



Town of Esopus Zoning Update
Zoning Task Force Meeting #5
February 11, 2020
Summary Meeting Notes – APPROVED

Attendance

Zoning Task Force (ZTF) Committee Members Present:

Committee Chairman Jared Geuss, Deputy Supervisor; Susan Barbarisi, Environmental Board (ZTF Alternate); Don Carragher, Environmental Board; John Cutrone, Economic Development Committee; Darin DeKoskie, Planning Board; Diane Hull, Resident; Sal Morello, Building Department; Laura Petit, Ulster County Legislator; George Post, Water and Sewer Board; Kathie Quick, Councilwoman

Also Present (Signed In):

Stephen Cerini, Resident; Alex Dean, Community Outreach Coordinator; Jean Vitale, on behalf of Mark Repasky; Resident; Matthew Rogers, Senior Planner-Laberge Group; Joshua Westfall, AICP, Planner-Laberge Group.

Committee Members Absent:

Shannon Harris, Supervisor; Jim Banks, ZBA; Mercedes Ross, Waterfront Advisory Board; Alan Sorenson, AICP, Town Planner. Robert Wells, Recreation Board; Karl Wick, ZBA (ZTF Alternate);

Call to Order:

The meeting was called to order by Chairman Jared Geuss at 4:36 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) Jean Vitale, read a letter from Mark Repasky of Pendergast Point Ln. who reviewed the draft STR law and raised some concerns about the draft law's parking provisions on private roads, non-owner occupied Special Use Permit requirements, and fire inspections. Ms. Vitale provided a written copy of Mr. Repasky's letter
- 2) Stephen Cerini, Ulster Park – Voiced support for the draft noise ordinance in the Town.

Mr. Rogers ended the public discussion period.

Meeting Discussion

1) Summary of ZTF Meeting #4

- a) Meeting notes for Meeting #4 were not available. Mr. Rogers provided a brief summary of meeting #4 and the items agreed upon.

2) Small-Scale Solar (Nov. 12, 2019 Draft)

- a) Mr. Rogers summarized the draft regulations.
- b) Don Carragher: Agreed with linking the total square feet for ground mounted systems to the square footage of the roof area of the site's largest structure.
- c) Jared Geuss asked if an applicant would need Site Plan review if they proposed exceeding the total roof area. Mr. Rogers stated that as currently drafted, there is no option for an applicant proposing to exceed the threshold. There was a discussion on and an agreement that if an applicant proposes to exceed the maximum, an area variance should be required.
- d) Mr. Carragher stated that the Environmental Board has been provided a copy of the current draft and conducted a general review. No changes have been recommended at this stage.
- e) Sal Morello.
 - i) Sought clarification on when the Unified Solar Permit (USP) application can be used. Mr. Rogers explained the criteria and clarified that an applicant proposing ground-mounted in the front and/or side yards could not use the USP.
 - ii) Sought clarification on whether to use square feet or kilowatts to measure solar size. Mr. Rogers explained that since the efficiency of solar panels vary, regulating them based on SF alone may not be possible. In order to be eligible for the USP, the solar system will need to have a rated DC capacity of 25kW or less. Therefore, the applicant must provide details on the DC capacity. This will also be necessary as the term "Large, Scale Solar Energy System" is based on systems providing over 25kW.
 - iii) Discussed the rear and side setbacks. It was clarified that accessory structures are currently allowed to be within 5 ft. of rear and side yards. Recommended the following for ground-mounted systems:
 - (1) If 5ft. or shorter: No closer than 5 ft to the side or rear lot line.
 - (2) If over 5 ft., the setback would need to be the same distance as the height.
- f) Mr. Morello was excused to attend Town Court at 5:04 PM

2) Group Home/Residential Care Housing (January 14, 2020)

- a) Mr. Rogers summarized the draft regulations and explained that communities need to be aware that residents of group homes being operated by or under license by NYS have "protected status" and are considered families. Therefore, the Town should permit these uses in any district where single family homes are allowed. There is a process the Town can go through with the sponsor to locate an acceptable location.
- b) The Committee briefly discussed the children's home at the former St. Cabrini property as residents in the neighborhood have inquired about the status of the property.
- c) No changes proposed to the draft regulations.

3) Sign Regulations (February 6, 2020)

- a) Mr. Rogers summarized the draft regulations and the Committee discussed certain parts as follows:
- b) Subsection F. Signs on public property – Political signs.
 - i) Several committee members stated that NYSDOT recently released regulations addressing signs in road right-of-ways and believes the requirements have improved the issue. Laberge Group will confirm NYSDOT regulations and integrate them.

- ii) Agreement to strike Subsection F and include or refer to applicable DOT regulations.
 - iii) There was a discussion about the number of temporary signs that should be allowed on residential property. The current draft allows up to two, with one additional sign during election seasons (as defined in the draft law). Committee members believe this is insufficient and recommended a change. Laberge Group will evaluate this provision and provide alternatives.
- c) Mr. Carragher inquired about the library's proposal to replace their existing sign with a new digital sign in a different location. Mr. Rogers stated that since the sign will not be a "replacement in-kind" it would require a new permit from the Building Department. There was a discussion regarding their ability to use digital signage. The current zoning does not prohibit digital signage and several establishments have recently installed digitals signs.
- i) [NOTE: Laberge Group has subsequently confirmed that municipalities should not allow digital signs for local schools, fire departments, and other non-profit and civic groups while prohibiting commercial establishments from installing digital signage. On this issue, they should be treated equally.]
- d) The Committee discussed the difference between commercial and non-commercial signs and if there were other signs that should be regulated.
- i) Teardrop signs were recommended to be prohibited. This type of sign will be added to the draft law as prohibited.
- e) Laura Pettit voiced here desire to establish a more historic character in the Hamlets, which was identified in the Comprehensive Plan. Specifically, limit the amount of bright signs and seek to maintain a more historic character, similar to the Village of Rhinebeck or Red Hook. Darrin DeKoskie acknowledged his desire to move the Town in that direction and away from bright signs and clutter.
- i) [NOTE: Laberge Group reviewed the Village of Rhinebeck and Red Hook sign regulations. Both Rhinebeck and Red Hook prohibit internally illuminated signs, including no illumination/digital signs gas station price signs. Red Hook requires all signs to receive planning board approval. It is not clear in Rhinebeck who issues the approval, but it appears that the Building Dept. does. The largest allowed sign in Red Hook's commercial districts is 24 square feet for wall signs and 15 square feet for freestanding signs. In Rhinebeck's Village Center and Gateway Business Districts, each building is limited to a total sign area of one square foot in area for every two linear feet of public street frontage, but shall not exceed 30 square feet. 15 square foot maximum for any other sign. There are additional requirements that may be carried over into the Esopus draft law to assist in establishing more consistent and hamlet-scaled signage.]
- f) Mr. DeKoskie stated that the Town is seeking to move away from pole signs and encourage more monument signs.
- g) The Committee discussed options for regulating sign size in the various districts.
- i) In reviewing the new Esopus Dollar General sign, there was a question on whether or not the lights on the top of the sign would be counted towards the sign height. The draft sign regulations state that sign height shall be measured to the top of the sign or any part of its structure. The existing sign would still comply with the proposed sign regulations height maximum of 8 ft.
 - ii) Committee agreed to have a few signs measured (height and square feet)
 - (1) Will coordinate with Alex Dean to measure certain signs.
 - iii) Maximum height for Freestanding Signs:
 - (1) General Commercial: 10 ft.
 - (2) Rondout Gateway and Broadway Commercial: Changed from 10 ft. to 8 ft.

- (3) Did not settle on sizes for the remainder of freestanding signs. Will conduct measurements of existing signs to assist in setting maximums.
 - iv) Remainder of the proposed sign sizes by District were reviewed with no changes proposed.
 - h) The Committee reviewed existing signs within Port Ewen and Ulster Park using Google Street Viewer to assist in understanding sign size, type, location and which establishments might have non-confirming signs under the proposed regulations.
 - i) The Committee discussed temporary banners (e.g., existing credit union sign on wooden posts) along with changeable message signs on wheels (referred to as portable or backlight roadside signs, with or without arrows).
 - i) Mr. Carragher identified the fact that fire departments and other organizations utilize the backlight roadside signs and asked if the law can permit certain establishments to utilize the backlight roadside signs.
 - ii) Committee discussed the possibility of allowing civic establishments to use the roadside signs for public service.
 - (1) [NOTE: Similar to the note above regarding digital signs, Laberge Group is now of the opinion that communities should not treat civic/non-profit and commercial establishments differently when it comes to digital signage.]
 - j) Mr. Rogers summarized the provisions in the draft law that strongly encourage use of natural material and avoid internally illuminated signs.
 - i) The Committee discussed preferences between externally and internally illuminated signs. After a long discussion and viewing existing signs in Town using Google Street Viewer, there was a strong desire to prohibit them town-wide. To allow for additional time to consider options to regulating internally illuminated signs, Laberge Group will revise the draft law to include language strongly discouraging internally illuminated signs and an option for a town-wide prohibition for Committee discussion.
 - k) Window Signs. Mr. Rogers summarized the proposed regulations for limiting the amount of signage on front windows of stores.
 - i) Mr. DeKoskie recommended the Committee review Rhinebeck standards for window signs.
 - (1) [NOTE: The Village of Rhinebeck limits total window coverage to no more than 10% of the window surface area. Red Hook limits window signage as follows: Signage located in a window or door shall occupy no more than 25% of the glazing area of that window or door and shall not be illuminated.]
 - l) Murals. Mr. Carragher asked about large murals and if the proposed sign regulations address murals.
 - i) Mr. Rogers confirmed that the proposed sign regulations do not specifically address murals. Laberge Group will research the issue and provide guidance to the Town on regulating murals.
- 4) Proposed Rondout Gateway District (February 10, 2020).
- a) Mr. Rogers summarized the proposed Rondout Gateway District regulations.
 - i) The Committee discussed the potential increase in density. The draft regulations are proposing a density of 1 unit for every 7,500 SF with central sewer and water. The current allowed density is 12,500 SF per unit with water and sewer.
 - ii) Mr. Geuss stated that Don Kiernan, Superintendent of the Water Treatment Plant will assist in evaluating the ability of the Town's water and sewer systems to handle an increase in density. Estimated gallons per day will be provided to Mr. Kiernan by Laberge Group.

- iii) Mr. Geuss highlighted that one of the main reasons for the proposed Rondout Gateway District is to allow for higher density and commercial uses in the area and this is a positive for the Town.
- iv) Mr. Rogers discussed the current business, Spinnenweber PFV LLC, the largest existing business in the Rondout Gateway District. A portion of their business is located within the R-40 Zoning District and therefore, the use is considered pre-existing, non-conforming. The proposed regulations will allow the existing use to continue. To assist in guiding future commercial uses in the proposed district and avoid inefficient use of land by large outdoor storage/display, any new use will be limited to 1,500 SF of outdoor storage. This is a proposed number and the Committee will need to agree upon the final square footage. The limitation could also be carried over into the Broadway Commercial Zoning District.
- v) John Cutrone wanted to confirm that Spinnenweber PFV LLC could continue their operations and if they wanted to sell the business, they would be able to do that. Mr. Rogers confirmed that they would be able to continue as they are using practically all of their property for storage and display and that the use can be continued by a new owner.
 - (1) Mr. Cutrone also asked where the 1,500 SF outdoor storage limitation would occur. Mr. Rogers confirmed that the proposed Rondout Gateway District and Broadway Commercial are the only commercial districts that would have a limit on outdoor storage. There is no proposal to limit outdoor storage in the General Commercial or Industrial Districts.
- vi) Mr. Rogers stated that the proposed regulations would prohibit auto repair shops. The Committee discussed the current use and how long it was in operation. There was agreement that an auto repair facility has always been located in this area. Mr. Rogers stated that the Committee will need to consider whether continue allow auto repair in this district or not and suggested the Committee consider that for the next meeting.
- vii) Allowable Uses. Mr. Rogers also discussed the proposed allowable uses that begins on pg. 4 and recommended the Committee review them for the next meeting.
- viii) Design Standards/Guidelines. Mr. Rogers summarized the proposed design standards/guidelines and recommended the Committee review for the next meeting and explained that architectural standards/guidelines will be provided at a later date.
 - (1) Ms. Petit wanted to confirm that if the Town adopts architectural design guidelines/standards that it would not result in “cookie cutter” development, where every new building looks the same. Mr. Rogers explained that is not the intent of the guidelines/standards and that the goal will be to provide options for building styles and fenestration that is in keeping with the Hamlet character.
- b) Mr. Rogers past out the proposed Hidden Harbor Yacht Club and Residential Parcel zoning amendments for review and discussion at the next meeting.

5) Short-Term Rentals

- a) Mr. Rogers discussed an email from a landowner who owns a private road that provides access, via an easement, to several dwellings including one that is rented as a short-term rental. This landowner is recommending that the Town require all landowners who have a right to use the easement (lessees) to provide letters in support of or against the use of the easement by short-term renters and if the majority of the lessees are not in support, the Town should prohibit the short-term rental. The landowner referred the Town to a draft short-term rental law (dated 1-1-2020) by the Town of Gardiner which included the easement provision.
 - i) [NOTE: The Town of Gardiner has revised their draft short-term rental law removing the shared driveway provision. The current draft (2-13-2020) now states that for properties with shared driveways, parking must allow access to other property owners using the same driveway.]
 - ii) Mr. Rogers discussed potential scenarios if the law requires lessees to provide letters in support of or against a short-term rental which would place the Planning Board in a difficult situation.

- iii) The Committee discussed the issue in detail and attempted to understand the major concerns of the landowner. There was agreement that the draft law would address some of the concerns, including parking on the shared road.
 - iv) Mr. Carragher highlighted a major flaw with requiring lessees to vote for or against the use of the shared road for short-term rentals. Specifically, is the vote final or can it be revisited? For example, if a new homeowner moves in, do they have to (or can they) take a new vote and what happens if it is contrary to the earlier vote?
 - v) Mr. Rogers stated that the issue may ultimately come down to a real property law issue that would need to be addressed between the parties.
 - vi) No final decision was made. Mr. Rogers asked the Committee to consider this and come back to our next meeting to make a decision. Mr. Rogers also stated that we would discuss the issue with the Town's legal counsel.
- 6) Mr. Rogers informed the Committee about the upcoming Hamlet Information Meetings in Esopus and Port Ewen.

Mr. Rogers ended the meeting at 7:05 p.m.

Meeting Notes Submitted by Laberge Group March 4, 2020