

Local Law \_\_\_\_ of 2019

Regulation of Solar Energy Systems in the Town of \_\_\_\_\_

*(Note that this text would have to be tailored to each community. Some areas have specific options included in this model. These are shown in italics or highlighted in gray. Notes are added for further explanation where needed.)*

**SECTION 1. TITLE**

This local law shall be known and cited as "Regulation of Solar Energy Systems in the Town of \_\_\_\_\_" being Local Law number \_\_ of 2019. It may be known as the "Solar Energy System Law of the Town of \_\_\_\_\_."

**SECTION 2. AUTHORITY**

This local law is adopted pursuant to the authority and power granted by Articles 2 and 3 of the New York State Municipal Home Rule Law, by Article 2 of the New York State Statute of Local Governments and by Town Law Section 261-263 to 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."

**SECTION 3. AMENDMENT**

A. The Zoning Law of the Town of \_\_\_\_\_, entitled "\_\_\_\_\_" (Local Law No. \_\_\_\_ of the year \_\_\_\_ ) is hereby amended to add the Solar Energy System regulations as a new [Section \_\_\_\_ or Article \_\_\_\_] in said Zoning Law as follows:

**1. PURPOSE**

- A. The purposes of these zoning regulations are to advance and protect the public health, safety, and welfare of the Town of \_\_\_\_\_ by:
1. Supporting energy independence and community resiliency by taking advantage of a safe, abundant, renewable, and non-polluting energy resources;
  2. Accommodating solar energy systems while balancing the potential impact on the environment, neighbors, and the community;
  3. Establishing provisions for the placement, design, construction, and operation of such systems to be consistent with the Town of \_\_\_\_\_ Comprehensive Plan, as may exist and as many be amended from time to time; and
  4. Furthering the health, safety and welfare of the public.

*Note: The definitions that follow, especially those related to the classifications of solar projects are suggestive and the municipality may choose to define the classifications differently. For example, by changing the kW or mW to be regulated. Specific areas to be discussed and determined locally are highlighted.)*

## 2. DEFINITIONS

**Building Integrated Solar Energy System:** 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 primarily intended for producing electricity for onsite use.

**Building-Mounted Solar Energy System-** A solar energy system that is affixed to the roof and up to 8" off the roof or side(s) of a building or other legally permitted structure either directly or by means of support structures or other mounting devices.

**Ground-Mounted Solar Energy System:** A Solar Energy System that is directly anchored to the ground and attached to a pole or other mounting system, not attached or affixed to an existing structure, and detached from any other structure.

**Onsite:** Located on the lot that is the subject of an application for development.

**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 or solar thermal power generation.

**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:** A photovoltaic (PV) electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment. Several scale systems are addressed in this local law as follows:

**Agricultural solar energy system:** An on-farm, small-scale solar energy system that provides no more than 110% of the energy required to operate a farm operation as defined by New York State Agriculture and Markets Law 305-a. These may be roof-mounted or ground-mounted systems.

**Large-scale solar energy system:** A solar energy system that produces energy primarily for supplying more than 200 kW and less than \_\_\_\_\_ of electrical energy into a utility grid for wholesale or retail offsite sale or consumption whether generated by photovoltaics, solar thermal devices or other solar technologies, and whether ground-mounted or building-mounted. A large-scale solar energy system may also

be referred to as a 'solar plant', 'solar Energy System', 'commercial solar energy system' or solar power plant'.

**Medium-scale solar energy system:** A solar energy system or solar thermal system that is ground-mounted and producing between 25kW and 200 kW of electricity.

**Small-scale solar energy system:** A roof-mounted or building-integrated solar energy system or solar thermal system servicing primarily the building or buildings on the parcel on which the system is located for onsite consumption for either residential or business use, and limited to those rooftop and building-integrated, roof-mounted, and ground-mounted solar collectors that produce 25 kW or less electricity. An agricultural solar energy system shall be considered small-scale.

**Solar Panel:** A photovoltaic device capable of collecting and converting solar energy into electrical energy.

**Solar Thermal System:** Solar energy system that directly heats air; water or other liquid using sunlight. The heated air, water or other liquid is used for such purposes including but not limited to space heating and cooling, domestic hot water and heating pool water.

### 3. APPLICABILITY

- A. The requirements of this law shall apply to all solar energy systems installed or modified after this law's effective date. Medium-scale and large-scale solar energy systems shall require site plan approval or special use permit approval or both pursuant to this local law and Section \_\_\_\_\_ of the Town of \_\_\_\_\_ zoning law. [Option: Any system greater than the large-scale system as defined in A2 above are prohibited in the Town of \_\_\_\_\_.] [Option: All ground-mounted solar energy systems including small-scale systems shall require site plan review.] Issuance of permits and approvals by the Planning Board/Zoning Board shall include review pursuant to the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617.
- B. Small-scale, agricultural, and building-integrated solar energy systems as well as general maintenance of such systems do not require site plan review or special use permit approval and shall be considered accessory structures allowed in all zoning districts. Such systems shall be required to obtain a building permit or a solar building permit from the Town of \_\_\_\_\_ prior to placement and operation unless the Town exempts farm structures from requiring building permits, and shall also meet all other requirements pertaining to accessory structures.
  1. The following conditions shall be met:
    - a. Roof-mounted Solar Energy Systems shall be installed parallel to the roof surface on which they are mounted, shall not extend higher than the highest point of the roof surface on which they are mounted or the top of the surrounding parapet, or more than 24" above the flat surface of the roof, whichever is greater.

- b. All solar panels shall have anti-reflective coating.
- c. Building-integrated Solar Energy Systems shall be shown on the plans submitted for any building permit application for the building containing the system.
- C. Solar Energy System installations for which a valid building permit has been issued before the effective date of this local law shall not be required to meet the requirements of this local law.
- D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Uniform Fire and Building Code, as well as may be required by the Public Service Commission regulations.

**1. PERMITTING AND APPROVAL REQUIREMENTS FOR MEDIUM-SCALE SOLAR ENERGY FACILITIES**

*[The following procedures, application submissions and development standards are recommended, but the municipality may choose which elements it wants to include.]*

- A. Medium-scale Solar Energy Systems are permitted subject to receiving site plan approval by the Town of \_\_\_\_\_ Planning Board pursuant to Section \_\_\_\_\_ of the Town of \_\_\_\_\_ zoning law (or *site plan review law*). All procedures including, but not limited to sketch plan review, public hearing, and time frames pursuant to the zoning law shall be met. The Planning Board review of medium-scale Solar Energy Systems shall include, but not be limited to consideration of the visual effect of the proposed solar installation on scenic and historic resources and viewsheds; impacts on community character; compatibility of the proposed solar system with adjacent and other nearby land uses; compatibility with agriculture and farmlands, managing stormwater runoff, and the effect of the proposed installation on ecologically sensitive land or water resources.
- B. The application materials as required in section \_\_\_\_\_ (site plan review section of zoning law) and/or \_\_\_\_\_ (special use permit) shall be supplemented by the submission of the following materials and information:
  - 1. If the property of the proposed project is to be leased, legal consent between all parties, including easements and other agreements.
  - 2. Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect. Plans shall show the proposed layout of the entire Solar Energy System along with a description of all components, whether on site or off site, existing vegetation, existing or proposed access, gates, parking areas, mounting systems, inverters, panels, fencing, proposed clearing and grading of all sites involved, and proposed buffering and screening.
  - 3. Stormwater runoff calculations, drainage plan, clearing and grading plan. The clearing and grading plan shall also include methods to stockpile, reduce erosion of, and reuse

- all topsoil from the site. If one acre or more of land is to be disturbed, the applicant shall also submit a Stormwater Pollution Prevention Plan consistent with NYS DEC or local MS4 requirements. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of site plan approval.
4. Photo simulations shall be included showing the proposed Large-Scale Solar Energy System in relation to the building/site along with elevation views and dimensions, and manufacturer's specifications and photos of the proposed Large-Scale Solar Energy System, solar collectors, and all other components. The Planning Board may require photo simulations to be provided from specific roads or other public areas that may be impacted. In the course of its review of a proposal for development of a large-scale solar facility, the Planning Board may require an applicant to submit a viewshed analysis that meets the procedures identified within the New York State Department of Environmental Conservation's SEQRA publication entitled "Assessing and Mitigating Environmental Impacts."
  5. Part I of the Full Environmental Assessment Form filled out, unless deemed a Type II action pursuant to Part 617 (SEQR).
  6. Details of any proposed noise that may be generated by inverter fans, or other noise generating equipment that may be included in the proposal. The Planning Board may require a noise analysis to determine potential adverse noise impacts.
  7. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming, and fence maintenance as well as any proposed use of pesticides or herbicides.
  8. Landscaping/Screening Plan. Such plan shall describe the methods and types of screening that is proposed, including but not limited to existing vegetation, topography, fencing and structures, and also detailing the number, location and species of vegetation to be planted on site and the size and extent of berms. Such plan shall also include appropriate performance criteria specifying minimum plant sizes and measures to be taken in the event that the proposed vegetation fails to survive, flourish or otherwise meet said performance criteria.
  9. A location map of the connection point to the grid shall be provided along with a description of any easements or right-of-ways, clearing, infrastructure, appurtenances, and equipment that may be necessary or required to connect to the grid.
- C. Standards. The following shall be required:
1. Anti-Glare. All solar collectors and related equipment shall be surfaced, designed, coated with anti-reflective materials, and sited so as not to reflect glare onto adjacent residences and roadways.
  2. Height and Setback. All ground-mounted Solar Energy Systems shall adhere to the

height and setback requirements of the underlying zoning district.

3. Lot Area: A parcel must have a minimum area of one acre for an accessory ground-mounted Solar Energy System to be permitted.
4. Screening. All medium-scale Solar Energy Systems that are viewable from either a county or state (*or any road*) highway shall (*may*) be required to provide one or more of the following buffers along the entire street frontage to ensure the site is screened and harmonious with the character of the property and surrounding area:
  - a. One canopy tree per 100 linear feet of property frontage, located within a twenty-foot landscape buffer;
  - b. Two understory trees per 100 linear feet of property frontage, located within a twenty-foot landscape buffer;
  - c. Existing hedgerows, brushlines, large trees greater than 6 inches in diameter and other vegetation that contribute to screening of the site shall be maintained to the maximum extent feasible.
5. Stormwater Management. The Solar Energy System shall be designed with the ground cover as pervious to the maximum extent practicable so that stormwater infiltrates as sheetflow across the system. If solar panels are constructed in such a manner as to promote effective infiltration of rainfall the Solar Energy System may be considered pervious for stormwater pollution prevention purposes. Other structures such as but not limited to transformers, buildings, or paved entrance roads shall still be considered impervious. The following criteria shall be used to establishing a Solar Energy System as pervious cover:
  - a. Panels must be positioned to allow water to run off their surfaces.
  - b. Soil with adequate vegetative cover must be maintained under and around the panels.
  - c. The area around the panels must be adequate to ensure proper vegetative growth under and between the panels.
6. Wetland Protection. No Solar Energy System shall be installed on a designated wetland as defined by the New York State Department of Environmental Conservation, the U.S. Army Corps of Engineers, or other governing body.
7. Protection of Critical Environmental Areas. No Solar Energy System shall be installed on Critical Environmental Areas (CEAs) as defined by the New York State Department of Environmental Conservation, the U.S. Army Corps of Engineers, or other governing body.
8. Protection of Agricultural Resources.

- a. Any Medium-Scale Solar Energy System located on lands that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed [50] % of the area of Prime Farmland or Farmland of Statewide Importance on the parcel. OR Any Medium-Scale Solar Energy System located on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed [50] % of the entire lot. AND/OR Medium-Scale Solar Energy Systems on Prime Farmland or Farmland of Statewide Importance shall be required to seed [20] % of the total surface area of all solar panels on the lot with native perennial vegetation designed to attract pollinators.
  - b. To the maximum extent practicable, Medium-Scale Solar Energy Systems located on Prime Farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
9. Traffic and Roadway Impacts. The Planning Board may require a traffic impact assessment to evaluate potential adverse impacts on public roads. This may include New York State Department of Transportation review if the project is accessed from a state highway.

## **5. PERMITTING AND APPROVAL REQUIREMENTS FOR LARGE-SCALE SOLAR SYSTEMS**

- A. Large-Scale Solar Energy Systems are permitted through the issuance of site plan approval, special use permit approval or both within the \_\_\_\_\_ zoning districts in the Town of \_\_\_\_\_, and subject to the requirements set forth in this Section. All procedures including, but not limited to sketch plan review, public hearing, and time frames pursuant to the zoning law shall be met. Whenever a solar energy facility requires both a site plan review and a special use permit, the Planning Board shall review those applications concurrently.
- B. The application materials as required in section \_\_\_\_\_ (site plan review) and/or \_\_\_\_\_ (special use permit) shall be supplemented by the following information:
  1. If the property of the proposed project is to be leased, legal consent between all parties, including easements and other agreements.
  2. Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect. Plans shall show the proposed layout of the entire Solar Energy System along with a description of all components, whether on site or off site, existing vegetation, existing or proposed access, gates, parking areas, mounting systems, inverters, panels, fencing, proposed clearing and grading of all sites involved, and proposed buffering and screening.
  3. The clearing and grading plan shall also include methods to stockpile, reduce erosion of, and reuse all topsoil from the site. If one acre or more of land is to be disturbed, the applicant shall also submit a Stormwater Pollution Prevention Plan consistent with NYS DEC or local MS4 requirements. Clearing and/or grading activities are

subject to review by the Planning Board and shall not commence until the issuance of site plan approval.

4. Identification of wildlife species that may use the parcel including potential wildlife travel corridors, migration paths (including both ground and aerial pathways), or critical habitats. The site plan and supporting application shall include an on-site evaluation of wildlife species that may use or migrate through the project site. Any lake or waterbody within ½ mile shall also be identified on the site plan.
5. Photo simulations shall be included showing the proposed Large-Scale Solar Energy System in relation to the building/site along with elevation views and dimensions, and manufacturer's specifications and photos of the proposed Large-Scale Solar Energy System, solar collectors, and all other components. The Planning Board may require photo simulations to be provided from specific roads or other public areas that may be impacted. In the course of its review of a proposal for development of a large-scale solar facility, the Planning Board may require an applicant to submit a viewshed analysis that meets the procedures identified within the New York State Department of Environmental Conservation's SEQRA publication entitled "Assessing and Mitigating Environmental Impacts."
6. Part I of the Full Environmental Assessment Form filled out unless deemed a Type II action pursuant to Part 617 (SEQR).
7. Details of any proposed noise that may be generated by inverter fans, or other noise generating equipment that may be included in the proposal. The Planning Board may require a noise analysis to determine potential adverse noise impacts.
8. Documentation of utility notification, including an electric service order number. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
9. Landscaping/Screening Plan. Such plan shall describe the methods and types of screening that is proposed, including but not limited to existing vegetation, topography, fencing and structures, and also detailing the number, location and species of vegetation to be planted on site and the size and extent of berms. Such plan shall also include appropriate performance criteria specifying minimum plant sizes and measures to be taken in the event that the proposed vegetation fails to survive, flourish or otherwise meet said performance criteria.
10. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming, and fence maintenance as well as any proposed use of pesticides or herbicides. Any damaged or unused components of the system shall be removed from the premises within 30 days and disposed of legally. All maintenance equipment and spare parts shall be kept in a designated storage area which is fenced and screened.

11. The Applicant shall provide written confirmation that the electric grid has the capacity to support the energy generated from the proposed Large-Scale Solar Energy System at its maximum peak design. A location map of the connection point to the grid shall be provided along with a description of any easements or right-of-ways, clearing, infrastructure, appurtenances, and equipment that may be necessary or required to connect to the grid.
12. 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 Decommissioning Plan shall be made a condition of the approval 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 decommissioning plan shall also include:
  - a. Provisions describing the triggering events for decommissioning of the solar energy facility;
  - b. Provisions for the removal of structures, debris and cabling, including those below the soil surface;
  - c. Provisions for the restoration of the soil and vegetation. 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.
  - d. A timetable approved by the Planning Board for site restoration;
  - e. An estimate of the decommissioning costs certified by a Professional Engineer. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall consider inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan.
  - f. Financial Assurance, secured by the Owner or Operator, for the purpose of adequately performing decommissioning, in an amount equal to the Professional Engineer's certified estimate of removal and decommissioning costs. The financial assurance shall be reviewed by the Town Attorney annually to ensure the Owner or Operator and bond maintain the necessary assurances for decommissioning;
  - g. Identification of and procedures for Town of \_\_\_\_\_ access to Financial Assurances;
  - h. A provision that the terms of the Decommissioning Plan shall be binding upon the Owner or Operator or any of their successors, assigns, or heirs;
  - i. A provision that the Town of \_\_\_\_\_, its officials, employees, agents or

contractors, shall have the right of access to the site, pursuant to reasonable notice, to effectuate or complete removal and decommissioning;

- j. Removal of machinery, equipment, tower, and all other materials related to the project is to be completed within one year of decommissioning. 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.
  - k. The plan shall also include an expected timeline for execution.
13. If the applicant begins but does not complete construction of the project within 18 months after receiving final site plan approval, this may be deemed abandonment of the project and require implementation of the decommissioning plan to the extent applicable. The Town may notify the operator and/or the owner to complete construction and installation of the facility within 180 days. If the owner and/or operator fails to perform, the Town may notify the owner and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of notification by the Town.
14. Upon cessation of activity of a constructed facility for a period of one year, the Town may notify the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or operator can either restore operation equal to 80% of approved capacity or implement the decommissioning plan.
15. If the owner and/or operator fails to fully implement the decommissioning plan within the one-hundred-eighty-day time period, the Town may, at its discretion, provide for the restoration of the site in accordance with the decommissioning plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Town shall be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes.
16. If in the course of the delivery, installation, maintenance, dismantling, removal or transport of the solar energy system or any components thereof the property of the Town of \_\_\_\_\_, including but not limited to roadways, shoulders, drainage structures, signage, guide rails, etc., is damaged by the efforts of the applicant or any agents thereof, the applicant shall, within 30 days of the damage, completely replace or repair all damage to the satisfaction of the Town.
- C. Standards. All standards required for medium-scale solar energy facilities shall also be required for large-scale solar energy facilities. In addition, the following shall be required:
- (The Town can decide which of these are appropriate or add standards as it deems appropriate.)*

1. Lot Size. Large-Scale Energy Systems shall be located on lots with a minimum lot size of 10 acres and shall be allowed in \_\_\_\_\_ zoning districts.
2. Environmentally Sensitive Areas. Large-Scale Solar Energy Systems *shall not [may be restricted by the Planning Board]* on above \_\_\_\_\_ elevation or on slopes greater than \_\_\_\_\_ percent.
3. All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be approved by the Planning Board. The fencing may be required to be further screened by landscaping to avoid adverse aesthetic impacts, including construction of a berm to screen the facility from public views.
4. There shall be a minimum 75-foot buffer between any component of the Large-scale Solar Energy System and the parcel boundary line. The Planning Board is authorized to alter the width of this buffer to be larger after analysis of site conditions and adjacent land uses warrants a larger setback.
5. Vegetation shall be maintained below the solar panels. The ground within the fenced perimeter shall not be tamped, compressed, or otherwise conditioned with herbicides or similar other treatment to inhibit the growth of natural vegetation. The Planning Board may allow for or require co-usage of the lands under and around installed solar panels for grazing or growing of crops that could be grown or harvested without damaging or interfering with solar facilities.
6. The Planning Board may require methods to mitigate adverse impacts to wildlife, wildlife habitats, travel corridors or migration routes. These may be but are not limited to use of LED lights to avoid attracting insects, netting to exclude birds from panel area, visual deterrence, use of roosting or perching prevention, fencing that allows for a 8" to 12" space at the bottom that allows wildlife passage, or other use of lights, colors or decoys.
7. All roadways associated with the Large-Scale Solar Energy System shall remain unpaved and of pervious surfaces.
8. Traffic and Roadway Impacts. The Planning Board may require a traffic impact assessment to evaluate potential adverse impacts on public roads. This may include New York State Department of Transportation review if the project is accessed from a state highway.
9. All large-scale Solar Energy Systems shall be completely screened with a vegetative buffer or landscaping from all streets and adjacent residential uses.
  - a. Appropriate landscaping and/or site design features, including both the maintenance of existing natural vegetation and the introduction of new plantings consisting of a naturally appearing blend of deciduous and coniferous

species, shall be required to help screen the facility and accessory structures from roads, neighboring residences, and other uses. Any existing tree or group of trees which stands within or near a required planting area may be used to satisfy the screening and tree planting requirements. The protection of tree stands, rather than individual trees, is strongly encouraged.

*AND/OR*

- b. Landscaping to attain 80% screening shall (*may*) be as follows:

<b>With No Fence or Berm</b>	<b>With a 100% Opaque Wooden or Vinyl Fence or with a wall or berm</b>
5 canopy trees per 50'	1 canopy trees
12 understory trees per 50'	10 understory trees per 50'
20 shrubs per 50'	15 shrubs per 50'

10. The Planning Board may also require that all structures and devices used to support solar systems be non-reflective and/or painted earth-tone green, brown or dark gray colors to aid in blending the facility into the existing environment.
11. The design, construction, operation, and maintenance of any Large-Scale Solar Energy System shall prevent glare and/or reflection of solar rays onto neighboring properties and public roads in excess of that which already exists.
12. Artificial lighting of Large-Scale Solar Energy Systems shall be limited to lighting required for safety and operational purposes, and shall use fully shielded downward directed fixtures that allow for 0% uplighting, no more than 1.25 lumens per square foot of hardscape, and not allow more than on foot candle (one lumen) of light to be present at property lines and public roads.
13. Any associated structure shall be screened, placed underground, depressed, earth bermed or sited below the ridgeline to the greatest extent feasible, particularly in areas of high visibility, and the same shall be noted in the Site Plan. Where feasible, all utilities serving the site shall be underground. If solar storage batteries are included in the Solar Energy System, the batteries must be placed in a secure container or enclosure meeting the requirements of the International Building Code, International Fire Prevention Code and NFPA 70. When the batteries are no longer in use, they shall be disposed of in accordance with the International Building Code, International Fire Prevention Code and NFPA 70 as well as the local laws of the Town, and any other applicable laws or regulations.

14. Any signage used to advertise the Large-Scale Solar Energy System shall be in accordance with the Town's signage regulations. The manufacturers or installer's identification, contact information, and appropriate warning signage shall be posted at the site and clearly visible.
15. Following construction of a Large-Scale Solar Energy System, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust. Pollinator-friendly vegetation is preferred.
16. When any Large-Scale Solar Energy System is installed and before it becomes active, the owner of the site and/or the Solar Energy System must contact the Town's emergency responders departments to make arrangements for a meeting at the site to review the components of the array and to be educated on safety issues and procedures for emergency response. This shall include detailed discussion related to the location of labeled warnings, access to the site and information on emergency disconnection of the system. In addition, the Town Board may require a plan for installation regarding the location of placards which provide mutual aid responders with sufficient information to protect them when responding to calls on site.
17. Any application under this Section shall meet any provisions, requirements and standards contained in the Zoning Law that, in the judgment of the Planning Board, are applicable to the Large-Scale Solar Energy System Solar Energy System being proposed. If none of such requirements are applicable, the Planning Board may waive certain of the requirements under their respective review jurisdictions.
18. The Planning Board may impose conditions on its approval of any special use permit or site plan approval under Section \_\_\_\_\_ of the \_\_\_\_\_ law 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).
19. If the ownership of a solar energy system changes, the special use permit and site plan approvals shall remain in full force and effect providing all the conditions of the special use permit, including bonding, letters of credit or continuing certification requirements or obligations, including maintenance continue to be obligations of successor owners. The change in ownership shall be registered with the Town Clerk with a copy to the Code Enforcement Officer. The Town Clerk shall notify the Town Board of such change.

## **6. GLARE ASSESSMENT FOR MEDIUM-SCALE AND LARGE-SCALE SOLAR ENERGY FACILITIES**

- A. Applicants should consult with the Wheeler-Sack Army Airfield and the Watertown International Airport early and throughout the planning process to ensure that a proposed project meets all FAA or other military requirements for such airfield. The Planning Board may require written acceptance of a project plan from the airfield.

- B. In order to prevent unwanted visual impacts to air traffic control towers and airplane pilots, all applicants for medium-scale and large-scale solar energy facilities shall conduct a glare analysis. Depending on site specifics (existing land uses, location, size of project, proximity to flight paths, etc.), an acceptable evaluation could involve one or more of the following levels of assessment:
  - 1. A qualitative analysis of potential impact in consultation with the Air Traffic Control Tower, pilots, and airport officials.
  - 2. A demonstration field test with solar panels at the proposed site in coordination with Air Traffic Control Tower personnel.
  - 3. A geometric analysis to determine days and times when there may be an ocular impact.
- C. The applicant shall confer with Fort Drum and the Wheeler-Sack Army Airfield to identify observation points (i.e. from the Air Traffic Control Tower or from a series of points along an aircraft landing route) to conduct a glare analysis.
- D. If glare were shown to be possible and impacting, minor adjustments to the tilt, direction, and location of the panels can be used to alleviate issues.

## **7. REVIEW COSTS**

A Solar Energy System application shall be accompanied by a fee per the fee scheduled as may be established by the Town Board of the Town of \_\_\_\_\_. All costs that may be associated with the review of this project by the Town of \_\_\_\_\_ above this fee shall also be borne by the applicant. When the Planning Board determines that a review will require additional engineering, legal, environmental, or planning costs, they shall provide a cost estimate to the applicant for such services. Subsequently, an escrow account shall be established and the applicant shall pay into such escrow account sufficient funds to cover those costs. Such payment shall be made prior to commencement of any further Planning Board review.

## **8. ENFORCEMENT**

Any violation of this Solar Energy System Law shall be subject to the same enforcement requirements, including civil and criminal penalties, provided for in the zoning regulations of the Town of \_\_\_\_\_.

## **SECTION 4.**

The Table of Allowable Uses shall be amended to add the use, Small-Scale Solar Energy System, as an allowable accessory use in all zoning districts of the Town by zoning, building or solar permit; to add the use, Medium-Scale Solar Energy System, under the general category of uses as requiring site plan review and approval *in zoning districts* \_\_\_\_\_; and to add the use, Large-Scale Solar Energy System, under the industrial or commercial

category of uses as requiring a special use permit and site plan review and approval *in zoning districts* \_\_\_\_\_.

**SECTION 5. SEVERABILITY**

Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if provisions shall be deemed or declared invalid, all other provision hereof shall remain valid and enforceable.

**SECTION 6. EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

END OF LAW