

# **TOWN OF MOOERS**

## **COMPREHENSIVE LAND USE PLAN**

June 1996

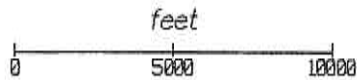
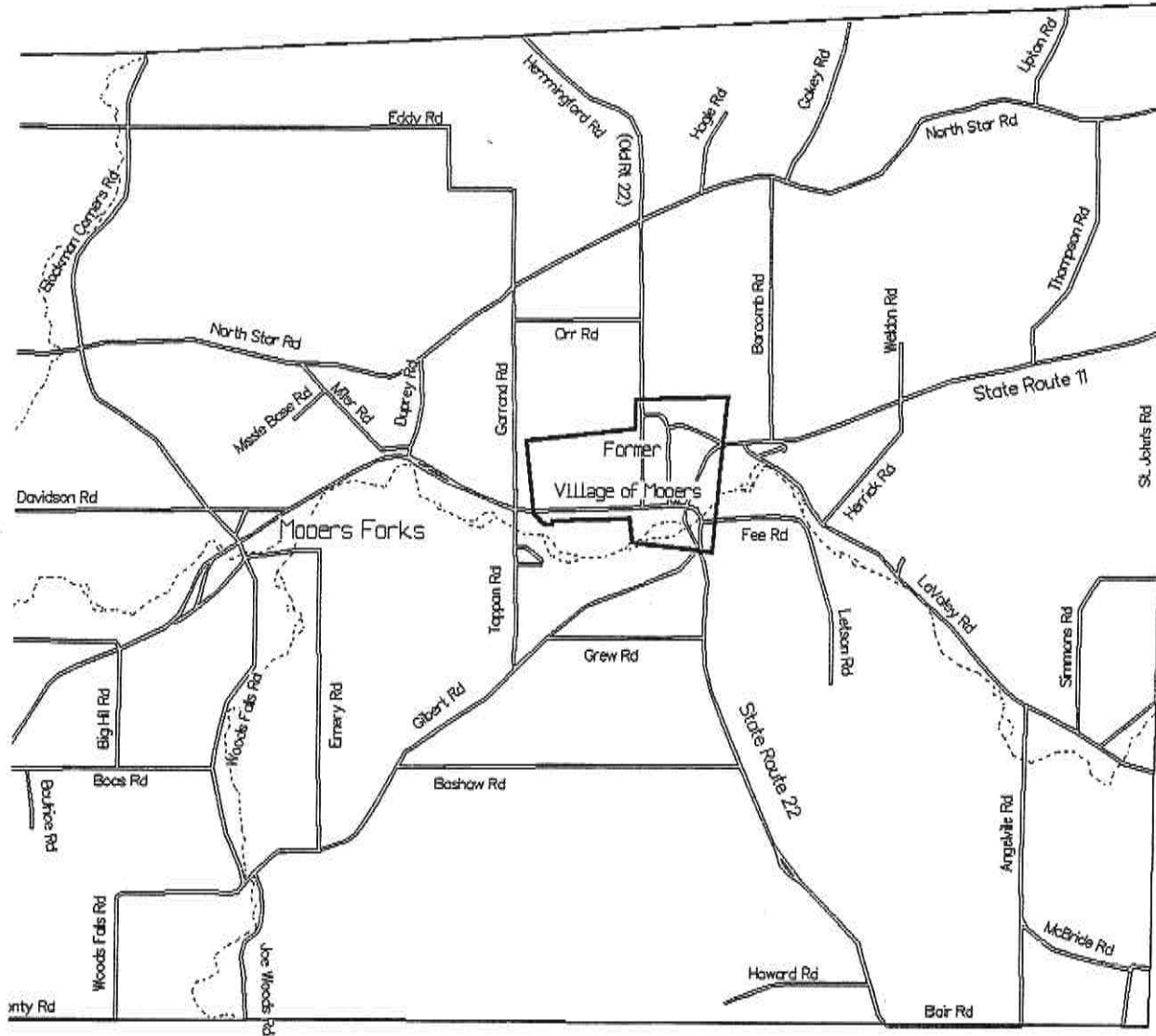
Prepared by:  
Richard Lamb, Professor  
Center for Earth and Environmental Science  
SUNY Plattsburgh

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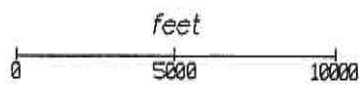
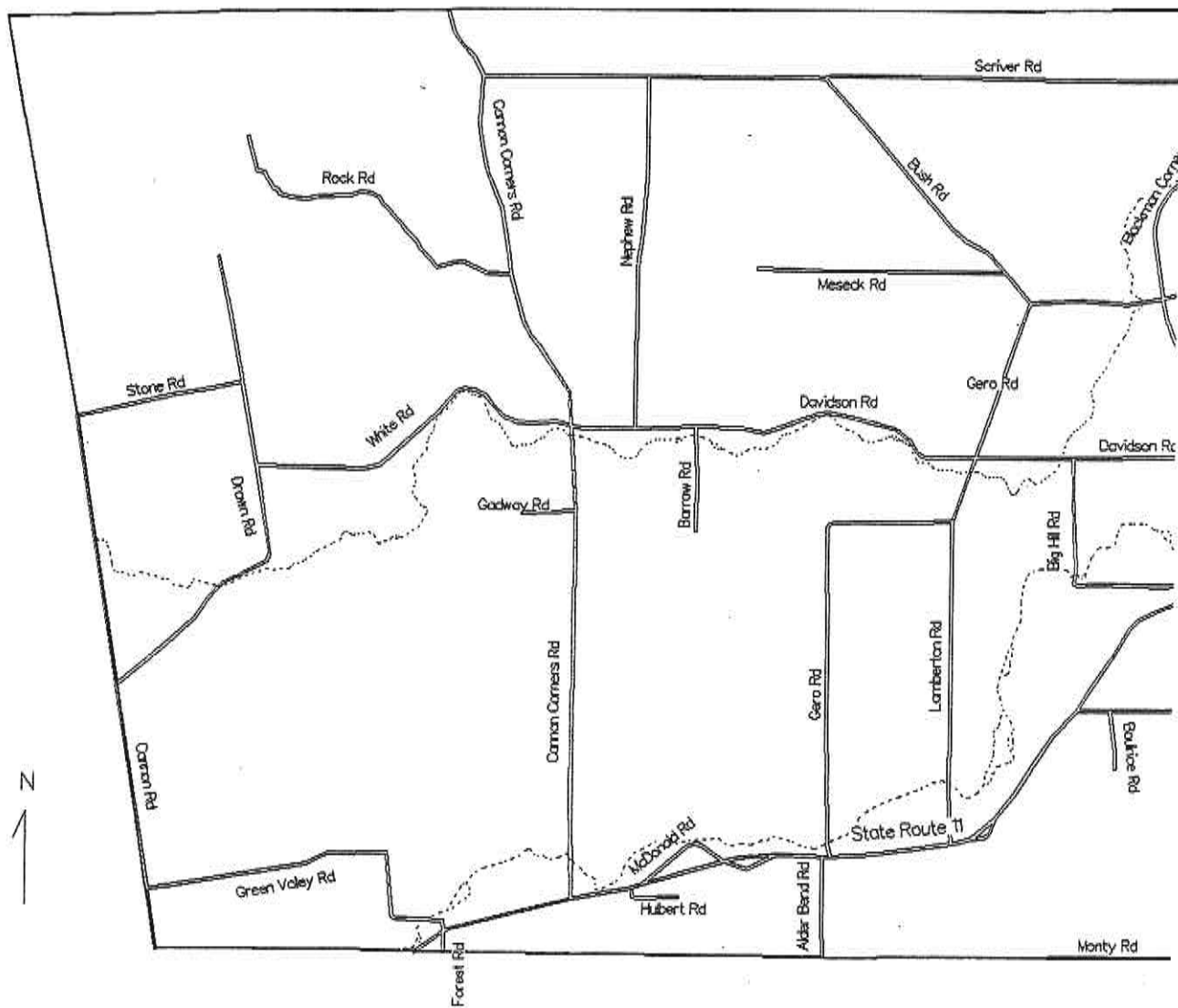
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# Town of Mooers

(east)



# Town of Mooers (west)



## INTRODUCTION

This comprehensive land use plan is intended to serve as a guide for future growth and development in the Town of Mooers. It outlines the planning process, describes the land use patterns and physical resources of the town, analyses growth trends and future needs, and sets forth policies designed to insure that growth will occur in an orderly manner and will be in the best interests of health, safety and general welfare of existing and future residents.

A comprehensive land use plan is an advisory document which does not carry the force of law, but which does serve the important function of establishing the rationale for land use regulations which may be adopted by the Town Board to implement the plan. According to New York State statutes, a zoning law must be based upon a "comprehensive plan." This plan document is intended to serve such legal purpose. It is intended that the recommendations contained herein be used as an input in formulating a zoning law for the Town of Mooers. However, it is recognized that changes may be made as a result of further discussion and public hearings. The final proposed zoning law, therefore, may differ from the recommendations of this comprehensive plan.

The land use plan and policy recommendations contained in this document are those of the consultant, based upon a number of meetings with the Town of Mooers Land Use Committee, and a number of public meetings. (The Land Use Committee was a group of eight citizens appointed by the Town Board to serve on a voluntary basis.)

## THE PLANNING PROCESS

- a. A Land Use Committee was first appointed in 1990 for the purpose of making recommendations concerning the adoption of land use control laws. The committee held a number of meetings to design a questionnaire survey and to discuss regulatory proposals.
- b. A questionnaire survey was mailed to property owners within the Town of Mooers in early 1991. There was a 41 percent return from the survey. The majority of respondents favored the adoption of a land use control law. (Detailed results of the survey are presented later in this plan.)
- c. The following local laws were enacted by the Town of Mooers:
  1. Local Law No. 1 of the year 1990, prohibiting the dumping, storing, placing, or incinerating of solid or liquid waste material in the Town of Mooers.
  2. Local Law No. 1 of the year 1992 enacting a moratorium on the construction of industrial or commercial buildings, or the placement of mobile homes, in the Town of Mooers for a period of ten months.
  3. Local Law No. 2 of the year 1993 regulating single family dwellings, mobile homes, mobile home parks, campgrounds, travel trailer parks, junk,

recreational vehicles, and travel trailers within the Town of Mooers. This local law contains the bulk of the Land Use Committee's recommendations.

- d. In January 1995 the Town Board appointed a new Land Use Committee, consisting of 8 members, to develop a proposed zoning law for the Town of Mooers. Dr. Richard Lamb of SUNY Plattsburgh was retained as a consultant and advisor to the committee. The zoning law was to replace and supplement the existing land use control laws enacted in 1990 and 1993. The reasons for replacing the existing land use laws with a zoning law are:
  1. The location of new commercial and industrial development can only be legally controlled by a zoning law.
  2. The existing local laws do not contain sufficient provisions for the administration of the regulations, such as the procedures for issuing variances, and definitions of terms, that are standard provisions of zoning laws. The intent was to keep the substance of the regulations as adopted in 1990 and 1993, but add the legal language needed for their administration.
  3. If zoning regulations contained in the pre-existing "Village of Mooers Zoning Law" are to remain in effect, they must be adopted as a town zoning law within two years after the dissolution of the Village of Mooers. (The Village of Mooers was dissolved as of January 1, 1996.) Thus the town would have to adopt a zoning law that incorporates the provisions of the former village law anyway.
- e. The Land Use Committee held several meetings, open to the public, during the period January 1995 through May 1995, sometimes one meeting every two weeks. The first meetings of committee were devoted to discussion of regulatory goals based upon a list of discussion items prepared by the advisor/consultant. The committee's recommendations as a result of these discussions are contained in the "Regulatory Goals and Objectives" section of this plan. These recommendations were later incorporated into the "Model Zoning Law for the Town of Mooers" prepared by the advisor/consultant.
- f. The next meetings of the Land Use Committee were devoted to discussing which types of commercial and industrial uses should be allowed in which sections of town, and what types of zones should be established. The committee developed specific proposals, for discussion purposes, for areas along State Routes 11 and 22. These proposals are included in this document as the "Land Use Committee's Suggested Zones." Outside the state routes, no specific proposals were made for specific areas. Rather, it was intended to provide the public some choices as to what they would prefer to have their area zoned as. To accomplish this, the committee developed some possible zoning districts, such as residential, commercial, or general use districts, for the public to choose from.
- g. The committee then began a series of public meetings, one for each section of town, for the purpose of determining what land uses the residents of each section wanted permitted or excluded from their area. The first meeting was

for the northeast section of town. As a result of this meeting, the committee recommended that most of this section be zoned to allow almost any commercial or industrial use (the proposed "General Use" zone), but that a small portion of it be zoned for residential only (the proposed "RR1" zone). The second meeting was for the western section of town. Many residents attending this meeting were not in favor of additional land use regulations, and wanted their area zoned for almost any commercial or industrial use (General Use) if at all. The overall impression from the public meetings was that there is substantial opposition in some sections of town to the regulation of commercial or industrial development, and to prohibiting single-wide mobile homes.

h. No further meetings of the Land Use Committee were held.

### LAND USE PLANNING SURVEY

In March 1991 a land use planning survey was sent to property owners within the Town of Mooers. A total 556 surveys were returned out of 1360 mailed out, for a rate of return of 41 percent, which is a high rate of return for a mailed survey.

Results to some of the key questions are summarized below.

(a) Commercial uses should be restricted in some areas.

agree = 442  
 disagree = 76  
 no opinion 22  
 =

(b) Which of the following do you feel are appropriate new uses for the area of town in which you live?

	Favor	Oppose
Major commercial uses	244	239
Smaller stores and businesses	381	101
Home businesses	405	54
Auto repair shops	332	151
Junk yards	70	419
Commercial incinerators	50	442
Industrial uses	167	272
Single family homes	504	16
Mobile homes single-wide	329	149
Mobile homes double-wide	394	83
Mobile home parks	203	278
Open space and agriculture	466	18
Waste disposal area	155	341

(c) What do you feel is an appropriate minimum lot size for the area in which you live?

30,000 square feet (3/4 acre)	84
1 acre	162
2 acres	68
5 acres	27
Other	28
There should be no minimum lot size	120

(d) What is your opinion of the establishment of a law which would:

	Favor	Oppose
Prohibit certain land uses from some or all sections of town?	299	131
Require that new businesses be subject to a case-by-case review and local public hearing before approval?	340	129
Establish a minimum lot size for new development?	299	147

(e) How do you feel about some sort of local land use regulation which would control land uses and lot sizes in the Town of Mooers?

Strongly favor	124
Favor	158
No opinion	48
Oppose	73
Strongly oppose	100

### Conclusions

The majority of town residents are in favor of establishing a zoning law that would:

- (a) Prohibit the following within large sections of town or within the entire town: junkyards, waste disposal, industrial uses, and mobile home parks.
- (b) Allow smaller stores and businesses in all or most sections of town, but restrict major commercial uses.
- (c) Require a case-by-case review and public hearing for all new commercial or industrial uses.
- (d) Allow single-wide mobile homes within most or all sections of town.
- (e) Establish a minimum lot size for new development.



## REGULATORY GOALS AND OBJECTIVES

Regulatory goals and objectives were established early on in the planning process. The Land Use Committee discussed each of the following questions at their meetings, and responded as shown.

### ZONING COMMISSION DISCUSSION ITEMS Feb. 1995

QUESTIONS POSED TO THE LAND USE COMMITTEE	COMMITTEE RESPONSE
<b>REGULATED ACTIVITIES</b>	
a. What should be the minimum size of structure (or expansion to a structure) requiring a zoning permit? 100 s.f.?	There should be no minimum size. All structures should be required to obtain a zoning permit.
b. Should zoning apply to garages? swimming pools? storage sheds?	Yes to all.
c. Should farm buildings be exempt from applying for a zoning permit? From road and lot line setback requirements?	No.
<b>BUSINESS USES</b>	
a. What type of businesses should be allowed anywhere in town? (Home occupation or small business?)	Only home occupations, as defined in the Chazy Zoning Law, should be allowed in residential zones. These would be businesses conducted within a house or garage.
b. What type of uses should be prohibited anywhere in town?	Waste disposal and junk yards.
c. Should some types of waste disposal be permitted? (Locally generated demolition and construction debris? Spreading of septage?) If yes, where?	No. The Zoning law should be identical with the existing Local Law Number 1 of 1990 that prohibits all forms of waste disposal.
d. Should a 30 feet green space buffer be required for all commercial and industrial uses? - only in some zones? - only on the sides of the property where there is a pre-existing residential property?	A green space buffer should be required of all commercial and industrial uses in residential areas, 20 feet on sides and rear of commercial buildings, and more for industrial uses.
e. Should there be special regulations governing automobile repair shops?	Yes. All junk vehicles, parts, and wastes should be kept out of sight.
f. Should there be off-street parking requirements in the zoning law?	Yes.

TYPES OF ZONES	
a. Should residential zones be established where commercial or industrial uses would not be allowed.	Many types of commercial uses should not be permitted in residential zones. Industrial uses should not be permitted in residential zones.
b. Are there areas where most commercial uses should be permitted, but that industrial, trucking or warehousing uses should not be allowed.	Yes, populated areas along State Route 11.
c. Where should "heavy" industry be allowed?	Heavy industry should be allowed only on a case-by-case basis, after public hearing, by amending the zoning law to provide for specific proposals by developers.
RESIDENTIAL USES	
a. Should there be zones where mobile home parks are not permitted?	They should be prohibited in rural areas, and in areas where there are conventionally built homes.
b. Should there be zones where single-wide mobile homes are not permitted?	Yes.
LOT SIZE AND SETBACK REQUIREMENTS	
a. Should building setbacks from the road be greater from Route 11 than from other highways?	Yes, 60 feet from r-o-w of Route 11, and 40 feet from r-o-w of other highways.
b. Should all highway setbacks be stated in distance from highway right-of-way rather than from the center line of roads?	Yes.
c. What is an appropriate lot width for residential lots?	150 feet width, but only 50 feet road frontage required in order to allow for lots established in the interior.
d. Should the minimum lot size for industrial and trucking uses be 80,000 s.f.?	Yes.
OTHER REGULATIONS	
a. Should there be sign regulations? In both commercial and residential zones? Blinking? Size? Number?	There should be some simple, basic sign regulations.
b. Should there a minimum setback from streams and rivers of 50 feet? Vegetative cutting restrictions near stream banks?	There should be a 50 feet building setback, but no vegetative cutting restrictions.

c. Should the keeping of some types of animals be regulated in some zones?	Farm animals should not be kept within 100 feet of a neighboring residential structure, nor should any building intended to house farm animals be constructed within 100 feet of such structure.
d. Should the placement of satellite dishes be regulated?	No.
PROCEDURES	
a. Should a case-by-case review be required for all industrial and commercial uses, including expansions?	Yes, except that expansions of less than 25 percent of an existing building should be exempt from this requirement.
b. Should a public hearing be required for all industrial and commercial uses, including expansions.	Yes.
PRE-EXISTING NON-CONFORMING USES	
a. Should grandfathered pre-existing non-conforming uses be allowed to expand without obtaining a variance from the Zoning Board of Appeals? How much? 25%? Junk yards?	All expansions of any size should require a variance. Existing junk yards should be allowed to expand to any size provided that requirements for fencing, etc. are met.

## BACKGROUND INFORMATION

### LAND USE PATTERN

Mooers is a sparsely populated rural town whose dominant land cover is forest, pasture, and cropland.

The only sizable concentrations of population exist within the former Village of Mooers and the hamlet of Mooers Forks. The residential pattern is very scattered and sparse, but there are some roads where strings of dwellings exist in relatively close proximity to one another.

Mobile home dwellings and conventionally constructed dwellings are mixed together along most roads. However, there are some areas where one or the other types of housing tends to predominate. Areas where conventionally built homes predominate tend to be small areas within larger sections characterized by mixed housing types.

With the exception of commercial zones within the former Village of Mooers, there are no existing commercial use areas within the Town of Mooers. Most commercial development is found in scattered locations along State Routes 11 and

22, intermixed with housing and much open land. These areas are best characterized as being mixed use zones with potential for commercial development, as well as for residential development. There are existing no industrial uses within the Town of Mooers.

## LANDS UNSUITABLE FOR DEVELOPMENT

Extensive acreage of New York State regulated wetlands exist in the northeast and northwest sections of town. Some lands near the Great Chazy River, English River, and other water courses are classified as flood hazard areas. There are some relatively small parcels of NY State Forest Preserve in the westerly portion of town.

## SOILS

Soils within the Town of Mooers vary a great deal from one area to another, ranging from soils which are very favorable for development to those which have severe limitations for development due to shallow depth to bedrock, high water table, wetness, or a slow percolation rate. (Soil Associations found within the town are shown the full size "Soil Limitations" map which is too large to reproduce in this report.)

Four general types of soils are found within the Town of Mooers:

- a. Soils good for development, with few limitations except for septic systems. These are deep sandy or gravelly soils characterized by good drainage and a rapid percolation rate. Their only limitation is the rapid percolation rate that could create problems with contaminants from septic leach fields reaching the ground water table, and thereby polluting wells. One solution to help avoid such problems is to insure that development occurs on lots at least 1 acre in size.  
  
Most of the former Village of Mooers is underlain by these soils. They also predominate along State Route 11 between the former Village of Mooers westerly to the town line. Other sizable areas of these favorable soils are found in the central and south-central sections of town. Overall, about 20 percent of the town is underlain by good soils.
- b. Soils fair for development, with some limitations. These to be sandy, gravelly, or loam soils characterized by a high ground water table during portions of the year. Problems with water in basements, and of pollution of water supplies from leach fields, could be encountered.

Large areas in the central one-third of town are underlain by these types of soils. Overall, about 40 percent of the town is underlain by fair soils.

- c. Soils poor for development. These are either shallow soils with bedrock close to the surface, or clay soils with a very slow percolation rate. There are limitations for basements, and for the proper functioning of septic leach fields. Such soils are not suitable for closely spaced development.

Much of the westerly one-third of town is underlain by these soils. Large areas also exist in the easterly one-third of town. Overall, about 20 percent of the town is underlain by poor soils

- d. Soils unsuitable for development. These include wetlands, muck soils, and flood hazard areas. About 20 percent of the town is underlain by unsuitable soils.

Because most of the soils in the Town of Mooers have severe limitations for septic systems, it is recommended that most development take place on lots at least one acre in size. The New York State Department of Health recommends 20,000 square feet as the smallest size for rural lots served by on-lot leach fields. But, the 20,000 square feet lot assumes favorable soil conditions with no limiting factors such as rapid percolation rates, high groundwater table, and shallow soils that are found in the Town of Mooers. A minimum lot size of about 1 acre will provide adequate room for a on-lot septic system, and to properly site the system. This lot size will also provide some protection to surrounding properties should a leach field fail.

## **GEOLOGY AND GROUND WATER SUPPLY**

An extensive area of sand and gravel deposits exists in the eastern and central sections of town. These deposits yield large quantities of ground water for water supply, and would be suitable for a public water supply as well as for individual wells. Surficial geological deposits (the geologic layer closest to the land surface) in the remainder of town are primarily glacial till, capable of supplying enough water for individual wells but not enough for a public water supply.

Underneath the sand/gravel deposits, or glacial till, the entire town is believed to be underlain by sandstone bedrock. Yields of ground water within this sandstone are good, especially if a crack or fissure can be located. Most of the ground water flow through the sandstone is thought to be through joints and fracture zones that exist within it.

## **POTENTIAL FOR GROUNDWATER CONTAMINATION**

Areas of town vulnerable to groundwater contamination include those characterized by a high groundwater table (such as near wetlands), a shallow depth to bedrock, or sandy soils with a rapid percolation rate. Such soils afford little protection to the underlying groundwater should a spill, leak, or improper disposal of hazardous chemicals occur. Much of the Town of Mooers is underlain by soils with just these characteristics.

A gasoline spill or the release of hazardous or toxic chemicals in populated areas could result in the pollution of neighboring wells due to rapid percolation through the sandy soil. It is therefore recommended that any businesses using hazardous chemicals, such as gasoline service stations, proposed for residential areas, be carefully reviewed in order to minimize the risk of groundwater contamination to nearby wells.

Should pollutants enter the sandstone bedrock, they could disperse over wide areas through the joints and fracture zones found therein. It is possible that pollutants in Mooers could enter the aquifer system of northern Clinton County and effect water supplies of towns to the east. According to the Clinton County Comprehensive Water Supply Study "the sandstone in the northern area (of the county) forms an artesian system which is recharged on the slopes of the Adirondack Mountains and is discharged to Lake Champlain and the lowlands on the east." (page 3-12) The Town of Mooers is therefore a poor location for waste disposal facilities and other activities which could introduce hazardous or toxic chemicals into the groundwater.

## **AGRICULTURAL DISTRICTS**

Much of the farmland within the Town of Mooers lies within designated Agricultural Districts. Agricultural Districts are authorized by New York State law and are established by the county upon the request of farmers. Farms within a district are offered protection against land development pressures in exchange for a commitment to use the land for agricultural purposes. Benefits of being in a district include: (a) landowners may apply annually for an "agricultural assessment," which is based upon the land's value for agricultural purposes only and not upon its value for development, (b) a municipality may not adopt any laws or regulations which would "unreasonably restrict" normal agricultural practices, (c) water and sewer districts must base their charges on the residential portion of the property only if the farm does not utilize their services, and (d) state or federal projects must undergo a public hearing and review of possible adverse impacts upon agriculture before being located within an Agricultural District. Districts are established for a period of 8 years at a time, and may be renewed for subsequent 8 year periods.

Land within Agricultural Districts may be sold for development purposes. However, a modest penalty tax must be paid on any parcels taken out of agriculture which had received agricultural assessments. A farmer may elect to withdraw from a district when it comes up for renewal after 8 years, after which time any land may be sold for development purposes without penalty.

A New York State Agricultural District is different from an agricultural zone in a local zoning law, and there is little legal relationship between the two. They are established independently of one another, and a change in one does not change the other.

## HIGHWAYS

The Town of Mooers contains three class of highways: state highways, county highways, and town highways.

State Routes 11 and 22 are designed to serve long distance, high speed automobile and truck traffic, and are constructed to the highest design standards. They are classified as "heavy duty" highways, constructed so as to withstand substantial amounts of trucks and other heavy vehicles. State highways have a pavement width of at least 22 feet with 6 feet shoulders. Consequently, the best locations for industrial, warehousing or trucking businesses are found along these routes.

County highways generally carry a lower amount of traffic than state highways but a higher amount of traffic than town roads. They are designed as "light duty" highways, and are not constructed to withstand substantial amounts of traffic by heavy vehicles. Most county highways have a pavement width of 20 feet with shoulders ranging from 0 to 3 feet. County highways are usually suitable for retail and service businesses, but not for businesses requiring significant amounts of truck traffic.

Town highways carry the lowest traffic volumes and are constructed to the lowest design standards. Width of town highways ranges form 18 to 20 feet, usually without shoulders. They are generally unsuitable for businesses requiring significant truck traffic. Because of low traffic volumes they are poorly suited for commercial businesses.

New York State Town Law, Section 280(a) requires that in order to obtain a building permit from a town, any new structure must be accessible by means of a minimum 15 feet right-of-way from either (a) a public highway, or (b) a private road shown on a subdivision plat duly filed in the county clerk's office. The purpose of this law is to insure adequate access for emergency vehicles. It is therefore recommended that all new lots within the Town of Mooers be required to have at least 15 feet of road frontage along a public highway or private road constructed to town specified standards.

Most new roads in the town will be short access roads constructed by land developers. The town may choose on a case by case basis whether or not to adopt such roads as public highways. Road construction standards are usually adopted by towns in order to inform developers of the minimum standards which will be acceptable. Roads within new residential subdivisions may be required to meet minimum town standards by a local adopted subdivision control law. Such a law insures that all new roads within the town will meet minimum standards in the event that they become public highways in the future.

## DEVELOPMENT INFRASTRUCTURE

No community water or sewer system exists in the Town of Mooers and none is contemplated for the future. To insure that a costly public sewerage system is not needed in the future, it is recommended that new development take place on lots large enough to avoid groundwater contamination problems.

## POPULATION AND HOUSING TRENDS

According to the latest U.S. Census information, the Town of Mooers experienced a substantial growth in occupied housing units during the last decade. The total number of units increased by 169, representing a 19.0 percent growth rate. This rate was nearly identical to Clinton County's 18.2 percent increase.

TABLE 1: 1980 TO 1990 POPULATION AND HOUSING TRENDS, TOWN OF MOOERS

	Total Population	Occupied Housing Units		
		Conventional Dwellings	Mobile Home Dwellings	Total Dwellings
1980	2927	735	155	890
1990	2995	768	291	1059
Number change	68	33	136	169
Percent change	2.3%	4.5%	87.7%	19.0%
Percent change, Clinton County	6.5%	12.7%	46.4%	18.2%

About three quarters of the increase in housing units during the 1980's was accounted for by mobile homes. Of the total 169 new occupied units, 136 were mobile homes. (Mobile homes as reported in the census include both single-wides and double-wides.)

Total population only increased from 2927 to 2995. The number of housing units grew much faster than population because family size has become much smaller (which is a state and national trend).

It is apparent from Table 2, below, that all the residential growth in the Town of Mooers has taken place outside the former village of Mooers. The area outside of the former village experienced a substantial 25.7 percent increase in the number of occupied housing units.



TABLE 2: TOWN – VILLAGE COMPARISONS

	Former Village of Mooers	Remainder of Town	Total
<u>Population</u>			
1980	610	2317	2927
1990	463	2532	2995
Number change	-147	215	68
Percent change	-24.1%	9.3%	2.3%
<u>Occupied Housing Units</u>			
1980	189	701	890
1990	178	881	1059
Number change	-11	180	169
Percent change	-5.8%	25.7%	19.0%

### GROWTH PROJECTIONS

The following growth projection assumes that the Town of Mooers will grow at the same rate during the next three decades as it did during the 1980's, i.e. it will experience an increase in housing units of 169 per decade. At this rate of increase the number of housing units in the Town of Mooers will approximately double by the year 2030.

TABLE 3: POPULATION AND HOUSING PROJECTIONS

Year	Population	Number of Housing units	Change, Number of Housing units	Population per Housing Unit
1980	2927	890		
1990	2995	1059	169	2.83
2000	3473	1228	169	2.83
2010	3951	1397	169	2.83
2020	4429	1566	169	2.83
2030	4907	1735	169	2.83

### LOCATION AND CHARACTER OF NEW DEVELOPMENT

Most new residential development has been scattered, and generally rather evenly distributed, throughout the eastern one-half of the Town of Mooers. The western

section, by contrast, has experienced only slight growth, and remains a sparsely settled slow growth area.

There has been a substantial amount of higher value new residential development, as is evident by traveling the town roads. That Mooers has attracted higher value development is also apparent from examining Table 3, below, which shows that the median housing value in the Town of Mooers is relatively high in comparison with surrounding towns, for example in comparison with the Town of Altona.

TABLE 3: HOUSING VALUE COMPARISON WITH OTHER TOWNS

<u>Town</u>	1990 Median Housing <u>Value</u>	<u>Rank</u>
Peru	\$75,400	1
Plattsburgh	\$73,200	2
Beekmantown	\$70,000	3
Schuyler Falls	\$64,500	4
Chazy	\$58,800	5
Champlain	\$58,400	6
Saranac	\$51,000	7
<b>MOOERS</b>	<b>\$48,800</b>	<b>8</b>
Ausable	\$48,500	9
Black Brook	\$41,300	10
Altona	\$37,500	11
Ellenburg	\$36,000	12
Dannemora	\$33,600	13
Clinton	<u>\$23,700</u>	14
Average =	\$51,407	

However, the majority of new residential development has been in the form of mobile homes, as previously discussed.

Mobile homes and medium/higher value conventionally built homes are found inter-mixed along most roads in the eastern one-half of the town. There are no larger areas that can be identified that are characterized as being predominantly mobile homes or predominantly medium/higher value conventionally constructed homes. Growth in the western one-half of town has been predominantly in the form of mobile homes.

There has been relatively little commercial development. Some newer businesses are found along State Route 11. Smaller, home businesses have become established in scattered locations throughout the town.

## **POTENTIAL FOR RESIDENTIAL DEVELOPMENT**

The primary potential for growth in the Town of Mooers is for residential development.

Much of the housing demand should continue to be for affordable units such as mobile homes or modular dwellings. This type of housing is frequently sought by young families seeking their first home. The Town of Mooers is attractive not only because of its rural character and environmental qualities, but also because of relatively cheap and available land.

There will also be a substantial demand for moderate and higher priced conventional housing. This type of housing is frequently sought by middle aged families with enough accumulated capital to afford such dwellings, and by retirees.

Demographic and housing data suggests that there is relatively little demand for multi-family type dwelling units in the Town of Mooers with the exception of senior citizen housing. As in all areas of the state, there will be a significant increase in the 65 years and older population in the Town of Mooers in the future.

## **POTENTIAL FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT**

Retail stores and establishments catering to the traveling public require a site near a population center and/or along a heavily traveled route. State Route 11 has some potential for attracting commercial uses such as convenient marts, auto sales establishments, food stands, and retail stores, but the probability of other sections of town to attracting similar uses is slight. Major commercial developments, such as shopping plazas, are more likely to locate closer to the Northway intersection with Route 11 in the Town of Champlain than in the Town of Mooers. There is the potential for further campground development, and businesses that cater to the tourist trade, particularly along State Route 11.

The type of businesses that are most likely to become established in the remainder of town (other than along State Route 11) are small family owned and operated businesses such as auto repair shops and construction businesses.

The prospects for future industrial development in the Town of Mooers are low. Other towns in the region are more competitive in attracting industries because of the existence of water and sewer infrastructure, a larger labor force, the provision of industrial sites, and an active local area development corporation. However, it is possible that some sites along State Route 11 could be attractive to industrial, trucking and/or warehousing establishments, due to good highway access and cheaper land than is available closer to Plattsburgh.

## **SUITABILITY FOR WASTE DISPOSAL**

Waste disposal as discussed herein means any form of landfill, incineration or stockpiling of wastes, to include commercial incinerators, sewerage sludge disposal, landfills, junkyards or hazardous waste disposal sites.

There are several reasons why the Town of Mooers is not suitable for waste disposal facilities. First, the soils afford little protection to the groundwater from possible spills, leaks, or accidents resulting from the storage or disposal of waste materials. Many soils are sandy or gravelly, and are characterized by a rapid percolation rate. Many soils are also characterized by a high groundwater table. Other soils are very shallow bedrock. Second, much of the town is believed to be underlain by sandstone bedrock containing aquifers that flow eastward toward Lake Champlain. Should pollutants enter such aquifers, they could contaminate large areas to the east. Third, many streams and wetlands exist that could potentially be polluted by waste materials. Moreover, it can be concluded that the future of the Town of Mooers lies with its potential to develop as a rural residential community. Waste disposal is incompatible with residential uses, and the location of such facilities in the town would be inconsistent with this vision of its future.

Considering all these factors, waste disposal should be severely limited, or prohibited, within the Town of Mooers.

## **AREA BY AREA LAND USE ANALYSIS**

The Town of Mooers may be divided into land use areas that have similar characteristics in regard to existing and potential land uses. These areas are discussed below. Agriculture and forestry are omitted in the analysis because it is assumed that these uses are appropriate throughout the entire town.

### **FORMER VILLAGE OF MOOERS**

The former Village of Mooers already has adopted a zoning law based upon a land use plan prepared in 1989. No change is needed in this plan.

### **STATE ROUTE 11, FORMER VILLAGE OF MOOERS EASTWARD TO THE TOWN LINE**

This section of State Route 11 is mostly open land, with little residential development. Due to its proximity to the Route 11 - Adirondack Northway intersection, the presence of open land, and being a heavy duty highway suitable for truck traffic, it is the best location for industrial, trucking, and warehousing uses within the Town of Mooers. It also has potential for commercial development due to the relatively heavy traffic volume.

Appropriate future uses for this area include most commercial or industrial uses, as well as all types of residential development.

**STATE ROUTE 11, FORMER VILLAGE OF MOOERS WESTWARD TO MOOERS FORKS**  
(extending slightly to the of west Mooers Forks, to approximately the intersection with Boas Road)

This section of State Route 11 is currently a mixed use area containing numerous residences as well as some commercial business establishments. This area could attract some additional commercial development in the future due to its location relatively close to populated areas and the traffic volume along Route 11. Larger scale businesses, such as industrial, trucking and/or warehousing uses, however, would be incompatible with the residential uses found within this area.

Appropriate future uses in this area include all residential uses and most commercial uses, but would not include industrial, trucking or warehousing businesses, or campgrounds, because they would conflict with residential usage.

**STATE ROUTE 11, MOOERS FORKS WESTWARD TO THE TOWN LINE**

This section of Route 11 is sparsely settled at present, and contains a mixture of residential uses, commercial business, and a campground. Due to its relatively isolated location, only spotty business development may be anticipated in the future. Most of the newer residential development is in the form of mobile homes.

Due to the sparse development pattern, abundance of open land, and limited growth prospects, almost all new residential or business development would be compatible within this area, provided that it is designed so as to minimize adverse impacts upon surrounding properties.

**STATE ROUTE 22**

State Route 22 is a lightly settled residential area with one or two commercial businesses mixed in. It has some potential for future commercial development due to its location as a state highway, but should develop primarily as a residential area.

Appropriate future uses in this area include all residential uses and most commercial uses, but would not include industrial, trucking or warehousing businesses, or campgrounds, because they would conflict with residential usage.

**SPARSELY SETTLED, SLOW GROWTH, RURAL AREAS**

The entire western one-half of the Town of Mooers, together with much of the north central section, is best characterized as a slow growth area. Because of the limited prospects for future growth and development, and the abundance of

open land, any new commercial or industrial development will be very spotty, and will pose relatively few conflicts with residential uses. Residential development is very scattered, with the newer growth consisting largely of mobile homes.

Due to the sparse development pattern, abundance of open land, and limited growth prospects, almost all new residential or business development would be compatible within this area, provided that it was designed so as to minimize adverse impacts upon surrounding properties.

### **GROWING RESIDENTIAL AREAS**

There are some areas within of the Town of Mooers that have experienced considerable residential growth during the past two decades. A substantial portion of this growth has been in the form of medium to relatively high value conventional homes. There has also been considerable mobile home development. There has been little business development other than small businesses conducted from the home.

These areas exist in the following locations:

- In the south-central portion of town, in the Gilbert Road - Woods Falls Road area.
- In the area just north of Mooers Forks - former Village of Mooers, in the vicinity of North Star Road and other roads connecting to it.
- In the northeast corner of town, closest to Perry Mills, in the North Star Road - Thompson Road area.

These areas represent the existing and future residential neighborhoods in the Town of Mooers. In order to protect their residential character, it is recommended that land uses incompatible with residential use be restricted within them. Because they are still relatively lightly settled areas, and many residents may wish to operate small business out of their residential properties, it is recommended that small businesses be permitted. Also, because conventional homes and mobile homes are found mixed throughout these sections, it is recommended that both be permitted.

Because the majority of persons responding to the questionnaire survey (see survey results presented earlier in this document) opposed mobile home parks, it is recommended that they not be permitted in these areas.

### **RESIDENTIAL SECTIONS OF MOOERS FORKS**

There are some sections of the hamlet of Mooers Forks, off State Route 11, that are primarily residential. In keeping with their current residential character, it is recommended that land uses incompatible with residential use not be permitted in these areas.

## LAND USE / ZONING PLAN

The previously appointed Town of Mooers Land Use Committee, now disbanded, began the preparation of a land use/zoning plan for public discussion. This plan is contained in Appendix A, herein. The plan divided the Town of Mooers into nine different zones (in addition to the zones found within the former Village of Mooers). Not all the zones were placed on the map. The intent was for the public to choose what they preferred for their area from among the nine zones established by the committee for discussion purposes.

It became evident from the public meetings that the plan devised by the committee was thought by the persons attending the meetings to be too complicated, and too restrictive in some respects. It is therefore recommended that a simpler plan be followed, one that would consist of the four zones described below.

### PROPOSED ZONING DISTRICTS

#### GEN General Use

This zone is intended to apply to: (a) proposed commercial and industrial corridors such as along portions of State Route 11, and (b) to relatively sparsely settled rural sections of town where commercial or industrial would not negatively impact the pattern of residential development or is unlikely to affect the enjoyment of residential properties.

This zone would allow all land uses except those, such as waste disposal, that would be prohibited throughout the town. Many non-residential uses would be permitted without special use review and approval by the zoning board of appeals, provided that they comply with the lot size and setback requirements specified in the zoning law. Non-residential uses more likely to interfere with residential properties would require special use review and approval before a zoning permit could be issued.

Minimum lot size for residential and commercial structures would be 40,000 square feet (1 acre = 43,560 square feet), and for industrial, trucking and warehousing uses would be 80,000 square feet.

#### COM Commercial

This zone is intended to apply to areas that are suitable for mixed commercial and residential development, but where industrial, trucking and warehousing uses, mobile home parks, and campgrounds would not be permitted due to their impacts on residential properties. Commercial use zones would include much of the central section of State Route 11 including Mooers Forks, State Route 22, and Hemmingford Road.

Minimum lot size would be 40,000 square feet for commercial uses. Outside the hamlet of Mooers Forks minimum lot size for residential development would 40,000 square feet, but inside the hamlet minimum lot size for residences would be 30,000 in keeping with current lot sizes.

#### **RES Residential**

This zone is intended to apply to those rural portions of town that are developing residential areas, where industrial uses and many commercial uses would be incompatible with the residential character of the area and could have negative impacts upon the enjoyment of residential properties.

All residential uses would be permitted except mobile home parks. Single-wide mobile homes would be allowed subject to zoning regulations such as those pertaining to skirting materials and cement pads. Some commercial uses, considered compatible with residential areas if designed appropriately, would be allowed after special permit review and approval by the Town of Mooers zoning board of appeals. Other commercial uses, and industrial, trucking and warehousing uses, would be prohibited.

Minimum lot size would be 40,000 square feet for all development outside the hamlet of Mooers Forks. Inside the hamlet minimum lot size for residential uses would be 30,000 square feet in keeping with current lot sizes.

#### **IND Industrial use**

The industrial use zone is a proposed "floating zone." Floating zones are those which initially do not appear anywhere on the zoning map, but which would be created on a case-by-case basis upon the request of a developer or land owner. Upon such request, the Town Board may, after public hearing, amend the zoning map to create such a zone. The minimum size Industrial Zone that could be created would be 20 acres. Only industrial, trucking, and warehousing uses would be allowed within such zones.

#### **PERMITTED USE CHART**

Specific land uses that would be permitted or prohibited in each zone are shown in the following chart. An "x" indicates that a use is permitted within the zone. An "s" indicates that a use is permitted within the zone after special use review and approval by the zoning board of appeals. The purpose of the special use review is to insure that adverse impacts to surrounding properties are minimized. A blank indicates that a use is not permitted within the zone.

Should a zoning law be adopted by the Town of Mooers based upon this comprehensive plan, the permitted use chart in said law may differ from that shown here as a result of further discussion and public input.



**PROPOSED PERMITTED USE CHART,  
ZONES OUTSIDE THE FORMER VILLAGE OF MOOERS**

RES = Residential  
HRES = Hamlet Residential  
COM = Commercial  
HCOM = Hamlet Commercial  
GEN = General Use  
IND = Industrial

x = permitted  
s = permitted after Special Use approval  
blank = not permitted

RESIDENTIAL USES	RES	COM	GEN	IND
	HRES	HCOM		
Single and two family dwelling (includes double-wide mobile homes)	X	X	X	
Multi-family dwelling	S	S	S	
Mobile home, single-wide	X	X	X	
Mobile home park			S	

GENERAL USES	RES	COM	GEN	IND
Public and semi-public buildings and grounds (1)	S	X	X	
Membership club (VFW, etc.)		S	S	
Essential services	S	S	S	

COMMERCIAL USES	RES	COM	GEN	IND
Home occupation	X	X	X	
Antique, craft or gift shop	S	X	X	
Used merchandise or furniture		S	S	
Gun shop, fishing tackle shop	S	X	X	
Personal service business	S	X	X	
Professional or business office	S	X	X	
Launderette		S	S	
Bed & Breakfast establishment	S	X	X	
Food or ice cream stand		X	X	
Retail store not specifically listed in this section		X	X	
Funeral home		X	X	
Nursery, florist, greenhouse	S	X	X	
Restaurant		S	S	
Neighborhood convenience store, with gas		S	S	
Neighborhood convenience store, without gas		S	S	
Outdoor recreation		S	S	
Indoor recreation		S	S	
Produce sales		S	S	
Feed store, farm supplies		S	S	
Construction, well drilling business	S	S	S	S
Veterinarian, animal hospital		S	S	
Lawn, garden, or farm equipment sales		S	S	
Kennel			S	
Motel, hotel, cabins		S	S	
Tavern, bar, nightclub		S	S	
Motor vehicle sales		S	S	
Campground			S	

Compatible Use Chart (cont.)

	RES	COM	GEN	IND
	HRES	HCOM		
Mobile home sales		S	S	
Gasoline and auto service station		S	S	
Motor vehicle repair shop		S	S	
Truck stop			S	
Shopping center		S	S	
Sand or gravel extraction		S	S	S
Slaughterhouse			S	
Rendering Plant	Prohibited in all zones			
Motor vehicle race track	Prohibited in all zones			
Airport	Prohibited in all zones			
Other commercial uses			S	

INDUSTRIAL, WAREHOUSING AND TRUCKING USES

Sawmill			S	S
Research/testing laboratory			S	S
Warehousing and distribution			S	S
Fuel oil distribution			S	S
Light Industrial use			S	S
Heavy Industrial Use				S
Trucking			S	S

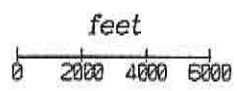
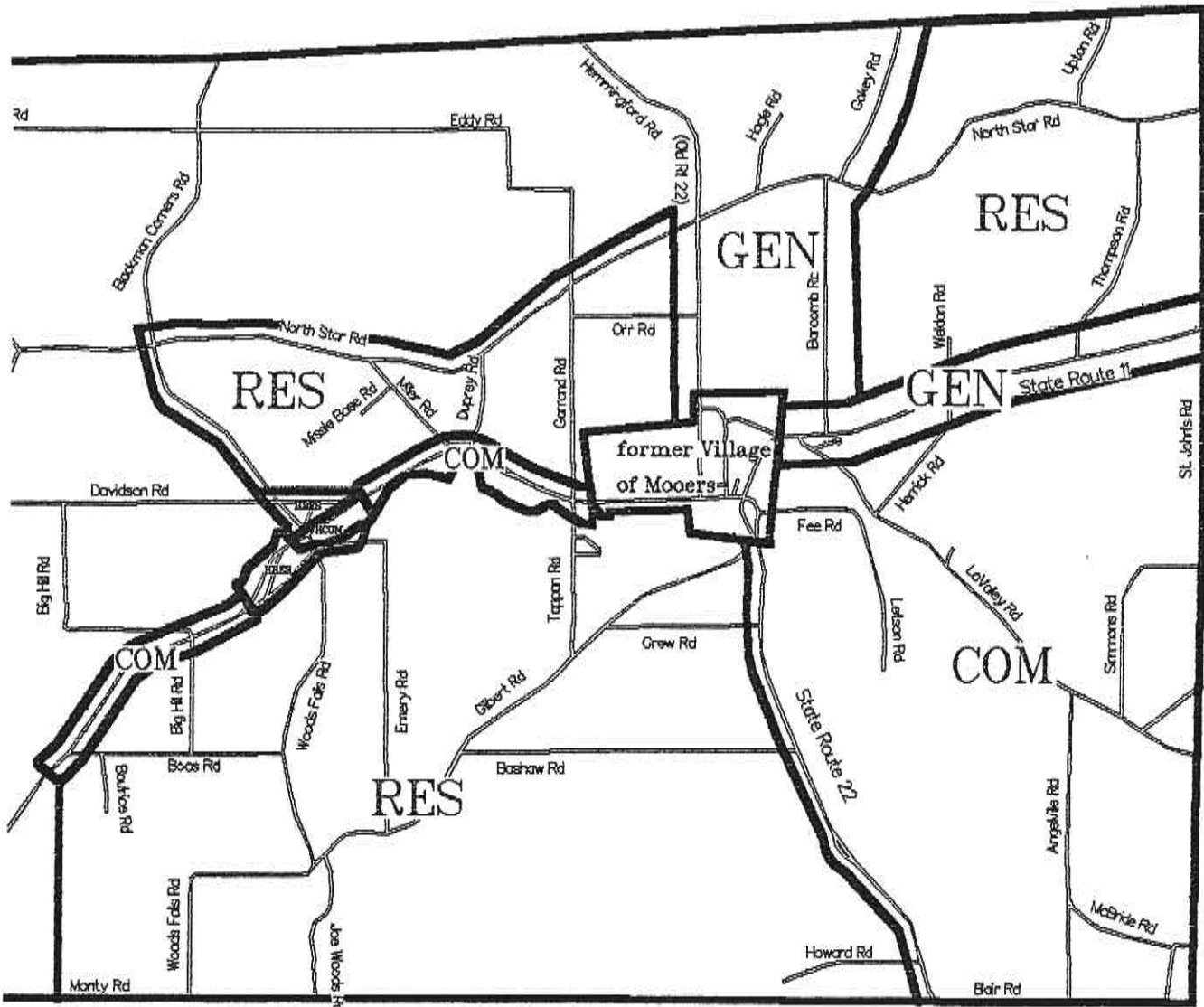
WASTE DISPOSAL

Junk yard	Prohibited in all zones			
Solid or liquid waste disposal, including incinerators	Prohibited in all zones			

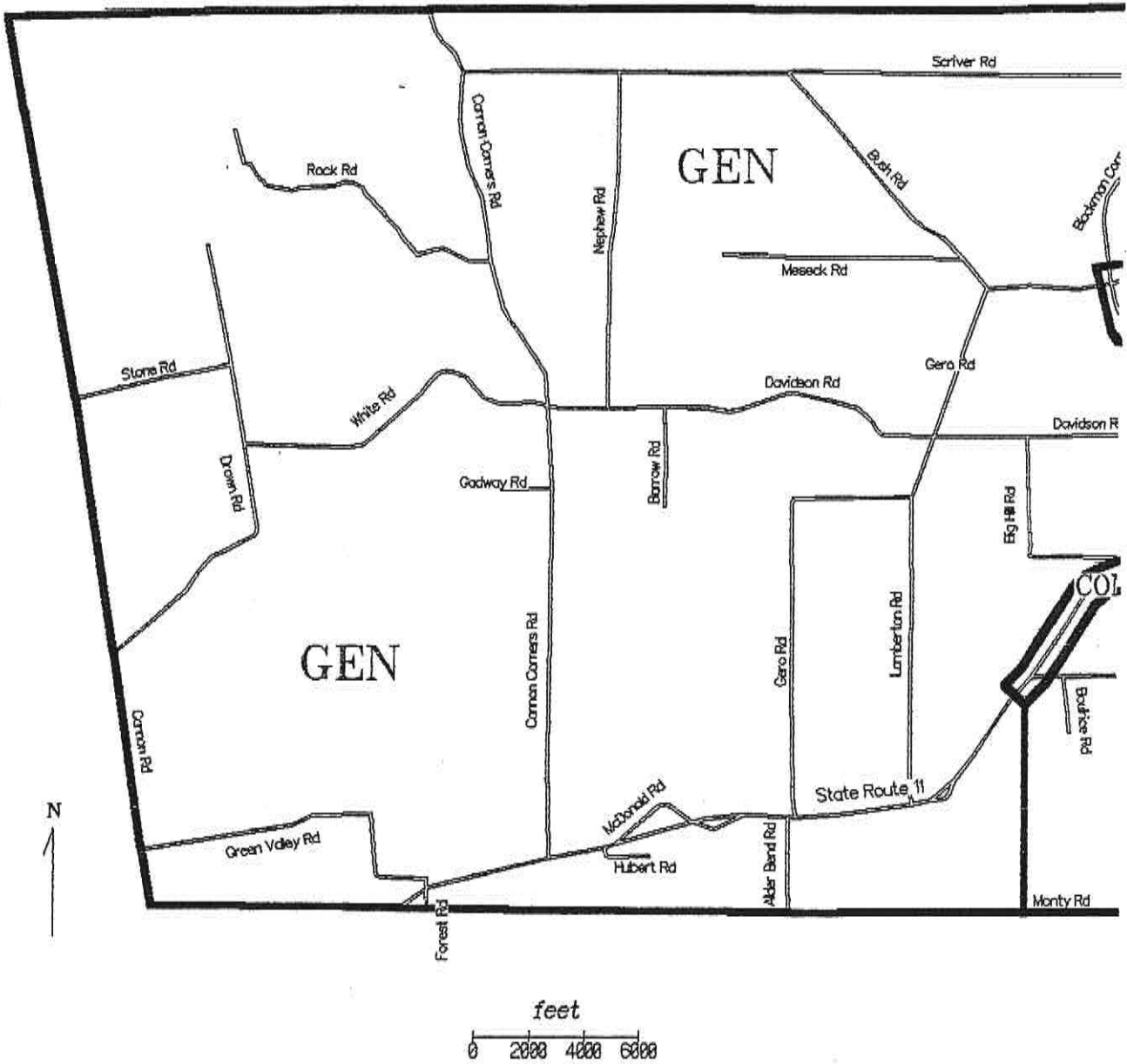
OTHER USES

Agricultural structures and uses	X	X	X	X
Forestry	X	X	X	X
Accessory structure or use	X	X	X	X

# Recommended Zoning Plan (east)



# Recommended Zoning Plan (west)



# ENLARGEMENT OF MOOERS FORKS AREA

RES

COM

former  
of Moore

Grew R

Garrand Rd

Tappan Rd

Duprey Rd

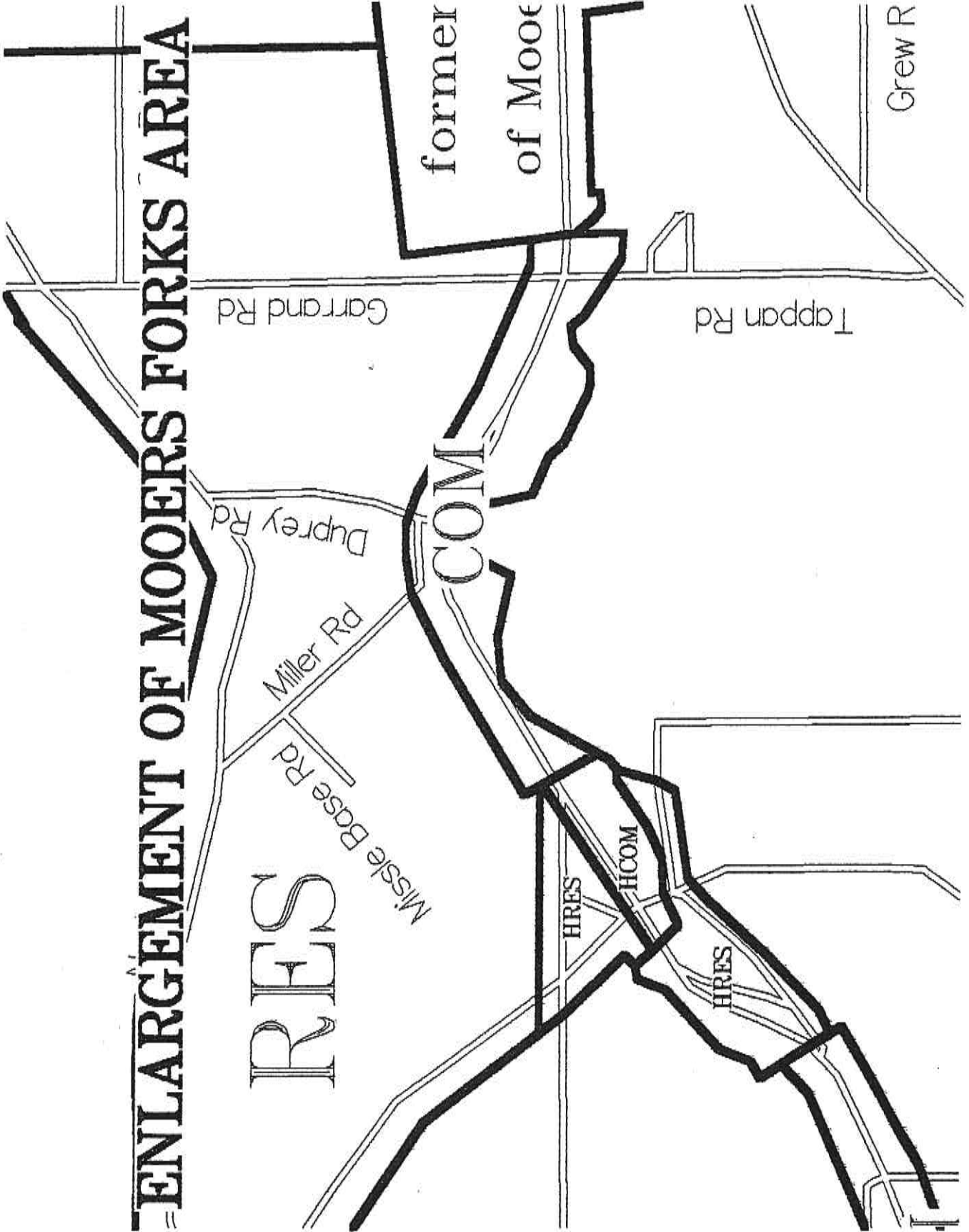
Miller Rd

Missile Base Rd

HRES

HCOM

HRES



## MODEL ZONING LAW

To accompany this plan, the consultant has prepared a "Model Zoning Law for the Town of Mooers," dated June 1996. (There are earlier versions that can be discarded.)

It is recommended that the Town of Mooers Zoning Commission use this model law for discussion purposes, and modify it to suit their desires during the meeting and public hearing process.

The model zoning law was prepared to contain the following:

1. Regulations contained in land use control laws previously passed by the Town of Mooers, including those pertaining to: the dumping or storing of solid or liquid wastes, the keeping of junk, single family home development, mobile homes, mobile home parks, travel trailer parks, recreational vehicles and travel trailers.
2. The previously adopted Village of Mooers Zoning Law, that must now be incorporated into the town-wide law.
3. New regulations pertaining to commercial development.
4. Regulations that were included in the Village of Mooers Zoning Law, that are proposed to be extended to cover the remainder of the town. These include off-street parking requirements and sign regulations.
5. Definitions and administrative procedures that are a standard part of zoning laws, and are necessary for its proper administration and enforcement. Definitions and procedures occupy several pages in the "Model Zoning law for the Town of Mooers", and are the major reason why it appears so much larger than the previously adopted land use laws.

## **Appendix A**

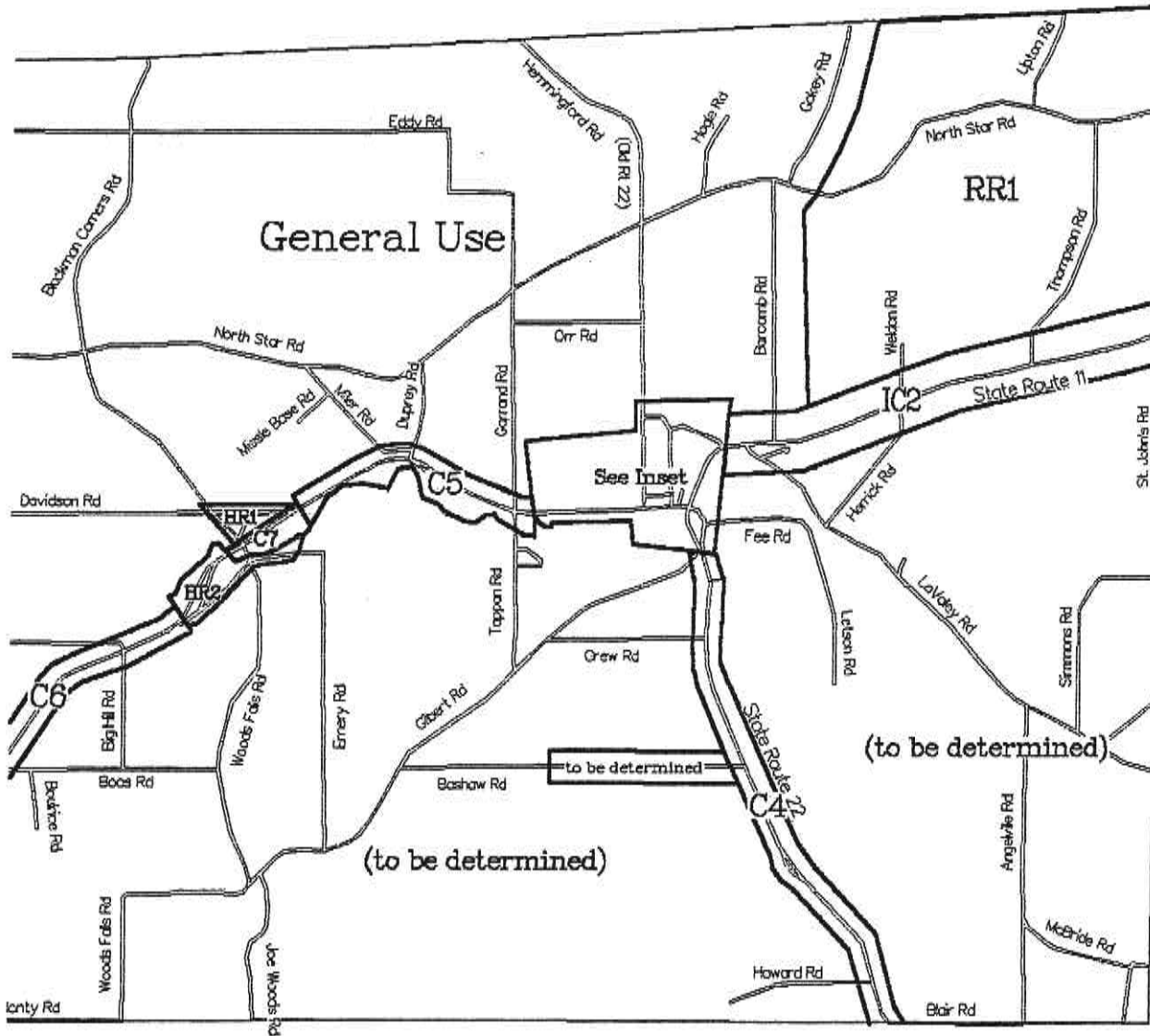
### **Land Use Committee's Suggested Zoning Plan**

The following plan was prepared by the Town of Mooers Land Use Committee during the winter and spring of 1995. Public meetings were held, but the plan was never finished or adopted.

It was the general opinion of the public attending the meetings of the Land Use Committee that this plan was too complex and too restrictive. Therefore, the simpler, less restrictive plan presented on the previous pages is recommended in its place.

# Land Use Committee's Suggested Zoning Plan

## Town of Mooers Zoning Plan (west)

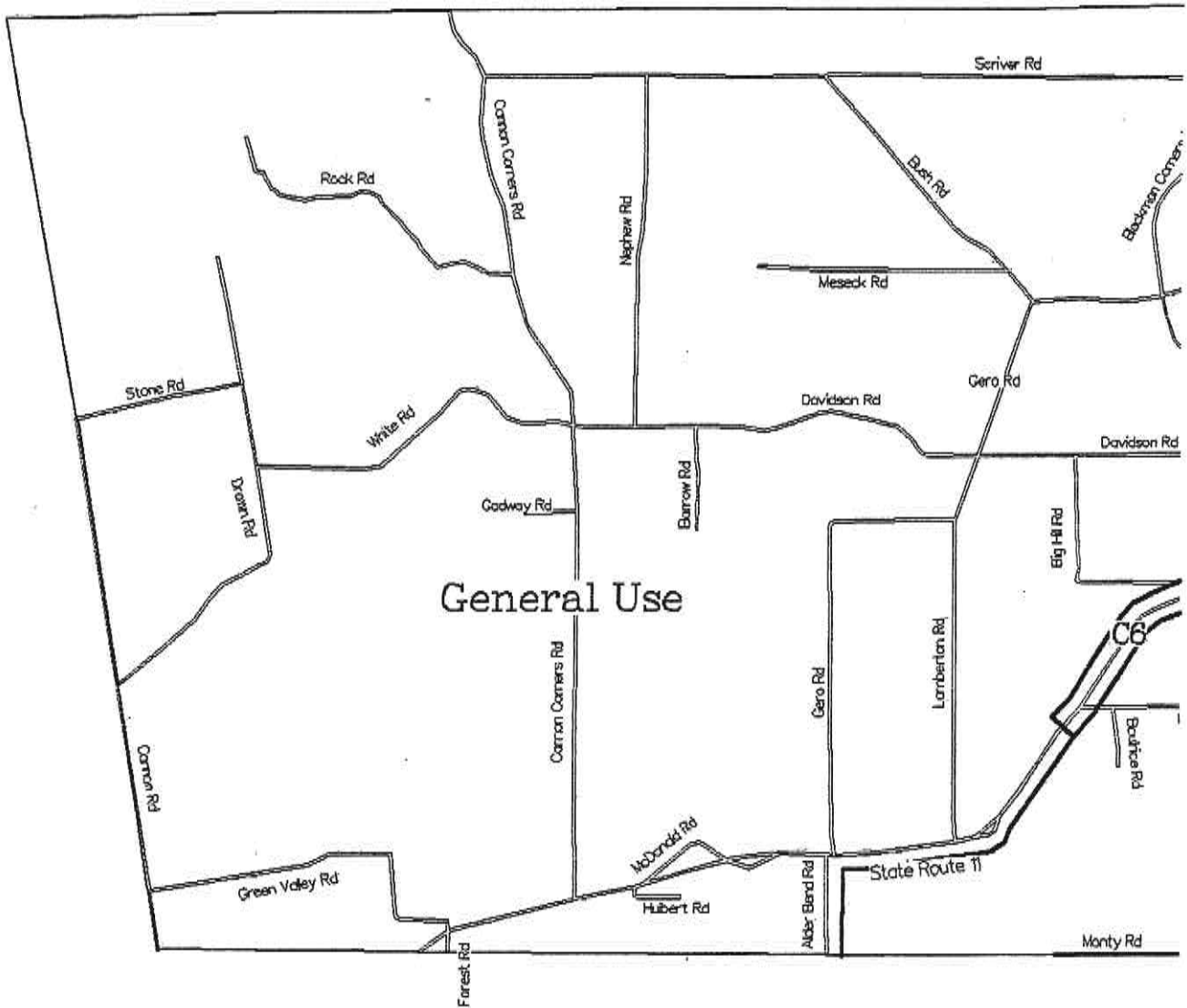


April 1996



# Land Use Committee's Suggested Zoning Plan

## Town of Mooers Zoning Plan (east)



Land Use Committee's Suggested Zoning Plan

# MOOERS FORKS INSET

