

MINUTES
LEWIS COUNTY PLANNING BOARD
July 15, 2021

- (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 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, Donald Cook, Michael Kaido, Eric Virkler, Tim Hunt, and Jerry King. Staff Present: Casandra Buell, Director of Planning & Community Development and Lauryn Tabolt, Planning & Community Development Intern. Public Present: Nick Altmire, LinkingLewisCounty.com and Adam Rowles, Saturn Solar.
- (3) **Reading and Approval of Minutes:** The draft June 17, 2021 meeting minutes were received. Mr. Hunt motioned to approve the minutes; Mr. Cook seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** Ms. Buell reviewed one Adirondack Park Agency (APA) notice that was received for a Notice of Order Granting Variance from applicable 50-foot shoreline structure setback requirement for William and Sheila Saroodis in the Town of Greig. No comments or concerns were made.
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

239-M Review

Ms. Buell read the following review:

TOWN OF CROGHAN TOWN BOARD

Proposed zoning law that would define commercial and industrial land use regulations along with specific requirements for telecommunication towers, geothermal energy systems, wind energy systems and solar energy systems.

Town of Croghan – Applicant

The General Municipal Referral Form was submitted by Town Clerk, Megan Simpson, on behalf of the Town of Croghan. The submission is intended to replace the existing Town of Croghan Site Plan Review Zoning Law originally adopted in 1996; however, Article I Section 140 should make mention that this law will supersede Local Law 1 of 1996 and any subsequent amendments.

In summary, the purpose of the Town of Croghan Zoning Law is to “promote and guide development in an orderly and efficient manner. This will reduce use conflicts, promote traffic safety, enhance and protect the historical and recreational attribute of the Town, retain and improve land values, encourage quality development, ensure wise use of the sources and promote the general health and welfare of the Town residents. This law is designed to protect

existing development while providing some control of growth so that future development will not be a detriment to the Town and its residents.”

Article II defines the entire Town of Croghan as a single, rural residential zone with a variety of exempted uses, uses that require site plan reviews and special use permits, and prohibited uses. In Section 250, Solid Waste Landfills are prohibited but Solid Waste Management Facilities are also listed in Section 240 as an allowed use subject to a Special Use Permit. Further clarification should be made to avoid confusion. Additionally, in Section 240(E), the law requires agricultural uses to obtain a special use permit; however, agricultural pursuits with construction values of less than one million dollars are exempt from the requirements of the proposed law. Clarification should be made prior to adoption.

Article VI defines design standards for site plan review applications. Section 610(C) notes that commercial/industrial uses shall have one (1) parking space per 1,000 square feet of gross floor area or one (1) space per three (3) employees, whichever will require a larger number of spaces. It is recommended to decrease square feet of gross floor area from 1,000 square feet of gross floor area to 200 square feet.

Article XII includes the proposed definitions of Large-Scale and Small-Scale Solar Energy Systems; however, the metric attribute should be clarified. There appears to be additional metric references that could cause confusion.

After reviewing the document for content, a few grammatical errors were identified. As a courtesy, reference to the errors found will be sent separately to the Town Clerk for correction.

In review of the documents provided, it appears that the Town of Croghan Zoning Law will comprehensively define the regulations set by the Town of Croghan, especially those relative to telecommunication towers, geothermal energy systems, wind energy systems and solar energy systems.

Recommendation: Approve with conditions

1. The submission is intended to replace the existing Town of Croghan Site Plan Review Zoning Law originally adopted in 1996; however, Article I Section 140 should make mention that this law will supersede Local Law 1 of 1996 and any of its subsequent amendments.
2. In Article II Section 240(E), the law requires agricultural uses to obtain a special use permit; however, agricultural pursuits with construction values of less than one million dollars are exempt from the requirements of the proposed law. Clarification should be made prior to adoption.
3. In Article II Section 250(A), Solid Waste Landfills are prohibited but Solid Waste Management Facilities are also listed in Section 240(F) as an allowed use subject to a Special Use Permit. Further clarification should be made to avoid confusion.
4. In Article VI Section 610(C), it is recommended to decrease square feet of gross floor area from 1,000 square feet of gross floor area to 200 square feet.
5. Article XII includes the proposed definitions of Large-Scale and Small-Scale Solar Energy Systems; however, the metric attribute should be clarified. There appears to be additional metric references that could cause confusion.

Mr. Petersen noted that he would like to see a defined metric example for the Town of Croghan to include in their zoning. Ms. Buell mentioned that it would certainly help to avoid interpretive issues in the future and suggested to use 25kW up to 1.9 MW for Small Solar Energy Systems and 2 MW+ for Large Scale Solar Energy Systems. The Board agreed to suggest these metrics in condition #5. With no further questions, Mr. Cook made a motion to approve with the above conditions and the addition to condition #5; Mr. Petersen seconded the motion, which carried unanimously.

Ms. Buell then read the following review:

TOWN OF NEW BREMEN TOWN BOARD

Site Plan Review for a 32,000 sq. ft. expansion to the existing facility located at 9095 Briot Road in the Town of New Bremen.

Tax Map Parcel #147.00-01-18.210 & #147.00-01-18.100

Jordan Brandt, Red Barn Meats – Applicant

The applicant provided the following Project Documentation: 1) Site Plans; 2) Agricultural Data Statement; 3) SEQR Short Environmental Assessment Form; and 4) Location Maps.

▪ *Compatibility With Adjacent Uses:*

The proposed action involves adding a storefront, freezer and cooler storage, USDA smokehouse, value-added processing area, holding pens, and a parking area. According to the submitted SEAF, the applicant has identified that the proposed action is nearby or adjoining forest, agriculture, residential, and commercial land uses. Based on the submitted materials, the proposed action is an allowed use pending site plan approval by the Town of New Bremen.

▪ *Traffic Generation and Effect/Parking:*

The proposed action includes the expansion of the existing driveway to be used as load dock space and the addition of a parking lot the north side of the proposed expansion with 19 – 9’x20’ parking spaces. According to Article V Section 510(c), *commercial/industrial uses shall have 1 (1) parking space per 1,000 square feet of gross floor area, or one (1) space per three (3) employees, whichever will require a larger number of spaces.* That said, the expanded facility will be 32,000 square feet, which should yield 32 parking spaces. Furthermore, Article V § 510(c) notes that *where possible, parking/loading areas should be located to the sides or rear of the industry and any loading dock facing a road front shall be sufficiently far back from the road to enable the largest permitted tractor trailer to maneuver into said loading dock without obstructing traffic.* It appears that the proposed loading dock is approximately 15’ from the right-of-way. The proposed parking lot, access points and load dock area should be reevaluated to comply with Article 5 and the Town Highway Superintendent should review the proposed entrances to ensure traffic safety standards are met.

▪ *Protection of Community Character:*

According to the SEAF submitted by the applicant, 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 home to threatened/endangered species, does not contain all or part of a registered National Natural Landmark, and the proposed site and/or adjoining properties has not been the subject of remediation for hazardous waste. Being that this action is a

proposal to expand the existing use, there does not seem to be any issues with protection of community character.

- *Signage:*
The applicant did not submit plans for a sign; however, if plans for a sign are developed in the future, compliance with Town of New Bremen Site Plan Review Article V §510(f) should be required.
- *Drainage:*
According to the submitted SEAF, the proposed action will physically disturb 1.69 acres. This falls above the 1-acre threshold which requires the applicant to obtain a SPDES permit. Before commencing construction activity, the applicant must work with NYSDEC to obtain the proper permits and copies should be given to the Zoning Enforcement Officer.

As part of this review, an EAF Mapper Report was completed. This report concluded that a portion of the site of the proposed action, or lands adjoining the proposed action, contain wetland or other waterbodies regulated by a federal, state or local agency; however, after completing an Environmental Resource Mapper Report, the applicable wetlands are on the adjacent farmland parcels, located at least 1,000 feet from the proposed project.

- *Community Facilities:*
The proposed action would not connect to existing public water supply or wastewater utilities and a private well will be utilized along with an on-site wastewater treatment system designed to NYSDOH standards.
- *Lighting:*
No plans for outdoor lighting were submitted; however, plans for downward facing outdoor lighting to be added to the outside of the building and in the parking area should be developed in accordance with Article V § 510(e) and approved by the Zoning Enforcement Officer prior to the issuance of a building permit.
- *Landscaping and Screening:*
The applicant did not submit plans for landscaping and/or screening. Since the location is remote in nature and visual impacts to neighboring residential properties will be minimal, screening requirements should not be of concern.

Recommendation: TBD by the County Planning Board (see note below)

Note: Due to the shared capacity of the Director of Planning & Community Development as a Town of New Bremen Board member and referral review entity, to avoid ethical issues, a recommendation will be made solely by the County Planning Board based on the summary above.

The Board discussed the lack of distance between the right-of-way and the proposed loading dock. Ms. Buell mentioned that the existing building is very close to the road and with the contours of the Briot Road, it could be very dangerous with the current design. Other Board members discussed the traffic impact on the road and current egress/ingress slope to the building. Members went on to discuss the proposed parking lot and the established zoning regulations. Mr. Virkler suggested a revised parking plan that would be based on employment and anticipated consumer traffic. All Board members agreed that the proper SPEDES

permitting was necessary and some board members expressed concern about the limited space on the lot(s) in regard to the proposed septic system and its leach field. All Board members agreed that local, state, federal, especially that of USDA, regulations are required for this type of facility. Board members suggested adding outdoor lighting requirements on the exterior of the building and in the parking lot area. Mr. Lehman suggested requiring motion sensor or timer lighting.

After a final discussion, Ms. Buell reviewed the following conditions brought forth by the County Planning Board members:

1. The proposed parking lot, access points and load dock area should be reevaluated to comply with Article 5 and the Town Highway Superintendent should review the proposed entrances to ensure traffic safety standards are met.
2. While the number of parking spaces does not meet the requirements of the Town of New Bremen Site Plan Review Law, the Town Board and applicant should evaluate the proposed number of parking spaces and agree to a suitable quantity based on the number of expected employees and customers.
3. Motion sensor and/or timer outdoor lighting should be added to the exterior of the building and parking area.
4. Before commencing construction activity, the applicant must work with NYSDEC to obtain the proper permits and copies should be given to the Zoning Enforcement Officer.
5. Compliance with all Local, State and Federal, to include USDA, regulations for this type of facility.

Mr. Lehman made a motion to approve with the above-mentioned conditions, Mr. Cook seconded his motion which carried unanimously.

Ms. Buell then read the following review:

TOWN OF TURIN PLANNING BOARD

Special Use Permit for a proposed private campground for personal use to be located at 6660 Burdicks Crossing Road (County Road 36) in the Town of Turin.

Tax Map Parcel #290.00-04-05.112

David Hosler and Brian Villeneuve, High Hopes Campground – Applicant

The applicant provided the following Project Documentation: 1) Site Plans; 2) Agricultural Data Statement; 3) SEQR Short Environmental Assessment Form; and 4) Location Maps.

▪ *Compatibility With Adjacent Uses:*

The proposed action is located within the Town of Turin’s “C” Zoning District and will be located on approximately 3.1 acres located on the Lewis County ATV Trail System and is within 150 feet of the Lewis County Snowmobile Trail System. This action is located within Agricultural District 6 and, according to the submitted SEAF, 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 campground, which is an allowable use in the “C” Zoning District contingent on the receipt of a special use permit.

Lot Frontage: Approximately 260' (200' required)
Road Setback: 170' (60' required)
Side Setback: 70' (25' required)
Rear Setback: Approximately 50' (25' required)

- *Traffic Generation and Effect:*
The submitted SEAF notes that the proposed action will not result in a substantial increase in traffic above present levels. Since the proposed action is on County Road 36, a Lewis County Driveway Permit will need to be obtained prior to occupation.
- *Protection of Community Character:*
According to the SEAF submitted by the applicant, 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 home to threatened/endangered species, and 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 identified that the property, prior to the subdivision of tax parcel #290.00-04-05.113, the project site, or any portion of it, is indeed located in or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. A consultation request was submitted, and it was determined that in the opinion of OPRHP, no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

It should be noted that on June 11, 2021, the Town of Turin Planning Board determined that based on the information and analysis done, the proposed action will not result in any significant adverse environmental impacts.

- *Signage:*
The proposed action referral did not include plans for a sign. Since the intended use of this property is to park personal travel trailers during the summer months, a sign should not be needed.
- *Drainage:*
According to the submitted SEAF, the proposed action will physically disturb .1 acres and will not result in stormwater runoff. This falls below the 1 acre threshold which requires the applicant to obtain a SPDES permit.

The EAF Mapper completed as part of this review 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 .19-acre freshwater forested/shrub wetland located toward the rear of the property. If development occurs on this portion of property highlighted on the National Wetland Inventory, proper permitting should be sought.

- *Parking:*
The proposed action does not include parking areas; however, adequate on-site parking appears to be in abundance surrounding the four (4) identified recreational vehicle sites.

- *Community Facilities:*
According to the submitted project SEAF, the proposed action would not connect to existing public water supply or wastewater utilities; however, the applicant has noted that NYS DOH has been contacted in regard to the on-site sewage system.
- *Lighting:*
No outdoor lighting has been proposed for this action.
- *Landscaping and Screening:*
The applicant has not proposed any additional landscaping and/or screening; however, they acknowledged that they intend to preserve most of the existing vegetation.

Recommendation: Approve with Conditions

1. Since the proposed action is on County Road 36, a Lewis County Driveway Permit will need to be obtained prior to occupation.
2. As part of this review, an Environmental Resource Mapper was completed and subsequently found a .19-acre freshwater forested/shrub wetland located toward the rear of the property. If development occurs on this portion of property highlighted on the National Wetland Inventory, proper permitting should be sought.

Ms. Buell noted that she received communication that morning from the applicant and Town of Turin Planning Board Chairman regarding the removal of the proposed privy to the project. She mentioned that a privy was not included in the referral; however, the applicant mentioned that they will be taking the RVs to a legal dumping station as needed. While this action seemed to suffice, many Board members still felt that the applicant should have a holding tank installed or they should submit a sewage plan to the Town of Turin Planning Board for approval. Mr. Virkler made a motion to approve the project with the above conditions, to include a third condition requiring a sewage plan to be supplied and approved by the Town Planning Board and monitoring should be completed to ensure compliance. Mr. Petersen seconded the motion, which carried unanimously.

Ms. Buell then read the next review:

TOWN OF LEYDEN PLANNING BOARD

Site Plan Review for the installation of a 5 MW solar array to be installed on 30 acres of land located at 3123 East Road in the Town of Leyden.

Tax Map Parcel #353.00-01-23.000

Domagala Solar, Saturn Power – Applicant

The applicant provided the following Project Documentation: 1) SEQR Full Environmental Assessment Form (FEAF); 2) Agricultural Statement; 3) Site Plans; 4) Decommissioning Plan; 5) Communication from Involved Agencies (OPRHP, USDI); 6) Coordinated Electric System Interconnect Review; and 7) Wetland Delineation Map.

According to the submission, the scope of the proposed action includes the installation of a 5.85 MWdc/4.5MWAC Community Distributed Generation Facility. In addition to the installation of 13,284 photovoltaic modules, the proposed action will include two (2) power transformers, two (2) switchgears and one (1) grounding transformer. Cables will be buried underground to the greatest extent possible; however, there are six (6) poles for overhead lines required by National Grid that will be located at the point of interconnection.

- *Compatibility with Adjacent Uses:*

The proposed action will occupy approximately 37% of the entire 81.6-acre landlocked parcel. While the submitted FEAF lists existing land uses that occur on, adjoining or nearby the project site as rural, forest and agriculture, there appear to be four (4) residential properties adjoining the site. The proposed action is located on what appears to be an actively farmed parcel within Ag District 6 and according to the FEAF, there are highly productive soils on the project site. Approximately 32 acres of nellis loam (crop productivity index rating of .460 out of 1.00) were details on a USDA Web Soil Survey. Furthermore, as part of this review, prime farmland, prime farmland if drained and farmland of statewide importance were mapped for the action site and it appears that a majority of the property is considered prime farmland. Since the proposed action is located within Ag District 6, contact was made with a NYS Ag & Markets Senior Environmental Analyst to provide comments or concerns. Senior Environmental Analyst, Andy Steiner, confirmed that the proposed project site is comprised of soils classified as Prime Soils that are within Mineral Soil Group (MSG) 1-4, that of which have the best combination of physical and chemical characteristics that enable them to be among the most productive and valuable agriculture soils in NYS. Furthermore, the Department of Ag & Markets suggests that the project sponsor consider an alternative layout, utilizing land west of the utility easement to mitigate the impacts to Prime Farmland. They also suggested asking the project sponsor to locate alternative sites and alternative layouts that may reduce and/or eliminate impacts to the important agricultural resources.

It should be noted that the Lewis County Agricultural Enhancement Plan does detail the concerns relative to solar development on Prime Agricultural Land and advocates promoting renewable energy use in a way that balances landowner, farming, farmland and renewable energy agendas.

The proposed facility complies with the intent of Article 2, § 210 and 230 of the Town of Leyden Zoning Law; however, Article III § 310 requires that *any principal use shall be located on a lot of at least 1 acre in area and shall have a lot frontage on a public or private road of 175 feet, minimum.* While the proposed action site is on a landlocked parcel, there is a lot (tax parcel #353.00-01-22.000) owned by the same landowner that has approximately 945.54 feet of road frontage. Since this parcel is planned to be used for the road access to the facility on the landlocked parcel, it is assumed that tax parcel #353.00-01-22.000 will be part of the lease agreement to satisfy this requirement.

A Decommissioning Plan was submitted and details the applicant's intention to obtain a \$219,777 decommissioning bond subject to updates every 5 years and adjusted based upon any changing conditions. The decommissioning estimates were completed by a licensed engineer and the figures were based on NYSERDA's estimates.

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 crushed gravel driveway from Locust Grove Road, through a parcel adjacent to the project and is also under the same ownership as the project parcel. An additional permanent 130' x 20' wide gravel access road from County Route 43 (East Road) is proposed in order to access the required overhead interconnection poles. A Lewis County Driveway Permit is required for the proposed gravel access road on County Road 43 (East Road) and should be obtained prior to the building permit.

Article 5 Section 515 requires that *private roads and driveways shall be constructed and maintained so as to provide for year-round access*. Prior to issuing a building permit, the applicant should provide written assurance to the Zoning Enforcement Officer and Planning Board that they will provide year-round driveway and road maintenance, to include snow removal.

- *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 and, being that there will be 13,284 solar panels added to this agriculture field, the proposed project should not be considered as consistent with predominant character.

- *Signage:*

The applicant proposes to install a combination of "Warning", "Danger" and contact information signs on the proposed fencing and double-swing gate. Signs will be in both English and Spanish.

- *Drainage:*

According to page 11, Part 1 of the submitted FEAF, the proposed project site does not contain wetlands or other waterbodies; however, there are federal wetlands that adjoin the project site. The applicant notes that project development will be completed in accordance with all applicable NYSDEC and USACE regulation. Furthermore, all wetlands on the property should not be disturbed as they sit outside of the array fencing and no access roads will need to cross over them. The wetland delineation report has been attached for the Board member's review.

The applicant has noted that the project will create .1 acres of impervious surface and that stormwater will flow to adjacent properties. According to the submitted FEAF, the applicant will submit a Stormwater Pollution Prevention Plan (SWPPP) for the project when applying for the building permit.

The submitted FEAF noted there would be less than 5 acres of ground disturbance. If the land disturbance is over 1 acre in size, a NYSDEC permit is required.

- *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 Coordinated Electric System Interconnect Review with National Grid is underway.

The applicant did not include plans for emergency services. Contact should be made with the Lewis County Director of Fire and Emergency Management to assist in setting up an on-site training of the facility with local emergency services personnel.

▪ *Lighting:*

According to the submitted FEAF, the proposed action will not include lighting. Motion sensing security lighting inside the perimeter, near the double swing gate access, should be added to thwart vandalism, theft, and prohibit access to the site. They should be designed in a way to not unnecessarily trip but to provide a visual cue of suspicious activities to public safety and citizens passing by at night. All lights should be installed in such a way that does not add light pollution to the surrounding area.

▪ *Landscaping and Screening:*

The applicant proposes to erect a 7' tall chain-link security fence that will enclose the project area. In addition to the security fence, the applicant proposes to plant a combination of Norway Spruce (51) and Eastern White Pine (36) along the northeastern residential lot line to further screen the project. The applicant also proposes to plant 6 trees along the northern edge of the proposed County Road 43 access road. The applicant intends to retain the existing tree line along the residential lots to the southeast of the project site as a buffer.

Recommendation: Approve with the following conditions

1. Article 3 Section 310 requires that *any principal use shall be located on a lot of at least 1 acre in area and shall have a lot frontage on a public or private road of 175 feet, minimum.* While the proposed action site is on a landlocked parcel, there is a lot (tax parcel #353.00-01-22.000) owned by the same landowner that has approximately 945.54 feet of road frontage. Since this parcel is planned to be used for the road access to the facility on the landlocked parcel, it is assumed that tax parcel #353.00-01-22.000 will be part of the lease agreement to satisfy this requirement.
2. The submitted FEAF noted there would be less than 5 acres of ground disturbance. If the land disturbance is over 1 acre in size, a NYSDEC permit is required.
3. Motion sensing security lighting inside the perimeter, near the double swing gate access, should be added to thwart vandalism, theft, and prohibit access to the site. They should be designed in a way to not unnecessarily trip but to provide a visual cue of suspicious activities to public safety and citizens passing by at night. All lights should be installed in such a way that does not add light pollution to the surrounding area.
4. Article 5 Section 515 requires that *private roads and driveways shall be constructed and maintained so as to provide for year-round access.* Prior to issuing a building permit, the applicant should provide written assurance to the Zoning Enforcement Officer and Planning Board that they will provide year-round driveway and road maintenance, to include snow removal.
5. At the suggestion of NYS Ag & Markets, prior to a final action, the Town of Leyden Planning Board should request that the project sponsor evaluate alternative sites nearby and alternative layouts that may reduce or eliminate impacts to the prime farmland under the existing site plan. At the very least, if no mitigation can be found, the project sponsor should adopt the Department of Ag & Market's construction standards.

6. The applicant did not include plans for emergency services. Contact should be made with the Lewis County Director of Fire and Emergency Management to assist in setting up an on-site training of the facility with local emergency services personnel.
7. A Lewis County Driveway Permit is required for the proposed gravel access road on County Road 43 (East Road) and should be obtained prior to the building permit.
8. 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.
9. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

Mr. Virkler, and other Board members, discussed in length the impact to the prime farmland under which the solar facility will be built. The applicant, Adam Rowles, mentioned that the proposed site owner is no longer farming and that, previous, the land was used for grazing and not crops. The Board discussed the complex balance between allowing the landowners and farmers to use their land as they wish while looking ahead to the future impacts of decreased farmland acreage. Specifically, the Board addressed the concerns raised by NYSDAM. Many agreed that, yes, their suggestions should act as conditions and that if no mitigation can be found, that their construction standards should be met. Mr. Virkler reminded the Board that the IDA, through their UTEP, has policies in place for their PILOTs where marginal farmland will require lower payments and prime farmland will require higher payments. This policy was developed and implemented last year in order to advocate for the use of marginal farmland. Furthermore, Mr. Petersen addressed the compliance issue with Article 3. He suggested requiring that the properties be combined to ensure compliance with Article 3. Mr. Virkler made a motion to approve with the conditions above and add that the project parcel and road frontage parcel should be combined to ensure compliance. Mr. Cook seconded the motion, Mr. Lehman abstained, and the rest of the board carried the motion.

Ms. Buell then read the following review:

TOWN OF DIANA TOWN BOARD

Proposed local laws that would define land use regulations in the Town of Diana and Hamlet of Harrisville and will also set regulations and restrictions for clutter, litter, debris, unsafe structures, mobile homes and travel trailers.

Town of Diana – Applicant

The General Municipal Referral Form was submitted by Town Clerk, Janet Taylor, on behalf of the Town of Diana. The submission is intended to replace the Town of Diana Zoning Law originally adopted in 2002; however, Article I Section 140 should make mention that this law will supersede Local Law 1 of 2002 and any of the other local laws affected by this proposed action.

Article III defines the entire Town of Diana as a single, rural residential zone with a variety of exempted uses, uses that require site plan reviews and special use permits, and prohibited uses. Being that the Hamlet of Harrisville, once the Village of Harrisville, is now dissolved into the Town of Diana, the single zone identified in Section 210 should be revised to reflect the Hamlet of Harrisville Zones that are further defined in the Zoning for the Hamlet of Harrisville. In Section 250, Solid Waste Landfills are prohibited but Solid Waste Management Facilities are also listed in Section 240 as an allowed use subject to a Special Use Permit. Further clarification should be made to avoid confusion.

In Article II Section 2.1 of the Zoning for the Hamlet of Harrisville, there are three (3) districts defined; Rural Residential, Mixed Use and Central; however, the Central Zone permitted uses are not included in Section 2.4. If it is the intention of the Town of Diana to identify permitted uses, permitted used with a special use permit, and prohibited uses in the Central Zone, then the Zone should be listed in Section 2.4.

Article VIII defines design standards for site plan review applications. Section 710(c) notes that commercial/industrial uses shall have one (1) parking space per 1,000 square feet of gross floor area or one (1) space per three (3) employees, whichever will require a larger number of spaces. It is recommended to decrease square feet of gross floor area from 1,000 square feet of gross floor area to 200 square feet.

After reviewing the document for content, a few grammatical errors were identified. As a courtesy, reference to the errors found will be sent separately to the Town Clerk.

Recommendation: Approve with conditions

1. Being that the Hamlet of Harrisville, once the Village of Harrisville, is now dissolved into the Town of Diana, the single zone identified in Section 210 should be revised to reflect the Hamlet of Harrisville Zones that are further defined in the Zoning for the Hamlet of Harrisville.
2. The submission is intended to replace the Town of Diana Zoning Law originally adopted in 2002; however, Article I Section 140 should make mention that this law will supersede Local Law 1 of 2002 and any of the other local laws affected by this proposed action.
3. In Article II Section 250(1), Solid Waste Landfills are prohibited but Solid Waste Management Facilities are listed in Section 240(7) as an allowed use subject to a Special Use Permit. Further clarification should be made on what the definition of a solid waste landfill would be.
4. In Article VI Section 710(c), it is recommended to decrease square feet of gross floor area from 1,000 square feet of gross floor area to 200 square feet to ensure than adequate off-street parking is provided on-site.
5. In Article II Section 2.1 of the Zoning for the Hamlet of Harrisville, there are three (3) districts defined; Rural Residential, Mixed Use and Central; however, the Central Zone permitted uses are not included in Section 2.4. If it is the intention of the Town of Diana to identify permitted uses, permitted used with a special use permit, and prohibited uses in the Central Zone, then the Zone should be listed in Section 2.4.

Ms. Buell mentioned that this law has already been filed with the NYS Department of State; however, in order to follow the proper procedure for adopting this local land use law, the Town of Diana submitted the law for review to the County Planning Board. After they receive the decision from the County Planning Board, they will re-adopt and re-file the law. With no further questions, Mr. Petersen made a motion to approve with conditions, Mr. Kaido seconded, and the motion was carried unanimously.

Mr. Virkler exited the meeting at 4:01 PM.

Ms. Buell then read the final review:

TOWN OF DIANA TOWN BOARD

Site Plan Review for a 960 sq. ft. addition to the existing store located at 8273 Main Street in the Hamlet of Harrisville/Town of Diana.

Tax Map Parcel #013.13-02-02.600

Stephen Scaparo, Stewart's Shops – Applicant

The applicant provided the following Project Documentation: 1) Site Plans.

▪ *Compatibility With Adjacent Uses:*

The proposed action is an extension of the existing commercial use on approximately 1.3 acres in the Hamlet of Harrisville. According to the land use application, the applicant is proposing to build a 16'x60' addition to create a larger shop area. In addition to the expansion, the applicant will be completing renovations that include interior upgrades to the floor, walls and lighting, exterior upgrades to the sidewalks, stone and siding, as well as a new blacktop parking lot. Construction is expected to take 10-12 weeks and will not be staged.

The proposed action complies with the following zoning regulations for the Hamlet of Harrisville:

Setback from Side and Rear Lot Lines: 25' required → Approximately 45' planned

Setback from centerline of a State Highway: 60' required → Approximately 100' (non-conforming, no extension in the front of building)

Lot Coverage: 50% Maximum → Approximately 10% (not counting parking lot)

Lot Area: 15,000 sq. ft. Minimum → 56,628 sq. ft.

▪ *Traffic Generation and Effect:*

No additional traffic generation is expected for the 960 sq. ft. addition and renovation of the existing Stewart's Shop.

▪ *Protection of Community Character:*

The proposed action is not within the Ag District and is surrounded by residential and commercial uses. As part of this review, an EAF Mapper Report was obtained and noted that the proposed action is not on a site that contains any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered, is not on a site of or adjoining to a property that has been the subject of remediation for hazardous waste and is not in or adjoining to a state listed Critical Environmental Area. The EAF Mapper report did note that the project site does contain, or is substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places; however, the project site, or any portion of it, is not located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.

▪ *Signage:*

No proposed sign additions or changes were submitted with this referral.

- *Drainage:*
Since less than 1 acre will be disturbed, a SPEDES permit will not be required.
- *Parking:*
The proposed action will involve pre-paving the existing blacktop and extending the edge of the payment slightly in the rear of the building to accommodate the addition.
- *Community Facilities:*
The proposed action will not require additional water or wastewater.
- *Lighting:*
According to the submitted site plans, the exterior lighting will be upgraded to LED. A combination of wall packs and motion sensor lighting will be added to the addition.
- *Landscaping and Screening:*
No landscaping or screening is planned for the proposed action. Visual impacts will be limited.

Recommendation: Approve

Ms. Buell made mention that the project applicant hopes to move forward with the renovations in August. With no comments or questions, Mr. Lehman made a motion to approve the project, Mr. Cook seconded the motion, which carried unanimously.

(7) Report of County Planner:

- Response from municipalities regarding previously submitted/reviewed projects:
 - Site Plan Review – William Amato greenhouse & nursery – Town of Leyden Planning Board – Approved w/ conditions
 - Moratorium on Large Scale Solar Projects – Town of Leyden – Approved w/conditions

(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. Kaido, seconded by Mr. Petersen, which carried unanimously. Mr. Petersen adjourned the meeting at 4:05 PM.

Respectfully submitted,



Casandra Buell

Director of Planning & Community Development