

March 8, 2022

Town of Gallatin
667 County Route 7
Gallatin, NY 12502

Town of Gallatin Zoning Enforcement Officer Jake Exline,
Town of Gallatin Planning Board Charmin Terry Porter,
Town of Gallatin Planning Board Members,

I have been retained to contact you and start a dialog about two contiguous parcels of 166 acres located County Route 11 in the Town of Gallatin (Tax I.D. # 204.-1-1.110 & # 203.-1-22) currently owned by James Murphy. There has recently been an offer and acceptance to purchase the property by Christopher Tsai & Andre Stockamp.

The property is located in the Ridgeline Protection Overlay District of the Town of Gallatin Zoning District. The Ridgeline Protection Overlay District was created to be consistent with the Town of Gallatin Comprehensive Plan to protect the environment, rural character, and scenic beauty. In my previous conversations with both the Town of Gallatin Planning Board and the former Town of Gallatin Zoning Enforcement Officer Drew Weaver about the Ridgeline Protection Overlay District it was stated that the intent was not that the Ridgeline was a “No Build Zone” but rather a way for the Town of Gallatin Planning Board to review and minimize any potential effects on the environmental, rural character, and scenic beauty.

The potential buyers of the foresaid property would like to build a single-family residence. The construction of a single-family residence is a regulated activity as per the Ridgeline Protection Overlay District of the Town of Gallatin Zoning Law. This would require a detailed site plan for the referred by the Zoning Enforcement Officer to the Town of Gallatin Planning Board.

The Ridgeline Protection Overlay District of the Town of Gallatin Zoning Law allows for a waiver as per section 3.4 D.2 on page 23 of the Town of Gallatin Zoning Law. The waiver process specifies:

“the ZEO upon initial review of the application, may render an opinion that the proposed activity is unlikely to be visible from a public observation point. If the Planning Board concurs with the ZEO upon its receipt and review of the application, it shall pass a resolution declaring the activity exempt from review under this Section 3.4.”

A Public Observation Point is defined in the Town of Gallatin Zoning Law as

“A public road, historic site, park, or other vantage point from which the general public may be able to view structures or activities within a ridgeline regulated area”

Upon my review at the site, the sites unique topography and that of the surrounding area, I found that there are Catskill views 20+- miles away, and Berkshire

views 12+- miles away. I did not see any public observation points located in the Town of Gallatin. Proper & O'Leary Engineering was also retained to do a building site analysis with the aid of my provided survey and topography. A copy of the plan entitled "TSAI RESIDENCE RIDGELINE APPROVAL PLAN" dated 02/28/2022 is attached. Daniel Proper was able to shade in orange all areas within both a 1- and 2-mile radius of the proposed house location based on topography excluding any vegetation. All public viewpoints that could be possible without any tree or vegetation were identified in blue. An onsite drone analysis was then completed and the green shaded areas indicate the actual viewshed. Then plan confirms what was assumed that no public observation point is visible from the proposed home site or within the 35' maximum height of a house at the proposed home site.

This would create the opportunity for the ZEO, the Planning Board, and the applicant to utilize the waiver as above described. It would also allow waivers from design standards if a determination were made by the ZEO or the Planning Board that an initial waiver will not be granted, and forcing the applicant to go through the excess cost and time constraints to get an ridgeline site plan approval.

The house site on the engineer's plans is a 70' x 70' square footprint. This footprint will not be the exact footprint of the home, but an area where the final architectural plans can fit inside the footprint. The height of the home was labeled as 35' with the intention of the final plans being less than that. The architect is currently working on the plans. The site was chosen for its location to achieve the natural beauty of the property while utilizing the existing conditions of the land and mitigate any potential effects to the environment, rural character, or scenic beauty of the land.

I thought it best to reach out to all the entities involved pre-application to get a collaboration of initial thoughts from everyone. It is always good for everyone to be on the same page. I would think it be constructive to perhaps all meet on the site to review the location of the proposed single-family residence and let everyone see the site with their own eyes to make their own determination, and to see how best for the applicant to proceed to be able to close on the property in a reasonable time frame.

I look forward to everyone's input and working together to both follow the Town of Gallatin Zoning Law while aligning to with the Town of Gallatin Comprehensive Plan. I would be willing to make any date or time available to review the site and multiple dates and times if one is impossible for everyone to make.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wesley Chase".

Wesley Chase L.S.