

Village of Black River  
Planning Board Agenda  
August 11, 2015  
6:30 p.m.

1. Call to order, roll call & welcome.
2. Review of agenda.
3. Review & approval of minutes from previous meeting (6/9/15).
4. Review of correspondence & communications.
5. Public comments.
6. Village Board comments.
7. Report from Code Enforcement Officer.
8. Report from Zoning Board of Appeals liaison.
9. New Business:
  - A. Discuss alternative energy systems.
  - B. Discuss keeping chickens in village.
10. Old Business:
11. Comments of Planning Board Members.
12. Schedule & agenda for next meeting (9/8/15).
13. Adjournment.

**Please contact the Village Office at 773-5721 if you are unable to attend a scheduled Planning Board meeting.**

Village of Black River  
Planning Board  
Regular Meeting  
June 9, 2015

DRAFT

Chairman John Cook called the meeting to order at 6:32 p.m.

Present:

Chairman John Cook  
Board Member Brian Serota  
Board Member Mike Hayes  
Board Member Shelby Morgia  
Board Member Chuck Stafford  
Village Trustee Dan Darroch

Absent:

Board Member Harold Wheeler

Chairman Cook stated that he would like to add sidewalk maintenance and message signs to the agenda.

A motion was made by Board Member Morgia, seconded by Board Member Stafford to approve the minutes of the April 14, 2015 meeting. Board Member Hayes abstained from the vote due to his absence from that meeting. The motion was carried.

Village Board Comments: Trustee Darroch was present to discuss the issue of the sidewalks at the Stebbins subdivision. He stated that the Board discussed that other than snow removal there is nothing discussed about maintenance in the code book. Board Member Morgia pointed out section 128-6 that discusses the property owner's responsibility for sidewalk replacement and repair.

New Business: Chairman Cook stated that Code Enforcement Officer Dave Lachenauer would like the Board to review alternative energy systems such as wind power, geothermal systems and solar panels. He stated that CEO Lachenauer also wanted the board to discuss electronic signs and allowing chickens in the Village. Chairman Cook stated that the Code Book addresses signs in Section 175-39. The Board could not find anything in the Code that addresses chickens. It was decided that Deputy Clerk-Treasurer Burroughs would email Matt Johnson of the Tug Hill Commission to see if he has any information regarding these subjects.

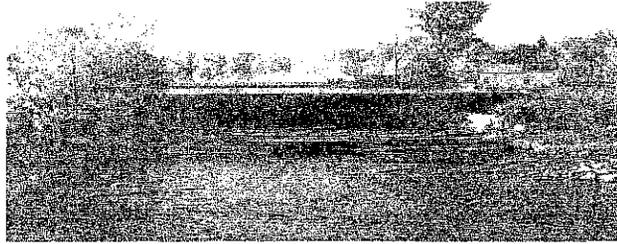
Chairman Cook stated that St. Paul's Catholic Church would like to subdivide their property on LeRay Street and that the property is in a Planned Development Zone.

A motion was made by Board Member Hayes, seconded by Board Member Serota to adjourn the meeting at 7:37 p.m. The motion was carried.

Respectfully submitted,

Kristin Burroughs  
Recording Secretary

Board of Trustees  
Village of Black River, New York



July 27, 2015

Mr. Michael W. Battista  
P.O. Box 348  
Brownville, New York 13615

RE: 208 LeRay Street parcel number 75.48-1-2.1

Dear Mr. Battista:

This letter is in reference to the above referred address and parcel and your request for a subdivision for this address

By receipt of this letter, I must inform you that your request is hereby denied due to the fact that the proposed request does not meet the lot size requirements of the Village of Black River Zoning Code, under section 175.14 B.-1 which requires that lots in a Planned Development area are five acres in size.

Therefore you will be required to apply for and obtain an area variance from the village of Black River Zoning Board of Appeals, before the subdivision application can be approved.

If you should have any questions or concerns regarding this matter, please feel free to contact me at the Village Office.

Sincerely,

A handwritten signature in black ink, appearing to read "David M. Lachenauer". The signature is stylized and cursive.

David M. Lachenauer  
Code Enforcement Officer

CC: Mayor and Village Board of Trustees  
Village of Black River Planning Board  
Village of Black River Zoning Board of Appeals

107 Jefferson Place  
Black River, NY 13612    [www.blackriverny.org](http://www.blackriverny.org)

(315) 773-5721 Phone  
(315) 773-5726 fax

## **DEFINITIONS**

**Commercial Wind Power Generating Facility:** Wind generating facilities which generate original power on site to be transferred to a transmission system for distribution to customers. The definition of wind power generating facilities shall not include individual wind power generating facilities erected and used primarily for private use.

**Private Roof-mounted Wind Turbine:** An individual wind turbine used to generate power for on-site use by the property owner, mounted on the principal building's roof and with a maximum height no greater than ten feet.

**Private Wind Turbine Tower:** An individual wind turbine tower used to generate power primarily for on-site use by the property owner.

## **ARTICLE 13. WIND TURBINES AND TOWERS**

### **Section 1310. Requirements for Private Roof-mounted Wind Turbines**

1. Private Roof-mounted Wind Turbines shall not require a zoning permit.
2. All Private Roof-mounted Wind Turbines shall be no higher than ten feet from the roof surface they are mounted on.

### **Section 1320. Requirements for Private Wind Turbine Towers**

1. Private Wind Turbine Towers up to 35 feet in height shall not require a zoning permit.
2. The minimum required setback for any tower from property lines shall be equal to 1.5 times the sum of the tower height plus the rotor radius.
3. No experimental, homebuilt, or prototype wind turbines with a tower over 35 feet shall be allowed without documentation by the applicant of their maximum probable blade throw distance in the event of failure and determination by the planning board of appropriate setback distances on the basis of that documentation.

### **Section 1330. Requirements for Commercial Wind Power Generating Facilities**

A. Permit applications shall include:

1. a project visibility map, based on a digital elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three miles from the center of the project. The scale used shall depict the three mile radius as no smaller than 2.7 inches, and the base map used shall be a published topographic map showing man-made features, such as roads and buildings.
2. No fewer than four, and no more than the number of proposed individual wind turbines plus three color photos, no smaller than 3" by 5", taken from locations within a three mile radius from the

site and to be selected by the Planning Board, and computer enhanced to simulate the appearance of the as-built site facilities as they would appear from these locations.

- B. The minimum required setback for any tower from property lines, overhead utility or transmission lines, other wind turbine towers, electrical substations, meteorological towers, nonresidential structures, and public roads shall be equal to 1.5 times the sum of the structure height plus the rotor radius. Where an applicant proposes to locate one or more towers on a site consisting of multiple contiguous parcels owned or leased by the applicant, the term "property lines" shall mean the exterior boundaries of the contiguous parcels, which adjoin parcels not owned or leased by the applicant. The minimum setback for any tower from any existing residential structure shall be 1,500 feet.
- C. Design standards shall include the following:
  - 1. The minimum distance between the ground and any part of the rotor blade system shall be 30 feet.
  - 2. Wind turbine towers shall not be climbable up to 15 feet above ground level.
  - 3. All access doors to wind turbine towers and electrical equipment shall be lockable.
  - 4. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment and wind energy facility entrances.
  - 5. Towers shall be equipped with air traffic warning lights where the total height of the tower exceeds 175 feet.
  - 6. All wind turbines shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.
- D. Performance standards shall include the following:
  - 1. Individual wind turbine towers shall be located so that the level of noise produced by wind turbine operation shall not exceed 55 dBA, measured at the site property line.
  - 2. No individual tower facility shall be installed in any location where its proximity with fixed broadcast, retransmission or reception antenna for radio, television or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.
- E. Prior to issuance of a building permit, the applicant shall provide the town proof of a level of insurance to be determined by the Town Board in consultation with the Town's insurer, to cover damage or injury that might result from the failure of a tower or towers or any other part or parts of the generation and transmission facility.
- F. Any component of a commercial wind power generating facility found to be unsafe by the local enforcement officer shall be repaired by the owner to meet federal, state and local safety standards or be removed within six months. If any wind energy system is not operated for a continuous period of 12 months, the Town will notify the landowner by registered mail and provide 45 days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the Town deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine within 120 days of receipt of notice from the Town.

## DEFINITIONS

***Principal Solar Energy System:*** A solar energy system consisting of one or more free standing ground or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators and heat exchangers, substations, electrical infrastructure, transmission lines and other related structures and facilities which has a rated capacity of more than twenty-five (25) kilowatts for electricity or rated storage volume of more than 240 gallons or has a collector area of more than 1000 square feet for thermal. It is noted that any system with a name plate generating capacity of twenty-five (25) megawatts or more is subject to the requirements, terms, and conditions of Article 10 of the New York State Public Service Law.

***Small solar energy system:*** A solar collection system consisting of one or more roof and/or ground mounted 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 gallons or that has a collector area of less than or equal to one thousand square feet (for thermal) and is intended to primarily reduce on site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal energy solely for on-site use, except when a property upon which the facility is installed also receives electrical power supplied by a utility company and in such case excess electrical power may be used by the utility company.

***Solar energy 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.

## ARTICLE 6. SOLAR ENERGY SYSTEMS

**Section 605. Small solar energy systems.** Small solar energy systems are permitted as an accessory use in all zones, in accordance with state and local building, electric and fire code requirements. A combined zoning, building and electrical permit may be issued for a grid-tied solar electric systems that meet the requirements of The New York State Unified Solar Permit. Small solar energy systems that do not meet those requirements shall require a zoning permit as well as all other applicable permits.

1. A system is considered a small solar energy system only if its supplies electrical or thermal power primarily 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. The owner of the small solar energy system shall provide written confirmation with the application that the public utility company has been informed of the customer's intent to install an interconnected customer owned

generator and also approves such connection. Off grid systems shall be exempt from this requirement.

2. Any upgrades, modifications, or changes that materially alter the size or placement of an existing solar energy system shall comply with the provisions of this local law.

### 3. Design and Installation

A. The design and installation of small solar energy systems shall conform to the existing industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratory (UL), the American Society for Testing and Materials (ASTM), New York State Energy Research and Development Authority (NYSERDA), or other similar certifying organizations, and shall comply with the Uniform Building and Fire Code and with all other applicable fire and safety requirements. The manufacturer's specifications shall be submitted as part of the application.

B. All exterior electrical and/or plumbing lines must be buried below the surface of the ground and placed in a conduit unless the panels for electrical or thermal are installed on a structure that is either the main structure or a structure attached to the main structure which is receiving the benefit from the panels.

C. Small solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent public streets, roads and highways.

4. Height Restrictions. Solar energy systems must meet the following requirements:

A. Building or roof mounted solar energy systems shall not exceed the maximum allowed height in any zone. For purposes of height measurement, solar energy systems other than building integrated systems are considered to be mechanical devices and are restricted consistent with other building mounted mechanical devices.

B. Ground or pole mounted solar energy systems shall not exceed twenty feet.

5. Setback. Solar energy systems must meet the accessory structure setback requirement for the zone in which the system is located. In addition to the building set back, 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. Ground or poles mounted solar energy systems shall not be located in front yards.

6. Plan Applications. Plan applications for small solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground mounted system, including the property lines. Applicants must identify a qualified installer or provide proof that the system they propose to install has been designed as a so called "plug and play" system so that the applicant can plug the system into an existing PV circuit.

A. Pitched Roof Mounted Solar Systems. For all roof mounted systems on pitched roofs, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted. Roof mounted system applications shall include a roof load analysis performed by a structural engineer.

B. Flat Roof Mounted Solar 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. Roof mounted system applications shall include a roof load analysis performed by a structural engineer.

7. Utility Notification. The owner of the small solar energy system shall provide written proof that the utility company has been informed of the customer's intent to install an interconnected customer owned generator and also that the utility approves of such connection. Off grid systems shall be exempt from this requirement.

## **Section 610. Principal Solar Energy Systems**

1. A Principal Solar Energy System shall be permitted by special use permit in the auto commercial (AC) and industrial (I) zones.

2. Acreage. A proposed Principal Solar Energy System may not be installed on a lot smaller than five acres.

3. Height and Setback. Panels mounted on the roof of any building will be subject to the height requirements specified for the underlying zone, but in no event shall they stand more than ten feet above the roof line of the building. Ground or pole mounted solar energy systems shall not exceed twenty feet. Principal Solar Energy Systems must comply with all minimum yard depth standards established for the underlying zone.

4. Compliance. The construction and operation of a principal solar energy system shall comply with all applicable local, state, and federal requirements including but not limited to all safety, construction, electrical and communications requirements. All buildings and fixtures forming part of the system shall comply with the Uniform Building and Fire Code. No principal solar energy system shall be constructed without first obtaining a building permit.

5. Application. Applicant shall provide:

A. A site plan showing property lines and physical features, including roads; proposed changes to the landscaping of the site, grading, vegetation clearing and planting, exterior lighting, screening, vegetation or structures; Blueprints or drawings of the proposed system signed by a New York licensed professional engineer showing the proposed layout of the system; electrical diagram detailing the solar photovoltaic installation , associated

components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices; documentation of the major system components to be used. All plans and maps shall be prepared and stamped by a Professional Engineer licensed in the State of New York.

- B. Name and address of the proposed installer.
  - C. An operation and maintenance plan.
  - D. Proof of liability insurance or the ability to secure same in an amount adequate for the size, scope, and other details of the proposed project.
  - E. The planning board may waive certain documentary requirements as it deems appropriate.
6. Utility Notification. The applicant will provide proof that the local utility company has been informed of the system owner or operator's intent to install an interconnected system. Off grid systems shall be exempt from this requirement.
7. Signage. The facility shall have a sign which provides a 24 hour emergency contact telephone number.
8. Utility connections. Where at all possible, utility connections and transmission lines shall be underground depending on soil conditions, topography, and requirements of the utility company permitting.
9. Safety and Environmental.
- A. The system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request, the owner or operator will cooperate with local emergency services to develop an emergency response plan. All means of shutting down the system will be clearly marked. At all times during the life of the project, the owner or operator shall identify a responsible person for inquiries.
  - B. Land Clearing, Soil Erosion. Clearing of natural vegetation shall be limited to what is necessary for the construction and operation of the system or as otherwise governed by applicable law.
10. Monitoring and Maintenance. The system owner or operator shall maintain all facilities in good condition. Maintenance shall include but not be limited to painting, structural repairs, and integrity of security measures. Site access shall be maintained in an acceptable manner to local fire and emergency services departments.
11. Abandonment or decommissioning. Any principal system which has reached the end of its useful life or has been abandoned, which shall mean failure to operate without consent of the Village Board, for more than one year, shall remove all facilities within 180 days of operations

being discontinued. Decommissioning shall consist of removal of all installations, structures, equipment, security barriers and transmission lines from the site. All solid and hazardous waste will be disposed of according to applicable law. Stabilization or revegetation of the site will be done as necessary to minimize erosion.

12. Financial Surety. Applicants shall provide prior to approval a form of surety through escrow account, bond, or otherwise in an amount sufficient to pay for removal of the installation and site remediation as set forth above in an amount and form determined to be reasonable by the Planning Board.

*Village of Carthage, NY  
Tuesday, June 16, 2015*

## Chapter 69. Dogs and Other Animals

### Article IV. Farm Animals

#### § 69-19. Permit required for keeping hen chickens or ducks.

It shall be unlawful for any person, firm or corporation to harbor, keep, raise or maintain any hen chickens or ducks within the limits of the Village of Carthage without first obtaining a permit, subject to the approval of the Board of Trustees of the Village of Carthage.

*Village of Carthage, NY  
Tuesday, June 16, 2015*

## Chapter 69. Dogs and Other Animals

### Article IV. Farm Animals

#### § 69-24. Criteria for permit issuance.

- A. No more than six hen chickens or ducks shall be allowed for each single-family dwelling or multifamily dwelling.
- B. No chicken hens or ducks shall be allowed in multifamily or duplex dwellings without the written consent of the property owner and all tenants.
- C. No roosters shall be allowed.
- D. The coops or cages housing such chicken hens or ducks may not be located in the front yard or side street yard areas, and coops or cages must be located a minimum 10 feet from any side or back property line and at least 20 feet from the nearest dwelling not owned by the applicant.
- E. A separate zoning permit must be approved for any fence or cages, coops and enclosures that are not permanently attached to the ground or to another structure and do not exceed 32 square feet in area nor five feet in height. Any cage, coops or enclosure of larger dimensions must submit an application to Jefferson County for a building permit, in addition to the Village of Carthage zoning permit.
- F. Chicken hens and ducks shall be kept as pets and for personal use only; no person shall sell eggs or meat or engage in breeding or fertilizer production for any commercial purpose. Slaughtering of any hen chicken or duck must be performed within an enclosed structure and not visible to other residents or passersby.

*Village of Carthage, NY  
Tuesday, June 16, 2015*

## Chapter 69. Dogs and Other Animals

### Article IV. Farm Animals

#### § 69-25. Sanitation and nuisances.

- A. The chicken hens or ducks shall be kept within both a coop and fenced outdoor enclosure.
- B. The chicken or duck coop must be covered, predator resistant, well ventilated and provide a minimum of two square feet per bird. The outdoor enclosure shall be adequately fenced to contain the chickens or ducks and to protect them from predators and shall provide at least 10 square feet of area for each bird.
- C. The coop, cage and/or outdoor enclosure shall be cleaned on a regular basis to prevent the accumulation of animal waste. Such waste, pending disposal, shall be kept or stored in tightly covered metal containers, or in such a manner as shall be approved by the Board of Trustees so as not to create a nuisance.
- D. Chicken hens and ducks shall be kept only in conditions that limit odors and noise so as not to cause a nuisance to occupants of nearby buildings or properties and to comply with applicable provisions of both the New York State and Jefferson County sanitary codes.
- E. Chicken hens and ducks shall not be kept in a manner that is injurious or unhealthful to them.

*Village of Carthage, NY  
Tuesday, June 16, 2015*

## Chapter 69. Dogs and Other Animals

### Article IV. Farm Animals

#### § 69-26. Inspection; enforcement.

Village of Carthage Code Enforcement, Animal Control, Zoning Enforcement and/or Police Department personnel shall have the authority to inspect any property housing permitted hen chickens or ducks to determine compliance regarding this chapter:

*Village of Carthage, NY  
Tuesday, June 16, 2015*

## Chapter 69. Dogs and Other Animals

### Article I. Livestock

#### § 69-1. Animals and poultry to be in restricted areas.

No person shall keep, harbor or maintain any farm animals or poultry, including pigs, horses, cattle, chickens or rabbits on premises within the limits of the Village of Carthage unless same are contained in a well-fenced and otherwise restricted area. Said animals or poultry shall not be allowed to roam freely or at will.

*Village of Carthage, NY  
Tuesday, June 16, 2015*

## Chapter 69. Dogs and Other Animals

### Article IV. Farm Animals

#### § 69-20. Application for permit; fee.

Each application shall be submitted on an official Village form and accompanied by a permit fee of \$25 which shall not be refundable and may be amended by the Board of Trustees from time to time. One application will cover all such allowed hen chickens or ducks at a certain residence.