

STONY POINT TOWN BOARD MEETING – January 23, 2018

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, January 23, 2018 at 7:00pm at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. Supervisor Monaghan called the meeting to order and led the group in the Pledge of Allegiance.

Town Clerk Joan Skinner called the following roll:

PRESENT:	Tom Basile	Councilman
	Karl Javenes	Councilman
	James White	Councilman
	Michael Puccio	Councilman
	James Monaghan	Supervisor

PUBLIC INPUT

- Kevin Maher-130 Central Highway spoke about the location of the proposed Skate Park being in a flood zone and made suggestions about 2 areas at Veterans Memorial Park that would not be in a flood zone and may be a better option.
- George Potonavic- 597 Old Gate Hill Road asked if the current version of the Local Law for the Solar Fields was on the Stony Point Town website.
 - Also spoke about the Anchorage Proposal and how river communities are concerned about the barges coming through the Hudson.
 - Also spoke about the Memorandum of Understanding for CHPEI. Stated that he was disappointed in the lack of transparency with the town board regarding this matter. Spoke about how he felt that the community should have been notified of this decision.

PURCHASE ORDER REQUEST

A motion was made by Councilman White, seconded by Councilman Javenes and **carried** by a voice vote of all board members present, to approve the following purchase orders:

Highway Department:			
PO#3067	McDonald & McDonald		\$1,253.40
PO#3068	Ruscon Truck Service		\$3,097.72
Sewer Dept:			
PO#3029	Brentwood Industries, Inc.		\$18,274.24

AUDIT OF BILLS – A motion was made by Councilman White, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to approve the following bills as presented for payment.

Contractual General – January 23, 2018

<u>FUND</u>	<u>CLAIM #</u>	<u>FUND TOTAL</u>
General	80-111	\$ 244,193.05
Highway	31-37	\$ 50,142.06
Sewer	15-22	\$ 41,082.83
<u>Special Districts</u>		
Enterprise	12-21	\$ 20,420.67
Street Lighting	1-1	\$ 25,324.42

MINUTES – A motion was made by Supervisor Monaghan, seconded by Councilman Javenes and **carried** by a voice vote, with Councilman White abstaining, to approve the minutes of January 9, 2018 Town Board Meeting and the minutes of the January 9,2018 Re-Organization Meeting.

SUPERVISOR'S REPORT

Supervisor Monaghan spoke regarding:

- Reminded everyone of the Polar Plunge to be held on 2-4-2018 sponsored by the Stony Point Seals. This is the 19th year for this event.
- Stony Point PAL will be having a fundraiser for the Skatepark on February 9th at North Rockland High School at 7PM. The Stony Point Police along with North Rockland teachers will be playing basketball against the Harlem Wizards.
- Read the following:

The MOU for the Champlain Hudson Power Express:

When the Champlain Hudson Line was proposed several years ago, it had a fully permitted route that went right through our battlefield and through our Waldron Cemetery. It involved potential eminent domain, potential reduction in how our waterfront could be used and there was very little benefits for the Community. Due to our residents concerns, and our community standing alongside me to fight for our rights and benefits, TDI, CHPE has come back to our community and the other communities in Rockland with a route that is a direct response to those concerns. It is no longer near our Historic Battlefield or going through our Waldron Cemetery. There is no eminent domain involved and it will not affect our waterfront.

The new proposed route goes down 9W, buried four feet underground alongside all of the other utilities. The company has agreed to hire local union labor and to do the construction during off hours and in the evenings when necessary. The line will be buried underground for decades and doesn't require any maintenance. TDI will pay for paving the entire length of 9w from curb to curb. For years, politicians have talked about improving our Liberty drive 9W corridor. I have fought for streetscape funding and have secured funding (2.9million dollars) to improve our liberty drive corridor. Finally, we have the opportunity to enhance our downtown as other towns have done.

Champlain Hudson Power Express will pay an estimated \$250,000 a year in property taxes to Stony Point and more importantly an estimated \$2 million a year to our North Rockland School District that can help lower the taxes of every property owner in Stony Point.

The Town of Stony Point will also receive \$5.3 million dollars in community benefits to support capital projects that the Town board will determine where the funds may be needed. This is a total of over \$8 million dollars plus millions in dollars over the life of the project in taxes. This is serious money that we have not seen in years. For us to say no to this project, that will pay the Town of Stony Point over \$8 million dollars in community benefits and millions of dollars in taxes, over its life, is a disservice to our seniors, our children and our residents.

DEPARTMENTAL REPORTS - None

CORRESPONDENCE - None

PUBLIC HEARING – SEWER EXTENSION – 15 BENDER CT. (15.01-6-10)

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present, to approve the sewer extension for 15 Bender Court (15.01-6-10).

RESOLUTION NO. 4 OF 2018

RESOLUTION AND ORDER OF TOWN BOARD APPROVING PETITION
FOR SANITARY SEWER DISTRICT #2

At a meeting of the Town Board of the Town of Stony Point, held at Rho Building, 5 Clubhouse Lane, in the Town of Stony Point, Rockland County, New York, on the 23rd day of January, 2018.

PRESENT: COUNCILMAN THOMAS BASILE
COUNCILMAN KARL JAVENES
COUNCILMAN WHITE
COUNCILMAN MICHAEL PUCCIO
SUPERVISOR MONOGHAN

ABSENT: NONE

WHEREAS, a written Petition dated **December 12, 2017** signed and acknowledged by **Adrienne M. Serra**, has been presented to and filed with the Town Board of the Town of Stony Point requesting the Extension of a sanitary sewer and laterals in a proposed Extension of District #2 to be known as the Extension of Sanitary Sewer District #2 as more particularly described in said Petition, and

WHEREAS, a certified copy of the order of this Board calling a hearing hereon, which order is dated **December 12, 2017** was duly and regularly published in the Rockland County Times and on the official sign board of the Town on **January 4, 2018** and certified copies thereof were posted in five public places within the proposed Extension of Sanitary Sewer District #2 on **January 3, 2018**, and

WHEREAS, a Public Hearing having taken place at Rho Building, 5 Clubhouse Lane in the Town of Stony Point, Rockland County, New York on **January 9, 2018**, at 7:00 PM the petitioners having appeared in support of said application and proof having been presented concerning the same, and no objection or protest having been made to the proposed Extension.

WHEREAS, the Town Board has given due deliberation to the hearing and the testimony and allegations presented and has determined to grant the prayer of said petition, and

WHEREAS, the map and plan aforesaid has been approved by the State Department of Health, and copies thereof filed with said Department, and with the Town Clerk, pursuant to Section 192 of the Town Law.

Now on motion of Supervisor Monaghan, seconded by Councilman Basile all members present voting therefor, it is

FOUND, ORDERED AND DETERMINED that said petition dated , for the creation of the Extension of Sanitary Sewer District #2 in the Town of Stony Point, Rockland County, New York, is signed, approved and acknowledged, as required by law, and is otherwise sufficient and complies with the provision of Section 191 of the Town Law, constituting Chapter 62 of the Consolidated Laws of the State of New York, and such other sections of said chapter as are applicable thereto; and that there is annexed to said petition a map and plans showing the boundaries of the proposed Extension of Sanitary Sewer District #2 and a general plan of the proposed district, and it is

FOUND, ORDERED AND DETERMINED by the Town Board of the Town of Stony Point that it is in the public interest to grant the whole relief sought by said petition, and that all of the property, property owners and interested persons within said proposed Extension of District #2 are benefited thereby, and that all property, or property owners benefited are included therein, and that no property or property owners or interested persons benefited thereby have been excluded therefrom, and it is

ORDERED that the petition for the creation of the extension of Sanitary Sewer District #2 be established in said Town of Stony Point, as described in said petition, may and plan, to be known as the Extension of Sanitary Sewer District #2 and to include the property known as 15.01-6-10.

SOLAR FIELDS DECLARE NEGATIVE DECLARATION

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present, to approve the Negative Declaration

RESOLUTION 2018/5

RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF STONY POINT, NEW YORK ADOPTING A NEGATIVE DECLARATION CONCERNING A LOCAL LAW REGULATING LARGE-SCALE SOLAR GENERATION FACILITIES LAW PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, the Town Board for the Town of Stony Point (“Town Board”) seeks to adopt a proposed Local Law No. 1 of 2018 to amend Chapter 215, Article XIII of the Town of Stony Point Town Code entitled “Large-Scale Solar Generation Facilities Law” (“Local Law”) of the Town of Stony Point to regulate large-scale solar generation facilities; and

WHEREAS, the proposed Local Law is an amendment to a use in the Town Zoning Code affecting more than twenty-five (25) acres, and was thereby determined to be a Type I action; and

WHEREAS, the Town Board is the sole agency involved in the consideration of the proposed Local Law and thus declared itself Lead Agency pursuant to New York State Environmental Quality Review Act (SEQRA), and the governing regulations promulgated thereunder for the required environmental review of this action to determine whether the proposed Local Law will have a significant adverse environmental impact; and

WHEREAS, the Town Board had prepared and has evaluated a Full Environmental Assessment Form (FEAF), Parts 1, 2, and 3, concerning the proposed Local Law; and

WHEREAS, the Town Board has considered the Full Environmental Assessment Form (FEAF), Parts 1, 2, and 3, which evaluates the potential impacts of the proposed Local Law; and

WHEREAS, the Town Board hereby finds that the proposed Local Law will not have a significant environmental impact.

NOW, THEREFORE, BE IT RESOLVED that

Section 1. The above “WHEREAS” clauses shall be incorporated by reference herein.

Section 2. The Town Board hereby adopts the FEAF attached hereto.

Section 3. The Town Board hereby adopts the negative declaration attached to this resolution and incorporated herein finding that the adoption of the proposed Local Law will not have a significant adverse environmental impacts and that no Environmental Impact Statement will be prepared.

Section 4. The Town Board hereby authorizes the Supervisor of the Town to sign a Negative Declaration Determination of Non-Significance with respect to the project; and hereby authorizes the Town Clerk to forward a copy of said Negative Declaration Determination of Non-Significance to the New York State Department of Environmental Conservation and other interested agencies.

Section 5. This Resolution shall be effective immediately.

LOCAL LAW NO. 1 OF 2018

A motion was made by Supervisor Monaghan, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present, to adopt the local law as submitted.

RESOLUTION 2018/6

**RESOLUTION BY THE TOWN BOARD OF THE TOWN OF STONY POINT
ADOPTING A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF STONY
POINT CHAPTER 215, ARTICLE XIII TO REGULATE LARGE-SCALE SOLAR
GENERATION FACILITIES**

LOCAL LAW NO. 1 of 2018

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Stony Point for a public hearing to be held by said Board on August 8, 2017, at 7:00 P.M. at the Stony Point Community Center (Rho Building) to hear all interested parties on a proposed Local Law entitled "Large-Scale Solar Generation Facilities Law" of the Town of Stony Point; and

WHEREAS, notice of said public hearing was duly advertised in the Rockland County Times, the official newspaper of said Town, on July 11, 2017, and copies of said proposed Local Law were made available to the public at the Town Clerk's Office; and

WHEREAS, said public hearing was duly held on August 8, 2017, at 7:00 P.M. at the Stony Point Community Center (Rho Building) and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed amended Local Law, or any part thereof; and

WHEREAS, the proposed Local Law was referred to the Town Planning Board, the Town Engineer, and the Rockland County Department of Planning as required by the Town Code and the New York State General Municipal Law; and

WHEREAS, the comments received from said agencies were considered by the Town Board; and

WHEREAS, said public hearing was continued on September 12, 2017, at 7:00 P.M., on September 26, 2017, at 7:00 P.M., at the Stony Point Community Center (Rho Building) and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, said public hearing was closed for the purpose of soliciting public comment but remained opened for the purpose of the solicitation of written comments through October 10, 2017, and thereafter extended until November 14, 2017 for the purpose of soliciting written comments; and

WHEREAS, the Town Board desires to amend Chapter 215, Article XIII to incorporate Section 215-92.4 of the Town of Stony Point Town Code entitled Large-Scale Solar Generation Facilities Law of the Town of Stony Point; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act it has been determined by the Town Board that adoption of said proposed Local Law constitutes a Type I action; and

WHEREAS, the Town Board is the only involved agency for this Type I action and has adopted a Full Environmental Assessment Form and a negative declaration finding that the proposed Local Law will not have any potential significant adverse environmental impacts; and

WHEREAS, the Town Board of the Town of Stony Point finds that it is in the best interest of the Town and further the health, safety, and welfare of the community, and that the proposed local law is in accordance with the County's comprehensive plans to adopt said proposed Local Law.

NOW, THEREFORE, BE IT RESOLVED that

Section 1. The above "WHEREAS" clauses shall be incorporated by reference herein.

Section 2. The Town Board hereby closes the public hearing for all purposes.

Section 3. The Town Board hereby adopts said proposed Local Law as Local Law No. 1 of 2018 entitled “Large-Scale Solar Generation Facilities Law,” a copy of which is attached hereto and made a part hereof, and the Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Stony Point, and to give due notice of its adoption of said Local Law to the Secretary of State of New York.

Section 4. This Resolution shall be effective immediately.

TOWN OF STONY POINT
LOCAL LAW NO. 1 OF 2018

**TO AMEND THE CODE OF THE TOWN OF STONY POINT CHAPTER 215,
ARTICLE XIII TO REGULATE SOLAR GENERATION FACILITIES.**

BE IT ENACTED by the Town Board of the Town of Stony Point as follows:

Section 1. Title.

This local law shall be known as the “Large-Scale Solar Generation Facilities Law.”

Section 2. Legislative Intent.

This Local Law amends Chapter of the Town of Stony Point Code to provide modification to the Town’s Zoning Code to add the Regulation of Large-Scale Solar Generation Facilities.

This Local Law is adopted to advance and protect the public health, safety, and welfare of the Town of Stony Point and is to accommodate and allow the use of Large-Scale Solar Generation Facilities and equipment so far as conditions may permit.

Section 3. Effect.

The Code of the Town of Stony Point, Chapter 215 is hereby amended to incorporate the following regulations as Section 215-92.4 (Large-Scale Solar Generation Facilities) and is to read as follows:

I. Definitions.

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM

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

GLARE:

A continuous source of excessive brightness, relative to diffused lighting. This is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint which is a direct reflection of the sun from a solar panel.

LARGE-SCALE SOLAR GENERATION FACILITY

A solar array that is directly installed in the ground, is not attached or affixed to any existing structure, is not roof-mounted, and is used for the primary

purpose of producing electricity for off-site sale or consumption, with a capacity of 25 kW or more.

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 New York State Energy Research and Development Authority's (NYSERDA) list of eligible photovoltaic installers or who are certified as solar installers 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 list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Town determines such persons have had adequate training to determine the degree and extent of the hazard and the necessary personal protective equipment and job planning 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 exposed live parts.

ROOF-MOUNTED SOLAR ENERGY SYSTEM

A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for on-site or off-site consumption.

SMALL-SCALE SOLAR GENERATION FACILITY

Solar generation systems, which serve the building to which they are attached, and do not provide energy for any other user, with a capacity of 25 kW or less.

SOLAR ACCESS

Space open to the sun and substantially clear of overhangs or shade, including the orientation of streets and lots to the sun so as to permit the use of a solar generation facility on a lot.

SOLAR GENERATION FACILITIES

Solar panels, 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, stored, protected from unnecessary dissipation and distributed. Solar generation facilities include solar thermal, photovoltaic and concentrated solar.

SOLAR PANEL

A device used for the collection and direct conversion of solar energy into electricity.

SOLAR STORAGE BATTERY

A device that stores solar energy and makes it available in an electrical form.

II. Applicability.

A. The requirements of this Chapter shall apply to all large-scale solar generation facilities developed, modified or deployed after the effective date of this Local Law.

B. All solar generation facilities for which a valid permit has been properly issued shall be designed, developed, erected, and deployed in accordance with all applicable codes, regulations and standards. Any connection to a public utility grid must meet all applicable Town, State, Federal and public utility laws, rules, and regulations.

C. To the extent practicable, and in accordance with Town Code, the accommodation of solar generation facilities and 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 Code.

III. Permitting.

A. No large-scale solar generation facility shall be installed or operated in the Town except in compliance with this Chapter.

B. Applications for the installation of large scale solar generation facilities shall submitted to and reviewed by the Planning Board and must include, in addition to any supplemental information that the Planning Board requests, the following:

1. If the property of the proposed solar generation facility is to be leased, legal consent between all parties, specifying the use of the land for the duration of the project, including easement and other agreements, shall be submitted;

2. A site plan showing the proposed layout of the solar generation facility signed by a professional engineer or registered architect shall be required and shall include an indication of which trees are proposed, if any, for clearing;

3. A narrative summary of the proposed equipment to be used including, but not limited to, the number of panels, the number of solar arrays, significant system components, mounting systems, safety equipment, storage technologies, transformers, and inverters that are to be installed;

4. A property maintenance plan describing repair and maintenance and property upkeep; and

5. A Decommissioning Plan shall be submitted as part of the application to ensure the proper removal of large-scale solar energy installations. Compliance with this Plan shall be a condition of the issuance of a special use permit under this Chapter. The Decommissioning Plan must specify that after the large-scale solar energy installation can no longer be used, it shall be removed by the applicant or any subsequent owner. The Plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state, prior to construction. The Plan shall also include an expected timeline for execution. A cost estimate detailing the projected

cost of executing the decommissioning plan shall be prepared by a licensed professional engineer. Cost estimations shall take into account inflation. Removal of large-scale solar energy installations must be completed in accordance with the Decommissioning Plan. If the large-scale solar energy installation is not decommissioned after being considered abandoned, the Town may remove the system, restore the property and impose a lien on the property to cover the costs of such removal and restoration to the Town. Large-scale solar generation facility installations are considered abandoned after 180 days without electrical energy generation and must be removed from the property.

C. Large scale solar generation facilities are permitted as a principal use through issuance of a special use permit within R-1, RR, SR-R, and APRP Zoning Districts, subject to the following conditions, in addition to § 215-79, set forth in this Chapter, including site plan approval:

1. Building permits are required for the development of all solar generation facilities;
2. Height and Setbacks. Large scale solar generation facilities are subject to special bulk requirements found in § 215-15 and § 215-16 of the Town Code. The maximum height of the solar collector and any mounts shall not exceed [20] feet when oriented at maximum tilt. When calculating the maximum height of a solar collector, the Planning Board must incorporate other factors such as slope, elevation, and grade of the site. Large scale solar generation facilities must be setback from any street 100 feet and from other lot lines by at least 50 feet.
 - a. For any large scale solar generation facility to be sited on a parcel that is located in, or is adjacent to, any residential zoning district, a twenty (20) foot buffer shall be provided in addition to the setback requirements.
3. Lot size. A solar generation facility shall be located on lots with a minimum lot size of 20 acres, and a minimum separation between large scale generation facilities of 1,000 feet;
4. Lot Coverage. All site structures including the panels when oriented to zero tilt (pointing straight up) shall not cover more than 75% of the horizontal ground area of the lot.
5. All solar arrays shall be designed to avoid glare and reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard;
6. The solar panels shall be located in a manner to reasonably minimize view blockage for surrounding properties;
7. The solar panels shall be screened, which will harmonize with the character of the property and surrounding area, through the use of architectural features, earth berms, landscaping, or other screening capable of providing year-round screening, and if not already provided, any such screening shall be installed

along all sides in such a way as to not obstruct solar access. A visual analysis shall be provided during the approval process using line-of-sight profiles to the proposed solar generation facility location;

8. Fencing—seven (7) feet in height and signage shall be placed no closer than 75 feet from any public roadway around the utility meter on all large-scale solar generation facilities. Waterproof signage shall be placed immediately adjacent and/or in close proximity to the electric meter that clearly shows the location of the DC disconnect switch. Notification, with a location map, will be sent to the applicable fire district;
9. Access roads for solar generation facilities shall be subject to the driveway specifications in § 215-38 of the Town Code.
10. Tree maintenance and removal. Any tree clearing shall be justified with emphasis on development of previously cleared areas and any proposed tree clearing shall not exceed an area of more than 50% of the subject property's size. Clearing shall be minimized and limited to then are necessary for site access and the installation and operation of solar panels.
11. Ground-mounted solar array installations require delineation and avoidance of freshwater wetland areas, in accordance with § 215-72 of the Zoning Law. Areas containing streams shall be delineated and avoided in accordance with § 215-71.1 of the Zoning Law. Any installations shall indicate proposed construction areas prior to construction and be designed so as to avoid any potential impacts to environmentally sensitive areas.
12. Stormwater analysis and control shall be provided consistent with NYSDEC requirements. A full Stormwater Pollution Prevention Plan meeting the requirements of the NYSDEC may be required as determined by the Town Engineer. Ground level plantings must be added throughout the facility in order to mitigate stormwater runoff or erosion that may arise from rain sheeting off solar panels.

D. Solar generation facilities and equipment shall be permitted only if they are determined by the Town Engineer not to present any unreasonable safety risks, including, but not limited to, the following:

1. Weight load;
2. Wind resistance; and
3. Ingress and egress in the event of fire or other emergency.

E. Installations in designated historic districts shall require a certificate of appropriateness from the Architectural Review Board.

F. The Planning Board may, in its discretion, waive the requirements of this Chapter for a large scale solar generation facility that it finds is harmonious with land uses in the area where it is proposed to be built and where, because of its size or other considerations, the Planning Board finds that it does not need to be subjected to the special use permit and site plan regulations imposed by this Chapter. This waiver may be a partial waiver and the Planning Board may impose any individual conditions found in this Chapter.

G. The Planning Board may impose additional conditions on its approval of any special use permit under this Chapter in order to enforce the standards of the Town of Stony Point Code and the standards referred to in this Chapter or in accordance with the State Environmental Quality Review Act (SEQRA).

IV. Safety.

A. All solar generation facility installations must be performed by a qualified solar installer.

B. Prior to operation, electrical connections must be inspected by the Town Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town.

C. Any connection to the public utility grid must be inspected by the appropriate public utility, and a certificate of inspection must be provided to the Town.

D. Solar generation facilities shall be maintained in good working order.

E. All solar generation facilities must meet New York Uniform Fire Prevention and Building Code Standards.

F. If solar storage technologies are included as part of the solar generation facility, the storage technology 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 in use shall be disposed of in accordance with any and all applicable laws, codes, rules, and/or regulations.

V. Enforcement.

Any violation of this Chapter shall be subject to the same civil and criminal penalties provided for in the zoning regulations of the Town of Stony Point.

Section 215 of the Town Code of the Town of Stony Point is hereby amended to reflect the following changes to the Table of General Use Requirements, as set forth below, regarding Large Scale Solar Generation Facilities:

Table of General Use Requirements, (APRP District): Add #9 in Column D to read: "9. Large Scale Solar Generation Facility";

Table of General Use Requirements, (SR-R District): Add #6 in Column D to read: "6. Large Scale Solar Generation Facility";

Table of General Use Requirements, (RR District): Add #13 in Column D to read: "13. Large Scale Solar Generation Facility";

Table of General Use Requirements, (R-1 District): Add #5 in Column D to read: "5. Large Scale Solar Generation Facility";

Section 215 of the Town Code of the Town of Stony Point is hereby amended to reflect the following changes to the Table of Bulk Requirements, as set forth below, regarding Large Scale Solar Generation Facilities:

Table of Bulk Requirements Part II: Add in Column 1 through Column 11 to read:

1	2	3	4	5	6	7	8	9	10	11
P	20 acres	None	50/50	50/50	50/50	50/50	100	20	75%	None

Section 4. State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617, this Local Law is classified as a Type I Action that will not have a significant adverse effect on the environment and, therefore, no other determination or procedure pursuant to the State Environmental Quality Review Act (“SEQRA”) is required.

Section 5. Severability.

If any portion this Local Law, or the application thereof to any person, entity, or circumstance, shall be determined by any court or tribunal of competent jurisdiction to be invalid or unenforceable, such determination shall be confined in its operation to the invalid part hereof, or in its application to such person, entity, or circumstance as is directly involved in the controversy in which such determination shall have been rendered, and the remainder of this Local Law shall not be impaired thereby and such determination shall not be deemed or construed to apply to other persons, entities, or circumstances.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Chapter 27 of the Municipal Home Rule Law.

HIRE SECRETARIAL ASSISTANT FOR POLICE DEPARTMENT

A motion was made by Supervisor Monaghan, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present, to hire Christine Vigliotti, Secretarial Assistant I (Information Processing) for the Police Department at the rate of \$28.41 per hour, for a 35 hour work week.

POLICE FIRING RANGE AGREEMENT

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to authorize the Supervisor to execute the agreement with the Town of Ramapo for use of the Police Firing Range for 2018.

ANCHORAGE PROPOSAL

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present, to approve the following resolution:

RESOLUTION 2018/7

**RESOLUTION BY THE TOWN BOARD OF THE TOWN OF STONY POINT
IN SUPPORT OF IMMEDIATE STATE AGENCY RULE-MAKING FOR TANKER
AVOIDANCE ZONES**

WHEREAS, in 2016 the U.S. Coast Guard proposed establishing new anchorage grounds along the Hudson River between Yonkers and Kingston; and

WHEREAS, Governor Cuomo signed A.6825a/S.5197b into law and positioned New York State to continue to fulfill its responsibility to the Hudson River and its communities from the many potential dangers presented by oil-carrying vessels on the Hudson River and the proposed additional barge anchorage grounds; and

WHEREAS, the federal government and New York State share concurrent jurisdiction over the Hudson River, and as long as action by the state is not inconsistent with existing federal regulation and does not unreasonably burden interstate commerce,

New York has significant authority to regulate navigable waters like the Hudson when the state's interest warrants special precautionary measures; and

WHEREAS, it remains a top priority of the Town of Stony Point to prevent any new anchorage grounds in the Hudson River from being sited at locations where they pose a clear and direct threat to the environment, quality of life, and regional economic development goals of the Hudson Valley; and

WHEREAS, the Town of Stony Point is home to the historic Stony Point Battlefield, beautiful Harriman and Bear Mountain State Parks, Riverfront Town Parks as well as many beautiful marinas, the integrity of which would be threatened by the establishment of new barge anchorage grounds; and

WHEREAS, the Town of Stony Point has documented its concerns about the anchoring of petroleum-carrying tankers, including disrupting the economic vitality of the waterfront, endangering drinking water supplies, damaging fish habitat and detracting from scenic beauty and quality of life along the river (see Stony Point Town Board Resolution No. 16 of 2016 and Resolution No. 16 of 2017); and

WHEREAS, the USCG recently conducted two Ports and Waterways Safety Assessment (PAWSA) workshops for the stretch of the Hudson River between the Gov Mario M. Cuomo (Tappan Zee) Bridge and the Port of Albany, and a recommendation to establish new anchorage grounds was discussed and could be part of the USCG's PAWSA report; and

WHEREAS, New York State has secured important victories that have been essential to public health, the environment and the economy of the state, including the administration's support for the Environmental Protection Fund, the ban on hydraulic fracturing, increasing funding for the state's Oil Spill Response Fund, and issuance of water quality permit decisions relating to energy development and transport have been among the many accomplishments; and

WHEREAS, the new law gives the Department of Environmental Conservation the ability to establish areas of the Hudson River where it shall be unlawful for petroleum-bearing vessels to enter, move or anchor; now, therefore be it

RESOLVED that the Town Board of the Town of Stony Point requests that DEC Commissioner Seggos immediately advance a rulemaking process to establish Tanker Avoidance Zones for petroleum-bearing vessels, implementing the strongest possible regulations allowed under the law; and be it further

RESOLVED that Town Clerk of the Town of Stony Point, New York be hereby authorized and directed to send a copy of this resolution to the Hon. Andrew M. Cuomo, Governor of the State of New York, the Hon. Basil Seggos, Commissioner of the Department of Environmental Conservation, the Hon. Senator William J. Larkin, the Hon. Assemblyman James Skoufis, and to such other persons as the Town Clerk, in her discretion, may deem proper in order to effectuate the purpose of this resolution.

COMMISSION FEE WAIVER/PATRIOT HILLS FUNDRAISER

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present, to waive the commission fee for a fundraiser being held at Patriot Hills on Sunday, February 11th.

REQUEST FOR 30 DAY WAIT PERIOD FOR LIQUOR LICENSE

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present, to approve the 30 day wait period for a liquor license for Knuckles, Inc.

EXTEND CONTRACT SENIOR BUS TRANSPORTATION 2018

According to the specifications of the agreement with West Point Tours for Senior Bus Transportation for the term of February 1, 2016 through February 1, 2017, the Town reserves the right to extend the contract for a one year period as presented to the town on January 9, 2018. Therefore, a motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to extend the contract with West Point Tours with a slight price increase from 2017. Special Counsel will draw up the necessary papers.

MOU CHAMPLAIN HUDSON POWER EXPRESS

A motion was made by Supervisor Monaghan, seconded by Councilman White and **unanimously carried by a voice vote of all board members present, with Councilman Basile voting no** to approve the Memorandum of Understanding for the Champlain Hudson Power Express as submitted.

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "MOU") effective as of January __, 2017 by and among Champlain Hudson Power Express, Inc. ("CHPEI"), the Town of Clarkstown, the Town of Haverstraw, the Village of Haverstraw, the Village of West Haverstraw, and the Town of Stony Point (the "Rockland Host Communities") in Rockland County, New York State (each a "Party", and collectively the "Parties")

WITNESSETH THAT

WHEREAS, CHPEI is developing the Champlain Hudson Power Express Project (the "Project"), a 1,000 MW underground and underwater high voltage, direct current ("HVDC") electric transmission facility extending from the United States' border with Canada to Queens, New York;

WHEREAS, CHPEI is in receipt of all federal and state siting approvals necessary in order to authorize the construction and operation of the Project, namely, a Presidential Permit issued by the U.S. Department of Energy, a permit issued by the U.S. Army Corps of Engineers, and a Certificate of Environmental Compatibility and Public Need issued by the New York State Public Service Commission (the "Article VII Certificate");

WHEREAS, the Project route within Rockland County, as approved by the Article VII Certificate, includes approximately 5.5 miles located on right-of-way property owned by CSX Transportation, Inc. (the "Rail ROW") and approximately 0.5 miles on U.S. Route 9W in the Town of Clarkstown (the "Original Rockland Routing");

WHEREAS, feedback from the local community with regard to the Original Rockland Routing has led CHPEI to develop an alternative routing (the "New Rockland Routing") that will increase the Project route mileage along U.S. Route 9W to a total of approximately 7.1 miles, with an additional 1.1 miles on other incidental parcels of property and Park Road in Stony Point as such alternative routing is shown in the attached Exhibit "A";

WHEREAS, the New Rockland Routing eliminates reliance on the Rail ROW, with a view towards decreasing environmental, historical, and community impacts and increasing constructability;

WHEREAS, the New Rockland Routing extends along U.S. Route 9W northwards from the Town of Clarkstown through the Villages of West Haverstraw and Haverstraw and the Town of Stony Point;

WHEREAS, making the New Rockland Routing part of the Project design will entail seeking and obtaining an amendment to the Article VII Certificate, and, potentially, amendments to the Project's federal siting approvals (the "Federal Permits");

WHEREAS, CHPEI, the Rockland Host Communities, and engineers and consultants advising or employed by the Rockland Host Communities have reviewed the New Rockland Routing substantially in the form that CHPEI intends to submit to the New York State Public Service Commission (the "PSC") as part of its application for a modification of the Article VII Certificate (the "PSC Application") and, potentially, to the U.S. Department of Energy and the U.S. Army Corps of Engineers as part of applications for amendments to the Federal Permits;

WHEREAS, CHPEI anticipates applying to the Rockland County Industrial Development Agency (the "Rockland IDA") for the financial certainty afforded qualifying projects pursuant to Title 1 of Article 18-A of the New York State General Municipal Law, and, in particular, for a Payment In Lieu of Taxes Agreement, which will ensure that a mutually-agreed to and predictable stream of annual revenue is paid by CHPEI to the Rockland Host Communities and the relevant school districts (the "IDA Application");

WHEREAS, CHPEI believes that endorsement of the Project and the New Rockland Routing by the legislative bodies of the Rockland Host Communities is an

essential prerequisite to filing the PSC Application, the IDA Application, and applications for amendments to the Federal Permits;

WHEREAS, CHPEI intends to file the PSC Application in early 2018 and the IDA Application sometime thereafter with on-the-record support from the Rockland Host Communities as provided for herein;

WHEREAS, CHPEI acknowledges that the New Rockland Routing will entail installing the Project cables in local roads and in a state highway that serves as a primary transportation artery extending through a particularly dense and diverse urban and suburban landscape, and such installation will cause temporary disruptions and inconveniences to citizens and businesses;

WHEREAS, recognizing the distinct character of these disruptions and inconveniences, CHPEI has developed a program of community benefits, including \$9 million in streetscape improvements (the "Streetscape Funding") and a Haverstraw Bay Community Benefit Fund in the amount of \$22 million to support capital projects within the Rockland Host Communities (the "Fund");

WHEREAS, specific details regarding the Fund, the Streetscape Funding, and the real property taxes (collectively, the "Benefits Package") to be paid by CHPEI to the Rockland Host Communities and the relevant school districts have been assembled and are set forth in a written proposal, which is attached hereto as Exhibit "B";

WHEREAS, CHPEI is prepared to publicly release the details of the Benefits Package and include it in the PSC Application, with a recommendation that it be incorporated into the terms and conditions of the revised Article VII Certificate;

WHEREAS, the Rockland Host Communities are prepared to publicly announce their support for the Project (including for the New Rockland Routing); and

WHEREAS, the legislative bodies of the Rockland Host Communities have approved the terms of this MOU and have authorized and directed their chief executive officers to subscribe on their behalfs to this MOU;

NOW, THEREFORE, in consideration of the foregoing, the terms stated below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. PUBLIC ANNOUNCEMENT

As soon as possible following execution of this MOU, the Parties will agree upon a joint public statement regarding execution of the MOU. This statement will include expressions of support for the Project (including for the New Rockland Routing) from the Rockland Host Communities and will announce CHPEI's offer of the Benefits Package. The Parties believe that time is of the essence with respect to release of this statement, and they intend to begin work on the text as soon as practicable after this MOU has been signed by all of the Parties.

2. FOLLOW-UP ACTIVITIES

The Parties will cooperate in good faith with respect to implementation of the Benefits Package and preparation and filing of the PSC Application and the IDA Application. Furthermore, in the event that CHPEI determines to file any applications for amendments to the Federal Permits in connection with the New Rockland Routing, the Rockland Host Communities will indicate their on-the-record support for any such applications in a timely manner.

3. CONDITION PRECEDENT

The Parties understand and agree that implementation of the Benefits Package is contingent upon CHPEI undertaking the multi-year Project construction phase, after securing all necessary permits and approvals, including, without limitation, a revised Article VII Certificate approving the New Rockland Routing; obtaining full debt and equity funding for all of the costs of Project construction; and advancing to commercial operations on a timeline that substantially conforms to the anticipated development schedule, which currently calls for construction to commence by 2019. Furthermore, the Parties understand and agree that 50% of the Fund will be made available at the time of the completion of the Project's construction funding (the "First Fund Installment") and the remaining 50% will be made available at the time of initiation of Project commercial operations (the "Second Fund Installment"). The Streetscape Funding will be disbursed during the Project construction period pursuant to agreed-upon protocols, but in no event will any disbursement occur earlier than the date upon which the First Fund Installment is made available. For the purposes of this MOU, "completion of the

Project's construction funding" will be deemed to have occurred as of the date upon which funds sufficient to satisfy all anticipated costs of Project construction have been made available to CHPEI through the securing of equity and debt investments in CHPEI for that purpose and "initiation of Project commercial operations" will be deemed to have occurred as of the date upon which testing and commissioning of the Project is completed, the New York Independent System Operator has been advised of the energizing of the Project, and the first transmission of supply pursuant to a commercial arrangement with a customer or customers has taken place.

4. HANDLING OF AMOUNTS DEPOSITED IN AND EFFECT OF SUSPENSION OF PROJECT DEVELOPMENT ON THE FUND

The Rockland County Host Communities will have discretion regarding the disbursement of their allocable portions of the Fund and the Streetscape Funding, consistent with applicable law and the Benefits Package itself. Neither the First Fund Installment nor the Second Fund Installment shall be refundable. Similarly, disbursed Streetscape Funding shall not be refundable.

5. CONSTRUCTION PERIOD PROTOCOLS

In the preparation and execution of its Project construction program in the Rockland Host Communities, CHPEI will take into account local conditions and appropriately mitigate disruptions and inconveniences to the greatest possible extent.

6. CONSENT TO USE AND OCCUPANCY

To the extent that any of the Rockland Host Communities are the actual owners of any lands, rights-of-way, or other property interests upon which the New Rockland Routing is located, such municipal body hereby consents to the use and occupancy of such lands by CHPEI and the Project.

7. FURTHER ASSURANCES

The Parties agree that they will, at any time and/or from time to time and upon request, do, execute, acknowledge and deliver, or will cause to be done, executed, acknowledged and delivered, all such further acts, instruments, documents, forms, certificates, and assurances as may reasonably be required for the accomplishment of the purposes of the Parties as set forth in this MOU.

GENERAL PROVISIONS

A. ASSIGNMENT

No Party may assign this MOU without the prior written consent of the other Party, which consent shall not unreasonably be withheld, delayed, or conditioned.

B. GOVERNING LAW AND FORUM

This MOU shall be governed by and construed in accordance with the laws of the State of New York, without regard to the conflict of laws principles thereof, and the Parties irrevocably consent to the exclusive jurisdiction of the courts of the State of New York.

D. AMENDMENTS

No change or modification of this MOU shall be valid unless it is in writing and signed by each and every Party hereto.

E. NO PARTNERSHIP OR AGENCY RELATIONSHIP

Notwithstanding any other provision contained herein, this MOU shall not constitute, create, or imply any partnership, joint venture, agency, or fiduciary relationship between the Parties.

F. COSTS

Each Party shall bear its own costs and expenses in connection with all matters relating to this MOU, including, without limitation, the costs and expenses of its legal and other advisors and internal costs and expenses.

G. LIMITATION OF LIABILITY

Under no circumstances shall a Party or any of their respective officers, directors, members, partners, shareholders, employees, agents, or affiliates be liable for: consequential, incidental, or indirect damages; lost profits or opportunities; increased cost of capital; loss of income, revenue, or use; or other business interruption costs, losses, or damages, regardless of whether the same: arise out of statute or operation of law; sound in tort, contract, or otherwise; or relate to or are the result of any performance, mis-performance, or non-performance of any activity contemplated by this MOU.

IN WITNESS WHEREOF, the Parties have executed this MOU by affixing the signatures of the undersigned duly authorized representatives as of the date appearing in the spaces indicated.

Champlain Hudson Power Express, Inc.

EXECUTIVE SESSION

At 7:30 pm a motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to adjourn into executive session to discuss personnel matters regarding Parks & Recreation. No further votes will be taken.

ADJOURN

The January 23, 2018 Stony Point Town Board meeting adjourned at 7:45pm and no additional votes were taken.

Respectfully submitted

Joan Skinner, Town Clerk