

DRAFT MINUTES
LEWIS COUNTY PLANNING BOARD
January 18, 2024

- (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, Thomas Osborne, Eric Virkler and John Lehman. Non-Voting Ex-Officio Member: Lawrence Dolhof.
Staff Present: Casandra Buell, Planning & Community Development Director, Megan Krokowski, Community Development Specialist, and Ben Manning, Lewis County Code Enforcement Officer.
Public Present: Laurie Peer, Casie Kolenda, Kevin Doyle, and Matthew Doyle.
- (3) **Reading and Approval of Minutes:** The draft November 16, 2023 meeting minutes were received and reviewed before the meeting. Mr. Hunt motioned to approve the minutes; Mr. Lehman seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:**
APA Project No. 2023-0224: Application Received
David Parnell, Proposed single-family dwelling, Fowlerville Road, Town of Lyonsdale.
APA Project No. 2023-0242: Application Received
Patrick & Hope Croneiser, Three-lot subdivision creating vacant 9.5, 9.5, and 9.7 acre lots, Penny Settlement Road, Town of Lyonsdale.
- Ms. Krokowski read the following statement: This is a public meeting, not a public hearing, nonetheless, we have received comments before this meeting and will allow those present to state their comments for up to 5 minutes as noted in our Bylaws.
- Please note: The County Planning Board plays an advisory role, not a regulatory role. The Town Planning Board will make the final decision on the prospective projects.
- The Planning Department Staff provides technical assistance to the County Planning Board so that they can determine if there will be any countywide or inter-community impacts as a result of the proposed action. Their review may consider the following:
- a) Compatibility of adjacent land uses
 - b) Impact of any additional traffic
 - c) Compatibility with existing municipal comprehensive plans
 - d) Effects on community character and appearance
 - e) Impacts on community facilities

Public Comment Correspondence

Casie Kolenda, Town of Pinckney Referral

From a Town standpoint, any new building adds value to the town and tax base which will also increase the town's borrowing power. She is in favor of an establishment of this nature for the convenience it brings on both a personal and residential side.

Several email correspondences were received regarding this project, Ms. Krokowski read the following highlights aloud:

Megan Marolf, Town of Pinckney Referral

The issue with Mr. Doyle began in the fall of 2022 when he took possession of the 7243 Liberty Road property and began a great deal of excavation work in the agricultural field and removed a great deal of dirt from that field and also from a triangular piece of land owned by my mother in an attempt to better drain the field. In doing so, he reshaped the land and disrupted the flow of water out of the field which has resulted in a great deal of damage to my mother's property.

My mother confronted him about the trespass, paid to have that section surveyed so it was very clear where the property lines were located, and asked multiple times for him to fix the issue. I am attaching screenshots of those exchanges. At this time, Mr. Doyle has done nothing to remedy the situation and my mother is looking to pay out of pocket to have the issue remedied and likely will have to seek legal counsel in order to obtain reimbursement for the resulting work from Mr. Doyle.

When Mr. Doyle was permitted to build the pole barn on the site, it was for "personal use". In speaking with Tim Widrick on December 14, 2023 he stated that if Mr. Doyle would have initially requested a permit for an auto body repair shop there would have been additional building requirements in place for the structure. Tim seemed quite convinced that Mr. Doyle skirted around those requirements by first applying for personal use and now attempting to obtain a site plan review to change it to a commercial business. Should the county consider enforcing these building requirements given the building is less than a year old?

To begin, a business of that nature does not fit in with the aesthetic of the neighborhood. The lighting that he has in place on the building is similar to that of the LED lights that can be found in the Wal-Mart parking lot in the village of Lowville, which is a commercial zoning area. Their glow is visible from Route 177, River Road, and McDonald Road. There is no reason for a personal or commercial use building to need lighting as bright as this in a rural area.

Another issue we foresee would be the lighting he chooses to use to illuminate this roadside sign and the hours of the night this sign will be lit up for. I understand he is allowed a 4x8 two-sided sign, but is there any way to omit lighting from this sign completely. Again, this is a rural road with limited traffic besides locals driving from 177 to their homes or camps past dark. Given what we have been dealing with regarding the pole barn lighting, I am sure he will not be

respectful to have dim lighting on his sign and then we are looking at a lit-up roadside sign all night long.

At the town planning board meeting,...The second contingency was that screening be put in place around the parking area of his pole barn to limit the visibility from the road. If the screening is trees, which I believe that is what the board decided would fit in aesthetically, what size trees will need to be planted to make the screening effective immediately? Both of these contingencies were to be met by June 15, 2024. I would like to request that both of those contingencies be met before he is able to obtain a permit to operate a business there.

Our other concern is that Mr. Doyle is already using the pole barn to operate an auto repair shop. There have been auto parts vehicles making deliveries and a rotation of vehicles parked out front of the pole barn on a regular basis.

It worries us that favors are being exchanged by the applicant and Don Cook who is not only the town's highway superintendent, but town and county planning board member.

April Ritz, Town of Pinckney Referral

My name is April Ritz, and I live at 7226 Liberty Road, Copenhagen, NY 13626. In March of 2023, Kevin applied for a DBA for Liberty Road Auto/Excavation. This indicates there were intentions in March of 2023 to run an auto shop and excavation business. This builds on what Megan Marolf stated in the original email regarding a permit for a body shop and additional requirements. The building that is currently being used for auto repair was built after the DBA was filed.

I have concerns that there will not be a proper waste disposal system, which will negatively affect the environment. Without strict monitoring and requirements, his actions could lead to severe environmental damage, harming people and wildlife in this area.

The current lighting situation is unacceptable. I believe most of us bought property here to be away from the lights and chaos of the city. There is evidence that light pollution is linked to measurable negative effects on human and wildlife ecosystems. If it is determined that the excessive lighting at 7243 Liberty Road is necessary, darksky.org provides many tips and programs to control light pollution including warm white lighting, restricting upward directed lighting, avoiding excess lighting, utilizing appropriate lighting controls and more. There is also more information on the negative effects of light pollution in detail.

Kyle Reynolds, Town of Pinckney Referral

My first concern is there is no drain system to trap any of the grease or oils or anything from going into the soil and/or watershed. In the town meeting it was said that he'll just wipe it up with rags that is not good enough.

I am also sure that the fire suppression system that he probably does not have other than a couple of extinguishers meets commercial requirements.

I've only seen the light pollution through pictures I do not agree with how bright it is or how long it stays on. There will also be noise pollution due to air hammers moving of excavation equipment and all sorts of other things going on. The town does not have commercial property zoning is what we were told at the meeting but there does need to be restrictions as to what he's allowed to do and when.

When I did go up to my camp I did notice two semi trailers parked back by the edge of the woods they're not registered or licensed are they being considered storage and if so they should be added to his tax base or removed. if he is going to allow to destroy the property putting ugly vehicles out there. Another one of my concerns is how many vehicles are going to be allowed on that property registered or unregistered I would hate to see this property turn into an auto salvage yard or a used car dealership.

Has Mr. Doyle goes on with his plan My property value continues to decrease. I hope the planning board and The code enforcement office put a stop to this unwanted commercial property being built in a rural residential area.

Margie Gardner, Town of Pinckney Referral

I have personal issues with the property line and damage that has been created by Mr. Doyle. I know this is not a planning board issue. But the mess he has created, and promised to fix as per texts and verbal conversations starting in April 2023, and has done nothing about speaks to his willingness to say whatever needs to be said to appease whomever, but not follow through with anything. As of right now, I am unable to access my own land with even a 4 wheeler due to the erosion that has been caused by the water run-off that was completely changed by his excavation of his the land. Just walking it is almost impossible. Unfortunately, I can not have my land fixed until Mr. Doyle's drainage has been corrected! I also want to mention that I am not the only property owner that has had property line issues with Mr. Doyle!

I cannot tell you how many loads of dirt were taken out of this field where his "garage" is built and hauled elsewhere. Some of which was soil off the land I own! That anyone could look at this building, in this area and think it conforms with aesthetics of the surrounding area is obnoxious! We all live very rural for a reason! Not to be obliterated with the additional traffic, noise, lights etc of a commercial building.

It is my hope that if this auto repair shop is approved, it is with many stipulations. Lighting, hours of lighting, operational hours, screening and drainage that flows on his own land! And not just his word, because his word means nothing. At this point it may take engineering plans, and certainly deadlines. And it is not just the auto repair shop, it is also the excavating business that no one seems to address. Diesel fuel, tanks, oil????

Next, Ms. Krokowski read the following correspondence:

Nichelle Swisher, Director of SWCD

Dear Megan,

The following includes comments for the Lewis County Planning Board based on the draft recommendations 239-M, site visit, pictures provided by the neighbor of the land in question and aerial photographs. After reviewing the most recent aerial photographs and orthophotography provided by the county, it appears as though the flow of drainage has changed direction after the construction of the building on tax parcel number 206.00-02-08.000 and adjacent parcel 207.00-02-08.100. This issue does not appear to have been there prior to the building being built. Through ground-disturbing activities and/or erosion, the drainage that traveled north and east toward what looks like a pond is now draining directly north toward the Deer River causing gully erosion.

It is recommended that erosion and sediment control is needed at this area to prevent further erosion and sedimentation. If ground-disturbing activities have exceeded 1 acre, that includes the area including the building and the area of disturbance adjacent to the Deer River, a notice of intent should have been filed with the NYS Department of Environmental Conservation for a Stormwater SPDES Permit for Construction Activity permit prior to the ground disturbance. That area of ground disturbance would need to be determined by the NYS DEC.

If the flow of the drainage can be returned to its original path, this should alleviate the current erosion issues. However, if a significant additional volume of water is being transmitted due to the creation of increased impervious surface area, this volume may prove to exceed the capabilities of vegetation to stabilize the ground. Seeding is recommended over the general area to provide vegetative cover as soon as possible. The installation of low check dams could be utilized to slow water down and alleviate its erosive capabilities. If the flow is not returned to its original path then small rip rap would be recommended in the concentrated flow area to prevent further erosion during high intensity/ high volume rainstorms and snow melt. This area of disturbance also appears to breach the landowner's parcel boundary, requiring repairs to be made on the adjacent landowner's behalf using the techniques mentioned.

In addition, based on pictures that were provided via the neighbor, it appears as if the lighting may be a bit extreme and invasive for the character of the area. While there are recommendations for lighting, perhaps less invasive lighting may be recommended to both provide for the safety of the customers of the automotive repair facility and not be too invasive to the character of the neighborhood. Verification of the obtrusiveness of existing lighting is recommended.

The EAF and other site plan information has not been provided therefore these comments are based on the information I have gathered and personal observation. If you have any questions or would like further clarification, please contact me at the email or number below.

Kevin Doyle, Applicant for Town of Pinckney referral

Mr. Doyle addressed the board, which turned into an exchange between himself and Mr. Hunt.

Mr. Doyle indicated that the lights are on a timer and that the photo evidence provided is from the first night the lights were installed and the “pictures don’t do it (the lights) any justice.” Mr. Doyle indicated that the wet summer has prevented the fix of the drainage issue. Mr. Doyle also mentioned that the drainage issue was caused by the removal of a berm that the previous land user previously had installed and an ineffective drainage tile.

Mr. Hunt stated that the water can’t come to the highway right of way. Mr. Hunt further discussed that he was contacted by Don Cook to install a ditch, but the ditch would have to go across the neighbor’s property to drain into the river. Mr. Doyle then stated that it comes out on County property and basically that goes under the bridge.

A ditch would cause more water discharging in that area and prevent access to the property owner in between’s land, Mr. Hunt provided.

Mr. Doyle indicated that he and Don (Cook) discussed building something up so the water could trickle through, and DEC has been out 4 times and does not have a problem with it.

Mr. Hunt expressed that water has never come out from a single source in this area.

The drain tile is not the County’s and there is a piece of private property between the property and the river.

Mr. Hunt reiterated that the applicant should work with SWCD to discuss drainage remediation.

Ms. Buell redirected the group back to follow the meeting agenda as drainage is a detail to be discussed within the review.

(5) Report of Officers: None

(6) Election of Officers: Ms. Krokowski mentioned to the group that Mr. Lehman expressed his interest in retaining his role as Vice Chair of the County Planning Board. Mr. Petersen made a motion to appoint John Lehman as the Vice Chair, which was seconded by Mr. Virkler and carried unanimously.

Ms. Krokowski disclosed that Mr. Petersen would be happy to retain his role as the chairman of the County Planning Board. With no other interest in the position, Mr. Lehman made a motion to appoint Tim Petersen as Chair, which was seconded by Mr. Hunt and carried unanimously.

(7) **Report of Special Committees:**

239-M Review

Ms. Krokowski read the following review:

TOWN OF PINCKNEY PLANNING BOARD

Site Plan Review for the proposed conversion of a personal storage facility into a vehicle and engine service and repair shop at 7243 Liberty Road (County Route 28) in the Town of Pinckney.

Tax Map Parcel #206.00-02-08.000

Kevin Doyle – Applicant

The applicant provided the following Project Documentation: 1) General Municipal Referral Form, 2) Agricultural Data Statement, 3) Town of Pinckney Application for Site Plan Review, 4) Short Environmental Assessment (SEAF) Form, 5) Town of Pinckney Planning Board Meeting Minutes.

▪ *Compatibility with Adjacent Uses:*

The submitted General Municipal Referral Form noted that the project is located in the Rural Residential Zone, which is said to be “*sparsely settled, but generally accessible by highway. Some forest and agricultural use may be present.*” The aerial imagery shows that rural, agricultural, and forested land uses occur near the proposed action, which is consistent with Article 3 § 310. The proposed action would most closely correlate as a *Vehicle and Engine Service and Repair*, which would require a Site Plan Review, according to Article 4 § 410.

According to the submitted General Municipal Referral Form, the proposed property is within Agricultural District 6, as are all adjoining/surrounding properties. The Agricultural Data Statement form indicates there are no current farm operations within 250’ of this project; however, at least two neighboring property owners have expressed deep concern regarding the harmony of the community, contamination, erosion, and sediment issues with the proximity of the Deer River. When action is taken, consider discussing this project’s impact on the community and resources before voting and ensure documentation is recorded in the meeting minutes.

Per Article 4 § 420, the following dimensional requirements, aside from the maximum building height, have been met:

RURAL RESIDENTIAL		
	Required	Proposed
Maximum Building Height	Section 515	No Height Provided
Min. Lot Frontage	200’	1,380’
Min. Front YD Setback	60’	400’
Min. Side/ Rear YD Setback	25’	380’+/-*

*According to the Application for Site Plan Review, the side/rear setback is 380’, however, the plot map indicates 1,000’. Either distance is well above the required minimum of 25’, but this should be clarified for the consistency of the records.

Prior to action, the Town of Pinckney Planning Board should confirm that the building height complies with Article 5 § 515.

Additionally, Article 5 § 555, entitled Vehicle and Engine Service and Repair, states that the following additional requirements shall be applied:

1. *No exterior storage of dismantled or inoperative vehicles, vehicle parts, or salvage materials shall be allowed.*
 - a. If approval is granted, this should be included as a requirement of the permit.
2. *Entrance and exit driveways shall be located not nearer than ten feet from any side or rear property line and shall be designed to avoid the necessity of any vehicle backing out into any public right-of-way.*
 - a. After reviewing GIS information, it appears that the driveway(s) on the property are located between 250' and 750' from the side property lines. It does not appear that vehicles will need to back out into any public right-of-way.

▪ *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 Liberty Road will be used for egress/ingress; however, due to the change of use, the Lewis County Highway Department should be consulted and proper permitting attained. The Town of Pinckney Planning Board should ensure Article 6 § 615.4 *“That access to the site is safe and convenient and relates in an appropriate way to both the internal circulation on the site as well as the town road system”* and § 615.5, *“That the internal circulation of the site is arranged so as to minimize impacts on the town road system”* are adequately satisfied.

▪ *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, coastal boundaries, or coastal management areas. The IPAC report identified two protected species, the Northern Long Eared Bat, and the Monarch Butterfly; while conducting construction activities, all should be mindful to not disturb bat habitats or populations. According to the Environmental Review Mapper, three Natural Communities are in the vicinity of the proposed project site: a Confined River, a Shale Cliff and Talus Community, and a Riverside Sand/Gravel Bar, all with a High-Quality Occurrence of Uncommon Community Type. Any approval shall be contingent on the applicant consulting with the NYSDEC Regional Office to ensure proper permits are had before commencing the proposed new use. Furthermore, according to the Vehicle and Traffic Law, it is required that *“any person who for compensation, is wholly or partially engaged in the business or repairing or diagnosing motor vehicle malfunctions or repairing motor vehicle bodies, fenders, or other components damaged by accident or otherwise”* must register as a motor vehicle repair shop. Also, *“any shop,*

drive-in station, or garage operated by any person, firm, corporation or association at which motor vehicles are inspected for the purpose of appraising, evaluating or estimating the extent or value of motor vehicle damage, or the necessity or cost of motor vehicle report” must be registered by the Department of Motor Vehicles as a vehicle repair shop. Therefore, if approval is granted by the Town of Pinckney Planning Board, approval shall be contingent on obtaining the necessary NYS DMV permit.

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, which was confirmed by the CRIS mapper.

- *Signage:*
Signage was not proposed in this referral. Should signage be pursued, the applicant should ensure compliance with Article 5 § 530 and Article 6 § 615.8, 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 mapper, the proposed site is in an unmapped area.

The SEAF noted there would be no ground disturbance, however, should utilities be required that include underground lines or any other related disturbance; it should be noted that for any disturbed area above 1 acre, a SPDES permit will be required.

Should any changes occur to existing drainage patterns, or increase drainage due to development activity, the changes must ensure no negative impacts occur to adjacent property according to Article 6 § 615.9.

- *Parking:*
Prior to taking action, the Town of Pinckney Planning Board should ensure Article 5 § 540 is satisfied which states “*All parking areas shall comply with the following:*”
 1. *One parking space for every 3 seats in a public meeting place.*
 2. *One parking space for every employee at places of employment.*
 3. *One parking space per 250 square feet of floor space in a commercial establishment.*
 4. *One parking space for each dwelling unit.”*

According to the application, the gross floor area is 3,264 square feet, which divided by the required 250 square feet would result in 13.056 parking spaces in addition to one parking space for every employee. Furthermore, Article 6 § 615.3 states “*That parking areas are adequate for the intended level of use, and arranged and screened so as to minimize negative impacts on adjacent properties*”. Parking areas were not identified on the site plan; prior

to taking action, updated plans should be provided to the Town of Pinckney Planning Board to ensure compliance with both Articles 5 and 6.

Given the parking requirement, the acreage of ground disturbance should be recalculated and updated accordingly in all locations.

- ***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. The SEAF noted that the proposed action would not be connecting to existing wastewater utilities. Consultation and compliance with the NYS Department of Health (DOH) should occur before permit approval to ensure commercial sanitary standards are met and satisfy Title 10 NYCRR Appendix 75-A. Additionally, according to Article 6 § 615.10, the Town of Pinckney Planning Board will need to determine *“That proposed water supply and sewage disposal facilities are adequate”*.

- ***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 the Town of Pinckney Planning Board taking action. The Planning Board should review the updated lighting plan to ensure the added lighting is adequate to ensure the safety of all, doesn't negatively impact neighboring properties, and aligns with Article 6 § 615.8.

- ***Landscaping and Screening:***

The applicant did not provide landscaping designs or plans. Prior to taking action, landscaping plans shall be submitted to the Town of Pinckney Planning Board to ensure compliance with Article 6 § 615.6 which states *“That the site is suitably landscaped, and appropriately screened from adjacent properties and the road so as to protect the visual character of the area and to minimize negative impacts on adjacent properties and the neighborhood”*.

Recommendation: Approve with the following Conditions

- 1) According to the Site Plan Review Application, the side/rear setback is 380', however, the plot map indicates 1,000'. Either distance is well above the required minimum of 25', but this should be clarified for the consistency of the records.
- 2) Prior to taking action, the Town of Pinckney Planning Board should confirm that the building height complies with Article 5 § 515.
- 3) Article 5 § 555, entitled Vehicle and Engine Service and Repair states that *“No exterior storage of dismantled or inoperative vehicles, vehicle parts, or salvage materials shall be allowed.”* Therefore, if approval is granted, this should be included as a requirement of the permit.

- 4) The existing driveway on Liberty Road will be used for egress/ingress however due to the change of use, the Lewis County Highway Department should be consulted, and proper permitting attained. The Town of Pinckney Planning Board should ensure Article 6 §615.4 *“That access to the site is safe and convenient and relates in an appropriate way to both the internal circulation on the site as well as the town road system”* and Article 6 § 615.5 *“That the internal circulation of the site is arranged so as to minimize impacts on the town road system”* are adequately satisfied.
- 5) The IPAC report identified two protected species, the Northern Long Eared Bat, and the Monarch Butterfly; while conducting construction activities, all should be mindful to not disturb bat habitats or populations. According to the Environmental Review Mapper, three Natural Communities are in the vicinity of the proposed project site: a Confined River, a Shale Cliff and Talus Community, and a Riverside Sand/Gravel Bar all with a High-Quality Occurrence of Uncommon Community Type. Any approval shall be contingent on the applicant consulting with the NYSDEC Regional Office to ensure proper permits are had before commencing construction.
- 6) According to the Vehicle and Traffic Law, it is required that “any person who for compensation, is wholly or partially engaged in the business or repairing or diagnosing motor vehicle malfunctions or repairing motor vehicle bodies, fenders, or other components damaged by accident or otherwise” must register as a motor vehicle repair shop. Also, “any shop, drive-in station, or garage operated by any person, firm, corporation or association at which motor vehicles are inspected for the purpose of appraising, evaluating or estimating the extent or value of motor vehicle damage, or the necessity or cost of motor vehicle report” must be registered by the Department of Motor Vehicles as a vehicle repair shop. Therefore, if approval is granted by the Town of Pinckney Planning Board, approval shall be contingent on obtaining the necessary NYS DMV permit.
- 7) The SEAF noted there would be no ground disturbance, however, should utilities be required that include underground lines or any other related disturbance; it should be noted that for any disturbed area above 1 acre, a SPDES permit will be required. Should any changes occur to existing drainage patterns, or increase drainage due to development activity, the changes must ensure no negative impacts occur to adjacent property according to Article 6 § 615.9.
- 8) Before taking action, the Town of Pinckney Planning Board should ensure Article 5 § 540 is satisfied which states *“All parking areas shall comply with the following:*
 1. *One parking space for every 3 seats in a public meeting place.*
 2. *One parking space for every employee at places of employment.*
 3. *One parking space per 250 square feet of floor space in a commercial establishment.*
 4. *One parking space for each dwelling unit.”*

According to the application for site plan review, the gross floor area is 3,264 square feet, which divided by 250 square feet would result in 13.056 parking spaces in addition to one parking space for every employee. Additionally, Article 6 § 615.3 states *“That parking areas are adequate for the*

intended level of use, and arranged and screened so as to minimize negative impacts on adjacent properties”. Parking areas were not identified on the site plan; prior to approval, updated plans should be provided to the Town of Pinckney Planning Board to ensure compliance with both Article 5 and 6. Given the parking requirement, the acreage of ground disturbance should be recalculated and updated accordingly in all locations.

- 9) 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. The SEAF noted that the proposed action would not be connecting to existing wastewater utilities. Consultation and compliance with the NYS Department of Health (DOH) should occur before permit approval to ensure commercial sanitary standards are met and satisfy Title 10 NYCRR Appendix 75-A and any other building code requirements. Additionally, according to Article 6 § 615.10, the Town of Pinckney Planning Board will need to determine *“That proposed water supply and sewage disposal facilities are adequate”*.
- 10) 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 taking action. The Town of Pinckney Planning Board should review the updated lighting plan to ensure the added lighting is adequate to ensure the safety of all, doesn’t negatively impact neighboring properties, and aligns with Article 6 § 615.8.
- 11) The applicant did not provide landscaping designs or plans. Prior to taking action, landscaping plans shall be submitted to the Town of Pinckney Planning Board to ensure compliance with Article 6 § 615.6 which states *“That the site is suitably landscaped, and appropriately screened from adjacent properties and the road so as to protect the visual character of the area and to minimize negative impacts on adjacent properties and the neighborhood”*.
- 12) Compliance with all Local, State and Federal regulatory requirements for this type of facility.

Non-Binding Notes-

- a) The Agricultural Data Statement form indicates there are no current farm operations within 250’ of this project; however, at least two neighboring property owners have expressed deep concern regarding the harmony of the community, contamination, erosion, and sediment issues with the proximity of the Deer River. When action is taken, consider discussing this project’s impact on the community and resources before voting and ensure documentation is recorded in the meeting minutes.
- b) The Town of Pinckney Zoning Law does not have specific structure height requirements for buildings or a minimum lot size for development. It is suggested that any future local law amendment include height and minimum lot size regulations for clarity.

The Board had a brief discussion over driveway requirements, of which Mr. Hunt indicated that the County didn’t have specific requirements.

The Board discussed recommendation 10 regarding lighting. Mr. Lehman was concerned about the public input regarding too much lighting and that this recommendation seems to require the applicant to install additional lighting motion-activated lighting. Mr. Hunt and Mr. Virkler clarified that this review was on the premise that the project was not yet constructed and that, based on the submission, there was no outdoor lighting. Ms. Buell and Ms. Krokowski clarified that being that no outdoor lighting was proposed in the submission, the bare minimum for a commercial property that the Board has asked to include in the past was motion-activated lighting. However, the recommendation notes that, ultimately, a lighting plan should be submitted to the Town of Pinckney Planning Board for further review prior to taking action. Since there is already lighting, the applicant could submit a lighting plan to the Town of Pinckney Planning Board; however, most complaints received arose from the existing lighting, and not all were from neighbors. While the standard minimum 'motion activated lighting' for commercial projects was included, the Board decided to keep recommendation 10; however, they requested staff to replace 'motion-activated lighting' with 'outdoor lights'.

Mr. Manning (Lewis County Code Official) discussed the 3/27/2023 Land Use application for the conversion of an existing building (barn) into a garage. He went on to share his concern that on 3/30/2023, the Codes Department then received an application to build a pole barn. He explained that Codes may cover the driveway as a fire apparatus road may apply; however, Mr. Manning indicated that the problem he has comes from having a Land Use request to convert something that doesn't exist yet and now we have an auto repair shop within a different structure. Ms. Buell suggested that, while this was certainly an issue, the Board should focus their attention on the Site Plan Review before them versus the concerns with the applications that Codes have.

After thorough discussion, the Board considered including the following additional conditions:

- No approval should be granted until erosion mediation has been completed per SWCD guidance and all water must be retained on the property.
- A nonbinding statement that this review did not account for any possible excavation plans as they were not identified in the request. The DBA for the operation that was filed on March 31, 2023 with the Lewis County Clerk was named "Liberty Road Auto/Excavation."

With no further comments or questions, Mr. Lehman made a motion to approve the project with the above conditions and discussed changes to 7 and 10, and added the non-binding notes. Mr. Osborne seconded the motion, which was carried unanimously.

Ms. Krokowski then read the next review:

TOWN OF NEW BREMEN TOWN BOARD

Site Plan Review for the expansion of Red Barn Meats located at 9097 Briot Road in the Town of New Bremen.

Tax Map Parcel #'s 147.00-01-18.100, 147.00-01-18.210, and a portion of 147.00-01-05.000

Jordan Brandt – Applicant

The Town of New Bremen Town Board provided the following Project Documentation: 1) Site Plans/Designs; 2) General Municipal Referral Form with Agricultural Data Statement; 3) Short Environmental Assessment Form and 4) the Town of New Bremen Site Plan Review Application.

- *Compatibility With Adjacent Uses:*
The proposed project is located within the Town of New Bremen which is designated as one zone, Rural Residential, and the proposed action is an allowed use within said zone.
- *Traffic Generation and Effect:*
According to the submitted SEAF, the proposed action will substantially increase traffic above present levels. NYS DOT Traffic Data Viewer does not have data for Briot Road; however, prior to taking action, the New Bremen Highway Superintendent should provide the New Bremen Planning Board or Town Board with a written determination on whether the proposed action will result in traffic demands that exceed the capacity of the highway(s) that serve the site, as noted in Article VI Section 610 B.8.
- *Protection of Community Character:*
As identified on the supplied EAF Mapper Summary Report, the proposed action does not have a national landmark, is not within a critical environmental area, and is not a designated river corridor. 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 any archeologically sensitive areas present. According to the IPAC report, an endangered species of Northern Long-eared Bat and the candidate species Monarch Butterfly could be affected by activities in the proposed location. The applicant should be cognizant of land-clearing activities or other activities that could affect the aforementioned species.

The Environmental Resource Mapper indicated that the project site does not contain any notable environmental features; however, roughly 900 feet southeast of the proposed site is an area of a rare animal; the Black Bullhead. Applicant should be cognizant of discharges that could impair the habitat conditions of the Black Bullhead. The Web Soil Survey (WSS) indicated that the soil contains a classification of *Farmland of statewide importance* and *All areas are prime farmland*. The proposed site has not been utilized for agricultural purposes and therefore there is no loss in valuable soil utilization.

- *Signage:*
The referral did not include a specific plan for signage; however, on Plans by Design Sheet No A-000, a sign is shown in the proposed building front view which should be confirmed to be less than 32 square feet in size. Prior to approval, all proposed signage should be verified with the New Bremen Planning Board or the Town Board to determine that the proposed signage conforms to Article VI Section 610 F standards.
- *Drainage:*
According to the submitted SEAF and Web Soil Survey, the drainage status of the project site soil is comprised of well-drained on 90% of the site and poorly drained on the remaining 10% of the project site. Due to the increased parking area, prior to approval, the New Bremen Planning Board or the Town Board should request drainage plans to ensure compliance with Article VI Section 610 G.
- *Erosion:*
According to the submitted SEAF, .137 acres are to be disturbed as a result of the proposed activity. Should the project disturb more than 1 acre of land, a SPDES permit would be required.
- *Parking:*
The proposed action does not specifically show a parking plan. Sheet C-100 shows existing parking; however, a note on the application indicated a portion of tax parcel 147.00-01-05.000 will be utilized for parking. Furthermore, the site plans that were submitted to the County Planning Board for this expansion in July 2021 included a loading dock facing the Briot Road, which was a concern. The current plans do not appear to illustrate loading docks whatsoever. Prior to taking action, the Town of New Bremen Planning Board or the Town Board should require a parking plan that shows the proposed traffic pattern (to include egress and ingress), parking space dimensions, designated handicapped parking spaces labeled as required by the ADA, the total number of proposed spaces, and driveway width and distance relative to the roadway to ensure compliance with Article VI Section 610 B.
- *Community Facilities:*
According to the Short Environmental Assessment Form, water will be supplied by existing public/private water supply. The site will connect to onsite wastewater treatment that follows NYSDOH Appendix 75(A). Plans by Design sheet C-100 details where the existing wastewater treatment and existing well are located. The New Bremen Planning Board or the Town Board should ensure water and sewer facilities are adequate for the projected increase in usage caused by the proposed development and compliance with Article VI Section 610 A and all pertinent codes/regulations prior to taking action.

- **Lighting:**
Limited exterior lighting plans for the proposed development were provided which appear to showcase four (4) exterior lights around the facility's public entrance (north side of the building). Prior to action, clear lighting plans should be submitted to the New Bremen Planning Board or the Town Board to ensure compliance with Article VI Section 610 E. It is suggested that down-casting motion sensor light packs be added to the entire exterior of the building for security purposes.

- **Landscaping and Screening:**
Plans by Design indicates that a silt fence was required before construction and a map was provided entitled 'Silt Fence Location', which was accompanied by a 'Silt Fence Details' sheet.

Landscaping plans were not submitted; however, prior to taking action, plans are necessary for the New Bremen Planning Board or the Town Board to determine compliance with Article VI Section 610 D.

- **Other:**
Article VII Section 710 states "Subsequent to the granting of site plan approval, no certificate of occupancy shall be issued until all improvements shown on the site plan review are installed or a sufficient performance guarantee has been provided by the applicant for improvements not yet completed." Section 720 indicates that the Town Board may require a Performance Guarantee with three options for agreements.

Recommendation: Approve with the following conditions

1. Prior to taking action, the Town Highway Superintendent should provide the New Bremen Planning Board or Town Board a written determination on whether the proposed action will result in traffic demands that exceed the capacity of the highway(s) that serve the site as noted in Article VI Section 610 B.8.
2. According to the IPAC report, an endangered species of Northern Long-eared Bat and the candidate species Monarch Butterfly could be affected by activities in the proposed location. The applicant should be cognizant of land-clearing activities or other activities that could affect the aforementioned species. The Environmental Resource Mapper indicated that the project site does not contain any notable environmental features; however, roughly 900 feet southeast of the proposed site is an area of a rare animal; the Black Bullhead. Applicant should be cognizant of discharges that could impair the habitat conditions of the Black Bullhead.
3. The referral did not include a specific plan for signage; however, on Plans by Design Sheet No A-000, a sign is shown in the proposed building front view. These plans should confirm that the sign will be less than 32 square feet in size. All proposed signage should be verified with the New Bremen Planning Board or the Town Board to determine that the proposed signage conforms to Article VI Section 610 F standards.

4. According to the submitted SEAF and Web Soil Survey, the drainage status of the project site soil is comprised of well-drained on 90% of the site and poorly drained on the remaining 10% of the project site. Due to the increased proposed parking area, prior to taking action, the New Bremen Planning Board or the Town Board should request drainage plans to ensure compliance with Article VI Section 610 G.
5. According to the submitted SEAF, .137 acres are to be disturbed as a result of the proposed activity. Should the project disturb more than 1 acre of land, a SPDES permit would be required.
6. The proposed action does not specifically show a parking plan. Sheet C-100 shows existing parking; however, a note on the application indicated a portion of tax parcel 147.00-01-05.000 will be utilized for parking. Furthermore, the site plans that were submitted to the County Planning Board for this expansion in July 2021 included a loading dock facing the Briot Road, which was a concern. The current plans do not appear to illustrate loading docks whatsoever. Prior to taking action, the Town of New Bremen Planning Board or the Town Board should require a parking plan that shows the proposed traffic pattern (to include property egress and ingress), parking space dimensions, designated handicapped parking spaces labeled as required by the ADA, the total number of proposed spaces, and driveway width and distance relative to the roadway to ensure compliance with Article VI Section 610 B. Loading docks should only be located on the side or rear of the building in a location that would be safe to public pedestrians and drivers.
7. According to the Short Environmental Assessment Form, water will be supplied by existing public/private water supply. The site will connect to onsite wastewater treatment that follows NYSDOH Appendix 75(A). Plans by Design sheet C-100 details where the existing wastewater treatment and existing well are located. Prior to taking action, the New Bremen Planning Board or the Town Board should ensure water and sewer facilities are adequate for the projected increase in usage caused by the proposed development and compliance with Article VI Section 610 A and all pertinent codes/regulations.
8. Prior to action, clear lighting plans should be submitted to the New Bremen Planning Board or the Town Board to ensure compliance with Article VI Section 610 E. It is suggested that down-casting motion sensor light packs be added to the entire exterior of the building for security purposes.
9. Landscaping plans were not submitted; however, prior to taking action, plans are necessary for the New Bremen Planning Board or the Town Board to determine compliance with Article VI Section 610 D.
10. Article VII Section 710 states *“Subsequent to the granting of site plan approval, no certificate of occupancy shall be issued until all improvements shown on the site plan review are installed or a sufficient performance guarantee has been provided by the applicant for improvements not yet completed.”* Section 720 indicates that the Town Board may require a Performance Guarantee with three options for agreements.
11. Compliance with all Local, State, and Federal regulations for this type of facility.

The board had a lengthy discussion about lighting recommendation 8, specifically about requiring establishments to install motion-activated lighting. It was decided to remove the last sentence of recommendation 8 and leave it up to the Town Board to dictate, as well as add the word ‘outdoor’ to the existing language “clear **outdoor** lighting plans”.

Mr. Dolhof discussed that his opinion is that the Country, as a whole, is overregulated, and a suggestion could be perceived as a requirement. Mr. Osborne indicated that he would rather have a light on all the time rather than a motion activated. Mr. Dolhof stated he didn’t say they shouldn’t put security lighting in, but that it should be the applicant’s choice.

Ms. Buell reminded the Board that the motion-activated lighting standard was a CPB recommendation added to reviews for consistency. Mr. Virkler acknowledged that Ms. Buell and Ms. Krokowski are looking for guidance for future reviews on the new standard statement for lighting recommendations from the Board. This will be readdressed at the next monthly meeting due to many board members absent.

With no further comments or questions, Mr. Virkler made a motion to approve the project with the above conditions and the updated language to Recommendation 8. Mr. Lehman seconded the motion, which was carried unanimously.

(8) Report of County Planner:

Responses from municipalities regarding previously submitted/reviewed projects:

<u>Project Description</u>	<u>Final Action</u>	<u>Project Description</u>	<u>Final Action</u>
T/Denmark – Widrick Truck & Diesel	Approved w/Conditions	T/Osceola – Myslivecek Mine	Approved w/ Some Conditions
V/Turin – Zoning Text Amend. - LED Signs	Approved w/ Conditions	T/New Bremen – Zoning Text Amend.	Approved w/ Some Conditions

(9) Unfinished Business: None

(10) New Business: None

(11) Adjournment: There being no other business, a motion to adjourn the meeting was made by Mr. Osborne and seconded by Mr. Petersen which carried unanimously. Mr. Petersen adjourned the meeting at 4:07 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.