

ST. LAWRENCE COUNTY PLANNING BOARD
DRAFT MEETING MINUTES

May 14, 2020
via Zoom <https://zoom.us/j/99652675976>
Meeting ID: 996 5267 5976 – Password: 996050

I. Call to Order

- a. Roll Call and Determination of Quorum.** Chair B. Murray called the meeting to order at 7:00 pm. Larson did a roll call for attendance. A quorum was present.

Members Present: E. Alan, K. Bisonette, J. Cameron, D. Chambers, P. Darling, D. Duff, D. Fay, M. Gazin, M. McCluskey, B. Murray, K. O’Neil, J. Rose and C. Shatraw. **Members Absent:** K. Bellor and A. Gilbert. **Staff Present:** D. Casserly, M. Larson and J. Pfothenhauer. **Others Present:** Rachel Hunter, Gouverneur Tribune Press; Ron Bush, applicant; Mike Hayes, Perras Excavating.

- b. Adoption of the Agenda.** Pfothenhauer said tonight’s agenda would include two additional full review projects. The modified agenda was unanimously adopted (O’Neil/Fay).
- c. Approval of the Meeting Minutes.** Duff said a typo under the Roundtable Discussion would need to be revised from “regular” to “regulate.” The April 9, 2020 minutes were unanimously approved (O’Neil/Duff).

II. Public Forum

None. Pfothenhauer said Ron Bush was present for the convenience store project review in Morley; Rachel Hunter was a journalist for the Gouverneur Tribune Press; and Mike Hayes was present on behalf of Perras Excavating for a topsoil and gravel pit in Stockholm.

III. Project Reviews

- a. Projects Returned for Local Action.**

Members of the Planning Board did not have any questions regarding projects that were Returned for Local Action.

- b. Full Reviews.**

- i. Canton (T): Special Use Permit for a Convenience Store with Gas Pumps in the Hamlet District at 7249 CR 27.** Pfothenhauer explained he would present the project review, answer questions of the Board, and give Mr. Bush the opportunity to speak with the Board and answer any of their questions. Pfothenhauer described the project’s location, uses allowed in the Hamlet District, the layout of the site plan, the surrounding land

uses, and the suggested conditions of approval. Alan said a curbcut on the current site plan would require 5' area variance to reduce the setback from the nearby intersection. Murray wondered about the size of the culvert across County Route 14 and whether it was adequate to accommodate the additional stormwater runoff, and how it may affect properties that are downslope from the project. Alan asked if there would be concerns with traffic queueing along the County Routes to enter the property. Chambers recommended the driveway off CR 14 be designated exit only to avoid congestion west of the CR 27 – CR 14 intersection. Pfothenauer confirmed for Fay that the DEC's involvement with the stormwater review depended on the amount of site disturbance. Disturbance over an acre in size would require a Stormwater Pollution Prevention Plan and permit issued by the DEC. Bisonette said he was unsure if the culvert underneath the Morley Volunteer Fire Department's building flowed easterly toward Madrid. Murray suggested the DEC review the proposed stormwater management on the property. Members of the Board concurred that the applicant and Town ensure the drainage is sized appropriately.

Duff asked about onsite snow storage. Mr. Bush indicated there was space available north of the parking area in the rear of the lot. Chambers recommended the site plan be revised to show a dumpster location. Mr. Bush said it would be located in the northwest corner of the parking area, away from neighboring residences. Fay said it would be nice to have a convenience store in Morley. Mr. Bush said based on conversations he's had with others in the area, the culvert flowing from CR 14 to the Grasse River was owned by the County. Chambers said he didn't believe a County easement existed there. When asked about exterior lighting, Mr. Bush said the property would include three free standing LED lights, and one wall business sign would be mounted on the building. When Duff asked about the amount of impervious surface area, Mr. Bush said the rear parking area would be gravel only, and blacktop would be paved in front of the store to the landscaped area at the CR 14 and CR 27 intersection. Mr. Bush said site disturbance would be close to one-acre.

Mr. Bush said he was also willing to relocate the aboveground fuel tanks to comply with applicable setbacks. When asked about installing underground tanks instead, Mr. Bush said due to the cost, he would consider underground tanks if the business was successful with the use of aboveground tanks first. Because the station doesn't include a canopy, Duff asked about fire suppression. Mr. Bush said fire suppression is only required if customers are paying for gas at the pump a credit card, and if the business is a 24-hour operation. Mr. Bush said the business would not operate 24-hours a day. Alan suggested that a recommendation to bury the tanks be struck. Mr. Bush said that the installation of a solid fence between the business and adjacent residence to the west may interfere with a County snowmobile trail along the western property line. Murray said fences are typically recommended to separate commercial from residential uses. Chambers recommended the applicant's engineer look at the traffic movement and make the driveway off CR 14 exit-only to avoid vehicles from queueing up on the highway. The Board unanimously approved the Special Use Permit with conditions for the Convenience Store with Gas Pumps in the Hamlet District at 7249 CR 14 (Alan/Shatraw).

- ii. Stockholm (T): Special Use Permit for a Topsoil and Gravel Pit in the Rural Use District at 1909 USH 11. Larson presented an overview of the project proposal, its location and surrounding land uses, and the criteria that may be considered for Mined Lands and Reclamation Permits. O’Neil recommended the access road be relocated to minimize noise disturbance and dust impacts to the adjacent residences. O’Neil noted that residents and their will likely spend more time at home as a result of COVID19, and the mining operations would disrupt work and school from home. Alan asked about the hours of operation and whether the Town has a noise ordinance. Larson replied mining operations would begin at 7:00 am, and she did not know whether a noise ordinance was in effect. Rose asked whether the proposed haul route would include the White Road. Hayes replied no, the haul route would use State highways. Duff said he supported relocating the access road to follow the parcel’s western lot line, especially if residents will likely spend more time at home due to COVID19. Duff asked whether a gate would be installed at the entrance of the access road. Hayes replied yes. Chambers said if the applicant relocates the access road, the applicant will need to secure a permit from the DOT. Rose said the impacts from having the access road between the two residences are significant, and she would like to keep the neighbors happy. Chambers noted there is a significant grade differential as the highway approaches the St. Regis River valley. Larson reviewed the suggested conditions of approval as recommended by the Board. The Board unanimously approved the Special Use Permit with conditions and non-binding comments. (Fay/O’Neil).
- iii. Waddington (T): Special Use Permit for a 5 MW Solar Array in the Limited Development (LD) District at 20 Campbell Road. Larson presented the project proposal, described the property, identified surrounding land uses, and reviewed staff recommendations. Alan asked about the extent of prime and prime if drained soils present on the property. Larson reviewed the prime soils map and indicated areas that are now prime as the parcel is tile drained. O’Neil said the installation of the array will likely damage the subsurface drain tile. A discussion ensued about whether the footprint of the project could be relocated to more marginal lands, followed by a discussion on a recent County resolution encouraging property owners to site solar facilities on marginal lands; to design arrays to accommodate compatible agricultural uses in the leased area; and for the County to require Payments in Lieu of Taxes (PILOTs) when solar arrays are established to sell energy to the electrical grid. Larson suggested the decommissioning plan for the array include the cost of installing new tile drain in order to return the property to its original state. A majority of the Board approved the Special Use Permit with conditions for the 5 MW solar array at 20 Campbell Road. No: Alan.
- iv. Lawrence (T): Local Law to Regulate Solar Energy Systems. Larson presented an overview of the draft law, and said the law would apply townwide if adopted. Larson said it would be the first zoning district in the Town if adopted, and the law will need to provide a relief mechanism for area variances. Larson recommended the law be returned for local action as communities under Home Rule law have the authority to determine the extent and location of land use regulations as they see fit. Larson added,

however, that should the Town adopt the law, she reviewed the recommended conditions of approval that were based on similar laws reviewed by the County Planning Board. Alan said the recommended conditions were straightforward. The Board unanimously approved to return the law for local action, as well as with conditions of approval should the law be adopted (Alan/O'Neil). Pfothenhauer reviewed his recent communications with the County Attorney to have the County IDA negotiate Payments in Lieu of Taxes (PILOTs) with solar developers on the County's behalf.

- v. Potsdam (T): Use Variance for a veterinary clinic in the Single Family Residential (R-1) District off the South Canton Road. Pfothenhauer described the project proposal, the location on the Town's zoning map, and aerial imagery of the property and surrounding land uses. Pfothenhauer also reviewed the legal tests that must be satisfied to approve a use variance, and recommended the project be denied. Both Larson and Pfothenhauer explained staff recommended the Town revise its zoning to allow small business operations through a special use permit in the residential district rather than filing the project as a use variance. Gazin said he felt the vet clinic should qualify as an agricultural operation. Pfothenhauer said the applicant indicated the business would not treat large farm animals. Chambers said small domestic animals do not constitute as farm animals. Alan said the property is in close proximity to the nearby R-2 district which could accommodate small business operations, and suggested the property be rezoned to R-2. Bisonette said it was unlikely the Town would ever support rezoning the R-1 district in that area. Bisonette also said there are other parcels in the Town that are zoned appropriately.

O'Neil said she would like to see this business established in the community, but understood the importance of applying land use regulations consistently. Duff said he concurred with O'Neil. Alan said the course of action the applicants and Town took to try to establish the business with a use variance ties the County Planning Board's hands. O'Neil recommended the notice of action state the current zoning language says this type of use is not compatible in the residential zone. Fay said a vet clinics exists on State Highway 68 outside Canton and is a compatible use, and said the Town of Potsdam should be encouraged to revise its code. Members of the Board concurred that the Notice of Action should state the County Planning Board supports the creation of this small business in the Town, but that a process to allow this type of use should be established. A majority of the Board voted to deny the use variance to establish a veterinary clinic in the Single-Family Residential (R-1) District off the South Canton Road. No: Fay and Gazin.

IV. Reports

- a. **Executive Committee.** Murray said the Executive Committee met on the 30th via Zoom to set tonight's meeting agenda, and returned for local action an area variance for a rear yard deck.

- b. Board of Legislators.** Fay said Board of Legislators adopted the resolution regarding the siting of solar energy systems and requiring PILOTs, and said local governments will face a financial hardship with the loss of sales tax revenue to due COVID19.
- c. Highway Department.** Chambers said the County’s Highway Department received additional funding for three bridge projects: two rehabilitations, and one replacement.
- d. County Roundtable.** Larson reviewed the recommended changes to NYSERDA’s model energy law to regulate Battery Energy Storage Systems. Larson said the model law will also include language that requires solar developers to purchase emergency response equipment for local responders if the equipment is not already available. Larson was congratulated for a job well done. Larson said the revised model law will be disseminated to local governments for their consideration.
- e. Staff Report.** Pfothauer said the County’s Emergency Operations Center (EOC) activities are ramping down and will be relocated back to the Public Safety Complex. Pfothauer said Casserly and Larson have been involved with the preparation of the daily cases map for Public Health. Larson provided a summary of recent public transit activity.

V. Other Items

- a. Correspondence.** None.
- b. Announcements.** None.
- c. Next Meeting Dates.** The Executive Committee will meet online on May 28th at 4:15 pm. The next County Planning Board will be online on June 11th at 7:00 pm.

VI. Adjourn

The meeting adjourned at 9:49 pm (O’Neil/Rose).

Respectfully Submitted,



Eric Alan, Secretary