

Town Board Meeting
October 16, 2017
6:00 p.m.

Present: Supervisor Lanning, Councilor Brace, Councilor Howard, Councilor Badami, Councilor Coville, Attorney Smith.

Also Present: Julie Stenger, Rick Morris, Jason Gabak (Skaneateles Press), Rob Howard, Sue Murphy, Janice Miller, Allan Wellington, Jeryl Alibrandi, Mark Tucker, Sandy Wickwire, Martin Dillon.

Department Reports

Highway, Water, Transfer Station: Allan Wellington reported that they corrected a drainage problem on Crow Hill Road, performed maintenance on the diversion swale east of the Mirbeau property. They discovered a water leak at this site which Mirbeau is in the process of correcting. They installed new highway signs, made several blacktop repairs, mowed roadsides, made truck repairs and started installing a new dump body on a 2006 snowplow truck. In the Water Department they repaired several hydrants that were leaking and performed quarterly maintenance on two pressure reducing valves. He noted that materials have been delivered for the Old Seneca Turnpike and Masters Road waterline replacement. At the Transfer Station they held a paint collection day on October 7th with the help from the Town Constable, shipped two truckloads of baled cardboard and made equipment repairs.

Parks Department: Sue Murphy reported that surface repairs would begin at the tennis courts this week. The Board approved these repairs and reserve fund transfer in 2016. The last Saturday for Farmers Market will be on October 21st. The Sims building will be closed for the season. They are still mowing and weeding.

Budget: Bridgett Winkelman reported that she just completed payroll #21. There is one more budget meeting scheduled for October 19th. Any outstanding water and sewer accounts will be re-levied on the 2018 Town and County taxes.

Planning/Zoning/Codes: Councilor Badami reported that in the Planning Department there are 9 open projects. The Codes Department issued 23 permits in September.

Resolution #200

Minutes: Councilor Coville made a motion, seconded by Councilor Badami to accept the minutes of October 2, 2017 as presented.

Councilor Howard	Abstain (Absent)
Councilor Brace	Yes
Councilor Badami	Yes
Councilor Coville	Yes
Supervisor Lanning	Yes

Carried 4-0

Public Comment: Jeryl Alibrandi voiced her concern about the algal bloom on Skaneateles Lake and asked what she and others could do. She said that she would be happy to do a newsletter recommending environmentally friendly products to use. Councilor Howard said that she should attend the panel discussion sponsored by the Falcone's at the Hilton in Auburn with various agencies on October 18th. The Skaneateles Lake Association is also holding a follow up meeting on this at the SAVES building on Tuesday, October 24th at 7 p.m.

Councilor Howard asked the Town Board to pledge not to employ using pesticides, fertilizers and roundup on any of the Town properties and ask residents to do the same.

Supervisor Lanning said that the Town zoning does not allow use of fertilizers and pesticides within 50 feet of the lake or watercourse. The algae bloom is nutrient loading and nitrogen adds to that. It is science based. You also can't control the weather. He encouraged everyone to join the Skaneateles Lake Association.

Councilor Brace said that the Village is pursuing this issue of fertilizer and pesticide use and she would like to see the language they are using. She believes the Town should be leaders in this area for the community.

Councilor Howard said that glycosides release phosphates into the soil and there is science to prove that. She is fine waiting to see the language the Village is using but believes that the Town and Village should make a joint statement and take the lead on this.

Councilor Badami believes there should be a comprehensive study and he would not be in favor of banning forever. He believes Skaneateles Lake Association and other experts should advise the Town Board on this and to look at safer alternatives.

Councilor Howard said that this can be debated until the cows come home but she believes that the Town should be a leader on this and make a pledge.

Colleen Plimpton she is willing to do whatever she can to help.

Resolution #201

Sims Building Project: The Town Board reviewed the project costs to date as submitted by Bridgett Winkelman. Supervisor Lanning said that the tests showed no asbestos. The demolition of the building would cost approximately \$6,000 plus labor costs. The survey was \$850. Anticipated expenses are \$334,135. After deducting the DASNY Grant of \$80,000 brings the Town's cost to \$254,135.

Janice Miller said she could be Clerk of the Works and would check the project once each day for the duration of the project and charge \$4,000. She said she made changes based on Councilor Brace's recommendations by removing the counter in the first aid room, making the family bathroom larger, reducing the pitch of the roof and adding an alternate bid for a metal roof.

Supervisor Lanning said that the Town still needs to acquire ownership of the park. The Village Planning Board was very positive with the project when Janice presented it last week. They

want the Village Trustees to also give their blessing. He questioned when the Village Planning Board would present this to the Village Board. Janice said she believes it will be at the next Village Board meeting but she is not sure as they didn't give a date.

Councilor Brace said that they are some additional numbers associated with the cost of the project and suggested that Bridgett and Janice merge those numbers to obtain a final cost.

Councilor Howard said with all due respect to Janice Miller who she said has done a beautiful job, she needs to take a small step back to get some perspective on this project. By the time the Town bonds and pays for it over 10 years it will cost the Town close to \$300,000. She said that is a lot of money for a bathroom and she thinks about other places that this money could be spent. She said the \$80,000 could be used to renovate the building and put new fixtures and new plumbing. She said we have a lake emergency with regard to the algal bloom and she doesn't know what is ahead of the town in the future with regard to expenses. She just believes this is a huge expense and questions if there are other options.

Janice Miller said she would be happy to provide to the Board what could be done with the Sims Building for \$80,000.

Supervisor Lanning said that he believes we have an obligation to have ADA compliant buildings and bathrooms. The Sims building is a dilapidated building from the 1960's. Expenditures that generate a new modern facility is money well spent. Every spring the Parks Department has to try and patch it together to get through another season. He said it is a building unbecoming of the park and we have the grant money for it.

Councilor Howard said the Town has the \$80,000 for the building; the Town would have to come up with the rest or \$254,000.

Supervisor Lanning said that is the point of going out to bid. If the bids are higher than anticipated then you don't have to accept the bid. At that point you can turn the project down. He doesn't believe in turning a project down based on estimates. He said the waterline project came well below the estimated cost. That is the purpose of the public bid process, to find out what the contractors are willing to do the project for. The Town is not obligated to accept any of the bids.

Janice Miller said she doesn't believe it is going to be \$100,000 off the estimated price. Councilor Brace agreed and said if you don't award the bid then you scare away any of the contractors in the future who put time and effort in to bidding the first time.

Janice Miller said that she believes this will be a spring build. Allen Wellington told her he won't be able to demo it until spring. She believes it is only fair to bidders to bid in the spring. It would be hard to ask bidders to submit a bid now but wait until spring to build. She said they would jack the price up to compensate for that.

Councilor Brace said on top of this the Town does not own the property yet. Councilor Coville said that he doesn't believe anyone wants to put it out for bid now. Clerk Aaron said that the bid

was authorized at the October 2nd meeting and the public notice was published in this week's Press. The Board agreed that the bid would need to be withdrawn.

Councilor Brace said she is hearing from the Board that it is premature to go out to bid. Supervisor Lanning said that we originally wanted to go out to bid in August so contractors could have time to build before winter. He said it has been delayed and delayed and now the Town is left with no option.

Councilor Brace said that the delay is the transfer of the property. Supervisor Lanning said the construction and the grant are not dependent on the transfer of the property. The Town is under a long term lease with the Village.

Councilor Brace said it also comes at a difficult time when the Board is struggling with the 2018 budget trying to come in under the tax cap. She questioned if the Board wanted to look at renovating the Sims Building or not.

Councilor Coville said it doesn't hurt to find out what can be done to renovate the building. Councilor Badami said the Board has time to look at this especially if we have to wait for spring to build anyway.

Supervisor Lanning said the bids are out and we could receive the bids and review them. Councilor Brace said the bids aren't actually out. The bids have been advertised but we don't have the bid packets to submit to bidders. Retracting the bid will not have a negative impact on bidders because they have nothing to bid on now.

Councilor Brace made a motion to request Janice Miller to provide a proposal to renovate the existing and to table the bid process until Austin Park is transferred from the Village to the Town.

Supervisor Lanning suggested doing one at a time. Attorney Smith said the Board doesn't really have to do anything regarding the bid. Anyone calling for the bid specifications can be told that there are none and that the bid has been withdrawn. He said this does not require Board action. He said if the Board wishes they can pass a verbal resolution that they are not pursuing the bidding process at this time.

Supervisor Lanning made a motion seconded by Councilor Coville and with unanimous (5-0) affirmation of the Town Board, the bidding process was declined.

The Board questioned what the cost would be to have Janice Miller look at renovating the Sims Building. Councilor Brace said that is what her proposal would be is the cost to provide the information to the Board.

Supervisor Lanning said he didn't believe the Board needed to vote on that and asked Janice Miller to provide a proposal on the cost to renovate the Sims Building. Janice said she would provide it.

Resolution #200

Resolution #202

Introductory Local Law 2017 – B - Procedures: Attorney Smith said the Board is in receipt of the resolution of the Onondaga County Planning Board and they determined that the this Local Law would have no significant adverse implications and may be acted on solely by the Town Board. Supervisor Lanning said the Local Law has changes to four sections of Town Code. Section 25 regarding Board meeting times and dates which will now be changed by resolution instead of by Local Law. Section 148-12 regarding impermeable surface coverage and if paved surfaces and driveways are reduced they will be excluded from requiring a special permit. Section 148-35 allows wind turbines to increase in height from 150 feet to 160 feet. Section 134 allows individual income to be offset by medical and prescription drug expenses in order to qualify for senior citizen real property tax exemptions.

On a motion of Councilor Brace, seconded by Councilor Howard and with unanimous (5-0) affirmation of the Town Board, Introductory Local Law 2017-B was adopted as presented and will be known as Local Law 2 of 2017 “A Local Law Amending the Town Code Procedures”.

Resolution #203

Introduce Local Law 2017-D – Solar: Supervisor Lanning said that this would regulate large solar farms. The Board has placed a moratorium on solar farms until zoning regulations could be considered. The Planning and Zoning Departments along with Howard Brodsky have been working on this for about a year.

Karen Barkdull said there are three sections to this local law; individual residences; community systems; and utility facilities. It was drafted to be user friendly. For instance if you have solar shingles you would need a building permit only, a ground mounted display would require site plan review, a community solar system would require a special permit and a utility facility would only be allowed in the IRO zone. There are suggested setbacks, lot coverages, screening and viewsheds. Definitions have been added for discontinuance by decommissioning or mandatory removal.

Attorney Smith said this would be referred to Onondaga County Planning for their review and recommendation. Supervisor Lanning should also be authorized to sign the Full Environmental Assessment Form

On a motion of Councilor Badami, seconded by Councilor Coville and with unanimous (5-0) affirmation of the Town Board Introductory Local Law 2-17-D known as “A Local Law Regulating Solar Energy Systems” was scheduled for public hearing at 6:30 p.m. on November 20, 2017; Supervisor Lanning was authorized to sign the Full EAF and Clerk Aaron was authorized to refer the Local Law to SOCPA.

Resolution #204

Schedule Bid Opening for 10 a.m. November 6, 2017 – Sale of Timber – Mable Reynolds Conservation Property: Supervisor Lanning said this was bid earlier in the year but no one submitted a bid. The Town was advised by forester, Bob Davis that with the hurricanes, timber has become more valuable and he believes the Town could get a good price.

On a motion of Supervisor Lanning seconded by Councilor Coville and with unanimous (5-0)

affirmation of the Town Board, the bid opening for the timber sale at the Maybe Reynolds Conservation Area was scheduled for 10 a.m. on November 10, 2017

Plumley Engineers – Post Closure Monitoring Proposal: Tabled until November 6th meeting when more information would be available.

Environmental Assessment Form – Dry Hydrant Project: Attorney Smith said that the NYSDEC issued the permit for the dry hydrant project. John Camp is coordinating this project with the Village of Skaneateles.

Review of Joel Russell Meetings: Supervisor Lanning said the meetings were very productive. He said he doesn't know how the Town would manage without Joel Russell. Councilor Brace agreed and she looks forward to the next version. She would like to pursue mining. Supervisor Lanning said that he wants the zoning code to mesh with the comprehensive plan. The negotiation revisions of the Comprehensive Plan were based on the lawsuit. The zoning code is being restructured to be more user friendly.

Resolution #205

2nd Constable Position: Councilor Coville interviewed candidates for this position. Some did not have the required 99 hour peace officer training. Rick Morris recently retired from the Syracuse Police Department after 40 years of service. Rick said he started his police career working at the Village of Skaneateles Police Department. Supervisor Lanning said the Constable position is not many hours and is basically backup to Tom Adessa. Mr. Morris meets the criteria for this position.

Rick Morris said he is honored to be considered and would be honored to serve Skaneateles. He loves this community and this is his way to give back. He has all the certifications and all the training required for this position.

Councilor Howard said she is delighted with Mr. Morris's enthusiasm and qualifications and asked if the Town Judges have had a chance to interview him. Councilor Coville said that Judge Major has and is supporting his appointment. Mr. Morris has reached out to Judge Dell but they have not been able to set a time to meet.

Councilor Coville said he is more than qualified to hold this position and has the integrity to handle the job. Councilor Brace said she is very pleased with his demeanor and enthusiasm.

On a motion of Supervisor Lanning, seconded by Councilor Coville and with unanimous (5-0) affirmation of the Town Board, Richard Morris was appointment to the position of 2nd Constable with the Town of Skaneateles.

Announcements/Correspondence/Updates

- *Update on Transfer of Austin Park to the Town:* Nothing New to report
- *Update on Town Request for Easement over City of Syracuse Property– Mill Road:* Attorney Smith is working with the City of Syracuse.
- *Update on Skaneateles Marina Proposal:* Attorney Smith said he need to reach out to the applicant to continue working on an agreement.

Resolution #206

Budget Amendments/Adjustments: On a motion of Councilor Brace, seconded by Councilor Howard and with unanimous (5-0) affirmation of the Town Board the following budget amendments were authorized:

General Fund

\$ 4,500.00 Increase 014404.01.004.00 Engineering – C/E
\$ 4,500.00 Decrease 019904.01.004.00 Contingency
Municipal Projects support

\$250.00 Increase 014104.01.004.65 Town Clerk – C/E – Advertising
\$250.00 Decrease 019904.01.004.00 Contingency
Cost associated with Public Notices

Part Town

\$ 5,000.00 Increase 080124.02.004.00 Land Development – C/E
\$ 5,000.00 Decrease 080204.02.004.92 Planning - C/E - Comp Plan
Cost of providing support to for Comp. Plan review

Resolution #207

Abstract #17-20: On a motion of Councilor Howard, seconded by Councilor Brace and with unanimous (5-0) affirmation of the Town Board voucher #17-1331 to 17-1420 were authorized from the following funds:

General Fund:	\$52,800.35	Part Town:	\$14,084.71
Highway:	\$20,589.41	Highway P/T:	\$11,061.57
Water:	\$28,228.66	Sewer:	\$ 1,738.83
T & A:	\$ 1,439.43		
Total:	\$129,942.96		

Public Comment: No Comments.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,



Janet L. Aaron
Town Clerk

Town of Skaneateles
Local Law 2 of the Year 2017
A Local Law Amending the Town Code Procedures

Section 1. Authority

This Local Law is enacted pursuant to the provisions of the New York Town Law and the New York Municipal Home Rule Law.

Section 2. Purpose

The purpose of this local law is to allow for the Town of Skaneateles Zoning Board of Appeals, Town of Skaneateles Planning Board and Skaneateles Town Board to meet when necessitated by Town business and to promote the general health and welfare of the community.

Section 3. Amendment to Section 25

Town Code Section 25-4 shall be amended to state as follows:

- A. Regular meetings. The Planning Board of the Town of Skaneateles (the "Planning Board") shall hold regular meetings at dates and times determined by resolution from time to time by the Planning Board, to be conducted in the board room at the Town Hall.

Town Code Section 25-5 shall be amended to state as follows:

- A. Regular meeting. The Zoning Board of Appeals of the Town of Skaneateles (the "ZBA") shall hold regular meetings at dates and times determined by resolution from time to time by the ZBA, to be conducted in the board room at the Town Hall. A calendar is set by the ZBA at the beginning of each calendar year. Most meetings are the first Tuesday but because of holidays or elections this may vary.

Town Code Section 25-6 shall be amended to state as follows:

- A. The Town Board of the Town Board of Skaneateles (the "Town Board") shall hold regular meetings in the board room at the Town Board Hall. The Town Board shall set and may amend the regular meetings schedule from time to time by resolution or local law by a majority vote of the Town Board.

Section 4. Amendment to Section 148-12

Town Code Section 148-12(G) shall be amended to state as follows:

- (6) A lot which contains structures that are nonconforming as to impermeable surface coverage may be redeveloped by special permit granted by the Planning Board, provided that all other applicable requirements of this § 148-12 are satisfied, that the impermeable surface coverage on the lot is reduced to the maximum extent feasible, and that all practicable measures are taken to minimize the impact of such impermeable surface coverage on streams, lakes and groundwater. [Note: If the proposed redevelopment reduces impermeable surface coverage to bring the lot within compliance with this chapter, no special permit pursuant to this section shall be required.] Such measures may include, without limitation, infiltration trenches and other drainage improvements, and vegetated stream and lake buffers. For the purpose of this Section 148-12(G), redevelopment of a lot specifically excludes alteration of paved surfaces and driveways which reduces impermeable surface coverage. If an applicant is unable to reduce such coverage sufficiently to bring the lot into compliance with applicable coverage limitations for conforming lots, the Planning Board shall condition any approval of such a special permit on either, at the applicant's option:

Section 5. Amendment to Section 148-35

Town Code Section 148-35(K) shall be amended to state as follows:

- (6) Height. It is recognized that wind turbines require greater heights to reach elevations with wind currents reasonably adequate to generate energy. On-site-use wind energy conversion systems shall not exceed a total height of 100 feet unless the Planning Board determines through the special permit review process that a greater height is more beneficial; however, in no case shall the total height exceed 160 feet from the ground to the top of the highest point of blade height (tip) as extended at its highest vertical point, provided that the application includes specific evidence that the proposed total height does not exceed the height recommended by the manufacturer or distributor of the on-site-use wind energy conversion system. See § 148-31D for agricultural exemptions.

Town Code Section 148-35(K) shall be amended to state as follows:

- (18) Lighting. No on-site-use WECS under this provision shall be actively lighted, unless so required by the FAA. Use of nighttime, and in overcast daytime conditions, stroboscopic lighting to satisfy tower facility lighting requirements for the Federal Aviation Administration may be subject to on-site field testing before the Planning Board as a prerequisite to the Board's approval, with specific respect to existing residential uses within 2,000 feet of each tower for which said strobe lighting is proposed.

Section 6. Amendment to Section 134

The Town of Skaneateles hereby authorizes senior citizens to use qualified medical and prescription drug expenses to offset their income for the purpose of qualifying and calculating

the senior citizen real property tax exemption. Specifically, Town Code Section 134, Article 1 is amended to state as follows:

§ 134-1.1. Offset for Medical and Prescription Drug Expenses. Pursuant to RPTL 467(3)(a), an individual's income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance.

Section 7. State Environmental Quality Review Act (SEQRA)

The Town Board has considered the provisions of Article 8 of the Environmental Conservation Law ("SEQRA") and the regulations adopted thereunder at 6 NYCRR Part 617 and finds this Local Law to be a Type II Action as defined therein. Therefore, no further review is required under SEQRA.

Section 8. Effective Date

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.

Town of Skaneateles
Introductory Local Law D of the Year 2017
A Local Law Regulating Solar Energy Systems

Section 1. Authority

This Local Law is enacted pursuant to the provisions of the New York Town Law and the New York Municipal Home Rule Law.

Section 2. Purpose

The purpose of the following regulations is to promote and accommodate the provision of solar energy systems as an environmentally friendly alternative source of energy for town residents and businesses. The Town shares the general goal of encouraging solar energy generation with Federal and State programs. However, Federal and State programs focus on total energy production, the interface with public utilities, and operational characteristics of solar energy systems, while the Town is more concerned with the physical characteristics, and impacts of solar energy systems. These regulations reflect the Town's concerns.

Section 3. Amendment to Section 148-35

The attached document will be added to Section 148-35 of the Town of Skaneateles Code as paragraph (L). The definitions included in the attached document will be added to the definitions section of the Section 148-35 of the Town of Skaneateles Code as well.

Section 4. State Environmental Quality Review Act (SEQRA)

The Town Board has considered the provisions of Article 8 of the Environmental Conservation Law ("SEQRA") and the regulations adopted thereunder at 6 NYCRR Part 617 and finds that the proposed amendments will not result in any significant adverse environmental impacts. Therefore, no further review is required under SEQRA.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.

Definitions: (TO BE INCLUDED into the Definition section 148-56, see under: “SOLAR”)

SOLAR ENERGY SYSTEM TYPES:

1. **On-site – Individual System:** solar collectors producing electric power directly for the on-site end-users (such as individual residential dwellings or businesses). The solar collectors may be BIPV, building-mounted or ground-mounted and are subject to applicable standards of this code. On-site systems are considered accessory to the function of the principal use.
2. **Off-site – Community System:** solar collectors producing electric power via a public utility network primarily to off-site end-users (such as individual residential dwellings or businesses).
3. **Utility Facility:** solar collectors operated by a public utility located on land primarily used to produce and transmit electric power for general off-site energy consumption. A public utility is an entity which operates as a monopoly, and whose rate charges to customers are established by NYS Public Service Commission.

SOLAR ENERGY INSTALLATION TYPES:

1. **Building Integrated Photovoltaic (BIPV):** BIPV is an alternative to traditional roof or façade materials (e.g. wood, asphalt, metal, brick) historically used to cover, enclose, protect and decorate structures. BIPV adds the solar energy power generation function to the protective and decorative functions of traditional material and is integral to a building’s structure, not altering the relief of the structure. Examples of BIPV may be roof shingles or tiles, siding, paneling, laminates, or glass that integrate photovoltaic function.
2. **Building Mounted:** Solar panels attached to a roof or building façade and subject to the applicable standards of this code [per §148-35L 2 & 3] (see also definition Solar Energy Materials & Equipment: Solar Panel).
3. **Ground Mounted:** Solar panels installed in an array located directly on the ground and anchored to the ground via a pole or similar mounting system, detached from any other structure (see also definition Solar Energy Materials & Equipment: Solar Panel & Solar Array).

SOLAR ENERGY MATERIALS & EQUIPMENT: Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, as well as the hardware or equipment necessary to collect solar radiation, convert it into another form of energy, store the collected energy, protect it from unnecessary dissipation, and distribute it. Solar energy materials and equipment include solar thermal, solar photovoltaic, and equipment used to concentrate solar energy through the use of a mirror and/or lens. Solar equipment is further defined as follows:

Town of Skaneateles - Solar Energy System Definitions
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Definitions: (TO BE INCLUDED into the Definition section 148-56, see under: "SOLAR")

1. **Solar Collector:** a single solar photovoltaic cell or a solar hot air or water collector device that converts the energy from solar radiation into electricity or the transfer of stored heat.
2. **Solar Panel** –a series of solar collectors manufactured into a single unit for installation on a site. A solar panel is typically rectangular in shape and is either attached to a building wall or roof with connecting brackets or installed on the ground with posts.
3. **Solar Array:** is a grouping of solar panels placed upon a structure or upon the ground and designed to produce a larger amount of solar generated energy than a single solar panel.
4. **Other misc. equipment** – exterior equip placed on pads (generator, battery systems, etc.) are considered regulated structures for impermeable surface coverage if they individually exceed **16 sq. ft.**

**Town of Skaneateles - Solar Energy System
DISCUSSION ONLY - DRAFT 8/21/2017**

ALL requirements are **ILLUSTRATIVE & TEMPORARY** pending discussion

§148-35 L. Solar Energy Systems. *Intent* –The purpose of the following regulations is to promote and accommodate the provision of solar energy systems as an environmentally friendly alternative source of energy for town residents and businesses. The Town shares the general goal of encouraging solar energy generation with Federal and State programs. However, Federal and State programs focus on total energy production, the interface with public utilities, and operational characteristics of solar energy systems, while the Town is more concerned with the physical characteristics, and impacts of solar energy systems. These regulations reflect the Town’s concerns.

1. **Authority:** All solar energy systems shall be established and maintained in conformance with this Section. The Town recognizes that solar technology for consumer use is a new and evolving technology and that some town standards may not apply to all solar energy systems. Therefore, this section authorizes limited modifications as deemed appropriate (see 148-35L3d(iv)).

2. **Solar Energy System Review & Dimensional Standards:** The following table sets forth the review procedures and standards for solar energy systems. See also §148-56 Definitions (for terms with “*”).

a. Table of standards

*Solar Energy System Type	*ON - site/Individual			*OFF- site/Community			*Utility
	BIPV	Building Mount	Ground Mount	BIPV	Building Mount	Ground Mount	Ground Mount
Zone Districts, permitted in:	All	All	All	All	All except HM		IRO
Town Review Procedure	Building-Zoning Permit	Building-Zoning Permit	Site Plan Review	Building - Zoning Permit	Building-Zoning Permit	Special Permit	Special Permit
land use/structure type:	equipment/accessory structure			Sole principal or 2 nd principal use			
Kilowatt, max.	Subject to NYSERDA limits			Subject to NYSERDA /NYS PSC limits			
Lot area, Min.	-	-	2 acres	-	-	5 acres	10 acres
*Solar Energy Materials & Equipment							
*Solar Panel							
Maximum height/projection							
Wall/pitched roof	-	1 ft.	-	-	1 ft.	-	-
Flat/low pitch roof	-	6 ft.	-	-	6 ft.	-	-
Ground mount	-	-	15 ft.	-	-	15 ft.	15 ft.
*Solar Array							
% lot area, max.	-	-	5%	-	-	25%	50%
Impermeable surface coverage	-	-	exempt	-	-	exempt	exempt
Required Open Space (permeable)	-	-	exempt	-	-	exempt	exempt
Yard setbacks							
Front	-	-	Per Zone District Standards applicable to principal use/structure	-	-	Per Zone District Standards applicable to principal use/structure	Per Zone District Standards applicable to principal use/structure
Side	-	-		-	-		
Rear	-	-		-	-		

ALL requirements are **ILLUSTRATIVE & TEMPORARY** pending discussion

Solar Energy System Review & Dimensional Standards (cont'd)

- b. **Off-site/Community solar system** may be the sole principal use of a lot or may be co-located as second principal use with another principal use on a portion of a lot and shall be subject to town review and applicable standards. The solar collectors may be building-mounted or ground-mounted. The off-site/community system shall apportion solar collectors or electric output to individual end-users through a legally binding agreement and management system. This management system shall be documented, subject to town review and may show either: collective ownership and management by the end-users OR ownership and operation by a third party with long-term leases to the individual end-users. Examples of the managing entity include: subdivision homeowner association and other similar organization or a profit or nonprofit third-party.
- c. **Utility Facility system** may be the sole principal use of lot or may be co-located as second principal use with another principal use on a portion of a lot and shall be subject to town review and applicable standards.

3. General regulations

a. Safety and Security compliance

- i. **Electrical Connections:** All solar energy systems shall be subject to electrical permit, inspection and certification for safe installation and operation.
- ii. **Utility Connection:** All power lines from the solar energy system for on-site consumption shall be located underground; interconnections to the public utility grid shall be subject to the requirements of the public utility. All lines and connections shall be installed by certified professionals and must meet all applicable federal, state and local electrical codes.
- iii. **Security:** ground mounted solar systems may be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information may be placed on the entrance and perimeter of the fencing.
- iv. **Maintenance and Inspection:**
 - 1. **The land, structures and equipment associated with all solar energy systems shall be maintained in good condition and in accordance with all requirements of this section.**
 - 2. Upon notice to the owner or his/her agent, the Codes Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter the premises on which a solar energy system is constructed to inspect all parts of the installation and require that repairs or alterations be made if in his/her judgment there may be a deficiency in the operation or the structural stability of the system. If necessary, the Codes Enforcement Officer or Town Engineer may order the system to be secured or to cease operation. If the Codes Enforcement Officer or Town Engineer has reason to believe that an emergency situation involving danger to life, limb or property exists, the Codes Enforcement Officer or Town Engineer may enter the premises for purposes of inspecting the system without notifying the owner or agent in advance and order immediate correction. (See also Discontinuance).

b. Visual Protection

- i. **Screening:** All ground mounted solar energy systems shall be screened to the extent necessary to minimize visual impacts to abutting residential properties and the public road ROW, taking into consideration site-specific conditions including topography, adjacent

ALL requirements are ILLUSTRATIVE & TEMPORARY pending discussion

structures and roadways. Such screening may be accomplished using context-appropriate fencing and/or by preserving natural vegetation and providing additional landscape screening, as determined by the reviewing board.

- ii. **Glare:** All ground mounted solar energy systems shall be designed and located to minimize reflective glare.
 - iii. **Significant view-sheds:** No ground mounted systems shall be installed in any location that would substantially detract from or block the view(s) of all or a portion of a view-shed listed or referred to in Appendix [B] of the adopted Town of Skaneateles Comprehensive Plan or in any future officially adopted Town planning document. Off-site ground mounted systems placed within a recognized view-shed and that are directly observable within 1 mile from points of public access such as Skaneateles Lake or public ROW shall be positioned and screened to minimize alteration of the existing view.
- c. **Other structures/improvements:** Any structures or improvements, such as driveways, parking, maintenance-storage buildings or offices incidental to off-site systems shall be subject to all zone district dimensional requirements normally applicable to the site.
- d. **Exemptions and waivers**
- i. **Agricultural exemption:** When an on-site solar energy system is part of a farm operation located within an agricultural district as defined in Article 25AA of the NYS Agriculture and Markets Law, it shall be considered to be part of the farm operation and shall be exempt from the requirement to obtain a special permit or site plan review as set forth in §148-35L2 above. An Off-site Community or Utility system co-located on farm land as an **unrelated and** separate principal use shall NOT be considered an **exempted agricultural activity** and shall be subject to the provisions of this section.
 - ii. **Setback/Height limited exemption building mounted systems:** Building mounted systems that otherwise comply with dimensional requirements in §148-35L2 above may encroach into minimum required setbacks or exceed maximum height limits by up to **[one (1) foot]**.
 - iii. **Conflict with Federal or State Solar Programs:** In the event that there is conflict between the requirements of Federal and State solar energy programs and Town Zoning requirements the Board or Codes Enforcement Officer may adjust these Zoning requirements for a specific proposal to make reasonable accommodations among conflicting requirements.
 - iv. **Modification for technological changes:** §148-35L assumes that building mounted solar energy systems are designed as flat rectangular panels mounted flush or parallel to a building and that ground mounted systems are installed on two support posts with minimal disturbance of the ground surface. During Site Plan or Special Permit review the dimensional limits (height, setback) for solar energy systems may be modified by the reviewing board upon a finding that changes in solar technology require reasonable and minor adjustments to dimensional limits to enable installation of a solar energy system. The reviewing board may increase the setback encroachment by not more than **one (1) foot** and/or increase the height limit by an additional **10%**.
 - v. **Impermeable Surface Coverage-Required Open Space limited exemption:** All ground mounted systems are exempt from Required Maximum Impermeable Surface Coverage and **Required Minimum Open Space (permeable surfaces)** based on the observation and finding that existing mounting materials and installation methods result in negligible disturbance to the ground and any drainage systems, provided however, that the supporting posts and associated footings are no more than one (1) sq. ft. in area for each support post. Any posts, footings or structural bases for solar energy systems exceeding one (1) sq. ft. shall be subject to Impermeable Surface Coverage and Open Space requirements.

*ALL requirements are **ILLUSTRATIVE & TEMPORARY** pending discussion*

e. Nonconformities

- i. Pre-existing solar systems:** Any solar energy system installed prior to (effective date), may continue to operate and be maintained and repaired. Any expansion of an existing solar energy system shall be in conformance with this Section.
- ii. Nonconforming uses:** A solar energy system may be installed on a lot occupied by a nonconforming use in compliance with this Section.
- iii. Nonconforming structures:** A solar energy system may be installed on a lot occupied by a nonconforming structure in compliance with this Section, provided that it does not increase the nonconformity of any structure. The solar energy system setback and height exemptions shall apply.
- iv. Nonconforming lots:** A solar energy system may be installed on a nonconforming lot provided the following conditions are met. Building mounted systems may be installed on conforming structures in compliance with this section. Ground mounted systems may be installed on nonconforming lots that have insufficient lot area or lot width provided that the solar energy system can meet the minimum applicable setback requirements applicable to principal buildings specified in §148-12G(1)(a) and that the lot has a minimum lot area of 20,000 sq. ft.

f. Discontinuance

- i. Decommissioning.** If a solar energy system ceases to perform its originally intended function for more than 12 consecutive months as determined by the property owner, the property owner shall remove the system and associated equipment no later than 90 days after the end of the twelve month period.
- ii. Mandatory Removal:** If the Codes Enforcement Officer, on the basis of investigation or information received determines that a solar energy system is inoperative or its use has been discontinued, the Codes Enforcement Officer shall provide written notification to the property owner. The owner shall either substantiate to the satisfaction of the Codes Enforcement Officer that the solar energy system is still operating or obtain a demolition permit from the Codes Enforcement Officer to decommission the system as provided in paragraph (§148-35 L(3)f(i)) above within one year of said notification. Failure to obtain a demolition permit to remove the discontinued solar energy system in accordance with these regulations shall be a violation of this section, and at the option of the Town Board, the Town Board may cause the solar energy system to be removed. All expenses incurred by the Town to remove the solar energy system shall be assessed against the land on which the solar energy system is located and such expenses shall be levied and collected in the same manner as provided in the Town Law for the collection of a special ad valorem levy (See also Inspection).

4. Supplemental Submissions for Solar Energy Systems

The following are additional and specialized submissions for solar energy systems that shall accompany applications for building permit, Site Plan Review, Special Permit or Variance.

- a. Statement of Compliance:** All applications for solar energy systems shall provide documentation of compliance or the status of pending compliance with applicable requirements of NYSERDA, NYS PSC or any other regulatory agency with jurisdiction over the application.

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- b. **Utility notification:** Applications for solar energy systems that will have a utility connection shall include a signed interconnection agreement or letter of intent with the interconnecting utility company.
- c. **Manufacturer/installation Specifications:** Documentation from the manufacturer w/graphics shall be supplied to the town for all solar energy systems.
- d. **View-shed analysis:** All off-site/community and utility ground mounted systems shall include a site location map showing the site of the proposed placement of the solar energy system and its relationship to potential views from public access points within 1 mile of the site for each view shed recognized in Town Comprehensive Plan. Photo simulation of the impact of the proposed energy system may be required by the reviewing board.
- e. **Landscaping plan:** All ground based systems shall include as part of its Site Plan documentation information of existing and proposed site drainage, vegetation and strategies for screening.

5. Supplemental Review Standards for Solar Energy Systems

The following are additional and specialized standards for solar energy systems that shall be considered by the reviewing board and shall be in addition to the general review standards applicable to Site Plan Review, Special Permit or Variance.

- a. **Site Plan Review – Special Permit:** Solar energy systems required by this Section to obtain a Site Plan Review or a Special Permit shall comply with the procedures and standards of the applicable sections of §148-13 through §148-20
- b. **Building mounted arrays** may be arranged with minimal horizontal or vertical separation of panels. Building mounted the panels may be parallel to the wall/roof surface or when placed upon a flat or low slope roof angled to maximize exposure to solar radiation. The projection beyond the wall/roof plane is measured along a perpendicular line extending out from the wall/roof plane to the surface plane of the panel. (see also Table of Standards and Exemptions for setback – height)
- c. **Ground based arrays** are typically arranged in rows with minimal side-to-side separation of panels and with an intermediate access path between rows of sufficient width for a person to walk for maintenance and to facilitate surface water run-off. Ground based arrays are regulated as a percentage of lot area per §148-35L (2). The exterior limits of the entire solar array with intermediate access paths are to be included within an array perimeter drawn upon a site plan. The basis of solar array coverage is the area contained within the array perimeter and shall be measured in square feet and as a percentage of the total lot area. Ground mounted panels are placed on vertical posts above the ground and angled to maximize exposure to solar radiation. The height of panels above the ground is measured along a perpendicular line extending up from the ground plane to the highest point of the solar panel.
- d. **Coverage for Ground mounted Array:** A ground mounted solar array shall be evaluated by the Planning Board for the cumulative effect upon ground coverage of the grouping of solar panels. The Planning Board shall find (1) the area contained within the solar array is within the required zone district required setbacks established for a principal structure; (2) the proposed array is within the maximum allowable percentage of lot area (set forth in table above); (3) the intermediate paths

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between panel rows included in the array are reasonable and adequate for equipment and ground maintenance;(4) the ground within the array is covered with vegetation or appropriate permeable materials; and (5) that all surface water run-off is able to be directly absorbed into the ground and will be compatible with existing or planned drainage patterns for the site.

- e. **Agricultural land:** All off-site ground mounted solar energy systems shall avoid to the extent practical the placement of ground mounted solar arrays on land currently used for agricultural purposes or that has agriculturally viable soils.