

Town of Nassau Planning Board  
January 21, 2010

Attendees:

Board Members: Walt Bertram, Teresa Eddy, Fran  
Hamblin, James Kromer, Lani Rafferty and Melissa  
Toni

Attorney: Joseph Catalano present

Absent: Andy Davis

**Motion:** by Melissa Toni at 7:32 p.m. to call the meeting to order. **Second:** Lani Rafferty. **Passed:** 5 in favor, 2 absent, 0 abstaining or opposing.

**Planned Business:**

1. **Gwynne(JJ)Pearsall, 13 Coldwater Tavern Rd.** brought in a new plat. He is bordering DEC wetlands and has a 7.+ acres parcel in the back and a 3+- flag lot in the front. We informed him that all construction must be outside the 100' wetland buffer.

**Motion:** by Melissa Toni to refer the 2 lot subdivision at 13 Coldwater Tavern Rd to the Zoning Board of Appeals for a code variance for the flag lot line as shown on the plat or in the alternative moving the flag lot and driveway. **Second:** by Fran Hamblin. **Passed:** 5 in favor, 1 absent, 1 abstaining and 0 opposing.

James Kromer joined the meeting right before the above vote.

2. **Shane Cahill** on behalf of **Burden Lake** inquired on the status of his application. He was referred to the Town Board.

3. Joe Catalano provided a status report on PDD. The Town Board charged Joe Catalano to **Draft Legislation** for **PDD** for our review. The onus is on the Town Board first giving them the responsibility to decide if to rezone the property as a PDD and then to refer it to the Planning Board. Some towns reverse the order by which PDD's are processed; with all of the zoning and SEQR work done by the Planning Board, and then referring to a Town Board, which could say no.

There are 3 steps involved:

a) Applicant provides a sketch to Town Board first. The Town Board approves or disapproves; if approved the applicant makes a formal application. This process saves applicant money and the Town doesn't waste its time.

b) A formal concept plan is shown to the Town by applicant showing that is concentrated building is and what is vacant land. It is then referred to Planning Board. Planning Board will have 62 days to make a recommendation. Town and Planning Board have to decide who has lead for SEQR review. If Town Board takes the lead, the Planning Board decides

The legislation allows the Town Board discretion to determine the concentration of commercial, residential and vacant land and has no thresholds. Once the Town Board has determined the zoning (which is done by adopting legislation setting the zoning for this PDD) and then the Planning Board applies this.

c) There will be at least one public hearing, depending on what the environmental effects are?

PDD's can be anywhere, Some towns require a specific amount of land to be able to consider a PDD. Joe has set a 5 acre minimum in our Draft.

Do we want to require a minimum area of open space?

Performance bonds for infrastructure like a community septic system can be required, but not for completion of the whole project. Water and roads are also considered infrastructure. The Town will require easements for all infrastructures. We may be able to require a restoration bond, that the town can restore the land to what it was if not completed by a certain date.

The Planning Board can determine start and complete dates.

If we're looking at a very complex PDD it will allow us to require payment for engineers and counsel, etc. Also the PDD legislation is incorporated into the Zoning Law, which also allows us to require such payment.

Options for us to comment on are on page 5 and 6. We may want to allow more density in the construction if there is green construction (see item 8 of the draft PDD).

Do we want to require a threshold at which a PDD application must be made? Would it be keyed by # or type of units or acreage? We can also utilize the Conservation Subdivision Regulations.

If the 62 days are too restrictive, we should let the town know in our recommendations. The 62 days begins to run from the first Planning Board meeting after the Town Board's

referral.

The PDD allows us to weigh how beneficial something is to the municipality.

**We need to get our comments in writing to Melissa by February 1, 2010.** Lani Rafferty voiced a concern that legislation without minimums could be misapplied by future Boards.

Strike D1, No lower threshold, Strike K1, no percentage is required as open space, 3.9-2 A Upper threshold NONE. James Kromer recommends an all Boards workshop for PDD applications and that a bond be required to allow for restoration of the site if completion is not accomplished by a given date. The secretary forwarded the information in this paragraph to Melissa.

2. **Motion:** by Melissa Toni for a special meeting Feb 1<sup>st</sup> at 7:30 p.m. **Second:** by Lani Rafferty. **Passed:** 6 in favor, 1 absent, 0 abstaining and 0 opposing.

3. Melissa spoke about the All Boards meeting. We won't be able to do what the Natural Resources Committee comments do. We would focus on the PDD legislation, the Waiver process, driveway culvert specs. Melissa Toni: We have E Nassau's regulations to look at and work from. New Lebanon has PDD legislation and so does Schodack. James Kromer: Kinderhook refers access and culvert specifications to the Highway superintendent who has to issue a permit. Lani Rafferty feels we need to establish some standards. Melissa: We've also been asked to look at specs for accessibility by fire fighting equipment. Discussion was had if the report has to be substantive or just indicating our priorities.

**Public Hearings:** None

**New Business:**

1. Rudy says he'll contact BAS Integrated System for tracking land use decisions, etc and ask them to come next meeting to explain their software.

**Minutes:**

**Motion:** by Lani Rafferty to accept the minutes of December 17, 2009 as amended. **Second:** by Teresa Eddy. **Passed:** 4 in favor, 1 absent, 1 abstaining and 0 opposing.

**Miscellaneous:**

None

**Motion**: by Melissa Toni to adjourn at 9:41 p.m.    **Second**: by Fran Hamblin.    **Passed**: 6 in favor, 1 absent, 0 abstaining or opposing.