

Town of Granby
Zoning Code Review Committee

Meeting Notes – April 6, 2022

A meeting was held via “ZOOM” remote meetings on Wednesday April 6, 2022 at 5:00 pm with the following members and professionals present:

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

Also Present: no one.

Agenda:

- Review prior meeting discussion changes
- Refer large-scale zoning text to Boards for comments
- Review changes to existing Code to accommodate mining regulation draft; and review small-scale text
- Goals for May meeting – Finalize mining regulations and refer completed small-scale for comments. Review mapping strategy.

MINING OVERLAY ZONE DISTRICT

Brief overview:

A potential final draft that incorporated changes discussed at the last meeting had been supplied by Planner Howard Brodsky previous to the meeting. An additional document for review was also supplied that was comprised of excerpts from the existing Code and new text that is intended to blend the proposed regulations and create one working cohesive Code. The process of applying the Overlay Zone to the map was also briefly explained as requiring a zone change by the Town Board adoption process.

MOZD text changes discussion:

The Committee Members disagreed with one item of the draft regulation – Section C. (2)a), the A/R District identified as land in which the MOZD would be applied. Member Bassett stated that the only district that should allow large-scale mining is the A-1 because mining is considered to be an agricultural use, and is therefore appropriate for the A-1 district, but the A/R district is residential and should not allow it. She referred to an email that she had sent to the Committee members on 3/15/22, in which she makes several arguments:

- ~ large mines would stunt residential growth in the A/R District.
- ~ the comfort and safety of existing neighborhoods would be compromised.
- ~ negative impact to property assessments – decreased tax revenues.
- ~ area has experienced a decrease in agricultural activity, but an increase of residential.

She speculated that the allowance of small-scale in the two districts provides an avenue to develop large scale through DEC permitting that overrides the Town’s authority. She elaborated that the small-scale had been discussed months ago as appropriate for A-1 only, therefore it stands to reason that the large scale would also be better suited for A-1 only. Member Lyons agreed and commented on the situation of truck traffic and overwatering that occurred in their neighborhood prompting the email on 3/15/22, a situation that she would not like to see others in the community have to experience, and a rationale for why the new regulations need to be more restrictive. Planner Howard Brodsky addressed the small-scale operation which when it becomes successful is a situation that zoning never handles well, therefore the allowable districts for the small scale needs to be determined thoughtfully so as not to undermine the intentions of the MOZD. Members Bassett and Lyons asked why the Committee had decided to allow it in the

A/R zone, to which Mr. Brodsky commented that many of the existing large mines are already located within that zone. He added that he remembers that the zone designation of A-1 and A/R was not unanimous by the group. Member David Crockford agreed that the large-scale probably doesn't belong in the A/R zone which is becoming more heavily residential, but that discussion had occurred regarding difficulty with Town Board acceptance if the Overlay was too restrictive. Some members questioned the reasoning of inclusion of the A/R zone because mining already exists there, but yet the CIT wasn't considered for the overlay and one of the largest mines is located within that zone. A map of the zoning districts and a map of the various status levels of existing mining operations in the Town was presented for Members to compare. Further research to determine how many mines exist in the A/R zone will be researched to support further revision and justification of excluding the A/R zone for the MOZD. Attorney Jamie Sutphen stated that she and Howard will need to review the provided text line-by-line to ensure cohesion of thought and provide legally binding and supportive content. Member Snow joined the meeting and stated that with the understanding of the intentions of the A/R zone to be a buffer between the agricultural and denser residential areas while also supporting open space, then makes large-scale mining activity not an appropriate land use for this zone. The professionals commented that the handling of the existing mines within the A/R will need to be addressed if the Committee decides that the A/R zone shall not be considered as eligible land for the MOZD. The addition of Grandfathering language to handle the existing mines was offered as a solution, but the professionals countered that it has its own set of issues and thought that with some research they would find a more suitable method to handle the additional existing mines outside the designated overlay area. They stated that it is an achievable goal and they were confident that a workable code can still be created. Planner Brodsky stated that they would table further discussion of the draft to allow revisions, but encouraged the members to review the text changes from the last meeting against the information in the minutes.

Zoning Ordinance Adaptations & Small-scale mining regulation revisions:

A copy of the areas within the existing Ordinance requiring modifications to facilitate the merge and smooth transition for the addition of the overlay district text was provided and reviewed.

~ *Section II – Names of Zoning Districts* - A second category of zoning districts added for the MOZD. This will establish an area for future overlays to be added if the Town were ever interested ie. wetlands or preservation. Paragraph of text is added as an explanation of overlays, with a second paragraph of text for a definition of the MOZD's purpose.

~ *Section III – Use Chart* – Removing line item 'extractive operations', and replacing with Mining, small-scale and Mining, large-scale. The large-scale will only be allowed in the MOZD, the small-scale is tentatively allowed within the A-1 and A/R with special use permit approval. Discussion ensued regarding the ability to have small-scale in the A/R because if it is not appropriate for large-scale, and a small-scale operation has the potential to become large-scale, then it shouldn't be allowed. Member Bassett was strongly in favor of removing small-scale from the A/R district, she believed it would create real change in for future neighborhoods. Howard Brodsky agreed that they needn't to be cautious of what they allow because zoning doesn't handle success of business use very well. The members were unanimous to remove small-scale from the A/R.

~ *Section V – Supplementary Regulations* – Subsection A.2. has amended text of site modifications that involve incidental excavations; and Subsection F. is renamed from excavations to Small -scale Mining with added definitive text. Removal of ZBA participation was formally processed as a local law years ago, but removal never followed through on the text of the Ordinance. Additions to F.1. of map particulars of sensitive environmental resources, wetlands, floodplains, water courses, historic structures and any features requested by the planning board.

~ *Section XI- Definitions* – Several definitions for terminology in the overlay zone have been added: Excavation, Filling, Grading, Site Modifications (incidental), Mining small-scale, Mining

large-scale, and Mineral. Member Lyons asked for more explanation and added limitation of the materials allowed for filling purposes.

Summary Discussion:

The MOZD text should be close to completion, except for the omission of the A/R zone for permitted area, which the professionals will revise accordingly for the next meeting. The Committee should be prepared to refer the draft to the Boards of the Town for additional input and comments. The Zoning Map is also currently being addressed for inclusion of applicable existing properties with active mining operations.

Tasks:

- Professionals to provide an updated draft text (removal of A/R zone) for review at next meeting – probable Final draft.
- Members review for small-scale mine regulation development.
- Lisa Somers to send members two maps -zoning and existing mining status.
- Lisa Somers to review documentation for number of existing mines in the A/R zone.

The next meeting is scheduled via remote “ZOOM” meetings for **Wednesday, May 18, 2022** between **5:00 & 7:00 pm**. Howard Brodsky to send link information for ZOOM meeting.

Meeting ended at 6:35 pm.

Respectfully submitted,

Lisa Somers, Zoning Code Review Committee Clerk