

The first regular meeting of the Kingsbury Town Board was held on September 14, 2015 at 7 p.m. at the Kingsbury Town Hall, 210 Main Street, Hudson Falls, NY.

MEMBERS PRESENT: James T. Lindsay, Supervisor  
Paul Bromley, Councilman  
Richard Doyle, Councilman  
Henry Freebern, Councilman

ABSENT: William Collins, Councilman

ALSO PRESENT: Ross Cortese, Code Enforcement Officer  
Dave Perkins, Representative to the CCTWG  
Jeanne Williams, Executive Director - Feeder Canal Alliance  
Bill Toscano, The Post-Star

The meeting was called to order by supervisor Lindsay at 7 p.m. and opened for the order of business with the Flag Salute led by Councilman Doyle.

The minutes of the August 10, 2015 Town Board were accepted as submitted by the Town Clerk.

**Motion** by Councilman Bromley seconded by Councilman Doyle and carried by a vote of 4 ayes to accept the reports of certain town officers for the month of July as follows:

Code Enforcement Officer: No. Permits 8; Variances 1; Research Fees \$75.00; Total Fees: \$809.00

Dog Control Officer: Complaints/Calls 46; Seizures 4; Unlicensed Dogs 3; Summons Issued 2; Bites Investigated 1; Dangerous Dogs 1; Mileage 571 – Fort Edward 120 mi  
Fort Ann 196 miles

Town Clerk: Paid to EnCon \$683.08; Paid to Supervisor \$5,361.92; Paid to NYS Dept. Of Health \$472.50; State Share of Games of Chance \$15.00; Paid to the Village of Hudson Falls; Paid to Ag & Markets for Population Control \$328.0

Town Comptroller: Receipts \$60,556.71; Disbursements \$542,492.08

Town Justice: Fees Collected: \$8,498.00

A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 4 ayes to adopt Local # 1 of 2015 in the regulation of solar energy collectors as follows:

**TOWN OF KINGSBURY  
COUNTY OF WASHINGTON, STATE OF NEW YORK**

**LOCAL LAW NO. 1 OF 2015**

**A LOCAL LAW FOR THE REGULATION OF SOLAR ENERGY COLLECTORS**

**Be it enacted** by the Town Board of the Town of Kingsbury, as follows:

& 280-19.1-1. Purpose and intent.

- A. The purpose of this legislation is to balance the potential impact on neighbors when solar collectors may be installed near their property while preserving the rights of property owners to install solar collection systems without excess regulation. The intent is to allow building-integrated photovoltaic (BIPV) systems, flush-mounted solar systems, roof-mounted and building-mounted and pole-mounted solar installations that have a minimum footprint (height) to be approved using the building permit process while requiring freestanding, ground-mounted or pole-mounted solar energy system installations over a certain height and based upon certain placement, to go through the site plan review process before the Planning Board. This legislation is not intended to override agricultural exemptions that are currently in place for farmers.
- B. Solar energy is a renewable and nonpolluting energy resource that can prevent fossil fuel emissions and reduce a municipality's energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid when excess solar power is generated.
- C. The use of solar energy equipment for the purpose of providing electricity and for heating and/or cooling is a national priority and is a necessary component of the Town of Kingsbury's current and long-term sustainability agenda.

& 280-19.1-2. Definitions. As used in this article, the following terms shall have the meanings indicated:

**ALTERNATIVE ENERGY SYSTEM:** Structure, equipment devices or construction techniques for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal source.

**BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEM:** A solar energy system that consists of integrating photovoltaic modules into the building structure such as the roof or the façade and which does not alter relief of the roof.

**COLLECTIVE SOLAR:** Solar installation owned collectively through subdivision homeowner association, college student groups, "adopt-a-solar panel," or other similar arrangements.

**FLUSH-MOUNTED SOLAR PANEL:** Photovoltaic panels and tiles that are installed flush to the surface of the roof or wall and which cannot be angled or raised.

**FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM:** A solar energy system that is directly installed on the ground and is not attached or affixed to an existing structure.

**NET METERING:** A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage.

**PERMIT GRANTING AUTHORITY:** The Town of Kingsbury authority charged with granting permits for the installation of alternative energy systems.

**PHOTOVOLTAIC (PV) SYSTEM:** A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, that generate electricity when light strikes them.

**QUALIFIED SOLAR INSTALLER:** A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSEDA's or NABCEP's list of certified installers may still be deemed qualified solar installers if the Town of Kingsbury determines such persons to have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of the exposed parts.

**ROOFTOP OR BUILDING-MOUNTED SOLAR SYSTEM:** A solar system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

**SOLAR ACCESS:** Space open to the sun and clear of overhangs or shade including the orientation of the streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

**SOLAR COLLECTOR:** A solar photovoltaic cell, panel or array, or any solar hot air or solar energy collector which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored energy to heat, air or water.

**SOLAR EASEMENT:** An easement recorded pursuant to the NY Real Property Law & 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 collector.

**SOLAR ENERGY EQUIPMENT/SYSTEM:** Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy and is stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

**SOLAR PANEL:** A device for the direct conversion of solar energy into electricity.

**SOLAR STORAGE BATTERY:** A device that stores energy from the sun and makes it available in an electrical form.

**SOLAR THERMAL SYSTEM:** Solar thermal systems directly heat water and other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

& 280-19.1-3. Applicability.

- A. The requirements of this article shall apply to all solar collector system installations modified or installed after the effective date of this article.
- B. Solar collector system installations for which a valid building permit has been properly issued, or for which installation has commenced before the effective date of this article, shall not be required to meet the requirements of this article, except in accordance with & 280-19.1-5D, E and F.
- C. All applications for the installation of solar collector systems shall be designed by a licensed engineer and contain site specific building plans which bear the seal and signature of a licensed engineer and satisfy the permitting requirements contained in this Chapter.
- D. All solar collector systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the State Building Code and Town of Kingsbury Building Code.

& 280-19.1-4. Permitting.

- A. To the extent practicable, and in accordance with the Code of the Town of Kingsbury, the accommodation of solar access to sunlight for such equipment and the protection of access to sunlight for such equipment shall be encouraged in the application of the various review and approval provisions of the Town of Kingsbury.
- B. Rooftop and building-mounted solar collectors. Rooftop and building-mounted solar collectors are permitted in all zoning districts in the Town of Kingsbury subject to the following conditions:
  - (1) Building permits shall be required for installation of all rooftop and building-mounted solar collectors.
  - (2) Height limitations contained in this Chapter shall apply.
  - (3) Rooftop units must have a one foot setback on all four sides.
  - (4) Roof structures must be properly engineered to support collectors.
  - (5) Rooftop units must be installed according to manufacturer's specifications.
- C. Building integrated photovoltaic (BIPV) systems. BIPV systems are permitted outright in all zoning districts.
- D. Ground-mounted racks and freestanding solar collectors. Ground-mounted and freestanding solar collectors mounted on a pole are permitted as accessory structures in all zoning districts of the Town of Kingsbury, subject to the following conditions:
  - (1) Building permits are required for all ground-mounted and freestanding solar collectors.
  - (2) The location of the solar collectors must meet all applicable minimum yard size requirements for principal structures in the applicable zoning district.
  - (3) The unit should be installed in a side or rear yard; where installed in the front yard, a one hundred (100) foot setback shall apply for all zoning districts.
  - (4) Units shall not exceed 20 feet in total height from the existing grade.
  - (5) The Town encourages installations that would employ landscape screening and other methods of enhancing the appeal of the ground-mounted and freestanding solar collector such as the use of architectural features, earth berms, or other screening which will harmonize with the character of the property and surrounding area.
  - (6) Small experimental solar panels for charging batteries (less than one kilowatt) would not require any permits.
  - (7) Solar collectors shall be located in a manner that reasonably minimizes shading of property to the north while still providing adequate solar access for collectors.

- (8) There is a permitted primary structure and use located on the premises.
  - (9) The solar collectors shall not exceed forty percent (40%) of the total lot coverage.
- E. Ground-mounted racks and freestanding solar collectors. Ground-mounted and freestanding solar collectors mounted on a pole are permitted as a primary structure in all zoning districts of the Town of Kingsbury, subject to the following conditions:
- (1) Building permits are required for all ground-mounted and freestanding solar collectors.
  - (2) The location of the solar collectors must meet all applicable minimum yard size requirements for principal structures in the applicable zoning district.
  - (3) In commercial zones, the unit shall be setback at least one hundred seventy feet (170) from the front property line.
  - (4) In all other zones, the unit shall be setback at least one hundred (100) feet from the front property line.
  - (5) Units shall not exceed 20 feet in total height from the existing grade.
  - (6) The Town encourages installations that would employ landscape screening and other methods of enhancing the appeal of the ground-mounted and freestanding solar collector such as the use of architectural features, earth berms, or other screening which will harmonize with the character of the property and surrounding area.
  - (7) Small experimental solar panels for charging batteries (less than one kilowatt) would not require any permits.
  - (8) Solar collectors shall be located in a manner that reasonably minimizes shading of property to the north while still providing adequate solar access for collectors.
  - (9) The solar collectors shall not exceed forty percent (40%) of the total lot coverage.
  - (10) All units within this subpart shall be subject to site plan review as described in Article VIII of this Chapter 280.
- F. Solar- thermal systems. Solar-thermal systems are permitted in all zoning districts subject to the following conditions:
- (1) Building permits are required for the installation of all solar-thermal systems.
- G. Solar energy systems and equipment shall be issued building permits only if the Town of Kingsbury Code Enforcement Officer determines that the proposed solar energy system does not present any unreasonable safety risks, including, but not limited to, the following:
- (1) Weight load.
  - (2) Wind resistance.
  - (3) Ingress or egress in the event of fire or other emergency.

& 280-19.1-5. Safety.

- A. All solar collector installations must be performed by a qualified solar installer.
- B. Prior to operation, electrical connections must be inspected by the Code Enforcement Officer/Building Inspector and by an electrical inspection person or agency in conformance with State Building Code.
- C. Any connection to the public utility grid must be inspected by the appropriate public utility.
- D. Solar energy systems shall be maintained in good working order and shall be removed if not in use for more than 12 months by removal of such system and mounting hardware within 90 days after the 12<sup>th</sup> month.

- E. Rooftop and building-mounted solar collectors shall be designed to be and installed to be in conformance with the New York Uniform Fire Prevention and Building Code Standards that are applicable when the building permit is issued.
- F. If solar batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use. When they are no longer in use, they shall be disposed of in accordance with the laws of New York and Code and local laws of the Town of Kingsbury and any other applicable laws or regulations.

G.

& 280-19.1-6. Appeals.

- A. Any person aggrieved over any order, requirement, decision or determination by an administrative agency pursuant to the provisions of this article may present an appeal for redress to the Board of Appeals in accordance with the provisions of & 267, Subdivision 2, of the Town Law and this Chapter 280.

This law shall take effect immediately after filing with the New York State Secretary of State.

Supervisor Lindsay introduced Jeanne Williams, Executive Director of the Feeder Canal Alliance. Jeanne thanked the Board for their continuing support and the mowing of Five Combines. Jeanne reported to the Board that a trail count had been done and that 80,000 uses had occurred in one year. Jeanne reported that she is a part-time employee and the Feeder Canal Alliance operates on a budget of \$40,000. Supervisor Lindsay thanked the Feeder Canal Alliance for their hard work.

Supervisor Lindsay introduced and thanked Dave Perkins, representative of CCTWG, who is active in the trail system, snowmobile trails and the Hudson River Crossing for his hard work. Perkins gave an update on the status of the Champlain Canalway Trail and Fort Ann to Kingsbury Bike Path.

A **motion** by Councilman Doyle seconded by Councilman Bromley and carried by a vote of four ayes to continue with the current health insurance policy for Town employees.

Supervisor Lindsay reported Planning Board members Michelle Abbenante and Ian Miller have resigned. Supervisor Lindsay had received letters of interest for the positions from Justin Fehl and Todd Murphy. After discussion prior to the meeting, Chairman of the Planning Board Robert Dingman and Code Enforcement Ross Cortese agreed Justin Fehl and Todd Murphy would be good fits for the Planning Board. After discussion, a **motion** by Councilman Freebern seconded by Councilman Bromley and carried by a vote of four ayes to appoint Justin Fehl as the Planning Board member and Todd Murphy as the alternate to the Planning Board.

A **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of four ayes to re-appoint Barry Jones to the Board of Assessment Review.

Supervisor Lindsay reported on the following:

The Town had closed on the sale of 1146 Dix Avenue, the former location of the Kingsbury Highway Garage.

Rich Schermerhorn is still waiting for a response from the DEC before the sale of the location of the former Dix Drive-In can be complete.

Councilman Doyle, Councilman Freebern and Water Superintendent James Chase are members of a committee to explore the water rates, cost for developers and customers to buy into the expansion part of the system. Supervisor Lindsay would like a meeting scheduled with the committee.

Councilman Bromley reported on the progress of the construction and renovation of the new Town Hall at 6 Michigan Street. The trusses were set on the Court addition about a week ago and work will continue on the roof. Once the shingles are on the roof the siding can be ordered and work can start on 3 ramps. A discussion followed about the installation of a security system in the new Town Hall.

Project Manager Paul Bromley has prepared specifications for the supply and application of spray foam in the new Town Hall. A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of four ayes for the Town to go out to bid for the Spray Foam Project. The Town Clerk will contact Jeffrey Meyer, the Attorney for the Town before publishing a Notice to Bidders to obtain information on the prevailing wage schedule for this project.

A **motion** by Councilman Freebern seconded by Councilman Bromley and carried by a vote of 4 ayes to accept the following budget transfers:

**BUDGET TRANSFERS**

FROM: CONTINGENT ACCT: 1.1990.4	595.00
TO: PARKS P.S. 1.7110.1	595.00

MOWING DERBY PARK

FROM: JUDGEMENTS & CLAIMS 1.1930.4	2,500.00
TO: DOG CONTROL P.S. 1.3520.1	2,500.00

DOG ENUMERATION

FROM: POOL P.S. 1.7180.1	1,200.00
TO: POOL CONTR. 1.7180.4	1,200.00

FROM: MACHINERY EQUIP. 3.5130.2	6,000.00
TO: BRIDGES CONTR. 3.5120.4	6,000.00

A **motion** by Councilman Bromley seconded by Councilman Doyle and carried by a vote of four ayes to make the new Employee Handbook a permanent record in the minutes, as requested by Comptroller Mary Ordway.

Sole Assessor Colleen Adamec reported to Supervisor Lindsay that the Article 7 from Cumberland Farms has been dropped against the Town.

A **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of four ayes to enter into executive session at 7:45 pm, as requested by Councilman Doyle, to discuss personal issues.

A **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of four ayes to end the executive session at 9:45 pm.

There being no further business before the Board a **motion** by Councilman Doyle seconded by Councilman Bromley and carried by a vote of four ayes to adjourn the meeting at 9:45 pm.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk

<http://www.kingsburyny.gov>