


<b>Dutchess County Department of Planning and Development</b>		Fax Info Only	To	Date	#pgs	
			Co./Dept.	From		
			Fax #	Phone #		
<b>239 Planning/Zoning Referral - Exemption Communities</b>						
Municipality: <b>Town of Union Vale</b>						
Referring Agency: <b>Municipal Board</b>						
Tax Parcel Number(s):						
Project Name: <b>TC Zoning District Updates &amp; Changes in Street &amp; Private Drive Specs</b>						
Applicant: <b>Town of Union Vale Town Board</b>						
Address of Property: <b>249 Duncan Road, LaGrangeville, NY 12540</b>						
Please Fill in this section	<b>Exempt Actions:*</b> <b>239 Review is NOT Required</b> <ul style="list-style-type: none"> <li>● Administrative Amendments (fees, procedures, penalties, etc.)</li> <li>● Special Permits for residential uses (accessory apts, home occupations, etc.)</li> <li>● Use Variances for residential uses</li> <li>● Area Variances for residential uses</li> <li>● Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals</li> </ul> <b>No Authority to review these Actions</b> <ul style="list-style-type: none"> <li>● Subdivisions / Lot Line Adjustments</li> <li>● Interpretations</li> </ul> <input type="checkbox"/> Exempt Action submitted for informal review		<b>Actions Requiring 239 Review</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Comprehensive/Master Plans</li> <li><input checked="" type="checkbox"/> Zoning Amendments (standards, uses, definitions, district regulations, etc.)</li> <li><input type="checkbox"/> Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)</li> <li><input checked="" type="checkbox"/> Rezoning involving all map changes</li> <li><input type="checkbox"/> Architectural Review</li> <li><input type="checkbox"/> Site Plans (all)</li> <li><input type="checkbox"/> Special Permits for all non-residential uses</li> <li><input type="checkbox"/> Use Variances for all non-residential uses</li> <li><input type="checkbox"/> Area Variances for all non-residential uses</li> <li><input checked="" type="checkbox"/> Other (Describe): <b>All zoning changes involved with updating TC Zone</b></li> </ul>		<b>Parcels within 500 feet of:</b> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> State Road: <b>Route 55</b></li> <li><input checked="" type="checkbox"/> County Road: <b>CR Bruzgul &amp; Noxon Roads</b></li> <li><input type="checkbox"/> State Property (with recreation area or public building)</li> <li><input type="checkbox"/> County Property (with recreation area or public building)</li> <li><input type="checkbox"/> Municipal Boundary</li> <li><input type="checkbox"/> Farm operation in an Agricultural District</li> </ul>	
	Date Response Requested:					
	Entered By: <b>Casey, Andrea</b>					

\*These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.\*

For County Office Use Only			
<b>Response From Dutchess County Department of Planning and Development</b>			
<b>No Comments:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Matter of Local Concern</li> <li><input type="checkbox"/> No Jurisdiction</li> <li><input type="checkbox"/> No Authority</li> <li><input type="checkbox"/> Withdrawn</li> <li><input type="checkbox"/> Incomplete - municipality must resubmit to County</li> <li><input type="checkbox"/> Exempt from 239 Review</li> <li><input type="checkbox"/> None</li> </ul>		<b>Comments Attached:</b> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Local Concern with Comments</li> <li><input type="checkbox"/> Conditional</li> <li><input type="checkbox"/> Denial</li> <li><input type="checkbox"/> Incomplete with Comments- municipality must resubmit to County</li> <li><input type="checkbox"/> Informal Comments Only (Action Exempt from 239 Review)</li> </ul>	
Date Submitted: <b>11/22/2022</b>	Notes:	<input checked="" type="checkbox"/> Major Project	
Date Received: <b>11/22/2022</b>		Referral #: <b>ZR22-359</b>	
Date Requested:			
Date Required: <b>12/21/2022</b>	<input type="checkbox"/> Also mailed hard copy	Reviewer: 	
Date Transmitted: <b>12/20/2022</b>			

Date Printed: 12/20/2022

**MARCUS J. MOLINARO**  
COUNTY EXECUTIVE



**EOIN WRAFTER, AICP**  
COMMISSIONER

## COUNTY OF DUTCHESS

DEPARTMENT OF PLANNING AND DEVELOPMENT

December 20, 2022

To: Town Board, Town of Union Vale

Re: **ZR22-359, Various Zoning Amendments and Rezoning of the TC District Boundaries**

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, Sections 239-l and 239-m).

### ACTION

The Town Board is considering substantial amendments to regulations in the Town Center zone, including:

- A map adjustment
- Changes to the bulk and use tables
- Numerous edits to Chapter 210, Zoning, including edits to the section on conservation subdivisions, a new incentive program largely focused on sustainable development techniques, and changes to standards and supplemental regulations
- Adjustments to the way recreation fees are set
- Adjustments to road specification requirements
- Edits to Chapter 192, Subdivision of Land, concerning conservation subdivisions
- The addition of a set of design standards for development in the TC district

### GENERAL COMMENT

In general, we find that the proposed zoning improves on the Town Center district, providing positive parameters for applicants and making it more likely that development will occur in a part of the Town long intended for it. There are a few ways in which we feel that the proposed changes may not succeed in meeting the stated goal of having a "fully-integrated, mixed use pedestrian-oriented area." Part of that is the size of the district, and part is specific standards that could be added, adjusted, or expanded in furtherance of that objective. Substantive comments to this effect, along with numerous suggestions for clarity and consistency, are found below. **Changed this in the Design Standards for TC**

### SPECIFIC COMMENTS

The following specific comments are listed by document:

#### Draft Zoning Map

- As noted above, we remain concerned about the size and length of the Town Center zone, especially considering the barriers that will keep it from ever being a unified district. The parcels in the northwest part of the zone are separated from the area around CR 21 by Jackson Creek, with its wetlands and floodplain, and the large school properties. The stated goal of this zone, as noted above, is for it to be fully integrated and pedestrian-oriented, and that is highly unlikely to happen given its configuration.
- Several of the parcels that are being moved out of TC do not meet the minimum lot size requirement of their new zone. The Board could consider whether there is an alternative to creating these nonconforming lots, such as adding them to a different district than proposed. **We can review these again.**

**Commented [NS1]:** Yes, that is something to review again.

- A few of the parcels being moved out of the zone are surrounded by TC lots, raising a question about spot zoning. In particular it is not clear why lots 387254 and 379224 are omitted from the zone. One possible solution would be to change both these lots and the school lots to R1 to maintain connected zones. **These two properties are 4 and 1 acre respectively. We placed them in R-3 because R-3 was the closest Zone. We do not want the school to be in R1. In the future if it ceases to be school, it will most likely be sought after for commercial purposes.**

## Chapter 210, Zoning

### - Density Bonus (210-13 C)

- o Is the bonus applicable throughout the Town or just in the TC zone? (2)(a) states that the incentives shall apply to "all zoning districts in the Town" then later specifies "in the TC district." **TC Zone**
- o Some of the density bonus requirements could benefit from additional clarification and detail. We understand and appreciate the desire to give the Planning Board some flexibility in determining appropriate amenities, but are concerned that some of the thresholds could be met by applicants with little community benefit achieved. Specific examples are provided below:
- o The initial draft of the density bonus, which focused on affordable homeownership, was too complex and difficult to implement. We are disappointed, however, to see the extent to which affordability incentives have been removed (Incentive (3)(a), which addresses dwelling unit size, is discussed below). We suggest that the inclusion of affordable (subsidized) rental housing be among the amenities eligible for consideration for a density bonus. **We considered this and discussed it at length. Union Vale's affordable markets are seniors and young married couples who have too much income to be considered "affordable" candidates but do not have any cash for a down payment. They need a lower monthly payment so they can save \$. Seniors want smaller spaces, less work but to be near grandchildren. The typical "affordable" needs elsewhere in DC are not exactly as that which we need in Union Vale.**

(3)(a) is unclear. It appears to be an attempt to retain an affordability-focused incentive, but it is very unlikely to be effective as written. It assigns points for at least 10% of units having "a smaller footprint," but does not specify what constitutes "smaller." If most houses are 2,500 square feet and 10% are 2,450, the project would theoretically qualify for these points but would not uphold the stated intent of the provision, which is for those smaller units to "be sold, or rented, at or below average market price." Instead, the density bonus should be offered based on the affordability of the unit as it relates to the occupying household's income (typically tagged to it being no higher than a stated percentage of the County's area median income, or AMI). We would be happy to work with the Town to draft this provision. **Good idea to be more specific here so we can get what we want for the young couples and seniors. We could provide the incentive of 10% if the footprint and subsequent market price (or initial sales price) were 30% smaller and lower.** Added 1500 sf as the benchmark

- o At (3)(e), are the charging stations to be public, or are private stations acceptable? **They would be public for all parcels along Rt 55 with the commercial requirement. Parcels without a commercial requirement can be private (think Bonavenia).** We suggest distinguishing between types of projects for charging stations, since their applicability varies. In a single-family development with garages, residents can install their own and additional stations will have limited utility. In a commercial context, public charging stations could be incentivized. Most importantly, in multifamily housing or any development where residents do not have their own garages we suggest an incentive either for installing chargers (with the number based on the size of the project) or for making the parking areas "EV Ready" by ensuring appropriate energy supply and laying conduit before pavement is installed.

**We could required 1 for every ten units. They should approved as to placement by the Planning Board so one long bank of chargers would not be permitted. Attractive placement and being spread out will be important. added in language consistent with Stretch Code, and language so that if there are more than 2, they will not be placed as a bank of stations.**

- o (3)(f) describes "additional" trails and pathways, but it is not clear what the required base level of trails and pathways is. 210-32 (5)(b) says that "a pedestrian circulation and/or trail system shall be sufficient for the needs of residents." When is a trail "sufficient for the needs of residents" and when is it "additional"? **Trails are sufficient if 1) they lead to a neighboring community or a commercial destination, or 2) if walkability is the only goal, give residents the chance to return to where they started from by calculating a certain # of miles per acre for the open space**

**Commented [NS2]:** Not true - the way it is written is that it is applicable in all zones for a major subdivision or mixed use development is proposed and all development within the TC district. If you want it just for TC, we have to change that.

**Commented [MOU3R2]:** Density bonuses in TC only. Conservation subdivision everywhere.

**Commented [NS4]:** I suggest we add in a square footage to define this. You can say that "at least 10% of the total dwelling units have a footprint of 1500 square feet or less, so as to be able....." I think you were thinking small cottages here? 1500 sf might be good.

**Commented [MOU5R4]:** Yes, 1500 is perfect.

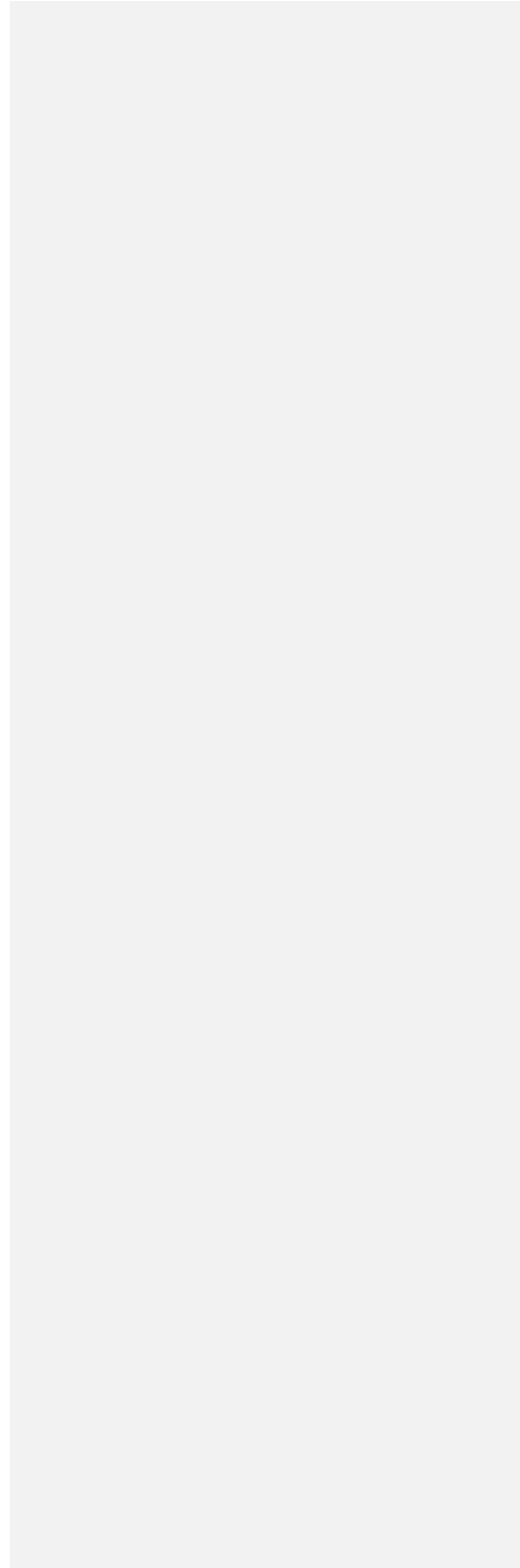
**Commented [NS6]:** These were for public use. I suggest we use the exact wording in NYS stretch energy code along with your design so it is not one long bank. The NY Code calls for EV charging stations for lots having 10 cars or more to have 5% of total parking spaces and not less than two parking spaces for EV charging. I suggest we emulate that.

**Commented [MOU7R6]:** Agree. Can we get copy of stretch energy code? Confirm no long bank.

**Commented [NS8]:** I think the language implies this already, but we can add this language.

**Commented [MOU9R8]:** We want to avoid dead ends in defining "sufficient". Some trails stop and are going no where so perhaps make it a requirement to have no dead ends is enough? Sufficient = leads to somewhere (even a loop leads back to the beginning).

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- At (3)(i), what would the process be for the Town Board to add additional amenities? Would it be ad-hoc, based on a particular project? If so, there could be due process concerns.



o We suggest adding dark sky compliance to B(12).

Commented [NS10]: We have that in 210-64. I don't see where B(12) is.

- Conservation Subdivisions (210-32)

Commented [MOU11R10]: Under "Parking Standards".

o We suggest that G(1)(c) be adjusted to allow for a smaller setback when the neighboring parcel is commercial or mixed-use, to allow for better integration between residences and local stores. We note that footnote 3 on the bulk regulations table states that a side lot line could be reduced to 0 with a special permit, and that could be reflected in this section (also see comment on bulk table below, suggesting removal of this special permit requirement). OK

Commented [MOU12R10]: Add "dark sky" to parking lot.

o For G(2)

Commented [NS13]: Perhaps the 100' is only necessary when the development is in the TC district on a parcel that abuts an R district? Then the 100' is important. I've added that in for now.

- We suggest that here and/or in the design standards, a note be added that this is the preferred design process in the TC and other commercial districts.
- The Board could specify that, in keeping with traditional neighborhood development, the homes in a cluster subdivision should be located along or close to an existing public road. NO-commercial near Rt 55, homes away from.
- This paragraph could be edited to use one consistent term for this development type, and this term could be incorporated into the title of the subsection.

Commented [MOU14R13]: OK. Perfect.

o The Board could consider combining G(5)(b) and (f). As discussed in the Density Bonus comment above, they could also be edited to clarify what constitutes a baseline of expected pedestrian amenities.

Commented [NS15]: Is a clustered design preferred? If so, then I agree with what they suggest. If not, then this is how it is usually written. But for TC, this may be preferred. Before any changes are made, we should discuss.

- Solar and wind energy systems (210-36).

o This section should be revised to reflect changes in the use table regarding solar energy systems. 210-36 E states that ground-mounted solar energy systems are permitted as an accessory use in commercial zoning districts, but the updated use table prohibits them. 210-36 G says large scale systems are a permitted principal use in all districts except TC, H, MGH, and GH (the latter two of which do not exist currently), but the use table does not appear to address solar as a principal use.

Commented [NS16]: Yes, I made this change.

- Standards for Special Permit Uses (210-56)

o We suggest rewording A(1) for clarity, ex: Single-family dwelling. A single-family dwelling shall be allowed by special permit in the TC District on an individual lot, within a conservation subdivision, or in a minor subdivision, provided on an individual lot, within a conservation subdivision, or in a minor subdivision that:

Commented [NS17]: True - the solar uses are under accessory, but that was they way you had it. Perhaps it just needs to be repeated in the commercial and institutional use category. I added into the text of G NC and A as not allowed either, which is what I think you meant.

o It is unclear why two-family dwellings are to be prohibited in this district. This residential type would appear to meet many of the goals of the TC district, including open space preservation and a diversity of housing types. This was a decision you all made not to allow 2-family.

Commented [MOU18R17]: Remove MGH & GH from Bulk Table. Rest is fine.

o We suggest allowing residential uses as-of-right to remove the cost and burden of a special permit requirement. This is a major change. I disagree - how then do you prevent this from being simply a higher density residential district?

Commented [NS19]: OK. Change made

o At A(3)(b), it appears that the total residential land coverage maximum should be lowered from 60% to 50% to conform with conservation subdivision regulations. The cap language could also simply be eliminated here, as it is set in that subdivision section.

Commented [NS20]: This is language that has been in existence. We are not proposing changes. It is confusing, which is why I had it highlighted. But yes, it should be changed to 50% to match it if it were a subdivision (which it may not be, but still has to go through the conservation design).

o Subsection A(3)(e) is unclear, and appears duplicative to A(3)(d), which already covers the 12-unit per building limit. Also, the "general occupancy" clause is no longer applicable as the age-restricted housing section has been deleted. Yes, I deleted it.

Commented [MOU21R20]: Good.

o The edits to the opening paragraph of A(5) are out of date, as there is no longer a density bonus tied to senior housing. Yes, changed that.

o It appears that the edit to B(1) would restrict accessory dwelling units created via conversion within single-family dwellings to the TC district only. We strongly suggest continuing to permit accessory dwellings via conversion in all zoning districts. Such conversions provide welcome flexibility to residents with little to no impact on neighborhoods.

Commented [NS22]: That is true. I agree with them, but this wasn't the policy you wanted.

o We suggest raising or eliminating the 35% of primary dwelling unit limit for accessory apartment conversion found at B(1)(a)[3]. Low percentage limits like this one only make it possible to take full

Commented [MOU23R22]: Policy. Will discuss in 2023.

advantage of the accessory dwelling provision if you have a large home, and often it is those with smaller homes – who are more likely to be of moderate income – who can benefit the most from an accessory unit. The 1,000 square feet limit also found in this section is likely an adequate cap by itself. We also suggest reducing the parking requirement at B(1)(a)[10] to, at most, one additional space per unit. **Two spaces should be fine. Discuss in the future.**

- o At E(6)(j)[2][c][v], the 30 footcandle maximum for gas station canopies is excessive. Five footcandles is generally all that is needed even for high-security areas, especially in a darker rural environment. **I agree – this was the same language you had, only moved here, but 30 is excessive. I agree 5 is acceptable.**

The Board could consider removing subsection E(7)(d), which only allows inns if they are an adaptive reuse of an older building. Given that few if any appropriate structures exist in the TC, this clause would be a de facto prohibition on the use. **We fixed this by adding the exception for the TC district as discussed today**

#### - 210-64 Site Plan Design Criteria

- o At B(5), the Board could consider including a maximum color temperature for light fixtures (we suggest 3,000K). **If you want to...I have no strong feelings about this one.**
- o The 20-foot height limit on light fixtures in commercial districts is high, especially for a rural context. We suggest the 15' limit be applied to all districts. **15 is great – I usually use 18' but I like 15 even better. I agree 20 is high.** **Add to 210-64 and in Design Standards. Good idea. BA.**

#### - 210-82, Definitions

- o Several definitions (ex. Convenience store) contain regulations, especially related to size restrictions. Best practice is to avoid regulating within the definition, rather keeping regulations within the regulatory sections of the code. **In general this is good practice, but I don't think in this round needs changing.**
- o The Board could consider removing the average density subdivision definition, as it is no longer in the use table. **agree – I have deleted it**

#### Bulk Table

- We are concerned that the 2,500 square foot building maximum will be low enough to stifle potential projects in the district. We suggest limiting the size of each commercial space rather than the building as a whole, or using other bulk regulations that allow for greater flexibility while still protecting the district from big-box style retail. **This is a policy decision. There are other ways to control building size but I disagree with them – the building as a whole is indeed what I think you are trying to do. You want small buildings. You can change this, but I am not sure you all wanted flexibility here. Plus you allow for a larger building for food and grocery which clearly puts the emphasis on that use.**

- Footnote 3 states that the 25' minimum side yard listed in the table can be reduced to 0 feet with a special permit. We suggest removing that special permit requirement and setting the side yard minimum at 0, and also suggest including a maximum side yard setback to support walkability and a hamlet feel.

**The minimum parking setback (15') is lower than the principal building setback (25') despite front yard parking being prohibited in the district. Minimum principal building setback shows as 20', not 25' so I agree the parking lot setback, which is not allowed in the front yard should be 20' too. I changed.**

#### Use Table

- A large number of uses in the proposed table require a special permit, which adds cost and complexity to an application. We suggest that more uses be allowed by right, including mixed-use buildings and mixed style housing, which are key to the mission of this district. **A use subject to special use permit IS a permitted use. But it has characteristics that may make it harder to fit in a neighborhood. These uses also have a site plan review, done at the same time. I do agree that some uses may unnecessarily have a special use permit requirement but I think site plan is critical, not allowed by right. I think some of the uses could be site plan only instead of special use, but I would want to see the Planning Board review those items and not have**

**Commented [NS24]:** I agree with these changes - but you should discuss these.

**Commented [MOU25R24]:** 2023.

**Commented [MOU26R24]:** 2023 policy discussion.

**Commented [NS27]:** This is language from current law. 0 setback will mean buildings will be close together. But I don't know if you want to do this automatically. The special use permit could be changed to more of a waiver by the Planning Board if such setback creates more walkability and hamlet feel.

**Commented [MOU28R27]:** Leave the way you currently have it.

them just have a building permit. **We agree.**

- As noted in a comment above, it is unclear to us why two-family dwellings are to be prohibited in this district. **This is a policy decision.**
- Senior citizen housing, defined in the code as being public or non-profit, is not allowed in the district. What about private (for-profit) age-restricted housing? If that is allowed, we suggest clarifying that in the code. **My impression is that you all didn't want senior housing of any type in this district. Correct.**
- The Town is proposing to prohibit solar and geothermal energy systems as an accessory residential use. It is unclear whether this includes residential rooftop solar and residential geothermal. This entry in the use table would seem to include such systems, but **210-36 (C)(1)** states that roof-mounted solar energy systems are permitted as-of-right in all districts. We understand that, per the density bonus, solar-integrated building materials are preferred, but that technology is still in its early stages. We suggest that rooftop solar be allowed, with language added to the design standards if aesthetic considerations are a factor. **Geothermal heating and cooling systems, which have no aesthetic impact, should also be permitted.**

To be consistent with 210-36, the use table could be clarified to add in a new line for roof-mounted solar and allow as a permitted by right accessory structure. I agree that is what your code already says, but the use table doesn't reflect that. I also think that roof mounted for commercial buildings is allowed as of right as per 210-36. I've added to use table. Makes it clearer but we were steering people away from roof mounted solar for aesthetic reasons in 11.

- The “maximum 12 units” note for the multifamily dwelling use could be removed, with regulatory language like this left to the regulatory sections of the code. **I think keep it – it simply frames what is allowed when reading the use table. Agree.**
- There are two listings for “Mixed Use Building” – one under residential, the other under commercial – and they have different permissions. Only one definition of “Mixed Use Building” has been added to the zoning code. Uses with different permissions should have clearly distinguishable names. **Yes, but... they are different listing of SP and K, but which way do you want to go. Needs clarification and both to be the same.**
- Now that short-term rentals are being explicitly permitted in a zone, the Town should consider creating STR regulations to govern this sometimes controversial use. The Board may also wish to consider whether a special permit would be appropriate for this use. **Can add a Special Permit by PB or a Permit issued by Building Dept. just so we can track who, what & where.**
- A 2,500 square foot limit on museums and libraries likely renders those uses unworkable. In addition, while we understand the concern about having tax-exempt properties in the district, civic and cultural uses can bring life to a mixed-use center. We suggest allowing them. **This is a policy decision of the town and from the beginning, you have not wanted these in TC. Correct. The Library is being put in Tymor Park. Adding cultural uses there would be easy and good to do, as well. No need to permit around the corner in TC.**
- A definition for “movie house” has been added to the zoning code, but there is no definition for “movie theatre,” which is already a listed use in the Use Table. One movie-related use would be sufficient since the square footage cap is specified elsewhere. **I remember you wanted something smaller. I don't recall all the conversation about this, but we should either remove movie theater, or define it so there is a distinction between the two. Yes, Movie House was considered smaller so Theater was not permitted and House is. Can add that definition, if you can make it fit in with the text.**
- The Board could consider prohibiting the “Restaurant, fast-food or drive in facility” use in the TC district. This use, with its high vehicular turnover, is generally not conducive to a pedestrian-oriented, rural community. There is a difference between fast food and fast food drive in. For instance, a starbucks without a drive through is very different from a starbucks with a drive through. **I would not necessarily remove fast food, but you might not want a drive through. This is something to think about. We could remove “drive-thru” except one owner thought his corner would be quite conducive for a drive-thru bank. Can we make banks exempt?**

**Commented [NS29]:** I agree - STR are very controversial, and you have them in the NC district as P. I agree you should consider them as SP in that zone, but that is a policy decision. I think you wanted to allow them. And remember, this table is only for the 3 commercial districts - we did nothing yet for the other districts. This will take a lot of thought and will not be done in a week. This is for later.

**Commented [MOU30R29]:** Agree. We have been hands-off in this sense. Why not just a Building Dept. permit just so we can track them in general. We could require monthly reporting on STRs be submitted to the Board. No need to go before the PB. This is one approach.

**Design Standards** **The design standards, as you know were edited by your working group from one of the models I sent you. These are mostly all good ideas, but I don't think all this can get done today. I appreciate the thought they put into this, and I don't disagree, but I just don't think in the context of what we are doing these can be changed tomorrow – maybe by voting time, but again, are these substantive changes or policy changes? It all continues to seem a bit rushed to me. But I have added general comments, below.**

- We suggest stating that **all sidewalks must meet ADA standards**, especially since materials other than concrete are permitted. **yes added.**
- The Board could consider specifically requiring sidewalks along Route 55 and CR 21 frontage, to facilitate pedestrian movement between TC parcels. **Yes, we should add that in the text of zoning, not here though. Yes, we can add it as it fits in with the vision as described.**
- C(2)[2] and [4] do not quite match the bulk table. The table does not distinguish between parcels fronting on Route 55 or other roads, and sets a minimum of 20' and a maximum of 35' for all. If the Board is trying to note in the design standards some particulars that can't be captured in the bulk table, we suggest **that the table have a note that refers back to the design standards. Easy to do. Good idea.**
- The “to the maximum extent practical” and similar caveats found in A, C(1), and 4(a)[3] create a loophole to the mandatory “shall” that is likely to be exploited. We suggest removing this language. I agree and it is hard for a PB to know what that is, but putting this language in does give some flexibility – otherwise, it is a trip to the ZBA. **I have no problem making this mandatory. Appearance should be strictly enforced. Pat- remember “one man's trash is another's treasure”. Easy to convince a PB to bypass what's on the list. Thoughts?**
- At C(2)(a)[3] and other outdoor dining/plaza sections, the Board could consider whether different standards should apply to such uses if they face Route 55, with its higher speeds and traffic volume. **I don't think this is**



necessary. **Agree.**

- At C(2)(C)[2], the Board could consider raising the minimum building frontage. A buildout of 60% is unlikely to achieve the desired “near-continuous façade.” **I think this accounts for side parking or driveways to rear access. I am not sure about this. How do we decide?**
- The Board could consider clarifying how these guidelines would be applied to single-family residential developments. For example, what would the side/rear parking requirement mean in a single-family context? **These generally do not apply to single family residences. Would have to edit to show that. OK. Agree to edit**
- Figure 5 shows an example of off-street parking in front of the building, which is prohibited. **True – should be switched out. Again – this was in the model used, and I don’t think this was gone through carefully to catch this. Can we switch this out...do we have capability? See figure 2 – it already does this. I deleted Figure 5.**
- At C(8)(b)[2], it is not entirely clear what is meant by “sidewalks connecting to residential districts.” Is it those that connect a residential area to a commercial one? The Board could consider whether all sidewalks should have a minimum required planting strip. **Agree, made change. Great.**
- At C(10)(a) and (b), we suggest that definitions be reserved for the definition section of the code. If they remain in the design guidelines, we suggest they be replicated in 210-82. **Housekeeping – can be done. Great. It was not really a definition, I have changed the language to be an introduction to help the reader with this section. No need to move into definition section.**
- At C(12), while ideal, undergrounding utilities can be a large expense and has the potential to be a high hurdle for developers. **We always require undergrounded utilities. Agree. Matches our aesthetic and interest in resiliency. Thanks for the discussion, Nan.**
- At C(13)(b) and (c), the building height and story limit are an unusual match. A 12 foot first story would leave 21 feet of allowable height, but only one story in which to use it. We suggest removing the 2-story maximum, letting the 35’ height maximum govern design. **If you want. The 2<sup>nd</sup> floor height also varies by the roof choice. Maybe they haven’t taken that into consideration. I think it is fine because it says “minimum of twelve feet”. Pat?**
- C(13)(e): as noted above, the 2,500 square foot building maximum may be low enough to stifle potential projects in the district. **I disagree – I think this is what you have wanted. Agreed. Smaller is better for lots of reasons today including energy costs.**
- C(14)(a) and (b): We suggest merging (a) and (b), listing flat roofs among the permitted types and including the requirement that mechanicals must be hidden. We note that the required parapets and cornice details at (b)[2] and [3] will not apply to all the listed roof types. **This can be done. That is fine – it means all mechanicals will be hidden regardless of roof type, right? Good upgrade.**

- Given the 2,500 square foot maximum building footprint, C(15)(a) is likely unnecessary – few if any buildings will exceed a 60' façade.  
True, but if there were ever an area variance, this would be important to remain.

- C(18)(a): we suggest limiting the number of awnings that can have signs and lowering the total building square footage limit, (? , This is unclear) which is substantially higher than the allowable limit for any other type of sign in the TC district. Would have to look at this. It says one awning sign permitted for each window or door of the façade covered by the awning. Not sure what is wrong with that? I suppose, without awnings, they get fewer signs so to be fair...go to 210-26...not sure this matters at all. Thoughts Nan? I just deleted that since it wasn't consistent with the sign standards of 201 and not needed...as 210 already outlines those sizes. I refer to that now

#### Chapter 192, Subdivision of Land

- Per the edits to the zoning code, a cluster subdivision is a type of conservation subdivision. Throughout this chapter, the two terms are used as if they are separate development methods. We suggest simply using the term "conservation subdivision," and referencing the cluster method in the definition. If both terms are to remain, we suggest adding a definition of cluster subdivision to the chapter. Agree – this will take some time to edit this though. Good idea. We discussed moving towards use of "conservation subdivision" and not using Cluster. Could this get done by voting (12/28)?
- At 192-18 C(1)(a) we suggest editing the final sentence to read "...shall preserve a minimum of 50%..." OK
- 192-25 A states that a conservation subdivision may be created only in residential zoning districts, but the Town Center is listed as a commercial district. Yes, should be changed.
- Article IX and X are numbered incorrectly. I don't see this.

#### STOPPED HERE

#### Chapter 128, Fees

- The first sentence of the edited section (128-1 H(2)) is difficult to follow. The Board could consider editing it for clarity.
- Here is 128 -H . On a different note, how do we collect Rec Fees in a district with a 50% open space requirement? Do we explain that open space does not = "park" space and therefore, is not considered recreation space....leading to the charging of the fee? This seems to negate the fee in open space areas.
- I am sending this Jim and George Kolb to see what happened. We want developers to pay a Recreation Fee in TC so this was supposed to have been changed. #2 was reworded but does it work with #1?
- 
- H. Payment in lieu of dedication of recreation land.
- (1) Pursuant to Chapter 192, Subdivision of Land, where it is determined by the Planning Board that dedication of land within a subdivision for park purposes is either inappropriate due to the location, scale or other characteristics of a proposed subdivision or otherwise inconsistent with the Town's land use, recreation and open space policies, a payment in lieu of dedication of recreation land shall be made to the Town Recreation Fund prior to stamping and signing of the subdivision plat by the Planning Board Chairperson.
- (2) Such payment, known as a recreation fee, shall be calculated at the rates, as annually reviewed and established by resolution of the Town Board per new residential lot or Dwelling Unit authorized, if there is more than one principal dwelling unit per lot as in the case of a residential cluster development or a subdivision of two-family, duplex-type or multifamily dwellings or a single dwelling unit as approved by site plan, including Accessory Apartments, caretaker cottages and guest cottages, or a residential lot if no dwelling unit is proposed. Recreation fees will be charged and collected when subdivision plans are signed by the chair of the Planning Board prior to being filed with Dutchess County. On residential lots previously approved, additional dwelling units will be charged a recreation fee and collected before a building permit is issued, according to the rate established by the Town Board by resolution annually.

**Chapter A215, Street Specifications – Tom & Ed reviewing. I will speak with them today.**

- A215 1.A states that standards for private streets are the same as public streets; this is not what figure 1 shows (public and private subdivision streets are listed separately, and there are some differences between them).
- A215-6 (Classification) says there are 3 classifications, then lists 4. Reided Figure 1, and deleted the private road column to make it column three both private and public.
- The Board could consider removing the 'suburban or rural-type' qualifiers from the public/private subdivision street descriptions, since all are now expected to meet the same standards.
- A215-29 states that sidewalks are shown on figures 2, 3 and 4, but figure 4 does not show sidewalks. The Board could consider adding them to the figure, especially as this type of street is likely to be part of any developments in the Town Center zone, where sidewalks are more likely to be required.
- The Board could consider requiring sidewalks for new commercial streets.
- Figure 1:
  - o The Board could consider whether the ROW, clearing and grading width should be reduced given the narrower pavement section
  - o Shoulders: width should depend on whether sidewalks are provided. 5 ft shoulders are preferred on collector/commercial roads if there are no sidewalks. Shoulders should be provided regardless of the presence of asphaltic berms to allow for walking/bicycling safety.
- Figure 1A: change sidewalks/pedestrianways from "NA" to "As required by Planning Board"
- In figures 2, 3, 10, and 14 a 4 foot sidewalk is shown. 5 feet is preferred for a minimum width, especially on a commercial street.
- The title of figure 5, 'Rural-Type Street (Private),' does not match the title in figure 1 ('subdivision street (private residential)).'

**RECOMMENDATION**

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP  
Commissioner

By

A handwritten signature in black ink, appearing to read 'Dylan Tuttle', with a horizontal line extending to the right.

Dylan Tuttle  
Planner

