



**Division of Local
Government Services**

Rural Planning

A Division of the New York Department of State

How do you define rural?

Farms, forest, sparsely settled areas



Adversity to planning

- Resistance to planning
- Big government
- Red tape
- Property rights
 - Land as a retirement plan



Losing our resources

Northeast land base under greatest threat

NYS Farmland regions among the 20 most threatened:

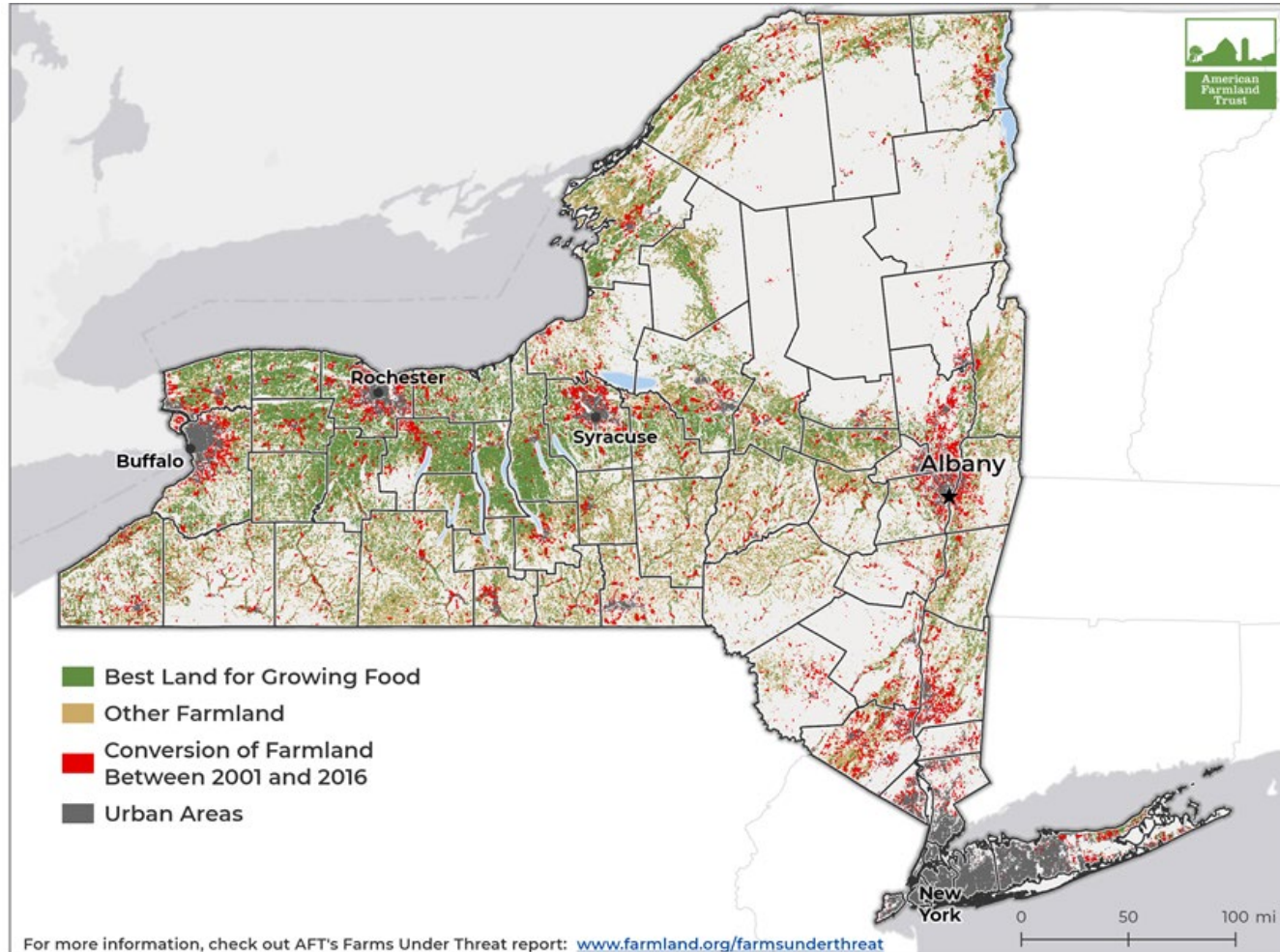
- Hudson Valley
- Finger Lakes
- Lake Ontario
- Long Island



New York's Conversion of Agricultural Land (2001-2016)

- **56,300 acres (22%)** converted to urban and highly developed land use
- **197,200 acres (78%)** converted to low-density residential (LDR) land use
- **253,500 acres** in total

54% of NY's agricultural land (4,923,800 acres) is "nationally significant" yet 128,300 of these acres were converted.



Census trends in rural New York

- Suburban and exurban towns gained population
- Most rural towns lost population
- Most villages lost population



Without planning

Reactive

- Planning by crisis
- Conflict
- Loss of Rural Character
- Wasteful sprawl
 - Land
 - Public expenditures
- Undesirable development

With planning

Proactive

- Desirable development
- Cost-efficient growth
 - Keep pace with development
- Preserve community identity
- Balance community & individual interests

What is a Comprehensive Plan?

- Expression of goals
- Outline for orderly growth
 - Land use regulation
 - Direct development
- Provides a legal defense for land use regulations

Town Law: § 272-a
Village Law: § 7-722
City Law: § 28-a

Can we afford not to?

- Improve chances for grants and loans (“Project Readiness”)
- Welcoming environment for economic growth
- Informs budgeting process
- Better planning for:
 - Efficient provision of public goods and services
 - Capital improvements (i.e., infrastructure)



Funding Sources

- Tax revenues
- General Fund
- Bonding
- Grant programs
- Private donations



Agricultural & Farmland Protection Plans

Augment existing comprehensive plan or first phase of new plan

Elements include:

- Location of proposed areas to be protected
- Value to the agricultural economy
- Open space value
- Strategies for continued agricultural use
- Level of farmland conversion pressure
 - Potential consequences of conversion



Role of the Consultant

- Unbiased view of the community
- Role may vary: may do all work or specific tasks
 - Technical aspects (research, data analysis or mapping)
 - Facilitate meetings
- Keep on task and diffuse conflicts
- Help pull it all together



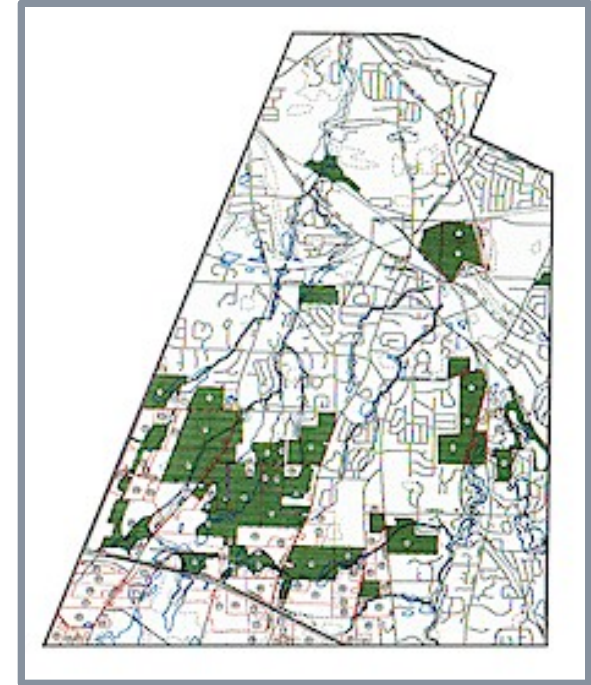
Advisory Committees

- Assist with Comprehensive Planning
- Serve as resource for local boards
- Agricultural Advisory Committees (AAC)
 - Act as liaison for the agricultural community
 - Establish & administer PDR program
 - Agricultural District reviews (County AFPB)
- Conservation Advisory Councils (CAC)
 - Open space inventory & maps
 - Conservation Board

Research and Inventory

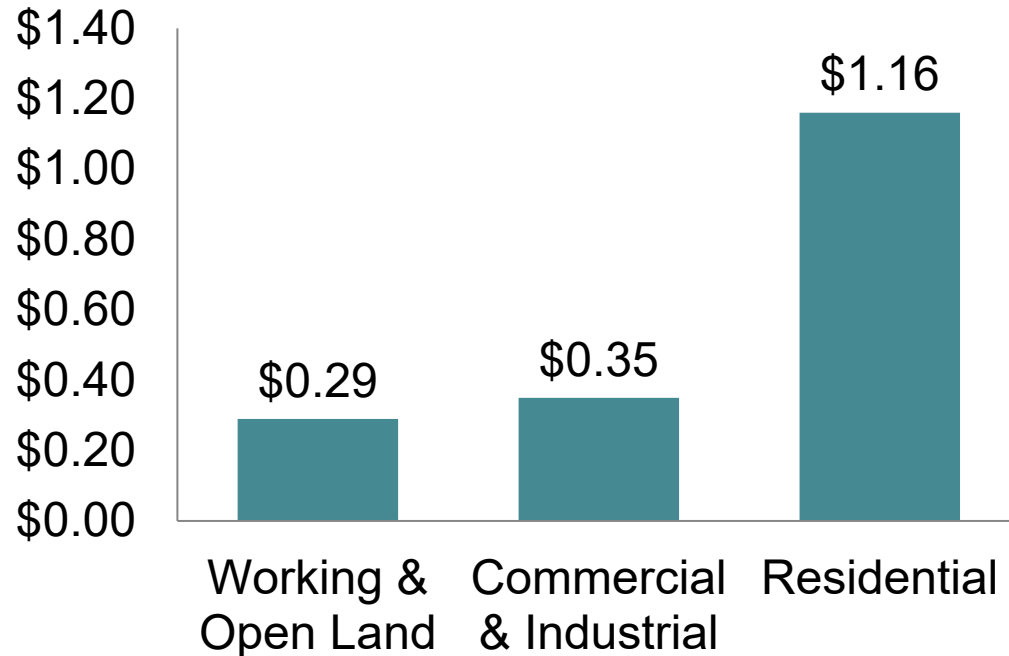
Gather information on:

- Existing land uses
- Topography
- Natural resources
- Historic & cultural resources
- Housing
- Demographics
- Transportation
- Water & sewer facilities
- Economic trends



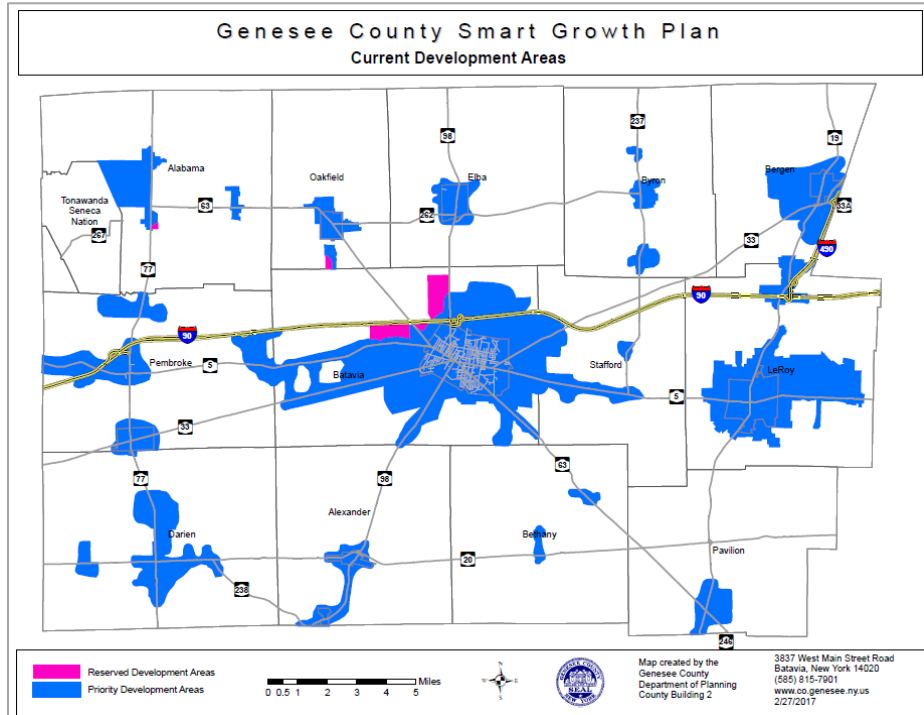
Town of Pittsford
“The Greenprint”

Cost of Community Services (COCS)



- Baseline of current costs vs. revenues for each land use information, not a prediction
- Evaluates working & open lands equally

Sewer & Water



- Direct to targeted growth areas (not just anywhere on demand)
- Reduce sewer connection fees in growth areas to incentivize development

Right-to-Farm

- Policy statement
- Creates a supportive environment
- Helps limit conflicts
 - Mediation
 - Avoids court costs
 - Defuses tensions
 - NYS Agricultural Mediation Program



Agricultural Districts Law

Local land use controls may not unreasonably restrict farm operations within an Agricultural District



“Local Laws & Agricultural Districts: How Do They Relate?”

- Agricultural Districts Law- Article 25 AA

Minimum Maintenance Road Law

- Subcategory of seasonal roads, designated by Municipal Home Rule Authority
- Reduces year-round development; saves town highway dept. resources
- Most effective used with “seasonal use” zoning because of recent cases in which towns were required to plow for owners wanting year-round residences
- Tug Hill Commission paper “The Roads Less Traveled” explains benefits and makes the case for statutory designation

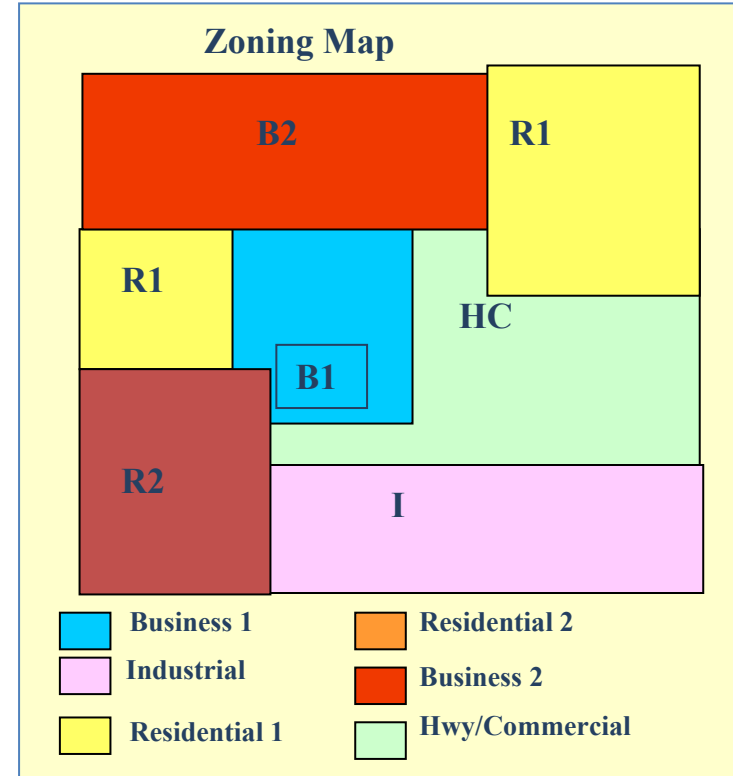


Rural Land Regulation



Zoning

- Regulates use, density, and placement of structures on a parcel
- Each district has a list of as of right and special uses and bulk and area regulations
- Original intent: To separate incompatible uses to protect public health, safety, and welfare



Simple zoning

- Agricultural
- Rural residential
- Hamlet residential
- Commercial
- Industrial
- Hamlet business
- Institutional



Lot Sizes

- Hamlet areas vs very rural
- Small lots, especially with sewer and water
- Large minimum lot sizes to protect farms and forest tracts from being subdivided



Exclusive Farm Zones

- Most restrictive
- High priority farmland or soils
- Few non-agricultural uses allowed
 - No new residential uses
- As-of-right uses
 - Agricultural
 - Forestry
 - Nurseries
 - Fisheries



Non-exclusive Farm Zones

- Non-exclusive
- Additional uses allowed with additional review
 - Cottage Industries
 - Off-site Farm Stands
 - Wineries
 - Garden Centers



Conservation Easements



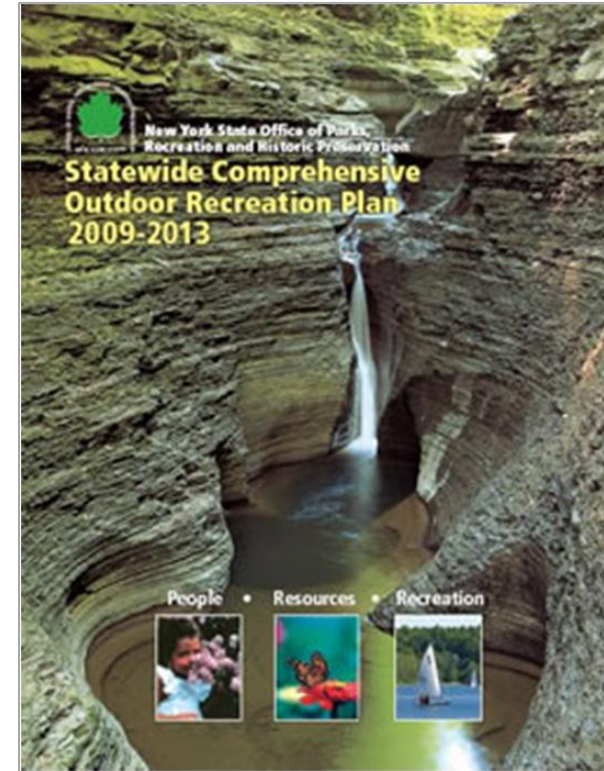
Saratoga County Farm
protected by a conservation
easement

- A voluntary agreement restricting development in perpetuity
- Held by a land trust, public agency or municipality
- Provides tax benefits for landowner

Open Space Planning

Coordinate with the other plans of neighboring municipalities, county, region or state:

- Comprehensive Plans
- Agricultural & Farmland Protection Plans
- Open Space Plans
- Recreation Plans
 - State Open Space Conservation Plan
 - Statewide Comprehensive Outdoor Recreation Plan (SCORP)
- Carbon sequestration



Regulating Recreational Vehicles

Variably referred to as RVs, motorhomes, campers, house trailers or travel trailers



CLASS A MOTORHOME



CLASS B MOTORHOME



CLASS C MOTORHOME



FIFTH WHEEL TRAVEL TRAILER



EXPANDABLE TRAVEL TRAILER



SPORT UTILITY RV



FOLDING CAMPING TRAILER



TRUCK CAMPER

Regulating RVs: Common Concerns

- Tax Implications
- Sewage
- Aesthetics
- Residential use



Image Source: NY Daily News

Is RV Residential Use Legal in NY?

NYS DOS Division of Building Standards and Codes doesn't encourage municipalities to treat RVs as residences

Recommendation: Don't give certificates of occupancy to RVs as if they were permanent, like manufactured home

- Uniform Fire Prevention and Building Code doesn't consider RVs buildings
- RVs don't meet US Dept. of Housing and Urban Development (HUD) code regarding manufactured housing

Regulating RVs

Uniform Code does not support permanent residential use:

- “vehicle that is ... designed primarily **not** for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use”
2020 Building Code of NYS Appendix G: Flood Resistant Construction
- The term “manufactured home” shall not include any self-propelled recreational vehicle. 2020 Residential Code of NYS

Regulating RVs: local definitions

Can be narrow or broad:

- **NARROW:**
“vehicular-type portable structure without permanent foundation that can be towed, hauled or driven and designed primarily as a temporary living accommodation for recreation, camping and travel use, including but not limited to travel trailers, truck campers, camping trailers and self-propelled motorhomes.” **City of Yonkers, Westchester Co., NY**
- **BROAD:**
“Any vehicle used for recreational purposes, including, but not limited to, trailers used to transport such vehicles, all-terrain vehicles, boats, boat trailers, camper trailers, jet skis, motorcycles, motorhomes and snowmobiles.” **Town of Perinton, Monroe Co., NY**

Regulating RVs

Regulations may include:

- Definition and examples
- Storage regulations
- Limits on # of allowed RVs
- Registration requirements
- Flood area regulations
- General prohibitions
- Enforcement & penalties

Storage regulations include:

- Enclosure and/or screening requirements
- Limits on parking location, time and number stored (i.e., districts, street vs. yard vs. driveway, setbacks, and # of calendar days)
- Position on residential use
- Prohibitions on storage

Regulating RVs: City of Rome

Definitions can state position regarding residential use:

- Recreational vehicle: Vehicle with or without motive power, designed for recreational use and human occupancy, and meets following qualifications:
- (a) **not used as permanent residence** of owner or occupant;
- (b) **used for temporary living** quarters by owner or occupant while engaged in recreation, travel, or vacation activities;
- (c) towed or self-propelled on public streets or highways incidental to such recreation or vacation activities.
- Examples: motor homes, fifth-wheel trailers, van campers, tent camping trailers, self-contained travel trailers, pick-up truck campers, camping buses, and self-contained self-propelled truck chassis mounted vehicles with living accommodations.

Regulating Storage: Village of Hamburg

- Trailers, campers, boats, snowmobiles and other recreation vehicles must be **stored in rear yard of residential property or enclosed garage**
- Storage defined as longer than 120 hours
- Trailer, camper or mobile home so stored **shall not be used as living quarters** and shall not be connected to any sewer and water utilities.



Rural Economic Development



Liability Protection for Landowners

Protects private landowners who open their land to recreational use



Municipal Authority to Regulate Mining

- Municipal Home Rule Law §10
- Statutes of Local Governments §10
 - The basic police power
 - Grants of Powers to Local Governments
- Zoning & planning enabling statutes
 - General City §20(24 & 25), Articles 3 & 5-A
 - Town Law Article 16
 - Village Law Article 7

Municipal Authority to Regulate Mining

- Prohibit mines completely
- Allow in specific zones
- Require Special Use Permit or Site Plan Review
- Condition the SUP approval:
 - Ingress and egress; truck routes



DEC Permit Process

DEC can consider local recommendations in granting permit

Towns may submit recommendations to NYS DEC regarding:

- Setbacks from property boundaries
- public rights of way
- Dust control
- Hours of operation
- Barriers restricting access



Small Mines

- Municipality may fully regulate small mines
- Small mines are important to rural economies
- Many farms need small mines to be viable

Less than 1,000 tons or 750 cubic yards within 12 consecutive months



NY's Forests

- Top 10 NYS manufacturing industry
- 61% of NYS is forested
(more than any state in Northeast)
- Most is privately owned
(farmers and non-corporate
entities own largest share)



Local Regulation of Timber Harvesting

Set logging activity standards:

- Protect water quality
 - Stabilize stream banks (retain root systems)
- Prevent damage to public roads
 - Restrict roads to seasonal use



Right-to-Practice Forestry

- Intent similar to Agriculture & Markets Law's "Right-to-Farm" protections to prevent municipalities from overly restricting forestry activities
- Towns voluntarily submit local regulations to DEC for review
 - Landowners can petition DEC to review local regulations



Why Plan?

- Preserve rural character and sense of place
- Protect community interests
- Accommodate growth
- Resilience and preparedness



New York Department of State

Division of Local Government Services

518-473-3355

localgov@dos.ny.gov

<https://dos.ny.gov/training-assistance>