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Minutes of the regular meeting of the Planning Board of the Village of Rouses Point, New York, held on Monday, 21 December 2009 at Halstead Hall, commencing at 5:00 p.m.

PRESENT: Mike Tetreault, Joe Treadwell, Amanda Racine, Donna Racine, Len Martinsen, John Cooper, Vinnie Guay, Mark Barie, Mark Lawrence, Ray Duprey, Tom Murnane

RECORDING SECRETARY: Geri Favreau

CALL MEETING TO ORDER: Ms. Favreau called the meeting to order at 5:00 p.m. and began with the Pledge of Allegiance.

ROLL CALL: In attendance: Tom Batha; Shirley Hall, Maggie Barie, Geri Favreau; Absent – Donna Coughlin

APPROVAL OF MINUTES: Ms. Hall made a motion to accept the minutes of the meeting held on 16 November 2009. Ms. Barie stated that there is nothing in the minutes regarding comments made during the public hearing session and also that the Village Site Plan Review was known about back in August. Ms. Favreau stated that these two comments will be noted in the minutes of this meeting. Ms. Hall made a motion to accept the minutes as amended, seconded by Mr. Batha. AYE Carried

CORRESPONDENCE: New York Planning Federation “Planning News” was distributed to each of the members. A copy of “Rural Futures – News of Interest About Rural New York – Fall Issue 2009 Newsletter” has been received. Ms. Favreau will review and bring to the next meeting for any Board Member who wishes to read.

PUBLIC COMMENT: The meeting was opened up to the public for comment with the following guidelines: state name and keep comments to five minutes. Mr. Barie had the following questions:

- Can the Planning Board arrange for the minutes in the draft stage and the agenda to be available prior to the next meeting (e.g. posted on the Village website)? It was felt that this could be done with the minutes being marked “Draft”. Mr. Batha made a motion to request the Planning Board Secretary post the minutes and agenda on the Village Website, seconded by Ms. Barie. AYE Carried Ms. Barie stated that this should not be limited to the minutes and agenda. It should also include notices for public hearing. Ms. Favreau stated that these notices are put on the Village website. (They are also sent to the Press Republican and to property owners at least 500’ from the property on the application, provided to Village Board Trustees, Zoning Board members, Planning Board members, Code Enforcement Officer, Village Clerk, Village Attorney, Melissa McManus, and posted in the Village Office.) Mr. Murnane stated that people can go to the Village Office and request copies but at a charge. Arsene Letourneau maintains the Village Website.
- Is there a residency requirement to be a member of the Planning Board? Mr. Murnane stated that he thinks a member has to be a resident of Rouses Point. Mr. Barie brought up that Donna Coughlin is a resident of the state of Florida. She resides in Florida for six months. Ms. Barie stated that our rules state that a member must attend 75% of our meetings. Mr. Murnane stated that this Board does not have the authority to remove a member.
- Is there an attendance requirement? Yes, a member must attend 75% of our meetings.

- Does Ms. Coughlin satisfy either of these two requirements? No
- At the last meeting, two businesses were excused from the Site Plan Review process and it would appear from the public record that a number of other businesses did so unnecessarily. Mr. Barie inquired if the Planning Board is prepared to recommend that all those businesses be given a refund of their \$50 fee? There has been no discussion of refunding fees to any applicant. Mr. Murnane stated that the two people last month should have gone through the process.
- Mr. Barie then asked why the Community Band Stand did not go through the SPR process before the building was built. Mr. Murnane stated that they should have. They did file an application before it was completed. They proceeded with the completion. This has been done previously by others who do a project without realizing that a permit or review is required. The Village is trying to rectify this problem for the future. Mr. Barie asked if the Village Officials responsible for construction of the Village Stage were unaware of the Village Law regarding SPR. Mr. Murnane stated that they may have been unaware or didn't feel that they needed to apply. Mr. Murnane feels that they did and as soon as they were advised of this, an application was filed.

Ms. Favreau asked if there were any other comments from the public and thanked Mr. Barie for his comments/questions.

APPLICATION FOR SPECIAL USE PERMIT: AMERICAN LEGION POST 912-29 PRATT ST.:

Ms. Favreau read a letter from Dean Schneller, Esq. requesting a one-month adjournment of the public hearing set for Monday, December 14, 2009 regarding the Legion's application for a special use permit. Our meeting is actually on 21 December not 14 December. Since we received this letter, the Legion has filed a new application with the Zoning Board of Appeals. She asked if the Special Use Permit application before this Board is still valid. Mr. Murnane stated it may no longer be but the Legion should request that this application be withdrawn. The Legion will still need review for this revised project. Ms. Favreau provided copies of the Area Variance application to the Planning Board and Mr. Murnane.

Ms. Favreau asked for a motion to postpone. Ms. Hall made a motion for a one-month adjournment of the public hearing set for Monday, 16 November 2009. Ms. Barie suggested that we not postpone the public hearing each month since they have submitted an entirely new application to the ZBA. Mr. Murnane stated that we can postpone the application and will set a new public hearing when the new application is ready. Then we can see if we have any questions before a public hearing is scheduled. Ms. Barie made a motion to table the application, seconded by Ms. Hall. AYE Carried

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

Ms. Favreau addressed the Planning Board concerning this application since she had prepared it and signed it on behalf of the Committee and the Village. She is not able to vote on it. She stated that she did not put in an application initially because she thought that the Village was exempt from Zoning and Planning. When she found out differently, she then did an application for Site Plan Review. She stated that the first Site Plan was not done very well because it was done in a hurry to get the project on the agenda. After the initial meeting, she met with the Village Clerk and went through the list (point-by-point) and hopes that she covered everything that was required. She also stated to the Board that she would never have done an application because she "did not want to." She honestly did not think that we had to because the Village

has been doing projects for the four years that we've had a Planning Board and the only application we've received was for a subdivision for Lighthouse Point Marina. This was not done on purpose. This project was not done behind closed doors.

Mr. Murnane stated that other towns have had the same issues in the past and it was determined that they were not exempt from zoning.

Ms. Barie reiterated that she felt a public hearing should be held. See Section 102.25 (B). Ms. Favreau stated to the Board and the audience that she hoped they understood that she was not the only person on the committee. She sent out a message to numerous people stating that we had an opportunity for \$13,500 because Fete de Danse was cancelled. This was free money and we didn't want to let it go. We wanted to use it for something to benefit the Village of Rouses Point. We sent out messages to a lot of people asking for suggestions and the one that came up the most was the stage. We formed a committee, many other communities were looked at and many designs on the internet. We chose a design that we could afford. We had \$13,500 to spend and then we have a number of civic organizations, businesses, and private individuals that stepped forward and donated another \$8500. If they had not made that donation, we would have had to do with \$13,500. We did not do this project behind closed doors, we talked about it at the Village Office, a letter was sent to the Village Board to see if they were in support of the project because it was on Village property. Geri Favreau did not sit behind closed doors with a couple of people and said hey let's do this and we're not going to do SPR just because I'm Chair I can get away with that. I would never, ever do that because obviously you can't get away with that kind of stuff. I would not put my integrity in this Village on that line by using whatever kind of authority people think I have to do that. Discussion followed.

Mr. Batha stated that he thinks there are two issues concerning the band stand: architectural side, the style of it and the materials that are used visually. That's what the PB looks at. And the way it's physically built engineering which is more the Codes Enforcement Officer and an engineer to look at to make sure it's structurally safe. Ms. Barie stated that the PB in doing SPR is charged with more than aesthetics. The PB is charged with looking at everything including anything related to the health, safety and general welfare.

Ms. Barie feels that the SPR submitted is not sufficient and that the Village should put forth a complete SPR and because it's for the community, there should be a public hearing. Discussion followed.

Even though, there was no public hearing on this application, members of the public were given the opportunity to address the Board. Mr. Mark Barie, Mr. Vinnie Guay, Mr. Ray Duprey and Mrs. Donna Racine shared their concerns regarding the Site Plan Review process and construction of the Stage. Discussion followed.

Mr. Batha asked if there is any harm in delaying this application until January.

Ms. Barie made a motion to have a public hearing for the January meeting for Site Plan Review for the Community Stage for Rouses Point and request a full site plan review, seconded by Mr. Batha. AYE Carried

OTHER BUSINESS:

Mr. Batha stated that we need to set our schedule for next year and he suggests that we move from the same Monday night as the Village Board. Ms. Racine stated that the manual says the meetings will be on the second Wednesday at 7 p.m. She questioned why it was changed. Mr. Batha stated that it was changed

because the Historical Society had their meetings on the second Wednesday. Ms. Racine said that the HS meeting has been changed to the third Wednesday. There was discussion about choosing a new date. Ms. Hall made a motion to hold the Planning Board meetings the 4th Monday of the month at 7 p.m., seconded by Mr. Batha. AYE Carried

APPLICATION FOR SPECIAL USE PERMIT: TREADWELL BOAT STORAGE

Ms. Favreau explained that this application had not been received by the 14 day deadline but that she had asked the Board if they wished to review it anyway. It has already been sent to the County, it will have to have public hearing that is required. Ms. Favreau didn't hear back contrary from anyone to not review at this meeting.

Mr. Treadwell explained that he will be leasing land from Bourdeau Bros that he will use to store boats in the summer that are not going in the water and for winter storage as the land around Gaines Marina is rather small and he needs parking spaces. There is a tree line that divides this property from the residential property on the other side. There is a gravel bank on one side that blocks it from the Village property. He was asked if there are any structures on the property presently. There is no structure, just tanks. Mr. Batha asked if it goes all the way to the silos. Mr. Treadwell stated that it's before that. Mr. Murnane asked if he had plans to build a structure. Mr. Treadwell said maybe in the future, warehouse or some type of storage. It's just a big parcel of land, a railroad track that has been removed and has railroad ties on it.

Ms. Barie inquired how many boats will be stored there. Mr. Treadwell said that he would 120 boats stored there. They presently have 137 boats at the Gaines site and the Roundhouse. Mr. Batha inquired how he will move the bigger boats down Lake St. Mr. Treadwell has talked to the State and to the Mayor. He will receive an escort when he needs to move a larger boat. For now he plans on storing smaller power boats and smaller sailboats on this property.

Mr. Batha also asked if the sailboats will be stored de-masted. Mr. Treadwell stated that they will not all be stored with the mast down. If the boats are stored with the masts down, they can't be seen and they are noisy when the masts are up. Mr. Batha stated that the residents on surrounding properties might be concerned about the noise. Mr. Treadwell stated that it is a lot of work to demast a boat. Ms. Hall asked if there is a way to tie or tighten them. Mr. Treadwell said that there is and there will be mostly powerboats stored there.

Ms. Favreau inquired how close this is to Senior Housing. Mr. Tetreault explained that the back of the property borders a right of way off the end of the turn around. Senior Housing is on the end of the cul-de-sac. Ms. Favreau asked to visit the site before the next meeting but after the first of the year. It is zoned I1 (Industrial).

Ms. Hall made a motion to hold a public hearing, seconded by Ms. Barie. AYE Carried The public hearing will be on 25 January at 7 p.m. or thereabouts.

OLD BUSINESS:

A work session was scheduled for 4 January 2010 at 6 p.m. at the Village Office to discuss the Site Plan Review procedure and Chapter 121. Ms. Favreau was requested to ask permission of the Mayor to use the space. Mr. Batha stated that this is not to review any specific Site Plan Review. It will be to review the procedure and try and streamline it.

Mr. Barie asked to clarify that Mr. Treadwell had not met the 14 day requirement and it was waived by the Planning Board. Ms. Favreau stated that was correct and Mr. Barie thanked the Board. Mr. Batha stated that we have done this before and that we send applications to the County ahead of time so that we can get them back and not hold up an applicant.

NEW BUSINESS: None

ADJOURNMENT: Mr. Batha made a motion to adjourn at 6:45 p.m., seconded by Ms. Hall – AYE
Carried

NEXT REGULAR MEETING: Monday, 25 January 2010 at 7:00 p.m. at the Civic Center.

Respectfully submitted,

Geri Favreau
Planning Board Secretary