

CHILI TOWN BOARD
February 12, 2020

A regular meeting of the Chili Town Board was held on February 12, 2020 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor David Dunning.

PRESENT: Councilman DeCory; Councilman Slattery, Councilwoman Sperr,
Councilman Valerio and Supervisor David Dunning.

ALSO PRESENT: Dawn Forte, Supervisor's Secretary; Sandra Hewlett, Stenographer;
Virginia Ignatowski, Town Clerk; Daniel Knapp, Director of Finance;
Councilman Slattery, Deputy Town Supervisor; Richard Stowe, Counsel
for the Town; Eric Vail, Insurance Counselor.

The invocation was given by Virginia Ignatowski.

The Pledge of Allegiance was cited. The fire safety exits were identified for those present.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. No speakers addressed the Town Board. The Public Forum concluded at 7:02 p.m.

MATTERS OF THE SUPERVISOR:

SUPERVISOR DUNNING: I really don't have anything new or interesting to share at this point. I hope everybody is keeping an eye on the Community Center. The big green machine is coming along very, very nicely. Two more trusses left to go up and the trusses will be complete and then they will start on the Senior Center side of things. But it's coming along -- coming along very nicely.

Other than that, nothing else really that I can think of that is pressing.

MATTERS OF THE TOWN COUNCIL: Nothing to report.

The 1/15/2020 Town Board meeting minutes were approved.

REPORTS SUBMITTED:

Advanced Payment of Claims January 2020
Architectural Advisory Committee Minutes 1/14/2020
Building Department Report January 2020
Conservation Board Minutes 1/6/2020
Dog Control Report January 2020
Historic Preservation Minutes 1/13/2020
Planning Board Minutes 1/14/2020
Recreation Center Report January 2020
Senior Center Report January 2020
Town Clerk Report January 2020
Traffic & Safety Minutes 1/2/2020

CORRESPONDENCE:

1. Virginia Ignatowski, Town Clerk has received notification from Philip Supernault, Historic Preservation Board that he is resigning effective February 1, 2020.
-

**RESOLUTION #111 RE: SEQR Determination for Adoption of Local Law #1 of 2020
Titled "Solar Energy Systems in the Town of Chili"**

OFFERED BY: Councilman Slattery SECONDED BY: Councilman DeCory

WHEREAS, the Town of Chili Town Board (hereinafter referred to as Town Board) has determined the Adoption of Local Law #1 of 2020 titled "Solar Energy Systems in the Town of Chili" (hereinafter referred to as Action) to be a Type I Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has reviewed and does hereby accept Part 2 of the Full Environmental Assessment Form, dated February 12, 2020 prepared by the Town Supervisor; and

WHEREAS, the Town Board finds that the Full Environmental Assessment Form, Parts 1 and 2, provides a reasoned elaboration of the impacts likely to result from the Town Board's action to approve the proposed Action; and

WHEREAS, the Town Board did conduct a public hearing January 15, 2020 commencing at 7:00 P.M. at the Town Hall in the said Town and discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

WHEREAS, the Town Board, as the designated lead agency under the State Environmental Quality Review (SEQR) Regulations, has given consideration to the comments received from Involved and Interested Agencies; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) (1) of the SEQR Regulations and the information contained in Parts 1 and 2 of the Full Environmental Assessment Form; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board has considered the list of potential environmental effects set listed in Section 617.7, taken a hard look and engaged in a reasoned elaboration of the submitted information, analysis above and all supporting documentation and has concluded that the action will NOT result in a significant adverse environmental impact; and

BE IT FURTHER RESOLVED, that the Town Board does hereby make a Determination of Non-Significance on said Action and directs the Town Supervisor to sign and date the Full Environmental Assessment Form and the Negative Declaration Form; and

BE IT FINALLY RESOLVED, that the Town Board directs the Town Clerk to certify this resolution and place it in the Town files on the Adoption of Local Law #1 of 2020.

Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Councilman Valerio - Ave
Supervisor Dunning - Aye

RESOLUTION #112 RE: Adoption of Local Law#1 of 2020 Titled "Solar Energy Systems in the Town of Chili"

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Valerio

WHEREAS, a proposed Local Law #1 of the year 2020 titled "Solar Energy Systems in the Town of Chili" was introduced to the Town Board of the Town of Chili by Councilman DeCory on the 11th day of December, 2019; and

WHEREAS, at a meeting of the Chili Town Board held at the Town Hall in the Town of Chili, New York on the 15th day of January, 2020, a public hearing was held at 7:00 p.m. to consider adoption of the proposed Local Law #1 of the year 2020 titled "Solar Energy Systems in the Town of Chili" to said Local Law; and

NOW, THEREFORE, BE IT RESOLVED, that Local Law #1 of 2020, as amended is hereby enacted by the Town Board of the Town of Chili.

Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Councilman Valerio - Aye
Supervisor Dunning - Aye

TOWN OF CHILI, Monroe County, New York

Local Law no. 1 of the year 2020

A local law Establishing Solar Energy Systems Within the Town of Chili.

Be it enacted by the Town Board of the

Town of Chili as follows:

1. Purpose

- A. This Solar Energy Section is adopted to advance and protect the public health, safety, and welfare of the residents of the Town by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:
- 1) To benefit from a safe, abundant and renewable energy resource;
 - 2) To mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources.
 - 3) To create synergy between solar energy and the goals and objectives of the latest edition of the Town's Comprehensive Plan and Agriculture & Farmland Protection Plan.

To align the laws and regulations of the Town of Chili with policies of the State of New York, that encourage distributed energy systems.

2. Definitions

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A combination of Solar Panels and Solar Energy Equipment integrated into any part of a principal building or accessory structure. Components of a Building-Integrated Solar Energy System are designed to replace or substitute for architectural or structural elements of a building and generally complement, blend with or form part of a building's architectural appearance. Such components will generally maintain a uniform plane with and/or form a parts of the building such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

FARMLAND OF STATEWIDE IMPORTANCE: Land, designated as “Farmland of Statewide Importance” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of state wide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by New York State Department of Agriculture & Markets.

GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground via a pole or other mounting system, or which is installed on the ground and detached from any other structure, that generates electricity for onsite or offsite consumption.

LOT COVERAGE: Notwithstanding the definition of lot coverage found elsewhere in the Town Code, for the purpose of regulations pertaining to solar systems, lot coverage shall also include the area covered by a solar panel (or physically connected group of panels that comprise a Solar Energy System) as measured on a horizontal plane projected from the perimeter of said panel (or group of panels) vertically to the ground. For panels where the tilt angle is adjusted by week, month, season or other time period, lot coverage shall be determined by the tilt angle producing the greatest lot coverage.

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.

NET METER: A meter used to measure the flow of electricity from the solar photovoltaic (PV) system to the electric utility grid.

NET ENERGY METERING, ON-SITE: The acceptance by utilities of balancing the total amount of energy consumed from decentralized sources with the total amount of energy stored on-site by a solar PV system.

NET ENERGY METERING, REMOTE: An arrangement with the electric utility that allows for the kilowatt hours (kWh) generated from a solar PV system located at a specific site to be credited towards kWh of consumption at a different location.

POLLINATOR: bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

PRIME FARMLAND: Land, designated as “Prime Farmland” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

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 ARRAY: Any number of electrically connected solar photovoltaic panels that are connected to the same inverter.

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

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as either a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows.

A. Tier 1 Solar Energy Systems are defined as the following:

- 1) Roof-Mounted Solar Energy Systems

2) Building-Integrated Solar Energy Systems

- B. Tier 2 Solar Energy Systems are Ground-Mounted Solar Energy Systems with system capacity up to 25 kW AC, a total surface area of all solar panels on the lot of up to 1,600 square feet 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 those Solar Energy Systems which are not Tier 1, Tier 2, or Tier 4 Solar Energy Systems
- D. Tier 4 Solar Energy Systems are those Solar Energy Systems producing 25 MW or more. Tier 4 Solar Energy Systems are subject to permitting by the Board of Electric Generation Siting and the Environment (Siting Board) under Article 10 of the New York State Public Service Law.

SOLAR PANEL: A piece of equipment containing photovoltaic cells that use the sun's light or heat to create electricity.

SOLAR PHOTOVOLTAIC (PV) SYSTEM: A solar energy collection system consisting of solar photovoltaic cells, panels and/or arrays, and other related equipment, which rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. A solar PV system may be building-mounted, ground-mounted or building-integrated.

STORAGE BATTERY: A device that stores energy and makes it available in an electrical form.

3. Applicability

The requirements of this Section of the Town Code shall apply to all Solar Energy Systems permitted, installed, or modified in the town after the effective date of this Section, excluding general maintenance and repair.

Solar Energy Systems constructed or installed prior to the effective date of this Section shall not be required to meet these requirements.

Modifications to an existing Solar Energy System that increase the Solar Energy System area (exclusive of moving any fencing) shall be subject to these requirements.

All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards.

4. General Requirements

A Building permit shall be required for installation of all Solar Energy Systems.

5. Permitting Requirements for Tier 1 Solar Energy Systems

Tier 1 Solar Energy Systems shall be permitted in all zoning districts and shall be exempt from site plan review subject to the following conditions:

- A. Roof-Mounted Solar Energy Systems:
 - 1) Roof-Mounted Solar Energy Systems shall incorporate the following design requirements:
 - a. Solar Panels on pitched roofs shall be mounted with a maximum distance of eight [8] inches between the roof surface the highest edge of the system.
 - b. Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
 - c. Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 - d. Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than twenty- four [24] inches above the flat surface of the roof, whichever is higher.

- 2) Glare: All Solar Panels shall have anti-reflective coating(s).
 - 3) Height: All Roof-Mounted Solar Energy Systems shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district.
- B. Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.

6. Permitting Requirements for Tier 2 Solar Energy Systems

Tier 2 Solar Energy Systems shall be permitted in all zoning districts, except within the boundaries defined as protected in Figure-17 of the Town of Chili Agricultural and Farmland Protection Plan, as accessory structures and shall be exempt from site plan review subject to the following conditions:

- A. Glare: All Solar Panels shall have anti-reflective coating(s).
- B. Setbacks: Tier 2 Solar Energy Systems shall be subject to the setback regulations specified for the accessory structures within the underlying zoning district. All Ground-Mounted Solar Energy Systems shall only be installed in the side or rear yards in residential districts.
- C. Height: Tier 2 Solar Energy Systems shall be subject to the height limitations specified for accessory structures within the underlying zoning district.
- D. Screening and Visibility.
 - 1) Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable.
 - 2) Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.
- E. Lot Size: Tier 2 Solar Energy Systems shall comply with the existing size restrictions applicable specified for accessory structures within the underlying zoning district.
- F. Permitting requirements for Tier 3 Solar Energy Systems.

Tier 3 Solar Energy Systems shall only be permitted as a Special Permitted Use in the following districts: General Industrial (GI), Limited Industrial (LI) & Agricultural Conservation (AC); and may be located within said districts except upon those soils identified as protected and as shown on the "Active Farmland Protection Area and Town Zoning Map," a part of the current Town of Chili Agriculture & Farmland Protection Plan. Tier 3 Solar Energy Systems are permitted only after the issuance of a Special Use Permit and Site Plan approval as set forth in Article IV (Special Use Permits) and Article V (Site Plan Approval) respectively of this Chapter.

7. The Planning Board Special Use Permit Criteria.

- A. The Planning Board of the Town of Chili is hereby authorized to review and approve, approve with modifications, or disapprove special use permits and site plans for Solar Energy Systems consistent with the provisions of Town Law § 274-a and §274-b; and the criteria contained in §500-98 of this Chapter.
- B. Underground Requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and/or right-of-way.
- C. Vehicular Paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction. Access roads are to be located along the edge of agricultural fields, in areas next to hedgerows and field boundaries and in the nonagricultural portions of the site to the maximum extent practicable. The width of any access roads is to be no wider than twenty (20) feet so as to minimize the loss of agricultural soils and comply with the State of New York Fire Code. The vertical alignment of all access roads shall follow the existing topography and field contours when feasible in order to limit cut and fills to the maximum extent practicable. The surface of access roads that are constructed through agricultural fields are to be level with the adjacent field surface. All areas with top soil that are to be used for vehicle and equipment traffic, parking, equipment laydown and storage areas are to be limited in size to the greatest extent practical and stripped prior to use. Access road alignment shall be established in such a way as to minimize removal of trees greater than six (6)

inches in diameter.

- E. Drainage and Erosion Control. All existing drainage and erosion control structures or features such as diversions, ditches and tile lines shall be protected to maintain the design and effectiveness of these structures or features. Repairs are required to any structure or feature disturbed during construction to as close to original condition as possible, unless such structures or features are to be eliminated based upon site plan approval by the Planning Board.
- F. Agricultural Soils Protection Measures. Where an open trench is required for cable installation, topsoil stripping from the entire work area may be necessary. As a result, additional work space may be required as part of site plan approval. All topsoil stripped from work areas (parking areas, electric cable trenches, along access roads) is to be stockpiled separate from other excavated materials (rock and/or subsoil). A maximum of fifty (50) feet of temporary workspace is to be provided along "open cut" electric cable trenches for proper top soil segregation. All topsoil will be stockpiled immediately adjacent to the area where stripped/removed and shall be used for restoration on that particular site. No topsoil shall be removed from the site. The site plan shall clearly designate topsoil stockpile locations and all topsoil stockpiles shall be stabilized and protected in accordance with the most current edition of the New York State Standards and Specifications for Erosion and Sediment Control.
- G. Electric Connections. Electric interconnect cables and transmission lines are to be buried in agricultural fields wherever practical. All buried electric cables in cropland, hayland and improved pasture shall have a minimum depth of forty-eight (48) inches of cover.
- H. County Soil and Water Conservation District. The Monroe County Soil and Water Conservation District is to be consulted whenever buried electric cables may alter the natural stratification of soil horizons and natural soil drainage patterns. In pasture areas, it is necessary to construct temporary or permanent fences around work areas to prevent livestock access, consistent with landowner agreements.
- I. Excess Concrete: Excess concrete used in the construction of the site shall not be buried or left on site. Concrete trucks shall utilize a concrete truck washout as detailed in most current edition of the New York State Standards and Specifications for Erosion and Sediment Control.
- J. Restoration Requirements. All agricultural areas temporarily disturbed by construction shall be restored to the current guidelines as promulgated by the New York State Department of Agriculture and Markets.
- K. Signage.
 - 1) No signage or graphic content shall be displayed on the Solar Energy Systems except the manufacturer's name, equipment specification information, safety information, and twenty-four (24)-hour emergency contact information. Said information shall be depicted within an area no larger than eight (8) square feet, solely at any point of access.
 - 2) As required by the National Electric Code (NEC), disconnect and other emergency shut off 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.
- L. 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.
- M. Tree-cutting. Removal of existing trees larger than six (6) inches in diameter shall be minimized and shall be further compliant with the provisions of §500-61 H. (3) of this chapter.
- N. Decommissioning.
 - 1) Solar Energy Systems shall be deemed abandoned if the System fails to generate and transmit electricity at a rate of more than ten percent (10%) of its rated capacity over a continuous period of six (6) months. A Solar Energy System which has been abandoned shall be decommissioned and removed.

The System owner and/or owner of land upon which the System is located shall be held responsible to physically remove all components of the System within six (6) months of abandonment. Removal of the System shall be in accordance with a decommissioning plan approved by the Planning Board at the time of Site Plan approval and as may have been further amended during the life of the System.
 - 2) A decommissioning plan (see Appendix 4) signed by the property owner and operator of the Solar Energy System shall be submitted, addressing the following:

- a. The cost of removing the Solar Energy System and restoration of the property to its original state.
- b. The time required to decommission and remove the Solar Energy System and any ancillary structures.
- c. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System and restoration of the property to its original state.

3) Letter of Credit

- a. Prior to the issuance of a building permit and before filing of the maps, stripping of any ground cover, construction of any sort, site grading or any other site improvements and every three (3) years thereafter, the commercial Solar Energy System owner and/or landowner shall file with the Town Clerk evidence of a Letter of Credit (LOC) necessary to provide for the full cost of decommissioning and removal of the Solar Energy System in the event the system is not removed by the system owner and/or landowner. Said LOC and any amendments or adjustments are to be reviewed by the Town Engineer and accepted by the Town Board. The amount of the LOC shall be one hundred twenty - five percent (125%) of the estimated cost of the decommissioning and removal of the Tier 3 Solar Energy System and restoration of the property as provided in the decommissioning plan and subsequent annual reports. The amount of the surety may be adjusted by the Town Board, upon receipt of a favorable recommendation from the Town Engineer after a review of the annual report. Any revised Letter of Credit is to be filed with the Town Clerk's Office.
- b. The LOC is to remain in effect throughout the life of the system and shall be in the form of an irrevocable LOC, contain an auto extension provision and be issued by an A-rated institution solely for the benefit of the Town. The Town shall be entitled to draw upon the LOC in the event that the commercial Solar Energy System owner and/or landowner is unable or unwilling to commence decommissioning activities within the time periods specified herein. No other parties, including the owner and/or landowner shall have the ability to demand payment under the LOC. Upon completion of decommissioning, the owner and/or landowner may petition the Town Board to terminate the LOC.
- c. In the event ownership of the system, or property, is transferred to another party, and prior to the release by the Town Board of the LOC previously accepted, the new owner of the system, or property, shall provide to the Town Board a LOC, in compliance with the provisions of this Chapter, for the decommissioning of the Solar Energy System and for the restoration of the land. Upon acceptance by the Town Board of the new LOC, the prior LOC may be released.
- d. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth here in.

4) Site plan application. For any Solar Energy System requiring a Special Use Permit, site plan approval shall be required. In addition to the requirements of Article V of this chapter, any site plan application shall include the following information:

- a. Property lines and physical features, including roads, for the project site.
- b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
- c. A one- or three-line electrical diagram detailing the Solar Energy System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- d. A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- e. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. Such information of the final system installer shall be submitted prior to the issuance of a building permit.

- f. Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the Solar Energy System.
- g. Zoning district designation for the parcel(s) of land comprising the project site, and those parcels contiguous thereto.
- h. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property maintenance, including but not limited to, mowing and trimming.
- i. Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards and in compliance with the provisions in Chapter 433 of the Code of the Town of Chili.
- j. A licensed professional engineer's estimate of the anticipated operational life of the system.
- k. Identification of the party (ies) responsible for decommissioning.
- l. Copy of all agreements regarding decommissioning between the responsible party(ies) and the landowner.
- m. A schedule showing the time frame over which decommissioning will occur and for completion of site restoration work.
- n. A cost estimate prepared by a licensed professional engineer estimating the full cost of decommissioning and removal of the Solar Energy System.
- o. A financial plan to ensure that financial resources will be available to fully decommission the site.

5) Reporting Requirements.

The Solar Energy System owner shall, on a yearly basis, provide the Building Department a written report showing the rated capacity of the System and the amount of electricity that was generated by the System and transmitted to the grid over the most recent twelve-month period. The report shall also identify any change of ownership of the Solar Energy System and/or the land upon which the System is located and shall identify any change in the party responsible for decommissioning and removal of the System upon its abandonment. The actual report shall be submitted no later than forty-five (45) days after the end of the calendar year. Every third year, to coincide with the filing of evidence of the LOC, the annual report shall also include a recalculation of the estimated full cost of decommissioning and removal of the large scale Solar Energy System. The Town Engineer shall review the recalculation of the estimated full cost of decommissioning and removal of the large scale Solar Energy System and provide a recommendation to the Town Board in regards to the need for an adjustment to the LOC. The Town Board may require an adjustment in the amount of the LOC to reflect any changes in the estimated cost of decommissioning and removal. Failure to submit a report as required herein shall be considered a violation subject to the penalties in Article XII of this chapter.

6) Special Use Permit Standards.

a. Lot size:

The following table displays the minimum lot size requirements for Tier 3 Solar Energy Systems for those districts for which they are permitted.

Zoning District	Tier 3 Solar
Limited Industrial	≥ 5 acres
General Industrial	≥ 5 acres
Agricultural Conservation	≥ 5 acres

b. Setbacks:

The following table displays the minimum setback requirements for Tier 3 Solar Energy Systems for those districts for which they are permitted.

Zoning District	Tier 3 Ground-Mounted		
	Front	Side	Rear
Limited Industrial	75'	40'	80'
General Industrial	75'	40'	80'
Agricultural Conservation	100'	50'	80'

c. Height:

The following table displays the maximum height for Tier 3 Solar Energy Systems for those districts for which they are permitted.

Zoning District	Tier 3 Ground-Mounted
	Height
Limited Industrial	15'
General Industrial	15'
Agricultural Conservation	15'

d. Lot coverage:

- 1) The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:
 - i. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - ii. All mechanical equipment of the Solar Energy System, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.
 - iii. Solar Panels.
 - iv. Paved access roads servicing the Solar Energy System.

e. Lot coverage, exclusive of setback requirements, of the Solar Energy System, as defined above, shall not exceed the maximum lot coverage requirement of the underlying zoning district, except in the Agricultural Conservation District, where the maximum lot coverage will be limited to 50% of the parcel.

f. Fencing Requirements. Notwithstanding any other provisions of this chapter, all mechanical equipment, including any structure used for solar system storage batteries, shall be enclosed by a 7-foot-high fence, in compliance with the provisions of the National Electric Code (NEC), with a self-locking gate to prevent unauthorized access.

g. Screening and Visibility.

- 1) Applications for Solar Energy Systems shall be required to:
 - i. Provide an assessment of the visual impacts of the Solar Energy System upon public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital view shed report, may be required by the Planning Board to be submitted by the applicant.
 - ii. Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practical from public roadways and adjacent properties.
 - iii. The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system.

h. Special Provisions for Agricultural Resource Protection.

- 1) Tier 3 Solar Energy Systems are prohibited from lands identified as “protected” in figure 17 of the most recent edition of the Town of Chili Agricultural and Farmland Protection Plan.
- 2) Any Tier 3 Solar Energy System located on the areas that consist of Prime Farmland or Farmland of Statewide Importance (Class 1 through 4 Soils) shall not exceed [50] % coverage of the entire lot. Where Class 1 through 4 exist, the Applicant shall prepare a Soils Classification Map, reviewed by and accepted by the Monroe County Soil and Water Conservation District and the Town Assessor. The proposed Tier 3 Soil Energy System shall avoid being placed upon the site’s Class 1 through 4 Soils.
- 3) Permitted Tier 3 Solar Energy Systems shall be required to seed [20] % of the total surface area of all solar panels on the lot with native perennial vegetation designed to attract pollinators.
- 4) Tier 3 Solar Energy Systems located on Prime Farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
- 5) Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators.

8. Safety

- A. Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.
- B. Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 Solar Energy System is located in an ambulance district, the local ambulance corps.
- C. If Storage Batteries are included as part of the Solar Energy System, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with any applicable federal, state, or county laws or regulations.

9. Enforcement

Any violation of this Solar Energy Law shall be subject to the penalties set forth in Section 500-92 of this Chapter.

10. 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.

11. Height Requirements

The following table displays the maximum height allowed for each type of Solar Energy Systems. The height of systems will be measured from the highest natural grade below each solar panel.

Zoning District	Tier 1 Roof-Mounted	Tier 2	Tier 3
Residential	2' above roof	10'	—
Neighborhood Business	4' above roof	15'	—
Restricted Business	4' above roof	15'	—
General Business (add RB & NB)	4' above roof	15'	—
Limited Industrial	4' above roof	15'	15'
General industrial	4' above roof	15'	15'
Agricultural Conservation	2' above roof	15'	15'

Key:
 —: Not Allowed

RESOLUTION #113 RE: Historic Preservation Board

OFFERED BY: Councilman DeCory SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that John Kinton be appointed Chairperson of the Historic Preservation Board and be paid \$65.00 per meeting attended for the calendar year 2020, expenses to be paid by voucher as incurred.

Councilman DeCory - Aye
 Councilman Slattery - Aye
 Councilwoman Sperr - Aye
 Councilman Valerio - Ave
 Supervisor Dunning - Aye

RESOLUTION #114 RE: Office Clerk IV PT

OFFERED BY: Councilman Valerio SECONDED BY: Councilwoman Sperr

WHEREAS, on June 12, 2019, by Resolution #192, the Town Board appointed Kathleen Reed as Office Clerk IV PT Temporary, at \$25.00 per hour; and

WHEREAS, the Town Board wishes to reaffirm said appointment for a term to be determined by the Town Supervisor; and

BE IT RESOLVED, that Kathleen Reed be appointed Office Clerk IV PT Temporary, at \$27.00 per hour effective January 13, 2020.

Councilman DeCory - Aye
 Councilman Slattery - Aye
 Councilwoman Sperr - Aye
 Councilman Valerio - Ave
 Supervisor Dunning - Aye

RESOLUTION #115 RE: Drainage Committee

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman DeCory

BE IT RESOLVED that Scott Beaman be reappointed to the Drainage Committee for a three (3) year term to expire on December 31, 2022.

Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Councilman Valerio - Ave
Supervisor Dunning - Aye

RESOLUTION #116 RE: Use of the Senior Center Trust and Agency Account

OFFERED BY: Councilman Valerio SECONDED BY: Councilman Slattery

WHEREAS, the Senior Center Trust and Agency Account was established in the year 2000 to hold proceeds from fundraising activities to benefit the Chili Senior Center; and

WHEREAS, Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, wish to use \$500.00 to offset the cost of the St Patricks' Day luncheon, to be held on March 13th, 2020.

Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Councilman Valerio - Ave
Supervisor Dunning - Aye

RESOLUTION #117 RE: Donation to the Senior Center Trust and Agency Account

OFFERED BY: Councilman DeCory SECONDED BY: Councilwoman Sperr

WHEREAS, the Senior Center Trust and Agency Account was established in the year 2000 to hold proceeds from fundraising activities to benefit the Chili Senior Center; and

WHEREAS, Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, wish to accept a \$1000.00 donation in memory of Mary White, to be deposited in the Senior Center Trust and Agency.

Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Councilman Valerio - Ave
Supervisor Dunning - Aye

RESOLUTION #118 RE: Disposal of Chairs

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

WHEREAS, the Senior Center Director has deemed 19 chairs to be in a condition unsuitable for use at the Senior Center and has replaced them with new chairs; and

WHEREAS, others may find the chairs of benefit; and

NOW, THEREFORE, BE IT RESOLVED, that the Senior Center Director is hereby authorized to donate chairs or dispose of as appropriate.

Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Councilman Valerio - Aye
Supervisor Dunning - Aye

RESOLUTION #119 RE: Building Department

OFFERED BY: Councilman DeCory SECONDED BY: Councilman Slattery

BE IT RESOLVED that Lisa Ioannone be appointed provisionally as Planning Clerk and be paid an annual salary of \$34, 651.00 (PG 25) effective January 24, 2020, expenses to be paid by voucher as incurred.

Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Councilman Valerio - Aye
Supervisor Dunning - Aye

SUPERVISOR DUNNING: Congratulations, Lisa (Ioannone) and I'll introduce Lisa Ioannone) to the Board. Very much looking forward to you joining to us.

MS. IOANNONE: Thank you very much. Very nice for you to say. I'm looking forward to it also.

RESOLUTION #120 RE: In Memory of Hon. Melvin L. Olver

**OFFERED BY: Supervisor Dunning SECONDED BY: Councilman DeCory
Councilman Slattery
Councilwoman Sperr
Councilman Valerio**

WHEREAS, we the Town Board of the Town of Chili find it befitting to extend our deepest sympathy to the Olver family during the passing of Hon. Melvin L. Olver, who on January 22, 2020 passed away; and

WHEREAS, Hon. Melvin L. Olver served as a Member of the Zoning Board of Appeals from 11/17/1982 5/4/1984 and as Town Justice from 5/4/1984 12/30/2013; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Chili hereby sets aside this special page of their minutes from this Town Board Meeting in his honor and takes a moment of silence in Hon. Melvin L. Olver's memory. The Town Clerk is hereby directed to send a copy of this resolution to the Olver family.

Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Councilman Valerio - Aye
Supervisor Dunning - Aye

Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Councilman Valerio - Ave
Supervisor Dunning - Aye

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: I hope the State is listening.

RESOLUTION #122 RE: Fund Balance & Reserve Policy

OFFERED BY: Councilman Valerio SECONDED BY: Councilman Slattery

NOW, THEREFORE, BE IT RESOLVED, that the Fund Balance & Reserve Policy shall be adopted as written and shall be adopted February 12, 2020, by Resolution #122.

Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Councilman Valerio - Ave
Supervisor Dunning - Aye

RESOLUTION #123 RE: Chili Fire Department Active List

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman DeCory

BE IT RESOLVED that the following individual(s) be added to the Chili Fire Department active list effective February 10, 2020:

Christopher Casale, Kevin Hall, Philip Keys, Alex Lenegan

Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Councilman Valerio - Ave
Supervisor Dunning - Aye

RESOLUTION #124 RE: Chili Fire Department Remove from Active List

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that the following individual(s) be removed from the Chili Fire Department active list effective September 9, 2019:

Ed Mederski

Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Councilman Valerio - Ave
Supervisor Dunning - Aye

RESOLUTION #125 RE: Clifton Fire Department Active List

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman DeCory

BE IT RESOLVED that the following individual(s) be added to the Clifton Fire Department active list effective February 3, 2020:

Stephen Darrow

Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Councilman Valerio - Aye
Supervisor Dunning - Aye

RESOLUTION #126 RE: Letter of Credit Release #1 for 30 Airline Drive

OFFERED BY: Councilman DeCory SECONDED BY: Councilwoman Sperr

WHEREAS, that per recommendation of the Commissioner of Public Works and Town Engineer that \$52,533.68 be released from the letter of credit #1107535360 with Canandaigua National Bank for 30 Airline Drive, leaving a balance of \$73,597.68; subject to engineering fees and street light bills to the Town.

Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Councilman Valerio - Aye
Supervisor Dunning - Aye

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: I hope the State is listening.

RESOLUTION #127 RE: Lighting Grant

OFFERED BY: Councilman Valerio SECONDED BY: Councilwoman Sperr

WHEREAS, the Town has received notification from the Dormitory Authority State of New York (DASNY) that we have been awarded a \$500,000.00 grant through the State and Municipal Facilities Program (SAM), which is to be used for the installation of lighting for the (new) community center and replacement of the Town baseball field, football/ soccer field and entrance road lighting; and

NOW, THEREFORE, BE IT RESOLVED, to accept the SAM Grant and to authorize the Supervisor to sign any necessary documentation for the grant, subject to the review and approval of Counsel for the Town.

Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Councilman Valerio - Aye
Supervisor Dunning - Aye

RESOLUTION #128 RE: Archer Rd Grant

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Slattery

WHEREAS, the Town has received notification from the Dormitory Authority State of New York (DASNY) that we have been awarded a \$500,000.00 grant through the State and Municipal Facilities Program (SAM), which is to be used for the creation of a town park on Archer Rd; and

NOW, THEREFORE, BE IT RESOLVED, to accept the SAM Grant and to authorize the Supervisor to sign any necessary documentation for the grant, subject to the review and approval of Counsel for the Town; and

BE IT FURTHER RESOLVED, to amend the 2020 revenue budget A3089 (Sate Aid) by an increase of \$500,000.00; and amend the 2020 expense budget A7110.4 (Parks Contractual) by an increase of \$500,000.00.

Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Councilman Valerio - Ave
Supervisor Dunning - Aye

RESOLUTION #129 RE: February 5, 2020 Abstract 2019 Payables

OFFERED BY: Councilman DeCory SECONDED BY: Councilman Slattery

WHEREAS, January 2, 2020 Resolution #1 authorized vouchers to be paid February 5, 2020, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 33902-33903, 33918-33919, 33922, 33926, 33932-33934, 33936, 33939, 33944-33946, 33948-33949, 33951-33952, 33959-33961, 33968, 33977-33979, 33988-33993 totaling \$1,310,704.68 to be paid from the Distribution Account as presented by Virginia Ignatowski, Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED, to note for the record the above listed vouchers were paid from the following funds:

General Fund	\$	50,703.51
Highway Fund		3,082.42
Library Fund		1,789.26
H60 Community Center		1,242,003.28
Street Lighting Districts		<u>13,126.21</u>
Total Abstract	\$	1,310,704.68

Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Councilman Valerio - Ave
Supervisor Dunning - Aye

RESOLUTION #130 RE: February 5, 2020 Abstract 2020 Payables

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Slattery

WHEREAS, January 2, 2020 Resolution #1 authorized vouchers to be paid February 5, 2020, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 33869-33870, 33881, 33896-33898, 33914-33916, 33920-33921, 33931, 33935, 33938, 33940-33943, 33950, 33953-33958, 33962-33967, 33969-33976, 33981, 33996-33998, 34001, 34008-34019, 34021-34031, 34033-34037, 34039-34070 totaling \$574,310.23 to be paid from the Distribution Account as presented by Virginia Ignatowski, Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED, to note for the record the above listed vouchers were paid from the following funds:

General Fund	\$	116,349.53
Workers' Comp Reserve		125,000.00
Highway Fund		204,021.62
Library Fund		3,746.91
H60 Community Center		28,672.00
Drainage District		225.17
Fire Protection Districts		<u>96,295.00</u>
Total Abstract	\$	574,310.23

Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Councilman Valerio - Aye
Supervisor Dunning - Aye

The next meeting of the Chili Town Board will be Wednesday, March 11, 2020 at 7:00 p.m. in the Town of Chili, Town Hall Main Meeting Room.

The Town Board meeting was adjourned at 7:12 p.m.

Stenography by Sandy Hewlett.
Minutes - Virginia Ignatowski;
Town Clerk