

TOWN OF CLAVERACK

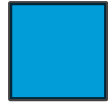
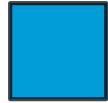
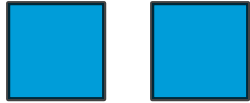


Planned Development District

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A planned development district (PDD) or planned unit development (PUD) is a zoning technique allowing development of a tract of land in a comprehensive, unified manner in which the development is planned to be built as a “unit.”

This concept allows a combination of land uses such as single and multiple residential, industrial, and commercial on a single parcel of land. It also may allow a mix of building types and densities.

Source: “Creating the Community You Want: Municipal Options for Land Use Control,” James A. Coon Local Government Technical Series, NYS Dept. of State.

CAN THE TOWN OF CLAVERACK APPROVE PUDs OR PDDs?

- ▣ New York State Town Law §261-c authorizes the Town Board to enact, as part of its Zoning Law, procedures for establishing and mapping PUDs or PDDs to provide for residential, commercial, industrial or other land uses, or a mix thereof.
- ▣ The Town previously had PUD provisions in its Zoning Law, but the Zoning Law adopted 12/10/2015 did not include authorization for PUDs or PDDs.
- ▣ The Town's Comprehensive Plan contained a recommendation that the Town's Planned Residential Development section be re-written to provide more detailed processes and procedures. See, Recommendations to Enhance Subdivision and Zoning Administrative Procedures 15 at page 38.

Comprehensive Plan

▣ Lists as weaknesses:

- Lack of jobs and business development
- Lack of senior housing
- Lack of affordable housing opportunities
- Lack of property maintenance
- Lack of diversity in housing types

Lists as opportunities

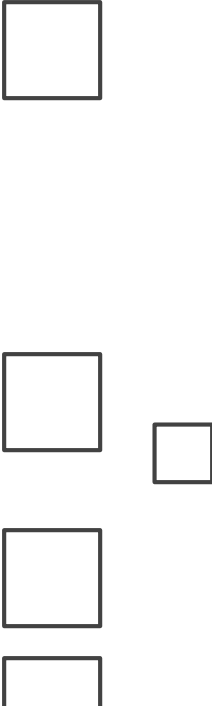
- Existence of new planning tools to help growth
- Use clustering and encourage mixed use zoning
- Allow a variety of housing types



A NEW CHAPTER 15-A “PLANNED
DEVELOPMENT DISTRICTS” FOR THE
TOWN OF CLAVERACK ZONING CODE



PURPOSES:

- 
1. Fulfill the recommendation in the Comprehensive Plan by providing a new Zoning Code chapter that provides detailed processes and procedures for consideration of PDDs.
 2. Allow greater flexibility in the regulation of land use development consistent with the Town’s Comprehensive Plan and Zoning Law and state law.
 3. Provide the Town with an effective tool for guiding development in ways that support community goals and priorities.



PROTECTIONS:

1. Provides General Development Standards, including requirements for open space and maintenance thereof.
2. A coordinated process whereby the Town Board provides general guidance and preliminary approval and the Planning Board provides recommendations to the Town Board on preliminary matters, as well as approval of the final plan.
3. SEQRA review as determined by the Town Board with the advice of the Planning Board.
4. The ability to set and enforce development timetables.
5. Procedures for the consideration of any requests for changes in the approved planned development district plan.
6. Developer pays for the costs of all professional services required for review.

WHY AMEND THE ZONING LAW NOW?

1. The Town Board should act in a timely manner to implement the changes to the Zoning Law recommended by the Comprehensive Plan.
2. The current economy is favorable to support large-scale development, but conditions (such as interest rates) could change.
3. The Amedore Group, Inc. has an exciting proposal for a mixed use development of parcels in the Highway Commercial Zone that would not be possible without the PDD legislation.
4. Would be re-claiming a mining site to productive use.

PLANNED DEVELOPMENT DISTRICT PROCESS

1. Applicant submits preliminary application for Sketch Plan review with: map of proposed district; short narrative; location of open space; any changes to topography and natural features anticipated and location of nearby streets, ROW and other features.
2. Sketch Plan Pre- Application Conference by the Planning Board following Section IV (1.) of the Town's Subdivision regulations.
3. Applicant submits application for establishment of a planned development district to the Town Board with map and preliminary plan for development.
4. Town Board adopts resolution declaring status as lead agency for SEQRA with Planning Board as involved agency. Planning Board then makes SEQRA recommendation to Town Board which makes SEQRA determination.
5. Ten days prior to public hearing, Town Board publishes Notice of Public Hearing on application to create PDD and mails notices to applicant and County Planning department.

PLANNED DEVELOPMENT DISTRICT PROCESS cont'd

6. Town Board conducts public hearing on application and within 62 days thereafter acts to approve, approve with conditions or deny and advises applicant, Planning Board and County Planning Dept with copy filed with the Town Clerk.
7. Upon approval of the application, the applicant submits a final planned development plan to the Town Board with specifics as to construction schedule.
8. The Planning Board reviews the final plan as it would a full site plan as provided in Chapter 16 of the Zoning Law considering whether the final plan is consistent with the preliminary plan approved by the Town Board. The Planning Board then notifies the applicant and the Town Board of its findings, approvals and/or modifications.

Areas of Agreement

- ▣ 1. Legislative Purpose
- ▣ 2. Definitions
- ▣ 3. Need for Development Standards
- ▣ 4. Need for clear processes and procedures
- ▣ 5. Need for compliance with SEQR
- ▣ 6. Need for accountability in performance

Revisions to prior draft

- ▣ 1. Previously deleted uses (B&Bs, Nursing Homes, Rest Homes, Assisted Living Facilities, Retirement Communities & Golf Courses added back.
- ▣ 2. Recreation/Tourism Planned Development District added back.
- ▣ 3. References to “common property” and “open space” clarified.
- ▣ 4. Range of potential SEQR actions clarified.
- ▣ 5. “Grandfather provision deleted as unneeded.

Open Issues

- ▣ 1. Dimensional issues – the basis for the “no more restrictive” than those established by the preliminary plan is that the Town Board would have set those after consultation with the Planning Board so that the subsequent review by the Planning Board should not be inconsistent.
- ▣ 2. “Open Space” minimums are just that; the Town Board is free to require more than the minimum based on needs.
- ▣ 3. “Harmonious” - forming a pleasing or consistent whole.
- ▣ "the decor is a harmonious blend of traditional and modern"
- ▣ synonyms: congruous, coordinated, balanced, in proportion, compatible, well matched, well balanced; literary consilient
- ▣ "a harmonious blend of traditional and modern"
- ▣ versus “not inconsistent with” language. While neither has a legal definition, the later is more easily understood by the courts.

Materials Reviewed

- ▣ Town of Claverack Comprehensive Plan, Zoning Law & Subdivision Law
- ▣ Town Codes of all towns in Columbia County
- ▣ Town Codes of the towns of Glenville, Colonie, Guilderland, Clifton Park, Bethlehem, Sand Lake & North Greenbush
- ▣ NYS Town Law, NYS Rural Resources “Guide to Planned Unit Development”, NYS Dept. of State “Municipal Options for Land Use Control” and legal treatises.