

**MINUTES**  
**LEWIS COUNTY PLANNING BOARD**  
**July 20, 2023**

- (1) **Call to Order:** The meeting was unexpectedly delayed due to a lack of quorum at 2:30 PM. Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 3:00 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, Tim Hunt, John Lehman, and Thomas Osborne. Staff Present: Casandra Buell, Director of Planning & Community Development as well as Lauryn Tabolt, Community Development Specialist.
- (3) **Reading and Approval of Minutes:** The draft May 18, 2023, meeting minutes were received and reviewed prior to the meeting. Mr. Hunt motioned to approve the minutes; Mr. Lehman 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. Buell read the following review:

**TOWN OF LOWVILLE TOWN BOARD**

Proposed temporary moratorium on the establishment of extraction, excavation, or mining uses within the Town of Lowville.

*Town of Lowville – Applicant*

The Town of Lowville Town Board is proposing a six (6) month moratorium on the establishment of extraction, excavation, or mining uses within the Town of Lowville's OC, AG, I-1, and I-2 zones. This would apply to any application to establish any extraction, excavation, or mining and would also apply to building permits or other permitting relative to said uses; however, the moratorium shall not limit any person or entity currently permitted or approved to conduct extraction, excavation, and mining as long as it is inside the previously approved and permitted area. The proposed moratorium would apply to any extraction, excavation, or mining outside of previously permitted or approved areas.

The proposed moratorium local law and General Municipal Referral Form were submitted by the Town of Lowville Supervisor, Robert Mullin.

Land use moratoria are classified as Type II actions, therefore; the Town of Lowville is not required to undertake SEQR review for this action.

***Recommendation: Approve***

The Board raised questions about the reasoning for this moratorium. Ms. Buell directed the Board Members to Section 1 of the submitted proposed law which explains the Legislative Intent. Mr. Hunt addressed his concerns relative to the economic implications that this may result in if the existing quarry on State Route 26 is not able to expand as they are already out of supply for existing regional projects. He also expressed concerns as to why the Town of Lowville had not addressed its concerns earlier to avoid a moratorium if the quarry needed to expand quickly. Mr. Lehman agreed that he did not feel this moratorium should be adopted by the Town of Lowville and that the existing facilities should be able to expand as they see fit. He also added that, as a Hospital Board Member, he is not aware of concerns relative to the proximity of the existing mine and the Lewis County Health Systems. Ms. Buell explained that this is not a ban, but rather a stay on development until the Town can assess the implications of mine expansions and/or additions. She shared an example of basic extraction use zoning regulations from an Oneida County Town that she would expect to see the Town include in their zoning, post-moratorium. The regulations included brief language of residential lot line setbacks, waterbody setbacks, along with noise and dust restrictions. A brief discussion ensued, and Mr. Hunt made a motion to recommend disapproval of the local law based on the following:

“While the submitted proposed local law did define the general concerns of expanding existing or adding new extraction, excavation, and mining uses in the Town of Lowville, the Lewis County Planning Board Members are concerned about the intent behind this temporary moratorium and felt that a more defined reasoning of the specific concerns would have been helpful. The County Planning Board has concerns relative to the proposed moratorium’s potential economic impacts on existing projects and the community.”

Mr. Lehman seconded Mr. Hunt’s motion, which carried unanimously with Mr. Petersen and Mr. Osborne.

Ms. Buell read the next review:

**TOWN OF MARTINSBURG PLANNING BOARD**

Special Use Permit for a short-term rental located on Flat Rock Road in the Town of Martinsburg.

Tax Map Parcel #242.00-01-34.200

*David Becker – Applicant*

The applicant provided the following Project Documentation: 1) SEAF; 2) General Municipal Referral Form with Agricultural Statement; 3) Site Plans; and 4) Town of Martinsburg Special Use Permit Application.

- **Compatibility with Adjacent Uses:**  
It should be noted that the proposed action is in the Agriculture Zone (A). According to Article III § 240-8, the Agricultural Zone is categorized as an area “generally used for agricultural activities. Most of the land is open in character with some scattered spots of forest, wetland, and residential use.” According to § 240-14, the proposed “commercial” use is allowed within the Agricultural Zone after a Special Use Permit is approved by the Planning Board.

The following dimensional requirements, per Article IV § 240, have been met:

	<b>Agriculture (A)</b>	
	<b>Required</b>	<b>Proposed</b>
<b>Min. Lot Size</b>	1 acre	1.8 acres
<b>Min. Lot Frontage</b>	200’	563’
<b>Min. Front YD Setback</b>	60’	82’
<b>Min. Side YD Setback</b>	25’	60’
<b>Min. Rear YD Setback</b>	25’	175’

It should be noted that there are no proposed changes to the structure or property.

The proposed site is not within Ag District No. 6 and, according to the submitted Agricultural Data Statement, there are three (3) farming operations within 250 feet. According to Lewis County GIS data, one of the identified farming operations, tax parcel #242.00-01-03.120, was identified within 250 feet but is not within Ag District No. 6; thus, should be removed from the Agricultural Data Statement.

- **Traffic Generation and Effect:**  
The proposed action is located on Flat Rock Road, also known as County Route 29. According to the submitted SEAF, the applicant has determined that the proposed action will not result in a substantial increase in traffic above present levels.

According to the submitted site plan, the proposed project will continue to utilize the onsite existing driveway as the primary form of ingress/egress from Flat Rock Road. Being that there is currently a dwelling in this location and the proposed action is to retain said dwelling for a change of use; the existing egress/ingress should continue to be adequate.

- **Protection of Community Character:**  
As noted in the provided SEAF, the applicant has identified that the proposed action is not located in, nor does it adjoin a state-listed Critical Environmental Area. Lewis County currently contains no identified National Natural Landmark designations, no coastal boundaries, or coastal management areas.

According to the submitted SEAF, the applicant has indicated that the project is not in a designated sensitive area according to NY State Historic Preservation Office (SHPO) archaeological site inventory. Since no ground disturbance is proposed in the scope of the project, there is limited impact on historic structures.

- *Signage:*

The applicant indicates there is no permanent signage being proposed.

- *Drainage:*

According to the reviewed Environmental Review Mapper (ERM), the property does not contain any identified wetlands. Furthermore, according to the FEMA Floodplain map 360372 B, the site is in Zone C, which is outside the 500-year flood.

The SEAF noted there will be no ground disturbance. Being that there is no land disturbance, a SPEDES permit will not be required.

- *Parking:*

The proposed action includes the 51' x 90' existing paved driveway, which appears to be appropriate given the nature of the use. It appears that, according to Article V § 240-24, parking requirements are being met by the applicant as the layout provides ample room and options for users to park without utilizing the public parking roadway.

- *Community Facilities:*

According to the submitted SEAF, the proposed project will not connect to public water supply or wastewater utilities.

- *Lighting:*

According to the submitted site map, the proposed action includes no outdoor lighting. Being that the proposed action is for commercial use, it is recommended that motion-activated lights be added to the plan for safety and security purposes.

- *Landscaping and Screening:*

The submitted site plan does not detail landscaping or facility screening.

The zoning law, in its current legal condition, does not suitably define short-term rental properties (or similar terms) and the relation to permitted land use in the Town of Martinsburg. For this purpose, the Lewis County Planning Board feels this is a matter of local concern.

***Recommendation: Matter of Local Concern***

The zoning law, in its current legal condition, does not suitably define short-term rental properties (or similar terms) and the relation to permitted land use in the Town of Martinsburg. For this purpose, the Lewis County Planning Board feels this is a matter of local concern.

**Non-binding Notes:**

- According to Lewis County GIS, one farming operation identified was not located within Ag District No. 6; thus, should be removed from the Agricultural Data Statement. The parcel to be removed is owned by Gerald A. Bush and its parcel identification number of 242.00-01-03.120.
- This short-term rental use does not fit into the existing commercial use definition in the Town of Martinsburg’s existing law. If it is the Town’s intent to regulate short-term rentals, the use and regulations should be defined appropriately in the Town’s Zoning Law. Furthermore, the Town of Martinsburg should consider a moratorium on short-term rentals until proper policy updates can be added to the zoning code.

There was a brief discussion regarding the need for additional short-term rental guidance. Ms. Buell acknowledged that this is a national issue, and she is working on pushing resources out to municipalities so that they can address those uses in their zoning regulations appropriately. With no further comments or questions, Mr. Hunt made a motion to recommend that this is a matter of local concern and to submit the response back with the comment and notes provided. Mr. Lehman 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>
T/Leyden Dollar General	Approved w/Some Conditions

**(8) Unfinished Business: None**

**(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. Hunt and carried unanimously. Mr. Petersen adjourned the meeting at 3:34 PM.**

Respectfully submitted,



Casandra Buell  
Director