

MEETING MINUTES

JEFFERSON COUNTY PLANNING BOARD

April 26, 2016

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

OTHERS PRESENT: Gunther Schaller, Town of Clayton

STAFF PRESENT: Andy Nevin, Senior Planner
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 MARCH 29, 2016 MEETING MINUTES: Chairman Prosser asked members if they had any comments or changes to the March 29, 2016 meeting minutes. A motion to accept the meeting minutes was made by Dean Gillan seconded by Lisa L'Huillier, 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 Clayton, Moratorium, JCDP File # T Cl 4 - 16. Sara Freda presented this project to the Board stating the Town is proposing a local law to establish a six month moratorium on applications for the review and approval of permits for Wind Energy Facilities.

Sara reminded the Board that last month they reviewed a prohibition of Wind Energy Facilities within the Town, except for Small Wind Energy Conversion systems for agriculture operations. She stated that instead of enacting the prohibition the town proposed a 6-month moratorium. During this time, no applications for review or constructions of these facilities shall be accepted and no permits shall be issued.

Local issues identified by staff include:

The Town Board should ensure the proposed moratorium meets NYS DOS's criteria for land use moratorium prior to adoption.

- 1) Have a reasonable time frame as measured by the action to be accomplished during the term;
- 2) Have a public purpose justifying the moratorium;

- 3) Address a situation where the burden imposed by the moratorium is shared by the public at large;
- 4) Strictly adhere to the procedure for adoption laid down by the enabling acts;
- 5) Have a certain time when the moratorium will expire.

The proposed law does not appear to include a public purpose justifying it.

Dean Gillan asked why the Town changed their mind on the prohibition and Sara stated the application didn't specify their reasons, but members surmised that perhaps they took careful consideration to their comments last month.

Bill Ferguson expressed his thoughts that a 6-month timeline would be hard for seasonal residents to be active in this process. The Board agreed that 6 months is sometimes not long enough for this process, and more times than not, the municipality needs an extension granted. Andy stated he believes the Town is also waiting for their comprehensive plan to be finished to make a decision based on those results. The Board decided to recommend the Town to establish the moratorium for 1 year or until the comprehensive plan was finalized.

Gunther Schaller, a resident of the Town of Clayton, spoke briefly and expressed his appreciation of the Board's recommendation.

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 was made by Dean Gillan, seconded by Bill Ferguson, and unanimously carried.

2. Village of Clayton, Site Plan Review, Grindstone Group, LLC, JCDP File # V CI 1 - 16 Sara also presented this project to the board stating the applicant is proposing a 75 unit self-storage facility on vacant land in the Village of Clayton. The Board is reviewing this due to its proximity to NYS Route 12.

Sara showed the location on the locator map and with an aerial photo as southwest of the intersection of State Route 12 and Old State Road. She presented photos taken during a recent site visit. She stated the site is a little greater than one acre and it drains to the south towards McCarn Creek. Showing the proposed site plan, Sara explained two buildings are proposed; one is 30' by 220' and the other is 30' by 80'. One of the units will be used for an office and maintenance. The facility will be accessed by a paved driveway and the drive lanes will be gravel. New electric will be connected with existing overhead lines and there will be no water or sewer connections.

Only one County related issue was identified: a Stormwater Pollution Prevention Plan (SWPPP) is required to be submitted to the DEC if overall site disturbance is 1 acre or more.

Local issues include:

The local board should request detailed information regarding the proposed sign and lighting to ensure they meet local zoning law requirements.

The local board should request a site plan printed with legible dimensions, drive lanes, parking and setbacks in order to evaluate overall site circulation. Specifically, the board should determine if there is enough room between the two buildings for vehicular traffic and the loading and unloading of the individual units. The zoning law requires at least 30 feet between buildings and at least one parking space for the office. If these requirements are not met, the applicant would need to request a variance through the ZBA.

The local board should ensure the landscaping and buffering requirements of Article IV Section 132-50 of the Village Zoning Law are met.

The local board should ensure that site drainage does not negatively impact adjacent properties or McCarn Creek.

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

3. Town of Henderson, Site Plan Review, Waterside Bar & Grill, JCDP File # T He 1 - 16
Andy Nevin presented this project to the Board and stating the applicant proposes to re-open a former restaurant and bar in the Harbor Zoning District. The Board is reviewing this due to its proximity to County Road 123.

Andy showed the location on Harbor Road using aerial photos and recent site photos. He stated the inside and outside of the property has been updated, along with the docks for dockside parking and access as well. They are proposing a future patio to the rear that could accommodate entertainment (their website states this will be offered). He mentioned there is a dumpster which wasn't shown on the site plan so it wasn't clear whether that would be a permanent location. With site photos he showed there appears to be an entrance to an upstairs dwelling and it was discussed that would be an owner occupied apartment. Dave Prosser asked if there are any restrictions for multi-uses and Andy explained that was permitted in this district.

The submitted site plan was reviewed showing 15 parking spaces along the side of the property line, but as the Board discussed, parking would be limited and difficult to access as it is everywhere for businesses with Henderson Harbor. Bill Ferguson asked if there was any signage or laws against on-street parking there and it was stated there are not. However, the County Highway Superintendent states it was not allowed within the County right of way.

Bill Ferguson also asked about the sewer situation and Andy explained according to the Dept of Health the applicant's engineers are working with the Department of Health on that. Historically, the site had a holding tank, however, that is no longer permitted according to the Dept of Health Director.

Staff identified three County related issues:

The Jefferson County Highway Department should be contacted as any work within the County Route 123 right-of-way requires a Highway Work Permit. Also, the drawing

proposes three spaces within the County right-of-way which is not permitted.

A Jefferson County Building Permit is required.

A NYS Department of Health permit will be required.

Local issues for consideration:

The local board should ensure the proposed parking will not be placed within the side yard setback as required by Town Zoning Law for parking on waterfront lots. As proposed, the placement of the parking spaces within the side yard setback requires a variance from the ZBA. The local board should also consider the placement of the dumpster as its current location would eliminate several parking spaces and blocks a portion of the waterfront view within the side yard setback. An alternative arrangement for trash removal could be explored by the applicant.

The local board should request information regarding the use of the second floor to ensure adequate parking for the restaurant (inside and outside) and potential other second floor uses.

The local board should request information regarding any proposed signage, lighting, or landscaping to ensure the local zoning law requirements will be met.

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

4. Town of Orleans, Special Use Permit, Atlantic Wind, LLC, JCDP File # T Or 1 - 16 Sara Freda presented this project to the Board stating the applicant proposes a temporary met tower on vacant land in the Town of Orleans. The project is within the Wind Overlay Zone. The Board is reviewing this due to its proximity to County Road 12 and the Municipal Boundary.

The proposed met tower will be located northeast of the intersection of Haller Road, Wilder Road and County Rte.12. It is part of the Horse Creek Wind Project and will be located on a 114 acre parcel that is currently being used to grow hay. Local law requires a setback of 1.5 times the height, which this tower meets. No driveway is proposed.

Sara displayed a rendering of the proposed tower. It will be 60 meters in height. The upper third will be painted orange and white in an alternating pattern. The tower is supported by 4 sets of 6 guy wires. There are 2 orange aircraft marker balls on each side of the tower on the guy wires for a total of 8. There will also be a red light on top of the tower which is activated from dusk to dawn. The temporary tower will measure meteorological data for up to 3 years.

Only County related issue is a Jefferson County Building Permit is required.

No local issues were identified.

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 #2-5 was made by Deb McAtee, seconded by Jon Storms and unanimously carried.

5. Town of Lorraine, Comprehensive Plan, JCDP File # T Lo 1 - 16 Andy Nevin presented this project to the Board explaining the Town is proposing a draft comprehensive plan. NYS Town Law 272-a, requires Comprehensive Plans to be referred to the County Planning Board.

Andy stated the Board was sent a snapshot of the plan with their monthly mailing for their review. The Town has been working with the Tug Hill Commission to develop this plan. He displayed a map of the existing land uses in the Town of Lorraine to show the Board the major uses are agriculture, forest, and residential and also a map of development constraints within the Town.

Bill Ferguson mentioned that with wind regulations being such a hot topic at that moment, he wondered how is the Town of Lorraine proposing to handle it? Andy Nevin stated that wind is addressed in their zoning law currently and Bill Ferguson suggested that it also be addressed in their comprehensive plan.

While public input is mentioned in several sections, the local board should consider adding a section summarizing the public input process and the input from SWOT sessions conducted for reference purposes.

The local board should also consider including the 2006 Sketch Study visuals, and its associated strategies as an attachment.

Motion: Chairman Prosser reviewed the staff recommendation that the board pass a motion of Approval based on the positive impacts that sound planning practices and periodic review of their zoning law will have on the future development of the Town and on the adjacent municipalities. Motion made by Dean Gillan and seconded by Art Baderman and carried unanimously.

C. General Municipal Law, Section 239c Referral

1. Town of LeRay, NYS DOT, NY 26 – Fort Drum Airport Overpass. Andy presented this project to the Board by stating the NYSDOT is in the preliminary design phases of a highway and bridge project that will address security concerns and traffic congestion on NY 26 within the Fort Drum Military installation. The proposed highway and bridge will pass over NY 26 and provide a direct connection between the north and south sides of the military base. Currently the military must exit the base and go through a security gate to enter the airfield.

During the scoping/preliminary design phases, NYS DOT will identify needs, develop and evaluate various alternatives, and select the alternative to be progressed into the design phase.

The County Planning Board expressed no concerns regarding the proposed project. The Board is in favor of improvements that would enhance traffic flow.

D. Other Business

Andy stated the next training session is Wednesday, May 25, 2016 and a workshop notice will be sent shortly.

Adjournment

A motion was made by Jon Storms, seconded by Dean Gillan to adjourn the meeting at 4:45 p.m.