

**DRAFT MINUTES**  
**LEWIS COUNTY PLANNING BOARD**  
**December 20, 2018**

- (1) **Call to Order:** Chairman Kaido called the regular meeting of the Lewis County Planning Board to order at 2:31 PM in Room 327 on the 3<sup>rd</sup> floor at the Lewis County Court House, Lowville, New York. Roll call was requested by Mr. Kaido.
- (2) **Roll Call:** Board Members Present: Michael Kaido, Tim Petersen, Patricia O'Brien, William Burke, Gary Rosiczkowski, and Warren Shaw. Staff Present: Casandra Buell, Senior Planner. Additional Attendees: Nick Altmire, Linking Lewis County, and Julie Abbass, Watertown Daily Times/Journal & Republican.
- (3) **Reading and Approval of Minutes:** The November 15, 2018 meeting minutes were received and there were no modifications made by the Board members present. Mr. Petersen motioned to approve the minutes; Mr. Burke seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** None
- (5) **Report of Officers:** None
- (6) **Election of Officers:** Mrs. Buell asked the board if there was anyone interested in running for the Chairperson position or if any member would like to nominate a board member. Mr. Petersen shared his interest in the Chairman position and, with no other interest, Mr. Burke made a motion to elect Mr. Petersen as the 2019 Lewis County Planning Board Chairman. Mr. Kaido seconded the motion and was supported unanimously. Mrs. Buell then asked the board if there was anyone interested in running for the Vice Chairperson position or if any member would like to nominate a board member. Mr. Petersen nominated Mr. Rosiczkowski for the Vice Chairperson position and, with no other interest, Mr. Kaido made a motion to appoint Mr. Rosiczkowski as the 2019 Lewis County Planning Board Vice Chairman. Mr. Shaw seconded the motion and it was carried unanimously.
- (7) **Report of Special Committees:**

**239-M Review**

Mrs. Buell read the following review to the Board:

**TOWN OF TURIN TOWN BOARD**

Proposed zoning text amendment to the Town of Turin Rural Development Law that would define regulations related to renewable energy facilities, private roads, accessory apartments and seasonal use. In addition, the Town is proposing to omit certain subsections related to sewage disposal, solid waste disposal and campgrounds.

*Town of Turin – Applicant*

The General Municipal Referral Form and SEAF were submitted by the Town of Turin Attorney, Joseph W. Russell.

It should be noted that a large portion of the proposed additions and changes were reviewed at the September County Planning Board meeting. Ancillary zoning text amendments, to include private roads, accessory apartments and seasonal use, will be reviewed for the first time.

### **Town of Turin Rural Development Law Changes**

- Additional definitions to include “Accessory Apartment” and “Seasonal Use.”
  - These definitions appear to be an appropriate addition to the current zoning.
- Additional definitions to include “Road, Private Approved,” “Solar Energy System, Principal,” “Solar Energy System, Small,” “Solar Energy System,” and “Wind Energy Facility.”
  - These definitions are thorough and precise; omitting possible confusion for the document’s reader.
- Current definition of “Wind Power Generating Facility” will be deleted.
  - It appears that this definition has been replaced and expanded with the new “Wind Energy Facility” definition.
- Accessory Apartment land use permit requirements will be added to Section 240.
- Wind Energy Facilities and Solar Energy, Small and Principal, land use permit requirements will be added to Section 240.
  - It appears as though these land use activities have the appropriate permit requirements associated with the associated definitions. The proposed zoning text amendment will require land use permits for all small solar energy facilities and special use permits will be required for all principal solar energy and wind energy facilities.
- The “Camp” land use will be removed from the Land Use Permit Requirements.
  - It would appear that the Seasonal Use classification will replace the previous Land Use Permit Requirement for “Camp.”
- The proposed lot frontage minimum for the “A District” has been lowered from 400’ to 300’ for all principal and accessory uses and structures, other than signs.
  - This change appears to be appropriate for the current and future land uses.
- F District Seasonal Use Classification will be added to Article 2; Subsection 260.
  - Since this classification will only pertain to recreational, agricultural and forestry properties which are accessed solely by the seasonal use roads in the F District, it appears that the separate classification is too precise to be listed in Section 240; thus, this proposed addition appears to be appropriately placed.
- In Section 320, Height of Structures, the Town of Turin is proposing to add regulations and exemptions to town height regulations.
  - Currently, the Town’s zoning caps the height of all structures at 40’, except agricultural structures. The proposed addition will include the 40’ height regulation; however, the Town has clearly defined additional exemptions and will allow a special use permit if the project meets certain criteria.
- The final sentence, “*In no case shall large amounts of refuse be incinerated without consulting local officials,*” will be omitted from Section 325.
  - Since the current volume is defined as “large amounts,” it makes sense to omit this from the zoning language as the meaning is variable.
- Section 345 Sewage Disposal, subsections 2, 3, 4 and 5, will be omitted from the proposed Town of Turin Rural Development Law.
  - This revision will ensure further compliance with New York State standards.
- The proposed Section 365 will illustrate the regulations as it pertains to the design and installation, height restrictions, compliances, plan applications, utility notifications,

modifications and fees of small solar systems. Further regulations are defined within this new section for roof and ground mounted solar energy systems.

- It appears that the proposed text amendments are very thorough and should be easy to follow by any applicant.
- Further zoning requirements for Accessory Apartments have been listed under the proposed Section 370 addition.
  - This clarification should ensure that the Town of Turin’s intentions are clear. A limit to the number of accessory apartments is proposed along with a maximum size.
- Section 415, Campgrounds, will be omitted from the updated zoning law.
  - According to the Land Use Permit Regulations as defined in Section 240 of the existing zoning law, a campground requires a special use permit and must be reviewed by the Planning Board before a land use permit is granted. Since these regulations are already set, the omission of Section 415 should not cause confusion.
- It is proposed that Section 445 be changed to “Wind Energy Facilities” as opposed to the existing “Wind Power Generating Facilities” as per the definition change. The setback, submission, safety, nuisance, environmental, visual, interference, noise, and shadow regulations and requirements are all thoroughly defined in the proposed amendments. The proposed setback requirements have been increased from 1.5 to 2 times the height from the ground to the tip of the blade at its most extended position. It should also be noted that the setback regulations currently set under Section 445 (1c) and Section 445 (1d) have been removed.
  - It appears that the proposed amendments are well defined and in the best interest of Town of Turin residents.
- The proposed addition of Section 450, Principal Solar Energy Facilities, establishes requirements pertaining height, setback, compliance, fees, site plan review, expected documentation, utility notifications and connections, signage, safety, monitoring, maintenance modifications, abandonment or decommissioning, and financial surety.
  - This text amendment appears to cover all of the necessary information in relation to larger solar facilities, especially the requirements as they pertain to abandonment or decommissioning.
- A revision to Section 1050, Referral to the County Planning Board, is proposed to change the threshold required that triggers County Planning Board review from 500 feet to 250 feet.
  - This revision is necessary to bring the law up-to-date as this is now a county-wide threshold.

In review of the documents provided by Town Attorney Joseph W. Russell, it appears that the zoning text amendments will comprehensively define the regulations set by the Town of Turin and the concerns of the residents.

***Recommendation: Approve***

After a brief discussion regarding the removal of Section 415, Mr. Burke made a motion to approve, seconded by Mr. Rosiczkowski, which carried unanimously.

Mrs. Buell then read the following review:

**TOWN OF DIANA TOWN BOARD**

Review of the proposed Town of Diana Comprehensive Plan

*Town of Diana – Applicant*

The Town of Diana, with the Development Authority of the North Country assisting, has prepared a Comprehensive Plan to guide the future development of the Town. With the Village of Harrisville set to dissolve on December 31, 2018, it was crucial that the Town create said plan to prioritize capital investments, provide framework for prevailing zoning and land subdivision controls, and to ensure growth functionality with any future water, sewer and road development.

The document states that a review committee, to include the Town Board, should review and update the Comprehensive Plan every three years to serve the needs of a changing community. In addition to the input of the Comprehensive Planning Committee, residents were able to identify, through a survey, the current problems and assets as well as future development and aspirations of the community that they call home. With the Town’s abundant natural resources, Olympic Scenic Byway, established and emerging business, community roots, and aging infrastructure, the proposed Comprehensive Plan thoroughly maps out goals and recommendations that will be useful for future municipal decision making.

***Recommendation: Approve***

After a brief discussion of the survey results, village impact, and future dissolutions, Mr. Rosiczkowski made a motion to approve, seconded by Mr. Petersen, which carried unanimously.

Mrs. Buell then read the last review:

**TOWN OF MARTINSBURG PLANNING BOARD**

Use variance request to convert an existing house to a retail store on tax map # 228.00-01-11.000 located on Ramos Road in the Town of Martinsburg.

*Elya Waugh and Tanya Nortz – Applicants*

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

The adjacent properties are used for Agricultural and Residential purposes. The lot is located within the Agricultural Land Use District. According to the submitted SEAF, it is proposed that the existing house be converted to a retail store. While commercial use is allowed within the Agricultural Land Use District, a special use approval by the Planning Board is required.

According to Article 2 § 240-27, the construction of any principal or accessory use that is within 100 feet of a stream classified as “D” or higher pursuant to 6 NYCRR Chapter X, Subchapter B is prohibited. That said, any use incidental and subordinate to the principal use and located on the same lot with such principal is considered forbidden. Thus, the request for a use variance.

It should also be noted that, with the change of use, the proposed project lot does not appear to meet the minimum lot frontage requirement of 200 feet, minimum 1-acre lot size or, with the addition of the proposed deck, the minimum side lot line set back condition of 25 feet. That said, in addition to a use variance, the proposed project should also be subject to an area variance.

- *Traffic Generation and Effect:*

It appears that the current driveway will be used as the point of egress and ingress to the public roadway. It does not appear that traffic generation will be an issue with this project.

- *Protection of Community Character:*

The proposed project will serve as a specialty boutique; further identified as “The Farmhouse Boutique.” It appears that the proposed project should not conflict with the established community character.

- *Signage:*

According to the submitted site plan, the applicant has proposed to install a sign on the backside of the property that faces NYS Route 12 as well as a sign in the front of the building that would face Ramos Road. Sign design details were not submitted with the application; however, it should be noted that if the project is approved prior to the sign’s installation, the applicant should adhere to all regulations in Article 2 §240-23: Signs.

- *Drainage:*

According to the Town of Martinsburg Development Law, “*On-site sewage disposal systems shall comply with the specifications and standards set forth in 10 NYCRR 75, Appendix 75-A, entitled "Wastewater Treatment Standards — Individual Household Systems."*

According to the submitted Town of Martinsburg Application for Land Use, Application for Special Use Permit Review, SEAF and the site plan, the current drainage pattern/system is expected to change as the current sewage disposal facilities do not appear to be adequate. In addition, there is a Class C stream on both side of the existing building.

- *Parking:*

The submitted site plans illustrate a few different parking lot dimensions. One site plan shows a 70’ x 48’ parking lot that will have space for 12 cars and the other site plan depicts a 65.07’ x 65.07’ parking lot that will fit 14 cars. Either parking area plan would comply with Article 2 §240-24.

- *Landscaping/Screening:*

Not addressed in the application

- *Lighting:*

There is one proposed light pole shown on the submitted site plan and it is located on the southeastern corner of the proposed parking area.

*Prior to making a recommendation, Mrs. Buell informed the County Planning Board members that the Planning Department received the Town of Martinsburg ZBA's decision on the matter the afternoon of December 18, 2018. According to the submitted decision, the Town of Martinsburg ZBA had approved the use variance as the concerns were mitigated.*

**Recommendation: Matter of local concern**

To justify a use variance, the burden of proof is on the applicant and they must prove that there is no reasonable return, there are unique circumstances, there are no self-created hardships and that there are no alterations to the essential neighborhood character. With that said, since the Town of Martinsburg Development Law was last amended on January 17, 2018 and the applicant, according to the County records, purchased the property in September of 2018, it will be difficult to prove that this was not a self-created hardship. It is also recommended that the proposed project be subject to an area variance due to inability to meet the minimum road frontage, side setback, and acreage requirements.

Mr. Rosiczkowski questioned if the stream classification made the water body a trout stream, thus raising the level of concern. Mr. Shaw offered an example of some recent Highway Department setbacks due to stream classifications so as to put the zoning matter into perspective. Mr. Burke made mentioned that, as a prior ZBA member, he was in full support of our recommendation. That said, Mr. Rosiczkowski made a motion to recommend that this be a matter of local concern; Mr. Burke seconded the motion, which carried unanimously.

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

Response from municipalities regarding previously submitted/reviewed projects:

- None

**(9) Unfinished Business: None**

**(10) New Business: None**

**(11) Adjournment: There being no other business, a motion to adjourn the meeting was made by Mr. Petersen, seconded by Mr. Shaw, which carried unanimously. Mrs. Buell adjourned the meeting at 3:03 PM.**

Respectfully submitted,



Casandra Buell  
Senior Planner