

**MEETING MINUTES (Virtual-Google Meet)**

**JEFFERSON COUNTY PLANNING BOARD**

**April 27, 2021**

**MEMBERS PRESENT:** David Prosser, Chairman, Lisa L'Huillier, Vice-Chairman, Art Baderman, Clif Schneider, Jon Storms, Deb McAtee, Randy Lake, Charlene Mannigan, George Yarnell

**STAFF PRESENT:** Andy Nevin, Senior Planner  
Sara Freda, Community Development Coordinator  
Erin Ermine, Assistant Planner  
Michael Bourcy, Director

**PUBLIC PRESENT:** John Pirsos, Kim Weston, Tim Allen, Craig Fox

**CALL TO ORDER AND ESTABLISHMENT OF QUORUM:** Chairman Prosser opened the meeting at 4:00 p.m. and stated that a quorum was present.

**APPROVAL OF THE MARCH 30, 2021 MEETING MINUTES:** Chairman Prosser asked members if they had any comments or changes to the March 30, 2021 meeting minutes. A motion to accept the meeting minutes was made by Chairman Prosser, seconded by Jon Storms, and carried unanimously.

**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. **Town of Hounsfield, Site Plan Review, Tim B. Allen, JCDP File # T Ho 2 – 21.** Erin Ermine presented this project to the Board stating that the applicant is requesting a site plan review to establish a farmers' market. The Board is reviewing this due to its proximity to NYS Route 3.

Erin showed the project location on the indicator map as 16902 NYS Route 3. She stated the project was reviewed last July, but at a different location down the road. The proposed site plan was shown highlighting the vendor spaces, parking, driveways, registration booth, footpath, signage location, and porta-potty and handwashing station locations.

Erin then reviewed the County/State comments:

A NYS DOT Highway Work Permit is required for access onto NYS Route 3.

The project is located within 500 feet of a parcel in a New York State Certified Agricultural District. An Agricultural Data Statement is required.

Local concerns included the following:

The Town of Hounsfield Zoning Law does not appear to have parking standards for Farmers' Markets. The local board should determine an adequate number of parking spaces.

The local board should consider signage and parking space designation to direct traffic flow for safe interior circulation, ease of parking, and pedestrian safety.

The site plan submitted for this project does not appear to meet Town of Hounsfield site plan application requirements.

George Yarnall asked if the vendor space allocated was adequate and Erin stated the application did not specify how many vendors would be attending.

Chairman Prosser read the staff recommendation that the County Planning Board pass a motion of local concern only, with the comments as stated above.

Motion: To accept staff recommendation to pass a motion of local concern only was made by Chairman Prosser, seconded by Charlene Mannigan, and unanimously carried.

2. Village of Chaumont, Zoning Amendment, JCDP File # V Ch 1 – 21. Andy Nevin presented this project to the Board stating that the Village is proposing zoning amendments to clarify and update its zoning map and allowed uses to implement the current vision of the community. The Board is reviewing this due to its proximity to NYS Route 12E, County Road 125, and the municipal boundary.

Andy stated the Board received the proposed amendments in their monthly packet for prior review. He then reviewed the proposed new zoning map, text involving the new zoning districts and purposes, several new definitions, the schedule of uses, and the proposed car wash standards.

County staff did provide technical support to the Village on these changes, but still offered the following comments:

New York State Village Law requires zoning amendments to be made in accordance with a Comprehensive Plan.

The local board should consider the additional uses that will be allowed by extending the Central Business District eastward along NYS Route 12E and their potential impacts on existing residences within the area.

The local board should contact the village attorney regarding the legality of regulating hours of operation within the Development Code. Other ways to limit potential noise impacts could be considered, like closing wash bay doors and turning off outdoor vacuums after certain hours to maintain compatibility with nearby homes as opposed to simply setting a limit on hours of operation.

Chairman Prosser read the staff recommendation that the County Planning Board pass a motion of Approval, with the comments as stated above.

Motion: To accept staff recommendation to pass a motion of Approval was made by Chairman Prosser, seconded by Lisa L'Huillier, and unanimously carried.

3. Town of Orleans, Zoning Amendment, JCDP File # T Or 1 – 21. Andy also presented this project to the Board stating the Town of Orleans proposes an update of its solar energy regulations to include battery storage requirements and a review process. The Board is reviewing this due to the parcel's proximity to municipal boundaries.

Staff also provided support to the Town of Orleans for these proposed zoning amendments. Andy reviewed a slide summarizing the new solar energy facility amendments and the battery energy storage systems regulation and review process. New definitions regarding proposed battery and solar were also reviewed.

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

Local items of consideration included the following:

Prime soils, prime if drained, and farmland of statewide importance when in agricultural production are a valuable and finite resource. All three categories of soils should be used when regulating the placement of large battery energy storage facilities and large-scale solar facilities. Therefore, the local board should establish requirements to protect priority agricultural soils in the three categories and for both large-scale solar and large battery facilities.

The local board should consider the need for establishing setbacks from non-participating property lines for small battery energy storage facilities.

Chairman Prosser asked if the setback requirements included vegetation and Andy stated that it did include landscaping requirements. He also asked if the County has a prime soils map the Towns can reference and Andy stated that the County does, but it is something staff is currently fine-tuning.

Randy Lake commented that this law felt like a good template for others and commended their efforts.

Chairman Prosser read the staff recommendation that the County Planning Board pass a motion of Approval, based upon the benefits of regulating battery facilities by incorporating safeguards and extending setbacks for large scale solar to mitigate potential visual impacts.

Motion: To accept staff recommendation to pass a motion of Approval was made by Chairman Prosser, seconded by Deb McAtee, and unanimously carried.

4. Town of Adams, Site Plan Review, AES Development Company, LLC, JCDP File # V Ad 1 - 21. Erin presented this project to the Board stating the applicant proposes the

installation of a 5 MW solar facility. The Board is reviewing this due to its proximity to US Route 81.

Erin showed the project location with an aerial photo as 41 Grove Street in the Village of Adams. She reviewed a Prime Farmlands map showing the site includes a mixture of priority agricultural soils. The site plan showed the project location on the property and the proposed entrance.

She then reviewed the County/State concerns:

The project is located within 500 feet of a parcel in a New York State Certified Agricultural District. An Agricultural Data Statement is required.

The applicant should test the solar arrays for potential glare using the FAA recommended Glare Hazard Analysis tool to ensure the Watertown International Airport and Wheeler Sack Army Airfield takeoff, approach, and flight paths will not be impacted by hazardous glint and glare for pilots.

Local concerns included:

Solar facilities are not specifically defined in the Village Zoning Law. The local board should determine if solar is an allowed use in the Residential District.

If allowed, the local board should consider how a solar facility would affect the character of the Residential District.

The project is located within a NYS Certified Agricultural District and adjacent to land within a certified district. The project is also located within the Residential Zoning District in the Village. The local board should take these into consideration when reviewing the project.

Site Plan Issues: The Village Zoning Law allows for a maximum lot coverage of 50% for a parcel within the Residential (R1) District. The local board should determine how solar project lot coverage would be calculated. An area variance may be required to address the proposed lot coverage.

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

There should be adequate screening/buffer between this project and adjacent uses, utilizing existing trees and additional landscaping, to protect adjacent properties from noise and unsightliness.

The setback requirement for a public utilities facility is a minimum of 150 feet from the nearest residential lot line. An area variance would be required.

Chairman Prosser asked if any undefined uses or definitions would be decided by the Zoning Board of Appeals and Michael Bourcy stated yes. Andy Nevin commented it was referred as a public utility, therefore would not go to the Zoning Board of Appeals unless the Village Zoning Officer determined it needed an interpretation.

5. Town of Champion, Site Plan Review, CGB Acquisitions & Development, JCDP File # T Ch 3 - 21. Andy presented this project to the Board stating the applicant proposes to construct a single story 10,640 square foot retail store. The Board is reviewing this due to its proximity to NYS Route 3.

Andy indicated this would be a new Dollar General store located just past Bud Lo Drive on NYS Route 3. He reviewed the proposed site plan showing the building location on the property, along with the entrance, parking, landscaping, signage, lightning, and fencing/screening.

The only County/State comment was a New York State Department of Transportation Highway Work Permit would be required for the new access onto NYS Route 3.

Local comments included the following:

The local board should ensure the proposed landscaping meets the Town's commercial use standards for screening and buffering of residential uses within the Rural Corridor Zoning District.

The Town's Rural Corridor Zoning District sign regulations prohibit internally lit signs.

The local board should determine whether the Town's Rural Corridor Architectural Standards will be met by the proposal, which require buildings to have pitched roofs, windows comprising no less than 12 percent or more than 35 percent glass area on all road-facing facades, and lighting sources that are no higher than 12 feet.

Snow storage areas should be indicated on the site plan.

Chairman Prosser asked about storm water drainage and Andy clarified that a drainage plan was also submitted with the application.

6. Village of Chaumont, Site Plan Review, Town of Lyme Veterans Memorial Park, JCDP File # V Ch 2 - 21. Andy presented this project to the Board stating the Town of Lyme is developing a new 3.4-acre waterfront park with trails, parking, a dock, and bathroom facilities. The Board is reviewing this due to its proximity to NYS Route 12E.

Andy explained this project is from the Town of Lyme and will be named Veterans Memorial Park. It will be located behind Wise Guys Restaurant on NYS Route 12E. The park will have walking trails with various types of vegetation and trees, and includes an 80 foot x 12 foot dock with a kayak/canoe launch.

Andy then reviewed the following staff comments:

A New York State Department of Transportation Highway Work Permit will be required for the new access onto NYS Route 3.

During the site visit, staff noted a lack of erosion control measures such as fabric fencing or bales of hay. Stormwater pollution prevention measures should be incorporated to limit soil loss into Sawmill Bay during construction.

The local board should consider incorporating benches and/or picnic tables along or near the trail system, taking advantage of but not blocking strategic views. A pavilion could be considered as well, as potential future funding permits.

Chairman Prosser commented he was not sure the proposed parking would be adequate and Andy stated since this is within a Village setting he surmised the Town expected some foot and boat traffic as well.

7. Town of Clayton, Special Use Permit, Depauville Hotel Inc./Connie Recor, JCDP File # T CI 3 - 21. Sara Freda presented this project to the Board stating the applicant proposes to replace a handicap ramp and construct a 10 by 30 foot covered patio area. The Board is reviewing this due to its proximity to NYS Route 12.

Sara showed the project location as 32506 Stephanie Street in Depauville. The project consists of replacing an old handicap ramp with a larger 8' x 24' ramp/deck along the rear elevation and a 10' x 30' covered patio area along the side elevation.

No County/State issues were identified.

Sara commented that the project might be located within the 100-year flood plain so a floodplain permit may be necessary.

8. Village of Clayton, Site Plan Review, RJ Marine Associates Ltd., JCDP File # V CI 3 - 21. Sara also presented this project to the Board stating the applicant proposes to remove an existing gas tank, install two new above-ground gas tanks and install a new LP tank. The Board is reviewing this due to its proximity to NYS Route 12.

Sara showed the marina location as 690 Riverside Drive. The site is zoned Riverwalk A which permits marinas with a site plan review. The project consists of removing tanks, adding new tanks, retaining wall, shoreline stabilization, raising the height of gas pumps, and raising the grade of the parking lot.

The only County/State comment identified was the new tanks would require registration with NYS DEC.

Local considerations included:

The project site appears to be located within a flood plain. A flood plain permit may be necessary.

Pursuant to the Village Zoning Law and LWRP, a waterfront consistency form should be completed to verify the use is consistent with the program guidelines.

All fuel tanks should meet the regulations outlines in Article IX, Section 132-44 of the Village's Zoning Law.

- 9-10. Town of Orleans, (2) Area Variances, J&L Properties, Inc/River's Edge Storage, LLC, JCDP File # V CI 2 - 21. Sara presented these two projects to the Board stating the

applicants seek an area variance to increase the allowed square footage and fence height of a 50 kw solar project. The Board is reviewing this due to its proximity to NYS Route 12.

Sara indicated these variance requests were for side-by-side solar projects located on NYS Route 12 in the Town of Orleans. The projects are considered a ground mounted small-scale solar project due to its smaller capacity and being mostly for onsite consumption and net metering. Both are owned by the same person, even though each has its own separate corporation name.

Each site will have a ground mounted solar array consisting of 184 modules, 50kw capacity. The two projects will have a shared driveway and entrance. The site will have a 7-foot high chain link fence and a 20-foot wide entrance gate. Landscaping will be added along the fence line.

Two area variances are requested. One for a 7-foot high fence as the zoning law only allows 6 feet. The other is to increase the maximum size of the solar arrays from the 650 square feet in the district to the project size of 3,978 square 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.

No local issues were identified.

- 11-12. Town of Rutland, Site Plan Review/Special Use Permit, 31606 Felts Mills LLC, JCDP File # T Ru 1/1a - 21. Erin presented these last two projects to the Board stating the applicant proposes a 3 MW community solar project. The Board is reviewing this due to its proximity to NYS Route 3.

Erin showed the project location as 31630 NYS Route 3. She stated the Town of Rutland does not have a solar law and so this project is being reviewed as an essential service. The proposed site plan was reviewed showing the location on the property and the 15-foot wide entrance road. No prime soils were shown to be affected by this project.

Erin reviewed the following staff comments:

The applicant should test the solar arrays for potential glare using the FAA recommended Glare Hazard Analysis tool to ensure the Watertown International airport and Wheeler Sack Army Airfield takeoff, approach, and flight paths will not be impacted by hazardous glint and glare for pilots.

Pursuant to the NYS Fire Code, access roads shall have an unobstructed width of not less than 20 feet.

The local board should determine whether this project would meet the local requirement of not causing undue glare and unsightliness to adjacent properties.

According to the Town Zoning Law, a use should be consistent with the intent of the respective zone. The intent of the Business Residential 2 (BR2) zone is to promote mixed residential development of a moderate density. Special Permit uses currently permitted

in the BR2 zone are essential services, home occupations and day-care centers, homes for the elderly and religious facilities. The local board should consider whether solar energy facility uses are appropriate for this zone.

Chairman Prosser read the staff recommendation that the County Planning Board pass a motion of local concern only for projects # 4-12, with the comments as stated above.

Motion: To accept staff recommendation to pass a motion of local concern only for projects # 4-12 was made by Chairman Prosser, seconded by Jon Storms, and unanimously carried.

#### B. Intergovernmental Review

1. Adirondack North Country Association, USDA – Rural Development, JCDP File # 2 - 2021. The applicant requests funds for technical support services to help small businesses across NY's rural North Country transition to new ownership or new business models in the wake of COVID-19. They are requesting federal funding of \$73,882.

The Board agreed to send a letter of support back to the applicant.

#### C. Other Business

Michael Bourcy stated he emailed a draft letter to the Board members regarding Solar Development and Agricultural Soils and asked for any comments and suggestions be sent back to him so he can complete a final letter to be sent out.

#### Adjournment

Lisa L'Huillier made a motion to adjourn the meeting at 5:36 p.m., seconded by Jon Storms, and was unanimously carried.