Call to Order: Mr. Pace called the regular meeting of the Lewis County Planning Board to order at 2:30 PM in Room 327 on the 3rd floor at the Lewis County Court House, Lowville, New York. Roll call was requested by Mr. Pace.

Roll Call: Board Members Present: Tim Petersen, Michael Kaido, Patricia O’Brien, and William Burke. Staff Present: Frank Pace, Director of Planning. Public Present: Nick Altmire, LinkingLewisCounty.com

Reading and Approval of Minutes: The draft November 21, 2019 meeting minutes were received. Mr. Burke motioned to approve the minutes; Mrs. O’Brien seconded the motion, which carried unanimously.

Correspondence and Communication: Mr. Pace presented two (2) letters to the County Planning Board that were received by the Lewis County Planning Department from the Adirondack Park Agency (APA) on December 17, 2019. The APA offered the CPB to comment on two (2) projects within the Adirondack Park; however, there were no comments or concerns made by the CPB members present.

Report of Officers: None

Report of Special Committees:

239-M Review

Mr. Pace read the following review to the board:

TOWN/VILLAGE OF LOWVILLE PLANNING BOARD
Site Plan Review and Special Use Permit to open a bar in an existing building with an existing bar area located at 7574 South State Street in the Village of Lowville.
Tax map parcel #212.11-06-04.100
The Bateman Draft House – Applicant

The applicant provided the following Project Documentation: 1) Project Narrative; 2) Sign Decal Details; 3) SEQR Short Environmental Assessment Form; 4) EAF Mapper Report; and 5) Tax & Zoning Maps.

- Compatibility With Adjacent Uses:
  The zoning for this area is identified as VC (Village Center). Currently the property identified is commercial and is less than 300 feet from 3 existing establishments that serve alcohol. Thus, the proposed use is consistent with the character of the downtown corridor.

- Traffic Generation and Effect:
  The roadway is identified as State Route 12/South State Street. No changes to the existing entrance are proposed by the applicant and, as noted on page 2 of the submitted SEAF, the proposed action will not result in a substantial increase in traffic above present levels and is accessible from public transportation services, pedestrian accommodations and/or bicycle routes.
• **Protection of Community Character:**
  Based on review of the current zoning criteria for the Village of Lowville, the proposed project is in compliance with the criteria under Article IV, Section 420, Schedule A and Section 430, Schedule B.

  Additionally, within the narrative, the applicant noted that since this exact location was originally a bar and restaurant, that, in their opinion, it would not have a negative effect on the community character. The submitted SEAF also notes that the proposed action is consistent with the predominant character of the existing building or natural landscape.

• **Signage:**
  The proposed project would include one (1) 2’ x 4’ sign on the window facing South State Street. The design is reminiscent of the buildings character, clearly portrays the use and is proportionate to the area available. The submitted signage appears to comply with the entirety of Article VII, Section 201-735.

• **Drainage:**
  N/A

• **Erosion:**
  N/A

• **Parking:**
  According to the submitted narrative, existing public parking is located directly in front of the proposed project along South State Street and is available at several nearby public parking lots ranging between 130 ft and 600 ft from the entrance.

• **Community Facilities:**
  According to the submitted SEAF, the proposed project would utilize the existing public water supply and wastewater utilities.

• **Lighting:**
  No lighting changes were noted within the submission.

• **Landscaping and Screening:**
  The submitted narrative notes that seasonal decorations, such as flowers, pumpkins, and other miscellaneous items as well as a sandwich board should be expected to be seen along the business front. In the event that a sandwich board is used, compliance with Article VII § 201-725 is necessary.

** Recommendation: Approve with the following conditions**
1. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.
2. Per the narrative, the applicant intends to use a temporary sandwich board sign for specials and/or events. In the event that a sandwich board is used, compliance with Article VII § 201-725 is necessary.

After a brief discussion regarding the food and products sold, Mr. Burke made a motion to approve with the above conditions. Mr. Kaido seconded the motion, which carried unanimously.
Mr. Pace then read the following review:

**TOWN/VILLAGE OF LOWVILLE PLANNING BOARD**

Site Plan Review and Special Use Permit to expand an excavation (mining) business located at 7935 NYS Route 26 in the Town of Lowville.

Tax map parcel #195.00-04-07.000

*MJL Crushing, LLC – Applicant*

The applicant provided the following Project Documentation: 1) Project Narrative (NYSDEC Notice of Complete Application); 2) Agriculture Data Statement; 3) NYSDEC Negative Declaration; 4) Tax, Zoning Mining Plan Maps.

- **Compatibility With Adjacent Uses:**
  The zoning for this area is identified as AG (Agriculture). The proposed action area is currently composed of cropland, hay fields, meadows, woods and idle land. According to the submitted NYSDEC Negative Declaration, “the proposed expansion area is north of the current mine” and “the applicant proposes to expand the existing limestone quarry operation to include additional 33.3 acres.” That said, the proposed use is consistent with the adjacent uses and is according to Article IV §250-15, excavation is allowed in the AG zone pending a special use permit from the Planning Board.

  According to Article VI §250-30, specifically regarding this particular action, the proposed project is prohibited from emitting noise in excess of 70 decibels or dust/dirt which is considered offensive measured at the individual property line. The applicant should comply with all criteria detailed in Article VI §250-30.

  It should be noted that according to Article VI § 250-34(b), stripping of topsoil for sale or for use on other premises is prohibited. While the stripping of topsoil for sale is prohibited, according to submitted NYS DEC Notice of Complete Application, the mine is intended to operate as a traditional surface extraction of the Trenton Group of limestone; the topsoil/overburden will be stripped and used to create a berm along the perimeter of the proposed mine expansion area. Therefore, the proposed project is compliant with Article VI § 250-34.

  Additionally, according to Article IV §250-17, there is a lot coverage maximum in the AG zone set at 10%. In February 2008, the Town/Village of Lowville Planning Board voted to approve the original MJL Crushing special use permit application; thus setting a precedence and making this a pre-existing non-conforming use.

- **Traffic Generation and Effect:**
  The roadway is identified as State Route 26. The proposed project will use the existing driveway entrance for access. No changes to the existing entrance are proposed by the applicant.

  According to the submitted NYS DEC SEQR Negative Declaration, there will be no significant adverse impacts from the proposed expansion, additional truck traffic will be insignificant, and there will be an estimated 1-2 trucks per hour during normal operations (roughly 10 trucks per hour during maximum processing).
Protection of Community Character:
Based on review of the current zoning criteria for the Town of Lowville, the proposed project is in compliance with the criteria under Article IV, § 250-15, Schedule A. According to the submitted maps, the current mining operation will expand onto the applicants adjoining lot. Being that there are established side yard setbacks in place within the Town of Lowville Zoning Law, it is recommended that the applicant combines the parcels.

According to the submitted NYSDEC Notice of Complete Application, "the proposed activity is not in an area of identified archaeological sensitivity and no known registered, eligible or inventoried archaeological sites or historic structures were identified or documented for the proposed location."

Signage:
There were no new signs proposed on the submitted application.

Drainage:
According to the submitted NYSDEC SEQR Negative Declaration, the 2007 Stormwater Control Plan was revised in 2018 for the proposed expansion. The revised plan included the catchment and stormwater control measures relevant to the expansion area. Additionally, the stormwaters for the proposed expansion will be directed into the currently permitted area and processed by existing measures.

Erosion:
According to the submitted NYS DEC SEQR Negative Declaration, while there will be permanent alteration to the existing topography, the impact is unavoidable; however, this impact is not necessarily significant or adverse. Additionally, as detailed in the submission, "the proposed expansion area of the mine is not within an agricultural district certified pursuant to Article 25-AA of the NYS Ag. & Markets Law. There will be no significant loss of agricultural production on prime or important soils as classified by the NYS Agricultural Land Classification System."

The revised Stormwater Control Plan includes Erosion and Sediment Control structures that will be implemented to prevent pollution and runoff from storm water. Also, included in the mining permit, the permittee must comply with all applicable State Pollutant Discharge Elimination System (SPDES). The proposed project is compliant with Article VI, § 250-34.

Parking:
The submitted application did not include parking additions or changes.

Lighting:
The submitted application did not detail lighting plans for the mining expansion.

Landscaping and Screening:
The proposed action includes a perimeter fence as well as a topsoil berm. This complies with Article VI § 250-34 A.
Recommendation: Approve with the following conditions
1. According to the submitted maps, the current mining operation will expand onto the applicants adjoining lot. Being that there are established side yard setbacks in place within the Town of Lowville Zoning Law, it is recommended that the applicant combines the parcels.
2. According to Article VI §250-30, specifically regarding this particular action, the proposed project prohibited from emitting noise in excess of 70 decibels or dust/dirt which is considered offensive measured at the individual property line. The applicant should comply with all criteria detailed in Article VI §250-30.
3. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

Note: Additionally, according to Article IV § 250-17, there is a lot coverage maximum in the AG zone set at 10%. In February 2008, the Town/Village of Lowville Planning Board voted to approve the original MJL Crushing special use permit application; thus setting a precedence and making this a pre-existing non-conforming use.

With no questions or comments from CPB members, Mr. Burke motioned to approve with the above conditions. Mrs. O’Brien seconded the motion, which carried unanimously.

Mr. Pace explained that, originally, the Agenda included a Solar Project submitted by the Town of Martinsburg Planning Board; however, the referral was later deemed incomplete.

7) Report of County Planner:
Mr. Pace read the following responses from municipalities regarding previously submitted/reviewed projects:
   o Special Use Permit – Dean Beyer – Town of Martinsburg Planning Board – Approved

8) Unfinished Business: None

9) New Business: None

10) Adjournment: There being no other business, a motion to adjourn the meeting was made by Mr. Burke, seconded by Mr. Petersen, which carried unanimously. Mr. Pace adjourned the meeting at 3:01 PM.

Respectfully submitted,

Frank Pace
Director of Planning