

MINUTES
LEWIS COUNTY PLANNING BOARD
May 16, 2019

- (1) **Call to Order:** Vice Chairman Rosiczkowski called the regular meeting of the Lewis County Planning Board to order at 2:30 PM in Room 327 on the 3rd floor at the Lewis County Court House, Lowville, New York. Roll call was requested by Mr. Rosiczkowski.
- (2) **Roll Call:** Board Members Present: Gary Rosiczkowski, Michael Kaido, Patricia O'Brien, William Burke and Ron Burns (entered at 2:31 PM). Staff Present: Casandra Buell, Senior Planner and Frank Pace, Director of Planning.
- (3) **Reading and Approval of Minutes:** The April 18, 2019 meeting minutes were received and there were no modifications made by the Board members present. Mr. Burke 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 to install a temporary 30' x 30' tent for retail sales to be located at 7396 Utica Blvd. (tax map parcel #212.16-01-27.100).

Keystone Novelties, LLC – Applicant

The applicant provided the following Project Documentation: 1) Site Plan; 2) Lease Agreement; and 3) SEQR Short Environmental Assessment Form. The Zoning Enforcement Officer has deemed the proposed sale of fireworks as a Retail Sales and Service General Use. According to Article IV, Section 420, this mandates a review by the Planning Board.

- *Compatibility With Adjacent Uses:*
The zoning for this area is identified as AC (Auto Commercial). Currently the property identified is commercial and is consistent with the Utica Blvd. corridor. Thus, the proposed use is consistent with the character of the neighborhood setting.
- *Traffic Generation and Effect:*
The roadway is identified as State Route 12/Utica Blvd. The proposed project appears to use the existing driveway entrance(s) for access. 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 for the Village of Lowville, the proposed project is in compliance with the criteria under Article IV, Section 420, Schedule A and Section 430, Schedule B.

Additionally, the applicant provided a completed SEQRA Appendix B, Short Environmental Assessment Form for review. The Town/Village of Lowville Planning Board, as the Lead Agency, acknowledged the project as an “Unlisted Action” with a further determination of a Negative Declaration on April 24, 2019 (see attached SEQRA TYPE MOTION document).

- *Signage:*
The proposed project would include three (3) 4’ x 6’ signs. According to the submitted lease agreement, the tent will be on site for a maximum of 17 days; thus, making these signs temporary. While the applicant provided graphic depictions of each sign, sign locations were not supplied. That said, prior to tent erection, the applicant should provide the Town/Village of Lowville Planning Board with the locations of each sign to prove that the associated construction features and proposed locations comply with the entirety of Article VII, Section 201-715.
- *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 not create storm water discharge.
- *Erosion:*
According to the application, there will be 0 acres disturbed for the proposed project; therefore, no DEC permits should be needed.
- *Parking:*
According to the submitted site plan, the proposed project would include a 25’ x 50’ parking area approximately 10’ behind the tent, towards the rear of the property. It appears that the proposed project is compliant with Article VIII, Section 201-830. As noted in Article VIII, Section 201-840, the Planning Board requires landscaping and dust-inhibiting surfacing. Since these details were not covered in the application and the Town/Village of Lowville Planning Board had deemed the application complete, the Town/Village of Lowville Planning Board should formally waive these requirements if they feel that the proposed parking area is adequate.
- *Community Facilities:*
The proposed project would be a temporary 30’x30’ tent that will not utilize any existing utilities; however, the applicant has noted that one (1) Port-A-Jon and one (1) generator will be supplied and used for temporary utilities.
- *Lighting:*
The submitted application did not detail lighting plans for the temporary tent.
- *Landscaping and Screening:*
There was no proposed landscaping as part of this project.

Recommendation: Approve with the following conditions

1. Prior to tent erection, the applicant should provide the Town/Village of Lowville Planning Board with the locations of each sign to prove that the associated construction features and proposed locations comply with the entirety of Article VII, Section 201-715 within the Village of Lowville Zoning Law.
2. As noted in Article VIII, Section 201-840, the Town/Village of Lowville Planning Board requires landscaping and dust-inhibiting surfacing. Since these details were not covered in the application and the Town/Village of Lowville Planning Board had deemed the application complete, the Town/Village of Lowville Planning Board should formally waive these requirements if they feel that the proposed parking area is adequate.
3. It would be in the Town/Village of Lowville Planning Board's best interest to re-examine the details listed within Article XIII, Section 201-1315 in regard to Temporary Zoning Permits. The Zoning Enforcement Officer could be given certain authorities for issuing said permits.
4. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

The Board discussed the current Temporary Use Permit standards and was concerned about the existing verbiage and direction of that particular section as it did not seem clear. Board members discussed the possibility of the Zoning Enforcement Officer approving Temporary Use Permits to avoid a duplication of effort for uses under 30 days and within the set parameters. The Board went on to discuss setback and sign details; all agreed that the sign details should be solidified prior to moving forward. Mrs. Buell also noted that State and Federal regulatory requirements will cover the necessary licensing for the safety of the fireworks stored. Mrs. O'Brien asked if the Port-A-Jon was mandated by the Zoning Law; Mrs. Buell noted that sanitation facilities were a requirement of OSHA. That said Mr. Kaido made a motion to approve, seconded by Mr. Burns, which carried unanimously.

(7) Report of County Planner:

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

- Site Plan Review – Solitude Solar dba US Light Energy – Town of Croghan – Approved w/ condition
- Review Temporary Moratorium on Rooftop Signs – Village of Lowville – Approved
- Review Zoning Amendment Re: Solar Energy – Town of Pinckney – Approved

(8) Unfinished Business: None

(9) New Business: None

(10) Adjournment: There being no other business, a motion to adjourn the meeting was made by Mr. Burns, seconded by Mr. Rosiczkowski, which carried unanimously. Mr. Rosiczkowski adjourned the meeting at 2:47 PM.

Respectfully submitted,



Casandra Buell
Senior Planner