

Town Board Answers to Other Public Comment Questions 9 15 19

In addition to the answers provided in the document labeled Q and A 7 26 19 Table Format, This document includes questions and comments that were made at Tri Village Fire meeting that are more general in nature and that were not addressed in the Q/A sessions or workshop meetings held by the Town Board. Where a question relates to a specific portion of the proposed zoning, the Town Board's response is factual and tied to a specific section of zoning. The questions below are reproduced as submitted on the post cards. They are not in the order received, and similar questions may be grouped together, where needed.

Question 1: If someone does not want to be in the town board's gated community? What are our legal options? Please don't waste our time telling us this is not a gated community.

The board member who wrote this response sees the question posed by a person who feels constrained by zoning in general. It was the intent of the Town Board to maintain the current character of Chatham as expressed in the Comprehensive Plan. If this is a concern, then we urge the questioner to convey this to the Town when the comprehensive plan is updated.

Question 2: To Ms. Solzenberg as a professional: Doesn't this lack of support concern you since presumably a major goal of any new zoning is to see the community's desires more effectively realized? In the face of such opposition, doesn't strike you as important to delay this current draft until such revisions can be made to address our valid concerns.

(Answer from Ms. Stolzenburg) Yes, I was concerned and believe, as the board does, that valid concerns were raised that needed to be addressed. I have been working with the Board to diligently accomplish this task and to develop an updated proposal that will satisfy the residents and landowners. However, I feel very strongly that the proposed zoning addresses the community's desires as expressed in its adopted Plan. Through dozens of open meetings with the CPIG and the Town Board as well as a public presentation on the zoning changes held over a year ago, then followed by multiple public hearings, I feel the planning process was indeed designed to gain public input. I recognize and welcome the valuable input and perspective gained from an engaged community. I feel that the changes resulting from this latest round of public input have been beneficial to fine tune the zoning regulations. I wish it had come earlier in the process. Hopefully the next draft will address the concerns raised by the public. The current review process is attempting to address every issue raised but it must be done through the lens of the comprehensive plan so that it balances community and individual needs.

Question 3: Why does the board think the objections are because people do not understand the document?

Our guess is that your question came from the way we tried to answer questions at the Tri Village Fire Dept meeting. A zoning document is technical and not always easy to follow. That night, we tried to answer some questions that were clearly due to misunderstanding but did not intend on leaving people feeling that misunderstanding accounted for all the frustration and dis-satisfaction. Some of the concerns raised were a result of misunderstanding, and some were a valid perspective the Board has now incorporated. We have been dealing with those issues and finding ways to make the final product more understandable for everyone.

Question 4: Are variances allowed in residential, commercial or dual uses?

A variance is allowed in all zones. There are two types – area and use variances. All zoning laws must have a ‘relief valve’ and that is done through the ZBA and the variance process. All variances approvals however must meet certain criteria set up through New York State Town Law. The proposed zoning is now consistent with NYS Town Law.

Question 5: Many violations exist today that have been difficult to address. How will the new laws clean-up old and prevent new violations.

This question gets at one of the reasons we should move forward with a new zoning law ASAP. Much of the old/existing code is unclear and difficult to enforce. The old/existing code does not address many issues that the Planning Board faces and therefore cannot be addressed by the building dept or Zoning Board of Appeals without a great deal of deliberation. In the past little was done to provide enforcement when it was needed. The proposed zoning offers a clear process for enforcement and a more comprehensive ‘job description’ for the building inspector/Code Enforcement Officer.

The Town Board is also addressing enforcement issues and has begun enforcing violations more effectively. This has been done by informing the citizen about the complaint, giving ample time and warnings to correct the problem, and then if necessary, taking further steps to get the citizen to comply. Some of the components of the proposed code that people find objectionable have been in the current code for years and we are updating them as appropriate to make enforcement more effective...the new code offers a clearly outlined and specific enforcement process.

Question 6: Would each Town Board Members answer? You have previously declared your intention to vote your approval of proposed zoning as it exists today. Have you changed your mind tonight?

(This answer is written almost two months after the question was asked.) The process has allowed us to realize the residents had concerns about certain aspects of the law. We are working to correct those shortcomings and hopefully can confidentially stand behind the changes that are being made.

Question 7: Supervisor Lull has stated that the county will be using Host Compliance LLC to monitor STR'S for the upcoming occupancy tax. Why did the town not consider cost saving with the county government?

Cost savings is always considered with the County, but we are further ahead of them in our planning. We will certainly welcome cost sharing with the county in the future.

Question 8: Is this meeting being recorded for the website on you tube if not why?

Many people recorded all or part of the meeting. The town clerk records the meetings and then transposes the recording into printed minutes. It would be a good practice to do video recording of meetings in the future and the town board can discuss this and how to make it work.

Question 9: How much are we paying Nan, the planner?

We pay Nan our consulting planner \$100.00 per hour. She has worked for the town since 2004 through 2009, and then again 2016 to the present. Her work has included consultation with the board, assistance in developing and writing the comprehensive plan, doing an audit of the Zoning Implementation

Committee's work in meeting the comprehensive plan guidance, drafting zoning language to implement the plan, and attending CPIG and Town Board meetings. Since 2016 she has been paid around \$38,500.

Question 10: Is there anything in the comprehensive plan that is ambiguous and therefore subject to interpretation?" How many do you think?

Comprehensive plans can be written to provide broad, non-specific guidance, or to be very detailed with specific guidance. During the comprehensive planning process in Chatham, the feedback and desire from the town's citizens was to write a much more detailed plan. Both situations provide town boards a direction on how to write new laws. In the first type of plan, this allows a lot of subjectivity by the board. In the detailed plan like we have, much of the subjectivity is removed. The detailed plan our town wrote clearly states principles and policies to be addressed and often uses the word 'shall' instead of 'consider.' This reduces ambiguity but it is impossible to remove all. The ZIC, the CPIG and Town Board have all interpreted the Plan.

Question 11: If it is true that the zoning plan is based on the comprehensive Survey from 14 years ago, how relevant can that be if that is true?

Yes, it is true that a considerable portion of the current zoning plan is based on the Comprehensive Survey from 14 years ago. Just to be sure that everyone understands the sequence of events this is how it works: When a community writes or re-writes its plan it uses survey material as a way of understanding how a community feels about various aspects of the town. The survey allowed for comments which were highly instructive. (Chatham received over 1000 comments.) The plan was also based on community meetings and many focus groups by topic. The plan therefore was based not just on a single survey, but on multiple public input efforts. All are described in the Plan, and we hope that the opinions expressed represent a large cross section of the community and that many perspectives were taken in to account. The actual plan is not quite as old as the survey - approximately 10 years. And keep in mind that the Plan was expressly written to reflect 15 years into the future. We agree that it needs review, but we also believe that when one reads the existing 2009 plan, most of it still reflects Chatham in 2019. We do not think that it would be prudent to begin again and wait for many more years until we update our zoning law.

Problematic zoning issues continue to come before the ZBA and Planning board causing unnecessary time and expense both for the town and the applicant. Adopting a new code will help alleviate this situation. We do think an ongoing zoning/comprehensive plan committee should begin working right away to identify parts of the existing plan that need updating. The Town Board expects all parties to keep track of any issues with the new zoning on an annual basis so that adjustments can be made as needed.

Question 12: Some people mow grass early for health reasons; example heat, answer that

The Town Board recognized the issue and has updated this section which now exempts residential lawn mowing as a nuisance noise, so this should not be an issue.

Question 13: In regard to short term rental what are we afraid of?

We would not use the word afraid, but the board and many citizens have a variety of concerns about short term rentals. The cost and availability of housing was raised as an issue in the comprehensive plan.

There are many reports indicating that STR'S drive cost up. There is concern that proliferation of this use will change both residential/farming areas and the hamlets. Many people object to having the house next door once owned and lived in by a neighbor now becoming a weekend hotel. Noise and usage issues have been reported. On the other hand, we also believe that business owners and farmers have a legitimate concern. Business owners and some residents feel there are few accommodations in the town. Farmers are needing to diversify as they can. Letting this use be a legal use will relieve this issue. The board developed a framework for a compromise. The details of that compromise are available in section 180-58 (Z). The overall compromise is that someone who can show that this is their domicile, can use the property as a short-term rental for 365 days a year if that resident decides to do so. The resident proves that the property is their domicile by providing documentation that the owner pays NYS income tax and lists the property as their domicile on their tax documents. All other, non- domicile property owners can have an STR for a limited number of days. At this point,(August 24, 2019) there are two proposals for the number of days, 30 and 45. There is agreement that the number of days should be a clear deterrent to an investor who may buy a property or build a house in a hamlet or rural zone with the primary intention of running a short term rental. The entire board agrees that an STR should be considered a home (domicile) occupation.

Question 14: Has there ever been a negative response to actions proposed by a Chatham Town Board that is intense and strongly supported. Wouldn't that indicate that the board is (erring) in their support of these changes? Is the suitability of a law determined by how long people worked on it or it is more important for the law to be established with the consent of the residents?

This zoning proposal sure has gotten people riled up, no doubt about it. But what we understand from people who were involved actively in the first zoning proposal passed in 1974 is that it too managed to make many people angry at first look. Since zoning laws can have specific requirements that can be difficult to resolve when community goals and personal goals conflict, adoption of any new or updated zoning can be a difficult process.

We (the board and Chatham Citizenry) are in the process of reviewing and considering the issues raised. We are hopeful hat together we can find ways to address most of these issues. However, the questioner combines this issue with a more philosophical/personal perspective which is more difficult to address. Zoning has been around for a long time - for over 40 years in Chatham and since the early 1900s in NYS. Change is difficult – for example, when driving began to be regulated, the same argument occurred: No government is going to tell me how fast I can drive or what side of the road I can drive on. Those that believed that driving (= land use) needed regulation saw it differently. Like zoning, the car driving rules were not intended to control your right to drive but to balance your right to drive and the communities right to be safe on the roads.

The board recognizes the concerns of the residents and has spent the rest of this past summer working to address them via changes to the proposal. These changes are designed to preserve the principles behind the zoning while recognizing the need for more clarity and flexibility in some areas.

There are those that still feel that they should have the right to drive at any speed they want. If the questioner feels that way about zoning, (I should be able to do whatever I want on my property), then these Q and A's and this board response are not likely to provide a satisfactory answer because we feel we need to find a balance between community and individual needs.

Question 15: For these large meetings I would strongly recommend and request a PA system or loudspeaker of some sort.

We agree. We are looking into buying one.

Question 16: Why can't the final vote to approve the new zoning code be postponed until after the general election in November?

It can, but we decided not to connect this issue to the election but work on the zoning as diligently as possible now because it is a task that has been needed for years. Given the work yet to be accomplished and the legal process needed to adopt a local law, it seems highly unlikely that we will vote prior to the election in early November. We will vote when the town board is satisfied that the proposed code is ready for that action.

Question 17: Where is the money coming from to enforce these ridiculous laws?

Like enforcement for all our local laws, the money comes from taxes, fees and fines. The town forms a budget and the money for enforcement is paid from specific budget lines set up to pay for these costs.

Question 18: What do you think would be the effect of putting in less comprehensive zoning?

This is a thought-provoking question. At the same time the word "comprehensive" in the question leads to guessing what the questioner is asking. If by less comprehensive the questioner is asking about the large zoning districts like rural 1, 2, and 3, hamlet, business and industrial, then the answer is the effect could be enormous. The proposed zoning keeps the essential direction from the existing zoning intact. For example, if we considered making it less comprehensive by allowing business that is non-farming in rural zones, over time it would drastically change the nature of a rural residential zone. Such a change would not reflect the vision as described in the comprehensive plan and the town would change in ways highly influenced by outside sources. Also, such a change could open the town to legal challenges as local land use laws must be consistent with comprehensive plans and our plan does not call for such changes.

Very successful places like Saratoga, Skaneateles, Cazenovia, Warwick, Rhinebeck and other communities that are vital, successful and with a diversity of main street businesses ALL have comprehensive zoning that establishes the expectations of the community for development rather than the other way around.

If by less comprehensive the questioner is asking for a law with much less detail, the answer returns to the base philosophy behind the zoning. We believe a less comprehensive law actually can lead to more problems, that by 'smaller' does not mean 'more reasonable' and often less-comprehensive laws are vague and harder to administer. In fact, less comprehensive zoning and more vague development standards often results in people being treated differently, too much ambiguity and much more time to get through the planning process.

Question 19: What has the town budgeted for defending lawsuits that will likely be filed over these zoning changes and rules.

The town has not budgeted anything yet but is just beginning the budgeting process for the 2020 year. There are reserve funds available as needed.

Question 20: With the effects of the zoning laws, where do you see our community in six months, a year, five years.

We see the new zoning law as a refinement of what currently exists. If the revised version becomes law as we hope, we believe Chatham will maintain its rural character for the next five years and beyond. The goal was to improve on what we have and develop new ordinances and policies that will keep us going in the same direction and growing carefully.

Question 21: The 2009, 10-year-old comprehensive plan, when was the last documented review?

The last review and planning process from 2004-2009 led up to the writing of the plan and adoption in 2009. We will be starting a new review committee this fall, 2019.

Question 22: When there is a discrepancy between what the members of the board may be telling us tonight and the written word in the code, which will hold up in court.

Whether it is the current code written in 1974 or the one that will replace it, the code/law always is the last word, not what was said at a meeting.

Question 23: Why was the original work done by the ZIC (which was a joint effort by the ZBA the planning board, the Town Board and Community Members) thrown out.

It was not thrown out. Almost all the work developed by the ZIC has been incorporated into the current draft. Our planning consultant stated multiple times at public meetings that the zoning redraft effort STARTED with the ZIC suggested changes. The issue was that the ZIC work did not address ALL the comprehensive plan directions for the zoning update that the Town Board wanted to implement. Some of the ZIC work needed further clarification and it did not address certain issues.

The ZIC finished their work under the prior administration in December of 2015. That administration did not post the zoning draft that was submitted. When Maria Lull took over as supervisor, the work done by the ZIC was not a red-lined document showing what changes had been made. The town board then decided to do an audit of the ZIC document using the services of Nan Stolzenburg to determine what strategies from the comprehensive plan had been addressed by the ZIC and which ones had not. (She completed that audit and her work was posted on the town website.) See:

https://www.chathamnewyork.us/government/comprehensive_plan.php#revize_document_center_rz406) This audit was the basis for completing the other 50% of the areas of the Comprehensive Plan not covered by the ZIC.

Although the questioner might be unaware of the history, the ZIC did not allow public participation at all and threatened to close their meetings to the public if their meeting deliberations were made public. They did not post minutes, until the very end, nor did they follow the charge from the town board to provide sections of completed work for review. Just prior to the ZIC ending its work, when much of the public was concerned about a zoning issue, the public asked the chair of the ZIC to open its meetings to the public so these issues could be addressed. The chair was in favor, but the request was denied by the town attorney and the board followed their attorney's advice. Those issues were not addressed in the document.

Question 24: Are there provisions for cleaner air, water, and low to zero emissions public transportation to promote a healthier community for all reasonable people.

Zoning does not address public transportation. The new zoning definitely does more to address air and water quality in the town. For example, the new law does require wood burning furnaces to be in accord with DEC and EPA regulations limiting emissions. The EPOD 1 overlay district is fully oriented to preventing erosion and water pollution. Although not related to zoning, the board's climate smart committee was able to secure a grant enabling the purchase and installation of a highly efficient wood burning boiler to heat the Town Garage.

Question 25: How and why was it determined to commission such a study/code and how much did it cost?

It was determined that the current code was outdated and not sufficient in addressing the needs of the Town and new code challenges. This was identified in the 2009 adopted Comprehensive Plan. This effort is an attempt to implement that plan. The Town has been working since 2012 on the zoning update.

Prior to 2004, the Town realized its existing comprehensive plan was very outdated. A Comprehensive Plan and Zoning Law to implement that plan go hand in hand – the zoning is a tool that implements the goals of the community as established in the Plan. Our Plan was passed in 2009. The previous administration did not address updating the zoning to be consistent with the plan until 2012. By December of 2015, the ZIC submitted a document to the prior administration. The new administration reviewed it and decided it was incomplete and that it did not address key issues. The new administration appointed the “second ZIC known as the Comprehensive Plan Implementation Group” and hired Nan Stolzenburg, the planner who had been involved in the development of the comprehensive plan, to draft the zoning code and provide expert advice to the group. The cost for planning since then has been about \$35,000. Incidentally, the prior administration sought estimates from land use attorneys to write the code and implement the comprehensive plan in 2012. Two attorneys provided estimates of between \$30,000 - \$40,000 and completion in one year. The town board elected to use the town attorney at that time, paying \$14,000. The end-product was 3 years late and only implemented 50% of the comprehensive plan. Trying to do something as important as a complete rewrite of the code is an expensive process but such a large update is fortunately only done once in awhile.

Question 26: Why not trust mediation and revision, this is not a contentious community until now?

We did not use a mediator, and the Board is listening to the public comments and engaged in a revision process after hearing from the public, so no mediation is needed. We have had several contentious issues in the past related to zoning - mainly due to the inadequacy of the current code. Hopefully this proposed code will help reduce those issues.

Question 27-Question 29: Can you speak to the specific issues that lead to the conclusion that the current zoning laws were inadequate and needed to be replaced with a much larger document? What is wrong with the old zoning laws that deem it necessary to repeal and replace? What if any draconian event or series of events prompted these draconian proposals, what are the main concerns and fears.

Town Board Answers to Other Public Comment Questions 9 15 19

Please see also the answers above, especially to question 25. No, there was no single event that spurred a zoning re-write. Rather, the need to update the zoning is discussed throughout the Comprehensive Plan.

Although each board member may have their own additional reasons, we all share a common acknowledgement about the state of current zoning and the need to implement our plan. The original comprehensive plan and related zoning in the Town of Chatham was completed in 1974. By 2004 the Town Government decided it was time to review that process. Believe it or not we are just completing the process. The board believes it is prudent to implement the plan that was adopted in 2009 and finish what was started and believes that the new zoning law will be relevant for today's Chatham. Just the other night at a board meeting, both the Chair of the ZBA and the Chair of the Planning Board stated that the existing code is often ambiguous or does not clearly refer to the issue at hand. Both boards want a more exact code to follow. In part, this is why the new law grew larger – it provides more definitions, clear process, and details on our expectations for new development so that all parties are informed. The updated zoning will make the development process clearer. It will also help citizens get clearer and more expedited answers from the building department, Planning Board and ZBA.

Question 30: Why were the original ZIC recommendations never made public?

The ZIC finished their work under the prior administration in December of 2015. The administration at that time did not post the zoning draft that was submitted. When Maria Lull took over as supervisor, the work done by the ZIC was not a red-lined document showing what changes had been made. The board was given a document containing the old ordinance and the work completed by the first ZIC and it was difficult to see what was changed and what aspects of the Plan had been included in the zoning. The town board decided to do an audit of the ZIC document using the services of planner Nan Stolzenburg. She completed the audit and her work was posted on the town website (see https://www.chathamnewyork.us/government/comprehensive_plan.php#revize_document_center_rz406). The audit helps everyone understand what the ZIC proposed as changes. She also gave a public presentation to the Board at a public meeting at the time outlining her opinion of the ZIC work and steps to take to more fully implement the Comprehensive Plan. This audit was the basis for completing the other 50% of the Comprehensive Plan not covered by the ZIC.

Question 31: Article 1 Purpose “In accordance with the comprehensive plan designed to preserve and protect, for the benefit of the town as a whole the basically rural-agricultural character of the town. How can this proposed zoning law be revised or changed to truly take the needs of the reasonable residents of the Town of Chatham into account and serve the town as a whole in maintaining the rural agricultural character of the town.

The Town Board has listened carefully to the concerns raised by residents and have spent the rest of this summer doing Q/A sessions and working to revise and address issues raised. Public comment resulted in a variety of changes to the document. The input we received was very helpful and will increase the ability of the Town to maintain its rural agricultural character. We would suggest that the questioner review the new document when it is released for further details. In the future, and like in the past, zoning can be changed by the Town Board on their own, or by petition by citizen(s).

Question 32: Isn't it a violation of ADA to require written questions at a meeting?

We don't know but will acknowledge we weren't considering the needs of the disabled. Thanks for pointing this out. If we knew that someone could not physically write a question ahead of time, we certainly would have provided that person someone to help them or allowed them to state their answer orally. The purpose in having written questions was to ensure that everyone had a chance to say what they wanted to say.

Question 33: This section on pools is the exact wording from Ballston Spa's zoning. To what degree is this a cut and paste document.

The planner does many plans and local laws and knows which regulations work and which ones don't and when appropriate, does use existing language from other places. On the other hand, she has listened and written draft language from about two years' worth of CPIG and community meetings and has responded with new language whenever needed. The planners work was to draft the language, and the CPIG's work was to review and accept or change that language. The finished document will reflect the uniqueness of the town.

Question 34: We have no problem if a neighbor repairs his car in his driveway.

The proposed zoning law does not restrict repairing cars in driveways and has no issue with this. The law relates to having a commercial or home business of fixing vehicles or machinery. The law restricts commercial car operations in residential areas unless it is a home occupation, not personal car repairs in driveways.

Question 35: Why can't I open the PDF doc of the proposed zoning laws on my home computer? I max, Firefox?

I hope that six weeks later this question has been answered. If not, I would suggest calling the Communications Committee or Town Clerk at Town Hall.

Question 36: How did the proposed changes to the zoning ordinance come about? Who provided information? Who approved their inclusion?

The comprehensive plan was completed in 2009. The first Zoning Implementation Committee started meeting during 2012 to develop an updated zoning law and handed their work over to the town board in 2015. The new board had it reviewed by a consultant and based on that review, decided the update was far from complete and a second Zoning Implementation Committee (called CPIG) was started in 2015. Using comprehensive plan language and drafts from the consultant, they worked for two or so years to review and complete another updated version. The CPIG completed their work and turned it over to the town board who spent a year in the review process focusing a great deal of that work on Short Term Rentals. The board finished the first round of its work in 2018 and then held a public presentation at Tri-Village Fire Company to highlight the changes, and then a series of Public Hearings. Based on public input, they made revisions each time based on feedback. We are still in that review process and hopefully will hold a final public meeting this fall. It is important to remember that during the entire time two implementation committees worked, they were made up of a broad spectrum of the public that were appointed by two town government administrations.

Question 37: Why was the Zoning Implementation Committee thrown out by Maria in December of 2015 resulting in mass resignations from the ZBA and Planning Board?

We don't think you have your history quite right. That committee chose to resign except for Don Hegeman. You would need to ask each individual involved for their reasons why they did resign. The town attorney also did not resign, and he had been a key figure on the first ZIC writing code. He applied for the job in the next administration and was not chosen as we wanted an attorney specializing in land use. No one was "kicked out". Many people chose to resign at that time. Don Hegeman did not resign and served on the Comprehensive Plan Implementation Group.

Question 38: Given the amount of concern and unresolved issues is the board willing to put off the vote until there is better consensus from the community?

We heard you and will not vote until we have thoroughly reviewed the input from the community and are satisfied, we have met the goals of the Plan and addressed concerns of the community.

Question 39: Affordable housing was mentioned for future planning? Is the board expecting to build affordable housing with the proposed codes and regulations?

No, the board is not building affordable housing. The board is studying how to provide affordable housing through partnerships with the private sector. The proposed zoning establishes the opportunity for affordable housing, but the building of that would come from private entities.

Question 39: Why did the board reject the entirety of the original document that was labored on so long by the original ZIC, and instead of the largely original document chose to cut and paste approach to creating this current law?

See also question 30. The ZIC finished their work under the prior administration in December of 2015. That administration did not post the zoning draft that was submitted. When Maria Lull took over as supervisor the work done by the ZIC was reviewed. The town board decided to do an audit of the ZIC document using the services of planning consultant Nan Stolzenburg. She completed the audit and her work was posted on the town website (https://www.chathamnewyork.us/government/comprehensive_plan.php#revize_document_center_rz406). This audit was the basis for completing the other 50% of the comprehensive Plan recommendations not covered by the ZIC. The draft law provided by the consultant addresses the specific recommendations made in the Plan.

The planner does many plans and local laws and when appropriate uses development standards from another community that had a similar issue and was successful at addressing it. On the other hand, the CPIG reviewed all drafted language and made changes of their own. And, the consultant has listened and written about two years' worth of CPIG and community meetings and has responded with new language whenever needed. The finished document will reflect the uniqueness of the town.

Question 40. The comprehensive plan- discuss is its own longevity:

Page 6, It should be formerly reviewed a minimum of every 5 to 7 years to ensure that it remains a vital document.

Page 120, the town shall adopt a local law requiring review of the comprehensive plan every 5 years and further the town will make required changes to the law reflecting this review.

Given public request for a renewed comprehensive plan with this reference encouraged the board to step back and suggest a new survey?

See above answers. We do know that a review of the original 1974 plan did not begin until 2004, 30 years later. We are aware that our review is three years late getting started, and we have now addressed that issue by planning on an update process starting this fall. Several years ago, when the zoning update process was started, the length of time to complete that task was not anticipated. A resolution for comprehensive plan/zoning review committee will be passed during the fall of 2019. This committee will be charged with reviewing new issues in the Town and may become apparent when the public, Planning Board, ZBA, attorneys and the town board begin using the law. The committee will also be charged with developing a review of the comprehensive plan. Public participation, whether as a survey, workshops, or focus groups will be a part of that update. The committee will report their recommendations to the Town board and the Town board will carefully consider those recommendations leading to the approval of the proposed comprehensive plan review process. It may include a new survey, it may not, time will tell.

Since early in the summer, the Town Board has taken a great deal of time to gather additional community input and that has been productive and led to further updates to the draft zoning. We have held many question and answer sessions and board meetings are open to public participation to continue to review issues about the draft law. This has led to many useful updates. The task at hand is to continue to meet the goals of our adopted comprehensive plan and we will soon complete review of the draft law based on this summer's input and move forward on the proposed law. There are serious issues in the existing zoning that have needed to be addressed for years. To wait until the plan is updated will be a long time measured in years, not months. History certainly indicates this would be the case.

To do nothing now would be irresponsible in terms of town governance. We note that the vision and direction for the Town of Chatham has not greatly changed between 1974 and the 2009 plan. If we wait, we would continue to use a law with known deficiencies as it is now 45 years old and has proven too be inadequate for addressing modern planning and zoning problems. Over the past 12 years there have been at least 5 major zoning issues, (mining, County Route 17 development, Sheep Herding Company and Inn (I), Thomas Rd Tennis Camp & Corporate Conf Center, Dorland Road Farm/Yert Inn, Collins/Mesick Set Back issue, Short Term Rentals, Sheep Herding Company (II)) which the current zoning inadequately addressed. The proposed zoning addresses many of those shortcomings, also incorporates procedures required from NYS Town Law and provides important guidance that was not available in 1974.

Question 41 (second part of 40): The same questioner as number 40 seems to be asking if existing uses not listed in current zoning (solar panels, academies) are also illegal and will need SPR'S or SUP with passage of the new zoning.

Existing legal uses that are not included as allowable uses in the proposed zoning would be considered legal non-conforming uses and would be allowed to continue as is. The zoning chapter on non-conforming uses would regulate changes of these non-conforming uses. Any new use that is not on the Use Table of the new zoning would be considered prohibited. All other uses would be allowed as per

that Use Table. However, a prohibited use could be allowed by town board action that amends the zoning law if it is deemed advantageous to the community to do so.

Question 42: How do you plan on picking and choosing who/what businesses are exempt?

We do not know what part of the zoning ordinances questioner is asking about and cannot answer the question.

Question 43: Did you think that there were sufficient numbers of steam engines operating in the town that they needed to be specifically regulated? Follow up: How many NYS Steam Operators licenses have been issued in Columbia County?

The only place in the document that mentions steam engines is the noise ordinance. To be thorough, a steam engine along with other machines was included.

Question 44: Exactly How much money has the town paid to Nan S and Sal F to write comprehensive zoning for the Town of Chatham?

See the answer for Q9.

Question 45: Does the board care if the stores on Main St. close as a result of this zoning?

We assume this question is directed at the STR regulations. Yes, the Board of course cares about the business community in the Village. When working on a compromise for the STR issue, the board has considered the effect of how some limit on STR's would affect the business community. We looked at the number of STR's that existing and the potential demand for these type of accommodations in the future. The direction we chose is to allow each resident the right to have one STR and operate it 365 days per year. Right now, it appears that residential and non- residential STRS are not filled to capacity. With residential STR's having no limitation on the number of days they can operate and non- residents either limited to 30 through 45 days, there should be plenty of capacity for this type of accommodation in the Town of Chatham and surrounding towns and do not anticipate adverse impacts to the businesses in the Village. We also recognize that stores are supported not just by people using STR in the Town of Chatham, but also by local residents, people coming to Chatham for the day, and by visitors from around the region.

Question 46: Supervisor and Town Board already stated support for zoning. What will they do to incorporate feedback that differs from their interpretation of comp-plan?

All of us on the Board have listened to feedback and agreed that changes were needed to address those concerns. We are working to correct those and hopefully can confidentially stand with the community behind the changes that are being made. The Town Board meetings that we have had to work on these changes have had a great deal of participation from a diverse group of citizens with differing ideas about zoning.

Question 47: Why do you want to change things? The natives seem to enjoy life here. If you don't like it here, move.

Interestingly, that is the very point of the zoning! The Comprehensive Plan hopes to keep Chatham like it is now, and in order to do that, new zoning needs to be put in place, or else forces from outside the area will change us over time. The zoning is designed to allow Chatham to control our own destiny,

rather than from outside forces that want their own change and growth. With that said, a considerable portion of the proposed new zoning law is the same as the 1974 version that we currently use. The original 1974 comprehensive plan and the more recent one (2009), which the proposed law is based on, have similar visions for the Town. When a new zoning law is completed, it is designed to help continue the way of life people enjoy here. Hopefully, no one will feel a need to move.

Question 48: Please have each board member state exactly why and how this proposed code will benefit all of the town residents?

See answer to Q27.

Question 49: Would you please outline and describe the process by which the board assessed and determined potential conflicts of interest of board members and specific policy issues? And the method to determine recusals for those potential conflicts of interest.

Only after the CPIG completed their work did a draft zoning reach the Town Board for consideration. There have been no potential conflicts of interest raised either through that community-based process or through the Town Board's review to date. For further information regarding potential conflicts of interest of officers or employees of the Town of Chatham see Chapter 9 of the town code.

Question 50: Heavy handed and hyper-detailed policy requires a great deal of resources to police and enforce. How does the board plan on paying for such enforcement, without relying on neighbor turning on neighbor?

See also Q 5 and 17. Many complaints reviewed by the building department are registered NOT when neighbor turns on neighbor, but when they have tried but been unsuccessful at resolving an issue. Sometimes a neighbor does not feel comfortable trying to resolve the issue on their own and needs the building department as a resource. The proposed law is longer in pages but is clearer and more specific as to the community expectations as well as to the enforcement process. It will be a better aide for the building department, Planning Board and ZBA to use to help resolve issues between or among neighbors. We don't anticipate that the building dept or boards will need more enforcement times for the types of issues normally associated with zoning. We do anticipate that more time will be needed to certify and regulate STR's. The funds needed will be built into the fee for certification of an STR.

Question 51: The proposed zoning regulations state that "all automotive repair work shall be conducted in a fully enclosed building". Iowa State University conducted a study that states this is dangerous. Specifically, it states that running an engine in an enclosed building is "so dangerous that it must NEVER be done even for a short time. Was the potential danger considered when drafting the proposed law?

Automotive repair in the proposed zoning regulates commercial repair shops, not people fixing vehicles in garages or at their homes. Commercial auto repair shops are businesses and will have the necessary equipment to properly ventilate buildings.

Question 52: As I read through the multitude of restrictions, that even includes "uses which are not listed on this table shall be deemed prohibited uses" I started wondering if this being prepared to provide the basis for a new Margaret Atwood dystopia novel? It has the level of government control (projecting into the future in the case something was not thought of by the board in 2019. That Margaret Atwood used as the basis for the Handmaiden's Tale. I am not sure if this question should be

worded in this way. However, I feel it is important that the board is incorrect in their assumption that what they have written is fine and all they need to do is make sure the public understands it. We understand it enough to know that it is not the correct direction for our town.

The questioner goes on to cite 180-47 offensive Use (Pg. 166) (b) Specific acts constituting unreasonable noise. The following acts and the causes thereof are declared to be in violation of this chapter and to constitute unreasonable noise; Yelling, shouting or hooting at any time or place so as to annoy or disturb the quiet, comfort and repose of a reasonable person of normal sensitivities. The Town board can learn from the children of Chatham. My grandson and a friend were exuberantly playing in a kiddie pool in my "front yard." Their hooting and shouting could annoy those adults who do not smile when they hear a child having fun. He wanted me to ask you if he will be fined and arrested?

Writing code certainly enters into the world of legal writing. When discussing "uses", this refers to land uses. Local laws also can attempt to control behaviors the community finds objectionable or a nuisance but that is not a component of the use table.

The use table identifies land uses which the community finds acceptable to have. The presumption of all zoning is that land uses not on that table are not allowed. We all recognize that new uses will come into being (for example 20 years ago Short-Term Rentals and Solar Farms were not uses that were known or included). The Board can amend and update that table as needed, or an individual can petition the ZBA for a Use Variance. Our consultants have continually advised the Board that zoning is not static, and that the Planning Board, ZBA and building department should submit suggestions on an annual basis to address changes that might be needed to address issues that arise or new situations that we haven't thought of.

Related to the noise question, the Board has re-considered that noise section and has taken into consideration public comment about it through a new section. Certainly, the town board supports children having fun and encourages your grandson and friend to do so.

Question 53: The town lawyer is incorrect about referendums, NYS constitution bill of rights Article 1 Section 9 provides the right to petition.

The Town Attorney is correct.

Article 1, § 9(1) of the State Constitution says, in pertinent part: "No law shall be passed abridging the rights of the people peaceably to assemble and to petition government, or any department thereof; ... " This provision is inapplicable to the question of a referendum. The proposed zoning law does not abridge either peaceable assembly or the right to petition government.

Both the State Attorney General and the State Comptroller have consistently ruled that local governments have no authority to submit proposed zoning laws to public referendum, whether permissive or mandatory. 1954 N.Y. Op. Atty. Gen. No. 77 (N.Y.A.G.); 1 Op.State Compt. 356, 1945; 1947 Ops. St. Compt. 413; 1974, Op.Atty.Gen. (Inf.) 91 [A town may not conduct a referendum on a proposed zoning ordinance.]; See, also, 19 Op.State Compt. 329, 1963 (2nd case). The Attorney General has said: "[i]n our form of government legislation is enacted through the duly elected representatives of the people. Direct action by the people is the exception and authority to proceed by this method must rest upon some specific statutory or constitutional grant. I find no authority in the Town Law or in any other

statute authorizing the submission of the adoption of the proposed zoning ordinance to referendum.” 1954 N.Y. Op. Atty. Gen. No. 77 (N.Y.A.G.).

Local municipalities only have local legislative authority to the extent it is given to them by State law (called “enabling acts”). State Municipal Home Rule Law (MHRL) § 23 sets forth the list of local laws which are subject to a mandatory referendum. State MHRL § 24 sets forth the kinds of local laws which may be subject to permissive referendum. Neither section of the law authorizes zoning laws to be submitted to public referendum.

Question 54: Are you listening to your constituents, if so, how do you plan on addressing our concerns?

Yes, we are listening. Since the meeting at Tri Village, we have had many further Question and Answer sessions which have been well attended by residents and concerned citizens, and four or five town board workshop meetings that have focused on addressing the specific issues raised about the zoning law. We are now putting all those changes into a revised draft law that will be on the website when we have completed our review for everyone to look at and comment on at a subsequent public hearing. We have worked to answer the questions raised and these are posted on the website. We have created a table showing each section of the law discussed and changed, and this is posted on the website too (Changes Table) after each meeting. <https://www.chathamnewyork.us/government/zoning.php>

Question 55: If the current residents of Chatham already embrace the small-town ambiance it appears all the new guidelines should only apply to outsiders coming in. We “Chathamers” know how to keep small town small. Why are you upsetting the apple cart?

Changes affecting our community often come from outside, not from within. Sometimes people sell their property to others for new uses and those people are from outside Chatham. People have the right to subdivide and/or sell their property to whomever they want. We consider those newcomers part of our community too. But the Comprehensive Plan and the zoning are both documents that are developed by residents (committees and Town Board with input from all residents), and not imposed by county, state or federal governments. The original comprehensive plan completed in the early 1970’s, the current version written in 2009, the current zoning written in 1974 and the proposed zoning all had and have the goal of keeping Chatham’s rural and agricultural nature intact.

We assume that rural and agricultural is what the questioner means by ‘small’. We believe that the zoning law written in 1974 has done a good job doing this so far but fails to deal with changes that have occurred since 1974, and that it will fail to maintain Chatham over time as development pressure increase. The public input process including the meeting at Tri Village, has resulted in many improvements to the draft law.

Frankly, we find your xenophobic comments about outsiders and “Chathamers” to be unhelpful for a Town Board trying to govern a diverse community which most citizens call home.

Question 56: Considering the mostly negative response to these proposed changes, wouldn’t it be more appropriate to put a referendum on the ballot. If the new laws are so appropriate wouldn’t the board be assured of their passage and perceived legitimacy.

Legally, the Town Board is not authorized to put the proposed zoning law up for referendum. Please see the Answer to Question 53 above for the explanation.

As the Town's legislative body, the elected members of the Town Board are authorized to adopt laws, including the new zoning law, that the Board members believe will protect the health, safety and welfare of the citizens of Chatham and will serve the interests of our community.

Question 57: Are there plans for a subdivision at Crellin Park.

Neither the Town Board nor the Planning Board have received any application for a subdivision at Crellin Park.

Question 58: It seems terribly untrusting of the board to require that questions be submitted to a moderator. Previous meetings have shown that residents have endeavored to vary their questions and thus do not need someone to concatenate (link together) them. The only logical conclusion I can draw then is that the primary purpose is to prevent certain voices from expressing sentiments the board does not want. Do you consider your neighbors to be so deplorable in their behavior that they are not worthy of being heard?

We felt that submitting questions would allow for MORE input from MORE people. We know in a public hearing that many people come and have questions but are not able to speak due to a variety of reasons including not feeling comfortable or not having enough time at the meeting. We felt the written question format would be a way to allow all who have something to say to do so. With so many people in attendance, we knew that many people would not have the chance to participate.

Further, after the East Chatham meeting, we thought and continue to think, that handling an even bigger and potentially more volatile meeting would be best handled by a moderator. There were many ideas about who would be a good choice. We had hoped that Mr. Teasdale would be considered an honest and fair to everyone. We feel he met that expectation.

The question ignores the fact that the Town Board held a public presentation and multiple public hearings over the last year to gain public input, and that prior to that, two years of comprehensive plan implementation meetings were advertised and open to the public to participate in. If our goal was to prevent people from being heard why would we hold all these public hearings and find room for everyone to raise questions and listen to others?

The question writer finishes by asking if the town board considers our neighbors to be so deplorable in their behavior that they are not worthy of being heard. We strongly disagree with the writer and have taken great measures to listen to our citizens over a three-year period.

Question 59: How do the planning laws benefit the people? How does one get on the planning board?

The planning laws are based on a comprehensive plan that is developed by an entire community. The comprehensive plan is a broad visionary document that broadly summarizes what the citizens believe they collectively want their town to be. Once the comprehensive plan is adopted, and under the direction of the elected Town Board, a smaller group of citizens with the help of a professional planner and attorney usually drafts zoning law language. Their work is then submitted for review at the Town Board level.

The Town Board feels that all our land use laws benefit all the people by ensuring Chatham has a high quality of life for all its residents, and that there is a balance between development/growth and conservation of the resources that make Chatham special.

One gets on the planning board by being appointed by the Town Board. Planning Board members serve for an appointed term, must also have 4 hours of training per year, and must be a resident of the Town.

Question 60: Why did supervisor Lull and the Council tell the previous ZBA and the Planning Board how they should vote?

This never happened.

Question 61: What is the total cost to residents for the company you have hired to impose fines?

We did not hire any company to impose fines. Anyone violating any of our local laws may be subject to fines if violations can't be rectified – this is the same as it has always been. We think the questioner is thinking about Host Compliance hired relating to short term rentals. The Board did enter into a six-month contract with Host Compliance to provide information about STRs like usage, cost per night etc. in Town. The cost for that is \$500.00 dollars per month for six months. The building inspector is charged with imposing fines as described in the zoning law. However, fines are not automatic - the building inspector will first try to resolve the issue through repetitive attempts to explain the problem to and work with the landowner. If those efforts do not resolve the issue, the building inspector can start the process that ultimately could impose fines as described in the zoning law. If that fails, the Town Board can decide to pursue a case through the local court. It is of note that since 1974, the year zoning was first implemented in Chatham, no one has gone to jail for violation of a zoning law.

Question 62: Are any of the ZIC members from the late 2015 on the panel tonight?

Yes, Don Hegeman. He also was a Council Person and helped write the Comprehensive Plan.

Question 63: How do unelected representatives like Dr. Wapner and Mr. Richardson have any authority to pass this law?

Dr. Wapner was appointed by Supervisor Lull to complete her term on the council when she was elected supervisor. Because there was more than a year left on the term, Dr. Wapner ran to complete the remainder of that term in 2016. He won that election. That term was up in 2017 and he ran for a complete 4-year term and won again. Mr. Richardson was appointed by Supervisor Lull when Landra Haber resigned from the Board due to health reasons to complete that term. Mr. Richardson is now running for his own four-year term. Town Law gives Supervisor Lull the authority to make this appointment subject to approval by the full Board. Once the appointment is approved by the Board, the newly appointed board member has the same authority as elected board members including the responsibility to vote on all resolutions.

Question 64: Town of Chatham: What steps have been taken to enforce our current law zoning laws? This needs to happen before new initiatives are taken.

This has been done by establishing a better enforcement process - informing the citizen about the complaint, giving ample time and warnings to correct the problem, and then if necessary, taking further steps to get the citizen to comply. Some of the components of the proposed code that people find objectionable related to fines and enforcement have been in the current code for years. This zoning update will make enforcement even more effective...the new code offers a clearly outlined and specific enforcement process.

Question 65: How does the board think they have the authority to govern what I do in my home?

The board does have the authority to regulate land uses in the Town through subdivision, zoning, and similar laws. This authority is given to towns through NYS law. Most of our local laws have nothing to do with what you do in your home. But there are some exceptions though such as using your home as an illegal business (a land use), using land in a way that produces noise that becomes a nuisance to others, or having a home that dangerously violates the building code and creates safety issues. We understand that the code as it was written suggested to some people that the zoning laws would govern more of their behavior than intended. The next version hopefully addresses this and will be less concerning to some people.

Question 66: Since the remarkable response in opposition to these new laws has been so robust isn't the board concerned that their initial efforts at informing the public of their plans and objectives were entirely insufficient?

First there is only one law being proposed – an update to the existing zoning law. Second, the Board feels that it tried multiple times and in multiple ways to involve the public over several years. We recognize that our Town website was not always effective and have taken steps to redo and better manage the information on the website.

Here is the history for public input:

- April 2016 – Consultant gave public presentation on what was covered in the ZIC update, what wasn't and created an Audit of items still to be addressed. The results of this audit were on the Town website.
- The Town appointed Comprehensive Plan Implementation Group met from Summer 2016 through November 2018 having 43 meetings, all advertised on the Town Calendar and open to public
- Summer 2017 – Town Board accepts draft from CPIG and starts review and asks PB and ZBA for comments. Held joint meeting with PB and ZBA at a public meeting to discuss and make changes.
- August 2017 – Letter posted on Town website outlining progress on the draft zoning made so far and summarized changes made to the zoning law at that point. \
- Between 2016 to 2019, the CPIG chair Bob Balcom reported to the Town Board on the committee's progress at each of the Town Board meetings which total 70 or more (some minutes are not on the website).
- Spring 2018 until today, Town Board review were all at town board or workshop meetings, all open to the public and with advertised agendas.
- June 6, 2018 – Town Board held special Board meeting at Tri-Village for a public information meeting to present zoning draft. Included a PowerPoint presentation, which was then posted online.
- June 2018- Now – Town Board held 4 public hearings (August and September 2018, March and May 2019), all of which were advertised in the paper, and on the Town website.

As one member of the CPIG said at the Town Board workshop held on Wednesday, August 29, "We wished we had had so much public involvement earlier, but we didn't." The board feels the same way about the many past public hearings and workshops it held. Since the Tri-Village meeting, we have

continued to engage with members of the community through a series of Q and A workshops with Board members that are open to public participation, and taking the time to answer, in writing, the questions we received.

Questioner asks a second part: It appears the board wants to place the blame for this at the town clerk or decry misinformation campaigns. But wasn't it the responsibility of the board to accurately and effectively inform the public of such momentous changes?

As shown in the process described above, we have taken responsibility for the process to date and advertised local meetings and projects via agenda's, meeting minutes, notices online, and notices in the newspaper when required. We had no reason to believe we were missing community input. In fact, members of the public attended all our public hearings and most of the comments received were related to short term rentals, not other aspects of the law. When additional input came at the East Chatham Fire Company meeting, we understood we had more to learn from the public. That is when we developed a process to acquire more feedback about the proposed law (the Tri-Village meeting). We are still engaged in that process.

We recognize that there have been complaints about important information not being posted on the website in a timely fashion in the past. There has been criticism that the design of the website was antiquated and difficult to navigate. To that end, one goal we have had as a board has been the development of a more responsive and informative website – which now can be seen at www.chathamnewyork.us. We have developed a second communications committee with a web master and are trying to improve this shortcoming.

Question 67: What are the new “hamlets” Bob referred to at the meeting?

The 2009 Comprehensive Plan included a map and discussion of an option for the Town to consider adding new hamlets (this map showing alternative zoning districts is on Town website at https://www.chathamnewyork.us/residents/maps.php#revize_document_center_rz364). This alternative that included more hamlets was developed in recognition of the Plans vision to direct more dense growth to hamlet areas and allow them to expand rather than having development on farms or open spaces. For this zoning update however, the Town Board decided not to pursue development of these hamlets at this time. Expansion of hamlets is a topic to be considered in a subsequent phase of zoning development.

Question 68: Have any developers or builders been consulted yet about “pocket neighborhoods”?

There is no such use of the term ‘pocket neighborhood’ in the draft zoning. There is, however, reference to a ‘pocket park’ which is a small, neighborhood level park in a subdivision development. The zoning seeks to ensure that if a large development were to come to Chatham, that there is adequate open space and recreation facilities for new residents. No specific developer was consulted about this provision for a small park.

However, the Economic Stabilization Committee has been discussing possible ways of addressing the shortage of homes available at moderate cost for both seniors and those wanting to enter the housing market. It is a long way from any planning development which would include community input. The Recreation Committee is also aware of this discussion.

Question 69: Exactly what do you intend to charge an application fee for short term rentals for a 2-bedroom house? A 5-bedroom house? How much will the inspection fee be?

The town board has yet to determine fees related to Short Term Rentals, but it is fair to say that the goal is to be cost neutral covering the expense necessary to have an efficient permitting process and enforcement requirements.

Question 68: Why should we pay to store an RV or camper when it fits in our yard and we pay our taxes? Who gives a rats ass when living in the country what time we mow our lawn? If our vehicles fit in our driveway who are you to say how we park in it? – i.e. one behind the other?

The first part of this question refers to rules for parking in front yard. The Town Board has changed this to allow for front yard parking when no side or rear yard is available, but we still prefer not to have things parked in the front of houses. Communities often restrict storage of such items in front yards to address accumulation of junk and aesthetic character. The second question refers to the proposed noise regulations - the Town Board has changed the language and now exempts lawn mowing on residential parcel from all noise requirements.

Question 69: Why can you tell us how big or tall we can build a garage our building?

We believe this question refers to the proposed section that called for accessory buildings (like garages) to be limited to only one and required them to be smaller in size and height than the principal use on the property. The town board has reviewed this section and has changed this o allow any number of accessory buildings provided the lot coverage, setbacks, and other dimension requirements are met. Commercial accessory structure size is proposed now to be up to 5,000 square feet instead of 1,500.

New York State law gives the authority to municipalities to regulate land uses through zoning. Building heights are regulated in the zoning to ensure that new structures are consistent with both the building code, and with traditional development styles and patterns. Other than agricultural structures (barns, silos), a one or two story building is common in Chatham, and so the zoning code has always, and continues to allow for 35' high structures (2-story) with exemptions for taller agricultural structures like silos and some other structures like water towers or cell towers.

Question 70: There are several garbage collection services in operation in the area. Who will keep track of all the collection rates and times to ensure the bins do not stay out 48 hours past? P. 150

This has been discussed in detail during Question and Answer sessions. The zoning requirement to remove collection bins from along the road within 48 hours is the responsibility of the homeowner, not the garbage collection service. People using the service just need to make sure their receptacles are not on the shoulder of the road and are secure for safety reasons.

Question 71: What's it to you if I change my own oil in my driveway? I don't have a garage. P. 172.

See Q 34 and 71. The zoning does NOT restrict someone from changing their car's oil in their driveway. This has been a misinterpretation of the language – which restricts commercial auto repair businesses in residential districts. It never was oriented to personal car repair.

Question 72: Z. on STR. It looks like a great deal of thought and time was put into this section to try to address potential impacts on the town. However, since there are still so many questions, can this section be removed and voted on separately?

Technically, yes, this can be removed and worked on separately at some future date. However, the Town Board continues to feel that this is an important topic to be addressed now and desires to keep it in this set of zoning changes. See also the FAQ about short-term rentals on the town website. The board recognizes both the benefits and the problems that arise with short term rentals. Many towns are addressing this issue. While there are different approaches, all are in recognition that there is need to regulate this as a land use through zoning. The board does not want to delay addressing this issue.

Question 73: Will each board member please give an audible demonstration of a 'hoot'.

This language was originally included in the nuisance noise section. It has been removed from consideration.

Question 74: Why does this document keep limiting the number of vehicles that someone can park at their home, and in many places, insist on vehicles being hidden from view?

Parking is regulated not for homeowners, but for people who have home occupations or businesses. There is nothing that restricts the number of cars a homeowner may have. Requirements for screening parked cars is only for home occupations or businesses. That requirement has been added in to ensure that those business uses do not adversely impact residential neighbors and the overall residential character of the street.

Question 75: In her opening statement at east Chatham fire company meeting, Supervisor Lull said, the proposed zoning will make Chatham attractive to developers. Can the Supervisor explain how specifically the proposed zoning is favorable to developers?

The questioner has taken Supervisor Lull's comments out of context. Here is what Supervisor Lull actually said: 'Under this new zoning law, the orderly change and growth of the Town will encourage new business and new residents, both full time and weekenders. It will protect the environment, open spaces, natural resources, hamlets and residential neighborhoods, and property values.

This zoning will help protect your property values by keeping incompatible or unsuitable uses away from your property. The new zoning law will make property attractive to developers who prefer to propose projects to communities who will accept the project because it is compatible with uses permitted in the specific zoning district." Please refer to the complete Supervisor's Statement of the Town Board Meeting Minutes of June 20, 2019 at 6:00 PM posted on the Town Website.

The Town Board believes that the proposed zoning offers a clearer and expanded variety of uses that are allowed in town as a permitted use, or through site plan review, modified site plan review or a special use permit. For example, the current zoning allows for 7 permitted uses and 10 special permitted uses in the H1 district. The proposed zoning allows for 58. The current zoning allows for 24 uses in the business district, and the proposed zoning articulates 67. Both the clarity and expansion of allowed uses will benefit business development in the business district.

Question 76: How can a single CEO enforce all these rules?

The largest change in terms of enforcement relates to short-term rentals, and the Town is seeking assistance from an agency to help. The development standards included in the proposed zoning are implemented when a proposal seeks review by the Planning Board and will be incorporated as needed during the planning process. The Town Board doesn't anticipate many changes in enforcement needs other than Short-Term Rentals.

Question 77: Which town code was the RV storage verbiage cut and pasted from?

The Town Board has worked on an amendment to that section.

Question 78: Does NY municipal code allow board members to be recalled?

No. The State Attorney General has said: "it is clear in this State that a referendum may be held by a local government only if expressly authorized by State statutory authority or by the provisions of the Constitution. While counties and other local governments are authorized to adopt and amend local laws, this delegation does not include the necessary authority for the conduct of a recall election." 1985 N.Y. Op. Atty. Gen. (Inf.) 57 (N.Y.A.G.)

Question 79: In hamlet design standards (b) states when someone builds a new building it should look like the buildings around it. Does that mean if you dislike the house down the road from yours and it does not matter, and you must build your new house to look like it?

Note that Section 180-33 (5) (b) as referred to uses the word 'should' meaning that the zoning seeks consistency with this but does not require it (or else the word 'shall' would have been used.) Further, this is looking to have the general architectural detail be consistent and proportionate, not a replica. The goal here is to build on the traditional character of the hamlet to help new growth fit in with existing buildings to maintain community visual character and streetscapes. Some of the hamlet design standards are required, others are offered as guidance, but all are focused on ensuring that new development is consistent with the wonderful community character and aesthetics we have in our hamlets. However, both the comprehensive plan and the town board recognize that not all hamlets are the same and that the plan's recommendation to have each hamlet have its own set of specific standards has a lot of merit. That work and planning was not in the scope of this zoning phase and the board will be addressing that in the next planning process.

Question 80: If 'dwelling' is a permitted use in RL2 in current zoning law and 'dwelling' is defined to include lease, rent, why does proposed law state it was not permitted in current law?

The definition of the term "dwelling unit" is the same in both the current Zoning Law and the proposed new Zoning Law. The two sections of the current Zoning Law (Definitions and the Use Table) noted in this question have different purposes.

The purpose of § 180-13 in the current Zoning Law is to describe the types of uses that will be permitted in the RL2 Zoning District (and all other districts). That section lists "single family dwelling" as a permitted use in the RL2 Zone.

The definition of "dwelling unit" appears in current Zoning Law § 180-4, entitled "Interpretation; definitions." The purpose of this section is to define terms used in the Zoning Law, not to list permitted

uses. The purpose of providing a definition of the term “dwelling unit” is to specify precisely the type of habitable space which comprises a single living unit. The definition states:

Dwelling unit. One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwellings units in the same structure, and containing independent cooking, sleeping and toilet facilities.

The reference to owner occupancy and rental or lease in that definition simply means that the factual elements of the definition could be applied equally to dwelling units in structures that are either owner occupied or rented or leased. The definition does not independently establish what uses are permitted in a particular zone.

Zoning Law § 180-9(B) provides that land in Chatham may only be used in accordance with the provisions of the Zoning Law. Section 180-13 provides that “single family dwelling” is a permitted use in that District. Section 180-4 defines “single family dwelling” as “a detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.” The term “dwelling unit” as defined in § 180-4 simply describes what characteristics a dwelling unit in a single family dwelling must have.

Question 81: In the purpose section (p5) #11 states the proposed zoning ‘ensures that growth and development is consistent with our historic character. The definition of historic character includes ‘pre-automobile network of dirt roads.’ What does that mean? And the definition also includes the ‘struggles and fashions of Chatham’, what does that mean?

This definition comes from the Comprehensive Plan. The ‘pre-automobile network of dirt roads’ refers to exactly that – most roads came into existence before cars (unlike the Taconic Parkway, for example) and their location was dictated by land uses and environmental features of the town. Nowadays, geologic features (a rocky outcrop for instance) are not an impediment to road building and so roads are usually straight, paved, and wide. Pre-automobile, our roads were placed in large part on where it was easiest to bring horses and wagons in the shortest route from one place to another. This statement recognizes and seeks to preserve that character.

It is important to note that the CPIG was well aware of the desire among many community members to maintain our dirt roads. However, when the CPIG reported their recommended draft zoning to the town board, they indicated that they did not have enough information upon which to develop specific road maintenance and development standards. As a result, the town board responded by forming a roads committee which did do that research and provided the board with a detailed policy report outlining principles and direction for maintaining our local roads. From that report, the town worked with its highway department, engineer and planner to begin development of road maintenance procedures and updates to our highway standards. Finalization of those documents will be addressed in the next planning phase.

The term ‘struggles and fashions’ simply refers to all the influences over time that have made Chatham what it is today.

Question 82: Are there parts of our town where you can have a llama but not a cow?

No, the zoning does not distinguish between a llama and a cow. A llama would be considered a farm animal and livestock and would be treated the same.

Question 83: What is setback for ag fences?

The zoning does not specifically address ag fences, but does say that feed lots, fenced runs, manure storage facilities, pens and facilities of similar intensity used for animal raising and care excluding pastures, meadows, and paddocks shall be set back at least 100 feet from the boundary line of any neighboring property and from any stream banks, unless the stream is located in a pasture. The 'excluding pastures, meadows, and paddocks' has been added in as a result of this summer's public input. This would imply that a fence used to contain feed lots, fenced runs, manure storage, pends and facilities of similar intensity would need to be 100'.

Question 84: What percent of our town will become non-conforming lots? Non-conforming uses" What percent is made up of non-conforming lots?

The proposed law does not change the minimum lot size or density of development in any district and so there would be no more nonconforming lots under the proposed zoning as under the current zoning. Some lots in the hamlet district that may be non-conforming now may become conforming because proposed setbacks are smaller. Similarly, an existing legal non-conforming use would also be a legal non-conforming use under the proposed law so their status would not change. The proposed use table is more detailed and allows for additional uses compared to what currently exists so some uses, such as short-term rentals that are currently illegal uses would become conforming uses. And remember that all zoning laws establish a Zoning Board of Appeals and an area and use variance process so that landowners can seek relief.

Question 85: The definition for 'clearing' states that 'any activity that removes the vegetative surface cover' satisfies the definition for clearing. The definition clearly states that the threshold is 'any'. If 'any' means 'any', does this mean turning lawn into garden is clearing? Should there be a threshold using a unit of measure in acres?

The legal use of "any" allows situations that may come up, and are brought to the CEO, to be reviewed. The intent is not to address turning lawn into garden or other accessory uses like that. It is used in the context of building and construction, where existing vegetation is removed to make way for a built landscape. In the context of timbering, 'clearing' is used in relation to removing trees as part of a forestry operation. The Town Board will consider clarifying this in the definition and may prepare a document to help people understand how to best use the zoning law.

Question 86: What is definition for park as opposed to park and stored?

Generally, storage related to vehicles refers to the keeping, in an unenclosed area, any vehicle in the same place for more than a stated amount of time. Parking is for the temporary storage of a vehicle while it gets used on a regular basis. The Town Board has added in definitions for both parking and storage.

Question 87: The definition for 'forest land' states that for land to be considered forest land the trees must be 'dense'. Does this mean if there is a tract of land covered in trees, but they are spaced further apart – like old growth sometimes does, does this land fail to be considered a forest?

The definition for forest land was included in the timber operation regulations passed by the Town Board in 2016. The entire section regulating timbering (180-45) was added to consolidate all land use regulations into one place. The Town Board will discuss adding to that definition to be more precise, such as "Areas or stands of trees, the majority of which are greater than 12 inches caliper or mature trees, covering an area greater than ½ acre."

Question 88: The definition for 'construction activity' states that any activity involving clearing, cutting, excavation, filing or grading that alters land topography or vegetative cover is construction activity. Any is used with no threshold. So, if 'any' means in 'siting structures and lots, I read that in (4) section (a) that the Planning Board has the authority to site the building envelope and to adjust the siting of the structure. What does this mean?

Like the answer to Q85, the Town Board will discuss adding ..."in order to construct a building." This should clarify its intent.

Question 89: The definition for 'land disturbing or development activity' states that the threshold to trigger this definition is 'any' change to the land surface. So, if you make some horseshoe pits is that then a land disturbing or development activity? Is a pitcher's mound construction activity?

See Question #85. No, that is not the intent. The rest of the definition includes improving, developing, or significantly changing the land or vegetation. The Town Board will discuss removing the 'improving, developing' statement from this definition so that it clearly addresses 'significant land or vegetation changes.'

Question 90: Did you guys outlaw a hit and miss engine? (antique motors)

No, or any other type of engine. Antique engines have been exempted from the proposed zoning language. Question 91: When is it OK to hoot and holler?

This has been removed from the proposed zoning language.

Question 92: What happens if I cannot afford some of the new provisions?

We would suggest that you bring your situation to the Code Enforcement Officer and discuss. If the situation is warranted than he can bring it to the town board for discussion.

Question 93: What percent of town is made up of conforming uses?

See Question 84.

Question 94: Has the Town Board reviewed the Town's comprehensive plan and found any consistency with any of the proposed new provisions?

Yes, the entire set of zoning changes was developed specifically to address policies and recommendations made in the Comprehensive Plan. Please refer to the Town's website https://www.chathamnewyork.us/government/comprehensive_plan.php#revize_document_center_rz406 for the specific plan-to-zoning analysis prepared by the Town's consultant.

Town Board Answers to Other Public Comment Questions 9 15 19

Question 95: Why not put adoption of zoning law on a referendum for people to vote on in November. This would allow people to do the research, to be better informed, and part of the process. Give the people a voice.

Please see the answer to questions 53 and 56, above for the answer to this question.

COMMENT 1: You are all an embarrassment to the residents of the Town of Chatham.

The Board has no comment.

COMMENT 2: The woman who you hired to create this plan is clearly incompetent shown by the fact she does not know her own document.

Just to be clear, we are presenting a law, not a plan. The Plan was adopted by the Town Board in 2009. Further, no one has the full document memorized nor should they answer from memory alone. Responses to the public need to be factual and any professional would always seek to find the correct section and exact language. That is what our planner did when answering the detailed questions presented that night at the Tri-Village meeting. That is also why written questions were requested so that we could thoroughly research and offer questions.