

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
October 5, 2023**

The meeting was called to order at 6:00 p.m. by the presiding officer at the Town Hall on the Banker Road. Pledge.

MEMBERS:

PRESENT ABSENT

Michael S. Cashman, Supervisor	x	
Thomas E. Wood, Councilor		x
Barbara E. Hebert, Councilor	x	
Charles A. Kostyk, Councilor	x	
Dana M. Isabella, Councilor		x
Kathryn B. Kalluche, Town Clerk	x	
James J. Coffey, Town Attorney	x	

Also in-attendance: George Giroux and Mercel Giroux

Resolution No. 023-214

Accept Minutes of the Previous Meeting

RESOLVED, that the minutes of **August 3, 2023** and **August 10, 2023** be accepted and the reading of the minutes be dispensed with.

Motion: Charles A. Kostyk

Seconded by: Barbara E. Hebert

Discussion: None

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood			x		
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Dana M. Isabella			x		
Michael S. Cashman	x				

Public Comment – None

Resolution No. 023-215

Abstract 10A- 23

RESOLVED, that the abstract of audited claims **No. 10A-23** for \$665,478.44, **Abstract 10A-23** prepays for the amount \$219,483.42 be received as reviewed by the Audit Committee and the Supervisor is hereby authorized to pay said abstracts.

Motion: Barbara E. Hebert
Seconded by: Charles A. Kostyk
Discussion: Barbara E. Hebert

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood			x		
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Dana M. Isabella			x		
Michael S. Cashman	x				

Resolution No. 023-216

Monthly Department Reports

RESOLVED, to receive and place on file Monthly Department Head Reports.

Building and Grounds – **August 2023**
 Codes and Zoning – **August 2023**
 Dog Control Officer – **August 2023**
 Historian –
 Highway Superintendent – **August 2023**
 Justice Court –
 Parks and Recreation – **August 2023**
 Planning and Community Development – **August/September 2023**
 Safety Committee –
 Supervisors Financial Report – **August 2023**
 Tax Receiver –
 Town Clerk – **August 2023**
 Water Wastewater – **August 2023**

Motion: Charles A. Kostyk
Seconded by: Barbara E. Hebert
Discussion: None

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood			x		
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Dana M. Isabella			x		
Michael S. Cashman	x				

Resolution No. 023-217

**Declaration of Lead Agency for the
 Proposed Subdivision Regulations
 for the Town of Plattsburgh**

WHEREAS, the Town of Plattsburgh Town Board (hereafter referred to as the “Town Board”) adopted a Town Comprehensive Plan in 2010 and Town Center Smart Growth Plan in 2019, which necessitated a review and update of currently adopted Subdivision Regulations for the Town, as last revised on June 19, 1978; and

WHEREAS, the Town Board, received a draft of the proposed Subdivision Regulations for the Town of Plattsburgh (herein referred to as the “Proposed Subdivision Regulations”) for review dated last revised July 14, 2023, which would replace the existing Subdivision Regulations for the Town of Plattsburgh in its entirety; and

WHEREAS, the Town of Plattsburgh Town Board has also received a Part I EAF for the proposed action rescension and adoption of the Proposed Subdivision Regulations; and

WHEREAS, the Town Board, as the only involved agency pursuant to the State Environmental Quality Review Act (hereinafter “SEQRA”) with respect to reception of the Current Subdivision Law and adoption of the Proposed Subdivision Regulations, seeks to declare itself SEQRA lead agency for this action; and

WHEREAS, the action is a Type I action in accordance with SEQRA; and

WHEREAS, the Town Board seeks to refer the Proposed Subdivision Regulations for the Town of Plattsburgh, last revised July 14, 2023, to the Clinton County Planning for review and recommendation pursuant to New York General Municipal Law §239-m; and

WHEREAS, the Town Board seeks to refer the Proposed Subdivision Regulations for the Town of Plattsburgh, last revised July 14, 2023, to the Town of Plattsburgh Planning Board for review and recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Plattsburgh in regular session duly convened as follows:

1. The Town Board of the Town of Plattsburgh hereby declares itself lead agency pursuant to SEQRA and its implementing regulations at 6 NYCRR§617.6(b)(1) with respect to the proposed action to rescind the current Town of Plattsburgh Subdivision Regulations, last revised June 19, 1978 and adopt the Proposed Subdivision Regulations, last revised July 14, 2023.
2. The Town Board of the Town of Plattsburgh hereby directs the referral of Proposed Subdivision Regulations to Clinton County Planning for review and recommendation pursuant to New York General Municipal Law §239-m.
3. The Town Board hereby directs the referral of the Proposed Subdivision Regulations to the Town of Plattsburgh Planning Board.
4. The Town Board hereby schedules a special meeting and a public hearing on the Proposed Subdivision Regulations to be held before the Town of Plattsburgh

Town Board on October 19, 2023, commencing at 6:05 P.M., at the Town of Plattsburgh Town Hall, 151 Banker Road, Plattsburgh, NY, 12901 and further directs that notice of such public hearing be posted and published in accordance with applicable law.

Motion: Barbara E. Hebert

Seconded by: Charles A. Kostyk

Discussion: None

Roll Call:	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood			x		
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Dana M. Isabella			x		
Michael S. Cashman	x				

Resolution No. 023-218

**Reappointment of Zoning Board
of Appeals Board Member –
Marianne Alexandrou**

WHEREAS, Marianne Alexandrou is willing to continue serving as an regular Board Member on the Zoning Board of Appeals; therefore, be it

RESOLVED, that the Town of Plattsburgh Town Board does hereby reappoint Marianne Alexandrou to the Zoning Board of Appeals for a term to expire December 31, 2028; and be it further

RESOLVED, that a copy of this Resolution be given to the Codes and Zoning Department Head, the Chairperson of the Zoning Board and a certified copy also be given to Ms. Alexandrou; and, be it further

RESOLVED, that Ms. Alexandrou take an oath of office within thirty days of this Resolution.

Motion: Barbara E. Hebert

Seconded by: Charles A. Kostyk

Discussion: None

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood			x		
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Dana M. Isabella			x		
Michael S. Cashman	x				

Resolution No. 023-219

**Zoning Board of Appeals Alternate Board
Member Reappointment of Melanie
Marr**

WHEREAS, Ms. Melanie Marr is willing to continue to serve as an Alternate Member for the Zoning Board of Appeals; therefore, be it

RESOLVED, that as per Local Law #1 of 1999, and with the attached letter of recommendation of Stephen M. Imhoff, Codes Enforcement Department Head, the Town Board does hereby reappoint Ms. Marr to the Zoning Board of Appeals for a three (3) year term to expire December 31, 2026; and, be it further

RESOLVED, that Ms. Marr take an oath of office within thirty days of this resolution: and be it further

RESOLVED, that a certified copy of this Resolution be given to Ms. Marr, Stephen Imhoff the Codes and Zoning Department Head, and the Chairperson of the Zoning Board of Appeals.

Motion: Charles A. Kostyk

Seconded by: Barbara E. Hebert

Discussion: Barbara E. Hebert

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood			x		
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Dana M. Isabella			x		
Michael S. Cashman	x				

Resolution No. 023-220

Purchase of Repair Kits

WHEREAS, the Water & Wastewater Dept. has pressure reducing valves to be maintained for the Town's water system; and

WHEREAS, Ross Valve has submitted documentation stating Ross Valve is the only vendor to manufacturer any Ross Valve Manufacturing product; and

WHEREAS, Ross Valve is the sole manufacturer of Ross Valve Manufacturing products; therefore, be it

RESOLVED, the purchase of (4) Ross Valve Repair Kits be awarded to Ross Valve, in the amount of \$9,121.00 be approved; and it is further

RESOLVED, that payment be made payable from the 2023 Water & Wastewater Budget Account # SWC.8340.4550 & SWB.8320.4590 and that a copy of this Resolution be given to the Water & Wastewater Department and Budget Officer.

Motion: Charles A. Kostyk

Seconded by: Barbara E. Hebert

Discussion: Charles A. Kostyk

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood			x		
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Dana M. Isabella			x		
Michael S. Cashman	x				

Resolution No. 023-221

**Repaving Everest Rabideau
Cumberland Head Parking Lot**

WHEREAS, the Parks and Recreation Department must maintain the value and use of all parks within the Town of Plattsburgh; and

WHEREAS, there is a need to resurface the parking lot at the Cumberland Head Everest Rabideau Recreation Park; and

WHEREAS, resurfacing is to be completed by the Highway Department, with paving materials purchased through the Clinton County Contract in the amount not to exceed \$20,000.00 to be made payable from the Park Improvements Account A1620.4100.0000 for 2023; therefore, be it

RESOLVED, that the Town Board does hereby authorize the resurfacing of the parking lot and that the Supervisor is hereby authorized to sign all related documents relative to the resurfacing of the Cumberland Head Everest Rabideau Recreation Park parking lot; and, it is further

RESOLVED, that a copy of this Resolution be given to the Finance Manager and the Youth Services and Recreation Director.

Motion: Charles A. Kostyk

Seconded by: Barbara E. Hebert

Discussion: Michael S. Cashman

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood			x		
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Dana M. Isabella			x		
Michael S. Cashman	x				

Resolution No. 023-222

**Highway Department Request to Purchase
a Kubota Tractor and Twin Flair Mowers**

WHEREAS, the Town of Plattsburgh Highway Superintendent has requested approval to purchase a Kubota Tractor and Twin Flair Mowers to be utilized by the Town of Plattsburgh Highway Department; and

WHEREAS, Procedures for Purchase of Commodities, Equipment or Goods and Contract Values requires the Town to solicit price quotes for amounts in excess of \$5,000.00; and

WHEREAS, Greg Burnell, Highway Superintendent, has complied with the NYS, OGS procurement requirements for acquisition by the completion of the competitive mini-bid process; therefore be it

RESOLVED, that the Kubota Tractor be purchase from Dragoon's Farm Equipment using Sourcewell contract pricing (NYS OGS) for \$70,076.86 and the Twin Flair Mowers purchase from Stephenson Equipment, Inc. using NYS OGS Contract pricing in the amount of \$52,902.00 be approved; and, be it further

RESOLVED, that said purchase be made payable from the 2024 Highway Budget Equipment & Capital Outlay Account #DAA.5130.2000.0000 and that a copy of this Resolution be given to the Highway Superintendent and the Finance Manager.

Motion: Barbara E. Hebert

Seconded by: Charles A. Kostyk

Discussion: Charles A. Kostyk

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				X	
Thomas E. Wood			X		
Barbara E. Hebert	X				
Charles A. Kostyk	X				
Dana M. Isabella			X		
Michael S. Cashman	X				

Resolution No. 023-223

**Appointment of Stephen Waldron as Maintenance
Worker II in the Water and Wastewater Department**

WHEREAS, Stephen Waldron currently serves as the Superintendent of Buildings and Grounds and has applied for a posted vacancy within the Water and Waste Water Department; and

WHEREAS, Stephen Waldron desires a transition from his current role in Buildings and Grounds to the Water and Waste Water Department, and this shift will result in the vacancy of the Superintendent of Buildings and Grounds position upon the enactment of this resolution; and

WHEREAS, Stephen Waldron fulfills all prerequisites for the role of Water and Wastewater (WWW) Maintenance Worker II; and

BE IT RESOLVED, the Town of Plattsburgh Town Board approves Stephen Waldron's appointment to the position of Water and Wastewater (WWW) Maintenance Worker II, as proposed, with an hourly compensation of \$26.86. This appointment becomes effective Friday, Oct. 6, 2023 immediately upon approval and aligns with the stipulations of the current Teamsters Agreement, incorporating a 12 week probation period: and, be it also

RESOLVED, the Supervisor is authorized to finalize all essential paperwork concerning Stephen Waldron's full-time permanent designation to the role of Water and Wastewater (WWW) Maintenance Worker II; and be it further

RESOLVED, a verified copy of this Resolution should be provided to the Finance Manager and the Director of the Water & Wastewater Department and a certified copy be placed in his personnel file.

Motion: Charles A. Kostyk

Seconded by: Barbara E. Hebert

Discussion: None

Roll Call:	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Table</u>
				x	
Thomas E. Wood			x		
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Dana M. Isabella			x		
Michael S. Cashman	x				

Resolution No. 023-224

Solar Local Law No. 3 of 2023
SEORA Determination

WHEREAS, the Town Board of the Town of Plattsburgh is considering adoption of an amendment to the Town of Plattsburgh Solar Energy Local Law for the following purposes

This Solar Energy Local Law amendment is intended to advance and protect the public health, safety, and welfare of Town of Plattsburgh residents by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:

- 1) To mitigate the potential impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, open spaces, wildlife and other protected resources, and;
- 2) To identify the ideal locations for solar energy development and to avoid conflict with other land use goals, regulations, and long term plans; and
- 3) To allow for well planned development of a safe, abundant, renewable and non-polluting energy resource;

- 4) To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
- 5) To increase employment and business development in the Town, to the extent reasonably practical, by providing a defined framework for review of Solar Energy Systems projects; and

WHEREAS, Part 617 “State Environmental Quality Review”, section 8-0113 of the Environmental Conservation Law provides for the review of projects which constitute an “action” with respect to the effect of such projects on the environment; and

WHEREAS, the Town Board of the Town of Plattsburgh (the “Town Board” and the “Town”, respectively) has adopted the provisions of Part 617 “State Environmental Quality Review”; and

WHEREAS, a determination of the effect of said project or action on the environment is necessary to determine whether a draft “Environmental Impact Statement” is required; and

WHEREAS, the effects of the project or action on the environment are to be examined by all “involved agencies”; and

WHEREAS, the Town Board has before it the project or action known as the “Town of Plattsburgh Solar Local Law” of the Year 2023, and

WHEREAS, the Project is hereby determined to be a “Type I” action requiring the assessment as to its effect upon the environment with a coordinated review; and

WHEREAS, the Town Board is hereby determined to be an “lead agency” and, if no objection is made from any other “involved agency”, the “lead agency” in accordance with Part 617 “State Environmental Quality Review” (SEQR) for purposes of assessing the effect of the Project on the environment and determining whether said effect is sufficiently significant to require the preparation of a draft “Environmental Impact Statement”; and

WHEREAS, Clinton County, all adjacent Towns, the City of Plattsburgh, and any involved agencies were provided notice of the proposed action; and

WHEREAS, no additional involved agencies were identified and no objections to the Town’s request for lead agency status were received; and

WHEREAS, A duly noticed public hearing was held on October 5th, 2023 at the regularly scheduled meeting of the Town Board for the purposes of hearing public comment on the proposed local law and no comments were received; and

WHEREAS, The Town Board acting as an “involved agency” and as the “lead agency” has received a completed Full Environmental Assessment Form Parts I, II prepared by Town

Planning Staff and related materials giving information about the Project and its potential effects on the environment together with all written comments and written evidence of oral comments provided by “involved agencies” (collectively, the “environmental compliance file”)

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Plattsburgh, New York, as follows:

That the Town Board of the Town of Plattsburgh after review of the said Draft Town of Plattsburgh Solar Energy Local Law, completed EAF PARTS I & II, and related materials does hereby determine as “Lead Agency” for the SEQRA Review process that the "Project" will NOT have a significant effect on the environment. Therefore, the preparation of a DEIS is NOT required; and, be it further

RESOLVED, that the Town Board does hereby authorize completion and execution of the EAF Part III and declare that the Project and environmental review process considered for the development does adequately and sufficiently satisfy the requirements of the State Environmental Quality Review Act for the Project; and be it further

RESOLVED, The Town Board of the Town does hereby authorize and direct the Supervisor to have prepared a “notice of no significant environmental impact” (NEGATIVE DECLARATION) for the project. The “notice of no significant environmental impact” (NEGATIVE DECLARATION) shall be disseminated to those “involved agencies” and governmental units as required by the Environmental Conservation Law and any local law of the Town, and the environmental compliance file as aforesaid shall be maintained on file at the Town Hall Offices of the Town Board and made available for public inspection at regular business hours of the Town.

This resolution shall become effective immediately upon its adoption by the Town Board of the Town of Plattsburgh.

Motion: Charles A. Kostyk

Seconded by: Barbara E. Hebert

Discussion: None

Roll Call:	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u> x	<u>Tabled</u>
Thomas E. Wood			x		
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Dana M. Isabella			x		
Michael S. Cashman	x				

Resolution No. 023-225

Solar Energy Local Law No. 3 of 2023

WHEREAS, the Town Board of the Town of Plattsburgh desires to amend the Town of Plattsburgh Solar Energy Local Law of 2018 for the following purposes:

This Solar Energy Local Law is intended to advance and protect the public health, safety, and welfare of Town of Plattsburgh residents by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:

- 1) To mitigate the potential impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, open spaces, wildlife and other protected resources, and;
- 2) To identify the ideal locations for solar energy development and to avoid conflict with other land use goals, regulations, and long term plans; and
- 3) To allow for well planned development of a safe, abundant, renewable and non-polluting energy resource;
- 4) To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
- 5) To increase employment and business development in the Town, to the extent reasonably practical, by providing a defined framework for review of Solar Energy Systems projects; and

WHEREAS, notice of said public hearing was duly advertised in Press Republican, the official newspaper of Town of Plattsburgh on September 28, 2023 and in Town Hall and the Town website; and

WHEREAS, said public hearing was duly held on October 5th at 6:05 at Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town of Plattsburgh that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA; and

WHEREAS, Clinton County Planning Board deemed the proposed Solar Energy Local Law Approved by a vote of 7-0 with comments to be a local issue on October 4, 2023, pursuant to section 239-m of the General Municipal Law; and

WHEREAS, it is the opinion of the members of the Town Board that the best interests of the Town of Plattsburgh would be served by the adoption of said proposed amendment to the Town of Plattsburgh Solar Energy Local Law, and prompt filing of said law as adopted with the

Department of State of the State of New York in order for said Local Law to become effective at the earliest possible date; and now, therefore be it

RESOLVED, that proposed amendment to the Town of Plattsburgh Solar Energy Local Law as aforementioned,” be hereby adopted as Town of Plattsburgh Solar Energy Local Law; and, it is further

RESOLVED, that the Town Clerk is hereby directed to cause said Town of Plattsburgh Solar Energy Local Law to be duly filed with the Department of State of the State of New York, as required by section 27, subdivision 1 of the Municipal Home Rule Law.

Motioned by: Charles A. Kostyk

Seconded by: Barbara E. Hebert

Discussion: None

Roll Call:	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood			x		
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Dana M. Isabella			x		
Michael S. Cashman	x				

Resolution No. 023-226

**Resolution Authorizing Adoption by the
Town Board of the Town of Plattsburgh of
Local Law No. 4 of 2023 – Imposing a
Twelve-Month Moratorium of Applications
for Battery-Based Energy Storage Systems**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Plattsburgh for a public hearing to be held by said Governing Body on October 5th, 2023 at 6:05pm at the Town of Plattsburgh, 151 Banker Road, Plattsburgh New York to hear all interested parties on a proposed Local Law entitled Local Law No. 4 of 2023 – Imposing a Twelve-month Moratorium of Applications for Battery-Based Energy Storage Systems; and

WHEREAS, notice of said public hearing was duly advertised in the Press Republican, the official newspaper of said Town, on September 28, 2023; and

WHEREAS, said public hearing was duly held on October 5th, 2023 at 6:05pm at 151 Banker Road, Plattsburgh, New York and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of the Town of Plattsburgh that this is a Type II action and no further review will be and could be processed by other applicable governmental agencies without further regard to SEQRA; and

WHEREAS, the Town Board of the Town of Plattsburgh, after due deliberation, finds it in the best interest of said Town to adopt said Local Law; therefore, be it

RESOLVED, that the Town Board of the Town of Plattsburgh hereby adopts said Local Law No. 4 of 2023 entitled a Local Law Imposing a Twelve-month Moratorium of Applications for Battery-Based Energy Storage Systems, a copy of which is attached hereto and made a part of this resolution; and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Plattsburgh, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

Motion: Barbara E. Hebert

Seconded by: Charles A. Kostyk

Discussion: None

Roll Call:	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
				x	
Thomas E. Wood			x		
Barbara E. Hebert	x				
Charles A. Kostyk	x				
Dana M. Isabella			x		
Michael S. Cashman	x				

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
PUBLIC HEARING
October 5, 2023**

NOTICE is hereby given that the Town of Plattsburgh Town Board will meet and hold public hearings thereon at the Town Hall located on the Banker Road, in the Town of Plattsburgh, Clinton County, New York on October 5, 2023 at 6:05 p.m. prevailing time in relation to Provide citizens adequate opportunity to participate in the review the Local Law No. 3 of 2023 Solar Energy Local law siting, construction, and operation of solar energy facilities.

1. Acceptance of Written Comments into the Record of the Hearing

2. Open Public Hearing to the Floor for Public Comment

Motion to OPEN Public Hearings

Motion by: **Charles A. Kostyk**

Seconded by: **Barbara E. Hebert**

Motion to CLOSE Public Hearings

Motion by: **Barbara E. Hebert**

Seconded by: **Charles A. Kostyk**

Discussion: None

Roll Call:

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Thomas E. Wood		Absent	Thomas E. Wood		Absent
Barbara E. Hebert	x		Barbara E. Hebert	x	
Charles A. Kostyk	x		Charles A. Kostyk	x	
Dana M. Isabella		Absent	Dana M. Isabella		Absent
Michael S. Cashman	x		Michael S. Cashman	x	

Time: 6:06 PM

Time: 6:20 PM

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
PUBLIC HEARING
October 5, 2023**

The meeting was called to order at 6:00 p.m. by the presiding officer at the Town Hall on the Banker Road.

FURTHER NOTICE is hereby given that the Town Board of the Town of Plattsburgh will meet and hold public hearings thereon at the Town Hall located on the Banker Road, in the Town of Plattsburgh, Clinton County, New York on Thursday, October 5, 2023 at 6:10 p.m. prevailing time in relation to Proposed Local Law No. 4 of 2023 a Local Law imposing a twelve-month moratorium of applications for Battery-Based Energy Storage Systems.

1. Acceptance of Written Comments into the Record of the Hearing:

2. Open Public Hearing to the Floor for Public Comment:

Motion to OPEN Public Hearings

Motion by: Barbara E. Hebert

Seconded by: Charles A. Kostyk

Discussion: None

Time: 6:11 PM

Motion to CLOSE Public Hearings

Motion by: Charles A. Kostyk

Seconded by: Barbara E. Hebert

Time: 6:18 PM

	<u>Yes</u>	<u>No</u>	<u>Absent</u>
Thomas E. Wood			x
Barbara E. Hebert	x		
Charles A. Kostyk	x		
Dana M. Isabella			x
Michael S. Cashman	x		

	<u>Yes</u>	<u>No</u>	<u>Absent</u>
Thomas E. Wood			x
Barbara E. Hebert	x		
Charles A. Kostyk	x		
Dana M. Isabella			x
Michael S. Cashman	x		

LOCAL LAW NO. 4 of 2023

A Local Law imposing a moratorium on new applications for ~~Tier 3 solar energy facilities regulated under Local Law No. 2 of 2018, and also including applications for Battery Energy Storage Systems.~~

Section 1. Title

This Local Law shall be referred to as the “Local Law Imposing a Twelve-Month Moratorium of Applications for ~~Tier 3 Solar Energy Facilities and Battery-Based Energy Storage Systems~~”

Section 2. Purpose and Intent

Pursuant to the statutory powers vested in the Town of Plattsburgh to regulate and control land use and to protect the health, safety and welfare of its residents, the Town of Plattsburgh hereby declares a twelve-month moratorium on applications for ~~Tier 3 Solar Energy Facilities and Battery-Based Energy Storage Systems.~~

The Town of Plattsburgh has recently received a significant number of applications for the construction of Tier 3 Solar Energy Facilities. It is clear that applications for these facilities may be proliferating. Research into related developments in other areas of New York State has shown that battery-based energy storage facilities are often located near or within solar projects. The Town currently has no regulation for battery based storage facilities.

The Integration of these commercial facilities, specifically within R2 & MH (now R5) zones within the Town emphasizes the need for suitable siting, land use and zoning standards and controls to mitigate any potential negative impacts. Particularly, the Town would like to examine the siting of these facilities in areas where public water and sewer infrastructure are present but unutilized by such projects, thus decreasing the return on investment of this important public infrastructure.

The Town of Plattsburgh desires to address, in a careful manner, the establishment, placement, or construction of ~~or enlargement Tier 3 Solar Energy Facilities and Battery-Based Energy Storage Systems~~ on a comprehensive Town-wide basis, rather than on an ad hoc basis, and to adopt provisions to specifically regulate same.

Section 3. Scope of Controls

A. During the effective period of this Local Law:

1. The Town of Plattsburgh shall not grant any approvals that would have as the result the establishment, placement, construction, or erection of any new ~~Tier 3 Solar Energy Facilities and~~ Battery-Based Energy Storage Systems within the Town of Plattsburgh.
2. The Town of Plattsburgh Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or other permit that would have as a result the establishment, placement, construction or erection of any new ~~Tier 3 Solar Energy Facilities and~~ Battery-Based Energy Storage Systems within the Town of Plattsburgh.
3. The Town of Plattsburgh Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the establishment, placement, construction, or erection of any new ~~Tier 3 Solar Energy Facilities and~~ Battery-Based Energy Storage Systems within the Town of Plattsburgh.
4. The Building Inspector/Code Enforcement Officer of the Town of Plattsburgh shall not issue any permit that would result in the establishment, placement, construction, or erection of any new ~~Tier 3 Solar Energy Facilities and~~ Battery-Based Energy Storage Systems within the Town of Plattsburgh.

- B. The Town of Plattsburgh reserves the right to direct the Town of Plattsburgh Building Inspector/Code Enforcement Officer to revoke or rescind any building permits or certifications or occupancy issued in violation of this Local Law.

Section 4. Consideration of New Applications

No applications for construction submitted after the adoption of this Local Law, affected by this Local Law or for approvals for a site plan, subdivision, variance, special use permit or other permits shall be considered by any board officer or agency of the Town of Plattsburgh while this moratorium imposed by this Local Law is in effect.

Section 5. **Exceptions**

This moratorium shall not apply to the continued operation of existing, permitted Tier 3 Solar Energy Facilities and Battery-Based Energy Storage Systems in districts where the use is allowed by site plan review or special permit.

Section 6. **Term**

The moratorium imposed by this Local Law shall be in effect for a period of twelve months from ~~the effective date of this Local Law~~ April 20th, 2023 until April 20th, 2024.

Section 7. **Penalties**

Any person, firm or corporation that shall establish, place, construct, enlarge or erect any ~~Tier 3 Solar Energy Facility or~~ Battery-Based Energy Storage System in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules or regulations of the Town of Plattsburgh; and
- B. Injunctive relief in favor of the Town of Plattsburgh to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law.

Section 8. **Validity**

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 9. **Hardship**

- A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner

of said property may apply to the Town of Plattsburgh in writing for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the term of the moratorium imposed by this Local Law.

- B. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variation of this Local Law, the Town of Plattsburgh shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon fifteen (15) days written notice in the official newspaper of the Town of Plattsburgh. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board of the Town of Plattsburgh shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Town of Plattsburgh determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town of Plattsburgh shall vary the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

Section 10. Effective Date

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law. Applications filed prior to the adoption of this Local Law by the Town Board shall not be affected by this Local Law.

Town of Plattsburgh Solar Energy Local Law

Adopted 2018

Amended 2023

Town of Plattsburgh Solar Energy Local Law

1. Authority

This Solar Energy Local Law is adopted pursuant to sections 261-263 of the Town Law and section 20 of the Municipal Home Rule Law of the State of New York, which authorizes the Town to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Town law of New York State, "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefore."

2. Statement of Purpose

A. This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of Town of Plattsburgh residents by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:

- 1) To mitigate the potential impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, open spaces, wildlife and other protected resources, and;
- 2) To identify the ideal locations for solar energy development and to avoid conflict with other land use goals, regulations, and long term plans; and
- 3) To allow for well planned development of a safe, abundant, renewable and non-polluting energy resource;
- 4) To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
- 5) To increase employment and business development in the Town, to the extent reasonably practical, by providing a defined framework for review of Solar Energy Systems projects;

3. Definitions

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semi-transparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

FARMLAND OF STATEWIDE IMPORTANCE: Land, designated as "Farmland of Statewide Importance" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey that is of state wide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law.

GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, which generates electricity for onsite or offsite consumption.

NATIVE PERENNIAL VEGETATION: native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

POLLINATOR: bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

PRIME FARMLAND: Land, designated as "Prime Farmland" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

PUBLIC ENVIRONMENTAL BENEFIT: A fee required to be paid in full to the Town of Plattsburgh prior to the authorization to operate and electrify the facility, equal to \$2500 (two thousand five hundred dollars) per acre of the subject parcel utilized for solar energy generation. This includes all roads, associated equipment, and green spaces within the solar array area, typically located inside a fence. At the discretion of the Town Board, the public environmental benefit funds shall be allocated to Town projects that contribute to greenhouse gas reduction, energy efficiency, multimodal transportation, public recreation, ecological diversity, or habitat preservation.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

SETBACK: The distance from a front, side, or rear lot line or from a structure to the fence that surrounds the solar installation.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR ENERGY EQUIPMENT: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier

3 Solar Energy System as follows.

A. Tier 1 Solar Energy Systems include the following:

- a. Roof-Mounted Solar Energy Systems
- b. Building-Integrated Solar Energy Systems

B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to 25 kW AC and that generate no more than 110 % of the electricity consumed on the site over the previous 12 months.

C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

SOLAR, BUILDING INTEGRATED SOLAR ENERGY SYSTEM (TIER 1) - A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

SOLAR, ROOF MOUNTED SOLAR ENERGY SYSTEM (TIER 1) - A Solar Energy System that is anchored to the roof of a structure and installed parallel with the slope of the roof, except when mounted on flat roofs, that generates electricity for onsite consumption.

SOLAR, GROUND MOUNTED SOLAR ENERGY SYSTEM (TIER 2) - A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, which generates electricity for onsite consumption.

SOLAR, LARGE SCALE ROOF MOUNTED SOLAR ENERGY SYSTEM - A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption by virtual net metering.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electricity.

STORAGE BATTERY: A device that stores energy and makes it available in an electrical form.

WOODED AREA: An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

4. Applicability

The requirements of this Local Law shall apply to all Solar Energy Systems permitted, installed, or modified in the Town of Plattsburgh after the effective date of this Local Law, excluding general maintenance and repair.

- 1) A building permit shall be required for installation of all Solar Energy Systems
- 2) Issuance of approvals and permits shall include review pursuant to the State Environmental Quality Review Act (SEQRA)

- 3) Where this Local Law and the Town of Plattsburgh Zoning Ordinance conflict, the stricter of the two provisions shall take precedence.

5. Permitting Requirements for Tier 1 Solar Energy Systems

1) Tier 1 Roof-Mounted Solar Energy Systems

- a. Roof-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements:
- Solar Panels on pitched roofs shall be mounted with a maximum distance of 8 inches between the roof surface the highest edge of the system.
 - Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
 - Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 - Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.
- b. Glare: All Solar Panels shall have anti-reflective coating(s). These coatings shall not contain PFOAs or other hazardous substances.
- c. Height: All Roof-Mounted Solar Energy Systems shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district.

- 2) Tier 1 Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the applicable site plan or building permit application for the building containing the system.

6. Permitting Requirements for Tier 2 Solar Energy Systems

All Tier 2 Solar Energy Systems shall be regulated under the local zoning code and other land use regulations, subject to the following conditions:

- 1) Glare: All Solar Panels shall have anti-reflective coating(s). These coatings shall not contain PFOAs or other hazardous substances.
- 2) Setbacks: Tier 2 Solar Energy Systems shall be subject to the setback regulations specified for the accessory structures within the underlying zoning district, but shall in no case be within 20 feet of a property line. All Ground- Mounted Solar Energy Systems shall only be installed in the side or rear yards.
- 3) Height: Tier 2 Solar Energy Systems shall be subject to the height limitations specified for

accessory structures within the underlying zoning district, but shall in no case be greater than 15 feet in maximum structural height.

4) Screening and Visibility.

- a. All Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable.
- b. Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.

5) Lot Size: Tier 2 Solar Energy Systems shall comply with the lot size requirement specified for accessory structures within the underlying zoning district.

7. Permitting requirements for Tier 3 Solar Energy Systems

All Tier 3 Solar Energy Systems are subject to Site Plan/Special Use Permit review in accordance with the Town of Plattsburgh Zoning Ordinance and permitted only through the issuance of a Special Use Permit within the R2, R5, and A1 zoning districts, and subject to additional site plan/special use permit application requirements set forth in this Section. Also subject to the following:

- 1) Tier 3 Solar Energy Systems shall not be permitted in the Town Center District as identified on the official Town Center District Map included in Section 12 of this law.
- 2) Tier 3 Solar Energy Systems shall not be permitted within 500 ft. (five hundred feet) of the boundary of the Town Center District as identified on the official Town Center District Map included in Section 12 of this law.
- 3) Tier 3 Solar Energy Systems shall not be permitted in the Wellhead Protection areas of the Town of Plattsburgh.

Applications for the installation of Tier 3 Solar Energy System shall be reviewed in accordance with the procedures specified in the Town Zoning Ordinance Article VII, Site Plan Review, and Article VIII Special Use Permit now, and as amended. In addition to the requirements set forth in Articles VII & VIII of the Town Zoning Ordinance, the following additional requirements shall apply;

A. Underground Requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way. The placement of utility lines must also comply with the design standards of the underlying zoning district.

B. Vehicular Paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction. These access roads shall be designed to meet the requirements of emergency services and maintenance vehicles as determined by an engineer in consultation with the local Fire Department.

- 1) Future Road Reservations: The Town of Plattsburgh Official Future Roads Regulating Map shall be adhered to for all Tier 3 Solar Energy Systems.

- When developing projects, provisions for primary roadways shall be provided. While the alignment may vary from the Official Map, projects shall consider adjoining properties how future connections may align. An

adequate amount of land area shall be designated for said future use.

C. Signage.

- 1) No signage or graphic content shall be displayed on the Solar Energy Systems except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information. Said signage must comply with the Town of Plattsburgh regulations for signs in the underlying district.
- 2) As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

D. Glare. All Solar Panels shall have anti-reflective coating(s).

E. Lighting. Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall comply with the Town's Zoning ordinance lighting regulations for the underlying district.

F. Tree-cutting/Tree-Clearing/Deforestation. No more than 5 acres of forest or wooded area on the subject property may be cleared for the development of a Tier 3 solar energy system. Removal of existing trees larger than 6 inches in diameter should be minimized to the extent possible.

G. Decommissioning.

- 1) Solar Energy Systems that have been abandoned and/or not producing electricity for a period of 1 year shall be removed at the Owner and/or Operators expense, which at the Owner's option may come from the Decommissioning Deposit made with the Town as set forth herein.
- 2) A decommissioning plan signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant, addressing the following:
 - a. The cost of removing the Solar Energy System.
 - b. The party responsible for the decommissioning and removal of the Solar Energy System and ancillary structures.
 - c. The time required to decommission and remove the Solar Energy System any ancillary structures.
 - d. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.
- 3) Decommissioning Deposit.
 - a. The deposit, with the Town Clerk, of cash shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit

issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the deposit shall be determined by the Town Board at the time of approval and shall be sufficient to cover the cost of removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System.

- b. In the event of default upon performance of such conditions, after proper notice, the cash deposit shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.
- c. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in herein.

I. Special Use Permit Standards.

- 1) Lot size - The property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements of the underlying zoning district.
- 2) Setbacks – Tier 3 Solar Energy Systems shall have a minimum required setback of 75 feet for all front, side and rear yards of the subject property. The Planning Board at its discretion may impose greater setbacks of up to 125 feet.
- 3) Height - The Tier 3 Solar Energy Systems shall comply with the building height limitations for principal structures of the underlying zoning district.
- 4) Lot coverage - The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:
 - i. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - ii. All mechanical equipment of the Solar Energy System, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.
 - iii. Paved access roads servicing the Solar Energy System.
 - iv. Lot coverage of the Solar Energy System, as defined above, shall not exceed the maximum lot coverage requirement of the underlying zoning district.
- 5) Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a fence, as required by NEC, with a self-locking gate to prevent unauthorized access. The fencing shall be compliant with Town Zoning Ordinance Regulations for the underlying district. Design of the Fencing shall fit into the area in which the project is proposed. In some cases, accommodations for animal movement will be necessary.
- 6) Screening and Visibility.

a. Tier 3 Solar Energy Systems shall be required to:

- i. Conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example, a digital view-shed report, may be required to be submitted by the applicant.
- ii. Have a 75 ft landscaped buffer along all adjoining properties including public and private roads as well as future road reservations. A minimum of five, 6-ft-tall, trees per 100 linear feet of buffer shall be required. Effort should be made to introduce variety in species and form of the trees. All species must be native to the region and non-invasive. Additional landscaping or screening measures may be required at the discretion of the Planning Board. Structures and vehicles shall not be permitted in the buffer. Buffer yards are in addition to landscape requirements outlined in the zoning ordinance and may not be used as a substitution for any part of the required landscaping. Buffers may only be bisected by primary or emergency access drives.
- iii. Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.
- iv. The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system.

7) Public Environmental Benefit Fee

- a. Tier 3 Solar Energy Systems shall be required to pay a public environmental benefit fee (refer to Section 3, Definition of Public Environmental Benefit). The Public Environmental Benefit fee shall be equal to \$2500 (two thousand five hundred dollars) per acre of the subject parcel used for solar energy generation and those that support the project (roads, equipment, etc.). At the discretion of the Town Board, the public environmental benefit funds shall be allocated to Town projects that contribute to greenhouse gas reduction, energy efficiency, multimodal transportation, public recreation, ecological diversity, or habitat preservation.

8) Agricultural Resources. For projects located on agricultural lands:

- a. Any Tier 3 Solar Energy System located on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed 50 % of

the area of Prime Farmland or Farmland of Statewide Importance on the parcel.

- b. To the maximum extent practicable, Tier 3 Solar Energy Systems located on Prime Farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
 - c. Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.
- 9) Hazardous Materials: project components shall not contain any hazardous materials that could contaminate soils or the air by their release (units shall not contain cadmium or other hazardous substances, such as PFAS). Specific material data information/specifications (SDS/MSDS sheets) shall be submitted on all components of the project. The applicant must ensure that no harmful chemicals will be leaked into the soils over the life of the project. This required information shall be reviewed by the Planning Board, their consultants and the Fire Department.
- 10) Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit, decommissioning plan, decommissioning deposit, and conditions of Planning Board approval shall remain in effect. Notification shall be made in writing to the Town of Plattsburgh Town Board thirty (30) days prior to such change.

8. Safety

A. Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.

B. Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 Solar Energy System is located in an ambulance district, the local ambulance corps.

9. Permit Time Frame and Abandonment

A. Upon cessation of electricity generation of a Solar Energy System on a continuous basis for 12 months, the Town may notify and instruct the owner and/or operator of the Solar Energy System to implement the decommissioning plan. The decommissioning plan must be completed within 360 days of notification.

B. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the Decommissioning Deposit for the removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan.

10. Enforcement

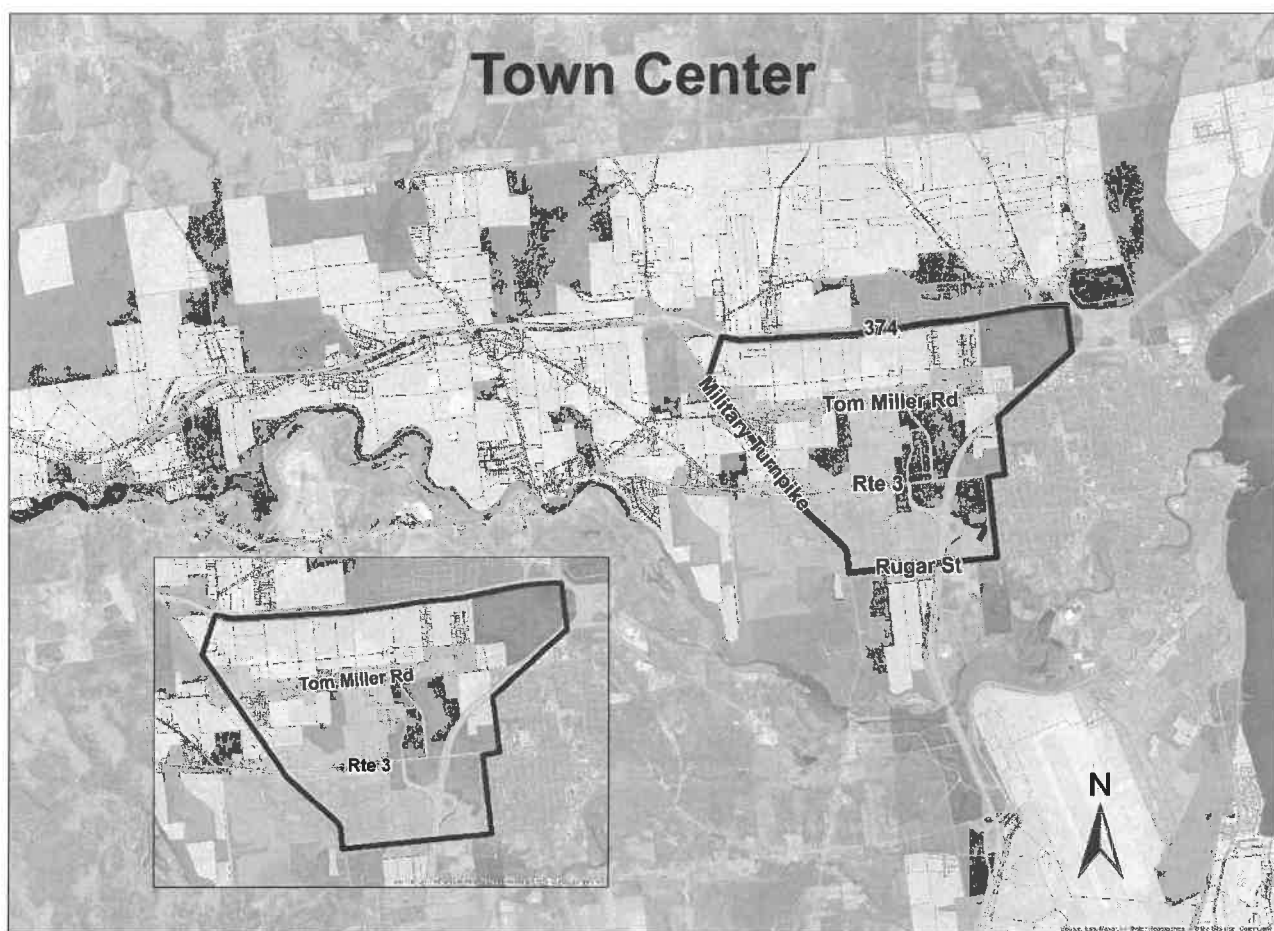
Any violation of this Solar Energy Law shall be subject to the same enforcement requirements,

including the civil and criminal penalties, provided for in the zoning or land use regulations of Town.

11. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

12. Town Center District Map



RESOLVED, that this Town Board meeting be adjourned at 6:31 PM.

Motion by: Charles A. Kostyk

Seconded by: Barbara E. Hebert

Discussion: None

	<u>Yes</u>	<u>No</u>	<u>Carried</u>
			x
Thomas E. Wood		Absent	
Barbara E. Hebert	x		
Charles A. Kostyk	x		
Dana M. Isabella		Absent	
Michael S. Cashman	x		

Minutes Respectfully Submitted by:

Katie Kalluche, Town Clerk

