

# MINUTES

## ST. LAWRENCE COUNTY PLANNING BOARD

7:00 p.m., Thursday, July 14, 2022  
via Zoom

### I. Call to Order

a. Chair O'Neil called the meeting to order at 7:03 pm.

#### b. Roll Call and Determination of a Quorum

	NAME	ABSENT	PRESENT		NAME	ABSENT	PRESENT
1.	Eric Alan (Vice-Chair)	X			<b>Staff:</b>		
2.	Ken Bellor		X		Dakota Casserly		X
3.	Kim Bisonette	X			Jason Pfothenauer		X
4.	Don Chambers		X				
5.	Priscilla Darling		X		<b>Guest:</b>		
6.	Daniel Fay		X		Zachary Lissard -U.S. Light Energy		X
7.	Laura Foster	X			Mike McQuade - Canton T CEO		X
8.	Andy Gilbert		X		John Casserly - Canton T PB		X
9.	Dan Huntley		X		Debra Backus - Canton T PB		X
10.	Robin McClellan		X		Bill Sparkman - Meade Road		X
11.	Kitty O'Neil (Chair)		X		Genevieve Trigg - Canton T PB		X
12.	Julia Rose (Secretary)		X				
13.	Heather Sands		X				
14.	Cherrie Shatraw		X				
15.	Vacant						
			<b>11/15</b>				

#### c. Adoption of the Agenda

- i. A new Board member, Robin McClellan (Town of Stockholm), was introduced and welcomed by all.
- ii. Pfothenauer said he would like to move the Meade Road Project discussion to the top of the list.
- iii. The modified agenda was unanimously adopted (Fay/Shatraw).

#### d. Approval of the June 9, 2022 Meeting Minutes

- i. The minutes were adopted by a majority of the Board (Gilbert/Bellor, Abstain: McClellan).

### II. Public Forum: None.

### **III. Project Reviews**

#### **a. Meade Road Solar Project (Canton T) Discussion**

Pfotenhauer introduced the project as a discussion piece. The Board has already reviewed this project and it has not been re-referred to the Board. The project's access road has changed and this was the primary topic of discussion.

#### **Discussion**

- O'Neill shared the options: returning a letter from the Board or from Staff, or take no action.
- Gilbert talked about additional screening, array adjustment with less wetland impact, and the access road's State highway impacts during the construction phase.
- McClellan said that the Board has no more authority on the project because it has already been reviewed. Pfotenhauer replied that if there are significant changes to a project, it can be re-reviewed, however only if referred by the town.
- Chambers talked about the NYS DOT involvement with this project and if the access is viable. He feels that a redesign is probably likely and that the Board should not comment at this time. Shatraw agrees.
- McClellan asked if the wetlands on the project site are State or federal. Lissard replied that they are federal wetlands and that the Army Corps of Engineers consider pile driven solar installations as temporary impacts in some wetlands.
- The Board decided by consensus to take no action.

#### **b. Full Reviews**

i. Canton (T): TJA-NY-Canton Solar Farm LLC, 6046 US Highway 11  
Casserly presented the project.

#### **ii. Discussion**

- Casserly asked O'Neil for clarification on prime farmland including both prime and prime if drained soils. O'Neill agreed.
- Gilbert talked about the conundrum the Board is in with reviewing these types of projects on prime farmland and wetlands.
- Rose asked if new wetlands are being delineated and if the State takes jurisdiction can it still be farmed. Gilbert replied, yes. Chambers noted that there would be a 100' buffer around a State wetland. O'Neil said that the soil type in the identified wetland is Muskellunge, which is a significant soil in the County's ag industry.
- Huntley talked about how the Board will apply the 10% prime farmland condition going forward. O'Neil supports the 10% condition while admitting that all sites are different. Rose talked

about if the Board would apply the same 10% condition to other uses that would impact prime farmland.

- Huntley said that the site may not be highly productive presently, however future conditions could change the demand for the property.
- McClellan talked about the challenges from applying rules equally. Also, the population has not changed in the County for decades and we should be more focused on where to site projects and less on farmland.
- O'Neil talked about how we lack control over where to site these projects.
- Gilbert talked about prime if drained farmland on the neighboring parcel, which is drained, and is still wet.
- Rose talked about her support for photo simulations that show a site with and without solar infrastructure from road level.
- Bellor asked what is more valuable to the County, farmland as a hay crop or solar project. O'Neil responded that the Board will continue to review projects on prime farmland until developers choose other sites.
- Huntley reminded the Board that ag is still the number one industry in the County and the local ag economic multiplier impact from solar could be significant.
- McClellan talked about planning these projects on marginal lands. Gilbert replied that the State is complicating this by supporting the larger projects that will have greater prime farmland impacts.
- Huntley shared his thoughts on renewable energy, which he supports, however he's not sure why the State is all in on solar, which will have impacts to ag. Whereas other renewable energy options, methane and wind, co-habitat with ag.
- McClellan asked where the ideal locations for are solar and can the County help promote this. Pfothenauer responded with the challenges that exist when a project reaches the Board and that better planning is needed at the start of the project to avoid things like prime farmland and wetlands.
- O'Neil talked about using the 10% condition on just prime farmland, however it does come down to the particular site in many ways.
- Rose talked about getting a consistent message to local governments in regards to regulating solar uses. Pfothenauer replied with how the Planning Office currently advises local governments
- Fay talked about his concern with who really benefits from these types of energy projects in the County. Also, the County Board of Legislators' decision to not site solar projects on prime farmland and he continues to support this decision.

- Gilbert said that the prime farmland and wetlands dataset, combined, would show a relatively small area and that if we continue to deny, then the State will remove local control.
  - Board members supported the 10% application to just prime and not prime if drained in this case.
  - Darling asked if O’Neil would come to the same decision if she did not know the site. O’Neil replied that Board knowledge of the site is important. Rose replied in support of the diversity of the Board which assists with local knowledge of land in the County.
  - Backus said that she is in agreement with the Board.
  - McQuade talked about the diversity of Board knowledge and the challenge of a prime farmland condition.
- iii. A majority of the Board voted to approve with conditions (Voting Board members 11/15: Approve 8, Oppose 3 (Fay, Chambers, Darling), Abstain 0).

Further discussion:

O’Neil asked how the Board can have additional discussions on a use like solar outside of monthly Board meetings. Rose said more trainings would help for local boards. Bellor asked how the Board can be more proactive. Rose asked Staff to send a survey to planning and zoning boards to guide their interest in training topics. McClellan asked if a discussion forum could be used to discuss a topic like solar.

c. **Referrals Returned Pursuant to MOU**

- i. **Gouverneur (T):** Mackenzie Brady, **special use permit and sign permit**, open NNY Custom Printing and have a sign by the road, 951 US HWY 11.
- ii. **Gouverneur (T):** St. Lawrence Seaway RSA Cellular Partnership, **special use permit and site plan**, constructing wireless telecommunications facility, 126 Little Bow Rd.

**Staff Comment:**

The applicant states on Page 4, Section G, of the application document that “...the tower will fully comply with the lot size and setback recommendations, as well as the tower setback requirement in Land Use Article I (A), Section 3A[C].” However, under Section 17, Subsection O of the Specific Standards for Permitted Special Uses, the regulation reads “...the distance from the tower to the lot line in any direction shall be at least equal to one and one half (1.5) times the height of the tower.” This tower is 180 feet in height, requiring a 270 foot setback. The applicant shows a 246 foot setback. Therefore the project would need to be moved an additional 24 feet from the lot line or an area variance sought and granted.

- iii. **Lawrence (T):** Jeffery Young, **subdivision**, subdivide one parcel into two parcels, 221 CR 51.

**Staff Comment:**

Minimum lot frontage as specified in the Town of Lawrence Subdivision regulations (Section 10.4) is 200 feet. It appears that this subdivision will square off a lot currently owned by the applicant. Staff would encourage the applicant to combine Lot 56.002-4-3 with the new lot. Alternatively an area variance would need to be pursued to create the lot with undersized frontage.

- iv. **Massena (T):** Brandon Patrick, **area variance and site plan**, construct an addition to his business approximately 1’5” from the property line where code require 10’, 556,558 Pontoon Bridge Road.
- v. **Massena (T):** Carlos Rodriguez, **site plan**, open a small rural automotive business, 266 CR 43.

**Staff Comment:**

Staff note that the Small Rural Business standards in the Town Code require that ““outdoor storage will be prohibited unless adequately screened”. Staff would encourage the Town Planning Board to require the applicant ensure that any outdoor storage meets this standard. Also, while the lot meets the minimum size threshold, the lot width is only 80 feet. An additional standard specifies that “the minimum lot size shall be determined at the pre-submission conference with the Planning Board”. Staff would encourage the Town Planning Board ensure that this lot is large enough to accommodate the repair business without negatively impacting adjacent residences.

- vi. **Massena (T):** Erik Thrana, **area variance**, construct a sign of 96 square feet where the code allows for a 64 square foot sign, in addition being on the roof of the building, 22 Highland Rd.
- vii. **Morristown (T):** Richard Patten, **area variance**, build a deck with the uprights in the high water mark location, 3372 CR 6.

Chambers provided a comment on our Return for Local Action (RFLA) process and we should include standard conditioned approval language consulting with the appropriate highway department for access to State and County roads. McClellan stressed that municipal code enforcement officers should provide this guidance (road access, wetlands, etc...) at the beginning of a project.

#### IV. **Reports**

- a. **Executive Committee**

- i. O’Neil talked about the projects that were discussed.

- b. **Board of Legislators**

- i. Fay talked about ARPA funding for: workforce training development and talent development, small business grants, County facilities improvement, infrastructure (Canton water project), and childcare program (Jefferson and Lewis Co. examples) investment.

- c. **Highway Department**

- i. Chambers talked about the BOL providing additional funds to the Hwy Department, \$2.1 million to support 2022 roadway projects. Also, the Potsdam outpost is moving along as are bridge and culvert projects.

d. **State of the County Roundtable**

- i. Update on Large Scale Solar Development
  - 1. Pfothauer talked about the North Side Solar and Rich Road Solar projects.

e. **Staff Report**

- i. Pfothauer talked about the Planning Office coordinating \$3 million of ARPA funds for countywide sewer and water infrastructure improvements.
- ii. Casserly provided an update on EMC projects.

V. **Other Items**

a. **Correspondence**

- i. Pfothauer talked about solar projects that are planned for the August meeting.

b. **Next meeting dates**

- i. Executive Committee: Thursday, July 28<sup>th</sup> at 4:00 pm
- ii. Planning Board: Thursday, August 11<sup>th</sup> at 7:00 pm, via Zoom

VI. **Adjourn**

- a. The meeting adjourned at 9:25 pm (Fay/Huntley).

Respectfully Submitted,



Julia Rose, Secretary

Minutes prepared by Dakota Casserly