Questions and Answers Regarding the Proposed Town Code

Questions Submitted by Citizens and Answered by the Town Board

Submitted Questions	Important Facts and Town Board Answers
There are several questions that have been raised in regard to "grandfathering."	When there are zoning changes, sometimes uses that were once allowed are now prohibited. In such events, the prohibited use can continue as a legal non-conforming use, provided it was a legal use beforehand or pre-dated zoning. The use is "grandfathered" into the new zoning and permitted to continue. When zoning changes it does not necessarily mean you must do anything to your property. If some attribute about your property is legal under the current code and modified in some way in the new code that is prohibited, your property may be considered a "legal non-conforming" and it stays that way. So, when does it change? If you wish to do some other use or modification where the new code is applied, you will need to have a visit with the CEO and probably the planning board and they will examine your situation and advise accordingly. But there is no need for you to make any changes to meet the new code if you are not conforming now. Of course, if you do, thus conforming to the new code, that's good! But it is not a requirement.
In Hamlet design standards (d) means that if I want a flat roof because I like them it is too bad?	As can be seen, the language is permissive and does not prohibit flat roofs as the word "should" is used: (d) New buildings should have a roof shape similar in proportion, form and character to that which is present on the majority of the existing structures having frontage on the same corridor. Dead-flat roofs are generally inconsistent with the existing character of the Town and should be avoided, except where the size or type of the building requires a flat roof and facade variations and other architectural features can disguise the flatness of the roof.
HH. (1) Day camps and Campgrounds: (1) day camps shall only have access from a county or State Highway within the town of Chatham. Why not town or private roads?	Day camps and campgrounds will increase the volume on the road to the facility, which can best be handled by County and State roads as they are designed for increased number of trips.

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(3) There shall be a maximum of three roofed or otherwise enclose accessory structures, other than agricultural buildings, permitted on any lot. Of those roofed structures, only one accessory structure shall be a detached private garage. Does this mean that I cannot have a detached Greenhouse, a garden shed, a garage, a storage shed or barn, and a playhouse for the kids are my nine acres (RL2) property?	
180 - 13 what is the definition of minimum yard?	The town board will discuss adding a definition for minimum yard however you can find the dimensions for each zone in Table 1, p.50.
180 - 38 (2) Do you know that this is in violation of PRB-1-101 FCC 2d 952 (1985)?	This is the identical language to the current town code, 180-22.1 (2001). That language is in full compliance with the above stated citation. The entire existing telecommunications regulations previously adopted by the Town were incorporated into the zoning law, in whole. The likely topic of this question is: This section does not apply to citizen band, short wave and/or two-way radio antennas for ordinary residential or recreational use and shall be no more than five feet taller than any structure within the zone. The issue may be the limitation of amateur radio antennae not being allowed to be more than 5 feet taller than any structure within the zone. It is unclear, without analysis, what structures may exist in all zones and what their heights are. In fact, some districts may have silos that are very tall, and existing cell towers that are also very tall. This question relates to whether the Town can limit the height of amateur radio antennae. This was not reviewed by the CPIG as the existing regulations were incorporated in whole. The Town attorney can evaluate this issue.
U. Museum or other cultural facility in Hamlet districts (1) Buildings shall be no larger in size than 125 % the size of the adjacent buildings footprint and shall not exceed the size of the largest building in the hamlet. Parking shall be no more than 10% of the lot size. Why?	These requirements are used to help such facilities to fit appropriately in a Hamlet district. An applicant could always request a variance if their facility can meet the goal of blending with the adjacent buildings based on the circumstance.
Why was the definition of a "dwelling unit" removed from the proposed new zoning?	No, it's still there. You may have missed it due to a spacing issue which we will fix. It says: 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 dwelling units which may be in the same structure, and containing independent cooking, sleeping and toilet facilities. A dormitory, hotel, motel, nursing home, fraternity or sorority house or other similar building shall not be deemed to be a dwelling unit.

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180-26 EPO-2 Scenic Views/Ridgelines, B - Development Standards...It Makes sense to me that the plan and Zoning supports the avoidance of buildings on ridgelines. This maintains the natural and beautiful views across our Town that we all enjoy. However, how does the Town Board justify the above-listed, overly limiting and controlling, restrictions for architectural design elements? I see no justification for this and thus it should be struck from the zoning plan.	Please notice that the language is permissive and are guidelines: (d) Architectural Design. (1) Color and materials used for buildings should be compatible with the natural landscape. Earth tone colors and natural materials such as wood, natural brick, tile or earth tone concrete shingles are recommended. (2) The slope of the roof should be oriented in the same direction of the natural terrain and mirror the angle of the natural hillside. (3) Windows should be of low reflectivity, large windows should be screened by native trees, and upper floor windows should be smaller so as to reduce visual impact to the maximum extent possible.
O. Restaurant (1) Parking is not permitted in the front yard setback unless the parking area is adequately screened to mitigate negative visual impacts. Since, in most cases, the only available area for parking is the front area of a business, why is the town board thwarting this type of Enterprise in Chatham?	This is an individual standard for a special use. An applicant in this situation would be looking to open a restaurant, as allowed by the zone (H 1/2). This requirement is to help it blend appropriately in the hamlet zone. Existing restaurants already having parking in front would be allowed to continue in that manner. New restaurants would have to comply with such standards or seek an area variance from the ZBA if lot configuration wouldn't allow for side or rear parking.
Garbage Trash Bins. How will the 48 hours be documented and enforced? Neighbors reporting on neighbors?	Enforcement will be up to the Code Enforcement Officer. The following is the required procedure when a complaint is filed in all cases, not just trash bins: J. Complaints. The CEO shall review and investigate complaints that allege or assert the existence of conditions or activities that fail to comply with this Zoning Law. The process for responding to a complaint shall include any of the following steps the CEO may deem to be appropriate: (1) Performing an inspection of the property, conditions and/or activities alleged to be in violation, and documenting the results of such inspection; (2) If a violation is found to exist, providing the owner of the affected property, and any other person who may be responsible for the violation, with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner authorized in 180-66 (3) If appropriate, issuing a stop work order and/or compliance order; (4) If a violation that was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing the report with the

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	complaint; and (5) Notify the complainant about the outcome of any investigation initiated as a result of their complaint.
The table on page 66 says that weddings, parties and special events are prohibited unless part of a farm operation. How will this affect private homeowners having parties on their own land? How will this affect businesses hosting weddings, parties and special events if they are outside industrial or business zones?	The definition explains this type of facility. 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. We recognize some confusion here. This is meant for commercial facilities. We will add proper notation to the use table on page 66 to clear it up. It has no impact on a private landowner having a wedding, party or special event if it is not commercial (income making). This also does not apply to not for profit organizations also as shown in the definition. The Town Board can clarify this. There are currently no permitted facilities of this nature in our town. Thus, any new facility catering to these types of events would be required to be in the business or industrial zones. An existing, for profit business, having a recognized legal non-conforming use, that has been doing these types of events prior to zoning changes, would also be allowed.
Why are the number, size and species of trees on a lot a requirement of a certificate of occupancy issued, why coniferous trees preferred?	This refers to the Environmental Protection Overlay (EPO-2) Scenic Views/Ridgelines **only**. The specific language follows: (g) Landscaping. As a condition of approval, the area around each principal and accessory structure shall include at least one tree of a species with a mature height of at least 35 feet for each 2,500 square feet of lot or parcel area; provided, however, that this requirement shall not require any single-family residential lot to contain more than eight trees unless growing naturally on the site. Trees installed to meet the requirements of this subsection are preferably to be of native coniferous species, shall be a minimum of six feet tall when planted, and shall be planted before a certificate of occupancy is issued for the principal structure, or if that is not possible due to planting season or weather conditions, then within one month of the planting season for the species. Landscaping survivability must also be addressed and assured. Any existing trees

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	that meet the height requirement are counted towards satisfaction of the tree requirements, regardless of whether they are coniferous or deciduous. We recognize people may want to build on or near a ridgeline or in a scenic view. (The prior ZIC spent a great deal of time identifying these areas and the work was very good.) The above requirements help maintain the scenic view that everyone enjoys. Coniferous trees are preferred as they remain green year-round, but they are not required.
180-41-E-4 Home Occupation. I use and take home a company car and I am required to have a home office; do I have to store this vehicle in a screened or enclosed structure?	The following is the language identified: (4) There may be no more than two vehicles used in connection with the operation of the business on the premises. Any such vehicles shall be screened or stored in an enclosed structure. However, this does not refer to a passenger vehicle and/or pickup truck used by the occupants for their personal use. It is understood that you may be using your company car/truck for personal use too. It would not be required to be screened or stored in an enclosed structure. Regardless this will be reviewed by the town board.
Noise Control B-2. What is a quiet zone and where are they located?	Here's the definition for a quiet zone. As you can see the locations vary. QUIET ZONE (SPACE) - Any place normally associated with quiet or peaceful activity, including but not limited to a school, church, cemetery, Veterans' Parks, wildlife, nature preserve health-care facility, clinic or courthouse while the same is in session or conducting business therein.
180-48 Air+ Fire Controls/ What is the standard to which this is measured to?	This is an excellent question. So, everyone knows what you are referring to let's show the language. It shall be unlawful within the Town of Chatham for any person, owner, agent, operator, firm or corporation to permit, cause or allow the discharge, of emissions or releases into the atmosphere from any source or activity in such place, manner, duration or concentration as to constitute atmospheric pollution or which are injurious to human, plant or animal life or property, or which unreasonably interferes with the comfortable enjoyment of life or property. This applies to the release or creation of soot, fly ash, dust, cinders, dirt, oxides, gases, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid, gaseous matter or any other deleterious emissions, either alone or in combination with others. This is in our current law and expanded a bit to include more known

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	atmospheric pollutants. But if a complaint should come in the Code Enforcement Officer would have to do an investigation. This may require atmospheric sampling for analysis. Each pollutant has a known level of allowance as provided by NYS DEC and the EPA. So, a sample would first need to determine if there is an atmospheric pollutant present and if so, is it above recognized standards.
There are several questions about signs. All of these questions are actually answered in the current code (section 180-32) which has been in place for many years. All components of the current code were incorporated into the new code. Here are the questions, most of which can only be answered by writers from the past when they were included in the code. ***Why is there a restriction on lighting of signs?*** ***Why is there a limit of 2 signs per business - one free standing, 1 attached?*** ***Why are roof mounted signs + billboards restricted in every instance?*** ***How does this maintain the way of life that we currently have as professed at the last meeting?*** ***Is it the intention to prohibit all new billboards? If yes, how will this impact existing signage and billboards?*** ***Why are signs limited to 4 square feet? Is 4 1/2 square feet somehow offensive and requiring restriction?***	So, regarding this group of questions, the signage ordinance has been around for quite a while. These standards were and continue to address goals related to the aesthetic component of the comprehensive plan and it has been expanded to include more signage situations. Signs have significant impact on streetscapes, aesthetic character, and road safety. These standards all relate to preventing excess signage and promoting signage that fits in a small rural community. The Comprehensive Plan called for decreasing allowable heights and sizes of signs as they were deemed inconsistent with rural and historic character. Specific sign standards are outlined in Plan strategy 1.3 pages 40 and 41. These are all covered under this existing code, so they are indeed maintaining the current way of life! In relation to signage, there is a provision that says the planning board may require a landscaped base. What constitutes a landscaped base? The Planning Board, working with the applicant, would determine what the base should look like as they give approval of all signs.
Are residences, existing or new, in any zone, prohibited from having vehicles with commercial plates parked anywhere on site on a regular basis?	We found no reference in the law to parking of commercial vehicles at residential uses. Not sure if this question refers to the general 'storage' category which had other comments indicating this was confusing as to what this was. Storage does not specifically address parking of commercial vehicles. However, I see no references that would prohibit parking of vehicles with commercial plates at a residence. If it were an intermediate or major home occupation, the Planning Board may require screening of a parking lot.
Are residences, existing or new, prohibited from storing/parking RVs, Boats, ATVs in the manner they are currently stored (in front side yards, unscreened)?	180-51 indicates they can't be stored in a front yard. Otherwise they may be stored for residential use. Storage facility for such items on a commercial basis is not allowed in residential areas. Note the use table can clarify this by adding 'commercial' to this line and to the definition. Further note that the term 'travel trailer storage facility' is defined, but not included in the use table and it should probably be in the use table.
Commercial uses are permitted to have sidewalk display or retail merchandise 'directly in front' of the establishment. Please	This would normally be interpreted to be along the frontage – which is the side of the building facing the street. However, if a building is turned so that the front is actually along the side to accommodate

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define the limit of directly in front of' – can merchandise be displayed at the side of an establishment? How far out, how far to the sides?	side parking, then the 'front' of the building would be the length of that front of the building. This can be clarified by expanding this sentence to explain what directly in front means. As per this section, outdoor displays would only be allowed 'in front', not to the sides.
180-62 (B) Cessation: will this section of the proposed zoning be removed since it is against NYS law?	Yes, we have made several changes regarding manufactured homes since it was brought to our attention.
A minimum of 1 bike rack is required for every 10 parking spaces. Why? What sized bike rack? This provision seems more geared to a suburban area. Where was it copied from?	This is included in the commercial design standards (180-31 C (2) (f). Those are largely for commercial uses in the B and I. The Comprehensive Plan promotes biking, and there is a whole section on future goals to encourage multi-use shoulders and bike trails. Having a bike rack for larger uses (10 parking spots or more) simply allows people who may bike to have a place for their bike. It is not suburban but is an effort to promote biking – a goal of the plan. The Planning Board can decide what size bike rack. Or the zoning could add in a minimum size – that might depend on the type and size of the building which may make it more useful to leave that up to the Planning Board and applicant to decide. The inclusion of a bike rack in parking lots comes from many sources – one of which is from American Planning Association recommendations.
If an existing business has parking in front, ceases to operate for 6 months, would they or a new owner be able to open again.	This is not really a parking question, but one related to change in use, non-conforming uses and vacated properties. The answer is it depends. If it was a legal, non-conforming use after 6 months of no use it COULD open again as it was. If it was closed for more than 1 year, it would have to be conforming as per 180-60. It is feasible that the applicant could seek an area variance from the front parking with the ZBA if it should not be able to meet the side or rear parking requirement.
Flag Lots. At page 88 of the comprehensive plan, strategy 1.3 regarding the historic Hamlet's in Chatham specifically suggest "amend zoning to allow for establishment of very long setbacks and use of flag lots... to protect Scenic or historic resources." notwithstanding that, section 180 - 13 (G) reads as follows: "Flag Lots. No subdivision of property shall result in the creation of a flag lot." How is this provision and Amendment of the zoning law which incorporates the recommendations of the comprehensive plan?	The intent of the Town Board was to minimize creation of flag lots when new subdivisions occur so that new lots meet road frontage requirements. When a subdivision is designed using the conservation subdivision method, lots are to be created to be consistent with the land and character, however. Within a conservation subdivision, it is recognized that a flag lot may be the best way to protect a view or other resource and that is allowed for in the design process. However, flag lots may be needed to access currently existing lots that are landlocked having no road frontage and as per the Plan, the Board recognizes that there may be unique circumstances where a flag lot would be beneficial to protect views or other resources and the Planning Board should have the ability to allow for that in certain circumstances. The Town Board will discuss clarifying 180-13 (G) to reflect this.
Hamlet Design Standards. Section 180-33 (C)(5)(g) requires that "All structures shall require construction of a minimum of four-foot-wide sidewalks. Please explain how and	The comprehensive plan advises that development should be directed to the hamlet zones. This applies to new development only that would be adjacent to an existing hamlet or if an entirely new hamlet was created. It does not apply to the existing hamlets. Only

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where four-foot-wide sidewalks are supposed to go in Riders Mills, Malden Bridge, Chatham Center, Old Chatham and East Chatham.	to new development. However, thank you for raising the point. Aesthetically it would not look great if new development had nice sidewalks and the old hamlet did not. So, we will consider removing 5 (g). Blending in is most important.
This requires 4-8' sidewalks. Why? Under this construct 8.5' sidewalks would be prohibited to what gain?	This size sidewalk is one that would be ADA compliant (American with Disability Act). Sidewalk width requirements exist to make sure sidewalks are accessible for use by wheelchair-bound individuals. The minimum width for an ADA-compliant sidewalk is 36 inches (3 feet) but it is also important that there be continuity between any existing sidewalks and new ones. If sidewalks are less than 60 inches (5 feet) across, passing spaces must be constructed at set intervals. These passing spaces must measure at least 60 inches on all sides and must be located at least every 200 feet. 4' is a standard sidewalk width. Having an upper limit reduces cost as well as the amount of impervious surface, but the minimum width is the most important of the two measurements.
How is glare measured, how does one illustrate light levels, when would the PB implement such requirement? From 180-31 c (4).	Glare is measured with a light meter, typically in foot-candles but it often is subjective depending on the location and situation of the light. A definition for glare should be added to address this. This could be: "Glare: The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual clarity and visibility." Light levels are illustrated in a lighting plan that would be submitted as part of an application (these are typically done by the engineer.) The Planning Board would implement this particular standard during the site plan review of commercial structures.
Only 1 principal building is allowed along the frontage. Why? The same restriction applies regardless of lot size. Why? Only 1 accessory per lot is allowed. Why?	These are all density, scale and intensity controls as prescribed in the comprehensive plan. (The accessory question is in reference to an accessory *residential* dwelling.)
Please define trade-marked architecture	The Town Board can consider adding to the definition section: A commercial use that uses a building design that is trademarked or identified with a particular franchise, chain or corporation and is generic or standard in nature.
Can we have multiple homes on the same septic system? If not, why? What are the exemptions?	Septic system approval is the responsibility of the county. With that said, the new zoning code encourages this type of septic system development.
If a wedding or reunion (or party/gathering) is held at an approved outdoor location are hours of operation restricted?	It is unclear what the question's 'approved outdoor location' refers to. If this means that it is held at a public park for example, and the public park's hours are posted as closing at dusk, then yes, the hours of operation would be restricted to those unless some special permission was granted by the Town Board to extend those public

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	park hours. If this means that it is at a commercial venue permitted under the special permit rules of this zoning law, and if a condition of the permit were certain hours of operation, then yes, the gathering would be restricted to whatever hours were established in that permit.
Why are drive-through facilities not allowed in hamlet areas? Please describe landscaping that would be acceptable to reduce visibility of such a facility.	This was a policy decision made because the Comprehensive Plan specifically indicates this: "Large-scale, high intensity uses, and uses that store large quantities of hazardous chemicals, such as bulk storage facilities, warehouses, and drive-in or drive-thru businesses should be prohibited in this hamlet district." Drive-through facilities invite and encourage franchise and chain-owned uses and the Town Board desires to encourage individualized and locally owned businesses, especially in the hamlets. Drive-through facilities are auto-centric, can result in loss of parking or green space, reflect a more intensive land use, change aesthetics, require additional signage and lighting, and can contribute to noise. In a hamlet area, the goal is to allow for growth that is in keeping with the historic character there and drive-throughs are not. As per the zoning, landscaping could be a fence or vegetation or other means acceptable to and determined by the Planning Board that would avoid the adverse impacts described.
What conditions might be required by the planning board to meet their goal of maintaining historical and/or architectural elements? Is there a cost/benefit provision? Is anyone on the Planning board an architect to support their goal as articulated here?	This refers to 180-29 (D) (2) (e). It says: (e) When commercial projects involve the renovation/reuse of an existing building, the traditional character, historical elements, and architectural elements shall be maintained, and conditions may be required by the Planning Board to accomplish this. This refers to a site plan needing to show compatibility with the neighborhood and overall character of Chatham. Conditions may warrant different site elements such as landscaping to recreate a build to line, moving the building back or forward to match the adjacent buildings, certain architectural design features such as shutters or awnings, or building orientation, for example, that would help a new building fit in to maintain the historic elements. There is not a cost benefit provision required. The Planning Board members are not expected to be experts in all these elements. That is why there is a provision for the Planning Board to retain experts it needs to help it gain information that will be helpful in their decision making. If there were issues related to this, the Planning Board could retain an architect or other similar professional to review and offer suggestions and that is supported in the language of both site plan and special use procedures.

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DD. Swimming Pools (6) Use of megaphones, loudspeakers or public - address systems is prohibited in connection with swimming pools here in regulated, and the use of any sound producing or reproducing devices, including human voices, so not be such as to be objectionable to the occupants of any neighboring property. Isn't this too subjective?	We will advise that this be removed as the noise ordinance should be sufficient to cover this situation when it is completed.
Why is there a proposed prohibition on the use of short-term rentals for weddings and parties?	Short-term rentals and wedding/event venues are two separate uses. Each has its own set of development standards and rules. Page 187 (Z) (8) does not prohibit a short-term rental from also being a wedding venue. In fact, it states "Any use other than tenant occupancy shall be considered a separate use and shall be subject to whatever other land use regulations apply to that use." What this means is that a short-term rental is solely just that and other uses that may be desired on a short-term rental property must meet the zoning requirements for that other use. In the case of wedding venues, they are businesses proposed to be allowed in the B and I districts. A short term rental in those districts desiring to add weddings as part of their business could apply to the Planning Board and receive a special use permit for such use along with the short term rental If the short term rental is on a farm, weddings and parties are allowed to support the sustainability of the farm operation.
Would all STR properties need to meet ADA requirements?	This is one for the owner to consult with their attorney/insurer. By the way, if you are renting in this manner you need to inform the insurer of how you are using your property!
Definition of a cemetery - A burial ground or graveyard, whether for private or public use. Do cemeteries have to be licensed in NYS?	Interesting question and it must be about section 180-58 (E)(1). This falls under NYS Not for Profit Corporation Law Article 15 and there are exclusions in paragraph 1503 Application: (a) Except as otherwise provided in paragraph (b) of this section, paragraph (c) of section fifteen hundred seven, and paragraph (m) of section fifteen hundred ten, this article does not apply to (1) a religious corporation, (2) a municipal corporation, (3) a cemetery corporation owning a cemetery operated, supervised or controlled by or in connection with a religious corporation or (4) a cemetery belonging to a religious or a municipal corporation, or operated, supervised or controlled by or in connection with a religious corporation unless any officer, member or employee of any such corporation shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof, other than reasonable compensation for services in effecting one or more of the purposes of such corporation or as proper beneficiaries of its strictly charitable purposes or unless the organization of any such

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	corporation for any of its avowed purposes be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation, or for any of its officers, members or employees, and unless any such corporation is not, in good faith, organized or conducted exclusively for one or more of its stated purposes.
Small-scale, limited commercial is cited in the comprehensive plan as an example of desire to use. Yet restaurants are marked as prohibited in the use chart. Why the discrepancy? Which is right? Should the zoning reflect the plan?	Restaurants are permitted in the two Hamlet districts, Business and Industrial districts. They are not allowed in the three RL districts as those districts are residential in nature.
Several questions arose regarding why bed and breakfast uses are limited to serving breakfast only, to 10 or fewer guests, and why they can't serve food to people who are not staying in the B and B. This is beyond the town's control.	The Town's zoning law was written to be consistent with the New York State definition used in the Building Code for Bed and Breakfasts: "An owner-occupied residence resulting from a conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to not more than ten transient lodgers, and containing not more than five bedrooms for such lodgers." Residences or other structures that serve other meals to B & B guests or other people who are not staying at the B&B would be a restaurant, not a B&B.
Is the town prepared to compensate the farmers when the new code demands a 100-foot buffer?	The farmer is not required to have a 100-foot buffer. The buffer is to be created by a developer ADJACENT to farmland, not the farmer. It is the developer's responsibility and would be included on the non-farmers property. 5) All new non-farm development shall buffer itself from existing agricultural uses. It shall be the responsibility of a non-farm applicant, subject to approval by the Planning Board or the Zoning Board of Appeals, as the case may be, to provide an effective buffer that will reasonably distance and protect adjacent non-farm and residential living areas from agricultural procedures. Buffers adjacent to actively farmed land shall be established to reduce the exposure of non-farm uses to odors, noise, and other potential nuisances associated with the agricultural operation and to protect the agricultural operation from potential complaints related to same. Such buffers may consist of vegetative screening, woodlands, vegetated berms, or natural topographic features and shall be no less than two hundred (200) feet in width. Buffers may be required to be larger depending upon the type of agriculture or farm use adjacent to the nonfarm use, the topography and the proposed design and planting of such buffer.

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The proposed zoning calls for roadside stands to be 50 feet from the center of the road. This is more than four lanes of traffic. This is not a roadside stand anymore. Why ban roadside stands by making them functionally impractical page. P.169	The current zoning says: C. Roadside stands for sale of agricultural products shall be permitted if: (1) They are erected at least 20 feet back from the public right-of-way; (2) Parking spaces are provided off the public right-of-way; (3) Signs shall conform to provisions set forth in § 180-32. Note that the 20' setback is measured from the public right of way – which could be 10- to 20' MORE depending on the road. So, it is not a 20' setback from the edge of the road. The Proposed zoning measures the setback from the CENTERLINE of the road, not the right of way. Thus, the 50' setback is actually about the same or closer than what current exists, depending on the road. However, the Town Board will discuss changing the 50' setback from the centerline to 45'.
Healthcare and/or dental offices are prohibited in all but industrial and business zones. What about mental health practitioners that practice out of their homes?	They can seek a permit for a home occupation as per current code and the new draft code.
"Owner occupied" is usually just a term used for mortgage purposes. How does the Town define that term?	OWNER-OCCUPIED – A residential home located on property in which the property owner lives (is physically present) for at least 183 days of a particular calendar year.
Why do the proposed zoning regulations limit who can operate an STR when zoning can only deal with land use? Sounds illegal.	The owner-occupancy requirement is not illegal. Although imposing divergent zoning regulations on dwelling units occupied by their owners and those which are non-owner occupied can seem like a distinction based on the user rather than the land use, the courts in New York State have upheld such a differential treatment. The courts have accepted the theory that it is rational to conclude that rental units, because they tend to be run on a commercial basis, may have different impacts than dwelling units occupied by their owners and, therefore, may be regulated differently.
The definition section defines a period of non-use as 120 days. The code says one year. Which is it?	The definition defining a cessation of use as 120 days is specific only to cellular towers, not all uses. This definition was originally adopted as part of the Towns telecommunication tower law which was incorporated into the zoning law. This definition does NOT apply to anything other than cell towers. In all other places, the zoning appropriately uses one year as the measurement for discontinuance, renewals, or other actions.
Why has the Planning board, in this proposal, replaced the zoning board, and appeals board with themselves? Comparison of existing law to this proposal shows this to be true.	The goal in making this change was to streamline the planning process for applicants. The change allows the Town Planning Board to run the reviews for site plan and special use permit approvals in parallel, thereby saving time and avoiding confusion. It is the Town Board spearheading this change, not the Planning Board. Currently the Planning Board does site plan review and the ZBA does special use permits. But a special use permit ALSO requires a site plan

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	review so every applicant must go to two boards, go through two processes, and the Planning Board and ZBA must figure out how, if at all, the two separate applications can best be coordinated. This creates not only confusion but delays the approval process. Further, if someone made an appeal to the ZBA based on a special use permit issued, then the ZBA would be hearing an appeal on its own decision. Giving special use permit and site plan authority to the Planning Board consolidates the planning aspects with them as they are solely oriented to planning. The ZBA will now be appellate only in its role.
How will the new zoning laws address solar farms? Many towns are being adversely affected. This is a critical use that needs to be addressed.	Yes, it is. Please see: Definitions, Uses Table, and especially Section 180-58 (x) on page 181. It is extensive.
What removes a non-conforming lot's right to continue?	Nothing. It can continue.
With a 40-acre parcel containing 1 residence, can 5 acres be built on?	This is a little difficult to answer without more information. If you mean can you subdivide 5 acres to build another residence, sure if that size meets the district requirement. But it depends on the Zone you are located in. If you desire to build a second house on the same parcel without subdividing, then that is not feasible as there can only be one principal use per parcel. Contact the Code Enforcement Officer and explain what you are considering. He/she will advise you on how to proceed. Generally, you will meet with the planning board and at least find out the requirements to subdivide the necessary property from your 40 acres.
Please say in a nutshell - What size sign is allowed for home-based business run by owner operator? (It's existed for more than 20 years.)	In both the current and the new law, signs for a home-based occupation requirement are 4 square feet. Your sign may be non-conforming, which would happen if you had it prior to the code making the 4 square foot requirement, but in any case, the planning board approves signs. Your best approach is to contact the Code Enforcement Officer and discuss your situation for advice on how to proceed.
Mixed Use is defined as "both residential and commercial uses are located in the same structure." Such uses will only be permitted in Hamlet, Business and Industrial Zones with a Special Use Permit, but are prohibited in Rural zones. A commercial facility is "any structure used for the sale, manufacture, storage, or provision of goods or services." Doesn't this prohibit a home occupation (commercial activity) in Rural Zones. people have a commercial activity in their home, a home occupation?	No. Mixed uses are a different and separate use than a home occupation. To clarify this the Town Board can add a statement to the Mixed-Use definition indicating that home occupations are not mixed uses.

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A home occupation shall not cause a significant increase in neighborhood traffic. What is a significant increase? Who makes that determination?	The term 'significant increase in traffic' can be defined and added to the definition section. It is often defined as 'vehicular use exceeding the existing, normal two-way traffic occurring or the anticipated two-way traffic generated by 10 % of the previously anticipated daily movement of traffic'. For home occupations, it means that the home occupation does not increase traffic beyond which would normally be seen for typical residential uses on that road. Minor home occupations are permitted with no review necessary. If there were issues, it would be the CEO to investigate this should there be a complaint or an issue that arises as a result of the home occupation. Intermediate and major home occupations go through a review process with the Planning Board and that would be a topic they would explore prior to permitting.
Has revelation of amnesty for mobile homes on permanent foundations been integrated into the new zoning proposal?	Yes, it has.
For intermediate home occupations, no more than two persons, and for major home occupations, no more than five persons other than members of the household occupying such dwelling, shall be employed or contracted with on the residential premises in the conduct of all home occupations thereon. This can be very limiting for businesses. What if the business is classified as intermediate and has two employees, but needs to contract out web design, marketing etc. They can't? The verbiage doesn't seem to take into account the need for a business to routinely contract out functions that needs expertise in addition to the employees necessary to run the business.	The intent of this is to regulate the level of activity taking place on site with intermediate and major home occupations. Certainly, a home occupation may have many contractors associated with the business and the intent is not to limit that, but to control the activity at that home occupation so that it remains essentially residential. That is the whole purpose of this section – to allow for business development at one's own property in a manner that does not adversely impact the essential nature of the road/neighborhood. The Town Board can clarify this intent by changing the sentence to be or be similar to: "… shall be employed or contracted with and located on a daily basis on the residential premises in the conduct of all home occupations thereon." This reflects that a contractor that is working with a home occupation daily would function like an employee in terms of intensity of use, but that contractors who have their own businesses located primarily elsewhere are not included.
What is the rationale for specific additional restrictions placed upon group homes, such as their swimming pools must be 75 ft min. from property line when all other pools can be 12/ 15' from the property line? Group homes are a family unit and are such to be integrated into community, not isolated with special additional regulations, within the community.	Both commercial day care and group home swimming pool requirements are set at 75' setback, while private pools are set back 12/15' as noted in the question. It is agreed that group homes are family units treated like any other residential use. Town Board can remove this setback for group homes. For commercial day care, the principle behind it is that there will be more activity, more children, and potentially more noise than a private home and thus an added setback would limit nuisance issues.
Why was the definition of a "Planned Business Development" removed from the proposed new zoning?	The comprehensive plan was specific about this concept: Strategy 1.5 - Remove Planned Business Development (PBD) provisions so that town zoning may not be bypassed by large developments.

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Membership clubs- not in present code. The rationale for your determination that existing Air B&Bs are illegal is that they are not in the present code and therefore illegal. In the present code, there is no mention of membership clubs, therefore, to be consistent, membership clubs should be considered illegal as well. Why are existing memberships clubs, such as the hunt club, not being treated consistently, and why are they allowed on a road other than a state or county highway when the new regulations state that all membership clubs must be only with access from a state or county highway?	True that membership clubs are not included in the current law. However, the current law does allow for a clubhouse in connection with an outdoor recreation facility as a special use permit in the RL1 District, and private clubs are allowed with a special use permit in the B district. Neither are defined, however. Clubs operating in that manner in RL1 and B and that have special use permits are thus legal uses. There may be 'clubs' in those locations or other places in town and they may have existed long before even current zoning took effect. Those would thus be considered a legal, non-conforming use allowed to continue. The Hunt Club in question owns land and does have structures they use to support their activities, thus would fall in the 'membership club' definition. The Town Board could update the membership club definition to reflect these uses are those that are regulated when they have land or a structure to be used by such club (not a membership club like a Rotary or Chamber of Commerce). Also, the Town Board may want to add a definition for Hunt Club in the law and add them as a permitted use (or otherwise permitted) in the Use Table in one or more districts.
There are many provisions proposed which would restrict the use of outdoor lighting. Since most of Chatham is rural, without street lights, how is one supposed to see to safely walk outside after dark, take care for animals, to deter and or identify strangers on your property, to avoid wildlife such as the bear or fox in your yard if we do not have sufficiently bright and unshielded lighting?	The proposed zoning only restricts floodlights in the EPOD 2 District that are oriented to shine on the façade of a building. That is because this area is on a ridgeline and the purpose was to maintain dark skies and decrease glare. The desire to control excessive lighting comes from Plan Goal 6, page 135. All other lighting is allowed provided the light shines down and not out using shielded light fixtures. The zoning does not limit other safety lighting or use of other lighting on private property other than to require shielded light fixtures that direct light downwards.
Hamlets: Map #11 Zoning -assessor rolls and town maps do not match. Many properties shown on this map as being in a "hamlet" are assessed as R-1, R-2, etc. Which has jurisdiction?	The Town assessor assigns a code to each property in the Town. The property classes assigned to a parcel by the Town Assessor and shown on Plan Map 11 have nothing at all to do with any zoning district. The only map that has jurisdiction is the zoning map showing which parcels are in which zoning district. Map 11 is general information showing general land use patterns and simply reflect the property class codes the Assessor has assigned each parcel.
In "Industrial District development standards" is it true that although the town does not outlaw barbed wire elsewhere that barbed wire shall not be visible from any Street in that District?	Yes, that is true.
The Columbia Land Conservancy holds hundreds of acres of Conservation Easements in the town of Chatham, including both private and public lands. What involvement, if any, has the Columbia Land Conservancy had	Like all citizens and organizations, we have offered involvement posting meetings, public hearings, and town board meeting agendas. We welcome the CLC's involvement.

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in drafting of this proposed zoning.	
I remember the survey that went out about the comprehensive plan. It asked if residents wanted more of this or that use manufacturing, hamlets, mobile parks, etc. The plan came out recommending the hamlet structure for growth in the town. What I don't remember was being asked about parking, garbage cans or porches. Why do the proposed zoning laws contain so much minutiae? The residents didn't call for it. Why does the board blame these regs on the comprehensive plan when this is not what the residents were asked about in the survey?	The Comprehensive Plan outlines the vision, goals, and broad tasks that need to be implemented to reach that vision and goals. The Plan is quite detailed but does not include the minutiae of details that are needed for the zoning law. The proposed zoning provides those details and are designed to meet specific community goals. The survey and Plan established what the Town wants to be in the future and was designed to find out what values, resources, and direction was important to the community. It was a very important tool in identifying key issues. Through this public input, the town board has received information indicating what details the community is comfortable with and what they are not and is grateful the community has pointed out those items they are concerned about. The Board will be reviewing and addressing many of them.
Regarding "continuous use", the current draft seems to indicate that if one year has passed without use of a currently allowed item, then that use will no longer be permitted - example parking, animal feed lot locations (which are sometimes rotated, etc.) This would indicate that rights of the owner will in fact be removed	It appears this question is regarding non-conforming uses. The section, 180-60 reads as follows: Discontinuance. ● When any existing nonconforming use of land or buildings has been discontinued for one year, the land and buildings shall thereafter be used only in conformity to this chapter, except that the Planning Board, upon application by the owner and after a public hearing, may permit the resumption of said nonconforming use utilizing the general special use standards of this Chapter. No such application shall be considered or granted after three years following the discontinuance. So this would difficult to understand without knowing the exact situation but if a non-conforming use of land or building is discontinued for a year then if it were restarted, it would need to be a conforming use or building or the land owner would go to the Planning Board seeking reinstatement of the non-conforming situation IF it is within three years. This is the same as the current code. In the example given, a farm feed lot that rotates would be part of a farm operation, not subject to a special use permit, and would not be deemed to have been discontinued.
Why does this document constantly insist that the main building entrance face the "street?" When we build our house ourselves, we knew we did not want our front entrance facing north because that would be the side requiring the most work to clear in the winter.	To maintain the traditional streetscape in the hamlet, having buildings facing the street is a principal method. It is very important for commercial buildings to have a facade that faces the street. Having residential buildings face the street is important too. But we note that the language used in the zoning is 'should', not 'shall'. In these situations, the language is actually permissive. But we see the confusion and will do our best to fix that by clarifying what 'shall' and 'should' mean.

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STR and other uses not provided for in the old code are illegal - so states in the proposed code - if this code is not adopted will the town and enforce against these uses and shut them down to protect the town/citizens from the potentially enormous liability?	It is the intention of the Town Board to adopt the new Zoning Law once it is in final form. If the law is not adopted, the Town Board can revisit this question.
If a person (in any zone) is currently living on their property without a needed permit, what action can they expect? Is there a path to compliance or ability to obtain a retroactive variance?	We really can't answer this one well without more information. But the best route would be to go have a talk with the Code Enforcement Officer. They are there to help identify what might be needed to comply.
There have been questions regarding why the town board is taking the position of why a use that is not in the code is considered illegal and prohibited when the current law does not say that uses not listed in the use table are prohibited.	The general rule of zoning, established by the courts, is that uses not included on the use table are prohibited uses. Even if a zoning law does not explicitly state this provision, the courts have ruled that it is basic principle of zoning that where zoning permits certain uses, any use that is not listed is a prohibited use. Although this is accepted practice, the proposed new code provides this clarity. The proposed new law clarifies the District objectives and land use controls: ● 180-15 District objectives and land use controls B. No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved or altered, unless in conformity with the regulations herein specified for the district in which it is located. Uses of land and/or buildings not permitted by this Zoning Law are prohibited. In the proposed new code, to add clarity, the highlighted line was added. Its addition does not change the current code in anyway other than to further clarify for the reader. But that does not necessarily exclude all new uses. Should a use arise that is not on the use table, then the zoning establishes an amendment process that can be used to update the zoning to add a desired use. Such zoning changes would go through the normal review and local law adoption process. Let's use an example that may better explain this reasoning. You have a new, novel use that is important to you, but it does not appear in the code. You go to the CEO for a permit and he/she would determine that it is not an allowed use and does not approve it. What to do? The zoning would allow you to petition the town board for inclusion of the new use into the town code. If they agree they will amend the law. This will require review by the Planning Board, ZBA, Columbia County Planning Board, and a required public

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	hearing will be held. Once all that occurs, and a new regulation is created then the town board can vote. If they agree that the use should be included, then in it goes and the use would be allowed as per the amendment!
With folks who have already established Air bnb's before this law goes into effect what will happen to them?	Short term rentals are not an allowed use in the current code. Even if a zoning law does not explicitly state that uses not listed in the use table are prohibited, the courts have ruled that this is a basic principle of zoning law. Under the current law, short-term rentals are not listed in the use table and consequently are considered a prohibited use. We understand and appreciate the benefits that short-term rentals can provide to the Town and its citizens, which is why we are adding them to the new draft code to make them legal. The proposed law gives landowners many months to comply with the new regulations.
Will the board be providing the redline version of this proposal with existing law that was requested at the 2018 public hearing? If the board determines it is too difficult to provide a redline version of existing law to this proposal will they provide an itemized summary of change? Such action is standard at the state level.	Although you are correct in mentioning that the full redline version might be difficult to read and understand, it can be provided, and the town board will need to make that decision and direct the planner to prepare it. A summary can be done also at the town board's discretion.