**March 13th, 2018 LaFayette Town Board Meeting Minutes**

Minutes of the Town Board Meeting held by the LaFayette Town Board on March 13, 2018 at 7:00 p.m. in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

 Present: Daniel Fitzpatrick, Supervisor

 Steve Zajac, Councilor

 Melanie Palmer, Councilor

 Carole Dwyer, Councilor

 Michael Johnson, Councilor

 Recording Secretary: Jackie Bush Roorda, Town Clerk

 Attorney: Kevin Gilligan

 Budget Officer: Tom Chartrand

 Others Present: Ralph Lamson, Building & Codes

 Dave Prince, Library, LCC, Parks & Rec

 Jerry Brown, IT

 Mike Stiner, ZBA Member

 Jeff Murray, Resident

 Dave Knapp, County Legislator

 Herb and Rosemary Brodt,

 Kathy Barany, HR Consultant

 Matt Mallory

1. Supervisor Fitzpatrick called the meeting to order at 7:00 PM and welcomed all in attendance.

2. Pledge to our U.S. Flag was led by Councilor Dwyer.

3. The Town Clerk, Jackie Roorda took the Roll. All Town Board members present.

4. The Town Board Minutes of February 13th, 2018 Meeting Minutes were accepted as submitted by Town Clerk, Jackie Bush Roorda.

5. COMMUNICATIONS

 A. Proposal for HR Consulting Services

Supervisor Fitzpatrick advised that Andy Ohstrom had begun working on updating the Employee Handbook, however was unable to complete it due to his relocation. He introduced Kathy Barany from Strategic Management Solutions advising that she currently is the HR Director for the Town of Cicero and has submitted a proposal for Consulting and updating the handbook.

 Kathy gave a brief summary on her background, experience and skills explaining that along with updating the Employee Handbook, she also offers NYS Mandatory training development and facilitation, general human resource consulting and on call HR personnel matters.

Supervisor Fitzpatrick asked the Town Board if they had any comments or questions. Attorney Gilligan commented that the proposed contract is general contract appears to be open ended and questioned the specific Handbook Contract. Kathy advised that her contract can be terminated at any time and that if the Town doesn’t use her services, then they don’t pay anything. Budget Officer Tom Chartrand advised that per the procurement policy, the Town cannot pay for a service before receiving it. Kathy advised that it would not be a problem, she can work with the Town’s policy.

 Supervisor Fitzpatrick requested that she rework her proposal with the suggestions made by Tom Chartrand and Kevin Gilligan included in it for the April meeting.

 B. Annual contract with LaFayette Veterinary Clinic – Supervisor Fitzpatrick asked if anyone had any questions or concerns regarding this. None were voiced.

**Councilor Johnson moved and Palmer seconded the motion authorizing Supervisor Fitzpatrick to sign the agreement/contract between the Town of LaFayette and LaFayette Veterinary Clinic for 2018. Motion carried 5 - 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

 C. Manure Storage Facilities – Supervisor Fitzpatrick asked Attorney Gilligan if he got the language advised that he is working on a draft and it should be available for April 10th, meeting.

 D. Jerry Brown, IT, presentation regarding a new server for the Court and the potential for the Town offices join with the Court in sharing a server.

Jerry Brown advised that the Justice Court Clerks had asked him to draw up a proposal for a Server for the Town of LaFayette for the grant application they submitted in the fall. They were awarded $5,000.00 in JCAP grant money which is not enough to buy the server they would need. Jerry would rather they wait than to not get what they need. Regardless, the Court’s computers are due for an upgrade. The equipment would be purchased directly from Dell and Jerry will do the installation and set-up for additional costs. He advised it makes sense for the Court and the Town Offices to share a server. There would be improved security, secure backup, pointing out that if the Court computers get hit with a serious virus, they could lose everything. Also, it make sense to have everything in the same location. Therefore he drew up a new quote for the Town Board to consider having the Court and Town split the cost. Discussions took place regarding getting other quotes from different vendors, procurement policy regarding quotes, purchasing through County contract vs. State Contract, the back-up solutions. Supervisor Fitzpatrick will be contacting Andy Trombley from Onondaga County regarding purchasing the computers directly from the County, which in that case we wouldn’t need 3 quotes. Budget Officer Tom Chartrand suggested purchasing the equipment and backup software separately, all must be under $3,000 and use Jerry’s contract for the installation. With this option, once we have all the information, we could proceed almost immediately. The only other factor is that we would be approximately $1,000.00 shy on the budget, which can be transferred from the contingent budget line. He then advised that we should move on this quickly as there is a time limit for the Grant money.

 E. Introduction, Latest version of the proposed solar law. Supervisor Fitzpatrick advised that this isn’t the final version and that he and Councilor Palmer have some changes. He asked if there were any questions or concerns regarding Proposed Local Law A-2018. Councilor Dwyer asked about the Regulations on page 10, particularly the 75’ minimum street frontage. Code Enforcement Officer Ralph Lamson suggested and Supervisor Fitzpatrick agreed that changing it to a 60’ make sense as that is the standard requirement for all other building lots in the Town. After a brief discussion, it was decided to change the 75’ to 60’ minimum street frontage under Section G. Solar Farms #3 Lot Area and Yard Regulations (a) on page 10. Other things discussed were NYSERTA requirements, variances, Ag District and NYS Building Code compliance.

**TOWN OF LAFAYETTE**

**PROPOSED LOCAL LAW NO. A OF 2018**

**A LOCAL LAW TO AMEND THE 1970 ZONING ORDINANCE**

**OF THE TOWN OF LAFAYETTE TO ADD A NEW ARTICLE**

**REGULATING SOLAR ENERGY SYSTEMS IN THE TOWN**

Be it enacted by the Town Board of the Town of LaFayette as follows:

**SECTION 1. LEGISLATIVE PURPOSE AND INTENT**

The purpose of this Local Law is to permit and regulate the construction of solar energy systems in the Town of LaFayette in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy.

**SECTION 2. AUTHORITY**

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

**SECTION 3. DEFINITIONS.**

Article VIII, Section B (“Particular Definition”) of The 1970 Zoning Ordinance of the Town of LaFayette is hereby amended to add the following definitions:

**“CODE ENFORCEMENT OFFICER** –The Code Enforcement Officer appointed or hired by the Town Board of the Town of LaFayette.The Code Enforcement Officer is responsible for, among other things, enforcing the Zoning Ordinance of the Town of LaFayette. This person may also be referred to as the building inspector and/or zoning officer or their designees.

**NET-METERING** - A billing arrangement that allows solar customers to receive credit for excess electricity which is generated from the customer’s Solar Energy System and delivered back to the grid so that customers only pay for their net electricity usage for the applicable billing period.

**QUALIFIED SOLAR INSTALLER** - A person who has skills and knowledge related to the construction and operation of Solar Energy Systems (and the components thereof) and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSERDA’s list of eligible installers or NABCEP’s list of certified installers may be deemed to be qualified solar installers if the Town Code Enforcement Officer or such other Town officer or employee as the Town Board designates determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

**SOLAR ACCESS** - Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

**SOLAR COLLECTOR** - 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 the generation of electricity or transfer of stored heat.

**SOLAR ENERGY SYSTEM** - A complete system of Solar Collectors, Panels, controls, energy devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy including but not limited to thermal and electrical, stored and protected from dissipation and distributed. For purposes of this Article, a Solar Energy System does not include any Solar Energy System of four square feet in size or less.

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEM** - A Solar Energy System incorporated into and becoming part of the overall architecture, design and structure of a building in manner that the Solar Energy System is a permanent and integral part of the building structure.

**FLUSH MOUNTED SOLAR ENERGY SYSTEM** - A Rooftop-Mounted Solar Energy System with Solar Panels which are installed flush to the surface of a roof and which cannot be angled or raised.

**GROUND MOUNTED SOLAR ENERGY SYSTEM** - A Solar Energy System that is affixed to the ground either directly or by mounting devices and which is not attached or affixed to a building or structure.

**ROOFTOP-MOUNTED SOLAR ENERGY SYSTEM** - A Solar Energy System in which Solar Collectors/Panels are mounted on the roof of a building or structure either as a flush-mounted system or as panels fixed to frames which can be tilted to maximize solar collection. Rooftop-Mounted Solar Energy Systems shall be wholly contained within the limits of the building’s or structure’s roof surface.

**SOLAR FARMS** - A Solar Energy System or collection of Solar Energy Systems or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider.

**SOLAR PANEL** - A device which converts solar energy into electricity.

**SOLAR SKYSPACE** - The space between a Solar Energy System and the sun through which solar radiation passes.

**SOLAR STORAGE BATTERY** - A device that stores energy from the sun and makes it available in an electrical form.”

**SECTION 4. SOLAR ENERGY SYSTEM REGULATIONS**

The 1970 Zoning Ordinance of the Town of LaFayette is hereby amended to add a new Article X-A titled, “Solar Energy Systems”, as follows:

**“ARTICLE X-A**

**SOLAR ENERGY SYSTEMS**

**Section A. Purpose and Intent.**

The Town of LaFayette recognizes that solar energy is a clean, readily available and renewable energy source. Development of solar energy systems offers an energy source that can prevent fossil fuel emissions, reduce the Town’s energy demands and attract and promote green business development within the Town. The Town of LaFayette has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents, and businesses. This Article is intended to promote the effective and efficient use of solar energy systems; establish provisions for the placement, design, construction, operation and removal of such systems in order to uphold the public health, safety and welfare; and to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and character of the Town.

**Section B. Applicability.**

This Article shall apply to all solar energy systems in the Town of LaFayette which are installed or modified after the effective date of this Article. All solar energy systems which are installed or modified after the effective date of this Article shall be in compliance with all of the provisions hereof.

**Section C. Building-Integrated Solar Energy Systems.**

1. Districts where allowed. Building-Integrated Solar Energy Systems shall be permitted in all zoning districts within the Town subject to the submission of, application for and review and issuance of an applicable building permit.
2. Building-Integrated Solar Energy Systems shall be subject to the general requirements set forth at Article X-A, Section F.

**Section D. Rooftop-Mounted Solar Energy Systems.**

1. Districts where allowed.Rooftop-Mounted Solar Energy Systems shall be permitted in all zoning districts within the Town subject to the following requirements:
2. A building permit shall be required for installation of all Rooftop-Mounted Solar Energy Systems. An applicant shall submit the following application materials to the Code Enforcement Officer:
3. A site plan showing location of major components of the Solar Energy System and other equipment on the roof or legal accessory structure. This plan should represent relative locations of components at the site, including, but not limited to, location of arrays, existing electrical service locations, utility meters, inverter locations, system orientation and tilt angles. This plan should show access and pathways that are compliant with New York State Uniform Fire Prevention and Building Code and the National Fire Protection Association codes, if applicable.
4. One‐Line or 3‐Line Electrical Diagram. The electrical diagram required by NYSERDA for an incentive application and/or utilities for an interconnection agreement may also be provided here.
5. Specification Sheets for all manufactured components. If these sheets are available electronically, a web address will be accepted in place of an attachment, at the discretion of the Town.
6. All diagrams and plans must be prepared by a professional engineer or registered architect and contain the applicable professional’s stamp, mark, and/or signature as required by New York State law and include the following:
	* + 1. Project address, section, block and lot number of the property;
			2. Owner’s name, address and phone number;
			3. Name, address and phone number of the person preparing the plans; and
			4. System capacity in kW‐DC.
7. Rooftop-Mounted Solar Energy Systems shall not exceed the maximum allowed height of the principal use in the zoning district in which the System is located.
8. Rooftop-Mounted Solar Energy Systems shall be mounted parallel to the roof plane on which they are mounted. However, in the case of commercial buildings which have a flat roof, a titled mount may be allowed provided the panels are not visibly objectionably from the property line.
9. In order to ensure firefighter and other emergency responder safety, except in the case of accessory buildings under 1,000 square feet in area, there shall be a minimum perimeter area around the edge of the roof and structurally supported pathways to provide space on the roof for walking around all Rooftop-Mounted Solar Energy Systems. Additionally, installations shall provide for adequate access and spacing in order to:
10. Ensure access to the roof.
11. Provide pathways to specific areas of the roof.
12. Provide for smoke ventilation opportunity areas.
13. Provide for emergency egress from the roof.
14. Exceptions to these requirements may be requested where access, pathway or ventilation requirements are reduced due to:
15. Unique site specific limitations;
16. Alternative access opportunities (such as from adjoining roofs);
17. Ground level access to the roof area in question;
18. Other adequate ventilation opportunities when approved by the Codes Office;
19. Adequate ventilation opportunities afforded by panels setback from other rooftop equipment (for example: shading or structural constraints may leave significant areas open for ventilation near HVAC equipment);
20. Automatic ventilation devices; or
21. New technology, methods or other innovations that ensure adequate emergency responder access, pathways and ventilation opportunities.
22. In addition to the requirements set forth in this Section, Rooftop-Mounted Solar Energy Systems shall be subject to the general requirements set forth at Section F herein.
23. Permit Review and Inspection Timeline. Permit determinations will be issued within fourteen (14) days upon receipt of complete and accurate applications.

**Section E. Ground-Mounted Solar Energy Systems.**

1. Districts where allowed. Ground-Mounted Solar Energy Systems are permitted as accessory uses in the Agricultural Residential (AR) District, Residential Planned Cluster (RPC) District, Residential Multi-Family (RM) District, Business (B) District, Industrial (I) District, Commercial Planned Development (CPD) District, and the Hamlet (H) District of the Town, subject to the granting of a specific permit approval by the Zoning Board of Appeals and further subject to the following requirements:
2. A building permit and specific permit approval shall be required for installation of all Ground-Mounted Solar Energy Systems.
3. Ground-Mounted Solar Energy Systems shall be permitted in front yards provided said systems are properly screened from neighboring properties and streets.
4. Ground-Mounted Solar Energy Systems shall not be placed or installed on a septic field.
5. Ground-Mounted Solar Energy Systems shall comply with the most restrictive area, yard and bulk regulations in each applicable zoning district in which the Ground-Mounted Solar Energy System is constructed. However, Ground-Mounted Solar Energy Systems shall only be permitted in the Residential Planned Cluster (RPC) District and the Hamlet (H) District on lots which are 20,000 sq.ft. or larger and only in rear yards.
6. Setbacks. Further setbacks, area and yard requirements and bulk restrictions may be required by the Zoning Board of Appeals in addition to those set forth in Section E1.(d) above in order to protect the public’s safety, health and welfare.
7. The height of the Solar Collector/Panel and any mounts shall not exceed 15 feet in height when oriented at maximum tilt measured from the ground and including any base.
8. As part of the specific permit review process, a Ground-Mounted Solar Energy Systems shall be screened when possible and practicable from adjoining lots and street rights of way through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and the surrounding area. The proposed screening shall not interfere with the normal operation of the Solar Collectors/Panels.
9. The Ground-Mounted Solar Energy System shall be located in a manner to reasonably minimize view blockage for surrounding properties.
10. Neither the Ground-Mounted Solar Energy System, nor any component thereof, shall be sited within any required buffer area.
11. The total surface area of all Ground-Mounted Solar Energy System components shall not exceed the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls, excluding patios, decks, balconies, screened and open porches, and attached garages.
12. The area beneath the Ground-Mounted Solar Energy System shall not be included as impervious surface coverage in calculating whether the lot meets any maximum permitted lot coverage requirements for the applicable zoning district. Such uses shall also not be counted toward the limitation on the number of accessory buildings or uses permitted on a parcel.
13. The criteria for specific permit approval as set forth in Article IV shall also be demonstrated for each application.
14. Fees. Fees for applications and permits under this section shall be established by resolution of the Town Board of the Town of LaFayette. In accordance with the requirements of the Town of LaFayette Local Law No. 3-2000 (Fees), it shall be the applicant’s responsibility to reimburse the Town for any and all reasonable and necessary legal, engineering and other professional fees incurred by the Town in reviewing and administering an application for a specific permit under this section.
15. Districts where prohibited. Ground-Mounted Solar Energy Systems shall not be permitted in the Flood Plain (F) District.

**Section F. General Requirements Applicable to Building-Integrated, Rooftop-Mounted and Ground-Mounted Solar Energy Systems.**

1. All Solar Energy System installations must be performed by a Qualified Solar Installer.
2. Solar Energy Systems, unless part of a Solar Farm, shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a net-metering arrangement in accordance with New York Public Service Law §66-j or similar state or federal statute. However, Solar Energy System applications in a residential setting and serving a residential use on a single parcel or lot shall be limited to 15 kW or less. Solar Energy System applications in non-residential settings, including active farm operations, may be permitted up to 25 kW or less.
3. Prior to operation, electrical connections must be inspected by a Town Code Enforcement Officer and/or by an appropriate electrical inspection person or agency, as determined by the Town.
4. Any connection to the public utility grid must be inspected by the appropriate public utility and proof of inspection shall be provided to the Town.
5. Solar Energy Systems shall be maintained in good working order.
6. Solar Energy Systems shall be permitted only if they are determined by the Town to be consistent in size and use with the character of surrounding neighborhood.
7. Solar Energy Systems shall be permitted only if they are determined by the Town not to present any unreasonable safety risks, including but not limited to:
8. Weight load;
9. Wind resistance; and
10. Ingress or egress in the event of fire or other emergency.
11. All Solar Energy Systems described in this Article shall meet and comply with all relevant and applicable provisions of the New York State Uniform Fire Prevention and Building Code Standards, the National Electric Code and National Fire Protection Association codes. To the extent the provisions of the New York State Uniform Fire Prevention, National Electric Code and Building Code and the National Fire Protection Association codes are more restrictive than the provisions set forth in this Section, the provisions of the New York State Uniform Fire Prevention and Building Code, National Electric Code and the National Fire Protection Association codes shall control.
12. If solar storage batteries are included as part of the Solar Energy System, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code and/or the National Fire Protection Association codes when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town and other applicable laws and regulations.
13. All utility services and electrical wiring/lines shall be placed underground and otherwise be placed within the walls or unobtrusive conduit. Conduits or feeds which are laid on the roof shall be camouflaged to blend in with the roof and reduce aesthetically objectionable impacts.
14. If a Solar Energy System or any part thereof ceases to perform its originally intended function or is in a state of malfunction for more than 12 consecutive months, the property owner shall completely remove or replace such System or part, mount and all other associated equipment and components by no later than 90 days after the end of the 12-month period or within 10 days of written notice from the Town. Failure to do so will result in the Town removing the Solar Energy System and assessing the cost of removal on the property which shall constitute a lien on said property and collected in the same manner as property taxes. The Building Inspector, Zoning Enforcement Officer, Code Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or his agent to ensure that the Solar Energy System remains operational.
15. To the extent practicable, Solar Energy Systems shall have neutral paint colors, materials and textures to achieve visual harmony with the surrounding area. Solar Energy Systems shall be composed of panels which are the same or similar in composition and color.
16. The design, construction, operation and maintenance of the Solar Energy System shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.
17. Marking of equipment.
18. Solar Energy Systems and components shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. Materials used for marking shall be weather resistant. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover.
19. In the event any of the standards in this Subsection for markings are more stringent than applicable provisions of the New York State Uniform Fire Prevention and Building Code or National Fire Protection Association codes they shall be deemed to be guidelines only and the standards of the New York State Uniform Fire Prevention and Building Code or National Fire Protection Association codes shall apply.
20. Prior to the time of the issuance of a building permit, the applicant/owner shall demonstrate to the Code Enforcement Officer a reliable and safe method for de-energizing the Solar Energy System in the event of an emergency. The method and location to de-energize the Solar Energy System, once approved by the Code Enforcement Officer, shall be provided by the applicant to all applicable emergency services and first responders.

**Section G. Solar Farms.**

1. Districts where allowed. Subject to the issuance of controlled site approval and a specific permit approval and other requirements as set forth herein, Solar Farms shall not be a permitted use in any zoning district other than the Agricultural Residential (AR) District and the Industrial (I) District within the Town.
2. Districts where prohibited. Solar Farms shall be prohibited in the Residential Planned Cluster (RPC) District, Residential Multi-Family (RM) District, Business (B) District, Commercial Planned Development (CPD) District, Hamlet (H) District, and Flood Plain (F) District.
3. Lot Area and Yard Regulations. The following lot area and yard regulations shall apply to Solar Farms located in the Agricultural Residential (AR) District and Industrial (I) District within the Town.
4. Minimum Street Frontage: 60 feet
5. Minimum Lot Area: 15 acres
6. Minimum Front Yard Setback: 50 feet
7. Minimum Rear Yard Setback: 30 feet
8. Minimum Side Yard Setback: 25 feet
9. Permits required. No person, firm or corporation, or other entity being the owner, occupant, or lessee of any land or premises within the Town of LaFayette shall use or permit the use of land or premises for the construction or installation of a Solar Farm without obtaining a building permit, a specific permit approval issued by the Zoning Board of Appeals and a controlled site approval issued by the Planning Board as hereinafter provided.
10. Specific permit approval.
11. In addition to the criteria established pursuant to Article IV of this Ordinance, the following criteria are hereby established for purposes of the granting of specific permit approval for a Solar Farm:
12. Scenic viewsheds. A Solar Farm shall not be installed in any location that would substantially detract from or block the view(s) of all or a portion of a recognized scenic viewshed, as viewed from any public road, right-of-way or publicly owned land within the Town of LaFayette or that extends beyond the border of the Town of LaFayette. For purposes of this subsection, consideration shall be given to any relevant portions of the current, amended and/or future Town of LaFayette Comprehensive Plan and/or any other prior, current, amended and/or future officially recognized Town planning document or resource.
13. Emergency shutdown/safety. The applicant shall demonstrate the existence of adequate emergency/safety measures. The applicant shall post an emergency telephone number so that the appropriate entities may be contacted should any Solar Panel or other component of the Solar Farm need immediate repair or attention. This emergency telephone number should be clearly visible and in a location which is convenient and readily noticeable to someone likely to detect a problem. Further, the applicant shall arrange for the filing of site plans and any emergency shut down procedures with the Town Code Enforcement Officer and local first responders.
14. Security. All Solar Farms shall be secured to the extent practicable to restrict unauthorized access. *See* Section G6.(a)[17] of this Article.
15. Access road. To the greatest extent possible, existing roadways shall be used for access to the site and its improvements. In the case of constructing any roadways necessary to access the Solar Farm, they shall be constructed in a way that allows for the passage of any emergency vehicles in the event of an emergency. Each application shall be accompanied by correspondence from the responding fire department and emergency care provider as to the acceptability of the proposed ingress to and egress from the Solar Farm site.
16. The development and operation of the Solar Farm shall not have a significant impact on fish, wildlife, animal or plant species or their critical habitats, or other significant habitats identified by the Town, or federal or state regulatory agencies.
17. Setbacks. Additional setbacks may be required in addition to those set forth in Section G(3) by the Zoning Board of Appeals in order to provide for the public’s safety, health and welfare.
18. Waiver. The Zoning Board of Appeals may, upon exercise of its reasonable discretion, waive one or more of the submission requirements imposed herein. Relief from all other requirements must be made by way of an area or use variance from the Zoning Board of Appeals.
19. Controlled Site Approval.
20. The following submission requirements must be observed regarding a controlled site approval application for a Solar Farm. The Planning Board may also require any of the requirements of Article III this Ordinance as part of the submission.
21. A completed application form as supplied by the Town for controlled site approval for a Solar Farm.
22. Proof of ownership of the premises involved or proof that the applicant has written permission of the owner to make such application.
23. Plans and drawings of the proposed Solar Farm installation signed, marked and/or stamped by a professional engineer registered in New York State showing the proposed layout of the entire Solar Farm along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of controlled site approval. The plans and development plan shall be drawn in sufficient detail and shall further describe:
24. Property lines and physical dimensions of the proposed site, including contours at 5-foot intervals.
25. Location, approximate dimensions and types of all existing structures and uses on the site.
26. Location and elevation of the proposed Solar Farm and all components thereof.
27. Location of all existing aboveground utility lines within 1,200 linear feet of the site.
28. Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a Solar Farm shall be buried underground and include necessary encasements in accordance with the National Electric Code, National Fire Protection Association codes and Town requirements. The Planning Board may recommend waiving this requirement if sufficient engineering data is submitted by the applicant demonstrating that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead electric utility/transmission lines (if permitted) and underground electric utility/transmission lines, including substations and junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the public utility company’s requirements for interconnection. Any connection to the public utility grid must be inspected by the appropriate public utility.
29. Location of all service structures proposed as part of the installation.
30. Landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features, including size and type of plant material. The plan shall show any trees and/or vegetation which is proposed to be removed for purposes of providing greater Solar Access.
31. A berm, landscape screen, or any other combination acceptable to the Town capable of screening the site, shall be provided along any property line.
32. Soil type(s) at the proposed site.
33. Photographic simulations shall be included showing the proposed Solar Farm along with elevation views and dimensions and manufacturer’s specifications and photos of the proposed Solar Energy Systems, Solar Collectors, Solar Panels and all other components comprising the Solar Farm or from other vantage points selected by the Planning Board.
34. If applicable, certification from a professional engineer or architect registered in New York State indicating that the building or structure to which a Solar Panel or Solar Energy System is affixed, is capable of handling the loading requirements of the Solar Panel or Solar Energy System and various components.
35. One or three-line electrical diagram detailing the Solar Energy System installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices.
36. Documentation of access to the project site(s), including location of all access roads, gates, parking area etc.
37. A plan for clearing and/or grading of the site and a Stormwater Pollution Prevention Plan (SWPPP) for the site.
38. Documentation of utility notification, including an electric service order number.
39. Sunchart. Where deemed appropriate, the Planning Board may require that the applicant submit a sunchart for the proposed site indicating the sun angle for the southern boundary of the site for a minimum four-hour continuous period during the time of the highest sun angle on December 21, along with the potential for existing buildings, structures, and/or vegetation on the site or on adjacent sites to obstruct the Solar Skyspace of the proposed Solar Farm. The sunchart shall also indicate the potential for obstructions to the Solar Skyspace of the proposed Solar Farm under a scenario where an adjacent site is developed as otherwise permitted by applicable provisions of The 1970 Zoning Ordinance of the Town of LaFayette with a building/structure built to maximum bulk and height at the minimum setback. Where no standards for setback are established, this scenario shall assume a maximum setback of five feet from the property line. The sunchart shall be kept on file at the Town Code Enforcement Office and determine the minimum setback required for any solar collectors from the south property line as well as the Solar Skyspace that should be considered when development of neighboring properties occurs. This section in no way places responsibility on the Town for guaranteeing the Solar Skyspace of a Solar Energy System in the event setbacks are waived at the applicant’s request.
40. The manufacturer’s or installer’s identification and appropriate warning signage shall be posted at the site and be clearly visible.
41. Solar Energy Systems shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the electric systems. Materials used for marking shall be weather resistant. The marking shall be placed adjacent to the main service disconnect location clearly visible from the location where the lever is operated.
42. The average height of the solar panel array shall not exceed 20 feet measured from the ground and including any base or supporting materials.
43. Color. Neutral paint colors, materials and textures may be required for Solar Farm components, buildings and structures to achieve visual harmony with the surrounding area as approved by the Planning Board.
44. The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.
45. Artificial lighting of Solar Farms shall be limited to lighting required for safety and operational purposes, shall be shielded from all neighboring properties and public roads.
46. Solar Farms shall be enclosed by perimeter fencing to restrict unauthorized access as approved by the Planning Board. Style and type of fence shall be approved by the Planning Board as part of the controlled site approval process.
47. The Planning Board may place reasonable hours restrictions during the construction phase of the Solar Farm. However, construction shall begin no earlier than 7:30 a.m. and shall cease no later than 8:30 p.m. Monday – Saturday.
48. Only signage used to identify the location of the Solar Farm shall be allowed and such signage shall otherwise comply with the Town’s sign regulations and requirements.
49. To the extent practicable, equipment that produces noise above ambient levels during normal operation shall be placed in the center of the solar array or at a minimum of 1,000 feet from the nearest property line.
50. All applications shall be accompanied by a full environmental assessment form for purposes of environmental review under the New York State Environmental Quality Review Act (SEQRA), including a visual impact analysis/visual environmental assessment form. The following additional material may be required by the Planning Board:
51. A digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations, to a distance radius of three miles from the center of the project. Scaled use shall depict a three-mile radius as not smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features.
52. No fewer than four color photos taken from locations within a 3-mile radius from the proposed location, as selected by the Planning Board and computer-enhanced to simulate the appearance of the as-built aboveground Solar Farm components as they would appear from these locations.
53. Controlled site approval criteria. In addition to the above and subject to the criteria from Article III of this Ordinance, no controlled site approval shall be given unless the Planning Board determines that the proposed Solar Farm complies with the following additional requirements:
54. The use is oriented in its location upon the site as to layout, coverage, screening, means of access and aesthetics so that:
55. The flow control and safety of traffic and human beings shall not be adversely affected to an unreasonable degree;
56. There is sufficient accessibility for any fire and other emergency vehicles and responders to the site; the Applicant shall provide down shielded lighting at the entrance points to the site and which shall be on file with the Town Codes Office and applicable Fire Department and first responders;
57. There is reasonable compatibility in all respects with any structure or use in the surrounding area, actual or permitted, which may be directly substantially affected;
58. There shall not be any unreasonable detriment to any structure or use, actual or permitted, in the surrounding area;
59. There is a reasonable provision for open space and yard areas as appropriate to the surrounding area.
60. Public hearing. No action shall be taken by the Zoning Board of Appeals to issue a specific permit approval or by the Planning Board to issue controlled site approval, nor the Zoning Board of Appeals to grant a use or area variance in relation to an application for a Solar Farm until after public notice and a public hearing by each Board for each such approval. Proper notice of a hearing before a board shall be given by legal notice published in the official newspaper of the Town of LaFayette at least 5 days before the date set for such public hearing(s) and written notice mailed to the applicant or his agent at the address given in the application to be considered. The applicant shall be responsible for notifying, by certified mail, all property owners of record within 500 feet of the outside perimeter of the boundary line of the property involved in the application of the time, date and place of such public hearing at least 10 days prior to such hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property tax records of the Town Assessor or at the property address. At least 7 days prior to such hearing, the applicant shall file with the board his/her affidavit verifying the mailing of such notices. Failure of the property owners to receive such notice shall not be deemed a jurisdictional defect.
61. Compliance with New York State Uniform Fire Prevention and Building Code and National Fire Protection Association codes.
62. Building permit applications shall be accompanied by standard drawings of structural components of the Solar Farm and all its components (including but not limited to Solar Panel, Solar Collector, Solar Energy System etc.). Drawings and any necessary calculations shall be certified, in writing, by a New York State registered professional engineer that the system complies with the New York State Uniform Fire Prevention and Building Code and any applicable National Fire Protection Association codes. This certification would normally be supplied by the manufacturer.
63. Where the structure, components or installation vary from the standard design or specification, the proposed modification shall be certified by a New York State registered professional engineer for compliance with the structural design provisions of the New York State Uniform Fire Prevention and Building Code and any applicable National Fire Protection Association codes.
64. Compliance with state, local and national electric codes.
65. Building permit applications shall be accompanied by a line drawing identifying the electrical components of the Solar Farm to be installed in sufficient detail to allow for a determination that the manner of installation conforms with the National Electric Code. The application shall include a statement from a New York State registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electric Code, as well as applicable state and local electrical codes. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.
66. Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State registered professional engineer for compliance with the requirements of the National Electric Code and good engineering practices.
67. Following construction/installation of the Solar Farm, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low level vegetation capable of preventing soil erosion and airborne dust.
68. Post Construction/Installation Certification. Following the construction/installation of the Solar Farm, the applicant shall provide a post-construction/installation certification from a professional engineer registered in New York State that the project complies with any and all applicable codes and industry practices and has been constructed and is operating according to the drawings and development plan(s) submitted to the Town and this Article.
69. Insurance. The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the Solar Farm at all times. Said policy shall provide a minimum of $2,000,000 property and personal liability coverage.
70. Inspections. The Building Inspector, Zoning Enforcement Officer, Code Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or his agent, the premises on which a Solar Farm is being or is constructed, to inspect all parts of said Solar Farm installation and require that repairs or alterations be made if, in his judgment, there exists a deficiency in the operation or the structural stability of the Solar Farm or any component thereof. If necessary, the Building Inspector or Town Engineer may order the system secured or to otherwise cease operation. It shall not be required that the owner or agent be present in the event of an emergency situation involving danger to life, limb or property.
71. Power to impose conditions. In granting any controlled site approval, specific permit approval or variance for a Solar Farm, the Zoning Board of Appeals or Planning Board, as the case may be, may impose reasonable conditions to the extent that such board finds that such conditions are necessary to minimize any adverse effect or impacts of the proposed use on neighboring properties and to protect the general health, safety and welfare of the Town.
72. Decommissioning and Removal of Solar Farm Facilities.
73. The applicant shall agree, in writing, to remove the entirety of the Solar Farm and all accessory structures and components thereof if the Solar Farm ceases to be used for its intended purpose for 12 consecutive months. Removal of such obsolete and/or unused Solar Farm components shall take place within 90 days thereafter. Such agreement shall also include a commitment by the applicant to impose a similar obligation to remove any unused and/or obsolete Solar Panels upon any person subsequently securing rights to relocate the Solar Panels.
74. Bond/Security. The applicant shall be required to execute and file with the Town Clerk a bond, or other form of security acceptable to the Town Attorney and Engineer, in an amount sufficient for the faithful performance of the terms and conditions of the permit issued under this Chapter, and to provide the decommissioning removal and restoration of the site subsequent to the removal of the Solar Farm. The amount of the bond or security shall be no less than 150% of the cost of the removal of the Solar Panels and restoration of the site, and shall be reviewed and adjusted at 5 year intervals. In the event of a default upon performance of such condition or any of them, the bond or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The bond or security shall remain in full force and effect until the complete removal of the Solar Panels and site restoration is finished.
75. If the applicant fails to decommission and/or remove the Solar Farm as provided herein, the failure to do so will resulting the Town removing the Solar Farm and assessing the cost of removal on the property which shall constitute a lien on said property and collected in the same manner as property taxes.
76. Fees. Fees for applications and permits under this section shall be established by resolution of the Town Board of the Town of LaFayette. In accordance with the requirements of the Town of LaFayette Local Law No. 3-2000 (Fees), it shall be the applicant’s responsibility to reimburse the Town for any and all reasonable and necessary legal, engineering and other professional fees incurred by the Town in reviewing and administering an application for a Solar Farm under this section.
77. Waiver. The Planning Board or the Zoning Board of Appeals may, under appropriate circumstances, waive one or more of the submission requirements contained herein.

**SECTION 5. AMENDMENT OF ARTICLE II (“DISTRICT REGULATIONS”),**

 **SECTION A (AGRICULTURAL RESIDENTIAL (AR) DISTRICT).**

 Article II, Section A, Agricultural Residential (AR) District is hereby

amended to add a new section 1 i) as follows:

“i) Solar Farms. (Subject to the granting of controlled site approval and specific permit approval; *see* Article X-A).”

**SECTION 6. AMENDMENT OF ARTICLE II (“DISTRICT REGULATIONS”), SECTION F (INDUSTRIAL (I) DISTRICT).**

 Article II, Section F Industrial (I) District is hereby amended to add a new Section 1 (f) as follows:

“f) Solar Farms. (subject to the granting of controlled site approval and specific permit approval; *see* Article X-A).”

**SECTION 7. AMENDMENT OF ARTICLE II (“DISTRICT REGULATIONS”), SECTION A (AGRICULTURAL-RESIDENTIAL (AR) DISTRICT).**

 Article II, Section A Agricultural Residential (AR) District is hereby amended to add a new Section 1 i) as follows:

“j) Ground-Mounted Solar Energy Systems shall be permitted as an accessory use. (subject to the granting of specific permit approval; *see* Article X-A).”

**SECTION 8. AMENDMENT OF ARTICLE II (“DISTRICT REGULATIONS”), SECTION C (RESIDENTIAL PLANNED CLUSTER (RPC) DISTRICT).**

 Article II, Section C Residential Planned Cluster (RPC) District is hereby amended to add a new Section 1 b) as follows:

“b) Ground-Mounted Solar Energy Systems shall be permitted as an accessory use. (subject to the granting of specific permit approval; *see* Article X-A).”

**SECTION 9. AMENDMENT OF ARTICLE II (“DISTRICT REGULATIONS”), SECTION D (RESIDENTIAL MULTI-FAMILY (RM) DISTRICT).**

 Article II, Section D Residential Multi-Family (RM) District is hereby amended to add a new Section 1 d) as follows:

“d) Ground-Mounted Solar Energy Systems shall be permitted as an accessory use. (subject to the granting of specific permit approval; *see* Article X-A).”

**SECTION 10. AMENDMENT OF ARTICLE II (“DISTRICT REGULATIONS”), SECTION E (BUSINESS (B) DISTRICT).**

 Article II, Section E Business (B) District is hereby amended to add a new Section 1 d) as follows:

“d) Ground-Mounted Solar Energy Systems shall be permitted as an accessory use. (subject to the granting of specific permit approval; *see* Article X-A).”

**SECTION 11. AMENDMENT OF ARTICLE II (“DISTRICT REGULATIONS”), SECTION F (INDUSTRIAL (I) DISTRICT).**

 Article II, Section F Industrial (I) District is hereby amended to add a new Section 1 f) as follows:

“f) Ground-Mounted Solar Energy Systems shall be permitted as an accessory use. (subject to the granting of specific permit approval; *see* Article X-A).”

**SECTION 12. AMENDMENT OF ARTICLE II (“DISTRICT REGULATIONS”), SECTION G (COMMERCIAL PLANNED DEVELOPMENT (CPD) DISTRICT).**

 Article II, Section G Commercial Planned Development (CPD) District is hereby amended to add a new Section 5. as follows:

“5. Ground-Mounted Solar Energy Systems shall be permitted as an accessory use as part of a Commercial Planned Development. (subject to the granting of specific permit approval; *see* Article X-A).”

**SECTION 13. AMENDMENT OF ARTICLE II (“DISTRICT REGULATIONS”), SECTION H (HAMLET (H) DISTRICT).**

 Article II, Section H Hamlet (H) District is hereby amended to add a new Section 1 e) as follows:

“e) Ground-Mounted Solar Energy Systems shall be permitted as an accessory use. (subject to the granting of specific permit approval; *see* Article X-A).”

**SECTION 14. SEVERABILITY.**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

**SECTION 15. EFFECTIVE DATE.**

This Local Law shall be effective upon filing with the office of the Secretary of State.

**TOWN OF LAFAYETTE**

**TOWN BOARD RESOLUTION**

**March 13, 2018**

**TOWN OF LAFAYETTE LOCAL LAW A OF 2018**

(“A Local Law to Amend the 1970 Zoning Ordinance of the Town of LaFayette to Add a New Article Regulating Solar Energy Systems in the Town”)

Councilor Johnson introduced proposed Local Law No. A-2018, “To Amend the 1970 Zoning Ordinance of the Town of LaFayette to Add a New Article Regulating Solar Energy Systems in the Town” which Local Law would result in adding a new Article X-A to be titled “Solar Regulations” to the Zoning Ordinance of the Town of LaFayette to permit and regulate the construction of solar energy systems in the Town of LaFayette in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy, and made the following motion, which was seconded by Supervisor Fitzpatrick:

**WHEREAS**, proposed Local Law A-2018 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

**WHEREAS**, Volume 6 N.Y.C.R.R., Sections 617.3 and 617 of the Regulations relating to Article 8 of the New York Environmental Conservation Law of New York (SEQRA), requires that as early as possible after submission of a completed application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, the adoption of said Local Law is a Type I action for purposes of environmental review under SEQRA; and

**WHEREAS,** no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of LaFayette, such that there are no other involved agencies within the meaning of the SEQRA with respect to the proposed enactment of said proposed Local Law, with the result that the Town Board shall act as lead agency in this matter; and

**WHEREAS**, the Town Board has determined that a Full Environmental Assessment Form (EAF) shall be required in connection with this matter; and

**WHEREAS**, the said full EAF has been prepared and has been reviewed by the Town Board; and

**WHEREAS**, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

**NOW, THEREFORE,** it is

**RESOLVED AND DETERMINED** that the enactment of proposed Local Law No. A-2018 is a Type I action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

**RESOLVED AND DETERMINED** that the Town Board has determined this action shall have no adverse impact on the environment; that accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

**RESOLVED AND DETERMINED** that the reasons for the foregoing declaration are as follows:

1. If adopted, proposed Local Law No. A-2018 will incorporate a new Article in the Town of LaFayette Zoning Ordinance to be titled “Solar Regulations” to permit and regulate the construction of solar energy systems in the Town of LaFayette in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy.
2. In reviewing and regulating the placement and use of certain solar energy systems and solar farms, the Town has recognized that a carefully coordinated specific permit and controlled site review will be taken by both the Zoning Board of Appeals and Planning Board respectively.
3. In regulating the placement and use of solar energy systems, the Town proposed regulations are designed to minimize the impact of such uses on the environment and surrounding properties while encouraging appropriate placement of those solar energy systems in the proper circumstances.
4. While it is recognized solar energy systems may be perceived to be aesthetically detrimental to surrounding properties, especially residential neighbors, the proposed regulations provide for aesthetic impacts to be considered in the review process.
5. This local law seeks to accommodate public demand for solar energy systems, while minimizing potential adverse impacts upon neighboring uses.
6. Aesthetic impacts will be reduced as a result of this Local Law which imposes various site requirements upon these facilities, including screening, height limitations, separations, design, proliferation, landscaping, lighting, utility services, setbacks, visibility and others.
7. Enactment of proposed Local Law No. A-2018 will be more protective of the environment than the proliferation of solar energy systems in the absence of regulations.
8. Proposed Local Law No. A-2018 seeks to minimize aesthetic and other impacts of such uses on their neighbors, and as such, its adoption will have no significant effect on land use, air or water quality, traffic, solid waste production, drainage, animal or vegetation life; will not attract numbers of people to the Town; will not create any conflict with the Town’s plans or goals; will not impair the character of any community or neighborhood resource; will not create any health hazard; will not result in any change in energy use; and will not create any demand for other action which would result in the above consequences; and it is further

**RESOLVED AND DETERMINED** that this Board adopts and incorporates into this Resolution the attached Notice of Negative Declaration and instructs counsel to make the required filing and publication of same; and it is further

**RESOLVED AND DETERMINED** that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. A-2018 at the Town Hall located at 2577 Route 11, LaFayette, New York on April 10, 2018 at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Steven J. Zajac** | **Councilor** | **Voted** | **Yes** |
| **Melanie Palmer** | **Councilor** | **Voted** | **Yes** |
| **Carole Dwyer** | **Councilor** | **Voted** | **Yes** |
| **Michael Johnson** | **Councilor** | **Voted** | **Yes** |
| **Daniel Fitzpatrick** | **Supervisor** | **Voted** | **Yes** |
|  |  |  |  |

The foregoing resolution was thereupon declared duly adopted.

Attorney Gilligan got the necessary signature of Supervisor Fitzpatrick, again advising that the public hearing will be April 10, 2018 and then the Town can enact the Law.

 F. Extension of Solar Moratorium to extend already existing moratorium which expires the first part of May– Attorney Gilligan advised that the current Moratorium is close to expiration. It will be necessary to extend this due to the conflicting times of the Onondaga County Planning Board schedule and LaFayette Town Board Meeting schedule. If the Town Board enacts Local Law amending the 1970 Zoning Ordinance regulating solar energy systems prior to the 6 month extension, the moratorium will cease to be in effect. Gilligan also advised that this will be set for a Public Hearing on April 10, 2018 and that Town Clerk, Jackie Roorda will send out the notice for publication.

**TOWN OF LAFAYETTE**

**PROPOSED LOCAL LAW B-2018**

**Proposed Local Law B-2018 Extending for an Additional six (6) month**

**Moratorium on the Review and/or Issuance of Any and All Permits, Certificates,**

**Licenses and Appeals for the Construction, Use or Operation of Free Standing**

**Solar Panel Installations within the Town of LaFayette**

SECTION 1: LEGISLATIVE INTENT

The Town of LaFayette presently has in effect a Town Zoning Law which has established regulations for building, construction and allowable uses within the town. The Town Board is of the opinion that a period of time is necessary to adequately review the current regulations concerning free standing solar panel installations, and to determine whether additional local regulations are necessary in order to preserve and protect health, safety and welfare of its residents. Such free standing solar panel installations can be both residential, commercial, large, obtrusive, and can and may pose a hazard and danger to residents by distraction, obstruction, and the power supply systems involved with such installations that may pose a risk. This moratorium will enable town officials to review and comprehensively address the issues involved with free standing solar panel installations that are becoming increasingly popular in our rural community. The town recognizes the potential benefits and desirability of solar power and renewal energy sources, but determines time and research is necessary to determine how to properly regulate the installations. The Supervisor and Town Board deem this moratorium emergent and immediately necessary for the Town. This Local Law is enacted pursuant to the authority of the New York State Municipal Home Rule Law.

SECTION 2: DEFINITIONS

Free Standing Solar Panels – A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy. Such devices or installations may be free standing or pole mounted.

 For purposes of this moratorium the definition of Free Standing Solar Panels shall not include residential solar panel applications with a rated capacity of 12 kw or less so long as the power generated by said residential solar panels is principally used for the residential use for the property on which it is located.

Person - The term person shall include any individual, partnership, association, corporation, landowner, lessee or licensee.

SECTION 3: MORATORIUM

1. The Town Board hereby enacts a moratorium which shall prohibit the construction, erection or placement of Free Standing Solar Panels anywhere within the Town.
2. For a period of six (6) months following the effective date of this Local Law, or sooner if the Town Board so determines by resolution that the intent and purpose of this law has been satisfied, the Town Board, the Town Planning Board, the Zoning Board of Appeals and the Code Enforcement Officer and all other officers and employees of the Town of LaFayette shall not accept, process, review or grant approval of any Building Permit, Site Plan, Use Variance, Area Variance or Specific/Special Permit applications or any other land use approval pursuant to the Zoning Law of the Town of LaFayette or any other laws of the Town, in connection with Free Standing Solar Panels within the Town of LaFayette, regardless of whether such applications have been submitted to the Town Board, Planning Board, Zoning Board of Appeals or Code Enforcement Officer prior to the effective date of this Local Law.
3. This moratorium shall apply to all zoning districts and all real property within the Town.
4. Free Standing Solar Panels that have been previously approved are expressly excluded from this moratorium.
5. This Local Law shall act as an extension to the moratorium adopted by the Town Board on November 9, 2017 and filed with the New York Department of State on November 15, 2017.

SECTION 4: RELIEF FROM PROVISIONS OF THIS LOCAL LAW

1. The Town Board reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.
2. Application for relief shall be filed in triplicate with the Town Clerk together with a filing fee of $250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorneys’ fees, incurred by the Town, shall be reimbursed to the Town by the Applicant. The Town Board shall apply Use Variance criteria as set forth in the New York State Town Law, Section 267-b (2) in reviewing any application for relief.
3. The Town Board may refer any applications for relief herein to the Town Planning Board for its advice and recommendations, but all decisions on granting or denying such relief shall be made by the Town Board solely, after determining whether or not the requested relief is compatible with any contemplated amendments to the Town Zoning Law. Unless completely satisfied that the proposed relief is compatible, the Town Board shall deny the application.
4. The Town Board shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Town Clerk, and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

SECTION 5: PENALTIES

Any person, who shall construct, reconstruct, relocate, enlarge or modify any site to be used for a free standing solar panel in violation of the provisions of this local law, shall be subject to:

1. A fine not to exceed One Thousand and 00/100 Dollars ($1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.
2. A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

SECTION 6: ENFORCEMENT

This local law shall be enforced by the Code Enforcement Officer of the Town of LaFayette or such other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this local law.

SECTION 7: VALIDITY & SEVERABILITY

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or affect any other section of this local law.

SECTION 8: EFFECTIVE DATE

This local law shall take effect immediately upon enactment and shall remain in force and effect for a period of six (6) months from the date of enactment.

**TOWN OF LAFAYETTE**

**TOWN BOARD RESOLUTION**

**March 13, 2018**

**TOWN OF LAFAYETTE LOCAL LAW B OF 2018**

**(“A Local Law Extending for an Additional Period of Six (6) Months the**

**Moratorium on the Review and/or Issuance of Any and All Permits,**

**Certificates, Licenses and Approvals for the Construction, Use or**

**Operation of Free Standing Solar Panel Installations in the Town of LaFayette”)**

Councilor Johnson introduced proposed Local Law No. B-2018, to extend for six (6) additional months a Moratorium on the review and/or issuance of any and all permits, certificates, licenses and approvals for the construction, use or operation of free standing solar panel installations in the Town of LaFayette until the Town enacts comprehensive legislation regulating the construction, use or operation of free standing solar panel installations, whichever shall occur first in the Town of LaFayette, and made the following motion, which was seconded by Councilor Zajac:

**WHEREAS**, proposed Local Law No. B-2018 will extend a moratorium on the review and/or issuance of any and all permits, certificates, licenses and approvals for the construction, use or operation of free standing solar panel installations in the Town of LaFayette, originally enacted as Local Law No. 3-2016; and

**WHEREAS**, in furtherance of the purposes for such a moratorium, the Town Board appointed a Committee to inquire into and make a recommendation to the Town Board as to the manner by which free standing solar panel installations should be regulated within the Town; and

**WHEREAS**, said Committee and their counsel have met regularly, conducted numerous inquiries into the issue and continue to receive and digest the appropriate amounts of data regarding the subject matter, the deficiencies in the current Town Zoning Law, the input from the various stakeholders and conducted research on the subject; and

**WHEREAS**, the Committee has not yet completed its work or review, and has recently provided its recommendations to the Town Board as to such regulations; and

**WHEREAS**, the Town Board recognizes that any potential amendments to the Town’s Zoning Law or to the adoption of a comprehensive law will require a sufficient length of time for thoughtful consideration, due diligence, and appropriate review; and

**WHEREAS**, no other agency has the authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of LaFayette.

**NOW, THEREFORE**, in order to maintain the status quo until the consideration of adoption of any proposed legislation, the Town Board desires to consider extending the Moratorium for an additional six month period or until such shorter period of time as the effective date of any legislation, it is

**RESOLVED AND DETERMINED** that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law, and the Town Board shall act as lead agency in this matter and the enactment of proposed Local Law No. B-2018 is a Type II action and therefore will have no significant effect on the environment, thus concluding environmental review under SEQRA; and it is further

**RESOLVED AND DETERMINED** that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. B-2018 at the Town Hall located at 2577 Route 11, LaFayette, New York on April 10, 2018 at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and it is further

**RESOLVED AND DETERMINED** that the Town Clerk is hereby directed to cause a Notice of said Public Hearing to be published in an official newspaper of the Town.

 The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Steven J. Zajac** | **Councilor** | **Voted** | **Yes** |
| **Melanie Palmer** | **Councilor** | **Voted** | **Yes** |
| **Carole Dwyer** | **Councilor** | **Voted** | **Yes** |
| **Michael Johnson** | **Councilor** | **Voted** | **Yes** |
| **Daniel Fitzpatrick** | **Supervisor** | **Voted** | **Yes** |

The foregoing resolution was thereupon declared duly adopted.

**DATED: March 13, 2018**

6. OPEN COMMUNICATION FROM THE PUBLIC – Resident, Jeff Murray asked if the Town utilizes County contracts for example, purchasing servers/computers as he understands that there is a significant savings. Supervisor Fitzpatrick advised that the highway department utilizes this regularly and there is a huge convenience factor and the price savings.

7. REPORTS

 A. Departmental

1. Town Supervisor’s Monthly report was previously provided by Budget Officer Tom Chartrand. Tom briefly discussed the highlights of the February 2018 report; $1,600 Groth Road Tower Verizon first rent check; $5,000 JCAP Grant; insurance recovery from highway vehicle damage; received the reimbursement grant money for the old highway garage demolition; property taxes have all been paid and Kitty now just has to pay the County. Highway budget for snow removal was $44,000 at this time last year and is at $61,000 this year and same for salt contract, as last year was at $13, 000 and we are over $36,000 to date. Highway is going to have to cut back on some other part of their budget to off-set this. Hopefully the winter severity will assist in this. There is a transfer sheet adjustment in the Library fund as they were planning on hiring a new cleaning person however, now are not, therefore a transfer of $5,000 from personnel to go into contractual.

**Councilor Johnson made a motion and Supervisor Fitzpatrick seconded, approving the transfers of Appropriations as listed below. Motion passed 5 – 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

 GENERAL FUND

 To:

 A1110.2 Justices Equipment 5,500.00

 \_\_\_\_\_\_\_\_\_\_\_

 TOTAL 5,500.00

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 From:

 A599 Approp.Fund Balance J-Cap Grant 5,000.00

 A1110.4 Justices Contractual 500.00

 \_\_\_\_\_\_\_\_\_\_\_

 TOTAL 5,500.00

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 HIGHWAY FUND

 To:

 DA5130.4 Machinery Contractual 12,100.00

 \_\_\_\_\_\_\_\_\_\_\_

 TOTAL 12,100.00

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 From:

 DA599 Appropriated Fund Balance Insurance Recovery 12,100.00

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 TOTAL 12,100.00

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 2. Audit of the Town Supervisors 2017 records -

**Councilor Johnson made a motion and Zajac seconded, approving the audit done by the Town Board of the 2017 Supervisor’s financial records as presented by Budget Officer, Tom Chartrand. Motion passed 5 – 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

2. **Highway**

 a. Superintendent’s written report was submitted in Greeley’s absence.

* **Equipment:** Still waiting on 10-Wheeler Plow Truck from Tracey Road Equipment to be completed
* During non- snow event days, the men are performing service on seasonal equipment in preparation for spring.
* **Snow and Ice Ops:** The Highway Department plowed Town roads 17 times since last meeting.
* **Roads:** Sweeping Ops will commence on March 21st weather permitting
* Work continue on Groth Road Cell Tower
* 284 Agreement will be submitted next meeting
* Need to discuss repairs on Cascade and Ortloff Roads
* Deputy Robson is working on C & S Bridge NY Grant Money
* A Highway committee meeting will be scheduled this month

Supervisor Fitzpatrick read the above report as submitted. He advised that John’s mother recently passed after a short bout with cancer. Also commented that he was glad that she did not suffer for a long period of time and asked that we keep John and his family in our prayers.

3. Town Clerk

 a. Monthly Report for February, 2018 and payment to Supervisor’s Account were in packet for Town Board review.

 b. The 2018 Annual report was also included in packet for the Boards’ review and audit, however the Town Board did not have time to do so prior to the meeting therefore they will complete it following the meeting and will motion, if accepted at the April 10, 2018 meeting.

 c. Town Clerk, Jackie Roorda advised that Shred Solvers has agreed to lower the cost for shredding on May 12th from $600.00 to $450.00. She also reported that she has arranged for a medication drop-off and Rescue Mission drop-off at the Town Hall from 9:00AM – 1:00PM while the shredding event takes place. Eerything donated to the Rescue Mission will either be sold at the Thrifty Shopper stores, donated to a worthy cause or recycled. Discussion regarding Constable Harrison Homer vs. Sheriff’s/Troopers to handle the security for the medication drop-off took place. Jackie Roorda will check more into the security logistics prior to the next meeting. Tom Chartrand suggested using free NYS Police services or reaching out to the Sheriff’s Department as we have our shared services agreement with them.

 4. Building and Code Enforcement – Code Enforcement Officer Ralph Lamson provided the February, 2018 report for building permits issued.

 5. Justice Court

 A. Justices Monthly report for January 2018

 74 - Total cases for Judge Perrin; $5,401.00 was taken in for the month of January, 2018.

 75 - Total cases for Judge Shute; $6,743.00 was taken in for the month of January, 2018.

 6. Library

 a. Board of Trustee Minutes and Director’s Report for February 2018 were available in the Town Board’s packet for review.

 b. Tom Chartrand and Dave Prince discussed money left over from their budget and possibly using it to purchase a new message board/sign for the front of the Town Hall. They are willing to work with the Town and think that it will be similar to the sign in front of the LaFayette Fire Dept. Tom Chartrand advised that need to follow the procurement policy and once they are ready to buy the sign, he can transfer the money.

 7. LCC

 a. Dave Prince advised that the Community Council and the Library did move forward and share the expenses equally on the Fall Prevention program for seniors. The first class was held on Wednesday morning, March 7th, in the Library Community Room at the Town Hall. There were 11 people in attendance and expect 3 more to join. Since the room is too small to accommodate this many, they have decided to hold the classes at the Community Center for the last 10 weeks. Jackie Roorda advised that there was a 96 and 89 year old participating and their sister who is 93 years old plans to attend as well.

 b. Baseball and lacrosse registration is done. LCC is going to try to hold as many practices on Saturdays to avoid the kids having to practice later in the evenings. They will be having pre-season workouts at the school as well.

 c. Song Mountain ski program. Due to the weather a lot of Friday evenings were not available for skiing. Song Mountain has agreed to allow those with a one day pass to ski anytime for the rest of the season.

8. Parks, Recreation & Youth – Dave Prince commented that when Town Clerk, Jackie Roorda puts together a flyer for the shredding, medication drop off and Rescue Mission drop, he will post it and also put it on their site.

 Prince also advised that they are already meeting regarding the Community Days.

County Legislator Dave Knapp asked to speak regarding a couple matters.

 #1) Legislator Dave Knapp reported that Congressman Katko, is working to appeal the FEMA decision regarding the damages to the roads from the July, 2017 storms as they have new information to investigate. Cayuga County was also denied FEMA assistance, however they have found past precedence wherein FEMA assisted when multiple damage occurred arising from an incidence.

 #2) Knapp advised that he has been working for years on the matter of certain areas lacking broadband internet. Senator Valesky, Assemblyman Finch have been very helpful in this pursuit. The good news is that when Comcast and Verizon merged, to become Spectrum, NYS said they have to work on the broadband for those who do not have access. 145,000 home in Upstate New York, Onondaga County will be getting hooked up. They are not telling us exactly who it will be but it looks as though they are filling in the gaps on Eager and Apulia Roads.

B. Committees – No Committee Reports, however Supervisor Fitzpatrick mentioned he received a letter from the LaFayette Fire Dept. saying they do not have to disclose to the Town their records. He will update next meeting.

8. NEW BUSINESS – No new business was discussed.

**9**. Motion to audit and pay bills.

**General Fund 12315-12345 $ 21,107.24**

 **Highway Fund 12346-12370 $ 28,592.96**

 **Special District 12372-12372 $ 1,882.06**

**Councilor Dwyer, moved and Zajac seconded the motion to audit and pay the above listed bills. Motion carried 5 - 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

10. Motion to adjourn.

**Councilor Dwyer moved Zajac and seconded the motion to adjourn the meeting. Motion carried 5 - 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

The Town Board Meeting was adjourned at 8:11 p.m.

Respectfully submitted,

Jacqueline G. Roorda

Town Clerk