

Village of Canton

Planning Board Meeting Minutes

January 12, 2022
Zoom Virtual Meeting
4:30 pm

Members Present

Chairperson Barry Walch; Jessica Sierk; Charles Rouse; Chris Rotramel; Kara McLuckie
Recording Secretary Jeni Reed

Members Absent

None

Others Present

Code Enforcement Officer Tim Nolan, Brent Bartley, Barb Boyce, Lisa Wiggins, Nancy Alzo

Public Hearing

The public hearing to discuss the Home Occupation Request for 28 Goodrich Street began at 4:39 pm.

Chairperson Barry Walsh presented the request, explaining that the owner would like to have permission to locate an office in their home for the purpose of Palmistry and/or Fortune Telling.

Applicant Lisa Wiggins, owner of the home, was invited to share more information regarding her request. She indicated that she would not be the individual performing the fortune telling; instead it would be someone who is currently residing in her home. She also maintains residence at the home. Ms. Wiggins discussed the nature of the individual's business, noting that he generally travels to other locations to work at psychic shows; this would be a small addition to his current business involving a few appointments with interested local individuals.

Mr. Walsh noted the following regarding home occupation requests:

- Any approved request should not interfere with the character of the surrounding neighborhood/community, particularly as it relates to noise, traffic, etc.
- Home occupations require that no more than 15% of the building be used for this particular purpose.
- Traffic flow should be small though not negligible.
- There must be legal parking available at the residence for clients.
 - There was some concern voiced about the parking availability, but it appears that sufficient parking is available in the residence's driveway.
- No more than one employee would be permitted should the home occupation be approved.

The public was invited to share any comments or questions they may have regarding the application at this time.

- Nancy Alzo, 29 Goodrich Street: concerns were voiced regarding parking availability as there is no parking on the East side of Goodrich Street. She also asked about the expected scope of the business and how busy they anticipated being.
 - Ms. Wiggins indicated that the expectation is only one appointment at a time, likely only one to two per month, who would be able to park in their existing driveway. This will be only a very small supplement to the business as most of his time will be spent at shows.
- Barbara Boyce, 30 Goodrich Street: questioned how the special use permit works; does this extend past the current owners and stay with the home?
 - Chairperson Walch explained that the special permit is extended to the individual for the specific use only, and additional time constraints for future review can be added as a condition to the permit as well to prevent abuse of the permit.
- Nancy Alzo: commented that this is a very residential area of Canton and the assumption is that this permit would fall under the category of a service and not any type of sales. She asked if once a permit is issued in the neighborhood, does that affect the potential for more permits of services and other home-based businesses within the neighborhood?
 - Chairperson Walch shared that there are only approximately three special use permits of this type within the Village and the board is very cautious in issuing these permits to prevent changes in the character of neighborhoods. He indicated that measures are often built into these permits to allow for rescinding should the business become a nuisance. He also shared that the permit will include the allowance of a small sign to indicate the location of the business, but that this sign is only three square feet of allowed space with the intent that it would be placed on the porch or somewhere at the home that is inconspicuous and only noticed in the case of someone looking for the business. These signs are prevented from having any noise, vibration, glare, or any type of electrical interference. Retail sales are also forbidden with the exception of small items directly related to the business.

Chairman Walch invited the board members to address any questions or concerns.

- Kara McLuckie: will the permit be issued to the homeowner or the practitioner of the business?
 - Chairman Walch indicated that details would need to be added to the permit indicating that the permit was being issued to the individual living in the home that is practicing the business.
 - Charles Rouse: does the code specify that the home is owner-occupied? We do not want to create a situation where anyone can rent a “corner of a home” and open a business there.
 - Chairman Walch: the code does state “provided that all persons engaged in those activities reside on the premises.” He also stated that this permit would constitute a major home occupation as there would be clients coming to the residence.
 - Mr. Rouse: would like to make sure there is some mechanism in place to verify that the individual practicing the business is actually residing in the home.
 - Chairman Walch indicated that he would address this question with the Village attorney.
 - Jessica Sierk: would it be possible to request a piece of mail or similar with the individual’s name on it addressed to that location? This would be similar to the process used at the DMV to verify an individual’s address.
 - Chairman Walch felt this might be a good idea, or possibly have the individual and the homeowner sign an affidavit.
- Mr. Rouse: what are the requirements regarding the sign to prevent it becoming any kind of nuisance?
 - Chairman Walch: the requirements will be a three color sign, and permits can require it be flush to the building as well.
- Mr. Rouse: is any parking required to be towards the back or past the residence?
 - Chairman Walch: yes, this is required in the code, and in this situation the driveway for the residence appears to be able to accommodate this requirement.

- Ms. Wiggins: it is unlikely that the neighbors will even notice the existence of this business should the permit be given.
- Chairman Walch indicated that he will work on a potential permit which he would share with the Village attorney as well as the board for comments and consideration. The code allows for 31 days from the date of application for the board to review and make a final decision.

As there was no additional comment, the public hearing was closed at 4:58 pm.

Call to Order

The meeting of the Village Planning Board was called to order at 4:58 pm by chairperson Barry Walch.

Approval of Minutes

Discussion was held regarding the minutes from the November 9, 2021 meeting. There was some confusion regarding the concept of “grandfathering” specific situations related to the new zoning code. It was agreed that this should be clarified, and the minutes will be redistributed and considered for approval at the next meeting.

Agenda Items

1. Discussion of Home Occupation Request for 28 Goodrich Street, Canton

Based on the public hearing discussion, Jessica Sierk made a motion to take the discussion under advisement and after consultation with the Village attorney return to review the permit and if the board will approve it. The motion was seconded by Charles Rouse, and carried.

2. Discussion of Proposal for Storage Units at 28 Gouverneur Street, Canton

Mr. Brent Bartley presented the application as follows:

The property at 28 Gouverneur Street is owned by Mr. Bartley’s son, and is located in the C-2 district. The request is to install 12 mini storage units at the location. This application was denied by the Code Enforcement Officer as this is something not specifically permitted in this location by the zoning code.

Chairman Walch indicated that under the new Village zoning code, the location will be in the neighborhood mixed use zone, which permits various professional pursuits, service locations, etc.

Questions from the Board:

- Chairman Walch asked about the expected “look” of the storage buildings.
 - Mr. Bartley indicated that these would be 10x10 storage buildings with doors on the right hand side of the property facing Gouverneur Street, and placed along the property line abutting the Stewarts Shop on that street. The overall dimensions would be 10 feet wide, and about 100 feet long across the back. This would leave ample parking for tenants as well as snow removal.
- Charles Rouse asked about a previous request at that location.
 - Mr. Bartley reminded the board that the earlier request had been to convert the garage on the premises to three apartments, but as the property was located in the R-1 district this was denied. However, the board approved the movement of the C-2 district line so that the property would be included in this district which then allowed for the activity. This prevented other uses that may have been found less desirable.

- Charles Rouse asked about the lot coverage allowance in the code and if there is sufficient room to allow these storage units on the property.
 - Chairman Walch noted that the property is quite large, extending about 190 feet back.
 - Mr. Bartley stated that the storage units would not start until after the apartments, on the opposite side. Two of the units would back up to the Law Lane side of the property, and the remainder would border on property belonging to Mike Pinkerton, where a privacy fence is already installed which would limit the view of the storage sheds on that property. Mr. Pinkerton has not yet been approached about this request but Mr. Bartley plans to do so after this discussion with the board.
 - It was noted that should the request be granted, lot coverage and setback requirements would have to be adhered to.
- Chairman Walch asked about how the storage units would appear as compared to other accessory buildings which are permitted on the site.
 - Mr. Bartley indicated that the plan is a metal sided building (inside and out), with an eight foot roll-up garage door in the front of each unit.
 - Chairman Walch indicated that it would be important to keep the look of these units in concert with the rest of the neighborhood, and avoid anything commercial or industrial looking.
- Charles Rouse noted that storage units tend to see very light use, in which case any traffic generated by these units would be minimal.
- Chris Rotramel asked about the access to the storage units.
 - Mr. Bartley stated that they would be accessed from Gouverneur Street by the existing driveway on the property.
- Kara McLuckie stated that given the size of the property and the intent to make the buildings blend with the look of the neighborhood, this request should not have any issues moving forward; pending discussion with Mr. Pinkerton.
- Code Enforcement Officer Tim Nolan indicated that under the new zoning code, the property will actually be located in the General Mixed Use zone.
- Upon question from Code Enforcement Officer Nolan, Mr. Bartley stated that the storage buildings would be partly used for the tenants of the apartments located on the premises, and the remainder would be rented out.
 - Mr. Bartley's expectation is to utilize two of the storage units for his own needs, three or four would be available to the tenants, and the balance would be made available for rent.
 - There will be paved access available to the units for parking.
- Charles Rouse asked about impervious surface coverage; Chairman Walch stated that Mr. Bartley would have a maximum of 40% of the lot surface area as impervious.
- It is anticipated that the storage units will be built in spring/summer of 2022.

Other Items

None at this time.

Adjournment

Jessica Sierk made a motion to adjourn the meeting, which was seconded by Charles Rouse and carried. The meeting was adjourned at 5:28 pm.

Next Meeting

The next meeting of the Village Planning Board will be held at a date to be determined.

Respectfully submitted,
Jeni Reed
February 3, 2022