

**DRAFT MINUTES**  
**LEWIS COUNTY PLANNING BOARD**  
**May 21, 2026**

(1) **Call to Order:** Vice Chair Lehman called the regular meeting of the Lewis County Planning Board to order at 2:31 PM in the 3<sup>rd</sup> floor conference room #322 at the Lewis County Courthouse, Lowville, New York. Roll call was requested by Mr. Lehman.

(2) **Roll Call:**

**Board Members Present:** John Lehman, Don Cook, Sarah Metott, Jessica Moser, and John Reed.

**Staff Present:** Casandra Buell, Planning & Community Development Director; Lauryn Tabolt, Community Development Specialist; Megan Krokowski, Community Development Specialist; Ben Manning, Code Enforcement Officer; and Megan Marolf, Naturally Lewis.

**Public Present:** None

(3) **Reading and Approval of Minutes:** The draft April 16, 2026 meeting minutes were received and reviewed before the meeting. Ms. Metott moved to approve the minutes; Mr. Cook seconded the motion, and the motion carried unanimously.

(4) **Correspondence and Communication:**

- **APA Permit 2026-0008:** David Vandewater, two lot subdivision on Moose River Road in the Town of Lyonsdale
  - Summary and Authorization
  - Application Determined Letter

After Ms. Krokowski presented the above communications, the Board raised no comments or concerns.

(5) **Report of Special Committees:**

**239-M Review**

Ms. Buell read the first review:

**VILLAGE OF CONSTABLEVILLE BOARD OF TRUSTEES**

A proposed local law amending the Village of Constableville Zoning Law to clarify regulations governing municipal facilities, short-term rentals, and renewable energy systems, and to further define and enhance administrative procedures throughout the zoning code.

*Village of Constableville – Applicant*

The Village of Constableville Clerk provided the following Project Documentation: 1) Proposed Local Law; 2) General Municipal Referral Form with Agricultural Data Statement; and 3) Full Environmental Assessment Form (FEAF).

Comprehensive Short-Term Rental (STR) regulations are included in this proposed local law. Within the proposed Section 650.11.A, the reference to a 'Planning Board' should be revised to 'Village Board' as the Village Board currently acts as the Planning Board. Furthermore, while placing a cap is certainly understandable, further rationale should be tied to the 10% or 12 STR threshold that has been proposed to ensure it is tied to legitimate methodology.

Additional language has been added to the proposed local law related to handling violations. Section 1150 should be reviewed thoroughly by the Village Attorney prior to adoption to ensure that the procedural language is legally appropriate. Moreover, it does not appear that the Village of Constableville has an Intermunicipal Agreement (IMA) with the Lewis County Building and Codes Department to enforce its zoning code; however, there are active IMAs for Floodplain Management and Property Maintenance. That said, prior to taking action on the proposed law, specifically Section 1150, consultation with the Lewis County Buildings and Codes Department should be had to ensure the defined tasks are acceptable and that the appropriate IMA is executed.

While reviewing the proposed local law, it was noticed that Adult Entertainment uses are prohibited in Section 375; however, they are also allowed via Special Use Permit in Section 350 and within Schedule A. As a reminder, in New York State, municipalities cannot completely ban adult entertainment uses through zoning because such uses are protected forms of expression under the First Amendment and the New York Constitution. While municipalities may regulate the location and operation of adult uses to address documented secondary effects, such as crime or impacts on surrounding properties, they must still allow reasonable opportunities for those uses to exist within the municipality. For these reasons, it is recommended that the use be removed from the list of prohibited uses in Section 375.

Within the Telecommunication section of the law (Article 7), a future review with legal counsel may be warranted to avoid conflict with the federal Telecommunications Act, specifically regarding prohibitions on wireless service, annual radiation certifications, and requirements tied to permit removals.

It was also noticed that Article VI Section 630.1.a and 630.1.b are duplicative, and 630.1.b should be removed.

***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. Prior to taking action, the Village Board should revise ‘Planning Board” to “Village Board” in Section 650.11A.
2. Prior to taking action, rationale should be tied to the 10% cap (12 STR threshold) that has been proposed in Section 650 to ensure it is tied to a legitimate methodology.
3. Prior to taking action, Section 1150 should be thoroughly reviewed by the Village Attorney to ensure the enforcement procedures and associated procedural language are legally sufficient and consistent with applicable law.
4. Prior to taking action on the proposed law, specifically Section 1150, consultation with the Lewis County Buildings and Codes Department should be had to ensure the defined tasks are acceptable and that the appropriate IMA is executed.

**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. While not included in the content of the proposed zoning text amendments, the following active regulations should be reviewed in future amendments:
  - a. Adult Entertainment uses are prohibited in Section 375; however, they are also allowed via Special Use Permit in Section 350 and within Schedule A. As a reminder, in New York State, municipalities cannot completely ban adult entertainment uses through zoning because such uses are protected forms of expression under the First Amendment and the New York Constitution. While municipalities may regulate the location and operation of adult uses to address documented secondary effects, such as crime or impacts on surrounding properties, they must still allow reasonable opportunities for those uses to exist within the municipality. For these reasons, it is recommended that the use be removed from the list of prohibited uses in Section 375.
  - b. Within the Telecommunication section of the law (Article 7), a future review with legal counsel may be warranted to avoid conflict with the federal Telecommunications Act, specifically regarding prohibitions on wireless service, annual radiation certifications, and requirements tied to permit removals.
  - c. It was also noticed that Article VI Section 630.1.a and 630.1.b are duplicative, and 630.1.b should be removed.

A motion was made by Mr. Cook to approve with conditions and non-binding notes, seconded by Ms. Metott. No discussion ensued, and the motion carried unanimously.

Ms. Krokowski read the following review:

**TOWN OF DENMARK PLANNING BOARD**

Special Use Permit for a 50' x 78' addition to an existing auto shop located at 4783 State Route 410 in the Town of Denmark.

Tax Map Parcel #126.00-02-17.100

*Beller's LLC, Dennis Moser – Applicant*

The Town of Denmark Planning Board provided the following Project Documentation: 1) Site Plans/Designs; 2) General Municipal Referral Form with Agricultural Data Statement; and 3) Short Environmental Assessment Form (SEAF).

The proposed 50' x 78' expansion will be used to dismantle, assemble, and prep vehicles for collision repair work. It also appears that a restroom will be included in this addition.

▪ *Compatibility With Adjacent Uses:*

The project parcel is split between the H1 and AR3 zoning districts, with the zoning district boundary bisecting the existing structure. Pursuant to Section 310.D, the regulations of the less restrictive zoning district – H1 in this case – may extend up to 30 feet into the more restrictive AR3 district.

The proposed addition is located at the rear of the existing building and does not alter the road frontage; therefore, frontage setback requirements do not appear applicable to the expansion. The stamped site drawings indicate that the required 200-foot setback is not fully satisfied, with approximately 197 feet provided. Depending on the structure's age and history, this condition may constitute a lawful pre-existing nonconformity.

Pursuant to Section 845 (Motor Vehicle Repair Shop), a minimum setback of 50 feet is required from all lot lines. Based on the submitted zoning permit drawings, the shortest proposed setback is approximately 151 feet, which exceeds the minimum requirement.

Under Section 661, special use permits are prohibited on parcels smaller than two acres. The subject parcel, at approximately 5.7 acres, complies with this standard. However, the Town may wish to consider whether a universal two-acre minimum is appropriate for all special permit uses, as certain lower-intensity uses may be suitable on smaller parcels depending on the nature and scale of the operation.

▪ *Traffic Generation and Effect:*

Although the SEAF indicates that traffic will not increase substantially, any development that accesses a state highway requires coordination with NYSDOT. Since this is an expansion of an existing use, it is presumed that a

NYS DOT driveway permit has already been obtained; however, the applicant should coordinate with NYSDOT to obtain the proper approvals for any driveway modifications.

- *Protection of Community Character:*

As identified in the generated EAF Mapper Summary Report, the proposed action is not near a state or national landmark, is not within a designated critical environmental area, and is not a designated river corridor. Furthermore, as part of this review, the CRIS website indicated that the proposed action is located near an archeologically sensitive buffer (.2 miles) but is not within the buffer; therefore, SHPO consultation is not required.

The Monarch Butterfly, a federally listed candidate species, was identified through the U.S. Fish and Wildlife Service (USFWS) IPaC report as having potential habitat in the vicinity of the project site. While formal consultation with USFWS is not required for candidate species under the Endangered Species Act, the applicant is encouraged to implement voluntary Best Management Practices (BMPs) to avoid potential impacts to Monarch habitat. These practices may include scheduling any land-clearing or mowing activities outside the Monarch's peak breeding season (generally June through August), retaining native milkweed and nectar-producing wildflowers along the site perimeter where feasible, and avoiding the use of herbicides or pesticides near these areas. These low-cost measures help support pollinator habitat and reduce the potential for future conflicts should the species be listed.

According to the New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper, there are no potential freshwater wetlands/NWI features.

According to the Web Soil Survey, the site consists of Nellis loam (NeB) and is classified as "all areas prime farmland." This designation is important from a land use and planning perspective because prime farmland soils represent a finite agricultural resource with high productivity potential and are often identified for long-term agricultural preservation in comprehensive planning efforts. While the property does not appear to have been actively cropped in recent years, the presence of prime farmland soils remains a relevant consideration when evaluating the long-term land use implications of development. At the same time, the absence of hydric soils or hydric soil components suggests a lower likelihood of federally regulated wetlands or poorly drained soil conditions on the site, which may reduce environmental constraints associated with development and site disturbance.

- *Signage:*

No signage plans were submitted as part of the application; therefore, it is assumed that any existing signage is compliant with the Town's zoning

regulations. Any new or modified signage associated with the project shall comply with the requirements of Section 985 (General Standards for Signs).

▪ *Drainage:*

The Web Soil Survey identifies no hydric soil units on the project site, indicating a lower potential for the presence of federally regulated wetlands or poorly drained soils that could constrain development or require additional environmental permitting. According to the SEAF, stormwater runoff will continue to be conveyed through the existing ditch and culvert system, suggesting that the project is not anticipated to substantially alter existing drainage patterns. From a planning and site design perspective, the absence of hydric soils and the utilization of existing stormwater infrastructure may reduce the likelihood of significant environmental impacts related to drainage, flooding, or soil saturation, provided the existing system has adequate capacity to accommodate any additional runoff generated by the project.

▪ *Erosion:*

Ground disturbance is estimated at 0.09 acres, well below the 1-acre threshold for the NYSDEC SPDES General Permit (GP-0-20-001). If project limits expand, SPDES requirements may apply.

▪ *Parking:*

The submitted materials did not include an updated parking plan. Prior to approval, the Planning Board should require submission of a parking plan demonstrating compliance with the applicable provisions of Section 865, including the following:

- A. *All uses shall be provided with off-road parking for all vehicles during typical peak use periods. Off-road parking may be located off-site but must be within three hundred (300) feet of the site.*
- B. *No non-residential parking area shall be located within ten (10) feet of a side lot line.*
- C. *A parking space shall not be less than nine (9) feet by twenty (20) feet, exclusive of access ways and driveways.*
- D. *Existing uses need not provide additional off-road parking unless one or more of the following conditions occur:*
  - 1) *The use changes.*
  - 2) *The use expands its gross floor area by twenty-five percent (25%) or more in a three (3) year period.*
  - 3) *The use is destroyed and seeks to be re-established.*
- E. *To the greatest extent possible in H-1 zones, all parking areas should be located behind the facility served and out of roadside view. Where parking areas must be located in front of a facility adjacent to a public highway, landscaping or visual barriers shall be provided.*

Section 870, Specific Parking Standards, does not appear to clearly identify how parking requirements are intended to apply to "Motor Vehicle Repair

Shops,” as the use is neither specifically defined nor expressly categorized within the parking schedule. As written, it is unclear whether the use should be evaluated under standards applicable to professional services, industrial facilities, or another classification. Based on the nature of the use, the parking standards for either small-product retail or large-product retail under Sections 925 and 930 do not appear to be appropriate classifications. To reduce future ambiguity and ensure consistent administration of the Zoning Law, the Town of Denmark may wish to consider clarifying the parking schedule so that all permitted and special permit uses are associated with clearly defined parking requirements.

- *Community Facilities:*

According to the submitted SEAF, the proposed project will connect to the existing public or private water supply system. Based on the information provided, the proposed use is not anticipated to create a significant adverse impact on the capacity of the existing water system. However, prior to the Town Planning Board taking action on the application, the applicant should provide written confirmation from the Village of Castorland municipal water operator verifying that the existing water supply system has adequate capacity to service the proposed use.

The site plan indicates that wastewater treatment will be provided by a new on-site septic system and includes the addition of a restroom in the rear-left portion of the structure. Prior to the issuance of any building permits, engineered plans for the proposed septic system must demonstrate compliance with the applicable provisions of the New York State Sanitary Code. The Planning Board should condition any approval upon compliance with Section 950.A of the Town of Denmark Zoning Law, which defers to the requirements of NYS Sanitary Code Part 75-A for on-site wastewater treatment systems.

- *Lighting:*

No exterior lighting plan was submitted as part of the application materials. While the Town of Denmark does not appear to have general lighting standards in its Zoning Law, any proposed exterior commercial lighting should be designed to be fully shielded and downward-directed to minimize glare, light spillover, and potential impacts on adjacent properties and nearby roadways. Such measures are consistent with sound planning and site design practices intended to protect neighboring land uses and maintain roadway safety.

- *Landscaping and Screening:*

No landscaping plans were submitted as part of the application materials. The Planning Board should evaluate whether landscaping improvements are necessary to ensure consistency with the intent of Section 660, including the provision of appropriate screening, the definition of site entrances and exits,

and the enhancement of parking areas and roadway frontages through vegetative buffering and site design elements.

***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 on the application, the applicant shall submit a Parking Plan to the Town of Denmark Planning Board demonstrating compliance with all applicable provisions of Section 865, including required setbacks, parking space dimensions, and, where applicable, rear-oriented parking requirements within the H1 District, unless such requirements are formally waived by the Planning Board pursuant to Section 605.
2. Prior to taking action on the application, the applicant should obtain all required NYSDOT approvals for any new, modified, or reconstructed driveway access points on State Route 410.
3. Prior to taking action on the application, the applicant shall submit engineered plans for the proposed septic system and obtain all necessary approvals in accordance with the New York State Sanitary Code, as required by Section 950.A.
4. 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. If deemed necessary by the Planning Board, the applicant should submit a landscaping and screening plan prior to final approval demonstrating compliance with the intent of Section 660, including the treatment of parking areas, site entrances and exits, and visual buffering along the roadway frontage.
2. If total ground disturbance increases to one acre or more, the applicant shall file for coverage under the NYSDEC SPDES General Permit prior to such expansion.
3. Any updated or new signage shall meet all provisions of Section 985 (General Standards for Signs).
4. Any new or additional exterior lighting shall be fully downcast and shielded to prevent glare, off-site spill, and roadway impacts.
5. As part of any future zoning text amendments, the Town of Denmark Town Board should consider reviewing the following items:
  - a. Whether the uniform two-acre minimum lot size requirement in Section 661 remains appropriate for all special permit uses, or whether differing standards should be established based on the type or intensity of the proposed use;
  - b. Clarification of how Motor Vehicle Repair Shops are classified under Section 870 to ensure that applicable parking requirements are clearly defined and consistently administered; and

- c. The establishment of general outdoor lighting standards to promote consistent application across commercial uses and minimize glare, light trespass, and impacts on adjacent properties and roadways.

A motion was made by Ms. Moser to approve the project with the conditions and non-binding notes, seconded by Mr. Cook. After minimal discussion, the motion carried unanimously.

### **TOWN OF LEYDEN TOWN BOARD**

Proposed zoning text amendments to the Town of Leyden Solar Energy Law regarding Battery Energy Storage Systems (BESS).

*Town of Leyden – Applicant*

The Town of Leyden Supervisor provided the following Project Documentation: 1) Proposed Local Law; 2) General Municipal Referral Form; and 3) Full Environmental Assessment Form (FEAF), Part 1.

The proposed amendments add general regulations for BESS in the Town of Leyden’s Solar Energy Law, which was originally enacted in November 2022. As written in Section 12.S., the proposed amendment mandates that the ‘Town of Leyden shall be required to be the Host Community and Lead for any PILOT projects and agreements within the Town of Leyden boundaries.’ While the intent is certainly understandable, this may be legally unenforceable as the authority is covered through General Municipal Law and IDA enabling statutes, and a town zoning law typically cannot mandate who serves as a PILOT lead agency. For these reasons, it is highly recommended that legal counsel be consulted to review this amendment prior to adoption to ensure legality.

While there are definitions included for Battery Energy Storage Management System, Battery Energy Storage System (Tier 1 & Tier 2), and Cell; however, the following definition should also be added:

**BATTERY(IES):** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

The proposed Section 12.B. requires that Small Battery Energy Storage Systems shall be allowed with a development permit; however, there are no references to what this development permit is. For continuity with the established Town of Leyden permitting process outlined for Small and Large Solar Energy Systems, Small Battery Energy Storage Systems may require a zoning permit rather than the referenced development permit. Furthermore, the proposed amendments require that “Large battery energy storage systems be permitted through the issuance of a special use permit...”. Currently, the Town of Leyden Solar Energy Law does not decipher the

establishment or process for a special use permit. Prior to adoption, if the Town of Leyden shall require a special use permit for this use, the rest of the Town of Leyden Solar Energy Law should be further revised to include details of said special use permit purposes, application requirements, etc. or, for continuity with the existing Large Solar Energy Systems permitting requirements, the required permit could be revised to a site plan review; however, the requirements proposed are more aligned with special use permitting standards.

As part of this review, various formatting concerns were identified, all of which should be corrected and/or implemented prior to taking action. The following were identified:

1. With the addition of BESS to the Town of Leyden Solar Energy Law, the title of the Law should be revised to reflect the additional regulated use.
2. All Sections throughout the Town of Leyden Solar Energy Law, which currently reference the applicability to Solar Energy Systems should also reference BESS. At a minimum, this would include Section 4.A. and 4.B and Section 8.
3. The proposed amendments have been added as Section 12 to the Town of Leyden Solar Energy Law; however, it is more appropriate to add after Section 6, as Section 7, which will not impact the subsequent sections, as it appears that there is no current Section 7 included in the existing Town of Leyden Solar Energy Law.
4. The definition of Battery Energy Storage Management System, Battery Energy Storage System, and Cell should be added to Section 3, Definitions, rather than the additional section, which regulates battery energy storage systems.
5. The title of the additional proposed section should be revised to 'Battery Energy Storage Systems'.
6. There is a reference to Article 10 in the proposed Section 12.G.; however, it appears to be erroneous as Article 10 of the existing Town of Leyden Solar Energy Law is in reference to Severability, versus enforcement.

***Recommendation: Approve with Conditions***

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

1. The Town shall consult legal counsel prior to taking action on the proposed BESS amendment, specifically Section 12.S., regarding mandatory Host Community/PILOT lead status, to ensure consistency with New York General Municipal Law and IDA enabling statutes governing PILOT authority and administration.
2. Prior to taking action, the proposed amendment should be revised to include a definition for "Battery(ies)" in Section 3 to provide consistency with industry terminology and improve clarity in the administration and enforcement of the BESS regulations. Recommended language would be: **BATTERY(IES):** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge,

- discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.
3. The Town should revise the proposed amendment to clarify the permitting requirements for Small Battery Energy Storage Systems, as the referenced “development permit” is not currently defined within the Town of Leyden Solar Energy Law or associated zoning regulations; for consistency with existing Small Solar Energy System procedures, the Town should consider utilizing a zoning permit process or otherwise define the applicable permit type and review procedures prior to adoption.
  4. The Town should revise the proposed amendment to establish and define the purpose, procedures, application requirements, and review standards associated with the referenced special use permit process for Large Battery Energy Storage Systems, as the current Town of Leyden Solar Energy Law does not contain provisions governing special use permits. Alternatively, the Town may consider revising the approval process to utilize site plan review for consistency with existing Large Solar Energy System permitting requirements.
  5. Various formatting and typographical inconsistencies were identified throughout the proposed amendment and should be corrected prior to adoption. The following items were noted:
    - a. With the addition of BESS to the Town of Leyden Solar Energy Law, the title of the Law should be revised to reflect the additional regulated use.
    - b. All Sections throughout the Town of Leyden Solar Energy Law, which currently reference the applicability to Solar Energy Systems, should also reference BESS. At a minimum, this would include Sections 4. A and 4.B and Section 8.
    - c. The proposed amendments have been added as Section 12 to the Town of Leyden Solar Energy Law; however, it is more appropriate to add the section after Section 6, as Section 7, which will not impact the subsequent sections, as it appears that there is no current Section 7 included in the existing Town of Leyden Solar Energy Law.
    - d. The definition of Battery Energy Storage Management System, Battery Energy Storage System, and Cell should be added to Section 3, Definitions, rather than the additional section, which defines the regulations applicable to battery energy storage systems.
    - e. The title of the additional proposed section should be revised to ‘Battery Energy Storage Systems’.
    - f. There is a reference to Article 10 in the proposed Section 12.G.; however, it appears to be erroneous as Article 10 of the existing Town of Leyden Solar Energy Law is in reference to Severability, versus enforcement.

**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. It is suggested that Advanced Compressed Air Energy Systems (ACAES) be evaluated as a possible addition to this or future zoning regulations to

- ensure upcoming energy storage system technologies are comprehensively addressed in the Town's regulations.
2. Given the quick advancement of energy storage technologies, it may be beneficial to refine the language of Battery Energy Storage Systems to avoid unintentionally exempting new technologies. An example of a 'future-proof' definition could be 'An energy storage system that stores energy using electrochemical battery technologies.'

A motion was made by Mr. Reed to approve the conditions, with condition 1 amended and the proposed non-binding notes, seconded by Ms. Metott. The Board held an in-depth discussion regarding Condition #1, focusing on the potential county-wide impact of the decision and the precedent it may establish for future applications. Board members questioned whether recommending that the applicant "seek legal counsel" is sufficiently strong guidance. Several members expressed concern that such language may give the impression that the County is deferring responsibility or "pushing the problem off" to a third party, rather than clearly communicating that the proposed action may not be permissible. The Board discussed whether a more direct statement or clearer advisory language is warranted to avoid misinterpretation and ensure consistent application across the County. Following this discussion, the motion carried unanimously.

Ms. Krokowski then read the next review:

#### **TOWN OF TURIN TOWN BOARD**

Local Law establishing the designation of certain low-volume seasonal roads within the Town of Turin as Minimum Maintenance Roads.

*Town of Turin – Applicant*

The Town of Turin Supervisor provided the following Project Documentation: 1) Local Law and recommended road designation list; 2) General Municipal Referral Form with Agricultural Data Statement; 3) Draft Low-Volume Road Classification Map; and 4) Full Environmental Assessment Form (FEAF).

The Town of Turin has proposed a Local Law designating certain low-volume roads as minimum maintenance roads, in accordance with the guidelines established by the Local Road Classification Task Force.

To avoid unintended interpretation issues contained in the original language and to ensure consistency between the legislative intent and applicable New York State Highway Standards, revision of Section 1 is strongly recommended. The following substitute language may be considered:

#### ***"Section 1. Legislative Purpose***

*The purpose of this Local Law is to classify certain low-volume rural town roads and to establish appropriate design, maintenance, and rehabilitation standards consistent with their traffic characteristics, physical conditions, and functional*

*purpose. These standards are intended to ensure that such roads, when used in a manner consistent with their classification, remain safe and serviceable for the traveling public, while allowing the Town to allocate its limited highway resources responsibly and efficiently. This Local Law is further intended to promote roadway safety, protect agricultural operations and rural access, and align Town practices with New York State's established low-volume road guidelines."*

This revision removes any implication of intentionally minimizing expenditures, preserves the goals of efficiency and safety, aligns the law with New York State's established low-volume road guidelines, and avoids wording that could create problems in future agencies or legal review.

Section 4 provides that minimum maintenance road classifications do not become effective until formally designated by Local Law. In addition, Section 5 requires that the associated findings be filed with the Town Clerk, made available for public inspection, and posted on the Town's website.

To ensure compliance with these procedural requirements, the Minimum Maintenance Road Designation Findings should be either inserted directly into the Local Law as a Section, or included as an Appendix incorporated by reference. This strengthens the legislative record, avoids ambiguity, and simplifies future amendments.

The proposed Local Law permits minimum maintenance roads to remain unplowed and maintained at reduced levels. While appropriate in rural low-volume contexts, this may pose emergency access issues if a seasonal dwelling legally converts to year-round use, agricultural or recreational activity intensifies, or the road becomes the primary access route for emergency services.

The proposed draft does not currently require consultation with emergency service providers or public safety agencies, including the local fire department(s), emergency medical services (EMS), the Lewis County Sheriff's Office, or the Lewis County E-911 Address Maintenance Office. Given the potential impacts that minimum maintenance road designations may have on emergency access, response times, roadway navigation, and addressing systems, the incorporation of an inter-agency review requirement is strongly recommended. Similar to the review process established in Section 6 for the School Board and Planning Board, the following language could be added as a separate section to provide these agencies with an opportunity to review and submit comments within forty-five (45) days of receipt of the findings:

***"Section \_\_\_\_\_. Emergency Service Agency Review***

*A copy of the findings required by Section 5 shall be sent to the applicable fire district(s), emergency medical service provider(s), the Lewis County Sheriff's Office, and the Lewis County E-911 Address Maintenance Office for each road or*

portion thereof proposed to be designated as a Minimum Maintenance Road. Within forty-five (45) days of receipt of the findings, such agencies may file with the Town Clerk their findings, comments, and recommendations regarding the potential impacts of the proposed designation on emergency access, response times, roadway navigation, and addressing systems. By resolution, the Town Board may accept or reject, in whole or in part, the recommendations of such agencies prior to any vote upon the proposed Local Law. If such agencies file no findings, recommendations, or other action within forty-five (45) days of receipt of the Town's findings, the Town Board may proceed with the process of designating the roads as Minimum Maintenance Roads. The forty-five (45) day review period may be waived, shortened, or extended upon mutual written consent of the affected agencies and the Town Board.

*The Town Board shall additionally evaluate any Minimum Maintenance Road designation in the event that a seasonal residence becomes a year-round dwelling, agricultural or recreational use intensifies, or emergency service providers identify a material change in access or response requirements."*

This improves safety and ensures compliance with countywide emergency access standards.

Additionally, Section 8 could be expanded to further clarify expectations regarding winter access to properties served by recreational or agricultural Minimum Maintenance Roads. Including language that addresses seasonal accessibility and maintenance responsibilities would provide clearer notice to affected landowners and help minimize future misunderstandings regarding the Town's service-level obligations. Potential added language in Section 8.a. could include:

***"Section 8. Additional Notifications***

a) *At least thirty days prior to the public hearing relating to the proposed enactment of a Local Law designating a road or portion thereof as a Minimum Maintenance Road, written notice of such hearing, including a summary of the Town Board's findings, shall be served by certified mail, return receipt requested, upon every owner of real property abutting such road or portion thereof, as determined by the Town's latest completed assessment roll and depicted on County tax maps. Such notice shall additionally advise affected property owners that designated Minimum Maintenance Roads may not receive winter snow or ice removal services and may become impassable during winter months. Property owners shall be responsible for arranging their own seasonal access appropriate to winter conditions, and no plowing, grading, or maintenance of the Town roadway shall be undertaken by private parties unless expressly authorized by the Town."*

This language clarifies that winter access is not guaranteed and provides notice to both seasonal property owners and fire protection agencies that

emergency access may be limited or unavailable on designated Minimum Maintenance Roads during the winter months.

The Town may wish to consider adding language to Section 10 to further limit municipal liability and reinforce the intent and operational framework of Minimum Maintenance Roads. Clarifying restrictions on unauthorized maintenance activities would help ensure consistent administration and prevent private actions that could create safety concerns or alter roadway conditions without Town oversight. The following language is recommended:

*“No person shall plow, grade, alter, or otherwise perform maintenance activities within the Town right-of-way of a designated Minimum Maintenance Road unless expressly authorized in writing by the Town. The Town may grant written authorization for limited access-related maintenance activities when necessary to preserve reasonable property access, provided that such activities do not create unsafe roadway conditions or impair drainage, public safety, or the integrity of the roadway. Any such authorization shall not obligate the Town to provide maintenance services or assume liability for damages arising from such activities.”*

Section 6 directs the findings to the School Board; however, the day-to-day operational responsibility for bus routing, roadway assessment, and student transportation logistics typically rests with the School Transportation Director. Providing notice solely to the School Board may create the potential for miscommunication or delayed review due to Board turnover or limited operational involvement in transportation matters. To ensure that roadway designations are reviewed by the appropriate school personnel, the Town should consider requiring notice to both the School Board and the applicable School Transportation Director.

Throughout the document, the following defined or standardized terms should be consistently capitalized and updated to improve clarity, maintain internal consistency, and reduce the potential for ambiguous interpretation, enforcement issues, or legal challenges:

- Town Board
- Town Superintendent of Highways (replace highway superintendent)
- Town Clerk
- Planning Board
- Department of Environmental Conservation (DEC)

The Town should consider adding roadway labels to the two segments of Gomer Hill Road identified as Recreational Land Access on the Low-Volume Road Classification Map to improve map clarity and public interpretation. Additionally, the map legend appears to contain a fourth line type that may have been included in error and should be reviewed and removed, if appropriate, prior to finalization.

The final section of the document should also be renumbered as Section 14, as Section 13 is currently duplicated by the preceding section entitled “Definitions.”

No direct adverse countywide or intermunicipal impacts have been identified. However, several revisions and clarifications are recommended prior to adoption to improve administrative clarity, reduce the potential for future conflicts or interpretive challenges, and better ensure consistency with applicable state law and emergency service considerations.

***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 should revise Section 1 to improve clarity, support consistent interpretation and administration of the Local Law, and better align the stated legislative intent with applicable New York State low-volume road guidance and standards.
2. Given the potential impacts that Minimum Maintenance Road designations may have on emergency access, response times, roadway navigation, and addressing systems, incorporation of an inter-agency review requirement is strongly recommended. Similar to the review process established in Section 6 for the School Board and Planning Board, affected emergency service and public safety agencies should be provided an opportunity to review and comment on proposed designations prior to adoption.
3. The Town shall consider re-evaluating any Minimum Maintenance designation if seasonal residences legally become year-round residences, if agricultural or recreational use intensifies, or if emergency service access needs change.
4. The Town should consider incorporating language within the required notices clarifying that designated Minimum Maintenance Roads may become impassable during winter months and that affected property owners are responsible for arranging their own seasonal access without Town maintenance services. Such language would also provide important notice to seasonal property owners, emergency service providers, and fire districts that winter emergency access on designated Minimum Maintenance Roads may be limited or unavailable under certain conditions.
5. The Town should consider revising Section 6 to require notification not only to the applicable School Board, but also to the School District Transportation Director, to ensure review by personnel directly responsible for student transportation routing and roadway accessibility.
6. The Town shall consider adding language to Section 10 clarifying that no person may plow, grade, or maintain a Minimum Maintenance Road without written authorization from the Town, and that any such authorization must specify limits and protect the Town from liability.
7. Prior to acting, the following grammatical and/or formatting revisions should be made:

- a. Incorporating the Minimum Maintenance Road Designation Findings directly into the Local Law or attaching them as a formally referenced Appendix, as required by Section 4 for the list to be “Final”.
- b. Standardize capitalization and terminology throughout the proposed Local Law;
- c. Update the Low-Volume Road Classification Map by labeling both Gomer Hill Road segments and deleting the erroneous 4<sup>th</sup> line type within the map key; and
- d. Renumber the final section to Section 14 to correct the duplication.

**Note:** *A copy of the technical review, including suggested language revisions and recommended additions, will be transmitted to the Town of Turin with this decision for consideration as part of the Local Law adoption process.*

Ms. Metott motioned to approve the conditions, seconded by Mr. Reed. Moving into the discussion, John Reed emphasized that long-term lack of maintenance on minimum-maintenance roads can cause the town to lose its legal right-of-way, making future widening or rebuilding extremely difficult or impossible. He also highlighted the major safety and cost implications of attempting to plow or upgrade these roads – often requiring up to \$1 million per mile – and urged the Board to use clear “will not be plowed” language to avoid liability from unauthorized private plowing. His comments underscored the significant risks to emergency access, safety, and finances associated with improperly designating or managing these roads.

Mr. Cook emphasized how important it is for all of our towns to adopt this type of legislation, if they haven’t yet, even though the court may rule in the property owners' favor. With no further comments, the motion carried unanimously.

Ms. Tabolt read the last review:

**TOWN OF WATSON PLANNING BOARD**

Special Use Permit application for the change of use of a former retail store into an eatery with a seating area located at 6525 Number Four Road (CR 26) in the Town of Watson.

Tax Map Parcel #214.03-01-10.112

*Darrell Miller, Miller’s Meat Market – Applicant*

The applicant provided the following project documentation: 1) General Municipal Referral Form; 2) Application for Special Use Permit; 3) Short Environmental Assessment Form (SEAF); and 4) Project Plans.

- *Compatibility with Adjacent Uses*

The proposed project is located within the Hamlet (H) Zone, which is characterized by a mix of existing commercial and residential uses, including the Miller’s Meat Market retail store and slaughterhouse facility. At the direction of the Lewis County Building & Fire Codes Office, the applicant proposes a change of use from Business, Retail Sales and Service to Restaurant to convert the former retail store into an eatery with a seating area for patrons purchasing food on-site. Based on the surrounding pattern of development, the proposed action appears to be compatible with neighboring residential uses and other local businesses.

With respect to dimensional requirements, the proposed project appears to comply with all applicable zoning standards, with the exception of the required front yard setback, making it a nonconforming structure. However, an Area Variance for the front yard setback was granted by the Zoning Board of Appeals at its May 2026 meeting.

<b>Hamlet (H) Zone</b>		
<b>Dimensional Standard</b>	<b>Requirement</b>	<b>Proposed</b>
Lot Size Minimum	1 acre	6.43 acres
Lot Frontage Minimum	100’	~340’
Front Yard Setback Minimum (from Centerline)	75’	25’*
Side Yard Setback Minimum	25’	61’
Rear Yard Setback Minimum	25’	300’+
Building Height Maximum	40’	10’

\*Area Variance Granted by ZBA at the May 2026 meeting

- *Traffic Generation and Effect:*

The proposed project is located on Number Four Road (CR 26), which has an Annual Average Daily Traffic (AADT) volume of approximately 4,260 vehicles. According to the submitted SEAF, the proposed action was initially identified as resulting in a substantial increase in traffic beyond existing conditions. However, during a phone conversation with the applicant on May 12, it was clarified that this response was submitted in error. The applicant indicated that the proposed change of use is intended to better accommodate existing customers and is not expected to generate a significant increase in traffic. Based on this clarification, the proposed action is not anticipated to create traffic concerns.

Additionally, as requested in the March 2026 County Planning Board recommendation for this project, the applicant indicated that the second driveway will be decommissioned through the installation of a fence, resulting in the main entrance serving as the sole point of ingress and egress for the site.

The existing entrance on the southeastern face of the building will continue to serve as the primary access point to the facility. As this entrance is ADA-accessible and located approximately 25 feet from the public right-of-way, behind the fencing, its continued use should help maintain pedestrian safety.

Although a 75-foot front setback is required, the applicant recently received a variance permitting a reduced 25-foot setback. A key factor supporting that approval was the inclusion of a railing barrier intended to keep patrons safely separated from the roadway and outside of the public right-of-way. The purpose of a front yard setback is to maintain a safe and functional separation between private land uses and the roadway, particularly along rural corridors where higher travel speeds and limited pedestrian infrastructure heighten safety concerns. Allowing the business to utilize property across a rural road posted at 40 mph with no shoulders as part of its commercial eatery operation would undermine the very safety rationale that justified the variance, as it would inherently encourage pedestrian crossings between the two areas of the operation. Given the roadway speed, absence of shoulders or pedestrian accommodations, and the limited commercial, rural character of the corridor, such a use would create foreseeable conflicts between vehicles and pedestrians and would be inconsistent with the intent of the setback regulations and broader planning principles intended to protect public health, safety, and welfare. Should the Planning Board approve the project, patrons should be limited to on-site dining only.

- *Protection of Community Character:*

According to the submitted SEAF, the proposed project site is not located within a Critical Environmental Area, a property listed on the State or National Register of Historic Places, an archaeologically sensitive area identified by the New York State Historic Preservation Office (SHPO), or a 100-year floodplain.

As part of this review, the above information was verified using the NYS DEC Environmental Assessment Form (EAF) Mapper. The EAF Mapper also indicates that the project site may contain habitat associated with the Tomah Mayfly, a species listed by the State or Federal government as threatened or endangered. Additionally, the EAF Mapper indicates that the project site or adjoining lands may contain wetlands or other water bodies regulated by a federal, state, or local agency. However, as the proposed project does not involve ground disturbance, impacts on these environmental resources are not anticipated.

- **Signage:**

No additional signage was proposed in this project. Should additional signage be added in the future, it should comply with Section 530 of the Town of Watson Zoning Law.

- **Drainage & Erosion:**

The submitted SEAF indicates that the proposed action will not create additional stormwater discharge, and, since the proposed project is within an existing structure, this is not anticipated to be a concern.

- **Parking:**

The submitted materials indicate that approximately fifteen (15) parking spaces are provided, which appears to be consistent with the prior retail use of approximately 3,000 square feet. As the proposed change of use is to a restaurant, Section 620.C of the Town of Watson Zoning Law classifies this use as an “Other Use,” for which the required number of parking spaces is subject to determination by the Planning Board.

Based on the existing on-site parking supply and the availability of extensive overflow parking, the proposed change of use is not anticipated to present parking concerns.

- **Community Facilities:**

According to the submitted SEAF, this project will utilize the existing connection to the Town’s water system and the existing on-site septic system.

- **Lighting:**

Since this is an existing structure with preexisting lighting, there were no plans included in the application materials for this proposed project, and there are no requirements outlined in the Town of Watson Zoning Law.

- **Landscaping and Screening:**

No landscaping or screening plans were proposed for this project. Should landscaping or screening be done in the future, it should comply with Section 810 of the Town of Watson Zoning Law.

***Recommendation: Approve with Conditions***

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

1. Should additional signage be added in the future, it should comply with Section 530 of the Town of Watson Zoning Law or any future amendments thereto.
2. The Town of Watson Planning Board shall determine the number of parking spaces required for this use that would fall under the “Other Use” category under Section 620 B.
3. Should landscaping or screening be done in the future, it should comply with Section 810 of the Town of Watson Zoning Law.

4. Patrons shall be limited to on-site dining only, and no portion of the commercial eatery operation shall utilize property across the roadway in a manner that encourages pedestrian crossing of the 40-mph rural roadway lacking shoulders or pedestrian accommodations.

Ms. Moser moved to approve with the conditions, seconded by Ms. Metott. There was a brief discussion regarding a traffic study of the area, and Mr. Reed is looking into funding for a roadway study in the future, given the lack of attention drivers pay and the increase in traffic. The motion carried unanimously.

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

Responses from municipalities regarding previously submitted/reviewed projects:

- Town of Greig- **Comprehensive Plan- Approved with Conditions**
- Town of New Bremen- **Comprehensive Plan- Approved with Non-Binding Notes**
- Joint Town/Village of Lowville Planning Board- **Ravens Quill- SPR/SUP- Approved with conditions**
- Joint Town/Village of Lowville Planning Board- **Agape Shoppe- SPR/SUP- Approved with conditions**
- Joint Town/Village of Lowville Planning Board- **Bhatti Apartments- Adjourned pending SHPO response.**
- Town of Martinsburg- **Comprehensive Plan- Approved**

(7) **Unfinished Business:**

Review of amended Bylaws adding flexibility and specific excused absences. No suggested changes were made; the motion to adopt was made by Mr. Lehman and seconded by Mr. Cook, and carried unanimously. Vice Chair Lehman signed the hard copy of the amended bylaws document presented.

(8) **New Business:** None

- (9) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Ms. Moser and seconded by Ms. Metott, which carried unanimously. Mr. Lehman adjourned the meeting at 3:27 PM.

Respectfully submitted,



Megan Krokowski  
Community Development Specialist

*Note: These minutes have been transcribed from a recording but are not a verbatim or quoted version; they are rather a documentation of the meeting events.*