

VII. LAND USE AND ZONING

Purpose

It is important to have a clear understanding of the existing zoning regulations and land use patterns to clearly understand the issues facing the Town of Kirkland today. The master planning process involves evaluating the current trends and determining where change is necessary. Only through the utilization of comprehensive site plan and subdivision review procedures, will the town be able to guide development to address the issues raised by the public throughout the master planning process. The zoning ordinance must accurately reflect "what the town wants to become," as identified in the master plan.

The existing and historic land use patterns of the Town of Kirkland are very interesting. Only in recent years has the town experienced a significant amount of growth outside of the river valley. As farming operations close down or farmers sell marginal agricultural lands to continue their operations, more and more development has occurred along the rural highways. External regional development pressures have also influenced development patterns, particularly along Route 12B.

The town must now determine how it wants to continue to develop. Is it appropriate to let development patterns run their course, occurring in spots or strips, however they may fall and as allowed by the existing zoning? Or does the town want to promote development patterns that are more in context with the historic character of the town; e.g., around the village and the hamlets? The following information is necessary as a solid basis for making land use decisions.

Existing Zoning

The Town of Kirkland Zoning Ordinance outlines nine (9) different districts and two (2) overlay zones. The current zones are listed below.

A-C	Agricultural Preservation Overlay District
R-P	Resource Preservation Overlay District
R-45	Rural Residence District (1 acre)
R-20-1	Residence District (0.5 acres)
R-20	Residence District (0.5 acres)
R-10	Residence District (0.25 acres)
R-M	Mobile Home District
C-2	Neighborhood Commercial District
C-1	Commercial District
I	Industrial
PD	Planned Development District

Permitted principal uses have been identified for each of the above districts. Many additional uses have been identified that require site plan review by the Town Planning Board. The zoning code regulates the height and bulk of buildings and open space requirements on a per lot basis.

The code is utilized by the Town of Kirkland Planning Board during the site plan review process. Applications for site plan review uses are made to the Town Building Inspector and referred to the Planning Board for review and approval. Zoning amendments are subject to Town Board review. The Zoning Board of Appeals reviews zoning variance requests.

In the planned development (PD zone) process, application is made to the Town Board and the project is referred to the Planning Board for recommendation to the Town Board. The Town Board then reviews and acts upon the application for the zone change to PD. The specific site plans are then submitted to the Planning Board for their review and action.

The Overlay Districts, Agricultural Preservation and Resource Preservation, require special review and action by the Planning Board. These districts are designed to protect resources. The boundaries of these districts overlay other zoning districts. The Agricultural District is not established by the town but pursuant to the Agriculture and Markets law. The mechanism established by the district to protect agriculture is a tax incentive, however, inclusion in the district is voluntary.

The Building Inspector enforces the zoning code. In addition to site inspections pertaining to new construction and to investigations into alleged violations of code, the Building Inspector issues building permits, site plan approvals, special use permits and certificates of occupancy.

A general discussion of the zones follows. More detail on acreage and effects on build-out of the existing zoning is described in the Growth Potential Analysis, which follows this section. The zoning map is available at the Town Hall for review (contact the Town Planner).

The largest zone, R-45, encompasses about half of the area of the town and includes most of the Agriculture Conservation Overlay District. The R-45 zone covers the south, southeast and southwest portions of the town. The R-20-1 zone is immediately adjacent to the R-45 zone in two areas of the town. The R-10 zone is located south of Route 12B from the Town of New Hartford to just south of the village, and comprises the lands of Hamilton College. There are also some small areas zoned R-10 within the Hamlets. The northern portion of the town is mostly zoned R-20, with the exception of the hamlets and C-1 zones along the Seneca Turnpike (NYS Route 5).

There is also an R-20 zone south of the village. The hamlets of Clark Mills and Franklin Springs contain a mix of different zones and are located at the north extreme and at the center of the town, respectively. The Resource Preservation Overlay District generally follows the 100-year floodplain along the Oriskany Creek. The zoning ordinance allows for density increases when public water and sewer are provided.

Land Use

The distribution of land uses throughout the town is closely related to the zoning. Members of the Planning Board and Citizen's Ad Hoc Committee conducted a "windshield survey" of the entire town in the Fall of 1991 to determine current land uses in the town (the Land Use Map is available for review at the Town Hall, contact Town Planner). Land uses were analyzed according to the following categories.

Commercial	Active Highway Commercial Vacant
Industrial	Active Vacant
Institutional	Municipal and Government Educational Police Religious/Cultural/Non-Profit Fire Hospital
Residential	Single-Family 2-4 Dwelling Units 4+ Dwelling Units Vacant
Other	Agriculture Open Land Wooded Parks and Recreation

The land in the south, southeast and southwest portions of the town is largely in agricultural production. This comprises over one third (1/3) of the land area of the town, even discounting wooded areas. Older single-family homes and farmsteads, some dating to the mid-1800's through the 1920's, line many of the roads in the town and in the hamlet of Franklin Springs. New homes of generous proportions have been developed on Kellogg Street, Fountain Street, Foote Road, Peck Road, Arrowhead Way, and Toggletown Road.

Mobile homes are in three parks in the town, including Martin Drive, Giftland and Millgate Meadows. The homes in Clark Mills are smaller and somewhat more contemporary, including bungalow and ranch styles developed in the late 20's to 50's. The hamlet has several historic industrial, cultural and residential buildings, some of which are vacant or in need of repair. The

Village of Clinton has well maintained homes, cultural buildings, and shops that retain the character of the 19th century.

Commercial development in the town is concentrated along the Seneca Turnpike in the form of restaurants, garages and other highway commercial development, in the hamlets in the form of neighborhood commercial development, and to a limited extent along the rural highways in the form of agriculture-related businesses such as feed and supply stores, vegetable stands, and orchards. The Village of Clinton has a central village green which supports a mix of uses, notably commercial establishments and parking, developed in keeping with the considerable nostalgic charm of the green. The green itself is used for passive recreational activities and summer concerts.

Hamilton College is a major land use in the northwest portion of the town and includes the typical mix of uses from residential to recreational. The college has an attractive campus, including green quads, historic structures, athletic facilities, Root Glen and the reservoirs.

There are two small industrial areas, one on Robinson Road and one in the Hamlet of Franklin Springs. The Hamlet of Clark Mills has a number of former industrial buildings related to the historic use of the Oriskany Creek for industrial development activities.

VIII. GROWTH POTENTIAL ANALYSIS

Build-Out Potential

The following discussion analyzes a potential development scenario for available land in the Town of Kirkland (See Chart 10 - Build-out Potential). The purpose of this exercise is to test the current town plan (zoning) against potential development activities. The analysis is not meant to suggest what necessarily will happen, but rather, what is possible under alternate zoning scenarios. The discussion summarizes the methodology and results of the analysis. The assumptions of the analysis were conservative to approximate conditions somewhat closer to a best-case scenario, since the worst case is not very likely in this town. The methodology has two parts, inventory and analysis.

Inventory

In the inventory phase, the amount of buildable land was estimated. The Resource Protection (R-P) overlay district was discounted from consideration. In reality, some areas of this district could and would be developed. The areas of prohibitively steep slopes (i.e., slopes greater than 25%) were eliminated from the land area calculations. The Hamilton College campus and Village of Clinton were not included in the study, though some lands owned by the college were considered in the land area calculations. Land areas were estimated by scaling on a 1"=1,000' base map. The total land areas were discounted 20% to allow for roads, parking, utilities or localized natural features that would be undevelopable. This figure represents an estimate of the buildable land.

Secondly, the remaining development potential was determined, using the current zoning code to dictate allowable densities. It was assumed that new development in residential zones would be limited to single-family homes. Development in the C-1 and PD zones was estimated based on an assumed Floor Area Ratio (F.A.R.) of .25 which is slightly conservative, considering that the land areas were already discounted 20%. The results of the inventory are presented in the following tabular summary.

CHART 10: BUILD-OUT POTENTIAL UNDER EXISTING ZONING			
ZONING DISTRICT	LAND AREA	BUILDABLE LAND AREA	TOTAL BUILD CAPACITY
R-45 with sewer	2,560 acres	2,050 acres	1,980 DU
R-45 no sewer	7,250 acres	5,800 acres	5,620 DU
R-20-1	980 acres	785 acres	1,700 DU
R-20 with sewer	980 acres	790 acres	2,290 DU
R-20 no sewer	170 acres	135 acres	270 DU
R-10 with sewer	510 acres	410 acres	1,770 DU
R-10 no sewer	167 acres	134 acres	290 DU
C-1 Commercial	17 acres	14 acres	150,280 sf
PD Planned Development	195 acres	155 acres	1,672,700 sf

Analysis

The analysis was accomplished by comparing the build-out potential drawing with the utility, land use, natural features and zoning drawings. The build-out drawing (available for review at the Town Hall, contact the Town Planner) shows available land color-coded according to zoning and availability of public sanitary sewer. The sewer district line was used to determine availability of sewer service, though much of the area within the district does not currently have service.

Results

Overall development in the town, if built-out according to the current zoning, would be about 13,920 single-family homes and 1,822,980 sf of commercial space, assuming commercial use of the PD zone. Many different types of development could occur in the PD zone, although there is probably not enough PD area to accommodate a mix of uses. The analysis shows that a significant amount of land has not been planned for new commercial and/or industrial development.

Affordable housing (assuming multifamily homes) could be developed in the R-10 zone, which is available in a corridor from St. Mary's Avenue to Brimfield Street and then along 12B east to the town line. About 27 acres of R-10 land is also available in the Hamlet of Clark Mills.

A significant amount of residential development could occur in the areas of existing agricultural and open space land, as depicted in the build-out potential drawing. This development could be mitigated through careful placement behind wooded visual buffers, at the bases of hills, and in appropriate clusters adjacent to open or agricultural land. However, the current zoning ordinance allows for development in a typical suburban pattern on half acre and one acre lots.

The above analysis suggests that the current zoning should be carefully examined to consider a redistribution of districts to better accommodate the needs of the town. The current master planning process is really about taking a hard look at the existing plan and the issues facing the community today. The town must determine if the existing plan still meets their needs and if not, how the plan can be revised to do so. Through the current planning process it has become obvious that the 1959 Master Plan (including the mid-70's update), does not meet the needs of Kirkland in 1992 and beyond.

IX. COMPREHENSIVE PLAN

The overriding message that was heard throughout the initial phases of this project was:

The community would like to retain its existing small-town character and lifestyle; its open spaces, sensitive environmental resources and farmland, and strong community centers.

Background and Introduction

Historically, the town developed around tightly knit village and hamlet centers. Clinton developed as the hub of an agricultural community that supported important educational institutions, commerce and industry, among other economic activities. This tight development pattern was reinforced by the early canal and rail systems that focused transportation movements on these centers.

Improvements to the highway and roadway system, coupled with changing employment patterns, (Utica and Rome becoming focal points of employment and commerce) allowed for increased mobility. Increased mobility was followed by increased residential development in the suburban communities surrounding these central cities. Kirkland is on the outer ring of this suburban area.

People are attracted to Kirkland for a variety of reasons. Kirkland offers many of the amenities typically associated with a small city, yet the historic Village of Clinton, set within the bucolic landscape of the Oriskany Valley, evokes a classic small town/country image. Thus in the Kirkland/Clinton community, one can enjoy a rural, small-town lifestyle while participating in social, cultural, educational, and employment opportunities not generally available in a country setting.

Recommended Plan

The following discussion outlines the proposed plan for the Town of Kirkland. Figure 1 on the following page, illustrates the Comprehensive Land Use Plan. The plan clearly responds to the needs and concerns of the community that were identified through the public participation phase of the project. The goals and objectives which resulted from public input established a firm basis for development of the plan. The plan, as presented, incorporates a coordinated strategy for managing the physical and natural environment of the town. The development patterns proposed logically mirror historic patterns of land use and development. Individual elements of the plan are described below:

Rural Development and Preservation Zone - This zone encompasses the majority of the land area of the town. The proposed zone merges all of the existing residential zones (outside of the hamlets and the area immediately adjacent to the village) and decreases allowable development density. This recommendation is in response to the overall goal of retaining

the town's small town atmosphere and rural character. To achieve this goal, current allowable densities will be retained in the town centers. However, in the outer ring or zone, the primary objective will be to permit reasonable development and still retain the rural and agricultural character of the area. If the existing residential zones were to be built out in conformance with the town's existing zoning ordinance, the character of the town would become much more suburban in nature. De-emphasizing suburban development in the "outer ring" and retaining existing development densities in the town center, will encourage the town's historic pattern of development and allow for protection of agriculture and open spaces while still allowing responsible growth in the rural areas of town.



Development Encroaching on Agricultural Lands

To protect the rural character of the town, agricultural uses and certain open spaces and viewsheds must be preserved. Additional leverage will be required to encourage developers to preserve significant green spaces. As a starting point, the entire outer ring should be zoned to an appropriate density that will allow for on-site utilities (where water and sewer extensions are not feasible or desirable), the protection of sensitive environmental resources, the avoidance of difficult soils, and the preservation of open spaces and farmland. To achieve these objectives, a reduced overall housing/development density is recommended. The addition of an incentives program, including a maximum area lot development program will allow development to occur while still ensuring the preservation of rural character and

sensitive environmental resources. The components of the incentives program and the concept of maximum area lot development are described below.

Incentives Program - The incentives program should be based on the goals and objectives that were defined by the Planning Board and the Ad Hoc Committee. As such, one of the goals would be the protection of agriculture. Developers/landowners would retain the option to develop traditionally, although now other opportunities would be available. If a developer (landowner) was interested in preserving a certain percentage of his land for agriculture (either sell or lease, but permanently set aside under conservation easement, or other permanent restriction), he or she would receive a certain number of bonus points. Cumulatively, these bonus points, plus points awarded for achieving other identified goals, would give the developer a certain number of "bonus" dwelling units above the total normally allowed within a particular zoning district. Other types of incentives might include a reasonable reduction in road construction specifications or other advantages (see below).

An alternative method for offering incentives would be to offer tax benefits. A good example of such a program is the Town of Perinton's Conservation Easement Program. This program offers tax incentives to property owners who place their land under conservation easements. Property owners agree to maintain the property in its existing state (the easements do not include public access) for the term of the easement, whether as open space or for active agricultural uses. The easements are not necessarily permanent, but penalties are issued if easements are broken. Penalties are placed in a reserve fund the Town Board has set up for open space acquisition. In 1992 Perinton has 124 conservation easements in effect encumbering a total of 4426 acres, which is approximately 20% of the total acreage contained in the town.²³

Maximum Area Lot Development - The primary goal of the maximum area lot development (or "clustering") concept is to preserve open spaces and sensitive natural resources by concentrating construction on the most suitable portions of development sites. If central sewer and water are not available, an appropriate lot size will have to be required to allow for on-site septic system development and the preservation of open spaces, whether for farming or strictly as green space to preserve rural viewsheds. An overall reduction in housing density has been deemed appropriate. This reduction should be great enough to allow for on-site septic systems (unless the soils are particularly difficult). Where conditions allow, smaller individual lots could be accommodated and open space set-asides established to further protect rural character while maintaining an overall reduction of housing density. Of course, the program would not prohibit large lot development. If central water and sewer are available, clustering to much smaller lots would be possible, thereby preserving even more open space. Incentives would also be offered for participating in this program.

²³ Open Space for Perinton - Conservation Easements.

Some of the benefits of maximum area lot development include:

- Housing can be concentrated on the most suitable areas of the site -- leaving more sensitive land to remain as protected open space. This is particularly important since soils throughout most of the town are limited in terms of development potential (See the Environmental Features Section).
- Open space lands can be protected "in perpetuity" -- with recreational, aesthetic and natural resource values preserved for future generations. There are a number of appropriate alternatives for "managing" such lands, i.e. the individual lot owners, the town, a homeowners association or a local land conservancy.
- Site drainageways and wetlands can be left in common ownership -- eliminating the need for drainage easements and costly underground systems. Drainage can usually be engineered on site without adversely impacting neighbors.
- Buffer areas and open space can assure visual privacy and maintain property values of neighboring homeowners.
- In most cluster communities, traditional municipal services such as road maintenance and trash removal are the responsibility of a community association - - lowering the development's fiscal impact on local services.
- Diversity of housing types allows an alternative to the usual 3 or 4 bedroom, single-family home (e.g. starter homes, retirement homes, etc.). The result is increased housing opportunities and lower municipal service impacts -- particularly with regard to schools.
- Community involvement in the approval process helps to ensure that the project, as built, is in keeping with town goals. Environmental quality, noise, traffic, access and similar considerations can commonly be incorporated into review of clustering proposals. Their consideration under conventional subdivision is more difficult.²⁴

In the case of small subdivisions (e.g. 1-4 lots) in the Rural Development and Preservation Zone, protection of open space and rural character might be achieved through mechanisms other than incentives and maximum area lot development. Where these approaches are cumbersome or impractical, increased frontage requirements, screening or other means might be more appropriate. The important factor is the outcome (e.g. protection of the community health, safety and welfare, as well as concern for preserving rural character) not necessarily the means of achieving that outcome.

²⁴ "Cluster Housing," Matarazzo Design, New Hampshire Business Review

Village Town Center - The general plan recognizes the town's historic centers as the ideal locations for higher density growth and a mix of uses. As a result, a Village Town Center Plan has been developed (Figure 2 following this page). Existing residential development densities (average 0.25-0.5 acre lots) will be retained in the village town center. Design requirements within the village town center zone should promote village-scale development, which reflects the historic image of the community. Residential development on smaller lots should be encouraged, with strict site design controls. Consideration for appropriate architectural standards has also been suggested. Pedestrian improvements must be incorporated into the plan. The Village Town Center Plan should revolve around the following planning concepts.



"Suburban-Like" Development in the Village and Hamlets

- Infill - Encourage development within the village town center that will reflect historic development patterns and densities. Architectural and site development design should blend and complement existing historic styles.
- Traffic - Ensure that connections are made as new streets develop. Connections between new streets and extensions of existing streets will relieve existing traffic pressures on the village (examples of possible connections have been identified).

Town of Kirkland Comprehensive Plan

Village Town Center

The Saratoga Associates

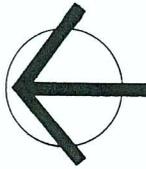
LANDSCAPE ARCHITECTS, ARCHITECTS, ENGINEERS AND PLANNERS
 SARATOGA SPRINGS ■ BUFFALO ■ NEW YORK CITY ■ SPRINGFIELD

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SCALE



NOT BE A TOWN BY NAME
 Map Date: December, 1976
 Date of Previous Edition: 1974
 Author: The Saratoga Associates
 Date of Preparation: February, 1977



NORTH

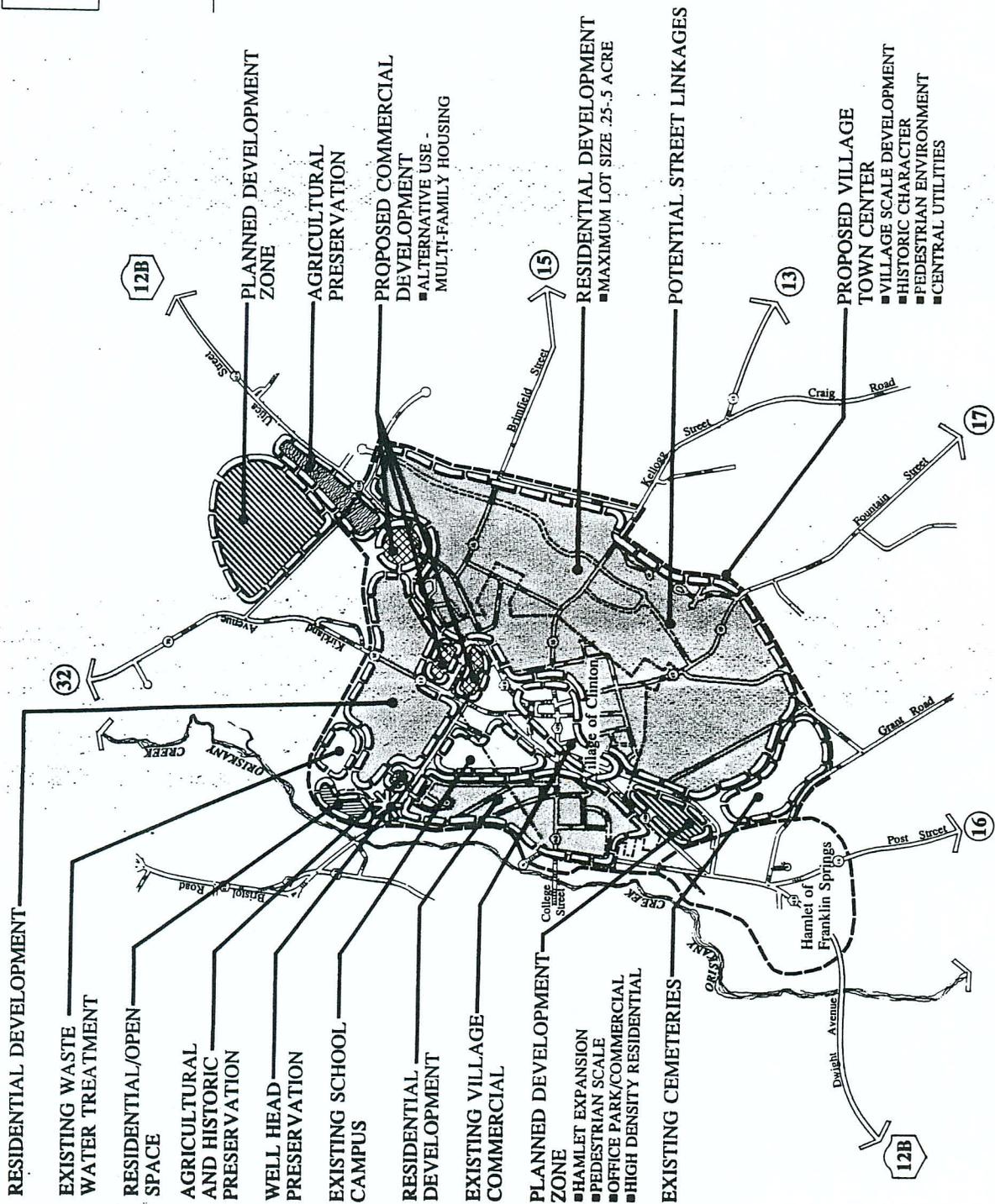


Figure 2

- Streetscape Improvements - Continue and expand streetscape improvements that are in character with the historic village center, including sidewalks, street trees, and pedestrian-scale lighting.
- Commercial Development - Encourage the creation of employment opportunities within the village town center.
- Recreation - Develop a comprehensive recreation and green space plan in concert with the village.
- Infrastructure - Make water and sewer available for all new development within the village town center to allow for appropriate village-scale development.

The concepts above have been integrated into the following breakdown of the recommended Village Town Center Plan.

Residential Development - Residential infill development has been recommended as the primary activity within the village town center. Lot sizes consistent with existing zoning requirements have been recommended to ensure appropriate village scale development. Larger lots would transform the character of this area to a suburban scale. Central utilities should be made available to allow for development at higher densities. Single-family homes should be the predominant use, although alternatives should also be available. Townhouses and/or duplexes may be appropriate in certain areas, particularly when considering affordable housing opportunities.

When evaluating new development proposals, connection with and extension of existing roads should be encouraged. Potential extensions have been identified on the plan. Sidewalk development should also be incorporated into new plans to ensure pedestrian connections to the village core area.



Alternative Housing Forms - Multi-Family

Commercial Development - A number of small areas have been designated as appropriate for new commercial development. These areas have been designated due to their proximity to existing commercial development and/or major transportation corridors. Commercial activities, such as a new supermarket, may be needed as residential infill development occurs. Such commercial activities would also offer new employment opportunities. A graphic depiction of potential commercial development opportunities follows this page, Figure 3.

Transportation - Traffic is a problem in and around the village and will continue to increase, regardless of town land policy. One viable means of alleviating traffic congestion in the village would be to designate a truck by-pass route utilizing the existing state highway system outside the village. This would reduce truck traffic in the village, and redirect it to alternate routes (e.g. Routes 5 and 233). Obviously this will impact the areas receiving additional traffic, but these state highways are designed for higher traffic volumes, and are significantly less congested than Route 12B through the village. The town and village should request that the New York State Department of Transportation study the problem and evaluate the truck by-pass as a possible solution. New roads, primarily built by developers, will also allow traffic flow to reduce the congestion in the village green area.

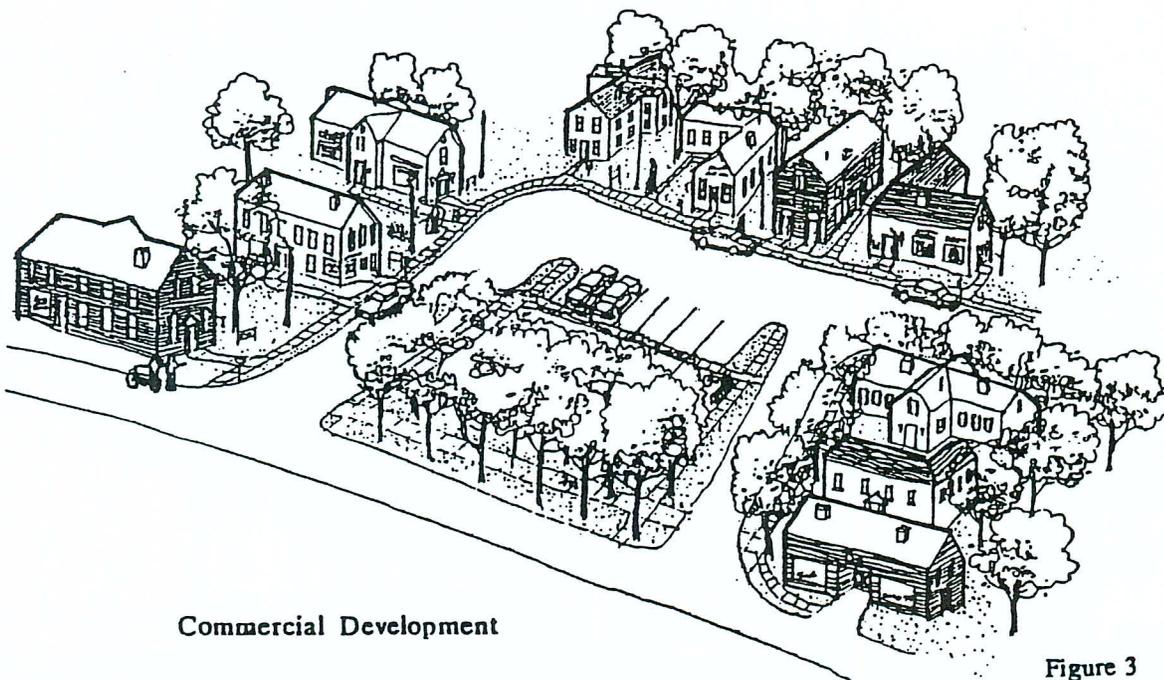
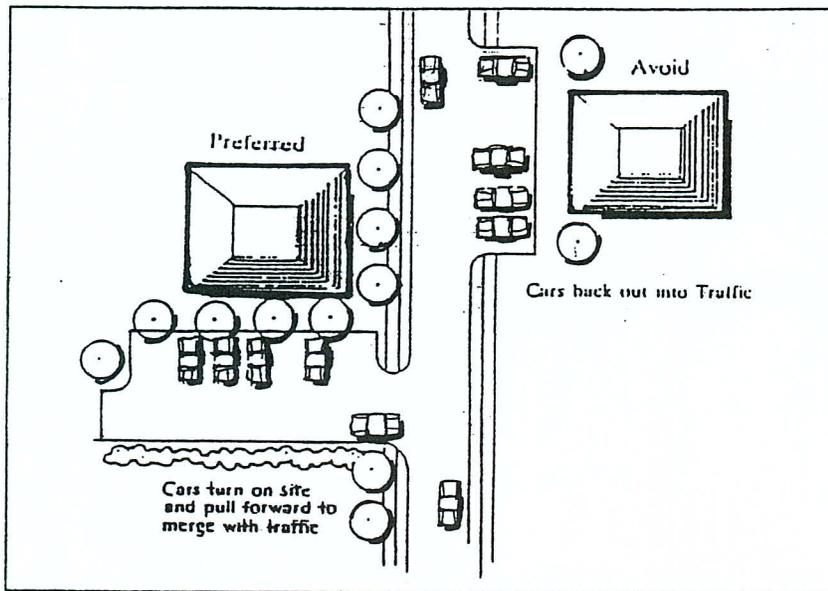
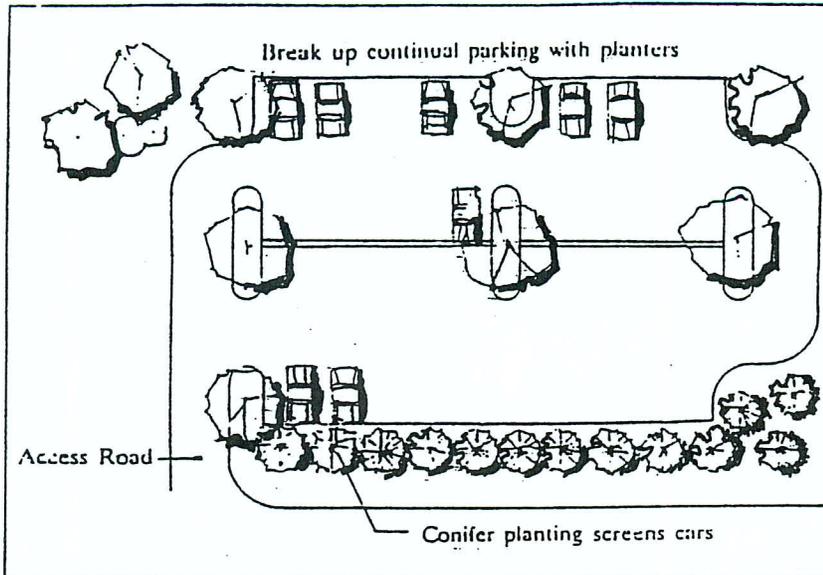


Figure 3

Agricultural and Open Space Preservation - These uses have not been designated as primary uses within the village town center, although certain significant areas have been identified. The Norton Farm, which is listed on the National Register of Historic Places and is one of the few remaining farms along Route 12B (north of the village), has been suggested for preservation. The use of tax incentives is recommended to preserve agricultural land (e.g. reduce local taxes on property in agricultural use). An area that has been designated as important for open space preservation is in the immediate vicinity of the community water supply as a well-head protection measure.

Planned Development - It is recommended that the existing Planned Development zones in the village town center remain in place. See the Planned Development discussion in upcoming sections.

Hamlet Plans - The hamlets have been suggested as areas appropriate for fairly concentrated development. Therefore, existing development densities will be retained in the hamlets. Following through with the overall goal of protecting the rural and small-town character of the Town of Kirkland, the hamlets and village town center will thus maintain their roles as the prime activity centers. Here, well-conceived and designed development is encouraged. Sensitivity to historic character and existing residents will be important. A mix of uses have been identified, including moderate to high-density residential development. The hamlets are also logical centers for controlled commercial and/or light industrial development.

Clark Mills and Kirkland Hamlet - The general plan recommends infill around existing development patterns and the use of available water, sewer and highway assets. The Clark Mills Hamlet Plan has been included on the following page, Figure 4. New concepts have been integrated into the hamlet plan to stimulate revitalization and/or enhancement opportunities. Another road crossing over Oriskany Creek has been identified as positive development opportunity to increase the cohesiveness of the hamlet area and to alleviate some of the traffic flow problems on Main Street.

The hamlets of Clark Mills and Kirkland, including the Route 5 corridor, are well positioned to benefit from limited, well-conceived, residential, commercial and recreational development.

Several advantages are offered by this part of town, including:

- A central water and sewer system
- Vacant buildings with rehabilitation potential
- Vacant and undeveloped property
- Transportation access - Route 5/NYS Thruway
- Historic resources

Some of the challenges and needs of the Clark Mills area include:

- Stimulation and reinvestment in the economy and existing commercial and residential building stock.
- Improving disjointed street patterns.
- Creating additional recreation and open space lands and facilities



Revitalization Opportunities - Residential and Commercial

The following is a breakdown of the recommended plan activities for Clark Mills:

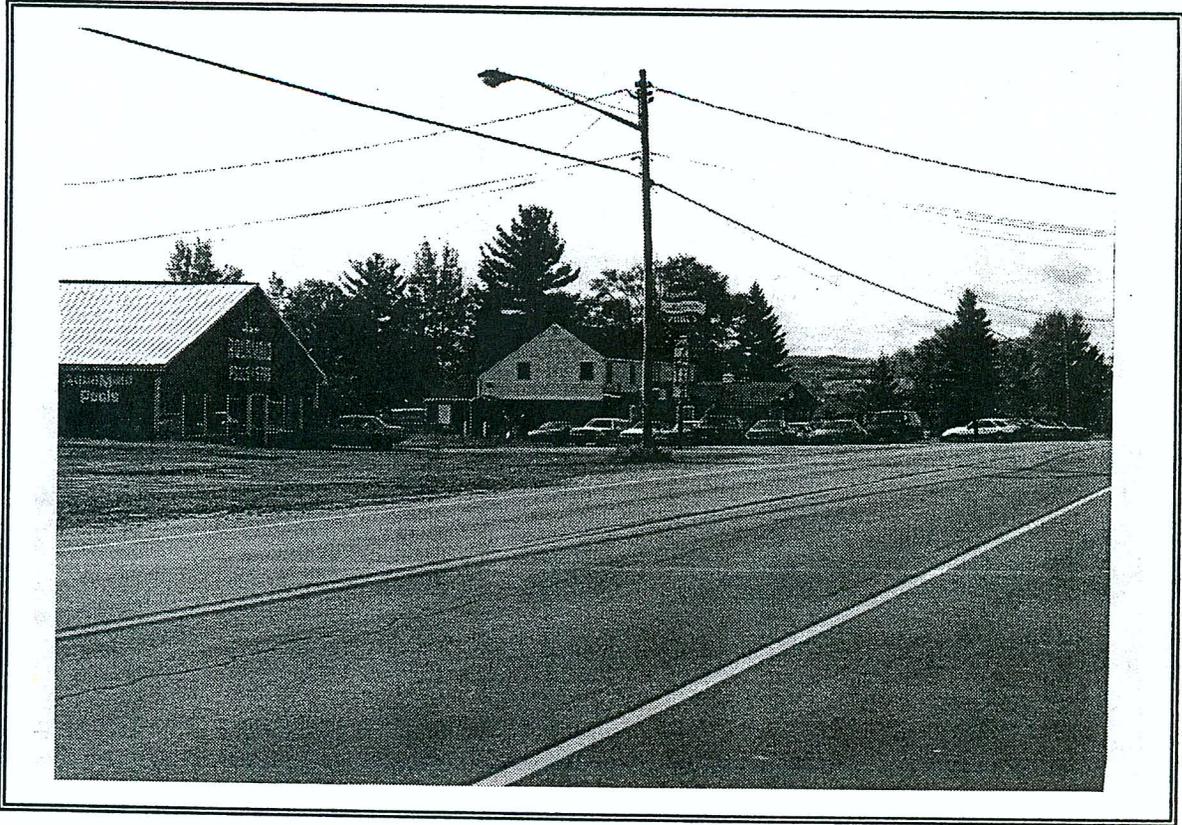
- Oriskany Creek Greenway - This district runs through the center of the hamlet. Since the greenway traverses the entire town, this concept will be discussed in a section of the report on town-wide plan proposals.
- Bike/Hike Trail - This trail is designed to provide a non-motorized connection between the town's development centers and adjacent towns. As will be discussed in the section on town-wide proposals, the trail basically follows the old railroad bed traversing the town from north to south. In the Hamlet of Clark Mills, a connection has also been suggested to a proposed neighborhood park and in an east/west direction, to the adjoining towns.

- Parks - Three locations have been recommended for neighborhood park development. It may be appropriate to develop a site just off Route 5 for public fishing access. This site's location makes it a prime site for the promotion of regional fishing opportunities. Coordination with on-going flood control planning and the NYS Department of Environmental Conservation, Division of Fish and Wildlife, is suggested.

Another park location has been designated along the eastern side of Oriskany Creek south of the senior center. The need for such neighborhood parks will continue to increase as residential in-fill development occurs. This park might provide passive recreational opportunities, such as picnicking as well as more active recreational activities, such as playground development.

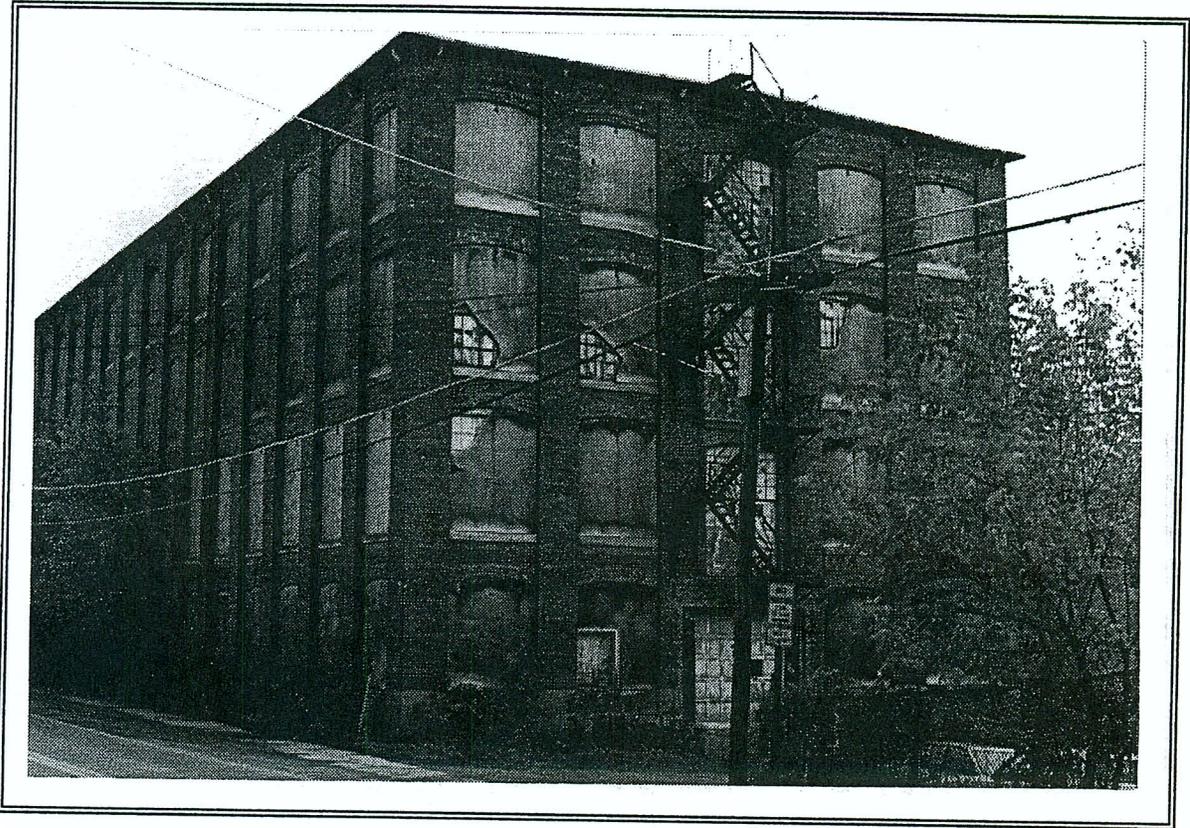
One final park location has been identified just south of the former school building, which is now an apartment complex. This park would be similar to the one described above. An additional consideration on this parcel might be the development of softball and baseball fields.

- Residential Development - A number of areas have been identified as prime residential development opportunities. Extending existing roads should be encouraged, and potential extensions have been identified. Single-family homes should be the predominant use, although alternatives should also be available. Townhouses or duplexes may be appropriate in areas transitioning from mobile home development. Affordable housing opportunities need to be provided and some of these locations may be appropriate. Residential development should be "hamlet-scale," e.g., medium to high density with pedestrian connections.
- Planned Development - A large vacant parcel located in the southeastern corner of Clark Mills, is recommended for designation as a planned development zone. Due to its large size, the significant access and infrastructure opportunities available, and an identified need to increase the town's tax base and diversify employment opportunities, this parcel has been identified as a potential hub of new development activity. Light industrial or office uses could provide a solid basis for such activity. Complementary moderate density residential development and other hamlet expansion activities could also be incorporated, but should be limited to a minor and supporting use on this important parcel. The town must be very involved in this type of project to ensure that the desired objectives are met.
- Route 5 Corridor - Commercial development along Route 5 is an appropriate use, provided existing residences are protected and buffered. Improved site planning and reinvestment is recommended to alleviate the highway "strip" look of the area.



Route 5 - "Strip Corridor"

- **Agricultural Preservation** - A number of areas that are currently in active agriculture have been recommended for preservation. It is appropriate to preserve key agricultural areas within the hamlets to maintain the rural environment. It is understood that in such a setting agricultural practices will be limited, although agriculture may be the only logical use. For example, a large area to the west of Oriskany Creek is floodplain. Encouraging development in this area does not make sense.
- **Historic Clark Mills Center & Mill Buildings/Adaptive Reuse** - The Clark Mills Main Street corridor warrants certain improvements. Building facade improvements, streetscape improvements and enhancement of pedestrian connections are examples of activities that could significantly improve the image of this corridor. Community development initiatives such as housing rehabilitation and mill redevelopment would contribute significantly to enhancement of this area.



Clark Mills - Adaptive Reuse Opportunity

- Wastewater Treatment Facility Expansion Area - As residential in-fill and development takes place, there will be a need for additional wastewater treatment capacity. An area has thus been set aside to accommodate expansion of the existing wastewater treatment facility.

Franklin Springs - As development has occurred around the Village of Clinton and the hamlet of Franklin Springs, the distinction between the two has decreased significantly. This trend will only continue. The hamlet plan, Figure 5 following this page, incorporates green spaces and a mix of uses appropriate for a small activity center. The plan has been designed to enhance the neighborhood center and to provide pedestrian connections between centers.

- Residential Development - Since Franklin Springs is already a small center of residential activity, it is a logical place to promote additional residential development opportunities. Single-family, medium-density residential development is most appropriate. Infill development can occur, if well designed, within the context of existing hamlet character. The development of new roadways as collector streets to ease some of the existing traffic problems has also been recommended.

- **Light Industrial** - It has been recommended that the existing industrial zone be kept in place. Since this is already the location of an active manufacturing operation, it makes sense to utilize adjacent parcels for similar uses. Buffering and other site control mechanisms should be strictly enforced.
- **Neighborhood Commercial** - The parcel just off of Route 12B that is currently zoned commercial has been recommended for this zone. Neighborhood convenience services could be encouraged in this location to reduce the need for travel into the village. Architectural and site controls, including signage and lighting, should be refined and strictly enforced in all commercial districts so as to minimize adverse impacts on adjacent residential areas.
- **Agricultural Preservation** - A number of areas that are currently in active agriculture have been recommended for preservation. It is appropriate to preserve key agricultural areas within the hamlets to maintain the rural environment and act as a buffer between divergent uses.
- **Oriskany Creek Greenway** - This district runs along the western edge of the hamlet. Since the greenway traverses the entire town, this concept will be discussed below.
- **Bike/Hike Trail** - This trail is designed to provide a non-motorized connection between the town's development centers and adjacent towns. As will be discussed below in the overall description, the trail basically follows the old railroad bed traversing the town from north to south. In the hamlet of Franklin Springs, a connection could be provided to a proposed neighborhood park and adjoining residential areas.
- **Parks** - A neighborhood park has been recommended to serve this residential activity center. An appropriate location would be at the juncture of Oriskany Creek and White Creek. This location would not only take advantage of and protect the town's natural water features but also allow for connections to the bike/hike trail.

Oriskany Creek Greenway - The establishment of a "greenway" has been recommended as a means of recognizing the value of Oriskany Creek as a significant natural resource. A 100' buffer on either side of the creek would contribute to the protection of the stream, the fisheries resource and the floodplain. All NYSDEC-protected tributaries of Oriskany Creek should also be designated, as an additional protection mechanism. Again, a 100-foot buffer should offer sufficient protection for these stream corridors.



Oriskany Creek - Greenway Opportunity

The establishment of such a greenway will not only offer habitat protection but could also provide a significant recreation and open space link throughout the community, should the town and private owners agree to pursue this opportunity. The development of small parks along the greenway will help tie the system together, and the bike/hike trail will offer additional connections.

The greenway should be considered a cooperative community conservation/recreation project. It is expected to be achieved through multiple efforts, including potential land donations, set asides associated with land improvement and development projects, highway projects, state and federal grant projects, potential county recreation programs, town recreation programs, community service efforts, and school district involvement. In short, any number of organizations and individuals could help to achieve the greenway.

Planned Development Zone - A new PD zone has been recommended for Clark Mills, in addition to the Robinson Road PD Zone and other existing PD zones. The Clark Mills and the Robinson Road PD zones are being recognized as the prime development zones for new commercial and/or light industrial development, which the community needs to enhance its existing and future tax base. These zones offer some latitude in terms of allowed uses. The intention is to allow for development that complements existing land uses without overly

restricting development flexibility. Of course, the town will have to closely review and monitor such projects to ensure that they comply with the intent of the town plan.

It is recommended that a master site development plan be created for a planned development zone to ensure that orderly and high quality investment occurs. Residential uses are not encouraged in this zone, but could be a minor component of a larger employment complex.

Planned Campus - Colleges are very unique uses with very specific needs. As a result, it has been recommended that a zone be developed specifically for such a use. This zone will be designed to recognize the existence of the Hamilton College campus and meet the needs of the college and the community. The Planned Campus zone would only include active college lands. Much of the other undeveloped rural college-owned property would be incorporated into the Rural Development and Preservation Zone.

Parks - A neighborhood park concept has been incorporated into the hamlet plans. Two additional new parks have been suggested for the vicinity of the old water supply reservoirs. The potential conversion of the old college and village reservoirs to public recreational uses should be encouraged to make these unique resources available to the public. Whether strictly for passive recreational uses such as walking and picnicking or to offer active recreational uses such as swimming, the utilization of these areas is a currently untapped opportunity.

Neighborhood Centers - Two general areas have been suggested as appropriate locations for the development of neighborhood commercial centers, to decrease the number of trips required to the village town center for convenience-type services. Development of the neighborhood centers should not be pursued until development pressure warrants, but planned locations should be designated. Architectural and site controls should be implemented to maintain neighborhood scale development. The scale of development should also be limited so as to avoid competition with the hamlet and village centers.

Bike/Hike Trail - The trail system has been identified as a means of providing a non-motorized connection between the town's development centers and adjacent towns. The trail basically follows the old railroad bed, traversing the town from north to south. Connections to the college and New Hartford have also been included in the plan. Minor connections to the proposed neighborhood parks and residential areas should be incorporated into the final design.

Rural Development and Preservation Zone - A Detailed Look

Since the proposed rural development and preservation zone encompasses the majority of the town's area and involves the most significant changes recommended in the plan, it was determined that a detailed look at this zone was appropriate. The details of the proposed program will be laid out, followed by a couple of example projects. First, the purpose of the proposed zone will be reviewed.

Purpose

- To preserve rural character.
- To protect sensitive environmental resources, particularly the Oriskany Creek aquifer.
- To ensure that limiting environmental conditions (such as soils that are unsuitable for septic system development) do not adversely impact the health and welfare of town residents.
- To promote and preserve active agricultural uses.
- To maintain and protect visual resources, including expansive open spaces and agricultural land.
- To manage roadside access and traffic growth/safety.
- To ensure that new residential development is available to all income levels and is in character with the town's rural atmosphere.

The challenge presented by these goals is to:

- Incorporate new development into the landscape.
- Utilize innovative land use mechanisms to preserve open spaces and agricultural uses.
- Encourage development inward from existing roads, as opposed to continuous strip development along the roads.
- Promote historic settlement patterns, by focusing new development within the Village-Town Center and the Hamlets, which take advantage of existing infrastructure systems.

Proposed Program

An incentives-based program coupled with a maximum area lot development program has been recommended to ensure implementation of the above goals. Maximum area lot (otherwise known as cluster) development, simply stated, allows land to be developed while simultaneously setting aside land for open space, agricultural, and natural resource preservation within a development parcel. In planning circles, this concept of cluster development is defined as a development pattern in which the uses or structures are grouped together or "clustered," through a density transfer on site, rather than being spread evenly throughout a parcel or site as in a conventional lot-by-lot development. The portion of the site remaining outside the development area is usually

set aside for recreation, open space, and the preservation of natural features on the site. See Figure 6 - Alternative Development Scenarios, following this page.²⁵

To begin with, the existing zoning scheme must be adjusted by decreasing overall density in order to have some leverage from which to work. The current zoning density of one acre/unit would not allow for clustering without central utilities, due to poor soil conditions throughout most of the town. Land development on one acre lots will not allow for achievement of the town's goals in its outlying areas. Decreasing development density affords additional natural resource protection that is critical in Kirkland, particularly since most of the town is occupied by poor soils (See the Environmental Features Section). As well, the land owner can benefit by selecting the most "developable" portions of the property to ensure feasible developments -- in particular, where good soil conditions are limited.

Such a program will require an increased level of commitment from the town, particularly the Planning Board and the Town Planner. The town will be required to simultaneously, tighten-up the regulatory process and allow for flexibility of certain regulations to meet the master plan goals. Development proposals will have to be examined in greater detail, on a site specific basis. The Planning Board will have to take a pro-active role when working with developers/landholders to ensure a "win" for all involved.

Incentives-based Program

New legislation went into effect July 1, 1992 in New York State, under Village Law section 7-703 and Town Law section 261-b that will give towns and villages the authority to grant incentives to applicants on the condition that certain benefits would "inure to the benefit of the community." Such incentives must be adopted and set forth as a local law or as part of the zoning law and must be based on the municipality's master plan.²⁶

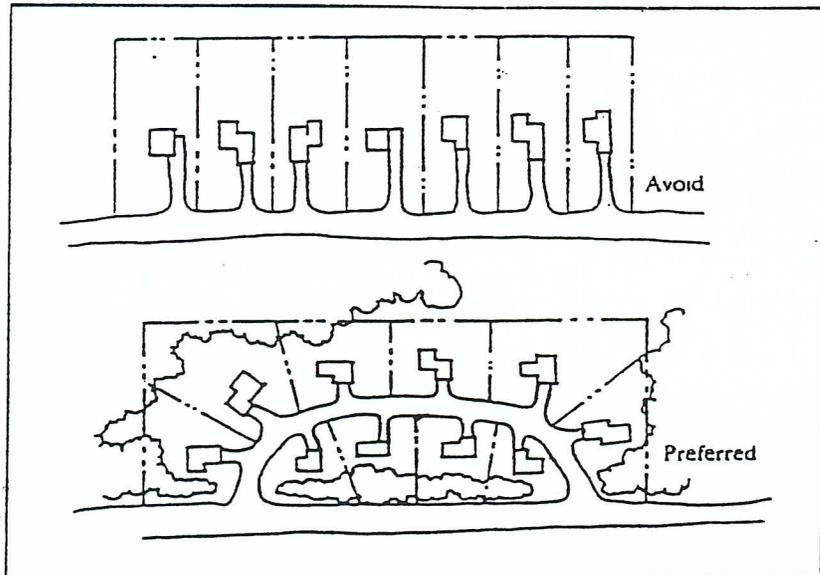
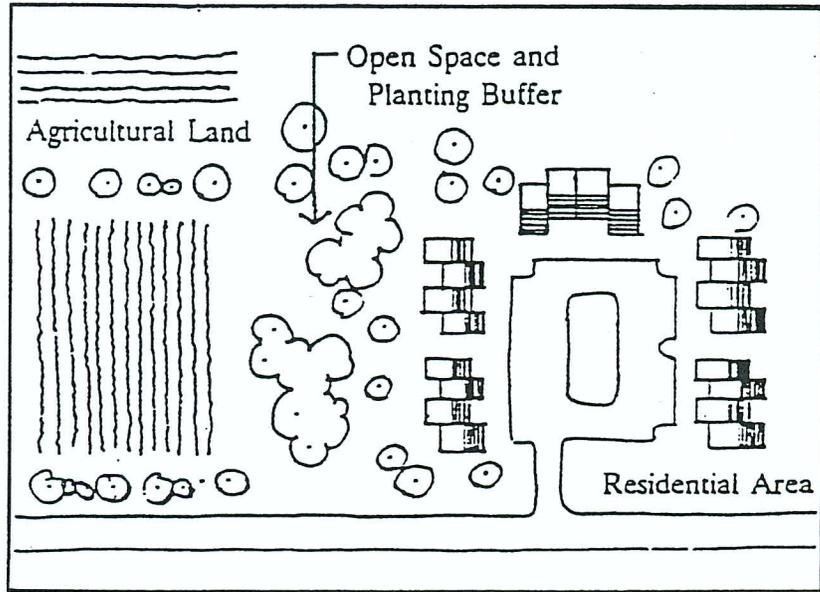
Incentives could be based on a point system that would allocate points for promoting certain community values. A designated number of points would be allocated to identified community goals (more points for more valuable resources). Each point would count toward bonus dwelling units, with the total number of points equaling a certain number of bonus units (or an incentive) to be granted to a developer. Potential reasons for giving bonuses might include:

- Affordable Housing - any development which includes 25% or more of its units for low and/or moderate income people.

²⁵Emanuel, Manuel S., "Cluster, Open Space and Conservation Development - Who Has the Options?" *Planning News*, Jan-Feb. 1985.

²⁶ Tugg Hill Commission, "Guide to Land Development" - 1991 Update

ALTERNATIVE DEVELOPMENT SCENARIOS



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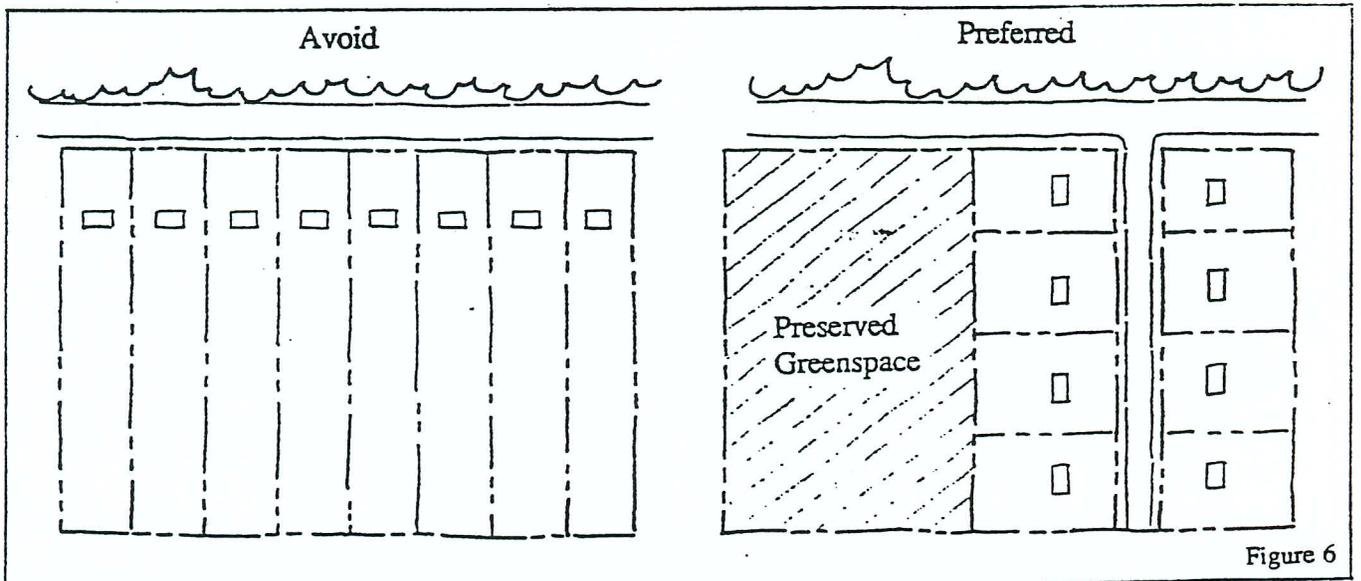


Figure 6

- Parks or Greenway Access - any development which includes active recreational facilities or allows for access to open space or "greenway" lands (e.g. proposed Oriskany Creek Greenway or bike/hike trail) for residents of the town.
- Agricultural Use Protection - any development which allows farming as a continued use on their dedicated open space lands. For a development preserving old agricultural lands as open space, to keep those lands mowed, as a meadow. The provision of a 100-foot wide buffer zone, including a fence and screening vegetation, from the property boundary of a working farm.
- Traffic Management - any development that reduces maximum potential curb cuts on existing roads in favor of a consolidated access for multi-lot development.
- Viewshed Protection - any development that is not developed on existing roads in a "strip," but is pulled back from the road. Development that respects existing views and topography; e.g., houses are not built on the top of open slopes or otherwise obscuring views from public roads.
- Natural Features Protection - development that incorporates and protects natural features such as water courses, vegetation and topography.

Maximum Area Lot Development

One of the best methods for preserving rural character is to preserve open spaces. Utilizing a reduced maximum development density and clustering to an identified developable area of the parcel, would allow for open space preservation and natural resource protection. The developable area would be determined on a development-specific basis, based on existing conditions on site. Clustering does not require infrastructure or very high densities.

Many areas that have experienced significant growth pressures in recent years have instituted clustering programs, some of which are mandatory. Almost all of the towns in Westchester County, for example, have cluster provisions in their ordinances.²⁷

²⁷Hoffmeister, Edward J., "Cluster Subdivision Regulations: Economy, Flexibility and Open Space." Planning Information Report, Westchester County Department of Planning, January 1987

Many towns are now struggling with the questions surrounding what becomes of that open space and how to actually preserve it. One community that has recently developed some solutions to these questions is the Town of Washington in Dutchess County, New York.²⁸ The basic requirements of the Town of Washington's Land Subdivision Regulations are as follows:

- Open Space must be labelled on the final plat, including its use, ownership, purpose management, method of preservation, and the liber and page of any conservation easements or deed restrictions required.
- The conservation easement shall be granted to the town or a qualified not-for-profit conservation organization acceptable to the Planning Board. The easement will not be amendable and will be recorded at the County Clerk's office prior to final plat approval.
- The appropriate form of ownership should be based upon the purpose of the open space to be preserved. If the land is owned by a homeowner's association, property owners must pay their share of the costs (insurance, local taxes and maintenance).

Example Project - Large-Scale Development

A developer comes to the Town of Kirkland Planning Board with an application to subdivide 80 acres of old farmland. The project sponsor is a conscientious fellow and he reads the town's zoning and subdivision plan. He is pleased with the results; he notes that he will be able to create about 70 lots and all within the town rules.

- Existing R-45 Rural Residence Zone
 - One-acre minimum lot size
 - Exclude roadways and other undevelopable areas
 - Package wastewater treatment plant proposed
 - Approximately 70 lots possible

Under a different scenario, the town has revised its plan and zoning and created a new district called the Rural Development and Preservation Zone. Under this plan, the developer finds the regulations will allow for the following two possible developments on the property:

- Rural Development and Preservation Zone with the Maximum Area Lot Development Program
 - Example: 2-acre development density- 40 units are allowed; 1.5 acres will be required for minimum lot size due to poor soils (For the size of his development, it is no longer cost effective to build a package treatment plant)
 - Proposal is for the development of forty (40) 1.5-acre lots with septic systems

²⁸ Hoagland, Glen, "Useful Open Space: The Key to Good Clustering". Planning News, July-August, 1991.

- Many of the lots front directly on the road and there are 20 acres of open space set-aside behind the development
- Open space requirements - ownership, maintenance, easements, etc. (will be included on the final plat; for example, (1) access to the open space will only be available to residents of the development; (2) a homeowner's association will own the open space; as such they will be responsible for maintenance, paying taxes and insurance, etc.; and (3) the conservation easement will be given to the local agricultural conservancy, as approved by the Planning Board
- Rural Development and Preservation Zone with the Maximum Area Lot Development Program and the Incentives Program
 - Example: 2-acre development density- 40 units are allowed; 1.5 acres will be required for minimum lot size due to poor soils (For the size of his development, it is no longer cost effective to build a package treatment)
 - Pulling the development off the existing road (with a buffer) is equal to 20 bonus points and maintaining the open space as a meadow (since it's old farmland) is worth 10 bonus points, for a total of 30 bonus points, which equals five additional bonus units (bonus points might also be granted for participation in the maximum area lot development program)
 - Proposal is for the development of forty five (45) 1.5-acre lots with septic systems
 - Lots are set back and buffered from the existing road on a new loop road; 13 acres of an open space meadow is proposed adjacent to the development
 - Open space requirements (ownership, maintenance, easements, etc.) will be included on the final plat; for example, (1) access to the open space will only be available to residents of the development; (2) a homeowner's association will own the open space, as such they will be responsible for maintenance (mowing), paying taxes and insurance, etc.; and (3) the conservation easement will be given to the local agricultural conservancy, as approved by the Planning Board.
 - * With the incentives program, not only does the town preserve open space, but a portion of the viewshed is also retained. The entire development is buffered from the existing road and the open space is maintained as a meadow. In return the developer is granted an additional five lots.

The developer also responds to the marketplace by providing a product; e.g., a home site in a protected rural setting. His product is well received by the purchasing public and is a financial success.

Example Project - Small Subdivision

Phil Phrontage owns 20 acres of farmland that he leases to the farmer down the road. His brother, Fred Phrontage, owns the property across the road. A few years ago Fred subdivided off three lots and sold them. Three homes now rest on those lots. Fred's surveyor tells him that he has the potential to develop six additional lots, nine total.

Phil, who owns a parcel similar to Fred's, decides that he needs some more cash to pay for his son's college tuition. Phil now asks a local surveyor to lay out some frontage lots along the county road on his property. (Phil thinks to himself how much busier that county road has gotten over the last 10 years.)

Phil's surveyor comes back, pleased that he could find enough frontage to create nine new lots.

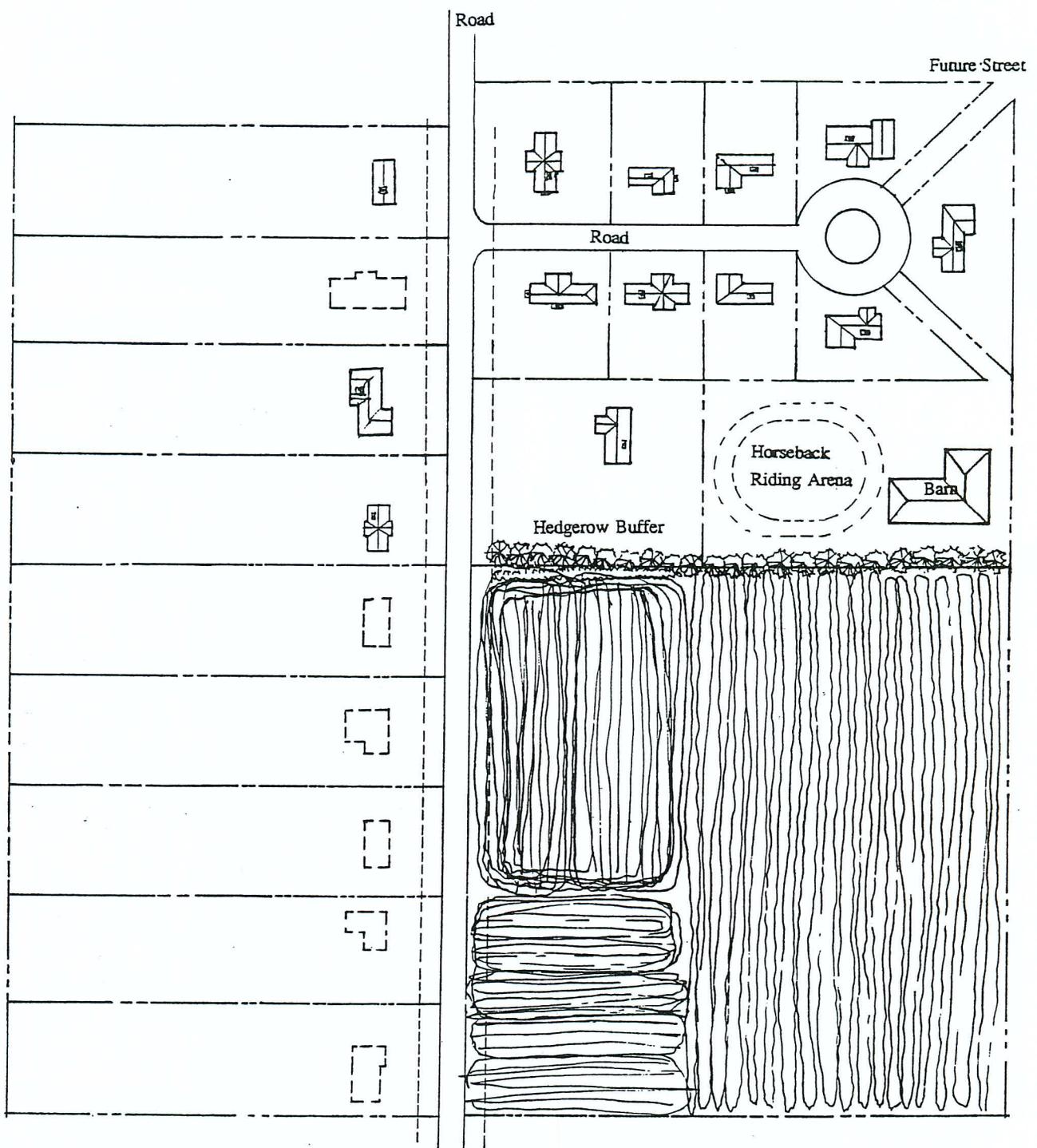
- Existing R-45 Rural Residence District
 - Nine lots (Phil's lots are each 2+ acres due to frontage limitations)
 - Wells and septic systems for each
 - Nine curb cuts on the county highway
 - Nine residents abutting active farmland
 - Views to backland from road virtually blocked by new homes

The above scenario would mirror Fred's development. See the Strip Development illustration on Figure 7, following this page (on the portion of the sketch to the left of the road). Phil then asks his surveyor to consider an innovative design concept under the town's new incentives program and the maximum area lot development program.

- Proposed Rural Development and Preservation Zone
 - Ten lots (one acre each - septic systems are feasible)
 - Wells and septic for each
 - One curb cut on the county highway (the town allows the first two lots to be created with a common driveway to make the project financially feasible for Phil)
 - One resident abutting active farmland
 - Half of the existing road frontage and active agricultural land permanently preserved
 - Potential for residents to enjoy open space

An incentives program might also provide Phil with one or two extra building lots (if site conditions allow) in return for utilizing a cluster design and protecting open space/agriculture. This scenario exemplifies how the Rural Development and Preservation Zone might work. See the Rural Development and Preservation illustration on Figure 7 (on the portion of the drawing to the right of the road). Under this scenario, Phil could develop ten new lots while still preserving open spaces and rural character, and making a positive contribution to managing the town's traffic problems.

In addition to the scenarios presented above, it is worth considering the most common type of subdivision proposal that comes before the Town of Kirkland Planning Board. This is the minor subdivision that involves from two to four lots. In many cases these proposals are presented by a landowner wishing to provide a home site for a child or parents. The applicants are almost never developers per se, but rather, residents looking for a relatively simple means of raising some cash or resolving a housing problem. These subdivisions individually may not have much of an impact on the town, but cumulatively they are the major cause of frontage development and loss of rural character in the town. To address this issue, while at the same time keeping the minor subdivision process relatively simple, a program involving measures such as design



Strip Residential Development

- 9 Additional Lots
- Permanent Loss of Agricultural Land
- Roadside View Lost

Rural Development and Preservation

- 10 Additional Lots
- Preservation of Agricultural Land
- Rural Town Lifestyle

Figure 7

guidelines and increased frontage requirements may be more appropriate than one focusing on clustering and the provision of incentives (although at times these approaches may also be applicable and appropriate).

As an example, suppose a local farmer approached the Planning Board and wished to subdivide a lot from his working farm to provide a home site for his son. The farmer has no future subdivision plans and is not interested in incentive programs that would provide him with additional lots. Under the town's current zoning ordinance in the R-45 zone, the subdivided lot would need to have a minimum road frontage of 100 feet and a minimum size of about one acre (40,000 square feet). In the proposed Rural Development and Preservation zone, the Planning Board and the applicant would have greater opportunity to come up with a subdivision proposal that meets the needs of the applicant and achieves the goals of the town in terms of environmental protection and preservation of rural character. Minimum lot size would be guided by the zoning ordinance to protect the health, safety, and welfare of both the lot owner and the community as a whole. However, buildable area, lot location, orientation, etc. would be based on site conditions. A flexible standard would be reached that equitably protects and advances the individual and the community interest. Various mechanisms, including increased road frontage, sensitive lot location, conservation easements, and/or vegetative screening could be used (as appropriate for the site in question) to assure the continued viability of the agricultural use of the land and the protection of the open space, rural character of the area. By increasing flexibility and dealing with minor subdivisions on a very site-specific basis, the goals of both the town and the applicant can be well served.

General Analysis of Proposed Plan

The following analysis was designed to gain a greater understanding of the proposed plan for the Town of Kirkland. A build-out potential analysis has been completed, which compares the current plan to the proposed plan. Following the build-out analysis, is a comparison of the alternative development scenarios for the next twenty years. Finally, a general analysis of the costs that may be associated with the proposed development scenario has been incorporated.

Build-Out Potential

Assumptions

The build-out potential study is a theoretical comparison of the amount of development that could ultimately occur if the town were ever fully built out. It is limited to "developable" land, and is based on several assumptions. The analysis (Chart 11 following page 69) excludes the Village of Clinton from all calculations. Similarly, the 300 acres of Hamilton College campus proper (academic, college residential, athletic and golf course facilities) were also not included in the analysis. The remaining 900 acres of Hamilton College landholdings were included in the residential development zones as areas with potential for development.

The total land calculation excluded the existing Resource Preservation zone along Oriskany Creek, floodplains, and steep slopes. The actual amount of land in the town is over 19,700 acres. "Total land" therefore means total undeveloped land area without these constraints. The total undeveloped land area was then discounted by 25% to make allowance for corner lots, driveways and site-specific development constraints such as soil conditions and steep slopes. The discounted figure was used to calculate the number of single-family dwelling units that could potentially be built under different zoning scenarios.