

**MINUTES**  
**LEWIS COUNTY PLANNING BOARD**  
**August 18, 2022**

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:32 PM in the conference room on the 2<sup>nd</sup> 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, John Lehman, Thomas Osborne, Sarah Metott; Don Cook. Staff Present: Casandra Buell, Director of Planning and community development as well as Megan Krokowski, Community Development Specialist.
- (3) **Reading and Approval of Minutes:** The draft July 21, 2022 meeting minutes were received and reviewed prior to the meeting. Mr. Cook motioned to approve the minutes; Mr. Lehman seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** Ms. Krokowski reviewed the following communications received from the Adirondack Park Agency:
  - **APA Project No. 2022-0141 Request for Written Comments**  
Kurt Dittl, Two-lot subdivision, North South Road, Town of Greig  
The Board had no comments to provide based on the correspondence received.
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

**239-M Review**

Ms. Krokowski read the following review:

**VILLAGE OF LOWVILLE JOINT PLANNING BOARD**

Site Plan Review for the proposed 3,400 square foot addition to expand the current DMV facility, to include the Board of Elections services, located at 7513 East State Street in the Village of Lowville.

Tax Map Parcel: #212.16-02-09.151

*County of Lewis – Applicant*

The following project documentation was submitted: 1) Site Plans; 2) SEQR Short Environmental Assessment Form (SEAF) with EAF Mapper Report; 3) Project Location on Zoning Map and 4) Tax Parcel Map.

▪ ***Compatibility With Adjacent Uses:***

The zoning for this area is identified as AC (Auto Commercial). According to Article III § 201-310, the purpose of the Auto Commercial Zone is *“To provide for automobile-oriented commercial uses that are inappropriate in the central business district due to parking requirements.”* Currently, the property identified is an operational office, business, which is consistent with the commercial nature of the Auto Commercial

zone. The applicant is proposing an addition to incorporate the Board of Elections offices to the currently operating DMV facility. The proposed use appears to be compatible with adjacent uses.

- *Traffic Generation and Effect:*

The roadway is identified as East State Street, but there are egress/ingress locations on River Street (which becomes County Road 22). The proposed location is at a four-way intersection that includes a four-way stop right-of-way. The applicant intends to update the existing driveway entrances on both East State Street and River Street. According to the submitted SEAF, the proposed action will not result in a substantial increase in traffic above present levels.

As detailed in Article X § 201-1020, access to all sites shall be consistent with the standards set forth by NYS DOT's Policy and Standards for Entrances to State Highways, as revised.

- *Protection of Community Character:*

The applicant is proposing a substantial addition to a commercial property inside the Village's Auto-Commercial zone. Based on review of the current zoning criteria for the Village of Lowville, the proposed project is consistent with the criteria under Part II, Article III § 201-310.

According to the SEAF submitted, the proposed action is not in a critical environmental area, national or state register of historical places or state eligible sites or archeological site, is not designated as a critical habitat to threatened/endangered species; however, the applicant should be cognizant of activities that could impact the Northern Long-Eared Bat and the Monarch Butterfly. US Fish and Wildlife Services also identified 2 bird species having common breeding seasons from May-August, which should be avoided for activities of potential impact. The proposed site does not contain all or part of a registered National Natural Landmark. As part of this review, an Environmental Assessment Form Mapper was completed and the project site, or any portion of it, is not located in or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.

The proposed action appears to be consistent with the community character.

- *Signage:*

The applicant has not proposed any updates to their current signage. If changes to the current signage are needed, compliance with Article VII is required.

- *Drainage:*

As noted in the submitted SEAF, the plans propose that the storm water discharge will connect to the Village of Lowville's existing storm sewer system along East State Street.

Based on the information supplied by the applicant on the SEAF, the action site and/or adjoining lands contains a federally regulated Riverine. Additionally, according to FEMA Flood Map 360370 0001 C, the action site parcel is identified as

Zone X and is defined as an area outside 500-year flood; however, the rear of the property does contain a flood zone. Due to the proposed action's proximity to Zone X and a federally regulated Riverine, development and encroachment in those locations should be avoided.

- *Erosion:*

According to the application, there will be approximately 1.75 acres disturbed for the proposed project. The proposed project is above the 1-acre threshold and would require the applicant to obtain a SPDES permit. Additionally, according to Article V § 295-595, since there will be over 10,000 sq feet of soil disturbance, a Village Land Disturbance Permit will be required and can be obtained via the Village Zoning Officer.

- *Parking:*

The site plan details the proposed paved parking area which includes 19 parking spaces surrounding the north and west sides of the structure, 24 parking spaces in a cluster to the northern portion of the parking lot, and 6 parking spaces for recreation trailers on the outskirts of the parking lot. According to Article VIII § 201-830, assuming this use would be considered a "business, professional and/or medical office", the proposed 49 parking spaces would exceed the minimum 24 parking space requirement. Applicant should ensure that parking spaces are, at minimum, 10'x20'.

- *Community Facilities:*

According to the submitted SEAF, the proposed action will connect to public water supply or wastewater utilities and, given that the expansion will generally house election equipment, there should be little impact on the municipal water and wastewater systems.

- *Lighting:*

According to the submitted site plan, it appears that the applicant intends on installing two light poles on both ends of the cluster of 24 parking spaces; with 6 additional lights affixed to the proposed structure. To ensure compliance with Article X § 201-1030, Village Planning Board should review and deem proposed lighting as adequate before approval is issued.

- *Landscaping and Screening:*

The applicant has submitted a proposed landscaping plan with their site plan. Existing trees and shrubs will remain along the eastern and southern sides of the building. Perimeter landscaping plans include the planting of 14 Adirondack Sugar Maple trees and 6 White Fir trees. While it appears that the River Street egress/ingress area complies with Article V § 201-580 (B), the applicant should confirm that the proposed Adirondack Sugar Maple trees will not materially impede vision between a height of two feet and ten feet above the street centerline grades of two intersecting streets, in the area bounded by the street lines of such corner lot and a line joining points along said street lines 20 feet from the point of the intersection, as required by the Village of Lowville Zoning Law. Additionally, there is an equipment pad on the southside of the proposed addition which, according to

the submitted site plans, appears to be enclosed by a fence and various shrub varieties, that of which appears to be compliant with the Village Zoning Law.

***Recommendation: Approve with the following conditions***

1. The applicant should be cognizant of activities that could impact the Northern Long-Eared Bat and the Monarch Butterfly in addition to the 2 bird species identified on the IPAC report having common breeding seasons from May-August, which should be avoided for activities of potential impact.
2. To ensure compliance with Article X § 201-1030, the applicant should submit lighting plan details to the Village Planning Board to review before approval is issued.
3. As detailed in Article X § 201-1020, access to all sites shall be consistent with the standards set forth by NYS DOT's Policy and Standards for Entrances to State Highways, as revised. To ensure compliance, the applicant should verify that all standards set by NYS have been/will be met prior to construction.
4. Applicant should ensure that the parking spaces are, at minimum, 10'x20'.
5. While it appears that the River Street egress/ingress area complies with Article V § 201-580 (B), the applicant should confirm that the proposed Adirondack Sugar Maple trees will not materially impede vision between a height of two feet and ten feet above the street centerline grades of two intersecting streets, in the area bounded by the street lines of such corner lot and a line joining points along said street lines 20 feet from the point of the intersection, as required by the Village of Lowville Zoning Law.
6. The proposed project exceeds the 1-acre threshold and thus requires the applicant to obtain a SPDES permit and, being that the land disturbance will surpass the 10,000 sq ft threshold, a Land Disturbance Permit should be obtained by the Village's Zoning Officer as required by Article V § 295-595.
7. Due to the proposed action's proximity to FEMA's Zone X and a federally regulated Riverine, development and encroachment in those locations should be avoided.
8. The applicant has not proposed any updates to their current signage; however, if changes to the current signage are needed, compliance with Article VII is required.
9. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

**Note:** Commercial Business Parking regulations may want to be updated to include a parking space for each employee in addition to the current requirements.

With no further questions or comments, Ms. Metott made a motion to approve the proposed action with the recommendations and additions; Mr. Lehman seconded this motion, which carried unanimously.

Ms. Krokowski then read the second review:

## **TOWN OF LOWVILLE TOWN BOARD / VILLAGE OF LOWVILLE BOARD OF TRUSTEES**

Proposed review of the 2<sup>nd</sup> draft of the updated Town and Village of Lowville Comprehensive Plan.

*Town of Lowville/Village of Lowville – Joint Application*

The proposed Comprehensive Plan, General Municipal Referral Form, and signed FEAF were submitted by the Town of Lowville Supervisor, Robert Mullin.

### **Town and Village of Lowville Comprehensive Plan Update**

The Town and Village of Lowville’s Comprehensive Plan document was reviewed in its 27-page entirety. This document has been in the works since late 2020 and is an update to the 2008/2009 version of the Town and Village of Lowville Comprehensive Plan.

Contained in the Comprehensive Plan is the recommendation that the document be reviewed every 3 years by the respective boards to ensure it is up to date with the ever-changing conditions experienced, that of which we feel is appropriate. Once the Comprehensive Plan is filed with the Department of State, a system should be enacted to ensure three years following the enactment, the review process shall begin.

Within the Natural Resource section and its subsequent strategies, consider adding “nonpoint source pollution” to Goal 4.1. Strategies on how to mitigate nonpoint source pollution could be detailed. If added to the Plan, a definition should be added to “Definition of Terms”.

Strategy 4.1.4. notes that the Village and Town should review new NYSDEC and NYSDOH regulations when they are made publicly available. The Board should consider revising this strategy to read “Review *and comply with* the new NYSDEC and NYSDOH regulations when made publicly available.”

Goal 4.3 states “*Of particular interest to the town and village are prime farmland soils, soils of statewide importance, and prime farmland if drained. Air quality in Lowville could be improved and efforts to support the U.S. EPA’s Air Quality System are encouraged.*” The Board should consider explaining why the identified soils are of particular interest. For example, is the intent to retain those soils for production agriculture? It is also suggested that the Village and Town use the prepared Agricultural and Farmland Protection Plan maps as a guide when discussing solar development/regulation.

Strategy 4.3.3 states “*Continue to enforce the requirement for an erosion and sediment control plan for new development, as well as a full SEQR review process, when applicable for non-residential uses.*” Ensure verbiage is appropriate and use of full SEQR.

While the vision of agriculture is detailed in this proposed Comprehensive Plan, there was no discussion on provisions to deter or prevent the conversion of farmland for solar development. It is suggested that the Town and Village build on their vision and expectations for solar development on ag land so that proper zoning can be developed and implemented.

Being that the Village and Town identified they would like to improve pedestrian safety and sidewalk safety quality and that the maintenance of a quality pedestrian environment is a significant factor in this, it is suggested that a strategy be added to provide public notice/reminders of the sidewalk maintenance requirements of owning a village property.

Within the details of the vision for infrastructure and public utilities, it is stated that *“The third water and sewer infrastructure project is a two-phased sewer project undertaken by the village. The first phase of this project began in 2016 to service the increased sewage demands of a manufacturer within the village...”*. To avoid singling out a single manufacturer for this required development, it is suggested to revise to *“Due to industrial development in the Village, the first phase of this project began in 2016 to account for increased sewage demands and about \$3 million was invested to add sewer lines from the Industrial Zone to the sewer plant.”*

In Part II, the Village and Town detail their Development Design Standards. The ninth standard dictates that *“Municipalities should consider lot coverage with a calculation procedure which includes any impervious space in development uses. (Village: all nonresidential use; Town: All zones).”* It is suggested that this standard be revised to read *“Municipalities should consider **updating policies to define** lot coverage with a calculation procedure which includes any impervious space in development uses. (Village: all nonresidential use; Town: All zones).”* Additionally, it is suggested that the seventeenth standard also provide guidelines, similar to those that Livingston County details, rather than just prohibitions.

Land Use Policy number thirty-one states that *“The town and village should consider zoning for tiny house development similar to a conventional housing development. (All residential zones).”* It is suggested that accessory dwelling units are also addressed as a separate standard and that they include certain ADA compliancy requirements.

Land Use Policy number thirty-two states that *“The town and village should consider implementing zoning to address short-term rentals. Regulations could include noise and nuisance regulations, parking requirements, special use permitting requirements and/or licensing, a cap on the number of days within a calendar year a dwelling is allowed as a short-term rental, and limits placed on the number of guests allowed per rental. (All zones).”* Considerations should be made to include a policy on management and supervision to prevent absent landlords.

The first land use policy for parking details the location of parking areas in non-residential zones. Considerations should be made on if the addition of *“**Electric vehicle charging station infrastructure should be considered**”* for in the Village, as it is notated for the Town.

The fifth Aesthetic Views land use policy details historical styles and architectural elements around eaves, trim and porches. It is suggested that the Town and Village consider adding *“All existing residential buildings should maintain their historical styles and architectural elements around the eaves, trim, and porches. Original porches and original woodwork, stone, and brick detailing should be preserved on historical buildings to the greatest extent practical.”*

***Recommendation: Approve with Recommendations***

1. Within the Natural Resource section and its subsequent strategies, consider adding ‘nonpoint source pollution’ to Goal 4.1 Strategies on how to mitigate nonpoint source pollution could be detailed. If added to the Plan, a definition should be added to “Definition of Terms”.
2. Strategies 4.1.4 notes that the Village and Town should review new NYSDEC and NYSDOH regulations when they are made publicly available. The Board should consider revising this strategy to read *“Review **and comply with** the new NYSDEC and NYSDOH regulations when made publicly available.”*
3. Goal 4.3 states *“Of particular interest to the town and village are prime farmland soils, soils of statewide importance, and prime farmland if drained. Air quality in Lowville could be improved and efforts to support the U.S. EPA’s Air Quality System are encouraged.”* The Board should consider explaining why the identified soils are of particular interest. For example, is the intent to retain those soils for production agriculture? It is also suggested that the Village and Town use the prepared Agricultural and Farmland Protection Plan maps as a guide when discussing solar development/regulations.
4. Strategy 4.3.3 states *“Continue to enforce the requirement for an erosion and sediment control plan for new development, as well as a full SEQR review process, when applicable for non-residential uses.”* Ensure verbiage is appropriate regarding use of full SEQR.
5. While the vision of agriculture is detailed in this proposed Comprehensive Plan, there was no discussion on provisions to deter or prevent the conversion of farmland for solar development. It is suggested that the Town and Village build on their vision and expectations for solar development on ag land so that proper zoning can be developed and implemented.
6. Being that the Village and Town identified they would like to improve pedestrian safety and sidewalk safety quality and that the maintenance of a quality pedestrian environment is a significant factor in this, it is suggested that a strategy be added to increase public awareness by providing notice/reminders of the sidewalk maintenance requirements of owning a village property.
7. Within the details of the vision for infrastructure and public utilities, it is stated that *“The third water and sewer infrastructure project is a two-phased sewer project undertaken by the village. The first phase of this project began in 2016 to service the increased sewage demands of a manufacturer within the village...”* To avoid singling out a single manufacturer for this required development, it is suggested to revise to *“Due to industrial development in the Village, the first phase of this project began in 2016 to account for increased sewage demands and about \$3 million was invested to add sewer lines from the Industrial Zone to the sewer plant.”*

8. In Part II, the Village and Town detail their Development Design Standards. The ninth standard dictates that *“Municipalities should consider lot coverage with a calculation procedure which includes any impervious space in development uses. (Village: All nonresidential use; Town: All zones).”* It is suggested that this standard be revised to read *“Municipalities should consider **updating policies to define** lot coverage with a calculation procedure which includes any impervious space in development uses. (Village: All nonresidential use; Town: All zones).”*
9. The seventeenth land use policy standard should also provide guidelines, similar to those that Livingston County details, rather than just prohibitions.
10. Land Use Policy number thirty-one states that *“The town and village should consider zoning for tiny house development similar to a conventional housing development. (All residential zones).”* Please include developing definitions as well as addressing accessory dwelling units.
11. Land Use Policy number thirty-two states *“The town and village should consider implementing zoning to address short-term rentals. Regulations could include noise and nuisance regulations, parking requirements, special use permitting requirements and/or licensing, a cap on the number of days within a calendar year a dwelling is allowed as a short-term rental, and limits placed on the number of guests allowed per rental. (All zones).”* Considerations should be made to include a policy on management and supervision to prevent absent landlords.
12. The first land use policy for parking details the location of parking areas in non-residential zones. Considerations should be made on if the addition of *“**Electric vehicle charging station infrastructure should be considered**”* for in the Village, as it is notated for the Town.
13. The fifth Aesthetic Views land use policy details historical styles and architectural elements around eaves, trim and porches. It is suggested that the Town and Village consider adding *“All existing residential buildings should maintain their historical styles and architectural elements around the eaves, trim, and porches. Original porches and original woodwork, stone, and brick detailing should be preserved on historical buildings **to the greatest extent practical.**”*

**Note:** After reviewing the document for content, a variety of grammatical errors were identified. As a courtesy, a marked-up version of the document will be provided to you that identifies the errors found for correction prior to finalizing the document.

### **County Referenced Documents**

[Livingston County Design Guidelines](#)

[Lowville Agricultural Protection Plan Map](#)

Ms. Buell expanded on recommendation 10 and discussed the housing needs assessment that identified the need for accessory dwelling units and how it could have a very positive impact.

After reading recommendation 12, the board had a brief discussion about the feasibility of electric vehicle charging stations and that NY power authority was supposed to be providing these changing stations to communities.



Ms. Metott suggested that on recommendation 13 we add a reference the [Secretary of Interior's Standards for the Treatment of Historic Properties](#).

Mr. Virkler was not able to be present; however, emailed in a few comments and suggestions that Ms. Krokowski read aloud to the group.

*"On page 17 of their plan, Goal 8.2 talks about coordinating with the County, but then none of the follow up paragraphs mentions that at all and the strategy 8.2.1 is pretty bland. The County has a definite interest in coordinating with towns and villages, specifically on water. Village of Lowville has never been interested in this. It might be cool to get them to put some more definitive language in."*

The board discussed that we should add a suggestion to encourage adding verbiage about the coordination with the County specifically regarding water.

The board discussed and concurred that the strategy 8.2.1 could be strengthened to include possible coordination on water.

*"Page 17 and 18 on Community Facilities. That section is pretty light. Did they get tired and not put anything else in to go with that ??"*

The board discussed they should further expand on the Community Facilities section, possibly by listing out the shared services that they participated in.

There was a brief discussion about how they got to this second draft, did they just cut everything.

*"Page 19, middle of the page – there is not a real commerce park on the Number Four road."*

The board discussed rephrasing to a commercial area or possibly removing this whole paragraph.

Mr. Lehman discussed Lowville's water supply and Ms. Buell brought up the Central Lewis County Regional Water Study and the fact that the Watson Water District could pipe in water and Mr. Petersen discussed the lack of capacity and pipe sizing that causes issues.

Mr. Petersen would like the Village to consider adding plans on how to accommodate a potential industrial park and potential locations.

Ms. Buell then stated these revisions would be sent to Chairman Petersen and Mr. Virkler to ensure that the points were covered accurately before the formal response is sent to the joint applicants.

Mr. Lehman commented how he questions the prime farmland and the intent, which Ms. Buell explained that they are trying to incentivize the developer to develop marginal farmland.

Mr. Petersen clarified that the IDA is not in the business of administering loans, the IDA sets the PILOT agreement, which gets tricky as it is technically not a permanent structure.

Mr. Cook shared his experience with prime farmland relative to the solar PILOT in the Town of Pinckney. Due to its proposed location on prime farmland, the rate for that solar developer was set at \$7,500/megawatt; however, the Lewis County Soil and Water District completed a soil assessment and downgraded the prime farmland site status, so the PILOT rate was revised to \$6,888/megawatt.

Furthermore, Ms. Buell reminded the board that Ag and Markets is now involved in solar development reviews and will identify any concerns with prime farmland alterations. She also mentioned that the cost of relocating and reconfiguring a site plan will likely cost a lot more than the \$600/megawatt difference.

With no further discussion, Mr. Cook made a motion to approve with conditions and additions; Mr. Osborne seconded the motion, which carried unanimously.

(7) **Report of County Planner:**

- Responses from municipalities regarding previously submitted/reviewed projects:

<b>Project Description</b>	<b>Final Action</b>
V/Turin – Comprehensive Plan	Approved w/Conditions

(8) **Unfinished Business:**

Ms. Buell discussed recent correspondence she had with the Town of Leyden regarding their Solar Policy about removing the ag reference but then they want it to be added back, she has a call to Tug Hill Commission to ensure that we are all on the same page.

- (9) **New Business:** Ms. Krokowski discussed the upcoming 4-Hour Land Use Training Workshop – September 21, 2022 and provided board members with the flyer. Ms. Buell discussed potential solar training in late fall with NYSERDA, Ag and Markets, and the Office of Renewable Energy. Ms. Buell also discussed the shared services application she submitted to get all municipalities on the ecodes360 software as well as subsites from the County’s website and uniformed, formal, protected email system. Staff member, Lauryn Tabolt also applied for a grant to update the Town of Watson’s zoning.

Mr. Lehman asked about the savings for the LED streetlighting, and Ms. Buell discussed that the energy cost have increased so they are not seeing the savings, but they are using less energy.

- (10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Cook, seconded by Mr. Osborne, which carried unanimously. Mr. Petersen adjourned the meeting at 3:28 PM.

Respectfully submitted,

Megan Krokowski  
Community Development Specialist