

MINUTES
LEWIS COUNTY PLANNING BOARD
March 21, 2019

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:33 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: Tim Petersen, Gary Rosiczkowski, William Burke, Warren Shaw, and Ron Burns. Staff Present: Casandra Buell, Senior Planner and Frank Pace, Director of Planning.
- (3) **Reading and Approval of Minutes:** The February 21, 2019 meeting minutes were received and there were no modifications made by the Board members present. Mr. Rosiczkowski motioned to approve the minutes; Mr. Burns seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** Mrs. Buell shared a notice from Mohawk Network Solutions. With past reviews completed and present referrals (Town of Diana) on hand, Mrs. Buell thought it was important for the Board to be aware that the project engineers have pulled all current and future zoning applications across Lewis County. Mr. Pace notified the Board that due to a combination of underestimated costs, topographic challenges and APA requirements, all Broadband For All program projects would be put on hold. There are hopes that Mohawk will secure the funds needed to finish the original grant; however, it is too costly to take on the \$24 million burden without the supporting grant(s).
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

239-M Review

After reviewing the information supplied by Mohawk Networks, Mrs. Buell reached out to the Town of Diana to check on the status of their Tower Site Plan Review and Special Use Permit referral. Per Janet Taylor, Diana Town Clerk, there was “no need to proceed with the review” as the project was pulled by the engineers.

That said, Mrs. Buell moved onto the following review:

TOWN OF LOWVILLE PLANNING BOARD

Site Plan to remove an existing loading dock (144 square feet) and construct a new 1,120 square foot addition to the existing building located at 7189 NYS Route 812 (tax map parcel #195.00-03-03.000).

Elaine Z. Nolt, Nolt’s Country Store – Applicant

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

- *Compatibility With Adjacent Uses:*
The zoning for this area is identified as CB-R (Commercial/Residential). Currently, the property identified is commercial and is consistent with the NYS Route 812 corridor. In addition, the proposed project will remove a small portion of the building to add storage and an “employee use only” kitchen area and lunch room. Thus, the proposed use is consistent with the character of the neighborhood setting.
- *Traffic Generation and Effect:*
The roadway is identified as NYS Route 812. The applicant will be utilizing the existing driveway entrances. No changes to the existing entrance are proposed by the applicant and as noted on page 2 of the submitted SEAF, the proposed action will not result in a substantial increase in traffic above present levels.
- *Protection of Community Character:*
Based on review of the current zoning criteria on eCode360 for the Town of Lowville and the recently approved .54-acre subdivision addition, the proposed project is in compliance with the criteria under Article IV, Section 250-15, Schedule A and Section 250-16, Schedule B.

On the submitted SEAF, it is noted that the project site is located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office inventory. The narrative states that SHPO has been contacted and a letter from the Division for Historic Preservation was drafted on February 26, 2019 to note that the project should have no impact.

Additionally, the applicant provided a completed SEQR Appendix B, Short Environmental Assessment Form for review. The Town of Lowville Planning Board, as the Lead Agency, acknowledged the project as an “Unlisted Action” with a further determination of a Negative Declaration on February 27, 2019 (see attached SEQR TYPE MOTION document).

- *Signage:*
The applicant has not proposed any new signage for the proposed project.
- *Drainage:*
Based on the information supplied by the applicant, the proposed use should not create any adverse environmental concerns for the area and it appears that all current drainage systems will be used. On page 2 of the submitted SEAF, the applicant advised that the proposed action will create storm water discharge; however, the small amount of additional storm water will flow to the same locations as the existing site storm water.
- *Erosion:*
According to the application, there will be 0.1 acres disturbed for the proposed project; therefore, a DEC permit should not be needed for the construction of this addition.
- *Parking:*
There will be no parking added through the proposed project.

- *Community Facilities:*
According to the narrative, the existing septic system will be utilized, and the utilities will be extended throughout the addition.
- *Lighting:*
Per the narrative, any additional exterior lighting will match the existing lighting along the back of the building and will be wall packs that direct the light downward. These details appear to be compliant with Article IV, Subsection 250-83.
- *Landscaping and Screening:*
No changes or additions to the landscaping have been proposed.

Recommendation: Approve with the following condition

1. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

After a brief discussion regarding parking, Mr. Shaw made a motion to approve, seconded by Mr. Burke, which carried unanimously.

Mrs. Buell then read the third review:

TOWN OF PINCKNEY TOWN BOARD

Proposed zoning text amendment to the Town of Pinckney Zoning Law that would define regulations for large scale solar energy farms.

Town of Pinckney – Applicant

The General Municipal Referral Form was submitted by Town Supervisor Sherry Harmych, on behalf of the Town of Pinckney. The submission is intended to act as an independent local law and is referred to throughout the proposal as the Zoning for Solar Energy Law.

Town of Pinckney Zoning Law Changes

Definitions: Building integrated photovoltaic system, ground-mounted solar energy system, large-scale solar energy system, lot coverage for solar energy facility, roof mounted solar energy system, solar energy equipment, solar energy system and solar panel. Within the definition of “Large-Scale Solar Energy System,” the local law should include that the generating capacity of 25 megawatts or more is subject to the requirements, terms and conditions of Article 10 of the New York State Public Service Law. This information should also be reiterated under the “Approval Standards for Large-Scale Solar Systems as a Special Use.”

Applicability: All Solar Energy Systems, excluding general maintenance and repair of Building-Integrated PV Systems.

Further regulations pertaining to solar as an accessory structure or use, approval standards for large-scale solar systems as a special use, abandonment, solar rights, enforcement, and severability have been detailed.

Recommendation: Approve with the following conditions

1. Within the definition of “Large-Scale Solar Energy System,” the local law should include that the generating capacity of 25 megawatts or more is subject to the requirements, terms and conditions of Article 10 of the New York State Public Service Law. This information should also be reiterated under the “Approval Standards for Large-Scale Solar Systems as a Special Use.”

Mrs. Buell explained to the Board that with the intended solar projects proposed throughout the county, the Town of Pinckney is taking a proactive approach to thoroughly define their expectations of such operations. Out of curiosity, the Board asked questions pertaining to metering details and security. Mrs. Buell and Mr. Pace explained that the developers typically identify prime hook up locations prior to initiating conversations with land owners. That said, Mr. Petersen made a motion to approve with the above recommended conditions; seconded by Mr. Burns and carried unanimously.

Mrs. Buell then read the last review to the Board:

TOWN OF TURIN PLANNING BOARD

Special Use Permit for a 3.5 MW DC photovoltaic (PV) community solar project to be located at 5047 East Road in the Town of Turin. Tax Map Parcel: #273.00-01-07.000
Solitude Solar LLC, d/b/a US Light Energy – Applicant

The applicant provided the following Project Documentation: 1) SEQR Full Environmental Assessment Form; 2) Site Plan; and 3) Agricultural Data Statement. Let it be known that this review includes regulations detailed in the Town of Turin Local Law # 1 of 2019 that was filed with the Department of State on February 15, 2019. The proposed project submission complies with the applicable Town criteria as indicated by the Town referral form dated March 7, 2019.

Also included in the submitted application is Coordinated Electrical System Interconnect Review cover page for interconnection to National Grid related to this project. This satisfies the requirements detailed in Article IV, Section 450(8).

▪ *Compatibility with Adjacent Uses:*

The proposed project site will be approximately 18.2 acres of leased land within a larger property owned by James Matula. This area contains mixed uses including but not limited to Agriculture and Forest. The property is located in both the A & C Districts and complies with the intent of Article II of the Town of Turin Rural Development Law Land Use Permit Requirements under the defined use as a Solar Energy Facility, Principal.

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:*

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 array installation will generate minor traffic associated with its initial construction.

As noted in the submitted narrative, the project will utilize an existing dirt driveway off of NYS Route 26; however, alternative vehicle access will be available from the East Road if necessary. While there is an existing dirt driveway for ingress and egress onto NYS Route 26, it passes through a property owned by Jorge and Amanda Viveiros. There is a new easement proposed for its use as an access road to the project site.

According to the submitted FEAF, the proposed project will be a 24/7 operation, thus, according to Article IV, Section 450 (12), site access shall be maintained in an acceptable manner to local fire and emergency services.

- *Protection of Community Character:*

The applicant provided documentation regarding 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 also included communication from the NYS Parks, Recreation and Historical Preservation office as well as the NYS Department of Environmental Conservation; noting that, in their opinion, the project should have no impact on archaeological and/or historic resources and that there are no records of rare or state-listed animals or plants, or significant natural communities at the project site or in its immediate vicinity.

According to the submitted FEAF, the existing land uses that occur on, adjoin or are near the project site are forest and agriculture. While the applicant has shown that there should not be any adverse impact to the environment with the installation of this project, the 18.2 acres of solar arrays will certainly affect the community character.

The solar panels will be rack mounted with a maximum height of approximately 12 feet, that of which is compliant with the overlaying district height regulations. With the project site located towards the center of the proposed property and impacting a mere 13%, the proposed action is compliant with setback regulations.

- *Signage:*

It does not appear that signage has been addressed within the submitted application; however, according to Article IV, Section 450 (9), *the facility shall have a sign which provides a 24-hour emergency contact telephone number placed at the entrance.* That said, to comply with this regulation, the applicant should submit a warning sign design and installation plans for both entrances prior to construction.

- *Drainage:*

There is a Class C stream present on the project site indicating that there are waters that supports fisheries and is suitable for non-contact activities; however, per the submitted narrative, no wetlands will be impacted by the proposed action. The FEAF notes that 50% of the site is moderately well drained while the other 50% is poorly drained and, despite the applicant identifying that stormwater runoff flow will not flow to adjacent properties, that an on-site stormwater management facility is to be designed.

According to the submitted FEAF, the estimated area of ground disturbance 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.

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

- *Parking:*
There is no parking included in the submitted application. It appears that there will be a minimum of 20' access path for access between the solar panel racks that can be used as parking for the minimal maintenance that is said to be needed.
- *Community Facilities:*
The proposed action will not use or create a new demand for water nor will it generate liquid waste. As noted by the applicant, the electrical interconnect from the PV solar array is proposed to be an underground line connecting to new poles along NYS Route 26. The project is compliant with Article IV, Section 450(10).
- *Lighting:*
According to the narrative submitted, there will be no outdoor lighting.
- *Landscaping and Screening:*
The proposed project will enclose all 18.2 acres with 4,200 feet of chain link fencing complete with a locking gate. According to Article IV, Section 450(c), it may be possible that the Town of Turin Planning Board require additional screening to avoid adverse aesthetic impacts.

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 as outlined in Article IV, Section 450(3).
2. Compliance with Article IV, Section 450(9) is necessary. The applicant shall submit sign design and installation plans for both entrances to the Town of Turin Planning Board prior to construction.
3. Site access shall be maintained in an acceptable manner to local fire and emergency services. The applicant shall file contact information of the owner and operator with 911 services.
4. Site plans should be sent by the applicant to Colonel Polk at Fort Drum to bypass any potential interference with the military base

After a brief discussion on the necessary steps following the Special Use Permit, Mr. Burke made a motion to approve with the above conditions. Mr. Rosiczkowski seconded the motion; which carried unanimously.

(7) Report of County Planner:

Mrs. Buell read the following responses from municipalities regarding previously submitted/reviewed projects:

- Zoning Text Amendments – Town of Turin – Approved
- Review Zoning Law – Village of Lyons Falls Village Board – Approved
- Special Use Permit – Mohawk Networks – Town of Turin Planning Board – Application pulled by applicant

(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. Burke, seconded by Mr. Shaw, which carried unanimously. Mr. Petersen adjourned the meeting at 3:10 PM.

Respectfully submitted,



Casandra Buell
Senior Planner