MINUTES
LEWIS COUNTY PLANNING BOARD
February 20, 2020

(1) **Call to Order:** Vice Chairman Rosiczkowski called the regular meeting of the Lewis County Planning Board to order at 2:33 PM in Room 327 on the 3rd floor at the Lewis County Court House, Lowville, New York. Roll call was requested by Ms. Buell.

(2) **Roll Call:** Board Members Present: Gary Rosiczkowski, Eric Virkler, John Lehman, Warren Shaw and Jerry King. Staff Present: Casandra Buell, Senior Planner. Public Present: Nick Altmire, LinkingLewisCounty.com

(3) **Reading and Approval of Minutes:** The draft December 19, 2019 meeting minutes were received. Mr. Shaw motioned to approve the minutes; Mr. Virkler seconded the motion, which carried unanimously.

(4) **Correspondence and Communication:** None.

(5) **Report of Officers:** None

(6) **Election of Officers:** Ms. Buell asked the board for County Planning Board Chairman nominations. Mr. Shaw nominated Tim Petersen for the County Planning Board Chairman position. No other nominations were received. Ms. Buell asked the board for County Planning Board Vice-Chairman nominations. Mr. Shaw nominated Gary Rosiczkowski for the County Planning Board Vice-Chairman position. No other nominations were received. Tim Petersen was unanimously voted to continue service as Chairman and Gary Rosiczkowski was unanimously voted to continue his service as Vice-Chairman.

(7) **Report of Special Committees:**

**239-M Review**

Ms. Buell read the following review to the Board:

**TOWN OF DENMARK PLANNING BOARD**

Special Use Permit and Site Plan Review for a 2.25 MW AC Photovoltaic Power System with energy storage system to be located at 9557 East Road in the Town of Denmark.

Tax Map Parcel: #143.00-01-18.100

*NSG Fund 1, LCC – Applicant*

The applicant provided the following Project Documentation: 1) Solar Array Site Preparation Plan; 2) Solar Array Site Plan; 3) Equipment Pad Configuration; 4) Access Drive Details; 5) SEQR Full Environmental Assessment Form; 6) EAF Mapper Report; 7) Agricultural Data Statement; and 8) Subdivision Filing Records.

- **Compatibility with Adjacent Uses:**
  According to the submitted referral, the proposed project site will be approximately 49.6 acres of leased land. This area contains mixed uses including but not limited to Agriculture and Forest. The property is located within NYS Ag District 6 and is split between two (2) zones, AR 2 (Agriculture Residential Commercial) and H1 (Highway-Mixed Use); however, the proposed action appears within the AR 2 zone only. The proposed action
complies with the intent of Article IV of the Town of Denmark Zoning Law Land Use Permit Requirements under the defined use as a Solar Energy Systems, Principle.

It should be noted that this type of application for alternative energy production is supported by the State of New York both on a commercial and residential platform.

Based on the submitted site plan, it appears that the project is compliant with the required setbacks detailed in Article IV, Section 410 (Nonresidential Use) and Article X, Section 1035-B(3).

Additionally, there is a proposed electrical easement to be applied to serve the north site. Furthermore, I have confirmed with the applicant that they intend to comply with the entirety of Article X § 1035 (B); Where at all possible, utility connections and transmission lines shall be underground depending on soil conditions, topography, and requirements of the utility company permitting.

- **Traffic Generation and Effect:**
  According to the submitted FEAF, the applicant has determined that the proposed action will result in a substantial increase in traffic above present levels during the anticipated 6-month long installation process. The applicant has noted that, during peak traffic hours, there will be roughly 5 semi-trailer deliveries per day between 7 AM and 4 PM during the construction phase.

  As noted in the submitted FEAF, the proposed project calls for the construction of a new temporary/permanent access road off of County Rt. 19; this will require the review and approval of the Lewis County Highway Department and a Driveway Permit should be submitted to begin the process.

  According to Article X, Section 1035 (8A), the applicant must provide proof that it has consulted with the Fire Department and other emergency services about access to the site and any special concerns. The project shall be deemed to provide proper access for emergency services.

- **Protection of Community Character:**
  The applicant provided documentation regarding the Agricultural Data Statement indicating the subject site is surrounded by agricultural lands. Additionally, the applicant provided a completed Full Environmental Assessment Form (FEAF) and an EAF Mapper Summary Report for review. In the submitted FEAF, the applicant notes that the project site is not a critical environmental area, archeological site or designated river corridor.

  According to the submitted FEAF, the existing land uses that occur on, adjoin or are near the project site are aquatic, forest and agriculture. While the Town of Denmark Planning Board has determined that the proposed project should not be any adverse impact to the environment (Negative Declaration dated 11/12/2019), the solar arrays will certainly affect the community character.

  The solar panels will be rack-mounted with a maximum height of approximately 10 feet, that of which is compliant with the overlaying district height regulations.
- **Signage:**
  It does not appear that signage will be included in the proposed action. Article X § 1035(B), *the facility shall have a sign which provides a twenty-four-hour emergency contact telephone number placed at the entrance*. The application should submit sign plans to the Town of Denmark Planning Board prior to construction.

  While it is not a requirement of the Town of Denmark Zoning Law, all underground utilities should be identified with the appropriate signage.

- **Drainage:**
  According to the submitted FEAR, the proposed action will disturb more than one acre and create stormwater runoff. The applicant also noted runoff will be directed to on-site vegetated areas and stormwater management will be in accordance with GP-15-002. To comply with NYSDEC regulations, the applicant should prepare a Stormwater Pollution Prevention Plan and submit a Notice of Intent (NOI) to NYSDEC. The approved SWPPP and DEC permit should be submitted to the Town of Denmark Planning Board prior to construction.

- **Parking:**
  There is no designated parking included in the submitted application. It appears that there will be 15’-16’ access paths between the arrays and fencing as well as access paths between the solar panel racks that can be used as parking for the minimal maintenance that is said to be needed.

- **Community Facilities:**
  The proposed action will not use or create a new demand for water and energy nor will it generate liquid waste. According to Article X §1035(B), the applicant should provide proof that the local utility company has been informed of the system owners intent to install an interconnected system. This information was not included with the submission and should be submitted to the Town of Denmark Planning Board prior to approval.

  As required by the Town of Denmark Zoning Law, the applicant must comply with Article X §1035(B): Decommissioning Clause. Since it was not part of the submission, it is highly recommended that the applicant submits a formal Decommissioning Plan to the Town of Denmark Planning Board prior to final approval. As noted within Article X, this shall include a financial security bond or other security acceptable to the Town of Denmark for removal of the Principal Solar Energy Systems and property restoration.

- **Lighting:**
  According to Page 8 of the submitted FEAR, the project does not include outdoor lighting.

- **Landscaping and Screening:**
  The proposed project will enclose all arrays with a 7’ tall chain link fencing complete with a double swing access gate. According to Article X, Section 1035-B12(c), the type of fencing shall be determined by the Town of Denmark and may need to *be further screened by landscaping as needed to avoid adverse aesthetic impacts*.

  According to the submitted FEAR, the proposed project will use existing field space and will not require any excavation, mining, or dredging during construction or operations.
Recommendation: Approve with the following conditions

1. Compliance with Article X, Section 1035-8A is necessary in that the applicant must provide proof that it has consulted with the Fire Department and other emergency services about access to the site and any special concerns. The project shall be deemed to provide proper access for emergency services.

2. According to Article X §1035(B), the applicant should provide proof that the local utility company has been informed of the system owners intent to install an interconnected system. This information was not included with the submission and should be submitted to the Town of Denmark Planning Board prior to approval.

3. It is recommended that the applicant supply the Town of Denmark Planning Board with an approved Lewis County Highway driveway permit prior to construction.

4. Article X § 1035(B), the facility shall have a sign which provides a twenty-four-hour emergency contact telephone number placed at the entrance. The applicant should submit sign plans to the Town of Denmark Planning Board prior to construction and contact information shall be placed on file with the 911 emergency system.

5. While it is not a requirement of the Town of Denmark Zoning Law, all underground utilities should be identified with the appropriate signage.

6. It is recommended that the applicant submit a formal Decommissioning Plan to the Town of Denmark Planning Board prior to final approval; this shall include a financial security bond or other security acceptable to the Town of Denmark for removal of the Principal Solar Energy Systems and property restoration.

7. While there are plans to install a chain link fence, the applicant must comply with Article X, Section 1035-B12(c), the type of fencing shall be determined by the Town of Denmark and may need to be further screened by landscaping as needed to avoid adverse aesthetic impacts.

8. To comply with NYSDEC regulations, the applicant should prepare a Stormwater Pollution Prevention Plan and submit a Notice of Intent (NOI) to NYSDEC. The approved SWPPP and DEC permit should be submitted to the Town of Denmark Planning Board prior to construction.

9. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

10. Site plans should be sent by the applicant to Major General Brian J. Mennes at Fort Drum to bypass any potential interference with the military base.

Mr. Virkler requested clarification on Article X. Ms. Buell noted that the Article X referenced in the review was specific to the Town of Denmark Zoning Law rather than the NYS Article X process. After a brief discussion regarding the emergency signage and possible culvert requirements, Mr. Rosiczkowski made a motion to approve with the above conditions. Mr. Lehman seconded the motion, which carried unanimously.

Ms. Buell then read the following review:

TOWN OF DENMARK PLANNING BOARD
Special Use Permit and Site Plan Review for a 2.25 MW AC Photovoltaic Power System with energy storage system to be located at 9605 East Road in the Town of Denmark.
Tax Map Parcel: #143.00-01-18.100
NSG Fund 1, LCC – Applicant
The applicant provided the following Project Documentation: 1) Solar Array Site Preparation Plan; 2) Solar Array Site Plan; 3) Equipment Pad Configuration; 4) Access Drive Details; 5) SEQR Full Environmental Assessment Form; 6) EAF Mapper Report; 7) Agricultural Data Statement; and 8) Subdivision Filing Records.

- **Compatibility with Adjacent Uses:**
  According to the submitted referral, the proposed project site will be approximately 49.6 acres of leased land. This area contains mixed uses including but not limited to Agriculture and Forest. The property is located in the AR 2 (Agriculture Residential Commercial) zone and is within NYS Ag District 6. The proposed action complies with the intent of Article IV of the Town of Denmark Zoning Law Land Use Permit Requirements under the defined use as a Solar Energy Systems, Principle.

  It should be noted that this type of application for alternative energy production is supported by the State of New York both on a commercial and residential platform.

  Based on the submitted site plan, it appears that the project is compliant with the required setbacks detailed in Article IV, Section 410 (Nonresidential Use) and Article X, Section 1035-B(3).

- **Traffic Generation and Effect:**
  According to the submitted FEAF, the applicant has determined that the proposed action will result in a substantial increase in traffic above present levels during the anticipated 6-month long installation process. The applicant has noted that, during peak traffic hours, there will be roughly 5 semi-trailer deliveries per day between 7 AM and 4 PM during the construction phase.

  As noted in the submitted FEAF, the proposed project calls for the construction of a new temporary/permanent access road off of County Rt. 19; this will require the review and approval of the Lewis County Highway Department and a Driveway Permit should be submitted to begin the process.

  According to Article X, Section 1035 (8A), the applicant must provide proof that it has consulted with the Fire Department and other emergency services about access to the site and any special concerns. The project shall be deemed to provide proper access for emergency services.

  Additionally, there is a proposed electrical easement on the south site to be applied to serve the north site. Furthermore, I have confirmed with the applicant that they intend to comply with the entirety of Article X § 1035 (B); Where at all possible, utility connections and transmission lines shall be underground depending on soil conditions, topography, and requirements of the utility company permitting.

- **Protection of Community Character:**
  The applicant provided documentation regarding the Agricultural Data Statement indicating the subject site is surrounded by agricultural lands. Additionally, the applicant provided a completed Full Environmental Assessment Form (FEAF) and an EAF Mapper Summary Report for review. In the submitted FEAF, the applicant notes that the project site is not a critical environmental area, archeological site or designated river corridor.
According to the submitted FEAF, the existing land uses that occur on, adjoin or are near the project site are aquatic, forest and agriculture. While the Town of Denmark Planning Board has determined that the proposed project should not have any adverse impact to the environment (Negative Declaration dated 11-12-2019), the solar arrays will certainly affect the community character.

The solar panels will be rack-mounted with a maximum height of approximately 10 feet, that of which is compliant with the overlaying district height regulations.

- **Signage:**
  It does not appear that signage will be included in the proposed action. Article X § 1035(B), *the facility shall have a sign which provides a twenty-four hour emergency contact telephone number placed at the entrance.* The application should submit sign plans to the Town of Denmark Planning Board prior to construction.

  While it is not a requirement of the Town of Denmark Zoning Law, all underground utilities should be identified with the appropriate signage.

- **Drainage:**
  According to the submitted FEAF, the proposed action will disturb more than one acre and create stormwater runoff. The applicant also noted runoff will be directed to on-site vegetated areas and stormwater management will be in accordance with GP-15-002. To comply with NYSDEC regulations, the applicant should prepare a Stormwater Pollution Prevention Plan and submit a Notice of Intent (NOI) to NYSDEC. The approved SWPPP and DEC permit should be submitted to the Town of Denmark Planning Board prior to construction.

- **Parking:**
  There is no designated parking included in the submitted application. It appears that there will be 15’-16’ access paths between the arrays and fencing as well as access paths between the solar panel racks that can be used as parking for the minimal maintenance that is said to be needed.

- **Community Facilities:**
  The proposed action will not use or create a new demand for water and energy nor will it generate liquid waste. According to Article X §1035(B), the applicant should provide proof that the local utility company has been informed of the system owners intent to install an interconnected system. This information was not included with the submission and should be submitted to the Town of Denmark Planning Board prior to approval.

  As required by the Town of Denmark Zoning Law, the applicant must comply with Article X §1035(B): Decommissioning Clause. Since it was not part of the submission, it is highly recommended that the applicant submits a formal Decommissioning Plan to the Town of Denmark Planning Board prior to final approval. As noted within Article X, this shall include a financial security bond or other security acceptable to the Town of Denmark for remove of the Principal Solar Energy Systems and property restoration.

- **Lighting:**
  According to Page 8 of the submitted FEAF, the project does not include outdoor lighting.
Landscaping and Screening:
The proposed project will enclose all arrays with a 7’ tall chain link fencing complete with a double swing access gate. According to Article X, Section 1035-B12(c), the type of fencing shall be determined by the Town of Denmark and may need to be further screened by landscaping as needed to avoid adverse aesthetic impacts.

According to the submitted FEAF, the proposed project will use existing field space and will not require any excavation, mining, or dredging during construction or operations.

**Recommendation: Approve with the following conditions**

1. Compliance with Article X, Section 1035-8A is necessary in that the applicant must provide proof that it has consulted with the Fire Department and other emergency services about access to the site and any special concerns. The project shall be deemed to provide proper access for emergency services.

2. According to Article X §1035(B), the applicant should provide proof that the local utility company has been informed of the system owners intent to install an interconnected system. This information was not included with the submission and should be submitted to the Town of Denmark Planning Board prior to approval.

3. It is recommended that the applicant supply the Town of Denmark Planning Board with an approved Lewis County Highway driveway permit prior to construction.

4. Article X § 1035(B), the facility shall have a sign which provides a twenty-four-hour emergency contact telephone number placed at the entrance. The applicant should submit sign plans to the Town of Denmark Planning Board prior to construction and contact information shall be placed on file with the 911 emergency system.

5. While it is not a requirement of the Town of Denmark Zoning Law, all underground utilities should be identified with the appropriate signage.

6. It is recommended that the applicant submit a formal Decommissioning Plan to the Town of Denmark Planning Board prior to final approval; this shall include a financial security bond or other security acceptable to the Town of Denmark for remove of the Principal Solar Energy Systems and property restoration.

7. While there are plans to install a chain link fence, the applicant must comply with Article X, Section 1035-B12(c), the type of fencing shall be determined by the Town of Denmark and may need to be further screened by landscaping as needed to avoid adverse aesthetic impacts.

8. To comply with NYSDEC regulations, the applicant should prepare a Stormwater Pollution Prevention Plan and submit a Notice of Intent (NOI) to NYSDEC. The approved SWPPP and DEC permit should be submitted to the Town of Denmark Planning Board prior to construction.

9. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

10. Site plans should be sent by the applicant to Major General Brian J. Mennes at Fort Drum to bypass any potential interference with the military base.

With no questions or comments from CPB members, Mr. Rosiczkowski motioned to approve with the above conditions. Mr. Virkler seconded the motion, which carried unanimously.
Ms. Buell then read the following review:

**VILLAGE OF LOWVILLE BOARD OF TRUSTEES**

Proposed zoning text amendment to the Village of Lowville Zoning Law that would allow Temporary Zoning Permits to be issued by the Zoning Officer under certain uses.

_Village of Lowville – Applicant_

The General Municipal Referral Form was submitted by Joseph Russell, Village Attorney, on behalf of the Village of Lowville.

**Village of Lowville Zoning Law Revision**

Proposed Amendment to Article XIII § 201-1315:

Temporary zoning permits may be issued upon approval of the Planning Officer for a period not to exceed 12 months. Such permit may be renewed. Such temporary zoning permit shall be conditioned upon agreement by the applicant to remove any nonconforming uses or structures upon expiration of the permit. The Planning Officer may place such appropriate conditions on the use so as to protect the character of the surrounding area. Temporary permits may be issued for the following uses:

- **A.** Temporary uses incidental to a construction project;
- **B.** Temporary real estate sales offices incidental to a subdivision;
- **C.** Temporary roadside stands for the sale of agricultural products grown on the premises;
- **D.** Temporary retail sales events greater than or equal to 1,000 square feet in ground area (not including community events);
- **E.** Other similar temporary incidental uses.

The preceding amendment will give the Zoning Officer the necessary discretion to move forward with temporary zoning permits in a timely manner.

**Recommendation: Approve**

After a brief discussion regarding the benefits of said change, Mr. Shaw made a motion to approve the submitted text amendment; Mr. Rosiczkowski seconded. The motion was carried unanimously.

Ms. Buell continued to present the following review:

**TOWN OF MARTINSBURG PLANNING BOARD**

Special Use Permit for the installation of a 30-acre ground mounted solar array to be located at 5200 Flat Rock Road in the Town of Martinsburg.

_Tax Map Number 242.00-01-37.000_  
_US Light Energy – Applicant_

The applicant provided the following Project Documentation: 1) SEQR Short Environmental Assessment Form (SEAF) with EAF Mapper Summary; 2) Agricultural Statement; and 3) Preliminary Site Plan.

_Added 2-6-2020: Full Environmental Assessment Form (FEAF) with EAF Mapper Summary_
According to Article II § 240-7, each contiguous ground-mounted (freestanding) solar energy structure is considered an accessory structure. Article V § 240-4 notes that all ground-mounted and freestanding solar collectors are permitted as accessory structures in all zoning districts in the Town, subject to the following requirements:

1. The location of the solar collector meets all applicable setback requirements of the zone in which it is located.
   - According to the submitted preliminary site plan, the northern array will meet the 60’ town road setback requirement and the eastern array will meet the 25’ side yard setback requirement. All other setbacks exceed the minimum requirements.

2. The height of the solar collector and any mounts shall not exceed 20 feet when oriented at maximum tilt.
   - Per a phone call with the applicant, the ground-mounted solar arrays will be between 9’ and 12’ high, depending on the natural grade of the land.

3. A building permit has been obtained for the solar collector.

4. All electrical wiring from the array is to be underground as per the Code.

- **Compatibility with Adjacent Uses:**
The zoning for this area is identified as A (Agricultural) and the proposed action is located on what appears to be an actively farmed parcel within Ag District 6. According to the submitted Agricultural Data Statement, there are 3 farming operations within 250 feet of the 149.10-acre property (refer to attached list).

The proposed facility complies with the intent of Article IV, § 240-14 of the Town of Martinsburg allowed uses as well as Article V § 240-4. The proposed use also meets the general interpretation of the County Comprehensive Plan, specifically, Chapter 3, Page 60, § Opportunities/Alternative Energy.

- **Traffic Generation and Effect:**
According to the submitted SEAF and FEA, the applicant has determined that the proposed action will not result in a substantial increase in traffic above present levels. It should be noted the proposed solar project installation will generate minor traffic associated with its initial construction.

Array #1 includes a proposed 12’ gravel site access road with a temporary staging area at the egress/ingress location on Flat Rock Road. Array #2 includes a proposed 20’ gravel utility access road with a 12’ project entrance and a temporary staging area 180’-300’ from Flat Rock Road.

- **Protection of Community Character:**
As noted on page 2, Part 1 of the submitted SEAF and page 12, Part 1 of the FEA, the applicant has identified that the proposed action is not located in nor does it adjoin a state listed Critical Environmental Area and, according to the SEAF, is not consistent with the predominant character of the existing built or natural landscape. Additionally, according to the FEA, the site soils are listed as Prime Farmland or Farmland of Statewide Importance (if drained) by USDA NRCS. According to Part 3 of the SEAF and FEA, the Town of Martinsburg Planning Board (Lead Agency) has determined that the proposed action will have little to no impairment on the character or quality of the existing community and has issued a Negative Declaration on the proposed action.
- **Signage:**
  No signage is proposed by the applicant nor is it required by the Town of Martinsburg. While it is not mandated by the Town of Martinsburg Zoning Law, it is highly recommended that the applicant post warning signs with the owners contact information at both entrances in case of emergency as well as signs that identify the location of any underground transmission lines. If the applicant does put a sign on the proposed project area, compliance with Article V, § 240-33 is necessary.

- **Drainage:**
  According to the submitted SEAF and FEAF, the proposed action requires a USACE/NYSDEC Joint Permit for potential wetland impacts. The submitted FEAF explains that the proposed action will encroach on approximately 6.3 acres of identified wetlands (wetland 0909191521); however, actual wetland impacts are avoided by using driven piles. There will be no grading, fill, or any other permanent impacts proposed within the identified wetlands. Additionally, according to the submitted SEAF and FEAF, there will be less than 1 acre of ground disturbance. Any land disturbances over 1 acre in size requires compliance with NYS DEC regulations.

  It should be noted that Article V § 240-27 prohibits the construction of any principal or accessory use within 100 feet of wetlands classified pursuant to 6 NYCRR 664, Class D streams or any bodies of open water. While the submitted FEAF notes that the project site is not located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666, it is recommended that permits are not issued until the impacted wetlands are assessed and permitted by the USACE as the exact classification of the wetlands was not supplied in the application.

- **Parking:**
  No definitive parking areas are proposed; however, the proposed access roads for each array include 12’ wide turnaround locations that can be utilized for minimal parking necessities.

- **Community Facilities:**
  There are no proposed services to be used by the facility; the applicant notes that the project does not require water or sewer service; however, project lines will tie into the National Grid pole at the intersection of NYS Route 26 and Flat Rock Road.

- **Lighting:**
  Outdoor lighting details were not included in the submission, as noted on the FEAF, the proposed action will not have outdoor lighting.

- **Landscaping and Screening:**
  The applicant proposes to erect a 7’ fence that will enclose array #1 (16.32 acres) and array #2 (10.73 acres). Additionally, according to the submitted preliminary site plan, the fencing for array #2 appears to encroach adjacent lot lines. Per Article V § 240-40, fences shall be placed two feet back from the property line in order that fence maintenance on both sides of the property line can be performed. Additionally, no fence shall exceed six feet in height, except pursuant to site plan approval. No fence located within the minimum setback shall exceed four feet in height, or 2 ½ feet in height within the visibility triangle of a corner lot.
Recommendation: Approve with the following conditions

1. The applicant proposes to erect a 7’ fence that will enclose array #1 (16.32 acres) and array # 2 (10.73 acres). Additionally, according to the submitted preliminary site plan, the fencing for array #2 appears to encroach adjacent lot lines. Per Article V § 240-40, fences shall be placed two feet back from the property line in order that fence maintenance on both sides of the property line can be performed. Additionally, no fence shall exceed six feet in height, except pursuant to site plan approval. No fence located within the minimum setback shall exceed four feet in height, or 2 ½ feet in height within the visibility triangle of a corner lot.

2. In order to comply with the entirety of Article V § 204-4, the special use permit should be conditioned upon the applicant obtaining a building permit for the solar collector and all electrical wiring from the array is to be underground as per the Code.

3. Article V § 240-27 prohibits the construction of any principal or accessory use within 100 feet of wetlands classified pursuant to 6 NYCRR 664, Class D streams or any bodies of open water. While the submitted FEAF notes that the project site is not located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666, it is recommended that permits are not issued until the impacted wetlands are assessed and permitted by the USACE as the exact classification of the wetlands was not supplied in the application.

4. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

5. Site plans should be sent by the applicant to Major General Brian J. Mennes at Fort Drum to bypass any potential interference with the military base.

Note: While it is not mandated by the Town of Martinsburg Zoning Law, it is highly recommended that the applicant post warning signs with the owners contact information at both entrances in case of emergency as well as signs that identify the location of any underground transmission lines. If the applicant does put a sign on the proposed project area, compliance with Article V, § 240-33 is necessary.

After a brief discussion on solar lease agreements, Mr. Shaw made a motion to approve with the above conditions. Mr. Rosiczkowski seconded. The motion was carried unanimously.

Ms. Buell read the last review:

TOWN OF MARTINSBURG PLANNING BOARD
Special Use Permit for the installation of a 10 acre ground-mounted solar array to be located at 6468 Glendale Road in the Town of Martinsburg.
Tax Map Number 259.00-02-13.000
US Light Energy – Applicant

The applicant provided the following Project Documentation: 1) SEQR Short Environmental Assessment Form (SEAF) with EAF Mapper Summary; 2) Agricultural Statement; and 3) Preliminary Site Plan.

Added 2-6-2020: Full Environmental Assessment Form (FEAF) with EAF Mapper Summary

It should be noted that a small corner of this property is located in the Town of Turin; however, the proposed action only falls within the Town of Martinsburg. The Planning Department has confirmed with the Town of Martinsburg Planning Board Clerk that the Town of Turin has been/will be notified of the proposed action and associated public hearing.
According to Article II § 240-7, each contiguous ground-mounted (freestanding) solar energy structure is considered an accessory structure. Article V § 240-4 notes that all ground-mounted and freestanding solar collectors are permitted as accessory structures in all zoning districts in the Town, subject to the following requirements:

1. The location of the solar collector meets all applicable setback requirements of the zone in which it is located.
   - According to the submitted preliminary site plan, the western array will meet the 60’ town road setback and 25’ side yard setback requirements and the eastern array will meet the 75’ state road setback requirement. All other setbacks exceed the minimum requirements.

2. The height of the solar collector and any mounts shall not exceed 20 feet when oriented at maximum tilt.
   - Per a phone call with the applicant, the ground-mounted solar arrays will be between 9’ and 12’ high, depending on the natural grade of the land.

3. A building permit has been obtained for the solar collector.

4. All electrical wiring from the array is to be underground as per the Code.

- Compatibility with Adjacent Uses:
  The zoning for this area is identified as RR (Rural Residential) and the proposed action is located on what appears to be an actively farmed parcel within Ag District 6. According to the submitted Agricultural Data Statement, there are 2 farming operations within 250 feet of the 44.2 acre property, 1 of listed operating being the project site landowner (refer to attached list). The action proposes the removal of trees up to 60’ away from the proposed security fence.

  The proposed facility complies with the intent of Article IV, § 240-14 of the Town of Martinsburg allowed uses as well as Article V § 240-4. The proposed use also meets the general interpretation of the County Comprehensive Plan, specifically, Chapter 3, Page 60, § Opportunities/Alternative Energy.

- Traffic Generation and Effect:
  According to the submitted SEAF and FEAF, the applicant has determined that the proposed action will not result in a substantial increase in traffic above present levels. It should be noted the proposed solar project installation will generate minor traffic associated with its initial construction.

  The proposed project will use an existing gravel driveway with egress/ingress located on Glendale Road. Project access will enter alongside the eastern array and an extended gravel road will provide vehicle access to the western array. At the end of the existing gravel driveway, the applicant has proposed an extended gravel turnaround and a temporary laydown area for construction.

- Protection of Community Character:
  As noted on page 2, Part 1 of the submitted SEAF and page 12, Part 1 of the FEAF, the applicant has identified that the proposed action is not located in nor does it adjoin a state listed Critical Environmental Area and, according to the SEAF, is not consistent with the predominant character of the existing built or natural landscape. Additionally, according to the FEAF, approximately half of the site soils are listed as Prime Farmland by USDA NRCS. According to Part 3 of the SEAF and FEAF, the Town of Martinsburg Planning Board (Lead Agency) has determined that the proposed action will have little to no
impairment on the character or quality of the existing community and has issued a Negative Declaration on the proposed action.

- **Signage:**
  No signage is proposed by the applicant nor is it required by the Town of Martinsburg. It is highly recommended that the applicant post warning signs with the owners contact information at the solar array entrance in case of emergency as well as signs that identify the location of any underground transmission lines. If the applicant does put a sign on the proposed project area, compliance with Article V, § 240-33 is necessary.

- **Drainage:**
  According to page 2, Part 1 of the submitted SEAF, the proposed project site does contain wetlands; however, the FEAF notes that the action will not result in alteration of, increase or decrease in size of, or encroach into any existing wetland, waterbody, shoreline, beach or adjacent area. Additionally, according to the submitted SEAF and FEAF, there will be less than 1 acre of ground disturbance; however, this should be confirmed with the applicant as there will be an abundance of trees cleared from the site. Any land disturbances over 1 acre in size requires compliance with NYS DEC regulations.

- **Parking:**
  No definitive parking areas are proposed; however, the proposed gravel road extensions include turnaround locations that can be utilized for minimal parking necessities.

- **Community Facilities:**
  There are no proposed services to be used by the facility; the applicant notes that the project does not require water or sewer service; however, project lines will tie into the National Grid pole at the intersection of NYS Route 12 and Glendale Road.

- **Lighting:**
  Outdoor lighting details were not included in the submission and, as noted on the FEAF, the proposed action will not have outdoor lighting.

- **Landscaping and Screening:**
  The applicant proposes to erect a 7’ tall security fence that will enclose the western array (4.9 acres) and the eastern array (4.9 acres). Additionally, according to the submitted preliminary site plan, the fencing for the western array appears to encroach adjacent lot lines. Per Article V § 240-40, *fences shall be placed two feet back from the property line in order that fence maintenance on both sides of the property line can be performed.* Additionally, *no fence shall exceed six feet in height, except pursuant to site plan approval. No fence located within the minimum setback shall exceed four feet in height, or 2 ½ feet in height within the visibility triangle of a corner lot.*

**Recommendation: Approve with the following conditions**

1. The applicant proposes to erect a 7’ tall security fence that will enclose the western array (4.9 acres) and the eastern array (4.9 acres). Additionally, according to the submitted preliminary site plan, the fencing for the western array appears to encroach adjacent lot lines. Per Article V § 240-40, *fences shall be placed two feet back from the property line in order that fence maintenance on both sides of the property line can be performed.* Additionally, *no fence shall exceed six feet in height, except pursuant to site plan approval.*
No fence located within the minimum setback shall exceed four feet in height, or 2 ½ feet in height within the visibility triangle of a corner lot.

2. In order to comply with the entirety of Article V § 204-4, the special use permit should be conditioned upon the applicant obtaining a building permit for the solar collector and all electrical wiring from the array is to be underground as per the Code.

3. According to the submitted SEAF and FEAF, there will be less than 1 acre of ground disturbance; however, this should be confirmed with the applicant as there will be an abundance of trees cleared from the site in addition to the installation of solar arrays. Any land disturbances over 1 acre in size requires compliance with NYS DEC regulations.

4. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

5. Site plans should be sent by the applicant to Major General Brian J. Mennes at Fort Drum to bypass any potential interference with the military base.

Note: While it is not mandated by the Town of Martinsburg Zoning Law, it is highly recommended that the applicant post warning signs with the owners contact information at the solar array entrance in case of emergency as well as signs that identify the location of any underground transmission lines. If the applicant does put a sign on the proposed project area, compliance with Article V, § 240-33 is necessary.

The board briefly discussed IDA involvement in County-wide solar projects similar to the proposed. With no further discussion, Mr. Lehman made a motion to approve with the above conditions, Mr. King seconded the motion which carried unanimously.

(8) Report of County Planner:
Ms. Buell read the following responses from municipalities regarding previously submitted/reviewed projects:

- Site Plan Review Law – Village of Copenhagen – Approved w/conditions
- Special Use Permit/Site Plan Review – Solitude Solar – Town of Denmark Planning Board – Approved w/conditions
- Zoning Map Amendment Re: Commercial District/"D" District – T/V of Lowville Planning Board – Approved w/conditions
- Special Use Permit/Site Plan Review – Bateman Draft House – T/V of Lowville Planning Board – Approved w/conditions
- Special Use Permit – MJL Crushing – T/V of Lowville Planning Board – Approved w/conditions

(9) Unfinished Business: None

(10) New Business: Ms. Buell presented proposed draft revisions of the County Planning Board Bylaws that Chairman Petersen had requested to review. According to the email received by Tim Petersen, due to recent confusion about appointments and compliance with the CPB Bylaws, the County Attorney Joan McNichol drafted revisions that would clear up some of the language in Article I.

Mr. Virkler agreed that the changes would clear up any confusion in the future. Mr. King expressed concern about having too many County employees involved in committees and that it was important to hear directly from the community who may not be involved in day-to-day county business. Mr. Lehman agreed and also expressed concern about how hard it is to find community members who are willing to serve on boards. Mr. Rosiczkowski made a motion to amend the CPB Bylaws to reflect the revisions submitted by Attorney McNichol, Eric Virkler
seconded the motion; however, Mr. Shaw, Mr. Lehman, and Mr. King were not in favor of moving forward with the motion. After further discussion, Mr. Rosiczkowski decided to rescind his original motion to amend the CPB Bylaws to reflect the revisions submitted by Attorney McNichol. Mr. Lehman made a motion to table the CPB Bylaw revisions, Mr. Rosiczkowski seconded the motion, which carried unanimously. The board requested that Ms. Buell work with County Attorney McNichol to add “Non-elected County employees may be appointed to the Board as Members-At-Large; however, preference should be given to interested parties not employed by Lewis County.

(11) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Shaw, seconded by Mr. Rosiczkowski, which carried unanimously. Ms. Buell adjourned the meeting at 3:50 PM.

Respectfully submitted,

Casandra Buell
Senior Planner