

## SPECIAL MEETING

January 26, 2006

Present: Supervisor John J. Dunford  
Councilman Richard B. Honeck  
Councilwoman Lorraine Mitts  
Councilman Paul P. Johnson (arrived late)

Absent: Councilman Bonanno

Also: Town Clerk Ruth A. Mazzei  
Town Counsel Willis H. Stephens, Jr.  
Town Planner Graham Trelstad

And: Approximately 10 persons

Councilman Honeck made a motion to open the Special Meeting and Councilman Johnson seconded. All in favor.

### **PUBLIC HEARING – ZONING AMENDMENTS**

**Chapter 83 Historic Sites** - Councilwoman Mitts made a motion to open the meeting and Councilman Honeck seconded. All in favor. Graham Trelstad, the Town Planner, made a brief presentation identifying the five sites to be added to the list of Town designated landmarks: Fanny Crosby House, Fowler House, Drewscliff, Edith Diehl House and the Lily Forepaugh's House. Mr. Trelstad indicated that the Historic Sites Commission is continuing with its efforts to create a full inventory of other local landmarks to be presented to the Town Board for future consideration as locally protected sites, but that the Commission felt that it was important to list these sites earlier than the others. Members of the public asked if it is still possible that sites listed in chapter 83 be demolished. Mr. Trelstad replied that the Code allows the Historic Sites Commission to issue Certificates of Appropriateness for certain modifications to historic sites including demolition. When asked about the Meadows, Mr. Trelstad said the applicant appeared before the ARB. They will go back for each building; there are no overall approvals. Supervisor Dunford made a motion to close the hearing and Councilwoman Mitts seconded. All in favor.

**Chapter 123 – Subdivision** - Councilman Honeck made a motion and Councilwoman Mitts seconded. All in favor. This proposal would amend Chapter 123 of the Town Code entitled "Subdivision of Land" and specifically section 123-17 to require that applicants seeking to subdivide land provide prescribed aerial photographs of the site and surrounding area and the Planning Board may require applicants to provide "photo simulations/renderings" of the subject site. In addition, the local law would amend section 123-17 to provide that the Planning Board must approve the removal of trees or structures shown on subdivision plans to remain before any such structures or trees may be removed. The Town Planner, Graham Trelstad, made a brief presentation identifying the proposed amendments. Members of the public asked if applications now before the Planning Board would have to apply and whether there are any fines associated with the removal of structures. Mr. Trelstad said that certain applications before the Planning Board would have to provide the additional application materials, depending on where in the review process those applications are. The existing town code provides a fine structure for anyone in violation of approved plans. Supervisor Dunford made a motion to close the hearing and Councilman Honeck seconded. All in favor.

**Chapter 123 – Zoning** – Councilman Honeck made a motion to open the hearing and Councilman Johnson seconded. All in favor. this local law, if passed, would amend Chapter 13 of the Town Code entitled "Zoning" as follows: Amend Article 1 "General Provisions, Definitions" to add the definition "Large Retail Establishments" and to amend the term "Retail Use" to include only shops containing 25,000 square feet or less,

to rezone tax parcel 77-1-22 from GC-1 to ED and to rezone parcels 56-1-24 and 56-1-25 from R-40 to ED; to amend the commercial Zoning Schedule to include "Large Retail Establishments: as Special Permit Uses within HC-1 zones, to amend Sections 124-41 of the code to require aerial photos and photo-simulation/renderings in connection with site plan reviews, to renumber section 138.99 as section 138.63.4 and amend such section to prescribe the special permit criteria of developments of "Large Retail Establishments" prescribe dimensional standards, design guidelines, submission and review requirements; enact a new section 138.63.5 entitled "Retail" and prescribe the maximum building dimensions, require architectural review by the Planning Board according to defined design guidelines, require coordinated landscape plans and compliance with general signage and lighting requirements of the code; amend Section 138-86 relating to "Field Changes" to require Planning Board approval before certain modifications to an approved site plan can be made; to repeal Article XV11 entitled "Conditional Rezoning Affecting Certain Premises" and renumber Article XV111 as Article XVII. Mr. Trelstad the Town Planner, made a brief presentation describing the proposed amendment and how they are consistent with the Town's ongoing efforts to implement the Comprehensive Plan. One set of proposed amendments regarding large retail establishments has been discussed at numerous Town Board meetings in the context of a design overlay district for Route 22 and Route 6 and is consistent with the Comprehensive Plan's goal to protect the visual and community character of the Town, especially in its gateway areas and prior zoning amendments that establish design guidelines for larger retail establishments. Other proposed amendments would require applicants for site plan approval to submit certain visual information to aid the Planning Board in its review. A proposed amendment to the zoning map would correct the zoning for two areas: two parcels on the north side of Independent Way near the Southeast train station which had been re-zoned to R-40 but which should have been zoned ED and one parcel on route 22 south of the Village which is currently used for office and light industrial uses that had been zoned GC-1 but should have zoned ED. Mr. Trelstad said this is a multifaceted law with many changes. Mr. Trelstad said that if an applicant does not have preliminary approval they would have to follow this law. Dan Hollis of Shamberg, Marwell, Davis and Hollis appeared before the Board to represent the Farrington property on the southerly side of Route 6. There are 47 acres between Route 6 and 684. He said that his client objected to the proposed zoning amendment with respect to large retail establishments. He felt that it did not make sense to limit Route 6 which is 4 lanes and one mile from the Connecticut border. There are no neighbors and said that a retail store would enhance the area and large retail would be an anchor. It would be an 183,000 square feet building. He said that limiting it to a HC-1 is unfair. Mr. Hollis felt that the proposed amendments would not serve a legitimate governmental interest and questioned why the town was seeking to restrict retail development along an underutilized State road. The Supervisor said that Mr. Camada was told that the project would not fit with zoning. There are wetlands concerns, environmental concerns, does not fit the definition of Gateway. The Town Board has already expressed concerns regarding this property. Mr. Hollis feels that this is spot zoning and said that he felt the passing of this law will not pass judicial scrutiny. Supervisor Dunford made a motion to close the public hearing and allowing a 10 day written comment period. Councilwoman Mitts seconded and all in favor.

### **PUBLIC HEARING – ROUTE 22 COMMERCIAL MORITORIUM**

Supervisor Dunford made a motion to open the public hearing and Councilman Honeck seconded. All in favor. Town Clerk Mazzei read the legal notice. This extension applies to the Route 22 corridor only; for a six month period. This would amend Local Law #1 of 2002. Councilwoman Mitts made a motion to close the meeting and Councilman Johnson seconded. All in favor.

### **MOTION – SPECIAL MEETING**

Supervisor Dunford made a motion to set a Special Meeting for February 2, 2006 at 7:30 at the Civic Center.

January 26, 2006

Councilman Johnson made a motion to close the meeting and Councilman Honeck seconded. All in favor.

Respectfully submitted,

Ruth Argo Mazzei  
Southeast Town Clerk