

§ 320-74 **Purpose and Intent.**

~~The Town Board has determined that it is appropriate to make adjustments to permissible density and area requirements for specific purposes of preserving farmland and open space as well as to promote the extension of roadways, sewers and other such amenities at a minimum cost to the residents and taxpayers. It is the intent of this article to empower the Town Board to grant incentives or bonuses to advance the vision and policies articulated in the Town of Lysander's Comprehensive Plan, and the following objectives:~~

Replace with:

The Town Board has determined that it is appropriate to make the provision of the IZ Overlay in areas where residential development is most desirable in order to protect and preserve farmland, open space and view sheds in, primarily, other areas of the Town by making adjustments to permissible density and area requirements for the specific purposes of promoting the extension of roadways, sewers and other such amenities at a minimum cost to the residents and taxpayers. It is the intent of this Article to empower the Town Board to grant incentives or bonuses to advance the Mission, Vision and policies articulated in the Town of Lysander's Comprehensive Plan to achieve the following objectives:

A.

The preservation and enhancement of natural and cultural features.

B.

The accommodation of land uses and physical site arrangements which are not contemplated under conventional zoning, but which would further the land use conservation and development goals of the Town.

C.

The creation of usable open space and recreation lands and trails.

D.

The preservation of farmland, scenic viewsheds, water resources, forests, meadows, geologic features, environmentally sensitive areas, significant plant and animal habitats, and important ecological resources.

E.

The provision of a more desirable environment than what would be possible through the strict application of existing zoning regulations.

F.

The promotion of the general health, safety, and welfare of the Town.

G. The improvement of water quality of the river system through the extension of sewers to non-sewered areas.

§ 320-79 **Incentives or bonuses.**

The following incentives may be granted by the Town Board to an application on a specific site:

1. The suitability of the site(s) for the type of viewshed and recreational preservation, sewer, roadway or other amenities proposed, the physical characteristics of the land, and the relation of the proposed development to existing surrounding and future development.

A.

Increases in residential or nonresidential unit density.

B.

Changes in use.

C.

Increases in lot coverage.

D.

Changes in setbacks or height.

E.

Increases in floor area.

F.

Reduction of required buffer area.

§ 320-86.2 **Solar farms and solar power plants.**

[Amended 9-3-2020 by L.L. No. 4-2020; 11-19-2020 by L.L. No. 6-2020]

~~Solar farms and solar power plants shall only be permitted in the Agricultural (A) and AR-40 Districts; in the incentive zoning overlay district areas, solar farms and solar power plants will be considered as part of the overall incentive zoning letter of intent, provided they meet the Town's goals and objectives for the incentive zoning overlay area; as an "electric generating" use subject to site plan review by the Planning Board subject to the following supplementary regulations:~~

Replace with: Solar Code Section 320.86.2, Paragraph A:

- A. Solar farms and solar power plants shall be permitted in Agricultural Districts. Solar farms and solar power plants must only be located on lots of forty (40) acres or larger with a maximum coverage of 50% of the lot. To preserve the agricultural value commercial solar development shall be limited to 30% lot coverage on prime agricultural soils.
- B. Proposed Solar Farms whose property lines abut residential properties or County/Town roads a minimum setback of 200' will be required plus all season vegetative screening between 5-7 in height when planted at the start of construction as directed by the Planning Board. At the Planning Board's discretion, the required setback may be greater than 200 feet.
- K. An approved Maintenance Plan for the ongoing upkeep of the Solar Farm, fencing and screening, will be required before final approval is granted. The maintenance plan shall require replacement of any plantings that have died or become compromised.
- L. Commercial solar development shall not be allowed on forested land and tree removal for solar development shall be limited to the greatest extent possible. All trees removed for commercial solar development shall be replaced through additional planting of trees on land adjacent to the solar development.
- M. All commercial solar utility interconnect equipment shall be installed underground or in ground mounted cabinets with vegetative screening. Multiple pole mounted pieces of equipment shall be limited to no more than two (2) new poles being allowed for the utility interconnect.

A.

Solar farms and solar power plants in Agricultural Districts can only be located on lots of 20 acres or larger with a maximum coverage of 50% of the lot. Solar farms and solar power plants in AR-40 Zones and incentive overlay zones can only be located on lots of 30 acres or larger with a maximum coverage of 50% of the lot.

B.

All solar farms and solar power plants shall comply with all setbacks within the zoning district. However, in addition, all solar panels and related equipment shall be set back at least 200 feet from all property lines, public roads, power lines and preexisting and future structures, unless full visual screening is provided. Additional setbacks may be required by the Planning Board in order to provide for the public's safety, health and welfare.

C.

Solar farms and solar power plants shall be enclosed by perimeter fencing to restrict unauthorized access at a height of not less than eight feet.

D.

The solar manufacturer's or installer's identification and appropriate warning signage shall be posted on the perimeter of the security fence every 100 feet and clearly visible.

E.

Solar farm and solar power plant buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment.

F.

Appropriate landscaping and/or screening materials may be required to help screen the solar farm or solar power plant and accessory structure from major roads and neighboring residences.

G.

The average height of the solar panel arrays on any given lot shall not exceed 20 feet.

H.

Solar farm and solar power plant panels and equipment shall be surfaced, designed and located so as not to reflect glare onto adjacent properties and roadways.

I.

On-site power lines shall be placed underground to the extent feasible.

J.

The following requirements shall be met for decommissioning:

(1)

A reclamation bond in an amount equal to the NYSERDA New York State Solar Guidebook estimated decommissioning cost shall be filed with the Town Clerk to cover the costs of reclamation of any and all solar system installation components whether above or below ground. In addition, should the solar system be nonoperational for any continuous twelve-month period (to be consistent with Subsection J(2) below) or if the bond expires and is not renewed, the approvals granted shall be deemed void and the solar system shall be decommissioned or subject to a new approval under this section. Such bond shall be in place prior to the issuance of a building permit. The value of the decommissioning security shall be required to increase 2.5% annually to cover the cost of inflation.

(2)

Solar farms and solar power plants which have not been active and in continuous service for a period of one year shall be removed at the expense of the owner or operator of the solar farm.

(3)

The site shall be restored to as natural a condition as possible within six months of removal.

§ 320-86.4. ~~Building permit fees.~~ Solar Development Fees

- A. A fee of \$500 per acre for the siting of Commercial Solar Farms for the entire area included in the project owned or leased by the applicant shall be paid prior to the issuance of a building permit for the project. The fee is based on recovering fees in Lieu of Land for Public Use if the parcel was developed for residential use, and will match the major subdivision fee as set forth in § 146-4 Section C (3)
- B. The fees for all building permits required pursuant to this article as required by Chapter 320, shall be paid at the time each building permit application is submitted in such reasonable amount as the Town Board may by resolution establish and amend from time to time.

§ 270-11 General requirements.

In the layout, development and improvement of a subdivision, the applicant shall comply with all standards, specifications, codes and ordinances of the Town and, in addition, the applicant shall meet, as minimums, the standards of design and principles of land subdivision set forth in this section. If the Planning Board finds that because of unusual features or conditions of the area to be subdivided or its immediate environs the minimum standards set forth herein are insufficient to effectuate the purposes and requirements of § 270-3, the Planning Board may impose such different standards as necessary to satisfy the purposes of § 270-3.

Add Language to Major Subdivisions Section 270.11 and Incentive Zoning Section 320.80.B.4.b:

- Life Cycle Analysis for Major Subdivisions of Town roadways included in any project shall be provided at the current highway tax rate using maintenance costs and practices established by the Town Engineer and Highway Superintendent.

§ 270-27 Construction of streets and utilities.

The applicant shall either construct all sanitary sewers, waterlines, drainage facilities and streets and turn them over to the Town at no cost or expense for operation and maintenance or may request the Town to install the improvements and make a cash payment to the Town prior to construction in an amount to be determined by the Town Board.

Add:

Streetlights for all public streets shall be installed as shown on the subdivision plans approved by the Planning Board. Streetlights, at a minimum, will be required at all street intersections. All streetlights installed by the developer shall conform to the then-current streetlighting specifications of the Town of Lysander.

§ 270-28 Submission of preliminary plan; contents.

The applicant shall submit to the Planning Board a preliminary plan of the proposed subdivision, complete topography of the area at two-foot intervals on NAVD 88 elevation datum or its successor, unless otherwise specified for profiles and cross sections. These shall all be submitted in triplicate at a scale of not less than 100 feet equals one inch and shall contain the following information:

A.

The proposed subdivision name or identifying title and the tract in which the subdivision is located. A location map at a small scale showing the subdivision in relation to, and the distance from, major roads or other landmarks.

B.

The name and address, personally signed, of the record owner, applicant and designer of the preliminary plan in India ink.

C.

A deed description and map of survey of the tract boundary made and certified by a licensed surveyor referenced to New York State Plane Coordinate System Central Zone including at least one coordinate point containing metadata, to be a closed and balanced traverse and showing the location of property lines, existing easements, buildings, watercourses and other essential features.

D.

The names of all subdivisions immediately adjacent and the names of owners of record for adjacent acreage.

E.

The location and size of any existing sewers, water or gas mains, culverts and drains on the property to be subdivided.

F.

Sanitary sewers, detailed as follows:

(1)

Plan and profile of all sewers showing all special features such as inverted siphons, extra-strength pipe, sewer bridges, stream crossings, etc.

(2)

Figures showing the manhole stationing, size of sewers, surface and sewer invert elevations at manholes and the grade of all sewers between two adjacent manholes must be shown on the profiles. All sewers are to be sufficiently deep to serve adjacent basements except where otherwise noted on the plans.

(3)

Details of all ordinary sewer appurtenances, such as manholes, drop manholes, inspection chambers and inverted siphons, as well as of any special appurtenances or structures, such as regulators, tide gates, sewer bridges, pumping stations, etc.

G.

Storm drainage and sewers, detailed as follows:

(1)

All details required for the collection and disposal of surface drainage shall be the same as that required for sanitary sewers.

(2)

Details of catch basins, open channels, culverts, conduits, ditches and headwalls.

(3)

A summary of design data for all storm drainage shall be furnished if requested by the Town.

H.

The location, names and existing widths of present and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces.

I.

The width, location, grades and street profiles of all proposed streets or other public ways.

J.

Typical cross sections of the proposed grading of the roadways and sidewalks and the topographic conditions. Additional cross sections at points where cut or fill exceeds three feet or multiples of three feet.

K.

The zoning regulations for the area with zoning district boundaries affecting the area. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

L.

The date, scale and grid North point.

M.

All proposed lot lines with approximate dimensions and building setback lines.

N.

The proposed location of and type of sidewalks; the location and species of street trees; the location, size and types of curbs and gutters; the location and size of water, gas and electrical mains and lines; the character, width and depth of pavement and subbase.

O.

All necessary easements to service public areas.

P.

When and if the subdivision covers only a portion of the applicant's entire holding, a sketch of the prospective future street system of the entire area shall accompany the preliminary plan. In addition, the sketch shall show all prospective sewer and drainage facilities with sizes, slope, location and area served.

Q.

All preliminary plans must be submitted as one of the following sized drawings: 18 inches by 24 inches, 24 inches by 36 inches or 36 inches by 48 inches. A suitable border line shall be placed on all drawings with a margin of not less than 1/2 inch on all sides.

R.

A stormwater pollution prevention plan (SWPPP) consistent with the requirements of §§ **320-71** and **320-72** of Chapter **320**, Zoning, shall be required for preliminary subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in §§ **320-71** and **320-72** of Chapter **320**, Zoning. The preliminary subdivision plat shall be consistent with the provisions of §§ **320-71** and **320-72** of Chapter **320**, Zoning.

Add 270-28:

The applicant shall either construct all sanitary sewers, waterlines, drainage facilities, streets, streetlights and turn them over to the Town at no cost or expense for operation and maintenance or may request the Town to install the improvements and make a cash payment to the Town prior to construction in an amount to be determined by the Town Board.

§ 270-14 **Blocks and lots.**

A.

Blocks.

(1)

All blocks in a subdivision shall have a minimum length of at least 500 feet with a maximum length of 1,200 feet. Such blocks containing individual lots shall be at least two lot depths in width. Modifications of the above requirements are possible in commercial and industrial developments.

(2)

In large blocks with interior parks, in exceptionally long blocks or where access to a school or shopping center is necessary, a crosswalk with a minimum right-of-way of 12 feet and a paved walk six feet in width shall be provided.

B.

Lots.

(1)

The minimum lot size and road frontage shall be controlled by the provisions of Chapter **320**, Zoning, of the Town of Lysander, as amended and as may be further amended.

(2)

All lots shall abut on a street, but double-frontage lots are prohibited except where the lots abut an arterial or a collector street on which access is not permitted. To the greatest extent possible, all lot lines should be at right angles to the street or to a tangent of the arc of a curved street. If, after subdivision, there exist remnants of land, they shall be merged into proposed or existing lot areas.

(3)

Corner lots should, to the greatest extent possible, be at least 1 1/2 times the width of single-frontage lots.

(4)

Lot depth should not exceed four times the lot width, unless approval is granted by the Planning Board.

Add the following language to Major Subdivisions Section 270-14.B.5:

(5) All lots shall comply with all driveway requirements included in Lysander Town Code Section A337 Street Specifications Article VII.

§ A337-27 **Residential driveways.**

Permit applications shall contain a sketch clearly locating and dimensioning the proposed driveway.

Add the following language to A337-27 Residential Driveways:

- All new driveways shall require permit applications and a sketch clearly locating and dimensioning the proposed driveway including the following information:
 - Location of existing utility connections for the lot
 - Location of any existing drainage infrastructure fronting the lot
 - A general grading plan demonstrating that the driveway will have less than a 10% slope between the edge of road and the garage or provide a flat landing area in front of the garage a minimum of 20' in length that has a slope of 4% or less. In no instance will driveways with grades greater than 15% be permitted.