



## MEMORANDUM

**To:** Steve Vegliante, Town Supervisor, Town of Fallsburg  
Town Board members

**cc:** Mollie Messenger, Town of Fallsburg Code Enforcement  
Paula Elaine Kay, Town Attorney

**From:** Jonathan Lockman, AICP, Town Planning Consultant

**Date:** 7/17/2017

**Re:** Comprehensive Plan Committee Meeting, Thursday, July 13, 2017

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The Comprehensive Plan Committee held a meeting on June 13, 2017 at 7 pm at the South Fallsburg Senior Center. The CPC members had the following reactions to the Town Board's recommended changes to the first draft of the zoning amendments and zoning map released at the June Public Hearing.

The CPC consensus was that they **agreed with and supported** many of the smaller changes identified by the Town Board, staff and consultants, as well as the legal review by General Code company, as listed below:

1. Names of districts no longer have "-1" suffix. - AGREED
2. All terms standardized regarding "Multifamily Development" and "One-Family Dwellings" - AGREED
3. Statutory and regulatory references updated per General Code comments - AGREED
4. "House of Worship" definition changed to be more universal/diverse - AGREED
5. Clarify definition of "lot area" to exclude private "User" roads. - AGREED
6. All terms standardized regarding public sewer and public water per General Code. - AGREED
7. Definition of "Religious Retreat" changed to "Retreat" as religious content not necessary for the land use. - AGREED
8. Solar Energy standards and definitions are inserted, for both small and large-scale applications - AGREED
9. Business Overlay added (over I, REC, RR and R), allowing highway oriented business uses with special permit, along NYS 42 from Thompson to Woodburne, and from Liberty to Loch Sheldrake along NYS 52 – AGREED
10. Refuse container screening standards clarified per General Code - AGREED

11. Swimming pool regulation thresholds and standards clarified per General Code - AGREED
12. Federal FEMA floodplains required to be mapped, and standard prohibiting new occupiable buildings added. - AGREED
13. Dormitories, camps and retreats to have same beds per acre (2,800 square feet of land per bed), with some equivalence between a certain number of beds and a dwelling unit. Each dwelling unit should be subtracted according to minimum land area per dwelling in underlying zone. - AGREED
14. New minimum size for camps and retreats of 25 acres; existing undersized camps can be grandfathered and make changes without variances. If operated off season, needs to be regulated as a "retreat." Make a pathway for camps to register as retreats as they winterize and improve buildings. - AGREED
15. Day camp and sleepaway camp standards are reordered to match. - AGREED
16. Penalties are clarified per General Code comments. - AGREED
17. Allow bungalows to be increased in height as long as no new floor area created (adding a pitched roof when replacing a flat or shed roof is acceptable). - AGREED
18. Clarify time for Site Plan expiration and key to approvals plus time once issued a building permit. - AGREED
19. ZBA membership from 7 to 5 members. – AGREED
20. Map change to reduce acreage of AG/Rural Residential– AGREED
21. Map change to add back R and enlarge it. – AGREED
22. Map change to adjust Hamlet Residential size. – AGREED

The CPC consensus was that they mostly **agreed with and supported** aspects of the following recommended changes identified by the Town Board, but **would like them somewhat modified**:

1. In definition of "Bed and Breakfast," size increased back to 15 lodgers – *CPC agrees with maximum of 15 lodgers, but wants to require owner occupancy. If no owner occupancy, property needs to be classified as a motel.*
2. "Building height" now measured beginning from lowest elevation of finished lot grade, TB would like to look at going back to average grade – *CPC agrees with using average grade, but wants standards to ensure better aesthetics of walk-out/daylight basements.*
3. Neversink River Overlay reduced in dimension from 750 to 300 feet horizontal distance from normal high water line. TB wants to give density bonus if units clustered outside of NRO. – *CPC is OK with dimensional reduction, but wants the overlay to be either 300 feet from normal high water mark or inclusive of the 100-yr floodplain boundary, whichever is greater, so sometimes the overlay will be wider than 300' when flat floodplain is present. Overlay should also be increased in primary aquifer areas. CPC is against a density bonus.*
4. Business Overlay added (over I, REC, RR and R), allowing highway oriented business uses with special permit, along NYS 42 from Thompson to Woodburne, and from Liberty to Loch Sheldrake along NYS 52 – *CPC supports business overlay but questions whether requiring sewer extension is necessary or whether 500 foot limit is necessary – perhaps should be larger?*

The CPC consensus was that they were **against the following changes** identified by the Town Board:

1. Agricultural District name changed to Rural Residential (AG to RR) – *CPC felt very strongly that this sends a wrong message to the public. The public needs to know that agricultural uses and*

*residential rural uses must be balanced. Change the name to Agricultural Residential. Show parcels included in official State-designated Agricultural District.*

2. In duplex developments,
  - a. change side wall to side wall and rear wall to rear wall setbacks to match other multiple building projects. – AGREED
  - b. Internal sidewalks and connections to external sidewalks, as well as curbing, may be required. – AGREED
  - c. Reduce the proposed 75 foot required spacing between pods of 5 buildings (every 10 units) to 62 feet. Public sewer and water required. – AGREED
  - d. Add duplex developments as a permitted use in HR. – *CPC is strongly against allowing duplex developments in Hamlet Residential. Inward orientation of closed duplex developments is counter to goals of promoting vital hamlets with active street and pedestrian life, integrated and connected to immediately adjacent housing.*
  - e. Allow ring road or access roads within the 175-foot front yard setback as well as in other property line setbacks, as well as detention ponds. Not just a perpendicular driveway crossing as today. – *See below.*
  - f. Allow ring road and stormwater within proposed 75-foot perimeter undisturbed vegetative buffer). – *See below.*
  - g. No reference to “rectilinear” pattern – depends on topography. – *See below.*

*The CPC is against standards which could allow the buffer area of duplex developments to be completely cleared. These three items (e, f, & g) need to be reworked so that part of the buffer remains and provides visual screening, and then perhaps allow some limited encroachments that do not open up the view of the development from outside the development.*

3. Clustering. Ten percent bonus added when developer uses cluster development standards. Clustering will not be mandatory. Remove section C(2) alternative method for determining the maximum residential yield. Remove maximum building envelope size in 310-14.3 C. in 310-14.3 E, allow either homes on individual lots in fee ownership, or on condo “areas of occupation.” Remove requirement that open space is protected by conservation easement.

*The CPC strongly believes that the Planning Board should have the authority to mandate clustering when appropriate, and to preserve open space be protected by conservation easements, particularly in REC and Agricultural Residential. CPC is against giving density bonuses for clustering. Developers already gain cost savings on land development and road construction costs for same number of units, when they employ the clustering technique, and these cost savings provide an incentive. The cluster development policies are a cornerstone of this comprehensive plan and zoning update for protecting areas outside of the hamlets.*

4. Camps and Retreats put back in as an allowed use in AG(RR) and in PRD. Remove lower limit of 4 years on camper age. – *CPC is against allowing Camps and Retreats in Agricultural Residential because of incompatibility of the agricultural and camp or retreat uses. If the lower age limit is removed in the camps definition, it appears to allow the camp to become a child day care facility.*

We look forward to discussing the next steps in this project at tonight’s Town Board meeting at 8 pm. Please let us know if you have any additional questions on this matter.