

**MINUTES BOOK\*\*TOWN OF COEYMANS  
May 14, 2020 – Town Board Meeting – 7:00pm**

**A Town Board Meeting was held Thursday, May 14<sup>th</sup>, 2020 at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** George D. McHugh, Supervisor  
Daniel D. Baker, Councilman  
Kenneth C. Burns, Councilman  
Zachary S. Collins, Councilman  
Brandon L. LeFevre, Councilman

**ALSO PRESENT:** Cindy L. Rowzee, Town Clerk

**PRESENT BY CONFERENCE CALL:**  
One attendee - unannounced

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Supervisor McHugh opened the meeting at 7pm.

**Public Announcements**

**COVID-19** – Supervisor McHugh stated that they had recently had a testing site set up outside of Town Hall where 21 residents had been tested. He stated that hopefully with more testing it would help us to open more quickly. He thanked County Executive McCoy and his Deputy Commissioner Marty McClune.

**Coeymans Recycle Day** – Supervisor McHugh stated that there would be a Coeymans Recycle Day on May 30<sup>th</sup> from 8am to 4pm. This would also be lumped in with a food drive manned by employees of Lafarge-Holcim. He stated that an extensive list of acceptable items is found on the Coeymans website. He thanked Collins and Son for their donation of container and trucking services that day and WM Biers Inc. for their service of transfer services.

**2020 Census** – Town Clerk Rowzee stated that Coeymans was at a self-response rate of 54.8% and that there was still time to respond to the Census on-line or by phone. Census takers had started going door to door on May 13<sup>th</sup>. With the worries with COVID-19, on-line is the safest way to respond. She then stated how to identify a census taker who was going door to door. Supervisor McHugh spoke about the importance of the Census and how it relates to sales tax revenue for the Town and Village.

**Grievance Day Procedures** – Supervisor McHugh stated that Grievance Day is to be held on May 26 from 10am to 8pm and to call the Assessor to set up a conference call with the Board of Assessment Review for that day. All documentation and Form RP-524 had to be received by May 26<sup>th</sup>.

**Coeymans Police Benevolent Association** – Supervisor McHugh stated that the Coeymans PBA would like to congratulate and honor all of the senior class and they were asking for students or parents to send in the senior's photo by Facebook Messenger or e-mail.

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**Approval of Minutes**

**Motion to Approve Minutes**

Councilman Baker made a motion to accept the minutes as presented from the April 16, 2020 Town Board Workshop, seconded by Councilman LeFevre.

APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

**Motion to Approve Minutes**

Councilman Collins made a motion to accept the minutes as presented from the April 23, 2020 Public Hearing, seconded by Councilman Burns.

APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT 0 – SO MOVED

**Motion to Approve Minutes**

Councilman Burns made a motion to accept the minutes as presented from the April 23, 2020 Town Board Meeting, seconded by Councilman Baker.

APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT 0 – SO MOVED

**Old Business**

**Broadband Survey Status** – Councilman LeFevre spoke about the importance of pursuing internet access for our residents since the National Medical Advisors are predicting a second wave of COVID-19 in the fall or winter. He stated that there is a chance students will be continuing with online school in the fall and teachers and other residents may be working from home remotely. He spoke of some of the responses they received from residents regarding costs to bring internet in their homes. In regards to a resident on North Lane, it was decided that Supervisor McHugh and Councilman Baker would look into talking to a neighbor that could potentially help the cost of installation to be \$0 for those residents.

The Town Board spoke of trying to get more responses to the survey. Councilman Collins suggested sending out a mailer to the areas we know are not covered by internet. Supervisor McHugh stated that a mailer would be expensive and there is nothing in the budget for it. Councilman LeFevre stated that he would rather go door to door after the pandemic.

The Town Board spoke of setting up a meeting or workshop with Mid-Hudson Cable, State Telephone and Spectrum Cable to see what could be done for Coeymans residents.

**Comprehensive Plan Update** – Supervisor McHugh stated that MJ Designs had provided an estimate on updating the Comprehensive Plan with a targeted update. Due to the work of the Conservation Advisory Council on the NRI and the information that can be used from that, the quote was revised and lowered by \$16,000. The new quote is under \$50,000. They are hopeful to start work on this by June 1<sup>st</sup> and the Master Plan should be complete as of April 2021.

**Evenings on the Green** – Supervisor McHugh stated that we were on schedule to have Evenings on the Green again this year. If we are able to proceed the first band would play on July 1<sup>st</sup> and the concerts would go through September 2<sup>nd</sup>. No money had been put in the budget for

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Evenings on the Green this year but Lafarge has agreed to fund the concert series. Supervisor McHugh thanked Lafarge-Holcim for agreeing to do this.

**Coeymans/NYSDEC Memorandum of Understanding** – Supervisor McHugh stated that this proposed MOU is in regards to the request he made for Coeymans to be considered for lead agency in the Off-shore wind project proposed by P&M Brick. He has conceded that DEC is better suited to handle being lead agency as the project will impact from the Port of Coeymans all the way down to the Atlantic Ocean. DEC has agreed to let Coeymans be an involved agency and will work with our Planning Board/Zoning Board of Appeals on issues relating to Coeymans. DEC has requested that our Planning Board/ZBA Chairman sign an MOU and Stephen Schmitt, the Chairman of the Planning Board/ZBA has asked the Town Board to pass a resolution authorizing him to sign it. Both the Town Attorney and Mr. Brick, the Planning Board/ZBA attorney agreed with this.

There was discussion relating to the role that the Town would play in this with the conclusion that Coeymans would be helping to provide the scope for the Environmental Impact Statement for any issues or mitigation that may be necessary as a result of the project. Supervisor McHugh stated that the Port would be putting more things into the water and would be altering how the piers are. He stated that the changes that would be necessary will likely take some mitigation.

**2021 Tentative Budget Process** – Supervisor McHugh stated that the County is projecting a 20% decrease in sales tax revenue for 2020. A 20% decrease in what Coeymans was expecting would be approximately \$365,000. He spoke about the spending freezes that have been in place this year. He also stated that the Town had been in very good shape financially in January. He will know more when we receive the 2<sup>nd</sup> quarter sales tax check in July.

Supervisor McHugh stated that he has already begun the 2021 Tentative Budget process. All department heads budget requests were due the following day and the next week he would begin working on the Tentative Budget.

**Communications - Letter from Village Mayor** – Supervisor McHugh stated that he had sent a letter to the Mayor in regards to looking into forming a joint commission to explore ways to help the Town and Village find efficiencies in local government. He had received a response back from the Village stating that the Village Board had unanimously agreed to operate its municipality independent of the Town. Supervisor McHugh stated that he was taking this as a respectful decline. He believes that there are areas we could improve both the Town and the Village but would not force the issue.

The rest of the Town Board shared their disappointment in how the Town and Village could not work together. They were optimistic that it may happen in the future.

**New Business**

**Food for Thought and Summer Recreation Programs** – Supervisor McHugh stated that he had been speaking with Danielle Crowley, who runs the Food for Thought program and Dr.

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Bailey about the feasibility of running the summer programs. He stated that his last conversation with Dr. Bailey had been just before they closed the schools for the rest of the year and that had been what Dr. Bailey was waiting for. He stated that it didn't look good for holding these programs this summer but he wanted to hold off making a final decision until the end of the month.

**Proposed Local Law 4 of 2020 – Solar Law** – Supervisor McHugh stated that they had Proposed Local Law 4 of 2020 and it had been vetted by Mr. Brick and Mr. Peluso and some people in the solar industry. There is a proposed resolution on the agenda for this evening to schedule a public hearing and send the law to Albany County for their comments. The public hearing is set of May 28<sup>th</sup> but the Town will not have the comments back from Albany County by that point so the public hearing will remain open into June.

Councilman Baker stated that a solar law had been talked about for a couple of years.

Supervisor McHugh stated that this does not interfere with the 400 acre solar farm by Hecate that is going through the Article 10 process with the State.

**Highway Superintendent Paving for 2020** – Superintendent Searles stated that the Town Board had the 284 in front of them for the paving of roads. There was discussion about the proposed roads, Miller Rd., Krueger Rd., Deyo Rd., and Old Alcove Rd. and the length that would be paved, 3.01 miles. Supervisor McHugh stated that the proposed cost is \$270,000. There was only \$190,000 in the budget for this year. The remainder of the money would come from Highway Fund Balance.

**Resolutions**

**Resolution #103-20 – Authorize Highway Superintendent to Pave Roads**

On motion of Councilman Baker, seconded by Councilman LeFevre, the following resolution was: APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

**WHEREAS**, The Town of Coeymans Highway Superintendent is desirous of paving roads within the Town as laid out on Form 284;

**NOW, THEREFORE, BE IT RESOLVED**, That the Town Board of the Town of Coeymans does hereby authorized the paving of town roads as laid out in accordance with form 284.

**Resolution #104-20 – Appoint Seasonal Laborer - Sorensen**

On motion of Councilman LeFevre, seconded by Supervisor McHugh, the following resolution was: APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

**WHEREAS**, the Community Beautification Department is need of additional seasonal labor assistance for spring and summer;

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**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans did hereby appoint Carter Sorensen to a Part-time seasonal Laborer position effective April 29, 2020 through September 27, 2020 at the rate of \$16.00 per hour, contingent upon Albany County Civil Service approval.

There was discussion about where the Community Beautification employees were working from. It was stated that they were still out of the old Coeymans Firehouse but would move out to Highway when the new storage building was built.

**Resolution #105-20 – Propose Local Law 4 of 2020 and Set Public Hearing**

On motion of Supervisor McHugh, seconded by Councilman Collins, the following resolution was: APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

The accompanying proposed Local Law No.4 for the Year 2020 to establish a local law for Solar Projects within the Town of Coeymans; and

The Town Board of the Town of Coeymans hereby declares itself Lead Agency pursuant the NYS Environmental Quality Review Act (SEQRA) to review for potential adverse environmental impacts that may result from adoption of such proposed local law, and

A public hearing upon such proposed Local law shall be held on May 28, 2020, at 6:30pm at Coeymans Town Hall, 18 Russell Ave., Ravena, NY 12143, and

The Town Clerk shall publish notice of the Public Hearing upon the proposed Local Law with a summary thereof in the official newspaper at least five (5) days in advance of the Public Hearing.

BY ORDER OF THE COEYMANS TOWN BOARD

Dated: May 14, 2020

**Town of Coeymans  
Proposed Solar Energy Local Law  
Proposed Local Law #4-2020**

**1. Authority**

This Solar Energy Local Law is adopted pursuant to Article 16 of the New York State Town Law, and Articles 2 and 3 of the Municipal Home Rule Law of the State of New York, which authorize the Town of Coeymans to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Town of Coeymans 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 therefor.”

**2. Statement of Purpose**

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

- 1) To take advantage of a safe, abundant, renewable and non-polluting energy resource;
- 2) To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
- 3) To increase employment and business development in the Town of Coeymans, to the extent reasonably practical, by furthering the installation of Solar Energy Systems;
- 4) To mitigate the impacts of Solar Energy Systems on environmental resources -and;
- 5) To create synergy between solar and other stated goals of the community pursuant to its Comprehensive Plan.

**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, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

**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 that 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.

**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.

**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.

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**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 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.

**4. Applicability**

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

B. Solar Energy Systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.

C. Modifications to an existing Solar Energy System that increase the Solar Energy System area by more than 5% of the original area of the Solar Energy System (exclusive of moving any fencing) shall be subject to this Local Law.

D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code (“Building Code”), the NYS Energy Conservation Code (“Energy Code”), and the Coeymans Town Code.

**5. General Requirements**

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A. A Building permit shall be required for installation of all Solar Energy Systems.

B. Local land use boards are encouraged to condition their approval of proposed developments on sites adjacent to Solar Energy Systems so as to protect their access to sufficient sunlight to remain economically feasible over time.

C. Issuance of permits and approvals by the Coeymans Planning Board/Zoning Board of Appeals shall include review pursuant to the State Environmental Quality Review Act ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (“SEQRA”).

**6. Permitting Requirements for Tier 1 Solar Energy Systems**

All Tier 1 Solar Energy Systems shall be permitted in all zoning districts and shall be exempt from site plan review under the local zoning code or other land use regulation, subject to the following conditions for each type of Solar Energy Systems:

**A. Roof-Mounted Solar Energy Systems**

- 1) Roof-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements:
  - a. 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.
  - b. Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
  - c. Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
  - d. 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.
- 2) Glare: All Solar Panels shall have anti-reflective coating(s).
- 3) Height: All Roof-Mounted Solar Energy Systems shall comply with the height limitations in Appendix 3.

B. Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.

**7. Permitting Requirements for Tier 2 Solar Energy Systems**

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All Tier 2 Solar Energy Systems shall be permitted in all zoning districts as accessory structures and shall be exempt from site plan review under the local zoning code or other land use regulations, subject to the following conditions:

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

B. Setbacks: Tier 2 Solar Energy Systems shall be subject to the setback regulations specified for the accessory structures within the underlying zoning district. All Ground-Mounted Solar Energy Systems shall only be installed in the side or rear yards in residential districts.

C. Height: Tier 2 Solar Energy Systems shall be subject to the height limitations specified for accessory structures within the underlying zoning district.

D. Screening and Visibility.

- 1) All Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable.
- 2) 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.

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

**8. Permitting requirements for Tier 3 Solar Energy Systems**

All Tier 3 Solar Energy Systems are permitted through the issuance of a special use permit within the Residential/Agricultural, Planned Residential, General Business, Industrial and Planned Industrial zoning districts, and subject to site plan application requirements set forth in this Section.

A. Applications for the installation of Tier 3 Solar Energy System shall be:

- 1) reviewed by the Code Enforcement Officer for completeness. Applicants shall be advised within 10 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
- 2) subject to a public hearing to hear all comments for and against the application. The Planning Board/Zoning Board of Appeals of the Town of Coeymans shall have a notice printed in a newspaper of general circulation in the Town of Coeymans at least 5 days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within 200 feet of the property at least 10 days prior to such a hearing. Proof of mailing shall be provided to the Planning Board/Zoning Board of Appeals at the public hearing.
- 3) referred to the Albany County Planning Board pursuant to General Municipal Law § 239-m if required.

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- 4) upon closing of the public hearing, the Planning Board/Zoning Board of Appeals shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Planning Board/Zoning Board of Appeals and applicant.

B. 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.

C. Vehicular Paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.

D. 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 information shall be depicted within an area no more than 8 square feet. To the extent required by safety, signs can be larger, subject to the review and approval of the Planning Board/Zoning Board of Appeals.
- 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.

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

F. Lighting. Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

G. Tree-cutting. Removal of existing trees larger than 6 inches in diameter should be minimized to the extent possible.

H. 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 any security made with the Town of Coeymans as set forth in Section 10(b) herein.
- 2) A decommissioning plan (see Appendix 4) 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.

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- b. The time required to decommission and remove the Solar Energy System any ancillary structures.
- c. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.

3) Security.

- a. The deposit, executions, or filing with the Town of Coeymans Town Clerk of cash, bond, or other form of security reasonably acceptable to the Town of Coeymans Town attorney and/or engineer, 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 bond or security shall be 125% of 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. The decommissioning amount shall be reduced by the amount of the estimated salvage value of the Solar Energy System.
- b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town of Coeymans, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security 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 Section 10(b) and 10(c) herein.

I. Site plan application. For any Solar Energy system requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:

- 1) Property lines and physical features, including roads, for the project site
- 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures
- 3) A one- or three-line electrical diagram detailing the Solar Energy System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- 4) A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

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- 5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. Such information of the final system installer shall be submitted prior to the issuance of building permit.
- 6) Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the Solar Energy System.
- 7) Zoning district designation for the parcel(s) of land comprising the project site.
- 8) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
- 9) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
- 10) Prior to the issuance of the building permit or final approval by the Planning Board/Zoning Board of Appeals, but not required as part of the application, engineering documents must be signed and sealed by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect.

**J. Special Use Permit Standards.**

- 1) Lot size
  - a. The property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements in Appendix 1.
- 2) Setbacks
  - a. The Tier 3 Solar Energy Systems shall meet the setback requirements in Appendix 2.
- 3) Height
  - a. The Tier 3 Solar Energy Systems shall comply with the height limitations in Appendix 3 depending on the underlying zoning district.
- 4) Lot coverage
  - a. 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.

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- 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.
- b. Lot coverage of the Solar Energy System, as defined above, shall be calculated on the aggregate of all lots affected rather than by individual lot.
- 5) Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a fence that is 7 to 8 foot tall, as required by NEC, with a self-locking gate to prevent unauthorized access.
- 6) Screening and Visibility.
- a. Solar Energy Systems smaller than 10 acres shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.
  - b. Solar Energy Systems larger than 10 acres 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 viewshed report, shall be required to be submitted by the applicant.
    - II. 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.
    - III. 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, following the applicable rules and standards established by the Planning Board/Zoning Board of Appeals.

K. Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and

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decommissioning plan. A new owner or operator of the Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within 30 days of the ownership change.

**9. 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.

C. If Storage Batteries are included as part of the Solar Energy System, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town of Coeymans and any applicable federal, state, or county laws or regulations.

**10. Permit Time Frame and Abandonment**

A. The Special Use Permit and site plan approval for a Solar Energy System shall be valid for a period of 18 months, provided that a building permit is issued for construction. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board/Zoning Board of Appeals, within 18 months after approval, the applicant or the Town of Coeymans may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 24 months, the approvals shall expire.

B. Upon cessation of electricity generation of a Solar Energy System on a continuous basis for 12 months, the Tow of Coeymans 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.

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

**11. 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 the Town of Coeymans.

**12. Severability**

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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.

**APPENDIX 1: LOT SIZE REQUIREMENTS**

The following table displays the size requirements of the lot for Ground-Mounted Solar Energy Systems to be permitted.

**Table 1: Lot Size Requirements**

<b>Zoning District</b>	<b>Tier 3 Solar Energy Systems</b>
Residential/Agricultural (RA/RA-1)	≥ 5 acres
Planned Residential (R-4)	≥ 5 acres
General Business (B-1)	≥ 5 acres
Residential (R-1/R-2/R-3)	≥ 2 acres
Industrial (I-1/I-2)	N/A
Planned Industrial (I-3P)	N/A

**Key:**

N/A: Not Applicable

**APPENDIX 2: PARCEL LINE SETBACKS**

The following table provides parcel line setback requirements for Ground-Mounted Solar Energy Systems. Fencing, access roads and landscaping may occur within the setback.

**Table 2: Parcel Line Setback Requirements**

<b>Zoning District</b>	<b>Tier 3 Ground-Mounted</b>		
	<b>Front</b>	<b>Side</b>	<b>Rear</b>
Residential/Agricultural (RA/RA-1)	30'	20'	25'
Planned Residential (R-4)	30'	20'	25'
General Business (B-1)	30'	15'	25'

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Residential (R-1/R-2/R-3)	50'	40'	45'
Industrial (I-1/I-2)	30'	20'	25'
Planned Industrial (I-3P)	30'	20'	25'

**APPENDIX 3: HEIGHT LIMITS**

The following table displays height limits for each type of Solar Energy Systems. The height of systems will be measured from the highest natural grade below each solar panel.

**Table 3: Height Limits**

	<b>Tier 1 Roof-Mounted</b>	<b>Tier 2</b>	<b>Tier 3</b>
<b>Zoning District</b>			
Residential/Agricultural (RA/RA-1)	2' above roof	15'	20'
Planned Residential (R-4)	2' above roof	15'	20'
General Business (B-1)	4' above roof	15'	20'
Residential (R-1/R-2/R-3)	2' above roof	10'	--
Industrial	4' above roof	15'	20'
Planned Industrial	4' above roof	15'	20'

**Key:**

--: Not Allowed

**APPENDIX 4: EXAMPLE DECOMMISSIONING PLAN**

Date: [Date]

Decommissioning Plan for [Solar Project Name], located at:  
[Solar Project Address]

Prepared and Submitted by [Solar Developer Name], the owner of [Solar Farm Name]

As required by the Town of Coeymans, [Solar Developer Name] presents this decommissioning plan for [Solar Project Name] (the “Facility”).

Decommissioning will occur as a result of any of the following conditions:

1. The land lease, if any, ends

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2. The system does not produce power for 12 months
3. The system is damaged and will not be repaired or replaced

The owner of the Facility, as provided for in its lease with the landowner, shall restore the property to its condition as it existed before the Facility was installed, pursuant to which may include the following:

1. Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of 36 inches below the soil surface.
2. Removal of any solid and hazardous waste caused by the Facility in accordance with local, state and federal waste disposal regulations.
3. Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain.

All said removal and decommissioning shall occur within 12 months of the Facility ceasing to produce power for sale.

The owner of the Facility, currently [Solar Developer Name], is responsible for this decommissioning.

Facility Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Resolution #106-20 – Authorize Public Hearing for Monroe Analysis**

On motion of Councilman Collins, seconded by Councilman Burns, the following resolution was: APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

**WHEREAS**, The Town of Coeymans Highway Department is desirous of putting up a storage structure within the current boundaries of the Town of Coeymans Highway Garage; and

**WHEREAS**, a Monroe Analysis must be completed to prove governmental immunity from specific zoning laws;

**NOW, THEREFORE BE IT RESOLVED**, that a public hearing upon such shall be held on May 28, 2020, at 6:00p.m. at Coeymans Town Hall, 18 Russell Ave., Ravena, N.Y. 12143, and the Town Clerk shall publish Notice of the Public Hearing with a summary thereof in the official newspaper at least five (5) days in advance of the Public Hearing.

Supervisor McHugh explained that the Monroe Analysis is because the Town is not subject to the zoning code. There are nine different criteria that the Town Board and Town Attorney would go over at the Public Hearing on May 28<sup>th</sup>.

**Resolution #107-20 – Authorize Supervisor to Execute ALS Agreement**

On motion of Councilman Burns, seconded by Councilman Baker, the following resolution was: APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

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**WHEREAS**, the Town of Coeymans has participated in the County’s Emergency Medical Services Program to provide Advanced Life Support services; and

**WHEREAS**, a new contract is in place for Advanced Life Support services with the Albany County Sheriff’s Office for the period of January 1, 2020 through December 31, 2020;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby authorizes Supervisor, George D. McHugh, to execute the contract for Advanced Life Support Services with the Albany County Sheriff’s Office.

Councilman Baker stated that Councilman Burns had negotiated this down from a 25% increase to a 10% increase which is a substantial savings. Councilman Burns stated that the Sheriff had helped with this.

**Resolution #108-20 – Authorize Planning Board/ZBA Chair to Sign MOA with DEC**

On motion of Councilman Baker, seconded by Councilman LeFevre, the following resolution was: APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

**WHEREAS**, the Town of Coeymans Planning Board and Zoning Board of Appeals is desirous of entering a memorandum of understanding with New York State Department of Environmental Conservation, whereby the NYS DEC shall assume lead agency for the P&M Brick, LLC Offshore Wind application and the Coeymans Planning/Zoning Board of Appeals shall act as an involved agency and shall coordinate with the lead agency on all local matters relating to the SEQRA process;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize the Town of Coeymans Planning/Zoning Board of Appeals Chairman, Stephen Schmitt, to sign the attached Memorandum of Understanding on behalf of the Town of Coeymans.

**Resolution #109-20 – Authorize Supervisor to Execute Contract for Comp. Plan Update**

On motion of Councilman LeFevre, seconded by Supervisor McHugh, the following resolution was: APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

**WHEREAS**, the Town of Coeymans is desirous of obtaining an updated Comprehensive Plan; and

**WHEREAS**, MJ Engineering and Land Surveying, P.C. has presented a contract and time outline to update the Town of Coeymans Comprehensive Plan for the amount of \$49,000.00

**NOW, THEREFORE BE IT RESOLVED**, that the Town of Coeymans board does hereby authorize Supervisor, George D. McHugh, to sign the contract with MJ Engineering and Surveying, P.C.

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Supervisor McHugh stated that the Town did not have the \$49,000 in the 2020 Budget but that MJ Engineering had agreed to have the invoices due in January of 2021. This way the money could be put into the 2021 Budget. He stated that if there was money available this year they could pay it early.

**Resolution #110-20 – Authorize Supervisor to Sign Hecate Letter of Support**

On motion of Supervisor McHugh, seconded by Councilman Collins, the following resolution was: APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

**WHEREAS**, Hecate Energy Albany 1 LLC, is desirous of obtaining a letter of Support from the Town of Coeymans to the New York State Board on Electric Generation Siting and the Environment; and

**NOW, THEREFORE BE IT RESOLVED**, that the Town board of the Town of Coeymans does hereby authorize Supervisor George D. McHugh to sign a letter of support on behalf of the Town Board.

Supervisor McHugh stated that this was a letter in support of the 400 acre solar farm on 101. It had been requested by Hecate so that the State would understand that we did not put the moratorium in place to try and stop that project.

**Resolution #111-20 – Budget Transfer – Town Hall**

On motion of Councilman Collins, seconded by Councilman Burns, the following resolution was: APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

**WHEREAS**, it has come to the attention of Acting Director Searles, the Town Hall is in need of smoke detectors and carbon monoxide; and

**WHEREAS**, money has not been appropriated for these expenditures in the 2020 budget.

**NOW, THEREFORE BE IT RESOLVED** that the Town board of the Town of Coeymans does hereby authorize Supervisor George D. McHugh to make the following amendments to the 2020 budget;

**GENERAL FUND (A)**

<b><u>Amount</u></b>	<b><u>From Account</u></b>	<b><u>To Account</u></b>
\$892.88	(A) 1990.4 Contingency	(A) 1620.4 Town Hall Equipment

Councilman Baker stated that it had been brought to his attention that there were only three working smoke detectors in the whole building. Supervisor McHugh stated that this money would put twelve new smoke and carbon monoxide detectors in the building with lithium batteries that last 10 years.

**Upcoming Meetings and Workshops**

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- Village of Ravena Meeting – May 19<sup>th</sup> at 6pm
- Town Board Workshop – May 21<sup>st</sup> at 7pm
- Planning Board/ZBA Meeting – May 25<sup>th</sup> at 7pm
- Public Hearing on Monroe Analysis – May 28<sup>th</sup> at 6pm
- Public Hearing on Proposed Local Law 4 of 2020 – May 28<sup>th</sup> at 6:30
- Town Board Meeting – May 28<sup>th</sup> at 7pm

**Additional Comments**

Councilman LeFevre spoke of participating in the caravan of Town and Village Fire Departments, Coeymans Police and Albany County Sheriff's that was organized by the RCS School District to drive to each senior's house. He stated that it was nice to see the support of the first responders and congratulated the seniors.

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**Motion to Adjourn**

On motion of Councilman Collins, seconded by Councilman Burns, the Town Board meeting was adjourned.

APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

Time – 8:12pm

*Respectfully Submitted,*



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**Cindy L. Rowzee, Town Clerk**