

Town of Empire

Land Division / Subdivision & Zoning Ordinance

KICK-OFF MEETING SUMMARY

On Wednesday, April 2, 2008, the Town of Empire hosted a Kick-off Meeting at the Town Hall to begin the process of revising the Empire Subdivision and Zoning Ordinances. Revisions to these ordinances results from state statutes requiring that all local land use ordinance be consistent with the Town's recently adopted Comprehensive Plan. More than sixty residents, landowners, and elected officials attended the meeting, listening to a presentation by Jeffrey Sanders of OMNNI Associates. OMNNI has been hired by the Town to prepare the ordinance. A copy of the presentation can be viewed by going to www.omnni.com and clicking on PROJECTS. Scroll down the screen and select Empire Subdivision and Zoning Ordinance. The presentation included:

- Introductory information on subdivision and zoning ordinances;
- The rationale behind the Town's decision to develop a subdivision ordinance;
- A description of the difference between conventional and conservation subdivisions;
- A discussion regarding various wastewater treatment options; and,
- A five-question conservation subdivision exercise.

Conservation Subdivision Exercise

Near the end of the Kick-off Meeting, OMNNI distributed a five question exercise sheet to attendees. The purpose of the exercise was to gain an understanding of the opinions of participants as they relate to conservation subdivisions. As per the Town's Comprehensive Plan, conservation subdivisions will likely be the primary form of residential development in the community during the next twenty years. A copy of the Conservation Subdivision Exercise worksheet is available for review on the project webpage.

The **first question** focused upon the identification of *secondary conservation areas* (SCAs). SCAs are important local resources, either natural or cultural, that are not otherwise protected by state or federal regulation. A conservation subdivision ordinance can identify locally generated SCAs as worthy of preservation during the residential subdivision development process. Once approved, SCAs will be incorporated into the Town of Empire Subdivision Ordinance.

The **second question** asked participants to identify the minimum amount of preserved open space (as a percentage) to be protected within a given residential development. These areas are protected through a conservation easement, land trust, or other mechanism in perpetuity ensuring that rural character and open spaces remain a lasting component of the landscape.

The **third question** asked attendees to select the minimum lot size that will be allowed within a conservation subdivision. The current zoning ordinance allows for single-family homes to be constructed on 1/2-acre lots (20,000 square feet) in the RS-20 District and 1-acre lots (43,556 square feet) in the General Ag District. Within conservation subdivisions, lots smaller than 1/2-acre in size will require clustered wastewater treatment systems.

The **fourth question** asked participants to identify criteria for recommending or requiring alternative, clustered wastewater treatment systems for future subdivisions.

The **fifth question** asked attendees to identify recommended or required criteria for community wells serving the entirety of future residential subdivisions.

Finally, space was provided to allow those in attendance with an opportunity to offer comments regarding the proposed ordinance, conservation subdivisions, or anything else relevant to the meeting or the ordinance development process.

Fifty-nine of the people in attendance completed and submitted the worksheet at the close of the meeting. The questions, and tabulated responses, appear below. The number of people who selected the option and the percentage that number represents of the entire group appears to the right.

Tabulated Responses

Question 1: Identification of Secondary Conservation Areas (check those that you would prefer to see incorporated into the ordinance)

Proposed SCA	Number of Responses	Percentage
Stream corridors	54	92%
Environmental corridors	29	49%
Critical wildlife habitat	42	71%
Mature woodlands	45	76%
Large Trees	35	59%
Unique natural areas	44	75%
Prime Agricultural lands	34	58%
Old barns, silos, fence lines	13	22%
Historic structures	29	49%
Trails	18	31%
Scenic Views	37	63%
Niagara Escarpment	42	71%
Other: Dark Skies, prairies, drumlins, scenic roads, fence lines, views, setback on ledge, ponds, wetlands		

Question 2: Minimum Preserved Open Space (select one)

Proposed Open Space Set-aside	Number of Responses	Percentage
50% of entire site	6	10%
40% of entire site	13	22%
50% of developable acreage	16	27%
40% of developable acreage	19	32%
Other	3	5%
Other (70%)	1	2%
None	3	5%

Question 3: Minimum Lots Sizes (select one)

Minimum Lot Size	Number of Responses	Percentage
3/4 acre	25	42%
1/2 acre	21	36%
1/3 acre	5	8%
1/4 acre	1	2%
Other (1-acre)	4	7%
Other (2-acres)	1	2%
Other (1 ½ acres)	1	2%
Other	1	2%

Question 4: Clustered Wastewater Treatment

	Number of Responses	Percentage
All subdivisions of 5 or more lots	9	14%
All subdivisions of 10 or more lots	13	21%
All subdivisions of 15 or more lots	15	24%
All subdivisions	17	27%
None	9	14%
Undecided	1	2%

Question 5: Community Wells

	Number of Responses	Percentage
All subdivisions of 10 or more lots	16	28%
All subdivisions of 15 or more lots	11	19%
All subdivisions of 20 or more lots	6	10%
All subdivisions	20	34%
None	5	9%
Undecided	1	2%

Comments

1. Open space is all weeds.
2. Open space is all weeds.
3. Large conservancy development should not be encouraged.
4. 20 units should be the norm.
5. Pheasant Run was an early attempt to have the experience of a conservation subdivision. All home owners have deeds of one acre although they actually live on ½ acre lots. Residents have made favorable comments.
6. Thanks for addressing the number of other waste treatment systems available.
7. Very tough for some people to get past “the way it’s always been done!” Please continue to stress that all of this is possible, reasonable, and economically sound!

8. Need to look at the subdivisions on a case by case basis, so keep requirements as flexible as possible.
9. No.3 Other = 1 acre.
10. We need practicality and not emotions in these kinds of exercises. Your recommendations and expertise would be an added value to this project.
11. Re-growing when trees die [i.e. plant replacement trees].
12. At least! [50% of developable acreage as preserved open space].
13. Encourage clustered wastewater treatment for 10 or more lots [as opposed to requiring].
14. Encourage community wells [as opposed to requiring].
15. Hard wood, live trees, oak, maple, hickory, ash [as related to mature woodlands and large trees].
16. Good background and presentation.
17. 600' mandatory setback from ledge.
18. Preserve natural escarpment.
19. No blasting.
20. Good job presenting the facts in a non-biased way.
21. I'd prefer larger lots.