

DRAFT MINUTES
LEWIS COUNTY PLANNING BOARD
February 19, 2026

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:33 PM in the conference room on the 3rd floor at the Lewis County Courthouse, Lowville, New York. Mr. Petersen requested a roll call.
- (2) **Roll Call:**
Board Members Present: Tim Petersen, Don Cook, Jessica Moser, John Reed, and Eric Virkler.
Staff Present: Casandra Buell, Planning & Community Development Director, Megan Krokowski, Community Development Specialist.
- (3) **Reading and Approval of Minutes:** The draft December 18, 2025 meeting minutes were received and reviewed before the meeting. Mr. Cook motioned to approve the minutes; Mr. Reed seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:**
- **APA Project No. 2025-0084: Application Completed**
Michael Dolhof & Emilia Bingay, 11-lot subdivision, Pleasant Valley Road, Town of Greig
 - **APA Project No. 2026-0008: Application Received**
David Vandewater, Two-lot subdivision, Moose River Road, Town of Lyonsdale

Ms. Krokowski noted that, while Application 2006-0008 was submitted to the APA by Mr. Vandewater, upon review, the property associated with the project is currently owned by Susan Scoutan, as confirmed by Real Property records. Ms. Moser indicated that this real estate agent has taken a similar approach in other real estate transactions. While the practice is not unlawful, it is not commonly used.

No further comments were made on the subject projects. No directive was given to submit comments to the APA regarding either application.

- (5) **Election of Officers:** Ms. Krokowski informed the group that Mr. Lehman has expressed interest in continuing in his role as Vice Chairman of the County Planning Board. Mr. Petersen moved to appoint John Lehman as Vice Chairman; the motion was seconded by Mr. Cook and passed unanimously.

Mr. Petersen indicated that he would be happy to retain his role as the Chairman of the County Planning Board. With no other interest in the position, Mr. Cook made a motion to appoint Tim Petersen as Chairman, which was seconded by Mr. Virkler and carried unanimously.

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

239-M Review

Ms. Krokowski read the following review:

TOWN OF LEWIS TOWN BOARD

Proposed temporary twelve (12) month land use Moratorium specific to Solar Energy Systems, Battery Energy Storage Systems, and Wind Generating Facilities within the Town of Lewis.

Town of Lewis – Applicant

The proposed local law and General Municipal Referral Form, Ag Data Statement, and FEAF Part 1 were submitted by the Town Attorney, Vincent J. Rossi, Esq.

The Town of Lewis proposes adopting a local law establishing a 12-month moratorium (with one 6-month extension by resolution) on the acceptance or approval of permit applications authorizing the construction or placement of non-accessory large-scale solar, battery energy storage systems (BESS), and wind generating facilities in all zoning districts. The purpose is to allow the Town time to develop comprehensive siting standards consistent with its predominantly residential, agricultural, and forested character.

Given the prior confusion with the Department of State, the Town of Lewis should ensure that the proposed moratorium is clearly identified by placing it on official Town letterhead or, at minimum, including standard identifiers. These should include: **Town of Lewis, Lewis County** (to avoid any confusion with Essex County), the appropriate **Local Law No. ___ of 2026** designation, and a **bolded title** (with at least the first letter of the first word capitalized). An example is as follows:

TOWN OF LEWIS, LEWIS COUNTY

Local Law X, of 2026

Local law imposing a moratorium on the acceptance or approval of applications for permits authorizing the construction or emplacement of certain solar energy systems, battery energy storage systems, and wind power generating facilities as non-accessory uses in all zoning districts.

Prior to taking action, it is suggested that the following grammatical and/or formatting improvements should be made:

Section 1. The title should be updated to capitalize the word "Local," as it is the first word.

Section 2. Immediately following the “Definitions” section title, the Local Law should include a statement substantially similar to the following: “All terms used in this Local Law shall be given their customary and ordinary meaning unless specifically defined herein.” Including this language reduces the risk that applicants will attempt to exploit undefined terminology and strengthens the law's overall legal defensibility.

In light of the current development climate, the Town of Lewis may wish to consider broadening the scope of the proposed moratorium to encompass additional emerging technologies and other high-impact uses. The Town should evaluate whether to include the following:

Accessory Data Center: Minor server or data-processing equipment installed on-site intended to support a principal business or facility, not constituting a separate data center.

Carbon-Based Energy Storage: Any energy storage system that relies on carbon materials for storing energy, including but not limited to activated carbon, carbon aerogels, or carbon nanotubes, used in supercapacitors or chemical battery systems.

Compressed Air Energy Storage (Including Advanced Systems): A facility or system that stores energy by compressing air—either via conventional mechanical methods or advanced excess-pressure technologies—and later releases it to generate electricity. Systems may include underground storage caverns, above-ground vessels, piping, compressors/expanders, and power generation equipment.

Data Center: A facility housing servers, storage, networking, or communication systems primarily used for data processing, cloud computing, or internet connectivity. Typical auxiliary infrastructure includes backup generators, large-scale batteries, and cooling systems.

Energy Storage Technologies beyond conventional battery systems, such as compressed air energy storage, carbon-based energy storage, hydrogen storage, thermal energy banks, or other mechanical, chemical, or electrochemical systems.

Future or Unidentified Technologies that present similar land use, infrastructure, environmental, or public safety considerations as those listed above.

High-Impact Data Uses, including large-scale data centers, cryptocurrency mining operations, and accessory uses that significantly increase energy demand or cooling requirements.

Long-Duration Energy Systems: Energy storage systems capable of delivering power continuously for durations beyond 10 hours at rated capacity. This may include mechanical, thermal, electrochemical, hydrogen, or other next-generation technologies.

These uses can have significant land-use, infrastructure, and environmental impacts similar to those of large-scale renewable projects. Including them now prevents regulatory gaps and aligns with NYSERDA's guidance on comprehensive planning for emerging technologies. While these definitions could be added to Section 2, the following could be added to Section 3, with similar content also added to Section 1:

"WHEREAS, the Town Board finds that time is necessary to review and regulate additional high-impact energy and data uses, including compressed air energy storage systems, carbon-based energy storage, long-duration energy systems, data centers, cryptocurrency mines, and accessory data center uses, and other unidentified or emerging energy storage technologies, high-impact energy systems, or data-intensive uses that may arise during the moratorium period, to ensure compatibility with the Town's Comprehensive Plan and land use objectives.

The Town of Lewis Board should consider revising the definitions of Large Solar Energy Systems, Small Solar Energy Systems, and Wind Power Generating Facilities to include measurable productivity thresholds expressed in kilowatts (kW) or megawatts (MW). This adjustment will eliminate ambiguity and ensure that classification is based on objective, enforceable standards rather than solely on physical dimensions or intended use.

The Town of Lewis should consider replacing the term "**emplacement**" with "**placement**," as the latter is clearer and more widely understood in zoning and land use documents. Although "emplacement" is technically accurate in military or engineering contexts—where it refers to the act of positioning or installing something—it is not commonly used in municipal planning terminology and may create unnecessary ambiguity.

The Town Board should also consider revising Section 5 to more clearly prohibit the acceptance, processing, and approval of applications in a comprehensive manner. The language should be structured so that all provisions apply uniformly to all Town boards, officers, and employees, thereby eliminating potential loopholes and ensuring consistent enforcement. Alternative text is as follows:

"Section 5. Scope and Controls

A. Prohibition on Applications and Approvals For the duration of this moratorium, no application, petition, or request for any permit, approval, variance, or other authorization related to the construction, installation, or

placement of non-accessory solar energy systems, battery energy storage systems, wind power generating facilities, or associated infrastructure shall be accepted, processed, or approved by any Town board, officer, or agency. This prohibition applies to all forms of land use review, including but not limited to site plan approval, special use permits, variances, building permits, and any other discretionary or ministerial approvals.

B. Covered Entities This prohibition applies to the Town Board, Planning Board, Zoning Board of Appeals, Code Enforcement Officer, and any other officer or employee of the Town authorized to accept or process applications or issue permits.

C. Early Termination If, within the moratorium period, the Town Board adopts a local law regulating the construction, installation, or placement of solar energy systems, battery energy storage systems, wind power generating facilities, or other high-impact energy and data uses, the moratorium shall expire immediately upon the effective date of such law.”

Based on the language set forth in Section 6 (Exemptions), the terms “accessory use or structure,” “existing residence,” “existing commercial structure,” “existing industrial structure,” and “existing agricultural structure” should be clearly defined. Providing precise definitions will reduce ambiguity, promote consistent interpretation, and minimize the risk of unintended exemptions or enforcement challenges.

The proposed text within Section 7. (Term) allows a six-month extension “by resolution.” However, under New York municipal and home rule law, any extension of a temporary land-use moratorium must be adopted as a local law amendment, following a public hearing, a GML § 239-m referral, and filing with the Secretary of State after Board approval. A resolution alone is insufficient to affect an extension. The statement that allows the six-month extension via resolution should be removed from the moratorium to avoid confusion and improper handling in the future. It is a common misconception that moratoria or their extensions are exempt from these statutory requirements; however, compliance is mandatory to ensure validity and enforceability.

At approximately eight to nine months after the moratorium is adopted, the Town should evaluate whether additional time is needed to complete the comprehensive update or whether the zoning update is ready for referral. If an extension is necessary, the Town must follow the same General Municipal Law process required for zoning text amendments—this typically takes about three months and includes:

1. A public hearing,
2. Referral to the County Planning Board under GML § 239-m,
3. Town Board action, and
4. Filing with the Department of State after approval

Advance planning is essential, as a moratorium may not be extended by resolution and will automatically expire if the required statutory procedures are not completed within the prescribed timeframe. An unintentional lapse could create a window during which applications for land uses currently under review may be submitted and processed, thereby compromising the Town's ability to effectively manage development while regulatory updates are underway.

Within this section, the Town may also wish to articulate a clear work plan and corresponding timeline to guide the amendment process. In addition, the Board should evaluate whether the existing Comprehensive Plan adequately addresses renewable energy development or whether amendments to the Comprehensive Plan will be necessary to ensure alignment with any proposed regulatory changes.

Should the Town expand the scope of the moratorium, it should consider using broad terms like renewable energy, emerging technology, and high-impact data use to make the title more concise and accurate. A potential definition for "renewable energy" could be:

Renewable Energy: Energy derived from resources that are naturally replenished on a human timescale and produce minimal greenhouse gas emissions during operation. This includes, but is not limited to:

Solar energy (photovoltaic and solar thermal systems)

Wind energy (onshore and offshore wind turbines)

Emerging renewable technologies such as advanced energy storage systems, hydrogen-based energy, and other innovative technologies that support renewable generation or grid integration.

The Town Board should consider revising Section 8 to expressly authorize the issuance of stop-work orders and the suspension or revocation of permits. The section should also clarify that enforcement applies not only to unauthorized physical work, but also to applications submitted in violation of the moratorium. To ensure procedural consistency with established zoning enforcement mechanisms, these provisions should reference Town Law § 268.

By way of example, the following alternative language could be considered:

"Any person violating any provision of this local law shall be subject to enforcement pursuant to Town Law § 268, including civil penalties of not less than \$500 nor more than \$1,000 per day, with each day constituting a separate and distinct violation. The Code Enforcement Officer is authorized to issue stop-work orders and may recommend the suspension or revocation of any permit issued in connection with such violation. The Town may also seek injunctive relief in a court of competent jurisdiction."

Future land-use regulations governing renewable energy should be explicitly tied to the adopted Town of Lewis Comprehensive Plan (February 19, 2024) to protect resources, promote agricultural sustainability, conserve forests, and preserve. The Plan establishes clear goals for protecting resources, promoting agricultural sustainability, conserving forests, and preserving rural character. Linking renewable energy regulations to these goals will ensure consistency with the community’s long-term vision and strengthen the legal and planning basis for such regulations.

Relevant goals include, but are not limited to:

Goal 1.0: Protect surface and groundwater resources by discouraging adverse development near wetlands, streams, aquifers, and wellhead areas.

Goal 2.0: Retain major forested areas and discourage subdivision or development that removes land from productive forestry use.

Goal 4.0: Preserve existing farms and prime soils and encourage land uses that support agricultural viability.

Goal 5.0: Maintain hunting, fishing, and recreational opportunities by avoiding fragmentation of lands important for these uses.

Goal 8.0: Direct development toward hamlets and areas with existing infrastructure, away from remote lands with physical and economic limitations.

By aligning renewable energy siting standards with these objectives, the Town can promote sustainable energy development while safeguarding natural resources and community character. Overall, this moratorium could be effective for the Town’s intent with substantial modifications.

Recommendation: APPROVE with Conditions

Conditions:

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

1. The moratorium shall be placed on official Town letterhead or include standard identifiers such as: **TOWN OF LEWIS, LEWIS COUNTY, Local Law # of 2026**, with a bold title that capitalizes the first word for clarity and to avoid confusion with other Counties.
2. The Town of Lewis Board shall consider adding the statement: *“All terms used in this local Law shall carry their customary and ordinary meaning unless specifically defined herein.”* immediately following Section 2. (Definitions) to prevent applicants from exploiting undefined terms and to strengthen legal defensibility.

3. The Town Board shall consider revising Section 5. to explicitly prohibit **acceptance, processing, and approval** of applications by any Town board, officer, or agency. Apply this prohibition broadly to all forms of land use review (site plans, special permits, variances, building permits) and include associated infrastructure. Suggested alternative text provided in the full content of the 239-m County Planning Board Review.
4. The Town of Lewis Board shall clearly define all terms used in Section 6. — such as “accessory use or structure,” “existing residence,” “existing commercial structure,” “existing industrial structure,” and “existing agricultural structure” — to eliminate ambiguity. Additionally, specify the reference date that determines what qualifies as “existing” for enforceability.
5. The Town Board shall consider removing the language allowing a six-month extension “by resolution” within Section 7. Under New York law, any moratorium extension must be adopted as a local law amendment following a public hearing, GML §239-m referral, and filing with the Secretary of State.
6. Within Section 7. (Term), Consider adding a work plan and timeline for adopting permanent regulations and evaluating whether the Comprehensive Plan sufficiently addresses renewable energy or requires updates, consistent with NYSEDA’s Model Law guidance. Suggested alternative text provided in the full content of the 239-m County Planning Board Review.
7. The Town Board shall consider revising the definitions for Large Solar Energy Systems, Small Solar Energy Systems, and Wind Power Generating Facilities to include measurable productivity thresholds expressed in kilowatts (kW) or megawatts (MW) for clarity and enforceability.
8. The Town of Lewis Board should consider replacing the term “emplacement” with “placement” (or “installation”) throughout the text for clarity and consistency with standard zoning language.
9. The Town Board should revise Section 8. to add provisions for stop-work orders, permit suspension or revocation, and clarify that enforcement applies to both physical work and applications submitted in violation — reference Town Law §268 for consistency with zoning enforcement procedures. Alternative text is provided in the full content of the 239-m County Planning Board Review.

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. If and when the Town Board follows the proposed moratorium, and the documents are filed with the Department of State, please direct the Clerk to email a copy of all submitted materials to the Lewis County Planning & Community Development Department as a standard practice. This practice helps address recent inconsistencies in the records and supports the Planning Department’s increasingly active role in tracking local law filings.

2. If and when the moratorium is adopted, the Municipality should email the Lewis County Planning & Community Development Department to update its Local Law webpage. Once adopted, the law becomes 'operative', meaning Enforcement Officials shall use that version of the code moving forward.
3. The Town Board should consider expanding the moratorium to include compressed air energy storage, carbon-based energy storage, long-duration energy systems, data centers, cryptocurrency mines, and other unidentified emerging technologies with similar energy intensity or infrastructure impacts. Suggested alternative text and definitions were provided.
4. If the scope is expanded, consider using concise terms like "Renewable Energy, Emerging Technology, and High-Impact Data Uses" in the title for accuracy and clarity.
5. The Town Board could adopt a comprehensive definition of "Renewable Energy" that encompasses solar, wind, and emerging technologies such as advanced energy storage and hydrogen systems. This approach will help future-proof the ordinance and may simplify the organization of the article within the Zoning Law.
6. Future land use regulations governing renewable energy should be explicitly tied to the adopted Town of Lewis Comprehensive Plan (February 19, 2024). The Plan establishes clear goals for protecting resources, promoting agricultural sustainability, conserving forests, and preserving rural character. Linking renewable energy regulations to these goals will ensure consistency with the community's long-term vision and strengthen the legal and planning basis for such regulations. Examples of applicable goals are in the full content of the 239-m County Planning Board Review.
7. To ensure these recommendations are implemented effectively and align with best practices, the Town Board may wish to consult with a qualified planning specialist or collaborate with County planning staff. Their expertise can help refine definitions, structure the ordinance, and incorporate emerging technologies in ways that support long-term community goals.

The Board had a brief discussion about how this proposed law compares to the one proposed by the Town of Greig, noting both similarities and differences. They observed that the Town of Greig's local law provides greater protection against emerging land uses, which is why Non-binding Note 3 was not recommended for inclusion in the Town of Greig review.

A question was raised as to why towns do not simply ban certain uses, such as Battery Energy Storage Systems (BESS). It was explained that the State classifies BESS as a public utility, meaning the State would override Home Rule authority. As a result, local municipalities would have no control over siting, community benefits, decommissioning, or safety protocols—making outright bans one of the least recommended approaches for municipalities.

The Board agreed that Condition 7 regarding power generation in the definitions for solar and wind facilities is unnecessary because size parameters already address this issue. Also, the Board suggested that County Planning Department Staff follow up with all municipalities, including the Town of Lewis, to gather all current or in-process Comprehensive Plans and remind them of the adoption process. Ms. Buell and Ms. Krokowski will work to fulfill this recommendation.

(7) Report of County Planner:

Responses from municipalities regarding previously submitted/reviewed projects: None

(8) Unfinished Business: None

(9) New Business:

- Training | NYS THC Local Government Conference – April 21, 2026
- Additional training opportunities were discussed, such as the Fall Land Use Training Workshop coordinated by the Planning Department.

(10) Adjournment: There being no other business, a motion to adjourn the meeting was made by Mr. Reed and seconded by Mr. Virkler, which carried unanimously. Mr. Petersen adjourned the meeting at 3:19 PM.

Respectfully submitted,



Megan Krokowski
Community Development Specialist

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