

**Draft of a comprehensive plan for the growth &  
preservation  
of  
The Town of Jackson, New York**

**Introduction.** The Jackson Town Board has asked its Planning Board to develop a plan for the future growth of the town, and to report frequently to the Town Board about its work. The Town Board asked the Planning Board to encourage participation by residents of the town through a three-step process: (1) developing the plan at meetings of the Planning Board, (2) sharing the draft with the Town Board, and (3) obtaining the views of residents of the town at one or more public hearings conducted by the Planning Board.

Based on Planning Board discussions to date, the Planning Board believes that, in general, residents of the Town of Jackson are pleased with the existing character of the town. However, if residents had the power to pick a single future change for the town, they would likely select lower property taxes, to be accomplished by adding commercial and/or industrial uses that increase the tax base of the town without significantly changing the character of the town. If our belief is confirmed as the planning process progresses, the key to developing a plan with broad community support will be to strike the right balance between growth and preservation.

This document is only the draft of a comprehensive plan, not a finished plan. It was prepared at the request of the Town Board, to give the Town Board a sense of the direction in which the Planning Board is working and to provide Jackson residents a context in which they may express their desires for the future direction of the town. This draft has emerged based on discussions at \_\_\_ meetings of the Planning Board and [4 ?] joint meetings of the Town Board and the Planning Board. As noted at the end of this document, next steps in the development of the plan will include sharing this outline with residents of the town at meetings and at least one

public hearing of the Planning Board. The comments received by the Planning Board through that sharing process will produce revisions and amplifications to this outline.

One benefit of completing a comprehensive plan is that it may make the town eligible for grant funding of some town initiatives.

**The planning process.** The development of a comprehensive plan for a town is governed in part by Section 272-a of the New York Town Law. In accordance with a resolution adopted by the Town Board on April 17, 2013, the proposed draft comprehensive plan for the Town of Jackson has been prepared by its Planning Board. When a Planning Board prepares the plan, it does so in the form of a recommendation to the Town Board. The legislation governing the planning process was based on findings by the New York State legislature (i) that the legislature intends to encourage, but not to require, the preparation of town comprehensive plans and (ii) that the participation of citizens in an open, responsible, and flexible planning process is essential to the designing of the optimum town comprehensive plan.

After the Town Board has directed the Planning Board to prepare a proposed comprehensive plan, the Planning Board is required to hold one or more public hearings and such other meetings as it deems necessary to assure full opportunity for citizen participation in the preparation of the plan. Within 90 days of receiving the Planning Board recommendations on the proposed plan, the Town Board is required to hold a public hearing on the proposed plan. [Town Law, Section 272-a (5 thru 6).] The Town Board is also required to refer the proposed plan to the county planning board for review and recommendation. The county planning board has 30 days after receipt of a full statement of the proposed plan to report its recommendations to the Town Board. The Town Board may not act contrary to the recommendations of the county planning board, except by a vote of a majority plus one of all the members of the Town Board. [General Municipal Law, Section 239-m.]

At the outset, it may be helpful to have some definitions, so that we will all have a common understanding of some of the terms that may be mentioned in our conversations about the draft plan:

**A comprehensive plan** is a policy statement, not a blueprint. It does not contain land use regulations that specify how sections of the town will be developed. The term “town comprehensive plan” is defined in Section 272-a (2) (a) of New York’s Town Law to mean “the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices, and instruments for the immediate and long-range protection, enhancement, growth and development of the town.” Section 272-a also specifies the topics that should be included, to the extent applicable to the town, in a comprehensive plan. The headings in this plan conform to the topics identified in Section 272-a.

**Subdivision regulations** are approved by the Town Board and specify how landowners may divide their land into separate lots. The Town of Jackson has had subdivision regulations, administered by its Planning Board, since 19XX.

**Site plan regulations** are regulations, approved by a Town Board, that authorize a Town agency such as the Planning Board to review specified aspects of proposed developments, such as parking, building placement, driveways, building placement, signage, and lighting. Site plan regulations usually apply to industrial, commercial, and large residential developments. Other developments, such as small residential developments, can be exempted from site plan regulations. Before site plan regulations can become effective, the New York statutes require public hearings affording the public opportunities to comment. This comprehensive plan does not recommend that the Town of Jackson consider the adoption of site plan regulations at this time.

**Zoning regulations** are regulations adopted by a Town Board that establish separate zones for specified uses, such as industrial, commercial, and residential uses. Such regulations usually specify the dimensions, placement, area, and density of development within the established zones. Before zoning regulations can become effective, the New York statutes require public hearings both by the agency drafting the zoning regulations and by the Town Board. Referral to the County

Planning Board for its comments and recommendations is also required. This comprehensive plan does not recommend that the Town of Jackson consider the adoption of zoning regulations at this time.

**Historical development of Jackson.** From 1773 until 1815, the present Town of Jackson was part of the town or district of Cambridge, which also included the present Town of White Creek. In 1815, an act of the New York legislature divided the old Town of Cambridge into the three present towns – Cambridge, White Creek, and Jackson. However, the division into three towns did not alter established patterns of development, which have continued to the present time and must be taken into account in developing a plan for the future growth and preservation of Jackson. The residents of Jackson rely on neighboring towns for goods and services necessary for everyday life. (See “Existing land uses,” below.) As a consequence of these early patterns of development, there is a high degree of interdependence among Jackson, Cambridge, and White Creek, and also among those three towns and Greenwich and Salem, the other towns bordering on Jackson. This interdependence has increased during the past 80 years, as motor vehicle transportation has made it increasingly easy to travel among the towns.

**Population: demographic & socio-economic trends.** The 2010 census shows Jackson to have a population of 1,800, an increase of 4.9% over the 2000 census. The population is predominantly white (1,738), with African Americans and Hispanics represented in the census by 26 and 27 persons, respectively. The median age in Jackson is above the state average.

Median household income in Jackson in 2009 was \$51,107, only slightly below the New York State median of \$54,659. Of the portion of the population over age 25, 84.7% had completed high school, 23% had a bachelor’s degree, and 9.6% had a graduate or professional degree. Unemployment in August 2012 was 7.7%, slightly below the statewide rate of 8.8%. Residents of Jackson with income below the poverty level were 9.6% of the population in 2009, which compares favorably with New York State as a whole, which was 14.6%.

In the 2010 census, Jackson was reported to have 1,162 housing units, of which 65.3% were occupied. Jackson has a lower occupancy rate than Salem, Greenwich, and Cambridge, which range from 84.1% to 89.7%. The estimated median value of a house or condo in Jackson in 2009 was \$159,568, compared with \$306,000 in New York State as a whole. The Town Assessor confirms what Councilman Meyer observed at our joint meeting in April 2013 – that seasonal residences near the lakes explain the lower occupancy rate in Jackson. Depending upon what time of year a survey is conducted, the seasonal residences might appear to be unoccupied.

**Existing land uses.** In terms of area, agriculture is the predominant land use. Jackson consists of approximately 24,000 acres, or about 37.5 square miles. (That includes about 200 acres of lakes and other water bodies.) Of those 24,000 acres, approximately 11,300 acres is devoted to agriculture, based on the Town’s assessment data. Residential uses occupy a substantial portion of the area of the town, but there are few commercial services available within the borders of Jackson. Jackson has no schools, one church, two restaurants, no post office, no large grocery store, no hardware store, no bank, no drug store, no fire company, and no rescue squad. Jackson relies wholly or partially on neighboring towns or other communities in the region for such services.

The two maps in **Attachment 1** show property classifications and agricultural districts, confirming that agriculture is Jackson’s predominant land use. In fact, the property-classification map appears to overstate the amount of actual residential use. We recognize that not all land within the two agricultural districts is actively farmed. However, we believe that the map showing agricultural districts is a better indicator of the scope of agriculture in the town, because on the property-classification map if a tax parcel contains a residence, the entire tax parcel appears to be classified as residential.

**Water resources.** Lakes and rivers provide Jackson with water for recreation and agriculture. The Battenkill forms approximately 16.5 miles

of the border between Jackson and Salem and the border between Jackson and Greenwich, giving Jackson, Salem, and Greenwich incentive to plan compatible uses for their respective banks of the river. Dead Lake, Hedges Lake, Schoolhouse Pond, and Lake Lauderdale lie wholly within Jackson. The lakes provide wonderful opportunities for recreation and housing, but the intensity of housing development on the shores of the lakes and on the banks of the river and its tributaries presents a planning challenge related to the future growth of the town.

The maps in **Attachment 2** show the route of the Battenkill through the town.

All but one of these water resources are linked and interdependent. Governed by gravity, water flows from one water body to lower bodies, requiring water quality issues to be addressed for the connected systems. At 538 feet, Dead Lake has the highest elevation, is spring fed, and is unconnected to other bodies of water. Schoolhouse Pond flows into Lake Lauderdale and the Owl Kill, its waters eventually reaching the Hoosick River. Hedges Lake flows into Clarks Pond and its waters eventually reach the Battenkill. The Battenkill and the Owl Kill have several tributaries originating in the Town of Jackson. A map showing the Battenkill watershed is in **Attachment 3**.

**Other natural resources & sensitive environmental areas.** The Battenkill State Forest (535 acres) and Eldridge Swamp State Forest (515 acres) are both situated in the Town of Jackson. Both state forests have frontage on the Battenkill. The river has a high level of natural reproduction and contains both wild brown and native brook trout. The state forests are managed to enhance natural resource values for public use with general state land regulations. The state forests provide scenic views rich in plant, fish, and wildlife habitat along with replenishing valuable groundwater. The New York State Department of Environmental Conservation has released a draft Unit Management Plan for what it calls the “Northern Piedmont” region, which includes both the Battenkill State Forest and Eldridge Swamp State Forest. The plan is available at the DEC website, [www.dec.ny.gov](http://www.dec.ny.gov). Topographical maps showing these state forests are found in **Attachment 4**.

Another natural resource in Jackson is the Dionondehowa Wildlife Sanctuary & School, Inc. This non-profit resource is located on 217 acres on Stanton Road along the Battenkill. The Sanctuary serves as a refuge and recharge area for wildlife, while the school is dedicated to nature studies and the healing and expressive arts.

Wetlands in the Town of Jackson are identified on the map found in **Attachment 5**, although the wetlands between Scotch Hill Road and Skellie Road appear to be overstated.

**Agriculture.** Agriculture has been, is now, and is expected to continue to be the major economic activity in Jackson. Moreover, agriculture is the major factor shaping the landscape and the viewsheds in the town. Agriculture therefore enables tourism and events, such as the Tour of the Battenkill bicycle race, that bring visitors to Washington County in general and Jackson in particular.

Agriculture has, however, experienced major changes during the last 50 years. The family-sized dairy farm has evolved into an increasingly large operation, requiring significant capital investment and requiring labor from outside the farm family. As smaller dairy farms have ceased production, in many cases their land has been added to the operations of expanding farms. In some cases, other agricultural uses, e.g., sheep, beef, goats, alpacas, and vegetables, have replaced the dairy farms that have ceased production. Maple syrup has been a longstanding product; a winery was added in the town in 2005.

*[Illustrate these trends by adding mid-twentieth-century information, as well as current information.]*

In addition to shaping the landscape, agriculture supports numerous businesses that are integral parts of the agricultural infrastructure – tractors & equipment, seed & fertilizer, and a livestock market. Of those parts of the agricultural infrastructure, only the Cambridge Valley Livestock Market is within the borders of Jackson. For other agricultural

needs, farms in Jackson are dependent upon goods and services situated in other towns.

The Cambridge Valley Livestock Market illustrates the extent to which a robust agricultural community and the related agricultural infrastructure are interdependent. As the number of farms in Massachusetts and Connecticut has dwindled, many of the remaining farms in western Massachusetts and northern Connecticut depend on Cambridge Valley Livestock Market to maintain a market for their animals. Therefore, for the Town of Jackson and for Washington County it is not sufficient to maintain a few farms, because if the number and scale of farms falls below a critical level, the remaining agriculture cannot support the infrastructure necessary for the survival of a robust agricultural community.

Some steps have already been taken for the preservation and protection of agriculture in Jackson. Several smaller agricultural districts have been consolidated into Agricultural District No. CA005, and a portion of Agricultural District No. CA003 is also within the Town of Jackson, both as shown on the map in **Attachment 1**. In addition, through a combination of purchases and donations of development rights, Agricultural Stewardship Association has enabled the preservation of agriculture on about 15,000 acres in Washington and Rensselaer Counties. The portions of Jackson covered by existing conservation easements are shown on the agricultural-district map in **Attachment 6**.

Classification of the soils found within the town is shown on the map in **Attachment 7**.

A list of farms and farmland within the town of Jackson is found in **Attachment 8**.

**Protections for agriculture.** Since 1994 Jackson has had a right-to-farm law. In addition, the adoption of subdivision regulations made applicable to Jackson additional protections for agriculture found in Section 305-a of New York's Agriculture & Markets Law. Section 305-a (2) requires that any application for subdivision approval on property within an agricultural district containing farm operations or on property



with boundaries within 500 feet of a farm operation located in an agricultural district, must include an “agricultural data statement” prepared by the applicant and including (i) the name and address of the applicant, (ii) a description of the proposed project and its location, (iii) the names of property owners with farm operations within the agricultural district and within 500 feet of the boundary of the property upon which the project is proposed to be located, and (iv) a map showing the site of the project relative to the location of the farm operations identified in the agricultural data statement. The clerk of the board receiving such an application is required to mail written notice, describing the proposed project, to the owners of land identified in the agricultural data statement, and the board considering the application is required to evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within the affected agricultural district.

Similarly, if in the future the Town adopts zoning or site plan regulations, agricultural data statements would be required for projects proposed under such regulations, to ensure that the proposed projects do not unreasonably restrict or regulate farm operations within the agricultural districts.

**Non-farm economic activity & employment.** A “Listing of Businesses, Town of Jackson, as of 10/22/13” is in **Attachment 9**. Note that “non-farm” businesses are not necessarily unrelated to agriculture.

**Transportation facilities and utilities.** The State roads passing through Jackson are Route 22, Route 372, and Route 313. The County roads through Jackson are County Route 62, a north-south road, County Route 61, an east-west road, and County Route 64 between Route 22 and the Jackson-Salem border in the direction of Shushan. There are 57.75 miles of town roads in Jackson.

The principal roads and watercourses in the town are shown on the map in **Attachment 10**.

East-west traffic on State roads is subject to a bottleneck in Greenwich, where Route 372 passes under a low, 11-foot railroad overpass. As a consequence, east-west truck traffic on State roads has to use either (i) Route 29 between Greenwich and Salem or (ii) Route 67 between Schaghticoke and Eagle Bridge. Unless and until the Greenwich bottleneck is remedied, commercial activity in Jackson that requires frequent east-west trips by large trucks will be difficult.

Additional transportation facilities include the railroad (i) between the Village of Cambridge and the border of the Town of Salem, following the Battenkill River through Jackson and along the Jackson-Salem border and (ii) between Greenwich and the junction of State Route 22 and State Route 29, along the Jackson-Greenwich border. The railroad is used to transport fertilizer, lime, and other agricultural substances to Carovail and to Cargil, both located in Salem, New York. The railroad is, therefore, an important part of the infrastructure supporting agriculture in Jackson and in the region.

Bus service into Jackson is provided on a limited basis by Washington County, and medical transportation for seniors and disabled persons is provided by the Retired & Senior Volunteer Program (RSVP).

Chapin Airport, on Plains Road, provides a landing field for small airplanes but no commercial air service.

**Existing & potential commercial and industrial facilities.** See “Listing of Businesses, Town of Jackson, as of 10/22/13” in **Attachment 9**.

**Housing.** As mentioned above under “Population: demographic & socio-economic trends,” the 2010 Census reports that Jackson contains a total of 1,162 housing units, 759 of which are occupied and 403 of which were reported in the Census to be vacant, probably because they are seasonal.

**Future housing needs, including affordable housing.** The 2010 Census reported that the total population of Jackson was 1,800, compared

to 1,716 in 2000. This modest growth rate, 4.9% over a decade, indicates a relatively stable population. Nevertheless, additional housing will be required, both to replenish the existing housing stock and to accommodate population growth. The rate of population growth will be determined in large part by the employment opportunities available in, or within commuting distance of, the town. Given the cost of new residential construction, a variety of strategies should be considered to make housing affordable.

**Educational and cultural facilities, historic sites.** The National Register of Historic Places listed in 1978 the three covered bridges that cross the Battenkill between the Town of Jackson and the Town of Salem (Eagleville, Shushan and Rexleigh). Two of the three bridges are still in use today, while the third has been converted into the Shushan Covered Bridge Museum. In 2012, the Maxwell Farm located on County Route 61 was also added to the National Register.

Inside Jackson are Gallery 668, the McGuire farm museum, and the NYS Biological Lab. Outside Jackson but close by are the Georgi Museum in Shushan, Hubbard Hall in Cambridge, the Fort Salem Theater, and Music from Salem.

**Existing and proposed recreation facilities and parkland.**

Jackson's borders encompass a wide variety of recreational facilities and parkland. Washington County leases 117 acres from New York State for the Lake Lauderdale Park, tucked in off Route 22 along the eastern shore of Lake Lauderdale. The park is available for use by the general public for seasonal activities such as swimming, fishing and picnicking. The newly added boat launch allows for non-motorized boats to launch from the wooded areas surrounding the beach. Additional park features include areas for volleyball, horseshoes, nature trails, and a small playground area. The property also contains a pavilion with picnic tables with space for groups up to 200 people. The pavilion was the site of the 2013 Jackson town picnic,

Lake Lauderdale Park is home to the Lake Lauderdale Summer Camp, for school children from neighboring towns, which is operated by the

Cambridge Youth Commission. In addition, the park hosts other annual events, including the Fronhofer Tool Triathlon, Lake Lauderdale Association Fishing Tournament, and Jump in the Lake, which raises money for local causes.

The following camping and related outfitting facilities are available in the Town of Jackson:

1. Lauderdale Campground, located on County Route 61, has a variety of sites to accommodate campers, ranging in size from tents up to full hook-up big rigs.
2. Battenkill Riversports and Campground, located on State Route 313, offers tubing, canoeing, and kayaking, as well as seasonal camping in cabins or in visitors' tents.
3. Battenkill Valley Outdoors, also located on State Route 313 adjacent to the State forest, offers similar opportunities along with yoga, biking, hiking, and fly fishing. There is also a lodge and pavilion for small groups as well as spacious grounds for larger groups.

Other outdoor sports facilities include a nine-hole executive golf course at Ondawa Greens on Scotch Hill Road. Equestrian sports are available at the Cambridge Saddle Club, and flying at Chapin Field with the Cambridge Valley Flying Club,

The Town also contains lakes, a river and streams, accessible for both public and private fishing and for boating. Some of the private land in Jackson is available for hunting and trapping. Jackson also contains 535 acres of the Battenkill State Forest and 515 acres of the Eldridge Swamp State Forest, which both offer hiking trails in addition to hunting and camping.

Agricultural Stewardship Association holds in Jackson an annual art exhibit and sale, known as "Landscapes for Land Sake".

Popular events, outside Jackson but nearby, include the annual Balloon Fest in the Village of Cambridge, and the "Tour of the Battenkill" bicycle

race, the course of which runs through the Town of Jackson, although the start and finish lines are in the Village of Cambridge. The Historic Salem Courthouse Preservation Association, Inc. ([www.salemcourthouse.org](http://www.salemcourthouse.org)) holds several events during the year, including a dinner under tents on its Al Fresco Weekend in July, community theater, and youth programs.

**Health facilities and facilities for emergency services.** Routine medical care and testing is available at facilities in Greenwich and Cambridge, under the auspices of Glens Falls Hospital. Jackson residents use Saratoga Hospital, Glens Falls Hospital, and Southwestern Vermont Medical Center in Bennington, Vermont, depending on the patient’s location and the medical specialty needed.

**Land use planning at Washington County and in towns bordering Jackson.** Washington County has a Planning Board but no comprehensive plan. The towns adjoining Jackson have adopted various land-use tools, as shown in the following chart:

Town/Village	Comp. Plan	Subdivision Regulations	Site Plan Review	Zoning	Other
Town of Cambridge	No *	Yes	No	No	
Village of Cambridge	Yes	Yes	Yes	Yes	
Town of Easton	Yes	Yes	Yes	No	
Town of Greenwich	Yes	Yes	Yes	Yes	
Village of Greenwich	Yes	Yes	No	Yes	Vision Plan 2010
Town of Salem	Yes	Yes	Yes	No	Ag Plan 2010

Village of Salem	Yes	Yes	Yes	Yes	
Town of White Creek	Yes	Yes	Yes	No	

\* The Town of Cambridge is, however, reported to be taking steps toward beginning a comprehensive plan. See “Town Takes Step Toward Creating Comprehensive Plan,” *The Eagle Newspaper*, March 14, 2013, page 12.

**Statement of goals for the immediate and long-range development of Jackson.** The overall goal of the Town of Jackson is to preserve its rural character while at the same time encouraging, and in some cases coping with, growth. How to encourage or accommodate growth will not be decided at a single decision point; it will be a process that begins with the development of a comprehensive plan and will continue over several years as Jackson residents and the Town Board they elect assess opportunities and challenges that arise in the future. The immediate task is to give the town the tools it will need to evaluate and to influence those opportunities and challenges.

There is tension between the goal of preserving Jackson’s rural character and the goal of encouraging residential and commercial growth, but there are land use policies that can increase the compatibility of the two goals.

Encouraging realistic commercial and industrial growth could make a double contribution to the town – it could make a healthy contribution to the Town’s tax budget and it could provide employment opportunities for Jackson residents. Residential growth alone may not achieve this two-fold impact, because residential development increases the need for services that must be financially supported by the taxpayers – e.g., schools, fire protection, and public safety.

As noted above, agriculture and businesses supporting agriculture are the most important economic activity in Jackson and in neighboring towns. Therefore, the growth that Jackson encourages should be compatible with a robust agricultural community. It would be self-defeating for the town

to encourage growth – residential or commercial – that undercuts agriculture.

During our meeting with Dick McGuire, a Jackson resident who was formerly the Commissioner of Agriculture for New York State, he pointed out that given Jackson's hilly topography, almost every farm includes sites that could be developed for two or three single-family residences without harming the agricultural potential of the farm. For this reason, the Planning Board recommends that future regulation of residential development focus on large-scale residential development, which could have the double effect of curtailing agriculture and changing the character of the town.

**Policies and strategies for improving the local economy.** It is easier to expand an economic activity that is already established and already has a record of performance than it is to start something completely new. Therefore, preserving, protecting, and expanding agriculture and its supporting infrastructure should be given a high priority in the economic development activities of the Town of Jackson and of Washington County. Similarly, tourism, which has at least a toehold in this region, should be encouraged.

Non-farm business expansion is likely to be small scale in the immediate future. Therefore, the best sort of economic development would result from adopting policies and procedures that welcome small businesses that are compatible with our agrarian base, while at the same time protecting the character of the town.

Massive technical and business developments along the I-87 corridor north of Albany have received a lot of publicity. For the foreseeable future, it is probably not feasible for Jackson, which lacks similar transportation facilities and similar proximity to Albany, to encourage development of that type and of that scale. If such developments along the I-87 corridor proceed as planned, the initial impact on Jackson and on Washington County and Rensselaer County towns west and south of here will be an uptick in demand for housing.

**Proposed measures to implement the goals of the comprehensive plan.** The fact that massive development in Jackson is not imminent does not, in the opinion of the Planning Board, mean that Jackson should do nothing. If we proceed expeditiously, we have time to prepare for the arrival of development, and we should use the time wisely.

In the opinion of the Planning Board, it would not be a wise use of time to wait for the appearance of an unpopular project and then to declare a moratorium on development. Consider the following scenario: a developer with an unpopular project in mind purchases a 200- or 300-acre parcel, and installs an access road at significant cost. The developer also expends significant funds for architects and engineers, but there is nothing on the land, except perhaps a few surveyors' stakes, to indicate that architects and engineers have been involved. If, when more becomes known about the project, the town wants to declare a moratorium, it would have to design a moratorium that meets the technical requirements imposed by the courts. That is, the moratorium would have to have a valid public purpose; its burdens would have to be shared by the public at large and not by a minority of landowners; and it would have to have a definite expiration date and not continue indefinitely.<sup>1</sup> If the town were successful in designing a moratorium, it would be faced with the need to complete land use regulations before expiration of the moratorium. It would have incurred the expense of designing a moratorium, but would not have advanced the planning process beyond where the town is today. However, designing and implementing a moratorium does not mean that the developer would not be successful in forcing the project into the town. The developer could claim that it had acquired vested rights by accomplishing substantial construction (the access road) and incurring substantial expenditures (the engineers & architects) before the moratorium, and therefore claim the project is not subject to the moratorium. Whether or not the town won that fight about the

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<sup>1</sup> An interesting question, not researched at this point, is what the town would declare a moratorium on. If the developer purchased a large enough parcel, no subdivision would be required, and subdivision regulations are all Jackson has at present. Building permits are issued at the county level, so Jackson could not refuse to issue building permits, although the Supervisor could decline to concur with the county's issuance of a building permit.



significance of the developer's construction and expenditures, the town would incur litigation expense that it could avoid. See *Land Use Moratoria*, issued by the New York Department of State as part of the James A. Coon Local Government Technical Series.

Apart from massive development, there is a range of projects that might be attracted to Jackson because of its location and rural character. Projects that in the past have been considered for construction in Washington County include telecommunications towers, hazardous waste facilities, a trash-to-energy plant, and a nuclear generating station. Such developments may be good or may be bad for the town involved, but at present the problem for our town is that the town has no tools for evaluating and influencing proposed development projects. There may be regulatory requirements at the county or state level, but the Town of Jackson would have no role in the decisions related to development within its borders. The process under the existing subdivision regulations is purely mechanical; under the subdivision regulations, the town cannot even require a minimum lot size. Moreover, as land-use regulations are adopted in towns that border Jackson, the probability increases that Jackson will attract uses that are controversial or undesirable in the opinion of our residents. The Town Clerk reports that she frequently gets calls asking whether Jackson has zoning. Responsible developers welcome zoning, because it assures that they will be moving into a stable environment. Less scrupulous developers may wish to take advantage of the absence of land-use regulations and find a site for unpopular projects. In such circumstances, residents are likely to appear before the Town Board or the Planning Board, and at present town officials would have to tell residents there is no role for the town to play in determining whether the proposed project will have a positive effect on the town and its property values.

**Conclusion.** Over the time this draft plan has been developed, there have been ten Jackson residents who have been Planning Board members, participating in the process. All have been supportive of the planning process and have approved the contents. As people who have spent many years in Jackson, they all want to achieve the right balance between preserving what residents like about Jackson and encouraging growth that

builds upon Jackson's tradition and provides economic and employment opportunities for Jackson residents. During the "Next Steps" described below the process will be open, and there will be several opportunities for public input. The Planning Board looks forward to constructive comments about how this draft plan could be improved. This comprehensive plan does not recommend that zoning be considered for the Town of Jackson at this time.

**Next steps.** As it proceeds to work on this draft comprehensive plan, the Planning Board will develop a generic environmental impact statement for the plan, as required by Section 272-a (8) of the New York State Town Law. Such impact statement will be developed in accordance with the State Environmental Quality Review Act. Jackson residents are invited to identify, and comment about, potential environmental impacts of this plan.

For the comprehensive plan recommended by the Planning Board to become effective, the steps described under the heading "The Planning Process" on pages 1-2, above, must be completed. That is:

- The Planning Board is required to hold one or more public hearings and such other meetings necessary to assure opportunity for citizen participation.
- Within 90 days of receiving the Planning Board recommendations, the Town Board is required to hold a public hearing on the proposed plan.
- The Town Board is required to refer the proposed plan to the county planning board for review and recommendations. The county planning board has 30 days after receipt of the proposed plan to report its recommendations to the Town Board.