

**MINUTES**  
**LEWIS COUNTY PLANING BOARD**  
**October 19, 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 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: Mike Kaido, David Becker, Bill Burke and Tim Petersen. Staff Present: Frank Pace, Director of Planning and Casandra Buell, Planner. Others Present: Steve Virkler from the Watertown Daily Times/Journal & Republican, Nick Altmire-Linking Lewis County, Don Mattimore, Henry Avallone and Jeff Miller.
- (3) **Reading and Approval of Minutes:** The September 21, 2017 meeting minutes were received and there were no modifications made by the Board members present. Mr. Burke 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**

Mrs. Buell read the following reviews to the Board:

**VILLAGE OF LOWVILLE PLANNING BOARD**

Site Plan Review (Village Application #SP2017-18) for the construction of a fuel canopy, kiosk and underground storage tank system within the existing Tops Markets parking lot located at 7395 Turin Road (State Route 26) in the Village of Lowville; Tax Map Parcel 212.16-04-09.100. The applicant would like to begin construction in the Spring of 2018.

*Tops Markets, LLC - Applicant*

The applicant provided the following Project Documentation: 1) SEQR Environmental Assessment Form (EAF); 2) Plot Diagrams; 3) Engineering Report(s)

▪ *Compatibility With Adjacent Uses:*

The zoning for this area is identified as AC (Auto-Commercial). Currently the property is being used as a shopping center and parking lot. In addition to the current use, the applicant is proposing to use a portion of the parking lot as a retail gas outlet. The proposed project identified is consistent with the Route 26, Northern AC corridor. Thus, the proposed project is consistent with the character of the AC setting.

▪ *Traffic Generation and Effect:*

The roadway is identified as Turin Road (State Route 26). This roadway consists of two lanes of travel in a north-south direction. The applicant proposes to utilize the existing parking lot entrances (curb cuts) on the leased property.

The applicant's site layout plan depicts two (2) existing ingress entrances and (1) existing egress exit with signage to be included in the existing display on State Route 26.

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 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 that NYSDOT has reviewed the plan for the Tops Market Fuel Facility and has determined that the project will have no additional impact to the vehicular traffic.

▪ *Protection of Community Character:*

The applicant is proposing to construct one (1) 2,520 SF fuel canopy, kiosk and underground storage system within the existing parking lot.

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, Section 570, Article VII, Article VIII, 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 October 2, 2017 (see attached SEQR document).

▪ *Signage:*

The applicant has proposed signage for the project on the site plan provided. The applicant intends on installing a "Tops Fuel" sign as well as a illuminated gas price sign on the existing pylon sign located next to the northern parking lot entryway. In addition, the applicant has proposed the installation of four (4) 10.5" "Tops" signs on the kiosk and two (2) 22" "Tops" illuminated signs on the canopy. There are also plans to include "Tops" graphics on all three (3) pump dispensers. The proposed signs are in accordance with Article VII, Subsection 715.

With that said, it is important that the applicant complies with all NYS Building Codes.

▪ *Drainage:*

The proposed project site has a fully paved impervious surface and sheet flow is collected into an existing catch basin then travels through a 24" corrugated metal pipe towards State Route 26. Being that the total land disturbance is less than one (1) acre (.48 acres), coverage under the NYS Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities is not required. The applicant also notes that stormwater runoff to the existing drainage collection system will not increase.

According to the comments submitted by GYMO after reviewing this project (September 27), it was recommended that "areas with the highest probability for spills should have downstream areas protected from possible contamination to the maximum extent possible" On October 2<sup>nd</sup>,

CHA, on behalf of the applicant, submitted modified grading plans to address GYMO's concerns.

▪ *Erosion:*

The applicant has provided a detailed erosion and sediment control plan in accordance with 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.

▪ *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.

▪ *Community Facilities:*

The proposed project will require new electrical and telecommunication services to the existing building; however, there will be no need for water, sewer or gas service to the kiosk or canopy.

▪ *Lighting:*

The applicant submitted a detailed photometric plan that details twelve (12) LED lights under the canopy and three (3) 24 hour lights located above each vehicle receptacle. With that said, the proposed project lighting is in accordance with Article X, Subsection 1030.

▪ *Landscaping and Screening:*

Based on the applicant's submission, existing vegetation will remain undisturbed in areas that are not directly related to this project. The applicant also submitted a detailed landscaping plan that included a strip of mulch, plants and other visually appealing components as required in Article X, Subsection 1070.

***Recommendation: Approve with the following condition***

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

The board discussed in detail the location of the diesel pump and the high demand that could result from the location. Mr. Petersen made a motion to approve with the condition, seconded by Mr. Becker which carried unanimously.

**TOWN OF HARRISBURG PLANNING BOARD**

Special Use Permit for construction and installation of a temporary 196.85' tall guyed meteorological tower (Met Tower) to be located at 8759 River Road in the Town of Harrisburg; Tax Map Parcel 157.00-01-06.000  
*Atlantic Wind, LLC – Applicant*

The proposed equipment will be used for taking passive wind and weather measurements and gathering other necessary data. The tower will have a vertical height of 60 meters (196.85') from ground surface. *It should be noted that Sections 410,415,420 and 515 shall not apply to essential facilities; junkyards; wind energy generating facilities; and telecommunication devices, towers and antennas.*

The applicant provided the following Project Documentation: 1) SEQR Environmental Assessment Form (EAF); 2) Agricultural Statement; 3) Detailed site maps depicting the project parcel and proposed met tower location; 4) Land Owner Authorization Letter; 5) Met Tower Decommissioning Plan; 6) Met Tower design and specifications

▪ *Compatibility With Adjacent Uses:*

The zoning for this area is identified as AR-1 (Agricultural 1). Currently the property identified is Agricultural. The applicant provided an Agricultural Data Statement, identifying the parcel as defined by the NYS Agriculture and Markets Law, Article 25-AA.

The proposed facility must comply with the intent of Article VII, Subsections, 710 and 715 of the Town of Harrisburg zoning criteria. The proposed use meets the general interpretation of the County Comprehensive Plan, specifically, Chapter 3, Page 60, Subsection, Opportunities/Alternative Energy.

The proposed use is consistent with the regional character.

▪ *Traffic Generation and Effect:*

Applicant proposes to use the existing access driveway as the site will be visited occasionally for routine maintenance or monitoring. It appears that no significant roadway traffic will be generated by this facility.

▪ *Protection of Community Character:*

The proposed project is located within the AR-1 Zone in the Town of Harrisburg. The temporary operation of this facility should easily blend into the community's rural nature without creating any adverse conditions.

The proposed tower exceeds the 150' height from finish grade criteria as outlined in Article IV, Subsection 425-G. "The Planning Board may consider a taller structure when it is in the best interest of the community. Such determination shall be in writing and include supporting documentation".

As indicated on the application site diagram the proposed set-back appears to be 429' from the nearest side property boundary (Frederick Property). This set-back is in compliance with Article VI, Subsection 670-D in that it exceeds 200' from the nearest residential property line and is of equal distance or greater than the height of such tower.

▪ *Signage:*

No signage is proposed by the applicant nor is it required by the Town of Harrisburg. If the applicant does decide to put a sign on the proposed project area, compliance with Article VI, Subsection 670-I is necessary. "*Signs shall not be permitted on commercial mobile service towers, antennas or related accessory facilities except signs displaying owner contact information and safety instructions. Such signs shall not exceed five (5) square feet in surface area.*"

▪ *Drainage:*

The site is currently zoned AR-1. There are no currently known drainage issues with the site. There are no paved areas on the property. Precipitation is currently handled through direct filtration of on-site grassland/soils.

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

▪ *Erosion:*

Per the applicant, the proposed tower will disturb less than 1 acre and according to the contour map provided, the topography is in compliance with Article VIII, Subsection 810.

NYS DEC regulations require erosion control plans when the applicant disturbs 1 acre or more. As reported by the applicant, less than 1 acre of land will be disturbed. If changes are made to disturb more than 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:*

The proposed temporary tower will be, for the most part, unmanned; therefore, there will be no parking necessary for anything other than occasional routine maintenance and monitoring. With that said, the applicant has identified that the space around the tower and the established driveway will be more than adequate for the one vehicle that would be parked on the property.

▪ *Community Facilities:*

As outlined in the application there are no proposed services connected to the facility.

▪ *Visibility:*

Based on the applicant's submission, there will be alternating orange and white paint on the upper third of the tower and 2 sets of aircraft marker balls. This standard marking convention is in compliance with Article VI, Section 670-E.

▪ *Landscaping and Screening:*

The applicant has indicated that the current vegetation will stay intact as it will continue to be used to pasture cattle. This is in compliance with Article VI, Subsection 670-F.

***Recommendation: Approve with conditions***

1. Since the proposed structure exceeds the 150' height from finish grade criteria as outlined in Article IV, Subsection 425-G, the Planning Board shall decide whether or not to waive this height restriction and comply with the defined documentation needs. *"The Planning Board may consider a taller structure when it is in the best interest of the community. Such determination shall be in writing and include supporting documentation."*
2. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

The Board discussed whether lighting needed to be present. Mr. Pace noted that the proposed project did not require lighting per FAA regulations. Mr. Burke made a motion to approve the project, seconded by Mr. Becker, which carried unanimously.

## **TOWN OF PINCKNEY PLANNING BOARD**

Site Plan Review for construction and installation of a temporary 196.85' tall guyed meteorological tower (Met Tower) to be located at 8822 Whitesville Road in the Town of Pinckney; Tax Map Number 154.00-01-21.000

*Atlantic Wind, LLC – Applicant*

The proposed equipment will be used for the measurement of wind speed. The tower will have a vertical height of 196.85' from ground surface. The tower will be held in place by a guy-wire system, there will be no permanent supporting structures built. As reported by Ms. Jenny Briot, Agent for Renewables Development NY & NE, the temporary Met Tower meets all requirements set forth in the Town's current zoning criteria, except for the western lot line which is an adjoining parcel owned by the same land owner, Paula Gramer (required 206.85', provided 144', Article V, Subsection 581). It should be noted that Paula Gramer has consented to waive the setback for her adjacent property.

The applicant provided the following Project Documentation: 1) SEQR Environmental Assessment Form (EAF); 2) Agricultural Statement; 3) Detailed site maps depicting the project parcel and proposed met tower location; 4) Land Owner Authorization Letter; 5) Met Tower Decommissioning Plan; 6) Met Tower design and specifications

▪ *Compatibility With Adjacent Uses:*

The zoning for this area is identified as F (Forest). Currently the property identified is an agricultural area.

The proposed facility complies with the intent of Article IV, Subsection 410 of the Town of Pinckney zoning criteria. The proposed use also meets the general interpretation of the County Comprehensive Plan, specifically, Chapter 3, Page 60, Subsection, Opportunities/Alternative Energy.

The proposed use is consistent with the regional character.

▪ *Traffic Generation and Effect:*

No roadway traffic will be generated by this facility.

▪ *Protection of Community Character:*

The proposed project is located within the F zone in the Town of Pinckney. The temporary operation of this facility should easily blend into the community's rural nature without creating any adverse conditions.

▪ *Signage:*

No signage is proposed by the applicant nor is it required by the Town of Pinckney. If the applicant does decide to put a sign on the proposed project area, compliance with Article V, Subsection 595-7 is necessary. *"Signs shall not be permitted on towers except for signs displaying owner contact information and safety instructions. Such signs shall not exceed five square feet in surface area."*

▪ *Drainage:*

The site is currently zoned F. There are no currently known drainage issues with the site. Per the application, the applicant does not propose to alter grading or drainage as part of this project.

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

- *Parking:*

This will be a remote electronically monitored system. No parking is proposed.

- *Community Facilities:*

There are no proposed services connected to the facility. As reported by the applicant, the tower will be placed on the ground surface, no earth (dirt) will be removed. Additionally, no permanent structures will be constructed. This type of facility meets the intent of Article IV, Subsection 410 “Allowed Use”, Article V, Section 581 and Article 6, Et al of the Town of Pinckney’s zoning. The applicant also notes that the project does not require water or sewer service, energy distribution facilities, or access to electrical, gas or solar hookups.

- *Lighting:*

According to the applicant, no outdoor lighting is proposed and per FAA regulations, the town is not required to be equipped with an emergency light.

- *Landscaping and Screening:*

The applicant is not proposing any landscaping for the subject property.

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

1. As reported by the applicant, the western boundary does not meet the necessary setback criteria. The applicant further explained that the adjoining property to the west was owned by the same entity (Paula Gramer) and they agreed to a waiver. The applicant should provide an executed waiver document between the parties to confirm the statement provided in the September 12, 2017 correspondence to the Town of Pinckney. A copy should be provided to Lewis County Planning Department for the project file.
2. 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, seconded by Mr. Petersen, which carried unanimously.

**TOWN OF MARTINSBURG PLANNING BOARD**

Special Use Permit (Town Application #SUP03-2017) to open a general store and self-serve coffee shop located at 4815 West Martinsburg Road (former Foot’s Store) in accordance with Town of Martinsburg Development Law Article IV, Section 410

Tax Map Parcel #227.00-01-50.100

*Kim Gracey – Applicant*

The applicant provided the following Project Documentation: 1) SEQR Environmental Assessment Form (EAF); 2) Agricultural Data Statement; 3) Site Plan. The proposed project submission complies with the applicable Town criteria as indicated by the Town referral form dated October 4, 2017.

- *Compatibility With Adjacent Uses:*

The zoning for this area is identified as (H) Hamlet. Currently, the property has an existing structure and adjoining parking spaces on the east side of the building (West Martinsburg

Road) and behind the store (West Road). Surrounding land uses include a mixture of residential, rural and agricultural. According to Article VIII, Subsection 840, this proposed project is in conformance with the pre-existing non-conforming use of land or structures in regards to the setback requirements.

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 West Martinsburg Road at a 4-way intersection. The applicant's Site Plan depicts traffic will flow into the parking lots via entries on West Martinsburg Road and West Road. According to the submitted SEQR, there will not be a substantial increase in traffic above present levels. With that said, the project is compliant with Article 5, Section 513.

- *Protection of Community Character:*

The proposed project is located within the Hamlet zone in the Town of Martinsburg. There is a mixture of residential, rural and agricultural land uses in this area. It should be noted the Town of Martinsburg completed the SEQR Short Form, a determination that the project would not impair the character or quality of the existing community was reported.

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

- *Signage:*

The applicant has proposed to attach an 8'x2' sign above the entrance along West Martinsburg Road and a bracket sign display that will hang several 2'x8" item identifiers. This is in compliance with Article 5, Section 515.

- *Drainage:*

There are no currently known drainage issues with the site and the land will not be disturbed as the applicant's intention is to use and renovate the existing facilities.

- *Erosion:*

The applicant has noted that the proposed project will not increase the potential for erosion, flooding or drainage problems.

- *Parking:*

The applicant has supplied a map depicting the proposed parking on the east side and rear of the building. This project is in compliance with the Town law that requires parking for all uses to be adequate for peak usage Article V, Subsection 520.



▪ *Community Facilities:*

The subject property is connected to an existing private water supply (drilled well) and existing wastewater utility (septic tank).

▪ *Lighting:*

On the map that was submitted by the applicant, there is additional lighting planned above the West Martinsburg Road entrance.

▪ *Landscaping and Screening:*

The application noted that there would be no changes made to the current landscaping plan or planting schedule.

***Recommendation: Approve with the following condition***

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

Mr. Becker made a motion to approve the project, seconded by Mr. Burke which carried unanimously.

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

Response from municipalities regarding previously submitted/reviewed projects:

- Site Plan Review – Terry Thisse – 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. Becker, seconded by Mr. Petersen. Chairman Kaido adjourned the meeting at 3:15 PM.

Respectfully submitted,



Casandra M. Buell  
Planner