

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

**JEFFERSON COUNTY PLANNING BOARD**

**January 25, 2022**

**MEMBERS PRESENT:** David Prosser, Chairman, Lisa L’Huillier, Vice-Chairman, Dwight Green, Jon Storms, Deb McAtee, Randy Lake, Charlene Mannigan, Art Baderman, George Yarnall

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

**PUBLIC PRESENT:** Chuck Marshal, Stewart’s Shop Corp.  
James Uhlinger, Champion Town Board  
Brian Peck, Champion Supervisor  
Craig Fox, WDT

*The meeting was being conducted remotely under the extraordinary circumstances of a public health emergency due to Covid-19 under chapter 417 of the Laws of 2021 and signed by Governor Hochul.*

**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 December 28, 2021 MEETING MINUTES:** Chairman Prosser asked members if they had any comments or changes to the December 28, 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 Champion, Area Variances and Site Plan Review, Stewarts Shop Corp., JCDP File # T CI 1, 1a – 22.** Andy presented this project to the Board stating that the applicant is requesting area variances for sign height, number of wall signs, setbacks for the fuel canopy, and size of a commercial building. The project is also a site plan review. The Board is reviewing this due to its proximity to NYS Routes 3 and 26.

Andy showed the property location on an aerial photo and pictures of the site. He said that the Board reviewed the previous Stewarts, which was 2,000 square feet in building

size. He said that the area variances were for sign height, number of wall signs, setback for the canopy, and size of the commercial structure which is proposed to be 3,900 square feet.

Issues include: Regarding the area variances, 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.

The Town's small commercial definition contains a building size limit of 2,000 square feet. Therefore, a proposed commercial structure nearly twice that size may not be considered small commercial. The local board should consult with their attorney as to whether the proposed use is allowed in the Hamlet Zoning District, or if a use variance is required.

Andy said the project also is a site plan review.

Issues include: A New York State Department of Highway Transportation Highway work permit is required. New York State Route 3 is the Olympic Scenic Byway at this location. The local board should take this into consideration when reviewing the project.

The local board should request landscaping, buffering, and a solid fence be provided, consistent with the Town Zoning Law sections that require commercial uses and parking lots to include buffering and screening to protect adjacent and nearby residences.

Similarly, the local board should request downward shielded lights and a photometric plan that shows the project will meet the Town lighting requirements and excessive glare from the proposed light poles do not impact the public highways and adjacent homes.

Snow storage areas should be shown on the site plan to ensure they will not interfere with sight distance at the intersection as visibility is a priority.

The four separate lots should be legally merged prior to project completion.

Chuck Marshall, project representative, discussed the lighting photometric plan they've not submitted but plan to submit to the Town soon.

Chairman Prosser asked about the location of the tank filling area and whether it will be moved. The applicant said yes they'll be replaced and referred to the site plan location.

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

2. Town of LeRay, Use Variance, Northern Optics, JCDP File # T Le 1-22. Sara presented this project to the Board stating that the applicant wants to construct a sign at their current office location.

She displayed the aerial of the area, zoning map, and site photos showing the sign already installed at the site.

Sara stated the project's issues are as follows:

In order for a use variance to be granted, all of the tests (found in NYS Town Law 267) for the variance must be satisfied prior to approval:

No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

- (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (4) that the alleged hardship has not been self-created.

The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

New York State Route 3 is the Olympic Scenic Byway at this location. The local board should take this into consideration when reviewing the project.

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

Motion:

To accept staff recommendation to pass a motion of local concern only for project was made by Chairman Prosser, seconded by Lisa L'Huillier, and unanimously carried.

Adjournment

Lisa L'Huillier made a motion to adjourn the meeting at 4:30 p.m., seconded by Dave Prosser, and it was unanimously carried.