

# Town of Canton

## Planning Board Meeting

July 22, 2020

Courtroom, Canton Municipal Building

6:30pm

### 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; Ron Bush; John & Donna Clark; Meghan Parkman; Julie Parkman; Tara Stevenson; Bryan & Suzanne Noble; Amy Thorbahn; Peter Lobdell; William Fobare; Mike Crowe; Tom Pahler; Walter Planty

### Call to Order

The meeting of the Town Planning Board was called to order at 6:33 pm by chairperson Michael Morgan.

### Approval of Minutes

A motion was made by Sigie Barr-Sapp to approve the minutes from the April 28, 2020 Town Planning Board Meeting. The motion was seconded by Joel and carried.

### Agenda Items

#### 1. Discussion of proposed Parkman AirBnB Campground

Meghan Parkman indicated that this will actually be a “Hip Camp” site - similar to the AirBnB concept but has its own search and booking web platform. Meghan is a recent graduate from Clarkson University who has decided to remain at home and is looking to add tourism and bring people into the local economy. The original concept included the possibility for campers to bring their own equipment or be provided with camping equipment on site. However, due to their insurance requirements they will be providing a “wall tent,” set up on a platform. The site will also include a fire ring on the Dekalb side of the property. All sign-ins and camper management will be handled through the “Hip Camp” portal.

It was asked how many people this would accommodate: although it is possible to put in multiple sites, they are actually requesting the permit to do one campsite in a single location on the property, that will hold a maximum of 8 people. The concept is equivalent to an AirBnB rental, where instead of renting a room on their property, a tent

is provided. There will be a maximum of a single group at one time, sharing the provided tent, with a maximum of 8 people in the group. This will not be a winter site - it will be available during the primary camping season only.

An outhouse will also be put up on the property, containing a composting toilet. Pets will be allowed but will require control and maintenance by the pet owners. Some type of base will be built or provided for the tent to be set up on (either a wooden platform or a patio style). No potable water will be provided. All campfires will be contained within the provided campfire ring.

The intent of this project is really to give the Parkman's the opportunity to expand environmental awareness and educational opportunities, while potentially providing a small source of income for their farm. The Parkman's own a 20 acre parcel with an open meadow where the campsite will be located, next to the woods.

Moisture and flooding concerns were addressed. It was indicated that there is some moisture on the "wetter sides" of the property which may prevent camping at certain times. The intent is to simply block off those dates when moisture may cause issues so no reservations can be made.

The question of hunting was raised: per the owners, campers will not be permitted to hunt on the land.

The intent is to not change the beauty of the neighborhood.

Mike Crowe, member of the public, indicated that he supports the project.

Debra Backus asked about setbacks for the project: the Parkmans indicated that the setback to the location of the actual campsite will be 128' from the road, and 478' from the nearest neighbors.

The board indicated that since this would require a special use permit in a zoned location, a public hearing must be held.

Debra Backus made a motion to hold a public hearing for discussion of the proposed "Hip Camp" project at 396 Old State Road, Canton on July 29th at 6:30pm. The motion was seconded by Joel Howie and carried.

## 2. Discussion of proposed Convenience Store in Morley - Public Hearing and Follow Up (Ron Bush)

This project has been reviewed by this board previously. It has gone to the County Planning Board who approved it with conditions which it was indicated have all been met at this time. Two variances were required which have been granted by the Town ZBA. This constitutes the final review and public comment.

The County Planning Board recommendations were reviewed at this time. The current signage & lighting plan in a basic form were submitted by Mr. Bush and reviewed at the previous meeting. Mr. Bush does not yet have a plan for the signage, but indicated it will remain within the code requirements and a sign permit will be completed prior to installation of the sign. The fuel storage and gas pumps are a single unit, which are all regulated under the DEC with appropriate setbacks. The fuel tanks will be above ground at this time, and diesel and gas will both be available. It was indicated that the property in question is 0.83 acres in size, and as such the storm water will be managed as previously indicated to the committee. All water runoff will run to the ditch already installed by the county. The snow melt plan has also been identified. There was a question as to whether the storm water management plan must be approved by the DEC; Code Enforcement Officer Jeff Murray will contact the County tomorrow to follow up on this question.

The county raised the concern about the Route 14 driveway; this detail has been dealt with at this time, but will be better understood during actual usage.

The County had recommended that the dumpster(s) be screened with fencing. The planning board agrees if necessary, but that this may not be done depending on the feasibility of installing fencing that may gather increased trash and dirt and thus be counterproductive. The planning board indicated that they are not concerned about this recommendation and will rely on Mr. Bush to make the appropriate decision.

Privacy fence along the property line has also been previously discussed; it was indicated that the neighbor does not want the fence, so the planning board will not require it.

The question of the setback for the access point from County Route 14 has been addressed by the ZBA, and a variance was granted.

The question of the required 200' setback from the nearby church that has not been met has been addressed by the ZBA, and a variance was granted.

The board asked about the proposed lighting plan, which has not changed; Mr. Bush plans to use three light poles with LED lights. His current anticipated hours of operation are 5am-10pm, which may be changed based on usage.

The discussion was then opened to public comment:

Mike Crowe raised the question of regulating the outdoor lighting. His concerns involve the use of this hamlet/residential location at the highest elevation in Morley. He feels that this site may require lower lighting based on its location, as good modern lighting plans should be based on the location of the project. He feels that it is very important for the neighborhood that this lighting plan be carefully designed based on where the store will be located; as well as the anticipated brightness, light throw, and glare. The light should not be seen beyond the boundary of the property due to a concept known as "light trespass," which is similar to noise pollution. He feels very strongly that this project needs to have a well constructed light plan in which light needs to be not only downward cast, but should also consider using cones on them or boxes to prevent light throw beyond the edge of the property, as well as to avoid glare. The lumens of the individual lights should be considerate to prevent overlighting. The project must light only the property at an appropriate level with the appropriate "color" of light; as indicated, the blue spectrum of light is more disturbing to humans and wildlife. Mr. Crowe would like to know what the true light plan of this project is to prevent disturbing the local area. He indicated that the Lumination Engineering Society has guidelines for this to prevent overlighting. He also felt it should be taken into consideration that in a relatively dark area, a lower light is sufficient. Mr. Crowe would like to request that the board require a detailed light plan that is appropriate to the conditions, utilizing this information, and that they make sure it is followed and enforced to prevent overlighting. Finally, Mr. Crowe indicated concerns regarding a potential canopy for gas tanks (none is planned at this time but if this changes a new permit will be requested); setbacks for fuel tanks; and the storm water plan for the DEC. Mr. Crowe provided some lighting documentation for the board to review

Mr. Morgan indicated that regarding the lights and light plan, the planning board could provide a stipulation that Mr. Bush work with Mr. Murray to come up with an appropriate lighting plan. However Mr. Crowe felt that it would not be appropriate to set a lighting plan design on the Code Enforcement Officer.

Mr. Bush countered that the area is labeled as a lighted district and includes street lights.

The board indicated at this time that in order to move forward, the following issues would need to be addressed: storm water plan; signage plan; fuel tank storage plan. It was noted that a super majority (all but one member of the board must vote yes) must be met in order to approve the project. In order to be fair to the process and the way similar projects have been handled in the past, these questions should be addressed. Mr. Morgan indicated that if the board approved the project it would be a conditional approval based on DEC approval of fuel storage and other requirements.

According to the County recommendations, a storm water plan must be provided and approved by the DEC; it was determined that clarification would be needed from the county, and that Mr. Murray would contact them first this tomorrow.

It was asked if there is language in the code regarding lighting requirements. In section 70-42 regarding signage, lighting is also addressed. It was noted that that the lighting plan must be suitable for the location, and Mr. Crowe reiterated that there are common engineering standards on how specific types of areas should be illuminated. The lighting plan for this project has been addressed in previous meetings, and it was noted that lighting can be considered a pollutant.

Mr. Bush requested that all lighting plans be removed from the project plan, and he will focus on the usage of street lights for lighting. Public comment included the potential of using the street lights that currently need to be repaired by the town. However there was a concern that these would not provide sufficient lighting for the store and would pose a safety issue. Mr. Bush would like to submit both a lighting plan and a signage plan at a later date. This was discussed, but the board was not comfortable with this request. It was indicated that lighting is an integral part of a project such as this, and that it would be important to handle it appropriately.

Ms. Backus indicated that a building plan is contingent on requiring both a signage and lighting plan, and the question was raised if it was possible to move forward and make a decision, but then no motion would be made on the property until these items were completed.

Some confusion arose from the public regarding the code and the specifications for lighting plans. The board shared that each project is considered on the merits of its own location and requirements.

It was asked if it would be feasible to put together a lighting plan within one week to allow a second public hearing that would piggy-back on the public hearing planned for July 29. Mr. Tom Pahler suggested that a retail location for purchasing the lights would be able to provide Mr. Bush with an appropriate lighting plan.

At this time the board indicated that a lighting plan that meetings the requirements of not being obnoxious or a nuisance would be required in order to make a decision. The overall request was at this time tabled temporarily, and revisited later in the meeting, when a light plan was developed and provided.

Per the updated light plan, Mr. Bush will install three LED, 200 watt, 24,000 lumens, shoebox style lights. No light color was provided, but he anticipated use of led lights with a "daylight" color.

At this time, the Short Environmental Form parts 1 & 2 were completed by the committee at the meeting; a copy of this environmental assessment is available from the committee chair upon request. A motion was made by Joel Howie to indicate negative environmental impact. The motion was seconded by Debra Backus, and carried.

Returning to the lighting plan discussion, it was indicated that no one off the property should see the source of the light, and that light should not be thrown off the premises; no light trespass should be permitted.

A motion was made by Debra Backus that the permit for the convenience store is granted, with the following conditions: the storm water plan will be addressed if required pending discussion with the county tomorrow; that fuel will be contained in above ground tanks as approved by the DEC; and that all lighting will be downcast, light will stay within the boundary of the property with no glare, and 200 watt lights will be utilized at a recommended 3,000 kelvin; The motion was seconded by Sigie Barr-Sapp, and carried.

### 3. Discussion of proposed Campground - Public Hearing and Follow Up (Walt Planty)

This project has been reviewed previously by the Town Planning Board. This project did not have to go to the county. It is considered a special permit in a rural zone. Mr. Planty has been working on this project for approximately two years. Mr. Morgan Mike took a look at the layout of the proposed campground this past Monday night; where the campsites will be, where the bathhouses will be, where the septic and leach field will be installed. All components have been approved by the Department of Health.

The discussion was opened for Public Comment:

Per a letter to Mr. Morgan read during the meeting, one neighbor voiced concerns. Ms. Barb Heller is concerned about the use and maintenance of Harrison Creek: how much wetland will be filled in and how many culverts will be added. Mr. Planty replied that the intent is to avoid all wetlands on the property. Ms. Heller asked about the management of sewage & gray water. Mr. Planty indicated that septic and leach fields will be relatively close to the entrance of the campground, and that all has been approved by the Department of Health. There is water provided by a drilled well that is already on the property, and all required tests have been performed and passed. Ms. Heller was concerned with poor cell reception in the area, and how would emergencies get handled? Mr. Planty indicates there is cell service in the location in question, and that all campground roads are fully accessible. The layout will be just like any other campground. Many of these concerns have been mitigated in previous discussions. Ms. Heller closed her letter indicating that her primary concern is environmental responsibility. Mr. Planty indicated that his full intent is to maintain the natural beauty of the land and prevent any damage.

Mr. Murray requested that documentation be provided to him by an engineer or other party that the leach field and septic system will not flood. This letter is needed to limit the liability for the Town of Canton in the case of any potential flooding in the area.

Amy Thorbahn and Peter Lobdell are members of the public who indicated that they did not know about the project. They asked if there has been a survey of the land and where that survey is filed? Mr. Planty indicated that a survey has been completed, and documentation has been provided to the County. His understanding was that Adirondack Survey has marked the back line of the property. Ms. Thorbahn and Mr. Lobdell then countered that they paid for a survey several years ago, and then just had another one completed on Monday, where they found that work on the proposed campground has passed on to their property in at least one location. This has resulted in the destruction of their property and trees. They also asked what is the liability of campground neighbors if people end up on their property and they get hurt? Mr. Planty indicated that visitors to the campground will be told to stay within the property confines of the campground, and no four-wheelers will be allowed. He also indicated that there will be no individual amenities on the campsites, and that the intent is for the project to be low impact. It was discussed that the proposed project is located in what is designated a flood zone, and that rising waters have closed down the road in previous years. Mr. Planty felt that where the campground is going to be located will be

above the flood line, and noted that the DEC has been involved and has contacted Mr. Tom Pahler and discussed this issue. The Department of Health has also been involved. The size of the proposed campground was questioned; Mr. Planty indicated that there are planned to be 46 campsites across 36 acres. Larry from Adirondack Survey did their survey on Monday and stated that no survey has been completed for this property. Mr. Lobdell then stated that Adirondack Survey completed the survey of their land on Monday, and they were informed that no survey of the proposed campground site had been completed to date.

Regarding the flooding issue, it was indicated that the current standard of allowance from the Department of Health for the septic system is one flood within a 25 year span. Mr. Planty stated that he had paid for the completion of the survey, and would be checking about the survey pins and markers.

It was discussed that the Department of Health has codes to prevent the emptying of the septic tank, but that this will be regulated appropriately.

Public discussion ensued regarding major concerns about flooding in that whole area, which Mr. Planty agrees with and understands.

Mr. Lobdell and Ms. Thorbahn brought up wildlife and trash concerns, asking for information on how refuse would be handled for the campground. Mr. Planty indicated that all trash will be managed out by the road. There was a particular concern regarding bear issues; theoretically more people will bring more wildlife as well as bears looking for food. Mr. Planty stated that trash will be contained in a fenced area out front of the campground and picked up weekly. In addition, all campground rules and regulations will be enforced: fire pits will be contained, all campsites will be located on crushed stone, and messes will not be tolerated. The campground is intended to encourage the use of nature and peacefulness for individuals. It was mentioned that there is already a lot of traffic down Crusher Road, but Mr. Planty is trying to keep it simple.

There was some further discussion regarding the property boundary issue. According to Mr. Planty he had been using an old fence to delineate the property line, but the surveyor indicated to Mr. Lobdell that this was not a particularly accurate way to judge as old fences are rarely true.

Ms. Backus requested a brief report from Mr. Planty providing a quick overview of work completed on the project since its original proposal to the planning board in 2017. Mr. Planty indicated he has been working on thinning out trees and cleaning up damage from ice and wind. He has widened the basic "roads" which were already in place and they are currently surfaced with dirt; he intends to use crushed road gravel for the final project. The walking path will have crusher run on it. Mr. Planty has come to point in the project where he can drive his tractor trailer along the roads on the property, so there will be plenty of access for campers and emergency vehicles. Various pockets of water have been drained to prevent insects and have been redirected to run naturally in the direction of the water down to the creek. It was acknowledged that the water is often high in the spring and low in the fall. Mr. Planty stated that the DEC and Department of Health have both been to the location. Mr. Pahler has the letter provided from the DEC; and the Department of Health attended the water testing and sent electronic communications which have been shared with the committee. It was mentioned that a single well is functional, and has been tested and approved for use. The septic system has not yet been installed, but currently a portapotty is on site for temporary use during construction. The old trailer previously located on the site has been removed.

Per Mr. Morgan, Part I of the required Short Environmental Form for the project had previously been completed by Mr. Pahler as engineer for the project. The board completed Part II during the meeting. A copy of this environmental assessment is available from the committee chair upon request. Debra Backus made a motion to declare negative environmental impact; this was seconded by Sigie Barr-Sapp and carried.

The board asked if federal approval was completed per the letter provided from the Department of Health, but then it was determined that this was negated in a follow up communication.

Debra Backus made a motion to approve the campground project; the motion was seconded by Joel Howie and carried.

#### 4. Discussion of proposed Fobare Subdivision

Mr. William Fobare shared that in January of this year, Fobare's Dairy Farm LLC put up 239 acres for sale to Kelly Farm, with some parcels of this acreage located in the town of Lisbon, and some parcels located in the town of Canton. All properties are for agricultural use. The division of the property is being requested so not all the land has to be sold, and some can be maintained by the Fobares. Mr. Fobare indicated that a lot of money was lost by the dairy farm over the last 3 years and they are needing to sell off some of the land to cover the cost of debts. They intend to keep as many pieces as possible: they plan to keep the parcel that holds Mr. Fobare's business location and the well beyond, the woods for hunting, and what is designated the "manure pile".

There is a simple lot line adjustment required for one portion which will be handled by Mr. Murray.

Mr. Fobare indicated that at this time, the Kelly Farm is renting most of the property they will be purchasing for agricultural use. All subdivision plans have been surveyed, and there are no use or other restrictions on any of the land. All deeds and abstracts are also complete. Back in May the attorney needed a letter from the surveyor for a right of way on one of the parcels, and a copy of the surveys requested have been submitted to the Code Enforcement Office. The plans provide for three subdivision lots in Canton. Mr. Jim Reese will have a record of everything.

Per discussion with the Town Attorney, Eric Gustafson, the planning board may make a motion in this instance to waive most code requirements except the public hearing requirement. This is based on the current town code, section 56-22. The committee determined that a public hearing will need to be held, and can likely be performed next week at the same time as the public hearing required for the Parkman "Hipcamp."

For the public hearing, letters will be sent to any property owners within 200 feet of the property line for 131 Johnson Road, which is the physical address of the Fobare Farm.

Debra Backus made a motion to waive the requirements of the code for purposes of a subdivision according to section 56-22; Sigie Barr-Sapp seconded the motion and it carried.

Debra Backus made a second motion to hold a public hearing for the proposed subdivision on July 29 at 6:30pm; Joel Howie seconded the motion and it carried.

#### Other Items

- Mr. Morgan requested that the committee members review the Solar Storage Model Law provided, as it presents the County Planning Board revision to the original NYSERDA Model Law. It is anticipated that the town will be extending the moratorium on these solar projects, but have not done so yet.

## Adjournment

A motion to adjourn was made by Debra Backus, seconded by Sigie Barr-Sapp, and carried. The meeting was adjourned at 9:47 pm.