

ATHENS VILLAGE BOARD
PUBLIC HEARING – February 24, 2012

PUBLIC HEARING on Proposed Zoning Changes
Subdivision and Conservation Clustering Subdivision Laws

Held at the American Legion.

PRESENT: Mayor Andrea Smallwood, Trustee Herman Reinhold, Trustee Gail Lasher and Trustee Anthony Patsky. Trustee Robert June absent.

Zoning Review Committee members Mark Levanway, Tim O’Leary, Chris Pfister, Denise Hartman and Margaret Moree.

Village Attorney Tal Rappleyea, Community Planner Nan Stolzenburg and Code Enforcement Officer Mike Ragaini also attended the Public Hearing.

PLEDGE to the Flag.

The Published public hearing notice was read.

Nan Stolzenburg, Community Planner hired by the Village to complete this project gave a brief history of the zoning process and the comprehensive plan which began in 2005.

Ms. Stolzenburg also explained that there is a signup sheet for those attending tonight and also that anyone wishing to speak is asked to fill out a postcard. After comments have been made the Zoning Review Committee and Village Board Members may offer answers and explanations to questions.

The Village will be accepting written comments for one week after the meeting.

COMMENTS:

Mark Levanway – Noted that the ZRC committee has spent a great amount of time on this project and wanted to thank the Village Board for taking the time to read the document and make the changes that they did. He also states that he is for the most part happy with the result. There are two topics that he wanted to ‘touch on’. First one being the historic district and the second one being the educational aspect of this area.

He agrees with the Village Board’s decision to return the regulatory part or role of building permit approvals in the Historic District to the Planning Board. He feels that they do a good job in reviewing applications.

The Village still needs an educational component/organization to educate the public about the importance of the historic aspect of the Village perhaps by way of a newsletter. This organization or committee would have no authority except perhaps to advise and

educate. Residents need to recognize that the historic component of the Village is very important for the Village as a whole. On the other hand the Village Board/Planning Board also needs to accept the fact that there will be changes and new architecture/technology that people want for their homes. In order to make everyone happy this must be accepted as well.

Howard Zar – Thanked everyone that has worked on this project and feels that they should all be commended for their dedication to a worthwhile project.

He stated that he will email these comments to the Mayor as well.

In regard to the zoning:

He feels that the Village Board should reconsider some of the areas clustered for business/commercial usage. For example, Washington Street from Second to Third Street. Also, he would like to see a change from ‘mixed use’ zoning on Washington Street where the ‘Slice of Athens’ was to residential. Also mentioned was Second Street from Warren to Church Street.

He also noted ***§92-16 Historic Districts and Landmark Structures G.1(a) and (b) Contributing and Non-contributing properties***. When determining contributing and non-contributing properties a date would be beneficial.

Josh Lipsman - Thanked the Village Board and the ZRC for taking their time to create this document. He feels that this updated zoning document will act as an accelerant to the economy of the Village of Athens while also keeping the historic character of the village.

Speaking from his own past experience with the Planning Board and his house located on S. Franklin Street, in the historic district, he would like to know what happens under the new code if there has been a fire at one of these historic properties?

Even though he does support the historic district, recently he had difficulty getting a building permit application approved with the Planning Board because he wanted to install solar panels at his home on S. Franklin Street. They eventually approved the application. Will this change with the new code? Will it become more difficult to have permits approved on older homes with newer technologies? He would like to see a compromise between the old and the new.

Chris Pfister – discussed the sub-division law and some of the technical errors in the document itself. Firstly it needs to be cross-checked so that one law does not contradict another law in the document. He will submit his comments in writing as well.

Some of the issues that he noted were:

* the sub-division law is long and confusing and that the major and minor aspects run together.

* Also noted in the text of the sub-division law, “an engineer should be at all meetings”. This is expensive and the Village does not have one.

* Also, the Town of Copake is inadvertently mentioned a couple of times.

* Street ‘right of ways’ are not correct.

* The document states that the Planning Board has the authority to name Village Streets. It was and probably should be the Village Board. Is the Village Board giving this up?

* The Playground fee should refer to fee schedule.

* Text for District Regulations and chart – do we need both? Also the site plan review is mentioned in one but not the other.

* Commercial – setbacks don’t always match – perhaps a typo.

* MUW should add a 10th – views of river should be protected.

* Sign law. Existing signs should be considered non-conforming. This would mean all existing signs would stay. Neon signs should be in there as well.

* Stormwater/erosion. “Review by engineer”. It should be stated that it is at the expense of the Applicant.

* Size of storage sheds is inconsistent.

* Mobile home parks law – some Town of Cairo References. Also, 500 feet recreation area should be larger.

* R.V’s 684 – family members should be allowed to park for a limited time in summer months

* Bed & Breakfast- no exterior alterations. This should be reconsidered.

* Site Plan Review- It should be stated that neighbors be notified by mail.

Mr. Pfister stated that he was not in favor of the Village Board eliminating the original document’s creation of and use of an Historic Preservation Committee but he does understand the difficulty the VB has in finding members for existing committee’s as it is. However, presently they do not even look for a list of qualifications when appointing these members to the Planning Board.

He disagreed with identifying contributing properties as those buildings built before 1960 since there may be buildings built after 1960 that may have value historically or characteristically.

He also disagrees with new code stating that authority is given to the ZBA to review any Planning Board Application and reverse the decision or overturn it.

Herman Reinhold – informed the public that there are grants available through NYS Preservation for work done on buildings in the Historic District. The information is available on the Village's website.

Margaret Moree – questioned the sub-division law especially the section on minor sub-divisions. She asked that the Attorney revisit that section so that perhaps it could be more streamlined or mandated by the State.

Mayor Smallwood – Thanked the Zoning Review Committee for their hard work and dedication to this project and thanked those that commented this evening. She again noted that there will be one week for written comments to be accepted from the public and then the Village Board will consider the comments that have been given to them and revise the document if they wish and then the next step is to pass a RESOLUTION to adopt the document.

The Meeting was closed by adjournment.