

**Minutes for the Ticonderoga Planning Board Meeting held on  
July 6, 2017 commencing at 7:00 p.m.**

**Present:** Chairman Stu Baker, Mike Powers, Don Meserve, Doug McTyier, Ben Leerkes, Town Clerk Tonya M. Thompson

**Absent:** Walt Lender, Scott Manning

**Others:** James Backus and Katherine McNamara

Mr. Baker opened the meeting with the Reciting of the Pledge of Allegiance.

**Backus - 150.34-9-3.000 (141 Race Track Road) Sign**

Mr. Backus has Power of Attorney for Bethanie Backus (property owner).

- Metal post - Hanging sign
- 30 square feet
- 15 foot height
- Located on property (not right-of-way)
- Double faced
- Light on top shining down on both sides
- Yellow, green, red, black with white background
- Facing Out from corner of lot on Wicker Street facing East to be seen from Route 9 - both north and south directions

Mr. Baker asked a few questions about the use.

Mr. Backus explained that a stationary vending truck will be sitting on the now cleared out lot; there is water, sewer and electric at the property already. He stated that he doesn't understand why these questions are being asked, he is only here for a sign. He is trying to bring a little bit more to the Town and just needs an ok to put up a sign. Mr. Backus showed the board a vendor permit for veterans that he received. (Not on file).

Mrs. Thompson explained the peddler's permit process for the town and for veterans, this project does not need to have one as long as it stays on its own property.

Mr. Powers explained that they want to understand what is being proposed all together, so they can make an intelligent decision.

Mr. Baker added that we would direct these questions to Mr. Ball, but he is not here tonight. He then asked about the lighting and when it would be on.

Mr. Backus stated that the lighting would be on when the truck is operating; 11:00 a.m. to 10:00 p.m. and no later.

**Resolution #32-2017** brought by Don Meserve, seconded by Ben Leerkes to declare a complete application for Backus - 150.34-9-3.000 (141 Race Track Road) Sign. **All in Favor. 5 - Ayes, 0 - Nays. Carried.**

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**Resolution #33-2017** brought by Don Meserve, seconded by Ben Leerkes to approve the complete application for Backus - 150.34-9-3.000 (141 Race Track Road) Sign. **All in Favor. 5 - Ayes, 0 - Nays. Carried.**

**Other Business**

Solar Draft -

**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:**

5.90. 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. Within the Medium Density and High Density zoning districts, solar collectors may only be installed in the rear yard, measured as a line parallel and immediately adjacent to the rear of the principal structure on the property. No solar collector may be installed nearer the side yard or front yard of the property than the above calculated line.
  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, except that no ground-mounted racks or freestanding solar collectors shall be permitted on any property adjacent to Eagle Lake, Lake George, Lake Champlain or the LaChute River.

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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.
- 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.

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

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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.

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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.

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.]

The Planning Board talked in great detail about this solar draft and would like to recommend the following:

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**Resolution #34-2017** brought by Mike Powers, seconded by Ben Leerkes recommending the removal of wording in the Draft Zoning Ordinance regarding Solar - Section B #3 in it's entirety and replacing with "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. **All in Favor. 5 - Ayes, 0 - Nays. Carried.**

The board felt the current Zoning defines rear yard (including Lakefront properties) and the added wording was redundant. (Section 2.0 #57 - amendment 4/12/2001)

**Resolution #35-2017** brought by Stu Baker, seconded by Ben Leerkes recommending the removal of wording in the Draft Zoning Ordinance regarding Solar - Section B #6 starting with and following through to end "except that no ground-mounted racks or freestanding solar collectors shall be permitted on any property adjacent to Eagle Lake, Lake George, Lake Champlain or the LaChute River". **All in Favor. 5 - Ayes, 0 - Nays. Carried.**

The board felt this wording was totally unrelated to the districts listed and why regulate something that doesn't exist.

The board would like the Town Board to know that these changes are recommended; however, the Planning Board also stressed the importance of getting this amendment adopted and on the books regardless of agreeing with those recommendations.

**Resolution #36-2017** brought by Ben Leerkes, seconded by Don Meserve recommending the Ticonderoga Town Board adopt the Draft Amendment to the Zoning Ordinance concerning Solar whether they take into consideration Resolution #34 & #35 brought forth at this meeting or not. **All in Favor. 5 - Ayes, 0 - Nays. Carried.**

Mr. Powers wanted to mention that if this does pass with the recommendations or not the Town Board is going to be seeing an amendment to the Site Plan Review, setting up standards for the special permit applications for solar. We have no standards what so ever.

**Resolution #37-2017** brought by Ben Leerkes, seconded by Don Meserve to adjourn at 7:58 p.m. **All in Favor. 5 - Ayes, 0 - Nays. Carried.**

Respectfully submitted, Tonya M. Thompson, Town Clerk