

## VILLAGE OF CANTON PLANNING BOARD MINUTES

April 11, 2018 7:00 P.M. Municipal Building, Canton, NY

**Members Present:** Chairperson Barry Walch, John Hill, Nick Kocher, Jessica Prody, Charles Rouse, Code Enforcement Officer Jeff Murray, Recording Secretary Ginger Thomas

**Members Absent:** Sara Pabis

**Others Present:** Charles Smith, Carolyn White, John Ault, David Lloyd, William J. Fassinger, JoAnne Fassinger, Conrad Stuntz, Cheryl Stuntz, John Dietrich, Nan B. Clingman, Phoebe Rogerson, Fred Stone, Sue Mende, Stephanie Tozzi, Gerard Tozzi, Mayor Mike Dalton

### **Change of Use for 11 East Main Street**

Chairperson Barry Walch explained to all in attendance, information from Mr. Fred Stone had been forwarded to the Planning Board by Rev. Smith. The document was sent to the Village of Canton Attorney. Attorney Gerald Ducharme has responded to the comments from Mr. Stone. Copies of the statement from the Village Attorney were made available to members of the Planning Board and community members. Mr. Walch proceeded to read the statement aloud. *A copy of the statement from the Village Attorney is included with these minutes.*

Mr. Walch then stated that the project had been previously reviewed by the St. Lawrence County Planning Office. The County Planners did not disagree with using the term “boarding house” to describe the proposed halfway house. Therefore the Village Planning Board felt they were on the right track. Mr. Walch continued that a special permit was require for a boarding home use in the zone. If the project meets the Code requirements, the Planning Board is required to approve the special permit. The the project is not consistent with the Code, the Planning Board is obligated to deny the permit. According to the Village Attorney, the Planning Board is on the right track and their decision can be defended.

It was explained by Mr. Walch that use of the building at 11 East Main Street as a halfway house was not in full compliance with the Code. The side yard setbacks do not met Code. There is a zero setback on one side and the setback on the other side is also not far enough from the road. In addition, the house does not meet the area use schedule. According to the Attorney’s interpretation of the Code, the parking requirements are a moot issue. It would depend upon the Church to grant permission for parking spaces to be used for the halfway house. Mr. Walch continued that the Planning Board, therefore, cannot approve the special use permit. The Planning Board is handcuffed and cannot do otherwise. The appeal process would be to bring the issue to the Zoning Board of Appeals. They can hear the proposal and decide on a case by case basis.

Mr. Stone said the use of the house as a group dwelling would continue to be categorized as residential use. He questioned how the use can be considered a change. Mr. Walch said it may

be residential but would not be considered a “family” therefore it is a change of use and does not meet the Code. A Planning Board set up the use schedule and the current Planning Board cannot let situations get by. The Zoning Board of Appeals are the board that can consider individual situations. Mr. Stone shared that his written statements were taken from the New York State Department of State Office of General Council. He also felt the County Planning Office should review the application again.

Mr. Rouse made a motion to deny the application due to setback and size issues. The motion was seconded by Ms. Prody and carried unanimously. The applicants were advised they could start the appeal process by contacting the Code Enforcement Officer.

### **Minutes**

Minutes from the March 14, 2018 Village Planning Board meeting were approved following a motion from Ms. Prody and a second by Mr. Rouse.

### **Holiday Inn Express Sign Request**

The owners of the Holiday Inn Express located at the former Comfort Suites, have requested approval of two signs. One sign is a flush mounted sign to be installed in the small peak on the front of the building. The sign will measure 9’5” in height and 9’4” in width, totaling 81 square feet. From the drawing it appears this may be the standard Holiday Inn Express sign. The Code indicates a maximum height of 2 feet for flush mounted signs and a maximum width of not more than 80% of the width of the front of the building. The proposed sign is taller but much narrower than indicated in the Code. There is provision within the Code to allow an extra 10% for signs located a distance from the road. Planning Board members felt the sign was not oversize for the distance from the highway. Mr. Hill commented that it would look more appealing than the current sign.

A free standing sign was also requested. The proposed sign will measure 11’ in height and total 32 square feet. The sign will have less height than the allowed 12’ and will total 32 square feet in surface area, which is also less than the maximum allowed. Mr. Kocher made a motion to approve both signs as presented. Ms. Prody seconded the motion which was carried unanimously.

Mr. Walch said the Planning Board needed to address redoing sections of the Sign Code to address issues such as roof signs and LED signs. Village Mayor Dalton said there could be future discussion about allowing the Code Enforcement Officer to approve signs which are compliant with the Code.

### **E. J. Noble Building Exit and Entrance Signs**

Planning Board member reviewed plans for new exist and entrance signs at the E. J. Noble building. However, the plans were the same as presented previously and did not include colors. Approval of the signs was tabled until final designs are available for the Planning Board to review.

**Planned Parenthood Sign Requests**

It was explained that Planned Parenthood has purchased an additional site and would like to put up a sign at 83 Main Street. They would also like to put a mural on their present building on Miner Street. The applicant was invited to the meeting but was not in attendance. The designs for the sign and the mural had not been forwarded to the the Chairperson of the Planning Board. Discussion was postponed until designs are available for the Board to review.

**Updates**

Code Enforcement Officer Jeff Murray shared that the Fairfield Inn project is moving forward, with plannings being received this week. It was pointed out that the permit may need to be reissued if it has run out due to the delay is starting the work.

**Next Meeting**

The next meeting of the Village Planning Board was scheduled for May 9th, 2018 at 7:00 pm.

**Adjournment**

A motion was made by Mr. Hill and seconded by Mr. Kocher to adjourn the meeting. The meeting was adjourned at 8:00 pm.

Respectfully submitted,

Ginger Thomas, Recording Secretary

Chairperson Barry Walch