

September 9, 2014
Village Municipal Building

6:00--**Call to Order**--**Chairman Harold Loder** called the Joint Planning Board and Town Board draft zoning review meeting and regular monthly Planning Board meeting to order.

Roll Call & Pledge to Flag--Present: Chairman Harold Loder, Board members--Bob Reed (excused), Tighe Lory, Mike Piccolo and Bill Lape, Town Clerk & Planning Board Secretary--Maggie Smith. Supervisor Dick Lape, Councilmen: Todd Sperbeck, Eric Haslun, Bill Lancaster and Paul Maurice (Arrived 7:45) **Others Present:** Shane Nickle and Zachary Thompson (Co. Planning), Gene DiMarco (CEO), Peggy Gras (Deputy Town Clerk), Dolores Benedict and Deryn DiMarco.

The secretary stated the Planning Board had Joanne Darcy Crum on the agenda, but she called tonight stating she wouldn't be here. The planning board has no monthly business and can work through their regular meeting unless someone comes in expectantly.

6:00--**Approval of the Minutes**--**Tighe Lory** made a motion to approve the August 12 & 20, 2014 minutes as presented, Mike Piccolo seconded; 4-0.

Continuing the Review of Draft Law

Hunting Lodge--**Shane Nickle** passed out the most revised version of the draft zoning law. He also added hunting lodge definition to page 7. **Gene DiMarco** stated a hunting lodge in an R1 is a business which isn't permitted. **Shane N.** stated it was added as special use to be reviewed by the Planning Board.

Tighe Lory stated he got a call from Bob Smith, a councilman, on Carlisle Town Board asking about the zoning re-write. The compressor station pays 1\3 of the town taxes. **Dick Lape** stated he thinks the lawsuit with the gas company paid for their new town hall and highway building. Carlisle's compressor station is much bigger than the one in Wright.

Solar Discussion--**Harold Loder** stated they talked about including solar panels in the law. **Eric H.** stated they still need a grandfather clause too. **Harold L.** stated the state has a syllabus for solar and discussed two roofs. **Mike Piccolo** stated solar panels aren't a roof they're considered an appliance, but they do have new solar shingles that haven't been tested in this area for snow load. He has over an inch thick of solar information. He's concerned with pole mounted panels and screening for neighbors. **Gene D.** stated the way the law reads now they can't address screening. **Discussion** of current solar panels. **Mike P.** stated he's been waiting to see what the county comes up with while working with Solomon Energy. **Shane N.** stated he hasn't received any complaints about solar panels.

Riparian Area Discussion--**The clerk** stated Dee Benedict wasn't able to be at the August 20th meeting, but had concerns she'd like to discuss with the boards. **Dee Benedict** stated as the law reads if her home, which is within 50' of the buffer zone, is damaged more than 50% it has to be moved out of the buffer zone. Her home is within 30' of the Bear Gulch Stream. **Shane N.** pointed to page 48 (k) stating she'd have to get a permit. She could explain the issue to the Planning Board who can issue the permit if they feel there is good cause. His impression of the riparian area is to let it get back to it's natural state. **Dee B.** stated the flavor of this board says it would be okay, but what about 10 years from now?

6:26--**Riparian Area Amended**--**Eric Haslun** made a motion to add "any non conforming structure within 50' of the riparian area can be replaced in the same foot print without a riparian permit", Todd Sperbeck seconded; 4-0. **Shane N.** stated the purpose of the law is due to people having erosion problems after they cut back the bank and create problems. His hope is the Planning Board will keep

this intent in mind. **Dee B.** asked what about farming? **Shane N.** stated farming is exempt and regulated by Ag. & Market. **Dee B.** asked what if a farmer hays right up to the creek? **Harold L.** stated the Natural Resource Conservation Service (NRCS) would make the call. **Dee B.** stated it says “best management practice”. What about mowing other than for a trail? **Shane N.** stated if someone stops mowing the lawn area within the riparian for over a year and then wanted access, they'd have to get a permit. People have problems when they mess with stream beds and then look to government to repair or ask who's going to buy their house now that it's threatened/

Adult Entertainment—Harold Loder stated it was brought up to him that Adult Entertainment is not included. **The clerk** stated she typed up the law, it is Local Law 1-2006 which they could just refer to in the zoning law.

6:30—**Adult Entertainment Law Referral Added—Eric Haslun** made a motion make an addition to Section 4.14, Article 4 referring to Local Law 1-2006, Bill Lancaster seconded; 4-0.

Pod Discussion—Harold Loder stated there's nothing in the law regarding PODs. **Discussion** to allow them, but to have a time limit. People felt 30 days was too short because someone could have a project that could take up to a year. Shane will look for a definition of a POD. **More Discussion** that it should start with the Codes Officer so they can be tracked. Shane will work on the definition.

6:41—**Pod Definition Added—Eric Haslun** made a motion to add a POD definition and regulations that the process starts with the Codes Officer, who can also grant extensions, Todd Sperbeck seconded; 4-0.

Zoning Map Revisions—Bill Lape stated there was controversy over the districts. **Shane N.** stated he brought a new map tonight that has darkened line and the stream next to Lockwood Drive has been removed as per their request. The boards thanked him for the newer, clearer map. **Shane N.** stated they also have the arial view if they ever want to see that.

Mobile Home Designation—Tighe Lory stated he doesn't think its' necessary for a mobile home designation. **Harold L.** stated it's a legitimate concern. **Shane N.** stated the designation came out of the Comprehensive Plan. It was chosen because it's already existing and if someone wants a business they can go to the business zone. **Dick L.** stated it would take months to move all the trailers, but if someone wanted to have a change of use they'd have that time to apply to make it happen. **Mike P.** stated he thinks it's the label that is causing the problem. **Shane N.** stated if they start opening this up and changing what was adopted in 2006 because a few select people want to change a district, it's throwing this process out the door. **Bill Lape** read the definition of the mobile home park from the Comprehensive Plan. **More discussion** that there can be one family homes and duplexes in the mobile park. **Gene D.** stated it's one parcel. **Tighe L.** stated they could make it commercial and then if a business came along they wouldn't have to go through a rezoning process. **Bill Lape** stated he thinks they should leave it alone. **Shane N.** stated the purpose was to attempt to have a place for mobile homes in the future. **Todd S.** stated often a mobile home is a starting place for a young family.

Water Shed—Shane Nickle asked if the town realized the Water Shed Protection (WSP) area is bigger than the water shed? The only real difference is the zone requires 5 acres for a building lot, but it hasn't been altered from the original. **Mike P.** stated they put it in to protect the water quality.

Section 202—Joan Sondergaard stated everything after the first sentence was added. **Shane N.** read what was added, stating it's a lot of reiteration.

Section 204—Tighe Lory read A(1) a new building shall not exceed 4 times it's width. **Dick L.** stated it was to prevent spaghetti lots. **Tighe L.** asked if a lot already exists it can be built on? **Shane N.**

stated yes.

Personal Livestock—**Dee Benedict** asked if they have a size? If someone has 1 acre and wanted to put 5 cows on for personal use, the land can't support it. They need to define it. **Shane N.** stated instead of permitted use it could go under special use. **Mike P.** stated it sounds good

7:05—**Personal Livestock Refined**—**Bill Lancaster** made a motion that everywhere personal livestock is permitted put it under special use with additional standards, Eric Haslun seconded; 4-0.

Service Shop—**Tighe Lory** stated 50 acres seems too much. They could have a larger road frontage with screening which would be more appropriate. **Dick L.** stated he understands what he's saying. They could reduce the acreage and increase the set back. **Tighe L.** stated yes, like to 1500'. **Shane N.** stated it's a special use with a site plan. The Planning Board has leeway with criteria for the lot. The Comprehensive Plan had the 50 acres, 30 acres is as low as he would like to see them go. Again, the fear was the area would be hit for development and by allowing another use the people would keep the land whole. The Planning Board has discretion. **Dee B.** stated the service shop doesn't include tractors/farm equipment. Would it cover casual sales? **Mike P.** stated if he sold them on a regular basis it would then be considered a business.

7:11—**Amend Service Shop Definition and Size**—**Todd Sperbeck** made a motion to add farm equipment and change the acreage from 50 to 30 acres and change the definition, Eric Haslun seconded; 4-0. **Tighe L.** asked if 50 acres was enough for an airstrip? **Dick L.** stated yes, it's more about length than acreage.

Religious Institutions—**Tighe Lory** asked Mike Piccolo if he still had a problem with that? **Mike P.** stated he understands the reasoning with camps and not paying taxes, but he feels a house of worship shouldn't need a special use permit. **Shane N.** stated if they try to define that it makes it more complex and more language. The church will go through the town's procedures, it's straight forward. **Mike P.** stated he doesn't have a problem.

7:23—**Addition to Ag. Education**—**Eric Haslun** made a motion to add a column for special use for personal livestock under Ag. Education, Todd Sperbeck seconded; 4-0.

Planned Development District (PDD)--**Tighe Lory** stated individual people would apply? **Shane N.** stated they can't just have commercial, it has to be a mixed use for a unique land use combining commercial and residential. In their existing PDD they can propose whatever they want, which is not the typical PDD. **Gene D.** stated the existing PDD gives the Planning Board control. **Dick L.** stated the proposed commercial zone works like the current PDD. **Shane N.** stated they have site plan and special use gives more legal footing; as long as it's not in the prohibited uses.

Fuel Storage—**Bill Lape** read the current law stating no one tank greater than 10,000 gallons. **Mike P.** stated state regulations call for diking. **Bill Lape** stated they should keep the current law (section 401). **Shane N.** stated section 400 talks about storage of flammable fuels and refers to state law. **Bill Lape** stated they should eliminate section 207(2) and keep the current section 400 and leave it up to the state. **Eric H.** stated he is not opposed to how it's written, it will cover anything that comes up. **Discussion** and they'll leave it as it is.

7:43—**Paul Maurice Arrived**

Section 302--Damaged Buildings—**Harold Loder** stated under C(4) it has a hearing before the Town Board, he's never heard of that. **Gene D.** stated nothing has gone before the Town Board. It's cost prohibitive for a small town to pay for the demolition and assess the cost to the taxes.

Section 402—Shopping Centers—Harold Loder stated to have a minimum of 5 acres is a lot of land. **Shane N.** stated he agrees, as they'd have to have a special use permit. **Discussion.**

7:49—**Amend Shopping Center Area—Eric Haslun** made a motion to delete the minimum of 5 acres and add site plan review, Todd Sperbeck seconded; 5-0. **Tighe L.** stated part B has construction will comprise not less than 50% of the lot. **Bill Lape** stated take the whole thing out and just have site plan review. **Shane N.** stated commercial use has special use with site plan review.

7:52--**Section 403—Motor Courts or Motels Eliminated--Paul Maurice** made a motion to eliminate section 403 and put it under site plan review, Bill Lancaster seconded; 5-0.

Section 404—Mobile Homes—Mike Piccolo stated this is all covered by NYS Building Codes. **Shane N.** stated he agrees.

7:53—**Deletions to Mobil Home—Eric Haslun** made a motion to eliminate all of A, #1 of B & D under mobile homes, Bill Lancaster seconded; 5-0.

7:56—**Section 405 Mobile Home Park C (1)--Lot size Density—Gene DiMarco** stated the mobile home park is a single piece of privately owned land. **Mike P.** stated the Board of Health regulates mobile home parks. **Tighe L.** asked should they take it out? **Discussion** that it's guidelines should there ever be another development. **Bill Lape** asked if it could be enforced? It's the only place they can have a mobile home park. **Shane N.** stated this is in the existing law. **Bill Lape** suggested they eliminate the whole thing. **Dee Benedict** stated it should refer back to the Department of Health regulations.

8:02—**Eliminate and add to Section 405—Paul Maurice** made a motion to eliminate everything under Mobile Home Park and add “refer to appropriate state agency”.

8:05—**Eliminate Section 406—Eric Haslun** made a motion to eliminate section 406 in its entirety, Paul Maurice seconded; 5-0. **Discussion** that section numbers will now change.

8:07—**Signs—Discussion** of different types of signs, examples of signs using current signs in the county. A detailed discussion of goose neck lit signs and internally lit signs.

8:13—**Deletion in 409 Signs—Paul Maurice** made a motion to eliminate under section 409, F-2(E) listing internally lit signs are prohibited and remove all references to internally lit signs, Eric Haslun seconded; 5-0.

Political Signs—Todd Sperbeck asked what the sign limit was for political signs? **Gene D.** stated they can't touch political signs. **Todd S.** asked what is the time limit? **Gene D.** stated the state says if they do try to make a sign law that the political sign can be as large as the largest sign in town. **Discussion** that political signs can't be regulated even though they have a law stating how big and how long they can stay up. The courts have upheld it's freedom of speech and no time frames.

Section 411- Riparian Habitat Area—Harold Loder asked Shane regarding 411-G, Issuance of Permit, if it was a special town permit? **Bill Lape** stated in the stream they need a permit from ENCON and if they're within 50' they need a riparian permit from the town.

Article 5-Temporary Uses & Structures—Eric Haslun asked if this is where they should place the POD definition and regulations? **Bill Lape** agreed stating 502 could be added for PODs.

Non Conforming—Shane Nickle stated these changes were by David Slottje. **Dee B.** stated it states such non conforming uses can't be moved. Who's going to know? **Shane N.** stated the Codes Officer will track it. This is also the grandfather section.

8:31—**Section 610—Uses for Storage, Moved—Shane Nickle** stated this should really be moved and labeled as Section 503 (Article 5-Temporary Uses). **Eric Haslun** made a motion to move Section 610 in it's entirety to become Section 503, Todd Sperbeck seconded; 5-0.

Parking Areas in Commercial Districts-Discussion of the parking formulas and what is considered in the site plan. Everything left as it is.

8:37—**Section 902-Joint Planning Board Review of Site Plans—Discussion** that as soon as this law is passed it will come into effect. The village is waiting till the town has almost completed this process and they will make the changes to their zoning law. **Harold L.** stated the traffic report section seems complicated. **Mike P.** stated especially since anyone can go online and get Department of Transportation's (DOT) traffic reports. **Shane N.** pointed out it says “could” have traffic study, it's left up to the Planning Board's discretion. **Paul M.** stated a Planning Board member could not like someone and use it against them. **Shane N.** stated they also have Section 906 the waiver. **Dick L.** stated if a big project comes in they want to have something to go by. **Gene D.** stated if they get a negative traffic report, it shouldn't deter a project. It should go to D.O.T. to regulate the traffic and to mitigate the issue, not stop the project.

Section 903—Sketch Plan and Preliminary Procedures—Tighe Lory stated sometime people bring in hand drawn maps, this is a lot of regulation. **Discussion** of how the Planning Board works with the people. **Shane N.** stated it starts with coming to the Planning Board.

Article 9—Site Plan Review—Bill Lape stated everyone should review Article 9 thoroughly and bring any concerns to the next meeting. All agreed.

Article 11—Administration and Enforcement—Gene DiMarco stated they get anonymous complaints. **The clerk** stated the law states they have to respond to all complaints, including anonymous complaints. **Shane N.** stated the point is either code is being followed or it's not, regardless if there is a name on the complaint. **Mike P.** stated neighbors use the codes to go against neighbors thereby using the codes department for their feuds. **Discussion** that Mike and Gene will review Article 11, Section 1101 A prior to the next meeting.

Next Meeting Set—Wednesday, September 24, 2014.

8:56—**Adjourn—Tighe Lory** made a motion to adjourn, Bill Lape seconded.

Recorded By:

Maggie A. Smith, Planning Board Secretary