

MINUTES
LEWIS COUNTY PLANNING BOARD
July 16, 2026

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:35 PM in the Basement Conference Room #030 at the Lewis County Courthouse, Lowville, New York. Roll call was requested by Mr. Petersen.

- (2) **Roll Call:**
Board Members Present: Timothy Petersen, Donald Cook, John Reed, Sarah Metott, Jessica Moser, and Larry Dolhof.

Staff Present: Casandra Buell, Director of Planning and Community Development; Lauryn Tabolt, Community Development Specialist; Megan Krokowski, Community Development Specialist; Ben Manning, Code Enforcement Officer; **Public Present:** None

- (3) **Reading and Approval of Minutes:** The draft June 18, 2026 meeting minutes were received and reviewed before the meeting. Ms. Moser moved to approve the minutes; Mr. Reed seconded the motion, and the motion carried unanimously.

- (4) **Correspondence and Communication:** None

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

239-M Review

Ms. Krokowski read the first review:

TOWN OF LEWIS PLANNING BOARD

Site Plan Review for the adaptive reuse of an existing vacant 61-foot by 42-foot building as a motor vehicle repair shop at 1445 Gallo Road in the Town of Lewis.

Tax Map Parcel #408.00-01-11.100

Michael Chrysler – Applicant

The Town of Lewis Planning Board provided the following Project Documentation: 1) Site Plans/Designs; 2) General Municipal Referral Form with Agricultural Data Statement; 3) Short Environmental Assessment Form (SEAF); and 4) Site Plan Review Application and Information.

▪ ***Compatibility With Adjacent Uses:***

The Town of Lewis contains multiple zoning districts, and the proposed parcel is split between Rural Residential and Agricultural Forests. According to Section 2.3, Interpretation of Land Use District Boundaries, there are no rules allowing the more lenient district rules to apply. Based on the aerial

photograph with the zoning district overlay, the buildings fall within the Agricultural and Forest district. The Town may consider relocating the sentence contained within Section 10.7 Divided Lots, which states: *“Where a district boundary divides a lot at the time such boundary is adopted, the requirements of the least restrictive portion of such lot shall extend 40 feet into the more restrictive portion of the lot, provided the lot has frontage in the less restricted district.”*

According to Article 6. Site Plan Review, 6.3 Activities Requiring Site Plan Approval, 4. All non-residential uses require site plan review by the planning board.

Dimension Type	Minimum Required Dimensions	Proposed Dimensions
Lot Area	5 Acre	114.8 Acres
Frontage	200 Feet	333 Feet
Side Yard	15 Feet	606 Feet
Rear Yard	50 Feet	2,620 Feet
Front Yard Depth	50 Feet (from the center of the road pavement)	508 Feet

According to Article 10. Geometric Control, the proposal appears to be compatible with the dimensional standards set forth in section 10.2

The Town Board should consider, during the next revision of the local law, that measuring setbacks from the road centerline may not provide adequate clearance for snow removal, and that setbacks may be more appropriately measured from the road's edge, the right-of-way line, or the parcel boundary to help prevent unnecessary damage.

▪ *Traffic Generation and Effect:*

The SEAF indicates that the proposed project is not expected to generate a substantial increase in traffic. However, the materials submitted do not include a site plan illustrating traffic circulation. To support an adequate review of Section 10.5, Line of Sight for Traffic Safety, the Planning Board may wish to require a basic circulation sketch showing ingress, egress, and internal vehicle movements to help evaluate how the proposed use may affect roadway safety and overall traffic flow.

▪ *Protection of Community Character:*

The EAF Mapper Summary Report indicates that the proposed action lies near several environmentally sensitive resources, including important natural communities, habitat associated with the Northern Long-Eared Bat and Monarch Butterfly, and wetlands or other regulated water features. To help protect these resources, the applicant is encouraged to voluntarily incorporate best management practices that support Monarch habitat — such as minimizing mowing during the breeding season and maintaining native

milkweed and other pollinator-friendly vegetation. The project should not affect bat species unless roosting bats are discovered within the existing structure, in which case the applicant must follow DEC best practices for relocation.

The NYS DEC Environmental Resource Mapper also identifies NWI wetlands, a Class C (T) stream, and other potential wetland features near the front of the parcel. The Planning Board should ensure that all required state and federal wetland and stream permits are obtained and that site disturbance avoids these resources to the greatest extent practicable. With approximately 120 feet between the proposed shop and the waterbody, the project meets the minimum 100-foot stream setback required by Section 10.4; however, given the nature of the use, the Planning Board may consider requiring additional buffering, such as a 20-foot grassy strip, to further reduce the risk of contamination.

The USDA Web Soil Survey identifies the soil as CdC — Colton cobbly loamy fine sand with 8–15% slopes, which is not classified as prime farmland. The project must also comply with Section 12.2, which requires that activities near DEC-mapped wetlands conform to state freshwater wetland regulations; while the structure is outside a wetland, it is located only about 120 feet away.

Additionally, Section 12.8 regulates the storage and handling of hazardous materials and prohibits any discharge that may endanger public health or property. Because vehicle repair shops typically store and handle regulated liquids, the Planning Board may wish to condition any approval on enforceable standards for hazardous material storage, handling, and disposal to ensure protection of both the public and nearby environmental resources.

The Town is encouraged to review Local Law 3 of 2021, known as the Lewis County Junkyard Law, to ensure that the proposed operation will not be classified as a junkyard. Depending on the quantity and management of materials stored on the scrap trailer and tire trailer, the operation could approach the threshold requiring a Lewis County Junkyard License.

- *Signage:*

The applicant provided the State of NY Motor Vehicle Repair Shop Registered No. Sign, placed on the side of the building facing the road. This appears to comply with Article 9, section 9.1, on-premises advertising signs and identification.

- *Drainage:*

Given the project's proximity to Fish Creek, the Town should review whether a stormwater drainage plan is required in accordance with Section 12.5. The Planning Board should also confirm that the site is located within FEMA Zone X rather than Zone A, as shown on FIRM panel 360368 0025 C, to ensure

compliance with Section 12.1 concerning Flood Hazard Areas. Because the map does not clearly indicate whether the structure lies within Zone A, which is defined as an area without a determined base flood elevation, the applicant should be required to provide verification of the flood zone designation through insurance documentation or other official proof.

- *Erosion:*

With 0 acres of ground disturbance, a SPDES General Permit (GP-0-20-001) is not required.

The USDA Web Soil Survey identifies the project area as not prime farmland, with a soil type of CdC- Colton cobbly loamy fine sand, 8-15 percent slopes. Based on this, the Planning Board should consider whether to implement erosion control measures. Please note that the Lewis County soil survey is notoriously poor, so it is possible that the slope is not as extreme as noted in the report.

- *Parking:*

The Site Plan showed there was 150' between the garage and the proposed scrap storage structures. Based on the requirements set forth in Article 11, Section 11.2, one parking space is required for every employee of a commercial use, in addition to one parking space per 250 square feet of commercial floor space.

The proposed existing repurposed building is approximately 1,400 square feet, which equates to 5.6 parking spaces. Article 11 contains no guidance on how to handle rounding.

The number of parking spaces is either 6 or 5, depending on rounding (1 employee + 6 (or 5)). The placement of such parking spaces shall be located away from all lot lines, except in driveways, according to Section 11.3

The Planning Board may wish to consider whether this number is reasonable based on the type of business and location, and potentially reduce the requirement by at least half to reduce the amount of surface area for stormwater collection. Should this occur, ensure documentation is justified within the official record.

- *Community Facilities:*

According to the submitted SEAF, the proposed project will be connected to an existing public or private water supply system and wastewater utilities.

The Planning Board and/or Zoning Enforcement Officer should review whether the intended use of the building complies with Section 12.4 Sewage Disposal and whether a septic evaluation may be needed for the change of use of the structure.

- **Lighting:**

No exterior lighting plan was submitted with the application, and the applicant indicated that the need for exterior lighting remains undetermined. The Town of Lewis Land Use Law does not appear to address general standards for lighting. The Town Board and Planning Board should consider collaborating to ensure that the lack of standards (lighting, landscaping, screening, etc.) is not causing detrimental development within the Town and consider establishing a brief standard for outdoor lighting that encourages downcast, shielded fixtures that do not extend to the roadway or neighbors.

- **Landscaping and Screening:**

No landscaping plan was provided with the application. The Town of Lewis Land Use Law does not appear to address general standards for landscaping or screening.

Recommendation: Approve with Conditions

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

1. Given the nature of the use, the Planning Board shall consider requiring additional buffering, such as a 20-foot grassy strip, to further reduce the risk of contamination. Potential language for such a condition could be:
“As a condition of approval, the applicant shall establish and maintain a minimum twenty-foot vegetated buffer strip between the motor vehicle repair operation and the adjacent waterbody. This buffer shall consist of grass or other suitable vegetation and shall remain free of impervious surfaces, storage areas, or hazardous materials. The buffer area shall be installed prior to the commencement of operations and shall be maintained for the duration of the use. Failure to maintain this buffer in accordance with this condition shall constitute a violation of the site plan approval.”
2. As a condition of final Site Plan Approval, the applicant shall submit a basic circulation plan illustrating all points of ingress and egress, the parking layout, and internal vehicle circulation sufficient for the Planning Board to evaluate traffic safety in accordance with Section 10.5, *Line of Sight for Traffic Safety*. The condition shall be deemed satisfied upon the Planning Board's acceptance of the circulation plan.
3. As a condition of final Site Plan Approval, the applicant shall demonstrate compliance with the off-street parking requirements of Article 11 of the Town of Lewis Land Use Law. A site plan shall identify the location and dimensions of all proposed parking spaces. Based on the proposed 1,400-square-foot building and one employee, a minimum of six (6) off-street parking spaces is required unless the Planning Board determines, based on the nature of the proposed use and supporting information provided by the applicant, that a reduced number of spaces will adequately accommodate anticipated parking demand. This condition shall be considered satisfied upon the Planning Board's acceptance of the parking layout and

determination that the proposed parking complies with, or is appropriately modified pursuant to, Article 11.

- a. Any reduction in the required parking shall be supported by written findings and entered into the official record. All parking spaces shall be located in compliance with Section 11.3, which requires that parking areas be set back from all lot lines except where driveways are permitted. Failure to comply with this condition shall constitute a violation of the Site Plan Approval.
4. To ensure the use does not meet the definition of a Junkyard under Local Law 3 of 2021, the Planning Board shall require the applicant to provide information regarding the quantity of scrap and tires that will be stored on site. This information will allow the Town to determine whether the operation approaches the threshold requiring additional review or permitting under the Lewis County Junkyard Law. A potential condition the Town Planning Board could use to implement this requirement is:
“As a condition of approval, the applicant shall provide the Planning Board or Zoning Enforcement Officer with an inventory of materials stored on the scrap trailer and tire trailer, including maximum anticipated quantities, to ensure the operation does not meet the threshold of a Junkyard under Local Law 3 of 2021. Any increase beyond the documented amounts shall require additional review.”
5. 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 Planning Board and/or Zoning Enforcement Officer should consider whether the intended use of the building complies with Section 12.4 Sewage Disposal and determine whether a septic system evaluation is required as part of the change of use.
2. The Planning Board could consider requiring the applicant to provide verification of the flood zone designation through insurance documentation or other official proof to comply with Section 12.1.
3. The Planning Board may wish to condition any approval on enforceable standards for hazardous material storage, handling, and disposal to ensure protection of both the public and nearby environmental resources. Possible language for said condition could be:

“As a condition of approval, the applicant shall store, handle, and dispose of all hazardous materials associated with the motor vehicle repair operation in full compliance with New York State Department of Environmental Conservation regulations and any other applicable federal, state, or local requirements. All hazardous materials shall be kept in appropriate, sealed, and labeled containers with secondary containment, and all disposal shall be conducted through licensed facilities with documentation retained on site and made available to the Town upon request. No discharge, leakage, or release of hazardous materials is

permitted *beyond the boundaries of the property*. Failure to comply with this condition shall constitute a violation of the Site Plan Approval.”

4. The USDA Web Soil Survey identifies the project area as not prime farmland, with a soil type of CdC (Colton cobbly loamy fine sand) and an estimated slope of 8 to 15 percent. Given these soil characteristics, the Planning Board may wish to consider whether basic erosion control measures would be beneficial during any site preparation or minor disturbance associated with the project. It should also be noted that the Lewis County soil survey has limitations, and on-site slope conditions may differ from the mapped data.
5. The Town of Lewis Town Board is encouraged to review and update its local zoning law in coordination with the Town of Lewis Planning Board to address the following:
 - a. Ensure that all required zoning components are present, particularly given recent additions involving Special Use Permits. These newer provisions—for telecommunication towers, wind-generating facilities, solar energy systems, and battery energy storage systems—were inserted into a framework that previously relied primarily on Site Plan Review, potentially creating procedural or regulatory gaps.
 - b. Establish basic standards for lighting, landscaping, and screening to prevent detrimental development. The Town may also wish to adopt simple outdoor lighting standards that encourage downcast, shielded fixtures that do not shine onto neighboring properties or roadways.
 - c. Confirm that uses other than home-based businesses, campgrounds, telecommunication towers, solar energy systems, and battery energy storage systems are not intended to be subject to development standards that go beyond the general requirements of the land use law.
 - d. Review how Local Law 3 of 2021, the Lewis County Junkyard Law, aligns with the Town’s zoning framework to ensure that junkyard-related thresholds, definitions, and permitting requirements are clearly identified during project review. Because the Town’s land use law does not currently address junkyards, coordination with the County law is important to ensure consistent evaluation of operations involving scrap or material storage and to identify any required County licensing early in the review process.
 - e. Reevaluate the practice of measuring setbacks from the road centerline, as this method may not provide adequate clearance for snow removal. The Town may wish to measure setbacks instead from the road’s edge, the right-of-way line, or the parcel boundary to reduce the risk of unnecessary damage.
 - f. Consider relocating Section 10.7 (Divided Lots) to Section 2.3 (Interpretation of Land Use District Boundaries) to reflect the standard placement of such provisions.
 - i. If the Town, its legal counsel, or other advisors determine that amendments are warranted, consider consulting a technical expert to complete a comprehensive zoning update. This will help

align the law with New York State guidance, ensure consistency across all permitting pathways, and support best practices for emerging technologies.

** Please note that a comprehensive review of the Local Law was not performed as part of this evaluation.*

Lewis County Planning and Community Development staff could be available to assist in the zoning text amendment upon a formal written request from the Town Board.

A motion was made by Mr. Petersen to approve the project with the amended conditions and non-binding notes and was seconded by Mr. Cook. During the discussion, the Board noted that, given the site's seclusion, Condition 4 should be revised to clarify that the applicant must verify that the operation does not meet the definition of a junkyard and to better express the intent regarding scrap and tire storage quantities. The Board also discussed Non-Binding Note 3, specifically the second-to-last sentence of the suggested language and agreed that the sentence should end after the word "permitted," as the remainder could be misinterpreted as allowing hazardous substances to be discharged on the property. The Board additionally confirmed that the site contains sufficient space to accommodate the recommended buffer strip. The motion carried unanimously.

Ms. Krokowski read the final review:

TOWN/VILLAGE OF LOWVILLE JOINT PLANNING BOARD

Site Plan Review and Special Use Permit application for the construction of a below-grade residential apartment located at 7496 South State Street (State Route 12) within the Village Center zoning district in the Village of Lowville.

Tax Map Parcel #212.12-06-36.100

Terrence and Minette Thisse – Applicant

The Joint Town/Village of Lowville Planning Board Administrative Assistant provided the following proposal documentation: 1) General Municipal Referral Form; 2) Application to the Planning Board with Land Use Application; 3) Zoning Map/Site Plans; 4) Brief Narrative; 5) SEAF; and 6) Site Plan Review Justification.

▪ *Compatibility with Adjacent Uses*

The proposed project is located within the Village Center zoning district, an area intended to support a pedestrian-oriented mix of commercial, institutional, and residential uses within the Village's central business district. The proposed mixed-use configuration—comprised of a vacant ground-floor space and a below-grade dwelling unit—appears generally consistent with surrounding land uses and the district's purpose.

However, the configuration may inadvertently circumvent the intended application of Section 201-560. The Village of Lowville may wish to review the purpose and applicability of this section to determine whether updates are warranted to better address the health and safety considerations of vulnerable populations who are more likely to occupy such dwelling units.

The Code Official classified the change of use to a mixed-use development, which is defined as *“A lot or structure with a variety of complementary and integrated uses such as, but not limited to, residential, office, light industrial, retail sales and service, general, restaurant bar, hotel, motel, antique shop, and artisan shop.”*

Mixed-use development within the Village Center zoning district is subject to Special Use Permit approval and Site Plan Review. Additionally, referral to the County Planning Board is required pursuant to General Municipal Law §239-m, as the subject parcel is located within 250 feet of a New York State highway (State Route 12).

The Village Center zoning district specifies a minimum building height of 25 feet and a maximum of 60 feet. The existing structure, constructed in 1970, has a building height of less than 25 feet.

Also noted in the zoning referral letter dated 5/11/2026, the structure is considered pre-existing nonconforming due to its height according to Section 201-1230. According to Schedule B, the Village Center Zone requires all principal buildings to be 25 feet in height.

According to Section 201-1240. C. that states *“The only use constitutionally protected is the specific use that at the time it became nonconforming. This is to include the same customer/ traffic volume at the time that the use became nonconforming.”* This section establishes a narrow interpretation window, that only the exact original use is protected; once discontinued, the use cannot resume without a variance. Since the applicant proposes a new dwelling unit with the intention of retaining the vacant commercial space, a variance is necessary to permit the new dwelling unit and reclassify the non-conforming structure from vacant commercial to mixed-use development.

Additional site constraints include the building’s encroachment into both the State Route 12 right-of-way (approximately 10 feet) and the River Street right-of-way, as well as its overhang of Mill Creek, where bank instability from recurrent flooding has been documented. These conditions present operational challenges, particularly during winter snow removal, and may exacerbate long-term maintenance, safety, and structural concerns.

Located on the edge of the Village Center district, the site is surrounded by commercial developments, with a multi-family dwelling unit as its direct neighbor.

Based on the above, the Planning Board lacks authority to approve the proposed project unless and until the Zoning Board of Appeals grants the required variance(s).

- *Traffic Generation and Effect:*

The subject property is located at the intersection of South State Street (NYS Route 12) and River Street. Route 12 functions as a two-lane north-south corridor with a center turn lane, while River Street provides east-west local access.

According to the submitted Short Environmental Assessment Form (SEAF), the proposed action is not expected to result in a substantial increase in traffic volumes relative to current conditions. However, converting to a mixed-use property with a residential component will inherently increase on-site vehicle presence.

A significant portion of the parcel—including the front of the building and much of the parking area along River Street—lies within the public right-of-way. Under Parking Alternative #2, parking spaces 5 and 6 are located adjacent to the building, where approximately 6–9 feet exist within the property boundary; all remaining proposed parking spaces would be situated within the right-of-way.

Given the constrained site layout, the encroachment into public rights-of-way, and the location on a corner lot at the intersection of a state highway and a village roadway, maneuverability for ingress and egress may be limited. For these reasons, a traffic study may be warranted prior to approval to evaluate safety, sight distance, turning movements, and potential conflict points.

- *Protection of Community Character:*

The applicant proposes a below-ground dwelling unit for long-term occupancy in a former commercial building. If approved, the Planning Board should clearly define the terms of the mixed-use arrangement, considering the building's nonconforming status. The ground floor is vacant, and the lower level contains the proposed dwelling unit. Any use of the dwelling unit for short-term rentals or other non-conforming occupancy would be subject to enforcement under §201-1365.

Should a new commercial use be proposed in the future, a separate site plan review and special use permit will likely be required, as the previous commercial use appears to have been abandoned.

According to the SEAF submission, the proposed action does not encroach upon any critical environmental area or interfere with any designated habitats for threatened or endangered species. However, the United States Department of the Interior Fish and Wildlife Service Official Species List identified the Northern Long-Eared Bat and the candidate species, the Monarch Butterfly. While conducting activities, all should be mindful not to disturb protected species, habitats, or populations. If the applicant finds a protected bat species within the building, ensure that any extraction is coordinated with NYSDEC or the U.S. Fish & Wildlife Service.

Review of the NYS Environmental Resource Mapper confirms the presence of an informational wetland and Mill Creek (listed on the National Wetlands Inventory) directly behind the development. As such, Article 24 and Article 15 DEC requirements apply.

The CRIS database indicates archaeologically sensitive areas near the site, as well as proximity to the Village of Lowville Historic District. SHPO consultation was completed, and a finding of no adverse impact was issued on June 1, 2026.

- *Signage:*

The Joint Planning Board Secretary indicated that no signage is currently proposed. Any future signage should be reviewed for compliance and conditioned as part of final approval.

- *Drainage/Erosion:*

The SEAF indicates no land disturbance. Total site disturbance is less than 1 acre; therefore, a SPDES General Permit is not required. The Village DPW Superintendent (letter dated May 15, 2026) confirmed that the project is not expected to adversely affect stormwater runoff and is consistent with §201-1080.

- *Parking:*

Off-street parking is not required in the Village Center district per §201-810. However, if off-street parking is proposed as part of the site plan, the parking area should comply with the applicable design standards of § 201-840(A), including minimum parking stall dimensions. The parking layouts submitted appear to rely, in whole or in part, on the River Street right-of-way for vehicle parking or maneuvering. The Planning Board should determine whether the proposed parking encroaches into the public right-of-way and, if off-street parking is proposed, requires a revised parking layout demonstrating compliance with the applicable design standards of § 201-840(A).

- *Community Facilities:*

The project will connect to existing municipal water and wastewater systems. The DPW Superintendent has confirmed system capacity.

- *Lighting:*

No additional exterior lighting is proposed. The Planning Board should ensure compliance with §201-1030, which requires that lighting be planned, erected, and designed to remain on the property and not cast glare onto adjacent properties or public rights-of-way.

- *Noise*

No significant noise impacts are anticipated beyond normal construction activity. Construction should occur during reasonable daytime hours to minimize disturbance.

- *Landscaping and Screening:*

No landscaping or screening is proposed, and due to spatial limitations, requiring it may not be practical. The existing fence on the eastern boundary may require review to ensure compliance with §§201-580 and 201-585 related to sight-line safety and structural integrity.

An exterior storage area shown on one of the site plans must comply with §201-1040. Ongoing property maintenance in accordance with Chapter 140 is recommended to ensure continued compliance with local standards.

The Planning Board should review §201-1070(C) to ensure building design and site layout align with the Lewis County Downtown Design Guide and support cohesive Village character.

- *Key Considerations:*

The project involves a pre-existing nonconforming structure, and the proposed change of use raises questions about how local nonconformity provisions apply. In addition, the building encroaches into NY State Route 12 and River Street rights-of-way, which may affect safety, vehicle maneuverability, emergency access, and winter maintenance operations. The structure also overhangs Mill Creek, where documented bank instability and recurrent flooding pose potential long-term structural and life-safety concerns.

The proposed below-grade dwelling unit may pose elevated risks of flooding, fire, emergency evacuation, and accessibility, particularly given the site's proximity to Mill Creek. Emergency services access may also be constrained due to site limitations, right-of-way parking, and the parcel's corner-lot configuration. The potential for short-term rental use may warrant clarification to ensure consistency with local zoning expectations.

The project should be reviewed for consistency with local screening, fencing, exterior storage, and downtown design guidelines. Building code compliance—including fire separation, ventilation, emergency escape openings, and flood-resistance measures—will require careful attention during subsequent permitting stages to ensure adequate life-safety

protection for future occupants. These considerations are provided for informational and advisory purposes to assist the applicable municipal board in its review.

Recommendation: Approve with Conditions

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

1. The Planning Board shall determine that the proposed mixed-use development, consisting of a vacant commercial space and one below-grade dwelling unit, complies with all applicable provisions of the Village of Lowville Zoning Law, including the Village Center (VC) District regulations and any applicable provisions governing nonconforming buildings or uses. Prior to the issuance of any building permit or certificate of occupancy, the Village Code Enforcement Officer shall determine that the proposed dwelling unit complies with all applicable requirements of the New York State Uniform Fire Prevention and Building Code for habitable residential occupancy.
2. The scope of any approval shall be limited to the proposed mixed-use development consisting of one vacant commercial tenant space and one below-grade dwelling unit. Any future change in use, including the establishment of a short-term rental or other occupancy not authorized by the approved site plan or permitted under the Village Zoning Law, shall require review and approval, as applicable, and remain subject to enforcement under § 201-1365 (Violations and Penalties).
3. Prior to taking action, the applicant shall provide documentation acceptable to the Planning Board demonstrating whether the existing fence along the eastern property boundary complies with the sight visibility and fence standards of § 201-580 and 201-585. Any deficiencies identified by the Planning Board shall be corrected prior to issuance of a certificate of occupancy.
4. Prior to taking action, the applicant shall submit a lighting plan, if exterior lighting is proposed, demonstrating compliance with § 201-1030. The plan shall show that lighting is directed onto the subject property and will not create glare or spillover onto adjoining properties or public rights-of-way.
5. Off-street parking is not required in the Village Center district per §201-810. However, if off-street parking is proposed as part of the site plan, the parking area should comply with the applicable design standards of § 201-840(A), including minimum parking stall dimensions. The parking layouts submitted appear to rely, in whole or in part, on the River Street right-of-way for vehicle parking or maneuvering. The Planning Board should determine whether the proposed parking encroaches into the public right-of-way and, if off-street parking is proposed, requires a revised parking layout demonstrating compliance with the applicable design standards of § 201-840(A).
6. The applicant must comply 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 applicable municipal board may wish to review how the proposed change of use interacts with local regulations for pre-existing nonconforming structures, particularly where a prior commercial use has been discontinued and a new mixed-use configuration is proposed.
2. The applicable municipal board may wish to consider the following:
 - a. That the building encroaches into both NY State Route 12 and River Street rights-of-way. These encroachments can pose safety risks, limit emergency access, reduce maneuverability, and create conflicts with winter road maintenance activities.
 - b. The structure's overhang above Mill Creek and the documented instability of the stream bank may present long-term safety and structural risks. The applicable municipal board may wish to evaluate how recurrent flooding, erosion, or seasonal ice flows could affect the building's structural integrity and the suitability of a below-grade dwelling unit.
 - c. Below-grade dwelling units may pose a heightened risk to residents during emergencies such as flooding, fire, or structural failure. Proximity to Mill Creek may increase the likelihood of water infiltration or rapid flood conditions. These factors may be important for the applicable municipal board to consider when evaluating the suitability of the proposed residential use.
 - d. Basement-level units in older nonconforming structures may rely on a single primary means of egress. The applicable municipal board may wish to ensure that emergency escape provisions are adequate, particularly where grade or structural conditions may restrict the effectiveness of emergency escape and rescue openings.
 - e. The absence of an accessible entry route for individuals with mobility impairments may create challenges for equitable access and emergency evacuation. The applicable municipal board may wish to consider how accessibility limitations could affect long-term occupancy and life-safety conditions.
 - f. Site constraints, including parking largely within the right-of-way and the corner-lot geometry, may limit the ability of fire, EMS, or law enforcement vehicles to position near the structure. The applicable municipal board may wish to review these access limitations as part of its evaluation.
3. The applicable municipal board may wish to consider the potential for the below-grade dwelling unit to be used for short-term rentals, which may not align with local zoning provisions. Clarifying expectations and enforcement mechanisms may help prevent compliance issues in the future.
4. The applicable municipal board may wish to review the proposal for consistency with screening, fencing, and exterior storage requirements

- under §201-580 -585, and -1040, as well as design considerations referenced in §201-1070(C) and the Lewis County Downtown Design Guide.
5. The Planning Board should ensure that the applicant is aware of the requirements for continued compliance with Chapter 140, Property Maintenance of the Village Code.
 6. Building code considerations, including fire separation, ventilation, egress, and flood-resistance requirements, will be evaluated during the municipal permitting process. The applicable municipal board may wish to keep these factors in mind when reviewing the proposed use.
 7. The Planning Board should ensure the applicant is aware that the NYS Environmental Resource Mapper identifies an informational wetland and Mill Creek (a National Wetlands Inventory feature) directly behind the site. Accordingly, the DEC requirements in Articles 24 and 15 may apply, and the applicant should verify compliance with all applicable state environmental regulations.

Ms. Moser moved to approve the project with the stated conditions and non-binding notes, and Ms. Metott seconded the motion. The Board and Mr. Manning, the Code Enforcement Officer, discussed several property limitations and Uniform Code challenges that may ultimately render the proposed use unfeasible. Despite these concerns, the Board determined that the zoning law does not prohibit the proposed use, even though it is not ideal. The motion then carried unanimously. Noted Uniform Code challenges include limited headroom in the bedroom, issues with secondary egress (the egress windows open toward the creek embankment), and overall restricted square footage.

(6) Report of County Planner:

Responses from municipalities regarding previously submitted/reviewed projects:

- **Leyden Town Board | Zoning Text Amendment – Approved with Conditions**
- **Town of New Bremen Planning Board | Site Plan Review (Jason Roggie) - Approved with Conditions**

(7) Unfinished Business:

- The new subdivision process mentioned last month has been approved by the Board of Legislators, so hopefully it will reduce the number of illegal subdivisions filed with the County Clerk once it goes into effect August 1, 2026.

(8) New Business: Staff has begun planning the annual fall 4-hour Land Use Training Workshop, to include topics: “Hot Button Land Issues” (2 hours), “Public Meetings & Hearings” (1 hour), and a “Mock Planning Board Meeting” (1 hour).

- (9) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Cook and seconded by Mr. Reed, which carried unanimously. Mr. Petersen adjourned the meeting at 3:33 PM.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Megan Krokowski".

Megan Krokowski
Community Development Specialist

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