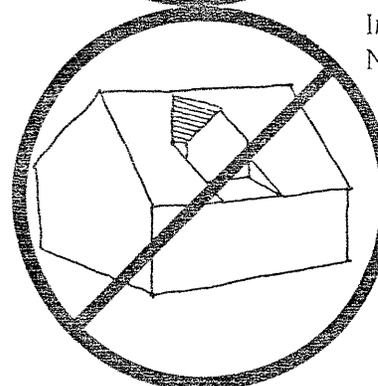
Shed roof dormers that envelop the main roof slope are discouraged. Inset dormers are also discouraged.



Roof Feature Placement



Large Sized Dormers  
Not Encouraged



Inset Dormers  
Not Encouraged

## ROOF Roof Materials

### Guideline

The following roofing materials are encouraged: asphalt shingles, slate, wood shingles, shakes, standing seam metal. Colors should be neutral to dark.

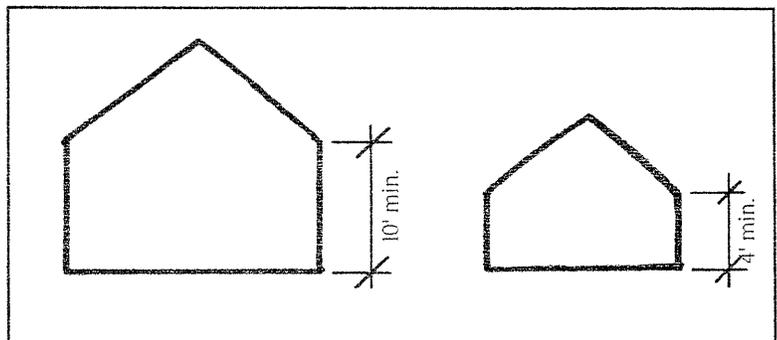
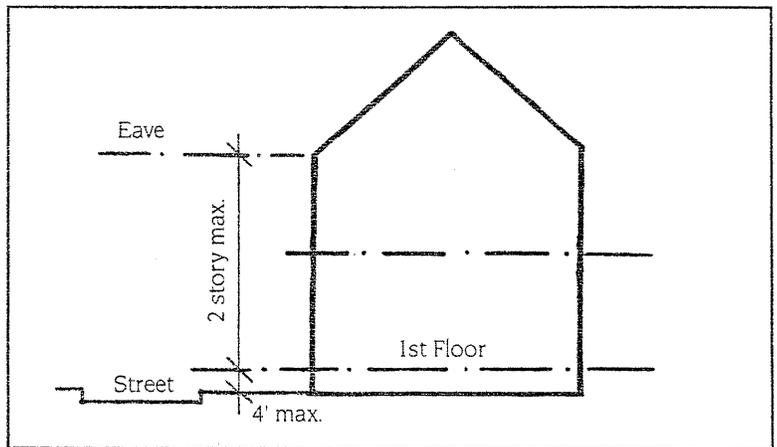
## FACADES Height

### Guideline

Maximum 2-story eave heights are encouraged in the hamlet. The first floor level of a 2-story facade should not exceed a height of 4' above the grade at the street face of a building. Story heights should remain within the range of those in surrounding buildings.

Two-story mixed-use buildings are encouraged.

Roof eaves on main roofs should be a minimum of 10' above the grade at the building front entry. The main roofs of non-habitable accessory buildings, such as pump houses and tool sheds, should be a minimum of 4' above grade.



Habitable Building

Non-Habitable Building

## FACADES

### Facade Plane

#### Guideline

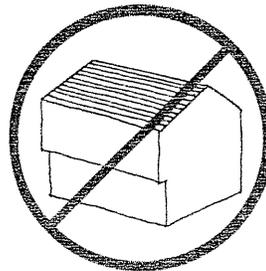
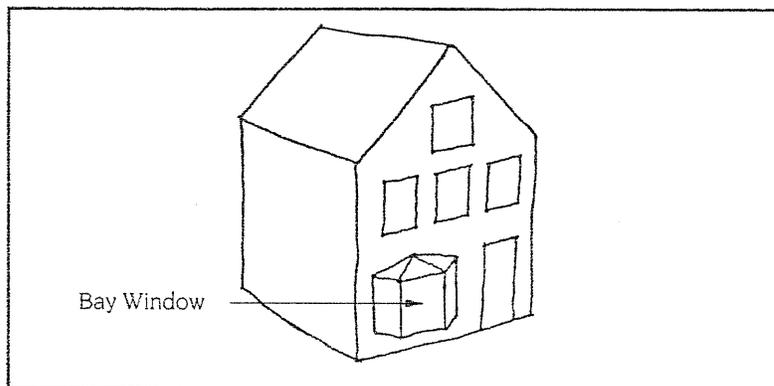
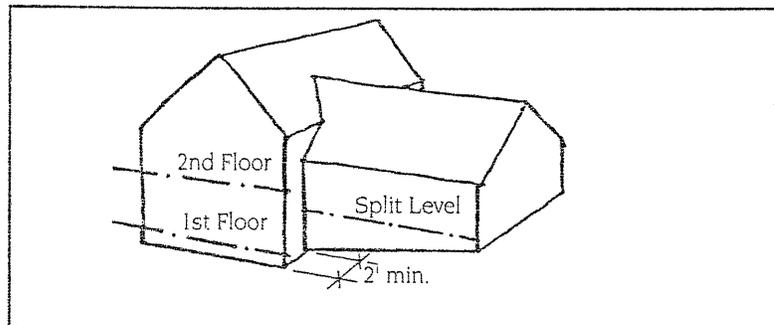
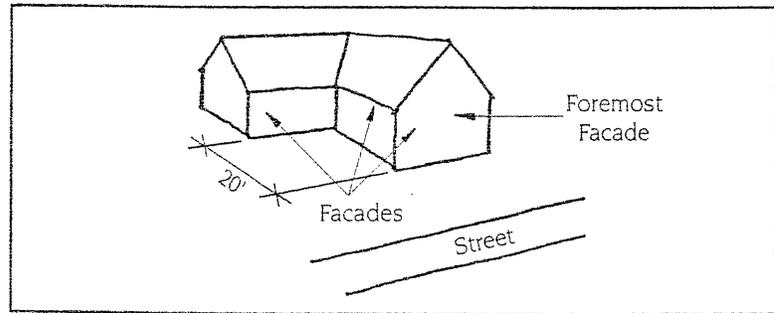
The foremost frontal plane of the building facing the street is the main facade. Other front or side facing planes within a 20' setback from the foremost facade are also considered facades.

Between full stories there should be no change of floor level without a minimum 2' change in the vertical plane of the facade.

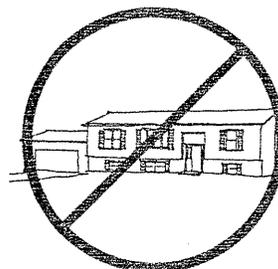
Bay windows, porticoes, porches and historical facade projections are acceptable as long as they remain subordinate in proportion to the size of the facade. One story porches of any size are encouraged. Most traditional houses have porches including entry porches, full front porches or wrap-around porches.

Facades in which the 2nd or 3rd story overhangs the 1st story are discouraged.

"Ranch", "Raised Ranch", "A-Frame", and "Split Level" building types are not in keeping with the historical context of the town's traditional hamlets and countryside.



*Second Floor Overhang - Not Encouraged*



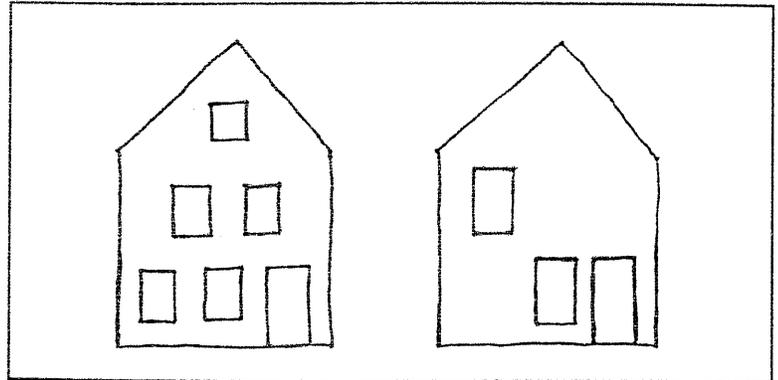
*Raised Ranch - Not Encouraged*

## **FACADES**

### **Window and Door Placement**

#### **Guideline**

Windows and doors should be balanced in their placement on building facades. Though literal symmetry is not necessary, a general balance between facade elements is harmonious to the eye.



*Balanced*

*Unbalanced*

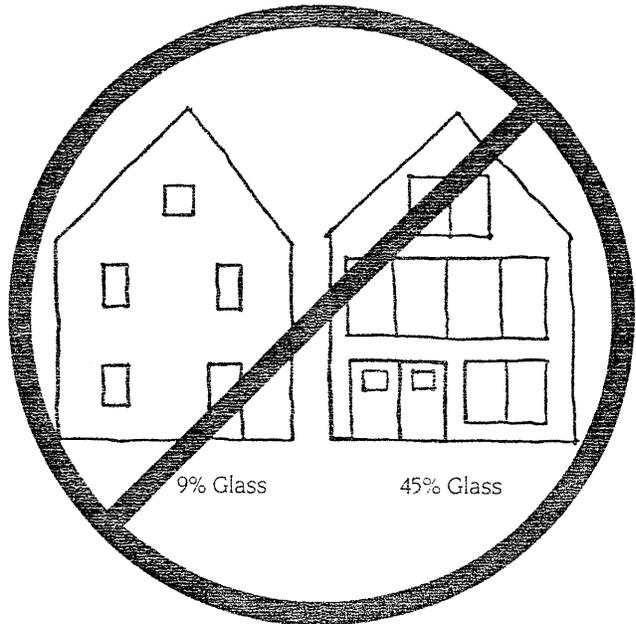
## **FACADES**

### **Extent of Glazing**

#### **Guideline**

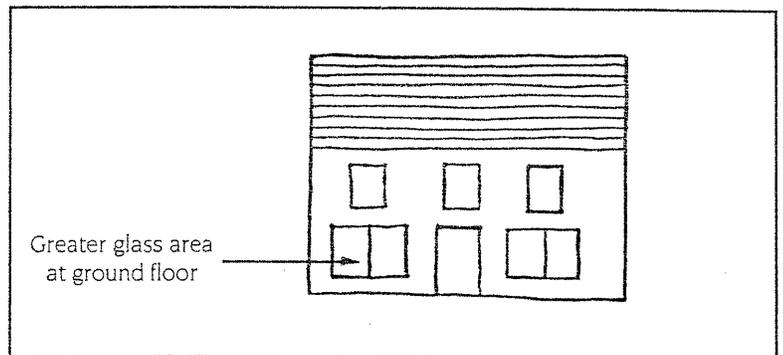
No less than 12% and no more than 35% glass area should be employed on the foremost, front facing facade of a building. No more than 35% glass area should be employed on other facades. Glass area is measured as inclusive of muntin and sash, exclusive of casings and is measured per facade.

Glass areas per floor should be greater at ground floors than at upper level floors.



9% Glass

45% Glass



Greater glass area at ground floor

# FACADES

## Window Size and Proportion

### Guideline

A window is defined as the single set of glazed sash contained between jambs or mullions.

Singly cased windows are encouraged. Multiple ganged window configurations are acceptable.

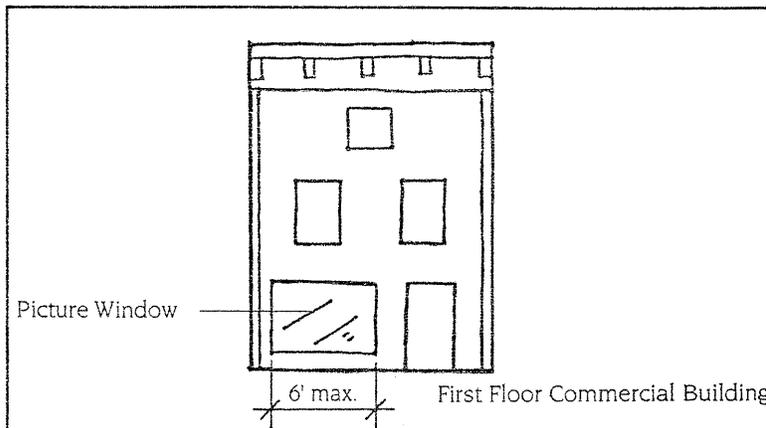
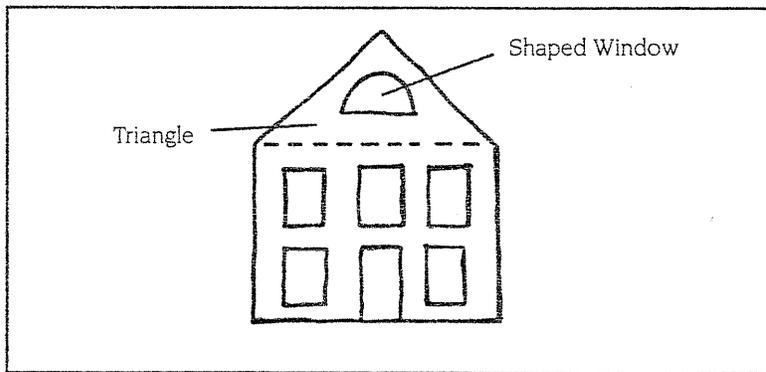
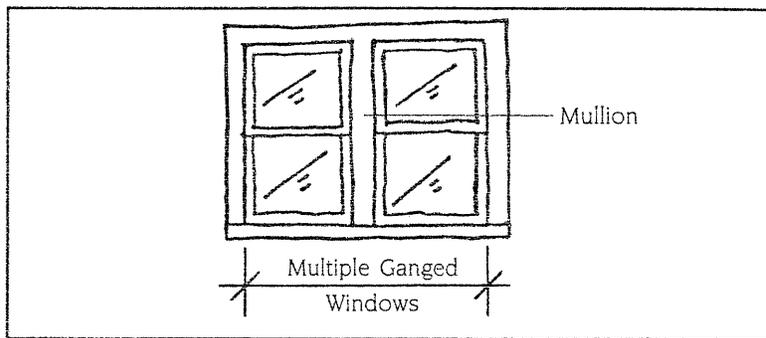
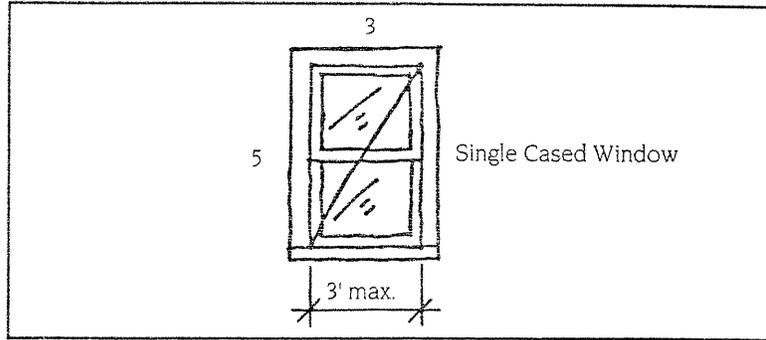
Windows should be vertical, in proportions ranging from a 1:2 to a 3:5 ratio of width to height.

Shaped windows and windows of a 1:1 ratio are acceptable within the triangle created by converging roof planes and at decorative entries and where combined in a Palladian configuration.

Windows of a 1.5:1 to 3:1 ratio range are acceptable just below roof eaves. These are known as "Eyebrow" windows.

Windows wider than 3' are strongly discouraged except on the entry levels of commercial uses where a maximum width of 6' is acceptable.

Sliding glass doors are discouraged on building facades.



# FACADES

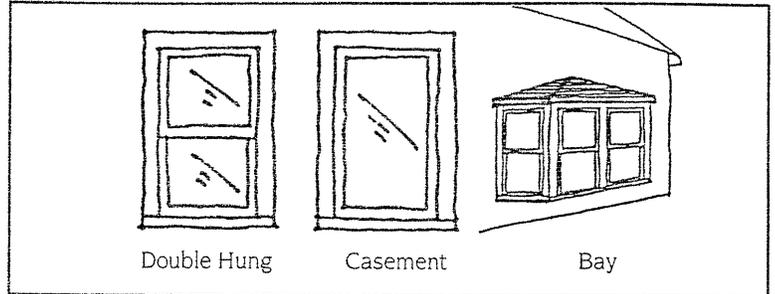
## Window Style

### Guideline

The window style should be consistent across the entire exterior of a building.

The following three window styles are *encouraged*:

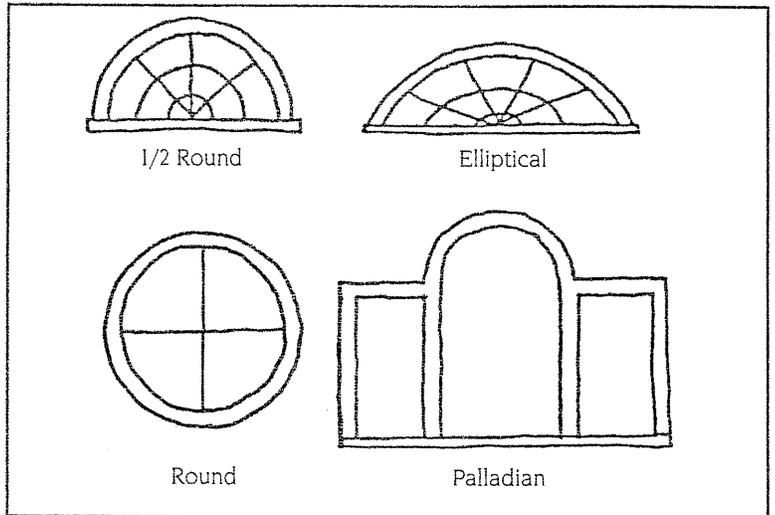
- Double Hung
- Casement
- Bay



*Encouraged*

The following window styles are *acceptable*:

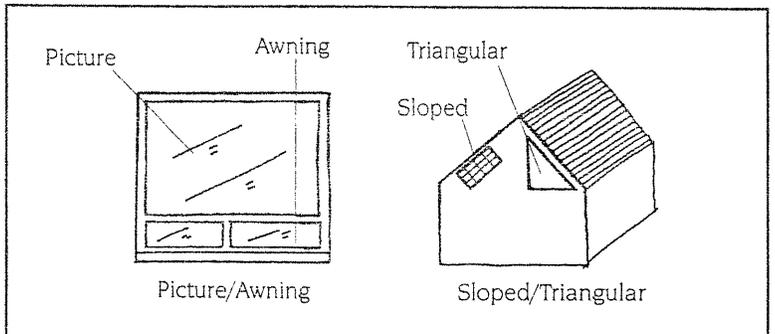
- Half Round
- Round
- Elliptical
- Palladian
- Skylight



*Acceptable*

The following window styles are *discouraged*:

- Picture
- Combination Picture/Awning
- Triangular
- Sloped



*Discouraged*

Display windows in commercial uses are encouraged at the main floor. The use of muntins to break the expanse of glass into smaller panes is encouraged.

## FACADES

### Details

#### Guideline

All windows and doors should be framed with a minimum casing width of 3.5".

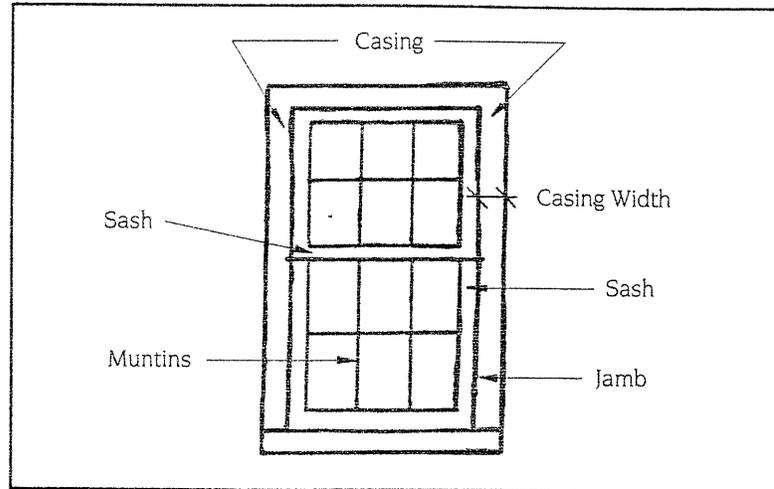
Small paned windows divided by muntins are encouraged.

The following wood siding and trim materials are encouraged:  
Wood, Clapboard, Shiplap, Board and Batten, and Shingle.

Brick and stone walls are also encouraged.

Vinyl, asphalt and other synthetic siding materials are discouraged.  
Vinyl siding is acceptable if used with traditional wood casing trim.

Varied bands of siding materials and patterns are discouraged.



6 Over 6 Pane, Double Hung Window

## **FACADES**

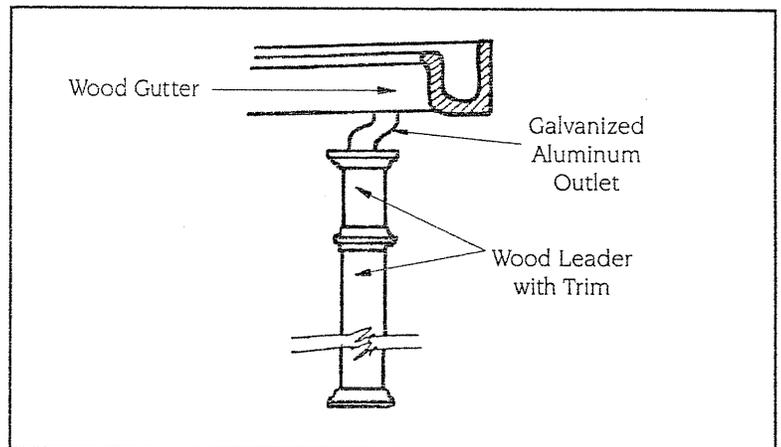
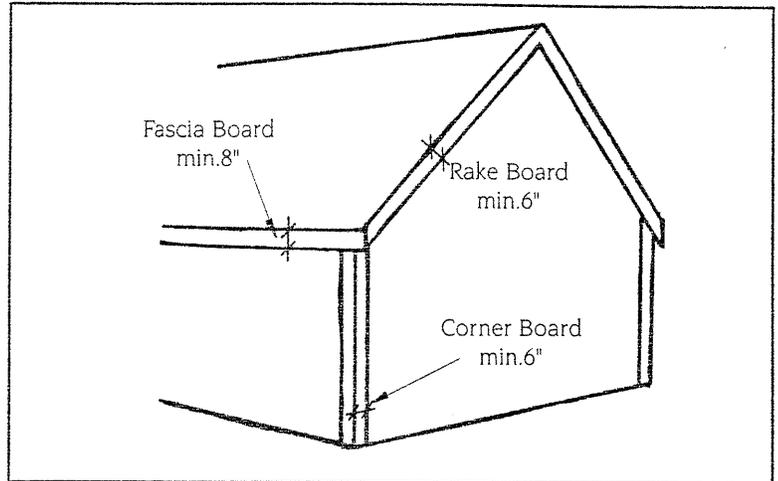
### **Materials**

#### *Guideline*

Rake and corner boards should be a minimum of 6" wide.

Fascia trim should be a minimum of 8" wide.

Wood gutters and leaders are encouraged. Aluminum and vinyl are acceptable. PVC is discouraged.



## **APPLICATIONS**

### **Mixed-Use Types**

#### **Guideline**

Mixed uses are encouraged. They can be accommodated within the two basic 2-story building types: the house and the barn. Two-story buildings maintain the appropriate scale for the hamlet centers. Using a second floor as office or apartment space makes a building more affordable.

#### **False Front Type**

This type is the size and scale of 2-story houses throughout the hamlets yet it can attach to other buildings easily and accommodate a mix of uses:

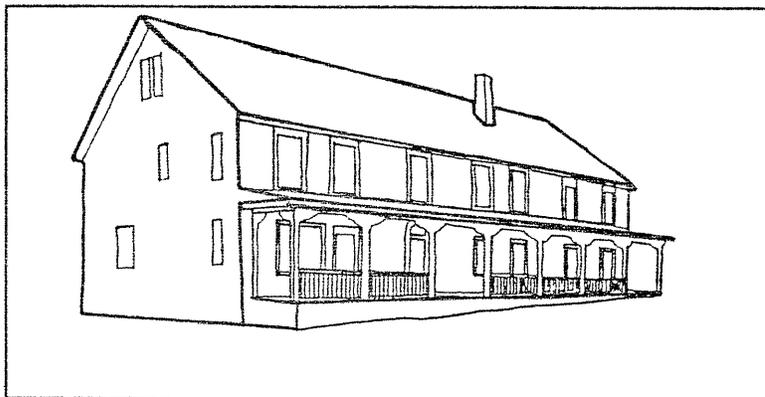
- Apartment over Retail/Office/Civic
- Offices over Retail/Civic
- Civic uses over Office/Retail



*False Front Type*

#### **Big House Type**

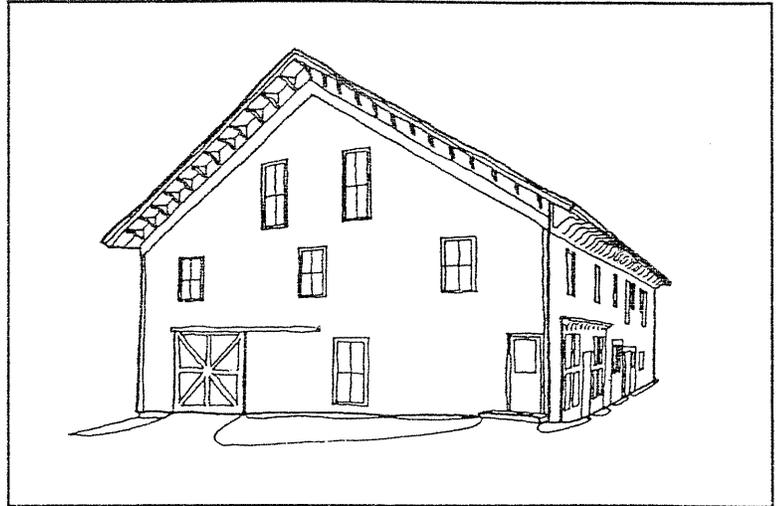
This type is similar to a large house in size and scale. It can accommodate multiple apartments or offices above Retail/Office/Civic uses. In addition to the above, it can accommodate a hotel or an institution.



*Big House Type*

**Big Barn Type**

This type is similar to a barn structure in size and scale. It can accommodate all of the above mixed uses as well as light industrial uses.



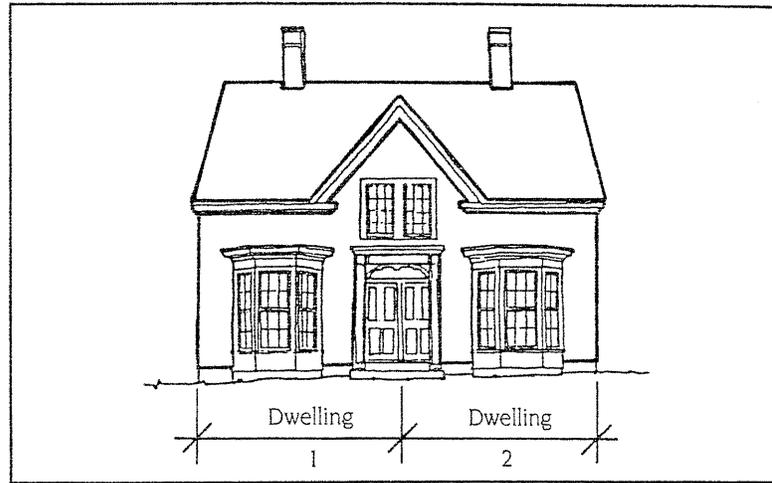
*Big Barn Type*

## APPLICATIONS

### Multifamily Types

#### *Two-Family House*

This building is similar in scale to a single family house but has 2 front doors.

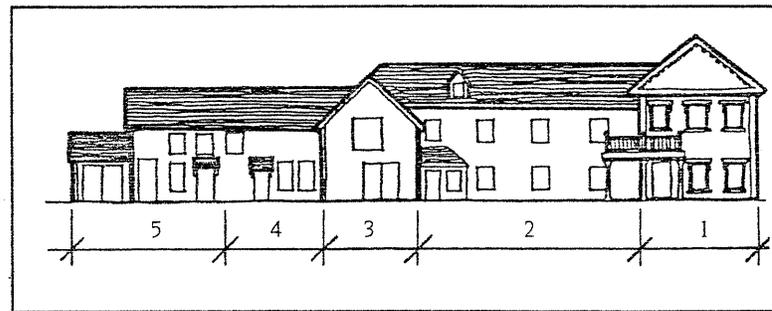


*Two-Family House*

#### *Extended Farm House*

This type must present a dominant mass to the street based on a single-family residence type with smaller additions to the rear or side as additional apartments.

It can be used to provide up to 5 dwelling units. Parking must be screened from the street.



*Extended Farm House*

#### *Apartments Over Commercial*

Apartments over commercial or civic uses are encouraged. They can provide affordable housing.



*Apartment Over Commercial*

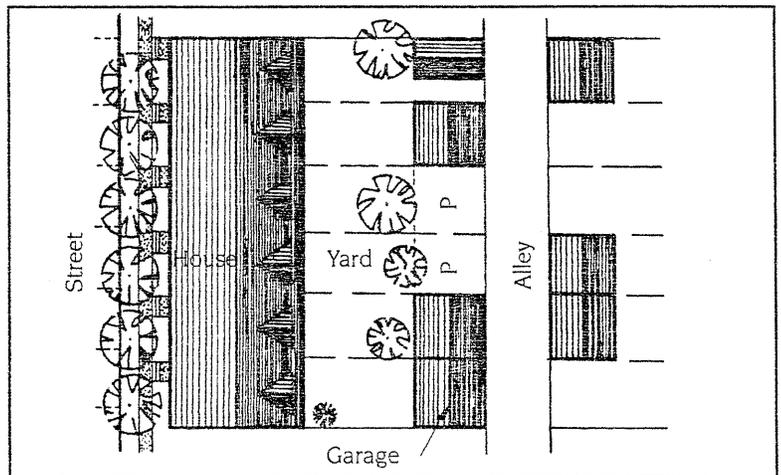
## Row Houses

This type consists of small square footage, attached houses in rows of 5 or more with a continuous street face close to the right-of-way (0-12' from sidewalk) with private yards behind. Sidewalks are required. Parking should be on street and in the rear off an alley.



*Block of Row Houses*

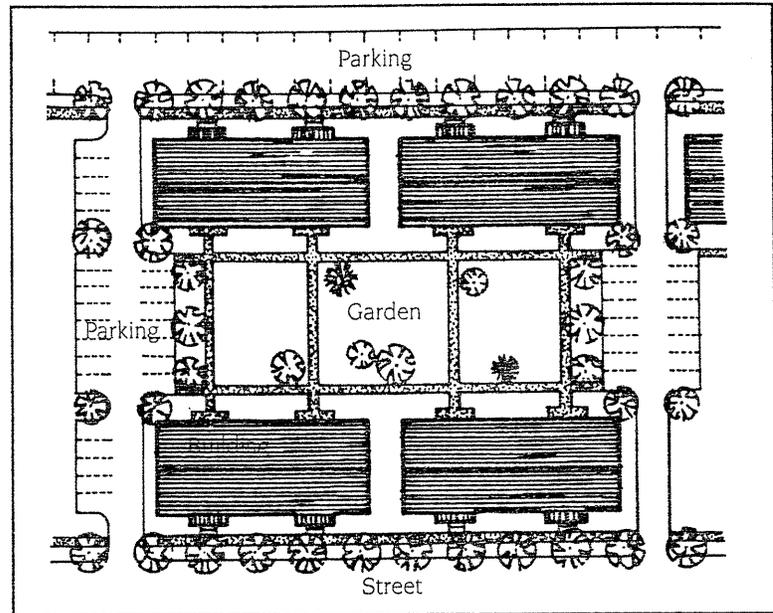
Rows of attached houses should be used to shape town space, and should not be scattered across a site. In such cases, a row of fewer than 5 units may be acceptable as part of a larger composition.



*Plan of Block of Row Houses*

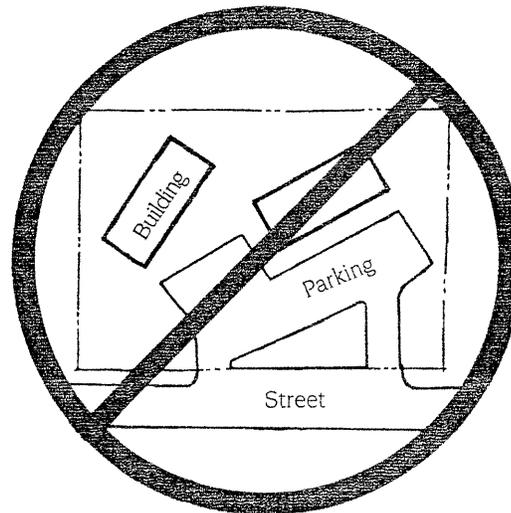
## Garden Apartments

This type consists of small apartment buildings and should follow the same recommendations as *Row Houses*. They should align with the street, with small setbacks. The "garden" of *Garden Apartments* should be a well defined space behind the buildings and not interrupt the street space. Small apartment buildings can accommodate 4 to 8 units.



*Appropriate Garden Apartment Site Plan*

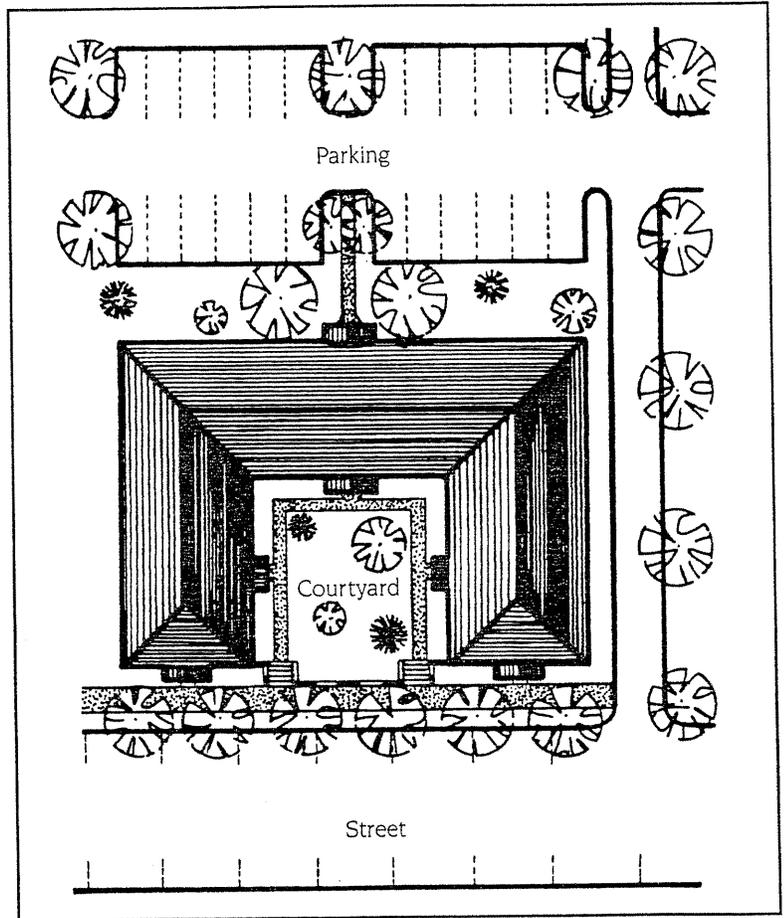
Garden apartments should be used to shape town space, and should not be scattered across a site.



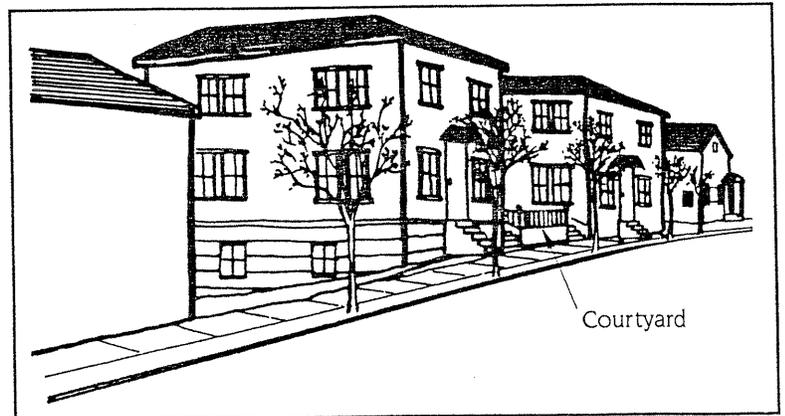
*Inappropriate Site Plan*

### ***Courtyard Apartments***

This type consists of small multi-entry apartment buildings where a garden entry court faces the street. The street edge of the courtyard should be defined by a fence, low wall, hedge or change in level. Off-street parking should be behind the building. These apartment buildings can accommodate 8 to 16 units.



*Courtyard Apartment*



*Street View of Courtyard Apartment*

# GUIDELINES FOR GOOD EXTERIOR LIGHTING PLANS

Prepared by: The Dark Sky Society (<http://www.darksksociety.org/>) 2009

These guidelines have been developed in consultation with lighting professionals (with experience in developing good lighting plans) to aid communities wishing to control light pollution and preserve the night sky.

**Outdoor lighting should be carefully designed with regard to placement, intensity, timing, duration, and color. Good lighting will:**

- **Promote Safety**

“More light” is not necessarily” better”. If not designed and installed correctly, unsafe glare can result, reducing the effect of lighting which can contribute to accidents and hinder visibility. Lighting that is too bright interferes with the eye's ability to adapt to darker areas.

- **Save Money**

Adhering to professionally recommended light levels provides adequate illumination. Shielded fixtures with efficient light bulbs are more cost-effective because they use less energy by directing the light toward the ground. See this website for cost comparisons: <http://www.netacc.net/~poulsen/lightcost.html>

- **Conserve Natural Resources**

Inappropriate or excessive lighting wastes our limited natural resources and pollutes the air and water by unnecessarily burning our limited supply of fossil fuels.

- **Be Better Neighbors**

Excessive or misdirected lighting can intrude on the privacy of others when light or glare trespasses over property lines.

- **Retain Community's Character and Reduce Skyglow**

Our clear view of the dark starry night sky is a resource to be preserved and protected. Stray and excessive lighting contributes to "light pollution", clutter, and unnatural "sky glow".

- **Protect Ecology of Flora and Fauna**

Research studies indicate that artificial night lighting disrupts the migrating, feeding, and breeding habits of many wildlife species, as well as growth patterns of trees. See references in [The Ecological Consequences of Artificial Night Lighting](#).

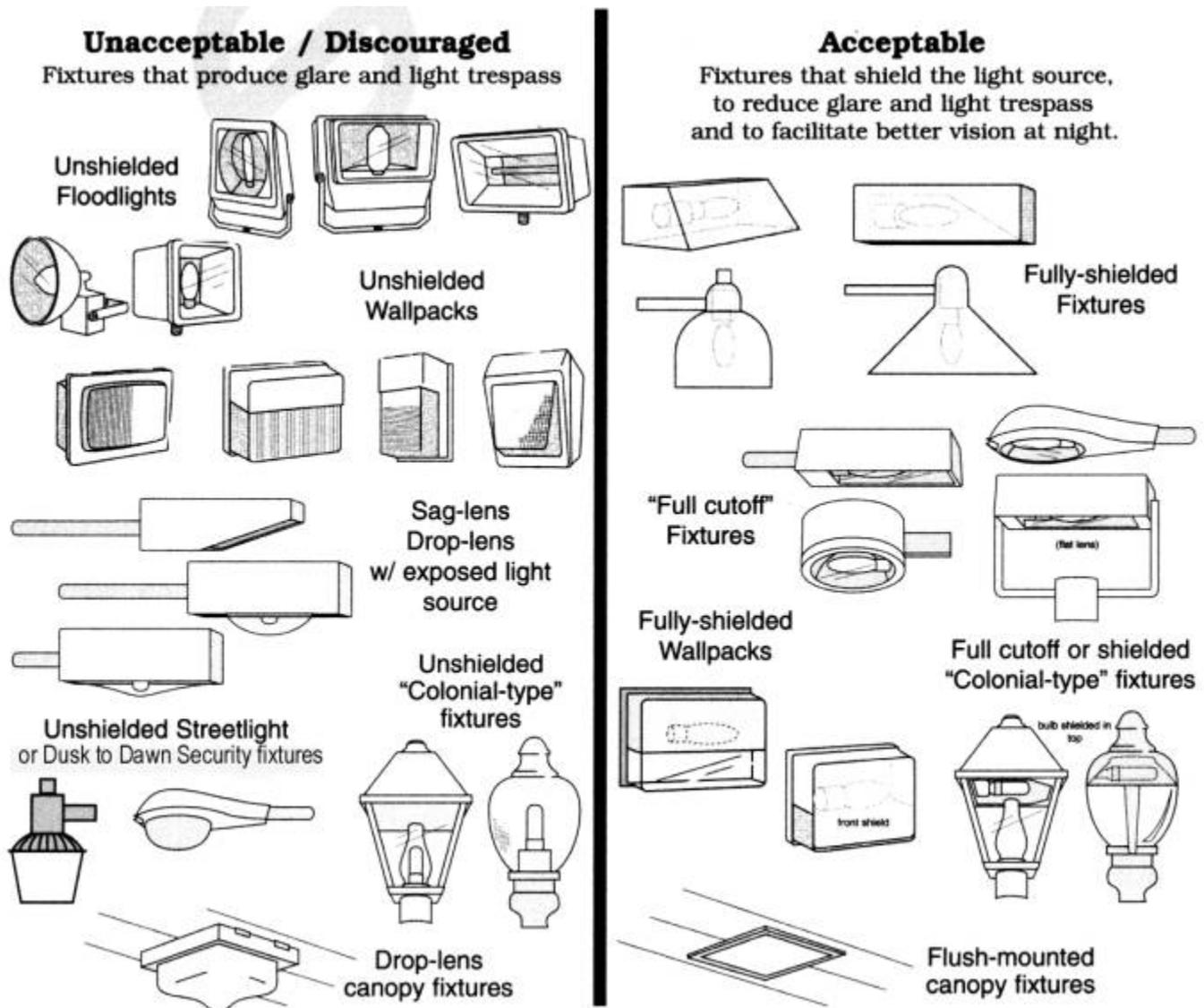
- **Reduce Health Risks**

Light at night not only disrupts your sleep but also interferes with your circadian rhythms. Recent research indicates that intrusive lighting may reduce the production of melatonin, a beneficial hormone, and a resulting raise in the rates of breast and other cancers.

- Included:**
1. **Diagrams of Acceptable/Unacceptable Lighting Fixtures**
  2. **How to Develop an Acceptable Lighting Plan**
  3. **Definitions of Full Cut Off, Shielded, and RLM sign lighting Fixtures**
  4. **Lighting Plan Submissions**
  5. **Recommended Illumination Levels for various tasks**

## UNSHIELDED FIXTURES

## Full Cutoff and Fully Shielded Fixtures



Diagrams courtesy of Bob Crelin

\*\*\*\*\* Ask your local electrical suppliers for "full-cut off" or "fully shielded" light fixtures. Once you have selected fixtures which are compatible with your architecture and community, contact the manufacturer's representative to see a sample of the fixture(s) and to ask for a free lighting plan. If you have a CAD file, the plan can be easily provided in a short period of time. \*\*\*\*\*

Most lighting manufacturers have Application Departments which will execute free lighting plans to meet local lighting codes.

See this website for links to manufacturers:

<http://www.darksky.org/mc/page.do?sitePageId=56422&orgId=idsa>

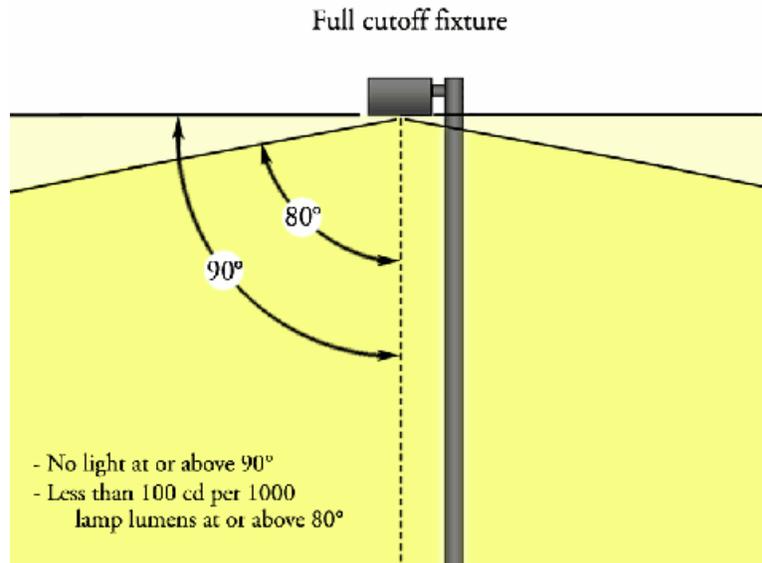
Sample of Web retailers:

[www.starrynightlights.com](http://www.starrynightlights.com) and [www.greeneearthlighting.com](http://www.greeneearthlighting.com)

## How to Develop an Acceptable Lighting Plan

1. Identify where as well as when lighting is needed. Confine and minimize lighting to the extent necessary to meet safety purposes. Plans should define the areas for which illumination is planned. Itemizing each area (e.g. parking lot, doorways, walkways, signage, foliage) with the anticipated hours of use. Commercial outdoor lighting should be used for safe pedestrian passage and property identification, and lit during active business hours and shut off afterward.
2. Direct light downward by choosing the correct type of light fixtures. (See Appendix 3). Specify IES (Illuminating Engineering Society) "Full Cut Off" designated or "fully shielded" fixtures, so that no light is emitted above the lowest light emitting part of the fixture. Top mounted sign lighting is recommended with "RLM" (dish) type shields, and aimed so that the light falls entirely on the sign and is positioned so that the light source (bulb) is not visible from any point off the property or into the roadway to reduce glare. For each one square foot of sign, usually no more than 200 lumens is necessary for good visibility.
3. Select the correct light source (bulb type). Compact fluorescent (2300K) or High Pressure Sodium is recommended unless the light is motion sensor activated, in which case incandescent or the instant start compact fluorescent bulbs can be used. Metal Halide (due to its higher costs, energy use, impact on the environment, and greater contribution to "sky glow") is discouraged, as well as light sources rated over 3000 Kelvin; and outdated Mercury Vapor bulbs are prohibited.
4. Utilize "shut off" controls such as sensors, timers, motion detectors, etc. Automatic controls turn off lights when not needed. All lights should be extinguished no later than one half hour after the close of business. Additional motion sensor activated lighting can be used for emergency access. Avoid "dusk-to-dawn" sensors without a middle of the night shut off control. Lights alone will not serve to "protect" property and are a poor "security" device. Examine other means of protecting property and to discourage criminal activity. Let your local police know that you have a "lights out" policy so that they can investigate if they see lights or activity after hours.
5. Limit the height of fixtures. Locate fixtures no closer to the property line than four times the mounting height of the fixture, and not to exceed the height of adjacent structures. (Exceptions may be made for larger parking areas, commercial zones adjacent to highways, or for fixtures with greater cut off shielding behind the pole mount in commercial zones.)
6. Limit light crossing property lines, i.e. "light trespass". Limit light to spill across the property lines. Light levels at the property line should not exceed 0.1 footcandles (fc) adjacent to business properties, and 0.05 fc at residential property boundaries. Utility leased floodlight fixtures mounted on public utility poles in the public right-of-way should not be used.
7. Use the correct amount of light. Light levels and uniformity ratios should not exceed recommended values, per IESNA RP-33 or 20. (See Appendix 5, Recommended Illumination Levels for various tasks.) "Lumen cap" recommendations for areas to be illuminated are as follows: commercial properties in non-urban commercial zones = 25,000 lumens per acre; for projects in residential and LBO zones = 10,000 lumens per acre. For residential properties: for suburban: 50,000 lumens per acre cap, and in urban areas: 100,000.
8. Ask for Assistance Your Planning Department and local lighting sales representatives can assist you in obtaining the necessary information for good lighting. For large projects over 15,000 lumens: greater energy conservation and control of light pollution, light trespass and glare, may be achieved with the help of a professional lighting designer with "dark sky" lighting plan experience.
9. A post installation inspection should be conducted to check for compliance. Substitutions by electricians and contractors are common and should not be accepted. Final Approved Site Plans will not allow additional exterior fixtures or substitutes without reviews.
10. Design interior lighting so that it does not illuminate the outdoors. Provide interior lighting photometrics for the building's perimeter areas, demonstrating that the interior lighting falls substantially within the building and not through the windows. After closing, interior lighting that extends outdoors needs to be extinguished by the use of shut off timers.

## Definition of Acceptable Fixtures: "Full Cut Off", "Fully Shielded", and RLM shield.



- "Full Cut Off" fixtures are independently certified by the manufacturers, and do not allow light to be emitted above the fixture and the fixture reduces glare by limiting the light output to less than 10% at and below 10 degrees below the horizontal.
- If the manufacturer is unable to provide the "cut off" characteristics for a fixture (also called a "luminaire"), the following definition needs to be met, which can usually be determined by a visual inspection:

"Fully Shielded": a fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal. This can be determined by a "field test" or a visual assessment of an operating sample.

- Manufacturers and their representatives can provide photographs of light fixtures as "cut sheets" as well as literature confirming the independently tested "cut off" characteristics of their products. These IES files may be assessed for compliance in a computer program: <http://www.3dop.com/index1.html>
- Photometric layouts for different heights, light sources, and wattages, are also available as "IES" files, upon request or through manufacturers' websites.
- Fixtures must be installed properly, so that the bottom of the fixture is level with the ground. Exceptions are often given for sign lighting which requires vertical lighting:



"RLM" sign lighting shield:

# Lighting Plan Submissions

The following information needs to be provided to your municipality's review board which will enable them to evaluate the Site Plan for proper exterior lighting:

The Lighting Plan should be depicted on a site plan, indicating the location of each current and proposed outdoor lighting fixture with projected hours of use. This plan will need to be stamped and certified by a licensed professional, such as an architect or engineer. Many lighting manufacturers can provide free photometric layouts on prepared site plans, to conform to your local requirements.

- (1) The lighting plan should include a KEY to the proposed lighting that provides the following information:
  - Type and number of luminaire equipment (fixtures), including the "cut off characteristics", indicating manufacturer and model number(s).
  - Lamp source type (bulb type, i.e. high pressure sodium), lumen output, and wattage.
  - Mounting height with distance noted to the nearest property line for each luminaire.
  - Types of timing devices used to control the hours set for illumination, as well as the proposed hours when each fixture will be operated.
  - Total Lumens for each fixture, and total square footage of areas to be illuminated. For projects that are in commercial zones, the lumens per net acre to be lit, need not exceed 25,000 lumens. For projects in residential or LBO zones: 10,000 lumens.
  - For all plans of more than three fixtures: A Calculation Summary indicating footcandle levels on the lighting plan, noting the maximum, average and minimum, as well as the uniformity ratio of maximum to minimum, and average to minimum levels\*.
- (2) Lighting manufacturer-supplied specifications ("cut sheets") that include photographs of the fixtures, indicating the certified "cut off characteristics" of the fixture.
- (3) Footcandle Distribution, plotting the light levels in footcandles on the ground, at the designated mounting heights for the proposed fixtures. Maximum illuminance levels should be expressed in footcandle measurements on a grid of the site showing footcandle readings in every five or ten-foot square. The grid shall include light contributions from all sources (i.e. pole mounted, wall mounted, sign, and street lights.) Show footcandle renderings five feet beyond the property lines.\*
- (4) If requested by the reviewing agency, a statement from a lighting professional that a plan, other than that set forth, is needed to meet the intent of these standards.
- (5) An environmental impact statement may be required as to the impact of the exterior lighting proposed on flora, fauna, and the night sky. Location of species sensitive to light at night or the proximity to nature preserves or astronomical observatories or "Dark Sky Parks", needs to be indicated.
- (6) On the Approved Plan it should be noted that no substitutions, additions, or changes may be made without prior approval by the governing authority.

\* This information can be obtained from the manufacturer, your lighting supplier, or the manufacturer's representative.

# Recommended Illumination Levels for various tasks\*

## I. Table of Limits of Illumination, measured in footcandles (fc) at ground level unless noted:

<u>Task Area</u>	<u>Avg.</u>	<u>Not to exceed:</u>
1. Active Building Entrance Approach	2.0 fc 0.2 fc	5 fc
2. Gas Station Approach		2 fc
3. Gas Station Pump Area		avg: 5 fc
4. Gas Station Service Area		avg: 3 fc
5. Sidewalks	0.2 fc	5 fc
6. Surface of signs		2 fc

## II. Average/Minimum/Uniformity Ratio Limits for Parking Lots:

### I. Public Parking Lots -- not to exceed:

<u>Average</u>	<u>Minimum</u>	<u>Uniformity Ratio (Max to Min/Avg to Min)</u>
0.8	0.2	20:1 / 4:1

### II. Private Parking Lots -- not to exceed:

<u>Average</u>	<u>Minimum</u>	<u>Uniformity Ratio (Max to Min / Avg to Min)</u>
0.5	0.13	20:1 / 4:1

OR:

III. If illuminance grid lighting plans cannot be reviewed or if fixtures do not provide photometrics and bulbs are under 2000 lumens, use these guidelines:

1. Pole shall be no greater in height than four times the distance to the property line.
2. Maximum Lumen Levels for different fixture heights:

<u>Mounting Height (Feet)</u>	<u>Recommended Lumen Maximums</u>
6	500 - 1000 lumens
8	600 - 1,600 lumens
10	1,000 - 2,000 lumens
12	1,600 - 2,400 lumens

**FOOTCANDLE:** ("FC") – Is the basic unit of illuminance (the amount of light falling on a surface). Footcandle measurement is taken with a hand held light meter. One footcandle is equivalent to the illuminance produced on one square foot of surface area by a source of one candle at a distance of one foot. Horizontal footcandles measure the illumination striking a horizontal plane. Footcandle values can be measured directly with certain handheld incident light meters.

**LUMEN** – A unit used to measure the actual amount of light that is produced by a bulb. The lumen quantifies the amount of light energy produced by a lamp at the lamp, not by the energy input, which is indicated by the "wattage". For example, a 75-watt incandescent lamp can produce 1000 lumens while a 70-watt high-pressure sodium lamp produces 6000 lumens. Lumen output is listed by the manufacturer on the packaging.

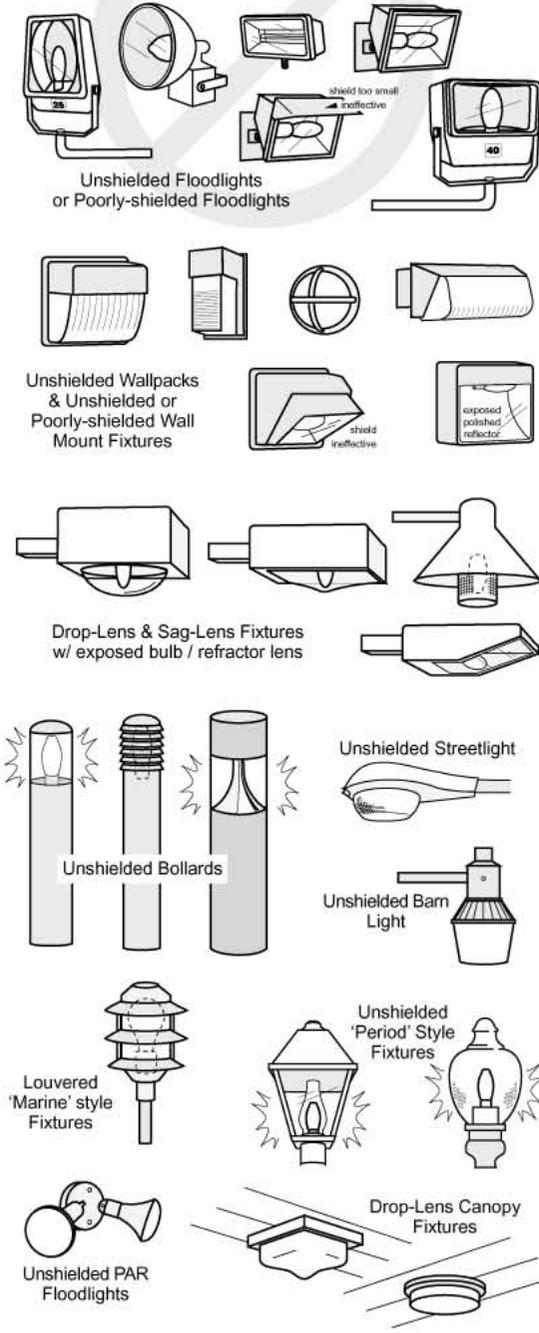
\* IES, Recommended Practices, (RP-33-99): Lighting for Exterior Environments; and (RP-20): Parking Lots. The Illuminating Engineering Society of North America (IES or IESNA), is an organization that establishes updated standards and illumination guidelines for the lighting industry.  
<http://www.iesna.org/shop/item-detail.cfm?ID=RP-33-99&storeid=1>  
<http://www.iesna.org/shop/item-detail.cfm?ID=RP-20-98&storeid=1>

# Good Lights for Good Nights

Help eliminate light pollution. Select the best fixture for your application using this guide. Use the lowest wattage bulb appropriate for the task and turn off the light when it's not being used.

## Unacceptable / Discouraged

Fixtures that produce glare and light trespass



## Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Rendered for the Town of East Hampton, NY by Bob Crelin ©2/05

presented by the  
**Dark Sky Society**  
[www.darksksociety.org](http://www.darksksociety.org)

**ARTICLE \_\_\_\_\_**  
**Overlay Districts**

**§ 200-\_\_\_\_. Highland Derby Commercial Overlay District**

- A. Intent. In accordance with the recommendations of the Town of Evans Comprehensive Plan, the purpose of this overlay district is to establish measures to improve the quality of development and aesthetics along the Route 5 corridor in the commercial district of the Highland Derby area. Such measures are designed to improve business conditions and enhance economic development opportunities, while at the same time restore and continue the traditional community character and create a sense of identity for this area of the Town. These measures will also help to alleviate traffic congestion and highway safety concerns along this section of the Town’s highway system to create a more pedestrian-friendly environment. This overlay will allow the Town to better manage development and the expansion of commercial uses in the Highland Derby area and enrich the overall visual quality and quality of life of this area.
- B. Boundary. This overlay district shall encompass the corridor of New York State Route 5, also known as Erie Road, in the Town of Evans, extending northeast from the intersection with Wisconsin and Delamater Roads, including all frontage and corner lots, to Derby Road.
- C. Objectives. The special regulations and requirements contained herein, which govern all potential development and redevelopment within the boundaries of the Highland Commercial Overlay District, are founded upon the following objectives.
  - (1) Development and redevelopment should be designed to create a sense of identity and redefine the character of the area as a “destination” rather than a “drive through.” Development and redevelopment in this area should re-establish, continue and preserve the character of the Highland Derby area to establish a new community environment.
  - (2) Development and redevelopment should be designed at a scale that is conducive to the area and invites human interaction. Building designs, site improvements and amenities should be pedestrian-friendly to lend a feeling of hospitality and well being to the area. Public gathering places, such as parks, promenades and plazas, should be an essential component of site design.
  - (3) Development and redevelopment should allow for diversity and include a mix of uses and services that generate activity and interest throughout the day, benefiting persons of all age groups and income levels.
  - (4) Landscaping and other such amenities should be included in site design to improve community aesthetics, screen existing parking areas and other adverse views, provide shelter from the elements, and enhance public atmosphere and patron experience.

- (5) Whenever possible, natural vegetation and open space should be preserved to the greatest extent possible, to provide a natural buffer between residential and business uses situated along Route 5 and to maintain and improve the aesthetic quality of the community.
  - (6) Property maintenance and safety shall be promoted throughout the community to provide a prosperous and inviting area for public activity.
  - (7) The needs of pedestrians and shoppers, and the overall character of the community, should be placed above the needs of motorists through the appropriate placement and design of parking areas, points of ingress and egress, alleys and walkways. Site designs should avoid expansive areas of pavement and excessive curb cuts, unless deemed necessary for the general safety and welfare of the community.
  - (8) Minimum requirements should be established that recognize the need for safe and efficient traffic operations, which often appear to conflict with the objectives of developers.
  - (9) The number of conflict points along NYS Route 5 should be reduced, and through traffic should be separated from local traffic, to better manage highway access.
- D. Effect upon zoning. These overlay district regulations shall be superimposed over, and supplement, the underlying zoning restrictions. Each use must conform to the development standards required by the underlying zoning district and other provisions of this Chapter, as well as this overlay district, and the more stringent standard shall prevail.
- E. Affect upon uses. Within the boundaries of the Highland Commercial Overlay District, the underlying allowable uses and accessory uses in the underlying General Business (GB) and Motor Service (MS) zoning districts are amended as follows.
- (1) The following uses shall not occur within the boundaries of the overlay district.
    - (a) Farm supply and landscape services.
    - (b) Wholesale stores.
    - (c) Commercial recreation activities, including golf domes, driving ranges, hockey/skating facilities, multiplex theaters, sports arenas, and go-cart or other motorized vehicle tracks.
    - (d) Hardware, plumbing, lumber and other building materials and services, exceeding 50,000 square feet in size, unless redeveloping a previously developed site. For redevelopment, square footage and scale may be increased at the discretion of the Planning Board.
    - (e) Heavy equipment sales and rental.

- (f) Motor vehicle washing facilities.
- (g) Warehousing and storage facilities.
- (h) New and used automobile, farm equipment, boat and trailer sales, rental, repair and services.
- (i) Truck stops.
- (j) Department/furniture/supermarket or other retail sales facilities exceeding 50,000 square feet in size, unless redeveloping an existing site. For redevelopment actions, the square footage and scale of development may be increased at the discretion of the Planning Board.

(2) Accessory structures and uses.

- (a) Uses and structures customarily incidental to the permitted underlying uses.
- (b) Dwelling units not exceeding 50 percent of the gross floor area of the principal commercial structure.
- (c) Gasoline pumps incidental to a permitted retail or food store shall not be permitted.

F. Site design provisions.

(1) Aesthetic and architectural features.

- (a) General. A thriving commercial business district requires that the area be a pleasant place to spend time as well as money. The intent of the following design standards and provisions is to create, over time, an enjoyable setting for social interaction and commerce. By softening and enhancing the appearance of the built environment, and by adding design detail, you can improve the character and appeal of the community and better define pedestrian linkages and areas for human activity. These improvements, in turn, can result in increased investment in the business district, enhancement of property values, and overall enrichment of the business environment.
  - 1. All new buildings shall be set back not less than 15 feet or more than 50 feet from the property line. This setback area shall be landscaped with grass, trees and shrubs. Parking areas or access roadways may be allowed within this area at the discretion of the Planning Board.
  - 2. A yard area measuring a minimum of five feet wide shall separate proposed parking areas from parking areas located on adjoining parcels.

3. Windows shall cover a minimum of 35 percent of any façade facing a roadway, but not exceed 75 percent of this area.
4. Refuse dumpsters or containers should be located at the rear of the property and must be properly gated and screened from view with wooden or another style of fencing acceptable to the Planning Board. These structures shall not be located less than 20 feet from adjoining residential properties.
5. Loading areas shall not face the road.
6. Flat roofed structures are discouraged. Flat roofs shall be prohibited on buildings measuring less than 10,000 square feet.
7. Roof top mechanics shall be screened from public view by the use of architecturally compatible materials and components.
8. Ground level mechanical equipment shall be fully screened from public view through the use of landscaping, fencing or other design treatments compatible with the buildings.
9. The site design shall demonstrate architectural compatibility of buildings on the site, with consideration given to the appearance and style of surrounding uses.
10. All building facades that would be visible from roadways, parking areas or adjacent sites shall be architecturally designed to enhance aesthetic appearance.
11. Buildings shall be designed to eliminate long expanses of blank walls of a single color or texture.
12. The front façade of any building shall be constructed of brick, split block, stone, stucco or wood frame with cedar or lap siding or other materials acceptable to the Planning Board. The use of concrete block, cast in place concrete or cinder block is discouraged.
13. Buildings designed to advertise or promote a uniform corporate image shall be subject to review and approval by the Planning Board.
14. Multi-user structures must be designed in such a way as to avoid the appearance of strip plaza development.
15. Elevations (minimum front and sides) and an architectural rendering with detailed drawings of façade treatments and selected building materials, specific to the proposed site, shall be submitted to the Planning Board for review and approval.
16. Outdoor storage areas are subject to the approval of the Planning Board.

17. Sidewalks measuring no less than five (5) feet in width shall be installed within the right-of-way frontage of the property to allow for adequate pedestrian activity.
  18. Sidewalks or paths should be included as a part of site design to assist with walkability. Where sites are adjacent to municipal sidewalks, they shall be connected with them.
  19. Pedestrian walkways shall be provided between buildings on a single site. Walkways shall also be incorporated into cross access points.
  20. Pedestrian walkways shall be constructed of concrete or decorative brick or similar materials. The use of black top is discouraged.
  21. Walkways located within parking areas shall be properly striped or otherwise delineated.
- (2) Off-street parking. Off-street parking, loading and stacking areas or structures shall be designed as required by §200-27 of this Chapter.
- (3) Landscaping.
- (a) General. Landscaping and the preservation of natural vegetation facilitates the creation of an attractive and harmonious community. The intent of these standards and provisions is to preserve and create a healthful and pleasant setting that relieves the stark, blighted appearance of paved surfaces, provides shade and improves the general appearance of the built environment. Discouraging the unnecessary clearing and disturbance of land, and encouraging the aesthetic improvement of site development through the use of trees and plantings and the preservation of natural areas, can result in the overall improvement of scenic quality and the stabilization and enhancement of property values and the business environment.
    1. In accordance with §178-20B. of the Town Code, all existing trees larger than 8 inches in diameter, as measured three feet above grade, shall not be removed without prior Planning Board approval. All groups of trees and other natural vegetation shall be incorporated onto the landscaping plan where feasible. Efforts shall be made to preserve these features, particularly along rear lot lines.
    2. A minimum of one tree per 30 feet of frontage shall be planted in the required front yard setback area. Additional trees shall be planted throughout the developed area at a ratio of one tree per 30 feet of side yard and rear yard dimensions. Trees along the side and rear lot lines may be evenly spaced or clustered together to break up the monotony of the design.
    3. On all lots that do not have an existing vegetated buffer along the rear lot line, the applicant shall vegetate this area with new shrubs and trees, and natural berming or screen fencing at the discretion of the Planning Board.

4. In addition to the above noted provisions, all landscaping shall comply with the standards outlined in §200-29 of this Chapter.

(4) Signage.

- (a) General. By lending attention to signage and the visual appearance of signs you can provide for a more enjoyable and scenic community. The intent of the following standards and provisions is to protect and improve property values, create a more attractive economic and business environment and reduce distractions and obstructions that can disrupt the visual appeal of a commercial district. These provisions are aimed at creating a more pleasant and uniform visual setting and eliminating the chaotic and haphazard design, orientation and placement of signage that can result in scenic blight. Signage should be designed at a human scale and in relation to a walkable commercial district.
  1. No freestanding sign shall be erected on any property with less than 30 feet of frontage.
  2. No sign shall be erected in such a manner as to obstruct free egress from a window, door or fire escape or so as to become a menace to life, health or property.
  3. No sign shall be erected in such manner as to prevent the driver of any vehicle from having a clear and unobstructed view of any official sign(s), any entrance or exit roadway, any intersection, or approaching or merging traffic.
  4. Proposed signage shall be considered in conjunction with existing signage in the vicinity to insure compatibility with existing conditions and adherence to the intent of this district.
  5. Electronic sign boards, when permitted, shall be used to report the time and temperature only.
  6. Signs shall be internally lit; no neon lighting or back lit canopies shall be permitted.
  7. Poles signs shall not exceed twelve (12) feet in height, with the lowest member (excluding the pole) not less than six (6) feet above finished grade.
  8. Ground level/monument signage is recommended. In no case shall such signage exceed 4 feet above grade level or be greater than 60 square feet in area.
  9. Street address numbers shall be posted on all buildings pursuant to §200-40.2 of this Chapter.

10. Awning and unlit canopy signs shall contain only the name, logo and street number of the enterprise.
11. Walls signs shall not exceed more than fifty (50) square feet in area or cover more than 20 percent of the wall.
12. The appearance and placement of signage shall be subject to Planning Board discretion as part of the site plan review process.
13. In addition to the above noted provisions, all signage shall comply with the standards outlined in §200-28 of this Chapter.

(5) Site lighting.

- (a) General. It is the intent of these standards and provisions to prevent, reduce or eliminate the problems created by improperly designed and installed outdoor lighting. These provisions are intended to eliminate problems of glare, minimize light trespass and help to reduce energy usage and the financial costs of outdoor lighting by establishing standards that limit the area that certain kinds of outdoor lighting fixtures can illuminate and by limiting the total allowable illumination of properties located in the overlay district. The purpose of these standards is to ensure that outdoor lighting does not interfere with the reasonable use and enjoyment of property, and to encourage lighting practices that will prevent light pollution by reducing uplight, glare and overlighting. These regulations are also intended to provide for the safe movement of traffic, for satisfactory vision for pedestrians and for the guidance of both vehicles and pedestrians.
  1. Lighting design shall not create a nuisance to adjacent residences.
  2. Pole mounted lighting shall not exceed a total height of 15 feet from finished grade to the top of the fixture.
  3. Lighting illumination levels shall not exceed six (6) lux / 0.6 foot candles.
  4. All external lighting sources shall be designed and shielded to avoid hazardous interference and direct glare onto adjacent streets and properties.
  5. The lenses in pole and wall mounted lighting shall be recessed to control the adverse impacts of light spill out and glare.
  6. A mixture of lamp types on the same site shall be avoided.
  7. To provide optimum color rendition, lamps are preferred in the following order: high pressure sodium, metal halide, low pressure sodium.

8. Parking area lighting fixtures shall not be illuminated after 11:00 p.m., unless otherwise approved by the Planning Board, and shall be designed to illuminate the parking area only.
9. Security lighting and other building lighting will be allowed to operate as long as it does not create a nuisance to adjacent residences.
10. The appearance and placement of lighting shall be subject to Planning Board discretion as part of the site plan approval process. Lighting plans shall be submitted and must include illumination footprints for review by the Planning Board.

G. Access management.

- (1) General. One of the most important objectives of access management is reducing the potential for conflicts, particularly along the most heavily traveled roads. The best methods for achieving a reduction in conflicts are by reducing the number of conflict points and separating through from local traffic. Land use development and transportation can be brought into balance, and conflicts can be reduced, through appropriate limitations on the number of driveways and the enforcement of driveway and corner clearance standards.
  - (a) The site layout, location and design of driveways and parking areas should be based on full build-out of the parcel. Future subdivision of the parcel or any future action that is contrary to an approved plan cannot occur without prior Planning Board approval.
  - (b) Properties with frontage on two or more roads do not have the right to driveway access to all such roads.
  - (c) Driveways may be required to be located so as to provide shared access and/or cross access with an abutting parcel or properties.
    - i. Shared driveways and/or cross access driveways shall be of sufficient width (minimum 20 feet) to accommodate two way travel for automobiles and for service and loading vehicles.
    - ii. Shared driveways, cross access driveways, interconnected parking, and private roads constructed to provide access to properties internal to a subdivision shall be recorded as an easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities shall also be recorded with the deed, where applicable.
  - (d) Driveway spacing standards shall apply to driveways located on the same side of the road and shall be measured along the road from the centerline of the driveway pavement to the centerline of the next driveway.

- (e) Curb cuts and driveway spacing for new development or redevelopment will be evaluated by the Planning Board on a case-by-case basis to reduce conflicts and ensure traffic safety and efficiency. In certain cases, minimum spacing requirements, as deemed appropriate by the Planning Board and that comply with established State standards, shall be applied as follows:

Minimum Driveway Spacing Standards

	Development Size in Peak Hour Trips (pht)		
	Small 0-100 pht	Moderate 101-200 pht	Large > 201 pht
Major Arterial	330 feet	440 feet	660 feet
Collector Road	220 feet	330 feet	440 feet

- i. Peak Hour Trips (PHT) should be based on full build-out of the parcel.
  - ii. The larger of the minimum driveway spacing standards for the proposed development or for existing developments at abutting properties will apply. Driveways for in-fill development must meet the larger of the minimum driveway spacing standards for development abutting properties on both sides.
- (2) Corner clearance. Corner properties present special problems because they are extremely attractive to high volume peak-hour traffic businesses whose designs often create conflict areas that overlap with the conflict area of the intersection.

- (a) Corner clearance is to be measured along the road from the centerline of the driveway pavement to the closest edge of the road pavement. Where road widening is planned or anticipated in the future, corner clearance should be increased to provide for the width of the additional lane.
- (b) Driveways for corner properties shall meet or exceed the minimum corner clearance requirements as follows:

Minimum Corner Clearance Requirements

Minimum clearance for partial access, right turns in and/or out only – 100 feet  
 Minimum clearance for full access, all directional movements – 220 feet

- (c) Driveways should be located outside of the functional area of the intersection or, if this is not possible, driveways should be placed as far as possible from the intersection.

(d) Cross access to adjoining properties should be encouraged to the greatest extent possible.

(3) Driveway location.

(a) Driveway location will be based on a site plan that has been approved by the Town Planning Board in consultation with the Town Engineer and, where appropriate, the Town Highway Superintendent.

(b) Driveways shall be located so as to meet or exceed the minimum driveway spacing standards and the minimum corner clearance standards.

(c) The Town Planning Board may allow the location of driveways at less than the minimum driveway spacing standards and corner clearance standards, if:

- i. a dual-driveway system, cross access driveway system or shared driveway is proposed and this improves the safe and efficient movement of traffic between the parcel and the road,
- ii. a driveway or driveways could be located so as to meet the minimum driveway spacing standards and corner clearance standards, but the characteristics of the parcel or the physical or operational characteristics of the road are such that a change of location will improve the safe and efficient movement of traffic between the parcel and the road; or
- iii. conformance with the driveway spacing standards or corner clearance standards imposes undue and exceptional hardship on the property owner.

(d) For properties unable to meet the minimum driveway spacing standards or corner clearance standards, a temporary driveway may be granted. The granting of a temporary driveway will be conditioned on obtaining a shared driveway, cross access driveway or unified parking and circulation with an adjoining parcel, and closure of the temporary driveway in the future.

I. Definitions.

(1) Access – A way or means of approach to provide vehicular or pedestrian entrance or exit to a property.

(2) Access Connection – Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public road system.

(3) Access Management – The process of providing and managing access to land development while preserving the flow of traffic in terms of safety, capacity and speed.

(4) Awning – A roof-like covering of canvas or other flexible material that extends from the wall of a building.

- (5) Canopy – A roof-like covering of metal or other rigid material that extends from the wall of a building.
- (6) Corner Clearance – The distance from an intersection of a public or private road to the nearest access connection.
- (7) Driveway – Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.
- (8) Electronic Sign Board –
- (9) Functional Area (Intersection) – The area beyond the physical intersection of two roads that comprises decision and maneuver distance plus any required vehicle storage length.
- (10) Landscape Services – Any use or establishment that provides off-site landscaping services requiring the use of machinery, equipment, trucks and other appurtenances that must be stored on the premises.
- (10) Non-conforming Access – Features of the access system of a parcel that existed prior to the effective date of this ordinance and that do not conform with the requirements of this ordinance.
- (11) Parcel – A division of land comprised of one or more lots in contiguous ownership.
- (12) Reasonable Access – The minimum number of access connections, direct or indirect, necessary to provide safe access to and from a public road, as consistent with the purpose and intent of this ordinance and any other applicable plans and policies of the Town.
- (13) Road – A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, through-way, avenue or boulevard, lane, cul-de-sac, place, or otherwise designated, and includes the entire area within the right-of-way.
- (14) Service Road – (also Access Road) a public or private road, auxiliary to and normally located parallel to a controlled access facility, that maintains local road continuity and provides access to parcels adjacent to the controlled access facility.
- (15) Shared Driveway – A driveway connecting two or more contiguous parcels to the public road system.
- (16) Strip Plaza –
- (17) Temporary Access – Provision of direct access to a road until that time when adjacent properties develop, in accordance with a joint access agreement or frontage road plan.

H. Other provisions. The Planning Board may waive or modify any design requirements under this §200-\_\_\_\_, as long as it does not diminish the intent and purpose of the district and does not infringe upon the authority of the Zoning Board of Appeals.



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**ARTICLE XXVIII. Camp Road Overlay District**  
**[Adopted 11-13-2000 by L.L. No. 8-2000]**

**§ 280-185. Purpose.**

A. In accordance with the recommendations and policies of the Town of Hamburg 2010 Comprehensive Plan, this overlay district is designed to better manage and accommodate increasing commercial growth along the Camp Road corridor through the implementation of guidelines to regulate traffic and transportation, signage, development and redevelopment and architectural design. This overlay is also intended to encourage the development of uses that are in harmony with the surrounding area, improve the visual character of the area, protect adjoining residential uses and enhance the character of the area as an important gateway to the Town and Village of Hamburg.

B. This overlay will act to regulate the Camp Road corridor as a growing commercial district, with three distinct areas that possess unique characteristics, as follows:

- (1) The area situated between Southwestern Boulevard and Sunset Drive, in the vicinity of the New York State Thruway, herein referred to as the "Regional/Hospitality Area," should support uses best suited for this regional, commercial, Thruway-dependent area.
- (2) The area situated northwest of Southwestern Boulevard, extending to the railroad line (near Nash Road), herein referred to as the "Economic Development Area," is a mixed-use (commercial/industrial) area suitable for certain planned unit development uses.
- (3) The area between Sunset Drive and the northern boundary of the Village of Hamburg (near Ockler Avenue), herein referred to as the "Village Transition Area," should provide a transition zone to the smaller retail businesses in the village.

C. The Camp Road Overlay District regulations will supplement the underlying zoning restrictions and provide for safe and orderly development within all three portions of the defined section of Camp Road.

**§ 280-186. Boundary description.**

This overlay district shall encompass the corridor of Camp Road, including the three areas outlined above, extending northwest from the northern boundary of the Incorporated Village of Hamburg (near Ockler Avenue) to the railroad line situated just north of Nash Road. The overlay district shall encompass all frontage and corner

lots on Camp Road. This overlay shall also include other areas as noted on the overlay map.

NOTE: Establishment of this overlay will necessitate the amendment of the boundaries of the Southwestern Boulevard overlay at the intersection of Camp Road and Southwestern Boulevard to allow for the designation of the Camp Road overlay, which will impose more thorough restrictions.

#### **§ 280-187. Objectives.**

The special regulations contained herein, which govern all proposed development and redevelopment within the boundaries of the Camp Road Overlay District, shall be founded upon the following objectives.

##### **A. Regional/Hospitality Area.**

- (1) Emphasis shall be placed upon redevelopment of existing properties.
- (2) The existing commercial character of the area shall be continued, with attention given to architectural design and signage. Architectural designs should complement surrounding land uses to improve the character and provide for a positive image of the area.
- (3) To promote more efficient traffic flow and traffic safety, every effort shall be made to provide shared means of ingress and egress to developed and developing properties. Where applicable, reference should be made to the Town/New York State Department of Transportation Access Management Guidelines and regulations.
- (4) Landscaping and setback standards shall be implemented to improve the visual characteristics of the area.
- (5) All signage and lighting fixtures shall be of an appropriate size and scale, and aesthetically designed, so as to improve the overall quality of the area.
- (6) Designs shall take into consideration surrounding residential areas.
- (7) The Town shall encourage and assist with the promotion (advertisement) of this area.
- (8) Residential development shall not be allowed within the overlay district.

##### **B. Economic Development Area.**

- (1) Preference shall be given to the establishment of office park and light industrial park-type planned unit developments.
- (2) This is an area of mixed-use developments, and attention should be given to the compatibility of adjoining developments when reviewing project proposals.
- (3) In areas that abut existing residential development, appropriate buffering shall be instituted in an effort to protect and preserve the character and quality of the surrounding development.
- (4) Architectural designs should compliment surrounding land uses and provide for an improved and positive image of the area. Appropriate facade designs that complement and improve the character of the area shall be required. Views from Camp Road shall be of primary concern.
- (5) Emphasis should be placed on preserving existing vegetation and supplementing developed and redeveloped properties with landscape plantings to improve visual quality.
- (6) Landscaping and setback standards should be utilized to improve visual characteristics and buffer development and redevelopment from adjoining sensitive land uses.
- (7) Appropriate designs and site layout schemes should be utilized to screen and improve the appearance of utility service and storage appurtenances and stormwater detention facilities. Warehousing/truck loading areas, etc. shall be located towards the rear of the properties and be visually screened from Camp Road.

(8) Consideration should be given to the design, placement and height of lighting fixtures and signage. Such appurtenances shall be of an appropriate size and scale so as to reduce adverse effects and improve the character of the area.

C. Village Transition Area.

(1) Emphasis shall be placed upon redevelopment of existing properties.

(2) This area is truly a transition area that includes a mixture of larger, more intense commercial businesses and typical, small "mom and pop"-type stores. It is not the intent of this overlay to convert these larger establishments to smaller village-type operations. Any redevelopment or changes on these sites must take into account the smaller uses in the area and attempt to blend with this atmosphere. In no case, however, shall existing large lots be redeveloped with uses that are larger or more intense than the uses that currently exist on these properties.

(3) Projects should be "street and pedestrian friendly." Sites should accommodate parking at the sides or rear of the building, and pedestrian access should be an integral part of the plan.

(4) All applications in this area will be referred to the Village of Hamburg for coordinated input. Designs should take into consideration the character of the village and its existing businesses along Camp Road/Lake Street.

(5) Architectural standards will compliment the village-type scale and nature of the area, and chain (prototypical) buildings should be modified to reflect this character.

**§ 280-188. Prohibited uses.**

A. The uses permitted in the Camp Road Overlay District shall be restricted. The following uses, which are presently permitted in C-2 Commercial Zoning Districts, shall not be allowed within those portions of the overlay district that are zoned C-2:

(1) Laundry or dry-cleaning plants.

(2) Dairies and the bottling of beverages from previously prepared ingredients.

B. The following uses, presently permitted by special use permit in underlying C-2 Commercial Zoning Districts, shall not be permitted in the Camp Road Overlay District's Regional Hospitality and Village Transition Zone:

(1) Terminals for local trucking and delivery service.

**§ 280-189. Accessory uses.**

The accessory uses permitted in the Camp Road Overlay District shall be the same as the accessory uses permitted in the underlying zoning district(s).

**§ 280-190. Site design conditions.**

A. General (applies to all three areas).

(1) Proposed elevations, floor plans and perspective drawings shall be submitted, at the discretion of the Planning Board. In addition, information shall be provided on proposed facade treatments and building materials.

(2) A detailed landscaping plan shall be included with the site plan submission. This landscape plan shall be prepared and certified by a New-York-State-licensed landscape architect.

(3) All existing trees larger than six inches in diameter, groups of trees and other natural vegetation shall be incorporated into the landscape plan to provide natural buffering from adjacent residential properties. Efforts shall be made to preserve these features, especially along lot lines.

(4) Refuse storage (dumpster) locations shall be depicted on the plans and shall not be located near or adjacent to surrounding residential properties.

- (5) No outdoor speakers or other noise-producing devices shall be permitted.
- (6) Plans must include underground stormwater storage, or if it is to be located above ground it must be located in the rear of the lot.
- (7) Upright poured concrete curbing is to be provided along edges of paved areas.

#### B. Regional/Hospitality Area.

- (1) Not less than 5% of the interior of a parking area designed for 10 or more cars shall be devoted to the required landscaped area.
- (2) Off-street loading/service areas must be screened by wooden, brick or masonry fences at least six feet in height. Such fencing is also required for refuse dumpster locations. These areas should not be visible from Camp Road.
- (3) Parking area lighting fixtures shall be reduced in intensity after 11:00 p.m. and shall be designed to illuminate the parking area only. Lighting plans shall be submitted and must include illumination footprints for review by the Town. This design shall not create a nuisance to adjacent residences (see Chapter 155 of the Town Code, Lighting Nuisances). Security lighting and other building lighting will be allowed to operate in accordance with Town requirements.
- (4) An area not less than five feet in width shall separate parking areas located on different parcels. Any amount over this will be credited to the parking area interior landscaping requirement.
- (5) Each interior landscape area shall be not less than 100 square feet in area and shall have an approved tree planted at the minimum ratio of one tree per 100 square feet of interior landscape island.
- (6) Spacing of curb cuts along Camp Road shall meet the requirements of the Town's Access Management Program or the NYSDOT Access Management guidelines. Site plan design must make every effort to provide for shared access or cross-easement agreements to adjacent properties.
- (7) Signage shall not include pylon signs or any form of flashing lights. Signage shall be designed at ground level, typically not exceeding 12 feet in height, and should contain components such as brick.
- (8) Three concept sketches shall be presented to the Planning Board for their review. Each option shall include a rendering of how the building will appear from Camp Road. Architectural guidelines are as follows:
  - (a) Diversity of architectural design shall be encouraged, but multiple buildings on the same site shall be designed to create a cohesive visual relationship between buildings.
  - (b) Buildings that are stylized in an attempt to use the building itself as advertising shall be discouraged, particularly where the proposed architecture is the prototypical corporate or franchise design style.
  - (c) The visibility of rooftop equipment should be minimized by grouping this equipment away from the public view.
  - (d) The sides of all buildings shall have an equivalent level of quality of materials, detailing and window placement. Abrupt ending of architectural details shall be avoided with no radical changes in details, features or materials.
  - (e) Long blank walls should be avoided.
  - (f) Modulation (defined as a measured setback or offset in a building face) shall be incorporated to reduce overall bulk and mass of buildings.
  - (g) Large buildings should have height variations to give the appearance of distinct elements.
  - (h) Building designs shall incorporate traditional building materials such as masonry, stone, brick and other natural-appearing materials.

- (i) Building colors should accent, blend with or complement the surrounding environment. Bright or brilliant colors should be reserved for trim and accents.

#### C. Economic Development Area.

- (1) A minimum ground area of not less than 15% of the total site area to be developed shall be landscaped area. Five percent of internal parking areas shall be greenspace (landscaped islands).
- (2) The arrangement and location of landscaped areas shall be dispersed throughout the development so as to prevent unsightliness and eliminate the monotony of parked cars.
- (3) For all areas, planted deciduous trees shall have a minimum caliper of 2 1/2 inches, measured six inches above grade. All planted coniferous trees shall have a minimum height of six feet above finished grade.
- (4) Landscape treatments and plantings shall be designed as an integral part of the entire development plan.
- (5) The primary emphasis of the landscaping treatment shall be on trees. Every effort shall be made to preserve and integrate existing trees into the site design. Preservation of existing trees may be credited.
- (6) All required vegetative plantings shall be maintained in a healthy and productive condition and shall be routinely examined. Plant materials shall be replaced, as necessary or as directed by the Town. The Town Code Enforcement Officer shall enforce the upkeep of landscaped areas through periodic inspections and in response to complaints.
- (7) Architectural renderings shall be provided and depict all sides of the building(s).
- (8) Three concept sketches shall be presented to the Planning Board for its review. Each option shall include a rendering of how the building will appear from Camp Road. Architectural guidelines are as follows:
  - (a) Diversity of architectural design shall be encouraged, but multiple buildings on the same site shall be designed to create a cohesive visual relationship between buildings.
  - (b) Buildings that are stylized in an attempt to use the building itself as advertising shall be discouraged, particularly where the proposed architecture is the prototypical corporate or franchise design style.
  - (c) The visibility of rooftop equipment should be minimized by grouping this equipment away from the public view.
  - (d) The sides of all buildings shall have an equivalent level of quality of materials, detailing and window placement. Abrupt ending of architectural details shall be avoided with no radical changes in details, features or materials.
  - (e) Long blank walls should be avoided.
  - (f) Modulation (defined as a measured setback or offset in a building face) shall be incorporated to reduce overall bulk and mass of buildings.
  - (g) Large buildings should have height variations to give the appearance of distinct elements.
  - (h) Building designs shall incorporate traditional building materials such as masonry, stone, brick and other natural-appearing materials.
  - (i) Building colors should accent, blend with or complement the surrounding environment. Bright or brilliant colors should be reserved for trim and accents.
- (9) Each application shall include a traffic control plan, including planned access to adjoining properties.
- (10) Redevelopment projects, requiring site plan approval, shall include plans for renovating the facade and

the sides of the building and to meet other architectural requirements of this section [see Subsection C(8)].

(11) Signage shall not include pylon signs or any form of flashing light. Signage shall be at ground level, typically not exceeding 12 feet in height, and should contain components such as brick.

D. Village Transition Area.

(1) All landscaping design shall include the provision for pedestrian access to and from the site.

(2) The landscape plan shall include trees and other design treatments that complement the existing streetscape design.

(3) Signage shall be unobtrusive and be compatible with village standards. Freestanding signs shall not be installed on pylons or greater than eight feet in height. Signs attached on the building shall meet all Town and village standards.

(4) Architectural standards:

(a) Blank walls and other dead or dull spaces at the street level shall be avoided. Visually interesting activities at the sidewalk edge shall be maintained and/or established to engage pedestrian interest.

(b) Building frontages should be active, with large nonreflective, minimally tinted window openings at ground level.

(c) New building forms and elevations should be detailed and articulated to create interesting rooflines and strong patterns of shade and shadow.

(d) Large structures should be designed to reduce their perceived height and bulk by dividing the building mass into smaller-scale components. New buildings greater than 7,000 square feet (first floor dimensions) shall be prohibited.

(e) The rear of buildings (existing and proposed) shall be enhanced, where appropriate, to improve public access from parking lots and to improve views to surrounding residential properties.

(5) Redevelopment projects, requiring site plan approval, shall include plans for renovating the facade and shall meet all other architectural standards as described above.

E. The Planning Board may waive or modify any requirement under this section, but must not diminish the intent and purpose of the Camp Road Overlay District.

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## **Chapter 53 of the Code of the Town of Lockport**

### **53-1. Title.**

This local law shall be known as the Town of Lockport Architectural and Design Review Code.

### **53-2. Findings.**

This Board makes the following findings:

- A. Ugly and poorly designed structures detract from the Town of Lockport image, marketability of properties, resale value of properties, and occupancy rates and diminish the appeal of the Town as an attractive place to live, work and visit.
- B. The establishment of architectural and design review procedure and architectural design standards are desirable for the construction, modification, expansion and exterior alteration of new and existing buildings in the Town of Lockport.
- C. Architectural and design review is necessary to assure appropriate design criteria, while taking into consideration individual needs and special circumstances, for new and modified buildings to assure orderly and aesthetically pleasing development in the Town of Lockport.
- D. Architectural and design review will assure the ability for the residents and visitors to the town to frequent and locate in well designed and architecturally pleasing buildings.
- E. The architectural and design review process will promote the health, prosperity, safety, pleasure and general welfare of the community, will foster civic pride, and will enhance the overall character and reputation of the town.
- F. Architectural and design review will differentiate the town from communities where architectural and design review have led to development which is uncoordinated, consists of poorly designed and prototyped buildings with little aesthetic appeal and which have experienced undesirable and unattractive development.

### **53-3. Standards and Procedures.**

The standards and procedures established by this local law shall be in addition to any other requirements standards established by the Town of Lockport Town Code.

### **53-4. Definitions.**

Definitions established by the Town of Lockport Zoning Code Chapter 200, Article II shall apply to this law in their entirety.

### **53-5. Powers of Planning Board.**

The Planning Board of the Town of Lockport shall, in any case where site plan approval is required pursuant to Chapter 200, Article XVII (200-121 et seq.) of the Town Code, act as the design and architectural review board of the Town of Lockport and shall review architectural design of structures and buildings for compliance with this law. Such review shall be separate from and in addition to its site plan review and approval powers.

### **53-6. Compliance.**

No building permit or certificate of occupancy shall be issued for any construction or reconstruction, modification or addition subject to review pursuant to the terms of this law until a

certificate of compliance has been issued by the Chairman of the Planning Board after resolution approving architectural design by the Planning Board.

**53-7. Submittals.**

In reviewing for architectural design, the Planning Board shall utilize submittals made pursuant to Chapter 200, Article XVII (site plan review) of the Town Code and may require any additional architectural design, elevations, and any other information it shall determine necessary.

**53-8. Criteria.**

In its review, the Planning Board shall take into consideration architectural style and design quality including, but not limited to:

- A. Building Materials, variation of relief, architectural styles, colors, compatibility of amenities including awnings, signs, lighting, and landscaping in relation to architectural design.
- B. The surrounding area and the building located in the surrounding area, potential and existing development of the area, and compatibility of architectural design.
- C. Overall aesthetic enhancement of the Town and its various districts.
- D. Corporate signature styles or prototype buildings shall not be of paramount importance and shall not override other considerations given weight by the Planning Board.
- E. Architectural design for multiple buildings shall not be integrated for general period, style, coloration and thematic compatibility.
- F. Architectural design shall not be limited to any period, but due consideration shall be given to local, commercial, industrial and governmental architectural style during the historic development of Niagara County from the 1820's through the 1920's.
- G. Corporate logos, patterns, designs identifying details, color and shapes shall be reviewed for architectural and design compatibility and aesthetics and may be required to be deleted or modified when in conflict with acceptable design standards, except when incorporated into allowed signage, pursuant to Chapter 200, Article XXIV.
- H. When necessary, the Planning Board may require justification of design element by written documentation, including narratives, by the applicant's architects or design engineers.
- I. The Planning Board may require independent architectural evaluation by an architect or such other planners or experts as it determines at the applicant's expense, provided no such evaluation shall cost in excess of one-half of one percent of average per square foot building costs for structure of similar type, as determined by the Building Department of the Town of Lockport, based upon the square footage of the proposed structure.
- J. New or altered buildings shall not be so at variance with either the exterior architectural appeal and functional plan of the structure already constructed or in the course of construction in the immediate neighborhood or the surrounding area as to cause a substantial likelihood of depreciation in property values.
- K. New or altered buildings shall not be so detrimental to the desirability, property values, or development of the surrounding areas as to cause harmful effects by reason of excessive similarity, excessive dissimilarity, or appropriateness in

relation to established character or other structure in the immediate area or neighboring areas.

- L. Review of alterations to existing buildings shall take into consideration limitation and practical difficulties caused by the existing features and materials of the building.

**53-9. Guidelines.**

The Planning Board may, but shall not be required to adopt design guidelines to assist designers in developing designs and architectural amenities which reflect the goals and purposes of this law.

**53-10. Action by the Planning Board.**

The Planning Board may take the following action:

- A. Approve a design referencing specific renderings and drawings, or
- B. Approve a design with conditions, or
- C. Disapprove a design, or
- D. At anytime that the Planning Board shall disapprove a design, it shall make specific findings based upon the criteria set forth in Section 53-8 Subsections A-L, and shall set forth the basis of its disapproval.

**53-11. Appeal.**

Any person who is aggrieved by a decision of the Planning Board may appeal to the Town Board within 30 days by filing a notice of appeal with the Town Clerk. Thereafter, the Town Board shall review the determination of the Planning Board and may uphold, modify or reverse the Planning Board's decision.

**53-12. Limitation.**

Nothing herein shall require architectural review of one and two family residences or industrial uses located in an industrial district, as established by Chapter 200.

**53-13.**

This law is adopted pursuant to Municipal Home Rule Law Section 10 (1)(i); Section 10(1)(ii)(a)(3), (11), (12) and (14); and Section 10(1)(d)(3). This law shall supersede any inconsistent provision of State Law including, but not limited to any inconsistent provision of Town Law Section 274-a; Section 274-b or Section 271.





## Design Guidelines for Commercial Site Plans

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## **I. Introduction**

These Guidelines are adopted by the Town of Lockport Planning Board as authorized by Town Code Section 53-9.

The Guidelines are adopted as guidelines only. They do not require a particular design. The applicant must familiarize themselves with Town Code Chapter 53, which contains the Town of Lockport Architectural and Design Review Code.

To assist applicants, a copy of the above referenced Town Code is appended to these guidelines.

## **II. Architecture Samples**

Architecture is a style or fashion of building, typically of a period of history or a particular location. Styles developed should take into consideration the type and color of building materials, and also components such as lighting ('dark sky' preferred) and site issues (parking lots, signage, etc.). The following samples provide general recommendations or preferred and non-preferred architectural styles for commercial development.

*Preferred Styles*







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***Building Style Elements Preferred Include:***

1. Peaked roof lines
2. Gabled roof lines
3. Hipped roof
4. Dormers
5. Awnings or covered walkways
6. Blend of new and old

*Styles Not Preferred*





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***Building Style Elements Not Preferred Include:***

1. Flat roof lines
2. Large parking lots framing the building
3. Concrete block buildings
4. Extensive or misplaced use of bright colors
5. Extensive use of corporate logos

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This Board makes the following findings:

- A. Ugly and poorly designed structures detract from the Town of Lockport image, marketability of properties, resale value of properties, and occupancy rates and diminish the appeal of the Town as an attractive place to live, work and visit.
- B. The establishment of architectural and design review procedure and architectural design standards are desirable for the construction, modification, expansion and exterior alteration of new and existing buildings in the Town of Lockport.
- C. Architectural and design review is necessary to assure appropriate design criteria, while taking into consideration individual needs and special circumstances, for new and modified buildings to assure orderly and aesthetically pleasing development in the Town of Lockport.
- D. Architectural and design review will assure the ability for the residents and visitors to the town to frequent and locate in well designed and architecturally pleasing buildings.
- E. The architectural and design review process will promote the health, prosperity, safety, pleasure and general welfare of the community, will foster civic pride, and will enhance the overall character and reputation of the town.
- F. Architectural and design review will differentiate the town from communities where architectural and design review have led to development which is uncoordinated, consists of poorly designed and prototyped buildings with little aesthetic appeal and which have experienced undesirable and unattractive development.

### **53-3. Standards and Procedures.**

The standards and procedures established by this local law shall be in addition to any other requirements standards established by the Town of Lockport Town Code.

### **53-4. Definitions.**

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### **53-6. Compliance.**

No building permit or certificate of occupancy shall be issued for any construction or reconstruction, modification or addition subject to review pursuant to the terms of this law until a certificate of compliance has been issued by the Chairman of the Planning Board after resolution approving architectural design by the Planning Board.

**53-7. Submittals.**

In reviewing for architectural design, the Planning Board shall utilize submittals made pursuant to Chapter 200, Article XVII (site plan review) of the Town Code and may require any additional architectural design, elevations, and any other information it shall determine necessary.

**53-8. Criteria.**

In its review, the Planning Board shall take into consideration architectural style and design quality including, but not limited to:

- A. Building Materials, variation of relief, architectural styles, colors, compatibility of amenities including awnings, signs, lighting, and landscaping in relation to architectural design.
- B. The surrounding area and the building located in the surrounding area, potential and existing development of the area, and compatibility of architectural design.
- C. Overall aesthetic enhancement of the Town and its various districts.
- D. Corporate signature styles or prototype buildings shall not be of paramount importance and shall not override other considerations given weight by the Planning Board.
- E. Architectural design for multiple buildings shall not be integrated for general period, style, coloration and thematic compatibility.
- F. Architectural design shall not be limited to any period, but due consideration shall be given to local, commercial, industrial and governmental architectural style during the historic development of Niagara County from the 1820's through the 1920's.
- G. Corporate logos, patterns, designs identifying details, color and shapes shall be reviewed for architectural and design compatibility and aesthetics and may be required to be deleted or modified when in conflict with acceptable design standards, except when incorporated into allowed signage, pursuant to Chapter 200, Article XXIV.
- H. When necessary, the Planning Board may require justification of design element by written documentation, including narratives, by the applicant's architects or design engineers.
- I. The Planning Board may require independent architectural evaluation by an architect or such other planners or experts as it determines at the applicant's expense, provided no such evaluation shall cost in excess of one-half of one percent of average per square foot building costs for structure of similar type, as determined by the Building Department of the Town of Lockport, based upon the square footage of the proposed structure.
- J. New or altered buildings shall not be so at variance with either the exterior architectural appeal and functional plan of the structure already constructed or in the course of construction in the immediate neighborhood or the surrounding area as to cause a substantial likelihood of depreciation in property values.
- K. New or altered buildings shall not be so detrimental to the desirability, property values, or development of the surrounding areas as to cause harmful effects by reason of excessive similarity, excessive dissimilarity, or appropriateness in relation to established character or other structure in the immediate area or neighboring areas.
- L. Review of alterations to existing buildings shall take into consideration limitation and practical difficulties caused by the existing features and materials of the building.

**53-9. Guidelines.**

The Planning Board may, but shall not be required to adopt design guidelines to assist designers in developing designs and architectural amenities which reflect the goals and purposes of this law.

**53-10. Action by the Planning Board.**

The Planning Board may take the following action:

- A. Approve a design referencing specific renderings and drawings, or
- B. Approve a design with conditions, or
- C. Disapprove a design, or
- D. At anytime that the Planning Board shall disapprove a design, it shall make specific findings based upon the criteria set forth in Section 53-8 Subsections A-L, and shall set forth the basis of its disapproval.

**53-11. Appeal.**

Any person who is aggrieved by a decision of the Planning Board may appeal to the Town Board within 30 days by filing a notice of appeal with the Town Clerk. Thereafter, the Town Board shall review the determination of the Planning Board and may uphold, modify or reverse the Planning Board's decision.

**53-12. Limitation.**

Nothing herein shall require architectural review of one and two family residences or industrial uses located in an industrial district, as established by Chapter 200.

**53-13.**

This law is adopted pursuant to Municipal Home Rule Law Section 10 (1)(i); Section 10(1)(ii)(a)(3), (11), (12) and (14); and Section 10(1)(d)(3). This law shall supersede any inconsistent provision of State Law including, but not limited to any inconsistent provision of Town Law Section 274-a; Section 274-b or Section 271.



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§ 450-26. Route 5 Zoning Overlay District.

**[Added 2-14-2005 by L.L. No. 1-2005]**

A. Intent. In accordance with the recommendations of the Town of Newstead Comprehensive Plan, this overlay district is designed to better manage and accommodate growth and development along the New York State Route 5 (Main Street) corridor through the implementation of standards and guidelines to regulate safe and orderly development and redevelopment, landscaping, signage, parking, traffic flow and circulation, architectural design and stormwater discharges. This overlay is also intended to improve visual quality and enhance the overall character of the area.

B. Boundary description. This overlay shall act to manage land use and development along both sides of the Route 5 corridor, for a distance of 500 feet to the north and south of this roadway, between Davison Road and the Genesee County line, and along Buell Street a distance of 1,500 feet north of Route 5 (500 feet to the east and west of the roadway right-of-way line).

C. Objectives. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

(1) The special regulations and requirements contained herein, which govern all potential development and redevelopment with the boundaries of the Route 5 Zoning Overlay District, are founded upon the following objectives:

- (a) Commercial uses should be designed in concert with surrounding uses. Emphasis should be focused on protection of the escarpment and the visual quality of the area.
- (b) In the vicinity of Route 93 (Buell Road), emphasis should be placed on blending development with the character of the Village of Akron and balancing commercial use so as not to compete with the commercial activity in the Village.
- (c) Development and redevelopment should include uses and businesses related to tourism and agriculture, including lodging, restaurants, auctions and farm supply/support businesses.
- (d) Development and redevelopment should allow for diversity and include a mix of uses and services that generate activity and interest throughout the day, benefiting persons of all age groups and income levels.
- (e) Landscaping and other such amenities should be included in site design to improve community aesthetics, screen existing parking areas and other adverse views, provide shelter from the elements, and enhance the public atmosphere and patron experience.
- (f) Whenever possible, natural vegetation and open space should be preserved to the greatest extent possible, to provide a natural buffer between residential and business uses situated along Route 5 and to maintain and improve the aesthetic quality of the community.
- (g) Property maintenance and safety shall be promoted throughout the community to provide a

prosperous and inviting area for public activity.

(h) The needs of pedestrians and shoppers, and the overall character of the community, should be placed above the needs of motorists through the appropriate placement and design of parking areas, points of ingress and egress, alleys and walkways. Site designs should avoid expansive areas of pavement and excessive curb cuts, unless deemed necessary for the general safety and welfare of the community.

(i) Minimum requirements should be established that recognize the need for safe and efficient traffic operations, which often appear to conflict with the objectives of developers.

(j) The number of conflict points along NYS Route 5 should be reduced, and through traffic should be separated from local traffic, to better manage highway access.

(2) To accomplish the objectives set forth above all projects involving development, redevelopment and change in use within the Route 5 Zoning Overlay District will require that site plans be submitted and approved through the site plan process.

D. Effect on existing zoning districts. The provisions of the Route 5 Overlay District shall supplement the underlying zoning regulations. This overlay district shall be superimposed over existing zones. Each use must conform to the development standards required by the underlying zoning district as well as this overlay district, and the more stringent standard shall prevail.

E. Effect on underlying uses. Within the boundaries of the Route 5 Overlay District, the underlying allowable uses and accessory uses shall be as specified in the underlying zoning districts.

F. Effect on bulk requirements. The following items have been modified or added:

(1) Front yard setbacks shall be a minimum of 50 feet.

(2) Side yard setbacks shall be a minimum of 30 feet, but shall be a minimum of 50 feet for a commercial use abutting a residential zone or use.

(3) Rear yard setbacks shall be as specified in the underlying zoning.

(4) For used vehicle sales and service, a minimum of 200 feet of frontage is required.

G. Site design conditions. The following site design provisions shall apply in the Route 5 Overlay District:

(1) Parking areas.

(a) Parking areas should predominantly be located to the side or rear of the existing or proposed main structure. In general, they shall not be located closer to the road than the main building on the site. In cases where the parking must be in the front of the building, due to extenuating circumstances, the setback must be maintained and utilized as a landscape area.

(b) Parking, stacking and loading areas shall be arranged, marked and maintained as shown on the site plan. The Planning Board may also require structural or landscape features, including (without limitation) bumper guards, curbs, walls or fences to further carry out the objectives of this chapter.

(c) No less than 5% of the interior of a parking area designated for 10 cars or more shall be devoted to landscaping.

(d) A compact evergreen hedge, shrubs or other screening, including permanent fencing, may be required at the discretion of the Planning Board.

(e) When practicable, parking areas shall be shared with adjacent businesses. In cases where shared parking is provided by recorded agreements that cannot be terminated without the approval of the Town, the Planning Board may permit a reduction in the required parking area when the applicant can show that the total parking needs are met.

(f) Cross-access to adjacent properties (except residential properties) shall be provided where practicable. The Planning Board will require cross access agreements or easements to be recorded.

(g) Pedestrian walks between parking areas and buildings will be provided to assure pedestrian safety.

(h) All parking areas must be screened from the road by landscaping features. Parking areas adjoining residential uses must be set back a minimum of 20 feet from the residential property line and screened appropriately (hedge or other feature).

(i) The Planning Board shall review and recommend to the Town Board and the Town Board shall approve parking area materials.

**[Added 4-24-2006 by L.L. No. 1-2006]**

(2) Landscaping.

(a) A complete landscaping plan, prepared by a licensed landscape architect, shall be submitted. Trees to be removed and those to be preserved shall be shown. Other natural or significant features should be noted as well, such as stone walls, hedges, etc.

(b) A minimum ground area of not less than 20% of the total lot area shall be landscaped.

(c) The arrangement and spatial location of landscaping shall be disbursed throughout the site, and landscaping shall be designed as an integral part of the entire development so as to prevent unsightliness and eliminate the monotony of parked cars.

(d) Landscaping shall provide privacy and screening for adjacent land uses, with visual, noise and air quality factors considered.

(e) The primary emphasis of the landscape treatment shall be on trees, and efforts shall be made to preserve existing trees. Shrubbery hedges, grass and other vegetation should be used to complement the use of trees but shall not be the sole contribution to the landscape treatment.

(f) All existing trees larger than eight inches in diameter, as measured three feet above grade, groups of trees and other natural vegetation shall be incorporated into the landscaping plan to provide natural buffering from adjacent residential properties and improved site aesthetics. Efforts shall be made to preserve these features, especially along lot lines. If vegetation is removed, mitigation shall be required to effectively buffer adjoining sensitive land uses.

(g) A minimum of one tree shall be planted per each 30 feet of frontage in the required setback area.

(h) All planted deciduous trees shall have a minimum caliper of 2 1/2 inches, as measured six inches above grade. All planted coniferous trees shall have a minimum height of six feet above grade. Large shrubs shall be a minimum of 30 inches in height; small shrubs shall be a minimum of 18 inches in height.

(i) The interior dimensions of a landscaped area or median shall be a minimum of seven feet wide to ensure the proper growth of materials planted therein.

(j) Foundation planting schemes shall be included on the landscaping plan. Landscaping around buildings shall be included at a minimum of five feet in all areas except entrances and the rear facade.

(k) Selected vegetative plantings shall be compatible with soil conditions on the site as well as the regional climate. Species planted in areas subject to seasonal deicing treatments shall be tolerant to salt and other similar substances.

(l) Plastic or other types of artificial plantings or vegetation shall not be permitted.

(m) All landscaped areas required under these provisions shall be maintained and preserved according to the site plan as originally approved or as amended by the Planning Board. Flora that dies shall be replaced within the next planting season with plantings of a similar nature.

(n) A landscape maintenance bond shall be required to guarantee maintenance of approved landscaping for a period of three years from planting.

(3) Signage requirements. The signage requirements are intended to enhance visual quality and enhance the overall character of the area by setting thresholds that may only be exceeded or modified upon the approval of such signage by the Town Board as part of the full site plan review process or by the approval of the Planning Board if application is made when site plan approval is not required. General signage requirements of the Town of Newstead are contained in Chapter 327, Signs, of the Code of the Town of Newstead, which requirements also apply to the Overlay Zoning District and must be reviewed in conjunction with these requirements.

**[Amended 4-24-2006 by L.L. No. 1-2006]**

(a) No sign shall be erected in a manner as to prevent the driver of any vehicle from having a clear and unobstructed view of any official sign or entrance or exit to a roadway or intersection, or to approaching or merging traffic.

(b) No sign shall have a height greater than 12 feet unless approval for such sign is granted by the Planning Board or unless such sign is approved by the Town Board as part of the site plan process.

(c) Internally lit signs with a single type of light source shall be permitted but only upon approval by the Planning Board. No internally lit sign with more than one type of light source shall be allowed. Blinking, flashing, scrolling or animated signs shall be prohibited.

(d) Changeable signs shall be permitted provided that the changeable portion does not exceed 30% of the total display area of the sign. Changeable portions in excess of 30% shall be permitted only upon the granting of approval by the Planning Board or unless such sign is approved by the Town Board as part of the site plan process.

(e) Pylon and single pole signs are prohibited. Signs supported by two posts shall be permitted but they shall have the lowest portion of the sign measuring not more than six feet above finished grade. Pedestal signs are permitted provided that the width of the pedestal shall not be less than 1/8 of the height of the pedestal supporting the sign. Advanced levels of landscaping shall be required and the street number must be displayed on such sign. The design is to conform to the current design manual of the Town Planning Board and its approval.

(f) Ground level or monument signage is recommended. In no case shall such signage exceed eight feet above grade level or be greater than 32 square feet in area per side or per face for a total of 64 square feet. No more than two signs shall be permitted on a parcel unless approved by the Planning Board or approved by the Town Board as part of the site plan approval process, with one sign to be mounted on the building and the other sign a freestanding sign. The total amount of signage permitted is contained in Chapter 327, Signs, of the Code.

(g) The appearance and placement of signs shall be subject to Planning Board review and Town Board approval as part of the site plan review process. As part of that process the Planning Board and the Town Board shall take into consideration the aesthetics of such sign and, in the case of multibusiness parcels, whether such sign is complementary to existing signs on such multibusiness parcel. Replacement of existing signs that are damaged or destroyed shall be permitted without Planning Board or Town Board approval provided that they meet all the requirements of Chapter 327, Signs, of the Code. In the case of signs in multibusiness parcels, the Planning Board shall have the right to review the proposed sign to insure that it is complementary to existing signs in such multibusiness parcel. In the case of multibusiness parcels, any new sign must be submitted to the Planning Board for its review and approval. If a new business is added to the sign, no sign added for such new business shall have an area greater than 50% of the original sign. If such signs do not meet all the requirements of this Subsection G(3), such sign shall be permitted only upon approval by the Planning Board or unless such sign is approved by the Town Board as part of the site plan process.

(h) Temporary signs, which are signs not permanently mounted in the ground, shall be permitted. All

temporary signs must be at least 15 feet off the paved portion of the road. Such temporary signs shall be limited to one temporary sign per business, shall not exceed 32 square feet per side and shall not be allowed for a period in excess of 30 days. A temporary sign shall be allowed for a period in excess of 30 days only upon approval by the Planning Board.

(i) As otherwise specified in Chapter 327, Signs, of the Town Code.

(j) Where requested signs do not meet the requirements of this Subsection G(3), application must be made to the Planning Board for approval unless such sign is approved by the Town Board as part of the site plan process. The Planning Board shall review such request and determine whether the granting of approval of such sign would be inconsistent with the objectives of the Route 5 Zoning Overlay District. The Planning Board as part of its decision may impose additional conditions upon such approval. Only upon the approval of such nonconforming sign shall the Building Department issue a permit for such sign.

(4) Architectural features.

(a) The site design shall demonstrate architectural compatibility of buildings on the site, with consideration given to the appearance and style of surrounding uses.

(b) All building facades that would be visible from roadways, parking areas or adjacent sites shall be architecturally designed to enhance aesthetic appearance.

(c) The front facade of any building shall be constructed of brick, split block, stucco, stone or wood frame, with cedar or lap siding or other materials acceptable to the Planning Board. Concrete block, cast-in-place concrete or cinder block shall be discouraged.

(d) Flat-roofed structures are discouraged. If proposed, architectural features must be included that break up the appearance of the flat roof.

(e) Rooftop mechanics shall be screened from public view by the use of architecturally compatible materials.

(f) Buildings or components designed to advertise or promote a uniform corporate image shall be subject to review and approval by the Planning Board. (These are strongly discouraged.)

(g) Buildings shall be designed to eliminate long expanses of blank walls of a single color or texture.

(h) Windows shall cover a minimum of 35% of any facade facing a roadway but shall not exceed 75% of this area. If this cannot be achieved because of extenuating circumstances, the applicant will provide architectural finishes and features to break up the monotony of blank walls.

(i) Loading areas shall not face the road.

(j) Multiuser structures must be designed in such a way as to avoid the appearance of strip plaza development or structures.

(k) Architectural plans must be submitted with all applications.

(l) Architectural renderings must be submitted for all new structures.

(5) Site lighting.

(a) Pole-mounted lighting shall not exceed a total height of 15 feet from finished grade to the top of the fixture. The types of poles and light fixtures shall be approved by the Planning Board and should best meet the intent of the overlay area and match the aesthetics of the area.

(b) Lighting illumination levels shall not exceed six lux/0.6 footcandle as measured from any property line.

**[Amended 4-24-2006 by L.L. No. 1-2006]**

- (c) The lenses in pole- or wall-mounted lighting fixtures shall be recessed to control the adverse impacts of light spillage.
- (d) All external lighting sources shall be designed and shielded to avoid hazardous interference and direct glare onto adjacent streets and properties.
- (e) To provide optimum color rendition, lamps are preferred in the following order: high-pressure sodium, metal halide, low-pressure sodium.
- (f) Parking, stacking and loading areas shall be illuminated only to the extent necessary to ensure public safety. Illumination shall not be used for the purpose of advertising or attracting attention to the principal use.
- (g) Parking area lighting fixtures shall not be illuminated after 11:00 p.m., unless otherwise approved by the Planning Board, and shall be designed to illuminate the parking area only.
- (h) On-site lighting, including security lighting, shall not create a nuisance to adjacent residences. Shield and directional requirements may be required at the discretion of the Planning Board.
- (i) The appearance and placement of lighting shall be subject to Planning Board approval as part of the site plan approval process. Lighting plans shall be submitted and must include illumination footprints for Planning Board review.

(6) Access management.

(a) General. One of the most important objectives of access management is reducing the potential for conflicts, particularly along the most heavily traveled roads. The best methods for achieving a reduction in conflicts are by reducing the number of conflict points and separating through traffic from local traffic. Land use development and transportation can be brought into balance, and conflicts can be reduced, through appropriate limitations on the number of driveways and the enforcement of driveway and corner clearance standards.

[1] The site layout, location and design of driveways and parking areas should be based on full build-out of the parcel. Future subdivision of the parcel or any future action that is contrary to an approved plan cannot occur without prior Planning Board approval.

[2] Properties with frontage on two or more roads do not have the right to driveway access to all such roads. Access in such cases shall be determined by the Planning Board.

**[Amended 4-24-2006 by L.L. No. 1-2006]**

[3] Driveways should be located so as to provide shared access and/or cross-access with an abutting parcel or properties, wherever practical.

[a] Shared driveways and/or cross-access driveways shall be of sufficient width (a minimum of 20 feet) to accommodate two-way travel for automobiles and for service and loading vehicles,

[b] Shared driveways, cross-access driveways, interconnected parking, and private roads constructed to provide access to properties internal to a subdivision shall be recorded as an easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities shall also be recorded with the deed, where applicable.

[4] Driveway spacing standards shall apply to driveways located on the same side of the road and shall be measured along the road from the center line of the driveway pavement to the center line of the next driveway.

[5] Curb cuts and driveway spacing for new development or redevelopment will be evaluated by the Planning Board on a case-by-case basis to reduce conflicts and ensure traffic safety and efficiency. In certain cases, minimum spacing requirements, as deemed appropriate by the Planning Board and that

comply with established state standards, shall be applied as follows:

**Minimum Driveway Spacing Guidelines Development Size in Peak Hour Trips (pht)**

	<b>Small, 0 to 100 pht (feet)</b>	<b>Moderate, 101 to 200 pht (feet)</b>	<b>Large, 201 or greater pht (feet)</b>
Major arterial	330	440	660
Collector road	220	330	440

**NOTES:**

- 1. Peak hour trips (pht) should be based on full build-out of the parcel.**
- The larger of the minimum driveway spacing standards for the proposed development or for existing developments at abutting properties will apply. Driveways for in-fill development must meet the larger of the minimum driveway spacing standards for development-abutting properties on both sides.

(b) Corner clearance. Corner properties present special problems because they are extremely attractive to high-volume, peak-hour-traffic businesses whose designs often create conflict areas that overlap with the conflict area of the intersection.

[1] Corner clearance is to be measured along the road from the center line of the driveway pavement to the closest edge of the road pavement. Where road widening is planned or anticipated in the future, corner clearance should be increased to provide for the width of the additional lane.

[2] Driveways for corner properties shall meet or exceed the minimum corner clearance requirements as follows:

**Minimum Corner Clearance Requirements**

<b>Type of Access</b>	<b>Minimum Clearance (feet)</b>
For partial access, right turns in and/or out only	100
For full access, all directional movements	220

[3] Driveways should be located outside of the functional area of the intersection, or if this is not possible, driveways should be placed as far as possible from the intersection.

[4] Driveways that allow left turns in and out should not be allowed where left-turn vehicles must cross two or more lanes or cross or use a center left-turn lane.

[5] Cross-access to adjoining properties should be encouraged to the greatest extent possible.

(c) Driveway location.

[1] Driveway location will be based on a site plan that has been approved by the Town Planning Board in consultation with the Town Engineer and/or the Town Highway Superintendent.

[2] Driveways shall be located so as to meet or exceed the minimum driveway spacing standards and

the minimum corner clearance standards.

[3] The Town Planning Board may allow the location of driveways at less than the minimum driveway spacing standards and corner clearance standards if:

[a] A dual-driveway system, cross-access driveway system or shared driveway is proposed and this improves the safe and efficient movement of traffic between the parcel and the road;

[b] A driveway or driveways could be located so as to meet the minimum driveway spacing standards and corner clearance standards but the characteristics of the parcel or the physical or operational characteristics of the road are such that a change of location will improve the safe and efficient movement of traffic between the parcel and the road; or

[c] Conformance with the driveway spacing standards or corner clearance standards imposes undue and exceptional hardship on the property owner.

(d) For properties unable to meet the minimum driveway spacing standards or corner clearance standards, a temporary driveway may be granted. The granting of a temporary driveway will be conditioned on obtaining a shared driveway, cross-access driveway or unified parking and circulation with an adjoining parcel and closure of the temporary driveway in the future.

(7) Additional provisions.

(a) Site plans shall illustrate building location, the elevation of all buildings and structures, building materials to be utilized on all facades, and the location of site lighting and signage.

(b) Ground-level mechanical equipment and refuse dumpsters or containers shall be fully screened from public view through the use of landscaping, decorative walls or fencing, or other design treatments compatible with the buildings.

(c) Outdoor storage areas are limited to the rear yards and shall be screened from adjoining properties and, in general, not visible from Route 5.

(d) Properties on the north side of the road must include plans on how the escarpment shall be protected. Connective features such as walkways and paths should be considered for connections to the Town's bike path system.

(e) Sidewalks or paths shall be considered to assist with walkability and the potential for bicyclists. Where sites are adjacent to municipal sidewalks, they shall be connected with them.

(f) Pedestrian walkways shall be provided between buildings on a single site. Walkways shall also be incorporated into cross-access points.

(g) Pedestrian walkways shall be constructed of concrete or decorative brick or similar materials.

(8) Waiver of design requirements. The Planning Board may waive or modify any design requirements under this section, as long as it does not significantly diminish the intent and purpose of the district and does not infringe upon the authority of the Zoning Board of Appeals.

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**Appendix J**  
Incentive Zoning



## The Official Site of the Philadelphia Zoning Code Commission

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### Types of Zoning Codes

New approaches to **zoning matters** are emerging and evolving. What follows is a brief description of the four basic types of zoning codes: Euclidean, Form-Based, Incentive and Performance.

#### Euclidean Zoning<sup>i</sup>

The most common and most traditional approach to zoning is called Euclidean zoning<sup>i</sup>. It is named after the town of Euclid, Ohio. A landowner in Euclid, Ohio challenged the city's zoning code. The case wound its way up to the U.S. Supreme Court which upheld the municipality's ordinance. The case was decided in 1926, and the term "Euclidean zoning<sup>i</sup>" emerged and influenced the content and design of zoning codes across the country for decades.

Euclidean zoning<sup>i</sup> regulates development through land use classifications and dimensional standards. Typical land use classifications are single-family residential, multi-family residential, commercial, institutional, industrial and recreational. Each land use must comply with dimensional standards that regulate the height, bulk and area of structures. These dimensional standards typically take the form of setbacks, sideyards, height limits, minimum lot sizes, and lot coverage limits.

The traditional planning goals associated with Euclidean zoning<sup>i</sup> are providing for orderly growth, preventing overcrowding of land and people, alleviating congestion, and separating incompatible uses (such as insuring that a noisy factory cannot be built near a residential neighborhood).

Euclidean zoning<sup>i</sup> has come under scrutiny and criticism due to its lack of flexibility and somewhat outdated planning theory. Philadelphia's zoning code is a Euclidean code.

#### Form-Based Codes

A form-based code places more emphasis on regulating the form and scale of buildings and their placement along and within public spaces (such as sidewalks, street trees, street furniture). Some of the urban planning goals of form-based codes include curbing urban sprawl, promoting pedestrian safety, and preserving the fabric of historic neighborhoods.

The following description appears on the Form-Based Codes Institute website:

*Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes, presented in both diagrams and words, are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development rather than only distinctions in land-use types.*

The City of Miami has a "floating-zone" form-based zoning code, and Denver is moving in this direction. Form-based codes are very new, and have not been utilized yet in any large, old industrial city. Depending upon the quality of the code and its diagrams, form-based codes can

be difficult to interpret and administer.

To learn more about form-based codes, go to:

- <http://www.formbasedcodes.org/index.html>
- [http://en.wikipedia.org/wiki/Form-based\\_codes](http://en.wikipedia.org/wiki/Form-based_codes)

## **Incentive Zoning**

Incentive zoning, as its name implies, offers a reward (usually in the form of increased density) to a developer who does something "extra" that is in the community's interest (such as more open space) or promotes a public goal (such as affordable housing).

The Smart Growth Resource Library defines incentive zoning as follows:

*Incentive zoning allows a developer to build a larger, higher-density project than would be permitted under existing zoning. In exchange, the developer provides something that is in the community's interest that would not otherwise be required (e.g., open space, plazas, arcades, etc.). The common types of community benefits or amenities for which state and local governments have devised incentive programs are urban design, human services (including affordable housing), and transit access.*

Incentive zoning has its origins in New York City and Chicago. It has become increasingly common over the past 20 years. The terms "density bonuses" or "community benefits" are related terms and are often used when discussing incentive zoning.

Incentive zoning allows for a high degree of flexibility, but it can be complex to administer.

## **Performance Zoning**

A key goal of zoning codes is to limit conflicting and incompatible uses. Traditional Euclidean zoning<sup>1</sup> does this by regulating land use and bulk. Performance zoning, however, regulates the effects or impact of land uses through performance standards. Performance standards usually concern traffic flow, density, noise and access to light and air. Developers can build almost any building that meets the performance standards for that district. Therefore, performance zoning allows for a great deal of flexibility. This level of flexibility makes it a very useful tool, but also makes it difficult to administer.

Currently, no large city has a zoning code based completely on performance zoning. Chicago has used a hybrid approach for its manufacturing districts, using performance standards in addition to Euclidean zoning<sup>1</sup>.

More information about Chicago's manufacturing districts can be found in the publication *Revise, Recreate, Rezone: A Neighborhood Guide to Zoning* prepared by the Metropolitan Planning Council. Go to <http://www.metroplanning.org/zoningGuide/index.html>

§ 261-b. Incentive zoning; definitions, purpose, conditions, procedures. 1. Definitions. As used in this section:

(a) "Incentives or bonuses" shall mean adjustments to the permissible population density, area, height, open space, use, or other provisions of a zoning ordinance or local law for a specific purpose authorized by the town board.

(b) "Community benefits or amenities" shall mean open space, housing for persons of low or moderate income, parks, elder care, day care or other specific physical, social or cultural amenities, or cash in lieu thereof, of benefit to the residents of the community authorized by the town board.

(c) "Incentive zoning" shall mean the system by which specific incentives or bonuses are granted, pursuant to this section, on condition that specific physical, social, or cultural benefits or amenities would inure to the community.

2. Authority and purposes. In addition to existing powers and authorities to regulate by planning or zoning, including authorization to provide for the granting of incentives, or bonuses pursuant to other enabling law, a town board is hereby empowered, as part of a zoning ordinance or local law adopted pursuant to this article, or by local law or ordinance adopted pursuant to other enabling law, to provide for a system of zoning incentives, or bonuses, as the town board deems necessary and appropriate consistent with the purposes and conditions set forth in this section. The purpose of the system of incentive, or bonus, zoning shall be to advance the town's specific physical, cultural and social policies in accordance with the town's comprehensive plan and in coordination with other community planning mechanisms or land use techniques. The system of zoning incentives or bonuses shall be in accordance with a comprehensive plan within the meaning of section two hundred sixty-three of this article.

3. Implementation. A system of zoning incentives or bonuses may be provided subject to the conditions hereinafter set forth.

(a) The town board shall provide for the system of zoning incentives or bonuses pursuant to this section as part of the zoning ordinance or local law. In providing for such system the board shall follow the procedure for adopting and amending its zoning ordinance or local law, including all provisions for notice and public hearing applicable for changes or amendments to a zoning ordinance or local law.

(b) Each zoning district in which incentives or bonuses may be awarded under this section shall be designated in the town zoning ordinance or local law and shall be incorporated in any map adopted in connection with such zoning ordinance or local law or amendment thereto.

(c) Each zoning district in which incentives or bonuses may be authorized shall have been found by the town board, after evaluating the effects of any potential incentives which are possible by virtue of the provision of community amenities, to contain adequate resources, environmental quality and public facilities, including adequate transportation, water supply, waste disposal and fire protection. Further, the town board shall, in designating such districts, determine that there will be no significant environmentally damaging consequences and that such incentives or bonuses are compatible with the development otherwise permitted.

(d) A generic environmental impact statement pursuant to the provisions of 6 NYCRR 617.15 shall be prepared by the town board for any zoning district in which the granting of incentives or bonuses have a significant effect on the environment before any such district is designated, and such statement shall be supplemented from time to time by the town board if there are material changes in circumstances that

may result in significant adverse impacts. Any zoning ordinance or local law enacted pursuant to this section shall provide that any applicant for incentives or bonuses shall pay a proportionate share of the cost of preparing such environmental impact statement, and that such charge shall be added to any site-specific charge made pursuant to the provisions of section 8-0109 of the environmental conservation law.

(e) The town board shall set forth the procedure by which incentives may be provided to specific lands. Such procedure shall describe:

(i) the incentives, or bonuses, which may be granted by the town to the applicant;

(ii) the community benefits or amenities which may be accepted from the applicant by the town;

(iii) criteria for approval, including methods required for determining the adequacy of community amenities to be accepted from the applicant in exchange for the particular bonus or incentive to be granted to the applicant by the town;

(iv) the procedure for obtaining bonuses, including applications and the review process, and the imposition of terms and conditions attached to any approval; and

(v) provision for a public hearing, if such public hearing is required as part of a zoning ordinance or local law adopted pursuant to this section and give public notice thereof by the publication in the official newspaper of such hearing at least five days prior to the date thereof.

(f) All other requirements of article eight of the environmental conservation law shall be complied with by project sponsors for actions in areas for which a generic environmental impact statement has been prepared including preparation of an environmental assessment form and a supplemental environmental impact statement, if necessary.

(g) Prior to the adoption or amendment of the zoning ordinance or local law pursuant to this section to establish a system of zoning incentives or bonuses the town board shall evaluate the impact of the provision of such system of zoning incentives or bonuses upon the potential development of affordable housing gained by the provision of any such incentive or bonus afforded to an applicant or lost in the provision by an applicant of any community amenity to the town. Further, the town board shall determine that there is approximate equivalence between potential affordable housing lost or gained or that the town has or will take reasonable action to compensate for any negative impact upon the availability or potential development of affordable housing caused by the provisions of this section.

(h) If the town board determines that a suitable community benefit or amenity is not immediately feasible, or otherwise not practical, the board may require, in lieu thereof, a payment to the town of a sum to be determined by the board. If cash is accepted in lieu of other community benefit or amenity, provision shall be made for such sum to be deposited in a trust fund to be used by the town board exclusively for specific community benefits authorized by the town board.

4. Invalidations. Nothing in this section shall be construed to invalidate any provision for incentives or bonuses heretofore adopted by any town board.

**Appendix K**  
Water Quality – Aquifer Protection





# Your Septic System

If you are a suburban or rural resident, you probably depend on a septic system to treat and dispose of your household wastewater. The purpose of a septic system is to treat liquid wastes from your house in order to prevent contamination of your well and nearby lakes and streams.

When a septic system is...

Suitably located... properly designed... carefully installed... and adequately maintained

You will have a waste disposal system that is...

Effective... Economical... and Safe!

Maintenance is the key to a lasting septic disposal system. Read and use this folder to learn:

1. how a septic system works
2. why and how to adequately maintain your septic system
3. how to keep your own maintenance record

## How Your System Works

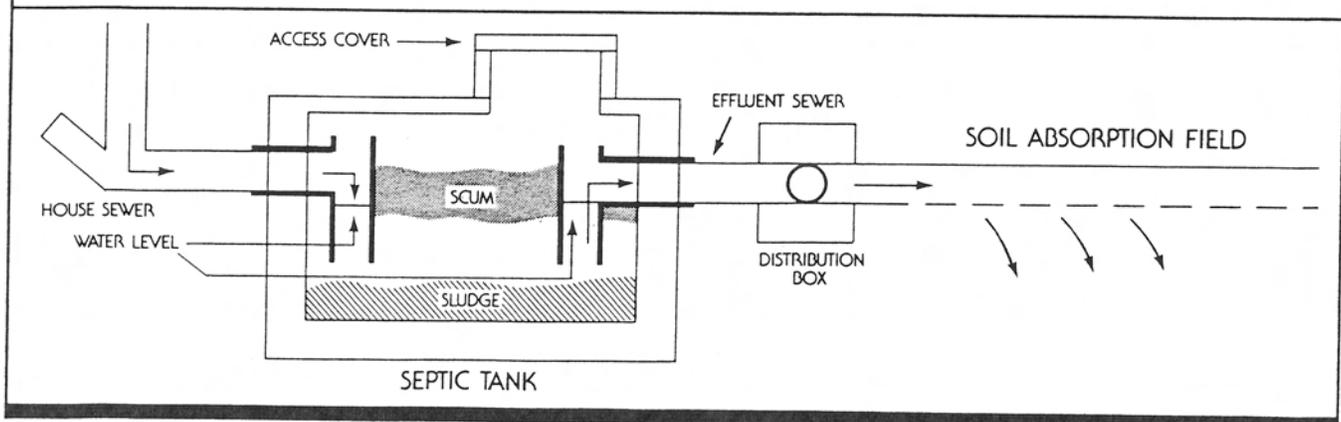
A septic system has two basic working parts:

### Septic Tank

Wastewater flows from the house into the septic tank. Here heavy solids settle and are partially decomposed by bacteria to form sludge. Light solids and grease float to the top forming a scum layer.

### Soil Absorption Field

Partially treated wastewater is discharged from the septic tank through perforated pipes into an absorption field. Here, the water is further purified by filtration and decomposition by microorganisms in the soil. This is the last line of defense to prevent polluted water from entering lakes, streams, and groundwater.



# Why Maintain Your Septic System

Wastewater leaving your house comes from the tub or shower, wash bowl, toilet, kitchen sink, clothes washer and dishwasher. It carries chemicals, solids, grease, dirt, and bacteria and viruses which can cause disease. A good septic system treats and disposes of this wastewater. A failing septic system cannot perform these tasks, so pollution of drinking water wells and streams and lakes can result.

Even a properly designed and operated septic system will eventually fail unless the sludge and floating scum are periodically pumped from the tank, damaging materials kept out of the tank, and other protection measures are followed. Routine maintenance and a little common sense protects your investment and insures against the high cost of premature failure.

## Pumping Out Your Septic Tank

Generally, septic tanks should be cleaned out every 3-5 years, depending on the size of the tank and the amount and quality of solids entering the tank. As a rule of thumb, the clean-out interval is determined on the basis of 100 gallons of tank capacity per person per year. For example, a 1000 gallon tank used by a family of two should be cleaned after 5 years [ $1000 \div (100 \times 2)$ ]. **Note:** Use of a garbage disposal increases solids loading by about 50%.

Checking sludge and scum build-up can be an unpleasant task. The best suggestion for most homeowners in determining a maintenance schedule is simply to have the tank pumped at regular intervals. The cleaning of a tank is usually done by a commercial septic tank cleaning service, which must have a permit from the New York State Department of Environmental Conservation in order to perform this service.

## Finding Your Septic System

In order to maintain your system, the tank needs to be accessible for pumping and the drainfield should be protected. Locating your system is not always an easy task. If the access manhole to the tank is at ground level, there is no problem. Unfortunately, these manholes are often buried under lawns.

To locate your system, go into the basement or crawl space and find where and in what direction the sewer pipe goes out through the wall. The tank can be traced back from the drainfield by checking the yard for an area

where the grass doesn't grow or grows very well, or for slightly depressed or mounded areas. Any likely site can be probed with a thin metal rod.

If you are unable to find the tank, your local septic tank pumper will find it when he comes to pump out the tank solids. You may want to have the manhole extended up to just below ground level and marked clearly with a stake, rock or a birdbath. Do not plant a shrub or tree to mark the location. Once your septic system is uncovered, be sure to make a map.

### HELPFUL SOURCES OF ADDITIONAL INFORMATION

- SS-1 — *What to Do if Your Septic System Fails*
- SS-2 — *Maintaining Your Septic System: Special Considerations for Shoreline Property Owners*
- SS-3 — *How to Conserve Water in Your Home and Yard*
- SS-4 — *Your Septic System: What You Need to Know When Buying or Selling a House*
- SS-5 — *Your Septic System: Considerations When Building or Remodeling a Home*

# Evaluate Your Septic Practices

As a homeowner, you have a tremendous impact on the efficiency of your septic system. Evaluate your maintenance practices based on the suggestions below.

## Safe Disposal

- Do not put substances such as motor oil, gasoline, paints, thinners and pesticides in drains. These materials may pollute the groundwater and are toxic to the microorganisms which maintain an active system.
- Moderate use of household cleaners, disinfectants, detergents or bleaches will do little harm to the system, but remember that where there is a high density of septic systems, there may be a cumulative impact on groundwater from household cleaners.
- Fats, grease, coffee grounds, paper towels, sanitary napkins, disposable diapers, etc., will clog your septic system.

## Protect the Absorption Field

- Keep automobiles and heavy equipment off the absorption field.
- Grass cover and shallow rooted plants are beneficial over an absorption field, but the deep roots of trees and shrubs stress and may plug nearby drain tiles. Do not fertilize the soil above the drainfield.
- Grass on the surface of an absorption field should be mowed regularly to promote evaporation and transpiration.

## Conserve Water

- Remember to consider the capacity of your septic system when installing new appliances or plumbing.
- Limit the water entering the tank. Use water saving fixtures. Repair toilet float valves, leaks and dripping faucets. Spread clothes washing over the entire week. Do not connect rooftop drains, a basement sump pump, or footing drains to the septic tank.

## Avoid Septic Tank Additives

- Yeasts, bacteria, enzymes or chemicals are sold with the claim that they help a system work better; however, there is **no** scientific evidence that additives are effective. In fact, some cleaners can allow the solids in an overloaded tank to be re-suspended and clog the drainage lines and soil absorption field.
- Additives are not an alternative to proper maintenance and do not eliminate the need for routine pumping of your septic tank.
- Commercial biological additives are not needed to begin decomposition after pumping because the sludge residue contains active microorganisms.

# Record Keeping

1. Make a rough sketch locating your septic tank and absorption field in relation to surrounding reference points. Begin by sketching your house, driveway, water well, and other landscape features such as trees, rocks, or fences.
2. Measure and record distances from your house to the cover of your septic tank and to the corner of your absorption field, if possible. As long as the distances are correct, do not be concerned whether or not the drawing is to scale.
3. Keep this information on file as a permanent record for use in maintenance and to pass on to subsequent owners.

YOUR MAP

## Maintenance Record

Keeping a record of your septic system maintenance experience will help you anticipate when the next cleaning may be needed.

Size of Tank

\_\_\_\_\_ gallons

Date	Work Done	Firm	Cost

**Your Septic System Installer**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Date Installed \_\_\_\_\_

**Your Septic System Pumper**

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Phone \_\_\_\_\_

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## Use Less-Toxic Products

As consumers, we put ourselves, our families, and our pets at risk when we use herbicides, pesticides, highly corrosive products like drain cleaners, and toxins like ammonia and bleach. Sewage treatment plants don't eliminate these chemicals, and many find their way into our air, water and ecosystems.

Fortunately, there are safer alternatives that work just as well. By choosing a non-toxic option or the least toxic product, you can protect yourself and the environment.



You can have a nice lawn without resorting to herbicides and pesticides

## In Your Yard

- **Get a lush, healthy lawn without chemicals**

Set mowing height to 2.5 - 3 inches. Leave grass clippings on the lawn. Water slowly and deeply in the mornings, 1 inch of water once a week at most.. Fertilize with 1/4 inch of compost broadcast over the lawn between mid-June and the end of August. More lawn tips

- **Tolerate some weeds**

The goal of the weed-free lawn is essentially unattainable without resorting to dangerous chemicals. Learn to accept the natural diversity and look of a 'country lawn'. More on controlling weeds

- **Dealing with Japanese beetles**

In the early spring, apply parasitic nematodes (HB strain) to your lawn. Water the lawn well before and after application. Don't use beetle traps - they attract more than they kill. Use a hose to spray mature beetles off your plants. This is best done in the morning when the beetles are less active

- **Keep an eye out for problems**

Many insect infestations and diseases can be controlled without toxins if caught early enough. Patrol your yard regularly and be sure to look on the underside of leaves.

## At Home

- **Unclog sinks without drain openers**

First try to manually remove hair or solids with a metal snake or plunger. Add one half cup baking soda to the drain and follow with a half cup of white vinegar. Wait until it stops bubbling and then pour kettle or so of boiling water down the drain.

- **Whiten laundry without chlorine bleach**

Use the less-toxic bleach alternatives that are available, or try adding a half-cup of borax to your laundry. Sunshine will whiten cotton and linen, not to mention the energy savings from line drying.

- **Make your windows sparkle without ammonia**

Mix 3 tablespoons white vinegar, two cups of water and one teaspoon of liquid Castile soap.

- **Polish silver with toothpaste**

Polish brass and copper with a toothpaste consistency mixture of lemon juice and baking soda

- **Avoid dry cleaning**

Dry-cleaning fluids contain carcinogens, neurotoxins, and respiratory irritants. Clothes that say "dry clean only" can often be safely washed by hand. Avoid clothing that must be dry-cleaned.

- **Remove hard water deposits with vinegar**

Soak your showerhead in undiluted white vinegar for two hours to overnight. Clean deposits off shower walls and glass with an undiluted white vinegar spray and a scrubbing sponge.

- **Another way to clean the toilet bowl**

Pour one cup borax and 1/4 cup vinegar into toilet. Let sit over night before scrubbing. Two denture cleaner tablets left in the bowl overnight will help remove mineral deposits.

## More about Use Less-Toxic Products:

Green Lawns and Gardens - Tips on getting a beautiful lawn and garden without using toxic products



U.S. ENVIRONMENTAL PROTECTION AGENCY

# Polluted Runoff (Nonpoint Source Pollution)

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## Managing Nonpoint Source Pollution from Households

**Pointer No. 10**  
EPA841-F-96-004J

- What is NPS Pollution
- NPS Categories
- Publications & Info Resources
- Education Resources
- Funding
- Outreach
- CWA Section 319
- CZARA Section 6217
- State-EPA NPS Partnership
- Events Calendar

	Note: This information is provided for reference purposes only. Although the information provided here was accurate and current when first created, it is now outdated.
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The well-known stories about environmental problems tend to focus on big, recognizable targets such as smoking industrial facilities, leaking toxic waste dumps, and messy oil spills. As a result, people often forget about water pollution caused by smaller nonpoint sources--especially pollution at the household level.

However, nonpoint source (NPS) pollution is the Nation's leading source of water quality degradation. Although individual homes might contribute only minor amounts of NPS pollution, the combined effect of an entire neighborhood can be serious. These include eutrophication, sedimentation, and contamination with unwanted pollutants.

To prevent and control NPS pollution, households can learn about the causes of such pollution and take the appropriate (and often money-saving) steps to limit runoff and make sure runoff stays clean.

NPS pollution is widespread because it can occur any time activities disturb the land or water. Agriculture, forestry, grazing, septic systems, recreational boating, urban runoff, construction, physical changes to stream channels, and habitat degradation are potential sources of NPS pollution. Careless or uninformed household management also contributes to NPS pollution problems.

### Limit Paved Surfaces



A series of fact sheets

Urban and suburban landscapes are covered by paved surfaces like sidewalks, parking lots, roads, and driveways. They prevent water from percolating down into the ground, cause runoff to accumulate, and funnel into storm drains at high speeds. When quickly flowing runoff empties into receiving waters, it can severely erode streambanks. Paved surfaces also transfer heat to runoff, thereby increasing the temperature of receiving waters. Native species of fish and

warmer waters. other aquatic life cannot survive in these

To limit NPS pollution from paved surfaces households can substitute alternatives to areas traditionally covered by nonporous surfaces. Grasses and natural ground cover, for example, can be attractive and practical substitutes for asphalt driveways, walkways, and patios. Some homes effectively incorporate a system of natural grasses, trees, and mulch to limit continuous impervious surface area. Wooden decks, gravel or brick paths, and rock gardens keep the natural ground cover intact and allow rainwater to slowly seep into the ground.

### **Landscape With Nature**

Altering the natural contours of yards during landscaping and planting with non-native plants that need fertilizer and extra water can increase the potential for higher runoff volumes, increase erosion, and introduce chemicals into the path of runoff. In contrast, xeriscape landscaping provides households with a framework that can dramatically reduce the potential for NPS pollution.

Xeriscape incorporates many environmental factors into landscape design—soil type, use of native plants, practical turf areas, proper irrigation, mulches, and appropriate maintenance schedules. By using native plants that are well-suited to a regions climate and pests, xeriscape drastically reduces the need for irrigation and chemical applications. Less irrigation results in less runoff, while less chemical application keeps runoff clean.

### **Proper Septic System Management**

Malfunctioning or overflowing septic systems release bacteria and nutrients into the water cycle, contaminating nearby lakes, streams, and estuaries, and ground water. Septic systems must be built in the right place. Trampling ground above the system compacts soil and can cause the systems pipes to collapse. Also, septic systems should be located away from trees because tree roots can crack pipes or obstruct the flow of wastewater through drain lines. Proper septic system management is also important, and a system should be inspected and emptied every 3 to 5 years.

y maintaining water fixtures and by purchasing water-efficient showerheads, faucets, and toilets, households can limit wastewater levels, reducing the likelihood of septic system overflow. Most water conservation technologies provide long-term economic and environmental benefits.

### **Proper Chemical Use, Storage, and Disposal**

Household cleaners, grease, oil, plastics, and some food or paper products should not be flushed down drains or washed down the street. Over time chemicals can corrode septic system pipes and might not be completely removed during the filtration process. Chemicals poured down the drain can also interfere with the chemical and biological breakdown of the wastes in the septic tank.

On household lawns and gardens, homeowners can try natural alternatives to chemical fertilizers and pesticides and apply no more than the recommended amounts. Natural predators like insects and bats, composting, and use of native plants can reduce or entirely negate the need for chemicals. Xeriscape can limit chemical applications to lawns and gardens.

If chemicals are needed around the home, they should be stored properly to prevent leaks and access by children. Most cities have designated sites for the



## U.S. ENVIRONMENTAL PROTECTION AGENCY

# Polluted Runoff (Nonpoint Source Pollution)

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## Do's and Don'ts Around the Home

What is NPS  
Pollution

NPS Categories

Publications &  
Info Resources

Education Resources

Funding

Outreach

CWA Section 319

CZARA Section 6217

State-EPA NPS  
Partnership

Events Calendar



(taken from an EPA Journal article,  
November/December 1991, EPA-22K-  
1005)

by *Robert Goo*



The importance of education in bringing nonpoint-source pollution under control is a recurring theme in this issue of EPA Journal. The reason for this is pragmatic: What you don't know can hurt the environment. When rain falls or snow melts, the seemingly negligible amounts of chemicals and other pollutants around your home and premises get picked up and carried via storm drains to surface waters. The ramifications include polluted drinking water, beach closings, and endangered wildlife.

So what can you do to help protect surface and ground waters from so-called nonpoint-source pollution? You can start at home. Begin by taking a close look at practices around your house that might be contributing to polluted runoff: You may need to make some changes. The following are some specific tips to act on--dos and don'ts, organized by categories, to help you become part of the solution rather than part of the problem of nonpoint-source pollution.

### Household Chemicals

- Be aware that many chemicals commonly used around the home are toxic. Select less toxic alternatives. Use non-toxic substitutes wherever possible.
- Buy chemicals only in the amount you expect to use, and apply them only as directed. More is not better.
- Take unwanted household chemicals to hazardous waste collection centers; do not pour them down the drain. Pouring chemicals down the drain may disrupt your septic system or else contaminate treatment plant sludge.
- Never pour unwanted chemicals on the ground. Soil cannot purify most chemicals, and they may eventually contaminate runoff.
- Use low-phosphate or phosphate-free detergents.
- Use water-based products whenever possible.
- Leftover household pesticide? Do not indiscriminately spray pesticides, either indoors or outdoors, where a pest problem has not been identified. Dispose of excess pesticides at hazardous waste collection centers.

### Landscaping and gardening

- When landscaping your yard, select plants that have low requirements for water, fertilizers, and pesticides.
- Cultivate plants that discourage pests. Minimize grassed areas which require high maintenance.
- Preserve existing trees, and plant trees and shrubs to help prevent erosion and promote infiltration of water into the soil.
- Use landscaping techniques such as grass swales (low areas in the lawn) or

- porous walkways to increase infiltration and decrease runoff.
- Other landscaping tips:
  - Install wood decking or bricks or interlocking stones instead of impervious cement walkways.
  - Install gravel trenches along driveways or patios to collect water and allow it to filter into the ground.
  - Restore bare patches in your lawn as soon as possible to avoid erosion.
  - Grade all areas away from your house at a slope of one percent or more.
- Leave lawn clippings on your lawn so that nutrients in the clippings are recycled and less yard waste goes to landfills.
- If you elect to use a professional lawn care service, select a company that employs trained technicians and follows practices designed to minimize the use of fertilizers and pesticides.
- Compost your yard trimmings. Compost is a valuable soil conditioner which gradually releases nutrients to your lawn and garden. (Using compost will also decrease the amount of fertilizer you need to apply.) In addition, compost retains moisture in the soil and thus helps you conserve water.
- Spread mulch on bare ground to help prevent erosion and runoff.
- Test your soil before applying fertilizers. Over-fertilization is a common problem, and the excess can leach into ground water or contaminate rivers or lakes. Also, avoid using fertilizers near surface waters. Use slow-release fertilizers on areas where the potential for water contamination is high, such as sandy soils, steep slopes, compacted soils, and verges of water bodies. Select the proper season to apply fertilizers: Incorrect timing may encourage weeds or stress grasses. Do not apply pesticides or fertilizers before or during rain due to the strong likelihood of runoff.
- Calibrate your applicator before applying pesticides or fertilizers. As equipment ages, annual adjustments may be needed.
- Keep storm gutters and drains clean of leaves and yard trimmings. (Decomposing vegetative matter leaches nutrients and can clog storm systems and result in flooding.)

## Septic Systems

Improperly maintained septic systems can contaminate ground water and surface water with nutrients and pathogens. By following the recommendations below, you can help ensure that your system continues to function properly.

- Inspect your septic system annually.
- Pump out your septic system regularly. (Pumping out every three to five years is recommended for a three-bedroom house with a 1,000-gallon tank; smaller tanks should be pumped more often.)
- Do not use septic system additives. There is no scientific evidence that biological and chemical additives aid or accelerate decomposition in septic tanks; some additives may in fact be detrimental to the septic system or contaminate ground water.
- Do not divert stormdrains or basement pumps into septic systems.
- Avoid or reduce the use of your garbage disposal. (Garbage disposals contribute unnecessary solids to your septic system and can also increase the frequency your tank needs to be pumped.)
- Don't use toilets as trash cans! Excess solids may clog your drainfield and necessitate more frequent pumping.

## Water Conservation

Homeowners can significantly reduce the volume of wastewater discharged to

home septic systems and sewage treatment plants by conserving water. If you have a septic system, by decreasing your water usage, you can help prevent your system from overloading and contaminating ground water and surface water. (Seventy-five percent of drainfield failures are due to hydraulic overloading.)

- Use low-flow faucets, shower heads, reduced-flow toilet flushing equipment, and water saving appliances such as dish and clothes washers. (See table on water savings possible with conservation devices.)
- Repair leaking faucets, toilets, and pumps.
- Use dishwashers and clothes washers only when fully loaded.
- Take short showers instead of baths and avoid letting faucets run unnecessarily.
- Wash your car only when necessary; use a bucket to save water. Alternatively, go to a commercial carwash that uses water efficiently and disposes of runoff properly.
- Do not over-water your lawn or garden. Over-watering may increase leaching of fertilizers to ground water.
- When your lawn or garden needs watering, use slow-watering techniques such as trickle irrigation or soaker hoses. (Such devices reduce runoff and are 20-percent more effective than sprinklers.)

## Other Areas Where You Can Make a Difference

- Clean up after your pets. Pet waste contains nutrients and pathogens that can contaminate surface water.
- Drive only when necessary. Driving less reduces the amount of pollution your automobile generates. Automobiles emit tremendous amounts of airborne pollutants, which increase acid rain; they also deposit toxic metals and petroleum byproducts into the environment. Regular tuneups and inspections can help keep automotive waste and byproducts from contaminating runoff. Clean up any spilled automobile fluids.
- Recycle used oil and antifreeze by taking them to service stations and other recycling centers. Never put used oil or other chemicals down stormdrains or in drainage ditches. (One quart of oil can contaminate up to two million gallons of drinking water!)

## Community Action

- Participate in clean-up activities in your neighborhood.
- Write or call your elected representatives to inform them about your concerns and encourage legislation to protect water resources.
- Get involved in local planning and zoning decisions and encourage your local officials to develop erosion and sediment control ordinances.
- Promote environmental education. Help educate people in your community about ways in which they can help protect water quality. Get your community groups involved.

*For more information on how you can help, contact your*

*State Water Quality Coordinator*

*or*

*Local Cooperative Extension Officer.#*

(Goo is an Environmental Protection Specialist in EPA's Nonpoint-Source Control Branch.)

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Last updated on Friday, March 7th, 2008  
URL: <http://www.epa.gov/owow/nps/dosdont.html>

## What is Stormwater?

Stormwater is water from rain or melting snow that doesn't soak into the ground and eventually runs off into waterways. It flows from rooftops, over paved areas and bare soil, and through sloped lawns while picking up a variety of materials on its way. As it flows, stormwater runoff collects and transports soil, animal waste, salt, pesticides, fertilizers, oil and grease, debris and other potential pollutants.

## What is the Problem?

Rain and snowmelt wash pollutants (pesticides, motor oil, bacteria, nitrogen, lead, chemicals, sediments and litter) from streets, construction sites, and land into storm sewers and ditches. Eventually, the storm sewers and ditches empty the polluted stormwater directly into streams and rivers with no treatment. This is known as **stormwater pollution**.

Polluted stormwater degrades our lakes, rivers, wetlands and other waterways. Nutrients such as phosphorus and nitrogen can promote the overgrowth of algae and deplete oxygen. Toxic substances from automobiles, and careless application of pesticides, herbicides and fertilizers threaten water quality and can kill fish and other aquatic life. Bacteria from animal wastes and improper connections to sewerage systems can make lakes and waterways unsafe for wading, swimming and fish consumption. Eroded soil is a pollutant as well. It clouds the waterway and interferes with the habitat of fish and plant life.

According to an inventory conducted by the United States Environmental Protection Agency (EPA), half of the impaired waterways are affected by urban/suburban and construction sources of stormwater runoff.

## Things You Can Do To Prevent Stormwater Pollution

### General Household

Some household products, such as cleaners, insect spray and weed killers, can cause pollution if allowed to drain into a storm sewer. Buy household products labeled "nontoxic" whenever possible.

### Paint & Solvents

Clean water-based paints from rollers, pans and brushes in sinks that go into the sanitary sewer system. Use paint thinner to remove oil-based paint from brushes and rollers but do not rinse down sinks or drains.

### Automotive

Keep your autos in good repair and watch for possible leaks. Take leftover or used fluids to a household hazardous waste collection. Clean up leaks and spills with an absorbent material such as Kitty litter.

### Swimming Pool and Spa

Water containing chlorine is harmful to aquatic life. Whenever possible, drain water into the sanitary sewer system. There are established guidelines on the amount of residual chlorine, acceptable pH range, coloration, filter media and acid cleaning wastes when draining into the storm sewer system, and some areas may require a permit. Check with your municipality.

### Lawn and Garden

Follow directions carefully when using pesticides and fertilizers; don't over water or use before a rain. Pesticides and fertilizers may adversely impact our waterways.

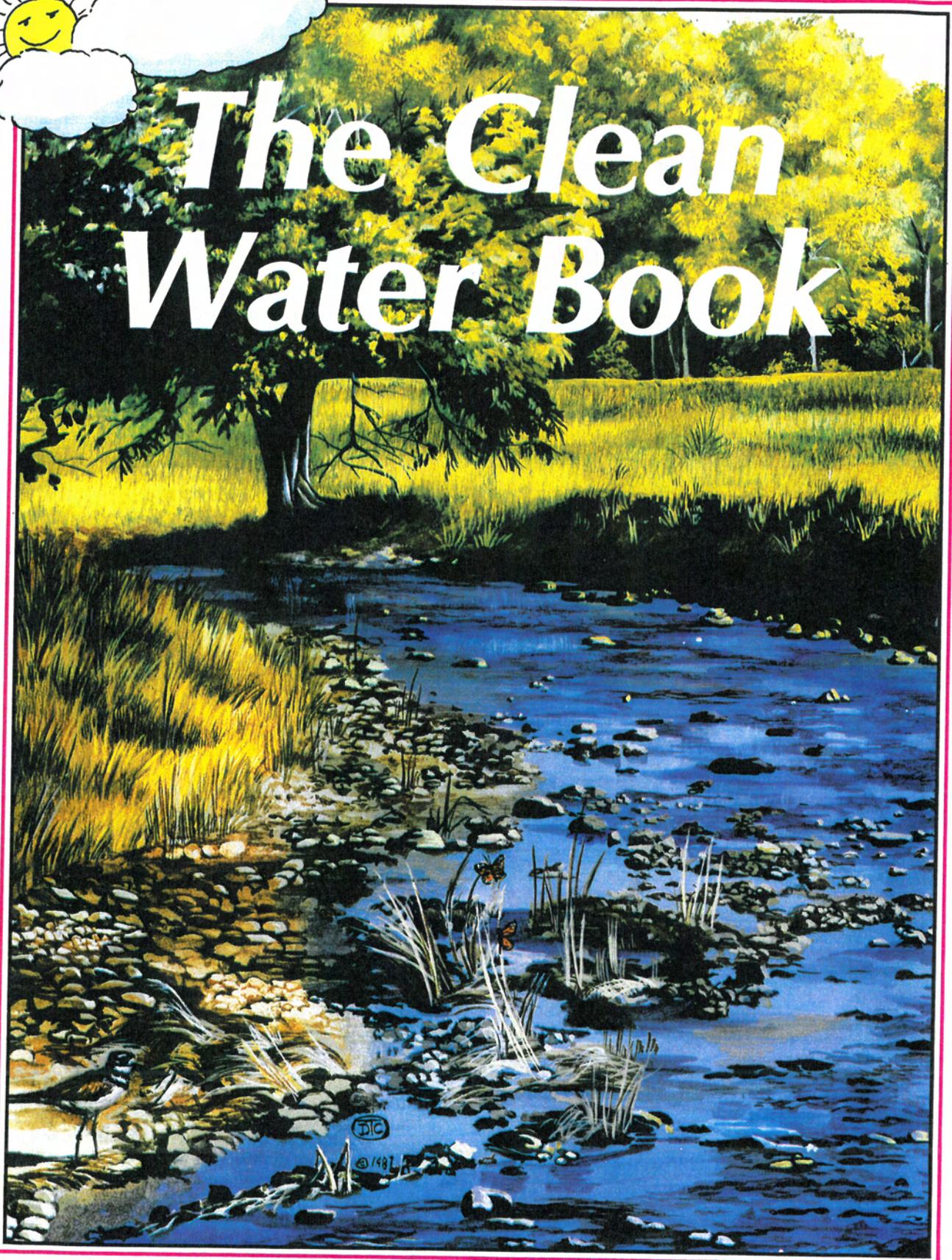
### Pet Care

Pick-up pet waste as soon as possible and put it in the trash. Pet waste has harmful bacteria that can get into our waterways.

Contact Erie County's Household Hazardous Waste program (858-6800) for disposal recommendations on the products listed above.



# *The Clean Water Book*



A Guide to Reducing Water Pollution  
in Your Home and Neighborhood

## INTRODUCTION

The last few decades have taught us many lessons about the environment. A key one is that the environment is a single system that is richly interconnected. The burying of waste chemicals underground prior to the 1980's had seemed environmentally acceptable, but eventually the chemicals leaked into and contaminated ground water supplies. Disposal of sludge in the ocean seemed environmentally acceptable when it was begun but concerns are now being raised about the effects of this practice on ocean water quality.

In short, we are learning that "out of sight, out of mind"

simply does not work in dealing with waste and the environment.

Another lesson we have learned over the past decade or so is that serious pollution can come from many small sources and not just from industry and sewage treatment plants. Billions of dollars have been spent on improving treatment of industrial waste and sewage, and the reduction in such 'point source' pollution has been dramatic in some areas. But we have found that pollution from many miscellaneous sources—called "non-point source" because it isn't released from specific points such as

pipes—also has a serious impact on water quality. In some areas non-point source pollution is a greater problem than pollution from sewage and industrial waste treatment.

Think of your home and property as an "ecosystem," a mini-environment that is full of many potential non-point sources. What chemicals and other wastes are released in your ecosystem and where are they going? Although we don't want to turn back progress, we do want to be very careful about overusing chemicals or having them find a way into our water supplies. Pet wastes, fertilizer and other chemicals in your

yard and driveway can be carried by rainwater into local streams. A single quart of motor oil can potentially contaminate a million gallons of drinking water. Faulty septic systems can contaminate ground water, and airborne chemicals can be picked up by rain and carried down into water supplies.

The first section of the *Clean Water Book* is designed to give you a feeling for non-point source pollution and how it affects our water systems. Later sections will explain what you can do to your own ecosystem to prevent non-point and other kinds of pollution.

## WHAT IS NON-POINT SOURCE POLLUTION?

Non-point source pollution can be defined as pollution that comes from many miscellaneous or diffuse sources rather than from a specific point such as the outfall of a pipe from an industrial or sewage treatment plant. Whereas pollution from point sources has been regulated under State and Federal laws since the early 1970's, non-point source pollution is only now becoming a major focus of pollution control efforts.

Every chemical or waste product that can be carried by rainfall into storm sewers and streams becomes a part of non-point source pollution, unless it is picked up by soil and absorbed or neutralized. Common examples are fertilizers, herbicides, insecticides, spilled motor oil and animal waste from pets, wildlife and farm animals.

As a way to visualize non-point

source pollution, think of how snow looks along roadsides a week or so after a snowfall. All of the dirt, grime, oil and grease that you can see are non-point pollutants, and will end up in our streams.

"Non-point source pollution" is a cumbersome term, and a better one may emerge over time. To make this booklet a little more readable, we will abbreviate non-point source pollution as 'NPS' when it's referred to frequently in a section.

Other significant sources of non-point source pollution, or NPS, include:

- Improperly operating septic systems
- Erosion from construction sites or farms
- Discharges of sewage and garbage from boats
- Cleansers, paint and antifouling compounds used on boats

- Hazardous waste improperly stored or discarded
- Acid rain
- Pollution from roadways and road salting activities
- Disposal of wastes in catch basins
- Leaking sewerage lines

In terms of environmental impacts, we can break down these non-point sources into types of pollution and look specifically at how they affect us:

**Nutrients:** In addition to carbon, hydrogen and oxygen, all plants require a number of nutrients in order to grow and reproduce. Three of these major nutrients are nitrogen, phosphorus and potassium. When an oversupply of these are present in streams, lakes and estuaries, algae and aquatic weeds will grow to the point that they will compete for oxygen and space in the water

with other aquatic life, including fish. Overgrown vegetation in lakes will eventually prevent recreational use for fishing and swimming. Such lakes are typically the result of nutrients from fertilizers from farms and lawns that are carried into the lake by stormwater run-off.

**Sediments:** Sediments are soil particles carried by rainwater into streams, lakes and estuaries. Sediments can accumulate and fill in stream channels and lakes, which contributes significantly to flooding. The soil particles can also carry chemical pollutants and nutrients with them into the water. In addition, the suspended soil particles in the water may reduce light needed for photosynthesis by plant life, clog the gills of fish and have other negative effects on aquatic life.

**Toxics:** Toxics are chemical substances that can cause cancer or other harmful health effects. Their impact on health may be acute, occurring quickly after exposure, or chronic, occurring over a long period of time. Toxics include certain metals (such as lead, mercury and cadmium), pesticides and other organic chemicals such as formaldehyde. Pesticides refer to all substances used to destroy unwanted vegetation, insects or other animals. The presence of toxics in water may render it unusable for fishing and swimming and will make it more difficult and expensive to treat so that it can be safely used for drinking.

**Pathogens:** Disease-causing microorganisms, or pathogens, are often present in human or animal fecal matter. Diseases that can result from exposure to fecal matter include dysentery, hepatitis, gastroenteritis (food poisoning), and parasitic infections. The extent of pathogens in water is typically indicated by levels of fecal coliform, a type of bacteria found in human and animal feces. In New Jersey, the presence of pathogens beyond levels deemed safe results in closure of bathing beaches, condemning of waters for shellfish harvesting and restrictions on drinking water supplies.

**Oxygen Demand:** Oxygen is a natural component in all bodies of water, and it is needed by all aquatic plants and animal life. Oxygen is needed by the microorganisms that play an important role in cleansing polluted streams by breaking down complex organic pollutants into simple and harmless inorganic chemicals. However, the more polluted a stream, the more the microorganisms and other aquatic life have to compete for the oxygen dissolved in the water. Thus, high levels of pollution cause high levels of oxygen demand and may cause such dramatic results as fish kills.

**Acidity:** Run-off from soils with a high acid content can increase the acidity of streams and lakes, which may affect aquatic life. Acid rain can also increase water acidity. Many of New Jersey's bodies of water are naturally acidic because of the particular make-up of New Jersey's soil and vegetation, but further increases can disrupt natural biochemical processes in stream life.

**Physical Habitat Alteration:** Activities such as construction, dredging, channelizing and filling in of streams and wetlands can have a serious impact on stream life. When the soil in the stream bed is removed or disturbed, the large populations of microorganisms that help the stream to cleanse itself may be sharply reduced or eliminated. Other aquatic life is also usually disrupted by habitat changes and may disappear at least for a period of time. As development occurs at a rapid rate throughout New Jersey, more and more stream habitats are being destroyed, temporarily or permanently.

What is the overall impact of NPS in New Jersey? It is difficult to quantify because there are so many types of sources and because it varies with the extent and intensity of rainfall and the seasonal nature of many sources. Nevertheless, recent surveys conducted by the New Jersey Division of Water Resources have included the following:

- Because of high levels of bacteria, 71% of streams and rivers monitored in New Jersey do not meet the standards required to permit swimming. NPS sources have impaired about 40% of river and stream miles assessed and, in combination with point sources, have impaired another 36%.
- NPS was identified as affecting water quality to some extent in all watersheds in the State,

usually in the form of bacteria, sediments and nutrients.

- A 1985 study indicated that almost 60% of New Jersey's lakes are impaired or threatened with impairment from NPS. Contamination by toxic chemicals has been discovered in several lakes in New Jersey in recent years. Many communities have become concerned about the growth of vegetation preventing recreational uses in their lakes; in 1985 the New Jersey Department of Environmental Protection approved 287 requests to apply aquatic herbicides in lakes.
- The quality of water along New Jersey's shore and estuaries is also affected by NPS. Increased monitoring efforts have indicated a significant contribution by NPS to ocean water quality problems, usually as a result of stormwater run-off carried through stormwater collection systems into the ocean.

It is anticipated that with continued reduction in point source pollution, as treatment of industrial and sewage wastes improve, the relative proportion of pollution attributed to NPS will rise.

Another factor is that additional federal and State standards are being developed for chemicals in drinking water. In communities where sources of drinking water are affected by NPS, more expensive advanced techniques may have to be used to treat water so that it can be used for drinking.

Thus, NPS can have an impact on our communities and life styles in:

- increased expense in water treatment
- loss of lakes and streams for fishing and swimming

- disruption of aquatic ecosystems and fish kills
- closure of bathing beaches
- health effects from accidental exposure to contaminants or from consumption of tainted fish and shellfish

We must confront the problem of NPS squarely. New Jersey is the most densely populated state in the country, with over 1000 people per square mile. And we are still growing.

We can choose to be a true "Garden State," a model of developed land uses that are in full harmony with our environment. We can protect our water supplies so that they will afford us and our children plentiful fishing, safe bathing and quality drinking water. Or we can permit our streams, lakes, estuaries and aquifers to be polluted by some of our everyday activities that disrupt our ecosystem.

Innovative legislation, active enforcement and cooperation among all levels of government will have to be part of New Jersey's creative solution to the challenge of non-point source pollution. But the key is always you—the individual citizen—and your own commitment to see a healthy environment in New Jersey for your family and future generations. Ultimately, control of NPS will require the voluntary cooperation of individual citizens in taking the steps described in this booklet.

The solution to a number of New Jersey's environmental challenges over the next decade—in recycling our waste, in supporting a sound hazardous waste disposal program and in protecting water from NPS—will rest on the responsible and active participation of its citizens. It is not an overstatement to say that the key to a healthy environment is in your hands!

## C. CONTROLLING CHEMICALS IN LAWNS AND GARDENS

Much of the problem of non-point pollution derives from fertilizers, pesticides and herbicides used on lawns, gardens and farms. Agriculture is a major source of these chemicals, and several federal and State programs have been implemented to encourage farmers to use what are called 'best management practices' to prevent run-off and erosion. Following are similar steps that you can apply in your own home.

### LAWNS

Most people want a dense, healthy lawn. A healthy lawn not only makes your home more attractive and valuable, but it also has important environmental benefits. Coupled with trees, shrubs and ground cover, your lawn can help prevent erosion, can moderate summer heat, and can act as a filter for rainwater from roofs, downspouts and driveways.

#### *Fertilizing the Lawn:*

The nutrients in fertilizers contribute significantly to water pollution problems in New Jersey. That's why it's important to apply fertilizer according to instructions—at the proper time and rate—so that you use no more than is necessary. Avoid getting fertilizer on sidewalks and driveways, where it can easily be washed into storm drains.

To help ensure you'll have a healthy lawn, test your soil before seeding or applying fertilizers. Call your county Cooperative Extension Service for assistance, or purchase a soil test kit at your local garden store. Soil tests will show how much lime, phosphorus and

potassium your fertilizer should contain. The recommended nitrogen rates for your area are available from your county Cooperative Extension Service.

The numbers on a bag of fertilizer refer to the percentages of plant nutrients—nitrogen, phosphates and potash—in the material. In a 100-pound bag of a 5-10-10 mixture, for instance, there would be 5% (5 pounds) nitrogen, 10% phosphate and 10% potash.

The wrong amount of fertilizer applied at the wrong time can cause disease and weed problems, poor root growth or excessive top growth. Incorrect fertilization can reduce your lawn's ability to withstand extremes of temperature and

moisture. Any kind of incorrect use is likely to contribute to water pollution.

#### *Lawn Pests:*

Both weeds and insects are considered by most homeowners to be harmful to the lawn. But 90% of the insects in your lawn are not harmful. Even a healthy lawn will have some weeds, which should not be a problem unless the turf becomes weakened and thin.

Study your lawn before applying any herbicides or insecticides. If you suspect a problem, ask your Cooperative Extension Agent to help you identify the problem and determine whether special treatment is necessary. The

preferred long-term strategy for a healthy lawn includes using sound management techniques, especially mowing and fertilization.

Occasionally, insect activity may reach a level at which the use of an insecticide is considered. Careful spot application of insecticides may be necessary when high populations are discovered, if other control methods are not effective.

#### *New Lawns:*

If you are creating a new lawn, there are several factors to consider when deciding whether to use seed or sod. Seeding is initially less expensive but takes longer to grow and may require weed control measures. Sodding provides immediate erosion control and can be used at least a month sooner than a seeded area. For a description of the type of grasses recommended for your area, talk to your county Cooperative Extension Service Agent.

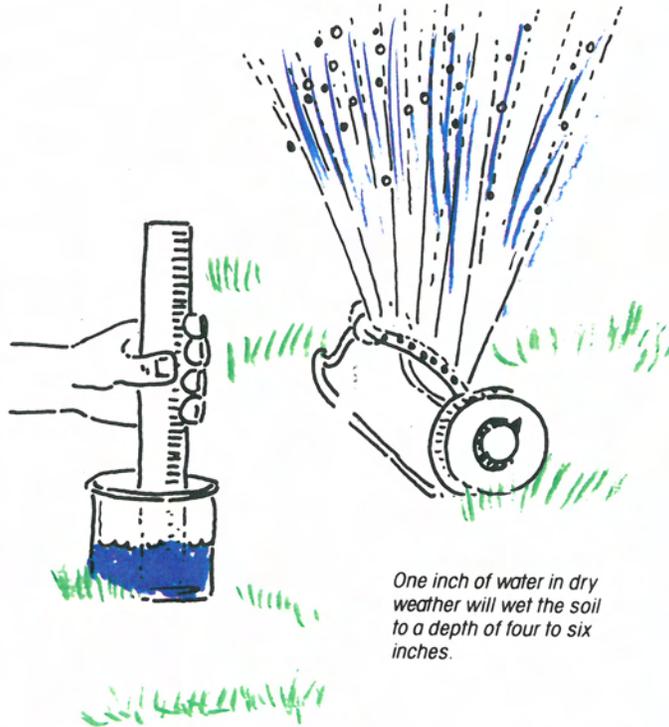


*Applying the proper amount of fertilizer at the proper time will help ensure a healthy lawn. Experts recommend that fertilizer be applied three times a year to already established lawns. A soil test will tell you the appropriate combination of nutrients to use.*

## Watering and Mowing:

Overwatering and mowing too closely are the most common mistake we make with our lawns. Once a lawn is established, water it only during very dry periods, giving it only as much water as the soil can absorb. Moisten the soil to a depth of six inches, which usually means using about an inch of water. Avoid frequent shallow waterings on established turf; it will cause shallow rooting, invites crabgrass invasion and encourages disease. Water early enough in the day that your lawn will dry before sundown; this will also reduce the likelihood of disease.

Mowing is crucial to the health of your lawn. According to turf specialists, the mowing height is probably the single most important factor in the formation of healthy turf. Bluegrass or fescue should be from two to four inches in height and cut frequently enough that no more than a third of the leaf area is removed. Continuous mowing below one and a half inches tends to weaken the turf.



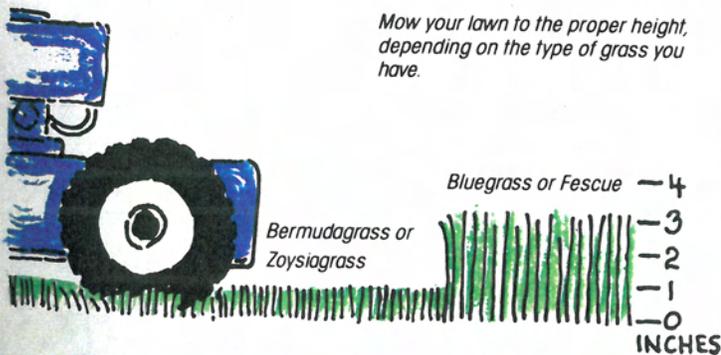
*One inch of water in dry weather will wet the soil to a depth of four to six inches.*

## A Word About Lawn Services:

Lawn services are an increasingly popular alternative for lawn maintenance. Many of the lawn companies follow programs that have been prescribed by turfgrass specialists and use products that you can buy and apply yourself. Misuse of these chemicals can pose health risks to people, pets and wildlife around your home. Herbicide misuse can cause damage to susceptible plants.

You need to be sure that the company you choose does a soil test before applying any fertilizer. Before signing a lawn care contract, make sure the company is reputable, tailors its chemical use to specific lawn needs, notifies you about the pesticides they are using, gives you a copy of the label, has adequately trained personnel, and has insurance.

*Mow your lawn to the proper height, depending on the type of grass you have.*



## WHAT YOU CAN DO

Lawns benefit the environment and add to the value and beauty of your home. Keep these things in mind when planning and maintaining your yard:

- First, maintain proper soil pH. (Generally it should be 6.0 to 6.5.)
- Plant the right grass for your locale.
- Test your soil every three or four years.
- Use the right fertilizer at the right time.
- Don't overwater your lawn.
- Mow to the proper height—this is critical to the health of your lawn.
- Consider using ground cover plants as well as grass.

## YOUR GARDEN

Many of us in New Jersey enjoy growing our own vegetables, fruits, flowers and herbs. By using the right gardening techniques, you can produce plants to be proud of while preserving the soil and its fertility, enhancing the absorption of rainfall and protecting local streams from sediments and chemicals.

To get the most out of your garden, it's important to pick the right spot for planting. Choose a sunny location with good natural drainage. Plant your garden on a level site; avoid sloping areas and drainage channels, which let topsoil wash away during heavy rains.

### *Dealing With Slopes:*

If your garden is located on a slope, you can use the same techniques that farmers use on hilly fields to ensure good crops. Plant across the slope, not up and down the hill. This way, each row acts as a ridge (what farmers call contour planting) to trap rainfall. Contour planting prevents soil and plant nutrients from washing downhill. On long slopes, it's a good idea to have strips of grass that also run perpendicular to the slope. This helps keep the rainwater and soil where it belongs by forcing run-off to slow down and soak in. Slopes can also be terraced for gardens.

Ground covers or wild flowers can be planted on steep slopes to beautify the landscape and stabilize the soil.

### *Enhancing Soil Fertility:*

Many gardens soils can benefit from the addition of organic matter and other nutrients. Composted vegetable scraps, grass cuttings and leaves are excellent sources of both, and

the more that goes in your compost pile, the less that goes into New Jersey's crowded landfills. Mulching can also add nutrients, make the soil more workable, aid rainwater penetration, and improve the moisture-retaining capacity of the soil.

You should also mulch to minimize bare, exposed soil in your garden. Unprotected ground loses nutrients and needed topsoil much more quickly than planted soil. Bare soil places added stress on nearby plants by expanding temperature extremes and reducing available soil moisture. In addition to mulching, consider close plantings of different, but compatible, plant species to make the most out of your garden area.

Winter cover crops are highly recommended for vegetable plots. Rye, barley and wheat are suitable for fall planting (two to three pounds of seed per 1000 square feet of ground). The cover crop holds the soil during the winter and adds organic matter to the soil when it is turned under the following spring. You can also plant shrubs or small trees as windbreaks around the garden to control wind erosion in sandy areas and to further protect bare soil from exposure to the elements.

Commercial fertilizers are designed to supplement the nutrients already present in your soil. (See the section on lawns for more detailed information on which fertilizer or combination of fertilizers is right for the soil in your garden.) Know what your soil requires before you apply any fertilizer.

Too much fertilizer can damage roots, and the excess can reach your local stream and lead to water pollution. Avoid applying fertilizer on windy days or just prior to a heavy rain. For best results, always apply

commercial fertilizers according to the directions on the bag.

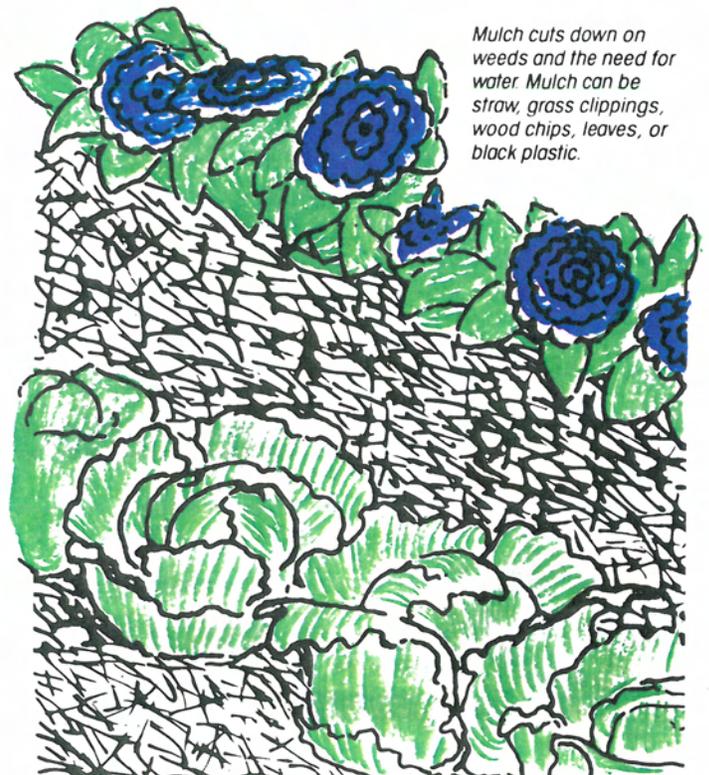
### *Pesticides and Pest Management:*

To many homeowners, pest control is synonymous with chemicals, and quick eradication is the goal. "Pesticides" is an umbrella term that includes herbicides, insecticides, fungicides and rodenticides. Designed to kill "pests," this big family of chemicals can also be dangerous to human health and the environment. There is considerable controversy about the potential risks associated with some pesticides. Some health experts believe that pesticides can trigger allergic reactions or cause chronic health problems, whereas others say that if used properly, pesticides pose no significant risks to human health unless a

person is exposed to too much either through a large exposure (such as a spill) or through small exposures over a long period of time, particularly if no protective clothing is used.

Some pesticides that were once widely used have now been banned or restricted. These include DDT, chlordane, aldrin, heptachlor, dieldrin, lindane, silvex, and 2, 4, 5-T. Not all pesticides that are available on the market have been fully tested for environmental and health effects. It is important to be extremely careful in handling pesticides and to use safe alternatives wherever possible.

When used according to label instructions, the three products listed below are less toxic to the environment than other commercially available products. The products are available at garden stores with large inventories.



*Mulch cuts down on weeds and the need for water. Mulch can be straw, grass clippings, wood chips, leaves, or black plastic.*

## Storing and Disposing of Pesticides:

Pesticides can seriously contaminate the local environment if they are spilled. You should store unused pesticides in an area well away from living areas. The place you choose should have a cement floor and be well lit and well ventilated, insulated from temperature extremes, out of direct sunlight and out of a child's reach. For example, a locked metal cabinet in your garage is usually a good storage place for pesticides. Always keep pest control products in their original containers with labels intact. Most pesticides stored under these conditions should remain effective for two years, although this varies widely.

If a pesticide leaks or is spilled in the garage, on the driveway or on other outdoor areas, do not hose down the spill. This will cause further contamination and may carry the pesticide to storm sewers or other water sources. The best way to clean a small spill is to:

- Surround the contaminated area with dirt.
- Sprinkle kitty litter, vermiculite or some other absorbent material over the spill.
- Shovel or sweep the absorbent material into a sturdy plastic bag and put it in the trash.
- Wear rubber gloves, long pants and rubber boots while cleaning up.
- Keep pets and other people away.
- Wash down the area (if a garage floor or other hard surface) with water or detergent after removing as much of the pesticide as possible.



You can obtain additional information on specific pesticides from the National Pesticide Telecommunications Network, **1-800-858-7378** (toll-free number).

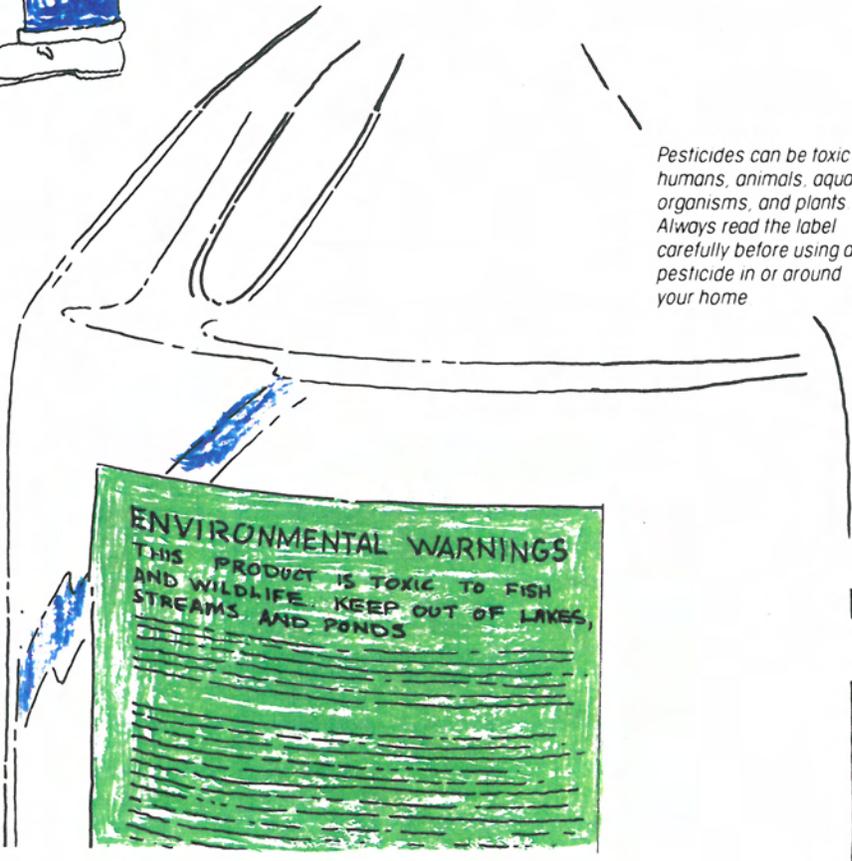
If significant amounts of pesticide spill directly into water, notify the DEP Environmental Action Hotline, **609-292-7172**, or your local health department.

Pesticides should never be buried in your yard, burned or poured into storm drains or your toilet. Some pesticides and their containers release toxic fumes when burned or wetted, and sewage treatment plants do not employ the kinds of microbes that would neutralize the pesticide's harmful effects. Septic systems can be harmed by pesticides as well. The best method for safely disposing of pesticides is to buy only as much

as you plan to use within a two-year period and to use them up according to label instructions.

Federal law now requires that pesticides made for home use be labeled as to the appropriate disposal method. Again, it is essential that you read the label carefully and follow its directions. Consult your county Cooperative Extension Agent for guidance in disposal of older pesticides with unreadable labels.

Several counties in New Jersey have organized a pick-up day for unwanted pesticides. Contact your county Solid Waste Coordinator to learn if such pick-ups are planned in your county. These pesticides are incinerated at special facilities out of the state, a disposal method that is the safest available but is also extremely expensive.



## D. MANAGING SEPTIC SYSTEMS

Approximately 500,000 homes in New Jersey use private septic systems. In areas with low population densities, properly designed, installed and maintained septic systems have little adverse effect on the environment. In fact, septic systems provide the benefit of recycling used water directly to ground water supplies, now seriously depleted in some areas in New Jersey. However, in areas with high population densities, septic systems have resulted in contamination of ground water and wells in some cases.

### HOW DO SEPTIC SYSTEMS WORK?

Septic systems have two key components—a septic tank and a subsurface disposal area. The septic tank is a container, usually prefabricated from concrete. It receives waste water from your bathroom, kitchen and laundry room and allows heavy solid particles to settle and light materials to float to the surface of the tank. These materials become sludge and scum (see diagram). Bacteria in the system help to break down organic matter in the wastewater.

This process requires time. To permit enough time for settling and flotation, regulations require that septic tanks be sized according to the expected daily flow of wastewater from your home.

The subsurface disposal area generally consists of a distribution box and perforated distribution lines installed in subsurface gravel-filled beds or trenches. The subsurface disposal area receives wastewater from the septic tank and removes harmful, disease-causing microorganisms, organic chemicals and nutrients. For this part of the system to function properly, it

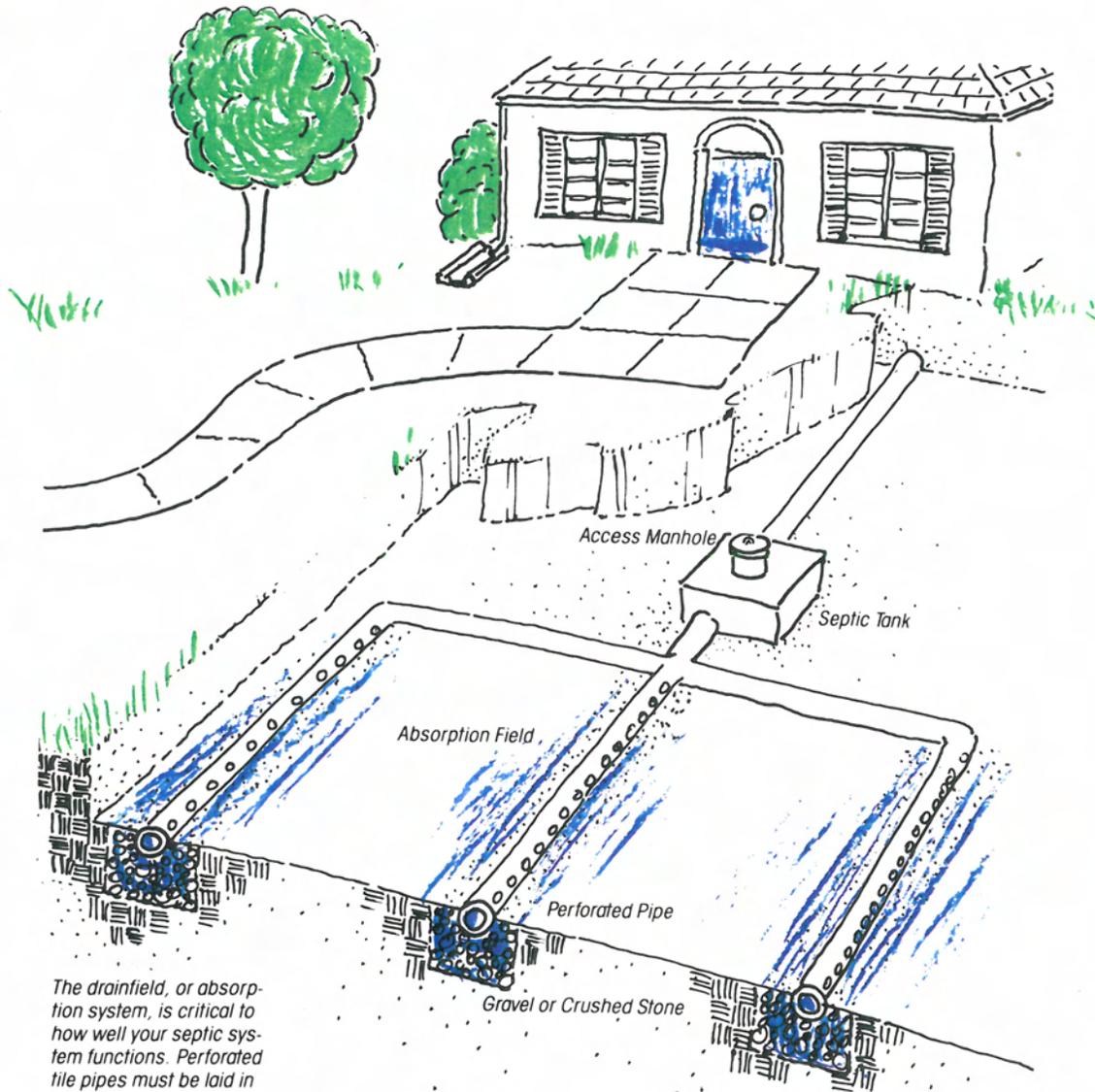
must be constructed carefully on suitable soil.

The soil also needs time to filter out these harmful materials from the wastewater. "Suitable soils" do not include coarse sand (which permit wastewater to pass through too fast) or pure clay (which accepts only small amounts of wastewater). State and local regulations that

determine what constitutes suitable soil have been developed after careful consideration of many factors that affect a soil's ability to adequately treat domestic wastewater.

Before a septic system is built, State laws require that a "perk" (percolation) test is performed to determine how fast the soil

absorbs water. Soil examination by a professional soil scientist can provide a more reliable assessment of the capacity of soil to accept wastewater. When designing a system, your design engineer should check the water table level to be sure it is at least four feet below the bottom of the subsurface disposal area.



*The drainfield, or absorption system, is critical to how well your septic system functions. Perforated tile pipes must be laid in suitable soil, away from tree roots and manmade structures. The drainfield must be a large enough area to absorb your home's daily wastewater.*

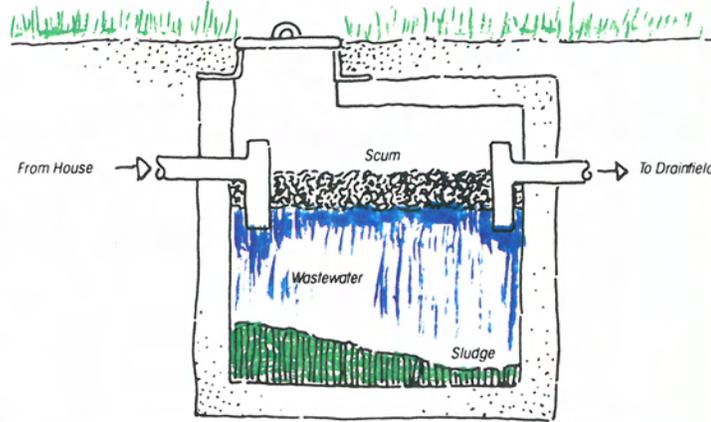
## CARING FOR YOUR SEPTIC SYSTEM

In densely populated areas, problems may develop due to the accumulation of nitrates from septic systems in ground water. Nitrate is oxidized nitrogen, which can interfere with the blood's ability to carry oxygen, particularly in infants. Nitrate concentrations in excess of 45 parts per million have been reported to cause methemoglobinemia in infants ("blue baby syndrome," an illness in which the infant's coloring takes on a bluish cast). The illness is rare and easily reversible once diagnosed, but it is not fully known what health effects result from long-range exposure to low levels of nitrates. If you rely on a well and septic system, have your well water tested periodically for nitrates to ensure that the level is less than the State standard (10 parts per million).

If the septic system is not functioning properly, it can also release disease-causing microorganisms. The principal signs of septic system problems are easy to detect—effluent rising to the ground or drains and toilets that operate sluggishly or not at all. Septic system problems can be minimized by understanding the needs of your system and observing several precautions.

Toxic and hazardous chemicals should never be disposed of through your septic system, as these can disrupt its functioning. Such chemicals include paints, varnishes, pesticides, solvents and drain-openers. (See the section later in this booklet on disposal of chemicals.)

Inert or non-biodegradable materials also should not be disposed of through your septic system. Examples are cat box litter, disposable diapers, coffee grounds, sanitary napkins and paper towels. These items quickly fill your septic tank, decrease its efficiency and will



*Septic tanks are made of steel or concrete and must be large enough to hold one day's flow of wastewater from your home. Solids settle to the bottom, light materials float on the surface, and only the wastewater filters out into the drainfield.*

require more frequent pumping of your tank.

Large quantities of cooking grease and fats should not be allowed into septic systems. These can contribute to blockage within the system. The use of garbage disposal units should be avoided, as these increase the amount of solids in the septic system, requiring more frequent pumping.

The performance of your septic system will be improved if you cut down on water use so that a smaller volume of wastewater passes through the system. Water-saving showerheads can be easily installed and may reduce both your water use and heating bill. Be careful to turn taps off when not in use, and repair or replace leaking faucets.

Your subsurface disposal area will not work well if there is too much water in the soil. Water drained from basement floors, footings or roofs should be directed away from the disposal

area to some other area in your yard. This is also true of backwash from water softeners. Your yard surface should be graded so that stormwater drains away from the septic drainage field and not toward it.

In addition to monitoring what goes into your system, you will also need to inspect and pump out your system on a routine basis. Systems should be inspected once a year and should be pumped out every three to five years on the average. CAUTION: Toxic gases can accumulate in septic systems, so use extreme care when opening your septic tank.

A final source of septic system malfunctions are problems that occur during construction. These include soil compaction due to excavation at times when soil moisture is high, pipes laid on improper grades, incorrect joints and alignments between system components and pipes broken or crushed during the building process.

## WHAT YOU CAN DO

Maintenance is the single most important consideration in making sure a septic system will work well over a long period of time. The following maintenance practices will keep your system running smoothly:

- Know the location of all components of your septic system. Keep heavy vehicles away from the system.
- Direct water from downspouts and roof, footing and basement drainage away from the disposal field.
- Dispose of household chemicals properly—do not pour them down the toilet or drain. They can destroy the bacteria in the septic system and contaminate local ground water.
- Don't use garbage disposals. They contribute unnecessary solids and grease to your septic system.
- Conserve water whenever and wherever possible.
- Don't use toilets as trash cans. Dispose of solid wastes in your garbage.
- Monitor your septic tank yearly and have a reputable contractor remove sludge and scum every three to five years. (This helps ensure that there is enough space in the tank for wastewater and prevents solids from escaping into the absorption system.)

## E. DISPOSING OF HOUSEHOLD CHEMICALS

Many of the products used at home, such as soaps and detergents, are meant to be washed down the drain. These products are biodegradable and, if the wastewater from your home is properly treated, they pose no problem to the environment.

However, there are products commonly found on kitchen shelves that are toxic to people and to the environment. Oven cleaners, floor wax, furniture polish, drain cleaners and spot removers are examples. Check the labels of products for toxic components such as the following: lye, phenols, petroleum distillates and trichlorobenzene. Products containing such chemicals pose a potential threat to health, if improperly used, and also present real environment hazards when it comes to disposal. Proper disposal of these chemicals (usually through high-temperature incineration) may cost several times as much as the original purchase price.

The best way to avoid disposal problems is to avoid purchasing products with toxic ingredients in the first place. It is often possible to use an alternative, less toxic method to clean or to polish. Ovens, for example, can be cleaned by applying table salt to spills, then scrubbing with a solution of washing soda and water. A combination of lemon oil and linseed oil makes a good furniture polish. Clogged drains can sometimes be cleaned with a metal "snake" instead of toxic chemical cleaners.

When you feel that it is absolutely necessary to use a product containing toxic chemicals, some cautions should be observed. Buy only as much of the product as you need, so that you don't have to worry about left-overs. Read the

label and use the product only as directed. Never apply more than the directions recommend. Some products become even more dangerous when mixed with others; for example, chlorine bleach mixed with ammonia can produce deadly chlorine gas. Protective clothing and rubber gloves may be necessary; good ventilation is a must.

*Household chemicals, especially petroleum-based formulas, are potentially toxic and not readily biodegradable. All household chemicals should be used with care.*



## A WORD ABOUT DETERGENTS

One of the most used home cleaning products is detergent. Many detergent products contain phosphorus, which contributes to water quality problems in lakes and streams. The detergent industry has responded to this problem by developing products that contain little or no phosphate. The product label will clearly tell you the phosphorus content. The range is from about 13% in some automatic dishwashing detergents, to none. When you have a choice, buy the low-phosphorus product.

## HOME MAINTENANCE PRODUCTS

Among the most toxic household products are those used for home repair and maintenance. Paints, preservatives, strippers, brush cleaners and solvents contain a wide range of chemicals, some of which are suspected carcinogens (cancer-causing substances). These products should never be put into sewer or septic systems—in other words, never poured down the drain.

To reduce disposal problems, buy only what you need. Used turpentine or brush cleaner can be filtered and reused. Paint cans and other containers should be allowed to dry before placing in the trash, if possible.

Hobby supplies such as photographic chemicals are also hazardous and should not go down the drain.

## CAR CARE

Motor oil, battery acid, gasoline, car wax, engine cleaners, antifreeze, degreasers, radiator flushes and rust preventatives are examples of automotive products containing toxic chemicals. Some car owners do their own maintenance work; 25% change their car's oil, and many of these people pour the used oil down the storm drain. One quart of oil can contaminate a million gallons of drinking water. The oil from one engine—four to six quarts—can produce an eight-acre oil slick.

The only recommended way to dispose of used oil is to put it into a sturdy container, such as a plastic milk jug, and take it to

your neighborhood garage or oil recycling center. In New Jersey all service stations that sell motor oil must now accept used oil for recycling.

Antifreeze is also a hazardous chemical and can be toxic in high concentrations. There is currently no statewide recycling or disposal program in operation. Call your county's Solid Waste Management Coordinator to find out if your county has a program for disposing of antifreeze. Never pour antifreeze into septic systems, storm drains or streams, or on the ground, where it can enter water supplies or poison pets and wildlife if ingested by them.

*Oil can be recycled. Used oil and antifreeze should be taken to your local service station for recycling. Never hose oil or antifreeze down into your storm drain.*



## DISPOSING OF HOUSEHOLD TOXICS

The kinds of household toxics described in this chapter should in general never be disposed of "down the drain." Your drain leads either to a home septic system or a municipal treatment plant, neither of which is designed to completely remove toxic chemicals from waste water. At least some of the toxics pass through the treatment process and end up in a stream, river or ground water.

If you have a septic system, be extremely careful not to dispose of toxic chemicals through the system. It can mean direct contamination of your own and other wells.

The products described in this chapter should also never be poured on the ground or into gutters where they will eventually enter storm sewers, which generally lead to nearby streams.



of selecting sites for hazardous waste disposal facilities. Because of the many problems associated with sites where hazardous wastes were stored or illegally dumped in the past, there is understandably considerable local opposition to the construction of such facilities. However, some solution must be found to the question of how to dispose of the State's hazardous chemicals. The current plan is eventually to rely on high-temperature incineration as the safest disposal method available, combined with as much recycling as possible.

If you can't recycle your unwanted chemicals, call your county's Solid Waste Management Coordinator for further advice. Some counties are organizing pick-up days for hazardous chemicals (which are then sent out of the State for disposal, an expensive undertaking). In some cases there may be no choice at this time but to include household hazardous chemicals in the garbage sent to a landfill.

You can recycle your unwanted household chemicals by giving them to neighbors or local institutions, such as schools, that can use them. You might initiate an exchange program in your neighborhood in which neighbors circulate a list of all unwanted paints, solvents, cleansers and so forth.

New Jersey is now in the process

## WHAT YOU CAN DO

Here are some general rules of thumb for handling and disposing of household chemicals:

- First and foremost, buy only as much as you need.
- Use alternative, less harmful products whenever possible. (For example, boric acid is very effective in controlling roaches.)
- Read the label—know what you are buying and what the potential hazards are.
- Store products in their original containers so that the label can be referred to whenever the product is used.
- Take used motor oil to a service station for recycling.
- Support efforts to implement a sound hazardous waste disposal program in your county and in the State.



## F. MANAGING ANIMAL WASTE

Animal waste from pets, wildlife and farm animals are a significant source of water pollution in some areas. In the Navesink River watershed, for example, it has been found that manure from horse farms and pet wastes carried by storm sewers were a major cause of bacterial pollution making the river unsafe for shellfish harvesting. A number of diseases including tuberculosis and salmonellosis can be transmitted to humans by microorganisms in animal feces.

In some areas, "pooper-scooper" laws have been passed requiring that owners remove their pets' fecal waste from paved surfaces and dispose of it in the garbage or toilet. This

prevents the waste from being carried by storm water into local streams and lakes.

If you have a pet, do not allow it to defecate on paved surfaces. Use your yard, parks or undeveloped areas to walk pets, avoiding natural or man-made waterways. If possible, pick up and dispose of your pet's waste in the garbage or toilet. (You can use small plastic bags or newspaper for this purpose.)

Waste from ducks and other waterfowl have caused serious water quality problems in some lakes and estuaries. Do not feed waterfowl if this is a problem in your community; feeding by people has resulted in overpopulation of waterfowl in many areas.

## G. MANAGING BOATING AND SWIMMING ACTIVITIES

Tourism is New Jersey's second largest industry, thanks in large part to the magnificent white sand beach shoreline that stretches 127 miles from Sandy Hook to Cape May. Recreational boating, swimming, surfing and other water activities provide endless hours of relaxation and enjoyment for shore visitors each year. In addition, bays and estuaries provide spawning and nursery grounds for many major species of fish and shellfish, including flounder, striped bass, bluefish and blue crabs. However, as all New Jerseyans know, there has been growing concern about the quality of coastal waters and effects on both public health and the beauty of the natural environment. Much can be

done by individual citizens to help protect coastal water quality and the same steps can be applied for lake protection as well.

### BATHING

Be sure to control all wastes, including food leftovers, packaging and cans, and take them with you when you leave the beach. Do not allow children or pets to urinate in the water or on the beach; take your children to restrooms as often as needed. Encourage your municipality to maintain an adequate supply of restrooms and trash containers along the shore. Participate in volunteer clean-up efforts if

these are being organized, or bring a plastic bag with you to pick up all litter in sight and dispose of it properly.

### BOATING

As a boat owner, you can play a major role in improving water quality. The first step is to understand the potential impact of your boating activities.

In narrow creeks and coves, boat wakes contribute to shoreline erosion. Although this loss of land is a problem for shorefront property owners, it also affects boaters. Eroded sediments create unwanted shoals, cause shallowing, cut off light to underwater life and can

