

MINUTES
LEWIS COUNTY PLANNING BOARD
August 19, 2021

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:30 PM in the conference room on the 2nd floor at the Lewis County Court House, Lowville, New York. Roll call was requested by Mr. Petersen.
- (2) **Roll Call:** Board Members Present: Tim Petersen, Donald Cook, Eric Virkler, and Jerry King. Staff Present: Casandra Buell, Director of Planning & Community Development and Megan Krokowski, Community Development Specialist. Public Present: Kevin Bamann, GYMO Project Engineer.
- (3) **Reading and Approval of Minutes:** The draft July 15, 2021, meeting minutes were received and reviewed prior to the meeting. Mr. Cook motioned to approve the minutes; Mr. King seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** Ms. Buell reviewed one Adirondack Park Agency (APA) notice that was received for a Minor Project Public Notice for a project proposed by Michael and Roxanne Whaley, in the Town of Greig, on or near Copper Lake Trail Extension. The project is briefly described as construction of a single-family dwelling on a shoreline lot. No comments or concerns were made.

A copy of a letter from the Supervisor of Town of New Bremen, Peter Keys, to the Village of Lowville Mayor, Joe Beagle, regarding the Lowville Water Infrastructure Project was received regarding Patrick Morse's comments and concerns that were voiced at the Town of New Bremen's public hearing. Mr. Morse's comments were regarding the first water line project where he indicated that the original easement terms on his property were not followed, and he would like the proposed project to clean up the mess while they are working on this new project. While the suggested lack of compliance with the previous water project was a separate scope of work, the suggestion from the Town of New Bremen was that the Village of Lowville assist with the clean-up of the rocks in question while the equipment is on site for this water project.

- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

239-M Review

Ms. Buell read the following review:

TOWN OF NEW BREMEN TOWN BOARD

Site Plan Review for the construction of underground water main and electrical lines to serve the well pumps as part of the proposed Village of Lowville groundwater project.

Tax Map Parcel #'s 182.00-02-08.121, 182.00-02-09.000 and 182.00-02-10.000

Village of Lowville – Applicant

The applicant provided the following Project Documentation: 1) Site Plans; 2) Agricultural Data Statement; and 3) Full Environmental Assessment Form

- *Compatibility With Adjacent Uses:*
The proposed project is located within the Town of New Bremen and the Town of Watson. The Town of New Bremen is designated as one zone and the proposed action is an allowed use within said zone. Furthermore, this groundwater project is complementary to the existing public water utility within the same easement.
- *Traffic Generation and Effect:*
According to the submitted FEAF, the proposed action will not result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services.
- *Protection of Community Character:*
As identified on the supplied EAF Mapper Summary Report, the proposed action is not located in an area with endangered or threatened species, does not have a national landmark, is not within a critical environmental area, does not have archeological sensitive sites present and is not a designated river corridor. Furthermore, as part of this review, the CRIS website showed that the proposed action is not located near any buildings on the National Register of Historic Buildings and that SHPO has been consulted and the project status is closed.
- *Signage:*
The referral did not include proposed signage.
- *Drainage:*
According to the submitted FEAF, the drainage status of the project site soils are well drained on 80% of the site and moderately drained on the remained 20% of the project site. Furthermore, according to Page 6 of the submitted FEAF, the applicant notes that the proposed action will create stormwater runoff, which will be directed to on-site surface water to coincide with pre-construction conditions.
- *Erosion:*
According to Kevin Bamann (GYMO Project Engineer), there will be approximately .25 acres disturbed for this portion of the proposed project; however, the FEAF notes that the project site is subject to an institutional control limiting property uses; DEC site ID number 0257753. This institutional control is identified as a SPDES Discharge Permit. While the portion of the proposed action in New Bremen doesn't require a SPEDES permit, it appears that the project has received the required NYS permitting in its entirety.
- *Parking:*
The proposed action does not include plans for parking.
- *Community Facilities:*
According to the Full Environmental Assessment Form Page 5, the New Bremen portion of this project will expand the current system by adding ±8700 LF of 10" ductile iron water main to distribute groundwater from two new wells in the Town of Watson to existing village water transmission main.

- *Lighting:*
There are no lighting plans for the New Bremen portion of the proposed project.
- *Landscaping and Screening:*
The proposed action does not include landscaping and/or screening; however, there is a 50-foot-wide easement (Liber 267 pages 15-17) that passes through a property owned by Mr. Patrick Morse. The Town of New Bremen Clerk, Elizabeth Jones, notified County Planning Department staff that Mr. Morse was concerned about the debris left on his property outside of the defined easement during the last water project administered by the Village of Lowville. The applicant is responsible for the restoration of the property within the defined easement as the original document notes that “the Grantee shall, after the completion of initial construction or any other work required to be done in connection with the granting of this easement, restore the surface of the surrounding ground to substantially its former condition...”

Recommendation: Approve with the following conditions

1. Conditions of easement are met, and the land is restored to its former condition upon the conclusion of the proposed action.
2. Compliance with all Local, State and Federal regulations for this type of facility.

GYMO Project Engineer, Kevin Bamann clarified that the SPEDES permit number noted on the FEAF was the current SPEDES Permit number, however for the proposed project they will need to get a new SPEDES permit as required by DEC. Mr. Bamann spoke about the private landowner’s dispute with the rock piles and explained that the rocks are placed outside of the easement area and the scope of the project was limited to the easement areas. Mr. Virkler made a motion to approve with the above-mentioned conditions; Mr. Petersen seconded his motion which carried unanimously.

Ms. Buell read then read the next review as follows:

TOWN OF WATSON PLANNING BOARD

Site Plan Review/Special Use Permit for construction of two groundwater wells, a chemical storage building, pump house building, minor upgrades to existing filtration plant and approximately 9000 LF of water and electrical utilities.

Tax Map Parcel #'s 182.00-03-01.120, 182.00-03-14.100, 182.00-03-02.000 and 182.00-02-10.000.

Village of Lowville – Applicant

The applicant provided the following Project Documentation: 1) Site Plans; 2) Agricultural Data Statement; and 3) Full Environmental Assessment Form

- *Compatibility With Adjacent Uses:*
The proposed project is located within the Town of Watson and the Town of New Bremen. The portion of the project site located in the Town of Watson is within the Rural Residential (RR) zone and includes the construction of two structures, a 13’x32’ Chemical Feed Building and a 10’x10’ Well Control House. Construction is expected to take 6 months and is expected to begin in the spring of 2022. The proposed project is an allowed use subject to a Special Use Permit, as required by Article 4, Section 420. According to the submitted site plan, it appears that the following Article 4 Section 420 requirements have been met:

Lot Size: 2 acres required → Total acreage of proposed action: 1555.2 acres
Lot frontage required: 200 feet → Lot frontage of 7634 Number Four Road: 265 feet
Front Yard Setback Required: 75 feet → Approximately 89 + feet from Number Four Road
Side Yard Setback Required: 25 feet → 550 + feet
Rear Yard Setback Required: 25 feet → 458 + feet
Building Height Maximum: 40 feet → 12 feet

▪ *Traffic Generation and Effect:*

The roadway is identified as Number Four Road. The applicant will be utilizing the existing driveway entrance and 20' wide gravel access road. No changes to the existing entrance are proposed by the applicant and, as noted on Page 7 of the submitted Full Environmental Assessment Form, the proposed action will not result in a substantial increase in traffic above present levels. There is no proposed driveway for the new Chemical Feed Building; however, there will be a 5-foot-wide concrete sidewalk connecting the existing gravel driveway to the building's entrance.

▪ *Protection of Community Character:*

As identified on the supplied EAF Mapper Summary Report, the proposed action is not located in an area with endangered or threatened species, does not have a national landmark, is not within a critical environmental area, does not have archeological sensitive sites present and is not a designated river corridor. Furthermore, as part of this review, the CRIS website showed that the proposed action is not located near any buildings on the National Register of Historic Buildings and that SHPO has been consulted and the project status is closed.

It should be noted that the Village of Lowville, acting as Lead Agency, determined that this project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. A negative declaration was issued on July 14, 2021.

The applicant did provide documentation from the APA that the proposed action does not require a permit from the APA, provided that the facts submitted are accurate and complete, and provided there is compliance with several restrictions listed on the attached determination.

▪ *Signage:*

The proposed action did not include plans for signage.

▪ *Drainage:*

Based on the information supplied by the applicant, the proposed use should not create any adverse environmental concerns for the area, and it appears that all current drainage systems will be restored after construction. Stormwater will be directed to Youngs Pond as referenced on page 6 of the submitted Full Environmental Assessment Form. This appears to be compliant with Article 8 Section 815 entitled Drainage.

- *Erosion:*
According to Kevin Bamann, GYMO Project Engineer for the proposed action, there will be approximately 2.81 acres disturbed for the proposed project. Disturbance over 1 acre requires compliance with NYS DEC regulations and according to the submitted FEAF, the site currently has a SPEDES Discharge Permit No. NY-0257753; however, for the proposed project a new one will need to be attained.
- *Parking:*
The proposed project did not include any plans to provide parking for the Chemical Feed Building.
- *Community Facilities:*
According to the Full Environmental Assessment Form Page 5, the project will expand on the current system by adding ±8700 LF of 10” ductile iron water main to distribute groundwater from two new wells to existing village water transmission main.

Per Article 9, Section 910 of the Town of Watson Zoning Law, a Financial Security Agreement may be required and that, according to Section 920, the issuance of a special use permit cannot be approved before said contract is executed, if required. Prior to the issuance of a zoning permit for this project, the Town Board should notify the applicant of their requirements and, if required, a contract should be executed.

- *Lighting:*
Per Page 8 of the Full Environmental Assessment Form, the applicant plans to install four (4) small wall packs on each of the two proposed buildings.
- *Landscaping and Screening:*
The proposed action does not include landscaping and/or screening; however, the applicant plans to enter into an easement agreement with Mr. Robert E. Ross (182.00-03-2.000) for a small portion of property by which the proposed action will pass through. It should be noted that this property was not listed on the referral or FEAF; however, it was shown as impacted on the site plan. Should the easement detail full restoration of disturbed land, compliance is required.

Recommendation: Approve with the following conditions

1. Prior to approval, it is recommended that the Chemical Feed Facility have appropriate hazard signs according to OSHA guidelines and the signs should be compliant with Article 5 of the Town of Watson Zoning Law.
2. Per Article 9, Section 910 of the Town of Watson Zoning Law, a Financial Security Agreement may be required and that, according to Section 920, the issuance of a special use permit cannot be approved before said contract is executed, if required. Prior to the issuance of a zoning permit for this project, the Town Board should notify the applicant of their requirements and, if required, a contract should be executed.
3. The proposed action does not include landscaping and/or screening; however, the applicant plans to enter into an easement agreement with Mr. Robert E. Ross (182.00-03-2.000) for a small portion of property by which the proposed action will pass through. It should be noted that this property was not listed on the referral or FEAF; however, it was shown as impacted on the site plan. Should the easement detail full restoration of disturbed land, compliance is required.

GYMO Project Engineer, Kevin Bamann clarified that noted on the FEAF was the current SPEDES Permit number, however for the proposed project they would need to get a new SPEDES permit as required by DEC. Kevin also indicated that the project would not be started until spring of 2022. The board had a discussion with Mr. Bamann about the specific quantity of chemicals that would be housed on-site. The board determined it was not a substantial amount to need further actions. Mr. Cook made a motion to approve with the above-mentioned conditions; Mr. King seconded his motion which carried unanimously.

Ms. Buell read then read the next review as follows:

VILLAGE OF LOWVILLE BOARD OF TRUSTEES

Proposed zoning text amendment to the Village of Lowville Zoning Law that would bring the Village’s Code into compliance with the requirements of the State of New York pertaining to Manufactured Homes.

Village of Lowville – Applicant

The proposed local law, General Municipal Referral Form and signed FEAF were submitted by Joseph Russell, Village Attorney.

Village of Lowville Zoning Law Revision

Proposed addition to Section 420:

“Manufactured Homes may be permitted in any zone of the Village in which residential homes are permitted as long as such Manufactured Home is affixed to a permanent foundation and is otherwise conforms with the requirements for residential developments within the lot in question. In other words the Manufactured Home must be affixed to a permanent foundation and conform with the identical development specification and standards, including general aesthetic and architectural standards applicable to conventional site built single family dwellings in the district in which the Manufactured Home is being proposed.”

Proposed amendment to Section 201-520:

“It shall be unlawful for any person to park a Manufactured Home on any public or private property within the Village except in accordance with the provisions contained in this Chapter.

- A. Pursuant to New York State Executive Law, Article 21-B, Title 2, a Manufactured Home that is affixed to a permanent foundation, and conforms with the identical development specifications and standards, including general aesthetics and architectural standards applicable to conventional site built single family dwellings in the residential district in which the Manufactured Home is to be sited and upon compliance with such standards will be a single family dwelling for all areas within the Village when such residences are to be permitted.
- B. Without being in compliance with the requirements contained in section 201-520 A as noted above, the Manufactured Home is only allowable within a Manufactured Home Park as established pursuant to section, 201-545 of this Chapter.

- C. Within any Manufactured Home Sales Lot that is otherwise duly permitted to offer Manufactured Homes for sale to the public.”

Recommendation: Approve

Note: *It is recommended that the following grammatical errors in Section 420 are corrected before adoption:*

1. “Manufactured Homes may be permitted in any zone of the Village in which residential homes are permitted as long as such Manufactured Home is affixed to a permanent foundation and ~~is~~ (**delete the word “is”**) otherwise conforms with the requirements for residential developments within the lot in question.”
2. “In other words, the Manufactured Home....” – **Add “,” after “words”**
Should read: In other words, the Manufactured Home.....

Mr. King made a motion to approve with the above-mentioned conditions, Mr. Virkler seconded his motion which carried unanimously.

Ms. Buell read then read the last review as follows:

VILLAGE OF LOWVILLE BOARD OF TRUSTEES

Proposed zoning text amendment to the Village of Lowville Zoning Law that would provide definitions and guidelines with respect to Smoke Shops and Tobacco Stores.
Village of Lowville – Applicant

The proposed amendments, General Municipal Referral Form, and signed FEAF were submitted by Joseph Russell, Village Attorney.

Village of Lowville Zoning Law Revision

Proposed addition to Article II § 250-8 – Definitions:

Smoke Shop and/or Tobacco Store: shall mean any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a "smoke shop and tobacco store" and shall not be subject to the restrictions in this chapter.

Tobacco: shall mean any preparation of the nicotine-rich leaves of the tobacco plant, which are cured by a process of drying and fermentation for use in smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body.

Tobacco Paraphernalia: shall mean any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, or other controlled substances. Items or devices classified as tobacco paraphernalia include but are not limited to the following: pipes, punctured metal bowls, bongs, water bongs,

electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. Lighters and matches shall be excluded from the definition of tobacco paraphernalia.

Tobacco Product: shall mean any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant, or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. For the purposes of this chapter, the term "Tobacco Product" excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

Proposed addition to Chapter 201 to add zoning and land use standards for smoke shops and tobacco stores:

A. Notwithstanding any other provision of this title to the contrary, smoke shops and tobacco stores shall be a conditionally permitted use only in the following zones, subject to the regulations contained in this chapter:

AC - Auto Commercial Zone

B. All smoke shops and tobacco stores wishing to operate within the above zones after the effective date of the ordinance codified in this chapter must obtain a special use permit.

C. Additional zoning and land use standards for smoke shops and tobacco stores shall be as follows:

1. Smoke shops and tobacco stores shall not be located within 1500 feet, measured property line to property line, from a school (public or private), family day care home, childcare facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.
2. Smoke shops and tobacco stores shall not be located within 500 feet, measured property line to property line, from another smoke shop and tobacco store.
3. It is unlawful for a smoke shop and tobacco store to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any smoke shop and tobacco store.
4. Smoke shops and tobacco stores shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to the smoke shop and tobacco store. It shall be unlawful for a smoke shop and tobacco store to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.
5. Only (1) Smoke shop/Tobacco store is allowed at a time per 3000 Village residents.

Recommendation: Approve

The board discussed the proposed population limit versus the current population of the Village of Lowville and the impact it would have, given the proposed regulations. The board subsequently deemed the regulations appropriate.

With no further comments or questions, Mr. King made a motion to approve; Mr. Virkler seconded his motion which carried unanimously.

(7) Report of County Planner:

- Responses from municipalities regarding previously submitted/reviewed projects:
 - Review Comprehensive Plan – Town of Watson Town Board – Approved
 - Site Plan Review – Kelytown Kove – Town of Leyden Planning Board – Approved w/conditions
 - Special Use Permit – High Hopes Campground – Town of Turin Planning Board – Approved w/conditions

(8) Unfinished Business: None

(9) New Business: Land Use Training Workshop is scheduled for the end of September; however, due to the increase of COVID-19 positive rates we are unsure if NYS DOS will conduct training in person.

(10) Adjournment: There being no other business, a motion to adjourn the meeting was made by Mr. Cook, seconded by Mr. Petersen, which carried unanimously. Mr. Petersen adjourned the meeting at 3:00 PM.

Respectfully submitted,



Casandra Buell

Director of Planning & Community Development