

GREENE COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT, TOURISM & PLANNING

Greene County Office Building
411 Main Street
Catskill, New York 12414



Telephone: (518) 719-3290
Fax: (518) 719-3789
E-Mail: planning@discovergreene.com

Warren Hart, Director

COUNTY PLANNING BOARD REPORT ON PLANNING AND ZONING REFERRAL

Municipality T Cairo
Referral ID 15-24
Date Received May 19, 2015

Response to Town ☒ Village of ☐ of Cairo Referring
Agency Town Board

Date: June 18, 2013

In accordance with Section 239 of the NYS General Municipal Law, the Greene County Planning Board reviewed the following referral at its meeting of 6/17/2015.

Name of Case: New Zoning Law

COUNTY PLANNING BOARD ACTION

- ☐ NO JURISDICTION
☐ 30-DAY EXTENSION REQUESTED (see comments)
☐ LOCAL DECISION - NO COUNTY IMPACT
☐ LOCAL DECISION WITH COMMENT
☒ APPROVAL WITH COMMENT (see comments)
☐ APPROVAL WITH MODIFICATIONS (see comments)
☐ DISAPPROVAL
☐ INCOMPLETE - ADDITIONAL INFORMATION NEEDED FOR REVIEW
☐ OTHER

Planning Board Comments: Please see attached.

County Planning Board Secretary

If the County Planning Board disapproved the proposal, or approved with modifications, the referring agency shall not act contrary to the recommendation except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within seven days after taking final action, the referring agency shall file a notice of the final action with the County Planning board. The Greene County Planning Board's Notice of Final Action Form is provided for this purpose. A copy is attached.

Att: (1) Copy of original Planning and Zoning Referral Form

15-24 Town of Cairo: Approve with Comments:

1. These zoning regulations have been developed to reflect goals and objectives of the Town of Cairo Comprehensive Plan. The Town of Cairo is to be commended for its efforts to develop these zoning regulations.
2. Some comments:
 - Pages 17-24 Table 1. Schedule of Uses: Question: Why are restaurants, retail uses, small offices, and service businesses listed as special uses in the Main Street district? Why not list as permitted?
 - Table I. Schedule of Uses on page 20 includes the use "Farm in NY Ag. District" but indicates that the use is prohibited in the MS, HC, MS-COM, C-32S, C-23, C23E, C-MU, and M districts. Please note: the use of local zoning to prohibit farm operations within agricultural districts may be in conflict with NYS Agricultural Districts Law Section 305-a of Article 25-AA.
 - The proposed "Commercial Island Overlay District" includes just two small areas: one with two tax parcels and the other with one tax parcel. Caution is advised with regard to possible spot zoning. In addition, careful consideration should be given to potential impacts on neighboring residential parcels.
 - Pages 33-36 Section V. B. Regulation of Lot Dimensions: Note: Minimum Lot sizes in MS Main Street district for commercial are much higher than many existing uses and likely too high for many uses that would be desired in this district.
 - Page 47 Section VIII. A. 8. Typo: "medicate waste" should be "medical waste"
 - Page 47 Section VIII. B. a Agricultural Buffers: This is an odd requirement that basically says since you are locating near a farm operation you are required to screen yourself from it so you will not be bothered by it.
 - Page 89 Section XV. F. 2. d: Why would the residential units of a senior housing facility need to be "buffered" from recreation areas by "trees, hedges, dense plantings, earth berms, and other changes in grade"?
 - Page 90 Section XV. F. 2. f. 1: Not clear what is required or why a "looped road system" would be needed for a senior facility with more than three units. Not clear what is meant by "looped road system".
 - Page 90 Section XV. F. 2. f. 3: Says that "The local fire department and ambulance service shall review and approve all access to ensure adequate safety and access for emergency services." This section is attempting to assign a responsibility to agencies that may or may not be town agencies. Has the Town consulted with these agencies regarding this planned provision?
 - Page 91 Section XV. F. 3. a.: Requires that "Filling stations" and "portions of a convenience store that may have gas facilities" be permitted only on lots

- having at least two acres. Note: this would make several exiting facilities non conforming such as Stewarts (0.87 acres) and Cumberland Farms (0.55 acres)
- Page 92 Section XV. F. 3. m.: says that "The Planning Board shall require a traffic impact analysis" for proposed gas stations. Might want to consider changing "shall" to "may" since a traffic analysis may not always be necessary.
 - Page 92 Section XV. F. 3. q.: Requires applicant to consider use of above ground tanks. Since this type of use would be getting gas storage permits from NYS agencies, it would be better to leave this determination to those agencies.
 - Page 92 Section XV. F. 4. a.: Says "bed and breakfasts up to five (5) units must be consistent with all New York State Uniform Fire Prevention and Building Code standards. Note: the town already has a local law to enforce the building code.
 - Page 93 Section XV. F. 5.i.: Says that the hours of operation of a convenience store may be restricted. Does the town intend to have the planning board determine the hours of operation of convenience stores on a case by case basis?
 - Page 93 Section XV. F. 5. k.: Says that "Parking shall not be in the front yard (unless impractical)". How would this be determined?
 - Page 99 Section XV.F.9: Mentions "Department of Health" standards for animal waste but does not specify if it is NYS Department of Health or some other level of government.
 - Page 99-100 Section XV. F. 10: Requires that the bay doors of car repair operations not face any public right of way and prohibits exterior display of new or used automobiles. Note: this would limit siting and operational options for many of these uses.
 - Page 100 Section XV. F. 11: Requires door openings of storage units to face the interior of the site (unless impracticable). How would this be determined?
 - Page 100 Section XV. F. 11. f: Requires that the roof shape of storage facilities be "compatible with the design and materials of neighboring buildings." Would seem to be better to specify what roof type the town requires.
 - Page 101 Section XV. F. 12. a: Requires that the roof shape of car wash facilities be "be similar to design styles of building in the area." Same issue as above.
 - Page 105 Section XV. F. 17.a.2: Prohibits kitchen facilities in the guest rooms of Hotels and Motels. Note: this would prevent the location of extended stay facilities in the town.
 - Page 105 Section XV. F. 17.b.3: Says "The Town promotes adaptive reuse of buildings, and encourages the preservation of any historic buildings." Not

clear what this provision is trying to require. What is the town requiring from the applicant?

- Page 109 Section XV. F. 21: Prohibits bars/taverns within 500 feet of other bars/taverns. Prohibits bars/taverns within 500 feet of church or school. Would this provision include restaurants that have bar areas? Note: This would potentially prevent the reopening of some existing business sites.
 - Page 112 Section XV. F. 25.d.: Prohibits outdoor storage in connection with a warehouse. Note: this could prevent some common business types from locating in the town.
 - Page 116 XVI. Administration and Enforcement: Indicates that the "This Article provides for the administration and enforcement of this Zoning Law and New York State Uniform Fire Prevention and Building Code (the Uniform Code) and New York State Energy Conservation Code (the Energy Code). Note the Town has a separate law to enforce New York State Uniform Fire Prevention and Building Code (the Uniform Code) and New York State Energy Conservation Code (the Energy Code).
 - Page 116 XVI.A.1: Provides for the ZEO's powers and duties. In addition to zoning, requires that ZEO enforce the Subdivision, Adult Use and Site Plan Review law. Note: these laws already provide for enforcement.
 - Page 123 Section XVII.A.1: This section provides for a seven (7) member ZBA "in accordance with Article 16, Section 267". Note: Town Law Article 16, Section 267 (2) provides that a ZBA may have 3 or 5 members.
 - Page 130: Definition of Applicant: The persons, corporation, agency, or other legal entity responsible for submitting site applications for review by the Planning Board. This definition needs to be broadened to include other applications authorized by this law (such as the Zoning Board of Appeals).
 - Page 155: Definition of "Workforce Housing" notes to "See Moderately-Price Housing" but there is no definition of moderately priced housing.
 - General comment on standards section: Some requirements duplicate what is already in other laws (Mobile Home, Telecommunications Tower, Noise). Other provisions would be better as separate laws (i.e. Mass Gathering). To provide for better organization, the town might consider codifying its laws.
3. The Town should consider developing applicant instructions and other guidance documents to explain the new features of this law and the Town's expectations. Technical assistance and guidance should also be provided to local planning agencies to explain the new features of this law and how they should be implemented.
 4. The Town should also consider offering, or requiring, pre-application meetings to review the Town's requirements and expectations. For larger projects, the Town should consider involving county planning staff early on in the project at pre-application meetings and during the SEQR scoping process to insure that important countywide and inter-municipal concerns are addressed.

5. We request that copies of all text and maps be provided to the Greene County Department of Economic Development, Tourism & Planning in both PDF and original digital formats (Word, GIS data layers, etc.) for archiving.
6. Please note: An approval and/or local decision designation by the County Planning Board should not be construed as a recommendation that the referring agency approve the referral in question. An approval does not indicate that the County Planning Board has reviewed all local concerns; it indicates that the referral has met certain countywide considerations. Evaluation of local criteria is the responsibility of the referring agency.