

MINUTES
LEWIS COUNTY PLANING BOARD
April 20, 2017

- (1) **Call to Order:** Vice-Chairman Becker called the regular meeting of the Lewis County Planning Board to order at 2:30 PM in Room 327 on the 3rd floor at the Lewis County Court House, Lowville, New York. Roll call was requested by Vice-Chairman Becker.
- (2) **Roll Call:** Board Members Present: Dave Becker, Bill Burke, Patty O'Brien, Tom Spaulding and Tim Petersen. Staff Present: Frank Pace, Director of Planning, Casandra Buell, Staff Planner. Others present: Nick Altmire of linkinglewiscounty.com
- (3) **Reading and Approval of Minutes:** The March 16, 2017 meeting minutes were received and there were no modifications made by the Board members present. Mr. Spaulding motioned to approve the minutes; Mr. Becker seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** None
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

239-M Review

Mr. Pace read the following reviews to the Board:

TOWN OF LEYDEN PLANNING BOARD

Site Plan Review for the construction of two storage Pole Barn units (1) 12'x'24' and (1) 14'x40' located at 5863 Golden Road in the Town of Leyden (Lot 19.120 Block 01, Tax Map Parcel 403.00).

Charles D. Premo T/A Yardcat Excavating – Applicant

The hand-drawn site diagram was prepared by the applicant. The site plan depicts the proposed development area only, no other proposed development features. The applicant is proposing (2) storage structures for self storage. No building diagrams have been supplied for review.

The project is in compliance with the Town of Leyden Zoning Law, Article I, Enacting Clause, Title, Purpose, Sections 110, 120 & 130, Specifically Article III, Section 310, 320, 325, 330, Article IV, Section 410, 415, 420, and Article V, Section 505, 510, 515, 520, 525, 535, 540, and 545.

▪ *Compatibility With Adjacent Uses:*

As reported by the applicant they wish to construct two storage structures. As reported by the applicant the subject property is within an agricultural district. Thus, an Agricultural Data Statement, identifying all parcels as defined by the NYS Agriculture and Markets Law, Article 25-AA, was supplied for review.

The proposed project is located along Golden Road, part of the municipal roadway system. This area contains mixed use including but not limited to agricultural, and residential. The front, side, and rear setback criteria for the proposed project meets or exceed the requirements as identified in the Town of Leyden Zoning Standards as depicted on the hand drawn site diagram.

▪ *Traffic Generation and Effect:*

As reported by the Applicant, there is a proposed driveway entrance to the property which services the storage structures (Compliance with Article V, Section 515).

▪ *Protection of Community Character:*

The applicant provided documentation with regards to the Agricultural Data Statement, indicating the subject site is developed and within agricultural area. Additionally, the applicant provided a completed SEQR Appendix, Short Environmental Assessment Form for review. The Town of Leyden as the Lead Agency acknowledged the project will not have a significant adverse impact to the environment as indicated on Page 2 of the SEQR.

▪ *Signage:*

No signage is proposed by the applicant. Compliance with Articles IV & V is required. Article IV, *Subsection 420* “*The Planning Board may waive any of the submission requirements listed in Section 415 above where it deems that the information is either not applicable or is unnecessary to a particular site plan review.*”

▪ *Drainage:*

There are no currently known drainage issues identified with this project. Precipitation is currently handled through direct filtration of on-site soils. The applicant provided no pavement plan or indication of paving. As outlined the SEQR, the applicant indicated there may be “no or small impact regarding erosion”.

▪ *Erosion:*

Article V, Subsection 545, Erosion Control requires submission of an erosion and sediment control plan conforming to the standards and practices contained in the USDA Soil Conservation Service Engineering Field Manual (EFM) and New York Guidelines for Urban Erosion and Sediment Control, or other erosion and sediment control manual recognized by the Planning Board.

NYS DEC regulations require erosion control plans when the applicant disturbs 1 acre or more. **Applicant has indicated (0) acres of disturbance this is not possible constructing two pole barn storage structures.** Therefore, applicant should clarify the amount of land disturbance for the project. Before commencing construction activity, the owner or operator of a construction project that will involve soil disturbance of one or more acre must obtain coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. The owner must develop a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the General Permit for Stormwater Discharges from Construction activity. The owner must submit a Notice of Intent to the NYS DEC prior to start of construction (if applicable).

▪ *Parking:*

No parking areas are defined on the site plan. Compliance with Articles IV & V is required. *Subsection 420 “The Planning Board may waive any of the submission requirements listed in Section 415 above where it deems that the information is either not applicable or is unnecessary to a particular site plan review.”*

▪ *Community Facilities:*

No utilities have been identified or proposed by the applicant. This was documented and acknowledged on the Town of Leyden form SPR 1-14, Review Items, Sub-item 8. *Subsection 420 “The Planning Board may waive any of the submission requirements listed in Section 415 above where it deems that the information is either not applicable or is unnecessary to a particular site plan review.”*

▪ *Lighting:*

Based on the applicant’s submission there appears to be no lighting proposed for this project. Compliance with Articles IV & V is required. *Subsection 420 “The Planning Board may waive any of the submission requirements listed in Section 415 above where it deems that the information is either not applicable or is unnecessary to a particular site plan review.”*

▪ *Landscaping and Screening:*

The applicant is not proposing any landscaping for the subject property. Compliance with Articles IV & V is required. *Subsection 420 “The Planning Board may waive any of the submission requirements listed in Section 415 above where it deems that the information is either not applicable or is unnecessary to a particular site plan review.”*

Recommendation: Approve with the following conditions:

1. Article V, Subsection 545, Erosion Control requires submission of an erosion and sediment control plan. NYS DEC regulations require erosion control plans when the applicant disturbs 1 acre or more. Applicant should clarify the amount of land disturbance for the project.
2. No signage is proposed by the applicant. Compliance with Article V, Section 535 is required. Applicant should clarify or provide information regarding signage for the facility.
3. No parking areas are defined on the site plan. Compliance with Article V, Section 520 is required. Applicant should clarify or provide information on number of vehicles to be parked onsite and provide a parking plan.
4. Based on the applicant’s submission there appears to be no lighting proposed for this project. Compliance with Article V, Section 530 is required. Applicant should clarify or provide lighting information for the site.
5. The applicant is not proposing any landscaping for the subject property. Compliance with Article V, Section 525 is required. Applicant should clarify or provide landscaping and or screening for the site.
6. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

After brief discussion regarding the property with regards to a possible drainage pipe, Mr. Becker made a motion to approve the project with the conditions listed above, seconded by Mr. Spaulding which carried unanimously. *Note: Mr. Becker will go visit the site to confirm if it was the property he believed had the drainage pipe.*

TOWN OF HARRISBURG TOWN BOARD

Proposed zoning text amendment to Town of Harrisburg Zoning Law with regards to establish width of Riverfront Conservation District (RCD) and amend the schedule uses in the RCD to allow electrical transmission lines related to wind energy generating facilities in Section 305(2) and Section 405.

Town of Harrisburg – Applicant

The General Municipal Referral Form was submitted by Mark G. Gebo, Town Attorney on behalf of the Town of Harrisburg.

In summary, the purpose of the text amendment is as follows: “The Town Board of the Town of Harrisburg finds that certain language regarding its Riverfront Conservation District in Sections 305(2) and 405 of the zoning law as it relates to wind energy requires modification.

Additional Language to Town of Harrisburg Zoning Law

- **Sections 305 (2) and 405, Chart 1:**
 - A. The Riverfront Conservation District shall be a distance of five hundred (500) feet from the centerline of the River.
 - B. Section 405 Zoning District Uses (Chart 1) shall be amended to add; Wind energy generating facilities transmission lines to be the RFC District by Special Permit (SP)
The Riverfront Conservation District shall be a distance of five hundred (500) feet from the centerline of the River.

In review of the documents provided by Town Attorney Mark Gebo, it appears the amendment to the above described Section 305 (2) and Section 405 of the Zoning Law further clarify and or strengthen the existing codes already in place.

Recommendation: Approve

After brief discussion regarding the regarding the 500’ setback for the transmission lines, Mr. Spaulding made a motion to approve the project, seconded by Mr. Burke, which carried unanimously.

VILLAGE OF LOWVILLE PLANNING BOARD

Site Plan Review/Special Use Permit (Village Application #SP2017-06) to open a Bed & Breakfast located at 7485 South State Street (State Route 12) (Block 01, Lot 23.000) in the Village of Lowville.

Timothy Widrick T/A Judges Quarters Bed & Breakfast – Applicant

The applicant provided the following Project Documentation: 1) Letter of Intent; 2) Plot Plan; Sign Detail; and SEQR Short Form, Appendix B. The proposed project submission complies with the applicable Village criteria, as indicated by the Village referral form dated April 5, 2017.

- *Compatibility With Adjacent Uses:*
The zoning for this area is identified as R (Residential). Currently the property use is residential. The current and proposed site modifications identified are consistent with the South State Street corridor. Thus, the proposed project is consistent with the character of the (R) setting.
- *Traffic Generation and Effect:*
The front of the structure is positioned along South State Street (State Route 12). This roadway consists of two lanes of travel in a north-south direction. The roadway system also contains a center turning lane near the intersection of Outer Stowe Street and State Route 12. The applicant acknowledged utilizing the existing driveway entrance which is located on Campbell Street and State Route 12. Campbell Street is part of the Municipal Roadway System. There are no apparent sight obstructions that would impede egress and ingress to the property with the proposed use with existing entrances.

Based on the current zoning, area use and roadway design, it would appear that the roadway system will not be adversely impacted by the proposed use.

There is no reported traffic problems associated with this property. Applicant has indicated no changes to existing driveway entrances (Article X, Subsection 1020). However, applicant should make application to NYS DOT for comment and or approval considering the State Route 12 access driveway.

- *Protection of Community Character:*
The proposed project is located within the R zone in the Village of Lowville. There are numerous existing residential-commercial facilities in this zone (area). 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 V, Subsection 530, Article VII, Article VIII, Section 830-3, Article IX, and Article X.

It should be noted the Village Board identified checklist items C and K as waived in Compliance with Article IX, Section 920.

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 3, 2017 (See attached SEQR document).

- *Signage:*
The applicant has proposed signage in accordance with Article VII. It should be noted that sign details were provided with the Plot Plan.
- *Drainage:*
The site is currently zoned R. There are no currently known drainage issues with the site. Applicant is not proposing any exterior modifications, based on application documents.

Based on the information supplied by the applicant, the proposed use will not create any adverse environmental concerns for the area.

- *Erosion:*
Article IX, Site Plan Review, Section 21 requires submission of an erosion and sediment control plan conforming to the standards and practices contained in the USDA Soil Conservation Service Engineering Field Manual (EFM) and New York Guidelines for Urban Erosion and Sediment Control, or other erosion and sediment control manual recognized by the Planning Board.

NYS DEC regulations require erosion control plans when the applicant disturbs 1 acre or more. The SEQR form, Page 1, item 3 indicates a (0) acre area of disturbance for the project. If applicable, before commencing construction activity, the owner or operator of a construction project that will involve soil disturbance of one or more acre must obtain coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. The owner must develop a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the General Permit for Stormwater Discharges from Construction activity. The owner must submit a Notice of Intent to the NYS DEC prior to start of construction (if applicable).

- *Parking:*
Based on the applicant's information and Article VIII, Subsection 830-3 and 840, it would appear the proposed/existing paved parking area, is in compliance with the Village parking criteria.
- *Community Facilities:*
The subject property currently contains electrical service. The site is also connected to municipal water and sewer utilities.
- *Lighting:*
Based on the applicant's submission, no exterior lighting is proposed (Article X, Subsection 1030).
- *Landscaping and Screening:*
Based on the applicant's submission, no additional landscaping is proposed, Article X, Subsection 1070.

Recommendation: Approve with the following condition:

1. Compliance with all Local, State (NYS DOT) and Federal regulatory requirements for this type of facility.

After brief discussion regarding the need for this type of establishment and traffic patterns, Mr. Becker made a motion to approve the project with the condition listed above, seconded by Mr. Petersen, which carried unanimously.

VILLAGE OF LOWVILLE PLANNING BOARD

Site Plan Review (Village Application #SP2017-3) to construct a dog wash and storage building at 7367 Utica Boulevard (State Route 12) in the Village of Lowville.

Hometown Businesses, LLC – Applicant

As reported by the applicant, they propose to construct a 38' x 40' building for use as a dog wash and storage building.

The proposed location of the structure is depicted on an unsigned survey of the site prepared by Olmstead Consulting. The existing driveway entrance currently complies with the applicable Village criteria. There will be an additional "off street" driveway access point from the existing carwash facility to the proposed development area.

- *Compatibility With Adjacent Uses:*

The zoning for this area is identified as AC (Auto-Commercial). Currently the property identified is residential/commercial and is consistent with the Utica Boulevard corridor. Thus, the proposed project 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 roadway system also contains a center turning lane. The applicant will be utilizing the existing driveway entrance. The existing driveway entrance currently complies with the applicable Village criteria.

A paved access to the new construction is depicted on the Olmstead site plan. The proposed access point is off the existing paved area of the carwash. There is no apparent sight obstructions that would impede egress and ingress to the property with the proposed construction located to the rear of the property.

Based on the current zoning, area use and roadway design, it would appear that the roadway system will not be adversely impacted by the proposed office addition.

There is no reported traffic problems associated with this facility.

- *Protection of Community Character:*

The proposed project is located within the AC zone in the Village of Lowville. There are numerous existing commercial facilities, as well as several industrial facilities in this zone (area). 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. It should be noted the Village Board waived checklist items, C, J and O of their checklist.

Additionally, the applicant provided a completed SEQRA Appendix, Short Environmental Assessment Form for review. The Village of Lowville as the Lead Agency acknowledged the project will not have a significant adverse impact to the environment as indicated on Page 4 of the SEQRA.

- *Signage:*
No additional signage is proposed by the applicant (Article VII).
- *Drainage:*
The site is currently zoned AC. There are no currently known drainage issues with the site. Precipitation is currently handled through direct filtration onsite and or directed to an existing drainage ditch to the rear of the subject property.

Based on the information supplied by the applicant, the development will not create any adverse environmental concerns for the area.

- *Erosion:*
Article IX, Site Plan Review, Section 21 requires submission of an erosion and sediment control plan conforming to the standards and practices contained in the USDA Soil Conservation Service Engineering Field Manual (EFM) and New York Guidelines for Urban Erosion and Sediment Control, or other erosion and sediment control manual recognized by the Planning Board.

NYS DEC regulations require erosion control plans when the applicant disturbs 1 acre or more. The total amount of land disturbed as identified on Page 1 of the SEQR is .20 acres, below the criteria of 1 acre. Before commencing construction activity, the owner or operator of a construction project that will involve soil disturbance of one or more acre must obtain coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. The owner must develop a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the General Permit for Stormwater Discharges from Construction activity. The owner must submit a Notice of Intent to the NYS DEC prior to start of construction (if applicable).

- *Parking:*
Based on the applicant's information, additional parking spaces are proposed and in accordance with (Article VIII).
- *Community Facilities:*
The subject property currently contains electrical service. The site is also connected to municipal water and sewer utilities. The applicant has depicted the municipal service locations on the site plan.
- *Lighting:*
Based on the applicant's submission, exterior wall-pack lighting is proposed on the structure (Article X).
- *Landscaping and Screening:*
The applicant is proposing additional landscaping for the subject property. As reported by the applicant they intend to provide ornamental plants along driveway and building (Article X).

Recommendation: Approve

A brief discussion was had regarding the old house in front and if the site could be subdivided to keep residential; Mr. Pace advised it would not be possible to create a non-conforming lot. Mr. Burke then made a motion to approve the project, seconded by Mr. Becker, which carried unanimously.

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

Response from municipalities regarding previously submitted/reviewed projects:

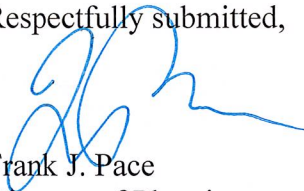
- Site Plan Review/Special Permit – Boulevard Properties – Village of Lowville Planning Board – Approved with conditions
- Site Plan Review – 1812 House Lowville – Village of Lowville Planning Board – Approved
- Special Permit – Terry Thisse – Village of Lowville Planning Board – Approved with conditions

(8) **Unfinished Business:** None

(9) **New Business:** Introduced our new Staff Planner, Casandra Buell.

(10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Becker, seconded by Mr. Petersen. Vice-Chairman Becker adjourned the meeting at 3:10 PM.

Respectfully submitted,



Frank J. Pace
Director of Planning