

VILLAGE OF CANTON PLANNING BOARD MINUTES

March 14, 2018 7:00 P.M. Municipal Building, Canton, NY

Members Present: Chairperson Barry Walch, John Hill, Nick Kocher, Jessica Prody, Charles Rouse, Recording Secretary Ginger Thomas

Members Absent: Sara Pabis

Others Present: Fred Stone, Thomas W. Hobbs, Charles Smith, Carolyn White, Phoebe Rogerson, John Ault, Charlene L. Barton, Sue Mende, The Rev. James Galasinski, John Danis, Bart Harloe, Mayor Mike Dalton, Conrad Stuntz, Cheryl Stuntz, William J. Fassinger, JoAnne Fassinger, Chad Grees, Kaitlyn Manley, Aaron Smith, David Lloyd, Stephanie Tozzi, Gerard Tozzi, John Dietrich, Nan B. Clingman, Patricia Alden, Norma Cady

Minutes

Minutes from the February 20, 2018 Village Planning Board meeting were approved following a motion from Ms. Prody and a second by Mr. Kocher.

Public Hearing and Site Plan Review for Change of Use for 11 East Main Street

Chairperson Barry Walch explained that at the current meeting there would be a public hearing for a change of use request to use 11 East Main Street as a boarding house. A boarding house, a halfway house, or a group dwelling, are considered the same thing within the Village Code. A boarding house is an allowed use, in the zone, with a special permit. The proposed use comes to the Village Planning Board to see if it is in compliance with the Code. A public hearing is held so the community can hear about the project and the Planning Board can hear from the community. It is a cooperative effort. However, the public hearing is not the end of the process. The Planning Board has 62 days to make a decision. Only the Planning Board members will vote. Information from the public hearing helps the Planning Board follow the Code.

Mr. Walch asked the people wishing to change the property to explain their proposal to everyone present. Ms. Carolyn White, a board member from the New Hope Transformation Ministry, explained the organization was incorporated in 2011 as a 501-C3 corporation and registered in the New York State Grants Gateway. It was incorporated by three individuals, two of which are still active. The current board of directors has two of the original board members and five other individuals. She said they are not just a “merry band of do-gooders.” Two board members are RNs certified to work with chemically dependent people, one is a contractor, one is involved with family planning, and one is a pastor in quasi retirement involved in addition instruction at correctional facilities, talented in fund raising, and active in his congregation. Ms. White is credentialed and worked with substance abuse disordered people for many years. She has also worked in public health, at Mater Dei College, and Canton Potsdam Hospital dealing with chemical dependency. Ms. White said there is an opiate and drug epidemic in the nation. Her group would like to start a pilot project housing six women in the Grace Episcopal Church

Rectory to establish a track record with the state. After 3-4 years at Grace, when they have State aid, they would go on to a larger program. She said they are in good shape to go ahead with the project. The house has some furnishings already and they have donations of office equipment. Feelers are out for a house mother. The six women will be over 18 years old and there will not be children. They will all be from St. Lawrence County, will have completed inpatient treatment, and will be ready for supported living. The program will be faith based. The women will all work or attend an educational program. There will be zero tolerance, including tobacco. Drug testing will occur. Ms. White continued that the first admission will be two women and a house mother. They will add one woman at a time as they “get the wrinkles out.” Income for the home will come from the residents’ Department of Social Services assistance, HEAP, and SNAP. When the women are working they will pay rent. Some ground work has been done with churches and people interested in pledging to the house and to the women on a monthly basis. They don’t feel there will be any trouble covering expenses. Ms. White also shared that a reason people fail in recovery is lack of appropriate places to live early in recovery.

Mr. Ault pointed out that Ms. White was very qualified to run the program. He further explained that the women will have very structured lives. In addition to getting a GED or going to college, they will be instructed in the home in finances, nutrition, and boundaries. Lots of resource people are willing to teach the classes. He described a survey which indicated St. Lawrence County has a high rate of binge drinking. Mr. Ault mentioned that parking had been an issue but that none of the women will have a car. There will be a van and the resident director may have a car, for a maximum of two. He said there are no homes for women in St. Lawrence County and if the women went downstate they would not be able to see their children. He mentioned the Federal Fair Housing Act and treating people with disease as a family. Mr. Ault asked the Planning Board members to consider being just, merciful, and right.

A member of the community told the Planning Board members they needed to consider the Code, federal laws, and case law. He mentioned the Americans with Disabilities Act prohibited discrimination by a public entity and required reasonable accommodations be made. He pointed out that if middle or upper class individuals would be approved then so should these people be. Rev. Galasinski, from the Unitarian Universalist Church in Canton said their Social Action Committee was behind the project and wanted to partner to make it a reality.

Questions were asked about the number of bathrooms, bedrooms, and fire alarm system in the house. Mr. Walch said two bathrooms are required and there are three. Four bedrooms are in the house. Three will be used for clients and one for the manager. All meet adequate square footage requirements. There are two stairways and cooking, eating, and living space meets space requirements. Fire Code issues will be evaluated by the Code Enforcement Officer and all requirements will need to be met before a certificate of occupancy can be issued.

A community member asked what the qualification would be for the resident director. Ms. White said the person would be someone in recovery for at least five years and a faith based person to be a peer for the residents. When Ms. White was asked if the resident director shouldn’t be as

skilled as the RNs on the Board of Directors she responded that RNs wouldn't be skilled enough to navigate the systems the women needed. This woman would act like a care manager doing computer work and data collection for the pilot project. Mr. Ault shared that the Board members would come to the home on a regular basis to volunteer. He also added that the house mother in residence would be a person of high integrity and would make the women follow the rules. They were not concerned about this person having a degree. He said there would be respite people to supervise when the house mother was not there.

Neighbors living directly across the street expressed concern about the neighborhood being different from what they were used to. When asked what "wrinkles" might be expected with the halfway house, Ms. White said women might come without clothing and would have to go to the Church & Community Program to get clothing. There might also be problems with the Department of Social Services but Ms. White stated that she sits on an advisory board and knows Pat Hand the Director of Adult Protective Services.

When asked what would happen if a woman failed a drug test, Ms. White said they would be removed from the home but did admit it is difficult to find housing for homeless individuals. Neighbors expressed concerns about the house mother, a person in rehab herself, organizing the drug testing. Ms. White informed the public that, after a failed drug test, the resident would be removed the next morning. This individual would be discharged to the Department of Social Services or returned to where she came from.

Mr. Stuntz asked where the services would be held that the women would be participating in. He said in an original document outpatient services were mentioned and now it was said that services would be offered in the home. The response was that some women may be engaged in outpatient treatment at the Human Services Building. At the halfway house there would be training in cooking, shopping, cleaning and other life skills, as well as Bible study. People from the New Hope Board of Directors and others such as Mr. Ault's wife would be providing the training. Other training would be on physical issues related to addiction, job training and GED education, relationships, conflict resolution, mental beliefs and values. The women will also be required to go to NA or AA meetings held at the Unitarian Universalist Church and the Celebrate Recovery meetings held at Grace Episcopal Church in the evenings. The van can also take the women to meetings in Potsdam.

There was a question raised about the number of women to be housed in the halfway house. Printed documents said 8 women, in the current discussion 6 women were mentioned. Mr. Ault answered that on occasion there would be an overlap and have 7 women. When asked if the halfway house would have a van by the time women move in Ms. White said no and Mr. Ault said yes. Ms. White clarified that they did not have the money for a van yet. Mr. Ault said there would be transportation arranged for the women. It was pointed out by a neighbor that with the people coming and going to teach classes and to volunteer there may be an issue with parking.

Pat Alden, co-chair of the Unitarian Universalist Church Social Action Committee and President of the Church & Community Program pointed out that the location on Main Street of a halfway house made sense because it was only three doors down from the location of the AA meetings and within walking distance of Renewal House, the Department of Social Services, and the Church & Community Program. The women would be part of a community with the whole Village to support them.

Another community member shared that from personal experience she was aware of the need for safe places for people to land after treatment for addiction. She also commented that once a person has been an addict they are always in recovery. Peer support is very important after a person has lost everything. Nan Clingman, a resident on West Main Street, said that when she first moved to Canton she lived in an apartment next to Grace Church, pointing out that there are six people living next door to the church already. She also commented that if the Planning Board was concerned about the public reaction, people need to recognize how large the need is. She urged the Planning Board to find accommodations to make the project happen. Mr. Dietrich said the epidemic was so wide that he would rather have addicts in recovery next door than addicts not in recovery.

Ms. Cady pointed out that the HeadStart Program backed up on the property in question. They have had drug paraphernalia left around in the past. She expressed that there seemed to be a lot of unknowns such as the van, the days of treatment, and how HEAP benefits could go to the house rather than to a family. Ms. White said they are not a congregate care 2 facility. The women would get benefits with \$55.00 per month for heating. The representatives were asked how they would control supervised visitations and what guarantee there was that people from the residents' pasts don't show up and cause trouble. Ms. White said the house mother would supervise visits and if there was a problem 911 could be called.

Chairperson Walch was asked if the boarding house was approved if it could ever go back to being a rectory. Mr. Walch said that it could and explained that a special permit could have stipulations such as an expiration date. If a special permit is reapplied for, another public hearing is held. Mr. Walch also stated that the Planning Board is obliged to follow the Code when determining if the proposal meets requirements or not. If an application meets all the specifics of the Code a special permit must be granted, if it does not meet all the stipulations it cannot be granted. He also pointed out that there have been special permits and variances granted up and down the street. Some things in the Code made sense when the Code was developed but things change and now they may not make as much sense. It is the Zoning Board of Appeals that can grant variances if they feel a portion of the Code needs to be changed. However the Village does not want to set new precedents. Ms. Prody explained that a granted special permit would need to be reviewed in three years. If the situation was not working the special permit would not be renewed. Also, if an egregious situation arises, the special permit can be revoked at any time.

The County Planning Office reviewed the proposal since the property is located on a State highway. They identified two aspects of the lot as nonconforming. One is lack of the proper

setbacks and the other is insufficient parking. The County Planning Office recommended the Church property and the Rectory property be surveyed to ascertain exactly where the lot lines are and the survey be filed so the tax maps can be redrawn. They also recommended designating smoking in the front yard and installing fencing to screen the property from the adjacent property. They felt the project could be approved. However, the Village Planning Board can override the County opinion. When two properties use the same parking lot the require number of parking spaces for each property must be added together. Parking requirements for a boarding house are one parking space for each employee and 1 1/2 parking spaces for each room. Church parking requirements are one parking space for every 8 seats. There are over 200 seats in the Church. Although the parking lot was grandfathered in for the Church, this change of use requires the current Code now be followed. Mr. Rouse pointed out that at the previous month's Village Planning Board meeting the Board was approached by an individual who was interested in building a church on Lincoln Street. He was informed there was insufficient parking. Mr. Rouse stated that it would not be fair to allow Grace Church to expand and hold the other church to the Code.

Members of the public suggested that there will only be a van and the house mother's car most of the time. The driveway to the garage could hold those vehicles. They urged the Planning Board to make reasonable accommodations since the residents won't have cars and visitors could park on the street. Ms. Prody restated that Code requirements must be met regardless of whether residents have cars or not. The neighbor across the street said the street is narrow and he can barely get out of his driveway now when Church is in session and the corner is a disaster.

The public hearing was closed at 8:30 pm. The Planning Board chose not to make a decision at that time. They were interested in reviewing additional information after a survey of the property has been completed.

Public Hearing for Solar City Project

The Solar City Project will install solar panels on the newly annexed Village property on Route 11, south of the Village. A long form SEQR was required for the project. The Planning Board discussed the questions in Part 2 of the SEQR. Although there will be some physical alterations to the land, all other changes itemized in the SEQR were considered not applicable to this project. Mr. Hill made a motion for a negative declaration on the SEQR. Mr. Rouse seconded the motion, which was carried unanimously.

Site Plan Review for Gouverneur St. Property

The property on Gouverneur Street where the former Quonset hut was located has been purchased by Mr. Clark Porter. He has been in contact with a government agency who may be interested in renting a new facility on that property. If they confirm the agreement, he will demolish the current structure and build a new building. The existing building lies on the Village line. If the new building is located on the Village side of the property there will be no trouble using the Village water and sewer systems. If the building is built on the Town side, as Mr. Porter may wish to do, there will need to be a discussion with the Village about utility

access. A site plan, drawn to scale by an engineer, will need to be available for the Planning Board to review. Then a formal site plan review can take place.

Board Discussion

Planning Board members discussed the point that once a conforming use is changed to a nonconforming use the current law must apply. The property at 11 Main Street does not meet the side yard setback requirements. Each side yard setback must be at least 10 feet or the two side yard setbacks combined must measure 20 feet. The Rectory property has a 0 side yard setback on the west side and a 16 foot setback on the east side for a total of only 16 feet. The Planning Board can't give an area variance. Only the Zoning Board of Appeals can grant a variance. If a variance was granted the project must come back to the Planning Board. Planning Board members discussed their understand that if the Code is not met they cannot approve the project. However, Mr. Walch will consult with the Village Attorney for his interpretation.

Next Meeting

The next meeting of the Village Planning Board was scheduled for April 11, 2018 at 7:00 pm.

Adjournment

The meeting was adjourned at 9:05 pm.

Respectfully submitted,

Ginger Thomas, Recording Secretary

Chairperson Barry Walch