

**Town/Village of Lowville Planning Board**  
**Regular Meeting**  
**Wednesday, July 22, 2020**  
**7:00 P.M.**

**RECEIVED**  
JUL 24 2020

**BY:** .....

The meeting was called to order by Chairperson Dan O'Brien at 7:01 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.

Absent: Lisa Hetzner, Alt

**Others present:** Mike Fingar, US Light; Susan Jornov, US Light; Dan Long, Engineer for US Light (via telephone); Ruth Larabee, Lowville Town Council; Kathy Manning, Administrative Assistant/Town Zoning Officer

2. Reading and Approval of Minutes

June 24, 2020

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

3. Communications and reports.

Jeff indicated he would like to report on the GraRok mine at the end of the meeting.

4. Old Business:

None

5. New Business:

a. **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.

In accordance with General Municipal Law 239-m, because this parcel is located within 250' of a municipal boundary (Watson and Village of Lowville), this application will need to be forwarded to the County Planning Department for their review.

There was discussion regarding the portion of the minutes from Village of Lowville Municipal Board that Kathy supplied to this board regarding the setback/easement from the Village waterlines. Kathy provided Mr. Fingar and Ms. Jornov a copy of the minutes as they had indicated they were unable to obtain them from the Village. Mr. Fingar indicated he was aware of this and would be working with the Village to resolve an agreement with Village. A copy of this page is included with the original record.

The board explained to Mr. Fingar and Ms. Jornov that this board does not process applications unless and until all content is included and the board is able to deem the application complete. There was discussion regarding the necessity for the board to have

the financial surety, which the Town Board is negotiating with the applicant, prior to approval per 100-38 P which states, "... Applicants shall provide prior to approval a form of surety through escrow account, bond, or otherwise in an amount sufficient to pay for removal of the installation and site remediation as set forth above in an amount and form determined to be reasonable by the Planning Board." Dan explained to the applicant representatives that it would be necessary to have this information prior to scheduling the public hearing and approving the application. There was discussion regarding the timeline involved to schedule a public hearing for August with regard to the dates for deadline for submittal to the Planning Board, public hearing notice deadline, the Town Board meeting date as well as the August meeting date. There was discussion regarding the potential for a special meeting by the Planning Board and/or the Town Board in an attempt to move the project forward more quickly. Dan explained to Mr. Fingar that this board only meets as needed and there likely would not be an August and/or September meeting if not for their application and in an attempt to save the tax payers from unnecessary expenditures, this board would meet when the Financial Surety was resolved for the public hearing. The application, if deemed complete tonight, will be forwarded to the County Planning Department per GM 239-m.

The board reviewed items A-Y of the application. The board completed the site plan review form.

The SEQR short form was completed by the board.

A MOTION was made by Rebecca to deem this application an unlisted action and issue a negative declaration for environmental significance. The motion was seconded by Henry. All members in favor. Motion carried.

The board determined that all content had been included with the exception of the Financial Surety as previously discussed. There was discussion with the applicant that the law requires the public hearing to be held within 62 days of deeming the application complete. There was discussion regarding scheduling and it was determined, with the acceptance of the applicant, that the board would schedule the public hearing for the September 23, 2020 meeting. If the applicant can provide the financial surety to this board prior any meeting deadline, this board would be willing to consider a special meeting or holding the public hearing in August or earlier in September but only if the Financial Surety is resolved with the Town Board and the deadline can be achieved.

A MOTION was made by Jeff to deem Application SP2020-1 complete and schedule the public hearing for September 23, 2020 if the applicant can provide the Financial Surety per 100-38, P and that the application will be forwarded to the County Planning Department per GM 239-m. The motion was seconded by Rebecca. All members in favor. Motion carried.

b. Jeff indicated he would like to speak to the board regarding the sale of MJL Crushing and concerns with the new owners. Both Jeff and Dan indicated they do not believe the new owners, GraRok, are in compliance with what was approved by the board. Kathy indicated that there is a possibility that the special use permit could be withdrawn but there must be documentation in order to achieve this. Copies of reports from the state police and telephone calls to Randy should continue in order to achieve the documentation to withdraw the permit and should be supplied to the town.

7. Adjournment

A MOTION was made by Jeff to adjourn the meeting. The motion was seconded by Suzanne. All members in favor. Motion carried. The meeting adjourned at 8:04 p.m.

Submitted by,

A handwritten signature in blue ink that reads "Katharine B." followed by a stylized, cursive initial that appears to be "M".

Katharine B. Manning

July 24, 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.***

