

Minutes of the regular meeting of the Planning Board of the Village of Rouses Point, New York, held on Monday, 25 January 2010 at Halstead Hall, commencing at 7:00 p.m.

PRESENT: Tom Murnane, Mike Tetreault, Joe Treadwell, Amanda Racine, Donna Racine, Len Martinsen, Vinnie Guay, Mark Lawrence, Bob O’Neill, Kelly Penfield, Ralph Solari (representing Marc Chapman)

RECORDING SECRETARY: Geri Favreau

CALL MEETING TO ORDER: Mr. Cooper called the meeting to order at 7:00 p.m. and began with the Pledge of Allegiance.

ROLL CALL: In attendance: John Cooper, Tom Batha; Shirley Hall, Maggie Barie, Geri Favreau;, Don Gladd (Alternate)

APPROVAL OF MINUTES: Ms. Barie commented on the 21 December minutes only stating that four persons stated their concerns about the Site Plan Review process and construction of the stage but it didn’t state specifically what those concerns were. She feels that it is important to include these concerns in the minutes. She stated that in regards to the 4 January Work Session, it was left out that some of the Planning Board members had resigned. Mr. Batha pointed out that the resignation of Donna Coughlin was included in the 4 January minutes. Ms. Barie made a motion to accept the minutes of these two meetings with the changes to the 21 December meeting. Ms. Favreau stated that she had looked at a many documents concerning doing minutes and that only motions and the business of the Board need be included. Minutes do not have to be verbatim. She also stated that she had ordered and received a book on Planning and in there it states beyond what is required by the Open Meetings Law, “they should contain the gist of all discussions, presentations by applicants, and the contributions of other municipal officials as well as consultants.” She asked the Board what they wished to have included in the minutes and she felt that verbatim minutes are not required. The Board felt that the “gist” of the discussion is what is required and not verbatim. Ms. Favreau asked if the Board wanted her to add the “gist” of the discussions from Mr. Barie, Mr. Duprey, Mr. Guay and Ms. Racine from the 21 December meeting. They felt a few sentences would summarize those discussions.

Ms. Barie made a motion to approve the minutes with corrections, seconded by Ms. Hall. Roll Call Vote: Ms. Favreau – Aye, Ms. Barie-Aye, Ms. Hall-Aye, Mr. Batha-Aye, Mr. Cooper-Aye

CORRECTIONS TO 21 DECEMBER 2009 MINUTES:

Stage Project

Mr. Guay expressed concerns about the construction and safety (footers, stress points, anchors) of the stage. Mr. Guay feels that an architect should check it before it is used.

Mr. Barie questioned who did the design. Ms. Favreau explained that committee members went to other communities to look at what they had and they came back with different designs and designs were looked at on the internet, the committee chose one and the contractor built it based on the committee’s selection.

Ms. Racine asked why should the Village not be held to the same standards as the business people? She was told that they should.

Ms. Racine felt that the neighbors should have been contacted before the project was started. She does not feel that it is an aesthetic addition to the Village.

Mr. Guay, Mr. Barie and Mrs. Racine stated that they support the idea of the stage.

Mr. Tetreault stated that what the contractor did does meet all code requirements.

The plan had been presented to the Village Board and they voted to give their support to the project. Mr. John Cooper (former Village Trustee) was asked for his recollections. He stated that he remembered a letter being read at a meeting stated that we had the money and if it would be OK of we built a stage. There were no pictures provided at that time. The Village Board had no objections. Mr. Batha asked if the VB followed up to see the plans, cost, etc. Mr. Cooper stated that at the time, the Village didn't think they needed to do a SPR. Mr. Batha stated that he was under that impression also but we have now found out that the Village is not exempt. Mr. Batha was wondering how much input the VB had. The Committee contacted their own contractor. (Note: Permission was received from the State Quad Commission on 5 October to use the money to build the stage, construction began mid-October, pictures of the Saranac Lake stage, on which the design is based, were submitted to the Village Board on 19 October.)

Site Plan Review

Mr. Barie expressed concerns about the Site Plan Review process taking too long. Mr. Duprey stated that there are a lot of unhappy business people that were not in attendance. It was explained that the PB had requested a waiver from the County Planning Board to not have to send certain applications for their review. They denied our request. The Rouses Point Planning Board has tried to simplify our process (e.g. sending applications to the County before they are reviewed by our Board). The PB is trying to make some revisions to the SPR process to make it more consistent and expeditious so that applicants can get through the process quickly and still meet the requirements of State and Village law. The PB will make recommendations to the Village Board. The Village Board has the authority to make the changes.

CORRESPONDENCE: A letter to Lorraine Bourdeau (past board member) concerning a SEQRA seminar in Albany on 26 March 2010. Ms. Favreau will find out if this seminar would count for the four hour required training. Mr. Murnane stated that there may be a Planning Seminar in Lake Placid in the fall that counts for the training hours. Sometimes the County offers a seminar. A copy of "Rural Futures – News of Interest About Rural New York – Fall Issue 2009 Newsletter" was given to Chair Cooper.

APPLICATION FOR SITE PLAN REVIEW & PUBLIC HEARING: VILLAGE OF ROUSES POINT, SAMUEL DE CHAMPLAIN COMMUNITY STAGE

Ms. Favreau recused herself. Mr. Gladd (Alternate) will participate in this application.

Ms. Barie made a motion to open the public hearing on the Samuel de Champlain Community Stage, seconded by Mr. Batha. Roll Call Vote: Ms. Hall-Aye, Mr. Batha-Aye, Ms. Barie-Aye, Mr. Gladd-Aye, Mr. Cooper-Aye.

Mr. Guay again expressed his concerns about the safety of the Stage and that it needed to be OK'd by an Engineer.

Mr. Guay asked Mr. Tetreault to give his opinion. Mr. Tetreault stated that it does meet the building code. The tie-downs will be put in in the spring. Anchors will be installed to tie corners down. Mr. Tetreault

agreed that it is dangerous because it is not secured. Mr. Guay stated that an Engineer should look at it and that the people around the bldg. did not have a say. Mr. Cooper stated that this is what this public hearing is for.

Bob O'Neill stated that stipulations should be in our approval. Mr. Guay stated that he thinks the band stage is a beautiful idea for the kids.

Mr. Cooper stated that we will make stipulations that tie-downs be installed in the spring. Mr. Murnane stated that before it can be used it needs a Certificate of Occupancy and be inspected by Mr. Tetreault, make sure the tie-downs are there and that it meets all Building Code Requirements. Mr. Ferris can be requested to take a look at the bldg. and make any recommendations that he deems necessary.

Mr. Tetreault stated that everyone within 800' was sent a letter and anyone who had any comments should have come to the Public Hearing.

Mr. Cooper stated that the Village assumed that they were exempt from the Planning process and the Planning Board thought the same thing.

Mr. Batha stated that probably within six months the Village will be adopting a code that they are exempt from Zoning and Planning. He stated that Building Permits were not obtained for other projects done by the Village. There will be public hearing before this is done. This is a decision of the Village Board.

Ms. Favreau stated that the stage was built by a contractor and we had someone on the committee who had worked in construction and they didn't think there was a problem with the way it was built. She shared that she had reviewed all her notes and on 28 June we sent out an e-mail looking for ideas on how to spend the money, on 17 August a letter was sent to the Village Board and discussed at their meeting. There were many letters sent out and many ways that people knew what was going on.

Ms. Penfield stated that the stage was done with the good intent of a committee of Village residents. People are concerned with the problems but Mr. Tetreault has not said what those problems are other than the tie-downs. She said that she's sure the committee did not support a project that would be dangerous and we are too small a Village to be arguing about it. If something needs to be addressed to secure the stage, we need to do that so that it can be used. She is concerned of turning people off from participating on these committees because there is always sniping that goes on. It was done by good people with good intentions and will be a very good thing for Rouses Point. No one designed the bldg. to be dangerous. She feels that the committee should be thanked for their service, for their time and the time they spent in soliciting ideas. Mr. Cooper stated that the committee also went around and raised money to finish the project and that mistakes were made but we need to go on.

Ms. Hall commented that the people who worked on the project gave their time and we should not put people down. Don't criticize or no one in the Village will want to participate or take a project on. Ms. Favreau stated that you can criticize in a positive manner, it doesn't always have to be negative. Construct criticism.

The Clinton County Planning Board stated that this is a local issue.

Ms. Barie made a motion to close the Public Hearing, seconded by Ms. Hall. Roll Call Vote: Ms. Hall-Aye, Mr. Batha-Aye, Ms. Barie-Aye, Mr. Cooper-Aye, Mr. Gladd-Aye.

Ms. Barie had additional questions. She asked Mr. Tetreault if there are a required number of parking spaces for an accessory building. Mr. Tetreault stated that there isn't because it is an accessory use to the Civic Center. This is not an issue. Ms. Barie pointed out, and stated that she is willing to work with the applicant, that accurate and scaled dimensions are required for the full Site Plan map. Ms. Favreau stated that there is a scale drawing of the Stage area. Mr. Murnane stated that what was done will be sufficient if the dimensions of the existing structures are added.

Mr. Batha made a motion to approve the Site Plan review with conditions: revise Site Plan Review with dimensions of existing structures on the property, that it meets all requirements of the building code before occupancy is authorized and that the Village Engineer look at the Stage, seconded by Ms. Hall. Roll Call Vote: Mr. Batha-Aye, Ms. Barie-Aye, Ms. Hall, Mr. Gladd-Aye, Mr. Cooper-Aye.

SPECIAL USE PERMIT & PUBLIC HEARING FOR GAINES MARINA BOAT STORAGE:

Ms. Hall made a motion to open the Public Hearing, seconded by Mr. Batha. Roll Call Vote: Ms. Favreau-Aye, Mr. Batha-Aye, Ms. Barie-Aye, Ms. Hall-Aye, Mr. Cooper-Aye. Carried

Mr. Robert O'Neill questioned how the traffic will be handled when the boats are moved. Mr. Treadwell stated that the Village Police have agreed to give them an escort. Mr. O'Neill's only concern was the large trucks that are currently traveling through the Village, some because of the closing of the Champlain Bridge at Crown Point.

Mr. Batha stated that he had a discussion with the Village Police Chief and that if the boat being moved is over 8'6" wide you have get a DOT permit and over 13' high and it has to be escorted and approval has to be obtained because it is has to be on a registered trailer with lights and license plate and all the DOT regulations apply. Mr. Treadwell stated that he would not be moving the bigger boats. He may have up to 150 boats stored on the property behind Chazy Hardware.

Mr. Lawrence asked if that isn't a state issue as far as moving the boats and has no bearing on the use of the property. Ms. Barie says it does because it is part of a Special Use Permit is insuring that the use will not affect the community or surrounding neighborhood which include traffic flow and other health and safety hazards.

Boats will be moved Fall and Spring.

Ms. Hall inquired as to how close the boats will be to the residential area. Ms. Hall is concerned with the noise coming from the sailboat masts.

It was suggested that Mr. Treadwell talk to the Village Police Dept and DOT.

Ms. Penfield inquired as how the property is zoned. The property is zoned I1. Mr. Tetreault says that it considered Light Industrial Use. Industrial Use is defined as "any use of the act of storing, preparing for treatment, manufacturing or assembling any article, substance or commodity." Sailboats are being considered a commodity. Ms. Penfield is concerned about the proximity to the Bechard development which is intended for residential use at some time. Is there any protection for the Bechard development especially concerning noise. There is a tree line. Mr. Murnane stated that the County suggested that the "The Village may want to require that boats be stored a minimum setback from all property lines, potentially 25' for example." The potential for development has been established. Ms. Penfield is concerned about the noise on Pratt St. Ms. Penfield asked if the access on Barnes St. would be an issue.

Mr. Tetreault stated that there is a 30' easement that gives access to the property. There is a ditch and a tree line that runs along the south side of the property. Ms. Favreau inquired about where the house for Habitat for Humanity is going. It will be built on the last lot on the left near the Senior Housing. Ms. Penfield stated that we talk about screening between any potential residential street and any other use.

Mr. Cooper spoke about the railroad track to the west of that area where trains are sometimes parked overnight and left running.

Mr. Treadwell has plans to fence in this property with something similar to what John Mott has put around his property on Rose Ave. This will be for security.

Mr. Treadwell was asked about what is the intent of the truck box and tanks presently on the property. He is leasing the property for one year to make sure the property will suit his needs. We have a lease agreement on file between Bourdeau Bros. and Mr. Treadwell.

Mr. Batha asked if we can approve or disapprove this application at this meeting. If we approve and he doesn't do anything, it doesn't matter.

Mr. Murnane stated that the Board needs to do SEQRA on this application.

Ms. Barie made a motion to close the Public Hearing, seconded by Ms. Hall. Roll Call Vote: Ms. Favreau-Aye, Ms. Hall-Aye, Mr. Batha-Aye, Ms. Barie-Aye, Mr. Cooper-Aye. Carried

Ms. Favreau made a motion to deem an Unlisted Action and name the Rouses Point Planning Board as Lead Agency, seconded by Ms. Favreau. Roll Call Vote: Ms. Favreau-Aye, Ms. Hall-Aye, Ms. Barie-Aye, Mr. Batha-Aye, Mr. Cooper-Aye.

Ms. Barie questioned traffic patterns. This application will not alter traffic patterns. Mr. Treadwell stated that he may move 5-6 boats/per day over a few weeks or a month. He's planning mostly smaller boats.

Ms. Barie made a motion to make a Negative Declaration, seconded by Ms. Hall. Roll Call vote: Ms. Favreau-Aye, Ms. Barie-Aye, Mr. Cooper-Aye, Ms. Hall-Aye, Mr. Batha-Aye. Carried

There was discussion about conditioning the setback suggested by the County. Mr. Tetreault stated that there is set back for non-residential parking if this is considered parking. It is 3' off the side lot line. In this case there is a lot more than 3' because of the tree line and the ditch. There is also a set of railroad tracks on the south side of the property. Mr. Treadwell stated if he should receive a complaint about the noise of the masts, he will take care of it.

Ms. Barie made a motion to approve this application with the following conditions: due diligence on the noise from the masts and erection of a fence, seconded by Mr. Cooper. Roll Call Vote: Ms. Favreau-Aye, Ms. Hall-Aye, Mr. Batha-Aye, Ms. Barie-Aye, Mr. Cooper-Aye. Carried

SPECIAL USE PERMIT/SKETCH PLAN REVIEW: SAXONY APARTMENTS (MARC CHAPMAN): Mr. Tetreault stated that he asked this application be put on the agenda as a Sketch Plan Review. He had many concerns about this application before it be sent to the County. Mr. Tetreault doesn't feel that this application is complete.

Ralph Solari was in attendance representing Mr. Chapman. A copy authorizing this is on file.

The Planning Board will make a list of questions to be addressed by Mr. Chapman.

Some of the questions are how many people are presently living in the bldg., green space, parking, striping, set back, new construction or upgrades, asking for 12 apartments-showing 14, purpose of front deck, show adjacent owners, traffic flow, phasing of construction, current use of bldg., distance from corner to driveways, scale, dumpster-garbage, need plan to scale. Ms. Barie had a list of 17 questions. She will forward these questions to the Recording Secretary, a list will be made for Mr. Chapman including those issues discussed here and Ms. Barie's list. A disclaimer will be included on the list that our questions may not be limited to this list.

Mr. Batha inquired if the Planning Board shouldn't be reviewing this after it's been approved by the Building Code and the Zoning Board. Mr. Tetreault stated that this is a Sketch Plan Review and that it is a conceptual drawing. This is a Special Use Permit and will not need Zoning Board review unless he is planning new construction and will not need a Use Variance unless he's building something new which might need an Area Variance. It could be reviewed by Zoning if he didn't have enough parking for what he's proposing.

Mr. Tetreault stated that he's sure the County and he need to know the distance between Route 11 and 9B for the driveway cutouts. The names of the streets need to be included on the plan.

Ms. Favreau made a motion to table this application until we receive more information, seconded by Ms. Barie. Roll Call Vote: Ms. Favreau-Aye, Ms. Barie-Aye, Ms. Hall-Aye, Mr. Batha-Aye, Mr. Cooper-Aye.

OLD BUSINESS: SITE PLAN REVIEW PROCESS: Mr. Murnane sent a letter to the Planning Board from the results of the 4 January Work Session narrowing down the scope of the Site Plan Review for certain things that may not be necessary to review (e.g. storefront businesses where there are no structural changes). They still have to meet the requirements of the Zoning Law but will not have to be reviewed by the Planning Board. Our recommendations will be passed on to the Village Board who will pass a local law to enact the change.

Mr. Tetreault inquired about this change conflicting with regulated activities which do not require a building permit (e.g. 100' ft), Section 120-3. Except one or two family dwellings "or any residential accessory structure" will be added to the recommended changes to section 102-15 and 102-25.

Ms. Barie made a motion to have Mr. Murnane send our recommended changes to the code including "or any residential accessory structure" to the Village Board, seconded by Mr. Cooper. Roll Call Vote: Ms. Favreau-Aye, Ms. Hall-Aye, Mr. Batha-Aye, Ms. Barie-Aye, Mr. Cooper-Aye. Carried

D – R – A – F – T

NEW BUSINESS: None

ADJOURNMENT: Ms. Hall made a motion to adjourn at 8:35 p.m., seconded by Ms. Favreau. Roll Call Vote: Ms. Barie-Aye, Mr. Batha-Aye, Mr. Cooper-Aye. Carried

NEXT REGULAR MEETING: Monday, 22 February 2010 at 7:00 p.m. at the Civic Center.

Respectfully submitted,

Geri Favreau
Planning Board Secretary