

**MINUTES
LEWIS COUNTY PLANNING BOARD
OCTOBER 20, 2022**

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:34 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, John Lehman, Eric Virkler, Tim Hunt, and Don Cook. Staff Present: Casandra Buell, Director of Planning and Community Development as well as Megan Krokowski, Community Development Specialist.
- (3) **Reading and Approval of Minutes:** The draft September 15, 2022 meeting minutes were received and reviewed prior to the meeting. Mr. Cook motioned to approve the minutes; Mr. Virkler seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** Ms. Krokowski reviewed the following communications received from the Adirondack Park Agency:

APA Project No. 2022-0225 Application Received

Mike Dolhof, Nine-lot subdivision, North South Road, Town of Greig

There was a brief discussion about submitting a comment to explain that recently there was an emergency where the EMS had to travel around Lowdale Road Bridge that the Town of Lyonsdale and Tim Hunt proposed potential infrastructure need the upgraded North South Road as an alternative route to provide EMS services.

- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

239-M Review

Ms. Krokowski read the following review:

TOWN OF TURIN PLANNING BOARD

Special Use Permit to review a proposed use of hobby junkyard located at 5133 NYS Route 12 in the Town of Turin.

Tax Map Parcel #274.00-03-28.100

Kevin Schermerhorn – Applicant

The applicant provided the following project documentation: 1) Plot Diagram; 2) Agricultural Data Statement; 3) County of Lewis Junkyard License Application and 4) SEQR Short Environmental Assessment Form.

- *Compatibility With Adjacent Uses:*

The proposed action is located on approximately 7.2 acres within the Town of Turin's "C" Zoning District. This action is located within Agricultural District 6 and, according to the submitted SEAF, the applicant has identified that the proposed action is nearby or adjoining agriculture, forest, commercial and residential land uses. Based on the submitted materials, the proposed action could be considered a junkyard, which could be an allowable use in the "C" Zoning District contingent on the receipt of a special use permit provided by the planning board and a granted County of Lewis Junkyard License. Both permits should be attained prior to the accumulation of materials to be defined as a junkyard.

Lot Frontage: Approximately 612' (200' required)

Road Setback: Approximately 150' (75' required)

Side Setback: Approximately 250' (25' required)

Rear Setback: Approximately 600' (25' required)

Above noted setbacks are according to the provided plot diagram.

With the use of aerial imagery, it is apparent that the proposed site currently includes an accumulation of materials around all sides of the residence located at 5133 NYS Route 12.

The side setback, according to the submitted plot diagram, indicates 250 feet; however, when using GIS, it appears to be approximately 47 feet from the neighbor's property line.

Lewis County has adopted a Junkyard Law signed on October 7th of 2021 which superseded previous Junkyard Laws stemming back to 1987. Article D of the Lewis County Junkyard Law states that *"No person shall establish or maintain a junkyard within the County of Lewis unless a license has first been issued for such junkyard pursuant to this Law."*

On July 14th of 2022, the applicant submitted a County of Lewis Junkyard License Application; however, action cannot be taken until the applicant satisfies the Town of Turin's Rural Development Law by getting approval on a special use permit. On this application, it was disclosed that the applicant started the junkyard in 2010 without proper authority. This fact is in direct violation of the County Junkyard Law that states *"No person shall establish or maintain a junkyard within the County of Lewis unless a license has first been issued for such junkyard pursuant to this Law."* The applicant was also in violation of Article 4 Section 425 of the Town of Turin Rural Development Law which states that *"A Lewis County Junkyard License shall be required, issued by the County of Lewis prior to the issuance of a final permit approval pursuant to this law. Final permit approval pursuant to this law shall be contingent upon the junkyard being in compliance with section 240 of this law."*

County of Lewis Junkyard Location Regulations

Adjoining Property Line Setback: GIS Estimate 47' (50' required)

Distance from Public Park, Church, Education Facility, Nursing Homes, Public Building, or Other Place of Public Gathering: >500' (500' required)

Stream, Lake, Pond, Wetland, Waterbody Setback: GIS Estimate: 275' (100' required)

NYS Road Setback: GIS Estimate: 113' (100' required)

- *Traffic Generation and Effect:*

The submitted SEAF notes that the proposed action will not result in a substantial increase in traffic above present levels. According to the Lewis County GIS, it appears that there is an existing entrance to the property. A NYS DOT Driveway Permit will need to be obtained as this is a change in use for the property located on NYS Route 12.

- *Protection of Community Character:*

According to the submitted SEAF, 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 critical habitat to threatened/endangered species, and does not contain all or part of a registered National Natural Landmark. Even though critical habitat is not identified, the IPAC Report identified the Monarch Butterfly and the Northern Long Eared Bat as endangered species native to the area. If land clearing is part of the proposed action, summer months should be avoided as the butterflies and bats use grasses/shrubs/trees as their summer habitat.

As part of this review, an Environmental Assessment Form Mapper was completed and it was found that the project site, or any portion of it, is in an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. For this reason, question 12b. on the submitted SEAF should be updated to indicate "YES" that the project site is located in or adjacent to an area designated as sensitive for archeological sites and SHPO should be consulted prior to any approvals.

It should be noted that on September 23, 2022, the Town of Turin Planning Board determined that, based on the information and analysis done, the proposed action will not result in any significant adverse environmental impacts.

- *Signage:*

The proposed action referral did not include plans for a sign; however, if signage is proposed, the applicant should ensure compliance with Article 3 Section 305 of the Town of Turin Rural Development Law.

- *Drainage:*

According to the submitted SEAF, the proposed action will physically disturb 0 acres and should not result in stormwater runoff. Being that the land disturbance is less than 1 acre, a SPDES permit is not required.

The Environmental Resource Mapper was completed as part of this review and identified a Federally Regulated Riverine approximately 130 feet south of the property line.

According to FEMA Flood Map 360376 B, the parcel of land is identified as Zone X, an area outside of the 500-year flood plain.

- *Parking:*
The proposed project did not detail parking; however, the applicant must ensure compliance with Article 3 Section 310. Impervious pavements should be avoided to avoid stormwater runoff given the nature of the request and the probability for possible waterborne contamination.
- *Community Facilities:*
According to the submitted project SEAF, the proposed action would not connect to an existing public water supply or wastewater utilities; however, a description of the method for providing potable water was not provided. The applicant should submit a site plan, drawn to scale with dimensions, to show all wells and sanitary facilities prior to the issuing of a zoning permit. Based on the well and sanitary locations, the Zoning Enforcement Officer should rule out potential contamination issues before issuing a zoning permit.
- *Lighting:*
The proposed action did not include lighting. Exterior motion activated lighting and plans, typical of a commercial, should be submitted to the Turin Planning Board prior to any type of approval.
- *Landscaping and Screening:*
The applicant did not indicate plans for landscaping or screening; however, the proposed action will need to comply with Article C Section 2 of the County of Lewis Junkyard Law prior to a zoning permit being issued.

It should be noted that there appears to be an attempt to screen the junkyard, as observed from the right-of-way; however, it is not compliant with the County of Lewis Junkyard Law.

Recommendation: Approve with Conditions

1. A County of Lewis Junkyard License is required prior to the issuance of a zoning permit.
2. All items defined as junk, per the County of Lewis Junkyard Law, should immediately be consolidated to one screened area that is compliant with all setback/location requirements detailed in the Town of Turin Development Law and County of Lewis Junkyard Law.
3. NYS DOT should be consulted prior to a zoning permit issuance to determine whether they will require a driveway permit.
4. The IPAC Report identified the Monarch Butterfly and the Northern Long Eared Bat as endangered species native to the area. If land clearing develops as part of the proposed action, summer months should be avoided as the butterflies and bats use grasses/shrubs/trees as their summer habitat.

5. The submitted SEAF should be updated to indicate “YES” that the project site is located in or adjacent to an area designated as sensitive for archeological sites and SHPO should be consulted prior to any approvals.
6. The proposed action referral did not include plans for a sign; however, if signage is proposed, the applicant should ensure compliance with Article 3 Section 305 of the Town of Turin Rural Development Law.
7. The proposed project did not detail parking; however, the applicant must ensure compliance with Article 3 Section 310. Impervious pavements should be avoided to avoid stormwater runoff given the nature of the request and the probability for possible waterborne contamination.
8. The applicant should submit a site plan, drawn to scale with dimensions, to show all wells and sanitary facilities prior to the issuing of a zoning permit. Based on the well and sanitary locations, the Zoning Enforcement Officer should rule out potential contamination issues before issuing a zoning permit.
9. Exterior motion activated lighting and plans, typical of a commercial, should be submitted to the Turin Planning Board prior to any type of approval.
10. The applicant did not indicate plans for landscaping or screening; however, the proposed action will need to comply with Article C Section 2 of the County of Lewis Junkyard Law prior to a zoning permit being issued. It should be noted that there appears to be an attempt to screen the junkyard, as observed from the right-of-way; however, it is not compliant with the County of Lewis Junkyard Law.

NON-OBLIGATORY NOTES:

- 1) Town of Turin should consider if setback requirements for junkyards should be updated to align with the Lewis County Junkyard Law.
- 2) This review was solely for the use of junkyard. It has come to our attention that the Zoning Enforcement Officer may interpret this operation to be a junkyard and small engine repair shop. The applicant would need to reapply for a special use permit for small engine repair shop.

The Board questioned what the chances were of the applicant upholding the required conditions. Mr. Petersen indicated that this is up to the Town Planning Board to make the final decision if the junkyard can continue or not. Ms. Buell mentioned that if the Town of Turin Planning Board approves with the conditions set by the County Planning Board, the Zoning Enforcement Officer would not issue permits until the recommendations are addressed. If the Town Planning Board wanted to approve without conditions or disapprove, they would need to do so via super-majority vote.

One Board Member questioned the DOT permit requirement, and that the compliance bar may be set to an unattainable level for the applicant to get into compliance. The board decided that they must continue to uphold our standard recommendations.

With no further discussion, Mr. Cook made a motion to approve with conditions as presented; Mr. Virkler seconded the motion, Mr. Lehman chose to abstain; the motion was carried without Mr. Lehman’s vote.

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

- Responses from municipalities regarding previously submitted/reviewed projects:

<u>Project Description</u>	<u>Final Action</u>
V/Lowville – Lewis County Head Start	Approved w/Conditions

(8) **Unfinished Business:** Ms. Krokowski discussed the status update on East Road Solar Project in Town of Denmark provided by Scott Doyle. Mr. Hunt inquired how long is the timeline for this project and there was a brief discussion about this issue.

(9) **New Business:** None

(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 3:07 PM.

Respectfully submitted,

Megan Krokowski
Community Development Specialist