

TOWN OF CAIRO
Zoning Commission

Minutes of November 26, 2007 Meeting

In Attendance: Mary Pesez Kames, Peter Maassmann, Suzanne Oldakowski, John Gallagher, Richard Booth, Nan Stolzenburg, Bill Hummel, Jeffrey Shapiro, M.A. Tarpinian, Doug Ostrander, Richard Lorenz (Liaison)

Meeting called to order with the Pledge of Allegiance.

Mary made a motion that Mrs. Hummel no longer be retained to type the minutes due to a conflict of interests. There being no second the motion was dropped and the minutes of the meeting of November 12, 2007 were approved and seconded, with one “no” vote.

After discussion it was decided to have only one(1) Zoning Board meeting in December, on the 17th. After tonight’s meeting the draft will go to the Planning Board for their review and discussion. If the draft is acceptable it will be sent to the Town Board in January.

Nan went through the past minutes and notes and made all changes and corrections through November 12. The committee then went through the items of the Site Plan Review Law Version 2, page by page.

Section B.1.a – moved end of first sentence to the beginning of paragraph.

Section B.2.h – wanted to exempt “non-commercial timber cutting”.

Section B.4 – change “may” to read “shall”.

Section C.2 - in the last sentence of the first paragraph change “may” to read “shall” and add “by at least two of its representatives...”. In the second paragraph change “five copies” to read “eight copies”.

Section C.4 – change “five copies” to read “eight copies”.

Section C.6 – change wording to read “If, in the opinion of the Planning Board, projects could have traffic, visual, or stormwater impacts, the applicant shall submit, at their expense, traffic impact and drainage design reports, visual impact assessment and proposed grading plans as follows. Costs for all reports, assessments, or plans required by the Planning Board shall be born by the applicant pursuant to Section C.18.”

Nan said the Town Board needs to set a fee schedule for application fees. Any incidental fee will be covered by the escrow account.

Section C.7 – move the last sentence “The Planning Board must state in writing its grounds for electing to conduct less intensive review and file such statement along with the site plan application and supporting documents” to now become the first sentence in the paragraph.

Section C.8.a – change “may” to read “shall”.

Section C.8.b – in the first sentence, remove “as appropriate and within reason”. In the last sentence change “Town Engineer” to read “Engineer retained by the Planning Board”.

Section C.15 – move the last part of the last sentence “in accordance with the provisions of Section 274-a (6) of the Town Law” to now become the first part of the first sentence in the paragraph.

Section C.15.d – add this new section “d. Conservation Advisory Council – The Planning Board may request an advisory opinion from the Town of Cairo Conservation Advisory Council related to any application being considered for site plan approval.”

Section C.18 – add this new section “18. Costs Associated with Review and Escrow. The Planning Board reserves the right to hire professional consultants, at the applicants’ expense, to review any information filed by the applicant including that filed under the SEQRA process. All costs related to the site inspections and review of a site plan, including any studies, reports, analysis, or other information that may be required by the Planning Board, shall be born by the applicant. In addition to the application fees established by the Town Board, an escrow account, funded by the applicant, shall be established to cover all costs related to the review of a site plan. The applicant shall supply the Planning Board information as may be required to calculate the dollar amount required for the escrow account.”

Section C.19 – add this new section “19. Revocation of Site Plan Approval. Any approval issued hereunder shall expire after one year from the date of such approval unless the applicant shall have commenced and substantially proceeded with construction of the project.”

Section D – Criteria for Review. (renumber items)

D.1 – Location, arrangement, size, design....

D.2 – Glare and light pollution....

D.3 – Consistency with the Town.....

D.4 – Location, arrangement, appearance.... The last line of this section, change “may” to read “shall”.

D.5 – Adequacy and arrangement.... Add at the end of this section “The Planning Board may require a traffic study pursuant to Section C(6)(a) of this local law.”

D.5.b – change the first sentence to read “To the maximum extent practical, provide cross access between properties to reduce the number of curb cuts and limit the amount of traffic on the main arterial or collector street fronting the development.”

Section D.6 – Adequacy of stormwater.... Change Town Engineer to read “Engineer retained by the Planning Board”. At the end of this section add “The Planning Board should comply with the Flood Damage Prevention Law of 1989.”

D.7 – Adequacy of water supply.... Change Town Engineer to read “Engineer retained by the Planning Board”. At the end of this section add “The Planning Board should comply with the Flood Damage Prevention Law of 1989, Water District Law of 1990 and Sewer Use Local Law of 2002.”

D.8 – Adequacy, type and arrangement....

D.8.b – Change wording to read “Preservation of mature plant species, including, but not limited to, hedgerows, wetlands, wildlife corridors, trees, and woodlots shall be encouraged and included as a design element in the development of the site.” Add “Existing stone walls shall be preserved to the maximum extent practical.”

D.8.f – add this section “The Planning Board may consult with and obtain advisory opinions from the Conservation Advisory Council where appropriate.”

D.9 – Adequacy of utilities. Change Town Engineer to read “Engineer retained by the Planning Board”.

D.10 – Adequacy of site accessibility.... Change Town Engineer to read “Engineer retained by the Planning Board”.

D.11 – Adequacy and impact of structures.... Change Town Engineer to read “Engineer retained by the Planning Board”. At the end of this section add “The Planning Board should comply with the Flood Damage Prevention Law of 1989.”

D.12 – Location of and adequacy of measures.... Change CAC to read “Conservation Advisory Council”.

D.13 – add this section. “Type, frequency, pitch, and decibel levels of noise that may be generated from project. The Planning Board may request a noise analysis be conducted by measuring existing ambient sound levels measured with a sound-level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association and comparing to proposed sound levels. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24, 3-1944, American Standards Association, Inc., New York, New York, and American Standard Specifications for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, Z24, 10-1953, American Standards Association, Inc., New York, New York, shall be used.) The Planning Board shall ensure that no nuisance noise results from the project.

D.14 – Compatibility with neighborhood character....

D.14.a – in first sentence, the third line, insertwith regard to “minimizing” the impact....

D.14.b – at the end add “The Planning Board shall evaluate the impact to and compatibility of these design features with existing neighborhoods.”

D.14.e – at the end add “at the applicants’ expense.”

D.14.h – add “The Planning Board shall also ensure that all requirements of the Flood Protection Law of 1989, are met.

D.14.j – change the wording to read “On hills or ridge tops, rooflines shall be placed below the ridgeline to prevent visual disruption of that ridgeline. The Planning Board may also require use of non-reflective or low reflective building materials and dark natural or earth tone

colors to mitigate visual impacts, especially if the proposed structure is highly visible from many locations.”

D.15 – Compatibility with active agricultural activities. Add “The Conservation Advisory Council may be consulted with regarding significance, location and type of agricultural activities that may be impacted by the proposed development.”

D.17 – Consistency with the “Hudson River” Greenway Compact.

Section E.1 – on the third line, after performance guarantee, add “pursuant to sub-section E(2)”.

Section E.3.d – add this section. “No approval(s) shall be granted by the Planning Board until such bond funds are placed in such escrow account.”

Section E.4 – start the second sentence “All construction of new roads and associated improvements including, but not limited to curbs, curb cuts, drainage, and paving, shall be completed within two (2) years....” In the last sentence change “is” to read “are”.

Section E.6 – after Planning Board Chairman add “or his designee”. Change Town Engineer to read “Engineer retained by the Planning Board” (two times).

Section E.7 – change Town Engineer to read “Engineer retained by the Planning Board”.

Section H – Definitions – Nan to add Build-to Line. Also added were:

Building Materials: Any substance used in the creation of a structure including, but not limited to wood, metal, glass, concrete, or plastic.

Colors (dark, natural or earth tones): Any color scheme that draws from a color palette of browns, tans, grays, greens and some reds. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt and rocks.

Commercial Logging: The logging of forest products for commercial purposes including site assessments, road construction, harvesting, reclamation or reforestation but does not include the cutting of wood by the owner of the property for:

- a. Personal use;
- b. The routine maintenance of roads, and rights-of-way;
- c. The clearing of a home site for which a building permit has been obtained;
- d. Christmas tree culture;
- e. Clearing of approved subdivision roads and public utility easements;
- f. Tree clearing for farm purposes within agricultural districts established pursuant to New York State Agriculture and Markets Law;
- g. Severe natural disturbances which include fire, insect infestation, disease, ice and wind;

- h. Ecologically appropriate improvement or creation of wildlife habitat, with accompanying prescription and justification from a certified wildlife professional, a New York State Department of Environmental Conservation Forester, a member of the New York Institute of Consulting Foresters, or a Cooperating Consultant Forester.

Decibel (dB): A unit for measuring the volume of a sound, as determined by a sound testing instrument.

Driveway: Private entrance drive privately owned and maintained.

Excessive Noise: Incessant or repeated sounds that have the effect of disturbing member(s) of the community, or any sound in excess of 90 dB (as described in Decibel definition) that is annoying, a nuisance or causes alarm to any person(s). Such sound includes but is not limited to mechanically-increased volume of sounds of the human voice, musical instruments, recorded music, or any other mechanically enhanced sound-producing or sound-reproducing device that is able to increase normal noise volume levels.

Footprint: The amount of space, measured in square feet, taken up on the ground by a structure. A building footprint measurement does not include the square footage of multiple floors of a structure.

Hill: A landform that extends above the surrounding terrain, in a limited area. A hill is generally lower and less steep than a mountain.

Hudson River Valley Greenway: In May 2003, the Town of Cairo passed a resolution requesting designation as a Greenway Community. The Hudson River Valley Greenway Act establishes the Greenway Compact. This compact creates a process for voluntary regional cooperation and decision making among the communities in the Hudson River Valley. As such, the Town has formally documented its support for the criteria contained in the Greenway Act within its adopted Comprehensive Plan. As a Greenway Community, Cairo has agreed to plan for consistency between the Greenway criteria and Town actions. These criteria are:

Natural and Cultural Resource Protection – Protect, preserve, and enhance natural resources, including natural communities, open spaces, cultural and historic resources, scenic roads and scenic areas.

Regional Planning – Develop mutually beneficial regional strategies for natural and cultural resource protection, economic development, public access and heritage and environmental education.

Economic Development – Encourage economic development compatible with the preservation and enhancement of natural and cultural resources including agriculture, tourism, and the revitalization of established community centers and waterfronts.

Public Access – Promote increased public access to the Hudson River through the creation of riverside parks and the development of the Hudson River Valley Greenway Trail System.

Heritage and Environmental Education – Promote awareness among residents and visitors about the Valley’s natural, cultural, scenic and historic resources.

Impervious Surface: Any man-made material, such as pavement used in parking lots or driveways, or any building or other structure on a lot, that does not allow precipitation and melted snow to penetrate into the soil.

Noise, Nuisance: An undesired audible sound that interferes with the enjoyment and use of property. For purposes of this law a decibel level exceeding 90 dB shall be a nuisance noise.

Non-reflective or low reflective building materials: A product or material included in a building that is designed to absorb light rather than reflect it.

Outdoor Storage: The holding or safekeeping of goods in a warehouse or other depository to await the happening of some future event or contingency which will call for the removal of the goods.

Ridge Top or Ridgeline: The long, narrow crest or horizontal line of hills or mountains, usually at the highest elevation.

Roof Line: The highest portion of the outside top covering of a building or structure. Flat roofs also have a roof line even when there is no pitch and the surface of the roof is generally parallel to the ground.

Septic System: An on-site sewage disposal system (designated as a simple gravity or alternative system), which consists of.....

Slope: The vertical distance, in feet, between the highest elevation of a lot or development and the lowest elevation of a lot or development, divided by the horizontal difference between these two elevations, in feet, said horizontal distance ordinarily to be the natural course of stormwater runoff.

Sufficient Performance Guarantee: Funds submitted by the applicant to an Escrow Account established by the Town of Cairo pursuant to Section E(2) of this local law, and determined by the Planning Board to be of a dollar amount large enough to assure that improvements required as part of an application for development will be satisfactorily completed.

Temporary Roadside Stand: (change to read) A non-permanent structure for the display and sale of products.

Vegetation: Indigenous or introduced trees, shrubs, vines, ground covers, and herbaceous materials.

Wetlands: (add on) The U.S. Fish and Wildlife Service (FWS) defines wetlands as: lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes: 1) at least periodically the land supports predominantly hydrophytes; 2) the substrate is predominantly undrained hydric soil; and 3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year. The Army Corps of Engineers (Corps) defines wetlands in the Section 404 wetlands permit program as those areas that are inundated or saturated at a frequency and duration sufficient to support, and that under normal circumstances to support, a prevalence of vegetation typically adapted for life in saturated conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The major difference between the FWS definition (used for inventory purposes) and the Corps (used for regulatory purposes) is that the FWS definition requires only one major parameter while the Corps definition requires both wetness and vegetation.

Nan will print out the completed Version 3 to be presented to the Planning Board for their review before the next meeting of the Zoning Board.

She will also update the Application for Site Development Plan Approval checklist to mesh with the text before presenting it to the Planning Board. She does not recommend the application form being adopted as part of the Site Plan Law.

Nan feels the next phase should be what might be lacking from the site law and needs to be addressed in the zoning portion.

Jeff referred to the website if anyone in the audience wanted to look at the materials that have been presented.

Motion was made and seconded to adjourn. The next meeting for the Zoning Commission will be on December 17, 2007.

Submitted by: Carol Hummel