

DRAFT MINUTES
LEWIS COUNTY PLANNING BOARD
August 20, 2026

- (1) **Call to Order:** Vice-Chairman Lehman called the regular meeting of the Lewis County Planning Board to order at 2:30 p.m. in the Basement Conference Room #030 at the Lewis County Courthouse, Lowville, New York. Mr. Lehman requested roll call.

(2) **Roll Call:**

Board Members Present: John Lehman, Donald Cook, John Reed, Sarah Metott, and Larry Dolhof.

Staff Present: Megan Krokowski, Community Development Specialist; Roxanne Turck, Naturally Lewis; Jon Roes, Director of Building and Fire Codes.

Public Present: Rob McQueen

- (3) **Reading and Approval of Minutes:** The draft July 16, 2026 meeting minutes were received and reviewed before the meeting. Mr. Cook moved to approve the minutes; Mr. Lehman seconded the motion, and it carried unanimously.

Ms. Moser arrived at approximately 2:32 p.m.

(4) **Correspondence and Communication:**

- **APA-Major Project Public Notice- Application Received-** *Ann Yost/ Gerald Lucas- Town of Watson-* Installation of a pole-supported canopy, pontoon roller ramp, and timber retaining walls for dry land boat storage at Chase Lake.

The Board had no comments to submit regarding the correspondence provided.

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

239-m Review

Ms. Krokowski read the first review:

TOWN OF TURIN TOWN BOARD

Proposed zoning text amendment primarily to enhance the renewable energy projects and manufactured home regulations within the Town of Turin Rural Development Code.

Town of Turin – Applicant

The proposed Zoning Text Amendment, Full Environmental Assessment Form (FEAF), and General Municipal Referral Form were submitted by the Town of Turin Planning Board Chairman, Drew Skiff, at the direction of Town Supervisor Szalach.

The Lewis County Planning Board has reviewed the Town of Turin's proposed zoning text amendment, the submitted Full Environmental Assessment Form (FEAF), and the General Municipal Law referral documentation. The proposed zoning text amendment includes color-coded changes: green indicates additional language, blue indicates adjustments provided by the Town Planning Board, and red indicates segments to be removed. This has gotten a bit confusing, as the tracked changes provided by the Planning Staff also appear in red, but a shade darker. Before adoption, the Town Planning Board or Town Board shall remove all the proposed deleted text to ensure the adopted document is as intended.

Section 140 defines additional terms, such as commercial energy systems, substantial equivalency, and other high-impact energy systems; however, these terms are not mentioned elsewhere in the regulation. Based on the provided definitions, these terms should be regulated under commercial energy systems; however, no section explains how commercial energy systems are regulated. Commercial energy systems should be added to the use table in Section 240 and regulated as the Town intends; otherwise, this creates an internal inconsistency.

The Town of Turin has expanded the Section 220 District Map Interpretation to include all districts defined by law within this proposed zoning text amendment.

The Town should further refine the language of this section to ensure that each district's language encompasses the full area of the zone in detail, so that, if and when zone adjustments are requested, the Town has a clear definition for making decisions.

For example, District B currently reads *"The "B" district boundary is located 1000 feet from the east side of the centerline of NYS Route 26."* Since this district includes all of Snow Ridge and the properties along the Village of Turin's western and northernmost boundaries, additional specifications are warranted.

Additionally, make sure the areas described are accurate, as the language outlining the F District appears to describe land that encompasses District D. District C should specify that it begins on NYS Route 26 at the border of District B and extends to the Town's northernmost jurisdictional boundary, as well as specifying that the hamlet of Glenfield bounds ends at the Town of Turin's jurisdiction, to ensure it doesn't read as though the Town is overstepping authority in a jurisdiction that is not theirs. District D is far too vague.

Section 230, Divided Lots, was updated to more modern language that uses less calculation and interpretation and allows the least restrictive zoning

district to extend across the entire lot to ease enforcement and administration.

The Town of Turin may wish to revise the language in the table in Section 250, which establishes setbacks from the centerlines of state highways and other roads, to alternatively be established at the border of the right-of-way or the property line. These are both legally defined boundaries, whereas centerlines are not. Centerlines can shift when roads widen, alignments change after construction/reconstruction, and when surveying corrections occur, creating uncertainty, while property line, right-of-way-based setbacks remain constant and enforceable over time. The County Planning Board has identified this old template language as potentially problematic and continues to address it as it is observed in local laws.

Section 260 has been revised since the adoption of the Minimum Maintenance Road Law; however, after review, this section could use additional language to specify the form on which Seasonal Use Classification must be submitted and the entity responsible for determining it. The Town may consider using the enforcement officer and the land use permit to align with the Law's existing structure. Potential language has been provided in the tracked-changes copy of the proposed zoning text amendment, which can be modified as needed. Additionally, throughout this section, the term "principal access" is used without definition, leaving the door open to appeals, enforcement challenges, and developer pushbacks. The Town of Turin shall consider providing a definition of the term "principal access" to Section 140 Definitions, given the important regulatory implications of its interpretation within this section. Additional references to the recently adopted Minimum Maintenance Road Law should be provided, along with guidance on the road list/map for enforcement purposes.

Section 350 was updated to allow an exemption from the dwellings-per-lot rule for manufactured home parks approved pursuant to the regulations relating thereto. The Town Board may wish to add on, or any legally established prior to the adoption of Article 7, to include mobile home parks established under prior iterations of the law.

The Town of Turin clarified the language relating to prohibited uses within the overlay districts and how they interact with the use table, in addition to adding Data Centers as a prohibited use.

Section 415 relating to Campgrounds was improved to clarify the recertification process for the special use permit, add authority for code enforcement in the event of violations, and require a decommissioning plan. Since it is assumed that the existing campgrounds do not have decommissioning plans in place, consider adding *"Any campground lacking an approved decommissioning plan must submit one as part of its Special Use*

Permit Recertification.” This ensures every campground has a valid, enforceable plan before any potential closure.

Similarly, revised language regarding the recertification process and decommissioning was included in Section 435, Telecommunication Towers. The recertification process was clarified in Section 445, Wind Energy Facilities, and regulations regarding repowering were added.

Section 465 was created regarding Data Centers to clearly prohibit their use throughout the Town of Turin, including sound findings and justification for the Town's decision to take this action, citing Town Law and Home Rule, which grant the authority to promote the health, safety, welfare, and rural character of the community.

Article 7 Manufactured Home Parks has been thoroughly updated, including adding a decommissioning plan, clarifying the recertification process, allowing home sites more flexibility by permitting placement perpendicular to internal roads, clarifying park management, adding enforcement provisions, and other basic standards.

Article 8 was updated to provide findings and rationale from the Town to help justify the high standards for solar energy systems should a challenge ever occur.

Language was added to Section 1020 Temporary Land Use Permits to address enforcement of failed removal of temporary structures; however, the Town of Turin may wish to clarify whether temporary permits can be renewed, as the current language sets the term at no more than a year but doesn't address repeated applications.

The Town of Turin made updates to both Section 1025 and 1030 clarifying that the cost for necessary consultants will be borne by the applicant and no permits will be issued until all fees have been paid and specifying that code of occupancy and certificates of compliance also depend on compliance with all provisions of the law, including such.

As all the individual sections that recertification of special use permits applied to were updated, so was the specific regulatory section, including the Town providing an intent and justification section which further strengthens the process. This entire section has been rewritten to clarify the entire process from start to finish, including a path for disapproval and remediation, cessation of use, and enforcement. Consider whether adding language detailing the path for approval and conditional approval of the recertifications may improve the overall implementation of this section.

The Town of Turin may wish to include rationale and findings — similar to those provided in Section 645, Data Centers — within Sections 455 and 460, which

address Large Battery Energy Storage Systems and Compressed Air Energy Storage Systems. Incorporating references to the Comprehensive Plan would help strengthen the basis for these prohibitions, particularly given their potential inconsistency with current State initiatives. Providing more robust supporting rationale would offer the Town a stronger position should these provisions be challenged.

Overall, the draft law demonstrates significant progress toward establishing modern, comprehensive regulations for renewable energy systems and industrial uses. Addressing the items above will enhance clarity, enforceability, and consistency, while reducing legal risk and strengthening compatibility with State requirements and countywide planning considerations. The Lewis County Planning Board encourages the Town Board to work with the Town Planning Board to consider these recommendations during its final adoption process.

Recommendation: APPROVE with Conditions

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

1. The Town of Turin Board, in collaboration and/or cooperation with the Town of Turin Planning Board, shall consider the following:
 - a) Remove all proposed deleted text before adoption to ensure the final version reflects the intended content.
 - b) Add regulatory language establishing how Commercial Energy Systems are regulated, and add them to Section 240, Land Use Permit Requirements, to avoid internal inconsistency.
 - c) Refine Section 220 district descriptions to ensure each zoning district is clearly and accurately defined, and correct district boundary descriptions for Districts C, D, and F to avoid overlaps or inaccuracies.
 - d) Revise Section 250 setback measurements to rely on right-of-way or property lines instead of road centerlines to ensure long-term consistency.
 - e) Expand Section 260 by specifying the submission form, responsible entity, and definition of “principal access,” and include references to the minimum maintenance road law and road list/map.
 - f) Add language to Section 350 Dwellings Per Lot, clarifying exemption for manufactured home parks established prior to Article 7.
 - g) Further expand the decommissioning plan requirements for campgrounds to specify that any campgrounds lacking an approved decommissioning plan at the time of special use permit recertification shall be required to submit one.
 - h) Ensure Section 465’s prohibition on Data Centers remains supported by findings and justification.

- i) Finalize updates to Article 7 Manufactured Home Parks, including placement flexibility, enforcement provisions, management responsibilities, and required decommissioning plans.
- j) Clarify renewal allowances in Section 1020 Temporary Land Use Permits regarding repeated applications beyond the one-year maximum term.
- k) Further refine the overarching recertification process in Section 1170, adding guidance for approval and conditional approval pathways.
- l) Add rationale/findings in Sections 455 and 460 to strengthen prohibitions and align with the Comprehensive Plan.

All proposed revisions and supplemental language are documented in the tracked-changes edition of the Town of Turin Rural Development Code, which accompanies this review for the Town's ease during its final deliberations.

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. As this zoning text amendment encompassed substantial changes between the Town Board, Town Planning Board, County Planning and Community Development Staff, and County Planning Board, the County Planning and Community Development staff could aid in providing a finalized version of the document should a formal request be provided in writing by the Town.
2. Prior to adoption of the document, the Town should ensure the Table of Contents is updated, and the dates are correct for the date amended throughout the document.
3. Prior to adoption, the font should be restored to the standard black coloring.
4. After adoption, the Town Clerk should email all submitted materials to the Lewis County Planning & Community Development Department to maintain consistent records. This helps address recent inconsistencies in the records and supports the Planning Department's increasingly active role in tracking local law filings.

Mr. Cook moved to disapprove the zoning text amendment for the justification reasons provided by the Director of Building Codes, Mr. Roes, and County Highway Superintendent, Mr. Reed. Ms. Moser seconded the motion, which carried unanimously. The Board and County staff present had an in-depth discussion detailing how the code, as written and as recently adopted, cannot be enforced and leaves the County at risk. Section 260 was identified again to reinforce the need for further refinement, according to the Codes Officer, to spell out exactly who is responsible for what and how decisions will be made regarding the Seasonal Use classification.

The Board also discussed the need to stay ahead of other municipalities adopting similarly unenforceable language. To address this, the Board resolved that the Planning Department will work to develop a template law incorporating the recommended revisions to the Town of Turin's Minimum Maintenance Road (MMR) Law. Ms. Krokowski will continue drafting the template and will provide it to the Board and the County Attorney for review and input.

Mr. Reed emphasized the importance of Towns adopting a Minimum Maintenance Road Law. He explained that vegetation within the right-of-way on many Town Roads had not been maintained over time and, in some cases, could no longer be restored. As a result, snowplow equipment cannot safely travel roads that have become too narrow or lack adequate space to push snow. Without a minimum maintenance law, a Town's Highway Department may be forced to maintain these low-volume roads despite limited State funding, which could place the Town at serious financial risk and liability. Ms. Moser noted that subdivisions have recently begun including standard language stating that if a parcel is located on a minimum maintenance road, winter access via a plowed road may not be provided. This increasingly common disclosure highlights a growing zoning and permitting concern: when roads cannot be reliably maintained, the Town may face significant challenges in determining whether new dwellings can be safely supported, accessed, and serviced year-round. As a result, minimum maintenance classifications directly affect the issuance of land-use permits, emergency access requirements, and the overall suitability of parcels for residential development.

This situation raises a broader concern regarding zoning administration and enforcement. When municipalities adopt language or regulatory standards that are internally inconsistent, impractical to administer, or contrary to the guidance provided through the County Planning Board's 239-m review, the resulting laws may become difficult or impossible to enforce. Because the County often functions as the enforcement mechanism for road-related determinations—particularly those involving emergency access, land-use permit eligibility, and minimum maintenance classifications—an unenforceable or unclear local standard increases the County's risk exposure. If a determination is later challenged, the County may be forced to defend a law or requirement it previously identified as problematic. This underscores the importance of municipalities carefully considering County recommendations to avoid creating regulatory gaps, unclear procedures, or liability vulnerabilities for both the Town and the County.

Ms. Krokowski then read the next review:

TOWN OF GREIG TOWN BOARD

Proposed temporary twelve (12) month land use moratorium on all actions related to Nuclear Power Plants and Large Data Facilities in the Town of Greig.
Town of Greig – Applicant

The proposed moratorium (Local Law 3 of 2026) and General Municipal Referral Form were submitted by the Town of Greig Supervisor, Bob Johnson. Pursuant to 6 NYCRR 617(5), the adoption of a moratorium on land development is a TYPE II action under the New York State Environmental Quality Review Act (“SEQRA”), precluding the need for further environmental review.

Before final adoption, “Draft Template” should be removed from the title of Local Law No. 3 of 2026.

Rather than the generic statewide statements, the Town should consider providing explicit factual findings from the Town supporting the moratorium, such as:

“The Town Board hereby finds and determines that:

- 1. The Town has recently received inquiries or development pressures related to nuclear energy generation technologies and large-scale data storage facilities.*
- 2. These uses present significant concerns related to electrical grid capacity, high-volume water consumption, noise generation, emergency services capability, and long-term environmental impact.*
- 3. The Town’s existing Zoning Law does not contain adequate standards or districts to properly regulate such high-intensity uses.*
- 4. Absent a temporary moratorium, applications may proceed in a manner inconsistent with sound planning principles, thereby creating risks of haphazard development and irreversible impacts on community character.*

These findings constitute the basis for instituting this temporary moratorium.”

The moratorium does not include a public participation requirement, aside from the hardship-variance hearings. The Town of Greig should add a section on mandatory public hearings or community workshops to allow broader stakeholder input before final adoption, reducing the risk of legal challenges. Potential language to be added could be:

“During the moratorium period, the Town Board and Planning Board shall conduct at least one public workshop, public hearing or one public informational session to solicit community input regarding potential impacts, regulatory approaches, and planning objectives related to Nuclear Power Plants and Large Data Facilities.”

The moratorium's contents do not address the State Environmental Quality Review Act (SEQRA); the Town should consider adding a brief section classifying the moratorium as a Type II action to demonstrate the Town's due diligence. Consider the following language:

“SEQRA Classification:

*Pursuant to 6 NYCRR 617.5(a) and 617.5(c)(30), the adoption of a moratorium on land development activities is classified as a **Type II action** under the State Environmental Quality Review Act (SEQRA). Type II actions are not subject to further environmental review, do not require the preparation of an Environmental Assessment Form, and do not require a determination of significance. Accordingly, no additional SEQRA compliance is required for the adoption of this Local Law.”*

The Town should consider adding a consultation requirement with utilities, highway departments, and emergency response agencies to ensure that any regulatory or infrastructure concerns are understood and integrated into the comprehensive zoning updates. Potential language could be added to Section 2. D. Interagency Consultation:

“The Town Board, Planning Board, and appointed committees shall consult with county agencies, state entities, utility providers, and emergency service organizations as necessary to evaluate infrastructure capacity, environmental considerations, water usage demands, and public safety needs associated with the regulated facilities.”

The Town could add language to Section 2, documenting the Town's progress toward modernizing the Zoning Law and adopting the Comprehensive Plan to help build transparency and make the action more defensible under court review. Below is potential language that could be utilized:

“The Town Board hereby acknowledges and documents substantial progress already achieved toward updating the Town's land use regulatory framework:

1. Comprehensive Plan Completion and Adoption:

The Town has completed a full update of its Comprehensive Plan, which was formally adopted on March 25, 2026. This updated Plan establishes new long-term goals, land use strategies, and policy guidance relevant to high-intensity utility and technology uses, including Nuclear Power Plants and Large Data Facilities.

2. Creation of the Zoning Commission:

The Town Board has established a Zoning Commission pursuant to New York State Town Law. The Commission has convened regularly since its formation and is actively engaged in the full review and rewrite of the Town's Zoning

Law. This work includes the development of new regulatory frameworks addressing emerging industrial, energy, and technological uses.

3. *Ongoing Zoning Code Rewrite:*

The Zoning Commission, with support from planning consultants and Town staff, is presently drafting updated zoning districts, performance standards, infrastructure requirements, and environmental protections intended to ensure orderly development and safeguard public health, safety, and welfare. The Commission anticipates presenting draft zoning amendments for public review during the moratorium period.

4. *Planning Board and Town Board Coordination:*

The Town Board and Planning Board continue to collaborate with the Zoning Commission to ensure consistency between zoning revisions, the adopted Comprehensive Plan, and the Town's long-term development objectives.

The purpose of this Moratorium is to protect the integrity of this ongoing work and to ensure that new, high-intensity uses do not vest rights or advance through the approval process before the updated Zoning Law is completed and adopted."

The Town should consider revising Section 6 to clarify the legally appropriate method for extending the moratorium. Although the current draft authorizes two additional three-month extensions, such automatic extensions are frequently overturned in court because they do not comply with the procedural requirements of General Municipal Law. To strengthen legal defensibility, the following language is recommended for inclusion:

"If the Town Board determines that an extension of the moratorium is necessary, the Board shall, no later than month nine, prepare and introduce a new local law extending the moratorium for the required duration. This new local law shall document the progress made to date, the remaining work necessary to finalize the zoning updates, and the specific justification for continued temporary restrictions on development."

This approach provides a clear, legally compliant pathway for any future extension and ensures the Town maintains a defensible record of the work completed during the moratorium period.

The moratorium, as written, does not mention non-conforming and pre-existing uses; the Town should confirm that the moratorium doesn't alter rights of lawful pre-existing facilities or non-conforming uses under current zoning, protecting against claims of vested rights. It may seem counterintuitive to add a non-conforming clause for emerging uses; however, it is best practice and aligns with established zoning law norms, which are naturally carried forth through moratoria. Consider adding the following language:

“Nothing in this Local Law shall be construed to prevent the continuation, maintenance, or lawful repair of existing uses, structures, or facilities that were legally established prior to the effective date of this Moratorium. Existing non-conforming uses shall retain all rights afforded under the Town’s Zoning Law.”

Section 8 does not mention how violations are detected, notified, and appealed; the Town of Greig should consider referring to Article IX (Administration and Enforcement) of the Town of Greig Zoning Law for clarity and transparency. The Town of Greig Board could use alternative language such as the following:

“Enforcement and Appeals:

*For the purposes of detecting, notifying, and enforcing violations of this Local Law, the Town shall utilize the procedures set forth in **Article IX (Administration and Enforcement)** of the Town of Greig Zoning Law. All enforcement actions, notices of violation, orders to remedy, penalties, and rights of appeal shall follow the processes established in Article IX, ensuring consistency, clarity, and transparency in administration. No separate enforcement procedure is created by this Local Law; enforcement shall be carried out exclusively pursuant to the mechanisms already adopted in Article IX.”*

When drafting new zoning regulations, include provisions authorizing the Town to recover reasonable costs associated with the technical review of development applications, including professional consulting services and studies related to traffic, water use, engineering, environmental impacts, or other project-specific considerations. Such provisions should establish a clear and equitable process for applicant-funded review fees or escrow accounts.

The proposed moratorium, with the suggested enhancements, provides a legally robust, procedurally sound document that follows best planning practices.

This moratorium does not pose any countywide or intermunicipal impacts. Accordingly, the action is classified as a Matter of Local Concern, and the following advisory comments are offered for the Town’s consideration.

Recommendation: Matter of Local Concern with Advisory Comments

Advisory Comments:

1. Before adoption, the Town should remove “Draft Template” from the title to ensure the law is formally and clearly identified as Local Law No. 3 of 2026.
2. The Town should consider revising Section 2 to include explicit factual findings supporting the need for the moratorium. Recommended language is as follows: *“The Town Board hereby finds and determines that:*

- a) *The Town has recently received inquiries and development pressures related to nuclear energy generation technologies and large-scale data storage facilities.*
 - b) *These uses present significant concerns related to electrical grid capacity, high-volume water consumption, noise generation, emergency services capability, and long-term environmental impact.*
 - c) *The Town's existing Zoning Law does not contain adequate standards or districts to properly regulate such high-intensity uses.*
 - d) *Absent a temporary moratorium, applications may proceed in a manner inconsistent with sound planning principles, thereby creating risks of haphazard development and irreversible impacts on community character. These findings constitute the basis for instituting this temporary moratorium."*
3. The draft does not include provisions for public participation beyond hardship variance hearings. The Town should consider adding a requirement for at least one public workshop or informational session. Suggested language:
- "During the moratorium period, the Town Board and Planning Board shall conduct at least one public workshop, public hearing or one public informational session to solicit community input regarding potential impacts, regulatory approaches, and planning objectives related to Nuclear Power Plants and Large Data Facilities."*
4. The moratorium, as drafted, does not address SEQRA. The Town should include a brief section documenting that the action is a Type II under 6 NYCRR 617.5. Suggested language:
- "SEQRA Classification:***
Pursuant to 6 NYCRR 617.5(a) and 617.5(c)(30), the adoption of a moratorium on land development activities is classified as a Type II action under the State Environmental Quality Review Act (SEQRA). Type II actions are not subject to further environmental review, do not require the preparation of an Environmental Assessment Form, and do not require a determination of significance. Accordingly, no additional SEQRA compliance is required for the adoption of this Local Law."
5. The Town should consider adding language requiring consultation with utilities, county agencies, and emergency responders to ensure infrastructure impacts are fully understood and integrated into the forthcoming zoning updates. Suggested language:
- "The Town Board, Planning Board, and appointed committees shall consult with county agencies, state entities, utility providers, and emergency service organizations as necessary to evaluate infrastructure capacity, environmental considerations, water usage demands, and public safety needs associated with the regulated facilities."*
6. To strengthen transparency and legal defensibility, the Town should add language documenting progress already made toward updating its land-use framework. Suggested language:

“The Town Board hereby acknowledges and documents substantial progress already achieved toward updating the Town’s land use regulatory framework:

- a) Comprehensive Plan Completion and Adoption: The Town has completed a full update of its Comprehensive Plan, formally adopted on March 25, 2026.*
- b) Creation of the Zoning Commission: The Town Board has established a Zoning Commission which is actively engaged in a full review and rewrite of the Town’s Zoning Law.*
- c) Ongoing Zoning Code Rewrite: The Zoning Commission, with planning consultants and Town staff, is drafting new zoning districts, performance standards, and infrastructure requirements.*
- d) Planning Board and Town Board Coordination: Both Boards are collaborating to ensure consistency between zoning revisions and the adopted Comprehensive Plan.”*

7. Section 6 should be revised. Automatic extensions are often overturned by courts. Suggested language:

“If the Town Board determines that an extension of the moratorium is necessary, the Board shall, no later than month nine, prepare and introduce a new local law extending the moratorium for the required duration. This new local law shall document the progress made to date, the remaining work necessary to finalize the zoning updates, and the specific justification for continued temporary restrictions.”

8. The moratorium should clarify that the moratorium doesn’t alter rights of lawful pre-existing facilities or non-conforming uses under current zoning, protecting against claims of vested rights. It may seem counterintuitive to add a non-conforming clause for emerging uses; however, it is best practice and aligns with established zoning law norms which are naturally carried forth through moratoria. Consider adding the following language:

“Nothing in this Local Law shall be construed to prevent the continuation, maintenance, or lawful repair of existing uses, structures, or facilities that were legally established prior to the effective date of this Moratorium. Existing non-conforming uses shall retain all rights afforded under the Town’s Zoning Law.”

9. Section 8 does not describe violation procedures. The Town should reference Article IX of the Town of Greig Zoning Law for clarity and consistency. Suggested language:

“Enforcement and Appeals

For the purposes of detecting, notifying, and enforcing violations of this Local Law, the Town shall utilize the procedures set forth in Article IX (Administration and Enforcement) of the Town of Greig Zoning Law. All enforcement actions, notices of violation, orders to remedy, penalties, and rights of appeal shall follow the processes established in Article IX.”

10. When drafting new zoning regulations, include provisions authorizing the Town to recover reasonable costs associated with the technical review of development applications, including professional consulting services and

studies related to traffic, water use, engineering, environmental impacts, or other project-specific considerations. Such provisions should establish a clear and equitable process for applicant-funded review fees or escrow accounts.

Mr. Cook moved to consider the action a Matter of Local Concern with the associated advisory comments, and Mr. Lehman seconded. During the discussion, it was noted that the Town of Greig already adopted this moratorium before referring it to the County Planning Board.

Ms. Krokowski read the final review:

TOWN OF GREIG TOWN BOARD

Proposed zoning text amendment for renewable energy uses, heavy and light industrial use definitions, and revisions to violations and penalties to the Town of Greig Zoning Code.

Town of Greig – Applicant

The proposed Zoning Text Amendment, Full Environmental Assessment Form (FEAF) and General Municipal Referral Form were submitted by the Town of Greig Supervisor, Robert Johnson.

The Lewis County Planning Board has reviewed the Town of Greig's proposed zoning text amendment, the submitted Full Environmental Assessment Form (FEAF), and the General Municipal Law referral documentation. The amendment includes revisions to definitions, zoning district use tables, renewable energy regulations, land-clearing standards, industrial classifications, emergency operations requirements, decommissioning provisions, and enforcement language. The following comments identify substantive issues, potential inconsistencies, and areas where clarification or revision is advisable to improve enforceability, reduce legal vulnerability, and support consistent administration of the Zoning Law.

The revised definitions for Heavy Industrial Use and Light Industrial Use appear intended to incorporate Tier 2 and Tier 1 Battery Energy Storage Systems (BESS). However, the current draft only references these uses in trailing sentences rather than integrating them directly into the definition, and it also uses the vague term 'Energy Storage Systems'. Stronger linkage is recommended to avoid ambiguity, improve consistency with Section 699, and ensure clear interpretation by applicants, reviewers, and enforcement officials. The Town should consider whether integrating Solar Energy Systems into these definitions in a similar manner would improve clarity and consistency throughout the renewable energy sector².

Consider the following revised definitions to integrate in Article II:

Industrial Use, Heavy: A land use involving facilities that assemble, fabricate, process, or package products from raw materials or component parts that are hazardous materials as regulated by State or Federal laws, or where the resulting by-products or wastes from such activities involve hazardous materials.

This category also includes WESP, Tier 2 Battery Energy Storage Systems and Large-Scale Solar Energy Systems² which—because of their aggregate energy capacity, multi-technology configurations, and associated fire safety, chemical stability, and emergency response considerations—are classified as heavy industrial uses for zoning purposes.

Industrial Use, Light: A land use involving facilities that manufacture, assemble, fabricate, process, or package products for wholesale or retail sale from raw materials or component parts, provided that such activities do not produce hazardous materials regulated by New York State or Federal laws, and do not generate hazardous byproducts or unacceptable levels of pollution.

This category also includes, WESA, Tier 1 Battery Energy Storage Systems and Medium-Scale Solar Energy Systems², which—due to their limited aggregate energy capacity, single-technology configuration, and comparatively low operational and environmental impact—are considered compatible with light-intensity industrial areas and surrounding neighborhoods for zoning purposes.

The Town of Greig proposes revisions to the zoning definitions for Retail, Large-product and Retail, Small-product to improve clarity and prevent misclassification of commercial uses. Incorporating additional examples of motorized recreational equipment—including motorboats, personal watercraft, ATVs/UTVs, and snowmobiles—and adding descriptors regarding showrooms, significant inventory, outdoor display areas, and service operations further reduces the potential for misinterpretation of Large-product retail. Likewise, explicitly identifying outfitters selling kayaks, canoes, paddleboards, and other non-motorized recreational equipment as Small-product retail provides clearer guidance for applicants and reviewers. Together, these refinements increase regulatory precision, reduce uncertainty, support Greig’s recreation-based local economy, and help maintain the community’s desired scale and character by distinguishing high-intensity commercial operations from small neighborhood-scale retail establishments.

In Section 405 (Zoning District Uses), the inclusion of “Floating Zone” as a permit type may lead to confusion, as a floating zone is a zoning district rather than a form of permit. To avoid administrative confusion, the Town may wish

to revise the table structure by adding separate Light Industrial (LI) and Heavy Industrial (HI) columns, with a merged header indicating both are floating zones. The Town may also consider standardizing district abbreviations (including HAMLET and FOREST) to ensure consistent spacing. Additionally, many use permissions changed, which may affect development density and traffic patterns.

Section 405 relating to Solar Energy Systems, (Small/Ag) should add the term Accessory before (Small/Ag) as that is what the two categories fall under and to be consistent with Section 586 Solar Energy Systems, Accessory. Sub-note 7 related to Solar Energy Systems, Accessory indicates that these systems may require Special Use Permit Approval; however, Section 586 does not include objective standards or criteria to guide when the permit process is required, leaving the Town susceptible to legal challenges. The Town should consider if this requirement is necessary for accessory systems.

Additional precision language should be considered for sub-notes 5 and 8 to specify that 5 is applicable to manufactured homes *“other than legally nonconforming”*. Sub-note 8 should be modified to specify that it is applicable to *“the parcels identified on”* the Town of Greig Solar Energy Overlay District Map.

The proposed law currently prohibits mobile homes in all zoning districts. A total prohibition is likely to be considered exclusionary under New York State Executive Law §616, which requires municipalities to permit compliant manufactured housing in at least one residential district. To reduce legal exposure, the Town should allow existing mobile homes to remain as lawful non-conforming uses. The Town may also wish to adopt language specifying that existing mobile homes cannot be relocated elsewhere within the Town and that replacement units must meet HUD standards and permanent-foundation requirements. This provides a defensible regulatory structure that meets State requirements while supporting local health and safety concerns. The following language could be utilized once Section 405 is updated:

Section 570 D. Existing Mobile Homes; Placement and Relocation

- 1. Existing Mobile Homes.** Mobile homes lawfully existing within the Town of Greig as of the effective date of this Local Law shall be considered legal pre-existing nonconforming structures and may remain in their current location, subject to all applicable health, safety, property maintenance, and inspection requirements.
- 2. Relocation Prohibited.** Existing mobile homes shall not be relocated or placed upon any other parcel within the Town. Movement of a mobile home off its current site shall constitute abandonment of its non-conforming status and such unit may not be returned or reinstalled anywhere within the Town.

3. **Prohibition on New Mobile Homes.** No newly sited or used mobile home, as defined in this Law, shall be installed, placed, or located on any parcel within the Town after this Local Law becomes effective (**DATE**). For purposes of this section, the term “mobile home” shall have the same meaning as set forth in Article II (Definitions) of the Town of Greig Zoning Law.
4. **Replacement.** When an existing mobile home is removed, it shall not be replaced with another mobile home. Replacement is permitted only with a manufactured home that is affixed to a permanent foundation and conforms to the same development, design, aesthetic, and architectural standards applicable to conventional single-family dwellings in the zoning district, or with a site-built dwelling.
5. **Statement of Findings.** Due to the advanced age, limited structural life span, and elevated fire, sanitation, and habitability risks associated with mobile homes, the Town finds it necessary to regulate such units as non-conforming structures while permitting compliant manufactured homes as required under New York State law.

Section 576, Land clearing and forest preservation, appears to contain a numerical inconsistency. As drafted, it applies to forest removal involving “greater” than 10 percent of the project footprint or 5 acres. To reflect the Town’s stated intent to limit forest disturbance, “whichever is less” may be more appropriate. Change the sentence to read *“This section applies to all land clearing activities associated with development projects that involve the removal of more than 10% of the project footprint or 5 acres, whichever is **less**, of forested land...”*

Additionally, the Town should consider numbering the listed development types and referencing terms already defined in the Zoning Law (e.g., multi-family dwellings, townhouses, condominiums, heavy industrial, light industrial) to increase clarity.

The Town should consider adding the requirement for a decommissioning plan and financial security for all industrial uses, to ensure that the Town is fiscally protected should such a use be established and then abandoned (Section 430. B).

The Town should add the term unlisted or unspecified prior to light industrial uses to the first sentence of Section 435 and consider if medium-scale solar energy systems should be added to be consistent with renewable energy, allowing it to read *“This zone shall include sawmills, Tier 1 Battery Energy Storage Systems, WEPS and **unspecified** light industrial uses.”* The Town shall consider updating the first sentence of Section 435: “This zone shall include sawmills, Tier 1 Battery Energy Storage Systems, **Medium-Scale Solar Energy Systems**, WEPS and **unspecified** light industrial uses. Additionally, the Town should create a similar Section for the Heavy Industry Zone following Section

435, with the same regulatory tone as the rest of the document. Potential language could be:

"Section 436 Heavy Industry Zone (HI)

The Heavy Industry Zone (HI) shall include Tier 2 Battery Energy Storage Systems, Large Scale Solar Energy Systems, Asphalt/Blacktop/Cement Plants (Permanent), Commercial Extraction and Mineral Processing Facilities, and other specified heavy industrial uses. Heavy Industry Zones may be established in the Town and designated as specific locations on the zoning map using the procedure for establishing floating zones in Section 420 of this law.

It is the intention of this law that once a substantial area (as determined by the Town Board) has been zoned for heavy industry, the Floating Zone section will be repealed by the Town Board. There will then be a Heavy Industry Zone and therefore no need for the Floating Zone.

Heavy Industrial Uses shall comply with the following standards:

A. Compliance With Applicable Standards

All operations shall comply with current Federal, State, and Local air quality, noise, ***fire safety, building, hazardous materials, and environmental regulations.***

B. Wetlands and Waterbody Protection

A heavy industrial use shall not be sited within two hundred feet (200') of any state or federally designated wetland, nor within five hundred feet (500') of any mapped waterbody due to noise, environmental hazards, and potential impacts to surface and groundwater.

C. Hazardous Materials and Containment

1. The storage, handling, processing, or use of hazardous materials shall be restricted to the property.
2. Facilities shall be equipped with secondary containment systems capable of preventing spills, leaks, or discharges from contaminating soil, groundwater, or adjacent properties.
3. Facilities shall maintain a comprehensive emergency response plan identifying hazardous materials, response protocols, and coordination procedures with local emergency responders.

D. Traffic, Loading & Unloading Areas

All loading and unloading areas shall be designed to minimize traffic congestion, heavy truck queuing, noise, dust, and the need to back into public roadways.

Ingress and egress shall be designed to maintain safe sight distances and protect public road integrity.

E. Noise Standards

Noise levels shall not exceed seventy decibels (70 dBA) at the property line except during construction periods approved by the Town.

The Planning Board may require noise modeling, sound attenuation measures, or monitoring as part of Special Use Permit review.

F. On Site Discharge and Waste Management

All stormwater, process water, and discharges from the operation shall be retained, managed, or treated on site.

No discharge shall leave the property except in accordance with all applicable permits.

G. Location Restrictions

Heavy Industrial uses are prohibited in all Forest (F), Waterfront 2 (WF 2), and Hamlet (H) districts to preserve the environment, maintain natural character, and prevent incompatible land use conflicts.

H. Screening and Buffers

All operations shall be screened from roads, waterbodies, and adjacent non-industrial properties by a minimum seventy-five-foot (75') vegetative buffer consisting of staggered rows of native trees and shrubs at least six to eight (6–8) feet in height at planting, or an equally effective berm or screening technique approved by the Planning Board.

I. Building and Structure Height

No building or structure within the Heavy Industry Zone shall exceed forty feet (40') in height unless otherwise approved through Special Use Permit review based on demonstrated necessity and lack of adverse impacts.

J. Lighting

All exterior lighting fixtures shall be fully shielded or designed to prevent direct light intrusion onto adjacent properties and roadways.

Lighting shall not create glare, skyglow, or unnecessary illumination beyond the industrial site.

K. Decommissioning & Financial Assurance

A Decommissioning Plan and financial surety shall be required for any heavy industrial use involving permanent equipment, infrastructure, or energy systems. The financial surety shall equal one hundred fifty percent (150%) of the estimated cost of decommissioning, updated every three (3) years, and provided in a form acceptable to the Town Board and Town Attorney.

L. Site Plan and Special Use Requirements

All Heavy Industry Zone uses shall require both Site Plan Review and Special Use Permit approval under Articles VII and VIII of this law."

The Planning Board may impose additional conditions necessary to protect adjacent properties, natural resources, community character, or public health and safety.

Section 506.A references “complexities” in determining when a Development Agreement is warranted. Adding the term ‘potential’ better reflects that the complexities are not yet known at the time of the application; similarly, the environmental impacts, which were described as “significant”, should also be changed to “potential” as they have not yet been determined.

*“Complexity of Review. The Town Board or the Planning Board, upon request, may require an applicant to enter into a Development Agreement when the proposed project involves **potential** technical, environmental, or procedural complexities that warrant additional oversight or coordination beyond standard review procedures. Projects that may warrant a Development Agreement include but are not limited to: medium or large-scale solar energy systems, battery energy storage systems (BESS) tier 1 or tier 2, WESP, campgrounds, light industrial, heavy industrial, slaughterhouses, manufactured home parks, and other uses with **potential** environmental or infrastructure impacts.*

Decommissioning surety amounts vary across renewable energy types. WESP facilities require 115 percent, whereas solar and BESS facilities require 150 percent. For consistency, the Town should consider a uniform percentage. Applying a single standard reduces inconsistent enforcement claims and simplifies administrative review. The Town should consider setting a consistent number for all projects requiring a decommissioning bond, therefore updating Section 698.H. Wind Energy Systems Principal and Section 697.1 L Wind Energy Systems Accessory, and Section 587 Medium Scale Solar Energy System J.6.

Upon future zoning text amendments, the Town may benefit from consolidating common renewable energy requirements, including but not limited to emergency operation plans, decommissioning plans, sureties, host community agreements, and development agreements, into a dedicated Article to reduce redundancy and the amount of work required when language needs updating.

The Town should consider strengthening the legislative intent in Section 697.B Solar Energy Systems – Medium and Large-Scale and Section 699.B. Battery Energy Storage Systems, by explicitly referencing the Town’s rural character, forested landscape, scenic viewsheds, and low-density development patterns. Clear legislative intent is especially helpful when applying discretionary special use criteria and when responding to potential legal challenges.

- “4. Protect and preserve the Town’s rural character, forested landscape, agricultural heritage, and scenic resources while balancing these community values with the State’s policy objectives to expand renewable energy generation capacity; and”

Additional findings under Section 697.C may help support later standards. If the Town Board chooses to implement the proposed findings Sections C-E could be restructured into Section 697.D General Regulations, then numbered for consistency. 697.E should be rephrased for enforceability, as it is currently too vague, and developers could argue whether the district refers to a mapped overlay versus a general zoning classification. Potential alternate language and restructuring could be the following:

C. Findings

The Town Board of the Town of Greig makes the following findings:

1. **Rural Character and Scenic Resources.** The Town of Greig is characterized by its rural landscapes, forested areas, agricultural lands, open space, and scenic viewsheds that contribute significantly to the Town’s identity, quality of life, and desirability for residents and visitors.
2. **Environmental Sensitivity.** Forested lands, wetlands, streams, wildlife habitats, and steep slopes within the Town represent environmentally sensitive areas that require careful consideration when siting large-scale energy infrastructure. Disturbance of these areas may result in erosion, habitat fragmentation, stormwater impacts, and degradation of scenic and ecological resources.
3. **Agricultural Preservation.** Agriculture remains an essential part of the Town’s heritage and economy. Poorly sited solar installations can displace productive farmland, interfere with agricultural operations, and reduce long-term soil viability if not planned responsibly.
4. **Compatibility With Existing Development Patterns.** The Town’s low-density residential pattern and dispersed settlement structure necessitate siting and design standards that ensure solar energy systems do not create excessive visual, noise, or environmental impacts on neighboring properties.
5. **Infrastructure Limitations.** The Town’s roads, utility networks, and emergency service capacity are limited compared to more developed areas. Solar energy systems, especially medium- and large-scale systems, can place increased demands on fire response, road access, and long-term maintenance responsibilities.
6. **Long-Term Stewardship.** Solar energy systems have finite operational lifespans. Without enforceable decommissioning requirements and financial assurance, abandoned or deteriorated facilities may impose cleanup burdens on the Town, affect property values, and undermine environmental quality.
7. **Need for Balanced Regulation.** The Town recognizes the statewide importance of transitioning to renewable energy but finds that such development must be balanced with protection of Greig’s community

character, natural environment, agricultural land base, and scenic resources.

D. General Standards

1. All Solar Energy Systems must comply with all requirements of Section 586.
2. Permit ***requirements*** – Special Permit required; Building Permit required.
3. ***The proposed site shall be located on parcels identified within the Solar Overlay District as shown on the Official Solar Overlay Map.***

Revisions to Section 698 (Wind Energy Systems Principal) may benefit from adding explicit repowering provisions. Wind systems typically require major component replacement after 20–25 years, and including repowering criteria ensures that the Town can require updated studies, approvals, and decommissioning evaluations. Potential language could go into Section 698 N. as follows:

“N. Repowering and Facility Life Cycle.

1. Repowering of a WESP shall be considered a new use and require a new Special Use Permit, including updated studies.
2. The maximum permit duration shall be twenty-five (25) years, after which the operator shall apply for renewal or initiate decommissioning unless repowering is proposed and approved.
3. If a wind turbine or the overall facility reaches the end of its useful life, and the operator does not submit a repowering application within twelve (12) months of that determination, the Town may require decommissioning and removal of the facility.”

Section 699.2 I (Wetlands and Sensitive Habitat) combines environmental review criteria with setback standards. Separating these elements will improve enforceability and reduce interpretation disputes. The Town may wish to clearly state that Tier 2 BESS must maintain a minimum 500-foot setback from state- or federally-identified wetlands. The Town should consider revising the following:

“I. Wetlands and Sensitive Habitat Areas.

The Planning Board shall evaluate the potential impacts of any Tier 2 Battery Energy Storage System on wetlands and sensitive ecological resources, including:

1. Important Bird Areas identified by the New York Audubon Society;
2. New York State wildlife management areas;
3. Locally recognized priority habitat areas supporting threatened or endangered species, including but not limited to bats, butterflies, and grassland birds; and
4. Bird conservation areas and other sensitive ecological sites.

5. Tier 2 Battery Energy Storage Systems shall be located at least 500 feet from any state-identified or federally-identified wetlands.”

Section 699.3 J (Decommissioning Fund Review) places the responsibility for ongoing financial surety evaluation with the Town Clerk, which is not an appropriate role for a technical cost review function. This creates enforcement vulnerability and increases risk of inconsistent determination. The Town should consider assigning review responsibility to the Planning Board, or a qualified independent consultant (Town Engineer, accountant, legal counsel, etc.) at the applicant’s expense.

“J. Decommissioning Fund Review.

*The decommissioning fund shall be maintained for the life of the Tier 2 Battery Energy Storage System. The owner or operator shall provide an updated decommissioning cost estimate, prepared and certified by a New York State Licensed Professional Engineer, every three (3) years. The financial surety shall be adjusted to equal **one hundred fifty percent (150%)** of the updated cost estimate.*

The Planning Board, Code Enforcement Officer, or a qualified consultant retained by the Town at the applicant’s expense shall review the updated estimate and confirm adequacy of the financial surety. Failure to maintain an active and sufficient surety shall constitute a violation of this law and may result in enforcement action under Section 930.”

Section 699.4 has multiple terms that should be formally defined to prevent confusion or misinterpretation, including defensible space, defensible zone, and combustible vegetation. Adding definitions consistent with NFPA 855 and the International Fire Code will support coordinated emergency response and reduce interpretive disputes. The following sample definitions are provided:

“Combustible Vegetation: Vegetation capable of igniting, burning, or contributing to the spread or intensity of fire, including but not limited to dry grasses, brush, deadwood, leaf litter, pine needles, weeds, fallen branches, shrubs or trees with resinous or highly flammable characteristics, and any vegetation that creates a continuous path for fire transmission.

Defensible Space: A vegetation-managed area extending a minimum of fifty (50) feet from all sides of a Tier 2 Battery Energy Storage System enclosure, designed to reduce fire intensity, prevent ignition, limit fire spread, and provide safe access for emergency response personnel. Defensible space shall be kept free of combustible vegetation, dry grasses, brush, deadwood, and other flammable materials.

Defensible Zone: The portion of the defensible space in which only fire-resistant vegetation or groundcover is permitted, including maintained green grass, succulents, and low-growing fire-resistant plantings that do not create a continuous path for fire transmission.”

- a. *Section 12.a should be revised for clarity to ensure that all three entities receive the emergency operation plan annually, more effectively reflecting the statement's intent. The Town should consider building on that to add an enforcement mechanism for noncompliance, as well as a definitive tracking mechanism; otherwise, there is no consequence for noncompliance. Replacement language could be the following: Emergency Operations Plan (EOP) Submission and Annual Updates.*

The Emergency Operations Plan (EOP) shall be reviewed and updated annually by the system owner or operator. A copy of the updated EOP shall be submitted to each of the following entities no later than January 31st of each calendar year:

- i. *Town of Greig (Town Clerk's Office)*
 - ii. *Local Fire Department(s) having jurisdiction*
 - iii. *Lewis County Emergency Services*
- b. *Documentation of annual drills or training exercises conducted with emergency responders shall be submitted with the updated EOP.*
- c. *The Town Clerk shall maintain a compliance log documenting receipt of each required submission. If any required EOP update, drill documentation, or proof of delivery to all three entities is not received by the deadline, the Town Clerk shall notify the Code Enforcement Officer, and the failure shall constitute a violation of this law, subject to enforcement under **Section 930**. Continued non-compliance may result in suspension of the Special Use Permit until all required materials are submitted.*

Finally, Section 699.8 contains language allowing Tier 1 BESS to be exempted from Special Use Permit review *"unless explicitly stated otherwise by the Planning Board."* This creates discretionary authority that could lead to inconsistent or preferential decision-making and may conflict with Article VII's established review procedures. Referencing objective exemption criteria — such as those listed under **Section 699.8.C.7** — will reduce legal exposure and ensure predictable administration.

In addition to the items already identified, the following substantive changes in the proposed zoning amendment should also be noted for purposes of General Municipal Law §239-m review, as they represent material modifications to land use regulations that may have intermunicipal or county-wide implications:

1. The proposed amendment includes a substantial restructuring and expansion of the Solar Energy Systems section (Section 697). The updated language adds an overlay district requirement, total acreage limits for medium- and large-scale systems, mandatory viewshed analysis, expanded stormwater standards, detailed tree preservation requirements,

- and additional screening and environmental protection provisions. This constitutes a comprehensive rewrite of prior regulations and significantly affects future renewable-energy siting and permitting.
2. Section 699, governing Battery Energy Storage Systems (BESS), has been extensively revised and expanded. The proposed amendment introduces a full classification framework for Tier 1 and Tier 2 systems, establishes differentiated siting and permitting pathways, adds wetland and sensitive habitat buffers, incorporates fire code references, requires emergency operations plans, and creates detailed decommissioning and financial surety requirements. This represents a major update to previous zoning language and materially affects the siting of high-impact energy infrastructure.
 3. The proposed amendment implements new setback and environmental buffer requirements for multiple use classes across the zoning law, including solar energy systems, BESS Tier 2 facilities, industrial uses, and other special uses. Several of these buffers, including 500-foot setbacks from state-identified wetlands, exceed prior standards and introduce new environmental protection criteria with potential countywide planning relevance.
 4. The creation and formalization of new floating Light Industrial (LI) and Heavy Industrial (HI) zones is a significant structural change. These districts include new siting criteria, performance standards, and environmental restrictions that may influence industrial land use patterns and infrastructure demands within the Town and adjacent municipalities.
 5. Numerous new definitions have been added or expanded, including terms related to renewable energy, environmental resources, industrial processes, safety standards, and overlay districts. The breadth of definitional revisions materially affects interpretation and administration of many sections of the zoning law and should be recognized as part of the overall zoning amendment.
 6. The proposed amendment adds detailed decommissioning requirements to several sections of the zoning law, including solar energy systems, wind energy systems, BESS installations, and light industrial uses. These newly added provisions substantially expand the Town's regulatory authority and introduce uniform removal, financial surety, and restoration obligations that were not present in earlier versions of the zoning law.
 7. The Town has revised its violations and penalties provisions in Section 930. Updated enforcement language, fine structures, and compliance mechanisms modify how the Town administers and enforces the zoning law. Changes in enforcement frameworks are generally noted in §239-m reviews due to their relationship to permit consistency and long-term regulatory administration.

Minor grammatical revisions will also be provided along with all the above suggestions in a track-changes version of the zoning text amendment, which

will be returned with the County Planning Board response for the Town's consideration and convenience.

Overall, the draft law demonstrates significant progress toward establishing modern, comprehensive regulations for renewable energy systems and industrial uses. Addressing the items above will enhance clarity, enforceability, and consistency, while reducing legal risk and strengthening compatibility with state requirements and countywide planning considerations. The Lewis County Planning Board encourages the Town to consider these recommendations as part of its final adoption process.

Recommendation: APPROVE with Conditions

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

1. Prior to taking action, the Town shall consider a revision to Section 405 to ensure Floating Zones are not used as a “permit type,” and restructure the Use Table to clearly distinguish Light Industrial (LI) and Heavy Industrial (HI) floating districts for consistent administration.
 - i. Consequently, the land uses designations within the chart should be reviewed in detail to ensure appropriateness with the updated zones.
 - ii. The Town should also consider clarifying the numerous sub-notes for precision, clarity, understanding and enforceability by using consistent language (Solar Energy Systems rather than Solar Collector facilities, etc.).
2. The Town shall consider updating or adding the below-mentioned definitions within Article II to improve clarity, reduce ambiguity and reduce misinterpretations. Additional details supporting the revisions are documented in the body of the full 239-m Review.
 - a. ***Combustible Vegetation:*** *Vegetation capable of igniting, burning, or contributing to the spread or intensity of fire, including but not limited to dry grasses, brush, deadwood, leaf litter, pine needles, weeds, fallen branches, shrubs or trees with resinous or highly flammable characteristics, and any vegetation that creates a continuous path for fire transmission.*
 - b. ***Defensible Space:*** *A vegetation-managed area extending a minimum of fifty (50) feet from all sides of a Tier 2 Battery Energy Storage System enclosure, designed to reduce fire intensity, prevent ignition, limit fire spread, and provide safe access for emergency response personnel. Defensible space shall be kept free of combustible vegetation, dry grasses, brush, deadwood, and other flammable materials.*
 - c. ***Defensible Zone:*** *The portion of the defensible space in which only fire-resistant vegetation or groundcover is permitted, including maintained green grass, succulents, and low-growing fire-resistant plantings that do not create a continuous path for fire transmission.*
 - d. ***Industrial Use, Heavy:*** *A land use involving facilities that assemble, fabricate, process, or package products from raw materials or component*

parts that are hazardous materials as regulated by State or Federal laws, or where the resulting by-products or wastes from such activities involve hazardous materials.

This category also includes WESP, Tier 2 Battery Energy Storage Systems and Large-Scale Solar Energy Systems² which—because of their aggregate energy capacity, multi-technology configurations, and associated fire safety, chemical stability, and emergency response considerations—are classified as heavy industrial uses for zoning purposes.

- e. **Industrial Use, Light:** A land use involving facilities that manufacture, assemble, fabricate, process, or package products for wholesale or retail sale from raw materials or component parts, provided that such activities do not produce hazardous materials regulated by New York State or Federal laws, and do not generate hazardous byproducts or unacceptable levels of pollution.

This category also includes WESA, Tier 1 Battery Energy Storage Systems and Medium-Scale Solar Energy Systems, which—due to their limited aggregate energy capacity, single-technology configuration, and comparatively low operational and environmental impact—are considered compatible with light-intensity industrial areas and surrounding neighborhoods for zoning purposes.

- f. **Repowering:** The reconstruction, replacement, or substantial modification of a renewable energy generating facility—including but not limited to wind turbines, solar arrays, or associated electrical or structural components—undertaken for the purpose of extending the facility's operational life, increasing generating capacity, improving efficiency, or upgrading to newer technology. Repowering may include replacement of major components such as nacelles, blades, towers, foundations, inverters, or mounting systems; changes in layout; or any alteration that results in increased height, rotor diameter, rated capacity, or material change in environmental, visual, noise, or safety impacts.

Repowering shall be considered a new use requiring a new Special Use Permit, including updated environmental review, studies, and financial surety, in accordance with this law.

- g. **Retail, Large-product:** A commercial facility including sales and/ or service for new and used automobiles, trucks, mobile/manufactured homes, recreational vehicles, motorized boats and personal watercraft, snowmobiles, ATV/UTVs, motorcycles, motorbikes, farm implements and similar motorized recreational equipment. These uses typically involve showrooms, significant on-site inventory, outdoor display areas, or repair/service operations.
- h. **Retail, Small-product:** A commercial establishment engaged in the direct sale of goods or services to the ultimate consumer on the premises. Small-product retail may include on-site processing, assembly, servicing, or preparation of products customarily incidental to the sale. Small-

product retail shall generally occupy no more than 6,000 square feet of gross floor area and shall not include large-product retail as defined in this Section. Examples include convenience stores, boutiques, bakeries, outfitters (kayaks, canoes, paddleboards, and similar non-motorized crafts with limited inventory), and similar establishments. Small-product retail does not include outdoor storage of bulk goods or large items beyond what is incidental to the sale.

- i. **Solar Energy System, Accessory:** A solar collection system consisting of one or more roof and/or ground-mounted solar collector devices and solar-related equipment, which has a rated capacity of less than twenty five (25) kilowatts (for electricity) or rated storage volume of the system of less than two hundred forty (240) gallons or that has a collector area of less than one thousand (1,000) square feet (for thermal), and is intended to primarily reduce on-site consumption of utility power. Small solar energy systems and agricultural solar energy systems shall be considered accessory solar energy systems.

A system is considered an accessory solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

3. The Town shall consider updating the first sentence of Section 435: “This zone shall include sawmills, Tier 1 Battery Energy Storage Systems, **Medium Solar Energy Systems**, WEPS and **unspecified** light industrial uses.
 - a. Additionally, a similar Section for the Heavy Industry Zone should be created (perhaps Section 436) with a similar regulatory tone that is used throughout the document. Sample regulation is provided in the body of the full 239-m Review.
4. The Town shall consider updating Section 576.B (Land Clearing & Forest Preservation) to clarify that thresholds apply to “more than 10% of the project footprint or 5 acres, whichever is **less**,” and convert bullets to numbered items referring to already-defined use classes for clarity.
5. The Town should adopt a uniform decommissioning bond percentage across all renewable energy and industrial infrastructure types to avoid inconsistent enforcement and streamline review.
6. The Town shall consider assigning responsibility for reviewing renewable energy decommissioning surety updates (Section 699.3) to the Planning Board, CEO, or a qualified consultant rather than the Town Clerk, due to the technical nature of cost evaluation.
7. The Town shall consider revising Section 699.8 (Tier 1 BESS permitting) to eliminate open-ended Planning Board discretion and instead reference explicit exemption criteria to ensure consistent and defensible Special Use Permit 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 the Town Board adopts the proposed Zoning Text Amendment and the documents are filed with the Department of State, the Clerk should email a copy of all submitted materials to the Lewis County Planning & Community Development Department as a standard practice. This helps address recent inconsistencies in the records and supports the Planning Department's increasingly active role in tracking local law filings.
2. Prior to final adoption of the document, ensure the Table of Contents is updated and the dates are correct for the date amended.
3. The Town may wish to add a decommissioning plan requirement for all Industrial uses (Section 430.B) to ensure fiscal protection in cases of facility abandonment.
4. In future amendments, the Town should consider consolidating recurring renewable-energy requirements (EOPs, decommissioning, financial surety, screening, reporting) into a dedicated Article for long-term consistency.
5. Additionally, the Town may wish to discuss and consider if boat lifts were intentionally classified as docks/boathouses or if a separate definition and regulation is warranted.
6. Strengthening legislative intent language in Sections 697.B and 699.B is recommended to more clearly emphasize the Town's rural character, forested landscape, and limited infrastructure, supporting future interpretation and legal defensibility.
7. Since the proposed Solar (697) and BESS (699) Sections represent comprehensive rewrites, the Town should ensure cross-references within Section 405, setback tables, and accessory use standards are internally consistent.
8. The Town should separate environmental review criteria from setback requirements in Section 699.2.I to improve enforceability and clearly distinguish discretionary review from mandatory dimensional standards.
 - a) Environmental review criteria should remain within Planning Board discretion.
 - b) Wetland setbacks should remain fixed, objective dimensional requirements.
 - c) Potential language is provided in the body of the full 239-m Review.
9. The Town may consider adding repowering regulations to Section 698 (Wind Energy Systems Principal) to ensure life-cycle replacement of turbines triggers appropriate updated review and decommissioning requirements. Potential language is provided in the body of the full 239-m Review.
10. The expanded use table in Section 405 changes permissions for multiple residential, commercial, industrial, and energy-related uses. The Town should review district-wide compatibility, especially where special permits were newly added or removed.
11. The Town has updated violations and penalties in Section 930. While acceptable, the Town may wish to confirm alignment with enforcement

procedures in other Articles to ensure consistent application. The Town may wish to discuss the following improvements with its legal counsel:

- a) Section 930 should explicitly reference that this enforcement is pursuant to both Town Law § 268 (for zoning) and § 135 (for general ordinance violations). This clearly ties your penalties to statutory authority.
- b) Confirm in your zoning law that Building/ZEO are "public servants" authorized to issue appearance tickets as allowed by CPL 150.20.
- c) NY law allows civil remedies regardless of criminal penalties. You have both, which is correct, but be explicit that injunctive or civil actions may proceed even if criminal enforcement is not pursued.

Mr. Cook moved to approve the zoning text amendment with the associated conditions, including the discussed clarification to Condition 4 and the non-binding notes; Mr. Reed seconded the motion, which carried unanimously. During the discussion, the Board noted that the Town should be aware that the Office of Renewable Energy Siting (ORES) has the authority to override local zoning decisions for certain renewable energy and utility projects, and that this should be added as a sub-note to Condition 4.

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

Responses from municipalities regarding previously submitted/reviewed projects:

- **Leyden Planning Board** | Site Plan Review (*Ronald Shue*): **Approved with Conditions**
- **Turin Town Board** | Zoning Text Amendment: **Adopted** (Response provided for CPB review.)
- **Lowville Joint Village/Town Planning Board** | Site Plan Review (*Thisse*): **Approved with Conditions** (Response provided for CPB review.)

(7) **Unfinished Business:** None

(8) **New Business:**

- Annual Land Use Training- September 29, 2026 | Tuesday | 4 pm – 8 pm
 - Hot Button Land Uses
 - Public Meetings and Hearings
 - Mock Planning Board Meeting

(9) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Cook and seconded by Ms. Metott, which carried unanimously. Mr. Lehman adjourned the meeting at 3:36 p.m.

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.