

Cluster Subdivision Under Section 278 of New York State Law

Under Section 278 of New York State Town Law, a Town has the authority to allow or to mandate **Cluster Development** as contrasted to a conventional subdivision where the building units are usually spread evenly over the property.

Cluster Development is a form of subdivision development which concentrates buildings in specific areas on the site to promote the most appropriate use of the land, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of open lands. The land remaining undeveloped may be used for recreation, common open space, and the preservation of environmentally sensitive features such as wetlands, watercourses, wooded areas, steep slopes, ravines, etc.

A **Cluster Development** resembles a conventional subdivision in that it complies with existing zoning in respect to overall density and use. Cluster projects generally concentrate development in the most suitable areas on the site, allowing for the preservation of and minimal adverse impacts to more environmentally sensitive areas located on the site.

In the Town of Colonie the Review Process for a Cluster Development is as follows:

1. An application and concept plan are submitted to the Town Board.
2. The Town Board may request a Planning Board recommendation on the applicability of cluster development for the site. The Planning Board will conduct a public meeting prior to forwarding a recommendation to the Town Board. In making its recommendation, the Planning Board considers the nature of the land, and whether it would be more appropriate to develop a cluster rather than a conventional subdivision. The Planning Board at this point is not making a recommendation on the specific cluster development plan presented to the Town Board.
3. The Town Board may hold a Public Hearing on the project prior to authorizing or denying the application. If it is denied, the developer may then apply for a conventional subdivision. If the Town Board authorizes the plan then the project is referred to the Planning Board for subdivision review. The Town Board at this stage sets the maximum density for the project.
4. The Planning Board reviews the concept plans as authorized by the Town Board and accepts or rejects them. The Planning Board may not make substantial changes to the concept plan without review and authorization by the Town Board, but may require a reduction in density if, in their judgment, the maximum set by the Town Board is more than the site can reasonably support.
5. If the concept plans are accepted, then the developer submits final plans to the Planning Board.
6. Once the final plans are determined to be complete, they are presented to the Town Board to ensure that they are consistent with the Town Board's original authorization.
7. The Planning Board holds a Public Hearing on the final plans for the Cluster Development Subdivision and either approves or denies the final application.

If you should have any further questions concerning this process you may contact the Town of Colonie Planning & Economic Development Department at 783-2741.