

## MEETING MINUTES

### JEFFERSON COUNTY PLANNING BOARD

May 31, 2016

MEMBERS PRESENT: David Prosser, Chairman, Dean Gillan, Vice-Chairman, Art Baderman, Deb McAtee, Lisa L'Huillier, Dwight Greene, Bill Ferguson, George Yarnall, Clif Schneider

OTHERS PRESENT: Jake Tibbles & Rebecca Dahl, Town of Clayton

STAFF PRESENT: Michael Bourcy, Senior Planner  
Jen Voss, Community Development Coordinator  
Sara Freda, Community Development Coordinator

CALL TO ORDER AND ESTABLISHMENT OF QUORUM: Chairman Prosser opened the meeting at 4:00 p.m. and stated that a quorum was present.

APPROVAL OF THE APRIL 26, 2016 MEETING MINUTES: Chairman Prosser asked members if they had any comments or changes to the April 26, 2016 meeting minutes. A motion to accept the meeting minutes was made by Dean Gillan seconded by Clif Schneider, and carried unanimously.

COMMUNICATIONS: Chairman Prosser asked if there were any communications. There were none.

PUBLIC COMMENTS (OTHER THAN AGENDA ITEMS): Chairman Prosser asked if there were any public comments (other than on agenda items). There were none.

#### NEW BUSINESS:

##### A. General Municipal Law, Section 239m Referrals:

- 1 Town of Adams, Site Plan Review, Jefferson Storage LLC, JCDP File # T Ad 1 - 16. Sara Freda presented this project to the Board stating the applicant is requesting a site plan review for two 30' x 160' self-storage buildings. The Board is reviewing this due to its proximity to US Route 11.

Using the locator map, she showed the location as being on the west side of US Route 11 between Minkler Road and Behling's Spookhill Farm. It is zoned C-1 which allows a self-storage facility upon site plan review. The site is a little over 3 acres and the owner plans to subdivide the lot into two parcels; consisting of 1.46 acres and 1.66 acres, and the proposed storage facility will be situated on the northern lot. Each building will be 4800 sq. ft. in size with 74 units of varying sizes.

Sara reviewed the proposed site plan showing the site will be accessed via a paved driveway onto US Route 11 while internal circulation is on crushed stone. A proposed sign will be located in the front yard setback area and new electric for the proposed wall packs is the only proposed utility. Dean Gillan asked about the distance between the buildings and Sara said it is 25 feet and states the zoning code doesn't have a minimum distance.

Sara also noted, in response to Bill Ferguson's question, that there will not be an on-site office.

County issues identified by staff include: The site is within 500 feet of land in a NYS Certified Agricultural District. An Agricultural Data Statement is required to notify operating farms.

A New York State Department of Transportation Highway Work Permit is required for any work within the right of way of US Route 11.

A Jefferson County building permit is required for the construction of the two buildings.

Local items to consider: The local board should consider requiring landscaping along the east side of the parcel, near US Route 11 in order to screen the proposed commercial use from the existing residences across the road, pursuant to Section 630.B. of the Town's Zoning Law.

The local board should determine if a variance is required for the location of the proposed sign.

The Board asked about security of the property and suggested the local board consider suggesting security fencing to the applicant.

2. Town of Clayton, Special Use Permit, Thousand Islands Land Trust, JCDP File # T CI 5 - 16 Jen Voss presented this project to the board stating the applicant is requesting a special use permit to establish agricultural uses at Zenda Farms Preserve to re-energize the preserve, and develop more of a community focal point. The Board is reviewing this due to its proximity to NYS Route 12.

Jen showed the location on an aerial photo and stated it is on the corner of NYS Route 12 and Zenda Road. She stated they are proposing 28.6 acres, of their 107.5 acres, to be for agricultural use.

Dean Gillan addressed Jake Tibbles & Rebecca Dahl, who are representing the project, and ask what type of crops are they proposing and Mr. Tibbles stating they are starting with grapevines as they have a partnership with Coyote Moon Vineyard. He further explained, they are a non-profit and their goal is to generate some revenue to further educational programs at Zenda Farms. Chairman Prosser asked about the timeline for a return on the crops and Mr. Tibbles stated they are looking at about 3 years.

Art Baderman asked why they will going through the review process for just the 28.6 acres and not the entire acreage. Mr. Tibbles explained he was new to this procedural process and may have just been an oversight on his part as he was initially under the impression this was a special use permit for just grapes, and that the acreage is dedicated for that use, but he now realizes that it is actually a special use permit for all crops and he may be requesting to include more acreage in the future.

Chairman Prosser asked about the tax exempt status of the property as they are non-profit and Mr. Tibbles explained that as soon as they were seeing a profit they would put the property back on the tax rolls.

Jen stated there are no county or local issues identified.

Chairman Prosser reviewed the staff recommendation that this is a Project of Local Concern Only.

Motion: To accept staff recommendation of Project of Local Concern with comments as stated above was made by Dean Gillan, seconded by George Yarnall, and unanimously carried.

3. Village of Dexter, Zoning Amendments, JCDP File # V Dex 2 - 16 Michael Bourcy presented this project to the Board and stating the Village of Dexter is proposing to change the classifications on six parcels from Commercial to Residential. The Board is reviewing this due to its proximity to NYS Route 180.

Using a proposed zoning change map, Michael highlighted the parcels in question and explained each of the proposed changes. The discussion for these changes resulted from the fact that all of these are residential houses, which are not allowed in the Commercial District where they are located. One of these owners was attempting to sell their home and was being told from prospective buyers they were unable to obtain mortgages from lenders as they were located in a commercial zoning district.

Only County comment is the local board should ensure that this amendment is consistent with current plans and the vision for the Village.

Local staff comments:

The local board should consider including the two parcels (72.67-2-77, 72.67-2-76) on the riverside of William Street in the R-1 District.

The local board should also consider including the multi-family lot (72.67-3-53) in the R-2 District.

Bill Ferguson asked what the Village was going to do if someone in the future wants to buy one of these parcels for a commercial use since it is in the downtown area of the Village. Michael Bourcy stated he discussed that to the local board and they stated that they wanted to fix this issue for these residents, and if that issue arose in the future they would consider rezoning again at that time. It was also discussed to just allow residential houses in the Commercial District, but that may still be a problem for some lending institutions because it is still zoned commercial.

4. Town of LeRay, Zoning Amendments, JCDP File # T Le 1 - 16 Jen Voss presented this project to the Board stating the Town of LeRay is proposing to amend their zoning law, including changes to the solar, telecommunication, and sign sections. The Town is also proposing a map amendment. The Board is reviewing this due to its proximity to County Road 46.

Jen explained that the Town is proposing to change the zoning of six parcels due to an oversight by the Town during the last update. Next, she briefly explained the highlights of the text changes which include:

- Change to definition of Front Lot Line
- Solar Energy System – on building only for MU District
- Telecommunication facility - co-location only for MU District
- Parking changes from 20% to 30% for front or side of building
- Circulation and drives added to parking lot setbacks
- Foundation landscaping – changed to require 3 feet from foundation and mulch
- Access drive lowered - 24 foot right-of-way and pavement width of 12 feet
- Handheld signs now prohibited
- Electronic message center – change times condition of approval
- Penalties for sign offenses – from 30 days to immediately to be rectified
- Telecommunication Facilities – need site plan review for AR and Mixed Use Districts
- Remove prohibition in Mixed Use District
- Design standard changed for Telecomm. Facilities – deleting guy wires preferable to freestanding and changing to all utilities run underground from road to facility
- Notification standard for landowners for telecommunication facilities – change from 500 ft to 1000ft.
- Violations & Penalties – changed from weekly to daily offenses.

The only County comment identified is the local board should ensure that the amendments to the Zoning Law are consistent with the Town's Comprehensive Plan.

Local issues identified include:

The definition of Front Lot Line is being amended to include that it must meet setback and frontage requirements. The setback measures the distance between a building and a lot line, so a setback cannot apply to a lot line, which is just a boundary line from which the setback is measured.

The term "circulation routes" is being added to parking lot setbacks. The local board should consider the addition of a definition of "circulation routes" for clarification.

Handheld signs are being added to the list of prohibited signs. Again, the local board should consider a definition for clarification.

The penalty for offense of a sign violation is proposed to be changed from "30 days" to "immediately" to be brought into conformance. The local board should consider a definitive time, as "immediately" could be construed different depending on the person.

An amendment is being proposed to the design standards for telecommunication facilities by changing "guy wires are preferable to freestanding towers" to "all utilities should be run underground from road to facility". Guy wires are not utilities, they help hold the tower up, so these two items are independent of one another. The local board should reconsider this amendment to ensure it includes the correct information.

The section on violations and penalties for zoning offenses is being amended to change the amount of time that constitutes each new offense from one week to one day. The local board should consider if this is a feasible time frame that can be enforced.

5. Town of Orleans, Moratorium, JCDP File # T Or 2 - 16 Michael Bourcy presented this project to the Board explaining the Town of Orleans is proposing a six month moratorium on wind energy facilities.

Staff identified the same issues as discussed for the Town of Clayton's moratorium last month which are:

The Town Board should ensure the proposed moratorium meets NYS DOS's criteria for land use moratorium prior to adoption.

- 1) Have a reasonable time frame as measured by the action to be accomplished during the term;
- 2) Have a public purpose justifying the moratorium;
- 3) Address a situation where the burden imposed by the moratorium is shared by the public at large;
- 4) Strictly adhere to the procedure for adoption laid down by the enabling acts;
- 5) Have a certain time when the moratorium will expire.

Chairman Prosser recommended a longer timeframe of one year, as the Board did for the Town of Clayton last month. Michael stated that staff talked to the Town about that and they don't feel it will take that long and want to show the residents they are actively working on the issue. If a longer timeframe is needed after six months they will reapply.

- 6 - 8. Town of Orleans, Site Plan Review, Special Use Permit, William Ball, JCDP File # T Or 3,4,5 - 16

Sara Freda presented these three projects to the Board stating that the same applicant is requesting a site plan review for the addition of a deck to an existing restaurant, a site plan review for boat sales and a small commercial enterprise, and a special use permit for multiple principal uses on one parcel. The Board is reviewing this due to its proximity to NYS Route 12.

Sara showed the location of the parcel using an aerial photo and recent site photos. It is located on a 1.77 acre site on the southeast side of State Route 12 between Route 180 and Interstate 81. Next the submitted site plan was reviewed. There is an existing unoccupied restaurant and the applicant proposes a restaurant (which he will add a ramp and outdoor seating), bakery, boat sales and production of fishing lures to market on the premises from an existing detached garage. The outdoor area for boat sales is approximately 135 feet by 50 feet in size and the applicant states he will display a maximum of 10 boats at a time. The property is zoned Business which allows a restaurant and large product retail uses with a site plan review. The town's zoning ordinance does allow multiple uses on one site with the issuance of a special use permit.

County issues are as follows: The applicant plans to consolidate the existing access points on NYS Route 12 to one. A NYS DOT Highway Work Permit will be required.

Approval from the NYS Department of Health is required for the proposed restaurant.

Local items for consideration: The local board should request that the access point onto NYS Route 12 be better defined in order to ensure safe ingress and egress to the site as per Section 7.06. A. of the Town's Zoning Ordinance. Coordination with NYS DOT is recommended.

The local board should request a revised site plan that demonstrates adequate vehicular circulation and provides parking spaces that are configured such that cars will not back out onto the state highway as per Section 7.06 A. & C. of the zoning ordinance.

The local board should evaluate the potential location of the dumpster in relationship to the existing residence (if applicable).

The Town's Zoning Ordinance does not have a specific parking requirement for the proposed commercial uses therefore the local board should address the required parking. At a minimum one space per employee should be requested and delineated on the site plan. This would be in addition to the required parking for the restaurant.

The local board should ensure that the lots where products are stored and parking is situated are constructed of all-weather materials (gravel, paved, etc.) as per section 8.09 C. of the Town's Zoning Ordinance.

The local board should ensure the landscaping and buffering requirements of the Zoning Ordinance are met, specifically, Section 8.09.B. which requires adequate screening between residential structures and large commercial enterprises.

The local board should ensure that site drainage of the boat display area does not negatively impact the designated wetlands located to the southeast of the site.

Section 4.01 of the Zoning Ordinance permits multiple principal uses on one lot upon issuance of a Special Use Permit. The local board should determine if Section 7.07.C. of the Zoning Ordinance applies to this project (pertaining to screening the existing residence from the multiple commercial uses).

Chairman Prosser reviewed the staff recommendation that Projects #1 and #3-8 are Projects of Local Concern Only.

Motion: To accept staff recommendation of Project of Local Concern with comments as stated above for projects #1 and #3-8 was made by Dean Gillan, seconded by Lisa L'Huillier and unanimously carried.

### C. Other Business

Michael stated that the two remote meeting spots for the summer months will be the classroom in the new JCC dorm for July and the Antique Boat Museum for August.

### Adjournment

A motion was made by Deb McAtee, seconded unanimously to adjourn the meeting at 4:50 p.m.