

**TOWN OF BROOKLYN  
PLANNING AND ZONING COMMISSION  
Special Meeting  
Wednesday, May 24, 2017  
Clifford B. Green Meeting Center  
69 South Main Street  
6:30 p.m.**

**MINUTES**

**I. Call to Order** – Chair, Michelle Sigfridson called the meeting to order at 6:34 p.m.

**II. Roll Call** – Michelle Sigfridson; Carlene Kelleher; Craig Dunlop; Aaron Kerouac; and Jules D’Agostino. Alan Carpenter, David Fuss and J. Mohn were absent with notice.

**Staff Present** – Jana Roberson, Director of Community Development.

**III. Seating of Alternates**

Motion was made by C. Dunlop to seat J. D’Agostino as a Voting Member. Second by A. Kerouac. Motion carried (4-0-0).

**IV. Public Commentary** – None.

**Jeff Rawson**, asked if his comments could wait until the gravel discussion. M. Sigfridson stated that it would be okay since this is a planning meeting.

**V. New Business** – None.

**VI. Unfinished Business**

**a. Other Business:**

1. Review/Discussion of Draft Zoning Regulations, Topics: Ground Mounted Solar, Earth Operations, Donation Bins, etc.

**The Commission discussed Earth Operations:**

J. Roberson had updated the draft to include changes decided upon from discussions from the May 3, 2017 meeting. The packets to the Commission Members included comments received (but not yet reviewed) from Syl Pauley (Town Engineer), David Held (Provost & Rovero) and Jeff Rawson. Mr.

Rawson (seated in the audience) had submitted additional comments (e-mail dated May 23, 2017) which were not included in the latest draft.

It was decided to change all instances of “Excavation Operations” to “Earth Operations.”

The Commission reviewed comments by Syl Pauley (Memo dated March 7, 2017):

- 7.K.4.1. Area of Operation – No changes made.
- 7.K.4.4.c. On-Site Processing – Will be addressed - Importation of material for processing to be a separate special permit.
- 7.K.4.8. Truck Access – There was discussion including Mr. Rawson. No need for access roads to be able to support two-way truck traffic. A poll of the Commission Members decided in favor of a 12-percent maximum gradient for access roads: J. D’Agostino – yes; C. Dunlop – yes; C. Kelleher – No Opinion; A. Kerouac – yes; M. Sigfridson – yes.
- 7.K.4.13. Restoration – There was discussion including Mr. Rawson. Add the following sentence as the third sentence in the paragraph: No later than the end of the growing season of the calendar year following completion of the operation.

J. Roberson will cross-reference 7.K.4.13 and 7.K.5.5.e. and she will review to ensure that Standards and Application Requirements are in the right sections.

- 7.K.4.14. Loam to be Retained – There was discussion. The language in the Restoration Plan and the reference to the New York State Revegetation Procedures Manual address this.
- 7.K.5.1.a. & 7.K.5.1.c. – There was discussion including Mr. Rawson. It was decided to add Mr. Pauley’s recommendations.
- 7.K.5.1.g. – There was discussion including Mr. Rawson. It was decided to add Mr. Pauley’s recommendation regarding detailed drainage calculations for water leaving the site.
- 7.K5.1.i. - There was discussion. It was decided to add Mr. Pauley’s recommendation regarding wetlands, but not aquifers.
- 7.K.5.5.c. – There was discussion including Mr. Rawson. It was decided to add Mr. Pauley’s recommendation regarding a minimum separation of 5 feet for groundwater to the Standards Section under Restoration, but to leave it ambiguous for bedrock.
- 7.K.6.3. – Typographical error correction: Add a space after the hyphen following the word “surface.”
- 7.K.6.6. – There was discussion including Mr. Rawson. The Commission did not agree with Mr. Pauley’s recommendation regarding visual aesthetics. Screening is required.
- 7.K.6.7. – It was decided that this is already covered.

- 7.K.7.3.a. – J. Roberson explained that this Section is now 7.K.7.2.a. since the Section had been reorganized. There was discussion including Mr. Rawson. Ms. Roberson explained that inspections by a third party for special cases can be done under an existing Ordinance.
- 7.K.7.3.b. (now 7.K.7.2.b.) - There was discussion including Mr. Rawson. J. Roberson explained that if water samples are needed, the operator would be responsible. Ms. Roberson will ask ZEO, Martha Fraenkel, for her input.

J. Roberson stated that she had changed from “guaranty” to “guarantee” in Section 7.K.7.1. Following Approval.

The Commission reviewed comments by Jeff Rawson (dated May 23, 2017):

- 7.K.1. Purposes - There was discussion including Mr. Rawson. It was decided to add the word “unintended” before “depletion of natural resources.”
- 7.K.3.1. & 7.K.3.2. – J. Roberson explained that the effective date will not be known until the Commission takes action at a public hearing.
- 7.K.4.2. - Holidays will be listed: New Year’s Day; Memorial Day; Fourth of July; Labor Day; Thanksgiving Day; Christmas Day.
- 7.K.4.3 Property Line Setbacks - There was discussion including Mr. Rawson. It was decided to add the following language: Third sentence to read, “Where the use of an ABUTTING property is similar or compatible to the proposed use or where the topography of the property is appropriate and where the Applicant has obtained the abutter’s consent in writing, the Commission may allow material to be removed to the property line to conform to existing or proposed grades.”
- 7.K.4.15 Underground Mining Prohibited – There was discussion including Mr. Rawson. It was decided to change to Mining Below Grade Prohibited.

C. Dunlop left at 8:30 p.m. There was no longer a quorum.

The Commission reviewed comments by David Held dated February 20, 2017:

- 7.K.3.3. Pre-Existing Excavation Operations. The Town’s Land Use Attorney has reviewed this Section and is okay with it.
- 7.K.4.1.a. Area of Operation – This has been addressed.
- 7.K.4.3. Property Line Setbacks – This has been addressed.
- 7.K.4.4. On-Site Processing – There was discussion including Mr. Rawson. No processing within 100 feet of a property line, however,

there was a consensus among the Commission Members present to leave the flexibility.

- 7.K.4.8. Truck Access – The Commission did not agree. This has been addressed.
- 7.K.4.9. Warning Signs – There was discussion including Mr. Rawson. To read as follows, “The applicant shall make provision for such highway warning signs as are required by the State Department of Transportation or the Board of Selectmen, as the case may be.”
- 7.K.4.11. Use of Buildings – There was discussion. No changes made.
- 7.K.4.12. Maximum Finished Slope – 3:1 is standard for erosion control.
- 7.K.4.13. Restoration – No changes made.
- 7.K.5.1.b. Plan Scale – To read as follows, “Plans to be drawn to a standard scale appropriate to the extent of the site.”
- 7.K.5.3. Machinery on Premises – No changes made.
- 7.K.5.6. Haul Patterns – It is the interior haul pattern. No changes made.
- 7.K.6.2. Other Regulations – Reference to Subdivision Regulations is inappropriate and has been removed.
- 7.K.6.5. Traffic Impacts – There was discussion including Mr. Rawson. J. Roberson explained that the following had been added, “The Commission may require the submission of an off-site traffic routing plan and a traffic analysis prepared by a traffic engineer.” But it should state that the off-site traffic routing plan is prepared by the Applicant and the analysis is prepared by a traffic engineer. An on-site haul pattern is also needed.

7.K.5.6. – Replace “on-site” to “interior.”

- 7.K.7.1.a. & 7.K.7.1.c. Financial Guaranty – J. Roberson made these conform to the State Statutes (Statute was included in the packets to the Commission Members). It will be reviewed by Peter Alter.
- 7.K.7.2. Permit Review – This was deleted. Martha Fraenkel had agreed.
- 7.K.7.4. Permit Expiration and Renewal – 2 years (unlimited).
- 7.K.7.5. Enforcement – Now 7.K.3. and was written by Peter Alter.
- 7.K.7.6. Conformance – No changes made.

Mr. Rawson left at approximately 9:30 p.m.

**The Commission discussed Donation Bins:**

- 6.K.2.1. There was discussion regarding “at municipal facilities” and that there is a donation bin at the School. Replace “municipal facilities” to “transfer station.”
- 6.K.2.1.b. Written permission.
- 6.K.2.2 There was discussion regarding the \$500 certified bank check and who holds it. J. Roberson will have Peter Alter review it regarding financial guarantee. It was suggested that it be called a bond. Will there be a problem if only one party is notified of removal?

**The Commission discussed Affordability:**

- J. Roberson asked if the Commission would consider including the topic of affordability in the re-write of the Regulations.
- An article was included in the packets to the Commission Members. She also provided information regarding affordability in Brooklyn.
- Ms. Roberson explained how to figure affordability.
- Discussion continued.
- The Commission was receptive to the idea of including this in the re-write.

**There was discussion regarding wood-burning furnaces.** J. Roberson explained that State standards for air pollution address this. Discussion continued.

**VII. Public Commentary – None.**

**VIII. Adjourn**

M. Sigfridson adjourned the meeting at 9:55 p.m.

Respectfully submitted,

J.S. Perreault  
Recording Secretary