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WORKSHOP MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, October 20, 2016

CALL TO ORDER TIME: 5:30pm

PLEDGE OF ALLEGIANCE

ATTENDANCE Present: Dave Plavchak, Lawrence Hammond, Fred Pizzuto, William Ogden, Peter Brooks, Carl DiLorenzo, Nicki Anzivina, Scott McCord, Andrew Learn; Town Engineer, David Barton, Building Department Director
Absent: Brad Scott, Jeff Paladino; Town Board Liaison

ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS, ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.

New Public Hearing

Marreiros, Antonio, 15 Bell Dr, Lot Line Revision, SBL# 88.17-6-20 & 19, in R1/4 zone.
The applicant would like a lot line revision of .05 acres. The applicant's father and owner of property 36 Bell Dr., who lives across the street, has property which traverses the street and crosses into 15 Bell Dr. The applicants would like to make a lot adjustment so that the property of 15 Bell Dr. reaches the street. The Board reviewed this application at past meetings and had no additional questions. The public hearing is set for next Thursday, October 27, 2016.

Informational Public Hearing

Tremont Hall Corp., Vineyard Ave, Siteplan, SBL#88.17-9-48 & 54.200, in R1/4 zone.
The applicant would like to convert an existing vacant 9600 square foot lumber storage building into a multi-family residential structure with 20 apartments, with associated parking and amenities. Patti Brooks of Brooks & Brooks Land Surveyors was present for the meeting. Ethan Jackman, the applicant, was present for the meeting. Board members did a site visit since their last meeting. Larry H. distributed an illustration (on file) of roof measurements with concerns about having enough soffit height to have a second floor within the proposed plan. Patti B informed the Board that the architect for the project will be present at the next meeting to answer the architectural questions. Dave P: After visiting the site some concerns are: There is only 20 ft. from the edge of the property to the building.

Patti: That is why they are combining the two parcels together, so we can widen the roadway in the easterly direction.

The Board discussed the proposed road and parking layout and contours.

Patti: The engineer will be doing the full grading plan.

The Board discussed the distance between the rail trail and the structure.

Patti: From the boundary line to the edge of the rail trail is about 12 ft. and from the edge of the rail trail to the edge of the sidewalk would be about 18 ft. What we will be doing in the area between the rail trail and the building is alternating between green space and fence, so that there is a barrier between the patio and the rail trail.

Bill: I think that you may need more of a fence in addition to bushes being placed in front of or behind the fence so that people on the trail do not just walk over to the property. It does not have to be a solid fence just something so that it is clear that walkers should stay off of the property; something big enough so that people cannot step over it either.

Dave P: It looks like you will need engineer studies on the bridge.

Patti: Andrew Willingham, the applicant's engineer, was out on the site and he did advise the owner that right now some of the rock wall is undermined and that needs work, structurally the bridge decking looks very sound.

Fred Pizzuto arrived at 5:38pm.

Andy L: In addition to the bridge foundation itself you will need a structural analysis to make sure it can handle a fire load.

Fred: How wide is the bridge? And how will someone walk over it?

Patti: The bridge is 20 ft. x 20 ft. wide and it will need to be widened if pedestrians will be walking over it. It is good to have questions now and I will research the answers. I believe the Town put the bridge in and I spoke with the Highway Superintendent about egress and ingress and he also believed that the bridge itself, I am not talking about the foundation supporting it, was sufficient but we have to get the (not clear).

Carl: Will this be a private road?

Patti: It will be a private driveway.

Patti: I had Dave Corrigan of the Department of Transportation (DOT) there today because I had some concerns about the sight distance as well. Basically the only thing that he is looking for us to do is clear the trees behind the concrete wall. As for the sight distance which we had measured at 196 feet, which is why I got him involved in advance, because it is a pre-existing access with drop curbs already there and the width of 44/55 giving people enough swing room we do not even need a permit. This will be forwarded to them as part of the SEQRA process and they will comment that he has already been out there and reviewed the site. He said to make sure we show that the trees will be removed. I advised that Linwood Ave would be an emergency vehicle access only.

Carl: The whole area there with Tillson Ave. and Toc Dr. we will just be adding more traffic into it.

Patti: I did raise the issue with Dave Corrigan and one of the things we had talked about as a possible mitigation was when cars exited on to 44/55 there be a right turn only that would alleviate part of the sight distance issue to the left because people would not be pulling out in front of traffic and it would not over burden an already burdened intersection at Tillson Ave. He said that from the perspective of the DOT they are okay with making a left turn but certainly this is something I thought I would raise with the Planning Board. It would be your decision to make.

Parking was discussed.

Patti: We need to have 34 parking spaces and we show 36 spaces, there will be some shifting to make room for a bicycle storage area. We will also lose a spot for the dumpster area.

Andy: It looks like you might lose a couple of parking spaces for maneuvering and there are a couple of spaces that are crossing the property line.

Patti: We would need the Town to allow us to do that.

Andy: You will also need some handicapped spaces up by the building.

Larry: Will there be a fire lane around the building?

Patti: We are not proposing a fire lane around the building.

Larry: Wouldn't the fire company want one?

Patti: On all four sides of the building? It is right off of the rail trail.

Carl: Will the apartments be age restricted?

Patti: No age restrictions.

Carl: Will the school buses be going through here?

Patti: No. They would not use the private road.

Carl: Maybe you can add a kid's bus stop area.

Andy: You may want to add a gate or find some way to prevent tenants from driving on the rail trail.

Questions were raised about the building itself and Patti informed the Board that the architect would be at the Planning Board meeting on Oct. 27th.

Patti: All of the first floor apartments will have walkouts not sure yet if they will be able to enter the apartments from inside the building. The second floor would have a hallway down the center with a vestibule area.

Fred to Ethan Jackman: As we are entertaining this application I have had people ask me about what your plan is for what used to be the lumber yard/antique center. Will this site be cleaned up and mowed to make it look a little better as people come into the Hamlet so that they do not have to drive by this eye sore? And this is not from me it is from other people.

Carl: It may be hard to rent the apartments with this right next to it.

Ethan: I do not have a specific plan for that at this time, it is on the market. As for the building with the boards in front of it, a year ago that was in danger of sinking into the creek. At the cost of \$20,000.00 I had a company come and lift the building up so that it is now supported with steel beams. The boards have been placed there because the steel beams are exposed. I would say after this project is complete if there is no further activity on the sale of the main parcel, which is what I call it, I will look to renovate that.

Fred: I think from a town standpoint and people we serve as constituents, I can speak for myself; I would like to see that cleaned up before we proceed with this. It really looks terrible, you must realize that. I am not asking you to spend a lot of money can we just spiff it up a little.

Ethan: Yes, I absolutely do. I can get the weeds cut back and the grass mowed.

Fred: I understand about the boards and the beams.

Dave P: I think you have made your point there now let's move on.

Peter: I am concerned about the total number of units. As currently zoned it would be eligible for only 7 units and I think there is a question in some of our minds on whether this will become an adaptive re-use or a tear down and rebuild. If it is the latter I do not think it qualifies for the expansive number of units. There may be some middle ground between what is allowed by zoning and what could be done that is more than 7 but less than 20 units.

Ethan: The entire structure is being reused except for the siding.

Peter: No offense, but I do not believe that.

Patti: That is why I have asked the architect to come to the meeting next week.

Fred: We will also have an engineer's report on the current building?

Patti: I will have to.

An informational hearing is set for next week.

Extended Public Hearings

Vieira Sardinha Realty, LLC (Dunkin Donuts), Route 9W, Siteplan; SBL#96.1-4-18.241, in GB zone.
The applicant would like siteplan approval to construct a 2,100 sq.ft. Dunkin Donuts Drive-thru restaurant with customary appurtenances.

- *Revised SWPPP has been submitted.*
- *Revised Full Final Map Submission.*
- *Board anticipates SEQRA determination at the meeting next week.*

Patti Brooks, the applicant's representative, was present for the meeting.

The public hearing was opened last month and there were no public comments. The public hearing was extended to satisfy SEQRA, which the Board anticipates will be at the next meeting.

Andy: I have reviewed the submissions but still have a couple of things to address. I have been working with Brinnier & Larios, PC, the applicant's engineer, directly. Most of my comments have to do with the grading plan.

Andy had concerns about a swale and contours; he spoke to the engineer who will be addressing this by using rip rap to stack on the slope. Another concern was a pipe from bio-retention area #1 in which the pipe will need to be readjusted. Another issue was the stormwater model which he reviewed does not coincide with a bio-retention area on the plan which will overflow over the top of the wall according to the 100 year storm criteria. The applicant's engineer will address these issues. (New plans will need to be submitted)

Andy also had a comment about the wall on the northern part of the property. Based on the grades shown on the plan the wall will be at most 8 ft. high but the details said the wall will be 4 ft. at the most. He also said the water and sewer connections should be shown on the plan.

Patti: That is my fault because I had spoken to Ray Jurkowski with Morris Associates, got the sizes of the pipes and located the sewer lateral and I had said to Brinnier & Larios that they do not have to design that now, that would get done as part of the building permit process.

Dave B: I think it would be okay to have the water and sewer connections as part of the conditions.

Andy had additional concern about the grass island on the Wingate Way side. His concern was that cars will run over it and make ruts in it.

The Board discussed different options agreeing that Patti B. show it with mountable curbing.

Andy: A stormwater maintenance agreement will be needed; this could be a condition of approval.

Patti: I just today got the revised traffic study which takes into consideration another use on that lot. We also received a letter from Dave Corrigan with the DOT who approves the one way ingress adding that stage one is complete and may proceed to stage two. (All documentation is on file in the Building Department)

Carl: You did the traffic analysis on the second pad but I noticed that it is a three pad site.

Patti: Originally it was a three pad site until the stormwater. If you look at the ultimate development plan that is in the traffic study (cut off). I did speak with DOT today about that and it looks like they may have a tenant for the most southerly site and I asked how do we do this? Do we pull the application, wait, and come back? He said no because basically the bottom line is that all DOT is going to allow in there is a one way in anyway. So as far as DOT is concerned regardless of what is put in there it is not going to impact them. This would be more of an internal Town concern if you had a concern about dumping more traffic onto Wingate Way or more traffic coming out onto Argent Drive. From DOT's perspective he said go full steam ahead in building this because we already approved your concept plan of having a second entrance coming straight down to another site. So if the applicant thinks he could get a third site in there he would have to meet the criteria and convince the Board that there is a viable site there.

Peter: Is the owner of the Dunkin Donuts buying the whole site?

Patti: Correct.

Patti: The only changes we had to make from the DOT comment was we had to take the southerly entrance and widen that to 25 ft. radius. We originally had it much tighter.
The Board anticipates SEQRA, closing the public hearing, and conditional approval next week.

Old Business

Olson, Louis, 275 Pancake Hollow Rd, Special Use Permit SBL#87.4-1-14, in R1 zone.

The applicant would like a special use permit for a two family.

This was previously reviewed for as an accessory apartment. After a lot line revision the applicant now has sufficient acreage for a two family.

The Board anticipates revised floor plans.

Highland Assisted Living at Village View (former New Village View), Siteplan; 1 Grove St, SBL#88.69-1-10, in R1/4 zone.

This project consists of a 18,310 s.f. expansion to an existing assisted living facility. The expansion will allow a total of 80 beds and not more than 13 employees per shift. There will be a total of 24 parking spaces. The proposed expansion will continue to utilize existing central water and sewer facilities.

Feb. 17, 2016 - 1 Grove, 7 Grove, and 9 Grove Street were rezoned by the Town Board from CB to R 1/4.

July 2016 - New submittal with name change (formerly New Village View) Highland Assisted Living Center at Village View.

This application is for siteplan approval and lot line revision to include the properties at 7 and 9 Grove Street. Anthony Trochiano PE, the applicant's representative, was present for the meeting.

Barry Terach, AIA, the applicant's representative, was present for the meeting.

Stuart Mesinger, AICP, the applicant's representative, was present for the meeting.

Maps with a revision date of 10/10/16 were distributed for the Boards review.

Dave B: We will circulate for lead agency and do a coordinated review with the Zoning Board. The Zoning Board will do their piece while you do your piece.

The Board questioned why they should review this application before the ZBA grants the variances needed.

Dave B informed the Board that Teresa Bakner, Attorney, will be present at the next meeting to answer their question.

Dave: Andy L. has drafted a comment letter, I am okay with what you said and I suggest you and Stuart M. work together.

Peter: The applicant needs to understand that every time we say anything, it is prefaced - by this all depends on if you get your variance.

Anthony T: That is understood.

Stuart will submit revised EAFs for circulation. Andy L said that may not be necessary for circulation because not much of what is changed relates to the environmental impact.

Anthony T. distributed newly submitted elevations.

Anthony T: The design layout that you will be reviewing tonight is the layout we would like to proceed with. Tonight we would like feedback from the Board, we did get Andy's draft comments and we would like to begin the SEQRA process to include the Zoning Board.

Andy L. will finalize his draft comments and circulate for distribution.

Anthony T. presented the application: As it exists today, there are a number of dimensional requirements, when you look at all three parcels, which we do not meet. That would be front yard, rear yard, both side yards also the overall building coverage and lot coverage is not meet. Under the proposed conditions we remove

four of the non-conformities. The building will be within the building envelope of front, rear and both sides. There are two areas that we will not meet; the building coverage and lot coverage. Another zoning issue is that the front parking is in the front yard setback.

Stu: The parking requirement here is you keep what you have for what you have and then have to meet the parking requirement for the addition. We did parking counts back in August and I think what we would like to do is have less parking; maybe less than there is now. There is a twofold question. There is a section in the ordinance 100-29 Stu read as follows:

N. Schedule of off-street parking and loading requirements.

(1) Minimum parking and loading requirements for residential uses.

[Amended 6-8-2011 by L.L. No. 2-2011]

<i>Use Residential</i>	<i>Minimum Off-Street Parking Spaces</i>	<i>Loading</i>
<i>Single-family dwelling</i>	<i>2 for each dwelling unit</i>	<i>None</i>
<i>Accessory apartment</i>	<i>1 for each apartment</i>	<i>None</i>
<i>Assisted living facility</i>	<i>1 for each 4 beds, plus 1 per employee</i>	<i>None</i>
<i>Nursing home</i>	<i>0.33 for each resident</i>	<i>None</i>
<i>All other residential uses</i>	<i>1 1/2 for each dwelling unit with one bedroom 2 for each dwelling unit with two or more bedrooms</i>	<i>None</i>

(a)

The above requirements may be reduced for dwelling units of less than 1,000 square feet of floor space, senior citizen housing, mixed-use development, within 500 feet of a municipal parking lot, or other appropriate circumstances if the Planning Board determines that such reductions are warranted.

Stu: It seems this would fall within this definition. I think you could make a finding that there is an appropriate circumstance which is that we can document and provide that the actual demand here is probably 10 or 11 spaces for this use. You could go with the existing 13 spaces and eliminate the parking in the front which would take care of the setback issue. This would also increase the green space and reduce the two variances.

Parking options were discussed.

Carl: You are doubling the lot coverage which will double the impervious surface which will increase the stormwater flow. Have you taken into consideration the amount of water, even with the decreased number of parking spaces, how much are you going to decrease your lot coverage to avoid the water flow?

Anthony T: There is definitely stormwater management that we will have to deal with but we just have not gotten to that point yet.

Andy L: Their area of disturbance is less than an acre so they do not technically require a drainage analysis or stormwater permit or coverage under the SPEDES permit or anything. But because of the increase in coverage I recommended a drainage analysis.

Carl: Yes, I would like to see it. This is an area that has had water problems for years. By doubling the lot coverage how much would you eliminate without the parking spaces 10% maybe?

Anthony T: We are not doubling it. Right now we have about a 25% increase so if we eliminate a bunch of the parking we would get that well below 20%.

Peter: As to parking you have calculated that 24 spaces are needed and you are hoping to have 10 or 11 spaces?

Anthony T: Based on the zoning requirement 24 spaces are required for the use, (someone?) actually did a parking count and existing 8 spaces would be removed.

Dave P: The vehicle parking count was that a one day thing or over time?

Stu: It was a one day, a busy day. It was July 29, 2016, which was a Friday, which is the highest visitation day.

Larry: If you took the nine spaces and turned them into green area you could still have that area in case in the future you need more parking you revert it back to parking.

Anthony T: It is a great idea. The only issue with that is if we design this with the intent of this area being banked than we still have a zoning issue.

Discussion on parking options continued.

Andy: On the parking calculations it says two new employees but the EAF says seven.

Stu: Seven total, two maximum per shift.

Dave P: If the parking is reduced would that eliminate a variance?

Stu: It would get rid of a variance assuming we needed a variance for the front parking.

Dave B: The Board can waive the parking. The only hiccup I have with this whole conversation is what if this is not always a nursing home? Where would you put all of that parking? Any substantial use needs to come back to the Planning Board for site plan approval.

Bill: Can you keep the bump out; keep it green, as kind of a just in case?

Peter: If you did not need the nine spaces you would not need much of a retaining wall, but if you kept the retaining wall but did not call them nine spaces that could be for future use.

Dave B: Andy had a good idea about having the front parking be slanted spots.

Andy: Yes. If it is going to be one way.

Anthony T: When I initially tried to lay this out that was the way I wanted to go with it. The reason why I did not was because of the turning radius, I would lose a couple of spots by slanting it. I may lose one spot so it still may be enough spaces to slant the spots.

Andy: With the handicapped spaces ADA only requires one spot for this site but given the use having two would probably make a lot of sense.

Stu: Do you think you feel comfortable with this plan so we can go ahead and apply to the ZBA?

Dave P: Yes.

Peter: We have an ongoing issue with the fence.

Stu: Our clients have had conversations with the Torsones, they have made peace and an agreement. There will be a new fence. The Torsones are okay with putting the fence in when the project is being done.

Peter: It really needs to be put on the map.

The applicants distributed a revised elevation/floor plan to Board members.

Andy: I think there may be a lot of rock on this site you should really have the hours of operation on the plans.

Extended Public Hearings

Hudson Summit LLC 2016 (3 lot subdivision), 52 Mayer Dr, SBL#95.12-2-7, in R ½ & R1 zone.

The applicant would like a three lot subdivision. Two of the lots are for single family homes and the third is the lot the applicant would like to be dedicated to the Town.

The Board will extend the public hearing as they are waiting for updates from the applicant.

Administrative Business

Solar Ordinance Draft Review

Peter: I dealt with the memo I had circulated, the one that Bill had sent to me and the one that Terresa had sent. I tried to deal with all of the comments and the five things on the email are the things I did not do what somebody had suggested.

Items which I did not address in this revision include:

1. I left in the sections on Enforcement and Severability, as per the model law.
2. I did not deal with the question of whether other parts of our code (such as use and area tables) need to be amended to deal with solar uses.
3. I left in Section 5. A. 3) which says that solar systems shall not exceed the maximum height restriction but they do get the same exemption as other building mounted equipment. Terresa thought it was contradictory but I think it follows the code.
4. I left in the 400 sq. ft. limit on residential ground-mounted units although Terresa thought it might be too small.
5. I left in the reference to the building code in Section 5.c.1) although Terresa said it needs to be defined. I don't know if it is defined elsewhere in the code (and I don't know how to define it).

The Board reviewed the draft of the Solar Ordinance that Peter is referring to and addressed the five revisions below. (See attached)

1. Each section of the ordinance needs a separate enforcement and severability so the draft is okay as is.
2. Once this is accepted by the Town Board the Use and Area tables will be amended.
3. The Board will leave it as it is.
4. If the units exceed the 400 sq. feet it will need a Special Use Permit with Planning Board approval.
5. Dave B. will add the definition to the Building Code.

A revised draft will be sent around once again.

Dave P: I think we should take some time to explain this to the Town Board and would like for them to have it for their November meeting.

A Motion to adjourn was made by William Ogden, seconded by Fred Pizzuto. All ayes. 7:03pm

Proposed Town of Lloyd Zoning for Solar Energy Law

Section 1. Authority.

This Zoning for Solar Energy Law is adopted pursuant to sections 261-263 of the Town Law of the State of New York, which authorize the Town of Lloyd to adopt zoning provisions that advance and protect the health, safety, and welfare of the community. Large Scale Solar Energy Systems capable of generating 25 megawatts or more are separately regulated by New York State agencies and are not covered by this local law.

Section 2. Statement of Purpose.

This Zoning for Solar Energy Law is adopted to make provision for the accommodation of solar energy systems and equipment and access to sunlight necessary therefor, so far as conditions may permit.

Section 3. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

GROUND-MOUNTED RESIDENTIAL SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure, for the primary purpose of producing electricity for onsite consumption in a single or two family building.

GROUND-MOUNTED NON-RESIDENTIAL SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure, for the primary purpose of producing electricity for onsite consumption in any building other than a single or two family building.

PERSONAL SOLAR ENERGY SYSTEM: a Solar Energy System that is not permanently mounted, not connected to the power grid and less than 50 square feet in size. These installations are typically used to charge batteries. Incidental solar energy systems are not regulated in any manner.

LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption.

NET METERING: A Solar Energy System designed primarily to generate sufficient electricity to serve the property on which it is located.

ROOF-MOUNTED RESIDENTIAL SOLAR ENERGY SYSTEM: A Solar Panel system located on the roof of any legally permitted single or two family residential building or structure, for the primary purpose of producing electricity for onsite consumption.

ROOF-MOUNTED NON-RESIDENTIAL SOLAR ENERGY SYSTEM: A Solar Panel system located on the roof of any legally permitted building or structure other than a single or two family building, for the primary purpose of producing electricity for onsite consumption.

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

SOLAR ENERGY SYSTEM: An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

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

Section 4. Applicability

The requirements of this law shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance and repair, Building-Integrated Photovoltaic Systems and those capable of generating 25 megawatts or more.

Section 5. Solar as an Accessory Use or Structure

A. Roof-Mounted Solar Energy Systems.

- 1) Roof-Mounted Solar Energy Systems that primarily use the electricity onsite are permitted as an accessory use on single and two family structures in any single or two family residential zoning district and on barns or other farm buildings in any agricultural zoning district, when attached to any lawfully permitted building or structure, subject to issuance of a building permit by the Code Enforcement Officer. Such panels may not exceed a total 1000 square feet in size. If both roof and ground mounted panels are used, the total size of the panels may not exceed 1000 square feet in residential zoning districts and 2000 square feet in agricultural zoning districts. The Code Enforcement Officer may consider reflectance issues and require mitigation (such as the use of “stippled” glass or other light-trapping designs) if the installation may have undue effects on neighboring dwellings. If the structure also has “hot water” solar panels, they shall be included in the 1000 and 2000 square foot limits.
- 2) Roof-Mounted Solar Energy Systems that primarily use the electricity onsite are subject to site plan review and issuance of a special use permit in all other zoning districts when attached to any lawfully permitted building or structure.

- 3) Height. Roof-Mounted Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
- 4) Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements:
 - a. Panels must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of the system. The Code Enforcement Officer may allow a small "tilt angle" if, in its judgement, circumstances warrant it. Compound tilt angles are not allowed.

B. Ground-Mounted Solar Energy Systems.

- 1) The primary concern with Ground-Mounted Solar Energy Systems is the visual appearance from public roads and sidewalks and from adjacent properties. The Code Enforcement Officer may issue a building permit, without additional approvals, for any type other than Large Scale Solar Systems, if the Ground Mounted Solar Energy System is situated so as to be largely invisible from public ways and adjacent properties. The masking of the System could be accomplished by the lay of the land, by existing buildings or structures, by sufficient vegetation or fencing to act as a buffer, by the orientation of the panels, by a combination of these factors, or by other means.
- 2) Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures in all zoning districts. If they do not meet the requirements of Section 5. B. 1) above, approval is subject to site plan review and issuance of a Special Use Permit by the Planning Board. On single and two family structures in single and two family zoning districts, Ground-Mounted Solar Energy Systems are limited to a total of 400 square feet in size, including the structure holding the Solar Panels.
- 3) Height and Setback. Ground-Mounted Solar Energy Systems shall not be higher than 10 feet above the ground and must conform to the setback requirements of the underlying zoning district.
- 4) Lot Coverage. Ground-Mounted Solar Energy Systems are limited to lot coverage requirements of the underlying zoning district. The surface area covered by Ground-Mounted Solar Panels shall be included in total lot coverage. Surface area coverage should be calculated to represent the actual area covered, taking into account the angle of placement, if any

- 5) All Ground-Mounted Solar Energy Systems in residential districts shall be installed in the side or rear yards only unless they comply with the requirements of Section 5. B. 1) above.

C. BUILDING INTEGRATED PHOTOVOLTAIC SYSTEMS

- 1) Building Integrated photovoltaic systems for new buildings are subject to approval in accordance with the requirements for new buildings in the underlying zoning district and with the requirements of the building code.

6. Approval Standards for Large-Scale Solar Energy Systems as a Special Use

A. Large-Scale Solar Energy Systems are permitted through the issuance of a special use permit within Agricultural, Residential and Industrial zoning districts, subject to the requirements set forth in this Section, including site plan approval. Applications for the installation of a Large-Scale Solar Energy System shall be reviewed by the Code Enforcement Officer and referred, with comments, to the Planning Board for its review and action, which can include approval, approval on conditions, and denial.

B. Special Use Permit Application Requirements. For a special permit application, the site plan application must be supplemented by the following provisions.

- 1) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
- 2) Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.
- 3) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed as part of the Solar Energy System.
- 4) Property Operation and Maintenance Plan. Such plan shall describe continuing maintenance of the Solar Energy System and property upkeep, such as mowing and trimming of vegetation.
- 5) Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the

remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall take into account inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.

C. Special Use Permit Standards.

- 1) Height and Setback. Large-Scale Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.
- 2) Lot Size. Large-Scale Energy Systems shall be located on lots with a minimum lot size of 10 acres.
- 3) Lot Coverage. A Large-Scale Solar Energy System that is ground-mounted shall not exceed the lot coverage allowed by the underlying zoning district of the lot on which it is installed. The surface area covered by Solar Panels shall be included in total lot coverage.
- 4) The electrical and control equipment of all Large-Scale Solar Energy Systems shall be enclosed by six foot high fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determined by the Planning Board. The fencing and the entire System may be further screened by any landscaping needed to avoid adverse aesthetic impacts.
- 5) Any application under this Section shall meet all substantive provisions contained in local site plan requirements in the Town of Lloyd zoning code that, in the judgment of the Planning Board, are applicable to the system being proposed. If none of the site plan requirements are applicable, the Planning Board may waive the requirement for site plan review.
- 6) The Planning Board may impose conditions on its approval of any special use permit under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

7. Abandonment and Decommissioning

Solar Energy Systems of any type other than Roof-Mounted Residential are considered abandoned after 18 months without electrical energy generation and must be removed from the

property. Provided however that the Planning Board has the discretion to grant an extension of this limitation, or in the case of such a system approved solely by the Code Enforcement Officer, the Code Enforcement Officer has the discretion.

8. Enforcement

Any violation of this Solar Energy Law shall be subject to the same civil and criminal penalties provided for in the zoning regulations of the Town of Lloyd.

9. 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.