

Chapter 8:

Comprehensive Land-Use Planning



“Development and growth, by their very nature, have an impact on our environment. In many cases, that impact can be positive, as proactive planning works to preserve open spaces and protects environmentally sensitive areas.”

National Association of Homebuilders web site (www.nahb.com), Environment page

“Local Comprehensive plans can identify and provide for the preservation of natural resources and sensitive environmental areas’ Village Law ’7-722(3)(d), Town Law ’272-a (3)(d), and General City Law ’28-a(4)(d).”

(Nolon 2002)

Comprehensive plans establish a community’s vision for the future and outline a roadmap for achieving that future by guiding land-use patterns and development. Municipalities throughout the Hudson Valley are updating their decades-old plans, and others are creating them for the first time. As your community is undertaking comprehensive planning, it is an ideal time to begin thinking about natural areas and wildlife. By considering these natural resources during the comprehensive planning process, towns have the opportunity to create strategies to conserve sensitive habitats while planning for future growth and development.

How Can Comprehensive Planning Be Used to Conserve Natural Areas and Wildlife?

The comprehensive plan guides future land-use decisions of community leaders by providing a framework that can be used to evaluate development proposals and phase

public improvements. Some municipal comprehensive plans either do not address natural areas and wildlife or address them in such a general way that it is not always clear what actions the town might take to protect them. Because the comprehensive plan is the basis for land-use decisions, it is important to have good natural area and wildlife information, with a clear outline of how the municipality can conserve those resources. By doing so, the municipality is empowered to use the tools described in this handbook to conserve areas it has determined are important.

Smart Growth Strategies

The comprehensive plan can project a desired vision of what the community will look like in the future. A good plan will achieve the community’s objectives regardless of the rate or ultimate extent of growth. It will also reflect local conditions, concerns, resources, priorities, and opportunities in its recommendations and provide simple, clear, and concise statements and policies that can be understood by all community members, including citizens, developers, builders, and public officials.

Identify Basic Principles

To adequately address natural resources, the plan can embrace several basic principles:

- Natural features are valuable as part of a community’s character, scenery, and wildlife habitat and they provide ecosystem services, including water purification, and as such, contribute significantly to the area’s quality of life.
- Most land-use decisions are made by private landowners and local governments.
- Planning ahead protects natural resources better than reactive environmental review, because natural resources rarely exist on only a single site and cumulative impacts are difficult to gauge one project at a time.
- Planning may reduce conflict by raising awareness of environmental issues before a project is underway.
- Natural resources do not follow municipal boundaries.

Identify Your Ecological Region and Watershed

Every town is part of a larger natural landscape, and local land-use decisions often have an effect on the

larger landscape. In the Hudson Valley, some of the well-known landscapes are the Helderberg Escarpment, the Catskills, the Rensselaer Plateau, the Highlands, and the Wallkill Valley. Every town in the Hudson River Estuary watershed eventually drains into the Hudson itself, but you can also identify the Hudson tributary watershed(s) the town is part of. Recognizing the larger ecological context of the town will help to put in perspective how local decisions may relate to the larger landscape, which is the scale at which ecosystems exist.



Identify Natural Areas

Good information is essential for a good plan. For planning purposes, the identification of natural areas often can be done with existing information. Chapter 4 describes how to find information about specific wildlife and habitats in the Hudson Valley, including stream corridors, wetland complexes, and forests. Sometimes, there is little existing information for your municipality. If this is the case, the plan can recommend additional study with specific recommendations on where and how to collect it. Once natural areas have been identified, the benefits of the town's natural areas and wildlife should be described. For example, forests are essential for keeping drinking water clean, and wildlife viewing is an important recreational activity for residents and visitors. Benefits of habitats to your community are described in Chapters 1 and 3.

Create Maps

Using and displaying land-use maps may be the most effective way to convey the plan's vision to residents, elected officials, and potential developers. Some towns go one step further and create a geographic information system (GIS) either in-house or with help from a consultant. Maps and GISs are very useful when developing the comprehensive plan, but they can also be useful in helping protect natural areas during project

review by various boards in the town. Because GIS maps are dynamic, new information can be added over time and different kinds of information can be analyzed. For example, steep slopes and significant habitats can be overlaid to see how these two different types of information might inform the development process on a particular site.

Write Specific Policy Statements

To strengthen the comprehensive plan's role in conserving the environment, the community can include explicit statements embracing a conservation ethic for protecting nature, as well as specifying what the community wants to accomplish. Consider this example from the Town of Yorktown in Westchester County:

"Yorktown's natural resources are integral to the long-term health, safety, and well-being of not only Yorktown but also neighboring towns and the region. The town should expand efforts to preserve open space and natural resources throughout Yorktown. The ecological integrity of Yorktown's natural resources including groundwater, streams and wetlands, trees and woodlands, steep slopes, and areas rich in biodiversity must be maintained and protected, even as new development occurs."

Identify Specific Actions

Once natural areas have been identified, the comprehensive plan can then refer specifically to a variety of ways in which a community can accomplish natural-resource protection goals and objectives. For example:

Goal:

The town will control stormwater runoff to minimize impact on water bodies and local wildlife. We will use the following objectives to accomplish our goal:

- Examine existing neighborhoods for stormwater-management problems and take steps to rectify any problems.
- Encourage site planning and drainage measures that minimize runoff rate and volume, and ensure water quality.
- Minimize impervious surfaces in new construction and on municipal properties.
- Use the landscape to naturally absorb and filter runoff before slowly releasing it downstream.
- Reduce impervious surfaces and thin natural vegetation to reduce the need for stormwater control.

- Minimize erosion from construction sites.
- When stormwater management is necessary, use techniques that are least harmful to wildlife, such as infiltration and rain gardens.

There is more than one way to protect a particular resource. For example, to protect streams, a municipality could use one of the following techniques: remove stream buffers from density calculations, initiate a watershed committee with other municipalities in the watershed, adopt a wetland and watercourse ordinance, begin a program to educate streamside landowners on best-management practices for stream health, or require setbacks in zoning or subdivision regulations.

Keep in mind that the comprehensive plan may be implemented over several years, so consider actions that can be taken now and five or ten years down the road.

Coordinate with Surrounding Communities

Many natural resources extend beyond community borders. Your municipality can explore what adjacent communities are doing to identify and protect their resources. For example, a community's plans for high-intensity use could compromise the conservation efforts of a large wetland complex in a neighboring community. In addition to working with adjacent localities, it may make sense to work with school districts, sewer districts, and, for those communities in the New York City watershed, the New York City Department of Environmental Protection. Exchanging information and

coordinating efforts for protecting natural resources is encouraged. For more information, see Chapter 12.

Coordinate with Water and Sewer Authorities

The provision of community facilities and services, such as public water systems and wastewater treatment facilities, has a significant impact on development patterns. Existing plans and policies, such as land-use plans, population projections, and public water system extensions, should be integrated in the comprehensive plan. The comprehensive plan committee can invite representatives from county water authorities, public-works departments, and private utilities to discuss plans and policies with your municipality. The committee can work with such agencies to ensure that future utility and facility service areas avoid natural areas that the community wants to protect.

Conservation Advisory Councils

New York's municipalities can create conservation advisory councils (CACs) to advise the planning board on environmental concerns. Sometimes called environmental conservation commissions, these volunteer boards serve a variety of roles in the community. Many are asked by the planning board to review development proposals to help to protect sensitive environmental resources. Others undertake a natural resources inventory to take stock and keep track of the town's natural features, and natural areas can be included, as described in Chapter 4. If a CAC completes

Relate Natural Area and Wildlife Conservation to Other Parts of Your Plan

When developing a plan, it helps to address ways that natural areas and wildlife are related to other important issues in your community. Showing that the relationships have been considered will help local boards integrate decision-making as the plan is implemented.

Housing. Actions that protect natural resources can be considered in concert with goals to enhance housing availability and affordability. Areas of higher density development can be directed away from sensitive habitats in a way that creates affordable housing and economic development opportunities by using higher densities in appropriate areas.

Transportation. Transportation corridors can have a tremendous effect on natural areas and wildlife. New roads can guide development. Some road corridors may be enhanced by preservation of buffers and narrower right-of-ways. Placement of new roads can be coordinated with resource-protection goals.

Utilities and Community Facilities. The provision of community facilities and services, such as public water and sewer, has a significant impact on development patterns. The comprehensive plan could spell out how

future utility and facility-service areas can avoid natural areas that the community wants to protect.

Economic Development. Natural resources often support local industries, including agriculture and forestry. Natural areas also support tourism and recreation. The comprehensive plan can explain how economic development priorities can be compatible with actions to enhance or protect natural resources.

Open Space. If your plan recommends undertaking an open space plan, include natural areas and wildlife in the inventory and as a criterion for prioritization. Show how conserving them supports other community goals.

Water Supply. Protection of a municipal water supply, whether recharge areas for aquifers or watersheds for reservoirs, is compatible with conserving wildlife. This can be spelled out in the comprehensive plan. A biological survey of protected watershed land can help communities manage the land for multiple benefits.

Stormwater. Any section on stormwater management in the plan can recommend best development practices that minimize impact to water bodies and local wildlife.

an open space plan and inventory that is adopted by the town board, it can become a conservation board. The inventory and map then becomes the official open space index of the town and the board may take on additional duties to assist the community with sound open-area planning and natural and scenic resource conservation. The councils can also perform other duties as requested by the town board, including management of municipal lands, and advice on environmental regulations, ordinances, or policies.

Summary of Benefits

Comprehensive planning provides an opportunity for communities to envision their future and to set in motion the policies and actions to realize that vision. Including natural resource protection as an integral part of a community's vision in a comprehensive plan is the first step to enacting protective programs, policy, and legislation. A plan sets the framework for enacting ordinances and laws, and it directs municipal leaders in making appropriate decisions to accomplish community objectives.

Local Examples

Town of Yorktown, Westchester County

Yorktown is a low-density residential community in northern Westchester County, with higher density hamlets. The town has grown from a population of 4,700 in 1950 to 36,300 today, yet important biological resources remain, as identified in the Croton to Highlands Biodiversity Plan (Miller and Klemens 2004). In revising its twenty-year-old comprehensive plan, Yorktown made a strong commitment to balancing development with natural-resource conservation. In a chapter dedicated to natural resources, they laid out eleven specific goals. Goal 7-A, for example, links the protection of natural resources, including "woodlands, water resources, wetlands, threatened and endangered species, and habitat areas for plants and wildlife" to the protection of "the health, safety, and welfare of Yorktown residents." Goal 7-I aims to "promote biological diversity by protecting open space that serves as habitat and/or breeding grounds for a wide range of species." Specific actions are described in a policies section that clearly creates a roadmap for implementation, including natural area and wildlife conservation goals. For example, Policy 7-13 identifies vernal pools as a resource for which more information is needed and describes how the town will collect the data and use it for conservation. For more information, contact the Yorktown Planning department (914 962-6565). A copy of the plan is available online at www.yorktownny.org.

Town of Philipstown, Putnam County

Philipstown is a largely rural town located on the Hudson River and in the Hudson Highlands. It has extensive areas of high-quality habitat, including thousands of acres of intact forests and several small tributaries to the Hudson. In its extensive description of the habitats in the town, Philipstown's comprehensive plan states "Philipstown's open space provides important natural resources for the community-at-large; it supports native species, maintains natural ecological processes, and contributes to our health and quality of life." The plan identifies seven known environmentally sensitive areas and includes a recommendation to conduct a town-wide biodiversity assessment, with an eye toward identifying the highest quality habitat. Some of the recommendations for action include creating a stream corridor overlay zone, review standards for biodiversity, encouraging cluster development to protect contiguous open space in some areas, and developing an open space plan. For more information, visit the town's web site at www.philipstown.com.

Town of Blooming Grove, Orange County

When updating a natural resource inventory for its comprehensive plan, the Town of Blooming Grove used the Orange County Open Space Plan to identify areas important for natural areas and wildlife. The town worked with the county planning department to get a town map of biological resources. Using this tool, the town identified its natural areas and the connections between them within the town. To protect flora, fauna, and habitat, the plan recommends that the town designate the areas of biological significance as critical environmental areas, create an overlay district over these areas to develop new standards for protecting sensitive habitat, design and coordinate development in these areas in ways that maintain connections, consider establishing an open space fund to protect these lands, and complete a town-wide biological resource inventory. For more information, contact the Town of Blooming Grove at 845 496-3895.

Urban Revitalization

One technique for preserving valuable landscapes while accommodating a growing population is to redevelop previously used urban lands, sometimes known as “brownfields.” Brownfields are “property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.” (from U.S. Environmental Protection Agency web site) A similar technique is to develop unused portions of vacant or underutilized shopping plazas. A few of the benefits of reusing sites:

- A recycled parcel is often less expensive to develop than new land, because it is already serviced by roads, utilities, and other infrastructure.
- Brownfields also can be redeveloped into community parks or restored natural areas.
- Brownfield and infill development limits the pressure to develop agricultural land and other open space, potentially impacting valuable habitat.

Specific techniques for redevelopment include special zoning, such as a redevelopment overlay zone, and tax incentives to encourage redevelopment. New York State has a program to help communities clean up and redevelop brownfields. Redevelopment can use several techniques covered in this handbook, including natural landscaping (Chapter 13), natural drainage and improved stormwater management techniques (Chapter 10), and conservation of natural areas (Chapter 5).

“Urban parks, gardens, and recreational open space stimulate commercial growth and promote inner-city revitalization.”

(Lerner and Poole 1999)

Technical Assistance

The New York State Department of Environmental Conservation can help your community include nature in your plan and zoning ordinance. Presentations, habitat information, and suggestions for conservation are all available. Contact your regional Department of Environmental Conservation office (see Appendix 3).

The Hudson River Valley Greenway provides financial and technical assistance for comprehensive plans. Contact the Greenway at 518 473-3835 or visit their web site at www.hudsongreenway.state.ny.us.

The New York State Department of State can help your community with planning. The Division of Local Government offers training and technical assistance at www.dos.state.ny.us/lgss/. The Division of Coastal Resources provides grants for communities in the coastal zone along the Hudson River. Visit their web site at www.nyswaterfronts.com.

Resources

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