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*Observations And Suggestions
From the Stony Point Action
Committee For The Environment
(**SPACE**) On The
“Draft” Comprehensive
Plan Submission*

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Submitted September 9, 2008



OBSERVATIONS AND SUGGESTIONS FROM THE STONY POINT ACTION COMMITTEE FOR THE ENVIRONMENT ON THE "DRAFT" COMPREHENSIVE PLAN SUBMISSION

While there are a number of good ideas in the draft Comprehensive Plan - and some bad, it won't take the place of a real Comprehensive Plan formulated according to New York State guidelines to include the public "...to the greatest degree possible." The Town of Stony Point should look to the Town of Clarkstown which has just completed a new Comprehensive Plan according to those state mandates, including all the citizens, going as far as having meetings in local communities to gain their input. Supervisor Marino has stated to the Journal-News that he wanted to include the public and make the process "transparent". With the acquiescence of the Town Board, he has done everything but.

The numbered items in the left column are from the Town's Draft; the right column are observations and suggestions from the Stony Point Action Committee for the Environment (**SPACE**). We ask that you give them serious consideration.

Recommendations applicable townwide:

<p>1. <i>Boat storage was taken up early in the process of the Comprehensive Plan deliberations. When the Town Board decided to address the issue itself, deliberations were dropped. However, because the Town Board has decided to defer the issue, the following are the CPAC's recommendations. For boat storage on any lot in Stony Point, only one boat or RV shall be permitted; the boat or RV must be registered to the owner of the lot and in operable condition; the boat may not be stored closer to the front lot line than the principal structure on the lot; the boat or RV may not be stored with more than 10 gallons of fuel; and the boat or RV may not be stored in any required side yard. Additionally, for non-residential lots the Planning all approve submission of a site plan will not The Planning Board shall approve the location of boat storage, but submission of a site plan will not be required. The Planning Board may decide the matter upon reviewing a survey of the lot visit. Existing size constraints should remain unchanged</i></p>	<p>This seems to be an issue of little consequence or applicability to a Comprehensive Plan review. Wasn't this resolved after some number of hours of discussion? The Town might consider renting space on Town property, such as at Letchworth for residents to store vehicles that pose a problem in their area.</p>
<p>2. <i>A current code requirement that limits development 50 feet below the peak of a ridge is unpracticable. Instead, based on locational criteria, any proposed development should be subject to a procedure that insures they are designed in a manner sensitive to views. Primary areas for view preservation are Route 210, Route 9W, the Battlefield, and the PIP.</i></p>	<p>This became an issue after the last Master Plan was adopted; after the development on Cross Creek and along Rt. 210 and was quite a hot topic in town as many residents were appalled at the destruction of our viewshed. There are now many areas where the view shed has been irreparably damaged. SPACE suggests that strict but well thought-out regulations be formulated and adopted. What does "sensitive to views" actually mean? Who decides this - the Building Inspector? The Draft suggestion is clearly a step backwards, and will benefit developers far more than town residents.</p>
<p>3. <i>Man-made and natural slopes should be held to the same standards. Currently only natural slopes are protected by town code.</i></p>	<p>This is a fine idea. In fact, tighter steep-slope regulations should be instituted as the current ones are often circumvented by developers in front of the Planning Board. There are enough drainage problems already existing in Stony Point. The extremely steep-sloped property on the corner of Blanchard and Willow Grove Roads is not currently in front of the Planning Board but will return. Plans for it thus far have all called for a substantial disregard for the impacts of steep-slope development. Lets get tougher and avoid avoidable problems such as this! What about the Mirant fly-ash pile?</p>

Recommendations for Non-Residential Districts:

<p>4. <i>Mixed uses should be permitted in the BU zoning districts as a means of giving owners of commercial properties a stable, non-seasonal source of revenue. This is especially important given the increasing tax burden due to the Mirant case. Apartments added to the commercial structures will have the added benefit of providing a supply of legal rental units that will likely be more affordable than other residential offerings in the Town. The institution of these types of uses will require several protections to insure that quality residential units are developed and maintained and that impacts to parking do not proceed. These protections will include added parking requirements, outdoor recreational area, separate entrances, prohibition on ground-floor residential spaces, minimum apartment sizes, maximum number of bedrooms and authorization for periodic inspection by the Building Department..</i></p>	<p>SPACE endorses this suggestion; we think that this will be good for Stony Point businesses. However, the devil is surely in the details (or lack of them) here. There is currently a re-development of Stony Point's business district (if you haven't noticed...) and a hard look is called for here. There obviously were mistakes made in the fifties and sixties as the 9W corridor developed; the town now has a great, once-in-a-lifetime opportunity to rectify many of those mistakes. A comprehensive (in the fullest sense of the word) look needs to be taken at what is currently there, and how it could be made more functional for not only the current residents, but for those that will be here for the next twenty or thirty years. Currently it is necessary to have a car in order to live in Stony Point. With the current energy crunch it is apparent that we need to make our town less reliant on car use, and more amenable to walking to accomplish more chores. We can already see that our lack of foresight has caused traffic difficulties at the new Walgreen's and Provident Bank. Had they been looked at as part of a developing area, along with the Hudson Grande Senior housing complex and the proposed ShopRite - and the likely multiplication of large retail uses that will come on Kay-Fries Drive with the Town Board's "creative" definition of <i>local convenience commercial use</i>, a major redesign of that part of town might have been accomplished. It now looks like Stony Point will suffer with a multiplication of the poor current design of that area.</p>
<p>5. <i>Parking standards should be reduced. Existing standards are overly onerous and result in parking lots that are empty for most of the time. Parking standards should be brought more in line with national and regional standards.</i></p>	<p>A good idea. But lets look at similar businesses and strip malls in other communities (such as Clarkstown) and see what does - or doesn't work for them. Lets make this part of town code and not at the discretion of the Building Inspector.</p>
<p>6. <i>For a non-residential change of use to a use permitted in the BU, LI or PO zoning districts, where no exterior site changes are required, the Building Inspector should be allowed to give relief from parking requirements based on a sliding scale indexed to the parking demand. This will allow a non-residential change of use that only requires parking relief to be approved quickly.</i></p>	<p>As this ordinance will likely exist past the current Building Inspector, and one can never be sure of what will be the case in the future, each case should be reviewed by the Planning Board. Better to take a "belt and suspenders" approach than be forced to live with an unworkable situation. And how will this work with the additional apartments from item 4?</p>
<p>7. <i>The list of Special Permit, Conditional and Permitted Uses in the BU, PO and LI districts should be revisited with the 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 such as hotels and cellular towers should require Town Board approval.</i></p>	<p>This is a terrible idea, it concentrates too much authority and power in the hands of the Building Inspector, who would likely be the person making the decisions. This authority belongs with the Planning Board, and with the Town Board for Special Permits. Those boards are the town residents' protection against self-serving developers. To cede its responsibility to them would be an irresponsible act and in conflict with the oath that Town Board members take. The applicants can seek to work with the town's professional planning staff to prepare their application so that it proceeds more rapidly (see our comments under item 14).</p>
<p>8. <i>Auto repair without gasoline sales should be held to the same standards as auto repair with gasoline sales. Currently the code does not allow auto repair without gasoline sales.</i></p>	<p>Sounds reasonable.</p>

Recommendations for residential Zoning Districts:

- 9.** *Townhouse and condominium developments generate fewer children than comparable detached housing. These types of houses are typically located on private streets with private recreational facilities and with private trash collection and therefore require fewer Town services. Given the rising cost of school taxes, attached housing should be permitted in all residential zoning districts at current residential densities. If a lot could have been developed for five detached homes on one five acre lot, it should also be permitted for five attached residences on one five acre lot, a portion of which would likely remain undeveloped. Additionally, density bonuses should be allotted for; leaving a large portion of the lot as undeveloped open space; for transferring development density from the APRP, SR-R and RR zoned to the R-1, SRC or R-W districts and protecting the more remote land as open space; and where a portion of the units are set aside as affordable housing.*
- The first sentence here is, to be courteous, not provable. One can drive down Kennedy Drive between Railroad Ave and Rt. 9W in Haverstraw to see the kind of density of kids that is possible. One can also drive through the Rider Hill and Cliffs developments in Stony Point and see how few kids there are. If the unit price is substantially lower than comparable detached housing, you will get more kids. This is a terrible idea, candy for developers! If the town wants attached housing, go with your plan to allow residential units over stores. As far as “affordable” housing, with a building lot in Stony Point costing what it does, even in this bad housing market, “affordable” is clearly a relative term. If the town is concerned about its lower income residents, especially those who give their time as firemen and ambulance corps members, the town should consider renovating some of the classic buildings it owns in Letchworth as apartment buildings, with town volunteers getting preferential treatment in their applications, and give them a break on the rental costs.
- As for “open space”, the town has often talked about this, but has never acted. This should be a major feature of any Comprehensive Plan that looks to the future good of the town residents. We have, in the last two decades drastically changed the look of Stony Point and materially added to its drainage problems while allowing developers too much latitude. This idea is nothing more than another giveaway to developers seeking to make yet more money while changing our town into something that few people want.
- 10.** *Accessory apartments should be permitted in certain single-family residential units as a means to allow existing residents to afford future tax increases as well as to allow seniors and young adults to afford to remain in the community. Again, to prevent abuse of this new use and discourage impacts to established residential neighborhoods, the following protections will be implemented as well: owner occupancy will be required of one of the two units; structures will remain metered as a single-family residence; a special-permit of the Zoning Board of Appeals will be required; a new application will be required to continue the use after transfer of ownership; the existing residence must be conforming to all requirements of the zoning district in which it is located; only a percentage-of the existing residence may be permitted as an accessory- apartment the front facade of the residence shall maintain the appearance of a single-family residence; additional parking will be required; inspections at the discretion of the Building Inspector must be permitted as a condition of special permit issuance.*
- For years the Building Inspector has complained that it is so difficult to police and enforce the single-family residence ordinance. To make this work as described, an effective policing strategy will have to be conceived and implemented. In the current financial market, many of the “McMansions” that were so in vogue during the 1990’s will likely be cut up into apartments. To think that this will not add yet more kids to the school system is delusional. Will the next Comprehensive Plan ask for Housing Police?

<p>11. <i>A tree preservation provision should be enacted that requires site-plan approval for the removal of excessive amounts of healthy large trees (initially no more than 10 trees with a diameter of eight inches or greater) in any calendar year. Such a provision will allow for the Planning Board to require mitigation plantings and to set standards for the installation of screening and street tree installation.</i></p>	<p>A great idea! Too bad this will be too late for Crossroads and other “grandfathered” projects.</p>
<p>12. <i>The Comprehensive Plan should not make recommendations to the development of the Shore Road area but should explain the challenges that confront development in that area.</i></p>	<p>A serious Comprehensive Plan will take that 20 - 30 year look into the future and plan now for what we would like to see. This will actually require that a Comprehensive Plan Committee will involve not just the residents of the waterfront area, but of other town residents and businesses to map out a development strategy that will work for Stony Point, rather than to allow developers to design our town for us, as has been done for decades. As a river community, tourism should be a big thing here, bringing in business and tax money for the town. If the Town Board is serious about planning, the waterfront area should be a priority - not something to be put off and finally just given over to developers.</p>
<p>Recommendations on Administrative Procedures:</p>	
<p>13. <i>Where requested by the applicant, Architectural Review should be permitted at the start of the application process.</i></p>	<p>Fine, as long as the ARB reviews the final package. And what about producing a design manual that will set standards for what is acceptable. The buildings have to be designed so that they are safe and functional, this is codified in town law, why not how they look?</p>
<p>14. <i>The Zoning Chapter should be revised to formally institute a TAC process whereby prior to being heard by the Planning Board or after an initial hearing, the Town’s professional staff reviews plans and suggests technical changes outside of the Planning Board’s monthly schedule. This will allow a more rapid process of plan development prior to Planning Board involvement. The applicant would always have the option of appearing before the Planning Board if disagreements arise with the professional staff, which would include the Building Inspector, Town Engineer, and Town Planner.</i></p>	<p>This is a good idea. In fact, the applicant should be required to come to the TAC meeting prior to appearing before the full board. It is often the lack of preparation on the applicant’s part that delays approval, not the Planning Board itself. The Walgreen’s application went through the Planning Board quickly because the applicant was always prepared.</p>
<p>15. <i>The Planning Board attorney should establish a formal policy for when a public hearing is warranted.</i></p>	<p>This appears to be yet another attempt to keep the public out of the planning process. The Supervisor has already limited input, probably illegally, at Public Hearings mandated to gain information that will be useful for the Planning Board in its decision-making process. To keep the public out is not only arrogant and insulting, but also bad government. The SEQRA law mandates a public hearing, and the information gathered at public hearings often shapes the site plan. Whose town is it, anyway?</p>
<p>Other Recommendations:</p>	
<p>16. <i>The Comprehensive Plan should not make any recommendations to the development of the Shore Road area but should explain the challenges that confront development in that area.</i></p>	<p>See item 12. But why is this in here twice? Is there someone who seriously does not want the town looking at this part of Stony Point? “Explaining challenges” is not enough - deal with them!</p>
<p>17. <i>The Stream Protection law is difficult to understand. The law should be revised to be easier to understand without substantively changing its provisions.</i></p>	<p>In the late 1990’s, the Town Board and the Planning Board met as a committee to review proposals from the professionals, and adopt the current law. Continuing drainage problems should make it evident that this law is important. Clarification would be fine, but any diminution of the law would be hazardous.</p>

SPACE recommends that the Town Board consider these:

A Drainage Plan. Supervisor Marino espoused this idea during the candidate debate before his first election. We now call on him to make good on his words. A map should be researched and created that shows all the drainage basins in Stony Point; and from this map drainage zones can be established. Drainage impacts can be more precisely anticipated, and if there are ongoing drainage problems arising from topography (NOT from developer shortcuts), taxes may be adjusted for these zones so the people who live there can pay for drainage controls and improvements, similar to fire zones and sewer districts. Developers would be more likely to do more research and better design work to assure that their customers are not charged for their shortcuts and mistakes, and the taxpayers of Stony Point will be less compelled to pay for those developers' errors.

Letchworth. No mention whatsoever is made of the Letchworth property, although the Town Board has considered selling parts of it for more housing. Developed correctly, with an eye to the future, this land can be a great economic asset to Stony Point while having minimal negative impact on the town. To ignore this land at this time is not only economically foolish, but will likely result in a poorly thought out decision in the future when some developer comes to the Town Board with a scheme that will make him more money and not be a satisfactory benefit to the town. Through too many administrations this town has only reacted to developers' schemes, rather than plan ahead intelligently. Lets be more thoughtful and plan effectively for this one!

Re-zoning. Recently the Town Board adopted a Special Permit scheme whereby expanded uses, including heavy retail, may be allowed in the LI district. As this LI district is spread over several areas in Stony Point, this means these heavy retail uses can appear in places as unlikely and unsuitable as US Gypsum and Lovett. The Town Board should consider making the Kay-Fries corridor a new stand-alone zone with its own uses and requirements. Likewise, the Elm/ Church Street area where currently the town is considering allowing an R-15 lot (15,000 Sq. Ft. minimum lot size) to be divided in half, with a dwelling on each. While this may fit into the developed character of that area, it sets a precedent that will allow others in the R-15 zone elsewhere in Stony Point to similarly subdivide their properties, vastly increasing the density of housing in Stony Point. If this area were split into its own zone with requirements that match what has been thus far developed, the housing currently there could be made a Conforming Use without affecting the rest of the town, and such drastic variances would not be needed. Other areas in Stony Point might also benefit from the creation of specialized zones. It would also be beneficial if the Town Board were to become better educated on zoning and planning issues.

Business zone(s). The Comprehensive Plan Committee needs to look at Stony Point's business district and adjacent lands and consider how they may be re-developed in the coming years. As noted previously, this re-development process is already underway. The goal must be "A more livable Stony Point". Where every activity in the town currently requires an automobile trip, a great deal of thought must be given to how each of the developed business areas existing might be, over time, re-developed and linked to allow for more errands to be done on foot from one (parking) location. This is actually a concept that is quite large in scope and will require input from as many residents, businessmen, and planning experts as possible. This should be a major focus of any Comprehensive Plan as this will impact the town to the greatest possible extent over the longest period of time. This current Town Board has within its power, the ability (and *responsibility*) to control the appearance and functionality of Stony Point for the next 30 years.

Ambrey Pond District. The town comprehensive revision has totally ignored the current Watershed Zoned property for the Ambrey Pond Reservoir. What is the town's commitment to that zone? How are we going to manage the future use of that property? Local residents had been evicted with the anticipation plan of United Water building a reservoir that would have been a benefit to Stony Point as a tax ratable -- a plan that the company now wants to abandon, in light of its proposed construction of a water filtration and desalination plant on the Hudson River in Haverstraw. The town should consider acquiring the land and designating (by law) it Open Space. The Draft proposal indicates in Item 9 that Open Space should be a consideration.