

**MINUTES**  
**LEWIS COUNTY PLANNING BOARD**  
**May 19, 2022**

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:35 PM in the conference room on the 2<sup>nd</sup> 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, Sarah Metott, Thomas Osborne and Tim Hunt. Staff Present: Megan Krokowski, Community Development Specialist and Casandra Buell, Director of Planning & Community Development. Public Present: Aaron Ackerman and Eddy Coffey.
- (3) **Reading and Approval of Minutes:** The draft April 21, 2022 meeting minutes were received and reviewed prior to the meeting. Mr. Hunt motioned to approve the minutes; Mr. Osborne seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** Ms. Krokowski reviewed communication received, a minor public notice from Adirondack Park Agency, regarding a proposed cabin located on the Moose River Road in the Town of Lyonsdale. The APA will send additional information as their review process continues on; however, the board had no comments to provide based on the information received.
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

**239-M Review**

Ms. Krokowski read the following review:

**TOWN OF WEST TURIN TOWN BOARD**

Special use permit for a proposed change of use from a dairy barn into a redemption center for cans and bottles located on West Road (County Route 51) in the Town of West Turin.

Tax Map Parcel #337.00-01-09.100

*Aaron Ackerman, ACK Redemption Center – Applicant*

The General Municipal Referral Form was submitted by Beth Schindler, Town Clerk, on behalf of Town Supervisor, Edward J. Hayes. The applicant provided the following Project Documentation: 1) Plot Diagram; 2) Agricultural Data Statement; 3) Short Environmental Assessment Form; 4) Letter of Zoning Referral and 5) Land Use Application.

▪ ***Compatibility With Adjacent Uses:***

The proposed action is located within the Town of West Turin’s “District C” also known as the Agricultural District and will be located on an approximately 114-acre parcel. This action is located within Agricultural District 6 and, according to the

submitted SEAF, the applicant has identified that the proposed action is not near or adjoining agriculture land uses. Based on the submitted materials, the proposed action could be considered a commercial facility, which requires a zoning permit following special use review by the Town Board.

Per §240. Lot Frontage and Setback of the Town of West Turin Zoning Law:

Lot Frontage: 1610' (300' required)

Road Setback: 75' (60' required)

Side Setback: 720' (50' required)

Rear Setback: 650' (50' required)

Proposed setbacks appear to be sufficient according to §240.

▪ *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 West Road (County Route 51) and the use is changing from Agriculture to Commercial, the Lewis County Highway Superintendent should assess whether a County Driveway Permit will need to be obtained prior to construction and if the proposed egress/ingress is appropriate for additional traffic.

▪ *Protection of Community Character:*

According to the SEAF submitted, 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 designated as a critical habitat to threatened/endangered species; however, the applicant should be cognizant of activities that could impact the Northern Long-Eared Bat and the Monarch Butterfly. US Fish and Wildlife Services also identified several bird species having common breeding seasons from May-August, which should be avoided for clearing trees and brush. The proposed site does not contain all or part of a registered National Natural Landmark. As part of this review, an Environmental Resource Mapper was completed and the project site, or any portion of it, is not located in or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.

▪ *Signage:*

The proposed action did not include plans for signage, however; if the applicant does intend to install a sign, it must comply with the Town of West Turin Zoning Law and shall be approved by the Town Board prior to installation.

▪ *Drainage:*

According to the submitted SEAF, the proposed action will not physically disturb any land; therefore, a SPDES permit will not be necessary since ground disturbance is less than the required threshold of 1 acre.

The EAF Mapper was completed as part of this review and 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 .6-acre riverine and a .05-acre freshwater pond located to the north of the structures on the property, respectively. While the submitted SEAF notes that the proposed action will not physically alter, or encroach into any existing wetland or waterbody, if development does occur on the portion of property highlighted on the National Wetland Inventory, proper permitting should be sought.

According to the FEMA website, the location is unmapped regarding the identification of the floodplain mapping.

- *Parking:*

The proposed project did not detail plans for individualized parking spaces. According to the provided Land Use Application, the structure is 44'x 125' and has a total of 5,500 square feet. To comply with Article 3, §305, which recommends one space for every 250 square feet of floor space in a commercial establishment, the proposed action requires 22 parking spaces. Furthermore, one parking space is required for every employee. It is recommended that the applicant submit an updated site plan for a minimum of 22 parking spots for the 5,500 square foot building and an additional one parking space for every employee anticipated. The Town Board should review compliance prior to approval. If it is planned for the facility to have a public meeting space, such as a conference room, the applicant will need one parking spot for every three seats for the capacity of the public meeting place. The Town Board may require additional parking spaces to ensure the need to back onto the public road is eliminated. Impervious surface coverage should be avoided for the parking area to limit surface runoff.

- *Community Facilities:*

According to the submitted SEAF, proposed project will not be connecting to existing public/water supply. It is assumed that the prior use had appropriate water capabilities; however, if a new well is being constructed, ensure a NYS DEC Certified Well Contractor is used to prevent contamination and depletion of the groundwater resources.

The applicant should ensure the current septic system is considered sufficient by the Enforcement Officer to ensure compliance with the specifications set forth in Title 10 NYCRR Part 75, Appendix 75-A, Part 7 of the New York State Sanitary Code.

- *Lighting:*

Applicant did not provide plans for lighting; however, it is recommended that the applicant include and submit plans for motion-activated exterior lighting typical of a commercial establishment, in addition to sufficient parking lot lighting for safety and security purposes.

- *Landscaping and Screening:*

The applicant did not submit formal landscaping plans. If applicant plans on installing landscaping, designs should be submitted and approved by the Town Board prior to approval to ensure sufficient line of sight does not compromise traffic safety.

***Recommendation: Approve with Conditions***

1. Since the proposed action is on West Road (County Route 51) and the use is changing from Agriculture to Commercial, the Lewis County Highway Superintendent should assess whether a County Driveway Permit will need to be obtained prior to use and if the proposed egress/ingress is appropriate for additional traffic.
2. The applicant should be cognizant of activities that could impact the Northern Long-Eared Bat and the Monarch Butterfly. US Fish and Wildlife Services also identified several bird species having common breeding seasons from May-August, which should be avoided for clearing trees and brush.
3. The proposed action did not include plans for signage; however, if the applicant does intend to install a sign, it must comply with the Town of West Turin Zoning Law and shall be approved by the Town Board prior to installation.
4. Environmental Resource Mapper was completed and subsequently found a .6-acre riverine, and a .05-acre freshwater pond located to the north of the structures on the property, respectively. While the submitted SEAF notes that the proposed action will not physically alter, or encroach into any existing wetland or waterbody, if development does occur on the portion of property highlighted on the National Wetland Inventory, proper permitting should be sought.
5. It is recommended that the applicant submit an updated site plan for a minimum of 22 parking spots for the 5,500 square foot building with one additional parking space for every employee anticipated.
6. Impervious surface coverage should be avoided for the parking area to limit surface runoff.
7. If a new well is being constructed, ensure that a NYS DEC Certified Well Contractor is used to prevent contamination and depletion of the groundwater resources.
8. The applicant should ensure the current septic system is considered sufficient by the Enforcement Officer to ensure compliance with the specifications set forth in Title 10 NYCRR Part 75, Appendix 75-A, Part 7 of the New York State Sanitary Code.
9. The applicant should submit plans for motion-activated exterior lighting, typical of a commercial establishment, in addition to sufficient parking lot lighting for safety and security purposes.
10. If the applicant plans on installing landscaping, designs should be submitted and approved by the Town Board prior to approval to ensure sufficient line of sight does not compromise traffic safety.
11. Compliance with all local, state, and federal requirements for this type of facility.

**Note:** When looking at the GIS mapping of the project parcel, #337.00-01-53.100 (Timothy Swiernik) it appears to have active cropland and is within the proximity threshold; therefore, we suggest adding this parcel to the submitted Ag Data Statement.

The Board discussed the amount of parking spaces indicated in recommendation #5; the applicant clarified that they would not be utilizing the entire building for the redemption center. The applicant noted that commercial space would be limited to 38'x30', which would change the required spaces from 22 to 5 based on the square

footage and one additional space for the single anticipated employee. The County Planning Board indicated this was more appropriate for the proposed use. Being that the applicant was present at the meeting, it was suggested that he prepare and submit said parking plans to the Town of West Turin Board prior to the next meeting.

With no further questions or comments, Ms. Metott made a motion to approve the proposed action; Mr. Osborne seconded this motion, which carried unanimously.

Ms. Krokowski then read the final review:

**TOWN OF WEST TURIN TOWN BOARD**

Proposed local law to add “Section 303. Signs” that was erroneously deleted from Local Law No. 1 of the year 2020.

*Town of West Turin – Applicant*

The General Municipal Referral Form was submitted by Beth Schindler, Town Clerk, on behalf of Town Supervisor, Edward J. Hayes.

In summary, the purpose of the proposed law is to simultaneously add back certain provisions for signs that were removed accidentally and correct certain references of the Town of West Turin Zoning Law.

*The following section shall be added to the Local Law:*

*Section 303. Signs.*

1. *No signs shall consist of lights which flash or move.*
2. *No sign shall be higher than the principal building to which it is accessory except when erected on the roof of the building.*
3. *All existing signs at the time this law is adopted shall be allowed to remain as long as they are properly maintained, and their use remains current.*
4. *No sign shall project into public right of way.*
5. *One on-site sign is permitted, not to exceed 32 square feet per side, to be illuminated during regular ~~regular~~ business hours only.*
6. *Off-site directional signs are permitted, located within five miles of the use to which directions are indicated, not to be illuminated between 12:00 am (midnight) and 6:00 am, and not to exceed 32 square feet per side.*

*Section 355 Storage Vehicles of Local Law No. 1 of 2020 shall be amended by changing the reference therein from Section 350 Dwellings per Lot to Section 345 Accessory Structures and Additions.*

*“Section 355. Storage Vehicles*

*Storage vehicles shall be allowed in zones B, C, and D and prohibited in all other zones. Storage vehicles with an area of 144 square feet or greater shall comply with the standards set for accessory structures in **Section 350** of this law.”*

*Section 415 Home Based Business of Local Law No. 1 of 2020 shall be amended by changing the reference therein from Section 310 Basic Performance Standards to Section 305- Parking.*

*“h. All parking shall be provided on-site in accordance with **Section 310**, and there shall be no on-street parking.”*

*Section 805 Zoning Permit Required of Local Law No. 1 of 2020 shall be amended by changing the reference therein from Section 305 Parking to Section 303 Signs.*

*“6. Placement of a sign as regulated in **Section 305** of this law”*

*Section 810 Zoning Permit Exceptions of Local Law No. 1 of 2020 shall be amended by changing the reference 350 Dwellings Per Lot to Section 303 Signs.*

Appropriate reference does not exist in current law.

*Section 810 of Local Law No. 1 of 2020 shall be amended by changing the reference therein from Section 350 Dwellings per Lot to Section 345 Accessory Structures and Additions.*

*“Accessory structures with less than 144 square feet of ground coverage, unless over 20 feet in height (see **Section 350** of this law)”*

*Section 745845 Enforcement Officer of Local Law No. 1 of 2020 shall be amended to read Section 845 Enforcement Officer.*

This change is updating the section number to reflect the proper number that was erroneously labeled in the previous version of the Town of West Turin Zoning Law.

*Section 820920 Application of Local Law No. 1 of 2020 shall be amended to read Section 920 Application.*

This change is updating the section numbering to remove the 820 that was erroneously included in the last version of the Town of West Turin Zoning Law.

In review of the documents provided, it appears that the proposed zoning text amendments for the Town of West Turin Zoning Law will effectively reinstate Section 303 Signs and will properly update the identified incorrect references if the recommendations are implemented prior to adoption.

***Recommendation: Approve with the following conditions***

1. Section 303. Signs, number 5 has a grammatical error repeating the word regular twice, please remove regular in one instance.
2. Being that Section 303 does not follow the established numeric intervals of Article 3, it is recommended that Section 370 is used instead of 303.
3. The proposed amendment to Section 810 that suggests revising the reference of Section 350 to Section 303 appears to be erroneous and should be revisited prior to adoption.

There was a brief discussion about recommendation #2. Ms. Buell explained that the referenced section did not follow the established numeric intervals of the Town of West Turin’s Zoning Law.

With no further discussion, Mr. Hunt made a motion to approve with conditions and additions; Mr. Osborne seconded the motion, which carried unanimously.

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

- Responses from municipalities regarding previously submitted/reviewed projects:

<b>Project Description</b>	<b>Final Action</b>	<b>Project Description</b>	<b>Final Action</b>
T/Lewis – Site Plan	Approved	V/Constableville – ZTA	Approved
- T/Lewis Sand/Salt Storage Building	w/Conditions	Re: Solar Energy Law	w/Conditions

(8) **Unfinished Business:** Ms. Buell discussed that the joint Village and Town of Lowville Comprehensive Plan would likely be submitted for a second review next month and, possibly, the Village of Turin Comprehensive Plan.

(9) **New Business:** None

(10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Ms. Metott, seconded by Mr. Osborne, which carried unanimously. Mr. Petersen adjourned the meeting at 3:00 PM.

Respectfully submitted,



Casandra Buell  
Director of Planning & Community Development