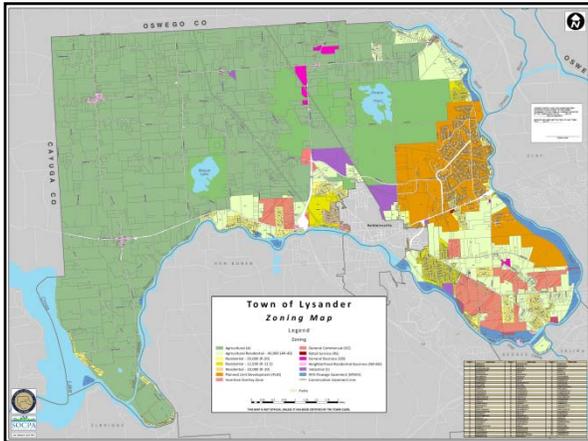


Incentive Zoning Purpose, Intent and Process Overview

**Town of Lysander
Comprehensive Land Use Plan**

Adopted 2015



IZ Area Selection Process

- Long term sewer extension plans
- Utility capacity
- Traffic and roadway improvement needs
- The location of existing dry sanitary sewers

CLUP Public Interest Survey
(Based on the 87 responses received)

Retain Agricultural Land	1
Retain Open Space	2
Improved Traffic Flow	3
More access to Waterways	4
More Industry	5
More Parks & Recreation	6
More Retail	7
More Dining	8
Homes on 1 acre lots	9
More Bus Service	10
Park & Ride	11
More single Family Homes	12
Homes On smaller lots	13
Lite Rail	14
More Planned Unit Development such as Radisson & Timber Banks	15
More Multi Family Homes	16

Incentive Zoning Purpose

- Preserving Farm Land & Open Space
- Extension of roadways, sewers and other amenities at a minimum cost to the residents and tax payers

Definitions

COMMUNITY BENEFITS OR AMENITIES :
Amenities including open space which has physical, economic, social or cultural benefit to the residents of the community.

Incentive Zoning protects a very significant economic, social and cultural benefit to Town and especially the Cold Springs peninsula and the other areas where Agribusiness and Agritourism already exist.
[370 Social/Culture](#)



Definitions

INCENTIVES OR BONUSES :

Adjustments to the permissible density, area, height, use or other requirements of the Zoning code for the Town of Lysander and any amendments thereto in exchange for a specific community benefit or amenity that provides for the significant preservation of open space in a manner not otherwise allowed by the Zoning Law; these adjustments may incorporate two (2) or more non-contiguous parcels of land.

Allowed Benefits or Amenities

1. Preservation of farmland or open space
2. Regional Parks
3. Utilities and appurtenances in excess of those required to mitigate proposed development impacts
4. Preservation of cultural or historic facilities in excess of those required to mitigate the proposed development impacts
5. Other facilities or benefits to the residents of the community which are consistent with the purpose and intent of TOL Zoning Article XXVII as determined by the Town Board
6. Any combination of above listed amenities and or cash in lieu of any amenity for specific purposes identified by the CLUP

Amenity Examples

Potential Traffic Improvement Amenities

- Signalization of intersections
- Turning lanes
- Road widening
- Shoulder improvements for pedestrian access
- Construction of roundabouts

Amenity Examples

More than 85% of the Town's current land is either farmland, open space, forest, & wetlands; most of which is farmland. The CLUP assures that will remain the case.

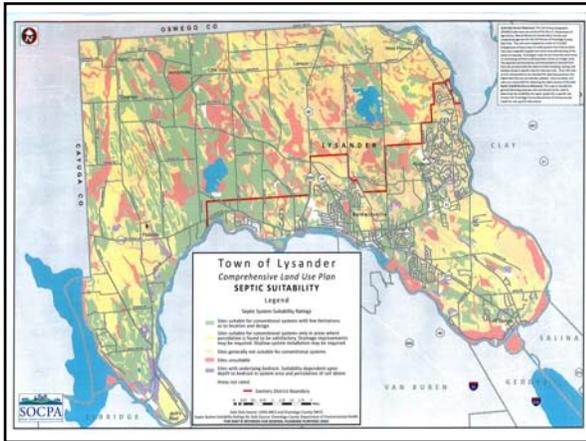
[Open Space, Viewsheds and Farmland](#)



Amenity Examples

Three-fifths of the Town's border consists of waterways; Cross Lake, Seneca River and Oswego River. In 2010 NYSDEC designated substantial portions of it polluted. The CLUP puts in place many opportunities to address this issue.

[Septic Suitability Map](#)



Allowed Incentives or Bonuses

- A. Increases in residential or non-residential unit density
- B. Changes in use
- C. Increases in lot coverage
- D. Changes in setbacks or height
- E. Increases in floor area
- F. Reduction of required buffer area

Process Overview

- A. Pre-application conference: To inform applicant of applicable procedures, submission requirements, development standards
 - 1. Pre-application conference coordinated through the Planning Board. (Members of the TB & PB along with the Town Engineer will need to attend.)
 - 2. The applicant requesting consideration for IZ is required to attend pre-application conference.
 - 3. Opinions presented during the pre-application conference are advisory and do not represent a commitment on behalf of the Town Board regarding the acceptability of the IZ proposal. (CLUP & IZ goals & objectives will be presented to the applicant at this meeting.)

IZ Negotiation

*A limited number of representatives appointed by the Town Board & Planning Board should review the preliminary proposal for each project and negotiate each application with the applicant for amenities and benefits to assure that the goals and intent of the CLUP & IZ requirements are addressed prior to the Town Board accepting a formal letter of intent or referring the application to other involved agencies.

IZ Negotiation

*As the design of each IZ application and subsequent subdivision application progresses it is likely that the project will experience change. The applicant must be aware that by moving forward with the application they are proceeding at their own risk and changes do not necessarily give the applicant a basis for renegotiation of the proposed project.

IZ Negotiation

Subdivision Review (CLUP)

- As a part of the Incentive Zoning process the Town Planning Board must take an active role in working with the developer to best assure that fiscal analysis is proper for the scope of the entire development not just for capital expense but must include life cycle analysis as well. This analysis must ensure that the Town is making sound investments that it and its residents can sustain long term.

IZ Negotiation

Subdivision Review (CLUP)

- The life cycle cost analysis should be used by the Town as the basis to build a reserve for the ongoing maintenance and ultimate replacement cost of the public infrastructure.

IZ Negotiation

Subdivision Review (CLUP)

- A representative of the Planning Board will participate in a site walk-through with the developer's design professional followed by a design discussion session for the purpose of firmly establishing the basis for going forward with the implementation of the exchange of the appropriate amenities for the requested development rights.

Process Overview

B. An application for incentive zoning will consist of a letter of intent accompanied by the following information:

- 1. One concept plan showing the site developed to its fullest extent under the zoning regulations in Chapter 139 of the Town Code, and one concept plan showing the site developed in a manner that incorporates the desired incentive and amenity to be provided. These plans shall show the following information:
 - a. Location and extent of all proposed land uses, including development areas and open spaces, with areas shown in acres.
 - b. All interior streets, roads, access easements and their planned private or public ownership, as well as all points of access and egress from existing public rights-of-way.
 - c. An area map showing adjacent parcels; that portion of the applicant's property under consideration; all properties, zoning districts, subdivisions, streets, access, easements, watercourses, drainage facilities, buildings, structures, and other significant natural and built features within 300 feet of the applicant's property, and all uses of abutting lands.

Process Overview

- 2. A written description of the proposed amenity.
- 3. The cash value of the proposed amenity, including the life cycle analysis
- 4. A narrative which:
 - a. Describes the benefits to be provided to the community by the proposed amenity.
 - b. Provides a preliminary indication that there is adequate sewer, water, transportation, waste disposal and fire-protection facilities in the zoning district in which the proposal is located to handle the additional demands the incentive and amenity may place on these facilities beyond the demand on them as if the site were developed to its fullest extent under the zoning regulations in Chapter 139 of the Town Code.
 - c. Explains how the amenity helps implement the vision and policies of the Comprehensive Plan, and the land use goals of the Town as supplemented by the laws and ordinances adopted by the Town Board.
 - d. Description of the requested incentive.
 - e. Completed long environmental assessment form, Part I.

Process Overview Cont.

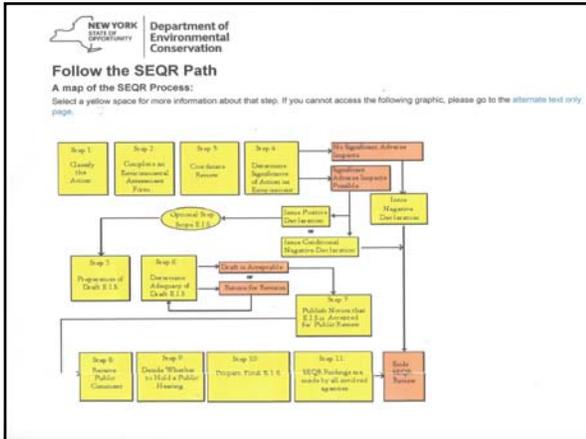
The Planning & Zoning Boards shall each forward a written recommendation to the Town Board indicating whether or not it supports the approval of the incentive and amenity (amenities). This recommendation shall consider the following:

- 1. The suitability of the site(s) for the type of farm land protection, open space preservation, sewer, roadway or other amenities proposed the physical characteristics of the land, and the relation of the proposed development to surrounding existing and probable future development.
- 2. The adequacy of major roads, utilities and other facilities and services to serve the development.
- 3. That the proposal is conceptually sound, is consistent with the Town Comprehensive Plan, and meets local and area wide needs.

Process Overview Cont.

In order to approve an amenity/incentive proposal, the Town Board shall determine the requirements of SEQR have been met and the proposed amenity provides sufficient public benefit to provide the requested incentive. In order to make this determination, the Town Board may require the completion of an environmental impact statement. Thereafter, the Town Board is authorized to act on an application for approval pursuant to this Article.

<http://www.dec.ny.gov/permits/32521.html>



Process Overview Cont.

Cash In Lieu of Amenity or Bonus.

A. If the Town Board finds that a community benefit is not suitable on site or cannot be reasonably provided, the Town Board may consider a cash payment in lieu of the provision of the amenity or bonus. These funds shall be placed in a trust fund to be used by the Town Board exclusively for amenities specified in these provisions. Payments shall be made by the applicant prior to the issuance of any permit, stripping of any ground cover, site grading, or any other site improvements or construction activities.

Process Overview Cont.

* It is important to know that each project will be judged on its own merit and approvals of previous projects is no way indicated that future projects will be approved with the same amenities and benefits.

Questions/Comments
