



Schodack Planning and Development Association

President: Tony Kirby

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Input for the Zoning Work Group

When the Town's Director of Planning, Nadine Fuda was asked how the Association could provide some input into the Working Group's process; she suggested that I request members to put the Association's ideas in writing so they could be shared with the Working Group.

The following are thoughts that were generated at our 11/13/13 meeting and in the weeks thereafter:

Mixed Use Zoning – Association members believe that in our commercial corridors (9/20, Route 9 & Route 20), the Town should consider zoning certain areas, particularly those close to the three I90 Exits in Schodack, as acceptable “mixed use areas” that would allow both residential and commercial development to co-exist. This idea was discussed at one of the Town Center meetings by Laberge and Associates for the one mile or so between Miller Road and the Town Hall. This concept is very consistent with the philosophy of Smart Growth, which the Association feels would be helpful in increasing tax revenue, minimizing the expense of both sewer and water and allowing for a much more attractive village type of feeling in these areas. In order to create the village-feel, sidewalks are also suggested for these locations.

Residential Zoning – Currently there are residential areas which are zoned PD3. It seems that this might be an attempt on the Town's part to “see what comes along”. From the Association's perspective these areas should be logically zoned as residential not commercial. To create a massive “variance” in residential communities defeats the purpose of what a variance means; the exception rather than the rule. In limited circumstances, another approach could be to designate some locations as mixed use areas rather than PD3, which could also give land owners more latitude when selling property.

Buffer Zoning – Currently for commercial to residential areas, there is no zoning requirement. The Planning Board approaches this one on a case by case basis. The distances between the two developments vary, depending on the type of commercial development and this decision will be made by the Board after a review of their plan. Although flexibility given the type of development does make sense, there should be a minimum buffer zone of at least 75 feet. In cases where industrial and traffic noise are a factor, perhaps the buffer should be greater. We also believe the current zoning of the 9/20 corridor as commercial for 500 feet from the roadway also needs to be rethought. In the 1990s the Planning Board suggested to the Town Board that commercial zones along Rt. 9 be extended to include an additional depth of 500 feet where there was land available, which create a visual and noise buffer between commercial development on Rt.9 and residential housing. Again, where lands are available, this could be an ideal use of property off the three I90 Exits.

Aquifer Protection Law – The State of New York and our Town in particular, are fortunate that water is abundant in our area. However, with this wonderful resource comes risk if it is not properly protected. One of Schodack's largest problems in our commercial corridors is the fact that water recharging area exist in these locations. Our zoning code should be clear that in these areas certain types of developments are acceptable and others that could threaten these natural resources are not. Current zoning is vague, definitions of what are warehouses & distribution centers are unclear and at times seem misleading. If not properly addressed the wrong type of development in these areas could threaten this wonderful valuable natural resource.

The Town needs to make sure that this Town Law does what it was intended to do, PROTECT OUR ENVIRONMENT and thus the Town's economic future. Not only just for the protection of our water system, but in general the zoning code needs to more clearly articulate the definitions within our laws.

Commercial Design Standards – We were encouraged when we heard that commercial design standards were being considered in the Town Center Project. If you are trying to create a vision and a look for an area, why not tell developers what is acceptable and what is not. The good news is that a lot of work has already been done in this area by a Town Committee that included the Chairman of our Zoning Board, one current & two long-time member of our Planning Board and many other stakeholder groups. Their involvement in this effort made the Manual, which currently sits on a shelf, a worthwhile document to use to implement some needed changes to our current laws. It is hard to believe that a Town that would dedicate these types of resources would not implement a product that one of its own committees developed.

What we encourage the Town to do however, is to not only put Standards in place in the Town Center, but throughout the entire town. Why should the Town have a vision for what one mile of roadway looks like when the Town is currently 63 square miles? Why shouldn't there be a vision for the entire Town? Our members believe the law should be evenly and fairly applied throughout our Town.

Zoning Changes - To make this Zoning Group's task even easier, when the Design Guidelines Committee completed their work, they not only developed a Guidelines Manual, they also developed needed zoning changes to make the guidelines eventually become standards. To not use this Committee work, which Mr. Calarco and Mr. Puccio (currently members of the "Work Group") participated on, would be difficult to understand.

The Comprehensive Plan – Our Town's Plan has "Five Guiding Principles" that should be the basis for this vision previously referred to, but current zoning doesn't seem to support that vision. Our laws should be assuring the preservation of "open spaces and agricultural land", the "rural nature of the Town and maximize(ing)...our natural resource features, assets and history, the water resources....and encourage(ing) and target(ing) business growth". This will then help in making sure we see the "appropriate retail and service businesses for Town residents". These important principles (in the quotations) need to drive what zoning rules are changed in our Town. Let's make these principles means something and not just be words in our Comprehensive Plan.

Lighting – The Design Guidelines Committee found that there were many towns and villages that had good progressive standards related to lighting in their codes. One such community was Corinth who articulated their lighting standards as follows:

- It provides adequate light for the intended task, but never over-lights.
- It uses "fully-shielded" lighting fixtures, fixtures that control the light output in order to keep the light in the intended area.
- It has the lighting fixtures carefully installed to maximize their effectiveness on the targeted property, and to minimize the area and/or point of illumination's adverse effects on neighboring properties.
- It uses fixtures with high-efficiency lamps while still considering the color and quality as essential design criteria.

These types of standards will not only create a more attractive commercial development, be less obtrusive to neighboring communities and reduce local energy usage, but it would also reduce energy costs for these applicants. The Design Guidelines Committee suggested a law which was developed by the Lighting Research Center at RPI. This law contains many aspects of lighting codes used throughout the U.S. In fact the Planning Board in the past has used specific regulations as part of the design approval process for commercial developments, however without the law being adopted by the Town Board, developers may ignore this direction from the Planning Board and the Town Building Department has no authority to enforce these approved requirements.

Used Car Lots – Currently Town laws only allow for used car lots when they are part of a dealership that also sells new cars. Why then does our Town have so many lots that only sell used car? Once again the answer to that question is that variances were granted to the requesters. This could be considered spot zoning. Why not rescind the existing law and replace it with one that allows used car lots in any zone designated highway commercial. Create standards for what is acceptable for used car lots, since it is obvious the Town does allow them, and make sure they are attractive, functional and fit with the other businesses in the commercial zone.

Further complicating this area are the existence of junk yards (junked cars) in the Town. The Town over the years has battle some of these owners in the past, only to find that the current laws are too vague to fully enforce sanctions on these owners. Although the Association does not have specific recommendations as to what to do in this area, it may be something the Working Group could take a look at, discuss further and develop strategies for strengthening our law so that the Town can deal with what is often an unsightly situation in any neighborhood.

Size of Buildings – The size of a building and total paved area on a lot is already limited by the number of factors including: storm water retention, traffic and set back requirements. The concept of limiting the size of a building and total paved area should be extended to also include specific buffers for visual and noise limits that impact adjacent properties.

The exact size of a building in specific commercial zones would be difficult to establish without public input or outreach. We suggest the Town Engineer develop a set of reasonable specific sizes for each commercial zone and allow for public meetings for community comment.

Submitted by Tony Kirby
President: Schodack Planning & Development Association

Previous Letter to Town:

September 26, 2013

Dear Mr. Dowds,

In the spring the Town Board approved funding for the Laberge Group to work with Town officials to develop needed recommendations for changes to the outdated Town Zoning Code. This is a great long-overdue project.

However, little has happened since these funds were allocated.

Many residents are interested and have a huge stake in the outcome of this effort. Given this fact, we would request you consider the following strategies to assure openness in the process:

- 1) Minutes – Publish the minutes to all associated meetings within two weeks of each meeting.
- 2) Public Participation – When the public hearings take place, involve key stakeholder groups such as the Town’s Agricultural Advisory Committee, neighborhood groups, the business community, county & state leaders and other interested parties. The Birchwood Estates Neighborhood is a neighborhood group that recently petitioned the Town (94% participation) to zone their community residential rather than commercial. The Town should involve these folks in the process.
- 3) Use of the Town Website – This is a great communication tool that could be used to post minutes to all of this work group’s meetings and hearings. Currently the latest Planning Board meeting minutes posted was for a meeting that occurred 25 weeks ago. This is inexcusable.

Our requests are simple and in the interest of open government. What our Town looks like in the future is a concern to everyone and is heavily dependent on the results of this effort and the Town Board’s approval of Study recommendations. It is our hope that this Study will do much to assure the Guiding Principles (Comprehensive Plan) of economic growth, preserving the historical character and rural nature of our community.

We would ask that you respond to us in writing as to how you will address our three requests. Thank you in advance for taking the time to consider a participative process which will have an impact on all residents of this great Town.

Tony Kirby

President: Schodack Planning & Development Association