

**VILLAGE OF CANTON, VILLAGE OF RENSSELAER FALLS and TOWN OF  
CANTON BOARD MEETING  
JOINT BOARD MEETING  
September 17, 2019**

***Village of Canton Board Present:***

Michael Dalton, Mayor  
Klaus Proemm, Trustee  
Sean O'Brien, Trustee

Carol Pynchon, Deputy Mayor/Trustee  
Beth Larrabee, Trustee

***Others Present:***

Sally Noble, Village Clerk/Treasurer  
Gerry Ducharme, Attorney

Cara Adams, Deputy Clerk

***Town of Canton Board Present:***

Mary Ann Ashley, Supervisor  
Jim Smith, Councilperson

Tim Danehy, Councilperson  
Bob Washo, Councilperson

**PUBLIC HEARING:**

The Canton Village Board held a joint Public Hearing with the Canton Town Board, Tuesday at 6:00pm, September 17, 2019 in the Court Room of the Municipal Building, 60 Main St. Canton, NY 13617. The Board's will take Public Comment on the proposed Joint Canton Comprehensive Plan.

Mayor Dalton opened the Public Hearing at 6:03pm.

Mayor Dalton thanked Councilperson Smith and Trustee Pynchon for being Co-Chairs of the Comp Plan and all of their work.

Mayor Dalton stated before he could open for Public Comment the Negative Declaration would have to be voted on. The Town of Canton took the lead in the SEQR.

Trustee Pynchon made a motion to declare a Negative Declaration. Trustee Larrabee seconded the motion. All voted in favor. Motion Carries.

Mayor Dalton opened for Public Comment.

Councilperson Danehy presented a letter from John Danis, Rensselaer Falls with his written comments:

***West Front St. Overlay District.***

When the, residentially zoned, 4 acre, West Front St. property was purchased by Steven and Lisa Hammond in November of 2016, it was not clear what would be done with the property. There was some talk that the Hammonds might put, '4 or 5 short-term rental cabins' on the site, or perhaps some longer term rental properties. This was an allowable use under the village residential planning code, so there wasn't much 'to-do', about it. The Comprehensive Planning process was initiated a few months after the November 2016 purchase of the property by the Hammonds.

In October of 2018, the unlivable old house on the property was destroyed in a controlled burn conducted by the Rensselaer Falls and Heuvelton fire departments. In the aftermath of that, the debris from the burn was buried and site clearing was conducted. To the residents in the neighborhood, this seemed consistent with the rumored idea of putting some rental cabins on the site. I remember having one concern at that time; that the rumored rental cabin idea could drift into commercial use if there was a 'camp store' or something of the like.

In June of 2019, it was announced that the draft proposal for Canton Town & Village and Village of Rensselaer Falls Comprehensive Plan, was now available for review and comment. I read the plan and was alarmed when I read the West Front St. Overlay District section. It was clearly a spot-zoned, single-parcel, full-blown, commercial district, surrounded by the long-standing and residentially zoned neighborhood on West Front St. The overly-vague language of the overlay described a kayak/canoe launch site and store, (highly unsuitable for that purpose due to widely fluctuating water levels and currents). It further described a restaurant / bar potential, as well as an outdoor venue for large-scale events, weddings, jamborees, concerts, festivals, auto, motorcycle, snowmobile, ATV, rallies, etc. These types of events often generate enormous amounts of traffic.

These are all **unallowable** uses in the current residential zone. But, not to worry! In another section of the Comprehensive Plan, there is a section which sets forth a requirement that the 3 governmental entities involved in the study WILL, "... realign their respective zoning codes to comply with the requirements of the Overlay Districts"! In other words, the mayors and supervisors would have to return to their respective boards and direct them to instruct their planning committees, and code enforcement officers, to comply with the Overlay District requirements, thereby, essentially bypassing the planning, zoning and review processes, thereby transforming those processes to meaningless and temporary formalities. Planning codes are promises to property owners.

In retrospect, this whole 3 year progression appears to be carefully planned strategy to establish a commercial zone in a residential neighborhood for personal financial gain. The principal architect of the West Front St. Overlay District, was the Mayor of Rensselaer Falls. In fact, the mayor's parents own the entire Overlay District, and the mayor was prominently involved in the creation and definition of the West Front St. Overlay District. I think that there are important ethical questions that need to be addressed, at the very least, and very possibly serious legal questions to be answered beyond that.

For those reasons, I believe that the West Front St. Overlay district should be entirely removed from the comprehensive plan or at the least, be entirely rewritten to reflect the allowable uses of the underlying Residential District as described in the 2015 planning code for the Village of Rensselaer Falls. As a resident of West Front St., represented by the Town of Canton, I implore my town board to vigorously advocate for the property owners that they represent at the lower half of West Front St. Further, I would ask the Rensselaer Falls Village board to reconsider their support for the overlay district as it is destructive to the West Front St. neighborhood and will likely create significant division and disruption in the community, by pitting the interests of one part of the community directly against the interests of the people being most impacted by the creation of this commercial spot-zone - the residential property owners who live on West Front St.

John Danis  
101 West front St. Rensselaer Falls, NY

### ***West Front St. Overlay***

At its heart, the Comprehensive Plan is an aspirational visioning process. In the case of the West Front Street Overlay, the aspirations should have been guided by, and subordinated to the existing zoning in the surrounding neighborhood. Instead, the process has been misused to ~~to~~ supplant and radically change the character of the existing neighborhood by imposing a requirement to alter zoning to comply with the aspirational vision. Indeed, the West Front St. Overlay District dictates the new allowable uses, thereby bypassing the planning, zoning and review processes laid out in municipal law. In accepting and approving of the overlay district, all three participating boards are inexorably complicit in this overreach and in the subsequent failure to protect their constituents.

#### **Background -**

**2014-2015-** Village code update in response to 2 attempts to create commercial spot zones in a residential neighborhood. Village vigorously resisted commercial spot-zones.

**2016 -** November; 4 acre residentially zoned parcel on West Front St. purchased by Steven and Lisa Hammond

**2017-** Comprehensive Plan Committee formed. Rensselaer Falls was represented by mayor Michael Hammond and village board member Karin Blackburn.

**2019 -** June, Comprehensive Plan Draft released, containing creation of West Front St. Overlay District in long-standing residential neighborhood. Overlay use description describes extensive commercial activity, including events venue, boat launch, restaurant/bar, cafe, etc. Comprehensive Plan also describes as a high priority to develop Rensselaer Falls as a major snowmobile destination. Plan also prioritizes making village zoning comply with Comprehensive plan, ie. change existing zoning on West Front St.

#### **Objections:**

- Planning codes are promises made to property owners. Rensselaer Falls did a complete update 4 years ago and now, major zoning revisions may be forthcoming.
- The single parcel spot zone is entirely surrounded by residential homes.
- Spot zone divides the established residential neighborhood in half.
- The parcel was purchased as a residential property. There should have been no expectation of converting it to commercial use. The entire overlay district is this parcel,
- West Front St. is a narrow 16 foot wide street with no on-street parking lanes or sidewalks and no room to add them.
- West Front St. is a dead end street with no other egress than the entrance at CR. 14. Residents would be essentially land-locked by the Overlay property.
- Approximately 100 yards across the Oswegatchie is another residential neighborhood.
- Events venues are designed to attract large crowds on a frequent basis. Events such as wedding receptions, jamborees, snowmobile poker runs, motorcycle group rides frequently have 1-200 or more people involved. That means huge traffic volumes on West Front St.. Events venues often feature the out of doors playing of heavily amplified music, on nights, weekends, holidays, etc. There would be the possibility of fireworks displays as a business promotional strategy or as a private event feature.
- Events venues must seek to schedule as many events as possible in order to succeed. A venue recently opened in the hamlet of Russell. The owners have already booked 20 wedding receptions for next Summer, with hopes of booking many more.

- - The Comprehensive plan calls for development of a large snowmobile clientele. That means snowmobiles in large numbers at all hours of day and night, many times per week. That could continue as a motorcycle and ATV destination in the non-Winter months.
  - West Front St. is not capable of safely handling the traffic loads that a commercial enterprise will entail. 50, 100 or more cars and light trucks, motorcycles, atv's, etc. could be trying to get in and out of West Front street at all hours of day and night where partying and drinking is integral to the event and the business plan.
  - Access by emergency vehicles, ambulances, fire trucks, water rescue and law enforcement would be greatly inhibited during these large traffic events.
  - The residents who regularly use this quiet village street for walking, bicycling, etc would do so at their own peril. There is no way to separate pedestrian use from motor vehicle use.
  - The river at this location on West Front St. has very low, non-navigable levels from Memorial Day through to October or later. A recent annual canoe run required canoers and kayakers to launch their boats several hundred feet downstream from the Spot Zone property, due to low levels. At high water levels, the river is very dangerous.
  - The Spot-zone property is on a flood-plain. Historically, there have been ice-jams and flooding over the roadway several times in the past 40 years. Assistance and / or rescue could be greatly compromised with disabled vehicles potentially in the roadway. Similarly, any sort of a motor vehicle accident anywhere on West Front Street or at the intersection with CR14 could have dire implications for emergency services access.
  - There would presumably be regular deliveries and waste haulers accessing the Spot-Zone sight, at early hours. Cassella Waste service starts their village rounds around 4:00 AM.
  - What recourse would residents have for reckless drivers, vehicles turning around their driveways in the late, (or very early), hours? I haven't seen a police car on this street since last November 21st!
  - Large crowds leaving events after hours of celebrating often engage in loud talking, shouting, slamming car doors, revving engines, squealing tires, etc. Snowmobiles are by their nature, very noisy vehicles - especially when they are in large numbers. ATV's are the same and would inevitably be up and down the street, as has become the practice in many small villages and hamlets.
  - There are allowable uses in the Rensselaer Falls, 2015 Planning Code that provide for profitable ~~use~~ uses of residential properties within a residential zone. (see village code).
  - To open West Front St, to this overreaching commercial use, will utterly destroy the natural beauty, peace, character, enjoyment, and value of the residential properties that everyone on this street value and worked hard to have.
  - A zoning change to commercial use, once done, is not likely to ever be undone, even if the current owner sells. At that point, the zoning will, ironically, protect the commercial use.
  - Events venues need to be set well apart from residential neighborhoods, preferably far away from population clusters.
  - Outdoor Concerts, festivals, etc. that are to be held within villages should be run by the local governing body to insure accountability as to questions of noise levels, hours of operation, audience conduct, suitability of performances for all ages, etc.
- This Overlay plan has been nothing more than an opportunistic ruse, to facilitate and justify a zone change, under the guise of government mandate, for the financial betterment of a private, for-profit, interest.

**Procedural Concerns**

Which brings me to the final questions I would like to ask of the Committee Of The Whole, and the town and village boards.

1. Was there disclosure to the committee members, the consultants or the other two member boards, that the Mayor of Rensselaer Falls and his immediate family, had direct financial interests in the commercial development of their 4 acre residential property that we now refer to as the, 'West Front St. Overlay District'?

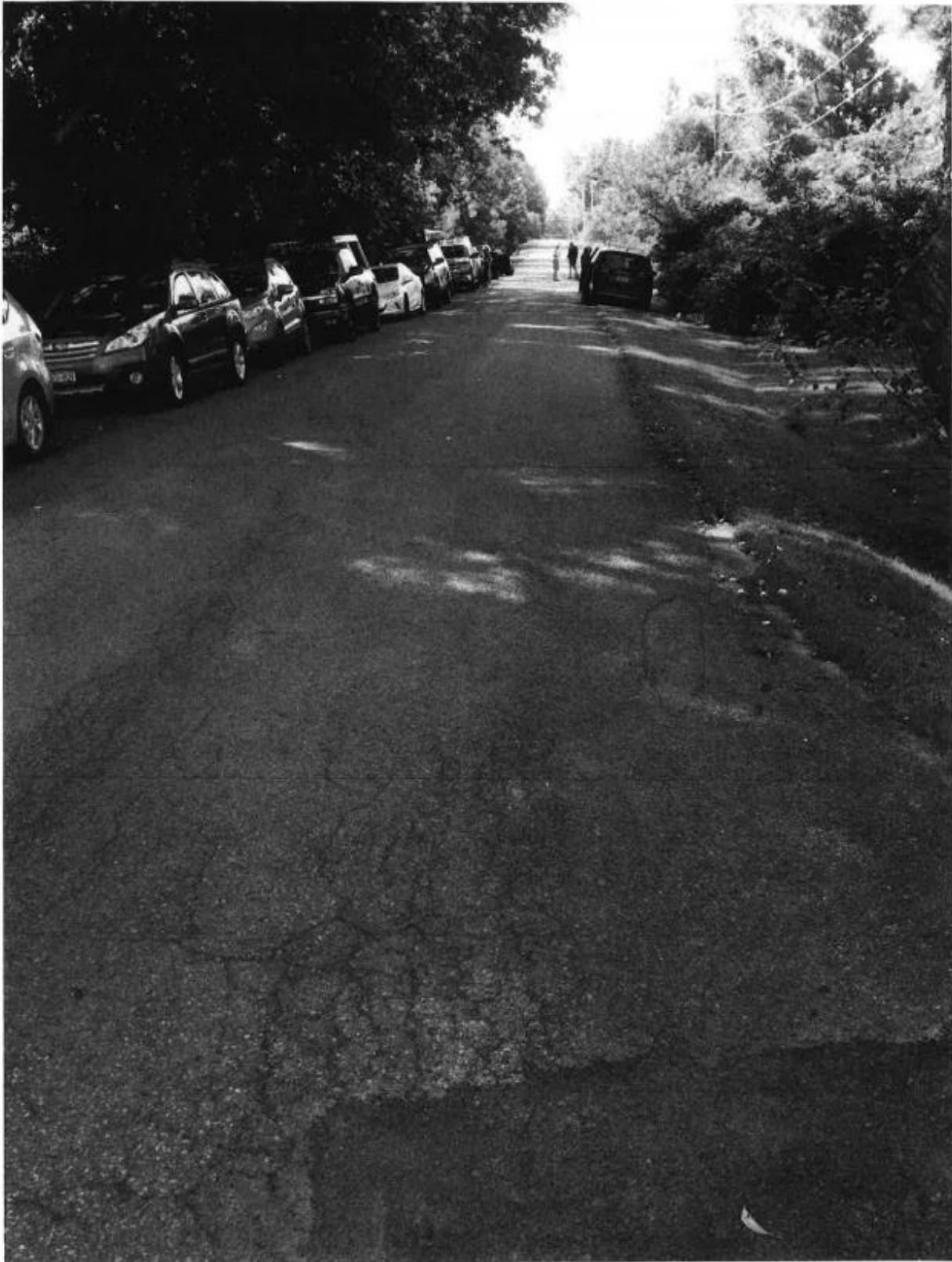
2. In my opinion, the Comprehensive Plan Process was used to make the planning and zoning processes conform to the vague and very broadly stated aspirational goals of the Overlay District, which conveniently call for 'commercial zone' district designation. The cart has been put before the horse! Zoning and planning codes should be defining property uses - not the other way around, otherwise, planning codes are utterly meaningless.

3. Finally, how is anyone to have confidence that the planning and zoning processes of the Rensselaer Falls Village government can offer any fairness or protection to existing property owners? The village board's elected membership has signed on to implementing this plan and ultimately holds a great deal of influence over the village planning and review boards and their respective processes.

Submitted by,



John Danis  
101 West front St.  
Rensselaer Falls, NY







Councilperson Smith thanked Economic Developer Rodriguez for the time spent and the help on the Comp Plan.

Supervisor Ashley thanked Economic Developer Rodriguez for submitting the paperwork for the first reimbursement, which was received.

Mayor Hammond, Village of Rennselaer Falls informed the Board that the concerns expressed at the Town of Canton and Village of Rennselaer Falls Public Hearing held the night before by Mary Dolan have been cleared up. Any zoning changes would go through the process of the Planning Board and ZBA.

Mayor Dalton closed the Public Hearing at 6:11pm.

### **JOINT MEETING**

Mayor Dalton opened the Joint Board Meeting at 6:11pm.

- 1. Joint Ethics Code Discussion-** Trustee Pynchon stated that Supervisor Ashley and Mayor Dalton contacted the Ethics Committee. The Committee submitted their feedback on the comments that were discussed in the last Joint Meeting. Trustee Pynchon and Councilperson Danehy made changes and cleaned up a few items in the Ethics Code. The Draft was submitted to the Boards.

Mayor Dalton asked if the Boards were ready to take action?

Councilperson Danehy stated that there are a few items to further discuss.

The Board discussed the following items from the Draft Ethics Code:

1. Remove Section 6 and change the letters to numbers.
2. Section 9- Real Property wording is restrictive. Board agreed to clear up the language.
3. Section 19- Composition of the Ethics Board. Board agreed that the Town of Canton will appoint two members and the Village of Canton will appoint two members and the fifth member will be a mutual appointment from the Town and Village. The terms will be 2 year terms. Mass appointment will start with the terms staggering.

Supervisor Ashley asked if part-time employees are included?

Trustee Pynchon answered that the employees included would be policy makers.

Councilperson Washo added, employees with purchasing abilities.

Mayor Dalton informed the Board that if any employees are in a Union, the Union would have to review.

Supervisor Ashley asked for clarification where does the Ethics Policy have to be filed? The Boards informed her that it is clear in the Ethics Code that it will be filed with the respective Clerk's.



Trustee Pynchon will make the changes discussed. Once completed will be sent to the Boards and the Legal Counsel for final review.

Separate Public Hearings will need to be held to add the Ethics Code to the Code.

**2. Discussion on the Transfer of Several Sections of Town Roads to the Village-** Mayor Dalton stated that the Village is willing to accept the following sections of Town Roads into the Village.

1. Miner Street to the Bridge
2. Judson Street to State Hwy 310
3. State Street Village Limits to just short of State Hwy 310

After further discussion both the Town of Canton Board and Village of Canton Board agreed to move forward with the transfer.

Village Attorney Ducharme stated that Resolutions and Orders will be discussed at the October meeting. The process will be treated as an annexation.

Trustee Larrabee said that the State Street piece of road will improve the safety since the speed limit will be able to be changed by the Pee Wee fields.

**3. Zoning Audit-** Mayor Dalton informed the Town Board that the Village is moving forward with the Zoning Audit. He asked if the Town Board was interested in joining them in the Zoning Audit?

Councilperson Washo stated that he has been in contact with Monica at River Street. Monica is going to send him over the contract. He agreed that things should be consistent.

Supervisor Ashley asked if the Code Officer Jeff Murray should be available for the audit?

Trustee Pynchon stated that the Code Officer will be involved in the Committee. The only thing that had to be sent for the audit is minutes and agendas from the meetings with zoning issues.

**4. Discuss Argent Annexation-** Mayor Dalton reminded all that the Boards have 90 days from the Public Hearing to vote on the Annexation. The Village of Canton approved the Resolution and Orders at their Board meeting.

Attorney Ducharme stated after the Orders are filed then that starts the 90 days to hold the Special Election.

Supervisor Ashley stated that they spoke with the Board of Elections regarding the election. Board of Elections informed the Town it was their decision how they wanted to handle the election. The Town is trying to figure out what the best way is. The Town attorney will draw up the resolution and order for the Town.

**Village Board Meeting-**

**1. Community Bank, NA Commitment Letter Acceptance-** Trustee Pynchon made a motion to approve the Community Bank, NA Commitment Letter for the loan for the

water project at Maple Hill. Trustee Larrabee seconded the motion. All voted in favor. Motion carries.

Supervisor Ashley asked if the Boards would like to discuss the Comprehensive Plan?

Rennselaer Falls Mayor Hammond stated that the Village of Rennselaer Falls would have passed the Comp Plan last night but held back thinking that they could be passed together.

Trustee Pynchon stated that they need to address the issue that St. Lawrence County Planning Board brought up regarding the waterfront overlay in Rennselaer Falls. She stated that the Waterfront Overlay needs to be reconsidered and all three municipalities need to be satisfied.

After further discussion between the Town of Canton Board, Village of Canton Board and Mayor Hammond from Village of Rennselaer Falls, they agreed to have a follow up call with MJ Engineering regarding the recommendations for the Waterfront Overlay and then make the changes. Trustee Pynchon and Councilperson Smith will set up the conference call.

**Executive Session –**

Trustee O'Brien made a motion to enter into executive session at 7:21 PM for a purpose as identified in Public Officers Law §105(1) (h.). Trustee Pynchon seconded the motion. All in favor. The motion carries.

Councilperson Washo made a motion to enter into executive session at 7:21 PM for a purpose as identified in Public Officers Law §105(1) (h.). Councilperson Danehy seconded the motion. All in favor. The motion carries.

Trustee Proemm made a motion to come out of executive session at 7:41PM. The motion was seconded by Trustee O'Brien. All voted in favor. The motion carries.

Trustee O'Brien made a motion to adjourn the meeting at 7:45PM. Trustee Proemm seconded the motion. All voted in favor. Motion carries.

Respectfully submitted,

Cara Adams  
Deputy Clerk