

MINUTES
PLANNING BOARD
December 20, 2007, 7:00 p.m.

MEMBERS PRESENT: Chair Matthew Farrelly, Dan Barker, Edna Ellis, Kathleen Faherty, Dave Remington, and Elizabeth Woodman.

ABSENT: Tom Campanella, Neil Jones, Barrie Wallace, and Toby Vandemark.

STAFF: Margaret Hauth, Bob Hornik, and Nicole Ard.

ITEM #1: Call to Order and Confirmation of a Quorum.

Mr. Farrelly called the meeting to order at approximately 7:04 and confirmed a quorum of the Planning Board.

ITEM #2: Additions to the Agenda and Agenda Adjustments.

There were no additions or adjustments to the agenda. Mr. Farrelly welcomed new members Dan Barker and Elizabeth Woodman. Ms. Hauth introduced Nicole Ard, the Town's new Assistant Town Manager.

ITEM #3: Adoption of Minutes from the November 15, 2007 regular meeting.

Ms. Ellis noted she was present at the meeting but was listed as absent. She said on page 7 where the Colonial Inn was being discussed, next to last paragraph, the sentence that read "He said since he had been paying residential taxes..." should say "She said..."

Mr. Barker stated at the bottom of page 6 in the motion to recommend appointment to this Board, his name should be "Barker" and not "Baker."

Ms. Woodman said under Item #4, second paragraph, "Hopper's" should be "Hoppers'."

MOTION: Mr. Remington moved to approve the minutes of the November 15, 2007 regular meeting as amended.

SECOND: Ms. Faherty.

VOTE: Unanimously approved.

ITEM #4: Committee reports and updates.

Board of Adjustment: Mr. Remington stated the meeting last week four members were present, and the one item of business was an appeal where the appellant had exercised his right to have all five members of the BOA present to hear the appeal, so that item was postponed until next month.

Parks and Recreation Board: Ms. Hauth noted that the Parks and Recreation Board did not meet during November or December. Ms. Trueblood was on maternity leave and that Board would not meet again until January.

Town Board action on public hearing items: Ms. Hauth provided a brief summary:

- Approved all text amendments and the Parks Master Plan as submitted.
- Approved the Land Use Plan without the Orange Grove Road change.
- Deferred action on the Colonial Inn rezoning to allow for dialog between the Town Board and Mr. Henry at the January 28, 2008 workshop.
- Directed staff to prepare moratorium language for site plan reviews during process change, proposed to be effective no more than 60 days, January through March.

- A letter was received from American Asset Corporation withdrawing their Annexation and Zoning Master Plan application; another proposal was expected to come forward at a later time as the applicant appeared to remain interested in redevelopment of the Boone/Collins property.

Mr. Remington stated the withdrawal of the plan by American Asset may mean that the Town would have much less control over what was done with the property within the existing High Intensity Commercial zoning.

Ms. Ellis commented the Town would still have the Churton Street Corridor Plan to fall back on. Ms. Hauth agreed, noting if proposals were made that were conditional uses under the new process, it would actually give more weight to the Churton Street Corridor Plan, as the BOA reviewed those Conditional Use permits. She said the Town would have to wait and see what was proposed, noting none of the streets within that property were public streets.

Mr. Farrelly asked was there any information regarding his request for further clarification regarding the Webb Grove property. Ms. Hauth stated only that the Planning Board was being requested to provide any information, emails, or other communications that might have been received outside the public record, including any research they may have conducted as a neighbor of the project.

ITEM #5: Discussion of citizen-requested Text Amendment to change the outdoor storage provisions for vehicle restoration uses.

Ms. Hauth stated there was a vintage auto restoration shop on Allison Street, aka Eno Mountain Road, and that use had been added to the Zoning Ordinance some time ago to accommodate that use. She said at that time, the definition of the use specifically stated that there should be no outside storage of vehicles or parts. Ms. Hauth said she was not sure that owner had ever complied with that requirement, and the Town had received a series of complaints over the years so enforcement proceedings had been started.

Ms. Hauth stated in investigating what the owner's range of options were to come into compliance, the owner had realized that one option was for him to request an amendment to the ordinance to allow outside storage. She said the text amendment would be in two parts: one to delete the sentence that said "outdoor storage and sales are prohibited" from the definition of "vehicle restoration"; and secondly, to look at the provisions in Section 5 that talked about outside storage in industrial districts to make sure that this storage of vehicles and parts would be listed in the list under Item A. Ms. Hauth stated tonight she was interested in receiving any feedback from this Board that could be relayed to the owner.

Ms. Ellis asked was there a building on the property where vehicles and parts could be stored. Ms. Hauth stated he would need to build an additional structure in order to do that, which the owner was investigating. But, she said, it was more cost effective for the owner for the Town to simply allow him to continue to use outside storage space. Ms. Hauth stated the owner also had indicated he was having trouble with items being removed from the site, so there was a security issue that the owner was trying to address as well.

Ms. Ellis asked was the business within the fenced area of the business center. Ms. Hauth stated no, this business was separate from that area. She added that the storage area now in use

was equal to or exceeded the size of the existing building. Ms. Ellis suggested some type of screening so that it was not visible from Allison Street.

Mr. Farrelly stated that would be difficult because of the uphill slope of the lot. Ms. Hauth stated she was not confident that fencing would solve the issue for the owner, because his property sat lower than the highway so passersby looked down onto the property.

Ms. Ellis stated then the logical option would be an additional building. Mr. Farrelly stated in that case, there would be no need for a text amendment. Mr. Remington stated that should address the issue of theft, as well.

Ms. Ellis stated it was important to keep in mind that if you accommodated this request, you would need to be aware of any ripple effect by others who would come forward requesting similar accommodations.

Ms. Faherty stated if a text amendment was adopted, even a temporary one, there would be no urgency for the owner to provide another building unless he wanted to do it for security, so that should be considered.

Mr. Barker asked what would be the timeline for enforcement action. Ms. Hauth said that had not yet been set, noting they were waiting on the public hearing on the text amendment to determine what the scope might be of what the owner needed to do.

Ms. Ellis asked what was nearby. Ms. Hauth responded there was a storage facility across the street on Allison Street, along with some vacant lots for sale as industrial uses. Ms. Ellis stated you would have to consider what was across the road, or what was in sight of this business.

Mr. Remington stated one thing to consider was that the owner should be aware that given the complaints that precipitated this, he should expect some testimony in opposition at the public hearing. He said it would be a good idea to have some language in mind that would address known concerns.

Mr. Hornik stated if you allowed outside storage without some further regulation of it, you would still have the same complaints from citizens. And, he said, if the text amendment were adopted then the complaints would be that it was now allowed.

Mr. Remington stated perhaps Section B under "Outdoor Storage" needed to be considered for modification to better address sight lines.

Mr. Farrelly stated he did not know how you would address the issue of this particular business since it was on a sloped lot.

Ms. Ellis asked if part of the walkway to the park was in that location. Ms. Hauth responded it was on that side of the river, so part of the Riverwalk would be lower than this site. She said because of that, any screening the owner put on the river side should be very effective. But, she added, there would be a connection for West Hillsborough to get to Riverwalk coming down the far side of Allison Street and coming under the bridge. Ms. Ellis stated that was even more reason to screen this business along the street.

Ms. Ellis stated she was concerned about businesses surrounding this one, as well as the need to provide a scenic walk to those using the pedestrian connections.

Mr. Barker asked had the owner begun to clean up the site. Ms. Hauth stated that was unknown at this time. She stated that visibility was a primary issue, in that the Town did not want outside storage that had a detrimental effect on the neighborhood.

ITEM #6: Discussion of Text Amendments to modify the site plan review process, establish a Technical Review Committee, and designate ore uses as conditional uses.

Ms. Hauth stated this was an attempt to lay out the changes to the site plan review process and an attempt to put it together all in one package that got all the cross-references correct. She noted the following:

- In the Permitted Use table there was a new designation labeled P/C, which indicated that a use was permitted but when it reached in excess of 10,000 square feet it required a Conditional Use Permit.
- What the other changes did was to create some new standards in the Conditional Use section, Section 4, to move all the multi-family type uses into Conditional Use Permits since they would likely be over 10,000 square feet.
- It created Conditional Use Permit processes for two uses, churches and schools, that currently were not Conditional Uses but were permitted by right in residential districts which could be problematic.

Ms. Hauth stated where there used to be two parallel lists for what your application materials were, it had now been combined into one list in Section 4, and referred to in Section 5 for the Site Plan.

Mr. Hornik said recently they had had instances where applicants were confused about what list they were supposed to be following, which had caused delays and difficulties for the boards reviewing the projects. He said since there was so much overlap, it made more sense to have one comprehensive list for both CUPs and Site Plans.

Ms. Hauth said at the end of Section 5 as it currently existed there was language about the Adequate Public Schools Ordinance. She said while they had put it there because at the time it seemed to fit, with the rewrite it did not seem to fit. So, she said, part of the amendment package would be to move that current language to Section 11 until the rewrite was accomplished.

Mr. Remington called attention to the first page of the attachment 3 heading, where in Section 4.16 duplex language was deleted and it now referred to attached dwellings. He asked if that referred to the subsequent sections on apartments, condominiums, and townhomes, or was there another section for attached dwellings. Ms. Hauth replied attached dwellings were listed in Section 5, and they were not Conditional Uses; that is, they were allowed by right if you met certain criteria. She said when that language was added, the section on duplexes should have actually been removed to lessen confusion.

Mr. Barker asked why the stipulation had gone up to 3 acres. Ms. Hauth replied that number had been earmarked at the last meeting as to how much land had to be disturbed to get a building of a particular size. She said an example would be a car lot that needed only a small building, but also needed 5 acres for cars and all of those 5 acres had to be graded. She said that

should probably be a Conditional Use rather than a Site Plan review. Ms. Hauth said they not only wanted to use building size but the amount of land to be disturbed as well in establishing the threshold.

Ms. Hauth stated the breakpoint between single staff and committee review had been set a one acre because that was the breakpoint for stormwater review. She stated the two acre breakpoint was disturbed area, not lot size.

Mr. Remington said on page 5-15, under Section 5.28.2a, the last part of that said “shall consist of no more than 5,000 square feet of gross floor area.” He said there was equivalent language in “b”, and asked was that language clear enough to designate that as being cumulative. Ms. Hauth responded yes, noting that if someone was proposing additions to an existing building then all of that square footage would be added together.

Ms. Hauth stated what had not yet been figured out was how to operationalize this amongst the staff. Mr. Hornik stated additional staff may need to be designated, such as the Fire Marshal, which was referred to in the ordinance.

Ms. Ellis noted that if one person looked at plans, it would be better to have a second pair of eyes check it as well. Mr. Hornik stated that was part of the Technical Review Committee’s job, since three sets of eyes would review the same plans. He said projects reviewed at the staff level would all be relatively small and relatively minor, and as the degree of size or complexity of the project grew so would the level of review.

Ms. Ellis stated she would like to see the day when a plan went before the Planning Board or Town Board and what they had seen would be what was built. She said that did not always happen, adding that when Concept Plans came forward that was many times not what the developer really intended to do. Ms. Ellis stated she was in favor of removing the Concept Plan process so that the Town would know up front what was intended for a piece of property and could ensure that what was planned was what was built.

Mr. Remington stated perhaps some discussion would need to happen regarding that after the next Board of Adjustment meeting.

MOTION: Mr. Remington moved to send the text amendment to the January public hearing regarding an amendment to modify the site plan review process, establish a Technical Review Committee, and designate more uses as conditional uses to public hearing.

SECOND: Ms. Faherty.

VOTE: Unanimously approved.

ITEM #7: Discussion of Text Amendments to modify sign requirements to align with the Churton Street Plan.

Ms. Hauth clarified that the free-standing sign section was about permanent, free-standing sign, those that were not attached to a building in any way. She said the wall-mounted sign sections referred to anything that was attached to the wall of the building even if it was perpendicular to the front of the building.

Ms. Hauth stated the bulk of the changes were to the free-standing signs because that was the bulk of what the Churton Street Plan talked about. She said the biggest change was reducing

the height of free-standing signs from 25 feet to 7 feet. Ms. Hauth said the changes also added provisions about how soon signs would have to come into compliance. She explained that if a business's existing sign was in compliance today, it would have longer to come into compliance with the new ordinance than if that sign was out of compliance.

Mr. Remington stated under Section 8.1, the new item "c", it looked like that was more restrictive than what was in "b". He asked was "c" even needed when "b" said even the smallest frontage could have 50 square feet of sign area, and "c" said there would never be less than 20 square feet.

Mr. Barker said he believed "b" was setting a maximum of 50 square feet and "c" was setting a minimum of 20 square feet regardless of frontage. Ms. Hauth said perhaps they needed to find a way to still accommodate the concept in "d" in Central Commercial districts that no more than 20 square feet would be allowed.

Mr. Remington said perhaps the order of "c" and "d" should be switched. Ms. Hauth said he made a good point that "c" was probably not needed, but they needed in "b" to make some comment that that section did not apply to Central Commercial.

Mr. Barker asked was 50 square feet the right low point. Ms. Hauth said for a 50 square foot sign, you would need 150 feet of road frontage.

Mr. Remington stated on page 8.3, under item "a", the last sentence should be part of the previous sentence, connected with a comma.

Ms. Hauth asked was 32 square feet the better place to start rather than 50 square feet, and perhaps take 65 as the mid-point between 32 and 100. Ms. Hauth stated a 100 square foot sign did not seem that large when on a 25-foot pole, but when on ground level it would be much different, including causing visibility issues.

Mr. Remington stated many of the ordinance sections had been compared to other jurisdictions during the discussion of the Churton Street Corridor Plan, and said the thought was if you had a 10 x 5 foot sign up against a building it would appear really large, but when you put it out on the road frontage it did not appear that huge.

Ms. Hauth said then perhaps they would not want to change any of the provisions in Section 8.12, but move forward with everything else.

Mr. Remington stated they did not want signs that dragged people in, but signs that helped people to locate a business. Ms. Faherty said they also wanted signs that supported the character of the Town. Mr. Remington stated he would want to be careful about undoing many of the rationale behind some of the discussions that had taken place in the past. Ms. Faherty stated it would seem that with the reduction in height, there needed to be some adjustment to the size as well. Mr. Barker agreed, noting that 75 square feet on a 7-foot high sign was quite a large sign. Mr. Barker stated that a sign the size of a sheet of plywood, which was 32 square feet, was a sufficient size sign for anywhere in Town. Ms. Faherty agreed, noting that even at 35 mph it would still be visible. Mr. Barker stated he believed it was the Board's will to make the signs smaller.

Mr. Farrelly asked how you would factor in someone building up the soil at a sign's location to make it higher but still remain in compliance. Ms. Barker suggested then perhaps something needed to be added regarding adjusting the terrain to accommodate a sign.

Ms. Woodman stated the lower the sign was, the larger it would look, and you would run a risk unless you could really control the size of the sign and it being more "in your face." Ms. Faherty stated she believed the size would need to be reduced. Ms. Woodman agreed, adding the placement of the sign would be important as well, noting that they could cause visibility issues.

Mr. Barker suggested language that said the square feet could not exceed the distance from the edge of the property line, so if you placed the sign 10 feet from the property line the sign would not be more than 10 square feet.

Mr. Remington stated he would support not changing some of that with the caveat that it would likely come back and be rehashed. Ms. Hauth said perhaps they should just say this required more work than they could give it now, and make an effort to reach out to the business community for comments.

Mr. Barker asked would it be beneficial if they aligned themselves with what was required in places such as Carrboro and Chapel Hill. He said he did not believe there were any large signs in either of those communities. Mr. Remington stated he believed these numbers had come from those communities. Ms. Hauth said the 7 square feet did, but there was no area recommendation in the Churton Street Plan.

Ms. Woodman asked if this amendment would mean that car dealership signs would have to go, noting those signs were extremely expensive and in some cases could cause a financial hardship. She said yes, and it would also affect signs that were placed so they could be seen from the interstate.

Ms. Faherty stated that there was now signage placed on interstates that alerted you to such things as the availability of food, gas, and lodging.

Mr. Barker suggested checking with Carrboro and Chapel Hill to see how they calculated their signage, noting it would be so much easier for sign makers in the area to have a standard.

Mr. Remington stated if they did not change "b" they would need to leave "c". He said he did not want to delay this going to public hearing, and wondered should they direct staff to specifically look at what neighboring jurisdictions required and perhaps look at examples of signs of different sizes and decide from there on the language that got proposed.

Ms. Hauth stated she would look at how Chapel Hill and Carrboro regulated free-standing signage, and attempt to substitute language and get it out to the Board in advance of the public hearing packet.

Mr. Hornik stated on page 8-1, Section 8.13b, regarding the phrase "the frontage width of the more heavily traveled street", would some sort of traffic count be required to determine which was the more heavily traveled street. He wondered if the Town had different categories of streets, such as collectors or arterials. Ms. Hauth stated no, that when they needed to determine

the class of a street they used the most recent traffic count. Mr. Barker suggested using language referring to the broader street. Mr. Remington suggested removing the phrase “the frontage width of the more heavily traveled street” and say “the frontage width where the front door was located or is used for addressing purposes.” Ms. Hawth stated that would work.

MOTION: Mr. Barker moved to send the text amendment to the January public hearing regarding an amendment to modify sign requirements to align with the Churton Street Plan, as proposed to be modified.

SECOND: Mr. Remington.

DISCUSSION: Ms. Woodman requested that temporary signage regulations also be reviewed at some point. Ms. Hawth stated that would be a future agenda item, perhaps in February.

VOTE: Unanimously approved.

ITEM #8: Discussion of Text Amendments to establish a procedure to modify the Land Use Plan.

Ms. Hawth stated since they now had a Land Use Plan, it was likely they would need to have a process or plan in place to amend it. She said there were two schools of thought, the first being that the amendment to a Land Use Plan was a “big deal” and therefore you must first apply and go through a process to amend a Land Use Plan before you could even think about submitting a application to rezoning a piece of property. Ms. Hawth said then there was the expediency school of thought that perhaps the two should be processed at the same time in a concurrent process, in that the same people concerned about the Land Use Plan change would also be the same ones concerned about the proposed rezoning, and they should not have to attend two hearings to say the same thing.

Ms. Hawth said they had gone with the expediency school of thought, and were asking the Board for some suggestions with that proposed process. She stated she had suggested what was on page 20-3, new Section 20.14., Request for Zoning Map Amendments which do not match the Adopted Land Use Plan. Ms. Hawth stated they were proposing that they recognize they would occasionally get such applications, and were suggesting that the applicant be required to submit two applications. She said one would be to amend the Land Use Plan and the other to rezone the property. Ms. Hawth said that added a few more thought-provoking application requirements than what they would require from general purpose area zonings, in that the applicant should provide some written rationale for why the Town should entertain the request.

Mr. Farrelly asked Ms. Hawth to explain what was meant by “better aligns with the Plans for development in the Town.” He asked if that referred to other documents, and what would people refer to when they read that. Ms. Hawth replied they could specifically list other documents that were specific to the Town’s development.

Mr. Hornik suggested they could provide a list of other plans as well as development trends. He said he could envision a piece of property which the Town Board might believe should have a high density or a medium density designation rather than a low density, and used the Ben Lloyd property as an example. Mr. Hornik said it may be that because of development trends in the area that a slighter higher density of a residential development was more appropriate, and that would become part of the justification by which a property owner could request a rezoning. He said that justifications could come from officially adopted plans, by development trends in the area since the Land Use Plan was last amended, and conditions on and around the site.

Ms. Hawth suggested adding after “including changing conditions in the vicinity and the unique characteristics of the proposed development,” the phrase “including new adopted small area plans or inconsistencies.”

Mr. Farrelly stated he believed it would be helpful if it was more clearly stated what constituted a reflection of the Town’s plans. Mr. Remington stated he believed the word “plans” might be the problem, in that what an applicant would be trying to do was amend the plan by proposing a rationale. He wondered if “objectives” was a better term, or perhaps “goals” or “vision.” Mr. Farrelly stated he believed that made the language even more vague, for example, whose head was that vision in and whose interpretation would you use. Ms. Faherty stated the vision should be embodied in the Land Use Plan. Mr. Farrelly said yes, but there could be other plans such as small area plans or other officially adopted Town documents. Mr. Remington stated then perhaps “plans” was the correct word with the Land Use Plan. Mr. Farrelly stated his point was that if someone wanted to make an argument, it should be clear where they looked to make that argument and if that was not clear it would put them at a disadvantage.

Ms. Ellis asked how people would know that the designations of their property had been changed on the Land Use Plan, and wouldn’t that be a huge surprise if they later come forward to do something with that property. Ms. Hawth stated that the Land Use Map did not change the zoning of anyone’s property, although it did impact what zoning they could ask for. Ms. Ellis stated she believed there should be a lot of publicity about the Plan so that people would know that they may be limited in what they could request as far as rezoning their property. Ms. Hawth stated that was why they were setting up a process, whereas before the landowner would not have had any recourse but to be stuck with what the Town had designated for that property. Mr. Hornik stated the law also placed some level of responsibility on the property owner to pay attention to what the Town was doing. He stated this Land Use Plan and Map had been in the news for quite some time. Ms. Ellis stated that not everyone subscribed to the newspaper. Mr. Hornik stated the law placed the onus on the property owner to pay attention. He stated property taxes would skyrocket if the Town had to send notification letters every time they did anything, and you could not impose that burden. Ms. Ellis stated she understood that, but believed it still should be publicized more before it went into effect. Mr. Hornik stated the Land Use Plan was already adopted and was in effect. Ms. Hawth added that various public hearings were held and there were two public workshops in advance of its adoption.

Ms. Hawth stated she believed she was hearing that this section “c” needed a little more work to provide more clarification about what exactly did and did not qualify as supporting documentation that could be referred to. There was general agreement from the Board. Ms. Hawth stated she would send to the Board suggested changes in advance of the public hearing packet.

MOTION: Mr. Remington moved to send the text amendment to the January public hearing regarding an amendment to establish a procedure to modify the Land Use Plan, as proposed to be modified.

SECOND: Ms. Faherty.

DISCUSSION: Ms. Woodman asked if the modified language would be received in time for the Board to make further recommendations prior to the public hearing. Ms. Hawth stated yes, and reminded the Board that the text amendment language would remain fluid until such time as the Town Board adopted it.

VOTE: Unanimously approved.

ITEM #9: Discussion of Text Amendment to establish a Special Use Permit process for multi-family dwellings.

Ms. Hauth stated she had provided the Board with a handout regarding Section 2.4.2. She said at the Town Board meeting on December 10, they had received a proposal from a company who was interested in doing a tax credit affordable rental housing project for citizens 55 and older. She said it did not imply rental assistance directly to the renter but was brought on the market at an affordable rate due to tax credits. Ms. Hauth stated the only multi-family district the Town had now was a general purpose zone, and the applicant in this case was willing to pursue a SUP process. She said in order to do that they would need to create a parallel district that was multi-family special use which would then allow the applicant to bring in the rezoning request and the SUP request, allowing you to see all the details at once. Ms. Hauth stated the Town Board was reasonably interested in this project and wanted to see if it could move forward.

Ms. Hauth stated that she and Mr. Hornik had wondered if this section was enough, since under the SUP provisions it was clear that the Board could waive any provision in the Zoning Ordinance. She said since there were not any multi-family provisions in the Special Use section other than those placed in the General Industrial section to allow the construction of Bellevue, they needed to discuss whether to create a new section or try to use what they already had by referring to sections that talked about apartments, condos, and townhomes.

Mr. Remington stated then this would have been a district, had it been in place, that Allen Knight could have applied under for his condo project rather than the Entranceway Special Use. Ms. Hauth replied possibly. She said if this was adopted, Mr. Knight would be able to ask for the same thing. Mr. Remington stated this would at least provide the avenue to consider something like Mr. Knight proposed. Mr. Hornik stated they could build in language that said it was appropriate anywhere but in the historic district. Ms. Hauth added there was no reason why Webb Grove could not also come in and request the same thing.

Mr. Farrelly said because it was special use, did that imply you could get it. Ms. Hauth said you could apply for it anywhere, and the question was did you want it to apply anywhere or did you want to say affirmatively at the beginning that you could not apply for it in the historic district.

Mr. Hornik stated there may be a case where someone came forward with a proposal that once you saw the details you believed it was appropriate for the historic district, so it was a two-edge sword if you said not in the historic district as opposed to being silent on that. He said this was a combined legislative and quasi-judicial decision, and in the legislative portion of that process you could say "no" to a development for most any reason you wanted to. Mr. Hornik said having it as a special use district gave the Board quite a bit of flexibility.

Mr. Farrelly stated that was why he did not believe they needed to restrict where it could be applied. Ms. Hauth said if there was the thought that there could not possibly be a designed project that could be acceptable in the historic district, then they ought to go ahead and restrict it now. But, she said, if they could envision one that might work and if they could figure out how to insert the Historic District Commission into the review process as well, then they could do that. Ms. Hauth explained the difficulties the HDC had experienced with the Webb Grove proposal, and why it had been cumbersome for them.

Ms. Hauth stated these issues could be brought up at the public hearing to ensure that they were discussed and considered by each board.

Mr. Barker asked was there a downside to this. Mr. Hornik said he did not believe so, in that it just provided another tool available for potential use if a good project came forward. He said having a legislative decision involved created the leeway for the Town Board to say no to a project. Mr. Hornik stated that was why it was written in such a general way.

Mr. Farrelly stated part of the reason he believed this process was different from the Webb Grove situation was that you had a board that could look at the project and say that what was proposed was incompatible with another part of Town, which was the historic district and the HDC guidelines. He said just having this process gave you another level of review so you could avoid inconsistencies. There was general agreement from the Board not to specifically restrict it away from the historic district in the text of the amendment.

Mr. Hornik said with the way it stood now and the proposed Owl's Wood property, the Town Board could decide that that project with that kind of building at that location was good, but the very same project at a slightly different location was not good. Therefore, he said, it could be approved in one place but not another and this zoning classification would allow that to happen without any negative legal repercussions.

MOTION: Ms. Woodman moved to send the text amendment to the January public hearing regarding an amendment to establish a special use permit process for multi-family dwellings.

SECOND: Mr. Remington.

VOTE: Unanimously approved.

Mr. Farrelly stated that this was Ms. Ellis' last regular meeting. Ms. Ellis stated she still planned to be involved in Town government.

ITEM #10: Adjourn.

Upon a motion by Ms. Faherty, seconded by Ms. Woodman, the Board moved to adjourn the hearing. The vote was unanimous. The meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Margaret A. Hauth, Secretary