

# TOWN OF NORTHAMPTON ZONING COMMISSION

SEPTEMBER 24, 2009

## MINUTES

### PRESENT:

BOB SMITH  
TOM CORRIGAN  
LINDA KEMPER, SUPERVISOR  
AMANDA SKOTARCZAK  
DON FARRON  
DAVID CURTIS  
JOHN FERGUSON  
SCOTT HENZE, PLANNER

### I. REVIEW MONICA RYAN'S JUNE 2<sup>ND</sup> MEMORANDUM:

The memorandum was in reference to the new Zoning District concepts. Whereby the memorandum provides description of districts and what the districts are intended to accomplish, including the general types of uses that would be allowed in the density and considerations for each District.

### II. REVIEW OF THE MAP COMPARISON BY SCOTT REGARDING OLD ZONING VS. NEW ZONING:

Scott Henze showed on the screen the proposed Zoning District layers compared to the current adopted Zoning District layer. Scott Henze also provided a hard copy map for Commission members to look at.

### III. REVIEW OF ADULT USE ANALYSIS MAP:

Scott Henze provided an electronic Adult Use Analysis Map. Scott Henze provided analysis from residential properties, government-owned properties, religious properties, education properties, and any other land use that was classified as being buffered from a potential Adult Use. Mr. Henze used 500' increments from these properties. Starting at 500' and expanding to 2,500', with a multiple ring buffer. Mr. Henze illustrated using the 500-1,000 all the way up to 2,500' buffers from these parcels out a distance from the property line into unless land became available for the potential Adult Use area. Commission members discussed the potential of having the rural residential 2 layer of the Zoning District that would allow for Adult Uses. There were few rural residential to properties or areas available out to the 2,000-2,500' buffer distance. However, there were a few as the distance decreased, more properties became available. A discussion ensued as to whether or not the Adult Use should be allowed in the Rural Residential 2 Area. Committee members discussed whether having the Adult Use impossibility in the Rural Residential 2 Area was a good idea or not due to the fact that it is a large proposed Zoning District layer within the Town. However, the Adult Use Regulations could be written

so that any Adult Use could not be located within x-number of feet from residential, public, religious, school or education properties etc. A discussion ensued regarding whether or not a large Zoning District would be allowed for a potential for Adult Uses or should the Committee look at one of the smaller Zoning Districts. John Ferguson stated that he feels that maybe the Adult Use should be allowed in the business and development area along NYS Route 30. Scott Henze stated that there are really two (2) ways of looking at this. If the Town were to allow in Rural Residential 2, there's a greater area land mass wise that a site could be allowed. However, depending on the regulations set forth in Adult Use, or if we are just going by the buffer analysis that I have created, those properties that would currently allow Adult Uses may not hold up in court if it is challenged due to the fact that there would not be adequate transportation to these properties. The second point is that by allowing the Adult Use in the Business Development District, you are, in fact, concentrating the area because the Business Development District is a somewhat smaller Zoning District in the Town. However, case in point, if I were a business developer looking to inspect an Adult Use within the Town, the Business Development District is exactly where I would want the business to be located. After much discussion between Commission members, the Committee decided to allow for the Adult Use designation within the Business Development District with supplemental regulations to be added at a future date.

#### **IV. CONTINUATION OF WORK ON USE TABLE:**

Scott Henze state that after the last Committee, he felt that the discussion with Monica would be beneficial due to the fact that he felt that the Schedule A Use Table and the way it is presented was somewhat confusing regarding what uses are permitted and what uses are permitted with Site Plan review and Special Permit. He stated that after discussion with Monica, Monica recommended that may be the Committee would rather remove all permitted with Site Plan Review, which would be the P designation, from the use table and incorporate into several places within the document verbage that states every use is subject to Site Plan Review except for residential uses and agricultural accessory uses. Committee members discussed this change and came to a consensus that they would like to proceed with that only if it is stated several times throughout the document that everything will be subject to site plan review except for residential uses and accessory agricultural uses so that it is known upfront by developers. The Committee continued working on the Schedule A Use Regulations as outlined as the new change. The Committee had a lengthy discussion on Schedule A Use Regulations within a Commercial Uses for boat storage commercial. Several Committee members asked that Monica Ryan clarify again Special Permits and Supplemental Regulations compared to what a regular Special Permit would consist of.

#### **V. CLOSE OF THE MEETING:**

After Committee members went through many of the uses in Schedule A, the close of the meeting was at 8:30 p.m. The next meeting was scheduled for October 5, 2009 without the consultant present, whereby they will try to complete the remainder of Schedule A Use Table.