

LAND USE

105 Attachment 3

Town of Colton

Appendix C Development Considerations

The following types of considerations shall be applied, to the extent that they are applicable, in a manner that reflects the size, nature and public interest as these factors relate to any use or project considered under the Conditional Use, Site Plan Review or Planned Development procedures of this chapter or any project determined to be a Class A or B Regional Project under the Adirondack Park Agency Act.

Adequate information shall be submitted and the Town Planning Board shall evaluate the types of development considerations outlined following in order that any undue adverse impact on the natural, physical, social and economic resources of the Town may be avoided. Where applicable, the manual “Development in the Adirondack Park - Objectives and Guidelines for Planning and Review” may be utilized by the Planning Board in the application and assessment of the criteria set forth below.

I. General Development Considerations

A. The proposed use or project shall be reviewed to determine:

1. The need for the proposed project, including any market or feasibility study that may be appropriate to the proposed project. In particular, such study shall assess the market area to be served, income characteristics of the anticipated market, competitive or alternate opportunities for the marketing target and projected disposal rate or project period.
2. The extent to which the proposal is consistent with the stated purposes of the Town Plan and the process according to which the use or project is being considered.
3. The relationship of the proposed project to the standards of the existing zoning district, including, but not limited to, overall density and types of uses to be accommodated. In particular, the relationship of any principal and accessory building(s) on the proposed site to one another and to other structures and uses in the vicinity will be compatible.
4. The relationship of the proposal to the existing land use makeup and character of areas immediately adjoining or likely to be impacted by the proposal. In particular, the proposal shall take into account the existing and potential land uses in the vicinity of the project site in determining what new land use activities are suitable for the project site, avoid new intensive development in open space areas, and avoid substantially altering existing residential and other established land use patterns. In addition, development activities will be designed to avoid impairing

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the wilderness character of adjacent state land designated wilderness, primitive or canoe, and to avoid impairing the natural wild forest atmosphere of state land designated wild forest or intensive use, thereby ensuring the continued compatibility of lands in state and private ownership.

5. The historic or cultural sites and structures on the site or in the area affected will be considered. In particular, project development shall give consideration to the preservation and restoration of archeological sites, historic sites, and unique historic structures to the extent warranted by their respective significance; and avoid land uses and development on adjoining and nearby lands which would be incompatible with the significance of such sites and structures.
6. The provision for satisfactory accommodation of all utilities, including surface runoff, water supply, sanitary sewage disposal, and any others that may be anticipated or necessary. In particular, any proposal shall:
 - a. Provide adequate drainage for building sites and roads, avoid altering drainage patterns to the maximum extent possible, utilize natural drainageways to channel stormwater runoff and preserve all natural surface water retention areas such as surface depressions, wetlands, bogs and marshes, and minimize runoff by such other methods as preserving vegetative cover and avoiding the creation of unnecessary or extensive impervious surfaces;
 - b. Comply with all state and local health standards with regard to the design, location, construction, operation and maintenance of water supply systems; and
 - c. Comply with all state and local standards, employ proven design criteria for sewage disposal systems and maintain those systems in proper working order.

In general, utilities shall be placed underground if feasible and in such a way that alignments are compatible with existing topography and vegetation, so as to minimize visual impacts in surrounding areas by maintaining and preserving as much vegetative cover as possible and utilizing existing topography, and to minimize maintenance practices such as herbicide spraying which could have adverse environmental impacts on terrestrial and aquatic ecosystems.

7. The existing open space character and provision for open space and any appropriate recreational facilities in the proposed project, including adequate assurances for their maintenance and continuation. In particular, every consideration will be given to the:
 - a. Preservation of vegetative screening and existing topography, employment of clustering and careful siting methods where appropriate to minimize the impact of development activities and land use alterations on open space, and preservation of undeveloped areas as large as possible in view of project objectives; and

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- b. Provision on the project site of sufficient open space areas for outdoor recreational use by those persons who will use the proposed project, taking into account the existing recreational resources available in the area and the location of buildings and other development so as not to interfere with those areas to be used as hiking, bicycling and cross-country-skiing trails as well as trailbike, jeep, all-terrain vehicle and horse trails, playgrounds, picnic areas, campgrounds, parks, beaches and similar uses.
- 8. The amount of traffic to be generated and the provisions for adequately handling such volumes, as well as traffic circulation features within the site including the amount of, location of, and access to automobile parking and any service areas. In particular, a determination will be made with respect to traffic flow and the adequacy of intersection design with the existing public system. Further, the design will be reviewed to determine that so far as possible it conforms street and road alignments with existing topography and vegetation, avoids steep slopes, abrupt curves and excessive cuts and fills, provides adequate road surfacing and roadbed drainage, preserves existing drainage patterns, and designs roads, parking and service areas so as to minimize the impacts of construction and maintenance practices.
- 9. The overall sensitivity of the proposed project to the neighborhood and the site and its provision for the location, size and type of any signing, lighting and landscape features. In particular, any proposal shall utilize existing vegetation and topographic features to harmonize development with the natural and cultural character of the landscape in which the project is proposed and employ sensitive design and siting methods to blend development with the surrounding landscape, thereby minimizing adverse visual impacts. Architectural compatibility with nearby high-quality architecture and sensitive signing techniques will be employed.
- B. It shall be the objective of the Planning Board to take into account whether or not the proposed use or project satisfies, to an appropriate degree, the objectives of the Town Plan and this chapter relative to the factors outlined above, and based on their findings, and on the additional development considerations which follow, to render their determination accordingly.

II. Natural Resource Considerations

- A. The recognition and satisfactory accommodation of important natural and physical limitations and opportunities of the site will be determined, including reference to Zoning Map No. 5 where applicable, and will include consideration of and likely impact on the following:
 - 1. Groundwater and Surface Water Characteristics - including water quality, supply, recharge, flow and runoff patterns, water table, sedimentation, siltation and eutrophication. In particular, any proposal shall:

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- a. Comply at a minimum with applicable governmental water pollutant discharge restrictions, particularly avoid discharges of effluent potentially degrading to groundwater quality in proximity to major aquifers and aquifer recharge areas, and avoid impairment of aquifer recharge areas which could result from covering them with impervious surfaces;
 - b. Maintain wide buffer strips of natural vegetation bordering water bodies, minimize channel disturbance and alterations, preserve shoreline vegetation, minimize hydrologic changes which would result from damming or impounding, avoid introduction of nutrients from the use of fertilizers and from sewage effluent, and avoid introduction of toxic materials to water bodies;
 - c. Minimize alterations to existing drainage patterns and drainage courses, preserve drainageways in their natural state, and provide, where necessary, natural ponding areas and other measures designed to provide natural retention of stormwater runoff if development includes a significant area of impervious surface; and
 - d. Avoid the placement of buildings intended for human habitation, commercial use, and industrial use within floodplains, avoid the use of fill to create elevated sites and conform all development plans to the applicable floodplain regulations of this chapter.
2. Landforms, Elevation and Slope - including aesthetics, slippage, erosion, fragile ecosystems and drainage patterns. In particular:
 - a. Development activities should not involve major alterations to existing topographic features on the project site;
 - b. Development activities should be located on existing slopes less than 25%, and preferably on slopes less than 15%, measured over any one-hundred-foot horizontal distance;
 - c. The number of road or utility line crossings of depressions and high points requiring cuts and fills should be minimized;
 - d. Road layout should follow existing contours;
 - e. Cuts and fills which may result from any development activity should be minimized; and
 - f. Development at elevations of 2,500 feet or more should be avoided.
3. Soil and Subsurface Characteristics - including aesthetics, slippage erosion, depth to bedrock, mineral resources and agricultural potential. In particular, any proposal shall:

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- a. Avoid activities which would preclude present or future use of important mineral resources that may be of economic significance to the region;
 - b. Respect existing natural features such as slope, soil texture, and structure, minimize removal of vegetative cover, rapidly revegetate cleared areas, limit cuts and fills, and employ such erosion control devices and measures needed to control runoff;
 - c. Avoid activities on viable agricultural soils which would diminish or preclude their use for agricultural purposes;
 - d. Avoid construction activities which disturb the soil during wet seasons of the year;
 - e. Development should be avoided on soils with shallow depth to bedrock or groundwater;
 - f. Avoid soils with a fragipan or other dense layer;
 - g. Avoid development on soils having excessive amounts of stones and boulders;
 - h. Minimize the amount of soil exposed during and after construction;
 - i. During construction, protect all vegetation that it is not essential to remove by such means as flagging, staking, and by wrapping trees with snow fencing;
 - j. Phase development of large tracts of land so that construction is limited to small workable units and is of the shortest possible duration on any single site so no area is stripped of vegetation and left exposed for long periods; and
 - k. Stabilize slopes and surfaces disturbed by development activities as soon as possible.
4. Forest and Vegetative Cover - including commercial forestlands, visual factors and screening, exposure to erosion and wind-throw, wildlife habitat and rare plant communities. In particular, development proposals shall:
- a. Minimize clearing of vegetation, avoid clearing vegetation where damage will result to remaining vegetation from such factors as wind, erosion and frost, and protect remaining vegetation during the construction period;
 - b. When possible, provide for selective clearing of mature trees over a period of several years rather than large-scale clearing during a single season. This allows the various ground-cover plants to adjust to the changing forest conditions and helps to prevent soil erosion;

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- c. Avoid clearing of vegetation in areas having a high water table, as this may cause a rise in the water level leading to localized flooding of the ground surfaces;
 - d. Avoid clearing of vegetation in runoff channels and drainageways to help prevent erosion and scouring by water;
 - e. When removal of vegetation is necessary, adhere to sound forestry practices pertaining to the cutting, clearing, and removal of timber and to the maintenance of an aesthetically pleasing forest environment according to the guidelines elsewhere set forth in this chapter.
 - f. Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered plant species and allow for the continuing propagation of these species; and
 - g. Avoid impairments of productive forest lands for commercial forest production by employing sound forestry practices and by employing such planning techniques as clustering of development. Development should be avoided which would remove productive commercial forestland from forestry use, or divide large blocks of productive commercial forestland into small, segregated, unmanageable units.
5. Air Quality - including levels of pollution, prevailing wind directions, natural buffers and abatement devices. In particular, the proposed action should comply with all federal, state and local regulations, including the provisions of the following:
- a. National air quality standards adopted pursuant to the Federal Clean Air Act;
 - b. Federal standards of performance for new stationary air pollution sources;
 - c. Federal emission standards for hazardous pollutants; and
 - d. All rules and regulations enacted to implement the New York State Plan for achieving and maintaining air quality standards.
6. Noise Levels - including standards promulgated by the Department of Environmental Conservation and the Environmental Protection Agency under the Noise Control Act of 1972, as well as provision for natural buffers and relationship to surrounding uses. Further, any substantial undertaking shall assess the nature and quality of the existing acoustical environment and take whatever reasonable measures are necessary to maintain or enhance it; maintain natural buffers such as existing topographic relief and vegetation; use noise abatement equipment and adhere at a minimum to applicable governmental noise level standards, including the provisions of this chapter.

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7. Scenic Views and Visual Considerations - including scenic vistas, travel corridors, unique geologic formations, relationship between natural and man-made features and screening. In particular, development shall:
 - a. Utilize existing vegetation and topographic features to harmonize development with the natural and cultural character of the landscape in which the project is proposed;
 - b. Employ sensitive design and siting methods to blend development with the surrounding landscape, thereby minimizing adverse visual impacts;
 - c. Achieve architectural compatibility with nearby high-quality architecture;
 - d. Avoid intrusion of buildings and other development and land use alterations generally within views from vistas by using careful siting, design and landscaping methods;
 - e. Employ natural vegetative screening, existing topography and careful siting methods to minimize the visual impact of buildings and other development and land use alterations; and
 - f. Avoid physical and aesthetic alteration or impairment of the natural condition of unique physical features such as gorges, waterfalls and interesting geological formations, provide for their continuing protection and utilize these special areas as assets to development.
8. Critical Resource Areas - including unique plant and animal habitats, proximity of state lands, travel and river corridors, flood hazard areas, wetlands and elevations of 2,500 feet or more. As noted above and more particularly as follows:
 - a. Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered terrestrial wildlife species and allow for the continuing propagation of these species;
 - b. Avoid development in marshes, bogs, swamps and periodically inundated lands or on lands immediately adjacent thereto, as such development could result in environmental damage to the marsh, bog, swamp or periodically inundated land; and
 - c. Maintain buffer zones and existing vegetation along wild, scenic and recreational rivers, avoid intensive development within one-quarter mile of such rivers, minimize alterations to such rivers and their banks, and preserve the free-flowing character of such rivers.

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9. Fish and Wildlife - including native habitat and population levels. In particular, it shall be the objective of all development to:
 - a. Preserve key spawning areas, nursery grounds, food sources and food source areas, preserve habitats of rare and endangered plant and animal species, maintain adjacent vegetated areas generally as habitats and buffer zones; minimize shoreline alterations such as beach construction and emplacement of docks, rafts, boat-launching facilities and breakwaters, and avoid introduction of toxic materials and nutrients to water bodies; and
 - b. Preserve key wildlife habitats such as deer wintering yards, waterfowl nesting areas, productive feeding areas, and important vegetation transition areas, and maintain wildlife diversity to the extent possible in view of project objectives by maintaining a diversity of habitat.
- B. It shall be the objective of the Planning Board to take into account the relationship and likely affect of a proposed use or project relative to the above considerations and to guide development in a manner that reflects the existing natural resource constraints of the site and the need to adequately protect and preclude a negative impact upon the Town's natural resources.

III. Governmental Service and Impact Considerations

- A. The initial and projected requirements of the proposed use or project relative to the following will be determined:
 1. Town Sewerage and Water Systems - including capacity for service and responsibility for connections and maintenance. In particular, the immediate and projected needs of the project relative to existing margins of capacity will be established.
 2. Health services - including availability, distance, capacity, and arrangement. In particular, the provisions for local and regional health services for which a projected need is established will be determined.
 3. Public School System - Including initial and projected enrollment relative to school plant capacity and any schedule for expansion, as well as school bus routes.
 4. Town Recreation Facilities and Services - Including location, capacity and contribution. In particular, the existing and projected service requirements, by type of recreation facility, of any proposal will be determined and contrasted to existing public and private recreational facilities.
 5. Fire/Police Protection - Including requirements, distance and any special considerations.

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6. Town Highway System - Including assumption of responsibility, traffic flow, access/egress, and relationship to future extensions or connections. In particular, the extension of or increased demand on the highway system will be determined with respect to both immediate construction and long-term maintenance costs.
 7. Tax Base - Including contribution to and likely burden on Town, school and special districts. In particular, such assessment as may be reasonable under the circumstances shall set forth the likely immediate and long-term implications to the tax base in terms of cost of services and added assessed value, including both primary and secondary impacts.
 8. Related Economic Impacts - As may be applicable to both the region and Town, including employment, purchases of supplies and equipment, property values and user benefits of a primary, secondary and intangible nature.
- B. It shall be the objective of the Planning Board to take into account the ability of the responsible unit of government to provide the services and facilities that will be required by the use or project under consideration and to guide development in a manner that reflects the physical capacity of the service system or facility and the financial capacity of the responsible unit of government to respond to additional requirements generated by such use or project.