

**MINUTES**  
**LEWIS COUNTY PLANNING BOARD**  
**September 16, 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 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, Donald Cook, Tim Hunt, John Lehman, and Jerry King. Staff Present: Casandra Buell, Director of Planning & Community Development, and Megan Krokowski, Community Development Specialist.
- (3) **Reading and Approval of Minutes:** The draft August 19, 2021, meeting minutes were received and reviewed prior to the meeting. Mr. Cook motioned to approve the minutes; Mr. Hunt seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** Ms. Buell reviewed one Adirondack Park Agency (APA) notice of conditional approval of construction of a single-family dwelling on or near Copper Lake Trail Extension on a shoreline lot designated as Resource Management Land Use Area: APA Project No. 2020-0282: Michael and Roxanne Whaley – Town of Greig.

A brief discussion between Board members on the location of Copper Lake ensued; however, no concerns or comments were raised.

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

**239-M Review**

Ms. Krokowski read the following review:

**TOWN OF WATSON TOWN BOARD**

Proposed local land use law that would define regulations associated with solar energy systems in the Town of Watson.

*Town of Watson – Applicant*

The proposed amendments, General Municipal Referral Form, and signed FEAF were submitted by Nettie Prusinowski, Chairperson for Town of Watson Planning Board.

**Proposed Town of Watson Local Law**

A summary of the proposed local law is as follows:

*In summary, the purpose of the solar energy law is to advance and protect the public health, safety, and welfare of the Town of Watson by supporting energy independence and community resiliency by taking advantage of a safe, abundant, renewable, and non-polluting energy resources; accommodating solar energy systems while balancing the potential impact on the environment, neighbors, and the community; and furthering the health, safety and welfare of the public.*

The proposed law includes definitions for the various types of solar energy systems and equipment to include building integrated systems, building-mounted systems, ground-mounted systems, roof-mounted systems, solar energy equipment, agricultural systems, large-scale systems, medium-scale systems, small-scale systems, and solar thermal systems. Small-scale, agricultural, and building-integrated solar energy systems do not require a site plan review or special use permit approval; however, medium and large-scale solar energy systems do require site plan review.

The law further defines specific regulations for medium-scale solar projects (25 kW-25 MW) and large-scale solar projects (25 MW+). Depending on the size of the facility, there are certain landscaping, stormwater, O&M, noise, glare, set-back, height, environmental and traffic safety requirements. There are more regulations defined for large-scale solar projects. Any Solar Energy System application submitted will be accompanied by a fee defined via resolution by the Town of Watson Town Board.

In review of the documents provided, it appears that the proposed law addition to the Town's existing Zoning Law will comprehensively define the regulations set by the Town of Watson in regard to solar energy systems.

***Recommendation: Approve with modifications***

1. According to the Title of this local law, it is assumed that this law will be separate from the existing Town of Watson Zoning Law; however, in Section 2, Purpose, the regulations will become Article XI of the existing law. Clarification should be made prior to adoption.

***NOTE:*** *It is recommended that the following grammatical errors are corrected before adoption:*

**SECTION 2: PURPOSE**

The **Town of Watson Zoning Law** shall be amended by this Local Law which shall be included therein as Article XI which shall be **titled "Solar Energy System Regulation."**

**2. DEFINITIONS**

Ground-Mounted Solar Energy System: A **solar energy system** that...

Solar Energy System: A photovoltaic (PV) electrical generating system composed of a combination of both **solar panels** and **solar energy equipment**...

Large-Scale solar energy system: A **large-scale** solar energy system may also be referred to as a 'solar plant', 'solar energy system', 'commercial solar energy system' or '**solar power plant**'.

**3. APPLICABILITY**

- a. Roof-Mounted Solar Energy Systems shall be installed parallel to the roof surface on which they are mounted, shall not extend higher than the highest point on the roof surface on which they are mounted or the top of the surrounding parapet, or more than 24" above the flat surface of the roof, whichever is greater.

- c. Building-Integrated Solar Energy Systems shall be shown on the plans submitted for any building permit application for the building containing the system.
4. PERMITTING AND APPROVAL REQUIREMENTS FOR MEDIUM-SCALE SOLAR ENERGY FACILITIES
    - A. Medium-Scale Solar Energy Systems...The Planning Board review of Medium-Scale Solar Energy Systems shall include,....
    - C. Standards
      - e. Inverters and battery systems should be placed near the center of the project, where practical, in order to reduce noise propagation from the site.
  6. Stormwater Management. ....The following criteria shall be used to establish a Solar Energy System as pervious cover:
    7. Wetland Protection. Solar Energy Systems
    8. Protection of Critical Environmental Areas
    9. Protection of Agricultural Resources
  5. PERMITTING AND APPROVAL REQUIREMENTS FOR LARGE-SCALE SOLAR SYSTEMS
    - j. ...associated financial assurance and impose a lien on the property to cover the costs to the municipality.
  14. When any Large-Scale Solar Energy System is installed and before it becomes active, the owner of the site and/or the Solar Energy System must contact the Town’s emergency responder’s departments to make arrangements...information to protect themselves when responding to calls on site.
  15. Any application under this Section shall...Large-Scale Solar Energy System Solar Energy System being proposed. If none of such requirements are applicable, the Planning Board may waive certain of the requirements under their respective review jurisdictions.

Tim Hunt, Highway Superintendent, indicated that Section 2.5B15 was not consistent with New York State Highway Law Chapter 25, Article 11 § 320 relative to “Injuries to Highways.” After discussion, the board indicated they would like to add a recommendation to the local law to be consistent with the aforementioned New York State Highway Law. The board also felt they should add a recommendation to attain a road use agreement with the highway superintendent prior to construction. These conditions should be added to both medium-scale solar energy systems and large-scale solar energy system requirements to strengthen the Town of Watson Zoning Law.

Mr. Lehman made a motion to approve the proposed local law with the following conditions:

1. According to the Title of this local law, it is assumed that this law will be separate from the existing Town of Watson Zoning Law; however, in Section 2, Purpose, the regulations will become Article XI of the existing law. Clarification should be made prior to adoption.
2. Section 2.4.B11 and Section 2.5.B15 should also include the development of a road agreement and further compliance with New York State Highway Law Chapter 25, Article 11 § 320 relative to Injuries to Highways.

Mr. Petersen seconded his motion, which was carried unanimously.

Ms. Krokowski then read the last review as follows:

**TOWN OF TURIN PLANNING BOARD**

Special Use Permit for the proposed construction of four small rental cabins (less than 1,000 sq ft each) with new septic system, on-site solar system and potable water well to be located on NYS Route 12 in the Town of Turin.

Tax Map Parcel #306.00-02-05.100

*Jeffrey O'Brien, O'Brien Cabins – Applicant*

The applicant provided the following Project Documentation: 1) Site Plans; 2) Agricultural Data Statement; 3) SEQR Short Environmental Assessment Form; 4) Narrative; 5) Sample Cabin Photo; and 6) Septic System Design

▪ *Compatibility With Adjacent Uses:*

The proposed action is located within the Town of Turin's "C" Zoning District and will be located on approximately 174 acres situated on the Lewis County ATV Trail System and is within 150 feet of the Lewis County Snowmobile Trail System. 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 and residential land uses. Based on the submitted materials, the proposed action could be considered a campground, which is an allowable use in the "C" Zoning District contingent on the receipt of a special use permit.

Lot Frontage: Approximately 2440' (200' required)

Road Setback: 1000+' (60' required)

Side Setback: 325' (25' required)

Rear Setback: Approximately 900' (25' 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. Since the proposed action is on NYS Route 12, a NYS DOT Driveway Permit will need to be obtained prior to occupation.

- *Protection of Community Character:*

According to the SEAF submitted by the applicant, 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 home to threatened/endangered species, and does not contain all or part of a registered National Natural Landmark. As part of this review, an Environmental Assessment Form Mapper was completed, the project site, or any portion of it, is indeed located in or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.

It should be noted that on September 1, 2021, 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. Since the intended use of this property is for agricultural purposes, except for the 1 acre that is proposed for rental cabins which may be inaccessible for several months out of the year, signage should not be required.

- *Drainage:*

According to the submitted SEAF, the proposed action will physically disturb .9 acres and will not result in stormwater runoff. This falls below the 1-acre threshold which would require the applicant to obtain a SPDES permit.

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 freshwater emergent wetland, a 2.8-acre riverine and a 4.4-acre freshwater forested/shrub wetland located through the middle and toward the rear of the property. If development occurs on this portion of property highlighted on the National Wetland Inventory, proper permitting should be sought.

According to FEMA Flood Map 360376 B, the parcel of land contains areas of 100-year flood in the rear quadrant; if development occurs on this portion; proper permitting and insurances should be sought.

- *Parking:*

The proposed action intends to have 20'x30' parking areas adjoining each of the four cabins.

- *Community Facilities:*

According to the submitted project SEAF, the proposed action would not connect to existing public water supply or wastewater utilities; however, the applicant has noted that they propose to have two new septic systems installed in addition to a potable water well and on-site solar system for electricity.

- *Lighting:*

Exterior lighting is proposed to be typical of residential porch lights, on each cabin.

▪ *Landscaping and Screening:*

The applicant intends to preserve most of the existing vegetation, existing trees and vegetation will be trimmed as needed.

***Recommendation: Approve with Conditions***

1. Since the proposed action is on NYS Route 12, a NYS DOT Driveway Permit will need to be obtained prior to occupation.
2. It is recommended that the applicant use a DEC-certified well driller for the potable water well.
3. Consultation with SHPO resulting in a no effect finding should be required due to the scope of the project and its proximity to an identified archeologically sensitive area, if not previously completed.
4. An easement will be required to install the driveway across the Lewis County Trail System, as proposed.
5. Written approval for the project scope from Iroquois Gas will need to be obtained prior to occupation.
6. As part of this review, an Environmental Resource Mapper was completed and subsequently found a .6-acre freshwater emergent wetland, a 2.8-acre riverine and a 4.4-acre freshwater forested/shrub wetland located through the middle and toward the rear of the property. If development occurs on this portion of property highlighted on the National Wetland Inventory, proper permitting should be sought.

Ms. Buell explained that, in the few days since the draft had been sent to the Board members, she had a conversation with the Director of Recreation, Forestry and Park regarding the procedure for crossing a Lewis County Trail. Ms. Mahoney noted that an easement would not be required; however, communication would be beneficial. Ms. Buell recommended that the draft recommendation #4 be updated accordingly. Mr. Petersen inquired about the solar battery storage. While this system could be considered an accessory use, the Board discussed recommending that the Town of Turin regulations of solar energy systems be followed to ensure that the system was in compliance. The Board also discussed adding a condition for further compliance with all local, state and federal requirements of this facility.

With no further conversation, Mr. Cook made a motion to approve the project with the above conditions and also include the following changes and additional conditions:

4. **Replace with:** “Communication required with Director of Recreation, Forestry & Parks to plan and confirm driveway access across the Lewis County Trail Systems”
7. **Add:** All proposed activities must be compliant with local, state, and federal laws and regulations.
8. **Add:** The proposed project indicated the power source to be utilized would be solar, applicant should ensure compliance with local small scale solar system laws and regulations.

Mr. Lehman seconded the motion, which carried unanimously.

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

- Responses from municipalities regarding previously submitted/reviewed projects:
  - Site Plan Review – Jordan Brandt, Red Barn Meats – Town of New Bremen  
Town Board – Approved w/conditions
  - Review Zoning Law – Town of Diana – Approved
  - Site Plan Review – Domagala Solar, Saturn Power – Town of Leyden Planning  
Board – Approved w/conditions

(8) **Unfinished Business:**

- Annual in-person Land Use Training Workshop is cancelled and REPLACED with a 2-hour online webinar entitled “Rural Planning” from 6-8 PM September 28, 2021.

(9) **New Business:** Michael Kaido indicated that he would not be renewing his term on the County Planning Board. After reviewing applicants that previously applied for a term on this Board, Ms. Buell made the recommendation to the Chairman of the Board of Legislators to appoint Sarah Mettot.

(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 3:08 PM.

Respectfully submitted,



Casandra Buell  
Director of Planning & Community Development