

Section 15 - Developmental Options

In order to provide as much flexibility as possible to property owners within the Town, various types of development options are provided for within this Ordinance. A landowner may use one or more of these options on either the entire parcel or only on a portion of his/her land. All proposed sub-division plats must include within the sub-division name, a notation indicating which of the options were utilized in the design of the proposal. The following are examples of this notation:

John Smith Clustered Sub-division
Cedar Ridge Density Averaged Sub-division
Misty Creek, an Ag Land Set Aside Sub-division

A detailed description of each option follows:

For the purpose of these descriptions, the parcel under consideration for development has the following features:

- Total Parcel Size – 50 acres
- Total developmental area – 40 acres
- Total area of Prime Agricultural Land - 10 acres
- Parcel is zoned Agriculture (A)

1. Conventional Sub-division

The land owner would be able to create a maximum of 10 building lots, each containing 5 acres, served by an on-lot water and septic system and accessed either directly from an existing roadway or by an internal road system constructed as part of the sub-division proposal. This would result in the creation of 10 building lots and no open space would be preserved.

2. Conventional Sub-division Using Density Averaging

This option would allow the landowner to create a total of 8 building lots, without mandating that each lot contain 5 acres of land. The individual lot size would be determined based on the land area needed to comply with the Columbia County Health Department standards for on lot well and septic systems. The lots created may have access from an existing roadway or an internal road system and may be created anywhere on the parcel subject to the Density Control Schedule (Section 5). The lots may be created one at a time or two or more may be created with a single sub-division application. This would result in the creation of 8 building lots and may include up to 40 acres of open space preserved depending on the individual lot size based on the County Health Department requirements. Applicants choosing to use this option should be cognizant that for each parcel or lot created that is less than five (5) acres in size, a buildable land area equal to the difference between the proposed lot size and the five (5) acre density minimum must be preserved for agricultural use or open space. Buildable land is defined in the Density Averaging definition on page 6.

3. Clustered Sub-division

This option is similar in nature to the concept using Density Averaging. The lots created would be abutting and would occupy a designated portion of the parcel identified in the Sub-division

application. The maximum number of building lots that could be created by right would be 10. In addition, if this option is chosen, an incentive bonus equal to the total developable area of the parent parcel divided by 10 would be applicable. This would allow an additional 4 lots to be included in the clustered development. The entire layout including any roadways to be constructed, any community water or sewage facilities to be constructed, etc. must be designed prior to the submission of the Sub-division application. This would result in the creation of 14 building lots and the preservation of a minimum of 25 acres of open space.

4. Prime Ag Land Set Aside

This option provides for a developmental bonus if a landowner chooses not to create building lots or other development on lands containing soils identified as prime agricultural soils or soils of statewide importance. The number of additional lots that may be created is determined by dividing the total land area of the parent parcel containing prime agricultural soils by ten. In this example a bonus of 1 lot would be granted resulting in a total of 9 lots with a ten acre area set aside for agricultural uses. This concept, due to its nature would require the use of Conventional Sub-division Using Density Averaging or Clustered Sub-division. This would result in the creation of 9 building lots with a minimum of 10 acres of prime agricultural land preserved as open space.

5. Clustered Sub-division & Prime Ag Land Set Aside

If a landowner chooses to cluster the building lots on an area that does not contain prime agricultural lands, both bonuses, Clustering and Ag Land Set Aside, would be applicable. The landowner would designate the area within the parent parcel where a total of 15 lots would be created and would identify the 10 acre area containing the prime agricultural lands. As with the clustered provision, the entire project would be designed prior to the submission of a sub-division application. This would result in the creation of 15 building lots with a minimum of 25 acres of open space plus 10 acres of prime agricultural lands preserved.

Section 16 – Residential Clustered Sub-division Regulations

Pursuant to General Town Law Section 281, the Town Planning Board is hereby authorized to vary or modify the requirements of this ordinance to encourage and enable the flexible design and development of land in a manner that promotes the most appropriate use of land, facilitates the adequate and economical provisions for streets and utilities, preserves the natural and scenic qualities of open space and agricultural land uses and that prevents the despoliation of environmentally sensitive areas and historic places subject to the following conditions:

1. The provisions of this section shall be available to a property owner as an option and shall not be mandated by the Planning Board, Town Board or Zoning Board of Appeals.
2. The provisions of this section shall be applicable to lands of ten (10) acres or more in size. A landowner may use all or only a portion of his land for such development and may have more than one clustered development on a parcel.
3. Such proposed clustered development shall not be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property or improvements in close proximity.
4. The provisions of this standard shall apply only to clustered development of a residential nature.
5. The maximum number of building lots or sites shall not exceed the maximum number that would be created by conventional sub-division procedures when applying the density averaging formula for the specific district as outlined in the Density Control Schedule (Section 5) of this ordinance.
6. Landowners or developers opting to use this clustered residential concept are eligible for a developmental bonus. This bonus will increase the developmental density of the parcel by allowing the creation of one (1) additional lot for each ten (10) acres of buildable area within the parcel as defined in Section 2 of this ordinance.

Required Open Space

1. A minimum of fifty (50) percent of the total parcel size devoted to the clustered development must be set aside, in a contiguous parcel, as perpetual open space. The requirement that the open space be a contiguous parcel may be waived by the Planning Board when extenuating circumstances are shown by the applicant.
2. The open space may, at the applicant's discretion, be retained by the owner or dedicated to a home owners' association, provided that the open space is placed under a conservation easement, offered to and accepted by a recognized land conservancy or trust. In the event that the owner/applicant is unable to locate a land conservancy or trust that is willing to accept such easement, the owner/applicant shall prepare an easement to be held by the Town of Stuyvesant. Such easement shall be reviewed and accepted by the Town Board prior to the final approval of the sub-division by the Planning Board.
3. The open space may be used for one or more of the following uses:
 - Agricultural uses including the pasturing of farm animals, provided that no permanent structures other than animal shelters are constructed
 - Forestry

- Ponds
- Passive recreation
- Recreational uses such as wooded parks, hiking trails, bridle paths or other uses having a low impact upon the environment.

Home Owners' Association

If a Homeowners' Association is selected by the applicant/owner as to the method of maintaining the open space, the following provisions are applicable:

1. The Homeowners' Association must be established prior to the sale of any lots within the sub-division.
2. The Homeowners' Association shall take title to all open space created.
3. Membership in the Association is mandatory for all parcels owners, their heirs and successors. A deed covenant outlining this required membership and the payment of annual fees to be used for the maintenance of the open space shall be included in each parcel deed.
4. The Homeowners' Association will be responsible for liability insurance, local taxes and the maintenance of recreation and other facilities.
5. Homeowners' Association's members will pay their pro rata share of the costs and assessments levied by the Association and if unpaid may become a lien on their individual parcels.