

MEETING MINUTES

JEFFERSON COUNTY PLANNING BOARD

March 29, 2016

MEMBERS PRESENT: David Prosser, Chairman, Dean Gillan, Vice-Chairman, Art Baderman, Dwight Greene, Deb McAtee, Lisa L'Huillier, Jon Storms

OTHERS PRESENT: John Stinson, Town of Rodman

STAFF PRESENT: Michael Bourcy, Senior Planner
Jennifer Voss, Community Development Coordinator
Sara Freda, Community Development Coordinator

CALL TO ORDER AND ESTABLISHMENT OF QUORUM: Chairman Prosser opened the meeting at 4:00 p.m. and stated that a quorum was present.

APPROVAL OF THE FEBRUARY 23, 2016 MEETING MINUTES: Chairman Prosser asked members if they had any comments or changes to the February 23, 2016 meeting minutes. A motion to accept the meeting minutes was made by Dean Gillan seconded by Jon Storms, and carried unanimously.

COMMUNICATIONS: Chairman Prosser asked if there were any communications. There were none.

PUBLIC COMMENTS (OTHER THAN AGENDA ITEMS): Chairman Prosser asked if there were any public comments (other than on agenda items). There were none.

NEW BUSINESS:

A. General Municipal Law, Section 239m Referrals:

- 1 Town of Alexandria, Site Plan Review, Robert Williams – NAPA Retail Store, JCDP File # T AI 2 - 16. Sara Freda presented this project to the Board stating the applicant is requesting to convert a former restaurant into a NAPA store with vehicle sales and storage. She stated the Board was reviewing this project due to its proximity to NYS Route 12.

Sara showed the location of this project on NYS Route 12 using the locator map and an aerial photo. She stated it is the former Beefer's Restaurant and explained the applicant is hoping to relocate the NAPA store into the former restaurant. The proposed vehicle sales and storage will be located to the rear of the property. Using current site photos, she highlighted the two entrances and parking area, along with a rear internal connection between the restaurant and current store.

County issues identified include: NYS DOT should be contacted to determine if a Highway Work Permit will be required and a Jefferson County Building permit may be required for any interior modifications of the existing building.

Local issues include:

- a. The local board should request a site plan which depicts on-site parking spaces, landscaping, lighting, drainage, and proposed signage; all of which are required to properly evaluate the proposal.
- b. The use requires 30 parking spaces for the main building, plus one space for each employee. One loading space is required.
- c. Any outside storage area shall not be larger than the square footage of the first floor of the building used to house the operation.
- d. The parking area and outside storage area shall be constructed of all-weather materials.
- e. If the applicant is expanding the impervious surface area, there should be adequate provisions for storm water facilities and on site drainage.
- f. Any proposed signage shall meet the requirements of the zoning law.
- g. The local board should consider maintaining the existing internal connection at the rear of the property between the two businesses. This will allow customers to travel between the businesses without entering onto State Route 12.

Dean Gillan asked if the applicant has intentions to pave the driveway and if the size of the parking lot was known, Sara stated that information was not supplied. The point was stated again that all pertinent information should be supplied by the applicant before they submit their project so a proper local review can be done.

2. Town of Alexandria, Site Plan Review, Robert Williams – NAPA Service Station, JCDP File # T AI 3 - 16 Sara also presented this project to the board stating the same applicant as above is requesting to change the use of a NAPA retail store into a NAPA auto service station. The Board is reviewing this due to its proximity to NYS Route 12.

Sara explained the applicant desires to change the store into a service station with a lift to service cars and boats. Dean Gillan asked if the applicant plans to have gas there and Sara stated she believes the service station is for vehicle repairs only.

She showed site photos and the proposed site plan to show the location in comparison to the old restaurant/new NAPA store. Utility tanks were identified on the property and the rear internal connection was again discussed. A well was identified on the site plan, but it is believed that municipal water is new to that area.

County issues were the same as stated above: NYS DOT should be contacted to determine if a Highway Work Permit will be required and a Jefferson County Building permit may be required for any interior modifications of the existing building.

Local issues were similar as well:

The local board should request a site plan which depicts on-site parking spaces, landscaping, lighting, signage, waste disposal and location of all existing structures; all of which are required to properly evaluate the proposal.

The proposed service station requires 13 parking spaces plus one space for each employee.

Storage of materials used in a commercial servicing operation may be stored outside; however they shall be enclosed within fencing so as to not be visible from the adjacent properties. The outside storage area shall not be larger than the square footage of the first floor of the building used to house the operation.

In addition, the ordinance states that servicing related to the operation must take place within the building.

The local board should consider maintaining the existing internal connection at the rear of the property between the two businesses. This will allow customers to travel between the businesses without entering onto State Route 12.

3. Village of Chaumont, Area Variance, Emerald Development LLC, JCDP File # V Ch 1 - 16
Sara Freda presented this project to the Board and stated the applicant is requesting an area variance for lot frontage for a proposed subdivision. The Board is reviewing this due to its proximity to NYS Route 12E.

Sara stated this was a proposed two lot subdivision with an area variance requested for lot frontage. The property is located on the northeast corner of NYS Route 12E and Morris Tract Road. The first lot will be approx. 1.6 acres and include the existing Nice & Easy store. The second lot will be approx. 6.4 acres and will include the remaining property. The second lot has two frontages, one along State Route 12E and the other on Morris Tract Road which is only 71 feet and the zoning code requires 75 feet.

Only staff comment is when considering the requested variance, the local Board should consider and weigh the five tests for an area variance, as stated in NYS Village Law.

- 4-5. Town of Clayton, Site Plan Reviews, Atlantic Wind, LLC, JCDP File # T CI 1 & 2 - 16
Michael Bourcy presented these two projects to the board explaining the applicant is proposing the placement of two wind measurement towers. The Board is reviewing them due to their proximity to NYS Route 12 for one tower and to County Road 125 and the Municipal Boundary for the other tower.

Michael showed the location of the two towers on the indicator map and displayed a schematic drawing of the proposed towers. They will have guy wires on four sides, sensor booms, and aircraft marker balls. Dean Gillan asked how tall the towers will be and Michael stated 198 feet. Both towers meet all setback requirements and they will be accessed from current farm entrances and not creating new driveways.

Chairman Prosser asked what would happen to these projects if the Town passes their proposed amendments to prohibit wind energy facilities. Michael explained that since these projects were submitted prior to any amendments passing they could not be denied for that reason.

One local comment from staff is the local board should request that the access roads be shown on the site plan.

6. Town of Clayton, Zoning Amendments, JCDP File # T CI 3 - 16 Michael also presented this project to the board explaining the Town Board is proposing to amend the Zoning Ordinance by removing references to wind energy facilities and a Local Law in order to prohibit industrial or commercial wind energy facilities.

The current Town of Clayton Zoning Ordinance has a Wind Energy Facility Overlay District that establishes where such uses are allowed in the Town. Michael displayed the current zoning map showing where this district is located.

The Town also has a Wind Energy Facility Local Law that contains regulations for wind energy facilities, small wind energy conversion systems, and met towers.

Michael explained that the NYS Public Service Law, Article 10 provides for the siting of major electric generating facilities. Wind energy facilities with a generating capacity of 25MW or greater are considered major. Under this article a Siting Board (Board on the Electric Generating Siting and the Environment) has the authority to review these projects. The Siting Board shall consider local regulations and determine if they are reasonable.

There are two actions being proposed by the Town.

1. The Town is proposing to amend the zoning ordinance to eliminate the overlay district and remove references to Wind Energy Facilities and met towers. If these uses are not defined it may create questions about how these uses would be regulated under the zoning ordinance.
2. The Town is proposing to amend the current Wind Energy Facilities Local Law to prohibit wind energy facilities and met towers. It allows small wind energy conversion systems for agricultural operations. The prohibition of these uses could be interpreted by the siting board as unreasonably burdensome regulations and cause the siting board to over-ride the local prohibition.

Michael also discussed if the siting board deems the prohibition of these uses throughout the Town as unreasonable it could potentially open the door for a wind developer to propose towers outside of the current overlay district under the authority of Article 10.

Michael explained that when reviewing an energy project the Siting Board makes determinations. One of the determinations is that the project is in compliance with state laws and regulations and in compliance with, or override of, unreasonably restrictive local laws and regulations.

Michael states that it is unclear what is considered “unreasonably restrictive”, but after looking at the current regulations for wind energy facilities in the Town’s local law with other municipalities across the state, it does not appear that Clayton’s current regulations are more restrictive than the other laws. He did say that other municipalities have passed laws that prohibit such development.

Chairman Prosser asked if small wind energy conversions systems are now proposed to being allowed in the Ag District, how much of the Town is in that District? Michael stated there is a lot of acreage already in the Ag District and there are farms located alongside the river as well, so potentially now you could see small wind systems outside the current Wind Overlay District.

Staff recommends the County Planning Board pass a motion that the project is of local concern only with the comment that it is the Board's opinion that the outright prohibition of wind energy facilities within the Town would be grounds for the Siting Board to decide that it is unreasonably restrictive. The result could be that if the Siting Board reviews a wind energy facility in the Town, under Article 10, there would be no local regulations for them to consider, such as allowing these facilities only in the Wind Energy Facility Overlay District. Also, if the siting board deems the prohibition of these uses throughout the Town as unreasonable it could potentially open the door for a wind developer to propose towers, under the authority of Article 10, outside of the current overlay district. The Town's current regulations, based on a planning process with public input, would give the Siting Board local guidance. The local board should also consult with their municipal attorney.

7. Village of Dexter, Special Use Permit, American Solar Partners, JCDP File # V Dex 1 - 16 Michael presented this project to the board explaining the applicant is proposing to install roof-mounted solar panels on a residential house. The Board is reviewing this due to its proximity to NYS Route 180.

Michael explained the Board is reviewing this because the Village adopted solar and wind regulations for residential use and stated they would require a special use permit. He stated at the last Village meeting it was discussed that the zoning law would be amended to exclude residential solar panels from review. The submitted site plan was reviewed with no County or Local issues identified.

Dwight Greene did comment that weight should at least be considered with regards to what the structure can hold and Michael stated that would be handled through the Building Code review.

8. Town of Hounsfield, Site Plan Review, Primax Properties/Dollar General, JCDP File # T Ho 1 - 16 Jen Voss presented this project to the board stating the applicant is proposing a new 9,300 square foot Dollar General store. The Board is reviewing this due to its proximity to NYS Route 3 and County Road 75.

Jen presented an aerial photo and showed the location at the corner of NYS Route 3 and Smithville Road. The proposed site plan was reviewed showing: 32 parking spaces (30 required), public water and septic system, access from Co Rt. 75 only, dumpsters, loading dock, signage, and lightning.

County issues identified include:

With the project location along the Seaway Trail and Olympic Trail Scenic Byway, potential visual and aesthetic impacts should be minimized. Specifically, the local board should consider the design of the building and its compatibility with this relatively open rural area. Similarly, the local board should also ensure that the proposed landscaping is adequate for the purpose of buffering the visual impact of the project from the Scenic Byway.

A Jefferson County Building Permit is required for the construction of the building.

The Jefferson County Highway Department should be contacted regarding access onto County Road 75. Additionally, a detailed drainage plan should be submitted to the

Highway Department for review in order to ensure that drainage will not negatively impact the County Road or adjacent properties.

If the project involves more than an acre of soil disturbance, an erosion and sediment control plan and storm water pollution prevention plan will need to be completed and coordinated with the NYS DEC prior to site disturbance.

Jen reviewed the following Local issues:

The local board should ensure that adequate drainage facilities are provided in order to avoid impacts on the road and neighboring properties.

There should be additional information provided on lighting via a photometrics plan in order to ensure offsite glare is minimized. Likewise, information should be provided on signage and landscaping, as required by the local law. The local board should ensure all of the site plan review requirements will be met for this project.

As required by the Town of Hounsfield Zoning Law, commercial uses are required to be screened from both the road and adjoining residential uses. The local board should ensure this screening requirement is met prior to approving the site plan.

Chairman Prosser asked how tall the screening is required to be and Jen stated minimum of 6 feet and can be living plants, walls of wood or brick, berms, mounding or combo. He further asked if other locations on the Seaway Trail adhere to these screening regulations and Jen couldn't comment on other locations, but the Nice N Easy in Hounsfield is also on the Seaway Trail and there is no screening present there. (Though the same comment from this Board was stated during that review as well) Michael commented that the Dollar General in Black River is also on the Seaway Trail and they have it screened well with a berm.

9. Town of Pamela, Site Plan Review, Seaway Rental Corp., JCDP File # T Pa 1 - 16 Jen also presented this project to the board explaining the applicant is proposing an 80 foot by 12 foot (9,600 sq. ft.) maintenance shop. The Board is reviewing this due to its proximity to NYS Route 3.

Using current site photos and the submitted sit plan, Jen explained where the project is located and showed the current structures being the existing store/shop and a warehouse in the rear. They plan to connect the new shop to the current structure with a walkway between the two. Jen mentioned that no additional parking is required because it is an existing use.

County issues identified by staff:

A NYS DOT Highway Work Permit may be required if any changes are made to the access onto NYS Route 3.

If the project involves more than an acre of soil disturbance, an erosion and sediment control plan and storm-water pollution prevention plan will need to be completed and coordinated with the NYS DEC prior to site disturbance.

Only one local issue: in order for the local board to approve the site plan, the following

information needs to be submitted: topographic data, drainage plans, lighting, landscaping plans, location of the access points onto NYS Route 3, location of loading area, as well as the internal circulation of pedestrians and vehicles.

10. Town of Rutland, Special Use Permit, Copenhagen Wind Farm, LLC, JCDP File # T Ru 1 - 16 Sara Freda presented this project to the board and stated the applicant is proposing to construct a transmission line and a substation to connect to the grid. The Board is reviewing this due to its proximity to County Roads 160, 161, and 162.

Sara showed the location of the transmission line and the substation on the indicator map. She stated the property is zoned Agricultural and Rural Residential. The proposal is considered essential services by the Town and is permitted within the AR District with a special use permit.

The proposed transmission line will carry electricity from the Copenhagen Wind Farm in the Town of Denmark, through the towns of Champion and Rutland, to the proposed substation located southwest of the intersection of Middle Road and South Community Road. It will be 4.5 miles in length and follow a 100 foot wide corridor. The poles will not exceed 75 feet in height. The substation will be completely enclosed within a fenced area 178 feet wide and 220 feet long.

County issues include:

A work permit from the County Highway Department is required when the transmission line crosses a county road, when a pole is located within the right of way of a county road, and for the vehicle entrance to the substation.

Approval from NYS and/or Army Corps of engineers will be required for work to be conducted within wetlands.

Disturbance of 1 acre or more requires the completion of a storm water pollution prevention plan (NYSDEC).

An Ag Data Statement is required because the proposed project is located within a State Certified Agricultural District.

Local issues identified:

The Town of Rutland zoning law states no transformers or associated switches shall be closer than 100 feet from any lot line. It appears this setback requirement is not met for the proposed substation. An area variance may be needed. In order for the local board to address the applicability of an area variance the setbacks and property lines need to be delineated on the substation site plan.

The proposed poles exceed the maximum height of 35 feet. The Town should determine if the poles are required to meet this requirement. If the application for the poles is denied then the applicant may request an interpretation from the ZBA to determine if the poles are considered structures or the applicant could request area variances.

The zoning law requires adequate landscaping be provided to create a visual and sound buffer between the proposed essential service facility and its adjacent properties. No

landscaping is proposed near the substation.

Security lighting should be designed so that downward facing lighting will be utilized to reduce light pollution.

Jon Storms commented that in his opinion that transmission lines should not be considered an essential service. They are a commercial enterprise.

11. Town of Watertown, Site Plan Review, Jake's Lawn Care/Greenhouse, JCDP File # T Wa 1 - 16 Jen Voss presented this project to the board explaining the applicant is proposing to construct a 30' by 80' greenhouse at an existing lawn care business. The Board is reviewing this due to its proximity to US Route 11.

Jen showed the location of the property on US Route 11 using the indicator map and aerial photo. It is currently a lawn care business and they are proposing a new greenhouse for a small gardening center.

County issues:

A NYS DOT highway work permit may be required if any work is done within the right-of-way of US Route 11.

A Jefferson County Building Permit may be required for the construction of the greenhouse.

If the project involves more than an acre of soil disturbance, an erosion and sediment control plan and storm-water pollution prevention plan will need to be completed and coordinated with the NYS DEC prior to site disturbance.

One local issue was identified as: in order for the local board to approve the site plan, the following information needs to be submitted: a site plan drawn to scale, showing drainage, parking, lighting, signage, and landscaping.

Chairman Prosser reviewed the staff recommendation that this is a Project of Local Concern Only.

Motion: To accept staff recommendation of Project of Local Concern with comments as stated above for projects #1-11 was made by Dean Gillian, seconded by Jon Storms, and unanimously carried.

12. Town of Watertown, Zoning Map Amendment, JCDP File # T Wa 2 - 16 **Chairman Prosser stated he would be abstaining from this project.** Jen Voss presented this last project to the board explaining the Town Board is considering a zoning map amendment request to change a parcel from NP (Natural Products) to R1.

Jen showed the location as 24922 NYS Route 12 and stated it is an old rock quarry.

Only comment is New York State requires that all zoning requirements are made in compliance with a comprehensive plan. Before adopting the proposed amendment, the local board should ensure the map amendment meets current and future plans for the

Town.

Vice Chairman Gillan reviewed the staff recommendation that this is a Project of Local Concern Only.

Motion: To accept staff recommendation of Project of Local Concern with comments as stated above was made by Deb McAtee, seconded by Art Baderman, and unanimously carried with one abstention.

C. Intergovernmental Review

1. Village of Clayton, USDA RD, JCDP File # 3 - 2016. The Village of Clayton is seeking funding for upgrades to its water system. The proposed actions include: replacement of various pumps and valves; inspection and painting of standpipe; zebra mussel control; standby generator; replace 13,540 feet of piping; and extension of 7,100 feet of piping. They are asking for \$6,185,000 in funding from USDA-RD.

The Board agreed a letter of endorsement will be sent.

D. Other Business

Michael reminded the Board that the Local Government Conference will be held at JCC on March 30th. Training sessions have also been booked for April 19th on comprehensive plans and May 25th on various topics.

Adjournment

A motion was made by Dean Gillan, seconded by Deb McAtee to adjourn the meeting at 5:15 p.m.