

MINUTES

ST. LAWRENCE COUNTY PLANNING BOARD

7:00 p.m., Thursday, May 12, 2022
via Zoom

I. Call to Order

- a. **Chair O’Neil called the meeting to order at 7:02 pm.**
- b. **New member welcome**
 - i. Pfothenhauer introduced two new members: Laura Foster (Town of Hermon) and Heather Sands (Town of Gouverneur).
- c. **Roll Call and Determination of a Quorum**

	NAME	ABSENT	PRESENT		NAME	ABSENT	PRESENT
1.	Eric Alan (Vice-Chair)		X		Staff:		
2.	Ken Bellor		X		Dakota Casserly		X
3.	Kim Bisonette		X		Jason Pfothenhauer		X
4.	Don Chambers		X				
5.	Priscilla Darling		X		Guest:		
6.	Daniel Fay		X		Josh Morrison, Student, University of Minnesota		X
7.	Laura Foster		X		Ryan Peters, SolAmerica		X
8.	Andy Gilbert		X		Joe Hens, SolAmerica		X
9.	Dan Huntley		X				
10.	Kitty O’Neil (Chair)		X				
11.	Julia Rose (Secretary)		X				
12.	Heather Sands		X				
13.	Cherrie Shatraw		X				
14.	Vacant						
15.	Vacant						
			13/15				

- d. **Adoption of the Agenda**
 - i. Heuvelton code amendment was moved to the beginning of Project Reviews.
 - ii. The agenda was unanimously adopted (Rose/Gilbert).
- e. **Approval of the April 14, 2022 Meeting Minutes**
 - i. The minutes were unanimously adopted (Bisonette/Alan).

II. Public Forum: None

III. Project Reviews

- a. Referrals Returned Pursuant to MOU
Pfothenhauer presented a list of twelve projects.
 - i. **Brasher (T):** Town of Brasher, **code amendment.**

- ii. **Louisville (T):** Royal Forgues, **sign permit**, two sided billboard 12x48, 9676 SH 56.
 - **Staff Comment:** The applicant is proposing a 12’ by 48’ two-sided billboard. Article VI, Supplementary Regulations, Section E. 4 a. limits billboards to 12’ by 24’ feet in size. Therefore the applicant will need to apply for, and receive, an area variance from the Town Zoning Board of Appeals before such development can proceed. The County will consider this referral as the area variance request.
- iii. **Massena (T):** Bryan Thompson, **site plan**, operate a retail business, 6100 SH 37.
- iv. **Massena (T):** Jennifer O’Shaughnessy, **site plan**, operate a retail business, 6100 SH 37.
- v. **Massena (T):** Logan Deshaies, **site plan**, operate a retail business, 6100 SH 37.
- vi. **Massena (V):** George Arcet, **area variance**, install a new storage shed 2 feet off the lot line rather than the 4 feet required, 120 Liberty Ave.
- vii. **Massena (V):** Shane Cameron, **area variance**, fence setback, 9 Sharon St.
- viii. **Massena (V):** Julie Talbot, **site plan**, operate a gift shop and sandwich deli, 252,256 E. Orvis St.
- ix. **Morristown (T):** Marco Oldhafer, **site plan**, 24x100’ facility expansion of a storage building, 300 Mill Rd.
- x. **Ogdensburg (C):** Fort La Presentation, **site plan**, trail improvements, 22 Albany Ave.
- xi. **Potsdam (V):** Sunday Smith, **sign permit**, install a sign in the North East corner of the property, 121 Market St.
- xii. **Potsdam (V):** Matthew Tessier & Traci Grainger, **area variance**, change side year setback from 20 feet to 3 feet to allow for a roof extension to create covered parking area, 29 Chestnut St.

b. Full Reviews:

- i. Heuvelton (V): Livestock local law
Casserly gave the review.

The Village of Heuvelton is proposing a Livestock law to regulate the keeping of farm animals in the Residential Districts of the Village. The law regulates minimum lot size and setback standards for animal enclosures. Permits are proposed to be issued through the Planning Board after site plan review. This type of regulation lends itself well to inclusion in the Village’s existing zoning code. This would allow for the regulations to be included with other like land use controls.

Discussion

- Alan asked how much land is residential in the Village. Casserly didn’t know off hand, but could update at a later date. Alan also questioned the “no slaughtering” text and is it for commercial or non-commercial purposes. O’Neil agreed that clarity is needed to differentiate.

- Huntley talked about the difference between processing a deer vs. livestock.
- Rose talked about the possibility of processing animals in a barn to reduce impacts to neighbors.
- Huntley asked if livestock are currently being raised in the Village. Bisonette replied that the chances are good for this.
- O’Neil asked Board members for assistance with “commercial” wording. Alan replied with “no commercial slaughtering allowed” and this would reduce commercial scale activities if that is the intent of the law. Pfothenhauer agreed and provided context that the law is intended to reduce impacts from larger farm operations within the Village.
- Bisonette talked about a weight differential between large and small animals. Alan suggested 50 pounds. O’Neil said this same amount is in the law for lots less than one acre.
- O’Neil said a weight limit of 50 pounds should separate large and small animals and the word “commercial” be included
- Chambers said the Board’s comments should be recommendations and not conditions. Other Board members agreed.
- Gilbert said if there are only 50 pounds of animals then it will not be commercial. O’Neil replied that this is for parcels less than one acre. Gilbert replied that there are not that many parcels greater than one acre in the Village.
- The Board voted unanimously to approve the project with recommendations (Alan/Chambers).

1:55

- ii. Canton (T) Solar Array, 90 Judson Street Road (Canton Solar Facility)
Pfothenhauer gave the review

The applicant is proposing to construct a ground mounted 5.0 MW solar array on a parcel located at 90 Judson Street Road. Additional specifics for the project include: Subject parcel is zoned Rural and solar arrays are permitted after special use permit; approximately 26 acres will be enclosed by a 6 foot fence (no barbwire) and buffered by Norway Spruce and White Pine; the subject lands are located in the Town of Canton, adjacent to the Village boundary; and the parcel is assessed in the 100 series (120, field crops), does receive an agriculture valuation and is made up of prime (60%) and prime if drained (40%). The parcel is actively farmed (hay production).

Discussion

- Fay said that the County Board of Legislators (BOL) has directed the County Planning Board (CPB) to not approve solar projects on prime farmland and why are we reviewing this project. Pfothenhauer agreed, however this Board still has the charge to review projects that are referred to it.
- Fay talked about how the Rich Road Solar project will cover 1500 acres and generate an amount of power that is about 30% of what

is produced at the Oswego nuclear plant. Also, nuclear is a safe option for power production. He continued with concerns that NYPA is encouraging this type of power generation and shipping the power to points south. Also, he restated the BOL directive to deny these types of projects on prime farmland. Rose and O'Neil agree, however Rose said that the CPB is also tasked to assist municipalities with project review.

- Huntley talked about the hypocrisy in the recommendation due to the protection of prime ag lands from solar but not residential development. Pfothenhauer replied that the Town and Village's comprehensive plan identify areas for future residential development and this particular area does contain prime ag land. Huntley replied that the plan restricts what a landowner can do with their land and a decision should rest with the landowner. Gilbert added that a residential development would end farming on that property, whereas a solar project could be removed and farming continued.
- Gilbert said the site is not conducive for large dairy farming because of its proximity to Village residences. O'Neil agreed, with that size of farm. However, she added that a smaller diversified farm operation could be ideal for this location. Gilbert replied that the smaller farms that are successful are few and far between.
- Gilbert said that the interconnection easement issue is mute because if a residence needed the easement for power there would be no issue. Pfothenhauer replied that there is more infrastructure for a solar project than a residence and that the interconnection is part of the project.
- Gilbert said that the access road is not part of the project because it is not included in lot size and/or setback requirements. Pfothenhauer replied that the road is part of the project. Gilbert and Bisonette replied that a parcel can end at the center of an easement right-of-way.
- Fay asked if the Town's comprehensive plan was adopted before the BOL resolution protecting prime ag land. Pfothenhauer replied yes, it was adopted in 2019. Fay talked about restrictions on sewer and water expansion in Canton because of water issues coming from Waterman Hill. Also, new residential development will be challenging in and around the Village because of sewer and water limitations.
- Bisonette talked about the scope of this project being solar not planning for residential development. Also, there are other locations to consider in the area that are not prime farmland. Huntley agrees, however the landowner does not own neighboring parcels.
- O'Neil said that the first recommendation be moved to deny the project. A motion was made (Bisonette/Fay). Rose asked about a point of order to hold the motion to hear from the developers. Alan agrees. Gilbert and Huntley remind the Board that a motion is on the table and needs action. Alan asked if there is a way to table the

vote. Chambers said the motion and second can withdraw their actions. Bisonette and Fay withdraw the motion and second.

- Peters highlighted a few points: a letter from the landowner stating the financial benefits they will receive to continue farming, a response as to contacting other landowners for siting (this site is close to 3-phase power lines), and the interconnection location being driven by the utility and the landowner has approved an easement.
- Hens talked about the project following NYS Ag and Markets’ guidelines for soil restoration, phasing plans, and trench installation.
- A majority of the Board voted to deny the project (Bisonette/Fay).

		Ayes and Nays
1	Eric Alan	A
2	Ken Bellor	A
3	Kim Bisonette	A
4	Don Chambers	A
5	Priscilla Darling	A
6	Daniel Fay	A
7	Laura Foster	A
8	Andy Gilbert	N
9	Dan Huntley	N
10	Kitty O’Neil	A
11	Julia Rose	A
12	Heather Sands	A
13	Cherrie Shatraw	N
14	Vacant Seat	
15	Vacant Seat	
		A=10 N = 3

- Pfothauer explained next steps to the developers: the Town can overrule the CPB denial and Staff will share additional recommendations with the Town to consider in its review. Chambers added that SEQR documentation be updated.

iii. Canton (T) Solar Array, 6578 County Route 27
 This project was postponed to the June 9th meeting.

IV. Reports

a. Executive Committee

- i. O’Neil said that the agenda was set and projects were discussed.

b. Board of Legislators

- i. Fay talked about: the appointment of Pfothauer for ERR Officer for a CDBG CHRP 4 grant; declaring the Month of May mental health awareness month; Oswegatchie River Advisory Council agreement signing; MOU updates for DSS, SRMT, and Office of the Aging; development of river front property along the St. Lawrence River (e.g., Shade Roller site); and NYPA negotiations for property in the County.

c. Highway Department

- i. Chambers talked about: the Potsdam outpost site development is on track and 2022 road and bridge projects have begun.
- ii. Gilbert asked about diesel price impacts. Chambers replied that he is working on addressing this, impacts are present now and in the future, however they are still planning to move forward.

d. **State of the County Roundtable**

- i. Update on Large Scale Solar Development
 - Pfothenhauer said there was nothing new to report.

e. **Staff Report**

- i. Pfothenhauer talked about: the broadband project that the County has decided to support with \$3 million of ARPA funds, example cost to connect 15 homes is ~\$500,000, and the Ag District 2 review (adding and removing properties).
- ii. Casserly talked about EMC activities: nuclear power opinion piece, Climate Action Draft Scoping Plan comments, and Black Lake lake management plan. Gilbert asked about heat pumps and whether or not they are a good fit for out area. Casserly replied that EMC members commented that heat pumps should be an accessory source and not primary.

V. **Other Items**

- a. Correspondence
 - i. Pfothenhauer shared that the Jeffords Steel superfund site in Potsdam is complete and certified by DEC.
- b. Land Use Training, June 2nd, 6-730 pm, Topics to include variances and solar regulations
 - i. O'Neil asked if members would be reminded of their annual training hours. Pfothenhauer replied, yes, and shared the 4 hour training annual requirement.
- c. Next meeting dates:
 - i. Executive Committee: Thursday, May 26th at 4:00 pm
 - ii. Planning Board: Thursday, June 9th at 7:00 pm

VI. **Adjourn**

- a. The meeting adjourned at 9:15 pm (Fay/Gilbert).

Respectfully Submitted,



Julia Rose, Secretary

Minutes prepared by Dakota Casserly