

**MINUTES**  
**LEWIS COUNTY PLANNING BOARD**  
**November 18, 2021**

- (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 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, Tim Hunt, John Lehman, Eric Virkler and Michael Kaido. Staff Present: Casandra Buell, Director of Planning & Community Development, and Megan Krokowski, Community Development Specialist. Public Present: Sarah Metott.
- (3) **Reading and Approval of Minutes:** The draft October 21, 2021 meeting minutes were received and reviewed prior to the meeting. Mr. Virkler motioned to approve the minutes; Mr. Lehman seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** Ms. Buell reviewed communication received from Adirondack Park Agency (APA) State Land Jurisdictional Inquiry Form and Application for Wetlands General Permit, notifying us of the accepted permit for minor regulated activities by NYS DEC in APA-jurisdictional freshwater wetlands. This document was sent to the board for informational purposes only.
- (5) **Report of Officers:** Chairman Petersen questioned this section of the agenda as, most of the time, the officers do not have anything to report. He questioned whether it was a requirement of the By-laws. Ms. Buell confirmed that the “Report of Officers” is noted within the By-laws that were recently updated. She indicated that she would email copies of the By-laws that indicate this topic is required.
- (6) **Report of Special Committees:**

**239-M Review**

Ms. Krokowski read the following review:

**TOWN OF WEST TURIN TOWN BOARD**

Proposed local law to amend the Town of West Turin Zoning Law Section 355 to reference the correct section regarding standards for accessory structures.

*Town of West Turin – Applicant*

The General Municipal Referral Form was completed by Town Attorney Joseph W. Russell on behalf of the Town of West Turin.

The proposed local law will amend the 2020 version of the Town of West Turin Zoning Law in which it was discovered that Section 355, Storage Vehicles, references the ZEO to Section 350, Dwellings per Lot, rather than the correct Section 345, Accessory Structures and Additions. The Town of West Turin Town Board proposes to amend and restate Section 355 of the Town of West Turin Zoning Law as follows:

### Section 355. Storage Vehicles

Storage vehicles shall be allowed in zones B, C, and D and prohibited in all other zones. Storage vehicles with an area of 144 square feet or greater shall comply with the standards set for accessory structures in Section 350 345 of this law.

In review of the documents provided, it appears that the proposed Town of West Turin Zoning Law amendment will adequately modify the incorrect section reference pertaining the standards set for accessory structures in §355 entitled Storage Vehicles. This section originally referenced §350 Dwellings per Lot, instead of the proper §345 Accessory Structures.

#### ***Recommendation: Approve***

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

Ms. Krokowski then read the following review:

#### **TOWN OF LEWIS PLANNING BOARD**

Site Plan Review for the proposed construction of a sand/salt storage building approximately 72' x 130' located at 1218 Fish Creek Road (County Route 47) in the Town of Lewis.

Tax Map Parcel #411.00-01-22.100

*Town of Lewis – Applicant*

The applicant provided the following Project Documentation: 1) Site Plans; 2) Location Maps; and 3) SEQR Full Environmental Assessment Form.

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

While the proposed action is located on a triangular 7.1-acre parcel within both the Hamlet and Rural Residential zones, the proposed action is located within the Town of Lewis' 'Hamlet' Zoning District. This action is not located within Agricultural District 6 and, according to the submitted FEAFF, the applicant has identified zero nearby or adjoining agriculture land uses.

It should be noted that the FEAFF shows that the proposed action is within the 'Rural Residential' zone; however, confirmation with the Zoning Enforcement Officer proved that the structure will be located within the Hamlet District.

Lot Frontage: Approximately 1250' (100' required)

Road Setback: 95' (50' required)

Side Setback: 250' West, 400' East (15' required)

Rear Setback: Approximately 278' (50' required)

##### **▪ *Traffic Generation and Effect:***

The submitted FEAFF notes that the proposed action will not result in a substantial increase in traffic above present levels. According to the Lewis County GIS, it appears that there is an adequate existing entrance to the property. Since the proposed action is on Fish Creek Road (County Route 47), a County Driveway Permit will need to be obtained prior to construction if altering the current driveway.

- *Protection of Community Character:*

According to the FEAf submitted by the applicant, the proposed action is not in a critical environmental area, national or state register of historical places or state eligible sites or archeological site, is not critical habitat to threatened/endangered species, and does not contain all or part of a registered National Natural Landmark. Even though critical habitat is not identified, the IPAC Report identified the Monarch Butterfly, an endangered species native to the area, if clearing brush, avoid the spring/summer months if possible as the butterflies use the brush as their temporary habitat prior to their migration. According to the CRIS website, consultation has been initiated for the proposed building, and the proposed site 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.

Note: The submitted FEAf was incomplete and, as part of this review, an EAF Mapper was completed to obtain basic site information.

- *Signage:*

The proposed action referral did not include plans for a sign. If signage is proposed later, the applicant should ensure compliance with Article 9 of the Town of Lewis Land Use Law.

- *Drainage:*

According to the submitted Land Use Application, the dimensions of the proposed accessory structure are 72' x 130', which will physically disturb .21 acres. This falls below the 1-acre threshold that would require the applicant to obtain a SPDES permit.

The Environmental Resource Mapper was completed as part of this review and identified most of the parcel contains a freshwater wetland check zone. Additionally, a 41.3-acre state regulated freshwater wetland is located at the rear of the parcel along with an identified River/Stream and a 7.18-acre Freshwater Emergent Wetland. Proper permitting should be sought if developing within the identified zones. According to FEMA Flood Map 360368 0009C, the parcel of land is identified as Zone X as defined as area outside 500-year flood and possibly Zone AE - Floodway Areas. The applicant should comply with Article 12 Section 12.1 in that adequate flood insurance is sought and proper permitting is received if developing in Zone AE. While the proposed action is within a NYS DEC Freshwater Wetland Check Zone, it is in compliance with Article 10, Section 10.4 in which it is set back more than 100 feet from the bank of the nearest creek or stream designated by the NYS DEC as being better than D quality.

- *Parking:*

The proposed project did not detail parking; however, it is recommended the applicant comply with Article 11, Sections 11.2-11.4 of the Town of Lewis Land Use Law in which the Town of Lewis requires one space for every employee of a commercial use operation, no parking space shall be located within five feet of the front lot line or any side or rear lot line, except in driveways, and off-road loading berths shall be at least 10 feet by 50 feet in size and have a minimum clear height providing access to the road of 14 feet. Since the proposed action is in such proximity to wetlands, impervious pavements should be avoided to avoid stormwater runoff.

- *Community Facilities:*

According to the submitted project FEAf, the proposed action will not create a new demand for water, nor will it require the use of any existing public wastewater treatment facilities.

- *Lighting:*

The proposed action did not include lighting. Exterior motion activated lighting plans, typical of commercial properties for safety and security; should be submitted to the Town of Lewis Planning Board prior to approval.

- *Landscaping and Screening:*

The applicant did not indicate plans for landscaping and or screenings. Filter strips around the site should be considered to protect the neighboring wetland from possible contamination.

***Recommendation: Approve with Conditions***

1. Since the proposed action is on Fish Creek Road (County Route 47), a County Driveway Permit will need to be obtained prior to construction if altering the current driveway.
2. Even though critical habitat is not identified, the IPAC Report identified the Monarch Butterfly, an endangered species native to the area, if clearing brush, avoid the spring/summer months if possible as the butterflies use the brush as their temporary habitat prior to their migration.
3. The proposed action referral did not include plans for a sign. If signage is proposed later, applicant should ensure compliance with Article 9 of the Town of Lewis Land Use Law.
4. The proposed project did not detail parking; however, it is recommended the applicant comply with Article 11, Sections 11.2-11.4 of the Town of Lewis Land Use Law in which the Town of Lewis requires one space for every employee of a commercial use operation, no parking space shall be located within five feet of the front lot line or any side or rear lot line, except in driveways, and off-road loading berths shall be at least 10 feet by 50 feet in size and have a minimum clear height providing access to the road of 14 feet. Since the proposed action is in such proximity to wetlands, impervious pavements should be avoided to avoid stormwater runoff.
5. Filter strips around the proposed site should be considered to protect the neighboring wetland from possible contamination.
6. Prior to approval, applicant should submit plans for motion activated exterior lighting typical of commercial building lights for security purposes.
7. The Environmental Resource Mapper was completed as part of this review and identified most of the parcel contains a freshwater wetland check zone as well as a 41.3-acre state regulated freshwater wetland located at the rear of the parcel along with an identified River/Stream and a 7.18-acre Freshwater Emergent Wetland. Proper permitting should be sought if developing within the identified zones. According to FEMA Flood Map 360368 0009C, the parcel of land is identified as Zone X as defined as area outside 500-year flood and possibly Zone AE - Floodway Areas. The applicant should comply with Article 12 Section 12.1 in that adequate flood insurance is sought and proper permitting is received if developing in Zone AE.
8. Applicant should ensure compliance with all local, state, and federal requirements for this type of facility.

The Board had a brief discussion about municipal immunity and using stimulus money for projects like this. With no further discussion, Mr. Lehman made a motion to approve the project with the above conditions, Mr. Kaido seconded the motion, which carried unanimously.

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

- Responses from municipalities regarding previously submitted/reviewed projects:
  - Site Plan Review – All Seasons Power Equipment – Joint T/V of Lowville Planning Board – Approved

The Board had a brief discussion as to why the proposed conditions were not adopted.

(8) **Unfinished Business:** With Ms. Sarah Metott in attendance, she was introduced to the Board as the newest County Planning Board member, effective January 1, 2022. Board members made introductions and congratulations were exchanged.

(9) **New Business:** Ms. Buell reminded the Board of their 4-Hour annual training requirement and shared with them their recorded credit hours to-date. Ms. Buell agreed to share a list of NYS DOS training opportunities that would satisfy their annual training requirement and offered to send the applicable weblinks to the Board members along with the requested copy of the By-laws.

Mr. Virkler suggested a small celebration to honor long-time County Planning Board members, Mr. Kaido and Mr. King, following the December meeting. The Planning Department will plan said celebration.

(10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Cook, seconded by Mr. Kaido, which carried unanimously. Mr. Petersen adjourned the meeting at 2:55 PM.

Respectfully submitted,



Cassandra Buell

Director of Planning & Community Development