

MINUTES
LEWIS COUNTY PLANNING BOARD
April 17, 2025

- (1) **Call to Order:** Vice Chairman Lehman called the regular meeting of the Lewis County Planning Board to order at 2:33 PM in the conference room on the 2nd floor at the Lewis County Courthouse, Lowville, New York. Mr. Lehman requested roll call.
- (2) **Roll Call:**
Board Members Present: John Lehman, Tom Osborne, Sarah Metott, John Reed and Larry Dolhof (non-voting member).
Staff Present: Casandra Buell, Planning & Community Development Director, Megan Krokowski, Community Development Specialist.
- (3) **Reading and Approval of Minutes:** The draft March 20, 2025 meeting minutes were received and reviewed before the meeting. Mr. Osborne motioned to approve the minutes; Mr. Reed seconded the motion, which was carried unanimously.
- (4) **Correspondence and Communication:**
 - **APA Permit 2024- 0269-KURT J. DITTL, PENNY R. DITTL AND THE ELK FAMILY REVOCABLE TRUST**
 - This permit authorizes a two-lot subdivision and construction of a single-family dwelling in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Greig, Lewis County.
 - **APA PERMIT 2024- 0269- APPLICATION DETERMINED**
 - The purpose of this notice is to inform you that on **March 19, 2025**, the Agency conditionally approved the project and issued Permit **2024-0269**.
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

Ms. Krokowski read the following review:

TOWN OF CROGHAN TOWN BOARD

Special Use Permit for a 199' self-supporting communication tower located on the Old State Road in the Town of Croghan.

Tax Map Parcel #087.00-01-10.100

Tarpon Towers III, LLC – Applicant

The applicant provided the following Project Documentation: 1) General Municipal Referral Form; 2) Agricultural Data Statement; 3) Digital Proposal/Project Binder; 4) Town of Croghan Land Use Application; and 5) Full Environmental Assessment (FEAF) Form.

The project proposal involves the construction of a 199-foot self-supporting telecommunications tower at 6447 Old State Road in the Town of Croghan. The plan includes a 50 KW diesel generator on a 4'x8' concrete pad, a 12'x6'x11' battery cabinet on a concrete pad, and a 10'x12' ice canopy overhead, all situated within a 60'x80' fenced area. The fenced area will feature a 12-foot-wide double gate. Additionally, the proposal includes a utility backboard, a new transformer, and protective bollards located outside the fenced area, as detailed on site plan sheet C-2.

▪ *Compatibility with Adjacent Uses:*

The submitted General Municipal Referral Form indicates that the project is located within the Rural Residential Zone, which covers the entire Town, with certain parcels also included in the Solar Energy Overlay District. The submitted Full Environmental Assessment Form (FEAF) identifies forest, residential, and rural land uses in proximity to the proposed action, aligning with the characteristics of the Rural Residential Zone. The proposed project qualifies as a telecommunications tower, which, per Article II § 240, requires a Special Use Permit. Telecommunications towers are classified as essential facilities and must comply with applicable standards for such use, in addition to the requirements outlined in Article VIII § 810.

The submitted Agricultural Data Statement indicates that the proposed use is situated on a property with boundaries within 250 feet of seven farm operations located in Agricultural District 6.

Requirements	Telecommunication Tower	Proposed
Distance to Nearest Residential Property Line	200'	210'
Tower Setback from Adjoining Properties	199'	210'

Per Article VIII § 810(D), the dimensional requirements appear to be satisfied. However, the interpretation of the following provision could affect compliance: *“Towers shall not be located closer than 200 feet to the nearest residential property line.”* Since the proposal is for a tower on a residential property, it is unclear whether this provision applies. Code Official Jon Roes has determined that a variance is not required in this instance. It is strongly recommended that the Town of Croghan clarify this language in the next zoning code revision to specify whether the 200-foot setback requirement includes an exemption for towers located on residential properties.

The project appears to align with the considerations outlined in Article VI § 630. However, the Town Board retains the authority to deny the Special Use Permit or impose appropriate conditions and safeguards to ensure the proposed use is compatible with the character of the surrounding neighborhood and the Town of Croghan.

- *Traffic Generation and Effect:*

According to the submitted FEAF, the applicant has determined that the proposed action will not result in a significant increase in traffic from current levels. The proposal includes a 12-foot-wide gravel access driveway on Old State Road for ingress and egress. However, Article VII § 710.B.7 requires a minimum driveway width of 24 feet to ensure safe two-way traffic. Being that the proposed 12-foot-wide gravel access driveway doesn't comply with the 24 feet minimum set in Article VII § 710.B.7, prior to taking action, the applicant must submit updated driveway plans to comply with Article VII § 710.B or request a waiver/variance from the Town. Additionally, before taking action, the Town Highway Department should be consulted to confirm the safe and proper placement of the driveway and the adequacy of the proposed culvert.

- *Protection of Community Character:*

As noted in the submitted FEAF, the applicant has identified that the proposed project is not located within or adjacent to a State-listed Critical Environmental Area. Lewis County has no designated National Natural Landmarks, coastal boundaries, or coastal management areas. The IPAC report identified the candidate species Monarch Butterfly and the endangered Northern Long-eared Bat. If the Town approves the action, consultation with the U.S. Fish and Wildlife Service must occur prior to construction. During construction activities, including tree and shrub removal, care should be taken to avoid disturbance to protected species, habitats, or populations.

The Environmental Review Mapper identifies a federally regulated Freshwater Forested/Shrub Wetland of approximately 0.84 acres at the front of the parcel. If the Town approves the project, the applicant must, in accordance with updated wetland guidance, obtain a jurisdictional wetland determination from the NYS DEC and submit it to the Town prior to any ground disturbance. Additionally, the project is located within Agricultural District 6.

According to the submitted FEAF, the applicant has indicated that the project is not in a designated sensitive area. The submitted Site Plan (Map C-1B) notes an "existing tree to be removed" at the proposed driveway entrance, though the tree's size is unspecified. § 810(F) of the Town's Zoning Law requires the preservation of existing on-site vegetation to the maximum extent possible, with restrictions on tree removal: trees exceeding four inches in diameter (measured four feet above ground) may not be cut without approval, and clear-cutting areas larger than 20,000 square feet requires Town Board approval. Prior to taking action, the applicant shall provide additional details regarding the tree removal and the Board should evaluate § 710.b.7 and 810(F), and the applicant's waiver request regarding the driveway width, which could impact existing vegetation. The Applicant states, *"I don't find that 710.B.7 applies to the proposed Verizon Wireless access road. The zoning law defines Driveway as the 'established or traveled way leading to a particular building from the margin of a public or private road.' There is no building proposed. § 810 governs the*

proposed tower. § 810(H) discusses access and parking. It states that road construction should be consistent with private roads. Does not state that there is a minimum width. The 12-foot access road is what we provide for all of our facilities. There is no need for 2-way traffic. The towers are not for public access or use and are visited 2 to 3 times per year for maintenance. I think it is best to minimize the impact of the road, as opposed to doubling the size. To the extent the comment letter states it is a requirement, we will request that it be waived by the Town Board as noted above."

▪ **Signage:**

The applicant has provided details on the various signs to be displayed on-site, including informational, notice, caution, and warning signs; however, dimensions were not included. The Applicant noted on 4/14/2025 that the FCC-required signage are approximately one (1) sign 18"x12" and one (1) sign 18"x24". Article VIII, § 810 specifies: *"Signs shall not be permitted on commercial mobile service towers, antennas, or related accessory facilities, except for required signs displaying owner contact information, safety instructions, and relevant information for first responders. Such signs shall not exceed five (5) square feet in surface area."* The sign dimensions appear to comply with the five-square-foot surface area limitation noted in Article VIII, § 810.

▪ **Drainage:**

The Environmental Review Mapper (ERM) and the FEAf indicate that the proposed action is located on a property containing approximately 0.84 acres of federally regulated wetlands. The FEAf states that ground disturbance will not exceed 0.75 acres; however, if the proposed driveway is expanded to meet compliance requirements in Article VII § 710.B.7, the disturbance area may exceed the 1-acre threshold. If the Town Board approves the action and ground disturbance surpasses 1 acre, a SPDES Permit will be required before commencing construction.

The FEAf indicates that the site is not located within a floodway, 100-year or 500-year floodplain, nor is it situated over or adjacent to a primary, principal, or sole source aquifer.

The submitted site plan (Sheet C-1B) includes a proposed 15-inch corrugated BDPE culvert to replace the existing 12-inch culvert at the end of the driveway, a 90-foot-long infiltration trench, a silt fence, and a 2-foot-deep riprap-lined swale for water diversion adjacent to the driveway.

Article IV § 440 emphasizes the importance of drainage, stormwater management, and the compatibility of neighboring uses, as outlined in the following statement: *"The proposed use, along with its sanitary and water services, and stormwater and drainage facilities, must be adequately designed and compatible with the site's geologic, hydrologic, and soil conditions, as well as*

those of adjacent areas. Additionally, existing natural scenic features should be preserved to the greatest extent possible."

Additionally, Article VII § 710 G.2 stipulates *"All developments must include a drainage system sufficient to prevent the undue retention of surface water on the site. Surface water shall not be considered unduly retained if:*

a. The retention is due to a natural wetland on-site, or a method, practice, or device purposely installed as part of an approved sedimentation or stormwater runoff control plan."

Article VII § 710 G.5 further requires that *"All developments must be designed and maintained in a manner that prevents negative impacts from surface water on adjacent properties. No development should impede the natural flow of water in a way that causes damage to neighboring properties or unreasonably collects and channels surface water into adjacent properties, resulting in substantial damage to those lower properties."*

The applicant must submit a sedimentation and stormwater runoff control plan to ensure compliance with Article VII § 710 G and Article IV § 440.

Article VII § 710 H.2 requires that *"All necessary measures to minimize soil erosion and control sedimentation in disturbed areas must be implemented. The applicant should make every effort to reduce water runoff velocities and retain sediment on-site as soon as disturbances occur."* To comply with Article VII § 710 H.2, prior to taking action, the Board must verify and document in the minutes that the project complies or inform the applicant of any deficiencies regarding this requirement.

▪ *Parking:*

The proposal includes parking accommodation for one (1) to three (3) vehicles, along with a designated turnaround area. The proposed parking plan appears to align with the intent of Article VIII § 810 H, which mandates parking for at least two (2) vehicles.

▪ *Community Facilities:*

Page 3 of the application states: *"The proposed communication facility is unmanned and will be visited approximately 1-3 times per year for routine maintenance. Therefore, this project will not impact existing water or sewage services."* Additionally, the application indicates that required utilities will be installed underground alongside the access driveway, in compliance with Article VIII § 810 J.

Article VIII § 810 N requires applicants for a Special Permit to construct a communications tower to agree to remove the tower and related facilities if unused for its intended purpose for 12 consecutive months. For towers with multiple users, this provision applies only when all users cease operations. The

Town Board mandates a demolition bond or other acceptable security to ensure facility removal if the applicant fails to act.

The applicant has committed, as noted on Page 6 of the Statement of Intent, to post a tower removal bond in an amount determined by the Town Board prior to obtaining a building permit. The applicant further agrees to remove the structures, excluding foundations, if unused for 12 months, and to restore the land to its prior condition.

Prior to taking action and before finalizing the demolition bond amount, the Board should review whether the zoning law requires foundation removal, as seen in other sections (e.g., WECS, Solar, BESS), and notify the applicant if this is a condition for approval.

- *Lighting:*

In the Statement of Intent, the applicant indicates that FAA notification is not required, and therefore tower marking or lighting is unnecessary under FAA regulations.

Article VIII § 810 E.2 specifies that towers should not be artificially lit, except as mandated for safety by the FAA. Towers should be designed to minimize FAA lighting and painting requirements, with painting preferred over lighting. If lighting is required, it must meet the FAA's minimum standards.

Article VII § 710 E states that site lighting should ensure the safe movement of people and vehicles and be LED energy-efficient while minimizing glare on adjacent properties.

Given that the structure is unmanned, visited only a few times annually (during daylight hours), and secured by a locked perimeter fence, no lighting is proposed or necessary for this project.

- *Landscaping and Screening:*

The applicant's landscaping plan is minimal, relying on existing vegetation. The submitted plans indicate that the proposed tower will be enclosed by a 60'x80'x8' chain-link safety fence topped with three strands of galvanized barbed wire.

Prior to taking action, the Board should assess whether the proposal satisfies the requirements of Article VII § 710 D and Article VIII § 810 G or if additional landscaping or screening is needed to enhance the site's aesthetics and blend with the surroundings. The Board may also consider requiring privacy slats on the chain-link fence to improve its visual appeal.

The submitted viewshed analysis indicates the proposed tower will visually impact approximately 100,000 motorists annually. The analysis also concludes

that no existing towers or structures within the search area meet the height requirements for service, necessitating a new telecommunications tower.

The proposed tower itself is located over 200 feet from residential parcel boundaries and is significantly distanced from public roads, with natural screening and topography providing substantial concealment. Its self-supporting design accommodates future co-location of additional carriers and equipment.

The applicant is reminded that per Article VIII § 810 C4, the tower must be designed to allow access and use by emergency management agencies and any Town-designated organizations.

▪ *Miscellaneous:*

The applicant and Town Board should note the following requirements from Article VIII:

- § 810 K: Operators must submit certification every five years, signed by a New York State-licensed professional engineer, verifying compliance with federal, state, and local radiofrequency radiation (RFR) emission standards. Certification must be submitted to the Town Clerk in December of the applicable year and is an implied condition of any special permit.
 - § 810 L: Towers must undergo structural integrity inspections every five years by a licensed professional engineer. Inspection reports must be submitted to the Town Clerk by December 31st of the applicable year, and this is an implied condition of any special permit.
 - § 810 M: All telecommunication towers and facilities must be maintained in good order and repair.

Recommendation: Approve with Conditions

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

1. Being that the IPAC report identified the candidate species Monarch Butterfly as well as the endangered Northern Long-eared Bat, if the Town approves the action, consultation with the U.S. Fish and Wildlife Service must occur before construction. During construction activities, including tree and shrub removal, care should be taken to avoid disturbance to protected species, habitats, or populations.
2. Being that the proposed 12-foot-wide gravel access driveway doesn't comply with the 24 feet minimum set in Article VII § 710.B.7, prior to taking action, the applicant must submit updated driveway plans to comply with Article VII § 710.B or request a waiver/variance from the Town. Additionally, before taking action, the Town Highway Department should be consulted to confirm the safe and proper placement of the driveway and the adequacy of the proposed culvert.

3. Prior to taking action, the applicant shall provide additional details regarding all tree removal and the Board should evaluate § 710.b.7 and 810(F), and the applicant's waiver request regarding the driveway width, which could impact existing vegetation. The Applicant's attorney, Hyde Clarke states, *"I don't find that 710.B.7 applies to the proposed Verizon Wireless access road. The zoning law defines Driveway as the established or traveled way leading to a particular building from the margin of a public or private road."* There is no building proposed. § 810 governs the proposed tower. § 810(H) discusses access and parking. It states that road construction should be consistent with private roads. Does not state that there is a minimum width. The 12-foot access road is what we provide for all of our facilities. There is no need for 2-way traffic. The towers are not for public access or use and are visited 2 to 3 times per year for maintenance. I think it is best to minimize the impact of the road, as opposed to doubling the size. To the extent the comment letter states it is a requirement, we will request that it be waived by the Town Board as noted above." After the Board reviewed § 710.B.7 and § 810(F), and the applicant's waiver request and decided whether the sufficiency of the waiver request, a decision should be made by the Town of Croghan Board regarding the waiver request, documenting the justification of such action within the corresponding meeting minutes and to the Enforcement Official.
4. If the Town approves the project, the applicant must, in accordance with updated wetland guidance, obtain a jurisdictional wetland determination from the NYS DEC and submit the determination to the Town prior to any ground disturbance.
5. If the Board approves the action and ground disturbance surpasses 1 acre, a SPDES Permit will be required before commencing construction.
6. Prior to taking action, the applicant shall provide the Town with a sedimentation or stormwater runoff control plan to demonstrate compliance with Article VII § 710 G, § 710 H, and Article IV § 440.
7. Prior to taking action and before finalizing the demolition bond amount, the Board should review whether the zoning law requires foundation removal, as seen in other sections (e.g., WECS, Solar, BESS), and notify the applicant if this is a condition for approval.
8. Before taking action, the Board should assess whether the proposal satisfies the requirements of Article VII § 710 D and Article VIII § 810 G or if additional landscaping or screening is needed to enhance the site's aesthetics and blend with the surroundings. The Board may also consider requiring privacy slats on the chain-link fence to improve its visual appeal.
9. To comply with Article VII § 710 H.2, prior to taking action, the Board must verify and document in the minutes that the project complies or inform the applicant of any deficiencies regarding this requirement.
10. Site plans should 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.
11. The Croghan Town Board should require the applicant to provide an 'Operation and Maintenance Manual.' for review and approval. Such a

document shall describe the Telecommunication Tower maintenance schedule and property upkeep, as well as design, construction, installation, testing, structural inspection schedule, and property maintenance, including but not limited to identifying lawn maintenance providers, plan and schedule and snow removal service providers, plan and schedule all demonstrating the requirements set forth in the Uniform Code and NYS Property Maintenance Code.

12. The Croghan Town Board should require the applicant to create and maintain an acceptable Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, and the local fire department/official before the issuance of a code of occupancy. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders.

The Emergency Operations Plan shall include the following information:

- a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- b. Procedures for inspection and testing of associated alarms, interlocks, and controls.
- c. Procedures to be followed in response to notifications from the Telecommunication Tower Monitoring System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
- d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- e. Response considerations similar to a Safety Data Sheet (SDS) that will address safety concerns and extinguishment when a SDS is not required.
- f. Procedures for dealing with the battery cabinet equipment or generator damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery cabinet equipment from the facility.
- g. Other procedures as determined necessary by the Town Board to provide for the safety of occupants, neighboring properties, and emergency responders.
- h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the Plan and appropriate response procedures, including proper personal protection equipment.

- i. Keys or codes to the locked gate shall be provided (to at least one of each Town Official, Fire Department Member and Emergency Management Staff) along with a tour of the facility to the Town Board, Local Fire Department, and the County Emergency Management Department on an annual basis, but also prior to issuance of any permit.
13. 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 applicant should be aware that Article VIII § 810 C4 states: *“The tower shall also be designed to allow free access and use by emergency management agencies and any organizations designated by the Town.”*
2. The applicant and Town Board should note the following requirements from Article VIII:
 - a. § 810 K: Operators must submit certification every five years, signed by a New York State-licensed professional engineer, verifying compliance with federal, state, and local radiofrequency radiation (RFR) emission standards. Certification must be submitted to the Town Clerk in December of the applicable year and is an implied condition of any special permit.
 - b. § 810 L: Towers must undergo structural integrity inspections every five years by a licensed professional engineer. Inspection reports must be submitted to the Town Clerk by December 31st of the applicable year, and this is an implied condition of any special permit.
 - c. § 810 M: All telecommunication towers and facilities must be maintained in good order and repair.
3. Croghan Town Board should consider removing “Chapter 1, Part 7” from Article VII § 710 A as it references temporary residences, mass gatherings and campgrounds. Perhaps leave the language vague: *“Sewer, water, and other utilities shall be provided in accordance with the requirements of ~~the Chapter 1, Part 7~~, NYS Sanitary Code, and subject to any other Town requirements.”*
4. The Town Board should consider clarifying which agency the applicant should be receiving approval from for the sedimentation or stormwater runoff control plan referenced in Article VII § 710.G.2.a.
5. Croghan Town Board should consider adding a space between Article VIII, § 810 G and 810 H for formatting consistency.
6. The Croghan Town Board should consider adding language in Article VIII § 810 N. to specify if the developer is responsible for reverting the land back to predevelopment conditions, if removal is required.
7. In the next zoning text amendment, the Town Board should review § 640 Application Review Procedure referenced Article IV, which is entitled Site Plan Objectives, and does not detail submission requirements or review

procedures; perhaps Article V Site Plan Review was supposed to be referenced here instead. *"All applications for special use permits shall be submitted and reviewed in compliance with the submission requirements and review procedures for site plan reviews as provided in Article IV of this law."*

8. The Town Board should consider clarifying within Article VIII § 810 D a maximum height of a telecommunication tower, as it may be unclear to some. *"Towers and antennae shall comply with all yard and lot dimension requirements as required by the Town Board. Towers shall not be located closer than 200 feet to the nearest residential property line. In all other cases, towers shall be set back from adjoining properties a distance equal to at least the height of such tower."*
9. The Town may want to consider revising the term "driveway" within Article III by adding the term "structure" and/ or "destination," as some driveways lead to a pasture, pond, or similar feature.

DRIVEWAY: The established or traveled way leading to a ~~particular~~ building, **structure, or destination** from the margin of a public or private road.

Ms. Krokowski noted that the applicant had requested a waiver for the driveway, and recommended updating condition #2 to reflect this request.

The Board engaged in a brief discussion, expressing concerns that the proposed driveway width seemed somewhat narrow. However, the Board also agreed that a width of twenty-four feet would be excessive given the proposed use of the site.

With no further comments or questions, Mr. Osborne motioned to approve the project with the above conditions (condition 2 revised) and the non-binding notes; Ms. Metott seconded the motion, which was carried unanimously.

Ms. Krokowski proceeded to read the next review.

TOWN OF CROGHAN TOWN BOARD

A proposed temporary six (6) month moratorium for Compressed Air Energy Storage Systems (CAESS) in the Town of Croghan.

Town of Croghan – Applicant

The General Municipal Referral Form and the proposed Local Law were submitted by Larry Boliver, Town Supervisor. It is noted in Section 2 of the proposed moratorium that the Town Board finds that, pursuant to 6 NYCRR 617(5), the adoption of a moratorium on land development is a TYPE II action under the New York State Environmental Quality Review Act ("SEQRA"), precluding the need for further environmental review.

The proposed moratorium discusses the Town of Croghan's Land Use Plan intent to facilitate proactive land use planning, guide future development, and states that the current zoning law does not adequately address the characteristics and impacts of Compressed Air Energy Storage Systems.

The Town Board should correct Section 2, as there appear to be two (2) 'B.'s', with the latter presumed to be 'F'.

Section 3 states "...the Town Board of the Town of Croghan hereby declares a moratorium on the acceptance of applications, proceedings for applications, the review of applications, or the issuance of approvals or permits for the construction of CAESS projects within the Town of Croghan, lasting six (6) months from the effective date of this local law's filing. Prior to taking action, the Town Board should consider adding **"the acceptance of"** for clarification.

Section 4B states, "This moratorium may be extended or rescinded or removed by the Town Board for good cause." Since no further language is provided regarding the means to extend the moratorium, the Board should consider removing the term and option for clarity.

For clarity and interpretability of the law in its entirety, as a prelude in Section 5 of the proposed moratorium, prior to taking action, the Town should consider adding language such as "Except where specifically defined herein, all words used in this law carry their customary meanings. Words in the present tense include the future, words in the singular include the plural and the plural the singular, and the word "shall" is intended to be mandatory."

Additionally, the Board should review the proposed first sentence of Section 5, which states, "The term in the foregoing, as used throughout this local law, shall have the following meaning ascribed to **them**:" and consider whether the word 'them' should be revised to reflect the singular term provided. For instance, 'them' could be revised to 'it'.

Overall, the proposed moratorium could be effective, but some minor adjustments are encouraged to improve the law.

Recommendation: Approve with Conditions

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

1. Prior to taking action, the Town Board should correct the second Section 2.B by replacing it with Section 2.F.
2. When establishing the authority of the proposed moratorium in Section 3, for clarity, prior to taking action, the proposed law could be revised to state that "...the Town Board of the Town of Croghan hereby declares a moratorium on **the acceptance of** applications, proceedings for applications for, the review of applications, or the issuance of approvals or permits for the

construction CAESS projects within the Town of Croghan, lasting six (6) months from the effective date of this local law's filing."

3. Section 4B states, *"This moratorium may be extended or rescinded or removed by the Town Board for good cause."* Since no further language is provided regarding the means to extend the moratorium, the Board should consider removing the term "extended" and that option for clarity.
4. For clarity and interpretability of the law in its entirety, as a prelude in Section 5 of the proposed moratorium, prior to taking action, the Town should consider adding language such as *"Except where specifically defined herein, all words used in this law carry their customary meanings. Words in the present tense include the future, words in the singular include the plural and the plural the singular, and the word "shall" is intended to be mandatory."* Additionally, the Board should review the proposed first sentence of Section 5, which states *"The term in the foregoing, as used throughout this local law, shall have the following meaning ascribed to **them**:"* and consider whether the word 'them' should be revised to reflect the singular term provided. For instance, them' should be revised to 'it'.

Ms. Buell discussed a comment that was provided shortly before the meeting commenced, which inquired why the moratorium must use the term Compressed Air Energy Storage Systems (CAESS) as opposed to the broader term Utility-Scale Energy Storage System. Ms. Buell explained that the Town of Croghan has up-to-date regulations for battery energy storage and the change would inadvertently and unjustly temporarily disallow potential battery energy storage system applicants.

No comments or questions were raised. Ms. Metott motioned to approve the project with the conditions; Mr. Osborne seconded the motion, which carried out unanimously.

Ms. Krokowski read the following review.

TOWN OF WATSON TOWN BOARD

A proposed temporary six (6) month moratorium on Utility-Scale Energy Storage Systems (USESS) within the Town of Watson.

Town of Watson – Applicant

The applicant provided the following referral documentation: 1) Agricultural Data Statement, 2) General Municipal Referral Form, and 3) Proposed Local Law No. 2 of 2025. Land use moratoria are classified as Type II actions; therefore, the Town of Watson is not required to undertake SEQR review for this action.

The proposed moratorium discusses how the Comprehensive Plan emphasizes the necessity of careful consideration of large-scale electric utility projects to mitigate potential environmental and habitat degradation. Also noting that

the Town has been actively participating in the NYSDOS Smart Growth program to update their land use regulations since June of 2024.

The Town Board should correct Section 2, as there appears to be two (2) 'B.'s', with the latter presumed to be 'F'.

Section 3 states "...*the Town Board of the Town of Watson hereby declares a moratorium on **the acceptance of** applications or proceedings for applications, the review of applications, or the issuance of approvals or permits for the construction USESS projects within the Town of Watson, lasting six (6) months from the effective date of this local law's filing.*" The Town Board should consider adding "the acceptance of" for clarification.

Section 4B states, "*This moratorium may be extended or rescinded or removed by the Town Board for good cause.*" Since no further language is provided regarding the means to extend the moratorium, the Board should consider removing the term "extended" and option, for clarity.

For clarity and interpretability of the law in its entirety, consider adding "Except where specifically defined herein, all words used in this law carry their customary meanings. Words in the present tense include the future, words in the singular include the plural and the plural the singular, and the word "shall" is intended to be mandatory." or similar language as the first sentence under Section 5- Definitions. Additionally, the Board should review the proposed first sentence of Section 5, which states "*The term(s) in the foregoing, as used throughout this local law, shall have the following meaning ascribed to **them.***" and consider whether the word 'term' should be plural given the plural pronoun them is used for consistency.

The Town Board should consider adding the referenced date on the referenced Zoning Map to distinguish without a doubt the referenced document as stated in the last sentence of Section 6 "*In particular, this law shall supersede (i) any inconsistent provision set forth in all of Article 16 of the New York Town Law, Sections 261 through 285; (ii) any inconsistent provisions set forth in the Town of Watson Zoning Law (LL 1-1997), the Town of Watson Subdivision Law (LL 3-2008), and the Zoning Map (**October 8, 1997**); (iii) any inconsistent provisions set forth in any and all other local laws of the Town of Watson.*"

Overall, the proposed moratorium could be effective, but some minor adjustments are encouraged to improve the law.

Recommendation: Approve with Conditions

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

1. Prior to taking action, the Town Board should correct the second Section 2.B by replacing it with Section 2.F.

2. When establishing the authority of the proposed moratorium in Section 3, for clarity, prior to taking action, the proposed law could be revised to state that *“...the Town Board of the Town of Watson hereby declares a moratorium on the acceptance of applications or proceedings for applications for, the review of applications, or the issuance of approvals or permits for the construction **or advancement of** USESS projects within the Town of Watson, lasting six (6) months from the effective date of this local law’s filing.”*
3. Section 4B states, *“This moratorium may be extended or rescinded or removed by the Town Board for good cause.”* Since no further language is provided regarding the means to extend the moratorium, the Board should consider removing the term “extended” and option, for clarity.
4. For clarity and interpretability of the law in its entirety, as a prelude in Section 5 of the proposed moratorium, prior to taking action, the Town should consider adding language such as *“Except where specifically defined herein, all words used in this law carry their customary meanings. Words in the present tense include the future, words in the singular include the plural and the plural the singular, and the word “shall” is intended to be mandatory.”* or similar language to be the first sentence under Section 5-Definitions. The Town Board should review the proposed first sentence of Section 5, which states *“The term(s) in the foregoing, as used throughout this local law, shall have the following meaning ascribed to them:”* and consider whether the word ‘term’ should be plural given the plural pronoun them is used for consistency.
5. The Town Board should consider adding the referenced date on the referenced Zoning Map to distinguish, without a doubt, the referenced document as stated in the last sentence of Section 6: *“In particular, this law shall supersede (i) any inconsistent provision set forth in all of Article 16 of the New York Town Law, Sections 261 through 285; (ii) any inconsistent provisions set forth in the Town of Watson Zoning Law (LL 1-1997), the Town of Watson Subdivision Law (LL 3-2008), and the Zoning Map (**October 8, 1997**); (iii) any inconsistent provisions set forth in any and all other local laws of the Town of Watson.”*

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. Local Law 1 of 2021- Solar Energy System Law of the Town of Watson does not have any provisions for the Town to receive/require any host community agreements that could benefit the Town for citing this type of development. The Town should consider whether it is the goal to incorporate the current solar law into the zoning law project or to remain a stand-alone law.

** A full review of Local Law 1 of 2021 was not conducted as part of this review.*

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

Ms. Krokowski read the next review.

TOWN OF GREIG TOWN BOARD

Proposed Zoning Map Amendment to reclassify specific parcels within the Town of Greig, consolidating their designation from a split between Hamlet and Rural Residential-1 Zones to entirely within the Rural Residential-1 Zone.

Town of Greig – Applicant

Impacted Parcel List:

276.00-02-18.100

276.00-01-19.000

The General Municipal Referral Form, Proposed Map Amendment, and signed FEAF Part 1 were submitted by Robert Johnson, Town Supervisor.

Town of Greig Zoning Map Revision

The Town of Greig proposes to rezone two parcels currently designated as split-zoned Hamlet (H) and Rural Residential-1 (RR-1) to consolidate them entirely within the Rural Residential-1 (RR-1) designation. Consolidating split-parcel zones streamlines regulations, improves development opportunities, simplifies processes, ensures fairness, and aligns land use with the Town's planning goals.

Per the submitted referral, these parcels are to be merged on the tax rolls, prompting the Town's desire for a unified zoning designation. Article III Section 305 of the Town of Greig Zoning Code outlines the zoning districts within the Town but lacks accompanying definitions or descriptions beyond the zone titles. The Board should consider enhancing Section 305 in the next Zoning Code revision by incorporating definitions or descriptions for each zoning district, ensuring clarity and consistency in land classification and reclassification decisions.

The submitted proposed zoning map amendment includes two layers in the legend – Rural Residential and Village of Turin – that should be removed prior to filing with the Department of State, as these zoning designations do not exist within the Town of Greig, according to Section 305. It appears that this criterion is populated from neighboring municipal zoning districts.

Article IV, Section 405 outlines the permitted uses within each zoning district and the corresponding permit requirements. The Hamlet Zone permits the following uses not allowed in the Rural Residential-1 Zone: Amusement

Arcades, Laundromats, Miscellaneous Non-Residential Uses, Motor Vehicle Repair/Paint Shops, Retail Gasoline Outlets, Shopping Centers, and Wholesale operations. Conversely, the Rural Residential-1 Zone permits uses not allowed in the Hamlet Zone, including Excavation, Junk Yards, Kennels, Manufactured Home Parks, Mini Storage, Large Retail Products, Sawmills, Slaughterhouses, Medium/Large Solar Energy Systems, Warehousing, and Accessory Wind Energy Systems.

The Town of Greig contains a substantial amount of acreage not currently assigned to any zoning district, which appears to consist primarily of New York State land. The Town may wish to evaluate whether these ‘No Zone’ parcels should be designated under an existing classification, such as Forest, or if a new zoning district – such as a Public Lands Zone – should be established and incorporated into Section 305.

The parcels surrounding Copper Lake are currently classified as Forest rather than Waterfront, potentially due to the lack of road infrastructure, which may preclude year-round residency. The Town should consider reevaluating the zone for this area to ensure that the parcels surrounding Copper Lake are appropriately classified and determine whether a Waterfront designation is more suitable.

Recommendation: Approve with Condition

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

1. The submitted proposed zoning map amendment includes two layers in the legend – Rural Residential and Village of Turin – that should be removed prior to filing with the Department of State, as these zoning designations do not exist within the Town of Greig, according to Section 305. It appears that this criterion is populated from neighboring municipal zoning districts.

Non-Binding Notes:

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

1. According to the submitted referral, the two parcels will be merged on the tax rolls, and the Town wishes to have them in one zone, Rural Residential (RR-1). Section 305 lists the zoning districts used within the Town of Greig; however, no definitions or descriptions are associated further than the zone name. **The Town Board should consider enhancing Section 305 in the next Zoning Code revision by incorporating definitions or descriptions for each zoning district, ensuring clarity and consistency in land classification and reclassification decisions.**
2. The Town of Greig contains a substantial amount of acreage not currently assigned to any zoning district, which appears to consist primarily of New York State land. **The Town may wish to evaluate whether these ‘No Zone’ parcels should be designated under an existing classification, such as**

Forest, or if a new zoning district — such as a Public Lands Zone — should be established and incorporated into Section 305.

3. The parcels surrounding Copper Lake are currently classified as Forest rather than Waterfront, potentially due to the lack of road infrastructure, which may preclude year-round residency. **The Town should consider reevaluating the zoning for this area to ensure that the parcels surrounding Copper Lake are appropriately classified and determine whether a Waterfront designation is more suitable.**

Ms. Buell provided an additional explanation on the importance of having clear descriptors for zones using the provided zoning map as a reference.

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

Ms. Buell read the final review:

TOWN/VILLAGE OF LOWVILLE JOINT PLANNING BOARD

Site Plan Review and Special Use Permit for a 2,816 square foot expansion of an existing retail business/custom meat cutting located at 7181 State Route 812 in the Town of Lowville.

Tax Map Parcel #195.00-03-02.000

Myron Z. Nolt – Applicant

Ms. Katherine B. Manning, Joint Town/Village of Lowville Planning Board Administrative Assistant, provided the following Project Documentation: 1) Site Plans/Designs; 2) General Municipal Referral Form with Agricultural Data Statement; 3) Short Environmental Assessment Form Parts 1-3; 4) SHPO Consultation Submission; 5) Location, Zoning, and Tax Maps; 6) Project Description; and 7) the Town of Lowville Site Plan Review Application.

▪ *Compatibility With Adjacent Uses:*

The proposed project is located within the Town of Lowville, and the use is classified as an existing Retail Business. According to Article II § 250-8, Retail business is defined as “A commercial activity characterized by the direct on-premises sale of goods and services to the ultimate consumer, including on-premises manufacturing, processing and servicing and preparation customarily associated therewith and generally involving stock-in-trade such as are normally associated with department stores, food markets and similar establishments, but also including financial institutions, business and professional offices and services, restaurants and bars.” The parcel is split between two zones, Open Space and Conservation (OC) and Commercial/Residential (CB-R); however, based on aerial imagery, the entire site appears to be within the CB-R zone.

The Board should be aware that § 250-9 lists the types of zones; however, there are no descriptors or definitions of the zones to justify zone change requests. Furthermore, Article II § 250-10 indicates that the Zoning Map is dated April 25, 2013, the Board should verify that this is accurate, as the map posted as Attachment 4 has a date of July 1, 2015.

According to Attachment 1, Schedule A, Retail Business is not permitted in the OC zone but is permitted in the CB-R zone with a site plan review. The following dimensional standards apply to the CB-R zone:

Dimensional Standards	Required	Proposed
Minimum Lot Area	40,000	156,197 ft2 *
Minimum Lot Frontage (State Road)	250'	315'*
Minimum Lot Depth	200'	437'*
Front yard Minimum	100'	62'*
Rear Yard Minimum	50'	1225'*
Side Yard Minimum	30'	36'
Maximum Lot Coverage %	15%	Undeterminable
Maximum Building Height	35'	22'

* Represents approximate measurements provided from the Lewis County GIS cloud, as this data was not apparent on the accepted site plan/map

It should be noted that the Town of Lowville Zoning Law has no provisions on how to calculate dimensional standards on split-zoned parcels, nor does it entail how to calculate dimensional standards in general. For example, it should be clarified whether maximum lot coverage is calculated using the lot area within the zone or the total parcel, which may include a zone where the proposed use is not permitted.

As the proposal involves altering a nonconforming structure that does not appear to comply with the front yard setback requirement of 100 feet from the State Highway ROW, per § 250-104.C, "A special permit shall be required for any alteration or reconstruction which is on the premises of a nonconforming multiple-family residential or nonresidential use." Therefore, unless there are measurements and/or documentation otherwise, the project will necessitate obtaining a Special Use Permit.

▪ **Traffic Generation and Effect:**

According to the submitted SEAF, the proposed action will not substantially increase traffic above present levels. Given the driveway and use presently exists on the State Highway and no modifications to the driveway is proposed, consultation with DOT should not be required. Furthermore, the Lowville Planning Board reviewed site access and determined the site to be consistent with the standards set in § 250 Article XI.

▪ *Protection of Community Character:*

As identified on the supplied Environmental Assessment Form (EAF) Mapper Summary Report, the proposed action does not have a national landmark, is not within a critical environmental area, and is not a designated river corridor. Furthermore, as part of this review, the CRIS website showed that the proposed action is not located near any buildings on the National Register of Historic Buildings or any archeologically sensitive areas present. SHPO was consulted due to the age of the structure being modified by the applicant's engineer, and a no-impact finding was provided on March 13, 2025. According to the IPAC report, an endangered species of Northern Long-eared Bat and the candidate species Monarch Butterfly could be affected by activities in the proposed location. The applicant should be cognizant of activities that could affect the aforementioned species. The proposal is located within Agricultural District 6.

The Environmental Resource Mapper (ERM) identifies several state- and federally-regulated features near the project site, including a riverine area at the front of the property and another that traverses the field behind the proposed development. According to the Web Soil Survey (WSS), the soil on the site is classified as a mix of "All areas are prime farmland" and "Not prime farmland." Since the site has not been used for agricultural purposes, the proposed development will not result in the loss of valuable agricultural soil utilization.

Article VI § 250-30 provides the following performance standards to ensure compatibility with the neighborhood:

- A. *Uses are not permitted which exceed New York State regulations or any of the following performance standards measured at the individual property line:*
1. *Emit noise in excess of 70 decibels*
 2. *Emit any odor which is considered offensive*
 3. *Emit dust or dirt which is considered offensive*
 4. *Emit any smoke in excess of Ringlemann Chart No. 2*
 5. *Emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which have the tendency to cause injury or damage to property, business or vegetation.*
 6. *Cause, as a result of normal operations, a vibration which creates a displacement of 0.003 of one inch.*
 7. *Lighting or signs which create glare, which could impair the vision of a driver of any motor vehicle.*
 8. *Cause a fire, explosion or safety hazard*
 9. *Cause harmful wastes to be discharged into the sewer system, streams or other bodies of water.*
 10. *Cause interference to normal radio or television reception*
- B. *These restrictions shall not apply to lands within county agricultural districts if they would unreasonably restrict or regulate farm structures or farm*

practices in contravention of the purposes of the New York State Agricultural District Law (Agricultural and Markets Law Article 25-AA), as amended. Such restrictions shall apply; however, if they bear a direct relationship to the public health or safety.

With the proposed expansion of the meat-cutting and retail operations, it is anticipated that additional waste may be generated onsite. The Lowville Planning Board should require the submission and maintenance of a proper waste disposal schedule to ensure compliance with the applicable performance standards.

- *Signage:*

The referral mentioned that no new signage was proposed. Should a new sign be pursued, compliance with Article VII Signs shall be required.

- *Drainage:*

According to the submitted SEAF, existing runoff ditches are proposed to manage stormwater discharge. Article VI, § 250-31.E.1 requires that *“Surface or subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds. Gutters, culverts, catch basins, drain inlets, stormwater sewers, or other satisfactory drainage systems shall be utilized where necessary. Roof, surface, or sanitary drainage shall not create a structural, safety, or health hazard by reason of construction, maintenance, or manner of discharge.”* Additionally, § 250-70.I state, *“Any changes to existing drainage patterns or increased drainage due to development activity shall have no negative impacts on adjacent property.”*

The Lowville Planning Board must ensure that the proposed use of existing runoff ditches, as outlined in the stormwater plans, meets the requirements of § 250-31.E.1 and § 250-70.I.

Based on the FEMA FIRM Community Panel Number 361558 0015 C, the site is located within Zone X. This designation includes areas subject to a 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas smaller than 1 square mile, and areas protected by levees from a 100-year flood. As the proposal is not situated within a special flood hazard area, § 250-29, which governs development in floodplains, is not applicable.

- *Erosion:*

As indicated in the submitted SEAF, the proposed activity will disturb 0.25 acres of land. If the project were to disturb more than 1 acre, a SPDES permit would be required.

Article VI § 250-28 states that *“All uses and structures shall comply with the provisions of the Town of Lowville Stormwater and Erosion Control Law, Local Law No. 3 of 1993, as subsequently amended.”* However, per said Local Law §

198-7(C) (Applicability – Exemptions), industrial and/or commercial development projects resulting in an impervious surface of less than 10,000 square feet are exempt from these requirements. Because the proposed action and existing operation appear to fall below the 10,000 sq ft threshold, it appears that this project may be exempt from the Town of Lowville Stormwater and Erosion Control Law; however, prior to taking action, the Board shall ensure compliance with said law and Article VI § 250-28.

- *Parking:*

The proposed action states that no additional parking is planned, referencing § 250-57(H) for wholesale uses. Article VIII § 250-57(H) specifies, *“Industrial, wholesale, warehouse, storage, freight, and trucking uses: one parking space for every motor vehicle used directly in the business, plus additional parking as required by the Planning Board.”* Since the term "wholesale" is not explicitly defined in the Town of Lowville Zoning Law, its customary meaning can be applied as “an establishment that sells goods in bulk to other businesses rather than directly to end consumers.”

However, since the use has been identified as a retail business, § 250-57(F) may be more applicable. This section requires that *“Commercial and business: one parking space for every motor vehicle used directly in the business, plus one parking space for every 100 square feet of business area.”*

While the submitted Site Plan Review Form #3 indicates that the Board has previously determined the parking to be adequate, given the interpretation of ‘wholesale’ versus ‘commercial/retail’, prior to taking action, the Planning Board should review Article VIII § 250-57 in relation to the proposed/existing use classification to determine whether the current parking facilities are adequately sized, if a waiver needs to be requested and documented, or if additional information is required. This will further ensure compliance with zoning requirements.

- *Community Facilities:*

According to the submitted SEAF, water will be supplied by existing public/private water supply and the site will connect to existing onsite wastewater utilities.

Prior to taking action, the Planning Board should verify that the water and sewer facilities are sufficient to accommodate the anticipated increase in usage resulting from the proposed development. Furthermore, compliance with Article VI, § 250-27, and all relevant codes and regulations must be confirmed.

Item #10 of the submitted Site Plan Review Form indicates that the proposed water supply and sewage disposal facilities are deemed adequate, with the justification noted as "existing." The Planning Board may wish to further

elaborate on this justification to ensure it reflects a thorough discussion of the anticipated additional usage and demonstrates how the existing facilities can accommodate the increased demand.

▪ *Lighting:*

No additional exterior lighting has been proposed for this expansion proposal. According to the submitted Site Plan Review Form, the Planning Board reviewed § 250-83 and determined that the project complied with the existing lighting according to the Site Plan Review (pages 4-5).

▪ *Landscaping and Screening:*

Landscaping plans were not submitted; however, it appears that such plans were not waived, as indicated in item #13 of the Site Plan Review Form. Article XI, § 250-86 outlines the requirements for landscaping and screening, specifying the necessary components of a landscaping plan. It states that "Landscaping and screening plans shall specify the types of vegetative materials, planting schedule, and minimum sizes." The section also provides guidelines for the installation of vegetative screens, including maintenance requirements and the possibility for the Planning Board to mandate additional fencing in conjunction with the screening. Several other sections of the code further clarify when landscaping is required:

- Article VIII § 250-57.M states "...Where parking areas must be located in side or in front yards adjacent to public streets, and where parking must be located adjacent to residential areas, appropriate buffering, landscaping or visual barriers shall be provided." Since the parking area is the front yard area, adjacent to the public road, prior to taking action, the Planning Board should determine what the appropriate buffering, landscaping, or visual barrier to satisfy the requirements set forth in Article VIII § 250-57.M.
- Article VIII § 250-57.N states "*Landscaping shall be provided around parking areas which shall be designed to break up the visual impact of such areas. Plantings shall be designed to provide adequate site distances to vehicles entering and exiting the site. When large areas are to be paved, parking rows shall be designed with the landscaping interspaced within the paved area.*" Furthermore, Article X § 250-70.F 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.*" Prior to taking action, to ensure compliance with Article VIII § 250-57.N and Article X § 250-70.F, the Planning Board should require a landscaping plan from the applicant that breaks up the visual impact of the parking area.
- Article XI, § 250-84 addresses the screening requirements for storage and collection areas, stating that "*Open storage areas, exposed machinery, and outdoor areas used for the storage and collection of rubbish shall be visually screened from streets and surrounding land uses.*" According to the Site Plan Review Form, the Planning Board has determined that the project complies with this section. However, two questions in the form remain

- unanswered with a definitive "yes" or "no," with "existing" provided in the justification line instead. To ensure full compliance with the provisions of § 250-84, prior to taking action, the Planning Board should revisit the applicants' plans for screening and storage due to the proposed expansion and document accordingly.
- Article XI § 250-85 notes that *“Side and rear yard buffer areas shall be required by the Planning Board as a landscape and utility area in the following circumstances:*
 1. *Where a nonresidential use in a nonresidential zone abuts land in a residential zone.*
 2. *Where a nonresidential use in a residential zone abuts a residential use in a residential zone.”*

The submitted Streetview photo shows a shrub/tree buffer between the residential property and the existing businesses. With the proposed expansion, the Town should evaluate whether replacing the buffer is necessary if it is removed, in order to maintain a visual and noise barrier for the neighboring residential property, as may be required to comply with § 250-85.

The Site Plan Review form does not provide an answer to question #1 regarding Buffer Area Requirements, specifically “Is this applicable?” although a justification stating "existing" was provided. The Board should review this matter and determine if buffer areas are required. If they are, the applicant should include the proposed buffer areas in the landscaping plans.

The Planning Board has determined that the primary use is agricultural, with the butcher shop being an accessory use. As a result, fencing for screening, or additional screening, is not required, as indicated on page 10 of the Site Plan Review Form.

▪ *Other:*

The Planning Board discussed with the Applicant the importance of maintaining vegetation in accordance with § 250-86.

It appears the Planning Board may not have been fully aware of the property's nonconformity. Given this, in conjunction with the proposed action, a Special Use Permit will also be required. The Planning Board should review Article XII and § 250-89 before taking any further action.

As a best practice, the Planning Board should consider providing more detailed justifications beyond the brief responses currently provided. This will help protect the Board's decisions in the event of a challenge, as overly concise justifications could be perceived as insufficient or lacking due diligence.

Recommendation: Approve with Conditions

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

1. As the proposal involves altering a nonconforming structure that does not appear to comply with the front yard setback requirement of 100 feet from the State Highway ROW, per § 250-104.C, "A special permit shall be required for any alteration or reconstruction which is on the premises of a nonconforming multiple-family residential or nonresidential use." Therefore, unless there are measurements and/or documentation otherwise, the project could necessitate obtaining a Special Use Permit and applicability of Article XII before taking any further action.
2. According to the IPAC report, an endangered species of Northern Long-eared Bat and the candidate species Monarch Butterfly could be affected by activities in the proposed location. The applicant should be cognizant of activities that could affect the aforementioned species.
3. With the proposed expansion of the meat cutting and retail operations, it is anticipated that additional waste may be generated onsite. To ensure compliance with Article VI § 250-30, prior to taking action, the Planning Board should require the submission and maintenance of a proper waste disposal schedule to ensure compliance with the applicable performance standards.
4. Because the proposed action and existing operation appear to fall below the 10,000 sq ft threshold, it appears that this project may be exempt from the Town of Lowville Stormwater and Erosion Control Law; however, prior to taking action, the Board shall ensure compliance with said law and Article VI § 250-28.
5. Before taking action, the Planning Board should verify that the proposed use of existing runoff ditches, as detailed in the stormwater plans, complies with the requirements of § 250-31.E.1 and § 250-70.I.
6. Prior to taking action, the Planning Board should verify that the water and sewer facilities are sufficient to accommodate the anticipated increase in usage resulting from the proposed development. Furthermore, compliance with Article VI, § 250-27, and all relevant codes and regulations must be confirmed.
7. While the submitted Site Plan Review Form, Question #3, indicates that the Board has previously determined the parking to be adequate, given the interpretation of 'wholesale' versus 'commercial/retail', prior to taking action, the Planning Board should review Article VIII § 250-57 in relation to the proposed/existing use classification to determine whether the current parking facilities are adequately sized, if a waiver needs to be requested and documented, or if additional information is required. This will further ensure compliance with zoning requirements.
8. Since the parking area is the front yard area, adjacent to the public road, prior to taking action, the Planning Board should determine what the appropriate buffering, landscaping, or visual barrier to satisfy the requirements set forth in Article VIII § 250-57.M.

9. Prior to taking action, to ensure compliance with Article VIII § 250-57.N and Article X § 250-70.F, the Planning Board should require a landscaping plan from the applicant that breaks up the visual impact of the parking area.
10. According to the Site Plan Review Form, the Planning Board has determined that the project complies with this section. However, two questions in the form remain unanswered with a definitive "yes" or "no," with "existing" provided in the justification line instead. To ensure full compliance with the provisions of § 250-84, prior to taking action, the Planning Board should revisit the applicant's plans for screening and storage due to the proposed expansion and document accordingly.
11. Compliance with all Local, State, and Federal regulations for this type of facility.

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 Board should be aware that § 250-9 lists the types of zones; however, there are no descriptors or definitions of the zones to justify zone change requests. § 250-10 indicates that the Zoning Map is dated April 25, 2013, the Board should verify that this is accurate, as the map posted as Attachment 4 has a date of July 1, 2015.
2. It should be noted that the Town of Lowville Zoning Law has no provisions on how to calculate dimensional standards on split-zoned parcels, nor does it entail how to calculate dimensional standards in general. For example, it should be clarified whether maximum lot coverage is calculated using the lot area within the zone or the total parcel, which may include a zone where the proposed use is not permitted.
3. As best practice, the Planning Board should consider elaborating on justifications more than the provided one or two words to protect itself should a decision challenge ensue.
4. The word “guaranty” is used numerous times throughout the Town of Lowville Zoning Law; consider updating to “guarantee” with the next update.

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

(7) Report of County Planner:

Response from municipalities regarding previously submitted/reviewed projects:

Project Description	Final Action
T/V Lowville Joint Planning Board Zoning Board of Appeals/ Site Plan Review/Special Use Permit/Area Variance Young/Sommer LLC-St. Lawrence Seaway RSA Cellular	Approved w/Conditions

- (8) **Unfinished Business:** The Board inquired about the progress of the Harrisville redemption center, which Ms. Buell indicated she had spoken with the Zoning Enforcement Officer and Town Supervisor, who had conversations with the applicant, and it sounds like the applicant is evaluating a variety of options for the proposed redemption center.
- (9) **New Business:** Ms. Buell mentioned the Adirondack Park Agency is hosting a Planning Forum in Saranac Lake, and she will provide the information via email.
- (10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Ms. Metott and seconded by Mr. Reed, which carried unanimously. Mr. Lehman adjourned the meeting at 3:23 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.