

MEMORANDUM

To: Ms. M. Strawinski

Copies: Town Board, Bill O'Neill

From: Doug Moat

Date : June 17, 2008

Re: Commercial Development in the proposed Centers and Greenspaces Plan

At the recent Board Meeting you asked about the Inter-Municipal Task Force ("IMTF") recommendations regarding commercial development contained in the proposed *Centers and Greenspaces Plan*. ("the proposed Plan") As I did not have the information available I am responding now.

Summary Response: Unfortunately, the answer is not as simple as saying "X square feet" or "N dollars in taxable values."

While the proposed Plan maps out a Commercial Center as one of the three parts of the Traditional Neighborhood¹ it appears to mirror the existing commercially zoned areas.² Thus, while there is considerable positive narrative regarding the development of this area we do not see much opportunity for *additional* commercial development. In addition, the proposed Plan establishes a single Office/Industrial area. This is the 46 acre area south of Hannaford's and appears to have been specifically singled out in response to our investigation of the parcel for an inn.

Background: Because of this inexact response, I thought it useful to provide more specific information that I hope will place the commercial aspects of the proposed Plan in perspective.

As you know, the proposed Plan "would create two new zoning districts, the Agriculture Business District and the Traditional Neighborhood District."³ The Traditional Neighborhood District would "consist of three sub-districts ... the Commercial Center, the Residential Neighborhoods, and the Office-Industrial Area."⁴ A review of the proposed Zoning Maps, that accompany the proposed Plan, identifies a single area as Office-Industrial. That area is marked as part of the 46 acre parcel south of Hannaford's.

¹ See Proposed Zoning Revisions, page 31.

² We are trying to develop an overlay of the current zoning map and the sketch maps included with the proposed Plan.

³ See Introduction, page 2 and Proposed Zoning Revisions, page 31.

⁴ See Proposed Zoning Revisions, page 31

As to development, the proposed Plan provides information as to what can be developed “as of right” and “by incentive zoning” in each area.⁵ Specifically, “permitted development shall be ... three (3) units per buildable acre in the Commercial Center.”⁶ Incentive Zoning can result in the number of units being increased from three to “5 to 8 units per buildable acre.” Given the single-story commercial structures presently in this area there would appear to be opportunities for increases in building values assuming an owner/investor were willing to tear down, or invest in expanding, existing structures.

Table 1, page 37, details possible *Units Per Acre* for the Residential Neighborhoods and the Commercial Center. The table makes no mention of the Office-Industrial Area. However, sub-paragraph (7), page 38, states, “In the Office-Industrial Area, development potential shall be limited by the lot occupation, setbacks and coverage requirements of Table 2.” Table 2 is found on page 46.

Table 2, which is entitled *Lot Occupation, Setbacks and Coverage*, deals with the subjects of Lot Width, Building Setbacks, Lot Coverage, Building Coverage and Building Height. Guidelines are set out as being “By Right” and “By Incentive Zoning” with the latter, as expected, offering improved terms applicable to the latter three items. Again, there are no provisions for such increases in the Office - Industrial area. Table 2 does, however, increase the building coverage to 20% in the Office - Industrial area from the existing 10% thereby increasing the potential for commercial development in this area.

Adding to an inability to estimate the potential for investment in the Office-Industrial area is that, as proposed, the Area does not appear to include all of the existing 46 acre parcel.⁷ Thus, the buildable acreage is rather uncertain.

Observations and Comments:

The following observations and comments deal only with the issues related to commercial development as referenced above and should not be considered reflecting the EDC’s views regarding the many other proposals incorporated in the proposed Plan.

1. Regarding Creation of Commercial Expansion Generally.
 - a. It would have seemed that, were general tax and economic issues of major concern, an inventory of lands in all classifications – especially those designated for commercial use and those already exempt or restricted would have been a good starting point. As we indicated during our presentation, we are in the process of doing so and would hope that the

⁵ See *Table 1: Units Per Acre, Proposed Zoning Revisions*, page 37

⁶ A *unit* is defined as a housing unit per buildable acre. *ibid*

⁷ There is an unexplained perimeter to the area that creates a considerable “gateway setback” out of the southern section of the parcel and a Route 9 set back that appears excessive given the standard applied to Hannaford.

final result will be a computer ready system that will allow the Town to update it and have it immediately available at any time in the future.

- b. It would appear that little or no effort was made, or consideration given, to investigate possible additional sites for commercial expansion. While there exists little available land presently zoned for commercial investment there are parcels that could be so designated and subsequently designed to fit the character of the community. Examples are: the old airport on 199 East⁸ which has 100.9 acres, a 163.96 acre parcel on Route 199 West and the Saulpaugh parcel with 7.1 acres in North Red Hook. As we are proposing substantial re-zoning it would seem that the importance of increasing the tax benefits of commercial investment deserve, at least, equal consideration.
- c. The concepts proposed for the Commercial Center south of the Village are particularly desirable. However, careful review indicates that there is little opportunity for new and additional investment other than Hardscrabble, where a plan is already before the Planning Board and the small parcel behind Dunkin Donuts.
- d. A number of anomalies exist that deserve further consideration which seem at odds with the general intent of strengthening the commercial viability of our Village centers. Two examples:
 - i. Whereas within the Agriculture Business District one can build a Country Inn with up to 24 rooms⁹ within the Commercial Center the limit on inns is a maximum of ten bedrooms.¹⁰ Given the expressed desire to create traffic in the village centers it would seem that this should be the other way around.
 - ii. Within the regulations affecting the three sub-divisions of Traditional Neighborhood, there is a section entitled *General Ambient Standards*.¹¹ This section emphasizes the need to limit the “adverse impact ... due to hours of operation, noise or loitering.” Such a provision does not appear related to the Agriculture Business District where music concerts, hunting clubs, airstrips and heliports etc. appear as permitted uses.¹² While such considerations make sense it would seem that they make sense in all areas for each of the above examples, among others, will affect nearby residents – if not many throughout the entire community.

⁸ Which today we learned has an offer on it for residential development including a landing strip.

⁹ See proposed Revised Zoning Rules, page 23. Is this “bedrooms” or rooms generally?

¹⁰ See proposed Revised Zoning Rules, page 38.

¹¹ See proposed Revised Zoning Rules, page 54.

¹² See proposed Revised Zoning Rules, pages 21 to 24 inclusive.

2. Regarding the Office-Industrial area.
 - a. Why was the 46 acre parcel south of Hannaford singled out and ultimately the only area identified as Office-Industrial?
 - b. Why are there separate, different, and frankly more limiting, development standards for this area? This issue is of particular concern since the planners were aware of the interest in this parcel for commercial development – and specifically as an area for an attractive inn. For example, whereas, a 3 story building is available in the Commercial Center, there is no such provision for 3 story construction in the Office-Industrial area – a feature that may prove to be important to the construction of a viable inn.
 - c. There is no explanation as to why the proposed Plan marks off only a part of the parcel for Office-Industrial purposes and establishes a *Gateway Setback* of about eight to ten acres on the southern side that abuts woodlands not roadside. Not only does this seem unnecessary but it adds to the project costs severely limits the development potential and thus the tax benefits.
 - d. Whereas Hannaford has a 165 foot setback from Route 9, a distance that has proved adequate to protecting the scenic nature of the entrance to the Village, the proposed Plan states that “the minimum front setback from Route 9 for all buildings and parking shall be 250 ft...” Why is there a difference?

I apologize for the “long windedness” of this response but the subject is both critically important and complex. Nonetheless I hope that this has been a helpful preliminary response to your question.

Again, my thanks for the opportunity for the Committee to address the Board and for your personal interest.