

**Dryden Agriculture Advisory Committee
August 8, 2018**

Members present: Evan Carpenter (Chair), Kim LaMotte, Steve Foote, Marie McRae, and Brian Magee

Absent: Jeremy Sherman

Liaisons: Craig Schutt (Conservation Board) and Craig Anderson (Planning Board)

E. Carpenter called the meeting to order at 7:32 PM.

E. Carpenter asked if everyone had reviewed the minutes from the July 11, 2018 meeting. K. LaMotte made a motion to accept the minutes, M. McRae seconded the motion and it was unanimously approved.

Site Plan Review for Agriculture

C. Anderson – Background: I presented the definitions, D. Michaud put them in the document. It was presented at the planning board and the majority of the board freaked out. They think that they should have some oversight on ag related enterprises. That term came out of the zoning law from Dan Kwasnowski and Mahlon Perkins when they wrote it. One reason I'm on the planning board is to fight against some of these. When zoning was first adopted, and when it was proposed, we all came out and said you can't do this on ag. There are so many things that ag isn't represented in in zoning at all.

E. Carpenter – A lot of it was against Ag & Markets law.

C. Anderson – Exactly, and they came up with the Agricultural District thinking that these ag enterprises could be confined in that, all commercial agriculture would be confined in that. That's where the Ag District came from. If you look at the use charts, you will see that in the Ag District ag related enterprises are allowed. They're not allowed elsewhere, which is interesting. That's one reason I got on the planning board was to help facilitate this and 6 ½ years later we are still nowhere close to being resolved on this. I think after two meetings talking about definitions (the planning board), they are okay with the definitions because they know it's right out of Ag & Markets law. But they still think there should be a site plan review process for agriculture. They keep using Hopshire as an example, nobody wants to see that next to their house. Well, realistically, he is an allowed use in that zone. So that is a poor example. Another example would be if you (M. McRae) opened that up on your land the neighbors might complain. It's more about what's going to happen in their backyard. Ag & Markets will allow a site plan review process for an ag related enterprise, I'm going to keep using that term because that's what it is about. It's not about agriculture. It's not about your farm operation.

7:40 PM B. Magee arrived.

M. McRae- So ag related is the key.

C. Anderson – That's the key piece and I want to emphasize that, and again, that's not an Ag & Markets term that's a Dryden term to simplify this process. It's already in our zoning. For example, Hopshire, the beer part is an ag business, the event side is an ag-related business. The event side is where the site plan review process would come in.

M. McRae- So if they were only a bar?

C. Anderson – If they were only growing hops and making beer for distribution then they would be an ag operation. But the fact that they open to the public, now you've created this situation where they could

have some oversight on it. The planning board talked about coming up with a list of ag related enterprises. It could be anything under the sun.

K. LaMotte – You never know. It's going to be evolving.

C. Anderson – I think it's already defined in the law, because we have a farm operation already defined and that changed agriculture. So that's protected, no one is going to stop you from building a barn and raising crops. You aren't going to have oversight on that, at least I don't want to see that.

E. Carpenter – But if she puts in a playground and a corn maze?

C. Anderson – Again, I think it must be up to the planning department. They may want to look at the parking situation. That's it. We have a pretty simple site plan review and sketch plan review process, which I distributed last month. Some of them don't relate to agriculture at all and some of them could. I was thinking that if we could marry the two of them together and come up with a simple checklist that could be done in house. The planning department would do it for us. Ag & Markets law says there has to be an expedited review and that we cannot hold a public hearing, so the planning board can't do it. In our laws we can hold a public hearing for any site plan, it is our choice. Just that language alone kicks out having the planning board do it. The timeframe is also an issue for the planning board because you do a preliminary with R. Burger, a sketch plan, and then a preliminary with us – there's three months. That's not an expedited review. The last sheet I handed out, in the red, had the starting of the process and who oversees this. I don't think I put a time frame in because it's a moving target. Last year was 30 days, this year is 45 for Ag & Markets. It'd be like a building permit. If you are a savvy businessperson you would be financially foolish to invest into something like a tack shop. Once the farm is gone the tack shop would be an illegal business in the conservation district. You would then have to get a special use permit to keep the business. It becomes a non-conforming use and you're at the mercy of the town board or ZBA.

K. LaMotte – So they can go backwards?

M. McRae – This is not backwards.

K. LaMotte- But if you have it and then suddenly something changes.

C. Anderson – What you're looking at is it's an allowed use to ag but it's not an allowed use to the zoning in the conservation district.

E. Carpenter- She used to be rural ag and then they changed it to be a rural conservation and that would throw that out of there.

C. Anderson – There are no rules for zoning. Zoning can change tomorrow.

E. Carpenter – And then that tack shop is an illegal entity.

C. Anderson – An example would be Icodema (the old Werninck's building which was mercantile), that got re-zoned as rural residential. The only use that could go into that building was mercantile. When Icodema came and felt it would be the perfect building for them, the zoning had to be changed. They are light industrial so the zoning was changed to mixed use commercial, then for it to not be spot zoning they also took in the Crawford property across the street. That's how quickly zoning can change. That changed in two meetings of the town board. Because of that, you're not going to see anybody invest heavily in an ag-related enterprise in the conservation district.

K. LaMotte asked M. McRae – When they changed that (maybe you don't have a problem with that) did you argue that at all? Or do you not care?

M. McRae- I don't have a tack shop or anything like that so it made no difference to me.

K. LaMotte – They did it to one parcel of ours and I squeaked a little bit and they changed it back to rural ag from conservation.

C Anderson – That's a bigger issue than just changing the zoning or adopting some sort of site plan/sketch plan process. That goes back in history why we have an ag district. It's basically rural residential with the only other difference being that it has the allowed use of an ag-related enterprise.

That is how ag-related enterprise got introduced into the zoning. I'm trying to use it as a foundation for the difference between an ag operation and something broader. It's there so you might as well use it, otherwise you're rewriting use tables and the whole thing. I think it should be up to the department because it changes so quickly. Agri-tourism wasn't in Ag & Markets law 4 years ago. That's a moving target. If they say they don't agree that's an ag related enterprise, then it's up to the farmer to call Ag & Markets and say they are denying me my right for this, or if they think that the site plan review process is too restrictive. There's always an out for the farmer there.

Debbie was questioning, last month, if you needed to get a permit for an ag building. I've always gotten permits on ag buildings. You don't have to meet any building code to build an agricultural building, you'd only have to get a permit.

E. Carpenter – I thought that according to Dryden you did.

C. Anderson – That was according to Dan. According to the law, they don't have to meet any standards so you don't have to get a permit. But, that building can only be used for ag. You can't convert it into another use. At least have the structure and the footings inspected.

B. Magee -I thought it was a good idea, I wasn't building it myself, to check on the builder.

C. Anderson – I had the new building up on Bradshaw inspected and when Dave asked why, I explained I wanted it inspected so no one would come back on me in 10 years and question the ability to change the use of the building.

B. Magee – The drainage off them is important too so it's not going into an active stream. Putting the gutters in we could have put them in going to the front, but the inspector indicated there was a stream to the front so we put the gutters to the back. That saved us a lot in terms of gravel and everything else. You just mentioned the corn maze. I've been to Stoughton's a couple of times and the parking is dangerous after dark. They don't have lighting, there are a lot of kids running around there, it petrified us to drive through the parking area. If it had rained very much, all their parking is down from the road.

K. LaMotte – It's your responsibility then. If somebody gets hurt in their maze or parking lot, they'll be done. I've been to some conferences where somebody had something where the public came on premises and there was an injury. That was the end of the farm.

C. Anderson – So I think that's where we're at as far as the planning board goes. If you want to proceed with this and try to come up with a checklist and run it by them. I think it would be easier if a couple of people sit down and go over it and come up with something that makes sense. I know the planning board will have a different opinion.

K. LaMotte – Checklist off this checklist here on page 65?

C. Anderson – Yes, site plan checklist.

K. LaMotte – It seems like we should just do it, whether you want to stay or not. All these things from 65 to

C. Anderson – Some of these are done administratively, they make sure that the first checklist is done by the planning department before it goes to the planning board. A lot of it, like landscaping plan, you don't have to do. Construction schedule, yes. I know they are going to ask for some sort of storm water, and that's if you disturb more than an acre of soil. A farm has to deal with storm water anyways.

K. LaMotte – Well you're familiar with the stuff.

C. Anderson – Any questions?

M. McRae – You think we should come up with our checklist?

C. Anderson – Yes, pick off the list.

E. Carpenter – Signage?

C. Anderson – I don't believe our zoning law is in compliance with Ag & Markets law. It restricts the size of the sign to smaller than that of a contractor sign. I can have a 4X8 contractor sign in the yard, but as a farm the sign is much smaller. I don't know why that didn't get changed in the law when it was going

through review. Technically, a farm can have as many signs as you want. You can put them down the street as directional signs and things like that, a business can't. It still reads in our zoning law that you are allowed two signs and only one out front. It hasn't become an issue yet that I'm aware of. You're looking at egress from the property, if it's back far enough so you can see to get out of the driveway. They want these low-profile signs.

They discussed signs around the town that don't meet the low-profile rule.

C. Anderson -If you want to go through the checklist, I'd be more than happy to.

E. Carpenter- Yes, let's start.

Review of attached Site Plan checklist to come up with an ag checklist

C. Anderson – We will start with Section 1103: Application Content, page 65, section B:

#1 – Drawings – that's reasonable.

E. Carpenter – Professional drawings or farmer's sketches? How fussy are they going to be?

C. Anderson – It's easy enough to print a tax map. We have accepted, from homeowners, hand drawn sketches that aren't to scale. The larger the building, you're going to get a more professional drawing for.

E. Carpenter – The architect already has one drawn up, typically.

C. Anderson – So you're also going to get a more professional drawing and site plan along with that. It's going to be the planning department's decision as to what will or won't work.

#2 – Boundaries of the property plotted to scale.

C. Anderson – I think a tax map would suffice for that. You can print it off the Tompkins County website, you can certainly get it here too.

8:01 P.M. S. Hatfield arrived.

#3 – Identification of the highway – yes

#4 – Existing waterways/wetlands – Yes, you can get that on the GIS – they have that here. They will do an overlay so you're not building in the middle of a waterway. Again, that's touch and go with Ag & Markets. If it is the only place to put your structure and you'll be encroaching on the road, you are allowed to do that and not meet town setbacks.

#5 – Grading and drainage plans--

E. Carpenter – that's required by soil anyway.

M. McRae- As Brian pointed out, the drainage is important.

C. Anderson - I would tie this in with storm water if you are required to do storm water.

Again, if you're just putting up a garage or farm stand, you are going to take care of your own water.

E. Carpenter – Storm water?

C. Schutt - Yes, it would be to a certain extent.

C. Anderson – The trigger point for that would be 1 acre. We also do 2,000 feet, that is our soil disturbance law.

E. Carpenter -It's required by soil disturbance law.

#6 – Design and type of construction – No, but it's not that big of a deal to ask the construction.

#7 – Parking/loading areas – Shouldn't be a big issue to ask.

- #8- Pedestrian sidewalks – No, ADA and building code will take precedence.
#9 -Bicycle parking – No.
#10 – Waste disposal containers/outdoor storage areas – No.
#11 – Location, design and construction materials for site improvements – No, can't require a farm to put up a screen from the neighbors.
M. McRae – So you can't require a screen from a related a business?
C. Anderson – No, because the business is part of the profitability of the farm, that's how Ag & Markets are going to look at it.
S. Foote – No if it's ag use in an ag district.
#12 – Method of sewage disposal – No,
#13 – Securing potable water – Yes.
#14 – Emergency zones/location of hydrants – Yes.
S. Foote – Explained emergency zone. Locations of chemicals on site is important to know.
#15 -Energy distribution- No.
#16 – Signage – Yes, but you don't have to comply.
#17 – Identification of 911 – Yes.
#18 – Buffer zone – No.
#19 – Outdoor lighting – Yes, it's a big issue.
E. Carpenter- Neighbors might not enjoy your lights
C. Anderson – Everyone is on night sky compliant lights – all down facing so you don't have flood lights blasting everywhere. Location, height and intensity are important.
#20 – Fixtures – goes hand-in-hand with #19.
#21 -Direction of lighting goes with #19.
#22 - #28- No.
#29 – Storm water -Yes.
C. Schutt– I would say all you probably would need would be the erosion/sediment control plan. I know that if a project has been funded through a grant, Ag & Markets says you have to have a simple erosion sediment control plan.
B. Magee – While you are building, until you establish grass.
C. Schutt – But they don't expect you to go to an engineered, huge storm water plan. That can be pretty darn expensive.
C. Anderson – So what would you say?
C. Schutt- Erosion and sediment control plan, by the town law (cross out storm water management).
C. Anderson – In your case, you would probably use hay bales.
#30 – Short or Full EAF – No.

C. Anderson – In our process for a site plan, this is what the planning department would review before it came to us for review. The checklist would be done for us. We would have this information in front of us and then we would critique that in this next step.

Section 1104: Board Action on Site Plan Review Application

A & B would not apply.

B. Magee – I went to a public hearing where Frosts were going to build the garage they have a little bit closer to the road than what was approved. All the neighbors were notified.

C. Schutt -But that wasn't an ag operation, that was just a building they were putting up. They had to get a variance.

B. Magee- If an ag building was closer to the road you would have to do something like that.

C. Schutt -No, do you?

C. Anderson – No, ag doesn't have to comply with zoning if it is the only place to put it. If there is another place to put it you would have to meet the setbacks.

Section C

C. Anderson – We get into the review questions and you'll see they are kind of repetitive again.

#1 - Location, arrangement, size, so we did that on the first one. – Yes

#2 – Vehicle traffic and pavement surfaces and width – Yes, rest of them – No

#3 – Location, arrangement, appearance, and sufficiency of off-street parking and loading – Yes

#4 – Pedestrian traffic – No, building code dictates that.

#5 – Adequacy of storm water/drainage – Yes.

#6 – Water supply and sewer – Yes.

#7-#12 – No.

Section D

K. LaMotte – If our goal is to have the planning department do this, why are we even worrying what the planning board determines?

C. Anderson – To get this written into the law, you will have to go through the planning board. The procedure needs to be changed in this law too. Now the planning board and the town board have jurisdiction over these actions. What is going to change is this new document will be done by the planning department, they would have jurisdiction.

The lawyer will have to come up with the wording to be used. This would be a site plan review for an ag-related enterprise and then the planning department would have jurisdiction.

K. LaMotte- We can't just say we want the planning department? The recommendation needs to come from us?

C. Anderson – We are asking for that, but the fine printing of that would need to be done by the attorney, and then there is a time issue involved.

I will condense this down into one document and send it out to all of you for review, then if you all agree on it we can send it out to the planning board and see what they want to do. I think it's smart to keep the language the same. It's still not too late to put signage into the mix of definitions if you wanted to change that too.

K. LaMotte – We should change it to what Ag & Markets allow.

C. Anderson – They do have a guidance document. A lawyer would have to come up with wording for the signage to match Ag & Markets.

B. Magee- Are fire vehicles any wider than tractors? S. Foote – Ladder truck can be tough getting in anywhere around these roads because of the wheel-base.

C. Anderson – But you have to remember that agriculture is exempt.

B. Magee- But I would like to know to be able to warn the fire company, so they don't try to drive in.

K. LaMotte- What would the fire department do?

S. Foote- You don't put the ladder truck in the driveway, you do it simply with hoses and stuff off the ground.

C. Anderson – We ran into this with the Pinney property where the solar farm is going, you've got two ag buildings back there. My complaint is you have two ag buildings. When they become a commercial use, you don't have fire protection back there. The road should at least be built to meet that issue.

B. Magee – Who would evaluate that?

S. Foote – Call your Harford chief.

C. Anderson – We always recommend people talk to the fire chief to get turning radius. You get a different answer from each chief.

S. Foote – Without water service there, they will have the tankers on the road and will have to run a line from the road.

E. Carpenter- With the solar that is going on my property, the driveway going down to it (since the property is being subdivided off) must meet subdivision rules with regards to width and whatnot.

C. Anderson – Solar is exempt from the fire code.

C. Anderson – Delaware River were nice guys to work with. Had more of an issue with the planning board adding 10' to the right of way. It was a 40' right-of-way for service to two 20' flag lots. If it ever comes out of use of solar it becomes land locked. There can only be two lots back there. By putting in the extra 10' you can then put a roadway in that could service multiple houses or anything.

C. Anderson – There is an alternate position on the planning board if anyone is interested in jumping ship, or if you know someone in agriculture that might be interested.

Cornell student work

E. Carpenter – I would rather wait to have D. Teeter here for that discussion.

New Business

M. McRae – Remember the legislation on carbon farming? We sent letters in support. There is a small group of us that are planning a forum on carbon farming in Ithaca on September 26th at the library. We have somebody from California coming in. He has been doing a lot of range land reclamation and he will talk about that. Then we will have a panel, can't tell you who is going to be on the panel yet, of local people. I'll send more information. It's going to be at 7 or 7:30 in the evening.

C. Anderson -Last year Tompkins County was going to try to do some siting for some small wind. Did that ever go anywhere?

M. McRae – I didn't make it to the meeting where the wind ordinance was being talked about.

C. Anderson – This was more location related, not zoning. They were anywhere from 50KW to 500KW, I think.

S. Foote- We got a report on that at our farm. They sent a map that had wind speed and sites.

C. Schutt – The town board has given the task to the planning board, conservation board, and ag committee to all discuss that renewal energy code in small wind.

S. Foote made a motion to adjourn the meeting, seconded by K. LaMotte and unanimously approved.

The meeting was adjourned at 9:05 PM.

Respectfully submitted,

Chrystle Terwilliger
Deputy Town Clerk