

**TOWN OF CAIRO**  
**Zoning Commission**

**Minutes of September 24, 2007 Meeting**

In Attendance: Mary Pesez Kames, John Gallagher, Suzanne Oldakowski, Bill Hummel, Nan Stolzenburg , Jeff Shapiro, Alice Tunison

Absent: Rich Booth, Peter Maassmann, Doug Ostrander, M.A. Tarpinian

Meeting called to order with the Pledge of Allegiance.

The minutes to the meeting of August 27, 2007 were amended and approved.

The minutes to the meeting of September 10, 2007 were approved and seconded.

The Site Plan Review Law was then discussed. It was determined that the first sentence under D. Criteria for Review, #1. should be expanded on if not done elsewhere, and the second sentence should be listed alone as #18.

Jeff mentioned that someone at the last Town Board Meeting brought up the issue of noise and he wondered if that was appropriate to include in the Site Plan. Nan said she would research it to see how far they can go with the issue in the Site Plan.

Jeff read the following letter sent to the town clerk, Tara Rumph, on September 19, 2007 regarding noise:

“I am making a formal complaint against the owners of the Wave Farm located at Rte 23, Acra. They continue to hold outdoor music and noise events which are loud and intrude on all the surrounding neighbors. This is not a one time occurrence. They have planned scheduled events on most of the weekends throughout the summer. As a home owner in the town, I have rights just as they do. The noise is a nuisance and I am tired of listening to it. Most towns have some type of noise law and the ability to enforce it.

Secondly, they have constructed a 4000 SF facility as described on their website which will house reading, listening and viewing libraries, a performance gallery space, a recording studio and ARTISTS RESIDENCE. This structure looks unsound and has been built on possible wetlands. They are currently soliciting donations on their website to complete this structure which is being built on their own private property. According to the IRS, this is not legal.

I am asking the town to take this matter seriously and take immediate action. This has been going on for three years and escalating. If the issues cannot be addressed at a local level I will present them to DEC, EPA, IRS and

state government. Someone will eventually listen. I have spoken to several neighbors and we agreed to write up a petition against the Wave Farm. I will forward this complaint to as many town officers as I can find. Something must be done.”

Nan wanted to know if they went through the Planning Board or the existing Site Plan Law before construction. She said that is an example of where a special use permit system, through zoning, and/or a noise ordinance really is where the teeth is going to be. It is an enforcement issue and no permits should be issued without site plan approval. Nan will look into how far you can go in site plan with noise levels. She will contact the town clerk for a list of all the existing town laws.

Criteria #5 states that drainage plans shall be approved by the town engineer. Cairo has no town engineer therefore the planning board can ask for an escrow amount from the developer to hire an engineer to review the drainage plans.

Criteria #6 – water supply and sewage disposal facilities – cross-reference to the water district sewer use and flood damage, which town ordinances are already in place.

Criteria #7 – after visual and/or noise buffer add “and aesthetic considerations.” Section 7b add “including but not limited to, preservation of existing stone walls.” Section 7e – a definition of outdoor storage is needed. Add Section 7f – “The Planning Board may consult and obtain advisory opinions from the Conservation Advisory Committee (CAC) where appropriate.”

Criteria #8, 9 & 10 – edit reference to town engineer.

Criteria #10 – cross-reference to flood control law.

Criteria #11 was felt to be vague and could be combined with Criteria #13 and 14.

Criteria #12 – add “NYC DEC or Conservation Advisory Committee” or other agencies prior to final decision. Nan wanted to know if the CAC was active. She was told “not as active as they should be” but they are available to be called upon.

Criteria #14 in general – since the buildings at present are such an eclectic style, they want to maintain the mix. Section 14e – add an escrow amount paid by the developer; Section 14f – define vegetation; Section 14h – cross-reference the flood law; Section 14j – needs to be rewritten so as to grant the board flexibility to keep new development compatible with the environment.

Criteria #17 – The Greenway Compact is included in the Comprehensive Plan (on page 5). However, a definition needs to be added to the Site Plan, the formal name spelled out and an appendix created with cross-reference to the Comprehensive Plan.

Suzanne referred to Criteria #4a – traffic study. It will be cross-referenced to C. PROCEDURES, 6. Additional Requirements, a. Traffic Report (page 8) and it gave the Planning Board the discretion to require it. An escrow account paid for by developer will be added.

Jeff asked Nan to make a note that CAC should be consulted on Criteria #15.

Discussion was held on the use between “may” and “shall”. Nan felt everyone should be subject to the same procedures with the Planning Board having the option of granting a waiver. Zoning board members should review the Criteria for Review section to determine where may and/or shall is most appropriate.

The next meeting will be held on **TUESDAY**, October 9, 2007 in the Acra Community Center. The agenda will be Section B of the Site Plan Review, and the “may and/or shall” issue.

Submitted by: Carol Hummel