



**FINAL**  
**TOWN OF LINDLEY**  
**COMPREHENSIVE PLAN**

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**Caton/Hornby/Lindley**  
**Cooperative Rural Futures Project**

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**Southern Tier Central Regional**  
**Planning and Development Board**  
**May 1, 2002**

# Town Of Lindley

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Subject: Comprehensive Plan with Implementation Procedures and Laws

**Abstract:**

The Comprehensive Plan for the Town of Lindley has been generated to correlate the changing environment in which we live with the predominant desires of the residents within the town. Included within this scope are: regional development trends; laws governing permitted actions; existing demographics within Lindley; desired growth patterns and very importantly the context of Why we live in Lindley and What we wish our town to be.

This Comprehensive Plan is based on the findings of a resident survey conducted in 2000 as the primary input in conjunction with the existing laws and growth trends evidenced over 30 years. It provides the basis for all Zoning Laws and regulations along with the interpretation of requests not specifically covered by any document. It is not intended to preclude changes that might be beneficial; however, any substantial change outside the Zoning Law must be interpreted for the Town of Lindley's primary benefit, as compared to that of the individual.

The Comprehensive Plan and Implementation measures are designed to encourage: retention of agricultural and conservation uses; blending with our existing natural resources; maintenance of a social and environmental rural atmosphere and to allow for controlled growth. It must also protect all aspects of our home environment while still allowing individuals and the town to enhance positive growth where the growth may be seen as value of life as well as structures. It specifically does not allow changes that effect the intrinsic nature of the town or provides an irreversible trend that results in the same with respect to topography or existing residential environments.

**Introduction:**

The comprehensive plan for a community is a written and graphic picture of the desired future development of the community. As such, it is the basis for both private and public planning of projects within the community. It is structured for a 10-year horizon given conditions existing in 2000. A critical aspect is recognition that what is done today becomes the legacy of Lindley forever. Once a hillside is changed from trees to development, for example, its rural character is lost for all future residents.

The planning board, as the primary controlling body, is concerned not only with overall development and its impact, but also with the tools required to comply with the comprehensive plan. While private planning and investment are responsible for most changes in the appearance of the community, there are public devices to insure that this occurs in accordance with the plan:

1. **Local codes and ordinances** – building codes, zoning, junk laws, road requirements and uniform standards for physical improvement. Included also are all regulations and restraints stipulated by higher levels of government.
2. **Capital improvements program** – for major public facilities such as roads, utilities, schools, other demands as the Township builds and rebuilds.
3. **Public administration and finance** – day-to-day decisions regarding municipal finances, fiscal policy, departmental functions, delegation of responsibility, review procedures and public policy.
4. **State and Federal programs** – housing, highways, community facilities and other administrative and financial aids complementing local action.
5. **Environmental constraints** – set by the federal, state and regional agencies et. SEQR
6. **Reference materials** that may be drawn upon to enact a decision or policy that supports conformance to this plan.

Elements of this comprehensive plan are:

**A. Topographical feature references**

1. **Agricultural Lands and Open Space.** This shows lands with livestock and field crops, forested land and recreation as designated by the Real Property Tax land use code. It also shows the parcels which contain most or all “worked land,” which is land identified by the Comprehensive Planning

Committee as leased or part time agricultural land. All of these lands are important to retain as they are today.

2. Natural Features. This shows streams, floodplains, state designated wetlands, the National Wetland Inventory wetlands, and steep slopes that define the physical characteristics of the community. These lands should be protected from inappropriate development.
3. Aerial Photography. This shows Lindley from the air in 1995-96 with tax parcel boundaries and roads overlaid. From this one can distinguish forested areas, fields, homes, hamlets and other physical features. Enlarged, this map can be used for site plan and subdivision review.
4. Vacant Parcels under Two Acres. This map shows the small undeveloped parcels which could be too small for most development.
5. Roads. This shows abandoned, private, town, county and state roads, as well as a proposed route for the relocation of Route 15, with parcel boundaries. Some higher intensity uses such as highway business could be limited to main roads.

## **B. Resident Survey**

The survey submitted to all known residents and the compiled responses received are included as a reference appendix. Actual responses are held on file with the town clerk for the duration of this plan. A response rate of 40% was achieved with most issues being rather well delineated. In drawing the majority perspective of the town, similar questions and contrasting questions were evaluated together for conclusion. For all issues considered within this plan, consideration was given to minority positions to achieve a balance whenever possible.

The survey provides the single most important perspective of what the town is and what its residents want. The overall opinions provided should not be violated.

## **C. Planning Issues**

### **Trends:**

Lindley has changed over 30 years since the prior comprehensive plan and is not in line with its projections. Simplistically, all commercial endeavors to include farming have declined dramatically with the land being converted into smaller residential parcels. Lindley has become more of a bedroom community with income generated from outside sources. Not only is this trend expected to continue, but will likely accelerate as housing demands increase. High income

developments are being placed outside of Lindley with lower income housing being pushed to the outer towns. This creates a great demand on cheaper land, such as Lindley, that can be converted for development. This provides a two-fold effect: the rural nature of the town is constantly eroded; and the tax base historically does not keep up to the requirements of the larger community. This condition is recognized as being magnified with the onset of heavier development. Planning is to enhance long term growth both in quality of life in the Town and in the tax base required to support it.

Regrowth of an agricultural base or new commercial/industrial ventures of greater than five employed persons is not projected. This carries significance in that not only is internal revenue not generated, but these types of ventures historically have carried a higher proportion of the town's tax burden.

A primary issue evidenced by the majority of Lindley residents was the desire to stay rural; it is the predominant reason they stayed or came to live. The trend to larger developments is contrary to the town's character.

Many other issues are also addressed in this comprehensive plan. They are listed as follows in alphabetical order.

1. **Community Services** - Preferred to be incorporated into the town as beneficial and growth oriented. All need to be self-sustaining entities that meet with all relevant zoning criteria.
2. **Conditional Uses, Permanent** - These are the major working tools of the Planning Board and Zoning Board of Appeals. Intrinsicly they allow a solution to be worked out that can not be accurately defined by zoning regulations. They set "conditions" by which something can be done that otherwise is not allowed. They are at the discretion of the board as stipulations to conform with the intent of this comprehensive plan. This type of Conditional Use is permanent as long as the conditions stipulated are met. If they are not met either at inception or even years later, operations will be curtailed by the town until rectified. This will be an integral part of the conditional approval. In the event of land sectioning that is under a Conditional Use that results in non-conformance; no building permits will be allowed.

Conditional Uses are unique as they are identified by the specific need and surrounding residential environment. Granting of one does not set a precedent for another as a policy of this comprehensive plan.

Issues or requests not specifically detailed in the Zoning Law are not granted as options to the individual. They, as well as all actions, must be

structured to be of benefit to the town or, at a minimum, not in conflict with the intent of this comprehensive plan.

3. **Conditional Uses, Temporary** - Permits given for activities or structures that are for a defined purpose and longevity. This provides a mechanism to meet special individual needs that are in conflict with zoning or other planning criteria. An example is the positioning of a single-wide manufactured home on an occupied residential site for caretakers' residence of a disabled person. The intent is to help the individual when necessary only. After the need is over, the Conditional Use is withdrawn and the site reverts back to the pre-use condition at owner's expense. Stipulations are set by the planning board and are to be upheld. In the example above, sale of either residence would not remove the requirement that the second unit had to be removed.
4. **Deforestation and mining** - Use of natural resources such as woodlands, wetlands and mining is a privilege belonging to the landowner as much as fields are to a farmer. The lands, forests and streams also form an intrinsic part of Lindley's character and therefore are imperative to maintain. Cultivation, harvesting or consumption for the owner's individual use is supported. When such or similar activities are done for financial gain or when a permanent change is made to the topography, town review is stipulated. Whether done by an individual or a third party, conformance to all environmental (includes living environment), legal, highway and commercial standards is required. A specific requirement is that, after harvesting, the land must be reconditioned to a predetermined acceptable condition. At the time when a county or local foresting code becomes available, it will be considered for public review and adoption.
5. **Dual Uses/Occupancy** - Home based businesses along with home occupations are encouraged for town residents and will generally be granted if such approval does not affect the general nature of the surrounding area. High traffic, small businesses such as gas stations would not be approved in this category. Home businesses that exceed five employees require site separation and a Conditional Use with supporting stipulations. Variances should not be granted where other conditional uses apply.

Dual occupancy of more than one residence on a property is only appropriate as a temporary Conditional Use as defined elsewhere. Units can be separated as distinct properties only if all zoning requirements are met for both parcels individually.

6. **Environmental Evaluation** - The impact on the environment is to be considered whenever the topography is to be disturbed. Specifically, the

zoning regulations and external governmental regulations, i.e., SEQRA (NYS Environmental Quality Review Act), set natural environmental standards. The town can not minimize any of these requirements; it can, however, institute stricter requirements if desired.

Lindley's environment is a key feature to its residents and, as such, an environmental impact statement may be required in conjunction with any permit. Protection or enhancement of topographical features is part of the planning process.

Living environments are also to be considered. These include man-made influences such as, smoke, noise, light, traffic and the type of neighborhood around us. Influences on the neighboring community are to be considered as part of the planning process. An example is that a sawmill, although acceptable in some more remote locales, would not be acceptable near the town hall.

7. **Fences, privacy** - Not all fences are controlled by either zoning or permit approval. Fences that are constructed or grown for the use of seclusion or visual blockage do need a permit as they also affect neighboring property. Design options will remain open; however, a visual and proximity assessment is to be made prior to approval with the concept of "good side out" being a stipulation.
8. **Hamlet Development (Commercial only)** - This is not projected as likely in the short term future. It is not precluded by zoning and is to be encouraged especially when specific needs of the community can be served locally. There is no restriction on location.

An attractive and utilitarian hamlet needs to be planned well at the onset to include access, parking and services with a potential for growth. A generalized view needs to be generated by the planning board that new endeavors can fit into. Random strip generation i.e. a "Miracle Mile" where each unit has a unique design (one metal one wood, another loud, the next sedate) is not desirable. Design and function uniformity has to be a structure goal. Random proliferation of business/service outlets is not.

When the potential arises to start or build up a commercial hamlet center, the Planning Board is to establish very clearly what it is to look like and how structured as a special project. The use of zoning and building guides used separately for each unit would likely not result in an attractive functional center for residences or commerce.

9. **Historical/Cultural** - Not specifically delineated at this time; however, should always be considered as enhancing the town's identity and a desirable locale to live.
10. **Individual Rights vs Public Domain** - Individual rights versus public domain is perhaps the single most important issue of balance within the Lindley as it is at all levels of government. Neither can dominate, nor can laws and regulations be broken or amended to allow for individual desires. It is the boards' requirement to look for alternatives where each benefit. Tradeoffs, such as permanently establishing open space, giving easements or utilizing dead land, are options. These are useful tools; however, the basic intent of this plan, which is established to reflect all the residents' desires for their town, cannot be compromised.
11. **Industrialization** - Industrialization has been established as not being in conformance with Lindley's objectives. No special incentives or areas have been formatted to enhance large business ventures to locate in the town. This is not preclusive. Proposals can be tendered and would be reviewed with careful consideration on balancing economic opportunity – for existing residents – with establishing conditions that maintain the rural quality of the town. Limits on building size should be considered to avoid excessive traffic and development which is out of scale with the rural quality in the town.
12. **Junk Codes** - Junk codes currently exist within the town; however, they need constant review as to interpretation and enforcement. New ones may be needed as conditions warrant.

“Junk” is not “grand fathered” as pre-existing because it is not supposed to be there. If it truly is “another man’s treasure,” then it must have value and, as such, be put away for protection.

“Junk” is more specifically identified in the ordinances but should be viewed as being anything that is consistently and continuously viewed as objectionable to neighboring residents or the town as a whole.

“Junk” must be stored out of sight so that it is no longer objectionable unless it presents a health hazard, affects the environment or produces an effect on neighboring parcels.
13. **Living Environment Issues** - Residents have made an investment in where they live with their time, labor and money, and this investment needs to be respected by decisions made later. The boards have an obligation to protect these values by not allowing them to be compromised by new activities.

Effects may be seen as traffic increases, light pollution, signs, noise, smells or property devaluation. Part of a resident's tax burden is because they bought into this environment and expect it to be protected as such. Structures or uses should not be allowed that conflict with the immediate neighborhood, such as a metal building in a row of wooden ones. This is to be part of the planning, Conditional Use or building permit and approval process. A pattern of compatibility consistent with the local area or neighborhood is required in the evaluation of any structure, landscaping, site work, or fencing during the preliminary review prior to final consideration for permit approval.

14. **Mobile Home Parks** - Lindley has three mobile home parks as of 2000. Mobile home parks intrinsically do not complement nor protect a rural environment making them contrary to the specific desires of the resident majority within Lindley. They are to be discouraged. Parks represent a dense packing of residents that is of an urban nature rather than a sparser rural environment. This densification provides a more concentrated source of noise, light and traffic.

Each lot site within a park requires the same amount of services as does any single lot residence, however, park sites pay much less in taxes per unit making them a tax burden on the remaining town residents.

If considered; any new park, or growth of existing, requires a Conditional Use with careful review to make them compatible with the town's overall benefit. Road frontage of units is disallowed. Site size per unit is set at 10,000 sq. ft. with storage units required for each. Compensating open space of buildable land is to be permanently set aside as part of the conditions. Specifications will be established at the discretion of the Planning Board, i.e. layout, roads and landscaping among others, so as to make any park conform to the natural environment it is in without disrupting the living environment of the surrounding area.

15. **Multi-family Units**

- A. Existing Structures: Conversion is allowed for up to three units that result in conformance with building regulations and conform to all standards set by Planning Board. Conversion is not allowed when a zoning variance is required or when another Conditional Use exists on the same property.
- B. New structures: Building multi-family units is not highly desired. When allowed by Conditional Use review, each structure should not exceed four units and will require a larger site to accommodate the

increased density. Coexisting structures, if allowed, will be set significantly apart with permanent natural buffers, i.e. trees, that provide distinction between units. Each unit must be environmentally self-sustaining for water and sewer. Any particular style of unit may be disapproved at the board's discretion based on aesthetics or layout. All criteria is to be set by the Planning Board to be in conformance to the intent of this plan.

C. Group Homes, such as nursing and retirement homes. Conditional use consideration may be given through the Planning Board. All responsibility for conformance to safety, legal and regulatory issues remain with the petitioner. Aesthetic and conformance issues are the stipulation of the town.

16. **Open Space** - Lindley will maintain a significant amount of open space owing to its topography. Lands in the floodplain, wetlands (designated or not), stream banks, and slopes greater than 25 degrees are permanently set aside. A balance is still required along with growth in housing and other structures especially as farms are broken up. A two acre per residential unit minimum continues to provide some openness.

Conditional Uses of any nature where the parcel size is less than five acres per unit requires open space stipulations. These are permanent set asides that balance the localized higher density, thereby maintaining a rural (rather than suburban) character. These are set as part of tradeoffs for the Conditional Use that allows all parties to benefit. Once set aside as part of the Conditional Use, a development easement on the tract is permanent and passes with ownership.

17. **Overview Policy** - There may be significant opportunities that arise that are in conflict with the Zoning Law and this Comprehensive Plan although likely in the best interest of the town's residents; i.e., the opportunity to bring in a major town employer although industrialization is not preferred.

Rather than an immediate rejection, these provide an alternative growth mechanism for the town and as such should be considered on their merits. Scenarios that accommodate the town's character and needs can be derived that would satisfy all parties.

18. **Planning Process** - The governing bodies of the Planning and Zoning Board of Appeals Boards make all final interpretations and decisions relative to the applicable zoning law. Their decisions are to be based on the full intent of the Comprehensive Plan that serves the interest of or improvements to the town rather than individual pursuits They are

required to maintain conformance and consistency to the Plan and to be responsible to the public.

Planning is the main tool that defines who we are and the legacy we leave for future residents. Lindley will continue to strive to help its residents as individuals whenever feasible. There will be requests that are in conflict with overall desires either because of the specific impact they have or the permanent change made for the future. The planning process is just that: to plan, not just to grant. Individuals and boards hold a responsibility to the town's residents to uphold the intent of the Comprehensive Plan as it was developed from the survey. What is done now is permanent for the future and as such needs a long term impact perspective.

When feasible, the boards can use Conditional Uses, tradeoffs, stipulations or changes to help approve a request but, in the interest of the town, are not required to do so. The lack of public involvement on a specific request (or hearing) is not to be interpreted as disinterest or assumed approval. Residents need to have the confidence that policies are conforming and consistent regardless of their immediate involvement.

It is the petitioner's obligation, for any request, to provide all necessary input to the board's satisfaction. Approvals rendered by any individual or board become the responsibility to the petitioner as far as execution, conformance and any resultant outcome. (For example: A permit for building on land that is near a stream does not provide recourse against the town if a structure is subsequently flooded.) The petitioner assumes sole responsibility for any adverse consequences arising from the requested project.

19. **Preserved Lands** - Lindley has no substantial public lands as preserves nor are they seen in the 10 year scope of this plan. Existing private lands that are preserved include all slopes greater than 25 degrees, wetlands and stream banks which are not allowed to be developed.

Privately held lands that are preserved by their respective owners to prevent development or held for recreational interests continues to grow. These provide an internal limiting effect on future growth by protecting open spaces and the social environment of the neighborhood.

These may be further enhanced by providing for development easements. The positive tradeoff is that neighboring parcels that are developed have higher living and tax base value.

20. **Recreation** - Specific projects dealing with recreational sites were not deemed a priority for the scope of this Plan. The proximity of the Tioga-Hammond-Cowanesque recreation areas and a multitude of wood lots seem to serve the towns' residents. Government agencies are working with local landowners to develop public river access sites on the Tioga River as part of the Chemung Basin River Trail. Any local public park would go through Town Board action and public review when proposed. No parks from other agencies are currently proposed but would likely be encouraged.

The development of commercial recreation sites is not seen as advantageous to the town. The building of a recreational center is not prohibited within Lindley but does require Conditional Use evaluation to be allowed. The nature of the venture and its contribution to Lindley's enhancement would determine its acceptability. An example is that hiking trails and hunting preserves might be more acceptable than an amusement park.

21. **Roads** - Lindley's largest expense is for road servicing although the majority of residents live along county- maintained roads. Developing on country roads does not mean they should be upgraded at town expense by paving. Any road enhancement needs to be to the town's benefit with consideration strongly given to commensurate expense.

All developments encompassing multiple structures are to establish roads that are or can be made to meet all town requirements for public roads. Acceptance of a previously private road by the town is solely at the town's discretion and is not to be done where additional public funding is required.

These must comply with town standards, be accepted by the town's designated engineer and withstand normal use without rework for a period of five years.

22. **Route 99** - Lindley has little impact on the four lane that will bisect the town. Interchange terminuses will locate at Lawrenceville to the south and at Presho on the northern end. The vast majority of traffic will pass by minimizing growth potential of commercial endeavors. A service plaza in Presho drew objections when it was proposed in 1999. Tax revenue from commercial sites serving Route 99 would have financial benefit; however, such sites are not seen as fitting with the nature of the town.

Lindley has significant potential as a "bedroom community" where families live while working either in the greater Corning area or in the growing northern tier of Pennsylvania. Rte 99 provides quick access and egress without involvement. Changes induced in the town will likely not be seen through 2005. Residential and other growth should be tailored to reinforce Lindley's rurality rather than substantial growth.

To the extent possible, a growth rate not greater than 10 units per year was seen as manageable and acceptable to the residents of 1999 (survey). Large growth is seen as undesirable.

23. **Rural Rights** - Rural rights are the most important aspect of the town's residents. "We pay taxes here; not for services, but for the right and privilege of living in an agricultural / rural setting." This means that you "buy into" what is here because it is how Lindley has been structured by its residents. Conditional Uses or demands should not be accepted when they change the nature of what exists in conformance with the plan. An example is the purchase of land on a dirt road because it is cheaper or more plentiful, then requesting that the road be paved or widened so that the value of the structure to be built on it or the property itself increases at the expense of the town as a whole.

The concept of rural rights is to stay primary in all decisions. It is the predominant reason why people have remained here or have moved here. Loss of rurality, conversely, is the single largest reason why residents might leave. (Ref: Resident Survey: 2000)

A rural impact assessment review needs consideration on each conditional and code permitted use. How is the local environment affected with stipulations applied only as necessary; examples being: stream or wetland setback requirements, or the requirement of permanent foliage buffer zones. This relates to the residential living environment as well as the natural environment.

The following "Statement of Rural Rights" begins to define what town's people mean by "rural." This statement will be distributed to new landowners when they apply for building permits or subdivision approval.

## TOWN OF LINDLEY STATEMENT OF RURAL RIGHTS

*All of the statements below assume that these rights are exercised while regarding the health and safety of neighboring properties in accordance with applicable laws.*

1. To own and maintain private property.
2. To conduct standard farming practices.
3. To own and care for pets and animals.
4. To enjoy the quiet and fresh air of the countryside.
5. To accept that roads will be maintained as they are: seasonal, gravel, or paved, and not expect upgrades unless they are in the interest of the town.
6. To maintain private driveways so that they do not cause a hazard to the road or other drivers.
7. To accept that creeks, streams and wetlands were here first and may change course or overflow into natural floodplains.
8. To volunteer as a firefighter, planning board member or other community service post or to run for public office.
9. To respect and protect the land and its plants and wildlife.
10. To respect and treat neighbors as one would expect to be treated.

24. **Signs** - These are covered within the zoning ordinance as to size, shape, placement and all issues on conformance. The overview policy is that there are no billboards or large signs allowed in Lindley. All signs allowed will be controlled to maintain the rural environment in which they are placed. Sign requests should be made in conjunction with the Conditional Use they serve and are subject to the conditions established by the Planning Board.
25. **Single-Wide Manufactured Housing** - Single-wide manufactured homes (SWMH) are to be considered for inclusion only as a Conditional Use. Their inclusion as residences on individual lots is the most divisive issue presented by the survey with a slight majority favoring exclusion. Lindley (in 2000) had 37% of its residences as SWMHs, which is more than double any neighboring community. Disparity in taxation based on valuation is a major concern as SWMHs are valued at approximately a third of other forms of residences.

The other issue raised is the impact they present on the value of neighboring parcels which is normally a negative.

Of course, Lindley has some very nice single-wide homes. These can be identified by how they fit into the surroundings or have been made to emulate traditional homes rather than the transient “mobile” impression for either the structure or residents.

Conditional Use stipulations are to continue with strong emphasis, as detailed in the zoning law, on size, auxiliary buildings, lot layout, foundations and landscaping. The intent is to have new SWMHs conform closely in value and presentation as non-single-wides. As an example, placement of a single-wide in an open field along a road is not an option unless it is improved by visually enhanced landscaping. All permanent residences shall be a minimum of 14 feet on each side.

Once a Conditional Use has been granted for a single-wide on an approved lot without variances required, no additional Conditional Uses may be incorporated unless such change will result in closer conformance with town regulations.

26. **Strip Development** - The using up of convenient road frontage for ease of access and to capitalize on frontage value is detrimental in the long term to the town by landlocking large tracts of land. Their intrinsic value in expanding the tax base, aesthetics in maintaining a rural/agricultural sense and usefulness for most growth are diminished. When road frontage tracts are to be sectioned into individual parcels larger frontages and deeper setbacks are to be required. Conversely, deep tracts that are developed by sections are to be provided with more flexibility in layout as they enhance value in use, aesthetics and incremental tax base.
  
27. **Subdivisions** - Concentrated housing developments are not desired by the towns residents and are viewed as being contrary to maintaining a rural environment – they are urban, not rural. They may also be in conflict with maintaining lower taxes. There will exist conditions or development plans where larger tracts can be developed without conflicting with these precepts. An example is a large tract broken into five-acre lots, served by its own road, conforming to the landscape, requiring no special services from the town, and with all environmental standards met.  
Clustering of homes, whether single-wide manufactured or site constructed, in large groups on undersized lots without acceptable acreage of permanent open space is not allowed. This includes scenarios where a development is made all at once or when a tract is sequentially broken down one parcel at a time to end up with a cluster of homes.

As important to the rural nature of the town is the size of the development. Consideration will be given to limiting the total number of units in a housing development so that the rural quality is maintained and suburban/urban development is discouraged.

In general, when subdivisions are proposed, the large parcel should be divided into lots that each have a variety of environmental features if possible.

Development of any multiple set of structures/sites requires a Conditional Use review by the Planning Board or Zoning Board of Appeals in conjunction with a public hearing. Approval is not a right of the petitioner. Any approval granted is to be of long term benefit to the town and to be in conformance with the intents expressed by the resident survey and this Comprehensive Plan. Stipulations required by the approving board are both initial and continuing conditions that must be adhered to even through change of ownership. These stipulations may include, but are not limited to: density, open space, services, access, recreation, buffer zones, visual assessment, living environment and conformance to the natural setting.

Since Conditional Uses such as these are uniquely tailored to the town's goals and improvement in conjunction with an individual's request they do not set a precedence allowing for similar endeavors. Each request needs to be based on its individual merits and the environment it creates so that Lindley grows its quality of life. The Planning Board may draw on any references or regulations it feels applies to each request to set stipulations.

28. **Tax Issues** - Taxes are an issue important to the town as an entity and separately to each taxpayer. Programs, decisions and policies within the town can make a difference. Property owners should not be penalized for improving the appearance of their properties. Each unit should be taxed on its intrinsic value without reduction for lack of reasonable care nor additions for visual enhancements such as extensive landscaping or exceptional maintenance.

Tax revenue for the town needs to grow. This is best accomplished by upgrading the value in existing properties and the introduction of higher value tax parcels. The addition of a multitude of lower value parcels reduces the tax base with relation to the increased burden created. A policy of growth through positive enhancement is to be followed.

29. **Undersized Lots** - Developed lots are generally excluded from the impacts of a comprehensive plan since they are pre-existing. All undeveloped lots are to be identified as of this plans adoption to establish "grandfathering" acceptance or exclusion. Adjoining parcels held by the same owner, even if joint on one, are not grand fathered if undersized. This is true even if by separate deed and tax parcel number. This is the same policy that has been in place since 1970. Delineation of these parcels removes ambiguity and the need for variances in the future.

As with all variances, Conditional Uses are not allowed in conjunction with undersized lots.

30. **Variance Requests** - Variances are needed when there are unique site conditions which make strict application of the zoning law unfair to the landowner. This would not include parcels where an undersized lot is held in conjunction with other parcels. Variances for small changes in setbacks from the road or neighboring properties are usually easy to defend. Requests for a use which is not consistent with the comprehensive plan should be denied.

Constraints as a result of government action for public use, i.e. road construction or public utilities, etc., can be mitigated through variances.

All variance requests require input and recommendations from the Planning Board to insure consistency and conformance. Actions by the Code Enforcement Officer, such as denial of a building permit due to a side yard which is too small, are appealed to the Zoning Board of Appeals. Specific procedures on appeals processes are covered by state law and are listed in the Zoning Law.

31. **Visual Assessment** - Standards of site development are detailed in applicable building and zoning regulations. Conditional Uses are allowed to include stipulations that protect or enhance visual impression. The intent is to improve the quality of Lindley's residential environment. An example is stipulating the positioning of a single-wide manufactured home and its foundation so that it conforms more closely to the design and appearance of site-built homes.

Conditional Uses and building permits on existing structures should include requirements that enhance quality growth by improving the site visually when the opportunity exists.

32. **Wetlands** - Wetlands and stream banks are to be preserved without alteration to accommodate development. These lands are not to be included as buildable acreage or minimum open space set asides.

They are protected as part of the natural environment and can not be drained or filled. They are an integral part of the natural drainage system in the town. When they are altered or removed, flash flooding, bank erosion, damage to roads, bridges and adjacent properties can result.