

**CITY OF OGDENSBURG
PLANNING & DEVELOPMENT BOARD**

**APPROVED MINUTES FOR
OCTOBER 2, 2018**

Members Present: Tim Redmond (Chairman), Frank Perretta, Linda Pellett, and David Lesperance

Members Absent: Sean O'Brien (unexcused), Michael Frary (unexcused)

Staff Present: Andrea Smith, Planning & Community Development Director

ALL RECORDS ARE KEPT ACCORDING TO NYS STATUTE.

5:30PM Mr. Redmond called to order the regular meeting of the Planning Board.

1. Call to order – Mr. Redmond asked if Ms. Smith had heard from any Board members, she replied that she had received an email from both Mr. O'Brien and Mr. Frary that they would not be able to attend and that Mr. Lesperance would be late. Chairman Redmond inquired if there was a reason for not attending; she replied that she had inquired, but that no reason had been provided. She stated that the Board has the option to excuse members. Discussion ensued regarding whether or not an email with no explanation constituted grounds to be excused. Those presented agreed that a rationale should be provided, nothing overly detailed or personal, but a reason why one could not attend, for example an unexpected conflict with work, or illness or illness of a child. The three board members present verbally agreed not to excuse either member, adding that if a statement was presented at the next meeting by either or both this would be considered and the minutes could be amended to excuse them.

Mr. Redmond stated that there was a quorum of three and that upon Mr. Lesperance's arrival, as the Board Alternate he too would be a voting member at this meeting.

2. Approval of previous minutes – Chairman Redmond noted that July 2nd meeting minutes required approval.

(a) July 2, 2018 – motion by Ms. Pellett to approve the July 2nd minutes as presented, second by Mr. Perretta.

No changes were requested, all members voted in support of the motion. July 2, 2018 minutes are henceforth approved as presented by a 3/0 vote of the board.

(b) August 7, 2018 – motion by Mr. Perretta to approve the August 7th minutes as presented, second by Ms. Pellett.

No changes were requested, all members voted in support of the motion. August 7, 2018 minutes are henceforth approved as presented by a 3/0 vote of the board.

3. Correspondence – Ms. Smith stated that there is an email from Dan Tebo of Tisdell Associates, but that she would read that as part of the OBPA Consistency Review.

- 1 4. Items for Planning Board Action – Review of previous items from working sessions with
2 City Council regarding zoning amendment.

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4 5:47 PM Mr. Lesperance joins the meeting

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6 (a) Definitions – Ms. Smith noted that over the last two working sessions with
7 Council there have been requests to consider including certain terms like
8 microbrewery, distillery, craft industry, and bottle redemption to the definitions
9 section. She stated that she has included reference definitions for some terms
10 from NYS ABC law as well as an article from the American Planning Association
11 with suggested definitions from other communities to aid the discussion.
12 Members agreed that a microbrewery should be included and should reference a
13 specified amount of square footage that is a reasonable reflection of “micro” with
14 the understanding that larger breweries would be permitted in the commercial or
15 industrial zoning districts, whereas “microbreweries” would be permitted in the
16 Residential/Business (R/B) district. Members also agreed that the definition
17 should allow for retail sales, as well as the sale of food and alcohol. Discussion
18 ensued regarding the size, or square footage limitations. The board discussed
19 3,000 SF up to 8,000 SF and the pros and cons of each. The Board requested that
20 Ms. Smith present a definition that would allow for up to 8,000 SF with sales, and
21 food/drink at the next meeting.

22 Other terms and definitions were discussed, no action was taken.

23 (b) Accessory Structures – Ms. Smith stated that at the last working session there was
24 consensus of the group to amend 221-47 pertaining to accessory structures such
25 that there would no longer be exempt structures from the permitting process. Ms.
26 Pellett stated that she disagreed with this, questioning whether there was a
27 consensus. Ms. Smith replied that while it was no unanimous, she did recall a
28 consensus based on the need to ensure prescribed setbacks were being achieved,
29 and height limitations adhered to. Ms. Pellett responded that the staff
30 recommendation presented went beyond what was requested, the Council and
31 Planning Board had asked for a recommendation on the height of exempt
32 structures, stating that the 6’ limitation was prohibitive. She continued, the staff
33 recommendation went well beyond that. She added that she is absolutely opposed
34 to requiring building permits for all structures, stating that the City is over
35 regulating and requires too many permits now. Discussion ensued among the
36 Board about the relationship between building permits and assessments with
37 various members stating they are opposed to requiring more permits that will
38 ultimately be used to raise people’s assessments. Mr. Perretta added that he is
39 conflicted because on the one hand he can see the benefit of requiring permits, but
40 on the other, he stated that the installation of a small shed shouldn’t impact the
41 assessment at all. The Board members also noted that Code Enforcement is
42 already “unable to do their job and that this would just require more permits”.
43 Ms. Smith interjected that it was important for Board Members to understand that
44 the role of the Planning Board is to make recommendations on zoning and
45 planning policy and not focus on how said policy may or may not impact assessed
46 value. Discussion ensued regarding permits until the members came to a

1 consensus that they wanted to recommend maintaining “exempt accessory
2 structures” up to 150 SF with a height limit not to exceed 8’. All four members
3 present verbally agreed this was how the Planning Board would like to see this
4 section revised despite staff’s recommendation.

- 5 (c) Temporary Signs – Ms. Smith stated that she had intended to discuss
6 temporary signs with the Board because there are no proposed changes to
7 this section and upon review with the Code Office, they would like to see
8 some changes to aid in enforcement. However, she added, based on the
9 discussions she has had with other departmental staff and the research she
10 has been able to do, she is uncertain that the request to regulate “political
11 signs” specifically is constitutionally acceptable. She stated that “political
12 signs” are a form of temporary sign, but that separating political signs
13 from other temporary signs may be an infringement on First Amendment
14 rights. Ms. Smith added that she has reached out to Attorney Silver on the
15 issue and will bring a more comprehensive recommendation to the
16 November meeting. The Board agreed that was acceptable; there was no
17 further discussion or action on this item.

18 19 5. New Business

- 20 (a) Consistency Review – Ogdensburg Bridge and Port Authority Berth Expansion
21 and Harbor Deepening: Ms. Smith stated that in accordance with the City’s
22 approved 1986 LWRP, the City is required to complete a consistency review for
23 federal actions that have reasonably foreseeable effects on any land or water use
24 or natural resource within the coastal zone. She added, projects should be
25 consistent with the enforceable policies of a coastal state’s federally approved
26 CMP or LWRP.

27 Ms. Smith read aloud the following from the staff report dated September 24,
28 2018:

29 Project Description: Proposed activities will consist of the expansion of the existing terminal dock
30 wall and dredging as required to establish a channel berthing area adjacent to the new dock
31 structure. The new dock structure will extend south westerly approximately 450’ toward the city
32 boat launch and be constructed of cellular piles. The resulting terminal berth will be dredged to a
33 depth of -27’ LWD as required to accommodate vessels that utilize the seaway and have a
34 maximum draft of 26.5’.

35
36 She stated that the after reviewing the submitted materials and the approved LWRP, there are a few
37 outstanding concerns, but also, the LWRP clearly does state the community support of the Port, its
38 activities and need for future expansion. She continued, the City’s two primary concerns pertain to
39 public access and the protection of fish and wildlife which the email from Tidel is a response.

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41 Ms. Smith read aloud the email dated October 1, 2018 from Daniel Tebo of Tidel Associates
42 (see attached).

43
44 Following the reading of the email, Ms. Smith stated that the US Army Corps of Engineers
45 (USACOE) has requested that the City participate in a call next week with the project team to
46 discuss these questions and others the team has for the City. She went on to review and

1 summarize the comments as they pertain to the relevant polies within the City’s LWRP.
2

3 Chairman Redmond stated that he did not see how they could complete the review with
4 unanswered questions, specifically pertaining to the protection of fish and fish habitat. Ms.
5 Smith replied, I agree and there is no requirement that the Board do so tonight. This item can be
6 included on the November agenda; hopefully by then there will be more answers. Ms. Pellett
7 questioned the term “fish startle systems”. Ms. Smith replied that she was unsure exactly a “fish
8 startle system” is, but she would inquire and get more information.
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10 There was no further discussion and no action was taken. The full September 24, 2018 staff
11 report is attached to these minutes.
12

13 6. **Old Business**

14 (a) Ms. Smith reminded those that had registered for the Potsdam Local Government
15 Conference that it was Tuesday, October 9, 2018 at SUNY Potsdam. She read
16 aloud those that had pre-registered.

17 (b) Chairman Redmond inquired about the proposed SRO on Rensselaer Ave and
18 where the project was. Ms. Smith stated that she had spoken with TLS at the end
19 of July and at that time requested to meet with them again in the fall to go over at
20 timeframe. At that time, she noted that TLS had stated that they were still waiting
21 on confirmation of funding. Chairman Redmond inquired how long approvals
22 were good for if no work had been completed? Ms. Smith replied that this time
23 frame varies for site plan approval and variances, and that she had mentioned this
24 as a concern to TLS when they spoke in July.
25

26 7. **Member Comments** – Mr. Lesperance inquired when the next meeting was because of
27 Election Day. Chairman Redmond responded it is typically the following Wednesday
28 since City Hall is closed on that Tuesday. Ms. Smith replied that was correct, adding that
29 she would confirm the date for November.
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31 8. **Adjournment** – Motion by Mr. Lesperance to adjourn, second by Ms. Pellett. Meeting
32 adjourned at 7:05 PM by a vote of 4/0.
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34 **Next REGULAR Meeting Date: Wednesday, November 7, 2018 at 5:30 PM**
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