

Town of Granby
Zoning Code Review Committee
Meeting Notes – August 3, 2022

A meeting was held via “ZOOM” remote meetings on Wednesday August 3, 2022 at 5:00 pm with the following members and professionals present:

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

Also Present: no one.

Agenda:

- Review discussion.
- Accept Final Draft of the Mining Overlay Zone District (MOZD) text legislation.

MINING OVERLAY ZONE DISTRICT

Proposed Draft Regulation:

The Committee professionals hosted a presentation on June 22nd to explain the preliminary draft of the overlay text to members of the Town Board and the Planning Board, which was well attended and elicited some discussion to clarify the intention of the regulations. From that meeting minor changes were made to the text, as follows:

- Revision and relocation of sentences in Section F(1) to F(4) to further clarify status of existing mines after adoption of the mining regulation. Attorney Jamie Sutphen stated that several questions were received at the meeting, from Planning Board Member Tom Anthony to name one, regarding the process if a mine is inactive or is pre-existing – what happens to them. She had explained that if the site is active and DEC permitted it is considered conforming and requires Town Board adoption into the overlay within 18 months of enactment. If the mine were to physically change facilities or structures after that time, then it would require SUP and Site Plan approval in accordance with the regulations. If the site is located outside of the overlay area, then it would be non-conforming and can continue operation without changes or expansion. Lynn Lyons asked about parameters regarding possible expansion. Planner Howard Brodsky replied that the mine can expand to properties currently owned, but if they were to purchase additional land in the future, then they would need to extend the overlay boundaries through the Town Board process.
- Section G(2) – minor word change from shall to may – a less restrictive directive.
- Addition of Section H. Non-conforming Status, further clarification that current active mines that do not possess a DEC permit or Town approval, and are not within the overlay zone district will be considered to be non-conforming. Member Christine Bassett stated that it was a necessary addition, and was happy to see it.

**Zoning Ordinance Adaptations &
Small-scale mining regulation revisions:**

The text of this document had no changes since the June meeting. Howard Brodsky commented that it will be key for the Town to oversee the small-scale operations going forward to prevent expansion without due process of the Town’s regulations.

Mining Overview & Summary Discussion:

The Committee members were satisfied that the mining regulations would sufficiently mitigate future mine activity so that the problems experienced currently do not plague future neighborhoods. Howard Brodsky stated that he would provide clean versions of the documents for Lisa Somers to provide to the Town Board and the Planning Board. Lynn Lyons asked if the Committee members could also receive copies – Lisa Somers will send paper copies to the Members. Attorney Sutphen discussed with Town Supervisor John Snow how he would like to proceed with the Committee's submission.

~ Town Board will meet August 10th and 24th – Lisa Somers will provide paperwork for the meeting on the 10th.

~ Planning Board meets on September 6th – Lisa Somers will send copies this week requesting that an Advisory Opinion be discussed at that meeting so as to provide the Opinion for the Town board meeting on Sept. 14th.

~ Oswego County 239 Review Referral Request to be submitted in the upcoming week or two. The County Planning Dept. reviews in office without deadline, therefore it may be possible to have a determination letter by the September Town board meetings.

~ It was suggested that Members Lynn Lyons and Christine Bassett attend the upcoming Town Board to offer support of the regulations on behalf of the Committee, and to add authenticity to its value as residents of the Town.

~ The Clerk will keep everyone in the loop as to the progress of the documents.

*A motion was moved by Member Lynn Lyons to **recommend the Mining Overlay Zoning District legislation to the Granby Town Board for their review and consideration as an amendment to the Zoning Ordinance.** The motion was seconded by Member Lisa Somers, all were in favor without further discussion and the motion carried.*

Candidate Overlay Mining Sites:

A preliminary zoning map was provided with five identified properties as candidates for adoption into the overlay zone district.

Once the text of the regulations is adopted by the Town Board, they will then need to begin the placement of the individual property sites onto the Zoning Map to create the Mine Overlay District. The Committee needs to begin consideration of that process – one property at a time or all of them at once? This is the piece that will directly impact the mining site property owners and could become more controversial/confrontational, and needs to be thoughtfully acted upon. Planner Brodsky suggested that meetings be held separately for the owners and the neighbors to provide information and explain the enactment of the new regulations. Often times this can help to smooth over some of the confrontation at the eventual public hearing. Member John Snow stated that he was not in favor of meeting with the owners of the mines primarily because they are not residents of the Town of Granby; he is comfortable handling any negative opinions and comments at the Public Hearing stage of the process. The public hearing will be advertised, as is required, on the website and with publication in the Palladium times for both the text and the mapping element; however, the property owners will be additionally notified by certified mail for the mapping element.

What's Next...?

The members discussed whether to pause or continue with smaller projects while the mining regulations and overlay map progress through the Town process. Some topics to consider are as follows:

- The current Zoning Ordinance insufficiently handles a recurring situation in the Town that ultimately is handled by securing an area variance from the ZBA. If a resident chooses to build a new residence on their existing residential property, they are required to get ZBA approval to allow for a second residence to be built while they reside in the existing home because the Ordinance allows only one dwelling per lot.

- Chickens have been an issue for several years, and appears to be continuing in light of the economy (produce your own eggs and meat) and health concerns of Lyme disease associated with ticks (which free-range chickens consume). Regulations to allow them in the R-1 district with parameters for number, fencing, coop size... would be helpful.
- Zoning Ordinance – An updated copy with previous laws that are referenced but not included, along with the insertion of the new regulations developed by the Committee and adopted by the Town. An official copy would be VERY USEFUL to the various departments in the municipality. Member John Snow has been working on adding the updates listed on the front cover of the Ordinance but has found that not all were filed legally. He has also contacted outside sources such as Code 360 to potentially codify the laws and provide a user-friendly version of the Ordinance. The professionals commented that regardless of how the organization is completed the correct process would be to re-adopt the whole thing at once. The ZCRC would need to examine the entire document to verify the cohesiveness and completeness of the document first.

The next meeting is not scheduled at this time to allow a slight pause to assist the flow of the text approval process and begin the mapping phase. Potential dates for September or October will be provided in a few weeks by John Snow and Lisa Somers.

Consultants Tasks:

- Attorney Sutphen suggested that it may be an appropriate time to develop a statement for the Town Board that supports and summarizes the actions taken and provides intentions of comprehensive planning going forward.

Members Tasks:

- Think about what issues the committee should tackle next. Lisa Somers to recirculate the Planning Program List to the members.
- Lisa Somers to forward clean versions to the Town board and Planning Board. Begin 239 Referral packet.
- Lynn Lyons and Christine Bassett to attend the 8/10 and 8/24 Town Board meetings.

Meeting ended at 6:14 pm.

Respectfully submitted,

Lisa Somers, Zoning Code Review Committee Clerk