CONSERVATION/ ENVIRONMENTAL PLANNING

Introduction

Denning is updating its land use laws. The codes being considered for refinement include the subdivision regulations, zoning, and local laws covering the siting of telecommunications facilities, manufactured housing, and other land uses.

Subdivision control involves the development of new lots, roads and access to lots (driveways). The subdivision regulations were selected as the first phase of the project to upgrade Denning's land use laws. Therefore, a public outreach meeting on April 12, 2008 will concern aspects of subdivision design and control. (There will be future opportunities for public input on the topics scheduled to be taken up during the next phase of the project, mainly proposed modifications to the local zoning law.)

This session will explore how to achieve public process (permit reviews) which ensure that new subdivisions fit Denning's very rural, natural character. Buildings and roads represent a lasting influence on the landscape, so careful design and construction is important.

The session will focus on the techniques to analyze impacts and identify options regarding the arrangement of lots, driveways and drainage systems. It will involve structuring process between the landowner, Planning Board and public to explore site and neighborhood context and apply development guidelines and subdivision standards in the context of specific cases (sites).

At the April 12, 2008 outreach meeting there will be discussion about conservation planning and subdivision process. Specifically, there will be requests for public input on the policy approaches being considered by the Committee to Update Denning's Land Use Codes. We seek input on the techniques proposed to generate understanding about the qualities and features of parcels (sites) proposed for development. We also want feedback on how the Planning Board works with applicants to define the preferred siting (positioning) of the building envelopes (meaning the general location around where buildings will be placed) and access.

> ***Please note, in addition to conservation /environmental planning, the outreach meeting will cover two other broad topics: 'road' and 'driveway planning'. These three subjects overlap. Please see the other discussion documents for information on those topics***

The current subdivision regulations were adopted in 1975. These are available for review at Town Hall during normal business hours, as well as on the Town web page at: *http://www.denning.us/*

Subdivision Review -- Information Exchange

Subdivision permitting considers how a proposal to develop new lots fits with an area. For the codes update, an objective is to make the code perform so that information is generated to promote the optimal placement of development. It helps ensure that land uses correspond with the site's capabilities. It involves trying to promote conformance to context rather than have development that is out of character.

Another objective is to build communication between the Planning Board, landowners and the public so that these groups can productively and positively explore interests. This involves attaining understanding about process and preferences for how a development may be arranged. It promotes consistent application of local land use laws, creativity and might be away to identify possible concerns earlier rather than later.

It is proposed that the submission process be altered by encouraging more exploratory dialogue between a landowner contemplating development and the Planning Board from the very earliest stage. There would be enhanced requirements to characterize and define the features of the site. These techniques are emphasized in order to achieve more rapid understanding about the site context, the potential for impacts from development, and to identify alternative design and construction options.

Site and Context

Providing more thorough understanding of a site at the start of permitting should provide a smoother process overall. The types of environmental features on and adjacent to the site that would be identified early on include:

- High and low spots, plus main elevation contours, using five foot contour intervals;
- Steeper slopes (highlighted showing degradations, such as 2.5 or five percent increments, if more than 10%);
- Forest – tracts of contiguous trees over an acre, dominated by woody plants, that connect with other forest tracts on and adjacent to the site.
- Open space – undeveloped areas (meaning space free from buildings, roads or impervious surfaces) greater than 10,000 square feet which contrast with forested landscape, including: meadows, preserves, fields with few trees, heaths, lawns or recreation area;
- Wetlands/ wet spots (DEP)
- Streams (DEP);

DIAGRAM 1

Example of a diagram showing aspects of site analysis, including: parcel boundaries, main and secondary roads; 100 and 20 foot contour intervals; and streams.

- Regulatory buffer area (DEP);
- 100 and 500 year floodplain;
- General outlines of the different drainage basins on-site;
- Special habitat features or areas – meaning unique or specially valued and sensitive habitat features as identified based on local knowledge, analysis by an biologist or similar specialist, or consultation with the State natural heritage registry;
- Stone walls and foundations;
- Ledge outcroppings;
- Cart and foot paths, ancient or existing;
- Easements and protected open space;
- Views across the property from public roads;
- Existing structures and roads;
- Distinguishing features like springs, specimen trees or massive boulders; and
- Parcel (property) boundaries.

Steps in the Subdivision Review Process

The first three stages of subdivision review will be modified by placing more emphasis on the Pre-application and Sketch Plan stages of review under the current organization of the subdivision code (see current subdivision law Section 300).

- *Pre-application Discussion* – anyone contemplating subdivision will be required to come to a Planning Board meeting to discuss the overall permitting process, subdivision thresholds, information requirements, the neighborhood and site. The applicant will bring basic information assembled for the discussion, including views of the site (photos), maps of prior lot divisions or lot line changes, deeds, and depictions of the site and vicinity as derived from tax maps and Ulster County's Parcel Viewer (an on-line geographic information system that enables users to access electronic databases that can present aerial photos along with information such as property lines, streams, slopes and floodplain).
- *Sketch Plan* – During this stage, a basic conservation analysis shall be required on a map, accompanied by narrative which shows the preferred buildable areas on-site versus the naturally constrained or preferably conserved areas (see Diagram 2). While conservation analysis is technical, the process is meant to be informative and aid conceptual design. A Short or Full Environmental Assessment Form (EAF) will be required and this stage will mark the beginning of the State Environmental Quality Review Act (SEQRA) proceedings. The sketch plan review process provides a forum which will generate information to help the Planning Board (and other agencies involved) conduct scoping and identify possible conceptual alternatives for consideration during the detailed subdivision review process that follows.

- *Preliminary Subdivision Plan* -- during the next stage, mandatory preliminary subdivision plan submission and review, subdivisions of three or more lots will prepare an environmental impact statement (EIS). The EIS will provide more detailed site-level resource analysis which will evaluate the impacts involved in preparing the lots and building sites and accessing the buildable parts of the lots by roads and driveways. This detailed analysis will confirm whether it is feasible to conserve open space, natural resources and special features and utilize the areas suitable for development as conceptualized in earlier stages.

Conservation Design Approach

A proven subdivision planning technique is conservation design. By assessing the character of a site, it is possible to identify places that are more suitable for development and areas that are more suitable for conservation. The technique involves identifying special places and attractive features on-site and then placing the physical development away from or at the edge of these features.

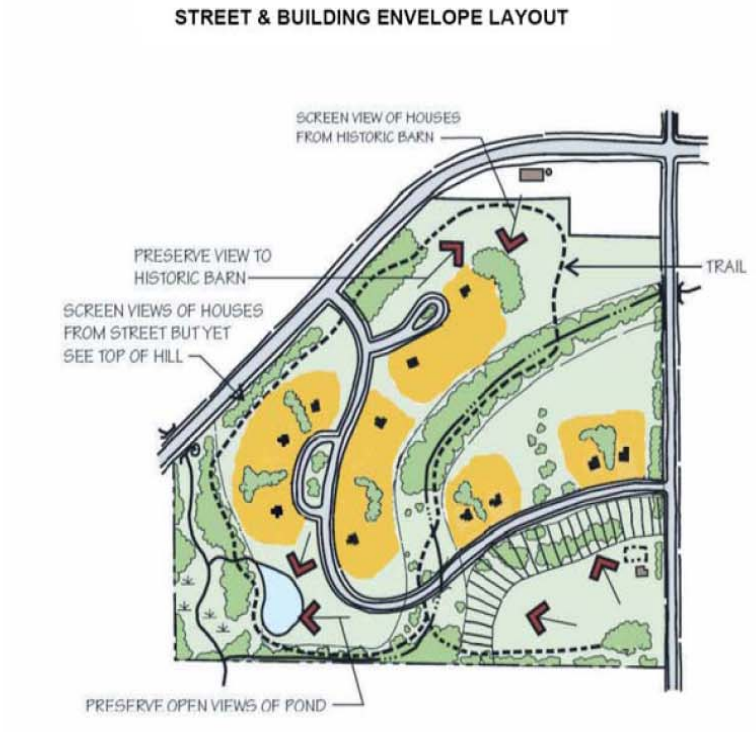
Imagine a site (parcel) that is 80 acres. Analysis shows that under a traditional grid or 'cookie cutter' subdivision there is an ability to have 11 lots, but the houses would be spread uniformly over the site with little valuable open space. Part of the reason for this broad coverage would be the requirements in current codes (subdivision and zoning).

Diagrams 2-4 below depict the general steps in a conservation approach to subdivision that is based on conservation analysis (the 1st step in Diagram 2). Compared with a 'cookie-cutter' subdivision, conservation approach enables a more flexible siting, with an end result of more open space. There would still be large lots (that meet the same minimum lot area requirement as a conventional subdivision) and the houses would not need to be crammed together. However, as shown in Diagram 4, enabling less rigid setbacks, thinner lot widths, and reduced frontage achieves the preservation of much more connected open space than with current requirements (see top right and bottom portion of Diagram 4).

The public indicated that it did not want cluster subdivisions. Using a conservation based approach is consistent with that objective. Combining a conservation approach and somewhat flexible lot line standards are proposed to achieve more open space preservation during subdivision development. The minimum lot area requirements for each zone would be retained so that it would not be possible to have lots smaller than the minimum permissible base in each zoning district, like in a cluster.

DIAGRAMS 2 & 3

The diagram above shows a conservation analysis while the one below shows the siting of the buildings and access (roads and driveways) based on the findings of conservation analysis.



As depicted in Diagrams 2 through 4, the steps involved in a conservation design are:

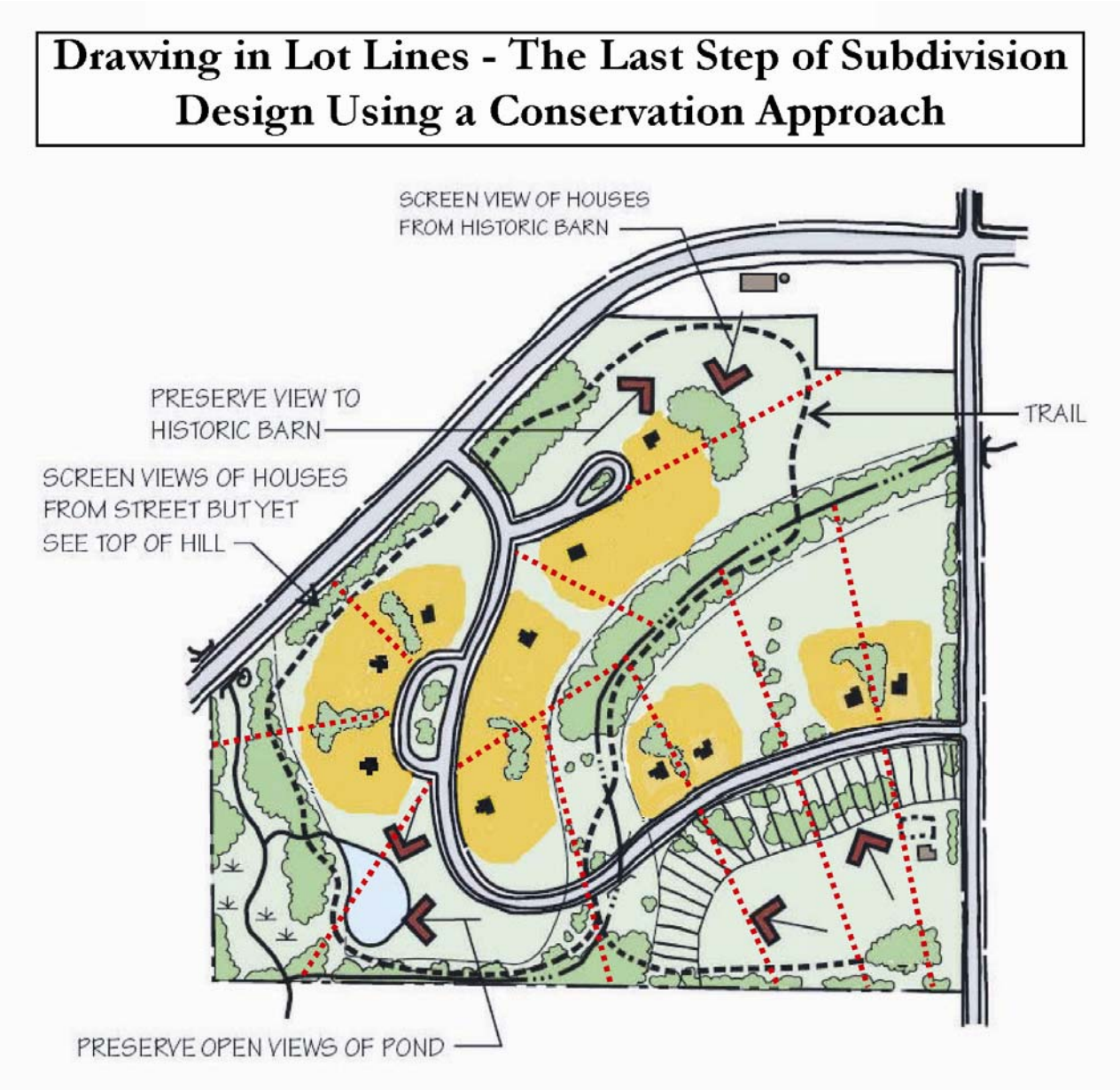
1) *Developing the Conserved/Preserved Areas Plan* – this involves identifying the special features of a site (the 1st and 2nd priority conserved areas) and defining all other space as potentially buildable. A first priority area would be conserved through regulation (an

example is floodplain) while a 2nd priority preserved area would be one that is desirable for conservation, such as because of views.

2) *Street and Building Envelope Layout* – once the general areas for building and conservation are defined, there would be steps to define the building envelopes and alternative ways to provide access to them through roads and driveways.

3) *Draw in Lot Lines* – the last step would be to draw in the lot lines. There would be flexibility allowed in the design and layout of the lots. For example, the lines would not have to be perfectly radial, and the subdivision code would not require geometrical rectangular lots.

DIAGRAM 4



The forum on April 12 will explore support for emphasizing early stage dialogue and using conservation design techniques.