

MINUTES
LEWIS COUNTY PLANNING BOARD
April 18, 2024

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:28 PM in the conference room on the 2nd floor at the Lewis County Court House, Lowville, New York. Mr. Petersen requested roll call.
- (2) **Roll Call:**
Board Members Present: Tim Petersen, Donald Cook, Thomas Osborne, Sarah Metott, Eric Virkler, and Timothy Hunt. **Non-Voting Ex-Officio Member:** Lawrence Dolhof.
Staff Present: Casandra Buell, Director of Planning and Community Development, Lauryn Tabolt, Community Development Specialist, and Megan Krokowski, Community Development Specialist,
Public Present: Vincent Nortz, Jesse Ohlsson, and Frank Robbins
- (3) **Reading and Approval of Minutes:** The draft March 21, 2024 meeting minutes were received and reviewed before the meeting. Mr. Hunt motioned to approve the minutes; Mr. Cook seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** None
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

239-M Review

Ms. Krokowski read the following review:

TOWN OF DENMARK PLANNING BOARD

Special Use Permit to allow a bicycle service shop at 10799 Limburg Forks Road (County Route 13) in the Town of Denmark.

Tax Map Parcel: #083.00-01-12.000

Jesse Ohlsson, North Country Cycle Works – Applicant

The applicant provided the following Project Documentation: 1) General Municipal Referral Form; 2) Agricultural Data Statement; 3) Additional list of landowners within the Ag District; 4) Town of Denmark Application for Special Use Zoning Permit; 5) Short Environmental Assessment (SEAF) Form, Parts 1 & 2; 6) Incomplete SEAF Part 3; 7) Town of Denmark Planning Board minutes; 8) Tax Map; and 9) Site Plan Sketch.

▪ ***Compatibility with Adjacent Uses:***

The submitted application for a special use zoning permit noted that the project is in the AR-1 Zone, defined as Agricultural, Residential, and Commercial. According to the Town of Denmark Zoning Law, the proposed action would be considered “Retail, Small Product” which is defined as “A commercial activity characterized by the direct on-premise sale of goods and

services to the ultimate consumer, including on-premise manufacturing, processing, and servicing and preparation customarily associated therewith and generally involving stock in trade such as are normally associated with department stores, food markets and similar establishments. Small retail shall not include large-product retail.” The submitted SEAF indicated that rural, and agricultural land uses occur near the proposed action, which is consistent with Article II § 205.

According to the submitted Agricultural Data Statement, the proposed use is on a property with boundaries within 250 feet of seven (7) farm operations located in Agricultural District 6.

Per Article IV § 410, the following dimensional requirements are required based on the proposed use:

| (AR-1) | | |
|---|-----------------------------|-----------------|
| Set Back | Retail-Small Product | Proposed |
| Maximum Building Height | 35’ | 17’6” |
| Min. Area for Structure | 2 acres | 6.3 acres |
| Min. Lot Frontage | 200’ | 636’ |
| Min. Structure Setback County Road | 50’ | 130’ |
| Min. Side YD Setback | 30’ | 130’* |
| Min. Rear YD Setback | 30’ | 226’* |

* Measurement calculated from Lewis County GIS mapping.

According to the above table and Article IV § 410, it appears that all dimensional requirements have been met.

- *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(s) on Limburg Forks Road will be used for egress/ingress.

- *Protection of Community Character:*
As noted in the SEAF Mapper, 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 Bat; along with a proposed endangered species of the Tricolored Bat. While conducting activities, all should be mindful to not disturb bat habitats or populations. According to the Environmental Review Mapper, no notable wetland areas are mapped on the proposed property.

According to the submitted SEAF, the applicant has indicated that the project is not in a designated sensitive area identified in the NY State Historic Preservation Office (SHPO) archaeological site inventory; however, according to the Cultural Resource Information System (CRIS) mapper, the site is within 1 mile of an archaeological sensitive buffer area. Since no ground disturbance is planned for the proposed project and the presence of an identified archaeologically sensitive area is approximately 1 mile from the site, the action should not have an impact.

- *Signage:*

Signage was noted in the site map and, after verifying details with the applicant via email on 4/9/2024, the proposed action will include an unlit sign that will be no larger than 8'x4' and no higher than 8' when affixed to the wooden post support structure, which will be located no closer than 30' from the road. The proposed sign appears to be compliant 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 0.00 acres, being that the ground disturbance is less than 1 acre, a SPEDES permit will not be required.

- *Parking:*

According to Article VIII § 870 Parking, Specific Standards (All Zones) one parking space is required per 200 square feet GLA. The GLA for the portion of the accessory structure to be utilized is approximately 576 square feet, thus equating to 2.88 parking spaces.

According to the site plan, four (4) parking spaces are planned to be provided, which should satisfy the standards.

- *Community Facilities:*

The provided SEAF indicates that public/private water supply will not be provided, and that potable water will be supplied by bottled water. Additionally, the SEAF notes that the project will not connect to wastewater utilities as there will be no wastewater generated. As part of this review, consultation with the Town of Denmark Building Codes Officer, Benjamin Manning, was conducted. Per his recommendation, since this action requires a change in structure use, consultation with the Lewis County Buildings and Codes Department is required prior to the issuance of a zoning permit.

- *Lighting:*

According to email correspondence with Jesse Ohlsson on 4/9/2024, the applicant indicated that the accessory structure already has motion-sensitive security lighting on each end. Additionally, the applicant considered adding

a stand-alone yard light similar to that of a neighboring farm and proposed limiting hours of operation to daylight hours. The proposed action, as detailed in their submission and correspondence, appears to comply with the Town of Denmark Zoning Law and should not negatively impact neighboring properties.

▪ *Landscaping and Screening:*

The applicant does not intend to make changes to the landscaping as they feel the change of use does not change what is seen by any neighboring property beyond the addition of the freestanding sign. Article VI § 660.C. indicates that *“In and Around Parking Areas: In areas where landscape materials are required to complement parking areas, forty (40) foot planting islands at the end of or within parking areas shall contain materials acceptable to the planning board.”* Before approval, the Town of Denmark Planning Board should determine what landscaping/screening is applicable according to Article VI § 660.

Recommendation: Approve with Conditions

1. Relative to the lack of potable water and wastewater connections to the proposed action site, since this action requires a change in structure use, consultation with the Lewis County Buildings and Codes Department is required before the issuance of a zoning permit.
2. The applicant does not intend to make changes to the landscaping as they feel the change of use does not change what is seen by any neighboring property beyond the addition of the freestanding sign. Article VI § 660.C. indicates that *“In and Around Parking Areas: In areas where landscape materials are required to complement parking areas, forty (40) foot planting islands at the end of or within parking areas shall contain materials acceptable to the planning board.”* Before approval, the Town of Denmark Planning Board should determine what landscaping/screening is applicable according to Article VI § 660.
3. Compliance with all Local, State, and Federal regulatory requirements for this type of facility and the products stored.

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

Ms. Buell then read the following review:

TOWN OF MARTINSBURG PLANNING BOARD

Special Use Permit for a 40'x60'x12' retail building located at 7016 West Road (County Route 29) in the Town of Martinsburg.

Tax Map Parcel #227.00-01-44.100

Frank D. Robbins – Applicant

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

- **Compatibility with Adjacent Uses:**

The proposed action is located within Agriculture Zone (A); Agriculture and is adjacent to tillable parcels. According to Article III § 240-8, the Agricultural Zone is categorized as 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.

Additionally, the project appears to be in Martinsburg’s designated “Special Areas” which, according to § 240-13 states that “All governmental agencies, boards, commissions, and authorities, prior to final action on a proposed development or review of a proposed development within a designated special area which would directly affect the special area and would change the basic nature of Tug Hill shall consult with the Town Board about said development.” The Planning Board, as part of this Special Use Permit, should ensure that, pursuant to the Tug Hill Reserve Act, Chapter 486 of the NYS Laws of 1992, all said agencies have consulted with the Town Board regarding this project prior to final action.

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

| | Agriculture (A) | |
|---------------------------------------|------------------------|-----------------|
| | Required | Proposed |
| Min. Lot Size | 1 acre | .88 acres |
| Min. Lot Frontage | 200’ | 105’* |
| Min. Front YD Setback (County) | 60’ | 60’ |
| Min. Side YD Setback | 25’ | 20’* |
| Min. Rear YD Setback | 25’ | 36’ |
| Max. BLDG Height | 40’ | 12’ |

*Variance approved via ZBA on 3/20/2024.

*Based on sketch distance from building to the creek. Lot line distance not provided.

While there was a recent area variance granted for the lot frontage, it does not appear the minimum lot size and side yard setback comply with the requirements set forth in Article IV § 240-15. Prior to taking action, the Town of Martinsburg Planning Board should evaluate the need for additional area variances for the minimum lot size and side yard setback.

The proposed site is within Ag District No. 6 and, according to the submitted Agricultural Data Statement, there are 3 farming operations within 250 feet. Being that the proposed action is not impacting an existing Ag use, there are no expected negative impacts to Ag District # 6.

- *Traffic Generation and Effect:*

The site is addressed as 7016 West Road, also known as County Route 29. According to the submitted SEAF, the applicant has determined that the proposed action will not result in a substantial increase in traffic above present levels.

According to the submitted site plan, the proposed project will have a new egress/ingress from County Route 29, a new 16' wide driveway that will extend the majority of the property's length and will be set back 4' from the neighboring lot line. Given the topography and 60' setback, it appears that the proposed action's egress/ingress complies with the intent of Article V § 240-22.

- *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. Furthermore, the site of the proposed action does not contain any species of animal, or associated habitats, listed by the State or Federal Government as threatened or endangered. As part of this review, the applicant's claims, as submitted, were verified by completing an NYS EAF Mapper. Our EAF Mapper also confirmed that the site of the proposed action or an adjoining property has not been the subject of remediation (ongoing or completed) for hazardous waste.

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, our EAF mapper identified that this project site does contain, or is substantially contiguous to, a building, archeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places. Furthermore, the EAF mapper identified that 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. Prior to taking action, the applicant shall submit a consultation request to SHPO through their CRIS portal to obtain a No Adverse Effect to historical resources finding.

- *Signage:*

The submitted application did not include signage; however, staff reached out to the applicant, Mr. Robbins, who confirmed that he would affix a pre-existing 3'x4' sign from his previous storefront in the Village of Lowville onto the front of the proposed building. This sign, as described by Mr. Robbins, appears to comply with Article V § 240-23.

- *Drainage:*
According to the reviewed Environmental Review Mapper (ERM), the property contains a Class C stream and National Wetland Inventory Riverine and, according to the submitted site plan sketch, the proposed action would be located within 20' of the subject waterbody. The proposed project site is not compliant with Article V § 240-27 entitled Streams, wetlands and waterbodies due to the lack of 100 feet between the proposed action and waterbody. Furthermore, if a variance for this project is sought, consultation with NYS DEC and USACE should be completed prior to taking action.

According to the FEMA Floodplain map 360372 B, the site is in Zone C, which is outside the 500-year flood plain. Furthermore, the project is not within the 100-year flood plain.

The SEAF noted there will be 0.39 acres of ground disturbance. Being that the land disturbance is less than 1 acre in size, a SPEDES permit will not be required.

- *Parking:*
The proposed action did not identify a parking area; however, the submitted sketch appears to show a 30' x 30' area between the road and the proposed building which is assumed to be a parking area. It appears that the submitted site plan will comply with Article V §240-23 in that *“the applicant has demonstrated that all uses are provided with adequate off-road parking for all vehicles parked during typical peak use periods. Parking should be designed to eliminate the need to back out onto the public road.”*
- *Community Facilities:*
According to the submitted SEAF, the proposed project will not connect to public water supply or wastewater utilities. Potable water will be supplied via an existing on-site well and a new septic system is planned; however, the site plan shows the leach field directed towards the creek. If approved, prior to construction, the Zoning Enforcement Officer should confirm that the septic system has been approved by the Buildings and Codes office and that it does not negatively impact the nearby waterbody.
- *Lighting:*
The submitted application did not include outdoor lighting; however, staff contacted the applicant, Mr. Robbins, on 4/15/2024 who confirmed that he would be installing 2 down-facing outdoor lighting units by the front door facing West Road. Based on the verbal information provided by the applicant, it appears that the proposed action is compliant with Article VII §240-47.H.
- *Landscaping and Screening:*
The submitted site plan does not detail landscaping or facility screening. As part of this review, staff contacted Mr. Robbins who confirmed that no landscaping and/or screening was planned. To ensure compliance with Article VII § 240-47 F, the applicant should show *“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". To comply with Article VII § 240-47 F, the Town of Martinsburg Planning Board shall require the applicant to satisfy the screening and landscaping requirement as they see fit, but it should be planned properly as to avoid line of sight issues.

Recommendation: Approve with the following conditions

1. Prior to taking action, the Town of Martinsburg Planning Board should evaluate the need for additional area variances for the minimum lot size, side yard setback, and proximity to a Class C stream. Furthermore, if a variance for this project is applied for, consultation with NYS DEC and USACE should be completed prior to taking action to address any concerns that they may have regarding the proximity of the structure to the waterbody.
2. While there are no plans for landscaping and screening, to ensure compliance with Article VII § 240-47 F, the Town of Martinsburg Planning Board shall require the applicant to satisfy the screening and landscaping requirement as they see fit, but it should be planned properly as to avoid line of sight issues.
3. While the submitted SEAF Part 1 noted no adjacent historical resources, our EAF mapper identified that this project site does contain, or is substantially contiguous to, a building, archeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places. Furthermore, the EAF mapper identified that 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) archeological site inventory. Prior to taking action, the applicant shall submit a consultation request to SHPO through their CRIS portal to obtain a No Adverse Effect to historical resources finding.
4. According to the reviewed Environmental Review Mapper (ERM), the property contains a Class C stream and National Wetland Inventory Riverine and, according to the submitted site plan sketch, the proposed action would be located within 20' of the subject waterbody. The proposed project site is not compliant with Article V § 240-27 entitled Streams, wetlands and waterbodies due to the lack of 100 feet between the proposed action and waterbody. Furthermore, if a variance for this regulation is sought, consultation with NYS DEC and USACE should be completed prior to taking action.
5. If approved, prior to construction, the Zoning Enforcement Officer should confirm that the septic system has been approved by the Buildings and Codes office and that it does not negatively impact the nearby waterbody.
6. Compliance with all Local, State and Federal regulatory requirements for this type of facility.

Mr. Robbins indicated that the County had allowed creek cleanup activities previously and consultation with Lewis County Soil and Water occurred previously when constructing his residence, located across the road. Ms. Buell reiterated that Martinsburg's zoning law requires a 100 ft setback from Class C streams and consultation should occur as stated in recommendations 1 and 4.

Ms. Metott suggested the addition of fire suppression requirements based on potential mixed occupancy to recommendation number 5.

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

Ms. Krokowski then continued with the next review:

TOWN/VILLAGE OF LOWVILLE JOINT PLANNING BOARD

Site Plan Review to convert a portion of the building that is used for indoor recreation space to retail sales and service, general at 7394 Utica Blvd. (State Route 12) in the Village of Lowville.

Tax Map Parcel #212.16-01-26.200

Lowville Producers Dairy Co-Operative, Inc. – Applicant

The applicant provided the following Project Documentation: 1) Site Plans; 2) SEQR Short Environmental Assessment Form (SEAF) parts 1-3; 3) Tax Map; 4) Project Narrative; and 5) Zoning Map.

- *Compatibility with Adjacent Uses*
The zoning for this area is defined as Auto Commercial (AC). The Auto Commercial Zone is defined as “*To provide for automobile-oriented commercial uses that are inappropriate in the central business district due to parking requirements.*” The applicant is proposing to convert the existing building that is currently being utilized for indoor recreation into retail sales and service use. The proposed use appears to be compatible with the adjacent uses.
- *Traffic Generation and Effect:*
The roadway is identified as Turin Road/Utica Boulevard/NYS Route 12. The roadway consists of three lanes of travel in a north-south direction. As identified in the submitted SEAF, the proposed action will not result in a substantial increase in traffic above present levels and based on this review, the proposed action should not result in concerning traffic impacts. The proposal did not include changes to the driveway entrances.
- *Protection of Community Character:*
The applicant is proposing to convert ½ of the estimated 7,982 square feet building, which currently is permitted to house indoor recreation, into retail sales within the Village of Lowville’s Auto Commercial (AC) Zone. Based on the current Village of Lowville Zoning Law, the proposed project can be defined as a retail sales and service, general, that of which is an allowed use, per Article IV Chapter 201 Attachment 1, in the AC Zone, pending a site plan review by the Planning Board before the issuance of a zoning permit.

According to the SEAF submitted, the proposed action does not encroach upon any critical environmental area, nor does it interfere with any designated

habitats for threatened or endangered species, national or state registers of historical places, or state-eligible sites.

During this review, a NYS EAF mapper was acquired to corroborate the provided information, which also identified a Riverine running through the rear neighboring parcel, which is on the National Wetlands Inventory. The proposed action appears to be consistent with the community's character. Furthermore, it was confirmed that there are no archeologically-sensitive areas present near the site.

- **Signage:**
The applicant proposes to replace the current Double Play sign with a Dairy Store sign of comparable size as shown in the provided site plan photo, which should continue compliance with the Village of Lowville Zoning Law.
- **Drainage:**
The submitted SEAF notes that this project will not result in stormwater discharge beyond what is existing. The proposed project is merely a change of use and exterior construction is not proposed.
- **Erosion:**
The SEAF states there will be .00 acres physically disturbed, which falls below the threshold of 1 acre that would require the applicant to obtain an SPDES permit.
- **Parking:**
According to Article VIII § 201-830 G, given the entire building is roughly 8,000 square feet, 23 parking spaces are required. The proposal included 23 parking spaces, 10'x20', to include 4 designated for ADA compliance. Article VIII § 201-840.D further states that "*Side yard parking areas in the VC Zone shall be screened from view along the front building line*" and § 201-840.E requires that "*Landscaping shall be provided around parking areas which shall be designed to break up the visual impact of such areas. Plantings shall be designed to provide adequate site distances to vehicles entering and exiting the site.*" While this is a nonconforming parking situation, Article VIII § 201-820 states that "*All uses with nonconforming parking or loading situations shall comply with the requirements of this article if one or more of the following conditions occurs: A. **The Use Changes**; B. The use expands its gross floor area by 20% or more; C. The use is destroyed and seeks to be reestablished, and D. The use is discontinued for a period of six months or longer and seeks to be reestablished.*" Being that this is a use change, it appears that this project may require an area variance in order to comply with § 201-840.C, in which "*no nonresidential or multiple-family dwelling parking area shall be located within 10 feet of a side lot line.*"

- *Community Facilities:*
According to the submitted SEAF, the proposed project is already connected to the existing public water supply as well as the wastewater treatment system. The proposed retail sales and service, general use should not impact the existing public water supply.
- *Lighting:*
Per the site plans, no changes to exterior lighting will occur. Currently, two lights serve to illuminate the operation signs affixed to the building, along with built-in canopy lights and two lights affixed to telephone poles approximately 15 feet high, one in the front of the property and one towards Kraft Heinz. Additionally, the applicant noted that the neighboring gas station's light also provides light to the adjoining side of the site. Additionally, the site is located in an area where street lighting is on both sides of the road and the operation intends to be closed at 5 PM. The existing lighting appears to comply with Article X §201-1030.
- *Landscaping and Screening:*
The applicant did not provide landscaping plans; however, given the proximity to NYS Route 12 and the pervious surfaces surrounding the entire building, buffers and standard landscaping plans should not apply to this project with the exception of collection areas mentioned in §201-1040 regarding the screening of storage and collection areas.

Recommendation: Approve with the following conditions

1. The site plans do not illustrate a minimum setback of 10 feet from the parking area to the east side lot line. While this is a nonconforming parking situation, Article VIII § 201-820 states that “All uses with nonconforming parking or loading situations shall comply with the requirements of this article if one or more of the following conditions occurs: A. **The Use Changes**; B. The use expands its gross floor area by 20% or more; C. The use is destroyed and seeks to be reestablished, and D. The use is discontinued for a period of six months or longer and seeks to be reestablished.” Being that this is a use change, it appears that this project **may require an area variance** in order to comply with § 201-840.C, in which “no nonresidential or multiple-family dwelling parking area shall be located within **10 feet of a side lot line.**” Prior to taking action, the Village/Town Planning Board shall evaluate the need for an area variance relative to parking.
2. The applicant did not provide landscaping plans; however, given the proximity to NYS Route 12 and the pervious surfaces surrounding the entire building, buffers and standard landscaping plans should not apply to this project with the exception of collection areas mentioned in § 201-1040.
3. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

The board had a brief discussion as to the reason why the proposed action required 239-m review and suggested the addition of a nonbinding note to the Village to amend their zoning law to not make such reviews necessary in the future, especially in business-centric districts.

With no further comments or questions, Mr. Virkler made a motion to approve the project with the above conditions and the additional non-binding note. Mr. Cook seconded the motion, which was carried unanimously.

Ms. Tabolt read the following review:

TOWN OF TURIN PLANNING BOARD

Site Plan Review and Special Use Permit to construct 2-3 rental cabins and a rustic wedding venue located at 6610 Burdicks Crossing Road (County Route 36) in the Town of Turin.

Tax Map Parcel: #290.00-04-15.000

Daron and Wendy Moser, Valley Brook Cabins – Applicant

The applicant provided the following project documentation: 1) Project Narrative, 2) Site Plan, 3) Agricultural Data Statement, 4) Project Concept Images, 5) SEQRF Full Environmental Assessment Form (FEAF), and 6) Special Use Permit Application.

▪ *Compatibility with Adjacent Uses*

The proposed action is located within the “C” District and is surrounded by agricultural, low-density residential, and forest uses. The applicant has proposed adding 2-3 30’ long x 22’ wide x 18’ tall rental cabins, a 60’ long x 40’ wide x 24’ tall pavilion, and a Christmas tree farm (after 5-10 years of operation). According to a conversation with the applicant, Wendy Moser, on April 11th, construction would not begin for 2-3 years; however, this may prompt a new application, review, and approval as Article IX Section 910.4 states that “any use or structure for which a land use permit has been issued that has not been substantially commenced within one year of the issuance of the permit shall require a new application, review and approval”. While the property was previously used as a drive-in movie theater, the proposed use would be consistent with the existing landscape. Setbacks align with Article 2, Section 205 and the standards for campgrounds in Article 4, Section 415.

| Town of Turin - District “C” | | |
|--|-------------------|--|
| Set Back | Minimum | Proposed |
| Lot Frontage | 200’ | ~800’ |
| From Centerline of Non-State Roads | 60’ | 60’ |
| From Side and Rear Lot Lines | 25’ | 50’ |
| From Well or Septic Absorption Field to any Lot Line. | 50’ | 50’ |
| Campsite Size | 1,500 square feet | 6,560 square feet (each site will be approx. 80’ deep x 82’ wide) |

This proposed action is also located adjacent to the Lewis County Trail System. The addition of 2-3 small cabins near the Lewis County motorized trail could revitalize the area, offering extended stay options, attracting more visitors, and supporting local businesses, ultimately enhancing tourism and economic growth.

According to Article 4 Section 415.7, “no accessory structures or storage units shall be sited within campgrounds.” Being that the proposed pavilion would be considered an accessory structure, “A subordinate structure located on the same lot with the main structure, occupied by or devoted to an accessory use...”, it appears that the pavilion portion of this proposed action would require a use variance prior to approval.

- *Traffic Generation and Effect:*

The roadway is identified as Burdicks Crossing Road (County Route 36), and the applicant plans to expand the existing driveway that fronts the western side of the property toward State Route 12, creating a loop driveway that reconnects on the eastern side of the property. The submitted Project Narrative and Site Plan state that this driveway will be gravel and 20-foot wide, which complies with the Town of Turin Rural Development Law Article 3, Section 415.

Page 7 of the FEAFF indicates that there will be no substantial increase in traffic above present levels. The Annual Average Daily Traffic (AADT) is 1,040 vehicles.

- *Protection of Community Character:*

According to pages 12 and 13 of the submitted FEAFF Part 1, the project site is not in a critical environmental area, national, or state register of historic places, or remediation site, is not home to threatened or endangered animals, and is not within the 100-year floodplain. As part of this review, the submitted information was corroborated.

- *Signage:*

The Project Narrative specifies that a sign will be affixed to a lighted pole near the gravel entrance on the eastern side of the property. According to a conversation with the applicant, Wendy Moser, on April 11th, the sign would be illuminated at night, will not exceed 32 square feet per side, would not encroach upon the public right-of-way, and will not be mounted higher than the principal structure. This complies with Turin Rural Development Law Article 3, Section 305.

- *Drainage:*

The submitted FEAFF Part 1, on page 6, indicates that the proposed project will not create stormwater runoff from new point sources during or after construction. Additionally, page 11 of the submitted FEAFF Part 1 shows that 100% of the project site soils are Moderately Well Drained, and there are no waterbodies or wetlands within the project parcel or adjoining parcels. However, as part of this review, a NYS EAF mapper was completed and

identified Douglass Creek, a Class C stream, on the adjoining parcel to the north. It is important to note that the identified waterbody should be avoided during project planning and construction.

- ***Erosion:***
The submitted FEAF Part 1, on page 3, indicates that 4 acres will be physically disturbed for this project, triggering the requirement for a SPDES permit due to the disturbance of more than 1 acre. Additionally, the submitted FEAF states that there will be an impact on the groundwater, but it should be minimal, if any, at all.
- ***Parking:***
According to the “Turin Rural Development Law” Article 3, Section 310, one parking space is required for every 250 square feet of commercial space. The total square footage of the three proposed cabins and pavilion is 4,380 square feet, which would necessitate 18 parking spaces. Although no parking spaces were proposed in the submitted application, a conversation with the applicant, Wendy Moser on April 11th, revealed that there are over 100 parking spaces in the middle of the property from the previous use. Additionally, there will be 50 feet of space between cabins where parking will be available.
- ***Community Facilities:***
According to a conversation with the applicant, Wendy Moser on April 11th, the proposed project would connect to the existing on-site water well and will require the installation of a septic system for the cabins. Depending on the recommendation of the applicant’s engineer, there will be either three separate septic systems behind each cabin or one for all three. The pavilion will not require a septic system.
- ***Lighting:***
The lighting plan outlined in the Project Narrative proposes the following: an exterior light mounted 12 feet high on the entrance pole where the sign stating “Valley Brook Cabins” is fixed, exterior lights at the entry of each cabin on both sides of the door, floodlights at the back of each cabin on the gable end, and floodlights at each gable of the enclosed pavilion, which will be used as a rustic wedding venue.
- ***Landscaping and Screening:***
The applicant proposes to add evergreen trees between the road frontage and the first cabin located on the eastern side of the property to create a buffer. Additionally, evergreen trees will be planted near the pavilion to serve as a buffer between the existing building and the pavilion. Furthermore, the applicant plans to eventually add evergreens in the back half of the property for a Christmas tree farm.

Recommendation: Approve with the following conditions

1. According to the applicant, construction would not begin for 2-3 years; however, this may prompt a new application, review, and approval as Article 9 Section 910.4 states that “any use or structure for which a land use permit has

been issued that has not been substantially commenced within one year of the issuance of the permit shall require a new application, review and approval". Clarification and understanding of this Town of Turin Rural Development Law regulation should be made between the Town of Turin Planning Board and the applicant prior to taking action.

2. According to Article 4 Section 415.7, *"no accessory structures or storage units shall be sited within campgrounds."* Being that the proposed pavilion would be considered an accessory structure, *"A subordinate structure located on the same lot with the main structure, occupied by or devoted to an accessory use..."*, it appears that the pavilion portion of this proposed action would require a use variance prior to approval.
3. Due to more than 1 acre being physically disturbed, a SPDES permit will need to be obtained prior to construction.
4. In order to align with the "Turin Rural Development Law" Article 3, Section 305, signs are to be "illuminated during business hours only." Prior to taking action, the Town of Turin Planning Board should evaluate whether they feel the sign illumination after regular business hours would have a negative impact on the community and nearby residences.
5. Compliance with all Local, State, and Federal regulatory requirements for this type of facility and the products stored.

The Board discussed adding a nonbinding note to the Town of Turin amending the campground section of their law to allow accessory structures as pavilions and offices are common practice.

With no further comments or questions, Mr. Cook made a motion to approve the project with the above conditions and the added referenced nonbinding note. Mr. Hunt seconded the motion, which was carried unanimously.

Ms. Krokowski read the following review:

TOWN OF LEYDEN TOWN BOARD

Review of proposed Local Law # 1 establishing a Townwide twelve-month moratorium for all solar energy facilities and/or battery energy storage systems in the Town of Leyden.

Town of Leyden – Applicant

The General Municipal Referral Form was submitted by Town Supervisor Rosalie White on behalf of the Town of Leyden. Land use moratoria are classified as Type II actions; therefore, the Town of Leyden is not required to undertake SEQR review for this action.

In summary, the purpose of this proposed local law is *"...to consider, formulate and potentially amend both the Town of Leyden Zoning Law and or uses authorized within the Town and to safeguard the public health, safety and general welfare of its population..."*. Being that the Town of Leyden has a separate Town of Leyden Solar Energy Systems Local Law, it is suggested that this law is referenced alongside the 'Town of Leyden Zoning Law' in Article 1 of the proposed Local Law.

The proposed moratorium discloses the intent of the local law along with including definitions for battery energy storage systems and solar energy facilities. The ‘Solar Energy Facilities’ definition, “*an electrical energy facility composed of a combination of both solar panels and solar energy equipment*”, does not correlate with the definition(s) included in the ‘Town of Leyden Solar Energy Systems Local Law’. If the intent of this local law is to place a stay on both Small Solar Energy Systems and Large Solar Energy Systems, as defined in Section 3 of the Town of Leyden Solar Energy Systems Law, then those definitions should be referenced within this moratorium. However, if the intent of the Town is to place a moratorium on Large Solar Energy Systems versus Small Solar Energy Systems, that clarification shall be included in the ‘solar energy facilities’ definition included in Article 2.

While the definition included in Article 2 for ‘Permit/Approval’ notes that “*no solar energy system or battery energy storage system shall be constructed, reconstructed, modified or operated in the Town of Leyden, **except in compliance with the Zoning Law.***” This language seems to conflict with the intent of the proposed law and Article 5, which prohibit any permitting, application acceptance, variances, or approvals of solar energy facilities and/or battery energy storage systems, regardless of whether they agree with the Zoning Law, which is under scrutiny for necessary improvements. Clarification should be made prior to taking action and references should be made to ‘solar energy facilities’ versus ‘solar energy system’ as defined in Article 2. If revisions are made to the definition of ‘solar energy facility’ in Article 2, then subsequent changes should be made throughout the local law.

In the review of the documents provided, it appears that the solar energy facilities and battery storage systems moratorium will provide time for the Town to make the necessary updates to the zoning regulations.

Recommendation: Approve with Conditions

1. Being that the Town of Leyden has a separate Town of Leyden Solar Energy Systems Local Law, it is suggested that this law is referenced alongside the ‘Town of Leyden Zoning Law’ in both Articles 1 & 2 of the proposed Local Law.
2. The ‘Solar Energy Facilities’ definition does not correlate with the definitions included in the ‘Town of Leyden Solar Energy Systems Local Law’. If the intent of this local law is to place a stay on both Small Solar Energy Systems and Large Solar Energy Systems, as defined in Section 3 of the Town of Leyden Solar Energy Systems Law, then those definitions should be referenced within this moratorium. However, if the intent of the Town is to place a moratorium on Large Solar Energy Systems versus Small Solar Energy Systems, that clarification shall be included in the ‘solar energy facilities’ definition included in Article 2.
3. While the definition included in Article 2 for ‘Permit/Approval’ notes that “*no solar energy system or battery energy storage system shall be constructed, reconstructed, modified or operated in the Town of Leyden, **except in compliance with the Zoning Law.***” This language seems to conflict with the intent of the proposed law and Article 5, which prohibit any permitting, application acceptance, variances, or approvals of solar energy facilities

and/or battery energy storage systems, regardless of whether they agree with the Zoning Law, which is under scrutiny for necessary improvements. Clarification should be made prior to taking action and references should be made to ‘solar energy facilities’ versus ‘solar energy system’ as defined in Article 2. If revisions are made to the definition of ‘solar energy facility’ in Article 2, then subsequent changes should be made throughout the local law.

A brief discussion was had about this moratorium regarding whether there was an active application prompting the action, which Ms. Buell indicated there was not to her knowledge. Ms. Buell mentioned that she believed the proposed moratorium was stimulated by the anticipated development of Battery Storage Facilities.

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

Ms. Krokowski excused herself from the remainder of the meeting due to her role on the Lyonsdale Town Board.

Ms. Buell then read the next review:

TOWN OF LYONSDALE TOWN BOARD

Review of proposed Local Law establishing a Townwide twelve-month moratorium for all commercial and industrial facilities in the Town of Lyonsdale.
Town of Lyonsdale – Applicant

The General Municipal Referral Form was submitted by Town Councilwoman Megan Krokowski on behalf of the Town of Lyonsdale. Land use moratoria are classified as Type II actions; therefore, the Town of Lyonsdale is not required to undertake SEQR review for this action.

In summary, the purpose of this proposed local law is *“...to consider, formulate and potentially amend both the Town of Lyonsdale Zoning Law and/or uses authorized within the Town and to safeguard the public health, safety and general welfare of its population...”*

The proposed moratorium vaguely discloses the intent of the local law and the definition for commercial/industrial facilities is broad. Additional context as to why there is a public interest and impact should be included in Article I. Furthermore, in order to avoid this moratorium being seen as a taking, the municipal advantages must outweigh the potential hardship to impacted property owners.

While the definition included in Article II for ‘Permit/Approval’ notes that *“commercial/industrial facility shall be constructed, reconstructed, modified or operated in the Town of Lyonsdale, **except in compliance with the Zoning Law.**”* This language seems to conflict with the intent of the proposed law and Article 5, which prohibit any permitting, application acceptance, variances, or approvals

of commercial or industrial facilities, regardless of whether they agree with the Zoning Law, which is under scrutiny for necessary improvements.

Being that the Town of Lyonsdale does not currently have an acting Zoning Board of Appeals (ZBA), a relief mechanism, such as a supersession clause where the Town Board entertaining variances from the moratoria and not the ZBA, should be identified in the moratorium should it be adopted.

Recommendation: DISAPPROVE

As written, the proposed moratorium is deficient in providing sufficient context to effectively tackle the land use concerns at hand. It remains ambiguous whether the benefits to the municipality, such as safeguarding public health, safety, and overall well-being, outweigh any potential difficulties faced by property owners. Additionally, implementing a 12-month pause on commercial and/or industrial activities without a clear rationale and lacking transparent relief measures might adversely affect economic growth at both county-wide and regional levels.

The Board discussed a variety of concerns regarding the proposed moratorium. Mr. Osborne requested clarification as to whether this would apply to existing businesses. Ms. Buell explained that this would not apply to existing businesses, as long as they have followed the appropriate process in the past. Mr. Virkler asked whether an expansion would be impacted. Ms. Buell reiterated the proposed local law and explained that if the Town of Lyonsdale Zoning Law required permits for those expansions then yes, the project would be impacted.

Mr. Hunt made a motion to approve the project with the above conditions. Mr. Osborne seconded the motion, which was carried unanimously.

Ms. Buell then read the final review:

TOWN OF LYONSDALE TOWN BOARD

Review of proposed Local Law # 1 establishing a Townwide twelve-month moratorium for all solar energy facilities and/or battery energy storage systems in the Town of Lyonsdale.

Town of Lyonsdale – Applicant

The General Municipal Referral Form was submitted by Town Councilwoman Megan Krokowski on behalf of the Town of Lyonsdale. Land use moratoria are classified as Type II actions; therefore, the Town of Lyonsdale is not required to undertake SEQR review for this action.

In summary, the purpose of this proposed local law is “...to consider, formulate and potentially amend both the Town of Lyonsdale Zoning Law and or uses authorized within the Town and to safeguard the public health, safety and general welfare of its population...”.

The proposed moratorium discloses the intent of the local law along with including definitions for battery energy storage systems and solar energy facilities.

While the definition included in Article 2 for 'Permit/Approval' notes that *"no solar energy system or battery energy storage system shall be constructed, reconstructed, modified or operated in the Town of Lyonsdale, except in compliance with the Zoning Law."* This language seems to conflict with the intent of the proposed law and Article 5, which prohibit any permitting, application acceptance, variances, or approvals of solar energy facilities and/or battery energy storage systems, regardless of whether they agree with the Zoning Law, which is under scrutiny for necessary improvements. Clarification should be made prior to taking action.

Solar Energy Facilities, as presented in the proposed moratorium, is defined as *"an electrical energy facility composed of a combination of both solar panels and solar energy equipment."* If the intent is to place a broad stay on any/all types of solar development, whether it is for on-site consumption or off-site consumption, this definition is applicable. However, if the intent is to allow for accessory use or agricultural use for on-site consumption but disallowing larger facilities that generate energy for off-site consumption, then this definition should be further developed to include total ground surface area and/or MW details, or, at the very least, on-site versus off-site consumption distinctions.

Being that the Town of Lyonsdale does not currently have an acting Zoning Board of Appeals (ZBA), a relief mechanism, such as a supersession clause where the Town Board entertaining variances from the moratoria and not the ZBA, should be identified in the moratorium should it be adopted.

Recommendation: Approve with Conditions

1. The title of this local law should be revised to "Local Law #1 of 2024" versus "2023".
2. If the intent of the proposed 'Solar Energy Facilities' definition is to place a broad stay on any/all types of solar development, whether it is for on-site consumption or off-site consumption, this definition is applicable. However, if the intent is to allow for accessory use or agricultural use for on-site consumption but disallowing larger facilities that generate energy for off-site consumption, then this definition should be further developed to include total ground surface area and/or MW details, or, at the very least, on-site versus off-site consumption distinctions.
3. While the definition included in Article 2 for 'Permit/Approval' notes that *"no solar energy system or battery energy storage system shall be constructed, reconstructed, modified or operated in the Town of Lyonsdale, except in compliance with the Zoning Law."* This language seems to conflict with the intent of the proposed law and Article 5, which prohibit any permitting, application acceptance, variances, or approvals of solar energy facilities and/or battery energy storage systems, regardless of whether they agree with the Zoning Law, which is under scrutiny for necessary improvements. Clarification should be made prior to taking action and references should be

made to 'solar energy facilities' versus 'solar energy system' as defined in Article 2.

4. Being that the Town of Lyonsdale does not currently have an acting Zoning Board of Appeals (ZBA), a relief mechanism, such as a supersession clause where the Town Board entertaining variances from the moratoria and not the ZBA, should be identified in the moratorium should it be adopted.

The Board discussed adding a nonbinding note encouraging the Town to establish a ZBA.

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

(7) **Report of County Planner:** None

(8) **Unfinished Business:** None

(9) **New Business:**

The Board had a brief discussion on the updated format of the reviews and how conducive they were.

(10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Virkler and seconded by Mr. Osborne which carried unanimously. Mr. Petersen adjourned the meeting at 3:49 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.