

MINUTES
LEWIS COUNTY PLANNING BOARD
June 20, 2024

- (1) **Call to Order:** Vice-Chairman Lehman 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. Mr. Lehman requested roll call.
- (2) **Roll Call:**
Board Members Present: John Lehman, Eric Virkler, Sarah Metott, Thomas Osborne, Timothy Hunt, and Larry Dolhof (Non-voting member).
Staff Present: Casandra Buell, Director of Planning and Community Development and Lauryn Tabolt, Community Development Specialist.
- (3) **Reading and Approval of Minutes:** The draft May 16, 2024 meeting minutes were received and reviewed before the meeting. Mr. Virkler motioned to approve the minutes; Mr. Hunt seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:**
Ms. Buell read the following communications received from the APA:
- **APA Project No. 2023-0224: Approved, Permit Issued**
David Parnell, Single-family dwelling, Fowlerville Road, Town of Lyonsdale
 - **APA Project No. 2024-0145: Application Received**
Stephen Kushnir, Construction of a boathouse, Cottage Road, Town of Greig
- No comments were received.
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

239-M Review

Ms. Buell read the following review:

TOWN OF PINCKNEY PLANNING BOARD

Site Plan Review for two (2) proposed 20'x68' lean-to additions on both sides of the vehicle and engine service and repair shop located 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 Land Use Application.

- **Compatibility with Adjacent Uses:**
The submitted General Municipal Referral Form noted that the project is located in the Rural Residential Zone, which is defined as “*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 extend a previously approved *Vehicle and Engine Service and Repair* use, which would require a Site Plan Review, according to Article 4 § 410 and Article 8 § 805.

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 three neighboring property owners with farms within 250’ of the proposed project.

Given that this is a connected action to the Site Plan review from the January 2024 County Planning Board Review, reference may be made to the “original site plan” which shall be considered the January 2024 submissions.

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

RURAL RESIDENTIAL		
	Required	Proposed
Maximum Building Height	-	14’
Min. Lot Frontage	200’	300’
Min. Front YD Setback	60’	400’
Min. Side/ Rear YD Setback	25’	700’+/-*

*According to the Application for Site Plan Review, the side/rear setback is 1000’, however, the plot map indicates 700’. Either distance is well above the required minimum of 25’, but this should be clarified for the consistency of the records.

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.*” The Town Planning Board should ensure that this structure is enclosed to comply with the above requirements or, if it is not enclosed, establish a reasonable timeline for the applicant to enclose the structure for enforceability. Additionally, Article 5 § 555 also states that “*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.*” 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 expanded use, the Lewis County Highway Department was consulted on May 31, 2024 and determined no driveway permitting would be necessary since the driveway is already in place. 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 prior to taking action.

- *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 protected 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. After speaking with Jessica Hart of the NYSDEC on June 11, 2024, no permit is required. 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 to appraise, evaluate 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. Jake Moser, Lewis County Clerk, verified on June 11, 2024 that the operation is registered to inspect and repair vehicles.

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, technically there will be approximately .06 acres of ground disturbance based on the 20'x68' areas on both sides of the building that will be built using posts in the ground. Nichelle Swisher, District Manager of Lewis County Soil and Water, indicated in her email on June 18, 2024 that the area of ground disturbance should be updated to 1.16 acres as this should be cumulative for the entire project, even though it is being conducted in phases. Since the disturbed area is more than 1 acre, a SPDES permit will be required; and, the SEAF and application should be updated for consistency of records.

As a condition set forth in the Final Actions regarding the Original Site Plan Review, the Town of Pinckney Planning Board imposed *“That the applicant must receive written plans from the Soil and Water Conservation District that address the known erosion and sediment issues as they pertain to runoff from the site into the Deer River, and that the applicant shows that these plans have been executed. The Planning Board reserves the right to revoke the approval of the Site Plan Review if this condition is not satisfied by August 15, 2024.”* Soil and Water recommended the installation of a grassed waterway with check dams given the topography and geology of this site as an appropriate erosion control method, provided in an email correspondence sent to the applicant on May 23, 2024. The County Planning Board recommends the Town of Pinckney review the previously mentioned condition to ensure adequate progress is being made for a successful outcome by August 15, 2024.

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 that *“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 added is 2,720 square feet, which divided by the required 250 square feet would result in 10.88 additional parking spaces in addition to the 13 parking spaces previously required 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.”* After speaking with Mr. Doyle, he indicated there are currently 35 parking spaces; however, there is minimal screening on just the front side of the building. Mr. Doyle indicated that the parking hasn't changed since the original Site Plan Review; however; the Town of Pinckney Planning Board Chair, Scott Randall provided a parking plan on June 11, 2024 as provided by the applicant. The provided parking plan does not delineate the parking

spaces (35 required) of adequate dimensions and lacks the proposed traffic flow pattern. Prior to taking action, the Board shall request further information on the site's parking space dimensions, screening, and traffic flow patterns to ensure compliance with both Articles 5 and 6.

- **Community Facilities:**
According to the SEAF, connection to public water and wastewater will not occur.
- **Lighting:**
According to the submitted site map, the proposed action includes no outdoor lighting. After speaking with the applicant on June 3, 2024 outdoor lighting will be provided by the front light of the building and confirmed it is not directed into a roadway. Prior to taking action, the Planning Board should review the updated lighting plan to confirm that the proposed lighting is adequate for public safety, that it does not negatively impact neighboring properties, and that it aligns with Article 6 § 615.8.
- **Landscaping and Screening:**
The applicant did not provide landscaping designs or plans; however, when speaking with the applicant on June 3, 2024, Mr. Doyle referenced that the landscaping would be the same as the original building. Article 6 § 615.6 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”*. However, upon review of the Town of Pinckney Planning Board's Final Action for the original building, dated January 30, 2024, *“the applicant will execute the landscape map that was submitted with the application showing conifer trees planted along the roadside of the property that will screen the Repair Shop from the neighbors. The spacing of the trees shall be in accordance with the **minimum** required spacing instructions for the particular species planted to completely screen the site. The Planning Board reserves the right to revoke the approval of the Site Plan Review if this condition is not satisfied by August 15, 2024.”* The County Planning Board recommends the Town of Pinckney review the conditions previously set to ensure adequate progress is being made for a successful outcome by August 15, 2024.

Recommendation: Approve with the following Conditions

- 1) 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.”* Prior to taking action, the Town Planning Board shall ensure that this structure is enclosed to comply with the above requirements or, if it is not enclosed, establish a reasonable deadline for the applicant to enclose the structure for enforceability.
- 2) The SEAF noted there would be no ground disturbance; however, technically there will be approximately .06 acres of ground disturbance based on the 20'x68' areas on both sides of the building that will be built using posts in the ground. Additionally, Nichelle Swisher, District Manager of Lewis County Soil and Water, indicated in her email on June 18, 2024 that the area of ground

disturbance should be updated to 1.16 acres as this should be cumulative for the entire project, even though it is being conducted in phases. Since the disturbed area is more than 1 acre, a SPDES permit will be required; and the SEAF and application should be updated for consistency of records.

- 3) Article 5 § 540 states that *“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”*

It does not appear that these requirements have been met. 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.”* The provided parking plan does not delineate the parking spaces (35 required) of adequate dimensions and lacks the proposed traffic flow pattern. Prior to taking action, the Board shall request further information on the site to ensure compliance with both Articles 5 and 6.

- 4) According to the submitted site map, the proposed action includes no outdoor lighting. After speaking with the applicant on June 3, 2024 outdoor lighting will be provided by the front light of the building and confirmed it is not directed into a roadway. Prior to taking action, the Planning Board should review the updated lighting plan to confirm that the lighting is adequate for public safety, that it does not negatively impact neighboring properties, and that it aligns with Article 6 § 615.8.
- 5) Compliance with all Local, State, and Federal regulatory requirements for this type of facility.

Non-Binding Notes

1. According to the submitted Application for Site Plan Review, the side/rear setback is 1000', however, the plot map indicates 700'. Either distance is well above the required minimum of 25', but this should be clarified for consistency of the records.
2. 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.
3. A condition set forth in the Final Actions regarding the Original Site Plan Review, the Town of Pinckney Planning Board imposed *“That the applicant must receive written plans from the Soil and Water Conservation District that address the known erosion and sediment issues as they pertain to runoff from the site into the Deer River, and that the applicant show that these plans have been executed. The Planning Board reserves the right to revoke the approval of the Site Plan Review if this condition is not satisfied by August 15, 2024.”* The County Planning Board recommends the Town of Pinckney review this condition to ensure adequate progress is being made for a successful outcome by August 15, 2024. Soil and Water recommended the installation of a grassed waterway with check dams given the topography and geology of this site as an appropriate erosion control method, provided in an email correspondence sent to the applicant on May 23, 2024. The County Planning

Board recommends the Town of Pinckney review the previously mentioned condition to ensure adequate progress is being made for a successful outcome by August 15, 2024.

4. The applicant did not provide landscaping designs or plans; however, when speaking with the applicant on June 3, 2024 Mr. Doyle referenced that the landscaping would be the same as the original building. Article 6 § 615.6 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”*. However, upon review of the Town of Pinckney Planning Board’s Final Action for the original building, dated January 30, 2024 *“the applicant will execute the landscape map that was submitted with the application showing conifer trees planted along the roadside of the property that will screen the Repair Shop from the neighbors. The spacing of the trees shall be in accordance with the **minimum** required spacing instructions for the particular species planted to completely screen the site. The Planning Board reserves the right to revoke the approval of the Site Plan Review if this condition is not satisfied by August 15, 2024.”* The County Planning Board recommends the Town of Pinckney review the conditions previously set to ensure adequate progress is being made for a successful outcome by August 15, 2024.

Ms. Buell read the following comment received from Megan Marolf shortly before the meeting began:

“As far as the application for the additions of lean-tos to his pole barn, it is my understanding that he has not yet satisfied the conditions set forth from his previous application over the winter. There is still no fencing, screening or landscaping in place to hide his parking area from public view. The drainage issue has not yet been resolved nor has he made any attempts to correct the damage done to my mother’s property on Liberty Road. She is unable to have this work done until the water from his fields is properly retained on his own property or drained elsewhere. I understand he has until August 15th to have the items outlined in the town’s March Planning Board meeting addressed or he risks having his original business permit revoked. I think it will be in the best interest of the immediate community and his neighbors if those items initially required are remedied before any additional permitting is issued for additions to the existing structure. The lights on his pole barn, although excessive seem to be kept on the timer and turned off at 9 pm. I am curious what lighting restrictions or placements can be put in place regarding the lean-tos. I would like to see the side lights along the length of his pole barn mounted beneath the lean-tos and close to the barn to further mitigate the light pollution coming from that area with no additional lighting installed. As a neighbor and a property owner, limiting the amount of light coming from that property is a continued concern.”

Mr. Lehman raised questions about the ground disturbance of the proposed posts needed to construct the lean-to. Mr. Hunt mentioned that the applicant has already cleared the area and has added crushed stone. The Board briefly discussed the need for drainage as recommended by Lewis County Soil & Water. With no further discussion, Mr. Hunt made a motion to approve with the

conditions presented and non-binding notes. Mr. Osborne seconded the motion, which carried unanimously.

Ms. Tabolt then read the following review:

TOWN OF WATSON PLANNING BOARD

Special Use Permit to allow a mobile retail storefront located at 6971 Number Four Road (County Route 26) in the Town of Watson.

Tax Map Parcel: #213.04-01-05.000

Sophia Tebo – Applicant

The applicant provided the following project documentation: 1) Agricultural Data Statement, 2) Plot Diagram, 3) Land Use Application, 4) Letter of Zoning Referral that includes a Project Narrative, 5) Short Environmental Assessment Form (SEAF), and 6) Map.

▪ *Compatibility with Adjacent Uses*

The proposed action is located within the Hamlet District, surrounded by both commercial and residential uses. Nearby commercial properties include a gas station and a vacant building previously used as a restaurant. The applicant proposes using an 8 ft x 20 ft Recreational Camping Vehicle (RV), converted into a mobile storefront and workshop, to manufacture and sell handmade jewelry. This RV is situated within an existing carport on a property currently used for residential purposes. The business is proposed to be open two days per week.

All setbacks comply with Article 4, Section 410, except for the front setback from the centerline of Number Four Road, which is 10 feet less than the minimum required. It should be noted that this setback pertains to an existing carport already on the property. Article 3 Section 335.D may relieve the need for an area variance as the carport structure could be considered a non-confirming structure and the proposed use appears to meet the requirements of the section. The Town of Watson Planning Board should assess whether this deviation from the minimum front setback has a negative impact on compatibility with adjacent uses.

Town of Watson – Hamlet (H) Zone		
Set Back	Minimum	Proposed
Lot Frontage	100'	136'
Left Side	25'	82.2'
Right Side	25'	38.5'
Rear	25'	150'
Front	75'	65'

*Non-confirming structure setback for the carport over the mobile storefront

- *Traffic Generation and Effect:*

The roadway in question is Number Four Road (County Route 26), and the applicant plans to use the existing driveway. In a phone conversation with Sophia Tebo on June 12, 2024, it was confirmed that there is ample gravel driveway space for consumers to exit front-first onto Number Four Road, as required by Article 6, Section 610. According to the submitted SEAF, the applicant deems it unlikely that traffic will substantially increase because of the mobile storefront.

The Annual Average Daily Traffic (AADT) for this road is 2,257 vehicles.

- *Protection of Community Character:*

According to the State Environmental Assessment Form (SEAF), page 2, the proposed project site is not situated within a critical environmental area, a National or State Register of Historic Places, adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office (SHPO) archaeological site inventory, or a 100-year floodplain. However, during this review, the information in the SEAF was verified through the NYS EAF Mapper and we found that the site is indeed located in an archeologically sensitive area; therefore, the applicant should consult SHPO before proceeding with the project.

According to the EAF Mapper, the proposed action site may also contain the Toma Mayfly, which is listed by the State or Federal government as threatened or endangered. Since there is no ground disturbance, it is anticipated that no harm will be done to the Toma Mayfly's habitat.

- *Signage:*

No signage information was submitted. In a phone call with the applicant, Sophia Tebo, it was revealed that there is currently no sign, but there are future plans to place one on the side of the mobile storefront. On the phone call, Ms. Tebo confirmed that when they put the sign up, it will not be any greater than 32 sq. ft. and will not take up more than 10% of the side of the mobile storefront, which complies with Article 5 Section 530. If a more permanent sign structure is to be installed in the future, it should go before the Town of Watson Planning Board to ensure that it complies with the rest of the requirements laid out in Article 5 Section 530.

- *Drainage:*

According to the EAF Mapper generated by our office, it appears that the project site or lands adjoining the project site contain wetlands or other waterbodies regulated by a federal, state, or local agency; however, it will not physically alter, or encroach into any existing wetland or water body.

- *Erosion:*

No land will be physically disturbed for this project, therefore, there should be no impact on erosion.

- **Parking:**
According to Article 6, Section 620, “Minimum parking spaces shall be required as follows: Business, Retail Sales, and Service | 1 space/200 sq. ft GLA.” Since the entire square footage of the mobile storefront is 160 sq. ft., the applicant is not required to provide parking. No parking plans were submitted; however, in a phone call with Sophia Tebo on June 12, 2024, it was confirmed that there is sufficient space for parking in the residential driveway, allowing for a safe turnaround and front-first exit onto Number Four Road.
- **Community Facilities:**
According to the submitted SEAF, the mobile storefront will not connect to existing public/private water supply or wastewater facilities.
- **Lighting:**
No lighting plan was submitted. However, in a phone call with Sophia Tebo on June 12, 2024, it was confirmed that the applicant proposes to install an entry light beside the entrance door to the mobile storefront, which can be turned on as needed.
- **Landscaping and Screening:**
No landscaping plan was submitted. Nonetheless, a phone call with Sophia Tebo on June 12, 2024 confirmed that no landscaping plan was proposed. An existing hedge along the right side of the property separates the proposed action site from the adjacent residential property, complying with Article 7, Section 730, Part D.

Recommendation: Approve with Conditions

1. The front setback to the existing carport, under which the mobile storefront is situated, is 10’ shorter than the required setback laid out in Article 4 Section 410. Article 3 Section 335.D may relieve the need for an area variance as the carport structure could be considered a non-conforming structure and the proposed use appears to meet the requirements of the section. The Town of Watson Planning Board should assess whether this deviation from the minimum front setback has a negative impact on compatibility with adjacent uses and whether the non-conforming carport structure along with the additional new use that will be situated under it is considered non-conforming.
2. The proposed project site is indeed located in an archeologically sensitive area; therefore, the applicant should consult SHPO before proceeding with the project.
3. If a more permanent sign structure is to be installed in the future, it should go before the Town of Watson Planning Board to ensure that it complies with the rest of the requirements laid out in Article 5 Section 530.

Mr. Hunt made the suggestion that, since there would be no ground disturbance, Condition No. 2 be revised to state “The proposed project site is indeed located in an archeologically sensitive area; therefore, if the project does result in land disturbance, the applicant should consult SHPO before proceeding with the

project.” The Board agreed and, with no further comments, Mr. Lehman made a motion to approve with the recommended conditions. Mr. Virkler seconded the motion, which carried unanimously.

(7) Report of County Planner:

Ms. Buell shared that the following responses from municipalities regarding previously submitted/reviewed projects:

Project Description	Final Action	Project Description	Final Action
T/Leyden – Solar Moratorium	Approved w/Conditions	T/Turin – Valley Brook Cabins	Postponed – Applicants’ timeline changed
V/Turin – Solar Moratorium	Approved w/Conditions	T/Denmark – Cell Tower-Plank Road	Approved w/Conditions
T/Denmark – Cell Tower-State Rte. 26	Approved w/Conditions		

(8) Unfinished Business: None

(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. Osborne, which carried unanimously. Mr. Lehman adjourned the meeting at 2:54 PM.

Respectfully submitted,



Casandra Buell
 Director, Planning & Community Development