

MINUTES
LEWIS COUNTY PLANING BOARD
Special Meeting
May 11, 2017

- (1) **Call to Order:** Chairman Kaido called the special meeting of the Lewis County Planning Board to order at 9:30 AM in Room 327 on the 3rd floor at the Lewis County Court House, Lowville, New York. Roll call was requested by Chairman Kaido.
- (2) **Roll Call:** Board Members Present: Mike Kaido, Dave Becker, Patty O'Brien, Larry Dolhof and Tim Petersen. Staff Present: Frank Pace, Director of Planning and Casandra Buell, Staff Planner. Others Present: Brian Western of Kraft Heinz, Nick Altmire of linkinglewiscounty.com and Steve Virkler from the Watertown Daily Times/Journal & Republican.
- (3) **Reading and Approval of Minutes:** The April 20, 2017 meeting minutes were received and there were no modifications made by the Board members present. Mr. Becker motioned to approve the minutes; Mr. Petersen 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:

VILLAGE OF LOWVILLE PLANNING BOARD

This report addresses a specific amendment following the prior approved Site Plan dated June 17, 2016. This amendment specifically addresses the "Wastewater Pre-Treatment Plant Upgrade". Amendments will be provided subsequent to the prior approval outline, thus the Board will know the specific changes and or comments related to this application. Based on the documentation provided by the Village of Lowville Planning Board and the applicant, Kraft Heinz there is one phase of the project that is presented as part of this May 1, 2017 referral submission.

Site Plan Review to construct a 37,000 sq.ft. (net) addition at the Kraft Heinz facility located at 7388 Utica Boulevard in the Village of Lowville.

Kraft Heinz – Applicant

As reported by the applicant's engineer, Mark Chambers, P.E. of C&S Companies they propose to demolish an ancillary structure and a portion of the existing buildings to allow for the construction of a new 52,000 sq.ft. addition. According to Mr. Chambers, the area of disturbance will encompass 0.65 acres. C&S Companies, on behalf of their client, submitted a Notice of Intent to the DEC outlining the project scope. As indicated by C&S Companies the total area of disturbance for the project is 0.65 acres; therefore, below the 1 acre threshold for Stormwater Discharge Permitting and Pollution Prevention Planning (SWPPP) criteria.

It should be noted the undersigned attended a pre-application meeting with the Village of Lowville and Kraft Heinz on October 29, 2015. The undersigned also attend the November 2, 2015 Village of Lowville Planning Board meeting during review of the applicant's site plan documents.

As outlined by the applicant this project involves the construction of a 52,000 sq.ft. building addition along the north side of the existing structure and property area (net increase of 37,000 sq.ft.). The new structure will be utilized for internal production.

Amended 1/2016

Kraft Heinz has retained a new engineer for their project, Excel Engineers of Wisconsin. The amended building footprint as depicted on the Excel Engineer's Sheet PR1.01, Sheet 1 indicates three footprint revisions; String Cheese addition 67,756 sq.ft., Receiving Bay addition, 5,923 sq.ft., and a 2 Pound addition 2,169 sq.ft. (75,848 sq.ft. total). Excel Engineers, agent for Kraft Heinz, reported the net increase will be 54,448 sq.ft. There is no reported change in use (as reported on the 12/21/2015 application).

Based on Sheet PR1.01 the total estimated area of disturbance is 75,848 sq.ft. (1.74 acres of land). Thus, requiring compliance with the SWPPP criteria. It should be noted the revised application indicates 1.33 acres. This should be amended to reflect the 1.74.

Amended 5/2016

As indicated above, the footprint of the project has changed considerably from a 75,848 sq.ft. (Phase I, String Cheese addition 67,756 sq.ft., Receiving Bay addition, 5,923 sq.ft., and a 2 Pound addition 2,169 sq.ft. (75,848 sq.ft.)), modification to a 103,353 sq.ft., facility footprint. The proposed additional structural components (Phase II) include Ammonia addition 2,645', boiler addition 1,611', mixing tank addition 1,366' and a cooler addition 24,433' (see Sheet C1.2A).

Based on Sheet C1.2A the total estimated area of disturbance is 314,858 sq.ft. (7.23 acres of land). Thus, requiring compliance with the SWPPP criteria.

▪ *Compatibility With Adjacent Uses:*

The zoning for this area is identified as I (Industrial). Currently the property identified is Industrial and is consistent with the Utica Blvd. corridor. Thus, the proposed use is consistent with the character of the neighborhood setting.

The entire property consists of 22.4 acres of land. The proposed development footprint is within the maximum lot coverage criteria of 30%. The front, side and rear setback criteria for the proposed project meets or exceeds the requirements as identified in the Village of Lowville Zoning Standards (Article IV, Section 430, and Schedule B).

Amended 1/2016

For clarification purposes it should be noted the footprint change is due to a reconfiguration of the proposed structure from a two-story to a one-story addition. As reported by Excel, the modification and increase to the footprint (31.8%) is within the 35% lot coverage criteria. (It should be noted that there was a typographic error indicating 30% maximum coverage in the original review).

Amended 5/2016

With the incorporation of the two project phases (103,353 sq.ft.) there was a need for a lot coverage variance, as the entire project exceeded the 35% criteria. Thus, Kraft Heinz submitted an application to exceed the 35% coverage criteria for the project. On April 18, 2016 the Village of Lowville Zoning Board of Appeals (ZBA) granted the variance with no conditions to 40% coverage (see attached ZBA document). It should be noted actual coverage exceedance is 37.2% as reported by Kraft Heinz.

▪ *Traffic Generation and Effect:*

The roadway is identified as Utica Boulevard (State Highway 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 is currently utilizing the existing driveway entrances. There are no apparent sight obstructions that would impede egress and ingress to the property. There is no reported traffic problems associated with this facility.

No changes to the existing entrance are proposed by the applicant.

Amended 1/2016

No changes to the existing entrances are proposed by the applicant. Excel, on behalf of Kraft Heinz, provided a diagram depicting the truck traffic patterns for the facility (See PR1.01 Truck). Kraft Heinz has indicated an increase in truck traffic from 20 trucks per day to approximately 70 trucks per day.

Amended 5/2016

No changes to the existing entrances are proposed by the applicant. Excel, on behalf of Kraft Heinz, provided a diagram depicting the truck traffic patterns for the facility (See Sheet TT). It should be noted that a private entrance will be incorporated (adjoined) to the Lowville Cooperative property. Truck traffic will enter the Cooperative for testing, and then enter the Kraft Heinz facility for unloading. It should also be noted that Kraft Heinz supplied correspondence from Mr. Michael Burgess, P.E., Region 7 Permit Coordinator for the NYSDOT indicating a permit for the project is not required at this time (see attached letter dated April 18, 2016).

▪ *Protection of Community Character:*

The proposed project is located within the Industrial zone in the Village of Lowville. There are numerous existing industrial and 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.

Additionally, the applicant provided a completed SEQR 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 SEQR.

Amended 1/2016

The Village of Lowville, as the Lead Agency, acknowledged the amended project will not have a significant adverse impact to the environment as indicated on Page 4 of the SEQR. However, it is recommended that the SEQR form be updated.

Amended 5/2016

On May 16, 2016 the Village of Lowville Planning Board, Motion made by Mr. Don Cooke, Second by Mike McCue, acknowledged the Type I Action and completed a Negative Declaration for the project (see attached document). The proposed site development adheres to all Village of Lowville setback criteria, as depicted on the Excel Engineering documents (C1.2A).

- *Signage:*

No signage is proposed by the applicant.

- *Drainage:*

The site is currently zoned Industrial. There are no currently known drainage issues with the existing site. Precipitation is currently handled through direct filtration of onsite stone/earthen parking area. Stormwater from existing paved areas is handled in sheet flow runoff across the lot.

Based on the information supplied by the applicant, the structural expansion will not create any adverse environmental concerns for the area. As reported by Mr. Chambers, all storm water collected from the new structure roof drains will be directed to an existing onsite collection system (retention basin). A Notice of Intent was submitted to the NYDEC by C & S Engineers on behalf of the applicant sighting an area of disturbance consisting of .65 acres, under the SWPPP criteria of 1 acre.

It should be noted that the SWPPP also contains a soil erosion plan for construction activities and a Best Management Plan (BMP) for the continued management of onsite storm water, if applicable.

Amended 1/2016

The area of disturbance has increased from .65 to 1.74 acres. Therefore, compliance with a SWPPP is required. It is recommended an amended Notice of Intent (NOI) be submitted to the DEC for review and approval.

Amended 5/2016

Based on Sheet C1.2A the total estimated area of disturbance is 314,858 sq.ft. (7.23 acres of land). Thus, requiring compliance with the SWPPP criteria. Kraft Heinz provided documentation regarding their SWPPP (Construction Activity) was issued by the DEC (General Permit # GP-0-15-002). Also as indicated by Mr. Joe Boshart, Village Planning Board member on May 17, 2016 prior to deeming the application complete, the Village and Kraft Heinz agreed to modifications to the stormwater collection system, specifically along the northern boundary of the subject property. According to Mr. Boshart, adjustments were made to the size of the conveyance pipe and sizing of the retention basin were changed to retain stormwater for a longer period of time onsite.

- *Parking:*

Based on the applicant's information, no additional parking is proposed for this project.

Amended 5/2016

As stated in correspondence issued to the Village of Lowville dated May 12, 2016 by Excel Engineering “Kraft Heinz shifts will be staggered between the different plant processes. Parking will not be an issue.”

▪ *Community Facilities:*

The subject property currently contains electrical service. The site is also connected to municipal water and sewer utilities. The municipal service locations are identified on the Site Plan documents. As requested by the Village Planning Board a fire lane will be maintained on the site by the applicant.

Amended 5/2016

It should be noted several utility requirements were negotiated between Kraft Heinz and the Village of Lowville with regard to fire protection, water mains, water supply, wastewater process, onsite waste treatment development criteria and an updated SPCC Plan. These adjustments are outlined in the May 12, 2016 Kraft Heinz/Excel Engineering correspondence to the Village of Lowville (see attached document).

Amended 5/2017

The original full Site Plan approval which identified the upgrade to the existing lift station and DAF tank to the process was approved by the Village of Lowville in the “Final Plan “dated June 20, 2016. The below information is supplemental to that prior approval:

The March 23, 2017 correspondence from Mark J. Sposato, Project Manager for O’Brien & Gere Engineers, Inc.(OBG), (Agent) for Kraft Heinz, outlines the following upgrade elements related to the existing KH onsite pre-treatment system; 1) 26,00-SF New Processing Building; 2) 34-foot diameter by 33-foot tall MBBR Tank; 3) MBBR Blower Pad; 4) UAN Canopy; 5) Sulfuric Acid Canopy; and 6) Minor Access improvements adjacent to the proposed work.

OBG also provided a Site Plan document dated March 23, 2017 and a Wastewater System Design Plan dated May 1, 2017 for review.

Based on the documents provided, the improvement lot coverage to 38% is still below the maximum approved lot coverage of 40%. Additionally, the applicant provided a completed SEQR 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 SEQR.

Mr. Sposato also confirmed that the SWPPP dated March 1, 2016 completed by Excel Engineers is compliant with negligible net change to the project (see correspondence dated 3/23/2017).

Based on the documents provided, the upgrade to the Pre-treatment system is consistent with the prior approvals of both site development phases. It is this writer’s opinion that the system is a principal component to the facility operations, thus, necessary for the facility to efficiently function within its required regulatory framework.

▪ *Lighting:*

During the Village of Lowville Planning Board meeting on November 2, 2015, the applicant indicated they will supply wall-pack building lighting locations on their revised plan as requested by the Village Planning Board. All proposed lighting will be positioned within their site.

▪ *Landscaping and Screening:*

The applicant is not proposing any additional landscaping for the subject property. As reported it is the applicant's intention to utilize the existing landscaping with repairs to disturbed areas.

Amended 5/2016

It should be noted with the amended Site Plan, Kraft Heinz will be removing the existing landscaping along Utica Blvd. area to make way for the expanded parking area. As reported by Mr. Boshart, the Village of Lowville Planning Board agreed with Kraft Heinz (May 16, 2016 meeting) that a final proposal for landscaping and or screening of some type, if any, would be discussed prior to final approval on June 6, 2016.

Recommendation: Approve

This opinion is based in part on the following: 1) information submitted by the applicant; and 2) available Village of Lowville Zoning documents.

Based on the information contained in the application, it would appear that the request for a Site Plan approval in accordance with Article IX and Article X is consistent with the Village of Lowville zoning criteria. Applicant should comply with all Local, State and Federal regulatory requirements for this project.

Amended 1/2016

Recommendation: Approve

Final approval is deferred to the Village of Lowville upon review of the sealed final site plan. It is also recommended that an updated SEQR be submitted with the amended information. A copy of the final sealed site plan with approvals should be submitted to the County Planning Department for the file.

Amended 5/2016

Recommendation: Approve

Final approval is deferred to the Village of Lowville upon review of the final site plan. A copy of the final sealed site plan with approvals should be submitted to the County Planning Department for the file.

Amended 5/2017

Recommendation: Approve

Mr. Western provided a brief overview of the project to the Board. After brief discussion regarding the project, Mr. Dolhof made a motion to approve the project, seconded by Mr. Becker which carried unanimously.

TOWN OF NEW BREMEN TOWN BOARD

Site Plan Review for development of Lot 13.40, Block 01, Tax Map Parcel 145.00 in the Town of New Bremen. The physical address of the subject property is Van Amber Road (County Route 33) New Bremen, NY. The applicant is proposing to construct a garden center with offices and greenhouses.

Timothy and Samantha Widrick T/A Zehr's Flowers and Landscaping – Applicant

The hand-drawn site plan was prepared by the applicant. It should be noted that the drawing does not meet all of the criteria outlined in Article IV, Section 430. The site plan depicts the proposed development area for the office/garden center only, no other proposed development features (greenhouses, utilities). The applicant also provided a February 2017 Business Plan with a set of building plans prepared by Olmstead Consulting of Glenfield, NY.

The proposed project is in compliance with the Town of New Bremen Zoning Law, Article I, Enacting Clause, Title, Purpose, Sections 110, 120 & 130, Article III, Section 340, Article IV, Section 410 and Article V, Section 510.

- *Compatibility With Adjacent Uses:*

As reported by Ward Dailey, Zoning Officer for Town of New Bremen, he recommended to permit the proposed use on the February 27, 2017 application for site plan review and zoning permit (see attached document). The applicant provided an Agricultural Data Statement, identifying all parcels as defined by the NYS Agriculture and Markets Law, Article 25-AA.

The proposed project is located along Van Amber Road (County Route 33). This area contains mixed use including but not limited to commercial, residential and agricultural. The front, side, and rear setback criteria for the proposed project meets or exceed the requirements as identified in the Town of New Bremen Zoning Standards.

- *Traffic Generation and Effect:*

No traffic reports have been submitted for review. Compliance with Article V, Section 510(b) requires application to the County Highway Superintendent for review and or approval of proposed driveway ingress and egress, as applicable to the new use.

- *Protection of Community Character:*

The applicant provided documentation with regard to the Agricultural Data Statement indicating the subject site is surrounded by agricultural lands. Additionally, the applicant provided a completed SEQR Appendix C “Unlisted Actions”, Short Environmental Assessment Form for review. The Town of New Bremen as the Lead Agency acknowledged the project will not have a significant adverse impact to the environment as indicated on Page 4 of the SEQR.

- *Signage:*

No signage is proposed by the applicant. Compliance with Article V, Section 510(f) is required. *However, Article VII, Subsection 755 “Waivers” may apply as follows: “The Town Board may waive, subject to appropriate conditions, the provisions of any or all standards and/or requirements herein set forth if in the special circumstances of a particular application such standards are not in the interest of the public health, safety and general welfare or strict adherence to such standards and/or requirements would cause unnecessary hardship for the applicant without achieving public benefit objectives. The Town Board must state its reasons*

for granting any waivers in writing and file the same along with the site plan application and supporting documents.”

▪ *Drainage:*

The site is vacant undeveloped land. 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; however, compliance with Article V, Section 510(g) is required. *However, Article VII, Subsection 755 “Waivers” may apply as follows: “The Town Board may waive, subject to appropriate conditions, the provisions of any or all standards and/or requirements herein set forth if in the special circumstances of a particular application such standards are not in the interest of the public health, safety and general welfare or strict adherence to such standards and/or requirements would cause unnecessary hardship for the applicant without achieving public benefit objectives. The Town Board must state its reasons for granting any waivers in writing and file the same along with the site plan application and supporting documents.”*

▪ *Erosion:*

Article V, Site Plan Review, Section (h). Application, 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 should be clarified by applicant. 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 Article V, Section 510(c) is required. *However, Article VII, Subsection 755 “Waivers” may apply as follows: “The Town Board may waive, subject to appropriate conditions, the provisions of any or all standards and/or requirements herein set forth if in the special circumstances of a particular application such standards are not in the interest of the public health, safety and general welfare or strict adherence to such standards and/or requirements would cause unnecessary hardship for the applicant without achieving public benefit objectives. The Town Board must state its reasons for granting any waivers in writing and file the same along with the site plan application and supporting documents.”*

▪ *Community Facilities:*

Applicant has not identified any utilities for the subject property/project. Compliance with Article IV, Section 430 and Article V, Section 510(a) Lot development Criteria is required. *However, Article VII, Subsection 755 “Waivers” may apply as follows: “The Town Board may waive, subject to appropriate conditions, the provisions of any or all standards and/or*

requirements herein set forth if in the special circumstances of a particular application such standards are not in the interest of the public health, safety and general welfare or strict adherence to such standards and/or requirements would cause unnecessary hardship for the applicant without achieving public benefit objectives. The Town Board must state its reasons for granting any waivers in writing and file the same along with the site plan application and supporting documents.”

▪ *Lighting:*

Based on the applicant’s submission there appears to be no lighting proposed for this project. Compliance with Article V, Section 510(e) is required. *However, Article VII, Subsection 755 “Waivers” may apply as follows: “The Town Board may waive, subject to appropriate conditions, the provisions of any or all standards and/or requirements herein set forth if in the special circumstances of a particular application such standards are not in the interest of the public health, safety and general welfare or strict adherence to such standards and/or requirements would cause unnecessary hardship for the applicant without achieving public benefit objectives. The Town Board must state its reasons for granting any waivers in writing and file the same along with the site plan application and supporting documents.”*

▪ *Landscaping and Screening:*

The applicant is not proposing any landscaping for the subject property. Compliance with Article V, Section 510(d) is required. *However, Article VII, Subsection 755 “Waivers” may apply as follows: “The Town Board may waive, subject to appropriate conditions, the provisions of any or all standards and/or requirements herein set forth if in the special circumstances of a particular application such standards are not in the interest of the public health, safety and general welfare or strict adherence to such standards and/or requirements would cause unnecessary hardship for the applicant without achieving public benefit objectives. The Town Board must state its reasons for granting any waivers in writing and file the same along with the site plan application and supporting documents.”*

Recommendation: Approve with the following conditions:

1. Compliance with Article V, Section 510(b) requires application to the County Highway Superintendent for review and or approval of proposed driveway ingress and egress.
2. The site plan drawing does not meet all of the criteria outlined in Article IV, Section 430. The site plan depicts the proposed development area only, no other proposed development features. Compliance with Article IV, Section 430 is required. Applicant should clarify, provide information regarding Site Plan for the facility or request a waiver for the Article and Sections applicable (e.g., North Arrow, Site Contours).
3. No signage is proposed by the applicant. Compliance with Article V, Section 510(f) is required. Applicant should clarify, provide information regarding signage for the facility or request a waiver for the Article and Section applicable.
4. The applicant provided no drainage plan or indication of paving; however, compliance and or clarification with Article V, Section 510(g) is required. Applicant may request a waiver for the Article and Section applicable
5. Applicant shall clarify the amount of land disturbance associated with the project. If applicable applicant shall make application to the NYSDEC for SWPPP general permit prior to any physical disturbance of the land if the project meets the applicable DEC criteria. A copy of the Notice of Intent shall be submitted to the County for the file (if applicable).

6. No parking areas are defined on the site plan. Compliance with Article V, Section 510(c) is required. Applicant should clarify, provide information on number of vehicles to be parked on-site and provide a parking plan or request a waiver for the Article and Section applicable.
7. Compliance with Community Facilities, Article IV, Section 430 and Article V, Section 510(a) Lot development Criteria is required request a waiver for the Article and Section applicable.
8. Based on the applicant's submission, there appears to be no lighting proposed for this project. Compliance with Article V, Section 510(e) is required. Applicant should clarify, provide lighting information for the site or request a waiver for the Article and Section applicable.
9. The applicant is not proposing any landscaping for the subject property. Compliance with Article V, Section 510(d) is required. Applicant should clarify, provide landscaping and or screening for the site or request a waiver for the Article and Section applicable.
10. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

After brief discussion regarding the property, Zehr's existing facility, proposed greenhouses on the new site and that County Highway has already installed a drainage pipe for the driveway access, Mr. Becker made a motion to approve the project with the conditions listed above, seconded by Mr. Petersen which carried unanimously.

TOWN OF MARTINSBURG PLANNING BOARD

Special Use Permit to store and sell pre-built portable storage buildings on Block 15, Lot 0.1 on the East side of State Route 12 in the Town of Martinsburg. Jerome and Constance Thisse of 6094 Glenfield Road, Glenfield, NY are requesting a Special Permit in accordance with Town of Martinsburg Development Law Article IV, Section 410.

Jerome and Constance Thisse – Applicant

As reported by the applicant, they are proposing the stage and have for sale portable shed type storage units on the subject parcel. The proposed site is depicted on the Partial Subdivision of Lands (Site Plan) of the property prepared by Thomas J. Kovach, P.E. of Kovach Land Surveying, Lowville, New York. Compliance with front, side and rear yard setbacks is also depicted on the site Layout Plan of the application documents.

▪ *Compatibility With Adjacent Uses:*

The zoning for this area is identified as Agriculture. Currently the property is undeveloped, containing grassland and a large cleared area. Surrounding land uses include a mixture of low density residential, scattered commercial and a small amount of farming. As identified on the Site Plan all setback requirements meet or exceed the Town of Martinsburg criteria.

In addition to permitting certain land uses as of right in its zoning districts, the Town of Martinsburg can authorize other uses to be allowed through the Special Use Permit process. Commercial use is identified as such a use permitted within the Agriculture zone upon issuance of a Special Use Permit. Uses permitted by the Special Use Permit process are generally considered acceptable, with the recognition that in some instances they may negatively impact adjacent properties and need to be limited or conditioned to mitigate such impacts (Article VI, Sections 610, 620, 630 and 640).

- *Traffic Generation and Effect:*

The proposed commercial project will be located on State Route 12. This highway consists of two lanes of travel in a North–South direction. The applicant’s Site Plan depicts one grass drive and one stone drive off State Route 12. Additionally, the plan depicts a combined ingress and egress entrance (driveway) onto Glenfield Road. Article V, Section 513 Road Access requires a Special Use permit for any development proposal.

It should be noted the Town of Martinsburg indicated in correspondence dated May 4, 2017 to the County that Mr. Thisse has received NYSDOT approval and is waiting for the formal correspondence from DOT. It is imperative that the NYSDOT approval be issued, as each of the depicted access points extend through an undeveloped State Right-of-Way as depicted on the Site Plan dated April 18, 2017.

- *Protection of Community Character:*

The proposed project is located within the Agriculture zone in the Town of Martinsburg. There is a mixture of residential, commercial and agricultural land uses in this area. It should be noted the Town of Martinsburg completed the SEQR Short Form, Page 4, a determination that the project would not result in any significant adverse impacts to the environment was reported.

Therefore, the proposed commercial use does not appear to have an adverse impact on the community character (Article V, General Regulations).

- *Signage:*

Signage is proposed by the applicant. As depicted on the Site Plan the signage proposed conforms to Article V General Regulations, Section 515, Signs.

- *Drainage:*

There are no currently known drainage issues with the site. Precipitation is currently handled through direct infiltration to soils. Applicant is proposing no drainage system. No permanent structures are proposed for the site. Any land disturbances over one acre in size requires compliance with NYS DEC regulations.

- *Erosion:*

Article VII, Site Plan Review, Section 720. Application, 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. 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.

▪ *Parking:*

Town law requires parking for all uses to be adequate for peak usage Article V, Subsection 520. The Kovach Site Plan depicts a descriptive parking area for the commercial use. The applicant should identify the number of parking spaces dedicated to commercial operation.

▪ *Community Facilities:*

The subject property is currently vacant land. The applicant is not proposing any structures for the site only portable shed units for sale. There are no structures or connections to private (on-site) or municipal utilities reported.

▪ *Lighting:*

Based on the applicant's submission, there appears to be no lighting proposed for this project. Applicant shall clarify if lighting will be provided for this development, Article 7, Subsection 720, Item #19).

▪ *Landscaping and Screening:*

The application does not address landscaping nor does there appear to be any landscaping proposed on the site plan (Article 7, Subsection 720, Item # 20). Applicant should clarify why landscaping is not provided for this development project.

Recommendation: Approve with the following conditions

1. Applicant should provide clarification and provide NYSDOT approval as to adequate ingress and egress off State Route 12 to the area of development (Article V, Subsection 513. Road Access). A copy of the NYSDOT correspondence should be submitted to the County Planning Department for the file.
2. If applicable, applicant shall make application to the NYSDEC for SWPPP general permit prior to any physical disturbance of the land. A copy of the Notice of Intent shall be submitted to the County for the file.
3. Applicant should identify the number of parking spaces dedicated to commercial use (Article V, Subsection 520) and or request a waiver in accordance with Article VII, Section 725.
4. Applicant shall clarify if lighting will be provided on this development (Article V, Subsection 565 and Article VII, Subsection 720 # 19) and or request a waiver in accordance with Article VII, Section 725.
5. Applicant shall clarify why landscaping is not provided for this development project (Article V, Subsection 565 and Article VII, Subsection 720 # 20) and or request a waiver in accordance with Article VII, Section 725.
6. Applicant obtains all required local, state and federal permits and approvals applicable to the project.
7. A copy of final approval with all revised plans shall be provided to the Lewis County Planning Department for the project file.

After brief discussion regarding the property, its use and possible access/drainage issues related to areas within the State Right-of-Way, Mr. Becker made a motion to approve the project with the conditions listed above, seconded by Mr. Dolhof which carried unanimously.

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

Response from municipalities regarding previously submitted/reviewed projects:

- Site Plan Review/Special Permit – Timothy Widrick, Judges Quarters Bed & Breakfast – Village of Lowville Planning Board – Approved
- Site Plan Review – Hometown Business, LLC – Village of Lowville Planning Board – Approved

(8) **Unfinished Business:** None

(9) **New Business:** None

(10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Dolhof, seconded by Mr. Becker. Chairman Kaido adjourned the meeting at 10:05 AM.

Respectfully submitted,

Frank J. Pace
Director of Planning