

**Minutes for a Special Planning Board Meeting to discuss Solar Regulations
held on March 21, 2017 commencing at 7:00 p.m.**

Present: Chairman Stu Baker, Mike Powers, Scott Manning, Ben Leerkes, Walt Lender, Doug McTyier, Clerk Tonya M. Thompson

Absent: Don Meserve

Others: Eric Stoddard, Wayne Taylor, Danielle Drinkwine-Holman, Dean Cook, Bill Ball, Joe Giordano

Mr. Baker opened the Special Meeting at 7:00 p.m. with the Reciting of the Pledge of Allegiance.

The process tonight is to take the draft law that the board received and review it with our recommendations. The board will start from the beginning and go right through the law. (The amended law in it's entirety from this evenings meeting will be at the end of these minutes.)

The Board and public held much lengthy discussions on the draft local law received and the board recommends the following:

Resolution #1-2017 brought by Mike Powers, seconded by Ben Leerkes to amend Section 2, sub- section A, 5.9, letter B to read: Solar energy system installations for which a valid building permit has been properly issued, or for which installation has commenced before the effective date of this section, shall not be required to meet the requirement of this section. **6 - Ayes, 0-Nays. Carried.**

Resolution #2-2017 brought by Stu Baker, seconded by Walt Lender to amend Section 2, sub-section A, 5.9, letter D, to read: All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Fire Code, Building Code and other applicable standards, as well as all other provision of the Town Code. **6 - Ayes, 0-Nays. Carried.**

Resolution #3-2017 brought by Mike Powers, seconded by Ben Leerkes to amend Section 2 Sub-Section A, 5.91, letter A, number 2, to read: Maximum height requirements may be waived to allow placement of roof-mounted solar panels up to 10 feet above the roof surface. **6 - Ayes, 0-Nays. Carried.**

Resolution #4-2017 brought by Walt Lender, seconded by Ben Leerkes to amend Section 2 Sub-Section A, 5.91, letter B, to be taken out it its entirety. **6 - Ayes, 0-Nays. Carried.**

Resolution #5-2017 brought by Mike Powers, seconded by Ben Leerkes to amend Section 2 Sub-Section A, 5.91, letter C, Number 2 to read: The location of the solar collectors must meet all applicable minimum yard dimensions for principal structures in the applicable zoning district. **6 - Ayes, 0-Nays. Carried.**

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(Note: Walt Lender left the meeting at 8:00 p.m. and will not be included in votes thereafter)

Resolution #6-2017 brought by Mike Powers, seconded by Ben Leerkes to amend Section 2 Sub-Section A, 5.91, letter C, Number 3, to read: The unit should be installed in a rear yard only. No unit may be installed in the front yard within the Medium Density and High Density Zones. **5 - Ayes, 0-Nays. Carried.**

Resolution #7-2017 brought by Stu Baker, seconded by Mike Powers to amend Section 2 Sub-Section A, 5.91, letter C, Number 3, removing the last sentence regarding Corner Lots in its entirety. (See above Resolution #6-2017 for entire reading of this section). **5 - Ayes, 0-Nays. Carried.**

Resolution #8-2017 brought by Ben Leerkes, seconded by Mike Powers to amend Section 2 Sub-Section A, 5.91, letter C, Number 4, removing this section in its entirety. **5 - Ayes, 0-Nays. Carried.**

Resolution #9-2017 brought by Stu Baker, seconded by Doug McTyier to amend Section 2 Sub-Section A, 5.91 letter C, Number 6, removing this section in its entirety. **5 - Ayes, 0-Nays. Carried.**

Resolution #10-2017 brought by Stu Baker, seconded by Ben Leerkes to amend Section 2 Sub-Section A, 5.91, letter C, Number 7, to read: Ground-mounted racks and freestanding solar collectors are permitted as a primary structure in the following zoning districts; Industrial, Light Industrial and Rural Residential. **5 - Ayes, 0-Nays. Carried.**

Resolution #11-2017 brought by Stu Baker, seconded by Doug McTyier to amend Section 2 Sub-Section A, 5.91 letter C, Number 8, removing this section in its entirety. **5 - Ayes, 0-Nays. Carried.**

Resolution #12-2017 brought by Stu Baker, seconded by Ben Leerkes to amend Section 2 Sub-Section A, 5.92, letter A, to read: Prior to operation, electrical connections must be inspected by the Code Enforcement Officer/ Building Inspector and by an electrical inspection person or agency and found to be in conformance with New York State Building Code. **5 - Ayes, 0-Nays. Carried.**

Resolution #13-2017 brought by Mike Powers, seconded by Scott Manning to amend Section 2 Sub-Section A, 5.92, letter C, to read: Solar energy systems shall be maintained in good working order and shall be removed if not in use for more than 18 months by removal of such system and mounting hardware within 90 days after the 18th month. **5 - Ayes, 0-Nays. Carried.**

Resolution #14-2017 brought by Stu Baker, seconded by Scott Manning to amend Section 2 Sub-Section A, 5.92, letter D, changing the wording of ' Village of Lake George' to Town of Ticonderoga. **5 - Ayes, 0-Nays. Carried.**

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The board held further discussion before concluding the meeting.

Resolution #15-2017 brought by Scott Manning, seconded by Stu Baker to adjourn at 9:15 p.m. **5 - Ayes, 0-Nays. Carried.**

Respectfully submitted, Tonya M. Thompson, Town Clerk

**LOCAL LAW __ of 2017
AMENDING TOWN OF TICONDEROGA ZONING ORDINANCE**

Be it enacted by the Town Board of the Town of Ticonderoga, in the County of Essex, State of New York, as follows:

§1. Purpose and Intent. The purpose and intent of this Local Law is to adopt regulations relating to the siting of solar energy systems on property in the Town of Ticonderoga. Unregulated location of solar energy systems on property in the Town of Ticonderoga has the potential to negatively impact adjoining land uses on property within the Town and the Town Board wishes to enact reasonable regulations relating to same.

§2. Amendments to Ticonderoga Zoning Ordinance.

A. A new §5.9 Solar energy systems is enacted as follows:

5.9. Applicability.

- A. The requirements of this section shall apply to all solar energy system installations modified or installed after the effective date of this section.
- B. Solar energy system installations for which a valid building permit has been properly issued, or for which installation has commenced before the effective date of this section, shall not be required to meet the requirements of this section. All applications for the installation of solar energy systems shall be designed by a licensed engineer and contain site specific building plans which bear the seal and signature of a licensed engineer and satisfy the permitting requirements contained in this section.
- C. All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Fire Code, Building Code and other applicable standards, as well as all other provisions of the **Town** Code.

5.91. Permitting.

- A. Rooftop solar system. Rooftop solar systems are permitted in all zoning districts subject to the following conditions:

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1. Building permits shall be required for installation of all rooftop solar systems.
 2. Maximum Height requirements may be waived to allow placement of roof-mounted solar panels up to 10 feet above the roof surface.
 3. Rooftop solar systems must have a one foot setback on all four sides of the roof.
 4. Rooftop solar systems must be properly engineered to support solar collectors.
 5. Any rooftop solar system that is mounted other than at the same pitch as the roof to which it is to be attached shall require site plan approval under the Town of Ticonderoga Site Plan Review Law.
- B. Ground-mounted racks and freestanding solar collectors. Ground-mounted and freestanding solar collectors mounted on a pole are permitted as accessory structures in all zoning districts of the Town of Ticonderoga, subject to the following conditions:
1. A special use permit is required for all ground-mounted and freestanding solar collectors.
 2. The location of the solar collectors must meet all applicable minimum yard dimensions requirements for principal structures in the applicable zoning district.
 3. The unit should be installed in a rear yard only. No unit may be installed in the front yard within the Medium Density and High Density Zones.
 4. The Town encourages installations that would employ landscape screening and other methods of enhancing the appeal of the ground-mounted and freestanding solar collector such as the use of architectural features, earth berms, or other screening which will harmonize with the character of the property and surrounding area.
 5. Solar collectors shall be located in a manner that reasonably minimizes shading of adjoining property while still providing adequate solar access for collectors.
 6. Ground-mounted racks and freestanding solar collectors are permitted as a primary structure in the following Zoning Districts: Industrial, Light Industrial and Rural residential.
- 5.92. Safety.
- A. Prior to operation, electrical connections must be inspected by the Code Enforcement Officer/Building Inspector and by an electrical inspection person or agency and found to be in conformance with New York State Building Code.

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- B. Any connection to the public utility grid must be inspected by the appropriate public utility.
- C. Solar energy systems shall be maintained in good working order and shall be removed if not in use for more than 18 months by removal of such system and mounting hardware within 90 days after the 18th month.
- D. If any type of storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use. When they are no longer in use, they shall be disposed of in accordance with the laws of New York and Code and Code of the Town of Ticonderoga and any other applicable laws or regulations.

- B. **220-101. Definitions.** The following definitions are added to §2.20 of the Town of Ticonderoga Zoning Law.

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEM - A solar energy system that consists of integrating photovoltaic modules on any portion of a structure except a roof.

FLUSH-MOUNTED SOLAR PANEL - Photovoltaic panels and tiles that are installed flush to a surface and which cannot be angled or raised.

FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM - A solar energy system that is directly installed on the ground and is not attached or affixed to an existing structure.

PHOTOVOLTAIC (PV) SYSTEM - A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity when light strikes them.

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

SOLAR ACCESS - Space open to the sun and clear of overhangs or shade including the orientation of the streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

SOLAR COLLECTOR- A solar photovoltaic cell, panel or array, or any solar hot air or solar tube which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored energy to heat, air or water.

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SOLAR ENERGY EQUIPMENT/SYSTEM- Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy and is stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal and photovoltaic systems.

SOLAR PANEL- A device for the direct conversion of solar energy into electricity.

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

§3. Article VI is amended as follows:

ARTICLE VI

The provisions of §§4.080 and 4.090 of Local Law 4 of 1985 titled “Site Plan Review” shall apply to all uses under the Ticonderoga Zoning Ordinance requiring a special use permit, including but not limited to those uses identified on Schedule I of the Ticonderoga Zoning Ordinance under the column “Special Uses”.

§4. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§5. Effective date. This Local Law shall take effect upon filing in the office of the Secretary of State of New York State.

Explanation: New Material is underlined. Deleted Material is in [~~brackets.~~]