

**VILLAGE OF CANTON PLANNING BOARD MINUTES**

October 10, 2018 7:00 P.M. Municipal Building, Canton, NY

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

**Members Absent:** John Hill, Sara Pabis

**Others Present:** Connie Elen, Anne Ryan-Ruud, Sally Kirby, Dan Soulia, Lyne Soulia, Brad Mintener, Marilyn Mintener, Jamie Sinclair, Janet McFarland, Hank Ford, Darlene Sinclair, Jessika Furnace, Mike Ashley, Rick Sinclair, Sue Mende, Marc Morley, Kathy Metcalf, Linda Kinney, John Gray, Tim Danehy

**Minutes**

Mr. Kocher made a motion to approve the minutes of the September 11, 2018, Village Planning Board meeting. The motion was seconded by Ms. Prody and carried unanimously.

**Sign Request for Best Western Hotel**

The Best Western would like to replace their existing sign located on a stone pillar with a new sign. The new sign will use the same stone base. It will be a different shape, internally lit, with a blue on white color scheme. The size and letter will be within Code requirement as will the height of 8 ft. The brightness will be 200 nits or 1500 lumens.

Mr. Rouse made a motion to approve the sign with the stipulation that if it is too bright they will be invited to reduce the brightness. The motion was seconded by Ms. Prody. Mr. Kocher asked how the brightness would be measured. He said that the brightness of a PC monitor is 350 - 400 nits so 200 nits for a sign did not seem too bright. Code Enforcement Officer Murray offered to look for references regarding brightness of LED lights. Mr. Kocher suggested the sign be conditionally approved as long as the sign was not brighter than other signs in the area. The Code currently does not have regulations regarding brightness. The motion was amended to state the sign was approved contingent upon the Code Enforcement Officer's approval of the intensity of the lighting. Ms. Prody seconded the amended motion which was carried unanimously.

**25 Court Street**

An application for a site plan review for 25 Court Street has been received from Christian Fellowship Center. A survey of the lot has been completed. A design plan and architectural drawings of the building have been received. Mr. Walch pointed out that a church is not an allowed use in the zone but a philanthropic organization is an allowed use. The application does indicate the proposed use is for a church.

Code Enforcement Officer Murray said he was given an application the morning of the meeting but had not gone through yet to determine if the application was for a church or not. Mr.

Murray said he would contact the Village Attorney to see if the use meets the requirements for a C-1 zone or if the application needed to go to the Zoning Board of Appeals.

It was pointed out that churches were not included in the long list of allowed uses in the C-1 zone. It was also mentioned that churches are not missed in the Code but listed in other zones. Mr. Kocher said the Planning Board needed to be consistent and they had previously referred a church group to the Zoning Board of Appeals. Planning Board members agreed that it was not within their purview to say the property could be used as a church. It will be up to the Code Enforcement Officer to determine if the use is allowed in a C-1 zone. If the project is not an allowed use the project will be sent to the Zoning Board of Appeals. If it is approved by the ZBA and comes back to the Planning Board, a site plan review will be completed.

Mr. Sinclair inquired whether a site plan review could be conducted with the contingency that the project would be approved by the Zoning Board of Appeals. A formal site plan review could not be conducted for a use which currently was not allowed and it was explained that there was not much the Planning Board could offer in the way of recommendations since the physical site was not planned to be changed. Site plan reviews usually look at issues such as the location of the building, water retention, lighting, and road access. Parking would be another issue. Parking for a restaurant is covered by municipal parking. Parking for a church is different and requires extra land.

Mr. Mintner, a member of the community, asked if the Planning Board would have input if the applicant wanted to cut down the trees to put in a parking lot. Mr. Walch reiterated that the Zoning Board of Appeals would have to issue a use variance before the project was considered again by the Planning Board. Another member of the public inquired what the word "philanthropic" meant. It was explained that the word meant "charitable" but the Planning Board does not consider tax exempt status during their deliberations. Mr. Sinclair said the building would probably be used more than one day a week for brief times but they have no concrete plans yet. Mrs. Mintner commented that metered parking is for a limited time and the proposed use doesn't sound like it would be a limited time. She continued that the businesses on Main Street are paying a third tax. If the group is not for profit they would be getting the same privileges without paying any taxes. They would be taking up spots designed for tax paying business without paying for the parking. Another member of the public said she thought the group was going to do a presentation about the project but it was clarified that they simply needed a completed application and accompanying documentation. Mr. Mintner said Mr. Sinclair and his father had asked for help looking for properties which were off the tax rolls. Mr. Mintner had helped the Canton Economic Developer look for properties and there may be possible properties such as behind the Rite Aid or the school district may have land.

Mr. Rouse asked that, if the project came back to the Planning Board, there be an explanation in writing regarding exactly what is going to be done on the property. Ms. Prody suggested the Planning Board be provided with specifics such as the estimated usage, when the building would be used, and how many people would be present. Mr. Rouse pointed out that one application

took 18 months to finalize because it was unclear. The Board needs one document to work from rather than months of conversations. It was explained again that it was not what they wanted to do that was in questions but rather where they wanted to do it. If the location was in a zone which allows churches, the process would be much more streamlined. Mr. Sinclair said he was confident there were three reasons why the project belongs in a C-1 zone.

**Adjournment**

The meeting was adjourned at 7:54 pm.

Respectfully submitted,

Ginger Thomas, Recording Secretary

Chairperson Barry Walch