

**TOWN OF CHATHAM**  
**488 State Route 295, Chatham, NY 12037**

**Town Board Workshop Agenda**

**Thursday, December 5, 2024 @ 6:30PM**

This Meeting is IN PERSON (Town Hall) For Board Members With the Exception of the Occurrence of Extraordinary Circumstances,

IN PERSON and VIRTUAL for the Public

**GOOGLE MEET: [meet.google.com/qqk-drha-pct](https://meet.google.com/qqk-drha-pct) JOIN BY PHONE: (US)+1 508-779-6056 PIN: 912 586 055#**

➤ **RECORDING NOTICE**

➤ **CALL TO ORDER**

➤ **PLEDGE ALLEGIANCE TO THE FLAG**

➤ **ANNOUNCEMENTS:**

1. Chatham Winterfest: 12/14/24, 11AM-5PM, Main Street, Chatham

➤ **OLD BUSINESS:**

1. Correspondence Publication Protocol
2. Grant Applications
  - T Mobile Communities
  - Local Government Efficiency
  - BOGC
  - Stewarts

➤ **NEW BUSINESS:**

1. 2025 Organizational Meeting (January 2, 2025)
2. Zoning Update Committee submission to Town Board:
  - Accessory Dwelling Units
  - Single Lot Exemptions
  - 421-P Tax Exemption for ADU Creation
3. Solar Application at Town Garage
  - Moratorium Procedure

➤ **PUBLIC COMMENT**

➤ **RESOLUTIONS:**

1. **Resolution#234-24: To Schedule the 2025 Organizational Meeting.**

*WHEREAS*, the Town of Chatham is required to hold an Organizational Meeting soon after the New Year, and

*WHEREAS*, the Town Board approves the date of Thursday, January 2, 2025 at 6:30PM as an Organizational Meeting, and

*NOW, THEREFORE, BE IT RESOLVED*, the Chatham Town Board approves the Organizational Meeting to be held Thursday, January 2, 2025 at 6:30PM for the purpose of announcing the organizational structure for the Town of Chatham.

Offered by: \_\_\_\_\_, seconded motion: \_\_\_\_\_

**VOTE: AYE:**

**NAY:**

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2. **Resolution#235-24: To Pursue the Bank of Greene County Grant for Park Improvements**

*WHEREAS*, the Town Board of the Town of Chatham considers the maintenance and improvements of our parks of prime importance, and

*WHEREAS*, The Bank of Greene County offers grant funding for local initiatives annually, and

*NOW, THEREFORE, BE IT RESOLVED*, that the governing board of the Town of Chatham hereby authorizes the Recreation Director to apply for an annual grant sponsored by The Bank of Greene County to be used for park maintenance and improvement.

Offered by: \_\_\_\_\_, seconded motion: \_\_\_\_\_

**VOTE: AYE:**

**NAY:**

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3. **Resolution#236-24: To Pursue the Stewarts Grant for Park Improvements**

*WHEREAS*, the Town Board of the Town of Chatham considers the maintenance and improvements of our parks of prime importance, and

*WHEREAS*, Stewart's Shops offers grant funding for local initiatives annually, and

*NOW, THEREFORE, BE IT RESOLVED*, that the governing board of the Town of Chatham hereby authorizes the Recreation Director to apply for an annual grant sponsored by Stewarts Shops to be used for park maintenance and improvement.

Offered by: \_\_\_\_\_, seconded motion: \_\_\_\_\_

**VOTE: AYE:**

**NAY:**

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4. **Resolution# 237-24: To Adopt the Correspondence Publication Protocol**

*WHEREAS*, the Chatham Town Board has established the Communications Citizen Advisory Committee to advise and assist the Town Board on matters of public engagement, and

*WHEREAS*, the Town Board wants to ensure a fair and consistent process for the publication of public correspondence to its elected officials; and

*WHEREAS*, the Communications Committee has presented its findings and suggestions to the Town Board in the form of a protocol, and

*WHEREAS*, the Town Board has reviewed the presented protocol, and

*WHEREAS* the Town Board has deliberated the implications and potential impacts of the publication of various forms of correspondence that could be potentially submitted, and

*NOW, THEREFORE, IT IS HEREBY RESOLVED*, the Town Board of the Town of Chatham wishes to codify the correspondence protocol as presented by the Communications Citizen Advisory Committee.

Offered by: \_\_\_\_\_, seconded motion: \_\_\_\_\_

**VOTE: AYE:**

**NAY:**

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5. **Resolution# 238-24: To Pursue the T Mobile Hometown Grant Program for Swimming Infrastructure Improvements at Crellin Park**

*WHEREAS*, wireless communication provider T-Mobile announced it will be investing \$25 million in new funding for rural towns to engage in projects to build stronger communities, and

*WHEREAS*, this funding will be by quarterly submissions and awards of up to \$50,000, and

*WHEREAS*, the Town of Chatham and its Recreation Department host robust summer camp and public swim programs and wish to expand the infrastructure that supports these programs, and

*NOW, THEREFORE, BE IT RESOLVED*, that the Town Board of the Town of Chatham supports the application for funding through the T-Mobile Hometown Grant program to install swimming support infrastructure of beach shades, changing rooms and outdoor showers, and boardwalks.

Offered by: \_\_\_\_\_, seconded motion: \_\_\_\_\_

**VOTE: AYE:**

**NAY:**

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6. **Resolution# 239-24: To Pursue the NYS Local Government Efficiency (LGE) Grant**

*WHEREAS*, the Town Board has engaged in a contractual agreement with the Village of Chatham Police Department to assist in speed mitigation throughout its hamlets and rural lands, and

*WHEREAS*, the program has been effective but would benefit from expansion, and

*WHEREAS*, the Town has received notice that New York Department of State funding is available through the Local Government Efficiency (LGE) Program Consolidated Funding Application, and

*THEREFORE, BE IT RESOLVED* that the governing board of the Town of Chatham hereby approve the application for a matching grant, not to exceed (10000.00) Ten Thousand Dollars, under the Local Government Efficiency Program for Village Police patrols to be expensed from Traffic Control Professional/Contractual A3310.497.

Offered by: \_\_\_\_\_, seconded motion: \_\_\_\_\_

**VOTE: AYE:**

**NAY:**

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7. **Resolution#240-24: To Accept the Financial Abstract as presented to pay the Town Bills.**

*WHEREAS*, the Chatham Town Board accepts the Financial Abstract #12-2024 as presented to pay the Town Bills.

Offered by: \_\_\_\_\_, seconded motion: \_\_\_\_\_

**VOTE: AYE:**

**NAY:**

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➤ **PUBLIC COMMENT**

➤ **MOTION TO CLOSE MEETING**

**OLD BUSINESS**

MEMO

To: Town Supervisor and Town Board Members

From: Communications Committee

RE: Proposed correspondence procedures and policy

Date: August 15, 2024

The following recommendations are in response to a request from the Town Board to the Communications Committee.

**Introduction, policy, and procedures**

All correspondence addressed to the supervisor and any or all board members are considered public documents and can be released to the public through the Freedom of Information Act. Towns in New York State have differing ways of handling this, varying to making nothing public unless requested as part of the Freedom of Information Act to reading every letter at the monthly Town Board meeting as well as various hybrids of the above all-or-nothing policies.

During the tenure of the last three town boards there have been several approaches to the procedure and policy surrounding public correspondence. Currently, the policy is that all correspondence is included in the packet sent to board members for the monthly business meeting. No correspondence is put in the packet that the public can access. Instead, the supervisor writes a brief summary including the correspondent's road address and the subject matter of the correspondence. The summaries are in the agenda for the Town Board meeting. These summaries, which include the writer's road address and subject matter, are available to the public and as stated above, the correspondence can be released to interested members of the public through the Freedom of Information Act.

During Public Comment there has been both concern and support expressed about this policy. The gist of the comments has been that at times more information is needed than the brief summary prepared by the supervisor; others have said it is sufficient. A motion was passed at a recent town board meeting requesting that the Communications Committee consider this issue and make some policy and procedure recommendations for the board to consider.

The communications committee has met four times about this and has a proposal for the board to consider. Much of our discussion has been focused on finding a compromise between differing perspectives about this issue. One perspective is that all correspondence is public, the public should be informed about this on the website, and all correspondence should be included in the publicized agenda packet for the public to consider.

A second perspective is that instead of providing all correspondence, a comprehensive summary of the correspondent's issue should be included in the packet for the public. Such a summary should give the public a clear understanding of the letter writer's intent.

The committee's discussion was focused on finding a compromise members could live with. Among the many issues that needed to be resolved were:

1. Concerns about privacy even with a disclaimer on the website stating that all correspondence is considered public comment.
2. Once a summary is the responsibility of a person or group there involves a certain amount of judgment and potential bias. Alternatively, there could also be no judgment or bias and the summary is simply spelled out. This point is where politics can take center stage.
3. If the correspondence is not released to the public, they will be uninformed about the opinions and concerns of other citizens surrounding town governance and other non-political important town issues. Alternatively, with a comprehensive summary of the letter writer's intent available to the public, if no board members feel the letter needs further discussion, the public may still FOIL the letter for their own private consumption.
4. The need to protect our employees from unfair criticism.
5. Correspondence may be used as a political platform by town board members and their associated political affiliations.

At some point a committee person was able to think outside the box and suggested that the board be responsible for the judgment involved in a procedure and policy and also participate in implementation. This idea led to specific procedures. The committee is offering these thoughts and suggestions as a trial. We realize we may not have raised every issue involved and that this proposal will need further refinement.

#### Proposed Procedure

1. In the first tentative agenda package sent to the board on Friday all correspondence will be included.

2. Each board member is responsible for reading all the correspondence by Monday (end of business day).
3. If any board member thinks (makes the judgment and is cognizant of the guidelines 1 to 5 above) that the correspondence warrants further board discussion and/or that the community needs to be aware of the issue raised in the letter, it will be included in the agenda packet that is on the website for the community. The identification of the correspondent will be redacted.
4. During the correspondence section of the monthly board meeting the board member will state why she/he wanted to be sure it was shared with anyone attending or watching the meeting. The letter must be about a governance issue or non-political event in the community that the board member believes needs further discussion or publicity. Once read the board member can move that the issue be placed on a future board agenda.
5. Correspondence that is not noted by a board member will appear on the public agenda as it does at present, noting that it is from a resident or some other entity, and will include a short but more informative summary of the correspondence.
6. The town website will include a disclaimer stating that all correspondence to the supervisor and town board are public documents and are available through the FOIL process which is administered by the Town Clerk.



**NEW BUSINESS**

PROPOSED TOWN CODE & ZONING CHANGES

Town of Chatham NY

Implementation of Comprehensive Plan

Accessory Dwelling Units (Version 4.2)

LEGEND

Text that looks like this = Proposed text to remain

~~Text that looks like this~~ = Deletions since previous version

Text that looks like this = New or modified text proposed

**§ 180-XX. ACCESSORY DWELLING UNITS (ADU) (NEW PROPOSED CODE SECTION - DRAFT)**

**A. Findings**

The Town Board of the Town of Chatham finds that the region has been experiencing a housing crisis, with home prices and rents increasing to levels which are unaffordable to households of middle-income levels; and,

It is very important that the Town meets the local housing needs for aging residents who wish to age-in-place here in Chatham, as well as younger generations who fill an important employment role in local businesses and the community as a whole; and,

The creation of legal Accessory Dwelling Units (ADU's) can directly increase the supply of more affordable housing stock within the Town of Chatham, provide homeowners with supplementary income, and create a living arrangement where persons can provide family members with semi-independent care, support and companionship locally;

Therefore, Accessory Dwelling Units are an effective tool to mitigating the current housing problems and providing other benefits to residents.

**B. Purpose and Objectives**

It is the purpose of this chapter to provide a reasonable framework for the review, approval, construction and use of Accessory Dwelling Units within the Town of Chatham, NY., in accordance with applicable New York State regulations.

**C. Permitted Locations.** Accessory Dwelling Units shall be permitted by right in:

- (1) All zoning districts which permit single-family, two-family, or multifamily residential uses;
- (2) All properties which have a lawfully pre-existing single-family residential use, two-family residential use, multifamily residential use, or two single-family uses on one lot.

**D. Number of Dwelling Units**

- (1) One accessory dwelling unit is permitted per residentially zoned single-family property, two-family property, multi-family property, or two single-family uses on one lot.

**E. Area and Bulk Requirements**

- (1) For the purposes of this section, ADUs on legally conforming lots are exempt from the minimum area/family requirements listed in the Lot Size, Density and Yard Dimensions table in Article III for each district (hereinafter referred to as 'the applicable dimensions table'). ADUs are also allowed on pre-existing, non-conforming lots which do not meet the minimum requirements from the lot dimensions table, and are exempt from the minimum area/family requirements in said table, provided the non-conforming lot would meet the minimum area/family requirements prior to creation of the ADU.
- (2) An accessory dwelling unit constructed as a new accessory structure shall comply with all of the applicable setback and height restrictions of the district in which it is created and meet applicable building code setbacks between buildings.
- (3) An accessory dwelling unit may be constructed wholly within a conforming accessory structure, lawfully existing as of the date of this chapter, notwithstanding any setback or height restrictions.

- (4) An accessory dwelling unit may later be subdivided from the original parcel on which it was created only if the structure, and the newly created lot can meet all the standards required by this code without a variance and Chapter 170 Subdivision of Land for Creation of the new lot.
- (5) The size of an attached or detached accessory dwelling unit shall not exceed 1,200 square feet, measured by livable interior, conditioned space.
- (6) Accessory dwelling units are not permitted to be constructed within the front yard setback of any lot.

**F. Terms and Conditions**

- (1) The accessory dwelling unit shall meet all applicable state and county building and fire codes applicable to a single-family home, including water and sewer service capability, as well as code requirements under Town law before a building permit or certificate of occupancy may be issued. The building permit fee for an accessory dwelling unit shall be reduced by 50%.
- (2) The accessory dwelling unit shall include a fully independent kitchen, bathroom, sleeping and living area which is separate and distinct from the primary residence;
- (3) The accessory dwelling unit shall have access in and out of the dwelling area which is separate and independent from the primary residence access;
- (4) No additional off-street parking is required for construction of an accessory dwelling unit. However, if the construction of the new dwelling necessitates the removal of existing residential off-street parking space(s), those spaces must be replaced on-site if required for the primary residence by the underlying zoning.
- (5) Accessory dwelling units may be constructed of manufactured or modular home construction in any districts where manufactured or modular construction is permitted.
- (6) An accessory dwelling unit may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a legally existing single-family house into an accessory dwelling while simultaneously constructing a new primary dwelling on the site.
- (7) Accessory dwelling units are prohibited on child parcels created under the provisions of §170-XX Single Lot Exemptions.

**G. Review and Approvals.** Applications for Accessory Dwelling Units that comply with this section and have obtained a valid Building Permit shall be approved.

**H. Pre-existing Non-Conforming ADU's.** Pre-existing structures being used as ADU's and legally existing at the time of adoption of this section shall be reviewed and approved within one year of the effective date of this local law and brought into compliance with this section as deemed reasonable without undue penalty to the applicant, or the existing tenant.

PROPOSED TOWN CODE & ZONING CHANGES

Town of Chatham NY

Implementation of Comprehensive Plan

Single Lot Exemptions (Version 4.30)

LEGEND

Text that looks like this = Proposed text to remain

~~Text that looks like this~~ = Deletions since previous version

Text that looks like this = New or modified text proposed

§ 170-XX. SINGLE LOT EXEMPTIONS (NEW PROPOSED CODE SECTION - DRAFT)

**A. Findings**

The Town Board of the Town of Chatham finds that the region has been experiencing a housing crisis, with home prices and rents increasing to levels which are unaffordable to households of middle income levels; and,

It is important that we meet the local housing needs for our aging residents who wish to age-in-place here in Chatham, as well as our younger generations who ~~are the future of the Town-fill an important employment role in local businesses;~~ and,

The required lot size of a parcel ~~and building~~ can have a significant impact on the cost and affordability of meeting these housing needs, however reducing all residential lot sizes would likely have a negative effect on the character and scale of the town; and,

Therefore, the allowance of a one-time option to create a small parcel sized appropriately for a modest starter home or cottage would help to provide additional housing options ~~distributed in the town~~ for young families and seniors looking to downsize while providing reasonable safeguards which protect the character and scale of Chatham.

**B. Purpose and Objectives**

It is the purpose of this chapter to provide a mechanism for the creation of some smaller, more affordable parcels of residential land within the Town of Chatham without a rezoning or reduction in the minimum lot sizes for an entire zoning district, and provide reasonable limitations on the use of this mechanism to protect the character and scale ~~of development~~ ~~in~~of the town.

**C. Authority.** The Planning Board is authorized to approve single lot exemptions according to the rules and procedures set forth in Chapter §170 Subdivision of Land and within the limitations described within this section. The owner of any parcel compliant with the acreage requirements for the zone in which it is located prior to the date of adoption of this section may apply to the Planning Board for a one-time exemption to subdivide one lot ~~of not less than one (1) acres in size as described herein.~~

**D. Definitions.** For the purposes of this section only regarding single lot exemptions, the following definitions shall be used:

- (1) Parent parcel - A parcel of land or lot, lawfully in existence on the effective date of this local law, which has been or will be subdivided to create one smaller child parcel
- (2) Child parcel - A smaller parcel of land or lot which has been legally subdivided ~~under this section~~ from the original larger parent parcel.

**(3) [DEFINE FLAG LOTS IF A PROHIBITION IS INCLUDED]**

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**E. Permitted Locations.** Single lot exemptions may be approved in the Rural Lands 1 (RL-1), Rural Lands 2 (RL-2), and Rural Lands 3 (RL-3) zoning districts.

**F. Limitations on Use.**

- (1) Only one such exemption from the normally permitted subdivision regulations shall be permitted from any such parcel.
- (2) ~~Newly created child parcels shall not be permitted to be subdivided further.~~

(3) Newly created child parcels exempted under this section shall be prohibited from being used as a short-term rental property as defined and regulated by Local Law #6-2023 for a period of ten years from the date of subdivision approval.

~~(4)~~ Newly created child parcels exempted under this section shall be prohibited from the creation of an Accessory Dwelling Unit on the property.

~~(4)(5)~~ Any parcel subdivided in the previous five years is not eligible for a subdivision under this section

#### G. Area and Bulk Requirements

1) The subdivision shall result in the existing parent parcel being used to create one smaller child parcel which is exempted from the ~~minimum area/family requirements listed in the Lot Size, Density and Yard Dimensions table in Article III for each district normal lot size and dwelling units per acre density limitations of the zoning district requirements.~~ The new child parcel created must provide a minimum of 50 feet of frontage on a town, county or state highway.

(2) The minimum size of a new child lot created shall be no less than 0.75 acres, provide it can comply with other applicable ~~setback requirements including~~ other town or county public health requirements associated with water supply and wastewater disposal.

(3) The maximum size of the new child lot created shall be no more than two (2) acres.

(4) The maximum square footage of the residential structure on the new child lot created shall be no larger than 1,500 square feet, as recorded and limited by deed restriction on the parcel.

(5) The new child lot created may utilize a shared driveway with the parent parcel through an easement agreement, provided that it can be demonstrated a future dedicated driveway can be later established if necessary.

(6) The front yard setbacks and height limitations for the new child lot created shall be the same as for the underlying zoning district. The side and rear lot setbacks for the new child lot created shall be reduced to 40 feet.

(7) The parent lot remaining must maintain sufficient lot width and lot frontage as deemed appropriate and sufficient by the Planning Board in consideration of frontage used by the newly created child lot.

~~(8) The subdivision shall not result in the creation of any flag lots, as determined by the Planning Board.~~  
**[POSSIBLE FLAG LOT PROHIBITION]**

~~(9) For the purposes of creating the new child lot under this exemption, the dwelling units per acre density limitations of the zoning district do not apply to the newly created child lot.~~

**H. Decision and Record**  
(1) The Planning Board shall render a determination that such application meets the requirements of this section. Upon determination that the application for a single lot exemption applies, the owner shall submit a plat meeting all of the technical requirements for such plat established herein.

(2) The plat shall be submitted for final approval to the Planning Board. The plat shall bear the following notation: "The two new parcels created by this subdivision have been granted a one-time single lot exemption under [§170-XX] Single Lot Exemptions of the Town of Chatham Subdivision Regulations. Any further subdivision must meet the complete lot area and dimensional requirements of the current Town of Chatham Zoning Code. The construction of future structures on this exempted lot shall be governed by the revised area and bulk requirements provided for Single Lot Exemptions."

- (3) Upon adoption of this local law, the Town of Chatham shall record a current tax map of all parcels existing on the date of adoptions for reference purposes, and maintain a map and record of all parcels that have received the benefits of this one-time, single-lot exemption provision.

I. **Annual Cap and Expiration Date**

- (1) The Town Board ~~may, by resolution, shall~~ set an annual limit on the number of single-lot exemptions permitted in each zoning district each year, a record of which shall be kept on file.
- (2) This exemption shall automatically expire two (2) years after the date of adoption of this section, unless the Town Board approves the condition that its effective duration be extended for temporary periods of not more than five (5) years each.

**[END SECTION]**

Note: Suggested to modify existing STR Law to add as follows:

Short-term rentals are prohibited on child parcels created under the provisions of §170-XX Single Lot Exemptions for a period of ten years from the date of subdivision approval



WHEREAS, a new section has been added to the New York State Real Property Tax Law entitle 421 -P "Exemption of capital improvements to residential new construction involving the creation of accessory dwelling units," to exempt capital improvements to residential new construction involving the creation of one more additional residential dwelling units on the same parcel as a pre-existing residential unit; and

WHEREAS, RPTL 421 -P is limited to two hundred thousand dollars in increased market value of the property attribute to the creation of the accessory dwelling unit; and

WHEREAS, the Town Board of the Town of Chatham has determined that rising housing and rental costs and a lack of diverse housing opportunities pose a significant challenge to the fabric of the community and challenge the stability of the residents of the Town and the housing market in general; and

WHEREAS, the Town of Chatham has enacted a new section to the zoning code to explicitly allow construction of Accessory Dwelling Units; and

WHEREAS, it is intended that new accessory dwelling units will increase the Town of Chatham's housing supply, can be an affordable housing option for many low and middle income residents, benefit homeowners by providing an extra income stream, and facilitate efficient use of the Town's existing housing stock; and

WHEREAS, the Town of Chatham hereby encourages the creation of new accessory dwelling units by exempting the value of such construction from increases in assessed value of the property.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHATHAM, NEW YORK ESTABLISH A LAW AS FOLLOWS:

SECTION 1. The Town Board of the Town of Chatham hereby adopts the provisions of 421 -P of the NYS Real Property Tax Law for the exemption of capital improvements to residential new construction, conversion of existing property, or a renovation of property that can be accomplished without a certificate of occupancy under Chatham's new Accessory Dwelling Unit Law relating to the creation of attached and detached accessory dwelling units defined in Section 421 - P.

SECTION 2. Accessory dwelling units subject to RPTL 421-P shall be exempt for a period of five years to the extent of 100% of the increase in assessed values attributable to the residential unit; that in each of the subsequent three years the extent of such exemption shall be decreased by 25%, and that in each of the subsequent two years the extent of such exemption shall be decreased by a further 10%.

SECTION 3. That property owners shall be eligible to apply for the RPTL 421 -P exemption upon the completion of a legally constructed housing unit to be used as an accessory dwelling unit and have received a Certificate of Occupancy for the same.

SECTION 4. That the Town of Chatham Assessor shall be and hereby is authorized to approve, carry out, and/or revoke 421-P exemption status in accordance with the terms of 421 -P of Real Property Tax Law.

SECTION 5. The exemption set forth herein shall be applicable only to construction of an accessory dwelling unit after the effective date of this local law.

SECTION 6. That no such exemption shall be granted to an applicant who is in violation of any Town of Chatham Code, Ordinance, or Local Law, or owes property taxes, water or sewer fees, or any other fees or past due moneys.

SECTION 7. If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

SECTION 8. This local law shall take effect upon filing with the Secretary of State.