

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

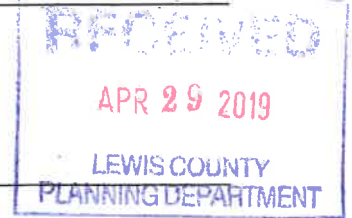
Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Pinckney, NY

Local Law No. 1-2019 of the year 2019

A local law Solar Energy Law
(Insert Title)



Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Pinckney as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20¹⁹ of the (County)(City)(Town)(Village) of Pinckney was duly passed by the Town Board _____ on _____ 20¹⁹, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20____, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)~~

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Dorothea Pearson

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: March 22, 2019.

(Seal)

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

April 12, 2019

James A Burrows
Conboy McKay Bachman & Kendall LLP
407 Sherman Street
Watertown NY 13601



RE: Town of Pinckney, Local Law 1 2019, filed on March 28 2019

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



Department
of State

**Town of Pinckney
Solar Energy Law**

1. AUTHORITY

This Zoning for Solar Energy Law is adopted pursuant to sections 261-263 of the Town Law, of the State of New York, which authorize the Town of Pinckney 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.” It is intended to repeal, and replace, any local law or ordinance pertaining to this same subject matter.

2. STATEMENT OF PURPOSE

A. This Zoning for Solar Energy Law is adopted to advance and protect the public health, safety, and welfare of the Town of Pinckney, 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.

3. 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 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 off-site sale or consumption.

LOT COVERAGE FOR SOLAR FACILITY: The area measured from the outer edge of the ground mounted arrays, inverters, batteries, storage cells and all other mechanical equipment used to create solar energy, exclusive of fencing and roadways and paths between rows of modules. When measuring the outer edge of an array, the greatest possible footprint shall be identified and considered in the calculations.

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 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.

4. 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.

5. SOLAR AS AN ACCESSORY USE OR STRUCTURE

A. Roof-Mounted Solar Energy Systems.

- 1) Roof-Mounted Solar Energy Systems that use the electricity onsite or offsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure. A valid Zoning Permit shall be obtained through the Town of Pinckney Zoning Enforcement Officer, or such other persons performing those tasks, prior to installation.
- 2) Roof mounted solar energy systems require a building permit. All work shall be completed in accordance with the NYS Building Code and National Electric Code.
- 3) 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.
- 4) 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. Roof mounted solar structures shall be color coordinated to harmonize with roof material and other colors of the structure.
 - c. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties, or roadways.
- 5) Roof-Mounted Solar Energy Systems that use the energy onsite or offsite 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 primarily onsite are permitted as accessory structures with a Zoning Permit within all zoning districts.

- 2) Ground mounted solar arrays require a building permit. All work shall be completed in accordance with the NYS Building Code and National Electric Code.
- 3) Height. Ground Mounted Solar Energy Systems that use the electricity primarily onsite shall not exceed 15 feet in height when oriented at maximum tilt.
- 4) Lot Coverage. Systems are limited to a maximum coverage of 50 percent. The surface area covered by Ground-Mounted Solar Panels shall be included in total lot coverage.
- 5) Setbacks. Ground-Mounted Solar Energy Systems shall adhere to the setback requirements of the underlying zoning district. All solar collectors must be located in compliance with DEC and federal flood plain regulations and specifications as they pertain to waterways, waterbodies and designated wetlands.
- 6) All such Systems shall be installed in the side or rear yards.

6. 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, subject to the requirements set forth in this Section, including site plan criteria. Applications for the installation of a Large-Scale Solar Energy System shall be reviewed by the Zoning Enforcement Officer and referred, with comments, to the Town Planning Board for its review and action, which can include approval, approval on conditions, and denial.
 - 1) All solar Energy Systems shall be designed by a NYS licensed architect or licensed engineer and installed in conformance with the applicable International building Code, International Fire Prevention Code and National Fire Protection Association (NFPA) 70 Standards, and National Electric Code.
 - 2) All solar collectors must be located in compliance with DEC and federal flood plain regulations and specifications as they pertain to waterways, waterbodies and designated wetlands.
- B. Special Use Permit Application Requirements. For a special permit application, the Special Use Permit 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) Plans 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 and Bond.** 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, 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. Applicant shall post a decommissioning bond in accordance with the NYSERDA recommended bond values for the benefit of (x) the municipality in which the Improvements and Generating Facility are located or (y) Lessor/Landowner. If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.

C. Special Use Permit Standards.

- 1) **Height.** Large-Scale Solar Energy Systems shall adhere to the height requirements of the underlying zoning district.
- 2) **Setbacks.** Large-Scale Solar Energy Systems shall adhere to the setback requirements of the underlying zoning district. In addition, a minimum 50" setback shall be maintained between any adjoining residence and a large-scale solar energy system.
- 3) **Lot Coverage.** A Large-Scale Solar Energy System that is ground-mounted shall not exceed 75 percent lot coverage of the lot on which it is installed. Only surface area covered by Solar Panels shall be included in calculation of total lot coverage.
- 4) **Fences.** If a Large-Scale Solar Energy Systems is to be enclosed by fencing, warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The fencing shall be reviewed and approved by the Town Planning Board. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts, as required by the Planning Board, as provided for in Section 6(c)(5).
- 5) **Screening.** All large scale Solar Energy Systems shall have the least visual effect practical on the environment, as determined by the Planning Board. Based upon site specific conditions, including topography, existing structures and roadways, reasonable efforts shall be made to minimize visual impacts by preserving natural vegetation, and providing landscape screening to adjacent residential properties, public roads and from public sites known to include important views or vistas. Screening should minimize the shading of

solar collectors. Appurtenant structures such as inverters, batteries, equipment shelters, storage facilities, transformers, should be screened from adjoining residences.

- 6) **Signage.** Warning signs with the owners contact information shall be placed on the entrance and perimeter of the fencing. Solar equipment shall not be used for displaying any advertising. All signs, flags, streamers or similar items, temporary or permanent, are prohibited on solar equipment except: (a) manufacturer's or installer's identification; (b) appropriate warning signs and placards; (c) signs that may be required by a federal agency; and (d) signs that provide a 24 hour emergency contact phone number and warn of danger.
- 7) **Glare.** Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties, or roadways.
- 8) **Noise.** Noise producing equipment such as substations and inverters shall be located to minimize noise impacts on adjacent "non-participating" properties. A Noise Assessment pursuant to NYS DEC guidance document Assessment and Mitigating Impact shall be required.
- 9) **Access.** A road shall be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Access Roads shall be gated at the point of connection with public roadways.
- 10) The Town Planning Board 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 State Environmental Quality Review Act (SEQRA).

7. Abandonment

Solar Energy Systems are considered abandoned after 24 months without electrical energy generation and must be removed from the property. Applications for extensions are reviewed by the Town Planning Board for a period of 6 months. The site shall be restored to its original condition within one year of abandonment determination.

8. Solar Rights

- A. Pursuant to Chapter 263 of New York Town Law, all parcels within the Town of Pinckney shall be permitted to enjoy access to direct sunlight.
- B. No structure shall be constructed or vegetation installed that limits direct solar access greater than 50 percent of the ground surface of adjoining lots to less than 6 hours on any day of the year.

9. Enforcement

Any violation of this Solar Energy Law shall be subject to the same civil and criminal penalties provided for in the zoning regulations of the Town of Pinckney.

10. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in full force and effect.

TOWN OF PINCKNEY
587 COUNTY ROUTE 194
COPENHAGEN, NEW YORK 13626

RESOLUTION # 52-2019
ENACT A LOCAL LAW REGULATING SOLAR ENERGY

WHEREAS, the Town Board for the Town of Pinckney, New York has devoted considerable time and attention to Green Energy issues including Solar Energy Systems; and

WHEREAS, the Town Board has determined that the orderly growth of Solar Energy Systems will promote the health, safety and welfare of the community, and will do so in an environmentally friendly fashion; and

WHEREAS, pursuant to the New York Environmental Quality Review Act, this Board, as the only involved agency has reviewed Parts 1, and 2 of a Long Form Environmental Assessment Form, has made a determination that the adoption of the Local Law in the Town of Pinckney, New York will result in no significant adverse impacts upon the environment and has adopted a negative declaration in connection therewith.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Pinckney, New York as follows:

1. The forgoing recitation is incorporated herein and made a part hereof as if set forth hereafter.
2. The Town Board hereby enacts the Local Law titled "Solar Energy Law" as being in the best interests of the Town of Pinckney.
3. The Supervisor for the Town of Pinckney and the Town Clerk for the Town of Pinckney, their respective agents and employees are authorized to sign all documents and take all steps necessary to enact this legislation.
4. This Legislation shall be filed with the New York State Department of State, and with the Town Clerk of the Town of Pinckney.
5. This Resolution shall take effect immediately.

The foregoing Resolution was offered by Board Member, Sherry Harmych, and seconded by Board Member, Daniel Pearson, and upon roll call vote of the Board was duly adopted as follows:

| | | |
|---------------------------|---|-----------------------------|
| Supervisor Sherry Harmych | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Robert Amidon | Yes <u>Absent</u> | No <input type="checkbox"/> |
| <u>Michael Archonough</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Donald Vincent | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Daniel Pearson | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

Dated: March 12, 2019

Dorothea Pearson
Dorothea Pearson, Town Clerk

TOWN OF PINCKNEY
587 COUNTY ROUTE 194
COPENHAGEN, NEW YORK 13626

RESOLUTION #53-2019
NEGATIVE DECLARATION (SEQR) FOR SOLAR ENERGY

WHEREAS, the Town Board for the Town of Pinckney, New York has considered the adoption of Legislation in the Town of Pinckney in connection with regulating Solar Energy Systems; and

WHEREAS, the Town Board of the Town of Pinckney has reviewed a Long Form Environmental Assessment Form for the purpose of assisting the Town Board in making a determination of significance in respect to the Legislation; of whether the enactment of the Legislation would have a significant adverse impact on the environment; and

WHEREAS, the Town has reviewed the criteria for determining significance of an action that is set forth at 6 NYCRR §617.7(c); and

WHEREAS, having considered the action consisting of the adoption of the Legislation and the potential environmental impacts associated with such action the Town Board has determined to proceed.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pinckney finds that the proposed action of adopting the legislation is subject to SEQR; and

BE IT FURTHER RESOLVED, that the action constitutes a Type 1 action under SEQR 617.4(b)(2); and

BE IT FURTHER RESOLVED, that the Town Board is the agency with jurisdiction by law to fund, approve, or directly undertake this action, and therefore, a coordinated review of the action under SEQR is neither required or necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Pinckney, New York:

1. Based upon the examination and consideration of the Long Environmental Assessment Form and comparison of the proposed action and criteria set forth at 617.7, no significant impact on the environment is known by the adoption of the proposed legislation.

2. The Supervisor for the Town of Pinckney is authorized to execute the Long Environmental Assessment Form to the effect that the Town Board is issuing a "negative declaration" under SEQR.

3. The Town Clerk is hereby directed to file and circulate the ENB Notice Publication Form in accordance with the requirements for a Type I action of the Long Environmental Assessment Form.

4. A complete copy of the EAF including its negative declaration shall be maintained in the Town Clerk's office in a file that will be readily assessable to the Public. Further, the Town Clerk is hereby authorized to publish a notice to that effect in the Environmental Notice Bulletin. All subsequent notices regarding the undertaking of the project as set forth in this report shall state that a negative declaration has been issued.

5. This Resolution shall take effect immediately.

The foregoing Resolution was offered by Board Member, Sherry Harmych, and seconded by Board Member, Donald Vincent, and upon roll call vote of the Board was duly adopted as follows:

| | | |
|---------------------------|---|-----------------------------|
| Supervisor Sherry Harmych | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Robert Amidon | Yes <u>Absent</u> | No <input type="checkbox"/> |
| <u>Michael Burkenough</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Donald Vincent | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Daniel Pearson | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

Dated: March 12, 2019, 2019

Dorothea Pearson
Dorothea Pearson, Town Clerk