**ZONING WORKSHOP, TOWN OF REDFIELD, NOVEMBER 29, 2017**

The zoning workshop/meeting of the Redfield Town Board was held on November 29, 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, Matthew Tompkins, Ed Montieth - Redfield Snowmobile Association, Laura Bomyea - Young/Sommer, LLC, Rob Brenner - Nixon Peabody, John Yerdon, Paul Pretory, Philip Street - Tug Hill Commission, Michael Yerdon, Marc Christmas - Christmas & Associates, Matt Smith - Woodwise, Neil Cheney,

Pledge of the Allegiance was said.

**SUPERVISOR TANYA YERDON**

This workshop to look at the proposed zoning law and the updates/discussions from the last meeting. The updated map that shows the changes we talked about previously and has defined the State-owned land, and also highlighted County Route 17, talked about the two pieces in the south that were in the Core Forest are now in the Forest, and some other parcels. Everything is highlighted where the changes were made in the proposed law.

- **Section 130. Purpose**  - CM James Cheney had a question on the forth (4th) sentence -

The purposes of this zoning law are to provide for orderly growth in accordance with a comprehensive plan; to lessen congestion in the streets; to secure safety from fire, flood and other dangers; to provide ade­quate light and air; to make provision for, so far as conditions 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; to facilitate the adequate provision of trans­portation, water, sewage, schools, parks and other public requirements; to protect and enhance the visual environment; to protect surface and groundwater resources; and to promote the health, safety, and general welfare of the public. This zoning law has been made with reasonable consideration, among other things, as to the character of each zone and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the town of Redfield.

This statement comes from New York State statue section 263 - that is where that verbage comes from.

**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 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.

Oswego County had questioned excluding mobile homes - we changed to: excluding manufactured homes.

**Dwelling, Seasonal:** A seasonal recreational dwelling for which the use and occupancy does not require access to a snow-plowed public road.

11/29/2017 pg. 1 of 15

We have not changed the Seasonal Dwellings - we will have to look at that.

**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.

Also a concern of the Counties -changed to: used for the storing and retail dispensing or sales of petroleum fuels

**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.

We took out: the word pavement. That is just Town roads.

**Tower, Commercial:** A structure that is intended to send and/or receive commercial radio and television communications.

Reworded to cover three (3) systems

Changed to: **Telecommunication Facility, Commercial:** A commercial tower and/or antenna used in connection with the provision of cellular telephone service, personal communications services, digital and/or data communication services, paging services, radio and television broadcast services and similar broadcast services.

Page 6 - there was questions regarding **Wetland:** - there was question about the description - our description is consistent with the NYS Flood Maps, the NYS Fresh Water Wetlands Act, she didn't see any different verbage that could be put in there. We can go back to this.

**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 |

Changed: Lot area, minimum in Forest to 10 acres and in Core Forest to 40 Acres

We did throw numbers around, we did touch on the forty (40) acres in the Core Forest like surrounding Towns, we will need to discuss this.

**Section 420. Allowed Uses**

Land uses shall be allowed in the various zones according to the following table.

11/29/2017 pg. 2 of 15

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Land Use** | **H**  **Hamlet** | **RR**  **Rural Residential** | **F**  **Forest** | **CF**  **Core Forest** |
| Accessory Structure | P | P | P | P |
| Agricultural Structure | P | P | P | P |
| Campground | S | S | S | S |
| Day Care Center, Child | S | S | -- | -- |
| Dwelling, Seasonal | P | P | P | P |
| Dwelling, One-family | P | P | P | SP |
| Dwelling, Two-family | P | P | P | SP |
| Dwelling, Multi-family | S | S | S | SP |
| Educational Institution | S | S | S | -- |
| Essential Facility | S | S | S | SP |
| Excavation, Major | -- | S | S | -- |
| Fuel Distribution Operation | -- | S | -- | -- |
| Home Occupation | P | P | P | SP |
| Hotel/Motel | S | S | -- | -- |
| Junkyard | -- | S | -- | -- |
| Manufacturing | -- | S | -- | -- |
| Manufactured Home Park | -- | S | -- | -- |
| Public Utilities | S | S | S | S |
| Recreation Facility | S | S | S | S |
| Religious Facility | S | S | S | -- |
| Retail Sales and Service | S | S | -- | -- |
| Social Institution | S | S | -- | -- |
| Solar Energy System, Large Scale | -- | SP | -- | -- |
| Tower, Commercial | S | S | S | S |
| Vehicle/Engine Service and Repair Shop | S | S | -- | -- |
| Wholesale Business | S | S | -- | -- |

Under Dwelling, One-family, Dwelling, Two-family, Dwelling, Multi-family - in the Core Forest we removed: SP - Special Permit - as it says in our description there is no permanent residences so it was removed, and also in the Home Occupation. Changed: Tower, Commercial TO: Telecommunications Facility, Commercial.

**Section 430. Seasonal Use Classification**

She went back to what the County had said and talked to Mr. Street at the Tug Hill Commission because we needed clarification on this section.

This is the old one:

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.

11/29/2017 pg. 3 of 15

Changed to:

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. During an application for a zoning permit, an application for seasonal use classification must be made for any use which intends to have its principal access to a minimum maintenance road. Seasonal use classification shall be applied as a use classification in addition to the use classifications of Section 420 of this law.

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, as defined by this law, which is a use which will not have access to a snow-plowed or winter maintained public road or be provided with vehicular public services such as, but not limited to, emergency services, school busing or postal delivery during the winter snow season.

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.

**Section 540. Review Procedure**

**5. County Planning Board Review:** Pursuant to NYS General Municipal Law Section 239‑m, at least 10 days before the hearing, or where the hearing has been waived, before final action, the town board shall refer all site plan applications to the county planning board that fall within 250 feet of the following:

* 1. the boundary of the town;
  2. a state or county park or recreation area;
  3. a state or county highway or expressway;
  4. a state or county owned drainage channel; or
  5. state or county land where a public building or institution is located.

**6. County Planning Board Response:** If the county planning board does not respond within 30 days from the time it received a full statement on the referral matter, then the town board may act without such report. However, any county planning board report received after such 30 days but two of more days prior to final action by the referring body, shall be subject to the provisions of an extraordinary vote upon recommendation of modification of disapproval. If the county planning board recommends modification or disapproval of a proposed action, the referring board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members.

**10. Filing of Decision:** All decisions shall be filed in the office of the town clerk within five business days of final action, and a copy mailed to the applicant. Within 30 days of final action on any matter referred to the county planning board, the town board shall file a report of the final action with the county planning board.

Changed all County Planning Board to: County Planning Department

**Section 540. Review Procedure**

**5. County Planning Department Review:** Pursuant to NYS General Municipal Law Section 239‑m, at least 10 days before the hearing, or where the hearing has been waived, before final action, the town board shall refer all site plan applications to the county planning department that fall within 250 feet of the following:

a. the boundary of the town;

11/29/2017 pg. 4 of 15

b. a state or county park or recreation area;

c. a state or county highway or expressway;

d. a state or county owned drainage channel; or

e. state or county land where a public building or institution is located.

**6. County Planning Department Response:** If the county planning department does not respond within 30 days from the time it received a full statement on the referral matter, then the town board may act without such report. However, any county planning department report received after such 30 days but two of more days prior to final action by the referring body, shall be subject to the provisions of an extraordinary vote upon recommendation of modification of disapproval. If the county planning department recommends modification or disapproval of a proposed action, the referring board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members.

**10. Filing of Decision:** All decisions shall be filed in the office of the town clerk within five business days of final action, and a copy mailed to the applicant. Within 30 days of final action on any matter referred to the county planning department, the town board shall file a report of the final action with the county planning department.

Some verbage change on:

**Section 830. Large Scale Solar Energy Facility**

3. Large 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. They 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.

Changed to: place to placed, They to The, fencing and system to site

3. Large scale solar energy facilities shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner’s contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determine by the town board. The site may be further screened by any landscaping needed to avoid adverse aesthetic impacts.

**Section 840. Signs**

1. One sign is permitted per lot, not to exceed 32 square feet per sign face.

Changed added verbage: other than temporary signs which are located for less than 60 calendar days.

**Section 840. Signs**

1. One sign is permitted per lot, not to exceed 32 square feet per sign face, other than temporary signs which are located for less than 60 calendar days.

**Section 1010. Zoning Permit Exceptions**

A zoning permit shall not be required for:

Added #8.

8. Temporary signs located for less than 60 calendar days

11/29/2018 pg. 5 of 15

**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.

Changed to added: calendar days

4. The zoning officer shall take action to approve or disapprove the application within 15 calendar days of the receipt of a completed application by the zoning officer and the payment of all fees.

**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.

Changed: planning board to: town board

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 town board and was not exempt from said regulations at the time of filing.

CW E Yerdon asked if Tanya checked on the zoning board of appeals number of members - does it have to be five (5) members. Tanya did check and it has to be at least three (3) members.

Back to the beginning for discussion.

**Dwelling, Seasonal:** A seasonal recreational dwelling for which the use and occupancy does not require access to a snow-plowed public road.

Some of the comments were why do we use seasonal - clarification - we are not describing a road, we are describing a dwelling. We talk about seasonal dwelling in the law so there has to be a definition.

**Seasonal Use:** A use which will not have access to a snow-plowed or winter maintained public road or be provided with vehicular public services such as, but not limited to, emergency services, school busing or postal delivery during the winter snow season.

Seasonal Use - has to be in here because we talk about this in the law. As far as the road it's under the Minimum Maintenance Road law - this is under definitions.

**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.

Neil Cheney - where did this definition come from, his point is you have two (2) different laws here,

11/29/2018 pg. 6 of 15

you have incorporated in this, did this come from the Tug Hill Commission or where. Phil Street - yes this covers both the State and Federal Wetlands Law. Neil Cheney - so what you are saying if you pass this the way it is - that you are going to require an Army Corp of Engineers review on each of these applications for Wetlands, along with the NYS DEC, you have got two (2) different things here, the NYS DEC covers down to 12.4 acres, the Army Corp of Engineers covers the footprint you have your foot on right now, so anytime you have an application you are going to have to go through the Army Corp of Engineers plus NYS DEC if you leave this in here. Phil Street - this is a definition, it's not a regulation, it defining what a wetland is, it's basically tracking both the lines of the Federal and State law. Neil Cheney - so you're putting it in following the Federal wetlands law, why would it be in there. Phil Street - it's not a regulation it's a definition. Neil Cheney - so when somebody applies. Phil Street - the town's not regulating wetlands, you have to comply with the Army Corp Engineers regulations regardless as well as the NYS regulations. Neil Cheney - most areas are going to have Army Cory wetlands. Tanya stated that is why you do your SEQR - it depends on the area, this is a definition, because we do use the verbage under **Section 530. Submission Requirements -**Application Contents - p. An Environmental Assessment Form (EAF) or draft Environmental Impact Statement (EIS), pursuant to 6 NYCRR Part 617, where required; **-** in order for that to be in our law you have to have a definition. Neil Cheney - so you're applicants here for developing in the Town of Redfield if this goes through as it is you are going to require the Army Corp to evaluated it, is what you're saying. CW E Yerdon stated it says where required, so if it isn't required. Tanya stated - it depends on the piece of property. Tanya asked Marc Christmas - when you send in a SEQR - you look to see if there are wetlands- what it has to be on it. Marc - you fill it out based on the percentage of parcel that has wetland, it's looked at in terms of how much of the property is it, if you are struggling with a parcel to find a building site in an area that has designated wetlands around it, than further evaluation from the Army Corp or DEC might be required, if it's an area that you have substantial building envelope outside of those designated wetlands than it's generally not required. There was discussion. Tanya stated it is their obligation to look at each and every property when the SEQR is filed with them. Phil Street - this is just a definition, we are not regulating. Tanya - this is a definition.

Robert - he thinks the speaker in the back has a fair point - he understands what the definition of wetlands may track what Federal law says, , but why not specifically say wetlands are those areas as delineated pursuant to Federal and State law. The inclusion of the definition the way it is basically says wetlands are those areas that are saturated by surface water, so it could give the appearance, it he wanted to start a project, he could make the argument based on this definition, who makes the determination, he could say the town board does. Phil Street - because under Federal law they are not mapped. There was discussion. Supervisor Tanya Yerdon - Section 410 - the graph - what's this boards what is your input on the district requirements- before it was brought up that the hamlet that the lot frontage, minimum of 200 feet, the lot depth, minimum of 200 feet, the setback from the centerline of roads, minimum of 60 feet that these were too big, in the hamlet. CW E Yerdon was concerned about the 1 1/4 acre but once it was explained to her she is ok with it, a lot of those lots were established back in the 1800's, she thinks they are ok to stay the way they are. The next Rural Residential - has lot depth has a note of a 100 to 150 feet, is that possible with 3 acres. Michael Yerdon -the 150 on the width you would have a long lot, you would have to setback, have the usage in the center of the lot, that's why it was 200 feet. CW E Yerdon thinks the 3 acres seems reasonable. The Forest - CW C Bauer thinks the 50 acres is too much in the Core Forest. Supervisor Tanya Yerdon - here is where the map is going to come into play - originally it was 25 acres and 50 acres - there were a lot of numbers thrown out there at the last couple of meetings - she looked at her notes and what the towns around us have and took a middle number with 10 acres, it's obviously up for discussion, the 40 acres in the Core Forest, we had discussed in the Core Forest. CW E Yerdon is good with the 40 acres but not sure with the 10 acres. Tanya went to the map and pointed out some of the changes - some areas were taken out of the Core Forest, surrounding Towns are at 40, it is a concern of property owners, some pieces they don't want it to be 40. These zones were taken along property lines - she didn't know what you wanted to do, go along the property lines, take some out of the Core Forest and put in the Forest, Woodwise would appreciate if the Forest and Core Forest were separated maybe ran up the

11/29/2017 pg. 7 of 15

river, these are individual pieces. CW E Yerdon asked if the property that they want in the Forest and out of the Core Forest is on a regular road. Rob Brenner - Nixon Peabody - there are some property parcels that are split zone and front out to the county road, we have a parcel fronting on a main road and a designation of 40 acres, we take issue with the 40 acres, just as a matter of fact, that is just an issue with have, based on your definition of Core Forest, we think it's appropriate to have core forest zoned to the east of the mad river, and consider forest designated to the west of the river, just based on the definition and the resources you are trying to protect, the ways it's drawn now - much of that property is owned by Woodwise, and having that kind of minimum lot size and some of the uses as they have been modified, it substantially diminishes the value of the property that they purchased, it would frustrate their ability to use the property for a number of uses that they had originally envisioned when they purchased the property. He thinks they should have a discussion of the minimum lot size and the permitted uses in Core Forest, or instead in lieu of that redistricting the way the lines have been drawn. CW E Yerdon asked what part of that is your property is it all together. Tanya pointed out the different properties owned by Woodwise. Rob- another thing he has discussed with the Supervisor is to have a transition of zones, there are no buffer zones, forest1, forest2, to just draw a line that goes from 3 acres to 40 acres. CM J Cheney asked what's the purpose of 40 acres, why so many acres. Tanya stated to protect this watershed, she pointed out on the map. CM J Cheney - protect it from what. Tanya so it doesn't get an overabundance of small lots. CM J Cheney but it's not developed, there are not roads there, in the next 50 or 100 years we aren't going to see development there, so why are we stressing the 40 acres, which to him it's putting the land owners in a real disadvantage, he can't see one way or another going to make any effect on that area, if we just have everything as 10 acres. Some said no. John Yerdon stated all the neighboring towns are at 40 acres. Tanya yes in the Core Forest. CW E Yerdon stated we would have to decide what is in the Core Forest. Rob - Nixon Peabody - the other issue they have - based on your allowed use regulations, you are essentially saying no one can live in half of the town. Tanya - if these still fall in the Core - this is something to discuss, you guys can understand about the core forest deep in here. Rob - and that's consistent with the definition of the core forest to protect those resources in the central portion of the tug hill, but as you come down to the hamlet and move to the west of the mad river he thinks another classification would be appropriate and he thinks that move consistent with the definition of forest. Tanya - it is quite a jump, maybe we do need another classification, her opinion is maybe another zone would not hurt for the transition, yes Jim she agrees, there will never be any development here, pointed out on the map. CW E Yerdon stated she doesn't care if there is never any development we are still going to designate it, it has to be in this zoning. John Yerdon stated why you don't just designate it as forest. Tanya - the land that she just pointed out, to go from 3 acres to 40 acres. Rob - again the way the land use is drafted, they can't do anything with the property, they can't build a house on it, he's not saying it's necessarily feasible to do that, but they have bought a rural residential classification, on Jess Drive to the north and on Little John again you have 40 acres abutting 3 acres. Marc Christmas - you might want to take a look at Waterbury Road also, that is in the forest with that on a year around maintained road you might want that rural residential, he thinks all the other forest areas are on seasonal roads. Paul if you were to change that on like Jess Drive and Harvest Mill Road, what do you want it changed to. Robert - Nixon/Peabody - he could like to see it changed to forest west of the river, and then if it makes sense to have a forest1 and forest2 classification, it might be something to consider so it's phased. Paul stated so someone can build a house there. Rob - yes or some of the parcels that aren't as large you could put into 10 acres lots, Paul asked how would they get there. Rob stated they would have to build a road. There was much discussion regarding the 40acres, core forest, and west of mad river. John Yerdon - no one would have enough money to build up in there, to get power up there, and a road - there isn't enough money in the economy, he doesn't want to go less than 40 acres. Tanya was at the map - the pieces that are individually owned, with a show of hands, who thinks these should be in the forest. CW E Yerdon asked Matt what did you use to determine the forest and core forest. Matt Tompkins - the special areas map. Michael Yerdon - there are a lot of water, streams on the east side of the Mad River too, there are a lot of wetlands, the land use zoning was to go along with the master plan of how the town envisions how they want the development to take place in the next few years, certainly when you get up in that area there are no roads or utilities, or access, when we looked at the zoning it

11/29/2017 pg. 8 of 15

was mainly around existing highways, there aren't any up in there, that is why we went with the acreage we did, and accessibility was taken into factor. They tried to follow property lines. Any of these laws can be changed at later dates. Rob - the trouble, he hears what people are concerned with, the issue he has and he thinks what the disconnect is, is that the town has a really robust subdivision law on the books, so people are saying development isn't feasible, he understands that is a factor but it shouldn't be the only factor with coming up with zoning classifications, the existing subdivision law says that you have to front on a public or private road, we have to have a plan to come up with a road per town law standards, to take Woodwise's land and characterizing almost all of it as this dense core forest area, effectively prohibit development, without allowing them to go through any application process or allow anyone to seek relief he thinks is problematic, that's where they are coming from, their primary concern is west of the river. There was much discussion. John Yerdon - Once the project is done and the timber is cut and the windmills are up, what stops them from subdividing lots, nothing as it stands right now. Our job as a town is to make sure that does not happen. Supervisor Tanya Yerdon - Mainly where the proposed windmill project is going is mainly in the core forest, we have some what agreed that 40 acres is a good number for that Core. There are laws in place for most of these worst scenarios. John Yerdon - We do not want septic systems in that watershed. Supervisor Tanya Yerdon - We have to look at it in all aspects, there are other land owners in the core forest. The problem is to decide a reasonable border as to divide the forest and core forest. Paul stated what if you went a half mile north of Little John Drive all the way to the river and that's your line for the forest, and then follow the river to the great lot line and follow the great lot line east and make everything west and south of that forest, because there are already camps there. Tanya was at the map and there was discussion on where the definable lines should be. Michael Yerdon - would follow the lines you have up there right now down to the river. CW E Yerdon asked Matt Tompkins his opinion as he was on the Zoning Board and will be a board member soon. Matt Tompkins - doesn't mind Paul's idea of following the great lot line, then down in the south there are property lines that can be followed, there's one parcel that is in core forest and make it forest, there are lot lines that can be followed that would make sense, to make it forest. Tanya stated we need to do something on Waterbury Road. Supervisor Tanya Yerdon asked for approval to have the map updated to see what it would look like, the board gave approval. CW E Yerdon asked Rob Brenner what he thinks about the changes they are considering. Rob Brenner - he thinks we are getting closer - he's not just trying to draw boxes on the map - he's trying to look at the definitions that were set up for these districts on the map - and allow for development, he understands steep slopes, lack of road access - they are all issues that are addressed in the Subdivision Law. Supervisor Tanya Yerdon will have the map changed as agreed upon by the board to see how it looks. We need to move on to other issues. Marc Christmas - if you are going to have a 10 acre minimum on the Forest he thinks the 400 feet minimum width would be excessive in his opinion it would put you at less than a 1 to 3 width to depth ratio- it would be more restrictive than any other town - based on other townships it would be more reasonable 250 to 300 feet on a 10 acre minimum lot size. CW E Yerdon asked if they had agreed on the 10 acre lot. Supervisor Tanya Yerdon stated no we have not agreed. Marc saw it in yellow, he thought maybe. Rob Brenner - it's not necessary a Woodwise comment - from a land use planning perspective - he's worked on a number of fuel distribution facilities - a lot of times they want them further away from urban centers- but you have them prohibited from the forest zoning district, he understands why you are doing that because you don’t want them in a real forested area, but there's a number of area that are zoned forest that are along major roadways and it may be more desirable to the town to have a fuel filling station not in the center of town.

**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.

11/29/2017 pg. 9 of 15

1. 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.
2. 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.
3. 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.

Verbage changed to:

2. During an application for a zoning permit an application for seasonal use classification must be made for any use which intends to have its principal access to a minimum maintenance road. Seasonal use classification shall be applied as a use classification in addition to the use classifications of Section 420 of this law.

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, as defined by this law, which is a use which will not have access to a snow-lowed or winter maintained public road or be provided with vehicular public services such as, but not limited to, emergency services, school busing or postal delivery during the winter snow season.

Supervisor - Tanya Yerdon - one of the concerns of Avangrid is that this - Seasonal Use needed to be clarified, she hopes with the new verbage it's clarified.

Laura Bomyea - Young/Sommer, LLC - Avangrid Attorney - she thinks just in the context they would be using this law - because the substance of the law would apply but the procedure, the permits that would be required would actually be granted by the State - it might be a little bit better to make it clear that there is a substantive component of this that says Seasonal use has to be as follows - it has to be something that can go without similar as to what you have in 3 - and then leave the permitting stuff in one area - they are kind of mixed together - so it would be hard for us to explain to the State what we need to comply with - what your expectations are of us - she can suggest some language if you want her to send you something. Supervisor Tanya Yerdon - yes we will take it - then we will know exactly what you're concern is and want.

Supervisor Tanya Yerdon - there were questions on;

**Section 530. Submission Requirements**

**2. Application Contents:**

l. Plans for grading and drainage showing existing and proposed contours of one foot intervals;

This came up the last time - they thought 1 foot intervals were excessive. Matthew Tompkins - general speaking if you get a survey of your property- it's going to have 1 foot contour intervals - but if you are doing a grading plan it should probably be based on something other than - that was their thinking. John Yerdon - the County right now are at 1 foot. Marc Christmas - that might be accurate for a site plan as it pertains to a building site specific for a small scale building site but when you are talking about a subdivision of 100 acres - 1 foot intervals on the survey map is going to look awful busy. Matthew Tompkins - we are not talking about the plat here - this is just the application. Marc misunderstood. Rob Brenner - p. - An Environmental Assessment Form (EAF) or draft Environmental Impact Statement (EIS), pursuant to 6 NYCRR Part 617, where required;

- it's never going to be an "or" situation - an EAF if you issue a positive declaration - the applicant would then have to submit an EIS - to apply it's an either or isn't correct. Supervisor Tanya Yerdon- so change the verbage. Rob Brenner - would remove "or draft Environmental Impact Statement (EIS)"

11/29/2017 pg. 10 of 15

Phil Street - Tug Hill Commission - he's not following that - part of the application is going to be a draft Environmental Impact Statement (EIS) -positive declaration. Rob Brenner - application requirements are implying that he needs to submit a - An Environmental Assessment Form (EAF) or draft Environmental Impact Statement (EIS)- he wouldn't know which to do because he doesn't know if his project been positive declaration or a negative declaration. Phil Street - many projects don't require all the things on this list - that's why there is a waiver requirement #3. Rob Brenner - that's just his point - he thinks it creates a little confusion.

**Section 540. Review Procedure**

**5. County Planning Board Review:** Pursuant to NYS General Municipal Law Section 239‑m, at least 10 days before the hearing, or where the hearing has been waived, before final action, the town board shall refer all site plan applications to the county planning board that fall within 250 feet of the following:

* 1. the boundary of the town;
  2. a state or county park or recreation area;
  3. a state or county highway or expressway;
  4. a state or county owned drainage channel; or
  5. state or county land where a public building or institution is located.

County Planning Board has all been changed to: County Planning Department - 250 feet has been changed to:

500 feet.

Rob Brenner - from a practical perspective it might be best to say at least 30 days before the hearing it's to be referred because technically the County has 30 days to review - what you are doing is creating a situation where you have an unnecessary meeting - because you would prefer a 10 days before you might not get feedback from the County but you can't act at your meeting so you would have to come back when we hear from the County in 20 days. Supervisor Tanya Yerdon - makes sense - will call the County. Phil Street stated that 10 days is in the General Municipal law.

Supervisor Tanya Yerdon -

**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;

The County had a problem with this - she thinks because it says town board and not town planning board - they are the planning board.

Supervisor Tanya Yerdon It was suggested a #16 should be added a Web Soil Survey. Supervisor Tanya Yerdon asked Phil Street if he had heard of that. Phil isn't sure what it's suggested. Neil Cheney - it's the 21st century and it's information that's very widely used in planning and it's very accessible it's public domain information - he's surprised that the Tug Hill Commission - he knows you are very knowledgeable he has worked with them - it's information you should have submitted with the applications on these subdivisions - so you can see what you are dealing with, it outline all these uses - buildings with and without basements, septic systems, if you are going to have problems with roads, what it's used for it points out that there might be problems on it - it doesn't mean you can't develop it - but it does mean there are things the planning board should take a look at and should be addressed in the application/engineering part of the subdivision - that's what he's saying - it's pretty much standard today.

11/29/2017 pg. 11 of 15

Phil Street we are going back to page 10 if you are going to add it - it would be under- **Section 530. Submission Requirements 2. Application Contents -** as an addition t.

Marc Christmas asked if you are going to make it a requirement is it available for all areas. Matthew Tompkins - you would have to be more specific than just saying Web Soil Survey because there is a lot of data there, hundreds of different data sets so you have to figure out exactly what you wanted to look at. Neil Cheney - it's all under Web Soil Survey, it tells you might or might not have a problem - he would have to get that information for the exact - Matt is right it would be 100's of pages. Marc Christmas - has never run into this before he asked Phil Street if any other Town's require that. Phil Street - no - number 1 this doesn't apply to subdivisions - this whole section only applies to site reviews, most of the towns - you are not engineers you are looking for the finished plans - you've got requirements for grading and drainage plans - he doesn’t know - he asked Matthew Tompkins - do you want that kind of information. Matthew has never had to submit them to any other town - they refer to it often and use it all the time in their design. Phil Street also stated this doesn't apply to subdivisions - that is under a separate law.

CW E Yerdon asked if our setback ordinance is incorporated into this law, she thought it would be. Phil Street the subdivision law will have to be looked at too. Supervisor Tanya Yerdon asked but what about the setback ordinance. Phil Street another thing you might want to look at in the Subdivision law is clustering provisions so you would have the flexibility in lot sizes - that's something we should look. Supervisor Tanya Yerdon - the Zoning law as we see it now - we do not have the setbacks listed in here, or do we, she has looked at it so much she's not sure. Phil Street page 8 **Section 410. Lot Area, Lot Dimensions, and Setbacks.**

Supervisor Tanya Yerdon - page 14 **Section 830. Large Scale Solar Energy Facility -** Large 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. They 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.

Change place to placed - change they to the - change fencing and system to site

Supervisor Tanya Yerdon page 15 **Section 840. Signs**

1. One sign is permitted per lot, not to exceed 32 square feet per sign face.

Added at the end; other than temporary signs which are located for less than 60 calendar days.

Laura Bomyea - Young/Sommer, LLC - Avangrid Attorney - has a question on page 14 Solar Energy System, Small- there's a definition - but then they are not listed as a permitted use anywhere in the town and there are no standards for those uses - if you wanted to allow a small solar energy system as an accessory use on a residence - you could just add to the definition - small solar energy system will be permitted as accessories - use.

Rob Brenner - asked why there's no provision regarding County Planning referral for site plan on special permit is there an inter-municipal agreement in place that would say that’s not required. Supervisor Tanya Yerdon has never seen an agreement. Rob Brenner - under the General Municipal Law it's not just variances that have to go through the County - it's site plan, special permits, subdivision if you're within those triggers. His suggestion is the County Planning Review Section - is really great it might just be better to pull it out into its own section. It's on page 11 but it moves forward and affects page 12 and 13, it should apply to all the different types of review procedures, so it just might make sense to have a stand-alone section - use and area variances, site plan reviews, subdivision approval, special permits as required by the New York General Municipal Law shall be referred to County Planning and then have these sections. Phil Street - well we are just dealing with the section on site review here and special permits - we should at some point have Zoning Board of Appeals Bylaws that would talk about their referral process. Supervisor Tanya Yerdon - so we need to look into this.

11/29/2017 pg. 12 of 15

Rob Brenner - Article 6 and 7 specifically call out site planning and special permits - with that criteria - the only reason he if the town fails to do it, it's a defect in the approval and the approval is not valid so if someone builds something under that approval it's like it never happened. He can forward copies of examples from other towns.

Supervisor Tanya Yerdon page 15 anything on there -  **Section 850 Commercial Telecommunications Facilities**  changed to: **Section 850. Commercial Towers**

Rob Brenner - **Section 850. Commercial Towers - 5.** Tower Design: Whenever feasible, tower construction shall be of a “monopole” design. Guyed towers shall be preferable to free-standing structures. All towers shall be fitted with anti-climb devices. Towers shall be designed to provide co-location by at least three providers, or designed so that they can be retrofitted to accommodate at least three providers unless such co-location is not feasible as demonstrated by competent engineering or technical proof.

It says "Guyed towers shall be preferable to free-standing structures" that was really common after the 1996 telecom came out- but as technology has evolved and the towers have gotten better a lot of municipalities have revised their ordinances and this language is a little antiquated because guyed towers will result obviously in more clearing because you have to clear for the guyed anchors and as the structural integrity of free standing towers has improved drastically towns actually frown upon construction of guyed towers and a lot of telecom providers won't actually build guyed towers anymore. Supervisor Tanya Yerdon - so what are they doing taking it out. Rob Brenner - yeah so most providers will build a monopole tower or a self-support free standing lattice style tower. Supervisor Tanya Yerdon - so we all agree we can eliminate that - it was agreed.

Supervisor Tanya Yerdon - page 17 **Section 940. Nonconforming Uses of Land or Structures -**

2. no nonconforming use which has for any reason been discontinued for a period of one year or more shall be

reestablished, except where transfer has been delayed in a probate case; and -

There was a question before - this was Suz Yerdon's question - which was answered before

Supervisor Tanya Yerdon page 17- **Section 950. Nonconforming Structures Damaged or Destroyed**

Any structure which is nonconforming as to use, setbacks, height or any other require­ment of this law, which is damaged or destroyed by fire or other hazard, may be repaired, restored or recon­structed provided that such work is undertaken within two years of the date on which the dam­age or destruction occurred. No such work shall increase the nonconformity of the structure.

She will have to look back to see what the questions were - Shawn Doyle talked about this and it could go to the ZBA.

Supervisor Tanya Yerdon page 18 **Section 1010. Zoning Permit Exceptions**

Added: #8 Temporary signs located for less than 60 calendar days

Everyone is good with the addition.

Supervisor Tanya Yerdon page 19

2. 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 wanted more description of the 15 days - added calendar

Supervisor Tanya Yerdon page 19 **Section 1060. Zoning Board of Appeals**

1. The zoning board of appeals shall consist of five members as set forth in Section 267 of the NYS Town Law, or in the alternative the town board may enter into an agreement pursuant to Article 5-G of the NYS General

11/29/2017 pg. 13 of 15

Municipal Law and Section 284 of the NYS Town Law to establish a cooperative zoning board of appeals. In the

event of a cooperative zoning board of appeals, membership shall be as per the contractual agreement and may

otherwise vary from provisions of Section 267 of the NYS Town Law as may be set forth in that agreement.

Will change five to three members

Supervisor Tanya Yerdon 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.

Supervisor Tanya Yerdon asked Phil Street if the fees are added to the law or a resolution. Phil Street - it's a resolution so it's easier to change.

Supervisor Tanya Yerdon anything else on page 19 - Rob Brenner - **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:

1. Approve and disapprove zoning permits and certificates of compliance;

2. Scale and interpret zone boundaries on the zoning map;

3. Refer appropriate matters to the board of appeals, planning board, or town board;

4. Revoke zoning permits or certificates of compliance where there is false, misleading or insuf­fic­ient information or where the applicant has varied from the terms of the application;

5. Investigate violations, issue stop work orders, and refer violations to the town justice and the town board;

6. Report at regular town board meetings the number of zoning permits and certificates of com­pli­ance issued;

7. Maintain records of active permit applications and active enforcement actions.

Rob Brenner - sub section 2 talks about interpretation of zoning district boundaries - you might want to expand that

to give the Zoning Officer - this is consistent with New York Law-the authority to interpret susceptive sections of

the ordinance - example it someone came in with an application and wants to build a church religious facility and

the zoning officer looks at the plans and it's actually a camp ground and they are trying to squeeze it in somewhere

it might not be allowed the zoning officer should be the one with the authority to interpret that and say no - this is

actually a campground and you need to do these approvals - and by including that in this section then the inherent

thing that person could go to the zoning board to seek relief and say no the zoning officer was wrong this is a

religious facility -then the zoning board would make the ultimate decision. CW E Yerdon - you want that added.

Rob Brenner - yes he will send examples from other towns.

Supervisor Tanya Yerdon - ok so is everyone good - yes. Do we want to plan another meeting - the month of

December is going to be tough for her - she says that only because she has some serious health issues but it's

what this board desires. It is ok with everyone if we bring the updated information to the next board meeting,

is everyone ok with that. Everyone is in agreement, we don't have to advertise because the public hearing is still

open.

Paul Pretory - he talked to Jeff Sunday afternoon - you haven't gotten a letter right, no one else has made a

decision, it's not really official.

Supervisor Tanya Yerdon - will bring Board up to date - it was brought to her attention that it looked like the

church was going to hand back/relinquish the Wesleyan church - but she has not received a letter or anything

she talked to another member of the church and they asked her to hold off on this board making a decision

because they have a meeting tomorrow night with the churches board - there's a good portion of the church that

wants to retain that and raise the money to put into it.

11/29/2017 pg. 14 of 15

She did call Mr. Genant and asked him to stop the process on the lease - to stop everything right now until we

know anymore. Paul Pretory - the problem is John Howland was in there and the cost to just get the church to a

point to make it inhabitable is around $ 40,000.00, which the church doesn't have, the idea is to have it for

youth, there isn't that many youth in the town, somethings don't make sense - there's a hole through the roof -

they tarped it last year - the tarp only lasts so long - with a hole through the roof it's not going to be long and it

will deteriorate rapidly. Supervisor Tanya Yerdon did request yesterday that she be notified by December 12th

so what their decision is - before the next board meeting - if they are going to retain it or relinquish it. Paul

Pretory stated if the town owns the building it's a shame to let it go - so if the town owns the building it really

should be up to the town to put a tarp over it. CW E Yerdon stated she didn't think we owned the building just

the land. Supervisor Tanya Yerdon - from talking to Bob she thinks we own the building. What does the board

want to do with the building, we need to think it over. There was discussion.

**Resolution 17-122**

Motion was made by Elaine Yerdon and seconded by Erwin Webb to authorize Supervisor Tanya Yerdon to hire Paul Pretory to install a tarp on the old Wesleyan Church for the amount of $ 500.00.

ADOPTED Ayes 5 T. Yerdon, E. Yerdon, E. Webb, C. Bauer, J. Cheney Nays 0

Tanya asked Paul Pretory for his liability insurance certificate.

**Resolution 17-123**

Motion was made by Elaine Yerdon and seconded by Carla Bauer to authorize Town Clerk Susan Hough to advertise there will be no parking on town roads in the Town of Redfield from November 1, 2017 to April 15, 2018 between the hours of 12:00 midnight and 6:00a.m.  There will also be no parking in snowplow turnarounds at any time of day between the aforementioned dates and no parking at any time in school bus turnarounds.  Vehicles illegally parked will be towed away at the owner’s expense. Also, that the Town of Redfield will not be liable for any damage to vehicles and/or personal property, including mailboxes that are within the Town’s right of way during the process of plowing and removing snow.  
ADOPTED Ayes 4 T. Yerdon, E. Yerdon, E. Webb, C. Bauer, J. Cheney Nays 0

Motion was made by Erwin Webb seconded by Elaine Yerdon to adjourn the meeting at 9:33pm.

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, December 12, 2017 at 7:30pm.

November 29, 2017 11/29/2017 pg. 15 of 15

Susan Hough, Town Clerk