

Town/Village of Lowville Planning Board
Regular Meeting
Wednesday, August 26, 2020
7:00 P.M.

RECEIVED
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BY:

The meeting was called to order by Chairperson Dan O'Brien at 7:10 p.m.

1. The Town/Village of Lowville Planning Board met on this date and a roll call of attendance showed the following members present:

Suzanne Peters	Daniel O'Brien	Jeff Sauter	Rebecca Kelly
Henry Avallone	Lisa Hetzner, Alt	Donald Cooke, Alt.	

Others present: Mike Fingar, US Light; Susan Jornov, US Light; Alan Watson, Standar Solar; Bob Mulling, Lowville Town Council; Ruth Laribee, Lowville Town Council; Kathy Manning, Administrative Assistant/Town Zoning Officer

2. Reading and Approval of Minutes
July 22, 2020

A MOTION was made by Jeff to approve the minutes as written. The motion was seconded by Rebecca. All members in favor. Motion carried.

3. Communications and reports.

- a. The updated zoning map is included in your packet. Please replace the map in your books with this one.

All members indicated they had received the map.

- b. A copy of a letter sent to GraRok, LLC regarding the concerns at the former MJL Crushing site is included for your information.

There was discussion if Kathy had any response from GraRok. Kathy indicated she had not.

4. Old Business:

- a. The public hearing is for **Application SP2020-1**, submitted by **Solitude Solar/US Light**, requesting special use permit and site plan review to allow installation of a 60 +/- acre solar array in accordance with Town of Lowville, Chapters 100-38, 198 and 250 Articles X, XII, among others in an AG Zone. The parcel is owned by Jeremy and Andrea Steria, located on Waters Road, Town of Lowville, New York, tax parcel number 213.00-01-46.000.

The public hearing was opened at 7:12 p.m.

The board members were supplied with a copy of the recommendations from the County Planning Department. There was discussion regarding the items indicated including the notification to Fort Drum. Mr. Fingar indicated they had contacted Fort Drum and supplied Kathy with a copy of the e-mail correspondence. Mr. Fingar further supplied Kathy with an updated e-mail from Lowville Fire Chief, Joe Austin. There was discussion that all other items indicated by the County and required by site plan review had been met.

There was discussion regarding the decommissioning plan and financial surety. There was discussion regarding the financial surety escalation versus revisiting the plan on a regular basis. The Town Board determined it would be best to revisit the plan on a five (5) year cycle rather than using a set escalator.

The board completed the Special Use Permit form.

Dan asked if anyone from the public had any comments. Ruth questioned when the financial surety clock would start. Mr. Fingar indicated he believed that it would start when the contract was signed by both parties.

The public hearing was closed at 7:23 p.m.

A MOTION was made by Dan to approve Resolution SP2020-1. The motion was seconded by Henry. All members present in favor. Motion carried. A copy of the Resolution is attached to these minutes and included with the original record.

5. New Business:

a. **Application SD2020-2**, submitted by **Jeremy Thompson on behalf of Michael Tebo**, requesting minor subdivision approval to allow conveyance of 2.5 +/- acres from 5.01 +/- acres in accordance with Town of Lowville, Chapter 240, Subdivision of Land, in an AG Zone. The parcel is owned by Michael Tebo, located at 7268 Rice Road, Town of Lowville, New York, tax parcel number 194.00-01-20.200.

The applicant has requested a waiver in accordance with 240-11.

On August 21, 2020, Kathy supplied the board members with an e-mail regarding this application. After Kathy further reviewed the application, Kathy determined that the remaining parcel will not comply with Town Zoning law. Kathy believes Town Zoning does not allow for an accessory structure to be placed on a parcel without a primary structure. Kathy indicated she supplied this information to the surveyor who contacted the purchaser. Kathy indicated she had spoken with Kevin Tebo who is the purchaser. Kathy further indicated there are several violations at the property including many campers/recreational camping vehicles. Mr. Kevin Tebo indicated he was planning to build a home on the parcel. There was discussion that the board could request Kathy supply Michael Tebo with a letter advising him of the options to move this application forward.

It was determined that the application would be tabled for 30-days to allow for the applicant or purchaser to supply the following:

Option 1: The applicant or purchaser may apply for a special use permit in accordance with §250-43 within 30 days of the letter to allow for the continued use of a recreational camping vehicle to be used for a time to be determined by this board to allow for the application of a primary residence with septic system to the building code officer. If the applicant chooses this option, the Planning Board will table the subdivision application until such time as the conditions for a special use permit can be met and will continue with the subdivision without further fees incurred by the applicant for the minor subdivision application. The applicant will be responsible for any fees incurred for an application for a Special Use Permit.

Option 2: The applicant may request an interpretation by the Zoning Board of Appeals for the determination by the Zoning Officer, Kathy Manning, that an accessory structure is not allowed without a primary structure on a parcel in the Town of Lowville if they disagree with the determination. The applicant will be responsible for any fees incurred by applying to the Zoning Board of Appeals.

Should the applicant fail to proceed with either option, the application for minor subdivision will be void. If the applicant decides to move forward with the minor subdivision at a future date, they will need to reapply including all fees.

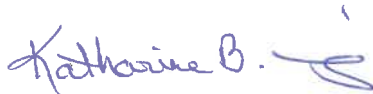
There was discussion regarding the GraRok mine and the lack of notification to the DEC regarding the sale by MJL Crushing.

The board members questioned if there could be a provision in site plan review for the applicant to disclose the future sale of a property or project within a certain time frame. Kathy indicated she would contact Ray Meier, Town Attorney, to obtain a legal opinion on this matter.

7. Adjournment

A MOTION was made by Henry to adjourn the meeting. The motion was seconded by Rebecca. All members in favor. Motion carried. The meeting adjourned at 7:51 p.m.

Submitted by,

A handwritten signature in blue ink that reads "Katharine B. Manning". The signature is written in a cursive style with a large initial 'K' and a long horizontal stroke at the end.

Katharine B. Manning
August 27, 2020

Note: These minutes have been transcribed from a recording. The minutes are not a verbatim or quoted version; they are rather a documentation of the meeting with motions and resolutions included.

COPY

At a Regular Meeting on August 26, 2020, the Town/Village of Lowville held a public hearing in reference to the following application at the Town Offices, 5533 Bostwick Street, Lowville, New York

The public hearing was opened on August 26, 2020 at 7:12 PM and closed at 7:23 PM

A **MOTION** was made by Dan to Approve/Disapprove/Approve with conditions Application SP2020-1.

BE IT RESOLVED, the Town/Village of Lowville Planning Board Approves/Disapproves/Approves with the following conditions Application **SP2020-1**, submitted by **Solitude Solar/US Light Energy**, requesting special use permit and site plan review to allow installation of a 60 +/- acre solar array in accordance with Town of Lowville, Chapters 100-38, 198 and 250 Articles X, XII, among others in an AG Zone. The parcel is owned by Jeremy and Andrea Steria, located on Waters Road, Town of Lowville, New York, tax parcel number 213.00-01-46.000. In accordance with General Municipal Law, 239-m, this application was forwarded to the Lewis County Planning Department for their recommendation. A copy of their recommendation is included with the original record.

Conditions are as follows:

1. _____
2. _____

Further, the Town/Village of Lowville Planning Board has reviewed all items in accordance with zoning and general municipal requirements. These requirements are reflected in the minutes of the July 22, 2020 planning board meeting. A public hearing was held on August 26, 2020, the application was deemed complete on July 22, 2020 in accordance with general municipal law.

The motion was seconded by Henry. A roll call vote showed the following:

Suzanne Peters	<u>Y</u>	N	R	A	Daniel O'Brien	<u>Y</u>	N	R	A
Henry Avallone	<u>Y</u>	N	R	A	Rebecca Kelly	<u>Y</u>	N	R	A
Jeffrey Sauter	<u>Y</u>	N	R	A	Alt. Donald Cooke	Y	N	R	A
					Alt. Lisa Hetzner	Y	N	R	A

Motion Carried.

DOR
Signature of Planning Board Chair

Y – Yea N – Nay R – Recusal Absent - A

