

Regular Meeting of the Owego Town Board

A. Call to order, roll call and the Pledge of Allegiance

The Supervisor called the meeting to order, the Deputy Town Clerk called the roll, Rick Pedro led the Pledge of Allegiance.

Council:

Present: Supervisor Castellucci, Dean Morgan, Craig Jochum, Cheri Grenier

Absent: Jonathan Marks

Department Heads:

Present: Irene Graven, Town Attorney
Joann Lindstrom, Planning and Zoning Administrator
Rick Pedro, Assessor
Mike Roberts, Highway Superintendent
Laura Burt, Deputy Town Clerk

Absent: Mary Kennedy, Town Clerk and Tax Receiver
Scott Vasisko, Parks Superintendent
Tyson Stiles, Director of Utilities
Peter Gordon, Town Historian

B. Minutes of the previous meeting -

1. June 07, 2022 will stand as written

C. Consideration of bids – None

D. Public Hearings –

Supervisor Castellucci opened the public hearing to consider Local Law E of 2022, which creates Chapter 98 of the Code of the Town of Owego, Solar Energy Systems. Planning & Zoning Administrator Joann Lindstrom explained that this chapter codifies the current solar energy systems approval process and makes the Planning Board the permitting authority. There being no one present wishing to speak, **Councilman Morgan made a motion to close the public hearing. This motion was seconded by Councilman Grenier and unanimously carried.**

Supervisor Castellucci then opened the public hearing to consider Local Law F of 2022, which amends Chapter 125 Zoning of the Code of the Town of Owego. Planning & Zoning Administrator Joann Lindstrom explained that this local law will amend the zoning regulations include the permitting process for solar energy systems. There being no one present wishing to speak, **Councilman Morgan made a motion to close the public hearing. Councilman Grenier seconded this motion and it was unanimously carried.**

Supervisor Castellucci then opened the public hearing to consider Local Law G of 2022, which amends Chapter 121 Wells of the Code of the Town of Owego. Planning & Zoning Administrator Joann Lindstrom explained

that this chapter prohibits placement of a solar energy system within the wellhead protection area. There being no one present wishing to speak, **Councilman Morgan made a motion to close the public hearing. Councilman Grenier seconded this motion and it was unanimously carried.**

Planning & Zoning Administrator Joann Lindstrom explained that adoption of these 3 local laws are Type I actions. **Councilman Morgan made a motion to authorize the Supervisor to sign the Full EAF, finding that this project will result in no significant adverse impacts on the environment and a negative declaration will be issued. Councilman Grenier seconded this motion and it was unanimously carried.**

Councilman Morgan made a motion to adopt Local Law 4 of 2022. Councilman Jochum seconded the motion and it was unanimously carried.

A Local Law to create Chapter 98 of the Code of the Town of Owego
Local Law #4 of 2022

Chapter 98
SOLAR ENERGY SYSTEMS

ARTICLE I
Authority.

§98-1. Authority.

This zoning for Solar Energy Systems local law is adopted pursuant to Article 16 of the Town Law of the State of New York, which authorizes the Town to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”

§98-2. Statement of Purpose.

A. This zoning for the Solar Energy Systems local law is adopted to advance and protect the public health, safety, and welfare of the Town of Owego by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:

- 1) Taking advantage of a safe, abundant, renewable and non-polluting energy resource;
- 2) Decreasing the cost of energy to the owners of residential and commercial properties, including single-family houses;
- 3) Increasing employment and business development in the region by furthering the installation of solar energy systems;

ARTICLE II
Definitions

§98-3. Definitions.

ACCESSORY USE OR BUILDING: A use customarily or building incidental and subordinate to the principal use or building and located on the same lot.

ACCESSORY STRUCTURE: A non-habitable accessory facility or structure serving or being used in conjunction with a solar energy system and usually located on the same lot. Examples of such structures include utility or transmission equipment storage sheds or cabinets.

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

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system that is anchored to the ground and is attached to a pole or other mounting system, detached from any other structure, for the primary purpose of producing electricity for onsite consumption.

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

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

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: An electrical generating system composed of a combination of both solar panels and solar energy equipment.

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

ARTICLE III

Permitted Locations, Approvals and Bulk Requirements

§98-4. Applicability.

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

§98-5. Solar as an Accessory Use or Structure.

A. Roof-Mounted Solar Energy Systems

1) Roof-Mounted solar energy systems that use the electricity onsite or offsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.

2) Height: Solar energy systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.

3) Aesthetics: Roof-Mounted solar energy system installations shall incorporate, when feasible, the following design requirements:

a. 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 the highest edge of the system.

4) Roof-Mounted solar energy systems that use the energy onsite or offsite shall be exempt from site plan review under the local zoning code or other land use regulations.

5) Roof-Mounted solar energy systems are subject to the issuance of a building permit.

B. Ground-Mounted Solar Energy Systems

1) Ground-Mounted solar energy systems that use the electricity primarily onsite are permitted as accessory structures in all zoning districts.

2) Height and Setback. Ground-Mounted solar energy systems shall adhere to the height and setback requirements of the underlying zoning district.

3) Lot Coverage. Systems are limited to lot coverage requirements of the underlying zoning district. The surface area covered by Ground-Mounted solar panels shall be included in total lot coverage.

4) All such systems in residential districts shall be installed in the side or rear yards.

5) Ground-Mounted solar energy systems that use the electricity primarily onsite shall be exempt from site plan review under the local zoning code or other land use regulations.

6) Ground-Mounted solar energy systems are subject to the issuance of a building permit.

§98-6. Approval Standards for Large-Scale Solar Systems as a Special Use.

A. Large-Scale solar energy systems are permitted through the issuance of a special permit within all zoning districts, subject to the requirements set forth in this section. Application for the installation of a Large-Scale solar energy system shall be referred, with comments, to the Town of Owego Planning Board for its review and action, which can include approval, approval on conditions, and denial.

B. Special Permit Application Requirements. For a special permit application, the application is to be used as supplemented by the following provisions

1) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.

2) If applicable, compliance with Town of Owego floodplain development and storm water management regulations pursuant to Town Code.

3) Blueprints showing the layout of the solar energy system, signed by a Professional Engineer or Registered Architect, licensed in New York State, shall be required.

4) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.

5) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, and such other conditions as may be determined by the Planning Board.

6) Decommissioning Plan. To ensure the proper removal of Large-Scale solar energy systems, a decommissioning plan shall be submitted as part of this application, for final review and approval by the Town Board. Compliance with this plan shall be made a condition of the issuance of a special permit under this section. The decommissioning plan must specify that after the Large-Scale solar energy system can no longer be used, it shall be removed by the applicant or any subsequent lessee, owner, successors or assigns. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer or contractor. Cost estimations shall take into account inflation. Removal of Large-Scale solar energy systems must be completed in accordance with decommissioning plan. If the Large-Scale solar energy system is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality or pursue any other legal remedy available to the town..

B. Special Permit Standards.

1) Height and setback. Large-Scale solar energy systems shall adhere to the height and setback requirements of the underlying zoning district.

2) Lot Coverage. A Large-Scale solar energy system that is ground-mounted shall not exceed lot coverage requirements of the underlying zoning district. The surface area covered by Ground-Mounted solar panels shall be included in total lot coverage.

3) 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 type of fencing shall be determined by the Planning Board. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts.

4) Any application under this Section shall meet any substantive provisions in the zoning code that, in the judgement of the Planning Board, are applicable to the system being proposed.

5) The Planning Board may impose conditions on its approval of any special permit under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

§98-7. Abandonment and Decommissioning.

Solar energy systems are considered abandoned after one year without electrical energy generation and must be removed from the property in accordance with approved decommissioning plan.

ARTICLE IV **Enforcement: Penalties for Offenses**

§98-8. Enforcement.

Any violation of this Solar Energy Law shall be subject to the same penalties, provided for in the zoning or land use regulations of the Town of Owego.

ARTICLE V
Severability

§98-9. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

ARTICLE VI
Effective Date

§98-10. Effective date.

This chapter shall become effective upon filing with the Secretary of State.

Councilman Morgan made a motion to adopted Local Law 5 of 2022. Councilman Jochum seconded the motion and it was unanimously carried.

Local Law #5 of 2022

Section1. The Code of the Town of Owego, Chapter 125 Zoning, is hereby amended pursuant to the applicable provisions of the Town Law and the provisions of the Municipal Home Rule Law as follows:

§125-5. Definitions is hereby amended as follows:

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

§ 125-10. Permitted uses is hereby amended as follows:

- (C) The following uses are permitted after issuance of a Special Permit by the Planning Board:
 - (3) Solar energy systems.

§ 125-12. Permitted uses is hereby amended as follows:

- (C) The following uses are permitted after issuance of a Special Permit by the Planning Board:
 - (3) Solar energy systems.

§ 125-14. Permitted uses is hereby amended as follows:

- (C) The following uses are permitted after issuance of a Special Permit by the Planning Board:
 - (3) Solar energy systems.

§125-16. Permitted uses is hereby amended as follows:

(D) The following uses are permitted after issuance of a Special Permit by the Planning Board:

(3) Solar energy systems.

§ 125-18. Permitted uses is hereby amended as follows:

(C) The following uses are permitted after issuance of a Special Permit by the Planning Board:

(3) Solar energy systems.

§125-20. Permitted uses is hereby amended as follows:

(C) The following uses are permitted after issuance of a Special Permit by the Planning Board:

(3) Solar energy systems.

§125-23. Permitted uses is hereby amended as follows:

(D) The following uses are permitted after issuance of a Special Permit by the Planning Board:

(3) Solar energy systems

125-86. Permitted uses is hereby amended as follows:

Permitted uses up to 4,000 square feet of total floor area shall be as follows:

E. Solar energy systems are permitted after issuance of a Special Permit by the Planning Board.

Section 2. SEVERABILITY. If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgement shall have been rendered.

Section 3. EFFECTIVE DATE. This local law shall take effect immediately upon filing with the Secretary of State.

Councilman Morgan made a motion to adopted Local Law 6 of 2022. Councilman Grenier seconded this motion and it was unanimously carried.

Local Law #6 of 2022

Section 1. The Code of the Town of Owego, Chapter 121 Wells, is hereby amended pursuant to the applicable provisions of the Town Law and the provisions of the Municipal Home Rule Law as follows:

§ 121-4. Definitions is amended as follows:

MAJOR SOLAR COLLECTION SYSTEM or SOLAR FARM – An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Soar farm facilities consist of one or more freestanding ground – or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

§121-6. Specific prohibitions is amended as follows:

K. Major solar collection system or solar farm including, but not limited to, panels, access roads or anything associated with a solar array.

Section 2. SEVERABILITY. If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgement shall have been rendered.

Section 3. EFFECTIVE DATE. This local law shall take effect immediately upon filing with the Secretary of State.

E. Reports of Department Heads

Joann Lindstrom: No Report

Rick Pedro: No Report

Irene Graven: Will need to retain outside counsel for Tax Assessment Case

Motion was made by Councilmen Jochum to allow Attorney Graven to seek outside counsel for Tax Assessment Case, seconded by Councilmen Grenier, all aye, carried.

Mike Roberts: 3 paving projects almost done (Tillbury Hill, Cornell Hollow, Foster Valley), Vestal Asphalt coming in under or at budget with their paving projects. Working on dust control on dirt roads in the town. Backhoe had electrical issue, now fixed.

Laura Burt: No Report

Don Castellucci: Need to schedule a Work Shop, re: mechanic salaries.

F. Privilege of the floor

Jordan Adams from Tioga Terrace was disappointed with his neighborhood turnout for tonight's meeting given the condition of roads in Tioga Terrace. Loose stone and gravel have made it a concern for dings in cars. There also is concern for safety due to parking of RV's, work trailers on roads (Azala), there should be a weight limit signs. 45 Frederick Drive is a blight in the neighborhood, garbage/broken windows, (Code to look into)

Mike Roberts commented on stone/gravel: Because of the road base fiber mat is less expensive. This is a two-step process, second gravel will be vacuumed and box seal second coat.

Teresa Dole from Casterline Road is not happy with the Dollar General going in in Campville, there is another one across the river 1.2 miles away. Supervisor Castellucci explained that as a town, as long as builder is within code, we cannot tell them what to do with their property.

G. Presentation of Petitions, Communications, Notices and Transfers -

None

H. Abstracts

Councilman Grenier made a motion to approve the abstracts as presented. The motion was seconded by Councilman Jochum and unanimously carried with a Roll Call Vote.

A - General Fund	\$33,291.03
B - General Fund-Town Outside	\$14,011.65
DB - Highway-Town Outside	\$318,542.71

FO - Water Districts	\$25,501.08
FA - Route 38 Water	\$714.06
GO - Sewer Districts	\$22,414.88
GA - Route 38 Sewer	\$441.84
HN – NY Rising – Shared Services Building	<u>\$82,733.00</u>
–	\$497,650.25

I. Unfinished Business –
None

J. Reports of Standing Committees
 Councilman Marks – No report
 Councilman Morgan – No report
 Councilman Jochum – No report
 Councilman Grenir – No report

K. Presentation of Resolutions, Motions and New Business

1. Motion to appoint Richard Pedro as Sole Assessor having met the minimum qualifications by Councilmen Jochum, seconded by Councilmen Grenier, all aye, so carried.

L. Second Privilege of the floor
 There was no one wishing to be heard.

M. Executive Session – None needed.

N. Adjournment
Motion by Morgan, the meeting was adjourned at 7:13 p.m.

Respectfully submitted,

Laura Burt, Deputy Town Clerk