

Town/Village of Lowville Planning Board
Regular Meeting
Wednesday, November 20, 2019
7:00 P.M.

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BY:

The meeting was called to order by Chairperson Dan O'Brien at 7:00 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 Donald Cooke, Alt.

Absent: Lisa Hetzner, Alt.

Others present: Meghann and Brian Hellinger, Applicant; Thomas Giles, Applicant Representative; Michael Lyndaker, Applicant; Amos Lyndaker, Applicant Representative; Brian Lyndaker, Applicant Representative; Ruth Larabee, Town Council Member; Kathy Manning, Administrative Assistant/Town Zoning Officer

2. Reading and Approval of Minutes
November 20, 2019

Suzanne indicated there was a typographical error on page 2 in the second paragraph, where "exiting" should be "existing".

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

3. Communications and reports.

The following items were postponed until after the unfinished business:

a. Corrected draft "Rules of Conduct" – Tabled

b. Tim Widrick, Village of Lowville Trustee – Previously Tabled.

I have spoken with Tim regarding temporary zoning permits and the Village is working on the matter. I believe they will have something similar to what the Town has. Tim has indicated he's still available should the board wish to speak with him.

c. NYS Tug Hill Commission Local Government Conference

Kathy supplied the board with information regarding the upcoming Local Government Conference scheduled for March 26, 2020 at JCC. It will be necessary for you to return your registration to Aimee Murphy, Town Clerk on or before February 14, 2020 if you are planning to attend.

4. Unfinished Business:

a. The public hearing is for **Application SP2019-5**, submitted by Meghann Hellinger dba The Bateman Draft House, requesting a special use permit to operate a Restaurant/Bar in accordance with Village of Lowville, Chapter 201, Articles X and XI in a VC Zone. The parcel is owned by Conifer Bateman Associates, located at 7578 South State Street, Lowville, New York, tax parcel number 212.11-06-04.100.

The public hearing was opened at 7:08 p.m.

Kathy indicated the correct address for the project is 7578 South State Street. There was discussion regarding the comments from the County Planning Board. The board completed the Site Plan Review form along with the Special Use Permit form. The public was asked if they had any comments. No one present at the meeting indicated they had any comment.

The public hearing was closed at 7:16 p.m.

There was discussion regarding conditions to be placed on this application. It was determined the application would be approved with the condition that all signs comply with Village of Lowville sign laws including Article VII, 201-725.

A MOTION was made to approve Resolution SP2019-5 with conditions to include that all signs comply with Village of Lowville sign laws including Article VII, 201-725. The motion was seconded by Henry. All members in favor. Motion carried. A copy of the resolution is included with these minutes and part of the original record and will be supplied to the County Codes office.

b. The public hearing is for **Application SP2019-4**, submitted by **MJL Crushing, LLC**, requesting a special use permit to expand an excavation business in accordance with the Code of the Town of Lowville, Chapter 250, Articles X and XII, et al in an AG Zone. The parcel is owned by MJL Crushing, LLC, located on State Route 26, Town of Lowville, New York, tax parcel number 195.00-04-07.000.

The public hearing was opened at 7:22 p.m.

The Site Plan Review form along with the Special Use Permit form were completed by the board. There was discussion regarding the comments from the County Planning Board. Dan read the comments provided by the county on the referral form which is part of the original record. There was discussion that the County was incorrect when it indicated on the referral form that the Planning Board had set a precedent by allowing the initial mine the maximum lot coverage indicating it is a pre-existing non-conforming use. Kathy indicated the Town of Lowville definition for "Lot Coverage" addresses only buildings and structures not other types of land use. There was discussion regarding conditions to be placed on the permit including the merging of the parcels. Mr. Lyndaker indicated he had called Real Property to have this accomplished. Kathy indicated she would contact Real Property to ensure it has been completed by their office. There was discussion regarding continued concerns by this board with the dust leaving the property line which is in direct conflict with Town of Lowville Zoning Law, Chapter 250, Article VI, 250-30, (3) as well as the stones which have been spilled on State Route 26 both potentially causing traffic hazards. Mr. Lyndaker indicated he was aware of some of the dust and stone issues but not to the extent the board was referring to. Mr. Lyndaker indicated he and his staff would be more diligent about observing the dust. Mr. Lyndaker requested that when individuals of this board, the town board or Kathy receives a complaint that the mine is notified immediately so they can attempt to remedy the situation. It was determined the board would use the county referral form as an attachment to the resolution for conditions also placing compliance with 250-34 as a condition emphasizing the concerns over dust and stones on Route 26. Kathy will indicate the portions of the law stipulated as conditions to the applicant in the formal letter she supplies to the applicant and the DEC. There was discussion that the New York State Troopers are responsible for ensuring commercial trucks have their loads covered and do not appear to enforce it.

The public hearing was closed at 7:50 p.m.

A MOTION was made by Rebecca to approve Resolution SP2019-4 with conditions. Conditions are as follows: both parcels which are to be mined must be merged creating one lot; the project must comply with Town of Lowville Zoning Law, Chapter 250, Article VI, 250-30 and 250-34 especially where dust and stones are concerned; Compliance with all local, state and federal regulatory requirements for this type of facility and the products store. The motion was seconded by Henry. Jeff recused himself from voting on this application. All other members present in favor. Motion carried. A copy of the Resolution is attached to these minutes and included with the original record.

Mr. Giles supplied the board and Kathy with a new map which indicates the fencing and drain pipes which drain to State Route 26.

At this point, the board returned to Communications and reports. There was discussion regarding the Rules of Conduct as proposed. The board members indicated they would like fresh copies and to have this appear on the next agenda.

Kathy indicated she had spoken with Tim Widrick and believes the Village will have the temporary tent situation resolved.

There was general discussion regarding the upcoming training and the need to supply registration to Aimee no later than February 14, 2020.

5. New Business:
None
6. Adjournment
A MOTION was made by Henry to adjourn the meeting. The motion was seconded by Jeff. All members present in favor. Motion carried. The meeting adjourned at 8:01 p.m.

Submitted by,



Katharine B. Manning
January 23, 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 January 22, 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 January 22, 2020 at 7:08pm and closed at 7:15pm

A MOTION was made by Suzanne to Approve/Disapprove/Approve with conditions Application SP2019-5.

BE IT RESOLVED, the Town/Village of Lowville Planning Board Approves/Disapproves/Approves with the following conditions Application **SP2019-5**, submitted by Meghann Hellinger dba The Batman Draft House, requesting a special use permit to operate a Restaurant/Bar in accordance with Village of Lowville, Chapter 201, Articles X and XI in a VC Zone. The parcel is owned by Conifer Bateman Associates, located at 7574 South State Street, Lowville, New York, tax parcel number 212.11-06-04.100
Conditions are as follows:

1. _____
2. All signs must comply with Article VII 201-725

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 November 20, 2019 planning board meeting. A public hearing was held on January 22, 2020, the application was deemed complete on November 20, 2019 further, in accordance with general municipal law, the application was forwarded to the County Planning Department. Their recommendation(s) is/are included with the original record.

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.

Dior
Signature of Planning Board Chair



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MUNICIPAL BOARD: TOWN/VILLAGE OF LOWVILLE PLANNING BOARD

239 L & M REFERRAL RE: Site Plan Review and Special Use Permit to expand an excavation (mining) business located at 7935 NYS Route 26 in the Town of Lowville. MJL Crushing, LLC - Applicant

December 20, 2019

The above referenced referral was reviewed by the Lewis County Planning Board at its regular monthly meeting held on Thursday, December 19, 2019 pursuant to General Municipal Law, Article 12-B, Section 239-M.

The following action was taken on the proposal:

[X] Approve w/conditions

Conditions:

- 1. According to the submitted maps, the current mining operation will expand onto the applicants adjoining lot. Being that there are established side yard setbacks in place within the Town of Lowville Zoning Law, it is recommended that the applicant combines the parcels.
2. According to Article VI §250-30, specifically regarding this particular action, the proposed project prohibited from emitting noise in excess of 70 decibels or dust/dirt which is considered offensive measured at the individual property line. The applicant should comply with all criteria detailed in Article VI §250-30. 250-34
3. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

Note: Additionally, according to Article IV § 250-17, there is a lot coverage maximum in the AG zone set at 10%. In February 2008, the Town/Village of Lowville Planning Board voted to approve the original MJL Crushing special use permit application; thus setting a precedence and making this a pre-existing non-conforming use.

If you have any questions regarding this action, please do not hesitate to contact this office.

Sincerely,
[Signature]
Frank J. Pace
Director of Planning

NOTE: Pursuant to General Municipal Law, Article 12-B, Section 239-M, within thirty (30) days after taking final action, you are required to file a report of your final action with the County Planning Board. FAILURE TO DO SO COULD INVALIDATE YOUR ACTION.