

Town of Philipstown
238 Main Street
P.O. Box 155
Cold Spring, New York 10516

January 27, 2011

Town Board
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238 Main Street - P.O. Box 155
Cold Spring, New York 10516

ATTN: RICHARD SHEA

Re: Planning Board Report on Proposed Zoning Law.

Dear Supervisor Shea:

The Planning Board has read and reviewed the Town of Philipstown's proposed local law repealing and replacing amending Chapter 175 of the Town Code, ("Zoning"). The Planning Board offers the following comments for consideration by the Town Board:

- (1) On the whole, the Planning Board is in favor of the draft local law, which it feels is a cohesive and comprehensive document designed to implement, to the extent practicable at this time and through zoning, the tenets of the Town's Comprehensive Plan.
- (2) The Planning Board suggests that for clarity and ease of use, the Use Table in Section 175-10 should be reformatted so that it can include both the District Codes and the symbols for permitted uses, etc., on the same printed page.
- (3) Section 175-7 creates the "Industrial/Manufacturing" District (M). The Planning Board feels that the definition of manufacturing could be broader.
- (4) Section 175-10 (Use Table Note) and 175-15(D) provides that site plan approval is required for certain residential construction in the SPO District. The Planning Board feels that the option to increase building footprint by 1/3 without site plan review is too generous, and that the limit should be reduced to 1/4. Further, the Planning Board feels that the language in 175-15(D) regarding the criteria to trigger review is somewhat confusing and should be more clearly stated.
- (5) Section 175-10(H)(2) provides that in the OC District buildings shall be placed in front of their parking lots to screen the parking from the road, although the Planning Board may modify or waive this requirement under certain circumstances. While the waiver provision provides some degree of discretion to the Planning Board, the Planning Board feels that the

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discretion vested in the Board should be made broader, to extend to circumstances beyond environmental or topographic constraints or lot configuration.

(6) Section 175-10(I) requires that all parking for new structures to which it pertains must be screened from view of adjoining properties and public roads. The Planning Board feels that it should be vested with discretion to waive this requirement in appropriate circumstances.

(7) Section 175-15(I) places limitations on fences in the SPO District. The Planning Board questions whether, other than setting height limitations, the Code should leave fence requirements such as appearance and nature to the discretion of the Planning Board. Also, 175-15(I)(2) and (4) appears to have a typographical errors in them. 175-15(I)(2) should read: "Fences that are likely to inhibit the passage of wildlife, as determined by the Natural Resources Review Officer, shall be limited to those that enclose...." (i.e., add the word "to" between "limited" and "those"). 175-15(I)(4) should read: "The restrictions in this subsection I shall not apply to a farm operation growing crops or raising livestock...." (i.e., add the word "raising" between "or" and "livestock").

(8) Section 175-15(G) states that buffers should consist of trees, shrubs, etc., but not invasive species and that "native species are preferred." The Planning feels that this section should specifically reference an official town-designated guide listing recognized "native species."

(9) Section 175-15.1(A) is limited to properties of fifteen (15) acres or more. The Planning Board questions whether the size limitation should be lessened or dropped altogether.

(10) Section 175-20 imposes the responsibility for initial review of conservation subdivisions upon the Planning Board. The Planning Board questions whether it might be more efficient to have the CAC or CAB perform an initial review of such proposed subdivisions and report to the Planning Board, which could then make the necessary determinations.

(11) Section 175-20(E) provides that "Minimum yard and road frontage requirements shall be the same as in the HM District for lots on Town roads." The Planning Board feels that the language in this section should be clarified as to whether it applies to all lots or only lots on Town roads.

(12) It is unclear how Section 175-22(E)(2) ("Solar energy facilities") relates to solar energy which is subject to net metering by Central Hudson, in which electricity generated by solar panels on a house is not fed into it but, rather, is fed into a grid and credited against the homeowner's bill. The Planning Board feels that the language in this section should be modified to address whether net metering is permitted.

(13) Section 175-39(B)(2)(a) provides that "for sale" and "for rent" signs are to be removed within three (3) days after the premises have been sold or rented. The Planning Board feels that this time limit should be enlarged.

(14) Section 175-39(B)(1)(e) provides that signs for home occupations may list a name and occupation only. The Planning Board suggests that phone number or possibly address be allowed as well.

(15) Section 175-65(D) provides that in reviewing site plans the Planning Board "shall also consider the criteria set forth below" (referencing design standards). The Planning Board recommends that this provision be changed to provide that applications shall also conform to the criteria set forth below, unless waived by the Planning Board.

(16) Section 175-65(D)(2) ("Landscaping and Screening") does not seem to include the HM district.

(17) Section 175-65(D)(5) ("Outside Storage") does not seem to hold "M" and "HM" Districts to the same screening and outdoor storage requirements as the "HC" and "OC" districts.

Very truly yours,


ANTHONY MERANTE,
Chairman

cc: Edward W. Dolye, Esq.
Planning Board