

ST. LAWRENCE COUNTY PLANNING BOARD

DRAFT MEETING MINUTES

December 8, 2011

County Courthouse, Room 226, 48 Court Street, Canton

I. Call to Order

Welch called the meeting to order at 7:03 pm, and welcomed County Highway Engineer Toby Bogart, who will begin serving as the County Highway Superintendent in January, 2012. Welch asked all members and staff present to please introduce themselves.

a. Roll Call and Determination of Quorum. Members Present: K. Bellor, K. Bisonette, J. Bunstone, W. Davis, M. Gazin, T. Jenison, R. Matthews, J. Miller, D. Mullaney, B. Murray, W. Palmer, D. Sunderland and D. Welch. **Absent:** W. Dashnaw and L. Mattice. **Staff Present:** M. Larson and J. Pfothhauer. **Others Present:** Toby Bogart, County Highway Engineer; Steve and Angela Ritchie; and Dr. Michelle Vondra-Harwood.

b. Adoption of the Agenda. Following introductions, Welch said Pfothhauer would be arriving late to the meeting, and the agenda would be rearranged to allow Pfothhauer to present a full review project upon his arrival.

Welch said tonight's agenda would include two projects that may be sent back for local action: A two-lot waterfront subdivision in the Town of Hammond, and a site plan review for a bar in the Town of Fowler. Welch also said the agenda would include three projects for full review: A site plan review for a donut shop in Ogdensburg; a subdivision and site plan review for a daycare facility in the Village of Potsdam; and a 14-lot waterfront subdivision in the Town of Louisville. The modified meeting agenda was unanimously approved (Matthews/Miller).

c. Approval of the Meeting Minutes. The November 10, 2011 meeting minutes were unanimously approved (Matthews/Miller).

II. Public Forum

Members of the public were present for the site plan review for the donut shop in Ogdensburg, and were not present for general comment.

III. Project Reviews

a. Projects Returned for Local Action Pursuant to MOU.

i. Rensselaer Falls (V): Reynolds, site plan review for commercial storage facility at 214 King Street. At Welch's request, Larson provided background information regarding the

project, including a review of this project by the Board at its meeting in the Town of Colton in June.

- ii. **Potsdam (V):** Hugo Ferst, LLC, site plan for an accessory parking lot at 144 Market Street in a B1 zoning district. Palmer asked Larson for background information concerning the parking lot. Larson explained the applicant was looking to develop a parking lot that would be leased to a neighboring property. Larson said the parking lot is considered an accessory use because the applicant can only access it from the neighboring parcel.
- iii. **Hammond (T):** Collins and Reich, two-lot waterfront subdivision at 10 Riverledge Road. Larson identified the property's location and the applicant's proposed subdivision. Larson said the soils on the lots were not suitable for septic leach fields, and would send back excerpts from the County Soil Survey and recommend the Town Code Enforcement Officer contact the local Department of Health to determine if additional regulations applied. The Board agreed by consensus to return the project for local action with comments.
- iv. **Fowler (T):** Hunter, site plan review for a bar at 532 Hull Road. Larson identified the property's location and explained the former use was a church. Larson said surrounding land uses consisted of forested lots, single family residences, and a horse riding stable. Since no new construction or expansion was proposed for the bar, Larson recommended the project be returned for local action with the following comments: Any new exterior lighting be dark-sky compliant; no flashing lights on the proposed business sign; and no audio speakers be mounted on the outside walls. Jenison asked if the Planning Board previously prohibited an applicant from mounting speakers on the outside of a building. Larson said when a bar was proposed on outer Market Street in Potsdam, the applicant proposed an outside patio for customers, and the Board imposed this condition to minimize noise impacts on residences across the street. Jenison said he didn't believe a Planning Board could legally impose a condition that directly affected the operation of a business.

A member of the Board noted the bar would be across the street from a residence, and asked if customers could access the bar directly off State Highway 58, rather than off the Hull Road. Larson said the aerial imagery for the property indicated a rock outcropping along the Highway right of way that would make a curb cut impossible, and said the State DOT would likely prefer the property be accessed off the Hull Road. A suggestion was made to construct a privacy fence or hedge to minimize the shining of car headlights onto the neighboring residence. A suggestion was also made for the Town Planning Board to schedule a public hearing to give the surrounding neighborhood an opportunity to comment on the proposal. The Board agreed by consensus to return the project for local action with the discussed suggestions.

IV. Reports

- a. **Executive Committee.** Welch said the Executive Committee met on November 22nd to review the meeting agenda and the 14-lot waterfront subdivision in Louisville.

- b. Board of Legislators.** Bunstone said the Board of Legislators adopted the County's 2012 budget, and congratulated Planning Staff for their involvement in the development of the North Country Regional Economic Development Strategy, which was awarded \$103 million by the State of New York. Welch added the region is now taking a more cohesive approach to community and economic development, and said the Friends of Higley Flow received funding to construct a multi-purpose building at the state park. When asked which grants were awarded to the County, Larson said the County's first-time homebuyer program was funded, but the proposed housing rehabilitation projects in the Village of Norwood and in the Town of Rossie were not.
- c. Staff Report.** Larson said a joint-meeting with the County Environmental Management Council has been scheduled for February, and staff are attempting to schedule a presentation by the Public Services Commission on Article X and how it will be implemented when reviewing commercial wind facilities.
- d. 2012 Work Program.** Larson said the Planning Board's annual January retreat would be held in Grasse River Heritage's Community Room at Rushton Place in Canton, and would include a tour of the building by John Gray. Larson said the Planning Board would also hear a presentation on the Regional Economic Development Council's Strategic Plan.

Pfotenhauer arrived at 7:36 pm.

III. Project Reviews (Continued)

b. Full Reviews.

- i. Ogdensburg (C): Ritchie, site plan review for a donut shop between 533 and 611 Canton Street in the Moderate Density Residential (MDR) zone.** Pfotenhauer began the presentation by describing the property's location, and identified adjacent land uses. Pfotenhauer said while restaurants are permitted in an adjacent Business zone, bakeries are not listed as a permitted use in the MDR or Business zone. Pfotenhauer explained the property owner combined this lot with a larger adjoining lot that is in a Business zoning district, and the City reduced the minimum lot size requirement from 2 acres to 1 acre for properties that are divided by a zoning district in order for the smaller parcel to assume the zoning designation of the larger lot. Despite this, Pfotenhauer said the City ZBA will need to do an interpretation to determine if bakeries are permitted in the MDR zone. Pfotenhauer said a more ideal process would have been to rezone the property and surrounding area from MDR into a business zone that permits bakeries, and the existing residences in the area would become legally non-conforming uses.

Pfotenhauer began his analysis of the property. Due to the existing building's proximity to an adjacent residence, Pfotenhauer recommended the applicant construct a solid fence to separate the uses from one another. Pfotenhauer also recommended any new lighting be downcast, dark-sky compliant, and directional; a pedestrian path from the sidewalk to the business entrance be delineated in the parking lot; snow that is plowed from the parking lot be removed from the property and not stored near the sidewalk; and the dumpster be relocated away from the residence and be screened. Pfotenhauer

recommended the project be approved with conditions, and offered a non-binding comment suggesting the City Council conduct a comprehensive revision of its zoning code.

Welch thanked Pfothenhauer for his thorough review, and said he would first ask Planning Board members to direct questions to staff first, then to direct questions to the applicant and property owner. Murray said if the parking lot is full, delivery trucks and other vehicles will have to back out onto Canton Street when leaving the property, which could be dangerous. Pfothenhauer confirmed for Mullaney that bakeries are permitted in other zoning districts in the city. Pfothenhauer said properties from Canton Street to State Street were in the Residential-Business zone. Welch asked for the purpose of the MDR zone. Pfothenhauer replied the zone accommodates single-family, two-family, and multi-family residential uses. Jenison asked if parking was allowed on Canton Street. Members of the Board replied the street is too narrow for on-street parking. Davis said he was uncomfortable imposing conditions of approval for the bakery when other businesses previously operated at this location. Welch responded the property doesn't appear to be large enough to accommodate the proposed bakery.

Welch asked if the applicant or property owner would like to say anything. Dr. Michelle Harwood identified herself as the property owner and reviewed the zoning history of the property and surrounding neighborhood. Dr. Harwood said she followed the City Planning Office's suggestion, and spent time and money to combine this parcel with a larger adjacent lot in order to accommodate the proposed bakery. Bunstone asked staff why snow storage was a concern since the property and a neighboring lot are both owned by Dr. Harwood. Pfothenhauer said ownership changes over time, and the property should possess all the elements necessary to accommodate a proposed use. Jenison said the referral should have been sent to the County Planning Board as a use variance.

The applicant said the bakery will include a couple of tables with chairs for customers who would like a cup of coffee and a donut, but said he did not intend to operate the business as a dine-in restaurant. Dr. Harwood said she understood City Planning staff consulted with the County Planning Office on the proposal. Pfothenhauer said he was given a short amount of time to review the City Planning Office's proposed options that would be presented to the City Council, and that did not constitute an official referral to the County. Jenison asked Pfothenhauer to clarify two recommended conditions of approval: for the ZBA to do an interpretation and for the City Council to rezone the area from MDR into a Business zone. A discussion ensued about whether the recommended rezoning should be imposed as a condition of approval. Bunstone said if the ZBA determines bakeries are a permitted use, the conditions on the site plan should be imposed. *Matthews made a motion to approve with staff recommendations, Gazin seconded the motion.*

Pfothenhauer confirmed for Bellor that the recommended rezoning was to clean up the City's planning process for this project. Davis said the County Planning Board needs to let the applicant off the planning merry-go-round and move forward with the project. Davis said he didn't support imposing a condition to rezone the property, and believed the applicant shouldn't be taken to the woodshed for the City Planning Office's actions. Jenison said when the City's code enforcement and planning office accepted the

application; they determined bakeries were a permitted use in the zone. Bellor said the intent of the County Planning Board's role is to ensure sound planning practices are put into place. Palmer asked if any proposed signage was included in the project. Pfothenhauer said no. The applicant said he would mount a sign onto the building. Pfothenhauer said the recommended condition to rezone the area would be made into a non-binding comment. Bunstone said if both Matthews and Gazin agreed, the original motion could be withdrawn, and a new motion to approve the project with the amended conditions could be made. *Both Matthews and Gazin agreed to withdraw the original motion.* The County Planning Board unanimously approved the proposed bakery shop in the MDR zone with amended conditions (Matthews/Davis and Bellor).

Pfothenhauer departed the room with the applicants and property owner to explain the next steps in the planning process.

- ii. Louisville (T): Curran, 14-lot waterfront subdivision off the Patterson Road in the Residential Agricultural and Scenic Preservation Zoning Districts. Larson began the project review with a description of the property's location and surrounding land uses, and described the proposed subdivision. Larson explained six of the 14 lots would have water frontage off the Grasse River, and said all lots would range from two to three acres in size. Larson said Pfothenhauer checked for the presence of wetlands and soil types, and found no wetlands were present, and the soils could accommodate residential septic systems. Larson said the proposed road is 6' shy of the 50' minimum right of way, but staff was not concerned about this. Bogart said the proposed road is exactly three rods wide, which explains the 6' shortfall.

Larson said due to the scale of the subdivision, staff could not determine if it satisfied the Town's road specifications in their subdivision law, and recommended the applicant set aside some land that would provide non-waterfront lots with access to the Grasse River. Members of the Board asked if the new road would be conveyed to the Town. Bogart said he suspected the applicant intends to do this based on the design of the road, and the applicant would not want to be responsible for snow-removal and plowing costs. Members of the Board recommended the end of the road be designed to provide adequate turnaround space for snowplows. The Board unanimously approved the subdivision with conditions (Davis/Bellor and Matthews).

IV. Reports (Continued)

- d. **2012 Work Program.** The Planning Board unanimously adopted the 2012 Work Program.

III. Project Reviews (Continued)

c. Full Reviews:

- iii. Potsdam (V): subdivision and site plan review for a day care facility at 59 Lawrence Avenue in the R-1 zone. Pfothenhauer described the property's location and surrounding uses, and said day care facilities in the Village of Potsdam fall under the definition of

schools, which are a permitted use in the zone. Pfothenhauer said the proposed use continues linear development on outer Lawrence Avenue, and described the proposed subdivision. Pfothenhauer recommended the smallest, third parcel be squared-off and be at least 80' to accommodate future residential development, and recommended realigning the proposed driveway in order to develop other portions of the parent lot at a future date. Pfothenhauer said this recommendation would replicate the condition of approval that was previously made for the NYSUT building. Jenison said realigning the driveway would allow school buses to queue up when dropping school-age children off at the facility. A majority of the Board approved the subdivision and site plan for the day care facility with conditions (Matthews/Jenison). Abstention: Davis.

V. Other Items

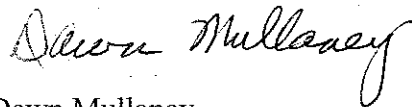
- a. **Nomination of Officers.** Pfothenhauer said as of March 2012, the existing officers will have completed their second, two-year term, and clarified for Jenison the length of a term (2 years), and the maximum number of terms an officer may serve (two). *Gazin nominated Jenison as Chair. Jenison nominated Bellor as Vice-Chair. Welch nominated Murray as Secretary.* Murray asked what the Secretary's responsibilities were. Welch said the Secretary reviews and signs the meeting minutes. Murray said that he may not be present to sign the minutes as needed due to business travel. Members of the Staff explained an electronic signature could be added once Murray had the opportunity to review an electronic copy of the minutes. The Board unanimously approved the nomination of candidates as Planning Board officers.
- b. **Next Meeting Dates.** The Executive Committee will meet on Thursday, December 29th at 4:00 pm in Room 255 of the County Courthouse. The next regular meeting will be January 12th at 7:00 pm Room 226 of the County Courthouse, located at 48 Court Street in Canton.

Reminder: The Annual Planning Board Retreat will be on Saturday, January 7th from 9:00 am to noon in the Grasse River Heritage Community Room at Rushton Place, One Main Street in Canton.

VI. Adjourn

The meeting adjourned at 9:27 pm

Respectfully Submitted,



Dawn Mullaney