

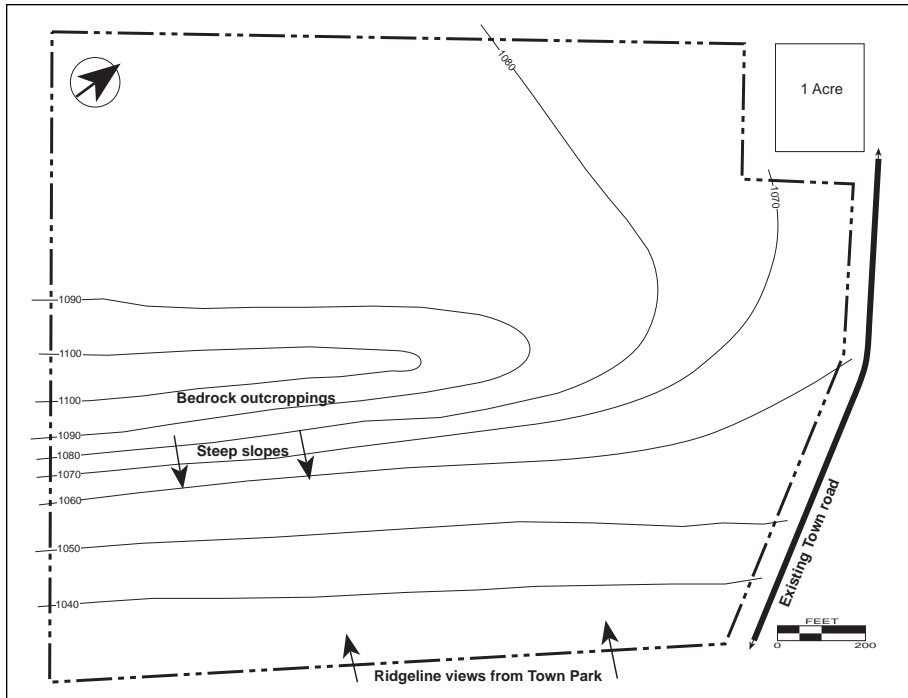
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EXAMPLES OF CONVENTIONAL DEVELOPMENT vs. RIDGE OVERLAY DEVELOPMENT

This section describes three hypothetical cases of mountain land development and the different outcomes that result from using existing zoning districts or ridge overlay districts. The examples demonstrate how current regulations may be inadequate to preserve the unique natural features of the Shawangunk Ridge. Use of techniques found in the model regulations, on the other hand, can permit carefully designed development while at the same time preserving the most sensitive and beautiful features of the ridge.

EXAMPLE 1: FORMER WILSON POTATO FARM

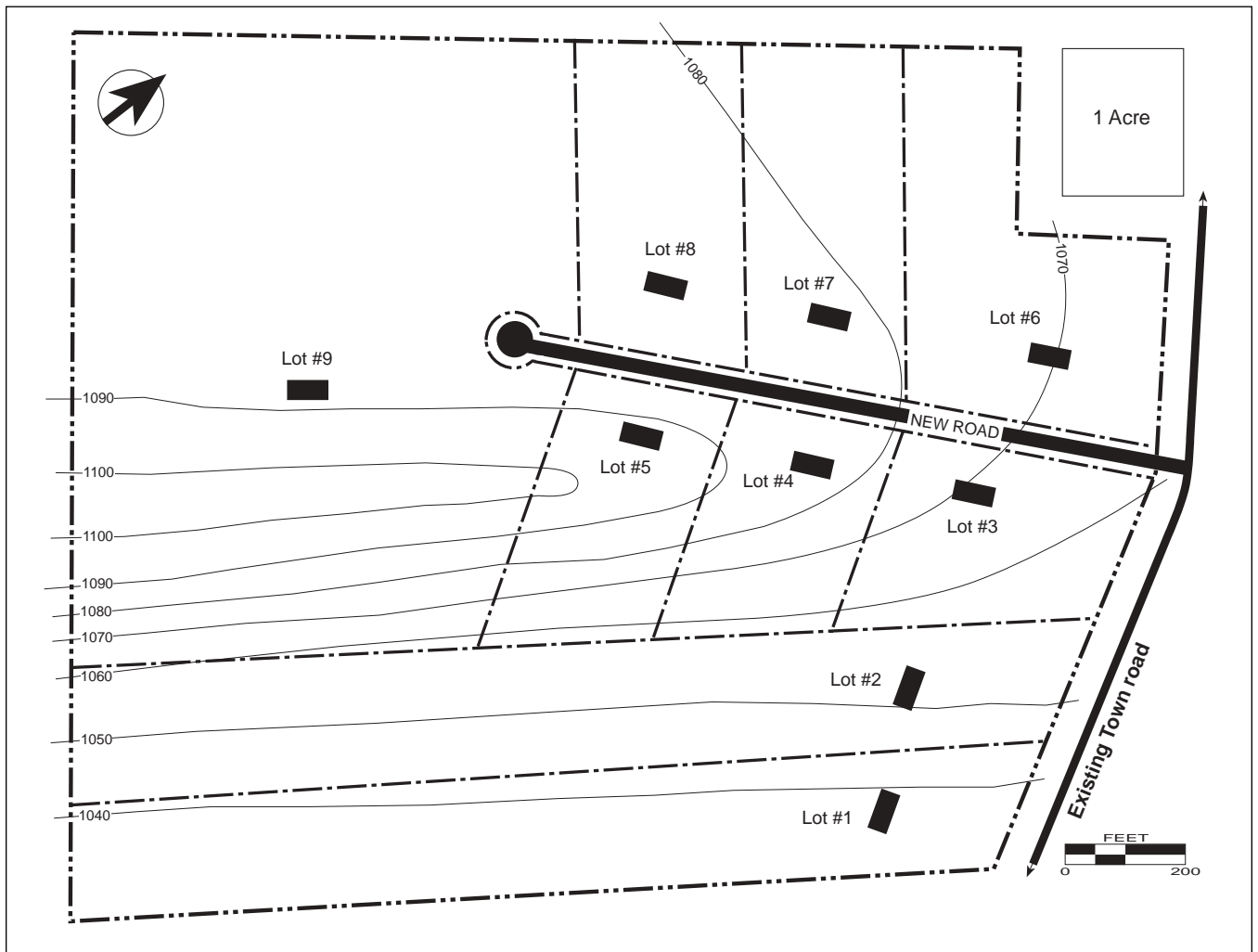
One hundred years ago, this 50-acre property was a potato farm on top of the ridge. It has since reverted to forest and has been timbered. The property owners live on a separate land parcel down the road in a home the wife's father built. Zoning is two-acre residential. Half the property is on the side of the ridge; the other half is on the relatively flat ridge top.



Existing Conditions

- 50 acres
- Forested property on the slope and top of ridge
- Two-acre residential zoning
- 1000 feet of road frontage on rural town road

Former potato farm: Existing conditions



Former potato farm: Conventional development scenario

Conventional Development Scenario

The property owners retained a local engineer, intending to subdivide about 16 house lots on the upper slopes and ridgetop to capitalize on the views. Considering the panoramic views, the developer planned to sell these as prime lots.

Upon receiving a subdivision application, the town, urged by concerned neighbors and regional conservationists, decided that a full environmental assessment should be completed to determine the effects of erosion and runoff from the road, the development's visual impact and its effect on wildlife. The town was also concerned about the length of the access road that would be built along the ridge to the house lots. The owners protested, but the town insisted. The final report took many months to complete.

The town concluded from the environmental assessment that 16 lots, as laid out in the proposed site plan, would have significant visual impact and would also impact New York State-documented wildlife habitats along the top of the ridge.

Based upon this finding, the town approved only nine homes to be built instead of 16. The owners threatened to sue the town, leading to a protracted period of squabbling. Eventually, to get the approvals out of the way and proceed with the development, the owners reached an agreement with the town reserving the option of seeking approval at a later date for a second phase of additional homes on top of the ridge.

An expensive, full-size road was cut along the ridge. Because there were no design guidelines on tree cutting, house siting or house design, several homes were sited very prominently, disrupting views of the ridge. Another home had bright floodlights installed in the front yard that could be distinctly seen from a popular state wilderness recreation area.

The town was unhappy with the final result, but powerless to do anything about it. The property owners were also unhappy given the expense, delays and frustration of a difficult approval process.

Outcome

- 16-month environmental review
- Threatened legal action
- Original 16 lots reduced to nine lots
- New dead-end town road
- Disruption of scenic views
- No provision for public open spaces
- Future development areas reserved

Conservation Design Scenario

Having recently reviewed its local regulations, the town had adopted a new ridge overlay district on a section of the Shawangunk Ridge including the affected the farm property. After analyzing the overlay district guidelines, the property owners hired an engineer who designed a site plan that created six building lots near an existing road relatively low on the ridge. This greatly reduced road construction costs since a long, expensive road to the top of the ridge was not required.

The proposed design left over 50 percent of the property as a permanently protected natural area, including the ridgeline and top of the ridge. The overlay zoning regulations allowed the builders to use a shared drive consisting of a permeable gravel surface (with adequate drainage) instead of a more-costly paved surface, thereby reducing costs further.

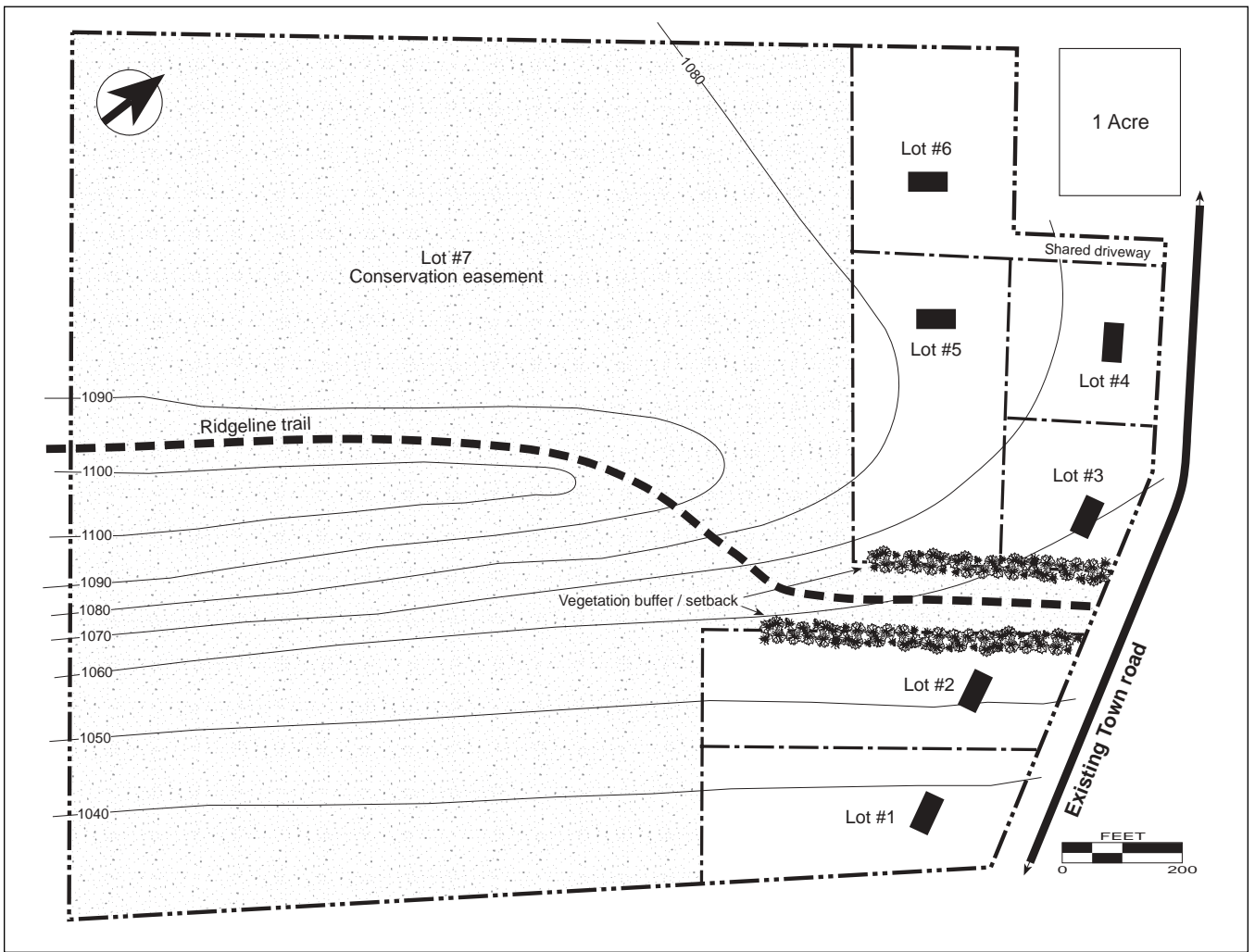
By siting houses lower on the ridge, visual impact of the development was greatly reduced. Documented wildlife habitats near the top of the ridge were not disturbed and a ridgetop trail system remained as a valuable recreational resource for public hiking. Valuable open space was preserved, views were undisturbed and high-quality housing was created. Because the town felt the development would cause minimal environmental impact, they gave a negative declaration under SEQR. This enabled the owners to gain site plan approvals in nearly half the normal time required by recent similarly sized subdivisions in the town—and at less cost.

Although the town declined the owners' offer to donate the remaining open space to the town as park, a donation was readily accepted by a local non-profit conservation organization which agreed to maintain the land consistent with the terms of a conservation easement signed by all parties. The owners received a tax benefit for the donation.

When the finished lots were offered, they sold more rapidly than other lots on the market because they had the valuable amenity of a nearby permanent natural area. The owners were satisfied with the results, both financially and aesthetically. The town was also pleased with this successful application of the ridge overlay district guidelines, which became a model for future developers and subdividers along the Shawangunk Ridge.

Outcome

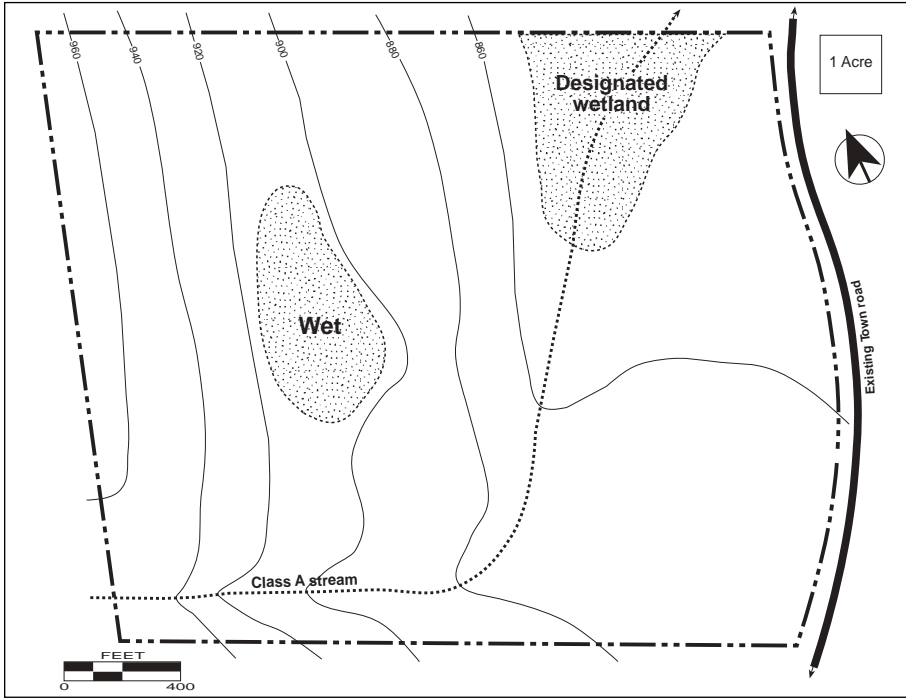
- Seven lots approved (six house lots, one conservation lot)
- Ridgeline and ridgetop views left undisturbed
- Permanent natural area becomes a valuable amenity
- Approvals obtained in less time at less cost
- New town road avoided; access requirements and costs reduced
- Wildlife habitats preserved undisturbed
- Ridge trail preserved for public recreation



Former potato farm: Conservation design scenario

EXAMPLE 2: JONES FAMILY PROPERTY

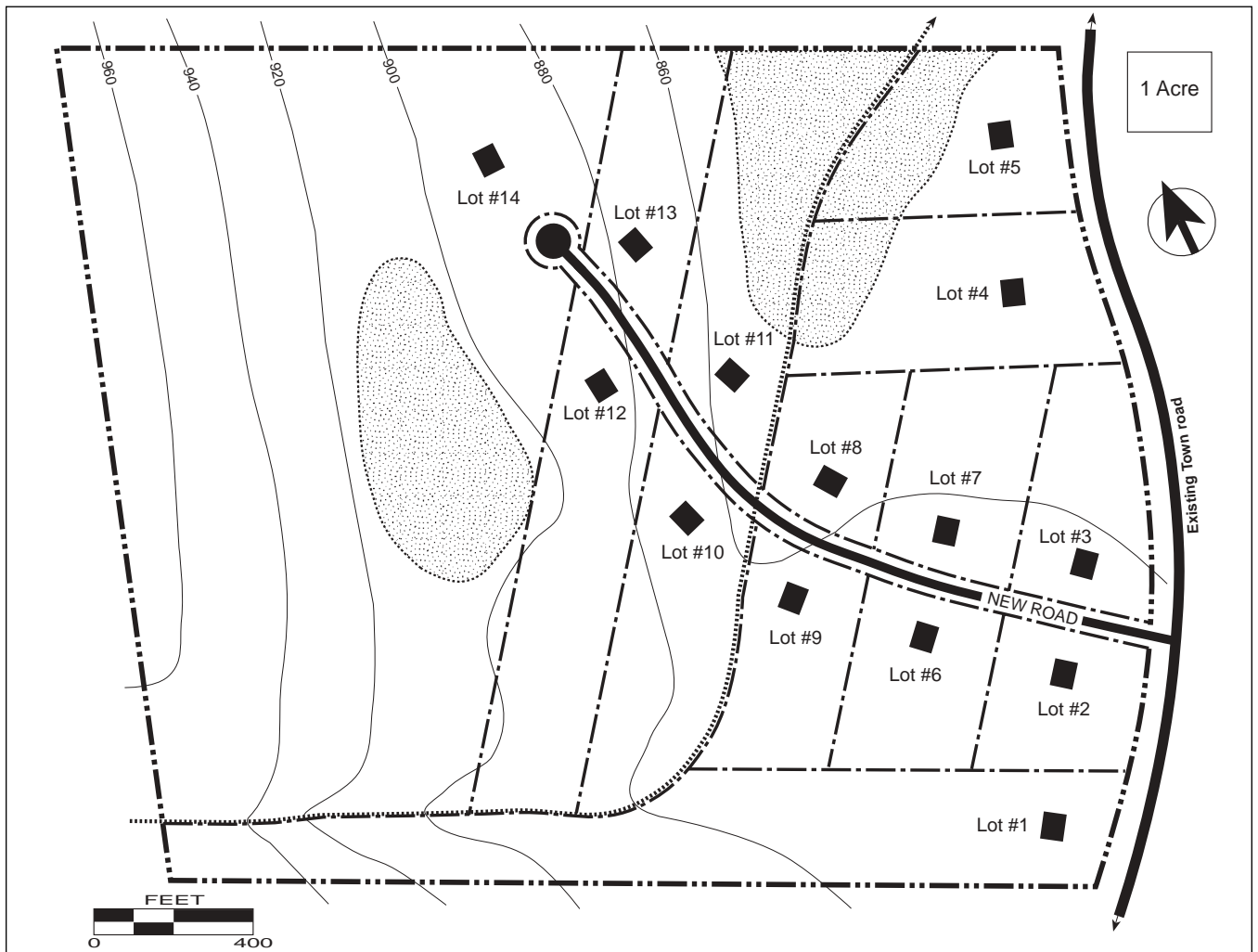
This 100-acre parcel had been in the Jones family for more than 50 years, but the family decided to retire and sell the land. It was an unusual property because it contained two wetland areas and a major stream on the side flank of the ridge. The property had a fair length of road frontage, but the stream blocked access to the ridge and the wetlands made development of other portions difficult. The family was hopeful they could find a buyer for the whole property at a good price.



Existing Conditions

- 100-acre parcel on flank of ridge
- Two wetland areas
- Major headwater stream crossing
- Two-acre residential zoning
- 2000-foot frontage on rural town road

Jones family property: Existing conditions



Jones family property: Conventional design scenario

Conventional Development Scenario

A builder offered to buy the property conditioned on town approval of a subdivision. Since wetlands and the stream affected nearly half the property, the proposed site plan created 14 lots—nine on level land east of the wetland/stream area and five across the stream on the side of the ridge.

The town was concerned about driveways to each lot impeding the wetlands and wanted the developer to extend the road from a different direction to bypass the wet areas. In addition, the town requested an environmental assessment to determine if the bridge and new stream crossing would have a significant impact.

After 11 months of analysis, the town concluded from the environmental assessment that the lots could be approved if all the driveways were moved out of the wetlands and the bridge was constructed well above the stream to prevent flooding. Because of the increased expenses for a longer road and bigger bridge, the builder had to raise the cost of the lots, which made them more difficult (and slower) to sell. This added to the builder's financing costs as additional months were required to complete the whole review process.

After construction, nearby residents became unhappy with the five highly visible houses on the ridge and with the disruption of the stream by the new road and bridge. The family that sold the land was also displeased because it had taken significantly longer than expected to get paid by the builder due to the approval and sale delays.

Outcome

- Original 14 lots approved
- 16-month approval process
- New town road and bridge
- High design costs to avoid wetlands and stream flooding
- New homes disrupt ridgeline views
- Valuable open spaces fragmented
- Disappointed neighbors and land owner

Conservation Design Scenario

When the landowners decided to sell, they were approached by a local builder who foresaw an opportunity to design a subdivision containing home-sites that preserved the unique features of the property. Since the builder also loved to fish and hike in the areas along the ridge, the subdivision was planned so the lot buyers could have access to the beautiful stream and mountain ridge from right out their back doors.

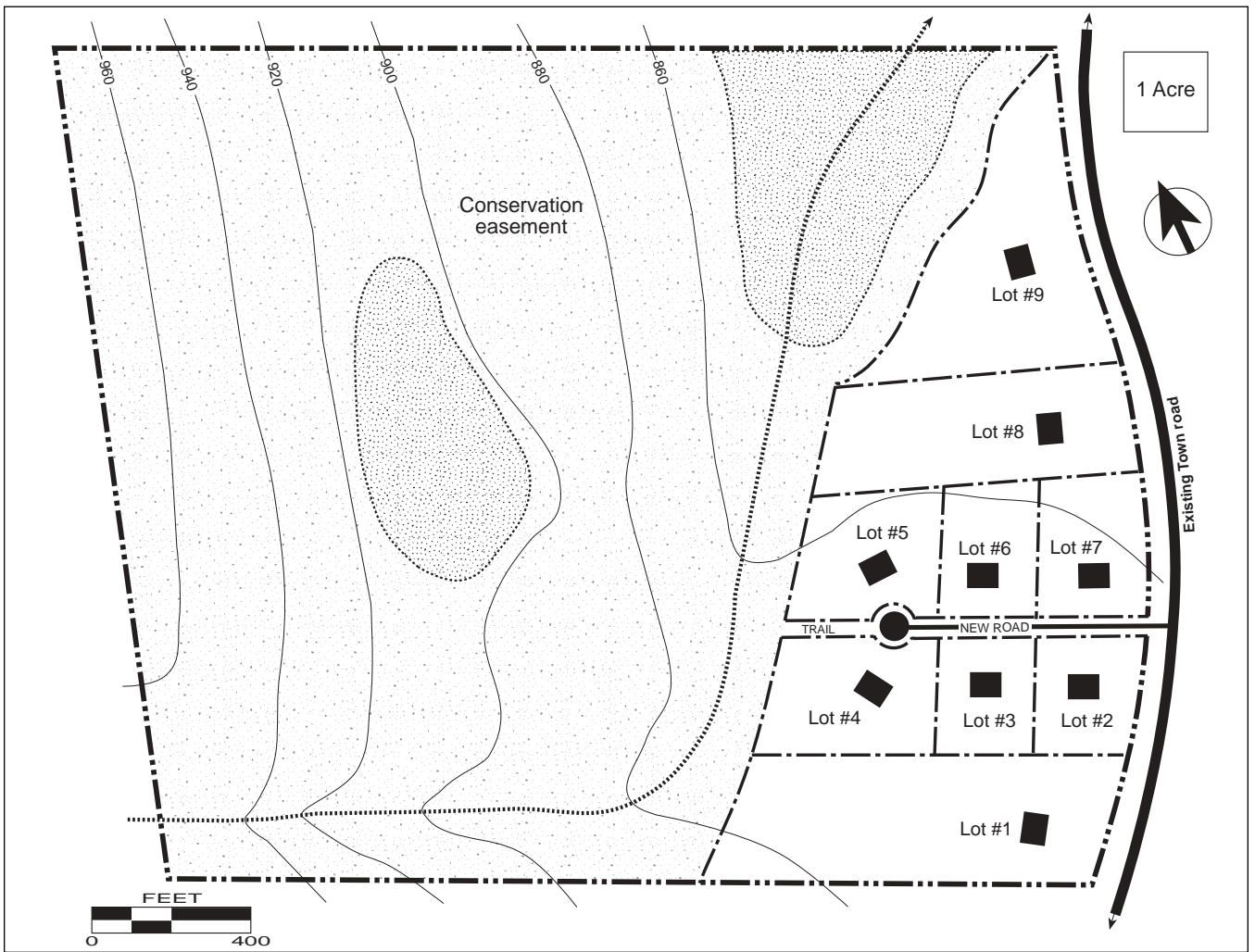
The builder and an engineer reviewed the ridge design options found in this guidebook and choose to exercise use of the “open space development option” provisions, which the town allowed and encouraged. A plan was developed that would leave the wetlands untouched and the stream undisturbed. Nine house lots were grouped on level land on the valley side of the stream; land on the ridge side of the stream was dedicated as a natural open space area. This open space became a “common” area owned by all the homeowners in the subdivision through a homeowners’ association. A conservation easement on this portion of the land restricted further development on it, while allowing it to be used for recreation.

In effect, each person who bought a lot in the subdivision got a 50-acre private preserve. Through careful planning, the builder was able to create nine residential lots of approximately five acres each. The overall costs were kept low because new road construction was minimal and there was no need for an expensive bridge over the stream.

The town approved the site plan quickly because the planning board had no major objections. The builder received recognition for the innovative subdivision and went on to build several attractive homes there. The family that sold the land was pleased with the result; they also received their money quickly because the subdivision lots sold faster than expected.

Outcome

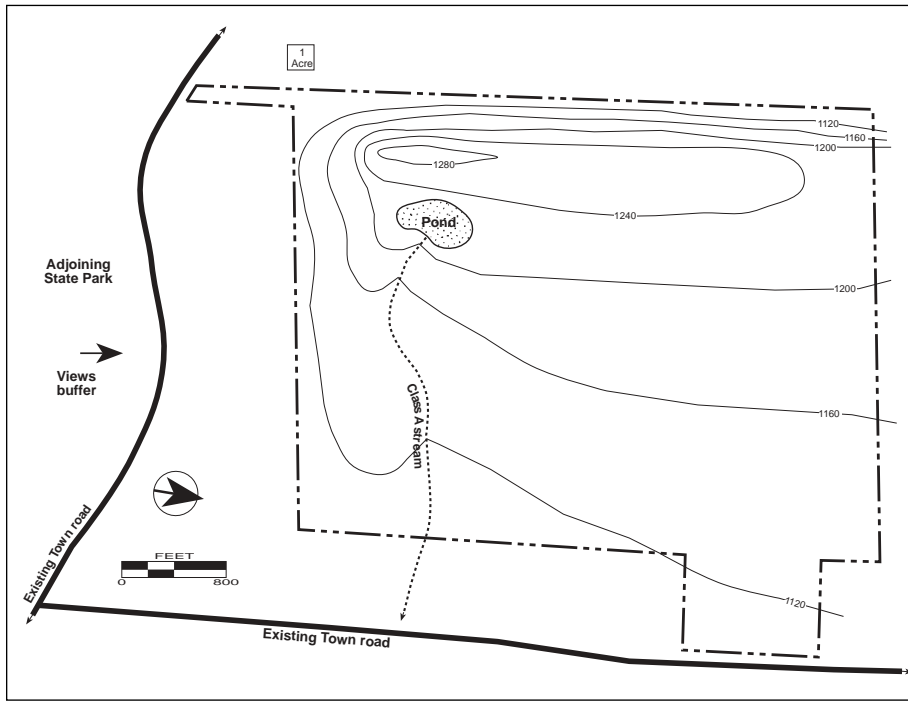
- 10 lots approved (nine house lots; one recreation lot)
- Access provided without new town road
- Unbroken ridgetop preserved
- 50-acre preserve created
- Approvals given quickly, reducing overall costs
- Permanent conservation easement protects wetlands, stream and ridgeline



Jones family property: Conservation design scenario

EXAMPLE 3: FORMER CAMP PROPERTY

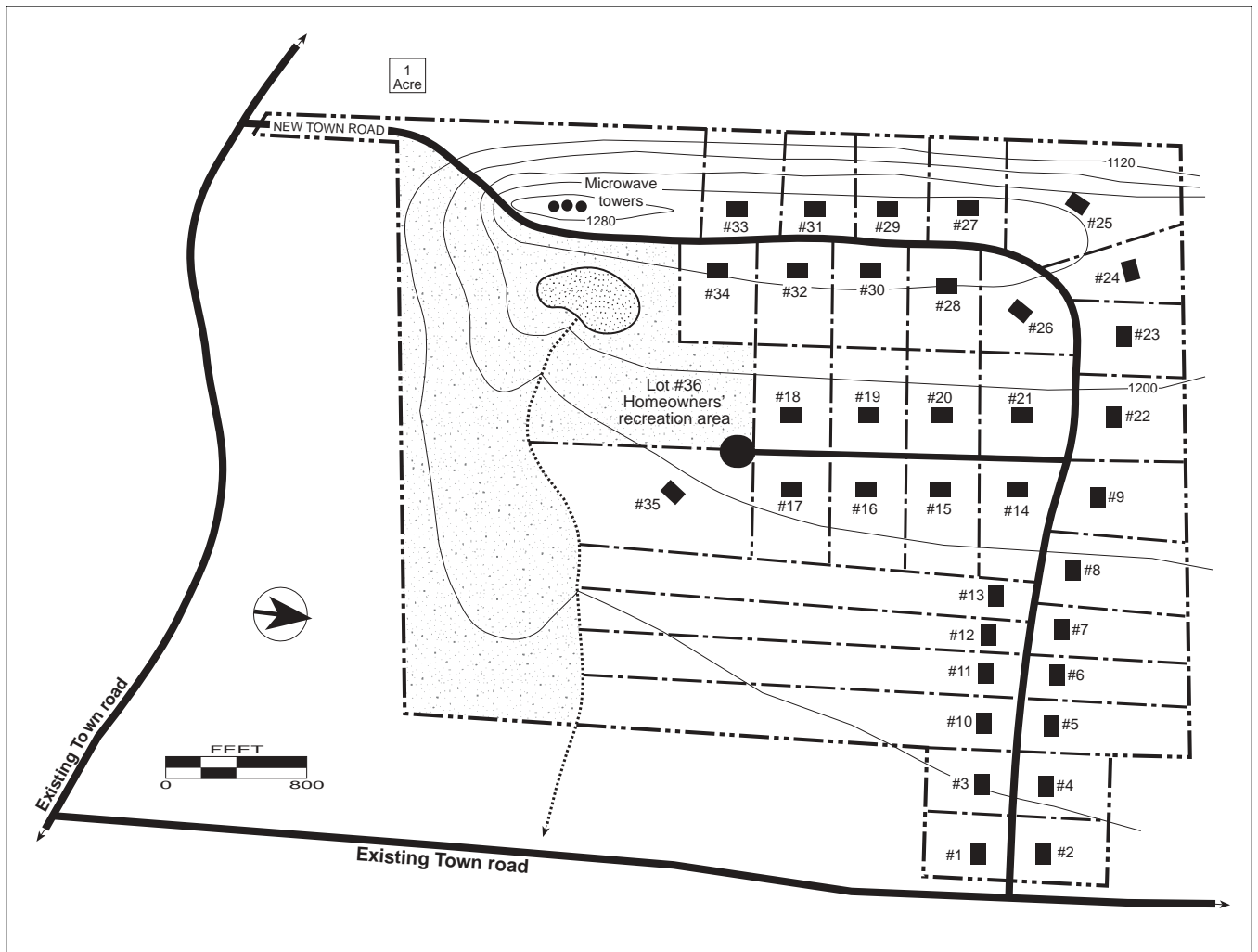
Formerly a large camp with 300 acres of mountain terrain, this property extended from a local road up the east side of the ridge, over the top and down the west side. Camp buildings on the property had been removed years ago. The property contained a mountain stream and a small, pristine pond on top of the ridge. The owners paid taxes on the property for years and planned to develop it, but decided to sell and let someone else subdivide it. Because of the size and unusual topography of the property, the owners had difficulty finding a buyer.



Existing Conditions

- 300-acre abandoned summer camp
- Acreage on both flanks and top of ridge; mixed terrain
- Small, pristine stream and pond
- Three-acre residential zoning
- 1,200-foot frontage on two town roads

Former camp property: Existing conditions



Former camp property: Conventional development scenario

Conventional Development Scenario

A land developer took an option on the property, subject to obtaining all development approvals from the town. Because much of the land was steep and inaccessible for development, the buyer decided to site a number of lots close together using the minimum lot size. Along the ridgetop, a new crestline drive was designed to access the pond and lots. The possibility of leasing space on a prominent knob to a cable television company for a communication tower was also investigated and included in the sketch plan.

The developer presented the plan for 36 lots to the town and felt confident of getting approvals. Indeed, after making a few minor changes, the town approved the plan—including the microwave tower site, where three separate towers were proposed.

A group of local citizens protested the way the town had approved the project without considering the environmental impact. But the town approved the project anyway, and the group sued. The suit caused a long delay; since the developer had little money at risk, he chose to wait it out, finally winning on appeal.

The subdivision was quickly sold to a builder who used some of the lots to build similarly styled homes. Other lots were individually sold and built on. Most of the trees between the homes and the road were also cleared, making the homes highly visible. The communication towers were also constructed and, because of lighting requirements for aviation safety, became visible for miles from both sides of the ridge.

Local townspeople, who had not been much concerned when the project was initially approved due to the site's remote location, were now outraged at what the planning board had permitted. Unfortunately, the damage was already done.

Outcome

- Litigation
- Protracted, costly approval process
- 36 lots approved; homes quickly built
- New crestline town road built
- Three new communication towers; FAA-required lighting
- Ridgetop houses highly visible

Conservation Design Scenario

A local real estate agent, who knew the landowner and knew the state was interested in securing some of the property as parkland to add to its existing park nearby, proposed to use the town's new ridge overlay district to realize the financial value in the property. The agent, along with a group of investors, created a partnership to develop the property.

Consulting with state park officials and local conservation groups, the real estate agent discovered that concern was not with new housing along the existing road but with development of the ridgetop and upper slopes. The town's main concerns were maintaining the visual beauty of the mountain and encouraging attractive but affordable housing. Some town officials also preferred new houses be set back and buffered from the road by trees or vegetation.

The resulting site plan created 25 lots low on the ridge. Most of the lots were designed to front on two short cul-de-sacs off the existing town road. The building-site requirements included a 75-foot setback, buffered by vegetation. Additional design restrictions required use of natural-colored siding and roofing for new houses.

To accommodate the telecommunication towers proposed by regional cable television and cellular phone companies, shared use of a nearby, existing tower site was negotiated. This avoided construction on a new ridgetop site.

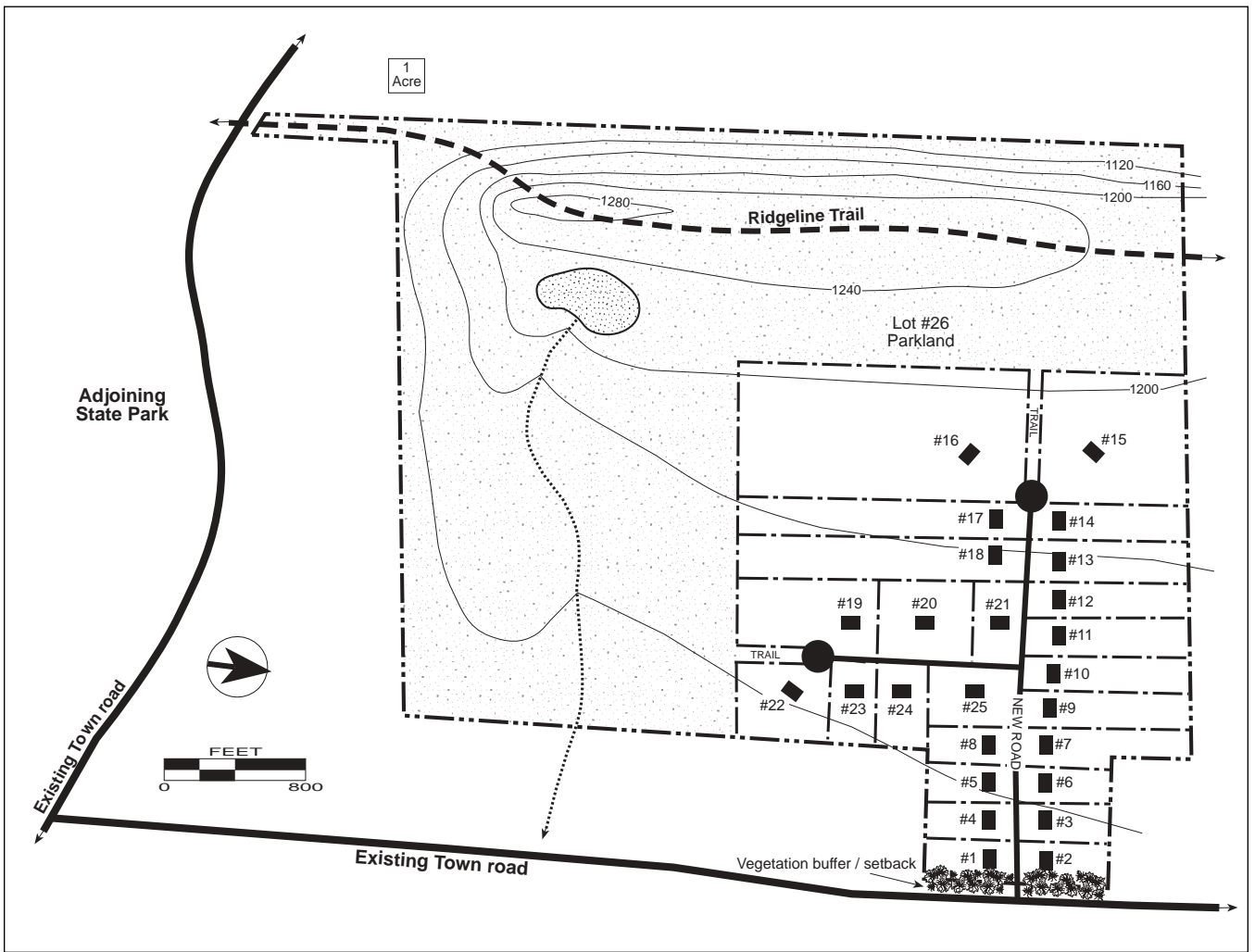
Of the original 300-acre parcel, the site plan used only about 120 acres. The remaining 180 acres, consisting of the ridge slopes and ridgetop, were dedicated as open space and restricted from further development. The land was deeded to the lot buyers for their use as a common natural area. However, the state was given the option to acquire the land at a later date.

In fact, two years later, the state was able to acquire the land at almost no cost to the local taxpayers, having agreed to make payments in lieu of property taxes. It became a popular addition to the wilderness ridgetop park, enjoyed as a back-country recreation area with wonderful views.

The investors and the real estate agent were pleased with the outcome, especially considering that the whole transaction had been profitable to them as well.

Outcome

- 26 lots approved (25 house lots; one parkland lot)
- Access provided by two short cul-de-sacs
- New houses are set back and buffered by vegetation
- Rural character along the road is maintained
- 180-acre ridgetop park created at low cost
- Design guidelines assure houses blend into the landscape
- Lots lower on the slope preserve the ridgeline
- Town and conservationists support the development design, making the approval process quicker and less costly



Former camp property: Conservation design scenario

