

MINUTES
LEWIS COUNTY PLANING BOARD
August 17, 2017

- (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 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, Patty O'Brien, Bill Burke, Tim Petersen and Larry Dolhof. Staff Present: Frank Pace, Director of Planning and Casandra Buell, Planner. Others Present: Steve Virkler from the Watertown Daily Times/Journal & Republican, Melissa Clark from Abundant Solar Energy, Inc., Mark Richardson from Solitude Solar, David Brennan, Esq. from Verizon and Henry Avallone as a community member.
- (3) **Reading and Approval of Minutes:** The June 15, 2017 meeting minutes were received and there were no modifications made by the Board members present. Mr. Burke motioned to approve the minutes; Mr. Dolhof 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 reviews to the Board:

TOWN OF DENMARK TOWN BOARD

Proposed zoning text amendment to the Town of Denmark Zoning Law to address solar energy facilities to be located within the town.

Town of Denmark – Applicant

The General Municipal Referral Form and SEQR were submitted by Mark G. Gebo, Town Attorney, on behalf of the Town of Denmark.

In summary, the purpose of the text amendment is as follows: “The Town Board of the Town of Denmark hereby finds that there are growing demands for solar energy facilities to be located within the Town of Denmark. The Board feels that it is necessary to adopt regulations (Local Law) with respect to such facilities, pursuant to the Resolution adopted July 10, 2017, by the Town Board. It is the purpose of this local law to amend the Zoning Law to add such provision.”

Additional Language to the Town of Denmark Zoning Law

- Article XI Definition Additions:
 - Principal Solar Energy System
 - Small Solar Energy Systems
 - Solar Energy System

- Article X Addition of Section 1035 Solar Energy Systems
 - Small Solar Energy systems shall be allowed in all zoning districts subject to detailed design and installation, height restrictions, compliance, roof-mounted and ground-mounted small solar energy systems regulations. The Town of Denmark has also defined instructions for plan applications, utility notification, modifications compliances and associated fees.
 - Principal solar energy systems shall be permitted by special use permit in the industrial, commercial and agricultural zones. The proposed principal solar energy system must comply with the Town of Denmark’s newly defined area and lot coverage requirements, height and setback restrictions and compliance standards. Further instructions regarding site plan reviews, utility notifications and connections, signage, plans, maps and additional required application documents are also well-defined. Applicants will also be expected to follow the monitoring and maintenance, modification, abandonment and decommissioning conditions set by this zoning text amendment. The financial surety of the applicant will also need to be presented to the Town Planning Board prior to approval.

In review of the documents provided by Town Attorney Mark Gebo, it appears that the zoning text amendment addition will comprehensively define the regulations set by the Town of Denmark in regards to solar energy facilities.

Recommendation: Approve

Mr. Dolhof made a motion to approve the amendment, seconded by Mr. Burke which carried unanimously.

VILLAGE OF LOWVILLE PLANNING BOARD

Site Plan Review (Village Application #SP2017-12) to open a bistro/café located at 7409 Utica Blvd. (tax map parcel 212.16-03-01.000) in the Village of Lowville. The building is owned by David Leach.

Dawn Roggie – Applicant

As reported by the applicant, they propose to use the structure open a bistro/café, more closely defined by the Village of Lowville’s zoning law as a Restaurant.

The proposed business is depicted on property map provided by the applicant. The applicant was referred to the Village Planning Board by the Lewis County Building and Codes Department as the original application was denied due to nonconformance with Article 4, Section 420, Schedule B. It was also identified that the property does not comply with the specific parking space requirements noted in Article 8, Section 830.

▪ *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 Blvd. 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 applicant will be utilizing the existing driveway entrances located on the north-east and south-west portions of the property. There are no reported traffic problems associated with this property. Based upon current zoning, area use and roadway design, it would appear that the state roadway system will not be adversely impacted; however, in adherence to Article X, Section 1020, it is recommended that NYSDOT review the existing property entrances and exits.

- *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 restaurant 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 XII, Section 1220, 1230 and 1240.

Additionally, on June 5, 2017, the Village of Lowville as the Lead Agency has waived the SEQR process due to no changes to the structure.

- *Signage:*

No signage is proposed by the applicant. Applicant to clarify as this will be a new business thus signage will be necessary to identify the establishment. Compliance with Article 7 is required.

- *Drainage:*

There are no currently known drainage issues identified with this project.

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

- *Erosion:*

There will be no land disturbed by the proposed project.

- *Parking:*

On June 19, 2017 the Lewis County Building and Codes Department issued a notice to the Village of Lowville Planning Board noting that the property's previous inability to comply with Article 8, Section 830 has been mitigated by the applicant. According to Article 8, Section 830 (8), zoning laws mandate one parking space for every 100 square foot floor area. While the property does not comply with this zoning law, the applicant can utilize Section 840 (2), which allows off-street parking within 500 feet. The applicant obtained the authorized permission from Lowville Producers Dairy Cooperative to use ten parking spaces on their property as off-site parking. However, it is noted that management has the right to end this agreement at any time.

Based on the above information, the proposed project will now be in compliance with Article 8.

- *Community Facilities:*

The subject property currently contains electrical service and is connected to municipal water and sewer utilities.

Based on the information supplied by the applicant, the proposed project will not create any adverse effects on established community facilities.

▪ *Lighting:*

The applicant has supplied a lighting plan that would add a LED Dusk to Dawn 50W light to the exterior north-west face of the current structure (Article X).

▪ *Landscaping and Screening:*

No landscaping or screening features were noted by the applicant. Compliance with Article X, Section 1070 is required.

Recommendation: Approve with the following conditions

1. The applicant should seek NYSDOT review of the existing entrances and exits to such property.
2. The applicant is not proposing any landscaping for the subject property. Compliance with Article X, Section 1070 is required. Applicant should clarify, provide landscaping and/or screening for the site or request a waiver for the Article and Section applicable.
3. Compliance with Article 7 is required, applicant should clarify the type of signage to be used for the establishment.
4. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

After brief discussion regarding the use of the Lowville Producers parking lot, Mr. Dolhof made a motion to approve the project with the conditions listed above, seconded by Mr. Kaido which carried unanimously.

VILLAGE OF LOWVILLE PLANNING BOARD

Site Plan Review (Village Application #SP2017-14) to install two (2) wireless telecommunication antennas and one GPS antenna on the existing structure located at 7604 North State Street (tax map parcels 212.07-06-30.100 and 212.07-06-31.100.) in the Village of Lowville. The building is owned by Michael W. and Susan J. Purvines.

St. Lawrence Seaway RSA Cellular Part d/b/a Verizon Wireless – Applicant

The applicant provided the following Project Documentation: 1) SEQR Environmental Assessment Form (EAF); 2) Multiple Maps of the Property; 3) Lease Agreement; 4) Detailed Narrative Description of the Proposal. The proposed project submission complies with the applicable Village criteria as indicated by the Village referral form dated July 10, 2017.

▪ *Compatibility With Adjacent Uses:*

As reported by the applicant, they wish to provide additional wireless network bandwidth and improved performance to customers in the immediate and surrounding areas by mounting (2) panel antennas on the side of an existing 45' tall building at an antenna height of 40' above ground level. They will also install the supporting electric and telecommunications equipment at grade, immediately adjacent to the rear building wall on the proposed unistrut. The Verizon Wireless RF Engineer has certified that these antennas will not interfere with communication devices operating in the surrounding vicinity and that there is an inadequate and unsafe level of Verizon Wireless coverage in the Lowville area.

Furthermore, the applicant referenced the *Rosenburg* decision in that it is a public necessity to render adequate and safe service to the Village of Lowville area.

With that said, it is clear that the proposed project is compatible with adjacent uses.

- *Traffic Generation and Effect:*

The roadway is identified as North State Street. 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 located on Shady Avenue. The applicant has noted that the proposed communication facility will be unmanned and will be visited 1-3 times each month to perform routine maintenance.

There should not be any traffic or pedestrian problems associated with this facility.

- *Protection of Community Character:*

The zoning for this area is identified as VC (Village Center). Currently the property identified is residential/commercial and is consistent with the pedestrian-friendly mix of uses in the village's central business district. The proposed communication facility has been sited to have the least practical adverse visual effect on the environment and will not be noticeable to the traveling public, or nearby property owners (See Section 2 of application, C & S Engineers Map C-201). Thus, the proposed project is consistent with the character of the neighborhood setting.

Telecommunication systems are considered essential services. However, this category is not allowed in the VC zone. Thus, a use variance is required. Based on information supplied by the Village Planning Board Chairman, the Village Zoning Board of Appeals approved a use variance prior to Village Planning Board review and referral.

- *Signage:*

No signage is proposed by the applicant (Article VII).

- *Drainage:*

There are no currently known drainage issues identified with this project. The applicant noted that this project will not have any impact on existing water and sewage service and furthermore will not affect water discharge.

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

- *Erosion:*

There will be no land disturbed by the proposed project.

- *Parking:*

Based on the applicant's information, the proposed site will be accessed 1-3 times each month. During these routine maintenance sessions, the necessary vehicles will be able to access the existing gravel parking lot adjacent to the building.

- *Community Facilities:*

As noted by the applicant, they submitted a Zoning Site Plan that documents compliance with all applicable requirements of the Village of Lowville Zoning Law. It is also noted that existing building conditions in the Village and other factors that necessitate an antenna height of 40' above ground level to provide adequate and save coverage and capacity.

Based on the information supplied by the applicant, the proposed project will not create any adverse effects on established community facilities.

- *Lighting:*

No additional lighting was noted in this project.

- *Landscaping and Screening:*

No landscaping or screening intentions were noted in this project.

Recommendation: Approve

The Board discussed the project location in further detail then Mr. Petersen made a motion to approve the project, seconded by Mr. Burke which carried unanimously.

TOWN OF NEW BREMEN TOWN BOARD

Site Plan Review (Town Application #3-2017) to construct and operate a 2.8 mega-watt AC community solar photovoltaic facility on 102.6 acres of leased land owned by Michael A. Tabolt on NYS Route 126 (tax map parcel 129-01-14.200). The project will consist of the implementation of a solar cell array, protective fencing and the associated electrical equipment.
Abundant Solar Power, Inc. – Applicant

The applicant provided the following Project Documentation: 1) SEQR Environmental Assessment Form (EAF); 2) Agricultural Statement; 3) Location Maps; 4) Detailed Sketch and Narrative Description of the Proposal. The proposed project submission complies with the applicable Town criteria as indicated by the Town referral form dated July 25, 2017.

Let it be noted that the applicant submitted a revised Site Plan and Full Environmental Assessment Form (FEAF), a wetlands and ecological assessment, a topographic and boundary survey as well as a Stormwater Pollution Prevention Plan (SWPPP) to the Town of New Bremen Town Board on August 14, 2017.

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 410-480 and Article V, Section 510.

- *Compatibility With Adjacent Uses:*

The proposed project is located along the Town of Croghan and Town of New Bremen boundary line on NYS Route 126 outside the Village of Croghan. 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.

It should be noted that this type of application for alternative energy production is supported by the State of New York both on a commercial and residential platform.

▪ *Traffic Generation and Effect:*

As noted on Page 7 of the Full Environmental Assessment Form, the applicant has indicated that there will not be a substantial increase in traffic above present levels demand for the site. However, the applicant has indicated that the NYS Department of Transportation is involved in this project for site access. With that said, the project is compliant with Article II, Section 210 and Article V, Section 510b.

▪ *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 Full Environmental Assessment Form (FEAF) and an EAF Mapper Summary Report for review. In the submitted summary report, the NYS DEC notes that the project site is not a critical environmental area, archeological site or designated river corridor.

▪ *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:*

There are no currently known drainage issues identified with this project. The applicant provided no pavement plan or indication of paving. As outlined in the SEQR, the applicant indicated that there may be “no or small impact regarding erosion”. The Town of New Bremen as the lead agency also indicated that there would be no potential for erosion.

▪ *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 applicant has indicated that they will be disturbing 1 acre of land and has thus submitted and developed a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the General Permit for Stormwater Discharges from Construction activity. The owner has obtained General Permit Number GP-0-15-002, effective January 2015 through January 28, 2020.

▪ *Parking:*

No parking areas are defined on the site plan however the applicant has noted that the technician will visit the site 1-2 times a year for maintenance and repairs so parking should not be of necessary concern considering the proposed unpaved roadway around the proposed array.

▪ *Community Facilities:*

The subject property is currently undeveloped agricultural lands. It should be noted that New York's Clean Energy Standard (CES) requires that 50 percent of New York's electricity come from renewable energy sources by 2030. With that said, this project is in compliance with the State's standards.

▪ *Lighting:*

The applicant noted that in addition to a ground-mounted, photovoltaic system, there will also be minimal on-site lighting to aid in the occasional maintenance.

▪ *Landscaping and Screening:*

On the revised site plan, the applicant has defined a proposed deer fence that surrounds the entire project area. In addition to the deer fencing, the applicant has also noted that all existing lawn area that is damaged during construction will be replaced or repaired to a condition equal to existing. Grass will be installed underneath panels and will be maintained as required.

Recommendation: Approve with the following conditions

1. 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."*
2. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

After further clarification on the definition of "Community Solar," Mrs. O'Brien made a motion to approve the project with the conditions listed above, seconded by Mr. Petersen which carried unanimously.

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

Response from municipalities regarding previously submitted/reviewed projects:

- Amended Site Plan Review – Kraft Heinz – Village of Lowville Planning Board – Approved
- Site Plan Review – NRG Group, Inc. – Town of New Bremen Town Board – Approved w/conditions
- Special Permit – Johnson Lumber Co. – Town of Denmark 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. Burke. Chairman Kaido adjourned the meeting at 3:00 PM.

Respectfully submitted,



Casandra M. Buell
Planner