

Planning Board Meeting Minutes

March 7, 2022 at 7:00pm, McAuslan Hall

Present: Nancy Weber, Chairwoman
Allison Trudell, Counselor
Bonnie Loforte, Counselor
Gary Toth, Counselor (phone)
Graham Seiter, Town Attorney
Ron Marsden, Code Enforcement Officer

Absent:

And 4 in the audience.

Audience members who are also ZBA members: Ned Waterbury, Marcia DeLong, Dan Yawman.

Chairwoman Weber opened the meeting with the Pledge of Allegiance at 7:00pm.

A motion was made by Loforte and seconded by Trudell to approve the February 2022 regular meeting minutes and special meeting minutes. The motion was adopted by a vote of 4 ayes: Weber, Loforte, Toth, and Trudell, and 0 nays.

Old Business

none

New Business

Sawmill Application Ordinance

Chairwoman Weber introduced the topic and explained the need for guidance in order to maintain fairness and consistency when the town approaches commercial sawmill applications. Weber shared a list of discussion points to guide the meeting.

Weber said the Local Law from 2003 for zoning probably did not envision the growth of sawmill applications. Weber listed zones where sawmills are permitted with a special permit. DeLong said the industrial floating zone is meant for the potential of a large industrial operation. Weber said the site plan surveys are all noted as commercial.

Waterbury explained the learning curve as it relates to working through the nuances of each application and how guidelines will make the application process move along more quickly. Weber said that when a fully completed application is presented to the board, 60 to 90 days should be enough time to deliver a decision. DeLong asked if any applicants are provided with section 340. Marsden said no. DeLong suggested providing section 340 to all applicants. Yawman said that section 340 is essentially a checklist but the town may be able to make it easier for applicants to understand it if it is made into an actual checklist. DeLong said sawmills will have additional items added to a section 340 checklist based upon whatever law is created.

Weber agreed that a copy of section 340 as well as any special application items should be created for applicants. Weber said a site visit should be considered for sawmill applications in order to see the site plan in reality. DeLong said the ZBA will do independent site plan visits. Seiter said to be weary of open meetings law. Seiter said members from different boards would not have to be concerned with open meetings law because they are members of different boards.

Marsden said a checklist would help clarify the process for applicants and the surveyors. Seiter said the CEO needs to provide clarity that the application needs to be completed before the boards can even begin to discuss the matter. Weber said the application assistance involved a pre-application meeting (aka: interpretation). Weber said, for example, sawmills on main highways involve extra steps that the applicant needs to be made aware of. DeLong asked Seiter if the applications should be sent to the highway department as an interested party and ask for a comment from the town highway superintendent. Weber said a sign-off from the town highway department was part of the application considerations. Seiter said "signing-off" on the application may not be appropriate but that their input could be valuable in helping the boards decide how to apply the law or add conditions to the permit.

Weber asked about how the applicant would be aware of state DOT recommendations when the initial application is submitted. DeLong said the ZBA deems the application complete and sends it to all agencies. Weber said comments from DOT should be received before the Planning Board deems the site plan complete. Weber said somehow, the applicant needs to be aware of DOT requirements early in the process. Waterbury said the DOT requirements seem to be negotiable, based on past experience. Waterbury said that accommodations from the state DOT have occurred with substitutions of materials. DeLong said that if the ZBA does not follow the recommendation of the county, the vote needs to be majority plus one. Weber said the same applies to the Planning Board. Seiter said once the ZBA makes a determination that the application is complete, the letters to interested parties are sent and hope to hear back within 30 days but not all agencies always respond. Weber said the application is just deemed complete but they are not approving the application. Weber said she would like to include our own highway department as an interested agency when letters are sent.

Seiter said the first step is to decide on what you want to be in the law; then create a checklist based on what is in the law. DeLong said section 340 could be a checklist and the supplemental regulations regarding sawmills be a separate checklist. Yawman said there is no grandfather clause in the current local law for existing sawmills. DeLong said a permit exists and their permits are valid. Seiter confirmed that existing permits are grandfathered unless a change is made to the sawmill site. Weber said an existing mill in violation would be Marsden's responsibility. DeLong confirmed that compliance with original permit is necessary.

Weber said the current comprehensive plan has strong language regarding consideration of neighbors, curb appeal, appearance, health, safety, and welfare of the community. Weber said the site plan should be as attractive as practically possible. DeLong said she feels the Planning Board is doing a great job considering the goals of the comprehensive plan. DeLong said section 340 does include a section that addresses visual appeal but does not provide specifics. DeLong said all requirements should be met before conducting business. DeLong said the dimensional requirements of local law needs to be met with the understanding that the boards may make adjustments depending on the application

and site plan. Yawman asked if there is a smallest required piece of land that a sawmill can operate on. Weber said distances will be very important.

DeLong said that on a site plan with hedgerows for visual impacts, the hedgerow is part of the site plan. DeLong said if existing hedgerows have been committed to be kept, they become part of the site plan. DeLong asked if an area variance would be needed for the hedgerow if part of the site plan is setbacks weren't met because of the hedgerow. Seiter said the property lines would have more impact on variances than a hedgerow would. Yawman asked if setbacks pertained to structures. Seiter said no, that any aspect of the business applies. Seiter said anything part of the site plan has to be maintained, including something like a hedgerow.

Seiter said he created a working draft of a law based upon other local laws and board meetings. Toth said the board should use the law as a starting point.

DeLong left the meeting at 7:57pm.

Weber asked in definitions, "small" sawmill might need specifications. Weber would like to strike "small" from the definition of SAWMILL. Seiter said you could add "portable" as well as non-portable to the SAWMILL definition. Weber said the language at the end of SAWMILL definition needs clarification. Seiter said volume of production is key and could be defined based on their main trade. Seiter suggested you could exclude a list of items. Loforte said the permit is going to delineate what the volume is. Weber said that members of the public were distressed about the regulation of hobbies. Seiter returned to the idea defining volume as a larger scale. Weber said the board may want to consider board feet created. Waterbury said that sawmill enterprises can grow and their volume and production also grows and the board may want to consider growth. Loforte said the permit itself can keep restrictions in place on businesses. Weber clarified that an expansion beyond the limits of the permit would need a new permit.

Toth said the concern is dimensional lumber. Seiter suggested adding examples "including but not limited to" such as: dimensional lumber, furniture, sheds, pallets, mats, etc. Weber asked if sawmilling is separate from the building aspect. Weber said the home occupation portion of the law is a concern because they are located on farm property and there are limits to the things you can do on farm property as defined by ag and market law. Weber said sawmilling is allowed but the manufacturing of sheds may be totally separate. Loforte clarified that they're cutting and building products. Yawman clarified that some are just milling but others are milling and building. Seiter said the law needs to focus just on sawmills. Loforte said adding examples within the definition is good.

Waterbury suggested checking past meeting minutes for hours of operation. Yawman said noise was a concern from the public hearing. Weber said a verified source of incoming logs needs to be addressed. Loforte said there is a mileage limit on how far away logs can be transported. Toth asked if we can have something from the NYSDEC on file. Seiter suggested adding a clause that any sawmill in operation needs to abide by all existing federal and state regulations regarding transportation and acquisition of logs and lumber.

Marsden suggested 30 feet wide driveway. Weber suggested discussing a circular drive. Seiter said you could add that any site requires all vehicles exiting not have to back out onto the road. Weber said accessible parking needs to be considered. Seiter said regulations above this board exist.

Loforte said log storage needs to be considered for safety. Waterbury said posts for log piles need to be certified by an engineer. Waterbury said C2AE may be able to meet this need. Seiter said the cost should fall on the applicant. Waterbury said an engineer should be charged with approving posts. Marsden said the road setback is highly important and needs to ensure a safe distance off the road. Yawman said a 200' driveway could create a hardship. Seiter said the storage of the logs at the very least should be held to the 200' setback. Loforte said a sawmill is a high-risk commercial operation that justifies the 200' setback. Seiter said following and enforcing laws gives the town good protection against liability.

Seiter suggested adding a stipulation that mills need to be locked when not in use. Seiter said log piles are also a big danger. Toth asked if the state DOT has a regulation regarding a log pile setback from the road. Loforte asked if 100' from a wetland is a NYSDEC regulation. Loforte asked about noise decibels. Weber likes the reference to logs not being skidded across roads or highways. Seiter said the law will help the town respond to complaints. Seiter said the law is effective the date it gets filed with the secretary of state. Weber said building ventilation could be a concern as well as insurance. Toth asked about insurance. Seiter said that insurance cannot be mandated. Weber asked about the collection of sales tax. Seiter said sales tax does not fall on zoning board but it would be a town board issue.

Weber said the next planning board meeting will address the commercial sawmill law again. Weber said checklists need to be completed before the moratorium is lifted so that Marsden can help with new applications. Waterbury asked if Weber and he could meet to draft a working checklist prior to the next meeting.

A motion was made by Toth and seconded by Loforte that the next Planning Board meeting be held Monday, April 4th, 2022 at 5:00pm at Town Office. The motion was adopted by a vote of 4 ayes: Weber, Loforte, Toth, Trudell, and 0 nays. Weber said the ZBA will be invited and the only current agenda item is the proposed sawmill ordinance.

Weber read a letter to the board regarding sawmills; the concerns were proximity to the road, proximity to the home, a lack of fence around the mill, the danger to children mills present.

A motion was made by Loforte and seconded by Trudell to adjourn at 9:12 pm. The motion was adopted by a vote of 4 ayes: Weber, Loforte, Toth, and Trudell, and 0 nays.

Respectfully submitted,

Nicole Wild
Town Clerk