

Date: July 27, 2017

Rondout Municipal Center, 1915-1925 Lucas Avenue
Meeting Room M-1
Cottkill, New York 12419

Richard Lanzarone (Chairman)	Present
Steve Wood (Vice-Chairman)	Absent
Kris Lovelett	Present
Todd Natale	Absent
Laura Shabe	Present
Larry Ricci	Absent
Dan Proctor	Present
Elisa Tinti (Alternate)	Absent

Vice Chairman Steve Wood called into the meeting.

A quorum being present, Chairman Richard Lanzarone called the meeting to order with the Pledge of Allegiance at 7:08 p.m.

The purpose of the special meeting was for the Board to discuss proposed Local Law No. 8 of 2017 and formulate a cohesive response based upon comments provided by the Planning Board members.

Chairman Lanzarone recounted conversation with Planning Attorney, Larry Wolinsky.

Todd Natale	Absent
Dan Proctor	Aye
Larry Ricci	Absent
Elisa Tinti (alternate)	Absent

Meeting was adjourned at 8:38 p.m.

Respectfully Submitted,

Lisa K. Mance, Secretary

Dated this 11th Day of August, 2017.

Minutes Approved on: August 16, 2017

Subject: Official Planning Board comments on proposed Local Law 7 of 2017

Gentlemen,

We wish to thank you for the opportunity to share with you our observations of and comments to the current draft of proposed Local Law #7 of 2017. The Planning Board held a Special Meeting on Thursday 7/27/2017 for the express purpose of developing these comments.

As explained to the Planning Board the stated goals of the law with respect to residential development are several but they are summarized as:

- A. To allow families to develop homesteads for family members, parents, sons, daughters etc. faster and at a lesser onetime expense than the current subdivision process. Also, the resulting permanent lower tax rate than would otherwise be assessed on separately subdivided lots thereby making it altogether more affordable.
- B. In the case of owners of larger holdings, to give them the right to build caretaker housing, guest housing etc. when they have no desire or intention to subdivide to meet these needs.

FAMILY COMPOUNDS

In the case of A. above, the family members, while reasonable and desirable goals, the idea that it would be less expensive is incorrect and the permanent lower tax is not good public policy.

Initial Cost.

The draft as written requires an applicant to produce a "plot plan" which has the following information "(a) The location of the proposed building on the lot;

stand point between the real estate tax obligation of a dwelling unit on a shared lot and one on a separate individual lot is substantial, especially over time. The Town Board needs to consider one unintended consequence of the draft, since while it may lower the tax on the individuals seeking to take advantage of the law provisions, it will ultimately have the effect of raising the taxes of everyone else, in other words it's a backdoor tax hike. This is because the new resulting homesteads will absolutely increase demands for municipal services, school seats, fire protection, etc., but they will not be paying their fair share of the cost of the increased services received, leaving the rest of us, you and me, to pay the unfair share. A tax increase, making it less affordable for everyone else to maintain living in Marbletown. The Planning Board opines that this not sound public policy to allow this.

If the Town Board is interested in making it more affordable for related persons to live together The Planning Board suggests it should consider relaxing the rather restrictive regulations governing accessory apartments.

Planning Issues

It needs to be recognized that the legal and physical structure built today will live beyond the lifetimes of any current homestead occupants, whether it's the parents passing on or even predictably the children passing on, at some point in the future, subsequent holders will definitely seek to have the dwelling units separated for the purposes of settling an estate or any other reasonably foreseeable reason. According to Larry Wolinsky, Land Use attorney for the Town, a home on a lot shared with another home cannot be separately conveyed, not even to a child or sibling without undergoing the subdivision process. The occupants of the second home are essentially tenants. The Planning Board has been confronted with situations exactly as described where siblings are seeking to split a bequeathed property upon which multiple fully permitted dwellings had been built and occupied by related family, but dimensionally it could not be done. In any event the process needs to recognize these facts and put in place a process that ensures that the homesteads so created, if not subdivided in the first instance, that at least the process is in place to allow for it.

A second example stated as being beneficiaries of the proposed draft law are those with substantial holdings who may wish to construct caretaker residences, guest houses and the like without any obvious need or desire to create separate lots for each structure otherwise capable of serving as complete dwelling unit with cooking, sleeping and living features, etc.

It is noted that although this is given as an example of a class of beneficiaries of the draft law, it is reported by Steve Wood that this example was never discussed at the PZC and that is actually reflected in the incompleteness of this draft. In other similar Towns, this situation is successfully dealt with through something called "Estate Zoning". Typically, with "Estate Zoning" 1. there are qualifications as to minimum aggregate lot size, 2. the accessory structures are limited in size, 3. purpose and 4. number. The fact is that this draft is incomplete in that it does not directly deal with these situations and should be sent back to the PZC for completion.

ADDITIONAL COMMENTS

The SUP Approach

While the SUP approach would give the benefit of multiple eyes to a review as opposed to the singular view of the CEO, The SUP approach could hardly be considered a streamlined approach given the average actual time that it takes to obtain a SUP. It is at a minimum several months involving public hearings, notices, etc. Interestingly, in Marbletown, SUPs are handled by the ZBA, whereas in every other Town in the Hudson Valley, SUPs are the jurisdiction of the respective Planning Board. So, in Marbletown, an SUP approach would put the matter in front of the Board with the least experience in residential lot planning which does not make much sense in terms of timing or expertise.

RECOMMENDATIONS

1. Develop minimum standards for “shared driveways”
2. Define what constitutes proof of septic, water, prohibit shared water & septic
3. Develop Estate Zoning codes
4. Relax restrictions on accessory apartments
5. Require new dwelling units to be on individual and fully taxed lots, or
6. Limit the number of approvable additional dwelling units to one not three, and
7. Require review by the Planning Board prior to building permit issuance as discussed below.

Discussion: as demonstrated above an applicant cannot evade the requirement of a professional survey and meet the requirements for the limited review already proposed under proposed Local law 7. So therefore, it would not be an unreasonable burden for an applicant to show the Planning Board how the additional dwelling units could be hypothetically successfully separated into fully legal lots in the future.

The Planning Board wishes to thank you for your time in carefully considering these comments and respectfully request that you consider and implement the suggested modifications.

