

Town of Constantia Zoning Commission

Meeting Minutes – September 8, 2026

Call to Order

Chair Peck opened the meeting at 6:01 PM

Attendees

Voting members in attendance included:

- Chair James Peck
- Sandra Retajczyk
- Sandra Touri-Bell
- Dave Antos
- Martin Godzwon
- Joseph Markham
- Randall West
- Brien Connolly
- Terri John
- Brenda Mosher, Secretary

Guests in attendance included: Matt Johnson, Tug Hill Commission

- Members not in attendance included: Jeff Rumble

Approval of Minutes

A motion to approve the minutes of the previous August 25, 2026 meeting was made by Chair Peck. Motion passed unanimously by members at the last meeting.

Draft of Zoning Law Review and Revisions

The current draft was distributed. Chair Peck shared Ms. John's proposed language changes, focusing on key sections. Non-Conforming Uses / Grandfathering / "Commencing" Clarification

Proposed language was reviewed and read aloud:

- The law does not apply to uses or structures lawfully in existence as of the effective date of the law.
- Any use that would otherwise be subject to the law and has been discontinued for one year or more shall be subject to review under the law before being resumed.
- A structure or use shall be considered lawfully in existence if, as of the effective date, construction or establishment has commenced (all required permits/approvals issued and substantial work begun) and the use or structure is fully constructed and completed within one year of the effective date.

The one-year period for discontinuation and for completion was noted as consistent with other provisions that trigger review.

No objections to the wording. Language accepted as adequate.

Section 10 – Signs

Issues had been raised regarding inconsistencies with existing sign usage. Mr. Godzwon had provided state-related wording; the consensus was to avoid major changes that would slow progress and focus only on immediate LED-related issues.

Decisions:

- Delete Section 10.50 (prohibitions), specifically the provisions prohibiting flashing, blinking, intermittent lights (including time/temperature displays), moving parts, banners, ribbons, and streamers. These were viewed as overly restrictive given common existing uses. Only one prior objection had been noted; the subsection was removed.
- In Section 10.70.C (LED signs), subsection 3 (“shall not include animation”) – remove the animation prohibition. Remaining LED standards (including separation distances) retained.
- Hours of illumination (off between 10 p.m. and 6 a.m.): After discussion of 24-hour businesses (gas stations, motels, etc.), town/VFW signs (existing variances or pre-existing), private signs, and enforcement practicality, the group decided to leave the existing language as-is. Code enforcement retains discretion; variances remain available. No new business-hours exception language was added.

Article 16 – Battery Energy Storage Systems

- Multiple references incorrectly state that the Town Board issues the special use permit. These shall be changed to Planning Board (three or four locations). Ms. John will make the corrections.
- Formatting/capitalization consistency in Section 16.10.B (and related subsections 1–5 regarding small battery energy storage systems): Make the initial letters consistent (lowercase “b” preferred where appropriate for internal consistency).
- Minor clean-up: Remove redundant phrasing/period issues and ensure consistency with nearby sections (e.g., 16.20/16.21 references).

Accepted.

Section 17 / Related Standards (including Data Centers)

Highlighted changes reviewed and accepted.

Blank/windowless walls facing public or private streets:

Model language restricting blank/windowless walls was discussed. Concerns raised about aesthetics (warehouses, data centers resembling “penitentiaries”). After a show of hands, the majority opposed including the restriction. The provision was not retained.

Performance / Sound Mitigation (sensitive receptors):

Language added/clarified that the Planning Board may require additional sound mitigation if an acoustical study indicates potential impacts to sensitive receptors. Definition expanded to include (but not limited to) vulnerable populations such as children, the elderly, schools, hospitals, residences, etc. Punctuation cleaned (comma after “receptors”; remove unneeded period).

Clean Air Act compliance:

Revised for clarity and consistency to read that data centers must comply with federal and state Clean Air Act requirements (including obtaining all required permits). Similar structure noted for related utility/sewer/water provisions.

Formatting notes (periods vs. colons, leading descriptive titles, internal consistency of bullet points/sections) were discussed at length. Preference expressed for internal consistency within each section rather than a full document-wide reformat at this stage, given proximity to completion. Future consistency pass acknowledged as desirable but not required now.

Section 20 / Administrative Provisions / Fee Schedule Cross-References

Incorrect cross-references to old fee schedule sections (15.15 / 15.16) identified. These shall be updated to the correct new numbering (approximately 20.80 for violations and 20.85 for the fee schedule, or as finally determined after renumbering). Preference expressed for language such as “as set forth at the direction of the Town Board” where locking to a specific number risks future breakage.

Discussion of Planning Board / Zoning Board of Appeals membership numbers and terms relative to state law. Existing local documentation is incomplete or not readily available on the website. Decision: leave current language (including 5-member references where present) as-is; note state law requirements but do not attempt to resolve term-length or exact membership issues in this draft. Alternates and dismissal procedures exist in prior local legislation.

New Sections to Be Added (Zoning Permit Process)

The current Land Development Law lacks clear provisions on when a zoning permit is required and the application process. The following sections will be inserted (approximately as 20.11–20.14, filling available numbering gaps before existing 20.15):

- 20.11 – Activities requiring a zoning permit (per the use matrix / table; blanks to be completed, e.g., placement of certain signs referencing Article 10).
- 20.12 – Exemptions from zoning permit:
 - Accessory structures ≤ 144 sq ft and ≤ 15 ft in height.
 - Alterations ≤ 144 sq ft.
 - Exempt signs (per Section 10.30).
 - Fences/walls provision omitted or simplified (no current general fence standards identified beyond battery storage contexts).
- 20.13 – Temporary zoning permits (e.g., temporary dwelling during construction, emergency dwelling).
- 20.14 – Application requirements: number of copies (suggest two for the zoning officer), preference for electronic/PDF/fillable format (to be encouraged and provided via Town Clerk), and decision timeline (30 days typical).

Ms. John will circulate electronic versions and draft application forms based on prior templates (adapted for the municipality). Content and physical/electronic format of forms to be finalized.

Section 6.40 – Undersized Lots

Existing undersized lots (vacant lots that do not meet current minimum area but pre-date or fall under the prior law) may be developed with a structure if setbacks can be met. New undersized lots may not be created

by subdivision. Confirmed as the intended outcome; density/variance history noted but the provision accepted.

Other Discussion

- Potential future applications (accessory/auxiliary dwellings, event venues, clearing near wetlands, etc.) noted; existing language and setbacks/lot size requirements will apply. County Health Department, sewers, and wetland delineation may also be triggered.
- Public hearing on the full package will be required at a later stage, after Town Board review/approval.
- Formatting and residual highlighted items (yellow) remain for final cleanup. Color change (yellow vs. blue) noted as non-substantive.

Next Steps / Action Items

- Ms. John: Incorporate all agreed changes (Article 16 Town Board → Planning Board references; sign deletions; animation removal; sensitive-receptor and Clean Air Act wording; cross-reference fixes; new 20.11–20.14 sections; minor formatting/capitalization; undersized-lot confirmation). Circulate updated electronic draft and application form templates.
- Remaining minor highlighted items and internal consistency checks.
- Group: Review updated draft ahead of next meeting.

Adjournment

Chair Peck moved that the meeting be adjourned, seconded by Mr. Godzwon and Mr. West. Members voted unanimously to adjourn at 7:15 pm

Brenda Mosher

Brenda Mosher
Secretary
Town of Constantia Planning Board, Zoning
Board, and Appeals Board