

MINUTES
LEWIS COUNTY PLANNING BOARD
February 20, 2025

- (1) **Call to Order:** Vice Chairman Lehman called the regular meeting of the Lewis County Planning Board to order at 2:29 PM in the conference room on the 2nd floor at the Lewis County Court House, Lowville, New York. Mr. Lehman requested a roll call.
- (2) **Roll Call:**
Board Members Present: Don Cook, Tom Osborne, John Reed and John Lehman.
Staff Present: Casandra Buell, Planning & Community Development Director, Megan Krokowski, Community Development Specialist.
- (3) **Reading and Approval of Minutes:** The draft January 16, 2025 meeting minutes were received and reviewed before the meeting. Mr. Cook motioned to approve the minutes; Mr. Osborne seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:**

▪ **Young/Sommer LLC - E. Hyde Clarke, Esq.**

Request for reconsideration on CPB recommendation No. 8 of the telecommunication tower referral in the Village of Lowville that was reviewed at the January 16th meeting.

The Board discussed the reconsideration request and subsequently resolved to retain the original recommendation, in the interest of public safety, and to allow the local municipality to address the condition as they see fit, given that the reconsideration request was not received from the municipal board.

- (5) **Report of Officers:** None

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

239-M Review

TOWN OF TURIN PLANNING BOARD

Special Use Permit for the proposed construction of a 68' x 100' prefabricated steel structure to serve as a vehicle and engine service and repair shop located at 4314 NYS Route 12 in the Town of Turin.

Tax Map Parcel #306.00-02-05.100

Jeffrey O'Brien – Applicant

The applicant provided the following Project Documentation: 1) Site Plans; 2) General Municipal Referral Form with Agricultural Data Statement; 3) FEAF Parts 1-3; 4) February 2025 Planning Board Minutes; and 5) Turin Special Use Permit Application.

- *Compatibility with Adjacent Uses*

The proposed action is located within the Town of Turin's "C" Zoning District. The subject parcel is approximately 174 acres situated on the Lewis County ATV Trail System and is within 150 feet of the Lewis County Snowmobile Trail System. The proposed action is located within Agricultural District 6 and, according to the submitted FEAF, the applicant has identified that it is nearby or adjoining agriculture and residential land uses. Based on the submitted materials, the proposed action could be considered a vehicle and engine service and repair use, which is an allowable use in the "C" Zoning District, contingent on the receipt of a special use permit. According to the submitted FEAF, the proposed height of the structure is 16', which is below the 40' maximum height set in the Town of Turin Rural Development Law. The applicant subsequently indicated that the structure will have 16' walls with a 4' gable end, resulting in a 20' total height.

The following dimensional requirements were evaluated as part of this review:

Lot Area: 174 Acres (1 Acre required)

Lot Frontage: Approximately 2440' (250' required)

Road Setback: 120+' (75' required)

Side Setback: 590'* (25' required)

Rear Setback: Approximately 500'* (25' required) - to the bisecting railroad lines

**According to approximate GIS measurements*

It should be noted that the Ag Data Statement needs to also list the following: Ricky Ehlers, The Pomerville Irrevocable Trust, and Howard Shoemaker as they are all adjoining properties with crop acreage within Agricultural District 6.

- *Traffic Generation and Effect:*

The submitted FEAF notes that the proposed action will not result in a substantial increase in traffic above present levels. Since the proposed action is on NYS Route 12, a NYS Driveway Permit is typically required for this type of use change; however, the applicant has noted that he had previously communicated with NYS DOT's Mark O'Connor regarding a driveway permit, who indicated that a permit was not needed to improve the existing driveway.

- *Protection of Community Character:*

According to the FEAF submitted by the applicant, the proposed action is not in a critical environmental area, national or state register of historical places or state eligible sites, or archeological site, nor is not home to threatened/endangered species, and does not contain all or part of a registered National Natural Landmark. As part of this review, an Environmental Assessment Form Mapper was completed. According to the CRIS Mapper, the project is located in an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. Due to this finding, consultation with SHPO should occur before commencement. Moreover, the United States

Department of Interior Fish and Wildlife Official Species List identified the candidate species Monarch Butterfly; therefore, while conducting construction activities, all should be mindful not to disturb protected species, habitats, or populations.

Additionally, the EAF Mapper was completed as part of this review and identified that the proposed action is on a site or adjoins land containing federally regulated wetlands, a Class C and C(T) Stream, a Principal Aquifer, and is an archeologically sensitive site. If development occurs that may directly or indirectly impact any of the aforementioned features, proper permitting should be sought to prevent potential contamination.

It should be noted that on 2/6/2025, the Town of Turin Planning Board determined that based on the information and analysis done, the proposed action will not result in any significant adverse environmental impacts.

- *Signage:*

The proposed action referral indicated that there would be an unlit business sign with the dimensions of 4' by 8' attached to a mobile trailer that will be located north of the driveway, approximately 110' from the NYS right-of-way. Since the sign design was not provided, the Planning Board shall request the design and additional placement details to ensure that the proposed sign complies with all provisions of Article 3 Section 305 of the Town of Turin Rural Development Code.

- *Drainage:*

According to the submitted FEAF, the proposed action will physically disturb five (5) acres, which will result in the need for a stormwater runoff plan. Any disturbance above the 1-acre threshold requires the applicant to obtain an SPDES (GP-0-25-001 General Permit for Stormwater Discharges from Construction Activities) Permit.

- *Erosion:*

Since the proposal is to develop on sloped land (6-12% according to the soil present), erosion, drainage, and contaminations should all be areas of concern given the nature of the development.

The applicant shall comply with the Erosion and Sediment Control Plan Standards and Practices contained in the USDA Soil Conservation Service Engineering Field Manual (EFM), New York Guidelines for Urban Erosion and Sediment Control, or any other erosion and sediment control manual recognized by the Planning Board as stated in Article 11 Section 1120.21. According to FEMA Flood Map 360376 B, the parcel of land contains areas of a 100-year flood in the rear quadrant. If development occurs on this portion, proper permitting and insurance should be sought.

According to Article 11 Section 1120, the Planning Board shall request that the applicant provide “Existing hydrologic features together with a grading and drainage plan showing existing and proposed contours at a maximum of ten-foot intervals” and should seek guidance to determine if the above-listed guidelines and manuals have been implemented. Said guidance could be from Lewis County Soil and Water Conservation District and/or the Town Engineer.

Mr. O’Brien stated that drainage is to be placed and directed to leach into lower fields, which does not appear to align with the standards set forth above given the nature of the business and topographic features.

- *Parking:*

According to Article 3 Section 310, the proposed action site would need at least 28 parking spaces based on the square footage of the commercial establishment, plus 1 parking space per employee. Mr. O’Brien indicated, via a phone call on 2/14/2025, that there would be approximately 11 employees, thus increasing the required parking spaces to 39. A parking plan showing individual parking spaces with dimensions, traffic flow pattern, required ADA parking accommodations for such a commercial facility, and planned screening with details to comply with Article 11 Sections 1115 and 1120 should be provided to the Planning Board before taking action; however, given the nature of the business, the parking requirement does seem excessive. The Planning Board should consider reducing this requirement for the proposed action to reduce the 39-parking space requirement to 10 to 15 spaces. The reduction in parking area could directly reduce the amount of runoff and erosion that travels to the protected stream downhill of this development.

The Planning Board shall review plans before taking action and confirm compliance with Article 3 Section 310 and Article 11 Sections 1115 and 1120, giving the appropriate consideration as to whether the required parking is reasonable and appropriate for the site and proposed use.

- *Community Facilities:*

According to the submitted project FEAF, the proposed action would not connect to existing public water supply or wastewater utilities. In a past proposal, the applicant had proposed the installation of two (2) new septic systems, a potable water well, and an on-site solar system for electricity; however, this was not specified for this request. Given the need for consistent power to work on heavy equipment, the applicant has reached out to National Grid regarding a private power hookup and is awaiting a response/service.

Potable water and septic must be located to adhere to applicable NYS Department of Health Standards and Appendix 75-A. While Mr. O’Brien indicated that a dug well will be provided, any well provided shall comply with the Department of Health Drinking Water Regulations Part 5 in its entirety. As part of this review, Mr. O’Brien was contacted and he provided an updated site plan map showing the proposed well location near the driveway and stream at

the base of the hill, and the septic system aligned with the building's placement toward the woods. This configuration may satisfy Department of Health separation requirements; however, the proposed well location could present water pressure challenges due to the significant uphill distance to the structure.

Before the issuance of a building permit, applicable and appropriate septic-engineered drawings will be required.

Given the topography and amount of traffic on the Black River Scenic Byway, the utilities shall be buried from the road to the building; if possible.

- *Lighting:*

The proposal did not include lighting plans. Before taking action, lighting plans shall be submitted to the Planning Board to ensure compliance with Section 1115, which requires *"site lighting and the locations of all building and structures are in keeping with the character of the neighborhood"* and Section 1120, which requires a *"Location and design plan of outdoor lighting facilities with proposed lumen output."* If outdoor lighting is proposed or pursued for the building, shielded downcast lighting is preferred to minimize obtrusions in the drivers' visual impacts.

- *Noise*

All should be cognizant that according to Article 3 Section 315, *"No use in any district shall cause unreasonable nuisance adversely affecting adjacent property. This means objectionable noise, smoke, dust, air or water pollution, or any other nuisance must be restrained within property lines."*

- *Landscaping and Screening:*

Landscaping Plans were not provided; however, Article 11 Section 1120 states that *"General landscaping plan and planting schedule including the location and proposed development of all buffer areas"*. Before acting, the Planning Board shall require the applicant to submit landscaping/buffering plans, with a planting schedule, to ensure that the proposed action preserves the Town of Turin's community character while also serving as a noise buffer for neighboring properties.

The Planning Board could consider requiring a 100' minimum (could be wider) riparian buffer for the entirety of the Class C stream, which is located near the base of the driveway. Riparian buffers help reduce sediment, lower water temperatures, and protect water quality by intercepting pollutants.

- *Miscellaneous*

All should be aware that Article 4 Section 405.4 states that *"No exterior storage of dismantled or inoperative vehicles, vehicle parts or salvage materials shall be allowed."* Before taking action, the Planning Board shall ensure the

applicant has adequate plans to contain these activities/items within the structure.

The FEAF also notes that diesel will be stored on the road and off the road, with a combined capacity of over 1,100 gallons. Through Article 1 of the Town of Turin Rural Development Law, diesel/ petroleum could also be considered hazardous waste. The Planning Board must ensure that this does not fall under the prohibited use *“Construction of new petroleum or hazardous substance storage tanks requiring state registration within 100 feet of the mean high-water mark of a watercourse or wetland unless it precludes the continuation of an existing business or residence.”* Given the identified wetlands, Class C streams, and Principal Aquifer, proper permitting through the Department of Environmental Conservation (DEC) must be evaluated and obtained properly before receiving a building permit.

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. Before a Certificate of Occupancy is obtained, the applicant/business shall be registered with the Department of Motor Vehicles (DMV) as such an operation. Once the operation is registered with the DMV, the relative sign shall be posted in a prominent location with the respective registration number according to CR-82.7.

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. According to CRIS Mapper, the project is located in an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory, consultation with SHPO should occur before commencement. Moreover, the United States Department of Interior Fish and Wildlife Official Species List identified the candidate species Monarch Butterfly therefore while conducting construction activities, all should be mindful not to disturb protected species, habitats, or populations. Additionally, the EAF Mapper was completed as part of this review and identified that the proposed action is on a site or adjoins land containing federally regulated wetlands, a Class C and C(T) Stream, a Principal Aquifer, and is an archeologically sensitive site. If development occurs that may directly or indirectly impact any of the

- aforementioned features, proper permitting should be sought to prevent potential contamination.
2. A sign design was not provided in this referral. Before taking action, the Planning Board shall request the design and additional placement details to ensure that the proposed sign complies with all provisions of Article 3 Section 305 of the Town of Turin Rural Development Code.
 3. According to the submitted FEA, the proposed action will physically disturb five (5) acres, which will result in the need for a stormwater runoff plan. Any disturbance above the 1-acre threshold requires the applicant to obtain an SPDES (GP-0-25-001 General Permit for Stormwater Discharges from Construction Activities) Permit.
 4. Due to the slope of the proposed action site, the applicant shall comply with the Erosion and Sediment Control Plan Standards and Practices contained in the USDA Soil Conservation Service Engineering Field Manual (EFM), New York Guidelines for Urban Erosion and Sediment Control, or any other erosion and sediment control manual recognized by the Planning Board as stated in Article 11 Section 1120.21. Furthermore, according to Article 11 Section 1120, the Planning Board shall request that the applicant provide *“Existing hydrologic features together with a grading and drainage plan showing existing and proposed contours at a maximum of ten-foot intervals”* and should seek guidance to determine if the above-listed guidelines and manuals have been implemented. Said guidance could be provided by Lewis County Soil and Water Conservation District and/or the Town Engineer. Mr. O’Brien stated that drainage is to be placed and directed to leach into lower fields, which does not appear to align with the standards set forth above given the nature of the business and topographic features. Proof of compliance with said guidelines and manuals along with the documentation required in Article 11 Section 1120 should be provided to the Planning Board before taking action.
 5. According to Article 3 Section 310, based on the square footage of the commercial establishment and additional parking space per employee, the proposed action site is required to provide at least 39 parking spaces. To ensure compliance with Article 11 Sections 1115 and 1120, a parking plan, showing individual parking spaces with dimensions, traffic flow pattern, required ADA parking accommodations for such a commercial facility, and planned screening with details, should be submitted to the Planning Board before taking action; however, given the use and impacts to stormwater runoff, the Planning Board should consider whether it is mutually beneficial to reduce the number of spaces required.
 6. Given the topography and amount of traffic on the Black River Scenic Byway, the utilities shall be buried from the road to the building; if possible.
 7. Before issuance of a building permit, applicable and appropriate septic-engineered drawings shall be submitted and accepted by the applicable Building Code Official.
 8. The proposed location of the well should be reconsidered as the probability of contamination is elevated given the topography and the nature of the

establishment. Additionally, the proposed placement would not be ideal for water pressure as the water will have to travel uphill, against gravity, a great distance to the structure.

9. The proposal did not include any lighting plans. Before taking action, lighting plans shall be submitted to the Planning Board to ensure compliance with Article 11 Section 1115, which requires *“site lighting and the locations of all building and structures are in keeping with the character of the neighborhood”* and Section 1120, which requires a *“Location and design plan of outdoor lighting facilities with proposed lumen output.”* If outdoor lighting is proposed or pursued for the building, shielded downcast lighting is preferred to minimize obtrusions in drivers’ visual impacts.
10. Before taking action, the applicant should provide the Planning Board with written confirmation that they will comply with Article 3 Section 315 in which *“No use in any district shall cause unreasonable nuisance adversely affecting adjacent property. This means objectionable noise, smoke, dust, air or water pollution, or any other nuisance must be restrained within property lines.”*
11. Landscaping Plans were not provided; however, Article 11 Section 1120 states that *“General landscaping plan and planting schedule including the location and proposed development of all buffer areas”* as listed for the application. Before acting, the Planning Board shall require the applicant to submit landscaping/ buffering plans, with a planting schedule, to ensure that the proposed action preserves the Town of Turin’s community character while also serving as a noise buffer for neighboring properties. Additional considerations should be made to protect the stream from stormwater contamination from the development.
12. Before taking action, to comply with Article 4 Section 405.4, which states that *“No exterior storage of dismantled or inoperative vehicles, vehicle parts or salvage materials shall be allowed,”* the Planning Board shall ensure the applicant has adequate plans to contain these activities/items within the structure.
13. The submitted FEAF notes that diesel will be stored on the road and off the road, resulting in a combined capacity of over 1,100 gallons. Through Article 1 of the Town of Turin Rural Development Law, diesel/ petroleum could also be considered hazardous waste. Before taking action, the Planning Board must ensure that this does not fall under the prohibited use *“Construction of new petroleum or hazardous substance storage tanks requiring state registration within 100 feet of the mean high-water mark of a watercourse or wetland unless it precludes the continuation of an existing business or residence.”* Given the identified wetlands, Class C Streams, and Principal Aquifer, proper permitting through the Department of Environmental Conservation (DEC) must be evaluated and obtained before receiving a building permit.
14. Vehicle and Traffic Law, requires 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. Before the issuance of a Certificate of Occupancy, the applicant/business shall be registered with the Department of Motor Vehicles (DMV) as such an operation. Once the operation is registered with the DMV, the sign shall be posted in a prominent location with the respective registration number according to CR-82.7.

15. Compliance with all Local, State, and Federal regulatory requirements for this type of facility and the products stored.

Non-Binding Notes:

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

- 1) The Planning Board should consider whether the Agricultural Data Statement should include Ricky Ehlers, The Pominville Irrevocable Trust, and Howard Shoemaker as they are all adjoining properties with active crop acreage within Agricultural District 6.
- 2) Given the nature of the business, the parking requirement seems excessive, the Planning Board should consider reducing this requirement to somewhere between 10 to 15 spaces. The reduction in parking area could directly reduce the amount of runoff and erosion that travels to the protected stream downhill of this development. The Planning Board must review plans once submitted, confirm compliance with Sections 310, 1115, and 1120, and consider if the required parking is reasonable and appropriate for the site.
- 3) The Planning Board shall consider requiring a 100’ minimum (could be wider) riparian buffer for the entirety of the Class C stream which is located near the base of the driveway. Riparian buffers help reduce sediment, lower water temperatures, and protect water quality by intercepting pollutants. The applicant should be aware that USDA NRCS (EQIP) has a program for establishing and maintaining riparian buffers or the DEC has the WQIP program.
- 4) Given the site placement of the sign, it seems that southbound traffic may be the proposed clientele since northbound traffic will not clearly see the sign until they have passed the driveway entrance. Consider if this is intentional or an oversight and if a change in sign placement may need to occur. Consider if a Directional Sign (within 5 miles) may be warranted for the northbound side of NYS Route 12.
- 5) The Town of Turin should consider adding standard language to its code for landscaping and buffering, especially when developing near State or Federal water sources.

The Board briefly discussed the need to be mindful of using flexible language when proposing conditions as it has recently seen many Boards struggle to fill seats, which subsequently can prevent their ability to override conditions (via super majority vote) set forth by the County, which is not this Board's intent.

An additional discussion occurred regarding Condition #5 and how parking space requirements based on square footage alone can result in an exorbitant amount of waste. Ms. Buell indicated that most municipalities are updating their zoning to reflect the use and anticipated need to reduce stormwater and flooding issues and undue costs to developers.

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

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

Responses from municipalities regarding previously submitted/reviewed projects:

Project Description	Final Action
T/Turin Town Board – Zoning Text Amendments	Approved w/Conditions

(8) **Unfinished Business:** Ms. Buell led a conversation recapping changes since the last meeting regarding the proposed Advanced Compressed Air Energy Storage (A-CAES) development in Lewis County. Ms. Buell reiterated that this is not a County project, has been narrowed down to a site on Besha Road in the Town of Croghan or Kotel Road in the Town of Watson, would be regulated by the DEC, and is expected to be a \$2 billion CapEx.

(9) **New Business:** None

(10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Osborne and seconded by Mr. Cook, which carried unanimously. Mr. Lehman adjourned the meeting at 3:30 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.