

TOWN OF EAST BLOOMFIELD

Planning Board Minutes March 20, 2014

Planning Board Members Present: Brad Bennett, Gene Rogers, Julie Pellett, Daniel Compton, Karl W. Smith, Kip Jugle.

Absent: Brud Hedges

Others Present: Kim Rayburn (Secretary)

Bennett opened the meeting at 7:30 pm.

I. 7:30 P.M. Review the proposed changes to Town code and Review the Commercial District regulations for any future proposals.

The Board reviewed the original list of proposed changes to the Town regulations that was proposed in 2011, they were satisfied with the changes and additions including the Special use permit for used vehicle sales that the Board just created. Jugle would like the Town's Attorney to review the use of the words shall and will before the changes are completed. As the word will is a contractual obligation, and the word shall is not. There are still some action items that the Board would like to address, they were tabled for future discussion.

Bennett advised the Board that a conceptual meeting was held in front of the Town Board in regards to Dollar General's interest on a property located on 5&20. The property is currently zoned both Agricultural and Commercial from the road back two hundred (200) feet the property is zoned Commercial, both properties on either side are both completely zoned Commercial as well. The proposed rear lot will be in line with the property to the West which used to be a Bed and Breakfast but is now used for residential. The buyer would like to make the entire proposed parcel Commercial to be in conformity and compliance with the project as the majority of the proposed lot is already zoned Commercial. Jugle stated that would be considered spot zoning, Compton and Bennett stated that it would be a very minimal change as the majority of the parcel is already Commercial so he doesn't feel that a minor change like the proposed would be considered spot zoning.

II. Review the Natural Resource Extraction regulations for a Special Use Permit, and the Floating zone provided by Jugle.

Smith stated that they will be having a Comprehensive plan committee meeting on April 1st. Bennett gave Smith the floating zone information so he can share it with the Committee, no further review was necessary at this time on the floating zone by the Planning board. A discussion was held on the Special Use Permit, Jugle stated that the Town needed to define what Natural Resource Extraction is, then create a Special Use Permit for it. Some of the Towns involved did not have Special Use Permits so we will have to create one or incorporate Natural Resource Extraction into an existing Special Use Permit such as our current section § 135-73. **Commercial excavation operations**

A discussion was held on gravel, The Board would like to review the current Special Use Permit § 135-73. *Commercial excavation operations* as it is unclear if the Natural Resource Extraction regulations and standards could be combined with the Commercial excavations operations. Bennett and Rayburn will do some research on whether it is feasible to add criteria to the existing Special Use Permit for Commercial excavation operations or should a new Special Use Permit be drafted for Natural Resource Extraction which would be allowed in the AR-2 district and would become §135-73.1 *Natural Resource Extraction*. Bennett will also speak with Supervisor Crowley regarding the governing Body of the proposed Special Use Permit as the Town Board is the governing body for the Commercial excavation operations. Jugle suggested that the Town Board should be the governing body on any waivers for both Commercial excavation operations and Natural resource extraction giving them fundamental control but leaving the Special Use Permit review as a Planning Board function.

He also stated that the Planning Board should review the possibility of including waivers on all other Special Use Permits and adds the waiver verbiage below to Article X section §135-52 *General provisions* as some of the listed standards required for a proposal do not make sense and are unnecessary therefore improving our Special Use Permits.

Proposed addition of:

§135-52 h. The Planning Board may waive any of the Special Use requirements (standards), only after it has been demonstrated that local enforcement of the subject requirement has been pre-empted by State or Federal authority or not required. Requests for waivers must be submitted in writing by the applicant. Justification for waivers shall be documented in findings and shall be made by separate resolution of the Planning Board.

The Board agrees that the definitions listed below need to be added to our current definition section:

NATURAL RESOURCE EXTRACTION: Any activity which removes or significantly disturbs rock, gravel, sand, soil, oil, natural gas, timber, water, or other naturally occurring deposits.

COMMERCIAL NATURAL RESOURCE EXTRACTION: Removal of natural resources from their point of origin for private commerce. This does not include; clearing of vegetation, mass grading, or other site preparation completed as part of an approved subdivision or site plan for development; extraction of resources for personal use onsite by an individual residence and extraction of resources for use onsite in support of agricultural operations as defined in Town Code and New York State Agriculture and Markets Law.

III. Discussion:

Bennett stated that the Town Board declared themselves Lead Agency for SEQR on the Comprehensive plan, but he doesn't see where the Board made the determination of it being a Type II no further action required. This still needs to be done. Bennett will bring this to the attention of Supervisor Crowley.

IV. Minutes of March 6, 2014

**Compton made a motion Bennett seconded the motion to approve the minutes of March 6, 2014
All board members present voted aye, Vote was carried unanimously.**

V. Meeting Adjourned

**Smith made a motion and Pellett seconded the motion to close the meeting @ 9:20 pm.
All Board members present voted aye, Vote was carried unanimously.**

Respectfully submitted,

Kimberly Rayburn

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Planning & Zoning Board Secretary