

Town of Stanford Zoning Commission
Meeting Minutes
November 19, 2024

Present: Thomas Angell, Stephan Gotovich, Don Smith, Chris Flynn, Wendy Burton, Barbara Warren, Steve Horowitz

Meeting begins at 7:00 PM

Potential Consultant for the Zoning Commission: Nina Peek

Nina Peek introduced herself. She is a practicing professional planner with over 30 years of experience. She has experience in both public and private projects, zoning code review, master plans, comprehensive plans, and lives in Amenia and is on their Planning Board.

Around 2010 she started work on the Stanford Comprehensive Plan and has been in and out working on different parts of the Review Committee so has experience with the Town of Stanford specifically. She has done procedural audits, code re-writes, and how to streamline Code enforcement.

Mr. Angell said the Commission has been meeting for almost a year and have been working on different parts of the Comprehensive Plan, including ADUs, Right to Farm, battery energy storage systems, and started looking at Home Occupations. He explained there are a lot of technical aspects of the Code that need to mesh together, but the Code has not been appropriately reviewed with a fine-tooth comb. The Commission would like to utilize Ms. Peek for the technical aspects that they cannot address due to resources and time while the Commission continues the deliberative process. Ms. Peek explained that as pieces are added in parts, it is important that the entire thing makes sense as a whole. Ms. Peek said her process would include an annotated outline of the Code in its entirety in a spreadsheet and then make sure that each component of the Code makes sense, that definitions are consistent with the rest of the Code and with other State and County laws. Then she would highlight things that are important, missing, or inconsistent, and streamline the procedural components. Ms. Peek said she is able to resolve and track the changes in a spreadsheet. Mr. Horowitz suggested the outline contain parts that line up with the Comprehensive Plan items that should be incorporated at some point. Ms. Peek can also incorporate graphics and diagrams into the Code and have it loaded onto the eCode360 platform. Ms. Warren asked if Ms. Peek would be able to suggest what parts of the Code should be focused on, and she said yes, she can research what is being done in surrounding Towns too. Mr. Angell said the Commission has considered a 2 track process. Ms. Peek said yes that would work, she said she would like to come to the meetings to stay up to date. The Commission would focus on their items, and she would focus on her items, and she would meet with the Commission frequently to keep the lines open. Mr. Gotovich said it disappoints him when the product is taking all the way to the endline as a whole and it gets shut down after so much time is

invested so he favors the technique the Commission has used so far without a consultant. Mr. Gotovich also would like to have the Commission work on the smaller bits and then call upon Ms. Peek to take on big Code projects. Ms. Peek said for the most part the Code that might be hot-button issues should be well vetted by the Commission, Town Board, and attorneys, and her part be more administrative once it has gone through all those processes. Mr. Gotovich said he appreciates the work that the Zoning Commission has done so far to keep picking at small items on their own. Mr. Angell said the issues the Commission has on their radar are farm worker housing, mobile home regulations, home occupations, and event venues. Ms. Burton said she would like to focus on the short-term issues that are highlighted in the Comprehensive Plan. Ms. Burton said she would like a partner in discussing hot topics like ridgeline protection and not necessarily doing only technical review of the code.

Ms. Peek asked the Commission's process, and Ms. Burton said the ADU code went to the Town Board and it had pretty negative feedback because it was too general after public unease and feedback, and the Town Board re-wrote the law to shrink it back and let the code stand for guest cottages and duplexes. Ms. Warren said maybe Ms. Peek could be used for public education, or find a way to prepare the public, because there was a lot of misinformation prior to the public hearing. Ms. Peek explained that online storyboards are helpful to let the public know what is coming and where to get more information. Mr. Horowitz suggested having a list of priorities for the Commission that is available to the public. Mr. Angell said that different items make their way into their agenda based on current needs or things that have just started to come up. Ms. Burton suggested using the summary page at the end of the Comprehensive Plan and Mr. Horowitz would like to present progress reports. Ms. Warren said she would rather keep things in-house until things are achieved but could potentially do a statement every once and a while so they do not get bogged down. Mr. Angell asked about the timeline of completing the Comprehensive Plan zoning updates, but Ms. Burton said she does not expect it to be done by the time she is out of office. Ms. Burton mentioned that she tends to send items to the Zoning Commission based on the current temperature on topics that come across her desk.

Mr. Angell asked how she would structure their relationship. Ms. Peek said it could work where the Commission continues to work on Comprehensive Plan items one by one while she outlines the Code that can happen concurrently. Mr. Gotovich would like to use Ms. Peek to help them get products over the finish line, for example the ADU law may have needed an extra push from an outside source, especially at the public hearings or after the Commission completes a task and have her review it before it goes to Town Board. Ms. Peek suggested that definitions could be done with a wholesale pass or wait until after the independent laws go through to pick out which definitions need to be updated.

Mr. Angell asked the financial structure that works best. Ms. Peek said this would be more of a hybrid. Ms. Peek would need to take some time to review the Code with a lump sum and then provide other services per diem. Mr. Angell asked if there is a legal review, Ms. Peek said the

Town Attorney should take the final pass. Mr. Horowitz suggested that the short-term priorities in the Comprehensive Plan be again prioritized by the Commission and integrated into their work. Mr. Angell said the priority list would be more for the Commission and Ms. Peek could do the initial technical review. Mr. Horowitz asked if the Code is really technically that incomplete. The Commission agreed that yes, it is dysfunctional, so the technical review is needed so the new code does not contradict the old Code and is a hodgepodge to begin with. The recommendation is for Ms. Peek to break down and identify the parts of the Code that need help. Ms. Burton said an essential piece are the definitions. Ms. Burton said Ms. Peek should be able to go through the Code and make those corrections and the Commission will get the skeleton straight. Mr. Flynn pointed out that Ms. Peek will not be changing the Code, she is trying to identify issues and suggestions. Mr. Horowitz countered that the issues are policy not technical.

Mr. Angell asked Ms. Peek to put together a proposal with a price tag and then the Commission can review that proposal to see how they can proceed. Ms. Warren asked if her workload is manageable; Ms. Peek said she would be able to take this on. Ms. Peek said that she can redline and track changes in a document, so the changes are visible.

Mr. Angell said he liked the idea of a lump sum for a product instead of running out of money before the product is complete. Ms. Burton explained that the budget is \$50,000 for a consultant because the ambulance funding did not make it into the budget because the change will be made for the next fiscal year. Ms. Burton said the 2025 budget money cannot be appropriated. Mr. Horowitz felt that \$50,000 is not enough, but they will wait and see what Ms. Peek brings back.

Battery Storage

NYSERDA confirmed there is no State regulations on battery energy storage, only suggested ordinances that municipalities could adopt. Fire Code as it stands does regulate home batteries and requires residences to adhere to them.

Home Occupations

Mr. Horowitz provided a memo based on the discussion from the June meeting after some changes had been made in home occupations, but the Commission did not review the memo in June because the internet was not working. The memo outlines section 164.59 comments Mr. Horowitz had. Ms. Warren also had a memo on the weight of trucks but they had not reviewed it because Mr. Flynn was not present when they last discussed home occupations.

Mr. Flynn reported his issues with the prohibited uses. Mr. Flynn asked if the Town wants to promote business and if there is nothing in Town that is affordable or available, then why are we trying to prohibit people from doing it on their own property. Mr. Flynn asked if there is room why cannot someone have their business on their property. The Commission reviewed the draft prohibited use list. The Commission agreed that ambulance services, animal hospitals should be a prohibited use. Mr. Flynn said he thought that Antique shops could be a home occupation

because some vendors have materials packed in their garage and could just have a tag sale every weekend, so he asked if there is proper parking why can't they have their shop at their home Monday through Friday, or other set hours. Mr. Angell said right now home occupations are allowed in all districts with a special use permit, and the current definitions are loose, so an antique shop could fall under a special use permit, the exceptions are daycares and bed and breakfasts. Mr. Angell said being on the Planning Board has been difficult to navigate this definition. Mr. Flynn said he would favor putting business hours for operating and put in fines for not staying with those restrictions. Ms. Warren asked if a neighbor started an antique shop and now people are parking on her lawn, do they need to have parking regulations, and Mr. Angell clarified that there is a part of the code outlining requirements for retail businesses that would satisfy this requirement, but not necessarily home occupations. Mr. Angell said antique shops are allowed, but where they are allowed is regulated, and what the Commission is talking about is getting away from secondary incidental use as a home occupation. Ms. Burton said if there are going to be operating hours it really is not incidental use. Ms. Warren gave an example of someone giving an art lesson here and there versus someone advertising specific hours of operations for lessons and how the latter does not really fit a home occupation. Mr. Angell said it is the reality of our Town is that people have a lot of different stuff going on their properties and it part of the way of life in Stanford. Mr. Angell gave an example that the dairy farmers are supplied by a business on Duell Road, but it is grandfathered in. Ms. Warren asked how they could enforce the regulations on home occupations, and Mr. Smith explained that it is already in the code, and it is up to the courts to have the violators pay the fines. Mr. Horowitz asked how they want to go through the list of prohibited uses, and if they are going to regulate them. Mr. Flynn explained that some of the prohibited uses need to have some leeway, for example contractor yards because there are over 50 operating in Town while they are technically not permitted uses. Ms. Burton asked if they are disrupting the rural character of the Town though. Mr. Flynn said some are big operations on small properties. Ms. Burton explained that the code they are trying to write is for moving forward and how they want to shape the Town for the future. Ms. Burton pointed out that if we are a Town where people do their own thing, what is stopping people from destroying residential areas. Mr. Flynn said people should be able to do what they want with their property, and Ms. Burton said there should definitely be a scale on sizing. Mr. Angell pointed out that we do not really have truly residential areas. Ms. Burton would like to go through the list of prohibited uses, and Mr. Horowitz suggested creating parameters for the home occupations that could be used by the Planning Board. Mr. Angell said currently the Planning Board has no guidance and if the new code had them, it would make things more straightforward. Mr. Gotovich said the scale of the home occupation should be limited to the size of the business inside the house, and anything bigger should go to the Planning Board. Mr. Angell suggested allowing contractor's yard and then come up with a definition to help regulate it and create specs instead of prohibiting it, but limit where they can occur. Mr. Angell said other municipalities permit them. Mr. Angell also suggested creating more zones that are strictly residential. Mr. Horowitz asked if there other businesses that are currently not permitted, but should with regulations, and said he would favor having a permit approach because each home occupation and business is unique. The Commission agreed that all home

occupations would require a special use permit. The Commission said they will look at surrounding Towns' code on home occupations for reference. Ms. Warren said have clear definitions would be necessary. Ms. Burton said she would like to keep the rural character of the Town and does not want businesses in residential areas that disrupts their neighbors. Mr. Angell suggested that the Commission review the list of prohibited items in the draft to see which ones they think should stay or go to discuss at the next meeting. Mr. Horowitz also suggested reviewing the standards for home occupations.

Ms. Burton motioned to approve the October 23 meeting minutes with amendments to grammar. Ms. Warren seconded. All in favor, Mr. Angell, Mr. Gotovich, Mr. Smith, Mr. Flynn, Ms. Burton, Ms. Warren, Mr. Horowitz. Motion carried.

At 8:55 PM the meeting was adjourned.

Next Meeting: December 19
NYSERDA & Home Occupations

Meeting minutes recorded by Sara Knickerbocker