

ST. LAWRENCE COUNTY PLANNING BOARD

APPROVED MEETING MINUTES

October 8, 2009

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 7:02 PM. Members present: K. Bisonette, W. Davis, D. Duff, T. Jenison, R. Matthews, L. Mattice, J. Miller, D. Mullaney, W. Palmer and D. Welch. **Members Absent:** K. Bellor, S. Burns, W. Dashnaw, J. Furnia and M. Gazin. **Staff present:** M. Larson and J. Pfothenhauer. **Members of the public:** A sign-in sheet is attached.
- B. **Action on the Agenda.** Welch announced a third full review project (a use variance in the Town of Louisville), and a brief discussion about the upcoming Local Government Conference in Potsdam would be added to the agenda. The modified meeting agenda was unanimously approved (Matthews/Davis).
- C. **Action on Meeting Minutes.** Welch wanted to clarify his comments concerning the Ho Chi Minh Trail; Welch wanted to put that statement in the larger context of losing Chips money and its impacts on a municipality's ability to maintain their roads. Duff wanted to note he recused himself from a project review at Jenison's suggestion. A correction to Page 3 was requested to change the statement to "impassioned plea" rather than "impassioned flee." The amended September 10, 2009 meeting minutes were unanimously approved (Matthews/Duff).

Jenison asked if the approved meeting minutes are posted on county website. The answer was yes.

- II. **Public Comment** No public comments were made; members of the public were present for specific project reviews.

III. Projects Reviews

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

Welch described the MOU agreement for members of the public and explained projects that are not deemed to have countywide or inter-municipal significance are returned for local action. Mattice asked about the use variance for a Verizon Wireless Tower in the Town of Canton. Pfothenhauer explained the applicant is proposing a 200' tall tower, but the maximum height for a structure in town is 100' tall.

- B. **Full Reviews.**

Ogdensburg (C): Site Plan Review and Special Use Permit for Tractor Supply Company. Planning and Economic Development Director Justin Woods was present to

provide a full set of plans if needed for review, and to answer questions about the project. Pfothenhauer delivered an overview of the proposed project, and described the attachments to the staff report. Pfothenhauer discussed his rationale for developing a “blended parking ratio” to determine the parking demand for the proposed project. At the conclusion of his presentation, Pfothenhauer recommended a condition to reduce the requested parking; to maintain as much of the natural vegetation as possible along the rear of the property to separate the commercial use from adjacent residential uses; and to screen and enclose the dumpster.

A question was asked if the outside display required a special use permit. Woods replied when the SEQR was completed for the project, the review noted the project was for a special use permit. Woods added the City’s consultant is reviewing the applicant’s Storm Water Pollution Prevention Plan. Woods also responded to staff’s recommendations regarding site access and building realignment. The entrance/driveway to the property could be realigned to reduce the parking area, which would help maintain existing vegetation, and allow for good traffic flow along adjacent street. This suggestion would also resolve the turning-radius issue in the rear, and around the corner of building.

Davis asked what is gained from reducing the parking area. Larson replied it would allow for maximum building lot coverage. Jenison asked for the square footage of the reduced parking area. When asked about the existing pavement in the parking lot, Woods said the condition of the existing lot will require a full replacement. Woods also noted the plans call for a detention pond south of the proposed parking area. Bisonette said the leased area is roughly 6 acres based on dimensions specified in the plan.

Davis suggested all exterior lighting be downcast and dark-sky compliant, and noted the existing security lighting in the rear of the Tractor Supply Building in Potsdam is horrible. Wood said light spillage issues will be an enforcement issue. Pfothenhauer noted all proposed lighting is downcast, and will require full cut-off fixture.

Duff noted there was no mention of signage in the project. Wood said the City’s consultant addressed the applicant’s proposed signage. A sign will be mounted to the existing Aldi sign, and the proposed building sign satisfies the City’s sign standards. Wood also noted the Aldi’s sign is considered off site as it is situated on an adjacent property, which requires a variance.

Palmer said the roof on the existing building collapsed, is falling in on itself, and has been vacant for 26 years. Palmer asked why Ogdensburg allowed it to get to that point. Woods said he was unable to answer that question, but said the City took legal action against the owner, and a settlement agreement was reached. To the owner’s credit, Woods noted the owner is working to demolish the building. Palmer asked where building materials will be taken to. Wood assumed a solid waste facility, and didn’t know if any would be recycled.

Woods continued and said the City determined the project to be a Type II Action as it is an in-kind replacement of a similar use with a reduction in size. Woods added the City Planning Board will not take any final action until it receives comments from the County Planning Board. Woods reviewed the local conditions of approval. Jenison asked what

the City Planning Board's response will be to the County Planning Board's recommendations. Wood replied they would be incorporated into the final plans prepared by the applicant. The Special Use Permit and Site Plan Review for the Tractor Supply Company Store in the City of Ogdensburg was unanimously approved (Jenison/Matthews).

Norfolk (T): Special Use Permit to Expand Knapps Station Quarry. Larson provided an overview of the project, and explained how the State Mined Lands Reclamation Law usurps the local review process. When asked if county governments receive notices from the DEC for mining permits, the applicant's representative said based on his experience with other projects, the answer is no. Matthews asked what would occur once mining at the quarry is completed. The applicant's representative explained as part of the reclamation plan, the quarry will be filled into a lake and the surrounding area will be seeded.

Palmer asked if the Town residents are satisfied with applicant's and the State's responses, and said the project stinks from the head down. Palmer also said the project gives the appearance of collusion between the State and applicant. Larson replied the Town's ability to comment on the mining permit was a missed opportunity. Welch encouraged the applicant to be a good neighbor with the Town and its residents about its mining activities. Palmer said that when a larger corporation is pursuing a mining permit, there is no problem compared to the difficulties of a local resident who wanted to establish a gravel pit a couple of years ago.

Duff asked the applicant if they established a process for dealing with the contamination to wells. The applicant's representative explained as part of the environmental review process, a two-page document regarding water quality issues was developed as a condition of approval for the mining permit. An arbitrator who is qualified as a hydrologer will be appointed at applicant's expense if complaints arise. When asked if the applicant would expand the radius for testing wells, the applicant said the DEC found the proposed radius was sufficient. Duff asked the applicant if they agree with the traffic consultant's recommendations. The applicant's representative said Town roads would only be used for local deliveries, or trucks bringing supplies to site. Trucks hauling material from the site won't use the Regan Road. Matthews thanked the representatives for coming to provide information to the Board.

The Town of Norfolk Code Enforcement Officer said the Town missed its opportunity to comment on the mining permit, and the Town and its residents are upset. The Town will ask for the County's assistance in avoiding something like this in the future. Welch responded by encouraging the Town to call the Planning Office when receiving written communication that is not understood. Matthews suggested the State Mined Lands Reclamation Law as a future topic at the Local Government Conference. Duff recommended sending information to local boards regarding the law. Pfothhauer replied staff would be happy to do that. Larson suggested developing a model law to incorporate into the County Planning Board's 2010 work plan. Welch suggested the applicant has some Public Relations work to do in the community. Bisonette noted the importance of good communication between local players.

A Town resident who neighbors the project described when the public notice was first published in the local paper 45 people met at the local library to review the project materials. Despite resident concerns about water contamination and mining operations, she also noted receiving a letter from the DEC stating they are satisfied with the environmental review for the project. Now she learns the state law supercedes local regulations, and the applicant will need to conduct a public meeting to have open dialogue. Palmer suggested the Town Attorney examine if there is any legal recourse for the town to take, and said the Planning Office could recommend good land use attorneys from the Albany area. Palmer concluded by saying the DEC is not the last word in the State, and communities can resort to the court system.

Jenison asked if the project be returned for local action. Larson replied the state law doesn't say what local governments can do after the DEC has issued a mining permit. Duff reiterated the project was a missed opportunity, and would like to hear how it works out.

Louisville (T): Use Variance to expand machine shop to include repair shop. Pfothenhauer delivered the project review and discussed the previous use variance issued to the applicant in 2006. Bisonette asked if the applicant was locating a second building on the lot for the new use. Pfothenhauer explained the additional use would be established in the existing building. Pfothenhauer reviewed aerial imagery recently taken of the property, which showed the applicant is not satisfying the previous conditions of approval for the original use variance. **The use variance to expand the machine shop to include a repair shop was unanimously disapproved (Jenison/Duff).**

Jenison asked staff to identify other land uses that are regulated by the state and not at the local level. Pfothenhauer noted those uses include airports, solid waste facilities, mining, and federal, state and county facilities. Welch suggested staff develop a list of those land uses.

IV. Reports

- A. **Executive Committee.** Welch said the Executive Committee met on September 24th and set the agenda.
- B. **Board of Legislators.** Burns was not present to deliver a report.
- C. **Staff Report.** Davis requested an update on the J&L site in Clifton. Pfothenhauer said Zimmerman will be attending a meeting in Albany regarding ownership and environmental clean up of the site. Members of the Board discussed missed opportunities for not having sufficient funds to remediate sites that are left by polluting property owners.
- D. **2010 Work Plan.** The annual retreat for the County Planning Board is scheduled for January 9th. Suggested projects include developing a model mining law, and revising the model wind law. For potential speakers, Duff suggested inviting Verizon to discuss the company's comprehensive plan for countywide telecommunication towers. Welch added it would be good to learn about future changes in their level of service. After Jenison

noted recent changes in technology, Davis added telecom towers are now being used for mounting 2nd generation wind turbines. Bisonette added there is a decrease in building size for telecommunications servers in Potsdam.

- E. **Ft. Drum Town Hall Meeting.** Larson reviewed the intent of the meeting and topics of discussion for the event.
- F. **Local Government Conference.** Pfothenauer announced the cancellation of a community development session on bike planning, which has been replaced by a presentation on the 2010 census. Pfothenauer reviewed the training topics and keynote speaker, and said the sessions can satisfy the mandated 4-hour training requirement.

Pfothenauer announced an upcoming training session at the beginning of December to satisfy the 4-hour training requirement, followed by a possible ½ training session for the County Planning Board at the December meeting if necessary. Jenison suggested a model rental housing law as a training topic. Davis announced a wind power forum will be held in Clinton County on Wednesday, October 14th. Mattice said SUNY Canton is developing a new subdivision on campus, and suggested it be presented to the Planning Board as an informational item at the November meeting.

V. **Other Items**

- A. **Correspondence.** None reported.
- B. **Next Meeting Dates.** The Executive Committee will meet on Thursday, October 29th at 4:00 pm in the Planning Office Conference Room. The Full Board will meet on Thursday, November 12th at 7:00 pm in Room 226 of the County Courthouse in Canton.

VI. **Adjourn**

The meeting adjourned by consensus at 9:10 p.m.

Respectfully Submitted,

Dawn Mullaney
Secretary