

MINUTES
LEWIS COUNTY PLANNING BOARD
January 16, 2025

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:31 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: Tim Petersen, Don Cook, Sarah Metott, Eric Virkler and John Lehman. **Non-Voting Ex-Officio Member:** Lawrence Dolhof.
Staff Present: Casandra Buell, Planning & Community Development Director, Megan Krokowski, Community Development Specialist.
- (3) **Reading and Approval of Minutes:** The draft December 19, 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:**
- **APA Project No. 2024-0341: Application Completed**
Peter Doster, Two-lot subdivision, Barnes Road, Town of Lyonsdale
 - **APA Project No. 2024-0341: Conditionally Approved/Permit Issued**
Peter Doster, Two-lot subdivision, Barnes Road, Town of Lyonsdale

No comments were made on the subject projects. It was noted that future agendas will not list out each correspondence to prevent the need for revisions when the office receives late submissions of correspondence.

- (5) **Report of Officers:** None
- (6) **Election of Officers:** Ms. Krokowski mentioned to the group that Mr. Lehman expressed his interest in retaining his role as Vice Chairman of the County Planning Board. Mr. Cook made a motion to appoint John Lehman as the Vice Chairman, which was seconded by Mr. Petersen and carried unanimously.

Mr. Petersen indicated that he would be happy to retain his role as the Chairman of the County Planning Board. With no other interest in the position, Mr. Lehman made a motion to appoint Tim Petersen as Chairman, which was seconded by Mr. Virkler and carried unanimously.

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

239-M Review

Ms. Krokowski read the following review:

TOWN/VILLAGE OF LOWVILLE JOINT PLANNING BOARD/ZONING BOARD OF APPEALS

Site Plan Review/Special Use Permit/Area and Use Variance to install a 124' cellular communication tower and accompanying components at 5473 Bostwick Street (State Route 812) in the Village of Lowville.

Tax Map Parcel #195.19-02-12.400

Young/ Sommer LLC – Applicant

The Planning Board Administrative Assistant provided the following proposal documentation: 1) General Municipal Referral Form; 2) Applicant binder with proposal revisions (1 & 2); 3) Zoning Map; 4) Variance Decisions; and 5) FEAF.

▪ *Compatibility with Adjacent Uses*

The proposed project is located in the Park/Open Space Zone, which is designated for parks, cemeteries, and open spaces. The applicant is proposing to install a cellular tower and accompanying components, which could be defined as an essential facility. Essential facilities may be allowed within the Park/Open Space Zone with a Special Use Permit, Site Plan Review, and Zoning Permit. The proposed use appears to be compatible with the adjacent uses.

Schedule B notes that “*Accessory structures limited to towers, silos, or similar structures, shall not exceed a height twice their distance from the lot line.*” Given the proposed placement of the tower, which, according to Sheet ‘SB-1’, is 134’ at its closest point to parcel borders, a height variance for the 124’ cellular tower may not be necessary.

Based on Local Law 3 - 2024 of the Village of Lowville, which amends the Village Code, the requested use variance and two area variances do not appear to be necessary.

To balance the need for modern telecommunications with the preservation of their community's character and quality of life, the proposed project should accommodate both the applicant's antennas and comparable antennas should the need arise in the future, thus allowing for colocation opportunities.

▪ *Traffic Generation and Effect:*

The proposed project will be located on Bostwick Street, also known as State Route 812, which consists of two lanes of travel in an east-west direction. As identified in the submitted FEAF, 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 any traffic concerns. The proposal includes a 12’ driveway off the existing Fairgrounds accessway, behind the horse barns. Therefore, there is no change in traffic patterns on public roadways.

- *Protection of Community Character:*

The applicant is proposing a 124' monopole tower with a lightning rod, ten (10) antennas, and related equipment to be mounted to the tower at a center line height of 115'. Cellular and utility equipment will be located within the proposed 40'x60' fenced-in compound. The project also includes the installation of overhead and underground power and fiber utilities with a backup generator to service the facility. Due to the public utilization of the proposed tax parcel, it is recommended that all utilities be buried underground as much as practical. According to the Visual EAF, approximately 1.5 million viewers will be able to see the project on an annual basis.

According to the FEAF 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. However, the United States Department of Interior Fish and Wildlife Official Species List identified the Northern Long-Eared Bat and the candidate species Monarch Butterfly. While conducting construction activities, all should be mindful not to disturb protected species, habitats, or populations.

During this review, an NYS EAF mapper was attained to corroborate the provided information, which also identified a Riverine near the rear of the parcel listed on the National Wetlands Inventory. Furthermore, it was confirmed that there are no archeologically sensitive areas present near the site using the CRIS Mapper; however, it should be noted that the proposed site is within the designated Lowville Historic District. The proposed site is outside the bounds of the National Register of Historic Places listing of the Fairgrounds; however, it is within a few hundred feet. Given the proximity to registered historic places, SHPO shall be consulted before approvals to ensure the project will not adversely impact cultural resources. On January 13, 2025 the applicant indicated they would let us know where they stood with SHPO.

- *Signage:*

The applicant indicated that required emergency contact information and RF (radiofrequency) safety signage will be posted at the gate to the tower yard and/or affixed to the Verizon Wireless equipment platform. No portion of the tower or site shall be used for advertising purposes. The Board should evaluate the proposed 1' by 1' durable sign sample provided by the applicant on 1/13/2025 to ensure the size and material information regarding the proposed signs to ensure visibility and longevity for safety purposes will be achieved.

- *Drainage:*

The submitted FEAF notes that this project will not disturb more than 1 acre or create stormwater discharge. Since the area of disturbance is not over 1 acre

a SPDES permit is not required. However, it should be noted that the project must comply with all provisions set forth in § 201-1080 Stormwater Prevention, including the approval from the Village DPW Superintendent prior to Board approval.

Per Nichelle Swisher, Director of Lewis County Soil and Water Conservation District, FEMA standards for right-sizing the culvert should be followed. FEMA recommends sizing culverts to the 100-year storm or 1% annual exceedance because the fairgrounds has experienced recent damage due to flooding.

- *Erosion:*

The FEAF states there will be .20 acres physically disturbed, which falls below the threshold of 1 acre that would require the applicant to obtain an SPDES permit. The stated disturbance appears to be much larger than the 40'x60' fenced compound, which would equal roughly .06 acres, indicating much more groundwork may be necessary than just the plan footprint. According to FEMA FIRM Panel 360370-0001 C the site is within a 500-year flood zone; however, the parcel was flooded three (3) times in 2024 alone.

Since the proposal is to develop in the tree line, thus destabilizing the ground cover on a steep embankment, the Village should consider appropriate additional measures for drainage, erosion, and stormwater runoff. The Board shall ensure compliance with §201-1080 given the slope of the site and the general flooding history of the parcel.

- *Parking:*

The applicant proposes a 12-foot-wide gravel driveway from an existing on-site driveway. According to §201-810, off-street parking is not required in the Park/Open Space Zone; however, the proposed driveway does not comply with the parking requirements stipulated in §201-840 A. which states “A driveway shall be not less than 20 feet clear in width, except for one-family and two-family dwellings.” Additionally, § 201-1020. states “Access to all sites shall be consistent with the standards set forth in Policy and Standards for Entrances to State Highways, as revised, published by the New York State Department of Transportation.”

The Village should require the applicant to increase the size of the driveway from 12' to 20' to comply with §201-840 and 1020, or defer to the Planning Board for a waiver, or, ultimately pursue a variance from the ZBA.

If the applicant agrees to increase the driveway size, ensure that the proposed rip rap areas and culverts are evaluated and adjusted, as needed, to ensure proper drainage. Nichelle Swisher of Lewis County Soil & Water indicated that when expanding the driveway to meet the 20-foot standard required, the

applicant must demonstrate that a culvert is placed under the driveway and that it can handle the drainage that comes through that area.

- *Community Facilities:*

According to the submitted FEAF, the proposed project will not require water or generate liquid wastes, which is consistent with facilities similar in nature to the proposed project.

- *Lighting:*

Per the FEAF, the applicant proposes one switch-operated LED light fixture attached to the H frame at grade designed to illuminate the area in and around the Verizon equipment only. Given the proposed project's proximity to the nearest public right-of-way, this lighting should not interfere with motorist visibility. The proposed lighting appears to comply with Article X §201-1030.

- *Noise*

According to §201-575. C, Essential Facilities shall be designed and located such that any noise generated shall not interfere with the comfort and convenience of residents living in the vicinity. It appears that there are a few residents on Summit Avenue that may be in range; however, based on the noise letter provided, the noise anticipated at the closest residences is much lower than that experienced for normal conversation.

The FEAF notes that a backup generator will be provided, which may have an adverse impact on noise for the neighboring properties; however, this will be operated on an emergency basis only. The backup generator was noted on the FEAF as a source of air emissions; however, it may also be a location for potential hazardous spills from the fuel and other liquids required. Before taking action, the Board should consider if additional plans need to be provided and/ or whether provisions should be added to address these potential adverse occurrences.

- *Landscaping and Screening:*

The applicant indicated that the site location and size are designed to have the minimum possible visual effect on the surrounding community or neighborhood by constructing the facility within the existing tree line and the preexisting commercial use of the fairgrounds. Plans do show that the cellular compound (40'x60') will be fenced with a chain link fence, equipped with dark green privacy slats. On December 6, 2024, the applicant requested a variance/waiver for the fencing material as §201-585.D states "*All fences shall be constructed of vinyl, wood, composite, picket, iron or hedge. The finished side of all fences shall face neighboring properties.*"

§201-575 indicates that the facility shall be surrounded by a fence, and a front side and rear yard of at least 15 feet shall be maintained and designed according to Article X.

Before taking action, the Board shall ensure compliance with § 201-575, 585, 840, 1060, 1070 and Article X regarding landscaping and screening barring the ZBA determination regarding the fencing material (§ 201-585).

▪ *Miscellaneous*

The applicant commits, as a condition of approval and before the issuance of a building permit, they will post a tower removal bond in the amount of \$75,000 to ensure the full performance of the terms and conditions of the Special Use Permit. Additionally, the applicant agrees to remove all structures and facilities if the facility has been abandoned and is no longer used by any of the wireless providers.

The Board should prepare a mutually signed agreement with the cooperation of the applicant, attesting to the above with clarifications as to what is considered abandoned and add that the tower shall be inspected annually by a New York State-Licensed Professional Engineer for structural integrity, submitted to the Village Board and Enforcement Officer no later than December 31st of each calendar year.

In the current zoning law, performance bonds and decommissioning plans are only required for principal solar energy systems; however, for the health, safety, and fiscal responsibility of the Village and its residents, considerations and discussions should be had on whether a general provision be added for essential facilities, commercial and industrial sites should provide appropriate sureties and decommissioning plan.

The Board should also consider whether § 201-1060 entitled Buffer area requirements, provision (A) should be updated to include the Park/Open Space Zone as, currently, it is excluded along with the Village Center “*Side and rear yard buffer areas shall be required by the Planning Board as a landscape and utility area to any nonresidential use abutting a residential lot in zones R, NC-1, NC-2, AC and I.*”

The Board should consider if the zones listed in § 201-810 are appropriate as it may make sense to add NC-1 and NC-2 to have a requirement for off-street parking and loading facilities for all vehicles during typical peak use periods.

Please be aware, that this review was conducted using the Village of Lowville’s updated zoning law per Department of State (DOS) guidance since it was filed with DOS on 12/30/2024.

Recommendation: Approve with the following conditions

The acting municipal body must have a super-majority (majority plus one) vote to disregard the following conditions:

1. The United States Department of Interior Fish and Wildlife Official Species List identified the Northern Long-Eared Bat and the candidate species

Monarch Butterfly. While conducting construction activities, all should be mindful not to disturb protected species, habitats, or populations.

2. The proposed site is outside the bounds of the National Register of Historic Places listing of the Fairgrounds; however, it is within a few hundred feet. While the applicant is working on providing an update on this matter, given the proximity to registered historic places, prior to taking action, SHPO shall be consulted per Section 106 to ensure that the project will not adversely impact cultural resources.
3. The Board shall ensure compliance with § 201-575, 585, 840, 1060, 1070, and Article X regarding landscaping and screening, have been met before approval, barring the ZBA determination regarding the fencing material (§ 201-585).
4. The Zoning Board of Appeals should determine the appropriateness of the following request regarding fencing: Plans include the cellular compound (40'x60') will be fenced with a chain link fence with dark green privacy slats. A variance/waiver has been requested by the applicant on 12-6-2024 as §201-585.D states *"All fences shall be constructed of vinyl, wood, composite, picket, iron or hedge. The finished side of all fences shall face neighboring properties."*
5. To ensure adequate visibility and longevity, for safety reasons, the Board should evaluate the proposed 1' x 1' sign samples provided by the applicant on 1/13/2025.
6. The submitted FEAF notes that this project will not disturb more than 1 acre or create stormwater discharge. Since the area of disturbance is not over 1 acre a SPDES permit is not required. However, it should be noted that the project must comply with all provisions set forth in § 201-1080 Stormwater Prevention, including the approval from the Village DPW Superintendent prior to Board approval. Additionally, the applicant shall provide proof that FEMA standards for right-sizing the culvert are followed given the fairgrounds has experienced recent flooding damage.
7. The Village shall require the applicant to increase the size of the driveway to 20' to comply with §201-840 and 1020, defer to the Planning Board for a waiver, or, ultimately, pursue a variance from the ZBA, if deemed applicable with the recent zoning law updates. If the applicant agrees to increase the driveway size, the applicant must ensure that the proposed rip rap areas and culverts are evaluated and adjusted as needed to ensure proper drainage.
8. The Board, in collaboration with the applicant, shall draft and execute a mutually signed agreement. This agreement will formally document the applicant's commitments outlined in the application, specifically addressing the conditions stated on page 5 of the Statement of Intent. The agreement shall include a clear definition of what constitutes 'abandoned' equipment. Furthermore, the agreement shall stipulate that the tower must undergo an annual structural integrity inspection by a New York State-Licensed Professional Engineer. The results of this inspection must

- be submitted to both the Town Board and the Enforcement Officer by December 31st of each calendar year.
9. Prior to taking action, site plans shall be sent by the applicant to Cathy Fahsel at the Fort Drum Plans, Analysis & Integration Office to rule out any potential interference with Fort Drum military base, which the applicant indicated they would do.
 10. The project includes the installation of overhead and underground power and fiber utilities with a backup generator to service the facility. Due to the public utilization of the proposed tax parcel, it is recommended that all utilities be buried underground as much as practical.
 11. To balance the need for modern telecommunications with the preservation of their community's character and quality of life, the proposed project should accommodate both the applicant's antennas and comparable antennas should the need arise in the future, thus allowing for colocation opportunities.
 12. Compliance with all Local, State, and Federal regulatory requirements for this type of facility and the products stored.

Non-Binding Notes:

These are used as suggestions and/or advice from the County Planning Board, the municipality is not required to take action, nor is a supermajority vote required.

1. The backup generator was noted on the FEAF as a source of air emissions; however, it may also be a location for potential hazardous spills from the fuel and other liquids required. The Board should consider if additional plans need to be provided and/or whether provisions should be added to address these potential adverse occurrences.
2. In the current zoning law, performance bonds and decommissioning plans are only required for principal solar energy systems; however, for the health, safety, and fiscal responsibility of the Village and its residents, considerations and discussions should be had on whether a general provision be added for essential facilities, commercial and industrial sites should provide appropriate sureties and decommissioning plan.
3. The Board should consider if the zones listed in § 201-810 are appropriate as it may make sense to add NC-1 and NC-2 to have a requirement for off-street parking and loading facilities for all vehicles during typical peak use periods.
4. The Board should also consider whether § 201-1060, entitled Buffer area requirements, provision (A) should be updated to include the Park/Open Space Zone as currently, it is excluded along with the Village Center. Regulations note that *"Side and rear yard buffer areas shall be required by the Planning Board as a landscape and utility area to any nonresidential use abutting a residential lot in zones R, NC-1, NC-2, AC and I."*

There was a brief discussion about the impact of the electromagnetic fields caused by this type of tower, as there are a few residences relatively close including one parcel owned by a planning board member.

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

(8) Report of County Planner:

Responses from municipalities regarding previously submitted/reviewed projects:

Ms. Krokowski indicated that she verbally received notice that the Town of Turin plans to accept all of our conditions to their local law, and they intend to provide final action documentation.

(9) Unfinished Business: None

- (10) New Business:** Since the June County Planning Board meeting falls on the “Juneteenth” holiday, the board motioned to move the meeting to the prior day- **Wednesday, June 18, 2025 at 2:30 PM.** Mr. Cook made the motion, which was seconded by Mr. Lehman and carried unanimously. An updated Microsoft calendar invite will be provided as a placeholder for this meeting.

Ms. Buell discussed that we have had developers express interest in three sites, within two municipalities, the Town of Croghan and the Town of Watson, for Advanced Compressed Air Energy Systems (A-CAES) and how the Planning Department is doing all that it can to help these Towns prepare by researching potential zoning language to adopt. According to the developer, Hydrostor, ORES indicated that it will not be the regulating agency for these types of operations and that it will need to be sited locally. There are concerns for the water table, state assessment of the property, and ensuring host community agreements are required so the Town reaps some benefit.

- (11) Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Cook and seconded by Mr. Lehman, which carried unanimously. Mr. Petersen adjourned the meeting at 3:13 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.