

TOWN OF PENDLETON
July 8, 2019

A Regular Meeting of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, NY, on the 8th day of July 2019 at 7:00 p.m. Three Public Hearings were also scheduled beginning at 6:45 p.m.

PUBLIC HEARINGS

PUBLIC HEARING #1 – TRANSFER OF FUNDS FOR PURCHASE OF HIGHWAY EQUIPMENT

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on June 28, 2019 and on the Town's website.

Supervisor Maerten opened Public Hearing #1 at 6:56 p.m.

The purpose of the hearing is for the transfer of \$32,630.00 from Reserve for Equipment (DA0889) to Machinery Fixed Assets (DA5130.02), for the purchase of a roller, two trailers and a John Deer Gator.

There were no public questions or comments.

Motion made by Councilman Leible, seconded by Councilman Fischer, to close Public Hearing #1 at 6:57 p.m. Motion carried.

PUBLIC HEARING #2 – TRANSFER OF FUNDS FOR PURCHASE OF TOWN HALL VEHICLES

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on June 28, 2019 and on the Town's website.

Supervisor Maerten opened Public Hearing #2 at 6:57 p.m.

The purpose of the hearing is for the transfer of \$41,276.00 from the Unassigned Fund Balance (A917) to Equipment for the purchase of two 2020 Chevrolet Trax vehicles for the Town Hall.

There were no public questions or comments.

Motion made by Councilman Leible, seconded by Councilman Fischer, to close Public Hearing #2 at 6:58 p.m. Motion carried.

PUBLIC HEARING #3 –CHAPTER 247 ZONING, ARTICLE VIIC: SOLAR ENERGY SYSTEMS

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on June 28, 2019 and on the Town's website.

Supervisor Maerten opened Public Hearing #3 at 6:58 p.m. He explained that the Town was working with retired Planning Board Member, John Lavrich, who is reviewing the Town Code. Mr. Lavrich provided proposed revisions to this chapter of the Town Code.

The purpose of the hearing is to receive public input for the proposed amendments to Chapter 247 Zoning, Article VIIC: Solar Energy Systems, § 247-68.

A resident asked for an explanation of the proposed revisions and Supervisor Maerten read the revisions aloud. There were no other questions or comments.

Motion made by Councilman Leible, seconded by Councilman Ostrowski, to close Public Hearing #3 at 7:06 p.m. Motion carried.

REGULAR MEETING

Supervisor Maerten called the meeting to order at 7:09 p.m.

Supervisor Maerten read the invocation and the salute to the flag.

Roll Call:

Supervisor Maerten	Present
Councilman Fischer	Present
Councilman Graham	Present
Councilman Leible	Present
Councilman Ostrowski	Present

Also present:

Deborah Maurer – Town Clerk
Claude Joerg – Town Attorney
David Britton – Engineer
Craig Walter – Deputy Highway Superintendent
Don Bergman – Budget Officer
Kelli Coughlin – Town Assessor
Wolfgang Buechler – Zoning Board of Appeals Chairman
Mark Walter – Emergency Services Coordinator

There were 10 residents in attendance.

ADDITIONS OR DELETIONS TO THE AGENDA

The following items were added to the agenda:

- Approval of New Recreation Committee Member
- Executive Session

COMMUNICATIONS

Town Clerk Maurer reported that the Pendleton Historical Society will be sponsoring a Pie Baking Contest during the Pendleton Farm & Home Days on Friday, August 16th at 6:00 p.m. Additional information can be obtained by contacting Carol Moeller at 625-8769. She also informed the Board that the Town will be hosting a UNYTS Blood Drive at the Town Hall on Monday, August 26th from 2:00 – 6:00 p.m. Reservations can be made by contacting UNYTS. Walk-ins will also be accepted. Mrs. Maurer also reported that the July 11th Conservation Advisory Council meeting has been rescheduled to August 1st at 5:00 p.m. She also informed the Board that letters of interest were received from Diane Hazelet for reappointment to the Board of Assessment Review as well as two other letters for the Recreation Committee.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

There were no public remarks or comments on the agenda items. A representative from the Niagara County Farm Bureau asked to be heard at this time. She wanted to speak, on behalf of a resident, regarding a violation of land rights. Supervisor Maerten stated that he was aware of the current situation and that this was not the appropriate time to speak regarding land rights. This particular issue is in the court's hands. The representative requested a meeting to speak with the Town Board and was asked to provide contact information so that something could be potentially scheduled.

ROUTINE BUSINESS

RESOLUTION 184-19

AUTHORIZE PAYMENT OF ABSTRACT #13

Motion by Councilman Leible, seconded by Councilman Graham, the following resolution was

ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
 Nays 0

Resolved to authorize payment of Abstract #13, that was authorized to be paid on July 10, 2019, for the following expenditures:

General Fund	\$	66,857.98
Highway	\$	18,912.01
Refuse	\$	775.77
Sewer	\$	2,930.15
Water	\$	50,365.92
Trust and Agency	\$	826.00
Total	\$	140,667.83

OTHER REPORTS

Supervisor Maerten reported that tax collected in May 2019 was \$139,278.32. This is an increase of \$19,846.33 when compared with May 2018. The year to date received was \$646,132.49 which is an increase of \$21,789.73 from 2018.

Supervisor Maerten thanked everyone who stepped in while he was hospitalized last month.

Councilman Leible read the Highway Report. In June, the Highway Department chipped brush, brush hogged the bike path, began mowing road sides and patching roads, maintained lawns in cemeteries, parks and Town Hall, worked on drainage issues, prepped ball fields and serviced equipment as needed. The Highway Department also shared services with the towns of Lewiston, Porter and Lockport. Councilman Leible thanked the Highway Department for the work on the drainage in the park. He mentioned that the Fourth of July celebration was well attended and that the new vehicles for Town Hall will be delivered in approximately ten weeks. Councilman Leible also addressed the Historical Society about the previous month's request to provide insurance for their upcoming fundraiser. He explained that our insurance company informed him that the Town cannot insure private property and recommended that they try to obtain a one-day insurance rider for the event.

Councilman Fischer read the Water/Sewer Department report for June. The Sewer Department had eight regular and seven overtime sewer calls. They replaced three sewer boxes, completed duplex and lift station checks, two partial grinder tank updates and two sewer repairs. The Water Department completed seven sold home inspections, four final water reads and 107 stakeouts.

Councilman Ostrowski reported that the Summer Recreation Program started with a total of 236 children enrolled and that the Recreation Committee is still in the process of obtaining quotes for the pavilion for Depeau Park. He also stated that the bike trail from Feigle Road to Uncle G's is close to being finished.

Councilman Graham spoke about the added traffic safety patrols and reminded everyone to be safe on the roads. He reported that the Building Department has had some hurdles to overcome recently and asked that the public be patient as he and Supervisor Maerten are working on a solution.

Supervisor Maerten added that the added traffic safety patrols have already resulted in 54 tickets.

Engineer Britton provided an update on the Fisk Road Rehabilitation Project stating that the contracts are being executed at this time, a kick-off meeting was held last week and the Notice to Proceed will be issued shortly. He indicated that he will give the Town Clerk an informational notice to the residents soon so it can be posted on the Town's website.

Budget Officer Bergman reported that he is getting ready to distribute the letters to department heads for the upcoming budget season. Supervisor Maerten reminded everyone to make sure that all budget requests are detailed.

DEPARTMENT HEADS

Town Clerk Maurer reported that the Water/Sewer Monthly Report indicated that the total received for the month of June was \$6,475.04. She also reported that the amount of Local Shares for the month of June totaled \$7,174.44 from various payments received in the Town Clerk's office. As of July 1, 2019 all payments made to the Town of Pendleton, with the exception of court fees, are now received in the Town Clerk's office. Mrs. Maurer also provided a detailed update of the network/server upgrade being completed by the Niagara County IT Department.

Assessor Coughlin reported that the Final Roll was finalized on July 1st. New York State informed her that approximately 30 STAR exemptions have to be removed from the list. She indicated that she does not agree with the State's determination and is working with other Niagara County Assessors on this issue. Mrs. Coughlin has continued to take pictures of new builds to keep her files current and is still in the process of scanning blueprints from the past year. She also reported that in May there were 15 sales, eight of which were arm's length sales.

NEW BUSINESS

Historical Society Discussion

Historical Society President, Carol Moeller, thanked the Board for the attention they gave at the last meeting and read a new letter asking for assistance in obtaining grant money for the construction of a new building. Supervisor Maerten said that he would contact the grant writer and request that they work with the Historical Society. Councilman Leible stated that he would follow up with this request.

RESOLUTION 185-19

SCHEDULE PUBLIC HEARING

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to schedule a Public Hearing for Monday, August 12, 2019 at 6:45 p.m. to discuss a proposed Local Law to extend the term of office of the Town Clerk for the Town of Pendleton from two years to four years.

RESOLUTION 186-19

LOSAP DISABILITY

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to approve the Length of Service Award Program (LOSAP) disability payment for a Wendelville Fire Company member, name to be withheld due to confidentiality.

RESOLUTION 187-19

APPROVE HIRING OF SEASONAL EMPLOYEE

Motion by Councilman Leible, seconded by Councilman Ostrowski, the following resolution was ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to approve the hiring of Thomas Dallmann as a part-time, seasonal employee for the Highway Department, effective immediately at a salary of \$12.50/hour.

RESOLUTION 188-19

UNPAID FEES LEVY

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to put all outstanding water, sewer, refuse and lawn maintenance fees as liens on the tax bill.

A discussion continued regarding issues the Highway Department is having with unpaid bills for the delivery of millings. Supervisor Maerten will meet with the department during the week to try to discuss this further.

RESOLUTION 189-19

TRANSFER OF FUNDS FOR PURCHASE OF HIGHWAY EQUIPMENT

Motion by Councilman Leible, seconded by Councilman Graham, the following resolution was ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to approve the transfer of \$32,630.00 from Reserve for Equipment (DA0889) to Machinery Fixed Assets (DA5130.02), for the purchase of a roller, two trailers and a John Deer Gator.

RESOLUTION 190-19

TRANSFER OF FUNDS FOR PURCHASE OF TOWN HALL VEHICLES

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to approve the transfer of \$41,276.00 from the Unassigned Fund Balance (A917) to Equipment for the purchase of two 2020 Chevrolet Trax vehicles for the Town Hall.

RESOLUTION 191-19

REPEAL LOCAL LAW NO. 2-2017 – ARTICLE VIIC: SOLAR ENERGY SYSTEMS

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was

ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to repeal Local Law No. 2-2017, titled Article VIIC: Solar Energy Systems, in its entirety.

RESOLUTION 192-19

CHAPTER 247 ZONING, ARTICLE VIIC: SOLAR ENERGY SYSTEMS

Motion by Councilman Leible, seconded by Councilman Graham, the following resolution was

ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to institute the Town Ordinance titled Article VIIC: Solar Energy Systems in its entirety, as follows:

**Article VIIC
Solar Energy Systems**

§ 247-68.14 **Title.**

This article shall be known and may be recited as the "Solar Energy Systems Ordinance of the Town of Pendleton."

§ 247-68.15 **Findings.**

The Town Board of the Town of Pendleton makes the following findings:

- A. The Town Board of the Town of Pendleton recognizes that solar energy is a clean, readily available and renewable energy source, and the Town of Pendleton intends to accommodate the use of solar energy systems.
- B. However, the Town Board finds a growing need to properly site solar energy systems within the boundaries of the Town of Pendleton to protect residential, business areas and other land uses, to preserve the overall beauty, nature and character of the Town of Pendleton, to promote the effective and efficient use of solar energy resources, and to protect the health, safety and general welfare of the citizens of the Town of Pendleton.
- C. Prior to the adoption of this article, no specific procedures existed to address the siting of solar energy systems. Accordingly, the Town Board finds that the promulgation of this article is necessary to direct the location and construction of these systems.
- D. Solar energy systems need to be regulated for removal when no longer utilized.

§ 247-68.16 **Purpose.**

This zoning ordinance for solar energy is adopted to advance and protect the public, health, safety and welfare of the Town of Pendleton, including:

- A. Taking advantage of a safe, abundant, renewable, and nonpolluting energy resource;
- B. Decreasing the cost of energy to owners of commercial and residential properties, including single-family houses; and
- C. Increasing employment and business development in the region by furthering the installation of solar energy systems.

§ 247-68.17 **Definitions.**

The following definitions shall apply to this article:

APPLICANT

The person or entity filing an application and seeking an approval under this article; the owner of a solar energy system or a proposed solar energy system project; the operator of solar energy system or a proposed solar energy system project; any person acting on behalf of an applicant, solar energy system or proposed solar energy system. Whenever the terms "applicant" or "owner" or "operator" are used in this article, said term shall include any person acting as an applicant, owner or operator.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS

A solar energy system that is a combination of photovoltaic building components integrated into any building envelope system such as vertical facades, including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

GROUND-MOUNTED SOLAR ENERGY SYSTEM

A solar energy system that is affixed to the ground either directly or by support structures or other mounting devices.

LARGE-SCALE SOLAR ENERGY SYSTEM OR SOLAR FARM

Any solar energy system that cumulatively on a lot is designed and intended to supply energy into a utility grid, primarily for sale to the general public.

MINOR SOLAR ENERGY SYSTEM

Any solar energy system which relies upon solar radiation as an energy source and distribution of solar energy for electricity generation or transfer of stored heat, secondary to the use of the premises.

ROOFTOP-MOUNTED SOLAR ENERGY SYSTEM

Any solar energy system that is affixed to the roof of a building and wholly contained within the limits of the roof surface.

§ 247-68.18 Use districts where allowed.

Subject to the provisions of this article, solar energy systems shall be permitted in all zoning districts in the Town.

A. Solar Energy Systems shall be allowed in Zoning Districts as follows:

(1) Allowed by Right:

(a) Minor Solar Energy Systems including Roof-Mounted Solar Energy Systems and Ground – Mounted Energy Systems – Allowable in all Zoning Districts

(2) Allowable by Special Use:

(a) Large-Scale Solar Energy Systems or Solar Farms – Allowable in CO1-Light Commercial, CO2 Medium Commercial, LI- Light Industrial and SLI - Special Light Industrial Districts only by Special Use.

(b) Large-Scale Solar Energy Systems or Solar Farms are not permitted By Right or Special Use in the R-1 and R-2 Residential Zoning Districts

§ 247-68.19 General regulations.

The placement, construction, and major modification of all solar energy systems within the boundaries of the Town of Pendleton shall be permitted only as follows:

A. All solar energy systems shall adhere to all applicable federal, state, county and Town of Pendleton laws, regulations and building, plumbing, electrical, and fire codes.

B. Rooftop-mounted and building-integrated solar energy systems upon issuance of a building permit based on the criteria set out at § 247-68.20 herein.

C. Ground-mounted solar energy systems upon issuance of a building permit based on the criteria set out at § 247-68.20 herein.

D. Large-scale solar energy systems upon Site Plan Review and Special Use Permit approval issued by the Town of Pendleton Planning Board, and upon issuance of a Building Permit issued by the Building Inspector/Code Enforcement Officer, shall be subject to all provisions of this article.

E. All solar energy systems existing on the effective date of this article shall be allowed to continue usage as they presently exist. Routine maintenance (including replacement with a new system of like construction and size) shall be permitted on such existing systems. New construction other than routine maintenance shall comply with the requirements of this article.

F. No solar energy system shall hereafter be used, erected, moved, reconstructed, changed or altered except in conformity with these regulations.

G. Any applications (including variance applications) pending for solar energy systems on the effective date of this article shall be subject to the provisions of this article.

H. This article shall take precedence over any inconsistent provisions of the Zoning Law of the Town of Pendleton.

§ 247-68.20 Minor Solar Energy Systems.

Rooftop-mounted solar energy systems shall be subject to the following requirements:

- A. Shall not be more than three feet higher than the finished flat roof to which it is mounted.
- B. Shall be flush-mounted parallel to the pitched roof surface and no more than six inches above the surface with an eighteen-inch clearing at the roof ridge and an eighteen-inch clearing path to the ridge.
- C. The Building Inspector/Code Enforcement Officer may require, in his sole discretion, at least a three-foot center walkway for safety access purposes.
- D. The proposed solar installation shall be on the roof of a residential building or legal accessory structure with a single layer of roof covering. A waiver may be requested, in writing, from the Building Inspector/Code Enforcement Officer for an installation on a second layer of roof covering.
- E. The proposed solar installation shall create a gravity roof load of no more than five pounds per square foot for a photovoltaic (PV) system.
- F. All equipment and systems must be in full compliance with all current National Electrical Code (NEC) and New York State Building Code requirements.
- G. A professional engineer or registered architect must also certify the load bearing and wind load sufficiency of the proposed solar installation.
- H. A new survey is not required, but if the solar energy system is proposed for an accessory structure on a residential property, the applicant shall provide an existing survey and demonstrate that the accessory structure is legal.
- I. Building-integrated solar energy systems shall not be more than three feet from the building wall and in no instance shall any part of the system extend beyond the roofline or parapet wall.
- J. Ground-mounted solar energy systems shall be subject to the following setback requirements:
 - (1) R1 and R2 Districts: front yard: 125 feet; side yard: 30 feet; and backyard: 30 feet.
 - (2) CO1, CO2, LI, and SLI Districts: See §§ 247-12 to 247-15 for the established setback (front yard, side yard and backyard) requirements in prospective zoning districts.
- K. The location of said solar energy system shall be located only in the side or rear yard.
- L. The orientation of said solar energy system shall not be pointed directly at any adjoining residential dwelling.
- M. The height of said solar energy system shall not exceed 15 feet when oriented at maximum tilt.
- N. The total surface area of said solar energy system on a lot which is two acres or less shall not exceed 600 square feet.
- O. The total surface area of said solar energy system on a lot which is greater than two acres shall not exceed 2.5% of the total square footage of the entire lot.
- P. The solar energy system shall be included and be subject to the maximum lot coverage allowable under the zoning district where it is located.

§ 247-68.21 Site plan requirements for large-scale solar energy systems.

- A. Applicants for approval to place, construct, and make a major modification to a large-scale solar energy system within the boundaries of the Town of Pendleton shall submit an application for site plan review as provided in § 247-54 of the Town Zoning Code. In addition to the standard requirements in other articles of the Zoning Law, the following information shall be contained in the application:

- (1) Utility interconnection data and a copy of written notification to the utility of the proposed interconnection; and
- (2) 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; and
- (3) Plans and drawings of the solar energy system installation signed by a professional engineer registered in New York State showing the proposed layout of the entire solar energy system along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved, and utility lines, both above and below ground, on the site and adjacent to the site; and
- (4) Property lot lines and the location and dimensions of all existing structures and uses on site within 500 feet of the solar panels; and
- (5) Proposed fencing and/or screening for said project; and
- (6) A decommissioning plan to ensure the proper removal of large-scale solar energy systems is to be submitted to the Building Department for approval and must specify that after the large-scale solar energy system is no longer in use (as determined by the owner/operator or the Building Inspector/Code Enforcement Officer), it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and restoration shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected time line for execution and a cost estimate for decommissioning prepared by a professional engineer or qualified contractor. Cost estimates shall take inflation into consideration and be revised every five years during operation of the system. Removal of the large-scale solar energy system must be completed in accordance with the approved decommissioning plan and the standards provided as follows:
 - (a) All structures and foundations associated with the large-scale solar energy systems shall be removed to a depth of 36 inches;
 - (b) All disturbed ground surfaces shall be restored to original conditions, including topsoil and seeding as necessary;
 - (c) All electrical systems shall be properly disconnected and all cables and wiring buried less than 36 inches in depth shall be removed; and
 - (d) A bond or other approved security shall be provided to cover the cost of removal and restoration of the area impacted by the solar energy system. Security shall be in an amount equal to 150% of the construction estimate as presented in the approved decommissioning plan.

§ 247-68.22 Large-scale solar energy systems design criteria.

A. Design of large-scale solar energy systems shall meet the following conditions:

- (1) Setbacks. Any utility-scale solar energy system shall adhere to the following setbacks:
 - (a) A minimum of 200 feet from any property lot line.
 - (b) A minimum of 250 feet from any building or structure on any adjacent lot; and
 - (c) A minimum of 500 feet from any dwelling.
 - (d) A minimum of 200 feet from any public road or railroad (measured from the road right-of-way or property line); and
 - (e) A minimum of 750 feet from all property lot lines bordering a school or public park.
- (2) Maximum overall height. The height of a large-scale solar energy system shall not exceed 20 feet when oriented at maximum tilt.
- (3) Number of large-scale solar energy systems allowed per lot. There shall be allowed only one large-scale solar energy system per lot.

- (a) Minimum lot area shall be 15 acres.
 - (b) Maximum lot area shall be 100 acres.
 - (c) The solar energy system to be located in CO1, CO2, L1, or SL1, shall be subject to the maximum lot coverage percentage allowable under the Zoning District where it is to be located.
 - (4) All structures and devices used to support solar collectors shall be non-reflective and/or painted a subtle or earth tone color.
 - (5) All transmission lines and wiring associated with a large-scale solar energy system shall be buried and include necessary encasements in accordance with the National Electric Code and Town requirements. The applicant is required to show the locations of all proposed overhead and underground electric utility lines, including substations and junction boxes and other electrical components for the project on the site plan.
- B. After completion of a large-scale solar energy system, the applicant shall provide to the Building Inspector/Code Enforcement Officer a post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans.
- C. Compliance with regulatory agencies. The applicant is required to obtain all necessary regulatory approvals and permits from all federal, state, county, and local agencies having jurisdiction and approval related to the completion of a large-scale solar energy system.

§ 247-68.23 Maintenance; procedures; and fees.

- A. Removal. All solar energy systems shall be dismantled and removed immediately from a lot when the solar energy system has been deemed inoperative or abandoned by the Building Inspector/Code Enforcement Officer for a period of more than 365 days at the cost of the owner. If the owner does not dismantle and remove said solar energy system as required, the Town Board may, after a hearing at which the owner shall be given an opportunity to be heard and present evidence, dismantle and remove said facility and place the cost of removal to the security assigned to the project.
- B. Determination of abandonment or inoperable. A determination of the abandonment or inoperable solar energy system shall be made by the Town Building Inspector/Code Enforcement Officer, who shall provide the owner with written notice by personal service or certified mail. Any appeal by the owner of the Building Inspector/Code Enforcement Officer's determination of abandonment or inoperable shall be filed with the Town of Pendleton Zoning Board of Appeals within 30 days of the Building Inspector/Code Enforcement Officer causing personal service or mailing, certified mail, his written determination, and the Board shall hold a hearing on same. The filing of an appeal does not stay the following time frame unless the Zoning Board of Appeals or a court of competent jurisdiction grants a stay or reverses said determination. At the earlier of the 366 days from the date of determination of abandonment or inoperable without reactivation or upon completion of dismantling and removal, any approvals for the solar energy system shall automatically expire.
- C. Special Use Permit
- (1) All Applications shall be subject to Planning Board Site Plan Review per Section 247-54.
 - (a) Environmental Review (SEQR) is required.
 - (b) Public Hearing is required.

[1] 400 feet notification

- (2) A Special Use Permit issued by the Planning Board is required upon approval of the Site Plan and is subject to an annual review by the Planning Board. Planning Board Review will be undertaken to insure that all provisions listed herein are being adhered to. The Planning Board will have discretion to revoke the Special Use Permit due to noncompliance and establish a time frame to correct the violation/violations.

D. Application and annual fees.

(1) Large-scale solar energy system. An applicant shall pay an initial application fee of \$2,500 or such other amount as the Planning Board may determine for Site Plan Application to cover the cost of Town Engineer review of the Site Plan Engineered Drawings along with SWPPP Review and SWPPP Inspection Fees.

(2) A public hearing fee of \$100 applies.

E. Any changes or alterations post-construction to a large-scale energy system shall be done only by application to amend the site plan approval subject to all requirements of this Code.

§ 247-68.24 Interpretation; conflict with other law.

In their interpretation and application, the provisions of this article shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. It is not intended to interfere with, abrogate, or annul other rules, regulations or laws, provided that whenever the requirements of this article are at a variance with the requirements of any other lawfully adopted regulations, rules or laws, the most restrictive, or those which impose the highest standards, shall govern.

§ 247-68.25 Severability.

If any section, subsection, phrase, sentence, or other portion of this article is for any reason held invalid, void, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

RESOLUTION 193-19

RECREATION COMMITTEE APPOINTMENT

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was

ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski

Nays 0

Resolved to appoint Deborah Waild to the Recreation Committee for the remainder of past member, Charles Langlois' term.

PUBLIC REMARKS/COMMENTS

A resident stated that the new bike path is very nice and asked if the Town has a leash ordinance. He wanted to know if there is one does it also apply to the bike path. He would like the Canal Corporation to post a sign regarding this. Supervisor Maerten will follow up on this.

BOARD MEMBERS DISCUSSION

Supervisor Maerten announced that there will be no Work Session scheduled for July. The next Regular Meeting will be held on August 12, 2019 at 7:00 p.m. There will also be a Special Meeting scheduled for Monday, July 15, 2019 at 6:45 p.m. to appoint a Building Inspector.

Motion made by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Regular Meeting and enter into an Executive Session to discuss a Building Department personnel issue, inviting Town Attorney Joerg, at 8:04 p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Executive Session and the Regular Meeting at 8:40 p.m. Motion carried.

Deborah K. Maurer, Town Clerk