

MINUTES
LEWIS COUNTY PLANNING BOARD
December 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 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, Tim Hunt, John Lehman, Don Cook, Eric Virkler and Michael Kaido. Staff Present: Casandra Buell, Director of Planning & Community Development, and Megan Krokowski, Community Development Specialist. Public Present: Sarah Metott.
- (3) **Reading and Approval of Minutes:** The draft November 18, 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:** None
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

239-M Review

Ms. Krokowski read the following review:

TOWN OF TURIN TOWN BOARD

Proposed amendment to the Town of Turin Rural Development Law to provide further regulations on setbacks regarding septic systems as well as guidance and regulations on design and operation standards for campgrounds.

Town of Turin – Applicant

The General Municipal Referral Form was submitted by Town Attorney Joseph W. Russell on behalf of the Town of Turin. Originally, a Short Environmental Assessment Form was submitted; however, since the proposed amendment is considered a Type I action per 6CRR-NY 617.4, a Full Environmental Assessment Form (FEAF) is required and, after communicating this with the Town of Turin, a FEAF was provided on December 7, 2021.

In summary, the purpose of the proposed amendment is to accomplish two things. Firstly, to add regulations regarding lot frontage and setbacks with respect to wells and septic systems in Section 250 of the Town of Turin Rural Development Law. Secondly, to add Section 415: Campgrounds to the Town of Turin Rural Development Law regulating the design and operation standards of campgrounds.

The following are the proposed additions to Section 250:

Section 250. Lot Frontage and Setback

Well to Septic: From well to septic absorption field shall be 100' for District A, B, C, D, and F. From well or septic absorption field to any lot line shall be 50' for District A, B, C, D and F.

The following table was updated to reflect the added regulation from well to septic absorption field:

	A District	B District	C District	D District	F District
Lot frontage minimum	300'	200'	200'	600', or 400' with a 15-acre minimum lot size	600', or 400' with a 15-acre minimum lot size
Setback minimums:					
from centerline of state highways	75'	75'	75'	--	--
from centerline of other roads	60'	60'	60'	60'	60'
from side and rear lot lines	50'	25'	25'	50'	50'
from well to septic absorption field	100'	100'	100'	100'	100'
from well or septic absorption field to any lot line	50'	50'	50'	50'	50'

We suggest adding a definition for ‘Septic Absorption Field’ to Section 140. Definitions. This definition should provide clear guidance as to what is considered a septic absorption field and how it is intended to measure the distance, prior to adoption of this amendment.

The following details are included in the proposed addition of Section 415: Campgrounds:

Section 415: Campgrounds

Campgrounds shall require a special use permit that must be renewed after three years. Campgrounds shall meet the following design and operation standards:

- 1. The location of campsites and other features shall comply with the setback requirements of the underlying district.*
- 2. Campsites shall have a minimum size of 1,500 square feet.*
- 3. Internal roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles.*
- 4. All internal roads shall be designed, graded, and leveled with a durable surface of either blacktop, gravel, or concrete, so as to license the safe passage of emergency and other vehicles at a speed of 15 miles per hour.*
- 5. One-way internal roads shall be a minimum of 10 feet in width. Two-way internal roads shall be a minimum of 20 feet in width.*
- 6. No mobile homes shall be sited within campgrounds.*
- 7. No accessory structures or storage units shall be sited within campgrounds.*
- 8. Recreational camping vehicle in campgrounds shall not be altered with porches or other additions.*
- 9. No snowmobile trailers shall be stored in campgrounds between May 1 and November 1.*
- 10. Recreational camping vehicles in campgrounds shall be occupied no more than 90 days per calendar year.*
- 11. Any violation of this section shall be corrected within six months of issuance of an order by the Enforcement Officer.*

We suggest adding a definition for ‘Campsite’ to Section 140: Definitions. This definition should provide clarity to the proposed Sections 415.1 and 415.2 regarding campsites, prior to adoption of this amendment. Additionally, a definition should be added to Section 140 defining ‘Storage Unit’ as mentioned in the proposed Section 415.7.

In review of the documents provided, it appears that the proposed amendment to the Town of Turin Rural Development Law will comprehensively detail the added lot frontage and setback regulations as well as the addition of the proposed campground design and operation standards; however, definitions for ‘Septic Absorption Field’, ‘Campsite’, and ‘Storage Unit’ should be added to the proposed amendment in Section 140 prior to adoption.

Recommendation: Approve with the following conditions

1. The addition of a definition for ‘Septic Absorption Field’ to Section 140: Definitions. This definition should provide clear guidance as to what is considered a septic absorption field and how it is intended to measure the distance, prior to adoption of this amendment.
2. The inclusion of a definition for ‘Campsite’ to Section 140: Definitions. This definition should provide clarity to the proposed Sections 415.1 and 415.2 regarding campsites, prior to adoption of this amendment.
3. A definition should be added to Section 140 defining ‘Storage Unit’ as mentioned in the proposed Section 415.7, prior to adoption.

The Board discussed how the proposed recommendation would impact the Town regarding this zoning text amendment filing. It was mentioned that they would have to hold a public hearing to add the proposed definitions but overall, it should not negatively impact the Town to do so. These changes would alleviate some of the struggle the Zoning Enforcement Officer could have and would remove some existing discretion. With no questions or comments, Mr. Kaido made a motion to approve the proposed action. Mr. Cook seconded this motion, which was carried unanimously.

Ms. Krokowski then read the following review:

TOWN OF WATSON PLANNING BOARD

Special Use Permit Review for construction of ice cream stand/dairy barn approximately 12’ x 24’ with a 6’ porch overhang located at 6570 Number Four Road (County Route 26) in the Town of Watson.

Tax Map Parcel: #214.04-02-01.100

Mary’s Dairy Barn, Mary Lou Guignard – Applicant

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

▪ *Compatibility With Adjacent Uses:*

The proposed project is located within the Town of Watson’s H-Hamlet Zone. Construction is expected to take 6 months and is expected to begin in the fall of 2021 in anticipation of a May 1, 2022 opening date. The proposed use could be considered Business, Retail Sales and Service which is an allowed use subject to a Special Use Permit and Zoning Permit, as required by Article 4, Section 410. According to the submitted site plan, it appears that the following Article 4 Section 410 requirements have been met:

Lot Size: 1 acre required → Total acreage of proposed action: 29.3 acres. While the submitted referral form indicates that the proposed action is on 5.5 acres, this is the verified acreage according to the Lewis County Department of Real Property.

Lot frontage required: 100 feet → Lot frontage of 6570 Number Four Road: approximately 900 feet.

Front Yard Setback Required: 75 feet → Approximately 89 + feet from Number Four Road

Side Yard Setback Required: 25 feet → 100 + feet

Rear Yard Setback Required: 25 feet → 580 + feet

Building Height Maximum: 40 feet → 12 feet

- *Traffic Generation and Effect:*

The roadway is identified as Number Four Road also known as County Route 26. The applicant proposes to utilize the existing driveway entrance for the greenhouse and to install an additional entrance to the 'dairy barn'. As noted on Page 2 of the submitted Short Environmental Assessment Form, the proposed action will not result in a substantial increase in traffic above present levels. A Lewis County Driveway Permit should be sought for the additional driveway entrance to the 'dairy barn' prior to installation.

- *Protection of Community Character:*

As identified on the supplied EAF Mapper Summary Report, the proposed action is not located in an area designated as habitat for endangered or threatened species, does not have a national landmark, is not within a critical environmental area, and does not have archeological sensitive sites present. However, the IPAC Report provided by US Fish and Wildlife Service identified the Northern Long Eared Bat and the Monarch Butterfly, two species native to the area. If cutting down trees or brush, it is suggested that the applicant avoid the summer months, if possible, as the species use trees and brush as their summer habitat. The prepared Determination of Significance indicated the proposed action will not result in any significant adverse environmental impacts. Furthermore, as part of this review, the CRIS website showed that the proposed action is not located near any buildings on the National Register of Historic Buildings or archeologically sensitive areas.

It should be noted that the Town of Watson Planning Board determined that this project would result in no significant adverse impacts on the environment, and, therefore, concluding the SEQR process. A negative declaration was issued on November 3, 2021.

- *Signage:*

The proposed action did not include plans for signage. If signage is pursued, compliance with Sections 515- 530 of the Town of Watson Zoning Law is required.

- *Drainage:*

The proposed action did not include plans for drainage, however; the applicant should submit plans to the Planning Board prior to approval to ensure compliance with Article 8 Section 815 entitled Drainage.

The Environmental Resource Mapper was completed as part of this review and identified most of the parcel is in the vicinity of animals listed as Endangered or Threatened. Additionally, a 12.03-acre federally regulated freshwater forested/shrub wetland is located at the rear of the parcel along with an identified River and two freshwater ponds. Proper permitting should be sought if developing within the identified zones. According to FEMA Flood Map 360377 0030C, the proposed site is identified as Zone X as defined as area outside 500-year flood zone; however, the rear portion of the property is identified as a special flood hazard area inundated by 100-year floods.

The applicant should ensure that adequate flood insurance is sought, and proper permitting is received if developing in 100-year flood zone.

- *Erosion:*
According to the submitted SEAF, .33 acres are anticipated to be disturbed for the proposed project, well below the 1-acre threshold requiring a SPEDES permit. Disturbance over 1-acre requires compliance with NYS DEC regulations and a SPEDES permit.
- *Parking:*
The proposed project included plans for approximately 12-14 parking spaces in addition to the parking spaces that are currently available for greenhouse parking. Per Article 6 Section 620, 1 space is required for every 200 square feet. Since the proposed building is 12' by 24' (288 square feet), two parking spaces, minimum, would be required for the proposed project. Therefore, the proposed 12-14 parking spaces should be sufficient. Since the proposed action is in such proximity to a Nationally Inventoried River, impervious pavements should be avoided to avoid stormwater runoff.
- *Community Facilities:*
According to the Short Environmental Assessment Form Page 2, the project will connect to existing public water supply, applicant should ensure compliance with Town requirements. Additionally, the proposed action will not connect to existing wastewater utilities, and they outlined they would be providing a septic system. Plans were not submitted for the proposed septic system; however, the applicant should provide septic plans prior to approval that comply with Section 560 of the Town of Watson Zoning Law and New York State Sanitary Code, Part 75A.
- *Lighting:*
The proposed action did not include lighting. Exterior motion activated lighting plans, typical of commercial properties for safety and security; should be submitted to the Town of Watson Planning Board prior to approval.
- *Landscaping and Screening:*
The proposed action includes landscaping that will define the parking area and create a noticeable ingress/egress to the 'dairy barn'. Compliance with Section 565 regarding the height and location within any public right-of-way and Section 810 regarding landscaping is required. Filter strips around the parking areas should be considered to protect the neighboring waterbody from possible contamination.

Recommendation: Approve with the following conditions

1. A Lewis County Driveway Permit should be sought for the additional driveway entrance to the 'dairy barn' prior to installation.
2. If signage is pursued, ensure compliance with Sections 515 – 530 of the Town of Watson Zoning Law.
3. The IPAC Report provided by US Fish and Wildlife Service identified the Northern Long Eared Bat and the Monarch Butterfly, two species native to the area. If cutting down trees or brush, the applicant should avoid the summer months, if possible, as the species use trees and brush as their summer habitat.
4. Plans were not submitted for the proposed septic system; however, the applicant should provide septic plans prior to approval comply with Section 560 of the Town of Watson Zoning Law and New York State Sanitary Code, Part 75A.
5. Applicant should submit plans to the Planning Board prior to approval to ensure compliance with Article 8 Section 815 entitled Drainage.

6. Applicant should ensure compliance with the requirements stated in the New York State Sanitary Code Section 7-1.9 and any other Town requirements relative to water supply.
7. Filter strips (+***Vegetative Cover***) around the parking areas should be considered to protect the neighboring waterbody from possible contamination.
8. Ensure compliance with Section 565 regarding the height and location within any public right-of-way and Section 810 regarding landscaping.
9. The Environmental Resource Mapper was completed as part of this review and identified most of the parcel is in the vicinity of animals listed as Endangered or Threatened. Additionally, a 12.03-acre federally regulated freshwater forested/ shrub wetland is located at the rear of the parcel along with an identified river and two freshwater ponds. Proper permitting should be sought if developing within the identified zones. According to FEMA Flood Map 360377 0030C, the proposed site is identified as Zone X as defined as area outside 500-year flood; however, the rear portion of the property is identified as a special flood hazard area inundated by 100-year floods. The applicant should ensure that adequate flood insurance is sought, and proper permitting is received if developing in 100-year flood zone.
10. Due to the proposed action's proximity to the Black River, impervious surfaces in the proposed parking lot should be avoided.
11. Prior to approval, applicant should submit plans for motion activated exterior lighting typical of commercial building lights for safety and security purposes.
12. Applicant should ensure compliance with all local, state, and federal requirements for this type of facility.

The Board had a brief discussion about what a filter strip is and recommended that we add 'vegetative cover' to condition number 7 for clarity. With no further discussion, Mr. Lehman made a motion to approve the project with the above conditions, Mr. Cook seconded the motion, which carried unanimously.

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

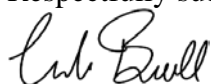
- Responses from municipalities regarding previously submitted/reviewed projects:
 - Site Plan Review – Tug Hill Recreational Cabins – Village of Turin Village Board – Approved w/conditions

(8) **Unfinished Business:** Ms. Buell reminded the Board of their 4-Hour annual training requirement and shared with them their recorded credit hours to-date.

(9) **New Business:** Ms. Buell mentioned that the Town of Lowville Zoning Enforcement Officer, Kathy Manning, reached out to update Ms. Buell on the status of the proposed Lewis County capital projects. As of now, Ms. Manning is working with the engineers to finalize the Land Use Application details. As a follow up to a phone call from Mr. Hunt, Ms. Buell confirmed that due to the highway project site being located within the Ag District, a FEAF will be required as it would be considered a Type 1 action.

(10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Kaido, seconded by Mr. Cook, which carried unanimously. Mr. Petersen adjourned the meeting at 2:50 PM.

Respectfully submitted,



Casandra Buell
Director of Planning & Community Development