**ZONING WORKSHOP, TOWN OF REDFIELD, OCTOBER 25, 2017**

The zoning workshop/meeting of the Redfield Town Board was held on October 25, 2017 at the Redfield Municipal Building starting at 7:00pm. Roll call was taken and the following board members were present:

Tanya Yerdon - Supervisor

Carla Bauer - Councilwoman

James Cheney - Councilman

Elaine Yerdon - Councilwoman

Erwin Webb - Councilman

In addition, Susan Hough -Town Clerk, Paul Pratt -Highway Superintendent, Ed Montieth - Redfield Snowmobile Association, Debbie Groom - Salmon River News, Laura Bomyea - Young/Sommer, LLC,

Adams Ellis - Avangrid Renewable, Michael Yerdon, Joe Cesta, Marc Christmas - Christmas & Associates,

Mitch Yerdon, Matt Smith - Woodwise, Pat Sadler - Woodwise, Neil Cheney, Bart Cheney

Pledge of the Allegiance was said.

**SUPERVISOR TANYA YERDON**

This is our first workshop to look at the proposed zoning law. Tanya - has provided the board with letters and emails she has received so you can see everyone's views on the law, also provided with the Local Law #2 Classification of our Low Volume Roads, Local Law #1 Establishment of Minimum Maintenance Roads, and from the Tug Hill Commission - The Roads Less Traveled Minimum Maintenance Roads, the Informal Review from the County, and also comments from Phil Street - Director of Planning - Tug Hill Commission. The maps are hung.

There have been feedback on the lot sizes, the footage and acreage, she's had some feedback on a lot of it. How would you like to do this, do you have any questions.

Town Clerk Susan Hough started reading the proposed Zoning Law. CW Elaine Yerdon - doesn't think we need to read all the definitions unless there is a problem with one.

Supervisor Tanya Yerdon - **Accessory Structure:** A structure incidental and subordinate to the principal structure and located on the same lot with such principal structure. Where an accessory structure is attached to the prin­ci­pal structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure. - The little Amish sheds that are being brought in and people are living in them.

CM James Cheney - **Section 130. Purpose**  - he doesn't understand the forth (4th) sentence - may permit, the accommodation of energy systems and equipment and access to sunlight necessary therefor; to prevent the over­crowd­ing of land; to avoid undue concentration of population - why is that a problem - CW C Bauer - that's the purpose, Supervisor Tanya Yerdon - this was a boilerplate, it's in all zoning laws I've seen. Mike Yerdon -it's a boilerplate - definition. CM James Cheney doesn't see where it would apply to a Town such as Redfield, we are a long ways from over population, he doesn't see where is does anything for what our needs are for zoning in this Town. Supervisor Tanya Yerdon - she can truly tell you it's in all the Zoning Laws, it's nothing she came up with, she can look into it and see where it comes from. CM James Cheney would like to know what we are trying to accomplish by this definition. Tanya will ask Phil where it came/stemmed from.

Supervisor Tanya Yerdon - page 2 - Oswego County Planning Department under **Campground:** Land on which two or more campsites are located, established, or maintained for occu­pancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes and approved by state, county and local

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law. A “camping unit” shall be considered any tent, lean‑to, cabin or similar struc­ture/, or recreational camping vehicle, excluding mobile homes, established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes. - The County clarify mobile home as one of the structures or items excluded as a camping unit- mobile home is not defined in the proposed Zoning Law we recommend the Town either define the term or remove it from the proposed definition of Campground - Tanya thinks we looked at this before wasn't it an oversite, wasn’t it suppose to be manufactured home under building code. Michael Yerdon - it was probably missed - manufactured home - mobile home is a RV - they don't talk about mobile home in the building codes. - Eliminate "mobile home"

We are just going to down the Counties list, if you have anything please just stop us.

Page 3 - **Fuel Distribution Operation:** Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels, where 1000 gallons or more of fuel are stored at any one time on the premises. - the County said clarify - how is this different from a gasoline station which may have tanks with a capacity of greater than one thousand (1000) gallons, also does this mean the Town will not regulate any fuel distribution facility with less than one thousand (1000) gallons - Tanya's thoughts instead of vehicular use petroleum - omit 1000 gallons or more

Page 5 - **Road, Minimum Maintenance:** A road designated as minimum maintenance by town of Redfield Local Law No. 1 of 2016, as amended. - The County is saying clarity - seasonal roads should be clearly described by the Town as minimum maintenance roads, the Town should also identify the requirements for posting of these roads. - Highway Superintendent Paul Pratt - we have the law and it's all in the law, Supervisor Tanya Yerdon - it's in the law she passed out, CW Elaine Yerdon - we don't have seasonal roads, that designation of seasonal roads. Paul - all the seasonal roads are now minimum maintenance roads. Tanya has to give the County a reason/clarification - the reason is we don't have seasonal roads they are all minimum maintenance roads.

-**Road Line:** The right‑of‑way line of a road as dedicated by a deed or record. Where the width of the road is not established, the road line shall be considered to be 25 feet from the centerline of the road pavement. - The County said to remove pavement.

- **Sign:** Any device affixed to or painted or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organ­i­za­tion or business, but not including any flag, badge or insignia of any government agency, school or relig­ious group, or of any civic, charitable, religious, patriotic, fraternal or similar organization, nor any offic­ial traffic control device. Each display surface shall be considered to be a sign. - The County clarify is the Town going to include campaign signs - Tanya - isn't sure add verbage for temporary signs - will check with Phil Street - we feel this is covered

- **Tower, Commercial:** A structure that is intended to send and/or receive commercial radio and television communications.- The County include provisions for communication systems the current definition only addresses radio and television - Tanya - add and communication systems - ok we just need to reword to include all three (3) systems

Page 6 - **Wetland:** Those areas that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands also include any lands or water that are defined as wetlands according to the New York State Freshwater Wetlands Act, Section 24‑0107(1) and are mapped pursuant to 6 NYCRR Part 664, and are filed with the county clerk. - The County are you precluding Federal Wetlands, Phil commented this definition does include and track the language of the Federal Wetlands Law - that is where this came from the Law itself, we are not precluding them. Neil Cheney - as far as NYS Wetlands Law 12.4 acres under the Army Corp it can be any acres it could be a square foot - there is quite a difference there - this is NYS not the Federal. 10/25/2017 pg. 2 of 7

Tanya to look into this, Neil Cheney - normally just go by the New York State Freshwater Wetlands Act - anytime if you have less than 12.4 acres you aren't under the New York State Freshwater Wetlands Act, you could file with the Army Corp and be in violation - under 1971 Clean Waters Act. - Tanya - this needs to be looked into - we want to leave it as is - not include Federal

Page 9 - **Section 430. Seasonal Use Classification**

1. Purpose: The purpose of this regulation is to provide for the reasonable use of recreational, agricultural and forestry properties which are accessed solely by minimum maintenance roads. This regulation allows for the reasonable use of such lands for seasonal uses without the prohibitively expensive public cost of providing for wheeled vehicular access through the snow-plowing and the winter maintenance of minimum maintenance roads.
2. Seasonal use classification is a use classification in addition to the use classifications of Section 420 of this law. Application for seasonal use classification may be made for any use which intends to have its principal access to a minimum maintenance road.
3. For a use to be established with its principal access to a minimum maintenance road, it must, in addition to the allowed use requirement of Section 420 of this law, also be classified as a seasonal use.
4. Where a use has access to both a minimum maintenance road and to a non-minimum maintenance road, such use shall have its principal access to the non-minimum maintenance road unless classified as a seasonal use.

- The County it is unclear as to how an activity receives a seasonal use classification - Phil's comment thought this section was self-explanatory but apparently not - maybe we should add some wording about any use meeting the requirements of this section will be designated seasonal use - Tanya - we need to ask Phil for more clarification - there was discussion -

Page 9,10,11,12 - **ARTICLE 5. SITE PLAN REVIEW PROCESS -** The County we recommend the Planning Board be given Site Plan and Review Authority - Tanya - we don't have a Planning Board we've tried for ten (10) years to get a Planning Board -so when the time comes we can revamp or re-do your Zoning Law if we ever get a Planning Board - CM James Cheney - when have we ever tried to come up with a Town Planning Board - Tanya - we have advertised at least three (3) times, they have to have four (4) hours of training, they have to meet at least once a month, they are not paid. CW Elaine Yerdon - was here thirty (30) years and we couldn't get anyone, Tanya since she has been here they have advertised three (3) times, has never gotten a call, has to be an odd number of members - five (5) members. Paul is that something the Tug Hill Commission has like with the Zoning Board of Appeals. - Tanya - she will ask Angie - for now we have to leave it Town Board.

Page 11 - **5.** **County Planning Board Review 6. County Planning Board Response -** The County wants it changed from Board to Department

Page 12 & 13 - **Section 630. Site Plan Review Approval Criteria**

The town board shall require that all site plans comply with the following general review cri­teria:

1. the site is designed so as to be consistent with the comprehensive plan for the community;
2. parking, queuing and loading areas are adequate for the intended level of use, and arranged so as to minimize negative impacts on adjacent properties and the public street system;
3. access to the site is safe and convenient and relates in an appropriate way to both the inter­nal circulation on the site as well as the public street system;
4. the internal circulation of the site is arranged so as to provide safe access to parking, queuing and loading areas, provide access for emergency and service vehicles, provide adequate separation of pedestrian and vehicular movements, and minimize impacts on the public street system;
5. pedestrian ways are safe and adequate, and are properly integrated with the pedestrian ways of adjacent properties and the neighborhood;

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1. site lighting is adequate for the intended use of the property, is designed to minimize impact on neighboring properties, and is appropriate for the character of the neighborhood;
2. the designs, locations, dimensions and architectural styles of buildings, structures and signs are in keeping with the character of the neighborhood;
3. the site is suitably landscaped and appropriately screened from adjacent properties and the public street at all seasons of the year so as to protect the visual character of the area and to minimize negative impacts on adjacent properties and the neighborhood;
4. activities which are incompatible with adjacent properties are suitably buf­fered so as to minimize negative impacts on such adjacent properties;
5. changes to existing drainage patterns, or increased drainage due to development activity have no negative impacts on adjacent property, community drainage systems, or streams and wetlands;
6. on-site activities are designed and conducted so as to minimize soil erosion and sedimentation;
7. water supply and sewage disposal facilities are safe and adequate;
8. existing vegetation, natural features and landform are preserved to the extent practical;
9. residential sites contain adequate and appropriate open space and recreation areas for the residents of the site;
10. the integrity of scenic, historic and archeological sites are preserved where practical.

The County we recommend the Town establish objective performance standards as to what would meet the review criteria enumerated in lines one thru fifteen (1-15) - Phil - in an ideal world we would have performance standards for everything but that would be a lot of work and a huge increase in the size of your law for possibly little pay off, considering how little development is occurring in Redfield, my thought is that the Town will over time develop performance standards for the things that really matter to you as you go along, until you need more objective guidance, Tanya - cause there are fifteen (15) right now, it covers everything. Paul - you can always make it stronger or weaker. Neil Cheney - one thing he doesn't see in here and it's pretty much used in planning - is soils information - is very easily accessible to the public, very useful to a planning board, you can bring up where the development area is, you can get the soils in it, to see how it's suitable for septic, foundations, etc., Web Soil Survey through USDA - when an application is submitted we should be using it. Tanya - Marc - when you do a SEQR is it on there - Marc has never been asked for a soil survey. Tanya added it as number 16

Marc Christmas - page 10 **Section 530. Submission Requirements - Application Contents: -**l.Plans for grading and drainage showing existing and proposed contours of one foot intervals; - would that be for the entire Subdivision Plan or simply for road construction, he knows dealing with the surveyors they don't even have layers that they can turn on that put on one foot intervals on their topographical lines, even if they did you would be looking at a map with nothing but a bunch of squiggly lines. Tanya - cannot answer that without doing research. CW Elaine Yerdon how far would the intervals be? Marc stated a standard map is one hundred (100) foot intervals. Pat Sadler - it's very cost prohibitive it can turn the cost for a survey from $ 500 to $ 5,000.

Page 13 **ARTICLE 7. SPECIAL USE PERMITS -** the County recommends the Planning Board - Tanya we don't have a Planning Board it will stay Town Board for now it can change in the future if five (5) people step-up.

Page 14 - **Section 830. Large Scale Solar Energy Facility** #3Large scale solar energy facilities shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner’s contact information shall be place on the entrance and perimeter of the fencing. The type of fencing shall be determine by the town board. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts. - The County clarify the last sentence - Tanya's thought is to take the words fencing and system out and replace with the facility.

Page 19 - **Section 1020. Application Procedure for Zoning Permits** 4. The zoning officer shall take action to approve or disapprove the application within 15 days of the receipt of a completed application by the zoning officer and the payment of all fees. - The County to clarify is the 15 days approval period based on calendar days or business days. - Tanya - feels it should be calendar days. 10/25/2017 pg. 4 of 7

Page 19 - **Section 1025. Permit Fees-** A fee as determined by town board resolution shall be paid for each application for a site plan approval, special use approval and appeal. No permit shall be issued until full payment has been received by the town clerk. - Tanya - we know we need a fee schedule - they are not part of the law they are by resolution.

Page 19 - **Section 1050. Zoning Officer -** This law shall be enforced by the zoning officer, who shall be appointed by the town board. The duties of the zoning officer shall be to: 2. Scale and interpret zone boundaries on the zoning map- the County says clarify - interpretations are the sole domain of the Board of Appeals - Tanya -doesn't believe that, maybe she's wrong, wouldn't you want the Zoning Officer to know the scale and to interpret the zone boundaries - you have to do that to give a permit doesn't he - CW Elaine Yerdon - that's his job otherwise he doesn't give a permit, it doesn't go to the Board of Appeals unless there is a problem. Tanya will explain to County.

CW Elaine Yerdon - The zoning board of appeals shall consist of five members as set forth in Section 267 of the NYS Town Law - does it have to be five (5) we only have three (3) - Tanya - we need to look into this - does it have to be five (5).

Marc Christmas - Page 19 - **Section 1040. Unapproved Lots -** No zoning permit or certificate of compliance shall be issued for any use or structure on any unapproved lot. An unapproved lot is a lot which has been filed in the office of the county clerk after the effective date of the Town of Redfield Sub­di­vi­sion Law and which has not been approved by the planning board and was not exempt from said regulations at the time of filing. - I think you want that to say town board not planning - Tanya - yes thank you

**SUPERVISOR TANYA YERDON**

PAGE 8 - **ARTICLE 4. ZONE REGULATIONS**

**Section 410. Lot Area, Lot Dimensions, and Setbacks**

1. All lots areas, lot dimensions, and setbacks shall conform to the following standards for the zones in which it is located:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **District Requirements** | **H**  **Hamlet** | **RR**  **Rural Residential** | **F**  **Forest** | **CF**  **Core Forest** |
| Lot frontage, minimum | 200 feet | 200 feet | 400 feet | 500 feet |
| Lot depth, minimum | 200 feet | 200 feet | 400 feet | 400 feet |
| Setback from centerline of roads, minimum | 60 feet | 60 feet | 60 feet | 60 feet |
| Setback from side and rear lot lines, minimum | 25 feet | 30 feet | 30 feet | 30 feet |
| Lot area, minimum | 1 ¼ acre | 3 acres | 25 acres | 50 acres |

As you can see it's in four (4) sections - Hamlet, Rural Residential, Forest and Core Forest - We have gotten a lot of feedback a few for this and quite a bit not for this - that the Forest twenty five (25) acre minimum lot and the Core Forest fifty (50) acre minimum lot is too much. She wants everyone to know she looked at seventeen (17) other towns, only two (2) other towns had only forty (40) acres in the Core Forest and its right square in the middle of the Core Forest. The average for the Forest Zones it ranges from three (3) acres to twelve (12) acres. She needs feedback from the board and we need to look at the map, there are a few things she thinks need to be address. CM James Cheney - take the Forest or Core Forest - he realizes we don't want spaghetti lots, but what's the purpose of having that many acres, twenty five (25) acres, what are we trying to accomplish, signaling out that many acres, does that mean we don't want development. Tanya - well she didn't do it. CM James Cheney - is just asking. Tanya pointed out on the map - Hamlet, Rural Residential, Forest and Core Forest - what she sees as problematic

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with this map is it's hard to see where the State land is, it's hard to determine. That is one thing it should be another layer of color. Another thing that has been brought to her attention - we have a Special Areas Maps - the Core Forest - that the Tug Hill Commission - which became a Reserve Act, she shows the line of the Core Forest - as of right now (she pointed them out on the map) if we try to continue this we will probably get an injunction filed against us, there are sections that are listed as Core Forest on the Zoning Map but they are not listed as Core Forest on the Special Areas Map - we have large lots here eight hundred (800) acres, three hundred acres (300), these are some big lots but she doesn't understand what the difference was between big parcel here and here why these two (2) fell under the Core Forest line. We have gotten feedback from Marc Christmas, Woodwise, Mr. Cheney, and Mr. Mariano - you have all the letters in your folders. A lot of what people are worried about, we will use Mr. Mariano's - he has eight hundred (800) acres, granted we don't want this split into eight hundred (800) one (1) acre parcels, obviously we don't have septic and sewer in the Town, so that's all going to go downhill. She can also see his point as he is on a maintained Town road, so for him to say that he can't separate his land to anything less than fifty (50) acres and he is on a maintained road that is their concern. Some of these lots that aren't even twenty five (25) acres but they fall under the twenty five (25) acre lot size and they are on a maintained road. She just thinks that is going to be problematic in the long run, she does believe in the best interest for this town she thinks we are going to get pulled into court, in talking with the County if we are going to stick with those lot sizes we better have a good back up documentation of why we are doing this because more than likely they will not stand up in court. This is something is board needs to look at, she doesn’t' know if you want to create another zone, or breakup the more forested area, some of these are on maintained roads, she is not a fan of one (1) acre lots, that's strictly her opinion. CW Elaine Yerdon - would like to ask Mitch Yerdon why are these in the Core Forest the ones that she's talking about, what was the reasoning. Mitch Yerdon just large pieces that weren't out by the road, toward Lorton Lake. Tanya - Most of the people that have these parcels have contacted her about the fifty (50) acre lot size. It's hard to see where the State is - prime example like here on Old State Road - it's already been split, a Christmas subdivision - she finds it odd that it didn’t fall into Rural Residential. Paul stated because it's on a minimum maintenance road. Tanya - we need to look at this, where the roads are, look at some of these. To her it's hard to decipher because of where all the state land is, it would be easier if we could just see this map and we could see the parcels, we would have Hamlet, Rural Residential, right now what they call Forest and Core Forest, and then we would have the State then we could actually look and see how inconsistent in parts this is, she had feedback that as far as this gigantic piece that we all know is owned by Woodwise, Salmon River Timberlands, they are not in argument with us about the depth right in the middle of the Core Forest at forty (40) acres, we have two (2) other townships that have the Core Forest at forty (40) acres, but out here at the end of these roads, where it's close to these roads, bringing the lot size down. CW Elaine Yerdon - including that in the yellow, the regular Forest not the Core Forest. Tanya yes and reducing the lot sizes. CW Elaine Yerdon is not in favor of going below forty (40) acres in the Core Forest. Tanya - yes which would be here. CW Elaine Yerdon that was our whole plan right from the get go, before the Tug Hill Commission. Tanya - they are in agreement with that in this area, this is something we need to discuss. CM James Cheney - why can't we instead of defining things as Core Forest or Forest to a definition of distance from the road, if you own land there it puts you in a bad situation, you never could sell that, the only reason he can see why we would want to do that is if we didn't want Redfield to develop, he agrees with Tanya he doesn't want spaghetti lots, but he thinks it's an injustice to the people that own land along there that they would never be able to sell it, so we could change the definition. Tanya or we could split it out into Forest 1 and Forest 2. CM James Cheney- the purpose he guesses for the Core Forest and fifty (50) acres is to keep it forever wild. Tanya - yes but it's to protect the watershed, this is where the highest point is, and it's mainly to protect the watershed, this has no baring on the project, it won't affect the project at all, it won't stop that at all as far as the Core Forest definition. CM James Cheney there are very few situations where people are going, why should we be concerned, they aren't going to buy ten (10) or five (5) acres in the middle of that forest, you can't get to it. Tanya - right but if you do zoning all the land in Redfield has to be in a zone, it has to fall under a zone. CW Carla Bauer - didn't you say the Core Forest would be forty (40) acres. Tanya -yes well two (2) other towns are at forty (40) acres - truly believes that it would give us a better view if we could have the State Land colored, there's so much State, it would give us a better view of properties are going to be under, it's hard to tell. CM James Cheney he thinks what we are saying is we should redefine Core Forest. TC Susan Hough - you can't really.

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Tanya - the Core Forest definition is from the Reserve Act in 1974 or around there. We could redefine Forest or Rural Residential. We could be here all night, over this, her suggestion is to let her have the State Land colored on the map, so when we look at it we have a better view of what parcels are going to be impacted by what zones they're in. CW Elaine Yerdon - does Mr. Mariano own that whole green section there. Tanya pointed out the area. There was discussion regarding the Core Forest that's on the Zoning Map but not the Special Areas map, that zone has to be changed probably to Forest. In the Hamlet, we need to look at the setbacks, we already have setbacks, we need to look and see what the consistency is, if the zoning was in before the Gas Station went in, it would not have had an acre and a quarter. Michael Yerdon - any existing lots are grandfathered in, as long as you can get well, septic on the property you can build, this is for new subdivision. Tanya is asking this board, she would like more time, she would like to go around and look at the lots that are in the Hamlet, and see what the potential impact that this is going to be, not just the Hamlet but she wants to start there. Paul - keep thinking about what you said with Woodwise, with the existing roads, maybe you have to put something in there the lot sizes could be smaller, with the road frontage and could go back a distance off the road, then that would keep it out of the Core Forest, maybe put the road frontage under the regular Forest or something like that, if you do it just on the road frontage. CW James Cheney agrees with Paul he thinks we should look at this. Mitch Yerdon - if you look at every single logging road, because it's really a logging road, a private road. Paul thinks you would have to maybe put a definition in there that it would have to be a maintained road, not a logging road or an existing road. Mitch Yerdon - there are existing roads all over. CW James Cheney but you are talking about maintained roads not a logging road. Paul he doesn't know what Woodwise is looking for, he assumes it's after your gate, you don't have any property on the maintained part. Mitch Yerdon asked about the Trumble Tract. CW Elaine Yerdon - wouldn't' you have to define maybe the width of the road, or maintain roads. Mitch Yerdon what about the Roser's Road, if you start getting into logging roads and access roads they are all over the place. Tanya - it's already been split up on Roser's Road, Fox Run Road. CW Carla Bauer - how does the Board feel about dropping the Core Forest to forty (40) acres? All the Board members are in agreement to change the minimum lot size to forty (40) acres in the Core Forest. There was discussion regarding changing the zones, if you do it for one you have to do it for all. Some have already been split even though they are on minimum maintenance roads. Neil Cheney idea about the State land is a good idea, he has a suggestion that he thinks will open your eyes, meet with you and run a web soil survey and a hydric survey map of the whole town and he thinks it will really open your eyes as to how much land is developable in the Town of Redfield. Tanya - has permission from the board to change the color of the State land, we've gone over quite a bit, talk to Phil we have a public hearing for our next board meeting, a public hearing can stay open it doesn't' have to be closed, she feels we need more information before we can continue forward. CW James Cheney thinks the meetings are well controlled. So everyone is good with that, she will also type up the list she has of other towns zoning minimum lot sizes.

Motion was made by Erwin Webb seconded by Elaine Yerdon to adjourn the meeting at 8:48pm.

ADOPTED Ayes 5 T. Yerdon, J. Cheney, E. Yerdon, E. Webb, C. Bauer

Nays 0

The next Town of Redfield Town Board meeting will be held Wednesday, November 8, 2017 at 7:30pm.

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Susan Hough, Town Clerk