

**MINUTES  
LEWIS COUNTY PLANNING BOARD  
December 19, 2024**

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:30 PM in the conference room on the 2<sup>nd</sup> floor of the Lewis County Court House, Lowville, New York. Mr. Petersen requested a roll call.
  - (2) **Roll Call:**  
**Board Members Present:** Timothy Petersen, Thomas Osborne, John Reed, John Lehman, Don Cook, and Sarah Metott (arrived at 2:40 pm)  
**Staff Present:** Megan Krokowski, Community Development Specialist  
**Public Present:** Darla Cook, Dan Szalach
  - (3) **Reading and Approval of Minutes:** The draft November 21, 2024 meeting minutes were received and reviewed before the meeting. Mr. Lehman motioned to approve the minutes; Mr. Cook seconded the motion, which carried unanimously.
  - (4) **Correspondence and Communication:**  
**APA Project No. 2024-0269: Application Complete and Under Formal Review**  
Kurt & Penny Dittl, Two-lot subdivision, North Shore Road, Town of Greig  
**APA Project No. 2024-0341: Application Received**  
Peter Doster, Two-lot subdivision, Barnes Road, Town of Lyonsdale
- No comments were proposed for submission.
- (5) **Report of Officers:** None
  - (6) **Report of Special Committees:**

**239-M Review**

Ms. Krokowski read the following review:

**TOWN OF TURIN TOWN BOARD**

Proposed zoning text amendments to the Town of Turin Rural Development Code to update dwellings per lot, solar energy, battery energy storage systems, and wind energy in addition to a zoning map update.

*Town of Turin – Applicant*

The proposed local law, Full Environmental Assessment Form, and General Municipal Referral Form were submitted by Town of Turin Planning Board Chairman, Daniel Szalach on behalf of Town of Turin Supervisor, Jane Gillette.

In summary, the Town of Turin Board is updating the Development Code to align with changes in technology for renewable energy including, but not limited to, wind, solar, battery storage, and compressed air energy storage.

A thorough review of the proposed amendments was made, and the following improvements were identified:

- The term and definition for ‘wind turbine’ should be added to Article 1 Section 140, an example of which could be: “Wind Turbine: A machine that converts wind's kinetic energy into electricity.”
- Since Article 2 Section 210 breaks the Town of Turin into districts, the references to ‘zone’ should be replaced with ‘district’ for accuracy and consistency.
- For consistency, the proposed law amendments should refer to ‘wind energy facilities’ throughout the document rather than ‘wind power generating facilities’ as ‘wind energy facility’ is the term defined in Article 1 Section 140.
- There are two (2) references to ‘zoning permit’ in Article 8 Section 820. The language shall be updated with the term ‘land use permit’ to ensure consistency.
- Small Battery Energy Storage Systems should be added to Article 2 Section 240 and any applicable regulations should be added to this law in Article 4.
- While Article 2 Section 240 shows that Large Battery Energy Storage Systems (BESS) and Compressed Air Energy Storage Systems (CAESS) are not allowed in any district, an explanation as to the reasoning for the prohibition should be added to the proposed amendments to state the Town’s reasoning clearly. An example would be relative to health and safety concerns. Clear, documented justification strengthens the law.
- Article 8 Section 850.1.e details that a property operation and maintenance plan must be submitted with an application for a Large-Scale Solar Energy System. Given the geographical location and climate, it is suggested that snow removal also be added to the listed plan items.
- The setbacks proposed in Article 8 Section 850.2.b will likely be considered overly burdensome if reviewed by the New York State Office of Renewable Energy Siting and Electric Transmission and, depending on the use of the proposed project parcel, it may result in a larger footprint for the solar development. Prior to adoption, the Town of Turin should clarify its intent for these large setbacks and whether there could be waivers granted if certain benefits, such as agrivoltaics, could be incorporated.
- Article 8 Section 850.2.c should specify the material and color of fencing required for Large Scale Solar Energy Systems to ensure the intent of the Town is met without interpretive issues.
- Language in Article 8 Section 850.2.f should be added to ensure that roadways shall be unpaved and constructed with a pervious surface **and** also limits dust, debris, and erosion.
- In Article 8 Section 850.2.k, ‘upon request’ should be removed as the Owner/Operator should be required to work with local emergency services to develop an emergency response plan. Furthermore, on-site training should be provided prior to the facility becoming operational, not within 6 months of operation.
- Fencing and screening plan requirements shall be added to Article 11 Section 1120.

- The provided zoning map amendment is missing a title, date, full key, and the transparency of areas where the two districts overlap is not clear for interpretation. Prior to adoption, these inclusions and improvements should be made.
- Article 8 Section 850.1.i details the Decommissioning Plan for Large Scale Solar Energy Systems. The Town should add language a **NYS-licensed** Professional Engineer is preparing the projected costs of executing the Decommissioning Plan.
- For functionality and clarity purposes, the Town of Turin shall use an asterisk rather than 'see note 1' in the land use table in Article 2 Section 240. It was also noticed that the second note, which was included in the original submission and indicated that Large Scale Solar was not allowed within the Water Overlay District and Municipal Water Overlay Districts, was removed during the map correction. While this was most likely unintentional, the Town should reinstate it using a double asterisk for consistency and protection of such resource areas.

**Please note, that a full zoning law review was not performed; the review was limited to the proposed changes and the related sections.**

While the technical review brought to light the above improvements that should be made prior to adoption, due to its immediate impact on the context of the law, it is suggested that the following are reviewed by the Town as suggestions for improvements prior to adoption:

- Relative to Article 2 Section 240, to avoid interpretation issues, if the intent of the section is to prohibit uses not listed, the Town of Turin could consider adding a statement, such as "Any land use not listed below is presumed as not allowed in all districts," to the Section.
- Section 445.10 discusses the Decommissioning Plan for wind energy facilities; however, the Town should consider adding language detailing conditions that trigger the use of the Decommissioning Plan. An example of sample language could be: *"All Wind Energy Facility (WEF) that are not operational and in use for 12 months post-construction shall be deemed abandoned and the WEF shall be dismantled and removed from the property at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any or all conditions that may be attached to the granting of any permit shall constitute grounds for the revocation of the permit and the permit holder shall remove the system, mount, and associated equipment and facilities by no later than ninety (90) days after the end of the twelve (12) month period. Failure to comply with this section will result in enforcement action detailed in Section 1035 of this law. If the WEF is not decommissioned after being considered abandoned, the Town may remove the system, restore the parcel to its original state, and impose a lien on the property to cover costs to the municipality to the extent not covered by any surety/bond required."*
- The Town should consider adding language specifying that all engineering fees related to wind energy facilities are the responsibility of the applicant.

- The Town of Turin should consider the necessity and legality of requiring large-scale solar energy systems to renew special use permits every two years or if a different type of fee structure could be implemented to replace this.
- In Section 830 the Town of Turin should consider adding language that specifies the amount of time from beginning construction to complete construction.
- In order to strike a balance between encouraging renewable energy development and protecting the interests of the Town of Turin, it is strongly encouraged that the Town of Turin include parameters for a Host Community Agreement (HCA) in Article 8. The HCA should include negotiated benefits, such as financial contributions and/or agrivoltaics uses within the solar energy system development, clear expectations, and concern mitigation, such as visual and environmental impacts.
- The term Mobile Home is widely used throughout the Town of Turin's Rural Development Law; however, this term was federally changed to Manufactured Home on June 15 1976. The Town of Turin should strongly consider adding a definition for Manufactured Home and updating the law to reflect the change for accuracy and enforceability.

***Recommendation: Approve with Conditions***

1. The term and definition for 'wind turbine' should be added to Article 1 Section 140, an example of which could be: "Wind Turbine: A machine that converts wind's kinetic energy into electricity."
2. Since Article 2 Section 210 breaks the Town of Turin into districts, the references to 'zone' should be replaced with 'district' for accuracy and consistency.
3. For functionality and clarity purposes, the Town of Turin shall consider using an asterisk rather than 'see note 1' in the land use table in Article 2 Section 240. It was also noticed that the second note, which was included in the original submission and indicated that Large Scale Solar was not allowed within the Water Overlay District and Municipal Water Overlay Districts, was removed during the map correction. While this was most likely unintentional, the Town should reinstate it using a double asterisk for consistency and protection of such resource areas.
4. For consistency, the proposed law amendments should refer to 'wind energy facilities' throughout the document rather than 'wind power generating facilities' as 'wind energy facility' is the term defined in Article 1 Section 140.
5. There are two (2) references to 'zoning permit' in Article 8 Section 820. The language shall be updated with the term 'land use permit' to ensure consistency.
6. Small Battery Energy Storage Systems should be added to Article 2 Section 240 and any applicable regulations should be added to this law in Article 4.
7. While Article 2 Section 240 shows that Large Battery Energy Storage Systems (BESS) and Compressed Air Energy Storage Systems (CAESS) are not allowed in any district, an explanation as to the reasoning for the prohibition should be added to the proposed amendments to state the Town's reasoning clearly. An example would be relative to health and safety concerns. Clear, documented justification strengthens the law.

8. Article 8 Section 850.1.e details that a property operation and maintenance plan must be submitted with an application for a Large Scale Solar Energy System. Given the geographical location and climate, it is suggested that snow removal also be added to the listed plan items.
9. The setbacks proposed in Article 8 Section 850.2.b will likely be considered overly burdensome if reviewed by the New York State Office of Renewable Energy Siting and Electric Transmission and, depending on the use of the proposed project parcel, it may result in a larger footprint for the solar development. Prior to adoption, the Town of Turin should clarify its intent for these large setbacks and whether there could be waivers granted if certain benefits, such as agrivoltaics, could be incorporated.
10. Article 8 Section 850.2.c should specify the material and color of fencing required for Large Scale Solar Energy Systems to ensure the intent of the Town is met without interpretive issues.
11. Language in Article 8 Section 850.2.f should be added to ensure that roadways shall be unpaved and constructed with a pervious surface **and** also limits dust, debris, and erosion.
12. Article 8 Section 850.1.i details the Decommissioning Plan requirements for Large Scale Solar Energy Systems and Article 4 Section 445.10 details the Decommissioning Plan requirements for Wind Energy Facilities. The Town should add language to both sections to ensure a **NYS-licensed** Professional Engineer is preparing the projected costs of executing the Decommissioning Plan.
13. In Article 8 Section 850.2.k, 'upon request' should be removed as the Owner/Operator should be required to work with local emergency services to develop an emergency response plan. Furthermore, on-site training should be provided prior to the facility becoming operational, not within 6 months of operation.
14. Fencing and screening plan requirements shall be added to Article 11 Section 1120.
15. The provided zoning map amendment is missing a title, date, full key, and the transparency of areas where the two districts overlap is not clear for interpretation. Prior to adoption, these inclusions and improvements should be made.
16. Prior to adoption, the Town of Turin shall review and correct the tracked changes in the Word document of their proposed law as there were grammatical errors, a reference to a different town, and formatting errors identified throughout, but not listed in this review.

**Non-Binding Notes:**

- A) The Town of Turin could consider adding a statement, such as "Any land use not listed below is presumed as not allowed in all districts," to Section 240.
- B) The Town should consider adding language specifying that all engineering fees related to wind energy facilities are the responsibility of the applicant.
- C) Section 445.10 discusses the Decommissioning Plan regulations for Wind Energy Facilities; however, the Town should add language detailing conditions that trigger the use of the Decommissioning Plan, sample language provided as follows: *"All Wind Energy Facility (WEF) that are not operational and in use for 12 months shall be deemed abandoned and the WEF*

*shall be dismantled and removed from the property at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any or all conditions that may be attached to the granting of any permit shall constitute grounds for the revocation of the permit and the permit holder shall remove the system, mount, and associated equipment and facilities by no later than ninety (90) days after the end of the twelve (12) month period. Failure to comply with this section will result in enforcement action detailed in Section 1035 of this law. If the WEF is not decommissioned after being considered abandoned, the Town may remove the system, restore the parcel to its original state, and impose a lien on the property to cover costs to the municipality to the extent not covered by any surety/bond required.”*

- D) In Section 830 the Town of Turin should consider adding language that specifies the amount of time from beginning construction and completion of construction for large-scale solar energy systems.
- E) The Town of Turin should consider the necessity and legality of requiring Large Scale Solar Energy Systems to renew special use permits every two years or if a different type of fee structure could be implemented to replace this.
- F) To strike a balance between encouraging renewable energy development and protecting the interests of the Town of Turin, it is strongly encouraged that the Town of Turin include parameters for a Host Community Agreement (HCA) in Article 8. The HCA should include negotiated benefits, such as financial contributions and/or agrivoltaics uses within the solar energy system development, clear expectations, and concern mitigation, such as visual and environmental impacts.
- G) The term Mobile Home is widely used throughout the Town of Turin’s Rural Development Law; however, this term is now recognized, on a federal level, as Manufactured Home for those produced on or after June 15, 1976. The Town of Turin should strongly consider adding a definition for Manufactured Home and updating the law to reflect the change for accuracy and enforceability.

Mr. Szalach explained how the note referenced in condition 3 was no longer applicable after the update that occurred in the middle of this review process.

Mr. Lehman requested that condition 8 add more specifics regarding what the recommendation of adding snow removal pertains to, specifically by providing access to emergency shutoffs and the like.

Mr. Szalach explained the Town’s reasoning for having potentially ‘overly burdensome’ setbacks as the residents and board members collectively would ban them if they legally could; however, if they must be permitted substantial setbacks must be set. Given the location, residents are forced to see them when traveling through Martinsburg using any direct route and several indirect routes to Lowville. The Board indicated that additional language should be added disclosing and justifying the reasons for such setbacks to help the Town have more grounds for such.

The Board discussed non-binding note C and that the operator should be added rather than just the property owner for the Decommissioning Plan. This discussion continued to point out that, if the Town needed to put a lien on the property, the lien would be on the property owner rather than the operator. Mr. Szalach commented that there is no great way to address it with the operator if it gets to the point where a lien is necessary unless they own the land.

There was an in-depth discussion on different courses of action rather than renewing special use permits such as renaming the renewal to a different type of permit, with the potential for automatic renewals with code compliance upon satisfactory inspection. Ms. Krokowski indicated that the Building and Codes Department may have a better idea of how to implement such permitting, practically.

Mr. Cook inquired about Compressed Air Energy Storage facilities, which was explained in detail by Ms. Krokowski. There was a discussion about the nature of this new technology not limited to regulation and the regulating agency, which has not yet been identified.

Mr. Szalach asked if there were any other glaring issues regarding the wind in addition to the decommission that was missing. Ms. Krokowski indicated that she didn't see anything, but she would check again and let Mr. Szalach know.

With no further comments, a motion was made by Mr. Lehman to approve the project with the above-stated conditions and non-binding notes, with the removal of condition 3, the refinement of conditions 8 and 9, adding operator to non-binding note C, and additional guidance on note E; which was seconded by Mr. Cook and carried unanimously.

Ms. Krokowski read the following review:

**VILLAGE OF CONSTABLEVILLE BOARD OF TRUSTEES**

Proposed local law to establish zoning for the Village of Constableville.

*Village of Constableville – Applicant*

The General Municipal Referral Form and Part 1 of the Full Environmental Assessment Form (FEAF) were submitted by the Village Mayor, Samantha Brown, along with the proposed zoning law.

In reviewing the proposed document, it appears the Village of Constableville is establishing its first full comprehensive land use document and has consolidated their mobile home law, animal control law, and solar law within this document.

The Village of Constableville should consider if using the developed Solar Energy System Overlay District map would be a more appropriate way of prohibiting Large Solar Energy Systems within the Village as the map did not identify any viable parcels within the Village jurisdiction. Consider adding a reference to the Solar Energy System Overlay District in Section 150 in addition to updating

Sections 395 and 830 and filing the Solar Energy System Overlay District Map with the final version of the law. This overlay district would only be applicable to Large Scale Energy Systems.

Article 2 Section 210.4 as proposed, requires a zoning permit for uses resumed after a 24-month discontinuation. The Board should consider shortening this period to 12 months and, if adopted, update Article 2 Section 230 accordingly.

Section 210.5 lists more zoning permit exceptions using the descriptor of minor accessory structures with examples that do not correspond with the definition of accessory structure. The Village should replace minor accessory structure with a more appropriate term such as minor features or the like. Additionally, driveways are listed among the minor features; however, given the access/traffic standards of Article 5 Section 515, the Village should consider updating to include the word “existing” driveways.

Within Article 3, entitled ‘General Regulations’, the following Sections were identified as areas needing improvements and/or revisions prior to adoption:

- Sections 320 and 325 shall be updated to remove reference to accessory buildings having a 1.5’ setback as that would raise fire code concerns. Furthermore, the Village should consider revising references of ‘all principal uses’ to ‘all structures’ to better align with the fire code and enforceability.
- The Board should clarify how building lot coverage will be calculated. For example, the Village could specify whether parking areas are or are not included in the coverage area.
- The title of Section 350 shall be updated to also include ‘Septic Systems’ as the Village provides water and sewer services to a majority of parcels in the Village. Furthermore, based on Department of Health Standards, the 10’ setback requirements from water supply wells could be considered insufficient. The following is a suggested improvement: *“On properties where Village water and sewage services are not provided/utilized, private well and leech fields shall be a minimum distance of 50’ from all property lines and all other standards outlined in Appendix 75 A, unless a Department of Health waiver is warranted and attained.”*
- Section 355.3 currently mandates a 1.5-foot setback for fences and walls from lot lines. However, when a neighboring structure is on or near the lot line, a 4-foot setback is required. The Board should evaluate the balance between preventing property disputes, minimizing non-maintained dead space, and ensuring enforceability. This may involve considering language that allows fence owners to maintain their fences on neighboring properties without trespassing.
- To avoid misinterpretations in Section 355, the Village should define what materials are allowed to be used for fences, such as *“Fences shall be uniformly constructed of wood, composite, chain link or other common fencing material not previously excluded therein.”*



Article 3 Section 360 specifies that Home-Based Business activities are subject to the following standards:

- ***“Operations outside of buildings are prohibited”***. For consistency, the Village should rephrase to an eligible standard, such as ***“Operations must be limited to the confines of the principal structure or accessory structure.”***
- Standard 5 states that “Manufacturing and assembly shall be limited to 3 horsepower tools.” The Board should consider the practicality and enforceability of such.

Article 3 Section 380 regulates farm animals within the Village. Prior to adoption, the Board should consider the following:

- Rephrasing Section 380.1.d. to reference DEC Conservation Law, which defines and regulates exotic and wild animals and then further states the health and safety concerns that the Village would like to be stricter than the DEC and not allow the possession of such.
- Section 380.1.f discusses that large **farm** animals or poultry are not allowed to run at large within the Village. The Board should add containment requirements, such as a fence, as a solution to this restriction.
- Section 380.2.3 states that *“Property owners having large farm animals and/or poultry pre-existing this law in the Village of Constableville are not exempt from this law. A homeowner with ‘large farm animals and/or poultry’ at the time of adoption of this law must come into compliance with this law within one hundred twenty (120) days of the effective date of this local law.”* The Board should consider whether 120 days is a long enough timeline for residents to make arrangements for their animals.

The Village shall adopt more specific definitions for the term ‘abandoned/junked/inoperative vehicles’ as proposed in a single definition; however, for consistency, it should be revised to ‘Junk Vehicles as defined in Lewis County Local Law Number 3 of 2021’. This should also be incorporated in Section 385 and Article 13.

In Section 410.8, under General Review Criteria, the Board shall also stipulate that the project landscaping should not impede on the line of sight for motorists.

The Village should consider adding the following language or similar to Section 520 regarding Parking Standards: *“The Board may lessen parking requirements in writing where they see fit to do so on a case-by-case basis to reduce the potential for stormwater runoff.”*

The Village shall update all references to mobile homes to manufactured homes throughout this code as HUD adopted this terminology change in June of 1976.

To clarify what details should be provided on the lighting design plan, the Board should consider adding language to Section 530, Lighting, similar to *“Lighting plans detailing compliance with the above-mentioned items are required to satisfy this item for the Special Use Permit.”*

As suggested in the Home-Based Business section, the sign language in Section 535 regarding moving and flashing signs should be updated for consistency to remove the double negative *“Signs with moving parts, flashing lights, or exposed neon tubing shall only be allowed with written authorization of the Village Board.”* Additionally, it is suggested that language be added that exempts municipal use from sign regulations.

Section 540 discusses drainage. The Village should consider if planning for 25-year storms for drainage facilities is appropriate given the influx of extreme weather conditions. Additionally, Section 540.4 states *“Surface water runoff shall be minimized and detained on-site as long as possible and practicable to facilitate groundwater recharge.”* The Village may want to clarify who is responsible for determining practicality and how such would occur. For example, *“Practicality is determined by the Village or a Village-procured consultant rather than the developer; however, any expenses assumed by the Village to determine practicality will be passed on to the developer.”*

Section 545, Erosion Control, should also include details regarding disturbed land in terms more digestible, such as *“Looking at the full scope of the project site including but not limited to acreage involved in proposed the building footprint, additional accessory structures, drainage ways, accessways, land clearing, land leveling, and grading.”*

Section 620 indicates that Manufactured Homes are permitted within the Village with a zoning permit where, previously, the Village prohibited manufactured (mobile) homes. The Village should consider if adding an additional level of review would be appropriate given the general lot sizes within the Village or if additional landscaping and screening requirements should be added.

Section 660 discusses Manufactured Home Placement standards and states that *“The placement of the manufactured home, accessory structures, non-municipal sewage disposal system and well systems shall conform with the following...”* The Village should consider clarifying the intent as this could be interpreted that manufactured homes cannot connect to public water and sewer; however, it is not clear.

The Board should consider adding language to Section 690.6.b regarding recreational camping vehicle park permit renewals, such as *“The Board may add conditions to the renewal as they see fit based on the prior year’s experiences. Permit holders should request renewals 45-60 days before permit expiration to avoid a lapse of the permit, restarting the entire process, and additional fees.”*

The Board should also consider whether ‘Campground’ should also be included in the RV Park, otherwise there do not appear to be any regulations for such operations.

Article 7 discusses Telecommunication Towers.

- Section 705 indicates that a temporary special use permit will be issued for 5 years and the temporary special use permit must be renewed or the

tower must be removed within 60 days. The Board should consider implementing a telecommunication tower permit/ special use permit for the initial establishment and then annually (frequency of choice) the Telecommunication Tower Permit will be renewed. Additional language should be added to allow the code enforcement officer to be able to deem the structure unsafe and unmaintained.

- Section 755 discusses access and parking and that “public road standard may be waived in meeting the objectives of this section”; however, consider how these types of facilities will also have to meet the standards of Section 510 and Section 520 and whether contradictions are present.
- Section 765 discusses financial Securities for demolition, the Board should consider specifying the amount of the bond and how that number will be determined.
- The Village should consider having a specific structure height for these types of facilities as they are not considered buildings, perhaps 150 feet.

#### Article 8 discusses Solar Energy Systems

- Section 820.3.d discusses that ground mounted small solar energy systems shall be installed in side or rear yards. The Board should add screening requirements to protect the visual impacts from the road and neighboring properties.
- Section 830 currently outlines regulations for Large Battery Energy Storage Systems. While these systems have potential benefits, the Village's unique geographic and demographic characteristics raise concerns about safety and appropriateness to host this size of renewable energy development. Furthermore, based on the proposed Solar Overlay District Mapping tool developed by the County and built upon the Prioritized Ag Land identified for protection in the 2021 Ag Enhancement Plan, there doesn't appear to be parcels within the Village suitable for solar development. To address these concerns, Section 850 should be reviewed extensively and consideration as to allowance of Large Solar Energy Systems should be discussed.
- Section 840 was improperly titled as ‘**Solar** Battery Energy Storage Systems.’ The Village shall correct to ‘**Small** Battery Energy Storage Systems’ prior to adoption.

Article 10 discusses Nonconformities; the Board should consider adding a section for Nonconforming Uses of Land or Structures.

#### Article 11 stipulates Administration and Enforcement requirements.

- Section 1120.4 should be updated to further define and clarify zoning permit expirations.
- Section 1130 discusses permit fees which should be updated to include all types of permit fees required by the Village – IE Recreational Vehicle Campground Permits.
- Section 1140.1 states “No use requiring *site plan approval* shall be used, or occupied until a certificate of compliance has been issued by the enforcement officer stating that the building, structure, or proposed use complies with the provisions of this law.” This shall be updated to the

proper term whether it be ‘zoning permit approval’ or ‘special use permit approval’ or both.

- Section 1140.2 unintentionally stated ‘coincidentally’ where the Board shall replace such term with ‘concurrently.’
- Section 1160 should include a minimum fine number.

Article 13 includes Definitions for the proposed law.

- The Board should add a blanket statement that discusses that, unless defined, words hold their customary meanings.
- The Board should consider replacing the definition of abandoned, junked or inoperative vehicles with “Junk Vehicle” as defined in Lewis County Junkyard Law.
- For consistency, the Village should consider replacing the word ‘main’ with the word ‘primary’ in the definition of Accessory Structure.
- The Board should consider that substantial or significant is interpretive and a numerical percentage of stock would be more clear.
- The Board should refine the definition of ‘Agricultural Use’, perhaps by aligning with Ag and Markets definitions.
- Update the definition of ‘Building’ to “A shelter to structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals or property.”
- Consider revising the building height from “...average height between eaves and ridge for other types of roofs” to “the ridgeline height for other types of roofs” for enforceability.
- The definition of ‘essential facilities’ should be updated to remove power generation facilities and add telecommunication towers.
- The definition of Home-Based Business should be reevaluated for more reasonable metrics, regarding the necessity for one or more nonresidents to be employed (this contradicts the intention of a home business), and two or more customers, clients or delivery people are present on the site at one time.
- Update the title definition of ‘License’ to ‘License, Business’ for specify.
- Consider rewriting the definition of ‘Lot Frontage’ to provide a more clear definition.
- Where ‘videotapes’ are referenced, also consider adding ‘DVDs’ (mostly for adult entertainment definitions).
- Consider revising the ‘poultry’ definition to not include the word poultry. A refined definition could be “*Animals raised domestically as livestock which includes geese, ducks, chickens, roosters, turkeys, pigeons, pheasants any flocks of such. Any migratory species do not apply.*”
- Consider updating ‘Private Road’ definition from providing ‘access to multiple lots’ to ‘at least one lot.’
- The Village should clarify the definition of ‘Road Right of Way’ to also include utility easements such as gas, water, sewer, and electricity.
- The Board should evaluate how the term ‘specified object’ impacts the definition of setbacks and if the term ‘structure’ should be used in its place.
- The definition of ‘structure’ should be updated to include prefabricated structures rather than anything constructed or built for clarity.

- The definition of ‘side setback’ should be clarified to describe the metrics as the parcels immediately adjoining rather than a lot line that is not a road line or rear lot line.
- Consider adding CBD, THC, and other Cannabis products to the definition of vape/smoke shops.
- Consider if front yard and rear yard definitions need to be revisited as they indicate that they ‘pass through’ the principal structure.
- The Village of Constableville shall add definitions for the following terms: abandoned vehicle, adult entertainment, agricultural structure, animal hospital, care or confinement facilities, fence, institutional residences, mobile home, parking area, public/ semipublic area, solar energy system overlay district, vacant, wrecked vehicle.

***Recommendation: Approve with Conditions***

1. Section 210.5 lists more zoning permit exceptions using the descriptor of minor accessory structures with examples that do not correspond with the definition of accessory structure. The Village should replace with a more appropriate term such as minor features or the like. Additionally, driveways are listed among the minor features; however, given the access/traffic standards of Article 5 Section 515, the Village should consider updating to include the word ‘existing’ driveways.
2. Within Article 3, entitled ‘General Regulations’, the following Sections were identified as areas needing improvements and/or revisions prior to adoption:
  - Sections 320 and 325 shall be updated to remove reference to accessory buildings having a 1.5’ setback as that would raise fire code concerns. Furthermore, the Village should consider revising references of ‘all principal uses’ to ‘all structures’ to better align with the fire code and enforceability.
  - The Board should clarify how building lot coverage will be calculated. For example, the Village could specify whether parking areas are or are not included in the coverage area.
  - The title of Section 350 shall be updated to also include ‘Septic Systems’ as the Village provides water and sewer services to a majority of parcels in the Village. Furthermore, based on Department of Health Standards, the 10’ setback requirements from water supply wells could be considered insufficient. The following is a suggested improvement: *“On properties where Village water and sewage services are not provided/utilized, private well and leech fields shall be a minimum distance of 50’ from all property lines and all other standards outlined in Appendix 75 A, unless a Department of Health waiver is warranted and attained.”*
  - Section 355.3 currently mandates a 1.5-foot setback for fences and walls from lot lines. However, when a neighboring structure is on or near the lot line, a 4-foot setback is required. The Board should evaluate the balance between preventing property disputes, minimizing non-maintained dead space, and ensuring enforceability. This may involve considering language that allows fence owners to maintain their fences on neighboring properties without trespassing.

- To avoid misinterpretations in Section 355, the Village should define what materials are allowed to be used for fences, such as *“Fences shall be uniformly constructed of wood, composite, chain link or other common fencing material not previously excluded therein.”*
- 3. The Village shall adopt more specific definitions for the term ‘abandoned/junked/ inoperative vehicles’ as proposed in a single definition; however, for consistency, it should be revised to ‘Junk Vehicles as defined in Lewis County Local Law Number 3 of 2021’. This should also be incorporated in Section 385 and Article 13.
- 4. In Section 410.8, under General Review Criteria, the Board shall also stipulate that the project landscaping should not impede on the line of sight for motorists.
- 5. The Village shall update all references to mobile homes to manufactured homes throughout this code as HUD adopted this terminology change in June of 1976.
- 6. Section 840 was improperly titled as ‘Solar Battery Energy Storage Systems’, the Village shall correct with ‘Small Battery Energy Storage Systems’.
- 7. Section 1140.2 unintentionally stated ‘coincidentally’ where the Board shall replace such term with ‘concurrently.’
- 8. Section 1140.1 states *“No use requiring site plan approval shall be used, or occupied, until a certificate of compliance has been issued by the enforcement officer stating that the building, structure, or proposed use complies with the provisions of this law.”* This shall be updated to the proper term whether it be zoning permit approval or special use permit approval or both as it does not appear that any uses require site plan approval under such a name.
- 9. The Village of Constableville shall add definitions for the following terms: abandoned vehicle, adult entertainment, agricultural structure, animal hospital, care or confinement facilities, fence, institutional residences, mobile home, parking area, public/ semipublic area, solar energy system overlay district, rooster, vacant, wrecked vehicle.

#### **Non-Binding Notes:**

- A. The Village of Constableville should consider if using the developed Solar Energy System Overlay District map would be a more appropriate way of prohibiting Large Solar Energy Systems within the Village as the map did not identify any viable parcels within the Village jurisdiction. Consider adding a reference to the Solar Energy System Overlay District in Section 150 in addition to updating Sections 395 and 830 and filing the Solar Energy System Overlay District Map with the final version of the law. This overlay district would only be applicable to Large Scale Energy Systems.
- B. Article 2 Section 210.4 currently requires a zoning permit for uses resumed after a 24-month discontinuation. The Board should consider shortening this period to 12 months and, if adopted, update Article 2 Section 230 accordingly.
- C. Section 355.3 states *“All fences and walls shall be setback a minimum of one- and one-half feet from lot lines, except where a neighboring property structure is on a lot line or within two- and one-half feet of a lot line, where they will be setback a minimum of four feet from the neighboring property structure.”* The Board should consider and weigh the non-maintained dead-space, property disputes, and enforceability of this against allowing fences to go on or near

- the property line which may require language to allow the fence owner to maintain the fence on the neighbor's side to not consider that trespassing.
- D. Additionally, the Village should consider adding details on what materials are allowed to be used as fences such as *"Fences shall be uniformly constructed of wood, composite, chain link or other common fencing material not previously excluded therein."* to Section 355 to avoid misinterpretations on visually unappealing fence materials.
  - E. Article 3 Section 360 specifies that Home-Based Business activities are subject to the following standards:
    - 1. "Operations outside of buildings are prohibited". For consistency, the Village should rephrase to an eligible standard, such as "Operations must be limited to the confines of the principal structure or accessory structure."
    - 2. Standard 5 states that "Manufacturing and assembly shall be limited to 3 horsepower tools." The Board should consider the practicality and enforceability of such.
  - F. Article 3 Section 380 regulates farm animals within the Village. Prior to adoption, the Board should consider the following:
    - 1. Rephrasing Section 380.1.d. to reference DEC Conservation Law, which defines and regulates exotic and wild animals and then further states the health and safety concerns that the Village would like to be stricter than the DEC and not allow the possession of such.
    - 2. Section 380.1.f discusses that large farm animals or poultry are not allowed to run at large within the Village. The Board should add containment requirements, such as a fence, as a solution to this restriction.
    - 3. Section 380.2.3 states that *"Property owners having large farm animals and/or poultry pre-existing this law in the Village of Constableville are not exempt from this law. A homeowner with 'large farm animals and/or poultry' at the time of adoption of this law must come into compliance with this law within one hundred twenty (120) days of the effective date of this local law."* The Board should consider whether 120 days is a long enough timeline for residents to make arrangements for their animals.
  - G. The Village should consider adding the following language or similar to Section 520 regarding Parking Standards: "The Board may lessen parking requirements in writing where they see fit to do so on a case-by-case basis to reduce the potential for stormwater runoff."
  - H. To clarify what details should be provided on the lighting design plan, the Board should consider adding language to Section 530, Lighting, similar to "Lighting plans detailing compliance with the above-mentioned items are required to satisfy this item for the Special Use Permit."
  - I. As suggested in the Home-Based Business section, the sign language in Section 535 regarding moving and flashing signs should be updated for consistency to remove the double negative *"Signs with moving parts, flashing lights, or exposed neon tubing shall only be allowed with written authorization of the Village Board."* Additionally, it is suggested that language be added that exempts municipal use from sign regulations.
  - J. Section 540 discusses drainage. The Village should consider if planning for 25-year storms for drainage facilities is appropriate given the influx of

extreme weather conditions. Additionally, Section 540.4 states “*Surface water runoff shall be minimized and detained on-site as long as possible and practicable to facilitate groundwater recharge.*” The Village may want to clarify who is responsible for determining practicality and how such would occur. For example “*Practicality is determined by the Village or a Village-procured consultant rather than the developer; however, any expenses assumed by the Village to determine practicality will be passed on to the developer.*”

- K. Section 545, Erosion Control, should also include details regarding disturbed land in terms more digestible, such as “*Looking at the full scope of the project site including but not limited to acreage involved in proposed the building footprint, additional accessory structures, drainage ways, accessways, land clearing, land leveling and grading.*”
- L. Section 620 indicates that Manufactured Homes are permitted within the Village with a zoning permit where, previously, the Village prohibited manufactured (mobile) homes. The Village should consider if adding an additional level of review would be appropriate given the general lot sizes within the Village or if additional landscaping and screening requirements should be added.
- M. Section 660 discusses Manufactured Home Placement standards and states that “*The placement of the manufactured home, accessory structures, non-municipal sewage disposal system and well systems shall conform with the following...*” The Village should consider clarifying the intent as this could be interpreted that manufactured homes cannot connect to public water and sewer; however, it is not clear.
- N. The Board should consider adding language to Section 690.6.b regarding recreational camping vehicle park permit renewals, such as “*The Board may add conditions to the renewal as they see fit based on the prior year’s experiences. Permit holders should request renewals 45-60 days before permit expiration to avoid a lapse of the permit, restarting the entire process, and additional fees.*”
- O. The Board should also consider whether ‘Campground’ should also be included in the RV Park, otherwise there do not appear to be any regulations for such operations.
- P. Section 705 indicates that a temporary special use permit will be issued for 5 years and the temporary special use permit must be renewed or the tower must be removed within 60 days. The Board should consider implementing a telecommunication tower permit/ special use permit for the initial establishment and then annually (frequency of choice) the Telecommunication Tower Permit will be renewed. Additional language should be added to allow the code enforcement officer to be able to deem the structure unsafe and unmaintained.
- Q. Section 755 discusses access and parking and that “*public road standard may be waived in meeting the objectives of this section.*”; however; consider how these types of facilities will also have to meet the standards of Section 510 and Section 520 and whether contradictions are present.
- R. Section 765 discusses financial Securities for demolition, the Board should consider specifying the amount of the bond and how that number will be determined.



- S. The Village should consider having a specific structure height for these types of facilities as they are not considered buildings, perhaps 150 feet.
- T. Article 8 discusses Solar Energy Systems.
  - 1. Section 820.3.d discusses that ground mounted small solar energy systems shall be installed in side or rear yards. The Board should add screening requirements to protect the visual impacts from the road and neighboring properties.
  - 2. Section 830 currently outlines regulations for Large Solar Energy Systems. While these systems have potential benefits, the Village's unique geographic and demographic characteristics raise concerns about safety and appropriateness to host this size of renewable energy development. Furthermore, based on the proposed Solar Overlay District Mapping tool developed by the County and built upon the Prioritized Ag Land identified for protection in the 2021 Ag Enhancement Plan, there doesn't appear to be parcels within the Village suitable for solar development. To address these concerns, Section 830 should be reviewed extensively and consideration as to allowance of Large Solar Energy Systems should be discussed.
  - 3. Section 840 was improperly titled as '**Solar** Battery Energy Storage Systems.' The Village shall correct to '**Small** Battery Energy Storage Systems' prior to adoption.
  - 4. Similar to Large Solar Energy Systems, Large Battery Storage Systems may raise public safety concerns due to the Village's density. The Village should review Section 850 extensively and consider whether the allowance of Large Energy Storage Systems is appropriate within the Village.
- U. Article 11 discusses Administration and Enforcement.
  - 1. Section 1120.4 should be updated to further define and clarify zoning permit expirations.
  - 2. Section 1130 discusses permit fees which should be updated to include all types of permit fees required by the Village – IE Recreational Vehicle Campground Permits.
  - 3. Section 1140.1 states "*No use requiring **site plan approval** shall be used, or occupied, until a certificate of compliance has been issued by the enforcement officer stating that the building, structure, or proposed use complies with the provisions of this law.*" This shall be updated to the proper term whether it be 'zoning permit approval' or 'special use permit approval' or both.
  - 4. Section 1140.2 unintentionally stated 'coincidentally' where the Board shall replace such term with 'concurrently.'
  - 5. Section 1160 should include a minimum fine number.
- V. Article 13 Definitions
  - 1. The Board should add a blanket statement that discusses that, unless defined, words hold their customary meanings.
  - 2. The Board should consider replacing the definition of abandoned, junked or inoperative vehicles with "Junk Vehicle" as defined in Lewis County Junkyard Law.
  - 3. For consistency, the Village should consider replacing the word 'main' with the word 'primary' in the definition of Accessory Structure.

4. The Board should consider that substantial or significant is interpretive and a numerical percentage of stock would be clearer.
5. The Board should refine the definition of 'Agricultural Use', perhaps by aligning with Ag and Markets definitions.
6. Update the definition of 'Building' to "A shelter to structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals or property."
7. Consider revising the building height from "...average height between eaves and ridge for other types of roofs" to "*the ridgeline height for other types of roofs*" for enforceability.
8. The definition of 'essential facilities' should be updated to remove power generation facilities and add telecommunication towers.
9. The definition of Home-Based Business should be reevaluated for more reasonable metrics, regarding the necessity for one or more nonresidents to be employed (this contradicts the intention of a home business), and two or more customers, clients or delivery people are present on the site at one time.
10. Update the title definition of 'License' to 'License, Business' for specify.
11. Consider rewriting the definition of 'Lot Frontage' to provide a more clear definition.
12. Where 'videotapes' are referenced, also consider adding 'DVDs' (mostly for adult entertainment definitions).
13. Consider revising the 'poultry' definition to not include the word poultry. A refined definition could be "*Animals raised domestically as livestock which includes geese, ducks, chickens, roosters, turkeys, pigeons, pheasants any flocks of such. Any migratory species do not apply.*"
14. Consider updating 'Private Road' definition from providing 'access to multiple lots' to 'at least one lot.'
15. The Village should clarify the definition of 'Road Right of Way' to also include utility easements such as gas, water, sewer and electricity.
16. The Board should evaluate how the term 'specified object' impacts the definition of setbacks and if the term 'structure' should be used in its place.
17. The definition of 'structure' should be updated to include prefabricated structures rather than anything constructed or built for clarity.
18. The definition of 'side setback' should be clarified to describe the metrics as the parcels immediately adjoining rather than a lot line that is not a road line or rear lot line.
19. Consider adding CBD, THC, and other Cannabis products to the definition of vape/smoke shops.
20. Consider if front yard and rear yard definitions need to be revisited as they indicate that they 'pass through' the principal structure.
21. The Village of Constableville shall add definitions for the following terms: abandoned vehicle, adult entertainment, agricultural structure, animal hospital, care or confinement facilities, fence, institutional residences, mobile home, parking area, public/ semipublic area, solar energy system overlay district, vacant, wrecked vehicle.

The Board discussed multiple views of condition #2 relative to Section 350's well placement, parcel boundaries, and the origin of said condition. Ms. Krokowski explained that the information was provided by the Lewis County Codes Department, based on their experience, as the best way of implementing NYS standards through local codes.

Mr. Lehman inquired about the difference between a solar battery energy system versus a small battery energy system. It was explained that that particular reference had a mislabeled title as the paragraph was about small battery energy systems but was titled solar battery energy system, which is why it needs to be corrected as those are two different matters.

Mr. Petersen asked if we should specify the utilization of a NYS-licensed engineer. Ms. Krokowski indicated that this was already suggested within the tracked changes on the proposed zoning code, it just wasn't reiterated in the technical review.

With no further discussion, Mr. Cook motioned to approve the conditions and non-binding notes listed above removing the duplicates identified in nonbinding notes C, D, T3, T4, U3, U4, and V21. Mr. Osborne seconded the motion, which carried unanimously.

- (7) **Report of County Planner:** None
- (8) **Unfinished Business:** Required 4 hours of annual land use training due by December 31, 2024.
- (9) **New Business:** None
- (10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Lehman and seconded by Mr. Cook, which carried unanimously. Mr. Petersen adjourned the meeting at 4:06 PM.



Megan Krokowski  
Community Development Specialist

***Note: These minutes have been transcribed from a recording but are not verbatim or quoted version, they are rather a documentation of the meeting events.***