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**In the Matter of a Public Hearing held in  
the Matter of: Draft of Revised  
Town of Chatham Zoning Law**  
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**HELD AT:**        Tri-Village Fire Company  
                         111 County Route 13  
                         Old Chatham, New York 12136  
                         August 2, 2018

**BEFORE:**

**TOWN OF CHATHAM TOWN BOARD MEMBERS:**

**MARIA LULL, Supervisor**

**ROBERT BALCOM, Deputy Supervisor**

**JOHN WAPNER, Councilman**

**LANDRA HABER, Councilwoman**

**KEVIN WELDON, Councilman**

**BETH ANNE RIPPEL, Town Clerk**

**ALSO PRESENT:**

**JOHN LYONS, ESQ.**  
**Town Attorney**

**NAN STOLZENBURG, AICP CEP**  
**Principal Planner**

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1 PUBLIC FORUM - 6:00 P.M.:

2 SUPERVISOR LULL: Please stand.

3 (WHEREUPON, THE PLEDGE OF ALLEGIANCE  
4 WAS RECITED.)

5 SUPERVISOR LULL: Good evening, ladies  
6 and gentlemen. If you plan to speak before  
7 the Town Board this evening and you haven't  
8 signed up with Beth Anne, please do so now.  
9 We will be taking the public comments in the  
10 order that they are signed up.

11 Before I open the Public Hearing, I  
12 want to review the order of the meeting this  
13 evening. The purpose of this Public Hearing  
14 is to give community members the opportunity  
15 to speak to the Town Board, and to offer their  
16 comments on the draft proposed Zoning Law.  
17 The Zoning Law has been on the town website  
18 and also has been available with the Town  
19 Clerk in the Town Clerk's Office.

20 The Town Board will listen carefully  
21 to all of your comments and consider them  
22 during our further deliberations.

23 As I mentioned, please sign in if you  
24 plan to speak.

25 Wait to be called. We are going to

1 give each speaker at least a minimum of five  
2 minutes. If you need a little more time,  
3 that's fine. We want to hear your thoughts  
4 and we are open to everyone's consideration.

5 When you come up to the podium, please  
6 introduce yourself. We have a stenographer  
7 here, and she will be taking notes for the  
8 official record of this Public Hearing.

9 Please speak clearly for her because  
10 there is no amplification in the room and we  
11 want everybody to hear what you have to say.

12 Please be courteous. I have been told  
13 by our town council that we have a very  
14 courteous populous as far as our Town Board's  
15 meetings, and I think that's because -- the  
16 people that Chatham seems to generate.

17 And please, if you feel that someone  
18 has said the same comments that you did, maybe  
19 say it in a little different way, but don't  
20 repeat the same thing over and over again.

21 If you do not feel that you want to  
22 speak tonight, we are still taking emails,  
23 letters, any type of documentation which we  
24 will consider in our -- the Town Board will  
25 consider in our next meeting. So, please feel

1 free to continue to send your comments in.  
2 And if you have neighbors that say: *Oh, I*  
3 *wish I would have come last night.* Please  
4 pass that along to them as well.

5 So, I'd like to first introduce our  
6 Town Board. We have Councilwoman Landra  
7 Haber, Councilman Kevin Weldon, Councilman  
8 John Wapner, Deputy Supervisor Bob Balcom.

9 And I would like to introduce our town  
10 planner, Nan Stolzenburg, and our town  
11 attorney, John Lyons. And our stenographer is  
12 Theresa Vining.

13 So, I think that we will start with  
14 Nan giving a little background on this whole  
15 planning, Comprehensive Plan, the ZIC  
16 Committee, the Advisory Committee; and then  
17 after Nan is finished with her presentation, I  
18 will open the Public Hearing for comments.

19 So, Nan, would you, please.

20 MS. STOLZENBURG: Sure.

21 So, I just want to take a couple  
22 minutes just to get everyone, kind of, on the  
23 same way of length where we are at getting  
24 here. The process for this really started in  
25 2009 when the Town Comprehensive Plan was

1 adopted, and that was after a multi-year  
2 effort to develop the plan and work with the  
3 community to get that adopted.

4 After 2009, the Town Board had a  
5 Zoning Implementation Committee that was  
6 organized that was made up of several members  
7 of the community, and they worked for quite a  
8 while on taking the recommendations that were  
9 in the Comprehensive Plan that relate to  
10 zoning issues, and worked to do an updated  
11 version of the zoning at that time. And they  
12 completed that work in 2015.

13 At that time the Town Board asked me  
14 to reengage with the community and review the  
15 Zoning Implementation Committee's draft of the  
16 zoning, compare it to the Comprehensive Plan  
17 and what the Comprehensive Plan's direction  
18 and policy guidance were related to zoning;  
19 and make recommendations as to what has been  
20 accomplished, what has not been accomplished,  
21 and what other things still needed to be  
22 addressed to imminent the Comprehensive Plan.  
23 So, the zoning work is really to implement the  
24 policy direction established in the  
25 Comprehensive Plan back when it was adopted in

1 2009.

2 The Town Board had a second  
3 Comprehensive Plan Implementation Advisory  
4 Committee that worked diligently from 2016  
5 through until recently, and they went through  
6 all of the Zoning Implementation Committee --  
7 the first committee's work, accepted most of  
8 that -- so we are really building each step as  
9 we have gone along; but the ZIC work didn't  
10 incorporated all of the things that were in  
11 the Comprehensive Plan.

12 So, the second committee, kind of,  
13 took from where the ZIC group had ended.  
14 There were a few changes that were recommended  
15 to be made; and, kind of, methodically worked  
16 through section by section of the  
17 Comprehensive Plan and the zoning to try and  
18 mesh the two so that the zoning implements the  
19 Comprehensive Plan.

20 In June or July of last year was, kind  
21 of, the first opportunity globally for the  
22 committee to have submitted the draft to the  
23 Town Board to start getting feedback on what  
24 the Town Board felt about where the committee  
25 had been. So, since, in the last year, what

1 has happened is the Town Board has been  
2 reviewing it, the Comprehensive Plan  
3 Implementation Group worked on -- we had  
4 originally split it up into phrase one changes  
5 and phase two changes -- they kind of got  
6 melded together which has resulted in the  
7 draft of the changes that you have before you  
8 to be considered by the Town Board today.

9 So it's been multi-years in the  
10 process, lots of committee work, lots of  
11 consideration, lots of meetings on the Town  
12 Board -- I think the Town Board has been  
13 discussing these things twice a month for many  
14 months now to get to it to the point where  
15 it's ready for public comment.

16 So, the purpose of why we're -- I have  
17 gone through this whole process, as I  
18 mentioned, overall, is to make the land use  
19 regulations consistent with the Comprehensive  
20 Plan. The zoning is one piece of that.

21 We are going to be, shortly, starting  
22 work on the subdivision law, which is the  
23 other piece of the land use regulations in  
24 town. That has -- needs to come along a  
25 little bit more -- so that will be coming down



1 the road. But the main things that we really  
2 needed to address, is, we want the zoning to  
3 be clear. Vague zoning laws are not really  
4 good zoning laws for the town, or the  
5 Applicant or the Planning Board, so we wanted  
6 to make sure we had clear definitions, lots of  
7 definitions to make sure everybody was on the  
8 same wave length of what the terms that are in  
9 the zoning law mean.

10 We want to make sure that we have  
11 spelled out the standards that you, as a  
12 community, expect development to have. Again,  
13 we wanted to try to get rid of vagueness. We  
14 want to give the Planning Board flexibility  
15 where there should be flexibility, and where  
16 there are things that are more absolute that  
17 are based in the goals that the community want  
18 to promote -- we articulate those.

19 Another thing that this zoning draft  
20 does, is, we have brought all of the  
21 procedures up to be consistent with the  
22 procedures of State Town Law; so, the time  
23 frames, when we have a hearing, when the  
24 notices are done, how the decisions are made  
25 are all -- for the Zoning Board of Appeals,

1 the Planning Board for site plan review,  
2 special permits -- we have updated all of  
3 those so that we are consistent with the  
4 process that's established by state law.

5 We wanted to give the right tools to  
6 the Planning Board and the ZBA, so they can  
7 ask the right questions, know how to review,  
8 know what to review, and what the criteria are  
9 when they're reviewing a project. So, we want  
10 to make sure -- so that one of the other  
11 reasons for the zoning update was to give this  
12 toolbox for the groups who are administering  
13 the law on behalf of the town to work with;  
14 and we want to make sure that the  
15 administration of these things are clear, that  
16 we have the right enforcement sections so that  
17 it becomes an efficient process.

18 The Comprehensive Plan was not  
19 anti-growth by any means; but it was, let's  
20 make sure we do it right, we do it  
21 efficiently, we do it fairly, we treat  
22 everybody fairly in their applications, and  
23 that's what we tried to do by standardizing  
24 the procedures and the language.

25 We also had tried to address some

1 newer issues that have developed over the last  
2 few years since the plan was developed -- I  
3 call them the hot button items -- things that  
4 a few years ago, like solar was not really an  
5 issue like it is these days. There's a whole  
6 series of topics that have arisen in  
7 importance and in consciousness in the town of  
8 things that are land use issues that need to  
9 be addressed.

10 So, globally, those are the broad  
11 changes of what we are trying to accomplish  
12 with this draft, and I think one of the  
13 handouts that you had was a little sheet that,  
14 kind of, highlighted in more detail some of  
15 those changes. So, that's a little  
16 background.

17 And I'll hand it back to Maria.

18 SUPERVISOR LULL: John, do you want to  
19 say anything?

20 MR. LYONS: No.

21 SUPERVISOR LULL: Beth Anne.

22 Where did she go?

23 UNIDENTIFIED SPEAKER: She went to get  
24 more chairs.

25 SUPERVISOR LULL: For anyone who has

1 come in a little late and you would like to  
2 speak before the Town Board, please come and  
3 see Beth Anne and sign a sign-up sheet.

4 We will take you in the order that you  
5 signed up.

6 Ladies and gentlemen, I am going to  
7 call this Public Hearing to order. This  
8 Public Hearing is on the Draft of the Revised  
9 Town of Chatham Zoning Law.

10 Today is Thursday, August 2nd, 2018.  
11 It's a little after 6 p.m. and we are located  
12 at the Tri-Village Company, Fire Company, 111  
13 County Route 13, Old Chatham, New York.

14 The first one to comment, Ava Horst.  
15 Hurst.

16 MS. HORST: My name is Ava Horst.  
17 H-o-r-s-t. I live on River Street, the bottom  
18 of Highland Road in Chatham.

19 And I'd like to just make a general  
20 comment that I feel that the job of law is to  
21 provide protection from evil, not to punish  
22 people who are law-abiding citizens; and I  
23 believe that the Zoning Law as written is too  
24 strict and takes away basic freedoms of  
25 law-abiding citizens.

1 Thank you.

2 SUPERVISOR LULL: Thank you.  
3 Beverly Frenkel.

4 MS. FRENKEL: I'm going to pass.

5 Thank you.

6 SUPERVISOR LULL: I have to apologize  
7 now if I mispronounce your names. But I think  
8 this is Jory Emde.

9 MS. EMDE: My name is Jory Emde,  
10 E-m-d-e. I get nervous, so bear with me.

11 My name is Jory J. Emde, and I own and  
12 live in Old Chatham, New York. This is a  
13 strong move on the part of the Town of  
14 Chatham, and one that I was happy to see being  
15 presented. It addresses the residential and  
16 agricultural history of the town. By clearly  
17 designating areas appropriate for the types of  
18 businesses listed in the zoning proposal, the  
19 town is insuring managed growth, both from a  
20 real estate value and business prospective.

21 This means the residential real estate  
22 will continue to be valued by current and  
23 potential residents. Housing prices will  
24 continue to increase in the quiet residential  
25 areas. Allowing for these types of businesses

1 listed on the proposed zoning map to spread  
2 beyond the specifically-zoned areas threatens  
3 the very soul of Chatham. It would jeopardize  
4 the reputation of Chatham as the most  
5 attractive residential area in Columbia  
6 County, bringing high traffic businesses to  
7 residential neighborhoods that would  
8 immediately diminish property values, and as a  
9 result end up destroying existing businesses  
10 that depend on a clientele of locals who moved  
11 to Chatham for its quiet bucolic rolling hills  
12 and comfortable residential neighborhoods.

13           Spreading business beyond business  
14 districts would threaten the health of the  
15 existing business districts and put  
16 currently -- still requires quite a bit of  
17 investment. Focusing business into the  
18 specific areas that already have commercial  
19 history will insure that the existing  
20 commercial areas will continue to thrive; and  
21 in time the derelict buildings and properties  
22 that exist in these commercially-zoned areas  
23 will finally be put to use.

24           We need look no further than the row  
25 of businesses all for sale and dilapidating

1 along 295 in East Chatham; or further down the  
2 road to larger properties, such as the much  
3 lamented bowling alley and the warehouses  
4 adjacent to Sundog Solar, or the vacant  
5 historic central square building in the heart  
6 of downtown Chatham. And let's not forget the  
7 void left behind by Price Chopper's departure.

8 As a protection in the investment my  
9 family and I made to this town and our land is  
10 for our health and happiness since 2005; and  
11 as a standing representative of my family, as  
12 well as my husband's family, the Palachios,  
13 who are also property owners in Old Chatham  
14 that could not be here tonight, I stand before  
15 you to tell you that we are all in favor of  
16 the proposed zoning restrictions.

17 (APPLAUSE.)

18 SUPERVISOR LULL: Next, Karen Murphy.

19 MS. MURPHY: I want to thank you all  
20 for all the work you have done. It's been an  
21 amazing process -- one I only got involved in  
22 at the end.

23 My name is Karen Murphy, and I am a  
24 citizen of Old Chatham since 1995, and I was  
25 working on the implementation committee that

1 Nan referred to earlier.

2 I'm just going to speak on one topic,  
3 and that is a topic that is a hot button topic  
4 that Nan mentioned, which is short-term  
5 rentals that are now part of the use table.

6 I wrote a letter to the Town Board on  
7 July 15th of this year, and I emphasized what  
8 our committee had incorporated into the use  
9 table and the standards of the use table,  
10 which that were, we were in favor, certainly,  
11 of short-term rentals and people having the  
12 ability to rent rooms, to rent their house;  
13 and we, actually -- I think we probably  
14 thought about more in terms of less  
15 bureaucratic encumbrance than more  
16 bureaucratic encumbrance. So, I was trying to  
17 remove certain of those rentals from any kind  
18 of permitting process.

19 We did stress the fact if people are  
20 going to rent their properties, it should be  
21 occasional, and that that definition should be  
22 defined. We did stress, in our committee,  
23 that the homes that will be subject to  
24 short-term rental would be by permanent  
25 residents of the town -- and I said that also



1 in the letter -- that that also should be  
2 defined; and there is a legal definition of  
3 permanent residency -- it's primary residency,  
4 and that has legal touch stones that define  
5 it.

6 One last thing that was not in our  
7 committee's use recommendation was the  
8 question of why we would favor one -- and I am  
9 talking about commercial short-term rentals,  
10 like an Airbnb, where the owner actually puts  
11 it on a national website, and says this is  
12 available for your use -- for a fee. It's  
13 about making money. It's commercial use.

14 I ask the question of why you would  
15 favor one commercial use in a town, which is  
16 historic in this town, which is  
17 bed-and-breakfast's that require that at  
18 anytime a guest is in the home of the owner of  
19 a bed-and-breakfast, the owner of that home,  
20 that bed-and-breakfast, be in residence. I  
21 think that that's suggesting that the new hot  
22 button, or new use would have an advantage  
23 over our existing town uses, such as our  
24 existing bed-and-breakfast uses -- would not  
25 be fair. It's just not fair. It's just not

1 right.

2 As a private citizen, my thoughts on  
3 the topic are that we have zoning. We have  
4 reinforced our residential zones to be low  
5 density, to favor agriculture, to preserve  
6 residents at a residential zone, by  
7 introducing, as the last speaker said,  
8 commercial into a residential area, you are  
9 going to destroy both the commercial and the  
10 resident.

11 So, we want to know our neighbors, we  
12 want to be interacting with our neighbors; and  
13 we don't want to have a use in our residential  
14 areas that is commercial in nature, and that  
15 would conflict with existing residential uses.

16 So, I hope the Town Board will go  
17 beyond what we had originally recommended and  
18 actually require that there be an in resident  
19 -- if there is going to be a commercial  
20 letting of a home, and that I think that would  
21 be thoroughly consistent with the objectives  
22 and the goals of the Comprehensive Plan as  
23 stated in 2009; and as the world has changed  
24 over those nine years that we see now. Thank  
25 you.

1 SUPERVISOR LULL: Thank you, Karen.  
2 Mitch Khosrova.

3 MR. KHOSROVA: Mitchell Khosrova,  
4 K-h-o-s-r-o-v-a.

5 I am just going to read this.  
6 (Indicating).

7 So, I think many of you know me --  
8 maybe one or two don't. I come here, really,  
9 with what I hope is more of an objective look.  
10 Those that know me, know I spent 16 years as a  
11 deputy chair of the ZBA. I spent two and a  
12 half years on the ZIC that was mentioned  
13 earlier. This process, these 182 pages that  
14 are on the website -- which is a work in  
15 process for, I think it's close to six years  
16 in happening.

17 I know for a fact that the council  
18 members care what's going on in this  
19 community; and as stated earlier by the  
20 supervisor, want to get input; and there's  
21 always been a lot of talk since the change in  
22 the last administration about transparency and  
23 public input. This is a real chance to do  
24 that. I have worked with both your attorney  
25 and your consultant in the past and currently.

1 I have a lot of respect for what was done here  
2 and for what you are trying to do; and I  
3 recognize the largess of it makes it very,  
4 very difficult.

5 I guess the long and the short -- and  
6 I will go through some specific examples but  
7 not many. I think that more time is needed.  
8 I think that this was posted, literally, on  
9 July 20th. I, certainly, have not had an  
10 opportunity to go through it more than a few  
11 pages; and I looked and highlighted some of  
12 the things that I thought might be important.

13 I know at the last meeting, Dr.  
14 Wapner -- he and I have, sometimes, disagreed  
15 in the past -- but he had tried to put off a  
16 Public Hearing. I do think that more time is  
17 necessary. Also, if there are changes, which  
18 I hope there will be, based on the input that  
19 you are receiving, that there be another  
20 public notice and a public hearing after those  
21 changes.

22 This document did not highlight the  
23 changes from the current law. It makes it  
24 very, very difficult to focus on what needs to  
25 be focused on. You literally have to read 182

1 pages. And many times there would be some  
2 kind of a table or there's a red line. This  
3 board has decided not to do that; and it  
4 really is unfair to the public, especially in  
5 a 12-day period, to give you final comments.  
6 I know I cannot do that. I am unable to do  
7 that.

8 (APPLAUSE.)

9 And I don't know -- it could very well  
10 be the Town will, this time, take up Dr.  
11 Wapner's motion from last month; and say,  
12 yeah, let's put this out 60 days; or let's  
13 rewrite based on comments and then put that  
14 out for 60 days. I hope that you will do  
15 that.

16 I just want to point out, I guess,  
17 there are some things, like inconsistencies.  
18 In one place, you say that a residential pond  
19 needs a site plan review. In another place,  
20 it says no permit is required. Again, I know  
21 because it was a rush and largess of it,  
22 things like that have to be knocked out. This  
23 is a legal document. You are going to go to  
24 Court -- if you try to enforce that, you are  
25 going to lose that.

1                   There's several things that I think  
2                   that may not really have, or at least explain  
3                   proper rationale to it. The three-car garage  
4                   limit. I think that -- as a practical matter,  
5                   it doesn't really make sense to me. I have  
6                   two children. If they were of age to drive,  
7                   that means we needed four cars. It's just  
8                   where we live. I also have a lawn mower, I  
9                   have a motorcycle. And to say and to limit on  
10                  any piece of property, without mention of size  
11                  or anything else -- what Nan referred to is  
12                  you wanted to standardize things -- really  
13                  doesn't make sense, and there's no rationale  
14                  for that prohibition. If someone has a larger  
15                  piece of property, and wants a bigger garage,  
16                  why not? It's not going to hurt anybody.

17                               (APPLAUSE.)

18                  I also think that some people may  
19                  think and look at this and read this in  
20                  saying -- you know, there are a lot of working  
21                  class people in this community. I know if you  
22                  try to get a contractor, repair person,  
23                  plumber, electrician -- it's really hard out  
24                  here. And it's one of the businesses that we  
25                  need and need to promote because everybody

1 needs those type of things. Specifically,  
2 contractors have need for garages and places  
3 to store things. And you are -- you know,  
4 looking at those type of people, and right  
5 away, you are penalizing them for their  
6 business. And that goes into the --

7 (APPLAUSE.)

8 I love clapping, but hold on a second.  
9 It goes into -- also the accessory use limit  
10 that you have imposed. You have based it on  
11 the square footage of the house. To me, that  
12 easily could be deemed illegious because if  
13 you can afford a \$10,000 square foot house,  
14 you are going to be allowed to have more  
15 accessory uses; and I just don't see the  
16 rationale. If you have a large piece of  
17 property, and no one is going to see it, what  
18 difference if someone has a shed, a pool, a  
19 large garage, or any other type of -- a swing  
20 set, all of those things -- anything that  
21 would be considered a structure is limited now  
22 as an accessory use. I just don't see the  
23 rationale in that. I don't really think that  
24 that was properly thought through. And to say  
25 one-size-fits-all is not what zoning is

1 supposed to do. That's why you have special  
2 permits.

3 SEQR is exactly the opposite. SEQR  
4 specifically comes into existence so you take,  
5 fact by fact, specific spaces, and say what is  
6 proper for that particular application. You  
7 are, kind of, going through that and negating  
8 any of that need by saying you want to  
9 standardize something.

10 I just have two more little examples.  
11 The 100-foot buffer zone -- you know, whether  
12 it's in a hamlet that could be near a creek or  
13 a stream -- by the way, I don't think there's  
14 a definition of a stream. If someone wants  
15 to, simply, put a swing set, and they live in  
16 a hamlet, it makes it impossible to do. Why  
17 is that not allowed? Again, I am not sure  
18 that was thought through.

19 Your mowing and construction  
20 restrictions, I think also -- I mean, you have  
21 it Saturday but not Sunday, you have it after  
22 five. I mean, people like me work all day. I  
23 get home and I mow. And it's never between 9  
24 and 5; and I usually will do it on weekends.  
25 And I don't have any neighbors in earshot.



1 Why can't I do it at 8 in the morning? Why  
2 can't I do it after 5 o'clock at night?  
3 Especially when it's light until 9 o'clock.

4 I think that those were rather quick  
5 to go through. I won't even go into it  
6 because I know other speakers will talk about  
7 your town roads -- you don't differentiate  
8 between gravel or paved.

9 The short-term leasing is also a large  
10 problem. You don't define media. For me --  
11 and I have worked on other municipality's  
12 Airbnb issue. You know, if someone wants to  
13 rent a room in their home where they live, you  
14 don't have the transient issues about  
15 all-night parties, about littering, about not  
16 caring, and all those other issues. I don't  
17 see why you would make someone, who is trying  
18 to make a few extra bucks to have a guest in  
19 their home -- have to go through a whole  
20 obstacle course in order to do it. And you  
21 don't differentiate between someone who wants  
22 to -- and I thought Karen was very articulate  
23 in the things that she said earlier about the  
24 Airbnb. I think that that's a really  
25 difficult issue. I know Hudson just passed

1 it, and they thought it through, I think, a  
2 little bit more than what this definition does  
3 and what you allow.

4 So, to sum up, I really think that it  
5 took a lot of time to do this. I think a lot  
6 more review and input is necessary. I think  
7 that if you make changes, we need more time to  
8 look at those challenges. If this is passed  
9 the way it is, you will lose lawsuits; and I  
10 know the town doesn't want to do that, they  
11 don't want to waste their money.

12 Thank you again for your effort and  
13 your time for allowing me to speak.

14 (APPLAUSE.)

15 SUPERVISOR LULL: Van Calhoun.

16 MR. CALHOUN: My name is Van Calhoun,  
17 I live on Bushnell Road in Chatham. My family  
18 has been on that farm since 1785. I am the  
19 seventh generation. I worked on this plan for  
20 15 years, starting the first few days in the  
21 old schoolhouse down the road here, when it  
22 was the Town Hall. I have to give everybody  
23 in the town who has put their hard effort and  
24 time over these 15 years a lot of credit --  
25 whichever side of the coin you are on -- for

1 certain regulations and certain rules.

2 We have put together a mass of people  
3 hours and knowledge base and expertise that  
4 few towns anywhere have. We have wrestled  
5 with a lot of documents. It took six years to  
6 put the plan on the table and get it to the  
7 Town Board. And as Mitch said, it's been  
8 another -- almost ten years since that time  
9 that we have gotten to this point.

10 We have gone so long that we are  
11 already seeing the evolution of new problems  
12 coming along. And we still haven't  
13 implemented a plan. We still don't have a  
14 plan. And every time we get really close and  
15 new things come along and new problems, we  
16 want to have more hearings, and we want to  
17 have more committee studies -- and believe me,  
18 I believe in committees, I have served on -- I  
19 served on three of them, and I have worked my  
20 tail off -- I'm getting very tired of working  
21 on committees, but still we haven't passed  
22 anything. We haven't codified the bulk of  
23 this. Ninety-five percent of something is  
24 something, it's 95 percent, and you have a  
25 good plan. This plan has built right into it

1 that immediately after the plan is codified,  
2 the new changes go to work. The committees --  
3 people like Mitch who want to refine and make  
4 better and bolder -- it's supposed to happen  
5 that way; but we are four years behind the  
6 times, and not having it happen because we  
7 haven't codified the plan yet.

8 So, my only plea here tonight is to  
9 say that all of the comments that are going to  
10 be made are valuable, they should be worked  
11 into the plan, and worked through and  
12 compromised -- a very key, important part of  
13 the plan; but, please, can we think of the  
14 things that we can bring into the process  
15 after we have codification and start the  
16 review of the changed process.

17 Again, I just want to congratulate you  
18 all for being bold, strong council people and  
19 leaders. Thank you.

20 SUPERVISOR LULL: Thank you very much.

21 (APPLAUSE.)

22 SUPERVISOR LULL: Randi Walker.

23 MS. WALKER: My name is Randi, it's

24 R-a-n-d-i, Walker, and I am from  
25 Chatham Center. And I said whatever Van does,

1 I will do. So, since he spoke, I will speak.

2 I have been working alongside Van -- so, I  
3 guess I'm just reminding you that I have been  
4 working on this for 15 years.

5 I want to commend you for the open  
6 process that we have had all during that time,  
7 our open process on developing the  
8 Comprehensive Plan, and the open process that  
9 you've allowed for the various zoning and  
10 implementation parts.

11 I think it was great that you provided  
12 this document on line in May of this year. I  
13 believe there was another version that was  
14 available for people to review last year. So,  
15 I want to thank you for that openness so that  
16 people can be informing themselves if they  
17 wanted to.

18 I appreciate, Nan, that you explained  
19 to us in the last meeting that we shouldn't  
20 treat this like a novel, and read it from  
21 beginning to end; that if we really want to  
22 get the meat out of it, we jump to the parts  
23 that mean the most to us.

24 As you going through the next parts  
25 and hearing people, I just want to remind you

1 about the balance that we struck with the  
2 Comprehensive Plan, and the balance that we  
3 struck with the version that was presented to  
4 you last year.

5 It's important, I think, for people to  
6 be able to have home-based occupations, for  
7 people to be able to make money in their  
8 homes, whether it's through Airbnb or  
9 bed-and-breakfast, or if I want to have a  
10 landscaping service out of my home. I  
11 appreciate the fact that I live next to people  
12 that have home-based businesses, and so I am  
13 hoping that those parts still are maintained.

14 I live next to a painter, there's a  
15 landscaper down the road -- you know, those  
16 people are members of my community so I know  
17 where to go for help. So, as you are moving  
18 forward, continue to think about the balance  
19 that we struck when we developed the  
20 Comprehensive Plan; and the balance that we  
21 struck when we developed the zoning that we  
22 handed off to you last year.

23 Continue to think about people that  
24 may need to make money because it is getting  
25 to be a lot more expensive to be here. The

1 taxes are going up. Some people need to  
2 Airbnb to actually afford those taxes. So,  
3 please keep that balance in mind. And think  
4 about people that -- they were born here,  
5 maybe they want to stay here, be near their  
6 family, be a part of the community, and just  
7 think about that balance. I will leave it at  
8 that.

9 SUPERVISOR LULL: Thank you, Randi.

10 (APPLAUSE.)

11 SUPERVISOR LULL: Wendy P. Carroll.

12 MS. CARROLL: Hello.

13 My name is Wendy P. Carroll, and I  
14 live in the village. I am here to express my  
15 concern that although much of the proposed  
16 town code is valid and fulfills the  
17 Comprehensive Plan's intent, there are  
18 proposed prohibited uses on all town roads  
19 that are not consistent with the intent of the  
20 plan.

21 The Zoning Implementation Committee  
22 worked long and hard to establish guidelines  
23 consistent with the plan's intent. Such  
24 prohibited uses on all town roads were never  
25 included in any of the draft use tables.

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The Town Board added these prohibited uses at the final stages, in an effort to compromise with powers that fought loudly and insistently to protect their dirt roads with claims that such uses were intense and would destroy the rural character of their town.

I strongly believe that horse-related activities with similar impacts can coexist with the proposed prohibited uses while maintaining our rural character.

Just out of curiosity, to see the impact, I made this map, and all the red zones on our town are the prohibited use areas. These are our town roads. Roughly, I will show you guys --

SUPERVISOR LULL: Please show it to the Town Board.

MS. CARROLL: Here we go. There's roughly 1,786 parcels, almost 88 percent of the town will be impacted by these over-restricted regulations. The plan clearly states recommendations to preserve the rural character of our town, while balancing growth and protecting our quality of life.

Nowhere in the plan are there any



1 recommendations to prohibit uses such as day  
2 camps, health clubs, membership clubs, outdoor  
3 commercial recreation, facilities, et cetera,  
4 on any town roads.

5 The Comprehensive Plan does include  
6 Goals, such as places for our children  
7 to engage in our natural environment, homes  
8 for our elders, in close proximity to their  
9 families and friends, and states:

10 *Recreational facilities compliment our rural*  
11 *character.* The plan does not prohibit such  
12 uses. The plan encourages uses such as that.

13 I also find it extremely challenging  
14 to understand the difference between the  
15 town's paved road and a county's paved road,  
16 other than the obvious distinction of  
17 ownership -- distinction without a difference.  
18 Why will someone on a county paved road be  
19 allowed a use, when someone three houses away  
20 on an adjacent paved town road, will not be  
21 allowed the same opportunity? Each one of  
22 these roads are different. Each site is  
23 different. And rather than blanket  
24 regulations, I think we should consider each  
25 site.

1                   Explicit recommendations to protect  
2                   and to preserve the rural character of the  
3                   town are included in the infrastructure  
4                   section of the plan. The list is long, and  
5                   due to time constraints, I will mention a few.  
6                   None of them include proposed prohibited uses.  
7                   Roads remain rural and design of maintenance,  
8                   institute rural road standards that will  
9                   maintain rural character. Develop and use  
10                  contact sensitive design standards for new  
11                  roads built in Chatham which are recognized  
12                  nationally for their flexibility and ability  
13                  to preserve rural character.

14                  When I questioned the reason behind  
15                  the overly-restricted prohibited uses, I was  
16                  told, as far as the Town Board goes, the  
17                  choice became, limit the high impact uses or  
18                  prohibit them all together; thus, the  
19                  compromise. Surely, you would not want to see  
20                  those uses eliminated all together. No, I  
21                  would say that the uses should be based on a  
22                  case by case basis according to each use and  
23                  each site.

24                  I was told the number one response  
25                  from the people was protect road character,

1 and close behind, was protect open space --  
2 yes. But the prohibited uses as proposed  
3 would not, with rural road standard and  
4 adequate review processes, destroy our open  
5 space and rural character.

6 In addition, I was told, as one of the  
7 members of the steering committee that  
8 completed the plan -- I'll be finished in just  
9 a minute -- I can assure you, we were told,  
10 more than once by committee members living on  
11 dirt roads, that they would lay down in front  
12 of the road paver before they let their road  
13 become blacktopped -- they were not kidding.

14 Is this the real impetus for such  
15 heavy-handed prohibitive regulations? A  
16 threat. And why, at the last minute, were the  
17 prohibited uses included at all? The proposed  
18 zoning can and should move forward without  
19 such misguided and special interest s  
20 influencing prohibited uses on all town roads.

21 To justify these restrictions as  
22 maintaining the rural character is nothing  
23 less than unconscionable and an obvious  
24 attempt to placate certain members of the  
25 community at the expense of the entire town --

1 and most definitely, not in compliance with  
2 the intent of the Comprehensive Plan.

3 Thank you very much.

4 (APPLAUSE.)

5 SUPERVISOR LULL: Wendy, can you enter  
6 that?

7 MS. CARROLL: I can enter it, a longer  
8 version with all the recommendations from the  
9 town about the rural road standards.

10 SUPERVISOR LULL: Thank you.

11 Cindy Bobseine.

12 MS. BOBSEINE: Cindy Bobseine,  
13 B-o-b-s-e-i-n-e.

14 I have been a resident of the town  
15 since 1978. I do live on a unpaved road, and  
16 I love Chatham. I want to just start out  
17 reiterating what some other people had said  
18 about -- I realize how much work and time and  
19 effort has gone into this by this group of  
20 people and by many people in the audience; and  
21 I know it's been a real labor of love, and I  
22 appreciate it very much. I know there's lots  
23 of intense feelings about things, and there's  
24 been some difficult conversations so,  
25 hopefully, at the end of all of this, we can

1 agree on the majority of what's going on.

2 I really only want to talk about two  
3 aspects of the plan. The first one is the  
4 roads. I know that the discussion of the  
5 committee that was working on all of this over  
6 the last six months began to really look very  
7 closely at roads as -- almost as an overlay  
8 for the town. It's the way I understand it.

9 As a category of reality that could be  
10 taken into account in terms of what would be  
11 acceptable or not acceptable, which would be  
12 zoned in or zoned out, looking at the first  
13 page of the plan, which talks about general  
14 provisions, which I know is based on the  
15 Comprehensive Plan and that this document --  
16 as I understand it, this proposed zoning  
17 document is an interpretation of the  
18 Comprehensive Plan that has, as Nan has said  
19 many times, kind of, the meat on the bones of  
20 how do you get there, how do you get a  
21 community that was talked about in the  
22 Comprehensive Plan, in the day-to-day  
23 regulations and laws that govern this town.

24 So, as we go to the first page, I am  
25 going to further purposes of the plan, number

1 7, to maintain low volume and rural town  
2 roads, minimize adverse traffic impacts and  
3 insure the town has quality, aesthetically  
4 pleasing and safe roads and pathways.

5 I guess, for me, in listening to some  
6 of the comments that have been made so far, I  
7 hear two things, at least. One thing is that  
8 development in the town and the rights of  
9 people who own property, to use their property  
10 to have a business to make money, should be  
11 preserved in some way. I don't disagree with  
12 that.

13 On the other hand, I think that if you  
14 allow or -- basically, if you allow all things  
15 in all places, the town will become  
16 homogenized, and we lose a lot of the rural  
17 character of the town -- and that is something  
18 I really don't want to happen in Chatham. I  
19 think that the variability in the town is  
20 wonderful. I think there's, what I would hope  
21 is if something like this plan is put into  
22 place, it would serve as a guide to people who  
23 want to move to the area, to know this is  
24 basically what you are moving into. Look  
25 for -- if you have an idea about a particular

1 kind of development, look for the kind of  
2 property where you can make that development.  
3 Don't buy a property and then say: *Hey, I own*  
4 *the property, I should be able to do whatever*  
5 *I want here.* So, I like this in terms of a  
6 more planned growth. So that's about the  
7 roads.

8           The second thing I want to talk about,  
9 just a little bit, is the issue of short-term  
10 rentals, and as I read through the plan, it  
11 feels to me like it doesn't totally hang  
12 together. First of all, we have  
13 bed-and-breakfasts, and we have agritourism  
14 bed-and-breakfasts, and they have very  
15 specific regulations about how they are run,  
16 how the owner has to be there -- that it's a  
17 much more -- I'll call it a supervised  
18 temporary housing. And then we have  
19 occasional short-term rentals which I don't  
20 see a definition for and commercial short-term  
21 rentals. And in looking at the regulations  
22 for the commercial short-term rentals, what I  
23 take from that is that that is clearly -- that  
24 could be construed, the way I read it, as an  
25 opportunity for someone to come into Chatham,

1 to buy a property with the specific intent of  
2 turning it into -- essentially a full-time  
3 rental -- not exactly a hotel but basically  
4 they can advertise it, they can rent it  
5 frequently. There are permitting issues,  
6 there are regulations, but my concern is that,  
7 especially in certain areas of the town, that  
8 we would have a, essentially, a residence, a  
9 house, which then becomes frequently rented  
10 and I -- if it were on my road, I would have a  
11 problem. I wouldn't know my neighbors. I'll  
12 leave it at that. Okay. Thank you very much.

13 SUPERVISOR LULL: Thank you very much.  
14 Bob Linville.

15 MR. LINVILLE: Good evening, all. I'm  
16 Bob Linville. Theresa knows how to spell my  
17 name. I live in Old Chatham on Route 13. I  
18 will pick up on some of the comments we have  
19 heard earlier. First, as to legislative  
20 process that you are following of giving us on  
21 the web, 13 days ago, a final text of the  
22 Comprehensive Plan -- and I side with Mitch  
23 Khosrova in saying that it's really impossible  
24 to analyze it in such a short period of time  
25 and make pertinent comments tonight.



1 I have had legislative experience in  
2 Albany. I was on the ZIC myself for a number  
3 of years. I would say to you that the process  
4 followed in the Assembly and the Senate with  
5 new statutes, new laws, is to place the old  
6 law side by side with the new provision or  
7 insert the new provision with X-outs in the  
8 old law to show exactly, a reader, how there  
9 is a change to be made.

10 (APPLAUSE.)

11 New material, of course, has nothing  
12 to compare with and it stands alone; but the  
13 analysis by the town residents of this new  
14 Zoning Law is impossible with the text that  
15 you have presented us. Absolutely impossible.  
16 There's no cogent analysis possible for 182  
17 pages in the absence of comparison of what  
18 went on before.

19 I am not going to get into the  
20 nitpicking or micro issues here. There are  
21 many of them that need to have careful thought  
22 as to whether or not they're appropriate in  
23 this town. I had this strong feeling, as I  
24 tried to read 182 pages or so, that much of  
25 this was a draft from another town, just in

1 bulk, big chunks from other places that are  
2 not like Chatham, as though there's a template  
3 for a Zoning Law which got cannibalized for  
4 us. And I think that ignores the uniqueness  
5 of our town and tries to stuff us into a mold  
6 where we don't belong, a mold of some other  
7 place than Chatham.

8 Now, I will say also, and I won't  
9 belabor this, that my sense in reading it, is  
10 that it ignores all the residents of the town.  
11 In large measure, it's a play to specific  
12 groups within the town. It is almost as  
13 though Chatham is becoming a play thing or a  
14 toy for people from far away; and that ignores  
15 the residents of the town, which I have great  
16 opposition to.

17 So, I recommend that the legislative  
18 process that's time-honored in the state be  
19 followed here, with comparison of text, and  
20 more time, as Mitch asks, for careful  
21 deliberation of the changes that we apparently  
22 have already voted to promote.

23 Thank you.

24 (APPLAUSE.)

25 SUPERVISOR LULL: Donal Collins.

1 MR. COLLINS: Donal Collins, Bee Farm,  
2 108 River Road, Chatham. At the end of the  
3 CPIG meetings, there was a strong push from a  
4 small group of people about placing the zoning  
5 on the surface of the roads. I just wanted to  
6 reiterate, the Comprehensive Plan directs you  
7 to steer zoning towards your poorer soils,  
8 which are irrespective of road surfaces, and  
9 even zoning distance for that matter.

10 Also, I wanted to talk about the use  
11 tables. Anything not listed as prohibited --  
12 there are new enterprises being born every  
13 day; and prohibited is very strong language, I  
14 believe, to say if it is not listed, it's  
15 prohibited.

16 As far as what Randi said, I'm sorry  
17 for being redundant, but ancillary incomes in  
18 some of these zoning districts -- if I have a  
19 skill set and I live in RL2, if I can do  
20 something in my garage to support my family,  
21 that I have to start going through hoops of  
22 Special Use Permits, and making it more cost  
23 prohibitive to get that intermediate home  
24 occupation, it might deter me from doing it  
25 and providing extra income.

1                   A small comment on the noise  
2 ordinance -- I haven't read the most recent  
3 one, but it seems quite draconian.

4                   Just another comment on what I heard  
5 earlier about the appeal of rising real  
6 estate, rising property values. I don't  
7 believe that should be the ethos of this town.  
8 We are a diverse community. The Comprehensive  
9 Plan celebrates a traditional rural  
10 lifestyle -- not polishing it to make it the  
11 most appealing for the real estate market.

12                   Actually, if you look at the  
13 appendices of the Comprehensive Plan, we have  
14 the SWOT acronym, strengths, weaknesses,  
15 opportunities and threats; and the influence  
16 of real estate agents is actually listed as a  
17 threat in the housing subsection by the  
18 Comprehensive Plan. That's all I have to say.

19                   I would like to thank Randi for her  
20 work and other members of the committee, Van.  
21 And that's it. Bob, you too. Let's maintain  
22 a you traditional rural lifestyle.

23                   Thank you.  
24                   (APPLAUSE.)

25                   SUPERVISOR LULL: Emily.

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MS. ZISKIND: Hi. Linda Ziskind,  
Z-i-s-k-i-n-d. I live in Chatham, and I lived  
here since 2000; but I was born and raised on  
a chicken farm in rural New Jersey, so I do  
understand farming communities and rural  
communities.

I want to thank the board, the people  
who developed the Comprehensive Plan. I was  
so impressed when I found out I moved to a  
community that had the development of a  
Comprehensive Plan that interviewed people in  
the town and took into account residents'  
input. It was a multi-year process, and it  
was kind of amazing to understand the work  
that went into it and the work that's gone  
into creating zoning laws out of the  
Comprehensive Plan. So, for that, I thank  
everyone involved. And we are lucky to live  
in a place where that happened.

What I want to talk about is also the  
short-term rental issue. And I understand  
peer-to-peer economy has opened up a lot of  
opportunities for people, one on one, to  
create businesses, and it is a way to bring  
more income into families; and I think that's

1 just great. Unfortunately, it also creates a  
2 new set of issues because nobody has  
3 encountered these things before and nobody  
4 knows what the laws around them should be, and  
5 how they can adversely affect communities, and  
6 what you can do to make it fair to both people  
7 operating these things and the communities in  
8 which they're situated.

9           Fortunately, we are not the only  
10 community in the country, or for that matter  
11 in the world, that this is happening in. It's  
12 happening all over the world, and there are  
13 people who have studied it all over the world,  
14 in cities, in small little communities  
15 everywhere. There's a man called David  
16 Wachsmuth. He's an assistant professor at  
17 McGill University, School of Urban Planning.  
18 He studied Airbnb rental practices around the  
19 world, in cities and communities throughout  
20 the United States and Europe. And he has  
21 found that there's two big issues. One is  
22 taxes. It's an off-the-books, kind of,  
23 economy thing; and the other is the impact to  
24 the community. Is it going to be a short-term  
25 rental that's done in the spirit of a B-and-B,

1 where you rent out a room occasionally to  
2 people, or is it someplace that somebody  
3 buys -- for simply revenue generating  
4 purposes -- doesn't live there, doesn't even  
5 live in the community and rents it out.

6 In fact, in Boston today, more than  
7 70 percent of the Airbnb listings are operated  
8 by outside professional companies who buy  
9 apartments and homes, and list them on the  
10 Airbnb market. What Wachsmuth discovered was  
11 that Airbnb has been happy to cooperate with  
12 regulators about collecting taxes in order to  
13 level the playing field with hotels and other  
14 service businesses like that, but they'll  
15 resist attempts -- until recently, have  
16 resisted attempts to restrict how much  
17 activity is allowed -- which means that many  
18 places where short-terms rentals are illegal,  
19 guests are instructed to lie and say they're  
20 friends of the landlord, and herein lies the  
21 problem.

22 Short-term, whole home Airbnb rentals,  
23 where the owner doesn't live on the property  
24 or even in the area, are an entirely different  
25 proposition than subletting one's home for

1 months or years at a time. It's different  
2 than inns, motels and hotels, because they all  
3 have the protective presence of staff, and  
4 bed-and-breakfasts, and many Airbnb have  
5 owners present.

6 But that's not the case with whole  
7 home short-term rentals. Whole home Airbnb  
8 rentals find groups of strangers, showing up  
9 weekly, or even daily, which only brings a  
10 high possibility of noise, disturbance,  
11 quality of life issues, and even security  
12 issues. And for the properties that offer  
13 whole -- short-term whole home rentals  
14 full-time, the probability of issues arising  
15 becomes even higher.

16 I encourage the Town Board and the  
17 zoning committee of Chatham to preserve the  
18 intent of residential rural area zoning and  
19 take steps to regulate Airbnb or any  
20 short-term rental through methods. And again,  
21 there are best practices that other  
22 communities have done, such as requiring hosts  
23 to register with the town to determine if they  
24 were operating in permitted areas.

25 Other communities have done this and



1 Airbnb is actually working with these  
2 committees to identify illegal listings.

3 So, thank you.

4 (APPLAUSE.)

5 SUPERVISOR LULL: Thank you very much.

6 Hilary Corsun.

7 MS. CORSUN: Hilary Corsun, I have a  
8 diversified farm in Old Chatham. And I also  
9 didn't get to read the whole thing, and would  
10 very much welcome the side by side document.

11 The main things, I was mostly focused  
12 on the agricultural components, and I was  
13 surprised -- first of all, Beth Anne laughs at  
14 how often I am in the Town Hall for the  
15 various permits we're already pursuing; and I  
16 guess I was surprised that there's no mention  
17 of scale when it comes to agritourism and  
18 other on-farm or other events that people  
19 might be having. It seems like a waste of  
20 everyone's time and resources, potentially for  
21 low income events, to have to go through  
22 the -- to go through some of these processes;  
23 including things like the day camp. We had a  
24 farm camp, and it was going to generate  
25 \$5,000, and we would have to go through the

1 45-day process and -- I don't know, just seems  
2 like it could be a poor use of resources.

3 And I think -- I was happy to see the  
4 45-day process articulated. I don't know if  
5 that's new, but in terms of being able to  
6 pursue the modified site plan reviews, that  
7 felt -- at the upper end, that felt  
8 reasonable, but I wouldn't want it to be any  
9 longer than that. And if processes like  
10 putting in a farm pond could be expedited in  
11 some way, I think that would be appreciated.  
12 That's all I have for now.

13 Thank you all for the work you are  
14 doing.

15 SUPERVISOR LULL: Thank you.

16 MS. UHLER: Heather Uhler. I am a  
17 resident of Old Chatham. I have three  
18 daughters in the Chatham School District, and  
19 I grew up in North Chatham, so I am pretty  
20 much a life-long resident.

21 I'd like to thank you for all the hard  
22 work you have done in observing the rights of  
23 farmers and our farmlands and this agriculture  
24 community that I hope to pass down to my own  
25 children eventually, so that's very important.

1 I want to address the large  
2 commercial, residential -- large commercial  
3 use of residential properties. I don't really  
4 think the issue, as some people have stated,  
5 is just renting a room in your home. I think  
6 the issue is whole homes with absentee owners  
7 that are coming in and renting out homes for a  
8 minimum of three-day blocks, for 500-plus  
9 dollars a night. These people aren't here  
10 more than a few times a year, and they are  
11 clearly -- also, these people tend to have  
12 more than one residence that they're doing  
13 this with. Myself, I have one residence, so,  
14 you know, it means a lot to me that I know my  
15 neighbors and that there isn't that transient  
16 population with buses of 20-plus people coming  
17 in and out of my street, pulling into my  
18 driveway at 10 p.m. and unpacking and asking  
19 if they arrived. And I think there's got to  
20 be some kind of restriction placed on this  
21 type of activity. So, thank you very much.

22 (APPLAUSE.)

23 SUPERVISOR LULL: I think this says  
24 Adele Bruno.

25 MS. BUENO: Adele Bueno, B-u-e-n-o.

1 I am one of those bad guys that have  
2 been renting Airbnb -- and not only Airbnb,  
3 also VRBO -- that's Vacation Home Rented By  
4 Owners. That's been on the market for more  
5 than 20 years.

6 I came to Chatham, but I came to  
7 Chatham to visit someone, and I completely  
8 fell in love. I came in August. In December,  
9 I came and bought a house because I wanted to  
10 retire here. I just love the whole community.  
11 I employ three people to take care of my home.  
12 I do have staff that's 24 hours taking care of  
13 the home when I have guests.

14 I do rent the house. 59 percent of  
15 the people that I rent is people that left  
16 Chatham and came back to visit families.  
17 Holidays is always rented for families of  
18 people that leave here to come back for  
19 Thanksgiving or Christmas. I just -- we are  
20 not bad people.

21 I really want to move here but if I am  
22 fortunate -- fortunately, I have  
23 grandchildren, and we have made a goal that we  
24 are not moving here until our granddaughter  
25 goes to kindergarten -- that's going to be in

1 the next four years. But my house is taken  
2 care of wonderfully -- the grounds, the house,  
3 and I only it rent for families. We should  
4 not be penalized because we cannot live in the  
5 house.

6 I do come for summers; I spent the  
7 whole summer here. And I do rent the house,  
8 most times, in the winter. I think you guys  
9 all should see the other side. The  
10 people that -- I did not come here to be  
11 labeled a bad person. I came here to have a  
12 home, to take care of my home, but  
13 unfortunately I cannot -- I cannot afford to  
14 just keeping the home sitting there until I  
15 can move.

16 Regulations from the town would be  
17 fantastic and welcome. That's all I have to  
18 say.

19 (APPLAUSE.)

20 SUPERVISOR LULL: Jean.

21 MS. ROHDE: Jean Rohde, and I have  
22 lived in Chatham for about -- I don't know, 45  
23 years or so. I was on the original plan  
24 committee, and I am so glad everybody is here  
25 because I can't tell you the number of times

1 we sat at a meeting and said: *We have to*  
2 *discuss this and that and the other thing, and*  
3 *we have our ideas, but what about the other*  
4 *people?* How many times did I say that, Bob?  
5 I am just glad.

6 I have been listening to the comments  
7 here, and my reading of the plan and the  
8 comments I have read in the minutes and in the  
9 paper, and I think we have had some excellent  
10 ideas. I think some of the ideas that we  
11 had -- well, for instance, when we started the  
12 plan, nobody knew whether it was an Airbnb --  
13 so you have had to add those things as we have  
14 gone along.

15 I agree that we need a little bit more  
16 time to contemplate and digest, and we have  
17 been -- some of the ideas we heard tonight,  
18 along with what we are hearing from other  
19 people.

20 So, I just thank everybody for their  
21 ideas and for coming.

22 (APPLAUSE.)

23 SUPERVISOR LULL: Scott.

24 MR. STOCKMAN: Hello. Scott Stockman,  
25 S-c-o-t-t S-t-o-c-k-m-a-n. I actually live

1 in the Town of Stuyvesant, but I am a property  
2 owner in the village. This whole thing is,  
3 kind of, new to me, unfortunately; but I  
4 wanted to point out a couple things quickly.  
5 One was the point that Mitch made about  
6 iterations of the plan and putting the onus of  
7 trying to determine what has changed from one  
8 iteration to the other. Putting that onus on  
9 the public is, kind of, a bit of a tough  
10 thing. It would have been much better if --  
11 Microsoft Word has a little button that says,  
12 *Track Changes* on it, of which the comments are  
13 made, you can see exactly how a document was  
14 changed -- having that document available to  
15 the public would be very helpful to the  
16 public; or at least a memo of the changes  
17 that -- between one iteration to the next  
18 would be very helpful.

19 The other thing I wanted to mention  
20 was -- Wendy brought up the point that a bunch  
21 of prohibited uses were added in one of these  
22 iterations. If what she has here is correct,  
23 which I am assuming that it is, because she is  
24 a very intelligent woman, some of these uses  
25 don't seem very intensive.

1                   And the town itself has a Planning  
2 Board which, ideally, if you have faith in  
3 your Planning Board, they should be able to  
4 take an individual project, be able to  
5 evaluate it on its individual needs, and on an  
6 individual basis, and be able to determine,  
7 based on the Comprehensive Plan and the zoning  
8 that you have, whether it is an accepted use  
9 or not. And they can pass it or not pass it.

10                   So, as a taxpayer in the town, my fear  
11 is that spot zoning like this, and adding  
12 these prohibited uses, as Mitch pointed out,  
13 is going to invite lawsuits which, in turn,  
14 invite lawyers to charge the town a lot of  
15 money, which, in turn, invites the town to  
16 raise my taxes. So, those are the two things  
17 I wanted to mention.

18                   I appreciate your time. I thank you  
19 for listening to me.

20                   (APPLAUSE.)

21                   SUPERVISOR LULL: Elizabeth Marks.

22                   MS. MARKS: Hi, everybody. Elizabeth  
23 Marks, M-a-r-k-s. I am a resident of Chatham.  
24 I just really appreciate everyone's work, and  
25 I know everyone in this room, really, just



1 wants to preserve the rural character of  
2 Chatham, and I don't have all the answers, but  
3 I appreciate people working on it.

4 We have a property, tax crisis in New  
5 York, and it is really hard to make a  
6 full-time living in Columbia County. My  
7 property taxes alone are 13 percent of my  
8 gross income -- not my adjusted gross, but my  
9 gross. It's probably worse for adjusted  
10 gross. And Airbnb has been a Godsend to me.  
11 It is the sole reason I have been able to keep  
12 my home. I mean, there are some people in  
13 this room who have sat with me when I sobbed  
14 when I first got my first property tax bill  
15 because I didn't know how I was going to pay  
16 it. And I believe that Airbnb and VRBO has  
17 been a tremendous economic boon to this town.

18 I have been shocked at how many people  
19 have come, who come to my Airbnb, who just  
20 want to hang out here, and they're spending  
21 money, and they're, you know, keeping the  
22 restaurants and businesses that I can't always  
23 afford to shop in, but I'm glad that they're  
24 here. They're keeping them in business. So,  
25 I am opposed to all the regulations. I mean,

1 in truth, they're probably just going to be an  
2 annoyance for me. I can continue to operate  
3 because I can fall within them but I am  
4 against them because, one, I think they're  
5 restricting business in the town; and, two, I  
6 really feel like, as long as I am complying  
7 with health codes, as long as I'm complying  
8 with disturbance laws -- and I read the  
9 disturbance laws, they're pretty specific,  
10 they're pretty measurable. They apply to  
11 short-term rentals, long-term rentals,  
12 residents and part-time second homeowners; but  
13 don't tell me how to -- that I can't --  
14 restrict my ability to make money on my  
15 land -- as long as I am complying with those  
16 rules that everybody else is complying  
17 against.

18 I don't like the limit of ten people  
19 and three cars. There are people, like the  
20 woman who spoke before me, who, you know,  
21 hosts -- have houses available for family  
22 reunions.

23 And I don't like the requirement that  
24 short-term rentals be inspected and have to  
25 pass building code, which will prohibit

1 anybody with an older home -- I mean the  
2 building codes are very strict. Again, my  
3 house will pass fine, it just did, but anybody  
4 who has an older home, or anybody who is  
5 offering an alternative accommodation, such  
6 as -- you know, like a tree house or whatever  
7 that they want to put on their property that  
8 people want to come and pay for to stay at.

9           So, I just urge everybody to really  
10 look at that issue. Make sure if you do put  
11 in regulations, that it is going to give you  
12 the desire that you want, the end result that  
13 you want; and I don't think these regulations  
14 do.

15           And I just also question, why are  
16 short-term rentals targeted, and not long-term  
17 rentals?

18           And then just one other little beef I  
19 had was the garbage cans -- bringing in  
20 garbage cans after 24 hours for short-term  
21 rentals; but also bringing in garbage cans  
22 after 48 hours for other folks. I don't know  
23 if there's a single person in here who hasn't  
24 been guilty of that. So that might be a  
25 nightmare to enforce.

1                   Anyway, thank you for your time; and I  
2 appreciate the opportunity to speak.

3                   (APPLAUSE.)

4                   SUPERVISOR LULL: Ric Werwaiss.

5                   MR. WERWAISS: Ric Werwaiss,  
6 W-e-r-w-a-i-s-s. I live in North Chatham. I  
7 was at the first meeting, starting of the  
8 Comprehensive Plan and have been involved, to  
9 involving degrees, ever since. And one thing  
10 that I try to keep in mind through this whole  
11 process was, we haven't changed zoning since  
12 1972 -- the original zoning, the zoning we  
13 took from somewhere on Long Island and tried  
14 to retrofit here.

15                   Having been through the comprehensive  
16 planning process, saw how long it took to get  
17 to this point, I want to remind everybody that  
18 what we are looking at is probably going to be  
19 the zoning in this town for decades.

20                   Those are the odds. So, a couple of  
21 points about that, that I want to say. So,  
22 when you talk about the Planning Board,  
23 remember that this document is not for the  
24 Planning Board we have today. It is for all  
25 the Planning Boards going forward for quite a

1 while, in all likelihood. So, those of you  
2 who are finding it a little too prescriptive,  
3 keep in mind that the Town also has -- and  
4 taxes have come up -- has to keep in mind  
5 expenses. And having worked on the road  
6 aspect of this, I can tell you that the cost  
7 of roads was a very high level discussion,  
8 front of mind topic throughout the entire  
9 room's discussion. We have routes in this  
10 town that were designed for traffic.

11 We have roads -- which the town owns,  
12 and only one of which, Rock City Road, is  
13 really designed for traffic at this point.  
14 The rest of them are just designed to get  
15 people to their residences, or farmers to  
16 their properties. That's how they were built  
17 originally, that's how they have been  
18 maintained ever since.

19 To change them because zoning wasn't  
20 prescriptive enough, and a Planning Board, ten  
21 years from now, said: *Oh, what the hell, go*  
22 *ahead* -- means you are going to have to  
23 regrade, pave that road, and you are looking  
24 at big bills on a road that wasn't designed  
25 for that.



1 TO ADJOURN, ALL IN FAVOR.)

2 SUPERVISOR LULL: Thank you.

3 (APPLAUSE.)

4 (WHEREUPON, THE ABOVE PROCEEDINGS  
5 CONCLUDED.)

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**CERTIFICATION**

I, THERESA C. VINING, hereby certify and say that I am a Court Reporter and Notary Public within and for the State of New York; that I acted as the reporter at the Public Hearing herein, and that the transcript to which this *originally-signed certification* is annexed, is a true, accurate and complete record of the minutes of the Public Hearing to the best of my knowledge and belief.

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THERESA C. VINING

DATED: August 10, 2018