

**MINUTES**  
**LEWIS COUNTY PLANNING BOARD**  
**March 21, 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 2<sup>nd</sup> floor at the Lewis County Court House, Lowville, New York. Roll call was requested by Mr. Petersen.
- (2) **Roll Call:**  
Board Members Present: Tim Petersen, Donald Cook, Thomas Osborne, Sarah Metott, and John Lehman. Non-Voting Ex-Officio Member: Lawrence Dolhof.  
Staff Present: Megan Krokowski, Community Development Specialist.  
Public Present: Vincent Nortz
- (3) **Reading and Approval of Minutes:** The draft January 18, 2024 meeting minutes were received and reviewed before the meeting. Mr. Cook motioned to approve the minutes; Mr. Lehman seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:**
- **APA Project No. 2023-0242: Application Completed**  
Patrick and Hope Croneiser, Three-lot subdivision, Penny Settlement Road, Town of Lyonsdale
  - **APA Project No. 2024-0018: Application Received, Completed and Approved**  
Francis and Raven Atria, Two-lot subdivision, Partridgeville Road, Town of Greig
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

**239-M Review**

Ms. Krokowski read the following review:

**VILLAGE OF COPENHAGEN VILLAGE BOARD**

Site Plan Review for the proposed relocation and expansion of the Stewart's Shop gas canopy located at 9914 and 9906 State Route 12 in the Village of Copenhagen.

Tax Map Parcels: #123.11-04-15.000, #123.11-04-14.000 and #123.11-04-13.000  
*Stewart's Shops – Applicant*

The following project documentation was submitted: 1) Site Plans; 2) General Municipal Referral Form and 3) SEQR Short Environmental Assessment Form (SEAF) with EAF Mapper Report.

- ***Compatibility With Adjacent Uses:***  
Currently, the property identified is an operational convenience store/gas station positioned centrally within the Village. After the acquisition of two neighboring parcels, the applicant is proposing to relocate and expand the gas pumps and canopy to the newly acquired parcels to better accommodate traffic flows. The Village of Copenhagen doesn't have specific development zones, and the proposed project appears to be compatible with adjacent uses.

- *Traffic Generation and Effect:*  
The roadway is identified as NYS Route 12. This roadway consists of two lanes of travel in a north-south direction. The applicant intends to modify the driveway entrance and as noted on Drawing 5-6. According to the SEAF, the proposed action will not result in a substantial increase in traffic above present levels. Since this project is on NYS Route 12, permitting with NYS DOT is required. According to communication from NYS DOT, this permit has been issued.
  
- *Protection of Community Character:*  
According to Article 2, Section 210.2, “*all commercial and industrial uses, manufactured home parks, multiple dwellings, and campgrounds within the Village which have been established prior to the effective date of this law, which are altered to increase their exterior ground coverage by more than 25% shall require a site plan review and approval by the Village Board prior to issuance of a land use permit by the enforcement officer.*” Site Plan Review was triggered for this proposed action because the planned gas canopy will expand and relocate from an estimated 1,000 sq ft to 1,460 sq ft.

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, and is not designated as a critical habitat to threatened/endangered species; however, the applicant should be cognizant of activities that could impact the Northern Long-Eared Bat and the Monarch Butterfly. The proposed site does not contain all or part of a registered National Natural Landmark. As part of this review, an Environmental Assessment Form Mapper was completed and the project site, or any portion of it, is located in or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory and is near sites that could be listed on the National Register of Historic Places. Applicant should obtain a No Effect finding from SHPO prior to any ground disturbance activities.

Being that the use is an expansion along a main NYS corridor in the heart of the commercial downtown area, the proposed action appears to be consistent with the community's character.

- *Signage:*  
The applicant has not proposed any updates to their current signage. If changes to the existing signage is needed, prior to the issuance of the appropriate permit, the applicant should provide updated sign plans to the Village Board, who must ensure compliance with Article 4, Section 410.3.g is maintained.
  
- *Drainage:*  
Based on the information supplied by the applicant on the SEAF, the action site and/or adjoining lands do contain wetlands or other waterbodies regulated by a federal, state, or local agency; however, the proposed action will not physically alter, or encroach into, any existing wetland or waterbody.

The proposed project is not expected to significantly change the drainage patterns of the site and the site will continue to use the direct runoff into existing catch basins with an additional line and catch basins added to Center Street side of the property as shown in Drawing 5-3.

According to the Web Soil Survey for this site, the site consists of a single well-drained soil type. The Environmental Resource Mapper identified a Confined River at the site as well as a rare animal (unspecified bats). Additionally, identified in proximity is a Freshwater Wetland Checkzone and a Waterbody Classification for Lakes- C. Consultation with the NYS DEC for clearance on the proposed action prior to the issuance of a permit is required.

- *Erosion:*  
According to the application, there will be approximately .84 acres disturbed with the proposed project. The ground disturbance should be limited to the parking area to the property lines. The proposed project falls below the 1-acre threshold which would require the applicant to obtain a SPDES permit.
- *Parking:*  
The parking lot has been proposed to undergo an update and the updated traffic flow and additional parking spaces can be viewed on Drawing 5-5. Prior to permit approval, the Village of Copenhagen should ensure compliance with Article 4, Section 430 regarding parking and loading standards, as well as ensuring compliance with ADA standards.
- *Community Facilities:*  
According to the submitted SEAF, no answers were provided regarding connections to community facilities. Based on knowledge of the action site, the Stewart's Shop is connected to both water and sewer; however, the gasoline pump/parking lot alterations could impact this infrastructure. If the proposed action is approved, the applicant should consult with the Village Board and DPW before, during, and after construction to ensure no public utilities are negatively impacted by this project.
- *Lighting:*  
The applicant has proposed lighting for the addition, as shown on Drawing 5-2. While the lighting appears to be appropriate for the proposed action, prior to approval, the Village Board should ensure the proposed lighting aligns with the intent of Article 4, Section 450.
- *Landscaping and Screening:*  
The applicant has proposed a fence towards the rear of the property, as shown in Drawing 5-2, as well as landscaping along the concrete curbing, as shown on Drawing 5-6. The Village Board should review all landscaping plans and determine if the provided plans comply with the intent of Article 4, Section 440. The aforementioned section states that "*Along a property line facing a residential property, a 20-foot-wide evergreen planting shall be provided to effectively buffer and screen the use from noise and view*". Given that there are residential properties that border the property behind the store, compliance with Article 4, Section 440 is required.

***Recommendation: Approve with the following conditions***

1. According to the submitted SEAF, the project site, or any portion of it, is located in or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory and is near sites that could be listed on the National Register of Historic Places. Applicant should obtain a No Effect finding from SHPO prior to any ground disturbance activities.
2. The applicant has not proposed any updates to their current signage. If changes to the existing signage are needed, prior to the issuance of the appropriate permit, the applicant should provide updated sign plans to the Village Board, who must ensure compliance with Article 4, Section 410.3.g is maintained.
3. The Environmental Resource Mapper identified a Confined River at the site as well as a rare animal (unspecified bats). Additionally, identified in proximity is a Freshwater Wetland Check zone and a Waterbody Classification for Lakes- C. Consultation with the NYS DEC for clearance on the proposed action prior to the issuance of a permit is required.
4. Prior to permit approval, the Village Board should ensure compliance with Article 4, Section 430 regarding parking and loading standards, as well as ensuring compliance with ADA standards.
5. If the proposed action is approved, the applicant should consult with the Village Board and DPW before, during, and after construction to ensure no public utilities are negatively impacted by this project.
6. While the lighting appears to be appropriate for the proposed action, prior to approval, the Village Board should ensure the proposed lighting aligns with the intent of Article 4, Section 450.
7. The Village Board should review all landscaping plans and determine if the provided plans comply with the intent of Article 4, Section 440. The aforementioned section states that *“Along a property line facing a residential property, a 20-foot-wide evergreen planting shall be provided to effectively buffer and screen the use from noise and view”*. Given that there are residential properties that border the property behind the store, compliance with Article 4, Section 440 is required.
8. Compliance with all Local, State, and Federal regulatory requirements for this type of facility and the products stored.

The Board had a brief discussion about the 20' wide evergreen buffer required and suggested we add a Note to our recommendations suggesting the Village review this section of their zoning for practicality.

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

Ms. Krokowski then read the next review:

## **TOWN OF CROGHAN TOWN BOARD**

Site Plan Review and Special Use Permit to construct and operate a gas pump at the Belfort Inn located at 7705 Long Pond Road in the Town of Croghan.

Tax Map Parcel #103.00-01-39.220

*Nicholas J. Fuller (Belfort Inn, LLC) – Applicant*

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

- *Compatibility With Adjacent Uses:*

The proposed project is located on the Long Pond Road, at the intersection of Old State Road, Long Pond Road, and Belfort Road. The Town of Croghan is designated as one zone, Rural Residential, and is in a forested, rural commercial area.

Article II, Section 230 indicates that all new commercial uses, such as the proposed action, need to undergo a Site Plan Review, and Section 240 notes that, because the proposed action has not been substantially constructed by the effective date of the Town of Croghan Zoning Law (April 22, 2022), the proposed action also requires a Special Use Permit.

- *Traffic Generation and Effect:*

As noted in the SEAF, the applicant has indicated that there will not be a substantial increase in traffic above present levels of demand for the site.

The provided site plan does not demonstrate anticipated traffic circulation or dimensions; however, when viewing the Google Street view, the driveway to the right of the septic area appears to be too narrow to comply with Article III, Section 310 Vehicular Access, which requires adequate room for two vehicles. Furthermore, Section 320 requires that the interior circulation system is adequate to provide safe accessibility to all required parking lots and that it provides adequate separation of pedestrian and vehicular movements. Prior to issuing a permit, the applicant should ensure that each driveway is at least 24' wide, directional signage is added throughout the parking area for pedestrians, recreational vehicles, and motor vehicle operators, and shall work with the Town of Croghan and Lewis County Highway Superintendents to ensure that egress/ingress is safe and are permitted accordingly. The Town should ensure that proper entry and exit signage is provided for the driveway(s).

- *Protection of Community Character:*

The applicant provided an Agricultural Data Statement indicating the subject site is not within 250' proximity of lands within Agricultural District 6. Additionally, the applicant provided a completed SEAF and the associated EAF Mapper Summary Report was created as part of this review. The report disclosed that the site is near a historic site as well as regulated water bodies and/or wetlands. Additionally, the mapper noted that the site is not a critical environmental area or archeological site. According to the IPAC report,

activities in the proposed location could affect an endangered species of Northern Long-eared Bat and the candidate species Monarch Butterfly. The applicant should be cognizant of land-clearing activities or other activities that could affect the aforementioned species.

The applicant did not provide a decommissioning plan/agreement, but the County Planning Board recommends that the Town Board consider requiring a formal decommissioning plan similar to those used by solar operations to avoid potential hazardous material sites in the future; however, utilize the professional service of the Town's Legal Counsel when creating this legal agreement.

Hours of operation were not provided, please attain anticipated hours of operations, and determine if they would interfere with the community character or unreasonably impact surrounding residential properties.

- *Signage:*  
Signs were not included with the request; however, if signs are pursued ensure compliance with Article VI Section 610 F.

Proper safety signage for fueling stations must be posted and always maintained for health and safety. Once sign plans are finalized, the Buildings and Codes office shall determine whether the proposed number, placement and any other detail of signs are compliant with Article VI Section 610 F.

- *Drainage:*  
According to the Environmental Resource Mapper, both Freshwater Forested/Shrub Wetland and Lake identified on the National Wetlands Inventory are in the vicinity of this site.

Drainage plans were not provided by the applicant; however, they are pivotal for an informed decision to be made on this project and must be provided prior to the Board's decision to ensure proper site drainage.

- *Erosion:*  
NYS DEC regulations require erosion control plans when the applicant disturbs 1 acre or more. According to the submitted application, the area of ground disturbance will be equal to .46 acres. While the applicant has indicated that they will be disturbing less than 1 acre of land, they should still consult with NYS DEC to ensure compliance with stormwater and any other pertinent regulations relative to the proposed project.

- *Parking:*  
Adequate parking plans were not provided. The Town Board shall require plans detailing the specifics needed to ensure that Article III Section 310-320 are met, not limited to dimensions, traffic flow patterns, drawn out parking spaces, materials to be used as well as compliance with ADA for a facility of this nature to the satisfaction of the Town before any approval being granted by the Town Board.

- *Community Facilities:*  
The subject property is currently a commercial facility; however, given its location, the project proposal for gasoline pump(s) does not appear to have an impact on community facilities.
- *Lighting:*  
The proposed project did not include lighting plans; however, lighting plans will be required to ensure compliance with Article VI, Section 610 E. Prior to taking action, the applicant must provide lighting plans to the Town Board to ensure compliance with Article VI Section E.

Plans did not state if the gasoline canopy would be illuminated after specifics were provided, to ensure compliance with Article VI, Section 610 E.

- *Landscaping and Screening:*  
No landscaping or screening plans were provided as required by Article IV. Applicant must provide plans along with a general schedule to the Town Board, who must then determine compliance with Article III Section 330 and Article VI Section 610 D prior to taking action.

### **Conditional approvals should not be given**

#### ***Recommendation: Approve with the following conditions***

1. Prior to issuing a permit, the applicant should ensure that each driveway is at least 24' wide, directional signage is added throughout the parking area for pedestrians, recreational vehicles, and motor vehicle operators, parking spaces are properly identified and comply with ADA requirements, and shall work with the Town of Croghan and Lewis County Highway Superintendents to ensure that egress/ingress is safe and are permitted accordingly. The Town should ensure that proper entry and exit signage is provided for the driveway(s).
2. The proposed action is near a historic site as well as regulated water bodies and/or wetlands. According to the IPAC report, activities in the proposed location could affect an endangered species of Northern Long-eared Bat and the candidate species Monarch Butterfly. The applicant should be cognizant of land-clearing activities or other activities that could affect the aforementioned species and, prior to the ZEO issuing a permit, should consult with SHPO regarding the historical site proximity.
3. Hours of operation were not provided. Prior to taking action, the anticipated hours of operations shall be submitted to the Town Board to ensure compliance with community character in regard to additional noise and traffic.
4. According to the Environmental Resource Mapper, both Freshwater Forested/Shrub Wetland and Lake identified on the National Wetlands Inventory are in the vicinity of this site. Drainage plans were not provided by the applicant; however, they are pivotal for an informed decision to be made on this action. Prior to taking action, a drainage plan should be submitted to the Town Board to ensure proper site drainage.

5. According to the submitted application, the area of ground disturbance will be equal to .46 acres. While the applicant has indicated that they will be disturbing less than 1 acre of land, prior to the issuance of a permit, consultation with NYS DEC should be had to ensure compliance with stormwater and any other pertinent regulations relative to the proposed project.
6. Proper safety signage for fueling stations must be posted and maintained for health and safety. Once the applicant has a sign plan finalized, prior to issuing a permit, the ZEO and CEO shall determine whether the proposed quantity, placement, and any other detail of signs are compliant with Article VI Section 610 F.
7. The proposed project did not include lighting plans; however, lighting plans will be required to ensure compliance with Article VI, Section 610 E. Prior to taking action, the applicant must provide lighting plans to the Town Board to ensure compliance with Article VI Section E. Attention should be focused on the illumination of the canopy.
8. Landscaping and/or screening plans were not provided as required by Article IV. Applicant must provide plans along with a general schedule to the Town Board, who must then determine compliance with Article III Section 330 and Article VI Section 610 D prior to taking action.
9. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

The Board discussed the current driveway width and disagreed with the interpretation of the law compared to the intent of the law regarding the 24' width requirement; however, the law clearly states that this is for the passage of two vehicles.

Mr. Lehman discussed how the recommendations were overly restrictive; however, the remainder of the Board acknowledged the importance of having the requested plans to ensure compliance with the code.

Mr. Cook indicated that he wanted us to serve as a mechanism to help the applicant get his project to the finish line and he thinks that could happen with the recommendations the County Planning Board is supplying.

The County Planning Board concluded they would like the following information provided in a non-binding note for the Town to make an informed decision on the action in addition/ complementary to the recommendations above:

- A) The Town Board should get a distinguished intent for the tanks (recreation or traditional motor vehicle) and specifics about the type of tank (above or in-ground), and pump specification, and acquire all additional site plans as mentioned above including but not limited to the following:
  - a. Drainage Plan with containment basin
  - b. Detailed driveway, traffic flow, and parking lot plan
  - c. Stormwater runoff plan
  - d. Signage plan
  - e. Lighting plan
  - f. Landscaping/ Screening plan



B) The Town Board should request any pertinent information from the applicant that would allow for the best decision to be made for the health and safety of the Town. The Town of Croghan could consider asking for professional and or legal services should assistance determining which information is lacking be needed.

The County Planning Board wanted it known that they would like to know the outcome of this project's action.

With no further comments or questions, Mr. Cook made a motion to approve the project with the above conditions and added notes. Mr. Petersen seconded the motion, which was carried; Mr. Lehman abstained.

Mr. Dolhof exited the meeting at 2:55 PM to attend another meeting.

Ms. Krokowski then read the final review:

**TOWN OF TURIN TOWN BOARD**

Proposed land use moratorium on the construction or placement of certain solar energy collectors, generators, and battery storage facilities as non-accessory uses in all zoning districts.

*Town of Turin – Applicant*

The proposed local law and General Municipal Referral Form were submitted by Town of Turin Planning Board Chairman, Daniel Szalach, on behalf of the Town of Turin Supervisor, Jane Gillette. Land use moratoria are classified as Type II actions; therefore, the Town of Turin is not required to undertake SEQR review for this action.

**Land Use Moratorium**

The Town of Turin 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, generators, or battery storage facilities 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 Turin.

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.

Section 6 discusses exceptions “This local law shall not apply to applications for permits or approvals of solar energy generators or collectors of capacity below 25 kw, or to be installed as any accessory use or structure to any existing residence or commercial or industrial structure.” Consider rephrasing to specify if commercial and or industrial structures must exist or not.

The term established is 6 months, with potentially a renewal of up to 6 months, if necessary, by Board Resolution. This should provide an adequate amount of time to create a well-formulated solar/battery storage regulation.

**Recommendation: Approve with Conditions**

1. To ensure clarity and purpose, define battery storage facilities within Section 2 of this local law as well as integrate battery storage into other Sections, where applicable.
2. Add ‘agriculture’ to the list of existing exempted uses or structures in Section 6.
3. For clarity, Section 6 should read “...or to be installed as any accessory use or structure to an existing residence, commercial, industrial, or agricultural structure.”
4. With the recent developments in compressed-air energy storage (CAES), it is suggested that the Town also include this use within this local law.

**Non-Binding Note:**

Building on Recommendation No. 1, below are sample definitions from NYSERDA:

**BATTERY ENERGY STORAGE SYSTEM:** One or more devices, assembled, capable of storing energy to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows: A.

**Tier 1 Battery Energy Storage Systems** have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology. B.

**Tier 2 Battery Energy Storage Systems** have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

With no further comments or questions, Mr. Lehman made a motion to approve the project with the above conditions. Mr. Osborne seconded the motion, which was carried unanimously.

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

Responses from municipalities regarding previously submitted/reviewed projects:

<b>Project Description</b>	<b>Final Action</b>	<b>Project Description</b>	<b>Final Action</b>
T/Pinckney – Kevin Doyle Auto Repair Shop	Approved w/ Some Conditions	T/New Bremen – Red Barn Meats	Approved w/ Some Conditions

- (8) **Unfinished Business:** Don Cook gave an update on the Town of Pinckney auto repair shop.
- (9) **New Business:** None
- (10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Ms. Metott and seconded by Mr. Petersen, which carried unanimously. Mr. Petersen adjourned the meeting at 3:20 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.*