

**TOWN OF LUMBERLAND**  
**PUBLIC HEARING COMMENTS –LOCAL LAW #1, 2012 –ZONING**  
**February 6, 2012**

Councilman Shafer made a motion to open the Public Hearing for Local Law #1, 2012, entitled Zoning, at 7:17 p.m., seconded by Councilman Thiele, all in favor, so carried.

Supervisor Rajsz stated that they have extended the time for accepting written comments on the proposed zoning rewrite until Friday, February 17, 2012. Supervisor Rajsz stated that anyone who wishes to speak should sign up on the sign in sheet, and when speaking please state your name, residence and only address specific issues relating to the zoning rewrite, noting that everyone will have 3 minutes in which to speak.

Supervisor Rajsz stated that before opening the Public Hearing to the floor she would like to address the anonymous letter that was sent out to residents containing inaccurate information regarding the proposed zoning rewrite, questioning how valid could this letter be if it was unsigned?

**OPEN FLOOR FOR 1<sup>ST</sup> TIME**

Kevin Malone, resident of Goshen, N.Y. stated he is not a landowner in the Town of Lumberland but a local architect who is concerned about the provisions for the conservation subdivisions. Malone stated that Sullivan County and the Town of Lumberland are listed as rural areas, stating he felt the provision for conservation subdivision was written with a light heart and a heavy hand. Malone requested this section be revisited by the rewrite committee.

David Leamon, Attorney and resident of the Town of Lumberland stated he is concerned about Sections 5.5 regarding signs and 5.3.10 regarding emissions of smoke. Leamon stated that the proposed zoning for signs reads that what is permitted infringes on our rights, noting that it is not feasible to have to purchase insurance for signs. Leamon noted he submitted his concerns by letter to the town. Leamon stated that any other flag other than a governmental flag would need a permit. Leamon stated he felt this section needs to be addressed further. Leamon also addressed section 5.3.10, noting that it infers that it would ban the use of gas powered chain saws, the use of wood burning stoves, camp fires and outdoor smoking. Leamon felt this was written with a heavy hand and should be readdressed.

James Karpowicz, resident of Livingston Manor, reported he is an artist and videographer and designer. Karpowicz reported he has organized and exhibited in anti fracking art shows and donated artwork for the cause and created artwork in installations that champion

(2) February 6, 2012

environmental causes. Karpowicz reported he has visited rural areas that have been affected by drilling and as a designer he works with salvaged and recyclable materials. Karpowicz reported he has been to numerous green seminars, symposiums and conferences and manage a local soy based green insulation company and felt the issue of the proposed conservation subdivision would affect the lively hood of this economy. Karpowicz stated he was lucky enough to being instrumental in bringing 60 new families to this area and the Lumberland area. Karpowicz stated that these owners would like their own little peace and quiet. Karpowicz stated with the proposed conservation subdivision it would take 50% of land away from the landowner. Karpowicz stated that if you want to see sustainable green development just go down to Tuthill and Hallock Roads in Barryville and see the 7 houses that are energy efficient with minimal impact. Karpowicz stated that the proposed conservation subdivision zoning restricts the Planning Board of flexibility on a case by case basis. Karpowicz urged the Town Board to reconsider the proposed provisions for the conservation subdivision.

Charles Petersheim, resident of Eldred, N.Y. stated we were not here to talk about Article 10 and all the little ideas that are getting towns sued, how the CDEC will counsel towns to pass anti drilling laws but won't be there to defend them when those towns get sued, noting that he also does not want to talk about how it seems the Supervisor of the Town of Lumberland seems more concerned with aligning the Town of Lumberland with the UDC and the River Management Plan and the Delaware River Scenic Byway than with the concerns of the local business community. Petersheim stated he does not want to spend his time talking about the County Planning Commissioner, the boss, the consultant, the vacillator that has issued a new 239 review stating that conservation subdivision should be addressed on a case by case basis by the Planning Board, not mandated. Petersheim mentioned that the anti gas drilling is not without consequence or harm to towns, with a gas line running the length of the Town of Lumberland it would be a perfect place to invest in. Petersheim stated that not one acre, not one lease, has been signed in the Town of Lumberland for gas drilling because there is no viably extractable gas in Lumberland. Petersheim stated that the fears that have come from the LCC and the Slotjees have hurt the property values of every single resident of this town and hurt every single business prospect of this town. Petersteim stated that people are running around putting the fear of God in residents that have relied on them and local activists for information and education. Petersheim stated that according to the proposed conservation subdivision regulations he is personally astounded that Mr. Akt and Mr. Shafer, who have made their living on the land, subdividing their land, working with developers, and working with builders, would consider passing zoning of this sort. Petersheim stated it is totally evasive, overkill and unnecessary. Petersheim stated that these Board members and their families would not

(3) February 6, 2012

have survived in this region with this zoning in force the last 30 years. Petersheim stated that he is not sure why anyone would want to pass a law that is almost insurmountable, noting that he has built 20 homes in Sullivan County, been to the Planning Board and it is tough. Petersheim reported that these new obstacles are insurmountable, noting maybe the Comprehensive Plan should be looked at again, which was made on the coattails of the biggest building boom ever seen. Petersheim requested the Town Board send the zoning back to the drawing board for more work.

Peter Comstock, Glen Spey, N.Y. , reported that the Comprehensive Plan, with which, by law, the zoning must agree, clearly states a five acre minimum for those areas, portions of the Rural Residential and River District, and a small portion of the Lake District. Comstock stated that to identify the goals for the Comp Plan, three public focus meetings were convened, a town-wide survey was conducted, and public hearings were held before its adoption. I would add that development of the Comp Plan was clearly the will of the residents of this town and that they most definitely value open space. Comstock stated that the zoning rewrite committee has worked for nearly 2 years in an attempt to interpret and carry out the provision of the Comp Plan and has delivered a flexible and reasonable document that encourages economical development while protecting the environment in rural values that brought residents to Lumberland in the first place. Comstock stated that in the future if it appears that some of its provisions are unwieldy in practice, the law can be changed or amended, that is one reason why zoning is subjected to periodic reviews in the first place. Comstock stated that the current proposal deserves ratification by the Town Board and congratulated the committee on a job well done.

Hall Smyth, resident of Pond Eddy stated that there is no provision in the current proposed zoning regulations that encourages economic development. Smyth stated that nothing has changed that says that this area is somewhere that we should encourage business. Smyth stated that the codes are hostile to business because you would have to follow certain planting and landscaping, map trees which would cost more. Smyth stated this is not going to help people of the town get a job, not help to encourage your children to stay in area and work in the area. Smyth stated that we have an opportunity to encourage our towns people to stay local, to drive locally and work locally. Smyth stated that the Comprehensive Plan was concerned with the natural status of our environment but it also states clearly that we should be looking at identifying property values. Smyth stated that we should be making businesses welcomed. Smyth reported he has someone looking at his property to put in a small business but felt that person would be swayed away from the area because of new proposed zoning regulations. Smyth stated that we are #7 in 80 communities in the Catskill region for economic growth.

(4) February 6, 2012

Karen Smyth, resident of Pond Eddy stated that Section 3.1 of the proposed Zoning regulations recognizes the river hamlet and thanked the committee for recognizing the hillside valley as a river hamlet, staying with the existing zoning code. Smyth requested that, when drafting the final map of the zoning district, please include all properties within the hillside valley to correspond with the archeological zoning study that is used in the planning process. Smyth stated that this represents a historical map of the river hamlet and follows the geography of the river valley. Smyth stated the existence of designated river hamlets allows for the natural concentration of commercial activity while allowing other areas as open space.

Smyth stated Pond Eddy, Hillside Valley and Handsome Eddy are 3 areas well suited for commercial growth.

Rik Dilles, resident of the Town of Lumberland stated that the last time he was here he requested they not put in any regulations about trees and requested an explanation as to why nothing had been done? Supervisor Rajszt stated that the Public Hearing was to hear comments, not to answer. Dilles also questioned what about trucks, addressing Councilmen Akt and Shafer stating that they have businesses in town and should understand.

Councilman Akt reported he had to take his business trucks off his private property. Dilles questioned what was he suppose to do with his trucks, noting that his trucks are used in his business that pays his taxes and the trees he cuts down saves on oil.

Supervisor Rajszt stated there were no more individuals on the list to speak. noting that they are extending the written comment period to February 17<sup>th</sup>. Supervisor Rajszt stated anyone that would like to send a comment in should send it to the Town Clerk and that they would not be passing the zoning until all the issues have been addressed.

### **OPEN FLOOR FOR 2<sup>ND</sup> TIME**

Bruce Worzel, property owner in the Town of Lumberland stated he was a 6<sup>th</sup> generation property owner in the town, noting he has 52 acres and felt the new proposed zoning laws would be taking away his rights as a property owner. Worzel stated that the taxes have gone up, people can't afford to live here and if it takes 2 more years he would like to see more work done on the zoning rewrite. Supervisor Rajszt stated again that written comments will be received until February 17<sup>th</sup> and all comments will be taken into consideration.

Nancy DeVoe, resident of Glen Spey, stated that she Thanked the person that wrote the letter from a concerned citizen, noting that she is considering putting in a garden but questioned if she would need a permit under the new laws? DeVoe also stated that the new

(5) February 6, 2012

proposed zoning laws would make a difference in deciding whether to build a new home in town.

**OPEN FLOOR FOR 3<sup>RD</sup> TIME**

No Comment

Councilman Thiele made a motion to close the Public Hearing at 7:54 p.m., seconded by Councilman Carr, all in favor, so carried. Councilman Shafer made a motion to reopen the Workshop Meeting at 7:54 p.m., seconded by Councilman Carr, all in favor, so carried.