

**TOWN OF CHATHAM, ZONING IMPLEMENTATION COMMITTEE  
MINUTES OF THE AUGUST 15, 2012 MEETING\***

The meeting was called to order at 6:30 pm. Present were: Jean Rhode, Dave Everett, Bob Johnson, Bob Linville, Marilyn Cohen, Don Hegeman, and Tal Rappleyea. Excused: Mitch Khosrova, Henry Swartz, and Donna Staron.

The minutes of the June 20, 2012 and July 18, 2012 meetings were approved. The meeting previously scheduled for August 1, 2012 was cancelled due to a lack of quorum.

The Committee then reviewed the Travel Trailer Camp local law enacted by the Town Board in late 2011. The local law amended the zoning law and included a definition of a travel trailer camp and allowed such use with a special Use Permit in the Rural Lands 1 (RL-1) and Rural Lands 2 (RL-2) zones only. Following a review of the definition and the use tables in the affected zones, the Committee agreed that the local law is consistent with the Comprehensive Plan and further agreed to maintain it in the new proposed zoning, as written.

Permitted uses in the RL-2 were next examined. The committee reviewed the manner in which Home Occupations are currently addressed and discussed whether a re-certification process should be required in order to make an accurate assessment relating to continued compliance with the Home Occ. limitations. Members recited several recent cases where this became a problem for code enforcement since the formerly minor and acceptable Home Occupation had grown too large and created negative impacts on the surrounding residential area.\*<sup>1</sup> Clearly, the Committee will develop approval standards with it arrives at the point of the review of 180-29, the current section that deals with Home Occupations.

The next permitted uses reviewed in the RL-2 were Pools, Accessory Buildings, and Recreational Courts and agreed because the minimum lot sizes in the RL-2 districts are larger in size than the RL-1, it made sense to allow the same types of residential/accessory uses in both. Indeed a review of all such permitted uses were the same, except horse farms, which has this use as allowed with a Special Use Permit in RL-1, but a permitted use in RL-2---this point appears to be a typo in the Comp Plan recommendations, and this SUP/permitted use should be 'flipped' in the RL-1/RL-2 zones due the allowed minimum lot sizes.

The Committee agreed that cemeteries should be allowed with a SUP in both RL-1 and RL-2 districts but that Drive-in theaters, mobile home parks and other SUP uses should continue as such, but only in the RL-2 zones.

The Uses allowed with a Special Use Permit in RL-2 zones were then reviewed, including multi-unit residential dwellings, small not for profit rec areas, water storage facility, public buildings, museums, houses of worship, horse farms, cemeteries and work-force housing. The Committee agreed that such uses would be treated the same as they in the RL-1 districts.

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<sup>1</sup> The Committee agreed to utilize asterisks [\*] as an indicator in the minutes that it would return to the noted issue at the time that the performance standards section is written for inclusion therein.

Next, the Committee discussed and agreed that the list of ‘non-permitted uses’ would be eliminated because the zoning law will ultimately say that any use not expressly permitted as of right or with a special use permit is not allowed. If a list of non-permitted uses is created an argument by an applicant could be made that if it is not on the list, then it must allowed, which would be an undesirable event. The better result would be the need for an interpretation from the ZBA regarding use or a zoning change to be made by the Town Board.

The Committee then moved on to the permitted uses in the RL-3 zones. The similarities and differences of forestry and timbering were next discussed at length. The definitions reveal that timbering is a commercial-like type or subset of the larger more general forestry. It was agreed that the use of timbering for personal use only would be allowed in all RL districts as a permitted use if the applicant met certain standards and if not, then the matter would be referred to the ZBA for a SUP. The approval standards shall be created by the Committee in the future when such are addressed.\* Standards will include, among others, treatment of non-commercial (personal use) and storm water runoff.

The Committee agreed to end the discussion for the night at the bottom of page 32.

Don Hegeman briefly discussed the Capital Region Sustainability Plan and the Committee asked that Tal Rappleyea provide the Town Board with information regarding this program, since the administrator of the program is scheduled to address the Town Board at its next regular meeting scheduled for tomorrow night (August 16, 2012).

On a motion by Bob Linville, seconded by Jean Rhode, the meeting was adjourned at 8:45 pm.

The next meeting is scheduled for September 5, 2012 at 6:30 pm at the Chatham Town Hall.