

The Town Board of the Town of Spafford assembled at the Spafford Town Hall, 1984 Route 174, Skaneateles, New York with Supervisor Webb A. Stevens presiding and the following Board members present: Councilor Rick Fesko, Councilor Ken Lieberman, Councilor Merrill Clark and Councilor Jeff Ireland.

The following Town Officers were present: Town Clerk Lisa Valletta, Town Attorney Matt Kerwin, and Code Enforcement Officer Kim Fairchild. Supervisor Stevens called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

RESOLUTION 100-2009

Highway Garage Chimney Replacement

On a motion by Councilor Clark, seconded by Councilor Fesko the following resolution was PASSED AYES – 5 Stevens, Fesko, Lieberman, Clark, Ireland
NAYS – 0

Resolved approve payment of \$1,495 to Ramsden Contracting for materials for replacement of the chimney on the Highway Garage.

SOAWD

NYS Environmental Facilities Corporation is reviewing the zero percent interest status of the loan for construction of the Southern Onondaga Area Water District.

RESOLUTION 101-2009

Highway Garage Overhead Door Replacement

On a motion by Councilor Fesko, seconded by Councilor Lieberman the following resolution was PASSED AYES – 5 Stevens, Fesko, Lieberman, Clark, Ireland
NAYS – 0

Resolved to advertise for bids to replace two of the overhead doors on the Highway Garage. Bids to be opened at the December 10, 2009 Town Board meeting.

RESOLUTION 102-2009

Proposed Local Law 2-2009 SEQRA Report

On a motion by Councilor Clark, seconded by Councilor Fesko the following resolution was moved, seconded and adopted. AYES – 5, NAYS – 0:

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law No. 2009-2, which is intended to amend the Town of Spafford Zoning Code; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”), the Town Board is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Town Board, and the approval of Local Law 2009-2 constitutes such an action; and

WHEREAS, in connection with the preparation of the Local Law, the Town Board prepared an environmental assessment form (“EAF”), which has been used to determine whether and to what extent the Local Law may have a significant adverse impact upon the environment, and has reviewed all such information in that regard; and

WHEREAS, pursuant to a resolution adopted by the Town Board on September 24, 2009, the Town Board declared its desire to act as lead agency for the purpose of conducting a coordinated environmental review of the Local Law; and

WHEREAS, the Town Board notified the New York State Department of Environmental Conservation (“NYSDEC”) of its intent in this regard by letter dated September 30, 2009; and

WHEREAS, NYSDEC did not object to the Town Board’s desire to act as lead agency within the requisite thirty (30) day period under SEQRA; and

WHEREAS, based upon the information provided, the Town Board has: a) determined that the Local Law qualifies as a Type I Action as defined under SEQRA; b) chosen to conduct a review of the Local Law pursuant to SEQRA; c) performed a “hard look” review of potential environmental impacts arising from the Local Law; and d) determined that the Local Law will not cause or result in any significant adverse environmental impacts, which qualifies it for issuance of a Negative Declaration from the Town Board; and

NOW THEREFORE, be it RESOLVED by the Town Board as follows:

1. The Town Board classifies Local Law 2009-2 as a Type I Action pursuant to SEQRA.
2. The Town Board approves and adopts the Negative Declaration attached hereto consistent with its determination that Local Law 2009-2 will not have a significant impact upon the environment, thus concluding the Town Board’s SEQRA review of Local Law 2009-2.
3. The Town Board authorizes the Supervisor or the Supervisor’s designated appointee(s) to prepare, execute and file as necessary all documents in support of the above-referenced Negative Declaration issued in connection with Local Law 2009-2.
4. This Resolution shall take effect immediately.

PUBLIC HEARING FOR PROPOSED LOCAL LAW 2-2009

A motion to open the public hearing for discussion of proposed Local Law 2-2009 was made at 7:14 p.m. by Councilor Clark and seconded by Councilor Lieberman. The motion PASSED. AYES – 5, NAYS – 0.

Town Attorney Matt Kerwin spoke of the need to update the existing thirty-year-old Zoning Ordinance to better protect the diverse characteristics of the town and provide a consistent means to identify existing and future land uses. Essentially, the current ordinance allows three uses: single-family homes, two-family homes, and agriculture. The Zoning Board of Appeals and the Codes Enforcement Officer struggle with interpretations of the current zoning ordinance to answer the many requests for other uses. *(The comments, questions, and responses are not recorded verbatim)*

Dave Myers What is the purpose of this meeting?

Supervisor Stevens To present the completed draft Zoning Ordinance. The Town Board is looking for opinions from the public; if the suggestions are reasonable and approved by the Town Board, minor adjustments can be made and the draft adopted. Major changes to this draft would require an additional public hearing.

Craig Luce The informational session for this draft that was held in August was poorly timed. Many families schedule vacations in the late summer and were unable to attend. I have many concerns I'd like addressed:

- Why allowance for adult oriented businesses? Many things in the code say "I cannot do this" yet there are two pages that say we want to preserve our rural community but I can open a strip club.

Councilor Lieberman There are certain things that the State law dictates; we cannot preclude them.

Matt Kerwin Court of Appeals and other courts have ruled we can't exclude them entirely, we tried to place enough restrictions to deter them.

- Very concerned about clustering; one is being proposed for the end of my road; I draw your attention to page 60, section c, paragraph 1.

Matt Kerwin It would be at the discretion of the Town Board; it allows for some "wiggle room".

- Kudos on the time frames, but I notice there are none regarding Code Enforcement receiving applications and the time within which to act upon them.

Matt Kerwin That time frame is covered under Town Law.

- Do the Town Board, Zoning Board of Appeals, and Planning Board have to be different people?

Matt Kerwin Yes, according to New York State.

Frank Moran Is this the only meeting for discussing this proposal?

Supervisor Stevens Depends on the comments that come up tonight.

Frank Moran The Town of Marcellus has 37 pages in their zoning ordinance, why is Spafford's 127? I would like to see a briefer version, in lay language. Is the acreage proposal 10 acres per building lot?

Supervisor Stevens No, it is two acres.

Frank Moran I like the two acres, but I'm concerned about young folks looking for a start.

Supervisor Stevens We are looking to address issues that may arise in the future as well as provide an avenue for issues that are coming before the Code Enforcement Officer and Zoning Board of Appeals now.

Dessa Bergen Two acres is good, but on Skaneateles Lake, is 15,000 square foot lot size correct? Isn't that smaller than the current? I'm concerned about septic systems along the lake.

Councilor Lieberman The lot size is the same as it's been since 1973.

Dessa Bergen I feel its too small. Has it been sent to Onondaga County?

Councilor Lieberman Yes, they had no recommended changes.

Dessa Bergen What about Syracuse Water Authority?

Councilor Lieberman Yes, they reviewed the draft, but they have no authority to suggest changes.

Dessa Bergen Allowing 40% impervious surface on Skaneateles Lake is large

Councilor Lieberman It was changed to 25% in the final draft.

Dessa Bergen Otisco Lake has 35%, but the lot size for Otisco Lake is only 7,500 square feet.

Councilor Lieberman Yes, it is quite different from Skaneateles Lake; 7,500 square feet is the size of most existing lots.

Linda Dennie Are there any restrictions on how big a structure can be on the 2 acres?

Councilor Lieberman Yes, the setbacks and coverage control size of the structure and height is based on grade level.

Dave Myers Article 7, looking at Accessory Buildings - boats and trailers are not permitted in front yards; can it be changed to not within a specific distance from the road?

Councilor Lieberman We're looking to prevent unsightly storage.

Joyce Larrison Is front yard defined?

Councilor Lieberman Yes.

Craig Luce It seems burdensome, but I understand the intent.

Bob Eggleston I applaud your initiative to come current and plan for the future with the revisions; but you should be careful - look to have this serve you for 10 or 20 years, and not have to run back with major changes. There is some vagueness and some inconsistencies. A comprehensive plan should come before any zoning revision. There are two drinking sources that need to be considered. I'm concerned with 1/3 acre lot size on Skaneateles Lake and only 1/6 acre on Otisco Lake. One acre is the State standard minimum lot size; existing lots would be protected. You should reconsider allowing future small lots. Also, you should seek to rid yourselves of frivolous variances. This zoning revision seems prejudiced against boathouses: it allows a restaurant on 1/6 acre, but not a boathouse. This seems reactionary to recent issues. Additionally, the mean high water mark referenced, is it USGS 1929 or 1988? There's a six inch difference.

Supervisor Stevens Bob, I see you've got quite a list there; but can we allow some others a chance to speak?

Ranjini Govender I'm against more boathouses being built on Skaneateles Lake. Is there a way to get in front of the ZBA through section 267a?

Matt Kerwin Yes, its part of Town Law; many things were left out of the revision that exist in Town Law to keep it less cumbersome.

Rich Schreiner Are existing structures grandfathered?

Matt Kerwin Yes.

Kate Cormack A master plan is needed before the zoning should be adopted.

Supervisor Stevens We have some financial issues that affected this; yes, it is getting the cart before the horse, but it's really needed.

Matt O'Brien The residents should have some input on this, not just a committee of five.

Kelly Savage On page 73, it mentions odor, but there's no exception for farms.

Matt Kerwin Farmers are protected by State law.

Holly Norton What size farm?

Matt Kerwin If it's classified as a farm operation, which is at least 7 acres with a gross income of \$10,000.

Chad Marsh This zoning would greatly restrict my future plans for expansion of my recreation business.

Matt Kerwin The use permit covers your existing property. Section 9-2 covers you.

Jim Clark This says no junkyards, why? What if they're fenced?

Matt Kerwin No new junkyards are allowed; existing ones would be grandfathered.

Phil Haines Maybe you could limit the number of complaints allowed to be filed by one person on the same property for a time period.

Eric Fordock What has the Town Board gathered from tonight's comments?

Supervisor Stevens The Town Board will check to see if the concerns have been addressed by zoning and if changes can be incorporated.

Eric Fordock Will there be another opportunity for public comment?

Supervisor Stevens Yes.

Eric Fordock Who has the final vote?

Supervisor Stevens The Town Board.

Eric Fordock Can major changes be incorporated?

Supervisor Stevens Yes; and additional hearings will be held if that happens.

Jody Fisher Outdoor wood boilers - if not used within seven consecutive months....

Supervisor Stevens It's been changed to twelve

Jody Fisher No existing can be replaced?

Supervisor Stevens They can, but they must meet the Phase I or Phase II specifications.

Jody Fisher What if it's on a non-conforming lot already?

Supervisor Stevens It can be replaced.

Brad Haines It's okay for farms to store unregistered vehicles in sight, but non-farms can't?

Councilor Lieberman State law allows farms the exemption.

Jim Clark Is it legal to have unregistered vehicles now?

Kim Fairchild No.

Jim Clark If it's an antique?

Kim Fairchild Yes, as long as you have proof that it's antique.

Jim Clark What if there's a junkyard now?

Matt Kerwin It falls under the 1973 zoning law.

Supervisor Stevens Are there any additional comments? Being none, may I have a motion to adjourn the hearing?

A motion to adjourn the public hearing at 8:51 p.m. was made by Councilor Lieberman and seconded by Councilor Fesko. The motion PASSED. AYES - 5, NAYS - 0.

ADJOURNMENT

A motion to adjourn the meeting at 8:52 p.m. was made by Councilor Lieberman, seconded by Councilor Fesko. The motion was carried unanimously.

Respectfully submitted by,

Next meeting to be held
Thursday, December 7, 2009 @ 7 p.m.
@ Spafford Town Hall

Lisa M. Valletta
Town Clerk
Town of Spafford