

MINUTES
LEWIS COUNTY PLANNING BOARD
September 15, 2022

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:32 PM in the conference room on the 2nd 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, Thomas Osborne, Sarah Metott, Tim Hunt, and Don Cook. Staff Present: Casandra Buell, Director of Planning and Community Development as well as Megan Krokowski, Community Development Specialist.
- (3) **Reading and Approval of Minutes:** The draft August 18, 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 the following communications received from the Adirondack Park Agency:
- **APA Project No. 2022-0141 Final Permit Approval**
Kurt J. Dittl and Penny R. Dittl, Two-lot subdivision, North South Road, Town of Greig
 - **APA Project No. 2022-0141 Minor Project Public Notice**
Kurt J. Dittl and Penny R. Dittl, Two-lot subdivision, North South Road, Town of Greig
 - **APA Project No. 2022-0185 Application Received**
Jeffrey Shambo, Four-lot subdivision, Partridgeville Road, Town of Greig
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

239-M Review

Ms. Krokowski read the following review:

JOINT TOWN/VILLAGE OF LOWVILLE PLANNING BOARD

Special Use Permit to allow the change in use of a residential structure to a child day-care facility located at 7671 N. State Street, in the Village of Lowville.

Tax Map Parcel: #212.07-08-11.000

Lewis County Head Start – Applicant

The following project documentation was submitted: 1) Site Plans; 2) SEQR Short Environmental Assessment Form (SEAF) with EAF Mapper Report; 3) Project Location on Zoning Map and 4) Tax Parcel Map.

▪ ***Compatibility With Adjacent Uses:***

The zoning for this area is identified as NC (Neighborhood Commercial). According to Article III § 201-310, the purpose of the Neighborhood Commercial Zone is “*To provide a pedestrian oriented, mixed-use (residential and small-scale commercial) transition area between the Village Center and surrounding residential areas.*” The

applicant is requesting a change in use from a residential residence to a commercial childcare structure which is consistent with the nature of the Neighborhood Commercial zone. The proposed use appears to be compatible with adjacent uses and it should be noted that the adjoining parcel, 7673 N. State Street, has the same use as the action proposed and that Lowville Academy is located directly across the street.

- *Traffic Generation and Effect:*

The roadway is identified as North State Street, also known as NYS Route 26. The applicant proposed no changes to the existing driveway. According to the submitted SEAF, the proposed action will not result in a substantial increase in traffic above present levels.

While the submitted SEAF notes that the existing Head Start driveway will be used for this action, Article X § 201-1020 states that access to all sites shall be consistent with the standards set forth by NYS DOT's Policy and Standards for Entrances to State Highways, as revised. Therefore, due to the change in use from a residence to a childcare facility, the applicant should obtain the proper approvals from NYS DOT prior to approval for the existing egress/ingress location.

- *Protection of Community Character:*

The applicant is proposing a change of use from a residential property to a daycare site for children inside the Village's Neighborhood Commercial zone. Based on review of the current zoning for the Village of Lowville, the proposed project is consistent with the standards under Part II, Article III § 201-310.

According to the SEAF submitted, the proposed action is not in or near a critical environmental area, is not designated as a critical habitat to threatened/endangered species; however, the applicant should be cognizant of activities that could impact the Northern Long-Eared Bat and the Monarch Butterfly. Lewis County does not have any registered National Natural Landmarks; therefore, the site does not contain all or part of a registered National Natural Landmark. As part of this review, an Environmental Assessment Form Mapper was completed and the project site, or any portion of it, is not located in or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. The proposed site is near several registered historic places, such as the Franklin B. Hough House, Lewis County Fairgrounds, Lewis County Soldiers' and Sailors' Monument, Lowville Presbyterian Church, and the Stoddard O'Connor House; however, since the proposed project has no exterior changes proposed, it should have no impact on these sites.

The proposed action should not interfere with the community character at the proposed site.

- *Signage:*

The applicant has not proposed any updates to their current signage. If changes to the current signage are needed, compliance with Article VII is required.

- *Drainage:*

As noted in the submitted SEAF, the proposed project does not have any plans for physical changes to the site; therefore, drainage concerns should be minimal, at most.

Based on the information supplied by the applicant on the SEAF and the Environmental Resource Mapper, the proposed site and/or adjoining lands do not contain any Federal or State regulated waterbodies. Additionally, according to FEMA Flood Map 360370 0001 C, the action site parcel is identified as Zone X and is defined as an area outside 500-year flood.

- *Erosion:*

According to the application, there will be approximately 0 acres disturbed for the proposed project. The proposed project is below the 1-acre threshold and would not require the applicant to obtain a SPDES permit.

- *Parking:*

The site narrative details that the address proposed would not be utilizing the driveway for pick-up/ drop off children or staff, these activities would continue to be conducted at the main headquarters, at the neighboring property. According to § 201-820, all uses with nonconforming parking or loading situations shall comply with the requirements of Article VIII if the use changes; therefore, the Village should review Article VIII § 201-840, to ensure parking requirements are being adequately met with the existing parking area.

- *Community Facilities:*

According to the submitted SEAF, the proposed action will connect to public water supply and wastewater utilities. Given that the scope of the action is to accommodate more social distancing and is redistributing the staff and students from one building to two neighboring properties, the proposed action should have little impact on the municipal water and wastewater systems.

- *Lighting:*

According to the submitted documents, it appears that the applicant does not intend on any changes to the current lighting. We suggest that considerations be made to require motion activated exterior lighting for safety and security purposes. Furthermore, to ensure compliance with Article X § 201-1030, the Planning Board should review and ensure current lighting is adequate before approval is issued.

- *Landscaping and Screening:*

The applicant did not submit plans for landscaping as no exterior changes are proposed of the site; however, the Planning Board should review Article X § 201-1070 to ensure compliance with the general landscaping and screening requirements.

Recommendation: Approve with the following conditions

1. While the submitted SEAF notes that the existing Head Start driveway will be used for this action, Article X § 201-1020 states that access to all sites shall be consistent with the standards set forth by NYS DOT's Policy and Standards for Entrances to State Highways, as revised. Therefore, due to the change in use from a residence to a childcare facility, the applicant should obtain the proper approvals from NYS DOT prior to approval for the existing egress/ingress location.
2. The applicant has not proposed any updates to their current signage. If changes to the current signage are needed, compliance with Article VII is required.
3. While the application did not include plans for lighting in the proposed action, motion activated exterior lighting should be added for safety and security purposes. Furthermore, to ensure compliance with Article X § 201-1030, the Planning Board should review and ensure that the current lighting is adequate before approval is issued.
4. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

NOTE:

- A) According to § 201-820, all uses with nonconforming parking or loading situations shall comply with the requirements of Article VIII if the use changes; therefore, the Village should review Article VIII § 201-840, to ensure parking requirements are being adequately met with the existing parking arrangements.
- B) The applicant did not submit plans for landscaping as no exterior changes are proposed of the site; however, the Planning Board should review Article X § 201-1070 to ensure compliance with the general landscaping and screening requirements.

Ms. Metott disclosed that she serves on the board of Head Start and therefore recused herself from commenting and voting on this referral.

With no further questions or comments, Mr. Hunt made a motion to approve the proposed action with the recommendations as presented; Mr. Cook seconded this motion. Mr. Petersen and Mr. Osborne both voted “aye”, and Ms. Metott recused herself.

Ms. Krokowski then read the second review:

TOWN OF LEYDEN TOWN BOARD

Review of revised proposed local law to govern the installation of Solar Energy Systems in the Town of Leyden.

Town of Leyden – Applicant

The General Municipal Referral Form was submitted by Town Supervisor Rosalie White on behalf of the Town of Leyden. The submission is intended to act as an independent local law and is referred to throughout the proposal as the Solar Energy Local Law of the Town of Leyden.

In summary, the purpose of this proposed local law is to “advance and protect the public health, safety, and welfare of the Town of Leyden residents by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives in mind:

1. To support energy independence and community resiliency by taking advantage of a safe, abundant, renewable, and non-polluting energy resource;
2. To mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, open space, wildlife, and other protected resources, and
3. To create collaborations between solar and the potential impact on the environment, neighbors, and the community;
4. To identify the ideal locations for solar energy development and to avoid conflict with other land use goals, regulations, and long-term plans;
5. To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
6. To increase employment and business development in the Town, to the extent reasonably practical, by providing a defined framework for review of Solar Energy System projects.”

Section 3 of the proposed law includes definitions for the various types of solar energy systems and equipment to include building integrated systems, building-mounted systems, ground-mounted systems, roof-mounted systems, solar energy equipment, agricultural solar energy systems, large solar energy systems, small solar energy systems, and solar thermal systems. Small-scale energy systems and agricultural solar systems do not require a site plan review; however, they will be required to obtain a zoning permit. Large solar energy systems consequently will require site plan review.

According to Section 6, D-4 “Proper landscaping and/or site design features, including both the maintenance of the existing natural vegetation and the introduction of new plantings shall consist of a naturally appearing blend of deciduous and coniferous species.” Consider adding “native to New York State” after species. Additionally, consider adding “Invasive or nuisance species shall be avoided in all plantings” with a reference to NYS list of invasive species or similar reference.

Section 6, D-8 has been removed since the original review of this solar law in July. All agricultural resource protections have been removed from this law; however, there are still protections in place for solar energy systems larger than 20 MW located on prime farmland must be in accordance with the requirements put in place by NYS Department of Agriculture and Markets. The line spacing from the removed text was not removed, we suggest that these spaces are removed for consistent formatting of the proposed document.

Large solar projects face more regulations than small scale solar/ agricultural solar based in the proposed law. Any Solar Energy System application submitted will be accompanied by a fee per the fee schedule established by the Town of Leyden Town Board. Additionally, any cost above the associated fee incurred shall be borne by the applicant.

For transparency, it would be beneficial to mention the legislation that Lewis County requires a Commercial Solar Photovoltaic Array Field Permit, in addition to the permits required by the Town of Leyden.

In review of the documents provided, it appears that the Solar Energy System Law, addition to the Town's existing Zoning Law, will comprehensively define the regulations set by the Town of Leyden regarding solar energy systems.

Recommendation: Approve with Conditions

1. Section 6, D-4 states “*Proper landscaping and/or site design features, including both the maintenance of the existing natural vegetation and the introduction of new plantings shall consist of a naturally appearing blend of deciduous and coniferous species.*” We propose you add native to New York following coniferous species. Additionally, consider adding “Invasive or nuisance species shall be avoided in all plantings” with a reference to NYS list of invasive species or similar reference.
2. Consider adding the Farmland Soils and Wetlands Town of Leyden map from the Lewis County Agricultural and Farmland Protection Plan to demonstrate a map of the prime farmland soils and farmland soils of statewide importance which is applicable to large solar projects which are reviewed by the Department of Agriculture and Markets as part of the Notice of Intent (NOI) process.
3. In addition to the permits required by the Town of Leyden, to prevent confusion and promote transparency, consider referencing the Lewis County legislation that requires a Commercial Solar Photovoltaic Array Field Permit.

Note: For formatting purposes, while the board has proposed to remove local agricultural resource protections from this law, the line spacing from the removed text was not removed. We suggest that these spaces are removed for consistent formatting.

With no further discussion, Mr. Osborne made a motion to approve with conditions as presented; Mr. Cook seconded the motion, which carried unanimously.

(7) Report of County Planner:

- Responses from municipalities regarding previously submitted/reviewed projects:

Project Description	Final Action	Project Description	Final Action
T/West Turin – Zoning Text Amendment	Approved w/Conditions	V/Lowville – Lewis County DMV/BOE Offices	Approved w/Conditions

(8) Unfinished Business: Ms. Krokowski discussed the upcoming 4-Hour Land Use Training Workshop on September 21, 2022.

(9) New Business:

(10) Adjournment: There being no other business, a motion to adjourn the meeting was made by Mr. Hunt, seconded by Mr. Cook which carried unanimously. Mr. Petersen adjourned the meeting at 2:50 PM.

Respectfully submitted,

Megan Krokowski
Community Development Specialist