



To: Town Board, Town of Chatham
From: Nan Stolzenburg, AICP CEP
Date: March 29, 2016
Re: Review of ZIC Updated Zoning Law

Thank you for the opportunity to work again with Chatham! I congratulate you all on getting to this point as you implement the Town's comprehensive plan. Updating land use regulations is an important, but often time consuming and difficult task. I commend the ZIC and the Town on reaching a milestone where you can begin to have further discussions on the plan, its implementation, and the ZIC's efforts.

The Town Board tasked me with reviewing the recommended zoning update prepared by the ZIC and offering my comments on its consistency with the adopted Town of Chatham Comprehensive Plan. To that end, I have reviewed the existing zoning, proposed zoning changes, the comprehensive plan and its maps and appendices, and the updated zoning map (including the updated ridgeline map). I have discussed this review with Tal and he offered to provide me with minutes or other information from the ZIC meetings if needed.

In addition to this memo, I have prepared a detailed, point-by-point audit of the proposed zoning in relation to the plan. This is presented in the attached review chart. As a companion to that review chart, I have also prepared several written comments that provide additional information and perspectives for certain topics. This memo provides a summary of my conclusions. I tried to provide to you with a concise set of comments that you can use not only to gauge the status of the zoning update, but as a checklist as you move forward in your decision making and discussions. Mirroring the complexity of both the plan (with at least 100 land use related items to be addressed in the zoning) and the proposed ZIC zoning changes, my comments are also a bit long and complex – for that I do apologize, but hope the format is one that is understandable. I will try to clarify and answer questions when we meet in April.

Overall, I feel the ZIC has addressed many, but not all of the strategies recommended or required in the Comprehensive Plan. They have significantly enhanced many sections of the zoning that I feel will bring the Town closer to the ideals set by the Plan. The updated zoning is strengthened in many positive ways.

The additions have enhanced the purpose statements, definitions, and site plan and special use sections. Two comprehensive sections have been added to address the environmental needs of the town (EPOD 1 and EPOD 2). New criteria for consideration during review by both the Planning Board and Zoning Board of Appeals have been added. I feel they do reflect the broad direction sought by the Plan – to protect the rural character, aesthetics, environment, and farming especially. The site plan section has been significantly enhanced as called for in the Plan.

Siting guidelines for farmland protection, authorization for ECHO housing for seniors, density bonuses for protection of resources and provision of other amenities in Chatham, and individual standards for specific uses have all been added. The Plan called for more farm-friendly regulations, and the updated zoning addresses offers enhanced definitions, recognition of agriculture and impacts on farms, and the need for a modified review process for agriculture. As per the Plan, the Planned Business Development District has been removed.

As you can see in the review chart, I believe some of the plan's strategies have been fully accomplished. Others are partially accomplished or generally accomplished. The distinction is that a partial implementation means that part of a concept has been incorporated as per the plan, while generally means that the plan's concept has been incorporated, but not in the detailed manner provided in the Plan. But, I also feel that much of the 'spirit' of the Comprehensive Plan has been captured in the update, albeit more generally than envisioned in the Plan.

In comparing the Plan to the zoning, the audit I conducted asked whether the update addresses rural character, historic character, farming and farmland protection, incentives, and provides a clearer and more comprehensive review processes, provides more housing opportunities, and protects natural resources. Among other goals, these were among the priorities of the Town. The answer to that is a qualified yes. I strongly feel that many facets of the update are consistent with the Plan.

I answer as a 'qualified yes' because I do have some comments and concerns related to the clarity and depth of some of the new language. There is still a need for some tweaking. The draft is hard to read due to some format and indentation issues. There are some areas where I feel the language is unclear or perhaps contradictory (see comments related to the applicability of EPOD 1 for example), and I have pointed out where some clarification is needed. There are some duplications that need editing, and some sections that I feel should be reorganized for more effectiveness. These are all mostly minor fixes easily accomplished.

My 'qualified yes' is also because I feel that while the updated zoning addresses many of the goals established in the plan, it does so in a less detailed way than presented in the Plan. My greatest concerns lay not really with what has been added to the updated zoning, but with what that has not been added.

My concerns can be summarized in two ways: 1) there is a lack of detail that I feel the plan called for that is not included, and 2) the update did not include several significant policy directions established in the Plan. The Plan was developed, and adopted to specify what the zoning should accomplish and regulate. The plan's zoning approach is very detailed, specific, and comprehensive. It uses unambiguous language such as 'zoning shall' or 'amend zoning to'. Those were written specifically that way so that they would be implemented, not just 'considered'. I believe the Plan seeks to establish detailed development standards that specify a more exacting way new development is expected to perform and to offer clear language that applicants and reviewing Boards must follow to meet those expectations. I believe that for many sections, the zoning offers more flexibility than the Plan established.

In other ways, the updated zoning is clearly not consistent with the Plan because some fundamental tools were not included in the ZIC update. Other very important zoning tools established in the Plan related to density, dimensions (especially in the hamlets), commercial development and design standards, ensuring historical settlement patterns, addressing mixed uses and the desire to enhance public participation early in the review process are not included.

The plan articulated many, very specific development standards to be included in the zoning. It makes a clear distinction between strategies that 'shall' be implemented vs those that may be considered to be implemented. Where the plan indicates a specific zoning tool shall be used, the update should follow suit. It is here that I feel there is a departure of the updated zoning from the Plan's approach. From being part of the Comprehensive Planning process, I feel the community felt the need to be more prescriptive in its land use regulations. The updated zoning may not be prescriptive enough.

I feel that the review chart shows about half of the plan's zoning related strategies were addressed in a satisfactory way. Some very fundamental zoning tools were not included such as:

- use of transfer of development rights
- use of dwelling per acre instead of minimum lot size
- use of average lot sizes
- different requirements for different hamlets
- commercial design standards
- hamlet dimensions that are unique to each hamlet
- industrial development standards
- Building design standards
- development of two new hamlet areas
- Use of traditional neighborhood design in subdivision
- use of fiscal impact and growth management tools
- commercial building square footage limitations
- address demolition
- Promotion of adaptive reuse of buildings
- Mixed uses and ensuring they fit into neighborhood

As noted in the comment memo, there are some administrative edits I strongly recommend including updating of the Zoning Board of Appeals section to match NYS Town Law fully. The law also needs to include an amendment section.

What's Next

The updated zoning provided by the ZIC provides a very good place for the Town to continue to build upon. There is no need to scrap this update or start from the beginning. The update provides the framework to move forward on. Future discussions should be targeted to those areas that a) could use some tweaking and clarification, and b) those topics from the plan that are not included.

I note also that the Town will need to update the subdivision law and the road/highway law in order to address the full range of plan recommendations. These all must work together and seamlessly.

Of the items not included in the update, I feel the ones that need the most attention relate to density, dimensions, hamlet standards, and commercial/design standards. The Town Board should look carefully at the plan strategies identified as a priority and concentrate on them. The Plan provides clear direction and priority and that should offer the direction to follow.

Strategy 3.3 of the “Sustaining and Implementing the Plan” directs the Town to review the Plan every five years. I don’t believe that has taken place yet. I recommend that the Board undertake this review now simultaneously with continuing development of the zoning law. The review of the Plan does not need to be a full-blown rewrite or a multi-year process. I recommend the following:

1. Convene a public meeting or meetings to learn about concerns, issues, or ideas that need addressing. This would be an opportunity to hear if the Plan’s goals and direction are valid still, if there are new issues that have arisen since the plan was developed, or new ideas to implement. A facilitated workshop could elicit this input. The object would be to validate (or change) the vision and goals of the Plan and identify new topics that need to be planned for. You may want to do an online survey (not called for in the Plan, but easy enough to do) to solicit this input as well. Specific input from the Planning Board, Zoning Board of Appeals, CEO, and Conservation Advisory Council should be sought. If the Farmland Protection Plan committee is still active, they should be included too.
2. Generally update the data in the Plan with new building permit information, updated Census data, and update parcel maps to reflect changes since the Plan was adopted. This will help identify any new trends that need to be accounted for.
3. If new topics need to be addressed, the Town can work on those. For instance, solar has become a large topic, as has pipelines and utility lines. These may be issues you want the Plan to address.
4. Discuss the topics not included by the ZIC in the updated zoning and determine if they are still desired and relevant. If so, then the Board can direct a committee, existing board, attorney or consultant to draft that language for inclusion in the zoning.
5. The update can be a supplementary document that reports on the above. This would be adopted as per NYS Town Law 272-a.
6. The Town can update the plan and the zoning law at the same time using the required process for Town Law 272-A and for zoning amendments.

Strategy #	Strategy Related to Zoning	High Priority Item Identified in Plan	ZIC Included in Updated Zoning	N Stolzenburg Comments About Update
Vision	Make sure purpose statement of zoning matches vision of plan		partial	Purposes updated what ZIC added reference to farmland and agriculture, but does not reference any other plan goals. Suggest moving definition of rural character to definition section, and add reference to all other Plan goals
Rural Character	Define rural character in zoning		Yes	ZIC included it in purpose section front and center, but what is there is more the definition of rural character. That may be better placed in the definition section with a summary included in the purposes. The purposes should be enhanced with references to all the goals of the town from the Plan.
1.1	Preserve open space by establishing a TDR (Transfer of Developments Right) program	✓	No	Not included
1.2	Develop EPODS in steep slopes, wetlands, streams, scenic views, ridgelines, flood plains, wildlife resources. Refers to comp plan maps on website		Partial	Two were created - for steep slope and another for scenic views/ridgeline. See Comment #3 for EPOD 1 and Comment 4 for EPOD 2 details. ZIC updated the Ridgeline Map so there will need to be a comparison between the Plan map and the ZIC recommended map.
1.4	Use true density in du/acre instead of minimum lot size and that minimum lot sizes shall be used only to meet setbacks septic and water		No	Minimum lot sizes kept throughout and remain unchanged from existing zoning
1.4	Where min lot size needed only for setbacks, septic and water requirements	✓	No	Did not apply the du/acre format
1.5	Use net acreage with environmental control formula and apply to all subdivisions		No	Not included

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1.5	Decrease density where there is a defined environmental sensitivity OR that is primarily ag lands		No	Not included
1.6	Establish best management practices for timber harvesting via a timber harvesting permit		Yes	Yes - very comprehensive law drafted as a stand alone local law. It is very thorough and includes best management practices for timber operations.
1.7	Use conservation subdivision (shall) for all major subdivisions or all subdivisions >3 parcels on 50 acre parcels		Yes, but in Chapter 135	EPOD 2 encourages use of conservation subdivision. Chapter 135 (subdivision) currently incorporates all the conservation subdivision recommendations. Recommend that zoning does better job of referencing the required applicability of conservation subdivision so they work together seamlessly.
1.7	Clustered subdivisions shall be traditional neighborhoods	✓	No	No mention of any traditional neighborhood standards. Some of this language should also be in an update to subdivision and the zoning and Chapter 135 need to work seamlessly together to result in traditional neighborhoods.
1.7	Authorize PB to require Conservation Subdivision for smaller subdivisions when environmental limitations, ag lands, open spaces exist		Yes, but in Chapter 135	Part of Chapter 135
1.8	Offer density bonus for affordable housing, senior housing, public recreation, public open spaces		Yes	Update does offer bonuses for these features.
1.8	suggest decrease density in the 3 and 5 acre zones and then increase it with density bonus as incentive - see Box		No	Density requirements not changed, but density bonuses are added.

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1.9	consider requiring for major subdivisions, have state and county review for water, septic and eval of parcels past usage	✓	No	Could be part of an update for subdivision. not explicitly outlined in Chapter 135.
1.10	shall, for > 20 homes, require fiscal impact analysis on schools, infrastructure and town expenses		No	Not included
1.11	consider growth management via development monitoring and growth threshold program	✓	No	Not included
2.1	rural siting and development standards mandatory for all subdivision or site plan approvals in all districts. See list of items in plan to include here	✓	Partial	Some of these standards are included and apply to lands within the EPO 1. Chapter 180-25 offers siting guidelines for protecting farmland. No rural development standards as envisioned in the plan are included.
2.1	siting, height, scale, landscaping, hamlet style		No	No special design or development standards included to ensure hamlet style aesthetics.
2.2	Add more definitions		Yes	See #1 Comment for details
2.2	more direction on allowed and prohibited uses consistent with Plan		Partial	Some of the land uses by district from plan are included, but not all. Permitted uses and Special Uses not totally consistent with Plan (especially in the hamlet where in the plan non-residential uses were tied to development standards, but not in the draft zoning. See Comment 2.
2.3	performance criteria to keep buildings in scale such as building size and lot coverage, FAR, siting, lighting, parking, signage, landscaping, infrastructure	✓	Partial	Specific performance criteria asked for in the plan are not included. However, the law does address many of these with general performance statements related to lighting, parking, signage, and landscaping.

Strategy #	Strategy Related to Zoning	High Priority Item Identified in Plan	ZIC Included in Updated Zoning	N Stolzenburg Comments About Update
2.4	Consider new hamlet as per conceptual zoning map; establish separate zoning districts for each hamlet with standards designed for each, some design standards are to be considered, others are shall be included, increase allowable density there, decrease lot size, allow for multi-family, allow for conversion of existing buildings to residential, allow for mixed uses only with development standards targeted to the specific hamlet. Fine tune standards specific to each hamlet.	✓	No	The two new hamlets recommended in the plan are not included. No unique development requirements established by hamlet - they are all treated similarly. Density not changed from existing zoning. Some are different than Plan such as ZIC moved neighborhood commercial facility from Special Use Permit to Permitted (No Review, which is contrary to Plan).
2.5	Commercial uses shall have Site Plan and Special Use reviews, add more details to the use schedule, add purpose statements as offered in the plan. Plan offers district purpose statements; list of preferred uses, and list of uses not desired in districts. Commercial uses limited to < 20,000 sf in size.	✓	No	Purpose statements not included. The new use tables are not totally consistent with this strategy. No limitations on size of buildings included except in the EPO 1 where it is limited to < 7,500 sf. Not all commercial uses require special use permits. Use table does not indicate which uses require site plan, but the section on Site Plan does indicate all would be covered. Could be clarified in the list of uses.
2.6	design consideration for preventing monotonous subdivisions (Subdivision)	✓	No	A good fit for part of an update to the
2.7	updates to the subdivision law (Subdivision)	✓	N/A	This part of the plan would be implemented as part of a separate process

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2.8	amend site plan law to add procedures, standards, purpose statements, performance expectations, design standards, sketch plan	✓	Yes, see notes	The site plan section has been redone. Performance expectations are included as items for the Planning Board to review. They are comprehensive in terms of addressing the major policies in the plan, but not detailed in terms of setting specific standards. No design standards included. Sketch plan is included and required. Process outlined is good. A reference is made to a modified site plan review as per NYS Ag and Markets guidelines for agricultural uses (see comment 6) but does not specify when/how/what.
2.9	evaluate and change lot size, dimensions, yards, setbacks so they are consistent with rural character and historic character (in hamlets)	✓	No	No changes were made.
2.10	add requirement for street tree planting and landscaping to replicate existing	✓	partial	Tree planting included in EPOD 2, and is also a part of site plan review. No specifics given outside the EPOD 2.
2.11	include establishment of building envelope in new subdivisions	Yes	Yes	Included in 180-25 for the R1 and R2 areas to protect farmlands. Building envelope not defined in the definitions section.
Economic development				

Strategy #	Strategy Related to Zoning	High Priority Item Identified in Plan	ZIC Included in Updated Zoning	N Stolzenburg Comments About Update
1.2	<p>Allow businesses in hamlets only with SPR and SUP, design standards for rural character. Allow small scale businesses with development standards consistent with environment, character, scale, style, mixed use nature of hamlets. Allow for mixed use structures and neighborhoods. Businesses in hamlets with site plan and special use permits. maintain nodal pattern of development. de-emphasize road frontage requirements, establish performance standards for commercial development, standards for maximum commercial square footage, etc., rely on impervious surface, open space, floor area and landscape ratios</p>		No	<p>Some businesses allowed in hamlets as a permitted use (no review). If the Town intends those uses to be permitted with Site Plan, it needs to clarify that. No specific commercial design standards included, except generally in Site Plan Review but no specific standards included. There is no language to promote nodal patterns although that would be more of a mapping issue. Within the EPOD 2 there are building size restrictions and max. impervious surfaces established. Ratio's not used in other locations. A 30% impervious surface ratio is set for all development. However, that may be too low in hamlets and too high in areas with environmental sensitivities.</p>
1.2	<p>design standards for industrial districts</p>		No	<p>not included</p>
1.3	<p>commercial design standards for parking, signage and outdoor lighting - parking lot locations, lighting with height limitations, screenign of lot, use of traffic access management, rear loading docks, decrease size and height of signs, better sign design, offer process for streamlining sign approval. 11 other standards to be followed.</p>		generally	<p>Site plan and individual standards found in various places of draft law address some of these, but often in general ways. The specificity of strategy 1.3 is not included.</p>
1.4	<p>add minor home occupations with no special permits, intermediate HO with site plan only, and major HO with site plan and special use.</p>		Partial	<p>Minor and Major included as per the plan, but no intermediate Home Occupations included</p>
1.5	<p>Remove Planned Business Development District</p>	✓	Yes	<p>this was removed as per plan.</p>
1.6	<p>Regulated PODS (Portable On Demand Storage)</p>		No	<p>Not included</p>

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2.1	farm friendly zoning language include new ag uses, b&b, ag tourism, farm stands, ag businesses in use tables. Use questions in review to determine if commercial uses on farms are compatible.	✓	Yes	Definitions for these uses are included. See Comment 1.
Housing				
1.1	Housing in hamlets should allow for multiple units, mixed uses, ECHO and accessory apartments, reuse of existing buildings for new housing, use of FAR to ensure scale fits in. See specific language offered in terms of how many lots allowed to be of each size when water and better septic offered.	✓	Partial	ECHO are included at 180-29, multiple units, accessory apartments are included. Mixed uses per se not included. Reuse of existing buildings not specifically mentioned. Use of FAR not included. Plans strategy to offer variety of lot sizes based on whether water/sewer provided not included.
1.1	minimum lot size of .5 acre with on-site septic and water	✓	No	Lot size remains at 1.5 acres for hamlet.
1.1	>20 homes in hamlets, 30% or greater open space requirement	✓	No	Not included.
1.1	Cottage zoning encouraged -plan gives max dwelling of 1000 sf and use of mixed lot sizes.	✓	No	Cottages included only related to senior citizen ECHO units.
1.1	Hamlet style development standards	✓	No	Not included.
1.1	200' farm buffer between houses and farms	✓	Partial	A buffer is required as part of the farmland protection section, but a specific 200' distance is not included. The size of the buffer left to Planning Board to determine based on circumstances.
1.1	rural siting standards to be used for hamlets	✓	No	Not included

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1.2	housing standards - see multiple requirements	✓	Partial	Use of floor area ratio not included. Zoning removed allowance for two principal residences on lots in the residential districts (still allowed as per plan in Hamlets). Condominium defined, but not specifically regulated. No discussion on conversion of existing structures into multi-unit dwellings but it does included in general multi-family dwelling requirements.
1.3	allow for mobile or modular home on temporary basis	✓	Yes	This is included in Chapter 151 however, not the zoning.
2.2	Inclusionary zoning to keep some % of lots affordable; workforce housing		No	Affordable housing is defined in the zoning, but no inclusionary requirements have been offered. Workforce housing allowed with a special use permit, but with no specific standards or requirements for it.
2.3	multiple unit structures allowed as a special use with restrictions identified here - page 55 outlines specific standards to be included. Asks for early public input in review process.	✓	Partial	A new section on multi-family dwellings has been added to ensure compatibility of these housing types. This new section does limit to the number of acres devoted to these kinds of housing types to 5 unites per parcel. The requirement that these uses are consistent with rural character is included.
2.6	Use Dwelling units per acre as the measurement of density, not minimum lot size		No	Minimum lot sizes kept throughout
2.7	allow use of zero lot lines in hamlets and conservation subdivision		No	Defined but not included in any criteria or regulations
3.1	allow for variety of senior housing identified here - granny flats, senior group homes, CCRC, multi-family units.		Yes	Use tables reflect a variety of senior housing opportunities

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3.2	include state law requirements for senior housing		No	Not included, but there is a section on special standards for some forms of senior housing.
4.1	for major subdivisions in hamlets, require sidewalks, bike friendly street design, public green space (also for subdivision law)		No	Not included in zoning. Subdivision regulations could also address this.
	Infrastructure			
1.1	use traffic access management in projects	✓	No	Traffic is generally included in site plan and special use, but nothing specific added.
1.3	Consider adequate public facilities regulations	✓	No	Not included
3.1	minimize use of cul de sac, use grid or modified grid patterns, use T and Y designs.		N/A	Not included, but the road standards chapter (164) should address this.
3.2	highway design standards - (subdivision law? OR Highway law?)	✓	N/A	Not included, but the road standards chapter (164) should address this.
3.3 and 8.1	use shared driveways, rural road classification, access management , context sensitive design for new roads, see standards for traffic access management in 8.1		N/A	Not included, but the road standards chapter (164) should address this.
3.5	subdivision - evaluate driveway placement, drainage		N/A	Not included, but the road standards chapter (164) should address this.
8.2	PB authorized to require peak hour traffic studies in Site Plan and Special Use Permit processes		Only generally	This requirement not specified, although new language included in site plan submittals does include traffic patterns.
9.2	bike and pedestrian use of new roads with detailed new road standards (for Highway or subdivision law)		N/A	Not included, but the road standards chapter (164) should address this. Given the referenes to biking in the Plan, the zoning should include provisions for bikes (lanes, trails, racks, etc)

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11.1	allow for wind mills by special use permit, with site plan, with standards to protect rural and scenic character. Setbacks, buffers, etc., host community agreements	✓	No	Not included. The ZIC may have intended that lack of inclusion of wind facilities as an allowed or special permitted use means they are prohibited.
11.2	don't place barriers for use of zero energy homes		No	Not discussed in zoning
11.3	encourage use of LEED standards via density bonuses	✓	Yes	Included in the density bonus section
	Recreation			
6.1	protect stream banks, wetlands, flood plains, ag lands		Yes	Zoning requires all floodplain laws to be met. There is a section on farmland protection with rural siting guidelines. Stream banks are addressed in the EPOD 1 district but it is unclear if that section applies only to the mapped steep slope area or all streams in the town.
6.3	pedestrian friendly planning with sidewalks and trails included in plans		generally	Site plan and special use sections do require the reviewing board to ensure for pedestrian safety, but no specifics added.
6.6	new greenway development and trails in new developments. Also see 6.9 for public trail interconnection to public road to be provided.		No	Not included in zoning. Subdivision regulations could also address this.
	Arts			
1.1	pay attention to how development impacts cultural and historical character		Generally	Site plan and special use sections include review and protection of cultural and historical character. New additions have added these resources to the 'radar' of the reviewing board now.
	historic character			
	plan gives definition of this		Yes	definition is included.

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1.1	add historic character to site plan review and make sure new is compatible with historic character. Provide standards for that review		Partially	Yes, site plan now includes reference to reviewing impacts to and protecting historic character. No specific standards for review given.
1.1	Require exterior building design standards for commercial uses consistent with traditional and historical character of area.		No	No commercial design standards included
1.2	lot sizes and setbacks to match historic development patterns in hamlet., hamlet standards to be different from rural to maintain hamlet style	✓	Partially	The zoning always has had different lot sizes and dimensions for hamlets. Those have not changed so in essence do establish standards different from rural areas. The specific hamlet standards discussed in the plan however were not included. See above.
1.3	allow for long setbacks and use of flag lots to protect scenic or historic resources		No	Not included
1.4	subdivision review - consider historic character	✓	N/A	Requires subdivision update.
1.9	allow conversion of buildings to new uses as Special Use Permit. Ensure historic character is retained during adaptive reuse,		Partially	Conversion of buildings is not addressed. However zoning doesn't prevent conversion. Zoning does not specifically call out historic preservation during adaptive reuse. Site Plan and Special use do mention that the use must be consistent with the rural and historic character.
1.10	define historic property to include main structure, out buildings, stone walls, barns, etc.		No	historic property is not defined although historic character is defined.
1.11	add new section on demolition in hamlet		No	Demolition is not addressed in zoning. It may be included in another chapter of the Town Code.
	farming			

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1.2	farm friendly zoning language, see sub sections for specifics, page 96, add in ag definitions, add ag uses to use table, add modified Site Plan Review for ag site plans as per NYS, include Right to Farm law.	✓	Partially	See Comment 6 related to modified site plan review. Ag data statement is now included. Most ag definitions now included. More ag uses now included in use tables. Town has Chapter 137 as a right to farm law already and the zoning should specifically refer to that. Not all the recommendations in the plan for farm-friendliness are included.
3.1	Be sure it is compliant with AML with Ag Data and Ag Disclosure notices, review for impact on agriculture via ag impact statement (page 99), review process for PB and ZBA to enhance evaluation of projects and impacts on agriculture;	✓	Partially	The Ag Data Statement is included in the draft update. The Ag Disclosure notice is not included. Section 180-54 does address the how to and need for evaluating the impacts of a development of farming. This section however, is at the end of the law and coupled with permits and administration and so seems out of place to me. The language is acceptable but for effectiveness, it needs to be moved so it is included as a standard of development review, not in administration.
5.3	allow by special use permit adaptive reuse of existing farm structures (h)		No	Draft language does not specifically discuss this although it does not prohibit it either.
5.2	buffer of new residential developments - 200' adjacent to hamlets or more, residences to provide the buffer		Yes	Buffer is included as a requirements, but the 200' is not specified. The distance is left to be decided at the time of application.
natural resources				

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2.2	authorize PB to reivew projects for effective site planning related to wildlife and wildlife habitats, see page 107		Partial	Wildlife included in new purpose statements, referenced in the Steep Slope Overlay, included in the EPOD 2 as an important resource to be protected. Wildlife and habitats are not specifically discussed or reviewed in Site Plan or Special Use, but both have general reference to vegetation and the environment.
2.2	Special protections for small wetlands and vernal pools see page 107		No	Vernal pools are not defined, nor included specifically. They may fall under the general criteria of environmental protection. See Comment 7.
3.1	mitigate or eliminate adverse impacts on important viewsheds, see Appendix 1	✓	Yes	Contained within EPOD 2 regulations. See Comment 4.
3.2	Mitigate adverse Impacts on environmentally sensitive locations	✓	generally and in EPODs	Neither site plan nor special use processes specifically instruct the Planning Board or ZBA to mitigate adverse impacts on environmentally sensitive locations. That term is not included in the definitions. As above, both review processes ask the Town to protect rural character and the environment as a broad criteria. EPOD 1 and 2 are designed to address these locations. See comments on EPODs.

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3.3	protect views and critical environmental locations. Include regulatory controls (a through m, page 109). Include density bonuses for protection, net density, id impacts on viewsheds, use conservation subdivision or clustering, have site visits by PB to confirm, lighting controls, etc.		Partially	Some of these strategies are contained within EPOD regulations. Some of these strategies are not included such as use of density bonus for protection of views, use of net density, amended sign controls, different setbacks to protect viewsheds. The EPODs do address some of the other strategies related to lighting, erosion and sediment control, use of natural vegetation.
4.3	stormwater runoff controls, incorporate soil erosion and sediment control programs included. Plan offers the specific language for inclusions.	✓	Yes	Contained within EPOD 1 regulations (Steep Slope). See Comment 3 however for concerns over applicability of these controls. It is unclear if it is only within steep slope areas or other locations in Town.
4.4	Control impervious surfaces, use LID, narrow pavements of roads, keep floodplains and highly erodible areas from development, setbacks from waterways	✓	Partially	Some of these standards are included in the EPOD 1 regulations. LID is not included. Road requirements likely need to be updated within Chapter 164 (Road specifications). No established setback from streams or other waterways included although that may be part of a SWPPP or an erosion and sediment
4.10	incorporate nys stormwater rules - reference		Yes	Contained within EPOD 1 regulations
4.12	strengthen site plan sections so that expectations for new development related to water quality are clearly detailed.	✓	Yes	Site plan has been greatly expanded. The EPOD goes into detail on water quality. We still have to clarify if the EPOD covers just steep slope areas or all areas in Town to determine if this has been strengthened the way envisioned in the plan.
4.15	maintain current regs related to mining		Yes	Mining as a floating zone remains in the updated version

Strategy #	Strategy Related to Zoning	High Priority Item Identified in Plan	ZIC Included in Updated Zoning	N Stolzenburg Comments About Update
5.2	control outdoor furnaces, prohibit burn barrels		No	These are not addressed. However, the ZIC may have assumed that since they were not mentioned in the use tables they were prohibited. That should be clarified.
6.1 and 6.2	outdoor lighting standards, to be specific to each zoning district		No	The zoning does address the need to reduce glare and use shielded lights. No specific standards for lighting by district is included.
6.3	reference dark sky standards		No	Not included
6.4	strengthen enforcement provisions.		No	See Comment 8
7	density bonus for building green		Yes	Included in Density Bonus section
Plan Implementation				
1.4	allow for performance bonds, escrow, inspection fees, developer agreements, hiring consultants, costs borne by developer.	✓	Yes	These elements are in the text. Zoning refers frequently to use of escrow. Chapter 138 of the Town's law will come into play here to help establish how fees and charges are made. The zoning should referene that chapter however.
1.5	enhance remedies and enforcement sections for violations		Partially	As mentioned in Comment 8, these are offered but related to enforcing EPOD 1 requirements. This section still needs work in my opinion but at the least, there needs to be better coordination with Chapter 124 of the Town's code (enforcement) and a small tweak stating that the ZEO can be the CEO as they are used interchangeably here.
2.2	submit proposals electronically		No	Not included in draft

Strategy #	Strategy Related to Zoning	High Priority Item Identified in Plan	ZIC Included in Updated Zoning	N Stolzenburg Comments About Update
2.3	community input shall be incorporated early in the process - at sketch phase, more public input needed early. Related item 4.2 that also calls for a hearing early in the review process.	✓	No	The update does now require a mandatory sketch plan as part of site plan. However, it does not include any formal public input early in that phase.
4.3	detail environmental review process and timing	✓	No	The zoning references SEQR. The reviewing board and applicant will need to refer to SEQR for the process and timing. I believe the Plan called for this policy so that the SEQR process was fully integrated into the review process.
4.5	public hearing notification for all property owners within 500' of project	✓	partially	new language added to hearing requirements does require notice to all abutting landowners. While this may not capture all landowners within 500', the public hearing notice is much better than currently exists.
4.6	authorize PB and ZBA to have applicant personally attend meeting.		No	zoning does not currently require this. The zoning either doesn't address it, or specifically discusses that applicants or their agents can participate, depending on what section of zoning.

Review of ZIC Recommended Zoning Updates

Additional Comments to Supplement Review Chart

The review chart summarizes my full review. This chart includes a summary of each zoning or land use related strategy discussed in the Plan, identifies which ones were considered a priority, offers my opinion as to whether the ZIC update meets those recommendations, and offers additional comments. In the context of that chart, I used the words generally, partially, N/A, yes and no, as follows:

Partial – means that I felt that some of the Plan recommendation has been included in the update.

Generally - means that the update includes that policy from the Plan in a general way but does not offer specific standards or requirements. For example, a statement (found in 180-22 C (6) says that “important aesthetic features and the rural character of the neighborhood should also be protected” shows that the update includes and considers aesthetic and rural character as a consideration of site plan approval, but no specific development standards on how that should be done are included.

N/A – means that a section of the Town’s code other than zoning should be the place where that Plan strategy should be implemented. This includes the Town’s subdivision law and road/highway law. The Town will have to update those laws independently to address those specific Plan items.

Yes – means that I felt the update covers that Plan strategy.

No – means that I felt the update did not include that Plan strategy.

The following comments are those that I felt needed additional explanation beyond the summary write up in the review chart.

Comment 1. Definitions (180-4): Many definitions have been added that are excellent. It is a much better section now. However, not all the terms included in the Comprehensive Plan have been included. Further, not all the words that need definition from the zoning law are defined. It is my practice to define each and every use allowed by the zoning to ensure there is clarity for each one. Not all the uses included are defined. There are some minor issues in this section such as duplicate definitions of the same term that contradict one another and those issues are easily resolved.

- a. Definitions related to agriculture were added. However, there are some conflicting definitions and it includes acreage and dollar criteria for farming that is not consistent with Plan.
- b. Background noise – refers to ‘ordinance’, but this is a local law, not an ordinance. Further, it should not be limited to violations, but should also be considered with applications. Is this same as ambient noise? Unclear.

- c. Building envelope not defined – This term is used in the farm and farmland section. Attachment 1 of zoning shows building area, which is NOT the same thing as building envelope. This needs to be added/clarified.
- d. Camp – make sure these terms are not conflicting with NYS Building Code.
- e. Campground – refers to campsite and camping unit which are terms not defined.
- f. Commercial Horse Boarding – check with NYS AML – needs to be consistent.
- g. Communication or Broadcast Tower – there are two definitions for this.
- h. Complete Application – I disagree with this definition. A complete application is determined by the Planning Board, not the CEO. Plus, this is confusing. This is a very important definition and needs to be rewritten.
- i. Day Care – last sentence is missing a part.
- j. Direct Discharge – check with NYS and use same definition as in DEC rules.
- k. Farmland – refers to uses in conjunction with farm operation but then limits it to ‘agriculture’ I see this as excluding the other ag-related uses included such as ag-tourism. This needs to be expanded, or get rid of these terms and use the State Definition of Farmland and Farm Operation. Why are there two definitions for farm operation. Keep first one only.
- l. Historic Character – Good, but there is a definition of Chatham’s historic character in the Plan and this is the one that should be used.
- m. Home Occupation – This rewrite does not distinguish between minor, intermediate and major home occupations as per the Plan. Text uses HO1 and HO2 but there is no definition for HO1 and 2 only Home Occupation.
- n. Individual Sewage Treatment – isn’t this for just 1 parcel? Check NYS definitions for this – not sure this is correct.
- o. Minor and major Land Development – these terms are used and defined in the EPOD Section, but is not defined in this section – bring this into the definition section for clarity.
- p. Motorized Vehicle Race Track – add motorcycle and dirt bike to list. These two uses are very problematic and should be included in this definition.
- q. Nursery or Greenhouse – I suggest this be edited. This should also include greenhouses used to grow Plants for produce and that is part of a farm operation.
- r. Small non-profit recreation area - No definition included but word is used for ‘small’ non-profit recreation area. This is an example of uses that are allowed, but not defined. I suggest that each use allowed have its own definition.
- s. Open Space – a critical resource discussed in the Plan, but not defined in zoning. It is defined in Chapter 135 (subdivision) and that is a good definition. This same definition should be added to zoning.
- t. Zero-Lot line is defined, but not used anywhere in the document.
- u. Slope – two definitions are included – use one only. Note also the steep slope definition uses 20% as the gradient (the Plan said 15% or 20%).
- v. Summer or Seasonal Camps and Retreats – does this repeat Camps?
- w. Water Body – defined as >1000 sf of surface area. Check to see if this square footage is consistent with DEC or other regulations. For instance, federal wetlands have no acreage

attached. Does having this criteria limit or create a loophole by eliminating some areas as a 'waterbody'?

Comment 2. Establishment of Districts and Uses (180-5 and 180-10+)

- a. Use consistent nomenclature. This is a minor point but for example, 180-5 calls for Hamlet 1 and Hamlet 2, but text in 180-10 calls it Hamlet Residential and Hamlet Non-Residential. The terminology needs to be consistent.
- b. One of the centerpieces of the Plan is to recognize that each hamlet is different and has different characteristics, and thus called for them to be treated differently in the zoning. The zoning does not treat each hamlet individually as called for in the Plan (there is one hamlet district that establishes requirements similar for all. They all have the same use, dimension and development requirements.) Thus, the zoning does not help the applicant or Planning Board distinguish and Plan for the unique character of each, and in that respect, I feel the updated zoning has a large gap with what is called for in the Plan.
- c. The Plan was very detailed in what each district was supposed to accomplish. That was articulated in Strategy 2.5 page 28, along with a use table for each in Appendix F. The draft zoning does not include any of the purpose statements from the Plan, and deletes the existing purpose statements for each district. Some of the uses included are consistent with the text in 2.5 and Appendix F, others are not. The existing purpose statements were removed. This results in a lack of clarity of what each district is supposed to attain. That in turn makes it more difficult to attain the Town's goals if they are not articulated.

Inclusion of these purpose statements becomes even more important when the zoning offers general performance criteria as this zoning law does. The purpose statements will help the Planning Board/ZBA use those general standards in Site plan and Special Use and apply them in a uniform and fair manner.

- d. The proposed use tables, are not totally consistent with the Plan or with the Plan's purposes for each district. The recommended use table in Appendix F is not fully what is proposed in the draft zoning. While similar in some areas, it is not 100% consistent, especially as to what is required to be permitted (no review necessary) or via a special use permit.
 - 1. This brings up a point of clarity that I feel is important. The use table does not identify which uses require site plan review even though the site plan Section does discuss this. The uses listed under "Permitted" usually refers to those that need no review at all and just require a building permit. The zoning is confusing because clearly some of the "permitted" uses do also require site plan review. At the least, the zoning should reflect this requirement within the use tables.
 - 2. The Plan is very clear that the allowance of small businesses and mixed uses is, especially in the hamlets, predicated on meeting explicit commercial design standards that ensure that

the commercial use will mix well with nearby residential uses. Those commercial design standards are not included in the draft zoning. The general standards now included for a site plan and special use permit do generally address some of the issues that fall under design standards and thus does give the Planning Board or ZBA the ability to discuss these items with the applicant. However, since no guidelines are given as to what those specific expectations of the community are, those decisions are left solely to the Planning Board or ZBA during their review. I understand the need for the boards to have some flexibility in their decision making. However, the Plan was quite clear in its use of 'shall' and in my opinion, clearly outlined the need for articulating specific development standards that the Planning Board and ZBA would have to ensure be met. I do not think that level of detail or specificity has been addressed in this draft.

3. There are some inconsistencies I don't understand. Specifically, the Community Care Retirement Community (CCRC) requires 50 acres of land when located in the RL3, but not in other districts. I don't understand that rule.
- e. The dimensions for new uses remain unchanged from existing zoning. The major policies of the Plan related to density are not included. Policies related to use of average lot size, use of a density measurement of # dwellings per acre with a de-emphasis on lot size and frontage, and using net density (where certain unbuildable lands are removed from the calculation) are not included. I do not see where the density or dimension policies of the Plan were included.

Comment 3. EPOD 1 - Steep Slope.

A very detailed set of rules has been proposed for the steep slope environmental protection overlay area. I applaud the ZIC for its comprehensive nature and thoroughly addressing stormwater and erosion issues. However, I also have a few concerns with this section.

- a. The first question is if this section actually refers to a map or specifically steep slopes? I question this because this new section does not reference any steep slope map (yet there was one included in the Plan). The text indicates that the applicability of the stormwater and erosion requirements of this EPOD are applied to many other locations beyond steep slopes. While it does apply to slopes >20%, it also applies to lands within a 100-year floodplain, where excavation or filling affects >200 cubic yards, where soil stripping or clearcutting takes place, when two or more lots, when new streets are proposed, and any activity requiring a site plan review by the Planning Board is proposed. That applicability goes beyond steep slopes and means this section will control in a larger portion of the Town land base. While I agree that stormwater control is critical, called for in the Plan, and this section offers excellent design standards for water quality protection, it remains unclear if this section applies just to those features within steep slope areas, or anywhere in Town. If the ZIC meant to apply the EPOD 1 standards throughout the town and beyond just steep slopes, then this section should not be called a Steep Slope Overlay and instead should be "Stormwater Control Requirements".

- b. Sub-sections A and B stating purposes and objectives are very good. Sub-Section C outlines that activities defined as minor have land development permits approved by the CEO/ZEO while major projects are reviewed by the Planning Board as part of site plan and subdivision. Major projects are those that disturb >1 acre of land and must meet all NYS DEC stormwater requirements (which includes submittal of a stormwater pollution prevention Plan or SWPP). Minor projects are everything else and need an erosion and sedimentation control Plan.

For simplicity, it may be useful to just refer to the DEC SWPP and stormwater requirements for major projects. Even though it is comprehensive and does articulate best management practices I would hope to see, the text repeats much of what is required for DEC SWPP and SPDES anyway. Some editing to refer to those regulations may make it easier to use and administer. In this way, the Town can concentrate on the minor projects that are not under the purview of the DEC. Regardless of Chatham's rules, NYS will require a SWPP whenever more than 1 acre of land is disturbed for commercial activities and 5 acres for residential activities. If the State SWPP is adequate for those, then does the Steep Slope EPOD need to have its own set of stormwater management requirements for major projects?

The requirements for submittals under this section are quite intense. An engineer or professional in stormwater will be required to prepare the Plan and documents called for in this section. I don't necessarily disagree with this, but the Town should recognize that this adds expense to the landowner.

- c. A confusion I have is that that single family homes are excluded from the EPOD 1 requirements in one section, but then it also says that 'any activity' must meet NYS Standards and Specifications for Erosion and Sediment Control. The applicability of this section needs to be tightened up to avoid this kind of confusion.
- d. Before adopting this section, the Town should evaluate whether it is committed to inspect and enforce all these stormwater management facilities and Plans. Is the CEO trained and qualified to do inspections? Will the Town be able to keep an inventory of these Plans to ensure maintenance? The zoning identifies a 'stormwater management officer' for the Town. Does this position currently exist and will the Town be able to accomplish appointment of such a person with the right skills? I have concerns with the complexity of the application requirements and wonder whether the CEO or the Planning Board are qualified to determine if a SWPP or an erosion and sediment control Plan that has been submitted is sufficient. These are all practical questions that arise when it comes to effectively administering this section of the zoning law.
- e. Finally, sub-section Y allows for a complete waiver by either the Planning Board or CEO/ZEO (depending on whether it is a major or minor project). I note that the zoning includes a similar waiver for many requirements in the zoning and that always concerns me. For this sub-section, no criteria are offered as to how, when and why waivers may be given. Without that detail then the Town opens up the possibility of a loophole, and of unequal application of zoning rules. I

have no problem with a waiver statement provided it is detailed and clearly outlines the circumstances when a waiver can be issued.

Comment 4. EPOD 2 – Scenic Views and Ridgelines

The EPOD 2 does refer to a scenic views and ridgeline map. The ZIC updated that map from the one presented in the Plan and made some adjustments to those areas identified as ridgelines. This section addresses many of the scenic and ridgeline strategies included in the Plan. The requirements of this section are reviewed by the Planning Board. It requires a detailed map to be done by an engineer or a surveyor. It is designed to preserve scenic features such as trees in open fields, hedgerows, country roads, and stone walls. This is also a comprehensive section that addresses many of the components important to scenic views and ridgelines. The section does offer design principles, dimension changes for ridgelines tree Planting, and introduces the timber harvesting permit – all limited to those locations contained in the ridgeline areas shown on the map.

I do have some issues and questions:

- a. Meeting the stated standards ‘to the maximum extent practical’ is emphasized throughout this section. For example, it states that ‘wherever practical, structures shall be sited at lowest elevation possible to be as visually inconspicuous as possible when seen from a distance and from lower elevations.’ The nature of this policy is good and very consistent with the Plan. It is vague however, and it is the lack of detail that gives difficulty for owners to know their expectations and the Board to know what to expect. For instance, from what distance and what lower elevation and who decides that? I understand the need to have the practicality included here, but the Town should feel comfortable that the zoning has enough direction so that the goals can be met without someone just making a case that it is not practical because they may not want to do it.
- b. Page 57 refers to an “R-O” district and I don’t know what that refers to. This might be a typo.
- c. Page 57 discusses visibility of a project. It refers to use of the SEQR Visual Environmental Assessment Form and the specific uses outlined in that form as those locations of concern for visibility in Chatham. My issue with that is that the NYS DEC no longer uses the Visual EAF. It is not included any longer in the SEQR Forms. Further, that form was quite limiting as to evaluation of impacts. I think the visibility issues in Chatham as expressed in the Comprehensive Plan were much broader than public parks and specific locations outlined by the State as important. I suggest this section be re-written.
- d. Some of the sections need clarification. For example, page 59 says that conservation easements or deed restrictions can be used to protect or buffer views. But it does not outline what needs to be protected or buffered, what criteria is used to determine the view, or how much land needs to be protected or included as a buffer. I do not take issue with use of easements or deed restrictions, but it is the lack of additional detail that will likely put it into question as to how this section will get applied.

- e. It requires a detailed map to be done by an engineer or a surveyor to provide adequate information to the Planning Board for review. While I agree this information is necessary to accomplish the goals of the Town, everyone must realize these submittals are pretty substantive and will require landowners who are within the EPOD 2 to develop these additional materials during an application.
- f. This EPOD also includes a waiver, but it is much more detailed and includes criteria on when the waiver can be issued. This waiver statement should be a model for what is needed in the EPOD 1.

Comment 5. Details called for in Plan Missing.

Much of the detail called for in the Plan is not included. The broad concepts asked to be addressed in the Plan are included in general statements (such as consistency with rural and historic character). General statements such as this also can be found in both the new site plan and special use sections. For instance, both site plan review and special use permits state that the Planning board must consider and protect ‘historic character and important aesthetic features of the use proposed and of those uses and parcels adjacent to the proposed use.’ Broad statements such as this certainly give the Planning Board and ZBA authority to review, question, and plan for a project to accomplish this. My concern is that the Plan called for more specific standards and requirements that explicitly outline the standards to be met. Without explicit development standards as called for in the Plan, if, when and how those resources are protected is more of an unknown and becomes up to the boards to decide. I believe the Plan wanted more direction for the reviewing boards.

I believe the Plan established a different approach – whereby the zoning would offer those details for the boards to follow, rather than leave it solely up to the boards to decide. Statements included in the updated zoning is certainly better than what currently exists, but I feel it only addresses part of what the Plan requires. Vagueness is problematic in zoning because it does not offer either the applicant or Planning Board any specific development standards or rules to follow. For that reason, many of the Plan’s strategy got a ‘no’ in my review (see chart).

Comment 6. Modified Site Plan Review.

Section 180-22 site plan, now states: “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.” I believe this is the ZIC recognition of the need to address agricultural buildings differently and with a deference to NYS Agriculture and Markets Law. That is a good thing and consistent with the Plan.

My issue with this is that I do not know what NYS Ag and Markets Law guidelines this refers to. I assume it means the guideline suggesting a modified site plan review for ag uses. I am not aware of any NYS Agriculture and Markets law that requires site plan review in accordance with the guidelines though. Perhaps what this refers to is the AML 25-aa which limits local regulation of certain agricultural uses? There is a guideline NYS has produced for a modified site plan review for agricultural buildings but this is not required, even if strongly recommended. There are many ag and markets guidelines. And, the issue

is what is this, what procedures are there, what is an ag structure (it is not defined), how does this get applied, when, and so forth. It is again another example of the right policy included in the update but without the detail to effectively use and apply it, in my opinion.

Since farm-friendliness is such an important policy in Chatham, I would not leave the language this way and force the Board and applicants to hunt down another law in order to know what is supposed to happen. The definitions for ag buildings and uses should be in this zoning law, and consistent with the other ag-related definitions included. I think this section is problematic with its lack of specificity. The law should identify which ag-related uses can go through a modified review, what the definitions are and include what that modified process would be. The modified site plan review recommended by NYS is to allow some minor review of agricultural structures by the municipality. I believe that was what the Plan called for and I recommend this be expanded into its own section within the site plan law update.

Comment 7. Vernal Pools

The Plan specifically mentions protection of small wetlands and vernal pools (page 107). The zoning does not address, or define vernal pools. Protection of wetlands that are regulated by DEC or the US Army Corps of Engineers are addressed in the zoning however. This is a good example of how the zoning generally treats and enables addressing the topic, but does not specify the resources in particular to be protected.

While some vernal pools may fall under those that are regulated, it is very likely that this particular resource will go un-inventoried and un-reviewed. It is my opinion that the Plan called out this specific environmental resource to identify its value to the community and established expectations that they would be included in site plan review and protected. With the current update language, if vernal pools came up in a review for some reason, the Planning Board could address it. But without specific notice to define, include and review this, it is very possible that it will get overlooked. It is for that reason that the Plan offered such level of detail.

Comment 8. Enforcement and Administration.

- a. The Plan called for enhancing enforcement. From a zoning perspective, that means that the CEO needs to have all the tools at their disposal outlined in the law. Details on complaints, stop work orders, remedies, violations, etc. are the tools to do that. Current zoning is quite slim on offering these details. These are not really included in the update. It is important that Chapter 114 and Chapter 124 does outline the enforcement process and this needs to be better coordinated and referenced with the zoning law.

The actual sections on enforcement (180-57 and 180-62) in the zoning were not really enhanced in the re-write in my opinion. Because Chapter 114 and 124 does detail enforcement, proper repetition or references to that section would go a long way to help enhance zoning enforcement. There needs to be better coordination of enforcement sections within the zoning and the other chapters.

- b. One important aspect to be discussed is the roles of the ZBA and the Planning Board. Currently, the Planning Board does site plan reviews and subdivisions while the ZBA does special use permits. Yet, the Planning Board is also authorized to permit expansion of a special use permit or revoke a special use permit. Thus the Planning Board also has a role in special use permitting. Since most special uses also require site plan review, the applicant must simultaneously apply to both the Planning Board and ZBA.

Remember that a special use permit is oriented to the use itself and how it functions in the district. The site plan is oriented to how the structures function on the parcel. They are related but the emphasis is different. The zoning establishes a complicated review process by splitting the reviews up by Board. I know this is a long-standing role in the Town, but I am not convinced it works in the best interest of all.

The zoning update adds new criteria for consideration in both site plan and special use. I have no issue with the criteria themselves and feel they provide more emphasis on the topics of concern identified in the Plan. But those added to site plan review is very similar to those added for special use permits. Thus, the ZIC has added much needed and enhanced review criteria but they are similar and the distinction between site and use are blurred. Thus it very likely that the ZBA will review and make decisions on the very same things that the Planning Board will during site plan. This is one significant reason why I believe site plan and special use permits should be conducted by one board at the same time, with one application considered. To address this, I suggest:

1. The criteria should be developed so that those for special uses are oriented to how the USE functions. The ones for site plan should emphasize FUNCTION of the structures to be located on the parcel. It can be tricky to make a distinction between these and that is why the criteria are very important.
 2. If Chatham keeps special use permits with the ZBA and site plan with the Planning Board, the zoning needs to offer more procedures on how the Planning Board and ZBA coordinate on process and decision making. The way it is now, the ZBA could say one thing and the Planning Board another.
 3. As a preferred alternative to the suggestion in #2 above, and because a two-board process like this is not very applicant friendly or efficient, the review process would be much enhanced if the Planning Board reviewed and issued BOTH site plan and special use permits and leave the role of the ZBA as appellate only and limited to area and use variances and interpretations.
- c. I strongly suggest to the Board that Section 180-61 (Zoning Board of Appeals) be further updated. It lacks much of the detail included in the State Town Law 267a and b. The ZBA section should not vary considerably from this state law. It is very important that the requirements related to filing ZBA decisions, time for appeal, time for decision, referrals and SEQQR, voting requirements, and hearing appeals only when a denial is made by the CEO be articulated.

- d. There is no section that I could find in current or updated zoning that articulates the process for amending the zoning law. This should be included so that the Town knows what these procedures are.
- e. The Conservation Advisory Council could have an important role to play in helping both the ZBA and Planning Board in an advisory capacity understand the environmental resources, issues, and impacts a project may have. Assuming the CAC is still active in Chatham, the zoning could be written to include the CAC as having an advisory role in helping both boards in their review. Similarly, if the Ag Committee is still active, the zoning could include the ZBA and Planning Board seeking their input related to agricultural projects or development within agricultural areas.
- f. One aspect of the Plan that does not seem to be addressed is the desire to have more public comment and earlier in the review process. My suggestion above in d) and e) could help address this. The zoning could further be amended to allow for public comment early in the process in some manner. This would need to be drafted so that it does not prolong the legally dictated time frames, but provide meaningful public input early to help the project move forward in a positive way. I suggest that this could be accomplished at the sketch plan phase where the Planning Board and/or Zoning Board of Appeals could have a joint meeting to hear the plans of the applicant, have the sketch phase discussion (now added into the update as per the plan) and invite public comment at that stage.