

Town of Stanford Zoning Commission

December 19, 2024

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

Absent: Chris Flynn

Meeting begins at 7:02 PM

Proposal from Nina Peek for Zoning Commission Consultant

Task 1: Conduct Baseline Review

Task 2: Prepare Draft and Final Annotated Outline

Task 3: Restructure Zoning Code and Migrate Text

The cost is a lump sum of \$35,000 for Tasks 1-3 and a timeline of about eight months. Task 4 would be billed hourly at the rates included in Table 1 in the proposal.

Part of her charges should move along to Town Board because some of the review does not include environmental review, and that is done at an hourly rate, but there could be other attorneys could do the SEQR instead, but that does not fall under the Zoning Commission. Mr. Horowitz pointed out the information they are covering now is not highly environmental.

Chapter 164 of the Town Code will need to be downloaded into Word for Nina Peek.

Ms. Burton motioned to pass the proposal to the Town Board for the hiring process. Mr. Smith seconded. All in favor, Mr. Angell, Mr. Gotovich, Mr. Smith, Ms. Burton, Ms. Warren, Mr. Horowitz. Motion carried.

Schedule 2025

Planning Board to January 22

Zoning Commission January 29

Zoning Commission February 19

Without Chris Flynn in attendance, discussion of Home Occupations was moved to the next meeting. Mr. Angell said he would invite NYSERDA to the January meeting as well.

Selecting Priorities off the Stanford Comprehensive Plan; short term items

“Eliminate the requirement for ‘family’ occupancy for residence in accessory dwellings”

The Zoning Commission thought they had taken care of this topic. Ms. Burton said that they removed the family member requirement for an ADU, but Mr. Angell pointed out that the Town

Board decided to leave in the language for Accessory Apartment and incidentally it left family occupancy in the definition. Mr. Angell recommended that the definitions be removed from the ADU draft. Ms. Burton explained that the first draft of the ADU was supposed to allow anyone to live in the ADU, not just a family member, but she said the public hearing showed that people were concerned that it eliminated too many restrictions. Mr. Horowitz expressed concern that if both definitions for Accessory Dwelling Unit and Accessory Apartment are in existence it would be confusing. Mr. Gotovich motioned to remove 164-22 Accessory Apartment section from the current ADU draft. Ms. Warren seconded. All in favor, Mr. Angell, Mr. Gotovich, Mr. Smith, Ms. Burton, Ms. Warren, Mr. Horowitz. Motion carried.

“Encourage flexibility and creativity in creating smaller homes for first-time buyers”

Mr. Smith said there is no regulation for house size, but there is regulation for room sizes. Mr. Smith said tiny homes run into issues with egress for Fire Code. Mr. Smith explained that when they do reviews of plans they use both New York Residential Code and Fire Code. Ms. Burton asked if there is a requirement for square footage, and Mr. Smith said no, and that our Town Code does not have any Tiny Home regulations. Mr. Horowitz asked for clarification on the difference between this item and an ADUs. Mr. Angell explained that the Tiny Home could be a stand-alone residence. Mr. Angell said NYS building code allows tiny homes, and Mr. Smith added as long as the Tiny Home meets residential code. Mr. Smith said our Zoning Code does not have ordinances on Tiny Home, but they are allowed, as long as they meet the residential code. Mr. Smith said Town Ordinance requires it to be on foundation. Mr. Angell added that costs accumulate because if you disturb over an acre you need a Stormwater Pollution Prevention Plan (SWPPP) and permit and you also need factor in driveway costs as well. Ms. Burton suggested adding to the zoning code tiny homes are allowed in New York so they can be allowed in Stanford. Mr. Smith agreed that outlining Tiny Homes in the Town Code would make things easier to interpret. The clarification is that if the Building Department is asked if a tiny home can be built, the answer is yes as long as it meets building code and fire code, and it has stamped plans. Ms. Warren clarified if someone could bring a Tiny Home in as their ADU, the Commission agreed, that should be fine if it met code. It was decided that Tiny Homes will be added to future agendas so there is clarification in the Town Code that they are allowed. It was also discussed that Mobile Home regulation needs attention as well. Mr. Gotovich asked if there is code for seasonal homes, and Mr. Smith said there is State code for seasonal homes.

“Incentivize flexible housing options by allowing increased density in subdivision...”

Mr. Angell said in his experience with the Planning Board, the biggest issue in increasing density is with the roads. Mr. Angell explained that the current law only allows up to 9 parcels to a private road, so the other solution is to increase the number of public roads. Mr. Angell further explained that the Town would have to be more willing to maintain the new roads after the

developer pays for the public road. Mr. Angell said the Town would be giving a public benefit to private developers, but the Town bears the cost. Mr. Angell said from what he has read the public road for a private development generally costs more money than the tax generated. Ms. Burton questioned if a developer put in a 9 house subdivision how that tax money generated would not cover the cost of plowing and paving that road, especially when the roads are not paved that often. Mr. Gotovich explained that a lot of time the developers choose to put expensive homes in these subdivisions to cover the high costs of paving and construction. Mr. Angell said there are different funding available for developers. Mr. Horowitz said the State government has grants available for different housing, and Ms. Burton said that New York State grants are available for ADUs that are as of right. Mr. Angell said density comes back to needing central septic systems as well.

“Create a detailed flow chart for use by Town staff, illustrating the land development...”

The Commission agreed that should be more of a medium term goal.

“Explore incentives to encourage long term rentals for community members”

Mr. Angell said from his son’s experience, it is not possible to build an apartment to rent for less than \$2,000 a month, the cost of construction is very high. Ms. Burton asked what if there were tax incentives for keeping costs lower. Mr. Gotovich said the Town of Stanford tax incentives do not really exist, he explained the other option is to create a tax reserve. Ms. Burton said the grants given from the State were available to subsidize construction with as of right ADUs, and she said that Dutchess County may put in a program for ADUs in the future. Mr. Gotovich said he believes the State may have tax exemptions for ADUs. Mr. Horowitz asked if abatements are included because they help with construction costs, and Mr. Gotovich said he believes those are exemptions outside of New York City.

“Commercial/Retail Land Uses”

The Commission has the Right to Farm Law draft ready for Town Board, Ms. Burton said once the ADU law is complete that will go to Town Board next. The Commission is working on Home Occupations.

“Historic Resources”

The Commission agreed this area does not fall under the Zoning Commission purview.

“Outreach and Incentives”

Ms. Warren brought up that maybe event venues could fall under this category because of the tourism category.

“Regulatory”

Ms. Burton explained that existing and maintained businesses would be grandfathered into any new regulatory laws regarding Home Businesses in order to protect tradesmen. Mr. Angell said the issue would be that technically those businesses were not permitted to the law, so then they would have to have proof they were in existence before adoption of any new provisions. Mr. Angell explained the issue goes back to the lack of definition for contractor’s yard and other missing or vague definitions. Ms. Warren asked if that could be part of Nina Peek’s scope of work. Mr. Angell said she could potentially handle the non-controversial ones.

“Establish criteria for evaluating and permitting event venues”

This item is crossed out on the Comprehensive Plan, and Ms. Burton was curious why it is removed, and said it should go back in because there is no regulation on businesses that are event venues.

“Ease requirements to allow flexible off-street parking in Stanfordville and Bangall hamlets, including shared parking” and “Encourage a mix of commercial and retail uses along the extended Route 82 corridor and extend boundary of the Rural Center zoning district”

The Commission agreed this can be addressed when reviewing Town maps.

“Natural Resources and the Environment”

Mr. Angell suggested these items go before the CAC for review.

“Scenic Viewsheds” / “Investigate the creation of Purchase of Development Rights (PDR) program to create funds to compensate land owners for any development restrictions on their property.”

The Commission agreed that these are both very controversial and sensitive topics. Mr. Angell said from a landowner’s point of view that if there are restrictions on the location of homes, there should be compensation because it reduces the value of the home. Mr. Horowitz asked if there are any size restrictions, Mr. Smith said there is a height restriction of 35 feet to the middle of the

eves, which translates to 2 stories. Mr. Smith any new 3 story homes have to be totally sprinkled for Fire Code.

“Continue to implement and oversee local protection laws for existing scenic roads”

Ms. Burton said there is no regulation for the look of people’s homes and yards on a “scenic” road, and the home is unrelated to the “scenic” designation. Mr. Gotovich said it has more to do with the treatment of the road itself.

“Utilities and Infrastructure” / “Broadband/High-Speed Internet and Cell Phone Service”

Ms. Burton said there is an initiative coming from the State to help with Broadband, otherwise, it is not a Zoning Commission item.

Topics for future Discussion:

NYSERDA

Farm Worker Housing

Mobile Home Regulations

Home Occupations

Event Venues

Use Table / Definitions

Contractor Yards

Ms. Burton motioned to approve the November 19, 2024 meeting minutes with the amendment to correct Tick Tock Way to Duell Road on Page 4. Mr. Smith seconded. All in favor, Mr. Angell, Mr. Gotovich, Mr. Smith, Ms. Burton, Ms. Warren, Mr. Horowitz. Motion carried. Mr. Gotovich motioned to adjourn the meeting. Ms. Burton seconded. All in favor, Mr. Angell, Mr. Gotovich, Mr. Smith, Ms. Burton, Ms. Warren, Mr. Horowitz. Motion carried. Meeting adjourned at 8:52 PM.

Meeting recorded by Sara Knickerbocker