**PLANNING BOARD**

**Town of Colton, NY**

**Regular Monthly Meeting**

**November 29, 2016**

**Call to Order:** 7:01pm with quorum present. The Pledge of Allegiance was recited.

**Members Present:** Chair Ed Fuhr, Laurie Thornton, Harold Granger, Martin Avery, Anne Townsend, and Kirke Perry

**Members Absent:** Connie Hatch

**Public Present:** Code Enforcement Office Darren Richards, Bradley Barber, and Caryn Mlodzianowski

**PUBLIC HEARING:**

Chair E. Fuhr called the public hearing to order at 7:05pm for the Board to consider the following application: **CUP-88-2016** The Lodge at Seveys Point. Proposal from Shurtleff Properties is to operate the existing building and former restaurant as a lodge for accommodations and dinning. Max of 15 guests for lodging and potentially 50 total dinning. CEO D. Richards stated that Shurtleff Properties is requesting for this property to be approved as a B&B, lodge and restaurant. The APA needs the business to continue and conduct itself as an operating business in order for Shurtleff to keep the grandfather clause. The grandfather clause states that if the property is abandoned for 5 or more years, the current owner of the property must start over with a class a building permit. CEO D. Richards stated that if the property is a B&B and lodge there will be a mixed occupancy code. Some of the business will fall under the residential single family dwelling code and some of it will fall under commercial building code. Also needed is the finalization from the CEO on the Certification of Occupancy permit and the Dept of Health on the restaurant/B&B. CEO D. Richards suggested if the Board were to approve the conditional use permit for Shurtleff Properties that the following conditions apply: they meet the certificate of occupancy for which the permit was issued and if Shurtleff opens the restaurant they have to have a DOH approved kitchen with disinfection process for the water on the property. CEO D. Richards, Chair E. Fuhr and M. Avery spoke in length in regards to a B&B and the Town of Colton code book. The building code book states that “owner occupied” may or may not have the owner or a person working for them staying there during operating hours. Chair E. Fuhr asked if there was any questions/input from the public regarding the Lodge at Seveys Point. There were none. M. Avery made the motion to close the public hearing at 7:22pm seconded by L. Thornton. All were in favor.

L. Thornton made the motion to adopt the minutes from the October 2016 Planning Board meeting seconded by A. Townsend. All were in favor.

H. Granger made the motion to adopt the agenda seconded by M. Avery. All were in favor.

**REGULAR MEETING:**

Chair E. Fuhr opened the regular meeting at 7:25pm. Discussion and action on the Lodge at Seveys Point. Chair E. Fuhr asked if the outside stairway was going to be covered? CEO D. Richards answered, yes; Shurtleff does want to cover the stairway. A. Townsend made the motion that the Board accept the application **CUP-88-2016** with the conditions that Shurtleff Properties, LLC has to comply with the CEOs certificate of occupancy and the Dept of Health, seconded by K. Perry. All were in favor. Notice of action sent to Shurtleff Properties, LLC, the APA, St. Lawrence County, and the Town of Colton Zoning Board.

Highlights on the meeting with the APA and their recommendations to the Town Board in regards to our Town of Colton zoning book. The APA went through our zoning book thoroughly. The APA found items that had been omitted. Most errors were clerical, some were grammar. CEO D. Richards stated that the corrections would basically be just a “clean up” of language. Very minimum changes, nothing impactful to our current zoning book. M. Avery asked if there was a formal written presentation. CEO D. Richards answered, yes, with highlights to the changes. Chair E. Fuhr stated there was nothing further on this.

CEO REPORT: CEO D. Richards wanted to bring to the Boards attention that banks are asking more questions and being more thorough in regards to permits. Also banks are looking more closely at flood zones and flood insurances. An area of concern for the flooding is lower Higley. Upper Higley is being unfairly zoned into Zone A. CEO D. Richards advised the Board that Little Kildare did not file conditional use permit within the 45 days. LK had to go back to the APA to ask for an amended class A permit. 88 permits issued, 2 more pending of which are conditional use. Also, a permit for a nail salon in a home occupancy.

Discussion and action on Local Law #5 Regulation of OWB. Summary: Outdoor Wood Boilers are a primary use of heat for many residences in the Town of Colton. The current local law states that OWB can only be used Oct 1st through May 31st. Due to complaints and inclement weather Chair E. Fuhr asked for suggestions to recommend to the Town Board for changes to this local law? A. Townsend recommended moving the dates up to Sept through May or possibly striking the dates completely. M. Avery stated that striking the dates would result in people using the OWB all year because of hot water purposes etc. Chair E. Fuhr stated concerns with the local law sections 6 and 8. Section 6 states that all OWB new or second hand must be installed using strict accordance from the manufacturer instructions and guidelines. Section 8 states that chimney height must be the height of the peak plus 2 feet of any neighboring residences. Section 8 goes against what is stated in Section 6, 6 takes precedence over 8. CEO D. Richards stated that we, the town, cannot override the manufactures instructions because it is state code. Much discussion on dates and weather from all parties on what is in the best interest for homeowners that use OWBs as a primary heat source. Taking into consideration their neighbors as well, especially in hamlet areas. M. Avery made the motion to recommend to the Town Board to leave the dates as is on Local Law #5 Section 2, however, add that the code enforcement officer has the authority to permit operation of OWBs outside of the dates based on inclement weather and/or extenuating circumstances, seconded by K. Perry. All were in favor.

Distribution and preliminary discussion of incomplete application **CUP- -2016**, Bohler Engineering. No complete number for permit as of yet. Once CEO D. Richards receives the permit back from the county, after full board review, the 45 day clock will start on the application. Town of Colton bylaws state that the 45 days can be extended as long as both parties agree.

Brief recess was taken.

Representative of Dollar General, Caryn Mlodzianowski of Bohler Engineering presented an informational power point presentation/workshop.

CEO D. Richards asked C. Mlodzianowski several questions from the public. Most questions pertained to the look of the building Bohler is proposing. The public is wanting Bohler to use more river rock in the design/façade to maintain a more residential friendly look as possible, a less industrial looking building. Something that fits more aesthetically with an Adirondack feel, while keeping the heart of the river that runs through this town. A written document stating a 20 year upkeep of the property from DG regardless of the business maintaining itself? Safety concerns with a sidewalk and a crosswalk? Possible pharmacy in the building? Would DG consider dropping the parking lot size from 29 spaces to 25 spaces? C. Mlodzianowski said she would bring all the stated concerns and recommendations to the attention of Dollar General and Bohler Engineering. M. Avery made the motion to provide the authority to the CEO to conduct a review of the SEQR for the conditional use of the DG, seconded by K. Perry. All were in favor. Regular meeting adjourned at 9:06pm.

No correspondence at this time.

**Next Planning Board meeting to be held January 24, 2017 at 6:45pm.**

**Adjournment:** With no further issues for discussion, A. Townsend made the motion to adjourn, seconded by H. Granger. All were in favor. Planning Board meeting adjourned at 9:09pm.

Respectfully submitted,

Jennifer Cole

Secretary