

**MINUTES**  
**LEWIS COUNTY PLANNING BOARD**  
**May 15, 2025**

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:34 PM in the 3<sup>rd</sup> floor conference room at the Lewis County Courthouse, Lowville, New York. Mr. Petersen requested roll call.
- (2) **Roll Call:**  
**Board Members Present:** Tim Petersen, Don Cook, Tom Osborne, Sarah Metott, and Larry Dolhof (Non-voting member).  
**Staff Present:** Casandra Buell, Planning & Community Development Director; Megan Krokowski, Community Development Specialist.
- (3) **Reading and Approval of Minutes:** The draft April 17, 2025 meeting minutes were received and reviewed before the meeting. Ms. Krokowski mentioned that upon her review this morning, she noticed Mr. Dolhof was not listed within the Board Members Present section, and the minutes have subsequently been corrected.

Mr. Cook motioned to approve the minutes with the correction; Mr. Osborne seconded the motion, which carried unanimously.

- (4) **Correspondence and Communication:**
- **APA Permit 1998-0313D-21: Authorize Two-lot Subdivision**  
Bruce E. Reichel and Diana E. Reichel, Two-lot subdivision for property boundaryline adjustment purposes, Soft Maple Reservoir Loop, Town of Croghan.
  - **APA Permit 2025-0084: Application Received**  
Michael Dolhof, Two-lot subdivision, Pleasant Valley Road, Town of Greig

The Board had no comments to make on either reviewed correspondence.

- (5) **Report of Officers:** None

- (6) **Report of Special Committees:**

Ms. Krokowski read the following review:

**TOWN OF GREIG TOWN BOARD**

Proposed amendments to the Town of Greig Zoning Law to include various clarifications, grammar corrections, and regulations regarding rezoning and lot mergers.

*Town of Greig – Applicant*

The General Municipal Referral Form, FEAF, and proposed zoning text amendments were submitted by Bob Johnson, Town Supervisor.

Given that a comprehensive review of the Town of Greig Law was conducted at the November 21, 2024 County Planning Board meeting, the provided zoning text amendment review was limited to the sections containing proposed changes.

The following items may need to be added/removed for further clarification within Article II: Definitions:

Junkyard/junk vehicle (to add as amended and mention enforcement), permitted use (to add and/or special use permit), vacant property (consider adding habitable dwelling, or changing the term dwelling to structure/use).

The Town has proposed including descriptions of the defining characteristics and geographical locations of each established district zone outlined in Article III, Section 305, to support the justification of rezoning requests. Because parcel numbers are impermanent, inflexible, prone to legal uncertainties, and administratively cumbersome, they should not be incorporated into zoning regulations. Consequently, the Town should update the Hamlet B (HB) description by removing parcel references and instead utilizing enduring and identifiable features, such as streets, crossroads, or natural landmarks, to ensure clarity, durability, and adherence to sound planning principles. Furthermore, it does not appear that HG and HB, specific hamlets in the Hamlet Zone, are not distinctly identified on the zoning map as both are currently identified as 'Hamlet'. These details should be added to the zoning map.

The Town should evaluate the zoning designation for the waterfront properties on Copper Lake, currently classified within the Forest district. These parcels, however, do not align with the criteria outlined in the descriptor for the Forest district in Article III, Section 305.

Article IV, Section 435, was amended to include detailed guidelines for managing approved light industrial zones established through the floating zone procedure, along with updated development standards. Article V, Section 580, was modified to provide clearer enforcement guidelines regarding time limits for travel trailers and their storage. Language updates were made to Article VI, Sections 635 and 640, to align with the development standards applicable to their respective zones. Additionally, Article VI, Section 645, was revised to incorporate requirements for slaughterhouses consistent with the development standards for Heavy Industry under Article VI, Section 635, as previously recommended by the County Planning Board.

References within Article VI Section 697 have been corrected to remove reference to site plan approval as the Town of Greig does not currently have a Site Plan Review process within the Town of Greig Zoning Law.

To address the additional regulations on rezoning and lot mergers, the Town revised Article IX, Section 925.b, to expand the Planning Board's powers and duties. These now include the authority to review, approve, or deny all lot mergers and to evaluate owner-initiated zoning change requests, providing action recommendations to the Town Board. The Board should deliberate whether the terms "*zone changes*" or "*rezoning requests*" would more effectively convey the intent of these provisions.

The proposed text amendments include lot merger regulations, which are more appropriate for inclusion in the Town's Subdivision Law. It is recommended that lot mergers be addressed under subdivision law rather than zoning law, as subdivision regulations govern land configuration changes, ensuring compliance with local standards and proper documentation. Zoning laws can supplement this by verifying adherence to lot size and use requirements, but the procedural oversight is best suited to subdivision law.

Overall, the proposed zoning text amendments—excluding the regulations related to lot mergers—should offer the Town of Greig Town Board and Planning Board improved procedural clarity and justification for decisions, addressing gaps in previous iterations of the law. However, further revisions remain necessary, particularly concerning accessory dwelling units, short-term rentals, and other tourist-oriented uses of dwellings, such as boarding houses and bed-and-breakfast establishments.

***Recommendation: APPROVE with Conditions***

*The acting municipal body must have a super-majority (majority plus one) vote to disregard the following conditions:*

1. The following items may need to be added/removed for further clarification within Article II: Definitions:
  - Junkyard/ junk vehicle (to add as amended and mention enforcement), permitted use (to add and or special use permit), vacant property (consider adding habitable dwelling, or changing the term dwelling to structure/use).
2. Because parcel numbers are impermanent, inflexible, prone to legal uncertainties, and administratively cumbersome, they should not be incorporated into zoning regulations. Consequently, the Town should update the Hamlet B (HB) description by removing parcel references and instead utilizing enduring and identifiable features, such as streets, crossroads, or natural landmarks, to ensure clarity, durability, and adherence to sound planning principles. Furthermore, it does not appear that HG and HB, specific hamlets in the Hamlet Zone, are not distinctly identified on the zoning map as both are currently identified as 'Hamlet'. These details should be added to the zoning map.
3. Article IX, Section 925.b has been revised to expand the Planning Board's powers and duties with the Town's zoning law. These now include the authority to review, approve, or deny all lot mergers and to evaluate owner-

initiated zoning change requests, providing action recommendations to the Town Board. The Board should deliberate whether the terms "**zone changes**" or "**rezoning requests**" would more effectively convey the intent of these provisions.

4. The proposed text amendments include lot merger regulations, which are more appropriate for inclusion in the Town's Subdivision Law. It is recommended that lot mergers be addressed under subdivision law rather than zoning law, as subdivision regulations govern land configuration changes, ensuring compliance with local standards and proper documentation. Zoning laws can supplement this by verifying adherence to lot size and use requirements, but the procedural oversight is best suited to subdivision law.
5. If the County Planning Board's recommendations are interpreted as significant changes to the proposed local law and the municipality incorporates any of these conditions or non-binding notes, a new public hearing and a restart of the Section 239-m review process may be required. However, the County Planning Board has determined that if a subsequent public hearing occurs and the 239-m process is reset, the revised proposed local law/referral qualifies as a Matter of Local Concern, removing the need for further review by the County Planning Board. All other General Municipal Law Section 239-m requirements, including reporting the municipality's final action to the County Planning Board, remain applicable.

**Non-Binding Notes:**

*These are used as suggestions and/or advice from the County Planning Board; the municipality is not required to take action, nor is a supermajority vote required.*

1. The Town should evaluate the zoning designation for the waterfront properties on Copper Lake, currently classified within the Forest district. These parcels, however, do not align with the criteria outlined in the descriptor for the Forest district in Article III, Section 305. Should rezoning occur and a new waterfront zone be established, the Town should update Article III Section 305 to reflect the change, and all other respective sections throughout the code, to include the zoning map.
2. Once all revisions are complete, the Town should ensure that the Table of Contents is updated.
3. As noted in the previous review of this law, significant changes to the Town of Greig Zoning Law are still warranted, including but not limited to accessory dwelling units, short-term rentals, and similar tourist-like utilizations of dwellings (boarding house, bed and breakfast, and similar).
4. The Town Board should evaluate the potential of pursuing a Department of State or DEC Smart Growth Grant through the Consolidated Funding Application as a viable funding source to assist with additional zoning development. This could also provide an unbiased, external partner to assist in conducting a comprehensive update to the Town Code. Given that the law has not undergone a substantial review or revision, coupled with

the ongoing update to the Comprehensive Plan, this presents an ideal opportunity to continue the momentum for a thorough zoning law revision.

The Board engaged in a brief discussion regarding the repetitiveness of the recommendations from the last Town of Greig review.

With no further comments or questions, Mr. Osborne motioned to approve the zoning text amendment with the above conditions and the non-binding notes; Ms. Metott seconded the motion, which carried unanimously.

Ms. Krokowski proceeded to read the next review.

### **VILLAGE OF LOWVILLE BOARD OF TRUSTEES**

Proposed zoning text amendments of various sections of the Zoning Law of the Village of Lowville to provide additional clarity.

*Village of Lowville – Applicant*

The General Municipal Referral Form and Part 1 of the Full Environmental Assessment Form were submitted by Village Trustee Timothy Widrick.

In reviewing the proposed amendment, it appears the Village Board is proposing a variety of updates, revisions, and additions, including many of the revisions suggested in the March 20, 2025 County Planning Board review. The Village Board indicated that they wish to further deliberate the details of a section regarding short-term rentals and await enforcement guidance from NYS, therefore, such a section is not included within the proposed zoning text amendment.

Additional definitions have been proposed for § 201-230, including those for access driveway, land disturbance, litter, non-residential use, residential property, short-term rental, and public road. The following definitions have been updated: adaptive reuse, blast furnace, accessory dwelling unit, home-based business, street line, street/road, and telecommunication tower.

Within § 201-535 Accessory Dwelling Units, the Village proposed the inclusion of feedback from the March County Planning Board review, as well as further language to clarify parking requirements and some minor syntax changes.

Within § 201-575 Essential Facilities, the Village Board proposed updates to further detail that the fencing shall be an opaque security fence. Additionally, language was added to clarify the buffer requirement of a fifteen-foot-wide (depth) surrounding the exterior of the security fence to provide a visual and noise buffer. The Village Board should consider including language indicating that the fence height requirement is dictated within § 201-585.A and the fencing material outlined § 201- 585.D does not apply to security

fence/security barriers for essential facilities, industrial uses, and solar energy systems, to provide clarity and eliminate potential confusion.

The Village has proposed minor updates within § 201-590 Adult Entertainment, to include consistent language regarding minors and clarifies that no off-site advertising signage is allowed as previous iterations of the Zoning Law of the Village of Lowville stated that “*No off-site advertising shall be allowed,*” which is not enforceable and potentially a legal concern.

The section § 201-600 (Recreation Vehicles and Campers) has been renumbered to § 201-597 to align with traditional nomenclature, as it is located within Article V. A new section outlining the proposed standards for recreation vehicles has been added. The Village Board should carefully review § 201-597.C.2 regarding the placement of recreational vehicles within permitted manufactured home parks, as the language may suggest that such vehicles could be permanently sited, rather than being used temporarily as intended by the Village. If the Village Board opts to remove references to manufactured home parks, it is important to also delete the corresponding language in § 201-597.D.1.

The Telecommunication Tower section has been renumbered to § 201-598 to adhere to proper nomenclature, as it now falls under Article V rather than Article VI. The proposed language clarifies that telecommunication towers are to be treated as a principal use, even when situated on a lot that also contains an existing principal use. It appears the intent is to require telecommunication towers to comply with the setbacks of a principal structure, rather than those of an accessory structure. To more explicitly capture this intent, it may be helpful to include the term “principal structure” alongside “principal use” in the language, as illustrated in the following example:

*“Telecommunication Towers shall be considered a principal use/principal structure, even if located on a lot with an existing principal use/principal structure; more than one principal use/structure may be permitted in this instance.”*

Additional language was provided to § 201-598.C justifying the importance of general aesthetics when siting Telecommunication Towers. Furthermore, § 201-598.F.b was added to clarify that required signs must comply with the standards set forth in § 201-598.F.a and § 201-598 includes updates to specify that the demolition bond must be provided prior to permit approval to ensure the financial security of the Village.

In § 201-730 Permanent Signs (Permit Not Required), the Village has updated the language to clarify that the signs referenced within this section correspond specifically to items A-H. This change addresses confusion stemming from the placement of § 201-735 Permanent Signs (Permit Required), which is physically located later in the ordinance.

Minor revisions are proposed in Article VIII, including the addition of a statement to § 201-840.A: *“The Planning Board shall determine whether a driveway is required for the proposed use, unless a driveway is shown on the site plan, in which case the applicable dimensional standards shall apply.”* The original sentence appears to address shared driveway situations, but it could benefit from additional clarification to ensure the intent is clear. The Village Board should consider whether the following revision more accurately captures the intent: *“The Planning Board shall determine if a **separate** driveway is **required** for the proposed use.”*

Proposed minor revisions to Article X aim to clarify procedural standards, update the zones subject to exterior site lighting requirements, and establish a height standard for pole lighting in § 201-1030. Additionally, § 201-1050 has been revised to specify that decisions regarding the continuation of streetscapes will now be made by the DPW Superintendent and Village Mayor, rather than the Planning Board.

Proposed updates to § 201-1060 aim to provide clearer guidance on when buffer area requirements are applicable. Additionally, § 201-1080 (Stormwater Prevention) includes new language to clarify the process for drainage plan approvals and introduces minor provisions addressing increased impervious surface coverage allowances to encourage the incorporation of green infrastructure.

§ 201-1260 (Nonconforming Manufactured Homes) includes new language addressing the replacement of nonconforming manufactured homes.

Due to the removal of much of the language addressing land disturbance activities from the Village of Lowville Zoning Law, § 201-1305(H) has been revised accordingly. Additionally, Article XIII includes proposed procedural clarifications to provide greater detail and transparency for processes that were previously implied in earlier versions.

It seems that § 201 Attachments 1, 2, and 3 have been appended to the end of the Zoning Law of the Village of Lowville to mitigate the risk of filing errors with the Department of State. While titled as § 201 Attachments, these schedules appear ancillary to the Zoning Law and may not necessitate a zoning text amendment for minor modifications. However, it is advisable to consult the Village Attorney to confirm this interpretation. Additionally, minor clarifications are also proposed for Schedule A, addressing adaptive reuse provisions and telecommunication tower regulations.

Overall, the proposed zoning text amendments are intended to provide the clarifications requested by the Village Board concerning the updated sections. Future amendments may be necessary to address regulations for short-term rentals and establish standards for each use listed in Schedule A.

***Recommendation: APPROVE with Conditions***

***The acting municipal body must have a super-majority (majority plus one) vote to disregard the following conditions:***

1. Within § 201-575 Essential Facilities, the Village Board proposed updates to further detail that the fencing shall be an opaque security fence. Additionally, language was added to clarify the buffer requirement of a fifteen-foot-wide (depth) surrounding the exterior of the security fence to provide a visual and noise buffer. The Village Board should consider including language indicating that the fence height requirement is dictated within § 201-585.A and the fencing material outlined § 201- 585.D does not apply to security fence/security barriers for essential facilities, industrial uses, and solar energy systems, to provide clarity and eliminate potential confusion.
2. The section § 201-600 (Recreation Vehicles and Campers) has been renumbered to § 201-597 to align with traditional nomenclature, as it is located within Article V. A new section outlining the proposed standards for recreation vehicles has been added. The Village Board should carefully review § 201-597.C.2 regarding the placement of recreational vehicles within permitted manufactured home parks, as the language may suggest that such vehicles could be permanently sited, rather than being used temporarily as intended by the Village. If the Village Board opts to remove references to manufactured home parks, it is important to also delete the corresponding language in § 201-597.D.1.
3. The Telecommunication Tower section has been renumbered to § 201-598 to adhere to proper nomenclature, as it now falls under Article V rather than Article VI. The proposed language clarifies that telecommunication towers are to be treated as a principal use, even when situated on a lot that also contains an existing principal use. It appears the intent is to require telecommunication towers to comply with the setbacks of a principal structure, rather than those of an accessory structure. To more explicitly capture this intent, it may be helpful to include the term “principal structure” alongside “principal use” in the language, as illustrated in the following example:

*“Telecommunication Towers shall be considered a principal use/principal structure, even if located on a lot with an existing principal use/principal structure; more than one principal use/structure may be permitted in this instance.”*
4. Article VIII with the addition of a statement to § 201-840.A that states “*The Planning Board shall determine whether a driveway is required for the proposed use, **unless a driveway is proposed on the site plan; then dimensional standards mentioned above shall apply.***” The original sentence appears to be intended for the utilization of shared driveways; however, it could be further clarified to ensure the intent is conveyed. The Village Board should consider if the following suits the intent more closely:

*“The Planning Board shall determine whether a **separate** driveway is **required** for the proposed use.*



5. If the County Planning Board's recommendations are interpreted as significant changes to the proposed local law and the municipality incorporates any of these conditions or non-binding notes, a new public hearing and a restart of the Section 239-m review process may be required. However, the County Planning Board has determined that if a subsequent public hearing occurs and the 239-m process is reset, the revised proposed local law/referral qualifies as a Matter of Local Concern, removing the need for further review by the County Planning Board. All other General Municipal Law Section 239-m requirements, including reporting the municipality's final action to the County Planning Board, remain applicable.

**Non-Binding Notes:**

*These are used as suggestions and/or advice from the County Planning Board, the municipality is not required to take action, nor is a supermajority vote required.*

1. The Village Board should continue to research and develop language for short-term rentals that can be included in future versions of their Zoning Law.
2. Future amendments, the Village Board should continue to create regulations and standards for every permitted use listed on Schedule A.
3. The Village Board should evaluate the potential of pursuing a Department of State Smart Growth Grant through the Consolidated Funding Application as a viable funding source. This could also provide an unbiased, external partner to assist in conducting a comprehensive update to the Village Code. Given that the law has not undergone a substantial review or revision in over a decade, coupled with the recent update to the Comprehensive Plan, this presents an ideal opportunity for a thorough revision.

Ms. Krokowski noted that a Village Trustee, Timothy Widrick, contacted her prior to the meeting suggesting a discussion relevant to a revision on Schedule A, in addition to making the dimensional standards for adult entertainment use consistent with smoke shops and tobacco stores. The justification for these suggested revisions was based on the similarity of the land uses relative to concerns for public health, and neighborhood character. By limiting these uses in less sensitive commercial areas, the compatibility with adjacent uses would limit negative impact to surrounding uses. The Board Members discussed the possible revisions that they could propose as conditions of approval to the submitted referral to address these issues.

No additional comments or questions were raised. Mr. Petersen motioned to approve the zoning text amendment with the conditions and non-binding notes as well as a conditions to update Schedule A to add Smoke Shop as a use and to update Adult Entertainment Use standards to coincide with the dimensional standards placed on Smoke Shops. Mr. Cook seconded the motion, which carried unanimously.

Ms. Buell read the following review:

**VILLAGE OF TURIN BOARD OF TRUSTEES**

Proposed zoning text amendment to add or revise language regarding Solar Energy Collectors, Generators, Battery Storage Systems, Commercial Energy Storage Systems & Compressed Air Energy Storage Systems within the Village of Turin Land Use Regulations.

*Village of Turin – Applicant*

Village Mayor Josh Leviker submitted the General Municipal Referral Form, FEAF, and proposed Zoning Text Amendment on behalf of the Village of Turin.

Please note that the following technical review was focused exclusively on the proposed updates and related content. As such, it does not constitute a comprehensive evaluation of the entire zoning law.

The Village of Turin appears to function as a single zoning district. However, it is recommended that language be added at the beginning of the Village of Turin Land Use Regulations to clearly specify this. A suitable placement would be between Article B (Purpose) and Article C (Principal Uses), with subsequent Articles adjusted accordingly. This newly created Article should also provide details on any applicable overlay districts and their intended purposes.

Within the Village of Turin Land Use Regulations, references are made to "building permits" and "use permits" as classifications relevant to zoning. It is recommended that the Village Board revise these terms for clarity and alignment with common zoning practices. Specifically, the term "Building Permit (BP)" should be updated to "Zoning Permit (ZP)" and "Use Permit (UP)" to "Site Plan Review (SPR)" within Article D and throughout the document. This change is particularly beneficial in scenarios where construction is not involved.

Additionally, the Board should consider replacing the term "principal use" with "permitted use" and "conditional use" with "special use." All references to "conditional use review" should likewise be updated to the standard term "Special Use Permit Review" where appropriate, including Part 1, Article G.4.b, and elsewhere in the regulations. These updates will enhance consistency, interpretability, and enforcement of the Village of Turin Land Use Regulations.

Part 1, Article F.17 was established to prohibit Battery Energy Storage Systems and Compressed Air Storage Systems throughout the Village. Given the anticipated addition of Village Water District No. 2, as referenced above, the Village should consider whether these prohibitions should specifically apply within the water district. This would align with efforts to protect water quality and safeguard development lots, leveraging the infrastructure investment as justification.

For improved organizational clarity, it is recommended that this section be relocated above Section 14, which outlines prohibited uses and activities within Wellhead Protection Overlay District 1. Additionally, the Board of Trustees should consider expanding Article F.17.a to specify whether both small and large Battery Energy Storage Systems, as defined in Part 6, are prohibited. To preserve available land with access to municipal water for infill development, the Village may also wish to add junkyards and, potentially, Large Solar Energy Systems to the list of prohibited uses.

Part 1, Article H, which previously addressed Nonconformities, has been relocated to Article I with only minor revisions. Article H now focuses on regulations for Solar Energy Systems. Given the limited space within the Village boundaries, the development of Large Solar Energy Systems could significantly impact community character and potentially discourage infill development, which is essential for the efficient use of municipal infrastructure. To address this, the Village of Turin might consider adopting the Solar Energy System Overlay District Map developed by the County, in accordance with the 2021 Lewis County Agricultural Enhancement Plan. Additionally, incorporating language that documents the process for determining the absence of developable parcels within Village limits would give added reasoning for the land use prohibition.

If the Village Board elects to proceed with this approach, it is advisable to incorporate the overlay into the newly created Single Zone Article. Additionally, references for Large Solar Energy Systems within the Village of Turin Land Use Regulations should be updated accordingly to reflect this adoption.

The Village should consider adopting all respective overlay maps with the Village of Turin Land Use Regulations, to be included with the Department of State filing.

The Village Board should evaluate whether additional standards should be established for ground-mounted small energy systems, including criteria such as maximum lot coverage, lot placement, and screening requirements.

The Village Board should review the proposed definitions for solar energy systems and evaluate whether introducing an additional classification for medium solar energy systems is warranted. This classification could address smaller commercial solar systems not intended for on-site consumption. If adopted, the Board may wish to revise the standards currently applied to small solar energy systems and reassign them to medium solar energy systems, potentially incorporating additional dimensional standards to regulate their placement effectively.

Overall, the proposed zoning text amendments may require further revisions to ensure their effectiveness and clarity.

***Recommendation: APPROVE with Conditions***

*The acting municipal body must have a super-majority (majority plus one) vote to disregard the following conditions:*

1. The Village Board should revise the title page of the document to reflect the updated title specified in Article A, designating the code as "The Village of Turin Land Use Regulations" rather than the current "Village of Turin Rural Development Code." Furthermore, the Effective Date provision in Part 5, Article I should be updated to ensure consistency with the title outlined in Article A.
2. The Village of Turin appears to function as a single zoning district. However, it is recommended that language be added at the beginning of the Village of Turin Land Use Regulations to clearly specify this. A suitable placement would be between Article B (Purpose) and Article C (Principal Uses), with subsequent Articles adjusted accordingly. This newly created Article should also provide details on any applicable overlay districts and their intended purposes.
3. Article I.3.b should be reviewed and revised as necessary to reflect any appropriate transfer of responsibilities from the Village Board to the Planning Board.
4. References to large-**scale** and small-**scale** solar energy systems should be revised to remove the term "**scale**" to align with the terminology established in Part 6, Definitions. Additionally, the definitions of these terms should be updated to specify production capacity thresholds, distinguishing systems as those above or below 25 kilowatts, respectively, if that is the intent.
5. Within the Village of Turin Land Use Regulations, references are made to "building permits" and "use permits" as classifications relevant to zoning. It is recommended that the Village Board revise these terms for clarity and alignment with common zoning practices. Specifically, the term "Building Permit (BP)" should be updated to "Zoning Permit (ZP)" and "Use Permit (UP)" to "Site Plan Review (SPR)" within Article D and throughout the document. This change is particularly beneficial in scenarios where construction is not involved.
6. Additionally, the Board should consider replacing the term "principal use" with "permitted use" and "conditional use" with "special use." All references to "conditional use review" should likewise be updated to the standard term "Special Use Permit Review" where appropriate, including Part 1, Article G.4.b, and elsewhere in the regulations. These updates will enhance consistency, interpretability, and enforcement of the Village of Turin Land Use Regulations.
7. The definition of junkyard within Part 6 should be updated to add 'as amended' or similar language when referencing the County Junkyard Law.

8. Part 1, Article F.17 was established to prohibit Battery Energy Storage Systems and Compressed Air Storage Systems throughout the Village. Given the anticipated addition of Village Water District No. 2, as referenced above, the Village should consider whether these prohibitions should specifically apply within the water district. This would align with efforts to protect water quality and safeguard development lots, leveraging the infrastructure investment as justification.
9. For improved organizational clarity, it is recommended that Part 1, Article F.17 be relocated above Section 14, which outlines prohibited uses and activities within Wellhead Protection Overlay District 1. Additionally, the Board of Trustees should consider expanding Article F.17.a to specify whether both small and large Battery Energy Storage Systems, as defined in Part 6, are prohibited.
10. The setbacks proposed in Article H.5.b.2 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. Before taking action, the Village of Turin should expand upon the reasoning and justification for its intent for these large setbacks and whether there could be waivers granted if certain benefits, such as agrivoltaics, could be incorporated.
11. The Village Board should evaluate whether additional standards should be established for ground-mounted small energy systems, including criteria such as maximum lot coverage, lot placement, and screening requirements.
12. If the County Planning Board's recommendations are interpreted as significant changes to the proposed local law and the municipality incorporates any of these conditions or non-binding notes, a new public hearing and a restart of the Section 239-m review process may be required. However, the County Planning Board has determined that if a subsequent public hearing occurs and the 239-m process is reset, the revised proposed local law/referral qualifies as a Matter of Local Concern, removing the need for further review by the County Planning Board. All other General Municipal Law Section 239-m requirements, including reporting the municipality's final action to the County Planning Board, remain applicable.

**Non-Binding Notes:**

*These are used as suggestions and/or advice from the County Planning Board; the municipality is not required to take action, nor is a supermajority vote required.*

1. The Village Board should consider whether the addition of a Table of Contents would be warranted to improve the usability of this zoning code.
2. The Village Board should ensure consistent capitalization throughout the document by updating references to "village board" to "Village Board," as well as appropriately capitalizing other titles such as Village Attorney, Village Clerk, Enforcement Officer, and County Planning Board.

Additionally, "Village" should be capitalized as "the Village" when referring specifically to the municipality.

3. The Village Board should review Article D, Principal Uses, as it appears inconsistent that the siting of a residential structure requires both a building and zoning permit, while a Home Occupation necessitates a use permit.
4. The Village Board should consider whether the current language within Part 1, Articles D and E regarding junkyards is appropriate, as most Villages prohibit this activity. The Village may wish to add Junkyards and, potentially, Large Solar Energy Systems, to the list of prohibited uses.
5. The Village Board should ensure renumbering/labeling and formatting sections if revisions occur within the Village of Turin Land Use Regulations.
6. The Village Board should evaluate whether the prohibited uses listed in Part 1, Article F.13.b (Prohibited Uses and Activities in Wellhead Protection Overlay District 1) should also apply to Article F.14 and be replicated accordingly. Additionally, the Village may want to assess the potential impacts of lawn care businesses to determine whether prohibiting such uses within the Wellhead Protection Districts is appropriate, as currently outlined in Article F.13.b. Further consideration should be given to Article F.13.i, which prohibits the storage or use of hazardous substances or wastes without all required State or Federal permits, to potentially revise the provision by removing all text following the term "wastes."
7. The Board should review the proposed definitions for solar energy systems and evaluate whether introducing an additional classification for medium solar energy systems is warranted. This classification could address smaller commercial solar systems not intended for on-site consumption. If adopted, the Village Board may wish to revise the standards currently applied to small solar energy systems and reassign them to medium solar energy systems, potentially incorporating additional dimensional standards to regulate their placement effectively.
8. The Board should assess the advantages and disadvantages of permitting large solar energy development, considering whether the Village has sufficient space to accommodate Large Solar Energy Systems without adversely affecting residents or the Village's character. This evaluation should also weigh the implications of restricting such activities to determine the most appropriate course of action for the Village. If the Board determines that restricting the placement of Large Solar Energy Systems is in the Village's best interest, it may consider adopting the County-developed Solar Energy System Overlay District map and accompanying language detailing the formulation process, substantiating that no suitable development parcels exist within Village boundaries. If this approach is pursued, the overlay could be incorporated into the newly proposed Article as outlined in Condition 2. Additionally, the Village should review and update references to Large Solar Energy Systems throughout the document as necessary.

9. It should be noted that Part 4 does not appear to be included within the Law. If renumbering of Parts is undertaken, ensure that all references to Part 5 and Part 6 are updated accordingly throughout the document.
10. The Village Board should update the section reference within Article H, Sections 1-3, rather than Section 1.3 within Part 1, Article H.4.a. and Part 1, Article H.4.b for clarity.
11. The Village Board should consider refining Part 5, Article B. Fees, to stipulate that applicable fees must be paid before approvals are issued.

***We recognize that time constraints and the need for further discussion may limit the Village Board's ability to incorporate the suggested non-binding notes into the proposed zoning text amendment at this time. However, we wish to document our findings for consideration in future zoning text amendments.***

Ms. Buell discussed conflicting opinions regarding prohibiting uses entirely in villages, adopting the solar overlay district, which essentially prohibits Large Solar Energy Systems in the entire Village, extending the existing moratorium via Board Resolution, and similar details. As Planners, there is a valid argument against utility-scale solar in villages to preserve land for infill development, leveraging our county solar overlay mapping analysis; however, though use variances and ORES regulations add uncertainty to the zoning regulations preventing the consequences relative to this type of development. In Turin's case, there have been predefined concerns of certain development within the Wellhead Protection Districts that correlate with the concerns relative to Large Scale Solar projects in the Village.

With no further comments or questions, Mr. Osborne motioned to approve the zoning text amendment with the above conditions and the non-binding notes. Mr. Cook seconded the motion, which carried unanimously.

Ms. Buell read the following final review:

**TOWN OF WEST TURIN BOARD**

Proposed zoning text amendments to add regulations regarding Battery Energy Storage Systems (BESS) to the Town of West Turin Zoning Law.  
*Town of West Turin – Applicant*

The General Municipal Referral Form and Part 1 of the Full Environmental Assessment Form (FEAF) were submitted by the Town Clerk, Beth Schindler, along with the proposed Zoning Text Amendment.

The proposed local law amendments introduce new definitions pertaining to Battery Energy Storage Systems (BESS), revise the permitted use chart in Article 2, Section 220, and establish Article 6, which is dedicated to BESS.

This review focused solely on the proposed updates and associated content and does not constitute a comprehensive evaluation of the entire zoning law.

Before taking action, the Town Board should consider revising the definition of "battery(ies)" to explicitly exclude batteries used in consumer products from regulation under Article 6. The current definition lacks clarity on this exclusion, though it references such batteries.

**Proposed Definition:**

*Battery(ies):* A single cell or a group of cells connected electrically in series, parallel, or a combination of both, capable of charging, discharging, and storing energy electrochemically. For the purposes of this law, batteries used in consumer products are excluded from this definition and are not subject to the regulations outlined herein.

Before taking action, the Town Board should evaluate whether Battery Energy Storage Systems (BESS) should be included in Article 3, Section 360.3 as a prohibited use within the Water Supply Protection Overlay Zone. This addition would enhance the protection of the Town of West Turin's water supply by addressing potential environmental risks associated with battery energy storage systems.

Before taking action, the Town Board should consider incorporating language to ensure alignment with the Town of West Turin Comprehensive Plan, specifying that Battery Energy Storage Systems (BESS) shall not be located within the designated Development Constraints areas. The following language may be appropriate: *"Battery energy storage systems shall not be sited within the areas identified in the Town of West Turin Development Constraints Map, as updated and amended with the Town of West Turin Plan."*

Before taking action, the Board should evaluate whether additional regulations are necessary for Article 6, Section 610, regarding Small Battery Energy Storage Systems (BESS). The current zoning text amendment only specifies a 100-foot setback from existing residential structures, which may be insufficient to address broader planning considerations.

To strengthen the proposed regulations, the following language is suggested for review and inclusion if found appropriate:

2. *Ground-mounted Small Battery Energy Storage Systems are permitted as accessory structures and are subject to the following requirements:*
  - i. *The height of the ground-mounted Small Battery Energy Storage System and any mounts shall not exceed 15 feet.*
  - ii. *The total surface area of the ground-mounted Small Battery Energy Storage System on the lot shall not exceed 5% lot coverage.*
  - iii. *The ground-mounted Small Battery Energy Storage System is not the primary use of the property.*



- iv. *The ground-mounted Small Battery Energy Storage System is located in a side or rear yard.*
- v. *The ground-mounted Small Battery Energy Storage System shall comply with the minimum setbacks for accessory structures applicable to the zoning district in which the battery energy storage system is sited.*
- vi. *The ground-mounted Small Battery Energy Storage System shall be screened from adjacent residences through the use of architectural features, earth berms, landscaping, or other screening that will harmonize with the character of the property and surrounding area.*

The Town Board shall strongly consider restructuring Article 6, Section 620.1.a for improved interpretability and enforcement. As written, Section 620.1.a lists the items required for a special use permit; however, this list does not seem exhaustive, and it appears many of the items required to demonstrate compliance with the standards listed in Section 620.2 - Section 620.4 are omitted. Organizing regulations in this manner can be confusing and lack the precision needed to relay what is expected of the developer, and impossible for the Town Board and Enforcement Officer to implement.

Before taking action, the Town Board should consider modifying the language within Section 620.1.d to be more consistent with other fence standards within the Law, such as Section 425.10, Telecommunication Towers, which states: *“The base of any tower and anchors on guyed towers **shall be surrounded by an opaque security fence eight feet in height.** Such fence shall enclose the base of the tower as well as any and all accessory equipment and structures.”* Contrary to Section 620.1.d within Article 6, which states that *“Large battery energy storage systems... shall be enclosed by fencing at least **seven** feet high with a self-locking gate to prevent unauthorized access (unless housed in a dedicated-use building) and not interfering with ventilation or exhaust ports.”*

Before taking action, the Town Board should evaluate the necessity of the provision in Article 6, Section 620.1.e. This provision appears to undermine the established setbacks by permitting planned landscaping (potentially including screening) and required security fencing to be located within the setback area, effectively reducing the perceived distance of the proposed system and potentially conflicting with the intended setback requirements. *“Fencing, access roads, and landscaping may occur within the setback.”*

Before taking action, Article 6, Section 620.1.f should be revised to replace the acronym BESS with its full term, Battery Energy Storage System, as the acronym is not defined anywhere in the zoning document. Additionally, the Town should consider providing a clear definition for the term “dry water pipe” as used in this section and specifying that it must be installed before permit approval.

Before taking action, the Town Board should consider defining “battery storage unit (s)” as it is mentioned twice within Article 6, Section 620.2. A potential definition could be:

***Battery Storage Unit:*** *A component of a Battery Energy Storage System that houses a group of batteries. To assist with containing potential emergency situations, each separate battery storage unit shall be equipped with a fire sprinkler system and be no closer than twenty (20) feet to another structure.*

Before taking action, the Town Board should consider replacing the word ‘available’ with ‘conducted’ in Article 6, Section 620.2.e, as the first responder training should be completed before commencing operations in light of the prevalent fires that can occur.

Before acting, the Town Board should consider revising Section 620.2.g to explicitly identify the specific parties requiring access to keys or lock combinations. This clarification should ensure enforceability by specifying which Town officials and whether all members of local emergency services are intended to receive access. The current language, “*Keys or lock combinations to all gates shall be provided to the town and local emergency service providers,*” requires greater precision to avoid ambiguity in implementation.

Before taking action, the Town Board should consider defining the terms “oscillating deck guns” and “articulating master stream devices” as referenced in Article 6, Section 620.2.h. Additionally, the Board should clarify whether these devices are to be stored on-site, with locations identified on a site map, or if they are to be provided to the fire department. It is also recommended to specify the timeline for the applicant/operator to supply these units, ideally requiring their provision prior to the commencement of operations.

Prior to taking action on the proposed zoning text amendment, the Town Board should consider whether the established security bond amount of 110% provides enough financial security to the Town in the event the Town is responsible for the removal of the facility, as outlined in Section 620.3.

Prior to taking action, the Town Board should consider adding a set rate for Battery Energy Storage Systems and potentially large-scale solar systems fee stated within Article 9 Section 925, specifying whether these are refundable or non-refundable, to be provided with the application, as these applications take a considerable amount of time and specialty services, as well as being a tool to demonstrate the developer’s commitment to the project.

***Recommendation: APPROVE with Conditions***

*The acting municipal body must have a super-majority (majority plus one) vote to disregard the following conditions:*

1. Before taking action, the Town Board should consider revising the definition of "battery(ies)" to explicitly exclude batteries used in consumer products from regulation under Article 6. The current definition lacks clarity on this exclusion, though it references such batteries.

**Proposed Definition:**

*Battery(ies): A single cell or a group of cells connected electrically in series, parallel, or a combination of both, capable of charging, discharging, and storing energy electrochemically. For the purposes of this law, batteries used in consumer products are excluded from this definition and are not subject to the regulations outlined herein.*

2. Before taking action, the Town Board should evaluate whether Battery Energy Storage Systems (BESS) should be included in Article 3, Section 360.3 as a prohibited use within the Water Supply Protection Overlay Zone. This addition would enhance the protection of the Town of West Turin's water supply by addressing potential environmental risks associated with battery energy storage systems.
3. Before taking action, the Town Board should consider incorporating language to ensure alignment with the Town of West Turin Comprehensive Plan, specifying that Battery Energy Storage Systems (BESS) shall not be located within the designated Development Constraints areas. The following language may be appropriate: *"Battery energy storage systems shall not be sited within the areas identified in the Town of West Turin Development Constraints Map, as updated and amended with the Town of West Turin Plan."*
4. Before taking action, the Board should evaluate whether additional regulations are necessary for Article 6, Section 610, regarding Small Battery Energy Storage Systems (BESS). The current zoning text amendment only specifies a 100-foot setback from existing residential structures, which may be insufficient to address broader planning considerations. To strengthen the proposed regulations, the following language is suggested for review and inclusion if found appropriate:
  2. *Ground-mounted Small Battery Energy Storage Systems are permitted as accessory structures and are subject to the following requirements:*
    - I. *The height of the ground-mounted Small Battery Energy Storage System and any mounts shall not exceed 15 feet.*
    - II. *The total surface area of the ground-mounted Small Battery Energy Storage System on the lot shall not exceed 5% lot coverage.*
    - III. *The ground-mounted Small Battery Energy Storage System is not the primary use of the property.*
    - IV. *The ground-mounted Small Battery Energy Storage System is located in a side or rear yard.*

- V. *The ground-mounted Small Battery Energy Storage System shall comply with the minimum setbacks for accessory structures applicable to the zoning district in which the battery energy storage system is sited.*
  - VI. *The ground-mounted Small Battery Energy Storage System shall be screened from adjacent residences through the use of architectural features, earth berms, landscaping, or other screening that will harmonize with the character of the property and surrounding area.*
5. Before adoption, the Town Board should consider modifying the language within Section 620.1.d to be more consistent with other fence standards within the Law, such as Section 425.10, Telecommunication Towers, which states: *“The base of any tower and anchors on guyed towers **shall be surrounded by an opaque security fence eight feet in height.** Such fence shall enclose the base of the tower as well as any and all accessory equipment and structures.”* Contrary to Section 620.1.d within Article 6, which states that *“Large battery energy storage systems... shall be enclosed by fencing at least **seven** feet high with a self-locking gate to prevent unauthorized access (unless housed in a dedicated-use building) and not interfering with ventilation or exhaust ports.”*
  6. Before acting, the Town Board should evaluate the necessity of the provision in Article 6, Section 620.1.e., which states that *“Fencing, access roads and landscaping may occur within the setback.”* This provision appears to undermine the established setbacks by permitting planned landscaping (potentially including screening) and required security fencing to be located within the setback area, effectively reducing the perceived distance of the proposed system and potentially conflicting with the intended setback requirements.
  7. Before taking action, Article 6, Section 620.1.f should be revised to replace the acronym BESS with its full term, Battery Energy Storage System, as the acronym is not defined anywhere in the zoning document. Additionally, the Town should consider providing a clear definition for the term “dry water pipe” as used in this section and specifying that it must be installed prior to permit approval.
  8. Before acting, the Town Board should consider defining “battery storage unit (s)” as it is mentioned twice within Article 6, Section 620.2. A potential definition could be:  

**Battery Storage Unit:** *A component of a Battery Energy Storage System that houses a group of batteries. To assist with containing potential emergencies, each separate battery storage unit shall be equipped with a fire sprinkler system and be no closer than twenty (20) feet to another structure.*
  9. Before adoption, the Town Board should consider replacing the word **available** with **conducted** in Article 6, Section 620.2.e, as the first responder training should be completed before commencing operations,

rather than merely being available, in light of the prevalent fires that can occur.

10. Before taking action, the Town Board should consider revising Section 620.2.g to explicitly identify the specific parties requiring access to keys or lock combinations. This clarification should ensure enforceability by specifying which Town officials and whether all members of local emergency services are intended to receive access. The current language, *“Keys or lock combinations to all gates shall be provided to the town and local emergency service providers,”* requires greater precision to avoid ambiguity in implementation.
11. Before acting, the Town Board should consider defining the terms "oscillating deck guns" and "articulating master stream devices" as referenced in Article 6, Section 620.2.h. Additionally, the Board should clarify whether these devices are to be stored on-site, with locations identified on a site map, or if they are to be provided to the fire department. It is also recommended to specify the timeline for the applicant/operator to supply these units, ideally requiring their provision prior to the commencement of operations.
12. Prior to taking action on the proposed zoning text amendment, the Town Board should consider whether the established security bond amount of 110% provides enough financial security to the Town in the event the Town is responsible for the removal of the facility, as outlined in Section 620.3.
13. Before taking action, the Town Board should consider adding a set rate for Battery Energy Storage Systems and potentially large-scale solar systems fee stated within Article 9 Section 925, specifying whether these are refundable or non-refundable, to be provided with the application, as these applications take a considerable amount of time and specialty services, as well as being a tool to demonstrate the developer's commitment to the project.
14. If the County Planning Board's recommendations are interpreted as significant changes to the proposed local law and the municipality incorporates any of these conditions or non-binding notes, a new public hearing and a restart of the Section 239-m review process may be required. However, the County Planning Board has determined that if a subsequent public hearing occurs and the 239-m process is reset, the revised proposed local law/referral qualifies as a Matter of Local Concern, removing the need for further review by the County Planning Board. All other General Municipal Law Section 239-m requirements, including reporting the municipality's final action to the County Planning Board, remain applicable.

**Non-Binding Notes:**

*These are used as suggestions and/or advice from the County Planning Board; the municipality is not required to take action, nor is a supermajority vote required.*

1. The Town shall consider updating the Zoning Map to refer to the “**Water Supply Protection Overlay**” rather than the “Wellhead Protection Area” currently, for consistency with Article 2, Section 210.
2. The Town Board should strongly consider restructuring Article 6, Section 620 for improved interpretability and enforcement. As written, Section 620.1.a lists the items required for a special use permit; however, this list does not seem exhaustive, and it appears many of the items required to demonstrate compliance with the standards listed in Section 620.2-Section 620.4 are omitted. Organizing regulations in this manner can lead to confusion and can lack the precision needed to relay what is expected of the developer, and difficult for the Town Board and Enforcement Officer to implement.
3. The Town Board should consider updating the title line for the “**B**” **District** within the Land Use Chart in Section 230 to ensure consistency throughout the document.
4. Landscaping screening for large battery energy storage systems is required when adjacent to designated areas of important views or vistas. However, no map or documentation currently identifies these areas. The Town Board should consider establishing an overlay district to define and protect important views or scenic vistas.
5. The Town Board should ensure consistent capitalization throughout the document by updating references to "town board" to "Town Board," as well as appropriately capitalizing other titles such as Town Attorney, Town Clerk, Enforcement Officer, and County Planning Board. Additionally, "town" should be capitalized as "the Town" when referring specifically to the municipality.
6. The Town Board should consider removing the excess line spaces (4) between the end of Section 620 and the beginning of Section 630 within Article 6 and elsewhere throughout the document.
7. The Town Board should consider whether the addition of a Table of Contents would be warranted to improve the usability of this zoning code.
8. The Town Board should revise Article 5, Section 560, *Abandonment and Removal (Solar Energy Systems)* to correct the reference to Section 860 for enforcement, as Section 860 does not exist. This should be updated to reference Section **960**.
9. The Town Board should consider updating Section 510.3 and 1015.2 to include the title of the comprehensive plan, which is “Town of West Turin Plan.”
10. The Town of West Turin should evaluate the accuracy of the definition for "minimum maintenance road," which references Local Law 1 of 1997. To account for potential updates to the road list, it may be prudent to include the phrase “as amended from time to time.”

11. The Town of West Turin should consider revising the definition of "Wetland" by removing the final sentence, which states, "Marshes and swamps that have not been classified by an agency as wetland shall not be treated as a wetland."
12. In future updates, the Town of West Turin should consider addressing telecommunication tower height in Section 315 and evaluating whether additional language should be added to Section 425 to require a decommissioning plan and potentially a security fund to protect the Town financially. Additionally, the Town should consider including telecommunication towers in the definition of "essential facilities," consistent with the 1993 court case *Cellular Tel. Co. v. Rosenberg*.
13. In future revisions, the Town of West Turin should consider the inclusion of a decommissioning plan, security deposit, and host community agreements in Section 430, *Wind Power Generating Facilities*, to ensure the Town's financial and operational security.
14. In future updates, the Town of West Turin should consider addressing accessory dwelling units, short-term rentals, and revising references and language related to mobile homes to reflect the recognized term "manufactured home," which became effective in 1976.
15. The Town of West Turin should consider adding descriptive elements to each zoning district listed in Article 2, Section 210, to support decision-making and provide justifications in the event of parcel rezoning.
16. The Town of West Turin should consider reviewing the current Zoning Map, as it appears to include numerous split-zoned parcels, which may lead to potential issues.
17. In future amendments, consider whether electronic message boards should be addressed in Article 3, Section 370.1, which currently prohibits signs with flashing or moving lights, given the increasing prevalence of such signs at schools, fire departments, and businesses.

With no comments or questions, Ms. Metott motioned to approve the project with the above conditions and the non-binding notes. Mr. Petersen seconded the motion, which was carried unanimously.

**(7) Report of County Planner:**

Response from municipalities regarding previously submitted/reviewed projects:

Project Description	Final Action	Project Description	Final Action
T/New Bremen - New Life Fellowship Church	Approved w/Conditions	T/Lowville – Myron Nolt Meat Cutting	Approved w/Conditions

- (8) Unfinished Business:** Ms. Krokowski gave a brief update regarding the redemption center in the Town of Diana/Hamlet of Harrisville, indicating the Board will likely see an additional 239-m review in the future with a location change.

- (9) **New Business:** There was a brief discussion regarding potential updates to the Bylaws to remove the requirement of presenting the Report of Officers, as well as adding proposed language to more effectively utilize the “Matter of Local Concern” decision before conducting a full review, especially when the municipality implements the suggested changes from a prior review, which may be considered substantive, thus requiring the process to start all over.

Board members received copies of the current County Planning Board Bylaws with the proposed changes and will provide feedback to the Planning Department with their proposed additional changes. Ms. Krokowski also indicated that she would send electronic versions of the document via email.

- (10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Petersen and seconded by Ms. Metott, which carried unanimously. Mr. Petersen adjourned the meeting at 3:53 PM.

Respectfully submitted,



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.***