

Town of Granby  
Zoning Code Review Committee

Meeting Notes – July 14, 2020

A meeting was held via “ZOOM” remote meetings on Tuesday July 14, 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 - absent

Also Present: no one.

**SOLAR ENERGY SYSTEMS**

Update on progress of proposed solar regulations:

- County 239 Review Determination received – recommended approval. Send copy to the consultants.

**HOME OCCUPATIONS**

The consultants provided the members with a chart that was designed from last month's discussion regarding home occupations as a land use. The purpose of the chart is to aid the discussion to figure out what the Town wants for home occupations, and to determine what levels of activity require regulation. The vertical columns represent increasing levels of intensity and impact of the use, and are linked with the Town permit that would be appropriate. The horizontal rows detail the various elements involved with a home occupation and business that will fluctuate with the expected impacts. The horizontal elements have been grouped together as follows:

- *Operational Concerns* – Involves designation of owner/occupant, employee and customer numbers, delivery traffic, and hours of operation.
- *Physical concerns* – Involves the structures – dwelling, accessory, structural changes and maximum % for business area. Also involves parking, storage, and signs.
- *Lot & Location Concerns* – Involves minimum lot sizes, locations based on Road types and zoning districts.
- *Vague concerns* – Involves things that are difficult to measure such as traffic, noise/odor and hazardous material and storage.

Jamie Sutphen stated that reviewing by a single vertical column would be easier to focus discussion to the same level of activity for all the details involved with the use before expanding the level of impact to next column. The impact levels were discussed as follows:

**1.) NO EXTERNAL visibility/impact:**

This column most closely relates to the Town's current Zoning Ordinance definition for home occupations, which allows home occupation use of an owner-occupied dwelling with provisions that there is no external evidence of storage, no signage and no traffic with a minimum square footage of the dwelling specified. **The consultants questioned whether the Committee cared about how much space is used if you can't see it, and how would you know it's even there?** Many members responded that they didn't care about a set percentage, but thought specifying that there be no hazardous materials and no noise above a regular residence, the vague concerns from the chart, would be helpful to explain the parameters of the first column's use that requires no permit from the Town.

Christine Bassett stated that being a property that is occupied by the homeowner should be an important point, otherwise a property could become a production house – more of a business than a home occupation. Jamie Sutphen asked if the Committee were in agreement then a defining element for home occupations should be that the property be a primary residence and that the dwelling be owner-occupied. David Crockford questioned whether an accessory

structure could be used, which the consultants replied that they could be, but maybe at another level of impact perhaps, they felt the impacts created by using an accessory structure would be larger and merit a site plan review at least. Loretta Waldron questioned who would know it was there if there's no evidence of it? And if that is the case, why regulate it. John Snow asked why you would have a regulation for maximum square footage, for a situation where it can't be enforced, because no one knows it's there because the use doesn't require a permit. Howard Brodsky stated that a square footage requirement may not be necessary so much for permitting, but could be instrumental for enforcement of a use that exceeds the parameters of a 'no external visibility/impact' home occupation and trigger a review process like site plan or special use. The members agreed, that in an effort to provide enforcement parameters they decided to *set a 30% maximum for internal space usage by a home occupation*. The members were also in agreement that *the dwelling MUST be the primary dwelling of the owner/occupant that has the home occupation*. Both members David Crockford and John Snow said that accessory structures should be considered because in a sense a person without a garage wouldn't be allowed to have a home occupation that has more impact like a contractor use – is it unfairly restricting to properties without an existing accessory structure. Howard Brodsky replied that the issue can become complex quickly, and that we are trying to create permissive guidelines for home occupations to eliminate impacts already experienced within the Town wherein an approved home occupation thrives, grows and becomes a business instead. Establishing lines of activity to initiate the appropriate concern and review in order to protect the surrounding residential properties is the goal. The next concern deals with trucking for delivery purposes and how many deliveries is too much for this category of use with no external evidence. With the current pandemic the term customary has changed meaning quickly and Fedex and Amazon delivery trucks are prevalent throughout residential communities now when they weren't so much a year ago. After further discussion it was agreed that wording should include *customary to immediate area, and allow routine box truck pick-ups and delivery, no tractor trailers*. Jamie Sutphen questioned the group as to how many trips per day would be appropriate? Discussion of the variety of neighborhoods in Town from dense development like Wilobob and Snug Harbor, to very rural and country with acres between the residences. The group agreed to a limit of *not to exceed three truck trips per day for pick-ups/deliveries*, in order to establish a clear guideline for the codes officer to reference when a neighbor calls and questions activity in the neighborhood. The Committee also agreed to having *no limitations on the operating hours*. The consultants were satisfied with the parameters being established by the Committee that will enable them to draft proposed regulations that fit the Town.

## 2.) NO WAY/NO HOW:

The group switched discussion to focus on land uses that would NOT EVER be considered home occupations like a junk yard and a full retail store. **Jamie Sutphen asked what can never be a home occupation in Granby?** John Snow replied that a restaurant can't be a home occupation where customers would eat prepared food in your dwelling, but a catering business could be. An event center was another use that has become common with renovation of old unused barns, but shouldn't be considered a home occupation but rather a business. David Crockford added that our Zoning Ordinance allows only one primary use, but having two uses happens often when businesses are located on a residential property but aren't really home occupations. Christine Bassett stated that soil and gravel mining occurs on many residential properties as a small operation to support the family contracting business - they shouldn't be considered home occupations. Howard Brodsky agreed that natural resource extraction should not be categorized as home occupations.

## 3.) SPECIAL CIRCUMSTANCES:

Howard Brodsky explained that there are several allowable uses that alters some aspects of the dwelling to facilitate the home occupation such as a bed & breakfast or a farm stand would. As a rule of thumb, he stated that if the improvement to the residence is looked at as being easily reversible to retain the primary use as a dwelling then it can be categorized as a home

occupation. Allowing 'reversible improvements' to facilitate a home occupation can be allowed as long as they don't alter the residential character or function of the structure. Other unique properties that have experienced alteration that are difficult to use as a dwelling are existing non-conforming residential use, and dwellings located within the CIT district. Use Variances are commonly sought for these properties because of the exorbitant expense to return them to residential use.

4.) MINOR AND MAJOR visibility/impact:

Jamie Sutphen began the discussion by stating that the examples listed for each column are meant to be illustrative and not exhaustive. These two columns begin to build impacts as the numerical controls are increased and therefore require an analysis through various scenarios to best establish the differences and set the benchmarks that trigger the next level for permitting purposes. Ms. Sutphen described a situation of a home occupation of an attorney that would have little physical impact to the exterior other than traffic and parking. The committee agreed that a *maximum number of two employees*, a secretary and a paralegal for example, would be acceptable for the minor column which wouldn't necessarily involve increased parking area. The major column was determined to be manageable at a *maximum of five employees*, representative of the home occupations of a landscaping service or contractor's yard, both of which involve a clerk/secretary, salesman, and a couple laborers.

These levels also involve allowing customers to enter the property which brings traffic, parking, and access issues to be considered by the planning board during site plan and special use permit processing. The examples of offices for medical, therapy, lawyer, accountant, insurance sales, tailor and others within the minor column could be satisfied by allowing for a *maximum of three participants at any one time*, such as patients, observers, customers, clients. The major column involves larger customer participation by adding group instruction such as tutoring, music lessons and yoga instruction for example, where not only the student is on-site but so are the parents, or multiple customers at a small engine repair shop. The Committee agreed that a *maximum number for class or event should be ten participants* for the major column.

Hours of operation for both the minor and major column need further discussion. Parking was discussed at length but will also need further discussion. The objective is to set a minimum number to avoid the occurrence of street parking, and also establish a maximum value that will maintain the residential character. Scaling the lot size requirement to the number of customers is one approach, or maintaining the current regulations within the Zoning Ordinance is another. The goal is to protect and maintain the residential character while allowing home occupations. A tool has to be created that will trigger a conclusion by the zoning officer that the proposed home occupation is too big, is a business and not a home occupation and must be located elsewhere. The consultants concluded the meeting by expressing the need to establish the general limitations of Site Plan Review and Special Use Permits to support the vital review processes involved with regulating home occupations. The draft will encourage home occupations as a permitted land use while setting parameters to guide the allowed intensity.

The next meeting is scheduled via remote "ZOOM" meetings for **Wednesday, August 19, 2020** between **5:00 & 7:00 pm**. Howard Brodsky to send link information for ZOOM meeting.

**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 – draft procedures and policies.

Meeting ended at 7:05 pm.

Respectfully submitted,

Lisa Somers, Zoning Code Review Committee Clerk