

MEETING MINUTES (Virtual-Google Meet)

JEFFERSON COUNTY PLANNING BOARD

May 25, 2021

MEMBERS PRESENT: David Prosser, Chairman, Lisa L’Huillier, Vice-Chairman, Clif Schneider, Jon Storms, Deb McAtee, Randy Lake, Charlene Mannigan, George Yarnell, Dwight Greene

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

PUBLIC PRESENT: Stan Bach Jr., Dan Shaver

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 APRIL 27, 2021 MEETING MINUTES: Chairman Prosser asked members if they had any comments or changes to the April 27, 2021 meeting minutes. A motion to accept the meeting minutes was made by Chairman Prosser, seconded by Clif Schneider, 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:**

- 1-2. **Town of Clayton, Site Plan Review & Area Variance, Thousand Islands Ventures, LLC, JC DP File # T CI 4/4a – 21.** Andy Nevin presented this project to the Board stating that the applicant proposes to expand an existing gravel pit by adding an adjacent 24-acre parcel. They are also requesting an area variance for a 50-foot side/yard setback. The Board is reviewing this due to its proximity to NYS Route 12E.

Using an aerial photo, Andy showed the project location on NYS Route 12E near Crystal Springs Road. He then reviewed the proposed site plan showing the new parcel adjacent to the existing gravel pit site and highlighted the new mine area, the affected area of both parcels, the future excavation area, and the reclaimed area. The applicant is also requesting an area variance for a 50-foot side yard setback as the Zoning Law specifies 200 feet.

Next, Andy reviewed the County/State comments:

A New York State DEC Mining Permit is required for the mine expansion.

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.

Local concerns included:

The local board should request a site plan that reflects the proposed setback of the expanded mine area and future reclamation activities (50 feet from property lines) before final approval, as the submitted drawing reflects a 25 feet setback.

The site plan should also identify the wooded area along NYS Route 12E as the required forested buffer due to the houses within 1,000 feet, to ensure the screening and buffering is maintained.

The parcel is also located within the Scenic Protection Overlay District. The local board should ensure that the requirements of sections E and F of the SPO regulations are met and the relevant standards are followed/identified on the site plan.

Chairman Prosser asked if any access is proposed on NYS Route 12E, Andy stated there was not, and they would be using the access off Crystal Springs Road.

The project representative, Stan Bach Jr., spoke and stated they were just finishing their SEQR process and they are awaiting their bond approval and final permit from the State.

Chairman Prosser read the staff recommendation that the County Planning Board pass a motion of local concern only, with the comments as stated above. He further clarified there would be no activity on the NYS Route 12E side of the site due to traffic safety concerns with the sharp curve of the road near the property.

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

3. Town of Orleans, Site Plan Review, Daniel Shaver, JCDP File # T Or 4 – 21. Erin Ermine presented this project to the Board stating that the applicant proposes a new building for generator sales, service, and repair. The Board is reviewing this due to its proximity to NYS Route 12.

Erin showed the property location as 41576 NYS Route 12. The aerial photos show the site as a rural lot with limited vegetation. The site plan highlighted the location of the proposed building on the lot, entrance location, vehicle circulation, and parking.

Erin reviewed the following County/State issues:

A New York State Department of Transportation Highway Work Permit will be required for the new access onto NYS Route 12.

A Jefferson County Building Permit will be required for the proposed new building.

Next, the Local issues were identified as:

According to the Town Zoning Ordinance, one parking space is required per 200 square feet, plus one parking space per employee. This project is about 10,200 square feet and would require 51 parking spaces, but the site plan indicates seven parking spaces will be provided. The local board should determine if an area variance is required. If an area variance is required, 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.

The local board should consider whether the applicant should be required to provide landscaping to improve the sightliness of the proposed use.

Even though this is zoned retail sales, the applicant, Daniel Shaver, mentioned this would be mostly office and warehouse space and point of sale would be off-site at customer locations.

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 Lisa L'Huillier, and unanimously carried.

4. Village of Dexter, Special Use Permit, Joseph Finn, JCDP File # V Dex 1 – 21. Erin also presented this project to the Board stating the applicant proposes to convert the first floor of a two-story residence into a commercial kitchen and takeout restaurant with limited seating. The Board is reviewing this due to the parcel's proximity to NYS Route 180. ***Charlene Mannigan abstained from voting on this project.***

Erin stated this project site is zoned Commercial and is located on the corner of Water and Liberty Streets. The site plan was reviewed showing the existing structures, parking, a new wheelchair ramp, and a new concrete pad for outdoor freezer space.

A NYS Department of Health permit is required for the restaurant.

Local comments included the following:

According to the site plan, there will be seven off-street parking spaces as well as an unspecified number of on-street parking spaces provided. In accordance with the Village Zoning Law for off-street parking, the local board should determine the adequate number of off-street parking spaces required for this project. In addition, the applicant should specify a designated off-street loading space on the site plan.

Landscaping and buffering are not indicated in the site plan. The local board should consider requiring the applicant to provide landscaping as a buffer between the business and adjacent parcels. Additionally, during the site visit, it was noted that it appears landscaping is located in the village right of way.

There is no dumpster location indicated on the site plan. The location should be indicated due to the size requirements of a dumpster and the limited parking spaces available for this restaurant, to ensure ease of circulation.

Signage is not indicated on the site plan. The applicant should specify signage on the site plan, according to the requirements in the Village Zoning Law.

Charlene Mannigan stated the Village was satisfied with his application, but also recommended the dumpster location to be shown on the site plan and clarified that he was proposing signage on the building itself.

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

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

5. Town of Champion, Site Plan Review, Matthew Gump, JCDP File # T Ch 4 - 21. Andy Nevin presented this project to the Board stating the applicant proposes to utilize an existing home as a bed & breakfast. The Board is reviewing this due to its proximity to NYS Route 126.

Andy stated the project is located on NYS Route 126 and is currently known as Dorwin Manor. He is proposing to utilize the home as a bed & breakfast. The home is 3,950 square feet, 4 bedrooms and 2.5 baths. The Town's Zoning Code was recently amended to allow this use in the Residential 1 District where this is located.

The only comment identified was a New York State Department of Transportation Highway Work Permit is required for the change of use for the driveway.

6. Town of Lyme, Special Use Permit, Gail Miller, JCDP File # T Ly 2 - 21. Sara Freda presented this project to the Board stating the applicant proposes a 22 foot x 56 foot building for livestock and farm equipment. The Board is reviewing this due to its proximity to County Road 125.

Sara stated the building is located at White Caps Winery in the Town of Lyme. The site is zoned both Agricultural Residential and Waterfront, and the code says they must meet the regulations for both zones. They are proposing a 22 foot by 56-foot barn, which is permitted in the AR District, but requires a Special Use Permit in the WF District.

No County/State issues were identified.

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

7. Town of Lyme, Special Use Permit, James Kron, Jr., JCDP File # T Ly 4 - 21. Sara also presented this project to the Board stating the applicant proposes to convert a vacant building into a farm market. The Board is reviewing this due to its proximity to a farm located in an Agricultural District.

Sara showed the site location as 8328 State Route 12E, on the western edge of Three Mile Bay. The site is zoned AR which allows for small product retail with a special use permit. The submitted site plan shows three driveway accesses onto the state highway and a large gravel parking area, although the actual parking spaces are not delineated.

Sara stated she spoke with the NYS Department of Transportation and they plan to request one driveway to be removed and will not allow product displayed in the right of way.

The only County/State concern is a NYS Department of Transportation Highway Work Permit is required for the new use.

Local items of consideration included:

In order to determine parking adequacy and interior circulation, the local board should request that all parking spaces be depicted on the site plan.

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

8. Village of Philadelphia, Site Plan Review, Route 26 Property LLC, JCDP File # V Ph 1 - 21. Andy Nevin presented this last project to the Board stating the applicant proposes a car wash and convenient store with a drive-thru. The Board is reviewing this due to its proximity to NYS Route 26.

The project location is located on the corner of US Route 11 and NYS Route 126, behind Stewarts and Philly Fuels. Elevation drawings were reviewed showing the drive-thru location. The site plan showed the project layout and vehicular circulation, along with parking and lightning.

The only County/State comment was NYS DOT should be contacted for a new commercial driveway permit for the two driveways.

The Local board should consider the following:

The proposed project is located within the R-2 Zoning District. However, car washes and drive thru convenient stores do not appear to be permitted within the R-2 District. While commercial enterprises are mentioned in the district purpose statement, they lack a definition and do not appear in the list of uses in this zone. There is an unlisted use process in the zoning law, or a use variance may be required. Another option would be a zoning map amendment to extend the Business Zone to allow the proposed uses.

If allowed, the local board should ensure the proposed lighting consists of dark sky compliant fixtures to limit glare on the public road and nearby properties.

The proposed signage should meet the village sign standards.

The local board should also determine the potential need for landscaping pursuant to the Village Zoning Law.

Chairman Prosser read the staff recommendation that the County Planning Board pass a motion of local concern only for projects # 5-8, with the comments as stated above.

Motion: To accept staff recommendation to pass a motion of local concern only for projects # 5-8 was made by Chairman Prosser, seconded by Jon Storms, and

unanimously carried.

B. Other Business

Andy stated staff would be sending the Board's solar letter recommendation to the County Legislative Board and would copy the Board members.

He also mentioned that Michael Bourcy emailed each of them a survey regarding new meeting day/times and asked everyone to return their input to him as soon as they could.

Adjournment

Deb McAtee made a motion to adjourn the meeting at 4:57 p.m., seconded by Lisa L'Huillier, and was unanimously carried.