

MEETING SUMMARY (In person)

JEFFERSON COUNTY PLANNING BOARD

August 31, 2021

MEMBERS PRESENT: David Prosser, Chairman, Lisa L’Huillier, Vice-Chairman, Charlene Mannigan, Dwight Greene

STAFF PRESENT: Andy Nevin, Senior Planner
Erin Ermine, Assistant Planner

PUBLIC PRESENT: Kevin Bamann; Gymo, Jen Voss; City, James Stamps, Michael Lundy, Craig Fox; WDT

CALL TO ORDER AND ESTABLISHMENT OF QUORUM: Chairman Prosser opened the meeting at 4:00 p.m. and stated that a quorum was not present. While the County Planning Board cannot take official action, the staff will still present the projects staff comments, and any comments from the Board will go back to the municipalities as informal staff comments.

COMMUNICATIONS: Chairman Prosser asked if there were any outside communications. There were none.

PUBLIC COMMENTS (OTHER THAN AGENDA ITEMS): Chairman Prosser asked if there were any public comments (other than on agenda items). There were none.

NEW BUSINESS:

A. **General Municipal Law, Section 239m Referrals:**

1. **Village of Adams, Land Use Moratorium, JCDP File # V Ad 2 – 21.** Erin Ermine presented this project to the Board stating that the Village proposes a six-month moratorium on installation of solar energy conversion systems within the Village limits. The Board is reviewing this due to its proximity to the municipal boundaries.

Erin stated the Village is seeking this moratorium to allow themselves more time to become familiar with solar energy systems and to write a solar law.

No County/State issues were identified.

The local board should ensure the proposed moratorium meets NYS DOS's criteria for land-use moratoria prior to adoption (which Erin stated they do meet):

- 1) Have a reasonable time frame as measured by the action to be accomplished during the term;
- 2) Have a public purpose justifying the moratorium;
- 3) Address a situation where the burden imposed by the moratorium is shared by the public at large;

- 4) Strictly adhere to the procedure for adoption laid down by the enabling acts;
- 5) Have a certain time when the moratorium will expire.

Chairman Prosser asked if they differentiate between small and large solar projects and Erin stated they did not and their wish is to hit pause on them all. Chairman Prosser stated he would recommend his usual comment that six months may not be long enough and the local board should consider their timeframe.

2. Town of Alexandria, Area Variance, James Stamps, Jr., JCDP File # T AI 1 – 21. Erin Ermine presented this project to the Board stating that the applicant proposes to enlarge an existing garage with a 20 by 20 foot addition that will not meet the minimum side-yard setback of six feet. The Board is reviewing this due to its proximity to NYS DEC-owned land (a boat launch).

Erin showed the property location as 28900 Butterfield Lake. Using an aerial photo, she showed the current structures on site and the approximate location of the garage addition. The site plan further showed the addition location, which is shown at a slight angle to match up to the existing garage. This angled placement requires an area variance as the side-yard setback is only two feet instead of the required six feet.

The local board should consider the benefit to the applicant as weighed against the detriment to the health, safety, and welfare of the community using the five factors for an area variance as stated in NYS Town law.

There were no local issues identified.

3. Town of Lyme, Zoning Amendment, JCDP File # T Ly 5 – 21. Andy Nevin presented this project to the Board stating the Town proposes to amend their zoning law to establish regulations for the operation of short-term rentals (STR). The Board is reviewing this due to the proximity to the municipal boundaries.

Andy stated the Board received a copy of the proposed amendments in their mailed packet. He briefly reviewed the proposed definitions and summarized their short-term rental standards, enforcement, and penalties.

The only County/State comment was that NYS Town Law requires zoning amendments be in accordance with the Town's Comprehensive Plan.

Local issues Andy reviewed included:

The proposed law states that the State's Property Maintenance Code shall determine occupancy for STRs. The ZEO should note this on the permit upon approval of the STR. Occupancy should also be posted on the property as part of the STR's rules.

To avoid conflicting definitions, the local board should either use the current dwelling law definition in the zoning law, or update it with the definitions as proposed.

The proposed overnight on-site parking restrictions appear to be subjective and could be difficult to enforce. The Town should consider a more definitive ratio in determining the required and/or maximum permitted on-site parking. In addition, the on-street parking not

impeding public entrance and exit to the neighborhood could also be difficult to enforce.

The local law requires the owners of STRs to establish rules relating to behavior. These rules should be posted on-site for the convenience of all guests.

The proposal states that new owners must apply for a STR application within 60 days. However, courts have interpreted that zoning approvals run with the land. The law should also address the law's applicability to existing STR uses already in operation.

The law states all residents must submit complaints directly to the STR owner, which is contrary to the existing zoning enforcement procedure. In addition, the STR owner or contact person must address such complaints within one hour. If the complaint is not remediated, the resident may then file with the Town, no department specified. The local board should consider whether one hour is an adequate amount of time to address complaints.

The law states that the ZEO can issue a notice of violation if he finds there has been a violation of the STR law. It then lists fines and consequences for subsequent violations. Upon the fourth violation, the ZEO shall revoke the STR permit. However, the law should clearly state that when an owner adequately addresses a resident's complaint, that would not be considered a violation reportable to the ZEO.

Charlene Mannigan asked if this was a seasonal trend for the Town and Andy stated the use is greater in the summer season, but it is also an ice fishing town around Chaumont Bay (as well as snowmobiling) so they could see the regulations being used year-round.

Several board members acknowledged this is a new regulation for zoning and agreed with staff that it should be reviewed by an attorney as some provisions could be challenged in the court system.

4. Town of Lyme, Kurtis Bennett, Special Use Permit, JCDP File # T Ly 6 - 21. Andy presented this project to the Board stating the applicant proposes a 250-seat event venue with five support cabins. The Board is reviewing this due to its proximity to NYS Route 12E.

Andy showed the property location on an aerial photo. It is located at 7828 NYS Route 12E in Three Mile Bay. He reviewed the site plan highlighting the entrance road, parking, venue, lightning, walking paths, and cabin sites with their associated parking. The entire project is shown to be at the rear of the property, on the water.

Next, he reviewed the following comments for the local board to consider:

The proposed access drive requires a NYS DOT Highway Access Permit.

The Town Zoning Ordinance does not define event venues and it is not listed in the schedule of uses. A zoning board of appeals interpretation may be necessary.

The local board should ensure the proposed cabins maintain their support role for the events venue operation, and not become a separate rental use.

5. Village of Sackets Harbor, Zoning Amendment, JCDP File # V SH 2 - 21. Erin presented this project to the Board stating the Village proposes solar regulations and several minor amendments to their Zoning Law. The Board is reviewing this due to its proximity to the municipal boundaries.

Erin stated the Board also received copies of these proposed amendments in their packet. She briefly reviewed the various additions/changes that included solar energy systems, keeping of animals, flag lots, tiny houses, and other miscellaneous alterations.

The only County/State comment was that New York State Village Law requires zoning amendments to be made in accordance with a Comprehensive Plan.

Local issues Erin reviewed included:

The Village should add the requirements for a Glare Hazard Analysis for all large-scale solar facilities. This will help ensure any potential impacts on pilot maneuvers, including training activities, as well as on both airports, can be identified and potentially mitigated or reduced through project layout or design.

The Village should also consider a requirement (or limitation) for only a certain percentage of Prime Agricultural Soils to be developed, to be incorporated into the solar regulations of the zoning law.

For future consideration, the Village should consider adding a section on battery energy storage facilities to be regulated as a separate use.

The Village should consider including verbiage that allows internal parcel-line setbacks to be eliminated for participating parcels for any future large-scale solar projects that propose using multiple adjacent parcels.

Lastly, a setback for honeybee operations' proximity to residential pools should be considered, as honeybees are attracted to pools and nearby residents may suffer bee allergies.

Chairman Prosser asked who enforces the pet restrictions, such as excessive barking, as that would be hard to enforce. Erin stated she would add a comment regarding enforceability for the local board's consideration.

- 6-7. City of Watertown, Lundy Construction, Zoning Amendment & Site Plan Review, JCDP File # C 5 - 21. Andy presented this project to the Board stating the applicant is requesting to change the zoning classification of 111 and 145 Clinton Street from Limited Business to Downtown. They propose to demolish the existing office building at 145 Clinton and construct a new lending center, a sky bridge to the existing bank, and a new maintenance building. The Board is reviewing this due to its proximity to NYS/County owned land.

The project location is the Watertown Savings Bank on the parcel located between Clinton and Mullin Streets. The site is currently zoned Limited Business, but the parcels on either side are zoned Downtown and Commercial. The proposed change allows the project to be in compliance in regards to parking requirements.

Andy reviewed the site plan showing the extensive changes, along with a future site

rendering showing the finished project. The project involves demolishing a current office building, and construction of a new two-story building that would be connected to the current bank via a sky bridge on the second floor. New landscaping and a memorial park are proposed, providing a lot of new greenspace. It is also proposed for Clinton and Mullin Streets to be connected via a new through road on the project site.

For the zoning map amendment, the only comment was New York State City Law requires zoning amendments be in accordance to the locally adopted Comprehensive Plan.

Other considerations for the local board included:

The local board should request a pedestrian connection to the main entrance or entrances from the public sidewalk. Projects within downtown areas should provide easy access for pedestrians. This is even more important during the winter months when pedestrians cannot cross grass covered areas during excessive snowfall events.

The local board should consider closing the middle Clinton Street entrance (closest to the skywalk) to limit the number of vehicular street conflict points. The two other entrances shown on the site plan should provide an adequate level of access to both the bank and the lending center. Michael Lundy, the developer, stated the middle entrance is being moved to be centered with the sky bridge to create a main focal point.

The proposed maintenance garage should include windows along Mullin Street to be visually compatible with the residences and offices in the area. Mr. Lundy also spoke in regards to this and stated he agreed with the comment, but they would most likely be false windows in the interior for security related concerns.

The site plan should indicate snow removal/storage areas. Andy mentioned that he recently spoke with the project engineer, and was told they would be taking the snow off-site.

Dwight Green asked if there will be adequate parking with the new lending center and Mr. Lundy stated there would be more than enough parking with all the proposed changes.

8. Town of Watertown, Lundy Construction, Site Plan Review, JCDP File # T Wa 4 - 21. Erin presented this project to the Board stating the applicant proposes to construct an approximately 29,000 square foot chicken hatchery. The Board is reviewing this due to its proximity to an Agricultural District.

Erin showed the property location in the Thousand Island Agri-Business Park off NYS Route 3. She reviewed the submitted site plan, highlighting parking and circulation, and the photometric plan.

Next she reviewed the County/State issues as follows:

An Agricultural Data Statement is required as the property is located within 500 feet of a farm operation in a NYS Certified Agricultural District.

The project will require a Jefferson County Building Permit.

A SEQR form and process should be completed for this project.

Lastly, the Local items were reviewed and the developer, Mr. Lundy, answered most of these items for the Board.

The local board should require an easement to be attached to the deed to ensure driveway access in perpetuity. Mr. Lundy stated the driveway access to the project is actually a County Road so no easement is required.

The local board should ensure the proposed lighting consists of dark-sky compliant fixtures to limit glare. Mr. Lundy confirmed all lightning is dark-sky compliant.

The natural treeline on the east side of the parcel should be retained for adequate screening/buffer between this project and adjacent uses and Mr. Lundy confirmed they would remain, as they are a security buffer as well.

Mr. Lundy explained the entire process to the Board members, and stated the chicks are only on site for mere hours after hatching. They will hatch over 24 million chicks a year.

- 9-10. Town of Watertown, Morgan Route 202 East, Site Plan Review & Special Use Permit, JCDP File # C 5 - 21. Andy presented this project to the Board stating the applicant proposes to construct a 357-unit apartment complex. The Board is reviewing this due to its proximity to County Route 202.

Andy reminded the Board they reviewed this project in 2014 and while some of the trees were cleared it wasn't developed. The project across the road (next to Sam's Club), was reviewed and developed prior to that. This is an extension of that project and will be located behind Walmart. This project consists of 357-units, varying between 5-units and 7-unit buildings. The proposed site plan was reviewed showing two entrances, interior circulation, a community center, pool, and retention ponds.

County/State issues were identified as:

A Jefferson County Highway Work Permit is required for the proposed driveway entrances onto CR 202, and the drainage facility system design should be in concert with County Highway Department plans.

The proposed road connecting CR 202 to the Salmon Run Mall property should provide a crosswalk to Walmart and a pedestrian connection to the mall as well.

A pedestrian-safety analysis should be conducted to evaluate the number of expected daily trips to the adjacent Sam's Club, Walmart, and the Salmon Run Mall, as well as between the two residential developments. This will help ensure proper crosswalk design and any potential signalization can to be incorporated into the project if needed.

Jefferson County Building Permits are required for the structures.

The applicant will need to coordinate with NYS DEC, DOH, and the Town of Watertown on necessary connections to the Town's water and sewer districts.

The NYS DEC buffer distance of 100 feet should be maintained from the proposed buildings to the delineated wetlands onsite.

Lastly, the Local issues Andy identified included:

The Town's Access Management and Circulation Criteria for the NC District requires provisions for automobile connections to adjacent lots and development. Future connection to the adjacent property to the north should be designed and provided, as well as to the potential Town road. Both provisions could mitigate potential traffic congestion on County Route 202 by allowing vehicular cross connections for local trips.

The Town's Access Management and Circulation guidelines for the NC District discuss the importance of pedestrian circulation for roadway corridors. While interior sidewalks are proposed, and a pedestrian pathway along CR 202 connecting to the Wal Mart property, a sidewalk should be provided along the potential Town road that may be constructed to the Salmon Run Mall Ring Road. Section 107-50 of the Town of Watertown Zoning Law requires a pedestrian walkway within a landscaped buffer area along main highway corridors, which would include CR 202. This would provide future sidewalk access to adjacent neighbors as development occurs.

The lighting should be designed with full shielding, as required by the Town's Sign and Lighting Design standards for the NC District.

While there is a swimming pool and playground proposed near the clubhouse, the local board should consider whether additional recreation areas may be needed pursuant to the Zoning Law recreation area standard per multi-family dwelling unit.

The NC District Design Guidelines state that a landscaped buffer of 35 to 50 feet wide is required at the front lot line. The local board should ensure the landscaping plan meets the local requirements for the zoning district.

Within the project, some overflow/visitor parking areas are located on roadway curves. These locations have limited visibility and thus could result in backing movement conflicts.

The Town's Engineer should verify the adequacy of the storm water management infrastructure and consider any fencing or safety features necessary for the storm water basins.

The intended snow-storage areas or snow-removal areas should be shown on the site plan.

B. Other Business

Andy reminded the Board members that a September 27th in-person training at JCC is open for registration and to let staff know if they need the link. Members asked that it be sent out to them again.

Adjournment

Due to lack of quorum, no motions were made. All comments will be passed on to the appropriate parties. The meeting ended at 5:15 p.m.