

Village of Central Square
3125 East Avenue
Central Square, New York 13036
Public Hearing/Meeting April 17, 2014

The Village of Central Square Planning Board met at the Village Hall on April 17, 2014. Members in attendance were Chair Steve Williams, Co-Chair Maryellen Commisso, Burt Alm, Barb Davis and Zita Bookman. Guest present were Kathy and Mike Wildrick, Village Attorney Allison Nelson, Heather Stevens and Kim Cusson.

Called to Order: The meeting was opened at 7:00PM. The Public Hearing was called to order by Chairperson Steve Williams followed by the Pledge of Allegiance.

Steve Williams: The Planning Board received a letter from the applicant-Mudd Murphy. The letter was read into the minutes. *On behalf my of brothers Norman, Paul and myself, we would like to withdraw our proposed one change request for 2099 Co. Rt. 12 identified on a preliminary plat plan as "Bobcat Run" from "R" residential to "RM" multi residential. We would like to thank the boards for their time and input toward the matter at this time. Yours truly, Millard Murphy.* Copies of this letter were handed out to the Planning Board members and the letter was received on Thursday April 10, 2014. In addition there is a letter from the Mayor, Ken Sherman received on April 4, 2014 "Regarding the Bobcat Run Zone Change Proposal". Heather Stevens is this letter in response to what Allison Nelson recommended or is this just the trustee's comments?

Heather Stevens: It is combination; it is just more to fill in our board and your board on what happened with the process.

Steve Williams: Rolf had recommended that we read paraphrased attorney input in the minutes.

Heather Stevens: We want this letter as a document down the road as to how we came to the conclusions.

Steve Williams: This letter was drafted prior to Mr. Murphy withdrawing and received it at tonight's meeting. Steve read the letter as follows: Regarding: Bobcat Run Zone Change Proposal To Whom It May Concern:

At the Village of Central Square Board Meeting, January 13, 2014, Mr. Millard Murphy submitted a letter on behalf of himself and two brothers, proposing a change in zoning at 2099 Co. Rt. 12 identified on a preliminary plat as "Bobcat Run" from "R" residential to "RM" multi-residential with a restriction to be "R" or "RM" townhouse/duplex only, and not to include apartments. The proposal was then sent to the Village Planning Board for its recommendation.

As part of the consideration process for this request, there were two main concerns directed to the village attorney for her opinion. The first was, is this development consistent with the village's comprehensive plan and therefore also not considered spot zoning. After considering several factors, it was determined in this proposal, that 2099 Co. Rt. 12 is located in a "Neighborhood General Area" as described on page 31 of the Comprehensive Plan. It appears that development of single and multifamily dwellings are encouraged in this area. As a result, in this proposed scenario, it appears that the proposed zone change does not conflict with the Comprehensive Plan. In light of the same, the size of the parcel and perceived need of townhouses in the village, it appears that the propose zone change would not constitute spot zoning.

The second question was in regards to restrictions. Can the Planning Board and/ or Village board place restrictions during a zone change? The findings are that the Planning Board can put restrictions in during the subdivision or site plan review process. However, the Planning Board and Village Board cannot place any restrictions as part of a zone change. In addition the Village Board can only approve or disapprove a zone change (no conditions).

In light of these findings, Mr. Murphy, spokesperson for this proposal, conveyed to Village Trustee Heather Stevens on April 2, 2014 and Mayor Ken Sherman on April 3, 2014 that he would like to withdraw his proposal for a zone change in regards to 2099 Co. Rt. 12 at this time.

Steve Williams: This letter was read into the minutes; is there any discussion on this matter?

Correspondence:

Burt Alm: I like to find out since we have some public here if we do have any new questions or concerns?

Michael Wildrick: I would like to make a comment on this. I would encourage the Planning Board and Village Board to consider the idea of allowing up to two single families attached units in the single family zone. The only stipulation there is, the boards would have to figure out the appropriate lot sizes and change the definition of townhouse to attached units of three or more. If you consider this idea it would benefit the entire Village.

Steve Williams: Is there any other concerns? We have a question for Allison Nelson- if we change "R" zone to a "RM" zone, can we legally put stipulations on just that one "RM" zone. For example that particular RM zone is only allowed to have a single duplex or patio home on it and would not be allowed to build an office complex or apartments.

Allison Nelson: "No" what the Village Board could do is a couple of things: Create a new zone called it something else like "RA" or "RZ" that allows for this type of housing. It is the same process as far as the zone change. The Village board can do it on its own; it does not require an application from a property owner or the public. The Village can do it on its own motion so to speak but it requires the same process, 239 review by the county, SEQ, have it comply with the comprehensive plan, come before the Planning Board, Public hearing before the Village Board before it could be passed. It's the same process but you can establish another zone that has

different requirements than The “R” or the “RM”. The other option and the same process it would also be a zone change but instead of establishing a new zone you could simply change as Mr. Wildrick suggested, change the definition or change what is allowed in an existing zone, whether it is the R or RM. I would not just apply to a piece of property but every property that is in that particular zone.

Barb Davis: I think we have a few people that has a interest Mr. Penoyer, Mr. Weatherup as an assumption and if there is that much potential interest around the Village how much time would it take to look at the zone changes.

Allison Nelson: It makes sense to look at it but you have to be careful about it. Do you want to change the entire residential zone to allow for this type of housing? There might be areas in the residential zone that you might think that is not where we really want this type of housing.

Barb Davis: What is the process of this zone change? Do we as a Planning Board make a suggestion to the Village Board to consider this or how is the process even started?

Allison Nelson: It is a zone change so the process is controlled by the Village Board. I would suggest that the Planning Board make a recommendation to the Village Board as far as what it thinks the Village Board should be looking at. It is up to the Village Board whether they want to take it on or refer it back to the Planning Board to come up regulations and what we want around the area.

Steve Williams: When you say area, you are not saying the Planning Board has to identify a specific area in the Village? We can just propose creating a new zone and then once it is created someone can request to have their area changed correct?

Allison Nelson: You have the ability to do a floating zone but then when someone identifies that they want to be in that floating zone again that requires a zone change.

Steve Williams: I am not suggesting a floating zone. I am saying to you, let pretend for a minute that we say the Village” hey we want to identify this new zone that does not exist, whomever decides it, it doesn’t have to be immediately assigned to the map, it can sit there as the map exist today.

Heather Stevens: If someone comes to the Planning Board he can request a zone change to a “RX” zone, which approval of the zone would be a new process.

Allison Nelson: This is called a floating zone.

Steve Williams: Is there anything else on the Public Hearing to discuss?

Michael Wildrick: In the current “RM” zoning, you might want to look at it. For Example: Across the street from Maryellen Commisso is “RM” zoning and some other places in the Village. In your commercial zoning you have site plan review and if anyone wanted to build something new or expand the property or build across the street from Maryellen and put multiple

resident apartment complexes they would just have to bring in a building permit application and a set of correct plans and build it. There is no review for the Planning Board at this time.

Barb Davis: Because it is only in our commercial zoning not in our “RM”.

Michael Wildrick: Our site plan review is only in our commercial zoning. I do not know what it would take to look at the criteria for the site plan review because it is pretty specific for the commercial zone. This might be worth some consideration for the boards to take a look at this to make sure you are getting some basic review process.

Allison Nelson: This is something in the Village’s consideration. The Boards want to look at does subdivision approvals apply? Do we want site plan approval? Or would it rather be a special use permit? There is different criteria for each and you want to look at what would be the appropriate review standard for this type of project in the Village.

Steve Williams: Are the printed copies from the Public Hearing on March 20, 2014 corrected?

Barb Davis: There are still mistakes on the minutes.

Maryellen Commisso: The public hearing minutes from March 20, 2014 can be approved in the next regular meeting, even though they are public hearing minutes.

Steve Williams: Maryellen made a motion that the Planning Board closed the Public Hearing. Zita Bookman seconded the motion. All in favor” AYE” By show of hands it was unanimous. The Planning Board closed the Public Hearing in regards to Mudd Murphy’s request for County Route 12. Meeting was closed at 7:17PM.

Respectfully Submitted,

Kim Cusson