

**SUPPORTING DOCUMENTATION REGARDING THIS AGENDA CAN BE FOUND
IN THE CLERK'S Office
LaGrange Town Board Meeting
October 14, 2015
AGENDA**

Call to Order

Salute to the Flag

Minutes

- Accept Minutes from September 23, 2015

Monthly Reports

The Town Board will consider acceptance of the monthly revenue reports from town department's as follows:

• Building, Zoning, Planning & Public Works Total	\$62,820.00
• Highway Department Total	\$300.00
• Justice Hayes (incl. State Share) Total	\$23,380.00
• Justice O'Hare (incl. State Share) Total	\$14,077.00
• Recreation Total	\$6,768.80
• Town Clerk Total	\$1579.66

Public Hearing

- Proposed Local Law 240-70.2 Solar Energy Systems
 - DC Comments, NYS DOT Comments
 - Planning Board Comments
 - EAF (3)
 - NEG DEC
 - Resolution: Local Law 240-70.2

- Community Development Block Grant (CDBG) Application for Stringham Park
 - Resolution: Community Development Block Grant (CDBG)

Correspondence

- Highway Superintendent didn't receive bids for "Untreated Road De-icing Salt"

Agenda Items

- Resolution: Final Order Stipulation Agreement for Sutton North Condominium

- Sunset Ridge Sewer District: Request for refund for erroneous bill

- The Building Inspector is requesting approval for Domenic Benedetti and himself to attend a class on Solar Heating on October 16, 2015 in Fishkill. The fee is \$50 each to attend
- CAC Chairman is requesting Town Board approval to attend the NYS Environmental Management Council Conference October 16-17, 2015. The cost to the Town is \$709.62.
- The Parks & Recreation Director is requesting approval to attend the Downstate Recreation Conference on November 17, 2015 in White Plains. The fee is \$70.
- Justice Court to submit J-Cap Grant
- Town Board to Appoint Charles Vetter as a Board of Assessment Review Member for a 5yr term

Bond Agreements

- No bonds to be accepted or released

Committee Reports

- Water and Sewer
- Recreation
- Open Space
- Highway
- Business/Economic Development
- Assessor

Town Attorney

- This time is set aside each meeting for new business by the Towns Attorney not listed elsewhere in the agenda

Administrator of Planning & Public Works

- This time is set aside each meeting for the Administrator of Public Works to discuss planning, water, sewer, MS4 and related topics not listed elsewhere on the agenda

Environmental Consultants

- Reports from the operators of the Town's water and sewer facilities

Public Comment

- Public comments are accepted during this time

Town Board Discussion

- Hidden Ponds
- MHRRC Turkey Trot-November 26, 2015
- Wireless Legislation

Adjournment



COUNTY OF DUTCHESS
DEPARTMENT OF PLANNING AND DEVELOPMENT

September 30, 2015

To: Town Board, Town of LaGrange
Re: Referral ZR15-459, Local Law: Solar Energy Systems

The Dutchess County Department of Planning and Development has reviewed the submitted referral for countywide and intermunicipal impacts as outlined in General Municipal Law (Article 12B, §239-l/m).

ACTION

The Town Board is considering a local law to define and govern the siting and approval of solar energy systems.

COMMENTS

We commend the Town for proactively planning for the siting and approval of solar energy systems.

Please note the following:

- Consider adding "solar thermal" as an additional and distinct type of energy system to be governed by this law as homeowners may want to install small water-heating units;
- The proposed law creates new definitions, including types of solar systems. We suggest that the entire law be reviewed for consistency to ensure that these new definitions are accurately referenced. Note proposed Sections 2 & 3 which reference "Solar Panels (ground mounted)" and "Solar: Large-Scale System (Solar Farm)", which terms are presumably supplanted by the new ones. Likewise, the law amends Schedule A1 where it would seem that Schedule A2 should also be amended.

RECOMMENDATION

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, Commissioner

By

Brian Kehoe, AICP
Planner



**Department of
Transportation**

ANDREW M. CUOMO
Governor

MATTHEW J. DRISCOLL
Commissioner

WILLIAM J. GORTON, P.E.
Regional Director

September 19, 2015

Ms. Christine O'Reily-Rao
Town of LaGrange – Town Board
120 Stringham Road
Lagrangeville NY 12540

**Re: Town of LaGrange Proposed Local Law
Amend Chapter 240, Zoning
New Section 240-70.0, Solar Energy Systems
Dutchess County**

Dear Ms. O'Reily-Rao:

The New York State Department of Transportation is in receipt of the subject submission dated September 10, 2015.d proposal.

Please be advised that the Department recommends that the Town consider large scale solar operations and their "Ocular Hazard" to the State Highway System.

Thank you for your interest in highway safety.

Very truly yours,

Mary McCullough
SEQRA – HWP Unit

RECEIVED

SEP 24 2015

LAGRANGE TOWN CLERK

cc: M. Sassi, P. E., Traffic Safety & Mobility Group
Dutchess County Planning Board

RESOLUTION

_____ offered the following resolution which was seconded by _____, who moved its adoption:

WHEREAS, a local law was introduced to be known as Local Law No. ___ of 2015, entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK TO AMEND CHAPTER 240, ZONING, OF THE LAGRANGE TOWN CODE TO ADD A NEW SECTION 240-70.2 ENTITLED SOLAR ENERGY SYSTEMS, TO AMEND SCHEDULE A1.1 OF SECTION 240-27 OF THE LAGRANGE TOWN CODE, TO AMEND SCHEDULE A1.2 OF SECTION 240-27 OF THE LAGRANGE TOWN CODE, AND TO ADD A NEW FOOTNOTE 39 TO SCHEDULE A OF 240-27 OF THE LAGRANGE TOWN CODE.

WHEREAS, a public hearing in relation to said local law was held on _____ at 7:00 p.m., prevailing time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of LaGrange for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

Section 1. Chapter 240 of the LaGrange Town Code is amended to add a new Section 240-70.2 reading as follows:

§240-70.2. Solar Energy Systems.

- A. Purpose. Because it is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life, the purpose of this chapter is to facilitate the development and operation of renewable energy systems based on sunlight. Solar energy systems are appropriate in all zoning districts when measures are taken, as provided in this chapter, to minimize adverse impacts on neighboring properties and protect the public health, safety and welfare.
- B. Definitions.
- (1) Building-Integrated Photovoltaic (BIPV): the incorporation of photovoltaic (PV) material into a building's envelope. Technologies include PV shingles or tiles, PV laminates, and PV glass. Examples of placement include vertical facades, semi-transparent skylights, awnings, fixed awnings, and roofs.
 - (2) Ground-Mounted System: A solar energy system that is anchored to the ground and attached to a pole or similar mounting system, detached from any other structure.
 - (3) Large-Scale System: Solar energy systems located on land primarily used to convert solar energy into electricity for offsite energy consumption.
 - (4) Roof-Mounted System: A solar panel located on a roof of a permitted principal use or accessory structure.

- (5) Solar Energy Equipment: Energy storage devices, material, hardware, or electrical equipment and conduit associated with the production of electrical energy.
- (6) Solar Energy System: An electrical generating system composed of a combination of both solar panels and solar energy equipment.
- (7) Solar Panel: A device capable of collecting and converting solar energy into electrical energy.

C. Solar as an Accessory Use/Structure.

- (1) Roof- Mounted Systems. Roof-mounted systems are permitted as an accessory use in all zoning districts when attached to lawfully permitted principal uses and accessory structures, subject to the requirements set forth in this section:
 - (a) Height: Solar energy systems shall not exceed maximum height restrictions within any zoning district and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
 - (b) Setback: Solar energy systems are subject to the setback requirements of the underlying zoning district.
 - (c) Aesthetics: Solar installations shall incorporate the following design requirements:
 - [1] Solar energy equipment shall be installed inside walls and attic spaces to reduce their visual impact. If solar energy

equipment is visible from a public right of way, it shall match the color scheme of the underlying structure.

[2] Panels facing the front yard 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.

[3] Solar panels affixed to a flat roof shall be placed below the line of sight from a public right of way.

(2) Ground-Mounted Systems. Ground-mounted solar energy systems are permitted as an accessory structure in all zoning districts, subject to the requirements set forth in this section:

- (a) All ground-mounted solar panels in residential districts shall be installed in the side yard or rear yard.
- (b) Setback: Ground-mounted solar panels are subject to setback requirements of the underlying zoning district.
- (c) Height: Solar panels are restricted to a height of 12 feet.
- (d) Lot Coverage: The surface area of ground-mounted solar panels shall be included in lot coverage and impervious surface calculations.
- (e) Special use Permit Requirements. In addition to the requirements of Section 240-71 of this Chapter, the following requirements shall apply:

- [1] Verification of utility notification. Foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement.
- [2] Name, address, and contact information of the applicant, property owner(s), and agent submitting the proposed project.
- [3] Site plan approval is required.
- [4] Blueprints signed by a Professional Engineer or Registered Architect of the solar installation showing the layout of the system.
- [5] The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- [6] Ground-mounted solar energy systems. A ground-mounted solar energy system shall be screened with perimeter plantings, to consist of evergreen plantings having a minimum height of 4 feet at the time of installation, and shall not be setback more than five feet from said system.
- [7] A landscaped buffer shall be provided around ground-mounted systems to provide screening from adjacent residential properties and roads.

[8] A ground-mounted system shall be fully screened from adjacent properties and roads by fencing or a combination of fencing, and evergreen and deciduous plantings. Plantings used for screening shall be of such a height and width, at the time of planting, so as to obscure the ground-mounted system from adjacent properties. Said screening shall be subject to the prior review and approval of the Planning Board to ensure compliance with this requirement.

[9] General placement of ground mounted systems should be done in a manner which maximizes distance from adjacent properties to ensure that the installation does not seek to minimize impact to the applicant at the expense of adjacent properties. The Planning Board has authority to increase the setback requirements to accomplish this goal.

(3) Installation Requirements

(a) All solar energy system installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation, and industry standards, and prior to operation the electrical connections must be inspected by the Town Code Enforcement Officer or by an appropriate electrical inspection person or agency, as determined by the Town. In

addition, any connection to the public utility grid must be inspected by the appropriate public utility.

- (b) When solar storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of Dutchess County and other applicable laws and regulations.
- (c) Electric solar system. A sign shall be installed on the utility meter and any alternating current (AC) disconnect switch indicating that there is an operating solar electric co-generating system on site.

D. Solar as a Principal Use. Large-scale solar systems are permitted through the issuance of a special use permit within all zoning districts except TCB, H, MGH, and GH, in addition to the requirements set forth in this section:

- (1) Height and Setback: Large-scale solar energy systems shall adhere to the height and setback requirements of the underlying zoning district. Additional restrictions may be imposed during the special use permit process.
- (2) All large-scale solar energy systems shall be enclosed by 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 height and type of fencing shall be determined by the special use permit process.

- (3) Special use Permit Requirements. In addition to the requirements of Section 240-71 of this Chapter, the following requirements shall apply:
 - (a) Verification of utility notification. Foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement.
 - (b) Name, address, and contact information of the applicant, property owner(s), and agent submitting the proposed project.
 - (c) 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.
 - (d) Site plan approval is required.
 - (e) Blueprints signed by a Professional Engineer or Registered Architect of the solar installation showing the layout of the system.
 - (f) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
 - (g) Property Operation and Maintenance Plan: A property operation and maintenance plan is required, describing continuing

photovoltaic maintenance and property upkeep, such as mowing, trimming, etc.

- (h) Height restrictions. The maximum height for ground-mounted solar systems shall not exceed 15 feet in height above the ground.
- (i) Design standards.
 - [1] Ground-mounted solar systems. A ground-mounted solar energy system shall be screened with perimeter plantings, to consist of evergreen plantings having a minimum height of 4 feet at the time of installation, and shall not be setback more than five feet from said system.
 - [2] A landscaped buffer shall be provided around all equipment and solar panels to provide screening from adjacent residential properties and roads.
 - [3] Ground cover under and between the rows of solar panels shall be low-maintenance, drought resistant natural fauna.
 - [4] Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.
 - [5] All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
 - [6] All large scale solar system facilities shall be designed and located in order to prevent reflective glare toward any

inhabited buildings on adjacent properties as well as adjacent street rights-of-way.

[7] All mechanical equipment of a large scale solar system, including any Structure for batteries or storage cells, shall be completely enclosed by a minimum six-foot-high fence with a self-locking gate and provided with landscape screening in accordance with the landscaping provisions of this chapter.

[8] A large scale solar system connected to the utility grid shall provide a proof of concept Letter from the local utility company acknowledging the solar farm will be interconnected to the utility grid in order to sell electricity to the public utility entity.

(4) Signs.

(a) A sign not to exceed 8 square feet shall be attached to a fence adjacent to the main access gate and shall list the facility name, owner and phone number.

(b) A clearly visible warning sign concerning must be placed at the base of all pad-mounted transformers and substations.

(5) Abandonment

(a) All applications for large scale solar system shall be accompanied by a decommissioning plan to be implemented upon abandonment,

or cessation of activity, or in conjunction with removal of the structure. Prior to issuance of a building permit, the owner or operator of the facility or structure shall post a performance bond or other suitable guarantee in a face amount of not less than 150% of the estimated cost, as determined by the Town Engineer, to ensure removal of the solar energy system or facility or structure in accordance with the decommissioning plan described below. The form of the guarantee must be reviewed and approved by the Town Engineer and Town Attorney and the guarantee must remain in effect until the system is removed. Review of the guarantee by the Town Engineer and Town Attorney shall be paid from an escrow established by the applicant. Prior to removal of a solar energy production facility or structure, a demolition permit for removal activities shall be obtained from the Town of LaGrange.

- (b) If the applicant ceases operation of the solar energy system or structure for a period of 18 months, or begins but does not complete construction of the project within 18 months after receiving final site plan approval, the applicant will submit a decommissioning plan that ensures that the site will be restored to a useful, nonhazardous condition without delay, including but not limited to the following:

- [1] Removal of aboveground and belowground equipment, structures and foundations.
 - [2] Restoration of the surface grade and soil after removal of equipment.
 - [3] Revegetation of restored soil areas with native seed mixes, excluding any invasive species.
 - [4] The plan shall include a time frame for the completion of site restoration work.
- (c) In the event that construction of the solar energy system or structure has been started but is not completed and functioning within 18 months of the issuance of the final site plan, the Town may notify the operator and for the owner to complete construction and installation of the facility within 180 days. If the owner and/or operator fails to perform, the Town may notify the owner and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of notification by the Town.
- (d) Upon cessation of activity of a fully constructed solar energy system or structure for a period of one year, the Town may notify the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the

owner and/or operator can either restore operation equal to 80% of approved capacity or implement the decommissioning plan.

- (e) If the owner and/or operator fails to fully implement the decommissioning plan within the one- hundred-eighty-daytime period and restore the site as required, the Town may, at its own expense, provide for the restoration of the site in accordance with the decommissioning plan and may, in accordance with the law, recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Town shall be assessed against the property, shall become a lien and tax upon said property, shall be added to and become a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officer and in the same manner as other taxes.

E. Solar in Historic Districts.

Properties located in a historic district are subject to the requirements set forth in this section:

- (1) Roof-mounted solar panels and BIPV systems are permitted by right on accessory structures that do not contribute to the historic significance of the site.
- (2) Solar panels shall not alter a historic site's character defining features, or be placed within view of a public right of way.

- (3) All modifications to a historic site must be entirely reversible, allowing alterations to be removed or undone to reveal the original appearance of the site.
- (4) Exposed solar energy equipment must be consistent with the color scheme of the underlying structure.
 - (a) Solar panels shall be placed flush to the roof's surface to reduce their visual impact.
 - (b) BIPV shall take into account existing design elements which complement the styles and materials of the building.
- (5) Setback, Height, and Lot Coverage.
 - (a) Setback: Ground-mounted solar panels are subject to setback requirements of the underlying zoning district.
 - (b) Height: Solar panels are restricted to a height of 12 feet
 - (c) Lot Coverage: The surface area of ground-mounted solar panels shall be included in lot coverage and impervious surface calculations.
- (6) The issuance of a Certificate of Appropriateness is required by a historic review committee (i.e. Historic Preservation Commission) for ground-mounted systems, BIPV, and all historic structures.
 - (a) Solar panels shall be placed on new construction or additions, if present.

- (b) Ground-mounted systems shall be screened from the public right of way by fencing or vegetation of suitable scale for the district and setting.

Section 2. Schedule A1.1 of Section 240-27 of the LaGrange Town Code is amended to add categories for “Solar Panels (ground mounted)” and “Solar Farms” with the content provided within the Attachment “A” annexed hereto.

Section 3. Schedule A1.2 of Section 240-27 of the LaGrange Town Code is amended to add categories for “Solar Panels (ground mounted)” and “Solar Farms” with the content provided within Attachment “B” annexed hereto, and to add the Symbol “P” for Townhouse in the MGH and GH districts.

Section 4. New Footnote 39 is added to Schedule 240-27 of the LaGrange Town Code, reading as follows: “See Section 240-70.2 Solar Energy Systems”.

Section 5. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Section 6. The requirements of this local law shall apply to all solar energy systems to be installed or modified after the effective date of this local law, excluding general maintenance and repair of such facilities.

Section 7. This local law shall take effect immediately upon filing with this state's Secretary of State.

RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Bell	_____
Councilman Jessup	_____
Councilman Luna	_____
Councilman Polhemus	_____
Councilman Dyal	_____

DATED: LaGrangeville, New York
October __, 2015

CHRISTINE O'REILLY-RAO, Town Clerk

**A RESOLUTION AUTHORIZING THE SUBMISSION OF THE 2016 DUTCHESS
COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION**

PROJECT: Playground Enhancements at Stringham Park Offering All Inclusive Play Opportunities & Handicap Accessibility

WHEREAS, the Town of La Grange is participating in the Dutchess County Community Development Consortium for Fiscal Year 2016, and

WHEREAS, input from citizens and groups has been received and considered, and

WHEREAS, an application has been prepared which addresses our community concerns,

NOW, THEREFORE BE IT RESOLVED that the Dutchess County Community Development Consortium Fiscal Year 2016 application for the Town of La Grange including the certifications included therein by and hereby is approved.

BE IT FURTHER RESOLVED, that the submission of said application to the Dutchess County Department of Planning and Development be and hereby is authorized.

MOTION:

SECOND:

Supervisor Bell
Councilman Edward Jessup
Councilman Joseph Luna
Councilman Gary Polhemus
Councilman Andrew Dyal

La Grange Town Clerk
October 14, 2015

RESOLUTION

WHEREAS, _____ introduced the following local law for the Town of LaGrange, entitled "Town of LaGrange Local Law No. ___ of the Year 2015, A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, AMENDING THE ZONING MAP OF CHAPTER 240, SECTION 240-22, OF THE TOWN CODE TO CHANGE THE DESIGNATION OF LAGRANGE TAX PARCELS 6559-03-304356, LOCATED GENERALLY AT THE CORNER OF ARTHURSBURG ROAD AND ROUTE 82, FROM A MIXTURE OF RLD AND GH ZONING DISTRICTS TO ENTIRELY GH DISTRICT DISTRICT.

BE IT ENACTED by the Town Board of the Town of LaGrange as follows:

Section 1. The zoning map of Chapter 240, Section 240-22, of the Town Code is amended to change the district designation of LaGrange Tax Parcel 6559-03-304356 from a mixture of the RLD and GH zoning districts to entirely the GH zoning district.

Section 2. This local law will take effect upon the filing with the Secretary of State as prescribed by law.

WHEREAS, _____ advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it was necessary to hold a public hearing upon this local

law. He offered the following resolution which was seconded by Councilman _____, who moved its adoption:

Whereas _____ has introduced this local law for the Town of LaGrange, to be known as "A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, AMENDING THE ZONING MAP OF CHAPTER 240, SECTION 240-22, OF THE TOWN CODE TO CHANGE THE DESIGNATION OF LAGRANGE TAX PARCELS 6559-03-304356, LOCATED GENERALLY AT THE CORNER OF ARTHURSBURG ROAD AND ROUTE 82, FROM A MIXTURE OF RLD AND GH ZONING DISTRICTS TO ENTIRELY GH DISTRICT DISTRICT.

LET IT BE RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, LaGrangeville, New York on _____, 2015, at 7:00 p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of LaGrange, by the Town Clerk, at least five (5) days before such hearing and that such notice shall be in the following form:

RESOLUTION

IT IS HEREBY RESOLVED that Van DeWater & Van DeWater, LLP, Kyle W. Barnett, Esq., of counsel, is authorized to enter into an Final Order Stipulation settling the tax certiorari proceedings brought by The Board of Managers of Sutton North Condominium against the Town of LaGrange from 2014 and 2015 and to sign such other and further papers as are necessary to effectuate the settlement, said refunds to be without interest if paid within ninety (90) days of service of a copy of the Judgment with notice of entry.

Dated: LaGrangeville, New York
October __, 2015

MOVED BY: _____

SECONDED BY: _____

AYES: _____

NAYES: _____