

MINUTES BOOKTOWN OF COEYMANS**

June 25, 2020 –Town Board Meeting – 7:00pm

A Town Board Workshop was held Thursday, June 25th, 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
James Peluso, Attorney to the Town
John Cashin, Code Enforcement Officer
Daniel Contento, Chief of Police

Supervisor McHugh continued the meeting from the Public Hearing.

Public Announcements

Evening on the Green/Farmer's Market – Supervisor McHugh stated that the Evening on the Green is held every Wednesday from 6-8 starting on July 1st with rain dates on Thursday. The Farmer's Market will be the same night from 4:30-7:30. There are several vendors signed up. There was no money in the budget for Evenings on the Green this year as the Town had not received a commitment from Lafarge to pay for it as they had in year's past. They have since sent the money and are funding all of the concerts this year.

River Fest 2020 – Supervisor McHugh stated that this is scheduled for September 11th and 12th. The plans are going well and the Town has received commitments for fireworks, exhibits, music, events and other things. Lafarge has also donated \$10,000 towards River Fest. The plan is to make this an annual event.

Census Update – Town Clerk Rowzee stated that she had not heard anything new on the census. She asked that if someone comes to your door for the census to please give them all of the information on your family. With everything happening this year it is very important to get an accurate population count to help with sales tax revenue and school revenue. The census will ask for names, birthdates and where you typically lived as of April 1st. Ms. Linda Summers stated on Facebook that you could still respond to the census on-line.

Mosher Park Pool Opening – Supervisor McHugh announced that the Mosher Park Pool may be opening July 6th depending on the Governor's opening of Phase 4. It would be limited to Village and Town Residents.

Chill and Chat/Prayer Walk – Supervisor McHugh stated that the Chill and Chat was a great event and was well attended. It was very educational and peaceful and really made you think. He then mentioned some of the shootings and riots happening in Albany the night before. He stated

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that a prayer walk was scheduled for July 19th at 10am, starting at St. Patrick's and walking up towards Ravenna. This is still in the planning stages.

Approval of Minutes

Motion to Approve Minutes

Councilman Burns made a motion to accept the minutes as presented from the May 21, 2020 Town Board Workshop, seconded by Councilman Collins.

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

Motion to Approve Minutes

Councilman Baker made a motion to accept the minutes as presented from the May 28, 2020 Public Hearing, seconded by Councilman LeFevre.

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

Supervisor Report

Supervisor McHugh read the May 2020 Supervisor's Report.

Motion to Accept Report

Councilman Collins made a motion to accept the report, seconded by Councilman Burns.

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

Department Reports

Town Clerk Report – May 2020 Report read by Town Clerk Rowzee

Motion to Accept Report

Councilman Baker made a motion to accept the report as read, seconded by Councilman LeFevre. APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

Police Department Report – May 2020 Report read by Chief Contento

Motion to Accept Report

Councilman LeFevre made a motion to accept the report as read, seconded by Supervisor McHugh. APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

Building Department Report – May 2020 Report read by John Cashin

Motion to Accept Report

Councilman Collins made a motion to accept the report as read, seconded by Councilman Burns. APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

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There was discussion about where in Town the current permits were being issued. A majority of the money from permits has come from the Industrial Park but there are a lot of people at home building decks and putting up pools.

Sewer Department Report – May 2020 Report, Keith Geraldson was not available by phone and so the Town Board accepted the written report through the following motion.

Motion to Accept Report

Supervisor McHugh made a motion to accept the report as written, seconded by Councilman LeFevre. APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

Old Business

Route 144 Speed Limit – Supervisor McHugh stated that he had received a letter from DOT stating that they will not make any changes to the speed limit on Route 144 at this time. He has contacted Chris Tague and also asked for a meeting with the DOT commissioner to try and make the speed limit reduction happen. There was discussion about this issue among the Town Board members.

Coeymans Post Office – Supervisor McHugh stated that the recommendation to do away with the Coeymans Post Office has been sent to the postmaster and passed on to Albany but we have not received a response at this time. He stated that he would continue to follow-up on this matter.

Comprehensive Plan Update – Supervisor McHugh stated that MJ Engineering would be coming to events and meetings for the Comprehensive Plan Update. They will be at the July 9th Workshop Meeting.

New Business

Coeymans Hollow Volunteer Fire Department Request – Supervisor McHugh stated that the Coeymans Hollow Volunteer Fire Department has requested a trailer that is on the RK Property at 957-959 SR 143 that the Town recently took over. The trailer was excluded from the bidding process. It would be used for the storage of the Haunted Hayride supplies. They were also requesting a vehicle to take out to the old Town Landfill property to practice with. There was discussion related to allowing them to have these vehicles.

Motion to Give Trailer to Coeymans Hollow Volunteer Fire Department

Councilman Burns made a motion to allow the Coeymans Hollow Volunteer Fire Department to take the requested trailer, seconded by Councilman Baker for discussion.
APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

Councilman Baker asked about the cars. Supervisor McHugh stated that he was against allowing them to have the extra cars until they have a plan as to where they are going. He stated that he doesn't want this happening on Town property. Councilman Burns stated that if they practice

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with it and get rid of it they can do it on his property as long as the car is not left sitting there. It was decided that they would get more information regarding the car request.

At a later point Chief Kapusta of the Coeymans Hollow Volunteer Fire Department called in and thanked the Town Board for the trailer to be used for storage. He also stated that the requested car would be used for extraction training and that the last Town Board had allowed them to use the old landfill so that it would not be near anybody's house. The vehicle would be disposed of soon after the training by the Fire Department.

Supervisor McHugh stated that his concern was with liability and if removal of the wrecked car would be timely. The Town Board asked Attorney to the Town Peluso for his opinion about this. He stated that he would like to give the Board his decision in executive session but at the very least would request the Town be named as an additional insured.

Supervisor McHugh stated that the Town Board would talk about this and would then revisit it.

Village Court Dissolution – Supervisor McHugh stated that the Village Board had dissolved the Village Justice Court and that Village residents had 30 days to bring a petition to put this on the ballot. The Town would be assuming jurisdiction of the Village Court. The 30 days runs out on July 16th.

Mosher Park Pool Participation – Supervisor McHugh stated that the Village was talking about reopening the pool. It would be limited to Village and Town residents only as well as a number of other limitations. He stated that the \$5,000 is still in the budget and thinks we should be supportive if they can open the pool since the Town was forced to cancel the other summer programs. Councilman Baker asked if they shut down because someone breaks the rules, does the Town get the money back? Supervisor McHugh stated he would get clarification.

Motion to Give Supervisor the Ability to Pay Village for Pool

Supervisor McHugh made a motion to give the ability to pay the \$5,000 to the Village for the Mosher Park Pool, seconded by Councilman Collins.

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

Proposed Solar Law – Supervisor McHugh stated that he had heard back from Albany County regarding the Proposed Solar Law and they are referring it back to the local municipality. The Town Board then went through the SEQR review and then Supervisor McHugh asked for a motion of negative declaration.

Motion of Negative Declaration regarding Proposed Solar Law

Councilman Collins made a motion to declare a negative declaration for the proposed Solar Law, seconded by Councilman Burns.

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

Resolutions

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Resolution #122-20 – Adopt Local Law 4 of 2020 – Solar Energy

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 Board of the Town of Coeymans has introduced a proposed Local Law #4 of 2020, to authorize the establishment of a Solar Energy Local Law, 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; and

WHEREAS a public hearing upon proper notice was held on May 28, 2020, at 6:00pm at Coeymans Town Hall, 18 Russell Ave., Ravena, NY 12143, and said public hearing was continued to June 25, 2020 at 6:30p.m., and

WHEREAS The Town Board acting as Lead Agency pursuant to the NYS Environmental Quality Review ACT (SEQRA) has determined that enactment of the proposed Local Law #4 of 2020 will not create the potential for any adverse environmental impacts and has adopted a Negative Declaration pursuant to SEQRA and its accompanying regulations,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby enact the proposed Local Law attached hereto and made a part hereof which shall be numbered Local Law #4 of the year 2020.

**Solar Energy Law
Local Law #4-2020
Chapter 137**

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

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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

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.

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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 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.

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5. General Requirements

- 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 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.

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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

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

Zoning District	Tier 3 Solar Energy Systems
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

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

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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

	Tier 1 Roof-Mounted	Tier 2	Tier 3
Zoning District			
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
2. The system does not produce power for 12 months
3. The system is damaged and will not be repaired or replaced

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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 #123-20 – Accept Resignation – Demitraszek

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

WHEREAS, Annette Demitraszek has submitted a written resignation from her employment with the Town of Coeymans, effective June 28th, 2020 as a part-time Account Clerk;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Coeymans does hereby accept the resignation of Annette Demitraszek, effective June 28th, 2020.

The Town Board thanked Annette and stated that she would be missed.

Resolution #124-20 – Authorize Supervisor Power of Day-to-Day Administration

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, pursuant to Town Law Article III §29 (16) of the laws of the state of New York, the Town Board of the Town of Coeymans hereby authorizes and delegates to the Town Supervisor the powers and duties of day-to-day administration and supervision of all Town and special improvement district facilities and employees consistent with, and in furtherance of, any and all County, State, and Federal laws applicable thereto, and with any and all collective bargaining agreements, local laws, resolutions or policies heretofore or hereafter adopted by this Town Board.

Supervisor McHugh stated that the Association of Towns has stated that most Towns have passed this when they have a full time Supervisor. This would just allow him to take care of day to day things without having to contact the Town Board.

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Resolution #125-20 – Authorize Emergency Repair – Town Hall Central Air

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

WHEREAS, an air conditioning unit located in the Town Hall offices was in need of emergency repair and it was determined a replacement unit was needed; and

WHEREAS, Persico Oil, Bender Cooling & Heating, Kool Temp, and C&M Mechanical were contacted regarding the replacement and bids were received from Kool Temp and C& M Mechanical; and

WHEREAS, C& M Mechanical was the lowest bidder for a Ruud 13 SEER Air Handler and Condenser with a ten (10) year parts and compressor warranty and a one (1) year labor and maintenance warranty and the removal of the old unit;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby authorize C&M Mechanical to install the new Ruud 13 SEER Air Handler and Condenser.

Resolution #126-20 – Award Contract to Clean-up 957 & 959 SR 143 - Collins

On motion of Councilman Burns, seconded by Councilman Baker, the following resolution was: APPROVED – VOTE – AYES 3 – NAYS 0 – ABSTAIN 2 (LeFevre, Collins) – ABSENT – SO MOVED

WHEREAS, proposals were received on Tuesday June 9, 2020 for the removal of all scrap, junk, and debris from Town owned property located at 957 and 959 State Route 143, Coeymans, Albany County, New York, tax map parcels: 167.-3-12.1 and 167.-3-12.2, and proposals were submitted by the following vendors:

<u>Company</u>	<u>Proposal</u>
Carver Construction, Inc	\$38,750.00
Wm. Biers, Inc.	\$32,750.00
Collins and Son, Inc.	\$31,450.00*

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby award the above work to the lowest proposal, submitted by Collins and Son, Inc.

Supervisor McHugh stated that both Mr. LeFevre and Collins were not part of this and that he had only copied Councilman Baker and Burns regarding this. He stated that he had met with these three companies at the site and then they submitted the bids to him only, by e-mail. He has asked Councilman LeFevre and Collins to abstain.

Resolution #127-20 – Budget Amendment – Band Concerts

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

WHEREAS, the Chief Fiscal Officer has determined that in order to maintain proper accounting of the 2020 Budget, the following budget amendment is in order;

General Fund (A)

Increase Appropriations

(A) 7270.4	Band Concerts –Contractual	\$5,000.00
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Increase Revenue

(A) 2705	Gifts and Donations	\$5,000.00
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NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby authorize Supervisor George D. McHugh to amend the budget for the year 2020 as depicted above in this resolution.

Resolution #128-20 – Budget Transfers

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

WHEREAS, the Chief Fiscal Officer has determined that in order to maintain proper balances within various accounts the following transfers are necessary for the budget year 2020.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby authorize Supervisor George D. McHugh to transfer the following funds:

General Fund (A)

<u>Amount</u>	<u>From Account</u>	<u>To Account</u>
\$ 37.57	(A) 1410.4 Town Clerk Contractual	(A) 1410.2 Town Clerk Clerk Equipment & Capital
\$ 201.52	(A) 1990.4 Contingency	(A) 6410.4 Publicity Contractual
\$2,860.00	(A) 7310.1 Youth Service Personal Services	(A) 7310.4 Youth Service Contractual
\$ 602.71	(A) 1990.4 Contingency	(A) 3640.4 Civil Defense Contractual
\$6,397.14	(A) 1990.4 Contingency	(A) 9050.8 Unemployment

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Insurance

Sewer Fund (SS)

<u>Amount</u>	<u>From Account</u>	<u>To Account</u>
\$49,196.54	(SS) 8130.4 Contractual (Joint)	(SS) 8130.2 Sewage Treatment Equipment & Capital

Resolution #129-20 – Abstract of Claims – June 2020

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

BE IT RESOLVED, that the Town Board has approved the payment of bills as presented in the Abstract for June 2020, as follows:

PRE-PAID VOUCHERS –180807 – 180814, 180816 -180881 & 2020-036 - 2020-042 from the following funds:

General	\$135,670.64
Part Town	\$112,180.64
Highway - Part Town	\$44,709.16
Sewer	\$17,451.75
Trust & Agency	\$41,423.41
Special Water	\$102,179.75
Capital Projects	\$11,063.62
Payroll Deductions	\$5,721.15

VOUCHER NUMBERS –180882–180907 & 180909-180972 from the following funds:

General	\$46,419.17
Part Town	\$836.88
Highway -Town Wide	\$2,312.95
Highway – Part Town	\$9,078.50
Sewer	\$10,993.82

TOTAL FOR ALL FUNDS – \$540,041.44

Upcoming Meetings

Village Meeting, July 7th, 2020 @ 6:00pm

Coeymans Public Hearing, July 9th, 2020 @ 6:30pm – There was discussion related to if this Public Hearing would go into the newspaper. Attorney to the Town Peluso stated that if any

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changes were made to the laws then it would need to be noticed in the paper again. Supervisor McHugh stated that there would likely be revisions and so he made the following motion.

Motion to Authorize Town Clerk to Advertise Public Hearing

On motion of Supervisor McHugh, seconded by Councilman Burns, the Town Board authorized the Town Clerk to advertise a Public Hearing on proposed local laws for July 9th at 6:30pm.

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

Coeymans Town Board Workshop Meeting, July 9th, 2020 @ 7:00pm

Additional Comments

Councilman Collins stated that Callanan Industries would be paving Krueger and Miller Roads on Monday and Tuesday and asked those residents to plan accordingly.

Councilman LeFevre thanked the Highway Superintendent and his workers for coming and cleaning up a tree that had fallen on Bushendorf Road as well as Officer Weir.

Supervisor McHugh thanked everyone that came to the public hearing, called or wrote e-mails. He stated that they want to get these laws right. Councilman Collins asked that people continue to reach out.

Motion to Adjourn to Executive Session

On motion of Supervisor McHugh, seconded by Councilman Baker, the Town Board meeting was adjourned to Executive Session for Attorney/Client consultation.

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

Time – 8:59pm

Motion to Adjourn

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

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

Time – 9:05pm

Respectfully Submitted,



Cindy L. Rowzee, Town Clerk