



# VILLAGE OF CANTON, NEW YORK

60 MAIN STREET, CANTON, NEW YORK 13617-1267

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## MINUTES

The regular monthly meeting of the Canton Village Board of Trustees was held Tuesday, January 18, 2011, at 7:00 PM in the Municipal Building.

**PRESENT:** Mayor C. Ramsay                    Trustee S. Kingston  
Trustee J. Frank                                Trustee J. Coburn  
Trustee M. Ashley                            Supt. B. Hallahan  
Attorney G. Ducharme                    Chief A. Mulkin  
Clerk/Treasurer S. Noble                Deputy Clerk G. Vesper

Gregory Storie was sworn in as Village Justice to finish the term of Mike Crowe which will end December 3, 2012.

### 1. Order of Business

#### Add to Agenda:

- 4b. Recreation Committee Minutes
- 5k. Authorize Action on Golf Carts
- 6e. Approve Training for two W/WW employees
- 6f. Authorize Purchase of Universal Blower

#### Approve Minutes of Previous Meeting – None

**2. Department Head Reports** – Trustee Kingston made a motion to accept Department Head Reports as circulated, seconded by Trustee Frank. All in favor. Carries

- a. **Supt. Report** – Supt. Hallahan reported to the Board that there is a need to purchase a blower at the Sewer Plant and he recommends that we do so.

There will be a Safe Route to School meeting next Wednesday with the engineers from Watertown.

- b. **Code Enforcement Report** – Not present, had a class tonight.  
**Code Compliance Technician Report** – Not present. He has been concentrating on multi-family apartments.

c. **Police Report** – Nothing to add.

d. **Village Attorney Report** – Throughout the agenda.

- e. **Recreation Director's Report** – Nothing to add. John recommends hiring a person part-time to fill in for the full-time person that is out on sick leave.

f. **Assessor's Report** – Not present.

g. **Historian Report** – Nothing to add.

h. **Treasurer's Report** – Clerk/Treasurer Noble reported we made the final payment on the old Water Plant bond.

- i. **Economic Developer** – Linda reported that she has Brooke James working with her this semester. She is working on her masters in Hospitality Management.

Linda also reported that there will be a North Country Scenic Byway meeting at the Best Western January 20, 2011

**k. Golf Course Manager** – No report. Kevin needs to meet with the Golf Committee to talk about golf carts lease.

#### **Add to Old Business**

#### **5k. Authorizing Action on Golf Carts –**

### **3. Communications and Information**

**a. Public Comment** – Richard Grover spoke on the possible realignment of Miner Street. It was first proposed a few years ago to DOT and was dropped because of the cost. He brought with him a computer assisted aerial view of what he is proposing. Aerial 1 view shows Miner/Main with H & R Block and Connie Barr Building gone.

2. NYSDOT – thought this idea had merit, but they can not use public funds to improve private property. In Richard Grover’s plan the connection would be with Miner Street.

He recommends postponing the change in permitted uses in the C-1 zone until DOT can look at this proposal. It would require a land swap.

Mayor Ramsay added that there could be two problems: Contamination under Route 11 and on the H & R Block property which use to be a gas station.

Tom Jenison spoke on the Community Action Plan. C-2 Zoning covers condos and apartments. He feels there is no need for additional R-2 districts.

He also spoke on the SEQR for the C-1 change in permitted uses. The SEQR covers the whole district. Would new law allow another convenience store with pumps if McDonalds moves out? Environmental issues: dramatic increase in traffic. It should be a positive declaration.

Margaret Mauck – spoke on the Village contract for dogs that are picked up. She was told we have a contract with Bridge Port Veterinary Clinic. She wanted to urge the Board to consider where they take the dogs that are found in the village. Bridge Port doesn’t keep them very long and then they are put to sleep. She feels we should use Potsdam Human Society as they don’t put their animals down. She was at the meeting on behalf of the animals. She was told that the Village would consider using the Potsdam Human Society in 2012.

**b. Letter – Social Security Administration** – They wrote to tell us that their office has moved to 101 Ford Street, Ogdensburg, NY.

**c. Letter – Sally Hill** – Mayor read Sally’s letter concerning the Nice-N-Easy and the positives of allowing it. (on file in the Clerk’s Office)

### **4. Committee Reports**

**a. Planning Board Minutes** – November 2010 Meeting accepted.

**b. Recreation Committee Minutes** – Minutes accepted.

### **5. Old Business**

**a. Review and Take Action on the Updated Canton Community Action Plan** – This is an update on the 1998 plan. There were four main goals:

Trustee Kingston asked if they are looking at partnership with others; she thinks it is a good idea. Governor is pushing housing objectives 10 & 5 she would like to look into further.

Trustee Ashley thinks it is a good plan. She asked if this was a living document and she advocates listing the people that worked on the plan.

Objective 6 – Apply for a grant to study village dissolution. Don’t be surprised if it passes that it will come up again.

Trustee Ashley made a motion to adopt the updated Canton Community Action Plan, seconded by Trustee Coburn. All in favor. Carries.

**b. Discuss and Possibly Take Action on a Local Law Zoning: Referenced Correction: Replace CH Commercial Historic District with Canton Historic District – Trustee Coburn** made a motion to approve the referenced correction, seconded by Trustee Frank. All in favor. Carries. (see page 166)

**c. Review and Take Action on a SEQR for the Revision to the C-1 Zoning Law – It was made clear that we are not looking at a specific project. Attorney Ducharme went over the SEQR item for it. The negative declaration must be in written form.**

Mayor Ramsay sees a few impacts but nothing that she feels would require a negative declaration.

Mrs. Mattice Canton, NY – asked, how we could say it goes with what Planning Board says when we are changing what they say to accommodate a business.

The Mayor explained she was thinking of the Canton Community Action Plan and the Historic District.

Trustee Ashley reported that she had spent some time with the Valentines and they discussed their plans and their concerns.

Trustee Coburn made a motion to pass a negative declaration, seconded by Trustee Frank.

Attorney Ducharme told the Board that the negative declaration has to be in final written form. He will have it ready by January 31, 2011 meeting. He recommended that the Board not vote on the negative declaration until then. The matter was tabled until the January 31, 2011 meeting.

Mayor Ramsay asked Ed Valentine what the difference would be to have a convenience store without gas pumps. He told her the business drops off by 50% people are not going to make two stops when they need gas and a quart of milk. The way of the future is to have both; there is a strong correlation. To have one without the other is just not feasible.

Ed Valentine told the Board he and his brother are really willing to work with the Planning Board to make it fit in with the Village ambiance.

Barbara Heller suggested that the Valentines take another look at the Jubilee building.

**d. Discuss and Possibly Take Action on a Local Law Zoning: Fuel Dispensing in the C-1 Zone – Tabled until the January 31, 2011 meeting. (see page 167)**

**e. Discuss and Possibly Take Action on a Local Law Zoning: Special Exception Standards – Tabled until the January 31, 2011 meeting. (see page 167)**

**f. Discuss and Possibly Take Action on a Local Law Zoning: Definitions – Tabled until the January 31, 2011 meeting. (see page 170)**

**g. Discuss and Set a Public Hearing on Revisions to the Hawking Local Law – This would expand hawking areas to C-1, C-2, C-3 and U-1 public and private property. Trustee Frank made a motion to set a public hearing February 22, 2011 at 6:50 PM, seconded by Trustee Kingston. All in favor. Carries.**

**h. Resolution Regarding Tax Cap – Table until the January 31, 2011 meeting.**

**i. Authorize Mayor to Sign Agreement with Bridge Port Veterinary Clinic for 2011 – Trustee Kingston made a motion to authorize the Mayor to sign agreement with Bridge Port Veterinary Clinic for 2011 and specify they keep dogs for 10 working days before euthanizing, seconded by Trustee Frank. All in favor. Carries**

*Village of Canton, New York*  
*Local Law 1 of the year 2011*  
*Zoning: Reference Correction:*

***Replace CH Commercial Historic District with Canton Historic District***

Be it enacted by the Board of Trustees of the Village of Canton, New York, that by this Local Law, §325-11(C-1 Retail Commercial District), found at Article III ("Use Regulations") of Chapter 325 ("Zoning") of the Canton Village Code is hereby amended, as follows:

- I. §325-11(B)(1), which sets forth the uses permitted in the C-1 Retail Commercial District, is hereby amended by deleting reference to the *CH Commercial Historic District* appearing at paragraphs presently designated as "v" and "w", and by replacing said reference with *Canton Historic District*. As amended the allowed uses set forth at paragraphs presently designated as "v" and "w" shall read:
  - (v) Apartment units located on the second or higher floors in buildings located within the *Canton Historic District*.
  - (w) One- and two-family dwellings located outside the *Canton Historic District*.
- II. §325-11(B)(2), which sets forth the uses permitted in the C-1 Retail Commercial District by special exception of the Village Planning Board, is hereby amended by deleting reference to the *CH Commercial Historic District* appearing at the paragraph presently designated as "a", and by replacing said reference with *Canton Historic District*. As amended the uses permitted by special exception as set forth at the paragraph presently designated as "a" shall read:
  - (a) Group dwellings, not located within the *Canton Historic District*.
- III. This Local Law shall be effective immediately upon its filing with the Office of the New York Secretary of State.

*Village of Canton, New York*  
*Local Law 2 of the year 2011*  
**Zoning: Fuel Dispensing in the C-1 Zone**

Be it enacted by the Board of Trustees of the Village of Canton, New York, that by this Local Law, §325-11 (C-1 Retail Commercial District), found at Article III (“Use Regulations”) of Chapter 325 (“Zoning”) of the Canton Village Code is hereby amended, as follows:

- I. §325-11(B)(1), which sets forth the uses permitted in the C-1 Retail Commercial District, is hereby amended by deleting therefrom the following stated use:
  - (t) Existing gas station. *(No gas station use other than that which presently exists as of the effective date of this provision shall be permitted within the C-1 District).*
- II. §325-11(B)(2), which sets forth the uses permitted in the C-1 Retail Commercial District by special exception of the Village Planning Board, is hereby amended with the addition of a new paragraph to permit fuel pumps as part of the operation of a convenience or grocery store. The paragraph shall be designated §325-11(B)(2)(c), and shall replace existing paragraph §325-11(B)(2)(c) which shall be re-designated as §325-11(B)(2)(d). The new paragraph §325-11(B)(2)(c) shall read as follows:
  - (c) Fuel pumps as part of the operation of a convenience or grocery store
- III. Existing paragraph §325-11(B)(2)(c), which permits by special exception uses deemed similar to the uses otherwise permitted in the C-1 District, is hereby re-designated as §325-11(B)(2)(d). The phrase “not to include gas stations and” shall be deleted.
- IV. This Local Law shall be effective immediately upon its filing with the Office of the New York Secretary of State.

*Village of Canton, New York*  
*Local Law 3 of the year 2011*  
*Zoning: Special Exception Standards*

Be it enacted by the Board of Trustees of the Village of Canton, New York, that by this Local Law, Chapter 325 ("*Zoning*") of the Canton Village Code is hereby amended with the addition of a new Article, which shall be designated Article *XVI*, and which will set forth the standards by which the grant of a special exception use shall be determined.

*I.* Article *XIV* shall be titled "*Special Exception Standards*".

*II.* Article *XIV* shall read as follows:

**§325-122: Purpose**

Article *III* of this Chapter identifies uses in the various zoning districts of the Village that are permitted by special exception of the Village Planning Board. This Article shall set forth the conditions that shall be met before a special exception is permitted.

**§325-123: Authority of the Planning Board**

- A. The Village Planning Board shall have the power and authority to review requests for special exceptions and to approve, approve with conditions, or disapprove them.
- B. The Board shall hold a public hearing on any such request prior to acting thereon. The Board shall fix a reasonable time for the hearing, notice of which shall be advertised in the Village's official newspaper at least ten days before the hearing, and the applicant shall bear the cost of advertising. Written notice of the hearing shall also be made to the applicant and all owners of adjacent properties as listed in the Village records at least ten days before the date of the hearing.
- C. In granting a special exception, the Board may designate appropriate conditions in harmony with the following standards:
  - I. The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.

2. The location and size of the use, the nature and intensity of the operations involved in or conducted therewith, its site layout, and its relation to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. In applying this standard, the Board shall consider, among other things, convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street and road intersections, and the general character and intensity of development of the neighborhood.
3. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.

**§325-124: Standards Applicable to Specific Uses**

- A. Fuel pumps as part of the operation of a convenience or grocery store shall be a permitted use in the C-1 Retail Commercial District by special exception of the Village Planning Board, subject to compliance with the following conditions:
  1. The minimum lot area shall be Twenty Thousand (20,000) square feet.
  2. There shall be no more than three (3) fuel pump islands on the property, with no more than one fuel pump per island. Fuel pump islands shall be designed to minimize visual clutter by organizing and consolidating the various pump island components. The design of each fuel pump island, and all of its elements, shall be architecturally integrated with other structures on-site using similar colors, materials and architectural detailing.
  3. The following minimum distance requirements shall be met:
    - a. The minimum distance between fuel pump islands shall be Twenty feet (20'), measured from the outermost edge of the pump island.

- b. No fuel pump or canopy shall be located closer than Thirty feet (30') to any public right of way.
  - c. One Hundred feet (100') shall be the minimum distance between the boundary of the property where the fuel pumps shall be located and (i) the boundary of the C-1 Retail Commercial District with the adjoining R-2 Residential District; (ii) the boundary of the C-1 Retail Commercial District with the adjoining B-1 Business District; (iii) the boundary of the C-1 Retail Commercial District with the adjoining Open Space District, (iv) the shore of the Grasse River; and (v) the boundary of any lot occupied by a school, hospital, library, or place of worship. Measurement shall be made with reference to the nearest respective lot lines, or high water shore line with reference to the Grasse River.
  - d. The minimum distance between the boundary of the property where the fuel pumps shall be located and the boundary of any other property where fuel pumps are located shall be Three Hundred feet (300'). Measurement shall be made with reference to the nearest respective lot lines.
4. The storage and dispensing of fuel products on the property shall comply the rules and regulations pertaining to same, including without limitations rules and regulations administered by the New York State Department of Environmental Conservation, including the Petroleum Bulk Storage Code (6 NYCRR Parts 612-614), the Gasoline Dispensing Sites and Transport Vehicles Code (6 NYCRR Part 230), and any successor provisions to said Codes, as well as any other local, county, state, and federal requirements pertaining to same, both currently and hereafter in effect.
5. Lighting on the fuel pump islands and canopy shall be recessed and shielded to prevent glare from any point outside the area covered by the pump island canopy. All pole mounted lighting shall utilize directional shields, and lighting will not be directed onto any adjacent property. All lighting shall be downcast and Dark Sky compliant (*reference is made to the Information Sheet 145, International Dark-Sky Association, including any amendments hereafter made thereto*).
6. There shall be no more than two (2) access driveways to the property

(including a corner lot) from the street. The minimum distance between a driveway and the intersection of any public roads or streets shall be Seventy Five feet (75'). All remaining street frontage of the property on which the fuel pumps are located shall be suitably curbed and landscaped. No planting or other landscaping method shall cause a hazardous condition by interfering with the normal line of sight in either direction needed for safe entering and exiting maneuvers by motor vehicles. All landscape plans shall be subject to the review of the Planning Board.

7. An independent traffic study shall be conducted by a professional consultant approved by the Village Board of Trustees, to assess the impact(s) of the development's fuel pump component upon pedestrian and vehicular traffic (to include bicycle, horse drawn and handicapped traffic conditions) both on and surrounding the development site, and an acceptable plan shall be presented to deal with said impact(s). The cost of the study shall be paid by the applicant.
8. The entire development shall be subject to the provisions of Article XII of this Chapter dealing with site plan review, and if the subject property is located within the Canton Historic District shall be subject the provisions of Article XIV of this Chapter pertaining to the Canton Historic District to ensure the project's compatibility with building design standards in the said Historic District.
9. If fuel dispensing ceases on the property, the fuel tanks shall be drained within 30 days and removed within a year of cessation.

III. This Local Law shall be effective immediately upon its filing with the Office of the New York Secretary of State.

*Village of Canton, New York*  
*Local Law 4 of the year 2011*  
*Zoning: Definitions*

Be it enacted by the Board of Trustees of the Village of Canton, New York, that by this Local Law, §325-3 (*Word Usage and Definitions*), found at Article I of Chapter 325 ("*Zoning*") of the Canton Village Code is hereby amended, as follows:

I. §325-3(B), which sets forth definitions for certain terms or words used in Chapter 325, is amended with the addition of the following three terms:

*Canopy:* *A roof free of enclosing walls over an entrance to a building or structure, or over a fuel pump island. The said roof may be free standing or attached to the building or structure.*

*Fuel Pump:* *A dispenser used to pump gasoline, diesel, ethanol fuel, biofuels, or other types of fuel into vehicles or appropriate containers.*

*Fuel Pump Island:* *A structure consisting of fuel dispensers, refuse containers, automated payment points, safety bollards, and other related appurtenances.*

II. This Local Law shall be effective immediately upon its filing with the Office of the New York Secretary of State.

**j. Authorize Mayor to sign Head Start Lease** – Trustee Ashley made a motion to authorize the Mayor to sign the Head Start Lease once it meets Attorney Ducharme’s approval, seconded by Trustee Coburn. All in favor. Carries.

**k. Authorize Action on Golf Cart Lease Subject to Approval of Attorney Ducharme** – Table until the January 31, 2011 meeting.

**6. New Business**

**a. Authorize Payment of Vouchers and Transfer of Funds** – Trustee Frank made a motion to authorize payment of vouchers and transfer of funds, seconded by Trustee Kingston. All in favor. Carries.

**b. Set Special Meeting Date – January 31, 2011** – Trustee Coburn made a motion to set a special meeting for January 31, 2011 at 7:00 PM, seconded by Trustee Ashley. All in favor. Carries.

**c. Training Request for Officer Dow and Officer Stone** – Trustee Ashley made a motion to approve training for Officers Dow and Stone, seconded by Trustee Kingston. All in favor. Carries.

**d. Approval to Hire Craig Coffee as a Part-time Laborer at the Pavilion at \$7.25 per hour** - Trustee Frank made a motion to approve Craig Coffee part-time (25 hr/wk), seconded by Trustee Coburn. All in favor. Carries.

**e. Approve Training for two employees from Water/Waste Water Dept.** – Trustee Ashley made a motion to approve training for two employees from Water/Waste Water Dept, seconded by Trustee Coburn. All in favor. Carries.

**f. Authorize Purchase of Blower** – Trustee Coburn made a motion to authorize the purchase of a blower for the Waste Water Plant not to exceed \$10,496, seconded by Trustee Kingston. All in favor. Carries.

**g. Authorize the Village to handle the funds for Rushton Commemorative Booklet** - Trustee Coburn made a motion to authorize the Village to handle the Rushton funds, seconded by Trustee Kingston. All in favor. Carries.

Motion was made by Trustee Coburn, seconded by Trustee Kingston to go into executive session at 9:28 PM. All in favor. Carries.

Motion was made by Trustee Coburn, seconded by Trustee Frank to come out of executive session at 10:15 PM. All in favor. Carries.

Motion was made by Trustee Kingston, seconded by Trustee Ashley to adjourn the meeting at 10:16 PM. All in favor. Carries.

Respectfully submitted,

  
Grace E. Vesper  
Deputy Clerk