

**MEETING MINUTES**

**JEFFERSON COUNTY PLANNING BOARD**

**175 Arsenal St. 2<sup>nd</sup> Floor of the Jefferson County Office Building  
– Watertown, New York**

**November 28, 2023**

**MEMBERS PRESENT:** David Prosser, Chairman, Lisa L’Huillier, Vice-Chairperson, George Yarnall, Donna Dutton, Dwight Greene, Randy Lake, John Stinson, Jean Waterbury

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

**PUBLIC PRESENT:** Rebecca Wewer, Wewer Holding, LeRay (T)  
Dave Strong, New Leaf Energy, Rutland (T)  
Brandon Smith, New Leaf Energy, Rutland (T)

**CALL TO ORDER AND ESTABLISHMENT OF QUORUM:** Chairman Prosser opened the meeting at 4:01 p.m. and stated that a quorum was present.

**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 LeRay, Wewer Holding Corp., Area Variance, Maximum front yard setbacks. JCDP File # T Le 8 – 23**

Andy presented the site photos, aerial photo and site plan displaying the proposed project location, layout and existing parking areas, driveways around the building.

County/State related matter:

In reviewing 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.

Locally related issues:

While the applicant states the need for the two frontage variances arise because of the required placement of stormwater retention including drainage swales, front yard parking,

and access drives, the drainage details are not shown on the site plan. The local board should request the drainage details to be shown on the site plan. This would help justify the need as the Board assesses the reasoning behind not locating the building within the minimum and maximum setback distances.

The applicant, Rebecca Wewer described their site and how the drainage swales for US Route 11 and Waddingham Road influenced the development footprint and led to setting the building beyond the maximum setback in the district.

Motion: To accept staff recommendation to pass a motion of project of local concern only with comments was made by Dave Prosser, seconded by Donna Dutton, and carried unanimously.

2. Town of Rutland, New Leaf Energy, Site Plan Review, Wind Turbine. JCDP File # T Ru 2 – 23

Andy presented the aerial photo, site photos, site plan, maps of the Part 77 surfaces in proximity to the wind turbine, and a rendering that shows the height of the turbine, blade length, etc in relation to the Part 77 surfaces. He also went over the site plan. He described the currently proposed wind turbine location as opposed to the previously proposed site location. He also noted that the turbine now including the blades are no longer penetrating the Part 77 surfaces for any wind direction.

County/State related comment:

The newly proposed location of the wind turbine is outside of the Fort Drum Wheeler Sack Army Airfield FAA DOD Part 77 surfaces. The application included a letter from the Department of Defense indicating a mutually agreeable solution to their previous concerns by limiting the proposed number of wind turbines in the area to one.

The Watertown International Airport Director of Aviation identified potential issues with the location of this wind turbine relative to arrival/departures and navigation during low visibility weather events, which can be common during the winter months.

The Northern Long Eared Bat was identified by the US Fish and Wildlife Service, as potentially active in the area. As a result, the applicant intends to modify wind turbine operation during summer evenings when winds are at the speeds known for bat activity.

However, potential migratory wildlife species that fly through the region/area via the Atlantic Flyway during migration periods should be studied/counted using current methods in order to determine whether any endangered or threatened migratory species will be impacted during wind turbine operation as well.

A Jefferson County Highway Permit will be required. A Jefferson County Building Permit is required.

Motion: To accept staff recommendation to pass a motion of approval with the condition that in accordance with 14 CFR 49 Part 77, an FAA Form 7460-1 is filed and the subsequent review by the FAA, based upon that submission, issues a "No Hazard to Aviation" determination relative to flights to and from the Watertown International Airport was made by Dave Prosser, seconded by Lisa L'Huillier, and carried unanimously.

3. Town of Alexandria, Town Board, Zoning Amendment, Marine Island District, JCDP File # T AI 2 – 23

Sara presented this project to the Board. She described a new zoning district called Marine Island, and explained the purpose of the new district is to restrict development to primarily residential uses. The Marine Island District affects all the St. Lawrence River Islands except Wellesley Island which will not be affected.

County/State related comments:

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

Motion: To accept staff recommendation to pass a motion of approval with comments was made by Dave Prosser, seconded by Jean Waterbury, and carried unanimously.

4. Town of Cape Vincent, St. Lawrence Seaway Cellular Partnership, Site Plan Review, Cell tower, JCDP File # T CV 1 – 23

Sam presented this project to the Board. He reviewed the aerial photos, site photos, tower photo simulations from multiple vantage points, and site plans that showed the whole parcel and the a zoomed-in site plan on the fenced-in area of the lattice tower.

County/State related comments:

NYSDOT Highway Work Permit is required for the proposed access onto NYS Route 12E.

When reviewing the project, the local board should consider that NYS Route 12E is designated as the Great Lakes Seaway Trail Scenic Byway.

Locally related issues:

An FAA Form 7460-1 (Notice of Proposed Construction or Alteration) should be completed to ensure the height of the cellular tower does not impact the Watertown International Airport.

5. Town of Henderson, Town Board, Zoning Amendment, Marinas and campgrounds, JCDP File # T He 2 – 23

Sara presented this project to the Board. She summarized the purpose and content of the zoning amendments regarding categories of marinas and campground requirements. She also reviewed several uses that had additional criteria added within the Corridor Overlay District.

County/State related matters:

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

Locally related issues:

The proposed amendment to the Outdoor Recreation criteria requires outdoor lighting be terminated within 120 minutes of the end of an event. The local board should consider reducing this time period to decrease the impact of the lights at night.

The existing law limits ground mounted solar energy systems to a maximum height at full tilt to 8 feet. The local board should consider increasing this to 10 to 15 feet.

The local board should consider eliminating the required side and rear yard setbacks for large scale SES when the project area includes contiguous properties.

Motion: To accept staff recommendation to pass a motion of approval with comments was made by Dave Prosser, seconded by Dwight Greene, and carried unanimously.

6. Town of Hounsfield, LaFlamme Fuels, Site Plan Review, Office for fuel delivery and bulk storage, JCDP File # T Ho 2 – 23

Andy presented the site photos, aerial photo and site plan displaying the proposed project location and layout. It also included areas of landscape berms, a fenced in area of eight 25,000 gallon fuel storage tanks and two entrances on Youngs Road.

County/State related matters:

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

The applicant should contact NYS DEC regarding the above ground petroleum storage tanks to ensure any applicable state regulations are met.

An Agricultural Data Statement is required because the parcel is part of a NYS Certified Ag District.

Locally related issues:

The schedule of uses in the Town Zoning Law indicates a special use permit is required for small retail within the Arterial Corridor Protection Overlay District (within 1,000 feet of NYS Rte 3).

The local board should ensure the proposed landscaped berms will provide adequate buffering for the nearby homes and views from the Olympic Trail Scenic Byway consistent with the Town's Arterial Corridor Protection Overlay District screening provisions. Details of the plantings should be submitted, as well as a long-term maintenance plan.

The local board should request a photometric plan to ensure the proposed lighting meets the Town standards regarding light pole height and lighting intensity and doesn't result in glare on adjacent properties and the public road. Shielded lighting should be used to limit offsite impacts.

7. Town of LeRay, Town Board, Zoning Amendment, Mixed Use Buildings in the R1 Zoning District . JCDP File # T Le 9 – 23

Andy explained the Town's intent introducing Mixed Use Buildings in the zone. He read the definition.

County/State related matter:

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

Motion: To accept staff recommendation to pass a motion of approval with comments was made by Dave Prosser, seconded by Donna Dutton, and carried unanimously.

8. City of Watertown, Hale's Bus Garage, LLC, Site Plan review, 4,500 square foot addition to a bus garage. JCDP File # C 7 – 23

Sam presented the site photos, aerial photo and site plan displaying the proposed project location, layout and existing parking area and driveway.

Local related issues:

It appears that adjustments to the existing pavement layout, landscape screening, and construction of a new stormwater management area will occur on the adjacent property west of the proposed 4,500-square-foot addition. The local board should request a letter from the adjacent landowner, that grants permission to the applicant for any improvements that occur on the adjacent property.

The local board should ensure that any proposed lighting utilizes dark sky compliant fixtures.

9. Town of Wilna, Lyle Theroux, Area Variance, minimum lot size. JCDP File # T Wi 1 – 23

Andy presented the site photos, aerial photo and subdivision plat regarding the proposed subdivision and resulting lots.

County/State related matters:

In order for area variances to be granted, 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.

Motion: To accept staff recommendation to pass a motion of project local concern only for projects 4, 5,6, 8 and 9, was made by Dave Prosser, seconded by George Yarnall, and carried unanimously.

There was a brief discussion about the December meeting date being the day after Christmas. No one said they couldn't make it, but if there was a small number of projects that staff comments could be returned to the referring municipalities.

### Adjournment

Lisa L'Huillier made a motion to adjourn the meeting at 5:12 p.m., seconded by Dave Prosser, and it was unanimously carried.