

**MINUTES**  
**LEWIS COUNTY PLANNING BOARD**  
**April 19, 2018**

- (1) **Call to Order:** Chairman Kaido called the regular meeting of the Lewis County Planning Board to order at 2:30 PM in Room 327 on the 3<sup>rd</sup> floor at the Lewis County Court House, Lowville, New York. Roll call was requested by Chairman Kaido.
- (2) **Roll Call:** Board Members Present: Michael Kaido, Ronald Burns, Patricia O'Brien, Tim Petersen and William Burke. Staff Present: Frank Pace, Director of Planning and Casandra Buell, Senior Planner.
- (3) **Reading and Approval of Minutes:** The March 15, 2018 meeting minutes were received and there were no modifications made by the Board members present. Mr. Burke motioned to approve the minutes; Mrs. O'Brien seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** None
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

**239-M Review**

Mrs. Buell read the following review to the Board:

**TOWN OF DENMARK PLANNING BOARD**

Special Use Permit to expand an existing structure located at 10916 State Route 26 (tax map parcel #084.00-02-01.200) in order to operate a gunsmith shop.

*John Mikulski – Applicant*

The applicant provided the following Project Documentation: 1) SEQR Short Environmental Assessment Form (SEAF); 2) Agricultural Statement; 3) Location Maps; and 4) Hand-written Site Plan. The proposed project submission complies with the applicable Town criteria as indicated by the Town referral form dated April 5, 2018.

- *Compatibility with Adjacent Uses:*  
The proposed expansion and use is located on the eastern portion of the 9.292-acre property. This area contains mixed use including but not limited to residential, commercial and agricultural, as noted by the applicant on Part 1 of the submitted SEAF. The side and rear setback criteria for the proposed project meet or exceed the requirements as identified in the Town of Denmark Zoning Standards as it pertains to nonresidential uses in the AR-2 zone. It should be noted that the maximum building height for a nonresidential use structure is 35' and that if the applicant were to move forward with said expansion, compliance with this mandate is required. It should also be noted that, for a nonresidential structure in an AR-2 zone, the minimum required setback of a structure from State Roads is 75' and it appears that this structure is only 45' from the State Road. **With that said, an area variance is necessary prior to moving forward with this project.**

- *Traffic Generation and Effect:*  
As noted on Page 2 of the Short Environmental Assessment Form, the applicant has indicated that there will not be a substantial increase in traffic above present levels for the site.
- *Protection of Community Character:*  
The proposed use, in which we have defined as small product retail, is not permitted in zone AR-2 until a Special Permit has been issued. On page 2 of the SEAF, it was identified that the site of the proposed action is not located in and does not adjoin a state listed Critical Environmental Area. This CEA information was also verified by the NYSDEC EAF Mapper.
- *Signage:*  
The submitted application and site plan does not illustrate a sign for the proposed project. While the applicant may not intend to erect a sign at the moment, if there are future plans to install a sign, it is necessary that the regulations set in Article IX, Sections 970-985 of this law are complied with.
- *Drainage:*  
There are no currently known drainage issues identified with this project. The applicant provided no pavement plan or indication of paving. According to the submitted SEAF, the applicant notes that the proposed action will not create storm water discharge, either from point or non-point sources. With that said, it appears that the applicant is compliant with Article VI, Section 645.
- *Erosion:*  
NYS DEC regulations require erosion control plans when the applicant disturbs 1 acre or more. The applicant has indicated that they will only be disturbing .25 acres of land; however, compliance with Article VI, Section 655 of the Town of Denmark Zoning Law is recommended.
- *Parking:*  
No parking areas are defined on the submitted site plan, aerial map or tax map. Prior to approval, it is recommended that a parking plan compliant with Article VI, Section 605, and Article VIII, Section 865 and 870, is submitted and reviewed.
- *Community Facilities:*  
According to the application, the proposed project will connect to an existing public/private water supply and will utilize a septic wastewater treatment system. The applicant has also noted that the proposed action is consistent with the predominant character of the existing build or natural landscape.
- *Lighting:*  
No lighting plans were submitted as part of this application. To comply with Article VI, Section 665, and outdoor lighting plan should be submitted for review prior to approval.
- *Landscaping and Screening:*  
No landscaping and/or screening plans were submitted with the application. According to Article VI, Section 605, *all parking, storage, loading, and service areas are to be reasonably screened at all seasons of the year from the view of adjacent residential areas and that general landscaping of the site is in character with the surrounding areas.* Furthermore, compliance with Article VI, Section 660 is also recommended prior to approval.

***Recommendation: Disapprove with the following recommendations:***

1. According to Lewis County GIS maps, it appears that the proposed project does not meet minimum state roadway setback requirements. For this reason, **an area variance is required prior to approval.**

Pending ZBA approval of an Area Variance, the following are recommended:

1. If signage is erected, compliance with Article IX, Sections 970-985 is recommended.
2. Further compliance with Article VI, Sections 605, 655 and 660 in regard to erosion, landscaping and screening is recommended.
3. A parking plan should be submitted and reviewed in order for the proposed project to comply with Article VI, Section 605 and Article VIII, Sections 865 and 870.
4. Outdoor lighting should be defined for the project to comply with Article VI, Sections 665 is recommended.
5. As lead agency, the Town of Denmark Planning Board should complete Parts 2 & 3 of the SEAF.
6. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

During a brief discussion, the Board wanted verification that an area variance would not hinder Mr. Mikulski's ability to open his gunsmith shop. After Mrs. Buell and Mr. Pace explained that the area variance would not hinder the proposed projects future, Mr. Petersen made a motion to disapprove the project with the recommendations listed above, seconded by Mrs. O'Brien, which carried unanimously.

Mrs. Buell then read the following review:

**TOWN OF DENMARK PLANNING BOARD**

Special Use Permit to expand an existing religious institution located at 9871 Number Three Road (County Route 14) (tax map parcel #141.00-03-01.100) to accommodate a larger sanctuary and children's wing.

*River of Life Fellowship – Applicant*

The applicant provided the following Project Documentation: 1) SEQR Short Environmental Assessment Form (SEAF); 2) Agricultural Statement; 3) Location Maps; and 4) Engineered Drawings. The proposed project submission complies with the applicable Town criteria as indicated by the Town referral form dated April 4, 2018.

It should be noted that staff from the Lewis County Planning Department requested and received a formal site plan from the applicant on April 10, 2018. The proposed project is in compliance with the Town of Denmark Zoning Law, Article I, Enacting Clause, Title, Purpose, Sections 105, 110 & 115 and Article IV, Sections 405 & 410.

▪ ***Compatibility with Adjacent Uses:***

The proposed expansion will add roughly 7,785 square feet to the existing religious institution located towards the northwest portion of the 8.354-acre property. This area contains mixed use including but not limited to residential, commercial and agricultural. The side and rear setback criteria for the proposed project appear to meet or exceed the requirements as identified in the Town of Denmark Zoning Standards as it pertains to nonresidential uses in the AR-2 zone.

- *Traffic Generation and Effect:*  
As noted on Page 2 of the Short Environmental Assessment Form, the applicant has indicated that there will not be a substantial increase in traffic above present levels for the site. It appears that the existing egress/ingress area will continue to be used.
- *Protection of Community Character:*  
The proposed expansion for the continued use, in which we have defined as a religious institution, is not permitted in zone AR-2 until a Special Permit has been issued. On page 2 of the SEAF, it was identified that the site of the proposed action is not located in and does not adjoin a state listed Critical Environmental Area. This CEA information was also verified by the NYSDEC EAF Mapper.
- *Signage:*  
There do not appear to be any additional signs proposed for this project.
- *Drainage:*  
There are no currently known drainage issues identified with this project. The applicant provided no pavement plan or indication of paving. According to the submitted SEAF, the applicant notes that the proposed action will not create storm water discharge, either from point or non-point sources. Furthermore, the applicant has noted that the storm water discharges will be directed to establish conveyance systems already designed into the site. With that said, it appears that the proposed project is compliant with Article VI, Section 645.
- *Erosion:*  
NYS DEC regulations require erosion and sediment control plans when the applicant disturbs 1 acre or more. Since the application has indicated that the proposed project will disturb 1 acre of land, it is recommended that an erosion and sediment control plan is completed, submitted and reviewed prior to approval.
- *Parking:*  
The submitted site plan includes a detailed parking plan with 102 designated parking spaces. It appears that the proposed expansion is compliant with Article VI, Section 605, and Article VIII, Section 865 and 870.
- *Community Facilities:*  
According to the application, the proposed project will not connect to an existing public/private water supply as they will be using a holding tank and will utilize an onsite septic wastewater treatment system. The applicant has also noted that the proposed action is consistent with the predominant character of the existing build or natural landscape.
- *Lighting:*  
No lighting plans were submitted as part of this application. To comply with Article VI, Section 665, and outdoor lighting plan should be submitted for review prior to approval.
- *Landscaping and Screening:*  
No landscaping and/or screening plans were submitted with the application. According to Article VI, Section 605, *all parking, storage, loading, and service areas are to be reasonably screened at all seasons of the year from the view of adjacent residential areas and that general landscaping of the site is in character with the surrounding areas.* Furthermore, compliance with Article VI, Section 660 is also recommended prior to approval.

***Recommendation: Approve with the following recommendations***

1. Compliance with the NYS DEC Erosion and Sediment Control Plan requirements.
2. Outdoor lighting should be defined for the project to comply with Article VI, Sections 665.
3. Applicant should submit landscaping and screening plans to show compliance with Article VI, Sections 605 and 660 of the Town of Denmark Zoning Law.
4. As lead agency, the Town of Denmark Planning Board should complete Parts 2 & 3 of the SEAF.
5. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

Mr. Burke made a motion to approve the project with the recommendations listed above, seconded by Mr. Petersen, which carried unanimously.

Mrs. O'Brien exited the meeting at 2:45 pm.

Mrs. Buell continued by reading the following review:

**VILLAGE OF LOWVILLE PLANNING BOARD**

Site Plan Review and Special Use Permit to expand the current use from retail sales and service, general to retail sales and services, large product for a business located at 7369 Utica Blvd. (State Route 12) (tax map parcel #212.16-03-13.000).

*All Seasons Power Equipment – Applicant*

The applicant provided the following Project Documentation: 1) Location Map; 2) NYSDOT Setback Letter; and 3) SEQR Short Environmental Assessment Form.

- *Compatibility With Adjacent Uses:*  
The zoning for this area is identified as AC (Auto Commercial). Currently the property identified is commercial and is consistent with the south-east Utica Blvd corridor. Thus, the proposed use is consistent with the character of the neighborhood setting.
- *Traffic Generation and Effect:*  
The roadway is identified as Utica Boulevard (State Route 12). This roadway consists of two lanes of travel in a north-south direction. The applicant is currently utilizing the existing driveway entrances. No changes to the existing entrance are proposed by the applicant and as noted on page 2 of the submitted SEAF, the proposed action will not result in a substantial increase in traffic above present levels.
- *Protection of Community Character:*  
The applicant is proposing to expand the current use to include larger items such as trailers, plows, mowers and equipment.

Based on review of the current zoning criteria in the County file for the Village of Lowville, the proposed project is in compliance with the criteria under Article IV, Section 420, Schedule A and Section 430, Schedule B, including but not limited to Article VIII, Section 830, Article IX, and Article X.

Additionally, the applicant provided a completed SEQR Appendix B, Short Environmental Assessment Form for review. The Village of Lowville, as the Lead Agency, acknowledged the project as an “Unlisted Action” with a further determination of a Negative a Declaration on April 2, 2018 (see attached SEQR TYPE MOTION document). It should be noted that page 4, Part 3, of the SEAF was signed but the Planning Board should further acknowledge the determination by checking the appropriate box.

- *Signage:*  
The applicant has not proposed any new signage for the proposed project.
- *Drainage:*  
Based on the information supplied by the applicant, the proposed use should not create any adverse environmental concerns for the area and it appears that all current drainage systems will be used.
- *Erosion:*  
There are no proposed physical changes being made to the existing site building; only the use expansion. With that said, there should be no effects on the site’s erosion.
- *Parking:*  
The applicant did not note any changes to the existing parking layout.
- *Community Facilities:*  
Since no changes to the existing facility have been noted, it is assumed that all existing utilities will stay the same.
- *Lighting:*  
Based on the applicant’s submission, there are no plans to install additional light sources for this project.
- *Landscaping and Screening:*  
The applicant did not note any changes to the existing landscaping and screening.

***Recommendation: Approve with the following conditions***

1. The Village of Lowville Planning Board should check the appropriate box on page 4, Part 3 of the SEAF confirming the SEQR type determination of the Board.
2. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

Mr. Burns made a motion to approve the project with the recommendations listed above, seconded by Mr. Petersen, which carried unanimously.

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

There were no responses from municipalities regarding previously submitted/reviewed projects.

**(8) Unfinished Business:**

Bylaws: Mrs. Buell asked those members who were not present at the last meeting to sign a sheet acknowledging that they have read, understand and agree to the amended Bylaws.

(9) **New Business:** None

(10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Burke, seconded by Mr. Burns. Chairman Kaido adjourned the meeting at 2:50 PM.

Respectfully submitted,

A handwritten signature in blue ink that reads "Casandra Buell". The signature is written in a cursive, flowing style.

Casandra Buell  
Senior Planner