

# ST. LAWRENCE COUNTY PLANNING BOARD

## DRAFT MEETING MINUTES

September 13, 2018

Public Safety Complex, 2<sup>nd</sup> Floor Conference Room, 49 ½ Court Street, Canton, NY

### I. Call to Order

- a. **Roll Call and Determination of Quorum.** K. Bellor called the meeting to order at 6:58 pm.

**Members Present:** K. Bellor, K. Bisonette, J. Cameron, D. Chambers, D. Fay, M. Gazin, R. Hotte, M. McCluskey, B. Murray and J. Timmerman. **Absent:** W. Davis, D. Duff, D. Mullaney, W. Palmer and M. Pennington. **Staff Present:** M. Larson and J. Pfothenhauer.

- b. **Adoption of the Agenda.** Pfothenhauer said a full review project that would be added to tonight's agenda is a site plan review for B&M collision of State Highway 68 in the Town of Lisbon. The modified agenda was unanimously adopted (Chambers/McCluskey).

- c. **Approval of the Meeting Minutes.** The August 9<sup>th</sup> meeting minutes were unanimously adopted (Fay/Cameron).

### II. Public Forum None.

### III. Project Reviews

a. **Projects Returned for Local Action.**

- i. Norfolk (T): Special Use Permit for a Dog Kennel in the Residential-Agricultural District at 3485 CR 47. Larson said the proposed kennel was discussed with the Executive Committee.

b. **Full Reviews.**

- i. Louisville (T): 2-lot subdivision in the Residential-Agricultural District at 301 CR 36. Pfothenhauer identified the property's location, explained the proposed lot would be 10' x 100', and described the applicant's intent to acquire land in an adjacent school district in order to enroll their child at another school. Pfothenhauer said the lot would have limited utility and would not be buildable for conventional construction purposes. Cameron described the relief and associated ravine on the parent lot that slopes towards the Grasse River. Pfothenhauer explained the Town's code requires a minimum lot width of 50', and a minimum lot size of 30,000 square feet, and said the

lot must be capable of siting a building on the property. Bisonette described the practice of property owners creating non-conforming lots in an adjacent school district so that parents have the option of sending their children to one of two school districts. Pfothenauer said this was also described to him by BOCES Superintendent Tom Burns. Bellor suggested the intent for the subdivision should be removed when examining whether a non-conforming lot should be approved. Bisonette said under State Law, deed descriptions cannot be written for lots that are adjacent to one another but are in different school districts. A discussion ensued about imposing a deed restriction or covenant to prohibit selling the proposed non-conforming lot separately from the adjacent residence, and how such a covenant or restriction be enforced. Chambers noted the parent lot could actually be split into two conforming parcels. McClusky added the proposed subdivision would not meet the tests to grant an area variance, and approving the subdivision sets a terrible precedent for the Town. Bellor reiterated his advice for the Board to remove the applicant's intent, and to examine the subdivision's impact. The Board unanimously voted to disapprove the 2-lot subdivision (Bisonette/McClusky).

- ii. Lisbon (T): Retroactive Site Plan Review and Sign Plan Review for B&M Collision of State Highway 68. Larson explained how the sign plan was referred by the Town's Code Enforcement Officer and learned the Town Planning Board decided to "waive" the County Referral process for this project as well as other commercial projects in their community. Larson said she and Zimmerman reviewed the Town Planning Board's meeting minutes that were posted online and described the site plans in the Town that were approved without consulting with the County. Larson reviewed highlights from a memo drafted by staff that identify the Town's current project review practices and existing site plan regulations are inconsistent with General Municipal Law and Town Law, and recommended the Board not take retroactive action on site plan or sign plan. Murray said construction on the collision center began in June. Fay said the land was cleared in May.

Bellor recommended the memo include a statement that the Town Planning Board's current practices make commercial projects vulnerable to Article 78 proceedings. Bellor also asked staff to contact the Town Supervisor by phone to notify him that the memo would be mailed. Larson confirmed Zimmerman consulted with the County Attorney about preparing and submitting the memo to the Town. Bellor said the contents of the memo are fact-based, and would sign it for mailing tomorrow. Hotte suggested staff offer to meet with the Town. Murray suggested staff offer to assist the Town with the revision of its site plan review regulations. Larson said the memo ended with an offer to do both.

#### **IV. Reports**

- a. **Executive Committee.** Bellor said the Executive Committee met on August 30<sup>th</sup> to set the agenda and discussed the proposed dog kennel in Norfolk.

- b. Board of Legislators.** Timmerman said the County received its first clean audit in a number of years, and is on track to not borrow money to cover its operating expenses. Timmerman said the County projects a \$15 million fund balance. Fay said he recently attended a Village of Canton Planning Board meeting where former County and Village Attorney Michael Crowe pointed out how the Village Planning Board's current procedures are not consistent with the Village's zoning regulations.
- c. Highway Department.** Chambers said production and delivery of the steel for the Russell bridge is a couple of days ahead of schedule, and described current work on the Franklin Road bridge in Waddington. Chambers said the Alcoa bridge is closed to pave the deck, and said paving in the county will be done for the season in three weeks. Chambers said by the end of July, the County acquired enough winter sand for the winter season, and bids for steel carbide plows were opened at the Department today. Bisonette asked when the Russell bridge will be reopened. Chambers said it will open on or after Thanksgiving. The concrete will be poured in October, and will cure for one month. Chambers added the new bridge will include a 5' wide shoulder in lieu of a sidewalk as a bridge sidewalk would not connect to an existing sidewalk network in the town.
- d. State of the County.** None.
- e. Staff Report.** Pfothenauer said he was pleased to announce Planning Office Manager Denise Henophy is cancer free, and is on vacation to celebrate. Pfothenauer said demolition of the buildings at the J&L site in Fine have removed the sintering plant, and the project will be complete by the end of this year. Pfothenauer said effective in January 2019, the Office will assume management of the County's bus operation. Larson said the Office is working with American Farmland Trust on a Smart Solar Siting Forum scheduled for November 15<sup>th</sup> at the Gouverneur Community Center. Pfothenauer said the County distributed 2,300 postcards to eligible property owners about the septic replacement program, and 60 households have responded with an interest in participating. Pfothenauer also announced the annual Local Government Conference will be held on October 9<sup>th</sup> at SUNY Potsdam and distributed conference brochures to those present.

## **V. Other Items**

- a. Correspondence.** Larson said the Office reviewed the US Army Corps of Engineers proposed dredging project at the Port of Ogdensburg, and did not offer any comments on issues that present countywide or inter-municipal impact. Larson also reported the Village of Massena approved the Downtown Overlay District with the County Planning Board's recommendations. Pfothenauer said the Office received correspondence from the Adirondack Park Agency about a proposed water project in Clifton that would extend service from Star Lake to Newton Falls.
- b. Next Meeting Dates.** The Executive Committee is scheduled to meet at 4:15 pm on Thursday, September 27<sup>th</sup> in the Planning Office. The next Planning Board meeting will be October 11<sup>th</sup> at 7:00 p.m.

**VI. Adjourn**

The meeting adjourned by consensus at 8:11 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Renee Hotte". The signature is written in a cursive style with a large initial "R" and a long, sweeping underline.

for Renee Hotte, Secretary

Minutes prepared by M. Larson

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