

**MINUTES**  
**LEWIS COUNTY PLANNING BOARD**  
**April 21, 2022**

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:31 PM in the conference room on the 2<sup>nd</sup> floor at the Lewis County Court House, Lowville, New York. Roll call was requested by Mr. Petersen.
- (2) **Roll Call:** Board Members Present: Tim Petersen, John Lehman, Don Cook, Sarah Metott, Thomas Osborne and Tim Hunt. Staff Present: Megan Krokowski, Community Development Specialist and Casandra Buell, Director of Planning & Community Development.
- (3) **Reading and Approval of Minutes:** The draft February 17, 2022, meeting minutes were received and reviewed prior to the meeting. Mr. Cook motioned to approve the minutes; Mr. Hunt seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** Ms. Krokowski reviewed communication received from NYS Agriculture and Markets Commissioner Ball determining that the proposed solar development by Martinsburg CSG LLC Solar would not have an unreasonably adverse effect on the continuing viability of farm enterprises within an agricultural district in the Town of Martinsburg. This document was sent to the board for informational purposes only.
- (5) **Report of Officers:** Ms. Buell discussed the purpose of this section explaining it was for subcommittees to be formed and report on their assigned duties.
- (6) **Report of Special Committees:**

**239-M Review**

Ms. Krokowski read the following review:

**TOWN OF TURIN TOWN BOARD**

Proposed zoning text amendment to Town of Turin Rural Development Law permitting an “Educational Facility” use in the A District.

*Town of Turin – Applicant*

The proposed amendment, General Municipal Referral Form, and signed FEAF were submitted by Jane Gillette, Town of Turin Supervisor.

**Proposed Town of Turin Zoning Text Amendment**

A summary of the proposed zoning text amendment to Article 2 of the Town of Turin Rural Development Law is as follows:

*Section 240 of the Town of Turin Rural Development Law is hereby amended to permit Educational Facility to be permitted with in the “A” District with Land Use Permit*

*following Special Use Permit review and approval by the Town of Turin Planning Board and a new designation in Section 240 as “S”.*

This zoning text amendment is an appropriate change to the Town’s Rural Development Law in that the A District is already home to a variety of community organizations that partake in educational programming as well as the South Lewis Central School District. Any similar use nearby the school district would be complimentary and appropriate.

***Recommendation: Approve***

***NOTE:*** *It is recommended that the following grammatical errors are corrected before adoption:*

Section 240 of the Town of Turin Rural Development Law is hereby amended to permit *an* Educational Facility ~~to be permitted~~ *use within* the “A” District with *a* Land Use Permit following Special Use Permit review and approval by the Town of Turin Planning Board and a new designation in Section 240 as “S”.

With no questions or comments, Mr. Hunt made a motion to approve the proposed action. Mr. Lehman seconded this motion, which was carried unanimously.

Ms. Krokowski then read the final review:

**VILLAGE OF CONSTABLEVILLE VILLAGE BOARD**

Proposed local land use law that would define regulations associated with solar energy systems in the Village of Constableville.

*Village of Constableville – Applicant*

The proposed local law, General Municipal Referral Form, and signed FEAF were submitted by Mary Failing, Village Clerk.

**Proposed Village of Constableville Local Law**

A summary of the proposed local law is as follows:

In summary, the purpose of the solar energy law is to *“promote the effective and efficient use of solar energy resources, set provisions for the placement, design, construction and operation of such systems to uphold the public health, safety and welfare, and to ensure that such systems will not have a significant adverse impact on the ecological, environmental, agricultural, economic, or aesthetic qualities and character of the Village while:*

- 1. Taking advantage of a safe, abundant, renewable, and non-polluting energy resource;*
- 2. Decreasing the cost of energy to the owners of commercial and residential properties;*

3. *Increasing employment and business development in the region by furthering the installation of solar energy systems;*
4. *Mitigating the impacts of solar energy systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources; and*
5. *Protecting residents, homeowners, and taxpayers from any additional financial burden.*

The proposed law includes a comprehensive list of definitions and outlines solar energy system design standards, defines large and small solar energy systems, and details policies regarding battery energy storage systems.

Article 1 § 140 notes that “a construction permit application shall be required for the installation of all solar energy systems”; however, it is unclear as to what exactly a construction permit is. A definition for construction permit should be added to Article 2 § 210 to further clarify and prevent confusion between construction permit and the common term of building permit that falls under the NYS Building Code. Being that the Village of Constableville does not currently have land use application requirements for projects but Lewis County requires a Commercial Solar Photovoltaic Array Field Permit, it is recommended that a reference to “Commercial Solar Permit” replace the construction permit reference where applicable.

Article 3 § 320.3.b sets a maximum height of 8 feet; however, Article 3 § 330.3.b sets the maximum height at 15 feet. Verification of this variation is required prior to adoption.

Article 3 § 330.3.b indicates that the required set back from the road is a minimum of 100 feet. Since this proposed law is applicable to a village setting and the other setbacks are at least 200 feet, it is suggested that the front lot line is increased to a minimum of 200 feet, as the visual impact will be substantial.

Article 3 § 330.3.f.v. indicates that “Grass and weed growth around the bottom of the fence shall be controlled by spraying.” This may be seen as contradictory to the purpose stated in Article 1 § 120. If the Village chooses to require spraying, toxic chemicals from weedkillers should be avoided due to their impacts to the environment. It is suggested to revise this regulation so that “Grass and weed growth around the bottom of the fence shall be controlled by mowing and/or weed whacking on a regular basis.”

Article 3 § 330.3.g references Article 8 Section 171 of New York State Highway Law; however, this reference is only applicable to towns. Please update with proper reference.

Article 4 § 410.2.f references dedicated-use buildings. A definition in Article 2 § 210 should be added to ensure that the appropriate interpretation is made.

In review of the documents provided, ultimately, it appears that the proposed solar energy law will comprehensively define and outline the regulations set by the Village of Constableville regarding solar energy systems.

***Recommendation: Approve with modifications***

1. Article 1 § 140, item 2 identifies that a valid construction permit shall be obtained through the Village of Constableville Enforcement Officer; however, a definition of “construction permit” should be added to Article 2 § 210 for clarification. Being that the Village of Constableville does not currently have land use application requirements for projects but Lewis County requires a Commercial Solar Photovoltaic Array Field Permit, it is recommended that a reference to “Commercial Solar Permit” replace the construction permit reference where applicable.
2. Article 3 § 330, item 3B indicates that the required set back from the road is a minimum of 100 feet. Given the Village setting and that all the other setbacks are at least 200 feet, it is suggested that the minimum front lot line setback is increased to 200 feet as the visual impact will be substantial.
3. Article 3 § 330.3.f.v. indicates that “Grass and weed growth around the bottom of the fence shall be controlled by spraying.” This seems to contradict the statement purpose in Article 1 § 120. If the Village chooses to require spraying, toxic chemicals from weedkillers should be avoided due to their impacts to the environment. It is suggested to revise this regulation so that “Grass and weed growth around the bottom of the fence shall be controlled by mowing and/or weed whacking on a regular basis.”
4. Article 3 § 330.3.g references Article 8 Section 171 of New York State Highway Law; however, this reference is only applicable to towns. Please provide proper reference.
5. Article 4 § 410.2.f references dedicated-use buildings. A definition in Article 2 § 210 should be added to ensure that the appropriate interpretation is made.
6. Article 3 § 320.3.b sets a maximum height of 8 feet; however, Article 3 § 330.3.b sets the maximum height at 15 feet. Verification of this variation is required prior to adoption.

***NOTE:*** *It is recommended that the following grammatical errors are corrected before adoption:*

**Lot Line, Front:** The lot line separating a lot from a public road or private road. Where a road right-of-way is not established or is irregularly shaped, the front lot line shall be considered to be a line parallel to and 25 feet from the centerline **of** the road pavement of county, village and private roads or 35 feet from the centerline of the road pavement of state roads.

**Section 330**

d. County Planning Board Review. At least 10 days before the hearing, the Village Board shall refer all applications that fall within those areas specified under General Municipal Law Section 239-m to the **County Planning Board** by mail or electronic submission for the **County's** recommendation thereon prior to final action. This shall include any use that falls within 500 feet of the following: the boundary of the Village; a **State** or **County** park or recreation area; the Right-of-Way of a **State** or **County** road; a **State** or **County** owned stream or drainage channel; the boundary of a farm operation located within an agricultural district as defined by Article 25-AA of the Agricultural Law; or **State** or **County** land where a public

building or institution is located. If the **County Planning Board** does not respond within 30 days from the time it received a full statement on the referral matter, then the Village Board may act without such report. Within 30 days of taking final action, the Village Board must submit a Report of Final Action (or equivalent) to the **County**.

#### **Section 410**

b. County Planning Board Review. At least 10 days before the hearing, the Village Board shall refer all applications that fall within those areas specified under General Municipal Law Section 239-m to the **County Planning Board** by mail or electronic submission for the **County's** recommendation thereon prior to final action. This shall include any use that falls within 500 feet of the following: the boundary of the Village; a **State** or **County** park or recreation area; the Right-of-Way of a **State** or **County** road; a **State** or **County** owned stream or drainage channel; the boundary of a farm operation located within an agricultural district as defined by Article 25-AA of the Agricultural Law; or **State** or **County** land where a public building or institution is located. If the **County Planning Board** does not respond within 30 days from the time it received a full statement on the referral matter, then the Village Board may act without such report. Within 30 days of taking final action, the Village Board must submit a Report of Final Action (or equivalent) to the **County**.

The Board had a brief discussion about adding language to ensure the Village Board was aware that by adopting this local law; the creation of a Board of Appeals would be mandatory. Additionally, Mr. Hunt clarified recommendation No. 4 and suggested that the reference to NYS Highway Law be removed completely.

Recommendation No. 4 was revised to read as follows: *Article 3 § 330.3.g references Article 8 Section 171 of New York State Highway Law; however, this reference is only applicable to towns. Please consider removing this reference.*

Furthermore, recommendation No. 7 was added to read as follows: *According to §7-712, Chapter 64 of Consolidated Laws of New York, "Each village board of trustees which adopts a local law and any amendments thereto pursuant to the powers granted by this article shall create a board of appeals consisting of three or five members as shall be determined by such local law. The mayor shall appoint the board of appeals and the chairperson thereof, subject to the approval of the board of trustees. In the absence of a chairperson the board of appeals may designate a member to serve as acting chairperson. The board of trustees may provide for compensation to be paid to experts, clerks and a secretary and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the board of trustees for such purpose." Prior to adoption, this proposed local law should be updated to include an outline of the board of appeals organizational structure and process.*

With no further discussion, Mr. Cook made a motion to approve with conditions and additions. Mr. Peterson seconded the motion, which carried unanimously.

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

- Responses from municipalities regarding previously submitted/reviewed projects:

| <b>Project Description</b>              | <b>Final Action</b> | <b>Project Description</b> | <b>Final Action</b> |
|---|---------------------|----------------------------|---------------------|
| T/Turin – Zoning Text                   | Approved            | V/Turin – Turin            | Approved            |
| Septic Setbacks/<br>Campground Guidance | w/Condition<br>s    | Highland Lodge             | w/Condition<br>s    |

- (8) **Unfinished Business:** Ms. Buell discussed that the joint Village and Town of Lowville Comprehensive Plan would likely be submitted for a second review next month.
- (9) **New Business:** Ms. Buell discussed that the Village of Lowville would likely be submitting a zoning update regarding adding a new zone, Neighborhood Commercial 2, to make their zoning map more accurate and able to encourage more development in certain areas.
- (10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Lehman, seconded by Mr. Cook, which carried unanimously. Mr. Petersen adjourned the meeting at 2:58 PM.

Respectfully submitted,



Casandra Buell  
Director of Planning & Community Development