

*****DRAFT*****

The Town of Forestburgh Town Board held a **Special Meeting** on **Tuesday, March 2, 2010** at the Town Hall.

Supervisor Galligan called the meeting to order at 7:00 p.m.

Roll Call: Present – James P. Galligan, Supervisor
Eugene D. Raponi, Councilman
John W. Galligan, Councilman
Michael Creggan, Councilman
William B. Sipos, Councilman

Absent – None.

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – Susan Hawvermale, Planning Board Chair

Supervisor Galligan stated that this is a meeting to interview the candidates who had submitted proposals to update our zoning and subdivision regulations. There are four candidates and we have allowed thirty minutes for each candidate.

C.T. MALE ASSOCIATES – Joe Hyland and David Plante appeared on behalf of C.T. Male Associates. C.T. Male is our current consultant on the Double Diamond/Lost Lake project. Mr. Hyland introduced himself to the board as the project development manager who gave a brief overview of C.T. Male Associates, their history and their background with offices in New Paltz, Syracuse, Glens Falls and the home office in Albany, New York. Mr. Hyland then introduced David Plante, who is the firm’s planner and who is responsible for the proposal that is in your hands. This is your town, your zoning that is being re-visited and we are here to get some answers from you. If we are successful in this bid, the answers you give us now, we will use, so we would like some feedback. At this point Mr. Hyland turned the floor over to Mr. Plante. Mr. Plante stated that the information in the proposal is the result of his review of our current zoning and subdivision regulations, and the area’s I found that you may want to improve upon in this process. Many of these are things I have seen in other municipalities. It would be making a density/use table; I know there is one zoning district in the Town that has no allowable uses. By tabulating the uses for each zone, it works very well. The results of this project will come from significant public input. We have also noticed that in your code there is only one tier of subdivision review. It is too onerous for lot line adjustments and simple transfers of property between neighboring land owners and too lax for major subdivisions where there are maybe 40-50 lots. You are holding both of those projects to the same types of standards. If you change it to a three tier system gives the Planning Board/Town Board a little more leeway between what they would require of a lot line requirement and a major subdivision applicant. It makes the lives of the applicant and the board much easier. Also, we know you have an escrow account regulation, but there have been some problems, and it’s not only in Forestburgh, but other municipalities as well, where the applicant doesn’t pay it and there is no recourse. It would set up, up front, how much the Board will anticipate spending on the review and it helps the applicant. We would address special zones; say environmental areas, where a commission or panel would be put into place, where SEQRA documentation would be referred for their advisory opinion. More eyes on certain projects is better for the applicant and better for the town. This is your law; these are just suggestions that I have seen work and work well in other municipalities. Visual impacts, such as cell towers, that may be a visual eyesore or impact the visual characteristics of the town. Consider the adoption of a noise ordinance. The board informed Mr. Plante that we just had a noise ordinance on our agenda, but due to the difficulty in enforcement and the noise that we are experiencing now is coming from an adjoining town, we have taken no action. Chairwoman Hawvermale asked about an exotic animal law. Mr. Plante responded that he has seen them, although usually they are a state permitting issue. We can include that. She further asked what about definitions like hotels and things. Mr. Plante responded they are based upon the municipalities – we try to tailor our codes to good ones, the ones you want to encourage. Discussion was held regard to the difficulty of definitions and how the Town Board with the Planning Board tried to do this project ourselves and could not get beyond definitions. Mr. Plante went on to explain that they way their proposal is

structured is they plan on having another meeting with the Board or the panel assembled to really look at this list that is here in front of you and look at your codes and say what are your concerns. We will rely on our knowledge of the law, but the suggestions that you have from working with these laws every day. Supervisor Galligan stated that before he was Supervisor this matter was being explored and they were trying, at that time to expand the commercial district. We don't have a lot, but slightly expanding what we do have. Mr. Plante replied that he is seeing a lot of commercial activity come in under PDD regulations due the varied mixed uses being proposed in the development, so it doesn't matter what the underlying zoning district is. You as the Town Board dictate what you want to see on that parcel so you don't end up with a strip mall in the middle of the forest. We see about a four month time frame for this project, we would have to adhere to the time frames set by the New York State Town Law and SEQRA and that is worked into this. The first month is talking to you and figuring out which direction you want to take this. The next three months are crafting a code, releasing it to the public for input and having something that the Town Board can adopt. Discussion then was held with regard to GIS (Geographic Information Systems) mapping and explaining the GIS process. In the end a GIS zoning map could be created. Any new zones would be in an easy to read, digital format that could be shared with the County and put right on your own website. This is not included in our price estimate, but it is something we can do should the Town wish. Joe Hyland defined GIS as a great tool. I was at Sienna College all morning because they want GIS to help them run their facilities better. They want to know where all of the fire hydrants are on campus, all of the valves and this will show them. It is a very good tool, but I don't know what the cost to the Town would be. Chairwoman Hawvermale asked if they know of any other town in Sullivan County that has GIS? No one had an answer for Sullivan County, although the Supervisor stated that he knows the County has GIS. Mr. Hyland stated that is correct, they have a clearing house, that we as a municipality can solicit the County to get that information, which is what a lot of municipalities do. Ms. Hawvermale further asked what would be the advantage for Forestburgh to have it. Mr. Hyland stated that is a great question and if there was an advantage, it would be the level of detail, the overlay. Typically what the County offers is basically tax map information, which the New York State Clearing house provides to the sixty counties in the State. Councilman Creegan stated that right now he does not see a need for Forestburgh to have this technology at this time. Councilman Raponi questioned the cost of the project, to which Mr. Plante referred to the cost spread sheet. Basically the deliverables are negligible. This price is the price that you would have. Councilman Galligan asked if you do everything for Towns. Mr. Plante stated that they are the planner for the Town of Rosendale and every month he goes to Rosendale. We have engineers, surveyors, planners. We review the large subdivision that is taking place in Rosendale, when we get documentation fifteen days before their meeting, if there is documentation about storm water runoff, I give it to someone in our storm water department for further review and then discuss it at their meeting. We provide a memo to the Town at least a week before their meeting for them to review. If there is a PDD, like Lost Lake, we will advise the Town Board on that project. Councilman Creegan asked that the price is set, even if the project takes a little longer. Mr. Plante stated that it would depend on the things that are causing it to go longer, but I don't see that happening. Basically what the edits to the zoning code will be will be based upon that initial meeting. So if anything, it should be less and we won't spend up to that. Once we have an idea of what you want in your zoning code, it will be much more efficient. That is why it is structured that way. Discussion was held on who would be the primary contacts for this job, other staffing. The Town Board thanked Mr. Plante and Mr. Hyland for their time.

SARATOGA ASSOCIATES – Matthew Rogers appeared for Saratoga Associates. Supervisor Galligan asked if everyone had read Mr. Roger's proposal. Matt Rogers stated that this proposal isn't that different from the last one that was submitted and the process is pretty much the same. Our approach again would be to work with a committee put together by the Town Board, one similar to the one when we did the PDD update. The first meeting would be to organize, to throw all of the issues on the table and look at the wish list that the Town Board and Planning Board would like to see in the new regulations. Some you may want to tackle and others you may not. Once we get the list going, we'll schedule like nine committee meetings. We would then go through the administrative items first, such as general site plan, special use permits, variances, look at what's on the books and how they need to be changed based upon current town law or our knowledge of different models that may work better. Then we will get the zoning map and land use densities and propose revisions to those and then move on to the supplementary regulations such as parking or specific issues such as mobile homes, telecommunications and other specific issues that you may have. Councilman Sipos stated that Mr. Rogers has reviewed the current laws and is quite familiar with them and that they just need to be "tweaked" and not fully re-written, so basically we should just concentrate on what needs to be "tweaked". Mr. Rogers replied that he agreed and said that he has walked into communities where everything was a shambles and basically you had to start from scratch. Your PDD law is brand new, the site plan and special use permit law could use some tweaks and we can look for a more seamless approach between the two, update all of

your definitions. We have run into cases where uses are permitted but not defined. There are some issues I can't predict, I provided about a dozen or so in the proposal of ones that I have come across, but we are not looking to change the whole thing. As much as you want to get through this quickly, once you open it up, you never know what will pop up. Our nine to twelve month estimate is true, unless things come up, you just never know. Unless the committee says no, we are just going to address these items and that's it. This is our proposed approach, I've gone kind of middle of the road. Chairwoman Hawvermale asked if we have an applicant before us, and not everything on their application has been approved, would the new rules affect them. Mr. Rogers replied that the rule of thumb would be that they would not be affected, but it is a case by case matter. If they just applied yesterday or they applied the day before it's adopted, it becomes a judgment call. Current projects before you now would most likely not be affected. Chairwoman Hawvermale asked Mr. Rogers, since he knows our zoning laws, if there was anything glaring that should be addressed. He replied that the map is an issue and structures of what is allowed and not allowed, the permitted uses should be in a table not a list that is referred back to from district to district, densities should be in a table format as well. Definitions, some of yours are older and have been carried over for decades that no longer apply. Discussion was held with regard to revamping Planning Board application paperwork, deeming an application abandoned and the stringent cost of the project and possibly reducing the cost by reducing the number of meetings and the time frame for completion. The board thanked Mr. Rogers for his time and interest in the project.

TURNER – MILLER GROUP – Stuart Turner appeared before the board representing Turner-Miller Group. Mr. Turner gave the Board a brief overview of his group and work they have performed in other municipalities. We were here two years ago to interview when you were looking for consultants for the two major projects, while I think we were capable of doing this, based upon our experience doing similar projects, you selected other consultants. Last year you issued a similar RFP for the zoning code, when we responded once before, we took a more extensive look than might have been necessary at the time. What I did this time around, realizing that you have been through these reviews, I'm sure you and the Planning Board have picked up on things, some are minor, some are major that need to be looked at. With that in mind, I thought it might be better to look at this in two phases. That would allow an opportunity to sit with you and review the code, and meet with you and the Planning Board to get a better handle on what should be changed and what should not be changed. Then we would make our recommendations based upon your objectives. That would be a short, less expensive approach to getting to the point of not doing things that are not necessary. We would sit down, give you the benefit of our advice, give you a list of proposals that we think would be appropriate. Communities are all different, and while yours is small and not as complex as some other communities, you have your own issues and complexities that need to be addressed. Things that I know that are in the plan, like trying to protect the highway corridors from strip development, so we have to look at how we have dealt with them in other communities, and bring different perspectives, we could do that in the first round and take off from there, and then guide you through the adoption process. I know you have been working with some excellent consultants; we can bring a fresh perspective. The main part of our business is land use planning and zoning and environmental protection. Chairwoman Hawvermale asked how long he thought this project may take. Mr. Turner responded that he could not give an answer, it would depend on how much back and forth there is, if you set us loose and we develop a series of ideas in a matter of several weeks and came back to you with initial proposals would be a few months and then to draft specific zoning, I would guess around six months. I will give you an example of why it is so hard to give you an estimate. We have been working on one in Goshen for a year and a half. The Village Board, the governing body hasn't gotten it together on two major issues, so it's still ongoing. Our work is complete, but the process is ongoing. They continue to retain us and we look at different ideas and so on. But I would say six months is a reasonable time. Your master plan already outlines two items that should be addressed. We should meet at least twice initially. Councilman Creegan asked if we would be dealing with just one person or a team. Mr. Turner stated that our firm thinks it's important, and we have several senior people, including myself who set this firm up twenty two years ago, and expended it a few years ago. I originally indicated that you would be dealing with me primarily, but there would also be one principal planner working with me. And the reason I mention this is, not to mislead you, there are times when one of us is not available to meet with you. And I need to know what is your normal meeting night? Supervisor Galligan stated that our normal regular meeting night is Thursday, but we would do this at special meetings, because we don't have enough time to take care of our regular business and this on the same night. We would be having special meetings and right now, we are open to the day. The Board thanked Mr. Turner for coming and his interest in the project.

BARTON & LOGUIDICE – Charles Voss appeared for Barton & Loguidice and explained how they looked at this project, you are looking to do some basic revisions that are mirrored out of the comprehensive plan. It's something that you have been kicking around for a long time and the PDD regulation were one of these exercises and you have

taken it on and accomplished that. It looks like you have a few other things that need fixing, certainly some code issues with definitions, land uses and the zoning map needs a little help. Our proposal is geared around being extremely flexible and helping you go through a process to help you pull all of these loose ends together. You need a process to get your arms around it, look at it and fix it, to the satisfaction of the community and to you as a board. We envision a working committee and I don't know if you had kicked that idea around or not. I know the Planning Board has done a lot of code work in the past and that you have tackled things with consultants but for something like this, it makes sense to assemble a committee. A couple of people from the Town Board, the Planning Board, the Zoning Board, your Code Enforcement Officer and maybe a few folks from the community. Not to create a huge cumbersome committee, but a group that is very focused on pulling together specific tasks. Those tasks we want to flush out during the first one or two meetings. We look at your code issues, you have a sense of what you want to do, but there may be other things you want to clean up. Identify and focus on the main issues, what's wrong, what's working, what's not. Those who have to apply those codes know where the issues are. Once we focus on that issue, that's where our expertise comes into play. I can deal with the zoning issues easily, if we have design issues, we have landscape architects with the firm who can handle that, the engineering, storm water issues that need to be brought into the code. We turn them around pretty quick and easily and get it back to you so you can get the process done. We will walk you through the SEQRA process, which you all know, which for this is just a long EAF and then final approval. The time frame is about five to six months start to finish. A few meetings to flush out where your issues are and a month or two to re-work them, public hearings and adoption. Discussion was held with regard to a time and materials type of invoicing as opposed to a flat rate fee, Chuck will be our constant contact for this project, B & L works only for municipalities, no private developers, no conflicts of interest, grant applications and the possibility of obtaining grant money to offset the cost of this project. Mr. Voss stated how Forestburgh is in a great position for this right now, most communities the development has run rampant and the municipality is trying to catch up, you are trying to put yourself in place before things really get moving. Discussion was held about the use of GIS and zoning applications that is easy to use, fast and inexpensive to do thanks to technology and it's availability to the town. The Board thanked Mr. Voss for attending this evening.

RIGHT TO FARM LAW – Councilman Sipos requested that due to a previous engagement, he is unable to attend the March Town Board meeting, and requested that the Board take no action with regard to repealing the Right To Farm legislation. There are some things that I would like to bring out and request that no action be taken on this matter. Supervisor Galligan stated that he would prefer to have a full board when acting on this and that he has a meeting with Commissioner Aragon of the County Planning Department with regard to this matter.

BILLECI BARN – Councilman Galligan asked if anyone has been in touch with Mr. Billeci, have someone get in touch with him. Councilman Creegan seems to think that his biggest problem is that there are phone calls and letters that go around and no one contacts him. Clerk Joanne Nagoda stated that Mr. Billeci brought her his phone and contact information this morning. No action was taken.

ZONING/SUBDIVISION REGULATION RFP'S - MOTION by Councilman Raponi, seconded by Councilman Galligan to hire the firm of Barton & Loguidice for the job of revising our zoning and subdivision regulations. Vote: 5 ayes – 0 nays. Motion carried.

ADJOURNMENT – MOTION by Councilman Sipos to adjourn at 9:15 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk