

ST. LAWRENCE COUNTY PLANNING BOARD

APPROVED MEETING MINUTES

January 13, 2011

County Courthouse, Room 226, 48 Court Street, Canton, NY 13617

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, K. Bisonette, W. Davis, M. Gazin, T. Jenison, R. Matthews, L. Mattice, D. Mullaney, W. Palmer, D. Sunderland, and D. Welch. **Members Absent:** J. Bunstone, W. Dashnaw, J. Miller, and B. Murray. **Staff present:** M. Larson and J. Pfothenhauer. **Other Members of the Public:** None.
- B. **Action on the Agenda.** Welch reported there are four full reviews on tonight's agenda. The fourth project is an area variance in the Village of Canton. Pfothenhauer suggested adding two additional items for discussion: The annual January retreat and 2011 Work Program. The modified meeting agenda was unanimously approved (Matthews/Mullaney).
- C. **Action on Meeting Minutes.** The December 9, 2010 meeting minutes were unanimously approved (Davis/Matthews).

II. Public Forum

None.

III. Projects Reviews

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

Pfothenhauer said the MOU sheet was included in the meeting packet, and the addendum was being distributed at tonight's meeting. Gazin suggested staff to revisit its recommendations for low sodium light fixtures for dark sky compliance. Gazin said he provided a note to Larson that outlines how low sodium light fixtures are obsolete.

Welch said he noticed some sign referrals from the Village Potsdam, and asked if there were any problems in Potsdam. Pfothenhauer explained Potsdam and Gouverneur have stand alone sign ordinances that are not associated with site plan review, and are subject to county referral for review.

B. **Full Review Projects.**

- i. Morristown (T): Special Use Permit, Site Plan Review and Area Variance for a Fire Station in the Residential-Agriculture Zoning District. Larson delivered an overview of the project and described aerial imagery of the property. After Larson concluded her presentation,

Davis asked if emergency vehicle lights would impact residences across the street. Sunderland described existing uses across the street, and said they should not be a problem. Matthews asked if the station will have adequate water supply. Sunderland explained he is a former Brier Hill volunteer fire fighter, and said the vacant building on the property was the original fire station. Sunderland said a well is depicted on the site plan, and said a cistern is already present on the lot. Palmer asked if a siren will be mounted on an antenna or on the building. Larson said no feature was depicted on the site plan. Palmer recommended that any siren to be mounted on an antenna should have a setback that is not less than the height of the tower. The Board unanimously voted to conditionally approve the Special Use Permit and Area Variance for the Brier Hill Fire Station and Community Center (Davis/Matthews).

- ii. Gouverneur (V): Use Variance to Establish a Day Care Center in the Highway Commercial (B-2) Zone. Larson presented the project, and explained the Board reviewed a similar request by the same applicant at a former church on Main Street. At that time, the use variance request was denied. Larson reviewed how a new location satisfied the legal tests to grant a use variance, and recommended the project be approved with conditions.

Jenison said the seller for the property was not the applicant for the use variance, and asked whether school buses would enter and leave the property to pick up and drop off school age children. Jenison recommended the Village ZBA examine how this would impact traffic on Main Street. Larson said she assumed school buses would stop on Main Street rather than enter and exit the property. Gazin said this property was a better location for a day care center than an existing private school down the street, and said local traffic would be used to seeing school buses in this part of town. Mullaney concurred with Gazin's statement, and said there is existing signage on Main Street for school bus stops, and a crossing guard is used further up Main Street. The Board unanimously voted to conditionally approve the Use Variance to establish a day care center at the former Mater Dei school on Main Street (Gazin/Matthews).

- iii. Canton(T): Special Use Permit and Site Plan Review for a Dental Office in the Rural Zone. Pfothenhauer outlined the project report, and described the aerial imagery of the property and surrounding area. Pfothenhauer explained he had technical concerns with the referral of the project, as well as fundamental planning concerns with this type of development in a rural area. Pfothenhauer said the project was referred both as an institutional use and as a small rural business use, and said he would explain how the project doesn't satisfy either definition. Pfothenhauer said the Town of Canton zoning code doesn't have a definition section, but instead refers to a third party publication. Pfothenhauer reviewed the definitions for institutional use in "The Zoning Dictionary," and noted the book provided several definitions for the same term. Pfothenhauer said institutional uses are typically established as a not-for-profit operation, not as a for-profit business. Pfothenhauer also reviewed the features of the site plan, and said it did not satisfy the Town's definition for a small rural business, as it exceeds the maximum number of employees that is allowed (10).

Pfothenhauer reviewed how the proposed dental office was not consistent with intent of the Town's Rural Zone, and reviewed the Town's previous initiative to rezone the area last spring, which faced opposition, and was subsequently withdrawn. Pfothenhauer then reviewed content from the municipality's website regarding the community's charm and

rural character, and noted there is other land available that is zoned appropriately for business uses.

Pfotenhauer suggested the Town engage in a thoughtful process with public input to consider how land out on State Highway 310 should be used. Pfotenhauer said the text amendments to the Town's definition for Small Rural Business were wrapped into amendments regulating wind energy facilities, which was reviewed by staff. Pfotenhauer said while the Town discussed the proposed text amendments with staff, it was not officially referred to the County for review. Because the amendments were filed in June 2010 with the Department of State without formally consulting with the County Planning Board, Pfotenhauer explained the amendment is open to legal challenge. Pfotenhauer also noted the parcel was subdivided in March 2010 and was not referred to the County. Staff also discovered the Town's online zoning code was not current.

Pfotenhauer was asked if the new Maplewood Campus was an institutional use. Pfotenhauer replied that property was located in the Village and subject to different zoning regulations. Bisonette asked if the applicant already purchased the land. Pfotenhauer replied yes. Pfotenhauer was asked if the subdivision would have raised any red flags if it had been referred. Pfotenhauer said it was possible staff could have assumed it was for a residential use, but they would have examined who the applicant and property owner were. Davis made a motion (seconded by Matthews) to proceed with staff's recommendation to deny the Special Use Permit and Site Plan for a dental office in the Rural Zone.

Pfotenhauer confirmed for Jenison that Canton's Code Enforcement Officer submitted the project for review as a Small Rural Business. A comment was made that the County Human Services building on State Highway 310 was developed in a farmer's field. Bisonette replied the Human Service Building is proximate to existing commercial development on Highway 310, whereas this project is two miles beyond the community's built environment. Bisonette said the surrounding area consists of residential-agricultural uses. Welch suggested staff include a cover letter with the County's Notice of Action to the Town that highlights the issues with this project. Pfotenhauer said if the project is disapproved by the Town, the applicant could request a use variance. Palmer said if the Town didn't submit the subdivision or text amendment to the County for review, the Town is legally in hot water. The Board unanimously voted to disapprove the Special Use Permit and Site Plan to establish a dental office in the Rural Zone (Davis/Matthews).

- iv. Canton (V): Area Variance to Reduce a Rear Yard Setback for an Addition to a Garage. Larson delivered the project review, described the aerial imagery of NYSARC's property and surrounding neighborhood, and reviewed the legal considerations for granting an area variance. Larson explained why the request did not appear to satisfy any of the criteria for approving the area variance, and recommended it be denied. There were no questions following staff's presentation. The Board unanimously voted to deny an area variance to reduce a 10' rear yard setback to 3' to accommodate an addition to an existing garage (Bellor/Palmer).

IV. Reports

- A. Executive Committee.** Welch reported the Executive Committee did not meet on December 30th, and the Board attended a morning retreat on January 8th, which had a good turn out and discussion. Members of the Board thanked Jenison for use of the venue and coffee. Welch asked if there were any comments or suggestions concerning the retreat. There were none.
- B. Board of Legislators.** Pfothenhauer reported County Departments will conduct extra-curricular endeavors to bring the new County Legislators up to speed on its operations. Half-hour training sessions will be conducted by Department heads and staff before each regular meeting. The Planning Office is scheduled to deliver its overview to the Board of Legislators on February 22nd. Gazin asked if Montan's presentation about the Climate Action Plan will be delivered to the Board of Legislators. Pfothenhauer said the County's comments to the State's Climate Action Plan will be delivered at a separate presentation. Jenison asked if there was any potential by the State to adopt a property tax cap. Pfothenhauer replied that Zimmerman's experience with the County Budget Team makes him a better source for answering that question. Pfothenhauer said it would be problematic if a tax cap was adopted at the county level, and the County budget has to be adopted in late December. Welch asked what the deficit is for 2012. Pfothenhauer replied it is several million, and the County will face serious problems once federal stimulus funds go away. Pfothenhauer was asked how much of County resources were dedicated to implementing state mandates. Pfothenhauer thought the amount was greater than 60%. Bisonette said county governments are required to cover half of the State's Medicaid costs. To provide property tax relief, Bisonette said the state should eliminate that requirement.
- C. Staff Report.** Pfothenhauer reported Planning grants prepared by staff were awarded for the Town of Waddington and the Town of Madrid. Waddington received \$28,000 for creating an economic development plan, and \$30,000 was awarded to Madrid to create a comprehensive community plan. Both activities will lead to the preparation of a housing rehabilitation application in each community. Pfothenhauer said these funds really make a difference in a community. Pfothenhauer was asked if the office intended to prepare either plan for these communities. Both Pfothenhauer and Larson replied the office doesn't have the necessary resources to prepare such a plan.

Pfothenhauer announced Larson will be serving on the Village of Potsdam's Comprehensive Planning Committee. Bisonette said there is a lot of vacant residential property in the Village with no new construction because it is cost prohibitive. Bisonette said there is a lot of tax exempt property in the community.

- D. 2011 Work Program.** Pfothenhauer reviewed the draft 2011 work program based on input received at the January retreat. The Board unanimously adopted its 2011 Work Program (Jenison/Matthews). Matthews said it was the best one he's seen yet.

V. Other Items

- A. Correspondence.** Welch and Pfothenhauer said the Board received a letter from County Legislator Burns announcing that his term of service with the Planning Board was ending. Pfothenhauer read Burns' letter for the record.

B. Next Meeting Dates. The Executive Committee will meet on January 27th in the County Planning Office conference room, located in Room 255. The next full board meeting will be Thursday, February 10th at 7:00 pm in Room 226 of the County Courthouse, located at 48 Court Street in Canton.

VI. Adjourn

The meeting adjourned at 8:44 pm.

Respectfully Submitted,

Dawn Mullaney
Secretary

Minutes prepared by M. Larson

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