

# TOWN OF GREIG ZONING LAW

## TOWN OF GREIG LEWIS COUNTY NEW YORK STATE

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# Summary of Changes Page

<b>Date</b>	<b>Summary of Changes</b>
12/2024	Incorporated 2023 travel trailer updates, medium and large solar, clarifications in definitions and clarified roles of Code Enforcement Officer versus Zoning Officer. Grammatical and spelling corrections were made as well as re-formatting the document for consistency. Incorporated most comments from County review 11/2024.
07/2025	Describe every zone to assist with justifying decisions regarding zone changes, added additional uses to zones with special permit, provided better definition of Light and Heavy Industry and restrictions for their development and added various definitions.
10/2025	WF-1 zone was eliminated in order to simplify the zoning map, reduce conflicts created by split parcels, and promote more consistent shoreline protection. Specific limitations relating to shoreline protection were added for consistent protection. The zoning map was also updated to reflect corrections to properties that were improperly zoned in part due to past subdivisions. Copper Lake properties were rezoned as RR-2 as they do not meet the intent of the Forest zone. Requirements relating to decommissioning plans were updated.
12/10/2025	Comprehensive update for BESS as the use was not addressed in Section 405 previously.

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# **ARTICLE I: ENACTING CLAUSE, TITLE, PURPOSES, APPLICATION**

## **Section 105 Enacting Clause**

Pursuant to the authority conferred by Article 16 of the Town Law and Articles 2 and 3 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Greig hereby adopts and enacts as follows.

## **Section 110 Title**

This law shall be known as the "Town of Greig Zoning Law."

## **Section 115 Purposes of the Zoning Law**

The purposes of this zoning law are to provide for orderly growth in accordance with a comprehensive plan, to lessen congestion on the roads, to secure safety from fire, flood and other dangers, to provide adequate light and air, to prevent overcrowding of land, to protect historical and recreational assets, and natural attributes, to minimize undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and to promote the health, safety, and general welfare of the public.

This zoning law has been made with reasonable consideration, among other things, as to the character of each zone and its suitability for particular uses, and to conserving the value of buildings and encouraging the most appropriate use of land for future growth.

## **Section 120 Prior Local Laws or Ordinances**

This zoning law supersedes and repeals in their entirety the following ordinances of the Town of Greig:

1. Town of Greig Mobile Home Ordinance and any amendments thereof.
2. Town of Greig Building Permit Ordinance and any amendments thereof.
3. The Town of Greig Litter Law

However, the above repealed laws shall not affect any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, and prosecuted, or inflicted as fully and to the same extent as if such repeal had not been affected.

Said repeal shall not revive any laws or ordinances enacted prior to and dealing with the subject matter of the above enumerated and repealed local laws and ordinances.

## ARTICLE II: DEFINITIONS

Except where specifically defined herein all words used in this law shall carry their customary meanings. Words in the present tense include the future, the singular number includes the plural and the plural the singular; and the word "lot" includes the word "plot." Doubt as to the precise meaning of any word used in this law shall be clarified by the Zoning Board of Appeals under their powers of interpretation.

**Accessibility Ramp:** A structure used to provide access for a person with disabilities. It is exempt from Zoning setback requirements and permits. Building and Fire Code compliance still applies to these structures.

**Accessory Structure:** A customarily incidental and subordinate structure located on the same lot as the principal structure /building, and which does not change the character of the principal land use. Where an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the principal structure. This shall include but not be limited to garages, storage sheds, satellite dishes, or similar structures. (See **Section 405** for WF2 restrictions.) No accessory structure can be converted into a dwelling.

**Accessory Use:** An accessory use is the use of land that is subordinate, incidental to and customarily found in connection with the principal use allowed on the lot by the Zoning Law.

(e.g. A garage is incidental to the principal use of a lot as a single-family residence and customarily found on a single-family parcel.)

**Adjacent:** With reference to the location of a parking facility, land located across an alley, easement, road or highway from the building incidental to which such space for vehicle storage or off-road parking facility is required.

**Adult Arcade:** An establishment where film, or any other images of "specific sexual activities" or "specified anatomical areas," are available for viewing by the public.

**Adult Bookstore or Adult Video Store:** A bookstore or video-store where as one of its principal business purposes offers for sale or rental any printed matter, videocassettes, DVD's or other media that depict "specified anatomical areas" or "specified sexual activities." For the purpose of this definition, a principal business purpose shall mean that part of the business that constitutes 25 percent or more of the printed material or videocassettes for sale or rent in the establishment.

**Adult Cabaret:** A nightclub, bar, restaurant, juice bar or similar establishment where persons appear in a state of nudity, or where there are live performances, films, video-cassettes, slides, or displays on other media that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

**Adult Use or Entertainment Establishment:** An establishment, or any part thereof, which includes any of the following: topless or bottomless dancers or wait staff, strippers, topless hair care or massages, entertainment where the servers or entertainers wear pasties or G-strings; adult cabaret; adult arcade, adult bookstore, or adult video-store.

**Adverse Noise Impacts:** A sound level condition that creates, imposes, aggravates or leads to inadequate, impractical, or unsafe conditions on a site proposed for development.

**Agriculture:** The raising of crops, animals, or animal products, the selling of products grown on premises, and any other commonly accepted agricultural operations, including incidental mechanical processing of products, except animals or crops raised for personal consumption or recreational purposes.

**Agricultural Business:** A business engaged in performing agricultural, animal husbandry, or horticulture services on a fee or contract basis including corn shelling; hay baling and threshing; sorting, grading and packing fruits and vegetables for the grower; agricultural produce milling and processing; horticultural services; fruit picking; grain cleaning; land grading; harvesting and plowing. This shall not include the commercial manufacturing, mixing, or storage of regulated pesticides or herbicides.

**Agricultural Structure:** Barns, silos, storage buildings, equipment sheds, and other accessory structures customarily used for agricultural purposes.

**Alley:** A narrow road or path between buildings primarily used for access to the rear or side of a building on an abutting lot.

**Alterations:** As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.

**Ambient Noise:** Any continual or intermittent sound rated at or above 40-45 dba.

**Ambient Sound:** The average level of undifferentiated background sound perceived in an area at any given time exclusive of any distinguishable extraneous sounds or noises. Statistically, the long-term residual ambient sound level for an area is expressed as the L90 value, i.e., the level that is exceeded 90% of the time.

**Animal Hospital:** A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

**Amusement Arcades:** An establishment providing three or more video amusement machines and/or arcade machines separate from established restaurants and bars.

**Amusement Machine:** Any mechanical, electronic or computerized machine or device or any combination thereof intended for use as game, entertainment or amusement and shall include: Pinball machines, television/video games, shooting galleries, racing machines and other similar devices. A vending machine that dispenses food or drinks shall not be considered an amusement machine.

**Anaerobic Digesters:** (accessory/principal) An anaerobic digester used to convert biogas into electricity, heat, and water.

**Area (of a sign):** The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, as included within the definition of a sign, together with the frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed on signs with more than one face, only that face or faces visible from any one direction at one time will be counted.

**Asphalt/Black Top/Cement Facilities Permanent:** A facility designed to combine bonding agents with sand, gravel and stone to create asphalt or concrete that will exist more than three years.

**Asphalt/Black Top/Cement Plants Limited:** (not to exceed three years) A facility designed to combine bonding agents with sand, gravel and stone to create asphalt or concrete.

**Battery(ies):** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

**Battery Energy Storage Management System:** An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

**Battery Energy Storage System [BESS]:** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric automobile. Solar energy systems with battery storage are included under solar energy system regulations. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kwh and, if in a room or enclosed area, consist of only a single energy storage system technology. Tier 1 BESS shall be considered as light industrial use and shall be within the light industry floating zone. Tier 1 systems used for on-site residential use are shall be considered accessory and shall follow the requirements of Section 699.8.

B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kwh or are comprised of more than one storage battery technology in a room or enclosed area. Tier 2 BESS shall be considered as heavy industrial use and shall be within the heavy industry floating zone.

**Battery Energy Storage System Building-Mounted:** A Battery Energy Storage System attached to any part of a building or structure that has an occupancy permit on file with the Town and/or County, and that is either the principal structure or an accessory structure on a recorded parcel.

**Battery Energy Storage System Ground-Mounted:** A Battery Energy Storage System that is not a Building-Mounted Battery Energy Storage System.

**Bed and Breakfast:** An owner-occupied residential dwelling that makes available a room or rooms for overnight accommodation to transient paying guests.

**Boathouse:** A covered structure with direct access to a navigable body of water.

**Building:** Shelter having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or property.

**Building Code Enforcement Officer:** The person responsible for carrying out the regulations of the New York State Building Code in the Town of Greig. The Building Code Enforcement Officer may also be referred to as the Code Enforcement Officer (CEO) or the Building Inspector.

**Building Height:** The measured height of the highest point of the structure to the lowest point of the original or finished grade or base of any supporting fill, whichever is lower. A structure is comprised of all components, including but not limited to decks, porches, garages, roofs, and chimneys.

**Building Integrated Photovoltaic System:** A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

**Building size/ measurement:** Is to the outer most point of the structure including the eaves or other projections.

**Campground/Travel Trailer Park:** Land on which two or more campsites are located, established, or maintained for temporary occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes. A "camping unit" shall be considered any tent, lean-to, cabin or similar structure, or travel trailer, excluding mobile/ manufactured homes, established or maintained and operated in a campground as temporary living quarters for recreation. education or vacation purposes.

**Cell:** The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

**Chimney:** Flue or flues that carry off exhaust from an Outdoor Wood Furnace/Boiler, firebox or burn chamber and other solid fuel burning devices.

**Cluster Development:** Shall mean a subdivision plat or plats, approved pursuant to this law, in which the applicable zoning ordinance or local law is modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks, and landscaping in order to preserve the natural and scenic qualities of open lands.

**Commercial:** the exchange of goods or services for monetary compensation or likewise bartering.

**Commercial Removal of Natural Resources:** A business primarily involved in the collection, and / or wholesale / retail sales and distribution of water, minerals and soils obtained within the Town of Greig.

**Commissioning:** A systematic process that provides documented confirmation that a battery energy storage system/solar energy system functions according to the intended design criteria and complies with applicable code requirements.

**Community Center:** Includes public or private meeting hall, or place of assembly, not operated primarily for profit.

**Condo:** A single living unit within a condominium development.

**Condominium:** A mode of ownership wherein each unit of enclosed space may be owned individually and separately from all others, but where all such owners have an indivisible interest in the common areas. Thus, they share ownership and attendant responsibilities for the provision, maintenance and/or repair of common internal facilities, utilities, services, exterior building surfaces, land, landscaping, parking, lighting and other outdoor facilities. Shared septic and water systems are allowed subject to New York State Department of Health approval. Also subject to provisions of the New York Condominium Ownership Act. This includes: residential, non-residential and other spaces.

**Condominium Association:** The community association that administers and maintains the common property and common elements of a condominium

**Condominium Conversion:** The conversion and subdivision of a single-ownership parcel of existing improved real property into a form of ownership for residential, commercial or industrial purposes involving the right of exclusive ownership of individual units

**Coverage:** That percentage of the plot or lot area covered by the building area.

**Day Care Facility:** A licensed facility where pre-school / school age children are cared for (no overnight care). Regulated by Section 390 of Social Services Law. No restrictions or fees will be imposed by local Zoning regulations.

**Decks/Patios and Porches:** A structural alteration supported by footings, structures built with wood, composite material, brick pavers or similar material, or poured concrete.

**Dock:** A floating, removable and/or fixed structure that extends into or over a body of water the shoreline or a boathouse.

**Duplex:** A structure containing two dwelling units, joined side by side, each of which has direct access to the outside. No part of one of the dwelling units is over any part of the other dwelling unit.

**Dwelling:** A building in which people live with; a house with cooking, sleeping and sanitary facilities. The terms "dwelling," "one family dwelling," "two family dwelling," or "multi-family dwelling" shall not include a motel, hotel, but shall include modular and manufactured homes.

**Dwelling, One Family:** A standalone principal building designed for or occupied exclusively by one (1) family.

**Dwelling, Two Family:** A building designed for, or occupied by, two (2) families living independently of each other.

**Dwelling, Multifamily:** A building designed for, or occupied by, three (3) or more families living independently of each other.

**Dwelling Unit:** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Essential Facilities:** Telephone exchange and dial centers or repeater stations, telecommunications (cell) towers, electrical or gas substations, water treatment or storage facilities, pumping stations, sewage

facilities, and similar facilities operated or maintained by municipal agencies or utilities. Battery energy storage facilities, wind and solar energy facilities, and other renewable energy facilities shall not be considered essential facilities according to this law.

**Exercise and Dance Studios:** Facility used for instruction of dance or similar exercising for a fee. Excluding facilities used exclusively by the owner or resident.

**Existing Use:** Under private ownership the purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

**Excavation:** A lot or land or part thereof used for the purpose of extracting 1,000 yards or more of stone, sand, gravel or minerals for commercial use.

**Extraction:** (or water extraction or extraction of water) means withdrawal, removal, diversion, taken, obtained or collected by any means, of water from ground, subsurface, or surface sources, including aquifers, springs, wells, cisterns, or other sources.

**Family:** One (1) or more persons occupying a dwelling as a single household unit.

**Fence:** Any structure, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen.

**Finance, Insurance, and Real Estate:** Establishments such as, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, brokers, lessors, lessees, buyers, sellers, agents, and developers of real estate.

**Floating Zone:** A Floating Zone is a Zoning District that is added to Zoning Law, but that “floats” until an application is made to apply the new District to a certain parcel. Upon the approval of the application, the Zoning Map is amended to apply the Floating District to that parcel of land.

**Flea Market/Sale:** A market, indoors or out of doors, where new or used items are sold from individual locations by any person or group of vendors whether professional or non-professional, with each location being operated independently from the other locations. Items sold include but not limited to, household items, antiques, rare items, decorations, used books, magazines, and crafts. The term “Flea Market” shall not include any business or occupation, which has a valid Special Permit which pertains to the sale, trade or barter of goods.

**Front Setback:** Distance from the closest road line or front property line to closest point of building.

**FTE:** Full Time Equivalent Employee i.e. 2 people occupying the same job on a part time basis. (Not working at the same time).

**Garage Sale/Yard Sale:** A “Garage, Patio or Yard Sale” means a sale conducted by any occupant of a residence from any location on the premises, in any Zone of personal property accumulated during the course of ordinary residential living by selling the same to the public. Includes, but not limited to, all sales titled rummage, lawn, porch, yard, room, backyard, patio, basement, attic, tag sales.

**General Plan:** A comprehensive or master plan for the development of the Town.

**Glare:** The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

**Gross Leasable Area (GLA):** The gross size of the floor area of a commercial/retail facility, which is leasable.

**Hamlet:** A small, unincorporated settlement or area within a larger municipality or Town.

**Home Occupation:** A non-residential activity conducted within a dwelling or manufactured home in accordance with the provisions of **Section 550** of this law. Where the activity does not operate in accordance with **Section 550** of this law, the use shall be required to conform with the standards specific to that use.

**Hostel:** An establishment providing transient overnight accommodations typically characterized by low cost, shared use of self-use kitchen, common areas, sleeping rooms, and bathroom facilities.

**Hub Height:** The distances measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

**Indoor Recreation Building:** A building designed and equipped for the conduct of inside sports, leisure time activities, and other customary and usual recreational activities.

**Industrial Use, Heavy:** Any facility, which assembles, fabricates, processes or packages products from raw materials or component parts which are hazardous materials as regulated by State and Federal Laws or Regulations or where the by-products and wastes from the assembling, fabricating, processing or packaging activities are hazardous materials. Tier 2 Energy Storage Systems also fall under this category.

**Industrial Use, Light:** A facility which manufactures, assembles, fabricates, processes or packages a product for wholesale or retail sale, from raw materials or component parts, which does not produce hazardous materials as regulated by New York State or Federal Laws or Regulations and does not produce by-products or wastes from the assembling, fabricating, processing or packaging activities of hazardous materials or unacceptable volumes of pollution and is compatible with the surrounding neighborhood. Tier 1 Energy Storage Systems also fall under this category.

**Junkyard/Junk Vehicle:** These are both terms defined and enforced by the County of Lewis Junkyard Law- Local Law Number 3 of 2021, as amended by Lewis County. However, the Town of Greig adopts to follow the County's definitions of related terms when mentioned within this law.

**kennel:** A commercial establishment in which more than five (5) dogs greater than six (6) months old are housed, groomed, bred, boarded, trained, and/or sold for compensation.

**Laundromat:** An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public for family laundering or dry-cleaning purposes.

**Loading Space:** Off-road space, which is at least twelve (12) feet wide and forty (40) feet long, not including access driveway, and having direct access to a road, used for the temporary location of one licensed motor vehicle.

**Lot:** A parcel of land occupied, or capable of being occupied, by at least one (1) principal building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this law, which is recorded by deed or survey in the office of the Lewis County Clerk.

**Lot Frontage:** The distance between the boundaries of a lot measured at their points of intersection with the road right-of-way line. If a lot is bounded by two roads front footage will be the sum of the two frontages. Must be contiguous.

**Lot Line:** Property lines bounding a lot.

**Lot of Record:** A lot which exists as of this law's enactment, or such lesser portion of an existing lot as results from a subsequent sale, at arm's length, pursuant to a written agreement entered into prior to this law's enactment.

**Manufactured Home:** A structure transportable in one or more sections that, in the travel mode is 8 ft or more in width or 40 ft. or more in length, or when erected on a site is a minimum of 220 sq. ft. And that was built on or after June 15, 1976 on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" shall include any structure that meets all the requirements and complies with the standards established under the National Manufactured Home Construction and Safety Act of 1974 as amended.

**Manufactured Home Parks:** Land on which two (2) or more mobile/manufactured homes are parked and occupied for living purposes.

**Marina:** A commercial facility for storing, servicing, fueling, berthing, or securing boats and which may include eating, sleeping, and retail facilities for owners, crews, and guests.

**Mean High Water Mark:** The point at which terrestrial vegetation meets aquatic vegetation along rivers, streams, lakes and all other bodies of water. Terrestrial vegetation being defined as trees, grasses, shrubs and associated plant life, and aquatic vegetation being defined as cattails, floating or emergent vegetation, and associated plant life.

**Merged Lot:** A parcel combined with another whether through the subdivision law or by way of combining adjacent lots into one tax parcel whether a new deed combining the lots is filed or not. No merged lots may later be divided except in compliance with the Subdivision Control Law of the Town of Greig.

**Self-Storage Facility:** A commercial storage building divided into individual compartments having direct access to the outside of the building and intended to be used principally to provide rental spaces to the general public for storage purposes.

**Mobile Home:** A movable or portable dwelling unit that was built prior to June 15, 1976 and designed and constructed to be towed on its own chassis. It is comprised of a frame and wheels connected to utilities and

is designed and constructed without a permanent foundation for year-round living. This excludes travel trailers. Relocation or installation of this type of unit is prohibited as of the date of this law.

**Modular Home:** A structure designed primarily for residential occupancy which is constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in a manufacturing facility, intended or designed for permanent installation, or assembly and permanent installation.

**Motel/Hotel:** A building or group of buildings, whether detached or in connected units, containing transient and/or permanent lodging facilities for the general public and which may contain accessory facilities such as restaurants, meeting rooms, retail business activities, and related activities primarily to accommodate the occupants, but open to the general public, including buildings designated as auto cabins, auto courts, motor lodges, tourist courts and similar terms.

**Motor Vehicle Repair Shop:** A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles and licensed by the State of New York.

**Natural Wood:** Wood, which has not been painted, varnished, or coated with a similar material, has not been pressure treated with preservatives, does not contain resins or glues as in plywood or other composite wood products.

**Net Metering:** A mechanism that provides a simplified approach for interconnection and metering of on-site renewable generating facilities such as solar energy systems. It allows customers to use excess electric generation to offset utilities purchased electricity on a monthly or annual basis.

**Non-Commercial Removal of Water, Minerals or Soil:** Residential/domestic use for individual households and individual commercial operations for onsite consumption and sanitary use, including swimming pools. Removal of soil for landscaping and construction purposes is allowed as long as compliance with **Section 810** is maintained.

**Nonconformity:** A lot, building, structure, or use of land legally and substantially existing at the time of enactment of this law which does not conform to the regulations of the district in which it is situated.

**Nonresidential Uses:** Any use listed in **Section 405** (Zoning District Uses) except one, two, and multi-family dwellings, mobile/manufactured homes, and accessory structures.

**Nursery/Garden Shop:** A commercial facility, which primarily includes the sale of trees, shrubs, plants, landscaping materials and utensils incidental to gardening. This shall not be interpreted to include the large- product retail sales of farm equipment and implements. (See **Retail, Large Product**)

**Nursing/Convalescent Home:** An extended or intermediate care facility licensed or approved to provide fulltime convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

**Occupy:** To reside in or use for eating and/or sleeping on an overnight basis.

**Off-Street Parking Facility:** An area for temporary parking of motor vehicles off public road rights-of-way.

**Outdoor Wood Furnaces/ Boiler:** Any equipment device, appliance, or apparatus or any part thereof which is installed, affixed or situated outside of the principal structure for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An Outdoor Wood Furnace may be referred to as an Outdoor Wood Boiler or an Outdoor Wood-Fired Hydronic Heater.

**Overlay District:** A zoning district that is superimposed over one or more underlying zoning districts for the purpose of establishing additional standards, protections, or development criteria that supplement those of the base zoning district. Overlay districts may be used to protect natural, scenic, cultural, or historic resources; manage development in sensitive environmental areas; or identify areas where certain uses or types of development—such as renewable energy systems, high-density residential, or commercial corridors—may occur subject to specific criteria. In the event of a conflict between overlay and base district standards, the more restrictive or specific standard shall apply.

**Overlay Regulations:** Zoning regulations applicable within an overlay district, in addition to those of the underlying zoning district.

**Paint Shop:** Any building, or structure, or part thereof, used for the purposes of sanding, grinding, or painting vehicles, machinery, or similar materials

**Park Patrons:** A person or persons who rent space at a campground or RV park.

**Permit:** A temporary permit, special permit, building or zoning permit issued in accordance with this Law.

**Permitted Use:** An allowed use requiring a zoning permit and or special use permit.

**Person:** An individual person, co-partnership, voluntary association or corporation.

**Personal Service:** Includes barber, hairdresser, beauty parlor, shoe repair, shoeshine, photographic studio, and businesses providing similar personalized services.

**Pipelines:** A line of pipe, with or without pumps, valves, and other devices for conveying liquids, gases, or finely divided solids.

**Portable Sign:** Any sign, which by its design is able to be and is commonly moved from place to place.

**Professional Office:** Offices and related spaces for use as professional services as provided by medical practitioners, attorneys, architects, engineers, and similar professions.

**Public and Semi-Public Facility:** Any one (1) or more of the following uses, including grounds and accessory buildings necessary for their use:

- A. Religious Institutions
- B. Public parks, playgrounds and recreational areas when authorized or operated by a governmental authority.
- C. Schools
- D. Public Libraries
- E. Not-For-Profit fire, ambulance and public safety building.

**Quarry:** See Excavation.

**Rear Lot Line:** That lot line which is opposite and most distant from the road line.

**Recreation, Indoor:** means a business that provides an indoor facility with usable indoor space designated for indoor play or fitness activities. These activities include, but are not limited to, bowling alleys, skating rinks, trampoline parks, indoor playgrounds, field houses, laser tag, arcades, and indoor sports facilities (not fitness centers).

**Recreation, Outdoor:** means a business that provides space designated for outdoor play or fitness activities. These activities include golf driving range, golf pitch and putt course, par three golf courses, recreation court, open space, playfield, swimming pool, bike trails, hiking trails, and similar facilities for outdoor recreation.

**Recreational Vehicle:** A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own drive power or is mounted on or towed by another vehicle. Recreational vehicles are deemed to include, but are not limited to, camping trailers, fifth-wheel trailers, motor homes, travel trailers as defined herein, and truck campers.

**Recycling Center:** Means any recycling center, mobile recycling center, recycling collection or buyback center, recycling materials processing facility, or recycling materials sorting facility. A facility designed and operated to receive, store, or process recyclable materials, which have been separated at the source from all but residual waste.

**Religious Institution:** Includes church, temple, parish house, convent, mosque, seminary and retreat house.

**Restaurant:** Any establishment, however designated, at which food is sold for consumption to patrons seated within an enclosed building or on the premises. However, a snack bar, fast food establishment, or refreshment stand at a public or semi-public community pool, playground or park operated by the agency or group or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

**Retail Gasoline Outlet:** Any establishment that sells gasoline to the public. This includes service stations, convenience stores, car washes or any other facility that sells gasoline.

**Retail, Large-product:** A commercial facility including sales and/ or service for new and used automobiles, trucks, mobile/manufactured homes, recreational vehicles, and farm implements.

**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 chapter. Examples include convenience stores, boutiques, bakeries, and similar establishments. Small-product retail does not include outdoor storage of bulk goods or large items beyond what is incidental to the sale.

**Retaining Walls:** A permanent structure of cribbing, wood, masonry, stone, concrete or other materials that supports a mass of soil.

**River:** That portion of a flowing body of water to the mean high-water mark thereof, not including any tributary thereto unless expressly included in these regulations. For the purposes of this law river shall mean the Black and Independence Rivers exclusively.

**Road:** A public or private way to 3 or more lots for vehicular traffic which affords the principal means of access to abutting properties or sites.

**Road Edge:** See Road Line.

**Road Line:** Right of way line of a road as dedicated by a deed or record. Where the width of the road is not established, the road line shall be considered to be twenty-five (25) feet from the centerline of the road for Town-owned roads and for County-owned roads.

**Runoff:** Surface water that flows onto, within, and/or off of the site area.

**Sanitary Sewage Disposal:** An approved Septic System with a leach field, composting toilet, Porta-John or NYS Department of Health Certified Holding Tank to legally dispose of human refuse.

**Sawmill:** Any use engaged in the processing, milling, and/or dimensioning of logs for commercial purposes at the same location for more than 30 days.

**School:** Includes parochial, private, public, and nursery school, college, university, and their accessory uses; and shall exclude commercially operated schools of beauty culture, business, dancing, driving, music and similar establishments.

**Setback, Water:** Distance measured between the building line closest to the river, stream, or other body of water and the shoreline.

**Shopping Center:** Facilities providing retail and services, large product retail and services or offices and business services in excess of 25,000 square feet gross leasable area.

**Shoreline:** The line at which land adjoins the water of rivers, lakes, ponds, and streams at the mean high-water mark.

**Shoreline Protection:** Measures, standards, or design practices that regulate development along the shorelines of lakes, rivers, or streams to preserve water quality, prevent erosion, protect habitat, and maintain visual and recreational values.

**Side Lot Line:** A lot line that is not a road line or a rear lot line.

**Sidewalks/walkways:** Continuous masonry blocks, concrete pavement or asphalt. These structures are permanent in nature in contact with the earth. These structures are exempt from permit requirements.

**Sign:** Any structure or natural object or part thereof or device or inscription located upon, attached thereto or painted or represented on any land or on the outside of any building or structure or part thereof or affixed

to the glass of a window so as to be seen from the outside of a building which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, words, numerals, emblems, symbols, models, banner, trade flags, pennants, insignia, trademarks, devices or representation used as, or which is in the nature of an announcement, direction, advertisement, warning or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, industry, or public performance. Sign shall include any letter, word, model, banner, pennant, insignia, trade flag, or other device or representation used as, or which is in the nature of, an advertisement, announcement, or direction, but excluding any public traffic or directional signs.

**Slaughterhouse:** A commercial operation where the primary activity is the killing, butchering, processing and/ or packaging of animal meat for compensation on a year-round basis. This shall not be interpreted to include: seasonal or incidental butchering of deer, bear, or livestock; or facilities that kill, butcher, or package less than two hundred (200) animals a year.

**Solar Energy/Collection System:** A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

**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 or equal to twenty five (25) kilowatts (for electricity) or rated storage volume of the system of less than or equal to two hundred forty (240) gallons or that has a collector area of less than or equal to one thousand (1,000) square feet (for thermal), and is intended to primarily reduce on-site consumption of utility power. Also considered a small-scale solar energy system.

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.

**Solar Energy Equipment:** Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

**Solar Energy System, Agricultural:** An on-farm, Small-Scale Solar Energy System that provides no more than 100% of the energy required to operate a farm operation as defined by New York State Agriculture and Markets Law 305-a. These may be roof-mounted or ground-mounted systems.

**Solar Energy System, Building Integrated:** A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows primarily intended for producing electricity for onsite use.

**Solar Energy System, Large-Scale:** A Solar Energy System that produces energy primarily for supplying more than 20MW of electrical energy into a utility grid for wholesale or retail offsite sale or consumption whether generated by photovoltaics or building-mounted. Such systems may be referred to as “Large-Scale Solar Energy Systems” or “Lg. Solar Energy Systems” throughout this Law.

**Solar Energy System, Medium-Scale:** A Solar Energy System or Solar Thermal System that is ground or building-mounted and produces more than 25kw and up to 20MW of electricity for offsite sale and consumption. Such systems may be referred to as “Medium-Scale Solar Energy Systems” or “Med. Solar Energy Systems” throughout this Law.

**Solar Panel:** A photovoltaic device capable of collecting and converting solar energy into electricity.

**Split Zoning:** A condition in which a single parcel of land is divided into two or more zoning districts.

**Split Parcel:** A parcel of land subject to multiple zoning designations that may create conflicts in permitted uses or dimensional standards.

**Special Events:** An outdoor public event that the Town of Greig, Town Board or Planning Board has reason to believe will attract 500 people or more; such as circuses, fairs, carnivals, festivals, and other types of special events which are not directly related to the existing use of the property where the special event is to be located. Special events that are likely to attract less than 500 people are exempt to this law.

**Special Permit:** A permit issued by the Planning Board for a special use after review and approval in accordance with the procedures in **Article VII** of this law. Also, referred to as Special Use Permits in Town Law, Article 16, Section 274-b.

**Special Use:** A use in a particular zone listed in **Section 405** as SP and requiring a special use review prior to the issuance of a Special Permit.

**Specified Anatomical Areas:** (a) Less than completely and opaquely covered human genitals, pubic region, buttocks, female breast below a point immediately above the areola, or (b) human male genitals in a discernible turgid state; even if completely and opaquely covered.

**Specified Sexual Activities:** (a) Human genitals in a state of sexual stimulation or arousal, (b) Acts of human masturbation, sexual intercourse or sodomy, or fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

**State of Nudity:** The appearance of bared buttocks, male genitals, female genitals, or full female breast.

**Storage: (Store)** The holding or safekeeping of goods in a warehouse or other depository to await the happening of some future event or contingency that will call for the removal of the goods.

**Structure:** Any object constructed, installed, or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, signs, satellite dishes, tanks, and any fixtures, additions, and alterations thereto. The term fence shall not be included in the definition of structure.

**Tavern, Bar, Nightclub:** An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as an accessory to the primary use.

**Tent:** A collapsible shelter of canvas or other material stretched and sustained by poles and/or ropes, used for camping outdoors or as a temporary structure.

**Temporary Storage:** Non-permanent (<180 days) storage shelters that include but are not limited to covered trailers, pods, tents, temporary shelters or any similar structure.

**Temporary Use:** An activity conducted for a specified limited period of time. Examples of such uses are buildings incidental to new construction, which are removed within 30 days after the completion of the construction work, and seasonal produce stands.

**Town:** The term Town (with capital letter not required by standard English usage) means the municipal government of the Town of Greig or its employee or official designated by statute law or this law to function as its agent. The term town without capital letter means the Town of Greig as an area of land governed by the Town.

**Town House (One family attached dwelling):** A building containing three or more dwelling units, none of which share common floors or ceilings, and which share at least one common wall in the case of an end unit, or two common walls in the case of interior units.

**Travel Trailer:** A vehicular camping unit primarily designed as temporary living quarters (less than 180 days in one calendar year) for recreational, camping, travel or seasonal use that either has its own motive power or is mounted on or towed by another vehicle. This shall include motor homes, truck campers, camping trailers, campers, tent trailers, over-night trailers, and pop-up trailers.

**Travel Trailer Park:** See Campground.

**Tree Survey:** A survey of all trees on any parcel proposed to be included in a Medium or Large-Scale Solar project, which identified and locates each tree greater than six (6) inches in diameter at breast height (dBh), including the number of each species, the average diameter at breast height for each species, a map of concentrations or trees on the project site, and identification of which trees are proposed to be removed.

**Unified Solar Permit, NYS:** A permit that allows municipal authorities to streamline the permitting process while providing a consistent and thorough review of solar photovoltaic (PV) applications and installations. Adoption of the New York State Unified Solar Permit process combines a standardized building and electrical permitting process for Grid-Tied, small-scale solar PV installations under the New York State Energy Research and Development Authority (NYSERDA) program, to benefit both the municipality having jurisdiction and the applicant. Applicable to Lewis County Local Law No. 3 of the Year 2017.

**Use:** The specific purposes, for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

**Vacant Property:** A lot that does not contain a structure.

**Variance:** A variance is any departure from the strict letter of this law granted by the Zoning Board of Appeals as it applies to a particular piece of property. Variances run with the land and are not particular to any one landowner. This is a form of administrative relief that allows property to be used in a way that does not comply with the requirements of the Zoning Ordinance. There are two basic types of variances: **Use** variances and **Area** variances. See **Section 920** for definitions.

**Water:** Any ground or surface water contained within the Town of Greig.

**Waterfront:** A parcel of land that contains or directly borders a listed waterbody.

**Warehousing:** A building used primarily for the storage of goods and materials and may include terminal facilities for handling freight.

**Wetlands:** Any lands or water that are defined as wetlands according to the New York State Freshwater Wetlands Act, Section 24-0107 (1) and are mapped pursuant to 6 NYCRR 664, and are filed with the State, County or Town Clerk; or wetlands identified as Federal.

**Wholesale:** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Wind Energy System Accessory (WESA):** A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, which has a rated capacity of less than or equal to fifty (50) kilowatts and is intended to primarily reduce on-site consumption of utility power.

**Wind Energy Production Facility Principal (WESP):** An area of land or other area used for a wind energy conversion system principally used to capture wind energy and convert it to electrical energy. Large wind energy production facilities consist of one or more wind turbines, tower, and associated control or conversion electronics and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities, which has a rated capacity of more than fifty (50) kilowatts. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system 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.

**Withdrawal:** the act or process of withdrawing a material or substance by any means or method. It includes a process or methodology by which water is captured, collected, impounded and then transported for removal by any means or method from the commercial water extraction site.

**Withdraw:** As a corresponding meaning.

**Yard:** Space on a lot not occupied with a building or structure. Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard

**Yard, Front:** The space within and extending the full width of the lot from the road line to the part of the principal building or accessory structure, which is nearest to such road line. If a lot adjoins two (2) or more roads or highways, it shall be deemed to have a front yard respectively on each.

**Yard, Rear:** The space within and extending the full width of the lot, from the rear lot line to the part of the principal building or accessory structure, which is nearest to such lot line.

**Yard, Side:** The space within the lot extending the full distance from the front yard to the rear yard and/or from the side lot line to the part of the principal building or accessory structure, which is nearest to such side lot line. However, in the case of a lot that fronts on two or more roads or on a road and a body of water the side yard shall be that space from the side lot line to the part of the principal building nearest to such side lot line.

**Zoning District:** A Zoning District is a portion of a community designated by the local Zoning Law for certain kinds of land uses.

**Zoning Enforcement Officer:** The person who administers the Town of Greig Zoning Law. Also referred to as a Zoning Officer, or ZEO.

**Zoning Permit:** A permit issued under this law by the Zoning Officer, allowing the alteration, construction, or demolition of any building, structure, or system within a building area.

## ARTICLE III. ESTABLISHMENT OF ZONES

### **Section 305 Types of Zones (Districts)**

~~For the purpose of this law, the Town of Greig is hereby divided into the following zoning districts:~~

(1) Hamlet (H) -The Hamlet District encompasses parcels located within the traditional hamlet centers of the Town of Greig. Two recognized hamlets exist within the Town:

Hamlet G (HG) – Greig Hamlet Zone: Includes parcels located along the commercial corridor on Greig Road from the Burdick’s Crossing intersection through the Patterson Road intersection, as well as portions of Sweeney Road and Brantingham Road starting at Greig Road.

Hamlet B (HB) – Brantingham Hamlet Zone: Includes parcels along Brantingham Road from the Middle Road intersection to the North Shore Road intersection, and areas of Middle Road near the Adirondack Park boundary, including parcels bounded by North-South Road.

The purpose of the Hamlet District is to recognize traditional village-scale development, support mixed-use and small-lot residential development (generally under 2 acres), and encourage compact, walkable growth patterns. While the subdistricts HG and HB are used for mapping and reference purposes, all regulations applicable to the Hamlet District shall be uniform, as set forth in **Sections 405 and 410** of this Law.

(2) Rural Residential-1 (RR-1)-This district is intended to preserve the rural residential character of areas outside the Adirondack Park, while allowing compatible nonresidential uses through the special use permit process.

(3) Rural Residential-2 (RR-2) -Applies to low-density residential areas within the Adirondack Park. Similar to RR-1, but subject to additional jurisdiction from the Adirondack Park Agency. Limited nonresidential uses may be allowed by special permit.

(4) Public Land (PL)- Large parcels (typically over 10 acres) of land that are contiguous to other large parcels owned by a Local, State, or Federal Agency. Public lands shall follow the **Section 405** use table for the RR-2 district to determine permitted uses and **Section 410** for setback requirements within this zone.

(5) Forest (F) -This district is intended to preserve the natural character of heavily forested or undeveloped areas, where lot sizes typically exceed 10 acres. These lands often lack public infrastructure and may present topographic or environmental constraints to development. New development is limited to protect health, safety, and emergency access.

~~(6) [Deleted] Waterfront 1 (WF-1)-This district has been eliminated to simplify the zoning map and reduce regulatory confusion. Properties formerly in the WF-1 district are now regulated under the Town's primary zoning districts and relevant overlay or environmental regulations. This change improves consistency, reduces the number of split parcels, and makes administration easier for staff and applicants alike.~~

(7) Waterfront-2 (WF 2) -Intended to manage residential development along Brantingham Lake, Lake of the Pines, Lily Pond, Pleasant Lake, and Mud Pond. This zone supports higher lot density while protecting water quality, shoreline character, and recreational value. Maintaining water quality and other environmental concerns, recreation, and visual character are important considerations. Nonresidential uses may be permitted by special use permit. Parcels in WF-2 are also subject to Adirondack Park Agency regulations.

(8) Floating Zone (FZ)-A zoning district authorized in this law but not mapped until applied to a specific parcel through Town Board approval. Upon approval, the zoning map is amended. See **Section 420** for procedures.

(9) Planned Development Zones (PD)- Allows for flexible design and mixed-use or residential neighborhoods planned and developed as a unit. Encourages innovative layouts, efficient land use, and diverse housing options. A PD may consist solely of residential uses. Development must follow a master plan approved by the Town.

(10) Light Industry (LI) (*Floating Zone*)-No land is currently designated as LI. This zone allows light industrial activities that do not cause vibration, dust, odor, or truck traffic impacts. Designation requires the floating zone procedure in **Section 420**.

(11) Heavy Industrial Zone (HI) (*Floating Zone*)-Currently unmapped. Permits more intensive industrial uses with stricter separation requirements to protect neighboring uses. This district may only be established through the floating zone process (**Section 420**). Careful siting and review criteria are required to minimize conflicts and mitigate environmental and nuisance impacts.

Zoning district boundaries are shown on the Official Zoning Map of the Town of Greig. For access to an interactive version, visit: <https://lewiscountyny.giscloud.com> and enable the 'Lewis County Zoning Data' layer under the 'Zip Code – Zoning & Other Codes' folder.

### **Section 310 Zoning Map.**

~~Said zones are depicted, defined and bounded on the map accompanying this law entitled "Town of Greig Zoning Map," dated May 9, 1990, as amended, and filed in the office of the Town Clerk. Said map and all explanatory matter thereon is by this reference incorporated into this law.~~

### **Section 315 Interpretation of Zone Boundaries on Zoning Map**

~~Where uncertainty exists concerning the boundaries of the various zones, as shown on the Zoning Map, the following rules shall apply:~~

- A. Where the designation on the Zoning Map indicates a boundary approximately upon a road line, the road center-line shall be construed to be the boundary.
- B. Where the designation on the Zoning Map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.

- C. Distances shown on the Zoning Map are perpendicular distances from road lines measured back to the zone boundary line, which lines in all cases where distances are given are parallel to the road line.
- D. In other cases, the boundary line shall be determined by the use of the scale on the 1" = 2000' Town of Greig Zoning Map.
- E. In the event that a mete-and-bound description has been filed for a change of zone or variance of use as required by this law, such mete-and-bound description shall be used in lieu of other provisions of this section.
- F. At any point, the property owner, Town Board, or Planning Board believes that a parcel (s) should be rezoned, **Section 320** shall be followed.
- G. Any dispute not addressed above concerning district boundaries shall be referred to the Town of Greig Zoning Board of Appeals for final interpretation.
- H. Split Zoning Districts on a Single Lot. It is the intent of this Zoning Law to minimize—or, where possible, eliminate—parcels that contain more than one zoning district designation. However, when a zoning district boundary divides a lot of record held in single ownership at the time the boundary was adopted, the following rule shall apply:  

The regulations of the less restrictive zoning district may be extended into the more restrictive portion of the lot, only upon the granting of a use or area variance by the Zoning Board of Appeals, in accordance with **Article IX** of this law and New York State Town Law §267-b.

**Section 320 Zoning Map Amendment (Rezoning)**

**Section 320.1 Applicability.**

Owner-initiated or third-party authorized agent rezoning requests shall require Special Use Permit approval. For owner-initiated or third party authorized agent rezoning requests, the Planning Board shall provide action recommendations for final action and determination to be completed by the Town Board.

- A. The boundaries of the Zoning Map may from time to time be amended, supplemented, changed, or modified as provided by § 264 and § 265 of NYS Town Law.
- B. A rezoning may be initiated by the Town Board, the Planning Board, the property owner of the property to be rezoned, or an authorized agent of the owner.
- C. A rezoning may also be initiated when the owners of more than 50 percent of the subject property, excluding public streets, in any district, present a signed petition to the Town Board requesting a Zoning Map amendment.

**Section 320.2 Application Requirements and Development Plan for Rezoning**

An application for parcel rezoning shall be submitted in accordance with **Article VI** and shall disclose a detailed reason for the request and justification that the property matches the requested zone.

**Section 320.3 General Review Criteria**

The Planning Board shall consider and make findings on the following matters:

- A. The proposed zoning request is generally consistent with the policies of the Comprehensive Plan and this Law.
- B. The proposed zoning request does not cause a break in continuity within the zoning district.
- C. Whether or not there are adequate services and utilities available or proposed to be made available in the construction of the development.
- D. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood.
- E. Suitability of the subject property for uses permitted by the current versus the proposed district.

**Section 320.4 Action by the Town Board**

- A. Following the completion of the Planning Board review and upon written request by the petitioner, the Town Board shall follow the procedures specified in **Article VI**.
- B. If the Town Board approves the amendment, supplement, change or modification to district boundaries or classifications, the Zoning Map shall be amended after publication as required by § 265 of NYS Town Law.
- C. Amending the Zoning Map does not constitute recording of a subdivision plat nor authorize the issuance of building permits.

**Section 320.5 Review of Zoning Changes**

The Town Board may review property not developed within three years following a zoning classification change to determine whether or not the classification remains appropriate. Following the review, the Town Board may call a public hearing to consider a further change in classification, as it deems appropriate.

**Section 325 Standards for Lot Mergers**

The rules and procedures for approving Lot Mergers are found in the Town of Greig’s Subdivision Law.

**ARTICLE IV ZONING DISTRICT STANDARDS**

**Section 405 Zoning District Uses**

~~Any use not listed shall be assumed to be prohibited due to health and or safety reasons.~~

Key: Not Permitted – (-) Permitted Use - P Special Permit - SP Floating Zone - FZ

<b>USE</b>	<b>HAMLET</b>	<b>RR-1</b>	<b>RR-2</b>	<b>FOREST</b>	<b>WF 2</b>	<b>LI</b>
One Family Dwelling	P	P	P	P	P <sup>5</sup>	-
Two Family Dwelling	SP	SP	SP	SP	-	-
Multi Family Dwelling	SP	SP	SP	SP	-	-
Manufactured Home	P	P	P	P	-	-
Mobile Homes	-	-	-	-	-	-
Accessory Structures	P	P	P	P	P <sup>3</sup>	-
Adult Use/ Entertainment Est.	-	-	-	SP	-	-
Agricultural Business	-	SP	SP	SP	-	-
Agricultural Structure	P	P	P	P	-	-
Amusement Arcades	SP	-	-	-	-	-
Anaerobic Digesters	-	-	-	-	-	-
Animal Hospitals	SP	SP	-	-	-	-
Bed and Breakfast / Hostels	SP	SP	SP	SP	-	-
BESS Tier 1	-	FZ/SP	-	-	-	FZ/SP
BESS Tier 2	-	FZ/ SP	-	-	-	
Campground / Trailer Park	SP	SP	SP	SP	-	-
Community Center	P	P	-	-	-	-
Condominium	SP	SP	SP	SP	-	-

USE	HAMLET	RR-1	RR-2	FOREST	WF 2	LI
Cluster Development	SP	SP	SP	SP	-	-
Day Care <sup>2</sup>	P	P	P	P	P	-
Duplex	SP	SP	SP	SP	-	-
Essential Facilities	SP	SP	SP	SP	-	-
Excavation	-	SP	SP	SP	-	-
Exercise / Dance Studios	SP	SP	SP	SP	-	-
Financial, Insurance, Real estate	SP	SP	-	SP	-	-
Home Occupation	SP	SP	SP	SP	SP	-
Indoor Recreation	SP	SP	SP	SP	SP	-
Junk Yards <sup>1</sup>	-	SP	-	-	-	-
Kennels <sup>4</sup>	-	SP	SP	SP	-	-
Laundromat	SP	-	SP	-	-	-
Manufactured Home Parks	-	SP	-	-	-	-
Marina	-	-	-	-	SP	-
Self Storage Facility	-	SP	-	-	-	-
Motels / Hotels	SP	SP	SP	-	-	-
Motor Vehicle Repair / Paint	SP	-	-	-	-	-
Nursery / Garden Shops	SP	SP	SP	-	-	-
Nursing/Convalescent Home	SP	SP	SP	-	-	-
Outdoor Recreation	SP	SP	SP	SP	SP	-
Personal Service	SP	SP	SP	SP	-	-
Pipe Lines	SP	SP	SP	SP	SP	-
Professional Offices	SP	SP	SP	SP	-	-
Public/Semi-Public Facilities	SP	SP	SP	SP	-	-
Recycling Center	SP	SP	-	-	-	-
Restaurants	SP	SP	SP	SP	-	-
Retail Gasoline Outlet	SP	-	-	-	-	-
Retail, Large Products	-	-	-	-	-	-
Retail, Small Products	SP	SP	SP	SP	-	-
Sawmills	-	FZ/SP	FZ/SP	FZ/SP	-	FZ/SP
Shopping Center	SP	-	-	-	-	-
Slaughter House	-	SP	-	-	-	-
Solar Energy Systems, Small/ Ag	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	SP <sup>6</sup>	-
Solar Energy System, Med./ Lg	-	SP <sup>8</sup>	-	-	-	-
Tavern, Bar, Nightclub	SP	-	-	-	-	-
Town House	SP	SP	SP	-	-	-
Warehousing	-	SP	-	SP	-	-
Wind Energy Systems, Accessory	-	P	P	P	-	-
Wind Energy System Principal	-	FZ/SP-	-	-	-	FZ/SP
Wholesale	SP	SP	SP	SP	-	-

<sup>1</sup>Junk Yards; Refer to **Section 545**

<sup>2</sup>Daycare allowed by State Social Services Law in all districts with no Special Permit

<sup>3</sup> No Accessory Structures shall contain bathroom, kitchen or sleeping facilities

<sup>4</sup>See **Section 685 (D)** for lot size requirements

<sup>5</sup> Manufactured homes not allowed in WF 2.

<sup>6</sup> Solar Collector facilities shall not be located in WF 2 except as noted below:

Small Solar Collectors may be attached to residences in WF 2 providing they are not visible from the Lake or Roadway, and meet side setback requirements. Side set back requirements shall be a minimum of those stated in **Section 415** of this law. No allowance for pre-existing non-conforming lots will be given. All applications require a Special Permit and additional screening and set back requirements may be required

<sup>7</sup>May require Special Permit Approval

<sup>8</sup>May be sited according to the Town of Greig Solar Energy Overlay District Map.

**Section 410 Minimum Lot Dimensions and 415 Required Setback of Structure**

ZONE USE	DIMENSIONS			SETBACK		
	AREA	BLDG HT MAX <sup>1</sup>	LOT FRONTAGE	FRONT YARD <sup>3</sup>	SIDE YARD	REAR YARD
<b><i>HAMLET</i></b>						
One-Family Dwelling / Manufactured Home	30,000	40'	150'	50'	20'	20'
Two-Family Dwelling	35,000	40'	150'	50'	20'	20'
Multi-Family Dwelling	See 2	40'	150'	50'	30'	30'
Nonresidential Uses	40,000	40'	200'	50'	50'	30'
Accessory Structures		40'		50'	20'	20'
<b><i>RR - 1</i></b>						
One-Family Dwelling/ Manufactured Home	40,000	40'	200'	50'	50'	50'
Two-Family Dwelling	45,000	40'	200'	50'	50'	50'
Multi-Family Dwelling	See 2	40'	200'	50'	50'	50'
Nonresidential Uses	80,000	40'	300'	50'	50'	50'
Accessory Structures		40'		50'	50'	50'
<b><i>FOREST</i></b>						
One-Family Dwelling/ Manufactured Home	5 Acres	40'	300'	50'	100'	100'
Two-Family Dwelling	5 Acres	40'	300'	50'	100'	100'
Nonresidential Uses	5 Acres	40'	300'	50'	100'	100'
Accessory Structures		40'		50'	100'	100'
<b><i>RR - 2</i></b>						
One-Family Dwelling/ Manufactured Home	3.2 Acres	40'	200'	50'	50'	50'
Two-Family Dwelling	3.2 Acres	40'	200'	50'	50'	50'
Non-Residential Uses	3.2 Acres	40'	200'	50'	50'	50'
Accessory Structures		40'		50'	50'	50'
<b><i>WF - 2 (See Note)</i></b>						
One-Family Dwelling	40,000	40'	200'	50'	20'	50'
Nonresidential Uses	80,000	40'	200'	50'	20'	50'
Accessory Structures		40'		50'	20'	50'
<b><i>LI (not defined)</i></b>						

<sup>1</sup>Religious Institutions and Agricultural Structures are exempt from building height maximum requirements.  
**Section 410 and 405** shall not apply to essential facilities

<sup>2</sup>Area requirements for 30,000 square feet per dwelling unit shall apply when multiple family development is not connected to public or centralized water or sewer system. Area requirement where such system (S) are installed is 10,000 square feet per dwelling unit.

<sup>3</sup>Measurement from the closest edge of the road boundary or right of way to the closest point of the structure.

**Note:** See **Article V, Section 510** for additional shoreline requirements, which apply to all zones.

Only one principal dwelling shall be permitted on any one lot except: more than one residential structure may be permitted on a single lot provided that the structures are situated such that if the property were to be subdivided in the future, each structure would be situated on a lot that complies with all lot size, lot dimensions, setbacks, and other requirements as specified in this Section.

### **Section 420 Floating Zones**

The following are procedures for establishing Floating Zones:

- A. In order to establish Floating Zones, the Zoning Map must be amended by the following procedures outlined herein and the prescribed regulations for amendments to this Zoning Law found in **Section 940**.
- B. Application for establishment of a Floating Zone shall be made to the Town Board by the owner(s) and respective operators of property proposed to be included in the zone. The Town Board shall refer such application to the Town Planning Board for consideration within seven (7) working days of the complete filing of such an application.
- C. The applicant must provide a development plan and detailed program which would enable the Town Board and Planning Board to evaluate the proposed development and its effects on nearby land uses and public services. Such a plan and program must consist of the application requirements specified under Special Use Procedure **Section 715**. Once this information is accepted by the Planning Board, the Board shall review the proposal in light of the requirements specified for Floating Zones.
- D. The Planning Board must discuss the proposal with the applicant at a regular meeting of the Board within thirty-one (31) days of the filing of the complete application by the applicant with the Town Board. Once an application is accepted, the Planning Board shall refer the Zoning Map change reflecting the proposed floating zone to the County Planning Board where feedback and recommendations will be provided to the Town Board.
- E. The Planning Board shall consider, where appropriate, the need for the proposed use in the proposed location; its consistency with the General Plan and the existing character of the neighborhood in which the use would be located. It also must consider safeguards to minimize possible detrimental effects of the proposed use on the adjacent properties, on public services and on the historic character of the area.
- F. It shall be the authority of the Planning Board to prescribe conditions for the proposed use and make a recommendation for siting the zone based upon this. It is the Town Board's authority to review this recommendation (from the Planning Board) and enact or disapprove an amendment thereon. Within forty-five (45) days of receipt of the Planning Board recommendation, the Town

Board must, following public notice provided by this Law (see **Section 715 C.**) hold a public hearing on the proposal; and must then approve or deny the proposal.

G. If the proposal is approved by the Town Board, and the Zoning Map has been amended to create the appropriate zone, the applicant must within six (6) months submit an application for a special use permit as provided in **Section 715** of this law. Failure to submit an application within the six-month time frame will result in the Floating Zone reverting to its previous zone classification.

H. If such an amendment is enacted, the permitted development must be confined to the specific designated area and adhere to the approved development plan and program. Anything different from this constitutes a violation of this Zoning Law according to **Section 930**.

I. In order to exceed any of the above time frames for adoption of a Floating Zone there must be a mutual agreement by the applicant, Town Board and Planning Board.

### **Section 425 Planned Development Zones (PD)**

A. Intent. Planned Development 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. The purpose for establishing such Zones is to allow compatible development of a variety of multi-family and mixed uses and to vary the strict application of the regulations of this law.

B. It is the intent of this Planned Development Zone to provide flexible land use and design regulations so that neighborhoods or portions thereof may be developed within the town that incorporate a variety of residential and non-residential uses, and contain both individual building sites and common property which are planned and developed as a unit. Such a planned unit is to be designed to function as a separate neighborhood without necessarily needing other building sites or other common property. This section encourages innovations in residential development so that the growing demands for housing may be met by greater variety in type, design, and siting of dwellings and by the more efficient use of land. Planned developments do not require a mix of residential and nonresidential uses to be considered for Planned Development Zone status.

C. The standard zoning functions (use and bulk) are appropriate for the regulation of land use in some areas or neighborhoods, these controls represent a type of regulatory strictness which may be inappropriate to the innovative techniques of land development contained in the Planned Development Zone concept. A rigid set of space requirements along with bulk and use specifications would frustrate the application of this concept. Where PD techniques are deemed appropriate through the rezoning of land to a Planned Development Zone by the Town Board, the use and dimensional specifications found elsewhere in this law are herein replaced by the general requirements below and Special Permit Criteria and standards as outlined in **Articles VII and VIII**.

D. General Requirements. Following is a list of the requirements that a proposal must meet to be considered for PD status.

1. Minimum area: The zone must comprise at least ten (10) acres of contiguous land.
2. Maximum building height: No building shall be more than 40' above ground level.
3. Ownership: The tract of land for a project may be owned, leased or controlled either by a single person or corporation, or by a group of individuals or corporations. An application must be filed

- by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
4. **Required Buffer:** Where a planned development proposes multi-family dwellings and/or commercial uses adjacent to residential areas, the Planning Board shall require a minimum seventy-five-foot (75') vegetative buffer area. Plant material shall be six (6) to eight (8) feet in height when planted, and shall be spaced to form an opaque screen in multiple rows with alternate spacing. Berms may be substituted for plant material screening upon approval of the Planning Board. Buffer areas shall not interfere negatively with the line of sight for vehicular traffic at areas of intersections nor driveways.
  5. **Permitted Uses:** The following are descriptions of residential and non-residential uses permitted in the PD Zone. These uses may be mixed, separated, or the development may accommodate only one type of use (i.e., residential or non-residential).
    - a. **Residential Uses:** Residences may be of any of the following types including one, two, and multifamily dwellings.
    - b. **Accessory, business, recreational, and other non-residential uses:** Non-residential uses allowed shall include small retail business operations, community centers, public and semi-public facilities, outdoor recreation, restaurants, home occupations, accessory uses/structures. All such uses shall be in keeping with the residential character of the adjacent areas. No industrial uses shall be permitted in the PD Zone.
      - i. The non-residential uses of a business nature shall not exceed the square footage devoted to residential (and its accessory) uses. This shall be determined by building floor area. Such commercial or service area may be in separate buildings or incorporated within two family or multi-family structures or in suitable combinations of these alternatives.
      - ii. Customary accessory or associated uses, such as private garages, storage spaces, community activities, churches and schools shall also be permitted as appropriate to the PD Zone.
  6. **Common property in the PD:** Common property is not required to be considered for PD status; however, it is often characteristic of such proposals. Common property in a PD is a parcel or parcels of land, with or without improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be presented for the long-term improvement, operation and maintenance of such common property and facilities, including private roads, drives, service and parking areas, plus recreational and open space areas.

### **Section 430 Industrial Zones (I)**

A. **Intent.** Industrial 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. There are, at the time of adoption of this law, no centers of industrial use in the Town. With this in mind and the fact that there are some potentially adequate sites for industry, it is not feasible to select or limit the use to a few arbitrary spots. But it was also intended that industrial uses should not conflict with existing uses. For this reason, review criteria have been written in this section to mitigate any potential conflicts.

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

B. General Requirements and Review Criteria. The following are standards that apply when forming an Industrial Zone:

1. The zone change shall be for a minimum of ten (10) acres.
2. The proposed industrial use shall not cause interference or a nuisance that may be detrimental to adjacent uses.
3. The proposed industrial use shall be compatible with the surrounding neighborhood and in harmony with the general plan for the community.
4. All discharges from the site and or operation shall be retained on-site.
5. In order to preserve the environment and community character Light Industrial and Heavy Industrial use are prohibited in all Forest, Waterfront and Hamlet zones.

### **Section 435 Light Industry Zone (LI)**

This zone shall include sawmills, Tier 1 Battery Energy Storage Systems, WEPS and light industrial uses. Light 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 light industry, the Floating Zone section will be repealed by the Town Board. There will then be a Light Industry Zone and therefore no need for the floating zone.

Light Industrial Uses shall comply with the following standards:

- A. All operations shall comply with applicable Federal, State, and Local air quality standards.
- B. The proposed use shall not be sited within one hundred and fifty feet (150) of a designated wetland or mapped waterbody.
- C. The storage, handling, and use of hazardous materials shall be restricted to the property.
  1. Facilities shall have secondary containment systems to prevent spills and leaks from contaminating the environment.
  2. Facilities shall have a comprehensive emergency response plan to address accidental spills and other emergencies.
- D. Loading and unloading areas shall be designed to minimize traffic congestion, noise, and the need to back into public roadways to the greatest extent practical.
- E. Noise levels shall not exceed 70 decibels at the property line.
- F. All discharges from the site and or operation shall be retained on-site.
- G. In order to preserve the environment and community character Light Industrial and Heavy Industrial uses are prohibited in all Forest, Waterfront and Hamlet zones.

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

### **Section 440 Cluster Development**

#### A. Authorization

The Planning Board of the Town of Greig is hereby authorized to modify applicable provisions of this zoning law pursuant to Section 281 of the Town Law simultaneously with the approval of any plat within the Town, subject to the conditions set forth in this Article.

## B. Purpose

The purpose of cluster development is to permit a procedure for development that will result in improved living and working environments; promote more economic subdivision layout; encourage a variety of types of residential dwellings; encourage ingenuity and originality in total subdivision and individual site design; preserve open space to serve recreational, scenic, and public service purposes, and other purposes related thereto within the densities established for the gross tract.

## C. Density Transfer

In each zone allowing cluster development the lot size may be reduced from the general lot size of that zone to a specific minimum lot size for cluster development. All such lot reductions shall be compensated for by an equivalent amount of land in open space to be preserved and maintained for its scenic value, for recreation or conservation purposes.

In the approval of a cluster subdivision, in no case shall the applicable regulations or use limitations for the zone be changed or modified.

## D. Review Criteria

A permit for a cluster development shall be granted only if evidence is presented which establishes:

1. That the proposed development is compatible with the general purpose, goals,
2. Objectives, and standards of the General Plan, this law, and the Town of Greig
3. Subdivision Regulations.
4. That the proposed building or use complies with all applicable regulations of this law except as modified pursuant to the authority of this Article.
5. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities, and other matters affecting public health, safety, and general welfare.
6. That the proposed cluster development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property, in accordance with the applicable zone regulations.
7. That the proposed cluster development will be served adequately by essential public facilities and services such as highways, roads, parking spaces, police and fire protections, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
8. That the proposed cluster development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

## E. Open Space Requirements

1. Depending on the size and design of the development, it may be necessary that a common open space, permanently reserved and maintained as a landscaped park or recreational space, is provided to serve the homeowners within the development. The area, configuration, and location of such open spaces shall be subject to review and approval of the Town of Greig Planning Board.
2. The land so set aside shall be provided in such a manner that it is usable for recreation or other activities and is accessible to all residents of the subdivision or, where the land has been deeded to the Town, to the public.
3. Cluster open space shall be made available for the use of all residents of the Town unless the Planning Board finds that the size, location, type of development, or cost of development or

maintenance of such cluster open space, or the availability of public open space, would make public use undesirable or unnecessary.

4. If cluster open space is not dedicated to public use, it shall be protected by legal arrangements, satisfactory to the Planning Board, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Planning Board; and any specifications deemed necessary by the Planning Board.

## **ARTICLE V. GENERAL STANDARDS FOR ALL ZONES**

### **Section 505 General**

The standards in **Article V: General Standards**, shall apply to **all land uses, structures, and developments in all zoning districts**, unless expressly stated otherwise.

### **Section 506 Development Agreements**

A. 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 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 solar energy systems, battery energy storage systems (BESS) tier 1 or tier 2, WESP, campgrounds, light industrial, heavy industrial, slaughterhouse, manufactured home parks, and other uses with significant environmental or infrastructure impacts.

B. Consultants and Experts. The Development Agreement shall include provisions for the Town to retain qualified consultants and technical experts, at the applicant's sole expense, to assist in the review of environmental, engineering, safety, and other technical aspects of the proposed project. Such consultants may include, but are not limited to, engineers, planners, attorneys, environmental scientists, and other professionals deemed necessary by the Town.

Cost Recovery. Applicants shall reimburse the Town for all reasonable and necessary costs incurred during the review of the application, including but not limited to consultant fees, legal expenses, and administrative costs, as outlined in the Development Agreement. No final approval shall be granted until all such costs have been paid in full.

### **Section 510 Shoreline Requirements**

~~The purpose of this section is to safeguard the Town of Greig's valuable natural waterbodies, including lakes, rivers, streams, and wetlands, by minimizing the impacts of development and land disturbance near shorelines. These protections help to:~~

1. Preserve water quality by reducing sedimentation, nutrient runoff, and pollution entering the water;
2. Prevent shoreline erosion and maintain natural vegetation that stabilizes banks and supports wildlife habitat;
3. Protect aquatic and terrestrial ecosystems that depend on healthy shoreline buffers;

4. Maintain the scenic, recreational, and economic value of the Town’s waterways for residents and visitors;
  5. Comply with applicable state and regional environmental regulations and best practices.
- By requiring setbacks, vegetated buffers, and controls on clearing and stormwater runoff, this section promotes sustainable land use that balances growth with conservation.

The following standards apply to any development, land disturbance, or land use change occurring within one hundred (100) feet of the mean high-water mark of any permanent or seasonal waterbody in the Town of Greig.

**A. Water Setbacks for Buildings and Structures**

All principal and accessory buildings or structures larger than one hundred (100) square feet—excluding docks, boathouses, and swimming floats—shall be set back from the mean high-water mark as follows:

1. One hundred (100) feet from the shoreline of the following major waterbodies:
  - a.i. Copper Lake
  - a.ii. Drunkard Creek
  - a.iii. Pine Creek, Pine Lake, Little Pine Lake & East Pine Pond
  - a.iv. Bohlings Creek
  - a.v. Catspaw Lake
  - a.vi. Little Otter Lake
  - a.vii. Fish Creek
  - a.viii. Black River
  - a.ix. Independence River
2. 75 feet from the shoreline of all other waterbodies located within the Adirondack Park Blue Line, except:
  - a.i. Properties adjacent to the waterbodies listed in (1)
  - a.ii. Properties zoned WF-2 district (see **Section 510.A.3** below)
3. 50 feet from the shoreline of:
  - a.i. All waterbodies on properties zoned WF-2 district within the Adirondack Park
  - a.ii. All other waterbodies outside the Adirondack Park, except those listed in **Section 510.A.1** above.

**B.** The following activities/land uses shall be set back from permanent or seasonal water on all property throughout the Town of Greig.

**Restriction on Activities in Proximity to Permanent or Seasonal Water**

Land Use	Minimum Setback (Feet)	Notes
Amusement arcades	150	Considered commercial; noise/light concerns near water
Laundromat	150	Wastewater discharge concern
Self Storage Facility	150	Commercial; stormwater considerations
Nursery/Garden Shop	150	Fertilizer/pesticide use prompts wider buffers
Nursing/Convalescent Home	150	Residential use; public health safety priority
Retail, small products	150	General commercial; low environmental impact
Tavern/Bar	150	Similar to general commercial, possibly higher public

		health scrutiny
Agricultural business	200	To prevent nutrient runoff and protect water quality
Manufactured Home Parks	200	Residential use with stormwater runoff concerns
Animal hospital	200	Waste disposal and animal waste management considerations
Kennels	200	Odor, noise, and waste runoff factors
Wholesale	200	Depends on type of goods; often treated like warehouses
Shopping Center	300	Impervious surface area concerns (stormwater)
Warehouse	300	Commercial/industrial runoff concerns
Excavation	300	High erosion and sedimentation risk
Motor Vehicle Repair	300	Fluids, waste, and potential groundwater contamination risk
Recycling Center	300	Solid waste and leachate containment risk
Sawmills	300	Wood waste, runoff, and noise
Retail Gas Outlet	300	Petroleum storage risks
Junk yards	500	Often heavily regulated due to pollutants and visual impacts

B. All sanitary sewage disposal systems must comply with New York State Public Health Law Appendix 75A and applicable local regulations to prevent water contamination.

### C. Shoreline Buffer Area

The shoreline buffer requirements serve multiple purposes. Primarily, they are intended to protect the water quality of the Town's lakes and streams, which are among the cleanest in New York State. Maintaining this high-water quality is essential to supporting tourism, attracting investment, and sustaining ecological health. The buffer standards are designed to reduce erosion, control stormwater runoff, and minimize the potential for pollution from poorly managed development—all while balancing environmental protection with reasonable land use. These requirements also align the Town of Greig's zoning practices with the best management recommendations of the Adirondack Park Agency and the New York State Department of Environmental Conservation.

#### 1. Minimum Buffer Zone

Within the required shoreline setback area, the first 10 feet adjacent to the waterbody shall be maintained as a natural or vegetated buffer to help absorb runoff and prevent erosion. This area may contain native grasses, shrubs, trees, or a mowed no-cut zone with stabilized groundcover.

#### 2. Permitted Activities Within the Buffer

The following are allowed within the shoreline buffer area:

- a.i. Selective mowing and trimming to maintain open views, prevent invasive species, and ensure recreational access.
- a.ii. Access paths no wider than 6 feet for docks, launches, or swimming areas.
- a.iii. Tree removal when dead, hazardous, or approved by the Code Enforcement Officer (CEO).
- a.iv. Minor landscaping that does not involve grading, soil disturbance, or the use of chemical fertilizers within 25 feet of the shoreline.

#### 3. Prohibited Activities

The following are not permitted within the shoreline buffer area without review and approval by the Planning Board or CEO:

- 3.i. Clear-cutting of trees or large-scale vegetation removal
- 3.ii. Soil disturbance, excavation, or grading
- D. iii. Use of herbicides, fertilizers, or pesticides within 25 feet of the shoreline Erosion Control and Stormwater Management
- E. Any construction, land clearing, or grading within 100 feet of a shoreline requires:
  - a.i.1. An Erosion and Sediment Control Plan, and
  - a.i.2. A Stormwater Management Plan, both prepared in accordance with NYSDEC regulations or town specifications. Minor projects (under 5,000 sq ft disturbed area) may use a simplified plan with silt fencing, mulching, or stabilization measures as determined by the CEO.

**Section 515 Parking General**

- A. All uses shall be provided with off-road parking for all vehicles during typical peak use periods. Off-road parking may be located off-site.
- B. Non-residential parking area shall not be located within ten (10) feet of a side lot line. C. A parking space shall not be less than nine (9) feet by eighteen (18) feet exclusive of accessways and driveways.
- C. Existing uses need not provide additional off-road parking unless one or more of the following conditions occur:
  - 1. The use changes.
  - 2. The use expands its gross floor area by twenty-five percent (25%) or more in a three (3) year period.
- D. Where possible parking areas should be located behind the facility served and out of roadside view. Where parking areas must be located in front of a facility adjacent to a public highway, landscaping or visual barriers shall be provided according to **Section 815**.
- E. Where possible the size of all parking areas other than those for dwelling units and dwelling units with a home occupation shall be based on gross leasable area. Where gross leasable area figures are unavailable, gross floor area figures shall be used.
- F. All fractional portions of parking spaces as calculated by Gross Leasable Area shall be deleted if the fraction is less than 0.50; otherwise, one additional parking space is required.

**Section 520 Parking Specific Standards**

- A. Two (2) spaces per dwelling or mobile/ manufactured/ modular home
- B. Dwelling or mobile/ manufactured/ modular home with a home occupation
  - 1. adequate space to accommodate all vehicles during typical peak use periods, or
  - 2. one space for each two hundred (200) square feet of the floor space devoted to the home occupation in addition to the two (2) residential spaces required.
- C. Professional offices/personal services 1 space/ 250 square feet GLA
- D. Retail, small product 1 space/ 250 square feet GLA
- E. Retail, large product 1 space/ 500 square feet GLA

F. Multi-family housing: The Planning Board may reduce the requirement for two (2) spaces per dwelling unit, by no more than fifty percent (50%), where the developer can demonstrate a need for fewer spaces such as in the case of senior citizens housing, or based on a spaces-per-bedroom ratio found to be acceptable by the Planning Board.

G. Shopping Centers

Shopping Center Site (sq. fl. GLA)

25,000 - 400,000	1 space / 250 sq. fl. GLA
400,000 - 600,000	1 space / 250 sq. fl. GLA
600,000 +	1 space / 250 sq. ft GLA

H. Facilities with Drive Up-Service windows require three (3) twenty-(20)-feet-car-length waiting spaces for each drive-up lane. Where multiple drive-up windows exist there shall be one additional waiting space which shall be a common lane.

I. Public and Semi-Public Facilities 1 space per 5 seats

J. Funeral Homes 1 space per 5 seats

K. Industrial Facilities 1 space / 250 sq. ft. GLA

L. Mobile/ Manufactured Home Park 2 spaces / mobile home

1 additional space / 3 mobile/ manufactured homes, centrally located for guest parking and vehicular storage

M. Motel/Hotel 1 space for each dwelling unit or sleeping room plus 1 space for each employee.

**Section 525 Off Road Loading**

A. All uses other than dwellings, agriculture, or home occupations must comply with the following off road loading standards:

First 10,000 sq. ft GLA	1 berth
Each additional 20,000 sq. ft.	1 berth

B. Where the use, traffic generation or function of a site is such that it can be shown by the applicant that the number of berths required is not justified, the Planning Board may vary these requirements.

**Section 530 Signs, Exempt**

A permit shall not be required for the following signs:

A. Temporary Signs

1. Announcing Signs. One (1) sign per road frontage of a building which is under construction or structural alteration or repair announcing the character of the building enterprise or the purpose for which the building is intended, one (1) sign per other construction project, including names of architects, engineers, contractors, developers, financiers, and others, provided the area of such, sign shall not exceed thirty-two (32) square feet. Such sign shall not remain for longer than one (1) month following completion of the project.

2. Real Estate Signs. One (1) sign per road frontage not exceeding sixteen (16) square feet advertising the sale, rental, or lease of the premises on which displayed. All such signs shall be removed within five (5) days after the sale or lease of the property has been consummated and all such signs must be set back at least fifteen (15) feet from any designated road line.
  3. Subdivision Signs. One (1) sign per road entrance to the subdivision and located on the property to be subdivided, provided such sign shall not exceed thirty-two (32) square feet in area. Such sign may not be erected until the subdivision has been approved by the appropriate officials and may be displayed for a period of one (1) year from the date of erection. Erection date will be determined to be the same as the subdivision approval date. The display period may be extended by written approval of the Planning Board for a reasonable period of time, not to exceed one (1) year at any given time.
  4. Sale Ad Signs. Signs advertising sales of goods or merchandise. The area of such sign shall not exceed thirty-two (32) square feet in sign area.
- B. Institutional Signs. One sign or bulletin board per road front, setting forth or denoting the name of any public, non-commercial, charitable, or religious institution when located on the premises of such institution, provided such sign or bulletin board shall not exceed thirty-two (32) square feet in area.
  - C. Public Signs. Signs of a public or non-commercial nature, which shall include community service information signs, public transit service signs, public utility information signs, safety signs, danger signs, trespassing signs, signs indicating scenic or historic points of interest, traffic control signs, and all signs erected by a public officer in the performance of a public duty.
  - D. Subdivision, Mobile/ Manufactured Home Parks, or Tract Name Signs. One non-illuminated sign not to exceed twenty (20) square feet in area per entrance to a subdivision or tract, such signs shall be restricted to the subdivision or tract name.
  - E. Flags. Official flags of government jurisdictions, including flags indicating weather conditions and flags which are emblems of religious, charitable, public, and nonprofit organizations.
  - F. Plaques. Commemorative plaques placed by historical agencies recognized by the town, the County of Lewis or the State of New York.
  - G. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
  - H. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
  - I. Signs not exceeding three square feet in area and bearing only property numbers, post office box numbers, or names of occupants of premises.
  - J. For multiple dwelling projects, one (1) sign, building or ground mounted, indicating the name of the project. Such sign shall not exceed twenty (20) square feet in area or per side if double-faced.

### **Section 535 Signs Prohibited**

The following sign types shall not be allowed at any location within the Town of Greig.

- A. Any sign, which advertises an activity, not conducted on the premises or a product not available for sale on the premises upon which such sign is maintained.
- B. All signs- portable or otherwise over thirty-two (32) square feet in size.
- C. Any sign, which has flashing, lights, moving parts, or projections beyond its area.

- D. Any sign which projects above the roofline of a building.

### **Section 540 Sign General Standards**

All signs shall be subject to the following general standards.

- A. All signs shall be erected and constructed so as not to obstruct traffic, cause visual blight, nor detract from the value of property adjacent to that property upon which said sign is erected. All signs shall be compatible within the context of its visual and physical environment. In making such determination consideration shall be given to the following elements:

1. Size, bulk, and mass.
2. Texture and materials.
3. Colors.
4. Lighting and illumination.
5. Orientation and elevation.
6. General and specific location.
7. Proximity to roads and highways.
8. Design, including size and character of lettering, logos, and related contents.
9. Frequency and nature of all general and business signs and official regulatory signs and devices which are within the immediate field of vision.

B. The sign area of all signs unless otherwise specified shall not exceed ten percent (10%) of the total square footage of that side of the building upon which said sign is to be affixed or in front of which side said sign is to be placed. However, in no case shall a sign, excluding a farm name or other farm identification, exceed thirty-two (32) square feet in area.

C. All signs advertising home occupations shall not exceed sixteen (16) square feet in area and shall be attached flush to the building.

D. No sign shall project into the public right of way.

E. All signs shall be limited in wording and graphics to the name of the establishment and its principal service or purpose.

F. No sign shall exceed twenty (20) feet in overall height, measured from the highest level of natural ground immediately beneath the sign to the highest point of the sign or the supporting structure thereof.

G. No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. All luminous signs, indirectly illuminated signs, and lighting devices shall employ only lights emitting light of constant intensity.

H. No luminous sign, indirectly illuminated sign, or lighting device shall be placed or directed so as to cause glaring or non-diffuse beams of light to be cast upon any public road, highway, sidewalk, or adjacent premises, or otherwise to cause glare of reflection that may constitute a traffic hazard or nuisance. No sign shall in its construction employ any mirror or mirror-like surface, nor any day-glowing or other fluorescent paint or pigment.

I. All signs must be set back at least fifteen (15) feet from any designated road line unless said sign is to be attached to a building which is set back less than fifteen (15) feet from any designated road line. In this case any sign, which is attached to, said building must be attached flush to building and/or not protrude more than twelve (12) inches from the surface of the building.

- J. All signs shall not exceed one sign per road frontage of the building or use being advertised except that each five hundred (500) feet of frontage shall be considered an additional frontage. Provision can be made for more than one (1) sign but no more than two (2) signs per five hundred (500) feet of frontage provided that the cumulative total of sign areas does not exceed the standard set in **Section 540 B.**, above.
- K. In the event any standard set forth in this law conflicts with any other standard set forth in this law the more restrictive standard shall apply.
- L. Only municipal signs may be placed, painted or attached upon trees, works or natural features on the site, or on utility poles, bridges, or culverts.
- M. All signs, together with their surfaces shall be kept in good repair. The display surfaces shall be kept neatly painted at all times.
- N. Any nonconforming sign existing in the town at the time of the adoption of this law, or an amendment thereto, shall only be replaced by a sign conforming to the regulations for this district.
- O. Any business, enterprise, institution, or other advertising entity that ceases operations shall remove their signs within ninety (90) days of such cessation.

**Section 545 Junkyards/Junk Vehicles**

All junkyards and junk vehicles shall comply with the provisions of the Lewis County Junkyard Law, adopted October 6, 1987, most recently amended by Local Law 3 of 2021 and as amended in the future. Not more than three junkyards may exist/operate in the Town at any one time. Nothing in this law shall be construed to pre-empt the enforcement of the Lewis County Junkyard Law by the County of Lewis in all areas of the Town of Greig.

**Section 550 Home Occupation**

- A. A home occupation must be conducted within a dwelling that is a bona fide residence of the principal practitioner or within an accessory building on the residential property such as a garage.
- B. Such uses shall clearly be incidental and secondary to the use of the dwelling unit for residential purposes and shall not utilize or occupy more than twenty (20%) percent of the gross floor area of the dwelling and its accessory buildings.
- C. There shall be no outdoor display of goods or products, nor shall there be any outdoor storage of materials used in the home occupation, without prior review and approval by the Planning Board.
- D. Permitted signage shall be as specified in **Section 540** herein.
- E. Off-street parking shall be provided for expected average peak weekday number of clients customers, patients or other visitors in the side or rear yard, in addition to parking required for the dwelling. Such off-street parking shall be located at least (10) ten feet from any side or rear property line, shall be surfaced, screened or fenced as directed by the Board, and shall be so lighted that there will be no direct light into adjacent properties or streets.
- F. No dwelling shall include more than one (1) home occupation.
- G. Not more than one person other than residents of the dwelling shall be employed as part of the home occupation. (Equivalent to one (1) FTE – see definitions).

H. In no way shall the appearance of the structure be altered or the operation within the residence be conducted in a manner that would cause the residence to differ from its residential character either by use of colors, materials, construction, lighting, or the emission of sounds, noises or vibrations.

I. No use shall create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent than usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.

J. A home occupation shall not include any of the following: garages and shops for the repair or maintenance of motor vehicles, commercial stables and kennels, restaurants, tourist homes, rooming or boarding houses, clinics; musical and dancing instruction to groups exceeding four (4) pupils, or other trades and businesses of a similar nature.

K. A home occupation shall not include any trucking business, construction business, well-drilling business, excavation business or similar business that involves parking or storing on the property at any time any truck or trailer greater than twenty-four (24) feet in length, any piece of earth moving equipment, any well drilling rig, or any other similar heavy equipment or vehicle used in the conduct of the business.

L. No home occupation shall be conducted without a Special Permit authorized and approved by the Planning Board.

### **Section 551 Garage Sales**

Garage, Yard or Patio sales as defined in this law may be conducted as follows:

A. Each sale shall last no more than three (3) consecutive days, beginning each day no earlier than 8:00 am and ending no later than 8:00 pm. Personal property sold at the sale shall not include goods obtained for the purpose of resale.

B. Only temporary advertising signs conforming to zoning regulations shall be permitted. Signs may not be posted earlier than four days prior to the sale. All signs must be removed the day following the sale. One on-premises sign shall be allowed.

C. Off premise sign: no more than four signs advertising the garage sale shall be placed off the premises on which the sale is being conducted, but the sign shall not be attached to any telephone or electric company poles.

D. Violations of any provision of this section shall be subject to the normal penalties of **Section 930** of this Zoning Law.

E. In no case shall any sales become outlets for wholesale or retail commercial sales.

F. No personal property offered for sale at a yard sale shall be displayed in any public right of way.

G. Any and all items that remain from the yard sale after the third day must be removed or stored in an enclosed area within 48 (forty-eight) hours after said yard sale.

H. Any person selling a single item of personal property, which is specifically named or described in an advertisement offering the item for sale, is exempt from the above regulations.

### **Section 552 Flea Markets**

- A. Flea Markets are permitted in the Hamlet Zoning District only.
- B. No organization shall conduct more than 2 sales in any calendar year.
- C. Time and duration and signage are the same as Garage Sale requirements.
- D. The sponsoring organization must provide for adequate parking and traffic control.
- E. Appropriate sanitation facilities shall be provided by the sponsoring organization.
- F. If attendance at any given time is anticipated to exceed 500 people, the Town of Greig Mass Gathering Law #1-2007 or as amended, must be complied with.
- G. No person shall sell or offer for sale at any Flea Market any goods known by such person to be stolen.
- H. No flea market seller shall purchase any used household items, antiques, or used articles whatsoever for or from any person under the age of 18 years unless such person is accompanied by the persons parent or guardian.

No person, firm or corporation shall operate the business of renting space or allocating space to flea market sellers without obtaining a Special Permit from the Town Planning Board.

Flea Markets sponsored by churches, charitable organizations, schools and other non-profit organizations are exempt from obtaining a Special Permit.

### **Section 555 Travel Access Standards**

Access to all sites locations shall be consistent with the standards set forth in the "Policy and Standards for Entrances to State Highways," as revised, published by the State of New York Department of Transportation.

### **Section 560 Septic Systems**

If a use is not connected to public sewerage, systems installed after 12-1-90 must meet the requirements of NYS Public Health Law Appendix 75A. Alterations will be in accordance with the Town of Greig On-Site Sewage Treatment and Dispersal Law # 2-2005 Dated 5-19-05 or amended.

### **Section 565 Roads**

All public or private roads serving three (3) or more lots, constructed to serve or intended to serve as thoroughfares, shall meet town road standards as set forth by the Greig Town Board, in the Town of Greig, Subdivision Control Law dated 11-16-05 or as amended.

Private rights of way serving one (1) or two (2) properties shall have a minimum thirty (30) feet right of way, sixteen (16) feet of which must be at least six (6) inches of crushed stone or approved alternate. Except where the right of way is defined by deed.

### **Section 570 Individual Mobile/Manufactured Homes**

- A. General: No mobile /manufactured home shall locate in the Town except when permitted by right, with the following exceptions:
  1. Emergency Dwelling: With the permission of the owner or lessee, a manufactured home may be temporarily placed and occupied as an emergency dwelling on any property in the Town,

regardless of prior development on or current use of such property, exempt from the requirements of **Section 570 B, and C**, conditioned upon the following:

- a.a. The need for such emergency dwelling resulted from the loss by flood, fire or other disaster of an existing dwelling within the Town;
  - a.b. Temporary arrangements for safe access to the property, adequate potable water supply, sanitary disposal of sewage, safe storage of liquefied petroleum gas and anchoring are provided within forty-eight (48) hours of such placement and occupancy by means either onsite or off-site;
  - a.c. A temporary permit application shall be obtained from the Office of the Town Clerk. Such application shall be filed with the *Zoning Enforcement Officer* within seventy-two (72) hours of the placement of the emergency dwelling;
  - a.d. The emergency dwelling is removed from such temporary site not more than three (3) days after service of a notice of determination by the Planning Board denying the temporary permit on account of failure to meet any of the foregoing conditions.
  - a.e. Except as provided herein, no other improvements to or alteration or disturbance of the property shall be caused by such placement and occupancy of an emergency dwelling and no rights to develop such property shall be thus established other than as are permitted in full compliance with the provisions, regulations, standards and procedures of this law.
2. Temporary Dwelling: The Planning Board may grant a temporary permit for the installation of a mobile/manufactured home as a temporary dwelling or office on an individual lot during the construction of a principal building(s) on such lot. The mobile/manufactured home shall be exempt from the requirements of **Section 570 B**.
  3. Agricultural Use: Upon proof of special necessity for an agricultural dwelling where a dwelling is needed for a person employed full-time in the operation of the farm the Zoning Enforcement Officer may grant a zoning permit for the installation of a single manufactured home to be placed on the same lot as the principal use conditioned upon the following:
    - a. The manufactured home must be occupied by a person employed full-time in the operation of the farm.
    - b. The manufactured home shall be removed within six (6) months from the date when the special necessity ceases.
- B. Restrictions on Occupancy
1. Every manufactured home shall have a pitched roof of a minimum ratio of 1/4.
  2. Any manufactured home located in the Town of Greig shall be in compliance with standards equal to or stricter than the U.S. Department of Housing and Urban Development (HUD) Manufactured Mobile Home Construction and Safety Standards, 24 CFR Part 3280 (1976), and as amended. The owner or applicant is responsible for providing adequate assurance that these standards have been complied with. The presence of a permanent certification label affixed to the manufactured home by the manufacturer shall be presumptive evidence that the construction of a manufactured home is in compliance with such standards.
  3. Every manufactured home shall be equipped with at least one smoke or heat detector to give warning to occupants in case of fire.
- C. Manufactured Home Skirting
1. Each manufactured home shall be provided with a skirt to screen space between the manufactured home and the ground.
  2. Such skirts shall be of permanent material providing a finished exterior appearance.

3. The materials used for skirting shall be fire resistant.

### **Section 575 Flood Plain Standards**

All uses shall also comply with the Town of Greig Flood Damage Prevention Local Law, Local Law 4-08, of 2008, and as amended.

### **Section 576 Land Clearing and Forest Preservation**

#### **A. Purpose and Findings**

The Town finds that forested areas within the Town provide important environmental benefits, including carbon sequestration, oxygen production, erosion control, and habitat for wildlife. Large-scale clearing of forested land for development, including renewable energy projects, can reduce these benefits and may be counterproductive to overall environmental and climate objectives. The Town further finds that limiting forest clearing and requiring the preservation of mature trees is consistent with sound land use planning, environmental protection, and the Town's goals for sustainable, renewable energy development. Comprehensive plan surveys indicate a strong desire to maintain the town's rural, forested character.

#### **B. Applicability**

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 greater, of forested land. This includes, but is not limited to, the development of:

- Wind Energy Systems (WESP)
- Battery Energy Storage Systems (BESS)
- Solar Energy Systems
- Commercial, industrial, or large-scale residential projects

#### **C. Requirements**

1. Tree and Vegetation Inventory: Applicants shall submit a tree and vegetation inventory as part of the site plan or special use permit application, identifying all trees over [e.g., 6 inches DBH] and delineating areas of forest cover.
2. Minimization of Clearing: Site plans shall demonstrate that forest clearing has been minimized to the greatest extent practicable. Clustering of development and alternative site layouts may be required to preserve mature trees and contiguous forest areas.
3. Preservation Zones: The Planning Board may designate "no-clearing zones" or "tree preservation areas" where clearing is prohibited, particularly in areas with steep slopes, wetlands, or critical wildlife habitat.
4. Mitigation: Where clearing is unavoidable, the Town shall require reforestation, tree replacement, or conservation easements as mitigation measures.

#### **C. Review and Enforcement**

The Planning Board shall consider the extent of proposed clearing during site plan and special use permit reviews. Violations of this section may result in stop-work orders, fines, or restoration requirements as provided in the enforcement provisions of this law.

### **Section 580 Individual Travel Trailers**

A. Regulation: The term travel trailer may be used interchangeably with recreational camping vehicles, all provisions that apply to travel trailers also apply to recreational camping vehicles as in this Law they are considered the same.

1. Storage:

A maximum of two (2) travel trailers may be stored outside (unoccupied and not used for living quarters), if the recreational camping vehicle is owned by the real property owner or the tenant, or by a family member residing on the same lot.

2. Occupancy:

A maximum of two (2) recreational camping vehicles may be located on a lot owned by the registered recreational camping vehicle's owner or by a family member for occupancy subject to the following conditions:

- a. If potable and sanitary water is supplied, then it shall meet the standards as promulgated by the NYS Department of Health.
- b. On-site sanitary sewage disposal is required.
- c. Travel trailers must remain mobile; no accessory structures may be attached.
- d. The travel trailer must remain licensed, registered, and inspected for highway use, and at all times the travel trailer(s) must remain capable of use on public highways.
- e. No travel trailer shall be used as a permanent residence (over 180 days within a calendar year).
- f. The placement of all travel trailers shall meet all required yard setback requirements of the zoning district in which it is located when in use. (Temporarily stored travel trailers (30 days or less) are exempt from setback requirements.) Zoning use can be found in the Town of Greig Zoning Laws **Section 410 and 415**.
- g. A permit is obtained from the Zoning Officer.
- h. One travel trailer per parcel may be rented except for Waterfront 2 (WF-2) and the Hamlet (H) where no rental is allowed. No additional travel trailer may be rented without a Campground Special Permit from the Town of Greig Planning Board.

B. Permit Requirements

1. A permit is required if a travel trailer is to be occupied for more than 30 days during a calendar year.
2. The completed application, along with a copy of the proposed site plan drawn to scale or indicating dimensions, and the nonrefundable permit fee per each recreational vehicle, or as set by the Greig Town Board, shall be returned to the Zoning Officer. The site plan shall show the dimensions of the lot; the location of all existing buildings; the dimensions and capacities of all existing or proposed sanitary and water facilities; and all natural water courses, ponds or surface drainage patterns.
3. The applicant shall also show proof that the travel trailer(s) are licensed, registered, and inspected.
4. Upon receipt of the application and site plan, the Zoning Officer shall review the application for completeness. The Zoning Officer shall then determine whether requirements of other Town, State, or Federal laws apply and whether applicable permits are necessary. The Zoning Officer/ Planning Board shall determine whether a County Planning Board referral is necessary and if it is, the Town will prepare the General Municipal Referral Form and respective Environmental Assessment Form and specific project documentation to the County for review.
5. Prior to any site preparation, the Zoning Officer shall conduct an on-site inspection. To assist with the inspection, the applicant may be required to locate stakes on the site in conformity with the information shown on the site plan,

6. Upon determination by the Zoning Officer that the proposal has met all the requirements of this law, the Zoning Officer may issue the permit.
7. The costs of any site inspections, tests, or professional consulting needed to comply with the regulations of this law shall be paid by the applicant.
8. Permits are valid from April 1<sup>st</sup> of the current year to March 31<sup>st</sup> of the subsequent year and are renewed annually via payment to the Town Clerk. Fee schedule available from the Town Clerk and may be revised periodically by the Town Board.

### **Section 581 Retaining Walls**

Retaining walls within fifty (50) feet of water, and within the Adirondack Park, are regulated by the APA and their approval must be obtained. Retaining walls located anywhere on a lot, that exceeds four (4) feet in height, require a Zoning Permit and may require a Building Permit. A retaining wall along a street frontage must be located at least 10 feet from the edge of the road right of way and must also have the approval of the Town of Greig Highway Superintendent and may require approval from the Building Code Enforcement Officer.

### **Section 582 Tents**

Tenting is allowed for recreational use only and not as a primary residence. Tenting should be limited to locations with landowner permission, Singing Waters Campground, and Lewis County/ New York State Lands where tenting is allowed.

Since tenting is not intended to replace a primary residence, tenting sites shall be limited to 14 consecutive days. Should enforcement be necessary, the Zoning Officer will provide one written Notice of Violation allowing 5 days for corrective action. If the violation(s) have not been corrected to the Zoning Officer's satisfaction at that time, an appearance ticket shall be issued. For further information on Violations, refer to **Section 930**.

### **Section 585 Accessory Structures - Waterfront, Docks, Boathouses, Floating Rafts**

Accessory structures whose primary purpose is related to the recreational use of the waterway such as boathouses, docks, anchored swimming floats, and other similar structures shall be permitted only according to the following:

- A. One Boathouse and one dock shall be permitted on any shoreline lot containing at least one residential structure, including any shoreline lot separated by a street from the dwelling lot in the same ownership. Lots with two existing docks as of the effective date of this local law shall be considered preexisting nonconforming and may be maintained or replaced in kind, but no new second docks shall be constructed unless authorized by variance.
- B. No dock, boathouse, or anchored swimming float shall project across the extension of the side lot lines of any lot or right-of-way as such lines are projected in a continuous straight line into the waterway.
- C. Boathouses and docks shall not extend more than 40 feet into the water or to a 6-foot depth of water, whichever comes first measured from the shoreline, except that such structures in no case extends into water to any distance which interferes with navigation or access to adjoining lots. All boathouses and docks shall conform to the required side yard setback applying to the principal building in the district.

- D. Boathouse: means a covered structure with direct access to a navigable body of water which:
1. Is used only for the storage of boats and accessory equipment;
  2. Does not contain bathroom facilities, sanitary plumbing, or sanitary drains of any kind;
  3. Does not contain kitchen facilities of any kind;
  4. Does not contain any heating system of any kind;
  5. Does not contain any beds or sleeping quarters of any kind and;
  6. Does not exceed a single story.
  7. No knee walls will be allowed. If there is any floor above the 1st floor ceiling joist (as opposed to open framing) then there cannot be any windows or dormers above the level of the ceiling joist and no fixed stationary stairs or ramps (exterior or interior) may access the attic storage area, although stairs can be used for access to an attached deck, and in the area above the 1st floor ceiling joist there can be rough framing only with no finished flooring, walls or ceiling.
- E. Dock: means a floating, removable and/or fixed structure that:
1. extends into or over a lake, pond, or navigable river or stream from only that portion of the immediate shoreline or boathouse necessary to attach the floating or fixed structure to the shoreline or boathouse.
  2. is no more than eight (8) feet in width or, in the case of inter-connected structures intended to accommodate multiple watercraft or other authorized use, each element of which is no more than eight (8) feet in width; The total surface area of all docks on a property including all finger docks or similar components, shall not exceed 300 square feet in area, and;
  3. is built or used for the purposes of securing and/or loading or unloading watercraft and/or for swimming or water recreation.
- F. Other than a dock, any structure, which exceeds 100 square feet in size, which provides access to the boathouse from the shore, will require a variance from the APA and Town from the rear lot line setback requirements. Decks or porches, which are above the water level and extend beyond the footprint of any boathouse, are subject to shoreline setback restrictions, if these portions, which extend beyond the structural footprint, exceed 100 square feet in aggregate.
- G. One mooring buoy and one swimming float of not more than 100 square feet of surface area shall be permitted within the waters adjacent to and within the boundaries of the extensions of the sidelines of the lot, provided, however, that such objects and boats secured to such objects, shall not extend more than 100 feet from the shoreline or beyond the boundaries of the extensions of the side lot lines, further provided that such objects may in no case be placed in a navigable channel or in any location which might pose as a navigation hazard, interfere with navigation, visibility or with access to adjoining lots.

### **Section 586 Solar Energy Systems, Accessory**

**Permitted Accessory Use-** Active solar energy systems shall be allowed as an accessory use (except in WF-2) in all zoning districts, where structures of any sort are allowed, subject to certain requirements as set forth below. Active solar energy systems that do not meet the visibility standards in C, below will require a Special Permit. Zoning Permits are required for all installations.

- A. **Height** – Active solar energy systems must the following height requirements:

1. Building –or- roof mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.
  2. Ground – or pole-mounted solar energy systems shall not exceed twenty (20) feet in height when oriented at maximum tilt.
- B. **Set-back** – Active solar energy systems must meet the accessory structure setback for the zoning district, on the lot which the system is located. (no relief will be allowed for pre-existing non-conforming lots)
1. **Roof-mounted Solar energy systems** – In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall not be allowed to extend beyond the perimeter of the building on a side yard exposure.
  2. **Ground –mounted Solar energy systems** – Ground –mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.
- C. **Visibility** – Active solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way other than alleys, including Lake Front. The color of the solar collector is not required to be consistent with other roofing materials.
1. **Building Integrated Photovoltaic Systems** – Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of- way, provided the building component in which the system is integrated meets all required setback land use or performance standards for the district in which the building is located.
  2. **Solar Energy Systems with Mounting Devices** –Solar Energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of way other than an alley. Roof mounted systems that are visible from the nearest edge of the street frontage right-of-way, or lake front, shall not have a highest finished pitch that is more than five (5) percent steeper than the roof pitch on which the system is mounted and shall be no higher than twelve (12) inches above the roof.
  3. **Coverage-** Roof or mounted solar energy systems, excluding building integrated systems shall not cover more than 80 percent of the south facing or flat roof upon which the panels are mounted, and shall be set back from the roof edge by a minimum of one (1) foot. The surface of pole or ground mounted systems shall not exceed half the building foot print of the principal structure.
- D. **Approved Solar components** – Electric solar energy system components must have a UL listing and solar hot water systems must have and SRCC rating.
- E. **Plan approval required** – All solar energy systems shall require plan approval by the Zoning Officer and may require approval of the Building Code Enforcement Officer.
1. Plan applications for solar energy systems shall be accompanied by a scale, horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for ground mounted systems including the property lines.
    - a. **Pitched Roof Mounted Solar Energy Systems** – for all roof mounted systems other than a flat roof the elevation must show the highest finish slope of the solar collector and the slope of the finished roof surface on which it is mounted.

- b. **Flat Roof Mounted Solar Energy Systems** – for flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building and the highest finished height of the solar collector above the finished surface of the roof.
- 2. **Plan Approvals** – Applications that meet the design requirements of this ordinance and do not require an Administrative Variance shall be granted approval by the Zoning Officer. Plan approval does not indicate compliance with Building Code or Electrical Code.
- F. **Compliance with Building Code** – All active Solar Systems shall meet New York State Building Code. **Note:** Roof mounted units require stamped engineered approval of the roof structure.
- G. **Compliance with the National Electric Code** – All photovoltaic systems must meet National Electric Code requirements.
- H. **Installation or Decommissioning requirements**- if a Solar Collector ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities by later than 90 days after the end of the twelve (12) month period.

**Section 587 Wind Energy Systems Accessory (WESA)**

- A. A WESA system shall be located on a parcel consisting of a minimum of five (5) acres in size. Five (5) acres may include not more than two adjacent parcels meeting all the other criteria of this law.
- B. The WESA shall be setback from all property lines, public roads, residences a distance equal to at least 1.5 times the total height of the WESA.
- C. The WESA shall comply with all FAA regulations.
- D. The systems tower and blades shall be painted a non-reflective unobtrusive color that blends the system and its components into the surrounding landscape.
- E. The systems tower shall be free-standing.
- F. The system shall be designed and located in such a manor to minimize adverse visual impact from public viewing areas, (i.e. public parks, roads and trails) or historic sites. To the greatest extent possible a WESA shall use natural land forms and vegetation for screening.
- G. All onsite electrical wires associated with the system shall be installed underground except for “tie- ins” to the public utility company, and public utility company transmission poles, towers and lines.
- H. The WESA shall be operated such that no disruptive electromagnetic interference is caused.
- I. All WESA shall be designed and constructed in compliance with the pertinent provisions of the unified Building Code and National Electric Code.
- J. All the WESA shall be equipped with manual and automatic over-speed control.

K. All WESA units shall be maintained in good condition and in accordance with all requirements of this section.

L. To ensure the proper removal of the WESA, a Decommissioning Plan may be submitted as part of the application. Compliance with this plan may be made a condition of the issuance of special use permit approval under this section. The Decommissioning Plan must specify that after the WESA can no longer be used, it shall be removed and disposed of by the applicant or any subsequent owner in a lawful and environmentally proper manner. The plan shall demonstrate how the removal of all infrastructure, access roads, fencing, and signage and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer licensed to practice in the State of New York for the proposed WESA must be completed in accordance with the Decommissioning Plan. The applicant may be required to provide financial sureties, as set forth, for the removal of the WESA. Pursuant to the execution of the decommissioning plan, the applicant shall provide the Town with a bond in an amount determined by the Town Board to cover the expense of removal of the facility and remediation of the landscape in the event the Town must remove the facility. The amount of the bond or security shall be 115 % of the cost of removal of the wind power generating facility and restoration of the property. The amount of the bond or security shall be updated by a qualified independent engineer licensed to practice in the State of New York to reflect inflation and any other changes after one year of project operation, and every third year thereafter. Updated amount figures will be filed with the Town Board. The bond or security shall be in a form acceptable to the Town attorney, which includes, but is not limited to, an escrow account, a letter of credit, a perpetual bond, or any combination thereof. **Section 720 B** should be followed concerning an executed contract between the Town and the applicant and all such approvals therein.

M. All WESA which is not operational and in use for 12 months shall be deemed abandoned and the WESA shall be dismantled and removed from the property at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any or all conditions that may be attached to the granting of any permit shall constitute grounds for the revocation of the permit and the permit holder shall remove the system, mount, and associated equipment and facilities by no later than ninety (90) days after the end of the twelve (12) month period. Failure to comply with this section will result in enforcement action detailed in **Section 930** of this law. If the WESA is not decommissioned after being considered abandoned, the Town may remove the system, restore the parcel to its original state, and impose a lien on the property to cover costs to the municipality to the extent not covered by any surety/bond required.

### **Section 590 Fences**

No owner or occupant of a lot or premises located within the Town shall erect or maintain any perimeter fence or gate except in accordance with the following provisions. Agricultural fences are exempt from these provisions except for provision G.

- A. A fence erected or maintained in the front yard, or side yard, of any lot or premise shall not exceed four (4) feet in height within the front yard setback area (fifty (50) feet as measured from the road edge) or the front of the present structure, whichever is closer.

- B. The height of a fence shall be measured from the unaltered grade at the base of the fence to the highest point in the fence.
- C. The good or finished side of the fence is to face the adjoining properties in the case of an interior lot line or to the public street or right-of-way in the case of a property line contiguous with a public place.
- D. All fences must be maintained in a sturdy, safe condition and must be structurally sound and suitably painted or otherwise finished at all times unless the fence has a natural wood finish. Any slats, components or members must be replaced if and when they become loose or missing.
- E. The fence must be located fully within the property lines of the subject premises.
- F. In no case shall any fences, hedges, trees or shrubbery be located less than fifteen (15) feet from the road edge, or if, in the judgment of the Supervisor of Highways, it is deemed a safety hazard or obstructs the view of vehicular or pedestrian traffic on such roads.
- G. The perimeter of the property as referred to in this section is defined as:  
The area between the property line and the appropriate set back distance as defined in **Section 415**.

### **Section 595 Special Events**

All special events shall comply with the provisions of the Town of Greig Mass Gathering Law Local Law 1-2007 dated 5-16-07 and as amended.

A Town of Greig Mass Gathering Permit shall be required in accordance with such local law and shall constitute compliance with the permit requirements of this law.

### **Section 596 Outside Wood Furnaces/Boilers**

- A. All new furnaces/boilers installed after the effective date 5-13-2009 of this law must obtain a Solid Fuel Burning Permit prior to installation of said furnace/boilers.
- B. Standards:
  1. An outdoor wood furnace/boiler shall be tested and listed to appropriate safety & standards such as Underwriters Laboratories, CAN/CSA (Canada National Standards) ANSI (American National Standards), and meet NYS EPA Standards.
  2. Owners must submit a site plan to show where the unit will be located on the property. Said plan will state distances from the owner's structure, from the property line and distance from the neighbor's residence, not being served by the furnace/boiler. This plan will be submitted along with the application for permit to the Zoning Enforcement Officer.
  3. Outdoor wood furnaces/boiler shall be installed, operated, and maintained per the manufacturer's instructions, and the law of the Town of Greig.
  4. Only natural clean wood or the manufacturer's listed fuels may be burned. Burning of any other materials is prohibited and shall include but not limited to: trash, plastic, gasoline, rubber, naphtha, household garbage, materials treated with petroleum products, particle board, railroad ties, pressure-treated wood, leaves, painted wood, varnished or coated wood containing resins or glue, newspapers or cardboard with any in or dye products, household or commercial grease/oils.

5. Users must follow the manufacturer's written instructions for recommended loading times and amounts.
6. Lighter fluid, gasoline or chemicals to start the furnace/boiler are prohibited.
7. Stack Location:
  - a. No stack pipe less than ten feet (10') in height.
  - b. If located from the front lot line – the wood boiler should be no closer than house to the road line.
  - c. From the side/rear of the line – the unit should be no closer than 50 feet to property line.
  - d. If located more than 100 feet from another residence not being served by the furnace/boiler, stack requirement (See Item 8d) must be met.
8. Stack Requirements
  - a. As per stated, no stack less than 10 feet in height (Measurement: elbow to top of pipe).
  - b. If located 50 feet to any adjoining residence not served by the furnace/boiler, the stack must be at least two feet higher than the peak line of that residence, plus additional two feet.
  - c. If located more than 50 feet, but no more than 100 feet, to any residence not being served by the furnace/boiler, the stack must be at least 75% of the height of the peak line of that residence, plus an additional two feet.
  - d. If located more than 100 feet but no more than 150 feet to any residence nor served by the furnace/boiler, the stack must be at least 50% of the eave line of that residence, but an additional two feet.
  - e. If located more than 150 feet but no more than 200 feet to any residence not served by the furnace/boiler, the stack must be at least 25% of the height of the eave line, plus additional two feet.
  - f. If located more than 300 feet from any residence nor served by the furnace/boiler, the stack must be the stated required minimum 10 feet height.

#### C. Inspection / Enforcement

1. Any resident who has secured a permit to install an outdoor furnace/boiler in doing so will also be agreeing to allow a person designated by the Town to inspect outdoor furnace/boiler if a complaint is filed in writing relative to any violation of this chapter.
2. Said inspection will be made by Building Code Enforcement Officer, after receiving paid permit and site plan; and after completion of installation. All furnace/boiler owners will provide to the Building Code Enforcement Officer an approval certificate from electrical inspection.
3. Any written/signed complaint of violation may be investigated by the Building Code Enforcement Officer. Violators will be provided with written suspended permit to burn until violation is corrected; unless no violation is found.
4. A suspended permit may be reinstated once the condition which resulted in suspension is remedied and reasonable assurances are given that such condition will not reoccur after inspection by the Building Code Enforcement Officer.

#### D. Effect On Other Regulations:

1. Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules or regulations promulgated by United States Environmental Protection Agency, New York State Department of Environmental Conservation, Adirondack Park Agency or any other Federal, State, Regional or Local Agency.
2. Outdoor furnaces/boilers, and any electrical plumbing, apparatus or device used in connection with an outdoor furnace/boiler shall be installed, operated and maintained in conformity with the

manufacturer's specifications and any and all local, state and federal codes, laws, rules and regulations.

**Section 598 Two Family Dwelling by Conversion**

- A. Floor area, health, safety, and sanitary conditions shall be adequate to ensure livability and in particular will provide a minimum floor area of six hundred (600) square feet per dwelling unit.
- B. Conversion shall not physically alter the structure so that it is inconsistent with the size, scale, and character of surrounding dwellings; the size of the lot and available yards shall be sufficient to provide reasonable outdoor space and privacy for the two households and the numbers of persons to be housed.
- C. Special Permits, Building Permits, and Zoning Permits are required for conversions.

**Section 599 Two Family Dwelling / Duplex; Multiple Family Dwelling; Condominiums; Townhouses**

- A. The intent of such Special Uses which may be permitted in all Zoning Districts except WF 2 is to accommodate the need for a variety of dwellings in the Town, including but not limited to rental dwellings, dwellings provided by commercial uses for seasonal employees, and attached one-family owner-occupied dwellings, without disrupting or otherwise adversely impacting the integrity, harmony, scale and character of existing concentrations of detached one family dwellings. Multiple family dwellings; condominiums may be permitted in the Hamlet, RR-1, and RR-2 (may require APA approval) Zoning Districts.
- B. Town Houses i.e. those designed to be sold or rented as attached individual units are not allowed in the Town of Greig unless public water and sewer will be secured and provided. Lot size will be determined by the Planning Board at the time of issuance of a Special Permit.
- C. The location of such use shall not attract or generate additional vehicular traffic through existing one-family dwelling areas to the extent that such traffic will exceed the capacity of the roadway system, and shall not produce other adverse effects on sewer, water, or other services, or the community and environmental setting of such one-family dwellings.
- D. The architectural scale and character of such use shall be consistent and harmonious with the existing dwellings and the neighborhood.
- E. In general, the lot area and yards provided for such use shall exceed minimum requirements and/or otherwise provide liberal separation from existing uses through clustering, screening or other development techniques.
- F. Development of such use shall not entail substantial removal, modification, or disruption of natural resource features, characteristics and values.

Fire inspections of multiple family dwellings are required by the New York State Fire once every 3 years or as amended.

## **ARTICLE VI. SPECIAL USES**

### **Section 605 General Requirements**

All Special Uses shall require Special Use Review as specified in **Article VII**. The following uses shall also meet the requirements as specified in this Article and as specified in **Article VIII** before final consideration by the Planning Board. The requirements of this **Article (and Article VIII)** may be waived by the Planning Board, where the requirements are found not to be requisite in the interest of the public health, safety, or general welfare or inappropriate to a particular Special Permit.

### **Section 610 Retail Gasoline Outlets**

- A. Location: A retail gasoline outlet lot shall not be located within three hundred (300) feet of any lot occupied by a school, library, or religious institution.
- B. Setbacks: Gasoline and/or fuel pumps and underground fuel storage tanks shall not be located closer than seventy-five (75) feet to any side, rear, or front lot line.
- C. Screening: Such operation shall be screened from adjacent residential property by a fence, hedge or other planting or structure so as not to be visible from the adjacent property.

### **Section 615 Motor Vehicle Repair and Paint Shops**

- A. Setback: All motor vehicle repair and paint shops shall be so arranged as to require all servicing on the premises no closer than fifty (50) feet to any lot line.
- B. All vehicles must be serviced and stored within an enclosed structure.
- C. Storage of Waste Material: All refuse, discarded parts, etc., as a result of servicing motor vehicles, equipment, etc., shall be stored in an enclosed structure or fenced area so as not to be visible from adjacent lots until disposed of. None of these materials may be disposed of on the lot.
- D. Fenced area shall comply with all provisions within **Section 590 Fences**.

### **Section 620 Large Product Retail**

- A. Setback: Such sales, rental or storage operations shall be located at least seventy-five (75) feet from side and rear lot lines.
- B. Screening: Such operation shall be screened from adjacent residential property by a fence, hedge, earthen berm or other planting or structure so as not to be visible from the adjacent property.
- C. Servicing Facilities: Such operations that also have service facilities for the same shall meet the requirements of Motor Vehicle Repair and Paint Shops, **Section 615**.

## **Section 625 Essential Facilities**

- A. Location: The proposed installation in a specific location must be demonstrated to be necessary and convenient for the efficiency of the essential service or the satisfactory and convenient provision of service to the area in which the particular use is located.
- B. Buildings: The design of any building or structure in connection with such facility shall conform to the general character of the area and shall not adversely affect the safe and comfortable enjoyment of property rights in the district in which it is to be located.
- C. Landscaping and Screening: **Section 815** Landscaping and Screening shall be followed to provide adequate visual and sound buffer between such facilities and adjacent property.
- D. Access: All points of necessary access, or transformers, shall be placed in secure structures at ground level.
- E. Fencing: All electrical transformer facilities or substations, if above ground, shall be secured by a fence, except where totally enclosed.

## **Section 630 Commercial Excavation, Mineral Extraction**

Except where incidental to the construction of a building on the same lot, the excavation, extraction, processing, or sale of top soil, earth, sand, gravel, clay or other natural deposits are subject to the following standards. Such activity shall not endanger the stability of adjacent land, structures, streets, waterways, other property or water table.

- A. The mining and reclamation plan prepared for the Department of Environmental Conservation review shall also be reviewed and found acceptable by the Planning Board-
- B. Excavation applications shall be accompanied by a restoration and rehabilitation plan. Bonding for 115% of the estimated cost for restoration/rehabilitation will be required by the Town when not required by DEC, before the issuance of a special permit. Estimated cost for restoration/rehabilitation for the bond/ security shall be provided by a qualified independent engineer licensed to practice in the State of New York and to reflect inflation and any other changes updated annually after project operation occurs, and every second year after that. Updated figures shall be filed with the Town Board. The bond or security shall be in a form acceptable to the Town attorney, which includes, but is not limited to, an escrow account, a letter of credit, a perpetual bond, or any combination thereof. **Section 720B** shall be followed concerning an executed contract between the Town and the applicant and all such approval therein.
- C. Setback: Excavation activities shall be set back one hundred (100) feet from any property line or public road.
- D. Excavation activities shall be designed and conducted so as not to cause any excessive dust, noise, traffic, or other conditions inappropriate for the neighborhood in which it is located.
- E. No excavation shall endanger the stability of adjacent land or structures.

- F. Screening: All excavation activities shall be adequately screened with a combination of vegetative buffers, earth berms, or landscaping from all streets and adjacent residential uses to the extent practicable, as approved by the Planning Board in addition to the applicable requirements outlined in **Section 815**.

### **Section 631 Asphalt/Black Top/Concrete Plant Limited**

Limited asphalt or concrete plants may be allowed by permit for Town/County Road, State or Federal highway projects in RR-1 Zoning District on a temporary basis. All standards within this section shall be complied with in order to qualify as a limited asphalt or concrete plant. If any one of these standards cannot be complied with, the plant shall be required to be located only in an approved Floating Zone/ Industrial Zone where a plant is allowed by Special Permit, and a Special Permit shall first be obtained and comply with all of the provisions outlined in this Section and **Section 420** and **Section 430** of this Law. The standards for a limited asphalt or concrete plant are as follows:

- A. The limited asphalt or concrete plant permit shall be renewed annually and shall be limited to a total of three consecutive years. An inspection by the Code Enforcement Officer and a site visit by the Town Planning Board/ Zoning Enforcement Officer will be conducted annually to ensure compliance with Special Permit requirements and this section of the law. Additionally, a letter from other agencies having jurisdiction indicating that there are no violations, will be required before renewal of the Plants Operating Permit.
- B. The limited asphalt or concrete plant and related materials and equipment shall be located no closer than 1,000 feet to any residence other than the residence of the owner of the land upon which the limited plant is to be located.
- C. The asphalt or concrete plant shall comply with state air pollution regulations and a permit from the New York State Department of Environmental Conservation (NYSDEC) shall be obtained by the applicant prior to operating the plant.
- D. The applicant shall comply with the State of New York Sanitation Codes.
- E. No contaminated soils shall be stockpiled on the site, used for remediation, or used in the operation of the asphalt or concrete plant.
- F. All fuel tanks shall include fuel/spill containment systems as approved by the NYSDEC.
- G. Any spill of materials capable of contaminating ground water shall be cleaned up and reported immediately to the satisfaction of the NYSDEC.
- H. No washing or cleaning of trucks or truck beds shall be allowed on site unless a wastewater containment system is installed and used to the satisfaction of the NYSDEC.
- I. No waste, production materials, discarded equipment or other such items shall be buried on site.
- J. All equipment and materials utilized in the operation of the limited asphalt or concrete plant shall be removed from the site and the site shall be returned to its original condition, or better, within 30 days following completion of the construction project for which the plant was established.

- K. Surety in the form of a performance bond and/or letter of credit assuring the site will be returned to its original or improved condition shall be submitted to the town prior to issuance of a permit. If not required by NYSDEC.
- L. The application for Permit shall include name, address, phone number of the owner of record, tax parcel number, contractor including a list of officers, and current name and address of all owners of record of abutting parcels.
- M. An approved site plan containing hours of operation, volume and type of material, number and size of haul vehicles, batch plant description, name and address and location of any residents within 1000 feet of the project, surveyed property map indicating plant location, stockpiles, entrance/exit locations. A written reclamation plan and surety approved by the NYSDEC shall be provided. A map dictating designated haul roads may be required.
- N. A Permit Fee established by the Town Board will be imposed annually.
- O. Additional requirements may be imposed by the Town Planning Board or Town Board.

**Section 635 Heavy Industry**

- A. Location: A heavy industrial use shall not locate within two hundred (200) feet of a state or federally designated wetland, and no closer than five hundred (500) feet of a waterbody due to the noise and environmental hazards.
- B. Setback: Heavy industrial uses shall not be located closer than two hundred (200) feet to any front, side, or rear lot line.
- C. Screening: All industrial operations shall be screened from roads, waterbodies and adjacent property that are other than an industrial use, by a minimum seventy-five (75) foot vegetative buffer area. Plant material shall be six (6) to eight (8) feet in height when planted and shall be spaced to form an opaque screen in multiple rows with alternate spacing or other equally acceptable screening techniques upon approval of the Planning Board.
- D. Maximum building height is 40 feet.
- E. Lot size and road frontage requirements shall be that of the zone in which the Heavy Industrial is floated into.

**Section 640 Light Industry Standards (Including WEPS, BESS, and Sawmills)**

A. Setback: A light industrial use (including Wind Energy Systems Principal, WESP) or sawmill shall not be located closer than seventy-five (75) feet to any front, side or rear lot line.

Tier 1 Battery Energy Storage Systems (BESS) requirements are specified in Section 699 due to the unique operational and emergency response considerations.

B. Screening: All such light industry operations, excluding BESS and WESP (which are governed by stricter screening standards in their respective sections), shall be landscaped and screened in accordance with **Section 815**. Screening shall provide a year-round visual and sound buffer from adjacent residential or sensitive land uses.

C. **Height Limitations.** The maximum building height for any structure associated with a light industrial use shall not exceed forty (40) feet, unless otherwise specified in a special use permit or overlay district.

### **Section 645 Slaughterhouse**

- A. Location: A slaughterhouse shall not be located within two hundred (200) feet of a state or federally designated wetland, and no closer than five hundred (500) feet of a water body due to the noise and visual impact.
- B. Setback: A slaughterhouse shall not be located closer than two hundred (200) feet to any front, side, or rear lot line.
- C. Screening: A slaughterhouse shall be screened from roads, waterbodies and adjacent properties by a minimum seventy-five (75) foot vegetative buffer area. Plant material shall be six (6) to eight (8) feet in height when planted and shall be spaced to form an opaque screen in multiple rows with alternate spacing or other equally acceptable screening techniques upon approval of the Planning Board.
- D. All discharges from the site and or operation shall be retained on-site.

### **Section 650 Restaurants**

- A. All restaurants shall meet the following additional requirements:
  - 1. The restaurant ingress and egress shall be a minimum of five hundred (500) feet from the ingress and egress of any other restaurant of this type.
  - 2. The minimum distance of any driveway to side lot line shall be fifty (50) feet.
  - 3. The parking lot shall be set back at least thirty (30) feet from the road line. Such setback area shall be landscaped with native trees and shrubs in compliance with the standards of **Section 815** of this law.
  - 4. Exterior lighting proposed for the site shall be planned, erected, and maintained so it will not cast direct light or glare upon adjacent properties, roadways, or public right-of-way. The light source shall not be higher than twenty (20) feet.
  - 5. Landscaping shall be provided to minimize conflicts with adjacent land uses.

### **Section 655 Campgrounds/Travel Trailer Parks**

- A. Campgrounds/ Travel Trailer Park Location and Condition
  - 1. Each campground/travel trailer park shall have adequate access to a public highway, and each camp/travel trailer site shall be serviced from interior roadways.
  - 2. Mobile/ manufactured homes shall not be parked, whether permanently or temporarily, in any campground/travel trailer park.
- B. Camp/Travel Trailer Site: Camps/travel trailer sites shall be located on generally level terrain, not to exceed eight percent (8%) slope, that is well drained, and free of flood hazard.

- C. Camp/Travel Trailer Site Size: An overnight camp/travel trailer site shall be a minimum two thousand five hundred (2,500) square feet in size.
- D. Setbacks and Spacing: All buildings and camp/travel trailer sites shall have a setback of one hundred fifty (150) feet from the road line of all public roads with the setback area being adequately landscaped to provide screening from all public roads.
- E. Campgrounds/ Travel Trailer Park Access: Access to all sites shall be consistent with the standards set forth in "Policy and Standards for, Entrances to State Highways," as revised, published by the State of New York Department of Transportation.
- F. Sewer, Water, and Public Facilities
  - 1. All water supplies and sewage dispersal systems shall comply with the applicable standards of this law, and the State of New York Dept of Health and Environmental Conservation requirements before any permit is issued for occupancy.
  - 2. All campground/travel trailer parks shall provide a building containing at least one toilet, lavatory and shower for each sex, for each twenty (20) travel trailer lots.
  - 3. Additional requirements may be stipulated by the Planning Board in their review for specific projects.
- G. Recreation: A minimum of ten percent (10%) of the total area of the campground/travel trailer park, not including the required setback, shall be dedicated to a recreation area and shall be fully maintained by the park owner.
- H. Responsibilities of Park Owner: The owner or manager of a campground/travel trailer park shall maintain an office in the immediate vicinity of the park and shall maintain accurate records of the names of park patrons; home address; and make, description, year, and license or identification number of the vehicle(s). These records shall be available to any law enforcement official and/or the Zoning and Building Code Enforcement Officer.

**Section 660 Manufactured / Mobile Home Parks**

A. Manufactured / Mobile Home Park Location and Conditions

The site of a proposed mobile/manufactured home park:

- 1. Shall be located where orderly development of a mobile/manufactured home park can be undertaken in harmony with development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the park, safety of pedestrian movement, location of structures, adequacy of off-street parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping and buffering;
- 2. Shall have generally level topography not to exceed eight percent (8%) in slope over an area of sufficient size to allow development. of the mobile/manufactured home park without significant alteration or disturbance of existing natural amenities or features such as stands of mature trees, stream courses, shorelines, wetlands or bedrock out- cropping, and;

3. Shall be essentially free from adverse, unsafe or unhealthful conditions including but not limited to flooding, ponding, poor drainage, erosion, slumping or other soil instability, smoke, noise, odors, or toxic or volatile substances.

B. Screening: Each mobile/manufactured home park shall maintain a fifty (50) foot vegetative buffer area from public lands and adjacent property lines. The buffer area shall be made up of a mixture of native shrubs, and trees, which at the time of planting will provide an opaque screen year-round six (6) to eight (8) feet in height. Other equally acceptable screening techniques may be substituted upon approval of the Planning Board.

C. Restrictions on Occupancy: No mobile home shall be admitted to any park unless it meets the standards of **Article V**.

D. Site Requirements

1. Mobile/manufactured home site. Each mobile/manufactured home park shall be divided (exclusive of internal roads, open space or common areas) and marked-off into mobile/manufactured home sites numbered consecutively, with such number to correspond to the lot shown on the site plan.
2. Site size. Each mobile/manufactured home site shall be thirty thousand (30,000) square feet in size.
3. Site width. There shall be a minimum one hundred (100) foot site width.
4. Site depth. There shall be a minimum two hundred (200) foot site depth.

E. Setbacks and Spacing

1. All mobile/manufactured homes, including expansions, extensions or other additions thereto, patios, porches or garages and all other structures in a mobile/manufactured home park shall satisfy the following setback requirements. A detached structure accessory to and located on the same site with an individual mobile/manufactured home shall be considered part of the mobile/manufactured home for the purpose of spacing requirements.
  - a. minimum of fifty (50) feet from the front lot line.
  - b. minimum of twenty-five (25) feet from the center line of any roadway internal to the mobile/manufactured home park.
  - c. minimum of forty (40) feet spacing between adjacent mobile/manufactured homes and any other structures in the mobile/manufactured home park.
  - d. minimum of twenty (20) feet from side and rear lot lines.
2. No internal roadway, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within fifty (50) feet of a property line external to the mobile/manufactured home park.

F. Manufactured / Mobile Home Park Design Requirements

1. Access. Each mobile/manufactured home park shall provide for safe, legal means of access from one or more public roads as follows:
  - a. access roads shall meet the public roads at right angles and at compatible grades;
  - b. entrances shall be located directly opposite or at least two hundred (200) feet from the nearest intersection of public roads, if any, and at least one hundred fifty (150) feet from any other entrances to the mobile/manufactured home park, if any; entrances must meet the approval of the Town/County Highway Department.

- c. entrances shall have sufficient width to allow reasonable turning movements of vehicles with mobile/manufactured homes attached and of service or delivery vehicles; entrances shall be located to allow safe line-of-sight distances to and from their points of intersection with the public road;
- d. at least one (1) common entrance and access road shall be required to serve any mobile/manufactured home park having less than twenty (20) mobile/manufactured homes; such entrance and internal road shall be sufficient to accommodate fire and emergency vehicles for safety purposes. Approval of the Chief of the Fire Department providing coverage to the Town is required.
- e. at least two (2) independent entrances and access roads shall be required to serve any mobile/manufactured home park having twenty (20) or more mobile/manufactured homes; and access roads connecting mobile/manufactured home park interior roads with the public road shall meet town road standards.

## 2. Internal Roads

- a. Internal roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles, with or without mobile/manufactured homes attached.
- b. All mobile/manufactured home sites shall face on and be serviced by internal roads.
- c. All roads shall be at least 6" crushed stone, oil and stone, or approved alternative and shall be designed, graded and leveled as to permit the safe passage of emergency and other vehicles at a speed of fifteen (15) miles per hour.
- d. Cul de sacs shall be provided in lieu of closed end roads with a turnaround having an outside roadway character of at least ninety (90) feet.
- e. All internal roads shall have a minimum thirty (30) foot right- of-way, sixteen (16) feet of which must be at least 6" crushed stone, oil and stone, or approved alternative.

3. Recreational Areas and Open Space. Easily accessible and usable open spaces shall be provided in all mobile/manufactured home parks. Such open space shall have a total area equal to at least ten percent (10%) of the net land area of the park and shall be fully maintained by the park owner. Part or all of such space shall be in the form of a developed recreation area to be usable for outdoor recreation purposes. Setback and buffer areas shall not be included when determining the net area of the park.

4. Water supply and sewage disposal systems shall be designed to manage the capacity of the entire park for both adequate potable water and sewer. Sewage disposal systems shall be constructed in compliance with all New York State Health Department and Environmental Conservation Department requirements and approvals. Proof of such compliance for the mobile/manufactured home park must be submitted prior to final approval and maintenance will be reviewed annually by the Zoning Enforcement Officer.

5. Garbage and Refuse. Each mobile/manufactured home park owner shall provide a plan to collect and properly dispose of garbage and refuse acceptable to the Planning Board.

6. Fuel Supply and Storage General Requirements: All fuel supply systems, provided for mobile/manufactured homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the New York State Uniform Building and Fire Prevention Code.

## 7. Electrical Service.

- a. Every mobile/manufactured home park shall contain an electrical wiring system consisting of wiring fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power companies' specifications and regulations. All wiring fixtures must meet the requirements of the Uniform Fire Prevention and Building Code.

- b. All utilities/wiring shall be installed underground, when practical.
- 8. Manufactured / Mobile Home Park Office. The owner or manager of a park shall maintain an office in the park or post available office hours.
- 9. Service Buildings
  - a. Service buildings, if provided, housing sanitation facilities and/or laundry shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, and plumbing and sanitation systems.
  - b. All service buildings and the grounds of the mobile/manufactured home park shall be lighted and maintained in a clean, slightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.
- 10. Fire Protection and Control: No open fires shall be permitted any place within the mobile/manufactured home park with the exception of outdoor grills used for the preparation of foods.

G. Responsibilities of Manufactured / Mobile Home Park Operators and Manufactured / Mobile Home Park Occupants

- 1. A person to whom a special permit for a mobile/manufactured home park is issued shall operate the park in compliance with the standards set forth in this local law and shall provide adequate supervision to maintain the park, its common grounds, streets, facilities and equipment in good repair and in a clean and sanitary condition, in accordance with the New York State Property Maintenance Code.
- 2. The manufactured /mobile home park operator shall place or supervise the placement of each mobile/manufactured home on its pad which includes ensuring its stability by securing all tie-downs and installing all utility connections. The manufactured /mobile home park owner shall apply to the Building Code Enforcement Officer for a Certificate of Occupancy before the unit is occupied.
- 3. The manufactured /mobile home park operator shall maintain a register containing the names of all occupants and the make, year, and serial number, and HUD number for each mobile/manufactured home. Such register shall be available to any authorized person of the Town inspecting the park.
- 4. The manufactured /mobile home park occupant shall be responsible for the maintenance of his/her mobile/manufactured home and any appurtenances thereto and shall keep all yard space on site in a neat and sanitary condition.
- 5. A list of operator and occupant responsibilities shall be posted in the manufactured /mobile home park office or made available upon request.

**Section 665 Adult use and Entertainment Establishments; Including but not limited to Adult Book Stores, Adult Video Stores, Adult Cabarets, and Adult Arcades.**

- A. No adult use and entertainment establishment shall be located within 1000 feet of: (a) the property line of any preexisting public or semi-public structure or use as defined herein, or (b) any preexisting dwelling.
- B. The adult use shall be conducted entirely within an enclosed building. All windows and doors will be opaque. No "specified anatomical area" or "specified sexual activity" (see definitions) shall be visible at any time from outside the building. This requirement shall also apply to any signs or displays.

- C. No outside displays or advertising other than an approved sign shall be permitted.
- D. The serving of alcoholic beverages shall be prohibited unless specifically permitted by the Planning Board and any other regulatory agency necessary in their Special Use Permit review and approval.

### **Section 670 Bed and Breakfast /Hostel Establishments**

- A. The business shall be conducted within the owner-occupied dwelling of the operator.
- B. No more than five (5) rooms shall be used as bedrooms for paying guests, and no more than 10 transient lodgers are allowed at once.
- C. If meals are offered, they shall be offered only to registered lodgers.
- D. Facilities and services shall be offered solely to registered lodgers and not to the general public.
- E. Banquets, parties, weddings, or meeting rooms are prohibited.
- F. Building permits are required to reclassify any owner-occupied single-family dwelling to a Bed and Breakfast or hostel facility.

### **Section 675 Self Storage Facility**

- A. Minimum lot size: 87,120 square feet (2 acres).
- B. A minimum of 100 feet of landscaped set back shall be required from the edge of the highway right of way.
- C. A minimum of 100-foot landscaped buffer shall be maintained between any storage area or driveway and all property lines. The landscaped buffer shall consist of trees, shrubs and/or berms sufficient to screen the use from view in accordance with **Section 815**.
- D. The use of all storage units shall be limited to storage of non-hazardous personal items.
- E. No rental space shall be used for any retail or service activities / uses including businesses or professional offices, retail sales, services provided for a fee, or fabrication of any products intended for sale.
- F. The project is to be designed of conventional self-storage facility materials (metal siding and roof or concrete Block) or alternatives as approved by the Planning Board. Natural or manufactured screening is required. The Planning Board must approve building colors and signage at the time of issuance of the Special Permit.
- G. Lighting: The exterior lighting shall be directed downward and away from adjoining property and public roads and shall not constitute a traffic hazard. Lighting shall be shielded from shining into the nighttime sky so as to prevent light pollution.

H. Maximum height of the Self- Storage Facility is twenty (20) feet.

I. Fencing shall be high enough and of a material to shield from view the Self-Storage Facility from the road and adjacent properties.

Note: The purpose and intent are to ensure that adequate screening is provided. The Planning Board shall have the option of requiring additional screening/fencing to provide adequate screening when necessary.

### **Section 680 Amusement Arcades**

Any premise or part thereof or separate part of a premise in which are located three (3) or more amusement machines. Such operations require a Special Permit approval by the Town Planning Board.

**Exception:** Does not include any premises, part thereof that hold a valid license from the New York State Liquor Authority.

A. The applicant shall provide a site plan including parking availability, restroom facilities, and the number of amusement machines proposed to be installed or provided in the location.

B. No person under the age of sixteen (16) years may play any amusement machines unless accompanied by a parent or guardian after 9:00 pm on any business day.

C. All amusement machines are within the premise.

D. No external sound system broadcasting music or other sounds may be used.

E. No internal sound system, broadcasting music or other sounds, may be used so as to be heard outside the premises.

F. All arcades will comply with all other regulations of the Town of Greig Zoning Law and the New York State Building and Fire Code.

### **Section 685 Kennels**

A. A Special Use Permit review and approval is required for the operation or maintenance of any Kennel. The Planning Board shall consider whether the location and operation of the Kennel is appropriate for housing multiple dogs/cats and will be consistent with the health and safety of the dogs/cats and the neighbors. A Site Plan must be submitted as part of the Special Use Permit Application.

B. The location of the Kennels on the property will have no significant adverse effect on the peace and quiet or sanitary condition of the neighborhood.

C. The Kennel will be operated in a manner that will cause no nuisance to the public.

D. Kennels must be located on a minimum of a 2-½ acre site.

E. Kennels, shelters, and dog runs must not be located within 500 feet of a pre-existing residence, except that of the Kennel owner.

- F. Kennels may require a Building Permit if over 144 square feet and must comply with Building Setbacks within the applicable Zoning Districts.
- G. Dogs/cats must be confined or under direct control of the Kennel operator or staff at all times.
- H. Outside Kennel areas shall be fenced. Fencing shall consist of durable materials and a minimum height of 6 (six) feet and shall deter dogs/cats from escaping over, under or through the fence.
- I. The Kennel shall be limited to a total of 25 (twenty-five) dogs on the premise at any one time. All dogs over 6 months of age must be licensed with the town.
- J. Animals must be kenneled inside overnight, and outdoor usage areas shall be limited to daytime, 7 am to 9 pm, usage only.

### **Section 690 Recycle Centers**

- A. Establishment of a Recycle Center requires the issuance of a Special Permit by the Planning Board. A site plan will be required as part of the Special Permit Application.
- B. Recycle Center must be constructed with the following:
  - 1. Barriers must be installed to control access to the center
  - 2. Appurtenances to control pollution and litter
  - 3. Fencing that screens the center from view by members of the general public.
- C. Processing of bulk items such as white goods and scrap metal must be processed on concrete or asphalt paved surfaces that controls run off and run on, and the accumulation of standing water. Further processing by welding or cutting of scrap metal can be conducted on a gravel surface.
- D. Storage areas of processed materials shall not cause health or environmental hazards or public nuisance.
- E. The center may receive, store and process only source separated recyclables for which there is an available market.
- F. Prohibited waste: Hazardous waste; PCBs; asbestos; contaminated soils; raw sewage; septic tank plumbing; and regulated medical waste.
- G. The center may only operate during hours specified in the Special Permit and gates must be installed so that the public does not have access unless someone is on the site to supervise the incoming recyclable material. Self-service bins for standard recyclables such as cardboard, bottles and cans may be provided.

### **Section 695 Pipelines**

- A. A Special Permit is required for the construction of pipelines, which cross public rights of way and private property of other than the pipeline owner. Exclusion: The construction of pipelines by public utilities having a franchise to operate in the Town and municipal authorities are exempt.

- B. Route maps and construction details and easement agreements must be presented at the time of Special Permit review.
- C. Any damages to municipal infrastructure shall be the responsibility of the party(ies) involved in the pipeline installation upon the conclusion of the construction.

**Section 696: Temporary Storage**

These types of storage facilities are allowed during construction, renovation, or following water or fire damage.

- A. The storage facility must be located to meet setback requirements established for each Zoning District.
- B. May be used for a period not to exceed 6 months without a Permit. Where the duration of the project will exceed 6 months, an application for Special Permit must be filed with the Planning Board for approval of an extended period.
- C. Temporary car shelters may be installed on an annual basis for seasonal use and shall not exceed the 6-month duration. Use exceeding 6 months requires an application for a Zoning Permit and must meet appropriate setbacks as an accessory building.

**Section 697 Solar Energy Systems -Medium and Large.**

**A. Purpose.**

The Town of Greig recognizes the importance of advancing renewable energy resources in a manner that is consistent with the goals and requirements of the New York State Climate Leadership and Community Protection Act (CLCPA) of 2019. This Article aims to encourage the responsible and orderly development of solar energy systems within the Town while protecting the health, safety, and welfare of residents, the environment, and the Town’s rural and scenic character.

**B. Legislative Intent.**

It is the intent of this Article to:

1. Facilitate the generation of renewable energy consistent with state and county energy policies;
2. Ensure that solar energy systems are appropriately located, designed, screened, and decommissioned to avoid or minimize adverse impacts on neighboring properties, agricultural land, and natural resources;
3. Provide uniform and comprehensive standards for the permitting, installation, operation, and removal of solar energy systems;
4. Balance the Town’s interest in protecting its rural landscape and agricultural heritage with the State’s policy objectives to expand renewable energy generation capacity; and
5. Promote long-term sustainability, energy independence, and local participation in New York’s transition to clean energy.

C. All Solar Energy Systems must comply with all requirements of **Section 586.**

D. Permit application – Special Permit required; Building Permit required.

E. Installation must be located in the Solar Overlay District.

## **Section 697.1 Medium-Scale Solar Energy Systems**

Medium-Scale Solar Energy Systems are permitted within the Solar Energy System Overlay District, subject to receiving a zoning permit, and Special Use Permit from the Town of Greig Planning Board. Mandatory considerations include: the visual effect of the proposed solar installation on scenic and historic resources and viewsheds, impacts on community character, compatibility of the proposed Solar Energy System with adjacent and other nearby land uses, compatibility with agriculture farmlands, managing stormwater runoff, and the effect of the proposed installation on ecologically sensitive land or water resources.

The total acreage allotted to Medium-Scale Solar Energy Systems within the Town shall not collectively exceed a total of sixty (60) acres. For purposes of this provision, a Medium-Scale Solar Facility's "total acreage" shall be calculated based on physical infrastructure. Meaning, allotted acreage within the Town shall be calculated by physical system occupancy, not tax parcel acreage. Additionally, the parcels participating in a Medium-Scale Solar Facility must each have a minimum tax parcel acreage of at least twenty (20) acres.

The following application materials are required for Medium-Scale Solar Energy Systems:

- A. If the property of the proposed project is to be leased, legal consent between all parties, including easements and other agreements.
- B. Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer and/or Registered Architect. Plans shall show the proposed layout of the entire Solar Energy System along with a description of all components, whether on-site or off-site, existing vegetation, existing or proposed access, gates, parking areas, mounting systems, inverters, panels, fencing, proposed clearing and grading of all sites involved, and proposed buffering and screening.
- C. Stormwater runoff calculations, drainage plan, clearing, and grading plans. The clearing and grading plan shall also include methods to stockpile, reduce erosion of topsoil, and reuse all topsoil from the site. If one (1) acre or more of land is to be disturbed the applicant shall also submit a preliminary Stormwater Pollution Prevention Plan consistent with NYS DEC or local MS4 requirements. Clearing and/or grading activities are subject to review by the Town Planning Board and shall not commence until the issuance of the Special Use Permit Approval.
- D. Photo simulations shall be included showing the proposed Medium-Scale Solar Energy System in relation to the building/site along with elevation views and dimensions, and photo simulations of the proposed Medium-Scale Solar Energy System, solar collectors, and other components. The Town Planning Board may require photo simulations to be provided from specific roads or other public areas that may be impacted. In the course of its review of a proposal for development, the Town Planning Board may require an applicant to submit a viewshed analysis that meets the procedures identified within the New York State Department of Environmental Conservation's SEQRA publication entitled "Assessing and Mitigating Environmental Impacts."
- E. Part I of the Full Environmental Assessment Form completed, unless deemed a Type II action pursuant to Part 617 (SEQR).
- F. Details of any proposed noise that may be generated by inverter fans, or other noise-generating equipment that may be included in the proposal. The Town Planning Board may require a noise analysis to determine potential adverse noise impacts.

G. Property operation and maintenance plans shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming, snow removal, and fence maintenance, as well as any proposed use of pesticides or herbicides.

H. Landscaping and screening plans shall describe the methods and types of screening proposed, including but not limited to existing vegetation, topography, fencing and structures, and detailing the number, location, size, and species of vegetation to be planted on-site, and the size and extent of berms. A plan showing appropriate performance criteria specifying minimum plant sizes and measures to be taken in the event that the proposed vegetation fails to survive, flourish, or otherwise meet said performance criteria shall be submitted with a building permit application. If at all possible, earth berms should be utilized for the screening of any Medium-Scale Solar Energy System.

I. A location map of the connection point to the grid shall be provided along with a description of any easements or rights-of-way, clearing, infrastructure, apparatuses, and equipment that may be necessary or required to connect to the grid.

J. Decommissioning plans are required to ensure the proper removal of all above ground and underground components of Medium-Scale Solar Energy Systems. A Decommissioning Plan shall also be submitted with a building permit application. Compliance with this Decommissioning Plan must specify that after the Medium-Scale Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The decommissioning plan shall also include:

1. Provisions describing the triggering events for decommissioning of the Solar Energy System;
2. Provisions for the removal of structures, debris and cabling, including those below the soil surface;
3. Provisions for the restoration of the soil and vegetation. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction;
4. A timetable approved by the Town Planning Board for site restoration;
5. An estimate of the decommissioning costs certified by a Professional Engineer. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimates shall consider inflation. Removal of Medium-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan.
6. Financial Assurance. The applicant shall be required to provide the finances necessary to remove the Medium-Scale Solar Energy System. The applicant shall provide the town with United States Currency in an amount determined by the Town Planning Board and Town attorney to cover the expense of removal of the system and remediation of the landscape in the event the Town must remove the facility. The Town shall hold the funds in an escrow account until the time of decommissioning. In the event the decommissioning funds held by the Town exceed that needed for complete decommissioning of the solar facility, the amount remaining from the original funds provided to the Town shall be returned to the facility. The amount of money provided to the Town shall be 115% of the cost of removal of the Medium-Scale Solar Energy System and restoration of the property. The financial assurance shall be reviewed by the Town Clerk annually in January;
7. Identification of and procedures for the Town of Greig access to Financial Assurances;
8. A provision that the terms of the Decommissioning Plan shall be binding upon the Owner or Operator or any of their successors, assigns, or heirs;

9. A provision that the Town of Greig, its officials, employees, agents, or contractors shall have the right of access to the site, (pursuant to reasonable notice, to effectuate or complete removal and decommissioning);

10. Removal of machinery, equipment, tower, and all other materials related to the projects is to be completed within one year of decommissioning. If the Medium-Scale Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property with the funds described in **Section 587(J)(6)**.

11. The Decommissioning Plan shall also include an expected timeline for execution.

K. If in the course of the delivery, installation, maintenance, dismantling, removal, or transport of the Solar Energy System, or any components thereof, the property of the Town of Greig, including but not limited to roadways, shoulders, drainage structures, signage, guide rails, etc., is/are damaged by the efforts of the applicant or any agents thereof, the applicant shall, within thirty (30) days of completing construction, completely replace and/or repair all damage in consultation with the Town Highway Superintendent.

L. The following standards shall be required:

1. Anti-Glare. All solar collectors and related equipment shall be surfaced, designed, and coated with anti-reflective materials and shall be sited to minimize glare reflected onto adjacent residences and roadways.

2. Height and Setback. All ground-mounted Solar Energy Systems:

a. Shall not exceed 20' in height when oriented at maximum tilt. The height of arrays shall be measured from the highest natural grade below each solar panel to its maximum potential height.

b. Enclosure fence shall be located at least 250' from the property line of any State Road or at least 150' from the property line of any County or Town Road.

c. Enclosure fence shall be located at least 250' from the side or rear of non-participating property lot lines.

d. Solar Panels shall be placed at least 350' from an occupied residence not involved in the project.

e. Solar Energy System inverters and battery systems should be placed near the center of the project, where practicable, in order to reduce noise propagation from the site.

M. Fencing. All Medium-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the up-to-date owner's contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be approved by the Town Planning Board. Solar equipment shall not be used for displaying any advertising.

N. Screening. All Medium-Scale Solar Energy Systems that are viewable from any public road shall be required to provide landscaping along the entire street frontage to ensure the site is screened and harmonious with the character of the property and surrounding area. Appurtenant structures such as inverters, batteries, equipment shelters, storage facilities, and transformers, should be screened from adjoining residences. The Town Planning Board can waive this requirement if sufficient justification is provided by the applicant that proves the site contains appropriate screening without needing street screening.

O. Stormwater Management. The Solar Energy System shall be designed with the ground cover as pervious to the maximum extent practicable so that stormwater infiltrates as sheet flow across the system. If

solar panels are constructed in such a manner as to promote effective infiltration of rainfall, the Solar Energy System may be considered pervious for stormwater pollution prevention purposes. Other structures such as, but not limited to, transformers, buildings, or paved entrance roads shall be considered impervious. The following criteria shall be used to establish a Solar Energy System as pervious cover:

1. Solar Panels must be positioned to allow water to run off their surfaces;
2. Soil with adequate vegetative cover must be maintained under and around the panels; and
3. The area around the panels must be adequate to ensure proper vegetative growth under and between the panels.

P. Wetland Protection. Solar Energy Systems shall avoid designated wetlands as defined by the New York State Department of Environmental Conservation and/or any Federal Agency to the extent practicable. Impacts that cannot be practicably avoided may be properly permitted or allowed by the applicable regulatory authority. The Town Planning Board shall determine the potential impact on important bird areas, as identified by the New York Audubon Society, other recognized habitats such as any nearby New York State wildlife management areas, and any locally recognized priority habitat areas such as those set aside for bats and any areas considered "sensitive," which may include but not be limited to areas such as bird conservation areas or areas covered under mitigation for species such as grassland birds; and at least 500 feet from state-identified and/or federally-identified wetlands.

Q. Protection of Critical Environmental Areas. No Solar Energy System shall be installed on Critical Environmental Areas (CEAs) as defined by the New York State Department of Environmental Conservation.

R. Protection of Agricultural Resources. Siting of any Medium-Scale Solar Energy System located on lots that contain Prime Farmland or Farmland of Statewide Importance shall be prioritized on portions of the lot that do not contain Prime Farmland or Farmland of Statewide Importance to the extent practicable. Medium-Scale Solar Energy Systems on Prime Farmland or Farmland of Statewide Importance shall be required to seed, buffer, or border areas around the periphery of solar panel areas with native perennial vegetation designed to attract pollinators. To the maximum extent practicable, Medium-Scale Solar Energy Systems located on Prime Farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.

S. Protection of Forested Land. The Town of Greig strongly discourages project locations that result in significant loss of land and natural resources, including farm and forest land, and encourages rooftop siting. Significant tree cutting is problematic because of the important water management, cooling, and climate benefits trees provide. For these reasons, the following environmental considerations shall be addressed:

1. Due to potential endangered species impacts, water management concerns, cooling, and climate benefits, prior to a decision from the Town Planning Board, the applicant must consult with and receive approval from United States Fish and Wildlife Service and New York State Department of Environmental Conservation prior to application submittal to the Town of Greig.
2. Removal of more than one (1) acre of a Mature Forest during any phase of development is prohibited.
3. An applicant shall provide a Tree Survey for the site with the application prepared by a qualified professional. If the proposed layout of the project does not impact trees or Mature Forest due to existing conditions, the Board may waive the tree survey requirements if it is apparent by site maps or the Board possesses extensive knowledge of the area of impact that confirms that the proposal does not impact trees or a Mature Forest.

4. If an applicant proposes to remove or cut any mature trees (trees greater than six (6) inches in diameter at breast height (dbh) during construction of the project, the applicant shall plant a tree at a ratio of 2:1 – two (2) trees for each tree removed or cut. The requirement to plant trees on a 2:1 ration shall be a condition of approval. The exact species of replacement tree and location for planting shall be determined by the Board. Additionally:

1.a. Any tree proposed to be removed or cut in connection with the project shall be shown on the Tree Survey, and the location of each replacement tree shall also be shown on the applicant’s plan, together with a table showing the size, species, etc. of the proposed replacement tree.

1.b. Applicants shall include a replanting or tree mitigation (landscaping plan) for the replacement of any trees, including the species, quantity, and locations of the trees to be replaced on the site pursuant to this section. The replanting and landscaping plan shall specify the minimum height of trees to be installed. Twelve (12) months after all plantings have been installed, the applicant shall provide the Board with a report regarding the survival of trees and plantings, with all trees in need of replacement noted on the approved landscaping plan. Trees and plantings that have died or are damaged shall be replaced within sixty (60) days, weather permitting, of the Board’s letter specifying the trees/plantings that must be replaced by the applicant/owner of the project at the applicant/owner’s expense.

1.c. The Board will determine if the trees used for screening purposes count towards the on-site tree replacement requirements under this section.

T. Solar installations on brownfield sites, dumps and other lands not suitable for typical development are encouraged.

U. Utility Connections. All utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way. Underground infrastructure shall be exempt from lot coverage, setback, and other bulk regulation requirements.

V. Unsafe Structures. Due to added visual impacts and possible emergency access issues, any unsafe, vacant, and/or condemned structures on any participating parcels within the solar project site, including structures between solar components and the public right of way, shall be removed before construction. The removal of said structure(s) shall be at the cost of the applicant and/or applicable property owner(s).

### **Section 697.2 Large-Scale Solar Energy Systems**

Large-Scale Solar Energy Systems are permitted in the Solar Energy Systems Overlay District through the issuance of a Zoning Permit and a Special Use Permit, in which the Town Planning Board will review each application concurrently, subject to the requirements set forth in this Law. All procedures including, but not limited to, sketch plan review, public hearing, and time frames pursuant to the zoning law shall be met. All application and standards requirements for Medium-Scale Solar Energy Systems set forth above shall also apply to Large-Scale Solar Energy Systems, with the addition of the following stipulations:

A. If the applicant does not complete construction of the project within 18 months after beginning construction, this may be deemed as abandonment of the project and require implementation of the decommissioning plan to the extent applicable. The Town may notify the operator and/or owner to complete construction and installation of the facility within 180 days from the notification date. If the owner and/or operator fails to perform, the Town may notify the owner and/or operator to implement the

Decommissioning Plan. The Decommissioning Plan must be completed within 180 days of notification by the Town.

B. Upon cessation of activity of a constructed facility for a period of one year, the Town may notify the owner and/or operator of the facility to implement the Decommissioning Plan. Within 180 days of notice being served, the owner and/or operator can either restore operation equal to 80% of approved capacity or implement the Decommissioning Plan.

C. If the owner and/or operator fails to fully implement the Decommissioning Plan within the 180-day time period, the Town may, at its discretion, provide for the restoration of the site in accordance with the Decommissioning Plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Town shall be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes.

D. Any and all Decommissioning Plans must include plans for the removal of all system components, whether above ground or underground.

E. Acreage Limitations. Large-Scale Energy Systems shall not collectively occupy more than a total of Five Hundred (500) acres in the Town of Greig. For purposes of this provision, “total acreage” shall be calculated based on physical infrastructure. Meaning, allotted acreage within the Town shall be calculated by physical system occupancy, not tax parcel acreage. Additionally, the parcels participating in a Large-Scale Solar Facility must each have a minimum tax parcel acreage of at least twenty (20) acres.

F. Vegetation shall be maintained below the solar panels. The ground within the fenced perimeter shall not be tamped, compressed, or similar treatments to inhibit the growth of natural vegetation. The Town Planning Board may allow for co-usage of the lands under and around installed solar panels for grazing or growing of crops that could be grown or harvested without damaging or interfering with the Solar Energy System. The Town may mandate the planting of native pollinator species as ground cover as a mediation mechanism.

G. The Town Planning Board may require methods to mitigate adverse impacts to wildlife, wildlife habitats, travel corridors, or migration routes. These include but are not limited to the use of fencing that allows for an 8” to 12” space at the bottom that allows wildlife passage or other options such as the use of lights, colors, or decoys.

H. All roadways associated with the Large-Scale Solar Energy System shall remain unpaved and of pervious surfaces.

I. Traffic and Roadway Impacts. The Town Planning Board may require a traffic impact assessment to evaluate potential adverse impacts on public roads. This may include New York State Department of Transportation review if the project is accessed from a state highway.

J. All Large-Scale Solar Energy Systems shall be adequately screened with a combination of vegetative buffers, earth berms, or landscaping from all streets and adjacent residential uses to the extent practicable.

K. Appropriate landscaping and/or site design features, including both the maintenance of existing natural vegetation and the introduction of new plantings consisting of a naturally appearing blend of deciduous and coniferous species, shall be required to help screen the facility and accessory structures from roads, neighboring residences, and other uses. Any existing tree or group of trees which stands within or near a required planting area may be used to satisfy the screening and tree planting requirements

- L. Artificial lighting of Large-Scale Solar Energy Systems shall be limited to lighting required for safety and operational purposes and shall be directed downward and not spill onto adjacent properties to the extent practicable.
- M. Where feasible, all utilities serving the site shall be underground. If solar storage batteries are included in the Solar Energy System, the batteries must be placed in a secure container or enclosure meeting the requirements of the International Building Code, International Fire Prevention Code, and NFPA 70. When the batteries are no longer in use, they shall be disposed of in accordance with the International Building Code, International Fire Prevention Code, and NFPA 70 as well as the local laws of the Town, and any other applicable laws or regulations.
- N. The manufacturer or installer's identification, contact information, and appropriate signage shall be posted at the site and clearly visible. All emergency contact information shall be displayed and updated within 15 days of any changes. The Town, County Planning Department, County Emergency Management Services, and Fire District should be notified in writing of the emergency contact information within 15 days of any changes.
- O. Following the construction of a Large-Scale Solar Energy System, all disturbed areas where the soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust. Pollinator-friendly vegetation is preferred.
- P. When any Large-Scale Solar Energy System is installed, before it becomes active, the owner of the site and/or Solar Energy System must contact the Town's emergency responders to make arrangements for a meeting at the site to review the components of the Solar Energy System and to be educated on safety issues and procedures in the event emergency response is needed. This shall include detailed discussion related to the location of labeled warnings, access to the site and information on emergency disconnection of the system. All required training and required emergency services equipment should be at the cost of the application. In addition, the Town Planning Board may require a plan for installation regarding the location of placards which provide mutual aid responders with sufficient information to protect them when responding to calls on site.
- Q. If the ownership of a Solar Energy System or any of its components changes, the Special Use Permit shall remain in full force and effect providing all conditions of the Special Use Permit, including bonding, letters of credit or continuing certification requirements or obligations, including maintenance continue to be obligations of successor owners. The change in ownership shall be registered with the Town Clerk with a copy to the Code Enforcement Officer within 15 days of the change. The Town Clerk shall notify the Town Planning Board of such change. The special use permit and all other local approvals for the solar energy system would be void if a new owner or operator fails to provide written notification to the aforementioned individuals in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes as new applications under this Local Law.

### **Section 697.3 Solar Energy System Application & Review Costs**

The Town Planning Board may retain consulting services from engineers, architects, landscape architects, lawyers, planners, or other professional services during the course of review related to Medium Scale and/or Large-Scale Solar Facilities. The applicant shall pay a review fee which shall be agreed to by the Town Planning Board and the applicant via a simple letter agreement. Such agreement shall state the Town's best estimate for fees discussed with the applicant and shall also name a maximum amount to be charged. The Town Planning Board may require the applicant to deposit such funds as may be necessary to pay for these services with the Town Clerk in advance.

#### **Section 697.4 Glare Assessments**

Both Medium-Scale and Large-Scale Solar Energy System applicants should consult with the Wheeler-Sack Army Airfield and the Watertown International Airport early and throughout the planning process to ensure that a proposed project meets all FAA or other military requirements for such airfield. Proof of written submission of the project plan to the Airfield and Airport are required by the applicant.

In order to prevent unwanted visual impacts to air control towers and airplane pilots, all applicants for Medium-Scale and Large-Scale Solar Energy Systems shall conduct a glare analysis.

#### **Section 697.5 Host Community Agreement**

A. While Large-Scale Solar Energy Facilities may benefit the Town, they will also impose costs such as requirements for infrastructure additions or improvements, environmental impacts, needs for new and/or enhanced public safety and emergency services response, aesthetic and quality of life concerns, loss of farmland, erosion of tax base, and other foreseen and unforeseen impacts.

A Host Community Agreement (HCA) shall be required for all Large-Scale Solar Energy Systems. The Town may also consider requiring a Host Community Agreement for Medium-Scale Solar Energy Systems, where such projects may have a substantial visual, environmental, or infrastructure impact on the community.

The Town reserves the right to establish the terms and form of any Host Community Agreement, including but not limited to annual payments, infrastructure improvements, or community benefit contributions, provided that such terms are reasonably related to mitigating the specific impacts of the proposed project.

Nothing herein shall preclude the Town from negotiating a Host Community Agreement for other types of development or infrastructure projects where appropriate.

1. Existing revenue sources are not sufficient to fund and/or offset the detrimental impacts of Large-Scale Solar Development in the Town.

2. It is both authorized by New York State Statute and desirable for the Town to provide for a requirement that developers of Large-Scale Solar Energy Systems enter into an agreement with the Town prior to commencement of operation of such facilities to ensure that such developers provide for an ongoing level of support, care, and maintenance of the facilities during their useful life, pay to the Town a fee as shall be determined by the Town to be necessary to offset the costs and impacts to the Town incident to a facility's development and/or operation, and to address such other matters as are determined by the Planning Board and/or the Town Planning Board to be necessary or advisable conditions to the development of any such facility. This agreement shall also ensure that the benefits of these solar energy resources are available to the entire community, and the Town of Greig may require the applicant to also include such benefits as part of said agreement. Such an agreement is hereinafter referred to as a "host community agreement."

B. Prior to the issuance of a building permit for any Large-Scale Solar Energy System, the operator shall enter into a Host Community Agreement with the Town of Greig. The Host Community Agreement shall:

1. Contractually obligate the operator to comply with any terms and conditions of any special use permit approval of the Town or Planning Board;

2. Provide for payment by the applicant to the Town of associated impact fees to be used and applied by the Town to pay for and/or to offset the costs and impacts incurred by and/or arising due to the development and/or operation of the solar energy system. In order to ensure that the benefits of the project's solar energy resources are available to the entire community, this agreement shall also make funds available for non-profit and community development projects at the discretion of the Town Planning Board; and

3. Provide for such other contractual requirements as may be necessary given the specific elements of a particular project; and

4. In the event that the operator and/or owner shall enter into an agreement with the Lewis County Industrial Development Agency ("LCIDA") to provide for an abatement in real property taxes or other tax exemption or abatement, be cross-defaulted with the agreements between the operator and/or owner and the Lewis County Industrial Development Agency.

C. Agrivoltaics. The Town of Greig recognizes that farming and agriculture are important aspects of New York State's overarching goal of safeguarding the environment. The Town of Greig further recognizes that the use of solar energy should not be to the detriment of agriculture, but rather should be in harmony with agriculture. Thus, the Town encourages applicants to respect such values held by the State and the Town by including aspects of agrivoltaics in community benefit agreements. The Town is particularly interested in agrivoltaic initiatives which incorporate the livestock grazing and farming of fruits and/or vegetables underneath, and/or in close proximity to, solar panels. Such use would assist in mitigating the loss of valuable farmland.

### **Section 698 Wind Energy Systems, Principal (WESP)**

A. Principal Wind Energy systems must comply with all the requirements of **Section 587. B.** Permit Application – Special Permit required; Building Permit required.

B. WESP installations are permitted only within the LI-1 district. Any proposal for a LI-1 district must follow the Floating Zone procedure outlined in **Section 420.**

C. Construction of onsite access roads shall be minimized.

D. To prevent harmful wind turbulence to existing structure the minimum height of the lowest part of any horizontal axis WESP blade shall be at least thirty (30) feet above the highest structure or tree within a five hundred (500) foot radius.

E. No television, radio or communication antennas may be affixed or otherwise made a part of a WESP.

F. If it is determined that a WESP is causing stray voltage the operator will take any and all necessary corrective action to eliminate the problem up to and including relocation and removal of the WESP.

G. To ensure the proper removal of the WESP, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of special use permit approval under this section. The Decommissioning Plan must specify that after the WESP can no longer be used, it shall be removed and disposed of by the applicant or any subsequent owner in a lawful and environmentally proper manner. The plan shall demonstrate how the removal of all

infrastructure, access roads, fencing, and signage and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer licensed in New York State, and must reflect site-specific conditions. The cost estimate shall be used to calculate the required surety

H. The applicant may be required to provide financial sureties, as set forth, for the removal of the WESP. Pursuant to the execution of the decommissioning plan, the applicant shall provide the Town with a bond in an amount determined by the Town Board to cover the expense of removal of the facility and remediation of the landscape in the event the Town must remove the facility. The amount of the bond or security shall be 115 % of the cost of removal of the wind power generating facility and restoration of the property. The amount of the bond or security shall be updated by a qualified independent engineer licensed to practice in the State of New York to reflect inflation and any other changes after one year of project operation, and every third year thereafter. Updated amount figures will be filed with the Town Board. The bond or security shall be in a form acceptable to the Town attorney, which includes, but is not limited to, an escrow account, a letter of credit, a perpetual bond, or any combination thereof. **Section 720 B** should be followed concerning an executed contract between the Town and the applicant and all such approvals therein. The applicant and any subsequent owner or operator shall ensure that the financial surety is **continuously maintained** for the life of the project. If the surety is withdrawn, lapses, or is deemed insufficient by the Town, the operator shall immediately provide a replacement acceptable to the Town. Failure to maintain adequate surety shall be considered a violation of this law and subject to enforcement under **Section 930**.

I. Emergency Operation Plan Minimum Requirements:

1.1.1. Overview of the facility, purpose and scope of the plan.

1.1.2. Facility description: Location and layout maps, description of major components (e.g., solar arrays, inverters, battery storage units, wind turbines) and site map with hazardous materials identified (e.g., battery chemicals, transformers with oil).

1.1.3. Emergency Contact Information: Names, phone numbers, and roles of key facility personnel, local emergency responders (fire, police, EMS), utility companies, and environmental agencies contacts.

1.1.4. Potential Hazards and Risk Assessment. Shall include but is not limited to: fire hazards (electrical fires, battery fires), chemical spills or leaks (batteries, transformer oils), severe weather (high winds, flooding, lightning), structural failures or equipment malfunctions, security breaches and, or vandalism.

1.1.5. Emergency Response Procedures. Shall include but is not limited to: Step-by-step actions for each identified hazard, evacuation procedures and routes, shutdown procedures for energy systems, fire suppression methods (including specifics for lithium-ion battery fires if applicable) spill containment and cleanup protocols, and communication protocols during an emergency.

1.1.6. Coordination with Emergency Responders. Shall include but is not limited to: Notification procedures to local emergency services, access routes and site maps for first responders, tentative schedule for annual training and drills involving emergency responders, designation of an on-site emergency coordinator or liaison.

1.1.7. Safety Equipment and Resources. Location and maintenance of fire extinguishers, spill kits, personal protective equipment (PPE) and emergency shutdown switches or controls.

1.1.8. Training and Drills. Schedule for regular training of facility personnel on emergency procedures and drills conducted with local responders to test the plan.

1.1.9. Reporting and Documentation. Incident reporting procedures and documentation requirements for emergency events and responses.

1.1.10. Plan Maintenance and Updates. Procedures for regular review and updating of the plan and responsibilities for maintaining the EOP.

#### J. Special Use Permit Required

1. No person shall install or operate a WESP without first obtaining a Special Use Permit from the Town Planning Board in accordance with this Zoning Law.
2. Any repowering or substantial modification of a WESP shall require a new Special Use Permit.
3. A new Special Use Permit shall be required if:
  - 3.a. The number of turbines increases;
  - 3.b. The total rated capacity increases;
  - 3.c. The height or rotor diameter of any turbine increases;
  - 3.d. Major components (e.g., foundations, nacelles, blades) are replaced with different models or technologies;
  - 3.e. Layout changes affect visual, noise, or environmental impacts.

#### K. Host Community Agreement Encouragement.

The Town encourages applicants for large-scale renewable energy systems to enter into a Host Community Agreement with the Town of Greig to provide direct benefits to the community most impacted by the proposed facility. While the Town acknowledges that PILOT agreements are negotiated separately through other legal frameworks, it is the Town's policy preference that a majority of total community benefit funds, where feasible, be directed through Host Community Agreements to ensure a more direct and equitable benefit to affected residents and local infrastructure.

#### L. Enforcement

Noncompliance with any provision of this Article may result in the imposition of fees, penalties, or other enforcement actions as outlined in **Section 930** of this Code.

- M. A WESP which is not operational and in use for twelve (12) months shall be deemed abandoned and the WESP shall be dismantled and removed from the property at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any or all conditions that may be attached to the granting of any permit shall constitute grounds for the revocation of the permit and permit holder shall remove the system, mount, and associated equipment and facilities by no later than ninety (90) days after the end of the twelve (12) month period. Failure to comply with this section will result in enforcement action detailed in **Section 930** of this law. If the WESP is not decommissioned after being considered abandoned, the Town may remove the system, restore the parcel to its original state, and impose a lien on the property to cover costs to the municipality to the extent not covered by any surety/bond required

### **Section 699 Battery Energy Storage Systems**

#### A. Purpose.

The Town of Greig recognizes the growing role of energy storage technologies in supporting renewable energy

integration, grid reliability, and local resilience. In accordance with the New York State Climate Leadership and Community Protection Act (CLCPA), this Article establishes regulations for the safe and effective siting and operation of battery energy storage systems to protect the public health, safety, and welfare.

#### B. Legislative Intent.

It is the intent of this Article to:

1. Encourage the deployment of battery energy storage systems that support renewable energy generation and community resilience in a manner consistent with state climate goals;
2. Establish standards and procedures to ensure that such systems are designed, constructed, operated, and decommissioned in a safe and environmentally responsible manner;
3. Prevent potential adverse impacts on adjoining properties, emergency responders, and critical infrastructure;
4. Balance the Town's interest in protecting its rural landscape and agricultural heritage with the State's policy objectives to expand renewable energy generation capacity;
5. Promote consistency with the Town's comprehensive plan and zoning objectives; and
6. Provide for a predictable and transparent permitting process that balances technological innovation with community protection and environmental stewardship.

For Tier 1 Battery Energy Storage Systems classified as light industrial uses, applicants shall also refer to the siting and operational standards outlined in **Section 640: Light Industry Standards**, in addition to the requirements of this section. Where provisions differ, the more restrictive standard shall apply.

Tier 2 Battery Energy Storage Systems are classified as **Heavy Industrial Uses** and must be sited within the **Heavy Industry Floating Zone (HI)** in accordance with **Section 430** of this law. All applications for Tier 2 BESS shall comply with the siting, environmental, and operational standards applicable to heavy industrial uses, including but not limited to minimum lot size, separation from sensitive uses, and screening requirements. Where provisions in **Section 699** differ from **Section 430** or other relevant sections, the more restrictive standard shall apply.

#### **Section 699.1-General Requirements of all Battery Energy Storage Systems**

1. The requirements of this Local Law shall apply to all battery energy storage systems permitted, installed, or modified in the Town of Greig after the effective date of this Local Law, excluding general maintenance and repair.
2. Battery energy storage systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
3. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Local Law.
4. A building permit and an electrical permit shall be required for the installation of all battery energy storage systems.
5. Issuance of permits and approvals by the Town Planning Board shall include review pursuant to the State Environmental Quality Review Act ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA").
6. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in

accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Town of Greig Zoning Law.

**Section 699.2 Permitting for Tier 2 Battery Energy Storage Systems.**

~~Tier 2 Battery Energy Storage Systems~~ are permitted through the issuance of a Special Use Permit and shall be subject to the Uniform Code and application requirements outlined in this Section. Applications for the installation of Tier 2 Battery Energy Storage System shall be:

A. Reviewed by the Building Inspector for completeness. An application shall be complete when it addresses all matters listed in this Local Law including, but not necessarily limited to:

a.i.1.1. Compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code; and

a.i.1.2. Matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site Plan and Development, Special Use and Development, Ownership Changes, Safety, and Permit Time Frame and Abandonment. Applicants shall be advised within ten (10) business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.

B. Subject to a public hearing to hear all comments for and against the application. The Planning Board of the Town of Greig shall have a notice printed in a newspaper of general circulation in the Town of Greig at least five (5) days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within 1000 feet of the property at least ten (10) days prior to such a hearing. Proof of mailing shall be provided to the Planning Board at the public hearing.

C. Referred to the County Planning Department pursuant to General Municipal Law § 239-m, if required.

D. Upon closing of the public hearing, the Planning Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Planning Board and Applicant.

E. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

F. Signage.

a.i.1.1. The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.

a.i.1.2. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

G. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

H. Vegetation and Tree-Cutting.

Tree removal shall be minimized to the extent practicable, consistent with the requirements of **Section 576** (Land Clearing and Forest Preservation) and **Section 699.4** Vegetation Management and Tree Preservation for BESS. Where feasible, non-combustible vegetation or fire-resistant landscaping should be used to meet both safety and environmental goals.

I. Wetlands. The Planning Board shall determine the potential impact on important bird areas, as identified by the New York Audubon Society, other recognized habitats such as any nearby New York State wildlife management areas, and any locally recognized priority habitat areas such as those set aside for bats and any areas considered "sensitive," which may include but not be limited to areas such as bird conservation areas or areas covered under mitigation for species such as grassland birds; and at least 500 feet from state-identified and/or federally-identified.

J. Noise. The one-hour (1-hour) average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the outside wall of any non-participating residence or occupied community building. Applicants shall submit equipment and component manufacturers' noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

K. Landscaping. All BESS applications must include a landscape and vegetation management plan in accordance with **Section 699.4**.

### **Section 699.3 BESS Decommissioning.**

1. ~~Decommissioning Plan.~~ The applicant shall submit a decommissioning plan, which is inclusive of above ground and underground components, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:
  - 1.a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
  - 1.b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
  - 1.c. The anticipated life of the battery energy storage system;
  - 1.d. The estimated decommissioning costs and how said estimate was determined;
  - 1.e. The method of ensuring that funds will be available for decommissioning and restoration;
  - 1.f. The method by which the decommissioning cost will be kept current;
  - 1.g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection

suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and

- 1.h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
- 1.i. Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to the Town of Greig in a form approved by the Town Clerk's Office for the removal of the battery energy storage system, in an amount to be determined by the Town of Greig for the period of the life of the facility. This amount will be reviewed and updated on an annual basis. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant.
- 1.j. The decommissioning fund shall be reviewed annually by the Town Clerk or designated official to ensure adequacy. The owner or operator shall provide updated cost estimates and proof of bond renewal or continuation no later than January 31st of each year. Failure to maintain an active and sufficient bond shall constitute a violation of this law and may result in enforcement action under **Section 930**.

#### **Section 699.4: Vegetation Management and Tree Preservation for BESS**

##### **A. Purpose**

To ensure the safe operation of Tier 2 Battery Energy Storage Systems (BESS) while preserving the Town's environmental resources, this section establishes standards for vegetation management, fire-resistant landscaping, and tree preservation in accordance with **Section 576** (Land Clearing and Forest Preservation) and applicable fire safety codes.

##### **B. Defensible Space Requirements**

1. A minimum fifty (50) foot clearance shall be maintained on all sides of Tier 2 BESS enclosures.
2. This area must be cleared of combustible vegetation and other combustible growth, including dry grasses, brush, and deadwood.
3. The following vegetation types are permitted within the defensible zone, provided they do not form a means of readily transmitting fire:
  - a. Maintained green grass
  - b. Succulents and low-growing, fire-resistant groundcovers
  - c. Single, well-spaced ornamental trees or shrubs

##### **C. Tree Preservation Standards**

1. Tree removal shall be minimized to the greatest extent practicable, consistent with **Section 576**.
2. Mature trees (6 inches DBH or greater) located outside the required defensible space should be preserved unless:
  - They pose a hazard to the system or emergency access
  - Their removal is necessary for essential site development and no feasible alternative exists

3. Where tree removal is unavoidable, the Town may require tree replacement at a 2:1 ratio, using native or climate-resilient species.

#### **D. Landscape and Vegetation Management Plan**

All Tier 2 BESS applications shall include a landscape and vegetation management plan that:

1. Maps existing tree cover and proposed removals
2. Identifies fire-resistant plantings
3. Details maintenance practices (e.g., mowing, pruning, debris removal)
4. Includes replanting or mitigation measures if tree removal exceeds thresholds

#### **E. Ongoing Maintenance**

1. Vegetation within the ten (10)-foot defensible buffer shall be maintained year-round to prevent the accumulation of combustible materials.
2. The Town may require periodic inspections or third-party verification to ensure compliance with this section.

#### **~~Section 699.5 Special Use Permit Application.~~**

~~For a Tier 2 Battery Energy Storage System requiring a Special Use Permit the special use permit application shall include the following information:~~

1. Property lines and physical features, including roads, for the project site.
2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
3. A three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
4. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
5. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
6. Name, address, email address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.
7. Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial

acceptance testing required in the Uniform Code shall be provided to the Building Inspector prior to final inspection and approval and maintained at an approved on-site location.

8. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.
9. Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.
10. Erosion and sediment control and stormwater management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
11. Prior to the issuance of the building permit or final approval by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed by an NYS Licensed Professional Engineer.
12. Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and the local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
  - 12.a. 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 the Town of Greig, the local fire department, and Lewis County Emergency Services no later than January 31st of each calendar year. Documentation of annual drills or training exercises shall also be submitted with the updated plan.
  - b. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
  - c. Procedures for inspection and testing of associated alarms, interlocks, and controls.
  - d. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
  - e. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
  - f. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
  - g. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel

qualified to safely remove damaged battery energy storage system equipment from the facility.

h. Other procedures as determined necessary by the Town of Greig to provide for the safety of occupants, neighboring properties, and emergency responders.

i. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures including proper personal protection equipment.

13. Landscaping Plan. All BESS applications must include a landscape and vegetation management in accordance with Section 699.4

### **Section 699.6 Special Use Permit Standards.**

~~A. Setbacks. Tier 2 Battery Energy Storage~~ Systems shall be set back at least 200 feet from any adjacent lot lines as measured from the surrounding fence.

B. Height. The maximum height of structures dedicated to Tier 2 Battery Energy Storage Systems shall be twenty (20) feet.

C. Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a seven (7) foot high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.

D. Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfere with ventilation or exhaust ports.

E. Safety. All applicable Emergency Service Agencies and Personnel shall receive initial and annual on-site drills and training, provided by the applicant, to ensure that the procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions are fully understood prior to operations. Any costs for training and required emergency services equipment shall be supplied by the applicant.

F. Ownership Changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Building Inspector and ZEO of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Building Inspector or ZEO in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the Building Inspector in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Local Law.

G. Safety

1. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

- a. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
- b. UL 1642 (Standard for Lithium Batteries),
- c. UL 1741 or UL 62109 (Inverters and Power Converters),
- d. Certified under the applicable electrical, building, and fire prevention codes as required.
- e. Installed following NFPA 855- Standard for the Installation of Stationary Energy Storage Systems.
- f. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations, and safety standards may be used to meet system certification requirements.

2. Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire departments and Lewis County Emergency Services Director.

3. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

**Section 699.7 Permit Time Frame and Abandonment.**

- 1. The Special Use Permit for a battery energy storage system shall be valid for a period of 24 months, provided that a building permit is issued for construction and/or construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board, within 24 months after approval, the Planning Board may extend the time to complete construction for no more than 180 days. If the owner and/or operator fails to perform substantial construction after 36 months, the approvals shall expire.
- 2. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than one (1) year. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town of Greig may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan. The Town of Greig may impose a lien on the property to cover any decommissioning costs not covered by the bond or security.

**Section 699.8 Permitting Requirements for Tier 1 Battery Energy Storage Systems.**

Tier 1 Battery Energy Storage Systems (BESS), whether building-mounted or ground-mounted, are considered accessory uses but shall require a Special Use Permit in accordance with **Section 405** and **Article VII** of this law. These systems are subject to the standards outlined below and shall not be exempt from site plan or special use permit review unless explicitly stated otherwise by the Planning Board. Zoning Permits may be issued only after Special Use Permit approval is granted.

A. Building-mounted and ground-mounted Tier 1 Battery Energy Storage Systems, as defined herein, shall be permitted as accessory uses, subject to the Uniform Code and issuance of a Zoning Permit by the Enforcement Officer(s).

B. Ground-mounted Tier 1 Battery Energy Storage Systems are permitted as accessory structures and are subject to the following requirements:

- a.1. The height of the ground-mounted Tier 1 Battery Energy Storage System and any mounts shall not exceed 15 feet.
- a.2. The total surface area of the ground-mounted Tier 1 Battery Energy Storage System on the lot shall not exceed 5% lot coverage.
- a.3. The ground mounted Tier 1 Battery Energy Storage System is not the primary use of the property.
- a.4. The ground mounted Tier 1 Battery Energy Storage System is located in a side or rear yard.
- a.5. The ground mounted Tier 1 Battery Energy Storage System shall comply with the minimum setbacks for accessory structures applicable to the zoning district in which the battery energy storage system is sited.
- a.6. The ground mounted Tier 1 Battery Energy Storage System shall be screened from adjacent residences through the use of architectural features, earth berms, landscaping, or other screening which will harmonize with the character of the property and surrounding area.

C. Tier 1 BESS Special Use Permit Standards.

1. Setbacks. Tier 1 Battery Energy Storage Systems shall be set back at least 150 feet from any adjacent lot lines as measured from the surrounding fence.
2. Height. The maximum height of structures dedicated to Tier 1 Battery Energy Storage Systems shall be twenty (20) feet.
3. Fencing Requirements. Tier 1 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a seven (7) foot high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.
4. Screening and Visibility. Tier 1 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfere with ventilation or exhaust ports.
5. Safety. All applicable Emergency Service Agencies and Personnel shall receive initial and annual on-site drills and training, provided by the applicant, to ensure that the procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions are fully understood prior to operations. Any costs for training and required emergency services equipment shall be supplied by the applicant.
6. Tier 1 Battery Storage Systems shall follow all the above-listed requirements of the Tier 2 BESS unless provided relief by the Planning Board or Zoning Board of Appeals.
7. **Exemption for Onsite Battery Energy Storage Systems (BESS):** Battery energy storage systems that meet the criteria of a Tier 1 system and are used exclusively for onsite consumption—such as for secondary, backup, or emergency power—at a residence, farm, or small business, shall be exempt from the full permitting requirements of this section, provided that:

- a. **No grid export** occurs and the system is not part of a commercial energy generation or distribution operation.
- b. The system is **not paired with solar or other renewable generation** that would otherwise qualify it as an accessory renewable energy system.
- c. The installation complies with all applicable **building, fire, and electrical codes**, and is subject to inspection by the local code enforcement officer.
- d. The system is **screened from public view** and does not create visual or noise impacts inconsistent with the surrounding area.
- e. The total rated capacity does not exceed the thresholds defined for Tier 1 systems.

This exemption is intended to support energy resilience and self-sufficiency for small-scale users without compromising safety or community character.

## **ARTICLE VII. SPECIAL USE REVIEW PROCEDURE**

### **Section 705 Authority**

All special uses must receive special permit approval by the Planning Board. Depending on the proposed location, a County Planning Board Referral may also be required before the Town Planning Board's action. Upon the Planning Board's granting of a special permit, all conditions must be met in connection with the issuance of a zoning permit by the Zoning Enforcement Officer.

### **Section 710 Objectives**

In considering and acting on special uses, the Planning Board shall consider the public health, safety, and welfare, of the public in general; the residents of the proposed development, and the residents of the immediate surrounding area. The Planning Board may prescribe such appropriate conditions and safeguards as may be required in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives:

- A. **Compatibility:** That the proposed use is of a character compatible with the surrounding neighborhood and in harmony with the General Plan for the community.
- B. **Vehicular Access:** That proposed access points are not excessive in number, but adequate in width, grade, alignment, and visibility; not located close to intersections or places of public assembly; and other similar safety considerations.
- C. **Circulation and Parking:** That adequate off-road parking and loading spaces are provided to prevent parking of vehicles on public highways by any persons connected with or visiting the development, that the interior circulation system is adequate to provide safe accessibility to
- D. all required parking lots, and that it provides adequate separation of pedestrian and vehicular movements.
- E. **Landscaping and Screening:** That all parking, storage, loading, and service areas are reasonably screened at all seasons of the year from the view of adjacent residential and waterfront areas and that the general landscaping of the site is in character with the surrounding areas.

- F. Natural Features: That the proposed use, together with its sanitary and water service facilities, are compatible with geologic, hydrologic, and soil conditions of the site and adjacent areas and that existing natural scenic features are preserved to the greatest extent possible

### **Section 715 Procedure**

A. Application for Special Permit. Two copies of a Town prescribed application for a special permit shall be filed with the Town Planning Board at the Town Clerk's office together with the appropriate fee as determined by the fee schedule adopted by Town Board resolution. The application and plan, shall include where applicable as determined by the Planning Board, but not be limited to, the following:

1. Name and address of applicant and owner, if different, and of the person responsible for preparation of such drawings.
2. Date, north point, written and graphic scale;
3. Boundaries of the area plotted to scale, including distances, bearings, and areas;
4. Location and ownership of all adjacent lands as shown on the latest tax records;
5. Location, name, and existing width of adjacent roads;
6. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
7. Complete outline of existing or proposed deed restrictions or covenants applying to the property;
8. Existing hydrologic features together with grading and drainage plan showing existing and proposed contours at five-foot intervals or as requested by the Planning Board;
9. Location, proposed use, height, and dimensions of all buildings;
10. 10 Location, design, dimensions, construction materials of all parking and truck loading areas with access and egress drives thereto;
11. Provision for pedestrian access, including public and private sidewalks.
12. Location of outdoor storage, if any;
13. Location, design, and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
14. Description of the method of sewage disposal and the placement, design, and construction materials of such facilities;
15. Description of the method of securing potable water and location, design, and construction materials of such facilities and if public water will be utilized the estimated daily amount necessary;
16. Location of fire lanes and other emergency zones including the location of fire hydrants;
17. Location, design, and construction materials of all energy distribution facilities, including electrical, gas, and solar energy;
18. Location, size, design, and construction materials of all proposed signs;
19. Location and proposed development of all buffer areas including indication of existing and proposed vegetative cover;
20. Location and design of outdoor lighting facilities;
21. Designation of the amount of gross floor area and gross leasable area proposed for retail sales and services, office, and other similar commercial or industrial activities;
22. Number and distribution by type of all proposed dwelling units;
23. General landscaping plan and planting schedule;
24. SEQRA Environmental Assessment Form;

25. Other elements integral to the proposed development as considered necessary by the Planning Board.

B. Planning Board Review of Special Use. The Planning Board shall consider the proposed special use and its net effect on the community. Such consideration shall include, as appropriate, but shall not be limited to, compatibility with the general plan, the economic, social physical, and environmental aspects of the proposal, and such other matters as may be determined pertinent. The board may consult with local and county officials, its designated consultants, and also with representatives of federal, state, and county agencies, including but not limited to the Soil Conservation Service, the New York State Department of Transportation the Department of Environmental Conservation, and the Department of Health.

C. Public Hearing. The Planning Board shall conduct a public hearing on the special use application. Such public hearing shall be conducted within sixty-two (62) days of the receipt of the completed application and shall be advertised at least five (5) days and not more than twenty (20) before the hearing in the Town's official newspaper. At least ten (10) days before such hearing the Planning Board shall mail notice thereof to the applicant.

D. Planning Board Action on Special Use. Within sixty-two (62) days of such public hearing, the Planning Board shall act on the special use application. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the special use application is approved, disapproved, or approved with conditions. If the special use is disapproved, the statement will contain the reasons for such findings.

Upon approval of the special permit and payment by the applicant of all fees and reimbursable costs due the Town, the Planning Board shall endorse its approval on a copy of the site plan, special permit, and all documents submitted as part of the application.

The decision of the Planning Board shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered, and a copy mailed to the applicant.

E. County Planning Board Review. The Planning Board shall provide notice of all special use review matters that fall within those areas specified under General Municipal Law, Article 12- B, Section 239-m to the County Planning Board at least ten (10) days prior to public hearing. Any special use that falls within 500 feet of the boundary of the Town; a State/County Park or recreation area; a State or County highway or expressway; a State or County owned drainage channel; State or County land where a public building or institution is located; or requires an agricultural data statement shall be referred to the Lewis County Planning Board for their recommendations thereon. The notice shall be accompanied by a full statement of the matter under consideration. If the County Planning Board does not respond within thirty (30) days from the time it received a full statement on the referral matter, or such longer period as agreed upon by the Town and County, then the Planning Board may act without such report. The local Planning Board must report to the County Planning Board within seven (7) days after taking a final action thereon.

F. Agricultural Data Statement; Requirements. An application for a special permit that would occur on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The Planning Board shall consider the agricultural data statement in its

review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district

G. Agricultural Data Statement; Content. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

H. Agricultural Data Statement; Notice Provision. Upon the receipt of such application by the Planning Board, the Secretary of such Board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location. The cost of mailing said notice shall be borne by the applicant.

I. Environmental Review. The Planning Board shall be responsible for compliance with the State Environmental Quality Review (SEQR) Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, N.Y.C.R.R., 617.

### **Section 720 Bond for Installation of Improvements**

#### A. General

In order that the Town has the assurance that the construction, installation and restoration of such improvements as storm sewer, water supply, sewage disposal, landscaping, road signs, sidewalks, parking, access facilities, and road surfacing will be constructed, the Planning Board may require that the applicant enter into one of the following agreements with the Town.

1. Furnish a bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Planning Board. Such bond shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety; or
2. In lieu of the bond, the applicant may deposit cash, certified check, an irrevocable bank letter of credit, a certificate of deposit, or other forms of financial security acceptable to the Town. Acceptable substitutes, if furnished, shall be kept on deposit with the Town for the duration of the bond period.

#### B. Conditions:

When required, before a special use permit is issued, the applicant shall have an executed contract with the Town, and a performance bond, certified check, or bank letter of credit shall have been deposited covering the estimated cost of the required improvements that have been designated by the Planning Board.

The performance bond, certified check, or bank letter of credit shall be to the Town and shall provide that the applicant, the applicant's heirs, successors, and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of this law; will faithfully perform

and complete the work of constructing and installing such facilities or improvements in accordance with the special use permit.

Any such bond shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety. Wherever a certified check is made, the same shall be made payable to the Town.

#### C. Extension of Time

The construction or installation of any improvements or facilities, other than roads, for which guarantees have been made by the applicant in the form of a bond, certified check, or bank letter of credit, shall be completed within one (1) year from the date of approval of the special use. Road improvements shall be completed within two (2) years from the date of approval of the special use. The applicant may request an extension of time, provided he can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the Town may use as much of the bond or check deposit to construct the improvements as necessary. The same shall apply whenever the construction of improvements is not performed in accordance with applicable standards and specifications.

#### D. Schedule of Improvements

When a certified check, performance bond, or bank letter of credit are made pursuant to the preceding sections, the Town and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation. However, ten percent (10%) of the check deposit or performance bond shall not be repaid to the applicant until one (1) year following the completion, inspection, and acceptance by the Town of all construction and installation covered by the check deposit or performance bond as outlined in the contract.

#### E. Inspections

Periodic inspections during the installation of improvements may be made by the Building or Zoning Code Enforcement Officer to ensure conformity with the special permit and specifications as contained in the contract and this law. The applicant shall notify the Building Code Enforcement Officer when each phase of improvements is ready for inspection.

Upon acceptable completion of installation and improvement, the Planning Board shall issue a letter to the applicant or his representative. Such letter shall be sufficient evidence for the release by the Town of the portion of the performance bond or certified deposit as designated in the contract to cover cost of such completed work.

#### F. Acceptance of Roads and Facilities

When the Highway Superintendent, following final inspection of the improvements, certifies to the Town Board that all installation and improvements have been completed in accordance with regulations for construction of a road, the Town Board may, by resolution, proceed to accept the road for which bond has been posted or check deposited.

Other facilities shall be accepted after approval by the Building Code Enforcement Officer, engineer or other professional designated to approve the facility.

## **ARTICLE VIII. SPECIAL USE REVIEW STANDARDS**

### **Section 805 General**

In review and approval of Special Uses, the Planning Board shall follow the standards set forth in this Article.

### **Section 810 Soil Erosion and Sedimentation Control**

#### A. General

If, in the opinion of the Planning Board, the accelerated erosion of soil will result from any development proposal, the Planning Board shall require that such erosion shall be controlled. To accomplish this, a person engaged in earthmoving activities shall develop, implement and maintain erosion and sedimentation control measures which effectively minimize accelerated erosion and sedimentation. These erosion and sedimentation measures must be set forth in a plan as described below and must be available at all times at the site of the activity.

#### B. Erosion and Sedimentation Control Plan

1. The erosion and sedimentation control plan shall be prepared by a person trained and experienced in erosion and sedimentation control methods and techniques.
2. The erosion and sedimentation control plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which contribute to erosion and sedimentation including, but not limited to, the following:
  - a. The topographic features of the project area;
  - b. Types, depth, and slope of soils;
  - c. The proposed alteration to the area;
  - d. The amount of runoff from the project area and the upstream watershed area;
  - e. The staging of earthmoving activities;
  - f. Temporary control measures and facilities for use during earthmoving;
  - g. Permanent control measures and facilities for long-term protection; and
  - h. A maintenance program for the control facilities including disposal of materials removed from the control facilities or project area.

#### C. Restoration

1. Upon completion of the project, all areas which were disturbed by the project shall be stabilized so that accelerated erosion shall be prevented.
2. Any erosion and sedimentation control facility required or necessary to protect areas from erosion during the stabilization period shall be maintained until stabilization is completed.

### **Section 815 Landscaping and Screening**

#### A. General Requirements:

1. Plant materials shall be selected according to hardiness and ability to withstand highway salt conditions.
2. To the greatest extent possible, plantings of trees shall be native deciduous, or native evergreen (coniferous).
3. Plantings or hedge buffers shall be designed and maintained to provide clear line of sight at roadway intersections or points of highway access to the satisfaction of the Highway Superintendent.

4. Plantings shall be installed at a height approved by the Planning Board. When the Planning Board deems additional screening necessary, said screening shall be designed to form an opaque buffer.
  5. When landscaping, screening or buffering are required for a given use, said materials shall be maintained, replaced when necessary, and kept neat and orderly.
- B. Screening: Where landscape materials are required for screening purposes, the following standards or approved equivalent shall be used:
1. When sufficient space is available, a dense screen of evergreen plant materials shall be used.
  2. Plant materials shall be planted at a height approved by the Planning Board and shall be spaced to form an opaque screen.

## **Section 820 Drainage**

- A. To the extent practicable, all development shall conform to the natural land contours and preexisting manmade drainage ways shall remain undisturbed.
- B. All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
1. The retention results from a technique, practice, or device deliberately installed as part of a water run-off control plan; or approved sedimentation or storm
  2. The retention is not substantially different in location or degree than that experienced by the development site in its predevelopment state, unless such retention presents a danger to health or safety.
- C. No surface water may be channeled or directed into a sanitary sewer.
- D. Wherever practicable, the drainage system of a development shall be coordinated with the connections to the drainage systems or drainage ways on surrounding properties or roads.
- E. Construction specifications for drainage swales, and storm drainage shall be designed to Town requirements.
- F. All developments shall be constructed and maintained so that adjacent properties are not impacted by surface waters as a result of such developments. No development shall be constructed or maintained so that such development impedes the natural flow of water thereby causing damage to any adjacent properties.

## **ARTICLE IX - ADMINISTRATION AND ENFORCEMENT**

### **Section 905 Permits**

- A. No building or structure shall be erected, moved, or use instituted, or land use changed, until a zoning permit, special permit, or temporary permit has been issued, unless otherwise exempted by

this law. The exterior structural area of a building shall not be enlarged until a zoning permit, or special permit has been issued, unless otherwise exempted by this law.

- B. No permit for a year-round land use activity shall be issued for any property abutting on the following roads: Eatonville Road, Abbey Road, Van Arnam Road, North South Road, and Middle Road, beyond the present year-round maintenance section, unless or until such time as the Town Board has determined such road to be suitably improved for year-round access by emergency vehicles. Any person applying for a land use activity on these roads must designate where and how they intend to access the property, and whether the activity will be a year-round activity. Any individual with property on these roads may petition the Town Board to make suitable improvements to the road to allow year-round access within a reasonable period of time. The Town Board shall not be required to extend road facilities more than 500 feet in any given fiscal year, unless the proposed increase in assessed value along such portion of road exceeds \$250,000 for each 500 feet.
- C. A permit shall not be required for the following; however, these activities shall be required to meet the standards of this law, and may be required to obtain a N.Y.S. Uniform Building and Fire Prevention Code Permit, as appropriate.
1. Fences, walls, placement of posts, and shrubbery.
  2. Agricultural structures.
  3. Garage sales, lawn sales, and porch sales.
- D. When establishing measurements to meet the required yard and structure setbacks, the measurements shall be taken from the road line, lot line, or nearest mean high-water mark to the furthestmost protruding part of the structure. This shall include such projecting facilities as porches, carports, attached garages, etc.
- E. No permit or certificate of occupancy shall be issued for any building or structure where the construction, addition, and exterior expansion or use thereof, would be in violation of any of the provisions of this law.
- F. A zoning permit and/or special permit issued in accordance with this law shall expire two (2) years from the date of issuance if business has not commenced or construction undertaken.
- G. Applications for zoning permits and temporary permits shall be submitted to the Zoning Enforcement Officer or Town Clerk and shall include two (2) copies of a layout or plot plan showing the actual dimensions of the lot to be built upon; the size and location on the lot of existing and proposed structures and accessory structures; the distance from the building line to all lot lines, road lines, waterfront property lines, streams, and any other features of the lot; and such other information as may be necessary to determine and provide for the enforcement of this law. This information, and other relevant application data, shall be provided on a form issued by the Town.
- H. A fee as determined by resolution of the Town Board shall be paid for each permit.
- I. Temporary permits may be issued by the Zoning Enforcement Officer, upon approval by the Planning Board (as meeting the intent and purpose of this law) for a period not exceeding one (1) year, for conforming and nonconforming uses. Such temporary permits are conditioned upon agreement by the owner, or operator to remove any nonconforming structures or equipment upon

expiration of the temporary permit or to bring the use into compliance by a specific time. Such permits may be renewed once.

- J. Parking lots for places of public assembly, commercial, industrial, or business uses shall require a zoning permit for placement. They shall meet the requirements of Sections 515, 520 and 525.

### **Section 910 Enforcement Officers**

- A. This law shall be enforced by the Zoning Enforcement Officer except where the Building Code Enforcement Officer is explicitly noted.
- B. The Zoning Enforcement Officer's authorities shall include:
  - 1. Approve and/or deny zoning permits.
  - 2. Scale and interpret zone boundaries on Zoning Maps.
  - 1. Refer appeal matters to the Zoning Board of Appeals.
  - 2. Revocation of a zoning permit where there is false, misleading or insufficient information.
  - 3. Revocation of a zoning permit where the applicant has not done what was proposed on the application.
  - 4. Report at regular Town Board meetings the number of zoning permits issued.
  - 5. Issue appearance tickets and refer violations to the Town Justice.
  - 6. Enforcement of this code and other codes and regulations as approved and authorized by the Town of Greig Town Board.

### **Section 915 Certificates of Occupancy/Compliance**

- A. No land, building or structure shall be used, occupied, or changed in use until a Certificate of Occupancy/ Compliance has been issued by the Building Code Enforcement Officer stating that the building, structure, or proposed use complies with the provisions of this law.
- B. All Certificates of Occupancy/Compliance shall be applied for concurrently with the application for a permit. The certificate shall be issued within ten (10) days after the erection or alteration and state that the use complies with the provisions of this law.
- C. The Town Clerk shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.
- D. Under such rules and regulations as may be established by the Planning Board, a temporary Certificate of Occupancy/Compliance for not more than thirty (30) days for a part of the building may be issued by the Building Code Enforcement Officer. Such temporary certificate may be renewed one time upon written request for an additional 30 days.

### **Section 920 Zoning Board of Appeals**

- A. Creation, appointment, and organization: A Zoning Board of Appeals is hereby created. Said Board shall consist of five (5) members. The Town Board may at its discretion appoint an alternate. The alternate shall sit in place of an absent member for quorum, discussion and voting purposes at any time. The Town Board shall appoint the members of the Board of Appeals on a staggered term basis, and shall select the Chairman in conformance with Town Law. The Board of

Appeals shall select a Secretary, and Vice- Chairman, and shall prescribe rules for the conduct of its affairs.

B. Powers and duties: The Board of Appeals shall have all the power and duties prescribed by Section 267 of the Town Law and by this law, which are more particularly specified as follows:

1. Definitions. As used in this section:

- a. "Use variance" shall mean the authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable regulations.
- b. "Area variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

2. Interpretation: Upon appeal from a decision by an administrative official or citizen to decide any question involving the interpretation of any provision of this law, including the determination of the exact location of any zone boundary if there is uncertainty with respect thereto.

3. Variances: To vary or adapt the strict application of any of the requirements of this law in the case of exceptionally irregular, narrow, shallow, or steep lots, and other exceptional physical conditions; or undue use hardships; whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building. Variances must meet the criteria of Town Law, legal parameters, regulations and intent of this law. In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable to maintain the character of the Town and conform with the Comprehensive Plan.

4. Use Variances

- a. The Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.
- b. No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
  - i. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  - ii. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
  - iii. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - iv. that the alleged hardship has not been self-created.
- c. The Board of Appeals, in granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health and safety and welfare of the community.

5. Area Variances:

- a. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.
- b. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
  - i. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  - ii. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
  - iii. whether the requested area variance is substantial;
  - iv. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - v. whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

6. The Board of Appeals, in the granting of area variances, shall grant the minimum variance that shall be deemed necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

C. Procedure: The Board of Appeals shall act in accordance with the procedure specified by law. All appeals and applications made to the Board shall be in writing and on a form prescribed by the Town. Every appeal or application shall refer to the specific provisions of the law being appealed and shall set forth the interpretation that is claimed, the use for which the permit is sought, or the details of the appeal that is applied for and the grounds on which it is claimed that the appeal should be granted, as the case may be. A hearing shall be held for all variance actions in conformance with the requirements of Town Law. Every decision of the Board of Appeals shall contain a full description of reasons for granting or denying the permit. The reasons for the action shall be set forth in the minutes of the Board of Appeals meeting at which the action was taken. A tally of each member's vote shall be recorded. All meetings and hearings of the Board shall be public and records thereof shall be filed with the Town Clerk. Such appeals shall be taken within 60 days after the filing in the Town Clerk's Office of an order, requirement, decision, interpretation or determination of the Zoning Enforcement Officer.

**Section 925 Planning Board**

A. Appointment, and organization: The Town Planning Board shall consist of five (5) members. The Town Board may appoint an alternate at its discretion. The alternate shall sit in place of an absent member for quorum, discussion and voting purposes at any time. The Town Board shall appoint the members of the Town Planning Board on a staggered term basis and shall select the Chairman in conformance with Town Law. The Town Planning Board shall select a Secretary, and Vice-Chairman, and shall prescribe rules for the conduct of its affairs.

B. Powers and duties: The Planning Board shall have the following powers and duties with respect to this law:

1. Submittal of an advisory opinion to the Town Board for proposed amendments to this law.

2. Review and approval, approval with modifications, or disapproval of special uses within the Town as designated pursuant to Section 274-a of the Town Law and in accordance with the standards and procedures set forth in this local law. It is understood that the Planning Board may vary the strict application of general and specific special use review criteria in order that the applicant meet generally prescribed performance criteria.
  3. Review, approve or disapprove temporary permits.
- C. Procedure: The Planning Board shall act in accordance with the procedure specified by this Law. All applications made shall be made in writing on forms prescribed by the Town. Every decision of the Planning Board shall be made by resolution which shall contain a full record of findings in the case. All records, findings and minutes shall be filed with the Town Clerk.

### **Section 930 Violations and Penalties**

- A. Whenever a violation of this law occurs, the Zoning or Building Code Enforcement Officers, or any person may file a complaint in regard thereto. All such complaints should be in writing and shall be filed with the appropriate enforcement officer who shall properly record and immediately investigate such complaints. If the complaint is found to be valid, the Enforcement Officer shall issue a stop work order requiring all work to cease until the violation is corrected or notice of violation letter, respectfully. If the violation is not corrected within the specified time the Town shall take action to compel compliance.
- B. Pursuant to Section 150.20 (3) of the Criminal Procedure Law, the Building Code and Zoning Enforcement Officers are hereby authorized to issue an appearance ticket to any person, firm, or corporation causing a violation of this law, and shall cause such person, firm, or corporation to appear before the Town Justice.
- C. Pursuant to Town Law Section 268, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation. Notwithstanding the provisions of the Executive Law of the State of New York and more particularly Section 382 (2) penalties for violation of the Uniform Code in the Town of Greig shall be as follows:
1. For first offense, a fine of not less than \$100 and no more than \$250 and/or 15 days in jail;
  2. For the second offense within a 3-year period, a fine of not less than \$200 and no more than \$350 and/or 15 days in jail;
  3. For third or subsequent offenses within a 3-year period, a fine of not less than \$250 and no more than \$500 and/or 15 days in jail. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- D. In case any building or structure is erected, constructed, or reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of the law, the proper local authorities of the town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use of land, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct, business or use in or about such premises; and upon the failure or refusal of the proper local officer, board or body of the town to

institute any such appropriate action or proceeding for a period of ten days after written request by a resident taxpayer of the town so to proceed, any three taxpayers of the town residing in the district wherein such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such local officer, board or body of the town is authorized to do.

E. The Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

### **Section 935 Nonconformities**

#### A. Intent

The intent of this section is to recognize certain uses, lots of record and structures which legally exists at the time of enactment of this local law and which would be prohibited or unreasonably restricted by the provisions, regulations, standards, or procedures herein. This section shall not, however, be construed to perpetuate or encourage the survival or expansion of such uses, lots or structures.

#### B. Non-Conforming Uses

Any use of land or structures which by the enactment of this local law is made non-conforming may be continued on the premises and to the extent pre-existing provided that:

1. No non-conforming use shall be expanded, extended, or otherwise increased by more than twenty percent (20%) so as to occupy a greater area of land (footprint) than was committed to the non-conforming use at the time of enactment of this law;
2. No non-conforming use shall be extended so as to displace a conforming use;
3. A non-conforming use of land or structures once changed to a conforming use shall not be permitted to change back to a non-conforming use.

#### C. Non-conforming Lots of Record

Any lot of record existing prior to the enactment of this local law and having lot width, lot depth, and/or area, less than the minimum requirements set forth in this local law may be developed with any compatible use listed for the zone in which such non-conforming lot is located without requiring a variance provided that such lot:

1. Has sufficient area, width, and depth to undertake development which will:
  - a. maintain the required minimum front yard setbacks,
  - b. meet or exceed at least one-half (1/2) of the required minimum side and rear yard requirements,
  - c. not exceed the maximum permitted lot coverage; and
2. Satisfies all other applicable provisions of this local law.

#### D. Non-conforming Structures

Any pre-existing structure which by the enactment of this local law is made non-conforming may be used for any compatible use listed for the zone in which such structure is located provided that it shall not be enlarged or extended by more than twenty percent (20%) footprint, greater land area, and shall not increase its non-conformance in terms of front, side, and rear yard requirements.

Nothing under the provisions of this local law shall prevent the repair, restoration, or reconstruction of a non-conforming structure damaged by fire or another hazard provided that:

1. Its owner or owners can demonstrate that the construction, erection or location of a conforming structure is either:
  - a. physically impractical due to the size, configuration, or condition of the lot; or
  - b. a physical hardship; and
2. Such repair, restoration, or reconstruction is undertaken:
  - a. only on the premises and to the extent previously occupied by the non-conforming structure and;
  - b. Within two (2) years from the date on which the damage or destruction occurred.Otherwise only conforming structure (s) will be permissible on said premise.

A nonconforming structure that is voluntarily demolished or removed (i.e., not destroyed by fire or other hazard) may be reconstructed on the same footprint, provided that the replacement does not increase the degree of nonconformity. Prior to any demolition or removal, the property owner must submit a zoning permit application that includes a current survey showing the exact location and dimensions of the existing structure for review and approval. Demolition or removal shall not commence until the zoning permit has been issued. Once demolition or removal begins, it must be completed within sixty (60) days. Construction of the replacement structure must commence within three (3) months following the completion of demolition or removal of the original structure.

The Zoning Enforcement Officer may grant a one-time extension of up to ninety (90) days to the deadlines for demolition completion or commencement of construction if the applicant demonstrates that adverse weather conditions or other unforeseen circumstances beyond their control have caused delays. A written request for an extension must be submitted before the original deadline expires, including documentation supporting the need for additional time.

This section applies only to voluntary demolition or removal by the property owner. Demolition required due to neglect, lack of maintenance, or failure to comply with property maintenance standards shall not be considered voluntary and may be subject to enforcement actions under the applicable property maintenance or building codes.

### **Section 940 Amendments**

- A. The Town Board may amend, supplement, or repeal the regulations and provisions of this law after public notice and public hearing. All proposed changes shall be referred to the Lewis County Planning Board for their recommendation and for a report thereon prior to final action. The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given as follows:
  1. By publishing a notice at least ten days prior to the time of such hearing in the Town's official newspaper.
  2. By referring the proposed amendments to the Clerk of the County Legislature and the Clerks of neighboring towns and villages, and to any housing authority or state park commission whose property might be affected, at least ten (10) days prior to the public hearing.
- B. In case of a protest against such change signed by the owners of twenty percent (20%) or more of the area of land included in such proposed change or of an adverse recommendation by the County Planning Board, the Town Board must have a majority plus one vote in favor to adopt the amendments.

### **Section 945 Interpretation and Separability**

A. Interpretation: Interpretation and application of the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, or general welfare. Whenever the requirements of this local law differ from the requirements of any other lawfully adopted rules, regulations, ordinances or local laws the most restrictive, or that imposing the higher standards, shall govern.

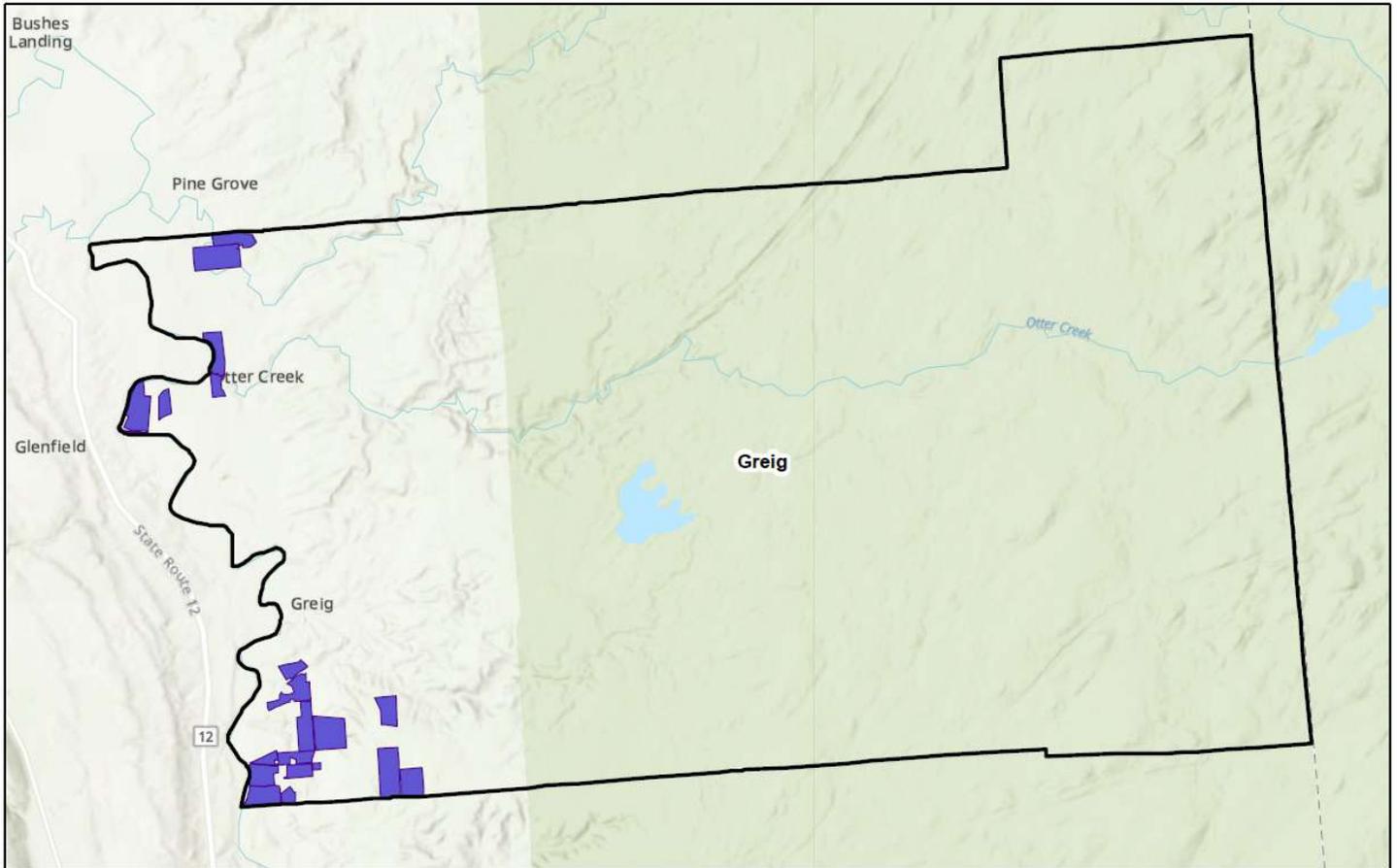
B. Separability: If any section or provision of this local law or the application thereof to any person or circumstance shall be judged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any provision of any section or the application of any part thereof to any other person or circumstances and to this end the provisions of this local law are hereby declared to be separable.

### **Section 950 Effective Date**

This local law shall take effect upon the filing with the Secretary of State.

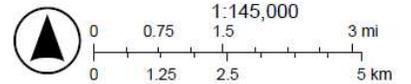
# TOWN OF GREIG ZONING LAW ATTACHMENTS

## Attachment 1: Lewis County Solar Overlay Map for the Town of Greig 2024



10/21/2024

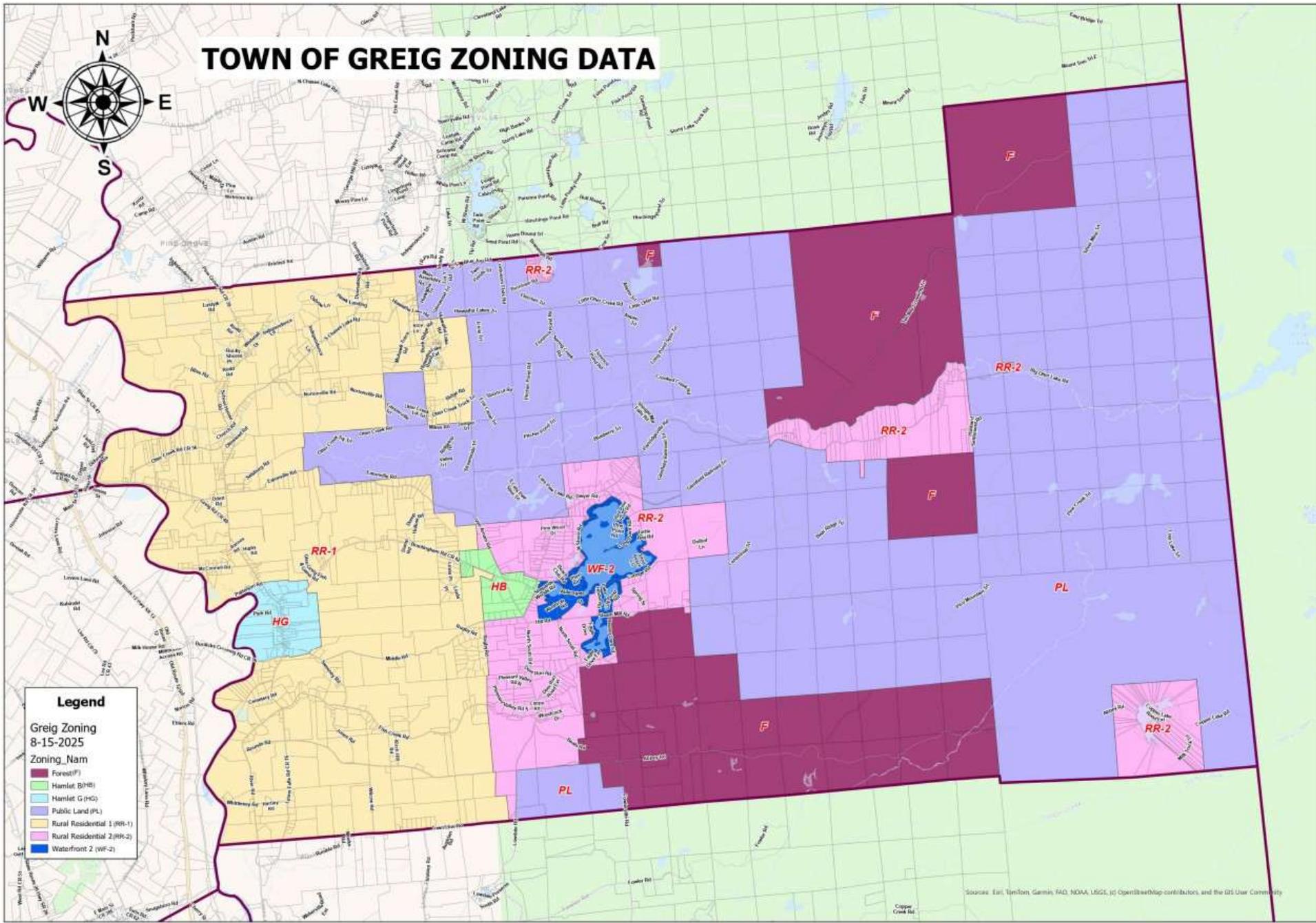
 Solar Energy Overlay District



**Attachment 2: Town of Greig Zoning Map**

~~Due to scale limitations, the printed or reduced~~ versions of the official zoning map may appear unclear or difficult to read. For enhanced legibility and up-to-date zoning information, users are encouraged to access the interactive electronic zoning map maintained by Lewis County. This can be found online at <https://lewiscountyny.giscloud.com/> by selecting the “Lewis County Zoning Data” layer within the “Zip Code – Zoning & Other Codes” folder. This digital resource provides detailed, current zoning data accessible at multiple zoom levels for improved clarity and usability.

# TOWN OF GREIG ZONING DATA



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community