

January 13, 2005

Mr. William Mazzuca, Supervisor  
and Town of Philipstown Town Board  
Town Hall, Town of Philipstown  
238 Main Street  
Cold Spring, New York 10516

Re: Comprehensive Plan Review

Dear Mr. Mazzuca and Town Board Members:

Subsequent to its letter of October 6, 2004, the Planning Board met twice to further review and discuss the proposed Comprehensive Plan. This review continues where our October 6 letter left off in Chapter 2.

### **Additional Comments on Chapter 2**

The Planning Board supports the desire to create a sense of community, as noted in listed as **Goal 3** of Chapter 2. The Planning Board recommends the Goal be expanded to include two additional aspects:

- d) add - explore financial incentives to encourage volunteerism and add an item e)*
- e) Explore unified emergency services, and*

**Goal 4** addresses the need for additional recreation facilities. The Planning Board expressed concerns about the dangers of the existing bikeway along Route 9D. The limited sight distances, narrow road and speed limits along Route 9 make conditions dangerous for both bikers and drivers when the bikeway is designated only by a painted line.

*The Planning Board would like Item f) to address "safe and workable" bikeways as the goal of the Comprehensive Plan.*

There also significant concern by the Planning Board when it comes to areas designated as hunting land. *The Planning Board supports hunting but feels Item i) should indicate that hunting be limited to lands that are outside village boundaries.*

**Goal 5** is directed towards controlling real property taxes.

Item a) suggests tax relief to those severely affected by tax increases. The Planning Board believes that there are ample state and local provisions to relieve tax burdens where needed.

The Planning Board suggests that Item c) be modified to as follows: *"This can be accomplished by encouraging commercial and senior development in appropriate locations ~~and upgrading existing commercial property to increase its assessed value.~~ Development in areas with limited in-*

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*frastructure should be discouraged unless the provision of such infrastructure is clearly feasible.”\_* The planning board believes that no one is likely to upgrade their commercial property to increase assessed value. This is counter-intuitive to what people generally do.

Item d) The Planning Board questions if there has ever been an “overemphasis on luxury housing” and if this phrase is really needed.

**Goal 6** which addresses an economic development strategy, refers to maintaining the Town’s “authenticity”. The Planning Board, as stated in a previous letter, still feels this term is undefined and vague and should be clarified.

Item a) addresses retail development and suggests that big box retail be prohibited and strip commercial development be discouraged. *The Planning Board suggests that the comprehensive plan be affirmative in identifying what type of retail development would be allowed that would be economically viable outside of big box and traditional strip development.* What “high traffic hubs” are being referenced in this goal?

Item b) refers to the term “mixed-use village-type” developments. The planning board requests that the term be defined to clarify the intended uses.

Item c) (i) suggests that the Town should focus on creating a mixed-use hub in the Perks Plaza area or other locations. As stated in a previous letter to the Town Board, *the Planning Board believes the Town should collect additional information and study the potential for such action occurring there. How will the mixed-use hubs improve the character of development along Route 9?*

Additionally, this bullet needs to address the aesthetics along Route 9 north of Route 301. The bullet (ii) should be modified *to include the adoption of landscape guidelines in addition to design guidelines.*

Goal i) which suggests that strategies for future use of institutional properties be developed may not be meaningful, without the participation of the owners of the institutional properties. All of these properties at the present time are largely zoned for residential use, save the reuse of the buildings that already exist on some of these lands. It may be a difficult or even impossible to develop a plan for a future use on these properties without substantial collaboration with the owners. Perhaps that should be identified as being part of the strategy.

*The Planning Board would like to see an addition made to Goal 7 that addresses the protection of scenic vistas.*

Item f) of **Goal 8** limits larger development projects to major thoroughfares. There are lands in the town, however, of a substantial size, that do not have frontage on a major thoroughfare. How are such lands to be addressed? What is a “larger development” and what is a “major thoroughfare”?

**Goal 9** is directed towards existing and future infrastructure. *The Planning Board suggests that an infrastructure master plan for the Town should be developed to further direct growth to where it can be supported by existing or planned infrastructure.*

The Planning Board notes that Item b) of this goal directs development to areas adjacent to existing development and would like clarification to where that could occur. Are substantial areas

of vacant land available in areas adjacent to existing development? Item b) should be modified by adding “*or in locations found suitable by the Town Board by virtue of historic uses.*” Similarly, Item e) should be modified to include the Philipstown Industrial Park, since the large tract would be an ideal location for a central sewer facility and is presently targeted for a community water and sewer system for the Quarry Pond project.

*Philipstown Industrial Park should be removed from Item f) (i) as it is presently targeted for Senior and Affordable housing.*

In **Goal 10**, the Planning Board felt that the term “empower” in Item d) of this goal should be replaced with the term “establish”.

The Planning Board believes that another Goal should be considered in this section, that of ascertaining the general residential carrying capacity of the town, based on vacant, privately owned land, and the general application of the Open Development Area Standards. This will provide important information relating to the future population and growth of the town.

### **Chapter 3, Section 2**

The Planning Board feels that **Regulatory Change, R1.1** needs to be modified. The Planning Board is concerned about the impacts that large structures may have on the neighborhoods and residents, but does not feel that the language in R1.1 is sufficient to adequately address these effects. This issue might be better addressed by modifying the bulk standards requirements for the zoning districts. The effects of increased square footage of a structure on a residential property may be better addressed by increasing property line setbacks if certain footprints are exceeded, particularly if a structure is located close to the property line or adjoining driveway where it could have the most impact on neighborhood. Increasing setbacks from the property line may be a better solution.

The Planning Board is reluctant to impose additional burdens and requirements on property owners by requiring site plan review and would prefer to see the bulk standards adjusted.

**R1.2** addresses a goal to preserve the rural and historical character by attempting “to preserve stone walls, significant trees, and historic structures.” The Planning Board feels this regulatory action needs to be significantly defined or removed from the Comprehensive Plan. The Planning Board shares the desire to preserve the unique resources of Philipstown, but feels this action is unclear. Additionally, the Planning Board feels, as currently stated, it would be difficult to administer and is concerned that it would not apply to all residents, but just to new applications for construction.

The Planning Board feels that **R1.4** should, at a minimum, be modified to read “Allow accessory apartments by right in an accessory structure **OR** in the main dwelling.” However, the Planning Board was not fully in agreement regarding whether accessory apartments should be limited to residences on public roads versus private roads. Some members of the Planning Board felt that it should also be allowed on private roads; others felt that the private roads could be overburdened by allowing further residential use when there was an expectation of a maximum number of residences at the time of subdivision. At a minimum, adequate lot sizes for additional residential apartment use and proof of adequate septic capacity need to be considered and registering the property with the Town with perhaps regular renewal of a special permit (every several years) or the like may be warranted.

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The Planning Board believes that the effects of accessory apartments should be further reviewed and feels a overall study on the growth inducing impacts in Philipstown would help guide development policy.

Regarding **R1.5**, the Planning Board felt very strongly that employee housing, family housing and guest cottages does not fit with the desired Philipstown development pattern if they take the form of free standing homes and that this should not be allowed by the Comprehensive Plan.

The Planning Board has been deliberative in reviewing and evaluating this important document and anticipates continuing to do so.

As before, the Planning Board requests you keep the public hearing open or continue to accept comments until the Planning Board completes its review.

Sincerely,

George Cleantis  
Chairman  
Town of Philipstown Planning Board

c. E. Doyle, Esq. Town Attorney  
Planning Board  
S. Bates

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