

**Town/Village of Lowville Planning Board**  
**Regular Meeting**  
**Wednesday, January 26, 2022**  
**7:00 P.M.**

**RECEIVED**  
**JAN 27 2022**

BY: .....

The meeting was called to order by Vice Chair Suzanne Peters 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:

Jeff Sauter                      Rebecca Kelly                      Suzanne Peters  
Henry Avallone                Lisa Hetzner                      Donald Cooke  
Absent: Daniel O'Brien

**Others present:** Howard Lyndaker, Applicant Representative; Michael Young, Esq., Applicant Representative; Kathy Manning, Administrative Assistant/Town Zoning Officer

2. Reading and Approval of Minutes  
October 27, 2021 – A MOTION was made by Jeff to approve the minutes as written. The motion was seconded by Rebecca. Henry abstained from voting as he was absent from the meeting. All other members present, in favor. Motion carried.

3. Communications and reports.  
Jeff indicated he would like to speak regarding the comprehensive plan. He indicated at a recent training where he understood the planning board would have the opportunity to review and comment on the plan. Kathy indicated Jeff should contact Aimee Murphy and/or check the town website.

4. Old Business:  
None

5. New Business:
  - a. **Application SD2022-1**, submitted by **Kovach Land Surveying, PC on behalf of JD Realty of Lowville, LLC/ Simon JR Gingerich** requesting minor subdivision approval to convey 4.89 +/- acres from 88 +/- acres for residential or non-residential purposes in accordance with Town of Lowville, Chapter 240, Minor Subdivision in an R-40 Zone. The parcel is owned by JD Realty of Lowville, LLC/ Simon JR Gingerich, located on West Martinsburg Road, Town of Lowville, New York, tax parcel number 212.00-01-47.100.  
The applicant has requested a waiver of the public hearing in accordance with §240-11.

The application and its contents were reviewed by the board. Kathy commented that the board had previously approved two (2) subdivisions for this parcel. There was discussion regarding the necessity for the property owner to maintain the required road frontage on another portion of the property as they were not maintaining it on the West Martinsburg Road section.

The SEQR short form was reviewed by the board. The board completed parts 2 and 3 of the short form.

A MOTION was made by Rebecca to deem Application SD2022-1 an unlisted action and issue a negative declaration for environmental significance. The motion was seconded by Lisa. All members present in favor. Motion carried.

There was discussion if the application met the criteria for a waiver of the public hearing in accordance with §240-11. All members present agreed the application met the criteria for a waiver.

A MOTION was made by Jeff to deem Application SD2022-1 complete and waive the public hearing. The motion was seconded by Henry. All members present in favor. Motion carried.

A MOTION was made by Lisa to approve Resolution SD2022-1. The motion was seconded by Jeff. All members present in favor. Motion carried. A copy of the Resolution is attached to these minutes.

b. **Application SD2022-2**, submitted by **Kovach Land Surveying, PC on behalf of VS Virkler & Son, Inc.**, requesting minor subdivision approval to convey 2.97+/- acres from 6.5 +/- acres for non-residential purposes in accordance with Village of Lowville, Chapter 165, Minor Subdivision in an AC Zone. The parcel is owned by VS Virkler & Son, Inc, located at 7513 East State Street, Village of Lowville, New York, tax parcel number 212.16-02-09.151.

The applicant has requested a waiver of the public hearing in accordance with §165-5.

The application and its contents were reviewed by the board.

The SEQR short form was reviewed by the board. The board completed parts 2 and 3 of the short form. There was discussion regarding the hazardous waste question. Kathy indicated that she believes the cause for the answer being yes to this question is the village wastewater treatment plant which is within 2000 feet of the parcel.

A MOTION was made by Henry to deem Application SD2022-2 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 the application met the criteria for a waiver of the public hearing in accordance with §165-5. All members present agreed the application met the criteria for a waiver.

A MOTION was made by Rebecca to deem Application SD2022-2 complete and waive the public hearing. The motion was seconded by Lisa. All members present in favor. Motion carried.

A MOTION was made by Jeff to approve Resolution SD2022-2. The motion was seconded by Henry. All members present in favor. Motion carried. A copy of the Resolution is attached to these minutes.

c. **Application SD2022-3**, submitted by **Kovach Land Surveying, PC on behalf of Nancy A. Brown, et. al.**, requesting minor subdivision approval to convey 0.69 +/- and 2.02 +/- acres from 66 +/- acres for residential purposes in accordance with Town of

Lowville, Chapter 240, Minor Subdivision in R-30B and OC Zones. The parcel is owned by Nancy A. Brown, et. al., located at 7813 Ridge Road, Town of Lowville, New York, tax parcel number 178.00-01-12.100.

The applicant has requested a waiver of the public hearing in accordance with §240-11.

The application and its contents were reviewed by the board. Kathy commented that one of the individuals contacted in accordance with Ag & Markets law contact her. The individual had no objections to the application.

The SEQR short form was reviewed by the board. The board completed parts 2 and 3 of the short form. There was discussion regarding the flood plain.

A MOTION was made by Lisa to deem Application SD2022-3 an unlisted action and issue a negative declaration for environmental significance. The motion was seconded by Jeff. All members present in favor. Motion carried.

There was discussion if the application met the criteria for a waiver of the public hearing in accordance with §240-11. All members present agreed the application met the criteria for a waiver.

A MOTION was made by Henry to deem Application SD2022-3 complete and waive the public hearing. The motion was seconded by Lisa. All members present in favor. Motion carried.

A MOTION was made by Rebecca to approve Resolution SD2022-3. The motion was seconded by Henry. All members present in favor. Motion carried. A copy of the Resolution is attached to these minutes.

d. **Application SD2022-4**, submitted by **Young Law Office, PLLC on behalf of Terrence J. & Minette E. Thisse**, requesting minor subdivision approval to convey 0.1367 +/- acres from 0.476 +/- acres and to be combined with existing parcels owned by each party (commonly tax parcel 212.16-02-12.113 owned by Thisse to retain 0.339 +/- acres; tax parcel 212.16-02-12.114 owned by Ross Farms, Inc. to receive 0.1367 +/- acres) in accordance with Village of Lowville, Chapter 165, Minor Subdivision in AC and R Zones. The parcel is owned by Terrence J. & Minette E. Thisse, located on State Route 12, Village of Lowville, New York, tax parcel number 213.17-01-01.000. The applicant has requested a waiver of the public hearing in accordance with §165-5.

The application and its contents were reviewed by the board.

There was discussion if the application met the criteria for a waiver of the public hearing in accordance with §165-5. All members present agreed the application met the criteria for a waiver.

The SEQR short form was reviewed by the board. The board completed parts 2 and 3 of the short form. There was discussion regarding the hazardous waste question. Kathy indicated that she believes the cause for the answer being yes to this question is again, the village wastewater treatment plant which is within 2000 feet of the parcel.

A MOTION was made by Jeff to deem application SD2022-4 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 the application met the criteria for a waiver of the public hearing in accordance with §165-5. All members present agreed the application met the criteria for a waiver.

A MOTION was made by Lisa to deem Application SD 2022-4 complete and waive the public hearing. The motion was seconded by Jeff. All members present in favor. Motion carried.

A MOTION was made by Henry to approve Resolution SD2022-4. The motion was seconded by Rebecca. All members present in favor. Motion carried. A copy of the Resolution is attached to these minutes.

Kathy indicated she would like to speak to the board regarding projects Lewis County is planning. There was discussion regarding the Department of Social Services, Lewis County Highway and Hospital projects. The information supplied to the office was incomplete for both December and January meetings and the engineering firm missed the deadline of 10 a.m. on both dates. Kathy commented she believes the county intends to claim governmental immunity from review by this board. She shared that the county had supplied a letter to the Town and Village indicating they would like lead agency status for SEQR however their request was not in accordance with SEQR procedures. She further indicated the primary concern the town and village have is the potential environmental ramifications similar to the runoff issues with the hospital parking lot. Lisa and Rebecca discussed if they should recuse themselves should the projects come before this board.

6. Adjournment

A MOTION was made by Rebecca to adjourn the meeting. The motion was seconded by Jeff. All members in favor. Motion carried. The meeting adjourned at 8:19 p.m.

Submitted by,



Katharine B. Manning  
January 27, 2022

***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.***

At a Regular Meeting on January 26, 2022, 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 Jan 26/22 at \_\_\_\_\_ and closed at \_\_\_\_\_. The board has determined the application meets the criteria for a waiver of the public hearing in accordance with §240-11.

A **MOTION** was made by Lisa Hetzner to Approve/Disapprove/Approve with conditions Application SD2022-1.

**BE IT RESOLVED**, the Town/Village of Lowville Planning Board Approve/Disapprove/Approve with conditions Application **SD2022-1**, submitted by **Kovach Land Surveying, PC on behalf of JD Realty of Lowville, LLC/ Simon Gingerich, Jr.** requesting minor subdivision approval to convey 4.89 +/- acres from 88 +/- acres for residential or non-residential purposes in accordance with Town of Lowville, Chapter 240, Minor Subdivision in an R-40 Zone. The parcel is owned by JD Realty of Lowville, LLC/ Simon Gingerich, Jr., located on West Martinsburg Road, Town of Lowville, New York, tax parcel number 212.00-01-47.100.

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 26, 2022 planning board meeting. A public hearing was held/waived on Jan. 26/22, the application was deemed complete on January 26, 2022 in accordance with general municipal law.

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

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

Motion Carried.

Suzanne Peters  
Signature of Planning Board Chair



COPY

At a Regular Meeting on January 26, 2022, 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

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A MOTION was made by Rebecca Kelly to Approve/Disapprove/Approve with conditions Application SD2022-2.

**BE IT RESOLVED**, the Town/Village of Lowville Planning Board Approve/Disapprove/Approve with conditions Application **SD2022-2**, submitted by **Kovach Land Surveying, PC on behalf of VS Virkler & Son, Inc.**, requesting minor subdivision approval to convey 2.97+/- acres from 6.5 +/- acres for non-residential purposes in accordance with Village of Lowville, Chapter 165, Minor Subdivision in an AC Zone. The parcel is owned by VS Virkler & Son, Inc, located at 7513 East State Street, Village of Lowville, New York, tax parcel number 212.16-02-09.151.

Conditions are as follows:

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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 26, 2022 planning board meeting. A public hearing was held/waived on \_\_\_\_\_, the application was deemed complete on January 26, 2022 in accordance with general municipal law.

The motion was seconded by Lisa Hetzner. 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	<u>(Y)</u>	N	R	A
					Alt. Lisa Hetzner	<u>(Y)</u>	N	R	A

Motion Carried.

Suzanne Peters  
Signature of Planning Board Chair





RESOLUTION Number SD2022-3

At a Regular Meeting on January 26, 2022, 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 Jan 26/22 at \_\_\_\_\_ and closed at \_\_\_\_\_. The board has determined the application meets the criteria for a waiver of the public hearing in accordance with §240-11.

A **MOTION** was made by Rebecca Kelly to Approve/Disapprove/Approve with conditions Application SD2022-3.

**BE IT RESOLVED**, the Town/Village of Lowville Planning Board Approve/Disapprove/Approve with conditions Application **SD2022-3**, submitted by Kovach Land Surveying, PC on behalf of **Nancy A. Brown, et. al.**, requesting minor subdivision approval to convey 0.69 +/- and 2.02 +/- acres from 66 +/- acres for residential purposes in accordance with Town of Lowville, Chapter 240, Minor Subdivision in R-30B and OC Zones. The parcel is owned by Nancy A. Brown, et. al., located at 7813 Ridge Road, Town of Lowville, New York, tax parcel number 178.00-01-12.100.

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 26, 2022 planning board meeting. A public hearing was held/waived on \_\_\_\_\_, the application was deemed complete on January 26, 2022 in accordance with general municipal law.

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

<u>Suzanne Peters</u> <u>(Y)</u> N R A	<u>Daniel O'Brien</u> Y N R <u>(A)</u>
<u>Henry Avalone</u> <u>(Y)</u> N R A	<u>Rebecca Kelly</u> <u>(Y)</u> N R A
<u>Jeffrey Sauter</u> <u>(Y)</u> N R A	<u>Alt. Donald Cooke</u> <u>(Y)</u> N R A
	<u>Alt. Lisa Hetzner</u> <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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A **MOTION** was made by Henry Avallone to Approve/Disapprove/Approve with conditions Application SD2022-4.

**BE IT RESOLVED**, the Town/Village of Lowville Planning Board Approve/Disapprove/Approve with conditions Application **SD2022-4**, submitted by **Young Law Office, PLLC on behalf of Terrence J. & Minette E. Thisse**, requesting minor subdivision approval to convey 0.1367 +/- acres from 0.476 +/- acres and to be combined with existing parcels owned by each party (commonly tax parcel 212.16-02-12.113 owned by Thisse to retain 0.339 +/- acres; tax parcel 212.16-02-12.114 owned by Ross Farms, Inc. to receive 0.1367 +/- acres) in accordance with Village of Lowville, Chapter 165, Minor Subdivision in AC and R Zones. The parcel is owned by Terrence J. & Minette E. Thisse, located on State Route 12, Village of Lowville, New York, tax parcel number 213.17-01-01.000

Conditions are as follows:

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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 26, 2022 planning board meeting. A public hearing was held/waived on Jan 26, 2022, the application was deemed complete on January 26, 2022 in accordance with general municipal law.

The motion was seconded by Rebecca Kelly. 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	<u>(Y)</u>	N	R	A
					Alt. Lisa Hetzner	<u>(Y)</u>	N	R	A

Motion Carried.

Suzanne Peters  
Signature of Planning Board Chair

