

TOWN AND VILLAGE OF MIDDLEBURGH



Updated Town and Village of Middleburgh Comprehensive Plan Appendices

**Prepared by the Town and Village of Middleburgh
Comprehensive Plan Committee**

August 2015

Appendix 1 - A Profile of the Town and Village of Middleburgh.....	3
Town of Middleburgh Demographic Data	3
Village of Middleburgh Demographic Data	9
Environmental Features.....	11
Historic Resources.....	17
Recreational and Cultural Resources	18
Transportation and Highways	18
Public Services and Utilities	19
Emergency Services	20
Land Uses	20
Organizations	23
Local Government.....	24
Appendix 2 – Strengths, Weaknesses, Opportunities and Threats	25
Appendix 3 – Recent Flooding and Flood Risk Assessment.....	30
Appendix 5 – Public Input	32
Appendix 6 – Consultants Review of Town and Village Zoning.....	42

Appendix 1 - A Profile of the Town and Village of Middleburgh

Settlement patterns in Schoharie County have traditionally followed the broad and fertile valley floodplains of the Cobleskill and Schoharie Creeks. Historically agricultural and rural, the northeastern part of the County is beginning to see "suburbanization" influence, accelerated by the 1980 completion of Interstate 88, from the Albany-Schenectady metropolitan region. Typical of the Southern Tier of the State, the County experienced a burst of population growth at the beginning of the 19th Century associated with the settlement of the colonial frontier. Initial growth in the County continued until the Civil War- period several decades longer than neighboring counties. Initially, growth was at a rate of about 8,000 persons per decade, but it slackened considerable after 1840 with the Westward Expansion. From the Civil War through the Great Depression, the County continued to lose population at an irregular average rate of about 2,000 persons per decade.

After 1930, the County saw a new growth period that continues to this day. Average growth rates were about 500 persons per decade, with a slight downturn in the 1980's; as mentioned, the completion of I-88 has had an upward impact on growth rates.

Despite the fact that it has the smallest population of the eight-county Southern Tier East Region, Schoharie County had the highest net in- migration from 1990-1995, with an average addition of 130 persons annually. With a "natural increase*" of approximately 90 persons per year plus an annual in-migration of as much as 220, Schoharie County's population could possibly reach 38,000 by year 2030. However, the 2010 US Census counted 32,749 people and estimates for 2013 were 31, 844. This decrease may be in large part due to the impacts of Hurricane Irene.

From 1980 to 1990, the combined Town and Village population increased by 10.6 percent. Projections for the next decade suggest that the Town and Village of Middleburgh will represent a slight decline of about 10.5% to 9.5% of the County population. By 2010, the growth rate had slowed to about 7% in the Town while within the Village, growth rate declined slightly.

*(birth rate of 11.3 per 1,000 minus death rate of 8.6 per 1,000 natural increase of 2.7 per 1,000)

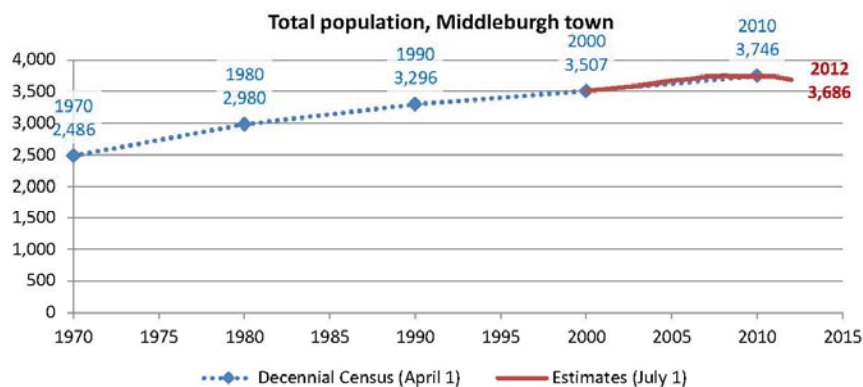
Town of Middleburgh Demographic Data

The 2010 US Census of Population data counted 3,746 people in Town (includes the Village) and 1,513 people in the Village. The 5-year ACS estimate of population has estimated current population of the Town at 3,712 Town (and Village) and 1,694 in the Village. The Town grew by about 7% between 2000 and 2010 while the Village lost a small number of people.

The data below comes from the US Census of Population. Data at the Town level includes the Village of Middleburgh.

Total Population

Historic Decennial Census and recent annual estimates



Source: 1970-2010 Decennial Census, 2000-2010 intercensal population estimates and 2010-2012 post censual population estimates (all U.S. Census Bureau)

Change since previous Census

Change

Decennial Census	Total population	Number	Percent
1970	2,486		
1980	2,980	494	19.9%
1990	3,296	316	10.6%
2000	3,507	211	6.4%
2010	3,746	239	6.8%

Source: 1970-2010 Decennial Census

Estimated population in 2012: 3,686. Change between April, 1 2010 and July 1, 2012: -60 (-1.6%)

Selected age groups

Age group	2000		2010		Difference	
	Count	Share	Count	Share	Count	%
Total population	3,515	100.0%	3,746	100.0%	231	6.6%
Under 5	203	5.8%	199	5.3%	-4	-2.0%
5-17	718	20.4%	584	15.6%	-134	-18.7%
18-24	221	6.3%	291	7.8%	70	31.7%
25-44	993	28.3%	883	23.6%	-110	-11.1%
45-64	835	23.8%	1,175	31.4%	340	40.7%
65+	545	15.5%	614	16.4%	69	12.7%
85+	64	1.8%	70	1.9%	6	9.4%
Median age	38	0.0%	43.5		0	0.0%

Source: 2000 and 2010 Decennial Census

Educational attainment

	COUNT		PERCENTAGE	
	Estimate	Margin of error	Estimate	Margin of error
Population 25 years and over	2,609	± 172	100%	
EDUCATIONAL ATTAINMENT				
Less than 9th grade	127	± 57	4.9%	± 2.1
9th to 12th grade, no diploma	246	± 89	9.4%	± 3.6
High school graduate (includes equivalency)	1,175	± 191	45.0%	± 6.6
Some college, no degree	418	± 152	16.0%	± 5.6
Associate's degree	252	± 95	9.7%	± 3.4
Bachelor's degree	208	± 98	8.0%	± 3.8
Graduate or professional degree	183	± 92	7.0%	± 3.5
Percent high school graduate or higher			85.7%	± 4.4
Percent bachelor's degree or higher			15.0%	± 4.8

Source: 2007-2011 American Community Survey

Subject	Number	Percent
HOUSING OCCUPANCY		
Total housing units	1,851	100.0
Occupied housing units	1,557	84.1
Vacant housing units	294	15.9
For rent	34	1.8
Rented, not occupied	0	0.0
For sale only	31	1.7
Sold, not occupied	15	0.8
For seasonal, recreational,	166	9.0
All other vacants	48	2.6
Homeowner vacancy rate	2.7	(X)
Rental vacancy rate	7.1	(X)
HOUSING TENURE		
Occupied housing units	1,557	100.0
Owner-occupied housing	1,114	71.5
Population in owner-	2,793	(X)
Average household size of	2.51	(X)
Renter-occupied housing	443	28.5
Population in renter-	923	(X)
Average household size of	2.08	(X)

Housing units

Characteristics

	COUNT		PERCENTAGE	
	Estimate	Margin of error	Estimate	Margin of error
HOUSING OCCUPANCY				
Total housing units	1,860	± 175	100.0%	
Occupied housing units	1,470	± 135	79.0%	± 5.9
Vacant housing units	390	± 129	21.0%	± 5.9
YEAR STRUCTURE BUILT				
Total housing units	1,860	± 175	100.0%	
Built 2005 or later	52	± 46	2.8%	± 2.4
Built 2000 to 2004	112	± 63	6.0%	± 3.4
Built 1990 to 1999	377	± 105	20.3%	± 5.3
Built 1980 to 1989	236	± 110	12.7%	± 6.0
Built 1970 to 1979	175	± 78	9.4%	± 4.1
Built 1960 to 1969	149	± 62	8.0%	± 3.2
Built 1950 to 1959	77	± 35	4.1%	± 1.8
Built 1940 to 1949	103	± 51	5.5%	± 2.6
Built 1939 or earlier	579	± 135	31.1%	± 6.9
HOUSING TENURE				
Occupied housing units	1,470	± 135	100.0%	
Owner-occupied	1,010	± 104	68.7%	± 7.0
Renter-occupied	460	± 127	31.3%	± 7.0
HOUSE HEATING FUEL				
Occupied housing units	1,470	± 135	100.0%	
Utility gas	73	± 68	5.0%	± 4.6
Bottled, tank, or LP gas	126	± 55	8.6%	± 3.8
Electricity	227	± 112	15.4%	± 6.9
Fuel oil, kerosene, etc.	807	± 134	54.9%	± 8.5
Coal or coke	31	± 42	2.1%	± 2.8
Wood	177	± 88	12.0%	± 6.3
Solar energy	0	± 89	0.0%	± 2.2
Other fuel	29	± 25	2.0%	± 1.7
No fuel used	0	± 89	0.0%	± 2.2
VALUE				
Owner-occupied units	1,010	± 104	100.0%	
Less than \$50,000	103	± 61	10.2%	± 6.2
\$50,000 to \$99,999	278	± 101	27.5%	± 10.0
\$100,000 to \$149,999	209	± 76	20.7%	± 7.4
\$150,000 to \$199,999	202	± 63	20.0%	± 6.3
\$200,000 to \$299,999	212	± 96	21.0%	± 8.5
\$300,000 to \$499,999	6	± 10	0.6%	± 0.9
\$500,000 to \$999,999	0	± 89	0.0%	± 3.2
\$1,000,000 or more	0	± 89	0.0%	± 3.2
Median (dollars)	132,100	± 20,663		

Source: 2007-2011 American Community Survey

Labor Force Characteristics

Labor force, employment and unemployment

	TOTAL		IN LABOR FORCE		EMPLOYED		UNEMPLOYMENT RATE	
	Estimate	Margin of error	Estimate	Margin of error	Estimate	Margin of error	Estimate	Margin of error
Population 16 years and over	3,192	± 115	65.3%	± 5.3	57.3%	± 4.9	12.2%	± 4.1
AGE								
16 to 19 years	316	± 114	45.6%	± 19.1	25.6%	± 16.6	43.8%	± 27.0
20 to 24 years	267	± 100	85.0%	± 19.3	78.3%	± 19.5	7.9%	± 7.0
25 to 44 years	764	± 152	89.1%	± 7.5	79.2%	± 9.7	11.2%	± 8.5
45 to 54 years	873	± 180	80.6%	± 11.4	74.9%	± 10.4	7.1%	± 6.2
55 to 64 years	460	± 110	54.8%	± 12.1	51.5%	± 12.4	6.0%	± 7.1
65 to 74 years	234	± 104	19.2%	± 16.7	9.0%	± 6.6	53.3%	± 49.5
75 years and over	278	± 109	10.8%	± 8.8	7.6%	± 6.7	30.0%	± 40.3
RACE AND HISPANIC OR LATINO ORIGIN								
One race	3,189	± 114	65.3%	± 5.3	57.3%	± 4.9	12.2%	± 4.1
White	3,113	± 117	65.1%	± 5.4	56.9%	± 4.9	12.6%	± 4.1
Black or African American	11	± 16	0.0%	± 89.4	0.0%	± 89.4	-	**
American Indian and Alaska Native	14	± 20	100.0%	± 79.3	100.0%	± 79.3	0.0%	± 79.3
Asian	49	± 50	85.7%	± 28.6	85.7%	± 28.6	0.0%	± 45.8
Pacific Islander	0	± 89	-	**	-	**	-	**
Some other race	2	± 4	0.0%	± 100.0	0.0%	± 100.0	-	**
Two or more races	3	± 6	0.0%	± 100.0	0.0%	± 100.0	-	**
Hispanic or Latino origin (of any race)	52	± 45	75.0%	± 29.3	65.4%	± 25.9	12.8%	± 13.5
White alone, not Hispanic or Latino	3,063	± 118	64.9%	± 5.6	56.7%	± 5.1	12.6%	± 4.2
SEX								
Population 20 to 64 years	2,364	± 162	78.8%	± 5.2	72.1%	± 5.4	8.5%	± 4.1
Male	1,185	± 162	83.5%	± 6.4	79.1%	± 6.3	5.3%	± 4.4
Female	1,179	± 112	74.2%	± 6.5	65.1%	± 8.2	12.2%	± 6.8
With own children under 6 years	87	± 41	75.9%	± 22.8	67.8%	± 23.1	10.6%	± 15.5
EDUCATIONAL ATTAINMENT								
Population 25 to 64 years	2,097	± 161	78.1%	± 5.4	71.3%	± 5.6	8.6%	± 4.5
Less than high school graduate	303	± 117	55.4%	± 18.8	40.3%	± 22.3	27.4%	± 26.3
High school graduate (includes equivalency)	874	± 187	79.2%	± 7.7	72.8%	± 9.0	8.1%	± 6.3
Some college or associate's degree	545	± 175	79.8%	± 12.1	75.8%	± 12.6	5.1%	± 5.2
Bachelor's degree or higher	375	± 123	91.2%	± 7.5	86.7%	± 7.9	5.0%	± 5.4

Table formula: LABOR FORCE = # EMPLOYED + # UNEMPLOYED
 % IN LABOR FORCE = LABOR FORCE / TOTAL * 100%
 % EMPLOYED = # EMPLOYED / TOTAL * 100%
 UNEMPLOYMENT RATE = # UNEMPLOYED / LABOR FORCE * 100%

Source: 2007-2011 American Community Survey

Poverty

Poverty characteristics

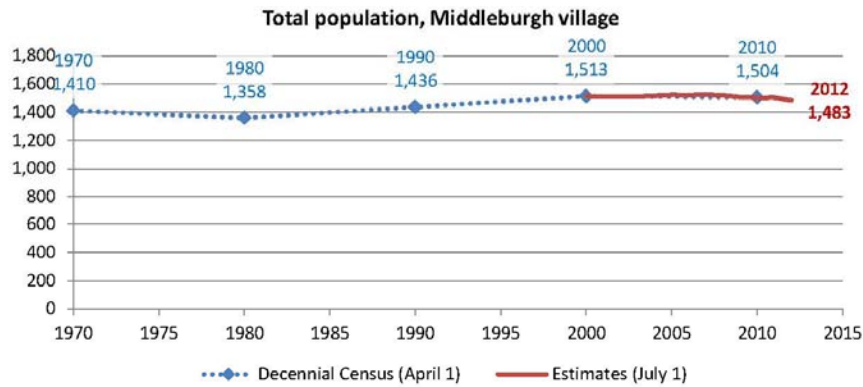
	TOTAL		BELOW POVERTY LEVEL		PERCENT BELOW POVERTY LEVEL	
	Estimate	Margin of error	Estimate	Margin of error	Estimate	Margin of error
Population for whom poverty status is determined	3,690	± 33	304	± 106	8.2%	± 2.9
AGE						
Under 18 years	700	± 146	71	± 56	10.1%	± 7.9
Related children under 18 years	693	± 147	64	± 51	9.2%	± 7.4
18 to 64 years	2,507	± 174	211	± 76	8.4%	± 3.0
65 years and over	483	± 156	22	± 17	4.6%	± 3.6
SEX						
Male	1,811	± 152	98	± 66	5.4%	± 3.6
Female	1,879	± 153	206	± 66	11.0%	± 3.7
RACE AND HISPANIC OR LATINO ORIGIN						
One race	3,685	± 33	302	± 104	8.2%	± 2.9
White	3,624	± 66	285	± 100	7.9%	± 2.8
Black or African American	3	± 5	2	± 4	66.7%	± 66.7
American Indian and Alaska Native	14	± 20	0	± 89	0.0%	± 79.3
Asian	42	± 46	13	± 22	31.0%	± 55.7
Hispanic or Latino origin (of any race)	67	± 60	7	± 12	10.4%	± 16.2
White alone, not Hispanic or Latino	3,559	± 86	280	± 99	7.9%	± 2.8
EDUCATIONAL ATTAINMENT						
Population 25 years and over	2,580	± 171	184	± 65	7.1%	± 2.5
Less than high school graduate	351	± 116	69	± 34	19.7%	± 11.1
High school graduate (includes equivalency)	1,168	± 194	66	± 34	5.7%	± 3.1
Some college, associate's degree	670	± 197	21	± 19	3.1%	± 3.1
Bachelor's degree or higher	391	± 123	28	± 35	7.2%	± 8.8
EMPLOYMENT STATUS						
Civilian labor force 16 years and over	2,083	± 173	135	± 63	6.5%	± 3.0
Employed	1,828	± 161	105	± 58	5.7%	± 3.1
Male	975	± 134	18	± 24	1.8%	± 2.4
Female	853	± 111	87	± 53	10.2%	± 6.2
Unemployed	255	± 90	30	± 24	11.8%	± 10.0
Male	148	± 74	3	± 5	2.0%	± 3.3
Female	107	± 59	27	± 23	25.2%	± 23.9
WORK EXPERIENCE IN THE PAST 12 MONTHS						
Population 16 years and over	3,163	± 116	248	± 81	7.8%	± 2.7
Worked full-time, year-round	1,314	± 185	13	± 22	1.0%	± 1.7
Worked part-time or part-year	774	± 156	122	± 58	15.8%	± 7.9
Did not work	1,075	± 170	113	± 57	10.5%	± 5.1

Source: 2007-2011 American Community Survey

Village of Middleburgh Demographic Data

Total Population

Historic Decennial Census and recent annual estimates



Source: 1970-2010 Decennial Census, 2000-2010 intercensal population estimates and 2010-2012 post censal population estimates (all U.S. Census Bureau)

Change since previous Census

Change

Decennial Census	Total population	Number	Percent
1970	1,410		
1980	1,358	-52	-3.7%
1990	1,436	78	5.7%
2000	1,513	77	5.4%
2010	1,504	-9	-0.6%

Source: 1970-2010 Decennial Census

Estimated population in 2012: 1,483. Change between April, 1 2010 and July 1, 2012: -21 (-1.4%)

Selected age groups

Age group	2000		2010		Difference	
	Count	Share	Count	Share	Count	%
Total population	1,398	100.0%	1,500	100.0%	102	7.3%
Under 5	73	5.2%	81	5.4%	8	11.0%
5-17	280	20.0%	222	14.8%	-58	-20.7%
18-24	89	6.4%	123	8.2%	34	38.2%
25-44	373	26.7%	367	24.5%	-6	-1.6%
45-64	326	23.3%	444	29.6%	118	36.2%
65+	257	18.4%	263	17.5%	6	2.3%
85+	26	1.9%	42	2.8%	16	61.5%
Median age	39	0.0%	43.0		0	0.0%

Source: 2000 and-2010 Decennial Census

HOUSING OCCUPANCY		
Total housing units	759	100.0
Occupied housing units	681	89.7
Vacant housing units	78	10.3
For rent	27	3.6
Rented, not occupied	0	0.0
For sale only	13	1.7
Sold, not occupied	4	0.5
For seasonal, recreational, or occasional use	7	0.9
All other vacants	27	3.6
Homeowner vacancy rate (percent) [8]	3.2	(X)
Rental vacancy rate (percent) [9]	8.6	(X)
HOUSING TENURE		
Occupied housing units	681	100.0
Owner-occupied housing units	395	58.0
Population in owner-occupied housing units	933	(X)
Average household size of owner-occupied units	2.36	(X)
Renter-occupied housing units	286	42.0
Population in renter-occupied housing units	547	(X)
Average household size of renter-occupied units	1.91	(X)
Subject	Number Percent	

X Not applicable.

Environmental Features

Primary Watercourses

The entire Town of Middleburgh, including the Village is within the Schoharie Creek watershed. Local or sub-watersheds in the Town are primarily part of the Schoharie Creek basin, but small parts of the Town also lie within the Fox Creek (to the northeast) and the Catskill Creek (southernmost part) watersheds. (See Watershed maps).

Schoharie Creek flows north through the Town and is one of the principal tributaries to the Mohawk River. It has a total length of 87 miles and a drainage basin (watershed) of 926 miles; it is one of the rare northward flows in the northeastern U.S. The Schoharie Basin is divided into an upper and lower basin that serve a series of three reservoirs. The Gilboa Dam forms the Schoharie Reservoir, which holds 19.6 billion gallons. This impoundment diverts the water from a 320 square mile drainage southward to the Esopus Creek. The other two impoundments, the Upper and Lower Blenheim-Gilboa Reservoirs, are located four miles downstream (i.e., north) of the Gilboa Dam. The lower reservoir is an impoundment of the Schoharie Creek created by the Blenheim-Gilboa Dam; the retained waters are pumped to the upper reservoir for power generation at times of peak power demand. Flows from the Blenheim-Gilboa Dam are essentially unregulated and continue their course to the Mohawk River.

Within the Village, the immediate floodway of the Schoharie is below the abutment of NYS Route 30 (River Street), but it includes the bridge that NYS Routes 145 and 30 share. The 100-year flood zone is more expansive in the Village, making a broad reach along the west and south Village lines (Schoharie and Stoney Creeks) and covering roughly the top third of the Village. The 500-year flood zone increases the reach to all but the western edge and southeastern third of the Village. (See Floodplain Map)

Beyond the Village, the Schoharie Creek has a 100-year flood zone that is as much as 3000' wide all along its course north of the Village. The broadest floodway is west of the Village and NYS Route 145, north of NYS Route 30. South of the Village, the Schoharie Creek flood zones are primarily west of County Route 36 (Clauverwie Road) with some minor flood zones along feeder streams.

The major creeks in Town include the Stoney Brook, Little Schoharie and Line Creek. In the northeastern corner of Town, the Ox Kill flows into the Fox Creek in the Town of Wright, and to the south, Line Creek flows across Route 30 and then into the Schoharie Creek.

Stoney Brook is a southwest flowing tributary to the Schoharie Creek and has a drainage of 3.24 miles and a length of 4.1 miles. It flows through the Village along the southern edge of the Village line and creates a floodway of up to 400' wide and floodplains of about 1000' wide.

Schoolhouse Creek, a tributary of Stoney Brook, which flows southwest through a residential area of the Village, has a drainage of 2.17 miles and is 3.6 miles long. At the Main Street crossing, the stream is piped about 300' downstream of the Middleburgh School. While its own floodway and 100-year flood zone are relatively small, the creek contributes to a wider 100-year flood zone in the area around its confluence with Stoney Brook near the Schoharie.

Tributary A flows north through the farm and residential area in the northern half of the Village. It is the primary drainage of the steep rise to the east of the Village known as The Cliff; the drainage area is 1.1 square miles. While it flows into a broad floodplain and "peters out" near NYS Route 30 before it actually flows into the Schoharie, it does have about a 50' wide floodway within the residential areas.

Tributary I is south of the Village, parallel to and west of NYS Route 145, and flows northward into Little Schoharie Creek. It has a relatively minor flood zone associated with it, but there are several domiciles along its edge, particularly near the southern Town Line (near Woods Road).

Little Schoharie Creek flows west and parallel to the south of County Road 21 (Huntersland Road). While the mapped flood zone is generally less than 200' wide, it extends to about 1000' wide as it passes through the hamlet of Huntersland.

Wetlands

Given the presence of important watercourses and the relative frequency of flooding in the Town and Village, it is unusual that there are very few state-designated (jurisdictional) wetlands. The NYS Department of Environmental has extensive inventories of the state's wetlands. The data is represented on official maps that delineate and classify all wetlands over 12.4 acres (1/10th hectare), and smaller wetlands of unusual significance. A small number of regulated wetlands is probably due to the extensive agricultural history of the Schoharie Creek valley in which the fertile floodplain soils were claimed and converted to farm fields early in the settlement history.

The public values of wetlands are considerable and important to protect; hence, regulatory implications can be significant. Each of the four state wetlands in Middleburgh are Class II wetlands, the second highest value of four classes. These areas, plus a 100' proximity buffer are protected under the NYS Freshwater Wetlands Law. Wetlands regulations require a permit before any buffer area or wetland can be impacted and development proposals require DEC approval prior to any disturbance.

Within the Town of Middleburgh (including the Village), there are four NY State designated wetlands as follows. See Wetlands Map.

1. At the west end of Ecker Hollow Road, east of Bixby Road: 40.7 acres (2.6 acres are west of Bixby Road)
2. East of Treadlemire Hill: 17.4 acres
3. Hamlet of Huntersland, north of CR 21 (Huntersland Road) and west of Canady Hill Road: 16.8
4. East of Brooky Hollow Road, about 1 mile south of Cotton Hill Road: 14.1 acres

Middleburgh Flood Zones

The propensity for flooding in the Town and Village of Middleburgh is well known both from detailed study and painful experience. One result of this knowledge is a series of Flood Insurance Rate Maps (FIRM's) which outline the predicted extent of the so-called 100-year flood, the 500-year flood, and the regular floodway. Referring to these maps is the easiest and most accurate way to understand the areas affected, but suffice it to say here that the floodways and flood zones are adjacent to the Schoharie, Little Schoharie, Stoney, and Line Creeks and two unnamed tributaries.

Floodplains - Generally speaking, the floodplain is any area susceptible to inundation with water from any source. For management purposes, the FIRM maps are the clearest preliminary determination of floodplain boundaries.

Floodways- Structures on these areas are most susceptible to serious flood damage; additionally, alteration of the floodway, by displacing water, may increase the height and velocity of floodwater. The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights. (FEMA limits the allowable increase caused to 1 foot.)

Floodway Fringe- The area between the floodway and the extent of the 100-year flood is the floodway fringe. This is the portion of the floodplain that theoretically could be completely obstructed without increasing the floodway height by more than one foot.

Flood Event Recurrence and Magnitude- Terms such as "100-year flood" can be misleading. Floods cannot be predicted or scheduled, of course, but the probability of their occurrence and magnitude may be statistically calculated. Flood events of a magnitude that are expected to be equaled or exceeded once on the average during a 10-, 50-, 100-, or 500-year period (recurrence interval), are standard measures for floodplain management and flood insurance rating. These events, commonly known as 10-year, 50-year, 100-year, and 500-year floods have a 10, 2, 1, and 0.2 percent chance, respectively, of being equaled or exceeded during any year. (Put another way, each year has a 1-in-10 chance of a ten-year flood, a 1 in 50 chance of a 50-year flood, a 1 in 100 chance of a 100-year flood, and a 1 in 500 chance of a 500-year flood magnitude.)

It is important to note that the recurrence interval represents a long-term average period between floods of a specific magnitude, and that rare floods can occur at shorter intervals, even within the same year. The risk of experiencing a rare flood increases (logarithmically) with the length of time between floods. For example, the risk of a 100-year flood (1 in 10 of annual occurrence) increases to about a 40 percent chance (4 in 10) over 50 "flood-less" years and increases to 60 percent in 90 years.

Management Implications of Flood Zones

Encroachment on floodplains, such as artificial fill, diversions, and structures of substantial size, reduces the areas' flood-carrying capacity, increases the height of streams, and increases the probability and magnitude of flooding in adjoining areas. Aside from the hazard to life and property, development on floodplains also poses pollution hazards, often disrupts environmentally sensitive areas, and consequently, development in the floodplain is problematic. Sound floodplain management can also affect access to governmental aid for flood management and emergency response such as Community Rating System 'points' and flood insurance premiums.

Topography

The rolling hills of southern Schoharie County represent the northern terminus of the Catskill Mountain escarpment; Middleburgh is roughly flanked by these foothills and, to the north and east, the westward reach of the Helderberg Escarpment. In all, the elevations of the County are the edges of the Allegheny Plateau, which in turn, is formed from ancient deposits of the primordial Iapetus ocean and the rivers that drained into it some half-billion years ago. The predominance of sedimentary rock formed beneath the ocean and lakes accounts for the conspicuously layered look of the exposed bedrock (and the regular discovery of shellfish fossils) (See Topography and Slope Maps)

Glacial events and subsequent weathering and erosion rendered the landscape we see today. The Schoharie Creek and its tributaries are the remnants of glacial Lake Schoharie, which exposed rich bottomland soils when receding ice shields released its waters some 12,000 years ago. The topography of Middleburgh is among its most striking features. From the nearly level agricultural floodplains arise, in striking contrast, steep slopes and sheer grades as severe as 85- 90% (100% being vertical).

However, while abrupt rises and plunging hillsides make for dramatic scenery, they also have important implications as the Town plans for growth. As a matter of course, settlement has historically occurred in the nearly level lowlands, adjacent to the agricultural fields and the easiest routes of commerce and transport. In more recent history, however, road building and residential development has begun to reach into more challenging terrain. Outside of the lowlands, many of Middleburgh hillsides have slopes that are categorically "steep," that is, greater than 10% grade, or gain more than 10 elevation feet per 100 feet of lateral distance.

Below are conventional standards for land use according to the grade of slope and the degree of slope that is the angle of repose of different soil type, that is, the degree of slope at which a mound of the soil type will eventually settle naturally.

Flat grades: 0% to 4%		Easy grade: 5%-10%	Steep grade: over 10%
<i>Standards for Grading</i>			<i>Angle of Repose for Substrates</i>
1%	Minimum grade for drainage on paved or planted areas		Loose, wet clay or silt: 30%
2%	Minimum grade at building perimeter		Compact, dry clay: 100%
2%	Minimum grade of drainage swales and ditches		Wet sand: 80%
10%	Maximum grade of drainage swales and ditches		Dry sand: 65%
25%	Maximum grade of mown grass areas		Cobbles: 70%
50-60%	Maximum grade of unmown planted banks		Forested land: 70-100%
	(up to 100% with special ground cover)		

When excavating or building in lots with significant slope, consideration must be given not only to possibilities of runoff and erosion, but also accessibility to public safety and utility vehicles. Further, the dramatic landscape's awesome vistas are the core of the area's extraordinary scenic values; substantial changes in hillside areas may have visual impact upon scenic amenities ("viewsheds") that are valued by the community.

Dominant Soil Types

The history of Middleburgh is, of course, "rooted" in its agricultural success, due in no small measure to its excellent soils and floodplain terrain. In relatively recent geologic time, the genesis of these soils is largely from the flooding and deposition of the Schoharie Creek and associated watercourses. But in earlier geologic time, much of Middleburgh (indeed much of the County) was at the bottom of the enormous glacial Lake Schoharie, actually a successive series of lakes, the latest of which created a shoreline about halfway up the side of Vroman's Nose.

As these waters receded, what had been lake-bottom sediments became exposed and aerated to form the rich soils of the area's agricultural prosperity. The surrounding uplands are underlain by sedimentary-bedrock formed hundreds of millions of years ago when much of the continent was under seawater. These uplifted hills and rises surround the lowland river valleys and comprise about two-thirds of Middleburgh's total area.

Middleburgh features five of the county's ten major soil associations, or descriptions of the landscape based on the distinctive proportional patterns of soil types. Each of these associations contains a matrix of minor soil types. Knowing the soil types helps to understand and predict how land parcels will "perform" in differing uses. The primary considerations for agricultural use are drainage, contour, and fertility. For other uses, such as development, drainage and percolation and proximity to flood-prone areas, as well as importance for wildlife habitat and scenic amenity are principle concerns. For both regulatory and ecological concerns, the presence of wetlands may also be inferred from soil types.

Lordstown-Mardin Association

Yellowish-brown, moderately deep to deep, nearly level to steep, well drained to moderately well drained, strongly acidic soils of the uplands. Except for the Schoharie Creek valley, all of Middleburgh (and the majority of the County) consist of the Lordstown-Mardin Association. The landscape of these soils is characterized by a series of flat-topped ridges cut by shallow drainageways and a network of small, steep-sided streams; the "stairstep" shape of the exposed bedrock is a common characteristic. The soils in this association are mostly moderately deep, sometimes with a dense, hard layer called a fragipan. The Lordstown soil component, which makes up about 50% of the association, is moderately deep, well drained, and medium-textured; commonly, it is the stony mix on steep hillsides. The Mardin soil component, about 30%, is deep, moderately or well-drained, and medium textured; they are in rolling, sometimes very stony landforms with long, smooth, gentle to steep slopes. These soils have a very dense fragipan at about a 2-foot depth that slows permeability. The remaining soil components are medium textured or stony, and moderately drained.

Much of the Lordstown-Mardin Association is too stony and flaggy for cultivation and may be shallow to bedrock with a poor water regime. Because of this, agriculture on these soils has been largely limited to dairy grazing. In recent times, this use has diminished and the lands are idle, reforested, or divided for home site development.

Barbour-Basher-Middlebury Association

Deep, nearly level, mainly well-drained and moderately well-drained soils of the bottom lands. The river valley of the Schoharie Creek is the main location of this soil association and it generally traces a path about a mile wide along the creek's course (wider at the confluence of the Little Schoharie Creek). The soils are flooded with varying regularity but drain fairly well. The Barbour soils which make up about 55% of this association dominate the Schoharie Creek valley and are deep, medium-textured, slightly acidic, and well-drained. The Basher and Middlebury components constitute about 25% and are deep, medium-textured, and moderately too poorly drained. The remaining components are a mix of soils and are variously gravelly and clayey soils of alluvial fans.

These are among the county's best agricultural soils and they are used for a broad variety of crops. Aside from its high value for agriculture, the frequency of flooding limits the appropriateness of these areas for non-agricultural development.

Schoharie Association

Deep, nearly level to steep, mainly moderately well-drained to well-drained soils of old (ancient) lakebeds. This association forms a concentric broad band on the east and west sides of the Barbour-Basher- Middlebury association; along the Schoharie Creek north of the Village; a lobe of this association extends northwest toward Ecker Hollow to the junction of NY State Highway 145 and County Highway 41 (Ecker Hollow Road). Another lobe of these soils is south of the Village, west of the Schoharie, on the

same path of County Road 41 (Bush Road). These soils were formed from the sediments of glacial Lake Schoharie and are characteristically reddish calcareous clay and silt. The Schoharie soils, which are about 60% of this association, are deep, moderately well-drained and moderately fine-textured with a clayey subsoil. The other minor components of the Schoharie association are formed of generally the same materials but are less well-drained, gravelly till and outwash of fans, deltas, and small islands in creeks and streams. While not well suited for crop cultivation, they are adjacent to Barbour-Basher-Middlebury soils, and they have been used for producing hay and forage and as pasture to support livestock on the bottomland farms.

These soils are among those in the County that are most prone to erosion. They are generally too wet to work in the early spring, and too dry and hard later in the season. For non-agricultural use, low permeability erosion, and proximity to flood areas are primary concerns.

Mohawk-Honeoye Association

Deep, gently sloping to steep, well drained and moderately well drained high-lime soils of the uplands. Outside of the bands of Schoharie Association is another band that traces the eastern side of the Schoharie Creek, north of the Village. Another lobe, bisected by NY State Highway 145 runs from the hamlet of East Cobleskill to the southern end Ecker Hollow Road.

The Mohawk and Honeoye soils are closely intermingled in Schoharie County. The Mohawk soils are moderately well drained to well-drained, medium-textured and formed in calcareous glacial till derived mainly from black shale. Honeoye soils are deep, well drained and medium textured, formed in highly calcareous till derived mainly from limestone. The minor soil components, which constitute about 30% of the association range from moderately well drained to very poorly drained. The soils in this association are among the better soils formed from glacial till in the county. Because of the sloping topography, they are better suited for dairy farming and its support crops (corn, alfalfa and grass hay, oats) than for "truck crop" produce. Areas that are too steep, stony, or wet for cultivation have been used for woodcuts or unimproved pasture. The mixed benefit of good drainage but uneven terrain will influence the development potential of the area.

Darien-Nunda Association

Deep, nearly level to moderately steep, somewhat poorly drained to well-drained, medium-lime soils of the uplands. A small lobe of this association reaches into the northeastern corner of the Town, generally tracing the path of County Road 66 (Cotton Hill Road) to its junction with Treadlemire Road. The Darien soils, which are generally on the hilltops and flats in between, are moderately fine-textured and somewhat poorly drained. The better drained Nunda soils are on the sides and convex tops of hills in this association; they are deep, medium textured medium to low-lime soils.

The northwest area, which includes Bear Swamp, has little agricultural history due, of course to its poor drainage; wetland protection laws currently have a potential impact upon other uses. In other areas where these soils are better drained, dairy farming, haying, and pasture have been common uses. However, even in better-drained areas, the minor soil components of this association reduce the soil's permeability, interfering with the disposal of septic waste.

Prime Farmlands and Soils of Statewide Importance

Soils conducive to farming can be found across a substantial proportion of Middleburgh (See Map: Farmland Soils). The river valleys host the bulk of the Town's Prime Farmland soils, and ribbons of these

soils can be found along the Sangerfield River, Pleasant Brook, and Payne Brook. In the higher elevations, Farmland of Statewide Importance can be found largely where slopes are less than 15%. Approximately 5,986 acres (23%) of the town contains Prime Farmland soils, including about 367 acres considered Prime Farmland if it is drained. Approximately 12,461 (47%) acres of the Town contains Soils of Statewide Importance.

Soil quality is an essential consideration when assessing the potential viability and productivity of agricultural practices. One must consider the locations of the most agriculturally productive soils when forming land use strategies that promote agriculture. Soils vary in terms of drainage, fertility, texture, tillage, elevation, depth, and slope. Knowledge of these features can help farmers, foresters, planners, and engineers determine the most practical uses of the land. Farmland soils are generally classified as either prime farmland soils or soils of statewide significance. Prime farmlands are those having physical characteristics that make them fertile and well drained so that crops can be grown the most efficiently with the least input. Soils of Statewide Importance are not prime, but have characteristics that make them suitable for farming.

In Middleburgh, almost all the prime farmland soils can be found in the Schoharie Creek valley (See Soils Map). Some patches of prime farmland can be found along other streams especially east of Huntersland. Soils of Statewide Importance can be found throughout the Town, mostly on the eastern side of the Schoharie Creek and in areas where topography is not as steep. These locations having soils of statewide importance are generally scattered, and not forming large acreages of connected soils suitable for farming.

Historic Resources

Village

There are many historic buildings within the Village. The Main Street/Railroad Ave Historic District has been designated and contains about 29 historic buildings that are also eligible for listing on the National and State Historic Register of Historic Places. Outside the district, there are four structures already listed on the historic register including the Bellinger-Dutton Greek Revival House on Route 30, and the US Post Office and St. Mark's Evangelical Lutheran Church, both on Main Street. The Christopher S. Best House and the Upper Middleburgh Cemetery are also included on the National and State register. The State Historic Preservation Office includes an additional 20 buildings in the Village, but located outside the historic district as eligible for register listing.

Town

At the Town-level, there are no locations or structures that are included on either the National or State Register of Historic Places. However, the Huntersland School House is an important historic resource and used for the community in a variety of ways.

The entire Schoharie Valley area has been identified by the State Historic Preservation Office as being archaeologically sensitive.

Recreational and Cultural Resources

Parks and Other Locations

Most of the park and recreation areas in the Town of Middleburgh are located within the Village. These include:

Timothy Murphy Park
Memorial Park
Creekside Park
Badgely Park
Playground, ballfields, and nature trail at Elementary School
Community Pool
Middleburgh Library

Extending 356 miles from Fort Lee Historical Park in New Jersey to John Boyd Thacher State Park near Albany in New York, the Long Path is a thread connecting many of New York's parks, preserves, and state forest lands. The Long Path crisscrosses through the Town (See Recreation Map) and Village. The path includes the Vroman's Nose Path, located in the Town of Fulton. From Vroman's Nose, the Long Path crosses the Schoharie Valley through the Village of Middleburgh, then ascends the cliffs, where there are views back to Vroman's Nose. Past the cliffs, the trail leaves the Schoharie Valley as it turns east, crossing State Forests to reach Partridge Run Wildlife Management Area in Albany County.

The Town and Village of Middleburgh, along with the towns of Broome and Fulton sponsor a summer recreational program including swimming lessons at the pool and arts & crafts, open gym, tennis lessons, kids soccer and Little Knights basketball program. There is a future park being planned along Route 30 for the FEMA buyout properties around and including the former Valley Bible Baptist Church.

Events

The following community events are sponsored by various organizations and groups within the Town:

Schoharie Creek Canoe race	Chili cook off
Victorian tea at the Best house	Slughter race
Technopalooza	Fall festival/Columbus Day parade
Ecumenical Thanksgiving service	Ecumenical Sunrise Easter service
Miracle on Main Street	Rotary July craft fair
Middleburgh Town wide garage sale	Huntersland garage sale
Rotary's Memorial Day celebration	Timothy Murphy 5K run
Summer Friday band concerts	Fourth Fridays
Ice cream social	Strawberry festival
Senior Citizen Vaudeville show	Timothy Murphy Playhouse
Neighbors Eating Together (NET) dinners	Summer lunch program
Community Day	VFW 3rd Sunday breakfast
American Legion Memorial service at the cemetery	

Transportation and Highways

The Town has three structures at the DPW. The main garage was built in 1968, and is a 40 by 120 ft. 7-

bay building that presently houses the ambulance. This building was renovated in 2013 year with new sheet metal outside, a 16 ft. addition on to the first 2 bays, spray foam insulation in all the exterior walls, removal of the old buried oil tank with 2 new tanks installed inside as well as new metal inside, and new windows in the meeting room. This was accomplished with grant money for about \$76,000.

The Town's second garage across the street was built in 1974, has 5 bays, is 40 by 100 ft. and used for cold storage. The 3rd building is the salt shed and lean to. It was built in 2002 and is 85 by 90 ft., can store 2000 tons of sand and salt mix, and has open bays for storage of equipment.

The highway department's budget is about \$550,000 with 5 full time employees and 1 part timer mainly during the winter months.

There are 42.79 miles of local Town roads in Middleburgh, with about 1/2 of those being paved. The Town has maintenance agreements with the neighboring towns of Broome, Fulton, Cobleskill, Schoharie, and Wright. There are also agreements with the Village of Middleburgh, Middleburgh Central School District, and Schoharie County for winter maintenance of Cotton Hill Rd. In addition, there are 19.15 miles of County-maintained roads (including parts of Clauverwie, Cotton Hill, Ecker Hollow, Huntersland, Schoharie Hill, and Sunnyside roads).

A highway improvement district was created in 2014 for people living on Oak Meadows and Red Oak Meadows roads. This brought these roads up to Town specification and are now public roads maintained by the Town.

The Town also took ownership of nine properties due to FEMA buyouts. One of which, the former Turtle Rock Restaurant is now a park and ride facility.

Through the NY Rising program, the Town is in the process of planning a 6,300 sq. ft. facility that will house a new ambulance building and a community center/emergency shelter to be located on existing DPW property with possible acquisition of an additional 3 acres from the school.

Some of the issues related to Town roads include slope failure along Huntersland Road, flooding of Route 30 by the Valley Bible Church, and the culvert under Route 145 near the School.

We are planning measures to help safeguard the hamlet of Huntersland from flooding and to do a study of the Gorge Rd. stream to also minimize flooding of the Village of Middleburgh.

There are 6.18 miles of local roads in the Village of Middleburgh. In addition, there are 0.92 miles of county-maintained roads (Clauverwie Road, Cotton Hill Road, and Huntersland Road) within the Village limits.

Public Services and Utilities

Town

Public buildings include the Town Hall, Town Garage and DPW facilities on Cotton Hill Road, the Huntersland Schoolhouse in the hamlet of Huntersland, the brush/chipping deposit area on Cotton Hill Road, a shale pit on Canaday Hill Road, and several parcels of land included in the FEMA Buyout program. The Town has just completed work at the Town hall by installing 3 heat pumps to save on fuel. This work was accomplished using all grant money.

All solid waste services are through private waste hauler pick-up. The Town does operate a transfer

station behind the Town barn on Cotton Hill Road for recycling materials on Wednesday and Saturday. Brush, leaves, and clipping materials can be deposited at the brush dump near the Town Garage on Cotton Hill Road.

Electrical utilities are provided by National Grid. Middleburgh Telephone Company, Verizon, Sprint, and AT&T provide telephone, cellular and broadband services.

Village

Public buildings in the Village include the Village Hall and Village water and sewer facilities, Town Hall, the public library and the central school facilities.

Emergency Services

Local police protection is provided by the New York State Police and the Schoharie County Sheriff. Middleburgh Fire Department and Huntersland Fire Department provide fire emergency services and MEVAC provides ambulance/rescue services. The Bassett Healthcare facility is located within the Village and provides medical and clinic services.

Land Uses

Land uses in the Town, as shown in the map below, are dominated by agriculture (greens), residential (yellows) and vacant (blue) uses. All three major land uses are scattered throughout the Town, with a concentration of farms in the valley, along Route 30. The majority of parcels of land in the Village are residential, with commercial properties concentrated along Route 145. As seen on the Village land use map, there are several scattered vacant parcels throughout the Village and several very large agricultural parcels.

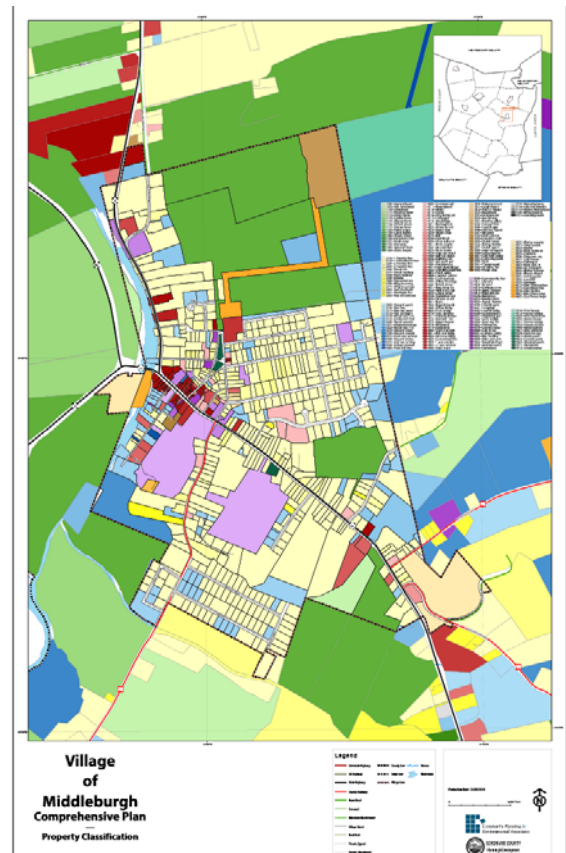


Figure 1: Land Uses in the Village, see full size maps in Part I

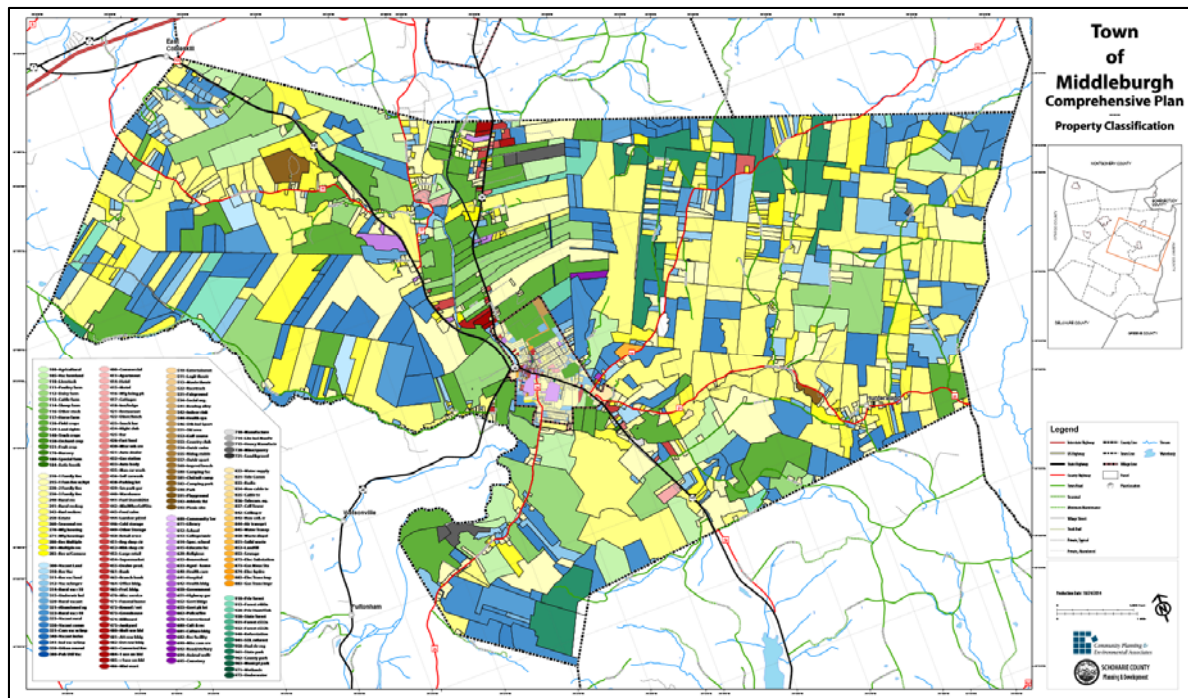


Figure 2: Land uses in the Town. See full size map in Part I.

Hamlets in Middleburgh

The Town of Middleburgh has several population centers including the Village of Middleburgh and several hamlets. The hamlets are non-incorporated areas that do not have separate local governments but are traditionally those locations of higher density. These include Huntersland, East Cobleskill, West Middleburgh (Mill Valley), Frisbieville, Ecker Hollow and Limekiln.

Agriculture and Agricultural Districts in Middleburgh

Middleburgh has a rich agricultural history, and the importance of that heritage continues today. The floodplain of the Schoharie Creek contains the county's most fertile soils and, with careful attention and planning, the region's agricultural economy may continue well into the future.

New York's Agricultural Districts Law, enacted in 1971, recognizes the importance and irreplaceable values of agricultural lands, acknowledges their accelerating loss to development and other constraints, and seeks to create an economic and regulatory climate that encourages the continued viability of farming.

Designation as an Ag District is primarily initiated by agricultural landowners and local governments with oversight and certification from the NY State Dept. of Agriculture and Markets. Inclusion in a district provides farmers with a number of protections and benefits including, in part:

- Special tax certification to protect active farms from excessive real property taxation;
- Protection from local regulations that unreasonably restrict farming practices ("Right-to Farm

laws);

- Notice requirements that actions within 500 feet of a working farm must file an “Ag Data Statement” to assess the potential impact of the project upon the farm operation;
- Limited legal assistance in “nuisance complaint” law suits;

Benefits are conditional upon assurances that the land will remain in agricultural use over a specified period. Ag Districts are re-qualified at every eight-year anniversary of their original designation date.

Agricultural Districts #1, #5, #9 and #11 in Schoharie County have been consolidated over the years and now, most of the land included in an ag district in Middleburgh is in Ag District #1. It includes 8,675 acres and is about 287% of the total land base in the Town. A small piece of Ag District #2 is found in the northeastern corner of Town encompassing 30 acres. This acreage is contained in 3 tax parcels. Ag District #1 covers land from Blenheim, Broome, Cobleskill, Conesville, Esperance, Fulton, Middleburgh and Schoharie. Overall, it has almost 26,000 acres, of which about 18,000 are active farmlands for 48 farms.

Planning Boards are required to evaluate the potential impact of a development project on farm activities in or within 500 feet of an Ag District. Further, the Ag Districts Law (25-AA) requires real estate agents to give buyers of land that is situated within an Ag District an agricultural disclosure notice to alert them to the farm land uses that are taking place nearby.

Ag Districts add procedural review requirements to land use approval process and so, have important implications for growth and development planning. Because of the extent and importance of these agricultural lands, Ag District review requirements should be an integral part of Town and Village land use permitting process.

State Lands and Preserved Lands

There are 18 parcels and 1472.97 acres of preserved lands in the Town of Middleburgh. These are state-owned reforestation lands. In addition, there are 11 parcels on 23.88 acres of land in the Town, and 10 parcels on 4.58 acres that are now permanently preserved through the FEMA buyout program as a result of various flood events over the years.

In the Town, State-owned lands include those on Tinkley Hollow Road, Durfee Road, Treadlemire Road, Cotton Hill Road, Brooky Hollow Road, Lower Road, and off Woods Road. These are primarily Reforestation Areas¹.

The core element of the management policies and procedures for these lands are included in the State

¹ State-owned forest resources are called Forest Preserves when they are within the Catskill or Adirondack Parks, and are designated, by State Constitutional law to remain "forever wild." The policies for the other forest resources, generically termed "State Forests" are different and include more multiple-use management by the NYS Dept. of Environmental Conservation (DEC).

Forest Unit Management Plan (UMP) The 472 State Forests have been grouped into 165 State land units based on proximity to each other, similarity in treatment or management needs, and shared characteristics. Where practical, units also include other land use classifications such as Wildlife Management Areas. Regional forestry offices are responsible for the planning and development of the UMPs. The plans include assessment of recreational values, a schedule for treatment and improvement, report of budget request and allocation, and resource inventories. The UMPs, which include public comment, are ten-year plans with a 5-year review requirement. These lands are available for forestry management and recreation.

Organizations

The Town and Village is a tight-knit community with a long and active history of local community involvement. This is seen in the many groups that have formed to organize public activities and provide services to community residents. Currently, the following organizations exist and are involved in cultural, historic, recreational, or public service activities:

Knights of Columbus	Rotary Club	Golden Age Club
Middleburgh Area Business Association		VFW
Explorers	Boy and Girl Scouts	4-H Clubs
Middleburgh Little League	Booster Club	Century Club
Ridgerunners	Friendship Club	Middleburgh Rod and Gun Club
Joshua House	Summer Recreation	Youth Bureau
The Renaissance Council	Long Path Club	Lions Club (Schoharie and Middleburgh)
Masonic Temple (Schoharie and Middleburgh)		Food pantries (two – coordinated via churches)

Local Government

Budgets

The Town of Middleburgh adopted an approximately \$736,000 budget in 2014. This is about 8% higher than in 2012. The Town tax inside the Village has between 13.38 and 15.68 per \$1000 and outside the Village has ranged from \$17.48 to \$17.65 per \$1000. Over the past few years, the highway portion of the Town budget has remained the largest portion, with about 60% of the levy going to highway maintenance. General Town-wide expenses have been about 22 or 23% of the total. Special district taxes are levied for the Middleburgh Fire Protection District.

Planning Efforts

A variety of planning efforts have taken place over the years in the Town and Village. These include development of a joint Comprehensive Plan in 1999. More recently, both the Town and Village participated in the NY Rising planning process. Features of both municipalities are mentioned in the New York State Open Space Plan, The Schoharie County Agriculture and Farmland Protection Plan (2000), and the County Economic Development Plan.

The Village has prepared a Main Street Plan (2005) and a Healthy Streets Plan from 2014.

Local Laws

Town

Zoning
Fire and Building Code
Subdivision
Telecommunication Towers
Wind Turbine Law
Ban on High Volume Hydrofracking
Junk Car
Adult Uses
Right to Farm

Village:

Zoning
Fire Code
Façade Law
Grass Cutting
Excessive Burning
Loitering
No Dumping in Creeks
Parking

Appendix 2 – Strengths, Weaknesses, Opportunities and Threats

Identification of the Strengths, Weaknesses, Opportunities and Threats facing the Town and Village of Middleburgh is an important part of the planning process. It helps the community understand the issues that place barriers and challenges to meeting the long term vision and goals of Middleburgh and identifies opportunities that can be used to address them.

- ❖ **Strengths** are resources and capabilities that positively affect the quality of life in Middleburgh.
- ❖ **Weaknesses** are deficiencies in resources or capabilities that negatively impact the community.
- ❖ **Opportunities** are potential projects or actions that could be taken advantage of to improve conditions and help Middleburgh meet its goals.
- ❖ **Threats** are external influences on Middleburgh coming from outside the Town.

The strengths, weaknesses, opportunities and threats facing Middleburgh were identified through public input (public workshop, resident survey, committee input), and analysis of the data collected and inventoried for this Plan.

Strengths Identified (Yellow highlight indicates that feature was identified at the public workshop as being a priority)	Applies to Village	Applies to Town	Applies to Both Town and Village
Abundance of prime farmland and forests		✓	
Agriculture		✓	
Business district cooperation and improvement	✓		
City bus service to help people travel			✓
Community activities for locals and tourists			✓
Community has good access to where jobs are			✓
Creeks			✓
Developing more tourism			✓
Fundamental layout is right in Village - connected	✓		
Historic village character	✓		
Low traffic, lack of congestion			✓
Maintained healthy environment			✓
Maintained pure water supply			✓
Most buildings are kept nice, facades that are eyesores are being taken down	✓		
Murals and public art			✓
Neighorly, unity, community spirit friendly people, people know each other, maintained community cohesiveness			✓

Strengths Identified (Yellow highlight indicates that feature was identified at the public workshop as being a priority)	Applies to Village	Applies to Town	Applies to Both Town and Village
Preserved historic buildings			✓
Quaint and beautiful Village, beautification efforts are great - lighting/flowers	✓		
Quality of life			✓
Quick snow removal in village, good quality snow and tree trimming on Town roads	✓		
Recreational opportunities include state lands and parks in the Village, potential recreational activities, town/hiking, pool, tennis courts, fishing, hiking			✓
Revitalization of Main Street	✓		
Rural integrity		✓	
Scenic Beauty			✓
Village and Town work together for activities, planning			✓
Walkable Village - Convenient to walk whole Village	✓		
Wildflowers planted	✓		✓

Weaknesses Identified (Yellow highlight indicates that feature was identified at the public workshop as being a priority)	Applies to Village	Applies to Town	Applies to Both Town and Village
Bad zoning under Vroman's Nose			✓
Bridge isn't wide enough to give room for water flow			✓
Business owners and apartments taking up parking on the street - lack of enforcement	✓		
Constitution pipeline			✓
Crosswalk speed near schools	✓		
Ditches loaded with garbage			✓
Duplication in plowing and maintaining roads			✓
Every 10 years have 100 year flood			✓
Few opportunities for young people			✓
Flood routes not identified enough or proper education on it			✓
Lack of defined planned economic development, need for ongoing economic revitalization			✓
Lack of housing for all incomes			✓
Lack of housing for seniors			✓
Lack of implementation of past and current plans			✓
Lack of internet access cellular service			✓

Weaknesses Identified (Yellow highlight indicates that feature was identified at the public workshop as being a priority)	Applies to Village	Applies to Town	Applies to Both Town and Village
Lack of law enforcement, police	✓		
Lack of lodging			✓
Lack of parking, lack of signage for parking that does exist	✓		
Lack of recreational opportunities			✓
Lack of senior citizen services			✓
Lack of sidewalks - along Route 30 to Dollar General; No sidewalks on both sides to elementary school	✓		✓
Lack of supermarket			✓
Lack of technology and light industrial tax base			✓
Mandates that we can't control			✓
New York States' red tape			✓
NYPA not responsive enough			✓
Poor maintenance of some buildings			✓
Proper maintenance of Schoharie Creek for flood control, lack of flood control overall			✓
Quarry - causes truck traffic, air quality problems, affects ag lands nearby, poor aesthetics as it can be seen from road and other places		✓	
Railroad useless one way	✓		
Raised assessment, reduced tax base			✓
School cutting the budget			✓
Sewers lacking in some areas	✓		
Taxes are increased, lost flooded population and shrinking tax base, loss of student population			✓
Truck traffic			✓
Working with NYS DOT - lack of bike and walk lanes			✓
Zoning allows for big box stores		✓	

Opportunities
Attract a supermarket
Attract businesses that don't duplicate
Attract sports and equipment store for fishing equipment, kayaks
Bedroom community
Best management practice to prevent clearcutting and runoff
Bike trail - have bike rentals and cross country skiing
Change zoning under Vromans Nose to a more appropriate small business use
Clean out stream beds
Commercial design standards to ensure new commercial buildings fit in

Opportunities
Conservation easements to protect scenic views and farmlands
Control development through zoning and planning
Create more parking, and improve signage for parking that does exist
Discourage low income HUD housing
Don't allow or restrict big boxes to certain areas
Encourage continuation and expansion of wildflower project
Encourage preservation of woodlands when development occurs
Enhance commercial businesses to get them to come – offer incentives
Establish critical environmental areas to protect important resources
Expand sidewalks
Expand water and sewer for Village
Give tax breaks to residential home builders and encourage people to buy quality homes
Have a welcome package or welcome wagon
Have other areas zoned for business outside of flood zone
Hydrologic studies of streams and creeks
Increase and promote tourism
Increase police protection
Increase recreation - have an event facility, especially concentrate on bike, hike and walking trails
Keep the rural small town feel
More coordination with NYS DOT when they construct roads
No big box stores or chain stores
No more quarries and units
Promote light industry and technology businesses – clean businesses that fit in the community
Promote outdoor recreation - hiking, fishing, ice skating, walking, public bathrooms
Proper zoning for healthy environment
Provide Quality housing
Qualified person to ensure the buildings are maintained - have grants to assist with problems
Refurbish theater and open it
Regulations to maintain healthy environment
Repair and rebuild damaged buildings
Share services between Town and Village, especially highway, enforcement, and office facilities
Shop locally and become net dollar importer
Speed control of traffic
Storm water runoff planning
Stream grant to study Schoharie basin from Greene to Albany
Traffic light at Clauverwie and Wells Avenue to slow traffic
Use cluster, planned unit development and performance zoning
Use email lists for better communication with residents
Use smart growth zoning alternatives
Using transportation corridor, route 145
Duplicate what brought Dr. Reddy's here

Opportunities
Watershed and stream protection measures such as riparian buffers, control of stormwater runoff
Work with Schoharie Dam to have planned release of water to allow for kayaking and fishing
Work with NYS DOT to have safe paths from Village and Town

Threats
Heavy industry
Adult uses
fracking, pipelines
Big box stores or other intensive commercial uses that change the character of the Town and Village
Polluting businesses

Appendix 3 – Recent Flooding and Flood Risk Assessment

The Schoharie Creek has been the force that has created the fertile soils that support Middleburgh's agriculture and the unparalleled natural beauty of the area. At the same time, numerous floods from the Creek and its tributaries have also been destructive. The most recent and worst flood was from Hurricane Irene. That storm dumped more than 16 inches of rain in the headwaters of the Schoharie Creek. This led to unprecedented flooding throughout the valley more rapidly than anyone had ever seen before. The Creek rose to a historic level of more than 17 feet in just 12 hours and produced flow rates that were higher than at any other period since Creek flow rates began to be measured in 1939.² Just 10 days later, Tropical Storm Lee caused massive and rapid rainfall that caused a surge of water to flow down the valley, causing even further destruction.

In response to this flood, New York State undertook a community-based planning process to inventory high risk areas, understand community needs, and identify projects that could help recovery and aid Schoharie valley communities become more resilient. This plan (March 2014 NY Rising Community Reconstruction Plan for the Towns and Villages of Esperance, Schoharie, and Middleburgh) discusses the impacts of the flood and outlines the projects identified by Middleburgh as being important to recover.

The full plan can be found at

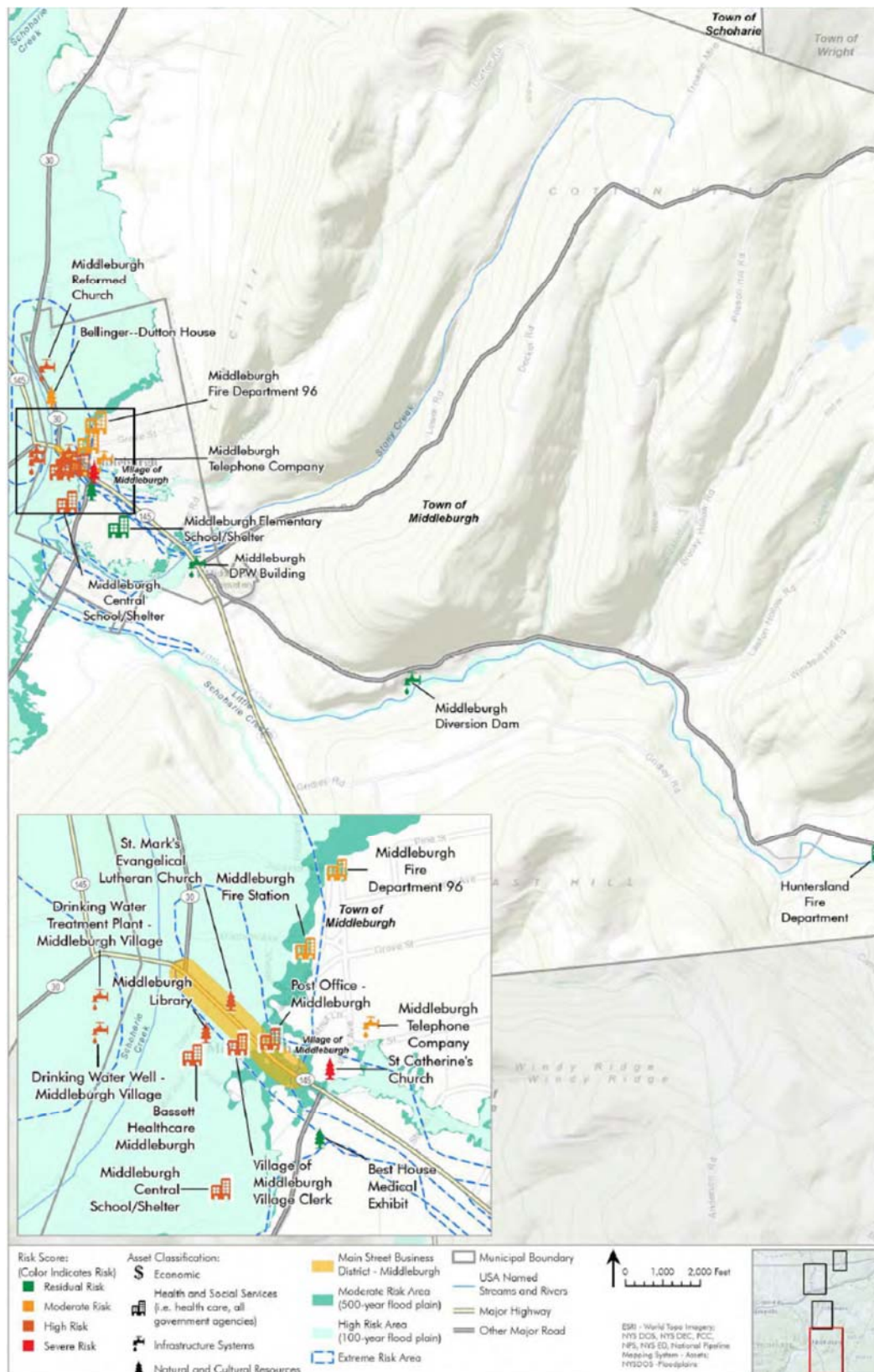
http://www.stormrecovery.ny.gov/sites/default/files/crp/community/documents/esperance-schoharie-middleburgh_nyrcr_plan.pdf

The NY Rising Plan includes an inventory of assets at risk for future flooding. The map below shows those resources. Further, Table 16 of that Plan identifies the following risk areas that the Town and Village of Middleburgh should pay particular attention to in its future flood resiliency planning:

- Best House Medical Exhibit – Moderate Risk Area, Not FEMA Critical Facility
- Drinking Water Treatment Plant – Village – Extreme Risk Area, FEMA Critical Facility
- Drinking Water Well – Town of Middleburgh – High Risk Area, FEMA Critical Facility
- Main Street Business District – Extreme Risk Area, Locally Significant Facility
- Middleburgh Central School – Extreme Risk Area, FEMA Critical Facility
- Middleburgh Diversion Dam – High Risk Area, Not FEMA Critical Facility
- Huntersland Methodist Church Shelter – Not in Risk Area, FEMA Critical Facility
- Huntersland Vol. Fire Department – Moderate Risk Area, FEMA Critical Facility
- Bassett Healthcare, Middleburgh – Moderate Risk Area, FEMA Critical Facility
- Plus, several locally significant facilities such as the Town and Village halls.

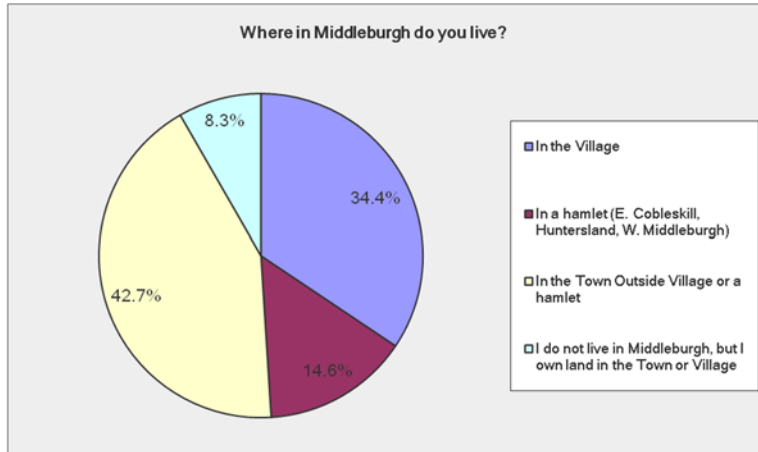
A FEMA Critical Facility includes structures or facilities that produce, use or store highly volatile, flammable, explosive or toxic materials; hospitals, nursing homes and housing likely to have occupants who may not be sufficiently mobile to avoid injury or death during a flood; police or fire stations and emergency operations centers; public and private utility facilities vital to maintaining or restoring normal services to flooded areas

² Adapted from the March 2014 NY Rising Community Reconstruction Plan for the Towns and Villages of Esperance, Schoharie and Middleburgh.

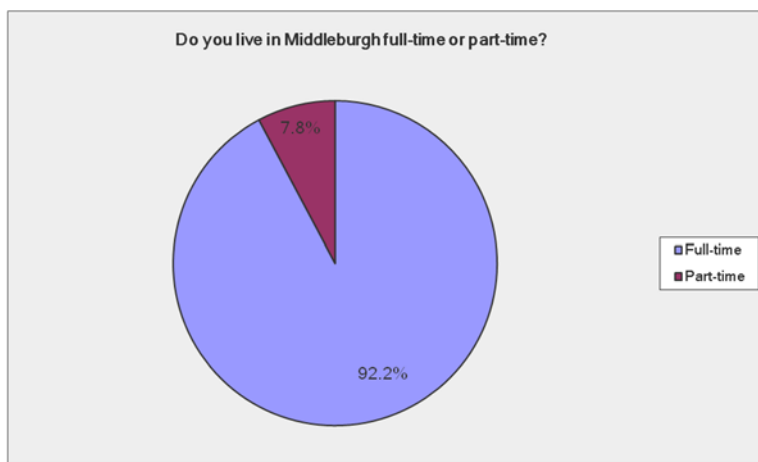


Appendix 5 – Public Input

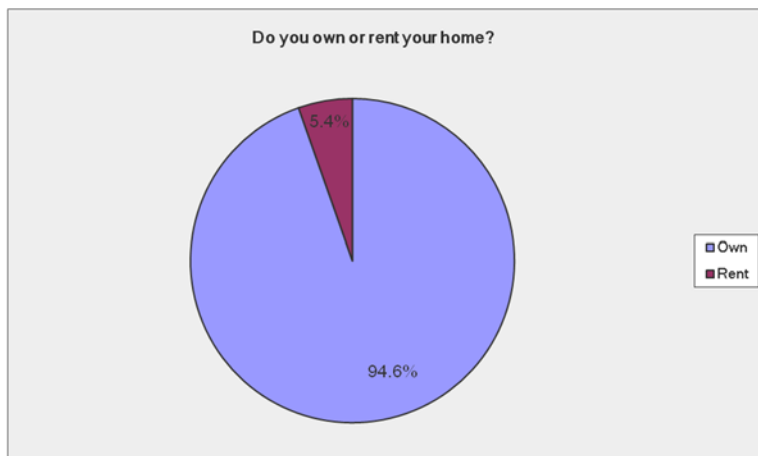
A survey was developed for public input. People could fill it out online at the Town and Village websites, or on paper. Ninety-six people participated in the survey (about 10%). In addition, a community planning workshop was held October 2014 with about 35 people in attendance.



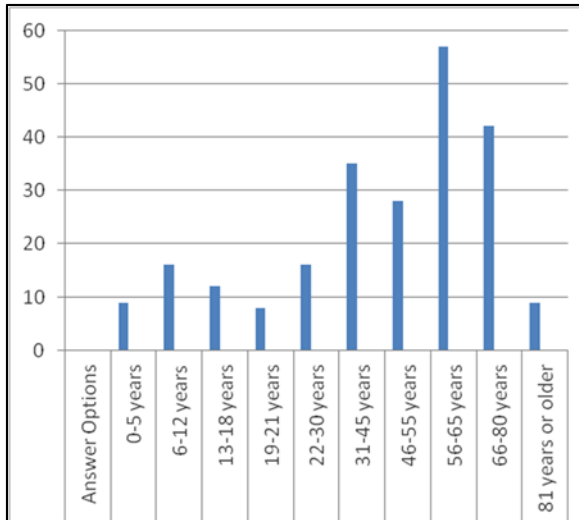
From Town and Village primarily with some from hamlets and <10% non-resident landowners



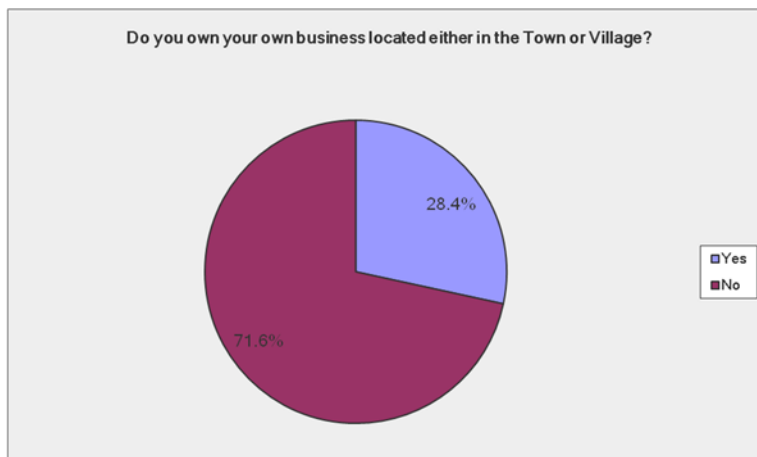
Most are full time residents, but some part-timers represented.



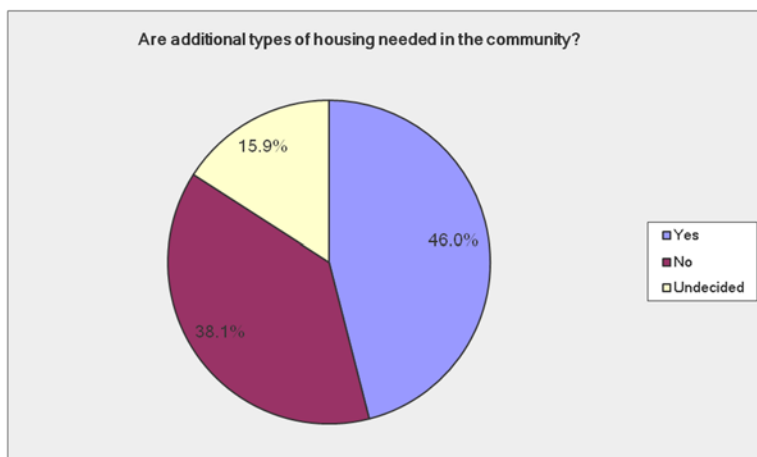
Most are homeowners.



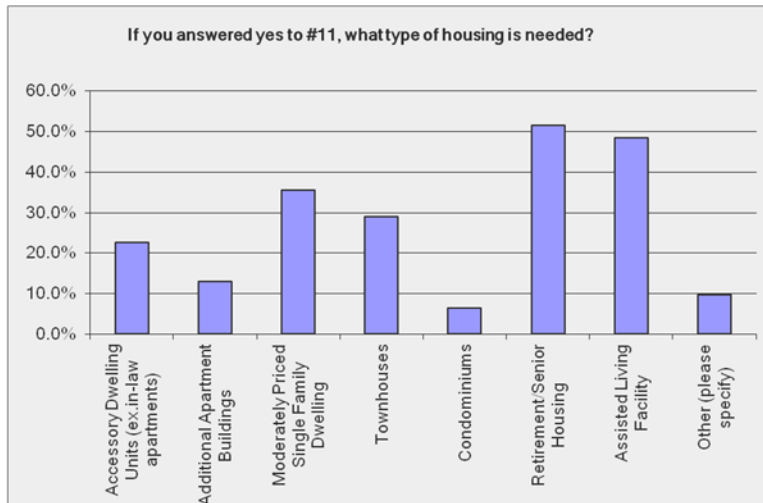
Ages of respondents matches demographic information, with most between 31 and 80 years old.



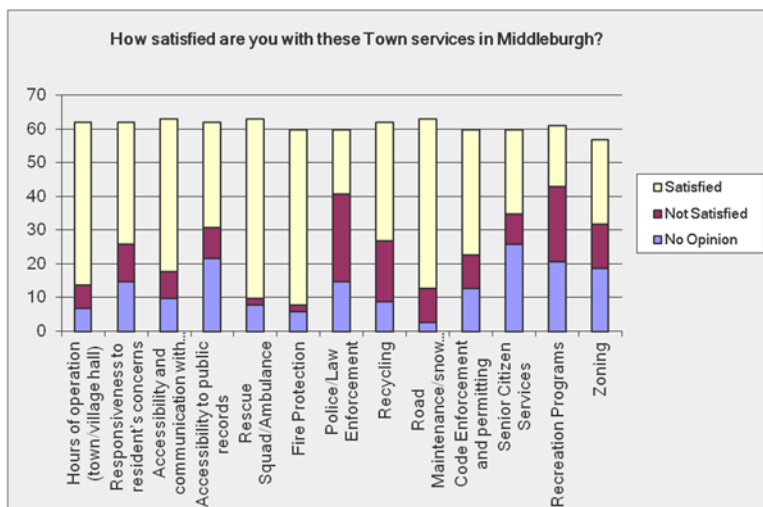
About ¼ of respondents own businesses in Town or Village.



About 46% say that additional types of housing are needed in Village.

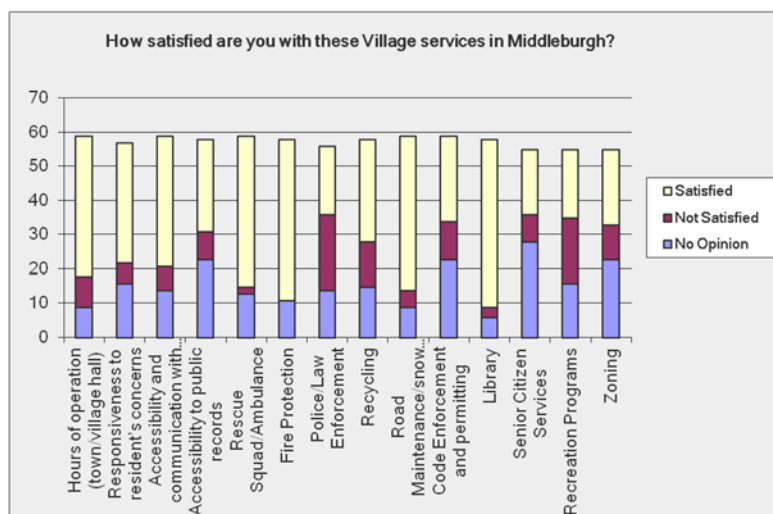


Senior citizen housing are the most needed, followed by moderate priced housing options.

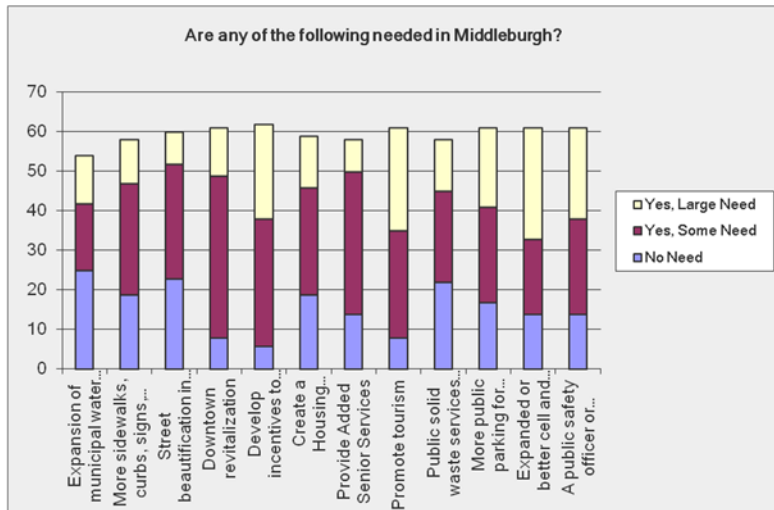


There is a high degree of satisfaction for most services.

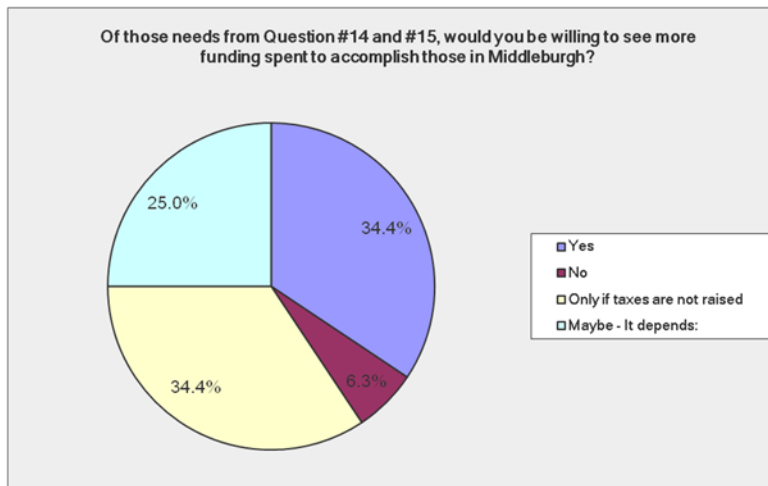
Police/enforcement, recycling, and recreation have the most people not satisfied.



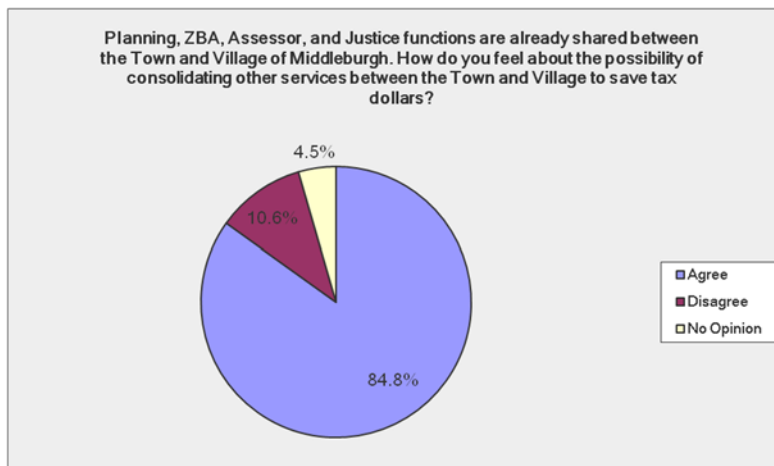
There is general satisfaction with Village services. Police/law enforcement and senior citizen services had more people indicate they were not satisfied.



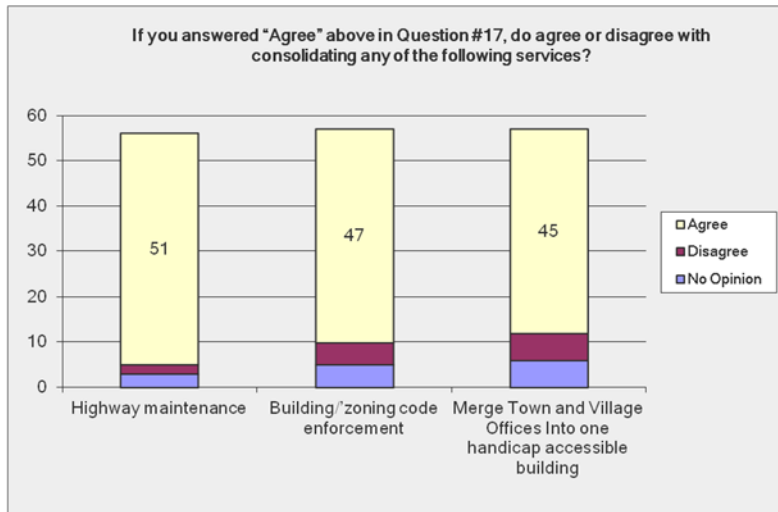
There was no one item that had a majority feel there was a high need. Business incentives and promoting tourism had the highest number of people feel there was a large need for this. Most people indicated some need. Downtown revitalization, business incentives, and senior services all were felt to have some need by the majority of people.



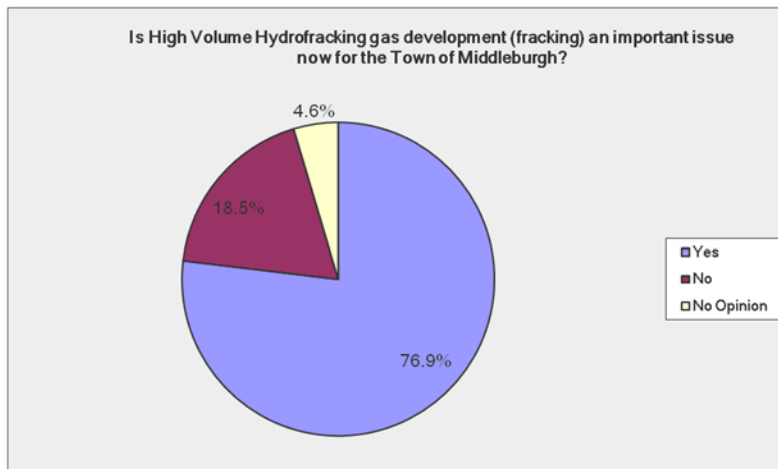
For those that felt there were a need, 34% said they would be willing to see more funding to provide those services/programs, 34% said only if taxes were not raised to do so, and 25% said maybe. Only 6% said no additional money should be spent to provide for them.



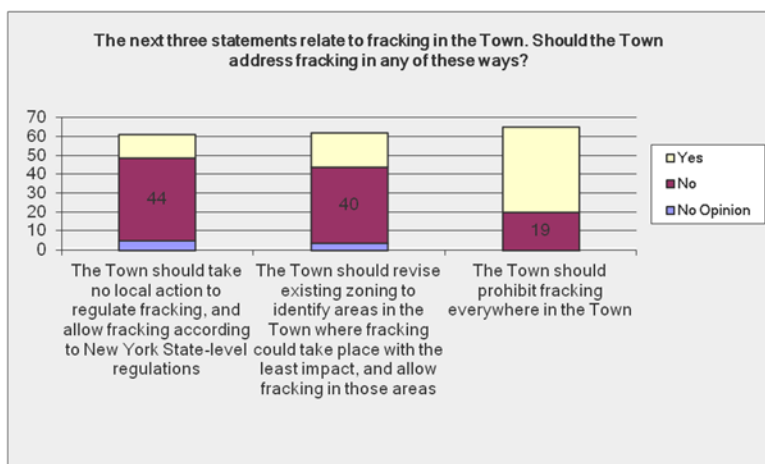
There is a high degree of agreement that the Town and Village should share services to save tax dollars.



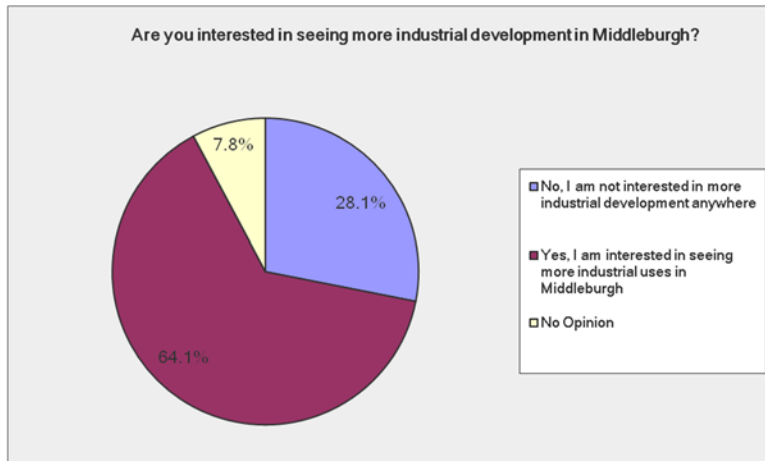
There was a vast majority of people who agree that highway, building/code enforcement should be shared and Town and Village offices merged.



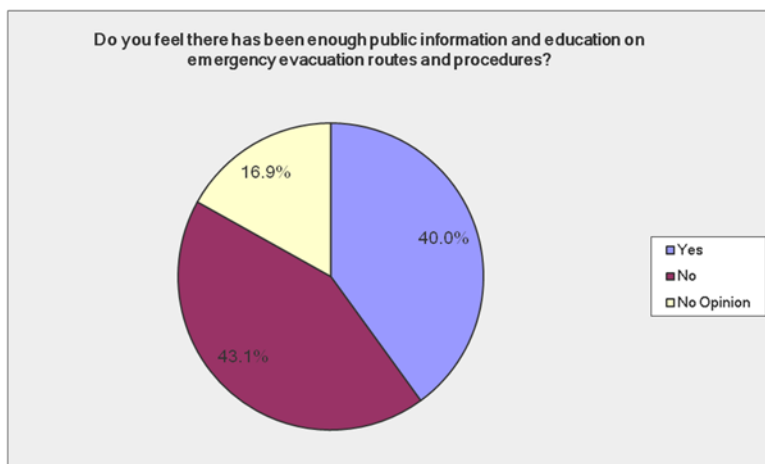
Fracking is an important issue for residents.



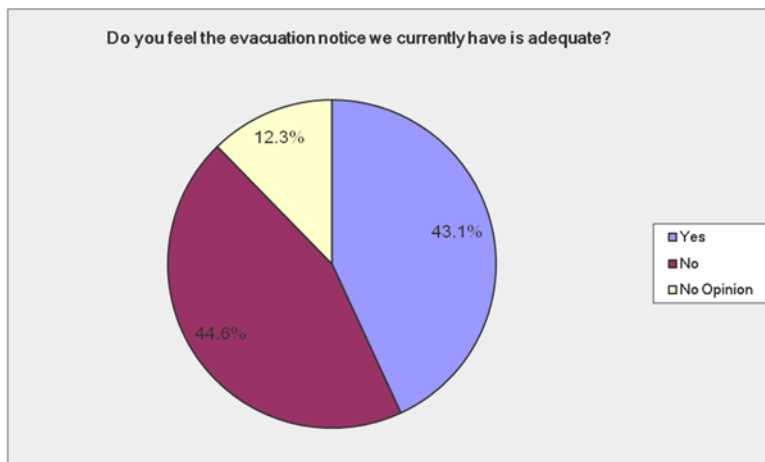
More people felt fracking should be banned everywhere in Town.



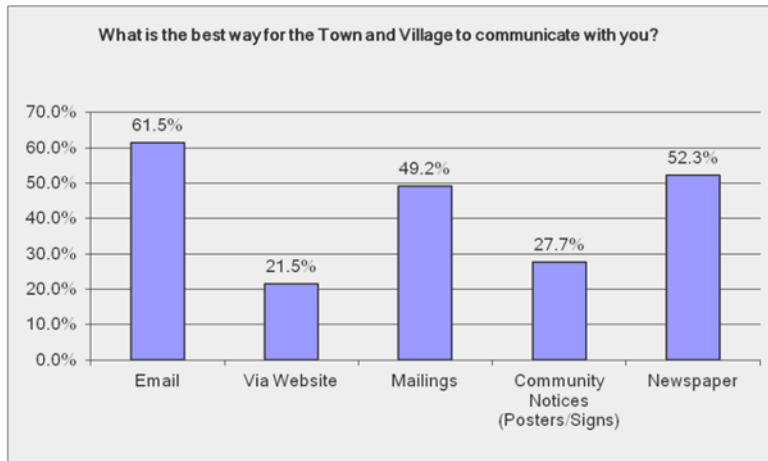
The vast majority do want to see more industrial uses in Middleburgh. This is tempered by other questions that indicate this industrial development should be light industrial and technology that 'fits' in Middleburgh.



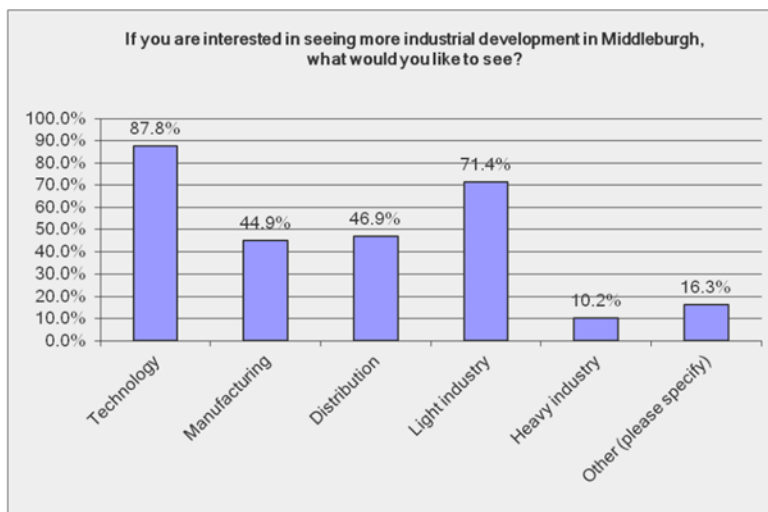
Opinions on whether there has been enough public education on evacuation routes are mixed. About equal numbers say there has been enough education as not enough education.



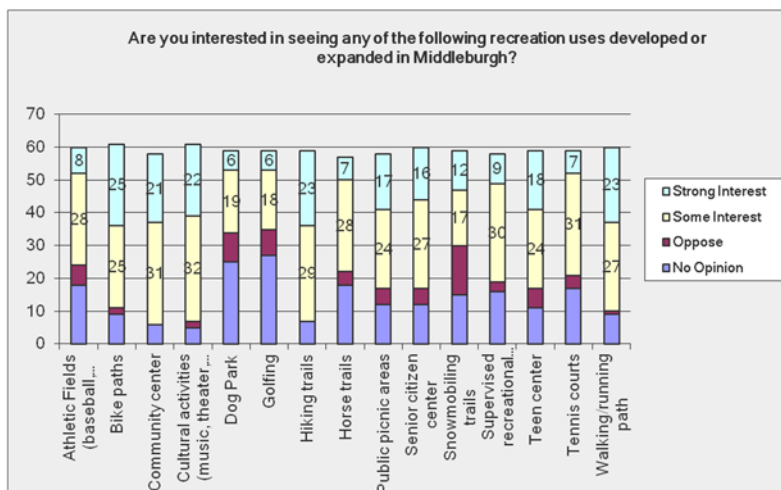
Similarly, equal numbers feel the evacuation routes are adequate compared to those that feel they are inadequate.



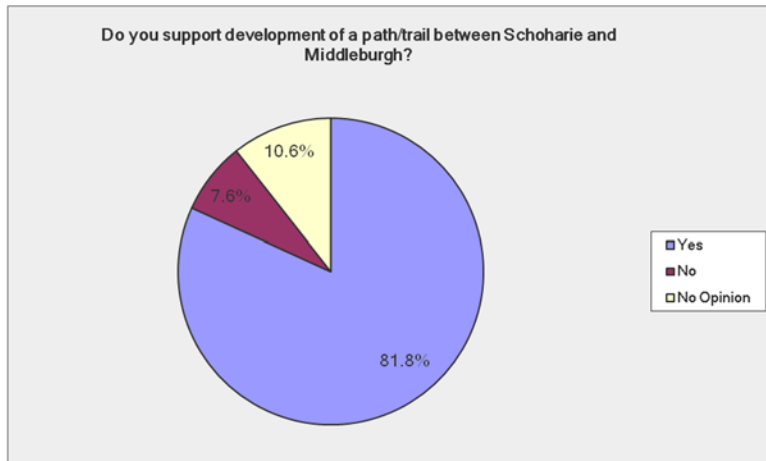
Residents want communication to be via email, newspaper, and mailings (in order).



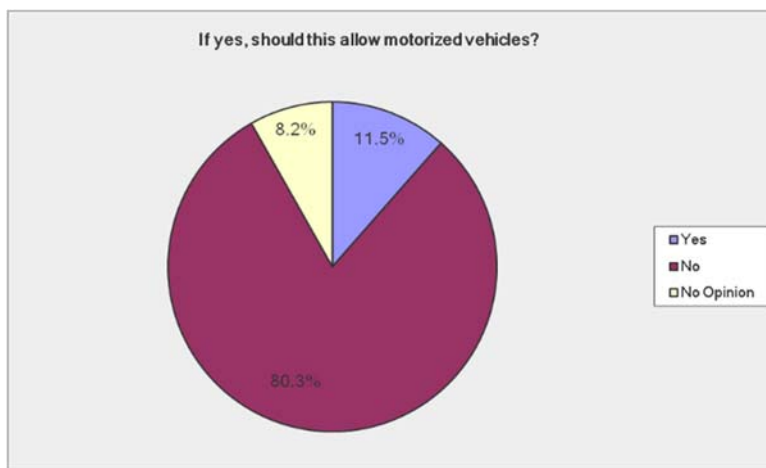
Technology and light industry are the preferred industrial types.



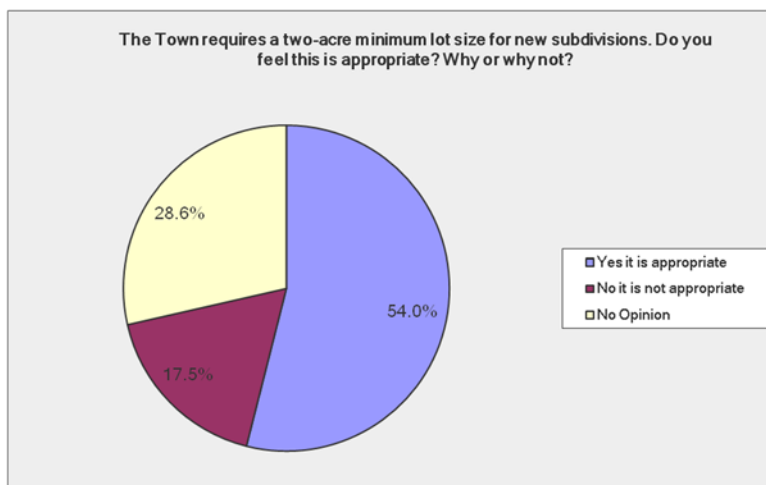
The highest interest for new or expanded recreational uses are for bike paths, a community center, cultural activities, hiking, walking/running path. There was less interest in a dog park and golf.



There was a high level of support for a path or trail between Schoharie and Middleburgh.



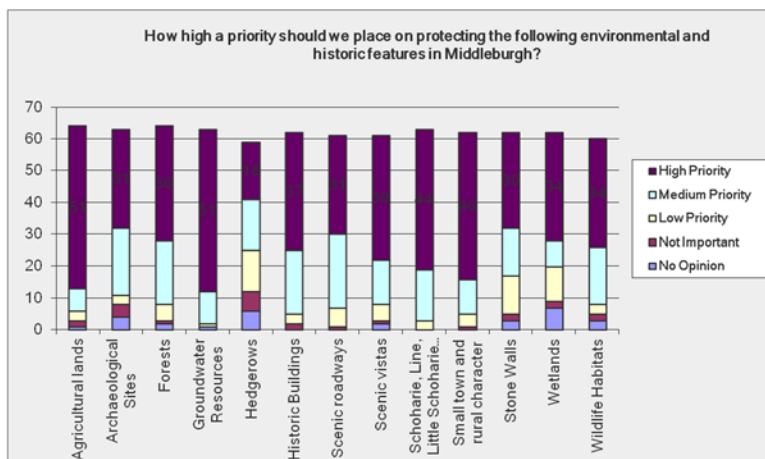
Most people thought the pathway should be non-motorized.



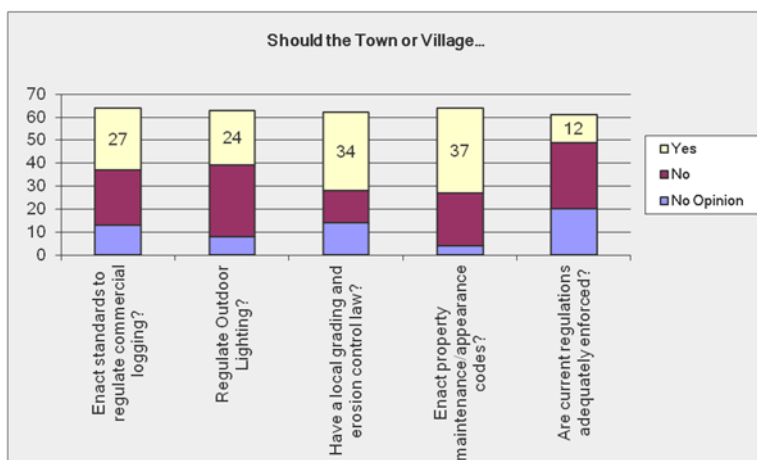
54% felt the current two-acre minimum lot is adequate. Many had no opinion however (29%).



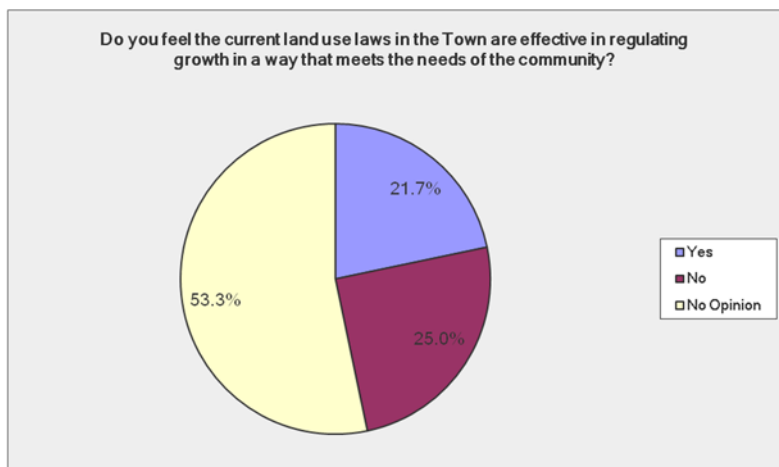
More retail, more activities, and more parking were identified as having the most support for encouraging people to spend more time on Main Street.



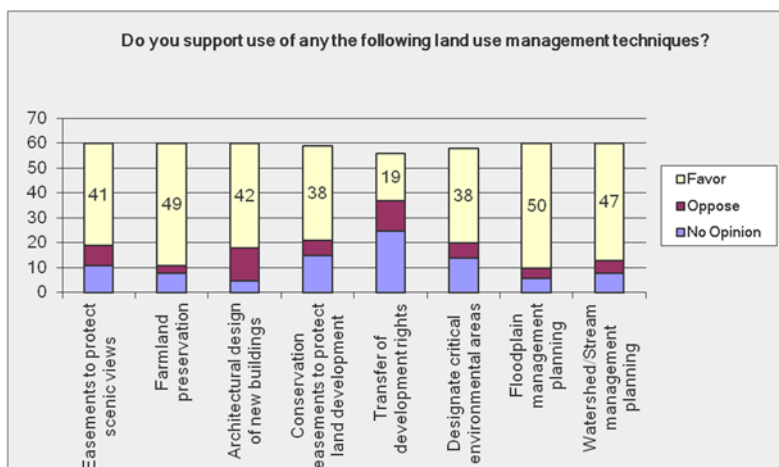
All the environmental features had a high level of support among participants. Hedgerows were the feature that were felt to be less important by more people.



People do not feel that current regulations are adequately enforced. There was more support for having local grading and erosion control law and property maintenance codes.



The majority (53%) had no opinion as to whether current land use laws are effective in regulating growth. 21% said they are effective.



Most people supported all the options for land use management except the transfer of development rights option. Floodplain management planning, farmland preservation, and watershed/stream management planning were favored by the most people.

Appendix 6 – Consultants Review of Town and Village Zoning

Village of Middleburgh

Zoning Audit for Comprehensive Plan. Reviewed by Nan Stolzenburg, AICP CEP

The Village zoning law was reviewed for consistency with the vision and goals established in the updated comprehensive plan. This also included review of the review and approval process of the law for consistency with state law and requirements. The sections below are those that I have comments on. Sections that are not mentioned in this review are those where I have no changes or comments and feel are adequate. The recommendations that can be acted upon by the Village and mentioned in the Comprehensive Plan are **highlighted**.

2.1 – Attachment II – Definitions.

Amend zoning to update and clarify definitions:

Farm: Since the Village has land that is contained within the NYS Agricultural District, the Village must follow NYS Agriculture and Markets Law (AML) 25-AA and be consistent with not over-regulating farms. Your current definition defines a farm as needing at least 5 acres. That is not consistent with AML. For lands outside the NYS Ag District, you can define them anyway you want, but for consistency with AML, remove the reference to any acreage. Many niche farms – especially those that do organic or greenhouse are on small acreages.

Farmstand: this definition limits sale of ag produce to only those grown on that farm. This rule, while common, has little bearing on today's kind of farm opportunities and could be limiting, especially for small farms. Why is it a problem if two or more farms wanted to get together to jointly sell produce? I see the issue is not of where the produce comes from, but of scale. Is it a small operation and temporary or is it a real retail market? Of course if it got too big, it would potentially be a farm retail operation which may be different than a farm stand. Suggest to take out the reference to produce only grown on the farm where it is located. You may want to treat small, temporary farm stands differently than a more intense farm retail market.

Home Occupation: the last sentence that says that businesses that generate visits or needs a sign is not considered a home business. This seems very limiting. And it is contradictory to the later home occupation standards which allow them to have an 8 sf sign. Consider splitting definition and regulations into home occupation minor and major. It seems that there may be locations within the Village that would be appropriate for a major home occupation (one having visits). If so, this should be an amendment that could be made in the future.

Heavy Industry: There is concern that the definition for this includes food processing. It may limit the kind of food processing that you desire because 'food processing' is not defined so that is a problem. It is scale and intensity that matters. Would a commercial kitchen that makes jelly and jams be allowed and called heavy industry? What about someone wants to buy local pumpkins, and bake pies in a commercial setting? That is food processing but would be prohibited as a heavy industry. It is unlikely anyone would define that as a heavy industry. Certainly in the Village, large scale and high intensity food processing is not desired, but there are plenty of food processing that are small and low scale. It is recommended to revisit the definition of heavy industry and further refining what food processing is so that the Village can remain ag-friendly.

Open Space: Recommend redoing this. It is vague and does not define what open space really is...it only tells what it isn't.

Special Use: Current definition identifies a special use as one that is **not** appropriate generally. But that is not an accurate definition of a special use and not consistent with how it is defined in state law. In reality a special use is and should be considered A PERMITTED USE, BUT ONE THAT HAS CHARACTERISTICS THAT MAY NEED CONDITIONS PLACED ON IT IN ORDER TO FIT INTO THE DISTRICT. It should not be considered a use that is discouraged – but one that is desired and permitted provided it can be done in a way that is consistent with the district. This is a change in how special use permits are perceived.

3.2 Zoning Districts. It is **recommended that changes to the commercial district be made by establishing two commercial districts – one for the downtown main business area and another that covers the two on either end of the Village (see map):**

Currently there are three areas identified as being a commercial district. The zoning thus, would treat Main Street the same as that out by the car wash and that at the northern entrance to the Village. But these areas are essentially different from each other. Certainly the Route 30 entrance to the Village by the old Valley Pharmacy is more similar to the Route 145 commercial district near the car wash, but both are very different from Main Street. Treating them all the same may limit what can be done in some places and may not capture all that is needed to be done on Main Street. Recommend that you change the commercial designation and call Main Street out as a “Main Street Commercial District” and treat it differently than the other commercial areas. That way you can fine tune development standards unique to a main street downtown setting.

Consider creating a historic district overlay for the main business district. Why is the Main Street business area not included in the historic district? It seems to me that much of the historic character of the Village also comes from the historic nature of the buildings on Main Street. Recommend that this area have the same protections as other historic areas of the Village. The Village could designate that as both a commercial district and a historic overlay where the historic district rules would also apply. Isn't the integrity of the Main Street buildings important?

And, the ‘downtown’ commercial district has almost the same boundaries as the Main Street/Railroad Street Historic District shown in the State Historic Preservation Office data. It is confusing as to what the Main Street/Railroad Ave Historic District is? It is shown as a local district in SHPO, but does not show up on the zoning map. This should be discussed to clarify and amendment to the zoning map to include that as a historic district. Recommend that the historic district standards and procedures are equally important in the main street commercial district as in other historic areas of the Village.

The flood protection district should be mapped and part of the zoning map. The Flood Protection District is not included as a district on the zoning map, but it is established as a zoning district in the text. The flood protection district should be included in the official zoning map.

The R-3 Residential District is too large an area to be open to adult uses. Section 4.11 (Adult uses) allows adult uses, (with restrictions) in the R-3 district. The R-3 district is large and even though much of it is in the floodplain, not all of it is, and certainly could be developed. Do you know how much land is actually available for an adult use in that district even with the required setbacks? Suggest the Village

ask Brian Fleury at the County to use the GIS to map those locations using the setback criteria for adult uses and see how much land would actually be available and where. At first glance, it seems like you have opened up a large amount of land that could potentially be used for an adult use. It may be better to create its own, limited district somewhere.

Move authority for historic review from Planning Board to a Historic District Commission. 4.214. Note that having the Joint Planning Board act as the reviewing board and approval of certificate of compliance in the historic district is not consistent with what you would be required to have to be eligible as a Certified Local Government. If you want to be a Certified Local Government (which opens you up to grants and technical assistance for historic preservation), you will have to have a separate historic district commission/board.

Complete and document as per the requirements of 4.215 (C) to conduct the historic inventory. Has the Village conducted this required inventory of all the structures within the historic district? If not, then it should, and we should add this in as an action in the Plan. Has that inventory been done in a way that identifies each structure as significant to the historic district or not?

Strengthen the PDD section or remove it entirely and replace it with a subdivision law.

Recommended changes to the PDD section are underlined, below. See also the comments about Attachment Section 1.8 about subdivision.

4.25 PDD

You should add in to allow for additional time for the PB to make its initial recommendation upon mutual agreement with the applicant. 45 days is not very long to evaluate a large proposal well enough to know what conditions are needed.

Consider changing the procedure so that the Joint Planning Board gives an advisory opinion on the PDD application and the Village Board approves that in concept BEFORE the Joint Planning Board does a total review and spends time and money in it. Usually with a PDD, the main review and conditions occurs after the Village board has approved it. If the Village Board is not interested in approving the PDD, why should the Joint Planning Board and applicant go through all that work? This could be changed so that the Joint Planning board gives an advisory opinion as to whether it is appropriate to approve the PDD and in general, what kind of conditions or changes might need to be made should it go forward. If the Village Board accepts that, then it goes back to the Joint Planning Board for full review which includes site plan and/or special uses. It is the role of the Village Board, upon advice of the Joint Planning Board to determine the uses and whether they need special use permits or site plan.

Change language so that all costs to review a PDD are borne by the applicant. If the Joint Planning Board is to go through a review, and determine conditions that might be needed, they may need to have a consultant, engineer, architect, or other professionals to help. Those fees should not be borne by the Village, but should be paid for by the applicant. A section should be added to ensure that any costs incurred by the Village is paid for by the applicant. Usually an escrow account is set up.

Remove requirement for a majority vote plus one if the Village Board wants to vote differently than the Joint Planning Board recommends for a PDD (4.25 (4)). The Village Board should not be required to vote on a PDD as a majority plus one vote if they desire to vote differently than the Joint Planning Board advises. The Village Board makes laws and policy and is the only body that can change zoning, not the Joint Planning Board. By requiring a majority plus one vote means the Joint Planning Board makes the

policy instead of the Village Board. The Joint Planning Board's opinion certainly matters, but it is not recommended that the Village Board be forced to vote in that manner.

Add development standards and criteria for PDD's to ensure consistency with community character.

4.252. PDD Development Standards. This section does not include any standards for ensuring the buildings that go into the PDD are consistent with the Village character. Given the importance aesthetics and community character plays in the Comp Plan, any PDD should be consistent in scale, intensity and design with other things in the Village. Further, the Plan seeks to strengthen the Main Street business district. This PDD does not say anything about that and recommend that a PDD standard be that any non-residential use in an approved PDD should be consistent with, and not competing with the Main Street area. Further, there is nothing in the PDD standards that indicates new structures should be constructed with floodproofing to the maximum, with green building materials to the maximum extent feasible, or to have mitigated or no environmental and neighborhood impacts such as lighting, noise, and traffic. Finally, there is no mention that the PDD process must include SEQR and that should be added.

Revisit the rationale given in the zoning for why there is no need for a subdivision law in the Village. Consider establishing a law as per the reasons, below.

Attachment 1.8 Subdivision

This section raises several major concerns for several reasons:

1. Because of the way it is written, 1.8.1 page 70 seems to infer that subdivision is the same as a lot-line adjustment. It is unclear if this is what it means or if it should be interpreted as subdivision OR lot line adjustment. Yet, they are very different things. A subdivision is when new lots are created from one. A lot line adjustment is when the lot line between one or more lots is adjusted but no new lot is created. The zoning law itself properly defines these terms in this way. But this section infers they are the same by use of "...subdivision (lot line adjustment)..." Any inference in this section that a subdivision is a lot line adjustment is in error, in my opinion. Recommend that be changed. The Village may not want to review lot line adjustments, but a subdivision where new lots are created is something entirely different.
2. The law declares that there is a small amount of land available in the Village to subdivide. This is rationale given for why the Village has no subdivision law. However, a look at the zoning map shows that most of the land in the R-3 district is very large lots with a lot of land base that could be subdivided. It is recognized that a good deal of R-3 is floodplain land. But there is still a lot of land in large parcels that is out of the floodplain in R-3 that could be subdivided. Should those lands which are currently farmed be sold for non-farm use, there is indeed much land that could be developed. Further, the zoning does not prohibit building in the floodplain – only that structures be elevated above flood levels. Unless there is some other local law that completely prohibits development in floodplain areas, development could take place. Having a subdivision law for the Village is very important and it is recommended that the Comprehensive Plan include an action for the Village to develop a subdivision law.
3. Item B of this section is also problematic. It says..." B. Any property owner that wants to file with the Schoharie County Clerk a plat and/or deed that involves subdivision (lot-line

adjustment) shall only create parcels that are in accordance with this Zoning Law and must receive the proper written area verification from the Zoning Enforcement Officer.” First, this section again infers that a subdivision is a lot line adjustment and that is incorrect. Second, creating new parcels in accordance with the zoning law must be done through a subdivision process, of which the Village has none, and third, the zoning enforcement officer has no authority to approve subdivisions. This gives the Village little if no control over how a new subdivision may be designed.

4. Why is there hesitancy for the Village to have a subdivision law? The subdivision process is much better for the Village to approve large residential subdivisions than the PDD process. While up until now, the PDD process has sufficed, but the PDD process is so open ended as to what will be required, how the PDD will fit into the Village that it can become a difficult, vague and expensive process for the Village as well as for the applicant. A subdivision law has its own set of procedures and standards which would guide residential subdivisions. You could set it up so that minor subdivisions have a much shorter and easier process, and major subdivisions would have a more comprehensive process to ensure that the lots are consistent with what the Village wants. Recommend the subdivision process over a PDD anytime. For those reasons, establishment of a subdivision law for the Village and amendment of this zoning law to remove Section 1.8 of this Attachment would be important.

Require use of a conservation subdivision in the R-3 district for any major subdivision or PDD. Because there are large areas of land that could be subdivided and these contain much valuable open space, it is also recommend that any subdivision law established in the Village as well as any approved PDD be developed to require mandatory use for major subdivisions, of the conservation subdivision technique. That technique is a lot siting method that allows the landowner to create as many lots as allowed by the zoning, but at the same time requires that 50% of the land remain permanently preserved as open space.

This is a way for the Village to balance the desire of the landowner to sell or develop their land, but at the same time retain the character and environment of those parcels. A conservation subdivision in a Village setting would result in a cluster of houses on smaller lots developed with lot sizes, setbacks, and other amenities found along Village streets.

Update the flood protection law in the Village so it is consistent with accepted standards from DEC for such laws. 4.26. Flood Protection District. Does the Village have a stand-alone flood protection law besides this section in the zoning? And if so, is that consistent with the up-to-date model DEC Floodplain regulations? If not and this section is all the Village has related to development in the floodplain then this is not adequate. This flood protection law should be consistent with floodplain regulations used now. This section should incorporate the latest recommended floodplain regulation law as can be provided by the DEC. DEC will send a model designed specifically for the Village. As it stands now, this section does not address the very real issues faced in the Village.

Re-write the section on special use permits to be consistent with State Village law procedures. Enhance the section with additional development standards that will help the Joint Planning Board and applicant know what criteria will be looked at to approve a special use.

4.3 Special Conditions and Special Uses. This section is not entirely consistent with NYS Village law related to special uses. The process for reviewing and granting a special use permit should be reviewed

and incorporated where needed (See State Village Law 7-725-b.) See also comments below on Section 1.4 of Attachment III.

Address parking better in the zoning. 4.431 Commercial off-street parking – on Main Street in the business district, it is recommended that on-street parking spots that are in front of the structure be allowed to be counted towards the parking requirement. It is also recommended that new commercial structures in the Village be required to place their parking lot to the side or rear of the lot to maintain the Village streetscape (which is where buildings are closer to the street). There is nothing in this section about lighting in parking lots and controlling glare that may come from parking lot lights.

It is unclear whether off street parking is required or not for commercial districts. The zoning says 'should be provided'. This is an example where Main Street should be treated differently than other commercial districts in the Village. It is strongly encouraged that the requirement for off-street parking in the other commercial districts be done in a different way than in the main business district.

The Village may also want to address parking needs of apartments that are on second and third floors of commercial buildings. In order to be attractive, parking spaces are needed for those too. The Plan discusses this, but so far, does not offer solutions. This is an area that the Plan could address in a more detailed way.

Amend zoning to ensure that commercial signs are consistent with the character of the Village. 4.44 Signs - The total size of allowed signs is way too big for a Village setting. A 100 square foot sign is totally inappropriate in the Main Street business district, and still inappropriate in the other commercial areas in my opinion. Sign standards have changed a lot over the years, and signs in traditional Village areas are much smaller and lower (as what is happening in Cobleskill). It is strongly recommend a re-vamp of this entire sign section. It should address size, type of sign, height of sign, and lighting. In the main street business district, no pole signs should be allowed – all signs should be perpendicular signs or signs attached to the building, and with a size that is consistent with the majority of existing signs. In the other two commercial areas, pole signs may be appropriate (ground mounted with landscaped base is better), but the height should be limited and size limited to 24 square feet. Internal lighting of signs in a Village is often prohibited, with lighting preferred to be from external lights. The zoning should also address new LED signs that you see at gas stations, Stewarts and others. If you want to allow them at all you need to detail how big, and with what conditions. Otherwise you will get an LED sign with flashing or colored letters and messages and there is nothing in the law that could stop that. You may want to have design standards for signs as well – especially in the historic district. This section, is not consistent with providing the aesthetic character desired by the Plan.

Strengthen Gasoline Station Section. 4.45 Gasoline Stations. There are additional development standards for gasoline stations that could be included. This section does not cover some aspects that are typically covered.

Remove inconsistencies in home occupation rules and consider establishing minor and major home occupations. Section - 4.10 There is an inconsistency between definition of home occupation and 4.10 (c) (2). The definition says no signs are allowed and this section says that it can't exceed 8 sf. It is recommended that the definition be changed so a small sign is allowed as per this section. You might want to create a new use category called major home occupation so that residences that are already in the commercial district could be used for a home occupation that allows for deliveries, more employees (up to four) and customers to come and go. The current definition would preclude any home

occupation that has clients that visit (lawyers, design professionals, etc.) Allowing for major home occupations at least in the commercial districts may open up some small business opportunities.

Ensure that rules for outdoor furnaces are consistent with new State rules. 4.12 Outdoor furnaces. It is suggested that you add in at least a reference to NYS Law 6 NYCRR Part 247, which is New York's regulation of outdoor boilers. Any outdoor boiler would also have to meet all the standards of that state law. Your zoning requires 150 or 200 foot setback. Note that the New York State law regulates based on whether it is residential size or commercial size (as defined by Btu/h). Further, NYS requires a minimum stack height 18 feet while the zoning says only 15 feet. The zoning can't be less strict than the state law so this should be amended to be at least 18 feet. When amendments are made to this section, the Village should review the State law. Note too that EPA will be issuing other regulations in the near future that may also need to be at least referenced.

Make the Right to Farm Law more farm-friendly and consistent with Ag and Markets laws. 4.13 Right to Farm. The Village can say whatever it wants to about farming on lands that are not in the NYS Agricultural District. However, within the NYS Agricultural District, the Village needs to pay careful attention to AML 25-AA. The statements in Section 14.13 are not consistent with right to farm language for NYS Ag Districts. This should be changed. The notice to real estate buyers is good. The Declaration (4.13.2) however, should be changed to reflect that only the NYS Commissioner of Agriculture determines what is acceptable farming practices within a NYS Ag District, not locally. Further, this statement does not seem as very farm friendly and if those farmlands are valued as stated in 4.13.1, then this statement should be to establish that the Village recognizes that these farms (in the NYS Ag District) have a right to farm using acceptable agricultural practices. AML 25-AA is in existence precisely to prevent local regulation from putting a farm out of business. This section in particular needs further refinement and discussion. It is good though that the dispute resolution section is established.

Incorporate many of the sections included in Attachment III – Administration into the main body of the zoning law.

Attachment III seems out of place. It contains significant procedures and should be part of the main section of the law. There is no compelling reason to have these kept separately at the end. Next time amendments are being done, take Attachment III and include it where appropriate as full sections and articles of the Zoning Law, not an attachment.

Update Board of Appeals to be consistent with State Village Law procedures and time frames.

1.2 Board of Appeals. In all procedures, the proper time frames should be included. For instance, in 1.221 (Public Hearings), the time frame is dictated by State Village Law that says that a decision on an appeal must be made within 62 days of the hearing. And, all filing must be done within 5 days of the decision. Appeals must be filed within 60 days after the ZEO filing or an order or denial. These time frames are crucial and should be within the law for both the ZBA and applicants to know and follow. This section is also missing the requirement for referral to the County Planning Commission within 5 days prior to a hearing and also missing references that SEQR must be followed for all ZBA actions. While some of these are included in the procedures for appeals of Section 1.5. But the out-of-place sections moved to the right location would help in the process a lot.

In Section 1.33 Criteria for granting variance should be changed to criteria for granting USE variance.

1.34 Area variance. The law should note that for special use and site plan applications, applicants are allowed to go directly to the ZBA to seek an area variance without the necessity first of having a denial from the ZEO. It currently doesn't state that in this location.

Note that the safest way forward for the ZBA is to have language that is consistent with the NYS Village Law. It is highly recommended some adjustments to this section to ensure that consistency. Especial mention of SEQR requirements for special use permits is needed to be added.

Update the Special Use Section as follows:

1.4 Special Use Permits. The Special use procedures of State Village Law 7-725-b should be followed and this section should be amended to be consistent with those. The statement that any person aggrieved by a decision of the ZBA on a special use permit may apply to NY Supreme Court under an Article 78. That is the right of any applicant and should be added.

Clarify what 'large scale' means in Attachment III Section 1.6 Review of Large Scale Planned Residential, Commercial and Industrial Developments.

First, 'large scale' is not defined. What are these? Are these the PDD? If so, then this entire section be moved to be within the PDD section so that it is clearer, and all together. Why is it separated out away from the main body of development standards for the PDD? This section is unclear. If this is the standards for a PDD that it be moved to the PDD section.

Include Attachment III 1.7 Site Plan Review in the main body of the zoning, not as an attachment. Other site plan review recommendations are added:

Again, this is a significant section and should be in the body of the law, not as an add on in the Attachment.

1.71 Recommend that the sketch plan be mandatory. It is a very important meeting between the Joint Planning Board and the applicant and sets the stage for all other steps. Recommend it be 'shall' instead of 'may'.

Referral of a site plan review to the County Planning Commission is mandatory as per GML 239-m. This should be included in this section. Reference to SEQR as a requirement for site plan review approval is also something that is missing and should be included.

The statement giving the Joint Planning Board authority to impose conditions on site plans is not included and should be.

Does the Village want to require performance bonds to make sure that the improvements approved actually get built? If so, that section can be added.

The statement that any person aggrieved by a decision of the Joint Planning Board on a site plan review approval may apply to NY Supreme Court under an Article 78. That is the right of any applicant and should be added.

Ensure that the Village does not incur any costs related to the review of a project. The site plan law says the Village can't be reimbursed for more than 2% of the costs of the total project is not advisable. It is likely that the 2% came from the SEQR (environmental review) law – which only allows 2% of the total project cost to be paid for by the applicant. ALL other costs associated with the reviewing a site plan approval shall be borne by the applicant. The Village should not be responsible for any of those review costs. It is recommended that addition of a section that discusses how an escrow account can be set up and used by the Joint Planning Board to cover these costs. This same comment holds for costs incurred related to the special use permit process.

Attachment IV has a variety of other provisions to zoning. Some are mentioned in my comments above (such as the statement that people aggrieved by the decision of the ZBA or PB in site plan or special use can do an Article 78). When amendments are made to the zoning law, recommend that these sections be included in a more suitable location within the zoning law and not as an attachment. To avoid the issue of numbering and how to fit new things in without changing the whole thing, reserved sections can be added in for future use. That way you won't have to have attachments in the future.

Add commercial design standards to the zoning to ensure new buildings are consistent with Village character. There are no commercial development standards in this law. In order to balance economic growth and community goals such as aesthetic and community character that at least some commercial development standards are needed to ensure that the size, scale, intensity, and design of new commercial uses are consistent with what the Village of Middleburgh desires. To that end, it is recommended that design standards be added to address the following:

1. Maximum size of the commercial building allowed.
2. Roof shapes consistent with the prevalent types in the area.
3. Proportions for facades and window openings are in harmony with the traditional types within the district.
4. Materials, textures, and colors are similar, with natural and traditional building materials preferred.
5. Site details (porches, entrances, signs, landscaping, lighting, screened parking and mechanical systems) complement traditional examples in the area.
6. Building Placement so that buildings are designed so that entrance doors and windows, rather than blank walls, garages, side walls or storage areas, face the street.
7. The front façade of the building shall be parallel to the Main Street unless traditional orientation of buildings on that street differs for the majority of buildings.
8. There shall be no blank walls facing the street.
9. Formula-based architectural styles (like McDonalds or similar) - All businesses, including commercial franchise or formula-based businesses also should meet all design standards of this Zoning Law. Formula-based architectural styles including, but not limited to uniform color schemes, facades, or signage shall be allowed provided it is of a style consistent with the design standards of the law.

Because light industry is defined in the law already, but some of the items in the light industry list can be very intense and impacting, recommend use of other specific development controls to ensure that light manufacturing is in scale with uses in the Village. This could be based on square footage, traffic, other kinds of intensity measurements such as floor area, or % open space on the lot, etc. But without those kind of controls, desirable 'light' industry can be very impacting with lots of undesirable impacts.

Evaluate the setbacks so that new construction is consistent with existing and consider establishing a maximum setback in historic district to ensure the current streetscape is maintained.

In the Main Street Business District, establish a setback consistent with the current shallow setback. Right now, the sidewalk is the only distance between the street and building entrance. New buildings in that part of Main Street should maintain this build-to line. Establishing a maximum setback will ensure that no new buildings are set back too far and disrupt the character of that neighborhood. 25' is currently set across the board and this may need changing by district to be consistent with what is already there. Review existing and update the front yard setback as needed.

Review maximum building height for the main street business district – those three story buildings are probably more than 35 feet. New buildings should be consistent with what is there. This is another reason why that area should be separated out and a district created to address those unique characteristics.

Evaluate existing lots in the historic district and review existing frontage requirements. It is possible that 75 feet of required frontage for the lots may be much larger than currently exists. It is recognized that there is not much opportunity for new lots to be created there, but why have a road frontage requirement that doesn't match what is currently there and that makes up the character of the historic district? It is suggested that the Village review current lot sizes and setbacks in the historic district and match the area schedule to what currently exists. At least review it to make sure they are consistent.

Town of Middleburgh
Zoning Audit for Comprehensive Plan. Reviewed by Nan Stolzenburg, AICP CEP

I have reviewed the Town zoning law for consistency with the vision and goals established in the updated comprehensive plan. I have also reviewed the review and approval process of the law for consistency with state law and requirements. The sections below are those that I have comments on. Sections that are not mentioned in this review are those where I have no changes or comments and feel are adequate. The recommendations that can be acted upon by the Town and mentioned in the Comprehensive Plan are **highlighted**. This review follows the zoning law by section:

First – this law **needs a detailed table of contents** to navigate through it better.

Update the purpose statements so they capture the community goals as stated in the Comprehensive Plan.

1.3 Purposes. The current purpose statement is very general and includes the standard language. However, none of the important values that the Town wishes to accomplish that are articulated in the Plan vision and goals are included. Additional purpose statements should be added to tie directly to the community character, environmental, economic, open space, and agricultural goals set in the Plan. The purpose statements are vital and set the stage for WHY there are land use regulations.

Ensure text in the zoning matches the zoning map.

3.1 Zoning Districts. The text in the zoning law does not match the map. The map is equally part of the zoning law and should be consistent with the text. The FPD (Floodplain) is not mapped or included on the zoning map. You likely have the formally adopted FIRM map, but that is NOT the zoning map. You should include the FIRM floodplain map AS part of the zoning law or make a new map showing the floodplain to be included on an official zoning map.

Commercial districts C1-C5 are on the map, but the text says there is a C-6 area. The text includes long descriptions of parcels included in each C District. Recommend removing these lengthy descriptions and just have the map accurately depict these locations. Either add C-6 to the map or remove C-6 from the text if it doesn't exist.

Evaluate the need to have 5 different commercial districts or if they are really only one.

Note that the map creates separate commercial districts (C-1 to C-5), but the actual zoning via regulations, use schedule and dimensions make NO distinction between these different districts. It is unclear as to why they are designated differently. If they are to be treated all the same, they can be labeled as one district (C). If there are differences and you want to allow different uses or dimensions or set different rules for each district, then the use and area tables need to reflect those differences.

Update zoning map so zoning district boundary lines do not cut parcels in half.

Note that R1 and R2, and some of the C zoning districts cut parcels in half so that the parcel is in two different zoning districts. This makes it much harder for landowner and Joint Planning Board to deal with and generally, we try to have zoning district boundaries match parcel boundary lines. For some locations this may not work, but recommend minor changes to district boundaries to match parcel boundaries for all zoning districts wherever possible.

Rewrite the Excavation and Mining Section

4.44 Excavation and Mining. There are no definitions for either. This must be rectified. The use table allows mines <750 cy per year with an annually reviewed special use permit. Mines larger than that are not allowed. The standards in this section thus apply to small mines only. That should be clarified. Also, the site plan review section of the current law does require any new land use in the Town to have a site plan review and approval. That would include a mine expansion, in my opinion. But given that large mines are prohibited in the use table, it muddies the application of site plan approval.

Given that the Carver Mine is expanding and there appears to be no Town review, or unclear Town review of that expansion, recommend that the zoning be amended to include a requirement that any mine >750 cy/year that renews a State Mined Land Permit or seeks to expand that mine be required to get a special use permit and site plan review by the Town. Overall, the excavation of mine section needs significant updates including adequate definitions.

Ensure that farm use of manufactured homes is consistent with NYS Ag Law 25-aa.

4.45 Manufactured Homes. This section allows manufactured homes for farms ONLY with a temporary special use permit (allowed for 24 months). This is quite restrictive on farms, which are protected from over-regulation via the Ag Districts law. Farm worker housing should be defined in the zoning. This section should be amended so that it is consistent with Ag and Markets rules and guidelines for the regulation of farm worker housing. If the Town wants to be farm-friendly, it should not put obstacles in the way of farmers who need farm worker housing. A review to ensure the housing is safe and has water and septic is certainly important, but it is not advisable to require a special use permit for these for farms that are in the NYS Ag District.

Consider splitting home occupations into minor and major categories and regulated them differently.

4.47 Home Occupations. These standards are good, but it is of concern that only the CEO reviews this. Usually home occupation applications are reviewed by the Joint Planning Board. Like my recommendation for the Village, the Town could consider splitting home occupations into two – minor and major. Minor's could be permitted with no Joint Planning Board review while major's would need site plan review (not a special use permit) from the Joint Planning Board. Major home occupations are those that have equipment storage outside (like construction vehicles), or more intense activity with customers entering, deliveries, etc. Also, the definition of home occupation says it does not have a sign, but the regulations for home occupations allows for an 8 sf sign. These need to be consistent with each other.

Reconsider permitting of junk yards and salvage yards.

4.506 Junk Yards. Salvage and junk yards are currently allowed in the C district with a special use permit. First – do you still want to allow junk and salvage yards at all? How consistent are these uses with the other goals of the Town? And secondly, given that the regulations do not separate out C1 as any different from C2, C3, C4, or C5, that means a junkyard or salvage yard could be allowed with special use permit in ANY of the commercial districts in Town. The Town should decide if it wants these uses, and if so, should they be restricted to certain commercial districts.

Reconsider permitting of Outdoor Advertising Signs (billboards)

4.601 Outdoor Advertising Signs. These are off-premise signs, better known as billboards. They are currently allowed along state routes in Town up to 300 square feet in size. First, are these uses consistent with the aesthetic and rural character goals of the Town? Should they be allowed at all? The sign section overall does not indicate HOW signs are permitted and whether they go through planning

board review or just a permit from the CEO. This should be clarified for all signs. Also, the use schedule says that outdoor advertising signs are allowed as a permitted use – meaning there is no planning board review of it. The Town should think about how it wants to address billboards.

Clarify rules for and develop more comprehensive development standards for business signs.

4.603 Business Signs. Signs are important for businesses. But signs are also very impacting visually. Signs have significant influence on aesthetics. The zoning law allows business signs in any commercial district or PDD up to 100 square feet in size, or 150 total square feet if there are two signs. This is very large, and in my opinion, out of character with rural highways like Middleburgh. The sign section should be amended to address the size of signs. Most areas limit sizes to 24 to 36 square feet. Further, the sign section does not address the new LED signs being put up, height of signs, pole or ground mounted signs, and signs that are painted on or attached to buildings. This section would benefit from updating.

Improve parking lot designs for commercial uses.

4.7 Parking. There is nothing in the zoning to address parking in the C district – only in PDD district. There must be appropriate parking lot standards in the law for commercial uses. It is possible that there is a typo in this section and that it was meant to address parking in C districts, but that is not what it says. The items the parking section should cover include the number of parking spots that may be permitted by use, location of the parking lot, provision of parking for disabled people, lighting, landscaping, screening, and egress and ingress. recommend also that parking lots be required to be to the side or rear of a commercial building as that is consistent with the visual character topic.

Ensure that noise and glare are addressed in the activity standards.

4.9 Activity Standards. These are generally adequate, but would recommend amending (g) to add in ambient noise levels (55 or less decibels) as well as provisions to prevent glare onto the roadway or other people's properties.

Attachment I – Area Schedule

Discuss whether the use of two-acre minimum lot sizes in the R3 district meets Town goals.

Reconsider other planning options that may better balance growth and impacts.

A two-acre minimum lot size is required in the R-3 district. There are a lot of environmental limitations mostly due to steep slopes in this district. In many locations, is 2 acres adequate for provision of water and septic. At this level of density over time, the result may not be consistent with the goals for Middleburgh to stay rural, protect its environment, and promote farming. If the buildable area of the Town were to be developed at that 2 acre minimum lot sizes, it would be more suburban than rural. It is suggested that the overall density of development be reduced to be more in keeping with the established goals of the Town. However, we need to recognize the need to promote affordable lot sizes, and the need to allow landowners to sell and subdivide their property if desired.

There are many techniques that do a good job of balancing that. The old comprehensive plan suggested performance zoning but didn't give any examples or details on that. Performance zoning is used to limit the amount of development that intrudes into various natural resources. It includes environmental protection standards and uses three criteria: a minimum amount of open space that must be preserved, a maximum density of development, and a maximum amount of impervious surfaces that can be created. The best way to implement performance zoning is through a conservation subdivision (see #17 below for more details on this).

Overall, the two acre min lot size is what is good for rural areas. There are other options that include increasing the minimum lot size (not usually recommended because it forces everyone to buy more land even if they don't need or want it), changing from reliance on the minimum lot size to relying on a true density measurement as called for in performance zoning (measured as the number of dwellings allowed per acre). Separation of lot size and density is critical for good rural planning. By doing this you can set a density (for example one dwelling per 3.5 acres) AND a smaller minimum lot size big enough for provision of water and septic (for example, ½ acre on good soils). Once this separation is done, it gives the landowner much flexibility in designing new lots – both small and big. It also allows us to offer use of an average lot size (such as the average lot size must equal 3.5 acres). Finally, the performance zoning relies on calculation of the buildable area of a parcel so density is figured from NET ACREAGE.

For example, if a 100 acre parcel has 20 acres of wetlands and steep slopes, the buildable area is only 80 acres and that is the area used to calculate how many lots can be created. Use of net acreage is usually applied in specific areas where known environmental resources are desired to be protected.

See Also Recommendation #17 below for use of conservation subdivisions (the technique that implements performance zoning).

Attachment 1 – Use Schedule

Consider the following adjustments to the Use Schedule:

1. It allows farmstands as a permitted use, but only if they sell products FROM that farm. Given the nature of many small farms, this impedes small farms to work cooperatively. Recommend that the requirement that only produce grown on that farm be removed so that farms can work together.
2. Business signs are NOT included on the use schedule. That means technically they are prohibited since anything not on the table is considered prohibited. Business signs be added to the use schedule and that they be reviewed as part of the normal site plan process for commercial uses, not as a permitted use.
3. The Use Schedule should include a note that all new uses (except for those listed in section 4.1 of Attachment 1) also require site plan review. The site plan review section is detached from the main body of the zoning so it may be hard for an applicant to understand the full process for approval. A note would help clarify and inform everyone of what the process is.
4. All uses included in the use table should be defined. Most are not.
5. There is nothing in the use table about light industry. It includes manufacturing, but there is no definition of that. Thus, it would be difficult to know if 'manufacturing' includes heavy industry or light industry, or what. Since the plan calls for no heavy industry, Zoning could be amended to define light industry, heavy industry, manufacturing, and ensure the use table indicates where light industry is allowed. The Village has some good definitions (with the exception of adding in food processing as a heavy industry) that could be a model.
6. The table requires a special use permit for greenhouses. But these could be part of an agricultural operation and this would be considered overly restrictive to farms in a NYS Ag

District. Consider changing this so that greenhouses associated with agricultural operations are permitted with no planning board review, or at the most a modified site plan review.

7. You have a good section regulating wind turbines but the use schedule does not mention them. Thus if you look at the use table, wind turbines are prohibited because they are not on the table. Update the table to allow for these with a special use permit.
8. You do not have bed and breakfast on your use table. Is there a reason why? Do you want it?

Attachment II – Definitions

Update the definitions to incorporate the following:

1. To be farm friendly, the zoning should include a full set of ag-related definitions including agri-tourism, food processing, farm business, distillery, riding stable, riding academy, farm worker housing.
2. As mentioned above, excavation and mining need definitions.
3. As mentioned above, light and heavy industry need definitions.
4. Special use definitions needs to be changed. Current definition identifies a special use as one that is **not** appropriate generally. But that is not an accurate definition of a special use and not consistent with how it is defined in state law. In reality a special use is and should be considered A PERMITTED USE, BUT ONE THAT HAS CHARACTERISTICS THAT MAY NEED CONIDITIONS PLACED ON IT IN ORDER TO FIT INTO THE DISTRICT. It should not be considered a use that is discouraged – but one that is desired and permitted provided it can be done in a way that is consistent with the district. This is a change in how special use permits are perceived.
5. Some other terms that are used in the law, but not defined and that should be included are:

Rural Character
SEQR
Wetland
Stream
Buffer
Easement
Open space
Greenspace
Membership club
Recreation building
Equipment storage, rental, sales yards
Wholesale business
Fuel storage and distribution
Warehouse
Public utility

Attachment III

Consider moving these sections into the main part of the zoning, not as an attachment, and make updates as suggested:

1. Like the Village, this contains significant sections that are an attachment and not a main part of the law. It is suggested that at such future time that amendments to the law are being made that these sections be incorporated into the main body of the law, not as an attachment.
2. CEO Section – the CEO should review this to help determine if this is adequate to get his/her job done. Note that there is nothing there on stop work orders, role of the Town board or Town attorney in enforcement, and coordination and reporting of the CEO to Town Board and Joint Planning Board. There is also no procedure for how they deal with complaints.
3. ZBA Section – Like the Village, the procedures for the ZBA and the other important language in this section are separated. That makes it harder to follow. A full ZBA section with all its roles, Authority, procedures etc should be all together in one section in the main body of the law. The language for the ZBA must be consistent with that of NYS Town Law 267. This section should be reviewed to ensure that consistency and updated where needed. Ensure that all time frames as dictated by state law are incorporated here.
4. Site Plan Review Section – This is generally acceptable. It should be moved to the main section of the zoning. My question is does it exempt new agricultural structures (barns, sheds, silo's etc.). It does not appear to exempt them, but like farmworker housing, the Town should be very careful about how it regulates farms located in a NYS Ag District. NYS Ag and Markets seriously frowns on requiring barns and other agricultural structures from being required to get site plan or special use permits. To be farm-friendly, the Town should ensure that a full site plan review is NOT required for ag structures. If there is need to have some sort of review, then the State offers a modified site plan review process for agriculture that should be adopted instead.

4.2 It is recommended that the sketch plan meeting for site plan be mandatory instead of voluntary. These initial meetings are very important to get the process started off efficiently.

Update floodplain section to be consistent with DEC model.

4.25 Floodplain. Unless the Town has adopted a full floodplain protection law, this section is very inadequate. If the Town has a separate floodplain or flood protection law, is that consistent with the up-to-date model DEC Floodplain regulations? If not and this section is all the Town has related to development in the floodplain then this is not adequate. This flood protection law should be consistent with floodplain regulations used now. It is suggested that this section incorporate the latest recommended floodplain regulation law as can be provided by the DEC. DEC will send a model designed specifically for the Town. As it stands now, this section does not address the very real issues faced in the Town.

Ensure that applications include:

- 4.3 Submittal of an Ag Data Statement should be required when an application is received for something in the NYS Ag District.

The submittals must include an environmental assessment form for SEQR. That should be added. It is also recommended that the application include identification as to whether the location is in a floodplain, which zoning district, in an ag district, or has wetlands or steep slopes on it.

4.4 Criteria – these criteria are fine but they do not ensure that the environmental, community character, visual, and environmental impacts are reviewed and mitigated during site plan review. These should be added as statements.

Ensure that the Town is reimbursed for all costs related to a project review.

4.6 Reimbursable Costs. The site plan law says the Town can't be reimbursed for more than 2% of the costs of the total project is not advisable. The 2% probably came from the SEQR (environmental review) law – which only allows 2% of the total project cost to be paid for by the applicant. ALL other costs associated with the reviewing a site plan approval shall be borne by the applicant. The Town should not be responsible for any of those review costs. It is recommended that addition of a section that discusses how an escrow account can be set up and used by the Joint Planning Board to cover these costs. This same comment holds for costs incurred related to the special use permit process.

5.3 Amendments – don't forget that any amendment to the zoning requires an environmental review and that should be added to this section.

Reconsider use of the PDD or make adjustments as suggested:

6.0 Planned Development District (PDD). Is there a need for having a PDD in Middleburgh. They are difficult and often abused techniques that amount to a legalized mechanisms for spot zoning. Good zoning written to accomplish the Town's goals should not need a PDD - which gives a mechanism to bypass the normal zoning requirements. In my opinion, if someone comes to Town with an idea that does not fit the zoning, they can go to the ZBA to get a use variance, or if it is desirable to have in Town, then the Town Board can change the zoning as per the amendment section. With that said, if you keep the PDD in the zoning, it should be allowed only on larger parcels. Currently one needs only a 3 acre parcel and that is too small. The purpose of the PDD is to allow for development of a large parcel as a in a unified way, and at least 10 acres is recommended. The language in this section is the same as in the Village zoning and with the same comments for the Town:

1. You should add in to allow for additional time for the PB to make its initial recommendation upon mutual agreement with the applicant. 45 days is not very long to evaluate a large proposal well enough to know what conditions are needed.
2. Consider changing the procedure so that the Joint Planning Board gives an advisory opinion on the PDD application and the Town Board approves that in concept BEFORE the Joint Planning Board does a total review and spends time and money in it. Usually with a PDD, the main review and conditions occurs after the Town board has approved it. If the Town Board is not interested in approving the PDD, why should the planning board and applicant go through all that work? This could be changed so that the Planning board gives an advisory opinion as to whether it is appropriate to approve the PDD and in general, what kind of conditions or changes might need to be made should it go forward. If the Town Board accepts that, then it goes back to the Joint Planning Board for full review which includes site plan and/or special uses. It is the role of the Town Board, upon advice of the Joint Planning Board to determine the uses and whether they need special use permits or site plan.

3. Change language so that all costs to review a PDD are borne by the applicant. If the Joint Planning Board is to go through a review, and determine conditions that might be needed, they may need to have a consultant, engineer, architect, or other professionals to help. Those fees should not be borne by the Town, but should be paid for by the applicant. A section should be added to ensure that any costs incurred by the Town is paid for by the applicant. Usually an escrow account is set up.
4. Remove requirement for a majority vote plus one if the Town Board wants to vote differently than the Joint Planning Board recommends for a PDD. The Town Board should not be required to vote on a PDD as a majority plus one vote if they desire to vote differently than the Joint Planning Board advises. The Town Board makes laws and policy and is the only body that can change zoning, not the Joint Planning Board. By requiring a majority plus one vote means the Joint Planning Board makes the policy instead of the Town Board. The Joint Planning Board's opinion certainly matters, but the Town Board should not be forced to vote in that manner.
5. Add development standards and criteria for PDD's to ensure consistency with community character. PDD Development Standards. This section does not include any standards for ensuring the buildings that go into the PDD are consistent with the Town character. Given the importance aesthetics and community character plays in the Comp Plan, any PDD should be consistent in scale, intensity and design with other things in the Town. Further, there is nothing in the PDD standards that indicates new structures should be constructed with floodproofing to the maximum, with green building materials to the maximum extent feasible, or to have mitigated or no environmental and neighborhood impacts such as lighting, noise, and traffic. Finally, there is no mention that the PDD process must include SEQQR and that should be added.

Update the Special Permit Section

7.0 Special Use Permits. This entire section needs to be updated to be consistent with procedures of State Law 274-b.

Items not in the zoning that could be considered by the Town to Meet Goals:

1. Use Agricultural buffers – require that new development adjacent to existing farms have longer/wider setbacks or other buffers to ensure proper separation from residential and farm uses. It is the responsibility of the residential use to provide those buffers, not the farm. This is especially important in the NYS Ag District areas of Town.
2. Ensure that the zoning allows for farms to have more than one principal use. Farms need to have the ability to grow, process and sell their products at one location.
3. Allow for small food processing and small slaughterhouse facilities that could support area farms.
4. Add in a Change of Use section. The law currently defines ‘substantially changed’ but offers no guidance on what the Town does if a use changes. For commercial uses, a change in use should require at least a site plan review.
5. Even though NYS has currently bans fracking, the Town’s decision to ban it locally should be memorialized and incorporated into the zoning. The local law passed to ban fracking should be included or at least referenced in the zoning so there is no question about it.
6. Address pipelines and compressors as separate uses.
7. Address use of outdoor wood boilers. Where would they be allowed, and with a special use permit? Local regulations must be consistent with NYS regulations.
8. There is nothing in the Use table for storage, mini-storage or warehouse uses or how they are to be regulated, but they are currently allowed as per the use table. There is no guidance given to the Joint Planning Board to deal with these uses. Specific standards for these uses that include size of buildings and screening should be added.
9. Does the Town want to consider limiting the size of commercial buildings so new commercial uses, at least in some locations, are in scale and intensity desired by the Town (ie to prevent big box stores)?
10. The retail store section references “small quantities” but what does that mean?
11. Consider adding commercial design standards to the zoning to ensure new buildings are consistent with Town character. There are no commercial development standards in this law. In order to balance economic growth and community goals such as aesthetic and community character, at least some commercial development standards are needed to ensure that the size, scale, intensity, and design of new commercial uses are consistent with what the Town of Middleburgh desires. To that end, design standards should be added to address the following:
 3. Maximum size of the commercial building allowed.
 4. Roof shapes consistent with the prevalent types in the area.

3. Proportions for facades and window openings are in harmony with the traditional types within the district.
 4. Materials, textures, and colors are similar, with natural and traditional building materials preferred.
 5. Site details (porches, entrances, signs, landscaping, lighting, screened parking and mechanical systems) complement traditional examples in the area.
 6. Building Placement so that buildings are designed so that entrance doors and windows, rather than blank walls, garages, side walls or storage areas, face the street.
 7. The front façade of the building shall be parallel to the main street unless traditional orientation of buildings on that street differs for the majority of buildings.
 8. There shall be no blank walls facing the street.
 9. Formula-based architectural styles (like McDonalds or similar) - All businesses, including commercial franchise or formula-based businesses also should meet all design standards of this Zoning Law. Formula-based architectural styles including, but not limited to uniform color schemes, facades, or signage shall be allowed provided it is of a style consistent with the design standards of the law.
12. Add in lighting and landscape standards as part of the commercial design standards.
13. Include a section outlining the use of the Ag Data Statement, Ag Disclosure Notice and coordination with Ag Districts, as required in NYS AML 25-AA.
14. Consider establishing a setback from streams to protect the streambank and stream bank vegetation. These are typically 100 feet on each side of the stream where disturbance is minimized.
15. Reference the NYS Stormwater Pollution Prevention Plan and NYS DEC SPDES requirements to ensure everyone is informed that commercial uses that disturb more than 1 acre of land or residential uses that disturb more than 5 acres of land are required to meet state DEC stormwater requirements.
16. Add in development standards for multi-family dwellings since they are allowed in many locations in Town, but no development guidelines are currently offered.
17. Amend zoning and subdivision laws to allow for use of conservation subdivisions. These can be voluntary, but it is more effective if it is mandatory for all major subdivisions (5 lots or more). This technique implements the performance zoning method. It is a siting technique that allows the landowner to get their full development capacity but the lots are laid out in a way that 50% of the parcel is permanently preserved and the amount of pavement and other impervious surfaces are minimized. This can result in a clustered subdivision but does not necessarily do that. The houses are strategically located to preserve the open space. That open space can be used for agriculture too. Conservation subdivisions can be used with density and/or net acreage to achieve the open space and natural resource protection results desired by the Town.
18. Since there are so many steep slopes and ridgelines in Town, and because they have such important roles in both the environment and the visual character of Town, do you want to consider having some sort of steep slope or ridgeline development standards? This should be discussed. There are many ways to address this in zoning. For example:

15 percent to 25 percent. No more than 30 percent of such areas shall be altered, regraded, cleared or built upon. 25 percent or steeper. No more than 15 percent of such areas shall be altered, regraded, cleared or built upon. Areas of steep slope that are less than 3,000 square feet shall be exempted from these standards.

19. Add a Right to Farm section in the zoning.