

# ***TOWN OF NEW SCOTLAND***



## **RESIDENTS PLANNING ADVISORY COMMITTEE (RPAC)**

***Route 85/85A Corridor Development  
Recommendations To Town Board***

Dear Town Board Members:

The Residents Planning Advisory Committee (RPAC) respectfully submits its recommendations for your consideration. Over the past 18 months, RPAC has held over 40 forums to solicit comments from the public. We also conducted an extensive written survey of all households in the Town with a response of over 12%. In addition, each of you has attended many of our meetings and provided invaluable input and counsel to our deliberations.

These contacts have made it apparent to members of the RPAC that the citizens of New Scotland are very satisfied with the overall condition of our Town. We believe this is an indication of the stewardship of current and previous elected officials and members and staffers of the Planning and Zoning Boards. Their diligent and professional commitment to sensitively carrying out their duties is a key element in keeping New Scotland a great place to live and work. However, keeping it that way and indeed improving conditions designed to “make the best better” will require continued and progressive attention to this plan as a “living process.” The results of our findings and recommendations are attached.

Based on this report, we strongly urge the creation of other RPAC groups in other areas of the Town. We further recommend that, in the future, the results of additional efforts be collated with those of the Committee for final townwide review and implementation, where appropriate.

In the meantime, we are available for any discussion or clarification of our final report.

Respectfully submitted,

John Egan, Chairman  
On Behalf of the Residents Planning Advisory Committee

## **Resolution Establishing the Residents Planning Advisory Committee**

On June 11, 2003, the Town of New Scotland Town Board adopted the following resolution:

Town of New Scotland Residents Planning Advisory Committee (RPAC) Mission and Objectives

### **The mission of the Town of New Scotland Residents Planning Advisory Committee (RPAC)**

To develop short-term and long-term recommendations for the Town of New Scotland (TONS) Planning and Town Boards for changes/additions/deletions to Town laws, ordinances, rules, and regulations to better prepare the Town to manage and plan for land use in a manner to preserve the existing atmosphere and natural beauty of the Town of New Scotland.

This study and development of recommendations will proceed in accord with a community-visioning model in phases that concentrate on specific areas of the TONS and reflect the most likely order of residential and commercial development.

The first phase will be the Northeast section bordered on the North by the TONS/Guilderland border, on the West by the Conrail railroad tracks (excluding the portion within the Village of Voorheesville), on the South by the southern boundaries of the Commercial and Medium Density Residential zones bordering State Rt. 85, and on the East by the TONS/Bethlehem border. Subsequent phases will be decided by the RPAC based on information gathered in the first phase, its applicability to other areas of the Town and conditions prevailing at the time.

The RPAC is authorized to conduct surveys, hold public hearings and otherwise pursue a complete familiarity with public opinion within the entire TONS relevant to the issues being considered by the RPAC.

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## Acknowledgements

RPAC thanks the residents of the Town of New Scotland who came to share their visions of the future of the Town with the members of the Committee. The Town returned 534 of the 2003 Growth and Development Surveys sent to every postal address in the Town, and 147 residents turned out to participate in the 2004 Community Image Survey. RPAC also held over 40 individual community meetings at various locations, including New Scotland Town Hall, Wyman Osterhout Community Center, Voorheesville Elementary School, New Salem Firehouse, and Onesquethaw Firehouses in Clarksville and Unionville.

We appreciate all those who came to express their dreams and opinions, and who challenged us to understand the wide range of perspectives in our Town.

In addition, RPAC would like to thank the following individuals and organizations for contributing their time, knowledge, and expertise towards the development of these recommendations:

- Ed Clark, New Scotland Town Supervisor
- New Scotland Councilpersons Deborah Baron, Andrea Gleason, Rich Reilly, and Scott Houghtaling
- Robert Stapf, Chair, Town of New Scotland Planning Board
- Ronald VonRonne, Chair, Town of New Scotland Zoning Board
- Dr. Alan R. McCartney, Superintendent, Voorheesville Central School District
- Rocco Ferraro, AICP, Capital District Regional Planning Commission
- The New Scotland Historical Association
- R. Mark Dempf, P.E., Vollmer Associates, LLP
- Tom Gallagher, Cornell Cooperative Extension
- Sue Weisz, Senior Outreach Liaison
- New Scotland Senior Citizen Advisory Committee
- Albany County Land Conservancy
- Albany County Farm Bureau
- Ms. Laura Morrill, Data Analysis and Power Point Presentation
- Nan Stolzenberg, AICP, Community Planning & Environmental Associates
- Lori Saba, Town of New Scotland Recording Secretary
- Julie Nooney, Review of Property Assessment Practices
- Jenette Axelrod, former RPAC Member
- Sarita Winchell, School Business Official, Voorheesville Central School District
- Tom Daniels, SUNY Professor – Land Use Policies
- All those whose dreams of the future of the Town of New Scotland helped form these recommendations

## Table Of Contents

### **Section I – Findings and Recommendations: Northeast Section 6**

<u>Land Uses</u> .....	7
Findings.....	7
Open Space/Agricultural Use.....	7
Commercial.....	8
Residential.....	8
Recommendations.....	8
<u>Routes 85 and 85A Corridor: Gateway to the Town of New Scotland</u> .....	10
Recommendations.....	11
<u>Aesthetic Guidelines</u> .....	11
Findings.....	11
Recommendations.....	12
<u>Building Design</u> .....	12
Findings.....	12
Recommendations.....	13
<u>Signage</u> .....	14
Findings.....	14
Recommendations.....	14
<u>Landscaping</u> .....	15
Findings.....	15
Recommendations.....	15
<u>Parking</u> .....	16
Findings.....	16
Recommendations.....	17
<u>Roads and Streets</u> .....	18
Findings.....	18
Recommendations.....	18
<u>Agricultural Land Protection and Farms</u> .....	19
Findings.....	19
Recommendations.....	19
<u>Additional Recommendations</u> .....	21

### **Section II – Findings and Recommendations: Townwide..... 22**

<u>Introduction</u> .....	22
<u>Preservation of Farmland</u> .....	23
Findings.....	23
Recommendations.....	23
<u>Open Space, Scenic Views, Natural Resources and Historic Preservation</u> .....	24
Findings.....	24
Recommendations.....	24
<u>Administrative Recommendations</u> .....	26

## **SECTION I - FINDINGS AND RECOMMENDATIONS: NORTHEAST SECTION**

The Residents Planning Advisory Committee (RPAC) received a tremendous amount of information during these past 18 months.

- RPAC sent an extensive survey to the residents of the Town to understand what they liked about the Town, what they wanted to preserve for future generations, and what they thought could be improved. The Committee received input from 534 residents regarding issues, such as residential and commercial development, agricultural and farm preservation, recreation, taxes, and aesthetic guidelines.
- After collating the answers to the survey, members of RPAC held more than 40 individual community meetings, including at the New Scotland Town Hall, Senior Citizen Community Center, Voorheesville Elementary School, New Salem Firehouse, and Onesquethaw Firehouses in Clarksville and Unionville, to receive more feedback directly from residents. RPAC even received comments via email.
- RPAC also invited specialists to share their knowledge about and expertise on water issues, education, conservation and farmland preservation techniques, senior issues, and town planning.
- RPAC engaged Community Planning and Environmental Associates to conduct a Community Image Survey (the Visual Preference Survey) so that residents could judge various commercial property designs, including signage, roads, parking lots, and landscaping. One hundred and forty-seven (147) people attended this event.
- Recommendations already contained in Town law are included to emphasize community preference and support.
- Lastly, RPAC kept abreast of the latest trends locally and nationally by reading material via the Internet about sprawl, traffic congestion, landscaping, cost of community services studies, tree ordinances, and many other issues.

The communication from and exchanges with the community at the public meetings complemented the written responses from the RPAC Survey and the Visual Preference Survey. When residents look at the Corridor of Routes 85 and 85-A, they see an opportunity to:

- Encourage the preservation of the beautiful vistas and the rural and agricultural character of the Town;
- Encourage commercial development, consistent with the findings and recommendations within this report;
- Build senior housing; and,
- Create additional recreational resources for both the young and old.

## Land Uses

The RPAC Survey questioned residents about their visions for the Routes 85 and 85-A Commercial Corridor. Most respondents favored retaining the natural areas and the working agricultural field, and some saw the need for more residential and commercial development. Many respondents would like to find a way to lower taxes. The Committee feels that these goals are not mutually exclusive and can be accomplished by adopting many of the recommendations in this report

## **FINDINGS:**

### **Open Space/Agricultural Use**

Most respondents indicated that they would like to see:

	Route 85	Route 85-A
Agricultural land use to continue	yes: 280 no: 82	yes: 269 no: 71
Open space	yes: 275 no: 75	yes: 285 no: 63

- Many respondents said that they would be willing to pay an increase in taxes to assist in the permanent conservation of farmland, open spaces, and scenic views (yes: 309; no: 147).
- A significant number of respondents (320) are willing to establish a fund to conserve farmland, open spaces, and scenic views: 234 would be willing to pay between \$50-\$100 annually; 50 would be willing to pay \$25 annually; and, 36 would be willing to pay \$10 annually.
- Respondents of the RPAC Survey were almost equally divided about establishing further outdoor recreational uses in the Routes 85 and 85-A Corridor. Were the Town to create more outdoor recreation, the top choices were for (listed in order of preference):
  - ◆ Scenic nature trails;
  - ◆ Bike paths; and,
  - ◆ Playgrounds and neighborhood parks.

Respondents prefer agricultural land use and open space to any continued development, including residential and mixed use.

## **Commercial**

- Most respondents thought that the overall rate of commercial growth in the Town generally was acceptable (270). However, a significant number thought that the rate was too slow (150). Only 54 thought the rate was too fast.
- If commercial development were to take place on Routes 85 and 85-A, the majority would like it concentrated within the Corridor.
- If commercial development were to take place on the Corridor, the following businesses were checked as being preferred by respondents (listed in order of most preferred):
  - ◆ Eateries;
  - ◆ Professional offices; and,
  - ◆ Banks/personal services.
- *Industrial development was checked off as a use that respondents did not want to see along the Corridor.*

## **Residential**

- Most respondents thought that the overall rate of residential growth in the Town was acceptable (287) or too fast (125). Very few respondents (35) thought that the rate was too slow.
- Most people did not want to see residential growth along the Corridor. More respondents indicated, however, that they preferred more residential growth along Rte. 85-A than along Rte. 85. Of the types of residential units that respondents definitely did *not* want, the following were checked:
  - ◆ Condos/townhouses;
  - ◆ Apartment buildings; and,
  - ◆ Rental units/in-law apartments.
- More people preferred mixed-use (residential/commercial) on Route 85, rather than on Route 85-A.

## **RECOMMENDATIONS:**

1. Update the Town Comprehensive Plan and officially vote on it. Include in the Plan a provision that the Plan should be reviewed every five to seven years;
2. Update the Town Comprehensive Land Use Plan to reflect the kind of residential and commercial development that residents indicated they would like to see on the Corridor;

3. Consider the following various zoning techniques to protect working farmland.<sup>1</sup>
  - sliding scale zoning;
  - quarter/quarter zoning;
  - exclusive agricultural zoning; and,
  - agricultural buffer zoning.

Sliding scale zoning would limit the number of lot splits allowed in agricultural areas for other than agricultural uses. The number of divisions (or lot splits of land) allowed would depend on the size of the parent parcel. The larger the original parcel, the higher the number of splits allowed, up to a cap (established by the community).

Quarter/quarter zoning would allow one residential nonagricultural lot per 40 acres of farmland. (The area of one-fourth of a quarter section of one square mile survey section of land is 40 acres.) Once the lot has been created, the landowner would be entitled to no further non-farm development. Parcel splits would be recorded and monitored by the local unit of government. If the farmer owns multiple quarter/quarter sections, then all of the permitted lots can be concentrated on one section. The quarter/quarter system works best in areas where the average parcel sizes are 40 acres or more.

Exclusive agricultural zoning prohibits all non-farm dwellings. Agriculturally-related activities, such as grain elevators and farm equipment repair facilities, would need a special permit. If extensive areas are prime agricultural lands, the best way to protect them is by prohibiting non-farm uses, including residences. Communities usually permit residences for family or workers employed on a farm.

Agricultural buffer zoning is a transition zoning technique that can be used to help protect the long-term integrity of prime or unique agricultural lands. A residential/agricultural zone is created in appropriate areas of the community between more intensive development and large tracts of agricultural land. This transitional area, or buffer zone, allows for rural residential lifestyle opportunities and isolates agricultural operations from higher-intensity uses. The buffer district should be placed in areas not considered prime or unique for agriculture;

4. Approve the reapplication for the Your Town grant for a corridor design charrette,<sup>2</sup> a process that would help in defining a comprehensive plan for the entire Corridor;

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<sup>1</sup> Source: *Land Use Tools and Techniques: A Handbook for Local Communities*. Southeast Michigan Council of Governments. March 2003

<sup>2</sup> a creative community process akin to visual brainstorming that is used by design professionals to develop solutions to a design problem within a limited timeframe.

5. Develop a ridge line/hillside protection ordinance that would safeguard the views of the Catskill, Berkshire, and Helderberg Mountains, the Escarpment, the panorama to downtown Albany and SUNY, and other picturesque and pastoral views by regulating height, bulk, design, materials, color, landscaping, and siting. The goals of such a “viewshed”<sup>3</sup> ordinance would be to inventory the existing quality of the visual resources that encompass a variety of view types pleasing to the eye of those who drive along the Corridor, to preserve and enhance the quality of the scenic beauty of the rural landscape, and to develop the existing rural landscape with minimum impact;
6. Survey the Town to see if people are willing to contribute to the cost of providing:
  - a fund dedicated to preserving open space; and,
  - a part-time economic development position, both to help attract and retain businesses;
7. Rezone the industrial section of the Corridor to commercial, residential, and/or mixed-use along the abandoned D&H railroad line;
8. Develop a plan, with which developers would have to comply, that would preserve open space<sup>4</sup> and establish trails;
9. Require, where practicable, that developments provide contiguous open space.
10. Require developers to conduct Cost of Community Services (CoCS) studies, including impacts to the school districts, to assess the development fiscal effect on major subdivisions, as defined by the Board. (See Appendix 1.2 for more information and examples of CoCS studies.); and,
11. Encourage commercial and residential developers to first “infill” areas already developed.

### **Routes 85 and 85-A Corridor: Gateway to the Town of New Scotland**

Area gateways indicate to travelers that they have arrived at a special place, indicated by the use of distinctive signage, coupled with landscaping and possibly decorative lighting. The views related to area gateways provide the initial impression of the community.

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<sup>3</sup> Viewshed: A particular panorama that is valued for its aesthetic or cultural attributes. Buildings, structures, places, or natural features may be considered to contribute to, or detract from, a quality viewshed experience. (*Town of Clifton Park Open Space Plan, January 2003*)

<sup>4</sup> “Open space” has different meanings and purposes, e.g., protection of a vista, habitat protection, and active (sports fields) and passive (hiking trails) recreational uses.

## **RECOMMENDATIONS:**

1. Establish a cohesive planting plan and pursue grants for a tree and landscaping program;
2. Encourage present property owners and require new developments to plant mature trees along Rte. 85, in addition, where possible, to low perennials, bulbs, and annuals;
3. Establish special landscape treatment to anchor the junction of Rtes. 85 and 85-A;
4. Define the junction by discouraging parking lots. If unavoidable, corner lots should be screened by buildings and trees;
5. Minimize curb cuts by encouraging development of parallel access roads. Medians that divide access roads from the main road should be planted with flowering or evergreen shrubs;
6. Appoint a landscaping committee of volunteers who can raise funds for and maintain such plantings; and,
7. Confer with the Department of Transportation (DOT) about the Stonewell intersection of Routes 85 and 85-A, with an emphasis on beautification and safety.

## **Aesthetic Guidelines**

Aesthetic guidelines can help a community establish or maintain a unique sense of identity. Some towns have stringent rules; others are more lax. Town boards must find a way to balance the individual's rights and the wishes of the community.

## **FINDINGS:**

The RPAC Survey asked: Do you think that the New Scotland Town Board ought to pursue development of reasonable guidelines that would improve the quality of building design, signage, and landscaping in the Town's commercial districts?

Regarding the Northeast Section, 346 respondents replied yes and 44 replied no, while for townwide, the respondents replied 364 yes and 53 no.

The results of the Visual Preference Survey complemented the responses to the RPAC Survey. In general, residents prefer the typical architecture and landscaping that characterize a small town or hamlet, and have strong negative feelings about non-descript and "corporate-style" architecture, areas with little green space and landscaping, multi-lane roads, and large parking lots in front of buildings.

## **RECOMMENDATIONS:**

Since the commercial district of Routes 85 and 85-A do not at present have a distinguishing architectural style, the Town Board could, by establishing guidelines, create the kind of appearance that residents stated they prefer. Thus, the Town Board could set guidelines that would:

1. Enhance the quality-of-life along the Commercial Corridor by encouraging a pedestrian-friendly shopping experience for business patrons;
2. Support economic re-investment by business and property owners on the Corridor;
3. Develop and define the architectural character of the Corridor in accordance with the desires of the community; and,
4. Protect the community from nuisances, odors, noise, pollution and other unsightly, obtrusive, and offensive land use activities, other than agriculture, by enacting necessary Town law and ordinances.

## **Building Design**

Commercial building design and placement create and contribute to the uniqueness and sense of a specific place. Attractive buildings and areas encourage shoppers to linger and make purchases, and neighbors to socialize and strengthen community ties.

## **FINDINGS:**

The Visual Preference Survey showed positive reactions to the following:

- The use of traditional building features, such as shutters, awnings, and window panes;
- Highly visible doors and entranceways;
- Frequent use of fences (wrought iron and wooden picket fences);
- Frequent use of porches or other extensions into the front setback;
- Building colors typically neutral or muted;
- Buildings typically two-stories;
- Peaked roofs;
- Building architecture complex to the eye with multiple façade and roof changes; and,
- Buildings using traditional building materials, such as brick and wood siding (or appearing wood-sided).

The Visual Preference Survey showed strong negative reactions to the following:

- Use of trademark building and colors (e.g., Monroe Muffler and McDonalds);
- Building out of context with surroundings; and,

- Flat-roofed buildings.

Community and Planning Environmental Associates assert that zoning and standards should be specific enough to result in design development that the community residents favor.

### **RECOMMENDATIONS:**

1. Update the Town Comprehensive Land Use Plan to incorporate specific design elements favored by the community;
2. Develop a design guideline brochure/booklet, including illustrations of preferred and not-preferred design elements, for commercial project applicants;
3. Instruct the Building Department, Planning Board, and Zoning Board of Appeals that all applicants should be advised of the Town's design preferences at the time of initial contact;
4. Re-examine local laws to ensure that language is adequate to empower the Boards to review and enforce new design elements during the permitting process;
5. Work with the developers to design commercial buildings that have a house-like appearance, with shallow setbacks and defined tops, such as peaked roofs, cornices, caps, or parapets; highly visible doors and entranceways; are made of traditional materials, such as brick and wood (not concrete block or metal); include porches or other extensions into the front, e.g., shutters, awnings, and window panes; and, have no blank walls on the front façade. Chain link fences, high hedges, metal pipes, and boulders create unfriendly barriers that should be discouraged;
6. Work with developers to design commercial buildings that have colors that are neutral or muted;
7. Work with developers to design commercial buildings that avoid blank walls (walls without windows, showcases, displays, and pedestrian entries) in any first-story building wall abutting public pathways, except as required for the structural integrity of the building;
8. Where practicable, work with developers so that all sides of all buildings are treated with the same architectural style, use of materials, and details as the front of the building;
9. Require that soda, water, and other vending machines of a similar size be placed within a building. Service areas, storage areas, and refuse enclosures should be oriented away from public view and screened from public areas;

10. Encourage developers to include technological infrastructure into new office spaces in order to encourage use by professionals;
11. Prohibit corporate or franchise prototype designs and encourage commercial and franchise structures that blend in with a hamlet-style design; and,
12. Encourage commercial developers to consider the needs of seniors and young children by providing amenities, such as benches, bus stop enclosures, shade, protection from rain, changing tables, small playgrounds, and private areas for breast-feeding.

## **Signage**

### **FINDINGS:**

In their responses in the Visual Preference Survey, residents noted their preference for the following signage characteristics:

- Attached to buildings with no free standing sign;
- Visible, carved wood or matching building architecture; and,
- Smaller and lower.

### **RECOMMENDATIONS:**

1. Require signage of business identity, either by awnings, accent bands, paint, or other applied color schemes, parapet details, decorative roof details, and materials to be subservient to the overall design and impression of the architecture. Signage should be integrated so that they become a natural part of the building façade;
2. Encourage accent colors to be used judiciously;
3. Prohibit the continuous use of balloons, flagging, or other materials that distract from the architecture of the building;
4. Discourage repetitious signage information on the same building frontage;
5. When multiple tenants share one site, encourage signs that are integrated as one unit to create shared identity for the property; and,
6. Prohibit the cluttering by signs along the sides of roads or streets. (Rhinebeck, New York, prohibits portable signs, defined as follows: “any sign, whether on its own trailer, wheels or otherwise, designed to be movable and not structurally attached to the ground, a building, structure or other sign, including A frame easel, and sandwich-board-style signs.”)

## **Landscaping**

Landscaping in retail commercial development is intended but not limited to making the environment physically more comfortable to the user, buffering or enhancing views, reducing noise and pollution, creating seasonal interest, assisting in water quality efforts and storm management, enhancing the public street appearance, and enhancing commercial retail development.

### **FINDINGS:**

Residents indicated on the Visual Preference Survey that they favored:

- Ample shade trees; tree-lined streets; mature trees;
- Highly apparent landscaping;
- Green spaces and grass visible; and,
- Intersection corners uniquely landscaped with trees and shrubs to create depth and color near corner sidewalk.

### **RECOMMENDATIONS:**

1. Encourage in-ground landscaping as the majority of the landscaping requirement;
2. In plans, require that frontage design and signage locations be coordinated with the placement of plant material;
3. Require that trees be used throughout paved areas, including along building fronts and in parking lots, and along pedestrian pathways to provide shade and to reduce heat build-up and glare;
4. Require that a landscape buffer, preferably with the use of mature trees, be provided to screen commercial uses from residential areas and to decrease noise, light, and pollution;
5. Require dense landscaping of shrubs, vines, or other climbing plants, and/or architectural treatments to screen unattractive views and features, such as storage areas, trash enclosures, utility cabinets, chain link fences, blank walls, and other such elements;
6. Require natural or natural-appearing materials to enclose plantings;
7. Encourage the use of reclaimed water for landscape areas;

8. As a condition of all site plan approvals, require developers/owners to be responsible for the installation and maintenance of landscaping, including replacement of plant material, when needed;
9. Establish a tree protection ordinance, emphasizing tree protection in planning, zoning, subdivision, and other land use. Such an ordinance would require developers to submit detailed proposals of the local landscape before permits are granted for tree removal. Other regulatory strategies include requiring development projects to preserve a percentage of *in-situ* trees, designating tracks of woodland for protection, and enacting stringent replacement/mitigation standards. Trees provide summer shade, reduce heat build-up from asphalt areas, add to the rural nature of the area, enhance the area's beauty, attract customers to commercial enterprises, and increase property values;
10. Encourage garden clubs and senior and student volunteers, in cooperation with local nurseries and Cooperative Extension master gardeners, to plant and care for seasonal flowers. In public areas, they could replace small strips of grass in front of properties with low maintenance plants, such as daylilies and landscape roses. When planning new sidewalks and roads, consideration of such perennials, in lieu of brick or grass, should be made; and,
11. Apply to Empire State Development and the Governor's Office for Small Cities for Main Street New York Downtown Development Initiative Program grants for projects which include mainstreet restoration, sidewalks, lighting, park improvements, historic building preservation, commercial or mixed-use building renovation, planting of trees and shrubs, signage, tourism development projects, and demolition of abandoned or severely substandard structures.

## **Parking**

Many residents were surprised, as shown by their comments on surveys returned, by their own reactions during the Visual Preference Survey. They had not realized how much they disliked certain features that they saw on a daily basis and which heretofore they had not paid much attention. Parking was one of those features.

## **FINDINGS:**

The residents indicated that they preferred parking with the following features:

- Buffered from view, not visible;
- With shade trees that break up pavement;
- On-street or one row in front of building; and,
- Underneath or behind building.

Respondents had a very strong negative reaction to expanses of parking, especially without attractive landscaping.

## **RECOMMENDATIONS:**

1. Require parking areas that accommodate 12 or more vehicles to be divided into a series of connected smaller lots. Shared parking between adjacent businesses and/or developments should be highly encouraged, wherever practical. Common driveways that provide vehicular access to more than one site should be encouraged;
2. Require parking areas to utilize a 36" high opaque wall or landscaping to screen any parking at the street periphery. A combination of walls, low berms, and landscape material should be highly recommended. Where practical, lowering the grade of the parking lot from existing street elevations may aid in obscuring views of automobiles while promoting views of architectural elements of the structures beyond;
3. Require parking areas to be landscaped, receiving interior as well as perimeter treatment, thus offsetting the visual impact of the lots. Relief should be provided from direct and reflected sun by incorporating canopy trees and intermittent planting strips within parking areas. Plant material should be resilient to difficult growing conditions inherent to parking areas;
4. Require site planning to provide for pedestrian circulation. To enhance pedestrian safety and attractiveness of the walkway, internal pedestrian walkways within a parking lot or drive area should be distinguished from the driving surface by use of pavers, bricks, integrally colored, scored concrete, or other acceptable methods as determined by the Town;
5. Require trees to be located throughout the parking lot and not simply at the ends of parking aisles. In order to be considered within the parking lot, trees should be located in planters that are bounded on at least 3 sides by parking area paving;
6. Require parking lots to have permeable surfaces, wherever possible. Permeable surfaces reduce runoff and environmental damage;
7. Encourage curb cuts and interruptions of the pedestrian space to be kept to a minimum. Wide curb cuts and large parking lots destroy the scale and pedestrian continuity of the hamlets;
8. Discourage additional corner parking lots at the junction of Route 85 and 85-A. This junction is an important gateway in the hamlet and should be pleasing to the eye as well as designed for future pedestrians. If unavoidable, require the use of buildings, trees, and sidewalks to define the junction. Curb cuts should be minimized. Parking lots should be screened from the street by buildings and vegetation;

9. Encourage parking relegated to the rear or sides of buildings, preferably accessed by alleys. Parking should not be allowed to dominate the entire development. Landscaping can ameliorate the visual impact of a front parking lot;
10. Require the permanent parking or storage of trucks, trailers, or containers to be in the rear or side of the property, preferably screened from view. Trucks or trailers should be in an active state of loading or unloading. Service areas and docking facilities should be located away from public streets and main circulation roads and drives whenever possible; and,
11. Require developers to provide bicycle parking with bike racks, where possible.

## **Roads and Streets**

Roads and streets not only provide avenues of transportation, which must be safe and efficient, but they also factor into characteristics such as: Are they pedestrian- and bike-friendly? Do they allow us to see commercial establishments without garish signage? Are they aesthetically pleasing?

### **FINDINGS:**

The Visual Preference Survey illustrated what the residents of the Town of New Scotland favor:

- Lack of visible utility poles;
- Road unbroken with multiple curb cuts; and,
- Pedestrian and bike paths factored into road improvements.

Respondents had strong negative reactions to both multi-lane roads and streets that looked like Central and Delaware Avenues, in Albany and Delmar, respectively. Some of the characteristics they disliked have been dealt with in sections above regarding building design and landscaping.

### **RECOMMENDATIONS:**

1. Wherever feasible and practicable, encourage developers to bury utility lines in new development;
2. As stated above, where possible, require commercial enterprises to utilize shared parking in the rear;

3. Create a plan of pedestrian and bike paths and work with State, County, or Town DOT to factor them in when roads need to be repaved or improved;
4. Encourage covered walkways and arcades on all building frontages where pedestrian traffic is likely;
5. Encourage developers and, commercial owners to include “street furniture,” e.g., benches and bus booths that serve as protection from the weather, when improving the infrastructure of the Corridor. Such street furniture would not only make the Corridor seem pedestrian-friendly, but would also help and protect our aging population as well as the young children who frequent the Stewart’s on Route 85;
6. Because of the increased pedestrian and biking traffic along the Corridor, consider installing sidewalks and, for the increased number of bikers, wider shoulders, when improving the roads in the future; and,
7. Encourage maintenance of right-of-way.

### **Protection of Agricultural Land and Working Farms**

There are several pieces of property used for agricultural purposes within the Northeast Section.

#### **FINDINGS:**

As stated in findings above, residents expressed a desire to preserve these lands on Routes 85 and 85-A and within the Northeast Section for agricultural purposes.

#### **RECOMMENDATIONS:**

1. Define the word “agriculture” and “agricultural use” as follows:

“Agriculture” and “agricultural use” means the employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops, and by including but not limited to feeding, grazing, breeding, managing, selling, or producing livestock, poultry, fur-bearing animals or honeybees, or by dairying and the sale of dairy products, or by any other horticultural or viticulture use, aquaculture, hydroponics, silvaculture, by animal husbandry, or by any combination thereof. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines, and by including but not limited to providing riding lessons, training clinics, and schooling shows, and other on-farm niche marketing promotions;

2. Consider passing a “Right-to-Farm” law. In addition, if such a law were passed, the Town should notify local realty companies and have copies of the law available at Town Hall for people considering buying properties adjacent to farms;
3. Erect signs declaring the Town to be a “Right-to-Farm Town,” if such a law were passed;
4. Require provision of a copy of the Right-to-Farm Law to new property owners near farms, if such a law were passed;
5. Consider requiring developers to consult with public agencies and local non-profit organizations working on farmland preservation issues, prior to coming forward with subdivision or site plan applications, on ways to protect portions of the site for preservation for the purposes of farmland use and/or natural resource conservation;
6. Consider sending a letter to new owners of previously farmed land that encourages them to continue agricultural activities, thereby actively providing the continuation of farming in the Town. In the letter, the Town could provide information regarding contacts in the NYS Department of Agriculture and Markets and Cornell Cooperative Extension to help new owners institute agricultural activities, if they so desire;
7. Develop a program to encourage voluntary donation or sales of development rights on agricultural lands and natural resource areas such as stream corridors. The program may consider the use of permanent conservation easements<sup>1</sup>. The program may also consider creation of incentives to keep land in agricultural use through a Purchase of Development Rights Program, with a set time period of five, 10, or 20 years.<sup>2</sup> This program should support the work of local land trusts.
8. Consider hiring a part-time economic development person, among whose responsibilities would be the promotion, through advertising, marketing, community involvement, and community educational opportunities, of the agricultural community;
9. In consultation with local farmers, review the Town’s zoning laws to ensure that they do not impede farming and other farm-related activities;
10. Review the Town’s zoning ordinances to see if they support the processing of farm products, sideline enterprises, and home-based occupations; and,
11. Inventory the farmlands within the Corridor to create an agricultural overlay map. Featured should be all properties engaged presently in agriculture as well as those properties that were farmed within the previous 10 years, where the land has

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<sup>1</sup> Conservation easements are defined in Article 49 of the New York State Environmental Conservation Law.

<sup>2</sup> An example is the Suffolk County purchase of development rights program.

remained a large enough parcel to continue farming. Such an inventory would guarantee the legality of future agricultural use, and would also be essential for grant applications, government funding assistance, and agricultural promotional efforts.

### **Additional Recommendations**

1. Require the Planning Board, when making a decision regarding a new development, to take into consideration the long-range repercussions of the new development. For example, will the new development need a traffic light, a crosswalk, or accessibility for emergency vehicles;
2. Encourage street art. Street art gives a town a sense of place and creates a feeling of pride among its residents and a welcome to visitors;
3. Establish a volunteer Design Review Board to encourage new development that maintains the community's visual and aesthetic character;
4. Appoint a "beautification committee," which could sell sponsor bricks to support streetscape improvements, such as benches, lampposts, or other street furniture;
5. Create a matching grant program for businesses to help them with facade improvements or new signage, which would greatly improve the appearance of commercial areas;
6. Establish a Town Arbor Day to encourage local residents and storeowners to plant more trees (The Town of Bethlehem, for example, is planting pear trees along Delaware Avenue.);
7. Adopt a Town theme name to encourage homeowners and storeowners to plant a specific shrub. (For example, Takoma Park, Maryland - Azalea City – incorporates this theme in its annual garden tour.);
8. Encourage all new development of 12 units or more to set aside a percentage of units so that they are affordable by families with incomes below the median family income for the County (as did Sarasota County, Florida);
9. Encourage all new commercial buildings to have affordable second-floor apartments (being considered in Chappaqua and Milford, New York);
10. Assess a fee on new development to be used by the Town to buy and preserve land, i.e., open space impact fee (recommendation from York, Saco, and North Berwick, Maine);

11. Consider adopting a zoning ordinance designed to encourage growth in villages and discourage growth in rural areas. (Berwick, Maine, shelved its four-year-old cap on new housing permits this year in favor of this new zoning ordinance);
12. Create special zoning districts and tax incentives to attract specific businesses to specific locations. For example, several New York State towns have established artists and antique districts by providing for mixed-use zoning that allows retail on the front of the ground floor, an artist workshop in the rear, and living quarters on the second level;
13. Develop a Historic Heritage Preservation Plan for the Northeast Section that would include:
  - Conducting an inventory of historic resources with the Corridor;
  - Providing adequate records management for historic documents;
  - Installing more historic markers, and creating a list and guide of them, which could be used in promotional materials;
  - Authorizing the Town engineer to develop district overlays for “rural character” business zones; and,
  - Establishing a task force to develop and implement a marketing program that showcases the heritage of the area and the historic nature of the buildings; and,
14. Investigate whether or not the Town of New Scotland could develop a “trail” of similar or related sites or retail establishments that sell similar or related products, such as a farm trail or old barns trail, apple/pumpkin picking trail, corn maze trail, hay ride trail, to encourage agritourism. Such a trail could attract State and federal funding support. (See Appendix 1.13.)

## **SECTION II – FINDINGS AND RECOMMENDATIONS: TOWNWIDE**

### **Introduction**

The RPAC Resolution states: “Subsequent phases will be decided by the RPAC based on information gathered in the first phase, its applicability to other areas of the Town and conditions prevailing at the time. “

The townwide recommendations could be implemented depending on the issue by:

1. Including them in the approved Northeast Section implementation plan;
2. Making them subject to a future RPAC;
3. Making them a part of a new Comprehensive Land Use or Master Plan to reflect the current needs of the people of the Town; or,

#### 4. Acting on them individually.

The RPAC Survey and Visual Preference Survey and the numerous informational meetings held throughout the Town identified common community goals, i.e., to maintain and strengthen the quality of life and the preservation of the rural character and small community atmosphere throughout New Scotland.

RPAC found that the summary presentation (see Appendix 2.1) provided at the public meetings throughout the Town describes the overall goals of those who participated, as follows:

- 85% of the respondents said that encouraging working farm operations is either Very Important or Important;
- 92% of the respondents said that preserving open space was either Very Important or Important;
- 87% of the respondents said they endorse the permanent protection of scenic views; and,
- 67% of the respondents said they would be willing to pay an increase in taxes to assist in the permanent protection of farmland, open spaces, and scenic views.

From these results, it is reasonable to say that a majority of the respondents want to preserve working farms, natural areas, and scenic views, including historic heritage.

The recommendations and the methods to implement the goals have been enacted by many other towns throughout New York State and are actions, which can be taken by local governments, as documented by the Capital District Regional Planning Commission and the State of New York's Department of State, Division of Local Government. (See Appendix 2.2.)

The key is how to best accomplish these goals and at the same time safeguard property owners' interests. For many property owners, especially farm owners, land is their principal asset.

#### **A. Preservation of Farmland**

##### **FINDINGS:**

It is clear that an overwhelming number of Town residents support the protection of working farms. Based on their responses to the surveys and comments during the numerous townwide meetings, in addition to information provided by farmers and

agricultural experts and publications about farmland protection, RPAC developed the recommendations below.

### **RECOMMENDATIONS:**

1. Apply the Recommendations, contained in “Section 1 – Northeast Section” for Agricultural Land Protection and Farms, townwide.
2. Include a “Preservation of Farmland” section in the development and implementation of a new townwide Comprehensive Land Use or Master Plan.

### **B. Open Space, Scenic Views, Natural Resources, and Historic Preservation**

#### **FINDINGS:**

From the RPAC Survey, informational meetings throughout the Town, RPAC meetings, and the Visual Preference Survey, RPAC concluded that residents support the preservation of open space, scenic views, natural resources, and historic preservation.

#### **RECOMMENDATIONS:**

In general, RPAC recommends that the Town encourage and preserve the safe use and enjoyment of open space to preserve parks; create recreational opportunities; develop a network of trails and trail linkages for passive recreation, such as, but not limited to, walking, hiking, cross-country skiing, snow shoeing, bicycling, and horseback riding; enhance scenic views and observation points; preserve natural resources; and, preserve historic places. It is recommended that the Town:

1. Plan, develop, and implement a strategy for the acquisition of land or development agreements in consultation and cooperation with organizations such as the Albany County Planning Department, Albany County Land Conservancy (ACLCLC is a not-for-profit corporation with preserves located at Indian Ladder Farm, Bennett Hill in Clarksville, and Holt Preserve off Copeland Hill Road), Open Space Institute, and others.
2. Plan, develop, and implement a townwide Parks and Recreation Master Plan, including an integrated network of passive recreation trails and natural areas within the Town, and connecting with trails located in other towns, in cooperation with the Albany County Planning Department, ACLCLC, and adjoining towns.

For example: The ACLCLC would like to link the Bennett Hill Preserve with Albany County’s Lawson Lake Park and with Holt Preserve. Land surrounding the Vly Creek Reservoir could be an ideal area for passive recreation, linking the old roads and logging roads below the dam to NY Rt. 443.

It would be desirable to have an interconnection of trail systems using the D&H Railroad bed in the Towns of New Scotland and Bethlehem. The Town of Bethlehem and the ACLC are working toward developing a plan, which would link, in the Town of Bethlehem, the D & H rail bed with Five Rivers to the Phillipinkill Preserve off NY Rt. 443 and onto the Bethlehem Town Park.

3. Plan, develop, and implement a Scenic Roads and Views Program to establish standards, guidelines, and ordinances, as necessary, for selected scenic roads and views. This program would emphasize natural topography, geology, vegetation, and scenic views, including linkages in the Town and adjoining towns. The standards and guidelines should include a provision to govern billboards and other signs to protect the unique beauty and character of the area and to identify the designated roads and scenic views.

This program could be modeled after the 2001 "Helderberg Escarpment Planning Guide." (See appendix 2.4.)

The recommendations in Section I for the protection of views of the Helderberg Escarpment and all views of mountain ranges should be made townwide. (See Appendix 2.3 - NYS Department of State, Division of Local Government, *Taking Control Of Your Community's Character*, page 6, "Scenic Overlay District.").

4. Develop an enforceable policy or ordinance for the use of motorized off-road vehicles, including, but not limited to, dirt bikes, motorcycles, all-terrain vehicles (ATVs), snowmobiles, and any other type of vehicle that is destructive to land and/or causes noise pollution.
5. Plan, develop, and implement a Natural Resources Preserve Program to create an inventory of existing preserves and identify those areas that contain significant environmental resources for future preservation. This recommendation should be implemented in cooperation with appropriate State and County agencies and private organizations created for this purpose. This program could include wetland protection, public education, land clearing, and passive recreation uses.
6. Encourage a Historic Preservation Program to identify, preserve, and protect historic places, buildings, and resources by: creating a Certified Local Government Program; conducting a historic resources survey; providing a records management system for historic markers; and, requiring historical design standards for the construction/reconstruction of historic areas.
7. Enact a Property Maintenance Ordinance to codify and update applicable Town ordinances to comply with the minimum requirements of the NYS Building Code and any other applicable laws, rules, and regulations, governing the storage and

safekeeping of junk, garbage, junk vehicles, junk yards, and the burning of waste. (See Appendices 2.5, and 2.6.)

The purpose of such an ordinance is to protect the health, safety, and welfare of residents and to help preserve natural areas, scenic views, natural resources, and historic places.

Appendix 2.7 contains examples of Property Maintenance Laws used by other towns in New York State and the United States.

In addition, it is recommended that the Town Board address the resources to effectively administer a Property Maintenance Ordinance, which could be assigned to a short-term 2005 RPAC.

### **C. Administrative Recommendations**

Below are recommendations, which the Town Board, by resolution, could make Town policy in regard to the administration of planning and zoning:

- 1. Public Meeting Notification:** On the Town's website, create a Public Meeting Notification Section. In this section, agendas for each Board should be posted, in draft form, if necessary, at least 10 business days prior to a meeting. For a special meeting, held in fewer than 10 business days from the day the decision was made to hold one, the agenda should be posted when Board Members are notified of the meeting. Other towns in the area have a similar website posting procedure.
- 2. Public Hearing Notification:** Post notices requiring public hearings on the Town website at least 10 days prior to a Planning or Zoning Board hearing. When fewer than 10 days occur between hearings, post the second agenda immediately following the first hearing. Town residents need more time than is currently available using local newspapers in order to prepare for hearings.
- 3. Written Notification to Property Owners:** Extend the measurement, from a 500-foot radius to at least a 1,000-foot radius, from a property under consideration to neighboring properties, when a written notification is required to be sent;
- 4. On-site Marking/Posting of Pending Action:** As in other towns in New York State, require the applicant of any pending Planning and/or Zoning Board action to post on the subject property a Town-supplied marker-signage as a means of public notification;

5. **Planning and Zoning Boards Meeting Minutes:** Post the minutes on the Town website, similarly to Town Board and RPAC minutes, to help keep the public informed; and,
6. **Public Notices – Where Property is Located:** In the public notice, state the specific address of the street or road, the name of the road, or other identification which clearly identifies where the property under consideration is located. This procedure, in combination with on-site marking (see 4 above), would enable residents to clearly identify the subject property.

## **REFERENCE DOCUMENTS**

The documents listed here were major sources of information used by the RPAC during their study. Some are referenced in the report and others are listed to provide guidance for further study or policy development. Many of the documents are available on the Internet, as indicated, and others are available in hard copy at Town Hall. Interested persons may review the hardcopy documents or obtain assistance in reviewing documents on the Internet by visiting the Supervisor's Office at Town Hall.

### **REFERENCE DOCUMENTS - SECTION I**

#### **1.1 LAND USE TOOLS AND TECHNIQUES:**

A HANDBOOK FOR LOCAL COMMUNITIES, March 2003

<http://www.semcog.org/Products/pdfs/LandUseToolAndTechniques.pdf>

#### **1.2 COST OF COMMUNITY SERVICES**

[http://www.lic.wisc.edu/shapingdane/facilitation/all\\_resources/impacts/analysis\\_cost.htm](http://www.lic.wisc.edu/shapingdane/facilitation/all_resources/impacts/analysis_cost.htm)

<http://www.farmland.org/consulting/assess.htm>

[http://www.farmlandinfo.org/documents/27757/FS\\_COCS\\_8-04.pdf](http://www.farmlandinfo.org/documents/27757/FS_COCS_8-04.pdf)

#### **1.3 HAMLET ZONING**

Southampton, New York

New Hamlet Commercial (HC)/Hamlet Office (HO)/Districts

[www.town.southampton.ny.us/noyac\\_study/chapt3.pdf](http://www.town.southampton.ny.us/noyac_study/chapt3.pdf)

Town of Lewisboro, New York

Commercial Development

[www.lewisborogov.com/masterplan/b3.pdf](http://www.lewisborogov.com/masterplan/b3.pdf)

#### **1.4 GREENBELTS**

[www.co.dutchess.ny.us/EnvironmentLandPres/whatsgreenway3.pdf](http://www.co.dutchess.ny.us/EnvironmentLandPres/whatsgreenway3.pdf)

#### **1.5 AGRICULTURE**

Town of Riverhead Comprehensive Plan

[www.riverheadli.com/Ch03\\_Agriculture.pdf](http://www.riverheadli.com/Ch03_Agriculture.pdf)

## **1.6 HAMLET DESIGN**

Hamlet of New Scotland

Examples from other areas:

Amenia - [www.dutchessny.gov/EnvironmentLand Pres/settlementpatterns24-27.pdf](http://www.dutchessny.gov/EnvironmentLandPres/settlementpatterns24-27.pdf)

Cortland - [www.townofcortlandt.com/documents/masterplan/4NaturalResources.pdf](http://www.townofcortlandt.com/documents/masterplan/4NaturalResources.pdf)

## **1.7 PROPERTY MAINTENANCE**

Oklahoma City

[www.okc.gov/mgr/mgr\\_library/20040831/property.html](http://www.okc.gov/mgr/mgr_library/20040831/property.html)

Town of Enfield

[www.enfield.org/Ordinances/Property%20Maintenance%20Ordinance.htm](http://www.enfield.org/Ordinances/Property%20Maintenance%20Ordinance.htm)

City of SeaTac, Washington

[www.seatac.wa.gov/mcode/ordinances/91-1014.htm](http://www.seatac.wa.gov/mcode/ordinances/91-1014.htm)

Chatham County, North Carolina

[www.co.chatham.nc.us/PlanningBoardItems/JNKYDORD.pdf](http://www.co.chatham.nc.us/PlanningBoardItems/JNKYDORD.pdf)

City of West Point, Mississippi

[www.wpnet.org/info\\_junk\\_vehicle.htm](http://www.wpnet.org/info_junk_vehicle.htm)

Town of Cambria, New York

[www.townofcambria.com/PDFs/zoningordinancepdf](http://www.townofcambria.com/PDFs/zoningordinancepdf)

## **1.8 GREENWAY GUIDE:**

<http://www.dutchessny.gov/EnvironmentLandPres/ELPgreenwayguide.htm>

- Improving Suburbs
  - Improving Commercial Strips
  - Landscaping
  - Signs
  - Parking Lots
  - Street Trees
- 
- Components of Traditional Neighborhood Development
  - Model Legislation: Local Billboard Prohibition Ordinance
  - Sample Brief Tree Ordinance (Street Trees/Park Trees)
  - Fact Sheet – Cost of Community Services Studies
  - Cost of Community Services – Shrewsburg, PA, 2002
  - Local Open Space Planning Guide, 2004
  - NYS Department of Environmental Conservation and Department of State

## **1.9 CONSERVATION SUBDIVISION REGULATION**

City of Saratoga Springs, New York

<http://www.saratoga-springs.org/zoneart4.pdf>

## **1.10 ACCESSORY APARTMENT PERMIT**

Huntington, New York

[http://town.huntington.ny.us/permit\\_pics/174.pdf](http://town.huntington.ny.us/permit_pics/174.pdf)

Town of Brookhaven, Long Island, New York

<http://www.brookhaven.org/forms/files/BL-07.pdf>

Town of Southampton

<http://www.town.southampton.ny.us/listing.ihtml?myid=1173&id=23&cat=Division%20of%20Land%20Management>

## **1.11 BICYCLE ORDINANCE**

San Francisco Metro Area

[http://www.mtc.ca.gov/projects/rtp/downloads/bike/final\\_plan/toolbox-ordinance.doc](http://www.mtc.ca.gov/projects/rtp/downloads/bike/final_plan/toolbox-ordinance.doc)

## **1.12 DESIGN GUIDELINES**

Town of Berne, Albany County, New York

[www.semco.org/products/pdfs/landusetoolandtechniques.pdf](http://www.semco.org/products/pdfs/landusetoolandtechniques.pdf)

## **1.13 NEW YORK STATE DESIGNATION OF FARM TRAILS, APPLE TRAILS, AND CUISINE TRAILS**

<http://assembly.state.ny.us/leg/?bn=A09436&sh=t>

## **REFERENCE DOCUMENTS - SECTION II**

### **2.1 RPAC VISUAL PREFERENCE SURVEY**

Survey results available at New Scotland Town Hall – Supervisor’s office

### **2.2 “CREATING THE COMMUNITY YOU WANT: MUNICIPAL OPTIONS FOR LAND USE CONTROL”**

New York State Department of State  
Division of Local Government Services  
41 State Street, Albany, NY 12231

### **2.3 “COMMUNITY DESIGN TOOLS – TAKING CONTROL OF YOUR COMMUNITY’S CHARACTER”**

New York State Department of State  
Division of Local Government  
41 State Street, Albany, NY 12231

### **2.4 “HELDERBERG ESCARPMENT PLANNING GUIDE”**

[www.albanylandtrust.org/Library/iii-Exec%20Summary.pdf](http://www.albanylandtrust.org/Library/iii-Exec%20Summary.pdf)

Helderberg Escarpment Planning Committee  
Albany County Land Conservancy  
P.O. box 567  
Slingerlands, NY 12159  
Published in March 2001  
Prepared with the assistance of grants from the NYS Council on the Arts and Open Space Institute.

### **2.5 “CHAPTER 3, MINIMUM CONDITIONS, PROPERTY MAINTENANCE CODE OF NEW YORK STATE”**

New York State, Department of State

### **2.6 “NEW YORK HOPES TO REDUCE TRASH BURNING”**

The Legislative Gazette, November 15, 2004  
Article cites an EPA, state Department of Health and DEC study

**2.7 EXAMPLES OF PROPERTY MAINTENANCE LAWS:**

Town of Malta

Town of Arcade

Town of Glen

Town of Sherburne

Town of Beekman

Town of Hancock

Village of Silver Springs

Village of East Hills

See Reference Documents – Section I – Property Maintenance

**2.8 “CODE ENFORCEMENT VITAL IN SAVING NEIGHBORHOODS”**

*Times Union*, November 21, 2004

Neighborhoods Work Conference sponsored by the Neighborhoods Resource Center and the Council of Albany Neighborhoods Association.