

Stillwater Town Board Meeting & 3 Public Hearings
(Solar Law- 2019 Budget- Tax Cap)
November 1, 2018 7:00 pm
Stillwater Town Hall

Present: **Councilman Chris D'Ambro**
 Councilwoman Bruno
 Councilwoman Ellen Vomacka
 Supervisor Ed Kinowski

Also Present: **Sue Cunningham, Town Clerk**
 Mark Minick, Supt of Highways
 Joe Lanaro, Engineer for the Town
 James Trainor, Attorney for the Town

Absent: **Councilman Artie Baker**

Supervisor Kinowski called the meeting to order and led everyone in the Pledge to the Flag.

Sue Cunningham, Town Clerk took the roll call.

7:00 Public Hearing (Local Law—Solar Amendments)

Supervisor Kinowski called the Public Hearing to order.

Attorney Trainor gave a brief overview of the proposed local law. He stated that the amendments are more definitive for solar farm, regulations that apply to that and location is more defined.

Public Input

Coke C inquired about federal government control vs local town law which means nothing.

Attorney Trainor stated that is more the case with cell towers that with solar farms, state regulations deal more with solar.

Councilman D'Ambro commented that the state regulates the pricing of solar.

Julie W inquired if any sites were being considered and if the town was proposing something or a business and if a business who would that be.

Supervisor Kinowski stated that the old dump site off of 423, a study has been done and a business is interested. The Town could but that would be costly. At this time nothing official has been proposed by any business.

With everyone having the opportunity to comment Supervisor Kinowski closed the public hearing at 7:15pm

7:15 Public Hearing 2019 Budget

Supervisor Kinowski gave a brief overview of preparing the budget. The general approach to the budget is contractual raises, analysis of assessed value and PILOT monies. They will not exceed the 2% tax cap but the percentage is unknown at this time due to negotiations with the police contract.

Public Input

Julie W commented on Brown's Beach, changes to the BB lease, cost, salary of Marina, fireworks environmental issue, noise ordinance being broken, insurance fee, bar issues and maintenance cost, cost of running the marina and why it was not bid out.

Supervisor Kinowski stated that any lease can be broken but the prior manager of the Marina requested to opt out that is the purpose of renegotiating the lease. With the town running the marina all operating fees come directly to the Town including winterizing

boats. All costs vs monies received are under review and the outcome is unknown at this time. The Town spent no monies on the bar, tent, furniture and maintenance regarding the outdoor bar.

Further discussion was held on the lease and why in negotiations.

Julie W stated that she loves the fact that Stillwater bought the land being the only public access to the lake. She does not like it being a commercialized playground that has affected the quality of life of residents in the area.

Robert stated that he was informed of a large tax increase but from what he is hearing that is not the fact. He did comment on the beach bar at Brown's Beach and the noise level coming from the bar. He stated that recreation area is beautiful and a job well done but once past that it is like a jungle. He has concerns with the beach area and boats flying in and out of the area to go to the beach bar. He feels eventually something is going to happen. It seems Panza's is making money so perhaps they should be paying the Town more.

Supervisor Kinowski commented on the amount of boat slips, slip rental, and they will not be expanding. They have had vendors approach with many requests but are not appropriate to size of area. All monies from the beach bar are separate from the restaurant do to the analysis they had done.

Further discussion was held on cost, analysis, benefit to residents, future of Town and quality of life.

With everyone having the opportunity to comment on the proposed 2019 Budget

Supervisor Kinowski closed the public hearing at 7:45.

7:45 Public Hearing 2% Tax Cap

Supervisor Kinowski gave an initial overview of the tax cap. He stated that it actually a formulary tax cap and not a 2% tax cap. He gave an example using the County budget process as an example.

Robert inquired on the 3.2% tax increase on his school tax bill.

Supervisor Kinowski stated that he would need to discuss that with the school board.

Julie W inquired on the proposed resolution/local law and the 3% tax cut at the county level. She asked if cutting at the County level possible raise at the local level, which has her concerned.

Supervisor Kinowski stated that they must pass Local Law every year if the budget exceeds the limit. So they do this as a precautionary measure. He spoke on the main businesses that make up the county sales tax, distribution of sales tax based on growth. Smaller towns get less so they must raise taxes or lower services.

Robert commented on the tax rate, sales tax, growth, developments or commercial for tax base, services provided and process of voting on budget.

Supervisor Kinowski spoke on development of commercial or residential which will also help the school system where enrollment is declining. The Town rezoned Route 67 at the request of the residents to a business district. Businesses are not knocking on our door.

With everyone having the opportunity to comment on the tax cap Supervisor Kinowski closed the public hearing at 8:05pm.

Regular Business Meeting

Adoption of Minutes: Motion by Councilwoman Bruno and seconded by Councilman D'Ambro to adopt the minutes of Oct 4, 2018. **Motion carried.**

Agenda Items

Resolutions #86--#89

Resolution #86

Adopt Local Law 6 of 2018, A Local Law Amending the Local Law Regulating Solar Energy Equipment and Systems

Introduced by: Supervisor

WHEREAS, the Town Board conducted a Public Hearing November 1, 2018, where Local Law No. 6 of 2018, a Local Law, Amending Local Law 1 of 2017, Regulating Solar Energy Equipment and Systems, was reviewed and comments from the public were solicited; and

WHEREAS, by Resolution No. 30 of 2017, the Town Board previously determined that the adoption of the solar local law would not have any significant environmental impact and the proposed amendments will also not have any significant environmental impacts.

Now, therefore, be it

RESOLVED, that Local Law No. 6 of 2018, A Local Law Amending Local Law 1 of 2017 Regulating Solar Energy Equipment and Systems, is hereby adopted.

Motion by Councilwoman Bruno and seconded by Councilwoman Vomacka to adopt Resolution No. 86 of 2018.

A roll call was taken on Resolution No. 86 of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	ABSENT
Councilwoman Bruno	YES
Councilman D'Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 86 of 2018 was adopted unanimously

Local Law #6

Chapter 170. Solar Energy Equipment and Systems

[HISTORY: Adopted by the Town Board of the Town of Stillwater 5-18-2017 by L.L. No. 1-2017. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. **81**.

Noise — See Ch. **141**.

Stormwater Management — See Ch. **174**.

Zoning — See Ch. **210**.

§ 170-1. Findings; purpose and intent.

A.

Solar energy is a renewable and nonpolluting energy resource that can lessen fossil fuel emissions and reduce a municipality's energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid when excess power is generated.

B.

The use of solar energy equipment for the purpose of providing electricity and for heating and/or cooling is a national and state priority and is a necessary component of the Town of Stillwater's current and long-term sustainability agenda.

C.

The purpose of this legislation is to balance the potential impact on neighbors when solar energy equipment systems may be installed near their property while preserving the rights of property owners to install solar collection systems without excess regulation. The intent is to allow building-integrated photovoltaic (BIPV) systems, flush-mounted solar systems, roof-mounted, building-mounted and pole-mounted solar installations that have a minimum footprint (height) to be approved using the building permit process while requiring freestanding, ground-mounted or pole-mounted solar energy system installations over a certain height and based upon certain placement to go through a site plan review and a special use permit process before the Planning Board with input from abutting property owners. This legislation is not intended to override agricultural exemptions that are currently in place for farmers.

§ 170-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE

A structure subordinate and clearly incidental to the principal building on the same lot and used for a purpose customarily incidental to that of the principal building.

ALTERNATIVE ENERGY SYSTEM

Structure, equipment devices or construction techniques for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEM

A solar energy system that consists of integrating photovoltaic modules into the building structure such as the roof or the facade and which does not alter the relief of the roof or the facade. Any photovoltaic module that projects any figure or form from the flat background of the roof or facade shall be considered to alter the relief of the roof or facade.

COLLECTIVE SOLAR

Solar installation owned collectively through subdivision homeowners' association, college student groups, adopt-a-solar-panel, or other similar arrangements.

FLUSH-MOUNTED SOLAR PANEL

Photovoltaic panels and tiles that are installed flush to the surface of a roof or wall and which cannot be angled or raised. This shall also include solar shingles.

FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM

A solar energy system that is directly installed on the ground, including in an array, and is not attached or affixed to an existing structure.

FRONT YARD

A yard that extends the full width of the lot and is situated between the adjacent highway right-of-way or shoreline and the front line of the building or structure, projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building or structure and the highway right-of-way line or shoreline. Covered porches or canopies and decks, whether or not enclosed, shall be considered as part of the main building and shall not project into a required front yard.

NET METERING

A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage.

PERMIT GRANTING AUTHORITY

The Town of Stillwater authority charged with granting permits for the installation of alternative energy systems.

PHOTOVOLTAIC (PV) SYSTEM

A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, that generate electricity when light strikes them.

QUALIFIED SOLAR INSTALLER/REPAIRER

A person who has specialized skills and knowledge related to the construction, installation, operation and repair of solar electrical equipment 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/repairers for the purposes of this definition. Persons who are not on NYSEDA's or NABCEP's list of certified installers may still be deemed to be qualified solar installers if the Town of Stillwater determines such persons to have had adequate training to determine the degree and extent of the hazard, and have 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 the exposed parts.

ROOFTOP OR BUILDING-MOUNTED SOLAR SYSTEM

A solar system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the sun at an optimal angle.

SETBACK

The required minimum distance from a front lot line, side lot line or rear lot line of a parcel where solar energy equipment or a system is installed.

SMALL-SCALE SOLAR

For purposes of this chapter, refers to photovoltaic systems of 100 square feet of surface area or less that produce up to 10 kilowatts (kW) per hour of energy or solar thermal systems which serve only the building to which they are attached, and do not provide energy, heat or hot water for any other buildings.

SOLAR ACCESS

Space open to the sun and clear of overhangs or shade, including the orientation of the 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 photovoltaic cell, panel or array, or any solar hot air or solar energy collector which relies upon solar radiation as an energy source for the generation of at least one kW per hour of electricity or transfer of stored energy to heat, air, water or solar hot water.

SOLAR EASEMENT

An easement recorded pursuant to New York Real Property Law § 335-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar collector.

SOLAR ENERGY EQUIPMENT/SYSTEM

Solar energy equipment systems, controls, energy storage devices, heat pumps, heat exchangers, panels, inverters, transformers, transmission lines with poles, mounts, electrical wiring and other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy and is stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

SOLAR FARM or SOLAR POWER PLANT

Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices, solar energy equipment/systems or various experimental solar technologies, with the primary purpose of wholesale or retail sales of electricity.

SOLAR PANEL

A device for the direct conversion of solar energy into electricity, heat or hot water.

SOLAR STORAGE BATTERY

A device that stores energy from the sun and makes it available in an electrical form.

SOLAR THERMAL SYSTEM

Solar thermal systems directly heat water or other liquids using sunlight. The heated liquid is used for purposes such as space heating and cooling, domestic hot water, and heating pool water.

STRUCTURE

As used in this chapter, any object constructed, installed or permanently placed on land to facilitate land use and development, including but not limited to buildings, sheds, solar energy equipment or systems, and any fixtures, additions and alterations thereto.

UNIFORM CODES

All applicable codes, regulations and industry standards as referenced in the International Property Maintenance Code, the International Building Code, the New York State Uniform Fire Prevention and Building Code and the Town Code of the Town of Stillwater, as amended from time to time.

§ 170-3. Applicability.

A.

The requirements of this chapter shall apply to all solar energy equipment or system installations modified or installed after the effective date of this chapter.

B.

For purposes of this chapter solar energy equipment shall include solar thermal systems.

C.

Solar energy equipment or system installations for which a valid building permit has been properly issued, and for which installation has commenced before the effective date of this chapter, shall not be required to meet the requirements of this chapter for its initial installation.

D.

All solar energy equipment or systems shall be designed, erected, installed, modified, repaired and maintained and installed in accordance with all applicable codes, regulations

and industry standards as referenced in the International Property Maintenance Code, the New York State Uniform [Fire Prevention and Building Code]and, the International Building Code and Town of Stillwater Town Code, as amended from time to time (“Uniform Codes”).^[1]

[1]

Editor's Note: See Ch. 210, Zoning.

E.

Solar energy equipment/systems, unless part of a solar farm or solar power plant that obtains a special use permit, 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 collective solar installations or the sale of excess power through a net billing or net metering arrangement in accordance with New York Public Service Law § 66-j or similar state or federal law or regulation.

§ 170-4. Construction and placement requirements for small-scale systems; permits required.

A.

No small-scale solar energy system or device shall be installed or operated in the Town except in compliance with this chapter.

B.

Rooftop and building-mounted solar energy equipment/systems. Rooftop and building-mounted solar energy equipment/systems are permitted in all zoning districts in the Town of Stillwater subject to the following conditions:

(1)

Special use permits, site plan review or building permits shall be required for installation of all rooftop and building-mounted solar energy equipment systems. A building permit will be required for all residential roof-mounted equipment. Roof-mounted equipment on commercial structures shall be reviewed as part of the site plan review process.

(2)

Rooftop and building-mounted solar energy equipment/systems shall not exceed the maximum allowed height of the principal use in any zoning district.

(3)

Rooftop equipment must have a three-foot setback from the edge of the roof on all four sides. Equipment on roofs with hips and valleys shall not be located less than 18 inches from a hip or a valley where panels or modules are to be placed on both sides of a hip or a valley.

(4)

Rooftop structures must be properly engineered to support collectors.

(5)

Rooftop units must be installed according to manufacturer's specifications.

(6)

Panels and modules shall not be located less than three feet below the roof ridge.

C.

Fire safety and emergency access.

(1)

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 and building-mounted solar energy equipment/systems. Additionally, installations shall provide for adequate access and spacing in order to:

(a)

Ensure access to the roof.

(b)

Provide pathways to specific areas of the roof.

(c)

Provide for smoke ventilation opportunity areas.

(d)
Provide emergency egress from the roof.

(2)
Exceptions to these requirements may be requested from the Code Enforcement Officer where access, pathway or ventilation concerns are reduced due to:

(a)
Unique site specific limitations;

(b)
Alternative access opportunities (as from adjoining roofs);

(c)
Ground-level access to the roof area in question;

(d)
Other adequate ventilation opportunities when approved by the Code Enforcement Officer;

(e)
Adequate ventilation is afforded by panel setback from other rooftop equipment (for example: shading or structural constraints may leave significant areas open for ventilation near HVAC equipment.);

(f)
Automatic ventilation devices; or

(g)
New technology, methods, or other innovations that otherwise ensure adequate emergency responder access, pathways and ventilation exists.

(3)
In the event any of the standards in this Subsection **C** are more stringent than the Uniform Codes, , they shall be deemed to be installation guidelines only and the standards of the Uniform Codes shall apply.

D.
Ground-mounted racks and freestanding solar energy equipment systems.

(1)
Ground-mounted and freestanding solar energy systems mounted on a pole are permitted as accessory structures in all zoning districts of the Town of Stillwater, subject to the following conditions:

(a)
Special use permit, site plan review or building permits are required for all ground-mounted and freestanding solar energy systems.

(b)
A minimum lot size of 1.00 acre is required for all residential uses.

(c)
A maximum total surface area of freestanding or ground-mounted solar energy systems shall not exceed the square footage of the building footprint of the primary structure on the lot, excluding decks, patios, balconies, screened or open porches, and attached garages. Nonresidential placements exceeding this size may be considered, subject to special use permit review by the Planning Board.

(d)
The area beneath the ground-mounted or freestanding solar energy system shall be considered in calculating whether the lot meets the maximum permitted lot coverage for that district and shall be considered impervious area for reasons of stormwater management.

(e)
The location of the solar energy systems must meet all applicable setback requirements for accessory structures in the applicable zoning district.

(f)
The collector and system must be installed in a side or rear yard.

(g)
Equipment, wires or poles shall not exceed 10 feet in height from the ground for any uses.

(2)

Applications for equipment in any residential district that meets all of the criteria in Subsection **D(1)(a)** through **(g)** with wires or poles located less than 10 feet in height from the ground will follow the standard building permit process.

(3)

The Town encourages installations that would employ landscape screening and other methods of enhancing the appeal of the ground-mounted and freestanding solar energy equipment/system such as the use of architectural features, earth berms, or other screening which will harmonize with the character of the property and surrounding area.

(4)

Owners and operators are encouraged to install solar energy equipment and systems on existing structures or existing deforested land and are hereby discouraged from clear-cutting trees as that term is defined in § **210-7** of the Stillwater Town Code.

E.

Safety risks.

(1)

In addition to the above requirements in this chapter, solar energy systems and equipment shall be issued building permits only if the Town of Stillwater Code Enforcement Officer determines that the proposed solar energy system does not present any unreasonable safety risks, including, but not limited to, the following:

(a)

Weight load.

(b)

Wind resistance.

(c)

Ingress or egress in the event of fire or other emergency.

(2)

These items must be certified by a certified engineer and submitted in a report as part of the building permit application.

F.

As-built drawings will be required prior to issuance of a certificate of compliance by the Town Code Enforcement Officer.

G.

Action upon discontinuance of use; removal.

(1)

Where a special use permit and/or site plan is required for solar energy equipment, solar thermal systems, farms and plants, they are required to be renewed every five years for a maximum permitted life of 20 years. If any solar energy equipment has not been in operation for a period of four months, the equipment, system, farm or plant shall be decommissioned as provided herein.

(2) An Annual Operating Permit shall be required for all solar farms and solar power plants.

(3)

The applicant shall submit to the Planning Board a letter of intent committing the land owner, and his/her successors in interest, to notify the Director of Building and Planning within 30 days of the discontinuance of use of the solar energy equipment. This letter shall be filed with the Director of Building and Planning prior to issuance of a building permit (assuming the solar energy equipment tower is approved according to this chapter). Inoperative or unused solar energy equipment and accessory structures shall be removed from any site within four months of such notification. Failure to notify and/or to remove the inoperative or unused solar energy equipment in accordance with these regulations shall be a violation of this chapter and shall be punishable according to Article **XVIII** of the Town of Stillwater Zoning Code (Chapter **210** of the Town Code). The Planning Board shall also require the submission of a letter of credit guaranteeing the removal of said equipment. To determine the LOC amount, the applicant must submit an estimate on a qualified contractor's letterhead of the cost to remove the proposed equipment and remediate any potential residuals on the property at the current rate. The Department of Building, Planning, and Development will review the estimate and approve, disapprove, or approve with revisions. The letter of Credit amount shall be increased by 10% at each five-year renewal, to be used in the event that the property owner fails to remove the solar energy equipment within four months of it becoming inoperative or unused.

§ 170-5. Construction and placement requirements for solar farms and solar power plants; permits required.

A.

Location. Solar farms and solar power plants shall be permitted in the Business Park (BP), Industrial District (ID), Route 67 Business Overlay District, or in an Alternative Energy Overlay District to be created for all areas south of Route 76 and west of Route 75, as an electric-generating use subject to a special use permit and site plan review by the Planning Board, subject to the following supplementary regulations.

B.

Fencing. The solar farm and any accessory structures shall be adequately enclosed by an eight-foot fence, the design of which shall be approved by the Planning Board. This requirement may be waived by the Planning Board if the applicant demonstrates that such measures are unnecessary to ensure the security of the facility.

C.

The manufacturer's or installer's identification and appropriate warning signage shall be posted at the entrance to the site and made clearly visible.

D.

Solar farm and solar power plant buildings, equipment and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment.

E.

Landscaping and screening.

(1)

Appropriate landscaping and/or screening materials shall be required at the discretion of the Planning Board to help screen the solar power plant, equipment and accessory structures from major roads and neighboring residences, or important viewsheds.

(2)

Owners and operators are encouraged to install solar energy equipment and systems on existing structures or existing deforested land and are hereby discouraged from clear-cutting trees as that term is defined in § 210-7 of the Stillwater Town Code.

F.

The average height of the solar panel arrays shall not exceed 12 feet from the ground at their maximum height.

G.

Solar farm and solar power plant panels and equipment shall be surfaced, designed and sited so as not to reflect glare onto adjacent properties and roadways.

H.

On-site power lines shall be placed underground.

I.

No solar energy structure or equipment/system shall be constructed unless each piece of equipment, along with its dimensions and locations, is accurately depicted on the approved site plan.

J.

Action upon discontinuance of use; removal.

(1)

Where a special use permit and/or site plan is required for solar energy equipment, solar thermal systems, farms and plants, they are required to be renewed every five years for a maximum permitted life of 20 years, or the equipment has not been in operation for a period of four months, at which time the equipment, system, farm or plant shall be decommissioned as provided herein.

(2)

The applicant shall submit to the Board a letter of intent committing the land owner, and his/her successors in interest, to notify the Director of Building and Planning within 30 days of the discontinuance of use of the solar energy equipment. This letter shall be filed with the Director of Building and Planning prior to issuance of a building permit (assuming the solar

energy equipment tower is approved according to this chapter). Inoperative or unused solar energy equipment and accessory structures shall be removed from any site within four months of such notification. Failure to notify and/or to remove the inoperative or unused solar energy equipment in accordance with these regulations shall be a violation of this chapter and shall be punishable according to §81-17 of the Town Code and Article **XVIII** of the Town of Stillwater Zoning Code (Chapter **210** of the Stillwater Town Code). The Planning Board shall also require the submission of a letter of credit guaranteeing the removal of said equipment as a condition of approval.. To determine the LOC amount, the applicant must submit an estimate on a qualified contractor's letterhead of the cost to remove the proposed equipment and remediate any potential residuals on the property at the current rate. The Department of Building, Planning, and Development will review the estimate and approve, disapprove, or approve with revisions. The letter of Credit amount shall be increased by 10% at each five-year renewal, to be used in the event that the property owner fails to remove the solar energy equipment within four months of it becoming inoperative or unused.

(3) An Annual Operating Permit shall be required for all solar farms and solar power plants.

(3)

The site shall be restored to as natural a condition as possible within three months of the removal.

(4)

Pursuant to New York Town Law §§ 274-a, 274-b and 130, a bond or letter of credit approved by the Attorney for the Town in the amount determined above by the Department of Building, Planning and Development to effectuate decommissioning by the Town shall be posted by the property owner, the owner of the equipment or by the system operator with the Town Clerk as a condition to a special use permit and/or site plan approval and be continued for the entire period of operation and until the Town certifies that the solar farm/solar plant with all related equipment has been removed from the site and all the Town's expenses incurred for such removal have been paid.

(5)

Inactive solar farms/power plant equipment may be removed by the Town at the owner or operator's expense any time after four months of continuous inactivity and 30 days after serving written notice thereof, or immediately upon an emergency. The owner and operator give the Town permission to enter upon the owner's land to inspect and remove the inactive solar energy equipment and assess the cost of such removal against the property owner and as a tax upon the real property.

§ 170-6. Installer requirements; inspections; safety requirements; noise.

A.

All solar energy equipment/system installations must be performed by a qualified solar installer. Proof of qualification must be submitted at the time of application for building permit.

B.

Prior to operation, solar energy equipment/system installations must be inspected by a Town Code Enforcement Officer, certified third party electrician, or by a specialized consultant hired by the Town at the applicant's expense, as determined by the Town Code Enforcement Officer.

C.

Any connection to the public utility grid must be inspected by the appropriate public utility.

D.

Solar energy equipment/systems shall be maintained at all times in good working order.

E.

Rooftop and building-mounted solar energy equipment/systems shall meet all Uniform Codes.

F.

If solar storage batteries are included as part of the solar energy equipment/system, they must be placed in a secure container or enclosure meeting the requirements of the Uniform Codes and when no longer used shall be disposed of in accordance with the laws and regulations of the Town of Stillwater and other applicable laws and regulations.

G.

Marking of equipment.

(1)

Solar energy systems and equipment 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.

(2)

For commercial application, the marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated.

(3)

In the event any of the standards in this Subsection G for markings are more stringent than applicable provisions of the Uniform Codes, , they shall be deemed to be guidelines only and the standards of the Uniform Codes shall apply.

H.

In addition to the above requirements in this chapter, solar energy systems and equipment shall be permitted only if they are determined by the Town not to present any unreasonable safety risks, including, but not limited to, the following:

(1)

Weight load.

(2)

Wind resistance.

(3)

Ingress or egress in the event of fire or other emergency.

I.

Solar energy equipment/systems and related equipment shall be surfaced, designed and sited so as not to reflect glare onto adjacent properties and roadways. Glare shall be considered an impact to be evaluated under SEQRA.

J.

Noise. All solar energy equipment/systems shall comply with the requirements of Chapter 141 of the Stillwater Town Code, as amended from time to time. Noise shall be considered an impact to be evaluated under SEQRA.

§ 170-7. Fees.

The fees for all applications and building permits required pursuant to this chapter shall be paid at the time each application is submitted and in such reasonable amount as the Town Board may by resolution establish and amend from time to time.

§ 170-8. Appeals.

A.

Except as otherwise provided elsewhere, if an individual or entity is found to be in violation of the provisions of this chapter, appeals should be made in accordance with established procedures of the Town of Stillwater Zoning Code.

B.

If a building permit for a solar energy device is denied because of a conflict with other Town laws or the Uniform Codes, , the applicant may seek relief from the Town of Stillwater Zoning Board of Appeals which shall regard solar energy as a factor to be considered, weighed and balanced along with other factors considered by the Zoning Board of Appeals.

§ 170-9. Penalties for offenses.

Chapter 210, Article XVIII of the Town Code, and §81-17 of the Town Code, as amended, shall apply to violations of this article and penalties for offenses.

§ 170-10. Additional requirements.

A.

Solar energy equipment shall not be sited within any required buffer area.

B.

The total surface area of all ground-mounted and freestanding solar energy equipment systems on a lot shall not exceed the area of the ground covered by the building structure of the primary structure, or if none, then the largest building on the lot, measured from the exterior walls, excluding patios, decks, balconies, screened and open porches and attached garages, provided that nonresidential placements exceeding this size may be approved by the Planning Board, subject to site plan review.

C.

The area beneath ground-mounted and freestanding solar energy equipment systems shall be included in calculating whether the lot meets maximum permitted lot building coverage and lot surface coverage requirements for the applicable district, notwithstanding that the collectors are not buildings.

D.

The installation of ground-mounted and freestanding solar energy equipment systems shall be considered a development or development activity for purposes of stormwater management of the Code of the Town of Stillwater.^[1]

[1]

Editor's Note: See Ch. 174, Stormwater Management.

E.

New York Public Service Law Article 10 shall be considered for applications by major electric-generating facilities of at least 25 MW.

§ 170-11. Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this chapter or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

§ 170-12. Conflict with other laws.

Where this chapter differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the county, state or federal government, the law which is more restrictive or protective of the Town and public shall apply.

§ 170-13. Statutory authority.

This chapter is enacted pursuant to the Municipal Home Rule Law. This chapter shall supersede the provisions of the Town Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

§ 170-14. Solar easements.

The Town of Stillwater does not have protected access to sunlight provisions. As such, in order for a property owner to protect future access to direct sunlight for their solar systems, the Town encourages the property owner to obtain solar easements from adjoining property owners in accordance with New York Real Property Law § 335-b. Failure on the part of the property owner to secure solar easements can be a factor for the Planning Board to weigh when reviewing an application, action or activity that may impact, obscure, block or interfere with sunlight reaching a property owner's solar collectors.

§ 170-15. Tax exemptions and PILOT agreements.

The tax exemption provided by § 487 of the New York Real Property Tax Law (RPTL), as amended from time to time, shall not apply to any solar energy equipment/systems, farm and plant applications in the Town of Stillwater. The Town of Stillwater hereby gives notice to any

RESOLVED, that the above Budget Transfers and Adjustments are hereby approved.

Motion by Councilwoman Bruno and seconded by Councilwoman Vomacka to adopt Resolution No. 89 of 2018.

A roll call was taken on Resolution No. 89 of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	ABSENT
Councilwoman Bruno	YES
Councilman D'Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 89 of 2018 was adopted unanimously.

Report

Route 9P: Supervisor Kinowski gave a brief overview regarding Route 9p in regard to working with a state representative for Saratoga County, emergency fixes being done, road needs a complete restoration and work being done to get to that point.

Public Input

Coke Co commented on Election Day.

Audited Claims

Motion by Councilwoman Vomacka and seconded by Councilwoman Bruno to pay the audited claims.

Oct.23	General	\$3369.88
	Town Outside	\$3735.07
	Highway	\$8751.45
	Water	\$4538.01
	Capital Projects	\$6030.00
Nov 1 st	General	\$10561.66
	Town Outside	\$15145.03
	Highway	\$8698.58
	Water	\$1650.79
	Capital Projects	\$11437.87
	Trust & Agency	\$1002.00

Motion Carried.

Motion by Councilwoman Vomacka and seconded by Councilwoman Bruno to adjourn the meeting at 8:20pm and adjourn into executive session to discuss a personnel issue and contractual issue. **Motion carried.** (Note: The Town Board will not resume the regular Town Board meeting)

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk

