



**Town of Esopus Zoning Update
Zoning Task Force Meeting #2
October 23, 2019
Summary Meeting Notes – APPROVED**

Attendance:

Jared Geuss, Chairman/Town Board; Shannon Harris, Supervisor; Sal Morello, Building Inspector/Code Enforcement Officer; George Post, Water and Sewer Board; Susan Barbarisi, Environmental Board; Don Carragher, Environmental Board; Jim Banks, ZBA; Diane Hull, Connelly Representative; Kathie Quick, Town Board; Mercedes Ross, WAB Chairwomen; John Cutrone, EDC; Alex Dean, Community Outreach Coordinator; Laura Petit, Ulster County Legislator; Matthew Rogers, Laberge Group.

Call to Order: The meeting was called to order by Jared Geuss and Matthew Rogers at 4:35 PM.

Meeting Discussion:

1) ZTF Meeting #1 Notes:

- a) Notes from ZTF Meeting #1 were reviewed and approved by the Committee.

2) Technical Memorandum Draft #2:

- a) Matthew introduced Technical Memorandum Draft #2 and explained that it now follows the structure of Chapter 123-Zoning and incorporates new issues found during Laberge Group's detailed analysis of the zoning regulations and additional recommendations by ZTF members.
- b) Density calculation issue:
 - i) The current zoning regulations have different procedures for calculating density. For example, density for multi-family projects are calculated differently than senior citizen housing which is also different than the density calculation method for clustered subdivision.
 - ii) The ZTF discussed this issue and there was agreement to consider a consistent approach across all uses. There was also agreement that the method could include the removal of constrained lands.
 - iii) After more discussion, Matthew suggested that different examples for density calculation used in other communities be provided for consideration. The ZTF was in agreement. Matthew also stated that he will follow-up with Alan Sorenson as well as Darin DeKoskie.

- 3) **Copies of Chapter 123-Zoning for ZTF members.** Matthew suggested that each member of the ZTF that does not already have a copy be provided with a paper copy of the existing Chapter 123-Zoning. An email will be sent out to the ZTF to determine which members would like a copy.

4) Schedule of Permitted Uses

- a) Matthew summarized the current schedule of permitted uses and explained that it currently uses Standards Industrial Classification (SCI) Codes to help clarify and define uses.
- b) Matthew spoke with Alan last week about the use table and there seems to be a preference to drop the SIC codes from the table and revise the uses accordingly.
- c) The overall table should be revised so that it is easier to read and find specific uses.
- d) The ZTF discussed this issue and there was agreement to reformat the table to make it easier to read.
- e) Sal Morello cautioned against completely eliminating the SIC codes from the table as they can help clarify certain broad uses. For example, there are various types of auto repair uses. Discussion followed. Some references to major categories of uses and associated SIC codes could remain. All uses listed in the table will need to be defined in the zoning regulations regardless of whether SIC codes remain. Sal also recommended that a new use category of “economic uses” be added to the table.
- f) Sal indicated that the Section 123-10 Schedule of District Use Regulations will need to be revised as it includes a discussion about the SIC codes. Matthew agreed that this section will be revised accordingly.
- g) Matthew stated that he will be working with Alan, Sal, Darrin, Jim and Jared to reformat the use table before introducing it to the ZTF. At that point, the ZTF can begin refining the table. amending uses as appropriate.

5) Zoning District Boundaries and Allowable Use Discussion:

- a) Port Ewen – Expansion of BC District north of Horton Lane to replace existing GC/R-40 (multiple parcels).
 - i) The ZTF discussed the recommendation including differences in uses, density, setbacks and character of development. There was an understanding that BC does not allow some uses that are currently located in the GC District and Matthew clarified that the intent of this recommendation is not turn existing uses into non-conforming uses or to encourage their removal.
 - ii) There are certain uses not currently allowed in BC that the Town may want to allow including research and development uses.
 - (1) The use table would be revised to allow engineering, accounting and related uses/offices in the BC district [NOTE: Offices are currently allowed uses in the BC District. Research, development and testing are prohibited in BC.]
 - iii) Shannon Harris asked if the new District would include design standards/guidelines. Matthew stated that design standards/guidelines should be integrated. There was a discussion about the types of funding that are available to help property owners improve the appearance of their buildings. John Cutrone discussed the low-interest loans available from the EDC and County which could be used to help improve property appearances.
 - iv) The ZTF agreed in principle to the recommendation of expanding the BC zoning as discussed. Matthew stated that he will provide a draft zoning map depicting the boundaries of the new zone, a list of all properties involved and a draft use table for the area. The district may be a hybrid and not necessarily BC. Future discussions will be based around uses and density and not necessarily what the district will be called.
- b) Aarjen Development Corp./69 Old Rt. 9W parcel (between the bridges)
 - i) Tax Map Parcels 56.43-1-4.1, 6.4 acres.
 - ii) Also referred to as the “Smith Property.”
 - iii) Currently zoned R-40.

- iv) Not within water and sewer district.
 - v) It was clarified that the Town limits driveways to a maximum slope of 12% for driveways. Access to the developable portion of the site is adequate. Access to the Rondout Creek is very steep (actual slope is unknown).
 - vi) The Comprehensive Plan recommends waterfront commercial development for this site.
 - vii) Alternative uses were discussed including waterfront-dependent uses (e.g., marina, boatbuilding), along with hotel/resort/lodging, restaurant, and commercial residential. Boat building was discussed for the lower section although there were some concerns related to how the property might look from across the creek. In addition, there is likely a limited market for another marina and the access drive to the waterfront would be too steep for a marina.
 - viii) Allowing for an increased variety of uses that might encourage/incentivize extending water and sewer services and possible incorporation of contiguous property was supported.
 - ix) There was agreement to consider rezoning the property and explore a variety of compatible uses. Matthew stated that he will take the next step and prepare a draft use and density table.
- c) Hidden Harbor Yacht Club – Zoned WR
- i) TMP: 56.60-7-17 – 6.2 acres
 - ii) Matthew summarized the current WR zoning and restrictions including limiting building height to 15 ft. and prohibition on restaurants.
 - iii) The existing 15 ft. height restriction was discussed. Adjoining residential neighborhoods are elevated and look out over the property and increasing the allowed height may not have an adverse visual impact. A portion of the property is also surrounded by trees which further screen the existing uses.
 - iv) Allowing for building heights up to 35 ft. was discussed and there was some concern among the ZTF that 35 ft. could result in visual impacts and/or become a concern to nearby neighborhoods. There was an agreement that 35 ft. may be too tall for this area.
 - v) The ZTF recommended that a realistic height be identified and not settle on an arbitrary number, although the ultimate height should not be over 25 ft.
 - vi) Additional discussion occurred on potential impacts from noise/music and other uses at the marina that could negatively impact neighbors. A draft noise ordinance is being prepared that might help with limiting noise impacts. The ZTF recognized that allowing more uses at marinas/boat clubs could result in increased noise and impacts on neighbors. These issues would be addressed at the next meeting when the ZTF evaluates potential uses for the site.
 - vii) There was agreement to consider rezoning the property from WR to W and appropriate height limits would be considered along with allowable uses at the next ZTF meeting. Matthew will prepare a draft use and density table for ZTF review.
- d) Discussion on potential negative impacts of rezoning property
- i) John Cutrone raised a concern about potential negative impacts, including increased or decreased property values on rezoned property and/or adjoining and nearby property.
 - ii) A discussion followed. In general, if property is rezoned to allow new commercial uses (for example), the assessed value of the property (for tax purposes) should not change just because additional uses might be allowed. Assessed value is generally based on the current use, condition, and most recent sales and market conditions. However, there was agreement that certain rezoning discussions should not completely overlook potential property value impacts. Increasing allowed uses on property may result in positive benefits.

- e) Connelly – Rondout Yacht Basin
 - i) TMP: 56.50-2-1.114, 16 acres.
 - ii) Currently zoned WR and half of the property is jurisdictional wetlands. [NOTE: Subsequent to the meeting, it was determined that the southern portion of the wetland area is zoned as R-12 and will be discussed at ZTF Meeting #3].
 - iii) Matthew raised the possibility that the property could be rezoned to W to allow for restaurants and other compatible uses and increased building height.
 - (1) Jim Banks discussed the positive economic benefits of restaurants and similar uses at the marina.
 - (2) Discussion occurred regarding the wetland portion of the property. Alternatives could be to rezone the entire parcel to W or only rezone the marina portion W and leave WR over the wetlands. It is preferable not to divide a lot into two or more different zoning districts.
 - (3) The ZTF recommended rezoning the entire parcel as W. This would not adversely impact the wetlands as existing wetland regulations are sufficient to protect the wetlands from adverse impacts.
 - iv) Height limitations and allowable uses would be proposed by Matthew for discussion at CTF meeting #3.
- f) Connelly – Two single family dwellings (and third parcel surrounding the homes) on 1st St., zoned WR.
 - i) Matthew described the current situation – the two homes are considered pre-existing, non-conforming.
 - ii) The properties may have been zoned WR anticipating that they may eventually be absorbed into the marina or it may have been an oversight.
 - iii) The current zoning is not limiting current residential use and the use can continue. There are limits on expansion and replacing pre-existing, non-conforming uses.
 - iv) Alternatives considered: Leave as WR, rezone to Neighborhood Commercial (NC) or R-12.
 - (1) The ZTF agreed to consider rezoning all three parcels from WR to NC which provides the most flexibility.
- g) Neighborhood Commercial
 - i) TMPs: 56.50-2-1.120, 2, 3.
 - ii) Parcels fronting on 1st St. are zoned NC along with a portion of the lots fronting 2nd Street.
 - iii) There was a recommendation to zone the two blocks bounded by Plantasie St., 1st St., 2nd St. and Spring St. to all NC.
 - iv) R-12 allowed residential uses would continue to be allowed (except multifamily apartments and senior citizen housing) and additional commercial uses would be allowed. This rezoning could help with revitalization, allowing a larger range of commercial uses that could compliment the marinas.
 - v) Potential concerns related to adverse impacts from newly allowed commercial or other uses was raised – specifically, could a new use come in that adversely impacts neighboring properties? Rezoning would allow for additional commercial uses which would be reviewed by the Planning Board and take into consideration potential impacts. It was noted that Connelly has historically been a mixed-use hamlet with a variety of residential and non-residential uses.
 - vi) The ZTF agreed to consider rezoning the above identified block to NC. Matthew will provide draft recommendations at the next ZTF meeting.
- h) Certified Marina – Potential rezoning to allow for expanded uses.

- i) TMPs: 56.50-1-3.1, 3.2, 3.3.
- ii) Currently zoned Waterfront. There are three parcels including one that is upland and outside of the 100 year floodplain that could provide room for additional uses, including residential and lodging.
- iii) The ZTF discussed allowing residential/lodging uses but would like to limit the potential for the waterfront parcel to become solely residential.
- iv) The idea of creating an overlay district was proposed that would allow for residential/lodging and other uses while leaving the underlying zoning intact. The ZTF discussed the idea along with the possibility of including the larger adjoining parcel (56.50-1-26) zoned W.
- v) There was agreement to consider creating an overlay district and Matthew will provide the draft recommendations for the next ZTF meeting.

6) Short Term Rental Law

- a) Matthew introduced the draft short term rental (STR) law which is based off the Town of Woodstock's law as adopted earlier in the year.
 - b) A brief discussion occurred about the draft law. Mercedes discussed the Town of Woodstock's STR law and a few reservations.
 - i) Woodstock restricts the total number of allowed STRs in the Town and Esopus should consider not prohibiting the total amount. Matthew clarified that the draft law does not include a provision for limiting the total number of STRs in Town out of a concern that such a limit may not survive legal scrutiny.
 - ii) Mercedes disagrees with requiring site plan approval. Mercedes also stated that noise impacts were a major reason why residents of Woodstock wanted a STR law.
 - (1) Matthew stated that STR owners would need to provide guests with copies of a noise law, property maintenance law and other relevant laws so that they are aware of restrictions.
 - iii) There was concern that the proposed 10 mile limit may be too restrictive. The ZTF discussed this issue and recognized that the main point for providing a distance limit is to prohibit an owner that lives, for example, two hours away and not be close enough to address issues that may arise and/or properly maintain the property.
 - iv) Matthew clarified that the draft law prohibits a property owner from owning more than one STR in the Town of Esopus. There was some ZTF concern that this may be too restrictive.
 - v) The ZTF was asked to review the draft law. Revisions to the law will be discussed at the next ZTF meeting.
- 7) Next Steps – There were agenda items that could not be addressed. ZTF members may be asked to participate in a conference call to discuss the process for including Hamlet representation in the zoning update along with additional items.

Meeting Adjourned at 6:35pm

Meeting Notes Submitted by Laberge Group October 25, 2019