

COMMUNITY DESIGN

Land use tools for a better community

A Division of New York Department of State

Program objectives

Encourage:

- Community planning
- Maintaining or enhancing distinctive community qualities




Program objectives

- Zoning
- Site Plan Review
- Subdivision
- Architectural Review
- Historic Preservation
- Standards or guidelines


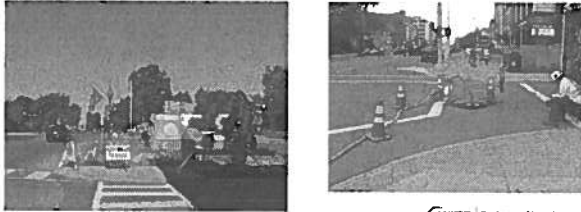
Authority to regulate design
Integrate with existing tools
Develop new tools

Benefits



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Effective & efficient use of community resources





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Guide review boards

Guidelines & standards

- Planning Board
- Architectural Review Board
- Zoning Board of Appeals



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Guide developers & applicants

- Appropriate development
- Legal authority
- Regulate design
- Community vision



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Community planning




- Achieve comprehensive planning goals
- Establish connections
- Preserve or create community character

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Preserve community resources



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What is community resilience?



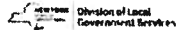
"The ability of a system to withstand shocks and stresses while still maintaining its essential functions."

- Resilient Communities:
- Are Familiar with their natural hazards
- Are Prepared for them
- Recover Quickly when they occur

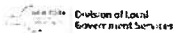


Resilience Planning

- Considers *multiple* systems to create vital communities
 - New neighborhoods & relocations
 - Infrastructure modification & backup
 - A holistic approach
- Expand, conserve or revitalize natural protective features
 - Storm damage benefits
 - Environmental benefits
 - Quality of life benefits for residents & visitors



Legal authority



Guidelines or Standards?

- Standard: required or agreed to level of quality or attainment
 - Mandatory
 - Enforceable
- Guideline: rule giving guidance
 - Voluntary
 - Recommendation



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Grant of authority

- Municipal Home Rule Law
- "Grant of power"
 - Zoning
 - Subdivision Review
 - Site Plan Review
- Municipal Home Rule Law §10
- General City Law §20
- Town Law §261 & §264
- Village Law §7-700 & §7-110

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Aesthetics & Land Use Regulation

Established aesthetics as a legitimate governmental concern & a permissible exercise of the police power



"Landmark" Case: People v. Stover
(12 N.Y.2d 462, 191 N.E. 2d 272, 240 N.Y.S. 2d 734 (1963))

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What are design tools?

Regulatory

- Written standards
- Graphic or illustrated standards

- Zoning
- Subdivision
- Site Plan
- Architectural Review
- Historic Preservation Laws
- Design Standards or Guidelines



What are design tools?



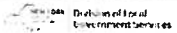
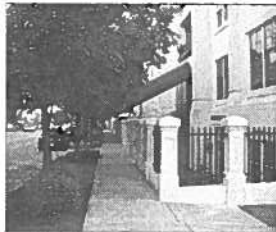
- Voluntary & Incentive Programs
- Facade improvement programs
- Tax abatements
- Targeted infrastructure improvements



What are design tools?

Design Guidelines & Standards can address:

- Landscaping
- Signage
- Pedestrian amenities
- Streetscapes
- Lot layout
- Stormwater management



Developing design tools

Community visioning & analysis



The Community Planning Process



Getting Started:

- Establish a team
- Involve the community
- Seek sources of assistance

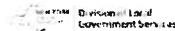


The Community Planning Process



Inventory:

- Identify existing resources
- Conduct a Visual Preference Survey
- Hold a charrette



Charette example: Saranac Lake



Charette results:

- Mini-Amphitheater
- Terraces
- Paver-stone sidewalks

"River Walk" Project:

- 1.5 mile linear park
- Create connections
- Berkeley Green



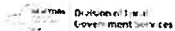
Berkeley Green



The Community Planning Process



- Analysis:
- Interpret collected information
- Develop a vision
- Adopt standards or guidelines



Visual assessment tools



- Define community character
- Identify highly visual locations
 - Evaluate & rank
- Simulate different scenarios for evaluation

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Visual Preference Surveys




- Gather feedback on elements contributing to community character
- Series of slides depicting images of the built & natural environment

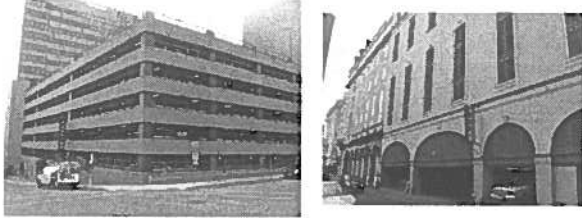
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Visual Preference Surveys

- Generally administered at workshops
 - Alternatives: TV, internet, or mail
- Participants rate visual concepts of architectural styles, signage, landscape design, etc.
- Gauge participants' preferences
 - "Gut" reaction to the images

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Visual Preference Survey



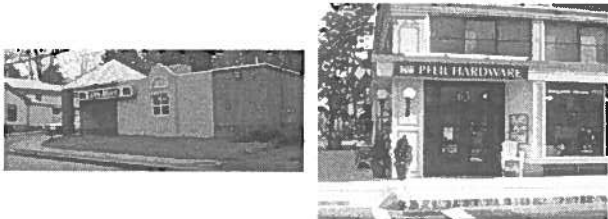
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Visual Preference Survey



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Visual Preference Survey



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Visual Preference Survey



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Visual Preference Survey



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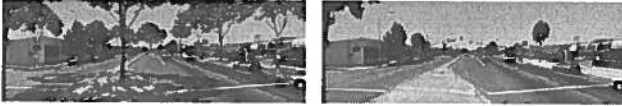
Photo-simulation



Lane width reduced, sidewalks widened, crosswalks added

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Photo-simulation



Trees added

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Technical analysis




- Interpret information
- What is wrong?
 - 88% of area within 100' of road edge is asphalt

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Identify improvement opportunities



- Curb Cuts:**
- Access management
 - Eliminate & reduce
 - Traffic control
 - Pedestrian safety
 - Sidewalks

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Regulatory tools

Local land use regulations



Effective design tools

- Understandable review process
 - Applicant instructions
- Design objectives clearly stated
 - Supported with specific review criteria
 - Vague language avoided
- Illustrations used where appropriate
 - Design Guideline Handbook or Manual



Design criteria



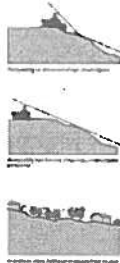
Developing regulation criteria

- Text
- Cross-sections & plans
- Photographs
- Reference to other regulations & guidelines



Design manuals

Supplement zoning with an illustrated guidebook to better communicate requirements to applicants



Design criteria



Architecture

- Details
- Materials
- Colors
- Accessory structures



Design criteria



- Signs
- Materials
- Size
- Illumination
- Colors
- Setbacks
- Quantity



Zoning

- Setbacks, lot coverage, lot size, allowed uses...
- Overlay Districts
- Special Use Permit



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Mixed Use Zoning

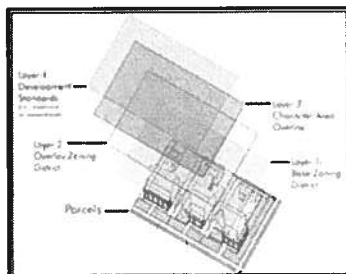
Encourage mixed use using vertical zoning:


- First floor
- Storefronts
- Retail
- Upper floors
- Offices
- Residential



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Overlay Zoning



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Overlay Zoning

- Modifies one or more conventional zoning districts
- May cut across several "underlying" zoning districts
- Applies additional standards to underlying zoning
- May trigger additional review or permits

- Road Corridors
- Gateways
- Historic Areas
- Mixed Use Areas
- Waterfront Areas
- Environmentally Sensitive Areas



Gateway Overlay District



- Major entry points
- Sense of arrival
 - Make a good first impression
 - Visual identity
- Connection
 - Pedestrian linkages
- Guidelines & standards

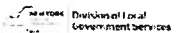


Highway Commercial Overlay District



Allow uses reliant on car & truck access, but mitigate impacts:

- Visual
- Traffic
- Building placement
- Architectural design
- Parking & access management
- Screening & landscaping



Hamlet Preservation Overlay District



- **Encouraged:**
Wood... clapboards, shingles, stone or brick, historic style windows, & architectural details
- **Discouraged:**
Metal & vinyl siding, concrete block, artificial stone or brick

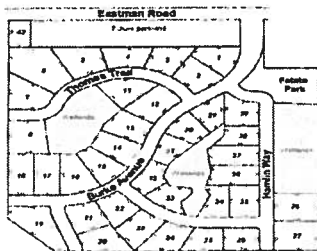
- Town of Woodstock



Additional reviews



Subdivision Review



- Lot configuration
 - Landscaping
 - Street Pattern
 - Street Lights
 - Sidewalks
 - Utilities
 - Drainage
- General City Law §32 & §33
 - Town Law §276 & §277
 - Village Law §7-728 & §7-730



Subdivision Review

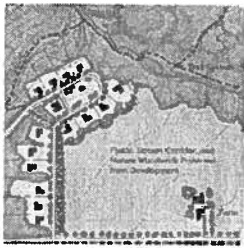


Subdivision design contributes to:

- Better layout & design
- Neighborhood & community character
- Greater efficiencies
- Infrastructure
- Interconnectedness



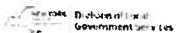
Clustering/ Conservation Subdivision



- Allows more creative & efficient use of land
- Preserves community character
- Protects farmland, forest & open space
- Interconnectedness
- Trail systems & open space networks
- Integration with natural systems



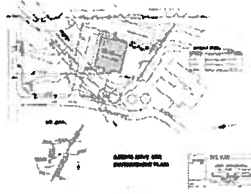
Lot configuration



Site Plan Review

Site Plan Elements

- Screening
- Signs
- Parking
- Access
- Adjacent land uses
- Landscaping
- Location & dimension of buildings
- Architectural features



- General City Law §27-a
- Town Law §274-a
- Village Law §7-725-a



Overall design considerations

Building & parking placement

- Parking in back
- Lacks edge definition

Traffic & pedestrian safety

- Access management
- Shared lots
- Undefined ingress & egress
- Limit curb cuts
- Sidewalks

Landscaping

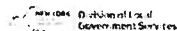
- Edge definition
- Define ingress & egress opening
- Screening & buffering
- Stormwater management



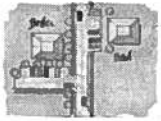
Building & parking placement



This is not what we mean by parking in the rear of the building



Building & parking placement



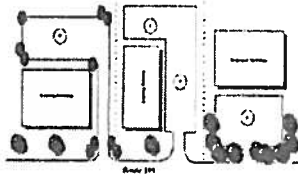
- Make people a priority, not cars
- Better building orientation
- Pedestrian friendly
 - Scale
 - Visual interest
 - Access

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Building & parking placement

"Parking may be placed between the principal building and a public street, if necessary due to specific site conditions and/or functional requirements, if the parking is screened by topography or a year round vegetative buffer of sufficient density to substantially limit the view of the parking lot."

Town of Marbletown



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Define street edge

- Landscaping
- Setbacks



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Ingress & egress

- Number & width of openings
- Define using landscaping
- Signage
- Pedestrian amenities



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Parking



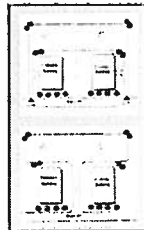
- Excessive parking requirements
- Overflow at peak demand
- Pedestrian safety & circulation


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Limited access & shared parking

"A single access to adjoining parking lots or an interconnection between adjoining parking lots is encouraged and may be required where necessary to provide safe traffic management."

Town of Marletown, Local Law No. 1, 1999



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Landscaping, screening & buffering



Benefits

- Protect & improve site's visual qualities
- Reduce surface runoff
- Minimize soil erosion
- Provide shade
- Create & preserve wildlife habitats & corridors
- Separate adjacent uses



Landscaping, screening & buffering

Review criteria

- Percentage of site coverage
- Type
- Tree, shrub or groundcover
- Evergreen or deciduous
- Native
- Height & caliper
- Spacing
- Hardiness
- Width of buffer

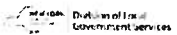


Proper installation of new plants



Tools:

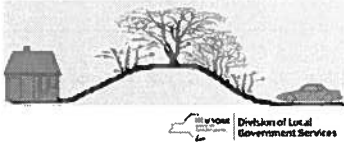
- Performance Guarantees
- Maintenance Plan
- Field Protection Measures



The berm



- Visual buffer
- Noise reduction
- Separate uses
- Landscaping opportunities



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Historic Preservation Local Law




- Designation
 - District
 - Landmarks
- Review board
- Procedures

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Historic Preservation Local Law



- Review criteria
- Alterations
 - New construction
 - Demolitions

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Architectural control

- Integrate with other reviews
 - Site Plan Review
 - Special Use Permit
- Separate review board



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Architectural control

Typical review elements:

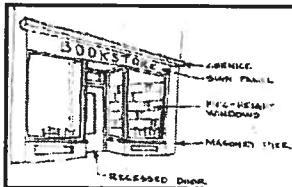
- Building materials
- Facade features
- Projections or recesses
- Pattern, size & proportion of windows & door openings
- Roof
 - Pitch, shape & materials



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Architectural control

Facade features



NEW YORK STATE
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Architectural control

Architectural details



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Franchise design



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Franchise design



 Division of Local Government Services

Franchise design



Resiliency Planning Resources

For more information on technical or financial assistance for resilience planning, contact:

Barry Pendergrass, Coastal Resource Specialist II

Office of Planning and Development

518-486-3277 (direct line)

518-474-6000 (OPD Main line)

Barry.pendergrass@dps.ny.gov

Also visit: <http://opd.dps.ny.gov/#focus/resilience>



On-line resources

- Town of Woodstock (2001)
- <http://www.woodstockny.org/content/Boards/View/4:field=documents./content/Documents/File/51.pdf>
- Town of Newburgh (2007)
- <http://www.townofnewburgh.org/documents/town%20of%20newburgh%20design%20guidelines.pdf>
- Town of Le Ray (2008)- Commercial Corridors
- http://townofleay.org/Final%20Guidelines6_12_08.pdf
- Town of Berne- Hamlet of East Berne (2007)
- <http://www.cdcmpo.org/linkage/materials/berne/final.pdf>



On-line resources

- Town of Riverhead (2009)- Historic Preservation
- http://www.townofriverheadny.gov/files/documents/HistoricPresDesignGuidelines_8_09.pdf
- Village of Cold Springs (1999)Design Standards for the Architectural and Historic District
- http://coldspringny.gov/Pages/ColdSpringNY_HistoricDistrict/designstandardsbook.pdf
- Village of Rouses Point (2006)- Design Guidelines for Building Facades Site Development and the Downtown Streetscape
- <http://www.rousespointny.com/files/DesignGuidelines.pdf>



On-line resources

- DEC: *Planting and After Care of Community Trees*
- http://www.dec.ny.gov/docs/lands_forests_pdf/planttree.pdf
- Arbor Day Foundation: Tree City USA
- <http://www2.arborday.org/programs/treecityusa/?breadcrumb=homepage>
- USDA Forest Service/ Urban and Community Forestry/ Tree Owner's Manual
- <http://na.fs.fed.us/urban/treewownersmanual>



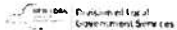
New York Department of State

(518) 473-3355 Training Unit
(518) 474-6740 Counsel's Office
(800) 367-8488 Toll Free

Email: localgov@dos.ny.gov

Website: www.dos.ny.gov

www.dos.ny.gov/lglu/index.html



Excerpts

Chapter 54

Zoning Code of the Village of Sloatsburg, Rockland County (September 2007)

Prepared by: Tom Miller Associates, Inc, Cold Springs, NY

§54-19. VC-1 Village Center.

A. Intent. The intent of the Village Center zoning district is to preserve the traditional, mixed use business district that fronts primarily on Orange Turnpike (Route 17). The district allows a mix of retail, government, office, and residential uses in a compact, small lot pattern of development that favors pedestrian connections. Parking is discouraged within the front yard of lots in the Village Center district, and uses in the Village Center are subject to design review in accordance with design standards contained in Article VI V-9 of this zoning law.

ARTICLE VI

ARCHITECTURAL DESIGN STANDARDS

§54-26. Planning Board Architectural Design Review.

A. Purpose. It is the purpose of this article to preserve and promote the character and appearances and conserve the property values of the Village, the attractiveness of whose residential and business areas is the economic mainstay of the community, by providing procedures for the architectural review of structures henceforth erected. The Sloatsburg Board of Trustees hereby finds that structures which are visually offensive or inappropriate by reason of poor qualities of exterior design, monotonous similarity or striking visual discord in relation to their sites or surroundings mar the appearances of their surrounds, impair the use, enjoyment and desirability and reduce the values of properties, are detrimental to the characters of neighborhoods, prevent the most appropriate development and utilization of land and therefore adversely affect the functioning, economic stability, prosperity, health, safety and general welfare of the entire community.

B. Planning Board to Review Architectural Design. For purposes of administering the regulations contained in this article, the Sloatsburg Planning Board shall have all powers and duties delegated herein. These provisions shall apply to all site plan, special use permit, or subdivision applications for properties located within the O, VC-1, VC-2, MU-1, and MU-2 zoning districts, and for any residential subdivision in any district consisting of five (5) or more lots, except that these provisions shall not apply to pre-existing lots to be developed for a one-family detached or two-family dwelling not requiring subdivision plan approval.

§54-27. Applications; information required.

A. Determination of compliance; transmittal of copies; notices; exemption from referral. As soon as practicable, the Building Inspector shall transmit a copy of the application and plans to each member of the Planning Board a minimum of five (5) days prior to the meeting where it will be considered. Where an application also requires site plan approval, subdivision approval or special use permit approval, the application shall be considered part of the respective application, and shall be processed and reviewed in accordance with the procedures for site plan, subdivision, or special use permit approvals. Where a site plan, subdivision or special use permit approval is not required, the Planning Board shall review and make a determination in accordance with the timeframes and procedure established for site plan review.

B. Notices. The Planning Board is authorized to require applicants to serve notice to the owners of neighboring properties.

C. Applications must be accompanied by plans showing all elevations of new structures and all affected elevations in the case of additions or alterations. For all new structures, a site plan appropriately scaled determined by the Planning Board, showing the following, unless waived by the Planning Board:

1. Property lines, including curblines of adjacent streets.
2. Outline of structure, including walks, driveways, terraces, walls and fences.
3. Existing and proposed contours at two-foot intervals.
4. Existing trees and trees to be removed with an 8-inch diameter or more measured at a point 4 inches above the ground.
5. All proposed plantings.

D. The Planning Board may require submission of all or a portion of the above information as part of the application for an addition to an existing structure. The Planning Board may require the applicant to furnish grades and elevations of adjacent property and structures where they deem this information applicable to a proper evaluation of the relationship between existing and proposed structures.

E. Features and suitability of site to be considered. In considering an application for a permit, the Planning Board shall take into account natural features of the site and surroundings, exterior design and appearances of existing structures and the character of the district and its peculiar suitability for particular purposes, with a view to conserving the values of property and encouraging the most appropriate use of land.

§54-28. Design Standards.

A. General Design Standards. Wherever these general standards apply, buildings shall be designed and placed in accordance with the following provisions:

1. Encourage the most appropriate use and development of the site and adjacent properties.
2. Preserve and enhance natural features and the physical environment.

3. Promote a desirable visual environment which is harmonious with the character of existing development and which enhances the character of the surrounding neighborhood and the village as a whole, and avoid adversely affecting the value of adjacent or nearby properties.
4. Use exterior colors, façade or roof materials or a combination of colors and materials that are harmonious.
5. Create a coordinated and harmonious appearance through a relationship of design features, such as height and mass, building proportions, rooflines, building projections, and ornamental features.
6. Uses all sides of the building to contribute to the architectural unity of the building.
7. Avoid large unbroken building masses.
8. Use attractive and quality building materials.
9. Be consistent with the architectural and design recommendations contained in the Village of Sloatsburg Comprehensive Plan, the Central Business District Study or this Zoning Law.
10. The use of exposed concrete block is prohibited, unless the same is textured. Metal siding shall not be used to such an extent that it will be a dominant architectural feature. Metal siding with exposed fastenings shall not be allowed.
11. Ribbon and mirrored glass is prohibited.
12. All buildings shall use durable material requiring low maintenance, such as brick, stone, glass, precast concrete and wood, when properly treated. Where durability and performance are questionable, the applicant may be asked to provide manufacturer's guaranty of proof of durability.

B. Specific Design Standards. In addition to the foregoing, the Planning Board shall review applications in accordance with specific design standards that may be adopted from time to time to regulate the design character of particular zoning districts within the Village of Sloatsburg.

§54-29. Decisionmaking.

A. Grounds for approval. The Planning Board may approve any application referred to it upon finding that the building or structure for which the permit was requested, if erected or altered in accordance with the submitted plan, would be in harmony with the purpose of this article, would not be visually offensive or inappropriate by reason of poor quality of exterior design, would not have monotonous similarity or striking visual discord in relation to the sites or surroundings, would not mar the appearance of the area, would not impair the use, enjoyment and desirability and reduce the values of properties in the area, would not be detrimental to the character of the neighborhood, would not prevent the most appropriate development and utilization of the site or of adjacent lands and would not adversely affect the functioning economic stability, prosperity, health, safety and general welfare of the entire community.

B. Conditions on approvals. In approving any application, the Planning Board may impose conditions and safeguards designed to prevent the harmful effects set forth herein.

C. Grounds for disapproval. The Planning Board may disapprove any application for a permit, provided that the Board has afforded the applicant an opportunity to confer upon suggestions for change of the plan and provided that the Board finds and states that the structure for which the permit was requested would, if erected or altered as indicated, provoke one or more of the harmful effects set forth herein by reason of:

1. Monotonous similarity to any other structure or structures located or proposed to be located on the same street or a corner thereof and within 200 feet of the site of the structure for which a building permit is requested, in respect to one or more of the following features of exterior design and appearance:

(a) Substantially identical facade, disregarding color;

(b) Substantially identical size and arrangement of either doors, windows, porticos, porches or garages or other openings or breaks or extensions in the facade, including reverse arrangements; or

(c) Other substantially identical features, such as but not limited to setbacks from street lines, heights, widths and lengths of elements of the building design and exterior materials and treatments.

2. Striking dissimilarity, visual discord or inappropriateness with respect to other structures located or proposed to be located on the same street or a corner thereof and within 200 feet of the site of the structure for which a building permit is requested, in respect to one or more of the following features of exterior design and appearance:

(a) Facade, disregarding color;

(b) Size and arrangement of doors, windows, porticos, porches or garages or other openings or breaks or extensions in the facade; or

(c) Other significant design features, such as but not limited to heights, widths and lengths of elements of design, exterior materials and treatments, roof structures, exposed mechanical equipment, service and storage areas, retaining walls, landscaping, signs, light posts, parking areas and fences and service and loading areas.

3. Visual offensiveness or other poor qualities of exterior design, including, with respect to signs, considerations of the harmony or discord of colors, or incompatibility of the proposed structure with the terrain on which it is to be located, including but not limited to excessive divergences of the height or levels of any part of the structure from the grade of the terrain.

D. Refusal of disapproved permit application. The Building Inspector shall refuse any building permit application disapproved as per §54-29.C. of this zoning law.

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Town of Dryden, NY

Commercial Development Design Guidelines

December 3, 2008 Final Version

Town of Dryden
93 East Main Street
Dryden, NY 13053
607-844-8888

Prepared by:
Behan Planning Associates, LLC
112 Spring Street, Suite 305
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III. CHARACTER AREA GUIDELINES

The following guidelines apply to all projects within 500 feet of the Route 13/366 corridor, as shown in Figure 1. Within this corridor, three “character areas” have been established, each with its own unique set of guidelines.

A. VILLAGE/HAMLET CHARACTER AREA

The Village/Hamlet character area specifically corresponds to the Hamlets of Varna and Etna, and the area just north of the Village of Dryden, as depicted in Figure 1. However, many of the principles set forth for this character area can potentially be applied to other areas of the town where a more village/hamlet like environment may be appropriate, such as at crossroads areas where a cluster of businesses and activity naturally emerges, or when development is proposed on larger properties that may have access to water and sewer infrastructure. The design goal of the Village/Hamlet Character Area is to strengthen a sense of place, relate buildings to a pleasant, pedestrian environment, and respect and celebrate the community’s heritage.



VILLAGE/HAMLET “CORE BUILDING BLOCKS”

The above sketch conveys some of the key attributes – or “building-blocks” – that constitute a Village/Hamlet environment. These building blocks should be incorporated into development projects and improvements in the Village/Hamlet character areas. While the application of these building-blocks on individual sites may vary based on specific site conditions and opportunities, the principals behind them should continue to govern the overall project.

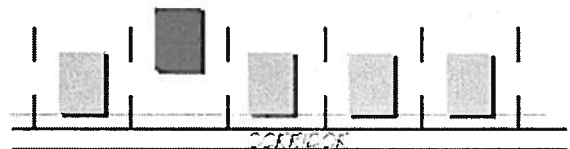
VILLAGE/HAMLET GUIDELINES

SITE LAYOUT

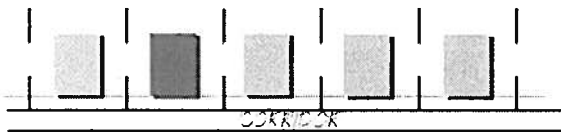
- All parking should be located behind buildings, and never between the front of a building and the public street on which it fronts.
- Buildings should provide a primary street facing front entrance, in addition to any secondary entrances that provide access from parking areas located in the rear.
- Structures should maintain consistent setbacks with respect to one another, particularly with respect to front yard setbacks. Proposed deviations from established setback patterns need to be justified by a compelling design goal that strengthens the Village/Hamlet character.



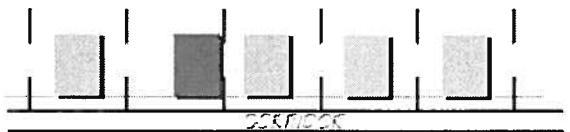
A prominent entranceway that "speaks" to the public street on which it fronts, while parking is located in the rear.



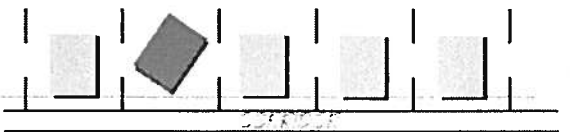
Inappropriate setback.



Appropriate setback, spacing, and alignment for an infill building development.



Inappropriate spacing between buildings.



Inappropriate building alignment.

Town of Dryden – Commercial Development Design Guidelines

- Whenever possible, shared parking should be provided between adjoining properties. This serves to limit the amount of parking required and to reduce the need for multiple curbcuts.
- Where possible, on-street parking should be utilized to fulfill parking requirements and needs.

SIDEWALKS AND STREETSCAPES

- Where feasible, sidewalks should be provided. Landscaped buffer strips should be provided between sidewalks and streets.
- Crosswalks, curb bulb-outs, appropriate signage, lighting, pedestrian crossing signals, and traffic lights should be provided to enhance the pedestrian realm.
- Changes in pavement materials, texture, color and pattern should be utilized, especially at crosswalks.
- Utilize street trees and planted medians.
- Provide benches and other opportunities to sit and relax in public spaces.
- New residential areas adjacent to Village/Hamlet centers should utilize a pedestrian friendly, compact and interconnected street pattern that is tied to the Village/Hamlet center.



Elements of a pedestrian oriented streetscape include curb bump-outs, crosswalks, planted medians and sidewalks.

Town of Dryden – Commercial Development Design Guidelines

BUILDING DESIGN AND APPEARANCE

- New construction should be or appear to be a maximum of two stories in height. Additional commercial and residential uses are encouraged on second stories.
- Ground floor commercial (office/retail) is encouraged along principal roads.
- Shared mail boxes and newspaper delivery points should be encouraged.
- Building façades should have ample windows that can be seen into, with darkly tinted windows discouraged.
- Front porches may be used to create a strong rhythm and to provide shelter for pedestrians, as well as outdoor seating for restaurant uses.
- Building character and scale should compliment and strengthen the Village/Hamlet character.
- Existing, character-establishing structures should be incorporated into development plans, and/or adaptively reused, where feasible.



Consistent setbacks, complimentary architecture, and unifying elements such as the white picket fence, strengthen the Village/Hamlet character in this view of Varna.

Town of Dryden – Commercial Development Design Guidelines

NATURAL SITE DESIGN

Site design shall recognize and respect the site's natural features, creating a balance between the program of the new development and the environmental impact. By recognizing and building with the existing topography, it becomes possible to integrate stormwater management into the design, lessen the amount of grading and erosion, and thereby lessen the environmental impact to surrounding areas. In addition, by incorporating the site's natural features into the site design, it becomes possible to create a more aesthetically relevant place which fits into its context.

- Existing mature trees should be maintained and species selected for planting should be appropriate for this region and microclimate of the setting.
- Utilize native vegetation and avoid invasive species.
- Development should minimize cut and fill, utilize gentle grading and avoid abrupt grade transitions. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- Utilize sensitive construction practices and erosion control (limit soil erosion and disturbance).
- Natural drainage ways, contours and landforms should be respected and disturbance to these areas should be minimized.



The example on the left shows how an alternative development plan can preserve existing topography rather than regrading an entire site which requires clearing existing mature trees.

- Utilization of "green techniques" for handling stormwater and runoff are encouraged where feasible, such as bio-retention swales, pervious paving materials and pervious alternatives to asphalt and concrete, such as modular paving systems or reinforced grass block (or other "dust-free" materials). For more detailed regulations and best management practices for minimizing and treating stormwater and runoff, applicants should consult the town's Stormwater Management, Erosion and Sediment Control Law.

Town of Warwick, NY
Friday, January 8, 2016

Chapter 164. Zoning

Article IV. Regulations

§ 164-47.1. Ridgeline Overlay District.

- A. Findings. The Town of Warwick finds that the natural open character of the Town's ridgelines is a critical feature whose conservation enriches and benefits both residents and visitors, as documented in the Town's 1999 Comprehensive Plan.^[1] Conservation of the scenic character of these areas of the Town emerged as an important priority in the public planning process, conducted from 1994 to 1999. The Town, therefore, finds that protection of the scenic character of the Town's ridgelines is important to maintaining rural character, a sense of place, and scenic landscapes, all of which contribute to the Town's quality of life and its attractiveness for residential and commercial development, as well as for tourism. The Town further finds that development of the area covered by this overlay district is appropriate, if such development is carefully planned and designed to maintain, conserve, and enhance to the extent practicable the scenic features of the area and the views into the landscape from public roads. Ridgeline conservation will also have the effect of protecting Warwick's important wildlife habitats and environmentally fragile areas as well as preserving open space.

[1] *Editor's Note: The Comprehensive Plan is on file in the office of the Town Clerk.*

- B. Purpose. The purpose of the Ridgeline Overlay District (hereafter the "RL-O District") is to establish clear guidelines for future development and protection of the Town's ridgelines, which are found largely at higher elevations and which comprise the most scenic and environmentally sensitive areas of the Town.
[Amended 10-24-2002 by L.L. No. 6-2002]
- C. Location. The RL-O District consists of two parts, labeled "RL-O1" and "RL-O2," encompassing those lands shown on a map entitled "Town of Warwick Ridgeline Overlay" which is hereby made a part of the Town of Warwick Zoning Map. This area encompasses those lands identified in the Town of Warwick Comprehensive Plan as "important views" and "scenic roads." RL-O1 areas constitute elevations of the Town 600 feet or more above mean sea level west of the Wawayanda Valley, as identified on the U.S. Geological Survey's topographic maps, and RL-O2 areas constitute elevations of the Town 700 feet or more above mean sea level east of the Wawayanda Valley, as identified on the U.S. Geological Survey's topographic maps.
[Amended 10-24-2002 by L.L. No. 6-2002]
- D. Applicability.
- (1) Land subdivision, special use permit, and site plan approval. The provisions of this section shall apply to all applications for land use development including subdivision, special use permits, site plan approval, zoning variances, zoning amendments, building permits for new residential dwellings, dwelling additions exceeding 300 square feet, and accessory structures exceeding 300 square feet, on any parcel of land lying fully or partially within the mapped RL-

O District. However, the RL-O District requirements shall not be used to lessen the underlying zoning district density. Except as provided herein, no land shall be developed and no building or structure erected, expanded, or developed unless the Board or Building Inspector granting such approval finds that the development proposed will be consistent with the requirements of the RL-O District. Such Board or Building Inspector shall impose reasonable conditions, which it deems necessary in order to make such a finding. The provisions of the underlying zoning district shall remain in effect except where otherwise specified herein.

[Amended 1-24-2002 by L.L. No. 2-2002; 10-24-2002 by L.L. No. 6-2002]

- (2) Conflict. In case of any conflict between the provisions of this section and the requirements of the underlying district, other sections of this chapter, the Town Road Specifications, or Chapter 137, Subdivision of Land, this section shall control.
- (3) Approval conditions. Any condition of approval necessary to meet these regulations shall be clearly noted on the final plat or plan and filed with the Orange County Clerk. All deeds of new residential units within the RL-O District shall contain references to the ridgeline design requirements, enumerated in § 164-47.1F herein, that shall be placed on the subdivision plat as a condition of approval.
[Amended 10-24-2002 by L.L. No. 6-2002]
- E. Preservation of scenic features. In any application subject to this section, features that provide scenic importance to ridgeline areas should be preserved to a reasonable extent. These features include but are not limited to individual healthy trees within open fields that are at least 18 inches in diameter at breast height (dbh), historic structures, hedgerows, public or private unpaved country roads, and stone walls.
- F. Design requirements. All development within the RL-O District shall comply with the design standards and principles provided herein. The intent of the design requirements is to provide prospective applicants for land development with the types of development that the Town wishes to achieve within the RL-O District. The requirements are also intended to ensure that future development within the RL-O District creates no more than a minimal impact on the District and surrounding area, makes open space planning a central focus of any future development, requires that new development follow traditional settlement patterns within the District, and provides general siting principles to help landowners and the Planning Board plan projects that fit into the scenic and rural countryside found in the higher elevations of the Town.
[Amended 1-24-2002 by L.L. No. 2-2002; 10-24-2002 by L.L. No. 6-2002]

- (1) Placement of structures. To ensure the placement of structures outside of the exposed ridgeline area on proposed building lots, building sites, including areas of cleared vegetation, shall be clearly designated on the applicable subdivision plat and/or site plan. Constructed structures shall not differ more than 20 feet in any direction from building site locations shown on approved subdivision and/or site plans at the time of building permit application. Wherever practical, structures shall be sited at the lowest elevation possible to be as visually inconspicuous as possible when seen from a distance and from lower elevations. In no case shall development occur along and/or project above ridgelines when viewed from the locations identified in § 164-47.1F(3)(a) below.

[Amended 9-11-2003 by L.L. No. 4-2003]

- (2) Restrictions on height. Within the R-O District, no principal or accessory structure with a building height of greater than 25 feet shall be constructed unless visual cross sections or other appropriate methods demonstrate that the subject structure could be constructed with a building height greater than 25 feet, in conformance with Table of Bulk Requirements, without unduly impacting ridgelines and scenic viewsheds.^[2]

[2] Editor's Note: See the Table of Bulk Requirements included at the end of this chapter.

- (3) Mitigation of impacts. All principal and accessory structures shall comply with the following measures, designed to mitigate the impact of the structure, including clearing of vegetation and regrading, unless explicitly exempted elsewhere in this section.
- (a) Visibility. All structures shall be sited to avoid, to the greatest extent practical, occupying or obstructing public views of land within the RL-O District. Public views shall be considered to be from any location listed on the SEQR Visual Environmental Assessment Form Addendum (V-EAF) pursuant to 6 NYCRR 617.20 Appendix B. These locations are frequented by the public and offer unobstructed views of the Town's ridgeline landscapes. Visibility shall be measured using a condition of no leaves on trees.
- (b) Colors.
- [1] Structures should blend in with natural surroundings through preferred use of stone and/or natural wood siding. In all cases, structures shall be constructed and maintained so that predominate exterior wall colors (including the colors of basement walls on the downhill side of the structure) and roof surfacing materials:
- [a] Repeat the colors found most commonly in the land and vegetation around the building (earth tone); and
- [b] Have a light reflective value of no more than 60%.
- [2] Reflective materials and bright colors that contrast dramatically with the colors of the land and vegetation around them shall not be used as predominate colors on any wall or roof surface.
- (c) Vegetation. Existing vegetation within ridgeline areas shall be preserved to the maximum extent practical. Every attempt shall be made to limit cutting necessary for either construction or the opening of views from the subject site so as to maintain native vegetation as a screen for structures, as seen from public roads or parks or other public views. This section is not intended to limit forest management in ridgeline areas when practiced in accordance with environmentally sound and sustainable silvicultural principles. Forest management constitutes a beneficial and desirable use of the Town's forest resources and makes vital contributions to the economy, environment and aesthetic features of Warwick. The tradition of using Warwick's forest resources for the production of forest products and related commercial activities, for recreation, and for sustenance of the Town's wildlife is essential to a favorable quality of life.
- [1] Landscaping. As a condition of approval, the area around each principal and accessory structure shall include at least one tree of a species with a mature height of at least 35 feet for each 2,500 square feet of lot or parcel area; provided, however, that this requirement shall not require any single-family residential lot to contain more than eight trees unless growing naturally on the site. Trees installed to meet the requirements of this subsection are preferably to be of coniferous species, shall be a minimum of six feet tall when planted, and shall be planted before a certificate of occupancy is issued for the principal structure, or if that is not possible due to planting season or weather conditions, then within one month of the planting season for the species. Landscaping survivability shall be assured in accordance with § 164-46G(3)(n)[3]. Any existing trees that meet the height requirement are counted towards satisfaction of the tree requirements, regardless of whether they are coniferous or deciduous. Concurrently with the review and approval process, the applicant submitting such plan may request approval of a landscape plan in which the vegetation requirements for certain lots or tracts may be increased, decreased or deleted, to reflect the degree of visibility of structures located in various portions of the subdivision or site. Additionally, such applicant

may request alternative placement of landscaping on certain lots and tracts if such placement provides adequate mitigation of the visual impact of the roofline of the principal structure. Landscaping required by this section shall be credited against the landscaping requirements imposed by any other section of this chapter.

- [2] Tree cutting. All timber harvesting in the Ridgeline Overlay District shall comply with the most recent versions of Timber Harvesting Guidelines for New York and Best Management Practices, as promulgated by the New York State Department of Environmental Conservation (DEC) and available from the Town's Planning Department. There may be situations where strict adherence to certain provisions of the Timber Harvesting Guidelines for New York and Best Management Practices are impossible or impractical to attain. Alternate measures exist that can be substituted for such guidelines in appropriate circumstances. In such cases, the Town of Warwick Code Enforcement Officer may grant a waiver from the strict application of the guidelines where reasonable and necessary.
- [a] Timber harvests and tree removal in excess of 1/4 acre are allowed by permit from the Planning Board in accordance with Chapter 150 of the Town Code. If the regulations of the RL-O District conflict with Chapter 150, the RL-O regulations shall apply.
- [b] Clear-cutting of all trees in a single contiguous area in excess of 1/4 acre in area shall be prohibited. This Subsection F(3)(c)[2][b] shall not apply to:
[Amended 9-11-2003 by L.L. No. 4-2003]
- [i] Christmas tree culture or other existing tree plantation;
- [ii] Harvests conducted in accordance with a timber harvesting plan prepared pursuant to § 480-a of the New York State Real Property Tax Law;
- [iii] Tree clearing for farm purposes within agricultural districts established pursuant to New York State Agriculture and Markets Law;
- [iv] Severe natural disturbances, which include fire, insect infestation, disease, ice and wind;
- [v] Removal of timber stands that, if partially harvested according to accepted silvicultural practice, are at high risk for windthrow due to factors such as soils, rooting depth, crown ratio, or stem quality;
- [vi] Ecologically appropriate improvement or creation of wildlife habitat, with accompanying prescription and justification from a certified wildlife professional, a New York State Department of Environmental Conservation Forester, a member of the New York Institute of Consulting Foresters, or a Cooperating Consultant Forester.
- (4) View preservation. A conservation easement, pursuant to § 247 of New York State General Municipal Law and §§ 49-0301 through 49-0311 of the New York State Environmental Conservation Law, is the preferred means to protect or buffer views. Other legal instruments, such as deed restrictions as described in § 164-41.1J, and acceptable to the Town Attorney, may be used to protect or buffer views.
- (5) Lighting. Exterior lighting in the RL-O District shall be controlled in both height and intensity and shall be in conformance with the requirements established herein. Under no circumstances shall the light level at any lot line exceed 0.2 footcandle, measured at ground

level. Floodlights shall not be used to light any portion of a principal or accessory structure facade (except for the temporary lighting allowed under § 164-43.4), and all outdoor light sources mounted on poles or buildings or trees to illuminate driveways, sidewalks, walkways, parking lots, or other outdoor areas shall use fully shielded light fixtures. For purposes of this section, a "full cutoff light fixture" is one in which no more than 2.5% of the total output is emitted at 90° from the vertical pole or building wall on which it is mounted. All such fixtures shall be installed or shielded so that part of the light bulb or light source is not visible beyond the property boundaries.

- (6) Design principles. To meet the purposes of the RL-O District, the following design principles shall apply:
 - (a) Parking. Parking lots for nonresidential and multifamily residential uses shall be provided with screened parking wholly at the side and/or rear of the structures, provided such an arrangement does not create a significant visual effect. If parking is provided at the side of structures, at least a ten-foot-wide landscaped area (exclusive of that required for sidewalks or utility easements) shall be provided between the road right-of-way and the parking lot, to be planted with shade or ornamental trees and at least a three-foot-high evergreen hedge, wall or fence. In addition, at least one tree and three shrubs shall be provided for each eight parking spaces in interior areas of the parking lot, whether such lot is provided at the side or rear of structures. Parking for single-family dwellings shall also be provided at the side and/or rear of the principal structure, provided such an arrangement does not create a significant visual effect. This principle shall not apply to conservation density subdivisions.
 - (b) Conservation density subdivisions within the RL-O District shall be encouraged as an alternative to maximum density development.
 - (c) Wherever practical, vegetation and topography shall be used to buffer and screen buildings.
 - (d) Clearing of existing vegetation at the edge of the road shall be minimized, except to open landscape views and as necessary to create road and driveway entrances with adequate sight distance. Curved driveways shall be used to increase the screening of buildings.
 - (e) Buildings shall be sited so that they do not protrude above tree tops and ridgelines of hills as seen from public places and roads. This shall not be interpreted to mean that the buildings should not be seen, only that they should not protrude above the trees or hilltops.
 - (f) All electric, telephone, television, and other communication lines, both main and service connections, servicing new development, shall be provided by underground wiring within easements of dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.
- (7) Dimensional regulations. The following dimensional regulations shall apply to development within the RL-O District:
 - (a) All subdivisions of land, other than conservation density subdivisions, should be considered for cluster subdivision in accordance with this chapter and New York State Town Law.
 - (b) Nonresidential and multifamily residential buildings shall be sited in clusters.
 - (c) No building shall exceed 7,500 square feet in footprint unless the structure is to be used exclusively for agricultural purposes.

- (d) The maximum allowable impervious surface coverage on any parcel proposed for subdivision or development shall be 20%. To implement this requirement, restrictions on impervious surface coverage for individual subdivided lots shall be shown on any subdivision plat.
- (e) Maximum building height requirements shall apply to the peak of the roofline except for cupolas or turrets as well as silos or barns when used in conjunction with agricultural operations, which may exceed the maximum building height.
- (8) Prevention of soil erosion. No site plan or subdivision plat shall be approved unless it includes soil erosion and sediment control measures, prepared in accordance with the standards described in manuals in common usage, such as the New York State Department of Environmental Conservation's Reducing the Impacts of Stormwater Runoff from New Development or the New York State Soil and Water Conservation Committee's New York Guidelines for Urban Erosion and Sediment Control. Landowners shall bear full responsibility for the installation, construction, and maintenance of all erosion control measures required as a condition of approval.
- (9) Referral. The Town of Warwick's ridgeline areas contain significant wildlife habitats, including those frequented by endangered and threatened species. To receive assistance in its review of applications, the applicable board may refer the proposed plan to the New York State Department of Environmental Conservation and/or the New York Natural Heritage Program for its review and recommendations. To receive further assistance, such reviewing board may refer the proposed plans to any such agencies or officials of the Town, county, state, or federal government as the board may deem appropriate.
- (10) The applicable reviewing board or Building Department may waive some or all of the regulatory requirements of this section in the RL-O District under any of the following circumstances:
 - (a) The structure or area within the RL-O District is situated so that it does not create a significant visual impact that cannot be mitigated, when viewed from visually sensitive areas, including public view locations identified in § 164-47.1F(3)(a), scenic roads or important views identified in the Town of Warwick Comprehensive Plan;^[3]
[3] *Editor's Note: The Comprehensive Plan is on file in the office of the Town Clerk.*
 - (b) The reviewing board or Building Department finds that the work to be done is of a minor nature and is consistent with the design standards set forth herein.
 - (c) The use involves commercial agricultural operations.