

Town of Granby
Zoning Code Review Committee (former Steering Committee)

Meeting Notes – November 6, 2019

A meeting was held on Wednesday November 6, 2019 at 5:00 pm with the following members and professionals present:

John Snow Jr.
Linda Parkhurst
David Crockford
Tina Sawyer
Loretta Waldron
Lisa Somers
Lynn Lyons - absent
Christine Bassett
Jamie Lynn Sutphen - attorney
Howard Brodsky - planner
Doug Miller – engineer

Also Present: Rhonda Nipper.

Howard Brodsky began the meeting stating that the group would be reviewing their first proposed amendment for adoption by the Town Board. He also stated that he had received a Microsoft Word formatted version of the Town's Zoning Ordinance, which could be made into a reliable copy moving forward with the groups work, and that it would also provide a single and consistent copy of the Code for everyone in the Town. The group agreed to rename the Steering Committee to Zoning Code Review Committee because it clearly states the work and purpose.

PROPOSED AMENDMENT #1: Section III Use Regulations

A large issue within the Use Chart of the Zoning Ordinance, that had been readily identified by everyone that uses the Codes book, was the clause found at the end of the chart requiring that uses not specified in the chart shall receive approval from the planning board. This text gives broad and excessive authority to the Planning Board that is unintended but essentially is equal to amending the Code, which is a primary function of the Town Board and not that of the planning board.

A DRAFT copy of the Proposed Amendment was distributed that included an Introduction, Definition of the Problem, the Proposal, A Rationale and a Sample Page of the Revisions. The group was in favor of the proposal and also agreeable to the format utilized which gives a clear path of reasoning for the changes to be made and how they impact other areas of the document.

1. *Introduction* – An explanation of the function that Section III provides within the Zoning Ordinance as being that which specifies uses permitted or prohibited and procedures needed to establish particular use.
2. *Definition of the Problem* – Identifies the clause as an unlabeled line of text, offering open-ended allowance of uses, wherein the planning board is mandated to approve without adequate and anticipated special use controls.
3. *Proposal* – Specifically dictates the changes to include deleting the clause, addition of three clarifying statements to identify use status, process for CEO Interpretation by ZBA and use adoption by Town Board; and relabeling sections.
4. *Rationale* – Provides reasoning of what the proposed action eliminates and provides – vague authority taken away, replaced with statements of use controls and process to change.

The paperwork also listed terms defined within the Zoning Ordinance that references and forms the basis of the Use Chart, such as use, accessory, building, lot, and structure. The terminology throughout the document is loose and inconsistent where multiple words are used in different sections for the same thing – ie. lot and property wherein only lot is defined. One of the projects

the group will tackle whilst amending specific topics is to clean up the general text, reconciling inconsistencies and therefore eliminating multiple interpretations. The professionals cautioned the group members to be aware of “mental blindness” when reviewing the Code, where a false memory of what you think is there versus what is actually there.

Howard Brodsky and Jamie Lynn Sutphen concluded the proposal review with the following points:

- ~ Town Board is the only authorized agency to change the Zoning Ordinance.
- ~ The tone of the DRAFT’s language and eventual presentation is persuasive. The changes give security and overall comfort that there will be no loss of flexibility that the Code has always possessed, rather introduces a process to ensure that any use is developed in a manner consistent with Town goals and expectations.
- ~ Discussion amongst the group ended as:
 - a.) *IN FAVOR of presenting PROPOSAL to Planning Board at their monthly meeting on Tuesday December 2, 2019, and request an Advisory Opinion/ Recommendation thereof.*
 - b.) *IN FAVOR of submission thereafter to the Town Board for their consideration and Adoption as Local Law.*
 - c.) *Proposal to be sent to ZBA for informational purposes and courtesy.*
 - d.) *Group Member Loretta Waldron to present proposal.*
 - e.) *The professionals will provide FINAL copy of proposed Amendment.*

PROPOSED AMENDMENT #2: Section IX Amendments

The work that the Zoning Code Review Committee completes will involve changes to the Town’s Zoning Ordinance and/or Zoning Map. A review of the current section of the Code that regulates amendments was determined to need additional language that will set forth the basic procedures in an easy format inclusive of all the steps required to guide and aide the Town Board– ie. County Referral, SEQR and Public Hearing. The Town Board is the only entity that can change the Zoning Ordinance, and is considered to be the Applicant. This Committee and the Planning Board, in advisory roles, provide recommendations for changes which must be complete.

A worksheet discussing a variety of common standards of review and procedures was prepared by Mr. Brodsky to prompt discussion of the group members in preparing support and rationale for future proposed changes. The two areas that can be changed are 1.) text or the written language, and 2.) a zone district involving the Zoning Map. Changes to the text are changes to the whole Town and can have very broad implications and consequences that must be anticipated. A targeted change that is specific such as the creation of a hamlet would create a new zone and change the zoning map. Specific definitions of allowed use would involve text amendments as well.

Common Standards of Review:

1. Compliance to Town Planning.

All amendments shall consider Town’s planning actions, programs, studies – all consistent with provisions of NYS Town Law 262-a which gives Town’s the authority to enact local zoning laws and written Comprehensive Plans.

2. Community well-being.

Amendments shall enhance the health, safety and welfare of the Town – per judgement of the Town Board. For example: the Clay warehouse is a huge endeavor involving only one property that benefits, BUT it would create 1,000 jobs which is a community wide benefit.

3. Zone Districts.

Established to separate uses and structure development; regulate to provide uniformity and consistency within the district.

Procedures:

1. Methods.

NYS Town Laws 264 and 265 provide framework for required steps for adopting zoning regulations and Changes thereof.

2. Submission.

All proposals require paperwork available at Town offices.

3. Applicant.

Can be initiated by resident or planning board... Applicant is ALWAYS the Town Board.

4. Referral.

Town Board shall refer proposal to Planning Board for Advisory Review/Recommendation. Refer to County Planning per NYS GML 239. Review for environmental impact per NYS ECL SEQRA.

In summary, Mr. Brodsky and Ms. Sutphen will be drafting a Proposal concerning changes to be added to the Amendments section of the Zoning Ordinance that will define the process the Town Board will undergo repeatedly as updates are made to the document.

OCTOBER 2, 2019 MEETING REVIEW:

Lisa Somers provided an Excel chart to the group listing applications reviewed for special use permits and site plan review by the planning board over the last eight years. Howard Brodsky stated that he has been trying to group similar uses, and has been breaking down the list into primary and secondary uses to provide a different perspective of land use within the Town. It may possibly illustrate trends or other anomalies for analysis by the group. He hopes to have it completed for the next meeting in December.

Jamie Sutphen discussed more tasks that were being worked on that would be important moving forward. The first task is establishing an Official Copy of the Zoning Ordinance that contains all legal amendments processed thru Adoption by Local Law. The Code would be adopted by the Town Board upon recommendation by the Committee and serve as a baseline for future work. The second task is to evaluate, create and streamline the definitions within the Use Chart to clarify it by using consistent terminology. The professionals asked if any of the group members had land uses, they would like to see added or prioritized in the planning program by task:

1. Lisa Somers stated that review criteria for special use permits and site plan review need to be added to the Zoning Ordinance. She has copy generated from another Town that clearly identifies elements and sequence lacking within our Code. Loretta Waldron agreed with prioritizing this need. Both Ms. Sutphen and Mr. Brodsky stated that text was needed and could be easily added without consequence to other existing sections.
2. Christine Bassett wanted to add Mining to the planning program list which spurred discussion of where existing mines are located, formation of an overlay district, addition of conditions that were researched by the Mining Task Force. She spoke about an article published by Caffrey that is widely accepted and centers on municipal controls of mining, Lisa Somers to forward article to the professionals. Mr. Brodsky added that a map could be generated by County planning locating active mining properties to start possible formulation of a district. Some negative issues discussed were 1.) that current commercial mines have very low assessments contributing very little to the tax base while having substantial impacts to the Town and residents. The damage caused to Town roads is another impact that causes great expense to the Town with no compensation from the mine owners.
3. Linda Parkhurst – Windmills, solar and marijuana – all have impact, are new technologies and our Code does not address anywhere.
4. Tina Sawyer – Wineries, Breweries and Distilleries are all up and coming in the market place. Ms. Sutphen added that there is existing legislation to assist in these areas.

The task of cleaning up the current Use Chart needs to remain manageable at this point in the process in order to make effective progress. Beginning work involves limiting corrections to those items with minimal impact to other sections of the Code. Howard Brodsky reminded the group to look at what the use is with definition and where the use will be – changes to text and map.

PACKAGE OF TASKS generated so far from tonight's discussion:

1. Professionals will Finalize the draft for proposed amendment # 1, Loretta Waldron to present to Planning Board on December 3, 2019.
2. Professionals to Draft proposed amendment #2 for group to review at December meeting.
3. Continue research of Retail Business and Service Business with definitions for Use Chart.
4. Howard Brodsky continues grouping of Land Uses (primary and secondary) approved for special use permits and site plan review.
5. Professionals continue to establish Official Copy of Zoning Ordinance for eventual adoption by Town Board.
6. Lisa Somers to send Caffrey mining article to professionals.
7. Contact County Planning to generate a map identifying active mining properties.

The next meeting is scheduled for **Wednesday, December 4, 2019** between **5:00 & 7:00 pm**.

Next Meetings Homework for Members:

- Prioritize the next tasks in the Planning Program.
- Continue to develop listing of potential and existing land uses for retail business and for service business. Refine definitions.

Meeting ended at 7:00 pm.

Respectfully submitted,

Lisa Somers, Steering Committee Clerk