

Checklist of Potential Changes/Discussion for Town Board

REF = Reference, no action
 YES = proceed with draft code modification
TBD = To be discussed by the town board

	Reference	Topic	Board Decision Yes/No
1	Pg 40	<p><i>WEDDING RECEPTION, PARTIES, OR PRIVATE EVENT FACILITY - A commercial activity at a location where events are held, including but not limited to weddings, parties, meetings, family reunions, and corporate events. The event locations can include, but not limited to tents, gazebos, barns, open areas, and residential or commercial structures. Events for which the owner or operator of the venue receives no fee or other remuneration in connection with the event and no fees are charged to attendees shall not be considered commercial events. Similar events held by not-for-profit organizations by and for their membership shall not be considered commercial events.</i></p> <p><u>Commercial</u> Wedding Receptions, Parties and Special Events as part of Farm Operation <u>(does not include private weddings, parties, and special events)</u></p>	YES
	Use Tables Page 66:		
	Use Tables Page 66:	<p><u>Commercial</u> Wedding Receptions, Parties and Special Events not part of Farm Operation <u>(does not include private weddings, parties, and special events)</u></p>	YES
	Table 2	Review use table and other locations and add 'commercial' where needed – for example auto repair to ensure there is no confusion between private use and commercial use	TBD
2	§180-52-B	Feed lots, fenced runs, manure storage facilities, pens and facilities of similar intensity used for animal raising and care shall be set back at least 100 feet from the boundary line of any neighboring property <u>(excluding pastures, meadows, and paddocks)</u> and from any stream banks, unless the stream is located in a pasture.	YES

3	§180-52-C	<p><i>Temporary roadside stands for sale of agricultural products shall be permitted if:</i></p> <p>(1) They are set back at least 50 feet from the center of the road 20 feet back from the public right-of-way;</p> <p>(2) Parking spaces are set back at least 50 feet from the center of the road 20 feet back from the public right-of-way;</p>	YES
4	§180-41-E	<p>(1) All home occupations shall be owner occupied by a person living on the property in which the owner person must be in residence to operate the home occupation. The residence used for a home occupation shall be the domicile of the owner person operating the business.</p>	YES
5	§180-58-M	<p>M. Theater (1) There shall be a minimum of 10 acres.</p> <p>(2) No facility shall be approved for greater than 100 seats, regardless of whether indoor, outdoor or any combination thereof.</p> <p>Note: Eliminate 180-58 M. Modify 180-58 U #2 As follows: Must Encouraged to be in an existing structure.</p>	YES
6	Use Tables Page 66:	Museum, art gallery, theater or cultural facility, nature center/ecology outdoor: change from "X" to "SUP" in RL1, RL2, RL3	NO
7	Pg 16	DOMICILE - A person's fixed, permanent, and principal home for legal purposes and which is physically occupied by the owner for the purposes of living there at least 160 90 days per calendar year. For the purposes of this definition, "Domicile" is distinct and different from "residence." As is often noted by courts and commentators, a person may have many residences, but can have only one domicile. Property used for Class 2 or 3 short-term rental use must be the domicile of the property owner.	TBD
8	180-41 (F)(2) pg 22	Fix discrepancy between # employees allowed for major home occupations (should be 4 or 5, but not both) Change to 5	YES
9	180-34 (5) (q)	Remove requirement to have porches in new construction in hamlet	YES
10	180-51 pg 168	Clarify location of parking of RVs, boats, etc.	TBD

11	180-36	<i>Accessory Structures</i> Remove maximum of 2 accessory structures and instead allow for more provided the 30% lot coverage is not exceeded and all setbacks are met.	YES
	(D)(3) pg 132		
	(D)(1) pg 132	Remove 1 floor height restriction for accessory uses and allow to have the same height as allowed for all other uses (35') (Note - does not include farms)	YES
12	Definitions	Add definitions for: front yard, minimum yard, directly in front, glare, trademarked architecture, personal use, incidental occupation (or just incidental), significant increase in traffic	YES
13	180-49 pg 165	Review and significantly update noise section. Add a definition for 'impulsive noise" and remove the definition for "quiet zone." (NOTE: There is a definition but it may need modification.)	YES
14	(C) (2) pg 120	Clarify that screening would not need to be added for parking lots in front yards when associated with pre-existing commercial uses.	YES
15	Table 2	Add Travel Trailer Storage Facility (personal use) to Use Table. It is defined but not in Use Table and tie to it being an accessory building.	YES
16	Definition	Add space to format dwelling unit definition (Note: unsure what this means)(Simple formatting)	YES
17	180-31 C (1) pg 120	Remove requirement for 4' – 8' sidewalk in hamlet districts	YES
18	180-58 (j)	Add public/private firing range to 180-58 (j)	YES
19	180-31	180-31 C (7) clarify discrepancy between (B) and C (7) of this section – referring to whether a drive through is allowed or not. (NOTE: 180-31, 7(i) repair sentence. Change to be "In Business and Industrial zones where drive throug facilities are allowed, the shall be located at the side or rear of buildings...)	YES
20	180-58 (D) (6)	For Bed and Breakfast – remove the requirement that there can't be a separate dining room for paying guests.	YES

21	Table 2	Table 2 indicates that large (>700sf) accessory structures must go through site plan review. #11 above suggests we can allow for more accessory structures provided they meet setbacks and lot coverage rules. But 700sf is a large building and the principle is sound to require some review for that to make sure it meets setbacks, and other zoning requirements. Suggest that we create a flexible, expedited spr for accessory buildings of > 700sf that has lowered fee, 'may' for a public hearing at the discretion of the PB, sketch plan (not a survey), etc. so that it gives ability to ensure these are sited in a manner that doesn't cause issues, but that it is done flexibly and quicker – basically creating an abbreviated spr for these structures.	YES
22	Multiple places	Many places the law says no parking, accessory uses, or other activities in the front yard. In the hamlet this should hold true since we want to have shallow setbacks and houses moved towards the front. In the RL districts, this is less important. Suggest that we change those instances and allow parking or accessory structures in front yards provided the use/structure is set back beyond the front yard setback.	TBD
23	180-36 (Page 132 C (2))	Remove word 'altered' from the discussion. And on C (1), add word 'residential' before character as the goal is to retain the residential character of the structure, not necessarily the overall character of the building. (Note: Ok with concept but re-write the sentence.)	YES
24	180-36 A (1)	Requires an accessory structure used for a dwelling to be no more than 50' from principal dwelling. Remove this as the more important principle is to not allow subdivision of an accessory apartment so keep the third sentence.	YES
25	180 - 38 (2)	Regulates the height of an amateur antennae. The questioner poses that this is not allowed by Federal FCC rules. See my answer, but this is one the attorney can look into. I note that we did NO editing on the cell tower section so a more recent ruling by the FCC may have changed what was there originally.	YES
26	180-64 pg 203	Clarify the non-conforming building destroyed values and if footprint is not changed, can be rebuilt the same. (Note from Nan – I am unclear as to what the issue is here) (Note: look at Article 6 and consider longer term (3 years instead of 1) for fire situation in this article.)	YES
27	180-41 E(4)	Concern raised over requiring screening for parked cars associated with a minor home business. Consider removing this item.	YES
28	Definition	Discuss whether owner-occupied definition needs to be changed from 183 days to 160 days to be consistent with definition for Domicile. They are used in different contexts so might not be necessary. Discuss.	TBD

29	Definition	Amend the mixed use definition to clarify that a home occupation is not considered a mixed use as those are two different uses treated differently. (Definition for MIXED-USE - both residential and commercial uses are located in the same structure. All nonresidential uses in hamlets and business district in a mixed-use structure shall front the street.)	YES
30	180-41 F (2)	Clarify that the restriction of employees or contracts are for those on site on a daily basis – not all contractors that a business might need “... shall be employed or contracted with and located on a daily basis on the residential premises in the conduct of all home occupations thereon.” To address the need for additional contractors.	YES
31	180-58 (I) (1)	Remove (1) so that activities at the group home are not required to be 75 feet from property line. Group homes are treated as single family residence and should have the same requirements.	YES
32	Table 2	Membership club- now indicates that it is allowed in all districts as an SUP only if it is an adaptive reuse of existing structure. This implies that a membership club can only be used in an existing building, and further only when that is on a state or county road. Confirm this is what the Board intended.	TBD
33	Definition	Membership club – change to “a group of people organized for a common purpose to pursue common goals, interests, or activities on their own property that may or may not have a structure on it, and usually characterized by certain membership qualifications, payment of fees or dues, regular meetings, and a constitution and bylaws. An outdoor firing range is a separate use and shall not be considered a membership club in this local law.” This came up with a question of whether the hunt club is a membership club. We need to know more information regarding the Hunt Club. We do know it is a long established organization. It is a unique organization. I am not sure the how to classify the hunt club. If you feel it is, we can add a definition for hunt club and add it to the use table. Discuss.	TBD
34	180-32 Rural Siting Standards page	Consider removing: (g) Non-agricultural building exterior building walls shall not consist of plain, reinforced concrete slabs, mirrored glass, press-wood or corrugated steel.	TBD

35	Design Standards	Consider changing for rural, hamlet, and commercial design standards: These standards are mandatory for all uses in those districts and are in addition to those required in other sections of this local law and the Town of Chatham Subdivision of Land Law. To: Where the word 'shall' is used in these standards, the standard is mandatory. Where the word 'should' is used in these standards, the standard is encouraged but not mandatory.	TBD
36	Ag Buffers	Consider allowing for flexibility in the 200' buffer requirement for buffers when new development is next to active farmland.	TBD
37	Page 50	Table 1 – needs formatting to line up numbers with front, side, rear categories	TBD
38	Use Table	Change footers to have the same date as rest of document	TBD
39	18029	Clarify and simplify applicability of (A) so that it is clear that this does not apply to single and two family homes except in EPO and is oriented to commercial uses.	TBD
40	EPO 1	Needs clarification of what is 'should' or 'shall'. (C) (4) consider doing away with this one as it is not needed to meet the goals. Ensure that things that are 'to maximum extent practical' are identified as such and things that are 'shall' are too so there is no confusion.	TBD
41	EPO2	(B)(1) (a) shall vs should. Remove 1 (b); simplify and combine (f) and (g). Specifically discuss if you prefer to add this level of detail to guide PB and applicants as prescriptive or simplify and allow PB to make those decisions. These are items the PB shall evaluate, but the details could be removed to leave it up to the circumstances and Planning Board.	TBD
42	Kinderhook Lake	The H1 standards for lots, etc. don't really work in Kinderhook Lake. Long term this should be its own hamlet with its own standards. For now, create exceptions for setbacks and other requirements where needed because they won't work in Kinderhook Lake. Would need to find all those places in the zoning and make an exception. Language should be to name the roads in the H1 near Kinderhook Lake.	YES
43	STR	Address STR and abutting properties owned by the same person. STR is allowed 1 per parcel, but if someone owns more than one parcel and they are abutting, consider allowing them to use that 1 STR on any of those properties even if they don't live in that house. To do this we would also define 'abutting' to also included parcels immediately adjacent and	TBD

		across the street using the same language for abutting as found on page 98 (2).	
44	p. 169	Define the difference between "parked" and "storage."	TBD
45	Trash Bins	Review 180-40, p. 150 and consider adding "remove from the road shoulder" and discuss other changes.	TBD
46	p.165	Consider replacing the word "any" in this article and throughout the document.	TBD
47	Definition	Historic character - consider removing "deep rural setbacks"	TBD
48	Day Care	<p>Update Definitions and coordinate use of same terms in Use Table to allow for day care centers to be minor or major home occupations, and commercial day care center (not as a home occupation as full business operation:</p> <ul style="list-style-type: none"> • Child Day Care Center - Remove "Child" so this is a day care facility in a residence for more than 6 people • Family Day Care Home – Remove “Home” so it is Family Day Care – to refer to a day care facility in a residence with 6 or fewer people • Add definition for Commercial Day Care Center as a day care facility that is not in a residence and for more than 6 people. • Keep the P/SUP, same as now for each. <p>Minor Home Occupation - Replace "in-home day care" with "Family Day Care" and change "5" to "6"</p> <p>Major Home Occupation – Replace in-home day care operation with “day care center” and change “5” to “6”</p> <p>Use Table – make terms consistent:</p> <ul style="list-style-type: none"> • Use Day Care Center, Family Day Care, and Commercial Day Care Center • Discuss whether to remove the County/State Road requirement (# of trips/day increase impact) <p>180-58 (F) - Change title to read, "Day Care Center"</p>	TBD
49	Definition	Comprehensive Plan - consider adding length of time for review/update to the definition	TBD
50	Acc. Building	Use table: Consider changing the 50% to something greater (possible 125%) to compensate for a small primary residence.	TBD

	Comm.		
51	Day Camp	Use Table - discuss State and County road restriction. Remove?	TBD
52	Def	Add a definition for pervious surface (A surface that allows the percolation of water to the underlying soil)	TBD
53	180-32	Rural citing standards, C,4, d) change "concrete" to "permeable" to read (permeable pavers or crushed stone, for example)	TBD
54	180-29 C (1)	Planning Board wants to have site visit after their first meeting and 30 days is not enough time to do that. Change setting the site visit from 30 days after receipt of an application to after 30 days from sketch plan meeting.	TBD
55	180-29 C. (2)(e)	Planning Board feels 45 days is not enough time to ensure a decision could be made and that 45 days means an extra meeting would have to be held to meet that requirement. Consider changing rule that a decision has to be made within 45 days after deeming the application complete to either 62 days(like regular site plan) or language that gives flexibility such as "a decision has to be made as soon as possible but within 62 days" to convey sooner is better.	TBD