

Town of Granby
Zoning Code Review Committee

Meeting Notes – October 20, 2021

A meeting was held via “ZOOM” remote meetings on Wednesday October 20, 2021 at 5:00 pm with the following members and professionals present:

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

Also Present: no one.

Agenda:

- Continue discussion of proposed preliminary draft of Mining regulations.
 - ~ Mapping strategy to apply overlay in relation to existing zoning districts
 - ~ Expansion strategy – text and standards adoptable by the Town Board.

SOLAR REGULATIONS

The Committee discussed an issue found in the regulations adopted by the Town earlier this year. The zoning district designation for Tier 3, large-scale solar development had been overlooked when completing the chart of usage. Member Lisa Somers sent via email an explanation and relevant discussion documents from past committee meetings for reference. Supervisor John Snow elaborated that several developers have approached the Town requesting information for solar regulations but have not pursued the application process as of yet, most likely due to the CESIR requirement. The allowable areas for large-scale has been questioned and is why the Committee needs to revisit the issue. The consensus of the members was to allow the large-scale solar facilities in all zoning districts except for the R-1. Text to be drafted for approval of the Committee and submission to the Town board for approval. Planner Howard Brodsky stated that the Town should be mindful of a situation that is occurring where early contact by developers is followed up with PILOT agreements with County agencies rather than the Town. John Snow replied that the Town adopted a Solar Pilot Law to eliminate the possibility of the County IDA overriding the development.

MINING OVERLAY ZONE DISTRICT

1.) Howard Brodsky and Attorney Jamie Sutphen stated that the Committee needed to agree on the objectives of the regulations and decide on the text and its content, which will then enable the mapping portion of the overlay zone to commence. The zoning districts to allow large scale mining would be the A-1 and the A/R zones only, which is where the existing mines are largely located. The CIT zone would not be addressed by this legislation, and the single existing illegal mine would then be grandfathered per say, but not allowed to expand because it's not in the overlay. Member Lynn Lyons wanted to clarify that the overlay applies to the existing mines only, and that they can not be expanded upon by the purchase of additional land. Mr. Brodsky replied that yes, only the current legally DEC permitted mines would be included in the overlay boundaries. John Snow added that the mines wouldn't be able to expand because the parameters of the overlay encompass only the land with existing operations. The overlay boundaries may not reflect the property lines because the activity of mining spills over into additional portions of adjoining parcels. Member Lyons stated the strategy would give strength to the zoning code that isn't currently there, but didn't think it would solve the enforcement issues. The professionals agreed that the legislation wouldn't solve the enforcement problems that have been experienced by the Town, but that it would provide the Town leverage to pursue

court proceedings for violators. Discussion continued with the fact that the current Town Board would back the legislation that is being developed, and that by following through the steps afforded by this legislation, a precedent of action could be developed for future Town Boards to uphold. The original proposed text allowing the Town Board approval of expansion efforts will be removed per last meetings discussion and decision by the members, which will assist in eliminating politics and conflict of decision-making for elected and appointed officials. Howard Brodsky added that it can be difficult for rural Towns to enforce the legislation when the pressures of knowing all the parties involved in an application exists. The three professionals will change the text to reflect the changes discussed for Committee review at the next meeting.

2.) The next topic discussed was the proposed changes to the existing Town Zoning Ordinance, as detailed in the text below. Draft contains new text to be added or changed in pink, with highlighting or cross-out lines for proposed deletions.

a.) Pages 6 & 7 – Redefined zoning district description to differentiate between the conventional existing districts and the creation of the overlay zone, which also establishes a new category for the Town to develop additional overlay zones such as historical or wetlands.

b.) Pages 7,8 & 9 – A section of the Use Chart, line listing for ‘Extractive operations and soil mining’ to be removed and replaced with line items: small-scale and large-scale mining. The large scale will Refer to the overlay zone and the small scale needs to be discussed in more detail, probable special permit allowance.

c.) Page 13 – Section for supplementary regulations involves many changes which Mr. Brodsky stated will have additional changes after a discussion they had with a consulting Geologist.

d.) Pages 42 through 51 – The creation of the overlay zone prompts many new definitions to be added, many taken from the DEC to assist in developing a future congruous relationship.

3.) The small-scale mining is largely under the authority of the Town for operations involve the removal of material under 1,000 tons or 750 cubic yards in a 12-month period. The zoning districts that will allow the small mines needs to be decided upon, as well as the operations control mechanisms – setbacks and such. Through previous discussion it appeared that DEC actions overrode the Town regulations by allowing the small existing mines to grow past the sizing for the Town to have any authority and has caused frustration on everyone’s behalf. The committee needs to be mindful of creating regulations to monitor and detect issues before they grow past the Town’s ability to act. Supervisor Snow interjected that the Town Board has been working on creating a process to assist the enforcement of the codes by hiring additional staffing for compliance such as annual fire inspections/operating permits and possibly mandating yearly review of special permits for compliance reporting with additional authority to evoke special permits. This was the problem encountered with the motocross project, where compliance with the conditions stipulated in the permit was lacking but the Town had no recourse within the current legislation. The members were all in favor of legislation allowing the revocation of special permits. The professionals stated that the site plan and special permit regulations the committee developed and the Town adopted would allow for the placement of ample control mechanisms, and that the key to the enforcement starts with the Planning Board’s ability to obtain reports, document submissions, and engineered project plans to create a record of allowable development and activity. Supervisor John Snow stated that the Planning Board has in fact implemented the process successfully with a developer that has been problematic in the Town by submitting hand drawn sketch for approval and claiming grandfathered status of activity, he ultimately sold the property after jumping through the hoops. Engineer Doug Miller added that a policy of adherence to standard conditions for development, such as as-built designs, could be helpful for the Town to implement as part of the approval process for a general understanding of what all projects need for the issuance of completion status.

The members seemed to agree that the A-1 zone would be acceptable for the small-scale mining operations, and that maybe the A/R zone which was meant to transition to residential would not

be appropriate for mining going forward. The Town is currently investing in infrastructure for multiple water district formations to alleviate current water quality issues but to also attract more residential construction. Member David Crockford commented that the reasoning is sound but that the current districts need to be re-evaluated because they are contrary to their names – housing in the A-1 and more farming in the A/R.

Supervisor Snow stated that he has been involved in discussions with residents and Town officials that are positive and excited about the changes that Granby is and has been making. Attitudes are changing and concern for the environment has increased.

Tasks:

- Professionals to provide an updated draft text for review at next meeting – probable Final draft.
- Members to review changes to be made to existing code for discussion at next meeting.
- Completion of draft text to enable commencement of mapping the overlay.

The next meeting is scheduled via remote “ZOOM” meetings for **Wednesday, December 15, 2021** between **5:00 & 7:00 pm**. Howard Brodsky to send link information for ZOOM meeting.

Meeting ended at 6:00 pm.

Respectfully submitted,

Lisa Somers, Zoning Code Review Committee Clerk