MINUTES
LEWIS COUNTY PLANNING BOARD
June 18, 2020

(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, Michael Kaido, Eric Virkler, John Lehman and Warren Shaw. Staff Present: Casandra Buell, Interim Director of Planning. Public Present: Nick Altmire, LinkingLewisCounty.com

(3) **Reading and Approval of Minutes:** The draft May 21, 2020 meeting minutes were received. Mr. Lehman motioned to approve the minutes; Mr. Kaido seconded the motion, which carried unanimously.

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

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

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

239-M Review

Ms. Buell read the following review to the Board:

**TOWN/VILLAGE OF LOWVILLE PLANNING BOARD**
Site Plan Review for the proposed construction of a 38’x56’ commercial building to be used as a physical therapy office located at 6014 Number Four Road (County Route 26) in the Town of Lowville.
Tax Map Parcel #213.00-01-29.100
Olmstead Consulting – Applicant

The applicant provided the following Project Documentation: 1) Project Narrative; 2) Sign Details; 3) SEQR Short Environmental Assessment Form; 4) EAF Mapper Report; 5) Zoning Maps; and 6) Site Plans.

- **Compatibility With Adjacent Uses:**
  The zoning for this area is identified as CB-R (Commercial/Residential). Prior to a minor subdivision (split 6/10/2020; new tax map number assigned: 231.00-01-29.120), the property was identified as commercial/residential. According to the submitted SEAF, the applicant has identified that the proposed action is nearby or adjoining rural, agriculture, commercial and residential land uses. The proposed action is within 400 feet of an office building, 1,300 feet of a landscaping/nursery business, and a half-mile from various home improvement retail stores. Thus, the proposed use is consistent with the character of the County Route 26 corridor and is compliant with Article IV § 250-15.
- **Traffic Generation and Effect:**
The roadway is identified as Number Four Road (County Route 26). The proposed action will include a new 20’ wide ingress/egress from County Route 26 on the northwest corner of the property. A driveway permit should be obtained by the applicant before construction commences.

As noted on page 2 of the submitted SEAF, the proposed action will not result in a substantial increase in traffic above present levels, is not accessible from public transportation services, and does not have pedestrian accommodations and/or bicycle routes on or near the site of the proposed action.

- **Protection of Community Character:**
An EAF Mapper Summary Report was submitted by the applicant for the proposed action site and, according to the results, the site is not in a critical environmental area, national or state register of historical places or state eligible sites, archeological site, remediation site and is not home to a threatened or endangered animal. The proposed action site is not within the 100-year flood plain and does not contain any wetlands or other regulated waterbodies.

- **Signage:**
The proposed action included the installation of a two-sided 2’4”x4’ LED sign (shielded bulbs on each side-facing sign) that will stand perpendicular to County Route 26 on 8’ tall wood posts. There will be at least one (1) 8” tall sign installed directly below the main sign, but the total sign area will be no more than 12 square feet. Sheet S2 of the submitted site plan notes that the sign will be erected at a minimum of 10’ from the right-of-way and side lot lines. An 18” landscaped perimeter will be included surrounding the sign, as required. The proposed sign design appears to be compliant with Article VII § 250-46(A), (C) & (D), Article VII § 250-47 and Article VII § 250-50. Article VII § 250-48(5) prohibits LED signs; however, § 250-48(9) encourages LED or other energy bulbs. Being that the proposed sign will be utilizing LED bulbs and will be shielded, the submitted sign plans appear to be compliant.

- **Drainage:**
The submitted SEAF notes that there will be .5 total acres physically disturbed. This falls below the threshold which would require the applicant to obtain a SPDES permit.

According to the submitted SEAF, the proposed action will create storm water discharge; however, it will not be directed to adjacent properties. The submitted narrative notes that the minimal runoff will flow towards the existing drainage swale along County Route 26.

- **Parking:**
The proposed action includes a parking lot complete with one (1) ADA compliant parking space and sixteen (16) 9’x20’ parking spaces separated by a 20’ accessway. It appears that the proposed action is compliant with the entirety of Article VIII.

- **Community Facilities:**
According to the submitted SEAF, the proposed project would not connect to existing public water supply or wastewater utilities. Instead, the proposed action will include the installation of a septic tank and leach field behind the proposed 2,200 square foot building.
- **Lighting:**
  Sheet S1 of the submitted site plans show that 3 wall packs will direct light downward on the front of the building. The submitted lighting plans appear to be compliant with Article XI § 250-82.

- **Landscaping and Screening:**
  Sheet S2 of the submitted site plans propose the planting of twelve (12) Colorado Blue Spruce Trees (5’ height) and two (2) Autumn Blaze Maples (8’ height) along the western lawn edge. The applicant has also proposed to plant thirteen (13) Colorado Blue Spruce Trees, four (4) Autumn Blaze Maples and one (1) Globe Arborvítæs (3’ height) around the parking lot. Additionally, as required by Article VII, approximately four (4) Globe Arborvítæs will be planted around the installed sign. It appears that the proposed landscaping plans are compliant with Article XI § 250-85 and §250-86.

  The proposed propane tank located behind the building will be enclosed by a solid fence. This planned feature complies with Article XI § 250-84.

**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. A driveway permit should be obtained by the applicant before construction commences.

Mr. Shaw questioned whether the project would utilize public water supply. Ms. Buell noted that the action will not use public water supply and a new well has already been drilled. Mr. Petersen suggested also adding a recommendation to address the conflicting LED sign regulations. The board agreed. A motion was made by Mr. Kaido to approve with the suggested recommendations as well as Mr. Petersen’s suggestion to note the contradiction in Article VII. Mr. Petersen seconded the motion, which carried unanimously.

Before proceeding with the three (3) Town of New Bremen reviews, Ms. Buell noted that she is merely summarizing the referral submission so that the Board can make the recommendations without her input. She went on to explain that since the Town of New Bremen Town Board currently handles Planning Board functions and she serves as a Town of New Bremen Councilwoman, she cannot ethically make a recommendation for the Board to vote on. Until there is staff to handle Town of New Bremen reviews, this is how the process will be handled. Additionally, she has and will recuse herself from all Town of New Bremen Planning matters.

That said, Ms. Buell went on to read the following referral summary to the Board:

**TOWN OF NEW BREMEN TOWN BOARD**
Proposed local land use law that would define regulations associated with solar energy systems.
*Town of New Bremen – Applicant*

The General Municipal Referral Form was submitted by Town Clerk Elizabeth Jones on behalf of the Town of New Bremen. The submission is intended to act as an independent local law and is referred to throughout the proposal as the Solar Energy System Law of the Town of New Bremen.
In summary, the purpose of the solar energy law is to advance and protect the public health, safety, and welfare of the Town of New Bremen by supporting energy independence and community resiliency by taking advantage of a safe, abundant, renewable, and non-polluting energy resources; accommodating solar energy system while balancing the potential impact on the environment, neighbors, and the community; and furthering the health safety and welfare of the public.

Section 3 of the proposed law includes definitions for the various types of solar energy systems and equipment to include building integrated systems, building-mounted systems, ground-mounted systems, roof-mounted systems, solar energy equipment, agricultural systems, large-scale systems, medium-scale systems, small-scale systems, and solar thermal systems. Small-scale, agricultural, and building integrated solar energy systems do not require a site plan review; however, medium and large-scale solar energy systems do require site plan review.

The law further defines specific regulations for medium-scale solar projects (2 mW-25 mW) and large-scale solar projects (25 mW+). Depending on the size of the facility, there are certain landscaping, stormwater, O&M, noise, glare, set-back, height, environmental and traffic safety requirements. There are more regulations defined for large-scale solar projects. Any Solar Energy System application submitted will be accompanied by a fee defined via resolution by the Town of New Bremen Town Board.

In review of the documents provided, it appears that the Solar Energy System Law addition to the Town’s existing Site Plan Review Law will comprehensively define the regulations set by the Town of New Bremen in regard to solar energy systems.

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

**Note:** Due to the shared capacity of the Interim Director of Planning 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 above summary.

Ms. Buell also mentioned that this law addresses a fee for Solar Energy Systems Applications; that of which the Town of New Bremen Board has already addressed by passing a resolution for said fee at their last meeting. Mr. Shaw and Mr. Lehman wanted to make sure that residential and/or agricultural solar arrays would not require site plan review under this law; Ms. Buell confirmed that they do not. With no further questions or comments, Mr. Lehman made a motion to approve the proposed local law. Mr. Shaw seconded the motion, which carried unanimously.

Ms. Buell went on to read the following referral summary to the Board:

**TOWN OF NEW BREMEN TOWN BOARD**

Site Plan Review to use an existing 1,488 sq. ft. residential garage as a commercial automotive repair facility located at 7456 Kirschnerville Road (County Route 60) in the Town of New Bremen.

Tax Map Parcel #130.00-02-09.000

Jason Roggie – Applicant
The applicant provided the following Project Documentation: 1) SEQR Short Environmental Assessment Form; 2) Agricultural Data Statement; and 3) Existing Building Site 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 in that all new commercial and industrial uses shall require a site plan approval.

The proposed use will be located in an area with predominantly residential and agricultural uses. According to the submitted Agricultural Data Statement, the proposed use is on a property with boundaries within 250 feet of one (1) farm operation located within an Agricultural District.

On the Letter of Zoning Referral submitted by the Town of New Bremen, the Zoning Enforcement Officer has noted that zoning permit #2-216-2020 has been assigned, with no expected issues, pending approval by the Town of New Bremen Board.

- **Traffic Generation and Effect:**
According to the submitted SEAF, the applicant has determined the proposed action will not result in a substantial increase in traffic above present levels. The existing driveway on County Route 60 will be used for egress/ingress.

- **Protection of Community Character:**
According to the submitted SEAF, the proposed change of use from a residential garage to a commercial garage is an action consistent with the predominant character of the existing built or natural landscape. As part of this review, an EAF Mapper Summary Report was obtained for the proposed action site and, according to the results, the site is not in a critical environmental area, national or state register of historical places or state eligible sites, archeological site, remediation site and is not home to a threatened or endangered animal. The proposed action site is not within the 100-year flood plain.

- **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/Erosion:**
The proposed use change will not result in soil disturbance and the site does not contain any steep slopes or bluffs.

The applicant has not addressed the drainage associated with the commercial use for automotive repair. Being that auto repair facilities can create a variety of hazardous wastes; the protection of drinking water and/or dry wells should be addressed. All facility practices should comply with local, state and federal recommendations and/or mandates.

- **Parking:**
According to the submitted aerial maps, it appears as though there is adequate off-street parking and that the proposed action is compliant with Article V, Subsection 510(c); however, the Town Board may want to recommend that the applicant maintains a neat appearance and avoid an excessive amount of inoperable equipment or other junk material.
- **Community Facilities:**
  It is assumed that the proposed project will use the existing electrical utility; however, there will be no public water or sewer systems used.

- **Lighting:**
  It does not appear that lighting is proposed; however, according to Article V, Subsection 510(e), adequate lighting should be provided. Prior to the final issuance of a zoning permit, the zoning enforcement office should verify that adequate lighting in conformance with Article V, Subsection 510(e) exists.

- **Landscaping and Screening:**
  The proposed action does not include landscaping and/or screening; however, Article V, Subsection 510(d) notes that it shall be provided or, where the existing topography and/or landscaping provides adequate screening, the Town Board may modify the planting and/or buffer area requirements.

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

**Note:** Due to the shared capacity of the Interim Director of Planning 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.

Mr. Virklker suggested approving with conditions that address potential signage, junkyard violations, drainage regulations, and lighting conformance. The Board went on to discuss whether landscaping should be addressed, and all agreed that this action should not warrant landscaping conditions. Mr. Shaw made a motion to approve with conditions that address potential signage, junkyard violations, drainage regulations, and lighting conformance. Mr. Virklker seconded the motion; which carried unanimously.

Ms. Buell went on to read the last referral summary to the Board:

**TOWN OF NEW BREMEN TOWN BOARD**
Site Plan Review for the construction of an additional 15’ x 90’ nine-unit self-storage structure to be located at 9062 State Route 812 in the Town of New Bremen.
Tax Map Parcel #147.00-01-03.120
CMC Storage/Thomas Schneider – Applicant

The proposed 1,350 sq. ft. storage building will be perpendicular to the existing 30’ x 150’ self-storage building and will be located 30 feet away. The steel structure will include nine 10’ x 15’ units.

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

- **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.
According to the submitted Agricultural Data Statement, the proposed use will be located within 250 feet of an Agricultural District containing one (1) active farm operation. The farm leases land across State Route 812 from the proposed action. It should be noted that the site contains an existing 30’ x 150’ self-storage facility; therefore, the use is already established in the area.

The proposed project is located along State Highway Route 812. This area contains mixed use including but not limited to commercial, residential and agricultural. The front, side, and rear setback criteria for the proposed project meet or exceed the requirements as identified in the Town of New Bremen Zoning Standards.

- **Traffic Generation and Effect:**
  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. The existing driveway will be used for egress/ingress.

- **Protection of Community Character:**
  The self-storage operation will easily blend into the community’s rural nature without creating any adverse conditions. There should be no adverse impacts as a result of this action. The Town of New Bremen as the Lead Agency acknowledged the project will not have a significant adverse impact to the environment as indicated in Part 3 of the SEAF.

- **Signage:**
  No additional signage has been proposed by the applicant. It is assumed that the signage on the existing building will continue to be used.

- **Drainage:**
  There are no currently known drainage issues identified with this project. Precipitation is currently handled through direct filtration of on-site grassland/soils. The applicant provided no pavement plan or indication of paving. As outlined in the SEQR, the applicant indicated there may be no or small impact regarding erosion.

- **Parking:**
  The existing gravel parking lot will be used and appears to comply with Article V, Subsection 510(c) requirements.

- **Community Facilities:**
  No utilities were defined by the applicant; however, it should be assumed that electricity will be utilized in the new steel building.

- **Lighting:**
  The applicant is not proposing any lighting for the subject property. Lighting requirements are defined in Article V, Section 510(e); however, according to Article VII, Section 755, the Town Board may waive any or all requirements.

- **Landscaping and Screening:**
  The applicant is not proposing any landscaping for the subject property. Landscaping requirements are defined in Article V, Section 510(d); however, according to Article VII, Section 755, the Town Board may waive any or all requirements.
Recommendation:  TBD by the County Planning Board (see note below)

Note: Due to the shared capacity of the Interim Director of Planning 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.

Board members discussed the natural landscaping buffers that will serve as a barrier to the adjoining residential lot line. The Board then discussed whether to approve with conditions related to landscaping and lighting; however, they agreed that the proposed action should not include said conditions. Mr. Lehman made a motion to approve the action with no conditions. Mr. Petersen seconded the motion, which carried unanimously.

(7) Report of County Planner:
Ms. Buell read the following responses from municipalities regarding previously submitted/reviewed projects:
- Zoning Text Amendment Re: Agriculture Commerce – Town of Lowville Town Board – Approved
- Zoning Text Amendment/Zone Change Re: Solar Dev. – Town of Lowville Town Board – Approved
- Special Use Permit/Site Plan Review – Dairy RNG NY – Town of Martinsburg Planning Board – Approved w/conditions

(8) Unfinished Business: Ms. Buell updated the group on the Board’s request that she reach out to the Town of Croghan to assist them with their Article 10 solar project with Geronimo Energy. Ms. Buell confirmed with the Board that she reached out to Tom Kalamas, Town of Croghan Board Member, to offer her assistance. Since this discussion, the Town of Croghan was able to request party status for the Article 10 application and, per Mr. Kalamas’s request, sent them a copy of the DRAFT Town of New Bremen Solar Energy Law.

(9) New Business: None

(10) Adjournment: There being no other business, a motion to adjourn the meeting was made by Mr. Shaw, seconded by Mr. Kaido, which carried unanimously. Mr. Petersen adjourned the meeting at 3:20 PM.

Respectfully submitted,

Casandra Buell
Interim Director of Planning