Call to Order: Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:32 PM remotely, via Zoom. Roll call was requested by Mr. Petersen.


Reading and Approval of Minutes: The draft February 20, 2020 meeting minutes were received. Mr. Lehman motioned to approve the minutes; Mr. Rosiczkowski seconded the motion, which carried unanimously.

Correspondence and Communication: Ms. Buell reviewed a few notices received by the Planning Department since the last County Planning Board Meeting.

- APA Project No. 2019-0199 Town of Greig – Pleasant Valley Drive Subdivision
  - No comments from the board

- Geronimo Energy – New Bremen Solar Project
  - Ms. Buell gave a brief overview of the proposed solar development and the updated Accelerate Renewable Energy Siting Process. Mr. Rosiczkowski asked if this was a new developer in New York State; Ms. Buell stated they are not.

Report of Officers: None

Report of Special Committees:

239-M Review

Ms. Buell read the following review to the Board:

TOWN OF LOWVILLE TOWN BOARD

Proposed zoning map amendment and petition for a zone change to the Town of Lowville Zoning Law that would change tax map parcel #213.00-01-46.000 on Waters Road from OC (Open Space and Conservation), R-30B (High Density Residential B) and R-30C (High Density Residential C) to AG (Agriculture).

Town of Lowville – Applicant

The General Municipal Referral Form and signed FEAF were submitted by Aimee Murphy, Town Clerk.

Town of Lowville Zoning Map Revision

The Town of Lowville is proposing to change a parcel currently zoned as Open Space and Conservation, High-Density Residential B and High-Density Residential C to Agriculture. According to the submitted referral, the reason for the zone change is because the Agriculture zone allows for the installation of solar energy.
This parcel does not border an Agriculture zone and the closest Agriculture zone is roughly 2.5 miles away; however, it is within Ag District #6, is actively farmed, is within 500 feet of three (3) farming operations, and the parcel is considered farmland of statewide importance/prime farmland. According to the submitted FEAF, the predominate land use within the site is agricultural (hay and corn fields and pasture); however, the applicant has defined the land uses and cover types as meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) and that it will remove 60.65 acres of this cover type for the proposed solar project. Additionally, the proposed action site borders the Black River.

According to the 2008 Town and Village of Lowville Comprehensive Plan, “one of the purposes of which is to help plan and develop in accord with the desires of the citizens of the area, long-term protection of open space (considered in its broadest sense and comprising both of farm fields and woodlands) is essential if Lowville’s rural character is to be conserved for future generations”. As detailed within the Comprehensive Plan’s Land Use Policy for the Open Space and Conservation and Residential zones, non-farm intrusions into agricultural areas should be minimized and the intensity of development should be compatible with a rural environment.

Being that the proposed zone change to Agriculture does not match the adjacent land use zones, it appears that this action could be considered spot zoning. Spot zoning is “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners.” With the significant “open space and conservation” zoning that has been applied to a majority of the subject parcel; it would not appear that this would be an appropriate zoning change.

**Recommendation: No significant county-wide impact/Local concern**

It is recommended that since the parcel is located within the Black River viewshed, 100-year flood plain, and Town of Lowville Open Space and Conservation zone, the decision to rezone this parcel for a 60-acre solar project should not be taken lightly. Additionally, while the property is currently used for agriculture, there is not an adjacent Agriculture zone adjacent to the current zones; in fact, the closest Agriculture zone is roughly 2.5 miles away. If the intent of the Town of Lowville was to preserve the parcel as valuable open space and to remain undeveloped, the petition to rezone this parcel for a solar development should be a local decision. That said, if the decision is made to re-zone this parcel, will there be additional parcels added to the Open Space and Conservation zone to replenish the area taken out?

Mr. Petersen requested clarification for the reasoning behind the zone change request. Ms. Buell explained that the current zoning would not allow solar development; however, by changing the zone to Agriculture, the project would be an allowed use. Ms. Buell also shared her concern that an Open Space and Conservation zone would be identified as a logical solar development site. Mr. Virkler noted that solar developers are specifically looking at locations close to interconnection sites and for interested landowners. Mr. Virkler asked if there was a site plan available. Ms. Buell noted that a site plan was not submitted. Mr. Fingar, US Light Energy, joined the meeting and shared the proposed site plan. Ms. Buell reminded the Board that we are not reviewing the site plan at this moment, only the zoning change. Mr. Petersen suggested adding a note to the recommendation regarding spot zoning and setting a potential precedence for future development in the Open Space and Conservation zone. Mr. King made a motion to approve the recommendation with the additional comments, seconded by Mr. Rosiczkowski, which carried unanimously.
(7) **Report of County Planner:**

Ms. Buell read the following responses from municipalities regarding previously submitted/reviewed projects:
- Special Use Permit (Flat Rock Road Site) – US Light Energy – Town of Martinsburg Planning Board – Approved w/conditions
- Special Use Permit (Maple Tap-Glendale Road Site) – US Light Energy – Town of Martinsburg Planning Board – Approved w/conditions

(8) **Unfinished Business:** Ms. Buell reviewed the revised By-Laws that were prepared based upon the requests by the Board at the February 20, 2020 County Planning Board meeting. Mr. Petersen asked if there were any other changes to the By-Laws. Ms. Buell explained that prior to this revision, County Attorney Joan McNichol made some slight changes for clarification purposes. With no further comments, Mr. Lehman made a motion to approve the revisions, seconded by Mr. Petersen, which carried unanimously.

(9) **New Business:** Mr. Virkler suggested discussing the County Planning Board’s role with solar projects. Mr. Petersen and Mr. Virkler suggested making this a recurring topic at our County Planning Board meetings. Ms. Buell let the Board know that the Planning Department has been working on a resolution for county-wide recommendations as it relates to solar development on prime agricultural lands. She also explained that the Planning Department has disseminated Solar Law templates to municipalities as a tool to adopt/form local laws. Additionally, the Tug Hill Commission released a white paper pertaining solar development and Ms. Buell mentioned that there is a Smart Siting for Solar Energy Projects webinar scheduled for April 22nd, sponsored by the Tug Hill Commission. Ms. Buell will disseminate the webinar information to the Board members to pre-register. Mr. King expressed his shared concern about developing prime agricultural land and that; perhaps, the County could take another look at a proposed recommendation on the matter. Ms. Buell will continue to work on this resolution. Ms. Buell reminded the Board to take advantage of NYS DOS Spring Webinars.

(10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Rosiczkowski, seconded by Mr. Lehman, which carried unanimously. Ms. Buell adjourned the meeting at 3:23 PM.

Respectfully submitted,

Casandra Buell  
Senior Planner