

MEETING MINUTES

JEFFERSON COUNTY PLANNING BOARD

**Jefferson County Office Bldg - 175 Arsenal St. - 2nd Floor Conference Room
Watertown, New York**

August 29, 2023

MEMBERS PRESENT: David Prosser, Chairman, Lisa L’Huillier, Vice-Chairperson, Donna Dutton, Dwight Green, Randy Lake, George Yarnall, Jon Storms, John Stinson

STAFF PRESENT: Andy Nevin, Senior Planner
Sara Freda, Community Development Coordinator
Sam Wilson, Assistant Planner

PUBLIC PRESENT: John Condino, Barton and Loguidice, Towns of Pamela and Lyme
Cala Morgia, Dog boarding project, Town of Watertown
Sandy Torres, WWNY TV

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 July 25, 2023 MEETING MINUTES: Chairman Prosser asked members if they had any comments or changes to the July 25, 2023 meeting minutes. A motion to accept the meeting minutes was made by Dave Prosser, seconded by Dwight Greene, and carried unanimously.

COMMUNICATIONS: Chairman Prosser asked if there were any outside communications. Andy said no.

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 Lyme, recreational vehicle amendments to the zoning law, JCDP File # T Ly 2 – 23**

Sara presented this project to the Board. She summarized the RV amendments, including PowerPoint visuals to highlight definitions and changes from the current zoning law.

County/State related comments:

NYS Town Law requires zoning amendments be in accordance with a local comprehensive plan.

Under local review comments she said:

The proposed law includes revised definitions for primary residence and recreational vehicle (RV) and a use schedule which should be incorporated into Article II and IV of the Town's existing Zoning Ordinance. The local board should remove the definition of RV Park from the proposed law since it hasn't changed.

Section 750.E. should be revised as follows: add "except for RV Parks" to the end of the first sentence to be consistent with Section 750. C.

The local board should require the revocation of an Annual Permit in the case of a RV being inoperables.

The law could be interpreted to allow an unlimited number of RV's on a parcel for ten days or less. The local board may want to limit the number of permitted RVs and/or the maximum number of days allowed in order to lessen the potential impact to neighboring properties.

The law should be more definitive in limiting the commercial use/rentals (Airbnb) of RV's for "on-site occupancy". The local board should not regulate the rental of RVs for off-site use.

The law should identify who reviews applications for an Annual Permit.

The local board should consider regulating who can occupy an RV on parcels without a primary residence. The proposed law does regulate occupancy for RV's placed on a parcel with a primary residence.

The local board should consider the enforcement logistics of the proposed law.

Motion: To accept staff recommendation to pass a motion of local concern only for the project was made by Dave Prosser, seconded by Jon Storms, and carried.

2. Town of Pamela, solar energy regulations, JCDP File # V Pa 1 - 23

Sara presented this project to the Board. She summarized the solar amendments. She highlighted definitions and changes from the current zoning law.

County related comments discussed.

Solar energy systems that connect into a house or building require a building permit.

The local law references that the Code Enforcement Officer performs electrical inspections. A third-party electrical inspector performs the inspections.

The local law references fencing. The local board should ensure that fencing requirements do not conflict with the National Electric Code.

The law should not specifically reference the State's Section 94c process.

Under local review comments she said:

The definition of Minor Solar Collection System should state that these types of solar energy systems do not generate more than 110% of the energy demand for on-site consumption.

The maximum height of ground mounted solar energy systems should be a specific number, as opposed to what the underlying zoning district allows.

Major Solar Systems are listed under the Rural Zoning District. The local board should use the district name Agricultural/Residential.

The first two paragraphs regarding Major Solar Systems each state a Special Use Permit and Site Plan review are required; the local board should combine them into one paragraph to reduce redundancies.

The local board should add a sentence stating, "All above ground utility poles, including the point of interconnection, shall be depicted on the site plan. A photo simulation of the point of interconnection shall also be provided."

The local board should add a sentence stating, "All inverters shall be sited in the interior area of the solar system to reduce noise impacts to adjacent properties".

The local board should delete the reference requiring a Demolition Permit since the County does not issue demolition permits for solar.

The Decommissioning Plan section and all decommissioning plans submitted with applications should be reviewed and approved by the Town Attorney.

The local law should specify that the Special Use Permit Requirements are for Major Solar Energy Systems.

The sentence referencing Agricultural Districts should be revised to state, "If any portion of a Major Solar System will be sited on property located on or within 500 feet of a NYS Certified Ag District, an Agricultural Data Statement shall be submitted to the Town. The Town shall notify all agricultural operators identified on the Agricultural Data Statement."

The local law is somewhat ambiguous in regard to maintaining the properties that contain Major Solar Energy Systems. The last sentence of this paragraph should be replaced with, "The applicant shall maintain all required landscaping and screening throughout the life of the project".

The local board should consider allowing for reduced interior lot line setbacks when the project includes multiple contiguous lots.

Add the following requirements for Major Solar Energy Systems:

- Glare Hazard Analysis for 1+ megawatt projects.
- Ft Drum and Watertown International Airport notification & correspondence requirements.
- Landscape Plan w provisions of preserving and/or replacing existing perimeter vegetation.
- Emergency Operations Plan.
- More criteria for developing solar on agricultural soils.
- Native perennial vegetation criteria.
- Battery Storage criteria or a moratorium on Battery Storage.

Motion: To accept staff recommendation that the County Planning Board pass a motion of approval with the following conditions was made by David Prosser, 2nd by Lisa L'Huillier and unanimously carried:

- 1) Require a Glare Hazard Analysis for projects 1 Megawatt+
 - 2) Require notification to Ft. Drum & Watertown International Airport and copies of all correspondence received,
 - 3) Add regulations to minimize the impact on agricultural soils,
 - 4) Require an Emergency Operations Plan.
 - 5) Include off-site consumption within the definition of Major Solar Facility.
3. Town of Watertown, Site Plan Review to construct a 50 by 32 foot building to board dogs. JCDP File # T Wa 7 - 23

Sara presented the project to the Board. She showed the location map, aerial photo, site photos, and site plan.

County related comment - a building permit is required from Jefferson County Building Code Office.

Local comments:

The local board should require the submission of a site plan that depicts all existing conditions including the driveway, drainage swale and the trees along the south and west sides. Additionally, the plan should depict a north arrow and any proposed landscaping.

The local board could consider requiring the applicant to utilize the existing driveway and to construct the proposed kennel farther away from the neighbors in order to mitigate any potential noise impacts to the surrounding residences.

The local board should require screening to buffer the proposed use from the neighbors across the street and to the south.

Any proposed lighting should be dark sky compliant and should not impact the neighbors.

Motion: To accept staff recommendation to pass a motion of local concern only for the project was made by Lisa L'Huillier, seconded by Donna Dutton (Dave Prosser abstained), and carried by remaining members.

4. Town of Rutland, New Leaf Energy, Site Plan Review to construct a commercial wind turbine to generate up to 5 MW of electricity, JCDP File # T Ru 1 - 23.

Andy presented the project to the Board. He showed the location map, aerial photo, site photos, and site plan. He also showed a number of visuals related to the location of the turbine poles and their close proximity in relation to the Fort Drum Department of Defense Part 77 Imaginary Surfaces, as well as a diagram that illustrated the blade heights and penetration of the surfaces for up to approximately 410 feet above the maximum height of 1,190 feet in elevation during certain wind conditions.

County/State related comments:

The local board should require written correspondence from Fort Drum staff be provided to ensure that pertinent concerns are considered for the record to ensure there are no negative impacts on the routine operations, deployment and training based on Fort Drum. The Fort Drum Joint Land Use Study (JLUS) outlines military compatibility at Fort Drum. Pertinent issues in JLUS include air traffic control radar for Wheeler Sack Army Airfield (and Watertown International Airport), weather radar functionality at the Montague Radar Station, and both airfields' FAA Part 77 Imaginary Surfaces. These factors should be taken into consideration when reviewing the wind turbine's location, height, and blade pathways. Fort Drum low level training flights have a number of visual navigation routes throughout the region, at 100, 300, and 500 feet above ground level depending upon location.

The Watertown International Airport Director of Aviation should be contacted regarding the wind turbine location and height in proximity to the airport's Part 77 surfaces, arrival and approach patterns. A FAA Part 7460 should be completed and filed in reference to all airfields in Jefferson County including Wheeler Sack Army Airfield.

The Rutland Town Office site also serves as a helipad landing for the AirMethods medivac service. The local board should request information regarding potential impacts to this helipad location.

US Fish and Wildlife should be contacted regarding the need for bird and bat studies to identify any potential endangered bird and bat species that could be impacted by the wind turbine blade operation, including not only resident species, but also those that migrate during the day (diurnal) and those at night (nocturnal).

A noise study should be conducted to ensure the Town's noise limit will not be exceeded for on nearby residences and properties by the wind turbine.

A Jefferson County Highway Permit will be required for the driveway access onto CR 160. County Highway should also be consulted regarding potential impacts to the road by the heavy equipment during the construction phase. A road agreement should be established between the County and the applicant to address what roads may be appropriate to safely and adequately transport the project components to the site. This would also include pre and post construction conditions inspection/report to ensure any potential damage attributable to the project can be repaired as applicable.

The Town's Height Restriction Overlay District established to protect Wheeler Sack's Army Airfield Part 77 Surfaces will be violated by the location of the wind turbine blades, when accounting for the height of the turbine including blade length and certain wind directions for approximately 167.5 feet into the Surfaces, at between 1,190 and 1,600 feet in elevation. This is due to the wind turbine pole being located 100 feet from the Part 77 surfaces, then during certain wind conditions/direction they will penetrate the flight surfaces as the nacelle rotates to face the wind, and each of the 267.5 foot length blades will rotate into the FAA Part 77 surfaces by 167.5 feet at an elevation between 1,190 and 1,600 feet. Therefore, this location will result in hazardous flight conflicts within the established FAA Part 77 surfaces violating the Town's Overlay District requirements.

In addition, potential air traffic control radar impacts may degrade Fort Drum's ability to track aircraft flights, thereby less effectively assist pilots to navigate the area especially when visual navigation becomes limited by weather. With the number of fixed wing and helicopter aircraft in the area including low level flights, this would be problematic. With the current number of wind turbines in the region, radar saturation is a concern, and with this proposed location more radar saturation could further reduce air traffic control tracking ability.

Local related matters presented:

The State Environmental Review Act process initiated for this turbine includes a Full Environmental Assessment Form. Also, if additional wind turbines are anticipated, all wind turbines must be considered as part of the SEQR process to ensure segmentation is avoided, one of the tenets of SEQR being a "hard look" at all project components together to avoid cumulative impacts that individual analyses would potentially miss.

With the Town Attorney's input, the local board should require a decommissioning plan and removal bond be created to ensure removal occurs if the wind turbine become obsolete or its use discontinued pursuant to the removal requirement in the Town Zoning Law. This would protect the Town from the removal cost of obsolete tall structures.

The local board should request an emergency response plan and annual training to ensure local emergency services can respond adequately in case of a potential fire or accident.

Jon Storms said potential shadow flicker onto nearby homes or other sensitive receptors.

Motion: To accept staff recommendation to pass a motion of Disapproval based on the negative impacts of penetration of the DOD Part 77 Surfaces and the Town Tall Structures Overlay Zone and potential radar impacts was made by Dave Prosser, seconded by Jon Storms, and unanimously carried.

5. Town of Champion, Adirondack Vet Properties, LLC, Site Plan Review to expand a veterinary clinic by 4,000 square feet, JCDP T Ch 1 – 23

Sam presented the project to the Board. He showed the location map, aerial photo, site photos, and site plan.

County/State related comments:

A Jefferson County Building Permit is required.

An Agricultural Data Statement is required because the site is located within 500 feet of farm operations located within an NYS-certified Agricultural District.

If the total disturbance is equal to or greater than one acre, a DEC Stormwater Pollution Prevent Plan (SWPPP) will need to be completed and submitted to the Town's engineer.

Local related matters presented:

The local board should ensure that the applicant accurately depicts any new lighting on the site plan and that the lighting is adequate. There seems to be a discrepancy in the lighting location between the site plan and the photometric plan.

The layout of the existing and proposed building on the photometric plan does not match that of the site plan. The local board should require that the photometric and the site plan are updated.

The local board should ensure the signage on the south elevation of the building does not exceed 32 square feet in area. The applicant appears to have not listed the square footage of the "Countryside Veterinary Clinic" sign.

6. Town of Champion, S&S Premier Realty, Great Bend, Site Plan Review to construct a 5,000 square foot construction office and shop building, JCDP 2 - 23.

Sam presented the project to the Board. He showed the location map, aerial photo, site photos, and site plan.

County/State related comments:

A NYSDOT Highway Work Permit is required for the proposed access onto NYS Route 3.

A Jefferson County Building Permit is required.

A DEC Stormwater Pollution Prevent Plan (SWPPP) will need to be completed and submitted to the Town's engineer because the total disturbance is equal to or greater than one acre.

Local related matters presented:

The Town's Zoning Law prohibits open storage of any kind in the Rural Corridor Zoning District. The site plan depicts an area dedicated to outdoor storage. The Town's Zoning Enforcement officer should determine if a use variance is required.

Motion: To accept staff recommendation to pass a motion of local concern only for projects 5 & 6 was made by Dave Prosser, seconded by Jon Storms, and carried unanimously.

7. Town of Watertown, Centerline Communications, New Cingular Wireless, Special Use Permit to replace existing cellular antennae, JCDP File # T Wa 6 - 23.

Sam presented the project to the Board. He showed the location map, aerial photo, site photos, and site plan.

County/State related comment:

The local board should require the applicant to submit a 5G C band study to the FAA to ensure compatibility with Watertown International Airport aircraft.

Motion: To accept staff recommendation to pass a motion of local concern only for project #7 was made by Lisa L'Huillier, seconded by John Stinson (David Prosser abstained) and carried by the rest of the members.

Andy reminded the Board members that there will be a JCC Training session held on September 26 presented by the Department of State, subject will be Hot Button Issues.

Adjournment

Lisa L'Huillier made a motion to adjourn the meeting at 5:46 p.m., seconded by Dave Prosser, and it was unanimously carried.