

# Town of Canton

## Planning Board Meeting

April 28, 2020

Virtual Meeting via Zoom

7:00pm

### Members Present

Chairperson Michael Morgan; Debra Backus; Sigie Barr-Sapp; John Casserly; Joel Howie  
Recording Secretary Jeni Reed

### Members Absent

None

### Others Present

Code Enforcement Officer Jeff Murray; Walt Planty; Bob Washo

### Call to Order

The meeting of the Town Planning Board was called to order at 7:01 pm by chairperson Michael Morgan.

### Approval of Minutes

A motion was made by Sigie Barr-Sapp to approve the minutes for the February 25, 2020 Planning Board Meeting. The motion was seconded by John Casserly and carried.

### Agenda Items

#### 1. Conceptual Review for New Store in Morley (Ron Bush)

A review of plans that were sent out to the committee was performed, focusing on the schematics of the outside planning for the proposed store. This project is currently at a standstill, but anticipated is a small convenience store w/subs and sandwiches, gas, ice cream, etc. Planning to provide gas on a very small scale to begin with, and will reapproach the board in the future about scaling up the gas availability. Planning to provide above ground “ready tanks” with a pump attached right to the tank for gas. These have been discussed with the DEC, and are self-contained for any spillage. If the volume of gas sold increases, then tank size may increase along with adding a pump island and canopy. Store is planned for well behind the setback to allow for expansion of gas pumps as needed.

The setback is 75’ from county route 27, 160’ from county route 14, and 65’ from back line toward Rensselaer Falls. The store will be built on a very deep corner lot of approximately 2+ acres, and the 9 acre field behind has also been purchased. It is planned that the snowmobile trail will stay open.

Per Jeff Murray: a diesel tank is planned on the property, fairly close to the property line. The DEC will need to review to deal with this as there is nothing in our code to deal with fuel tanks and positioning. Given they are self-contained ready tanks this should be fine but Jeff will look into the state code to confirm.

Ron Bush was originally informed by the DEC that he could place in-ground tanks, as close as the edge of the property line. But he is trying to keep it as far from the neighbor lines as possible.

Mike Morgan has been in contact with Jason at the county planning office. This process will trigger a full county planning board review due to location and type of project. Their next meeting will be held on May 4th and the project could be reviewed if all info has been passed. A public hearing with Canton will also be required; the Town Planning Board meeting could be held next month with public hearing and a ruling made. Due to the COVID situation, Ron Bush will be working alone on this project for some time, and will need as much time as possible upon approval.

The Planning Board also addressed the following questions:

- Exits & entrances will be both on both 27 and 14 - these will be two-way (entrance and exit) and have already been “installed” by the county planner.
- What is the lighting plan (want to make sure it will be well lit without lighting up the whole neighborhood) - current plans are 3 light poles; 2 closest entrances to the corner with low density LED lights, then 1 behind the building; light for safety reasons but not overlit. The lights will be set up to shine straight down.
- Snow removal - plenty of space to dump any snow on the field; will need to consider run-off and avoid neighbors property; Ron Bush indicated that all brand new ditches sloped very large have been put in place already by the county to help with runoff.
- Parking spaces - required numbers will be designated by the county but at this time plenty of space has been designated, and can be adjusted based on final requirements. The building is anticipated at 3200 square feet (60' by 53'), and 1 parking space is required per 250 feet plus 1 per employee. Ron Bush is expecting to have 2-3 employees, and parking for them will be available on the Lisbon side of the building.
- Signage - a sign will be placed on the building, but one on the corner is unlikely to be needed. If Ron Bush decides it IS needed, he will put in a permit to request one. The sign for the building can be addressed during the public hearing, but the name of the proposed store is still up in the air at this time. Jeff Murray will need a sign permit completed along with a picture of the proposed design.
- Gas Tanks - must be approved by the DEC prior to filling with gas, but after being installed. Once they are installed the DEC will come and do their approval and then they can be filled.
- Opening Date - not currently planned as there is much to prepare prior to the ability to open.
- Hours of Operation - anticipated to start with 5am-10pm; then will work based on demand to determine future hours.
- Food - will require Ag & Marketing approval but Ron Bush is still investigating what will be required. It is expected that Ag & Markets will regulate as it is a convenience store, but this will be based on the amount of food sold and how you serve it. Food sales can't overwhelm groceries and other products; unsure if this will include gas. But it is anticipated that this will be the case and it will be regulated by Ag & Markets
- House and barn - all have been removed, along with several of the trees. Two maples are still on roadside, and will provide minimal shade for a small picnic area.
- Blacktop area design and water runoff - it was suggested Ron Bush may want to slope the blacktop toward the back of property; Ron indicated that the lot slopes toward county route 14, and the county already had to measure and set up a plan for the ditches to handle the runoff.

- Privacy planning for neighbors - should there be some tree plantings on the South side of the lot? Per Ron Bush, the neighbor (Sterling) is not concerned at this time about fencing or trees.
- Preparing for horses & buggies - there is lots of room for a hitching post up by employee parking.
- Planning for the Rensselaer Falls side - grassy area near the pump to help keep the snowmobiles off the blacktop and parking lots.
- Indoor seating - planning 3 booths inside for customer seating, but food is sold 'to-go.'
- Septic system - will be installed on the back side into a pumping station and pump up on to the hill; may need to use a portion of field property to handle the leach field, but haven't been told about the requirements yet. The well is on the opposite side of the property by the maple trees, and has been tested at 10gal per min and well casing will need to be placed 18 inches in the air; he will probably have to install a water softener/chlorinator, but this will depend on Ag & Markets. In the store there is room for a chlorinator as needed.

Ron Bush would like to do some dirt work on the site - is this ok? Jeff Murray and the board indicated they would not have a problem with clearing and prepping as this is a gamble but his own money. No building would be allowed but he can certainly do some basic work on the lot if he wants.

If the plan can be reviewed by the county by May 4th (which will require a more complete lighting plan, snow removal plan, and more detailed sketches), then no issues are seen by the Town Planning Board at this time.

There is no approval required at this time from the Planning Board, as this is only a conceptual review. The project will move to the County Planning Board, hopefully for May 4th.

Next meeting for the Town Planning with public hearing could be held May 19th or 26th. A motion was made by Debra Backus and seconded by John Casserly; motion carried for public hearing May 26th at 7pm which can be held via zoom if necessary.

## 2. Energy Storage Law/Moratorium Discussion

The Town Planning Board is reviewing the NYSERDA model law for Energy Storage. Mike Morgan has talked to Jason & Matilda at the county planning board - both have concerns and would like to see some language changes within the model law. They are working on them, so the Town Planning Board will wait to review what is presented by the county to avoid "reinventing the wheel."

It is anticipated that most projects proposed that require this kind of storage will go through the State (under Article 10) and will not have the local law apply, but it has been determined that it is important to have it on the books regardless.

Per Bob Washo, it was learned that projects of 20-25 Megawatts can opt-in to the Article 10 law (allowing them to circumvent the local process), while 30+ Megawatt projects are automatically under Article 10. This ties the hands of the committee in reviewing proposals for solar projects as most of them will go through the State approval process.

ORES will be replacing the Article 10 law with Article 23, which is overseen by the ORES board (Office of Renewable Energy Siting). The ORES board will have the final say in the configuration of any of these projects, and will also have the say over the financial aspects as well. The lawyers indicate this will likely trigger a lot of court battles.

The key will be to write the local energy storage law in such a way that provides protections for the community, but does not remove the committee from negotiations; this will allow them to have as much input as possible.

A question was asked regarding chemical fires - does the local fire department have the capacity to handle this? Canton has the capacity to handle, but the law may want to require a foam suppression system in the energy storage facility.

At this time the Town Planning Board is waiting to see what the county planning office provides and then the board can review and help develop a final plan. It is unsure at this time when the board will have something from the county as new information is evolving regularly.

The Town is currently 3 months into a 6 month moratorium on these projects - due to the current considerations it may be best to request an extension from the town for another 3-6 months as they want to make sure the language is sustainable for the long term. It has been decided to see what the county does at their May meeting, so the board will potentially look to extend the moratorium at the June town board meeting.

## Other Items

Jeff Murray was approached about a new cell tower at Waterman Hill (Pierrepoint) - this has only been heard about recently and has not really been surfaced publicly. AT&T is in discussions with the Town of Pierrepoint for a new tower on their property for a new tower, not a dish on an existing tower. This will need to be addressed by the Town of Pierrepoint but should be noted by residents of Canton in that area.

## Adjournment

A motion to adjourn was made by Debra Backus, seconded by Sigie Barr-Sapp, and carried. The meeting was adjourned at 7:48 pm.