

Town of Granby
Zoning Code Review Committee

Meeting Notes – June 17, 2020

A meeting was held via “ZOOM” remote meetings on Wednesday June 17, 2020 at 5:00 pm with the following members and professionals present:

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

Also Present: no one.

OSWEGO COUNTY PLANNING

Howard Brodsky and John Snow discussed the progress on the mapping data with the County. John Snow has been locating the various sewer and water districts within the Town and has found property splits that are not reported in the data. He is updating the properties and should be done soon. Mr. Brodsky plans to continue with the County discussion and hold-off initially with the infrastructure maps.

SOLAR ENERGY SYSTEMS

Update on progress of proposed solar regulations that were completed at the May 20th meeting:

- Planning Board recommended adoption by the Town board. They were in unanimous agreement that the regulations provide ample authority to implement proper and thorough review of impacts associated with the facilities placement.
- Town Board scheduled Public Hearing for June 24th. Howard Brodsky to supply a complete final copy in Word Format to Lisa Somers, who will then supply to Town Clerk and Supervisor.
- County 239Review Referral should be processed.

HOME OCCUPATIONS

The next planning project to be discussed are regulations for Home Occupation. Howard Brodsky stated that it is an important land use that usually involves many properties and many people in the Town. It is also a land use that is commonly misunderstood and confused with accessory uses. The consultants had supplied members with a Table representative of Granby’s history of approvals for home occupations and business’s on residentially used property. They also supplied sample regulations of home occupations and accessory uses from seven municipalities in the area, and Granby – Pompey, Spafford, Hannibal, Clay, Fulton, DeWitt and Van Buren; for comparative discussion.

The Table had groupings of approved SUP’s and site plan review projects for the past 8 years in Granby. Only two projects were labeled as home occupations, permitted by right or requiring a building/zoning permit, yet received site plan review and SUP. The remaining projects varied from an in-law apartment, greenhouse and farm animals – all not usually thought of as home occupations. The Definitions in Granby’s regulations for customary home occupation, accessory use and address of convenience were read aloud. David Crockford, a Planning board member, stated that the projects weren’t processed as home occupations but rather permitted by business type. The chart reveals confusion from unclear definitions, broad interpretations and possibly incorrect application of the regulations. The goal for the

Committee is to clarify what a home occupation should be, the parameters that it fulfills quantitatively, and determine a process that analyzes the potential impacts. Howard Brodsky spoke about definitions being a 'foundational' element that provides clarity in that it directs how the term is used in the Zoning Ordinance. Christine Bassett spoke of her personal experience with a home-based business. She stated that her husband opened a home business in 2002 for refinishing and repair of furniture located within a barn in the rear of their property, with the addition of a small shop for antiques and sales. She said that they were required to complete a building permit and appear before the planning board for Special use permit and site plan approval, which she stated is contradictory to what she has read in the code for this discussion. Mr. Brodsky stated that tonight's exercise is to define what a home occupation is in Granby, and what it should be, in order to lay out the requirements as a basis to build the regulations.

Attorney Jamie Sutphen, asked the group, 'Is it true that Granby doesn't care what you do inside the house, providing that it occupies the maximum allowed 20% of total square footage, and has no visible existence on the exterior?'

John Snow replied that it depends on the business, for example, a contractor using the premises for an office for paperwork is used differently than a medical office whose usage is by customers. As Supervisor, he stated that the Town has an obligation to make sure that those businesses with on-site customers are safe for the public to enter, he would like to see some kind of formal review requirement. Howard Brodsky stated that this evaluation brings up category and performance, both create clarity and drive regulation requirements. He stated that the strictness or lenience of the code is not at issue at this point, but the boundaries of the use is, and is what the consultants wish to ascertain from the discussions. Categories are used to regulate a use such as the number of employees or the number of parking spaces, as seen in the Clay regulations. Placing values in the categories will establish a strict or lenient code. The performance or activity of the use needs to be measured by the parameters established in the categories to determine the compliance as a home occupation or a business.

Attorney Jamie Sutphen asked the group what they thought makes a home occupation something more?

Christine Bassett replied that it would depend on how that business impacts the surrounding neighborhood. Howard Brodsky agreed that the performance or activity produced by the use is important to understand and must be readily discernible by the drafted text of the regulations. He explained the three main procedures that a potential use undergoes as follows:

- 1) Building/zoning permit – issuance by CEO states compliance with regulations. The performance values must be numerical for the categories in order for CEO to evaluate; can NOT be subject to discretionary judgement.
- 2) Planning Board review – when a question of impact exists; involves discretionary judgement.
 - a) Site Plan approval – the land use is acceptable and Board is looking at the lay-out.
 - b) Special Use Permit – the lay-out and compatibility of the land use at that location.

Attorney Jamie Sutphen asked the group again 'Is it true that you don't care what people do in their homes as long as there are no outside employees, no traffic and no exterior visible signs of a business?'

Christine Bassett agreed that it's a true statement. Lisa Somers and David Crockford also agreed. Loretta Waldron stated that no home business would bother her as long as the activity stayed inside. She added that her father-in-law has a home business that involves sharpening blades which occurs inside with occasional customers dropping or picking up their property. It has no impact on the neighborhood and is an example of the type of activity that she thinks many people engage in as a hobby or in addition to employment. Ms. Sutphen asked about whether deliveries or pick-ups totaling two an hour would change her opinion? What about night-time activity? Or noise from customers? Loretta Waldron commented that noise could be bothersome if outside of regular business hours being between 8 am and 5 pm. Christine Bassett added that the zoning district could determine leniency of those activities for

an A-1 area versus an R-1 area, and the proximity to the activity – within 50 feet of a dense residential development versus separation of 500 feet on an agricultural property. The volume of customers is also important because on a rural untraveled road, an increase of 8 cars coming and going could be a substantial increase in traffic.

Both the Attorney and Planner asked what the committee considered as ‘customary’?

A very subjective definition dependent upon where you are and what is going on. For example, Covid-19 has made delivery vehicles much more prevalent within neighborhoods with Fed-ex, UPS, grocery delivery, pharmacy delivery and many others. Is this activity now considered customary? The numbers of the activity are key – number of trips creates traffic; number of customers creates noise or increased activity – what thresholds are needed for regulation.

When does the home occupation change from ‘you can do whatever you want in your house’?

John Snow answered that customers make the difference; he thinks that residents have a reasonable expectation that structures are safe because the Town has a code enforcement office.

He also commented on the number and scale of trips and vehicles appropriate for neighborhoods. The increased number of UPS and other mail delivery services have become commonplace in all neighborhoods and being on the smaller side of what commercial trucking has to offer, they have not been problematic. Tractor trailers and other similar large delivery trucks are disconcerting for local roads because they are not built to withstand those heavier loads and repeated trips would further degrade them. Attorney Jamie Sutphen expressed that this type of information was useful in that it defines parameters tied to a physical quality of the Town, this could establish a regulation regarding vehicles larger than a step-van and greater than once a day. John Snow added that many local building contractors and landscapers will locate their business office at their residence and their activity occurs at various project sites throughout the daytime, but a variety of vehicles (trucks, trailers, large equipment, mowers, dump trucks) start and end the day at the residence. This is a case where the zoning district and the density of residential activity has different responses by residents to the same behavior.

John Snow later added that having a Town generated listing of active businesses during the Covid-19 closings and re-openings would have been a useful tool for documenting and identifying customer related business activity.

The consultants agree that the group should consider zone districts and lot size analysis for applicability to the creation of home occupations regulations.

David Crockford and John Snow discuss the R-1 district, agreeing that it could be done differently with a less strict R-2 to the North, and a stricter R-1 to the South where the housing developments have restrictive and protective covenants in place. David Crockford stated that the R-1 zone was overdone and is too big, it has negatively altered the usage of many properties by disallowing farm animals in a rural community. The consultants agreed that it could be considered a ‘planning project’ and added to the listing, but that the scope and focus of the current projects does not involve changing zoning districts.

Doug Miller broached a current problem with the Town’s application of the regulations in connection to an amendment to the Zoning Ordinance which allows only one principal use per lot. This provision has not been followed in many of the instances of approvals on the Table presented for discussion, such as the saw mill or the greenhouse. Accessory structures and uses must be secondary or incidental to the principal use – neither the saw mill or the 24x60 greenhouse could be defined that way. It’s easy for the Town to lose control of a business if proper defining regulations aren’t implemented or adhered to, for example, an old farm creates an events facility by converting a barn no longer utilized. The facility is booked randomly, then a tasting room is available, live acoustic music around a fireplace is added... and the intended use has expanded with many impacts to the neighborhood. Appropriate regulations need to be developed, but the regulations also need to be understood and implemented correctly by the departments that handle them and process the applications.

The discussion evolved into describing what would be a good example of a home business. Christine described the activity and lay-out of their home business, as follows:

The property is 15 acres in size with a residence near the front and the barn structure in the rear. A long driveway leads to the barn with two parking spaces. They have no daily traffic with an occasional customer picking up or dropping off furniture; and a sales event once a year near the holidays that has approximately 7 or 8 vehicles in attendance at one time. The work performed does not create noise or odor, and neighbors have never complained.

The consultants asked the committee to consider examples of both good and bad business role models, and compile a listing of the characteristics that they do or do not like. Pay attention to numbers of people, customer frequency and size, noise, traffic, outside appearance of storage or business items, size of the property, distance between structures on either side, and so on. Jamie Sutphen stated that they had several takeaways from tonight's discussion to start working with, as follows:

- Customers necessitate review.
- Traffic numbers can be relative to the density of the area.
- Large commercial types of vehicles are damaging to local roads.
- Owner-occupied properties apply.
- % value of allowable space for home occupation use. which can be used in the residence or applied to an accessory structure

The usage of accessory buildings should also be considered. A determined sq ft percentage (based on principal bldg. size) could be applied to an accessory building. Howard Brodsky stated that it is common for residential structures to be location for urban/dense areas, and common for use of an accessory building in a rural area; this could be applied to zoning districts just as easily.

The next meeting is scheduled via remote "ZOOM" meetings for **Wednesday, July 15, 2020** between **5:00 & 7:00 pm**. Howard Brodsky to send link information for ZOOM meeting to Lisa Somers for redistribution to the members.

Consultants Tasks:

- Continuing work to bring the Zoning Ordinance Word document to current and complete status – creating an Official Copy.
- Town-Wide Mapping with Oswego County Planning.
- Home Occupations – draft proposal.
- Site Plan & SUP's – procedures and policies.

Homework for Members:

- Home Occupations
 - ✓ Find examples of home occupations that would be a good role model. Why?
 - ✓ Find examples of home occupations that are bad role models. Why?
 - ✓ Take photos to share your visual impressions.
 - ✓ Share with the Committee by email - the consultants will draft document for discussion at our next meeting.

Meeting ended at 7:00 pm.
Respectfully submitted,

Lisa Somers,
Zoning Code Review Committee Clerk