

Town of Liberty Business Friendly Zoning Project, 2018-19 Report

Introduction	2
Background	2
Approach	2
Town of Liberty 2008 Comp Plan	3
Town of Liberty Agriculture and Farmland Protection Plan	4
Draft Generic Environmental Impact Statement - Proposed Updates to the Zoning Code, Subdivision Code, and Comprehensive Plan	4
Combining a Comprehensive Plan Update with Zoning Amendments	4
Advancing Zoning Amendments	6
Comments on Draft Zoning Amendments	7
Recommendations	11
Conclusion	11
Part 2 Update	11

Introduction

The town of Liberty received an award from the 2018 Sullivan County Community Development Program, enabling the town to receive assistance under the Business-Friendly Zoning and Permitting category. This category encourages activities that increase the efficiency and application of local land use regulations, including the drafting of zoning amendments to improve review procedures, clarify use definitions, or identify recurring issues that may create impediments to small business development.

Background

In recent years, the town has made significant investments toward the adoption of a series of zoning amendments, which were joined with an update to the land use aspect of the town's 2008 comprehensive plan. The proposed amendments have not been adopted and have been a subject of controversy and confusion. In order to adopt and implement more efficient and effective land use regulatory tools, the town has sought assistance in assessing these recent efforts and in establishing steps to proceed on a path that will resolve impediments and ultimately produce results consistent with visions for the community's future. Thus, the success of the town's efforts not only involves drafting regulations that improve efficiency and support a business-friendly review climate, but very much depends on how proposed zoning changes fit within the larger context of community planning.

Approach

The project consists of two parts. The first part involves research, inventory, and assessment of the town's ongoing efforts to develop and adopt zoning amendments and update the comprehensive plan. Through review and discussion of key documents and planning procedures, this report discusses findings and puts forth recommendations for the town to proceed in a way that is inclusive and productive.

The town's work to adopt the zoning amendments and update the comprehensive plan intensified in 2016-17. The project was then placed on hold in part due to a town-wide moratorium on the establishment and expansion of camps. Genius Loci Planning worked successfully with the town to amend the zoning law to include camp provisions, repeal the moratorium, and include some business-friendly elements in the zoning update. The Business-Friendly Zoning Project enables GLP to continue to assist the town by not only gaining further insight into the activities and challenges associated with the 2016-17 efforts but to establish continuity in communications with local officials. Both of these benefits are critical in supporting the second part of the project, which will focus on drafting zoning amendments.

Research and review of documents and planning practices is by no means exhaustive. It is intended to reinforce characteristics that are consistent with the opportunities distilled in the recommendations. Likewise, the review of the draft zoning amendments of 2016 represents a portion of the work to improve the town's land use tools, as it contributes to furthering the ongoing discussions on the revisions.

Town of Liberty Comprehensive Plan

The town's adopted comprehensive plan (January 2008) is a joint comprehensive plan with the village of Liberty. Joint comprehensive plans demonstrate proactivity through intermunicipal cooperation and the alignment of shared goals for the future of the larger (village-town) community. However, should one of the municipalities choose to diverge from or expand upon the adopted plan, it can be challenging in continuing the partnership that set the process in motion. More importantly, this joint plan is a decade old and should be updated. In considering the update, the town should decide whether or not to engage in a joint arrangement. Assessing the implementation progress of the existing plan's recommendations should be factored into the decision.

While undertaking a comprehensive plan project is no small task, its benefit in guiding the municipality is paramount. Although there is no set interval to update a comprehensive plan, the five- to ten-year range is generally accepted as being optimal, with ten years certainly being the maximum. Given Liberty's location, very much in the path of change expanding westward from Orange County, it should be imperative that the town's land use regulations are suited to meet the associated challenges and opportunities. The town will be in no better position to do this than if it engages the involvement of the community and updates the comprehensive plan.

The important coacting relationship between land use regulations and the comprehensive plan, as emphasized in state statutes and caselaw, is sometimes most apparent when one of the two is largely absent. For example, the development of land use regulations without an up-to-date comprehensive plan or, more precisely – without an underlying policy that involved the public and reflects the goals of the community – creates a fundamental disconnection and has a greater likelihood to result in controversy and legal challenges. If the land use tools used to help carry out the visions of the comprehensive plan are not anchored by the plan, this can create many negative effects, including those related to the business-friendly climate in the community.

The integration between the comprehensive plan, the regulations, and the application and approval processes (for prospective businesses) should be tightly woven, creating predictability and consistency for all those involved in participating in the community's growth. The comprehensive plan can also play a key role in presenting the overall quality of life and future visions to prospective residents and businesses, assisting in decisions of where to locate. The existing comprehensive plan has an economic development chapter as well as several tasks in other chapters that speak to the improvement of the business climate over time. These tasks and the overall plan need to be evaluated in terms of what has been implemented, what no longer applies, and what could be developed as new guidance to realize the vision of the town, which also needs revisiting.

Town of Liberty Agriculture and Farmland Protection Plan

In 2011, the town board adopted the Town of Liberty Agriculture and Farmland Protection Plan as an addendum to the comprehensive plan, thereby expanding the adopted policies of the town. The agriculture plan puts forth a comprehensive set of more than 50 actions, including several land use and cluster development recommendations. Notably, the recommendation to set the minimum lot size at 10 acres in the AC District reinforces the comprehensive plan's same recommendation (found in Appendix K, Proposed Land Use/ Recommended Schedule of District Regulations). This change was enacted with zoning amendments in 2011.

Also included in the agricultural plan is the recommendation to update both the agriculture and comprehensive plan every five years. With the comprehensive plan lacking such a review clause (notwithstanding Town Law 272-a. 10. and interpretation of its applicability), the agriculture plan essentially affixed the review interval to the comprehensive plan, further reinforcing the need to update the comprehensive plan. The DGEIS, though mentioning the town's agriculture and farmland protection plan, does not mention that it was adopted as an addendum to the comprehensive plan or that it states that both plans should be updated every five years.

Draft Generic Environmental Impact Statement - Proposed Updates to the Zoning Code, Subdivision Code, and Comprehensive Plan

There is a substantial body of critique on the DGEIS package, ranging from thorough analysis by professional planners to earnest remarks from town residents. The gravity of these comments should be self-evident. Although this report reemphasizes some of the comments, it is not the intention to revisit the numerous points made in these documents. Rather, the discussions of this report are meant to supplement this previous work by recognizing its value in contributing to the town's consideration of alternative next steps, which are discussed herein.

The common themes found in the DGEIS comments are instructive in terms of both identifying the inadequacy of the document and illustrating the sense of discord found in the greater process. Comments on the DGEIS are focused on environmental impact, as expected, but a fair degree of the criticism calls into question the healthiness of the processes that brought the town to this point. While it's beneficial that public attention has been activated, this attention is reactionary and includes expressions of confusion and dissatisfaction regarding the process. Taken along with other findings of this report, continuing the process of amending the DGEIS is not likely to bring solutions that are beneficial to the collective community in the long term.

Combining a Comprehensive Plan Update with Zoning Amendments

Although there is no prohibition of combining a comprehensive plan update with zoning amendments in a DGEIS (or directly) – and there may be instances where this is appropriate -- this method eliminates several opportunities that would be more beneficial for the town. Additionally, updating only a single portion of the plan limits the

community in otherwise engaging in a holistic approach for the community's future. A comprehensive plan is just that – a *comprehensive* process and document to craft a vision for the community to realize through outlined actions. While land use is often a flagship topic, it is very much connected with many if not most other facets of a comprehensive plan and is therefore only one of many ways to effectuate goals and objectives. An action to pursue land use regulatory changes should act in concert with other components and actions of the plan.

Yoking the comprehensive plan with regulations also sends the message that the link between the policies of the plan and the specifics of the regulations is a foregone conclusion. This complicates the opportunity to comment on the plan separately, at a stage before the regulations are drafted. Depending on the comments a draft plan receives, there may a need to change the policies of the plan, and hence, change the actions that will influence the nature of the zoning regulations. Conversely, if the regulations are drafted first and they conflict with the plan, then the adjustments to the plan to achieve consistency are the *result* of the zoning amendment; whereas, it should be vice-versa.

In the DGEIS, it is difficult to ascertain public involvement in the stages of the process that have been identified as the foundation for the zoning and comprehensive plan amendments. (See select comments on the DGEIS for varying language in conveying this critical point.) The Planning Process: Public Participation section of draft update of the land use element of the comprehensive plan states that the town “mobilized a significant effort to involve the entire community to discuss land use issues in advance of this work.” The draft plan goes on to mention a zoning review committee, sub-groups, a steering committee, and a quality control group, and it provides a list of 15 meetings that were held between April 2012 and June 2013. The draft plan's discussion in this section concludes by stating that the various committees “worked to establish a list of recommended land-use changes which were then collected and considered by the town in developing a future land-use vision for the community, outlined in this plan, and subsequent draft amendments to the zoning and subdivision regulations.”

This summation is critical to the overall project because it focuses on the foundational component of the proposed zoning amendments and draft addendum to the comprehensive plan. During the collection phase for this report, inquiries were made to the town seeking more supporting information from the 2012-13 period, such as meeting notes and a list of the referenced land use changes. Only one document (a Parksville Schedule of Uses/ Bulk Table) was located. Missing is information that *connects* the work of the groups with the proposed zoning amendments, which were put forth some three years later. The absence of this information is considered alongside points and questions raised in the 2016-17 period when the zoning amendments were proposed. These comments include, for example, the disconnection between hamlet-oriented groups and the proposed changes in the AC district, which received a significant amount of criticism.

The references from the draft comprehensive plan update also link the recommended land use changes with the development of “a future land-use vision for the community, outlined in this plan...” The vision is awkwardly dispersed throughout the draft plan – see e.g. General Land Use Concepts p. 14; Future Land Use Plan (map) p. 15; and the Recommendations and Conclusion p. 26. The vision lacks clarity and is not supported by series of actions to take going forward. This is partially due to the fact that the main actions connected with this draft plan update – the zoning amendments – have already been put forth. As with the absence of connection between the earlier committee work and the amendments, the connection between the 2012-13 work and/or the public’s involvement in arriving at the 2016 vision is also unclear. More apparent is role of the zoning amendments in driving the need to update the plan, and not the reverse. There can be a fine line between zoning amendments that carryout the objectives of a comprehensive plan and those that run counter to the plan’s policies. If portions of the zoning amendments in any way conflict with the comprehensive plan, then the safer and more holistically beneficial route for the future of the municipality is to revisit the plan and have the thorough discussion in the planning arena.

The draft plan update also seeks to simplify its relationship to the 2008 plan: “This update is intended to act only as an update to the land use and zoning component of the 2008 plan as it relates to the town...” However, the draft update more than incidentally covers several other topics, including Economic Development; Parks, Recreation, and Community Facilities; Agriculture, Forestry, Open Space and the Natural Environment. The integration of these subjects within the land-use-focused plan update is natural yet it is another indication that land use is connected with the rest of a comprehensive plan, which is best updated in wholesale fashion. The 2008 plan also charges: “Develop an integrated zoning code to ensure continuity between the town and village.” This is also not specifically addressed in the draft plan update, and it merits more than passing attention in any forward steps proposed.

The draft plan update further generates confusion by stating “the town and its residents have concluded that the current land use regulations do not accurately reflect their goals and vision for the future of their community.” More accurate and useful is: the goals and vision for the future of the community as expressed in the currently adopted comprehensive plan do not reflect circumstances that have unfolded since 2008, and therefore, since the town may be in need of solutions that cannot be supported by the existing plan, the plan is in need of updating to enable the best solutions to be considered going forward. This is not presented as a comment to improve the draft (partial) plan update and continue along that path; rather, it is pointed out to further underscore the sleight of logic and encourage the town to reorganize the process. Namely, how is the vision for the future known when the plan is ten years old and there is no discernible recent consensus established through a comprehensive planning process? Even the draft plan update states the “the comprehensive plan should be reviewed completely on a ten-year basis.”

Advancing Zoning Changes

Based on the foregoing discussions, the town should consider proceeding with zoning amendments in the near term that improve review procedures, add new definitions, clarify provisions, strengthen consistency with state statutes, and advance similar adjustments to assist the usefulness of the zoning law. These types of amendments do not involve major policy decisions and require an immediate plan update. They are not likely to have any substantial adverse impacts on the environment (and therefore would not require the preparation of an environmental impact statement). Many of the draft amendments to the zoning from 2016 will be useful in the development of such changes, and the review and comments below advance this process.

In the longer term, once a new comprehensive plan is drafted, the town should pursue zoning amendments to help carry out the goals and objectives of the plan, as applicable. Such amendments may involve changes to use regulations, district locations; dimensional standards; and other substantial alterations related to adopted plan policies. While such changes are more likely to have potentially significant adverse environmental impacts, the requirement of addressing these will be facilitated with a freshly revised comprehensive plan.

As the town undertakes any revisions to the land use regulations, it is recommended that the town board form and appoint a committee for the purpose of developing draft zoning amendments. Although such a committee would be advisory, and therefore not a “public body” subject to the Open Meetings Law, it is further recommended that the town board consider having such committee carry out its charge in conformance with the Open Meetings Law. In the alternative, the town board should consider devising a like arrangement under which the public is afforded the opportunity to observe proceedings and/ or have the ability to be kept apprised of the committee’s activities, e.g. periodic reports of the committee filed as a public record.

Comments on Draft Zoning Amendments - General

Since the issuance of the draft amendments in 2016, the town adopted changes to the zoning law in 2018, some of which correspond with the materials of 2016. Additionally, with the 2018 amendments, there were many communications that have contributed to the zoning law amendment process beyond the content that was adopted in the local law. Therefore, both the draft text from 2016 and the subsequent work complements these comments going forward.

Several of the proposed amendments are related to Agriculture. In support of applying statutory requirements related to land use, the Department of Agriculture & Markets provides guidance materials to help ensure that local zoning regulations are consistent with the spirit and letter of state law. These materials should be consulted during the development of the zoning amendments (and the comprehensive plan).

Comments on Draft Zoning Amendments - Specific

§147-4 Definitions

Accessory Use. See 2018 amendments.

Conservation Subdivision. This definition is a root source of fundamental deficiencies in the existing zoning law and the proposed zoning amendments. As defined, it is very wide open, and this open-endedness is continued in the zoning law. Notably, the definition omits the density rule in Town Law § 278.3.(b) and lacks any other parameters that would organize its application. The statutory term “cluster development” and the widely used “conservation subdivision” are often recognized as synonyms. In the DGEIS and the proposed zoning amendments they are differentiated; but the differences are poorly explained or developed. The name of this land use tool is flexible and is much less important than how a municipality defines and uses it. If the statute is cited as the basis for the local law, then the local law should be consistent with the statute. Additionally, and irrespective of the proposed zoning amendments, the tool is currently in the zoning regulations, and it should be examined in the near term with an eye toward clarification and improvement of the definition and the process.

Convenience Retail Establishment. Removing the square-foot limitation is an example of a change that would require additional consideration of impacts.

Dwelling, Single Family. Placing a minimum square footage on this particular use may be deemed discriminatory. Consider that, if the requirements of the NYS Uniform Fire Prevention and Building Code and the dimensional requirements of the zoning law are met, a single-family dwelling should be permitted without a square-foot requirement.

§147-5 Enumeration of Districts

Adding the district purposes is recommended. The PUD definition, district purpose, and regulations in the body of the zoning law need closer examination and can benefit from several adjustments.

Floodplain. This is not a *zoning* district. Improved language and organization to this effect should be better integrated within the zoning law.

§147-8A Wellhead Protection District. Because this district is intended to increase protection of the environment, a zoning amendment can likely proceed and be adopted with a negative declaration under SEQR.

§147-20 Miscellaneous uses

N. Crops, vineyards and orchards. This is one example of a topic that needs to be viewed through the Ag & Mrkts guidance materials.

§147-20 (B) Home Occupations. The zoning law can clearly benefit from improved home occupation standards and review. It's possible such amendments could be accomplished in the near term.

§147-21 Conservation Subdivisions. Improving the regulations for this land use tool will require considerable discussion and revision. In this proposed draft, the wrong section of Town Law is cited. The correct section is §278. (This was corrected in 2018.) As mentioned above, the definition of Conservation Subdivision is inconsistent with the

density rule in Town Law §278. This leaves the practice of conservation subdivision very open ended. The language of the revision increases confusion. For example, the section §147-21 A. “State Town Law” says nothing about town law. §147-21 B. “Open space incentive” lacks a definition or an explanation as to what it is. As written, it basically reflects the purpose of §278 and such language would be better placed in the introduction of the section. The statement at the end of the section explains the open space incentive option but includes the authority for the planning board to modify density (which is inconsistent with §278). §147-21 C. continues this problem by enabling the planning board to increase the density by 50 percent! As noted in comments on the DGEIS, this is antithetical to stated purposes in the DGEIS and the analyses of impacts of this density increase is absent. Density bonuses, which are typically nowhere in the ballpark of 50 percent, are properly handled under Town Law §261-b Incentive Zoning. A separate incentive zoning section of the local law can be referenced from the cluster development/ conservation subdivision section, and possibly other sections depending on the local use of incentive zoning.

§147-26 Special Use Permits

Changes to the special use permit provisions of the zoning law were made and adopted within Local Law, 2018. The draft changes of 2016 will be considered for further revisions of this section. The draft amendments contain separate sections for special use permit and site plan review; this can improve organization and clarity of the law and its review processes.

§147-26 F. Procedure (1) Application (a) Multiple Uses. The town should consider a provision in the zoning law that sets a limit on the number of principal uses per lot.

§147-26 F. Procedure (5) Referral to County Planning Department. 5.c. This section is incomplete. Note, a supermajority is also required to approve a special use permit if the county recommends approval with modifications (See GML §239. m. (5)).

§147-26 F. Procedure (6) Agriculture Data Statement.

This is an incomplete provision. See Agriculture and Markets §305-a (2). Also, Agricultural Data Statement is correct.

§147-26 F. (7) Notice and Hearing (a) This is not consistent with Town Law §274-b. 6. Consideration should be given to selective inclusion of statutory language.

§147-26 F. (7) Notice and Hearing (c) This is an incorrect citation of the statute. The subject requirement is found in GML §239-nn. (not m).

§147-26 F. (8) (f) Such a clause is problematic (how will it be determined and applied?) and it may exceed authority.

§147-26 F. (9) (b) Increasing dimensional requirements is questionable under SUP authority. Clustering language appears to be an overextension of authority and purpose

of SUP. Creating a direct link between “the purposes of the comprehensive plan” and a SUP approval is not recommended.

§147-26 F. (10) (b) the provision for “similar use” should not be considered for inclusion in any revisions that are developed. (Similar language was removed with LL #1, 2018.) The change of use language is also awkward/ unwarranted in that this is the purview of the code enforcement officer.

§147-27 Site Plan Review

A. The core purpose of site plan review is to help ensure quality design of the site. The sentence “It is not the intent of this local law...” is awkward. It’s trying to say site plan review doesn’t regulate use but is probably best if it is not included because it confuses the reading of this section and is not necessary. The next subsection B. handles the topic.

C. Amendments in Local Law No. 1, 2018 removed the (unnecessary) supermajority requirement.

E. (2) SEQR completeness should be integrated (i.e. neg dec or DEIS accepted).

E. (5) x. Should be “Full” EAF.

E. (5) (aa) needs to be consistent with Ag & Mrkts Law § 305-a

F. (3) is contradictory/ probably should read “commercial”. Also, it’s likely not necessary to separate review criteria based on residential and commercial.

(3) (a) iii. Adjacent properties may be in a different district and therefore have different setback requirements.

(4) (a) Simpler and recommended to hold a public hearing, which is what the town’s regulations require. If the planning board is to apply discretion, the guidance/ thresholds/ provisions for holding a public hearing, or not, should be more defined. Otherwise, the decisions made between applications are likely to be less consistent, e.g. how does one measure “public controversy?” If it’s not broken don’t try to fix it.

(4) (f) ii. Missing is that the supermajority is necessary to approve the site plan if the county’s recommendation is approval with modification. (See GML §239. m. (5)).

J. (2) “similar use” is problematic. More accurate is the approach of listing the uses in the schedule of district regulations (with the requirements, e.g. SPR) along with the addition of “any use not listed is prohibited” clause to the zoning law.

L. (2) this authority needs to reside solely with the code enforcement officer.

In addition to the draft zoning amendments of 2016, the town should consider a redrafting of Article IX Nonconforming Uses and Structures. Communication on this topic was initiated and advanced during the 2018 zoning revision process.

Recommendations

1) Update the comprehensive plan and involve the public.

The town's comprehensive plan is ten years old and has reached the recommended maximum time interval for reviewing and updating. An updated plan will bring needed reorganization to zoning amendment efforts and refresh the larger context of charting strategies for the community's future. It is recommended that the town consider the formation of a "special board" pursuant to Town Law §272-a. It is not recommended the comprehensive plan include (or be linked with, via a DGEIS) actual draft zoning amendments.

2) Appoint a zoning review committee to begin drafting adjustments to the zoning law. This committee should work in the short term to continue with zoning amendments that do not require a positive declaration under SEQR or are inconsistent with the comprehensive plan. Such amendments include but are not limited to those that improve review procedures and consistency with state statutes and enhance protection of environmental resources. In the longer term, the committee can advance amendments to the land use regulations that reflect town-wide policies and emerge from the comprehensive planning process. These changes are more likely to have potentially significant adverse environmental impacts. Although advisory to the town board, the committee can conduct business in compliance with the Open Meetings Law or under a like arrangement to keep the public informed.

Conclusion

During the 2016-17 project it was made clear that actions are needed to address the town's fiscal realities. The town board, committed to its responsibilities, made considerable investments in meeting the challenges through proposed land use and zoning actions. Typically controversial in any municipality, proposed land use and zoning solutions are often received with mixed results, and elected leaders are then presented with a new set of challenges. While the town of Liberty is no exception, the course of this project has brought an instructive illustration of strengths and weaknesses. This report has sought to clarify these features and assist the town in composing a plan for next steps. Based on the record, the town board has been flexible, responsive to constituents, and receptive of new ideas and assistance in identifying solutions. These relationships position the town well in considering the recommendations of this report.

Part 2

In January 2019 the consultant (Genius Loci Planning/ GLP) provided a summary of Part 1 to the town board and outlined the steps for Part 2. The main portion of Part 2 consisted of drafting a local law to incorporate the identified changes in Part 1. The process began with the consultant contacting the chairmen of the planning board and zoning board of appeals and the zoning enforcement officer to gather input on parts of

the zoning law that could benefit from amendment and possibly be part of this draft local law.

The local law for the zoning amendments was drafted to include revisions to several sections including, Zoning Board of Appeals, Cluster Development, Multiple Family Dwellings, Planned Unit Development, and District Purposes. The Wellhead Protection Overlay District, as drafted in the proposed amendments of 2017, was included with minor adjustments. This overlay district also entailed the need for mapping and parcel tax identification information, and assistance was provided from the county's Office of Real Property Tax Services.

As recommended in Part 1, the zoning amendments were focused on improving review procedures, adding new definitions, clarifying provisions, strengthening consistency with state statutes, and advancing similar adjustments to assist the usefulness of the zoning law. These types of amendments do not involve major policy decisions and necessitate a comprehensive plan update.

In addition to drafting the local law, the consultant put forth two categories of additional amendments that could potentially be advanced without the need for a revised comprehensive plan. The first identified additional clauses of the zoning law that could be improved but also require input from the town board. For example, there is currently no limit, per lot, on the number of buildings or structures housing a principle use. The second category, like the first, requires input from the town, but in this case that input would be best served by an appointed committee. For instance, the Cluster Development section of the zoning law needs more focused attention to properly adjust it, so it is better integrated within the zoning law. Another example is undertaking a comprehensive assessment of the compatibility of all uses in all zones and adjusting accordingly, with new or revised use definitions.

Following the completion of the draft local law and submission it to the town, the consultant drafted the associated SEQR documentation and worked with the town attorney to finalize the draft. The public hearing for the local law was held in March, following receipt of the county's comments under requirements the General Municipal Law § 239. The county planning department replied that the referral did not rise to the level of county-wide or inter-community impact (and therefore is solely a local determination). However, the county did conduct a thorough review and provided several technical comments.

The public hearing included many speakers that spoke on either unrelated matters or the proposed zoning amendments of 2017 – the latter still being a source of contention for some speakers. Others contributed comments that were appropriate for the development of a comprehensive plan. The need for more information about the zoning changes was also requested. Following the meeting, the consultant provided a "red-lined" version of the draft law for posting on the town website. The consultant also reviewed and addressed all the oral, written, and county comments. This process resulted in several suggested adjustments to the draft local law.

The consultant joined a town board meeting in June to go over the potential adjustments to the local law. Members of the town board issued several questions regarding the contents of the original local law, which was the subject of the public hearing in March (and reviewed by the town attorney prior thereto). Town board members agreed that some of these questions needed to be referred to the town attorney. The town board also sought a version of the draft local law with a legend showing the history of proposed changes. These items were in addition to several discussed and agreed-upon changes to the draft law that would assist in clarifying some of the language.

At this point in the process, with the town board becoming active and focusing on material that was presumed complete – and with several additional changes to be made, the resources remaining to support the project were limited. The consultant provided key information to the town attorney who was tasked with looking into the matters raised at the June town board meeting so that the draft local law could be advanced toward adoption. [Ultimately, the less complex amendments were adopted, and the remaining ones were left to possibly be considered at a later time.]