

MINUTES
LEWIS COUNTY PLANING BOARD
September 21, 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, and Tom Spaulding. Staff Present: Frank Pace, Director of Planning and Casandra Buell, Planner. Others Present: Steve Virkler from the Watertown Daily Times/Journal & Republican and Nick Altmire, Linking Lewis County.
- (3) **Reading and Approval of Minutes:** The August 17, 2017 meeting minutes were received and there were no modifications made by the Board members present. Mr. Burke motioned to approve the minutes; Mr. Spaulding 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 MONTAGUE TOWN BOARD

Proposed zoning text amendment to the Town of Montague Land Use Law to reconcile discrepancies of the current law as it pertains to height exemptions.

Town of Montague – Applicant

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

In summary, the purpose of the text amendment is as follows to “reconcile discrepancies between a local law previously adopted and the version of the local law filed with the New York State Department of State, as it pertains to height exemptions.”

Discrepancies Reconciled

The Town of Montague Land Use Law is amended to read as follows, pursuant to this local law, Article F, Section 5 (1):

“A proposed structure in any district shall not exceed 40 feet in height unless such a structure is for agricultural purposes or wind generation (silos or wind power generating facilities).”

In review of the documents provided by Town Attorney Mark Gebo, it appears that the zoning text amendment will appropriately reconcile the previously adopted Land Use Law set by the Town of Montague in regards to height exemptions.

Recommendation: Approve

Mr. Spaulding made a motion to approve the amendment, seconded by Mrs. O'Brien which carried unanimously.

VILLAGE OF LOWVILLE PLANNING BOARD

Site Plan Review (Village Application #SP2017-17) for an automobile parking lot on Utica Blvd. (State Route 12); Parcel # 212.16-02-12.113 in the Village of Lowville (Nearest cross road Ross Road to the south).

Terry Thisse, Applicant

The applicant provided the following Project Documentation: 1) Letter from John D. Ross dated March 2, 2017, Access Easement Agreement; 2) Plot Diagram; 3) Agricultural Statement; and 4) February 25, 2017 SEQR Short Form, Appendix B.

▪ *Compatibility With Adjacent Uses:*

The zoning for this area is identified as AC (Auto-Commercial). Currently the property is being used to display pre-built portable buildings for sale. In addition to the current use, the applicant is proposing to use the site for automobile parking. The proposed site modifications identified are consistent with the Route 12, Southern AC corridor. Thus, the proposed project is consistent with the character of the AC setting.

▪ *Traffic Generation and Effect:*

The roadway is identified as Utica Blvd. (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 proposes to utilize the existing driveway entrance (curb cut) on the Ross property south of the Thisse property. The applicant provided an access agreement from John D. Ross T/A Ross Farms, Inc. for an undefined period (See Site Plan Access Easement). *It should be noted there is a curb cut immediately adjacent to the Thisse property; however, it is owned by the County of Lewis and Mr. Thisse does not have permission to use.*

The applicant's site layout plan depicts one combined ingress and egress entrance with signage (driveway) onto Route 12. Applicant should comply with Article X, Section 1020 Road Access for any development proposal. It should be noted that no State of New York DOT driveway access permit was provided with the application.

There are no apparent sight obstructions that would impede egress and ingress to the property with the proposed use with existing entrance.

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 are no reported traffic problems associated with this property. Applicant has indicated no changes to existing driveway entrance (Article X, Subsection 1020).

It should be noted the Village added the following restriction to the above regarding their approval; 1) If the easement permission is revoked by Ross, the Zoning Permit is also revoked.

- *Protection of Community Character:*

The applicant is proposing no structures, only parking space. The proposed project is located within the AC zone in the Village of Lowville. There are numerous existing parking lots 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 VII, Article VIII, Section 830-3, 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 February 6, 2017 (see attached SEQR document).

- *Signage:*

The applicant has proposed signage for the parking lot on the site plan provided. It should be noted that a definitive sign setback was not defined and more details should be provided to the Village Board prior to approval, in accordance with Article VII, Subsection 715.

- *Drainage:*

The site is currently zoned AC. 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.a 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, it would appear the applicant is compliant with Village parking criteria for the AC zone. It should also be noted that in order to avoid accidental access to the County of Lewis property that is adjacent to the proposed project property, the Applicant plans to install “red topped posts” to prevent such imposed traffic and to further define the parking lot access route.

▪ *Community Facilities:*

The subject property is vacant land. There are no structures or connections to municipal utilities reported.

▪ *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 landscaping is proposed. For the Applicant to comply with Article X, Subsection 1070, Article VIII, Subsection 840-5, they should define the landscaping plan that breaks up the visual impact of the proposed vehicular parking lot.

Recommendation: Approve with the following conditions

1. Compliance with Article IX, Section 920, is required by the Village Planning Board. *"Waiver of Submission Requirements"* The planning board may waive any of the submission requirements listed in Section 915 above where it deems that the information is either not applicable or is unnecessary to a particular plan review. This information should be placed in the project file and a copy forward for the County file.
2. Applicant should provide a landscaping plan in accordance with Article X, Subsection 1070, Article VIII, Subsection 840-5 or request a waiver.
3. Applicant should provide sign setback details in accordance with Article VII, Subsection 715.
4. Applicant should make application to NYSDOT for approval and use of proposed entrance/curb cuts. A copy of the determination/correspondence and or permit should be submitted to Lewis County for file.
5. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

General Comment Access Easement:

Normally access agreements are prepared with a metes and bounds description and filed with the subject property deed. With the Village of Lowville ruling/restriction one of the two entities (Ross or Thisse) should be required to report to the Village if agreement is revoked. If it is the Village's intension for the agreement to be self-governing, a yearly certification to the Board is recommended.

The Board discussed the projects parking audience in further detail then Mr. Burke made a motion to approve the project, seconded by Mr. Spaulding which carried unanimously.

(7) Report of County Planner:

Response from municipalities regarding previously submitted/reviewed projects:

- Review Comprehensive Plan – Town of Leyden – Approved
- Site Plan Review – Dawn Roggie – Village of Lowville Planning Board – Approved
- Site Plan Review – St. Lawrence Seaway RSA Cellular Partnership d/b/a Verizon Wireless – Village of Lowville Planning Board– Approved w/conditions

(8) Unfinished Business: None

(9) New Business: None

- (10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mrs. O'Brien, seconded by Mr. Spaulding. Chairman Kaido adjourned the meeting at 2:53 PM.

Respectfully submitted,



Casandra M. Buell
Planner