

# ST. LAWRENCE COUNTY PLANNING BOARD

## APPROVED MEETING MINUTES

September 9, 2010

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 7:01 PM. **Members present:** K. Bellow, K. Bisonette, S. Burns (arrived at 7:11 pm), W. Dashnaw, M. Gazin, T. Jenison (arrived at 7:33 pm), R. Matthews, L. Mattice, J. Miller, D. Mullaney, W. Palmer, and D. Welch. **Members Absent:** W. Davis. **Staff present:** M. Larson, J. Pfothenhauer, and K. Zimmerman. **Other Members of the Public:** Brooks Washburn, Architect (arrived at 7:38 pm); and Scott Dosztan, WPDM News.
- B. **Action on the Agenda.** Welch announced the use variance to allow light assembly in the Hamlet Zone in the Town of Brasher was withdrawn by the applicant, and a special use permit for a self-storage unit along US Highway 11 in the Town of Gouverneur was added to the list of projects to be returned for local action. The modified meeting agenda was unanimously approved (Matthews/Mullaney)
- C. **Action on Meeting Minutes.** The August 12, 2010 meeting minutes were unanimously approved (Matthews/Miller).

### II. Public Forum

There were no comments from the public.

### III. Training Session on Form Based Zoning

Pfothenhauer began his presentation with a definition of form-based zoning, and said rather than identifying permitted uses on land, form-based codes tend to be site specific and place an emphasis on the appearance and design of structures. Pfothenhauer reviewed common terms used in form-based zoning, and explained form-based codes incorporate specific development standards for buildings and public spaces. Pfothenhauer compared the differences between traditional zoning codes and form-based codes, and said municipalities implement form-base standards in one of three ways: through a direct replacement of traditional standards; applied in parallel fashion with existing standards; or are combined into a hybrid.

Pfothenhauer distributed a copy of form-based standards that included a transect, an illustrated diagram of land and population densities that ranged from the urban core to rural areas. After reviewing hybrid standards for Saratoga Springs, Pfothenhauer concluded his presentation by asking if the Board thought form based zoning could work in the County. Matthews replied it could work in the downtown historic districts of the County's population centers, and said Hyde Park uses form-based zoning. Mullaney said form-based zoning would not work in rural

areas, and that population density is needed for it to succeed. Miller said form-based zoning appeared to resemble the historic Levitown subdivision. Zimmerman noted the street diagram shown by Pfothenhauer as an example of form-based zoning was rejected by the Village of Canton when the State Department of Transportation proposed it for the future Main Street project. Gazin said form-based zoning appears to be in response to urban renewal actions taken by cities like Ogdensburg. Palmer asked if form-based zoning makes it easier or harder for spot zoning to occur. Pfothenhauer replied most uses are permitted, but the appearance of the use is regulated. Welch said it appears some municipalities are returning to allow more mixed-use neighborhoods.

This presentation satisfied one-half hour of the County's annual four hour training requirement for Planning Board members. Bellor asked if Planning Board members could receive an updated status sheet of training hours acquired this year.

#### **IV. Projects Reviews**

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

Gouverneur (T): Special Use Permit to Establish a Self-Storage Facility in the Intensive Development Zoning District at 1089 US Highway 11. Larson delivered an overview of the requested use and recommended the project be returned for local action with recommendations to relocate the facility to provide equal side yard setbacks, and all exterior lighting be downcast to minimize light pollution. Burns expressed concern about the creation of new uses on Route 11 in Gouverneur and their impact to traffic flow. Larson replied she wasn't sure how the project could be denied based on traffic impact because the use is permitted in the zone. A comment was made that the current speed limit in that area is 45 miles per hour. Another comment was made that the same situation is occurring on Route 11 between Potsdam and Canton.

##### **B. Full Review Projects.**

Potsdam (V): Terra Development, Creation of Planned Unit Development District at 149 Lawrence Avenue. Pfothenhauer began the presentation by reviewing the contents of the staff report, and explained the project was referred to the County because the parcel is located off of US Highway 11. Pfothenhauer described the aerial images included in the staff report; reviewed the fundamental characteristics of a Planned Unit Development; and read the Village of Potsdam's definition of a PUD. After explaining the applicant is seeking to construct an 8,000 sq. ft. office building on a 90,000 sq. ft. parcel, Pfothenhauer reviewed the criteria for spot zoning, and summarized the decision from the Terrytown court case to consider whether a zone change benefitted a specific individual rather than the community as a whole. Pfothenhauer also identified other available land in the village where office space is a permitted use. Pfothenhauer reviewed how the project is inconsistent with policies in the Village's comprehensive plan, and concluded his presentation by saying the Village also needs to be aware of SEQR and SWPPP requirements when taking action on the project.

Welch asked Board members for their comments and questions for staff. Matthews complimented Pfothenhauer for preparing and delivering the staff report. Jenison asked for the

status of the Village Planning Board's review process. Pfothenhauer reviewed the Village's next steps, and added staff is not opposed to the project. Pfothenhauer said the Village should consider rezoning the parcel to B-2 and design the project to minimize impacts on surrounding uses.

Welch invited architect Brooks Washburn to speak before the Board on the project. Washburn explained the New York State Teacher's Association examined other parcels in the Village, and desired this particular location. Washburn said while lots are available in the Village's commerce park, an office building at that location would not be a good fit. Washburn added the request for a PUD was a compromised reached between the applicant and the Village, because the Village is opposed to rezoning the land to B-2. Washburn reviewed the features of the land in the aerial imagery, and said the photo doesn't depict the KV transmission line that runs through the 14 acre parcel. Because these power lines make the parcel a less desirable location for future residential uses, it is appropriate to designate the parcel as a PUD to accommodate other uses including office buildings.

Dashnaw said the County Planning Board should recommend the parcel be rezoned to B-2, and not let its decision be influenced by local politics. Zimmerman said future uses for the remaining 12 acres of parcel to be rezoned as a PUD is unknown at this point, and the Village made a tremendous investment in infrastructure that is presently idle at its commerce park. To avoid the appearance of spot zoning, Zimmerman recommended the parcel be rezoned to B-2, with the commitment of a right of way to provide access and infrastructure for future development on the remaining portion of the parcel.

Gazin asked why the transmission line is not included as a feature on the Village's zoning map. Zimmerman and Bisonette explained the transmission line is a utility that lies on an easement, not a right of way, and the utility is not subject to local land use regulations. Bellor summarized points from staff's presentation, and asked if staff was recommending the request to rezone the 14 acre parcel to a PUD be denied. Pfothenhauer said this was correct. The Board unanimously disapproved the applicant's request to rezone the 14 acre parcel from R-1 to a PUD.

Palmer said he disagreed with Washburn's claim that locating the office building at the Village's commerce park would not be a good fit. Palmer said Canton's commerce park off Gouverneur Street serves as a good example of mixed uses in an industrial park, and listed the various offices there. Jenison added that PUDs consist of different uses and intensities, and most large companies prefer to stand alone on individual parcels.

Louisville (T): Use Variance to allow a dog kennel in the Community Center (C-C) District at 142 Willard Rd. Larson began reviewing the applicant's request for a use variance to allow a dog kennel at their home, and described the parcel's location in the hamlet of Louisville. Members of the Board informed Larson they did not receive a copy of the staff report. Larson apologized for the oversight, and proceeded with her analysis of the use variance request. After explaining the applicant didn't provide any information to demonstrate a hardship with the land, Gazin asked if the application is complete. Larson replied application completeness is determined at the local level, and was forwarded to the County for review. Larson recommended the use variance be denied for failing to satisfy any of the legal tests to

demonstrate hardship with the land. The Board unanimously disapproved the applicant's use variance. (Dashnaw/Mullaney)

## V. Reports

- A. **Executive Committee.** Welch reported the Executive Committee met on August 26<sup>th</sup> to discuss tonight's agenda, reviewed projects sent back for local action, and discussed full review projects.
- B. **Board of Legislators.** Burns reported the Board of Legislators haven't met in a month, and will be entering into serious budget discussions to finalize the 2011 budget. Burns said it will be a difficult budget year for the County. Burns said the Legislators have examined the County's revenue and expenditures, and noted this year is an election year. Sales tax revenue appears to be rebounding; while it is not as high as he'd like, it is moving into a positive direction. Burns also said it is difficult to say if the County will sign new contracts with the employee unions. Welch asked if the County will be able to meet its sales tax revenue projections. Burns said if sales tax revenue meets projections, the anticipated County budget shortfall will be between \$8 million to \$9 million. Zimmerman added while sales tax revenue has rebounded, it is still coming in substantially below budget.
- C. **Staff Report.** Pfothenauer reported all four CDBG applications submitted to the state were successfully funded. The County will receive \$1.95 million to implement three housing repair grants, and the County's first-time homeownership program. Staff is working on a DEC Adirondack Smart Growth project to publish a user's guide about recreational lands located in portions of the Adirondack Park that is in St. Lawrence County. Staff has or is scheduled to deliver presentations about the grant to nine different towns. Zimmerman said funding four grants out of four application submissions is remarkable, and staff successfully adapted to changes in the funding requirements. Zimmerman said he is presently serving as the acting director of the IT department, and Pfothenauer and other Planning Office staff are picking up the slack in the office during the interim.

Zimmerman was asked about the County's participation in the 2010 Census. Zimmerman replied the participation rate was quite high. Matthews recommended Tenbusch be recognized for his work in the event. Zimmerman said the Office recently received a plaque from the Census Bureau for their efforts. Palmer asked about the Pictometry software he read about in the newspaper; he said he wanted to know how much the contract cost, and how often Pictometry's used. Pfothenauer replied the photos were paid through a grant from the Department of Homeland Security that was awarded by Congressman McHugh, as well as funds from the Sheriff's Department and District Attorney's Office. Pfothenauer said the federal government is looking to conduct another flyover over the county in 2013 to take high resolution photos.

After reviewing the agenda for the upcoming local government conference, Jenison asked Pfothenauer how to register. Pfothenauer replied all municipal planning board and zoning boards of appeals members should have received a booklet to register. A suggestion was made to Burns that the County should cover the conference registration costs to attend as the four hour training requirement is mandatory.

**V. Other Items**

- A. Correspondence.** Zimmerman announced the County received a memo from Duff announcing his immediate resignation from the County Planning Board, and said he thanked Duff for his years of service.
- B. Next Meeting Dates.** The Executive Committee will meet on Thursday, September 30<sup>th</sup> at 4:00 pm in the County Planning Office in room 255 of the County Courthouse. The Full Board will meet on Thursday, October 14<sup>th</sup> at 7:00 pm in Room 226 of the County Courthouse, located at 48 Court Street in Canton.

**VI. Adjourn**

The meeting adjourned at 9:02 pm.

After the meeting, members of the board remained in the room to view a PowerPoint slideshow in memory of the 9/11 attacks on the World Trade Center.

Respectfully Submitted,

Dawn Mullaney  
Secretary

Minutes prepared by M. Larson

P:\PLANNING\CPB\MINUTES\2010\CPB Mins 09.09.10.doc