

Planning Board Work Session
June 26, 2013

Present: Dave Russo, Joe McIlroy, Mark Vitale, Davies Nagel, Heather Grant, Frank Rose Sr.,

Others: Heather Ferrero (Co. Planning Board), Jim Campbell (Town Attorney), Liz Wilcox, Lee Gratwick, Carl Peter, Jerry Deming

Informational/question session opened at 7 p.m. by Dave Russo – purpose to understand the site plan review process on larger projects.

Dave Russo said that we had questions on how to do a special use permit.

Jim Campbell – concept of special use permit

- ⤴ keep baseline in mind – use permitted as a matter of right
- ⤴ zoning district has enumerated uses that don't require issuance of a special use permit
- ⤴ other instances that may have unique characteristics that warrant a special use permit
- ⤴ don't issue special use permit without site plan review, run them concurrently
- ⤴ special use permit applies to the unique

Heather Ferrero – ex. In agricultural district you can have a kennel but have to have a special use permit to apply certain conditions. Planning Board makes determination regarding special use permit for an agri-business.

Jim Campbell

- ⤴ look at your definitions and regulations (p. 15-c)
- ⤴ if applicant doesn't like decision they can take it to the Zoning Board of Appeals
- ⤴ good site plan on a large project will take in a lot of the regulations
- ⤴ are there unique things that need to be addressed in special use permit
- ⤴ identify as many issues as possible early on so the applicant doesn't have to keep coming back
- ⤴ p. 91 – Site Plan
- ⤴ other towns have special use permits, but the one we have is basic and pretty good
- ⤴ a good engineer will follow the zoning for a site plan on a large project
- ⤴ recommends public hearings on all processes so everyone's thoughts are accommodated
- ⤴ particular applications going to general concerns and other issues part of site plan
- ⤴ review process is a cooperative effort to track down all issues
- ⤴ conditions need to be enumerated on either one or both special use permit and decision

Heather – on p. 97 is the criteria to help make decision – conditions can be included in both site plan and special use permit.

Dave Russo asked if the planning board could request an 18 month review of the special use permit.

Jim – sometimes you can get applicant to agree to it, but you can't take the approval away from the applicant. It's expected of the Planning Board to include everything in the approval.

Heather – It's Code Enforcement's job to enforce what the site plan states. Planning Board needs to get right the first time.

Jim – applicant can come back to get site plan amended if something needs changing (ex. If number of trucks exceeds what was granted). Put stipulations in first, follow code, be reasonable in your decisions; substantiate and justify your concerns. Follow the Process – stick to the code. Can customize but with back and forth conversations between board and applicant.

Heather – nervous about setting hours for operation – not looked upon favorably in courts. Section 515 talks about odor, glare, vibration, etc. Applicant can demonstrate that conditions will meet performance standards.

Mark Vitale – can we review in 18 months and add a stipulation? Jim said No

Liz Wilcox asked if there are other towns with large projects and Jerry answered yes.

Jim – the board can ask the engineer to help with the project also

- ⤴ have to look at the whole project, whether part of it was there before or not
- ⤴ ask questions as regards SEQR about the whole project even phase 2 & 3 if the project has that many phases
- ⤴ what's the plan, do you plan on adding more in the future and is there enough area to do so
- ⤴ you only approve Phase 1, not 2, 3 or 4. Don't approve a map including all phases.
- ⤴ Read over site plan, special use permit and restrictions as listed in zoning, follow it.

Carl Peter – not obligated to move forward if you have questions that need answers

Jim – be diligent, thoughtful and bring what you know to the table

Heather – follow timeline in code (p 91)

Jim – applicant knows they need to follow the town's plan, they want to do it right the first time especially if big project or involves lot of money

Heather – and large project triggers county planning board which takes a second look at site plan if public hearing triggers a change – has to go back to county planning board.

Carl – the plans should be to us by next week for July 9 meeting.

We can't make a decision until after the county looks at it.

Have deadlines listed for return of applications, maps, etc.

Open meetings law – all meetings open to public, doesn't mean the public participates.

Jim said we could do a public informational meeting for applicants with large projects.

Heather said if you allow public comments set ground rules at the beginning such as 3 min. per person, comments to the board not each other, don't repeat what's already been said.

SEQR

- ⤴ Type 1 requires long form
- ⤴ if action unlisted can use short form but if you want more detail use long
- ⤴ Jim said all parts of project should be under one review

Carl – if concerned about truck traffic you could ask applicant to provide a traffic study to see how much truck traffic would increase.

Dave Nagel – could also do a water study.

Session closed at 9 pm

Respectfully submitted,

Donna K. Falkner, Clerk