

Town/Village of Lowville Planning Board
Regular Meeting
Wednesday, January 27, 2021
7:00 P.M.

RECEIVED
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BY:

The meeting was called to order by Vice Chairperson Suzanne Peters at 7:03 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 in person or via Zoom:
Suzanne Peters Daniel O'Brien Jeff Sauter Rebecca Kelly
Henry Avallone Lisa Hetzner, Alt.

Absent: Daniel O'Brien Donald Cooke, Alt.

Others present in person or via Zoom: Howard Lyndaker, Applicant Representative; Edgar SK Merrell, III, Applicant Representative; Jon Kubinski, Applicant; Mickey Dietrich, Tug Hill Commission; Kathy Manning, Administrative Assistant/Town Zoning Officer

2. Reading and Approval of Minutes
October 28, 2020

A MOTION was made by Rebecca to approve the minutes as written. The motion was seconded by Henry. Lisa recused herself as she was absent from the October meeting. All other members in favor. Motion carried.

3. Communications and reports.

Potential Special Use Permit revocation – Per discussion by the Town Board with the Town Attorney and quoted from the minutes of the December 17, 2020 meeting: “Verbal Complaints have been received by Zoning Officer Manning Discussion about potential violations of conditions of the special use permit. There have been no written complaints received. If a written complaint were to be received, then the Code Enforcement Officer would be able to act on the violation and issue citation for appearance in local court. Currently, due to Covid-19, the courts are not open for in-person appearance, so any citations would be adjourned until the courts are back in session. Attorney Meier will look into who can revoke the special use permit and what procedures would need to be followed. He believes that a revocation of the permit would most certainly end up with a law suit being filed against the town. No action taken by the board at this time.”

This item was postponed until new business was completed.

4. Old Business:
None

5. New Business:

- a. **Application SD2020-4**, submitted by **Kovach Land Surveying PC on behalf of Frances Hanno**, requesting minor subdivision approval to allow conveyance of 0.19 +/- acres from 10.9 +/- acres which will not comply without conditions with Village of Lowville, Chapter 165, Subdivision of Land in a R Zone. The parcel is owned by Frances Hanno, located on Trinity Avenue and East State Street, Village of Lowville, New York, tax parcel number 195.20-01-12.110.

The application and its contents were reviewed by the board. There was discussion regarding the difference between the original submission and this submission.

The SEQR short form was reviewed by the board. A MOTION was made by Henry to deem Application SD2020-4 an Unlisted Action and issue a Negative Declaration for environmental significance. The motion was seconded by Rebecca. All members present in favor. Motion carried.

There was discussion if this application meets the criteria for a waiver of the public hearing in accordance with 165-5. The board determined the application does meet the criteria and the public hearing will be waived.

There was discussion that the parcel will be required to be added to 212.08-04-08.000. There is a note on the survey for filing with the county of this requirement.

A MOTION was made by Rebecca to deem Application SD2020-4 complete and waive the public hearing. The motion was seconded by Jeff. All members present in favor. Motion carried.

A MOTION was made by Jeff to approve Resolution SD2020-4. The motion was seconded by Henry. All members present in favor. Motion carried. A copy of the resolution is included with these minutes and the original record.

b. **Application SD2020-5**, submitted by **Kovach Land Surveying PC on behalf of Frances Hanno**, requesting minor subdivision approval to allow conveyance of 0.93 +/- acres from 100.4 +/- acres in compliance with Town of Lowville, Chapter 240, Subdivision of Land in an OC Zone. The parcel is owned by Frances Hanno, located behind Prospect Street, Town of Lowville, New York, tax parcel number 213.00-01-01.000.

The application and its contents were reviewed by the board. There was discussion regarding the difference between the original submission and this submission.

The SEQR short form was reviewed by the board. A MOTION was made by Suzanne to deem Application SD2020-5 an Unlisted Action and issue a Negative Declaration for environmental significance. The motion was seconded by Henry. All members present in favor. Motion carried.

There was discussion if this application meets the criteria for a waiver of the public hearing in accordance with 240-11. The board determined the application does meet the criteria and the public hearing will be waived.

A MOTION was made by Lisa to deem Application SD2020-5 complete and waive the public hearing. The motion was seconded by Rebecca. All members present in favor. Motion carried.

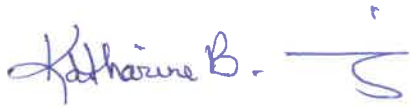
A MOTION was made by Suzanne to approve Resolution SD2020-5. The motion was seconded by Lisa. All members present in favor. Motion carried. A copy of the resolution is included with these minutes and the original record.

The board returned to communications and reports and discussed the necessity for written complaints. There was general discussion regarding what the planning board and municipality can and cannot restrict with a special use permit for a mine.

7. Adjournment

A MOTION was made by Henry to adjourn the meeting. The motion was seconded by Rebecca. All members present in favor. Motion carried. The meeting adjourned at 7:48 p.m.

Submitted by,

A handwritten signature in blue ink that reads "Katharine B." followed by a stylized flourish.

Katharine B. Manning
January 28, 2021

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.

RESOLUTION Number SD2020-4

At a Regular Meeting on January 27, 2021, the Town/Village of Lowville held/waived a public hearing in reference to the following application at the Town Offices, 5533 Bostwick Street, Lowville, New York

The public hearing was opened/waived on _____ at _____ and closed at _____

A **MOTION** was made by Jeff to Approve/Disapprove/Approve with conditions Application SD2020-4.

BE IT RESOLVED, the Town/Village of Lowville Planning Approve/Disapprove/Approve with conditions Application **SD2020-4**, submitted by **Kovach Land Surveying PC on behalf of Frances Hanno**, requesting minor subdivision approval to allow conveyance of 0.18 +/- acres from 10.9 +/- acres which will only comply if merged with 212.08-04-08.000 per Village of Lowville, Chapter 165, Subdivision of Land in a R Zone The parcel is owned by Frances Hanno, located on Trinity Avenue, Village of Lowville, New York, tax parcel number 195.20-01-12.110.

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 January 27, 2021 planning board meeting. A public hearing was held/waived on _____, the application was deemed complete on January 27, 2021 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	Y	N	R	<u>(A)</u>
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	<u>(A)</u>
					Alt. Lisa Hetzner	<u>(Y)</u>	N	R	A

Motion Carried.

Suzanne Peters
Signature of Planning Board Chair

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

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RESOLUTION Number SD2020-5

At a Regular Meeting on January 27, 2021, the Town/Village of Lowville held/waived a public hearing in reference to the following application at the Town Offices, 5533 Bostwick Street, Lowville, New York

The public hearing was opened/waived on 1/27/21 at _____ and closed at _____

A MOTION was made by Suzanne to Approve/Disapprove/Approve with conditions Application SD2020-5.

BE IT RESOLVED, the Town/Village of Lowville Planning Board Approve/Disapprove/Approve with conditions Application SD2020-5, submitted by Kovach Land Surveying PC on behalf of Frances Hanno, requesting minor subdivision approval to allow conveyance of 0.918 +/- 0.93 acres from 100.4 +/- acres which is in compliance with Town of Lowville, Chapter 240, Subdivision of Land in an OC Zone. The parcel is owned by Frances Hanno, located behind Prospect Street/East State Street, Town of Lowville, New York, tax parcel number 213.00-01-01.000.

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 January 27, 2021 planning board meeting. A public hearing was held/waived on 1/27/21, the application was deemed complete on January 27, 2021 in accordance with general municipal law.

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

Suzanne Peters	(Y)	N	R	A	Daniel O'Brien	Y	N	R	(A)
Henry Avallone	(Y)	N	R	A	Rebecca Kelly	(Y)	N	R	A
Jeffrey Sauter	(Y)	N	R	A	Alt. Donald Cooke	Y	N	R	(A)
					Alt. Lisa Hetzner	(Y)	N	R	A

Motion Carried.

Suzanne Peters
Signature of Planning Board Chair

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