

The Planning Board voted unanimously (4-0; Jeff Lacilla was absent) to issue a negative recommendation on the proposed Floating Zone changes to the Village Zoning Code. The Planning Board is not necessarily opposed to the concept of the allowing denser and higher building in the Business-1 and Business-2 districts than currently allowed, but has several reservations about the proposal as written and our reservations and recommendations are set forth below:

1. Our primary concern relates to the adjoining property aspect of the proposed §98-106.3. We are very concerned that the proposal as written could allow for a six story building to be built in a zone that otherwise consists of single and two family houses which have 2 ½ storey height restrictions. Our recommendation for the treatment of the qualifying adjoining property is to modify the language to maintain all of the existing zoning restrictions for the qualifying adjoining property in the Residential A-1, Residential A-2, Residential B-1 and Residential B-2 districts, except remove the rear or side yard set back at the point where the portion of the structure on the adjoining lot connects with the portion of the structure on the Business-1 or Business-2 lot. We did not look at the Residential A-3 and Residential M and may have the same concerns with those. And, we did not review the Residential M-1 district at length to make sure all of the existing zoning requirements can be disposed of.

2. We wonder if the Floating Zone concept should apply to more zones than the Business-1 and Business-2.

3. With respect to §98-106.3 A through J we think the requirements of §79-6 A and §79-6 B should also apply - i.e. site plan review by Planning Board and Architectural Review Board.

4. The reference to §98-133 (d) is incorrect.

5. If the Special Permits are required to be renewed by State or Village law we do not see that it is realistic for a project to get financing in that case and wonder if the reference to Special Permits should be removed. Also the buildings allowed under the Special Permit provisions are not the type that is consistent with what we believe the Village Board is trying to accomplish.

6. §98-106.3 C minimum lot width should be 50 feet. There was also some discussion that the minimum lot should be 5000 square feet but there was concern about the impact on the 4000 square foot lot.

7. §98-106.3 D. (2) - We think the maximum coverage should be the same as the maximum currently for the Business-2 - 86%.

8. §98-106.3 D (3), first line after "No side yard is required" add "in the Business-1 and Business-2 district unless adjacent to residential districts zones Residential A-1, Residential A-2, Residential B-1 and Residential B-2 (except on the side of the qualifying adjoining lot where the structure on the qualifying adjoining lot

connects to the structure on the Business-1 or Business-2 lot. We may need to add the Residential A-3 and Residential M districts to the limitation provision language above. And, the same may be advisable for the Residential M-1 district but we did not look at that zone in detail.

9. §98-106.3 D (3) delete the second sentence - the referenced section only applies to the Residential M-1 zone. There is concern that removing the current requirement would land lock the Residential M-1 district, and this should not be removed from the Code without proper study of the access requirement of the district and any proposed project in it.

10. §98-106.3 D (4) We think the height limits should be the lesser of 5 stories or 60 feet. And wonder why Townhouses are limited to 2 ½ stories or 35 feet. Marbury has 4 story Townhouses.

11. §98-106.3 D (5) We think the height limit should be the lesser of 6 stories or 72 feet.

12. §98-106.3 D (6) There are no maximum floor area limits under current Business-1 and Business-2. Why is this section needed?

13. §98-106.3 D (8) We think this section needs to be clarified by adding "in the aggregate for the building" after "25 square feet".

14. §98-106.3 D (9) - Delete (a) due to the fact there is no way to enforce that public parking will be available in the long term. What is contemplated to be the amount required to be paid and to happen with the funds in (b) (ii)? Also there was a question about whether there is a requirement in the current code or in one of the parking structure grants the Village received in the past to replace loss of public use space. There was also a question about what were the circumstances that existed with any past relocation of parking spaces. Also we wanted to know if there was an "Off Street Parking Development Fund" and what amount of contribution would be required.

15. §98-106.3 D (10) (e) After "Adequate provision" add " including ongoing maintenance thereof".

16. §98-106.3 D (10) - We think the Design Standards should be "guidelines to be considered in the review of the proposed development" and not be mandatory requirements

17. §98-133 (D) (4) Remove this and use the existing requirements.