

# ST. LAWRENCE COUNTY PLANNING BOARD

## DRAFT MEETING MINUTES

December 11, 2008

Room 226 A and B, County Courthouse, 48 Court Street, Canton

### I. Initial Business

- A. **Roll Call and Determination of a Quorum.** Welch called the meeting to order at 7:00 PM. Members present: K. Bellor, M. Gazin, T. Jenison, L. Mattice, R. Matthews, D. Mullaney, W. Palmer, and D. Welch. **Members Absent:** K. Bisonette, S. Burns, W. Dashnaw, W. Davis, and J. Furnia. **Staff present:** M. Larson and J. Pfothenhauer.

D. Duff arrived at 7:03 pm.

- B. **Adoption of the Agenda.** The agenda was unanimously approved (Mullaney/Matthews).

- C. **Approval of the Meeting Minutes.** The November 13, 2008 meeting minutes were unanimously approved (Gazin/Matthews).

### II. Public Comments

None.

### III. Projects Reviews

- A. **Projects returned for local action under MOU.**

Pfothenhauer said six projects were returned for local action. When asked about the Hooper subdivision in the Town of Waddington, Pfothenhauer explained the owner intends to sell some of the new parcels to adjacent neighbors, and affirmed there is no limit to the number of parcels that can be sold. Because the project will result in 11 parcels, it is subject to major subdivision regulations. When asked if any of the new parcels would be landlocked, Pfothenhauer said no. Mattice pointed out the Addendum identified two subdivisions in Waddington with the same address. Pfothenhauer said the Miller subdivision is a typo that will be corrected.

- B. **Full Reviews.**

Hammond (T): White, 3-Lot Waterfront Subdivision, River Ledge Road. Pfothenhauer delivered an overview of the proposed subdivision, and recommended the project be returned for local action. Jenison asked if the project was subject to a one-acre minimum lot requirement, then asked if a lot of any size in Hammond could be established as long as it satisfied the 100' minimum road frontage requirement. Pfothenhauer said he would check to see if a minimum lot size requirement applies. Palmer asked if there was a minimum distance required between septic systems and the shoreline. Pfothenhauer said he knows the minimum separation between well-heads and septic systems is 100', and

assumes the same would apply between septic systems and shorelines. Duff asked if there were enough members present that would allow him to abstain from voting on the project. Pfothenhauer confirmed there were enough members present to approve the project with his abstention. A majority of the County Planning Board voted to return the project for local action (Jenison/Mullaney). Abstention: Duff.

Colton (T): Revisions to Local Land Use Law to Regulate Outdoor Wood Boilers. Pfothenhauer delivered an overview of the proposed revisions to the Town's zoning law, and said the revisions were comprehensive. Pfothenhauer said the revisions would allow outdoor wood boilers throughout town, regardless of zoning district, and recommended they be prohibited in more intensively-used residential areas. Pfothenhauer also noted the stack height requirements vary depending on a boiler's distance from the nearest adjacent residence.

Welch asked how the height and setback requirements compare to houses with wood stoves and chimneys that are attached to a dwelling. Pfothenhauer explained the maximum typical stack height above a boiler's fire box is 15'. The Town's proposed regulations require 2' above the eave of a roof, which may be difficult to satisfy on a free-standing boiler. Pfothenhauer also said the particulate emission standards for wood boilers are also different from those for wood stoves. Duff said the manufacturer often specifies where the boilers may be located, and doesn't believe they may be enclosed in a garage. Mattice wondered how the law would account for homes that are situated at different elevations, especially for properties located in the Higley Flow area. Pfothenhauer affirmed for Mullaney that the proposed code requires use of a chimney cap/spark arrestor. Pfothenhauer also suggested the proposed setback from property lines be comparable to boiler setbacks established by other towns in the county.

A comment was made that about 20 boilers may already be present in the town, but it is unknown if they are located in the hamlets. When asked about a grandfather clause, Pfothenhauer said the proposed revisions specify that the boilers may not be re-established if they are not in operation for more than a year. This requirement would not apply, however, if they are permitted in all zoning districts. Bellor recommended including a comment to determine the Town's intent for the law; does the Town intend to phase out boilers as they reach the end of their useful life? A similar suggestion was made to include a comment about the Town's intent to add a sunset clause, or to allow in-kind replacements with more efficient boilers. Pfothenhauer verified for Duff that an area variance would be needed for in-kind replacements that do not meet setback or other dimensional requirements. Pfothenhauer verified for Jenison that the proposed revisions specify the types of combustible materials that may be used in the boilers.

A recommendation was made to add a condition to prohibit the use of outdoor wood boilers from May 1<sup>st</sup> to September 30<sup>th</sup>. The County Planning Board voted unanimously to approve the project with conditions and comments (Matthews/Mullaney). Duff said he is glad the community is making an attempt to regulate the use. Pfothenhauer said the DEC is likely to announce statewide regulations on emissions in 2009 that will close a loop hole in existing EPA regulations.

#### IV. Reports

- A. **Executive Committee.** Welch said the Executive Committee met on November 25<sup>th</sup> to discuss tonight's agenda and project reviews.
- B. **2009 Work Program.** Jenison suggested adding a training topic on small wind towers. Pfothenhauer said wind turbines were discussed during the December 5<sup>th</sup> training session, and last year the County EMC developed a model law that includes regulations for small towers. Welch said the Towns of Hammond and Morristown have adopted the County's model law. Jenison added that he would also like to include the regulation of solar panels, so the potential training session could be on alternative energy sources.

Duff suggested DANC provide an update on the Dark Line fiberoptic system. Members of the Board replied that DANC has delivered two presentations to the Board already. Duff suggested requesting a written update. Pfothenhauer announced the Town of Norfolk invited the Planning Board to conduct a meeting in their community, and staff is presently looking at April 2009 as a possible date. Duff suggested including an ATV trails discussion at the Norfolk meeting. A suggestion was also made to hold a meeting at the Wanakena Ranger School. Jenison suggested conducting a meeting in the Town of Hermon on August 13<sup>th</sup>, and to invite Trout Lake residents to attend.

- C. **Board of Legislators.** Burns was not present to provide a report. Pfothenhauer said the County budget was passed on December 1<sup>st</sup>. The Board of Legislators (BOL) also passed a flow control local law, which requires all waste haulers to bring all trash to the Rodman Landfill in Jefferson County. Jenison asked if a vacancy on the Planning Board continues to exist. Pfothenhauer explained a newly appointed member recently resigned, and a new appointment by the BOL is anticipated next month.
- D. **Staff Report.** Pfothenhauer announced staff will be preparing Community Development Block Grant applications for the Village of Canton, the Town of Brasher, and the Village of Waddington. The County's new bus schedule went into effect on December 1<sup>st</sup> with new routes and transfer locations. The County will be replacing all four of its buses soon, and the Transportation Coordinator is working to advertise the bus system on a billboard. Palmer asked what funds were being used to cover the Transportation Coordinator's travel expenses to Washington DC and New Orleans. Pfothenhauer explained Robert is a member of a national transportation committee, and her travel expenses were paid with federal, not county funds. Pfothenhauer added Robert's trip to Washington secured Easter Seals funding for the County to provide a senior bus service. Jenison asked if any of the County's existing grants are in jeopardy as a result of the state budget situation. Pfothenhauer said all awarded grants to the County Planning Office are being implemented. Larson added the State informed the County that it reduced its award amount to provide Internet access to the Newton Falls Paper Mill.

V. **Other Items**

- A. **Announcements.** Welch announced Community Energy Services now has a ¾ time Executive Director, and that he attended a hearing for the proposed Northern Tier Expressway. Palmer said Governor Patterson is proposing to eliminate the Empire Zone Program. Jenison asked if the decline in the auto industry has effected the demand for Alcoa's materials. Bellor reviewed the decline in prices for aluminum and subsequent

changes in production levels. Alcoa has made tremendous cuts in its capital investments. The corporation's only modernization project is in Massena. Pfothenauer announced staff has begun incorporating the revisions to the County Policy Guide in earnest.

B. **Correspondence.** None reported.

C. **Next Meeting Dates.** The Executive Committee will meet Tuesday, December 30th, at 4:00 p.m. in the County Planning Office Library. The County Planning Board will meet Thursday, January 8<sup>th</sup>, at 7:00 p.m. in Room 226 A and B of the County Courthouse, 48 Court Street, Canton. The Planning Board's Annual Retreat will be held on Saturday, January 24<sup>th</sup> from 9:00 am to noon at the Canton Masonic Lodge located along State Highway 68.

VI. **Adjourn**

The meeting adjourned at 8:28 p.m.

Respectfully Submitted,

Dawn Mullaney  
Secretary

Minutes prepared by M. Larson

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