

CHAPTER THREE: OUR LAND USE AND NATURAL RESOURCES

Margaretville Today⁸⁵

Throughout its history, the Village of Margaretville has been shaped by its location in a steep river valley. Standing at the center of the Village, the majesty and power of the mountains humbles humanity. The East Branch of the Delaware River, an important water source of the New York City Water Supply and a tributary of the Delaware River, runs southwest through the Village of Margaretville and empties into the Pepacton Reservoir. Two creeks, Bull Run Creek and Binnekil Creek, flow south and west respectively to the confluence of the Delaware near Bridge Street. The mountains, steep valleys, and confluence of large and small river systems created the platform for Margaretville's strategic location and historical focal point in the region.

Margaretville's development is physically constrained by the circle of mountains that surround it and by its political boundaries. While the Village is not fully built out, suitable land for development is limited. Active and fertile agricultural lands exist along the river within the Village and are, in fact, designated as part of the New York State Agricultural District Program.⁸⁹ These lands provide important open spaces and scenic vistas in the Village. The Village's historical reason for being has also evolved over time from farming center to regional center and weekend retreat for city dwellers and visitors. As a result, its vision, purpose and direction have evolved. Downtown Margaretville is subject to the booms and busts of any fickle economy, yet lacks a coherent strategy and the solidarity to weather such events. Changing demographics, such as an aging population and shrinking school populations indicate future trends that affect growth. Different visions for Margaretville as a retreat or commercial hub or cultural Mecca exist and need to coalesce and align. The entranceways to the Village are the thresholds through which visitors and residents are welcomed to Margaretville. They do not introduce or enhance the Village's character and the public domain stewardship is inconsistent.

The Delaware and its branches provide challenges. Because of the topography of rivers and mountains, flooding continues to be a periodic concern, creating dangers for residents and economic hardship. Past efforts include stream bank stabilization on the Bull Run Creek, hazard mitigation and flood clean up. The dominance and influence of the river systems prompted the community to participate in the creation of a regional plan for stewardship of the East Branch. An



**The Village is surrounded by exquisite mountain vistas and appears as a secluded and scenic retreat amongst the grandeur of the Catskills Forest Preserve
Source: Village of Margaretville Comprehensive Plan Committee**

effort is also underway in Margaretville to create a local watershed organization to work with the Village Board to steward the river resources and oversee plans affecting the river.

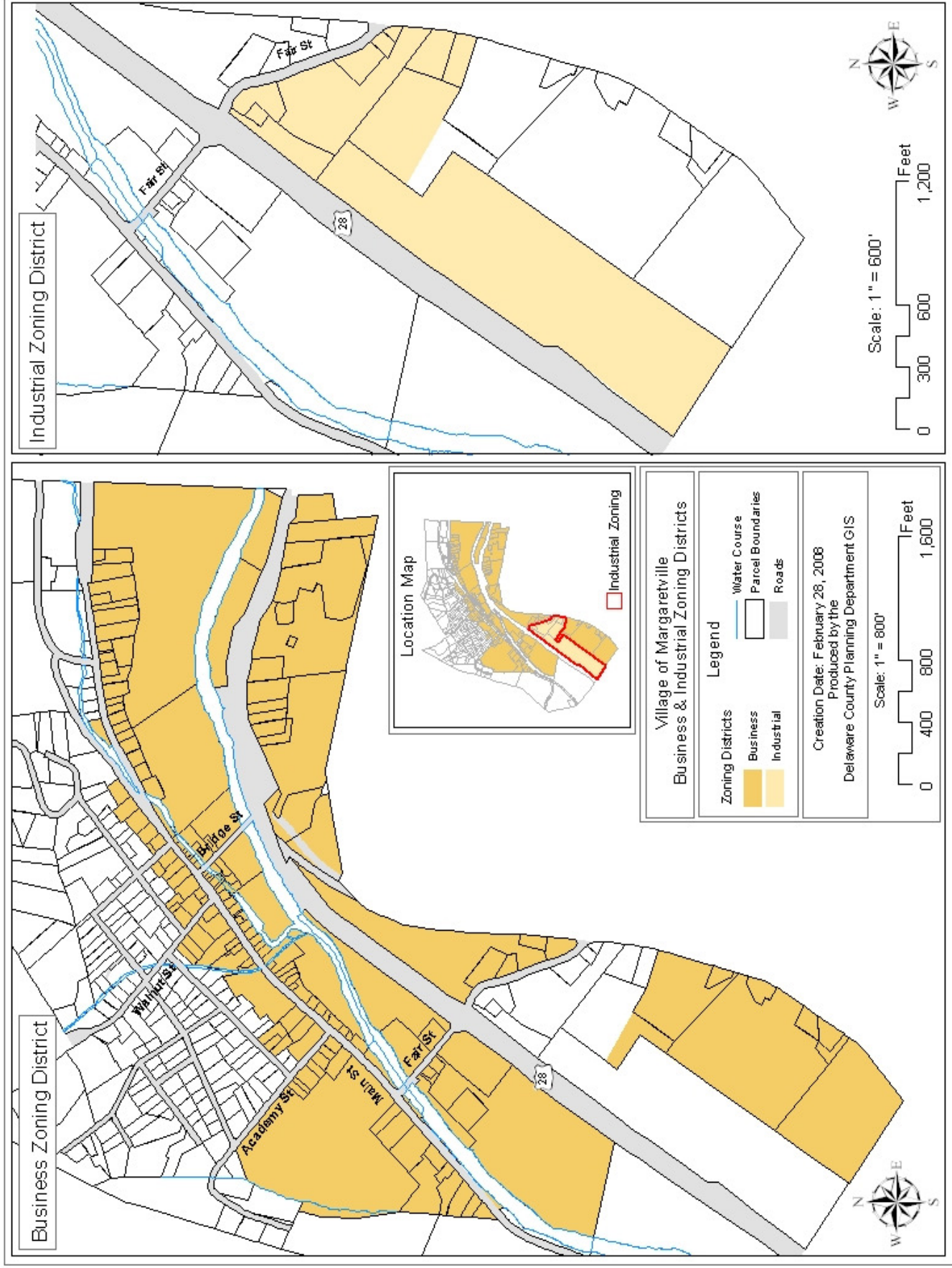
Opportunities to enjoy the scenic vistas of the mountains and gain access to the waterfront are provided through pocket parks and green spaces peppered throughout the Village. Margaretville Village Park Pavilion is an exemplary model of community collaboration. It is also a great example of best practice that demonstrates the community's value for tasteful design having low impact on the natural environment. The public access points, while plentiful, are not all improved with the public's needs for amenities, linkage and interpretation in mind. While the Park Pavilion is unprecedented in its scale as a community project, in general the community chooses the least costly, safe and standard alternatives to a project design, rather than explore creative alternatives out of fear that the alternatives may be more expensive or out of reach.

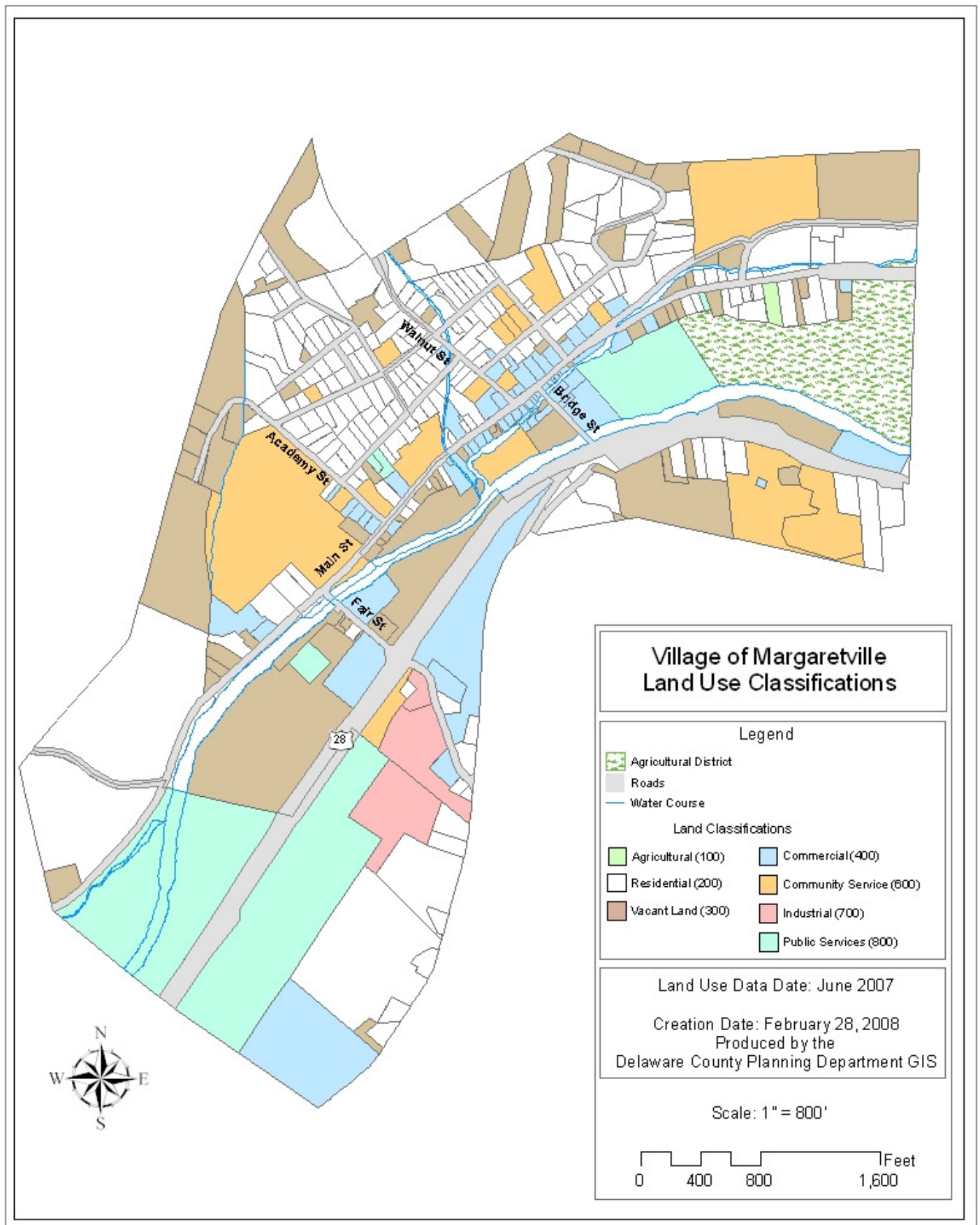


Public Access points are plentiful in the Village, but could use improvements to enhance and expand their use and attractiveness. Source: Village of Margaretville Comprehensive Plan Committee.

The Village adopted traditional forms of regulation in an effort to protect the land use and natural resources, including the Site Plan Review and Zoning Ordinance. Concerns have been raised for possible regulation of outdoor wood boilers and the need to adopt subdivision regulations. Signage placement and configuration is problematic and difficult under the sign regulations adopted by the Village. Recent proposed development and the development of this comprehensive plan raised concerns whether the existing regulations are working adequately or are even

appropriate to protect the village in terms of design, siting, density and usage considerations.





A Vision for Our Land Use and Natural Resources

The Village of Margaretville's land use and natural resource programs promote:

- A walkable, vibrant central business district
- Quiet and child-friendly residential neighborhoods
- Attractive and informative signage
- A visitor-friendly environment
- Context sensitive development
- Streamlined processes for zoning, site plan review and subdivision
- Balance between flood protection, waterway enhancement and use
- The importance of natural resources when planning development programs

I. Protecting Natural Resources

The natural resources goal for Margaretville is:

- *To preserve, protect and appreciate the natural resources that give Margaretville its unique place in the world.*

Recommendations:

Margaretville is a jewel in a setting. Advocate protecting and preserving Margaretville's setting and sense of place.

Conduct inter-municipal planning with the Town of Middletown and the Village of Fleischmanns to plan for the boundary areas surrounding the Village.

Actively participate in the Town of Middletown Comprehensive Planning program.

Identify important view sheds that are essential to the scenic quality of the Village.

Determine if there are any concerns, interests or issues associated with keeping them preserved and protected.

Actively participate in the Coalition of Watershed Towns in order to advocate and promote an agenda that addresses flood mitigation.²⁶

Capitalize on the recent agreement between NYC DEP and NYS DEC that provides recreational access to city-owned lands by understanding the terms of the agreement, identifying included parcels and promoting their use and enjoyment by citizens and visitors.

Develop a Green Infrastructure* Plan

**Green infrastructure is defined as an interconnected network of waterways, wetlands, woodlands, wildlife habitats and other natural areas of significance.*

Connect, interpret and develop a contiguous park and trail system within the Village.

- ✓ Begin a regional effort to interconnect the system with other trail systems outside the Village.
- ✓ Utilize, where appropriate, the 2001 Village of Margaretville Revitalization and Recreational Use Plan, particularly because it contains a wealth of drawings, cost estimates, materials list and other useful components that can be incorporated into a green infrastructure plan⁸



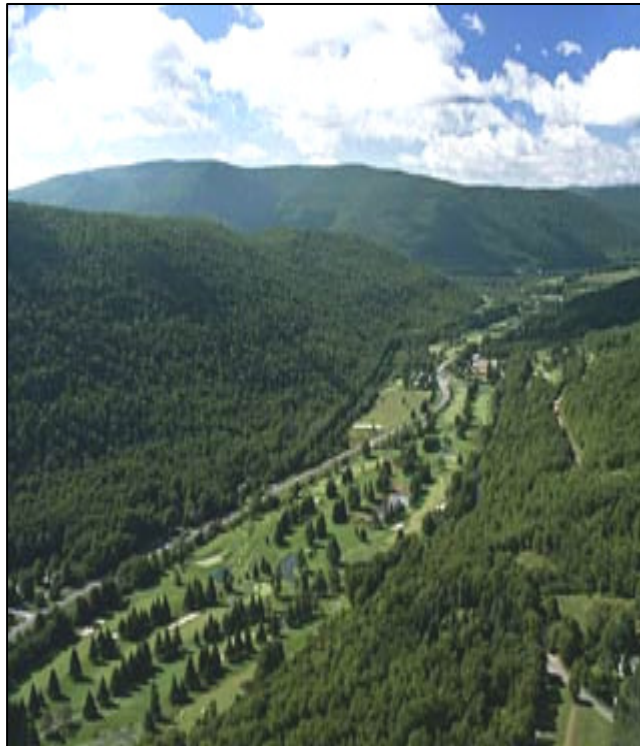
**Village of Margaretville Binnekill Park is one of many green places within and adjacent to the Village that could be connected through a Green Infrastructure Plan.
Source: Village of Margaretville Comprehensive Plan Committee.**

Furthermore, the plan has a great deal of merit due to the fact that its concepts germinated from community design charettes attended by over sixty residents who contributed time and energy to the effort. These design scenarios provide a wealth of project ideas to enhance the greenway plan. Incorporate into this green infrastructure plan the city and village-owned parcels that are located within the village limits.

- ✓ Institute an ongoing tree planting program to provide shade in the summer and to support a pedestrian-friendly environment.

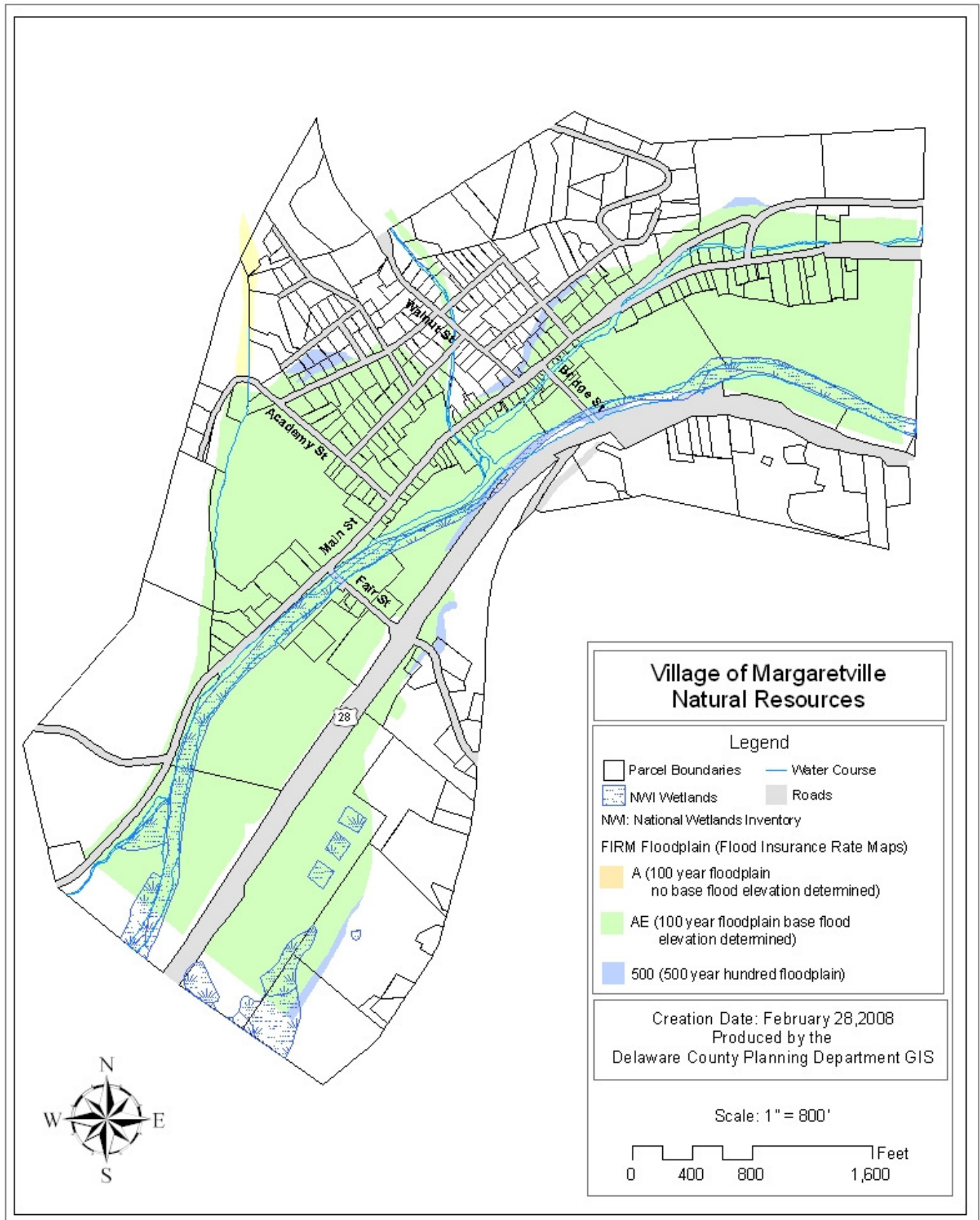
Continue to develop excellent projects, such as the Pavilion, that combine appropriate flood plain design, architectural integrity and scale with community collaboration. ⁴⁵

Identify Important View Sheds that are essential to the scenic quality of the Village.



Scenic Vistas are valuable assets to the Village since they enhance property values and entice visitors to the Village. While they may be outside of the Village limits, their status and protection are no accident and are in the best interests of the Village.

Source: Village of Margaretville Comprehensive Plan Committee.



The waterfronts of Margaretville are among its most important natural assets. Stewarding these assets is important to quality of life. Enshrine the river as a recreational selling point and an important business asset.

- ✓ Encourage a long-term program of river stewardship.²⁰
- ✓ Frame every investment in the river systems using life-cycle costing approaches and alternative technologies so that new ideas are always brought to the table. In this way, the results will blend architectural integrity, beauty and safety together so that the Village has the benefits over the long term. This has been accomplished in Keeseville through SEMO and FEMA in the AuSable River Hazard Mitigation Project and it can be accomplished in Margaretville^{20 & 8}



**Margaretville Binnecill Park
Source: Village of Margaretville
Comprehensive Plan Committee**

Keeseville, New York



Simulation of Proposed Concrete Retaining Wall



**This simulation illustrates the use of natural materials and alternative approaches to address hazard mitigation within an historic district using SEMO funding.
Source: Village of Keeseville, New York**

Hazard mitigation measures should be implemented with any new construction. However, they should be implemented using natural materials, scale and texture appropriate and sensitive to this important aesthetic Village resource.

Address the seasonal/periodic flooding in a visually sensitive manner. Tie together storm water management approaches to green infrastructure planning so that flash flooding is reduced and mitigated through the Village's green infrastructure.⁷⁴

- ✓ Follow through on the Margaretville Binnekill Bulkhead that is currently in the development of final plans. Ensure that the project design blends well with the built and natural surroundings.⁶²

- ✓ Monitor the East Branch Delaware River Demonstration Project funded by the NYCDEP and NYSDEC to determine whether the three rock vane structures with rock toe protection actually minimize sedimentation and enhance riparian buffers. Determine whether the natural flora overtake these structures and camouflage them, returning the river environment to a natural vista.⁶²



2001 Flood

Source: Village of Margaretville Comprehensive Plan

- ✓ Implement the recommendations of the 2003 Storm Water Infrastructure Inventory Report⁸⁶ prepared for the Village of Margaretville by the Delaware County Planning Office including:
 - ☑ Creation of a Storm water Management Plan
 - ☑ Enactment of a local storm water ordinance, including incorporating by reference the new Phase II storm water regulations for construction activities greater than one acre, and be consistent with the Village's land use laws and the agreements with the City of New York.
 - ☑ Preparation and implementation of a capital improvements program for storm water improvements include those specified above in this section and elsewhere in this plan.
 - ☑ Institution of a storm water operations and maintenance program as more fully described in the Inventory Report.

- ☑ Implementing a public education and outreach program stressing the maintenance of private storm water systems, control of erosion and control over sources of storm water and runoff.

Adopt the following Stream Stewardship Principles (incorporated by reference from the East Branch Delaware River Stream Corridor Management Plan⁶²)

Work toward the protection and/or restoration of:

- ✓ The environmental services provided by streams and floodplains
- ✓ The health of stream and floodplain ecosystems
- ✓ The naturally effective channel form and function of streams
- ✓ Floodplains as part of the natural stream system
- ✓ Riparian buffers

In the process of managing streams to protect public safety and infrastructure, avoid threatening:

- ✓ Stream health - upstream or downstream
- ✓ The upland ecosystem through which the stream runs
- ✓ The stream bank stability of neighboring properties

Best Practices Cameo:

Hoosic River Greenway and Little AuSable River Trail

Governor Eliot Spitzer recently announced \$25.3 million in Environmental Protection Fund (EPF) grants, many of which will aid trail, greenway and park projects across the state. Two of Parks & Trails New York's Healthy Trails, Healthy People program projects received awards. The Hoosic River Watershed Association, in partnership with the Village of Hoosick Falls, will use \$100,000 to help create the 2.5-mile Hoosic River Greenway adjacent to the Hoosic River in Rensselaer County. The Greenway will run through the Village providing recreational opportunities and access to shops, restaurants and the business district. The Clinton County Town of Peru in northern New York was awarded \$140,000 to create a park at the historic Mason & Sons sawmill site. The park will also serve as the trail head to the 3.5-mile Little AuSable River Trail presently being developed by the community using \$500,000 in Transportation Enhancements Program funding awarded in 2006.

The EPF, created in 1993, is primarily funded through the real estate transfer tax and provides a dedicated source of funding for a variety of environmental projects and programs administered by the Office of Parks, Recreation and Historic Preservation, the Department of Environmental Conservation, and the Department of Agriculture and Markets. With passage of the Environmental Protection Fund Enhancement Act in 2007, the EPF will increase from \$225 million to \$250 million in 2008 and to \$300 million thereafter. The EPF funds farmland preservation, park and trail development and acquisition, waterfront revitalization, municipal recycling, open space land acquisition, farmland protection, wastewater treatment projects, invasive species management, and Ocean and Great Lakes initiatives.

II. Smarter Growth and Land Use

The land use, local development policy and growth goals for Margaretville include:

- *Determining a clear identity for Margaretville in the 21st century, gaining community consensus around the vision and then taking action to create the identity.*

- *Carefully developing the remaining land in the village.*
- *Carefully considering the presence of an active Agricultural District within and adjacent to the Village boundary.⁸⁹*
- *Reviewing, modifying and adopting appropriate laws and regulations that enable the government of Margaretville to enforce compliance with guidelines that reflect the citizens' desires for the management and land use of the community.*
- *Considering the impact of each and every land use decision as affecting the future of the village and its quality of life.*
- *Ensuring that the Village has the finest planning, science, and citizen participation resources available so that decisions are made in the best interests of the village as a whole.*

Recommendations:

Evaluate the Village's land-use laws and adapt them to correspond with the recommendations of this plan, which are the dictates of the citizenry, and the new opportunities that arise as the result of its implementation.

Consider a dramatic and progressive approach that embraces a new paradigm – a form-based code also known as a “visual zoning ordinance” for at least the commercial district of the Village Zoning ordinance. Form-based codes are a new tool borrowed from urban places. Once they are developed, permits are relatively easy to obtain because most of the development decisions were made through the community planning process up front. The adoption of a form-based code may substitute for a revision of the site plan review law and other regulations within the commercial district and streamline the Villages planning regulations. The visual, architectural and feel of downtown can be retained as new businesses and development are incorporated into the physical fabric of the area.

Definition of a Form-Based Code

Provided by Peter Katz, President, Form-Based Codes Institute
(<http://www.formbasedcodes.org>):

Definition of a Form-Based Code: Draft Date: June 27, 2006. *A method of regulating development to achieve a specific urban form. Form-based codes create a predictable public realm by controlling physical form primarily, with a lesser focus on land use, through city or county regulations.*

Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes, presented in both diagrams and words, are keyed to a *regulating plan* that designates the appropriate form and scale (and therefore, character) of development rather than only distinctions in land-use types. This is in contrast to conventional zoning's focus on the segregation of land-use types, permissible property uses, and the control of development intensity through simple numerical parameters (e.g., FAR, dwellings per acre, height limits, setbacks, parking ratios). Not to be confused with design guidelines or general statements of policy, form-based codes are regulatory, not advisory.

Form-based codes are drafted to achieve a community vision based on time-tested forms of urbanism. Ultimately, a form-based code is a tool; the quality of development outcomes is dependent on the quality and objectives of the community plan that a code implements.

Form-based codes commonly include the following elements:

Regulating Plan. A plan or map of the regulated area designating the locations where different building form standards apply, based on clear community intentions regarding the physical character of the area being coded.

Building Form Standards. Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm.

Public Space/Street Standards. Specifications for the elements within the public realm (e.g., sidewalks, travel lanes, street trees, street furniture, etc.).

Administration. A clearly defined application and project review process.

Definitions. A glossary to ensure the precise use of technical terms.

Form-based codes also sometimes include:

Architectural Standards. Regulations controlling external architectural materials and quality.

Annotation. Text and illustrations explaining the intentions of specific code provisions.

Eight Advantages to Form-Based Codes

Provided by Peter Katz, President, Form-Based Codes Institute
(<http://www.formbasedcodes.org>):

1. Because they are prescriptive (they state what you want), rather than proscriptive (what you don't want), form-based codes (FBCs) can achieve a more predictable physical result. The elements controlled by FBCs are those that are most important to the shaping of a high quality built environment.
2. FBCs encourage public participation because they allow citizens to see what will happen where – leading to a higher comfort level about greater density, for instance.
3. Because they can regulate development at the scale of an individual building or lot, FBCs encourage independent development by multiple property owners. This obviates the need for large land assemblies and the megaprojects that are frequently proposed for such parcels.
4. The built results of FBCs often reflect a diversity of architecture, materials, uses, and ownership that can only come from the actions of many independent players operating within a communally agreed-upon vision and legal framework.
5. FBCs work well in established communities because they effectively define and codify a neighborhood's existing "DNA." Vernacular building types can be easily replicated, promoting infill that is compatible with surrounding structures.
6. Non-professionals find FBCs easier to use than conventional zoning documents because they are much shorter, more concise, and organized for visual access and readability. This feature makes it easier for non-planners to determine whether compliance has been achieved.
7. FBCs obviate the need for design guidelines, which are difficult to apply consistently, offer too much room for subjective interpretation, and can be difficult to enforce. They also require less oversight by discretionary review bodies, fostering a less politicized planning process that could deliver huge savings in time and money and reduce the risk of takings challenges.
8. FBCs may prove to be more enforceable than design guidelines. The stated purpose of FBCs is the shaping of a high quality public realm, a presumed public good that promotes healthy civic interaction. For that reason compliance with the codes can be enforced, not on the basis of aesthetics but because a failure to comply would diminish the good that is sought. While enforceability of development regulations has not been a problem in new growth areas controlled by private covenants, such matters can be problematic in already-urbanized areas due to legal conflicts with first amendment rights.

More traditional recommendations include:

- ✓ Amending the zoning ordinance to increase density and vertical development within specific zones such as commercial and industrial.
- ✓ Determining whether the quantity of commercial and industrially zoned land in the Village contributes to sprawl and vacancy rates and whether reducing the quantity of zoned land in tandem with tighter controls in Middletown can focus development into the Village.
- ✓ “Funnel new retail growth downtown. (While the following examples are more urban in nature, the concepts and sense of focusing development in the central business district still apply and are widely supported by Main Street experts and rural development professionals. In fact, examples such as these are cited by the State of Maine for the benefit of its rural towns and villages.) St. Petersburg, Florida; Hailey, Idaho; and San Luis Obispo, California; are among the cities that require developers to fill downtown vacancies and open lots before building on the outskirts of town.”
- ✓ Hailey, Idaho - The town's Comprehensive Plan states that the downtown "should be the primary commercial center of the community." The city's policy clearly delineates the downtown's geographic boundaries and calls for developing any vacancies in the downtown district prior to allowing commercial growth in other areas. In 1995, the Idaho Supreme Court upheld this policy, noting that "preserving. . . the economic viability of a community's downtown business core can be a proper zoning purpose."⁵⁷

Determine whether the Site Plan Review Law is consistent with the Comprehensive Plan.

Re-examine the Site Plan Review Law in detail, as well as the variance and permit granting history, to determine whether in its content, standards, enforcement or permitting process, it is consistent with the Comprehensive Plan.

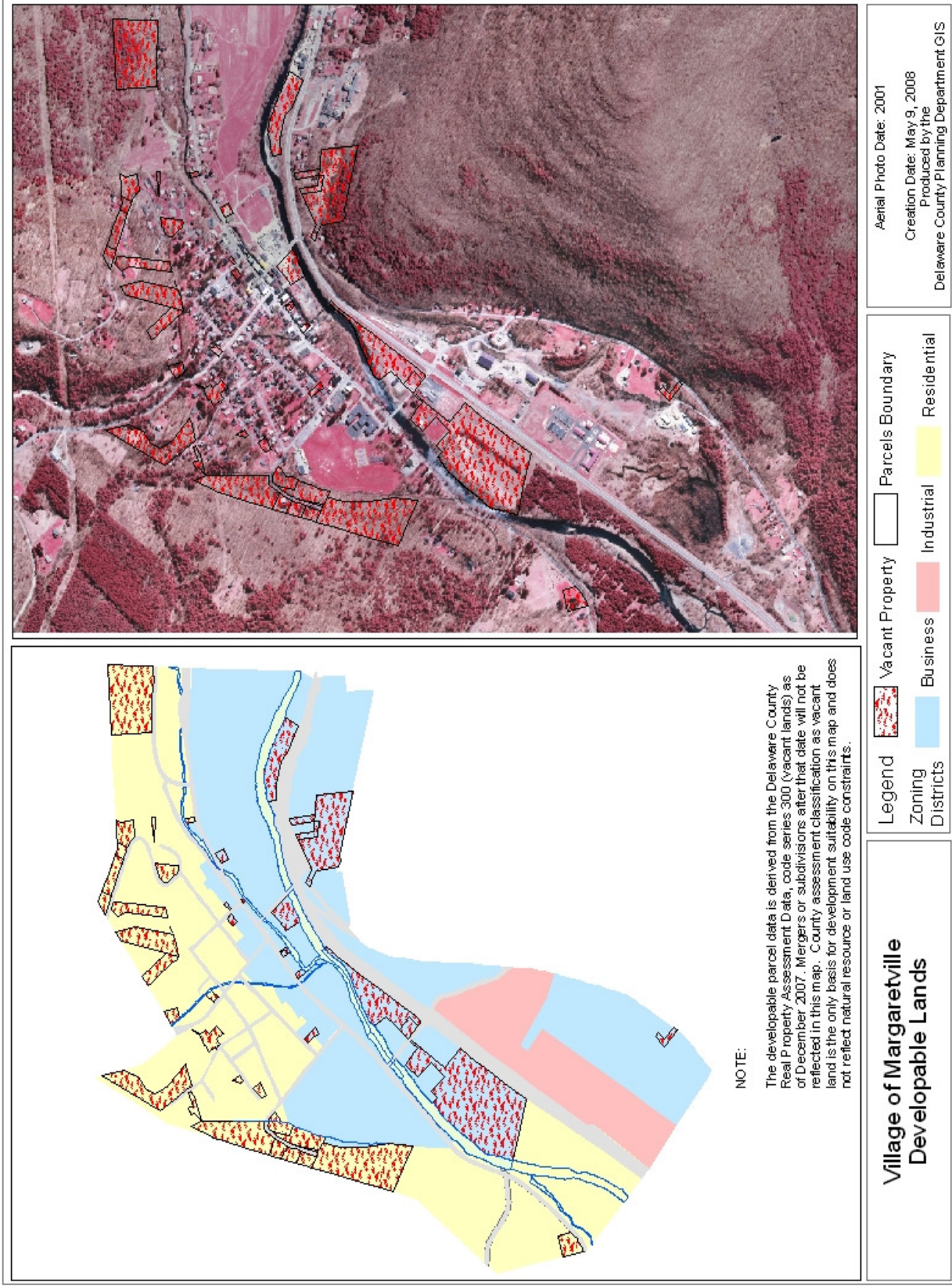
- ✓ Ensure that Site Plan Review Law is streamlined, timely, and welcoming of new businesses without undue delays.
- ✓ Provide design guidelines and design review that reinforces the Village's vision for revitalized commercial and residential neighborhoods that are vibrant and cohesive in appearance. “Require that new development resemble traditional retail districts. Brunswick, Maine, insists that new commercial development resemble its traditional downtown by mandating two story buildings, no set-backs, parking in the rear, glass storefronts, and frequent pedestrian entryways.”⁵⁷
- ✓ If it is determined that the law or its implementation does not promote good design or efficient land use, consider amending and changing the law to adopt clear and streamlined provisions that address building and site layout, design, landscaping, signage (see sign law), etc. that help projects fit into the community's vision.

- ✓ Site Plan Review Laws can also be used to promote landscaping of properties that are slated for construction activities, curb the removal of street trees, encourage replanting (good for air quality), promote planted buffers between uses, and discourage the use of impervious surfaces (storm water and flood control).
- ✓ Site Plan Review Laws and the accompanying design review are great tools that can preserve the character of Margaretville and promote good projects, careful design and community input into decisions that last lifetimes.^{43 & 44}

Deter professional offices from purchasing housing on back streets and in-home businesses from locating in residential areas.

Some possible zoning approaches include limiting allowable in-home business uses to those that don't promote street traffic, provide on or-off site parking, and do not change the floor area or exterior conditions of the structure. This encourages businesses that promote retail commerce to locate on Main Street.

- ✓ Adopt subdivision regulations that consider the future land uses the Village envisions for the few undeveloped parcels.
- ✓ Ensure that the subdivision regulations in the process of being written by the Village are consistent in philosophy to the goals, recommendations and mission outlined in the Comprehensive Plan.



Conduct a review of the standards, guidelines and operating procedures utilized by the Code Enforcement Officer (CEO), Planning Board (PB) and Zoning Board of Appeals (ZBA) and recommend tools and techniques, technology and training to these individuals to promote consistency between the Comprehensive Plan, land use laws and decision-making.⁶⁴

Draft forms and other materials for the village to provide administrative guidance to the Planning and Zoning Board and CEO on the interpretation and implementation of the land use laws for use in project review.⁶⁴

- ✓ Factor in the presence of an Agricultural District within and adjacent to the Village boundary in the land use design, review procedures and deliberations, including project review and permitting of specific projects in the Village. In doing so, the Village will comply with “Article 25-AA of the Agriculture and Markets Law and shall not unreasonably restrict or regulate farm operations within agricultural districts, in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened.”⁸⁹
- ✓ The Delaware County Agricultural and Farmland Protection Plan⁸⁹ recommends communities:
 - ☑ Require buffer strips as part of non-agricultural development in or near existing farms.
 - ☑ Provide a development bonus when a percentage of the parcel is retained as farmland and residential subdivisions are clustered.
 - ☑ Provide a development bonus when large areas classified as prime are excluded from development and preserved for agriculture.
 - ☑ Institute an Agriculture Overlay Zoning District as an additional protective layer.
 - ☑ Enforce tax abatement penalties for farmland conversion to non-farm use in order to maintain the integrity of the agricultural value exemption program.
 - Allow for agricultural uses, farm structures, practices and farm operations in the Village’s land use laws, unless it can be demonstrated that public health and safety are threatened.
 - Review each provision of Article 25 AA and applicable case law for zoning and site plan review. Conduct an evaluation of the Village’s land use laws to determine and reconcile conflicts between the documents. For example, the construction of “on-farm buildings” and range of agricultural land uses should be exempt to site plan review, special use permits or non-conforming use requirements, unless the Village utilizes the site plan review model for agricultural purposes established by the Department of Agriculture and Markets.⁹⁰
 - Consider the adoption of a Right To Farm Local Law
 - Follow the required protocol of the New York State Agricultural District Law⁹⁰ (as it changes from time to time) including: preparing the

Agricultural Data Statement, notifying adjacent owners of farmland about applications for special use permits, site plan approvals, use variances, or subdivision approvals under local review, and evaluating the possible impacts of the proposed project so that the review board decision does not contradict the goals of the Agricultural Districts Law.

- Be aware of the fact that the Commissioner of Agriculture and Markets is an arbiter of cases determining whether land use located within an agricultural district is agricultural in nature in order to protect farmers in the event a local planning decision disallows a farm-related use under a local zoning ordinance.

Adopt the following principles and standards (Developed by Ann Ruzow Holland and used with permission-all copyrights reserved 64) **and apply them consistently to the Village's Land Use Program:**

Integrated and Holistic Community and Land Planning occur. *Community development and land use planning are integrated from the onset and are included in the planning process as well as the implementation process.*⁶⁴

Citizens are welcome at the "Planning Table". *From the onset, the local government encourages the participation of all interested groups in the community and invites them to the table throughout the planning and decision-making processes (such as Comprehensive Plan, Local Laws, and Individual Project Review).*⁶⁴

Exemplary Design focuses on creating new uses in existing communities from the inside out. *Infill, adaptive reuse, conservation of existing building stock and concentrating development through the use of intensity, density and mixed-use development is encouraged. These are accomplished through exemplary design and with respect and appreciation for historic properties.*⁶⁴

The Planning Process and Products are efficient and effective. *The planning process is grounded in foundation legal documents. These are understandable, up to date, accessible, streamlined and complementary to one another.*⁶⁴

The Planning Program is horizontally and vertically integrated. *The planning process and its legal instruments, follows a logical (and legal) progression from comprehensive planning, through the development of local laws. It includes a creative, flexible, streamlined and complementary group of incentive based and regulatory approaches (specific ordinances, zoning, water quality, architectural review, historic preservation, site plan and design review, sanitary and building code, subdivision, special use, overlay districts, etc) that are vertically integrated and coordinated with regional or higher level planning review.*⁶⁴

Equitable Representation in decision-making bodies. *The membership of the governing bodies of the decision making authorities represents a well balanced mix of the entire community and not JUST the builders, developers, contractors and real estate interests in the community. The process is not dominated by one or a few interest groups.*⁶⁴

Citizen Planners make consistent Project Review decisions based upon standards and guidelines. *Operational concerns at the local planning board level are addressed by providing*

*very specific, comprehensive, and adequate standards, guidelines, and clear processes (and easy to follow checklists, and instructions) to implement local planning programs in a consistent and effective manner. Such guidance is available for standard decision making, such as permit granting, as well as for variances and denials.*⁶⁴

Science informs the process. *Information about soils, slope, critical environmental areas, wetlands, wildlife, water and air quality, etc. are "used" (identified, mapped, impacts assessed) throughout the planning and decision-making process to inform decision making and avoid decisions that are counter-intuitive to good science without strong, compelling reasons.*⁶⁴

An Environmental Review Process is used at the Project Review Stage. *The process utilizes a comprehensive environmental impact or assessment that is based upon good science, open to scale changes each and every time an action or project is presented for decision by the public body, particularly after comprehensive planning is completed and planning legislation is implemented.*⁶⁴

Independent Validation of developer's data provided. *Provision is made by the local government for independent validation through consultation, hiring of staff or other resources of scientific data provided by developers or project agents.*⁶⁴

Environmental Review considers scale. *Science considerations are adjusted in scale from site to neighborhood to region based upon the ecological implications and environmental impacts of the project and the environmental review is sensitive and considerate of this possibility.*⁶⁴

Science dominates the project review of each and every project. *Science is considered equally important in project review for a single family dwelling as it is for a large subdivision or commercial project and the community recognizes cumulative impacts from single projects over time.*⁶⁴

Enforcement is serious business. *Enforcement is taken seriously by the local government and by the community. Fines are set at levels that create realistic deterrents and punitive considerations and do not represent values that reflect a cost of doing business.*⁶⁴

Planning is an ongoing process conducted in a supportive environment. *The development and updating of comprehensive plans, ordinances and laws, as well as the land use decision-making-process, is conducted in an institutional environment supportive of good planning. Resources are adequate and information is up to date to provide volunteers, citizen planners and local staff with the information they need to make decisions in the public interest. Regular and specialized training is provided. Emphasis is placed on periodic reevaluation on a regular schedule with input from the community at large.*⁶⁴

Community acts as citizen advocate, watchdog and eager participant over the long term. *The comprehensive plan is periodically updated on a regular schedule through the involvement of the community. The community advocates for the updating process and regularly reconciles progress on the planning program and evaluates the accuracy of the program's implementation to the vision and goals' statements. The community acts as the advocate and watchdog for the process.*⁶⁴

As part a comprehensive signage strategy for the Village, overhaul the sign ordinance, supporting design standards and offering practical relief to Main Street retailers and local promoters of special events.

Adopt sign and design standards to compliment a revised sign ordinance.

- ✓ Many communities, including the Village of Catskill, City of Saratoga, Cooperstown and Village of Keeseville have adopted sign ordinances and standards that may be good models for Margaretville.
 - ☑ In addition, non-conforming signs are "grandfathered", but might be brought into conformance using an inclusive clause that schedules changes over a period of time.
- ✓ The permitting and review process, as well as the adopted standards should consider the needs of local businesses. This includes streamlining the process to make permitting easier.³⁵

Prior to initiating sign and design standards or revising the Village's sign ordinance, the community and the Village should evaluate business signage in a comprehensive manner, including DOT directional and interpretive signage as it relates to conducting business in the village. In addition, the Village would benefit from working with DOT to install directional and interpretive signage that helps bring people into the Village.

- ✓ Incorporate recommendations provided in other sections of the plan into the strategy and create a signage task force to spearhead the implementation of the plan recommendations
 - ☑ Once signage recommendations are adopted, create a brochure with illustrations for business owners as a convenient reference and distribute throughout the community.⁷⁹

Adopt a local law restricting or prohibiting installation of outdoor wood boilers (OWB) that do not meet specific air quality standards.

According to a report released by former Attorney General Elliot Spitzer, "Towns and villages can evaluate the suitability of OWB operation in their jurisdictions. Just as local zoning codes can address activities that create nuisances and require permits or establish conditions for certain activities, communities can consider requiring permits before installation of an OWB, especially in more densely settled areas.

- ✓ In evaluating permit applications, determinations can be made whether local conditions such as setback distances, terrain, and sensitive neighbors such as schools, hospitals and residences are compatible with OWB operation.
- ✓ Local requirements could limit acceptable fuel to dry, natural, and untreated wood. A document acknowledging that limitation, signed by the OWB purchaser, could be filed with the local code officer, thereby becoming an enforceable condition of the usage of the OWB."⁵⁰

In order to increase the physical development space in the village, evaluate whether transfer of development rights or annexation are options for the Village in order to increase the amount of land in the Village.

Best Practices Cameo:

The Brookings Institute: Make the Right Thing Easy

“If the downtown area around Santa Fe, New Mexico’s much beloved and vibrant 400 year old Plaza burned to the ground, legally it would only be possible to rebuild strip commercial buildings...In downtown Santa Fe and dozens of others around the country, zoning and building codes of the past fifty years actually outlaw the necessary elements of walkable urbanism.often well-intended setback and floor-area ratios rules mean that new construction cannot maintain consistency with older historic structures. Also, excessive parking requirements can create large surface lots fronting once-lively streets, eroding the vitality of otherwise coherent places. Coupled with an emphasis on the separation of land uses and limited densities, downtown revitalization becomes nearly impossible from a legal perspective.

Rather than reform the existing zoning codes-which often make them even more confusing and cumbersome-it is generally best to throw them out and start from scratch, putting in place a new code that will make it easy to produce the density and walkability a downtown needs to thrive.....a “form-based code should be put in place that reinforces the development of walkable urbanism. Unlike traditional zoning codes, which focus on allowed uses, form-based codes focus on form, namely how building envelopes-and ultimately whole blocks-address the street. ...the form-based downtown code encourages retail, residential or live/work on the first floor, and residential, hotel or office on the upper floors. It also recognizes that what is an office building today may be a residential building tomorrow, or vice versa.”

III. Building Community Character

The quality of life and community character goal for Margaretville is:

- *Demonstrate pride in the community by executing design and landscape improvements that show care and consideration for the built and natural environment.*

Recommendations:

When working on new projects solicit new ideas and new approaches to promote exemplary design.

- ✓ Utilize life-cycle, cost approaches wherever possible to create economic scenarios that support long term financial answers to long term problems.
- ✓ Research and access the resources and new ideas that can be brought to a project by the faculty (architects, landscape architects, social scientists, and engineers) at universities.
- ✓ Explore alternative technologies to bring new ideas and approaches to existing problems facing Margaretville.²⁰
- ✓ Expect developers to utilize great design through standard practice that requires infill, compact building and community design over sprawl. “Local stores in town centers require comparatively little infrastructure and make much more efficient use of public services compared to big box stores and strip shopping malls.”⁵⁷
- ✓ Encourage and welcome citizen participation. Facilitate participation by volunteer organizations. These organizations allow Margaretville to undertake and accomplish more without overburdening taxpayers by participating in a wide array of activities, projects, and tasks in the Village.



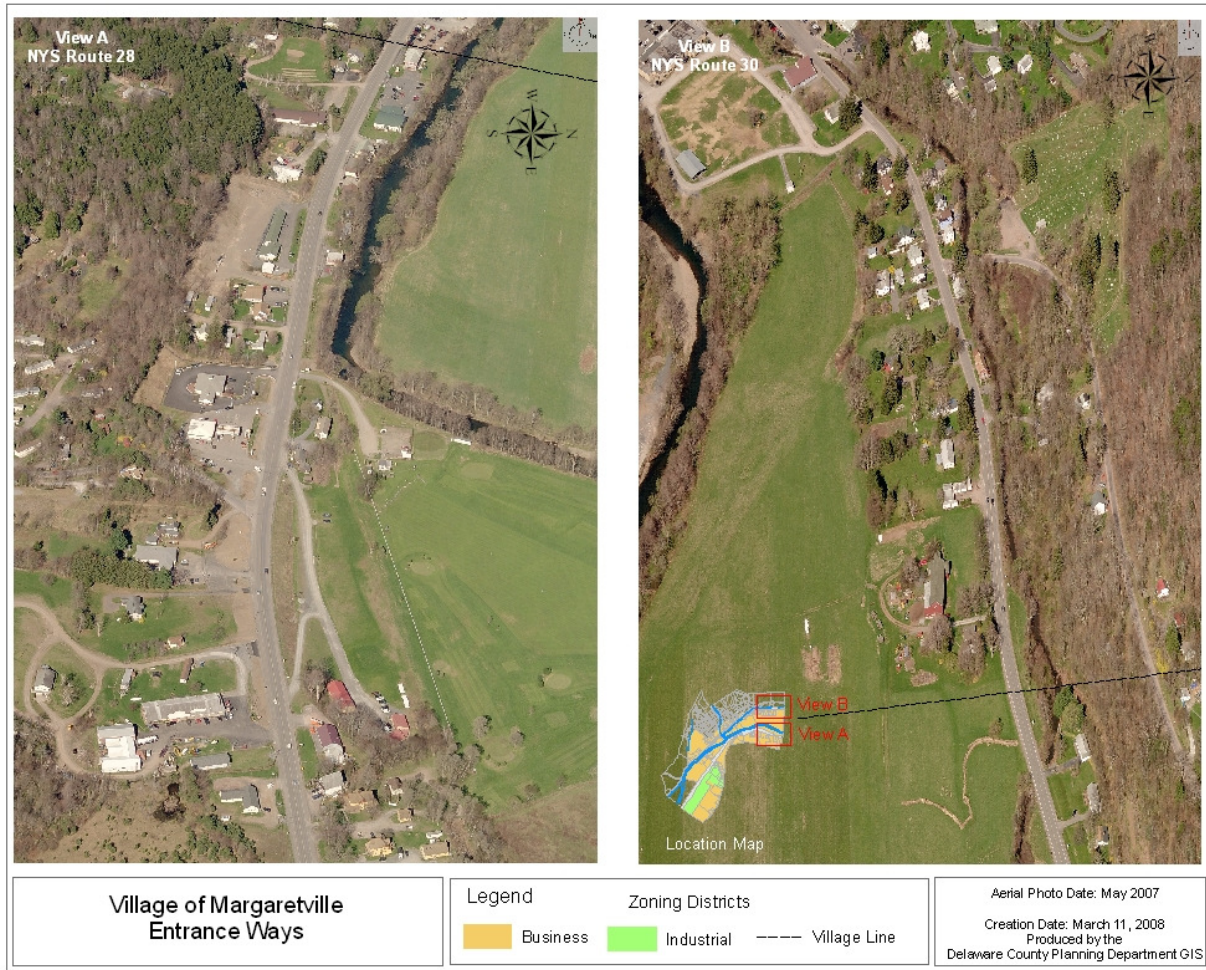
The landscape plan for the parking lot behind the Village Hall illustrates how small touches, such as a strong divider between the roadway and parking area, landscaping and pedestrian trellis, transform a sterile lot into an enhanced and valuable amenity.

Source: M-ARK

Take immediate and final action to implement plans for the Village entranceways!

In order to give the best possible first impression, and to help divert through traffic on Route 28 in particular, entranceways to the Village should be cleaned up, regularly maintained and significantly improved, making a strong, positive and clear impression that one is entering the Village.

- ✓ Review the recommendations cited in the 1991 and 2001 plans. The design plans in the Village of Margaretville Revitalization and Recreational Use Plan of 2001⁸ are a good starting point. They provide design plans, concepts, materials lists, and cost estimates for village entrances.
 - ☑ Cull ideas that are still practical and feasible.
 - ☑ Review them with NYS DOT and implement them as soon as possible. Be prepared to negotiate with DOT over signage, sidewalks and amenities as they have jurisdiction on Route 28 and 30.
 - Of particular importance is NYSDOT's plan for the Route 28 Bridge replacement and access design.
- ✓ The entire community should consistently steward (care for, clean up and maintain) the river as well as the streets and sidewalks, including the entrances to the community so that the Village presents its best appearance.^{32 & 8}
- ✓ Succeeding at diverting through traffic and encouraging occupants to stop, park and shop is the one sure way to promote commerce.



Clean the Village up.

- ✓ Routinely monitor and maintain streets, riverbeds, sidewalks, entranceways and right of ways.
- ✓ Encourage Restaurants and Bars to provide designated smoking areas behind, rather than in front of, their properties.
- ✓ Clean up Village-owned properties and screen them from public roadways.
- ✓ Plant trees and shrubs immediately.
- ✓ If more money is available, buy bigger trees!

Best Practices Cameo:

Belleville, Mifflin County: Enabling Change

*“Downtown revitalization is just a piece of the broader efforts of the group, Village Pride (VP), which was organized to revitalize Belleville, a village in Union Township, Mifflin County. VP sees itself as an enabling organization and has served as a catalyst for broader economic development efforts. Project Impact, a cornerstone of the VPs program, has set out to mitigate the periodic flooding of Kish Creek that affects downtown. VP helped to obtain a \$300,000 grant from the Federal Emergency Management Agency (FEMA), which has enabled the community to increase the creek’s capacity to carry flood waters; help property owners better prepare for and deal with floods; and **continue with efforts to restore the creek as the focal point of the community.** By removing the risk of flooding, VP’s hopes are for downtown Belleville to become a more attractive location and for existing buildings to become more commercially viable candidates for adaptive reuse”⁶*



The proposed landscaping plan provides guidance for the location of trees and greenery as part of a community landscaping program.
Source: M-ARK



**The Delaware River provides residents and visitors with an exceptional natural resource to draw upon.
Source: M-ARK**