

DRAFT

RESOLUTION

Number _____

TO: Town Board Members
FROM: Supervisor Linda D. Puglisi
RE: Town Board Work Sessions and Official Meetings for 2019

MONDAY WORK SESSION 7:00 PM	MONDAY WORK SESSION 7:00 PM	MONDAY WORK SESSION (ISSUES ONLY) 7:00 PM	TUESDAY TOWN BOARD MEETING <u>7:00 PM</u>
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January 7	January 14	January 28	January 15
February 4	February 11	February 25	February 12
March 4	March 11	March 18	March 12
April 8	April 15	April 22	April 16
May 6	May 13	May 20	May 14
June 3	June 10	June 17	June 11
July 8	July 15	--	July 16
August 5	August 12	--	August 13
September 9	September 16	September 23	September 17
October 7	October 21	October 28	October 22
November 4*	November 18	November 25	November 19
December 2	December 9	--	December 10**

All meetings will take place in the Vincent F. Nyberg General Meeting Room of the Town Hall, unless notified in advance of a change of location.

* Special Town Board Meeting to Receive & File 2020 proposed budget

** Town Board Meeting and Budget Public Hearing for 2020 budget

Linda D. Puglisi
Supervisor

CC: Laroue Rose Shatzkin, Town Clerk
Department Heads

DRAFT

RESOLUTION

NUMBER _____

(RE: AUTHORIZE SERVICE CONTRACTS WITH RESPECT TO SNOW PLOWING AND ICE CONTROL FOR THE 2018-2019 SEASON, BID#18-15)

WHEREAS, the Purchasing Director previously advertised for bids for **SNOW PLOWING AND ICE CONTROL**; and

WHEREAS, said bids were received and opened by the Purchasing Director on **SEPTEMBER 27TH, 2018** from the following companies:

Griffins Landscaping
1234 Lincoln Terrace
Peekskill, N.Y. 10567

Manzer's Landscape Design
6 Winchester Ave.
Peekskill, N.Y. 10567

and,

WHEREAS, it is the recommendation of the Department that the bid be awarded to both bidders and services utilized by the Department based on cost, seasonal availability of equipment, and equipment proposed;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be, and hereby is, authorized to execute a contracts in accordance with the bid specifications previously prepared; and

BE IT FURTHER RESOLVED, that the Town Supervisor may authorize future extensions to the contract in accordance with the specifications; and

BE IT FURTHER RESOLVED, that the Comptroller is authorized to amend the budget as needed.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE ROSE SHATZKIN
TOWN CLERK**

**Adopted October 23, 2018
At a Regular Meeting
Held at Town Hall**

Snow Plowing/Ice Control
 Bid Opening: September 27, 2018 at 2:00PM
 Bid Number: 18-15
 Summary Sheet

	Company Name	Company Name	Company Name
	Manzers	Griffin's	
Description			
<i>Part A:</i>			
Cost per hour/per truck	123.00	111.00	
Note			
<i>Part B:</i>			
Cost per hour/per truck (spreader)	135.00	120.90	
Note			
<i>Part C:</i>			
Cost per hour/per 27,000 GVWR	NA	225	
Note			
	Company Name	Company Name	Company Name
Description	Amount	Amount	Amount
<i>Part A:</i>			
Cost per hour/per truck			
<i>Part B:</i>			
Cost per hour/per truck (spreader)			
<i>Part C:</i>			
Cost per hour/per 27,000 GVWR			

*Disclaimer: This bid tabulation sheet, derived from the public bid opening and distributed to anyone present, is preliminary. As required by General Municipal Law, § 103, subd. 2 "All bids shall be publicly opened and read at the time and place so specified."

DRAFT

RESOLUTION

NUMBER _____

**RE: (AUTHORIZE A CONTRACT WITH RESPECT TO THE NEW YORK STATE
THRUWAY AUTHORITY – EZ-PASS ON-THE-GO PROGRAM)**

WHEREAS, the Town of Cortlandt's Office of the Town Clerk wishes to retail E-ZPass Tags through the New York State Thruway Authority's E-ZPass On-the-Go Program; and

WHEREAS, the Town of Cortlandt's Office of the Town Clerk will purchase E-ZPass tags for the cost of \$21.00 per Tag from the Thruway Authority and sell the Tags at a cost of \$25.00 per Tag, allowing the Town to keep \$4.00 per sale;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Cortlandt is hereby authorized to enter into an agreement with the New York State Thruway Authority to sell E-ZPass Tags provided all legal requirements are complied with.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted October 23, 2018
At a Regular Meeting
Held at Town Hall**

RESOLUTION

NUMBER _____

(RE: RESOLUTION AUTHORIZING THE USE OF PROPERTY WITHIN THE TOWN OF CORTLANDT BY NYU STUDENT FOR THE PURPOSE OF FILMING)

WHEREAS, the Town Board of the Town of Cortlandt has received a request from a student currently studying at New York University - Tisch School of the Arts – Film and Television, to film on location in the Town of Cortlandt, and

WHEREAS, New York University will provide a requested certificates of insurance prior to filming, and

WHEREAS, the scope, timing, and location fees of filming is yet to be determined,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cortlandt does hereby authorize the Attorney to develop a contract with New York University and said student, and the Supervisor to sign said contract for the purpose of conducting filming with dates, cost and parameters to be determined, and

BE IT FURTHER RESOLVED, that no filming will take place prior to original copies of said signed contract being in possession of both parties.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted October 15, 2018
At a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NUMBER _____

RE: (ENTER INTO AN AGREEMENT WITH NORTHWIND KENNELS, LLC FOR ANIMAL CARE SERVICES IN ACCORDANCE WITH PURCHASING RFP 3-18).

WHEREAS, the Purchasing Department released RFP 3-18 for Animal Care Services;
and

WHEREAS, a proposal was received in the amount shown below

Northwind Kennels, LLC	\$25,000
402 Old Post Road	
Bedford, NY 10506	

; and

WHEREAS, the Director of Technical Services has reviewed the proposal and recommends awarding the service contract.

NOW THEREFORE BE IT FURTHER RESOLVED, that a contract, be awarded to Northwind Kennels, LLC, in the amount of Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00); and

BE IT FURTHER RESOLVED, that the Supervisor or Director of Technical Services is hereby authorized to execute the contract documents subject to approval of the same by the Town Attorney; and

BE IT FURTHER RESOLVED, that the Town Comptroller is hereby authorized to amend the budget accordingly.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROU SHATZKIN
TOWN CLERK**

**Adopted on October 23, 2018
at a Special Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

RE: (AUTHORIZE THE DIRECTOR OF TECHNICAL SERVICES TO ENTER INTO A CONTRACT FOR FULLY STRUCTURAL UV CURED IN PLACE FIBERGLASS LINING FOR DRAINAGE PIPES WITHIN UTILITY EASEMENTS AT 2005/2007 ALBANY POST ROAD "AMBERLANDS / FOOD TOWN PARKING LOT)

WHEREAS, the Department of Technical Services requested a proposal from Precision Industrial Maintenance, who are on State Contract via a "Piggy Back" clause contained in Bid 8714/Contract ID No. 3089 through the County of Onondaga, State of New York in the amount of One Hundred Fourteen Thousand Three Hundred Dollars and no cents (\$114,300.00).

WHEREAS, the Director of Technical Services has reviewed the proposal and recommends awarding the fully structural UV cured in place fiberglass lining for drainage pipes contract to Precision Industrial Maintenance, a/dba Precision Trenchless, LLC., 1710 Erie Blvd, Schenectady, NY 12308 for the Contract Sum listed above.

WHEREAS, a contingency of Twenty Thousand Dollars (\$20,000.00) is also being requested to be used in the event of unforeseen field conditions.

NOW THEREFORE BE IT RESOLVED, the Director of Technical Services is hereby authorized to execute the contract with Precision Industrial Maintenance, LLC., a/dba Precision Trenchless, LLC., in the amount of One Hundred Fourteen Thousand Three Hundred Dollars and no cents (\$114,300.00) with an additional Twenty Thousand Dollars \$20,000.00 appropriated for contingencies.

BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to amend the budget with respect to the above.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ SHATZKIN
TOWN CLERK**

**Adopted on October 23, 2018
at a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

RE: (AUTHORIZE THE DIRECTOR OF TECHNICAL SERVICES TO SOLICIT PROPOSALS FOR INSPECTION AND CONSTRUCTION MANAGEMENT SERVICES FOR THE ROUTE 9A SIDEWALKS – KINGSFERRY ROAD TO ROUNDTREE LANE NYSDOT PIN 8130.50)

WHEREAS, the Route 9A Sidewalks – Kingsferry Road to Roundtree Lane NYSDOT PIN 8130.50, Hamlet of Montrose, Town of Cortlandt, Westchester County NY, is a locally administered federal aid project; and

BE IT RESOLVED, that the Director of the Department of Technical Services is hereby authorized to solicit proposals for inspection and construction management services for the Route 9A Sidewalks, Kingsferry Road to Roundtree Lane in accordance with NYSDOT Locally Administered Federal Aid Project Manual.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ SHATZKIN
TOWN CLERK**

**Adopted on Oct. 23, 2018
at a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

**(AUTHORIZING THE SETTLEMENT OF A TAX
CERTIORARI WITH SHOPRITE SUPERMARKETS, INC. #282)**

WHEREAS, Shoprite Supermarkets, Inc. #282 filed a tax certiorari for the years 2012 through 2017; and

WHEREAS, after discussions and review with the Town Assessor it was deemed that a reduction in the roll would be appropriate; and

WHEREAS, it is necessary to review and approve this reduction;

NOW, THEREFORE, BE IT RESOLVED, that the Town Attorney be and hereby is authorized to execute a Consent Judgment and Stipulation of Settlement with respect to the above referenced tax certiorari proceedings as set forth on attached Schedule A; and

BE IT FURTHER RESOLVED, that upon approval of the Justice of the Supreme Court, all appropriate steps will be taken by the appropriate Town Officials to effectuate the changes herein.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted October 23, 2018
At a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NUMBER _____

(AUTHORIZING THE TOWN TO ENTER INTO A SETTLEMENT WITH [REDACTED])

WHEREAS, Ms. [REDACTED] filed a notice of claim with the Town of Cortlandt on April 16, 2018 for damages to her property located at 80 Cordwood Road caused by a water main break and fire hydrant malfunction; and

WHEREAS, employees from the Town directed contractors to assess the damages incurred to [REDACTED] Property; and

WHEREAS, the parties have agreed that a payment of \$21,900 to settle this matter would be in the best interests of both parties and would obviate the need for litigation;

NOW, THEREFORE, BE IT RESOLVED, that the Town is authorized to settle with Ms. Anna J. Pena-Ocampo for \$21,900.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted October 23, 2018
At a Regular Meeting
Held at Town Hall**

RESOLUTION

NUMBER _____

(RE: AUTHORIZE THE APPOINTMENT OF THE FOLLOWING SEASONAL EMPLOYEE IN THE DEPARTMENT OF ENVIRONMENTAL SERVICES FOR THE YEAR 2018)

NOW THEREFORE BE IT RESOLVED, the following seasonal employee will be appointed effective October 23, 2018 to February 22, 2018 in the Department of Environmental Services. This appointment is subject to completion of drug screening.

Employee Name	Division	Start Date
Mackenzie Carney	Sanitation	October 24, 2018

BE IT FURTHER RESOLVED, all temporary employees in the Department of Environmental Services shall be compensated at an hourly rate of pay of \$13.86.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
Laroue Rose Shatzkin
Town Clerk**

**Adopted on October 23, 2018
at a Regular Town Board Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NUMBER _____

(RE: AUTHORIZING A LEAVE OF ABSENCE FOR VARIOUS TOWN EMPLOYEES)

RESOLVED, that the following employees be granted a leave of absence under FMLA:

Employee ID # 103750 – Effective October 24, 2018 – Intermittent

Employee ID #539700 – Effective retroactive October 16, 2018 – December 11, 2018

Employee ID # 897630 – Effective October 24, 2018 – Intermittent

Employee ID #722580 – Effective retroactive September 17, 2018 – December 10, 2018.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
Town Clerk**

**Adopted on October 23, 2018
at the Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NUMBER

**(RE: SCHEDULE A PUBLIC HEARING FOR NOVEMBER 13, 2018
TO CONSIDER ADOPTING A SOLAR ENERGY LAW)**

RESOLVED, that the Town Board of the Town of Cortlandt, Westchester County, New York will conduct **PUBLIC HEARING** on the 13th day of November, 2018 at 7:00 o'clock P.M., prevailing time, or as soon thereafter as possible, in the Vincent F. Nyberg General Meeting Room of the Town Hall located at One Heady Street, Cortlandt Manor, New York to consider adopting the Solar Energy Law.

All persons interested in this proposed action will be heard at this time, date and place specified above, and written comments in regard thereto should be submitted to the Town Clerk no later than 4:00 pm, of the day of said Public Hearings to be included in the transcript of the proceedings of this hearing.

The Town Hall is a handicapped accessible facility.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE ROSE SHATZKIN
Town Clerk**

**Adopted October 23, 2018
At a regular Meeting held
at the Town Hall**



LINDA D. PUGLISI
Town Supervisor

Town Board Members
RICHARD H. BECKER
DEBRA A. COSTELLO
JAMES F. CREIGHTON
FRANCIS X. FARRELL

TOWN OF CORTLANDT

OFFICE OF THE TOWN ATTORNEY
TOWN HALL
1 HEADY STREET
CORTLANDT MANOR, NY 10567

TEL: (914) 736-0930
FAX: (914) 788-9873

MEMORANDUM

THOMAS F. WOOD
Town Attorney
tfwesq@aol.com

MICHAEL J. CUNNINGHAM
Assistant Town Attorney
mcunningham@townofcortlandt.com

JOSHUA B. SUBIN
Assistant Town Attorney
jsubin@townofcortlandt.com

TO: Supervisor & Members of the Town Board

FROM: Thomas F. Wood
Town Attorney *TFW*

Michael J. Cunningham *MJC*
Assistant Town Attorney

RE: Solar Ordinance

DATE: October 5, 2018

This Department, along with Michael Preziosi, Chris Kehoe, Martin Rogers, and Stephen Hetman formed a committee to discuss adding a solar ordinance to the Town Code. This included multiple meetings and multiple draft iterations of a proposed ordinance.

The enclosed proposed ordinance is based on the model ordinance from the New York Solar Guidebook for Local Governments. We have tailored the proposed ordinance to fit the needs of the Town of Cortlandt. The proposed ordinance defines three different tiers; each have their own approval criteria.

(i) Tier 1 Solar Energy Systems consist of Roof-Mounted Solar Energy Systems and Building-Integrated Solar Energy Systems. Applications for these will be reviewed by Michael Preziosi and Martin Rogers, and will not require the approval of any of the Boards.

(ii) Tier 2 Solar Energy Systems consist of 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. Approval will be by special permit granted by the Planning Board.

(iii) Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems. Approval will be by special permit granted by the Town Board.



All Solar Energy Systems must have anti-reflective glare and the proposed ordinance provides provisions to ensure adequate screening for Tier 2 and Tier 3 Solar Energy Systems.

The Town's review committee believes that this proposed ordinance properly balances the goals of promoting solar energy and attracting new businesses (e.g. solar farms) with preserving the character of the community.

Local Law “H” of 2018**“Regulation of Solar Energy Systems Within the Town of Cortlandt”****A. Authority**

This Solar Energy Local Law is adopted pursuant to sections 261-263 of the Town Law and section 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and, in accordance with the Town 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.”

B. Statement of Purpose

This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of the Town 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, to the extent reasonably practicable, by furthering the installation of Solar Energy Systems;
- (4) To mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources; and
- (5) To create synergy between solar and the Town’s overarching sustainability policies as set forth in “Envision Cortlandt: 2016 Sustainable Comprehensive Plan.”

C. 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.

Community Solar Energy System: A solar installation owned collectively through condominium or property owners’ associations, business groups (e.g., strip-mall collective), college student groups, “adopt-a-solar panel” programs, or other similar arrangements. The Community Solar Energy System shall be subject to the approval requirements set forth for Tier 2 and Tier 3 Energy Systems per the thresholds stated in this section.

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 or resting directly on the ground via a pole or other mounting or supporting system (including ballasts, racks or other non-penetrative supports), 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 lawfully existing building or structure that produces electricity for onsite or offsite consumption.

Solar Access: Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

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 component 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 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.

D. Applicability

- (1) The requirements of this Local Law shall apply to all Solar Energy Systems permitted, installed, or modified in the Town of Cortlandt after the effective date of this Local Law, excluding general maintenance and repair.
- (2) 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.
- (3) Modification to an existing Solar Energy System that increases 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.
- (4) 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 Town Code.

E. General Requirements

- (1) A Building permit shall be required for the installation of all Solar Energy Systems.
- (2) The Reviewing Board or person is encouraged to consider conditions on sites adjacent to Solar Energy Systems so as to protect Solar Energy Systems' access to sufficient sunlight to remain economically feasible over time.
- (3) Issuance of permits and approvals by the Reviewing Board shall include review pursuant to the State Environmental Quality Review Act ("SEQRA").
- (4) All Solar Energy Systems are subject to the requirements of Chapter 179: Freshwater Wetlands, Water Bodies and Watercourses, Chapter 283: Trees, and Chapter 259: Steep Slopes.
- (5) Ground-Mounted Solar Energy Systems are prohibited in the R-20, R-15, R-10, and RG Zoning Districts.

F. Permitting Requirements for Tier 1 Solar Energy Systems

All applications for Tier 1 Solar Energy Systems shall be reviewed by the Director of the Department of Technical Services or the Director of Code Enforcement, shall be permitted in all zoning districts, and shall be exempt from site plan review under the Town Code, subject to the following conditions for each type of Solar Energy System:

- (1) Roof-Mounted Solar Energy Systems

- a. Roof-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements:
 - i. Solar Panels on pitched roofs shall be mounted with a maximum distance of 8 inches between the roof surface and the highest edge of the system.
 - ii. Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
 - iii. Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 - iv. 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.
- b. Glare: All Solar Panels shall have anti-reflective coating(s).
- c. Height: All Roof-Mounted Solar Energy Systems shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district.

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

G. Permitting Requirements for Tier 2 Solar Energy Systems

All Tier 2 Solar Energy Systems shall be permitted by a special permit from the Planning Board, subject to the following conditions:

- (1) Site Plan Application: For any Solar Energy System requiring a Special Permit, site plan approval shall be required. The approval criteria are the same as set forth in Section 307 of the Town Code.
- (2) Glare: All Solar Panels shall have anti-reflective coating(s).
- (3) Setbacks: All Ground-Mounted Solar Energy Systems shall only be installed in the side or rear yards of the lot. The required setbacks shall be as follows:
 - a. When abutting a Commercial or Industrial District, double the required setback of the zoning district in which the lot that is the subject of the application is sited; or
 - b. 100 feet from an abutting Residential District.

- (4) Height: Tier 2 Solar Energy Systems shall be subject to the height limitations specified for accessory structures within the underlying zoning district.
- (5) Screening and Visibility:
 - a. All Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable.
 - b. Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views and shading of surrounding properties, while still providing adequate solar access.
- (6) Lot Size: Tier 2 Solar Energy Systems shall comply with the existing lot size requirements specified for accessory structures within the underlying zoning district.
- (7) Minimum Landscape Coverage: Tier 2 Solar Energy Systems shall comply with the Minimum Landscape Coverage for the underlying zoning district.
- (8) Security: The deposit, execution, or filing with the Town Clerk of a cash, bond, or other form of security reasonably acceptable to the Town Attorney and/or the Director of the Department of Technical Services, 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 100% of the cost of removal of the Tier 2 Solar Energy System and restoration of the property.

H. Permitting Requirements for Tier 3 Solar Energy Systems

All Tier 3 Solar Energy Systems are permitted through the issuance of a Special Permit by the Town Board, and subject to the following conditions:

- (1) Applications for the installation of Tier 3 Solar Energy Systems are subject to the requirements of Chapter 307, Article X: Standards and Conditions for Special Permits of the Town Code.
- (2) 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.
- (3) Vehicular paths: Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.

(4) Signage:

- a. No signage or graphic content shall be displayed on the Solar Energy Systems except for the manufacturer's name, equipment specific information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area of no more than 8 square feet.
- b. 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.

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

(6) 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.

(7) Tree-cutting: Removal of existing trees is subject to the requirements of Chapter 283 of the Town Code.

(8) Decommissioning:

- a. Solar Energy Systems that have been abandoned and/or not producing electricity for a period of one (1) year shall be removed at the Owner and/or Operator's expense, which at the Owner's option may come from any security made with the Town as set forth herein.
- b. A decommissioning plan signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant, addressing the following:
 - i. The cost of removing the Solar Energy System.
 - ii. The time required to decommission and remove the Solar Energy System and ancillary structures.
 - iii. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.
- c. Security
 - i. The deposit, execution, or filing with the Town Clerk of a cash, bond, or other form of security reasonably acceptable to the Town Attorney and/or

the Director of the Department of Technical Services, 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.

- ii. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash depot, bond, or security shall be forfeited to the Town, 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.
- iii. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth herein.

(9) Site Plan Application: For any Solar Energy System requiring a Special Permit, site plan approval shall be required. The approval criteria are the same as set forth in Section 307 of the Town Code.

(10) Special Permit Standards

- a. Lot Size: The Property on which the Tier 3 Solar Energy System is placed shall be at least ten (10) acres.
- b. Setbacks: The Tier 3 Solar Energy Systems shall be setback:
 - i. 100 feet from an abutting Commercial or Industrial District;
 - ii. 200 feet from an abutting Residential District.
- c. Height: No structure can exceed 25 feet or 2 stories.
- d. Minimum Landscape Coverage:
 - i. The Solar Energy System, as defined above, must comply with the minimum landscape coverage requirement of the underlying zoning district.

- ii. The following component of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:
 - 1. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - 2. All mechanical equipment of the Solar Energy System, including any pad mounted structure for batteries, switchboard, transformer, or storage cells.
 - 3. Paved access roads servicing the Solar Energy System.
- e. Fencing Requirements: All mechanical equipment, including any structure for storage batteries, shall be enclosed by an 8-foot high fence with a self-closing and self-locking gate to prevent unauthorized access.
- f. Screening and Visibility: Applicants for Tier 3 Solar Energy Systems 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-site profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital view-shed report, may 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 practicable from public roadways and adjacent properties to the extent feasible.
 - iii. Upon receipt of an application, the approving authority shall e-mail and send via standard mail said application to the Conservation Advisory Council (“CAC”) for review and report. The CAC shall report back to the approving authority within 15 days of such referral if the approving authority is the Director of Technical Services, within 30 days of referral if the approving authority is the Town Board, and within 45 days of referral if the approving authority is the Planning Board. The time period within which the CAC shall be required to report back may be extended at the discretion of the approving authority. The approving authority shall give significant weight to the recommendations of the CAC as well as any reports or recommendations offered by the Town Arborist or other

environmental officials. Failure by the CAC to report back to the approving authority within the specified time period shall be interpreted as indicating no objection to the application. The approving authority shall send the final approved plan(s) to the CAC.

- iv. Non-ornamental trees with a diameter larger than eight (8) inches that are removed must be replaced using a one to one ratio. Diseased or dead trees that are removed are not subject to this requirement.
- g. Agricultural Resources. For projects located on lands designated as Agricultural Districts by the Westchester County Department of Planning:
 - i. Any Tier 3 Solar Energy System located on these Agricultural Districts shall not exceed fifty (50)% of the area of Prime Farmland or Farmland of Statewide Importance on the parcel.
 - ii. To the maximum extent practicable, Tier 3 Solar Energy Systems located in these Agricultural Districts shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
 - iii. Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.
- h. Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special 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.

I. Safety

- (1) Solar Energy Systems and Solar Energy Equipment shall be certified under the New York State Uniform Fire Prevention and Building Code and applicable electrical codes as required.

- (2) 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.
- (3) If Storage Batteries are included as part of the Solar Energy System, they shall meet the requirements of the New York State Uniform 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 and any applicable federal, state, or county laws or regulations.

J. Permit Time Frame and Abandonment

- (1) The Special Permit and site plan approval for a Solar Energy System shall be valid for a period of twelve (12) 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 Town Board, within twelve (12) months after approval, the applicant or the Town may extend the time to complete construction for one hundred eighty (180) days. If the owner and/or operator fails to perform substantial construction after twenty-four (24) months, the approvals shall expire.
- (2) Upon cessation of electricity generation of a Solar Energy System on a continuous basis for twelve (12) months, the owner and/or operator of the Solar Energy System shall implement the decommissioning plan. The decommissioning plan must be completed within three hundred sixty (360) days of cessation.
- (3) If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town 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.

K. Community Solar Energy Systems

Shares in Community Solar Energy Systems shall be offered first to Town of Cortlandt residents.

L. Fees

The fees for Solar Energy Systems shall be established from time to time by resolution of the Town Board.

M. 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 Chapters 149 and 307 of the Town Code.

N. Cessation of Moratorium

Upon adoption of this chapter, the Town's moratoria on solar use adopted at the May 15, 2018 Town Board Meeting shall cease.

O. 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.