

MINUTES
LEWIS COUNTY PLANNING BOARD
May 20, 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, Donald Cook, Tim Hunt, and John Lehman. Staff Present: Casandra Buell, Director of Planning and Community Development. Public Present: Nick Altmire, LinkingLewisCounty.com, William Hunt, and Mary Misek.
- (3) **Reading and Approval of Minutes:** The draft April 15, 2021 meeting minutes were received. Mr. Cook motioned to approve the minutes; Mr. Lehman 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:

TOWN OF WATSON TOWN BOARD

Review proposed Town of Watson Comprehensive Plan

Town of Watson – Applicant

The Town of Watson, with assistance from the Development Authority of the North Country and the Jefferson Community College Center for Community Studies, has prepared a Comprehensive Plan to guide the future development of the Town. The Comprehensive Plan recommends re-examination every five years to update goals accordingly. Through a community survey, residents provided input on the assets, goals, and vision for the Town of Watson. Given the value the Comprehensive Plan places on natural resources and recreation, the goals for protecting ecosystem health, reducing sprawl, enhancing water quality, and preserving viewsheds are appropriate and useful for guiding future development and decision-making.

Recommendation: Approve

There were no concerns voiced by County Planning Board members. Ms. Buell noted that the Lewis County Chamber of Commerce could also be listed on Page 36 of the Plan but believe that this could be a suggestion rather than a condition. Mr. William Hunt asked to address the Board and notified the Board of several errors and corrections that should be made prior to adoption. Ms. Buell asked if there were suggested content changes or additions that are included in his list of corrections; there were not. Board members decided that, since there were no content concerns, Mr. Hunt's highlighted improvements to the Comprehensive Plan

will be sent along with the County Planning Board's decision as a suggestion so that the Town can review the improvements before finalizing.

Mr. Lehman made a motion to approve with the below suggestions; Mr. Petersen seconded the motion, which carried unanimously.

Suggestions:

- Under the Economic Development Goals and Recommendations on Page 36, add the Chamber of Commerce alongside Naturally Lewis, as they are the official tourism agency for Lewis County.
- Review the suggested corrections submitted by Mr. William Hunt

Ms. Buell then read the following review:

TOWN OF LEYDEN PLANNING BOARD

Site Plan Review for a greenhouse and nursery complex to be located at 2614 State Route 12 in the Town of Leyden.

Tax Map Parcel: #368.00-01-10.320

William Amato – Applicant

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

- *Compatibility with Adjacent Uses:*

According to the submitted referral, the proposed project will occupy approximately 2 acres of land owned by the applicant. This area contains mixed uses including but not limited to Agriculture and Forest. The property is not located within NYS Ag District 6 but is located within 250' of properties across the Black River that are within NYS Ag District 6.

The proposed action includes a 4'x8' sign located near the entrance, a 30'x30' storage building, a 30'x40' barn, and a 20'x40' greenhouse. Based on the submitted site plan drawing, it appears that the project is compliant with the required Town lot area, road frontage, and rear yard setback; however, front yard (60' minimum), side yard (10' minimum), and water supply wells (10' minimum) were not provided. Prior to granting a zoning permit, the Town of Leyden Planning Board should verify that the applicant will comply with the minimum front, side, and water supply well setback requirements.

- *Traffic Generation and Effect:*

The proposed action will use the existing gravel driveway entrance that will lead to a parking lot to the back of the project area. 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.

While an existing gravel driveway entrance will be utilized, a NYS Highway Work Permit is required due to the change of use from a "field drive" to a Commercial Driveway. As part of this review, the Region 7 Regional Permit Coordinator was contacted and advised that NYSDOT will need a more detailed map of the entrance including proposed access layout geometry, location relative to the parcel boundaries, distances from neighboring parcels, etc. If the proposed action is approved, it should be conditional on receiving the required NYS Highway Permit.

- *Protection of Community Character:*

In the submitted SEAF, the applicant notes that the project site is not a critical environmental area, archeological site, remediation site, on the national or state register of historic places or state eligible sites. As part of this review, an Environmental Assessment Form (EAF) report was produced and found 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 Registrar of Historic Places or 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. After further review and consultation with SHPO, it is opinion of the Office of Parks, Recreation and Historical Preservation that no properties listed or eligible for the NYS and National Registers of Historic Places will be impacted by this project. The proposed action appears to be consistent with the predominant character of the existing built or natural landscape.

According to the submitted SEAF, the Town of Leyden Planning Board has determined that the proposed project should not be any adverse impact to the environment (Negative Declaration on SEAF Part 3 dated 4/7/2021).

- *Signage:*

The proposed project does include a 4'x8' sign (compliant with Article V § 535); however, further details of said sign were not provided. To comply with Article V § 535, the applicant should submit sign details, including the design and location, to the Town of Leyden Planning Board and/or the Zoning Enforcement Officer for approval before installation.

- *Drainage & Erosion:*

According to the submitted SEAF, the proposed action will disturb 2 acres and will not create stormwater runoff. Any land disturbance over 1 acre in size requires compliance with NYS DEC regulations (State Pollutant Discharge Elimination System). While the applicant submitted an SEAF noting that the proposed action site did not contain wetlands, as part of this review an Environmental Resource Map and SEAF were created and found that the subject parcel does adjoin a classified Riverine, the Black River; however, the proposed action will not encroach on the identified wetlands and will sit approximately 1,700 feet from the Black River.

- *Parking:*

According to the site plan drawing submitted by the applicant, the proposed action will include a parking area to the rear of the project site. While dimensions were not provided in the submission, it appears that there is adequate off-road parking available to patrons and since the area is located to the rear of the project area, additional parking can be added as needed.

- *Community Facilities:*

According to the SEAF, proposed action will not connect to an existing public/private water supply or wastewater utility. A drilled well will supply potable water and an engineered septic will provide wastewater treatment.

- *Lighting:*
The applicant did not detail lighting plans in the referral received. The Town of Leyden Zoning Law requires adequate lighting to ensure safe movement of persons and vehicles and for security purposes. To comply with Article V § 530, the applicant should submit lighting details to the Town of Leyden Planning Board and/or Zoning Enforcement Officer to approve as a condition of any zoning permit approval.
- *Landscaping and Screening:*
The proposed action does not include additional landscaping; however, the existing vegetation should be used to the greatest extent possible in order to provide adequate screening.

Recommendation: Approve with the following conditions

1. Prior to granting a zoning permit, the Town of Leyden Planning Board should verify that the applicant will comply with the minimum front, side, and water supply well setback requirements.
2. A NYS Highway Work Permit is required due to the change of use from a “field drive” to a Commercial Driveway. If the proposed action is approved, it should be conditional on receiving the required NYS Highway Permit.
3. To comply with Article V § 535, the applicant should submit sign details, including the design and location, to the Town of Leyden Planning Board and/or the Zoning Enforcement Officer for approval before installation as a condition of any zoning permit approval.
4. Any land disturbance over 1 acre in size requires compliance with NYS DEC regulations (State Pollutant Discharge Elimination System). A NYS SPEDES Permit should be received prior to construction.
5. To comply with Article V § 530, the applicant should submit lighting details to the Town of Leyden Planning Board and/or Zoning Enforcement Officer to approve prior to construction as a condition of any zoning permit approval.
6. Existing vegetation should be used to the greatest extent possible in order to provide adequate screening.
7. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

No questions or concerns were raised by the Board. Mr. Hunt made a motion to approve with the above conditions; Mr. Cook seconded the motion which carrier unanimously.

Ms. Buell then read the following review:

JOINT TOWN/VILLAGE OF LOWVILLE PLANNING BOARD

Site Plan Review and Special Use Permit to establish mixed use development (coffee roastery/bakery/café and retail, rental space) in an existing structure located at 7514 South State Street in the Village of Lowville.

Tax Map Parcel: #212.11-07-29.100

Tug Hill Artisan Roasters, Scott Gilbert – Applicant

The applicant provided the following Project Documentation: 1) Site Plans; 2) Location Maps; 3) Purchase Offer; 4) SEQR Short Environmental Assessment Form (SEAF); and 5) Sign Sketch.

- *Compatibility With Adjacent Uses:*

The zoning for this area is identified as VC (Village Center). Currently, the property identified is vacant and is inconsistent with the commercial nature of the S. State Street corridor. The applicant has proposed to split the action up into two (2) phases. The first phase will consist of asbestos and lead removal, roof repair, façade restoration and the installation of an elevator for ADA compliancy. Following the conclusion of the first phase, the applicant will begin remodeling the interior, creating outdoor eating space, adding indoor heating, ventilation, and gas hookups along with the roastery equipment. While the main use of the building will be for the Tug Hill Artisan roastery/café/bakery, the applicant has expressed interest in allowing an ice cream manufacturer to also set up a retail storefront in the building. Phase 1 is expected to begin as soon as possible. Recently, the Village of Lowville amended their Zoning Law to include mixed use development. The proposed use is compatible with adjacent uses.

- *Traffic Generation and Effect:*

The roadway is identified as S. State Street. The applicant intends to use the existing 17' wide entrance 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. While the Village of Lowville Zoning Law requires a 20' wide accessway, it is proposed that since this is a non-conforming structure, that the additional 3' requirement be waived.

Since the proposed action is on a NYS right-of-way and is a new use, to ensure the public's safety, consultation with NYS DOT is required for the driveway entrance. Should NYS DOT require a commercial driveway permit, the applicant should not receive a COO until a permit has been issued.

- *Protection of Community Character:*

The applicant is proposing to renovate a blighted structure along the Downtown Lowville corridor. The existing parking is behind the building and abuts several residential properties. While the Village of Lowville has recently made a zoning change to allow for mixed use development such as this, the applicant has expressed their responsibility to the area to lead by example. Since there will be a light industrial component to the proposed action (coffee production), the applicant has purchased an afterburner that removes 95% of the smoke and odor associated with roasting coffee. This project appears to be compliant with the community character and should enhance the vibrancy of the downtown corridor while maintaining the privacy of the adjoining residential properties.

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. As part of this review, SHPO has been contacted and they are reviewing the project for archeological concerns.

Additionally, the SEAF noted that the proposed action is on a property that adjoins properties that have been subject of remediation (ongoing or completed) for hazardous waste. The subject property does not appear on NYSDEC database searches; however, the SUNOCO across the street does.

- *Signage:*
The applicant has proposed a 6’ tall by 8’ wide custom sign to be placed perpendicularly to S. State Street. Within the narrative of the submission, the applicant states that it would be similar to the Lowville Medical Associates sign nearby in which it will have building tenants on subsequent panels below their main business emblem. It appears that the proposed sign is compliant with Article VII §201-715 and §201-735; however, the applicant should verify that the sign will be set back at least 10’ from all property lines and/or rights-of-way.
- *Drainage:*
Based on the information supplied by the applicant on the SEAF, the action site and/or adjoining lands contain wetlands or other waterbodies regulated by a federal, state or local agency; however, this project will not physically alter or encroach into any existing wetland or waterbody (Mill Creek).
- *Erosion:*
According to the application, there will be 0 acres disturbed for the proposed project.
- *Parking:*
The proposed project will utilize the existing parking lot to the rear of the building. According to the submission, there appears to be approximately 850 sq feet of parking available, which would allow for roughly 35 – 10’x20’ parking spaces. There will be two (2) handicap accessible parking spaces available in the front of the building along with a curbside pickup area along State Street. Since the total area of the business was not provided as part of the submission, the Planning Board should verify compliance with Article VIII.
- *Community Facilities:*
According to the submitted SEAF, the proposed action will connect to existing public/private water supply and wastewater utilities.
- *Lighting:*
The applicant has proposed the installation of downward lighting on the building and string lights on the front patio. Downward illuminating LED parking lot lights will be installed approximately 15-20 feet apart. To ensure compliance with Article X § 201-1030, the applicant should submit a lighting plan to the Planning Board for approval before a SUP is issued.
- *Landscaping and Screening:*
The applicant notes that fencing will be installed, and trees and shrubs will be planted to comply with Article X §201-1060. Prior to the approval of an SUP, landscaping plans should be submitted and reviewed by the Planning Board to ensure the protection of community character and compliance with Article X.

Recommendation: Approve with the following condition

1. It appears that the proposed sign is compliant with Article VII §201-715 and §201-735; however, the applicant should verify that the sign will be set back at least 10’ from all property lines and/or rights-of-way.
2. Since the proposed action is on a NYS right-of-way and is a new use, to ensure the public’s safety, consultation with NYS DOT is required for the driveway entrance. Should NYS

- DOT require a commercial driveway permit, the applicant should not receive a COO until a permit has been issued.
3. To ensure compliance with Article X § 201-1030, the applicant should submit a lighting plan to the Planning Board for approval before a SUP is issued.
 4. Since the total area of the business was not provided as part of the submission, the Planning Board should verify that the proposed parking area follows the intent of Article VII.
 5. Prior to the approval of an SUP, landscaping plans should be submitted and reviewed by the Planning Board to ensure the protection of community character and compliance with Article X.
 6. While the submission noted that the action will include an afterburner to reduce the odor and smoke associated with the facility, the applicant should consult with NYSDEC regarding potential air pollution control permit(s) that may be required prior to receiving a COO.
 7. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

Mr. Hunt agreed that the applicant should not have to add 3' to the driveway due to the nonconforming nature of the lot. He also mentioned a new NYS Building Codes requirement pertaining New York State's Dark Skies Law. Ms. Buell noted that NYS may have recommended that municipalities adopt this requirement in their zoning laws, but the Village Zoning Law does not mandate this. She will do more research on this topic and will report back to the Board next month. Mr. Cook requested to add a condition pertaining air pollution. Ms. Buell reminded the Board that the applicant did mention the use of an afterburner but could add instructions to consult with DEC regarding a possible need for an air quality permit. After a brief discussion, Mr. Cook made the motion to approve with the conditions noted above and to consult with NYSDEC regarding potential air pollution control permit(s) before receiving a COO. Mr. Lehman seconded the motion, which carried unanimously.

Ms. Buell then read the following review:

JOINT TOWN/VILLAGE OF LOWVILLE PLANNING BOARD

Site Plan Review to expand a retail store and parking lot located at 7189 NYS Route 812 in the Town of Lowville.

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; 3) Tax Map; 4) Conceptual Stormwater Management Strategy; and 5) 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. The applicant has proposed to add a 20'x68' and 24'x20' addition to the existing store along with additional parking space as required. The existing business area of this store is currently 3,901 sq ft and the proposed additions would expand the footprint to 5,261 sq ft of total store/business area. Construction is expected to begin in May 2021 and conclude in December.

- *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 .56-acre subdivision addition, the proposed project appears to be compliant with the criteria under Article IV, Section 250-15, Schedule A.

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. According to the documents provided, SHPO has been contacted and they are reviewing the project for archeological concerns.

- *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 stormwater management plan will control flow-rate off site to less than previous flow-rate and direct flow to agriculture land as non-point discharge.
- *Erosion:*
According to the application, there will be 0.53 acres disturbed for the proposed project; therefore, a DEC permit should not be needed for the construction of this addition.
- *Parking:*
The proposed project includes the addition of 25 parking spaces to provide the business with 56 total parking spaces. Article VIII § 250-57 of the Town of Lowville Zoning Law requires 1 parking space per 100 square feet of business area. Being that the total business area will be 5,261 sq ft, the 56 proposed parking spaces surpass the required 53.
- *Community Facilities:*
According to the narrative, the proposed action will not require connection to an existing public/private water supply or wastewater utility.
- *Lighting:*
Per the site plans, it appears as though four (4) 15' light poles will be installed to provide down light to the parking lots. These details appear to be compliant with Article XI, Subsection 250-83.

▪ *Landscaping and Screening:*

Screening for the new parking lot will be added to the section facing NYS Route 812; however, details were lacking. Prior to approval, the applicant should submit more details for the landscaping/screening plans specifically for the additional parking lot area so that the Planning Board can ensure compliance with their expectations set forth in Article XI.

Recommendation: Approve with the following conditions

1. Prior to approval, the applicant should submit more details for the landscaping/screening plans specifically for the additional parking lot area so that the Planning Board can ensure compliance with their expectations set forth in Article XI.
2. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

The Board had no questions regarding the technical review presented. Mr. Petersen made a motion to approve with the conditions recommended; Mr. Cook seconded the motion which carried unanimously.

Ms. Buell then read the following review:

TOWN OF LEYDEN TOWN BOARD

Proposed temporary moratorium on the issuance of zoning permits or building permits for any large-scale solar energy project.

Town of Leyden – Applicant

The Town of Leyden Town Board is proposing a temporary moratorium on the issuance of zoning permits or building permits for any large-scale solar energy project in the Town of Leyden. This would apply to any currently pending or future applications. Noted concerns include disruption to motor vehicle traffic, visual incompatibilities with certain areas of the Town, and potential road damage; all of which could have adverse impacts on the Town and its residents.

Land use moratoria are classified as Type II action; therefore, the Town of Leyden is not required to undertake SEQR review for this action.

The proposed temporary term was not set in the documentation provided. It is suggested that the term is no shorter than 6 months but no longer than 12 months from the filing date with the Office of the New York State Secretary of State.

Additionally, a unit of measure should be applied to properly define the Town’s interpretation of large-scale solar energy projects (examples: 25kW+, 2 mW+, etc).

Recommendation: Approve with conditions

1. The term should be no shorter than 6 months but no longer than 12 months from the filing date with the Office of the New York State Secretary of State.
2. A unit of measure should be applied to properly define the Town’s interpretation of large-scale solar energy projects (examples: 25kW+, 2 mW+, etc).

Ms. Buell noted that the Town of Leyden sent an updated moratorium document the evening before the scheduled CPB Meeting with a defined term of 2 months with an option to renew for

a cumulative period of up to an additional six (6) months. Ms. Buell stated that in her opinion, the moratorium should begin at 6 months in order to draft quality zoning regulations with the appropriate community input; the board agreed. Mr. Hunt voiced his concern over a municipality having to enact a moratorium at all. The Board also suggested that Ms. Buell's office send along a copy of the Municipal Solar Law Template from the County's website with the recommendations. Mr. Lehman made a motion to approve the temporary moratorium with the above conditions and Mr. Cook seconded. The motion carried unanimously.

(7) **Report of County Planner:**

- Response from municipalities regarding previously submitted/reviewed projects:
 - Special Use Permit – Kevin Hughes (North Country Golf) – Town of Denmark Planning Board – Approved w/ conditions

(8) **Unfinished Business:** None

(9) **New Business:** Ms. Buell noted that she has already received a referral for the June 17th County Planning Board meeting from the Town of Pinckney and expects to receive another from the Town of Croghan.

(10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Lehman, seconded by Mr. Cook, which carried unanimously. Mr. Petersen adjourned the meeting at 3:25 PM.

Respectfully submitted,



Casandra Buell

Director of Planning & Community Development