Town of Stanford
Zoning Commission Meeting

April 25, 2024

Present: Wendy Burton, Steven Horowitz, Barbara Warren, Chris Flynn, Steve Gotovich, Don Smith (arrived at 7:20 PM)

Meeting begins at 7:01 PM

Review of previous meeting with Dutchess County Planning and Discussion of ADUs and existing code
Mr. Angell reviewed an email sent to him from Dutchess County Planning with recommendations.

* For attached ADUs it was recommended to eliminate special use permit requirements, eliminate the 100 square foot max addition limit, and raise the square footage to at least 800 – 1000 and the percentage of the main unit (50% is suggested).
* For detached ADUs it was recommended to either allow them in new structures or use an “age of building” criteria rather than a time of adoption of the code, remove the maximum bedrooms/occupants requirement as max square footage and fire code will naturally limit this.
* Generally, eliminate the provision for ADUs to only be for family.
* Discuss the distinction between ADUs and Duplexes and how to define them.
	+ Mr. Angell asked Mr. Gotovich, as the Assessor, to explain why it is important to distinguish between the two definitions. Mr. Gotovich said it makes no difference to him, he records bedrooms, bathrooms, kitchens. He does not a code for property use. He explained that a 210 is a single family residence, 215 mother-in-law unit, 220 is a two-family home, 230 is a three-family home, 240 is a residence with more than 10 acres, 241 has agricultural use, 242 recreational use, 250 is an estate. If it is an independent ADU it would be “site 2” within the same lot. Ms. Burton said that the existing code limits ADUs to family members of the primary residence. Mr. Horowitz said reducing the number of definitions for ADUs should provide more flexibility.
* It was recommended to remove the conflicting definitions between “duplex” and “dwelling, two family” in regards to using language like attached, detached, semi-attached.
	+ Mr. Angell said there is a slight conflict, but seems irrelevant, but can be rewritten appropriately. The difference is that duplex includes attached, where “dwelling, two family” is detached or semi-detached.

Mr. Angell presented a draft resolution for proposed code amendment regarding duplexes and accessory dwelling units and Ms. Knickerbocker read the resolution aloud.
Mr. Angell explained that there are two areas where you currently cannot have a duplex, Lake Recreation and Conservation Residential, but the units would still need Board of Health approval which could be challenging to get septic on those smaller lots near the water. Mr. Angell said the resolution would take out the distinctions of the different zoning districts and permit ADUs in all districts, and take out the need for a special use permit from the Planning Board, rather the applicant would get a building permit and follow Building Code. Mr. Angell said the hope is to create a level playing field for anyone that has the ability and want to get Board of Health approval. Mr. Smith clarified that they cannot issue a building permit until the Board of Health signs off and has a site visit with an engineer. Mr. Horowitz clarified if a minimum lot size should be considered. Mr. Flynn explained that setbacks would still be in play and if the lot is too small, Board of Health would unlikely approve it. Mr. Angell said reviewing bulk area regulations can be discussed in the future because Mr. Horowitz would like to encourage more flexibility because he thinks the ADU regulations may not have as big as an impact as they want. Ms. Burton explained that because of the lack of central septic and water the Town is limited in its options for housing, so this is a first step that they are able to take.
Mr. Angell suggested amending the resolution to strike “dwelling, 2 family.” Ms. Burton suggested keeping terms that people are familiar with, so Mr. Angell suggested “Duplex/ADU” as the title of the definition for 2 residences on a single lot. Mr. Gotovich suggested using the word subservient within the ADU definition, but Mr. Horowitz countered that there will be no smaller than the primary residence requirement anymore. Ms. Warren clarified that there will be no family requirement for these units, and there will be no double lot size requirement for an ADU as well, Mr. Angell and Ms. Burton agreed that that is correct. Mr. Horowitz clarified that the terms Guest Cottage and dwelling, 2 family will be removed, Mr. Angell confirmed that to be true. Ms. Warren asked what the unintended consequences could be. Mr. Angell said that even with setbacks met, neighbors may be upset if a second home goes up in their previously single family lots blocking views because now anyone could have a second residence on their property. Mr. Angell clarified that the Zoning Commission makes a recommendation to the Town Board and then the Town Board votes to change the zoning law. Mr. Horowitz asked if the Planning Board would be involved anymore, Mr. Angell said yes for subdivisions and projects that still require special use permits, and five acre zoning still applies. Mr. Angell explained the difference between a Conservation Density and Average Density subdivisions, it may be a topic for a future meeting.

Mr. Angell made the following amendments to the Duplex/ADU Resolution: From item “2)” remove “guest cottage” and “dwelling, Two Family”, add
“Duplex” definitional paragraph to “Duplex/Accessory Dwelling Unit (ADU)” in Code &164-59 for item “3)” and item “5)” will say “Duplex/”ADU” not “2 family”

Stephan Gotovich offered the Resolution for proposed code amendment regarding duplexes and accessory dwelling units. Don Smith seconded.
Upon roll call the resolution was voted upon. Thomas Angell, yes, Don Smith, yes, Chris Flynn, yes, Stephen Gotovich, yes, Wendy Burton, yes, Barbara Warren, yes, Steven Horowitz, yes. Motion carried.

Ms. Burton said the Town Board will discuss the resolution.

Mr. Angell reached out to Department of Health and they are willing to come to the next meeting on May 16. The topics should include septics and minimum lot size.

Mr. Angell found a study done across Dutchess County on the number of units can be on different lot sizes. Mr. Angell said the study from 2006 said 1.5 acre is generally needed per dwelling and is hoping the Department of Health representatives can elaborate on the matter. Mr. Horowitz asked if the Town has density housing. Mr. Angell said yes, but it has been grandfathered in, and would not be permitted today because it would not meet modern requirements from the Board of Health in regard to their setbacks.

Ms. Warren would like to keep the Stanford Zoning Meeting Follow-Up email as an open item.

Mr. Gotovich asked about food trucks because the Farmer’s Market will have one. Mr. Smith said the Building Department would have to do an inspection for private property for food trucks. Mr. Smith said permanent food trucks have been denied. Mr. Angell said there is nothing in the Town code for food trucks. Ms. Burton would like to change the code to allow food trucks for private property events. Ms. Burton said the food truck should have a certificate from the County Health Department and that would suffice.

Mr. Angell provided the current code for Home Occupations and the draft from 2008 regarding Home Occupations that was never adopted. Mr. Angell explained that a consultant helped them create the draft code.

Ms. Warren asked if the Schedule Use table indicates which home occupations are permitted with a special use permit, Mr. Angell confirmed that to be true.

Mr. Flynn highlighted that section “g” that delivery trucks over 14,000 lbs are only permitted twice a week. FedEx and UPS trucks are constantly making deliveries and weigh in that range. Mr. Smith brought up that an internet business of selling firearms was getting complaints of too many deliveries and based on the current code he was able to continue doing business because there is nothing to restrict the number of deliveries a home can receive.

Mr. Angell said that farms have different regulations in the agricultural district based on County and State regulations.

Ms. Burton asked for clarification on “n” that multiple home occupations are permitted as long as the cumulative impact is not greater than one home occupation. Mr. Angell and Mr. Gotovich explained that it is so multiple family members can run small home occupations in the same dwelling, like a beauty salon chair and a small daycare. Ms. Warren said this would also limit the number of employees within the home occupation.

Mr. Flynn found that FedEx and UPS trucks are between 14,001 and 25,000 lbs, so it was suggested that section “g” could be changed to trucks over 25,000 lbs would be limited to two deliveries a week.

Ms. Warren asked how the home occupations would be enforced to the background noise code and Mr. Angell explained that the home occupations would need to come to the Planning Board to obtain a special use permit so the process would be reviewed there, and then future enforcement goes to the Building Inspector after the permit is granted.

Ms. Burton asked what would be done about non-conforming existing businesses, and it was agreed that nothing could be done. Mr. Horowitz said existing non-conforming businesses cannot be expanded upon and if more than 50% is lost in a fire or tragedy, it must be built in the same footprint, so there are some limitations.

Mr. Gotovich asked for clarification on section “5” De Minimus Use, these would be exceptions to home occupations that would not require a special use permit. Mr. Angell explained that this would be new to our current code. Mr. Gotovich noted that there is a provision for no signs and asked if a surveyor could have a sign. Mr. Angell explained that a surveyor would be a professional home office. Mr. Gotovich said that any licensed profession could be considered a professional home office.

Ms. Warren pointed out in section “m” where processes which are hazardous to public health, safety, morals, or welfare are prohibited, that morals being included should be discussed. Ms. Warren asked if that would include tattoos and piercings, or where is the line drawn, unless there are state regulations. Mr. Horowitz said that public health, safety, and welfare are common constitutional language, but not morals. Mr. Angell said morals could be stricken, but it may be aimed at adult bookstores or pornography. Ms. Burton suggested that pornography could be added to prohibited uses.

Mr. Angell asked how much bandwidth the Town Board has for receiving new code regulations that the Zoning Commission recommends. Ms. Burton said there is plenty of bandwidth and has no objections to receiving new code recommendations.

Mr. Flynn said that delivery trucks are up to 25,000 lbs and Ms. Burton asked if “g” should be stricken, but members of the Commission want to maintain the restriction on bulk trucks. The regulation could restrict deliveries to twice a week for vehicles over 25,000 lbs.

Mr. Angell said that New York State legalizes prostitution, so leaving morals in increases flexibility on enforcement. Mr. Angell said there are legal definitions that include morals. Mr. Horowitz would like to remove morals.

Ms. Warren suggested that line “x” be stricken, “television, electronic, and appliance sales, services, and repair.”

Mr. Horowitz said section 5a is similar to 2d, 5b to 2c, 5e to 2h, and would like to re-word them to incorporate them together more generally. Mr. Horowitz will create the new language for those sections.

Mr. Flynn asked for clarification on “y” tow truck services as prohibited home occupations. Mr. Flynn suggested that someone should be allowed to have a tow truck in their driveway because their business is towing vehicles to service locations, not doing the service at the home. Mr. Horowitz said the keyword is services, where the disabled vehicles are not coming to the property. Mr. Gotovich countered with a limitation on the number of tow trucks permitted on the property, what if they had six tow trucks in their driveway. Mr. Angell said what if the large vehicle is starting up at 2 am and disturbing the neighbors, and Mr. Flynn responded that a motorcycle could do the same. Mr. Flynn would like to see this item be more defined. Mr. Horowitz suggested adding a limit of one tow truck and no disabled vehicles. Mr. Horowitz said a similar thought could be applied to ambulatory services and limo and taxi services. Mr. Angell said Uber and Lyft would not be considered home occupation and Ms. Burton agreed that a tow truck should be allowed because the service happens out in the world, not in their home.

Mr. Horowitz did some research on affordable housing, and has a friend at Berkshire Taconic Community Foundation that told him there is a grant program that can help Towns and non-profits contribute to the housing issues. Mr. Horowitz said the grants range from $10,000-20,0000. Mr. Horowitz said one of the major issues is septic systems regulations, but there could be potential in a modern system like LENGEN in Windsor, CT and maybe other companies with similar systems. Mr. Horowitz said it may be helpful to educate ourselves on these septic systems if the Dutchess County Board of Health was open to them in the future. Mr. Horowitz also mentioned that the cost to build effects the rate to rent the building and with the area median income around $87,000-90,000 it is difficult for people to afford rental rates. Ms. Warren asked if the grant would help the Commission become more educated and Mr. Horowitz said potentially, or the consultants may know more about a certain subject. Mr. Angell suggested deferring the consultant until the Commission gets stuck because the Commission is making progress. Mr. Horowitz said he is skeptical that the changes they made tonight will have a big impact and hopes that becoming more educated from a consultant would help them make bigger changes.

Mr. Gotovich motioned to accept the March 28 meeting minutes as written. Mr. Flynn seconded. All in favor, Mr. Angell, Mr. Gotovich, Mr. Smith, Ms. Burton, Mr. Flynn. Abstained, Ms. Warren and Mr. Horowitz. Motion carried.

Ms. Burton motioned to adjourn the meeting. Mr. Flynn seconded. All in favor, Mr. Angell, Mr. Gotovich, Mr. Smith, Ms. Burton, Mr. Flynn, Ms. Warren, and Mr. Horowitz. Motion carried. Meeting adjourned at 9:04 PM.

Meeting recorded by Sara Knickerbocker