

Town of Cairo Comments and Commission Responses 2/22/11

Comment Received From Public	Response from Zoning Commission
<p>1. Emily Calabrese: Since the re-sale value of vacant commercial property is so much higher naturally it must have a separate tax class to identify it properly & pays extremely high taxes. Why didn't the Zoning Commission take this into consideration when planning the commercial districts? How can the Zoning Commission <i>fail</i> to realize that the only use for the heaviest traveled intersection on Route 23 is commercial? Why would the Zoning Commission want to restrict commercial development on the only available major intersection of 2 State Highways? <i>We must question Why? Why were these businesses not taken into consideration when the zoning of Rural Residential 1 was placed on Rt. 32North?</i> As per the attached tax map – we seek to have these 3 parcels zoned commercial <i>with the same uses as Rt. 145.b</i>) The 4th parcel is opposite Jr's Transmission and should also be zoned commercial. C) We note the areas of Rt. 145 & Rt. 32 North are both zoned Rural Residential 1 therefore, the lot dimensions & density are the same and based on septic constraints of the Rural Residential 1 area. <i>We ask that Rt. 32 North commercial be added to the Commercial/Mixed use Districts Table for C-145.</i></p>	<p>The original decisions as to where districts should be were based on: an evaluation of current uses, long-term planning desires grounded in the comprehensive plan, desire to develop a system of commercial nodes instead of lining all highways with strip commercial development, and environmental conditions. The Commission put more emphasis on current use (whether it was vacant or in some other use) than on current tax rates were not considered at that time. Based on this and other comments, the Zoning Commission has worked to reclassify the commercial areas. See updated Zoning District Map.</p>
<p>2. Ewald Schwarzenegger wanting to know if there is a section in our proposal for Planned Unit Developments (PUD's) and Planned Development Districts (PDD's).</p>	<p>Yes, the planned unit technique has been suggested to be used for large resort development, but not for other types of development.</p>
<p>3. Ted Banta: At least one point I can contribute now before further investigation, is that you must reclassify the areas on the corners of Rt 23 from Rural Agricultural to Commercial or some aspect thereof. In any successful area with a well traveled state route there is commercial zoning. It would be most prudent not to limit the highest commercially profiled areas.</p>	<p>The Zoning Commission has worked to reclassify the commercial areas. See updated Zoning District Map.</p>
<p>4. Frank Panbianchi: Has the zoning commission had a peer-review to substantiate the hydrologist study? Can lot size be approved 1.25 acres</p>	<p>There has been no peer-review study of the water study. Any existing lot can be developed for one house (provided water</p>

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<p>and smaller than 4 acres and still be within the land capacity to handle additional housing?</p>	<p>and septic can be approved) even if that lot does not meet the density regulations of the district it is in. Use of average lot size and density instead of minimum lot sizes means that smaller lots can be created. For example, a parcel needing to meet the 3 acre density in the MT District must be 6 acres in order to subdivide but one lot could be 1 or 1.25 acres or even smaller if adequate well and septic can be approved.</p>
<p>5. Lucille Bertone: Question on the lands owned on Russ Ruland Road and Silver Spur Road and Route 32. As of the use currently being used for and for future development: even if the use changes. I would prefer that my Silver Spur land be considered to be more clearly suited for future development.</p>	<p>The Zoning Commission has worked to reclassify the commercial areas. See updated Zoning District Map.</p>
<p>6. Glen Heidenberg: Why is the hamlet of South Cairo split up? Having industrial zoning on that side of Rt. 23 doesn't make sense. This area is full of residences including mine. I do not want to be zoned industrial. I also own property on 67 near Plallekill Road. My property is full of water. How was it determined that this area should be zoned to 8 acre parcels and can't handle smaller parcels?</p>	<p>The Zoning Commission has worked to reclassify the commercial areas. See updated Zoning District Map. The zoning districts were based upon the recommendations contained in the groundwater study. No area is zoned for 8 acre minimum lot sizes. The density and minimum lot size are two different things. This law does not use minimum lot sizes except in the hamlet districts. Some locations in Cairo have been zoned for 8 acre density, meaning that the overall density on any given parcel is one dwelling per 8 acres, but the minimum lot size could be as small as allowed by the department of health for water and septic. For example, a 16 acre parcel could be eligible for 2 lots: one could be ½ acre in size and the other 14 ½ acres. This flexibility allows the landowners to design lot sizes the fit their needs and that will also meet the goals of the Town.</p>
<p>7. Debra Pignotti: Should there be some sort of register or list of pre-existing businesses such as mine? To secure your standing as a pre-existing business? My businesses – Stone Cottage Realty has been operated at my residence for 23 years.</p>	<p>Most towns do not have a list of pre-existing businesses but it is a good idea should they have the capacity to develop such a list. However, on a case by case basis, should an issue arise as to whether a use is pre-existing or not, the landowner could bring documentation to the Planning Board to show its</p>

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	existence prior to the adoption of the Law.
8. Jay Fortini: Please let me know why properties north of Edison Timmerman are not planned to be zoned commercial when they already exist as such and it is a high traffic (8500 vehicles/day), non-residential type area.	The Zoning Commission has worked to reclassify the commercial areas. See updated Zoning District Map.
9. Anonymous: Keep up the good work.	
10. Anonymous: Legally we have no zoning. Why as the Planning Board advisory committee called a zoning commission? Is the code enforcement officer qualified for the present office held let alone zone code officer? The ground water analysis is general and inaccurate. More information can be gotten from well driller logs and area residents.	State Law requires the Town of Cairo to appoint a Zoning Commission when considering a first zoning law in the community. The Town Board appointed the members of the Zoning Commission to develop a draft law. The Zoning Commission is a totally separate body from the Planning Board. It will be the responsibility of the Town Board to ensure that the enforcement officer is properly qualified and trained. The groundwater study did use over 200 well logs for information.
11. Sue Hilgendorff: I would like to know 1) will there be a newspaper article giving a clear and extensive overview of zoning – also letting people know the time line including all upcoming meetings, hearings, and the ground rules that apply to them? I feel people, for the most part, are uninformed regarding the details of the zoning proposal. This is not to say you have not had notifications, but I think an article in the paper is necessary. Please let me know if it is possible to have this go to a public referendum. I strongly feel that something as extensive as this zoning proposal that effects everyone in the township should be taken to a public vote. If the answer is no, could you please provide details why.	It is not possible to have a public referendum on adopting local laws in New York State. State law allows permissive referendums only for nine very specific situations. If the newspaper is willing to print more, the Zoning Commission could provide additional information to them.
12. Paul Hilgendorff: What size building would be allowed for a home occupation? Does the zoning prevent mining from taking place down to a 500 cubic yard amount? Can a single family house be built within the middle of a farm field?	Page 79 #3 currently says that a home occupation shall be no more than 30% of the house. This is because the primary use of the land is residential and the secondary use is a home occupation so the law was written to ensure that business uses were scaled to be the minor use. No, the zoning does

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	<p>not prevent any kind of mining. When more than 750 cubic feet per year are removed, a NYS DEC mining permit is required as per State law. When 500 cubic yards or less are removed, no mining permit is needed at all from either the state or the Town. For 500 to 750 cubic yards per year of removal, a special use permit from the Town is required. All major subdivisions including conservation subdivisions are required to meet the standards of Appendix A, Section G. These siting guidelines are not required for siting of individual residences on existing or subdivided lots from minor subdivisions.</p>
<p>13. Anonymous: Page 120 – agricultural definition? On Main Street Commercial – heart of commercial now, is zoned Main Street – which has a different set of restrictions. More commercial needed? Maybe a mainstreet downtown and mainstreet uptown? What is the rush to get this done? I feel you really need more time for input from people.</p>	<p>The Zoning Commission has worked to reclassify the commercial areas. See updated Zoning District Map related to Main Street. The Zoning Commission has extended the time frame for public comment, and is taking their time to review all comments before proceeding to an updated draft. Further public input will be requested when a new version is ready.</p>
<p>14. Anonymous: This is an extremely complex process that cannot be rushed. We need to see concrete examples of good execution so that everyone affected can set appropriate expectations. “Common sense” is not a standard by which this can be implemented well. Details about “how” and “what” and “where” need to be clearly defined and for the long term.</p>	<p>The Zoning Commission has extended the time frame for public comment, and is taking their time to review all comments before proceeding to an updated draft. Further public input will be requested when a new version is ready.</p>
<p>15. Ed Forrester, Cairo Planning Board:</p>	
<p>DRAFT ZONING MAP</p>	
<p>1) Your coloring coding seems to be off. The RR-2 rural residential is marked for three areas. The Route 32 South and the Edwards Property on Rte 23B can not have the same water and soils problem as the German Hill Area to require (6) acre parcels.</p>	<p>The two areas of the R-2 district have the same density requirements but for different reasons. To the north, the issue is conservation of the baseflow of water. To the south, the issue is poor soils and address sustainable density for septic systems.</p>

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<p>2) The Industrial Area should not extend North of Route 23.</p> <p>3) The Adult Entertainment Zone should be denoted on Zoning Map.</p> <p>4) To me, Route 32 South from the Traffic Light to Silver Spur Road should be commercial.</p> <p>5) All land to the South of the Town Line is designated by the Town of Catskill as commercial</p> <p>6) The Zoning Board did designate a Southerly Area on the Westside of the highway as commercial, but left three parcels North of the Town Line residential. Two of which belong to the Town Board Member who is the Zoning Board Liaison.</p> <p>7) It appears that the Zoning Commission has designated all vacant land on intersections as residential, when some have been paying taxes as commercial for years. This will surely limit commercial growth. Rte 23 and Bross Street, Rte 32 North, Rte 145 and Frank Hitchcock Road, Rte 23 West and Rte 23B to name a few.</p> <p>8) Route 32 North should be commercial as far as the Catskill Creek.</p> <p>9) Banta's property on Rte 145 should have an option on being commercial, it's over 100 acres with good water and soil conditions It is prime for commercial development</p> <p>10) Route 23 West of Cairo shows no commercial. New York State in its original design of this highway basically indicated commercial and non-commercial zones by denying access to long stretches of the highway</p>	<p>The Zoning Commission has worked to reclassify the commercial areas. See updated Zoning District Map.</p> <hr/> <p>This will be added to the zoning map.</p>
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<p>from Vernel Butler Road to John Holtzman Road. At least the section highway from the Bypass to Vernel Butler Road should be designated commercial.</p> <p>3) This should be changed to from Rte 23b at the banks to Rte 23B at Toads, skipping the Main Street Zone listed next</p> <p>4) Main Street Downtown should extend from the Old Bottling on the West end to the Cairo-Durham Elementary School on the East end . This would allow commercial development on the old race track, the Bottini and Miller Properties which is basically hampered by the present proposal and maintain a rural atmosphere on the town.</p> <p>5) It is my belief that Route 145 should be commercial from the ByPass to the Town line of Durham</p> <p>6) Commercial Route 32 South-This should be commercial. If you inventory the existing properties, you will see that the majority of the properties are now commercial. This review was done for the Planning Board in its review of the Site Plan for the Deschaine property. It was over 50% commercial</p>	<p>The Zoning Commission has worked to reclassify the commercial areas. See updated Zoning District Map.</p>
<p>10) Rural Residential Two- I believe that these areas are misrepresented on the Zoning Map.</p>	<p>See answer above.</p>
<p>14) Planned Resort Development District This is basically a "Pipe Dream" .</p>	<p>Having this in place offers the possibility, and should that never happen, no harm is done in offering that option.</p>
<p>It seems to defeat the purpose of zoning when you say it can go anywhere as long as there are 25 acres</p>	<p>It is true that use of the planned development technique can circumvent the original intent of zoning. That is why it was applied in only a narrow use (for large resort development). The Commission agrees however that 25 acres is very large and does not match existing resort sizes. The next version of zoning will be amended to require a 10 acre lot size in order to</p>

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	promote resorts that are of the same scale as exists today.
15) Adult Use District This should HIGHLIGHTED on the Zoning Map so that any potential land buyers in this are aware of it.	Will be added to map.
SECTION THREE EXISTING 7 NONCONFORMING BUILDINGS	
A) 3 & 4 seem to be in conflict	These are not in conflict. #3 says that when a nonconforming use is stopped for more than a year, it shall not be re-started unless it is made conforming with the regulations. #4 says that a nonconforming use can be changed at any time to a conforming use but cannot be changed back to a nonconforming use.
B) Dates should be updated	Will get correct date for site plan law adoption and replace that typo in all locations throughout the document.
C) Destruction of Building the owner of an existing thriving business should be allowed to rebuild, even if it is non-conforming.	This section does allow it to be rebuilt. It says that the ZBA could allow rebuilding to non-conforming standards if the lot dimensions or environmental features prohibit conforming to the law. Otherwise, it can be rebuilt so that it conforms. To clarify this, Section C will be re-written as: Any rebuilding of a nonconforming structure that is destroyed to an extent exceeding seventy five percent (75%) of its fair market value as indicated on the latest assessment records of the Town of Cairo shall conform to this Zoning Law. The Zoning Board of Appeals may grant rebuilding in a nonconforming manner only if lot dimensions or environmental features such as but not limited to wetlands, floodplains, or slopes greater than 20% do not allow for construction of a new structure that would be conforming.
G) sort of vague, and needs clarification	This will be clarified to: Buildings under construction. When a building permit has been lawfully issued before the effective date of this Zoning law and where construction has also begun within 180 days of the effective date of this Zoning Law, the building may be completed according to approved plans and approval conditions issued before the law was adopted. If upon completion, such building or use is nonconforming with this Zoning law, it shall thereafter be subject to all provisions

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	of Section IV.
SECTION IV USE REGULATIONS	
Page 18 Religious Structures, This has to be better defined. A simple religious statue in ones backyard could be called a religious structure Planning Board should not be getting involved in residential land uses	The next version of the zoning will add the definition of religious institution: A building, area of land, or portion thereof, used for religious public assembly including a church, synagogue, or other place of religious worship. Accessory uses associated with the religious institution such as religious schools, parish houses, convent, recreational facilities, accessory parking areas and day care facilities shall also be considered a religious use.
Page 20 Adult Entertainment Ares have to be better described and denoted	Will add to map but continue to refer to Adult Use Local Law.
SECTION V DENSITY AND DIMENSION REGULATIONS	
1A) b Why are wetlands, slopes and water bodies exempt from density calculations??	This was done to ensure that the level of development is sustainable for that property. It was designed to calculate the amount of land that is actually buildable.
2) a-e, Who will be doing the monitoring, and how will it be financed??	The Planning Board will monitor. A simple map could be all that is necessary. If more elaborate methods of monitoring this is needed (for instance using the computer), then some funds would need to be allocated for use of a computer.
Under Table 2-Lot dimensions—the dimensions for setbacks on non-conforming lots in the various zones are never mentioned. Do the existing setbacks in the Building Code stay in effect for these cases, and there will be a lot of non-conforming lots..	A note to Section C will be added stating: For nonconforming lots and buildings allowed by the ZBA to be rebuilt in a nonconforming manner, all existing setbacks in place and approved before enactment of this Zoning Law shall remain in effect for such rebuilding.
Page 26 What is wrong with Cul-De-Sacs	Cul-de-sacs are not traditional rural features. The zoning desires to minimize use of these roads to maintain traditional road types and rural character. Further they are harder for the highway department to manage and maintain.
SECTION VI DENSITY INCENTIVES\	
This just seems like back door method of going around your housing density per acre requirement	Incentives are a method to gain more town amenities than would otherwise result.
SECTION VII GENERAL REGULATIONS	
Once, make sure Local Laws are current.	Will be cross-checked.

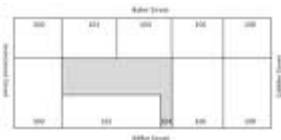
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A1) Noise- maybe ZEO should be changed to CEO	In the zoning, the enforcement officer is the ZEO. The ZEO however, may be the same person as the CEO.
2) Odor-How is this monitored, financed and enforced?	Enforced and monitored by the Town, probably through the ZEO. Fees collected through the review process should be large enough to cover these expenses.
6) Are you Trying to say no gravel driveways will be acceptable in the Town??	No. This will be clarified to read: All open portions on any developed lot shall have adequate grading and drainage, and shall be continuously maintained in a dust-free condition by suitable landscaping with trees, shrubs, grass or other planted ground cover. Impervious surfaces such as gravel, crushed rock or other impervious surfaces as may be approved by the Planning Board are acceptable for roads, driveways and parking lots provided adequate drainage, stormwater and erosion control are provided for.
7) Unrealistic, how would it ever be monitored??	If the Planning Board felt this was important for a particular use, then the permit conditions and fees would have to accommodate for this.
SECTION VIII SUPPLEMENTARY REGULATIONS	
C -SCWO—I) This are is so critical why isn't the acreage requirement eight (8) acres instead of three (3)	It is not the density of development that is the issue, but the type of land use. Highly polluting land uses should not be included in this area. Regulating the impermeable surface area requirement as included, is what was deemed important by the hydrogeologist.
SECTION XI SIGNS	
Is it the Zoning Commission's intentions to nullify the existing Town Sign Law, and place the burden of all signs on the ZEO, not the CEO??	Yes, all zoning regulations are enforced by the ZEO. However, the ZEO may be the same person as the CEO, which has different duties.
SECTION XIV PLANNED RESORT AREA	
As I stated earlier I feel that this is just a "Pipe Dream" of some Zoning Board members who might have been involved in the Comprehensive Plan formation to get Cairo to relive the 1950' and 1960's.	See above response.
You have spent a considerable amount of time and effort on the formation of the Zoning Draft, but if anyone wants to build a Resort they can anywhere in the Town regardless of the applicable zoning	That is how a planned unit development works, and why the Zoning Commission did not recommend it for other uses.

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<p>Ed Forrester, via email: I have been thinking about my Comments on Route 32 South. I don't know if it can be done, but this section should really be segmented It is not morally right to legislate out what could be a lifetime's work for some people whether it be residential or commercial. Possibly zone it commercial from the Route 23B Light to Russo's Left and Right, the four quadrants of the Silver Spur Road and from Kevin's Saw Mill Property to the Anderson Property Left and Right. With all other parcels being residential. This would enable all existing properties to be sold with being tagged as non-conforming</p>	<p>The Zoning Commission has worked to reclassify the commercial areas. See updated Zoning District Map.</p>
<p>16. Daniel Benoit, planning board chairman, Comments on Town of Cairo Draft Zoning Law – Version 7</p>	
<p>Section III (A) (3 & 4). Section three and four may have a conflict.</p>	<p>There is no conflict. See above for answer, page 7, A.</p>
<p>Section III (B) (1 & 2). As I read these sections, it appears that section 1 allows for an interior expansion of 25%. Section 2 allows for an exterior expansion of 25 % (up to the 5K limit).</p>	<p>These can be combined and clarified as: A nonconforming use may be expanded within an existing structure or on an existing lot provided that the expansion area does not exceed twenty-five (25) percent of the pre-expansion gross floor area of the structure as it existed at the time of enactment of this Zoning Law. However, in no instance shall the expansion area of a nonconforming use be greater than five thousand (5,000) square feet.</p>
<p>Section III (B) (3). Local law # 4 of 2008? (Site Plan Law?) Is this citation, which appears throughout the text of this law, correct?</p>	<p>This will be cross-checked and fixed.</p>
<p>Section III (C). So, since this section limits non-intentional destruction, does that mean that if an owner of a non-conforming use deliberately destroys the structure so he can build a newer one, it does not have to conform?</p>	<p>See above, page 7, C</p>
<p>Section III (J) Again, how about that one-year discontinuance provision of III (A) (3)? What if the owner re-occupies within one year? What if the residence is owner-occupied on a seasonal basis?</p>	<p>The new revision will clarify Section III (A) (3) to allow the ZBA to issue a one-year extension.</p>
<p>Section III (L) Why would the ZBA need to review expansions if they are allowed as a right under sections III (B) (1&2)? Does this apply to all expansions or just those that may exceed the allowable limits? What about the planning board, what is their role in approving a site plan for an</p>	<p>Correct. Sub-section L has been re-written as: The Zoning Board of Appeals shall review and decide whether to grant or deny any requested expansion of a non-conforming use, structure, or lot that exceeds the limits established in Section</p>

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<p>expanded use? If the PB is involved, who is first and how is it coordinated?</p>	<p>III of this Zoning Law.</p>
<p>Section V (A) (1) (b) (2 through 4) I fail to see the logic in excluding these lands for the gross acreage calculations. Why can't lakes, rivers, streams, steep slopes, (etc) be included as lands set aside for 'forever wild' or conservation subdivision calculations? If you have 100 acres and set aside half of it and not build on it, what difference does it make if that land is actually buildable land or not? You're still building out on the same percentage of land. Why penalize people who own less usable land and reward people with 'better' land?</p>	<p>This was done to ensure that the level of development is sustainable for that property. It was designed to calculate the amount of land that is actually buildable.</p>
<p>Section V (A) (2) (a through e) – who's going to make up this map? Cost? Is it printed or electronic? Who bears the cost of updating the map? There appears to be a lot of "unfunded mandates" in this section.</p>	<p>The consultants will provide a base map for the Town. It could be either printed or electronic. The GIS data could be loaded on the Town Computer for the Planning Board to use. A simple map could be all that is necessary however. Electronic monitoring will require access to a computer by the Planning Board. Costs of updating the map in the original GIS database would require some nominal cost to make those updates by the consultant or other skilled GIS user.</p>
<p>Section V (C) (1). Why are cul-de-sacs discouraged?</p>	<p>Cul-de-sacs are not traditional rural features. The zoning desires to minimize use of these roads to maintain traditional road types and rural character. Further, they are harder for the highway department to manage and maintain.</p>
<p>Section V(C)(2)(c). Do not understand what is meant by, "...and there shall be 100 feet width at the actual building line". I can't visualize this or draw it on paper from this description. Are you saying that the property has to be 100 feet wide after you get past the "flagpole" part of the lot? Why? No other lot is required to be 100 feet wide. I thought that we were concerned with density, not lot dimensions or shapes.</p>	<p>Yes, the property has to be a minimum of 100 feet at the end of the flagpole where the building actually is. While the law is concerned mostly with density, flagpoles can be problematic if done wrong so this ensures there is enough space for the building on the site. This illustration shows the narrow end which would need to be a minimum frontage of 25' and the larger part of the parcel where the building takes place must be 100 feet.</p> 

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<p>Section VI (C)(1 through 4). When you state that, "...for every additional 10 percent of land set aside as open space, a five percent residential density bonus may be granted...the maximum may be...fifteen percent." Do you mean an additional 10 % of the entire parcel or an additional 10% of the buildable remainder? While I realize that these examples may represent an extreme position, my point is that I think you are allowing too great a density bonus calculation. While I realize that the overall idea in the law is to get away from lot sizes and focus on density, I think that there still needs to be a lower limit on lot sizes outside of the hamlet/water-sewer district areas. Too much clustering leads to other problems as well (nitrogen and phosphorus loads).</p>	<p>The incentive was intended to be calculated from the number of units allowed. The example is correct in that it could result in 9 bonus units. However, applying a minimum lot size to each unit is not necessarily accurate. A developer may have two-family units or mulit-family units that would not need so much space per unit. Further it is likely that a large development like that would require a community sewer and if so, that investment would require maximizing density so it is very feasible for much smaller lots. Finally, the incentive bonus section does not guarantee this bonus, but it is requested, analyzed to ensure that the parcel can handle that kind of density, and then approved by the Town Board. Another sub-section will be added to section D and as a note to Table to address the lower lot size limit: The minimum size for all lots in the RR-1, RR-2, and MT districts shall equal to that required by the New York State Department of Health to meet water and septic system requirements.</p>
<p>Section VI (E) (3 through 6) How, exactly, will this work? If the town board must approve the incentive bonus and do a SEQRA review, how will the town board coordinate the SEQRA with the planning board if the planning board simply is advisory in nature but must do the SEQRA review? Is not SEQRA supposed to be conducted by the agency with permitting authority? If the authority granting the "incentive zoning" is the Town Board then it seems to me it must be the Town Board who conducts SEQRA.</p>	<p>The density bonus request could be seen as a separate action with the Town Board acting as lead and doing the SEQRA. However, SEQRA does not allow for segmentation of a project and it seems reasonable that any environmental review will also review the impact of increasing the density. The revision will include text to ensure that all applicable requirements of the State Environmental Quality Review Act shall be complied with as part of the review and hearing process before the Planning Board. Thus, the Planning Board, as lead agency for the overall permitting of the project, will need to include a request for a density bonus as part of the SEQR work they conduct.</p>
<p>Section VI (E) (6)(b). To follow up on above, what happens if the planning board has a positive declaration? How is it then that, "...the Planning Board's report <i>SHALL</i> include the following: (b) A SEQRA <i>negative declaration</i> establishing...." (<i>emphasis added</i>)</p>	<p>See on row above.</p>
<p>It seems to me that rather saying what the planning board <i>shall find</i>, the law should state what items the planning board's report <i>must contain</i> or</p>	<p>(E)(6)(b) will be re-written to: A SEQRA evaluation as to whether the density bonus would result in any potential</p>

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<p>what the <i>scope</i> of the board's review <i>should be</i>. The way you have it written, it seems as though the findings are pre-ordained.</p>	<p>significant impacts on the environment and necessary mitigation measures and conditions necessary to ensure that the impacts of the proposal will be mitigated to the maximum extent practicable.</p>
<p>Section VI (E) (12) There are two paragraphs marked 12 [bottom of page 31 and top of page 32]. Re-number top of page 32 as "13". As renumbered, what does this mean – GEIS costs to be paid by the applicant? Are you saying that the Town board is going to prepare a Generic Environmental Impact Statement regarding the implementation of zoning and that every applicant who proposes an incentive zoning proposal will have to then pay a percentage cost of that study? What is the incentive if the applicant can save costs by not doing an incentive zoning proposal and not pay this cost? Also, why would you do a Generic Environmental Impact Statement on every proposal? Are you sure you are using the proper terminology?</p>	<p>State Law 261-b requires preparation of a Generic Environmental Impact Statement. State law also establishes that an applicant for incentives shall pay a proportionate share of the cost of preparation of the GEIS.</p>
<p>Section VII (A)(1). Enforcement of noise by the ZEO conflicts with the site plan law's enforcement of the noise provisions by the CEO.</p>	<p>All zoning provisions are enforced by the ZEO. This person may be the same person as the CEO.</p>
<p>Section VII (A)(2). Who enforces this? Who takes these measurements? Who has this equipment? Who has this training? Who's paying for this?</p>	<p>See response above. The ZEO enforces. Fees collected for specific applications should be enough to cover these expenses.</p>
<p>Section VII (A) (6). Dirt surfaces are not acceptable in a rural community? Really?</p>	<p>This is not the intent of this section. This has been re-written. See rewrite above, page 9 #6.</p>
<p>Section VII (A)(7). Conflicts with (or is less restrictive than) the site plan law that does not allow for any vibration which can be felt at the property line. When we decided on that standard, we believed it would be easier and cheaper to determine than using expensive equipment and (again) bear the cost of training and maintaining (taxes – taxes – taxes)</p>	<p>The revision of the Zoning will coordinate this language with the existing Site Plan law as: No vibration shall be permitted which is capable of being felt by any person lawfully at any adjoining lot line.</p>
<p>Section VIII (reader's note) While this reader's note provides for the specific applicability of these supplementary regulations but nowhere can I find outside this reader's note box where they are made applicable to anything but "non-residential buildings" as stated in VIII (A)(1). Nowhere can I find where it is applicable to major but not minor subdivisions or residential buildings at all. And, various sections (see: VIII (B)(3)(d) for example) refer to subdivisions but are not limited to "major" subdivisions</p>	<p>The revision will be re-written so that each specific section will refer to its applicability. See also page 38, (4) (a) which identifies what is the applicability.</p>
<p>Section VIII(C) and (D) Do these sections apply to minor subdivision</p>	<p>Yes</p>

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(residential) constructions?	
Section VIII (C) Why, if protecting the shinglekill watershed district is so important that a special overlay is created, is this an area where the greatest building density is allowed? (MT – 3 acres). It seems to me that if protection of the watershed were important enough to warrant special consideration, the building density allowed should be less (8 acres?)	See answer above. Building density is part of the issue, but the main issue is the use of land for activities that pollute the water. If the Zoning Commission wants to revisit this with the Hydrogeologist, they can.
To me, this is a major inconsistency with this proposed law.	
Section VIII (D) – Does this have residential applicability? If, as you say, Section VIII applies only to “major” subdivision proposals, then nothing in VIII would apply to minor subdivision proposals. Why should the protection of the stream buffer area depend on the size of the subdivision project?	(D) applies to any building.
Section IX (2)(c) – The # of parking spaces seems somewhat low to me. For example: manufacturing = 1 space for every two employees based on maximum shift. So: 50 employees on maximum shift = 25 spaces – which means everyone carpools? What is the basis for these calculations? (where did you get them?)	The # of parking spaces was adapted from the American Planning Association, Planning Advisory Service Report 510/511 entitled “Parking Standards” (2002). These numbers were designed to prevent over-built parking lots, which many other engineering guidelines for parking lots calls for.
Section X (and section XIV) Again, I see SEQRA procedural issues associated with the stated process in both these sections (mfg home parks and PUD’s) How can an adequate SEQRA be done (coordinated review between TB and PB) when the applicant will only submit his PUD plan to the PB after adoption (see pgh3 page 72). In essence, it appears that the applicant would have to undergo a second SEQRA process on the same project because there is no way an adequate SEQRA can be undertaken without the information required to be submitted to the planning board. And, the applicant does not submit this information until AFTER town board adoption AFTER completing SEQRA. I really don’t get this one.	This can be addressed as above by specifying the SEQRA must include all information for the entire project submitted to Planning Board and keep them as lead agency in this case.
Section XI: Is the current sign law to be repealed?	Yes
Section XI (A)(7). The ZEO issues the sign permit, not the CEO or bldg dept? This is a change and potential conflict with the site plan law.	All zoning standards and permits are issued by the ZEO. That person might be the same person as the CEO.
Section XIII: I do not understand the benefit of a conservation subdivision if density bonuses can be achieved under section V. Shouldn’t density bonuses be made part of the conservation subdivision process and not a stand-alone issue? That way, in order to reap the benefits of a	The revision will present the density bonus for open space as tied to the use of a conservation subdivision. Section VI (C) (1) will be re-written to: Open space/agricultural land preservation. For properties located in the RR-1, RR-2, H-C, H,

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<p>density bonus, the applicant needs to do conservation subdivision?</p>	<p>and MT districts, a residential density bonus may be granted when a conservation subdivision design is proposed and when at least fifty percent (50%) of the parcel is permanently preserved pursuant to Section XIII. The maximum residential density bonus that may be granted for the protection of open space/agricultural land preservation shall be fifteen percent (15%).</p>
<p>Section XV (D)(7) I think all special use permits should have a built in expiration date (perhaps every 5 years) so that an automatic review can be undertaken. If this becomes too cumbersome as the years go by, it can be changed to a longer period of time or specific uses. Once this law is in effect for some time, the problem usage areas will become clearer and it can be adjusted accordingly.</p>	<p>The Zoning Commission discussed this at length and determined this suggestion to be impractical and punitive. No change will be recommended.</p>
<p>17. Ellsworth Slater: <u>Comments and questions on the proposed zoning law: Please change our properties Slater's Smart Stop: Tax # 101.00-5-37, Vacant 2.8 acres Tax # 101.00-5-38, Great American Plaza: Tax # 101.00-5-39, and Vacant 36.4 acres: Tax # 101.00-5-40, to H-Com.</u></p>	<p>The Zoning Commission has worked to reclassify the commercial areas. See updated Zoning District Map. The Zoning Commission has updated the dimension table and allowed for more intensive uses of the H-Com (now named Main Street Commercial). Further, they have maintained the 35' setback but allowed flexibility so that some portion of the building may be set back further from the setback line to accommodate larger parking lots but still maintain a Main Street setback for most of the frontage. The intent is not to prevent use or reuse of the land, but to ensure that new development is consistent with a main street style.</p>

Parking on the side and back.


There are many fine examples of buildings that fit into a main street character and have parking on the side. If these properties were added to the H-Com area, it is still desirable and feasible to allow for larger buildings, but moved up closer to the road so that it results in a unified main street development that works with the traditional main street



further up Main Street. The picture below illustrates a new building on a main street having a main entrance and parking on the side with a shallow setback.



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<p>If one were to put windows in the front and back there would be no wall space for inside merchandising, and no corporate entity would be willing to work with that layout.</p>	<p>This is not true. CVS and other major drug stores have successfully designed buildings with windows that look great from the outside, but that are used for merchandise on the inside as shown in this picture.</p>	
<p>This end of town needs to have the larger businesses to get the traffic flow closer to our downtown.</p>	<p>The Zoning Commission has reviewed this and updated the zoning designations to reflect this.</p>	
<p>You are creating sprawl by making it easier for businesses to be out on the outskirts of town, instead of filling up our town first. Zoning is usually used to prevent sprawl not create it.</p>	<p>True. Expansion of commercial uses outside of Main Street could have that effect.</p>	
<p>2. Please consider changing size limits for H-Com.</p>	<p>Zoning Commission has changed the zoning designation. See Updated map.</p>	
<p>3. Please consider changing the maximum setback for H-Com to avoid impacts to the views of mountains. You would have to come up with design criteria for landscaped parking, with maybe a grass green space along the road with low growing street trees planted in it as you describe in your supplemental design standards. I feel that this would better represent the country feeling, be more inviting and make our town feel more alive and vibrant, while protecting our most valuable assets, the mountain views.</p>	<p>Zoning Commission has allowed for flexibility in the setback allowing for 60% of the road frontage to be at the setback line of 35' and 40% allowed to be setback. That portion of the project that is allowed a deeper setback can be strategically situated so that the views of the mountains can still be seen from Main Street.</p>	
<p>4. <u>Please consider changing your design standards</u></p>	<p>Buildings in the H-Com area should meet design standards but it is agreed that the width included in the draft zoning is too small. The revision will be changed: To minimize the apparent scale of large buildings, facades facing the main street shall be broken by periodic setbacks, rooflines fitted with offsets or changes in pitch every 80 feet.</p>	

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<p>B. Page # 147, #2 states that a business must have a sloped roof and that a mansard roof is not allowed except in zone C-32S and in the Industrial district. This is unrealistic as, I do not think you could get a sloped roof on a 30,000 square foot grocery store or a 70,000 square foot department store and still be under the height requirements that you want, not to mention all kinds of other building limitations. I do not think you could even get one on a building like the current C.V.S. and still meet the rest of your height requirements. Again these design standards are more fitting for the heart of our downtown. There needs to be different design standards for larger commercial businesses. As stated before most of your design standards and pictures are best suited for smaller Mom & Pop businesses in the heart of downtown.</p>	<p>The revision will be: The appearance of flat roofs shall be mitigated. Sloped roof designs or alternative roof treatments, such as but not limited to false roof fronts that give the appearance of a sloped roof shall be required for commercial development in the C-145, RR-1, RR-2, MT, and C-23 districts.</p>
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Note: Other comments have been received by the Zoning Commission. These are all posted online. This response document reports Zoning Commission answers to part of the comments received. The Zoning Commission will respond to all other comments after review and further discussion at their upcoming meetings.

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<p>5. <u>Nonconforming buildings and uses.</u> Do you realize that almost every business that is currently operating in Cairo will fall under the Nonconforming buildings and uses?</p>	<p>The Zoning Commission has reviewed this and updated the zoning designations to reflect this. An expanded commercial area will reduce the number of non-conforming uses.</p>
<p>We are a rural area and we do have businesses scattered throughout our town and Hamlets, and to put in a zoning law that makes them all nonconforming is counterproductive. Even if there are a few that may be undesirable to some neighbors it would be much more advantageous to let them be able to expand or change to another business that may be more desirable. This zoning will ensure that an undesirable business would have to stay that way, and probably would, even long after the owner went out of business. For example: many of these building that are in a zoned residential area would not be conducive for someone to ever buy and retrofit to a living space, when we have so much land available, but the building might lend itself to another type of desirable business and be upgraded, if allowed. Why would we not want to allow that? After all, if they can't sell it as a building for a residence, as you have it zoned, it will have to just set there and rot on the foundation. Just because a business went out of business for over a year and lost the grandfathering does not mean that it will ever get sold or cleaned up. Just like I have plans to upgrade my plaza and make it more desirable, I would have to be able to expand and be prosperous enough to do so. You can't tie both hands behind someone's back and then say go get them.</p>	<p>A nonconforming use can always be turned into a conforming use. The law allows for non-conforming uses to remain in operation and even expand. Most zoning laws have a cut-off where an abandoned non-conforming use is required to become conforming. The Zoning Commission can revisit the amount of time and could change it from one year to something longer if desired.</p>
<p>Also will it be considered a change of use if you cause more than a 10% increase in trip generation? This seems to be counter productive to the need of bringing more people to our Main Street (page 20 - #2).</p>	<p>Yes, the way the text is now, a 10% change in traffic generated by a particular use under consideration for a new permit would be considered a change in use. The Zoning Commission decided to remove the 10% requirement as a change of use.</p>

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<p>6. <u>Signs</u>: On page #52 you state that a temporary Real Estate sign can only be up for one year, what happens if a property is not sold within one year? On page #53 you say "All signs should be erected a minimum of fifteen (15) feet from any roadway edge. How can you have a sign off from the road a minimum of 15 feet when the building must be a minimum of 15 feet off the road (page 24 Main Street Down town zone)?"</p>	<p>The updated text will include a statement that a real estate sign left for more than 1 year can continue its exemption from the sign law if the landowner proves to the ZEO that lots are still for sale. The 15' setback for signs are for freestanding signs only. In the Main Street the law allows for these signs to be placed in the right of way (page 54 (f).</p>
<p>7. <u>Environmental impact study</u> : A. Have we or are we going to do an E.I.S to determine how this zoning law will affect the environment, including environmental, social, and economic considerations.</p>	<p>These are valid questions to be explored in the environmental review of the zoning. Some of these questions are not SEQRA related questions – it is not the intention of SEQRA that environmental facts be the sole consideration in decision making and it is designed to balance the environmental impacts of a decision with the social and economic considerations of an area. As lead agency, the Town Board will determine if this law will require a draft environmental impact statement or not as part of the SEQRA review. The Town Board must at least start with filling out and evaluating impacts using the full environmental assessment form, and from that, they may or may not determine if there are potential negative impacts to the environment. However, it may be advantageous for the Board to require development of a draft environmental impact statement as part of the SEQRA process instead of starting with the EAF.</p>
<p><u>Variances</u></p>	
<p>From people that I have spoken with (even some of the commission members) say that you can always just get a variance. This is a very misleading statement and belief, because you cannot just get a variance to fix a problem that you do not like about the zoning law. This will be a law, and a variance to it will be an exception, not the rule. A variance will be very hard to acquire, and anyone that will be in charge of giving them out, as well as everyone who thinks they can get one should know about the legal requirements. I think everyone needs to be more educated about variances. It is most definitely not something they should be relying on.</p>	<p>Agreed. A variance is not to be thought of as a casual remedy that should be relied on. While the variance process is an option, the zoning should not be designed in a way that forces too many variances.</p>
<p>8. Livestock outside the New York State Agriculture District:</p>	

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<p>Am I to understand that anyone who has a horse or a couple of chickens, or possibly a goat needs to get a special use permit if they are not in an Ag Zone?</p>	<p>The Zoning Commission has changed this entire section to only apply to livestock within the hamlet of Cairo.</p>
<p>9. <u>Definitions</u> (See original comments from Mr. Slater for details).</p>	<p>These ideas for definitions will be incorporated into the next version of the draft zoning.</p>
<p>10. <u>Zoning districts</u>: We need more commercial districts. We have not left room for future businesses to go or expand. <u>Industrial Zone</u>: Why would you make the better part of South Cairo an Industrial zone?</p>	<p>The Zoning Commission has worked to reclassify the commercial areas. See updated Zoning District Map.</p>
<p>12. <u>Other Comments</u>: While I know you have spent many hours of your time on this draft, I feel that it is not ready for public comment.</p>	<p>Consultants recommendations: If alphabetizing is something that will make the document easier to use, then when the use table is updated, alphabetize them. If there are specific sections that could be clarified, then that should take place.</p>
<p>I think that this process is being rushed in the final hour. The public needs to be better informed and needs more time to read and digest just what is in this plan.</p>	<p>The Zoning Commission has extended the time to receive comments from the public and is taking the time to review them and update the law. When the next draft is completed, the public will have another opportunity to comment through the public hearing process that will allow oral comments to be made.</p>
<p>18. Via Email Comment: i think the whole Zoning idea is ludicrous! shame on anyone who tries to control another person ..the "views " of some need to be inflicted on others? why? shame on you!who are you to decide what rules we should live by..and at what cost to all the taxpayers? our town is broke already..this is NOT the answer! no no no no! and we can't even vote on it! let us live and be FREE!</p>	<p>The Zoning Commission was charged, by the Town Board, to draft a zoning law to meet the long-term needs of the Town and that is what they have done.</p>

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<p>19. Robert Criswell: A lot of good work but a few concerns. When a business or non-compliant property is vacant for a year it loses its grandfather right. This should be longer than a year or at least have provisions for extensions. If a death has occurred, probate may take longer- attempting to sell may also take longer. To lose the value because of the restricted time would be unfair. To designate 23B east of Mt. Ave as Main St. is too restrictive. It is a commercial area and should be so designated to protect future development by Acra Supply or Great American the area on Rt. 32 south to at least Silver Spur should be designated Commercial since much of it is already.</p>	<p>The Zoning Commission has worked to reclassify the commercial areas. See updated Zoning District Map. The next version of the draft zoning will allow for two years instead of one year.</p>
<p>20. Via Email Comment: I have 4 acres that were subdivided approx. 9 months ago. It was divided into two parcels, two acres per parcel. Can I sell them as is? Also there is a small stream running through the middle of the parcels, do I have to use the 100 foot setback?</p>	<p>Yes, these lots would be grandfathered in and you would be able to sell them as is, and have residences built on them as well. As written, the stream corridor setback applies to any stream shown on the overlay map. The next version of zoning will reflect a change in definition so that the setback will be required only on those streams that are defined as a NYS regulated stream (Class Ct) or higher. So the need for the setback will depend on the type of stream.</p>
<p>21. Nancy Stock (See original letter for details): 1. Where are the road standards for new roads? Cul-de-sac roads should be prohibited. 2. Regulation of dogs. 3. Commercial kennels should be allowed in the industrial zone with no special use permit and commercial zones with a special use permit. 4. Allow parking in front, not just to the side and rear. 5. Allow find farms and other alternate energy facilities such as photo voltaic farms. 6. Why is there screening required and won't that prevent people from seeing businesses? 7. Cell tower restrictions in law will prevent extension of cell towers in future. 8. Has anyone read the Highway Law and what signs are allowed and where with regard to Sections 86 and 88 of the NYS Highway Law?</p>	<p>Road standards are included in the highway specifications for new roads and the subdivision law. There may need to be updates to the subdivision law as a result of the zoning law so that they mesh and work together. That will have to be determined based on the final decisions for what is included in the zoning. The zoning addresses cul-de-sac roads on page 26 (1) and 59 (4). These types of roads are discouraged but not prohibited.</p> <p>The number of dogs are include in the zoning only for kennels that are commercial operations. The zoning law does not regulate the number of dogs kept as pets. The Zoning Commission has updated the Use table so that some uses</p>

	<p>within the industrial zone do not need a special use permit, while others still do have that requirement. This is based on the type and intensity of the potential use.</p> <p>Large expanses of paved areas are not desirable along Main Street and the side/rear parking is designed to maintain the character of a Main Street. New buildings can be oriented so the main doors are on the side and thus parking would be to the front orientation of the building even though that was not along the road frontage. It has been done successfully many places to maintain the Main Street streetscape. Parking lots are significant features and of course, important, but the visual emphasis should be on the building, not the parking lot.</p> <p>Photo voltaic farms is a use that was not considered by the Commission. Commercial wind farms were rejected as an allowable use due to the environmental impacts being incompatible with the other goals of the Town.</p> <p>Screening is included in the zoning as buffers for noise and visual impacts between potentially incompatible uses such as between commercial and residential uses, around mines, and kennels. Screening was also included for more intense uses such mobile home parks, multi-family uses and between active farms and residences. Screening is mentioned in several places as landscape buffer. Landscaping is an effective technique to mitigate some impacts of a land use and add significantly to the aesthetic character of an area. The definition of screening will be updated to clarify that screening is not only used as a barrier where needed, but also as a landscaped buffer to mitigate negative impacts, and to add greenery to the environment.</p> <p>The draft zoning incorporates, and did not change, the</p>
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	<p>existing cell tower law that is already on the books in Cairo.</p> <p>The updated zoning text will include a statement that all setbacks for signs along state highways are to be from the edge of the right of way, not the centerline or edge of road.</p>
<p>Linda Maggio: Will Commission hold meetings in hamlets, and if so, when and will the public be able to speak at these meetings?</p>	<p>Any legally noticed public hearing will be an opportunity for the public to make oral and/or written comments to the Commission.</p>
<p>Linda Maggio: can a residential nonconforming building be rebuilt without special use or site plan approvals and would it need to be same size footprint as now. Does special use permit run with land or change with ownership? Is a special use permit needed for renting a house. Is change of ownership a change of use? Will new owner be allowed to continue with use? Can undeveloped land be built on or must it be used as residential per use table?</p>	<p>Residences do not need special use or site planning so a house that burned down would not need to go through those processes. However, 11-C does mean that a nonconforming structure would need ZBA approval to be rebuilt back in a nonconforming way. The same building footprint need not be re-used – it can be bigger provided all the setbacks and well/septic requirements can be met unless waived by the ZBA. If the setbacks can not be met due to size or some other feature, then it should be allowed to be rebuilt to the same non-conforming standards. Special use permits are issued to the property, not the owner. If the special use stays the same even if the owner changes, the permit is still valid. If the use changes, a new special use permit may be needed. A special use permit would be needed for a rental only if it were an accessory apartment or accessory structure on the property. If it is the principal dwelling only, then the zoning does not cover that. Change of ownership is not considered a change of use. Yes, new owners would be allowed to continue that use. However, if the use changes, the new owners may need to receive a special use permit or site plan approval. Undeveloped land on a parcel can be built but that new use must be consistent with the law. The new use would have to be allowed per the use table, and it would also have to meet the other development standards required.</p>
<p>Ellsworth Slater: There are some appropriate lands to be added in as industrial along Ross Ruland.</p>	<p>The Zoning Commission has updated the zoning district map and some lands have been added in as industrial in that location mentioned. See updated map.</p>

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<p>Lucille Bertone: Review lands along Silver Spur and Routes 23, 23B and make commercial.</p>	<p>The Zoning Commission has added this parcel to the mixed use commercial district, See updated map.</p>
<p>Alfred Suwara: Review lands at Route 32 North of Route 23 at the intersection of Edison Timmerman Road.</p>	<p>The Zoning Commission discussed this parcel, did not make this change, and did not add it to the map.</p>
<p>Guy Matteson and Christine Vitale: Corresponds to their 1 through 18 questions.</p>	<p>1. The Town Board chose the members of the zoning commission. 2. There are no specific requirements to be on a zoning commission but members represent different locations and interests in town. 3. I am not aware of any conflicts between members and properties being zoned specific uses. 4. The process for determining zoning is based partly on the comprehensive plan and its long-term goals, partly on current uses. The commission has re-done the map to address concerns related to commercial uses. 5. Every meeting for almost 3 years has been advertised in the local paper and all minutes have been posted online. Regular reports to the Town Board were given each meeting. 6. A website, facebook, Channel 11, posters around town, and newspaper notices have all been used to notify people. 7. The Town Board would address the budget for enforcement. 8. No economic impact study has been conducted. 9. The Zoning commission has changed the commercial district map so few properties are likely to become nonconforming. There will be no fines if they are nonconforming, nor will there be any need to expend money to become conforming. Nonconforming uses and structures are allowed to stay as is. 10. The vision is the one established in the Town's comprehensive plan which was developed with community input (survey, workshops, meetings, committee, public hearings, etc). It is the vision of the whole Town. 11. The Zoning Commission has re-done the zoning district map to address the concerns raised about not having enough commercial property. 12. No, there is not a different tax rate for commercial and residential properties. There is a difference however in assessed values which are based on market value. 13. Yes, the town has proposed zoning in the past. 14. Yes, having a zoning commission is</p>

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	<p>the only legal manner in which to adopt zoning for the first time as per New York State town law and yes, zoning is enforced by a zoning enforcement officer. That officer however could be the same person as your code enforcement officer. 15. No, not all the land use needs to meet community goals can be met with the site plan law. Site plan does not address use, dimensions, density, or specific standards needed for specific areas or uses. It only covers siting of a specific use and how that single use functions on the parcel. 16. Yes, local business people are on the zoning commission. 17. There is a mix of business people and residents on the zoning commission and have been from the beginning. 18. The zoning <u>does not say</u> that a warehouse can not have fencing or gates. It does say that such fences or gates cannot be in the front yard. That means it must be set back from the road as per the dimension table in the law. The text will be updated to reflect that there may be situations where a fence might be appropriate within the yard provided it does not interfere with the line of sight of traffic and the zoning commission might want to add that ability in so the Planning Board can allow for this.</p>
<p>James Schneider: Wants to see land across from McDonalds zoned for commercial and mixed use to use land to its maximum development.</p>	<p>The Zoning Commission decided to include this land in the commercial district. See updated map.</p>
<p>Emily Calibrese: A variety of questions were raised in this 12/29 letter related to change of use, standards for special uses, definitions, exempt signs, supplementary regulations for commercial districts, screening/buffer zones.</p>	<p>According to the non-conforming use section, an existing accessory apartment can continue as long as it owner-occupied. If the house with the accessory apartment in it is sold and the owner does not live there but rents out the two dwellings as if they were two apartments, then that would not be considered an existing accessory apartment anymore and the use would be permitted as a new accessory apartment and have to follow standards of the zoning for that use.</p> <p>In the RR2 and RR3 districts, a 4 family multi-family house would need 2 acres.</p>

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	<p>The commission was not mandating above ground tanks, but included use of them if mitigation was needed. This statement will be clarified to: Mitigation measures, if needed, including, but not limited....</p> <p>The size of seating in the convenience store is restricted because the primary use is retail and not a restaurant. The seating requirements for a convenience store were removed from the updated text.</p> <p>The square footage required in Section 5 should match the definition or vice versa. The text will be clarified so that both places refer to 4,000 square feet.</p> <p>By definition, a self-storage facility is a building. It does not address outside storage and thus would not be allowed as a self-storage facility. However, if Cairo wants to allow outdoor storage of items such as boats, then the definition of self-storage warehouse should be expanded to include such use or another use added as a separate category for outdoor self-storage. If either of those are added, I recommend use of full screening from public view as a standard.</p> <p>Yes, the 1 guest sleeping room per 4000 square feet on 4 acres would result in about 43 rooms. However, the Zoning Commission discussed this and decided to remove this requirement.</p> <p>Regarding use of livestock and area requirements, the Zoning Commission decided to require these standards for livestock only in the hamlet of Cairo.</p> <p>Regarding storage for gasoline and above ground, please see answer above.</p>
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	<p>Page 52 regarding real estate signs: The zoning will be changed to show consistency between real estate sign size and other temporary signs allowed. The Commission should decide to allow for signs with active sales for more than 1 year.</p> <p>Regarding size of buildings, the Commission has reviewed this and decided to change the building footprint size to 45,000 square feet.</p> <p>The specific standards for the Commercial Mixed Use District will include strong buffer requirements to protect residential uses within that district. Language to ensure that the screening is year-round will be added.</p>
<p>Anonymous: Concerns raised about heavy industry or other intense uses being in the Commercial-Mixed Use district</p>	<p>The purpose of the Commercial Mixed Use district is to allow for both uses. That means that commercial uses must not impinge on the ability of residences to co-exist and vice versa. The uses in the district will have to be carefully determined so that the zoning does not set up a situation where incompatible uses will be allowed. Some uses could be allowed with proper use of setbacks, buffers, or other standards to allow it to co-exist with residences, but some other uses will not be appropriate in that district if too intense.</p>
<p>Emily Calabrese: What is the difference between SP and SU on the use table, does that mean the Planning Board cannot disapprove, based upon what? Is there public input in the SI and how is public input handled.</p>	<p>SP stands for Site Plan and SU stands for Special Use. While there is some overlap sometimes, the critical difference is that the SP is a review process that evaluates the SITING of the various features of the parcel (buildings, signs, driveways, etc) and evaluates how they function on that parcel. The SU is a review process that evaluates the USE being proposed and evaluates what aspects of that USE can fit into the neighborhood and district. A use that requires a SU permit is a permitted use, but it has some characteristic that may make it harder to be compatible with surrounding uses so a special review is</p>

	<p>done to look at the functioning of the USE. The overlap comes from sometimes the solution to making a USE work, is a SITING issue. It is important to note that a SU IS a permitted use and one that the town will find to be acceptable provided it can mesh well with adjacent uses.</p> <p>The Planning Board has the power to deny both the special use permit and the site plan – of course there needs to be written, justifiable reasons for it. Yes, the project must meet the zoning requirements and if all the zoning requirements are met AND if there are no negative environmental impacts, then it would be very difficult for the Planning Board to justify a denial. If zoning requirements were not met, then that is of course, grounds for denial. However, the environmental review process (SEQRA) can also result in a “no” – if there are negative environmental impacts resulting from the use that can’t be mitigated. My 15 years of experience with site plan and special use is that the planning board can impose conditions and make project changes to address concerns and that denials are uncommon.</p> <p>There is required public hearings – these must be legally noticed. If the project is within the NYS Ag District, then an ag data statement must also be part of the application and that includes a list of adjacent farm landowners that must also be notified about a public hearing for a project (that comes from State law). If an environmental impact statement is written, the Planning Board can also build in public hearing on the impact statement. The Planning Board can get public input from the hearing and from written comments during the hearing time period. Public input is handled like it always is – the Board must consider that input but may ultimately decide not to make any changes as a result of that input. If it is public input for an environmental impact statement, the Final impact statement must (by NYS law) include a written response to each comment received.</p>
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