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## Town of Esopus Zoning Update

### Zoning Task Force Meeting #4

January 14, 2020

### Summary Meeting Notes – APPROVED

#### Attendance

##### Zoning Task Force (ZTF) Committee Members Present:

Committee Chairman Jared Geuss, Councilman; Shannon Harris, Supervisor; Susan Barbarisi, Environmental Board (ZTF Alternate); Don Carragher, Environmental Board; John Cutrone, Economic Development Committee; Darin DeKoskie, Planning Board; Diane Hull, Resident (Connelly); Laura Petit, Ulster County Legislator; George Post, Water and Sewer Board; Mercedes Ross, Waterfront Advisory Board.

##### Also Present (Signed In):

Alex Dean, Town Community Outreach Coordinator; Elizabeth Tenduke, Ulster Park; Roger Bergold, Esopus; Matthew Rogers, Senior Planner-Laberge Group; Joshua Westfall, AICP, Planner-Laberge Group.

##### Committee Members Absent:

Shannon Harris, Supervisor; Sal Morello, Asst. Zoning Enforcement Officer; Jim Banks, ZBA; Robert Wells, Recreation Board; Karl Wick, ZBA (ZTF Alternate); Alan Sorenson, AICP, Town Planner.

#### Call to Order:

The meeting was called to order by Chair Jared Geuss at 4:30 PM. Chairman Geuss indicated that the Committee would hear members of the public who are interested in speaking about topics on the evening's Zoning Task Force agenda.

#### Public Comment Period:

- 1) Roger Bergold, Esopus: Mr. Bergold discussed his concern regarding a neighbor operating their ATVs and other vehicles on a trail close to Mr. Bergold's property line. The resulting noise is impacting Mr. Bergold's ability to enjoy the property and believes it is lowering his property value. Mr. Bergold asked if the proposed noise law or another Town law would assist in alleviating this issue. Mr. Rogers explained that a noise ordinance may be one way to limit the adverse impacts related to ATVs and other off-road vehicle use. When these vehicles are used on private property and are complying with all applicable laws, communities have little control over their use. A noise ordinance may help and the revised draft law will look into options related to ATV and related vehicle uses.

*Mr. Rogers ended the public discussion period.*

### Approval of ZTF Meeting #3 Notes

Mr. Rogers noted one change requested by Mercedes Ross. Mr. Rogers asked for approval of the meetings notes with the change recommended by Mercedes. The Committee agreed and the notes were approved.

### Meeting Discussion

#### 1) Proposed Zoning District Amendments

- a) **Port Ewen – Hidden Harbor Yacht Club** (*Reviewing the Document: Proposed Tilden Street Area Zoning Amendments dated November 18, 2019*)
  - i) Hidden Harbor currently zoned Waterfront Recreation.
  - ii) Darin DeKoskie discussed concerns neighbors have expressed to him regarding allowing new uses at Hidden Harbor, including restaurants and the potential for increased traffic on the residential streets. There was a discussion about possible uses and traffic.
  - iii) Alternative road access was discussed and there was consensus that there are no feasible alternatives. The ability of emergency vehicles to access the site needs to be maintained and Mr. Rogers stated that any future use of the property reviewed by the Planning Board would involve coordination with emergency services.
  - iv) The idea of a hybrid Waterfront district was discussed:
    - (1) Consider allowing limited commercial uses, including restaurants. Bars/taverns were discussed with a consensus that they should not be permitted unless associated with a restaurant.
    - (2) The existing height max in WR is 15 ft. There is a desire to allow for taller buildings but only if they would not impact views. Consensus on limiting building heights to 25 ft. Mr. Rogers clarified that there is a 25 ft. to 35 ft. elevation change from Tilden Street to the club's parking lot. If buildings are limited to 25 ft. max, there will likely be no impacts to neighboring views of the River.
    - (3) There was agreement to draft proposed Waterfront – 2 District regulations with limited commercial uses and a maximum height of 25 ft.
- b) **Tilden Street Residential** (*Reviewing the Document: Proposed Tilden Street Area Zoning Amendments dated November 18, 2019*).
  - i) Two existing residential parcels zoned WR. They are considered pre-existing, non-conforming lots.
  - ii) Recommended to be rezoned from WR to R-40. Short discussion regarding the condition of both lots, which includes wetlands/open water and limited ability to further subdivide if zoned R-40.
  - iii) There was agreement to proceed with a recommendation for rezone both parcels from WR to R-40.
- c) **Port Ewen Gateway District** (*Reviewing the Document: Proposed Northern Gateway Study Area Proposed Draft Amendments dated November 18, 2019*)
  - i) Matthew Rogers summarized the proposed rezoning, the purpose and the fact that the Comprehensive Plan recommended this area be rezoned to extend the BC zoning density and character north to the Rondout. The proposed zoning would seek to protect and enhance the Town's northern gateway. Lot coverage might be increased and design standards integrated in the future. Matthew Rogers also stated that he has and will continue to coordinate with the water and sewer department in an attempt to identify potential limitations to increasing density.
  - ii) There was a discussion regarding the existing Spinnenweber property to make sure the use would not be impacted by the proposed rezoning. Different alternatives were presented by Matthew Rogers and

the Committee. There was an interim decision to continue allowing building supply businesses in the new district with some limitations and the Committee directed Laberge Group to flush out the details.

iii) Laberge Group will prepare a detailed rezoning recommendation with allowed/prohibited uses, density standards and initial design standards.

**d) Connelly – Rondout Yacht Basin** (*Reviewing the Document: Proposed Hamlet of Connelly Zoning Amendments dated November 20, 2019*)

i) Currently divided into three zoning districts: Waterfront, WR, and R-12. Proposed to be rezoned to Waterfront. Some of the existing uses in the WR District are considered pre-existing nonconforming. Goal is to bring the uses into conformance under one zoning district.

ii) There was a detailed discussion about currently allowed heights along the Rondout and what the maximum height should be. There is a desire to limit the height of buildings to protect views of the Rondout from nearby neighborhoods.

iii) The Committee agree to rezone the property to Waterfront with a maximum height of 25 ft.

iv) The Committee recommended extending the 25 ft. height limit along the Rondout to include the Rondout Yacht Basin, Jeff's Yacht Haven and parcel 56.50-1-3.1 and the eastern portion of parcel 56.50-1-3.3 at Certified Marina.

v) Laberge Group will draft the proposed rezoning recommendation for the Rondout Yacht Basin as agreed upon and include the 25 ft. height limitation across the shoreline to Certified Marina.

**e) Connelly – R-12/Neighborhood Commercial** (*Reviewing the Document: Proposed Hamlet of Connelly Zoning Amendments dated November 20, 2019*)

i) Matthew Rogers summarized the proposed rezoning of all R-12 parcels bounded by 1<sup>st</sup> St., 2<sup>nd</sup> St., Plantasie Ave. and Center St. to Neighborhood Commercial (NC). Many of these parcels are currently split between R-12 and NC.

ii) The Committee discussed the potential impacts associated with new commercial uses on neighboring properties and related to the narrow streets. If new development occurs in the Hamlet, the Town could look into establishing a small public parking lot.

iii) The Committee discussed the potential new uses that could be allowed in NC. Matthew Rogers listed the currently allowed uses in NC Districts. There is also the possibility of this NC District to be different from other NC Districts elsewhere in Town. May consider establishing a new zoning district – Neighborhood Commercial – Connelly (NC-C).

iv) The minimum lot size requirements were discussed in relation to the existing lot sizes. The majority of the involved lots are already below the current minimum and the current proposal involves increasing the minimum lot size to avoid unnecessary setback variances. These proposed changes would not necessarily result on the ability for future subdivisions and increased density.

v) Laberge Group will prepare the detailed rezoning recommendation with uses and density requirements.

**f) Connelly – Certified Marina Overlay District** (*Reviewing the Document: Proposed Hamlet of Connelly Zoning Amendments dated November 20, 2019*)

i) Matthew Rogers summarized the initial proposal to establish the overlay district which is intended to allow for more flexibility to redevelop the Certified Marina property, including hotel/resort, restaurant and higher density residential with waterfront access and recreation integrated.

ii) The density and intensity of future development that may be allowed was discussed. It was clarified that the overlay would seek to allow smaller-scale development, consistent with the character of the Hamlet. The steep slopes and floodplains will also need to be taken into consideration along with the water and sewer infrastructure.

iii) The Committee discussed the process for reviewing a project under the proposed overlay district and wondered if there would be opportunities to request/require one or more public benefit projects. Matthew Rogers stated that the law could be drafted to incorporate public benefit projects and the committee identified public waterfront access as an important one for Connelly.

iv) Laberge Group will draft zoning district recommendations for the overlay district.

**2) Density Calculation Method** (*Reviewing the Document: Density Calculation Discussion, dated January 8, 2020*)

a) Matthew Rogers summarized the existing regulations related to calculating residential density: Senior housing projects are required to remove a portion or all of constrained land to calculate density. Cluster subdivisions also has a different process for calculating density. General subdivisions, two and multi-family housing are not required to remove constrained land. This results in an inconsistent method across different development types.

b) Matthew Rogers then summarized the proposed density calculation method.

i) Subtract constrained land from total acreage:

(1) Remove full acreage of NYSDEC/ACOE wetlands

(2) Remove 50% of acreage within flood hazard area and slopes over 20%

(3) All right-of-ways

ii) Remaining acreage is considered unconstrained land

iii) Divide the remaining acreage by the minimum lot area to obtain the base density.

c) It was clarified that the resulting base density may not be to actual number of units, establishments or lots allowed after all other factors are take into consideration (e.g., new roads, infrastructure, parking needs, stormwater, etc.).

d) The Committee was in agreement with the proposed density calculation method.

**3) Short Term Rentals** (*Reviewing the Document: Proposed Draft Short Term Rental Regulations Draft #2, dated January 7, 2020*)

a) Matthew Rogers summarized the changes between Draft #1 and Draft #3.

i) Removed the term short term rental home as it is no longer necessary based on other changes to the law.

ii) Clarified where STR were allowed (allowed in any district a single family home is allowed) and only in single family, townhouse dwellings and habitable accessory buildings. Clarified that apartments are not suitable for STR.

iii) Parking requirements – Clarified the requirement of 162 SF per parking space and the total number of spaces required will be based on the existing regulation of 1 space for every 2 bedrooms. Applicants will need to demonstrate there is sufficient space for vehicles.

iv) Applicant will need to provide proof that they have registered with the County for the Hotel/Motel Occupancy Tax.

v) Removed the limit on the total number of unoccupied STR a person can have.

vi) Clarified process for existing STR that are not registered with the County.

vii) Change in the total number of guests permitted will be based on 2 people per bedroom, plus 2 and children are not counted towards the total number.

viii) Clarified that the fire inspection can be made as a condition of approval. Laberge will coordinate with the Building Department and Fire Inspector to clarify what items they will be inspecting and if it should be annual or every two years.

- ix) Clarified the banning of outdoor advertising – not able to have a sign out front of the unit advertising it as an Air BNB.
  - x) On-street parking cannot be used to meet parking requirements and the front yard cannot be paved or allocated to meet the parking requirements.
  - xi) Enforcement – clarified that the current zoning law procedures for enforcement will be used.
  - xii) Town will need to identify the fee and will need to prepare the application.
  - xiii) Defined “habitable accessory building.”
  - xiv) The Committee was in agreement with the changes made.
- 4) **Noise Control** (*Reviewing the Document: Proposed Draft Chapter 91 Noise Control Draft #2, dated January 7, 2020*)
- a) Matthew Rogers summarized the proposed changes.
  - b) The Committee discussed options for exempting commercial uses and raised concerns about the ability to enforce the law which may increase the workload for the Building Department.
  - c) Request to include opportunity to allow for business to operate outside of normal business hours, while protecting neighboring properties.
  - d) Requested case studies of how noise ordinances have been enforced in other communities to assist the Committee finalizing the noise law.
  - e) Laberge will prepare a revised noise law that relies less on the dBA limits and will find examples of how other communities are successfully regulating noise impacts.
- 5) Matthew Rogers passed out and summarized the Draft Group Home regulations – Draft #1 dated January 14, 2020 and asked the Committee to review for the next meeting.
- 6) Matthew Rogers adjourned the meeting at 7:15.

**Meeting Notes Submitted by Laberge Group March 6, 2020**