

SPACE

COMMENTARY ON THE PROPOSED 2010 AMENDMENT TO THE 1995 MASTER PLAN

While there is much good here; the result of a great deal of work by many in the proposed amendment to the 1995 Master plan, there are still some places that need more thought. We ask the Town Board members to consider the suggestions presented here. We are certainly available to go into more detail on the points we raise here if you wish. We understand that this process has been going on for a long time and needs resolution. However, this plan will dictate the future course of development in our town. If we can't "get it right" now, there won't be another chance for many years. Therefore we ask for your thoughtful consideration.

From page 10:

A prime focus of the Comprehensive Plan Advisory Commission during its deliberations was the streamlining of the development review process. Immediately it was recommended and implemented that applications not have a separate SEQRA public hearing prior to a determination of environmental significance; an extraordinary step that added about a month to the process.

We understand the need to streamline the application process, but we highly value the ability for the town's residents to have input on what may affect them and their property. For years the Planning Board opened public input at the time the site plan review was commenced, nominally as part of the SEQRA review. It was not uncommon for a resident to come forward with information that ultimately called for a change in the application. This opportunity is now lost; and it is unlikely that SEQRA would be re-opened after the Planning Board makes its final determination, regardless how serious the issue raised at a post-determination SEQRA public hearing may be, and thus negating the value of the SEQRA process. It appears that this came about because of information the town planner heard at some meeting, not a directive from the State, the

Courts, or the DEC itself. It is also hard to understand how the public hearing adds "about a month" to the process unless there is already a problem with the application requiring further work.

There is nothing preventing the town from opening the public hearing at the beginning of the site plan review, not as part of SEQRA, but as information gathering from the residents of the town for planning purposes. This violates no law. And while it is praiseworthy to streamline the planning process, it is foolish to needlessly undermine the public input process, as has been done here.

SPACE recommends:

- ***Adopting a Planning Board policy that opens a general public hearing at the same time it opens site plan review.***

Restaurants in the Planned Waterfront (PW) Zoning District (page 11)

We think this is a fine idea, but we also think it could wait for the report from the Economic Development Committee and consider their input.

SPACE recommends:

- *Wait for the report from the Economic Development committee.*

Additional Goals of the 2010 Plan Amendment...

allow existing residents and businesses to weather property tax increases and to provide a supply of affordable housing opportunities by allowing supplemental income through the permission of accessory apartments with adequate controls.

It would be better to have enforceable guidelines ready at the same time this is adopted. The Building Inspector has often made the point that it is extremely difficult to effectively police prohibition of apartments in single-family homes. If it is a problem already, how will the town deal with it if strictures are made looser?

SPACE recommends:

- *Creating and adopting a framework of rules and laws that will allow the town to control the additional housing before permitting it.*

Mixed Uses in the Business (BU) Zoning District (Route 9W Corridor) (page 12)

This is an excellent idea! However, much more thinking and planning need to go into this. Not addressed anywhere in the proposal is the concept of Green Planning where the reduction in automobile trips is a prime factor. Currently, few people shop in Stony Point because the mix of stores is not here. This makes it likely that no one will open shops in Stony Point, thus perpetuating the problem. To do anything in our business district currently requires many auto trips, so shoppers go to locations (malls, more shopper-friendly towns) where they can park and visit multiple locations. A really effective plan would promote shopping-area development where a shopper can park and accomplish several tasks before moving to another location. This will require intelligent and creative planning (and planners!).

SPACE recommends:

- *We suggest that this be passed as a “concept” with strong direction and impetus to quickly developing such a plan.*

Reconsideration of Special Permit and Conditional Uses in nonresidential zoning districts. (pages 14 - 16)

The list of Special Permit, Conditional and Permitted Uses in the BU, O and LI districts should be revisited with attention to making the procedure generally easier for applicants. Generally, more uses should be made permitted uses, with only a few uses requiring conditional use review by the Planning Board. Only a few uses that are likely to be controversial such as hotels and cellular towers should require Town Board approval. The following uses are suggested as permitted uses in the BU district:

The town has already wrought havoc on its own zoning by disregarding the common-sense planning and zoning concept that separates incompatible uses. This was accomplished when the Town Board illegally adopted the Special Permit that allowed retail use in the entire 340-acre LI Zone. Had the Town Board done the required Environmental Impact Study on the Special Permit proposal (and had they been adequately advised by their counsel and the town planner!) they would have discovered that the Special Permit would allow retail facilities everywhere in the LI Zone, clearly a bad idea for the town, but likely a great boon to developers who might own land in the LI Zone.

Rather than open this sore wound again, we recommend that the town *repeal* the Special Permit allowing retail use in the LI; create a new zone that will contain the Kay-Fries site in question using all the dispensations allowed in the Special Permit, applied solely to that zone. Keep in mind that over the last few years, the town has allowed multi-unit housing as well as retail alongside existing LI businesses. In the future, if a use not permitted in the LI comes before the Town Board, it should look at the request, the other uses adjacent,

and if feasible make a zone just for that, so everything in that zone is a conforming - and compatible - use.

Mixing non-compatible uses in a zone has already caused problems in Stony Point. Consider that multi-unit housing was approved for the Over-55 complex next to the Fiesta Cancun Restaurant. Over the last few years there have been many complaints by the residents of the complex against the restaurant citing noise issues. While one may approve or disapprove of Fiesta Cancun, it has been a tax-paying business in Stony Point for many years - before the housing complex was approved and built. There are good reasons for zoning, and good reason to consider the impacts of violating that basic tenet of separating incompatible uses.

SPACE recommends:

- *Green Planning where business development is encouraged that will cluster stores and businesses so residents can accomplish multiple tasks in one area without multiple auto trips.*
- *Repeal of the Special Permit enacted to permit the construction of retail stores in the LI Zone.*
- *Creation of a new Zone that will encompass the Kay-Fries area and permit its multiple uses: LI, Retail, Multi-unit dwellings.*
- *Observe the good planning practice of separating incompatible uses - no further dilution of zoning by adding unsuitable uses.*

Technical Advisory Committee (TAC) page 16

This is an effective solution! To those of us who regularly attend Planning Board meetings, it seems that a lack of preparedness at meetings is a major factor causing delays in approval. Too often the applicant does not have the required documentation at a meeting and is then put off for another month. Sometimes this is the applicant's fault, sometimes it is because the applicant is not aware of exactly what is needed. A TAC meeting and possibly the assistance of a knowledgeable individual, an "application counselor" who

is familiar with planning issues and requirements to assist the applicant may do a lot to speed the process!

SPACE recommends:

- *A TAC Meeting with the applicant as the first step in processing a business application.*
- *Creating the position of "Application Counselor" to assist business applicants in the Planning Board review process.*

Townhouse and Condominium Developments (page 16)

This looks like a good idea, but the devil is surely in the details! While we look gratefully at housing that will bring fewer children, we must be aware that most of us are thinking of "senior" or "over 55" housing - which has needs different than more conventional housing. In the last few years, there have been two proposals for attached senior housing: first, at the old Marvella Swim Club property, and more recently at the north end of Jessups Lane.

Both were bad ideas, primarily because the areas were completely unsuitable for housing for older people. Many, if not most seniors don't (or don't wish to) drive, so readily available public transportation, nearby medical facilities and shopping are most important. The above areas have none of these. These applications failed, not because of the reasons above, but others. We need to be more realistic about what can work effectively for the town and it's residents, not just what will be more profitable for developers.

Even in areas where these facilities are available, it would be desirable for other age groups to live there as well to reduce the number of auto trips and commuting, which should be a component of Green Planning. The Comprehensive Plan Committee should look at maps of the town and begin to identify those areas that have those facilities and thus would work better for attached housing for all age groups. Those areas might be grouped and rezoned into a new zone that

would be tailored specifically for multi-unit dwellings. It might be feasible to encourage re-development of those suitable parts of Stony Point where there currently is existing single-family housing

For “affordable housing” (surely a euphemism in a town where a building lot costs hundreds of thousands of dollars), we agree that an attempt should be made, as outlined in the proposal. Not mentioned there are the vacant buildings available on the Letchworth campus. Some of these buildings could be leased (long term) to a developer who would renovate them for apartment use, with a set-aside for: (1) employees of the Town of Stony Point, (2) employees of religious and not-for-profit institutions, (3) current Stony Point residents, or their parents or children, (4) senior citizens (there is no need to include employees of the North Rockland School System as they are generally quite well paid, and not in need of assistance from the town!). While this would not be a “profit center” for the town, it is easy to understand the long term financial benefit to the town to provide this kind of housing.

SPACE recommends:

- ***Green Planning: addition of zone(s) for multi-unit dwellings only where there is adequate public transportation, shopping and infrastructure to accommodate the people without taxing the road system with more cars.***
- ***An over-55 zone where there is public transportation, shopping and medical facilities immediately available for seniors.***

View Preservation (page 16)

A current code requirement that limits development 50 feet below the peak of a ridge is impracticable

The current code was worked out several years ago by the Town Board, the Planning Board, and the town planner. At that time the plan seemed clear and workable to all. What has changed? Are some developers feeling “challenged” by these requirements? They were enacted after the Cross-Creek development was con-

structed on Willow Grove Road and The Cliffs off Rt. 210 when angry residents complained about the damage done to the town’s viewshed. Will “*Instead, based on locational criteria, any proposed development should be subject to a procedure that insures that it is designed in a manner sensitive to views* “ make residents happy - or developers happy? And sensitive to whose views? The developer’s?

Accessory Apartments (page 17)

As noted earlier, this will be truly difficult to police. Maybe we can get some information from communities that have had success with enforcement.

SPACE recommends:

- ***Adopting effective controls before allowing this use.***

Stream Protection (page 18)

The stream protection law is difficult to understand. The law should be revised to be easier to understand without substantively changing its provisions.

Similar to the Viewshed law and adopted in the same era, a great deal of work had been done to craft and enact this law. One of those involved was the town planner, so it is hard to understand his objection now. Consider the approval and construction of the Cliffs, Ryder Hill, and Stony Ridge. After every rainstorm silt from these developments turned the Tiorati Brook brown as gravy and eventually filled the “reservoir” on Reservoir Road. Ask to see the video made by SPACE back in the 1990’s that documented this!

SPACE recommends:

- ***If it ain’t broke, don’t fix it.***

Shore Road Area (page 18)

“Vacant and underutilized areas with Hudson River frontage, historically have been sought for water dependant uses. However more recently water-enhanced uses such as residential, commercial and mixed-use development have proven to be a stronger market.”

Aside from fixing spelling, errors, any action here should wait for recommendations from the Economic Development Committee. Considerable thought needs to be given to the negative possibilities here as well as the positive. We need to consider the impacts of global warming and the concomitant rise in water levels and likelihood of flooding. Responsibly, we need to look out over a long, say, 30-year period to plan practically for all, including those who come after us.

SPACE recommends:

- ***Wait until you have more information from the Economic Development Committee.***