

## **VILLAGE OF CANTON PLANNING BOARD MINUTES**

February 11, 2020 7:00 P.M. Municipal Building, Canton, NY

**Members Present:** Chairperson Barry Walch, Charles Rouse, Jessica Sierk, Code Enforcement Officer Jeffrey Murray, Recording Secretary Heidi Smith

**Members Absent:** John Hill, Nicholas Kocher

**Others Present:** Jerry Chase, Ray Wilson, Judith Chase, Faye Peters, Sarah Melville, Duncan Melville, Devon Sutton, Brandon Roberts

Chairperson Barry Walch opened the Public Hearing: this process is a R2 District, which is a residential district, allows more alternative things to residents where R1 District is purely a single-family home with a few exceptions. R2 allows more things such as condominiums, town houses, apartments. There is another section called “uses by special exceptions special permit”. Special permits are ordinarily allowed if there has been a hearing and process by the Planning Board to assure that the requirements are satisfactory. The public hearing is designed for the board to get as much information as they can, as well as input from the community.

### **Public Hearing - 47 East Main Street Plans to Establish a Rooming House**

Brandon Roberts explained that 47 East Main Street is a single home which he intends to make it his primary residence but is interested in renting out a couple of the rooms. Mr. Roberts brought a simple diagram of some ideas that he was thinking about for renovations.

Mr. Roberts stated issues from previous discussion with Code Enforcement Officer Jeffrey Murray was parking. Code 137 stipulates there needs to be 1.5 parking spots for each room in the house. There are 5 rooms in the house so there needs to be 9 parking spots. There is an area on the property where there is a second lot, adjacent to the lot that the house is on, where Mr. Roberts believes he can put 5 parking spots with no issues. Mr. Roberts plan would be to push back 18 feet, and based off the dimensions Mr. Roberts read, he could fit 5 parking spots across that second lot without needing to change anything. That, in conjunction with existing parking in front of the carriage house, plus 2 additional spots, would get Mr. Roberts up to 9 parking spots.

Mr. Roberts does not intend to rent out all 5 rooms, but this would get him up to code. Beyond the parking, Mr. Roberts would like to give the house an overall upgrade with new paint and landscaping. Mr. Roberts would also like to do some fencing along the area of the parking. There are some evergreen trees that Mr. Roberts would like to take down and replace with something nicer in that area. In the front of the house there is a long concrete driveway/sidewalk that Mr. Roberts would like to replace with a semi-circular gravel landscaped area to make it look a little bit cleaner. The overall idea is to improve the look of the house, maybe bring in a couple of renters to make sure everything is covered.

Mr. Roberts intentions are to enhance the look of the house. This would be Mr. Roberts home and would like to bring upgrades to the house. Mr. Roberts sees this as an opportunity to fix up an old home and give it some love and make it a nice addition to the community.

Chairperson Mr. Walch pointed out there only needs to be 8 parking spots, but it is never bad to have an extra parking spot, it could also be used for snow storage even though there is plenty of area for snow storage, but that is a consideration.

Jerry Chase – 5 Crescent Street is concerned about putting a new driveway between the house and East Main Street along with trees. Chase is concerned that Roberts will not be able to do this due to how close the house is to East Main Street.

Mr. Roberts explained the circular gravel area in front (indicated in the drawing) would be decorative, it is not intended to be a driveway. The front walkway would be removed, as it was not well maintained. It would be replaced with the circular gravel area, plant shrubbery and grass, to create a semi-circular look. This would be to break up the area, so it doesn't look so open.

Judith Chase – 5 Crescent Street is concerned that Crescent Street is a nice residential area with kids, and with all the extra cars it would cause more traffic. There is also concern with the shared driveway, with the extended 18 feet of parking that the possible tenants would back up into Mrs. Chase's vehicles. At the last meeting it was discussed that Mr. Roberts is hoping to find professional people to rent. Mrs. Chase questions that Mr. Roberts cannot find professional people, who would want to share kitchens and baths. Mrs. Chase is concerned that if Mr. Roberts cannot find professional people to rent the rooms to, then Mr. Roberts would look to renting to students. Mrs. Chase fears with students there would be a bunch of noise, couches on the lawn etc.

Mr. Roberts explained that he intends to change a lot of the rooms, with renovations over the next year. An example would be putting a bathroom upstairs. Mr. Roberts is not in any hurry to get renters into his home, at this point he is looking to fix the home up and make it livable for himself. Regarding the cars, Mr. Roberts feels the lot offers a lot of options with parking and to make sure the flow of traffic is okay. Mr. Roberts does not intend to stack the driveway full of cars. Mr. Roberts assures Mrs. Chase that this will be his primary home and that people will not be putting couches on the lawn and that this will not turn into a fraternity house. By going through all this trouble, Mr. Roberts is trying to convey the plans to upgrade the house and put a couple people in there to rent. It's going to be in a nice environment that will come with a premium and it's not some kind of student housing. It is not intended to be loaded with 15 people. At this point Mr. Roberts is envisioning 2 people at the most.

Sarah Melvine – 2 Crescent Street asked Mr. Roberts if you are not planning on changing the rooms into apartments, are just giving them their own room with a shared bathroom but not their

own kitchen? Mrs. Melvine also stated that once a house like this is turned into apartments it will never turn back.

Mr. Roberts stated that he will most likely add a bathroom upstairs and all of the plumbing needs to be upgraded.

Chairperson Mr. Walch stated that with special exceptions the permits go with the owner not with the property. When the owner is gone the “special permit” is gone. The new owner would need to reapply for the permit if they chose to keep things the same.

Mrs. Chase - 5 Crescent Street stated if things happen down the road and anything changes, are there any recourses.

Chairperson Mr. Walch stated part of the “special permit” is in 6 months the owners will need to come back in for a revisit after it has been put into effect. What happens is, the Planning Board asks the police and surrounding neighbors what’s been happening. If there are any issues or reports. Again, the permit is issued by the planning board and can be removed by the planning board, if needed the board can ask for another revisit in another 6 months. The permit has an expiration date, it can be reapplied for at that time, if there has been trouble there is the recourse.

Mr. Roberts stated, in the next 6 months the plan is to just fix the house up, once the weather permits then he will start things with the outside of the house. Mr. Roberts reassured everyone that this will be his primary home and will not allow for anything out of hand. Mr. Roberts also stated that if the parking and traffic become an issue, he will re-address the issues. Mr. Robert is trying to make sure he is taking the appropriate steps with the changes he is trying to make with the home.

Board member Jessica Sierk made a motion to give a Special permit to allow up to 4 rooming house rooms with 8 parking spots, 3-year permit with a 1-year revisit. No parking in the front yard. Seconded by Board member Charles Rouse. All voted in favor. Motion carries

### **30 Miner Street Specialty School**

Devon Sutton – is looking to rent The Knights of Columbus at 30 Miner Street, as a small independent school, with roughly 10-15 students. It would be a one room schoolhouse, minimal impact on the neighborhood. There would be one teacher, maybe two. There are only about four or five families so there would not be a lot of traffic with drop off and pick up. Although, it is a property or two over from the allowable use for a school.

Chairperson Mr. Walch stated that it is in the wrong district.

Miss Sutton added this is a small group of people. With the closing of St. Mary’s they are just looking for alternative education for their kids. Once there are more than two families schooling

together, it's considered a school by New York State. You need to go through your provisional charter, that is why it is designated a school as opposed a tutoring group or a couple of home schoolings getting together. They would like to do everything with complete compliance. With a Provisional Charter you have the oversight of a Superintendent looking into the curriculum and making sure the children are safe and well provided for. Miss Sutton is aware of the rules and zones, even though it is no impact to the area they want to make sure they are still following the rules and doing it the right way.

Chairperson Mr. Walch stated the classic advice is, the board can give an area variance but never a use variance. The ZBA can give area variance. Mr. Walch did suggest the easiest or safest thing to do is maybe try and find another location.

Miss. Sutton believes the location on 30 Miner Street is going to be priced appropriately, its an organization that they already are familiar with, and as individuals already work very closely with. The Knights of Columbus is also supporting the school's same efforts. This is a group the school would be working closely with. This school does not want to inhibit any of the businesses in the allowed zoning area. For example, if they were to go upstairs of a store front you would have the tiny pitter patter of tiny feet. This is not envisioned to be a forever home, maybe a few years. Either it would no longer be relevant and or the size would no longer be a practical option. This is a most likely going to be Monday through Thursday.

Code Enforcement Officer Jeffrey Murray stated that St. Mary's is closing, is it a possibility for this school to go there. It seems as if that would be an ideal area for the school.

Miss Sutton is hoping that there 'someday location' would be St. Mary's. At this time the Church/Parish is going through a long-range strategic planning exercise to see what is most strategically lined with their mission. In six months, the Church could say yes, you can rent this space from us. But in the meantime, Miss Sutton needs to get the provisional paperwork in now to operate in September, so that is why they are looking for a temporary location. Again, this is something this in not envisioned to last more than a few years.

Code Enforcement Officer Jeffrey Murray asked to get the provisional charter do you have to have a specific address or is that a requirement at this time?

Miss Sutton stated we would need to have a Certificate of Occupancy which needs a specific address and it is also needed to file as a corporation as an independent school.

Code Enforcement Officer Jeffrey Murray stated the Planning Board cannot make the decision. The ZBA will make the final decision, and the planning board gathers the all the information. Murray will pass all the information onto the ZBA, then the ZBA will set up a meeting for further discussion with Miss Sutton. The ZBA makes the final decision because this is a use variance not an area variance. 30 Miner Street is in a C1 zone which is a commercial zone where schools are not allowed.

Miss Sutton asked what is the difference between the area variance and the use variance?

Code Enforcement Officer Jeffrey Murray explained an area variance is if you were in-fringing on a property line or if you were expanding a building. A use variance is when you are taking a building and changing what you are using it for.

Miss Sutton stated the building would still be used primarily for the Knights of Columbus activities. They would only be using it for the hours during the day to educate the kids.

Chairperson Mr. Walch stated that it is hard to get a use variance from the ZBA. In hopes that you could get it for a short period of time. You could try to put forth for it to be for one year guaranteed and never ask again. Mr. Walch does not know how that would develop.

Miss Sutton asked are there things in particular that would lead to concern, for example parking?

Code Enforcement Officer Jeffrey Murray stated the ZBA would take everything into consideration.

Chair member Mr. Walch stated the real concern would be about alcohol. You can have alcohol in a commercial district, and you cannot have a school within 200 feet of a place that services liquors.

Code Enforcement Officer Jeffrey Murray asked Miss Sutton how many kids there will be.

Miss Sutton anticipates 10-15 kids. They are not envisioning or are they going for wild smashing success, breaking down the doors with students. Our concerns in our first years are going to be establishing the curriculum, making sure the model is viable and scalable, just establishing roots and board. This particular model of schooling is becoming more popular. Right now, they are talking about a five-grade spread, K-4. If the school were to grow beyond the 15 kids, then they would need to look for a more suitable area. This is an independent school in the Catholic tradition, religion will be part of their day, therefore a public school isn't an option, this would be a more structured curriculum.

Code Enforcement Officer Jeffrey Murray asked

if they would be okay going outside of the Village for a location. Miss Sutton states if there was an equally cost-effective place outside that would be okay. If they would be able to bus within 15 miles.

Code Enforcement Officer Jeffrey Murray feels this meeting was helpful in collecting all information for him to pass onto the ZBA as well as being able to keep an eye open around the Village for a possible alternative location in case the ZBA doesn't allow this.

**Gouverneur Street Removal of Old Barn**

Owner of the property was not present, tabled to next meeting.

Board member Jessica Sierk made a motion to adjourn meeting at 8:01 PM, seconded by Chairperson Barry Walch. All voted in favor. Motion carries.

Respectfully submitted

Heidi L. Smith Recording Secretary

Chairperson Barry Walch