The **Master Plan Committee** Meeting of the Town of Cortlandt was conducted on **May 13, 2015** in the Vincent F. Nyberg Meeting Room of the Cortlandt Town Hall located at 1 Heady Street, Cortlandt Manor, NY 10567 with the following committee members and appointed staff in attendance:

Master Plan Committee:
James Creighton
Seth Freach, Town Councilman
Dani Glaser
Barbara Halecki
Adrian C. Hunte
David Douglas
Michael Fleming
Michael Huvane
Theresa Knickerbocker
Maria Slippen

Staff Advisors:
Edward Vergano, P.E., DOTS Director
Chris Kehoe, AICP, Deputy Director of Planning
Rosemary Boyle-Lasher, Assistant to Director of DOTS

AKRF Consultants:
Anthony Russo
Michelle Robbins
Flaam Hardy

Invited Guests:
Jeff Coleman, Director of DES
Tom Wood, Esq., Town Attorney

This meeting is the last policy review meeting. June, July and August will be preserved for chapter review.

Anthony Russo introduced and welcomed Jeff Coleman, the Director of Environmental Services in the Town of Cortlandt and Thomas Wood, Town Attorney.

Michelle distributed the Master Plan for the Verplanck Waterfront. A goal is to have this plan adopted as part of the overall Cortlandt Comprehensive Master Plan. It was completed in April and has been submitted and accepted by the State. It focuses on the Cortlandt Waterfront Park in Verplanck and some potential connections and linkages with the rest of the town. This plan has received a Planning Achievement award from the Westchester Municipal Planning Federation.

The Agenda was reviewed:

Survey Results:
Michelle asked if there were any questions or comments regarding the survey results. Various members of the committee expressed that they were happy with the survey and the response we received. It was decided that the entire survey will be added as an appendix to the end of the Master Plan. 723 responses were received.

Review of Policies:
Rosemary mentioned that on our Google Groups we had a thought from Barbara Halecki about Youth employment. Specifically on Policy #10 we added language explaining that we do have an active Youth Employment Service. It is coordinated through the Youth Center.

The Community Services Policies were reviewed (on the handout the policies highlighted in yellow were discussed.)
Policy #11: *Strengthen enforcement of building and zoning codes, environmental and other regulatory compliance. Make the development process more **predictable** (remove) efficient and informative and less time consuming.* The word predictable was removed.

Policy 12: *Evaluate methods, such as creating special permits, to allow **existing** non-conforming uses that meet the purpose and intent of the proposed TOD, MOD and WSD districts and develop and expedited approval process for these applications.* Michelle asked if only existing non-conforming uses would be fast-tracked? Chris asked if this policy was an interim policy and Ed said that it was. Chris believed the thought process behind this was to expedite approval processes for applications that meet the purpose and intent. It was decided that the word existing will be eliminated. Michelle will try to craft something that captures the generic environmental impact statement.
Chris stated that this policy is in the Community Services Chapter but he thought it should reside in another chapter, as well (perhaps Economic Development). Michelle agreed that maybe it should be moved around a bit.

Policy 13: *Continue to provide safe, adaptable, and well maintained Town facilities while also extending their useful life through repairs and renovations, including appropriate upgrades.* Ed Vergano asked if the committee thought this policy was needed. His thought that this is already done all the time and may not need to be spelled out. Chris agreed that fewer policies are needed. Michael Huvane believes this came from the survey results and that it is a basic perception issue. The public is expecting a commitment from us to continue to maintain these services.
It was decided that the policy would stay.

Policy 17: ***Evaluate methods** to expand the function of the Emergency Operations Center (EOC) and the National Incident Management system for use during natural and man-made disasters.* The change was to add the words evaluate methods.

Policy 18: was reworded to read - *Locate new public buildings, libraries, and community*

facilities in active, walk-able, mixed use neighborhoods.

Policy 20: *Using our on-line recycling brochure,* **continue** *to encourage residents and business to start or increase composting and reduce organic solid waste.* The word continue was added to the policy.

Policy 22: *Work cooperatively with the WC Refuse Disposal District No. 1 to develop programs to recycle construction and demolition debris and Policy 23: Work cooperatively with WC Refuse Disposal District Not. 1 to develop opportunities for increasing E-waste/Paper/Commingled recycling rates.* Ed suggested that these policies be combined.

Policy 24: *Reduce per capita energy use through conservation and technological improvements that make building more energy efficient.* Michelle suggested adding *Seek approval from NYS to allow Cortlandt to develop more energy efficient building standards for commercial and residential construction that reduces per capita energy.* It was agreed that this wording would be used.

Policy 30: *Continue to collaborate with school districts, public, and private entities to create joint-use partnerships for recreation and ... at existing and new public school campuses.* Ed asked if this should be eliminated because it was already discussed in another chapter. Michelle noted that field use was mentioned in the recreation section. Rosemary explained that the intent was to address the discussion about increased coordination between the town and the school districts. Michelle will check to see if this is repetitious (in building use) because it should only be stated in one chapter.

Policy 33: *Support commercial projects that increase access to healthy food,* **such as specialty food stores.** (Remove the wording such as specialty food stores).

Policy 36: *Encourage mobile food carts/trucks at public parks, sites, Town events. This policy was added because of the discussion of having these at some parks.* Chris suggested that we encourage food trucks in the town, more than we do. It was determined that the peddlers permit needs updating and that we should continue to keep this policy in existence in the plan. There has been several new creative uses in other Riverfront Towns of food trucks.

Policy 43: *Promote and encourage* **technology based** *communication methods including the website, FB, Code Red phone blasts, text message alerts, etc. to improve information delivery to the community and reduce the need for paper, printer ink, and postage.*
Adrian asked not to reference FB but change to social media. The committee agreed. David added that information should be sent out in a timely fashion. Michael F. Stated he was troubled with the wording "technology based communication"- he wasn't sure what wasn't technology based. Consider changing the word technology will be changed to "state of the art".

Policy 45: *Maintain and continuously upgrade broadcast capability within Town facilities to better communicate with our residents.*

Rosemary noted that the committee had decided at the last meeting to not actually reference Verizon or Cablevision because they might not be the providers in the future. Michael H. brought up the point that this also referred to a discussion of having the meetings viewed live versus on video tape. Rosemary said it was discussed but is not in the policy.

Policy 48: *Seek public/private partnership to create Town-wide fiber optic network to provide extremely high speed internet to be an economic incubator.*
Michael H asked the meaning of economic incubator.
Seth explained that an economic incubator is an environment that is well-suited and set-up for new businesses starting out. There are a lot of resources that are available without searching very far, to help get the business off the ground. An actual incubator is in a huge warehouse where, the company that is running the incubator will have 4 to a dozen start-ups or groups of people, they will have access to shared searches with each other, there are experts and venture capitalist that they will talk to, there is also technology and food there. Seth noted that there is a plentiful amount of the raw ingredients to get the ball rolling for economic growth.
Michael H asked if by an economic incubator, you mean cost effective.
Tom Wood said economics is part of society and part of the base.
Anthony suggested that economic incubator be defined in the document. Michelle stated this wording is used to support Cortlandt as an economic incubator.
Rosemary noted that in theory the municipality would be the provider and they would offer to a potential person/company coming into our town a drastically reduced price that would attract them to Cortlandt versus any other place. This is what makes an economic incubator for our town.
 Michael H. asked if this should be place in the Economic Development policy rather than Technology. All agreed it is in both.
The economic incubator definition could be placed in a call out box.

Adrian asked that the word fiber optic be changed to state-of the art, not knowing what the future holds.

Guest Jeff Coleman, P.E., Director of Environment Services:

Jeff spoke about the generic structure of the Refuse District. The policy should reflect that the Town has to work within the confines of the Refuse District (we are one of 38 municipalities involved). The policy is flexible enough to allow us to increase recycling, work within the confines but still do our own things too. We can increase our recycling rates through construction and demolition, food waste program or other things that may not have been thought of yet. The district is the one that takes our garbage at RESCO, runs our recycling program, and gets us the best price for our recyclables.

Jeff spoke about the Emergency Operations Center and the Emergency Management Program. The Town is very well-served; we have a lot of well practiced, well-seasoned personnel involved. We are on track with the Emergency Operations Center which is a dynamic and changing. It changes depending on the event, depending on the people involved, and it changes with the

political relationships with all the people and how the event overlaps boundaries. We operate our own EOC, while Westchester County is operating there EOC on a different scale in Hawthorne. We closely coordinate it. Jeff believes all these work well together, while still having the flexibility to change, having it more integrated and continually expanding in the future. You have to always be forward looking.

Michael Huvane asked how often the Town has drills.
Jeff explained that we use the NIMS system for most events. (Call out box for definition of NIMS. The National Incident Management System (NIMS) is a standardized approach to incident management developed by the Department of Homeland Security. For example for a snow storm, The Director of DES (Jeff) would be the commander, for a Hurricane the Town Supervisor, Linda Puglisi, is the incident commander, then each person plays a role, whether it be logistics, planning, administration or support.

Michael H. that besides weather related issues, for Indian Point for example, do we have separate and distinct types of paths that we have to follow? Is it the same protocol that we follow with the County?
Jeff explained that 10 years ago the Federal Government wanted everyone to communicate using the same language during emergency events. They developed the NIMS (National Incident Management System). There are all sorts of training associated with this. The purpose is that during an event, no matter what scale, you could mobilize, at the appropriate scale and everyone would find there home (operations, logistics, etc.). For an IP event you would see the County playing the primary role, the IP staff and emergency services, playing a key role on the operations side. Everyone else would fall into line on the logistics end. There is always room for more training. Jeff stated his training was in Maryland for debris removal and emergency management at a Federal facility. Currently most of the training is on-line. The on-line training is very good also and is very significant. In the end all towns and villages up to the Federal level, speak the same language.

Rosemary asked Jeff to speak about the increasing role of GIS as it relates to the Emergency Operations Center.
The town has re-developed it's Geographic Information System (GIS) which impacts everybody in the town government but is particularly helpful for the DES operations. Jeff has the ability, from his desk, to see things that in the past he would have to drive to (which was more time consuming). It is a tremendous resource. For example, we are currently using GIS in our Water Division to locate shut-off taps in the middle of the night. In the near future, from an Emergency Management standpoint we are looking at using a smart phone from the field, to populate, in real-time information regarding road closures, trees or wires down (for example) and that information will be projected live at the EOC, the highway garage and into the field. This will be extremely helpful, as will be debris removal and clean-up.

Michael Huvane mentioned to Jeff at the last MPC meeting, the discussion was about a Chief Technology Officer and bringing the town to a higher level of awareness on technology and bringing everyone onto the same platform.

In Policy 49: *Create and staff an Information Technology Department within the Town of Cortlandt including the creation of a Chief Technology Officer.* - Michael stated this seems to be an afterthought, because it is listed as the last policy and we should move it up higher in the order. Michelle may place it into a Goal on the first page.

Jeff stated, in regards to the Chief Technology Officer, on the public works side, is finding the right resource, not necessarily the person. Jeff suggested that this policy be made a bit broader. You need the resource to provide the information.

Michael agreed that technology is changing so fast and we cannot imagine what it will be like 5 or 10 years from now. It can be intimidating. Seth stated that a CTO will facilitate not dictate solutions to the Department Heads. It will facilitate the Department Heads choices into a cohesive manner. That is the intent of the policy.

Michelle asked if there is anything that we need to address as far as a policy, related to the GIS. Jeff said he didn't need to add anything specifically related to that because it is already in the works and what we have now covers what we need.

Rosemary suggested a policy that states to continue to fund GIS. GIS helps all the departments work together in a very efficient way. Jeff adds that it does save a lot of money.

Everyone thanked Jeff Coleman for attending.

Guest: Thomas F. Wood, Esq. Town Attorney

Tom Wood explained that after the MPC work is finished and the Town Board adopts the Master Plan, sometime in 2016, then the real work of updating various Town Codes including Zoning will begin. All of these policies will then be able to be used throughout the town. The zoning map will be changed.

In 1951 when the zoning was first adopted, there were people here who had houses and businesses, etc. and when zoning was adopted those uses had to be allowed to continue, hence the term non-conforming (grand-fathered) because they existed. Since 1951 and the various times when the town board has updated the zoning ordinance or made changes, they have increase the non-conforming because that is what happens when the community grows. The Zoning Ordinance reflects that with a non-conforming use provision that says that if you had a legal use at the time of the adoption that use is continued, but it is not allowed to be expanded or increased. If you cease using it after one year it must revert to the current law that is in effect.

Tom is asking the MPC to come up with a modernization (?) of a non-conforming use provisions. Many communities allow for some modest expansion of a non-conforming use. Tom gave the example of the waterfront in Verplanck, which is the second heaviest industrial zone in the town. There are some boatyards that currently exist. If you change it to some of the uses that the MPC has suggested some of the current operations and thriving businesses would normally become a non-conforming use. This can affect the re-sale value because you can't expand it. It can also encumber the financing process.

Tom suggested recommending that the town consider a transitional, non-conforming use. In other words, if you have a thriving business, it would be allowed to expand and continue to operate within certain parameters. Yet all around it there may be changes that you have encouraged.

Tom stated that we do have to revisit this, whether it will be an "as of right" that they can continue within certain parameters to expand and enlarge their operation or whether it is reviewed by a board to help assist to allow the expansion. Tom stated that this whole area should be updated and it would take away the fear that many people have when you come into re-zone the property.

Jim Creighton asked if Tom was able to identify certain non-conforming uses that might qualify for that kind of freedom and other non-conforming uses. Tom explained that allowing expansion by some doesn't necessarily give the others the right.

Adrian asked if there were some percentages in the code giving the ZBA some discretion. Tom answered that there would need to be some minimum thresholds. The character of the surrounding community and how does it fit in, needs to be considered.

Seth stated that the flip side is that if an area is re-zoned, to drive it in a different direction, why would you want give a break if that is not the direction you want to go.

David's concern is to carefully to consider what is wanted in the area and what you don't want because if you are re-zoning it you are basically saying that you want certain types of uses but don't want some of the existing; by definition you have existing ones that should not be there anymore. To allow them to expand, would undercut the zoning issues. David wants to get the zoning right the first time.

Michelle explained that the issue of form based code tries to get at the issue of this but it is only as well as it is written. It is zoning, not based on use but on physical form. Most of the objections that people have with zoning have to do with not wanting to look at ugly things or not hear loud noises. But if you zone so it looks pretty and has the proper landscaping and it fits the form, nobody would even notice that it was there.

The idea of form based code is that you create certain standards within the concept of physical appearance. David stated that is fine if the change is to change to a form based zone area, then it is not non-conforming.

Seth suggested that to bridge these two, if a non-conforming business would want to make changes, the changes have to be in a form-base code that is applicable.

Michelle noted that form base code is the zoning of the future however it is very expensive to implement. You have to re-write your entire zoning.

Tom added that a lot of these concepts would be great if you had wide-opened areas in the town but we have very few properties where this can be implemented. Tom wants to lessen the fear of the current property owners.

Michael Fleming noted that in the discussion of the Transportation Oriented Districts (TOD), it was noted that the Train Station is in a very industrial area. By changing the zoning in this area you will obviously have non-conforming uses, but the ability is for those landowners to make more money by selling the property to developers. Will this impede that plan? The only way it

made sense to develop a transportation district around the train station is by getting the industrial property owners interested in a financial incentive. Tom said the only way to get a financial incentive is if you (changed) the density. Tom gave Brookfield as an example. It is valuable commercial property. For the owners of Brookfield at some point could say I want to sell it as a continuing operation or sell it to someone that wants to use it under the TOD. The only way it will work financially is if that TOD allows a huge density.

Michael F. noted that if it is the Town's goal to implement a TOD there wouldn't letting Brookfield have a non-conforming use, (which allows them opportunities to expand), hurt us? Would we want them to have a non-conforming use?

Chris added that we really want a TOD approved by the Town Board. You have to figure out how to make it palatable to get it adopted it or you will have absolutely nothing.

Chris agreed with Seth in that when the non-conforming business wants to expand, they have to using the form-based codes. Michelle said this is often done anyway.

Tom noted that the last time the Town tried to re-zone the waterfront, it was met with opposition. It was fueled by property owners who thought that their properties were going to be made non-conforming.

Adrian stated that for the MPC the goal is to include these thoughts in our plan.
Chris added that it can be a very generic statement, for the policy level.
David asked what the broad policy is.

Chris noted that the problem is that most of the uses that the Town finds not consistent with our goals are the exact uses that currently exist in all of these areas.
Michelle explained that change typically it takes time.

Michael H. asked do we need a statement, that in the end is irrelevant or a statement that has some guidelines. If we say something, just for the sake of saying it but it is benign and nobody gets harmed or do we have one that has some claws and be a firmer statement.

Tom suggested the statement in the policy would be to re-evaluate non-conforming to transition to form-base code. David Douglas agreed with this statement.
Michelle noted that Beacon and Newburgh have evolved and have gone to form based code very recently.

Jim asked if there was a place locally that we can go to see form based code in place and working. Michelle answered that Tarrytown's train station area did a form base code as has the Yonkers Waterfront.

Chris asked how willing is the MPC to recommend to the Town Board easing these non-conformities, in the way Tom has discussed or not easing them, broadly speaking as Jim and David had suggested some sort of hybrid solution.
Rosemary noted that ultimately a solution could help the Town Board get implementation of

some of the bigger concepts that have been worked on (i.e. MOD, WSD).

David noted that if the concept of easing non-conformities was going to be done for political reasons he has a conceptual problem with the MPC advocating a policy simply because it makes it easier for elected officials. Seth added that it is the reality of the policy getting voted on. David commented that he did understand that.

Michael Huvane asked if leadership was lacking because we don't look to the future, we look to the next election. Tom and Seth explained that it has nothing to do with elect-ability. It is the division in the community that some of these issues create. The members of the Town Board are not worried about being elected. Everybody likes to build a consensus. If you want to get these things in place there has to be a balance.

Michael Fleming noted that the Town Board has their job to do and that is why they are elected. This committee needs to provide a recommendation being that it is a cross-section of the community. We have to come up with a plan. He stated he should not care if the Town Board will get this in place but hopes they will advocate for what is right.

Seth respected that opinion and stated that the MPC has to recommend things that will actually come to fruition. The suggestions have to be realistic.

Michelle added that the goal of a Master Plan is to create a vision for the future but there is a practicality to it. What are the steps that get us to the vision? It is a balance.

Chris asked if the debate was the traditional way that the Town handles the non-conforming is that you cannot expand and if you are vacant for a year you are gone. When we implement a TOD or WSD, it will not get adopted if this is not changed.

Seth personally was against relaxing the non-conforming uses, at first, because it would slow down the purpose of re-zoning. Seth has stated publically that he wants the Verplanck Waterfront re-zoned. He is only one person on an entire board. The Board will make the final decision. It is the element of practicality that will ensure that these visions will get seen to the end. He is not a fan of relaxing the rules of the non-conforming uses but if it can be done in a way that is not offensive in a form-based transitional way and lets the community know we are hearing and seeing there interest and it doesn't slow us down. That can be a compromise.

Michael F. said the issue is the uses that we are all concerned about are the ones that you cannot eliminate through form base zoning. It is hard to make a blanket policy that will work throughout the town.

Seth stated it will come down to the Zoning and Planning Board having to structure these things.

Jim stated the MPC's job is not just to think how great it could be but also balance it with how we are affecting everybody. What will it do to the people that have houses or businesses there already? This is the humanity of it. Re-zoning can be scary for them even though it may help them in the end.

Michelle stated that at a recent conference this topic came up. The leader said that the Planners sometimes do things that aren't always 100% popular, as long as they are done in a fair,

transparent way and you follow the process. You are making decision that you have no idea how they will turn out. They can be tough choices.

We want to create this path to the vision but protect the people that live here. There is a way to do both.

Rosemary asked how the MPC should state the non-conforming policy that is included in the Master Plan.

Tom responded that it should consider a policy on non-conforming uses. Chris added if the committee can't agree then we will be silent on the issue and it will be left to the Town Board. They can still do these things but there won't be a statement in the MP about it.

Seth suggested the wording be to evaluate and explore updates on non-conforming uses.

Anthony then asked Tom to complete his comments on how the process of a Master Plan is completed. Tom reminded the committee that the town law 274A requests the Town Board to appoint a special committee to adopt a comprehensive plan and to update it at regular intervals. The committee has pursued creating a Master Plan; you have reached out to the public (twice) which is required. When the MPC believes the plan has been adopted a vote will be taken and recommend it to the Town Board. The Town Board will file it and refer it to the Westchester County Planning Board and to the Town Planning Board. The Staff will be working on the SEQRA review and 90 days after it has been filed with the Town Board they will conduct a Public Hearing. When the Public Hearing is closed there will be a period of time when comments are received back from the County. After that the Town Board will take action. They can adopt it in its totality or with modifications. Throughout this process the Town Board will want to include the MPC in working with the Planning Board or the Town Board to understand the thoughts and expectations.

Tom continued that there have been discussions regarding the SEQRA process. Years ago a Master Plan required a huge, generic, environmental impact study but the more modern trend is the long form (an environmental assessment) with certain chapters and studies will cover all the important areas. Tom said after the Public Hearing the process should take 60 -120 days before things come together for the final adoption.

Anthony asked how it closes out with NYSERDA. Tom said this is a work in progress.

The Public Outreach Meeting will be held May 19th.

The next MP meeting will be held on June 3rd.

Minutes submitted by Judi Peterson