

Comments on the Draft Zoning Law, Town of Cairo October 2010

Submitted by Peter J. Ricci, Resident

I would first like to thank the members of the Zoning Commission for all their hard work over these last several years. I know from experience what a grinding and thankless task such an exercise can be. I would hope that the commission members and anyone reading my comments will not take them as criticizing the members personally or in any way demeaning their collective effort.

In addition to reading the proposed draft law, the minutes of the meetings of the Zoning Commission from its inception, and all the public comments published to date, I have sought advice and comment from legal counsel. I had the draft law reviewed by an attorney working for a large Albany area real estate firm. This attorney was a life long resident and business owner in Greene County. The real estate firm he now works for finds and develops locations for large national and regional business concerns as well as developing their own commercial, industrial, residential and mixed residential projects. The firm also has a consulting practice for all aspects of the real estate business. I have also consulted with an attorney who has done work as a legal counsel for a small village in a neighboring county. This town recently established a zoning law in similar fashion to Cairo by hiring a consultant, starting with a template and cutting and pasting. The town paid the consultant over \$80,000 and is now in the process of rewriting the law as it is unworkable in their situation. The third attorney, which I had indirect access to, is a specialist in property use law in the Albany area and does occasional work for the real estate firm mentioned previously.

For the record, I would like to state that for most of my adult life I have been adamantly opposed to zoning and the general restriction of property rights. In the last half dozen years, my opinion has reversed 180 degrees as I have witnessed the accelerated deterioration of our county and Cairo. This awareness was particularly made evident as a member of the Greene County Tourism Association as this deterioration has contributed to the decline of our tourism business which is still a substantial source of revenue for our county and our town. While contemplating building a new home several years ago the *lack of zoning* gave me pause as I did not want to end up living next to a sheep farm or rock quarry. In reviewing the zoning law as proposed, I would *not have built my home in Cairo.*

The Process:

I strongly object to the process by which the proposed law was drafted. In drafting the Cairo Comprehensive Plan community input was sought out. The Zoning Commission was appointed and while the public was permitted to attend meetings, it was established the public would *not be allowed to ask questions or make comments.* Why would one attend such a meeting? After the fact, I find out the public could participate. Many very useful comments have been made and incorporated in the public hearing process. This participation should have part of the process from the beginning. This is truly unfortunate in that if you read the published minutes of the meetings, they are at best sketchy. It is difficult, if not impossible, to discern what discussion ensued and how and why the law developed in its present form. As I have stated

previously at public hearings, in this day and age of high tech and busy schedules why can't the town either publish, record or video tape all meetings, schedules etc. in one place for public access. This makes for better citizens and better government accountability to the taxpayer. It is also difficult for one person or a small group to have all insights into all topics as the public comments have borne out. Let the public in.

It is also interesting that a law which took years in the making and was unveiled on November 4, 2010 was originally given a public comment period of only 22 days to November 26. While it has now been extended to January 10, 2011, this gives the impression that the public has little to add and we need to hurry and pass this life altering law. I hope it is clear by the public comments to date, and mine below, there is much work to do.

The Concept:

In the discussion near the end of the formation of the Cairo Comprehensive Plan it was discussed that the Plan was the roadmap for Cairo and that town ordinances and / or zoning was the law to make it happen. It was clearly stated that comprehensive zoning was not the only route to follow and that much could be accomplished with local town law and ordinances. **Nowhere have I read, seen or heard that anything other than comprehensive zoning was discussed.** If one reads the minutes of the meetings, at the March 9, 2009 meeting suddenly the Commission is reviewing a "draft" document. Where did this document come from? **Where is the discussion by the community of Cairo that this is the road that we need to go down?** Do we really need an onerous, lengthy document such as this proposed law at this time? Have we thought about or discussed thoroughly the consequences and *unintended consequences* of this law? Please see my second paragraph on page one regarding the town rewriting their law.

There is a great misconception even by Zoning Commission members themselves that any issues can be worked out by variances. This is absolutely false. First of all, as the saying goes, "the devil is in the details." This was probably uttered by a lawyer. Contracts are my business. **Rely on what is in the law – not what someone tells you.** Read what the proposed law says on pages 114 – 117. Variances are granted for hardship only. The legal consultants tell me a variance is very difficult to obtain as hardship is difficult (and expensive) to establish. The Zoning Board of Appeals is the body granting a variance. An Article 78 lawsuit is the only recourse for an unfavorable ruling by the Board. (A favorable decision to a party that aggrieves a third party could also result in an Article 78 lawsuit.) The Town Board can amend the law. Read pages 116 – 117. This is not an easy (or cheap) process. **It should be clear we need to get this right the first time.**

The Justification:

1. This is the necessary law to bring the goals of the Cairo Comprehensive Plan to fruition.
2. With our population exploding to 27,000 at some point in the future we need to protect our watershed and properly plan our water and sewer use.

Number 1. I do not question the Zoning Commission with respect to their motives or belief that the draft law helps to fulfill the vision of the Cairo Comprehensive Plan. What I find interesting is that the Cairo Planning Board has recently given a negative declaration to a major shopping center project on the end of town that clearly does not conform to the proposed zoning law. The project has a water issue raised by the hydro geologist the town hired. The Planning Board also has a responsibility to see that projects that come before it conform to the Comprehensive Plan.

By issuing a negative declaration the Planning board has stated the project conforms to the Plan. Who is right – the Planning Board or the Zoning Commission? Do we as a town need to have some more discussion? Does anyone smell Article 78?

Number 2. I do not question the purpose of protecting watershed and regulating water and sewer use. However, if we are doing this on the premise of our exploding population growth, I take issue. There is no question that Cairo has seen some percentage of growth over some number of years. The problem is percentage of what? 10% of 100 is 10. In the case of Cairo our population has grown 600 to 800 people, depending on the source. To extrapolate that growth and assume a future population of 27,000 is not reality. Why?

1. Enrollment in the Cairo Durham school district is down.
2. Depending on the source (including the 2010 census) overall U.S. population is stable to slightly increasing. (As opposed to declining population in most western nations.)
3. New York State has lost 2 Congressional Representatives. Again, depending on the source, New York has lost population in the last 2 census. (As has the Northeast.)
4. According to a survey published in a recent Wall Street Journal article that looked at the average household income of those moving into each state against the average of those moving out, New York State had households with an average of \$35,000 in income moving in against an average of \$70,000 moving out.
5. Also according to a recent Wall Street Journal article, New York State was ranked 50th in business friendly climate. We are also the most taxed.

Does any of this sound like a recipe for growth? What we do have going for us is the first Governor Cuomo made public assistance payments the same rate throughout the State. Since the upstate cost of living is less than greater New York City, there is an incentive to migrate north.

Zoning requires growth for another reason as pointed out to me by one of the experts. The ultimate purpose in zoning is that as the nonconforming businesses and dwellings die off, growth will produce new conforming businesses and residences. The key is what happens if there is little or no growth? We have had the “boom” in residential real estate, yet the population numbers are as above. The likelihood of another residential “boom” is small to nonexistent in foreseeable future as the mortgage situation has changed. There has never been a “boom” in new business in my memory. Small business provides 80% of the jobs in our country, yet many of our local business have cut back or gone out of business. When Cairo was wide open to business we did not bring in substantial business activity. With a zoning law that puts constrictions on business and expansion what will happen? Will existing commercial buildings (and residences for that matter) be left to deteriorate as buyers cannot be found willing to spend the additional capital to bring a structure to conformity? If buildings cannot be sold now, how will they sell under the proposed zoning law? (Yes, I recognize that existing buildings that are occupied can be sold to a new owner with the *same occupancy*. The key words are occupied and same occupancy. We have many vacant buildings. Changing occupancy and expansion beyond what is stipulated in the zoning law for existing structures is the problem.)

Specific Issues: (In no particular order.)

1. Cost. No where has anyone discussed the real costs. We need a Zoning Enforcement Officer (ZEO), Zoning Board, expanded legal counsel and litigation budget.

Town of Cairo Public Comments on Draft Zoning from 1 4 11 to 1 18 11

2. The law in its present form is not ready for implementation. I have read in the minutes that it has been reviewed by legal counsel. The law as written is a cut and paste. It reads as such. It has conflicts, typos, and many undefined or incompletely defined terms.
3. Cost to residents and business. Any new construction or renovation of existing construction will require an architect and / or engineer and attorney.
4. Increased insurance cost. The proposed zoning law (page 11.C. Destruction of Structure) states any nonconforming structure that is 75% or more destroyed must be rebuilt as conforming to the zoning law. This will necessitate all businesses buying Ordinance or Law coverage which is costly. This coverage will pay for the razing of the 25% of the structure remaining and the increased cost to rebuild in conformity to the zoning law. (Most standard insurance policies exclude coverage for "Ordinance or Law" loss and this must be purchased as an option.) This coverage is not available for most homeowners.
5. The Town of Cairo is on the way to approving a large non-conforming shopping center project on the edge of town. This will put many existing small businesses out of business. While many feel this will just be our current grocery store, it may be a surprise to learn our local florist's biggest competitor is Price Chopper in Catskill. (The law of unintended consequences.) This is problematic as our existing shopping center and many other small businesses will either need to reconfigure their buildings to new uses or sell to others with a new occupancy. The proposed zoning law would require that these buildings now conform to the new law with set backs, parking etc. It is crucial this problem be addressed.
6. In the discussions surrounding the Cairo Comprehensive Plan it was stated that with respect to Main Street Cairo the conversion of commercial space into residential space was undesirable. With respect to page 10 of the proposed law on non-conforming uses and buildings, it is unclear how, if at all these, these buildings could be returned to a commercial use since they are all non-conforming.
7. As stated in no. 2 above definitions are unclear. Example: I am in the insurance business which in the business world is classed as a service business. In the definitions section of the proposed law I could be classed either as an office, page 133, or a service business page 137. It matters because one use is allowed in certain areas and not in others. In the mountain top district, for example, an office is prohibited, but a service business is permitted with a special use permit. (This in and of itself does not make any sense.) There are many such examples.
8. Floating resort district. While it is encouraging to see the optimism of the Commission in allowing new resorts to spring up almost anywhere, it is the opposite situation that presents the problem with respect to resorts. Example: In a local community with zoning I had two clients, both with very similar ethnic resorts within 3 miles of each other. One was sold by the owner to be used as an ethnic camp. The zoning board had no problem. The other resort owner was all set to sell the other resort to also be used as an ethnic camp. The same zoning board said this was a new use. The buyer did not wish to engage in any litigation and withdrew the offer. The resort is still unsold. The reality is these large properties are difficult to sell at any time in any environment. The zoning board would do the resort properties in Cairo a favor by establishing other permitted uses to expedite sales.
9. The Rt. 32 – 23B intersection area (CVS, Slater's, Cumberland Farms). This area has considerable use in the "old style" retail configuration with parking in the front of stores. To significantly change the style at this point is a mistake. As pointed out in the comments made by Elsworth Slater changing the setbacks ruins the spectacular view of the mountains and the small storefront facade can be hideous as illustrated in the Hillsdale example. This seems to happen in

cases like Cairo where you had “old style” retail stores and someone had a “better idea”. A better way would be to take a building like the Cairo Plaza and make the small store facade on the existing building with landscaped islands in the parking area. (This method is used frequently in Massachusetts and Connecticut.) This would also make renovation affordable. It is crucial to make the stores in this area viable by allowing affordable renovation and suitable expansion to new use as the new shopping center project could very well put all the existing business in this area out of business.

10. Much discussion has already taken place with respect to the zoning district overlays. I will defer to the comments already made by the residents and business owners in those districts since it is their property rights at issue.

Summary:

While myself and others have addressed some of the specific issues with regard to the draft zoning law, I believe it is clear we should take a step back and analyze what specific issues we need to address *at this time* and to assess what measures need to be taken to rectify those issues. It appears to be the discussion we have not had. Town ordinances and / or some form of zoning will certainly come into play. To pass this onerous law as outlined is overkill and I believe will exacerbate many of the issues we need to address.

Town of Cairo Public Comments on Draft Zoning from 1 4 11 to 1 18 11

From: AL SUWARA [bigal12418@yahoo.com]
Sent: Thursday, January 06, 2011 11:18 AM
To: nan@planningbetterplaces.com
Subject: rt 32 north CAIRO

Thank you all for your hard work on zoning.

At rt. 32 north (eastside of rt. 32) opposite " JR transmission" I have 5 acres that I would like to be zoned Commercial. I have used this land for the last 10 years to display SHED's for CAIRO SHED's. I have improved this property for this purpose and I would hope to continue this Commercial use of this property. THANK YOU

Alfred Suwara

From: ed forrester [forrest@mhicable.com]
Sent: Thursday, January 06, 2011 7:13 PM
To: reelhapy@mhicable.com; NAN@PLANNINGBETTERPLACES.COM
Subject: RE:Additonl questions

First, has an actual count been made of the number of parcels which will be non-conforming in the different residential zones with the adoption of two, four and six acre requirements?

Secondly, just what experience does Planning Better Places have in zoning?? Can we be given a list of past satisfied towns where Planning Better Places helped formulate their zoning. It seems the a lot of basics were overlooked in establishment of the Cairo zoning.

From: E. Slater

Appendix A. Supplemental Design Standards

Current Language:

B. Purposes. *The intent of the following design standards is to ensure that the Town can accommodate new development without having its essential character altered. These standards are in addition to all requirements of the New York State Uniform Fire Prevention and Building Code. It is not the intent of this section to discourage contemporary architectural expression but rather to preserve the integrity and authenticity of the district and to ensure the compatibility of new structures. The standards established in this section are for the purpose of:*

3. *Ensuring that new buildings are compatible and visually consistent with pre-1950 buildings so that historic character can be protected.*

Suggested Language:

B. Purposes. The intent of the following design standards is to ensure that the Town can accommodate new development without having its essential character altered. These standards are in addition to all requirements of the New York State Uniform Fire Prevention and Building Code. It is not the intent of this section to discourage contemporary architectural expression but rather to preserve the integrity and authenticity of specific zones of the Town ~~of the district and~~ to ensure the compatibility of new structures. The standards established in this section are for the purpose of:

3. Ensuring that new buildings within the Main Street Downtown Zone are compatible and visually consistent with pre-1950 buildings so that historic character can be protected.

Reason: I believe that you are talking about downtown Main Street here.

Current Language:

D. Design Standards for Non-Residential Uses in All Districts.

1. *Sidewalks and Street Trees*
 - b. *Existing street trees should be preserved whenever possible. Dead trees that are within twenty (20) feet of the pavement should be replaced with new trees. To maintain sight lines, trees and other objects should be restricted from corners for distances of thirty (30) feet on sides where motorists would look right and fifteen (15) feet on sides where they look left. If no existing street trees are present, native, deciduous, broad-leaved trees with a minimum of three (3) inch caliper trunk shall be planted at minimum thirty (30) foot intervals along the road frontage in the planting strip and shall be compatible with and maintained to prevent interference with any utility lines. In major subdivisions or other type of development where there are no existing trees, the Planning Board may require the developer to show trees at their planted size on the Site Plan as well as normal rendering sizes to indicate the visual character of the development prior to maturation of trees.*

Suggested Language:

D. Design Standards for Non-Residential Uses in All Districts.

1. Sidewalks and Street Trees

- b. Existing street trees should be preserved whenever possible. Dead trees that are within twenty (20) feet of the pavement should be replaced with new trees. To maintain sight lines, trees and other objects should be restricted from corners for distances of thirty (30) feet on sides where motorists would look right and fifteen (15) feet on sides where they look left. If no existing street trees are present, native, deciduous, broad-leaved trees with a minimum of ~~three (3)~~ 2½ inch caliper trunk shall be planted at minimum thirty (~~30~~ 50) foot intervals along the road frontage in the planting strip and shall be compatible with and maintained to prevent interference with any utility lines or visibility of freestanding signs. In major subdivisions or other type of development where there are no existing trees, the Planning Board may require the developer to show trees at their planted size on the Site Plan as well as normal rendering sizes to indicate the visual character of the development prior to maturation of trees.

Reason: A 2 & 1/2 inch tree has a lot better chance of living through the transplant and I think that should be our main goal. You know that we are not good on enforcement after the fact. To plant trees every 30 feet is a lot (houses are longer than 30 feet), when you take into consideration driving visibility, entrances, exits, and light poles.

Current Language:

D. Design Standards for Non-Residential Uses in All Districts.

1. Sidewalks and Street Trees

- d. Street trees shall be irrigated and fertilized for a minimum of two (2) years after installation. Any tree that dies within (2) two years of planting, or any tree that is removed, shall be replaced with a tree of the same species and size.*

Suggested Language:

D. Design Standards for Non-Residential Uses in All Districts.

1. Sidewalks and Street Trees

- d. Street trees shall be ~~irrigated and fertilized~~ maintained for a minimum of two (2) years after installation. Any tree that dies within (2) two years of planting, or any tree that is removed, shall be replaced with a tree of the same species and size.

Reason: I don't think you want to require irrigation. As long as they are maintained, I don't think we should care how.

Current Language:

D. Design Standards for Non-Residential Uses in All Districts.

2. Buildings

a. *Blank Walls. Buildings shall be designed so that entrance doors and windows, rather than blank walls, garages, or storage areas, face the street.*

Suggested Language:

D. Design Standards for Non-Residential Uses in All Districts.

2. Buildings

a. Blank Walls. Buildings shall be designed so that entrance doors, windows, and architectural elements such as colors, material, and fenestrations, rather than blank walls, garages, or storage areas, face the street.

Reason: These additions would help to make the break up be more pleasing.

Current Language:

D. Design Standards for Non-Residential Uses in All Districts.

2. Buildings

c. *Scale and Mass. The scale and mass of buildings shall be compatible with that of adjacent and nearby buildings, particularly as viewed from the public street. To minimize the apparent scale of buildings greater than forty (40) feet in width, facades facing the main street shall be broken by periodic setbacks, and rooflines fitted with offsets and changes in pitch. Other design features shall include, but shall not be not limited to, features such as porches or cupolas, window bays, separate entrances and entry treatments. The use of sections that may project or be recessed may also be used to provide façade breaks.*

Suggested Language:

D. Design Standards for Non-Residential Uses in All Districts.

2. Buildings

c. Scale and Mass. The scale and mass of buildings shall be consider lot size and location of the building on the lot ~~compatible with that of adjacent and nearby buildings~~, particularly as viewed from the public street. To minimize the apparent scale of buildings greater than forty (~~40~~-80) feet in width, facades facing the main street shall be broken by periodic setbacks, and rooflines fitted with offsets and changes in pitch. Other design features shall include, but shall not be not limited to, features such as porches or cupolas, window bays, separate entrances and entry treatments or material or color changes. The use of sections that may project or be recessed may also be used to provide façade breaks.

Reason: I think this has more to do with the size of the lot and set backs, otherwise you are saying that we can only build one size buildings. Again, this adds a few more options to help it look more pleasing.

Current Language:

D. Design Standards for Non-Residential Uses in All Districts.

2. Buildings

- f. *Design. New buildings should relate to the surrounding context to form a unified sense of landscape in each district. Repetition of design in multiple building projects should be avoided.*
- 1. *Formula-based architectural styles. All businesses, including commercial franchise or formula-based businesses shall meet all design standards of this Zoning Law. Formula-based architectural styles including, but not limited to uniform color schemes, facades, or signage are prohibited. In order to protect the public health, safety and welfare of Cairo, this provision is intended to preserve Cairo's unique neighborhood and community character and to contribute to the establishment of a diverse economy and revitalized Main Street as established as critical goals in the Town of Cairo Comprehensive Plan.*

Suggested Language:

D. Design Standards for Non-Residential Uses in All Districts.

2. Buildings

- f. Design. New buildings should relate to the surrounding context to form a unified sense of landscape in each district. Repetition of design in multiple building projects should be avoided.
- 1. Formula-based architectural styles. All businesses, including commercial franchise or formula-based businesses shall meet all design standards of this Zoning Law. Formula-based architectural styles including, but not limited to uniform color schemes, facades, or signage ~~are prohibited~~ are subject to review by the Planning Board. In order to protect the public health, safety, and welfare of Cairo, this provision is intended to preserve Cairo's unique neighborhood and community character and to contribute to the establishment of a diverse economy and revitalized Main Street as established as critical goals in the Town of Cairo Comprehensive Plan.

Reason: To say that formula based styles are simply prohibited is just too limiting. There may be cases where it fits in just right. If so why would we limit ourselves and make them change it. This would give the planning board some discretion for such cases.

Current Language:

D. Design Standards for Non-Residential Uses in All Districts.

2. Buildings

- f. *Design. New buildings should relate to the surrounding context to form a unified sense of landscape in each district. Repetition of design in multiple building projects should be avoided.*
- 2. *Sloped roof designs are required for commercial development in the C-145, RR-1, RR-2, MT, and C-23 districts. Mansard and flat roofs are prohibited except in the Industrial and C-32S districts. Chalet-style roofs are acceptable in the MT district. Log-style construction is also acceptable.*
- 3. *Color, materials, and façade treatment should not contrast with the predominant style of adjacent buildings.*

Suggested Language:

D. Design Standards for Non-Residential Uses in All Districts.

2. Buildings

- f. Design. New buildings should relate to the surrounding context to form a unified sense of landscape in each district. Repetition of design in multiple building projects should be avoided.
- 2. Sloped roof designs are required for commercial development in the C-145, RR-1, RR-2, MT, and C-23 districts. Mansard and flat roofs are prohibited except in the Industrial and C-32S districts or where the front façade of the building is gabled, or supplemented with architectural elements to avoid any horizontal roof line over 100 feet in length. Chalet-style roofs are acceptable in the MT district. Log-style construction is also acceptable.

Reason: As I mentioned in my previous comments, larger buildings would require a flat roof, as it could be next to impossible to put a peaked roof on a 35,000 square foot building and be less than 35 feet high. This would address the aesthetics of such buildings.

- 4. Color, materials, and façade treatment should not adversely contrast with the predominant style of adjacent buildings.
Reason: I think we would want some contrast. For instance we wouldn't want all buildings the same color, nor do we want them all to look the same. This gives the planning board some room.

Current Language:

D. Design Standards for Non-Residential Uses in All Districts.

3. *Lighting and Streetlights.*

- c. *The Planning Board shall take into consideration the need to minimize nighttime lighting to protect dark skies. Unless waived by the Planning Board in its discretion, adequate lighting shall be provided on a site to ensure the safe movement of people and vehicles and for security purposes. A lighting plan may be required as part of the Site Plan review application materials and shall include a layout of proposed fixture locations, foot candle data that demonstrate conforming intensities, and a description of the equipment, glare control devices, lamps, mounting heights, hours of operations and maintenance methods proposed. The Planning Board may require illumination intensities to be plotted on a ten (10) foot by ten (10) foot grid. Lighting shall conform to the following standards:*

- 3. *The maximum height of freestanding lights should not exceed eighteen (18) feet.*

Suggested Language:

D. Design Standards for Non-Residential Uses in All Districts.

3. Lighting and Streetlights.

- c. The Planning Board shall take into consideration the need to minimize nighttime lighting to protect dark skies. Unless waived by the Planning Board in its discretion, adequate lighting shall be provided on a site to ensure the safe movement of people and vehicles and for security purposes. A lighting plan may be required as part of the Site Plan review application materials and shall include a layout of proposed fixture locations, foot candle data that demonstrate

conforming intensities, and a description of the equipment, glare control devices, lamps, mounting heights, hours of operations and maintenance methods proposed. The Planning Board may require illumination intensities to be plotted on a ten (10) foot by ten (10) foot grid. Lighting shall conform to the following standards:

2. The maximum height of freestanding lights should not exceed ~~eighteen (18)~~ 25 (twenty-five) feet.

Reason: If we do not allow for higher lights on bigger projects, such as my parking lot, it would look like a forest of light poles. You really need to think about this one. Proper lighting is a science. In order to get enough light for a parking lot to be considered safe at 18 feet they would have to be very close to get the cone of light to overlap. You also could not require less just for aesthetics, as the businesses could get sued for improper lighting. This might be O.K. for smaller businesses on Main Street, but there has to be exceptions for larger lots. With the building being 35 feet high, light poles at 25 feet would just blend into the background and be a lot less of an eye sore than a forest of 18 foot poles. . I understand your intentions, but I think this is a case where you would have unintended consequences.

Current Language:

D. Design Standards for Non-Residential Uses in All Districts.

6. *At the property line of the proposed property, illumination from light fixtures shall not exceed 0.1 foot-candles on adjacent residential property, or 0.5 foot-candles on adjacent business property.*

Suggested Language:

D. Design Standards for Non-Residential Uses in All Districts.

6. At the property line of the proposed property, illumination from light fixtures shall not exceed 0.1 foot-candles on adjacent residential property, ~~or 0.5 foot-candles on adjacent business property~~ except for entrances and exits to public ways where illumination is designed for safety.
Reason: For adjacent businesses it would be better to allow some spillover, or you will have dark spots and unsafe areas in the middle. A business is not going to care, and in fact will welcome it. This language still protects residential.

Current Language:

E. Supplementary Design Regulations for the Main Street Downtown (MS) and the Hamlet Commercial (H-COM) Districts

In addition to the design standards required for all districts in Cairo (Section D of this subsection), the following standards shall apply to all new construction in the Main Street and Hamlet Commercial district:

Suggested Language:

E. Supplementary Design Regulations for the Main Street Downtown (MS) ~~and the Hamlet Commercial (H-COM) Districts~~ District

In addition to the design standards required for all districts in Cairo (Section D of this subsection), the following standards shall apply to all new construction in the Main Street ~~and Hamlet Commercial~~ district:

Reason: The H-COM District should be subject to the design criteria as set forth in Appendix A. Supplemental Design Standards but NOT Section E. Supplementary Design Regulations for the Main Street Downtown (MS) and Hamlet Commercial (H-COM) Districts (page 152). These additional design requirements should be required within the Main Street District only, as the Hamlet Commercial should be somewhat less restrictive than Main Street to allow a variety of commercial uses.

1/9/11

Dear Zoning Commission,

After reviewing the draft proposal closer, I have come up with more comments and suggestions for you to consider. Some of the suggestions are just to better clarify the verbal text of the document so that it reads better and does not lead to unintended consequences some are issues that I discovered upon a closer look. I apologize for getting this to you on the last day. I know that you extended the comment period, but with the holidays it was still very hard to set aside enough time to get this to you sooner. I still have not had the time to look at all of the implications of the residential parts of the proposed plan. I wish you would extend the timeline again, as I am sure I am not the only one, and I feel it is important that everyone has enough time to comprehend this document.

I know this looks like a lot of pages, but I have added the current language to make it easier for you to review it. The recommended changes are in red, and my reasoning is in blue. Thank you for considering these comments.

Sincerely,
Ellsworth Slater

DRAFT ZONING LAW

SECTION I. TITLE, SCOPE AND PURPOSE

Current Language:

1. *To implement the Town of Cairo Comprehensive Plan adopted in 2004, and as may be amended from time to time.*

Suggested Language:

1. To implement the Town of Cairo Comprehensive Plan adopted in 2004, ~~and as may be amended from time to time~~ with due consideration to public comments and input received during the adoption of zoning.

Reason: This wording confirms that you considered the public comments as well.

Current Language:

8. *To maintain the Hamlet of Cairo as the town center and hub for mixed uses and more dense residential development with a building scale, massing, layout and design that is pedestrian oriented and consistent with the traditional character of the hamlet.*

Suggested Language:

8. To maintain the Hamlet of Cairo as the town center and hub for mixed uses and more dense residential development with a building scale, massing, layout and design that is pedestrian oriented and consistent with the traditional character of the hamlet transitioning to more automobile dependent uses at the Commercial fringes of the hamlet through the use of the Hamlet Commercial Zone.
Reason: To better describe the reasoning for the Hamlet Commercial Zone, and the differences in the zoning.

Current Language:

9. *To promote and encourage revitalization of Main Street in Cairo.*

Suggested Language:

9. To promote and encourage revitalization of Main Street in Cairo while encouraging retail, business and opportunities for services to be offered to the residents and visitors of the Town.
Reason: To be more consistent with our comprehensive plan.

Current Language:

11. *To ensure a safe and efficient flow of traffic and encourage a circulation system that promotes pedestrian opportunities.*

Suggested Language:

11. To ensure a safe and efficient flow of traffic and encourage a circulation system that permits pedestrian opportunities compatibly with other transportation modes.
Reason: It is better clarification for the reason and purpose of the Hamlet Commercial Zone.

SECTION II. ESTABLISHMENT OF DISTRICTS

Current Language:

- A. ***Designation of Zoning Districts.*** *To fulfill the purposes of this Zoning Law and the Town of Cairo Comprehensive Plan, the Town of Cairo hereby establishes the following zoning districts, as shown on the Zoning Map:*

Suggested Language:

- A. **Designation of Zoning Districts.** To fulfill the purposes of this Zoning Law, the Town of Cairo Comprehensive Plan, and after consideration of input received during meetings and hearings on the proposed zoning, the Town of Cairo hereby establishes the following zoning districts, as shown on the Zoning Map:
Reason: Takes into account that you considered input.

Current Language:

B. Purpose of Districts.

3. *Hamlet – Commercial (H-COM): To allow for a variety of retail, service, and commercial uses along Main Street. This district allows for larger uses that require more space than other locations on Main Street, but promotes compatibility and consistency with the scale, design, theme, and pedestrian atmosphere of Main Street.*

Suggested Language:

B. Purpose of Districts.

3. Hamlet – Commercial (H-COM): To allow for a variety of retail, service, and commercial uses along Main Street and designated areas shown on the Zoning Map. This district allows for larger uses that require more space than other locations on Main Street, and serves as a transitional area between the scale, design, theme, and pedestrian atmosphere of the Main Street zone and the outer zoning districts of the Town.

Reason: Provides clarity that the H-Com zone extends into areas beyond Main Street and serves as a transitional zoning district.

SECTION III. EXISTING AND NONCONFORMING BUILDINGS AND USES

Current Language:

F. Pending Planning Board and Building Permit Applications.

Any Site Plan, subdivision or building permit application which was submitted to the Town of Cairo prior to, and is still pending on, the effective date of this Zoning Law may continue to be processed and considered by the Planning Board or Code Enforcement Officer provided the application is amended to fully comply with the requirements of this Zoning Law. The amended application shall not be deemed complete until such time as all submission requirements of this Zoning Law are received and accepted by the permitting authority. Where SEQRA applies, an application shall not be deemed complete until a Negative Declaration is issued or, where a Positive SEQRA Declaration has been or is, issued, completed Draft Environmental Impact Statement accepted. This provision shall not be interpreted as vesting any rights in the applicant to approval on any applications submitted prior to, and pending, on the effective date of this Zoning Law.

Suggested Language:

F. Pending Planning Board and Building Permit Applications.

Any Site Plan, subdivision or building permit application which was submitted to the Town of Cairo prior to, and is still pending on, the effective date of this Zoning Law may continue to be processed and considered by the Planning Board or Code Enforcement Officer under laws in place as of the date the application was filed. ~~provided the application is amended to fully comply with the requirements of this Zoning Law. The amended application shall not be deemed complete until such time as all submission requirements of this Zoning Law are received and accepted by the permitting authority. Where SEQRA applies, an application shall not be deemed complete until a Negative Declaration is issued or, where a Positive SEQRA Declaration has been or is, issued, completed Draft Environmental Impact Statement accepted.~~ This provision shall not be interpreted as vesting any sustain the rights in the applicant to approval on any applications submitted prior to, ~~and pending, on~~ the effective date of this Zoning Law.

Reason: No one knows when this law will be enacted by the town board or what changes may be made in between. This language would enable someone who wanted to start a project to proceed without fear of having to start all over if this law was enacted before they got approved. There would be a lot of wasted money involved in engineering, legal fees and architectural design if someone was caught in the middle of a project. So much so that they might even delay or go to another town out of the fear of the unknown. No one is going to invest in a piece of property, engineering, legal fees, architectural design, and building cost unless they are sure of the requirements. Not to mention that they could very well end up with a building that is considered noncompliant when they got done. The current language could slow down or altogether stop any further development at the same time we are trying to entice new businesses.

Current Language:

G. Buildings under Construction.

Where a building permit has been lawfully issued prior to the effective date of this Zoning Law, and provided that construction is begun within 180 days of the effective date of this Zoning Law, such building may be completed in accordance with already approved plans and may be occupied by the use allowed prior to the enactment of this Zoning Law subject to the conditions of the prior approvals. If such building is nonconforming, it shall be subject to the provisions of the non-conforming buildings and uses section of this Zoning Law.

Suggested Language:

G. Buildings under Construction.

Where a building permit has been lawfully issued on applications submitted prior to the effective date of this Zoning Law, and provided that construction is begun within 180 days of the effective date of any local approvals this Zoning Law, such building may be completed in accordance with already approved plans and may be occupied by the use allowed prior to the enactment of this Zoning Law subject to the conditions of the prior approvals. ~~If such building is nonconforming, it shall be subject to the provisions of the non-conforming buildings and uses section of this Zoning Law.~~

Reason: to be in keeping with the previous changes of F.

SECTION V. DENSITY AND DIMENSIONAL REGULATIONS

Current Language:

B. Regulation of Lot Dimensions

<i>District</i>	<i>Lot Size for Residential Use (Min)</i>	<i>Lot Size for Non-Residential Use (Min)</i>	<i>Road Frontages (Min and Max)</i>	<i>Front Setback (Max)</i>	<i>Front Setback (Min)</i>	<i>Side Setback (Min)</i>	<i>Lot Depth¹ (Min)</i>	<i>Rear Setback (Min)</i>	<i>Building Height² (Max)</i>	<i>Lot Coverage (Max)</i>
Hamlet Districts										
Hamlet Commercial	1 acre	1 ¼ acre	50 ft min and no max	35 ft	20 ft	20 ft	150 ft	75 ft	35 ft	60%

AG

¹ The required depth may be decreased at any point provided that the average lot depth conforms to the minimum required. Lot depth may be varied when a cluster or conservation subdivision design is required or proposed.

² Cupolas and other roof ornaments may extend above the roof height.

Suggested Language:

District	Lot Size for Residential Use (Min)	Lot Size for Non-Residential Use (Min)	Road Frontages (Min and Max)	Front Setback (Max)	Front Setback (Min)	Side Setback (Min)	Lot Depth¹ (Min)	Rear Setback (Min)	Building Height² (Max)	Lot Coverage (Max)
Hamlet Districts										
Hamlet Commercial	1 acre	1 ¼ acre ½ acre	50 ft min and no max	35 ft —None	20 ft ³	20 ft	150 ft 100 ft	75 ft 20 ft	35 ft	60 75%

AG

¹ The required depth may be decreased at any point provided that the average lot depth conforms to the minimum required. Lot depth may be varied when a cluster or conservation subdivision design is required or proposed.

² Cupolas and other roof ornaments may extend above the roof height.

³ Except that common walls may be used between a single building subdivided into two or more lots.

Reason: Lot size: we should allow for a higher density in H-Com (at least if there is water and sewer) this would prevent sprawl, create a more compact retail center, and save more open space. This would also make it more affordable for Mom & Pop businesses to take part in the revitalization of Cairo, by being able to fill in and take advantage of the extra traffic.

Front set back (Max.): As the pictures showed in my previous comments, buildings in this zone would have to be set back further to protect the Catskill Mountain Views.

Front set back (Min), note #3: Some communities use this to help save green space. For example: A Dunkin Donuts and Subway could build right along side of each other with a common wall in between, which would be the property line. It looks like one building but it is owned by two different entities. There is a good example of this exact situation in Lowville N.Y. This saves space by eliminating the extra driveways, and having a setback of 40 feet (20 & 20 side set backs) in-between two buildings, which is for the most part unusable and does nothing for aesthetic value. This would leave more green space around the building, where it would do more for aesthetics. I know this may sound unconventional, but other communities allow it for these reasons. I think it is something that could be used for the better in many instances.

Lot Depth (Min): Allowing a smaller minimum depth lot could save green space by not forcing more sprawl, as they would be able to utilize shallower properties. This is also a good reason to change the rear set back as well. Remember, this is a business district and you are putting businesses next to businesses and allowing more density, so the set backs are not as critical as residential.

Rear set back (min): Again, in this zone it is necessary to allow the building to be set back further to protect the mountain views, and enable more density.

Lot Coverage (Max): If we allow the smaller lot size to help perpetuate Mom & Pop businesses, it would be necessary to allow a little more coverage of the lot as well. Again, in this district we should allow more density, at least where there is water and sewer.

SECTION VII. GENERAL REGULATIONS FOR ALL DISTRICTS

Current Language:

C. Height Regulations

The following uses and structures are exempted from the height regulations in this Zoning Law: church spires, belfries, farm buildings, ventilators, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Solar energy systems, cupolas, water tanks, flag poles, public monuments, telecommunication towers (see Local Law #1 of 2001), and wind turbines may exceed height limits in the Dimensional Table, provided that they comply with all applicable sections of this law and other laws of the Town of Cairo.

Suggested Language:

C. Height Regulations

The following uses and structures are exempted from the height regulations in this Zoning Law: church spires, belfries, farm buildings, ventilators, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Solar energy systems, cupolas, architectural elements such as gables that are not occupied spaces, water tanks, flag poles, public monuments, telecommunication towers (see Local Law #1 of 2001), and wind turbines may exceed height limits in the Dimensional Table, provided that they comply with all applicable sections of this law and other laws of the Town of Cairo.

Reason: On a larger building, where you would need a flat roof, in order to accomplish the break up of the façade the point of a gable may have to be higher to be in proportion, or it would look really peculiar and just plain wrong.

Current Language:

F. Stormwater, Drainage, Grading, Erosion and Siltation Control

- 4. Rain gardens and bioswales should be installed to infiltrate runoff from parking lots and other impervious surfaces. Where vegetative solutions are not feasible, the Planning Board shall include porous surfaces to allow infiltration of stormwater to the maximum extent practical.*

Suggested Language:

F. Stormwater, Drainage, Grading, Erosion and Siltation Control

4. Rain gardens and bioswales ~~should~~ may be installed to infiltrate runoff from parking lots and other impervious surfaces where practicable. Where vegetative solutions are not feasible, the ~~Planning Board shall include~~ applicant may use porous surfaces to allow infiltration of stormwater where permeable soils conducive to infiltration are found, to the maximum extent practical, and other measures approved by the NYDEC to manage the stormwater from the site shall be provided.

Reason: The word “may” legally gives the planning board some discretion. In some instances even though it is practicable it might not be the best choice for aesthetic and other reasons. Although the term “rain Gardens” sounds like they are pretty added features, that is not necessarily the case. For instance, would you want a smaller version of the detention pond (rain garden) by the Smart Stop in the middle of a parking lot? All of the garbage and papers blow into them constantly, making a continual eye sore. I am not saying that they do not have a place, but this language does not legally lock us into them. Also NYDEC could allow a more suitable solution that we may want instead. I think you really need to make this change.

Current Language:

H. Retention of Consultants.

The Town Board, Zoning Board of Appeals and the Planning Board are hereby authorized to retain legal, engineering, and planning consultants and/or such other expert consultants as are determined to be necessary to enable the full performance of the duties of the respective Board relative to any matters before either Board. Payment for the services of such consultants is to be made from funds deposited by the applicant with the Town in escrow accounts for such purpose according to Local Law #2 of 2004. It shall be the responsibility of the applicant to submit to the Town, prior to the commencement of any work associated with said application before the Board, or at such other time as directed by the Board, certified check(s) in amounts equal to the estimate of the expert consultant and/or engineer for the cost of services to be rendered to the Town. This sum shall be released by the Town to the consultant or engineer in payment for the services rendered to it upon acceptance by the Town of those services.

Suggested Language:

H. Retention of Consultants.

The Town Board, Zoning Board of Appeals, and the Planning Board are hereby authorized to retain legal, engineering, and planning consultants and/or such other expert consultants as are determined to be necessary to enable the full performance of the duties of the respective Board relative to any matters before either Board. Payment for the services of such consultants is to be made from funds deposited by the applicant with the Town in escrow accounts for such purpose according to Local Law #2 of 2004. It shall be the responsibility of the applicant to submit to the Town, prior to the commencement of any work associated with said application before the Board, or at such other time as directed by the Board, certified check(s) in amounts equal to the estimate of the expert consultant and/or engineer for the cost of services to be rendered to the Town. This sum shall be released by the Town to the consultant or engineer in payment for the services rendered to it upon acceptance by the Town of those services. **The Town will retain consultants**

only for project elements not regulated and reviewed by NYDEC, NYSDOT, or other State and Federal agencies.

Reason: There should be no reason to make the applicant pay for the town's consultant, if it is regulated by other agencies, since those agencies are binding and have the final say.

SECTION VIII. SUPPLEMENTARY REGULATIONS FOR SPECIFIC DISTRICTS

Current Language:

- A. **Supplementary Development Regulations for Commercial Districts (H-C, H-COM, MS, C-145, C-32S, C23, and I).**
1. *In the Hamlet Commercial (H-COM) District, no single non-residential building shall have a building footprint exceeding 35,000 square feet. To minimize the apparent scale of a building greater than 50 feet in width, facades facing the main street shall be broken by periodic setbacks, and rooflines fitted with offsets and changes in pitch. (See Appendix A).*

Suggested Language:

- A. **Supplementary Development Regulations for Commercial Districts (H-C, H-COM, MS, C-145, C-32S, C23, and I).**
1. *In the Hamlet Commercial (H-COM) District, no single non-residential building shall have a building footprint exceeding ~~35,000~~ 50,000 square feet. To minimize the apparent scale of a building greater than ~~50~~ 80 feet in width, facades facing the main street shall be broken by periodic setbacks, and rooflines fitted with offsets and changes in pitch. (See Appendix A).*

Reason: As I stated in my previous comments, we need to allow for larger buildings to accommodate the needs of the community in the future. I suggested a larger size, but after more consideration 50,000 square feet should accommodate all but big box stores. I believe that you already changed the façade breakup from 50 feet to 80 feet.

SECTION IX. PARKING, ACCESS AND LOADING

Current Language:

READER'S AID: Cairo wants to ensure that new parking lots are not over-built and do not detract from the character of our town. These parking lot and access standards are designed to result in new parking lots that are attractive, safe, and not over-built. Parking lot location and design is especially important on Main Street and in other hamlets. This section details the design, size and location of parking lots. This explanation is only a reader's aid and is not part of the Zoning Law.

Suggested Language:

READER’S AID: Cairo wants to ensure that new parking lots ~~are not over built and do not detract from the character of our town~~ are appropriately landscaped when located in front of the building. These parking lot and access standards are designed to result in new parking lots that are attractive, safe, and ~~not over built~~ convenient for patrons. Parking lot location and design is especially important ~~on in the Main Street Zone and in other hamlets~~. This section details the design, size and location of parking lots. This explanation is only a reader’s aid and is not part of the Zoning Law.

Reason: This and the items below address parking criteria when it needs to be located in front to protect the mountain views. Pavement is expensive and also adds to impervious surfaces which require more expensive treatment, so a business is not going to build more than they need.

Current Language:

A. Off Street Parking

1. *Off-street parking shall be provided to adequately assure the safe and convenient parking of vehicles out of the road right – of – way and in a manner that will afford safe pedestrian access to buildings. Off-street parking shall also be designed to prevent over-built parking lots.*

Suggested Language:

A. Off Street Parking

1. Off-street parking shall be provided to adequately assure the safe and convenient parking of vehicles out of the road right – of – way and in a manner that will afford safe pedestrian access to buildings. Off-street parking shall also be designed ~~to prevent over built parking lots.~~ to consider snow removals, drainage, and maintenance.

Reason: It is important to allow for safe snow removal and storage when designing a parking lot. There should be room for storage on the lot where it does not cause sight problems and safety issues with traffic and allow the snow melt to run in the proper drains and not onto someone else’s property. This will also protect the landscaping that is required.

Current Language:

2. *Parking Lot Design*

- a. *The Town finds that large and highly visible parking areas may damage the character of the Town, and harm the natural environment and visual character of the community. The Town also recognizes that inadequate parking can diminish quality of life by creating traffic congestion, safety hazards, and inconvenience. The Town seeks to balance the need for adequate parking with the need to minimize aesthetic harm resulting from parking lots and to avoid negative impacts of excessive parking requirements.*

Suggested Language:

2. Parking Lot Design

- a. The Town finds that large and highly visible parking areas may damage the character of the Town, and harm the natural environment and visual character of the community. The Town also recognizes that inadequate parking or inappropriately designed parking can diminish quality of life by creating traffic congestion, safety hazards, and inconvenience and interfere with snow removal, drainage, and customer service. The Town seeks to balance the need for adequate parking with the need to minimize aesthetic harm resulting from parking lots and to avoid negative impacts of excessive parking requirements.
Reason: To be consistent with A. above.

Current Language:

2. *Parking Lot Design*
 - b. *Off-street parking requirements for non-residential uses shall be established by the Planning Board based upon need of the proposed use. In the Hamlet of Cairo, the Planning Board may allow counting of existing off street or on-street parking to meet these requirements. Upon due consideration of the table below, the Planning Board shall have the authority to deviate parking space requirements on a case by case basis based on need. Since businesses vary widely in their need for off-street parking, it is most appropriate to establish parking requirements based on the specific operational characteristics of the particular use proposed. In determining the parking requirements for any proposed use, the Planning Board shall consider:*
 1. *The projected maximum number of persons who would be driving to the use as employees, customers, clients, delivery and service personnel, members, students or other users at times of peak usage. Parking spaces shall be sufficient to satisfy eighty five percent (85%) of the anticipated peak demand.*
 2. *The size of the structure(s) and the site.*
 3. *The environmental, scenic or historic sensitivity of the site. In cases where sufficient area for parking cannot be created on the site without disturbing those resources, the Planning Board may require a reduction in the size of the structure so that available parking will be sufficient.*
 4. *The availability of safely usable on-street parking.*
 5. *The availability of any off-street parking within five hundred (500) feet that is open to the public, or owned or controlled by the applicant, or available on a shared use basis.*
 6. *Standards used in generally accepted traffic engineering and planning manuals shall be referred to; however, such standards shall be used as a guide only and should be viewed as likely to require excessive numbers of parking spaces.*

Suggested Language:

2. Parking Lot Design

- b. Off-street parking requirements for non-residential uses shall be established by the Planning Board based upon need of the proposed use. In the Hamlet of Cairo, the Planning Board may allow counting of existing off street or on-street parking to meet these requirements. Upon due consideration of the table below, the Planning Board shall have the authority to deviate parking space requirements on a case by case basis based on need. Since businesses vary widely in their need for off-street parking, it is most appropriate to establish parking requirements based on the specific operational characteristics of the particular use proposed. In determining the parking requirements for any proposed use, the Planning Board shall consider:
1. The projected maximum number of persons who would be driving to the use as employees, customers, clients, delivery and service personnel, members, students or other users at times of peak usage. Parking spaces shall be sufficient to satisfy eighty five percent (85%) of the anticipated peak demand after snow storage is deducted.
Reason: Again, to make sure they have room for proper snow storage.
 2. The size of the structure(s), use, and the site.
Reason: It really should depend on the use, not the size of the structure.
 3. The environmental, scenic or historic sensitivity of the site. In cases where sufficient area for parking cannot be created on the site without disturbing those resources, the Planning Board may require a reduction in the size of the structure so that available parking will be sufficient.
Reason: There will always be environmental impacts that need to be dealt with. I believe that this could lead to arbitrary decisions, and it is not necessary as environmental impacts just have to legally be dealt with anyway. For instance most of Cairo has wetland issues, and they should be dealt with fairly as required by law and not left up to the possibility of arbitrary decisions. I think you are asking for problems with this one. Who should be able to say that one building has to be made smaller and someone else's doesn't?
 4. The availability of safely usable on-street parking.
 5. The availability of any off-street parking within five hundred (500) feet that is open to the public, or owned or controlled by the applicant, or available on a shared use basis.
 7. Standards used in generally accepted traffic engineering and planning manuals shall be referred to; however, such standards shall be used as a guide only. ~~and should be viewed as likely to require excessive numbers of parking spaces.~~
Reason: If we are using the generally accepted guidelines, I do not think we should automatically assume that we know better. That is like saying generally accepted accounting principles should be viewed as being too excessive. I would like to tell my accountant that, but they are generally accepted for good reasons that I may not know nor understand.

Current Language:

2. Parking Lot Design

- i. *Parking areas shall be located to the side or rear of the structure. If this is not feasible due to lot size or configuration, parking areas shall be located in such a way as to minimize visibility from roadways and adjacent properties. Landscaping shall be used to minimize any negative visual effect. In order to provide visual continuity when parking is placed in front of a structure, landscaping shall be placed at a setback similar to nearby existing buildings found in that block or neighborhood.*

Suggested Language:

2. Parking Lot Design

- i. Parking areas shall be located to the side or rear of the structure in the Main Street Downtown Zone. ~~If this is not feasible due to lot size or configuration, In the H-Com District,~~ parking areas shall be located in such a way as to minimize visibility from roadways and adjacent properties. Landscaping shall be used ~~to minimize any negative visual effect. In order to provide visual continuity when parking is placed in front of a structure, landscaping shall be placed at a setback similar to nearby existing buildings found in that block or neighborhood.~~ for parking areas visible from public ways. The landscaping in front of the building shall meet the following requirements:

- For every 20 parking spaces, a 2½” caliper shade tree, two 1½’ ornamental trees or three shrubs shall be required.
- Landscaping of the 10’ front yard area closest to the street line shall be provided. This area may be penetrated by driveways or pedestrian facilities.
- The landscape including area sidewalks shall be at least 15% of the gross parking area.

Reason: As I showed in my previous set of comments with the pictures, buildings in the Hamlet Commercial zone need to be set back away from the road to protect our most important natural asset, the Catskill Mountain views. I think most people would agree that they would rather see the cars in front of the building if that is what it takes to protect the mountain views. Protecting these views is part of our comprehensive plan as well. Therefore, in order to accomplish the protection of our unique Catskill Mountain views and create parking that would be aesthetically pleasing in the H-Com zone, I would suggest these changes. With parking in the front, I suggest that we use these landscaping requirements, as they have some measurable items to compare to.

Current Language:

2. Parking Lot Design

- k. *Landscaped islands shall be integrated into parking areas to visually break up large expanses of paving and provide shading. Landscaping shall not block sight lines and plantings at parking facility entrances and exits shall be limited to ensure clear sight distances. Clear sight lines from*

doors and windows must also be protected. Lighting fixtures should be consistent with the character and style of the Town.

Suggested Language:

2. Parking Lot Design

- k. Landscaped islands shall be integrated into parking areas to visually break up large expanses of paving and provide shading **and meet the requirements of Section 2 (i)**. Landscaping shall not block sight lines and plantings at parking facility entrances and exits shall be limited to ensure clear sight distances. Clear sight lines from doors and windows must also be protected. Lighting fixtures should be consistent with the character and style of the Town.

Current Language:

2. Parking Lot Design

- o. *The Planning Board may allow or require use of pervious surfaces for parking lots.*

Suggested Language:

2. Parking Lot Design

- o. The Planning Board may allow ~~or require~~ **the** use of pervious surfaces for parking lots **where permeable soils conducive to infiltration are found or the use of subsurface and under pavement stormwater management and treatment systems.**
Reason: This would be better left to the experts as to the best way to deal with it.
- p. **Parking lot areas may be used for snow storage provided the available parking excluding snow storage areas meet the standards of Part 2 c, the snow melt will be managed by the stormwater facilities designed for the site, and the snow storage does not affect sight lines at entrances and exits.**
Reason: Reinforces my previous comments for proper parking planning for handling snow and run off.

Current Language:

B. Off – Street Loading Requirements

Off – street loading and unloading facilities shall be provided for commercial uses of greater than six thousand (6000) square feet as follows:

- 1. *For retail, service, or office businesses of six thousand (6000) square feet, or more; a minimum of one space for the first six thousand (6000) square feet, plus one space for each additional ten thousand (10,000) square feet of gross floor area.*

Suggested Language:

B. Off – Street Loading Requirements

Off – street loading and unloading facilities shall be provided for commercial uses of greater than six thousand (6000) square feet as follows:

1. For retail, service, or office businesses of six thousand (6000) square feet, or more; a minimum of one space for the first six thousand (6000) square feet, plus ~~one space for each additional ten thousand (10,000) square feet of gross floor area.~~ plus additional loading spaces if warranted by use.

Reason: Your current language could end up requiring a larger parking lot than needed for some businesses. If you are concerned about the unsightliness of a parking lot, we should not require them to be bigger than needed. This would give flexibility based on use and could help protect more open space.

Current Language:

B. Off – Street Loading Requirements

Off – street loading and unloading facilities shall be provided for commercial uses of greater than six thousand (6000) square feet as follows:

4. *Any loading dock shall be to the rear of a building and shall be sufficiently far back from the road to permit the largest permitted tractor trailer to maneuver into the loading dock without obstructing traffic or taking up parking spaces.*

Suggested Language:

B. Off – Street Loading Requirements

Off – street loading and unloading facilities shall be provided for commercial uses of greater than six thousand (6000) square feet as follows:

4. Any loading dock shall be to the rear or side of a building and shall be sufficiently far back from the road to permit the largest permitted tractor trailer to maneuver into the loading dock without obstructing traffic or taking up parking spaces. Loading areas shall be sited to avoid conflicts with areas frequented by pedestrians.

Reason: There are could be many situations where it may be more advantageous for the town to allow a loading dock to be on the side of a building. For instance there could be a house on the back property line, but only another business on the side, or traffic problems getting to the back property line, and not on the side. This would give the planning board the ability to allow it, and would not lock them into the rear of the building only situation as your current language does.

SECTION XI. SIGNS

Current Language:

A. General

4. *Freestanding Signs. All freestanding signs shall comply with the following standards:*

- a. *Only one freestanding sign, which may be double faced, shall be permitted for the primary frontage of a property on a public street. Not more than one freestanding sign shall be permitted for each business structure regardless of the number of stores or businesses housed on the property. Each business located within the parcel may have one additional sign that is building mounted only.*

Suggested Language:

A. General

4. Freestanding Signs. All freestanding signs shall comply with the following standards:

Only one freestanding sign, which may be double faced, shall be permitted for each entrance along the primary frontage of a property on a public street. Not more than one freestanding sign at each entrance shall be permitted for each business structure regardless of the number of stores or businesses housed on the property. Each business located within the parcel may have ~~one~~ additional signage that is building mounted only.

Reason: Larger businesses may have more than one entrance and people would need to know what business or businesses the entrance is for. For instance even the new proposed grocery store development has more than one entrance and one of them is on route 32. What good would that entrance be if the people did not know what it leads to? I have seen the pictures of towns with signs gone wild, but I think we need to be realistic. Besides, rest assured a business is not going to spend money on extra entrances, just so they can have more signs. Therefore, we should allow signs for each entrance.

Some businesses would need more than one building sign. For example a grocery store with a Pharmacy and a garden center should be able to identify them on the building. In most cases there would be more than one entrance and these signs would indicate the entrance as well. I do not think that allowing these building signs would adversely affect the aesthetics.

Current Language:

A. General

4. *Freestanding Signs. All freestanding signs shall comply with the following standards:*

- c. *The maximum height for freestanding signs shall be eight feet.*

Suggested Language:

A. General

4. Freestanding Signs. All freestanding signs shall comply with the following standards:

c. The maximum height for freestanding signs shall be ~~eight (8)~~ eighteen (18) feet.

Reason: Again, we are going from one extreme to another. If the road sign on my plaza was only 8 feet tall the cars parked next to the sign would almost cover it up making it next to useless. Not to mention that I would not even be able to begin to identify the businesses in the plaza. Let's be honest, if you had a business in my plaza with this sign law how would you feel? These businesses are trying to make a living in a very trying time; we should be a little more business friendly than this. My road sign is not the most attractive, and I would be willing to change it to make it nicer and fit in with the new zoning, but not if it can only be 8 feet high. I am sure many other businesses will never change their sign in the future to fit in for the same reason. In other words, this sign law would be making things that you don't like permanent. 18 feet is not as high as you imagine.

Current Language:

A. General

4. Freestanding Signs. All freestanding signs shall comply with the following standards:

e. The maximum size of the sign shall be 24 square feet. Signs sized 16 square feet shall have a maximum 6 inch high main letters and signs sized 24 square feet shall have a maximum 7 inch high letters.

Suggested Language:

A. General

4. Freestanding Signs. All freestanding signs shall comply with the following standards:

e. The maximum size of the sign shall be ~~24 square feet~~ determined by the Planning Board during the Site Plan review, consider the size of the parcel, use, and be comparable to permissible building signage. ~~Signs sized 16 square feet shall have a maximum 6 inch high main letters and signs sized 24 square feet shall have a maximum 7 inch high letters.~~

Reason: Again I have seen the pictures of signs gone wild, but this is not realistic for sign purposes, other than on the Main Street zone. Imagine if you will, the name of my business being "Slater's Market" and these letters only being allowed to be 7 inches tall, do you realize how close some people would have to be in order to read it. Even if I made my sign the maximum of 24 square feet it would all be background, as the letters could still only be 7 inch letters. Now take the proposed new grocery store sign along route 32 (that is if we allow a sign at each entrance) with a sign of this size. The speed limit is 55 M.P.H., by the time someone saw this sign they would have to slam on the brakes and possibly cause an accident just to go to a grocery store. Signs this small can be a safety issue, even in a 30

M.P.H. zone. People need to be able to see a sign while driving, without taking their eyes off from the road for extended periods of time and straining to find a certain business, and not have to stop abruptly when they do see it. We have a lot of tourist and first time visitors in Cairo, and they rely on signs a lot, just as you do when you go on vacation.

Current Language:

A. General

5. *Building Signs. Signs attached to a building shall conform to the following standards:*

- a. *The maximum area shall be equal to the width of the building front times one (1) foot, but in no case shall the sign area exceed 10 percent (10%) of the building face area or 24 square feet, whichever is smaller. The total sign square footage shall be in proportion to the building size.*

Suggested Language:

A. General

5. Building Signs. Signs attached to a building shall conform to the following standards:

- a. The maximum area shall be equal to the width of the building front times one (1) foot, but in no case shall the sign area exceed 10 percent (10%) of the building face area ~~or 24 square feet, whichever is smaller.~~ The total sign square footage shall be in proportion to the building size.

Reason: This is too small for larger buildings. Twenty four square feet might be O.K. for a 2,400 square foot (10%) building in Downtown Main Street, but not for larger buildings in the Hamlet Commercial zone. I think staying with the 10% of the building face area would be needed, especially where a building is set back from the road to protect the Catskill Mountain Views. This would keep all signs on all size building within the same proportion. A 35,000 square foot building would look pretty foolish with a 24 square foot sign. I know 24 square feet sounds large, until you realize that a sheet of plywood is 32 Square feet. See the example below.



This sign on CVS is 42 inches high x 24 feet long (84 square feet) with the largest letters being 32 inches high. This zoning proposal calls for only 24 square feet, just a bit more than ¼ the size of this sign. This means that all this sign would only contain the C, V and most of the S. You better hope that the name of your store is CVS. How would you propose that I put “Slater’s Great American Marketplace” on such a sign? Now do you honestly think that a sign of that size would look better than this one? By the way this building is, I would say around 10,000 to 12,000 square feet at the most, but the sign looks in proportion to the building and not overwhelming.

Buildings in the H-Com zone are planned to be larger buildings, and as the buildings gets larger signs need to be larger as well, or it will look like they were just to cheap to spend money a good sign. I think if you took a survey of the people of Cairo, they would be very pleased if all of our signs looked like this one. Again, I would be willing to change my sign to fit in with a zoning law that allowed a sign like this. If you are not careful, your zoning is going to make permanent the signs that you do not like. There has to be some middle ground here.

SECTION XII. UTILITIES

Current Language:

- A. *In all non-residential and multi-family residential development, the Planning Board may require that all utilities, exclusive of transformers, be placed underground at the time of initial construction. Required utilities may include water, sewer, storm drainage, telephone, cable, electricity, gas and wiring for street lights.*

Suggested Language:

- A. In all non-residential and multi-family residential development, the Planning Board may require that all utilities, exclusive of transformers, be placed underground at the time of initial construction. Required utilities may include water, sewer, storm drainage, telephone, cable, electricity, ~~gas~~ and wiring for street lights. Propane gas supplies and three phase power systems may be placed above the ground surface where fenced or screened and not located in front of the building.

Reason: This would not always be possible. We are close to bedrock in a lot of areas in Cairo. I had to blast to put in the tanks at the Smart Stop. This could be cost prohibitive for Mom & Pops. We need to be a little more business friendly. It is expensive enough to start a business in New York State, let's not make it worse.

SECTION XIX. DEFINITIONS

Current Language:

C. *Terms Defined*

Lot Coverage: The percentage of the lot area covered by the combined area of all buildings, structures, parking areas or other impervious surfaces on the lot.

Suggested Language:

C. Terms Defined

Lot Coverage: The percentage of the lot area covered by the combined area of all buildings, structures, parking areas or other impervious pavement surfaces on the lot.

Reason: better clarification.

Current Language:

C. *Terms Defined*

Over-built: When the cleared and/or paved area built for on-site parking accommodates more than 80% of peak parking requirements.

Suggested Language:

C. Terms Defined

Over-built: When the ~~development exceeds the maximum coverage allowed by Zoning. cleared and/or paved area built for on-site parking accommodates more than 80% of peak parking requirements.~~

Reason: Logically, overbuilt is this definition by the implications of this law.

Current Language:

C. Terms Defined

The definition “waiver” to be added to the Ordinance:

Suggested Language:

C. Terms Defined

“Waiver. The Planning Board may decide and approve deviations to address inconsistencies, or interpretive items of the Ordinance, and shall enter such decisions in the public record for the project.

Reason: We all know that no matter how much we try there are going to be some inconsistencies and unforeseen problems with this law since it is new. To make changes to it would take a long time and hold up progress in the meantime. This would give the planning board a way to deal with problems as they arise until a time in the future when the town could correct them. Otherwise, we could be locked into a lot of unintended consequences.

Groundwater Resource Study:

These questions referenced:

(These comments referenced the following documents that were sent to the Zoning Commission: V. Tannersville Zoning Law; Protect Water Article; Industrial Small Commercial Building Greene County; Dwelling and Small Commercial Buildings; Cairo H-Com Soil Report; 32 Commercial Soils; and 32 Commercial Soils Report)

Commissioning the “Groundwater Resource Study and Protection Plan” prepared by “Steven Winkley” (GWRSP) was an important first step in identifying potential “Environmental Issues” and how to mitigate the possibility of impacting groundwater resources (i.e. sensitive areas, low water capacity, etc.).

My concern is that in the zoning document there are areas which do not take this into consideration. For example; C-32S which is in the commercial is allowed where many of the uses by site plan or Special Use are high water uses without taking into consideration the impacts these businesses would have on the water usage. These uses should not use any more water than a household with the same acreage; which would almost eliminate most uses without substantial acreage. If these commercial uses permitted by special use, then a water use density should apply. In addition it is recommended that water recharge from stormwater be required in these areas; no additional runoff from the site (for all uses). In other words pre condition runoff should not exceed post condition runoff Excess runoff created by construction should be treated and recharged to the ground water.

Another area of concern is the industrial area. The GWRSP indicates that the area in South Cairo Hamlet and south of 23 along Ross Ruland Road shows that the soils there are “very susceptible to contamination” (Hydrogeologic Sensitivity - Figure 11). This area is defined as... “a relative measure of the ease and speed with which a contaminant could migrate into and within the upper-most water-bearing unit.” It further states that.... “(in these areas)groundwater could readily impacted by surface activities.” Look at what happened at American Thermostat and Becker’s Electronics? Also the Catskill Creek in Leeds is being contaminated buy septic systems due to this very problem; fast soils type.

Industrial District

Based on the GWRSP the Industrial District I am concerned and the district should be relocated. The potential of impacting ground water is high and industrial uses have a higher chance of contaminating groundwater due to the poor water quality of stormwater as well as the activities themselves causing contaminants to leach into the groundwater.

Commercial Districts – C-32S

The commercial C-32S is located in an environmentally sensitive area; shallow to bedrock, wetlands, poor soils (see attached soils report). In fact the site, largest parcel to the north in this district, was property I evaluated for a client and observed federally regulated wetlands throughout the site. This area is the headwaters of a DEC regulated wetland behind the Nursery on the south side of Silver Spur Road, Russo’s, the Speedway and Wolfe’s,

Overlay District

Consideration should be given to providing an overlay district around the hamlets where a higher density of houses can be built when provided by sewer and water. The areas that would be most likely to expand with a higher density would be the immediate area around the Cairo Hamlet (as well as other hamlets) which already has sewer and water. It is also where you would want the higher density to occur to provide homes closer to a Main Street district. It is most practical to extend the sewer and water districts or allow user areas in close proximity of an existing sewer and water district

Planned Development District (PDD)

It is recommended that a planned Development District be allowed in town in any area. The PDD would be reviewed by the PB and Town Board and as long as it was environmentally friendly and the Law, should be allowed. For example, although a project with cluster housing may not meet the requirements of the district, the project could be developed to meet the intent and not impact water, runoff, slopes, etc. This can be by studies, reports, etc., and if necessary by an EIS. I have attached the Village of Tannersville Zoning Document to provide a guide for a PDD.

Respectfully Submitted:

Ewald Schwarzenegger, PE

From: dtrahan@verizon.net
Sent: Thursday, January 13, 2011 3:14 PM
Subject: Cairo Comments

The following information was submitted on January 13, 2011 @ 4:14 pm:

Comments: Nan & Crew,

I know the public comment period is over but I did not see a response to the questions raised on the Keeping of Animals.

Going through the schedule of uses, definitions and livestock densities at the end of the document it is really not clear that the keeping of animals is a customary accessory use.

This should be clarified. It's understandable that full scale Ag operations should be limited to certain districts but backyard farming is a traditional rural accessory activity generally allowed in all zones provided density requirements are met.

Please clarify this in either on the use table or definition section. Language, such as Saugerties, would also be helpful:

" SECTION 6.3: AGRICULTURAL USES AND RIDING STABLES Nothing in this Law shall prevent the keeping of domestic or farm animals by a resident, on his own property, for the resident's own personal use

Town of Cairo Public Comments on Draft Zoning from 1 4 11 to 1 18 11

and enjoyment. The following provisions shall apply only to agricultural uses where plants or animals are produced, kept or maintained for sale or lease...."

It must be Crystal that the couple of chickens or horses kept in the backyard are not suddenly pre-existing non-conforming uses; otherwise, the new neighbors from the city and the locals will not get along. The town will still be able to go after some of our more interesting horders.

Thank you, Dara C. Trahan, AICP, Woodstock Planning Specialist, Hamlet of Purling resident & Lurker (I've had mtgs scheduled during each of the weekday public presentations and arrived just a little too late for the Sat presentation)

From: ed forrester [forrest@mhicable.com]
Sent: Thursday, January 06, 2011 7:13 PM

First, has an actual count been made of the number of parcels which will be non-conforming in the different residential zones with the adoption of two, four and six acre requirements?

Secondly, just what experience does Planning Better Places have in zoning?? Can we be given a list of past satisfied towns where Planning Better Places helped formulate their zoning. It seems the a lot of basics were overlooked in establishment of the Cairo zoning.

From: ed forrester [forrest@mhicable.com]
Sent: Sunday, January 16, 2011 9:03 AM

the one thing the board did not even consider when they decided on the 10,000 sf lot size is that there really isn't that much vacant land in the sewer district, maybe the old weeks property (maybe 17 acres) and that's about it. Everything along dinger road is wetlands.

From: bigall12418@yahoo.com
Sent: Monday, January 17, 2011 12:47 PM
Subject: Cairo Comments

The following information was submitted on January 17, 2011 @ 1:47 pm:

Comments: Please consider adding lot and Block # 101.06-2-3 to the commercial rt. 23 area as I am "In CONTRACT" to close next week on this property which borders the back line of my properties which are already on YOUR MAP AS RT.23 COMMERCIAL. I fully intend to use lot #101.06-2-3 in conjunction with my current operations.

Thank you Alfred Suwara

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From: bigal12418@yahoo.com
Sent: Monday, January 17, 2011 1:13 PM
Subject: Cairo Comments

The following information was submitted on January 17, 2011 @ 2:12 pm:

Comments: Alfred Suwara..LOT and Block #83.00-3-14.. As you consider adding my land to rt 32 commercial I would explain this land has 900' of road frontage that is directly across rt. 32 from J.R.'s auto shop which is in the commercial zone. The best use for this land is to be zoned commercial. I also have a natural green buffer in the rear bordering the surrounding properties.

-----Original Message-----

From: Galen Joseph-Hunter
Sent: Tuesday, January 18, 2011 8:47 AM

Is there a way that you can confirm that the Wave Farm Study Center project (which received site plan approval, and a building permit for the structure, which is almost completed) will not be subject to the new zoning law should it be passed into law in the forthcoming months? It's my assumption that our project would be grandfathered in as a pre-existing use, but as our history with the town on this project is rather complicated, I just want to be sure there aren't any surprises looming, etc.

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Raymond F. Pacifico
388 Joseph Kollar Road
Cairo, NY 12413

January 10, 2011

Cairo Zoning Board

Dear Zoning Commission:

First of all I would like to thank all of you for your hard work over the years. I am in favor of zoning, and want to see all your hard work not go to waste when it comes time to adopt the zoning. There will always be people against the proposed zoning. However, by addressing the items we have discussed at the workshop at the Planning Board, as well as the other comments from the general public, I am hopeful that the majority will favor zoning. Dan Benoit, our Planning Board Chairman, has touched on many things which I concur with in regard to the proposed zoning laws.

My main concerns were that too many districts that should have been commercial were not proposed as such. This concern seems to have been addressed, with the main roads leading out of Cairo now being changed to commercial zoning.

While we all want to "come back to the Main Street area of Cairo", we can't force business to come to Main Street and nowhere else. We would end up losing potential business that way.

If we have a well laid out commercial district that leads out of the Main Street area in all directions, we will give potential businesses many different options. In this way, we will not lose anyone and feeder businesses will still have Main Street as an option.

Finally, on a more personal note, I own and manage a 28 unit apartment complex on Kligerman Drive in Cairo, just off the Main Street area on the western end. Eastview Garden Apartments is right next to the water tower and within the water district. The sewer lines are also within a short distance away. I am in the process of going through a subdivision on the vacant lands on Kligerman Drive, across the street from the apartments. I will be proposing both residential development, as well as more apartments which would be commercial development.

As there is already commercial development on Kligerman Drive, to include the apartments as well as access to the old Stingrays's property which is now being used for a tree cutting business, it only makes sense that this area should be zoned commercial and not Rural Residential, as proposed. I look forward to hearing from you with regard to this matter, as well as any feedback you may have.

Very truly yours,



Raymond F. Pacifico

Town of Cairo Public Comments on Draft Zoning from 1 4 11 to 1 18 11

Karl Heck:

I am wondering if the Main Street plan the Town has factored much into the zoning map. Based on our work there, it seems that there are many opportunities for infill and new development in the traditional Main Street district, but there needs to be appropriate infrastructure and some tightening up of the "historic Main Street" commercial area to reflect the level of commerce and storefront activity that can be supported in the community. To me, the Old Fairgrounds seems like a natural for a commercial/business park, given its location and access. Flat land near infrastructure is obviously at a premium in Cairo.

I couldn't find the adult entertainment zone either.

The Dadras report defined three Main Street areas, the Historic section in the middle and two gateways. It also does a good job of outlining the potential market available in each area, so that would be useful for the zoning commission.