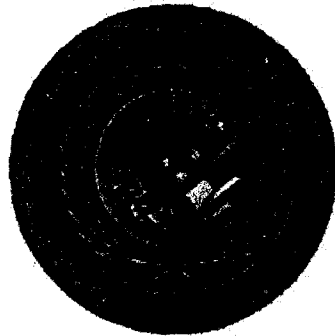


# **TOWN OF WOODSTOCK**



## **GATEWAY OVERLAY DISTRICT REVIEW AND SUGGESTED CHANGES PRESENTATION**

**MAY 17, 2011**

**PRESENTED BY  
TERRIE ROSENBLUM  
AND  
CATHY MAGARELLI**

This is the first of our review of the Woodstock Zoning Law. Our approach is that each district of the Town will be evaluated separately. There are so many redundancies and conflicts in our Zoning Law that we decided to begin this attempt by taking small bites rather than trying to handle the full law all at once. Our process is to address those problems that have been brought to our attention by boards, committees, task forces, and members of the public. Once we have gone through the law and isolated the relevant sections pertaining to a specific district, a public discussion about that specific district will be held.

When the public discussion has been held, recommendations will be given to the Town Board members and the public via the Clerks office and on the Town Website. We will continue to gather written comments for 30 days. When that is completed, the Town Board will review all the information and input so that a final draft can be agreed upon and vetted by our land use attorney for consistency with State Law. The public process to adopt the final changes in our zoning law will finalize the process.

We began with the Gateway Overlay District because it is the entry to our town. This presentation will be also be posted on the town website, copies will be available in the Town Clerks Office.

Our recommendations are based on the vision that is printed below.

## **Town of Woodstock Growth Plan**

“...WE should remind ourselves that perhaps the greatest objective for Woodstock is to continue its creative tradition.

This is the reason for the Town’s Character, and it has been a prime mover since the beginning of the century.

It may be that the Preservation and enhancement of this activity should be considered a duty of the entire town, even at the sacrifice of some commercial expediency.

There are not many places in the nation which have equal achievements in this aspect.

**By Brown & Anthony, 1962**

We began our review of our Zoning law with the Gateway district because it is the entry to our town and it is designated as being unique and different from the other hamlets.

**Zoning Sections are in Bold, zoning Laws are in italics, Our suggestions are Underlined.**

It should be an essential part of the Zoning review for all references to other pertinent sections be made a part of each reference. It may be overly redundant, but it is much more user-friendly and makes it easier to follow if the reader does not have to peruse many different sections in order to get all the information they need.

**Section 260-8** Description of overlay districts (D.) states *"The Gateway Overlay (G-O) District located at the eastern entrance of Woodstock created for the purpose of protecting the aesthetic and historic qualities of the district while promoting the development of cultural facilities in the district to benefit the residents of Woodstock. The boundaries of the district in section 260-67H of this chapter."*

It appears that the words "aesthetic, historic and cultural," have no specific definitions and have not been adhered to for at least a half of a century. What we suggest is that the gateway be defined as being restricted to what is allowed in the Use Table only. We suggest that the requirement for a cultural facility, as part of each construction project, be dropped. We suggest that a separate task force be created to address how to achieve and maintain a welcoming visual into Woodstock, such as the efforts of those who have planted the wonderful flowers at the 212 end of 375 that greet all who enter our town.

This is one of the most recent Planning Board suggestions for the Gateway District (Summer 2010)

"The Gateway Overlay, although a good concept in theory, has only served to create extra paperwork for applicants and the Planning Board. All changes in G-O require an SUP. The idea of the Overlay was to protect the aesthetics of the area while allowing certain cultural or tourist oriented uses that are not allowed in the underlying R1.5/R3/R5 zones, such as a retail use directly linked to a cultural facility or a small hotel with a restaurant. Eliminating this overlay has been discussed as well as modifying it to eliminate some of the smaller changes triggering an SUP."

We agree with the Planning Board and we are suggesting that the Gateway no longer be called an "overlay" district but remain as the Gateway district and be treated as all other districts. We also suggest that the Gateway District be included in the Town Use Table, along with the other hamlets. A blank sample is attached, specifics to be determined.. Section 260:8 should delete the Gateway Overlay, Section and Section 7 should include the Gateway District.

A special thanks to those who also gave us their suggestions.

## **Section 260-67 Standards within the Gateway Overlay (G-O) District.**

***"A. Findings and purpose. As outlined in The Town of Woodstock Comprehensive Plan, (to our knowledge, none was ever adopted.)***

*Woodstock has been long established as a community of the arts and desires to preserve and encourage that character. In addition, it is found that the protection of particular buildings and other improvements of special character or cultural, recreational, historic or aesthetic value, the enhancement of traffic and pedestrian safety along heavily traveled routes, and the protection of scenic and open space vistas within the Town are of public concern and are required for the protection of the people and the economic base of Woodstock.*

*It is further found that these features at, about and visible from the intersection of State Routes 375 and 212, which constitute the critical gateway to Woodstock and primary access to its commercial center, are particularly important as a reflection of the Town's character and are so located that appropriate property use and development within that area is a public necessity. Accordingly, the purpose of the Gateway Overlay District is to preserve and promote the cultural and aesthetic heritage of the town's entrance, to enhance traffic safety for vehicles and pedestrians, and to mitigate traffic congestion at a critical intersection."*

*We suggest that the vagueness of all of the above concerning the "protection of particular...buildings" be replaced with "all buildings on the historic registry..."*

*We also suggest that the reference above to the "enhancement of traffic and pedestrian safety..." be deleted since the Town of Woodstock does not own, and cannot change anything on the State Road 212 without State approval.*

*B. Within the Gateway Overlay District, no building structure or improvement which is visible from a public highway shall be demolished or construction undertaken, except pursuant to a special use permit issued by the Planning Board. Nothing herein shall prevent the demolition and clearance of any building which the Zoning Enforcement Officer determines in writing poses a clear and present danger to health and safety of internal renovations or improvements which do not substantially change the use or external appearance of existing or permitted structures.*

*The need for PB approval to demolish a building that is not on the historic register should be stricken and new construction should meet all PB and zoning requirements. We recommend that it be deleted.*

There are sections below that appear to be redundant, unnecessary and often not applicable. We recommend that those commented on, be changed or deleted

- (1) The Planning board shall issue such special use permit only where it finds that:**  
**(a) The project is located and designed in a manner such that it will have no significant adverse impact on the cultural, aesthetic and historic character of the Gateway Overlay district and will be consistent with the objectives thereof as herein defined;**

The words "cultural, aesthetic... character" do not have any specific definitions and therefore rely only on the aesthetic preferences of the members of the Civic Design Commission. In "The Colony of the Arts," where we pride ourselves on our long history of a varied vision of "Art", our laws should reflect our individuality and aesthetic senses by honoring the variety of our artisans and our respect for every artists vision. We recommend that the Civic Design Commission be limited to Registered Historic Buildings and all other suggestions may or may not be adhered to.

**(b) The project will have no significant adverse impact on the environment, public health or safety; and**

**(c) Any demolition will not have a significant adverse impact on the character of the district. This is vague and there is no definition for the word "character" in Article XV, "definitions".**

**(2) Adverse impact for the purposes of this part of this chapter shall be evaluated with reference to the following:**

**(a) Impact on vehicular and pedestrian traffic on adjacent roadways: How will this accomplished ? If parking cannot be created, does that mean that another store can't open?**

**(b) Building location, configuration and scale, including height, roofline and setbacks in the context of existing adjacent or connected structures and lot lines; This is already addressed by the Planning Board and/or the Building Inspector and can be deleted.**

**(c) Facades, including fenestration, materials, transparency and porches. We recommend that this only apply to buildings that are on the historic register.**

**(d) Character and location of uses: We are not clear as to how that will be done and how?**

**(e) Preservation of landmark or historic structures. Add verification of historical designation**

**(f) Preservation of views and open spaces; Specifically where?**

**(g) Road extensions and access safety for vehicles and pedestrians. How and where?**

**h) Relationship to other existing Gateway Overlay district properties; Who, what and where?**

*(l) Street and sidewalk improvements. Who is responsible for such improvements?*

*(j) Adequate on-site parking: and There is no definition of adequate in our law.*

*(k) Signage and lighting.*

The requirements of both are already part of our zoning law.

The 3 sections below (F, G and H ) do not appear to have a logical reason for the required coupling of uses. It appears to be arbitrary and not based on planning concerns such as parking, etc. We suggest that the Planning Board and the ZEO work together to create a new procedure, if necessary.

**Section 260-67 Standards within the Gateway Overlay District. Page 260:77**

For this section we have used a strike through for suggested deletions and suggest that this section also be made part of the Use Table.

**F. Uses permitted in the Gateway Overlay District which are not otherwise permitted in R5, and R1.5 and HR Districts:**

*(1) Uses permitted:*

*(a) Cultural facilities, such as performance and rehearsal facilities, theaters ~~not to exceed 300 seats, museums, archives, art galleries and libraries.~~*

*(b) Retail and/or restaurant uses directly related to, incidental to, and in support of a cultural facility, but not including sales of food to be consumed off the premises. The total of such retail and /or restaurant uses ~~shall be no larger than the cultural facility in total floor area.~~*

*(c) Motels or hotels having not more than ~~40~~ 30 sleeping rooms, ~~which may have restaurants, depending on the amount of on-site parking available. seating not more than 100 diners, provided that such hotel, motel or restaurant is situated on the same lot with a cultural facility, which facility shall consist of not less than 50% of the project's lot coverage.~~*

**G. Gateway Overlay district bonuses.** *In the event that the proposed project is a cultural center and qualifies as a use permitted pursuant to ~~this~~ in the Special Use table section, the Planning Board may, at its discretion, grant the developer thereof certain bonuses and relief from other provisions of this chapter, as follows:*

*(1) Lot coverage restrictions shall be modified, provided that in no event shall the aggregate lot coverage of all structures on a lot exceed 40%, and provided that on-site parking complies fully with section 260-30 of this chapter. 260-30 refers to the parking and loading standards that begin on page 260:20 and end on the top of page 260:25.*

We are recommending that there should not be any parking bonuses in the Gateway.

*(2) Setback requirements may be modified, but in no event shall they be less restrictive than those which are listed the R1.5 District as listed in Section 260-16, the Schedule of area and Bulk Regulations, of this chapter.*

When someone goes to see what important info they will need in Section 260-16, above, this is what they will find: "the general area and bulk regulations in each zoning district are set forth in the Schedule of Area and Bulk Regulations. This schedule is supplemented, as appropriate, by other provisions of this chapter, including the extraordinary standards for certain special permit uses stated in Article VI of this chapter."

This is not helpful and is yet another instance of why the formatting should be changed. We suggest that #2 be omitted since the Gateway District will be included in the chart. Specifics to be determined.

**Section 260-67 ( page 260:80)**

*H. Gateway Overlay (G-O) District description. The Gateway Overlay District is bounded and described as follows: beginning at the intersection of Riseley Lane and Route 375; south along the center line of Route 375 to the northerly intersection of Birch Lane with Route 375; east along the center of Birch Lane to a sharp bend to the south, northeast from the bend in Birch Lane to the center of the the Chestnut Hill Road Bridge crossing Sawkill Creek; north along the center line of Route 212 to it's intersection with Plochmann Lane: north along the center line of Plochmann Lane 300 feet; west along a line parallel to and 300 feet west of Rout 375 to Riseley Lane, and east along the center of Riseley Lane to the point of beginning. If any property is partially with and partially without the Gateway Overlay District, the property shall be deemed entirely within the Gateway Overlay district if more than 50% of such property falls with the gateway Overlay district. If less than 50% of such property falls within the Gateway Overlay District, only such portion thereof as falls with the Gateway Overlay District shall be subject to its provisions.*

This needs to be remapped (GIS) in order to change the boundaries if they are not consistent with the lay of the land. If there is any existing agreement with the Golf Course and the Town, it needs to be either inserted into our law or officially signed and acknowledged as á permanent document..

**Section 260-38. Standards for development within the Gateway overlay (G-O) District.** *The purpose of the Gateway Overlay district shall be as described in Section 260-8D of this chapter. All development within the Gateway Overlay District shall be subject to the special use permit procedures provided by Section 260-67 of this chapter. The boundaries of the Gateway Overlay District shall be defined in Section 260-67H of this chapter.*

This creates confusion and is unnecessary. It is already addressed and we recommend that it be deleted.

This is the end of our suggestions concerning the Gateway Overlay District. We look forward to further discussions on any Gateway issues.

**Terrie Rosenblum and Cathy Magarelli**

Our Personal thoughts

The Gateway to town is incredibly difficult to "organize" into the perfect visually welcoming entrance that will instantly tell everyone that Woodstock is the "Colony of the Arts".

It is difficult because right now we have only 2 buildings that fit that mold, the new Woodstock Playhouse and Vivo.

So, what do we really want to preserve in the Gateway?

What do we need to do to the Gateway that will re-vitalize our "Colony of the Arts" image and how do we accomplish it?

One thing we could discuss is to allow the Gateway building owners to receive a small rebate of their town taxes if they lower their rents and allow Woodstock's artists to use or share part of their stores as working studios.

In the spring, summer and fall, the town could hold "clothesline art shows" on the Comeau or other donated venue. We can solve this....maybe a task force with members from each of our visual and musical arts groups could work on it?

Terrie Rosenblum

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Regarding our local zoning laws, it is my intention to end up with a document that will prove to be beneficial to our taxpayers, our businesses and the entire community.

During the time that we have been examining our zoning laws, several concerns have been mentioned frequently and appear to be shared among us. It is a common sentiment within our town to preserve the character of Woodstock while improving our zoning laws. It is apparent that the community wants to keep the town vibrant and moving forward without altering the spirit of Woodstock and its creative traditions.

On a practical level it is also important to update zoning laws which are contradictory and confusing. Contradictions can lead to legal controversies which are costly to our tax-payers. . It is my opinion that these concepts should remain at the forefront of all the zoning changes that are being proposed.

My goal is to balance these issues as we move forward with the zoning changes. Each group of changes could take up to six months to complete as we go through the legal procedures.

I look forward to serving the Town of Woodstock in these matters.

Cathy Magarelli

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We were planning to move on to the Hamlet, but we were told that the "season" has begun and the shop keepers are too busy to address the Hamlets problems. Therefore we will wait until the season is over. The NC1 and NC2 are next in line for review.

End.