

**Town of Granby**  
**Zoning Code Review Committee**

Meeting Notes – January 21, 2021

A meeting was held via “ZOOM” remote meetings on Thursday January 21, 2021 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  
Christine Bassett  
Jamie Lynn Sutphen - attorney  
Howard Brodsky - planner  
Doug Miller – engineer

Also Present: no one.

***Agenda:***

- Update status of proposed Home Occupation regulations.
- Presentation by consultants of 2nd Draft for Special Permit and Site Plan Review regulations.
- Continue discussion to establish goals and issues related to mining, with new mapping.

***Update:***

Supervisor John Snow updated progress of the Home Occupation regulations as follows:

- Town Board initially received the draft in 2020 by email for review, no comments or issues have been voiced at meetings thus far.
- Determination by County regarding the 239 Review recommended approval, with comments that the regulations provided a good balance of allowing activity but has controls to protect neighboring properties.
- Public Hearing scheduled for 2/10/2021; Public Hearing on 1/27/21 for a Solar Pilot Law.
- Would like to have the local newspaper write an article discussing the Town’s intentions and the details of new legislation.
- Listing of existing properties identified by assessor records and planning approvals was generated by Lisa Somers. From review and discussion of the properties involved, Supervisor Snow does not foresee any issues for the upcoming Hearing.

**SPECIAL PERMIT & SITE PLAN PROCEDURES AND STANDARDS**

Planner Howard Brodsky gave a quick overview of the new definitions on page 1 of the draft. Site Plan Review and Special Permits are processes performed by the planning board for uses that are allowed within the Town, the listing of uses found within the Use Chart. Site Plan Review handles the physical changes to the site, and special permits review the same features but with increased intensity. Special permit gives the board the ability to ask whether the land use activity fits the particular site.

Discussion items throughout the second draft are highlighted/shaded in red and are also written in blue text, these are areas that the consultants want feedback from. After last month’s discussion of the initial draft, the consultants decided to eliminate a great deal of the text, as it seemed to be unneeded and somewhat redundant. The steps of the review procedures are initially established by State Law and then tailored somewhat to fit the Town’s needs. Any of the eliminated text can be readded if a member feels it helps clarify.

Review of the remaining text, as follows:

- a. *Pre-application meeting and workshop* – This is an informal, casual meeting where the applicant explains their project so that the Codes Officer can make a determination of the use and start the referral for appropriate action by the planning board. Engineer Doug

Miller thought that the wording could be changed to Codes Office (instead of Officer) to allow Lisa Somers (Clerk for the planning board, ZBA and Codes Office) to assist in the meeting and facilitate the paperwork. He stated that in the past, communication has been difficult between various departments, having a common thread to handle application paperwork could create a streamlining of information for everyone involved. Lisa Somers added that currently she and the Codes Officers direct applicants to each other before sending them to a Board. The CEO makes the interpretation and final determination, but the discussion allows us all to be on the same page and direct the applicant once, instead of them needing to go back and forth between departments that are part-time or meet once a month. Lynn Lyons was in agreement and thinks that the procedure is well-written and cohesive for all parties to understand where and what they need.

- b. *Filing of an application* – Removed extraneous text to general statement that forms and dates to be as prescribed by the Town. The consultants suggest that the Town Board address the forms, mtg dates, and fees yearly as an agenda item at their organizational meeting – developing a routine will help to generate discussion and keep the document current.
- c. *Initial PB review and determination of completeness* - Important step for the board to determine the application as complete – it initiates a time frame for the review.
- d. *Incomplete applications* – Reinforces Board’s stand to refuse an application until it meets all submission requirements listed within the regulations.
- e. *Variations* – Allows for, and gives procedure for, simultaneous reviews of PB and ZBA without needing the involvement of the Codes Office.
- f. *Referrals* – Simplified 239Review text.
- g. *NYS SEQRA* – no change.
- h. *Public notices and hearings* – 1b. edited to be sent certified mail to owners of adjoining properties within 150 feet the project property boundaries. The Town may also make it a practice to publish notices on the website.

The remaining sub-sections through page 7 had no changes other than the consultant edits that removes unneeded text, or consolidates it. Too much information becomes confusing, and is unnecessary.

#### *Page 8 – Submission Requirements for Special Permits and Site Plan*

An exhaustive list, some might say, is provided for the required submission materials in order for the Planning Board to obtain the necessary information to have a full understanding of the project. A key component of this section is that it contains a provision which allows the Planning Board to waive requirements they deem as not necessary. Each project is assessed against this listing in terms of scale and the potential for negative impacts – the larger the project, the more supporting evidence is required to analyze and mitigate the impacts to the surrounding area. Because the list is so comprehensive, it makes sense that most projects before the Board will need waivers, but the list exists for the large projects and developments that can create long term changes to an area by increased traffic, noise, impervious surfaces and exterior lighting for examples. Lisa Somers asked when the Board should address waivers and how should it be documented. The consultants replied that it should be at the beginning when the PB has their initial review to determine the scope of the project – it will assist in the determination for completeness of an application. The discussion can be documented within the minutes, passed by motioned vote, and/or stated within the resolution of approval/denial. Doug Miller added that the codes office could also do a cursory review of the listing that could then be introduced to the Planning Board’s discussion by Lisa as the Clerk of each department, creating a communication line between the departments.

A submission requirement was added from comments received. A listing of all permits required for the project (County, State and Federal) with a descriptive status of each shall be provided for review.

A committee member suggested adding a provision that essentially bars an application if the property has outstanding violations within the Town. The consultants will add a 'clean hands policy' within the text for the next meeting.

The establishment of an escrow provision that enables the planning board to hire expert review services in a timely fashion has yet to be determined. The current method of formally requesting authorization from the Town board can take a month's time and requires an estimated cost which is unknown by the planning board at this stage in their review. Supervisor John Snow stated that any funds collected would need to be held by a third party because the State Comptrollers Office took away the Town's trust & agency accounts where it would normally be kept. The consultants will work on a solution.

*Pages 10 and 11 - General design findings for approvals* – This subsection guides the decision process by organizing all of the review areas into categories that the planning board can use to evaluate the merits of a project against. It supplies the terminology needed to substantiate the Board's decision to approve or deny.

Discussion ended; the consultants will provide an updated draft for the next meeting.

## **MINING**

The consultants began the discussion by reading aloud from the NYS MLR regulations to establish the limited parameters the Town has to work with when considering mining controls. Howard Brodsky stated that the State allows a municipality to control the LOCATION where mining can occur within the Town. An overlay is an extremely effective tool. The consultants would like a greater sense of the details that are troublesome for mining in the Town. Three maps had been supplied in relation to mining in Granby:

- Mining status – permitted, reclaimed and unknown status categories.
- Mining status – permitted, reclaimed and unknown status categories with properties identified by tax map number.
- Construction materials – Sand and Gravel – with mining status overlay.

The parcels categorized as unknown are identified by the Town assessor as mining yet no DEC action can be found for the property. Attorney Jamie Sutphen stated that there is little that we can do with the existing mines, but we can affect where new mines can be. We can simply say what exists currently is allowed, but nothing new is allowed. We can also establish criteria and couple that with an overlay designating an area where mining is permitted.

- Supervisor Snow stated that the most complaints that the Town Board and Offices receive is relative to mining – noise, road spills, truck traffic and road potholes. The trucks absolutely destroy the local roads, for example Stoney Robbey Rd has a huge permitted active mine. The Town has no funding to fix the roads and without a road preservation law we can't extract bonds from the commercial entities that destroy them.
- Lynn Lyons recounted some history, commenting that initially the mines were on property owned by a local legislator, town board member and town supervisor – making it acceptable and non-regulated. At that time, the Town was less residentially developed, and most of the mining operations were small and didn't create much impact. Since then, they've grown exponentially in size and number, and without any approvals from the Town or the DEC. She exclaimed that one such mine is now a 30-acre lake, not reclaimed in any manner to resemble what was originally there.
- John Snow didn't think that mining should be allowed within the A/R zone because the intention for that zoning designation is to provide a transitional zone from the Agricultural farmland and open space to the Residentially developed properties of rural character neighborhoods. To promote residential usage, the Town is developing public water infrastructure, to allow mining in the same area would be counterproductive.
- In reviewing the three provided maps, it is clear that the northern part of the Town has experienced more residential development with an abundance of smaller properties while the south part of the Town has more scattered residential properties with an abundance of larger properties of farmland, forest and open space. It appears that the areas that are

good for mining (sand and gravel deposits) is also the areas of denser residential development.

- Christine Bassett commented about legislation that she had read about which establishes a rationale for legal prohibition of mining by a municipality. Attorney Sutphen was unaware of any such law or case involving a ban of mining that has been successful. She did say that the Town can either prohibit or allow mining in identified areas of the Town, and even prohibit the expansion of any existing mines.
- Lynn Lyons asked if the reclaimed areas identified on the Town map can become active mines again. The answer was unknown – something to investigate.

The consultants would like more impressions of the problems experienced because of mining and what mines are the problematic ones. Members can email their thoughts to the consultants and the group to help create direction and material for the consultants to begin a strategy. Doug Miller stated that he is familiar with the issues that residents have been experiencing for years which has been aptly described by Chris Bassett and Lynn Lyons. He concedes that some limits need to be examined to prevent material from leaving the mine and spilling into roadways and yards. The damage to the roads is also a huge problem, in the years that he has been the Town Engineer he has seen rapid deterioration in the past few years from the drastic increase of mining activity that can be attributed to a single developer that has bought out competitors throughout the region.

The Goal going forward with any proposed regulation is to prevent the situation from getting worse in the future. Details to be nailed down are as follows:

- Clarify the boundaries of the State approved operations.
- Search Town records for approvals and discussions by Town Board, Planning Board and ZBA – entities of the Town granted authority of approval for mining.
  - John snow has started a spreadsheet from documents collected in his search of records in the storage/archives room.
  - The Supervisor’s secretary has been reviewing past meeting minutes and copying discussions of mining.
  - Lisa Somers has minor information from planning board and ZBA activity to contribute to spreadsheet. Some files in storage room yet to be reviewed.
  - Lisa Somers will search Codes files for additional information by known address or tax map ID.
- A tentative plan to create an overlay zone that would match current property boundaries as the DEC MLR permits are identified to eliminate the possibility of expansion of the existing mines.
  - Control problematic mines that pre-date zoning, and are not DEC processed. Finite supply of material.
  - Lynn Lyons stated that she has boxes of material from when they were involved in the lawsuits from more than 30 years ago. She will look for it.
- Clarify enforcement.

The next meeting is scheduled via remote “ZOOM” meetings for **Wednesday, February 17, 2021** between **5:00 & 7:00 pm**. Howard Brodsky to send link information for ZOOM meeting.

**Consultants Tasks:**

- Wrap up a final draft of the Special Permit & Site Plan Review regulations.
- Work on conception for mining controls.
- Update accuracy of maps.

**Members Tasks:**

- Email consultants mining issues.
- Nail down information on properties with mining activity.

Meeting ended at 7:00 pm.

Respectfully submitted,

Lisa Somers, Zoning Code Review Committee Clerk