

4.2. CONSERVATION DESIGN RESIDENTIAL SUBDIVISIONS

Note. This section has been almost entirely rewritten from early drafts.

4.2.1 Objectives

The objectives of conservation design are to promote development patterns that preserve the natural and scenic resources of North Elba and Lake Placid. Rather than subdividing an entire property into building lots, the Review Board may approve and, in some instances, require conservation design subdivisions consisting of more compact development and the dedication of permanent conservation lands for purposes of:

- A. Encouraging creative and flexible site design sensitive to the land's natural, scenic and cultural resources;
- B. Avoiding development in areas subject to environmental hazards;
- C. To reduce the costs of infrastructure construction and maintenance associated with requirements for additional public roads and extended public water and sewer service.

4.2.2 Standards

Conservation design subdivisions shall meet the following standards:

- A. The project must encompass at least five acres of contiguous lands,
- B. Designated conservation lands shall constitute at least 50% of the gross area of the subdivision for parcels twenty-five (25) acres or more. That minimum may be reduced to 35 percent for smaller parcels, if approved by the Review Board.
- C. Requirements for conservation lands cannot be met by protected lands existing at the time of the subdivision application, i.e., land under a restrictive covenant or a conservation easement.
- D. Conservation lands must be of a shape and size necessary to meet the objectives of these regulations. Calculations of conservation lands for purposes of meeting these regulations shall not include any lands having horizontal dimensions less than 150 feet or lands under two contiguous acres contiguous acres, unless approved by the Review Board.
- E. Proposed conservation lands must be accompanied by a plan for visual and/or physical access to such lands by the residents of the subdivision.
- F. Individual lots may be reduced in area and yard dimensions from the minimum standards in the planning district in which they are located, provided that setbacks from property lines are not less than those normally required in the planning district. The Review Board may require larger setbacks and/or visual buffers in instances to control visual impacts on adjoining properties.

- G. Subject to the Review Board's approval, an increased number of dwelling units may be allowed in a conservation design subdivision, provided that it does not exceed 125 percent of the number of dwellings in the schematic yield plan and that the subdivision fully comply with the the minimum 50 percent requirement for dedicated conservation lands (see section xx) and that such lands encompass the most significant resource features of the site.

H. Add provision allowing for mix of housing types?

4.2.3 Application Requirements

Applications for conservation design subdivision will be reviewed in accordance with the procedure for reviewing all other subdivision projects, as outlined in Section xx of this Code. The following additional information shall also be provided:

- A. A schematic yield plan indicating the layout and numbers of dwelling units that could be realistically constructed in a conventional subdivision, considering site conditions and the feasibility of providing water and sewage systems.
- B. A conservation plan indicating the configuration and acreage of proposed conservation lands, with an accompanying explanation of how such lands relate to the property's natural, cultural and scenic resources.
- C. A development plan indicating the layout and numbers of proposed dwelling units, and their relationship to the proposed conservation lands. The number of dwelling units shall not exceed the number shown in the schematic yield plan, unless approved by the Review Board in accordance with section xx.
- D. The Review Board may apply additional conditions to its approval of a conservation design subdivision, as required to meet the objectives of these regulations.

4.2.4 Restrictions on Dedicated Conservation Lands

Subject to the Review Board's approval, dedicated conservation lands must be permanently restricted from future subdivision, development and incompatible uses by one or a combination of the following techniques.

- A. Conveyance of fee title or a conservation easement on such lands to a qualified grantee which may include a 501(c)3 charitable conservation organization, Town of North Elba, Village of Lake Placid or State of New York.
- B. Establishment of a mandatory homeowners association for purposes of properly maintaining conservation lands for their intended purposes and the benefit of residents of the subdivision.