

DRAFT

**August 20, 2014
RVES Building**

6:00--**Call to Order**—**Harold Loder** called the joint meeting for reviewing the draft zoning law to order.

Roll Call & Pledge to Flag--Present: Planning Board Members: Chairman Harold Loder, Bill Lape, Tighe Lory, Mike Piccolo, Bob Reed. Town Board Members: Supervisor Dick Lape, Councilmen—Eric Haslun and Todd Sperbeck, Bill Lancaster and Paul Maurice Excused. Zoning Re-Write Members (not on either board): Shane Nickle and Joan Sondergaard. Planning Board Secretary & Town Clerk Maggie A. Smith. **Others Present:** Zachary Thompson.

Review of Definitions Continued: The clerk stated they left off with the definition of livestock. **Shane Nickle** stated Lillian put together a collection of agricultural definitions, they could add “pleasure is acceptable” at the bottom of the livestock definition.. **Discussion** of the goat situation in the Village of Cobleskill. **Bill Lape** stated he recommends Seward's definition. Everyone read it and agreed.

6:06--**Livestock Definition Amended**—**Eric Haslun** made a motion to add Personal Use Livestock: 1) Livestock used for pleasure or pets only. Includes but is not limited to horses, cattle, sheep, goats, swine and poultry, 2) Livestock is only for the homeowners personal consumption and not for selling or like businesses. Includes but is not limited to cattle, sheep, goats, swine and poultry, Todd Sperbeck seconded; 3-0.

Lot, Corner—**Mike P.** asked if that created 2 front lawns? There are different setbacks for front lawns. **Dick Lape** stated most Planning Boards he's presented to define the front lawn by the way the house is situated. It's up to the owner to choose which is the front lawn. **Mike P.** stated in Cobleskill they have 2 front lawns. **Dick L.** stated they don't want that. **Mike P.** stated then it needs to be defined. **Dick L.** stated they can add that only one yard can be designated as the front yard and it's at the owner's discretion.

6:13—**Lot, Corner Amended**—**Todd Sperbeck** made a motion to add in “only one yard can be designated as the front yard and it's at the owner's discretion”, Eric Haslun seconded; 3-0.

Boarding Houses—**Mike Piccolo** asked if he could digress, he came up with a definition which he read. **Tighe Lory** asked him what “transient” meant in this definition? **Mike P.** stated a person staying one or two nights. Boarding is an extended stay. **Tighe L.** asked if there was a minimum time to stay? **Mike P.** stated no. **Discussion** that they will remove the part about transients.

6:15--**Boarding House Defined**—**Eric Haslun** made a motion to accept “Lodging or Rooming House is a private dwelling in which at least three but not more than six rooms are offered for rent, whether or not table board is furnished to lodgers and no public restaurant is maintained. A boardinghouse is considered a multiple-occupancy dwelling” as the definition, Todd Sperbeck seconded; 3-0.

Family—**Mike Piccolo** read a definition which would also cover an ARC home. **Discussion.**

6:17—**Family Definition Amended**—**Eric Haslun** made a motion for family to be defined as “Shall mean: a) One, two or three persons occupying a dwelling unit; or b) Four or more persons occupying a dwelling unit and living together as a traditional family or the functional of a traditional family, Todd Sperbeck seconded; 3-0.

Apartment Complex—**Mike Piccolo** stated there is no definition and offered one he felt was sufficient.

6:18—**Apartment Complex Definition Added—Eric Haslun** made a motion to add “Two or more multifamily dwellings detached and grouped together on a single parcel, and including accessory uses” as a definition for Apartment Complex, Todd Sperbeck seconded; 3-0.

Fence Definition—Shane Nickle stated he added “in relation to a junk yard, a fence at least 8' ”. NYS Building Code rules on other types of fencing. **Tighe L.** stated they're constantly talking about screening, but there's no definition for it here. **Mike P.** stated it is covered under the site plan.

6:20—**Fence Definition Amended—Eric Haslun** made a motion to accept “in relation to a junk yard” to the fencing definition, Todd Sperbeck seconded; 3-0.

Manufacturing, Small—Shane N. stated it's used under commercial (100 employees or less) and is permitted under the site plan review process. If they want more employees they would go for a special use permit. The number of employees could trigger the special use permit. **Tighe L.** stated the number of employees is arbitrary. **Shane N.** stated they could do square footage of a building, but a site plan review would still be needed. **Bill Lape** stated under special use it talks about 50 acres or more. **Eric H.** stated he doesn't know about the 50 acres. **Tighe L.** stated it seems excessive. **Mike P.** stated and if they read service shop, they have to live on the property. **The clerk** stated Shane explained that right now a farmer can't open a service shop, but this law would allow them to do so. **Shane N.** stated the service shop definition is for residential areas, which today is not allowed. This expands it to give someone with a lot of land another use and to encourage people not to subdivide. To him it is less restrictive than the zoning in R1 now. **Bill Lape** referred them to RR under site plan review showing service shops. **Shane N.** stated in any other district it would be treated like any other commercial business. This is a new addition to Rural Residential. It is not saying all service shops have to have 50 acres (only in RR). **Tighe L.** stated he thinks 50 acres is still too much, 25 would be more reasonable. **Shane N.** read the definition, stating it was one of the incentives that came out of the comprehensive plan to have people with large acreage keep their property whole. **Dick L.** stated RR is the largest district covering 90% of town. **Shane N.** stated RR is their current R1 and R2 combined. **Tighe L.** asked for a copy of the zoning map denoting the property lines. **Discussion** of the Trailer business on Route 7 being able to expand. He could as he is in the commercial district. **Todd S.** asked if an existing farmer comes up with an invention that works on his land, could he manufacture and sell it? **Shane N.** stated under the draft law it depends on what he wanted to do, it could be defined under a home business. Small manufacture is used in commercial, otherwise it's most likely a home business.

Mobile Home—Bill Lape asked is it still legal? **Mike P.** stated the existing ones are allowed, if in a park they need HUD certification. A mobile home before 1970 can be certified. In NYS Building Code, today, they're considered a manufactured home. Most mobile homes on average are 12' and this is where zoning and building code differs. Whether its a single or double wide, they're a manufactured home according to NYS Building Code. If it has the HUD stamp it's accepted and if doesn't it has to be retrofitted. **Shane N.** stated it's a single family dwelling. **Detailed Discussion** of mobile homes and Tighe Lory questioning the mobile home zoning in Warnerville.

6:50: **Joan Sondergaard Arrived**

Floating PDD—Shane Nickle stated a floating Planned Development District is the traditional use. What Richmondville currently has is unusual.

Manchester|Emanuel Discussion. Dick L. asked about the corner piece by Podpadic Road being zoned as commercial which is part of the Manchester farm? **Shane N.** stated they didn't want all commercial end to end on Route 7. That was a nice flat piece that could be developed one day, but the feedback was it will always be a farm. **The clerk** stated Eric Manchester gave up the Empire Zone designation for the Maranatha project, because he said he'll always be a farmer. **Shane N.** stated it was a trade off to have a break in residential and if he wants to have commercial he can. **Bill L.** asked about Emanuel's farm? **Shane N.** stated it's one of the steepest properties and he owns property on the

other side of I-88. **Tighe L.** stated there's no access there. **Shane N.** stated there isn't. The thought was there could be between Hite Road and Beards Hollow someday, but they'd have to have somebody start a road and then interconnect. They discussed on the Comprehensive Plan that there was talk of a road. **Mike P.** stated that was years ago and Harriet Berard was the Planning Board Chairman and wanted it to be a state certified constructed highway and was not willing to go in little pieces. **Shane N.** stated they were thinking little pieces, but the Planning Board when approving something would have to make sure the project was providing that cross access from lot to lot. **Tighe L.** stated there's so many pieces of property he doesn't know that anyone has a right of way to go all the way through. **Mike P.** stated it could be handled with a cross access like with McDonalds in Cobleskill, which was written into the code. **Shane N.** stated if the Planning Board issued a special use permit for someone who started a commercial business in that area, they'd have to tell them they have to provide inter-connectedness with their neighbor and work it out project by project. **Tighe L.** stated they could have bookend properties that didn't want it. **Shane N.** stated then it wouldn't happen, it would have to be started by an end piece. **Mike P.** stated or get the state to put in a service road on their easement. **Dick L.** questioned if Shane had talked to Eric Manchester. **Shane N.** stated no. **Dick L.** asked if they were restricting the Manchester farm? **Shane N.** stated no. **More Discussion** of Route 7.

Motel or Motor Court—**Bill Lape** stated Section 403 talks about 8 units. **Shane N.** stated it's in the current zoning. **Tighe L.** asked what is a sensitive area? **Shane N.** state the only regulating requirement is it can't be clear cut. The Codes Officer gives advice to educate them about the zone. **Tighe L.** asked if he can do anything the same as any other area? **Shane N.** stated yes, they can, just no clear cutting. **Eric H.** stated it's in Section 412. **Shane N.** stated it's purpose is educating not regulatory. **Dick L.** stated all the sensitive areas are in steep elevations.

Municipal Facility—**Mike Piccolo** stated it looks standard. **Tighe L.** stated it is not in the current zoning. **Todd S.** stated that would cover them for the building with the broadband project. **The clerk** stated that is in the village and would be under village laws. **Shane N.** stated a municipality can exempt themselves, though there's a process. **The clerk** stated it's not a good practice when the residents are required to follow the same laws. **Shane N.** stated the clerk just hit on it, the state says if you're requiring everyone else to follow this law, then they should really be following it.

Natural Gas—**Shane N.** stated all natural gas definitions were added by Mr. Slottje. **Tighe L.** stated he read some things online, for example in Sidney the County Planning Board said they couldn't do certain restrictions because it impacted the adjacent communities. They needed to get a super majority from the Town Board in order to ban those particular things. These kinds of things in the law may actually cause them problems. **The clerk** stated it's the same set up now, if they don't follow the advice of the County Planning Commission, they have to have a super majority to override it and submit paperwork explaining why they're overriding them, which is why Sidney had problems, they didn't follow procedure. **Shane N.** stated each County Planning Commission is different and it depends who's on at the time. Delaware will make a completely opposite decision of Schoharie's Commission. The county board is advisory, but they can be overruled. **Harold L.** stated it's a good idea to have the county look at it. **Tighe L.** stated the one business in Sidney was being restricted from getting gas lines to their manufacturing. **Shane N.** stated in Section 209, it reads no application to customary local distribution lines. If a natural gas line comes through, and a local company wanted to branch off of it and distribute gas locally this is saying that's not considered part of the ban on hydrofracking. **Tighe L.** stated the risk for hydrofracking in Richmondville is limited. **The clerk** stated the Town Board banned hydrofracking on September 8, 2011, and specifically told the zoning re-write committee to put that component into the zoning law. **Bill Lape** stated they just did a moratorium. **The clerk** stated they banned it, but also did a moratorium because the zoning law wasn't complete. **Eric H.** stated what Slottje is doing is building a foundation just like when building a house, it protects the whole scenario. **Shane N.** stated he's definitely closing every loophole possible. **Discussion** there is limited possibility of hydrofracking taking place in the town. **Dick L.** stated he

thinks there was only one lease given and that was with George Puro on Cross Hill Road. **Shane N.** stated most of the time the Planning Board would not use this language. **Mike P.** stated he scrutinized the natural gas section for anything that would harm them. He thinks it's a waste of pages since NYS says they can ban it, and it could be handled with a couple of paragraphs. **Shane N.** stated he would be hesitant to change anything Mr. Slottje added without direct input from him.

Natural Gas Compression Facility—Tighe Lory stated they're all over the place, there's one on Wolf Road for local usage, where do they draw a line? **Dick L.** stated it says shall not include the pipeline itself. **Shane N.** stated again, if they have a pipeline and a company comes in to deliver gas the Town Board could look at it and say it's not intended to ban local distribution, they don't want drilling and extraction. **Dick L.** stated both companies were asked if there could be local delivery from their pipeline and they said they won't. **Shane N.** stated another company could tap into it for local delivery. **Eric H.** stated Section 207 doesn't prohibit it from coming to their own homes. **Harold L.** stated it's listed as prohibited. **Eric H.** stated no it isn't. **Shane N.** stated they don't raise the pressure for local delivery. Anything FERC has control over totally overrides local laws. **Dick L.** stated they're coming through here because of the compressor station in the Town of Wright. **Shane N.** stated he doesn't think the intent is to stop local distribution, if they think otherwise then they need to look at it. The instructions were to ban the extraction of gas or injection of waste. **Mike P.** asked could they put in some terminology in the law? **Shane N.** stated he feels that is what Section 209 is for. He pointed out there was a typo there when it refers to Section 206 it should be 207 which he will correct. **Tighe L.** stated in 207 #10 his concern is what it defines about removing water from the lines in small substations. **Eric H.** stated it's about extraction. **Tighe L.** stated, but it could be interpreted differently. **Eric H.** stated they could go beyond every one of these definitions, but feels that's going into it too far.

Permanent Foundation—Mike Piccolo stated it's in NYS building Code and not needed. **Dick L.** stated it came out of the current law.

7:26—**Delete Permanent Foundation Definition—Todd Sperbeck** made a motion to delete the definition for Permanent Foundation, Eric Haslun seconded; 3-0.

Porch, Open—Mike Piccolo stated this is in NYS Building Code too.

7:28—**Delete Porch, Open—Eric Haslun** made a motion to delete Porch, Open definition, Todd Sperbeck seconded; 3-0.

Public Utility—Joan Sondergaard stated it was a new definition.

Radiation—Eric Haslun stated it has to do with drilling and lays the foundation for the law. **Mike P.** stated when digging a foundation they have to do radon testing, and it's in the NYS Building Code.

Radioactive Material—Joan S. stated all three of these were new definitions. **Tighe L.** stated it's odd Beta radiation is mentioned, it isn't harmful. **Bill L.** stated it's not used anywhere else.

Regulated Activities, Riparian Areas—Bob Reed asked for clarification of “large tree cutting” is it in numbers or in diameter? **Shane N.** stated the zoning re-write committee added the definition of large tree (there's supposed to be a definition) and it's intent was supposed to be the diameter of the tree. It is to be 50' from any stream per DEC. **Bill L.** stated there's nothing in the law about trees except landscaping. **Eric H.** referred to Section 411. **Mike P. questioned** where there was a stream behind Lockwood Drive? **Dick L.** stated it is a large drainage ditch. **The clerk** stated there have been issues with it over the years and who was going to clean it out. **Shane N.** stated they could take it off the map. **Harold L** reviewed the different streams on the map. **Discussion** of one by the Warnerville Garage being not really a stream, but a drainage ditch. **Dick L.** stated it went into a big culvert under Route 7 which flows into the creek. **Mike P.** stated up by Shaffer's its just a drainage ditch. **Shane** stated they would have to get a permit from the Planning Board, but it's how the Codes Officer enforces it. **Dick L.** stated if someone comes in and says they're taking down 25 trees, then they have

a say. **Eric H.** stated he would want to prevent it if he lived on Lockwood Dr.. He wouldn't want someone building up a berm and making a pond on his land. **Mike P.** stated the ditch from the church up has been filled in. **Dick L.** asked is it hurting anything keeping it on? **Mike P.** stated they have very small lots down there and taking 50' on both sides of it leaves them little. Everyone in that area is very protective of that ditch. It's a ditch and he thinks this was set up to protect streams. **Shane N.** stated they could take it out from I-88 to the Cobleskill Creek.

7:40—**Delete Portion of Riparian Habitat Area**—**Eric Haslun** made a motion to remove the portion of the riparian habitat area south of Lockwood Drive to east of Laurel Lane, Todd Sperbeck seconded; 3-0. **Shane N.** stated all the language and maps regarding this area are from DEC.

Religious Institutions—**Tighe Lory** stated this is an added definition. **Joan S.** stated the next 3 definitions were added. **Tighe L.** stated he has a problem with the definition. **Mike P.** stated it's a special use. Do they make a special use for a bar? No. **Shane N.** stated this is allowed in the RR zone, a bar isn't. **Mike P.** stated they can't treat a religious facility different. **Shane N.** stated it is supposed to work with the zone. **Mike P.** argued they can't make a church get a special use permit, they'd throw it out in court. **Shane N.** stated he disagrees and why would a church challenge it? The Planning Board would give the special use permit. **Mike P.** stated it's a lot more work and he finds it offensive to religious organizations. He doesn't want to see the town get into a hassle. **Shane N.** stated a special use permit is not a big process. Having a church in a residential area has impact on the people in the area. **Bill L.** listed other organizations who would need it too. **Mike P.** stated he can see a site plan. **Bill L.** stated it needs special use permit with site plan review. **Shane N.** stated religious institutions could be a church camp. The Planning Board should review those plans. **Mike P.** stated he sees a major law suit coming down. He can see a site plan for a church camp. **Discussion.** **Joan S.** stated it says they need 1 parking space for every 4 seats. Her church doesn't have that. **The clerk** stated the church was built long before zoning was enacted. **Shane N.** stated the courts say they have to go through the town's process and then if denied they can go through the courts. Under current zoning he doesn't know how it's handled. **Bill L.** stated a special use permit. **Discussion** of several scenarios. **Mike P.** stated they need to tweek the religious definition. **Shane N.** stated Jefferson's court case just proved a camp is a church. **Eric Haslun** stated he thinks the definition is broad. **Harold L.** talked about a church being in a home and they were told not enough parking and they said they were going to van people in and won the case. **Shane N.** stated when churches go to court they usually win. **Discussion** of church case in Cobleskill. **Bill L** recommended they keep it and have a way to review plans. **Tighe L.** suggested they move it to permitted use. No action was taken.

Restaurant, Drive-through—**Tighe Lory** stated they have the food trailer by the car wash. **Shane N.** stated it's in the commercial zone and falls under special use. **Mike P.** stated they could put in a vendor permit. **The clerk** stated she issues vendor permits for people to set up a cart for a defined time on a privately owned property. She takes a copy of their license, their health department permit and a letter from the owner of the property that they can set up there. The permit is \$25.00.

Restoration—**Bill Lape** pointed to Section 411 and stated Section 607 is just restoration: flood damage, fires and acts of God. **Shane N.** stated he believes 411 comes from DEC and 607 is from Mr. Slottje, but he doesn't see that it hurts anything, though not really needed. **Eric H.** stated acts of God are determined by the Governor.

8:10—**Delete Restoration Definition**—**Eric Haslun** made a motion to delete the Restoration definition, Todd Sperbeck seconded; 3-0.

Retail Establishment—**Joan Sondergaard** stated it was added. **Shane N.** stated it would only be in the commercial area, it's not allowed anywhere else. **Bill L.** stated it doesn't show up anywhere else except under Retail, small.

Retail, small—**Tighe Lory** stated 20 employees is too limiting. **Shane N.** stated there's more in the

commercial zone, this only impacts businesses in a hamlet. This is to allow a business in the hamlet, but maintain the residential area. **Dick L.** stated they could increase it. **Mike P.** suggested increase to 30.

8:18—**Amend Retail, small**—**Todd Sperbeck** made a motion to increase the number of employees to less than 30, Eric Haslun seconded; 3-0. **Zach Thompson** stated one tangent benefit of 20 employees would be to encourage small retail to hire full time. **Mike P.** stated they wouldn't because of health benefits. **Bob Reed** stated it should be based on full time and the equivalent of two employees working 20 hours makes one employee.

Service Establishment—**Joan Sondergaard** stated it was added. **Harold L** stated the Dollar General can't have a dry cleaner next to it when establishing a store in a community.

Sign—**Shane Nickle** stated all the sign definitions came from the original zoning.

Solar—**Joan Sondergaard** stated she would like to see between sign and Special Use something about solar panels, there are more and more popping up. **The clerk** stated the codes officer is giving permits for them now. **Mike P.** stated in NYS they are treated as an appliance on the building permit. **Tighe L.** asked what if it's freestanding? **Mike P.** stated still considered an appliance. **Bob Reed** stated his biggest concern is with an industrial set up where they take 50 acres and fill it will glass. It has a major environmental impact, not to mention an eye sore. **Bill L.** stated the village has talked about doing a 10 acre farm. **Mike P.** stated Cobleskill is looking at the reservoir, water plant and right across the street from the offices on Mineral Springs. **Shane N.** stated in the RR, if it's not permitted and it's not special use, someone proposing something that large the Codes Officer would say it's prohibited because it's not on the permitted list. In the commercial zone they could propose it as a special use for a large industrial type. **Eric H.** stated if he lives next to Bill and he's on his south east exposure and put up a wall of solar panels instead of a fence he might not like it. **Discussion** that they don't think there's a problem with anyone putting it on their roof. The new ones just blend in. **Mike P.** stated they did a bank of them for a house on Settles Mountain. There could be a problem with a neighbor not wanting to look at a bank of panels. **Todd S.** stated not every application could go on a house. **Mike P.** stated there has to be an engineering study for attachments to the house and on the attachment to the ground. **Bill L.** talked about someone putting it out in their fields. **Mike P.** stated there are no regulations. **Shane N.** stated if it's just servicing the house, it's accessory to the house. **Mike P.** stated there should be some regulations in there for screening of the panels. **Todd S.** stated what if 3 adjoining properties each agreed to, but the guy across the street didn't like it? **Mike P.** stated a building permit would come into play and one central spot wouldn't pass because now it becomes a utility, like with water in a mobile home park. **Dick L.** stated Joan was asking for a definition. **Joan S.** said and some regulations. **Dick L.** asked Mike P. if he could get that for them. **The clerk** asked that he find some screening laws too. **Mike P.** stated yes. The county is working with a company that wants all the communities to work under them as the broker. He brought it up that there are no regulations. If they load up the reservoir with 450 panels, 400 panels at the water plant and 500 panels on Mineral Springs Road they need regulations. **Eric H.** suggested speaking with Dan Crandall. **Shane N.** stated they can look into it too. **The clerk** stated Gene brought up at the meeting instituting a \$100 fee for a solar permit. **Mike P.** stated it was too high, in Cobleskill it's based on the value of the project. **Discussion** of the fees and the process. **Mike P.** stated the Codes Officer doesn't need to do anything, the engineer does it.

Subsurface—**Joan Sondergaard** stated it was a new definition. **Mike P.** questioned why it was there? **Tighe L.** stated because of injecting things subsurface.

Tourist Home\Bed & Breakfast—**Bob Reed** stated it was updated in the new law. He does have a question and not sure where it fits in. The deer farm advertising on the internet canned hunts, a separate house offering lodging for 4 and home cooked meals. How do they define that? It's not really

a Bed & Breakfast or hotel. **The clerk** stated it's a commercial hunting camp which they never came to the Planning Board for a permit. **Discussion** that the land is split between Richmondville and Summit, but the home is in Richmondville. **Shane N.** stated unless it's a home business, in the residential area, it would be prohibited. **Mike P.** stated he didn't know anything about it until now. **Dick L.** stated there's proof of the business on the internet. **Todd S.** stated they call it a High Fence Operation. **Tighe L.** asked because the animals are trapped in there? **Todd S.** stated yes. **Mike P.** asked if ENCON is aware of it? **Eric H.** stated they are there all the time. He runs a clean operation with a double fence, because he's worried about wild deer giving his deer something. **Mike P.** stated he was involved when he opened up and it was to breed and sell; that's what was permitted to do up there. **Discussion** that he's never come in for an update or review or for a new business. **Bill L.** stated it's registered with DEC. **Mike P.** stated the operation may be, but the lodging isn't. It's a commercial hunting lodge. He thinks they should check into state law about the operations of a hunting camp. **Bill L.** stated he might fall under DEC laws. **Eric H.** stated the hunting is legal, it's the lodging part that's in question. **Bob R.** stated his question was about the lodging and how that would be defined. **Shane N.** asked how long he's had the deer farm and is it visible to others? **Bob R.** stated at least 10 years. **The clerk** stated he's been raising deer for 10 years, but not housing people? He has high fences with black cloth on them so you can't see in. If you stop on the road and he sees you he tells you to keep moving. **More Discussion** of the hunting lodge situation. **Mike P.** will add to his list to look up commercial hunting lodge. **Shane N.** stated there's two questions what is it under this law and the new law? **The clerk** stated it's been brought to light now, under this law. They can't wait months for this new law to be in effect. **Shane N.** stated under the new zoning unless he got approved as a home business, the lodging part would be prohibited in the RR. **Bill L.** asked how do they know he has a lodge? **Bob R.** stated it's on a website. **Shane N.** asked was it a separate building from his dwelling? **Bob R.** stated yes, there are pictures. **Dick L.** stated he built a new place below the white house. **The clerk** stated she doesn't remember him getting a building permit for a new building. **Bob R.** stated he's not looking to get the guy in trouble, just looking for a definition. **Shane N.** stated under the new law it says with site plan review a picnic grove or fish and game club. Maybe he'd be defined under fish and game, but he would at least need site plan review. **Mike P.** asked wouldn't a fish and game club require membership? **Tighe L.** asked if he's paying property taxes on that? **Shane N.** stated it would be up to the Codes Officer to say whether it's a home business, but someone could challenge it. **Bill L.** read the home business law. **Shane N.** stated he's operating for profit, which is different than personal use. Is it something they would want? **The board** stated yes, they don't have a problem with the business. **Shane N.** asked do they want site plan review? **The board** said yes. **Shane N.** stated then basically their definition of a fish and game club could be expanded to include a for profit hunting club. **Mike P.** stated no. Fish and game clubs have membership and are non profit. **Shane N.** stated they can make the definition what they want and if they want it to fit, they can allow for profit with a site plan in the rural residential area. **Mike P.** stated ok. **Joan S.** asked what about the neighbors, how do they feel? **Discussion** he has 200 acres of open fields and woods all behind high fencing. **Shane N.** stated it would actually be a special use that would give the Planning Board say in saying it's too close to a certain area. He'll come up with a definition that allows it in the Rural Residential and watershed. **Discussion** it will be identified as a hunting lodge for profit.

Underground Injection & Underground Natural Gas—Joan Sondergaard stated they were added. **Tighe L.** stated people put fluid in the ground with GEO Thermal. **Bill L.** stated just water.

Variance—Joan Sondergaard stated variance all by itself is new.

Windmills, Agricultural—Tighe Lory stated some will produce quite a bit of power. 10% might take every windmill out of the running except the old kind. Instead of regulating percentages, maybe regulate size and number. **Harold L.** stated they make more than 10% and the state is encouraging them to have windmills. **Mike P.** stated these are windmills for agricultural purpose, not for residential homes. He doesn't understand the 10% limitation either. **Shane N.** stated Ag. & Market is

saying the windmill is on farm equipment. **Discussion** that it's about the farms expected needs, not selling off the power. **Shane N.** stated the wording came from Ag. & Market. **More Discussion** of no one understanding the logic of 10%. **Eric H.** suggested it may have something to do with funding.

Trail—Todd Sperbeck asked how wide is the Coby Trail. **Shane N.** stated about 9'. **Todd S.** stated they might want to change the definition to 9' to 10', most trails are 10'. **Shane N.** stated it was used for raparian use. **Dick L.** asked if they want to change it? **Todd S.** stated they want the law to be in compliance with the new Coby Trail. If there's something that isn't in compliance with DEC would he let them know? **Shane N.** stated yes.

8:55—**Amend Trail Definition—Todd Sperbeck** made a motion to increase the trail width size from 8' to 10', Eric Haslun seconded; 3-0.

Windmill—Mike P. apologized stating he read it wrong. **Shane N.** stated they can have as many as they want on the farm. This keep them from selling the electricity like a business. A town can't restrict a farm from using natural power.

Shane Nickle asked where are they going from here? **Bill L.** stated the rest should be fairly simple. **Mike P.** stated the rest should be pretty much covered by having done the definitions first.

Planning & ZBA Term Limits—Bob Reed stated he wanted to clarify something. At the initial public hearing someone spoke up and said regarding term limits, it was in line with what many town were doing in the county. He did some research, today, and spoke with someone in all but two towns in the county and not a single town is using term limit. Most of the remarks he heard was it was tough enough to get someone to serve. **Shane N.** stated he thinks term limits are used in cities or highly populated communities where they have many people wanting to be on these boards.

Todd Sperbeck pointed out on page 37 of the 6\26 copy it says Town of Cobleskill instead of Richmondville. **Shane N.** stated he would correct that. He also told the board he had made the format changes listed in Bob Nied's public comments he submitted.

Next Meeting Scheduled—The boards agreed to meet at 6pm, September 9, 2014 at RVES for an hour before the regular Planning Board and then resume if needed after the Planning Board concluded their business. The clerk will post the meeting notices.

9:03--**Adjourn**-- made a motion to adjourn, seconded.

Recorded By:

Maggie A. Smith, Town Clerk & Planning Board Secretary