



# **Conservation Subdivision Design Under New York State Law**

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***Presented by:***

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# 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?
  - What uses? Hiking? Fishing? Views?

# 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



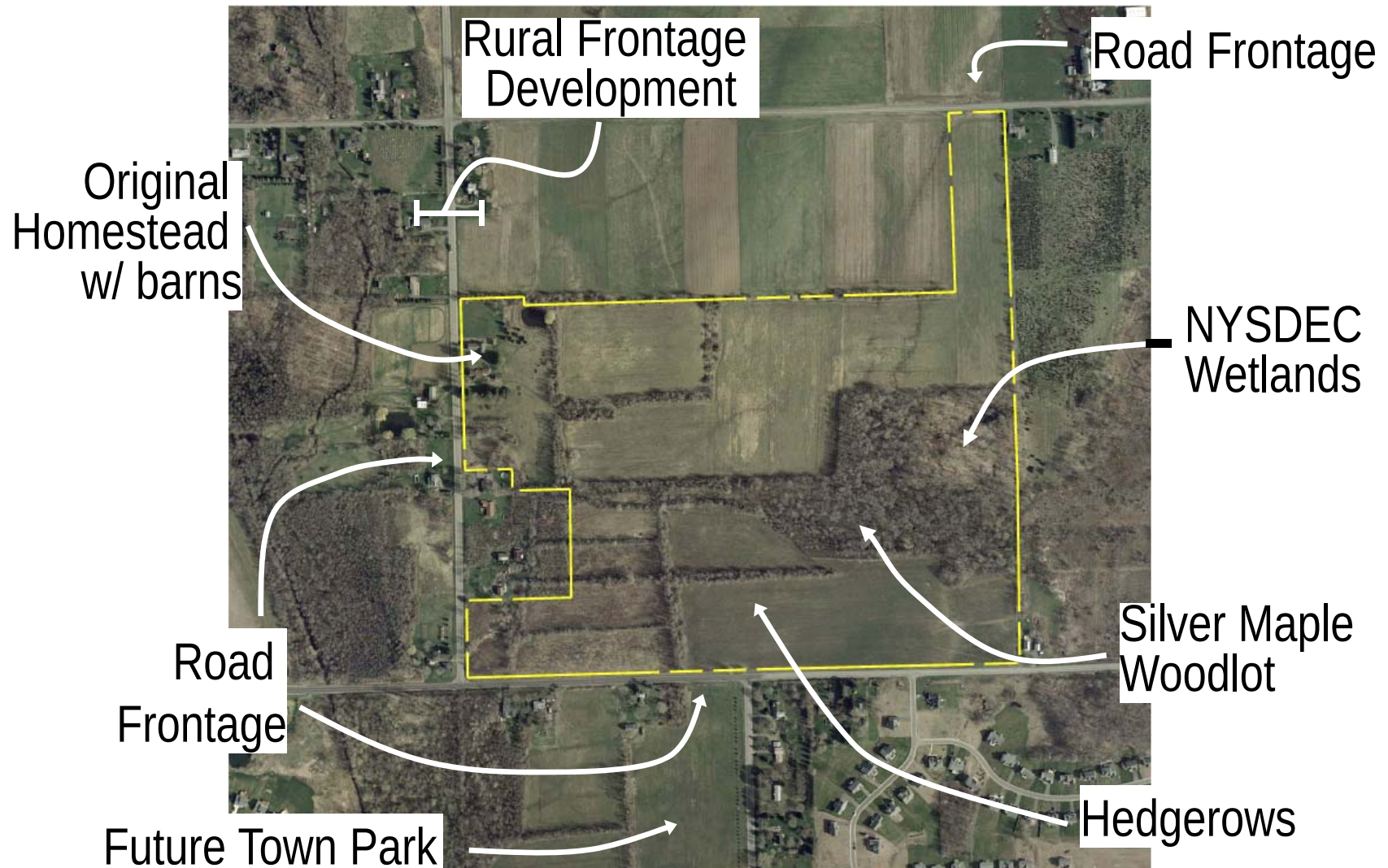


## 3. Case Study

### 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



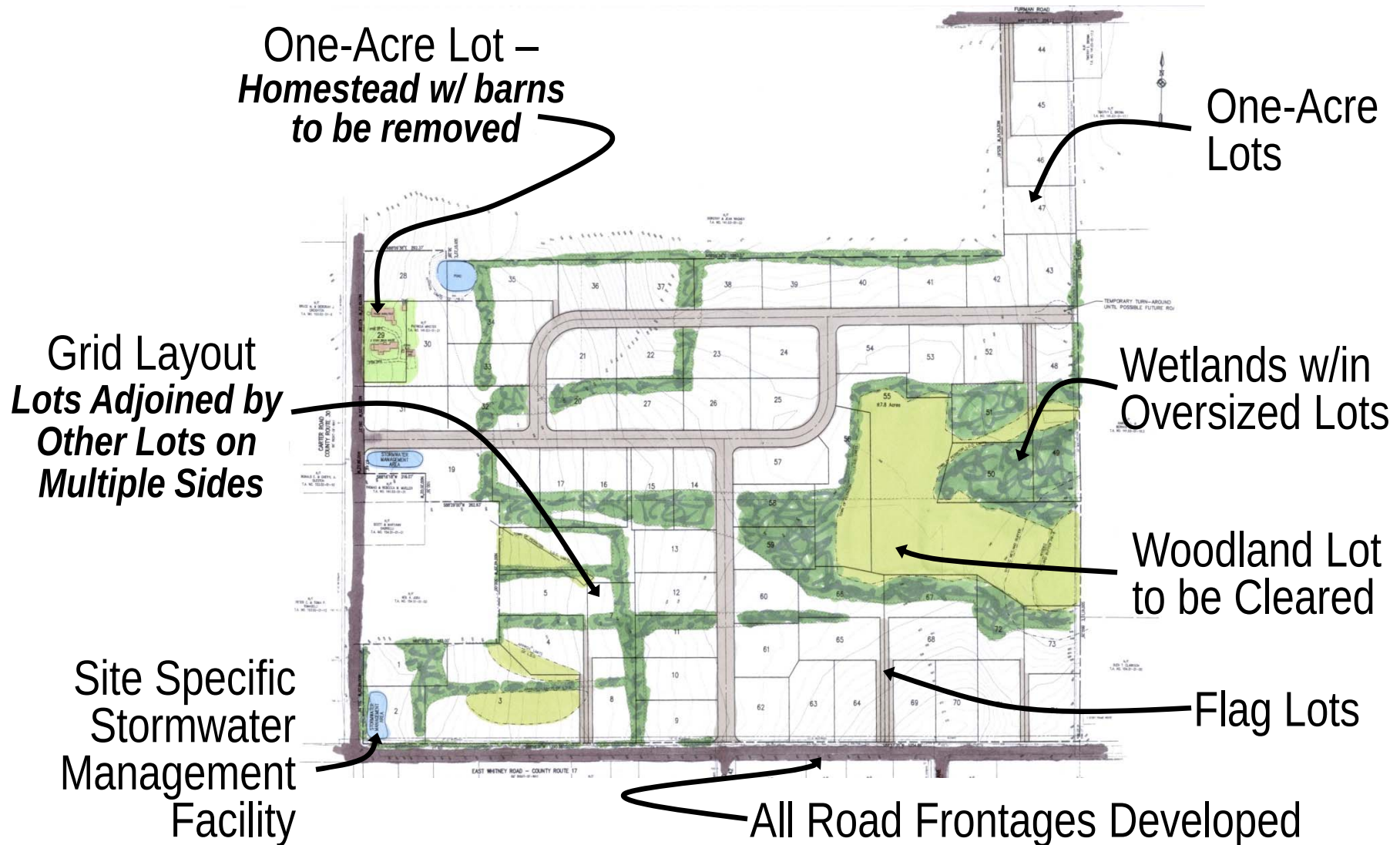
## Original Homestead



## Road Frontage Corridors



# Minster Property Conventional Plan

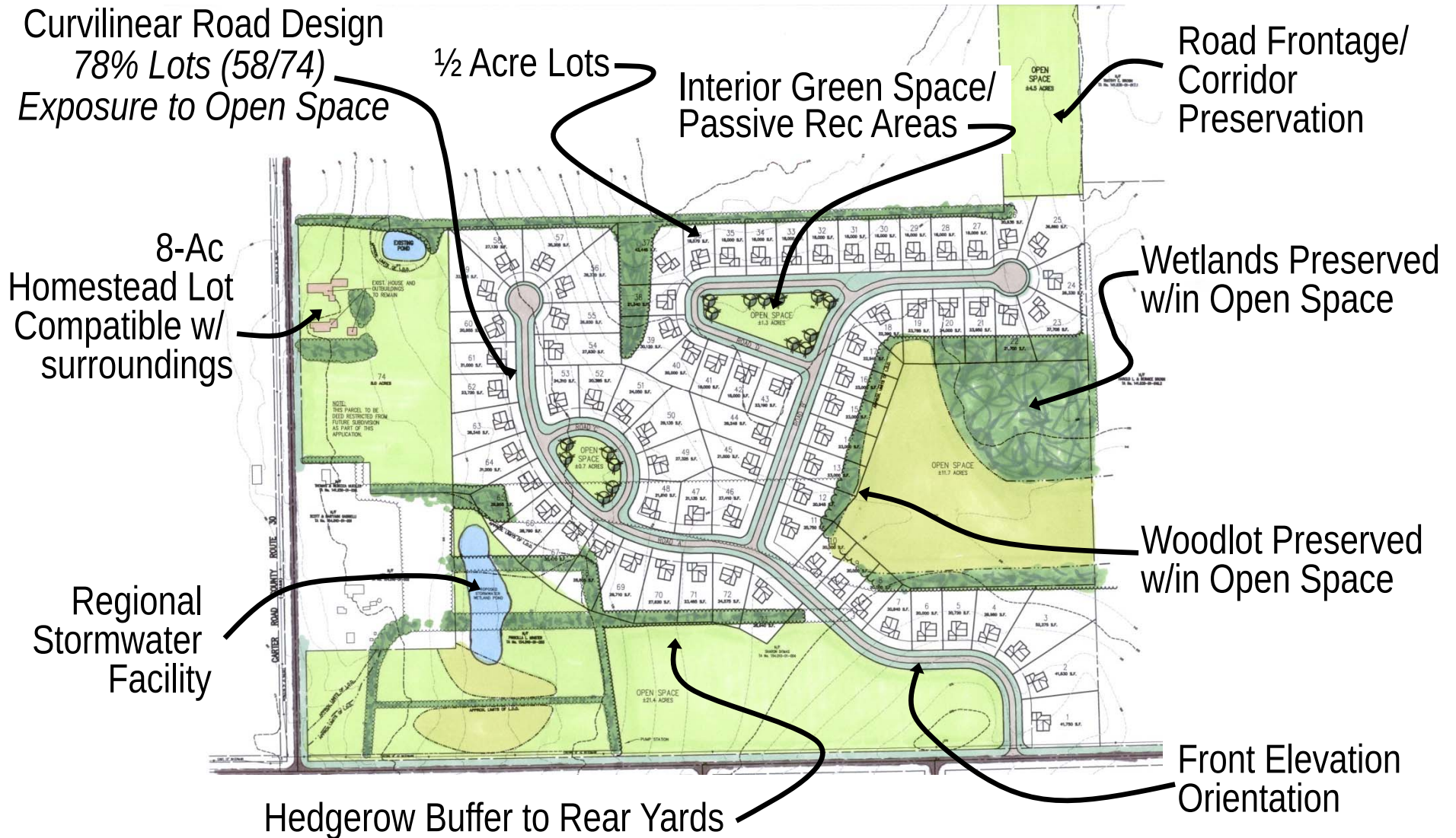




# Conventional Plan

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

# Minster Property Cluster Plan





# 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 ( $\pm 52\%$ )**
- **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:

|                    | <u>Required</u> | <u>Requested</u> |
|--------------------|-----------------|------------------|
| - Minimum Lot Size | 43,560 sf       | 20,000 sf        |
| - Lot Width        | 150'            | 100'             |
| - Front Setback    | 70' – 90'       | 30'              |
| - Side Setback     | 15' – 30'       | 10'              |
| - Rear Setback     | 30'             | 15'              |



# 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

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