

Town of Granby Steering Committee

Meeting Notes – August 21, 2019

A meeting was held on Wednesday August 21, 2019 at 5:00 pm with the following members and professionals present:

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

Also Present: Town Clerk Janet Ingersoll.

The recently enacted Moratorium was the first topic of discussion. Copies were available for anyone unfamiliar with the text. Howard Brodsky stated that it is written broadly with descriptive information helpful to our process. It establishes concerns of the ability of the Town's documents, namely the Zoning Ordinance and the Comprehensive Plan, to protect the residents and general welfare of the Town from significant impacts by potential commercial development/uses of land within the A-1, A/R and R-1 zoning districts. It expects a solution accomplished by a focused review of the documents with appropriate changes/amendments that will provide smart sustainable development that preserves the community's rural character. It is the basis or goal for the work to be performed by this group.

Howard Brodsky initiated discussion by asking the group to identify the issues and related concerns that motivated the Moratorium. As was stated in the text, proposed and potential commercial development in the A/R zoning district, acted as the catalyst for the Town Board's action. The strategy for the group within the next 3-6 months is to produce a brief document that contains well written substantive paragraphs of the issues that will offer a structure for future development.

A listing of the motivating issues was written on an easel pad as follows:

1. Motocross track and training facility applied for special use permit and was denied by the planning board, currently involved with Article 78 litigation.
2. Sand and gravel Mining – two special use permit applications were approved by the planning board this year for small operations that supply owner/contractor businesses; not for retail sales. There is a potential for several more that are for retail sales.
3. Solar Farms/Public Utility – a 25-acre solar farm on leased property fronting Lake Neahtawanta applied for a special use permit from planning board, the moratorium halted the process. Potential for several more – by this same company and other developers have contacted residents.

These land uses have been disconcerting to various Town Departments and residents for different reasons, but there was a consensus of the following:

1. Too many uses permitted by Special Use Permit approval from planning board.
2. No limitations on what is allowed – an inclusive clause at the bottom of the Use Chart has been interpreted as anything is allowed as long as you complete the paperwork.
3. Insufficient criteria within the Zoning Ordinance to manage the various uses.

The minutes of the first meeting had been supplied to all. They included an initial short list of potential topics for the group to develop and/or work on. The homework had been to add to the listing by identifying your favorite annoying zoning code issue. The following list was generated:

- ***Illegal for farm animals within the A/R district.*** Town allows with special use permit, possible that a regulation based on lot size would be easier to apply equally across

districts. Has been a persistent issue for CEO to enforce and many complaints to Town Councilors.

- Linda Parkhurst, as a farmer with livestock and crop fields, is frustrated with not allowing farm animals in an agricultural rural community.
- **Home occupations.** Currently allowed as small scale within the home only. Review criteria, update for newer trends of home occupations and establish review process.
- **Accessory Structures.** Need clearer definition and criteria for when an accessory structure is a home business ie. greenhouse where flowers sold off-site. Need entry within Use Chart for an accessory structure like a pole barn is built on vacant land and considered to be prime structure.
- **Planning Board process for Special Use Permit and Site Plan Review.** The Zoning Ordinance lacks guidance of the processes for both the Board and the applicant. It also lacks sufficiently detailed criteria of reviewable content for both the Board and applicant.
 - Tina Sawyer attested to this as she recently went through the special use permit process for a new business in the CIT zone and was very confused about what paperwork was needed and how to proceed from meeting to meeting, and that reading the Zoning Ordinance didn't help.
 - Lisa Somers commented that the planning board struggles with consistent procedure because of the lack of structure provided in the Zoning Ordinance concerning the processes they are authorized to review and approve.
- **Infamous Clause in Use Chart.** Any use not listed in chart is allowed by special use permit. Interpreted by applicants and attorneys as any use is allowed while the planning board interprets it as uses can be presented but may be disapproved as not compliant with Comprehensive Plan.
 - Current Article 78 litigation regarding motocross business originates here.
 - Jamie Sutphen interjected that this statement is problematic because the law says compatible uses.
 - Loretta Waldron commented that her concerns center around the use chart and its inadequacy to define conclusively what is and isn't allowed.
 - The Use Chart should be re-evaluated and expanded upon.
- **Zoning districts are too flexible, almost nebulous.** Leaves us vulnerable.
 - Howard Brodsky stated that there are strategies that can help guide zoning such as the road classification determining use and allowable scale.
 - Develop an image of the zoning district with descriptors first and then build the criteria.
 - Jamie Sutphen added that criteria has to be enforceable. Changes need to be mindful of consequence, such as what did you remove.
- **Zoning Map.** Doesn't reflect the current uses of property, nor does it reflect reasonable expectations of future use.
 - David Crockford described the conflict of the CIT zoning district that overtook an existing residential area; impact terminated alteration/improvements to residences including garages.
 - Jamie Sutphen offered a potential solution for the CIT problem: keep it zoned as residential to allow residents the rights of their property and simultaneously allow larger scale commercial development by special use permit – commercial overlay.
 - Linda Parkhurst stated that the CIT zoning district contains many acres of vacant land that is unable to be used for anything but commercial development.
 - Jamie Sutphen commented that a strategy referred to as Euclidian zoning could be considered; it is reviewed per lot and creates tight districts.
 - Lisa Somers questioned issues of perceived spot zoning. Jamie Sutphen responded that there has not been a successful case in over 20 years. By definition it's done for the benefit of a single owner and not inclusive of community needs, the opposite of the strategies discussed.

- **Draft new sections of Zoning Ordinance for new technology.** The Town is unprepared for review and approval of applications that deal with uses such as solar farms, wind turbines and telecommunications towers.
 - Linda Parkhurst commented on the Zoning Ordinance Revision that had been presented to the Town Board for adoption but never went further in the process. She had read the document thoroughly and would like to have it considered by the group, especially since new sections were added for new technologies. Howard Brodsky had reviewed it somewhat and commented on the length of the new material. Jamie Sutphen added that reviewing an entire document can take an attorney easily a years' time, which is probably why it stopped. The nuance and subtlety of zoning language is time-consuming to review for consistency and completeness.
 - David Crockford agreed that the document be considered because the planning board, Chairman Paul Ketchum in particular, spent several years refining it with the County Planning Department's review and suggested revisions.

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TRAINING ~

Both of the professionals stated that in-house training would help the functionality of the Town once the moratorium is lifted in a year's time. A training session that includes the members of all the departments and boards to explain and identify everyone's roles in relationship to each other. It would provide a good understanding of what the other does and needs. It would also provide a clearer image of the structure or hierarchy of Town business.

Individual board training could be managed by Town Attorney Matthew Ward as on-going and per application.

UPDATE ~

Jamie Sutphen questioned Linda Parkhurst whether the Town Board had received an update yet concerning the efforts of this committee, and if not, it needed to be done soon and regularly. Updating the Town Board as well as all the departments of the Town establishes legitimacy and transparency of the work and allows for additional input.

Lisa Somers stated that the planning board had received an update of the initial meeting and were asked for their ideas. Copies of the minutes from the 8-6-19 meeting of the planning board were provided for everyone. Copies of an email from Paul Ketchum dated 8-7-19 clarifying his concerns and the issues he brought up at the meeting were also provided.

EXISTING ZONING DOCUMENT ~

The Zoning Ordinance provided to everyone (September 2012) was not consolidated with all of the adopted amendments that were legally filed over the past several years. Lisa searched the DOS database and provided copies of all such amendments. It is important that we are all working from the same copy that is current and complete. Discussion ensued of formats to use that incorporate a structured format such as e-code, which is favored by Jamie Sutphen because of the ease in accessibility and the standardized format aids in creation and search efforts.

The next meeting is scheduled for **Wednesday, October 2, 2019** between **5:00 & 7:00 pm.**

Next Meetings Task:

- Everyone should prioritize the listing generated from discussion. The professionals will prepare substantial descriptions and the clerk will facilitate its distribution.
- Group name? Chairperson decision?
- Loretta Waldron suggested using Google Docs for easy and efficient method of reviewing and discussing written material between meetings. Possible further into process, the clerk will coordinate.

Meeting ended at 7:00 pm.

Respectfully submitted,

Lisa Somers, Steering Committee Clerk