

MINUTES
LEWIS COUNTY PLANNING BOARD
August 17, 2023

- (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, John Lehman, Tim Hunt, and Eric Virkler.
Staff Present: Casandra Buell, Director of Planning & Community Development, Lauryn Tabolt, Community Development Specialist; Megan Krokowski, Community Development Specialist, as well as Jonathan Roes, Code Enforcement Officer.
Members of the Public: Philip Hathway, Michael Honer, Don Furney, Paul Pierce, and Chuck Langs.
- (3) **Reading and Approval of Minutes:** The draft July 20, 2023 meeting minutes were received and reviewed prior to the meeting. Mr. Lehman motioned to approve the minutes; Mr. Virkler seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:**
- **APA Project No. 2023-0145: Application Received**
Kyle Bush, Proposed installation of a 4-bedroom mobile home to replace and expand a pre-existing 2-bedroom mobile home – Burnham Road, Town of Greig.
 - No questions or concerns were made by the Board members present
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

239-M Review

Ms. Krokowski read the following review:

TOWN OF DIANA TOWN BOARD

Site Plan Review and Special Use Permit for a proposed solid waste management facility to be located at 8023 Washington Street in the Town of Diana.

Tax Map Parcel #013.09-01-06.110 and #013.09-01-12.000

Geiter Done of CNY – Applicant

The applicant provided the following Project Documentation: 1) General Municipal Referral Form; 2) Full Environmental Assessment Form; and 3) Facility Manual/Engineering Report.

The applicant indicated that NYS DOH has been involved and according to the correspondence provided by Claude Curley, District Engineer (DOH), the minimum standard distance of a 300' radius of control or ownership surrounding the wellhead applies. The project site is approximately 625' from said wellhead but contamination is still a concern given the nature of the operation.

The proposed intent is to use the existing facilities to the maximum extent practicable. At this time, proposed development activities include the installation of a new scale facility and excavation/grading of the mounded area in the northwest of the site to be

used for green waste mulching and storage operation with possible composting in the future. Existing mounded material consists of soil and rock; this area will be excavated, screened, and/or crushed to be sold.

▪ **Compatibility with Adjacent Uses:**

Geiter Done of CNY is proposing to operate a transfer station and materials processing facility at the site, which will manage several waste streams including green waste (mulching), C & D waste (sorting and transfer only), E-waste (transfer only), scrap metal (transfer only), mattress waste (processing and transfer), recyclables (processing and transfer), and tire waste (processing and transfer). This would include the construction of scales, a small addition to an existing structure, and the development of a 100,000-square-foot pad for mulching operations. Additional operations to be permitted later may include composting.

Below are the proposed tons per day per waste stream according to the submitted Facility Manual/Engineering Report:

| Table 1 – Solid Waste Accepted Capacity | |
|---|--------------|
| Item (Qty) | Tons per day |
| Green Waste | 30 |
| Mattress Waste and Processing | 25 |
| Tire waste and processing | 60 |
| Construction and demolition waste | 200 |
| e-waste | 10 |
| Scrap metal | 30 |
| Recyclables handling and recovery | 10 |

Based on the Town of Diana Zoning Code, Article II Definitions, the following definitions/uses could apply for the proposed use:

Commercial Use - This shall include but not be limited to the following; all wholesale and retail sales and services, and also including sales and service for new and used automobiles, trucks, mobile homes, boats, recreational vehicles, farm machinery, and other large items stored outdoors for retail sales; agricultural uses; business or institutions providing overnight accommodations institutional residences, care or confinement facilities; tree nurseries, storage and parking facilities, laundromats, restaurants, retail gasoline outlets, animal hospitals, airports essential facilities, slaughterhouses, motor vehicle repair/paint shops, campgrounds, and warehouses.

Construction and Demolition Debris Processing Facility - a processing facility that receives and processes construction and demolition debris by any means excluding landfilling or incineration.

Industrial Use. Heavy - any facility or site which manufactures, assembles, fabricates, stores, processes, or packages products from raw materials or component parts which may result in the generation of hazardous waste or pollutants regulated by State and Federal Laws or Regulations in an amount considered significant by the Town Board.

Industrial Use. Light - a facility or site which manufactures, assembles, fabricates, stores, processes, or packages a product for wholesale or retail sale, from raw materials or component parts, which does not result in the production of significant

hazardous waste or pollutants regulated by New York State or Federal Laws or Regulations.

Recycling Facility - a solid waste processing facility, other than collection and transfer vehicles, at which non-putrescible recyclables are separated from the solid waste stream or at which previously separated non-putrescible recyclables are processed.

Solid Waste Management Facility - any facility employed beyond the initial solid waste collection process and managing solid waste, including but not limited to storage areas or facilities; transfer stations; rail-haul facilities; landfills; disposal facilities; solid waste incinerators; refuse-derived field processing facilities; pyrolysis facilities; construction and demolition debris processing facilities; land application facilities; composting facilities; surface impoundments; used oil storage, reprocessing, and re-refining facilities; recyclables handling and recovery facilities; waste tire storage facilities and regulated medical waste processing facilities. The term includes all structures, appurtenances, and improvements on the land used for the management or disposal of solid waste.

Transfer Station - a solid waste management facility other than a recycling facility, used oil collection center, or a construction and demolition debris processing facility, where solid waste is received for the purpose of subsequent transfer to another solid waste management facility for further processing, treating, transfer, or disposal.

Waste Tire Storage Facility - a site on which 1,000 or more waste tires are stored, placed, piled, or otherwise located except when used as part of an agricultural operation.

Based on the Hamlet of Harrisville’s zoning law the following setbacks may apply:

| Setback Description | A. Accessory Structures | Actual A. | B. Principal Buildings | Actual B. |
|---|-------------------------|---|------------------------|-----------------------------|
| Minimum distance to side and rear lot lines | 10' | NA | 25' | 30' |
| Minimum distance to center line of public streets and roads | 40' | NA | 50' | 466' |
| | C. Minimum Lot Area | Actual C. | D. Max Lot Coverage | Actual D. |
| Commercial use/ nonresidential uses | 15,000 sq. ft. | 1,771,367.4 sq. ft. (40.665 acres) | 50% | 23% (401,499 sq. ft.) |

According to the Hamlet of Harrisville Article I. Definitions, the proposed project could meet the following definitions:

Commercial Use - Any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee.

Industrial Use - Any manufacturing; production or assembly of any goods or materials, including any on-site waste disposal area directly associated with an industrial use.

Also includes mineral extraction, private and commercial sand and gravel extraction, and sawmills, and other wood processing facilities.

The proposed project is within the Town of Diana, which according to Section 210 is designated as one zone, Rural Residential. When the Village of Harrisville dissolved, the Town of Diana absorbed the regulations for Harrisville within their zoning as an embedded law. The proposed project is split between the Town of Diana-Rural Residential zone and the Hamlet of Harrisville-Mixed-Use zone. It is our understanding that the Hamlet of Harrisville Law falls under the principal Town of Diana Zoning Law Umbrella.

According to the Hamlet of Harrisville, Article II section 2.2 C. *“Where a zone boundary line divides a lot of record at the time such line is adopted, the use authorized on, and the zone requirements of the least restricted portion of such lot shall be understood as extending to the entire lot.”*; however; it is our interpretation this only applies if the zones are split with other hamlet zones such as rural residential or central. Section 140 of the Town of Diana Zoning Law states *“This local law in no way affects the provisions or requirements of any other federal, state, or local law or regulations. Where this local law is in conflict with any other such law or regulation, **the more restrictive shall apply.**”*

According to Section 250 of the Town of Diana Zoning Law - Prohibited Uses include solid waste landfills; construction and demolition debris landfills; incinerators, except when located on the site of, and accessory to, a commercial, industrial, or licensed health care facility; regulated medical waste landfill; transfer stations designed and permitted by the N.Y. State DEC to handle **more than 400 tons/year** of solid waste.

The facility was previously permitted as a single-stream recycling center operated by DANC. Based on the several proposed waste streams and expected daily tonnage, the project as submitted is not permitted according to the Town of Diana Zoning Law Section 250.

- *Traffic Generation and Effect:*

According to the submitted FEAF, the applicant has determined that the proposed action will result in increased traffic generation randomly between 7 AM and 7 PM when the operation is open. It is noted that the applicant expects approximately 30 trucks per day with up to a facility capacity of 355 tons per day of accepted materials. These trucks will primarily be commercial vehicles including tandems and tractor-trailers. According to NYS Traffic Data Viewer, Washington Street has an Annual Average Daily Traffic (AADT) volume of 18/day with a mere 4% being trucks. Four percent of eighteen equates to .72/day, or less than one truck on average a day. The increase to 30 tandem and or tractor-trailers a day will be so significant that the Town will need to evaluate it.

According to Article VIII Design Standards b.-Access/Traffic Standards, 8) *“The additional traffic generated, together with existing traffic, shall not exceed the capacity of the highway(s) that serve the development.”* The Town should evaluate the traffic generation and highway capacity to ensure safety and feasibility. Article VIII, b.9) *“In situations where the proposed additional traffic is likely to result in a significant decrease in traffic safety conditions, the Town Board may require the applicant to provide traffic improvements as a condition of site plan approval, or to reduce the size or density of the proposed development.”*

The Facility Manual/Engineering Report, 2.4 Facility Access- states: *“The facility access and service road layout has been planned to accommodate the expected traffic flow on Washington Street, including peak flow, in a safe and efficient manner. The access roads are gravel and are capable of withstanding the expected volume and loads associated with facility operations. Access roads will be maintained in a safe and passable condition for loaded vehicles in all weather conditions. Road conditions will be monitored by the manager and repairs will be performed by Geiter Done as necessary. Snow removal and de-icing of access roads will also be performed by Authority crews. De-icing will be accomplished by the use of sand and salt as needed.”* Washington Street is a Town Road, and the applicant does not have the authority to maintain, repair, remove snow, or perform de-icing measures. This could become a major liability for all parties involved. Clarifications should be made to detail who is being referred to for ‘Authority Crews’ to clearly define who will be responsible for the tasks.

Furthermore, 3.5 of the Facility Manual/Engineering Report notes that no vehicles will be allowed to queue outside of the facility gate prior to opening in the morning. Prior to taking action, an adequate and agreeable plan should be submitted to the Town Board that identifies where trucks will stage if they arrive prior to the facility opening.

- *Protection of Community Character:*

According to the FEA 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 Monarch Butterfly as an endangered species native to the area, if land clearing, avoid the summer months if possible as the butterflies use grasses/shrubs/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. Indicated on the Environmental Resource Mapper was a Natural Community of Significance, identified as the Northern White Cedar Swamp. Consultation with DEC is required to evaluate the potential impacts of the proposed project on the natural community.

The proposed site was previously operated as a recycling center and would be essentially using the original site footprint; however, this previous facility operator only operated a single-stream recycling center, and this facility will expand to multiple streams. According to the Facility Manual/Engineering Report, it was identified that the applicant could store 20,000 tires. The Town Board should consider the ramifications of closure and the potential storage capacity of all streams on the overall impact on community character.

- *Signage:*

It does not appear that signage is proposed by the applicant, however; signage exists from the previous operator. Included on the sign are the Company Logo, Company Name, Address, Phone Number, Website, and Hours of Operation. It appears that the sign meets the requirements of Article VIII Section 710.f. It should be noted that it is misleading to the public to have a business sign with hours of operation up prior to

the public hearing and final actions as it suggests approvals have occurred or are implied.

Furthermore, to comply with the Zoning for the Hamlet of Harrisville, the Town Board should ensure that the sign does not obscure visibility as to impair traffic safety on public streets or roads as this is not permitted in Article III Section 3.5.

- *Drainage:*

According to the submitted FEAF, the proposed action site does contain wetlands or waterbodies regulated by a federal, state, or local agency. If the physical disturbance is planned to occur within 100' of the protected waterbody border, ensure proper permitting has been attained. The ERM also notes an undefined feature listed on the National Wetlands Inventory.

The ground disturbance is notated at 2.3 acres; land disturbances over one acre in size require a SPDES permit and must follow NYS DEC regulations. Page 9 of the Facility Manual/Engineering Report mentions how the SPDES permit does not apply as the facility does not discharge stormwater to surface waters from a point source. Consultation and compliance with NYS DEC are still required and are triggered by the ground disturbance being greater than 1 acre.

According to the submitted FEAF, the soil is predominantly sandy, meaning it is very porous. Given the proximity to Municipal Well #1, ground contamination is a concern with the extreme tonnage of various waste streams. The installation of a 20' wide perimeter buffer strip is recommended to reduce and prevent potential contamination of the municipal water supply and adjoining properties.

The FEAF notated that Integrated Pest Management Practices were intended. Kevin McNally, HRP Project Manager indicates that *"The primary components of pest control at the facility will be good housekeeping and the nature of the proposed waste streams at the facility. The primary waste streams of tire waste, C&D waste, and green waste are not a source of food for pests and therefore not major attractants. Other waste streams that may attract pests, such as recyclables, will be stored in containers that are closed at all times when not in use and kept in a clean and orderly manner through general good housekeeping practices. Geiter Done has been able to prevent pest issues at their existing facility through good housekeeping practices and expects similar results at the proposed operation. If complaints of increased pest activity are received from neighboring properties or pests are observed in or around any of the waste management areas, a local professional will be retained to identify additional measures that could be used to deter and prevent pests. The final level of pest control would be the limited and targeted application of repellants or insecticides/rodenticides."* Given the proximity of the project to a public water supply, no insecticides or pesticides should be applied within 300 feet of the Town's well.

- *Parking:*

There are 24 existing parking spaces that will be maintained and subject to any necessary upkeep. According to Article VIII Section 710.c.2. commercial/ industrial uses shall have one parking space per 1,000 square feet of gross floor area or one space per three employees, whichever will require a larger number of spaces. The submitted application indicated that 20 employees were anticipated, which would require roughly seven (7) parking spaces.

According to Lewis County Real Property records, tax parcel #013.09-01-12.000 contains 4,840 square feet and tax parcel #013.09-01-08.110 contains 64,234 square feet to total 69,074 gross square feet. While the submitted application echoes this number, Kevin McNally, Project Manager of HRP, indicates that the square footage is closer to 56,354. Accordingly, this property would require **57 parking spaces**, which is a substantial increase from the proposed 24.

Furthermore, Article VIII Section 710.c.3 specifies the required dimensions for parking spaces: “*Minimum dimensions of parking spaces shall be eight (8) feet by eighteen (18) feet. Car loading spaces shall be at least fifteen (15) feet in width and at least twenty-five (25) feet in length, exclusive of access and turning areas. Truck loading spaces shall be at least fifteen (15) feet in width and at least sixty (60) feet in length, exclusive of access and turning areas.*” Given the anticipated customer demographic, the Town should consider how many of the required 57 parking spaces should be sized for cars versus trucks. Considerations should include the projected 20 employees.

- *Community Facilities:*
According to the submitted Facility Manual, public water will be used, and sanitary wastewater will be treated through on-site septic systems that are covered by an existing SPDES permit GP-0-15-001. The previous operator had 4-5 employees listed on their application and this applicant expects to have 20 employees. The applicant has identified that they will need roughly 15 gallons per day per employee from the public water supply. Prior to taking action, the Town Board should document their ability to supply 300 gallons per day to this facility.
- *Lighting:*
According to the submitted FEAF, the site will have building lighting with no additional lighting proposed. The Town Board should review the proposal to ensure that the intent of Article VIII Section 710.e is met with the existing lighting.
- *Noise*
According to the submitted FEAF, site operations include material shredding and rock crushing that will be performed periodically from 7:00 AM to 5:00 PM. All equipment will be equipped with mufflers for noise suppression. The Town should evaluate the Facility Manual/Engineering Report to ensure sufficient mitigation is proposed according to Section 350 which states “the proposed use will utilize appropriate and feasible measures to mitigate the adverse effects of smoke, noise, glare, dust, vibration, odors, or noxious and offensive uses.” The Town should consider with the projected increase of heavy-duty truck traffic, there will also be detrimental impacts that could be mitigated with a buffer area or screening and if they feel it appropriate to require either to reduce noise, odors, dust, and visual impairments to the community.
- *Landscaping and Screening:*
The proposed project did not appear to submit landscaping or screening plans. While the site appears to be screened with natural vegetation, prior to taking action, the Town should ensure that Article IV Section 330 and Article VIII Section 710.d will comply to the Board’s satisfaction.

Section 4 of the Facility Manual/Engineering Report discusses the Emergency Response Plan, Local Emergency Services, Emergency Coordinators, and Contact Information. It is suggested that a detailed, labeled, colored, site map be provided and updated

regularly as the site uses change to reflect the type of materials being stored/housed at each location, estimated quantity or capacity, and possible hazards should an emergency occur. A weatherproof copy of this map should be posted at the front gate of the facility, easily accessible for EMS responders, and should have the emergency contact phone number listed.

Note: According to the provided Town of Diana APPLICATION FOR SPECIAL PERMIT, SITE PLAN REVIEW & ZONING PERMIT; under Ownership Intension “Additional operations to be permitted at a later date may include composting”. The application mentions ‘future composting’ several times; we want to reiterate that this review did not include a review for composting, and detailed plans were not submitted to provide a technical review of such use. When it is time for the applicant to further pursue the composting route; be aware that this same Town and County review process will need to be undertaken prior to the approval of adding the use to the site. Should additional unidentified operations be pursued, ensure proper permitting and reviews are completed early in the process.

This review did not include a review for the excavation/mining identified on page 4 of the FEAF. Mining would require permitting by DEC and will trigger another special use permit, County Planning Board Review, and Town Board Review since it was not included on the original Special Use Permit signed on 6/26/2023.

Recommendation: Disapprove

Being that the application is for several proposed waste/recycling streams and the expected daily tonnage exceeds the regulated tonnage in the Town of Diana Zoning Law, the project, as submitted, is not permitted according to the Town of Diana Zoning Law Section 250.

If the Town Board decides to approve this project against the recommendation of the County Planning Board, please consider including the following non-binding notes:

Aside from a zoning amendment or consolidating the current business model to align with the existing zoning regulations, the applicant should pursue a use variance and, if the use variance is approved, the review process could restart.

The following sections of the FEAF should be reevaluated and updated accordingly:

- C.4.b-The Antwerp Village Police Department should be replaced by Lewis County Sheriff’s Department and NYS Police.
- C.3.c-Lewis County Health System should be added to this response.
- D.2.k-Will the proposed action generate new or additional demand for energy, consider if this should be yes as currently, the site is vacant, and previously the site was not operating at the scale proposed.
- Consider removing references to composting as that will require the completion of a new form.
- Page 10 of the Facility Manual/Engineering Report notes ‘...up to the permitted Facility capacity of 355 tons per day of material accepted.’ when adding up Table 1, the total tons per day is 365, ensure the correct figures are being used.

Potential Conditions:

1. While the site appears to be screened with natural vegetation, prior to taking action, the Town should ensure that Article IV Section 330 and Article VIII Section 710.d will comply to the Board's satisfaction.
2. According to the submitted FEAF, the site will have building lighting with no additional lighting proposed. The Town Board shall review the proposal to ensure that the intent of Article VIII Section 710.e is met with the existing lighting.
3. Prior to taking action, the Town Board should document its ability to supply 300 gallons of water per day to this facility.
4. While the submitted application echoes this number, Kevin McNally, Project Manager of HRP, indicates that the square footage is closer to 56,354. Accordingly, this property would require **57 parking spaces**. Given the anticipated traffic and customer base, the Town should consider how many of the required 57 parking spaces should be sized for cars versus trucks. Considerations should include the projected 20 employees.
5. The Town should evaluate the Facility Manual/Engineering Report to ensure sufficient mitigation is proposed according to Section 350 which states "the proposed use will utilize appropriate and feasible measures to mitigate the adverse effects of smoke, noise, glare, dust, vibration, odors, or noxious and offensive uses." The Town should consider with the projected increase of heavy-duty truck traffic, there will also be detrimental impacts that could be mitigated with a buffer area or screening and whether they deem it appropriate to require either or both to reduce noise, odors, dust, and visual impairments to the community.
6. Given the proximity of the project to a public water supply, no insecticides or pesticides should be applied within 300 feet of the Town's well. Furthermore, the salting of the driveways and circulation patterns onsite should be limited.
7. Cooperation and compliance with NYS DOH in regard to the public water supply that is located approximately 625 feet from the existing facility.
8. Given the proximity to Municipal Well #1, ground contamination is a concern with the extreme tonnage of various waste streams. The installation of a 20' wide perimeter buffer strip is recommended to reduce and prevent potential contamination of the municipal water supply and adjoining properties.
9. Being that FEAF notes that 2.3 acres will be disturbed, consultation and compliance with NYS DEC are required for more than 1 acre of disturbance (SPDES).
10. According to the submitted FEAF, the proposed action site does contain wetlands or waterbodies regulated by a federal, state, or local agency. If the physical disturbance is planned to occur within 100' of the protected waterbody border, ensure proper permitting has been attained.
11. The Facility Manual/Engineering Report (3.5) notes that no vehicles will be allowed to queue outside of the facility gate prior to opening in the morning. Prior to taking action, a plan should be submitted to the Town Board that identifies where trucks will stage if they arrive prior to the facility opening.
12. To comply with the Zoning for the Hamlet of Harrisville, the Town Board should ensure that the sign does not obscure visibility as to impair traffic safety on public streets or roads as this is not permitted in Article III Section 3.5.
13. The Environmental Resource Mapper identified a Natural Community of Significance, the Northern White Cedar Swamp. Consultation with DEC is required to evaluate the potential impacts of the proposed project on the natural community.
14. According to NYS Traffic Data Viewer, Washington Street has an Annual Average Daily Traffic (AADT) volume of 18/day with a mere 4% being trucks. Four percent of eighteen equates to .72/day, or less than one truck on average a day. The increase to 30 tandem and or tractor trailers per day will be significant and, per Article VIII

- Section 710.b.8-9, the Town should provide traffic improvements as a condition of the site plan approval, or to reduce the size of density of the proposed development.
15. Section 4 of the Facility Manual/Engineering Report discusses the Emergency Response Plan, Local Emergency Services, Emergency Coordinators, and Contact Information. It is suggested that a detailed, labeled, colored, site map be provided and updated regularly as the site uses change to reflect the type of materials being stored/housed at each location, estimated quantity or capacity, and possible hazards should an emergency occur. A weatherproof copy of this map should be posted at the front gate of the facility, easily accessible for EMS responders, and should have the emergency contact phone number listed.
 16. Compliance with all Local, State, and Federal regulatory requirements for this type of facility and the products stored.

NOTE:

- A. It should be noted that it is misleading to the public to have a business sign with hours of operation up prior to the public hearing and final actions as it suggests approvals have occurred or are implied.
- B. This review did not include a review for the excavation/mining identified on page 4 of the FEAF. Mining would require permitting by DEC and will trigger another special use permit since it was not on the original Special Use Permit signed on 6/26/2023.
- C. According to the provided Town of Diana APPLICATION FOR SPECIAL PERMIT, SITE PLAN REVIEW & ZONING PERMIT; under Ownership Intension “Additional operations to be permitted at a later date may include composting”. The application mentions ‘future composting’ several times, we want to reiterate that this review did not include a review for composting, as detailed plans were not submitted to provide a technical review of such use. When it is time for the applicant to further pursue composting; be aware that this same Town and County Review process will need to be undertaken prior to the approval of adding the use to the site. Should additional unidentified operations be pursued, ensure proper permitting and reviews are completed early in the process.

The board discussed the prior use and the differences between that previous single-stream recycling facility and the proposed multi-stream use. There was also a discussion over the recommendation for disapproval and what options the Town would have.

There was a discussion about Washington Street’s capacity and condition withstanding the increased load, having designated signed routes, and no parking signs. Mr. Hathway brought up the railroad crossing and the fact that glass would spill off DANC’s trucks in the past. Mr. Honer responded that trucks need to be tarped going in and out of the facility which would cut down on loss of materials.

After a discussion of the path forward and the timeline, Mr. Honer indicated that they may need to pull out of this project. Mr. Roes, the Code Enforcement Officer, indicated that he sent a thorough email in March that this project was a prohibited use. Mr. Roes also indicated that in May he made himself available to schedule a site visit to discuss this further, and the applicant did not take advantage of the opportunity.

Mr. Honer indicated that there were a lot of conversations prior to the purchase with DANC and the Town of Diana, which indicated that everything was in line to get started.

With no further comments or questions, Mr. Hunt made a motion to approve the above conditions with the removal of recommendation number 4, the parking requirement. Mr. Virkler seconded the motion, which was carried by Mr. Petersen. Mr. Lehman opposed it.

Ms. Krokowski read the next review:

TOWN OF GREIG TOWN BOARD

A proposed temporary moratorium on the acceptance or approval of applications for permits authorizing the construction or emplacement of certain solar energy collectors or generators as non-accessory uses in all zoning districts.

Town of Greig – Applicant

The General Municipal Referral Form and proposed moratorium local law were submitted by Kathryn Festine, Town Attorney. Land use moratoria are classified as Type II actions, therefore; the Town of Greig is not required to undertake SEQR review for this action.

The Town of Greig Board is proposing a six (6) month moratorium on the acceptance or approval of applications for permits authorizing the construction or emplacement of solar energy collectors or generators as non-accessory uses in all zoning districts. Additionally, the proposed moratorium includes any activity associated with or intending to support such process including the establishment, implementation, placement, or construction of associated infrastructure or similar activities in the Town of Greig.

According to Section 4, the Town has concerns that there may be an increase in the demand for solar generators or collectors in the Town and is questioning the integration of said production facilities within the Town's existing pattern of predominantly residential and agricultural land uses. The Town is looking to address these concerns in a careful, comprehensive manner.

Review of Section 4: Legislative Findings, C to ensure readability and clarity. *“The Town Board of the Town of Greig desires to address, in a careful manner, this integration question on a comprehensive Town-wide basis, rather than on an ad hoc basis, and to adopt Local Law provisions to properly regulate the same”.*

Consider if six (6) months will be enough time to adequately get through the process of creating and adopting appropriate solar siting and regulations. Perhaps adding the following language to Section 7. Term, *“This Local Law shall be subject to renewal for one cumulative period of up to an additional six (6) months, if necessary, by Resolution(s) of the Town Board.”*

Recommendation: Approve with Recommendations

1. Correct the following typo in Section 4. Legislative Findings, C: *“The Town Board of the Town of Greig desires to address, in a careful manner, this integration question on a comprehensive Town-wide basis, rather than on an ad hoc basis, and to adopt Local Law provisions to properly regulate the same”.*
2. Add the following language to Section 7. Term: *“This Local Law shall be subject to renewal for one cumulative period of up to an additional six (6) months, if necessary, by Resolution(s) of the Town Board.”*
3. To ensure clarity and purpose, specify battery storage facilities within the title and definitions of this local law.

Mr. Virkler and Mr. Hunt voiced that lack of planning should not warrant the use of a moratorium and that the Board should potentially disapprove the request to send a message to the Towns that they do not condone their behavior.

Ms. Buell discussed the purpose of moratoriums as a land use tool and suggested DOS come in for training of CPB.

Ms. Buell suggested that she could reach out to the municipalities about the updated solar law and battery storage facility laws in coordination with the launch of the Planning & Community Development Department's new Solar webpage. All members agreed that this would be beneficial to the municipalities.

With no further comments or questions, Mr. Virkler made a motion to approve the above conditions. Mr. Petersen seconded the motion, which carried unanimously.

Ms. Buell proceeded to read the next review:

VILLAGE OF CASTORLAND VILLAGE BOARD

Site Plan Review for an 18,680 sq. ft. expansion to a warehouse located at 5204 Climax Street in the Village of Castorland.

Tax Map Parcel #127.17-02-09.120

Castorland LLC – Applicant

The applicant provided the following Project Documentation: 1) FEF; 2) General Municipal Referral Form with Agricultural Statement; 3) Site Plans; and 4) Elevation Certificate.

▪ *Compatibility with Adjacent Uses:*

The proposed action is within the Village of Castorland boundaries and is surrounded by residential, agricultural, and public uses. The existing 100,000+ square foot building is used as a warehouse. Being that the expansion is a continuation of the current use, that of which has been active for decades, fits within the community character.

The proposed site is not within Ag District No. 6 and, according to the submitted Agricultural Data Statement, there are two (2) farming operations within 250 feet. It should be noted that the proposed action will not convert or impact farmland.

▪ *Traffic Generation and Effect:*

The proposed action is located on Climax Street. According to the submitted FEF, 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 two (2) existing "Castorland LLC Driveways" located along the eastern and western sides of the building. When reviewing GIS information, it appears that the driveway marked as "Castorland LLC Driveway" on the eastern side of the building, is actually located on the adjacent property currently owned by Mohawk, Adirondack & Northern Railroad. Castorland LLC should consult with the property owner to ensure this circulation pattern is acceptable going forward. Without the egress on the eastern portion of the building, which does not appear to be within their property limits, the circulation pattern of large trucks will be constrictive.

- *Protection of Community Character:*
As noted in the provided FEAF, 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. As part of this review, the submitted information was verified via the NYS EAF mapper.

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; however, the NYS EAF mapper did identify that this site is located in or is adjacent to an area designated as sensitive for archaeological sites on the NYS Historical Preservation Office (SHPO) archaeological site inventory. Prior to construction, the applicant should consult with SHPO to obtain a no-effect finding.

- *Signage:*
No signage is being proposed.
- *Drainage:*
While the submitted FEAF notes that the project site does not adjoin property in which there are federal, state, or local agency-regulated wetlands or waterbodies, according to the reviewed Environmental Review Mapper (ERM), the property does adjoin such properties that have federal, state or locally regulated wetlands or waterbodies. Furthermore, according to the submitted elevation certificate, the site is in Zone C and has a base flood elevation of 737.7. Lewis County Buildings and Codes has been working closely with the applicant on this project as the designated Flood Plain Administrator. The assigned Zoning Enforcement Officer and Flood Plain Administrator is working with the applicant to ensure this expansion complies with the flood plain management criteria for flood-prone areas. The applicant will bring in fill to bring the first floor up to base flood level elevation and, once constructed, a Letter of Map Amendment (LOMA) will be filed accordingly.

The FEAF noted there will be .429 acres of ground disturbance. Being that there is less than 1 acre of land disturbance, a SPDES permit will not be required.

- *Parking:*
There were no parking additions or expansions included in this referral. While there appears to be adequate parking for warehouse employees, the onsite traffic circulation will play a role in its ultimate adequacy. Furthermore, the applicant should confirm that all parking will be safe and kept within their property lines, even if traffic circulation is rerouted in the event an agreement with the adjacent property owner for the eastern egress cannot be reached.
- *Community Facilities:*
According to the submitted SEAF, the proposed project will not connect to public water supply or wastewater utilities.
- *Lighting:*
No lighting is proposed for this expansion.
- *Landscaping and Screening:*
No screening is proposed for this expansion.

Recommendation: Approve with Conditions

1. When reviewing GIS information, it appears that the driveway marked as “Castorland LLC Driveway” on the eastern side of the building, is actually located on the adjacent property currently owned by Mohawk, Adirondack & Northern Railroad. Castorland LLC should consult with the property owner to ensure this circulation pattern is acceptable going forward.
2. Prior to the issuance of a permit, the applicant should confirm that all parking will be safe and kept within their property lines, even if traffic circulation is rerouted in the event an agreement with the adjacent property owner for the eastern egress cannot be reached.
3. 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; however, the NYS EAF mapper did identify that this site is located in or is adjacent to an area designated as sensitive for archaeological sites on the NYS Historical Preservation Office (SHPO) archaeological site inventory. Prior to construction, the applicant should consult with SHPO to obtain a no-effect finding.
4. All proper flood plain permits should be filed and regulations should be followed.

Mr. Pierce clarified that previous expansions were on the original building footprints and further explained their coordination with FEMA.

With no further discussion, Mr. Hunt motioned to approve, and Mr. Lehman seconded the motion, which carried unanimously.

Ms. Tabolt read the next review:

TOWN/VILLAGE OF LOWVILLE JOINT PLANNING BOARD

Special Use Permit and Site Plan Review for change in use from Business, Retail to Recreation, Indoor of an existing structure with an 800 sq ft proposed addition located at 6912 Bardo Road in the Town of Lowville.

Tax Map Parcel #212.00-01-55.212

Double Play Sports Community Center, Inc. – Applicant

The applicant provided the following Project Documentation: 1) Site Plan, 2) SEQR Short Environmental Assessment Form (SEAF), 3) Agricultural Data Statement, 4) Project Narrative, and 5) Tax Map.

▪ ***Compatibility with Adjacent Uses***

The proposed action is located within the Commercial (CB) Zone and is surrounded by Agricultural and Commercial uses. The applicant has proposed to change the use from business/retail to recreational and add an 800 sq ft addition to the existing building. Construction is expected to begin in August 2023. While the property was last used as a restaurant/banquet hall, the proposed use would be consistent with the existing built and natural landscapes.

▪ ***Traffic Generation and Effect:***

The roadway is identified as Bardo Road, and the applicant will be utilizing the existing easement for the driveway entrance. No changes to the existing entrance are proposed by the applicant, and as noted in the submitted SEAF the proposed action will not result in a substantial increase in traffic above the former restaurant traffic flow that was associated with the previous use.

- *Protection of Community Character:*
According to the submitted SEAF, the site is not in a critical environmental area, national, or state register of historic places or state-eligible sites, remediation site, and is not home to threatened or endangered animals. The proposed project location is not within the 100-year floodplain; however, there are stormwater retention basins on site that are not subject to SPDES permit or regulated by federal, state, or local agencies.

- *Signage:*
There is an existing 3' x 4' sign that is 8' off the ground. The applicant has proposed to replace the existing sign which will include the 911 address. It is unclear if the sign is a minimum of 10' off the right-of-way or whether the landscaping around the sign meets the 18" perimeter requirements in Article XII § 46. There appear to be two lights that shine on the sign, but it is unclear if these lights have constant intensity to meet Article XII § 46 requirements. Prior to approval, the Planning Board should confirm whether the existing sign structure, landscaping, and lighting are compliant with the intent of Article XII.

- *Drainage:*
The submitted SEAF notes that there will be .275 acres physically disturbed for this project, which falls below the 1-acre threshold that would require the applicant to obtain a SPDES permit. There are two stormwater retention basins on the property that will catch stormwater runoff.

The submitted SEAF notes that there are wetlands or other waterbodies regulated by a federal, state, or local agency but that the proposed action will not physically alter, or encroach into, the existing wetland or waterbody. As part of this review, a NYS EAF mapper was completed and it identified the North Branch Mill Creek, and tribs, a Class 3 stream, to the east of the action site, a riverine to the east of the proposed action site, and a freshwater emergent wetland to the south of the action site. If expansions are pursued in these areas, the identified waterbodies and wetlands need to be avoided.

- *Erosion:*
According to the application, there will be .275 acres disturbed for the proposed project; therefore, a DEC permit should not be needed for the construction as it falls below the 1-acre threshold.

- *Parking:*
According to the Proposed Improvement Plan, this project appears to propose 81 parking spaces (to include 4 ADA-accessible spaces); however, this conflicts with the Occupancy Load Calculation Key Plan which notes there are 105 parking spaces proposed (91 required). The applicant should clarify the number of parking spaces proposed because according to Article VIII § 250-57, the applicant would need to include 91 parking spaces for the 9,190 sq ft of commercial space. Additionally, there are several painted islands that slow the circulation of traffic on site and properly define parking areas.

- *Community Facilities:*
According to the submitted SEAF, the proposed project would connect to the existing on-site water well and the on-site septic disposal system.

- *Lighting:*
The applicant's submitted site plan did not include plans for lighting beyond the elevations plan which notes the relocation of the existing exterior lights. Prior to issuing a zoning permit, the applicant should submit a lighting plan to identify where the exterior lights will be relocated to ensure that they are in compliance with Article XI § 250-83.
- *Landscaping and Screening:*
The applicant did not provide plans for landscaping changes.

Recommendation: Approve with the following conditions

1. Being that there were differing notes on the number of parking spaces, the applicant should confirm the number of parking spaces that are proposed for this project to ensure compliance with Article VIII § 250-57.
2. Prior to issuing a zoning permit, the applicant should submit a lighting plan to identify where the exterior lights will be relocated to ensure that they are in compliance with Article XI § 250-83.
3. Several nearby waterbodies and/or wetlands are located on adjacent parcels: the North Branch Mill Creek, and tribs, a Class 3 stream, to the east of the action site, a riverine to the east of the proposed action site, and a freshwater emergent wetland to the south of the action site. If expansions are pursued in these areas, the identified waterbodies and wetlands need to be avoided.
4. Prior to approval, the Lowville Planning Board should confirm whether the existing sign structure, landscaping, and lighting are compliant with the intent of Article XII.

A brief discussion was had on the future of the existing Double Play businesses. With no further discussion, Mr. Lehman made a motion to approve with the above conditions. Mr. Virkler seconded the motion, which carried unanimously.

Ms. Tabolt proceeded to read the next review:

TOWN/VILLAGE OF LOWVILLE JOINT PLANNING BOARD

Site Plan Review for construction of a 68'x38' personal services structure to be located at 7854 NYS Route 26 in the Town of Lowville.

Tax Map Parcel #195.00-01-40.113

Megan Dolhof, Open Sky Wellness, LLC - Applicant

The applicant provided the following Project Documentation: 1) Site Plans; 2) SEQR Short Environmental Assessment Form (SEAF); 3) Tax Map; 4) Agricultural Data Statement; 5) Project Narrative; 6) Conceptual Landscaping Plans; 7) Zoning Map; and 8) Communication from NYS Department of Transportation.

- *Compatibility with Adjacent Uses:*
The zoning for this area is defined as Commercial (CB). Currently, the property identified appears to be used for agriculture and does not have any buildings. Land uses within 500 feet of the proposed action site include a warehouse facility, agriculture crop fields, and single-family homes. The applicant is proposing to construct a building to be used for health and wellness services, which will include six (6) treatment rooms for massage therapy, skincare, alternative health services, office space for nutrition counseling, a sauna, kitchen, staff room, storage, and utility space on the main floor. The second floor and basement of the facility will be used for storage. The proposed use appears to be compatible with the adjacent uses.

- *Traffic Generation and Effect:*

The roadway is identified as NYS Route 26. This roadway consists of two lanes of travel in a north-south direction. A driveway permit is required by NYS DOT and the applicant provided a State 1 Initial Proposal Review HWP from NYS DOT. As noted in the correspondence, the driveway should be designed in accordance with the NYS DOT standard sheets 608.03 and the Policy and Standards of the Design of Entrances to State Highways” (September 1, 2017 version) and the throat should be a minimum of 28’ wide within the NYS ROW.

As identified in the submitted SEAF, the proposed action will not result in a substantial increase in traffic above present levels. According to the NYS Traffic Data View, this roadway has an Annual Average Daily Traffic (AADT) of 3910. The proposed action should not result in concerning traffic impacts.

- *Protection of Community Character:*

The applicant is proposing a 4,303-square-foot building for business use within the Town of Lowville’s Commercial (CB) Zone. Based upon the current Town of Lowville Zoning Law, the proposed project is rightfully defined as a personal services structure, that of which is an allowed use, per Article IV § 250-15, in the CB Zone, pending a Site Plan Review by the Planning Board prior to the issuance of a zoning permit.

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. As part of this review, an NYS EAF mapper was created to verify the information submitted, which proved to be accurate. The proposed action appears to be consistent with the community character.

- *Signage:*

The applicant has proposed a 3’ wide by 4’ tall custom sign that will sit a total of 8’ high from ground level and will be placed a minimum of 10 feet off the NYS Route 26 right of way. The proposed sign plan states that there will be flowers surrounding the base of the sign creating an 18” perimeter and that the sign will be illuminated by a light with constant intensity. The proposed sign appears to meet Article VII requirements.

- *Drainage:*

The SEAF states there will be .59 total acres physically disturbed, which falls below the threshold of 1 acre that would require the applicant to obtain a SPDES permit. Additionally, the submitted SEAF notes that this project will not result in stormwater discharge. Furthermore, the proposed action site does not contain, nor does it adjoining to property, that contain wetlands or other waterbodies regulated by federal, state, or local agencies.

- *Erosion:*

According to the application, there will be .59 acres disturbed for the proposed project; therefore, a DEC permit should not be needed for the construction of this project.

- **Parking:**
The proposed project includes 12 parking spaces for the business. Article VIII § 250-57 of the Town of Lowville Zoning Law requires 1 parking space per 100 square feet of business area. Being that the total business area, without storage, will be approximately 2,584 sq ft, the 12 proposed parking spaces do not meet the 26-space requirement. While this is a Town regulation, given this particular use isn't a typical office or commercial space that would require a significant amount of parking. Lewis County supports the need to reduce the minimum parking standards for this use, in this area.

- **Community Facilities:**
According to the submitted SEAF, the proposed project would connect to the existing public/private water supply, but not the wastewater treatment. Other than a note referring to the planned septic system within the submitted narrative, there was no information provided on the septic system. The Septic System Plan should be submitted, reviewed, and approved by the appropriate party prior to the issuance of a zoning permit.

- **Lighting:**
Per the site plans, two (2) exterior lights will be installed on the northern side of the building facing the parking lot, near the entry/exit. These details appear to be compliant with Article XI § 250-83.

- **Landscaping and Screening:**
The applicant included a Landscape Plan which states that, in Year 1, the following will be planted: five (5) Crab Apple trees, three (3) Boxwood shrubs, and three (3) Barberry Purple shrubs. In Year 2, an additional two (2) Weigela/Spilled Wine shrubs, one (1) Winterberry/Jim Dandy shrub, and three (3) Winterberry/Red Sprite shrubs will be planted. The five (5) Crab Apple trees will be planted on the side of the parking lot that is facing NYS Route 26 to provide screening. Assuming the applicant maintains their landscaping in a healthy condition, these details appear to be compliant with Article XI § 250-86.

Recommendation: Approve with the following conditions

1. As noted in the NYS DOT correspondence, the driveway should be designed in accordance with the NYSDOT standard sheets 608.03 and the Policy and Standards of the Design of Entrances to State Highways” (September 1, 2017, version) and the throat should be a minimum of 28’ wide within the NYS ROW.
2. A NYS-compliant Septic System Plan should be submitted, reviewed, and approved by the appropriate party prior to the issuance of a zoning permit.
3. According to the submitted site plan, the total business area, without storage, will be approximately 2,584 square feet. According to Article VIII § 250-57 of the Town of Lowville Zoning Law, commercial and business uses require 1 parking space per 100 square feet of business area, which amounts to 26 parking spaces; the proposed action only includes 12 parking spaces. Lewis County supports the need to reduce the minimum parking standards for this use and is supportive of the Town granting a zoning permit for the submitted condensed parking plan.

The Board questioned the move of this business outside of the limits of the Village and how they would rather see infill development in a brick block building located in the Village Center. A brief discussion ensued about the size of the parking lot and the ability to expand it; however, it was decided that, while it did not meet the minimum set by the Town, less impervious surfaces would be beneficial to the County.

With no further discussion, Mr. Lehman motioned to approve, and Mr. Petersen seconded the motion, which carried unanimously.

Ms. Buell continued the meeting by reading the final review:

TOWN OF MARTINSBURG PLANNING BOARD

Special Use Permit to construct two (2) to four (4) 20' x 110' storage units located at 5901 State Route 12 in the Town of Martinsburg.

Tax Map Parcel #259.00-03-21.121

Mark McDonald – Applicant

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

▪ *Compatibility with Adjacent Uses:*

The proposed action is in the Agriculture Zone (A) and, 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:

| | Agriculture (A) | |
|------------------------------|-----------------|------------|
| | Required | Proposed |
| Min. Lot Size | 1 acre | 1.01 acres |
| Min. Lot Frontage | 200' | 274.07' |
| Min. Front YD Setback | 75' | 100.6' |
| Min. Side YD Setback | 25' | 41.8' |
| Min. Rear YD Setback | 25' | 27.5' |

The proposed site is within Ag District No. 6, appears to be currently used as cropland, and, according to the submitted Agricultural Data Statement, there is one (1) farming operation within 250 feet. There is a used car retail facility, power sports retail facility, BOCES educational facility, and agricultural retail facility all within 500 feet of the proposed action. This action appears to be compatible with the adjacent uses, making it compliant with Article VI §240-43(B1).

▪ *Traffic Generation and Effect:*

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. The State Route 12 corridor in the proposed action site’s location has an Annual Average Daily Traffic (AADT) count of 6,097 and can certainly support any additional traffic created from the proposed project.

According to the submitted site plan, the proposed project includes a 28' gravel egress/ingress from State Route 12. As part of this review, NYS DOT was consulted and, while the Watertown Office is aware of the project and does not expect there to be any issues, they are waiting on design specs. Construction should not commence until an NYS DOT highway permit is received.

- *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. As part of this review, this information was verified through the NYS EAF Mapper portal.

According to the submitted SEAF, the applicant has indicated that the project is not in a designated sensitive area according to the NY State Historic Preservation Office (SHPO) archaeological site inventory; however, the NYS EAF mapper contradicted this. Consultation with SHPO should be had prior to proceeding with the project to ensure there are no findings.

- *Signage:*
The submitted referral included a note that there is “signage on building”. Prior to any Planning Board Approval, in order to comply with Article V § 240-23, the applicant should verify that the signage will not consist of lights that flash or move and is limited to one on-site sign not to exceed 32 square feet per side.
- *Drainage:*
According to the reviewed Environmental Review Mapper (ERM), the property does not contain any identified wetlands nor does the proposed action appear to encroach on wetlands on the neighboring properties. 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 1 acre of ground disturbance, which requires a SPDES permit.

- *Parking:*
The proposed action includes a 28’ wide gravel driveway, which appears to be appropriate given the nature of the use. According to Article V § 240-24, the applicant should demonstrate that the storage facility provides adequate off-road parking for all vehicles parked during peak use periods and that parking should be designed to eliminate the need to back out onto the public road. The gravel accessways in between the units perpendicular to the egress/ingress is 24’ wide and the three (3) additional accessways are 22’ wide, with a 22’ wide accessway to the rear of the units. Being that there is adequate circulation on site and there will be limited/sporadic parking needs, the proposed action appears to be compliant with Article V § 240-24.
- *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 sixteen (16) dark sky-compliant wall packs (eight (8) per unit). This is an acceptable lighting plan for the proposed use.
- *Landscaping and Screening:*
The submitted site plan does not detail landscaping or facility screening. Prior to construction, the applicant should revise the site plan to include suitable landscaping to protect the visual character of the area and to minimize negative

impacts on adjacent properties, as required in Article VII § 240-47(F) & (G). The revised site plan should be reviewed and approved by the Zoning Enforcement Officer to ensure it meets the intended requirements of the Town of Martinsburg Development Law. It is suggested that a mixture of evergreen trees, low-maintenance shrubs, and mice-repellant plants is between the ROW and eastern gravel accessway, and along the southern and eastern gravel accessways.

Recommendation: Approve with Conditions

1. Construction should not commence until an NYS DOT highway permit is received.
2. 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; however, the NYS EAF mapper contradicted this. Consultation with SHPO should be had prior to construction to ensure there are no findings.
3. The submitted referral included a note that there is “signage on building”. Prior to any Planning Board Approval, in order to comply with Article V § 240-23, the applicant should verify that the signage will not consist of lights that flash or move and is limited to one on-site sign not to exceed 32 square feet per side.
4. The SEAF noted there will be 1 acre of ground disturbance, which requires a SPDES permit.
5. Prior to construction, the applicant should revise the site plan to include suitable landscaping to protect the visual character of the area and to minimize negative impacts on adjacent properties, as required in Article VII § 240-47(F) & (G). The revised site plan should be reviewed and approved by the Zoning Enforcement Officer to ensure it meets the intended requirements of the Town of Martinsburg Development Law. It is suggested that a mixture of evergreen trees, low-maintenance shrubs, and mice-repellant plants is between the ROW and eastern gravel accessway, and along the southern and eastern gravel accessways.

Mr. Virkler mentioned that this project was in the Town of Martinsburg’s Agriculture Zone and wondered if the Town should consider updating its zoning districts given the recent developments along the section of Route 12. The board discussed a non-binding note stating the following should be added to the response: *“With the recent commercial development along this corridor and its proximity to the Hamlet of Glenfield and its public utilities, it is suggested that the Town of Martinsburg evaluate whether this area of the Ag Zone would better fit under the definition of the character of uses in the Hamlet Zone.”*

Mr. Lehman voiced his opinion of shrubs and how they are never taken care of and don’t look good. Mr. Virkler stated that the purpose is to use the shrubs as natural screening of a storage facility. Mr. Lehman cited that he does not want this included in the board’s recommendations.

With no further discussion, Mr. Hunt motioned to approve the recommendations as written along with the added Non-Binding Note. Mr. Petersen seconded the motion, which carried unanimously.

(7) Report of County Planner:

- Responses from municipalities regarding previously submitted/reviewed projects:

| Project Description | Final Action |
|-------------------------------------|--------------|
| T/Martinsburg – David Becker Airbnb | Approved |

- (8) **Unfinished Business:** Mr. Hunt brought up that the East Road Solar Farm racking has been completely removed and they are replacing everything. Ms. Buell indicated that she would reach out to the Town of Denmark Supervisor to see if he has any updates on the project.
- (9) **New Business:** None
- (10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Virkler seconded by Mr. Petersen and carried unanimously. Mr. Petersen adjourned the meeting at 4:06 PM.

Respectfully submitted,

Megan Krokowski
Community Development Specialist

Note: These minutes have been transcribed from a recording but are not a verbatim or quoted version, they are rather a documentation of the meeting events.