

# COMPREHENSIVE PLAN OVERSIGHT COMMITTEE PROGRESS REPORT

JULY 4, 2005

## INTRODUCTION

THIS IS A PROGRESS REPORT from the Comprehensive Plan Oversight Committee (“CPOC” or “Oversight Committee”), consisting of: Tim Stalker, Chair; Abi Mesick, Roy Carney, Janice Goldfrank, Betty Whiteman, Barbara Smith, and Pam Cook.<sup>1</sup> Meredith Vogel served as interim Secretary for the Committee.

As described in the Plan:

“. . . this oversight committee shall continue to elicit the comment and recommendations of the public, shall coordinate the work of the various other committees established, and shall itself research, draft and recommend policies, local laws and regulations, as appropriate.”

The Comprehensive Plan is the “mission statement” of the Town, setting goals and priorities “for the immediate and long-range protection, enhancement, growth and development” of the Town, to be considered whenever the Town takes official action. Its content reflects the opinions of residents who responded to the survey and who attended meetings and gatherings for the purpose of soliciting comment regarding priorities and plans that would affect the type of future development that will occur in the Town of Austerlitz.

This Report is intended to inform the Town Board, the Planning Board and the residents of the Town on the progress made in developing strategies to achieve the described goals. [A copy of the Goals and Recommendations of the Plan is attached at the end of this Report.]

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<sup>1</sup> This Comprehensive Plan Oversight Committee membership reflects the recommendation in the plan that the original Committee that drafted the Plan be designated, along with such new members as appropriate.

## COMMITTEE STRUCTURE

At its December 14, 2004 meeting the Comprehensive Plan Implementation Committee agreed to the creation of the following subcommittees:

SUBCOMMITTEE	GOALS TO BE ADDRESSED	MEMBERS
Land Use Regulations	A, B, C, E, F, N; Dumping Law; Mobile Home Law; Sign Law; Mass Gathering Law	Implementation Committee as a whole
Hamlets	K	Barbara Smith, Abi Mesick, Roy Carney, John Wells
Roads	G; Road Law	Tim Stalker, Jeff Braley, Paul Bernstein, Janice Goldfrank, Bob Meehan, Robert Pinto, Art Welsh, Bob Heller, Susan Geel
Historic Preservation	H; Historic Preservation Law	Roy Carney, Barbara Smith, Hillary Ferrone
Recreation	G	Betty Whiteman
Grants	M	Betty Whiteman, Abi Mesick, Pam Cook
Fire/EMS	J	Tim Stalker
Enforcement	I; Site Plan Review & Tower Law	Implementation Committee; Planning Board review of laws
Businesses, Taxes	E, L	
Aging Issues	D	

The first three committees are active at this time.

The Oversight Committee has requested volunteers from the Town join the effort by serving on one of these committees, and several individuals have come forward to offer their assistance and input. More volunteers would be helpful, both to represent the diverse interests in the community and to share the work to be accomplished. **The Oversight Committee continues to welcome new volunteers, and any interested residents should contact a Committee member or send a letter to the Town Hall or email message to [oversight@taconic.net](mailto:oversight@taconic.net).**

## WORK UNDERWAY

### COMMITTEES:

The several committees' first priority has been to undertake a review of the local laws and regulations in place, with an eye to updating them to reflect the goals of the Plan. One basis for our review was the analysis and recommendations regarding local laws in place prepared by David Church, the consultant who aided in focusing the process and facilitating meetings during which the Comprehensive Plan was drafted and discussed.

The Oversight Committee, in addition to its general coordination responsibility, is active in reviewing the following Goals: (A) To protect open space and our rural atmosphere from suburban-type growth; (B) To ensure growth and expansion happens in an orderly fashion; (C) To preserve environmentally sensitive areas of our community, such as wetlands, flood plains, ridge lines, steep slopes, watersheds and sources of drinking water; (E) To welcome traditional small scale commercial enterprises throughout the Town; and (F) To encourage affordable housing for all of the Town's residents, families and workforce. It also has targeted for review local laws dealing with dumping, mobile homes, signs and mass gatherings.

Its first attention – at the request of the Town Board -- was directed to reviewing the Town's Subdivision Regulations, which govern the process by which landowners or developers seek approval to subdivide real property. After several meetings, the Committee agreed to amendments that would, among other things, update the regulations to reflect the adoption of the Comprehensive Plan and the changes in the Town's Road Law and Site Plan Law. A sample change requires property owners seeking to subdivide their property to notify land owners within 500 feet of the proposed subdivision prior to any hearing on the request. Chair Tim Stalker and Barbara Smith met with the Town Attorney to discuss our proposed changes. A final version was prepared, and the Town Board has the new regulations on its June 2005 agenda for adoption.

In addition, the Oversight Committee has reviewed the following local laws and has drafted revisions to forward to the Town Board in the near future:

- (1) The "manufactured home law." The former "Ordinance for the Regulation of Mobile Homes and Mobile Home Parks" has been updated to conform to State requirements. The law permits the establishment of "manufactured home parks" within the Town, with the minimum size of 5 acres, with an average of one home per acre.
- (2) The "sign law," which regulates the size and placement of all sorts of signage has been overhauled, using as a basis the Model Sign Law recommended by the Association of Towns that has been modified to suit local concerns. The current local law seeks to regulate "billboards" and advertising greater than 25 square feet, but is limited in scope and out-of-date.

In addition, the Oversight Committee has considered whether the Town should erect a sign/information kiosk adjacent to the Town Hall, where public notices of meetings and hearings would be placed, as well as other information of public interest. The need to provide readily accessible information to Town residents poses a challenge. Local newspapers provide many residents with their only information about Town happenings. The Town maintains an Internet website, but not everyone has access to a computer.

Therefore, **Oversight Committee recommends that** the Town solicit designs for an attractive sign/kiosk to provide information and news to the public, select the most suitable and have such sign/kiosk erected in the near future. Action on this recommendation will fulfill, in

part, Goal N “to insure availability of information for the public on topics of community interest.”

#### Road Committee:

This Committee addresses Goal G: to plan for the impact of growth on town services and infrastructure, notably roads and their maintenance, as well as recreation. This Committee has met monthly, and with the Town Attorney and Town Engineer. With the goal of bringing the Town Road Law into conformance with the Comprehensive Plan, the Committee has considered the of the New York Department of Environmental Conservation’s stormwater management program, which requires that upon completion of any new road, all disturbed areas are to be re-seeded or re-forested. The Committee will prepare a chart to make the specifications of the law easier to understand. Also, the Committee has considered the accessibility to private homes and businesses by emergency vehicles.

#### RESEARCH

The Hamlet Committee’s focus is Goal (K) to protect and enhance the quality of life in the hamlets of the Town, Spencertown and Austerlitz. This Committee met to discuss issues pertinent to the clustered mixed-use business and residential area that comprises the hamlet of Spencertown. The Committee has discussed traffic safety issues, including speeding; parking, especially on The Green, pedestrian and bike safety; and utility wires at the Green.

Although the Town has expressed interest in having the speed limit reduced from 40 MPH to 30 MPH through the hamlet, the State Department of Transportation has resisted that change, citing the relative lack of traffic and pedestrians. The DOT has agreed to eliminate the “passing” zone on the western end of Route 203 in the hamlet, and make that section a “no passing” zone. That change should occur later this year.

The Committee has had preliminary discussions about “traffic calming” techniques, an alternative to a lower speed limit, such as establishing a gateway or plantings to cause drivers to slow down. No recommendations are yet available.

The Town is considering options for changing the traffic flow and parking areas in front of St. Peter’s Church and by the Green, and once they have agreed on a plan they will present their idea to the general public..

Another major concern is the water supply in the hamlet of Spencertown. The possibility of conducting a survey of water quality and septic systems was discussed.

#### PUBLIC MEETINGS:

The Oversight Committee, in coordination with the Town Board, arranged for informal meeting to which the public was invited in April 2005, on the topic of Town safety. Undersheriff Harrison and Resident Deputy Marchetto addressed safety issues, particularly in the

hamlets, and explained several initiatives to improve communication and enforcement within the Town.

Sean Nolon of Pace University spoke at a public meeting held in (October, 2004) to address possible next steps for the Town to consider with respect to land use regulation. One approach he discussed was the creation of a single zone for the entire town and the creation of special permit procedures for uses other than single family residential; identification of “accessory uses” that are not incompatible with residential uses to be allowed; identification and designation of critical environmental areas; identification of areas where growth is appropriate and encouraged (for example, along transportation corridors) and complete a generic environmental impact statement to streamline approvals in that area.

A public meeting was held by the New York State Department of Environmental Conservation to discuss the development of a “Unit Management Plan” to cover State lands in and contiguous to the Town, namely Beebe and Harvey State Forests. Committee Members worked with the Town Board to prepare and submit comments in June, preliminary to the drafting of the UMP. Once the UMP has been written by DEC, there will be another opportunity for public comment and Town input on its content. This activity relates to Goal C: concerning environmentally sensitive areas, and the recommendation to contribute to the development of an UMP for the State lands.

#### GRANT APPLICATION

The Town, in conjunction with the Town of Chatham, has applied to the New York State Department of State Quality Communities Program for a grant to prepare an inventory of critical environmental areas within the Town. Each Town requested \$16,500 for work pertaining to their Town. In part, the funding would support the development of a computer program for use by the Planning Board to identify and track specific critical environmental areas designated by a State or local agency as having exceptional or unique environmental characteristics. The Planning Board will take particular note under the New York State Environmental Quality Review Act of the fragile or threatened conditions identified in a critical environmental area when applications from landowners or developers seeking site plan review or subdivision of their property come before them.

Work undertaken with the grant funding will help to implement Goal C: to complete a town-wide inventory of environmentally sensitive sites and locations; to enable incorporation of this information into Town project and permit reviews.

Several issues identified in the Comprehensive Plan relate to the special environment of particular areas of the Town. For example, the relatively dense population in the hamlet of Spencertown taxes a limited water supply, arguing for limited further expansion of demands for water in the central hamlet area. Likewise, the protection of ridgelines and scenic vistas may be eased by the designation of a critical environmental area. While it is premature to predict the final impact of the use of this tool, the Oversight Committee and the Planning Board are optimistic.

OBSERVATIONS.

It is important to recognize the responsibilities of the Planning Board and the Town Board in providing the best protection for the Town while recognizing the individual's interests.

As presently authorized, the Planning Board reviews requests to subdivide real property and to locate businesses on sites in the Town. With public safety and welfare as paramount considerations, the Planning Board conducts its reviews in good faith, based on information that the applicant provides. Its attitude historically has been to promote ecologically sound businesses within the Town, to enhance employment opportunities and the Town's tax base. It works with applicants to reach an agreement that insures the Town's interests are met and the business may prosper.

The tools it has available, that is, the subdivision regulations, site plan review law and road law, for example, are adequate for many situations. But from time to time, unique situations do occur that are beyond the scope of current law or regulations to address. Therefore, the Committee anticipates recommending new tools for the Board's use.

## Attachment: Comprehensive Plan Goals & Recommendations

**GOALS:** (A) To protect open space and our rural atmosphere from suburban-type growth.  
(B) To ensure growth and expansion happens in an orderly manner.

**RECOMMENDATIONS:** Evaluate existing Town land use regulations and maximize their use and enforcement.  
•Evaluate, identify and adopt regulatory and non-regulatory techniques to manage land use and development and adopt such techniques as may be needed to accomplish the goals and recommendations of this Plan. • Encourage and support Town and Planning Board members and other Town officials to attend relevant training and conference events.

**GOAL:** (C) To preserve environmentally sensitive areas of our community, such as wetlands, floodplains, ridgelines, steep slopes, watersheds and sources of drinking water.

**RECOMMENDATIONS:** same as above. •Complete a town-wide inventory of environmentally sensitive sites and locations (with maps) to identify these assets and assist current and future Town officials and property owners to understand development restrictions and limitations. • Incorporate this inventory into Town project and permit reviews. • Conduct a study of water resources in the hamlet of Spencertown, to serve as the basis for the Town to pursue future planning concerning solid-waste disposal to meet the needs of residents and businesses there. •Establish a committee in partnership with NYS DEC to assess and recommend actions for the Unit Management Plan covering state lands in and contiguous to the Town.

**GOAL:** (D) To better meet the needs of an aging population, including such service needs as transportation, housing and improved accessibility.

**RECOMMENDATIONS:** Complete of survey of resident seniors to help define needs and roles for the Town.  
•Explore inter-municipal partnerships with adjoining or nearby Towns and Village to meet identified needs. •Negotiate with applicants for new housing developments to incorporate design and pricing options for this population.

**GOAL:** (E) To welcome traditional small scale commercial enterprises throughout the Town

**RECOMMENDATIONS:** Evaluate and update current Town law to encourage businesses scaled to the rural setting of the Town. •Complete the same evaluation with an eye to reducing regulatory burdens on such businesses when scale and design of the business avoids adverse neighborhood impacts. •Consider incentives for home-based businesses as well as businesses serving local or regional needs.

**GOAL:** (F) To encourage affordable housing for all of the Town's residents, families and workforce.

**RECOMMENDATIONS:** Review and update the Town subdivision regulations to address land and housing affordability. • Consider expedited review and approval of affordable home construction or of lots dedicated for affordable housing.

**GOAL:** (G) To plan for the impact of growth on town services and infrastructure, notably roads and their maintenance as well as recreation.

**RECOMMENDATIONS:** Soliciting input from members of the community, prepare a written, long-range five year plan and budget for road maintenance and/or improvements, acquisition of rights of way and setbacks, including priorities for work to be performed and pavement choice. •Make

information on short and long range plans available to the public. •Update subdivision regulations to establish, consistent with NYS Town Law, a requirement for recreation or parkland dedication or a payment in lieu of such dedication.

**GOAL: (H) To protect historic resources of the Town, notably in and near the Town's hamlets.**

**RECOMMENDATIONS:** Encourage communication between the Town, the local historical society, and other historic preservation activists. •Pursue grant support from the NYS Office of Parks and Historic Preservation and/or the Preservation League of New York State to complete an historical and archaeological site survey and to explore the feasibility and desirability of establishing an historic district or districts within the Town. •Consider production of a design guide providing property owners with **suggestions** on architecture and layout options complementing local historical sites. •Display in Town Hall a map and inventory of local historical sites for use by Town boards and officials. •Analyze and amend town regulations for methods to avoid unnecessary demolition and to foster adaptive reuse of historical buildings and compatible new uses on nearby sites while avoiding strict regulation of design. •Ensure preservation of Town historical documents, with possible funding from NYS Department of Education.

**GOAL: (I) To provide for better enforcement of existing Town laws**

**RECOMMENDATIONS:** Update current town laws and regulations for consistency with NYS statutes and this Comprehensive Plan. Consolidate town laws to simplify text, eliminate redundancy, and streamline administration. •Periodically evaluate Town laws and procedures and make such amendments as are necessary to fulfill the Comprehensive Plan; review and update the Comprehensive Plan on a regular basis, no later than every 5 years. •Provide ready, affordable access to Town laws both in hard copy and via a website. •Clarify the job responsibilities in building inspection and in code enforcement. •Monitor and update agreements with Columbia County Sheriff's department to insure that traffic laws are enforced. •Improve communications among Town government officials, both elected and appointed.

**GOAL: (J) To provide continued quality fire and emergency services within the Town.**

**RECOMMENDATIONS:** Establish a committee including representatives from the fire companies, Town officials and interested constituents to meet with service providers to develop methods to improve the attractiveness of volunteer service, notably for fire and emergency services and to facilitate long range emergency services planning. Consider special incentives such as tax breaks to support volunteer service. •Provide for notice by the Planning Board to the fire commissioners when subdivisions are approved that include the installation of a pond(s). •Develop, publish and enforce policies with respect to new subdivisions in the Town governing: proper excavation for fire ponds; installation of hydrants; driveway construction and length, considering access needs for fire and emergency vehicles; and proper signs for new roads. Require 911 postings for all residences.

**GOAL: (K) To protect and enhance the quality of life in the hamlets of the Town, Spencertown and Austerlitz.**

**RECOMMENDATIONS:** Establish a committee in each hamlet to review ways to improve the safe flow of automobile traffic, pedestrian access and parking, traffic calming techniques and any other hamlet-specific problems. Develop a pedestrian and parking plan for both hamlets. •Maintain open, regular communication with regional staff of NYS Department of Transportation to coordinate work and future improvements on main routes through the hamlets.

•Review and update the Town land use regulations to ensure that new land development protects the quality of life in each hamlet and recognizes: in Spencertown – limited access to water, difficulty in dealing with sewage

waster, inadequate designated parking, increased traffic with increased speeding, and pedestrian safety; and in Austerlitz – defining the type and size of potential commercial uses, locations for residential growth, increased traffic with increased speeding, inadequate designated parking, and pedestrian safety.

**GOAL: (L) To protect the tax base in order to minimize future tax increases.**

**RECOMMENDATIONS:** Maintain assessment equity to insure tax equity. •Plan in the long term to encourage small scale business activities, thereby expanding the real property tax base and maintaining a reasonable tax level for residents. •Facilitate small scale business development by permitting a wide range of economic activities throughout the town, while protecting its rural character and scenic beauty. •Maintain a building permit policy and process so that all real property improvements are considered in reevaluation. •Evaluate the cost to public services for new land development proposals and avoid proposals where costs out-weigh tax revenues.

**GOAL: (M) To actively seek funding opportunities that promote the goals and recommendations of the Comprehensive Plan.**

**RECOMMENDATION:** Identify and pursue funding from government and private sources to implement and fulfill identified projects and services.

**GOAL: (N) To insure availability of information for the public on topics of community interest.**

**RECOMMENDATIONS:** From time to time: host public forums of Town officials to discuss current issues; •invite speakers with particular expertise to make presentations on topics of current interest; • maintain a website with information on Town laws, rules, policies, meetings, events, sites of interest, community organizations, etc.