

MINUTES
LEWIS COUNTY PLANNING BOARD
October 19, 2023

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:32 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, Don Cook, Tim Hunt, Sarah Metott, Thomas Osborne, and John Lehman.
Staff Present: Casandra Buell, Planning & Community Development Director, and Megan Krokowski, Community Development Specialist.
Members of the Public: None
- (3) **Reading and Approval of Minutes:** The draft September 21, 2023 meeting minutes were received and reviewed prior to the meeting. Mr. Cook motioned to approve the minutes; Mr. Osborne seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:**
- **APA Permit #2023-0176** State Land Jurisdictional Inquiry Form and Application for Wetlands General Permit 2005G1R.
 - **Correspondence from HRP - Geiter Done**
 - Updated Facility Manual/ Engineering Report
 - E-waste capacity is dictated by the storage space available at the collection site, they envision it being a closed-top container for people to discard their unwanted electronics. Once full, Geiter Done would transfer those to the Sunking Facility in Brockport, NY for recycling.
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

239-M Review

Ms. Krokowski read the following review:

TOWN OF DENMARK PLANNING BOARD

Special Use Permit for a 125' x 115' addition to an existing commercial building located at 10809 State Route 26 in the Town of Denmark.

Tax Map Parcel #097.00-01-10.220

Widrick Truck & Diesel – Applicant

The applicant provided the following Project Documentation: 1) General Municipal Referral Form; 2) Agricultural Data Statement; 3) Summary of Documents Submitted with 239 L & M Referral; 4) Town of Demark Application for Special Use Zoning Permit; 5) Short Environmental Assessment (SEAF) Form, Part 1; 6) SEAF Parts 2 & 3; 7) Town of Denmark Planning Board minutes; 8)

Publication notices; and 9) Notification Letters to identified landowners on Agricultural Data Statement.

- **Compatibility with Adjacent Uses:**

While the submitted General Municipal Referral Form noted that the project is located in the AR-2 Zone, the site is actually located in the AR-3 Zone, which is defined as Agricultural/Hamlet, Commercial. The submitted SEAF indicated that rural, agricultural, and commercial land uses occur near the proposed action, which is consistent with Article II § 205. This action would most closely be defined as a Motor Vehicle Repair Shop, which would require a Special Permit according to Article IV § 405.

According to the submitted Agricultural Data Statement, the proposed use is on a property with boundaries within 250 feet of four (4) farm operations located in Agricultural District 6.

Per Article IV § 410, the following dimensional requirements, aside from the maximum building height, have been met:

	Agricultural / Hamlet, Commercial (AR-3)	
	Required	Proposed
Maximum Building Height	35'	None defined
Min. Area for Structure	40,000 sq. feet	8.7 acres
Min. Lot Frontage	250'	500'*
Min. Front YD Setback	50'	96'*
Min. Side YD Setback	30'	50'*
Min. Rear YD Setback	30'	517'*

*Estimates from Lewis County Real Property GIS. Exact measurements were not provided on the submitted application.

Prior to approval, the applicant should confirm that the building height does not exceed the maximum 35' allowed.

Additionally, Article VIII § 845 entitled Motor Vehicle Repair Shop states that the following additional requirements shall be applied:

- A) **Setback:** All motor vehicle repair shops shall be so arranged as to require all servicing on the premises no closer than fifty (50) feet to any lot line.
- B) **Storage of Waste Material:** All junk, waste, discarded parts, etc., as a result of servicing motor vehicles, equipment, etc., shall be stored in an enclosed structure or fenced area so as not to be visible from adjacent lots until disposed of. None of these materials may be disposed of on the lot.

- **Traffic Generation and Effect:**

According to the submitted SEAF, the applicant has determined the proposed action will not result in a substantial increase in traffic above present levels. The existing driveway on NYS Route 26 will be used for egress/ingress.

- *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. The IPAC report identified two endangered species of bats, the Indiana Bat and the Northern Long Eared; while conducting construction activities, all should be mindful to not disturb bat habitat or populations. According to the Environmental Review Mapper, identified Natural Communities are in the Vicinity of the proposed project site- a Confined River, with a High-Quality Occurrence of Uncommon Community Type. Approval shall be contingent on the applicant consulting with the NYSDEC Regional Office to ensure proper permits are had before commencing construction.

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, according to the CRIS mapper, the action site is within a mile of an archaeological sensitive buffer area. Since ground disturbance is planned for the proposed project and the presence of an identified archaeological sensitive area is within a mile of the site, SHPO should be consulted and provide clearance to proceed with this project.

- *Signage:*
Signage was not proposed in this referral. Should signage be pursued, the applicant should ensure compliance with Article IX § 970, 980, and 985, as applicable.
- *Drainage:*
According to the reviewed Environmental Review Mapper (ERM), the property does not contain any identified wetlands. Furthermore, according to the FEMA Floodplain map 360363 B, the site is in Zone C, which is outside the 500-year flood.

The SEAF noted the ground disturbance will be no more than .5 acres of ground disturbance with .33 acres of that being the building addition. Being that the ground disturbance is less than 1 acre, a SPEDES permit will not be required.

- *Parking:*
Prior to approval, the Town of Denmark Planning Board should ensure Article VIII § 865 is satisfied and determine which use should be used to calculate the number of parking spots required for the proposed project as Motor Vehicle Repair Shop or other comparable commercial facilities are not listed in Article VIII § 870 Parking, Specific Standards (All Zones).
- *Community Facilities:*
It is assumed that the proposed project will continue to use the existing electrical utility; however, the submitted SEAF indicated the applicant has

noted that they will be connecting/ are connected to public water and that a new septic system will be installed in the future. Consultation and compliance with the NYS Department of Health (DOH) should occur prior to permit approval to ensure commercial sanitary standards are met and satisfy Title 10 NYCRR Appendix 75-A.

- **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, at minimum, motion-activated lights be added to the plan for safety and security purposes prior to approval. The Planning Board should review the updated plan to ensure the added lighting is adequate to ensure the safety of all.

- **Landscaping and Screening:**
The applicant did not provide landscaping designs or plans. Prior to approval, landscaping plans shall be submitted to the Town of Denmark Planning Board to ensure compliance with Article VI § 660.

Recommendation: Approve with Conditions

- 1) The Town of Denmark Planning Board should ensure that the properties within the range identified in Agricultural District 6 that appear to be residential do not meet the Ag and Markets Definition of Farm Operation. According to Article 25-AA, the definition of Agricultural production has been expanded to include bees, chickens, horses, hops, and many other products that were originally excluded.
- 2) As required by Article VIII § 845, the following regulations shall be required for the identified use:
Setback: All motor vehicle repair shops shall be so arranged as to require all servicing on the premises no closer than fifty (50) feet to any lot line.
Storage of Waste Material: All junk, waste, discarded parts, etc., as a result of servicing motor vehicles, equipment, etc., shall be stored in an enclosed structure or fenced area so as not to be visible from adjacent lots until disposed of. None of these materials may be disposed of on the lot.
- 3) Prior to approval, the applicant should confirm that the building height does not exceed the maximum 35' allowed as noted in Article IV § 410.
- 4) The IPAC report identified two endangered species of bats, the Indiana Bat and the Northern Long Eared. While conducting construction activities, all should be mindful to not disturb bat habitats or populations.
- 5) According to the Environmental Review Mapper, a Confined River with a High-Quality Occurrence of Uncommon Community Type (a Natural Community) was identified in the vicinity of the proposed project site. The Town of Denmark Planning Board should ensure proper permitting and consultation occurs with the NYSDEC Regional Office prior to permitting.
- 6) Ground disturbance is planned for the proposed project and the presence of an identified archaeologically sensitive area is within a mile of the site. SHPO should be consulted and provide clearance to proceed prior to issuing a permit.

- 7) Signage was not proposed as part of this application. Should signage be pursued, the applicant should ensure compliance with Article IX § 970,980, and 985, as applicable.
- 8) The Town of Denmark Planning Board should ensure Article VIII § 865 is satisfied and determine which use should be used to calculate the number of parking spots required for the proposed project as Motor Vehicle Repair Shop or other comparable commercial facilities are not listed in Article VIII § 870 Parking, Specific Standards (All Zones).
- 9) The SEAF indicated the applicant intends to add a new septic system. Consultation and compliance with the NYS Department of Health (DOH) should occur prior to permit approval to ensure commercial sanitary standards are met and satisfy Title 10 NYCRR Appendix 75-A.
- 10) Being that the proposed action is for commercial use, at minimum, motion-activated lights be added to the plan for safety and security purposes. The Planning Board should review the updated plan to ensure the added lighting is adequate to ensure the safety of all.
- 11) The applicant did not provide landscaping designs or plans. Landscaping plans shall be submitted to the Town of Denmark Planning Board prior to approval to ensure compliance with Article VI § 660.

Non-Binding Notes-

- a. The Town may want to clarify parking regulations by mirroring the uses that have clear definitions in Article VIII § 870 (the list from Article IV § 405).
- b. To improve clarity and ensure the intent of the law is enforceable, consideration should also be given to rewording or adding a definition of fenced area Article VIII § 845 where it states: “***Storage of Waste Material: All junk, waste, discarded parts, etc., as a result of servicing motor vehicles, equipment, etc., shall be stored in an enclosed structure or fenced area so as not to be visible from adjacent lots until disposed of. None of these materials may be disposed of on the lot.***”

The Board discussed this referral at length as many were aware that construction had already begun. The Board questioned the Town’s acceptance of the submitted site plan as it met minimal standards and lacked an abundance of information. It was also acknowledged that some Board members were aware of detailed engineered drawings completed for the proposed project and wondered why they were not submitted as part of the application. These engineered drawings would have detailed the structure height required by Article IV § 410, which sets the maximum height at 35 feet, and was identified as recommendation number 3. The Board also discussed that the means of measuring the 35 feet should be further defined prior to taking final action. Chairman Petersen requested that additional language be added to recommendation number 3 which directs the Town Board to pursue an area variance if the height of the structure exceeds the maximum 35’ allowed by their Zoning Law.

The Board also discussed the Non-Binding Notes, specifically b., and mentioned that ‘enclosed structure’ should also be defined.

With no further comments or questions, Mr. Hunt made a motion to approve the project with the above conditions and the recommended additional language. Mr. Cook seconded the motion, which was carried unanimously.

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

- Responses from municipalities regarding previously submitted/reviewed projects:

Project Description	Final Action
Village of Castorland – Castorland LLC (Slack Chemical)	Approved
Village of Lowville – Sherburne DG LLC (Stevens Block)	Approved

(8) **Unfinished Business:** None

(9) **New Business:** The Town of Demark has expressed interest in working with the Villages of Castorland and Copenhagen on a Joint Comprehensive Plan.

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

Respectfully submitted,



Megan Krokowski
Community Development Specialist

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