

DRAFT MINUTES
LEWIS COUNTY PLANNING BOARD
January 17, 2019

- (1) **Call to Order:** Chairman Petersen 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. Petersen.
- (2) **Roll Call:** Board Members Present: Michael Kaido, Tim Petersen, William Burke, Gary Rosiczkowski, and Ron Burns. Staff Present: Casandra Buell, Senior Planner. County Planning Board member Warren Shaw entered the meeting at 2:37 PM.
- (3) **Reading and Approval of Minutes:** The December 20, 2018 meeting minutes were received and there were no modifications made by the Board members present. Mr. Rosiczkowski motioned to approve the minutes; Mr. Burke seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** None
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

239-M Review

Mrs. Buell read the following review to the Board:

VILLAGE OF COPENHAGEN VILLAGE BOARD

Proposed temporary moratorium on land use activities involving hardscape, buildings or fencing within the Village of Copenhagen.

Village of Copenhagen – Applicant

The Village of Copenhagen Village Board is proposing a temporary moratorium on the land use activities to allow the Village of Copenhagen Board of Trustees adequate time to review its current laws and to update regulations. Since a moratorium is considered a Type II action, no further SEQR review is required. The temporary term is set for a period of six months from the file date with the Office of the New York State Secretary of State. While there is a 1985 Village of Copenhagen Site Plan Review Law currently in place, it is extremely dated. It appears that the Board of Trustees is willing to commit to an aggressive timeline to complete the appropriate revisions that will protect the health, safety and welfare of its residents.

Recommendation: Approve

After a brief discussion pertaining the current Village of Copenhagen Site Plan Review, Mr. Burke made a motion to approve, seconded by Mr. Burns, which carried unanimously.

Mrs. Buell then read the following review:

VILLAGE OF LYONS FALLS VILLAGE BOARD

Proposed implementation of Village of Lyons Falls Zoning Law

Village of Lyons Falls – Applicant

The Village of Lyons Falls Village Board is proposing a single unnamed zone that will be uniform throughout the village. To provide for orderly growth, promote health and safety, secure safety and protect historical and recreational attributes, the Village of Lyons Falls Board of Trustees is proposing that all new manufactured home parks, multiple dwellings, campgrounds, commercial and industrial uses are to require zoning permits and site plan approvals. Exempted activities include minor home businesses, exterior alterations or additions to a commercial or industrial structure and/or interior alterations that do not substantially change the nature or use of a commercial or industrial structure. Uses that require a special use permit include animal processing facilities and large scale solar energy facilities.

Recommendation: Approve

Mrs. Buell added that the Village of Lyons Falls is in the process of adopting an MOU that would assign all zoning enforcement duties to the Lewis County Building and Codes office. Mr. Petersen made a motion to approve, seconded by Mr. Kaido, which carried unanimously.

Mrs. Buell then read the third review:

TOWN OF CROGHAN TOWN BOARD

Site Plan Review to construct and operate a 7.3 mega-watt DC/5 mega-watt AC photovoltaic community solar facility on 40.25 acres of land located at 6895 Belfort Road

Tax map parcels 130.00-03-10.310 / 130.00-03-11.000 and 130.00-03-12.100

Solitude Solar LLC dba US Light Energy – Applicant

The applicant provided the following Project Documentation: 1) SEQR Full Environmental Assessment Form (FEAF); 2) Agricultural Statement; 3) Site Plans; 4) PV Solar Information. The proposed project submission complies with the applicable Town criteria as indicated by the Town referral form dated December 17, 2018.

The proposed project is in compliance with the Town of Croghan Site Plan Review Law, Article I, Enacting Clause, Title, Purpose, Sections 110, 120 & 130, Article III, Section 340, Article IV, Section 410-480 and Article V, Section 510.

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

The proposed project is located on the Belfort Road, just outside the northern end of the Village of Croghan. This area contains mixed use including but not limited to residential and agricultural.

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.

▪ ***Traffic Generation and Effect:***

As noted on Page 7 of the Full Environmental Assessment Form, the applicant has indicated that there will not be a substantial increase in traffic above present levels demand for the

site. The applicant also notes that the proposed project will be a 24/7 passive operation, thus satisfying the year-round access regulation of Article V, Section 510(b)1. It also appears that the gravel driveway would comply with the minimum width standard of twenty-five (25) feet. With that said, the project is compliant with Article V, Section 510b.

- *Protection of Community Character:*

The applicant provided documentation with regard to 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.

The applicant has provided a thorough decommissioning plan that identifies a maturity date of twenty-five (25) years; however, the project is expected to have a useful life of thirty (30) years or more. Decommissioning will include the disconnection of the Solar Facility from the electrical grid as well as the removal of all Solar Facility components. This plan is set to preserve the current community character as it will restore the land to its current state at the date of maturity.

- *Signage:*

A “Danger/Keep Out” sign will be installed at the site due to the electrical hazards associated with the PV farm.

- *Drainage:*

According to the submitted FEAF, the applicant notes that the wetlands have been delineated for the project area and will be avoided through the projects design. In addition, the applicant notes that there are no NYS DEC Freshwater Wetlands mapped in the area of the project.

- *Erosion:*

NYS DEC regulations require erosion control plans when the applicant disturbs 1 acre or more. According to the submitted application, the area of ground disturbance will be equal to .46 acres. While the applicant has indicated that they will be disturbing less than 1 acre of land, they have/will submit a Stormwater Pollution Prevention Plan (SWPPP) along with a Notice of Intent to NYSDEC in order to gain coverage for a General Stormwater Permit for Construction. According to the submitted FEAF, the application date was December 2018.

- *Parking:*

No parking areas are defined on the site plan; however, it appears that the site will be accessed on an “as needed” basis along with interval operational maintenance.

- *Community Facilities:*

The subject property is currently undeveloped agricultural lands. It should be noted that New York’s Clean Energy Standard (CES) requires that 50 percent of New York’s electricity come from renewable energy sources by 2030. With that said, this project is in compliance with the State’s standards.

- *Lighting:*
According to the submitted FEAF, the proposed action will not have outdoor lighting.
- *Landscaping and Screening:*
The applicant has defined a chain link fence that surrounds the entire project area. In addition to the chain link fencing, the applicant has also illustrated silt fencing that will border the gravel driveway within the lease lot line.

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. Site plans should be sent by the applicant to Colonel Polk at Fort Drum in order to bypass any potential interference with the military base.

Mrs. Buell explained that although they are not obligated to, the applicant should send the associated site plans to Colonel Polk. All agreed. A motion was made by Mr. Burns, Mr. Shaw seconded the motion, which carried unanimously.

Mrs. Buell then read the last review:

TOWN OF NEW BREMEN TOWN BOARD

Site Plan Review for creation of a communication tower for Mohawk Network to be located at 8488 Erie Canal Road; Tax Map Number 148.00-01-09.100

Mohawk Networks, LLC – Applicant

The proposed 199’ self-supported lattice style tower will support the New York State Broadband For All program. Tower installation will include a gravel driveway, underground utilities, a 10’x 10’ concrete slab for associated equipment and a 50’ x 50’ fenced compound.

The applicant provided the following Project Documentation: 1) SEQR Full Environmental Assessment Form; 2) EAF Mapper Summary Report; 3) Site Plan; 4) Compound Plan; 5) Agricultural Data Statement; and 6) Complete Tower Details

- *Compatibility with Adjacent Uses:*
The proposed project complies with the intent of Article III of the Town of New Bremen Site Plan Review Zoning applicability. The proposed use also meets the general interpretation of the County Comprehensive Plan, specifically, Chapter 3, Page 68, Subsection: Telecommunications.

According to the submitted Agricultural Data Statement, the proposed use will affect .13 acres of land and the tower will be installed on a property within the Agricultural District containing a farm operation; however, the project site is not being farmed and is currently an undeveloped, residential lot. It should be noted that the site also serves as a bypass for the established Massena-Marcy Transmission Line; therefore, the use is already established in the area.

- *Traffic Generation and Effect:*
According to the submitted 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 tower will generate minor traffic associated with its initial construction. The

applicant proposes to continue a 12' wide gravel driveway for ingress/egress from the existing gravel driveway (intersecting Erie Canal Road). According to Article V, Subsection 510(b), *the minimum maintained width of driveways shall be twenty-four (24) feet which allows for incoming and outgoing vehicles to pass one another safely.*

- *Protection of Community Character:*

The tower operation of this facility should easily blend into the community's rural nature without creating any adverse conditions. It should also be noted that, according to page 2, Part 1 of the FEAF, the Federal Aviation Administration was notified of the proposed project on 09/28/18.

- *Signage:*

It does not appear that signage is proposed by the applicant nor is it required by the Town of New Bremen; however, it is permitted. If the applicant does decide to put a sign on the proposed project area, compliance with Article V, Subsection 510(f) is necessary.

- *Drainage:*

According to the submitted FEAF, the proposed action site does contain wetland or waterbodies regulated by a federal, state or local agency; however, after further investigating the site and all of the associated water bodies as identified by the DEC Mapper application, the proposed action will not physically alter, or encroach into, any existing wetland or waterbody.

The footprint of the project is less than 1 acre; however, if the project should increase land disturbances over one acre in size, compliance with NYS DEC regulations is required.

Erosion control measures have been adequately supplied on sheet number "A-5" of the submitted site plan.

Based on the information supplied by the applicant, the proposed tower should not create any adverse environmental concerns for the area.

- *Parking:*

A 12' x 20' parking/turnaround area is proposed. These parking lot dimensions appear to comply with Article V, Subsection 510(c) requirements.

- *Community Facilities:*

The proposed project is that of a public utility/telecommunication facility. It is proposed that a 10' wide utility easement for Niagara Mohawk Power Corporation will be located off of the existing driveway.

- *Lighting:*

According to the submitted FEAF, Part 1, page 8, the proposed action will not have any outdoor lighting.

- *Landscaping and Screening:*

The proposed project will be equipped with a 50' x 50' fenced compound. Since this is a 199' tower with little to no realistic landscape buffers, the proposed fencing should satisfy the landscaping and screening requirements set in Article V, Subsection 510(d).

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. According to Article V, Subsection 510(b), *the minimum maintained width of driveways shall be twenty-four (24) feet which allows for incoming and outgoing vehicles to pass one another safely*; however, if the Town of New Bremen Town Board feels that the proposed 12' gravel driveway will suffice for this use, Article VII, Subsection 755 states that *The Town Board may waive, subject to appropriate conditions of any or all standards and/or requirements herein set forth if in the special circumstances of a particular application such standards are not in the interest of the public health, safety, and general welfare or strict adherence to such standards and/or requirements would cause unnecessary hardship for the applicant without achieving public benefit objectives.*
3. Site plans should be sent by the applicant to Colonel Polk at Fort Drum in order to bypass any potential interference with the military base.

Again, Mrs. Buell explained that although they are not obligated to, the applicant should send the associated site plans to Colonel Polk. The board then discussed whether there should be a need for the 24' wide driveway that is stipulated within the Town of New Bremen Site Plan Review Law; Mrs. Buell noted that the Town of New Bremen should request the opinion of their Highway Superintendent on the matter and if needed; act on Article VII, Subsection 755. A motion was made by Mr. Kaido, Mr. Shaw seconded the motion, which carried unanimously.

(7) Report of County Planner:

Response from municipalities regarding previously submitted/reviewed projects:

- o Special Use Permit – River of Life Fellowship – Town of Denmark Planning Board – Approved
- o Special Use Permit – John Mikulski – Town of Denmark Planning Board – Application Denied
- o Zoning Map Amendment Re: NC to AC on Shady Avenue – Village of Lowville – Approved
- o Zoning Text Amendment Re: Land Contouring – Village of Lowville – Approved
- o Use Variance – Elya Waugh and Tanya Nortz – 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. Rosiczkowski, seconded by Mr. Shaw, which carried unanimously. Mrs. Buell adjourned the meeting at 3:11 PM.

Respectfully submitted,



Casandra Buell
Senior Planner