

Attending: Chuck Geraldi, Mark Baumli, Tony Murad, Greg Hanna, Wes Powell, Cynthia Creech, Kent Pratt, Ted Salem, Chair

The committee briefly reviewed the seven proposals that are on the table for the committee's consideration. These are:

1. conform the period to remedy a zoning violation with the period to remedy a building violation;
2. permit barbed wire in non-agricultural situations;
3. clarify that a common driveway is taken into account when determining whether the 60 foot road frontage requirement is being met;
4. develop expedited procedures for sketch plan conference for an existing developed site;
5. transfer responsibility for site plan review from the Planning Board to the Zoning Board of Appeals;
6. signs - no specific proposal, however, as the enforcement procedures proceed, the committee may need to address items requiring clarification or other matters; and
7. develop a permitted use with accompanying regulations regarding large scale solar arrays and smaller ground-based residential applications.

No additional items were identified at this juncture, however, the committee reserves the right to add proposals as may arise during committee discussions. The committee proceeded to review the proposals in more detail.

1. Amend 205-11.D. (1) [a] - Zoning Administration and Enforcement - to change the period to remedy a zoning violation from 10 days to 30 days to conform to the 30 day period to remedy a building violation as per recent change to the NYS Building Code.

The NYS Building Code was recently amended to specify a 30 day remedy period. Kent explained that most complaints comprise violations of both types, resulting in two separate timelines for the same complaint. This poses a burden for the enforcement officer, the defendant and the court. Kent has already discussed the matter with the court which wishes to handle violations of both times stemming from the same complaint at the same time. Members agreed that this would be a sensible approach. There was slight disagreement as to whether to add language to continue the 10-day time frame if there was a safety issue involved. **Action Item: Tony and Kent will draft amended language for the above noted section.**

2. Amend 205-7.B. (4) (d) [1], i.e., the fence ordinance to permit barbed wire in non-farm situations where it would not be harmful.

Kent believed that the current language permits barbed wire fencing in non-agricultural situations where it use is not intended to cause harm. Ted said that in authoring this section, it was his intent to prohibit barbed wire fencing in all non-agricultural situations, for aesthetic as

well as safety grounds. Cynthia thought that perhaps NYS law may address barbed wire fencing. Consensus emerged to change this provision and to broaden it to permit any fencing used for its intended purpose (e.g., chicken wire to enclose a chicken coup). **Action Item: Cynthia to research NYS law on this matter. Action Item: Ted will revise language of the above referenced section.**

3. Sharpen language in 205-14 G. (7) [a] to clarify that a common driveway should be taken into consideration when determining compliance with the 60 foot road frontage requirement.

This item was identified by the Town Attorney as current wording was ambiguous All present agreed. **Action Item: Cissy will draft amended language for the above noted section.**

4. Amend 205-14. E (1) to develop expedited procedures/requirements for the sketch plan conference, in situations involving an already developed/improved site.

Members agreed that current requirements were unduly onerous in situations involving existing improved sites and that the Planning Board will still be able to specify more detailed requirements for the application stemming the sketch plan conference as it determines to be necessary. Members did specify that the expedited procedure should apply where the proposed use is similar to the previous use on the site. **Action Item: Greg and Wes will work with Cissy on the amended language for the above noted section.**

5. Amend 205-14 to authorize the Zoning Board of Appeals, rather than the Planning Board, to conduct site plan reviews.

In making this proposal, Chuck noted that in situations where the application also involves a need for zoning variances, applicants are subjected to several hearings and lengthy approval periods. He also suggested that involvement in site plan reviews prevented the Planning Board from attending to broader planning matters such as the need to update the Comprehensive Plan. There was robust discussion on this item with no clear consensus emerging. For instance, there was disagreement on whether this “separation of powers” between the two boards was a positive or negative. There was general agreement among those present that the committee should explore ways to reduce procedural and time requirements where application entails both a special permit and zoning variances. This matter was tabled.

6. Signs – This is essentially a placeholder in anticipation of the possible need to review the sign ordinance later in the year if issues emerge from the current enforcement. Kent noted that the Town of Kinderhook has an excellent ordinance in this area and may be a resource if the committee determines that current language needs tightening.
7. Solar Energy – Review the appropriateness to permit larger scale solar arrays and small scale residential, ground mounted installations.

Tony noted that since it is not explicitly included in the use table, larger scale solar arrays are not a permitted use and therefore, any application submitted to the Building Department would be denied. He also noted that he is aware that several property owners have been approached by companies to develop solar arrays in our area. Ted noted that he reviewed the Comprehensive

Plan and that it was silent on this matter, and in fact the only reference to energy was to wind farms where caution was urged. Members agreed that as an accessory use to residential properties, building, rather than zoning code applies, unless the unit is ground mounted in which as a structure, is subject to zoning requirements.

There are a variety of issues that will need to be explored as the committee examines this topic which will take time. Committee members, however, were interested in pursuing a review as to whether to permit this use and if so, to amend the zoning ordinance as needed. There was also consensus that such usage should be subject to local property tax. Cynthia informed the committee that NYS law exempts from local property taxes commercial and residential solar installations unless the local government passes a local law to opt out of that exemption. [After the meeting, Cynthia advised that such opt out must apply to residential as well as commercial uses, however, a payment in lieu of taxes (PILOT) could be applied to just commercial uses.]

**Action Item: Cynthia will determine from the Assessor how solar panels as an accessory use are handled in assessments now. Action Item: Chuck and Mark will get a sense of the Town Board if this is an area that the committee should pursue. Action Item: Ted will begin to gather sample ordinances from other towns where solar arrays are permitted.**

Schedule for future meetings:

Meetings will be held monthly, at least for now to permit work on the action items, on the fourth Tuesday of the month at 6 PM at Town Hall. The next meeting will be held on February 22.

Respectfully submitted,

Ted Salem

**1-28-16**