

Town of Granby
Zoning Code Review Committee
Meeting Notes – December 2, 2020

A meeting was held via “ZOOM” remote meetings on Wednesday December 2, 2020 at 5:00 pm with the following members and professionals present:

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

Also Present: no one.

Agenda:

- Finalize draft of Home Occupations regulations.
- Presentation of 1st Draft for Special Permit and Site Plan Review regulations.
- Initial discussion to establish goals and issues related to mining.

Updates:

- The Planning Board made a favorable recommendation for Town Board approval and adoption of the proposed regulations for home occupations at their 12/1/20 meeting.
- The proposed regulations for Home Occupations will be on the agenda of the next Town Board meeting on 12/9/2020, to begin the local law approval process.

HOME OCCUPATIONS

The consultants were encouraged by the positive response by the Town thus far, and will provide Final copies this week for submission to the Town Board on 12/9/2020. Howard Brodsky began a discussion of preparedness in response to possible reactions by residents to the proposed regulations. Two spreadsheets, one provided by the assessor’s office for property code 283, and the other a listing of SUP and Site plan approvals by the planning board, needs to be reviewed for current status to determine their relation to the new regulations. Details of the activity on the property needs to be researched and reviewed to determine if it is a legally established use, a use that existed previous to zoning and is grandfathered, or is a use that is in compliance with the new regulations. The purpose is to have complete knowledge of properties that could be affected by the regulations, which would then provide information for the Town Board and Codes office to respond to resident questions and handle any issues that may arise. Lisa Somers will investigate the properties listed on the two spreadsheets to provide the needed details. The consultants stated that a follow-up meeting with the CEO’s, John Snow and Lisa Somers may be necessary to discuss the findings and develop a strategy going forward.

SPECIAL PERMIT & SITE PLAN PROCEDURES AND STANDARDS

Excerpts of procedures for special permit and site plan, from the current Zoning Ordinance, were supplied and reviewed briefly. The procedures for both are somewhat hidden in the text of the Administration and Enforcement/building permit section for site plan and the ZBA section for special permit. Special permits were at one time under the authority of the ZBA, a local law transferred that authority to the planning board years ago, although the update is still hidden within the current text of the ZBA section. The existing code provides little direction, nor does it describe the required document submissions or elements needing review and consideration. The proposal to amend these sections will express the planning board’s authority to approve site

plans and special permits, as well as provide detailed framework for both applicant and planning board.

The consultants provided a draft of new text that would replace the existing code and establish a clearly defined subsection of Section VII: Administration - C., devoted to site plan and special permit. Since the two processes are very similar, the consultants have combined the review procedures, with additional standards for the more extensive review given to for special permits. Both processes provide oversight for permitted uses/structures in the Town that because of the physical characteristics of the activity necessitates a higher level of review and monitoring. Since the two processes are commonly confused, the consultants provided definitions for site plan, site plan review and special permit for clarity, they could be added to the Definitions section of the Zoning Ordinance. Jamie Sutphen stated that the procedures are substantive, meaningful and important for legal purposes. The non-policy portions of the code are grounded in law, the Committee is going to have to trust in their consultants to present procedures that are appropriate for the Town.

The proposed amendment was reviewed as follows:

C.1. Planning Board given authority to conduct and approve site plan reviews and to issue special permits.

C.2. - a,b,and c – The procedures involved with starting an application are explained as involving a conference with the CEO, a preliminary conference with the planning board, filing the application, initial planning board review, and the determination of completeness. Discussion of the process currently in place began the discussion. Lisa Somers stated that residents are directed by Town personnel and website contact information to speak with myself or the CEO. When calls or emails are received, a brief explanation of the process is discussed followed by directions to contact the CEO, who ultimately interprets the action to be taken. Jamie Sutphen surmised that its very similar to what's written, and that some changes such as identifying step one as a sketch plan conference will help mirror the process already in place. The intention is to provide a framework that is legal and is an achievable process for the Town employees. The determination that an application is complete is an important step in the process that shall remain during the revision.

C.2. - d and e – Provide direction to the planning board for action, and clarity to an applicant, for instances when the paperwork is not sufficient or complete.

C.2. - f – Establishes simultaneous review for area variance request and allows the planning board to direct an applicant to the ZBA without CEO involvement. The Town already practices this process.

C.2. - g – Describes the GML 239Review referral to Oswego County Planning – timeframe and disapproval by supermajority vote.

C.2. - g.4) - Provision to allow other referrals that can provide expert opinion and insight. DEC and SHPPO are examples.

C.2. - h – SEQR – Part of all applications, the Town Attorney can offer guidance especially in controversial or major projects.

C.2. - i – Public notice and hearing requirements are explained; special permits require hearings, site plan reviews require a hearing if the board determines that there is potential for adverse impacts, or for modifications to approved plan when significant changes are made. For a site plan review, a board could conceivably review and decide an application in one meeting. Provisions for other notices that the Town would like to introduce can be added to this section such as notification of application to the town by placement of signage on the property. A permissive requirement can be added for signs.

C.2. - j – Explains the actions the planning board can take within 62 days of concluding their review or close of hearing. The addition of conditions to any approval, and filing the decision/resolution within 5 days with Town Clerk, and approval expiration limits of one year for obtaining building permits and one year to complete work – two years total. Add verbiage that planning board can extend approval for reasonable situations. The fee schedule should be

receiving an annual review by the Town Board in January, and should include opinions and input from all the departments.

C.2. - k – Modifications to prior approved site plans and special use permits are considered to be either minor or major. Minor does not require a hearing; an example would be moving driveway location 10-feet due to wetlands or DOT decision. Major would require a hearing, an example would be extending the parking area or adding a structure.

C.3. The submission requirements for applications are detailed and lengthy, but provide the planning board with the ability to request and obtain the information they deem necessary to provide an effective and complete review. Christine Bassett commented that maybe changing words from “shall” to “May” would lessen the burden of paperwork for minor projects. Lisa Somers disagreed and stated that the provision also allows for a waiver that the planning board can use upon finding that the criteria is not necessary for that particular review. She added that the provision gives the planning board the ability to request pertinent documentation that they’ve never had before – its an important part of the process. The consultants added that the extensive list will encourage well drawn maps and plans, and provide adequate information for the planning board to properly analyze and deliberate the merits of the project. Requirement for agricultural data statement notification and SEQR are included. Escrow deposit is mentioned but the consultants need to develop this idea, possibly by amending the existing provision to establish escrow for subdivisions. Additional narrative report by applicants for special permits is required to specifically address items in following section.

C.4. General design findings for project to be compliant with zoning, be appropriate for the chosen site, compatible to and not cause impact to surrounding properties, aspects of vehicular and pedestrian circulation, adequate services and utilities, public safety (protect environmental resources, (wastewater disposal, drainage, fire protection), aesthetic design, controlled emissions and landscaping provisions.

C.5. framework for findings of planning board to approve and find the application suitable for issuance of a special permit.

MINING

The consultants had been discussing and reviewing information regarding the existing mines in the Town to prepare for tonight’s discussion. John Snow had provided them with a spreadsheet he compiled with details of approvals and periodic inspections performed by the DEC from records in the records storage area. The information was very helpful, but more is needed to fully develop a strategy to enforce mining regulations. They would like details of Town approvals, dates, inspections and mapped locations. Lisa Somers will review planning and ZBA records to add approval information to the spreadsheet. John Snow updated the Committee that the Town Board approved a 6-month moratorium on mining to allow for the Committee to establish permissive yet protective regulations. The consultants were encouraged by the Town’s willingness to support the work of the Committee. Preliminary thoughts for effective controls are to establish mining by zoning district, or develop an overlay area that permits mining activity. Both examples of a geographical tool which has been proven to be very effective.

Christine Bassett stated that she has spent many years investigating mining and has found that it is a destructive force in many ways, including being a serious health hazard. She and various neighbors have written letters, collected petitions, and have met with DEC officials several times - their efforts have not gotten them much satisfaction. She commented that the DEC has sole authority over mining activity, even superseding the Town’s laws and interests when making decisions. The size of the mines is large and the trucking involved to move the material is tremendous at times, disrupting neighborhoods with dust and flying rocks that can be as large as basketballs. The slippery sludge tracked on the roadway from hauling trucks leaving the dirt roads of the mining property is a public safety hazard for vehicles and pedestrians both. She and other neighbors pushed for a wheel wash station, which initially wasn’t used, and then once it was connected to a water source it created the muddy sludge on the roadways creating an even

worse situation. The fact that many of the mines are interconnected geographically only compounds the problems. The vast amount of sand, gravel and other materials that leave the mine do so at an incredible speed because in trucking time is money – and it's a very lucrative business. The owners, only a couple people own most of the mines, pay no attention to conditions set by the Town, and seem to have an ally with the DEC who allows them to continue with business regardless of impacts to public safety, quality of local well water, road hazard, and the list goes on. The consultants agreed that mining has large impacts on the surrounding community but also realize that mining is controlled by the DEC through the MLRA – a comprehensive law detailing the entire scope of mining activities. However, there are some strategies that the Town can employ which the consultants will develop. Attorney Sutphen suggested that having a specialist speak could be helpful, such as John Caffrey, the author of an article previously presented by Christine Bassett who resides in Glens Falls. The article provides a comprehensive analysis of the various elements in play surrounding mining activity. She stated that the DEC offices have a lot of power and they seem to differ slightly from one another regionally. The consultants agreed, stating that a culture develops at each region reflective of the concerns and issues that particular region's office deals with allowing for slight differences in the attitude's and actions associated with each. Howard Brodsky asked the group what the goals are for revising the excavation/mining regulations. Christine Bassett replied that safeguarding resident health and safety is number one. The hazardous situations created by mines needs to be addressed, currently its all about the money to be made by the owners with no enforced controls to protect the public. The Town receives no benefit whatsoever, yet the residents pay the price with diminished air quality from dust, potential well water contamination, destruction to the roadways with numerous potholes, tracking of dirt, slurry and stones onto roadways creating driving and pedestrian hazards, increased numbers of commercial hauling trucks in residential neighborhoods, and the list goes on of the impacts that exist where mining occurs. Howard Brodsky replied that although mining is a difficult topic, it is an important one, and he'll present some strategies involving mapping and overlays that could be effective going forward. Some information that will be needed is the history of approvals given by the Town, the current locations of mining activity, and geology support of soils information. The consultants agreed that a reasonable strategy could be developed to mitigate the tremendous impacts currently experienced, but caution that any new regulations would attach to new projects going forward, and that the existing mines would not be required to comply.

The next meeting is scheduled via remote "ZOOM" meetings for **Thursday, January 21, 2021** between **5:00 & 7:00 pm**. Howard Brodsky to send link information for ZOOM meeting.

Consultants Tasks:

- Home Occupations –Finalize and send proposal text for Town Board submission.
- Site Plan & SUP's – Revise draft procedures and policies per tonight's discussion.
- Initiate Mining Revision project.

Members Tasks:

- John Snow to provide answers for discrepancies found in Assessor's spreadsheet.
- Lisa Somers to chase down SUP and site plan spreadsheet – addresses and whether it is a home occupation or a business on residential property.
- Lisa Somers to review Town archives and storage records for approvals given to mining activity.

Meeting ended at 7:00 pm.

Respectfully submitted,

Lisa Somers, Zoning Code Review Committee Clerk