**April 10th, 2018 LaFayette Town Board Meeting Minutes**

Minutes of the Town Board Meeting held by the LaFayette Town Board on April 10, 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

 Carole Dwyer, Councilor

 Michael Johnson, Councilor

 Absent: Melanie Palmer, Councilor

 Recording Secretary: Jackie Bush Roorda, Town Clerk

 Attorney: Kevin Gilligan

 Budget Officer: Tom Chartrand

 Others Present: Stephen & Kathy Pitoniak

 Caitlyn Campbell

 Kaitlyn Koons

 Geoff Lloyd

 Michelle Blust

 Mike Stiner, ZBA Member

 Jeff Murray, Resident

 Samantha & Jeff Lloyd

 Lori Beirman

 Dan Campitello

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 Zajac.

3. The Town Clerk, Jackie Roorda took the Roll. Councilor Palmer absent, all other Town Board members present.

4. The Town Board Minutes of March 13th, 2018.

**Councilor Zajac moved and Dwyer seconded the motion to accept the March 13th, 2018 Meeting Minutes as submitted by Town Clerk Jackie Bush Roorda. Motion carried 4 - 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

5. PUBLIC HEARING

 A. Proposed Local Law No. A-2018

Attorney Gilligan instructed the Town Board to hold the Public Hearing for Local Law A-2018 first and to then hold the Public Hearing for proposed Local B-2018 regarding the extension of the Solar moratorium, however if Local Law A-2018 is approved, then nothing has to be done regarding the moratorium.

Supervisor Fitzpatrick opened the Public Hearing for Local Law A-2018 and asked if there were any questions or concerns regarding Proposed Local Law A-2018. None were voiced.

**Councilor Dwyer moved and Zajac seconded the motion to close the Public Hearing regarding Local Law A-2018. Motion carried 4 - 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

Attorney Gilligan instructed Supervisor Fitzpatrick to hold the Public Hearing for Local Law B-2018 regarding the extension of the solar moratorium, however since Local Law A-2018 is approved, then nothing more has to be done regarding the extension of the moratorium.

Therefore, Supervisor Fitzpatrick opened the Public Hearing for Local Law B-2018 asking is there are any questions or comments. None were heard.

**Councilor Zajac moved and Fitzpatrick seconded the motion to close the Public Hearing regarding Local Law B-2018. Motion carried 4 - 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

A resident questioned why the residents weren’t advised of the Solar Laws Public Hearings. Attorney Gilligan advised that it has been posted in the newspaper on the website, at the post office and town hall and all of the information has been available at the Town Clerks office for anyone to review. Councilor Dwyer asked that when going forward, can entire proposed Laws be posted on the website. Town Clerk Jackie Roorda advised that they are and this one was included in the March minutes.

 Supervisor Fitzpatrick gave a brief summary explaining that the Solar Law and moratorium is for any new construction, includes roof top, freestanding or affixed to another structure, all sizes and regulations regarding solar farms. He further advised that the law is very similar to others that have been adopted by other Towns in NYS. A committee was formed to review the proposed law including the Ag Committee, headed by Councilor Palmer, and some changes that work better for the Town of LaFayette were made. Mostly the changes were aesthetic following State Fire Code and following the same permitting format/ordinances already in place for the Town and follows NYS Building Code compliance. As far as large solar farms, this Law will protect the Town by having the best regulations possible, especially in the instance the solar farm is no longer utilized, to prevent them from just abandoning the solar farm without a plan to dismantle and clean up the site.

 Councilor Johnson commented that one of the last decisions was to change the minimum 75’ street frontage to 60’ minimum street frontage; and also that there is a simple application through NYSERTA for Solar permits. It was taken to the Ag District and follows NYS Building Code compliance.

 A resident questioned if the company who was looking to construct a solar farm off of Apulia and Paladino Road was still planning of applying for it. Attorney Gilligan advised that if they do wish to proceed they would have to follow the same procedures as before, meeting all the regulations and going before the Planning Board for their approval before any solar farm can be constructed. Residents Samantha & Jeff Lloyd questioned if all residents with existing solar power will be grandfather in and advised that they are pro-solar. Gilligan advised that they will be grandfathered in. Fitzpatrick asked if there were any further comments. None were heard.

**TOWN OF LAFAYETTE**

**TOWN BOARD RESOLUTION**

**April 10, 2018**

The following resolution was offered by Supervisor Fitzpatrick, who moved its adoption, seconded by Councilor Dwyer to wit:

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law 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, was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held March 13, 2018; and

**WHEREAS**, a public hearing was held on said proposed Local Law No. A-2018 on April 10, 2018 by the Town Board of the Town of LaFayette and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of LaFayette in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, at its March 13, 2018 meeting the Town Board determined that this proposed legislation is a Type I action and issued a negative declaration for purposes of SEQR, thus concluding the environmental review process; and

**WHEREAS**, this proposed Local Law was referred to the Onondaga County Planning Board; and

 **WHEREAS,** by resolution dated March 21, 2018, the County Planning Board determined that this application will have no significant adverse inter-community or county-wide implications; and

**WHEREAS,** the Town Board as lead agency, provided circulation and publication of the negative declaration in the Environmental Notice Bulletin (ENB) as required by 6 NYCRR §617; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. A-2018.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that the Town Board of the Town of LaFayette, LaFayette County, New York, does hereby enact Proposed Local Law No. A-2018 as Local Law No. 1-2018 as follows:

**TOWN OF LAFAYETTE**

**PROPOSED LOCAL LAW NO. 1 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.

The question of the adoption of the foregoing order 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** | **Absent** |
| **Carole Dwyer** | **Councilor** | **Voted** | **Yes** |
| **Michael Johnson** | **Councilor** | **Voted** | **Yes** |
| **Daniel Fitzpatrick** | **Supervisor** | **Voted** | **Yes** |

The foregoing resolution was thereupon declared duly adopted.

**DATED: April 10, 2018**

Supervisor Fitzpatrick advised that the Moratorium will expire on May 9, 2018 and nothing further needs to be done regarding that.

Daniel Compitello, Zoning and Outreach Manager Cypress Creek Renewables, introduced and commented that he was sorry he couldn’t make it in time for the Public Hearing on the Solar Law however, he researched it and has communicated with Councilor Palmer and feels that committee involved, did a great job.

6. OPEN COMMUNICATION FROM THE PUBLIC – None voiced

7. COMMUNICATIONS

 A. Proposal from Kathy Barany Strategic Solutions for Employee Handbook.

This matter was discussed at the March meeting and the consensus was to employ her services to update the official Town handbook.

**Councilor Dwyer moved and Johnson seconded the motion to enter into an agreement on behalf of the Town with Strategic Management Solution for the purpose of developing an Employee Handbook for the Town of LaFayette and authorize Supervisor Fitzpatrick execute said agreement. Motion carried 4 – 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

 B. Resolution Opposing Increases to MWBE Requirements Supervisor Fitzpatrick advised that this is in opposition to Governor Cuomo’s proposed action to expand the Minority and Women Owned Business Enterprises from 30% to 53% as subcontractors and suppliers for the provision of services and contracts. This resolution is urging our representative in the New York State Senate and the New York State Assembly to vote in opposition of these changes in order to protect the ability of local firms to compete for public sector projects, and to control the cost of public projects by avoiding the unnecessary cost escalations due to a preference given to firms that may have bid higher prices. Fitzpatrick further advised that although the Town fully supports MWBE we are joining in many other municipalities in Upstate New York to advise our Senate and Assembly that this is not feasible to comply as the numbers are way too escalated to fulfill.

**Councilor Dwyer moved and Fitzpatrick seconded the motion to approve the Resolution of the Town of LaFayette in opposition to Proposed Expansion of MWBE Goals. Motion carried 4 – 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

 C. Motion to move forward in purchasing server for the Court/Town Offices. Budget Officer Tom Chartrand advised that a second quote was secured to fulfill the procurement policy. We will proceed with CNY Technology Consultants (Jerry Brown) as his quote was the lower amount.

**Councilor Johnson moved and Fitzpatrick seconded the motion to move forward with Jerry Brown and CNY Technology Consultants in purchasing and setting up the server for the Justice Court and Town Offices. Motion carried 4 – 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

 D. Mass Gathering Permit, Carol Watson Greenhouse & Landscape

**Councilor Dwyer moved and Fitzpatrick seconded the motion approving of Carol Watson Greenhouse and Landscaping, Inc. Mass Gathering/Public Assembly permit application for the fundraising event scheduled for April 14 & 15, 2018. Motion carried 4 – 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

 E. Manure Storage Facilities/Proposed replacement Site Plan Law

Attorney Gilligan advised that if the Town Board completed their review of the proposed Law, the next step would be to send it to the State.

**TOWN OF LAFAYETTE**

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

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

**OF THE TOWN OF LAFAYETTE TO ADD PROVISIONS GOVERNING SITE PLAN REVIEW FOR MANURE STORAGE FACILITIES ASSOCIATED WITH CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs)**

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 review the location, construction, installation, operation, use and abandonment of manure storage facilities for Concentrated Animal Feeding Operations (CAFOs) in order to prevent water pollution and other environmental impacts and thereby protect the health of the residents of the Town of LaFayette, and promote the prosperity and general welfare of the residents of the Town of LaFayette. The Town Board understands that from time-to-time, local farmers require the ability to store large quantities of manure in order to fertilize crops and carry out other farming operations in an efficient and economical manner. Nonetheless, the Town Board finds that manure storage facilities can be a potential threat to the health, safety and welfare of Town residents and the surrounding environment. The Town Board further finds that, despite the existence of State and Federal regulations, which set detailed performance standards for the construction and maintenance of such facilities, some measure of local oversight is required in order to ensure the transparency of the process surrounding the permitting, construction and expansion of these facilities.

**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:

**ANIMAL MANURE** – Excrete from livestock, poultry and other materials, such as bedding, rain or other water, soil, hair, feathers, and other debris normally included in animal manure handling operations.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)** – An operation that confines animals on a site for more than forty-five (45) days per year, where feed is brought onsite. Medium and Large CAFOs as defined by the New York State Department of Environmental Conservation (“DEC”) in 6 NYCRR 750-1.2 shall be subject to the provisions of Article III(D) of the 1970 Zoning Ordinance of the Town of LaFayette.

**MANURE STORAGE FACILITY** – A facility constructed as an accessory use to an animal husbandry use, riding stable, or kennel, to collect, hold, process, store, treat, or distribute solid and liquid animal waste. Included within this definition are storage tanks, lagoons, seepage pits, drains, and collection systems intended to handle animal waste solids and liquids, food processing, and CAFOs. Not included within this definition are systems designed and construed to handle human waste.

**SECTION 4. AMENDMENT OF ARTICLE III OF THE 1970 ZONING ORDINANCE OF THE TOWN OF LAFAYETTE TO ADD NEW PROVISIONS GOVERNING CONTROLLED SITE REVIEW FOR MANURE STORAGE FACILITIES**

Article III of the 1970 Zoning Ordinance of the Town of LaFayette is hereby amended to add a new Section D “Controlled Site Review for Manure Storage Facilities” as follows:

**“SECTION D. CONTROLLED SITE REVIEW FOR MANURE**

 **STORAGE FACILITIES**

1. **REGULATED ACTIVITIES**
2. Any person who designs, constructs, installs, reconstructs, enlarges, a manure storage facility for a CAFO, or employs another person to do the same, on land in the Town of LaFayette shall be subject to the provisions of this Section.
3. No manure storage facility, or addition to an existing manure storage facility for a CAFO shall be constructed, installed, reconstructed, or enlarged prior to receiving controlled site review by the Town of LaFayette Planning Board.
4. **SITE PLAN APPLICATION**

The applicant for controlled site review shall submit the following:

1. Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways.
2. Show the existing features, of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.
3. Show the proposed location and arrangement of buildings; and uses on the site, including means of ingress and egress.
4. Show the proposed location and arrangement of livestock containment areas or manure storage/manure composite sites.
5. Sketch of any proposed building manure storage facilities structure or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.
6. Provide a description of the farm operation (existing and/or proposed) and a narrative of the intended use and/or location of proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to, accommodate the changes.
7. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.
8. If any new structures are going to be located adjacent to a stream or wetland provide a copy of the, floodplain map and wetland map that corresponds, with the boundaries of the property.
9. The applicant shall submit a copy of all plans, drawings or other documentation as may be required by the DEC or EPA for the manure storage facility.
10. The number, kinds and weights of animals for which storage is provided and the duration for which storage is to be provided. Storage volume computations and the storage facility volume shall be provided.
11. The structural details, load assumptions, design computations, dimensions, cross sections, concrete thickness, reinforcing steel to be used, and facility elevations. The construction and material specifications including, but not limited to, applicable specifications for earthen fill quantities and soil types, excavation quantities and soil types, timber and pipes for the proposed manure storage facility.
12. The location of any existing well within three hundred feet (300’) of the facility.
13. The soil test pit locations and soil descriptions to a depth of at least five feet (5’) below the planned bottom of the facility. Surface elevation of soil test pits shall be provided. Also results of any laboratory tests performed on the soils shall be provided.
14. The elevation of high ground water level or bedrock if encountered in the soil profile and the date of any such determinations.
15. Provisions for adequate drainage and control of runoff to prevent pollution of surface water and ground water. The applicant shall show the location and distance of any surface flow path, well head, spring, or sinkhole within three hundred feet (300’) of the facility.
16. A time schedule for construction of the facility.
17. A description of the method and materials proposed in transferring manure into and from the facility.
18. All CAFOs shall provide an operation and maintenance plan, operating safety provisions and details of the manure transfer system, including, but not limited to, material quality.
19. All CAFOs shall provide the type of fencing and signage to be used around the facility.
20. Application form and fee (if required).
21. **CONTROLLED SITE REVIEW PROCEDURES**
22. The applicant must submit a complete application and fee.
23. The Town Codes Enforcement Officer shall make a determination whether the application is complete within seven (7) days of submission. If the application is complete, the applicant may be placed on the Town Planning Board agenda for formal review.
24. The Planning Board shall complete the review of the plan and application within forty-five (45) days of the submission of a complete application.
25. **INSPECTIONS/ENFORCEMENT**
26. The Code Enforcement Officer of the Town of LaFayette may conduct onsite inspections until such time that the controlled site review and construction process is completed.
27. **ABANDONMENT**
28. The applicant shall submit to the Town a copy of the documents that the CAFO supplies to the New York State Department of Environmental Conservation for abandonment of a manure storage facility.
29. **PENALTIES**
30. The owner of any such facility who commits or permits any acts in violation of any of the provisions of this Section or fails to comply with the provisions thereof shall be deemed to have committed an offense against such Section and also be liable for any such violation or the penalty therefore. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.
31. For every violation of any provision of this Section, the person violating the same shall be subject to a fine of not more than Five Hundred ($500.00) Dollars and/or fifteen (15) days in jail for each such offense. Such penalties shall be collectable by and in the name of the Town for each day that such violations shall continue.”

**SECTION 5. SEVERABILITY.**

If the provisions of any 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 section, subsection, paragraph, subdivision or clause of this Local Law.

**SECTION 6. EFFECTIVE DATE.**

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

**Supervisor Fitzpatrick moved and Dwyer seconded the motion to approve of Attorney Gilligan forwarding the above proposed replacement for the Manure Storage Facilities Site Plan Law. Motion carried 4 – 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

 F. NY Cooperative Liquid Asset Securities System - Supervisor Fitzpatrick advised that this is basically a new Comptroller backed investment policy/plan. He had given this to Budget Officer, Tom Chartrand for his review and opinion and Tom advised that the Town could possibly show $4,000.00 more interest, it is basically owned by the Towns and Cities involved, it is backed by FDIC, only investing in secure items. It is basically the same thing we have with NBT however, it is all Liquid Assets and they are able to offer a higher interest rates as there is no overhead. Clay & Cicero have signed on and approximately 50% of Towns across the State have as well.

**Councilor Johnson moved and Dwyer seconded the motion for the Town of LaFayette to set up a NYCLASS account and authorize the appropriate signatures necessary in completing the registration process and paperwork as filled out by Budget Officer Tom Chartrand. Motion carried 4 – 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

Tom Chartrand advised that the Investment policy will need to be amended to include the NYCLASS listed as another investor and he has done that for the Board.

**Supervisor Johnson moved and Fitzpatrick seconded the motion amend and adopt the Investment Policy wherein NYCLASS is listed as another investor for the Town of LaFayette. Motion carried 4 – 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Ye**

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 March 2018 report and advised that he will be keeping payrolls, etc. forecasting what balance transfers will be necessary. He advised that highway payroll was very large due to overtime and 3 payrolls in the month of March. Otherwise the Town Budget is in good shape, the general budget at 24% which is right where it should be.

2. **Highway written report submitted and read by John Greeley.**

* **Roads:** All sweeping ops completed on Town roads. Snow and ice ops performed 11 times since last meeting.

A copy of the 2018 284 agreement is on file with the County Commissioner. The Town plans to surface treat and perform general repairs on approximately 3.83 miles of road. All work subject to weather and oil escalation prices.

Additional work needs to be complete on Ortloff road due to July 2017 rain storms. Work has been done, however structures and larger driveway pipes need to be installed to handle another 100-year storm. FEMA did not follow through on money for Onondaga County although we met the threshold for eligibility, however Deputy Robson and Mark Chambers are working on Grants for Cascade – Deer Run – and Mc Clary Roads. Unfortunately, Ortloff road does not qualify for this type of grant. The Highway will look at our budget at the end of the year and take a “one step at a time approach” to slowly make the necessary repairs needed. **CHIPS** – Slight increase – TBD

**Supervisor Fitzpatrick moved and Dwyer seconded the motion to enter into the Agreement between the Town Superintendent of LaFayette and County Superintendent for Expenditures of Highway Moneys. Motion carried 4 – 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

* Steve Robson and Mark Chambers met today for final draft application changes for the Bridge and Culvert 2018 Grand Application
* **Equipment:** The 2018 ten-wheeler has been delivered. The radio has been installed today and truck will be in service very soon.
* I want to go on record and thank my plow guys for all of their dedication and hard work the last several weeks in regard to constantly taking plow equipment on and off on short notice – working on weekends plowing snow (like past Saturday) and trying to complete necessary spring work.
* On Tuesday, April 3rd a Highway Committee was held. We discussed selling the 1984 grader to free up revenue to purchase a Ford 550 plow. This will allow the Parks to use the 2011 Dodge truck. The committee will recommend to put 2003 Ford 550 on surplus. Yes, the Highway is two weeks behind in regards to our schedule, but through social media – FB – and Town News Media people we have been communicating with our residents and will work with them for brush pick -up and upcoming dump days. (May 5th – May 12th)

We at the Highway have an aggressive work schedule and we are confident we will complete our tasks by the end of the season.

* **Highway Building and Property:** Earlier this month Steve Robson and I had the opportunity to meet our new neighbors “The Olivers” as they were asking questions about the use of the Town well they are currently using and what they can do to continue to use it. I spoke with Supervisor Fitzpatrick and we thought this would be a great opportunity to acquire a little more land directly behind the Highway Property. Currently, the Highway has no extra land in the event they need to store aggregate sand or need more area to develop.

We met with the Oliver’s in March and discussed possibly getting 400’ by 250’. They said that they saw no issues and that after a survey and boundary marking a simple deed transfer is possible for the use of the Town well. This could benefit the Parks Department as well as the Highway Department. The Highway Department looks at the Oliver’s as good neighbors and welcomes them to LaFayette’s. Q’s & C’s Enclosed is map…

Supervisor Fitzpatrick commented that the big cement tower can come down. Greeley advised that it has already been surveyed. Gilligan commented that the Town will still have ownership of the well and Oliver’s Campers will have a license to use the well and maintain and be responsible for the maintenance on it. Zajac questioned that if Oliver’s sell the property would the next owner get the well? Isn’t it smarter to keep the well? Gilligan advised that easements run with the property and that language will be in place that the Town of LaFayette will keep the well and once this is set in action, this will be subject to a 30 day permissive referendum.

* **Highway School:** Highway School will be June 4-6, 2018

**Supervisor Fitzpatrick moved and Johnson seconded the motion authorizing Superintendent John Greeley and Deputy Superintendent Steve Robson to attend Highway School with expenses to be covered by the town. Motion carried 4 – 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

* **Town Planter Boxes:** The boxes are currently stored at the Landfill. A decision needs to be made in regards to what needs to be done with these. Last year the Highway Department spent 2 days delivering and picking them up. They also had to empty the dirt out of most of them. Maintenance of the boxes is taxing and I recommend a committee be formed to decide what to do.

Discussion pursued regarding the planter boxes wherein Greeley advised that the boy scouts used to take care of the boxes and that he spends a lot of time repairing and staining the boxes and they are falling apart. Roorda advised that there is a list of residents/businesses who want the boxes if any become available. She questioned if Greeley wants the Committee to be responsible for moving the boxes? Greeley responded that he basically just wants a committee formed to figure out what can be done and who else can be responsible for the planter boxes. Suggestions were to contact the boy scouts and set up a committee.

 3. Town Clerk

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

 b. Audit of the Town Clerks 2017 records – At the conclusion of the March 13, 2018 meeting the audit of the Town Clerks records for 2017 was completed by Town Board Members.

**Councilor Johnson made a motion and Fitzpatrick seconded, approving the audit performed by the LaFayette Town Board of the 2017 Town Clerk’s financial records as presented by Jackie Bush Roorda. Motion passed 4 – 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

 c. Town Clerk, Jackie Roorda advised that everything is set up for the May 12th, 2018 shredding, Rescue Mission drop off and expired medication drop off to be held from 9:00AM to 1:00PM at the Town Hall. She will be overseeing the even. She is waiting to hear back from the Onondaga County Sheriff’s Department regarding security for the medications that are collected.

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

 5. Justice Court

 A. Justices Monthly report for February 2018

 83 - Total cases for Judge Perrin; $6,766.00 was taken in for the month of February, 2018.

 105 - Total cases for Judge Shute; $8,426.00 was taken in for the month of February, 2018.

 6. Library

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

B. Committees

7. NEW BUSINESS – No new business was discussed.

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

 **General Fund 12417-12522 $ 58,059.27**

 **Highway Fund 12466-12480 $164,474.09**

 **Special District 12454-12465 $ 28,876.86**

**Councilor Johnson moved and Dwyer seconded the motion to audit and pay the above listed bills. Motion carried 4 - 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

10. Motion to adjourn.

**Councilor Dwyer moved Johnson and seconded the motion to adjourn the meeting. Motion carried 4 - 0.**

 **Daniel Fitzpatrick Supervisor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Carole Dwyer Councilor Voted Yes**

 **Michael Johnson Councilor Voted Yes**

The Town Board Meeting was adjourned at 8:04 p.m.

Respectfully submitted,

Jacqueline G. Roorda

Town Clerk