

ST. LAWRENCE COUNTY PLANNING BOARD
MEETING MINUTES

March 12, 2020

Public Safety Complex, 2nd Floor Conference Room, 49 ½ Court Street, Canton, NY

I. Call to Order

- a. Roll Call and Determination of Quorum.** Chair B. Murray called the meeting to order at 7:02 pm. A quorum was present.

Members Present: E. Alan, K. Bisonette, D. Chambers, D. Duff, A. Gilbert, B. Murray, K. O’Neil, J. Rose and C. Shatraw. **Members Absent:** K. Bellor, J. Cameron, D. Fay, M. Gazin and M. McCluskey. **Staff Present:** M. Larson and J. Pfothenhauer. **Others Present:** John DiSalvo, St. Lawrence University Student.

Murray welcomed Julia Rose as the County’s newly appointed Planning Board member, and asked all those present to please introduce themselves.

- b. Adoption of the Agenda.** Pfothenhauer recommended the scheduled land use training session be postponed due to the number of full review projects that are on tonight’s meeting agenda. Pfothenhauer said additions to tonight’s agenda would include revisions to the Town of Stockholm’s local law regulating Outdoor Recreational Sporting Events, and a use variance to allow a billboard. The modified agenda was adopted by consensus.
- c. Approval of the Meeting Minutes.** The February 13, 2020 minutes were unanimously approved (Gilbert/Shatraw).

II. Public Forum

None. Murray welcomed SLU student John DiSalvo to tonight’s meeting, and invited him to ask questions during the project reviews.

III. Project Reviews

- a. Projects Returned for Local Action.**
- i. Stockholm (T): Revisions to Local Law Regulating Outdoor Recreational Sporting Events. Pfothenhauer said a neighboring property owner to a project that was reviewed last year compelled the Town to increase the local law’s dimensional standards, and read the neighbor’s letter for the record. The Board discussed omitting minimum lot size as it would be determined by the 500’ setback requirements and maximum dB levels. Suggestions were also made to replace an annual operating permit with language to revoke the permit if any of the conditions of approval are not followed. Duff recommended the local law include constructing a berm to help minimize noise impacts. Pfothenhauer said

the Notice for Action would include a recommendation for the local law to define “berm.” Chambers recommended the maximum noise threshold be lowered to 80 dB as anything higher than 85 dB under OSHA requires hearing protection for extended periods of exposure. Bisonette asked about standards for fuel spills and environmental contamination. Pfothenhauer said “environmental contamination” would be included as an example for applicants to comply with applicable State and Federal requirements.

Pfothenhauer said when the local law was originally reviewed by the Planning Board, it was returned for local action with comments. Members of the Board asked whether the recommendations should be imposed as conditions of approval. Larson said that the Board has traditionally deferred to local governments on adopting the extent of land use regulations and dimensional standards, even if the dimensional standards effectively zone out a land use activity. Larson referenced The Town of Hammond’s Wind Energy Law reviewed by this Board in 2009. Pfothenhauer also said conditions of approval are typically imposed on projects only when they present countywide or inter-municipal impacts. *The Board concurred with staff recommendation to return the project for local action with comments.*

b. Full Reviews.

- i. Stockholm (T): Adoption of Local Law to Regulate Solar Energy Systems. Larson presented an overview of the local law, and reviewed the recommended conditions of approval outlined in the staff report. A discussion ensued about the preservation of prime soils that are used for farming. Larson explained the County’s Ag and Farmland Protection Board asked staff to draft a resolution and memo encouraging property owners to use their least productive lands when signing leases to host large scale solar arrays. The Board approved the Town of Stockholm’s Local Law to Regulate Solar Energy Systems with conditions (Duff/Shatraw).
- ii. Stockholm (T): Use Variance to allow a Billboard in the Rural District off SH 11B. Pfothenhauer described the project location; the proposed, v-shaped double-sided billboard; and explained the Town’s history of allowing billboards through use variance requests. Pfothenhauer said the applicant failed to answer any of the four legal tests to approve a use variance. Chambers said the applicant would need to obtain a permit from the DOT as the billboard would be located in SH 11B’s right of way. The Board denied the Use Variance to allow a Billboard in the Rural District off SH 11B (Duff/O’Neil).
- iii. Madrid (T): Special Use Permit and Site Plan Review for Two Solar Arrays located off CR 31 and Brady Roads. Larson described the project proposals, the locations, and reviewed the suggested conditions of approval. Duff asked whether the Town’s standards require decommissioning funds. Larson replied yes, she believed they did, otherwise she would have included it as a condition of approval. Murray asked about the turning radius in the site plan. Larson said it would provide access to the array’s service aisles and serve as a parking space when the facility is inspected and serviced. O’Neil asked whether prime and prime if drained soils were present. Larson replied both were present on both parcels. Before continuing discussion about prime soils and

taking action on this project, Pfothenauer suggested he present a similar solar array that is proposed in the Town of Waddington. After discussing the Waddington project, The Board unanimously approved the solar arrays in the Town of Madrid, with conditions (O’Neil/Gilbert).

- iv. Waddington (T): Special Use Permit and Site Plan Review for a 5MW Solar Array in the Natural Resource Area District off CR 31. Pfothenauer described the project location and project proposal. Pfothenauer reviewed the Town’s standards for siting a solar array, which includes the use of wildlife friendly fencing, the installation of underground utilities, and minimizing the displacement of prime soils that are in agricultural production. Pfothenauer said satisfaction of these standards falls to the developer, who can reduce the array’s size, relocate the footprint, find another location, or identify some other agricultural use that is compatible with solar energy systems. For instance, Pfothenauer asked whether sheep grazing could occur within the lease site. Larson said staff could include a non-binding comment that encourages the Town Planning Board and developer to allow sheep grazing operations within the lease site so that some form of agricultural activity could occur on the land. Chambers said any work in the right of way will require an excavation permit from the County Highway Department. Duff said approval for these facilities would not include any storage system, which would be subject to separate review and approval. The Board unanimously approved the solar arrays in the Town of Waddington with conditions (Alan/O’Neil).
- v. Brasher (T): Comprehensive Revisions to Zoning Code. Pfothenauer said Larson assisted the Town with its zoning revisions, so he prepared the staff report for this project. Pfothenauer reviewed the recommended conditions of approval outlined in the report, including using “place of public assembly” rather than church; including language for animated or flashing signs; including cemeteries as a permitted use in the Rural District; omitting energy storage facilities from review; allowing for joint appointments on the Town Planning Board and Zoning Board of Appeals; and changing timeframes to be consistent with Town and General Municipal Law. Rose asked whether she should abstain from the County Planning Board’s decision. Larson replied no as she is not a member of Brasher’s Town Board who will adopt the law. The Board unanimously voted to approve the Town of Brasher’s Zoning Revisions with conditions (Gilbert/O’Neil).

IV. Reports

- a. **Executive Committee.** Murray said the Executive Committee met on the 27th to set tonight’s meeting agenda, and discussed NYSERDA’s model law for battery energy storage systems. Murray said the proposed State budget includes an amendment that would create Article 23 which lowers the State review threshold from 25MW to 10MW for energy projects, and would assign the jurisdiction to NYSERDA rather than the Public Service Commission.
- b. **Board of Legislators.** Pfothenauer said County Legislator Perkins introduced a resolution that opposes the State’s budget amendment. Pfothenauer said it was tabled at committee

for additional information, and may be reintroduced. Pfothenhauer also said the County's response to the threat of COVID-19 is underway. Bisonette asked about whether the County Planning Board would conduct future meetings in person. Larson and Pfothenhauer said they would consult with the County's IT Department about technology that would be available to participate by phone or online. Alan offered to arrange the next Executive Committee meeting, and the next Planning Board meeting online.

- c. **Highway Department.** Chambers said the Highway Department held two information sessions about upcoming Highway projects, one of which includes repairs to Brown's Bridge in Pierrepont. Chambers said the Department will accept bids to construct three satellite facilities in the County. Chambers said the County was also awarded funds to construct a salt storage facility, and said Heidi Ames from the Planning Office assisted with the grant application and submission.
- d. **County Roundtable.** Larson said she would forward an online training session to the Board that was prepared by the National Fire Prevention Association on emergency response to battery energy storage systems.
- e. **Staff Report.** Pfothenhauer said Dakota Casserly will be starting in the Office as a Planner II on March 24th, and the County will be filling three temporary positions to assist with outreach efforts encouraging residents to complete the 2020 Census.

V. Other Items

- a. **Correspondence.** None.
- b. **Announcements.** Pfothenhauer said the Office will be working on land use regulations for the Town and Village of Hammond, and the Village of Waddington. Pfothenhauer said these projects will begin this summer.
- c. **Next Meeting Dates.** The Executive Committee will meet Thursday, March 26th at 4:15 pm. Murray said the Planning Board's work group to review NYSERDA's Model Battery Energy Storage Law will meet at 3:30 pm. The Planning Board will meet online on April 9th at 7:00 pm.

VI. Adjourn

The meeting adjourned at 9:42 pm (O'Neil/Duff).

Respectfully Submitted,



Eric Alan, Secretary