

# MINUTES

## ST. LAWRENCE COUNTY PLANNING BOARD

7:00 p.m., Thursday, October 14, 2021

Zoom

### I. Call to Order

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

Vice chair O’Neil called the meeting to order at 7:01 pm. Casserly did a roll call for attendance; a quorum was present (13/15).

	NAME	ABSENT	PRESENT
1.	Eric Alan (Secretary)		X
2.	Ken Bellor		X
3.	Kim Bisonette		X
4.	Joanne Cameron		X
5.	Don Chambers		X
6.	Priscilla Darling		X
7.	Daniel Fay		X
8.	Mark Gazin		X
9.	Andy Gilbert		X
10.	Dan Huntley		X
11.	Brian Murray (Chair)	X	
12.	Kitty O’Neil (Vice Chair)		X
13.	Julia Rose		X
14.	Cherrie Shatraw		X
15.	Vacant Seat		
	<b>Staff:</b>		
	Dakota Casserly		X
	Jason Pfothauer		X
	<b>Guest:</b>		
	Rachel –(Gouverneur Tribune Press)		X
	John Rishe – Ogdensburg Councilor		X

#### b. **Adoption of the Agenda**

- i. O’Neil asked to move the Ogdensburg project review to the top of the full review list.

The agenda was unanimously adopted (Shatraw/Rose).

#### c. **Approval of the September 9, 2021 Meeting Minutes**

- i. Rose said there was a needed a text change from “she” to “he” at III. Project Reviews, b., i., Discussion.

The minutes were unanimously adopted (Huntley/Gilbert).

### II. Public Forum: None.

### III. Project Reviews

a. Referrals Returned Pursuant to MOU - RFLA (Return for Local Action)

Pfotenhauer presented a list of 12 projects.

- i. Massena (V): Use variance, site plan approval (x2), subdivision
- ii. Morristown: Area variance (x3), sign permit
- iii. Potsdam (T): Site plan approval
- iv. Potsdam (V): Sign permit
- v. Rossie (T): Lot line adjustment
- vi. Stockholm (T): Site plan approval

b. Full Reviews:

i. Ogdensburg (C): Comprehensive Plan Review

Pfotenhauer gave the review.

The City of Ogdensburg's Comprehensive Plan focused on a variety of topics that were listed in sections: Economic Development and Job Creation, Waterfront Redevelopment, Downtown Redevelopment, Tourism, Housing, Historic Preservation, Recreation, Transportation, Education, Arts and Culture, State Facilities, and Tax Rate. The Plan was detailed, however there were some areas that needed improvements, such as: prioritizing their goals (immediate and long range) via an implementation matrix, additional maps to highlight locations, and some sections needed more explanatory detail. Staff commended the City for tackling a significant project.

Discussion:

- Gilbert talked about prioritization of goals, tax related should incorporate the school district, prioritize working with outside entities, and dropping the Education section.
- Gazin said that the ski and sledding area that is mentioned in the Plan is located at the St. Lawrence Golf Course.
- Bisonette talked about the school district being its own taxing jurisdiction and is not sure how much influence the City has.
- Rische thanked Staff for the review and he does agree with the recommendations.
- Bisonette stressed that public input would be valuable to the Plan. Rische replied that the public did have opportunities to comment.
- Bisonette agreed with Staff review that the City should review its Plan every 5 years, not annually.
- The Board voted unanimously to approve the project with conditions (Bisonette/Shatraw).

ii. Morristown (T): Waterfront subdivision at 3897B SH 37 in the R-1 Zoning District

Pfotenhauer gave the review.

Discussion:

- Gilbert asked how far from the river would a septic need to be. Pfotenhauer thinks it's 100' from the high-water mark.
- Alan talked about if there is a plan to build on the new parcel. He thinks that the proposed parcel is oddly shaped because the landowners wants to preserve access to the River. Pfotenhauer

agrees but remains cautious due to potential future use of the parcel.

- Alan said that an easement might be a better way to go in this case instead of a subdivision. Pfothauer reminds that Board that the submission was for a subdivision.
- Gazin asked if conditions need to be recorded in the deed. Pfothauer replied no, but the conditions would need to be satisfied before project approval.
- Rose asked if existing ROW would be shared to access the future garage. Pfothauer said yes, however the ROW is 20' and the code requires 50'. He continued that the CEO shared that a new driveway would be used to access the garage, however the site plan says otherwise.
- O'Neil likes the Staff recommendations and makes the point that the subdivision, while it may meet the code regulations, is oddly shaped and goes against what the code is trying to prevent.
- Gilbert asked about how far a leach field needs to be from River. O'Neil said that waterfront and septic/leach field separation should be part of the Staff recommendation. Pfothauer replied that the applicant could propose a septic and leach field that could be engineered to fit the site. Chambers gave a pumping example that supported this.
- Huntley talked about his concern about the precedent that this subdivision could set.
- Shatraw said that there are plans to build a house on the new lot.
- Rose asked if a "stay" could be put in place to allow for the planning board to confirm that the project meets code regulations. Pfothauer replied that a subdivision moratorium could be used however the Town already has a subdivision law. A moratorium could be controversial.
- Gilbert said that if he was the applicant and the Town chose to use a moratorium and then change their subdivision regulations. A lawsuit would be likely. The CPB should make the setback requirements clear.
- Rose asked if the precedent of other river front lot designs hold any weight in this project's design. Pfothauer replied that the proposed subdivision did not need to be designed in the way it was submitted, however, for reasons unknown, this is what the landowner is proposing while meeting the regulations.
- Gazin said that the application doesn't indicate a sale of the proposed parcel.
- Casserly shared that NYS river regulations state that the leach field be 100' from the river.
- Rose asked what the site plan says for riverside development. Pfothauer replied that a future house site is noted.
- Shatraw asked if there are view regulations if a house were to be built towards the river. Pfothauer replied that as long as setbacks are met, a project is good to go.
- Alans asked what the setbacks are in the Town. Pfothauer replied: 30'total, 15' per side.
- Chambers asked if the subdivision regulations address egress on an existing driveway. Pfothauer replied access to lots like these

usually come with shared access, however this project does show additional access to the road if needed.

- Alan said that the Board can only condition on code regulations and ensure that the access road is 50' wide.
- Gilbert agrees with Eric, a non-binding recommendation should direct the Town to adjust its subdivision regulations to ensure that frontage width must extend the length of the lot.
- A majority of the Board voted to approve the project with conditions (Alan/Gilbert), opposed (Bisonette and Rose), abstention (none).

iii. Fowler (T): Solar Energy Local Law  
Casserly gave the review.

- Gazin talked about the costs associated with emergency response for BESS for small communities. Also, he mentioned that the 60 day window for PILOT is not well understood. Pfothner replied that a developer is required to submit a letter to all taxing jurisdictions within a municipality to give them 60 days to negotiate a PILOT. If a taxing jurisdiction does not respond, a project can move forward with a 15 year tax exemption. The letter usually occurs later in the project process. CPB could add this as a non-binding recommendation to address the 60 day letter.
- Gazin talked about hydro storage as an alternative to BESS. He gave the example of hydro power along the Oswegatchie River.
- Bisonette talked about the 60-day letter and if a municipality has opted out of RP 487. The opt out would have to occur before the taxing jurisdiction filing deadline. Also, a developer can renegotiate (under Article 7 RPTL) a PILOT at any time. Bisonette gave an example of the Canton Co Generation plant PILOT renegotiation.
- A majority of the Board voted to approve the project with conditions (Chambers/Fay), opposed (Gazin), abstention (none).
- Pfothner talked about the upcoming PILOT training with Patrick Kelly from the IDA, 11/9/21.

#### IV. Reports

a. **Executive Committee**

- i. Alan talked about the projects that were discussed for this meeting.

b. **Board of Legislators (BOL)**

- i. Fay talked about the following:

- [The recent sharing of the broadband study](#);
- The redistricting process is underway with each legislative district containing about 7000 people;
- An outside group was hired to investigate Social Services and CPS;
- The Morristown project brought about thoughts on zoning and how it can separate people by income;

- Cameron asked about broadband and the high DOT poll tax, and how residents are to respond to the broadband study when they don't have internet access.
  - a. Fay replied that all options should be considered when expanding broadband.
  - b. Pfothauer talked about State legislation that is in the works to address the poll tax. Also, the broadband consultant did do on the ground inspections to account for those without internet.
- c. **Highway Department**
  - i. Chambers talked about the following:
    - The opening of Brown's Bridge, Depot St. bridge deck was poured, Jones Road bridges will be open before snowmobile season, and the bridge in Degrasse will be the last bridge completed this year; and
    - Roughly 35 mi of road were paved by the County and a lot of shared service projects.
- d. **State of the County Roundtable**

Update on Large Scale Solar Development web app and table report.  
<https://gis.stlawco.org/portal/apps/View/index.html?appid=6f3d7fb0923448ed90c3385eb0f8a872>

  - There were no new solar projects since the last meeting. Include IDA and PILOT list with regards to solar projects.
- e. **Staff Report**
  - i. Pfothauer talked about the Northside Energy Center public hearing, 10/26/21, 1 and 6 pm. Also, redistricting, CDBG grants, and COVID relief funds (~\$500k) for housing.
  - ii. Casserly talked about the upcoming Black Lake meeting at the Morristown Fire Dept. Hall.
  - iii. Pfothauer said that the Town of Hammond successfully adopted their new land use regulations.

## V. Other Items

- a. **Correspondence**
  - i. Northside Energy Center public hearing (see above).
- b. **Next meeting dates**
  - i. Executive Committee: Thursday, October 28<sup>th</sup> at 4:15 pm
  - ii. Planning Board: Tuesday, November 9<sup>th</sup> at 7:00 pm

## VI. Adjourn

- a. The meeting adjourned at 9:40 pm (Alan/Bisonette).

Respectfully Submitted,



Eric Alan, Secretary

Minutes prepared by Dakota Casserly