

**TOWN OF CHATHAM, ZONING IMPLEMENTATION COMMITTEE
MINUTES OF THE MARCH 21, 2012 MEETING**

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

The minutes of the February 27, 2012 meeting were approved.

Henry Swartz presented the Committee with copies of most of the maps created by the Comp Plan Committee (CPC) and adopted by the Town Board in Part II of the Plan, which he had obtained from the Town Clerk's Office and the consultant which had assisted the CPC with the creation of the maps. The only map not present was the Steep Slope (slopes of greater than 15% grade), which was inadvertently not printed.

Marilyn Cohen reported that she had spoken to ZEO/CEO Walt Simonsmeier who is unable to make Wednesday night meetings due to other time commitments. Chairman Swartz suggested that to the extent possible, the Committee should continue its work in Walt's physical absence but keep him intricately involved via the use of email and other forms of communication. In the event that his presence becomes necessary, the Committee will accommodate Walt's schedule for such meetings.

The Committee then focused on the various examples of Steep Slope and Ridgeline Protection Overlay Districts local laws in existence in New York and nearby states. Marilyn Cohen reported that Walt did not have specific comments on such examples and would await the Committee's draft of a proposed law for Chatham.

Dave Everett opined that in relation to Ridgelines the draft should address two major issues: 1) visual/aesthetic impacts and 2) environmental concerns, primarily related to water runoff. He added that by comparison, Steep Slope legislation was concerned almost entirely with the mitigation of environmental impacts associated with construction on slopes greater than 15 and up to 30% grade.

The Committee reviewed at length, the maps contained in Part II of the Comp Plan and in particular analyzed and compared the Ridgeline Identification Without Ranking – version 2 and the Ridgeline Identification maps.

Turning first to possible Steep Slopes legislation the committee agreed that the absence of the map at tonight's meeting was not important since the delineation of the overlay district would necessarily and simply be driven by the existing percentage of grade of slope. The Committee agreed that there would be a two-level review system: Upon the receipt of any building permit application the CEO would determine whether the project site is located within the EPO, if not, then no further review would be necessary. If the site is determined to be within the EPO then for residential/accessory uses which disturb less than one acre OR a commercial activity which disturbs less than ½ acre, then the review (and permitting) would

be conducted by the ZEO/CEO. For all subdivisions, residential/accessory construction disturbing greater than 1 acre and for commercial activities which disturb greater than ½ acre, the application would be referred to the Planning Board for site plan review. The law will include the review and approval standards at both the CEO/ZEO and PB levels. The Committee chose the ½ acre/one acre delineation since they are consistent with the NYSDEC storm water permit applicability levels.

The Committee requested that Tal Rappleyea prepare a draft reflecting the above and which would include, among other things, the design, review and approval standards, and a general ‘purpose’ section for the next meeting.

The Committee then spent a significant period of time again analyzing the Ridgeline maps, the several legislative examples and discussing methods of mitigating view shed impacts. The Committee carefully reviewed the Comp Plan, Part II, Appendix I. The Committee also debated, at great depth and length, whether new legislation should allow ‘hilltopping’ or construction directly on ridgelines, and if so, under what conditions. It also considered whether there should be a difference if the ridgeline is a field with no natural buffering or vegetative cover OR if the ridgeline had significant trees and other characteristics that would tend to mitigate impacts.

The Committee approached the subject of a vote and final determination on such issues on several occasions, but refrained from doing so, wanting to have the input of ALL members of the Committee.

Due to the importance and gravity of the vote which the Committee expects to make at the next meeting concerning whether to not allow building on ridgelines in any fashion or allow it with restrictions to mitigate potential impacts, the Committee requested that ALL members make a special effort to be present at the next meeting.

The Committee agreed to utilize the first Wednesday of April to return these important subjects in a short period of time, thus the next meeting is scheduled for April 4, 2012 at 6:30 pm at the Chatham Town Hall.

On a motion by Marilyn Cohen, seconded by Jean Rhode the meeting was adjourned at 8:45.