

TOWN OF GRANBY PLANNING BOARD

Meeting Minutes

February 1, 2022

A regular meeting of the Granby Planning Board was held at the Granby Community Center, 812 County Route 8 Fulton; and was called to order at 7:00 pm by Chairman Jane Crego.

Meeting Attendance as follows:

David Crockford
Jane Crego, Chairman
Rhonda Nipper
Lisa Somers, secretary

Erin Palmitese
Carl Nylen, Vice Chairman
Tom Anthony

Also Present: Mike and Jessica Baldwin, John and Britney Cox, Cheryl Anthony, Councilor Irene Weistner, and Supervisor John Snow.

BUSINESS

Mike and Jessica Baldwin

The Planning Board began the initial review of an application for Site Plan Review to implement the conversion of commercial space from recreational roller skating to a fitness studio and storage space. Michael and Jessica Baldwin are contemplating purchasing the property to relocate their current home business and create a new business of interior climate-controlled storage. A hand drawn site plan was presented to explain how the existing structure will be modified. Two new interior walls will be added to separate the building into three spaces – the front will be the gym area and utilize the existing ingress/egress and outdoor parking, a middle space demarcated as areas for group fitness classes, and a third area at the rear of the building intended for future storage. A shower space will be added near the existing bathrooms. Minor renovation of flooring, paint and issues for code compliance throughout the building. The site plan also shows the addition of two new doors in the storage section of the building. The attached breakfast house will continue to function regularly and is already under the management of Jessica Baldwin. Mike Baldwin added that the exterior will receive little updating because the exterior lighting is already present, parking area is of sufficient size and paved, main driveway is also adequate and in good repair, and the sign structure at the road will remain with a different business name. He also explained that the businesses would be open 24 hours with access by a security key fob. Jessica Baldwin would be offering specialized classes and personal instruction during the daytime as she currently does in the fitness studio located at 1332 State Rt 176.

Member Carl Nylen commented that he had concerns regarding fire safety and that they should contact the local fire department with their plans and accept their suggestions for public safety. He also stated that the Codes department would mandate the new walls separating the spaces to be constructed of fire rated materials. Member Tom Anthony stated that there should be more exit doors and that code specifies a doorway at 75-foot spacing. Member Nylen stated that the site plan provided good general information for a preliminary understanding of how they wanted to utilize the property but that a final plan for approval would require a scaled site plan drawing that accurately depicts the location and sizes of structures and improvements on the entire parcel as well as specific details of the interior use of space. The storage space is a proposed future use to utilize the space of the building that the gym won't use. The applicants stated that interior climate-controlled space is not available anywhere nearby and is an idea to use space that would be otherwise vacant in the building. It is an intended future use that they are considering. The Board members cautioned them on items to be stored that could be problematic like lawn mowers and gas cans – discussions with the Fire Department and Codes could be beneficial to developing this part of the plan. Member Nylen asked how the public would access the storage area of the building. Mr. Baldwin explained that there is an existing driveway that enters the property near the existing outdoor storage buildings which could be utilized with a gravel area replacing the grass to provide additional parking and room for maneuverability. The Board members agreed that the parking should be developed more to show dimensions of the area and detail the driveway for entrance to avoid the need of reapplying in the future for a modification to the site plan. Utilization of the existing sign is a codes determination therefore the applicants should discuss their signage plans with the Codes Office when applying for a building/renovation permit. The members also discussed opening the existing second driveway for the property that is currently blocked which would provide ample access in case of emergency situation. The Board explained that their proposed usage is allowed in the commercial district that the property is located within but they need to supply a better site plan and narrative describing the functions of the space and the details of the business operation including hours of operation, estimated

number of employees and customers, parking and ingress/egress flow of entire site, drainage provisions from removal of permeable surfaces, location of waste containers and location of utilities, as well as a public safety plan. The applicant was told to return when they have a detailed plan representing their proposed use of the property to present to the Board for a plan completeness review.

John Cox

John Cox approached the Board to request a Site Plan Review for proposed business use of property located along State Rt 48, formerly known as Fairway Manor. He proposes to continue offering lunch and dinner with a bar and will place several APA tables in the banquet hall area of the structure. He has been involved with billiards most of his life and has been looking for an appropriately sized venue within the area for many years. He entered into a 5-year lease with an option to buy, and has been renovating the building over the past few months with approximately \$10,000 invested so far. He was unaware of the restrictions of a use variance associated with the property until he applied for a liquor license, whose processing efforts contacted the Town for confirmation of allowable permitting of the property. Mr. Cox stated that the property owners had not disclosed this information but he wanted to pursue approvals nevertheless because of the opportunities he believes the location affords him. The members had received copies of his application and narrative in which he states intention to 'continue the family restaurant and banquet facility serving American cuisine and alcoholic beverages. Banquet hall will house all the pool tables, and new business will be called Fairway Billiards, Inc.'. He proposes hours of operation to be Sunday thru Thursday 11 am to 11:30 pm, Friday and Saturday 11 am to 1am, and having outside events from 11 am to 9 pm on the concrete patio. Music entertainment to be limited to jukebox and DJ for both inside and outside areas, with outdoor music limited to 9 pm and be at a reasonable volume in consideration of the neighbors. He further stated that the APA is a family-friendly organization for pool players and hopes to support the Granby community by introducing the sport to residents as well as usher in new business from the outlying areas. He realizes that the extension of hours is worrisome but necessary to host APA tournaments which can consume a lengthy period of time. He does not plan to cater to a bar crowd, instead preferring to close the facility when pool leagues or tournaments are done playing. The use of the exterior areas would be for weddings and/or barbecues for the tournament events, would utilize a large tent and would be kept at a manageable level for noise. The Board members responded that he would need to pursue a modification of the Use Variance attached to the property before the Site Plan review could commence. Three areas of non-compliance were identified as 1.) extended hours of operation, 2.) allowing outdoor events, and 3.) allowing outdoor music. Member Tom Anthony advised him to refine his proposal in order to clearly identify the modifications that he's requesting.

2022 Schedule

The Board members approved by a motion moved by Erin Palmitese to hold regular meetings for the 2022 calendar year on the first Tuesday of every month, and reserve the third Thursday of the month for work sessions when necessary. The motion was seconded by Carl Nylen, all were in favor without further discussion and the motion carried.

Proposed Legislation – Permit Revocation

Supervisor Snow requested input and preliminary review of a proposed amendment to be added to the Town Zoning Ordinance to address a gap of procedure that will assist in the proper enforcement of Town approvals. Diligent efforts in establishing conditions of approval by the various Boards and departments of the Town have in certain cases been proven difficult to enforce because of the lack of leverage or consequence. The proposed verbiage will allow the CEO to revoke any permit where the property is not maintaining or constructing development as prescribed in the approval issued for the activity.

The members were in agreement that the additional verbiage was a necessary component to ensure continued compliance. Member Palmitese asked whether a detailed process of procedure and notification should be added. Since the CEO is the empowered authority then it is reasonable that his Office has procedural elements already intact such as would be for cease-and-desist orders or stop work orders due to non-compliance of the Towns laws.

Member Blackburn enquired of Supervisor Snow, also in attendance, what provoked this legislation. Supervisor Snow explained that the Town has been updating and revising various sections of the Zoning Ordinance in the past two years, and a new approved section for Special Permits and Site Plan Review had a noticeable gap in that it dealt solely with approval and did not address compliance going forward. This amendment would address that particular issue as well as encompass all permit approvals in regards to issues of code compliancy. He added that the Codes Office has also been implementing new work practices including a yearly review of site plan approvals to confirm that activities are

conducted within the scope of their approvals, which also enables the Town to address successful businesses that have exceeded their business plans and need modifications to their approval status. Uniformly applying the new standards of that Office will prove to be a challenge, but is actively being discussed by the Town Board and implemented by the Codes Office. New legislation by NYS, which started in January 1, 2022, has initiated ramping up the Codes procedures to adequately address the growth of services in our Town by committing more hours and personnel to that Office as well as providing new software tailored to the specific needs of Granby. New legislation is also forthcoming to address new services such as Vending Trucks for example. There are a lot of components currently in transition but it is a definite step in the right direction.

Member Palmitese also asked what the process is for the person that doesn't follow the orders of the Codes Office. Supervisor Snow replied that NYS procedure dictates that a 30-day Violation Notice/Remedy to Order is issued with a second issued thereafter, next step is issuance of a local Court Appearance Ticket, and finally Supreme Court commences if compliance is not yet achieved. Member Nipper responded that the local court doesn't hold much authority other than a punitive fine set by the Town Ordinance. Supervisor Snow agreed and stated that Supreme Court does have authority and has been a successful avenue of results for the Town although Covid disrupted and slowed that process.

Member Blackburn asked if everything would launch at the same time to provide equal application throughout the Town and not have an appearance of certain areas being targeted. Supervisor Snow replied that the new Property Maintenance Laws and Energy Codes are already up and running, and several local laws adopted in the past two years for solar laws, home occupations and special permit/site plan review have been in use by the planning board and codes office for the last year.

Member Anthony was in favor of the progress of the Town Board in adopting action generating legislation, all in an effort of cleaning up the Town. The current condition of many properties detracts not only from surrounding values but does not promote or attract new construction which Granby should be prime for because of its proximity to major access routes. He asked why the special permits can't be attached to the owner instead of the property, he thinks it could be beneficial to the Town to adopt changes to allow a property owner basis instead of a forever condition as is stands now. Supervisor Snow responded by stating that there are many changes that the Town would like to make, but that the current Comprehensive Plan doesn't support making the adoption process difficult because of the 239 Review component. The County Planning Department reviews all proposed laws in accordance with State 239 Review standard and would not give their approval because the amendments are not tied to the Comprehensive Plan. The Town recently received a substantial Grant to begin the updating of data sections and rewriting of the Goals and Objectives of the Comprehensive Plan, which will in time foster new legislation in the Town. Drastic changes to the Ordinance such as overlay zones which a committee has worked on to add residential usage to the southern CIT district in the Town has been halted because its creation does not directly tie to the Comprehensive Plan. The purpose of the Comprehensive Plan is to provide development and character ideals which support and drive the Zoning Ordinance regulations. Member Anthony commented that the CEO is responsible to issue citations and violations and that hasn't been adequately done to date. Supervisor Snow replied that there are now three codes officers with specific duties assigned for fire inspection, administration, field construction inspection, and property maintenance to name a few.

The Board members were in favor of the Town Board proceeding with proposed legislation, and proposed the following recommended edits:

- 1.) Exceeds the scope of the PB authorized approvals of special permits and site plans, insert into Section VII: Administration as a new Sub-section D instead of adding to Sub-section C.
- 2.) Title changed to Revocation of Town Issued Approvals - in order to cover all approvals and not just those by planning board.
- 3.) Clarify wording in the center of the paragraph to read -... in accordance with Zoning Ordinance Section VII-C(2)(1), if it is found that upon...
- 4.) Correct typo error - should be or development, not of development.

The Clerk to supply letter to Town Board.

PRIVILEGE OF THE FLOOR

~ Board Member Rhonda Nipper stated that she was very pleased with the activity of the Town and the feedback received from the Town Board over the past year. Requesting input from the planning board regarding proposed

legislation during conception and not only at the advisory opinion step when adopting a local law has kept the members in the loop, and is very appreciated.

~ New Town Councilor, Irene Weistner, was appointed as planning liaison and is present at tonight's meeting.

MINUTES

A motion to approve meeting minutes with minor corrections for December 7, 2021 was moved by David Crockford and seconded by Rhonda Nipper, all were in favor with 1 abstention, and the motion carried.

Minutes for meeting on January 11, 2022 to be reviewed at the March meeting.

ADJOURN

With no other business before the Board a motion to adjourn at 8:20 pm was moved by Carl Nylen and seconded by Lori Blackburn, all were in favor, and the motion carried

Respectfully submitted by:



Lisa Somers

Planning Board secretary