REFERRAL RESPONSE

ULSTER COUNTY PLANNING BOARD
General Municipal Law of New York State
Article 12B
Sections 239-1 and 239-m

Referral Number 2004306

Municipality	Gardiner
Referring Agency	Local Governing Body
Type of Referral	Comprehensive Plan
Name of Applicant	Town of Gardiner
Name of Project	Town of Gardiner
Project Location	
Description	Draft Comprehensive Plan

Local File Number

UCPB Decision | **No County Impact - Non-Binding Comments**

See Attachments ☑

Referral Officer:

Representing the Ulster County Planning Board

Date Received	10/19/2004
Date Reviewed	12/1/2004
Form Date	12/3/2004
Status	Reviewed

Carl Zatz, Supervisor
Town of Gardiner
PO Box 1
Gardiner, NY 12525

Referral No: 2004-306
Date Reviewed: 12/01/04

RECOMMENDATION

Re: Town of Gardiner – Comprehensive Plan

The Ulster County Planning Board has reviewed the Town of Gardiner's Comprehensive Plan and offers the following:

Summary

An update to the existing Gardiner Comprehensive Plan is proposed for adoption. The time frame covered by the Plan is not established. Gardiner last updated its Comprehensive Plan in 1992.

Discussion

The Ulster County Planning Board is please to see a comprehensive plan with the breadth of this submittal. Areas addressed in the Plan include: Land Use, Resource Protection/Open Space, Economic/Community Development, Infrastructure, and Regional Issues. Within each, goals are clearly articulated. Recommendations follow the major components of the goals with additional action items or explanations as subsets.

The Plan also presents an overview of the community based Census information as well as survey information and analysis of Real Property Tax information. The vision statement is succinct and the Plan contains a land use pattern to be achieved by Plan implementation. In its draft form the Plan has a minimal amount of mapping and is somewhat wordy. This is overcome by a well-organized Executive Summary that hopefully, as a final document, would include additional graphics from the Plan.

Overall, the Plan is illustrative of the work of an engaged community preparing for its future while recognizing the context of its history and natural surroundings. Our comments are directed at ways to address these interactions from a slightly different perspective as well as providing the community with a sense of place in a more regional context.

Recommendation – Non-Binding Comments

1. Regionalism/Partnerships
   Many of the Plan elements are influenced by factors and/or agencies that transcend the community's boundaries. The Plan recognizes some of these in its discussion of Issues of Regional Concern. This discussion operates primarily on a Town/County level. We believe that recognition of State and National interests should also be included. Areas where this would be helpful are transportation, ridge protection, water quality, and farmland preservation. Agencies with roles include DEC, NYSDOT, SHPO, National Park Service, EPA, and others. In addition, while the focus in the Regional section does include some obvious partnerships, a broader look at the potential for partners may be helpful. Toward that end, the Plan could call for a general study of opportunities to forge additional productive partnerships such as with community groups, non-profits, and others.

2. Education and Outreach
   Perhaps one of the least recognized components of what makes community planning work well are education and outreach. We would urge consideration of a section devoted to this topic. Education is important not only for decision makers, but also as part of an on-going awareness program that incorporates businesses, neighborhoods, schools, non-profits, and others. Outreach and participation to a great extent, influence not only how the planning process is perceived but also the acceptance of individual projects into neighborhoods. Commitment to these areas should be articulated in the Plan.

3. Preface: The Purpose and Process (pgs 1-22)
   This section brings several information sources to bear that give a relative sense of how, under existing plans, the town would grow. The historical data provide the timeframe in which growth occurred, and the survey and group mapping exercise suggest the need for change. Taken as a whole, the section is a compelling basis for the remainder of the Plan. It would be helpful if the build-out analysis not only reported housing units but also acreage. This would could be used to establish the magnitude of change that could be expected at different densities as well as the impact of clustering in light of Plan open space goals. Another item that would be helpful in this section is a build-out analysis within the expanded hamlet areas called for in the Plan. Combined, these additions would provide support for the "Land Use Patterns to be Achieved by Plan Implementation" Finally, the build-out analysis for the sewer district contained in the Infrastructure Section indicates a capacity of 21 houses while it appears that in the HR zoning district served by the sewer plant only an additional 5.7 units could be built. This supports an argument for change as well as a dire need to perform the analysis needed to obtain the infrastructure to support higher densities around/in any expanded or new hamlet area.

4. Land Use (pgs 23-27)
Consistently on-point, this section is only hampered by its use of terms such as "encourage" or "should." An example of this is seen in cluster subdivisions where the heading is "*establish cluster development as a.....*" and the final sentence under this indicates that "*...Gardiner should encourage.....cluster subdivisions.*" A much more forceful and effective recommendation would be "the Plan recommends that major subdivisions be submitted as clustered ....."

Similar examples can be found in the discussion of incentives, village-density housing, and design guidelines.

5. Resource Protection/Open Space Recommendation (pgs 27-31)
Again, this is a well written section that touches upon the most important open space issues the town faces. We also note that this section contains some of the discussion of partnerships and outreach as mentioned above.

We suggest inclusion of the following:
- A goal that speaks to protecting the scenic areas of the community beyond those associated with agriculture.
- A broader goal statement to link open spaces not only for public access and not only through publicly owned lands. This should include working to establish linkages across private lands as well as linkages that relate to wildlife corridors. NOTE: the current recommendations address some of this broader goal statement
- Recognition of the Shawangunk Kill as a designated Recreational River with an associated management plan
- Recognition of work by USDA/Soil Conservation on a Wallkill River Management Plan in addition to the Shawangunk Kill Plan (we are not aware of the later)
- Reference to the agricultural recommendations under Economic/Community Development

6. Economic/Community Development (pgs 31-45)
This is one of the largest sections of the Plan. To some extent, the breadth of the section in some ways detracts from the importance of some of the sections in it. We would suggest that subheadings be added to address specific areas. These could include: economic development, housing, historic preservation, transportation, agriculture, community form, etc. The Board is appreciative of the placing economic development in the context of community development.

With regard to the goal statement (C-4) concerning broadening the tax base, in general, we remain disappointed with community plans that call for the expansion of "revenue-producing" land uses as a means to stabilize and limit the level of residential property tax. The likelihood of success in rural communities is slim. And, since most residential development pays for itself in terms of county and town services and only "runs in the red" with regard to school costs, it would seem that the solution is best found in tax policies rather than land use. Finally, given a town with three school districts, development in one is not likely to help the others.

We would prefer a broader goal statement that offers support for business and industry as a means to build wealth in the community, internalize capital formation, increase multipliers within the local economy, provide jobs and

services to improve quality of life (limit commute) and address local needs, and yes, add to the assessment roll. In the end, we believe that this provides for a much more cogent reasoning as to why businesses and industries are included in the regulatory scheme. In short, economic development is seen in its broader supporting role for many of the issues that are occasionally used to thwart it.

Absent additional clarification, we cannot support the CLI zones east of NYS Rt. 208. Figure 29 provides little information as to where the zone would be located and, while Figure 30 shows a "new zone" extending south from Ireland Corners, it is not clear that this is the CLI zone referred to. The Board does approve of the new zone for this area and the language to limit strip commercial development and add additional siting requirements. We would suggest additional requirements related to access management on NYS Rt. 208 including interconnections to adjoining parcels as well as driveway and turning movement restrictions.

Our concerns about any CLI areas east of Rt. 208 are:

- Most of the lands in this area are in active agriculture and part of a NYS designated Agricultural District.
- Access to the lands from NYS Rt. 208 is obstructed by the NYC Catskill Aqueduct.
- Without knowing the breadth of the proposed CLI zones, it is possible that conflicts could arise with the zoning districts in Plattekill whose border is nearby.

Consideration should be given to including references that call for linking the proposed hamlet area around Ireland Corners and the expansion of the Gardiner hamlet. Viewing these hamlets as a larger linked entity would be helpful in looking at transportation and other infrastructure needs.

The Plan should also consider land uses and perhaps hamlet expansion associated with any proposed new access to the Steve's Lane CLI Zone. The investment in a new road system offers opportunities for more intensive land use and, in the long run, absent change in expectations for the area served, it is likely that future development of now-vacant parcels would generate the same complaints that are heard now.

The Board applauds Goal C-6 to "provide a diversity of housing types and styles to ensure housing choices for each level of income in the community." However, we are unable to find any recommendations in this section to support this goal. The County Planning Board is increasingly asking communities to take a proactive stance in the provision of affordable housing. Numerous tools are available including not only zoning but also housing programs, tax policies, business support etc. The Plan should examine the use of incentives, set asides, accessory units, tax policy (PILOTS), reduced fees, mandatory second floor housing with new retail construction and other solutions so as to provide a diversity of affordable units.

7. Community Infrastructure and Services

We are pleased to see the Plan address the Infrastructure and Community Services issues. The Board concurs with the Town that the means to achieve "Smart Growth" is the ability to provide smart infrastructure.

The lack of capacity and current condition of central water and sewer districts in many of Ulster County communities stands as a major impediment to realizing plan language that calls for growth around existing centers. Couple this with cost barriers, legal challenges, land ownership patterns, resistance to realistic densities to support expanded or new systems, and communities face an uphill battle in achieving their goals. The County Planning Board strongly endorses the recommendation in the Plan to continue to seek a way to provide for infrastructure to create new hamlets and expand the existing one.

The Transportation portion of this section is well conceived. We particularly support the proposed multi-access circulation network recommendations along with the interconnections shown from the 1992 Plan.

Comments on the transportation portion include:

- Multimodal recommendations should be included that relate to transit. This is particularly applicable to the hamlet areas and would complement the bike/pedestrian recommendations.

- Safety issues should be included that address the need for adequate shoulders, sidewalks, site lighting, etc.

- On Figure 33, NYS Rt. 299 heading into New Paltz should be identified as a primary arterial.

Comments on other portions:

- With regard to access to private septic systems it should be noted that where subdivisions are concerned, we believe that the local planning board has the power to include conditions in subdivision approvals that require dye testing and/or pumping of septic systems on a periodic basis as well as easements for inspection. We would suggest that once a system has failed Public Health Law requires that it be fixed. To that extent it may be more appropriate to allow the County Health Department to assume enforcement responsibilities.
- We note and approve of the need to provide for public facility planning.
- We are pleased to see the Plan address the need for additional telecommunication facilities. In so doing the community shows an understanding of the changing demographics in the community presented at the beginning of the Plan. The increased presence of what is called the "knowledge-based economy" requires access to advanced telecommunication facilities to continue to find the area attractive. The Plan would do well to look beyond the need for telecommunication services to the changing needs of what were "weekenders" and are now "week extenders." This evolution is likely to provide additional business service needs as well as a changing pattern of business activity in the hamlet to provide support throughout the week.
- Cellular facilities are not mentioned in the telecommunications discussion. The County Planning Board endorses a policy that provides for location of cellular facilities within the community built form rather than on towers along major corridors. This policy directs facilities to existing buildings, stealth structures such as flagpoles, as well as existing utility structures. We would suggest the Plan articulate a policy for cellular facilities.

8. Implementation
   It would be extremely helpful to not only divide the implementation schedule by timeframe but also by Plan Sections - I.e. land use, resource protection, etc.

   The Plan should have a means to review its implementation as well as provide for updates. For implementation review we would suggest a maximum of two years and for update a five-year maximum.

Concluding Comments

Gardiner has crafted a Plan and a process for implementation that provide clear guidance for the community's future. We congratulate the community on the document as a whole and on the recommendations related to the diverse factors that are part of any Comprehensive Plan. In closing, we would ask that the community begin the process of putting the principles in place. We are especially concerned about the need to address the diversity of housing needs. We have oft intoned that the manner in which housing needs are addressed in Comprehensive Plans is one of a common goal, but not a common path. We would ask that having established the goal, Gardiner also find the common path that actually leads to the construction of affordable units.

The Ulster County Planning Board congratulates all who participated.

Reviewing Officer

Dennis Doyle

Attach.

FINAL ACTION REPORT FORM

FINAL ACTION REPORTS ARE REQUIRED TO BE SUBMITTED WITHIN THIRTY DAYS AFTER FILED

Please complete the local agency final action box, add the local file number, include any required submittals, and sign the form

Name of Project: Town of Gardiner **Referral Number:** 2004306

UCPB Decision: No County Impact - Non-Binding Comments

Local Agency Final Action:

☐ Approve ☐ Disapprove

Member Vote: Yes: ____ No: ____

☐ County Planning Board Decision - Reviewed no County Impact

☐ Concurs with County Planning Board Modifications or Disapproval

☐ Contrary to County Planning Board Modifications or Disapproval (see required submittals if checked)

☐ **Required Submittals Attached**

☐ **Resolution Attached**

Local File Number:

Municipality: Gardiner

Referring Agency: Local Governing Body

Type of Referral: Craft Comprehensive Plan

Name of Applicant: Town of Gardiner

Project Location

Description: Draft Comprehensive Plan

Required Submittals:

"Final actions that are contrary to a County Planning Board's recommendation o modification or disapproval shall state the reasons for such contrary action. Suc contrary actions require a majority plus one vote of all members of the local boa (Section 239-l of General Municipal Law)." Local boards should articulate these reasons in their appovals and submit them with this form.

Local Officer: _____

Date: _____

~ For Ulster County Planning Board Use Only ~

Local Board Decision:

Original Date Received: 10/19/2004

Original Review Date: 12/1/2004

Final Action Date Received:

Status: Reviewed

Return Form to:

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Ulster County Planning Board
Box 1800 Kingston, N.Y. 12402

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Form Revised 09/26/2000 UCPB

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