

**DRAFT MINUTES**  
**LEWIS COUNTY PLANNING BOARD**  
**February 16, 2023**

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:30 PM in the conference room on the 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, Don Cook, Tim Hunt, Eric Virkler and Tom Osborne. Staff Present: Casandra Buell, Director of Planning & Community Development as well as Megan Krokowski, Community Development Specialist. Public: Nick Altmire and Dina Olmstead.
- (3) **Reading and Approval of Minutes:** The draft December 15, 2022 meeting minutes were received and reviewed prior to the meeting. Mr. Lehman motioned to approve the minutes; Mr. Cook seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:**
  - **APA Project No. 2022-0092: Project Withdrawn by Applicant**  
Jonathan Roes, Proposed construction of 800 sq ft cabin – Moose River Road, Town of Lyonsdale.
  - **APA Project No. 2022-0185: Conditionally Approved/Permit Issued**  
Jeffrey Shambo, Four-lot subdivision with a single-family dwelling proposed for each lot, Partridgeville Road, Town of Greig.
- (5) **Report of Officers:** None

**Election of Officers:** Ms. Krokowski mentioned to the group that Mr. Lehman expressed his interest in retaining his role as Vice Chair of the County Planning Board. Mr. Petersen made a motion to appoint John Lehman as the Vice Chair, which was seconded by Mr. Virkler and carried unanimously.

Ms. Buell opened the floor for nominations for the County Planning Board Chair position. Mr. Lehman made a motion to appoint Tim Petersen as Chair, which was seconded by Mr. Cook and carried unanimously.

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

**239-M Review**

Ms. Krokowski read the following review:

**TOWN OF MARTINSBURG PLANNING BOARD**

Special Use Permit for the construction of a 10,760 sq ft Dollar General retail store to be located on NYS Route 12 in the Town of Martinsburg.

Tax Map Parcel #259.00-03-16.210

*Seville Development, LLC – Applicant*

The applicant provided the following Project Documentation: 1) SEAF 2) General Municipal Referral Form with Agricultural Statement; 3) Site Plans; 4) Owner’s Authorization Form; and 5) Town of Martinsburg Special Use Permit Application.

- *Compatibility with Adjacent Uses:*

The proposed action property is split between the Hamlet (H) and Rural Residential (RR) zones, is adjacent to several residential properties, and is within 500 feet of several commercial, multi-family housing, and renewable energy uses. According to Article III § 240-8, the Hamlet zone is defined as areas that “are now developed to some extent and include low- or medium-density residential uses with some commercial and industrial use.” Within that same § 240-8, the Rural Residential (RR) zone is defined as areas that are “sparsely settled, but generally accessible by highway.” The proposed action appears to fit the zoning district in which it is proposed to be in and both zones allow the proposed use, Commercial, contingent on a Special Use Permit.

*\*It should be noted that the submitted referral and application only identified the proposed action as being within the Hamlet (H) zone.*

	Hamlet (H)		Rural Residential (RR)	
	Required	Proposed	Required	Proposed
<b>Min. Lot Size</b>	1 acre	2.2 acres	1 acre	2.2 acres
<b>Min. Lot Frontage</b>	200’	545’	200’	545’
<b>Min. Front YD Setback (NYS)</b>	75’	190’	75’	190’
<b>Min. Side YD Setback</b>	20’	108’	25’	108’
<b>Min. Rear YD Setback</b>	20’	28’	25’	28’
<b>Max. BLDG Height</b>	40’	18’	40’	17’

The impacted parcel is within Ag District No. 6 and, according to the submitted Agricultural Data Statement, there is one potential farming operation identified within 250 feet of the proposed project. The property is currently used for commercial purposes and does not appear to be used for agriculture. Being that the property is limited to 2.2 acres, the long-term loss of an agricultural use on the property would have a low impact.

- *Traffic Generation and Effect:*

The roadway is identified as State Route 12. According to the NYS Traffic Data Viewer, this corridor can experience annual average daily traffic volumes of approximately 6,097 vehicles per day. According to the submitted SEAF, 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 building construction could generate temporary traffic disturbances and influxes. The submitted SEAF notes that a NYS DOT permit has been obtained; PERM33-COM. A copy of said permit should be sent to the Town of Martinsburg Planning Board prior to construction.

According to the submitted site plan, the proposed project will create a 30’ egress/ingress driveway from NYS Route 12. The following permits were listed on the SEAF: Town of Martinsburg Planning Board, Lewis County Commercial Building

Permit, SPDES GP-0-20-001 and NYSDOT PERM33-COM. Like the NYS DOT permit, construction shall not commence until all required permits are approved, filed, and provided to the Town of Martinsburg accordingly.

Applicant should ensure that the “Highway Right of Way” is not being infringed upon and that all NYS DOT requirements are complied with.

- *Protection of Community Character:*

As noted in the provided SEAF, the applicant has identified that the proposed action is not located in, nor does it adjoin a state listed Critical Environmental Area. Even though critical habitat is not identified, the IPAC Report identified the Monarch Butterfly and the Northern Long Eared Bat as endangered species native to the area. The site plans show that there will be a new tree line. If land clearing is part of the proposed action, spring/summer months should be avoided as the butterflies and bats use grasses/shrubs/trees as their summer habitat. Lewis County currently contains no identified National Natural Landmark designations.

According to the submitted SEAF, it was indicated that the project is in a designated sensitive area according to NY State Historic Preservation Office (SHPO) archaeological site inventory. Prior to issuing a Special Use Permit, the applicant should consult with SHPO to ensure that there are no concerns with the proposed action.

- *Signage:*

A lighted pylon sign is proposed and, according to the site plan provided, appears to be approximately 100 feet from the NYS centerline and 50 feet from the lot line; the proposed location does not appear to cause a line-of-sight concern. To ensure compliance with Article V § 240-23, the applicant should provide a detailed sign design, complete with the standing height, sign dimensions, lighting details, and illumination hours, to the Town of Martinsburg Planning Board prior to any application decision.

- *Drainage:*

According to the submitted SEAF, the proposed project site does not contain wetlands. As part of this review, this information was compared to that available on the NYS Environmental Resource Mapper, and it was verified that there are no wetlands on or around the proposed site. The proposed action is compliant with Article V § 240-27.

The SEAF noted there will be 1.7 acres of ground disturbance. Being that any land disturbance over 1 acre in size requires compliance with NYS DEC regulations and permitting, the applicant has noted a SPEDES permit No. GP-0-20-001.

The provided site plan refers to a new driveway culvert that appears to tie into existing drainage that runs parallel to NYS Route 12. After speaking with the Project Engineer, Michael Coon, “*The stormwater drainage design will be completed as we get the topography survey performed on the parcel & in the right-of-way. We anticipate a new driveway culvert in the existing ditch line alongside the state highway which drains to the drainage swale conveying from west to east under Route*

12. On-site the development's stormwater runoff will be collected, treated, and controlled discharge per the DEC stormwater regulations with potential areas of best management practices as shown on the site plan by the dashed ameba shapes, one on the north side of the driveway and one on the south side of the parking lot with a label "Typ. approximate stormwater management area". The southerly management practice would discharge to the drainage swale conveying south to north with a cross culvert upstream under Glenfield Road." Finalized stormwater designs that address new drainage for the driveway and areas around the proposed pavement should be required prior to final approval from the Town of Martinsburg.

- *Parking:*

The proposed action includes thirty-five (35) parking spaces, two (2) of which are identified for their accessibility. According to the submitted site plan, this configuration for accessibility meets Table 208.2 of the ADA standards for accessible design in that one (1) accessibility space per 25 total parking spaces is required. It appears according to Article V § 240-24, parking requirements are being met by the applicant.

- *Community Facilities:*

According to page 2 of the submitted SEAF, the proposed project will both connect to public water supply and existing wastewater utilities. The Town of Martinsburg should verify that their current infrastructure can accommodate the anticipated increase usage of the proposed action prior to making a determination on this SUP application.

- *Lighting:*

According to the submitted site map, the proposed action includes 4 new light pole fixtures in various locations around the parking lot. Being that the proposed action is adjacent to residential properties, additional lighting details should be submitted to ensure that the proposed site lighting keeps in character of the neighborhood and is not invasive to the homes nearby. Downward facing, motion activated wall-pack lighting, at a minimum, should be added to the exterior of the building nearby pedestrian walkways for safety and security.

- *Landscaping and Screening:*

The submitted site plan does include a proposed concrete delivery pad with an enclosed dumpster area; however, it does not detail landscaping or facility screening. To ensure compliance with Article V § 240-47, the Town of Martinsburg Planning Board shall require the applicant to add a mixture of native coniferous trees and shrubbery to the southern perimeter of the building and parking lot to buffer the visual impact of the facility to neighboring residential properties. Furthermore, given the sparse natural vegetative buffer near the northern property line, a mixture of native coniferous trees and shrubbery should be added to the area in between the entrance and lot line; however, it should be planned properly as to avoid line of sight issues.

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

1. The following permits were listed on the SEAF: Town of Martinsburg Planning Board, Lewis County Commercial Building Permit, SPDES GP-0-20-001 and NYSDOT PERM33-COM. Construction shall not commence until all required permits are approved, filed, and provided to the Town of Martinsburg accordingly.
2. Applicant should ensure that the “Highway Right of Way” is not being infringed upon and that all NYS DOT requirements are complied with.
3. Even though critical habitat is not identified, the IPAC Report identified the Monarch Butterfly and the Northern Long Eared Bat as endangered species native to the area. It appears that the proposed action will involve the removal of trees. If land clearing is part of the proposed action, spring/summer months should be avoided as the butterflies and bats use grasses/shrubs/trees as their summer habitat.
4. According to the submitted SEAF, it was indicated that the project is in a designated sensitive area according to NY State Historic Preservation Office (SHPO) archaeological site inventory. Prior to issuing a Special Use Permit, the applicant should consult with SHPO to ensure that there are no concerns with the proposed action.
5. To ensure compliance with Article V § 240-23, the applicant should provide a detailed sign design, complete with the standing height, sign dimensions, lighting details, and illumination hours, to the Town of Martinsburg Planning Board prior to any application decision.
6. Finalized stormwater designs that address new drainage for the driveway and areas around the proposed pavement should be required prior to final approval from the Town of Martinsburg.
7. According to page 2 of the submitted SEAF, the proposed project will both connect to public water supply and existing wastewater utilities. The Town of Martinsburg should verify that their current infrastructure can accommodate the anticipated increase usage of the proposed action prior to making a determination on this SUP application.
8. According to the submitted site map, the proposed action includes 4 new light pole fixtures in various locations around the parking lot. Being that the proposed action is adjacent to residential properties, additional lighting details should be submitted to ensure that the proposed site lighting keeps in character of the neighborhood and is not invasive to the homes nearby. Downward facing, motion activated wall-pack lighting, at a minimum, should be added to the exterior of the building nearby pedestrian walkways for safety and security.
9. To ensure compliance with Article V § 240-47, the Town of Martinsburg Planning Board shall require the applicant to add a mixture of native coniferous trees and shrubbery to the southern perimeter of the building and parking lot to buffer the visual impact of the facility to neighboring residential properties. Furthermore, given the sparse natural vegetative buffer near the northern property line, a mixture of native coniferous trees and shrubbery should be added to the area in between the entrance and lot line; however, it should be planned properly as to avoid line of sight issues.
10. Compliance with all Local, State and Federal regulatory requirements for this type of facility.

After Ms. Krokowski read aloud Condition #2, Ms. Buell reviewed the NYS DOT letter dated February 15, 2023. The Board discussed the importance of ensuring that all permits are acquired prior to construction commencing.

The Board then conversed about Condition #9 and whether the surrounding neighbors should initiate the landscaping requirement to ensure that the landscaping continues beyond the initial planting. It was agreed Ms. Krokowski will add the following details to Condition # 9: "Once landscaping is established, bimonthly landscaping maintenance shall be required for the lifetime of the commercial operation on this site to preserve the aesthetics."

Mr. Hunt wanted to verify that there were no set back requirements for driveways or property lines, which Ms. Buell verified that those details were sought out as part of this review, and she confirmed that the Town of Martinsburg Development Law did not appear to specify conditions relative to driveway setbacks from adjacent lots.

With no further comments or questions, Mr. Virkler made a motion to approve with the above conditions, including the added verbiage to Condition #9. Mr. Cook seconded the motion, which carried unanimously.

Mr. Hunt exited the meeting at 3:06 PM

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

- Responses from municipalities regarding previously submitted/reviewed projects: None

**(8) Unfinished Business: None**

**(9) New Business:** The Board was reminded that the Lewis County Planning and Community Development Department will pay the registration fee for any interested County Planning Board Members to attend the Tug Hill Commission's Local Government Conference on April 6<sup>th</sup> at Turning Stone Resort.

**(10) Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Virkler, seconded by Mr. Cook, and carried unanimously. Mr. Petersen adjourned the meeting at 3:08 PM.

Respectfully submitted,

Megan Krokowski  
Community Development Specialist