Conservation Subdivision Design
Under New York State Law

NYS Tug Hill Commission
Local Government Conference
March 31, 2016

Presented by:

Peter Vars, P.E.
BME Associates, PC
What is Conservation Subdivision Design?

1. Legal Framework
2. Municipal Perspective
3. Case Study
4. Applicant / Developer Perspective
1. Legal Framework

Conservation Subdivision Design, aka - Cluster Subdivision

Municipal Laws:
• Town Law Section 278
• Village Law Section 7-738
• General City Law Section 37
Definition:

Cluster Development allows the Planning Board to vary bulk requirements (ie. setbacks, lot size) provided that there is no increase in density over conventional subdivision.
Authorization:
The Town Board, by local law or ordinance, authorizes the Planning Board to use this planning tool.

- Town Board can set limitations, such as:
  - Allowed in only certain districts
  - Require minimum open space requirements
  - Require referral to the Town Board
- Broad Authorization is most common.
- Case Law has helped define the powers of the Planning Board under clustering.
Benefits:
The use of Conservation Subdivision must “benefit the community.”

• Benefits are municipal planning & land use goals.
• Benefits are to be documented in the application and weighted by the Planning Board.
• Board makes a finding as to the benefits to the community.
Conservation Subdivision Design

- IS NOT incentive zoning
- DOES NOT allow for a change in use that is not permitted within zoning district
- DOES NOT allow for increased density
2. Municipal Perspective

Creating a
“WIN-WIN”
Development
Establish Community Benefits

- Comprehensive Plan – A Community’s Goals & Objectives
- Local Law or Ordinance
Benefits Can Include:

Open Space
Benefits Can Include:

Trails
Benefits Can Include:

Affordable Housing
Benefits Can Include:

Senior Housing
Benefits Can Include:

Infrastructure

*regional pond*
Planning Board Responsibilities

• Confirm Density
  – Formula-based
  – Conventional Layout
  – Formal Confirmation in Writing

• Preservation of “natural and scenic qualities of open lands”

• Identify Benefits to Community

• Establish Lot Standards/Setbacks
Planning Board Responsibilities

• Determine ownership/care of open lands
  – Is maintenance required or left natural?
  – Adequate access?
  – Who owns? Municipality? HOA?
  – What restrictions? Conservation easement?
Economic Benefits for Municipality

- Open lands preserved permanently with no taxpayer cost for acquisition
- Shorter road network = fewer $ for maintenance
- Less infrastructure to maintain FOREVER
3. Case Study

Minster Property

- Total Area = 98.8 acres
- Zoning = 1 lot/acre
- Property contains:
  - NYDEC Wetlands
  - Woodlot
  - Hedgerows
  - Original farm homestead & barns
  - Frontage on three roads
Minster Property Aerial Photo

- Rural Frontage Development
- Road Frontage
- Original Homestead w/ barns
- NYSDEC Wetlands
- Silver Maple Woodlot
- Hedgerows
- Future Town Park
- Road Frontage

BME ASSOCIATES  ENGINERS • SURVEYORS • LANDSCAPE ARCHITECTS
Original Homestead
Road Frontage Corridors
Minster Property Conventional Plan

- One-Acre Lot – Homestead w/ barns to be removed
- Grid Layout: Lots Adjoined by Other Lots on Multiple Sides
- Site Specific Stormwater Management Facility
- Wetlands w/in Oversized Lots
- Woodland Lot to be Cleared
- Flag Lots
- All Road Frontages Developed
- One-Acre Lots
Conventional Plan

- Minimum Lot Size = 1 Acre
- Plan Yield = 74 Lots (75% Efficiency)
  (Typical Plan Efficiency = 80%)
- # Flaglots = 18 (±25%)
- Total Area Disturbed/Developed = ±88 acres (±90%)
- Length of Roads/Private Drives = 8,500 lf (115’/Lot)
- Grid Street Layout
Minster Property Cluster Plan

- Curvilinear Road Design
  - 78% Lots (58/74)
  - Exposure to Open Space
- ½Acre Lots
- Interior Green Space/Passive Rec Areas
- Road Frontage/Corridor Preservation
- Wetlands Preserved w/ in Open Space
- Woodlot Preserved w/ in Open Space
- Front Elevation Orientation
- Hedgerow Buffer to Rear Yards
- Regional Stormwater Facility
- 8-Ac Homestead Lot
  - Compatible w/ surroundings

Compatible w/ surroundings
Cluster Plan

- Minimum Lot Size = 20,000 sf (1/2 acre)
- Plan Yield = 74 Lots
- No Flag Lots
- Total Area Disturbed/Developed = 51.2 Acres (±52%)
- Length of Roads/Private Drives = 6,100 lf (82’/Lot)
- Amount of Open Space = 39.6 Acres (40% Site Area)
- Curvilinear Road Layout (78% Lots to Open Space)
- 8 Acre Homestead
- Rear Yard Screening/Frontage Presentation to Road
Road Corridor Preservation
Open Spaces
## Bulk Area Modifications

### Lot Standards Relief Sought:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Required</th>
<th>Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>43,560 sf</td>
<td>20,000 sf</td>
</tr>
<tr>
<td>Lot Width</td>
<td>150’</td>
<td>100’</td>
</tr>
<tr>
<td>Front Setback</td>
<td>70’ – 90’</td>
<td>30’</td>
</tr>
<tr>
<td>Side Setback</td>
<td>15’ – 30’</td>
<td>10’</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>30’</td>
<td>15’</td>
</tr>
</tbody>
</table>
Benefits To The Community

• 39.6 Acres of Open Space Provides:
  – Preserved the NYSDEC Wetland (habitat)
  – Preserved Silver Maple Woodlot (Town Goal)
  – Preserved Road Frontage Corridors
  – Internal Green Space for Passive Recreation/Gathering
  – Lands for Pedestrian Trails

• Provided 8-Acre Homestead Lot to Preserve House & Barns (Maintained Character of Road Corridor)

• Regional Stormwater Management Facility

• 28% Less Road Length (Reduces Maintenance Costs & Stormwater Runoff)

• Less Disturbed Area
Homestead & Corridor Preservation
Open Spaces
4. Developer Perspective

• Provides lot sizes to meet market demand (1/2 acre vs. 1 acre)
• Provides a creative layout that takes advantage of natural features and terrain (increases lot value)
• Less disturbance & infrastructure = Less Cost
• Maximize lot exposure to open space
• Creates a unique offering (internal green spaces)
• Creates a neighborhood (identity) vs. a development
• Allows Planning Board to be Planners
Questions & Answers

Contact Information:

Peter Vars, PE
BME Associates
pvars@bmepc.com
(585) 377-7360
www.bmepc.com