

TOWN OF CHATHAM, ZONING IMPLEMENTATION COMMITTEE
MINUTES OF THE DECEMBER 3, 2014 MEETING

The meeting was called to order at 6:35 pm. Those present were Jean Rhode, Aven Kerr, Donna Staron, Henry Swartz, Don Hegeman, Jeff Lick, Robert Walker and Tal Rappleyea.

The minutes of the November 19, 2014 meeting were approved on a motion by Jeff Lick and seconded by Donna Staron and carried unanimously.

The committee then proceeded with its review of section 180-39: Temporary Structures. After an in depth discussion the committee agreed that the section would be renamed "Temporary Living Structures" and agreed that the last sentence of the section would be modified to read as follows:

"Residing in basement or foundation of structures before the completion of the total structure shall not be allowed for a period longer than 2 years unless an extension of 1 additional year is granted by the zoning board of appeals. In the consideration of such request for an extension the zoning board of appeals shall utilize the special use approvals standards found in sections 180-43 and 180-44."

Section 180-40: Grading Permits, was next reviewed and it was agreed to keep that section in tact as currently written.

The committee then reviewed section 180-41: On Site Water and Sewer Systems, and agreed for the most part this section would remain unchanged. However subparagraph c. Replacement of Existing Systems, was modified so that the section shall read: "This section shall not apply to replacement of existing systems, unless there is sufficient area on the parcel to accommodate the standards herein, in which case the standards shall be adhered to."

Section 180-42: Burned Buildings, was next reviewed and the committee agreed to delete words "or other ruins" from this section.

The committee then moved forward with its review of sections 180-43 special use permits and agreed to add new subparagraph C. entitled Standards for Certain Individual Special Uses, which shall read:

"In addition to the standards and the required plans submitted in accordance with this section the town has determined that certain individual uses require additional review and approval standards based upon the particular potential impacts associated with such uses. The ZBA shall be required to review and analyze such individual special uses in accordance with the additional standards set forth in this law."

Then moving to section 180-44 the committee agreed as follows:

a) Sub paragraph L: Expiration/ Cessation was changed to 1 year and agreed to insert language as follows:

b) “A special use permit shall be deemed to authorize only a particular special use or uses specified therein, a special use permit shall expire if an applicant fails to obtain a building permit or fails to comply with the special use permit unless other provisions are set forth by the ZBA in connection with its approval. A special use permit will expire if the special use or uses shall cease for more than one year. Any violation of the conditions of a special use permit or a violation of any applicable performance criteria of this chapter shall be deemed a violation of this chapter and shall be subject to enforcement action as provided herein. All special use permits shall run with the land and will be transferred to successive property owners provided the permit has not expired and is not revoked for failure to meet the permit conditions.”

c) The committee agreed to delete subparagraphs I, J and K as set forth in the current zoning.

d) The committee agreed to insert additional language under new subparagraph entitled: Expansion of Special Use and it shall read “The expansion of any special use shall require amendment and approval of the special use permit by the planning board in accordance with the procedures set forth by this zoning law. For purposes of this section, expansion shall be interpreted to mean an increase in the floor or lot area allocated to the special use, an increase in development coverage, increased hours of operation, or an increase in the intensity of the use. e.g. an increase in traffic or need for on-site parking or additional services provided.”

e) The committee also agreed to insert new language between paragraphs A and B that shall read: “ Special uses are considered permitted uses and are allowed in many different zoning districts if only upon the issuance of a special use permit subject to conditions that are designed to protect surrounding properties in the neighborhood from the negative impacts of that permitted use. Because of the unique characteristics of the area in which they are located, special uses require different consideration by the planning board so that they may be properly located with respect to the objectives of the law and their effect on surrounding properties.”

Jeff Lick recommended that the committee review section 180-13 as it relates to unnecessary language relating to special use permit standards. He further recommended that same be deleted from the “bulk requirement” portion of the law. The committee agreed that such standards were inaccurate and inconsistent with the other standards for special use permits and thus should be deleted from section 180-13.

The committee next considered whether to create by laws for the Planning Board and Zoning Board of Appeals. After an in-depth discussion the committee agreed to refer the question to the Planning Board and the ZBA to seek their input and recommendations in relation to the creation of such by laws.

At the next meeting the committee will begin reviewing the enforcement procedures and administration of the zoning law and therefore requested that Code Enforcement Officer Walt Simmonsmeier be invited to provide his input in relation to this enforcement section.

On a motion by Henry Swartz and seconded by Aven Kerr the meeting was adjourned at 8:25. The next meeting is scheduled for December 17, 2014 at Chatham Town Hall at 6:30pm.