

TOWN OF CHATHAM, ZONING IMPLEMENTATION COMMITTEE  
MINUTES OF FEBRUARY 28, 2015

The meeting was called to order at 8:05 am. Those present were Aven Kerr, Jean Rhode, Donna Staron, Don Hegeman, Jeff Lick, and Tal Rappleyea.

The committee began review of the definitions for the zoning law as follows:  
Any definition not specifically mentioned in these minutes were considered to be appropriate and shall be utilized as currently written in the working document.

- Accessory Apartments, after an extended discussion re: the interplay between various similar definitions and uses in the current zoning and the comprehensive plan including two single family residential units on one parcel, in-law apartment, granny flat, etc. The committee agreed to change this use throughout the zoning law to accessory dwelling unit and delete granny flat, in-law apartment, and maintain the definition currently utilized in accessory apartment. Additionally this use would be permitted in each of the Hamlet districts and permitted with a special use permit in each of the RL districts with a limit to one accessory apartment per parcel. The committee also agreed that the current Section 181-18 Two Single Family Dwellings on one Parcel would specify that there may be no more than Two Dwelling Units per lot so that if a parcel had two single family Dwellings located thereon it would not be eligible for an accessory apartment.

The committee also agreed that based upon this discussion and review that the use known as work force housing would be allowed as a special use permit in all zones.

- Accessory use or structure: the word “customarily” in this definition shall be changed to “necessarily” and a “d” added to the word situate in the last line
- Adequate public facilities regulation is to be deleted
- Adult uses is to be deleted (see below)
- Affordable housing, the last two sentences are to be deleted and a note at the end added “see work force housing”
- Aging in place is to be deleted
- Agricultural use: Use the definition from NYS Ag and Markets laws and the Chatham Agricultural Protection Plan (CAPP) which shall be “The land and on farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, aqua culture, livestock and livestock products as a commercial enterprise, including commercial horse boarding operations, timber processing, compost, mulch or other biomass crops and the management and processing of “farm woodland” and at the end of such definition see also farm operation.
- Agricultural data statement, change the written words Three hundred and five to the numerals 305

- Agri- tourism, the third line the word “may” is to be changed to “must” and in the next to the last line, “bed and breakfast” is to be capitalized since that is a defined term in the zoning law
- Bed and Breakfast, second line is to be changed so that “with or without meals” will now read as “one or more meals” and added to that where five guest rooms where lodging and then added “no more than ten people are lodged”
- Barn and Garage are to be deleted and removed from as a use in any of the zones
- Camouflaging, add to the first line “communications” to the word tower
- Cease to operate/abandonment, delete abandonment and add communication to the word tower in the second line
- Commercial horse farm and riding academy, is to be deleted and inserted in its place are commercial horse boarding operation and commercial equine operation will be defined as “The use of land for the boarding of horses or production for sale of crops, livestock and livestock products with or through both such boarding and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing.

Additionally these two new uses shall be moved from special use permit to the permitted use in all zones throughout the town. Also in section 180-17 site plan review, an additional sentence will be added to the applicability section that reads “However Ag. Buildings and uses as defined by the NYS Agricultural Markets law shall require site plan review in accordance with the NYS Ag and Markets Law guidelines.

Finally on this subject, the use of Alpaca/ Llama farm will be removed from all uses that are from the use tables since such use is necessarily a subset of the new definition of agricultural use/ farm operation.

- Consistent in scale, the entire second paragraph of this definition shall be deleted and the term Consistent in scale is to be added to the review standards under both special use permits and site plan review
- Cottage zoning is to be deleted
- Day is to be deleted
- Dwelling limited multi family is to be deleted
- Fiscal impact analysis is to be deleted
- Floor area ratio is to be deleted
- The term Family is to be deleted from the bulk requirements in each of the zones where it currently appears
- Golf course and or country club with or without club house, the word club house is to be in lower cases, a new sentence is to be added “However motorized vehicle racetracks or courses are not included in this or any other permitted use within the town”
- Granny flats or in law apartment is to be deleted
- Gross leasable area is to be deleted
- Group homes shall be defined as “A dwelling licensed by the NYS Department of Education or Department of Social Services for Adults, including adults with disabilities or for children and providing long- term care

- Hamlet is to be deleted
- Historic character, only the first two sentences of the definition will be kept the rest deleted and word color will also be deleted. Additionally the term “historic character” will also be added to the general review standards for site plan review and special use permits
- Home occupation, this definition was skipped for further review in the future upon completion of the special use permit standards
- Important aesthetic features, in the third to the bottom line the words “in Chatham these” is to be deleted and this term “important aesthetic features” is to be added to the site plan review and special use general review standards
- Inclusionary zoning is to be deleted
- Industrial area deleted
- Kennel, boarding facility or animal camp, the last few words reading “whether as an independent use or activity or as a home occupation” is to be deleted, add to the list of uses in the RL 1,2,3 zones as a special use permit
- Library, add to the first sentence before the word book “computer access” and add the term Library to the list of examples for public building definition.
- Limited commercial use is to be deleted
- Lodging house is to be deleted, the term “Lodging House” is to be deleted from the parking table
- Lots, in the middle of the first line the words “occupied or to be occupied by only one main building and the accessory building or uses customarily incident to it” is deleted
- Outdoor Firing Range, this is a permitted use in the RL 3 zone and the 2 acre minimum is to be deleted, but in the special use standards a minimum of 50 acres is required for this use.
- Motorized vehicle race track or course is added and defined as “A circuit, a roadway, drag strip, path or similar layout utilized for testing, speed testing, speed contests, or driving of any motorized vehicle including but not limited to cars, trucks, snowmobiles, go carts, or any similar device whether open to the public or for private use, but not including an accessory use to a primary residential use solely for the recreational enjoyment of the residents of the parcel on which the use is conducted.” This term is to be added to the definition of outdoor recreational facility or other sporting event and specifically stated as not being included as one of those uses and made clear that this use is not permitted in Chatham.
- Parcel, the new definition is “A separately assessed lot, piece or portion of real property except publically owned bridges and land used for street, road, highway, or parkway purposes, a parcel shall not be bisected by a municipal corporation boundary line.”

The committee then discussed the potential inclusion of adult uses in the zoning law and determined that since this particular use is heavily protected by the first amendment and because the process for creating a properly sounded regulatory scheme, that a separate adult use law

should be created by the town board and enacted at or immediately following the enactment of the new zoning law.

The committee stopped at the definition for low impact home based occupation, where the review shall resume at next meeting. The next meeting is scheduled for March 4, 2015 at 6:30 pm at the Chatham Town Hall.

On a motion by Donna Staron and seconded by Jeff Lick the meeting was adjourned at 11:30am.