

**TOWN OF CHATHAM, ZONING IMPLEMENTATION COMMITTEE
MINUTES OF THE APRIL 18, 2012 MEETING**

The meeting was called to order at 6:35 pm. Present were: Donna Staron, Bob Linville, Don Hegeman, Bob Johnson, Jean Rhode and Tal Rappleyea. Excused: Mitch Khosrova, Dave Everett, Marilyn Cohen and Henry Swartz.

Tal Rappleyea informed the Committee that he is continuing the work on the final draft of the Scenic View protection overlay law and will have same ready for the May 2, 2012 meeting in accordance with the request of the Committee at the April 4th meeting.

The Committee then began its review of the Zoning District Use tables, starting with the Hamlet zone. The first point of discussion was the seemingly contrast between the current zonings use of Hamlet-1 (H-1) and Hamlet-2 (H-2) designations and the suggested utilization of residential uses and non-residential uses to be allowed throughout all hamlet zones. Don Hegeman pointed out that the Comp Plan Committee intended to encourage the development of historic-type hamlets comprised primarily of homes with small service and retail commercial activity designed to serve the hamlet.

Discussion followed concerning whether the use of H-1/H-2 designations might not be better since it appears that those designations were utilized to tailor the uses in the individual hamlets based upon the physical, hydrologic and geologic reality in the respective zones. However, following a review of the current zoning map it became clear that the H-1/H-2 designations were/are created and designed to curb commercial activity in the 'core' areas (H-1) of the various hamlets and to encourage those activities on the outer areas (H-2). This effect seems to be at cross purposes with the comprehensive plan recommendations and the ZIC agreed that the utilization of residential/non-residential uses is appropriate.

The Committee then compared and analyzed the differences between the current zoning use of lists of permitted uses and uses available with a special use permit (SUP), without regard to whether such uses are residential or commercial in nature, vis-à-vis the Comp Plan's more specific demarcation along residential/non-residential use lines. The discussion then changed course and the committee did not reach a consensus on this subject and will need to revisit same at the next meeting.

A discussion began relating to the Floor Area Ratio (FAR) recommended for single- and two-family home dwellings within the hamlets. Don Hegeman opined that the Com Plan Committee suggested the FAR to 1) encourage uniformity of design/size of homes within the hamlets; and 2) help mitigate potential storm water impacts relating to the increase in impervious surfaces associated with the potential for large homes being built on small parcels resulting in even smaller pervious surface areas able to deal with storm water runoff.

Bob Linville then inquired whether those goals could be achieved by a more easily understandable maximum lot coverage percentage. The Committee agreed to table this issue to allow the members to consider the matter and research ideas.

The Committee then began to compare the current permitted uses and SUPs to those set forth in the Comp Plan. The discussion first focused on ECHO (Elder Cottage Housing) which appears to have replaced the availability of a second single-family unit on parcels in the H-2 district. All members agreed that it is important to allow for such elder housing but further unanimously agreed that the availability thereof should not be limited to older citizens nor should be termed as temporary based upon the current economic and societal realities. The Committee also unanimously agreed that such use should be available via SUP and not simply as a permitted use.

The Committee then examined private swimming pools and the appropriateness of regulation of size, placement and fencing material. All agreed that this depth of regulation is over-intrusive on individual property rights and should be allowed as a permitted use. Further, the Committee recognized that NYS Fire and Building Code regulations are extensive and provide excellent safety assurances.

The Barn & Garage recommended SUP process and definition was next examined. The Committee agreed that this use should remain in the SUP category and after much discussion further agreed that the description would be modified as follows: "Barn & Garage - a structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure. Secondary housing may be included with this use." In particular the Committee noted that the portion relating to special consideration for smaller houses/lot sizes should be deleted, since attempting to define 'special consideration' would be exceedingly difficult and could very likely lead to litigation associated with the uniform application of approval standards.

Finally, the Committee reviewed the Small Non-Profit Recreational Area SUP process and definition. No final determination was made, however many members questioned whether the cost of completion of a well draw-down test could act as an effective barrier preventing the construction of a non-profit facility. All agreed to take up the discussion at the next meeting.

The next meeting is scheduled for May 7, 2012 at 6:30 pm at the Chatham Town Hall.

On a motion by Donna Staron, seconded by Bob Johnson and carried, the meeting was adjourned at 8:40.