

TOWN OF ROSENDALE  
 SPECIAL TOWN BOARD MEETING  
 PUBLIC INFORMATION ON ZONING CODE REVIEW  
 JUNE 16, 2010

The meeting was called to order by Supervisor McDonough at 7:31 pm at the Rosendale Community Center with the Pledge to the Flag.

PRESENT: Councilman Robert Gallagher  
 Councilwoman Manna Jo Greene (arrived 7:50 pm)  
 Councilman Kenneth Hassett  
 Councilman Richard Minissali  
 Supervisor Patrick McDonough

ALSO PRESENT: ZRC board/commission members: Fred Greitzer, Jeanne Walsh, Joe Havranek, Billy Liggan (late), Planning Board; Jennifer Metzger, Environmental; Ron Parenti, ZBA; ZRC members: Chairman Gary Jacobson, Ken Oldehoff, Tim Morrison, Leslie Treut, P/B & ZRC Clerk. Also attending were Dennis Kaye, Economic Development; Bob Hendrickson, ZBA; Brian Cafferty, Bill Tuel, Bob Barnhart, Jack Snyder, Brandon Walsh, Jack Walsh, Phyllis Noreen and Bill Hevesi.

1). RESOLUTION S-06-2010-#4 Supporting Sustainable Energy Financing Program Legislation Reform. The resolution supports reform legislation bills proposed in both the assembly and senate and requests that the governor and our representatives support enactment of those laws.

A motion was made by Supervisor McDonough to adopt the resolution; seconded by Councilman Minissali. Roll Vote:

Councilman Gallagher	Yes
Councilwoman Greene	Absent
Councilman Hassett	Yes
Councilman Minissali	Yes
Supervisor McDonough	Yes

2). DISCUSSION/PRESENTATION: Michael Welty and Michael Allen of Behan Associates, consultants to the ZRC (Zoning Review Committee) gave a visual presentation of the proposed changes to the Rosendale Zoning Code that have been drafted to-date for the purpose of discussion and public input before final drafting; they noted that this is the third public presentation. The sections of the Town Zoning Code that are presently under review for changes are:

Part 1: §75-26.1 *Design Standards and Guidelines* (NEW SECTION) which would expand the existing "Route 32 Design Guidelines" to apply to any commercial, industrial or multifamily construction within the Town.

Part 2: §75-26 *Residential Cluster Development* (REVISED SECTION) proposed changes would replace current cluster subdivision language with more code enabling conservation subdivisions.

Part 3: §75-40 *Planning Board; site plan review; special permits; advisory opinions* (REVISED SECTION) the proposed changes would require an informal “pre-planning” meeting with the Planning Board before official site plan review begins.

Part 4: §75-26.3 *Constrained Lands* (NEW SECTION) which would develop basic regulatory control over future development on or adjacent to constrained land areas.

Part 5: §75-26.4 *Planned Development District* (NEW SECTION) would permit “Planned Development” zoning districts to be established within the Town for special projects with Town Board approval.

Part 6: *Rosendale Resources Checklist* (External Checklist) a proposed checklist to be used by the Planning Board when reviewing development proposals with an applicant.

Part 7: *Misc. Edits*. This would edit various parts of Chapters 27, 60 and 75 which are not covered in the previous parts.

Part 8: *Zoning District Boundary Changes*. The proposed boundary changes would extend the commercial (B-1) zone along Main Street, east to Route 32, excluding the current Stewarts gas station and some parcels east of Route 32.

Hand-outs were available for each section discussed. Comments may be made concerning the proposed changes via the Zoning Review Committee website at [www.rosendalezrc.org](http://www.rosendalezrc.org).

Supervisor McDonough thanked Behan Associates, Gary Jacobson and all the ZRC members for all their time and work in presenting this “draft” document.

Councilwoman Greene stated that the Town Board will refer these changes to the Attorney for the Town for review to be sure it is “down pat”; she also requested that Behan provide the presentation on disk so that it can be put on the Town website; they said they will have it us tomorrow.

Councilman Hassett stated that he hoped the Town Board will get to sit down with the Planning Board for a review prior to the documents going to a public hearing.

Bob Hendrickson had a question pertaining to a 25 foot water access in the *Constrained Lands* section in the Power Point presentation; he was told that it applies to the property owner.

Jack Walsh objected to the proposed wording for public notice in Part 3, B (2) (b) that the property shall have a sign erected and maintained on it for 10 days prior to the public hearing by the Code Enforcement Officer; he feels that the posting should be voluntary not law.

Phyllis Noreen also objected stating that there is no reference to the size of the sign that must be erected.

Fred Greitzer thanked Councilman Hassett for his comments that the Planning Board and the Town Board need time to review and comment on the proposed changes.

Joe Havranek stated that the Planning Board had requested early on that the proposed Code be sent to them to test through a mock process with their professional consultants. He also commented that signs on the property might invite trespass problems and liability. Joe had other concerns that the ZRC should revisit the part on *Constrained Lands* related to subdivisions that could require additional reviews for applicants that have already been through the process; they should be "grandfathered in".

A question was raised about exterior lighting; it only applies to commercial property. Gary Jacobson stated that the ZRC only addressed issues from the Comprehensive Plan.

Councilman Hassett questioned the expansion of the B-1 zone to include all of Main Street to Route 32; there are parking issues that he would like to know how they will be addressed; Gary Jacobson said that enforcement of the parking ordinance and collecting the parking fee would be a start.

Brian Cafferty stated that he agrees with Councilman Hassett, a B-1 extension is a problem; how can it be extended. The Town Board has a time frame for reviewing the proposed changes that will start right away prior to the SEQR and public hearings.

Ron Parenti said that a survey was sent out to the owners of Main Street properties (about 200 surveys) that addressed parking. Most of the returns envisioned small home businesses; having a B-1 would allow for non-homeowner businesses to be established. Supervisor McDonough and Jeanne Walsh both suggested a modified B-1. Joe Havranek suggested making a special district or mixed use as opposed to B-1. Jack Walsh feels that the east end of Main Street should have 9-5 hours and no "night life".

A short discussion of Constrained Land followed and it was suggested that the requirements be revisited.

Brian Cafferty suggested that there be a clarification of the definitions of build-able and non-build-able land.

In response to a question about PDD (Planned Development Districts) it was stated that this is a legislative act and will be left to the Town Board.

Councilman Hassett stated that he doesn't see language about the Town making on site visits; he feels that should be by mutual agreement.

A question was also raised about the 10% or + slope not being build-able; he was told that it could still be build-able.

The presentation, question and answer period came to a close at 9:35 pm. Comments can still be made either at the ZRC website or written comment.

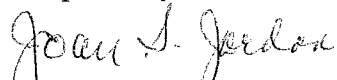
AUDIT OB BILLS: (Additional June)

GENERAL FUND VOUCHER'S #560-575 TOTALING \$7,071.18

A motion was made by Councilman Gallagher; seconded by Councilman Hassett. Roll Vote: 5 Yes.

A motion was made to adjourn at 9:45 pm by Councilman Minissali; seconded by Councilwoman Greene. Roll Vote: 5 Yes.

Respectfully submitted,

  
Joan S. Jordan  
Town Clerk