

**MINUTES**  
**LEWIS COUNTY PLANNING BOARD**  
**October 21, 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, Eric Virkler and Michael Kaido. Staff Present: Casandra Buell, Director of Planning & Community Development, and Megan Krokowski, Community Development Specialist. There were two unidentified public members who were also in attendance.
- (3) **Reading and Approval of Minutes:** The draft September 16, 2021 meeting minutes were received and reviewed prior to the meeting. Mr. Cook motioned to approve the minutes; Mr. Lehman seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** Ms. Buell reviewed one Adirondack Park Agency (APA) Public Notice Application Received for project (metal fabrication business) on or near the Moose River Road in the Town of Lyonsdale in the area designated as Resource Management on the Adirondack Park Land Use and Development Plan Map. A second letter was received regarding this project from the Adirondack Park Agency – Public Notice Application Determined – The proposed business was determined to be non-jurisdictional.

A brief discussion between Board members on what non-jurisdictional means with regards to the APA. The Board did not have comments or concerns to submit to the APA for this project.

- (5) **Report of Officers:** The Board discussed the conclusion of the term held by 14-year County Planning Board member, Michael Kaido and his likely replacement. A discussion ensued describing the recommendation of Sarah Mettot to fill Mr. Kaido's position. Ms. Buell explained that after reviewing the applications received for other County Planning Board vacancies over the last few years, Ms. Mettot's application stood out due to her experience with Architecture; that of which is a knowledge set that is currently missing from the Board.
- (6) **Report of Special Committees:**

**239-M Review**

Ms. Krokowski read the following review:

**JOINT TOWN/VILLAGE OF LOWVILLE PLANNING BOARD**

Site Plan Review for the proposed 40' x 50' expansion of All Seasons Power Equipment located at 7369 Utica Blvd. (State Route 12) in the Village of Lowville.

Tax Map Parcel: #212.16-03-13.000

*SMS Enterprises for All Seasons Power Equipment – Applicant*

The following project documentation was submitted: 1) Site Plans; 2) Location and Tax Maps; 3) Agricultural Data Statement; 4) SEQR Short Environmental Assessment Form (SEAF) with EAF Mapper Report; and 5) Project Narrative.

- *Compatibility With Adjacent Uses:*  
The zoning for this area is identified as AC (Auto Commercial). Currently, the property identified is an operational equipment retailer and servicer, which is consistent with the commercial nature of the Utica Blvd. corridor. The applicant is proposing a 40' x 50' addition that will double their existing building footprint to be used for additional workspace and heated storage. The proposed use is compatible with adjacent uses.
- *Traffic Generation and Effect:*  
The roadway is identified as Utica Blvd. but is also known as NYS Route 12. This roadway consists of two lanes of travel in a north-south direction. The applicant intends to use the existing driveway 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.
- *Protection of Community Character:*  
The applicant is proposing to expand a commercial property along Lowville's commercial corridor. Based on review of the current zoning criteria in the County file 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, including but not limited to Article IX and Article X.

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 2 bird species having common breeding seasons from May-August, which should be avoided for activities of potential impact. The proposed site 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 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.

This project appears to be consistent with the community character.

- *Signage:*  
The applicant has not proposed any updates to their current signage.
- *Drainage:*  
Based on the information supplied by the applicant on the SEAF, the action site and/or adjoining lands does not contain wetlands or other waterbodies regulated by a federal, state, or local agency. There is an existing storm drain, which the proposed addition will drain to.
- *Erosion:*  
According to the application, there will be approximately .05 acres (Acreage=(40x50)/43560) disturbed for the proposed project. The ground disturbance should be limited to the blueprint of the proposed structure. The proposed project falls below the 1-acre threshold which would require the applicant to obtain a SPDES permit.

- *Parking:*  
The existing eight parking spaces to the front of the building will be utilized. According to Article VIII §201-820 and 830, since the use is expanding by more than 20%, the non-conforming parking lot will need to have one space per motor vehicle used directly in the business, plus one space per 350 square feet of business area. It is suggested that at least 3 parking spaces are added to the site plan to comply with Article VIII.
- *Community Facilities:*  
According to the submitted SEAF, the proposed action will connect to existing public/private water supply and wastewater utilities. Increased water usage should be evaluated by the Village.
- *Lighting:*  
The applicant has not proposed lighting. If the applicant intends to add lighting, to ensure compliance with Article X § 201-1030, the applicant should submit a lighting plan to the Village Planning Board before approval is issued.
- *Landscaping and Screening:*  
The applicant has not proposed landscaping and screening; however, this is consistent with the Utica Blvd. corridor and landscaping along the road frontage should not be required. Additionally, the existing cedar trees to the east of the property act as a buffer to the adjacent residential lot and it appears that they will also buffer the proposed addition.

***Recommendation: Approve with the following condition***

1. While lighting was not included in the application, to ensure compliance with Article X § 201-1030, if lighting is indeed planned, the applicant should submit a lighting plan to the Village Planning Board for before approval is issued.
2. It is suggested that at least 3 parking spaces are added to the site plan to comply with Article VIII.
3. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

**Note:** On technical drawing sheet number A-300, number one indicates “it is being proposed to construct a new addition for pool/spa”, this should be updated for the actual purpose of the proposed project.

The Board discussed the threatened and endangered species about how it was noted in the protection of community character section but was left out of the approval conditions as it would not apply to the scope of this proposed project. The Board determined they would like it to remain off the approval conditions.

A brief discussion regarding the lighting requirements, parking recommendations, and existing buffering of the neighboring residential lot ensued. With no further questions or comments, Mr. Lehman made a motion to approve the proposed project with no changes to the recommended conditions. Mr. Hunt seconded this motion, which was carried unanimously.

Ms. Krokowski then read the following review:

**VILLAGE OF TURIN BOARD OF TRUSTEES**

Site Plan Review for the proposed installation of two 16' x 26' rental cabins located at 4306 State Route 26 in the Village of Turin.

Tax Map Parcel #321.06-01-08.000

*John and Robert Marinaccio, Tug Hill Recreational Cabins LLC – Applicant*

The applicant provided the following Project Documentation: 1) Site Plans; 2) Agricultural Data Statement; 3) SEQRA Short Environmental Assessment Form; 4) Project Description; 5) Sample Cabin Photo; 6) Septic System Design; 7) Letter of Zoning Referral; and 8) Sign Rendering

It should be noted that, per Article G §4c9, a Full SEQRA is required for proposed projects in the Wellhead Protection Overlay District; however, it appears that a Short SEQRA was accepted.

▪ *Compatibility With Adjacent Uses:*

The proposed action is located within the Village of Turin's "Wellhead District 2" Zoning District and will be located on approximately 6.5 acres. 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 a conditional use, contingent on a site plan review.

Per the Village of Turin Rural Development Code Article F, §1:

Lot Frontage: Approximately 250' (100' required)

Road Setback: Approximately 250' (50' required)

Side Setback: 25'\* (15' required)

Rear Setback: Approximately 90' (15' required)

\* This is an estimate based on the provided site plan, please ensure project placement is outside the required 15 feet for side setbacks.

Per the Village of Turin Rural Development Code Article E §3c regarding campgrounds - "permit may be granted for a 5-year period and may be renewed at the end of that time. Must meet Part 7 of New York State Sanitary Code and meet the following standards:

1- All sanitary and water facilities must be approved by the enforcement officer.

2- Garbage disposal must be carried out on a regular basis, such that it does not constitute a nuisance or health hazard."

▪ *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 26, a NYS DOT Driveway Permit will need to be obtained prior to construction.

▪ *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 5 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 Assessment Form 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 includes the installation of a 36" x 30" roadside hanging sign. These dimensions are compliant with Article F §2; however, prior to site plan approval, the Village Board shall confirm that the sign will not project into the public right-of way, will be properly maintained and that their use remains current.

- *Drainage:*

According to the submitted SEAF, the proposed action will physically disturb .33 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 .8-acre riverine and a .34-acre freshwater forested/shrub wetland are located on the north property boundary and toward the rear of 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 FEMA Flood Map 361355 B, the parcel of land is considered Zone C, defined as area of minimal flood hazards.

- *Parking:*

The proposed project did not include plans for parking. To comply with Article E §3d, it is recommended that the applicant submit an updated site plan for a minimum of two parking spots per cabin, for the Board to review prior to approval. Being that the proposed project is within Wellhead District #2, additional impervious surface coverage should be avoided in order to limit surface runoff.

- *Community Facilities:*

According to the submitted project SEAF, the proposed action would connect to existing public water supply or wastewater utilities.

The proposed action includes the installation of an on-site wastewater treatment system (septic system). As noted in Article E §3c and Article F §13, the septic system should comply with the specifications set forth in Title 10 NYCRR Part 75, Appendix 75-A, Part 7 of the New York State Sanitary Code, and must be approved by the enforcement officer. Additionally, according to Article F §14, the *construction of new sewage treatment systems (including individual household septic systems) within 100 feet of the mean high-water*

*mark of a watercourse or wetland unless it precludes the continuation of an existing business or residence* are prohibited. The enforcement officer should ensure that the proposed septic system is not within 100 feet of the identified riverine. Additionally, to further comply with Article E §3f, the Village Board shall require any changes or additions necessary to the site plan as a condition of approval to safeguard groundwater resources.

▪ *Lighting:*

No lighting has been proposed. Applicant should include and submit exterior lighting plans typical of residential porch lights on each cabin for security purposes.

▪ *Landscaping and Screening:*

The applicant intends to preserve most of the existing vegetation and the finished site will be seeded with local grasses. According to Article F §14o, commercial use, storage or application of pesticides are prohibited unless authorized by the New York State Department of Environmental Conservation.

***Recommendation: Approve with Conditions***

1. A NYS DOT Driveway Permit will need to be obtained prior to construction.
2. The applicant shall follow and obey local policy and guidance on connecting to public water supply.
3. Prior to site plan approval, the Village Board shall confirm that the sign will not project into the public right-of way, will be properly maintained and that their use remains current.
4. As referenced in the submitted Letter of Zoning Referral, an engineer's design is required for the additional sanitary waste as septic systems are prohibited within 100 feet of the identified riverine. This should be submitted and reviewed prior to site plan approval as it may alter where the cabins and proposed septic system are permitted.
5. While it appears that the applicant will preserve most of the existing vegetation and the finished site will be seeded with local grasses, pesticides should be prohibited. According to Article F §14o, commercial use, storage or application of pesticides are prohibited unless authorized by the New York State Department of Environmental Conservation.
6. Applicant must follow all local, state, and federal guidance on septic system placement especially with the proximity of a DEC-identified riverine within the area of potential effect.
7. As part of this review, an Environmental Resource Mapper was completed and subsequently found a .8-acre riverine, and a .34-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.
8. To comply with Article E §3d, it is recommended that the applicant submit an updated site plan for a minimum of two parking spots per cabin for the Village Board to review prior to site plan approval. Being that the proposed project is within Wellhead District #2, additional impervious surface coverage should be avoided in order to limit surface runoff.
9. Prior to approval, applicant should include and submit exterior lighting plans typical of residential porch lights on each cabin for security purposes.

10. It is recommended that the applicant be cognizant of activities that could impact the Northern Long-Eared Bat and the Monarch Butterfly including but not limited to brush and tree clearing, since these species were listed on the IPAC report supplied by US Fish and Wildlife Services. US Fish and Wildlife Services also identified 5 bird species having common breeding seasons from May-August, which should be avoided for clearing trees and brush removal.
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, 321.06-01-01.000 (Charles Lambert Jr.) it appears to have active cropland and is within the proximity threshold; therefore, we suggest adding this parcel to the submitted Ag Data Statement. Additionally, per Article G §4c9, a Full SEQRA is required for proposed projects in the Wellhead Protection Overlay District; however, it appears that a Short SEQR was accepted.

The Board had a brief discussion regarding the unavailability of a public sewer system in Turin along with a discussion about the proposed septic system and the proximity to the DEC-identified riverine.

After reading the above-mentioned note regarding the cropland owned by Charles Lambert Jr., a public guest indicated that this was her property that she was not informed of this project, hence her participation in this meeting. The Board discussed the lack of the FEAF, which is required per the Village of Turin's Zoning as an application requirement for projects within a wellhead district. Mr. Lehman noted that the recommended condition No. 9 should be updated to specify motion activated lighting to be consistent with past project recommendations. The Board also discussed the requirement of a project engineer to ensure compatibility with Building and Codes; Ms. Buell confirmed that a licensed PE did submit drawings for the project.

Mr. Hunt made a motion to approve the project with the above conditions, to include the addition of motion activated lighting to condition No. 9. Mr. Virkler seconded the motion, which carried unanimously.

Ms. Krokowski then read the following review:

**TOWN OF TURIN PLANNING BOARD**

Special Use Permit for the proposed construction of three 18'x36' rental cabins located on the West Road (County Route 51) in the Town of Turin.

Tax Map Parcel #305.00-01-09.116

*Mark McDonald – Applicant*

The public guest explained to the Board that their land is located in between both proposed projects. The public guest inquired if a picture was provided for this proposed project, which there was not one provided.

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

- *Compatibility With Adjacent Uses:*

The proposed action is located on approximately 16 acres within the Town of Turin's "B" Zoning District and within the Water Overlay 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 and residential land uses. Based on the submitted materials, the proposed action could be considered a campground, which is an allowable use in the "B" Zoning District contingent on the receipt of a special use permit.

Lot Frontage: Approximately 1240' (200' required)  
Road Setback: 100 (60' required)  
Side Setback: 200'+ (25' required)  
Rear Setback: Approximately 200'+(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. According to the Lewis County GIS, it appears that there is no existing entrance to the property; therefore, a new egress/ingress will be required. Since the proposed action is on West Road (County Route 51), a County Driveway Permit will need to be obtained prior to construction.

- *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 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 Northern Long Eared Bat, an endangered species native to the area, if cutting down trees, avoid the summer months if possible as the bats use trees as their summer habitat. As part of this review, an Environmental Assessment Form Mapper was completed, 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.

It should be noted that on October 6, 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. If signage is proposed later, 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 2 acres and will result in stormwater runoff. This falls above the 1-acre threshold, requiring the applicant to obtain a SPDES permit.

The Environmental Resource Mapper was completed as part of this review and identified the absence of lands containing wetlands or other waterbodies regulated by federal, state or

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

The Board discussed what constitutes as ground disturbance, and the fact that the applicant self-certified the plans to disturb 2 acres. Public guest inquired about where the specific site would be which the Board referred to the provided diagram. It was clarified that this project also includes constructing a new driveway, adding to the ground disturbance of the project.

▪ *Parking:*

The proposed project did not detail parking; however, it is recommended the applicant provide 3 parking spaces per cabin to comply with Article 3, Section 310 in which the Town of Turin requires one space for every 250 sq ft, based on the proposed square footage (648 sq ft per cabin). Since the proposed action is within a Wellhead Protection District, impervious pavements should be avoided to avoid stormwater runoff.

▪ *Community Facilities:*

According to the submitted project SEAF, the proposed action would not connect to existing public water supply or wastewater utilities; however, the general municipal referral form indicated the applicant's intentions of connecting to public water and that the proposed action would include an engineered septic system.

▪ *Lighting:*

The proposed action did not include lighting. Exterior lighting plans, typical of residential porch lights, for each cabin are to be submitted to the Turin Planning Board prior to approval.

▪ *Landscaping and Screening:*

The applicant did not indicate plans for landscaping and or screenings, but the natural topography should limit visual impacts. According to Article 3, Section 360 §3j, *commercial use, storage, or application of pesticides, unless authorization by the New York State Department of Environmental Conservation*, is prohibited.

***Recommendation: Approve with Conditions***

1. Since the proposed action is on County Route 51, a County Driveway Permit will need to be obtained prior to construction.
2. The proposed action includes 2 acres of ground disturbance; therefore, the applicant will be required to obtain a SPDES permit prior to construction.
3. The proposed action referral did not include plans for a sign. If signage is proposed later, applicant should ensure compliance with Article 3, Section 305 of the Town of Turin Rural Development Law.
4. If connecting to the public water supply, the applicant shall comply with local regulations for connecting to the water district.
5. Prior to approval, the applicant shall provide a site plan with 3 parking spaces per cabin to comply with Article 3, Section 310 in which the Town of Turin requires one space for every 250 sq ft, based on each cabin's square footage of 648 sq ft. Being that the proposed project is within the Wellhead Protection District, impervious surface coverage should be avoided in order to limit surface runoff.
6. While it appears that the applicant will preserve most of the existing vegetation and the finished site will be seeded with local grasses, pesticides should be prohibited. According to Article 3, Section 360 §3j, *commercial use, storage or application of*

pesticides are prohibited unless authorized by the New York State Department of Environmental Conservation.

7. Prior to approval, applicant should submit exterior lighting plans typical of residential porch lights on each cabin for security purposes.
8. Applicant should obtain engineered septic system and provide to the Town of Turin Planning Board and Building Codes for review prior to project approval to ensure compliance with local regulations and water source protection.
9. Compliance with all local, state, and federal requirements for this type of facility.

Mr. Petersen raised a question regarding the physical disturbance that was reported on the SEAF for this project vs. the Village of Turin cabins. Ms. Buell made mention that this project will disturb wooded areas and includes the installation of a new driveway; therefore, the disturbance is expected to be more than that of the two cabins from the Village of Turin project. Mr. Hunt did make mention that, due to the drainage at the site, the driveway permit may require a bridge as opposed to a culvert; however, this will be decided through the County Driveway permitting process.

Mr. Lehman made a motion to approve the project with the above conditions, to include the addition of motion activated lighting to condition No. 7. Mr. Kaido seconded the motion, which carried unanimously.

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

- Responses from municipalities regarding previously submitted/reviewed projects:
  - Site Plan Review – V/Lowville Groundwater Project – Town of New Bremen Town Board – Approved w/conditions
  - Special Use Permit – Jeffrey O’Brien – T/Turin Planning Board – Approved w/conditions

(8) **Unfinished Business:** Mr. Hunt provided an update on the Town of Pinckney Solar Project. They have provided an alternative driveway site that allows compliance with driveway regulations and provides National Grid with unrestricted access to their equipment between the gate and right-of-way.

(9) **New Business:** Mr. Virkler requested that the Treasury Office be notified of short-term rentals to ensure that bed tax is collected.

(10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Cook, seconded by Mr. Kaido, which carried unanimously. Mr. Petersen adjourned the meeting at 3:35 PM.

Respectfully submitted,



Casandra Buell  
Director of Planning & Community Development