

Minutes of the regular monthly meeting of the Jerusalem Town Board held on February 15, 2017 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Anderson, Dinehart, Jones, Parson, Town Clerk McMichael, Highway Superintendent Martin, Town Engineer Ackart.

GUESTS: Tim Cutler, Donna Gridley, Ed Bronson, Doug Paddock, Annette Toaspern.

Supervisor Killen called the meeting to order with the Pledge to the Flag at 7:00 P.M.

**RESOLUTION #36-17**

**APPROVAL OF MINUTES**

On a motion of Councilor Dinehart, seconded by Councilor Anderson, the following was

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays        0

Resolved that the minutes of the January 18, 2017 meeting be approved as read.

**RESOLUTION #37-17**

**AUDIT OF CLAIMS**

On a motion of Supervisor Killen, seconded by Councilor Parson, the following was

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays        0

Resolved that the bills be paid as presented in the following amounts:

General:	\$17,578.63
Outside Village	\$ 1,635.67
Highway DB:	\$14,659.74
Sewer:	\$ 4,079.44
Water:	\$24,629.08
Branchport Light	\$ 373.11

January Utilities:

General:	\$ 1,323.87
Outside Village:	\$ 41.54
Highway DB:	\$ 5,260.62
Sewer:	\$14,894.11
Water:	\$ 426.28
Trust:	\$56,213.63

**SUPERVISOR REPORT**

The Supervisor Report was not available, but will be e-mailed to the Town Board tomorrow.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk. The streamlined format reduces duplication of information submitted to the Town Board.
- Highway Superintendent Martin reviewed the DOT response to our Keuka Park speed limit request with the Highway Committee and Yates County Highway Superintendent. He will share feedback on how to proceed at the Keuka Park Association meeting on February 22<sup>nd</sup>.
- Pricing is being obtained to purchase a mini excavator.

TOWN ENGINEER

- Notes of the February 2017 KPSW meeting on file in the Office of the Town Clerk.
- The Indian Pines Sewage Forcemain Replacement Project is scheduled for early March.
- Water samplings were taken to evaluate the effect of the new auto flush unit on THM formation.
- We are meeting with Larson Design Group tomorrow to wrap up the water study.

ASSESSOR

Written report submitted.

COUNCIL

Clean Up Day will be June 24, 2017, 8:30-2:30.

SUPERVISOR

- The final payment request has been submitted to close out the CDBG grant water study.
- Supervisor Killen presented an overview on KWIC's response to the invasive species, starry stonewort, with the goal to minimize it from spreading. Resolutions to submit a DEC grant on this matter are on tonight's agenda.
- Supervisor Killen, Councilor Anderson and Planning Board Chair Cutler offered to serve on a subcommittee to review and update our Comprehensive Plan.
- Supervisor Killen will resend the two draft Intermunicipal Agreements with the Town of Milo to the Town Board and the Town Clerk.

SUBCOMMITTEE REPORTS:

NOISE ORDINANCE SUBCOMMITTEE:

The draft Noise Ordinance will be sent to Town Attorney Graff and Town Justice Davison for review and comment.

RESOLUTION #38-17

SEQR DETERMINATION PROPOSED LOCAL LAW A-2017 REZONING A PARCEL ON  
RITCHEY BLVD. TO GENERAL BUSINESS (B1)

On a motion of Supervisor Killen, seconded by Councilor Parson, the following was

ADOPTED           Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                      Nays        0

WHEREAS, the Town of Jerusalem Town Board, hereinafter referred to as Town Board, has determined proposed Local Law No. A of 2017 to be an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Short Environmental Assessment Form prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

RESOLUTION #39-17

AUTHORIZING ADOPTION OF LOCAL LAW 1-2017 REZONING A PARCEL ON  
RITCHEY BLVD. TO GENERAL BUSINESS (B1)

On a motion of Supervisor Killen, seconded by Councilor Jones, the following was

ADOPTED BY ROLL CALL VOTE:  
                  Councilor Parson                   Aye

Councilor Dinehart	Aye
Councilor Anderson	Aye
Supervisor Killen	Aye
Councilor Jones	Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Jerusalem for a public hearing to be held by said Town Board on December 21, 2016, at 7:05 p.m. at Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law to Rezone a Parcel on Ritchey Boulevard to General Business" and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on January 4 and 11, 2016 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on January 18, 2017, at 7:10 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, 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, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA; and

WHEREAS, the Town Board of the Town of Jerusalem, after due deliberation, finds it in the best interest of the Town of Jerusalem to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts said Local Law No. 1 of 2017, entitled "A Local Law to Rezone a Parcel on Ritchey Boulevard to General Business", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the Local Law Book of the Town of Jerusalem, to give due notice of the adoption of said local law to the Secretary of State of New York, to publish an abstract of this local law in the Town's official newspaper and to post a copy of this local law conspicuously at or near the main entrance to the office of the Town Clerk.

RESOLUTION #40-17

AUTHORIZING ADOPTION OF LOCAL LAW 2-2017 AMENDING THE ZONING  
ORDINANCE TO ADD REGULATIONS PERTAINING TO SOLAR ENERGY SYSTEMS

On a motion of Councilor Anderson, seconded by Councilor Dinehart,  
the following was

ADOPTED BY ROLL CALL VOTE:

Councilor Jones	Aye
Supervisor Killen	Aye
Councilor Parson	Nay
Councilor Dinehart	Aye
Councilor Anderson	Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Jerusalem for a public hearing to be held by said Town Board on December 21, 2016, at 7:10 p.m. at Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law to Amend the Town of Jerusalem Zoning Ordinance to Add Regulations Pertaining to Solar Energy Systems" and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on January 4 and 11, 2016 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on January 18, 2017, at 7:20 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, 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, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA; and

WHEREAS, the Town Board of the Town of Jerusalem, after due deliberation, finds it in the best interest of the Town of Jerusalem to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts said Local Law No. 2 of 2017, entitled "A Local Law to Amend the Town of Jerusalem Zoning Ordinance to Add Regulations Pertaining to Solar Energy Systems", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the Local Law Book of the Town of Jerusalem, to give due notice of the adoption of said local law to the Secretary of State of New York, to publish an abstract of this local law in the Town's official newspaper and to post a copy of this local law conspicuously at or near the main entrance to the office of the Town Clerk.

Councilor Parson stated limiting the area was too restrictive and he could not support this as proposed.

RESOLUTION #41-17

Permanent Appointment - KPSW Account/Clerk/Typist

On a motion prepared and offered by Supervisor Killen, seconded by Councilor Dinehart, the following was

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays        0

Whereas, Virginia Fenton was hired provisionally as account clerk typist for KPSW, and

Whereas KPSW subcommittee has discussed the potential need for their account clerk typist to be called in during a water or sewer break and would need to respond promptly, and

Whereas, the Town of Jerusalem had requested that Yates County Personnel provide a list of eligible applicants for account clerk typist who are local residents, and

Whereas, Yates County Personnel provided such list wherein Virginia Fenton was 3<sup>rd</sup> on that list, now

Therefore be it resolved that Virginia Fenton be hired as permanent, full time account clerk typist for KPSW

RESOLUTION #42-17

TABLE PLANNING BOARD APPOINTMENT AND RE-ADVERTISE

On a motion of Councilor Anderson, seconded by Supervisor Killen, the following was

ADOPTED       Ayes        3   Anderson, Dinehart, Killen  
                  Nays        2   Jones, Parson

Resolved the Planning Board appointment be tabled and re-advertised stating agricultural background preferred.

RESOLUTION #43-17

284 AGREEMENT FOR EXPENDITURE OF HIGHWAY MONEY

On a motion of Councilor Jones, seconded by Councilor Dinehart, the

following was

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays        0

Resolved the Town Board and Highway Superintendent enter into the Agreement for the Expenditure of Highway Moneys pursuant to the provisions of Section 284 of the Highway Law.

RESOLUTION #44-17

DECLARE 2012 FORD F-150 PICK-UP TRUCK AS SURPLUS

On a motion of Supervisor Killen, seconded by Councilor Parson, the following was

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays        0

Whereas; the 2012 Ford F-150 is being replaced and no longer will no longer be needed;

Therefore; be it resolved that the 2012 Ford F-150 Pick-up Truck Vin #1FTFX1EF4CFC22681 be declared as surplus equipment; and, be it further;

That the Water/Sewer Department be authorized the sale of said F-150 pickup via auction; with the proceeds from this sale be recognized as revenue as stated in the 2017 water and sewer adopted budgets.

RESOLUTION #45-17

AUTHORIZE PURCHASE OF SEWER/WATER DEPT. PICK-UP TRUCK

On a motion of Supervisor Killen, seconded by Councilor Dinehart, the following was

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays        0

Whereas; the 2012 Ford F-150 is being replaced and no longer will no longer be needed; and,

Whereas; the Sewer/Water Dept. budgeted for the purchase of a new truck to replace the 2012 Ford F-150; and,

Therefore; be it resolved that the Sewer/Water Dept. be authorized to place an order with Van Bortel Chevrolet of Macedon, NY for the 2017 Chevrolet Silverado 1500 1WT Double Cab 4WD Standard Box in an amount not to exceed \$28,494.79; and,

Be It Further; that monies for this purchase be taken from the 2017 Sewer/Water appropriation; 70 percent 8340.2 and 30 percent 8120.2

RESOLUTION #46-17

AUTHORIZE SUPERVISOR TO EXECUTE YATES COUNTY INTERMUNICIPAL  
AGREEMENT - REAL PROPERTY IMAGERY SERVICES (PICTOMETRY)

On a motion of Supervisor Killen, seconded by Councilor Parson, the following was

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays        0

Resolved the Supervisor be authorized to sign the 3-year Inter-Municipal Agreement dated January 10, 2017 with Yates County to access the real property imagery services and products provided to the County pursuant to the Pictometry International Corp. contract.

RESOLUTION #47-17

INFORMATION TECHNOLOGY LIAISONS

On a motion of Councilor Jones, seconded by Supervisor Killen, the following was

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays        0

Resolved Zoning Assessing and Planning Clerk Nesbit serve as Information Technology (IT) Liaisons without the stipend established by Resolution #10-17. Assessor Brand will be the back-up.

RESOLUTION #48-17

Authorize Supervisor to draft a letter of support for KWIC to apply for a NYS DEC Grant to address Starry Stonewort, an invasive species in Keuka Lake

On a motion prepared and offered by Supervisor Killen, seconded by Councilor Parson, the following was

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays        0

Whereas Keuka Lake Association (KLA) through their boat steward program and hiring of an invasive species expert through Cornell Cooperative Extension, Emily Staychock, has identified an invasive species, Starry Stonewort, present in Keuka Lake in the Keuka Lake Outlet and in Sugar Creek, and

Whereas this invasive species is known to have a negative impact on aquatic ecosystems by forming a dense mat that covers the waterbody floor, crowding out native aquatic species, and preventing fish spawning and nesting, particularly harming bass, sunfish, darters and minnows, and

Whereas expanding thick mats of Starry Stonewort have a negative impact on recreational lake use by tangling in motors, and



propellers thus making boating, fishing and even swimming more difficult, and

Whereas the Town of Jerusalem and its constituents have an interest in protection and preservation of Keuka Lake, and

Therefore be it resolved that the Town Supervisor be authorized to draft a letter of support for any NYS DEC Grant sought to eradicate or remediate the spread of Starry Stonewort in Keuka Lake.

RESOLUTION #49-17

Recommend that KWIC act as lead agency in a grant to NYS DEC for an Invasive Species Rapid Response and Control

On a motion prepared and offered by Supervisor Killen, seconded by Councilor Parson, the following was

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays        0

Whereas Keuka Lake Association (KLA) through their boat steward program and hiring of an invasive species expert through Cornell Cooperative Extension, Emily Staychock, has identified an invasive species, Starry Stonewort, present in Keuka Lake in the Keuka Lake Outlet and in Sugar Creek, and

Whereas this invasive species is known to have a negative impact on aquatic ecosystems by forming a dense mat that covers the waterbody floor, crowding out native aquatic species, and preventing fish spawning and nesting, particularly harming bass, sunfish, darters and minnows, and

Whereas expanding thick mats of Starry Stonewort have a negative impact on recreational lake use by tangling in motors, and propellers thus making boating, fishing and even swimming more difficult, and

Whereas NYS DEC has made matching grant monies available for eradication or remediation of invasive species, and

Whereas Keuka Watershed Improvement Cooperative (KWIC) charter has language that states in part they will address issues of Keuka Lake water quality, and

Whereas the members of KWIC represent all the Towns and Villages that come in contact with Keuka Lake and thus may be negatively impacted individually and collectively by the spread of this invasive species in Keuka lake, and

Therefore be it resolved that the Town Board, Town of Jerusalem recommends that KWIC should act as lead agency in seeking a three

year grant from NYS DEC for eradication or remediation of Starry Stonewort, in an amount not to exceed \$100,000.

RESOLUTION #50-17

Resolution to authorize Supervisor to complete any documents needed for Pomeroy Grant application and NYS DOT permits to seek historical marker "Toll Plank Road" along SR 54A

On a motion prepared and offered by Supervisor Killen, seconded by Councilor Anderson, the following was

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays        0

Whereas Town of Jerusalem has a notable historic section of roadway which had been called the Toll Plank Road that assisted with transportation of goods from Town of Jerusalem to Penn Yan, and

Whereas the Pomeroy Foundation provides grant monies to municipalities to pay for historical markers, and

Whereas Annette Toaspern member of a local history group has researched this section of road and provided necessary documentation to apply for the grant, and

Therefore be it resolved that the Town of Jerusalem Board authorizes the Supervisor to complete all necessary grant application, DOT permits or other required paperwork to apply for a historic marker from the Pomeroy Foundation for a marker for the Toll Plank Road.

RESOLUTION #51-17

ACCEPT 2016 AUDIT LETTER OF AGREEMENT

On a motion of Councilor Jones, seconded by Councilor Dinehart, the following was

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays        0

Resolved that the Supervisor be authorized to engage the services of Bonadio & Co., LLP to conduct the year ended December 31, 2016 audit at a cost of \$9,200.

With there being no further business, on a motion of Supervisor Killen, seconded by Councilor Parson, the meeting was adjourned at 8:35 P.M.

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Sheila McMichael., Town Clerk

Exhibit 1  
Local Law No. 1 of the year 2017

A Local Law to Rezone a Parcel on Ritchey Boulevard to General Business

**Section 1.** The Zoning Map of the Town of Jerusalem, made a part of the Town of Jerusalem Zoning Ordinance by §160-8 thereof, is hereby amended by changing the zoning district classification of a parcel of land in the Town of Jerusalem presently identified as Tax Map No. 61.24-1-27 located on the southwest side of Ritchey Boulevard from R3 (Residential – Indian Pines District) to B1 (General Business District). This parcel of land presently identified as Tax Map No. 61.24-1-27 is described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Jerusalem, County of Yates and State of New York, bounded and described as follows:

Beginning at a point in the intersection of the southeasterly boundary of N.Y.S. Route 54A and the southwesterly boundary of Ritchey Boulevard, thence the following four (4) courses and distances along the southwesterly boundary of said Ritchey Boulevard:

- (1) S 40°23'50" E, a distance of 140.16' to a point,
- (2) S 51°01'53" E, a distance of 96.47' to a point,
- (3) N 49°13'40" E, a distance of 1.58' to a point,
- (4) S 40°46'07" E, a distance of 89.09' to a ½" rebar set,

Thence S 49°34'27" W, through lands now or formerly owned by Trombley (L. 378 P. 188), a distance of 182.25' to a ½" rebar set;

Thence N 52°58'58" W, along the northerly boundary of lands now or formerly owned by Rhoades (L. 382 P. 391), a distance of 36.04' to a point;

Thence N 40°15'03" W, along the northerly boundary of lands now or formerly owned by French (L. 606 P. 76) & Haydon (L. 526 P. 134), a distance of 150.00' to an existing iron rod;

Thence N 51°50'07" E, along the easterly boundary of lands now or formerly owned by Weichenthal (L. 228 P. 534), a distance of 24.83' to an existing iron rod;

Thence N 40°42'20" W, along the northerly boundary of said Weichenthal, a distance of 139.94' to a point in the southeasterly boundary of N.Y.S. Route 54A;

Thence N 49°36'10" E, along the southeasterly boundary of said N.Y.S. Route 54A, a distance of 145.70' to the Point of Beginning, containing 1.242 acres.

**Section 2.** Paragraph D. (Residential-Indian Pines (R3) Boundaries) of Section 160-7 of the Town of Jerusalem Zoning Ordinance is hereby amended by adding to the end of the existing Paragraph D. the following:

Excepted from this district by Local Law 1 of 2017 is Tax Map No. 61.24-1-27 located on

the southwest side of Ritchey Boulevard and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Jerusalem, County of Yates and State of New York, bounded and described as follows:

Beginning at a point in the intersection of the southeasterly boundary of N.Y.S. Route 54A and the southwesterly boundary of Ritchey Boulevard, thence the following four (4) courses and distances along the southwesterly boundary of said Ritchey Boulevard:

- (1) S 40°23'50" E, a distance of 140.16' to a point,
- (2) S 51°01'53" E, a distance of 96.47' to a point,
- (3) N 49°13'40" E, a distance of 1.58' to a point,
- (4) S 40°46'07" E, a distance of 89.09' to a ½" rebar set,

Thence S 49°34'27" W, through lands now or formerly owned by Trombley (L. 378 P. 188), a distance of 182.25' to a ½" rebar set;

Thence N 52°58'58" W, along the northerly boundary of lands now or formerly owned by Rhoades (L. 382 P. 391), a distance of 36.04' to a point;

Thence N 40°15'03" W, along the northerly boundary of lands now or formerly owned by French (L. 606 P. 76) & Haydon (L. 526 P. 134), a distance of 150.00' to an existing iron rod;

Thence N 51°50'07" E, along the easterly boundary of lands now or formerly owned by Weichenthal (L. 228 P. 534), a distance of 24.83' to an existing iron rod;

Thence N 40°42'20" W, along the northerly boundary of said Weichenthal, a distance of 139.94' to a point in the southeasterly boundary of N.Y.S. Route 54A;

Thence N 49°36'10" E, along the southeasterly boundary of said N.Y.S. Route 54A, a distance of 145.70' to the Point of Beginning, containing 1.242 acres.

**Section 3.** Paragraph E. (General Business (B1) Boundaries) of Section 160-7 of the Town of Jerusalem Zoning Ordinance is hereby amended by adding to the end of the existing Paragraph E. the following:

Added to this district by Local Law 1 of 2017 is Tax Map No. 61.24-1-27 located on the southwest side of Ritchey Boulevard and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Jerusalem, County of Yates and State of New York, bounded and described as follows:

Beginning at a point in the intersection of the southeasterly boundary of N.Y.S. Route 54A and the southwesterly boundary of Ritchey Boulevard, thence the following four (4) courses and distances along the southwesterly boundary of said Ritchey Boulevard:

- (1) S 40°23'50" E, a distance of 140.16' to a point,

- (2) S 51°01'53" E, a distance of 96.47' to a point,
- (3) N 49°13'40" E, a distance of 1.58' to a point,
- (4) S 40°46'07" E, a distance of 89.09' to a ½" rebar set,

Thence S 49°34'27" W, through lands now or formerly owned by Trombley (L. 378 P. 188), a distance of 182.25' to a ½" rebar set;

Thence N 52°58'58" W, along the northerly boundary of lands now or formerly owned by Rhoades (L. 382 P. 391), a distance of 36.04' to a point;

Thence N 40°15'03" W, along the northerly boundary of lands now or formerly owned by French (L. 606 P. 76) & Haydon (L. 526 P. 134), a distance of 150.00' to an existing iron rod;

Thence N 51°50'07" E, along the easterly boundary of lands now or formerly owned by Weichenthal (L. 228 P. 534), a distance of 24.83' to an existing iron rod;

Thence N 40°42'20" W, along the northerly boundary of said Weichenthal, a distance of 139.94' to a point in the southeasterly boundary of N.Y.S. Route 54A;

Thence N 49°36'10" E, along the southeasterly boundary of said N.Y.S. Route 54A, a distance of 145.70' to the Point of Beginning, containing 1.242 acres.

**Section 4. Severability**

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.

Exhibit 2

Local Law No. 2 of the year 2017 Zoning Ordinance Amendment Adding Solar Energy Systems

Section 1. The Town of Jerusalem Zoning Ordinance is hereby amended with the addition of a new Article XXV to read as follows:

Article XXV: Solar Energy Systems

§ 160-153 Authority.

These supplemental regulations are adopted pursuant to sections 261-263 of the Town Law of the State of New York, which authorize the Town of Jerusalem to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”

§ 160-154 Statement of Purpose.

The purpose of these supplemental regulations is to advance and protect the public health, safety, and welfare of Town of Jerusalem, including:

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

§ 160-155 Definitions.

As used in this article, the following terms shall have the meanings indicated:

**BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM:** A Solar Energy System consisting of a combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

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

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

**QUALIFIED SOLAR INSTALLER:** A person who has skills and knowledge related to the construction and operation of solar energy equipment and installations and has received safety training on the hazards involved. Persons may be deemed to be qualified solar installers if the Town of Jerusalem determines such persons 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 exposed live parts.

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

**SOLAR ENERGY EQUIPMENT:** Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

**SOLAR ENERGY SYSTEM:** An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

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

§ 160-156 Applicability

The requirements of this law shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance and repair and Building-Integrated Photovoltaic Systems.

§ 160-157 Solar Energy System as an Accessory Use or Structure.

A. Roof-Mounted Solar Energy Systems.

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

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

3) Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements:

a. Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of the system.

b. Panels on flat roofs must be mounted on modules fixed to frames, which can be tilted toward an optimal angle.

4) Roof-Mounted Solar Energy Systems that use the electricity produced onsite shall be exempt from site plan review under the local zoning code or other land use regulations.

B. Ground-Mounted Solar Energy Systems.

1) Ground-Mounted Solar Energy Systems that use the electricity produced primarily onsite are permitted as accessory structures in the Agricultural-Residential and Residential Districts.

2) Height and Setback. Ground-Mounted Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.

- 3) Aesthetics. Ground Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements:
  - a. Panels must be mounted in such a way as to protect the Viewshed of Keuka Lake.
  - b. Solar Energy Systems must be situated in such a way that they minimize the visual impact from public roads.
- 4) Lot Coverage Systems are limited to 10% of the lot. The surface area covered by Ground-Mounted Solar Panels shall be included in total lot coverage.
- 5) Ground-Mounted Solar Energy Systems where more than 50% of the electricity produced is used onsite shall be exempt from site plan review under the local zoning code or other land use regulations.

§ 160-158. Approval Standards for Large-Scale Solar Systems as a Special Use.

A. Large-Scale Solar Energy Systems are permitted through the issuance of a special use permit within Agricultural-Residential District subject to the requirements set forth in this Section, including site plan approval. Applications for the installation of a Large-Scale Solar Energy System shall be reviewed by the Code Enforcement Officer and referred, with comments, to the Town of Jerusalem Zoning Board of Appeals for its review and action, which can include approval, approval on conditions, and denial.

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

- 1) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
- 2) Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.
- 3) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- 4) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
- 5) Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used or ceases to 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



Professional Engineer or Contractor. Cost estimations shall take into account inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. The Town Code Enforcement Officer, after suspecting that a Solar Energy System may be abandoned, shall notify the owner of such assessment and the owner may produce data or records to the Town Zoning Board of Appeals to prove that the Solar Energy System is active or has been active within the year prior to the notice.

If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned pursuant to Section 7 hereof, the municipality may remove the system and restore the property. The actual cost of such decommissioning, removal of the system and restoration of the property, plus a service charge of 10% thereof to cover the cost of supervision and administration, shall be certified by the Town Code Enforcement Officer to the Town Supervisor and such certified amount shall thereupon be charged and assessed against the owner, tenant or occupant of the property that was the subject of the violation. The expense, so assessed, shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town taxes and charges.

C. Special Use Permit Standards.

1) Height and Setback. Large-Scale Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.

2) Lot Size. Large-Scale Energy Systems shall be located on lots with a minimum lot size of five (5) acres.

3) Lot Coverage. A Large-Scale Solar Energy System that is ground-mounted shall not exceed 15000 sq. ft. (0.35 acres). The surface area covered by Solar Panels shall be included in total lot coverage.

4) Any application under this Section shall meet any substantive provisions contained in local site plan requirements in the zoning code that, in the judgment of the Town of Jerusalem Planning Board, are applicable to the system being proposed. If none of the site plan requirements are applicable, the Town of Jerusalem Planning Board may waive the requirement for site plan review.

5) Aesthetics. Large-Scale Solar Energy System installations shall incorporate, when feasible, the following design requirements:

a. Panels must be mounted in such a way as to protect the View Shed of Keuka Lake.

b. Solar Energy Systems must be situated in such a way that they minimize the visual impact from public roads.

6) The Town of Jerusalem Zoning Board of Appeals may impose conditions on its approval of any special use permit under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the New York State Environmental Quality Review Act (SEQRA).

§ 160-158. Abandonment and Decommissioning.

Solar Energy Systems are considered abandoned after 1 year without electrical energy generation and metered use thereof and must be removed from the property. Applications for extensions are reviewed by the Town of Jerusalem Planning Board for a period of two (2) years.

Section 2. Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 3. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.