

## **ZONING WORKSHOP, TOWN OF REDFIELD, JANUARY 25, 2018**

The zoning workshop/meeting of the Redfield Town Board was held on January 25, 2018 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
Matthew Tompkins	- Councilman
Elaine Yerdon	- Councilwoman
Erwin Webb	- Councilman

In addition, Susan Hough -Town Clerk, Paul Pratt -Highway Superintendent, Melody Westfall - Scalfone Law, Bob Genant - Town Attorney, Doug McNitt - Mad River Club, Wendell Rowell- Mad River Club, Madeline Rowel- Mad River Club I, Wanda Murdie- Mad River Club, Roger Murdie, Kelly Perkins- Mad River Club, Richard Palmer- Mad River Club, Tim Howell- Mad River Club, Dale Macklen- Mad River Club Ken Burd-Redfield Snowmobile Association, Ralph Fox, Mitch Yerdon, Dave Davis- Mad River Club, Dennis Gardner- Mad River Club, Rob Brenner - Nixon Peabody Attorney for Avangrid, Jim Muscato - Young/Summer Attorney for Avangrid, Dan Murdie - Avangrid, Jim Cheney - Mad River Club, Philip Street - Tug Hill Commission, Matt Smith - Woodwise, Michael Yerdon, Kris Dimmick - Bernier Carr, Joe Pederzolli, Walt Meisner- Avangrid

### **SUPERVISOR TANYA YERDON**

As of the current one - January 23, 2018 - you all have all received a copy. You will see the Forest was reverted back to the twenty-five (25) acres. The changes were made that we talked about the last couple of meetings. You did ask for the map to be changed to show if we did change the zones in the Core Forest and along Waterbury Road. Off of Waterbury Road there was no Rural Residential it was all Forest. CW E. Yerdon stated that is a year around road. The other main Town Roads were Rural Residential. CW E. Yerdon asked if all the roads in the North where the line was changed from Core Forest to Forest are minimum maintenance. Supervisor Tanya Yerdon - Little John is minimum maintenance from the creek back, Old State, Otto Mills, Jess Drive. CW E. Yerdon asked if Woodwise owned all the land. Matt Smith stated Douglaston Manor owns some of that land. There was discussion on where the roads are minimum maintenance. Supervisor Tanya Yerdon - previously when we discussed this west of the river and down the property lines, it use to be called the Great Lot line. The board discussed the map.

Supervisor Tanya Yerdon - let's discuss the Waterbury Road - the change. CM M. Tompkins - it makes sense to change the classification, everywhere else we have fulltime residents, Rural Residential and the Hamlet. CW C Bauer agrees.

### **Resolution 18-11**

Motion was made by Elaine Yerdon seconded by Matthew Tompkins to change Waterbury Road Zoning Classification from the Forest to the Rural Residential Classification 1500 from the center line of the road.

ADOPTED Ayes 5 T. Yerdon, E. Yerdon, E. Webb, C. Bauer, M. Tompkins  
Nays 0

CW E. Yerdon - is not sure about moving the line form Core Forest Classification to Forest Classification in the Northern part of the map, they are mostly minimum maintenance roads. CM M. Tompkins - the way we have the line drawn now on this map seems to be a pretty significant departure from the Special Areas Map, kind of the idea of that Core Forest Zone. The board looked at the change in the maps and discussed the Special Areas Map, the Tug Hill Reserve Act.

Supervisor Tanya Yerdon - also on the bottom of the map there were two (2) areas we changed from Core Forest to Forest, they are not on the Special Areas Map as Core Forest.

**Resolution 18-12**

Motion was made by Elaine Yerdon seconded by Erwin Webb to change the two (2) bottom parcels that are South of the Reservoir and Prince Brook from Core Forest Classification to Forest Classification.

ADOPTED Ayes 5 T. Yerdon, E. Yerdon, E. Webb, C. Bauer, M. Tompkins  
Nays 0

Rob Brenner - is a little confused by the nature of the discussion, he doesn't want to speak out of turn, it was pretty clear at the last meeting what the consensus of the board was, and there were revised materials put out, now the discussion seems to be going in a different direction, what we said at prior meetings, we are looking at good sound land use planning in the future not just what exists today, so to the extent that there is a roadway that may not be improved but exists we are trying to look at fringes of districts and have good sound land use planning in the Town to have one blanket area in the Northeast portion of the Town that's a zoning classification and have no fringes or transition zones as he's talked about at the prior meetings just doesn't make sense.

CW E. Yerdon - what she is concerned about is maybe having to bring some of those roads up from minimum maintenance if developed which we can't afford to do, we can only afford to do a mile of road a year right now, if we have to add more roads it's just not feasible for our capital project. Rob Brenner - as we have discussed previously provision could be put into the code about constructing roadways to certain standards and building them to Town standards and then have them turned over, we don't expect by the nature of our requests regarding the zoning districts, we don't at all expect the Town would flip the bill for any improvement costs, there could be provisions made to construct roads to minimum Town Standards and have them turned over to the Town. Highway Superintendent Paul Pratt - there are some of those minimum maintenance roads that we could never improve, like Otto Mills, because of the State land along the side of them, you can't get the right of way, there just is no room to make them wider. Rob Brenner - again what they are asking for is a transition zone that is currently classified as a twenty-five (25) acre minimum lot size, in the future, there's no legitimate plans, but in the future, we're looking to be able to sell cottage lots or snowmobile camp lots, and to have the average person here in Redfield that is coming here to use the Town resources and assets have to purchase forty (40) acres is pretty onerous for a snowmobile camp. CW E. Yerdon is firm on the Core Forest at forty (40) acres. Highway Superintendent Paul Pratt - you are saying there are no plans at this time or anything to put any camps or anything like that on the property. Rob Brenner - no. Highway Superintendent Paul Pratt - this is not all forever, this can be changed at any time, so if they did decide they wanted to put a small subdivision in, some camps or something like that, they could come back to the board and it can be changed then right. Supervisor Tanya Yerdon - you're asking us - right - yes the law can always be looked at, can be revised and there's always variances. Rob Brenner - what you're talking about though is a re-zoning, a map amendment, or a text amendment re-zonings are at the discretion of the Town Board, if there's a different Town Board in fifteen (15) years, they may say we have zoning in place, zoning was put into effect in 2018, we are not entertaining a reduction in lot size or a re-mapping that's at the Town discretion, the applicant doesn't have a right to request or proceed under a re-zoning process, so that is their concern, understanding things can always change but the reverse is true too, if the Town finds that a minimum lot size isn't appropriate, it on its own volition could always entertain a re-zoning to increase the minimum lot size. Highway Superintendent Paul Pratt - is just looking from the outside as a taxpayer in Redfield, if you go along with this and then there's an area that's close to the Rural Residential or something like that, in the future you can come back to the Board and say this is what we'd like to do, this is what we are proposing it's in an area next to Rural Residential can you change the line in that area, rather than a whole scale change of the map. Rob Brenner - he doesn't want to speak for Council for the Town, he knows they are here this evening. What he's concerned about is all of our comments over the past several months have been related to what we feel is good sound land use planning he's concerned about on a per parcel basis trying to chop up or rezone parcels because that's indicative with spot zoning which isn't permitted under New York Law to do it on a parcel by parcel basis, you have to look at this map as a

whole, we have to look at the resources in the Town, we have to look at the roadways, the areas, the proximity to adjacent zones, and come up with a map that makes good sense, from their perspective having a transition zone between Rural Residential, Forest and Core Forest makes good sense, having a very stark break off where it goes from Rural Residential minimum three (3) acre lot size and then to forty (40) just based on a parcel line from their perspective doesn't seem to be good sound land use planning and it's inconsistency with the definitions and a lot of the substance of the proposed zoning law, at a minimum they feel the map should be approved the way it's been discussed the past several meetings and the way it's been drawn in highlighting as it was passed out to the public here this evening, again we are not please with that we don't think that that is the result we have been discussing, but at a minimum he thinks there needs to be that transition zone for reasons they have discussed the past several meetings. James Cheney - what is the purpose of having such a large lot size - forty (40) acres, do we not want development. Supervisor Tanya Yerdon - the forty (40) acres because it's in the Core Forest and that is what the surrounding Town's Core Forest lot sizes are, that's why it's forty (40) acres. James Cheney - what is the advantage. Supervisor Tanya Yerdon - it's the Core Forest that is why that is there we came down from two-hundred (200) to forty (40) in the Core Forest, we made great strides there. James Cheney - why would we want a forty (40) acre lot, no one will come in and buy a forty (40) acre lot to put a camp on, is that what we are trying to avoid. CW E. Yerdon - in the Core Forest she believes that is reasonable, we don't want a bunch of camps in the Core Forest. Supervisor Tanya Yerdon stated you don't have to explain. James Cheney - why don't you have to explain. Supervisor Tanya Yerdon- the Public Hearing has been closed, we know how everyone feels, now the board has to decide what they want. James Cheney - how are you going to deal with it if we don't ask questions? Supervisor Tanya Yerdon - because we've been asking questions for two (2) months. James Cheney - feels it should be something we vote on, why should four (4) people on the board make those decisions. CW E. Yerdon - because that is what we were elected to do. James Cheney - he doesn't want to see his name on anything dated after December 31, 2017, his name is on resolutions 18-08 and 18-09, and you put my name on the friggin special meeting, he's not a board member, it's sloppy work if you ask him, so much for the board. Town Clerk Susan Hough apologized and it had been brought to her attention already, it will be changed.

Supervisor Tanya Yerdon - move on the acres - she had to revert it back to twenty-five (25) acres because she was not instructed to change to ten (10) acres. There was some discussion. CW E. Yerdon - we never voted on that and it's too low in her opinion. There was discussion of different acre minimums. CM M. Tompkins - he thinks twenty (20) would make sense, the average between three (3) and forty (40) would be twenty-one and a half.

### **Resolution 18-13**

Motion was made by Elaine Yerdon seconded by Matthew Tompkins to change the minimum lot size in the Forest Zoning Classification from twenty-five (25) to twenty (20) acres minimum lot size.

ADOPTED Ayes 5 T. Yerdon, E. Yerdon, E. Webb, C. Bauer, M. Tompkins  
Nays 0

Supervisor Tanya Yerdon - asked the board what else they would like to change, most of the items have been changed. CW E. Yerdon - we have to have another Public Hearing - she is not sure about the Northern line being moved, she will consider it, if the wind project goes through will you be building a building for winter time if you need your people to get in there. Jim Muscato - there would be an operations building but it would be adjacent to a plowed road, it hasn't been sited yet. CW E. Yerdon - she will think the northern line over and give her opinion at the next public hearing. CM M. Tompkins - he's kind of thinking on paper - parallel to Little John to the end of Little John, then came down the river more or less due south until we hit the property corner just south of Douglaston piece, then continued south following property boundaries, called everything on the west side Forest which is now twenty (20) acres, everything on the east side Core Forest which is forty (40) acres, that would provide some transition between Rural Residential and Core Forest, he doesn't know if that compromise would make everyone happy.

There was discussions as the Board looked over the map.

**Resolution 18-14**

Motion was made by Matthew Tompkins seconded by Elaine Yerdon to change the line on the map as follows: 1500 foot north of Little John over to the River, straight down the River, follow the property lines starting at Otto Mills to the Rural Residential on Harvester Mill Road, include the parcel that borders State North of County Route 47, Forest Zone Classification on the West side of the River, Core Forest Classification on the East side of the River.

ADOPTED Ayes 5 T. Yerdon, E. Yerdon, E. Webb, C. Bauer, M. Tompkins  
Nays 0

Rob Brenner-doesn't want to speak out of turn, but we talked about that at length, the reason for the adjacency to the Rural Residential to the south meeting the Forest, now you are putting Core Forest against Rural Residential, we thought we presented on that and discussed that during the course of the public hearings and the workshops. CW E. Yerdon - pointed out on the map the only section, the rest is all Forest not Core Forest. CW E. Yerdon asked if Supervisor Tanya Yerdon would have this in Local Law form for the next meeting. Supervisor Tanya Yerdon - if everyone is in agreement. Rob Brenner - would like to ask about the former Trumble Drive - they have property that's connect to a road that is now been left out based on the lines that have just been drawn, there's a small portion there that's continuous with Rural Residential it's not a significant piece but we now have a large piece of property that has been carved out at the eleventh (11<sup>th</sup>) hour, it's adjacent to the piece Matt was talking about earlier following the property line. The Board had discussion and reviewed the map with the new lines that have been approved.

**Resolution 18-15**

Motion was made by Matthew Tompkins seconded by Carla Bauer to adjust the Core Forest boundary line to Forest to meet the State property line on the East side and south to the Rural Residential line.

ADOPTED Ayes 5 T. Yerdon, E. Yerdon, E. Webb, C. Bauer, M. Tompkins  
Nays 0

**Resolution 18-16**

Motion was made by Elaine Yerdon seconded by Carla Bauer to authorize the Town Clerk Susan Hough to advertise for a Public Hearing on the Proposed Revised Zoning Law at 7:00pm, on Tuesday, February 13, 2018, with the updates completed.

ADOPTED Ayes 5 T. Yerdon, E. Yerdon, E. Webb, C. Bauer, M. Tompkins  
Nays 0

Town Clerk Susan Hough received draft Local Laws #2 thru #10 just prior to this meeting. At 8:15pm the Town Clerk gave each Town Board member a copy of each of the Laws. Jim Muscato - asked Supervisor Tanya Yerdon if she would make copies available tonight. Supervisor Tanya Yerdon stated it is up to the Town Clerk. Jim Muscato - asked Susan Hough Town Clerk if he could get a copy of the laws tonight. Town Clerk will make the copies if Mr. Muscato wants to wait. Jim Muscato - you are introducing more than the Wind Law? Supervisor Tanya Yerdon - yes. Town Clerk read the following: Draft Local Law #2 of 2018 Wind Energy Facilities, Draft Local Law #3 of 2018 Explosives and Blasting, Draft Local Law #4 of 2018 Demolition and Construction Waste Diversion, Draft Local Law #5 of 2018 Protection of Wetlands, Water Bodies and Water Courses, Draft Local Law #6 of 2018 Construction and Removal of Temporary Structures, Draft Local Law #7 of 2018 Road Use and Preservation including a Road Use Agreement, Draft Local Law #8 of 2018 Prohibition of Wind Energy Development near Fort Drum and the Montague Weather Station, Draft Local Law #9 of 2018 Erosion Sediment Control and Storm Water Management, Draft Local Law #10 of 2018 Aquifer and Well Field Protection Zone. Jim Muscato - appreciates her reading them, because you just went through a comprehensive zoning law what's the basis for the Town now, it sounds like a lot of those but not all of them are further land use, how come they weren't included in the Zoning Law.

Bob Genant - Attorney for the Town -these are Local Laws that don't effect zoning particularly, these are Local Laws that various Townships have and the Town felt they were necessary, there will be a public hearing on them for you to ask your comments. Jim Muscato- at a minimum the Wind Law there are provisions in the Zoning Law that regulation of them, you spent multi nights here on the Zoning Law, why these new laws are being introduced. The Town Board just received them.

**Resolution 18-17**

Motion was made by Elaine Yerdon seconded by Carla Bauer authorize Town Clerk Susan Hough to advertise a Public Hearing at 7:00pm on Friday, February 16, 2018 to review draft Local Laws #2 of 2018 through Local Law#10 of 2018.

ADOPTED Ayes 5 T. Yerdon, E. Yerdon, E. Webb, C. Bauer, M. Tompkins  
Nays 0

Motion was made by Erwin Webb seconded by Elaine Yerdon to adjourn the meeting at 8:20pm.

ADOPTED Ayes 5 T. Yerdon, E. Yerdon, E. Webb, C. Bauer, M. Tompkins  
Nays 0

The next Town of Redfield Town Board meeting will be held Tuesday, February 13, 2018 at 7:30pm.

January 25, 2018  
Susan Hough, Town Clerk

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