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December 1, 2015

**Via E-Mail**

Gene Milone  
Town of Schoharie Town Board  
300 Main Street, Suite 2  
Schoharie, New York 12157

Jeremy Rosenthal, Chairman  
Town of Schoharie Planning Board  
300 Main Street, Suite 2  
Schoharie, New York 12157

**Re: Proposed Introductory Local Law No. 3 of 2015 (Introductory Version #2)**  
A Local Law Adopting a New Town-Wide Zoning Law and Zoning Map  
Summary of Changes

Dear Supervisor Milone and Chairman Rosenthal:

The Town Board directed that the Zoning Law be revised to address certain comments from the County Planning Board, the public and the Town. The revisions have been incorporated into the proposed local law which will now be referred to as Proposed Introductory Local Law No. 3 of 2015 (Introductory Version #2) entitled, "A Local Law Adopting a New Town-Wide Zoning Law and Zoning Map".

This memorandum summarizes the changes which are identified in the redlined documents. No changes were made to the Zoning Map or the Barton Hill Overlay regulations. The changes are referenced to the section and page number.

Page 1 - Section 1.2

Clarified that the Zoning Law does not apply to the Village.

Gene Milone, Supervisor  
Jeremy Rosenthal, Chairman  
December 1, 2015

- Page 1 – Section 1.2 Changed Special Use Permit jurisdiction from the ZBA to the Planning Board in response to comments and to streamline the review process (one board instead of two). Changes made throughout the Local Law. The change is made in response to public comment that the process was onerous.
- Page 1 – Section 1.2 Added a provision that allows the Town Board to consider a Special Use Permit for a use that is not otherwise listed or regulated. This will provide additional flexibility in the event that unforeseen uses arise. This change was made at the request of the Town Board. See also, page 4, Section 2.3(D) and page 8, section 3.1.
- Page 2 – Section 1.4 Exemptions – split Agricultural Uses from forestry and added that clear cutting was allowed in the case of disease.
- Page 8 – Section 3.1-3 Added language to clarify that the Industrial District allows other uses beyond pre-existing uses.
- Page 9 – Section 3.2 Conformed the title of the Zoning Map in the law to that in the title block of the map.
- Page 23 – Section 4.6-1 Added a subsection to clarify that the restrictions on clear cutting do not apply to agricultural operations.
- Page 41 – Section 5.7-3 Conformed requirements to those found in 5.7-1. It is the intention that a mine or a mine expansion demonstrate compliance with the general Special Use Permit requirements along with the listed supplemental standards. To the extent that a Special Use Permit is to be granted, provisions 1-4 of section 5.7-2 may be considered as conditions.
- Page 43 – Article 6 The provisions were changed to place the jurisdiction of Special Use Permits with the Planning Board and provisions dealing with the interaction of the boards were accordingly modified. Similar changes made in Article 7 (Site Plan Review) with respect to the interplay of the boards. See Section 7.10 and 7.11.
- Page 45 – Section 6.3-7 In response to public comment that the standards were ambiguous, this section was modified to list detailed standards for issuance of a special use permit.
- Page 48 – Section 6.4 This section was modified to make clear that filing of the decision with the Town Clerk is required. This is a requirement listed in Town law.

Page 57 – Section 9.2-1	Increased the number of copies required to be provided to put the onus on the applicant to make copies, rather than Town Officials.
Page 68 – Definitions	Clear-Cutting – in response to various comments, modified the definition to make it applicable to areas of land five acres in size or larger.
Page 71 – Definitions	Home-Based Business – added indoor storage to examples. This use is supposed to be essentially invisible to the nearby public making indoor storage in an accessory structure to a dwelling appropriate.
Page 73 – Definitions	Manufacturing – at the request of the Town Board, divided this use into Manufacturing – Heavy and Manufacturing – Light; and added these uses to the use table.
Page 79 – Definitions	Small Scale Solar – increased the size permitted to ensure that adequate size systems to power uses would be permitted.
Page 79 – Definitions	Steep Slopes – added a definition based on the NYSDEC stormwater regulations to identify that areas with a slope greater than 15% are considered Steep Slopes.
Use Table	1-Family or 2-Family Dwelling – added the word “Dwelling” to track the word usage in the definitions.
Use Table	Split Kennel, Stable-Commercial and Veterinarian into three separate categories to differentiate between the potential for different types of impacts. Added the word “commercial” after stable to clarify that the use was not regulating small barns or personal keeping of horses on residential property. Made Stable – commercial available after site plan review due to the low impacts associated with such a use (particularly as compared to kennel or veterinarian).
Use Table	Nursing/Convalescent Home – this is a defined term that was not listed in the use table. As a result, it was added to the use table and made subject to a SUP&SPR.
Use Table	Service Business – changed the name of the category to match the defined term in the definitions section.
Use Table	Manufacturing – split into light and heavy and adjusted the permitting requirements to reflect the lesser intensity/impacts of manufacturing-light.

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Use Table	Agricultural Use – changed to zoning permit as noted on table to make agricultural uses easier to commence.
Use Table	Roadside Stand – changed to zoning permit to make these seasonal small uses easier to commence and to increase agricultural opportunities and access to farm products.
Use Table	Telecommunications – made telecommunications allowed in the industrial district subject to a SUP&SPR.
Dimensional Table	Clarified location of dimensional requirements for development in the Barton Hill Overlay, Floodplain and PDD.

Please do not hesitate to contact me with any questions on this matter.

Very truly yours,

*David C. Brennan*

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AMP/lg  
Encs.