

MINUTES
LEWIS COUNTY PLANNING BOARD
July 18, 2024

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:30 PM in the conference room on the 2nd floor at the Lewis County Court House, Lowville, New York. Mr. Petersen requested a roll call.
- (2) **Roll Call:**
Board Members Present: Timothy Petersen, John Lehman, Donald Cook, Sarah Metott, Thomas Osborne, and Larry Dolhof (Non-voting member).
Staff Present: Casandra Buell, Director of Planning and Community Development, Jon Roes, Lewis County Code Enforcement Officer, and Megan Krokowski, Community Development Specialist.
- (3) **Reading and Approval of Minutes:** The draft June 20, 2024 meeting minutes were received and reviewed before the meeting. Mr. Lehman motioned to approve the minutes; Mr. Cook seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:**
Ms. Krokowski reviewed the following communications received from the APA:
- **APA Project No. 2024-0168: Application Received**
Roger & Lori Westerman, Single-family dwelling and accessory barn, Moose River Road, Town of Lyonsdale.

No comments were received or proposed for submission to the APA.

- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

239-M Review

Ms. Krokowski read the following review:

TOWN OF CROGHAN TOWN BOARD

Site Plan Review and Special Use Permit to construct a 30' by 50' equipment storage building located at 10918 Pine Tree Road in the Town of Croghan.

Tax Map Parcel #089.00-01-43.120

Michael Boliver – Applicant

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

- ***Compatibility With Adjacent Uses:***
The proposed project is located on Pine Tree Road, on a property that borders State Route 812. The Town of Croghan is designated as one zone, Rural Residential, and the proposed structure aims to provide protection from the elements for large equipment associated with the owner's commercial

business, Eager Beaver Tree Service, as well as other personal equipment belonging to Mike Boliver.

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.

The proposed site is in a portion of the Town that is primarily forested land with scattered residential uses. The proposed action seems to conform with the adjacent uses and the intent of the Town of Croghan Zoning Law.

- *Traffic Generation and Effect:*

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

The provided site plan does not demonstrate anticipated traffic circulation or dimensions; however, per a phone conversation with the applicant, the driveway is planned to be straight to the structure with an approximate width of 50', thus complying 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 adequate separation of pedestrian and vehicular movements. Given the nature of the proposed project and the location, the proposed 50' driveway should be sufficient. Being that Pine Tree Road is a Town Road, prior to construction, the applicant shall work with the Town of Croghan Highway Superintendent to ensure that egress/ingress is safe and is permitted accordingly.

- *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 not near any significant historic sites; however, the site is near 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.

- *Signage:*

Signs were not included with the request; however, if signs are pursued, compliance with Article VI Section 610 F is required.

- *Drainage:*
According to the Environmental Resource Mapper, Freshwater Forested/Shrub Wetland listed on the National Wetlands Inventory are located on the rear of the parcel.

Although the applicant did not supply drainage plans, on July 8, 2024 Mr. Boliver communicated over the phone that he intended to connect to the Town culvert for drainage and that Warren Shaw, the former Highway Superintendent, would be assisting.

- *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 .05 acres. While the applicant has indicated that they will disturb less than 1 acre of land, should the scope of ground disturbance increase, the applicant should consult with NYS DEC to ensure compliance with stormwater and any other pertinent regulations relative to the proposed project.
- *Parking:*
There were no parking plans included with this referral. Given the nature of the project, it appears that Article III Sections 310–320 are met. The proposed structure is meant to be used for storing privately owned commercial and non-commercial equipment rather than for commercial use with public through traffic.
- *Community Facilities:*
The subject property is currently a residential lot with a house, garage, and several acres of woodlands; however, the proposed cold storage building will not connect to public water thus alleviating the need for sewer infrastructure.
- *Lighting:*
After talking with the applicant, it was determined that the proposed project did not include any plans for exterior lighting for the structure. Lighting requirements should not be necessary as part of this review since the proposed structure is not for conventional commercial use.
- *Landscaping and Screening:*
No landscaping or screening plans were provided as required by Article IV; however, after speaking with the applicant, once the structure is in place the topsoil removed will be used to fill in and dress the area back up, weather permitting. Since no formal landscaping or screening plans were provided as required by Article IV, the Board should ensure compliance with Article III, Section 330, and Article VI, Section 610.D before taking action, given the residential units present on Pine Tree Road. This includes but is not limited to, the applicant providing a 20-foot wide buffer strip with a minimum height of six feet, featuring evergreen plantings (such as Blue Spruce, Norwegian Spruce, Frazer Fir, or Douglas Fir) to effectively screen the commercial, industrial, or campground use from view along property lines facing

residential properties. Additionally, a 20-foot-wide buffer of landscaping should be provided where appropriate, designed to avoid obstructing sight distance at access points along the road frontage of Pine Tree Road.

Furthermore, Article VI, Section 610.D.5 notes that, “Where the existing topography and/or landscaping provides adequate screening, the Town Board may modify the planting and/or buffer area requirements.” Should the Town Board consider a modification to the landscaping/screening requirements given the nature of the use, said modification should be noted in detail in the respective meeting minutes

Below, please find the complete excerpts mentioned above from the Town of Croghan Zoning Law for reference:

Article III Section 330 Landscaping and Screening

“That the proposed development, all parking, storage, loading, and service areas are reasonably screened during all seasons of the year from the view of adjacent residential areas and that the general landscaping and method of construction on the site is in character with the surrounding areas. Consideration of aesthetics in the project design and compatibility of signs with neighboring uses should be given.”

Article VI Section 610 D. Landscaping and Screening

“Landscaping and screening shall be provided as follows:

- 1. Existing vegetation shall be used to the greatest extent possible.*
- 2. Along a property line facing a residential property, a twenty (20) feet wide with a minimum height of six (6) feet buffer strip of evergreen (Blue Spruce, Norwegian Spruce, Frazer or Douglas Fir) planting shall be provided to effectively screen the commercial/industrial, or campground use from view.*
- 3. Along road frontage, a twenty (20) feet wide buffer of landscaping shall be provided where appropriate and designed so as not to obstruct sight distance at points of access.*
- 4. Where appropriate, a wall, fence, or earthen berm of location, height, and design approved by the Town Board, may be substituted for the required planting.*
- 5. Where the existing topography and/or landscaping provides adequate screening, the Town Board may modify the planting and/or buffer area requirements.”*

As with any other action, conditional approvals should not be given.

Recommendation: Approve with the following conditions

1. Given the nature of the proposed project and the location, the proposed 50’ driveway should fulfill the intent of Article III, Section 310; however, prior to construction, the applicant shall work with the Town of Croghan Highway Superintendent to ensure that egress/ingress is safe and is permitted accordingly.

2. 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.
3. Signs were not included with the request; however, if signs are pursued, compliance with Article VI Section 610 F is required.
4. Landscaping or screening plans were not provided as required by Article IV; however, after speaking with the applicant, once the structure is in place the topsoil removed will be used to fill in and dress the area back up, weather permitting. Since no formal landscaping or screening plans were provided as required by Article IV, the Town Board should ensure compliance with Article III, Section 330, and Article VI, Section 610 D before taking action, given the residential units present on Pine Tree Road. This includes but is not limited to, the applicant providing a 20-foot-wide buffer strip with a minimum height of six feet, featuring evergreen plantings (such as Blue Spruce, Norwegian Spruce, Frazer Fir, or Douglas Fir) to effectively screen the commercial, industrial, or campground use from view along property lines facing residential properties. Additionally, a 20-foot-wide buffer of landscaping should be provided where appropriate, designed to avoid obstructing sight distance at access points along the road frontage of Pine Tree Road. Furthermore, Article VI, Section 610.D.5 notes that, *“Where the existing topography and/or landscaping provides adequate screening, the Town Board may modify the planting and/or buffer area requirements.”* Should the Town Board consider a modification to the landscaping/screening requirements given the nature of the use, the modification should be noted in detail in the respective meeting minutes.
5. Compliance with all Local, State, and Federal regulatory requirements for this type of facility and the products stored.

NON-BINDING NOTE:

- A) It should be known that the two parcels owned by the applicant in the vicinity of Pine Tree Road, have different statuses within Agricultural District 6. Should the owner consider combining parcel #089.00-01-43.120 with adjoining parcel #089.00-01-34.000, #089.00-01-43.120 would need to be added to Agricultural District 6 or await the next 8-Year Review period for removal in 2032.

A brief discussion was had about the existing vegetation serving as a buffer and whether the use was commercial because it seems somewhat gray. It was agreed that the County Planning Board would keep recommendation #4 so that the Town of Croghan could make their determination in writing.

With no further discussion, Mr. Cook motioned to approve with the conditions presented and the non-binding note. Mr. Lehman seconded the motion, which carried unanimously.

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

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

Project Description	Final Action
T/Martinsburg Planning Board – Frank Robbins	Approved w/Conditions

(8) **Unfinished Business:** None

(9) **New Business:** It was discussed that the 4-hour Land Use Training date is September 25, 2024 and all are encouraged to attend to satisfy their annual training requirements.

(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. Petersen adjourned the meeting at 2:44 PM.

Megan Krokowski

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.