

MINUTES
LEWIS COUNTY PLANNING BOARD
January 20, 2022

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:32 PM in the conference room on the 2nd 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, Eric Virkler and Ian Gilbert. Staff Present: Casandra Buell, Director of Planning & Community Development. Public Present: Kaitlyn Matthews, Owner of proposed Turin Highland Lodge, and Frank Tallarino, Engineer for Turin Highland Lodge.
- (3) **Reading and Approval of Minutes:** The draft December 16, 2021 meeting minutes were received and reviewed prior to the meeting. Mr. Cook motioned to approve the minutes; Mr. Lehman seconded the motion, which carried unanimously.

Note: Board Members Tim Hunt and Sarah Metott entered the meeting at 2:35 PM.

- (4) **Correspondence and Communication:** None
- (5) **Report of Officers:** None
- (6) **Election of Officers:** Ms. Buell opened the floor for nominations for the County Planning Board Chair position. Mr. Hunt made a motion to appoint Tim Petersen as Chair, which was seconded by Mr. Virkler and carried unanimously. Ms. Buell then opened the floor for nominations for the Vice Chair position. Mr. Virkler made a motion to appoint John Lehman as the Vice Chair, which was seconded by Mr. Cook and carried unanimously.
- (7) **Report of Special Committees:**

239-M Review

Ms. Buell read the following review:

TOWN OF MARTINSBURG PLANNING BOARD

Special Use Permit for the installation of a 13.1-acre ground-mounted 2.125 MW solar array to be located at 6424 State Route 26 in the Town of Martinsburg.

Tax Map Parcel #243.00-01-15.200

Martinsburg CSG LLC – Applicant

The applicant provided the following Project Documentation: 1) SEQR Full Environmental Assessment Form (FEAF); 2) Agricultural Statement; 3) Site Plans; and 4) Project Narrative.

According to Article II § 240-7, each contiguous ground-mounted (freestanding) solar energy structure is considered an accessory structure. Article V § 240-40.1 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 proposed solar project will exceed the minimum 75' state road setback (158') and 25' side yard setback (40') requirements.
- 2. *The height of the solar collector and any mounts shall not exceed 20 feet when oriented at maximum tilt.*
 - According to the submitted FEAF, the largest proposed structure (solar arrays) will be 9 feet high.
- 3. *A building permit has been obtained for the solar collector.*
 - According to the submitted FEAF, the Town Building Permit application data is "TBD".
- 4. *All electrical wiring from the array is to be underground as per the Code.*
 - According to the original project description submitted on the FEAF in 2021, there will be a small trench for running underground cables in between the rows of solar panels. There will be four (4) overhead poles added on the south side of the proposed driveway in order to tap connect (overhead) with the existing National Grid pole. As part of this review, we have confirmed with the Project Engineer, James Bedrin, that the electrical wiring will be underground until it reaches the poles near the entrance.

▪ *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 2 farming operations within 250 feet of the proposed project. Communication from NYS Department of Agriculture and Markets Senior Environmental Analyst was received and noted that, since a portion of the project appears to impact soils in Mineral Soils Group (MSG) 1-4, the Department requests that impacts to active agriculture on prime farmland be minimized or reduced to the greatest extent practicable and asked that access remain to the agricultural portion of the parcel. Furthermore, the applicant should adhere to the Department's Guidelines in their entirety.

The proposed facility complies with the intent of Article IV, § 240-14 of the Town of Martinsburg allowed uses. While a majority of the proposed project complies with Article V § 240-40.1, the applicant should provide the Town of Martinsburg Planning Board with information that demonstrates that the solar system will be minimally visually intrusive to surrounding properties, buildings, roads, aviation. Materials should meet the expectations set in Article V § 240-40.1 (C). As required by Article V § 240-40.1 (G), *if solar storage batteries are to be included, they must be placed in a secure container or enclosure meeting the requirements of the NYS Building Code when in use, and, when no longer used, they shall be disposed of in accordance with all applicable laws and regulations. Notification of the installation and/or removal of solar storage batteries shall be made to the fire department responsible for response to the location where the batteries are installed.*

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 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 create a 20' egress/ingress driveway from NYS Route 26. According to the submitted FEAF and communication with NYSDOT, a driveway access permit has been filed with NYSDOT; however, according to the Tom Compo (NYSDOT), a permit has not yet been issued. Construction shall not commence until this permit has been issued and filed with the Town of Martinsburg.

Per the NYSDAM comments received on January 12, 2022, the applicant should ensure that there is access to the remaining agricultural land on the parcel.

- *Protection of Community Character:*

As noted on 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. Being that there will be approximately 100 solar structures (page 4 of FEAF) added to this agriculture field, the proposed project should not be considered as consistent with predominant character. Additionally, according to the FEAF, there are highly productive soils on the project site; 77% Nellis Loam, 15% Amenia Loam, and 7.9% Kendaia Silt Loam.

Furthermore, since this use is not consistent with the community character, comments from NYSDAM encourage the Town of Martinsburg to speak with farmers who may currently lease the land as supplanting an agricultural use with a commercial use may have a cascading adverse impact on agricultural and neighboring farm operations.

- *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 owner's 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 11, Part 1 of the submitted FEAF, the proposed project site does not contain wetlands; however, an unnamed .5-acre federal wetland was identified on the site and a wetland delineation has been conducted. Accordingly, a 12" diameter x 39' long HDPE culvert will be installed at a 5.17% slope and a 12" diameter x 39' long HDPE culvert will be installed at a 6.6% slope under the access road.

The FEAF notes there will be 13.1 acres of ground disturbance. Any land disturbances over 1 acre in size requires compliance with NYS DEC regulations and permitting.

- *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, since the project lines will tie into an existing power line, a National Grid study was already underway at the time of the original application. In order to prove compliance with Article V § 240-40.1 (F), a copy of the interconnection agreement shall be provided to the Town Code Enforcement Officer prior to operation.

- *Lighting:*
According to the submitted FEAF, the proposed action does not include outdoor lighting; however, at a minimum, downward facing motion activated security lighting should be added to the gate entrance.
- *Landscaping and Screening:*
The applicant proposes to erect a 7' high chain link security fence that will enclose the project area. Being that Article V § 240-40 requires that no fence exceed 6 feet, the proposed action is not compliant; however, if this height is a federal or state requirement for this type of facility, the applicant should proceed as designed. In addition to the security fencing, the revised site plans include the planting of roughly 130 trees along the array's roadside fencing. The species of tree should be provided to the Planning Board prior to approval, and it is suggested that landscape buffering (earth berm or trees) be added to the northern lot line as the solar arrays would be highly visible to neighboring properties and traffic as currently designed. As mentioned under the section "Compatibility with Adjacent Uses" above, to comply with Article V § 240-40.1, prior to approval, the Town of Martinsburg Planning Board should decide whether or not the proposed action be minimally visually intrusive to surrounding properties, buildings, roads, aviation.

Recommendation: Approve with the following conditions

1. In order to prove compliance with Article V § 240-40.1 (F), a copy of the interconnection agreement shall be provided to the Town Code Enforcement Officer prior to operation. Furthermore, a Town of Martinsburg Building Permit should be obtained prior to construction.
2. The FEAF notes there will be 13.1 acres of ground disturbance. Any land disturbances over 1 acre in size requires compliance with NYS DEC regulations and permitting.
3. To comply with Article V § 240-40.1, prior to approval, the Town of Martinsburg Planning Board should decide whether or not the proposed action be minimally visually intrusive to surrounding properties, buildings, roads, aviation. Furthermore, to ensure said compliance with aviation, site plans should be sent by the applicant to the appropriate officials at Fort Drum to bypass any potential interference with the military base and their aviation operations.
4. Per the NYSDAM comments received on January 12, 2022, the applicant should ensure that there is access to the remaining agricultural land on the parcel, the impacts to agriculture on prime farmland be minimized or reduced to the greatest extent practicable, and that the applicant adhere to the Department's Guidelines in their entirety.
5. As required by Article V § 240-40.1 (G), if *solar storage batteries are to be included, they must be placed in a secure container or enclosure meeting the requirements of the NYS Building Code when in use, and, when no longer used, they shall be disposed of in accordance with all applicable laws and regulations. Notification of the installation and/or removal of solar storage batteries shall be made to the fire department responsible for response to the location where the batteries are installed.*
6. Applicant must apply for and obtain a NYS DOT driveway permit; construction shall not commence until this permit has been issued and filed with the Town of Martinsburg.
7. Warning signs with the owner's contact information should be posted at the solar array entrance in case of emergency. Furthermore, signs that identify the location of any underground transmission lines should also be posted. Signs must comply with Article V, § 240-33.
8. According to the submitted FEAF, the proposed action does not include outdoor lighting; however, at a minimum, downward facing motion activated security lighting should be added to the gate entrance.
9. While a fast-growing evergreen tree is suggested, the species of tree should be provided to the Planning Board prior to approval. It is also suggested that landscape buffering (earth berm or trees) be added to the northern lot line as the solar arrays would be highly visible to neighboring properties and traffic as currently designed.

10. The applicant proposes to erect a 7' high chain link security fence that will enclose the project area. Being that Article V § 240-40 requires that no fence exceed 6 feet, the proposed action is not compliant; however, if this height is a federal or state requirement for this type of facility, the applicant should proceed as designed.
11. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

Mr. Petersen requested that a condition to require the submission of a Decommissioning Plan prior to planning board approval be added. With his suggestion, Ms. Buell suggested to add the following condition:

“A Decommissioning Plan should be submitted and approved prior to the Planning Board approval”.
Mr. Lehman made a motion to approve with the above conditions along with the additional condition relative to the Decommissioning Plan. Mr. Petersen seconded the motion, which carried unanimously.

Ms. Buell then read the last review:

VILLAGE OF TURIN BOARD OF TRUSTEES

Site Plan Review for the proposed installation of a 6,300 square foot motel consisting of six (6), 900 square foot rental units located on the West Road (County Route 51) in the Village of Turin.

Tax Map Parcel #321.10-01-01.000

Kaitlyn Matthews, Turin Highland Lodge – Applicant

The applicant provided the following Project Documentation: 1) Site Plans; 2) Agricultural Data Statement; 3) Full Environmental Assessment Form; 4) Site Plan; and 5) Project Narrative.

▪ *Compatibility With Adjacent Uses:*

The proposed action is located within the Village of Turin’s “Wellhead District 1” Zoning District and will be located on approximately 20 acres once the subdivision is complete. This action is located within Agricultural District 6 and, according to the submitted FEAF, the applicant has identified that the proposed action is nearby or adjoining agriculture and residential land uses. Based on the submitted materials, the proposed action could be considered a commercial facility, which is a conditional use, contingent on a site plan review.

Per Article F, §1 of the Village of Turin Land Use Regulation:

Lot Frontage: Approximately 1200’* (100’ required)

Road Setback: Approximately 250’* (50’ required)

Side Setback: 400’* (15’ required)

Rear Setback: Approximately 325’ (15’ required)

* Distance estimated based on the provided site plan, please ensure project placement is outside the required setbacks.

▪ *Traffic Generation and Effect:*

The submitted FEAF notes that the proposed action will not result in a substantial increase in traffic above present levels. Since the proposed action is on West Road (County Route 51), a County Driveway Permit will need to be obtained prior to construction.

- *Protection of Community Character:*

According to the FEAF submitted, the proposed action is not in a critical environmental area, national or state register of historical places or state eligible sites or archeological site, is not designated as a critical habitat to threatened/endangered species; however, the applicant should be cognizant of activities that could impact the Northern Long-Eared Bat and the Monarch Butterfly. US Fish and Wildlife Services also identified several bird species having common breeding seasons from May-August, which should be avoided for clearing trees and brush. The proposed site does not contain all or part of a registered National Natural Landmark. As part of this review, an Environmental Assessment Form Mapper was completed and the project site, or any portion of it, is not located in or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.

- *Signage:*

The proposed action includes the installation of a lighted business sign; however, its size and design were not provided. Prior to site plan approval, the Village Board should ensure that the design and dimensions are compliant with Article F §2; and confirm that the sign will not project into the public right-of way, does not exceed 32 square feet per side, will not have lights that flash or move, will be properly maintained and that the sign use remains current.

- *Drainage:*

According to the submitted FEAF, the proposed action will physically disturb 4 acres and will require the applicant to obtain a SPDES permit, since ground disturbance is over 1 acre.

The EAF Mapper was completed as part of this review and identified that the proposed action is on a site or adjoins land containing wetlands or other waterbodies regulated by federal, state or another local agency. As part of this review, an Environmental Resource Mapper was completed and subsequently found a .8-acre riverine and an 8.4-acre freshwater forested/shrub wetland located on the east property boundary and toward the rear of the property, respectively. While the submitted FEAF notes that the proposed action will not physically alter, or encroach into any existing wetland or waterbody, if development does occur on the portion of property highlighted on the National Wetland Inventory, proper permitting should be sought.

According to FEMA Flood Map 361355 B, the parcel of land is considered Zone C, defined as area of minimal flood hazards.

- *Parking:*

The proposed project did not include plans for individualized parking spaces. To comply with Article E §3d, it is recommended that the applicant submit an updated site plan for a minimum of 26 parking spots for the 6,300 square foot building with an additional one parking space for every employee anticipated. The Village Board should review compliance prior to approval. If it is planned for the facility to have a public meeting space, for example a conference room, the applicant will need one parking spot for every three seats for the capacity of the public meeting place. Due to the proximity to the Lewis County Trail System, and the assumption that the guests may have trailers attached to their vehicles; it is recommended to have the Village Board require additional parking spaces to eliminate the need to back onto the public road.

Being that the proposed project is within Wellhead District #1, additional impervious surface coverage should be avoided to limit surface runoff.

- *Community Facilities:*
According to the submitted project report prepared by Frank Tallarino, from Tallarino Engineering, PLLC; the proposed action would provide water from a private well to meet NYSDOH guidelines. If new well is being constructed, ensure a NYS DEC Certified Well Contractor is used to prevent contamination and depletion of the groundwater resources.

The proposed action includes the installation of an on-site wastewater treatment system (septic system) and according to the report provided by Frank Tallarino, it will be in accordance with NYSDOH Design Guidelines for Onsite Wastewater Treatment Systems and will be sufficiently separated from the water well and waterbodies as required. As noted in Article E §3c and Article F §13, the septic system should comply with the specifications set forth in Title 10 NYCRR Part 75, Appendix 75-A, Part 7 of the New York State Sanitary Code, and must be approved by the enforcement officer.

Page 7 of the Full Environmental Assessment Form indicated that on-site renewable would be utilized in addition to grid power. Applicant should provide more detailed plans on this topic to the Village Board prior to site plan approval.

- *Lighting:*
Exterior LED lights are proposed for the structure. Applicant should include and submit exterior lighting plans typical of motel lights, ensuring each entryway is lit on the structure, in addition to sufficient parking lot lighting for safety and security purposes.
- *Landscaping and Screening:*
The applicant intends to preserve most of the existing vegetation and did not submit formal landscaping plans. If applicant plans on installing landscaping, designs should be submitted and approved by the Village Board to ensure compliance with Article F §16- Line of Sight for Traffic Safety.

According to Article F §14o, commercial use, storage or application of pesticides are prohibited unless authorized by the New York State Department of Environmental Conservation.

Recommendation: Approve with Conditions

1. Since the proposed action is on West Road (County Route 51), a County Driveway Permit will need to be obtained prior to construction.
2. The proposed action includes the installation of a lighted business sign; however, its size and design were not provided. Prior to site plan approval, the Village Board should ensure that the design and dimensions are compliant with Article F §2. The Village Board should confirm that the sign will not project into the public right-of way, does not exceed 32 square feet per side, will not have lights that flash or move, will be properly maintained and that their use remains current.
3. The applicant should be cognizant of activities that could impact the Northern Long-Eared Bat and the Monarch Butterfly. US Fish and Wildlife Services also identified several bird species having common breeding seasons from May-August, which should be avoided for clearing trees and brush.
4. The proposed action will physically disturb 4 acres and, since ground disturbance is over 1 acre, the applicant is required to obtain a SPDES permit.
5. While the submitted FEAF notes that the proposed action will not physically alter, or encroach into any existing wetland or waterbody, if development does occur on the portion of property highlighted on the National Wetland Inventory, proper permitting should be sought.

6. To comply with Article E §3d, it is recommended that the applicant submit an updated site plan for a minimum of 26 parking spots for the 6,300 square foot building with an additional one parking space for every employee anticipated, to the Village Board to review prior to approval. If the facility will include a public meeting space, like a conference room, the applicant will need one parking spot for every three seats for the capacity of the public meeting place. Due to the proximity to the Lewis County Trail System, and the assumption that the guests may have trailers attached to their vehicles, it is recommended that the Village Board require additional parking spaces or larger parking spaces to eliminate the need to back onto the public road.
7. Being that the proposed project is within Wellhead District #1, additional impervious surface coverage should be avoided to limit surface runoff.
8. If a new well is being constructed, ensure that a NYS DEC Certified Well Contractor is used to prevent contamination and depletion of the groundwater resources.
9. Article E §3c and Article F §13 requires that the proposed septic system should comply with the specifications set forth in Title 10 NYCRR Part 75, Appendix 75-A, Part 7 of the New York State Sanitary Code and must be approved by the enforcement officer.
10. The Full Environmental Assessment Form indicated that on-site renewable would be utilized in addition to grid power. Applicant should provide a more detailed plan of this energy source to the Village Board prior to approval.
11. Applicant should include and submit exterior lighting plans typical of motel lights, ensuring each entryway is lit on the structure, in addition to sufficient parking lot lighting for safety and security purposes.
12. If applicant plans on installing landscaping, designs should be submitted and approved by the Village Board to ensure compliance with Article F 16§- Line of Sight for Traffic Safety.
13. Per Article F 14o, the proposed action is prohibited from the commercial use, storage or application of pesticides unless authorized by the New York State Department of Environmental Conservation.
14. Compliance with all local, state, and federal requirements for this type of facility.

Note: When looking at the GIS mapping of the project parcel, 321.14-01-01.000 (Oakwater Farm LLC) it appears to have active cropland and is within the proximity threshold; therefore, we suggest adding this parcel to the submitted Ag Data Statement.

Since the applicants were in attendance, they asked what the next steps were. Ms. Buell explained that the County Planning Board decisions will be sent to the Village of Turin where they will vote to either approve, approve with conditions or disapprove. Mr. Hunt asked the applicants why they were not using the public water supply and they explained that it was too expensive to extend to the proposed action site. Mr. Virkler made mention that he was happy to see local investment in the tourism industry. With no further questions, Mr. Lehman made a motion to approve with the above conditions. Mr. Cook seconded the motion, which carried unanimously.

(8) Report of County Planner:

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

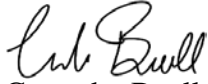
(9) Unfinished Business: None

- (10) **New Business:** Mr. Lehman asked if the Board knew of the project under construction on the East Road. Ms. Buell noted that it would likely be the solar project that was reviewed by the board a few years ago. Mr. Lehman then asked about the construction located off NYS Route 812 just outside of the Village of Lowville. Mr. Virkler mentioned that he believed this was a utility project.

Note: Eric Virkler exited the meeting at 3:10 PM.

- (11) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Cook, seconded by Mr. Hunt, which carried unanimously. Mr. Petersen adjourned the meeting at 3:16 PM.

Respectfully submitted,



Casandra Buell

Director of Planning & Community Development