

Review Board (RB) meeting 5/31/22 DRAFT minutes (6_2_22 spk) RB-members, particularly Don, please see green text where I am not sure I captured all the discussion correctly.

7:00 PM Meeting called to order

In Attendance: All RB members were in attendance (Craig M., chair, Don B., Ellen H., Bruce M., Sue P-K). Supervisor Mark W. also attended and managed Zoom access. Town council member, Tim M. attended ~1st portion of meeting via Zoom. No public attendees were present in person or via Zoom. Recording of the meeting is available to the public via the Town website <https://youtu.be/N2lawHGVbVU>

General opening discussion on what RB's role would be going forward and how RB should tackle the Zoning Commission (ZC) request to review and advise them of the drafted Zoning Law (ZL). Specifically, RB was asked to review Article VI and also (to a lesser extent) IV & V. There was general consent that Article V, particularly, was replete with subjective interpretations and lacked reference materials and resources on which the RB could make defensible decisions. Tim noted that the ZC had not yet reviewed the drafted Articles (IV, V & VI) and upon learning this, the RB opted to focus on Article VI as this was most focused on the Site Plan Review process. RB's specific suggestions to the ZC follow.

A. General Suggestions, Comments & Questions to the ZC from RB

1. **Article V** (of the 3 Articles --IV, V & VI) that the ZC tasked RB to review **needs thorough review and editing**. Wherever possible, decisions by the RB are made based on assessing whether objective criteria have been met by the applicant. Article V was noted as particularly lacking in specific definitions and reference resources upon which RB could assess the applicant's having met ZL criteria. A couple examples of vague or subjective criteria include "scenic views" and "design traditions of the Town of Caroline".
2. **Keeping the Site Plan Law as a separate local law vs. incorporated into Zoning Law:** The pros and cons of this were discussed but no agreement was reached on a recommendation to the ZC --other than to inquire on a legal matter. If the Site Plan does not remain as a separate local law, can there be a severability clause within the ZL to allow reversion to at least the current Site Plan law or a revised version of it? This would allow for no lapse of Site Plan law coverage should the ZL be enacted and then repealed. Article VI could possibly serve (or closely approximate) a stand-alone site plan local law in the event of ZL is repealed.

B. Article VI Suggestions & Questions to the ZC from RB

1. Section 6.1 Intent and Purposes: "design traditions of the Town of Caroline" used here and elsewhere in this section needs objective definition or should be removed-
2. Section 6.2 Authorization to Review Board, Exemptions and Applicability:
 - a. Stating exemptions leaves ambiguity because exemptions are stated and then section 6.2.C states applicability. What happens when something comes forward that is not mentioned in either B or C?
 - b. Gross floor area of 3000 sq. feet as the minimum required for SPR (as noted in "C" 1, 4 & 6) is acceptable.

- c. C 13-CAFOs –Don. B. noted that a letter from NYS Ag & Markets should be in the files from when the initial Site Plan local law was drafted/enacted. This correspondence should be provided from the Town files to the ZC.
3. Section 6.3 Site Plan Considerations: As noted in A. General Comments #1—Objective measures serve both the Review Board and the applicant. With this in mind, it is suggested:
 - a. #1 Delete “massing, design, aesthetics,” from “Location, arrangement, size, massing, design, aesthetics, architectural features, and general Site compatibility of buildings, lighting and signs.”
 - b. #11 Delete entirely “Overall impact on existing neighborhood character, form and function.”
4. Section 6.4 A Specific Standards and Considerations:
 - a. Regarding the impact of development on town owned. There are objective numbers for traffic impact on roads it is ESALs. (Equivalent Single Axle Load). The Town never adopted a law regulating ESALs, but Danby did and I believe the County did as well. Some research should be done in this area to provide objective measure here.“Cornell Local Roads”. This could be referenced within the section.
 - b. #11 Agriculture: This section should refer to specific maps that include detailed information about top quality soils and areas currently and recently in production. These maps may be available in the Comprehensive Plan (we are not sure where they are located—but are aware of their existence). Expand this section to include reference to specific soil types.
 - c. #15 opening paragraph: As a point of discussion—(no decision made by the RB) Last sentence: Change “may” to “shall” in “The Review Board **may** require a Building Energy Model to demonstrate optimized energy performance to significantly reduce GHG emissions.”
 - d. #15 d: Strike “ongoing” in “The owner of the Development, once complete, shall conduct 3rd party building commissioning to ensure **ongoing** energy efficiency performance of buildings and share these results with the Town.”.
 - e. Sections 6.4.A #16-#18 require maps and specific definitions as reference materials.
5. Section 6.4.A.21 Economic & Fiscal Impact: Point of discussion--- refer to an assessment chart—similar to the Task Force worksheet on this topic –but one that more fully assesses the fiscal impact on the Town’s economy and people—e.g. describing the net flow of wealth into or out of the township.
6. Section 6.4.A.22. Site Restoration Requirements. Point of Discussion: How is this practicable? Funds would/could be in escrow for a very long time. Possibly there is a role for the Town to take in addressing abandonment of property issues, i.e. taking control of the property and somehow using it for the common good.
7. Section 6.5 Site Plan Review Process – General Procedures:
 - a. “D SEQRA Classification”: NEPA & FONSI need defining
 - b. “G Review Board Use of Legal Counsel and other Expert Assistance” : We suggest updating Local Law 3 of 2000 so that it is more germane to this section of the ZL.

Once that is completed, much of this section of the ZL can be deleted. If it stays in, this section is quite inadequate in stating requirements of the town for managing and auditing these funds and communicating activity with the applicant

8. Section 6.6 “2. Proposed Development, including, as appropriate” q. “Predicted waste production and **waste management** plans for the Development;” We assume this is *solid waste* –if so, it should be specified as such.
9. Section 6.7 Site Plan Review Process – Preliminary Site Plan. Point of Discussion---timing of the actions and feasibility of the RB being able to competently respond to multiple applications with multiple hearings. It would be preferred that a timeline would allow for any hearings to be held at a regularly scheduled RB meeting. From this discussion the following recommendations to ZC:
 - a. All RB members agree that at ONE STEP application process is preferred. Change to a ONE STEP process will inherently alter much of the text in this section.
 - b. A checklist of required materials for RB review of a completed application should be made available to the applicant. These materials and application would be submitted to the Town Clerk (or other Town staff) as a “received application” for the RB to then review as to whether or not it is complete.
 - c. 6.7 D 2 Referral to Other Agencies and Town Board
 - i. Strike “and where applicable” from “Prior to taking the final action of the Site Plan, **and where applicable:**”
 - ii. Keep the Town Board referral in place.
 - iii. Virtually ALL of the RB actions to date have required referral to the County Planning Board. We suggest providing examples of instances that would *not* require such referral.
 - d. 6.7 E Public Hearing (Preliminary Site Plan) –referring to the first comment (9a.) in these minutes, the RB strongly prefers a ONE STEP process. With that in mind:
 - i. Remove “Preliminary” from section 6.7 & other related sections—e.g. “Such hearing shall be held within sixty-two (62) days of the receipt of application for **preliminary Site Plan**...”
10. Section 6.9 Waivers and Special Circumstances: It should be stated that it is the responsibility of the applicant to make a formal request and justification for waivers. The applicant must provide specifics to justify how the provisions of a waiver are met.
11. Section 10 (& in other sections) Tables “1” and “2” of Article III are not labeled as such. They need to be labeled within Article III for reference throughout the ZL

Section 6.10- The section on an Abbreviated SPR process should be written in a way so that the review could be done by simply checking all the boxes on a checklist. In other words, anything requiring ASPR should be simple enough to just go down a list and make sure that certain items are met. Potentially even done by staff (Town Clerk, Zoning Official) instead of the whole RB.

A flow chart of the general steps in the application process and timeline as described in Article VI would be helpful to both the applicant and the RB.

Meeting adjourned at 9:30 PM