

**Town/Village of Lowville Planning Board**  
**Regular Meeting**  
**Wednesday, June 24, 2020**  
**7:00 P.M.**

**RECEIVED**  
**JUN 25 2020**

BY: .....

The meeting was called to order by Chairperson Dan O'Brien at 7:04 p.m.

Dan read the following statement regarding access to the meeting which has appeared in full on the Town website as well as supplied to the applicants. "This meeting is a virtual meeting as authorized by New York Executive Order 202.1. The public is participating via a call-in line, which is muted. The meeting has been advertised on the town's web site and notice of which has been posted. This meeting is being recorded, and will be made available on the town's web site, <https://lowville.racog.org/> Votes will be conducted by roll call vote."

1. The Town/Village of Lowville Planning Board met on this date and a roll call of attendance showed the following members present either in person or via Zoom:  
Suzanne Peters      Daniel O'Brien      Jeff Sauter      Rebecca Kelly  
Henry Avallone      Lisa Hetzner, Alt  
Absent: Donald Cooke, Alt.

**Others present via Zoom and in person:** Clinton Hostetter, Member of the Public; Clarence Haldeman, Member of the Public; Steve Olmstead, Applicant Representative; Amber Astafan, Journey PT; Mike Fingar, US Solar; Susan Jornov, US Light; Dan Long, Engineer for US Light; Mickey Dietrich, Tug Hill Commission/RACOG; Kathy Manning, Administrative Assistant/Town Zoning Officer

2. Reading and Approval of Minutes  
May 27, 2020  
A MOTION was made by Jeff to approve the minutes as written. The motion was seconded by Henry. All members in favor. Motion carried.
3. Communications and reports.  
The July meeting has been rescheduled to July 22, 2020 in light of the cancellation of the Lewis County Fair which precipitated the change to July 29, 2020.
4. A. The public hearing is for **Application SPA2020-2**, submitted by **Olmstead Consulting on behalf of Grumpet Estates, LLC**, requesting site plan review to allow construction of a 2,128 square foot, two-story structure to accommodate a retail business in accordance with Town of Lowville, Chapter 250, Article X, Site Plan Review in a CB-R Zone. The parcel is currently owned by Dairy Health & Management, located at 6014 Number Four Road, Town of Lowville New York, tax parcel number 213.00-01-29.100.

The public hearing was opened at 7:06 p.m.  
There was discussion regarding the referral from the County Planning Department. Kathy explained that she believed the county appeared to be confused regarding the use of LED bulbs for interior and exterior lighting versus the use of LED signs which provide a message and can flash such as those in use by Dunkin Donuts and Northern Credit Union.

The board completed the site plan review form. There was discussion during this process regarding the landscaping changes as proposed by the applicant at the May meeting.

Steve Olmstead indicated that the plans previously submitted would be utilized for the landscaping.

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

A MOTION was made by Jeff to approve Resolution SPA2020-2 with conditions, which are addressed on the County referral form a copy of which is included with these minutes and the original record. A copy of the Resolution is included with these minutes. The motion was seconded by Suzanne. All members present in favor. Motion carried.

5. New Business:

b. **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 with the applicant representatives regarding Clinton Hostetters' concerns regarding stray voltage affecting his fam. Mr. Fingar indicated he has spoken with Mr. Hostetter and Mr. Fingar would have their electrical engineer research and address this concern. Dan indicated to the applicant that the protection of the dairy industry is important to this board and the information should be supplied to the board as well.

There was discussion with the applicant regarding the easement from the Village Municipal Board which states, "Motion by Mr. Kraeger, seconded by Mrs. Duflo to recommend an easement of 25 feet on the outer side of each utility line. All in favor." Dan explained to the applicant that there are two (2) waterlines on the northern portion of the parcel indicated on the plans as Proposed Array 1. The applicant indicated they were unaware there were two (2) lines and would correct the plans. There was discussion regarding the common practice of using the center of the pipe rather than the outside of the pipes for easements.

The board was supplied with a list of required items Kathy felt were lacking which include:

1. Locations of wells and septic systems on the plans.
2. A letter from the NYS DEC should be supplied indicating that no permitting including SPDES or SWPPP are required.

There was discussion that the applicant should contact Joe Pfeiffer who is the flood plain administrator to determine if there is anything he will require.

3. Signs – There are signs identified however no plans showing the size to ensure they comply with Chapter 250, Article VII. There has been no indication if a project sign will be erected.

4. 100-38H requires the name and address of the proposed installer.

The applicant indicated an installer has not been chosen at this time. The board indicated that supplying this information is a requirement. The applicant indicated they would provide information for a proposed installer.

5. Fire Department Notification – Has been supplied to Kathy but did not arrive by the deadline for submittal to the board.
6. The Town Board will address the Decommissioning Plan and Financial Surety. Kathy indicated that she believed Randy Schell will supply a letter to the Planning Board when the Town Board accepts them.
7. Village Setback – Addressed above.
8. How is Proposed Array #1 going to be accessed? There is not a road for that portion of the project.  
Kathy did not do a complete site plan or special use permit review as that is up to the Planning Board.

Dan O'Brien indicated to the applicant that the board cannot move forward until all requirements of the application and Town Code have been met. The applicant indicated they would get everything to Kathy in hard copy by the deadline for the July 22, 2020 meeting with the deadline being July 9, 2020 no later than 10:00 a.m. The applicant requested a list of the requirements which Kathy will supply.

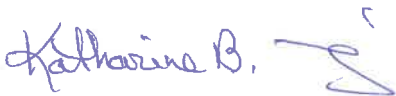
There was discussion regarding the potential for the Planning Board to hire their own experts at the applicants' expense should they not feel comfortable with reviewing the information.

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 not in compliance with what was approved by the board. Kathy suggested they contact the NYS DEC and Randy Schell. Jeff and Dan indicated they had contacted the NYS Police. Kathy indicated she felt the Town Board should be aware of these concerns and requested Randy be contacted. Jeff indicated he would contact Randy.

7. Adjournment

A MOTION was made by Rebecca to adjourn the meeting. The motion was seconded by Suzanne. All members in favor. Motion carried. The meeting adjourned at 8:00 p.m.

Submitted by,



Katharine B. Manning  
June 25, 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 June 24, 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 June 24, 2020 at 7:06pm and closed at 7:16pm

A **MOTION** was made by Jeff to ~~Approve/Disapprove~~ Approve with conditions Application SPA2020-2.

**BE IT RESOLVED**, the Town/Village of Lowville Planning Board Approves/Disapproves/Approves with the following conditions Application SPA2020-2, submitted by **Olmstead Consulting on behalf of Grumpet Estates, LLC**, requesting site plan review to allow construction of a 2,128 square foot, two-story structure to accommodate a retail business in accordance with Town of Lowville, Chapter 250, Article X, Site Plan Review in a CB-R Zone. The parcel is currently owned by Dairy Health & Management, located at 6014 Number Four Road, Town of Lowville New York, tax parcel number 213.00-01-29.100. 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. Dated June 18, 2020
2. 3 conditions, per County Referral

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 May 27, 2020 planning board meeting. A public hearing was held on June 24, 2020, the application was deemed complete on May 27, 2020 in accordance with general municipal law.

The motion was seconded by Sue. 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.

[Signature]  
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 for the construction of 38' X 56' commercial building to be used as a physical therapy office located at 6014 Number Four Road (County Route 26) in the Town of Lowville.**

**Olmstead Consulting (Journey Physical Therapy) – Applicant**

*June 18, 2020*

The above referenced referral was reviewed by the Lewis County Planning Board at its regular meeting held on Thursday, June 18, 2020 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. A driveway permit should be obtained by the applicant before construction commences.
2. The proposed sign design appears to be compliant with Article VII § 250-46(A), (C) & (D), Article VII § 250-47 and Article VII § 250-50. Article VII § 250-48(5) prohibits LED signs; however, § 250-48(9) encourages LED or other energy bulbs. Being that the proposed sign will be utilizing LED bulbs and will be shielded, the submitted sign plans appear to be compliant.
3. Compliance with all local, state and federal regulatory requirements for this type of facility and the products stored.

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

Sincerely,

Casandra Buell

Interim 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.**