

Town of Stanford Zoning Commission

June 20, 2024

7:00 PM at Stanford Town Hall

Present: Thomas Angell, Steve Horowitz, Barbara Warren, Stephen Gotovich, Chris Flynn

Absent: Don Smith

Meeting begins at 7:03 PM

Approval of Final Draft of Home Business Amendment to Zoning Code

Mr. Horowitz re-worked the draft ordinance to comply with the previous discussion. The following adjustments were made; clause i) to include all complaints that could be issues and voiding the home occupation, added clause o) to comply with local, county, state, and federal laws and regulations, and removed section 5) De Minimis Use.

Ms. Burton asked if there should be language to limit the number of tow trucks a home occupation can have if it is no longer a prohibited use. Mr. Angell explained the applicant would have to come before the Planning Board to work out the details of the special use permit before receiving approval.

Ms. Burton asked how the language could be adjusted to limit home occupations based on the number of employees and/or vehicles. Ms. Burton explained that businesses should be able to be function with something like 2 trucks and a couple of lawnmowers that would not disrupt a neighborhood, but businesses with multiple trucks and multiple employees should not qualify as a home occupation. Mr. Angell said Home Occupations have a residential home, but certain businesses can be allowed in certain zones without a home based on the current code. Mr. Angell explained that the distinction is a property with a home could be next to a property without a home in the same zone, so limiting the code to just home occupations may not limit businesses across the board. Ms. Burton suggested adding some qualifiers to allow businesses that are compatible with the neighborhood as it is within the Comprehensive Plan. Mr. Angell said the number of employees is limited by (2)(c). Ms. Warren said the ADU should be included in the dwelling unit floor area calculation. Ms. Burton said the acreage should be included for outdoor businesses. Mr. Horowitz said the disturbances outlines in (2)(i) should help, but Ms. Warren argued that it is not enforcable at this time in Stanford. Mr. Angell said all existing businesses would be grandfathered in, and all future home occupations would have to come before the Planning Board. Mr. Angell explained that if someone is operating without a special use

permit then it falls on the code enforcer. Ms. Burton would like to add landscaping and contracting to the Home Occupation prohibited use. Mr. Horowitz explained that the general language should meet these concerns about multiple employees and vehicle, and residential character. The Commission discussed lawn mowers and snow plows, versus large scale businesses. The question was raised whether a person parking a trailer in their driveway with a lawn mower and a truck with a snow plow is considered landscaping and would be a prohibited home occupation. Ms. Burton said it has to do with the scale of the operation because there is a difference between someone with two lawn mowers and someone that has an entire fleet and hardscaping included. Mr. Angell said the draft they are reviewing gives the Planning Board more direction and guidance than the current code. Mr. Horowitz said that (2)(a) is very similar to the existing code.

Ms. Burton asked if Taxi and Limousine service is prohibited on this draft, would a car service be prohibited as well. Mr. Flynn said he did not see how they are different, that someone paid to drive a person could be the same as someone flagging down a taxi to provide the same service. Mr. Angell said in his opinion a taxi or limousine service is incorporated, with advertising, more a business. Mr. Angell would not include Uber in taxi or limo service. Mr. Flynn said if the Town is encouraging of business, where are they supposed to do it. Mr. Angell said the focus should be on Home Occupations at this time. Mr. Angell gave an example of the number of accessory uses and how there is no limit currently.

Mr. Horowitz highlighted 3 issues that need to be addressed.

First would be home occupations specifics (like definitions), second being the resident versus vacant lot standards for businesses, and the third being the accessory use limits.

Mr. Horowitz mentioned that Uber is a growing enterprise in our area, and it may need attention in the code.

Mr. Angell suggested focusing on a definition of landscaping and Mr. Horowitz and Ms. Burton emphasized that scale should be the focus. Mr. Angell said there are limitations outlined for scale with two employees. Mr. Flynn said he believes that the employee limit is very restrictive and many lawn mowing businesses have at least 3 or 4 employees. Mr. Horowitz said that planting tree screens are very effective and Mr. Angell said that could be discussed when an applicant comes before the Planning Board. Ms. Warren said that there are many businesses that do not come before the Planning Board. Ms. Warren asked if scale and size can be determined within the definitions and Mr. Angell responded that it could be, or it can be determined by the employee limit section in the draft.

Ms. Burton said home occupations were discussed a lot in the public hearings for the Comprehensive Plan, and said that existing home occupations would be grandfathered in. Mr. Angell gave an example of an existing business where before the ordinance the person had 2 trucks and now the ordinance gets passed and this person adds another truck, do they get grandfathered in because of the existing trucks or do they need a special use permit when they add the third truck would be the question to address. Mr. Horowitz said he thought that the upgrade in employees would trigger a need for the special use permit, and Ms. Warren thought having a snapshot of time would make these decisions hard to match up with when they occurred. Mr. Flynn asked if the business is taking place at a work site, why does the number of employees matter since they are not coming and going all day. Ms. Warren said some businesses do not operate that way and it creates increased background noise and traffic all day long when it is a contractor's yard where there is a dispatch. Ms. Burton said trucks coming and going is disrupting the residential character of the area. Mr. Flynn said there is always going to be background noise, but Ms. Warren and Ms. Burton argued that typical deliveries for propane or packages, or construction, is episodic compared to a business running out of a neighborhood. Mr. Flynn asked if hours of operation could be implemented. Mr. Angell said hours of operation would be discussed as part of the special use permit process with the Planning Board. Mr. Angell said years back Staats Dairy Farm used to have somewhere near 15 trailer trucks and it became part of living in the area, so it is hard to discuss because things can change over time, and historically the Town let things carry on to get along. Mr. Angell said this new draft provides the Planning Board with much more detail than the current code. Mr. Horowitz asked if (2)(c) limits the number of employees, and if someone with multiple employees fits all the other categories of the home occupation what their options are, and Mr. Angell explained that there are other provisions of the code that the business may fall under based on the district schedule of use. Ms. Burton emphasized that she would like to see large scale commercial businesses curtailed in a residential zoned area. Mr. Angell responded that creating code based on current situations could cause issues, but better to think of the Town as a whole. Ms. Burton said a contractor yard is a definition in the Code, but not listed in the use table, so that is an issue. Mr. Flynn said that farmers make lots of background noises, so how do you distinguish which noises are a disturbance. Ms. Burton said we are a right-to-farm community. Ms. Warren asked how you enforce background noise unless you do a decibel reading. Mr. Flynn said a noise ordinance had been denied by the Town Board previously.

Ms. Warren said in (2)(g) has 25,000 lbs. and she said that is an arbitrary number and the truck needs to be related to that person's business. Mr. Flynn said a UPS, FedEx, trucks are 10,000-25,000 lbs. but if the same size vehicle is coming in and out of residential homes

for deliveries, why can't someone do it as part of their business. Ms. Warren said "normal use" and home occupation use is blurring the line and can be worked out, but needs to be researched more. Ms. Warren pulled code from a different town stating that vehicles greater than 10,000 lbs. cannot operate out of the premises or park on the property. Another example she provided said no more one than vehicle used in the business may be parked or operated on the premises when the property is in single family home zoning. Mr. Gotovich said he would like to give Ms. Warren and Ms. Burton more time to figure out language for landscaping or other definitions. Ms. Warren outlined the four major points that need attention:

- Truck weight and frequency
- Landscaping / Hardscaping / Construction scale and definitions
- Car service definition
- (2)(b) missing the accessory building, leaving out garages

Mr. Horowitz said (2)(g) helps limit the amount of commercial traffic generated by the home occupation, not personal use or construction for renovation. Mr. Horowitz said he would work on the language for (2)(g).

Mr. Angell suggested adding landscaping to the contractor's yard definition. Ms. Burton said the use table would need to be adjusted as well. Mr. Angell said right now contractor's yard is not permitted anywhere. Ms. Warren and Ms. Burton do not want to limit small scale business, but would like to restrict large scale commercial operations in a rural residential zone area. Mr. Angell said the definition would have to be modified to include a scale, but add landscaping to the definition for contractor's yard.

Mr. Angell said the current code does not limit properties to a single accessory use.

Mr. Gotovich asked if an applicant going beyond the 2 employee limit for a home occupation would need to go to the Planning Board or Zoning Board, Mr. Angell said he would need to research that matter.

Ms. Warren asked about the ADU local law resolution and why items were redacted by the Town Attorney. Mr. Butts took the drafted proposal and turned it into a local law to include SEQ. Mr. Angell explained that she was looking at the current code that was redacted because the existing definitions are not needed anymore so ADUs become as-of-right.

Mr. Gotovich provided a brief history of Town code in respect to lot sizes. Mr. Gotovich was on the Town Board at the time it was passed and amended. Mr. Gotovich said in the 1980s the Town was receiving a lot of pressure to develop the area because of the growth of IBM.

The Zoning Commission had been working on the zones for some 20 years and then settled on these zones after getting this pressure. Mr. Gotovich explained that the farms are mostly located in the RR and residences are mostly located in AR and are zoned for 5 acres with different standards of use with the exception of LR and RC. He explained that Hunns Lake zones were defined by watershed. Upton Lake became 5 acres and the RC was at 1.5 acres. The pink areas on the map were supposed to be 2.5 acre zoning to be “up-zone” higher density zoning. These pink areas had the appropriate soil to support 2.5 acre zoning. The density zoning does not exist now, but the districts are the same. Mr. Angell said there were building moratoriums put in place to protect the Town from large subdivisions.

Mr. Angell provided soil maps for Stanford from the 2006 Chazen Study.

A and A/D soils – 1.2 - 1.4 acres for recharge

B soils - 1.6-1.9 acres for recharge

C soils - 3-3.5 acres for recharge

D soils - 5.4 - 6.2 acres for recharge

The 1986 zoning map has overlaps in soil quality and the pink higher density areas.

Mr. Angell posed a question for the Commission to consider about how much population density they want based on the Master Plan and how to define and maintain rural character.

Agenda items for next meeting:

Right to Farm ordinance for the Town is in the Master Plan. Mr. Angell’s intern, Justine, will come make a presentation on other Towns, State.

Next meeting is July 18.

Ms. Burton motioned to approve the May 16, 2024 meeting minutes with the amendments to Federal not State law religious freedom and property use amendment plus Barbara Warren’s SPEEDY and DDP. Mr. Gotovich seconded. All in favor, Mr. Angell, Ms. Burton, Mr. Flynn, Ms. Warren, Mr. Gotovich, Mr. Horowitz. Motion carried.

Ms. Burton brought up attendance for meetings.

Meeting adjourns at 9:05 PM