

APPROVED

Town of Lansing

PLANNING BOARD MEETING

Monday, January 22, 2018 6:30 PM

PLANNING BOARD MEMBERS

(*Denotes present)

- Tom Ellis, Chairman
- * Jerry Caward, Vice-Chairman
- * Sandra Dennis Conlon
- * Norman (Lin) Davidson
- * Al Fiorille
- * Larry Sharpsteen
- Deborah Trumbull
- * Dean Shea, Alternate
- * Thomas Butler, Second Alternate

Other Staff

Lynn Day, Zoning Officer

Mike Long, AICP

Edward LaVigne, Supervisor

Public Present (14) that signed in

John Andersson	Tim Richmond	Helene Croft	Mark Croft	Rob Brenner
Rebecca Lovenheim	Jesse Young	Haley Ward	Scott Ward	Joanna Woods
Wayne Lucas	Jack Young	Tim Buhl	Fran Sampson	

Vice Chairman Jerry Caward called the Planning Board Meeting to order at 6:31 PM.

Vice Chairman Jerry Caward enacted both Dean Shea and Thomas Butler due to two members absent today.

FLOOR OPEN FOR COMMENTS/CONCERNS OTHER THAN WHAT IS ON THE AGENDA

No Comments

APPROVED

MOTION TO APPROVE THE PLANNING BOARD MINUTES FOR JANUARY 8, 2018 MEETING

Dean Shea made a motion to APPROVE THE JANUARY 8, 2018 minutes. Sandra Dennis Conlon seconded the motion: (Larry refrained due to being absent on January 8th)

All in Favor – 6

Opposed – 0

PUBLIC HEARING - SEQRA REVIEW AND SUBDIVISION MINOR FINAL PLAT FROM JOHN YOUNG - EAST SHORE CIRCLE 4-LOT SUBDIVISION. TAX PARCEL #37.1-7-12.2 (R2) RESIDENTIAL- MODERATE DENSITY

The Engineer for East Shore Circle, John Andersson, is working with TG Miller on mitigating any stormwater issues.

Dean Shea made a motion to Open the Public Hearing for East Shore Circle at 6.35pm. Larry Sharpsteen seconded.

All in Favor – 7 All Opposed – 0

Four Neighbors concerned with possible drainage and septic issues.

- The ditch by the road frontage near project already backs up.
- No increase in the drainage to the ditch will result from the subdivision given the SWPPP work required
- There is going to be a diversion path leading to the south west border of the properties that leads to a detention basin.
- Ed LaVigne will reach out to Cricket our Highway Superintendent to review the area.

Lin Davidison made a motion to Close the Public Hearing for East Shore Circle at 6:56pm. Larry Sharpsteen seconded.

All in Favor – 7 All Opposed – 0

The Planning Board reviewed the SEQRA part II and found no negative impact on the environment.

RESOLUTION PB 18-01

TOWN OF LANSING PLANNING BOARD RESOLUTION OF MAKING SEQRA NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS FOR PROPOSED JOHN YOUNG 4-LOT MINOR SUBDIVISION ON EAST SHORE CIRCLE

APPROVED

WHEREAS, an application was made by John Young for a four-lot subdivision approval at East Shore Circle, Lansing, New York, and otherwise known as TPNs 37.1.-7-12.2, consisting of a total of 26.26± acres in the Residential - Moderate Density (R2) Zone; and

WHEREAS, the proposed subdivision is shown on a “Final Subdivision Plat showing the lands of John F. Young, Susan M. Barnett, James R. Young and Julie Young, located on East Shore Circle, Town of Lansing, Tompkins County, New York,” dated December 1, 2017, and proposes to re-subdivide existing parcels to become Lot 1 ±1.05 acres, , Lot 2 ± 1.05acres, Lot 3 1 ± 1.16acres and Lot 4 balance of +/- 9.85 acres; and

WHEREAS, this proposed action is an Unlisted Action for which the Town of Lansing Planning Board is an involved agency for the purposes of environmental review; and

WHEREAS, a public hearing was duly noticed and held upon January 22, 2018 to consider such minor subdivision and the potential environmental impacts thereof, and the public was free to provide opinions and evidence in respect of such matters and all members of the public were duly heard and all evidence taken; and

WHEREAS, on January 22, 2018, the Town of Lansing Planning Board, in performing its reviewing agency functions in conducting an environmental review in accordance with Article 8 of the New York State Environmental Conservation Law and SEQRA regulations: (i) pursued its thorough review of the project and the Applicant’s SEAF, as well as a review of all other documents prepared and submitted with respect to this proposed action; and (ii) thoroughly analyzed the potential relevant areas of environmental concern of the project to determine if the proposed action may have any moderate or significant adverse impacts on the environment, including the criteria identified in 6 NYCRR § 617.7(c); and (iii) reviewed the SEAF on the record; and

WHEREAS, each identified potential environmental impact was analyzed and duly considered by the Planning Board in relation to the question of whether any potential environmental impacts were so probable of occurring or so significant as to require a positive declaration, and after weighing the above and all other potential impacts arising from or in connection with this project, and after also considering: (i) the probability of each potential impact occurring; (ii) the duration of each potential impact; (iii) the irreversibility of each potential impact, including permanently lost resources of value; (iv) whether each potential impact can or will be controlled or mitigated by permitting or other processes; (v) the regional consequence of the potential impacts; (vi) the potential for each impact to be or become inconsistent with the Town’s master plan or Comprehensive Plan and local needs and goals; and (vii) whether any known objections to the Project relate to any of the identified potential impacts, the Planning Board found that these factors did not cause any potential impact to be or be likely to become a moderate or significant impact such that a negative declaration will be issued.

APPROVED

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. After consideration of the potential environmental impacts, including those reviewed in accord with 6 NYCRR § 617.7(c), the Planning Board finds that the proposed action of approving the proposed minor 3-lot subdivision, as based upon the proposed survey and plat as submitted, will individually and cumulatively have no moderate or significant negative environmental consequences or impacts.
2. This declaration is made in accord with Article 8 of the New York State Environmental Conservation Law and SEQRA regulations promulgated thereunder, and accordingly, the Planning Board of the Town of Lansing, based upon: (i) its thorough review of the SEAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review; (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have any moderate or significant adverse impact on the environment, including, but not limited to, the criteria identified in 6 NYCRR § 617.7(c); and (iii) its completion of the SEAF, including the findings noted therein (if any, and which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“**Negative Declaration**”) in accordance with SEQRA for the above referenced proposed actions, and determines that an Environmental Impact Statement is therefore not required.
3. A Responsible Officer of the Planning Board of the Town of Lansing is hereby authorized and directed to complete and sign, as required, the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed SEAF and determination of significance shall be incorporated by reference in this Resolution

January 22, 2018

Motion by: Larry Sharpsteen

Seconded by: Dean Shea

VOTE AS FOLLOWS:

Sandra Dennis Conlon - Aye
Lin Davidson - Aye
Al Fiorille - Aye
Larry Sharpsteen - Aye
Dean Shea, Alternate - Aye
Thomas Butler, 2nd Alternate - Aye
Gerald Caward - Aye

APPROVED

RESOLUTION PB 18-02

RESOLUTION OF TOWN OF LANSING PLANNING BOARD CONDITIONALLY APPROVING JOHN YOUNG - MINOR 4 LOT SUBDIVISION, EAST SHORE CIRCLE

WHEREAS, an application was made by John Young for a four-lot Minor subdivision approval at East Shore Circle, Lansing, New York, and otherwise known as TPNs 37.1-7-12.2, consisting of a total of 26.26± acres in the Residential – Moderate Density (R2) Zone; and

WHEREAS, the proposed subdivision is shown on a “Survey Map showing the lands of John Young, et al., Town of Lansing, Tompkins County, New York,” dated January 9, 2018, and proposes to re-subdivide existing parcels to become Lot 1 ± 1.05 acres, Lot 2 ± 1.05 acres, Lot 3 ± 1.16 acres, and Lot 4 the balance of the parcel at 9.85 +/- acres; and

WHEREAS, on December 11, 2017, the Planning Board classified the proposed subdivision as a Minor Subdivision, including as there are 3 additional new lots being created, and there are no roads or infrastructure proposed to be developed; and

WHEREAS, a public hearing was duly noticed and held upon January 22, 2018 to consider such minor subdivision and the potential environmental impacts thereof, and the public was free to provide opinions and evidence in respect of such matters and all members of the public were duly heard and all evidence taken; and

WHEREAS, a negative declaration of environmental impacts was duly issued under SEQRA, this action is exempt from the § 239 requirements under the General Municipal Law, and this land, even though within an R2 Residential – Moderate Residential District, is currently seasonally farmed such that no agricultural impacts are expected; and

WHEREAS, the Planning Board has considered and carefully reviewed the requirements of the Town’s laws and regulations relative to subdivisions and the unique needs of the Town due to the topography, the soil types and distributions, and other natural and man-made features upon and surrounding the area of the proposed subdivision, and the Town has also considered the Town’s Comprehensive Plan and compliance therewith, and the Planning Board has further considered the proposed subdivision in relation to the surrounding area and neighborhoods, the public facilities and services available, the site characteristics, and any potential on and off site environmental impacts; and

WHEREAS, upon due consideration and deliberation by the Town of Lansing Planning Board, *now therefore be it*

RESOLVED, that the Town of Lansing Planning Board grants Final Plat Subdivision Approval of the application for a four-lot minor subdivision of certain land located at East Shore Circle, Lansing, New York, and that the afore-described survey map shall suffice as a Final Plat when so amended in accordance with the following conditions and findings:

1. The land and the resulting parcels may not be further subdivided or have any boundaries changed without further subdivision or other approval of and by the Town of Lansing Planning Board, and this condition shall be stated on the face of the Final Plat referenced below.

APPROVED

2. The Survey Map shall be labelled as a “Minor Subdivision Final Plat” and all other plat requirements, for good cause as shown, shall be waived in connection with such final plat, including the various requirements of Local Law #3 of 2016, § 6(B), in that: (i) such additional information is not necessary for this review; (ii) the lot configurations comply with requirements of zoning and the subdivision law; (iii) no new lots are hereby being created; and (iv) the Planning Board has determined that this waiver of requirements for a final plat will not have any adverse effect on this review or the neighborhood.
3. The sealing and endorsement of such Minor Subdivision Final Plat shall be made by the Planning Board Chair, and the Developer shall thereafter present and obtain the signing of the plat by Tompkins County Assessment Department, followed by filing in the Tompkins County Clerk’s Office, followed by the provision of proof of such filing promptly delivered to Town of Lansing Code Enforcement Office, all within the time limit requirements of the Town’s Subdivision Local law (Local Law #3 of 2016).
4. No Building Permits for new construction on any of the parcels will be permitted at any time until the final subdivision map has been filed with the Tompkins County Tax Assessment Department and Tompkins County Clerk’s Office.
5. Developer shall obtain all necessary curb-cut/work permits from the appropriate State or local Highway Department(s) for any driveways connecting with East Shore Circle, as well as for any culverts that are to be installed in conjunction with such future driveways.
6. Submission of a plot plan for each approved lot if and when any new building permits are sought, including to show a proposed layout and dimensions of any proposed buildings, driveways, and other improvements, as well as a drainage plan with details sufficient to demonstrate that adequate drainage facilities can be provided to protect houses and structures from flooding, standing water, or other potential drainage problems.

January 22, 2018

Motion by: Dean Shea
Seconded by: Larry Sharpsteen

VOTE AS FOLLOWS:

Sandra Dennis Conlon - Aye
Lin Davidson - Aye
Al Fiorille - Aye
Larry Sharpsteen - Aye
Dean Shea, Alternate - Aye
Thomas Butler, 2nd Alternate - Aye
Gerald Caward - Aye

APPROVED

PUBLIC HEARING - SEQRA REVIEW AND SITE PLAN APPLICATION FROM VERIZON WIRELESS UPGRADE - 425 CONLON ROAD. TAX PARCEL #28.-1-1 (RA) RURAL AGRICULTURAL

- Nine new antennas instead of Twelve current ones
- The Antennas visual impact will be un-noticed to the naked eye
- Removing some of the coax cables
- Improving the structure of the tower by adding cross bracing
- Verizon agreed to decommissioning clause for their antenna and ground facilities
- Verizon will communicate to the tower owner the town's request for an updated decommissioning plan for there portion

Larry Sharpsteen made a motion to **Open the Public Hearing for Verizon Wireless** at 7:25pm. Dean Shea seconded.

All in Favor - 7 All Opposed - 0

Summary from one person

- Project goal is to start the project this summer
- Structural portion should take a few days
- Antenna upgrade will follow
- They will use the current access way with no plan to disrupt the soil

Lin Davidison made a motion to **Close the Public Hearing for Verizon Wireless** at 7:35pm. Al Fiorelli seconded.

All in Favor - 7 All Opposed - 0

This is a Type II action - NO SEQRA is required

RESOLUTION PB 18-03

RESOLUTION CONDITIONALLY APPROVING VERIZON SITE PLAN REVIEW APPLICATION AND ISSUING SPECIAL USE PERMIT FOR 197' CELL TOWER MODIFICATIONS AND RELATED IMPROVEMENTS

WHEREAS, an application was made by Bell Atlantic Mobil Systems of Allentown, Inc. d/b/a Verizon Wireless, through Robert J. Brenner of Nixon Peabody, agent, for a site plan review approval and a special use permit for the improvement and upgrade of the tower and an upgrade of antennae arrays upon an existing 197' communications tower and previously approved site improvements located upon a portion of land at 425 Conlon Road, Lansing, New York, being TPN 28.-1-1 (75.3 acres) in the Rural Agriculture (RA) Zone, with the specific existing site and access roads and easements as set forth in the project site plan mapping; and

APPROVED

WHEREAS, more particularly, the proposal is to make structural improvements to an existing 197' tall lattice communications tower to colocate and upgrade antennae arrays to improve cell phone access and network reliability, while also fulfilling infill and local coverage gap needs, all of which needs were duly documented and proven to the satisfaction of the Planning Board, all together with related electrical equipment, antennae, and tower bracing and infrastructure; and

WHEREAS, the developer has estimated 0 acres of disturbance will be the result of the proposed project, which is below the 1 acre minimum threshold for a Full SWPPP, and this project is in otherwise in compliance with current stormwater regulations, and such proposed tower and land use is a permitted use under the Land Use Ordinance in the Rural Agriculture (RA) Zone, subject to obtaining site plan review approval and a special use permit from the Planning Board; and

WHEREAS, the Planning Board has considered and carefully reviewed the requirements of the Town's Laws relative to site plan review and the unique needs of the Town due to the topography, the soil types and distributions, and other natural and man-made features upon and surrounding the area of the proposed site plan, and the Planning Board has considered the Town's Comprehensive Plan and compliance therewith, and the Planning Board has also duly considered the tower's siting and design under Local Law #7 of 2015, including a review under the criteria of Article IV, entitled "MODIFICATIONS OF EXISTING TOWERS AND FACILITIES," and this application meets the requirements of § B therein and is an "eligible facilities request" under the federal Spectrum Act and its implementing regulations, and the review criteria of Article V, § E of the Town's local law require adherence with the Spectrum Act, such that this review is ministerial and an approval is recognized as required, subject to public safety verification as to the structural changes and capacity of the tower (which is related to the ministerial review under the building permit needed to so construct the tower and colocate the antennae array proposed); and

WHEREAS, this action was and hereby again is classified as a Type II Action under the State Environmental Quality Review Act ("SEQRA"), such that no review is herein required as this is a colocation request, qualifies as an eligible facilities request, and no substantial changes to the site are proposed as would alter the prior environmental review or conclusions from when the tower was first sited and the negative declaration is thus continued; and

WHEREAS, General Municipal Law § 239 referrals were duly delivered to the Tompkins County Planning Department of the revised plans and such **Department responded by letter dated January 2, 2018 stating that the project will have no negative inter-community or county-wide impacts; and**

WHEREAS, a public hearing was duly held upon January 22, 2018 and the public was duly allowed to speak upon and address the communications tower and the site plan and special permit application, and all input and comments, if any, were duly considered, whereafter the Planning Board began consideration of the terms and conditions of approval or denial of the site plan and special use permit; and

WHEREAS, upon due consideration and deliberation by the Town of Lansing Planning Board, *now therefore be it RESOLVED as follows:*

APPROVED

1. Final Site Plan approval be and hereby is issued for this project for the proposed site area improvements as located upon the afore-described 75.3± acre parcel, TPN 28.-1-1, as shown in and on updated Site Plan Sheets dated 11/29/2017, drawn and sealed by Eric Kenna, P.E. of C&S Engineers and visualization materials as submitted by the applicant to this meeting (together, the “Site Plans”), all *subject to the following conditions:*

i. Developer will repair road and culvert access if they damage for the previously approved access way to Conlon Road as indicated in said site plan. The owners of the tower will be in charge of maintaining the access way.

ii. All new construction must meet the requirements of the New York State Building Codes and a building permit must be duly obtained for all project improvements. Any fill material if brought to the site shall require fill compaction testing, and verification of proper completion of compaction and compaction testing shall be delivered to the Town’s Code Enforcement Officer prior to the close-out of any building permit(s).

2. A Special Use Permit be and is hereby issued and approved for the site plan and rehabilitation of the 197’ communications tower, subject to the following conditions:

i. That substantial construction be undertaken within one-year of the date of the approval of the site plan approval.

ii. Prior to the issuance of any building permit, a review to be undertaken by an independent structural engineer selected by the Town that verifies: (i) the proper design of the Tower and its supporting structures; and (ii) that the material and structural designs proposed are properly designed and have the potential to reduce the risks that potentially arise upon tower failure within a reduced and approved fall zone.

iii. Submission of a decommissioning plan to remove Verizon equipment and Antennas and the applicant will request that the owners of the tower to submit an updated decommissioning plan and security therefor in a form as approved by the Town Board.

Dated: January 22, 2018

Motion by: Lin Davidson

Seconded by: Sandra Dennis Conlon

VOTE AS FOLLOWS:

Sandra Dennis Conlon - Aye
Lin Davidson - Aye
Al Fiorille – Aye
Larry Sharpsteen – Aye
Dean Shea, Alternate – Aye
Thomas Butler, 2nd Alternate - Aye
Gerald Caward – Aye

APPROVED

**SITE PLAN FOR SIGN FROM CAYUGA ORCHARD
APARTMENTS LOCATION ON NORTH TRIPHAMMER ROAD.
TAX PARCEL #37.1-6-3.362
(R2) RESIDENTIAL - MODERATE DENSITY**

- Sign reduced to Letter size down to a 10 inches down from 12 inches
- Back drop width reduced by two feet
- Back drop height reduced by one foot
- Now have 15.6 square feet in Letters as opposed to 22 square feet in the original plan
- Now 66 square feet in background as opposed to 92 square feet in the original plan
- The apartments are 150' from the road
- The owner wants to make sure they location is clearly marked

Dean Shea made a motion to **PASS ON TO THE ZBA with no recommendation**. The planning board has looked at this as a modification to the existing site plan and we do not consider a need to reopen SEQRA and that we will forward to the ZBA without a recommendation for their review and condieration. Larry Sharpsteen seconded.

- All in Favor - 7 All Opposed - 0

**REVIEW AMENDED/PROPOSED SOLAR & ALTERNATIVE
ENERGY LOCAL LAW 6TH VERSION**

Several additions were made for the alternative, solar, and wind energy law, to include alternative energy and the remaining item is completing the noise verification method for permitting small scale solar. Dean is engaging with an expert from Intertek to come up with a solution before the next meeting in February when we hope to finalize this and send it off to the town attorney and the town board for consideration.

6th Revision 1/8/18

Local Law Number ____ of 2018

Alternative, Solar and Wind Energy Systems and Facilities Law

History – This Local Law hereby amends and supersedes prior rules and regulations pertaining to solar panel and similar alternate energy source in the Town of Lansing Land Use Ordinance as amended March 18, 2015.

APPROVED

The Town Board of The Town of Lansing, New York, pursuant to Resolution dated _____, 2018, does hereby adopt and pass this Local Law Number _____ of 2018, and therefore, be it so enacted as follows:

SECTION 1 – AUTHORITY: This section is adopted pursuant to the powers granted by sections 261 and 263 of the Town Law of the State of New York, which authorize the Town of Lansing 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 therefore.”

SECTION 2 - PURPOSE: The purpose of this Local Law is to facilitate and regulate the development and operation of renewable energy systems based upon the use of sunlight and wind. It is in the public interest to allow for and encourage renewable energy systems in accordance with the Town of Lansing Comprehensive plan. Solar energy systems are appropriate in all zoning districts and wind energy systems are appropriate in designated zoning districts as provided in this law with minimized impacts on neighboring properties in the town, protection of the public health, safety and welfare of the town, minimized visual effects on the town, protection of natural features, aesthetics and character of the town.

SECTION 3 - DEFINITIONS: Words used in this Local Law shall have the following meanings.

ALTERNATIVE ENERGY SYSTEM – An energy producing system other than solar energy or wind energy which generates mechanical energy or electricity without burning coal, oil, municipal natural gas or liquid propane gas.

ALTERNATIVE ENERGY FACILITY – The infrastructure required for the creation of mechanical energy or electricity by an alternative energy system other than solar energy or wind energy.

ACCESSORY STRUCTURE – A building subordinate to the principal building on the same lot and used for purposes that are clearly related but incidental to those of the principal building.

BUILDING MOUNTED SOLAR ENERGY SYSTEM - A SOLAR ENERGY SYSTEM whose components are located on the exterior of any legally permitted building or structure or integrated into any building envelope system such as vertical facades, glass and in some cases windows, skylights, roofing materials and shading over windows.+

DBA – Decibel A

EAF- Environmental Assessment Form.

FAA- Federal Aviation Administration.

FALL ZONE – The radius of an area below a wind energy system tower equal to the tower height plus the height of the generator and the attached blades plus a safety factor to allow for a clear space below in case of tower failure, partial or full disintegration of the tower or generating system or drop of debris such as ice from tower or generator.

APPROVED

GROUND MOUNTED SOLAR ENERGY SYSTEM – A SOLAR ENERGY SYSTEM whose components are attached to a pole or other mounting system anchored to the ground and detached from any other structure.

LARGE SCALE SOLAR ENERGY SYSTEM – A SOLAR ENERGY SYSTEM for the primary purpose of producing solar energy for on-site consumption whose components cover a land or roof area in excess of 5,000 square feet or have a name plate capacity greater than 25kW. Large scale solar energy systems may generate energy in excess of the energy requirements of a property if it is to be sold back to a public utility in accordance with the local law.

LARGE SCALE WIND ENERGY SYSTEM – A WIND ENERGY SYSTEM for the primary purpose of producing wind energy for on-site consumption whose generating components mount on one or more towers or have a name plate capacity greater than 25kW. Large scale wind energy systems may generate energy in excess of the energy requirements of a property if it is to be sold back to a public utility in accordance with the local law.

LEAF – Long Environmental Assessment Form

MECHANICAL MEANS – The use of solar energy collected to drive a turbine, engine or other mechanical device.

NAME PLATE CAPACITY – The maximum rated output of the electric power production of the photovoltaic or wind energy system in Direct Current (DC).

NET METERING – A billing arrangement whereby the solar or wind energy producer receives credit for excess electricity generated and delivered to the power grid, paying only for the power used in excess of that generated and delivered to the power grid.

PLANNING BOARD- The Planning Board of the Town of Lansing.

PRACTICABLE – Capable of satisfying the overall project purposes, after taking into consideration cost, time, technology and logistics.

SEQRA- The New York State Environmental Quality Review Act, generally codified at Environmental Conservation Law Article 8, and including the regulations pertaining thereto at 6 NYCRR Part 617, each as now exist or as hereafter amended or recodified.

SITE PLAN or **SITE PLAN REVIEW**- Site planning and reviews of site plans per the requirements of the Town of Lansing Land Use Ordinance and Article 16 of Town law, as enhanced by this local law.

SMALL SCALE SOLAR ENERGY SYSTEM - A SOLAR ENERGY SYSTEM for the primary purpose of producing solar energy for on-site consumption whose components cover a land area in of 5,000 square feet or less or have a name plate capacity of 25kW or less. Small scale solar energy systems may generate energy in excess of the energy requirements of a property if it is to be sold back to a public utility in accordance with the local law.

APPROVED

SMALL SCALE WIND ENERGY SYSTEM - A WIND ENERGY SYSTEM for the primary purpose of producing wind energy for on-site consumption whose generating components mount on a single tower and have a name plate capacity of 25kW or less. Small scale wind energy systems may generate energy in excess of the energy requirements of a property if it is to be sold back to a public utility in accordance with the local law.

SOLAR EASEMENT – A document recorded pursuant to New York State Real Property 335-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar energy system.

SOLAR ENERGY FACILITY – The row(s) of solar panels including foundations and support frames, the space between rows and associated electric and electronic connections, panels, boxes, controls, inverters, switches, transformers, gates, access roads, fencing, etc.

SOLAR ENERGY FACILITY FOOTPRINT – The maximum occupied surface area taken up by the solar energy facility.

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

SOLAR PHOTOVOLTAIC SYSTEM or SOLAR PV SYSTEM- A solar energy system used to generate electricity from sunlight using pv cell panels to create voltage from photons.

SOLAR THERMAL SYSTEM - A solar energy system used to generate heated liquid from sunlight for transfer to potable water, a process liquid or to a hydronic heating system using a collector and a transfer liquid or an alternative solar energy system used to generate heated air from sunlight to heat spaces through passive convection or active fan driven means using a collector.

TOWER- A structure not intended for human habitation upon which wind energy generating equipment are designed to be located. It includes without limit, freestanding Towers, lattice Towers, guyed Towers, monopoles and other similar structures which may employ camouflage technology.

TOWN- The Town of Lansing, in Tompkins County, New York.

TOWN BOARD- The Town Board of the Town of Lansing.

WIND ENERGY FACILITY – The support tower including foundations and support cables, the nacelle including electric generator, gearing, and braking, the rotor, blades, tail and other associated components, the associated electric and electronic connections, panels, boxes, controls, inverters, switches, transformers, gates, access roads, fencing, the fall zone around each tower, etc.

WIND ENERGY FACILITY FOOTPRINT – The maximum occupied surface area taken up by the wind energy facility.

YARD - An unoccupied space, open to the sky, on the same lot with a building or structure.

APPROVED

YARD, FRONT - An open space extending across the entire width of a lot, between the building line and the front property line (street or road right-of-way line) and into which space there shall be no extension of building parts other than steps, open porches, eaves, cornices, and similar structures. For purposes of this Ordinance, a lot located on Cayuga Lake shall have the front yard facing the lake.

YARD LINE - A line drawn parallel to a lot line at a distance there from equal to the depth of the required yard. (See SCHEDULE II of the Town of Lansing land use ordinance)

YARD, REAR - An open space extending across the entire width of the lot, between the rear line of the lot and a line parallel to said rear lot line, and at a distance there from as specified in SCHEDULE II of the Town of Lansing Land Use Ordinance for the zoning district in which the lot is located.

YARD, SIDE - An open, unobstructed space on the same lot with a building between the building and the side line of the lot, and extending through from the front yard line to the rear yard line.

SECTION 4 – APPLICABILITY:

- A. The requirements of this sections shall apply to all solar energy systems modified or installed after the effective date of this Local Law excluding general maintenance and repair.
- B. Solar energy systems are permitted in all town zones subject to the requirements described below.
- C. Wind energy systems are permitted in designated town zones subject to the requirements described below.
- D. The installation of any solar energy system, as provided in this law, does not carry with it a right to a clear line of sight to the sun. It is understood that an applicant, installer or developer has the responsibility to make sure that the solar energy system(s) are positioned in such a way that they will achieve the optimal energy production practicable. It is the responsibility of the applicant, installer or developer to gain any and all easements or agreements to acquire and maintain a line of sight to the sun if necessary.
- E. The installation of any wind energy system, as provided in this law, does not carry with it a right to an uninhibited wind resource. It is understood that an applicant, installer or developer has the responsibility to make sure that the wind energy system(s) are positioned in such a way that they will achieve the optimal energy production practicable. It is the responsibility of the applicant, installer or developer to gain any and all easements or agreements to acquire and maintain an uninhibited wind resource if necessary.
- F. No solar energy system or wind energy system shall be located to reduce or impede the amount of sunlight that would fall on an adjacent lot absent the solar energy or wind energy system.
- G. No solar energy system or wind energy system shall be located so as to reduce or impede the function of any other pre-existing solar energy system or wind energy system or of any radio or microwave communication device.

SECTION 5 – GENERAL REQUIREMENTS:

I. Solar Energy Systems:

- A. A building permit is required for all solar energy system installations except:
 - 1. Stand alone solar PV systems under 1,000 Watts that are not connected into the code required power serving a building or tied into the power grid.
- B. All solar energy system installations must adhere to the setback requirements of the Town of Lansing Land Use Ordinance Section 504. Schedule II.
- C. Solar energy system installations must adhere to the height requirements as follows:

APPROVED

1. For building mounted solar energy systems on primary buildings or accessory structures, they shall meet the height requirements for the Zoning Districts where they are installed when measured from the average grade to the highest point of the system and may extend a maximum of 6' above the roof line or to the height limit allowed by the requirements of the Town of Lansing Land Use Ordinance Section 504. Schedule II, whichever is lower.
 2. For ground mounted systems, no components of the solar energy systems shall exceed 18' above finished grade.
- D. All structures in the aggregate on a lot shall not exceed the maximum building lot coverage set forth in the Town of Lansing Land Use Ordinance Section 504. Schedule II.
- E. Installation of solar energy systems are prohibited in:
1. Required open space or buffers or park set-aside areas;
 2. Easement areas.
- F. Fees shall be based upon the Town of Lansing Planning Department's Fee Schedule.

II. Wind Energy Systems:

- A. A building permit is required for all wind energy system installations.
- B. Wind energy systems are allowed only in the B2, RA, R3, IR and L1 zones except:
1. Stand alone wind energy systems under 1,000 Watts that are not connected into the code required power serving a building or tied into the power grid with combined tower and charger height including blades of 35' or less and blade length of 3' or less are allowed in all zoning districts with code officer approval.
- C. Tower heights, tower infrastructure and fall zones are regulated in sections 9, 10 and 11 below.
- D. Fees shall be based upon the Town of Lansing Planning Department's Fee Schedule.

SECTION 6 – SMALL SCALE SOLAR ENERGY SYSTEM:

- A. No site plan review is required, but the Code Enforcement Officer shall have the discretion to require site plan review based upon individual circumstances.
- B. Building or ground mounted solar energy systems are permitted as part of the primary or accessory structure they are attached to in all Zoning Districts
- C. Ground mounted solar energy systems are not permitted in any front yard and must be sited entirely behind the front building line of the principal building on the lot.
- D. A landscaped buffer may need to be provided around some or all of the solar energy system to address visual considerations.
- E. Solar energy systems that convert solar energy to mechanical means require site plan review.

SECTION 7 – LARGE SCALE SOLAR ENERGY SYSTEM:

- A. Site plan review is required.
- B. Large scale solar energy systems are permitted only in RA, R3 and IR Zoning Districts with site plan review.
- C. Large scales solar energy facilities shall not be located in the following area unless otherwise approved by the Planning Board:
1. Prime or good farmland soils, prime farmland and farmland of statewide importance in the RA district;
 2. Conservation easement land, other easement areas and storm water infrastructure areas;
 3. Unique Natural Areas as designated by Tompkins County;
 4. One Hundred year floodplains or wetlands;

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5. Required open space, buffers or park set-aside areas;
 6. Slopes greater than 15% unless applicant can demonstrate through engineering studies and to the satisfaction of the Planning Board and Code Enforcement Officer that the proposed development will cause no adverse environmental impact that will not be satisfactorily mitigated.
- D. Setbacks shall be determined by Site Plan Review.
- E. The solar energy facility footprint shall be enclosed by climb proof fencing not less than eight feet (8') in height and sufficiently secured to prevent unauthorized access, trespass and vandalism and will be equipped with locked enclosure gate(s). A locked gate must be provided at the intersection of the access way to the enclosure and a public road to obstruct unauthorized vehicles and must be located entirely on the lot and not in the public right-of-way.
- F. Warning signs with the owner or operators contact information shall be placed on the enclosure and access gates and on the perimeter fencing at intervals not to exceed 50'. Warning signs shall not exceed 1 square foot in size. Warning signs are not counted as part of the compliance with the Town of Lansing Sign Local Law.
- G. A Knox box keyed to Town of Lansing, NY must be provided at the access way gate to solar energy facilities.
- H. Equipment and vehicles not used in direct support, renovations, additions or repair of any solar energy facility must not be stored or parked on the facility site.
- I. Whenever reasonable, solar energy facility structures and the solar energy facility footprint should be screened from view by a landscape buffer with vegetation and structures jointed or clustered to avoid adverse visual impacts.
- J. During the Site Plan Review process, the Planning Board may impose other conditions as part of its approval.
- K. The use of grazing animals for controlling vegetation shall be allowed in the IR, RA and R3 Zoning Districts.
- L. All appurtenant structures to solar energy facilities, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other.
- M. Access standards may be imposed or required to insure adequate emergency and service access. Maximum use of existing roads, public and private, shall be made. Construction of pervious roadways (crushed stone, gravel, etc.) is preferred and shall be permitted notwithstanding underlying zoning district regulations which may provide otherwise. Road construction shall at all times, minimize ground disturbance and vegetation cutting, and road grades shall closely follow natural contours to assure minimal visual disturbance and reduce potential soil erosion.
- N. Solar energy facilities may have signs in addition to warning signs subject to the Town of Lansing Sign Local Law.
- O. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections for solar energy facilities underground, depending upon appropriate soil conditions, shape and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground.
- P. Motion-activated or staff-activated security lighting around the equipment area of a solar energy facility or accessory structure or entrance may be installed provided that such lighting does not project off site.
- Q. Ground cover vegetation shall be planted to include appropriate forage for grazing animals or other designed solutions for erosion control.
- R. Provision for adequate water supply for grazing animals shall be present at such times as grazing animals are on site or other designed solutions for erosion control.

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SECTION 8 – SOLAR ENERGY SYSTEM DESIGN STANDARDS:

- A. All roof mount solar energy system installations shall submit to the code officer an engineers stamped certification by NYS registered professional engineer or architect of suitability for installation on an existing or new roof structure or an engineers stamped specifications detailing modifications to a new or existing roof structure to accommodate the weight of the system prior to the issuance of a building permit.
- B. All roof mount solar energy system installations shall meet the standards of the current appropriate Building Code of New York State depending upon location, the type of installation and the current Fire Code of New York State and the current NEC in use by New York State or other adopted Electric Code for New York State.
- C. To the maximum extent practicable, solar energy systems must not obscure architectural details or features.
- D. When solar storage batteries are included as part of the solar energy system(s), 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 regulations of this law.
- E. Ground mount solar energy systems must comply with the Town of Lansing Storm Water Local Law.
- F. Removal of trees and other existing vegetation should be limited to what is necessary for construction, operation and maintenance and be offset with planting elsewhere on the property where practical.
- G. Any glare produced by the solar panels shall not impair or make unsafe the use of structures in line of sight, any vehicles operating on or off road, and boats or water craft operating on Lakes, ponds, inlets or streams, aircraft or other possible impacted entities as determined by the Town Planning Board.
- H. Large scale solar energy systems and facilities require the following submittals as part of the Site Plan Review application and process. Submittals shall be prepared by a Registered Professional Engineer licensed in the state of New York.
1. A site plan of showing existing conditions and proposed development. All means of shutting down a Photovoltaic system must be clearly marked.
 2. Plans or drawings of the installation showing the proposed layout and any potential shading from nearby structures or vegetation. All means of shutting down a Photovoltaic system must be clearly marked.
 3. Electrical diagram detailing the solar energy systems or facility and all equipment, components, structures, enclosures and devices.
 4. Documentation of equipment, components, structures, enclosures and devices, including but not limited to specification sheets.
 5. Calculation of designed production capacity.
 6. A written Maintenance and Operating Plan.
 7. A written Decommissioning Plan.
 8. A Storm Water Pollution Prevention Plan (SWPPP).
 9. Environmental Assessment Form (EAF).
 10. Name, Address, Phone contact, Email contact, proof of insurance (liability, workers compensation and NYS Disability) and proof of certification for the proposed installer.
 11. A document that clearly delineates the party responsible for decommissioning at the end of the life of the system and in the event the owner abandons the system for any reason.

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A surety bond or securitization obligation are examples of solar energy system or facility shall provide and maintain with the Town Clerk with a current in force certificate of insurance showing that the property has sufficient liability coverage pursuant to industry standards.

12. Upon request of the appropriate Fire Chief having jurisdiction, the owner or operator shall cooperate with local emergency services in developing an emergency response plan.
13. A Property Maintenance and Operating Plan is required for all large scale solar energy systems and solar energy facilities. This plan must be written and describe continuing system and facility maintenance and property upkeep such as mowing and trimming. This plan must be submitted for review by the Planning Board as part of the site plan review process.

SECTION 9 SMALL SCALE WIND ENERGY SYSTEMS >1Kw and 25Kw<=:

- A. Small scale wind energy systems are permitted with site plan review only in RA, R3, L1 and IR Zoning Districts.
- B. Wind energy systems except those exempted in section 5 II B 1 above may not be attached to a structure other than a tower rated specifically for such use.
- C. Wind energy systems are not permitted in any front yard and must be sited entirely behind the front building line of the principal building on the lot.
- D. A landscaped buffer may need to be provided around some or all of the wind energy system.
- E. No existing structure shall be modified to serve as a wind energy system tower unless in conformity with this local law.
- F. No existing tower shall be retrofitted to support a new wind energy system without the certification by a licensed New York State Engineer confirming the inspection of and the structural integrity of the existing tower.
- G. Every installation of a small scale wind energy system shall maintain a fall zone equal to or greater than the combined height at the tallest point of the tower and all generator components including the blades plus 10 feet. No structures, easements, right-of-way, public sidewalks or roadways, or above ground utility lines shall be present in the fall zone.
- H. The setback for the edge of the fall zone and all wind energy facility components is subject to the requirements of the zoning requirements of the underlying zone in which situate. In the event that more than one zone's regulations may apply, the more restrictive requirements shall apply.
- I. Total height of wind energy system towers and components shall not exceed 200'.
- J. For utility easements located within the proposed fall zone, a letter of permission from the associated utility company is required.
- K. Noise attributable to a small scale wind energy system cannot exceed 42 dBA during daytime hours (6am-10pm) and 35 dBA during nighttime hours (10pm-6am) at the nearest outside wall of a nonparticipating residence or occupied community building. Short term (15 minute maximum) maximum design standard noise levels shall not exceed 50dBA. In the event audible noise due to wind energy system operations contains a steady pure tone, the owner shall promptly take corrective action to permanently eliminate the noise. An owner of a nonparticipating residence or occupied community building may waive noise limit requirements with a written Mitigation Waiver agreement. A manufacturer's proof of 3rd party certification of noise levels to the latest AWEA (American Wind Energy Association) published standard at the time of application showing sound level testing that meets the above criteria shall be accepted as noise design compliance for permitting, installation and operating purposes.

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SECTION 10 LARGE SCALE WIND ENERGY SYSTEM:

A. Each application shall include application fees, engineering review fees and legal fees, in the amount of \$1,000 or as outlined in (or updated by) the Town's Fee Schedules. The Town may also retain such technical consultants as it deems necessary to provide assistance in the review of the site location alternative analyses, the environmental review of the project, and any engineering reviews pertaining to building permits or structural designs, structural integrity, and the feasibility of any modifications or the carrying capacity of any Tower for Colocation of any Antennas or other appurtenances. The applicant shall bear the reasonable costs associated with such consultations, which costs shall be assessed as an additional application fee. In no case shall the total fees and charges payable by an applicant be more than 5% of the total project cost as determined for building permit fee assessment purposes, but SEQRA costs shall not count towards such 5% limit and shall be separately assessable pursuant to the Statutes and regulations of SEQRA.

B. No large scale wind energy facilities shall hereafter be used, erected, modified, or reconstructed except after the granting of a Special Use Permit and Site Plan approval by the Lansing Planning Board and in conformity with the Town's Land Use Ordinance and the provisions of this local law.

C. No existing structure shall be modified to serve as a wind energy system tower unless in conformity with this local law.

D. In reviewing any applications for any allowed or new large scale wind energy facilities or tower(s), the Planning Board shall, at a minimum, require that the following application materials and information be submitted for review and, if appropriate, approved, and that the following review and approval standards and criteria be met:

1. Site Location. A proposed site location shall receive approval from the Planning Board following satisfaction of the following requirements:
 - a. Documentation of the need for the use of the site proposed, including and analysis demonstrating that proposed location is necessary to achieve the optimal energy production practicable.
 - b. Analyses and studies by NYS certified structural engineers showing adequate design and construction parameters for any proposed large scale wind energy facilities, including calculations and a demonstration that the strength and capacity of the same and all towers are designed to exceed the loading expected and calculated for such large scale wind energy facility or tower at such location and elevation, including static loading, wind loading, and snow loading.
2. Site Plan and Special Permit Applications. All Site Plans shall require the seal of a New York State licensed Professional Engineer, and all facilities shall meet applicable NYS code requirements including the applicable safety and other requirements of NFPA, ANSI, IEEE and related national code agencies. A fully completed Special Permit Application and Site Plan prepared to scale in sufficient detail and accuracy shall be provided, and such Site Plan and completed application shall show at a minimum:
 - a. The exact location of the proposed tower, together with any guy wires and anchors, if applicable, and a side elevation of the tower showing the proposed wind generator and any other tower mounted equipment.

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- b. The maximum height of the proposed tower and all mounted equipment.
- c. A detail of tower type (monopole, guyed, latticed, freestanding, or other) including any appendages, and further including design parameters and mapping for all sub-surface improvements.
- d. The location, type and intensity of any lighting on the property, together with a description of all FAA or other lighting requirements, including verification of such description and disclosure by an appropriate qualified engineer, or from the FAA or other authority having jurisdiction, and including a reference to the statute, regulations, design manuals (or similar authoritative source of such requirements) that shows what lighting requirements are required for the particular large scale wind energy facilities and towers.
- e. Property boundaries, tax map numbers, street addresses and names of owners of adjacent properties.
- f. Proof of landowner's consent if the applicant does not own the property and a map or other document delineating the scope of any lease or easement allowing or relating to the siting of any improvements or facilities, together with a depiction and description of the access provided to the site.
- g. The location of all other structures on the property and all structures on any adjacent property within 1,000 feet of the property lines, together with the distance from those structures to any proposed tower.
- h. The location, nature and extent of any proposed fencing, landscaping, and screening, together with final grading plans for all facilities and roads, and further including planting plans, access roads, parking areas, and all proposed buildings or structures and their appurtenances.
- i. The location and nature of proposed utility easements and access road, if applicable, including a depiction and description of any above-ground utilities and mapping for all underground utilities, the location, size, and operational parameters of any on-site generators, and the source of any power supplied to the site.
- j. All information regarding the tower, wind generator and any associated equipment prepared by the manufacturer of the tower or antenna or the applicant, including but not limited to the following:
 - i. The make and model of the tower and equipment to be mounted to it.
 - ii. The manufacturer's design data for installation instructions and construction plans.
 - iii. The applicant's proposed tower maintenance and inspection procedures and records system.
 - iv. Identification of any anti-climb device(s) to be installed.

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- v. Confirmation that the wind energy generator to be mounted on the tower will be operated at or below noise levels allowed by this law.
 - k. All proposed signage, provided that no tower or large scale wind energy facilities shall contain any advertising signs or advertising devices except signage identifying a health or general welfare message and the owner(s) name and contact information, both being solely intended for identification and the protection of the general public.
 - l. Certification by a licensed New York State structural engineer confirming the structural integrity of the tower design.
3. Height. The Planning Board shall approve the combined height of each proposed tower and wind energy generator which shall in no case exceed 200' tall as measured from the average elevation of surrounding terrain (and no buildup of a base or foundation shall increase such allowed height) to the highest point of the tower, wind generator, turbine blades, or other devices extending above the structure of the tower. In reviewing such issue the Planning Board shall consider the minimum height necessary for the applicant's needs.
 4. Fall Zones. The applicant must demonstrate a safe fall zone around the tower showing no impacts upon structures or dwellings and adequate setbacks from public highways. The radius of such zone must be at least equal to the highest point of the tower and its wind energy generation facilities, as measured from the lowest ground-level grade within such height radius, plus 10 feet.
 5. Setbacks; Yardage. All large scale wind energy facilities shall comply with all setback, frontage, minimum lot size, maximum lot coverage, yardage, and bulk requirements of the underlying zone in which situate. In the event more than one zone's regulations may apply, the more restrictive requirements shall be applied upon a standard-by-standard basis. These standards apply to all major structures of any large wind energy facility, as well as their supporting parts and appurtenances, such as guy wires, anchors, and accessory structures. In order to safeguard the general public and adjacent properties, all towers shall be set back from all adjacent property lines a sufficient distance to contain on site substantially all ice fall or debris from any tower or wind energy generator or associated equipment failure.
 6. Subdivision. No subdivision for the purposes of the present or future siting or emplacement of any large scale wind energy system or tower shall be reviewed as, or classified as, an exempt subdivision under the town's subdivision local law (as exists or as hereafter amended). In the event any subdivision application is submitted or any approval sought for any present, proposed, or future large scale wind energy facilities, then each and all such lots shall meet the minimum lot sizes for the applicable district and all lots upon which any large scale wind energy facilities are proposed, or upon which such large scale wind energy facilities, shall be sited shall be sufficiently sized and shaped to incorporate the entire fall zone within and upon such single lot. In the event this single lot requirement is impossible to, then maximum compliance with this requirement shall be sought and any area of the fall zone not located upon such lot shall be subject to an express easement in a form as approved by the Town.

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7. Aesthetics. Large scale wind energy facilities shall be located and their visual effects minimized through careful design and buffering via vegetative screening to the maximum extent which is practical and feasible to help ensure compatibility with surrounding land uses. The following provisions shall serve as guidelines or examples for the Planning Board in considering how to screen towers:

- a. Native plants and vegetation consistent with surrounding flora is recommended.
- b. To screen the base of the tower and accessory structures, a row of deciduous trees or other plants capable of forming a continuous hedge at 10' height in two years of planting located within 25 feet of the tower base and accessory structures shall be recommended, together with other landscaping or buffering as the Planning Board shall reasonably require.
- c. Within 50 feet of the property boundaries, at least one row of evergreen trees, shrubs or other landscaping or buffering as the Planning Board shall reasonably require, at least four feet high when planted and not spaced more than 20 feet apart for trees, and a lesser and species specific appropriate amount for shrubs or hedges.
- d. All trees, plantings, and landscaping shall be maintained and replaced if needed.
- e. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- f. The Planning Board may require that the tower and wind energy generator be designed and sited so as to avoid, if possible, application of FAA lighting and painting requirements, it being generally understood that towers should not be artificially lighted except as required by the FAA, or when public safety so requires.
- g. The tower shall be of a non-reflective galvanized finish or painted matte grey unless otherwise required by the FAA, and Accessory structures should maximize use of build materials, colors and textures designed to blend with the natural surroundings including by the use of camouflaging, where appropriate.
- h. All communication cable and utilities including water, gas, electric, telephone, fiber optic and data lines and sewer leading to and away from any large scale wind energy facility or tower shall be installed underground.

8. NYS Visual EAF (SEQRA review). The applicant shall submit a visual environmental assessment form (visual EAF) and landscaping plan addressing other standards listed within this local law, paying particular attention to visibility from key viewpoints within and outside of the municipality as identified in the visual EAF. The applicant will also be required to undertake a visual impact assessment which shall include:

- a. A Zone of Visibility Map shall be provided in order to determine locations where the tower and generator components may be seen.

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- b. Pictorial representations of “before and after” views from key viewpoints both inside and outside the Town, including but not limited to public highways, local parks, identified important area views or historic properties and sites, other vistas known to be important to the community, and from any other location where the site is visible to a large number of visitors or residents. The Planning Board may determine appropriate key sites at a pre-submission conference with the applicant or upon and after receipt of an application.
- c. Assessment of the visual impact of the tower base, guy wires, accessory buildings, and accessory structures from abutting properties and streets, and on area views known to be important to the community.

9. Traffic Access and Safety.

- a. Access standards may be imposed or required to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Construction of pervious roadways (crushed stone, gravel, etc.) is preferred and shall be permitted notwithstanding underlying zoning district regulations which may provide otherwise. Road construction shall, at all times, minimize ground disturbance and vegetation cutting, and road grades shall closely follow natural contours to assure minimal visual disturbance and reduce potential soil erosion.
- b. All towers and guy anchors, if applicable, shall be enclosed by a climb-resistant fence not less than eight feet in height and otherwise sufficiently secured to prevent and protect wind energy facilities from trespassing or vandalism. All security measures and devices shall be identified, including motion sensing lights, camera systems, lock boxes, and emergency notification systems.

10. Agricultural Data Statement and Notice of Intent. If required, an Agricultural Data Statement shall be submitted, and if the tower or wind energy facilities are located within, contiguous to, or all zones within 1200’ of an Agricultural District mapped by Tompkins County and recognized by the State of New York, Department of Agriculture and Markets, then the applicant shall also be required to file a Notice of Intent and to supply the Town with all documents, communications and information submitted, together with any replies received from, New York State or the Department of Agriculture and Markets.

11. Emergency Response Plan and Removal. The applicant shall submit any required emergency response plan, if requested by the Planning Board. Additionally, the applicant shall be required to identify the manner in or by which the obligation to remove the tower or wind energy facilities will be securitized, whether by letter of credit, bonding, escrow deposit or otherwise. Any such proposed form of security shall provide detailed calculations supporting the amount of removal costs to be secured, taking into account a reasonable rate of inflation over the proposed useful life of the project. Such calculations shall be sealed by and engineer licensed in New York State. In no case may any removal or related performance bond be issued upon, in conjunction with, or as secured or underwritten upon a direct or indirect indemnity agreement supplied by the applicant or the present or future owner of such tower or

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wind energy facility, or any lessor user thereof. Additional requirements for bonding and removal obligations appear elsewhere in this law.

12. Indemnity Agreement. The form of the proposed indemnity and hold harmless agreement shall be submitted for approval and the same shall be approved by the Town Board as to form and content.

13. Noise or Sound Generation.

A. Large scale wind energy systems shall meet the following minimum spacing requirements to address noise mitigation:

- i. Distance from currently occupied off-site residences, business and public buildings shall be not less than one thousand one hundred and fifty (1,150) feet. Distance from the residence of the landowner on whose property the tower(s) are erected shall be not less than five hundred (500) feet or one point one (1.1) times the system height, whichever is greater. For the purposes of this section only, the term “business” does not include agricultural uses.
- ii. Distance from right-of-way (ROW) of public roads shall be not less than five hundred (500) feet or one point one (1.1) times the system height, whichever is greater.
- iii. Distance from any property line shall be not less than five hundred (500) feet or one point one (1.1) times the system height, whichever is greater, unless appropriate easement has been obtained from adjoining property owner.

B. Large scale wind energy systems shall meet the following noise measurement requirements to address noise mitigation:

- i. Noise attributable to a large scale wind energy system cannot exceed 42 dBA during daytime hours (6am-10pm) and 35 dBA during nighttime hours (10pm-6am) at the nearest outside wall of a nonparticipating residence or occupied community building. Short term (15 minute maximum) maximum noise levels shall not exceed 50dBA. In the event audible noise due to wind energy system operations contains a steady pure tone, the owner shall promptly take corrective action to permanently eliminate the noise. If there is noise from a transformer substation, the proponent must add 5 dBA to the values predicted by the noise model, to account for the tonal characteristic of transformer substation noise.
- ii. Starting 10 to 12 months after the date when the Wind Energy Facility is operating, a post-construction sound study shall be performed. Post-construction sound measurements shall be repeated every three (3) years throughout the life of the facility. The applicant may seek a waiver from the Town of all but the first post-construction measurements if no valid noise complaints are received during the previous 3 year period. Two permanently mounted sound meters, with data loggers must be placed at the property line of two most impacted abutters. The operator must hire a third party to do verification measurements. Modeling and analysis shall conform to the most current

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version of IEC 61400 and ISO 9613 published standards. After installation of the large wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter.

SECTION 11 ALTERNATIVE ENERGY SYSTEMS OTHER THAN SOLAR AND WIND:

All proposed alternative energy systems and facilities other than solar energy and wind energy shall be subject to Planning Board review and the SEQRA process and located only in the IR and RA zones.

SECTION 12 NONCONFORMING LOTS:

Projects proposed for lots with no backyard and other nonconforming issues shall be subject to a minimum setback of 500 feet from all lot lines and may be brought before the Lansing Zoning Board of Appeals for consideration.

SECTION 13 ABANDONMENT AND DECOMMISSIONING PLAN:

A. All applications for a large scale solar energy system or solar energy facility, large scale wind energy system or wind energy facility and all other alternative energy systems shall be accompanied by a written decommissioning plan to be implemented upon abandonment or cessation of activity or in conjunction with removal of the facility. This plan must be submitted for review by the Planning Board as part of the site plan review process.

B. In the event the large scale solar energy system, solar energy facility large scale wind energy system or wind energy facility is not completed and functioning within 3 years of the issuance of final site plan approval, the Town may notify the operator or owner to implement the decommissioning plan. The decommissioning plan must be completed within 1 year of notification by the town.

C. The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, including but not limited to the following:

1. Removal of above ground and below ground 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 all invasive species.
4. The plan shall include a time frame for the completion of site restoration work.

D. Upon cessation of activity of a constructed facility for a period of one year, the owner or operator shall implement the decommissioning plan.

E. If the owner or operator fails to fully implement and complete the decommissioning plan within 1 year of notification by the Town, the Town may, at its discretion, provide for the restoration of the site in accordance with the decommissioning plan.

F. As security for the performance of the requirements set forth above, the applicant shall, upon the granting of approval under this local law and prior to the installation of any large scale solar or wind energy Facilities and any other large scale alternative energy facilities, execute and file with the Town Clerk a bond or other form of security or undertaking which shall be approved as to form, manner of execution, and sufficiency for surety by the Town Board and Town Engineer. Any bond or guaranty shall be provided by or placed with a solvent surety corporation duly licensed in the State of New York. Such bond or undertaking shall be conditioned upon the faithful performance of the provisions of this local law, and in the event of default, the bond or undertaking shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The bond or undertaking shall remain in full force and effect until the removal of all large scale solar, wind energy or alternative energy facilities, including the foundations, and accessory structures, and all site restoration has been completed. The

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value of the bond shall be equal to 125% of the cost of demolition and restoration of the site as determined by the Town Engineer and no such decommissioning or removal bond shall be secured by an indemnity agreement with the applicant or any party affiliated with the applicant.

SECTION 14 INSPECTIONS AND ENFORCEMENT:

A. The Town's Code Enforcement Officer is authorized to investigate any non-compliance (or complaints of such violation of non-compliance) within the requirements of this local law, to issue appearance tickets for any violation of this local law or any permit or approval requirements or conditions, to recommend the commencement of civil enforcement or related proceedings to the Town Board, and to order in writing the remedying of any condition or activity found to exist in, on, or about any large or small scale solar energy system and facility in violation of this local law. Upon finding that any such violation exists, the Code Enforcement Officer may issue a Compliance Order, which Compliance Order shall comply with the requirements of Executive Law section 382 and served accordingly. The person so served shall come into compliance with this local law within the specified period of time as set forth in the Compliance Order and any failure to do so shall be a violation of this local law. Any failure to comply with the terms and requirements of this local law, or the requirements and conditions of any permit or approval issued hereunder, is hereby also declared to be a violation of this local law. All violations of this local law are hereby declared to be illegal and subject to civil penalties and criminal sanctions as herein set forth.

B. All provisions of New York law generally applicable to misdemeanors shall apply to any criminal proceeding brought under this local law and each such misdemeanor shall be an unclassified misdemeanor. The following civil penalties and criminal fines and sanctions shall apply to violations of this local law:

1. First Violation: Any person that violates any of the provisions of this local law shall be (I) guilty of an unclassified misdemeanor and subject to a fine of not more than \$1,500.00 or (ii) subject to a civil penalty of not more than \$2,500.00 to be recovered by the Town in a civil action. Every such person shall be deemed guilty of a separate offense for each week that such violation, disobedience, omission, neglect or refusal shall continue. Similarly, a separate civil penalty shall apply and be assessable for each week that such violation, disobedience, omission, neglect, or refusal shall continue.
2. Second Violation: Any violation that is found to have occurred within 2 years of any prior civil or criminal determination of any other violation of this local law shall be (i) guilty of an unclassified misdemeanor and subject to a fine of not more than \$2,500.00 or (ii) subject to a civil penalty of not more than \$5,000.00 to be recovered by the Town in a civil action. Every such person shall be deemed guilty of a separate offense for each week that such violation, disobedience, omission, neglect or refusal shall continue. Similarly, a separate civil penalty shall apply and be assessable for each week that such violation, disobedience, omission, neglect, or refusal shall continue.

C. An action or proceeding may be instituted in the name of the Town in any court of competent jurisdiction to prevent, restrain, enjoin, correct, enforce, or abate any violation of, or nonconformance with, any provision or requirement of this local law or the terms and conditions set forth in any permit or approval issued hereunder. In any such proceeding the Town shall not be required to: (I) prove the lack of an adequate remedy at law, or (ii) to post a bond or other undertaking as a condition or requirement for any preliminary, interim, or permanent restraining order or injunction. No such action or proceeding shall be commenced without the appropriate authorization from the Town Board.

D. For purposes of this local law the Justice Court of the Town is hereby vested and imbued with jurisdiction to: (I) issue administrative or other warrants in compliance with the New York Criminal

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Procedure Law and administrative Codes of the State of New York, and (ii) to hear and adjudicate allegations relating to the criminal or civil violation of this local law and to thereafter, if appropriate, impose any fine, penalty or sanction. All criminal matters arising under this law shall be and deemed unclassified misdemeanors, including for purposes of jurisdiction.

E. No remedy or penalty specified in this local law shall be the exclusive remedy available to the Town to address and violation of, or non-compliance with, the requirements of this local law. The rights and remedies of the Town are independent of each other and cumulative. The grant of any right or remedy in this local law is in addition to, and not in limitation of or substitution for, any other right or remedy of the Town, whether sounding in law, equity or admiralty. Further, the election by the Town of any one right or remedy does not forestall or prevent the simultaneous or future election of any other right or remedy.

SECTION 15 VALIDITY:

The invalidity of any section or provision of this Law shall not invalidate any other section or provision thereof.

SECTION 16 EFFECTIVE DATE:

This Law shall take effect upon filing with the Secretary of State of New York.

MIKE LONG REVIEWS PLANNING UPDATES

- **Lake Forest Circle Drive** – L1 Zone - Major subdivision of 16 lots plus storm water.
 - Tompkins Co. 239 review (Letter 11/12/2014) has been completed.
 - Storm water plan revisions requested T.G. Miller. Letter dated 11/19/2014.
 - Revisions are being made to the SWPPP materials. Submitted 10/26 revised maps. Letter (Oct. 27, 2015) from Tim Buhl in response circulated. Comments on map sent on map 10/28/2015.
 - “Public Hearing”- held December 14, 2015.
 - SEQRA, Preliminary Plat approval December 14, 2015 – included waiver of new town highway specs.
 - Discussion regarding existing easements and potential changes – propose meeting with owner and staff to resolve outstanding issues.
 - Revised SWPPP documents submitted for review T.G. Miller March 16, 2016. Additional changes required. – Second review letter sent 6/19/2017 with additional comments.
 - Final Plat approval – TBD.

- **Ag Plan** – Follow up meeting – finalize report meeting June 1, 2015
 - Joint Planning Board and Town Board meeting held– June 22, 2015
 - Town Board adopted Ag Plan on Sept. 16, 2015.
 - Farm Day – Held Oct. 15, 2016 at Town Hall

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- Farm Lecture Louise Bement - Oct. 7, 2017 – Community Celebrations \$1,200 Grant awarded – 3-4 Agriculture Poster Boards.
- Louise Bement and Connie Wilcox assisting with poster boards via History Center.
- Next Ag Committee Meeting – Feb 5, 2018 at 9:00 AM at Linda’s Diner.

- **Comprehensive Plan** – Town Board appointment of additional new members Jan 4, 2016
 - Committee Public Hearing – August 10, 2016----
 - Committee Final Document – approved Sept 14, 2016.
 - Town Board Resolution Sept 14, 2016 Thanking members for their service and requested Planning Board to review and give input on this document.
 - Planning Board work sessions – Sept, 12, Sept. 26, Oct 24, Nov 14, Dec 12, Jan 23, Feb 13, Feb 27, March 13, April 24, May 8, 2017, May 15, 2017 , and June 12, 2017.
 - Finalize Comprehensive Plan version to Town Board July 18, 2017. (Posted to web)
 - Planning Board Blackline version of changes to the 2016 Comp Plan available 8/14/2017.
 - Informational session planned – (8/30 at 6:30pm Community Center)
 - Planning Board Public Hearing – Oct 30th
 - Planning Board Revisions and Recommendation to Town Board 11/13/2017
 - 239 Review from Tompkins County Planning - Received initial comments – formal with SEQRA Review Process - TBD
 - **Town Board Public Hearing –Dec. 20, 2017 held on Planning Board recommended version.**
 - **Town Board – Work Session scheduled for Feb 7, 2018 to discuss moving forward. Town Board has added Comp Plan comments to the Town Board agenda for the business meeting (3rd Wed) and the work session meeting (1st Wed).**
 - **Joint Meeting Feb. 12, 2018 for the Planning Board, Town Board, Zoning Board meeting on the Comp Plan process.**
 - Town Board Adoption of SEQRA findings and Comprehensive Plan – TBD.

- **NYSEG – Cell Tower** (100 foot height) intersection of Peruville Rd at NYS Rt. 34
 - Transfer Substation, electrical relays. Site improvements
 - Preliminary sketch plan review – April 24, 2017 meeting
 - Recommended investigation of alternate sites – Town Highway Site?
 - Fall Zone issues (140 foot height required)
 - 239 Review – sent 3/23/2017
 - Investigation of Town Highway site – alternate location lease
 - **Town Board authorized the agreement - final language is in review and approval**
 - Recommendation from Planning Board to locate at the Town Barn Site
 - Public Hearing / SEQRA / TBD.

- **Cayuga Farms / Cayuga Orchard** – Site Plan modification

APPROVED

- Town Road ownership interior roadway – built to town road specifications.
- Package Plant System – NYS DEC - Meeting 8/23/2017
- Water System – Bolton Point – Meeting 8/23/ 2017 master meters?
- Highway Comments – ok but need to comply with town highway specs.
- 239 Request – revised site plan sent 9/7/2017.
- Amend site plan approval – October 16, 2017 meeting.
- Extend Consolidated Water District – 11/15/2017
- Amend Site Plan – signs – 1/22/2018 – minor change / not to reopen SEQRA?
- ZBA area variance request – tentative Feb 20, 2018.

• **Cargill – Shaft #4 Surface Site Plan Improvements.**

- SEQRA Neg. Dec issued by NYS DEC August 2017.
- Sketch Plan Review Meeting – Planning Board 9/11/2017.
- Requested 239 Review – 9/6/2017.
- Cargill Mine tour – 9/15/2017.
- Public Hearing – 10/16/2017.
- Site Plan approval w/ condition of SWPPP – 11/13/2017
- Town Board granted special Use Permit – Dec 20, 2017 meeting.

• **East Shore Circle – Minor 4 lot Subdivision**

- Classified as a Minor 4 Lot subdivision – Planning Board Dec 11, 2017.
- 239 Review – exempt under the 5 lot minimum.
- Storm Water Plan – completed by John Andersson, reviewed by T.G. Miller – letter Jan. 3, 2018 – incorporated changes in revised SWPPP documents.
- SEQRA / Minor 4 Lot Subdivision Final Plat – approval tentative 1/22/2018.

• **Verizon 235 Conlon Road - Cell Tower antenna replacement site plan.**

- Application submitted – needs \$1000 check.
- Submit to 239 Review – letter received Jan 2, 2018 –
- Planning Board Public Hearing – Jan 22, 2018.
- SEQRA – Type 2 / Site Plan Approval – tentative Jan 22, 2018.

• **Lansing Rod and Gun Club – reconfigure the shooting range, and site plan improvements**

- Site Plan application submitted – 1/11/2018
- Submitted to 239 review – 1/11/2018.
- SEQRA / Site Plan review – Tentative Feb 12, 2018 meeting.

APPROVED

Future Projects:

- **Cayuga Operating Plant** – Proposed 18 Megawatt Solar Farm – \$25 million dollar investment
 - Press Conference Announcement – June 7, 2017
 - NYSERDA Grant applications - TBD
 - SWPPP / SEQRA Review - TBD
 - Site Plan Approval – TBD

The Town Board has decided to schedule workshop meetings on the first Wednesday of each month in different locations to accept additional comments on the Comprehensive Plan. Mike encourages all the planning board members to attend the workshops if they can. A Joint meeting will be scheduled with the Town Board and Planning Board on February 12, 2018.

Dean Shea made a motion to adjourn at 8:45 PM. Lin Davidson seconded the motion.