

**Town of Rochester Local Law # ___ of 2016
Amendment of Chapter 140, Zoning**

A Local Law amending Chapter 140 of the Code of the Town of Rochester with regard to Solar Energy

Section 1

This Local Law is adopted and enacted pursuant to the authority and power granted by the Constitution and Laws of the State of New York including without limitation the Municipal Home Rule Law of the State of New York, Articles 2 and 3, and Article 2 of the New York State Statute of Local Governments, and pursuant to the authority of Section 265 of the New York State Town Law.

Section 2 Subsection § 140-11 Height Restrictions shall be amended as follows

No building or structure shall exceed in building height or maximum stories the number of feet permitted as a maximum on the Schedule of District Regulations for the district where such building or structure is located. These standards shall not apply to agricultural structures, communications towers, elevator shafts, similar unoccupied mechanical spaces and energy generation equipment connected with another otherwise permitted use. Such height exceptions shall be subject to all specific regulations that may apply to such uses.

Section 3 Subsection § 140-13 (G) Accessory Structures and Uses shall be amended as follows:

G. Solar Energy Structures. See § 140-37 Solar Energy

Section 4 A new subsection § 140-37 Solar Energy shall be added as follows:

§ 140-37 Solar Energy

- A. Purpose. The Town of Rochester recognizes that solar energy is a clean, readily available, and renewable energy source. Development of solar energy systems for residential, agricultural, and non-residential parcels onsite use of solar energy provides an excellent opportunity for the reuse of land throughout the Town and offers an energy resource that can act to attract and promote green business development. The Town of Rochester has determined that comprehensive regulations regarding the development of solar energy systems is necessary to protect the interests of the Town, its residents, and its businesses. This article is intended to promote the effective and efficient use of solar energy resources; set provisions for the placement, design, construction, and operation of such systems to uphold the public health, safety, and welfare; and to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and character of the Town. It is therefore the intent of this section to provide adequate safeguards for the location, siting and operation of solar energy facilities.
- B. Definitions. The following definitions shall apply specifically to this subsection. Any words defined in § 140-3 of this code shall retain such definition.

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Alternative Energy Systems - Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.

Area of Use - The area within the parcel measured from the outer edge(s) of the arrays, inverters, batteries, storage cells and all other mechanical equipment used to create solar energy, exclusive of fencing and roadways.

Building-Integrated Photovoltaic (BIPV) Systems - A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the relief of the roof.

Collective Solar - Solar installations owned collectively through subdivision homeowner associations, college student groups, "adopt-a-solar-panel" programs, or other similar arrangements.

Community Net Metering --- As provided for by the NY State Public Service Commission.

Flush-Mounted Solar Panel - Photovoltaic panels and tiles or other solar collectors that are installed flush to the surface of a building roof and which cannot be angled or raised.

Freestanding, Pole Mounted, or Ground-Mounted Solar Energy System - A solar energy system that is directly installed in the ground by method of mounting on a pole or frame and is not attached or affixed to a building or structure.

Kilowatt (kW) - Equal to 1000 Watts; a measure of the use of electrical power.

Megawatt (MW) - Equal to 1000 Kilowatts; a measure of the use of electrical power.

Net-Metering - A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage .

Onsite Use – A solar energy system designed to be used primarily by the building or parcel on which it is located.

Photovoltaic (PV) Systems - A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

Qualified Solar Installer - A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSEERDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Town determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques

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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.

Remote Net Metering – As provided for by the NY State Public Service Commission.

Rooftop Or Building-Mounted Solar System - A solar power system in which solar panels are mounted on top of a building or structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

Solar Access - Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

Solar Collector - A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

Solar Easement - An easement recorded pursuant to NY Real Property Law § 335-b.

Solar Electric Generating Equipment – As defined in the New York State Public Service Law §66-j, as may be amended from time to time. A photovoltaic system (i) (A) in the case of a residential customer (other than a farm utilizing a residential meter), with a rated capacity of not more than twenty-five kilowatts; (B) in the case of a customer who owns or operates a farm operation as such term is defined in subdivision eleven of section three hundred one of the agriculture and markets law utilizing a residential meter with a rated capacity of not more than one hundred kilowatts; and (C) in the case of a non-residential customer, with a rated capacity of not more than two thousand kilowatts; and (ii) that is manufactured, installed, and operated in accordance with applicable government and industry standards, that is connected to the electric system and operated in conjunction with an electric corporation's transmission and distribution facilities, and that is operated in compliance with any standards and requirements established under this section.

Solar Energy Facility/System - Solar collectors, controls, solar-related equipment and other accessory structures and buildings, energy storage devices, inverters, heat pumps, heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities, materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

Solar Energy System Designed for Subdivision Use – A collective solar energy system occupying ≤ two (2) acres area of use consisting of ground-mounted solar arrays or roof panels, and associated control or conversion electronics and that will be used to produce utility power to provide energy only for the onsite use of the specific lots associated with a major or minor subdivision.

Solar Energy System, Small Scale - Solar photovoltaic systems which generate power exclusively for onsite use by the owners, lessees, tenants, residents, or other occupants of the premises of the

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building or lot to which they are attached and do not provide energy for any other lots, except as may be allowable under NY State or federal regulation.

Solar Garden: - Groupings of solar photovoltaic solar panels connected to an electric circuit served by an electric utility company. Multiple users may subscribe to receive the output from one or more panels, receive the benefits of PV technology and the efficiencies associated with a larger-scale project without having to own, host or maintain the equipment on their own property.

Solar Panel - A device for the direct conversion of solar energy into electricity.

Solar Storage Battery - A device that stores energy from the sun and makes it available in an electrical form.

Solar-Thermal Systems - Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

Tilt - The angle of the solar panels and/or solar collector relative to their latitude. The optimal tilt to maximize solar production is perpendicular, or 90 degrees, to the sun's rays at true solar noon.

True Solar Noon - When the sun is at its highest during its daily east-west path across the sky.

C. Permit Requirements

- (1) All solar energy system installations shall be performed by a qualified solar installer.
- (2) A solar energy system connected to the utility grid shall provide written proof from the local utility company acknowledging the solar energy facility will be interconnected to the utility grid. Any connection to the public utility grid must be inspected by the appropriate public utility.
- (3) Solar energy systems shall meet New York's Uniform Fire Prevention and Building Code and National Electrical Code standards.
- (4) A plan showing location of major components of solar system and other equipment on roof or legal accessory structure. This plan should represent relative location of components at site, including, but not limited to, location of array, existing electrical service location, utility meter, inverter location, system orientation and tilt angle shall be provided. This plan shall show access and pathways that are compliant with New York State Fire Code, if applicable.
- (5) Specification Sheets for all manufactured components.
- (6) All diagrams and plans must include the following: (a) Project address, section, block and lot number of the property; (b) Owner's name, address and phone number; (c) Name, address and phone number of the person preparing the plans; and (d) System capacity in kW-DC.
- (7) Prior to operation, electrical connections must be inspected by an appropriate electrical inspection person or agency, as determined by the Town of Rochester.

D. Safety

- (1) Solar energy systems shall be maintained in good working order.
- (2) All solar energy systems shall be designed and located in order to prevent reflective glare from impacting roadways and contiguous properties to the maximum extent practicable.
- (3) If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town of Rochester and other applicable laws and regulations.

E. Exceptions.

- (1) Applicability. To the extent practicable, and in accordance with Town of Rochester law, the accommodation of solar energy systems and equipment and the protection of access to sunlight for such equipment shall be encouraged in the application of the various review and approval provisions of the Town of Rochester Code.
- (2) A rooftop or building-mounted solar energy system, as defined herein, may extend a maximum five (5) feet above the roof surface even if this exceeds the maximum height limit for the principal structure for the district in which it is located, as illustrated in the Schedule of District regulations of this code, provided all other standards of this subsection are met. See also § 140-11 Height Restrictions.
- (3) The Planning Board, in conjunction with the review of a specific subdivision, site plan, or special use application may also appropriately modify other development standards, including but not limited to building height, to accommodate solar and other energy efficient systems.
- (4) No homeowner or property owner association shall prohibit solar energy systems, Covenants and restrictions connected with projects requiring special use permits, site plan review or subdivision approval shall be reviewed for purposes of ensuring there are no such prohibitions.

F. Solar-thermal systems and Building-Integrated Photovoltaic (BIPV) Systems: Solar-thermal systems and Building-Integrated Photovoltaic (BIPV) Systems are permitted outright in all zoning districts, .subject to building permits if determined required.

G. Small Scale Solar Energy System

- (1) Applicability
 - a) For purposes of this local law, the term Small Scale Solar refers to solar photovoltaic systems which generate power exclusively for onsite use by the building or lot to which they are attached, and do not provide energy for any other lots. The use and/or structure shall be accessory to the main use and/or structure and shall be incidental, related, appropriate and clearly subordinate.

- b) Solar energy collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit collective solar installations or the sale of excess power through a net billing or net-metering arrangement in accordance with New York Public Service Law § 66-j or similar state or federal statute.
- c) No Small Scale solar energy system or device shall be installed or operated in the Town of Rochester except in compliance with this article.

(2) Residential Use Small Scale Solar Energy Systems

- a) Residential Use Small Scale Rooftop and Building-Mounted Solar Collectors: Rooftop and building-mounted small scale solar collectors are permitted as an accessory use in all zoning districts in the Town of Rochester subject to building permits.
- b) Residential Use Small Scale Ground-Mounted and Free Standing Solar Collectors:
 - 1. Residential use ground-mounted and free standing small scale solar collectors that meet and do not exceed the rated capacity definition of Solar Electric Generating Equipment; as defined in the New York State Public Service Law §66-j, as may be amended from time to time; are permitted as accessory structures in all zoning districts of the Town of Rochester, subject to the following conditions:
 - a. Building permits are required for the installation of all ground-mounted solar collectors.
 - b. The location of the solar collector meets all applicable development standards for accessory structures in the zoning district in which it is located.
 - c. The height of the solar collector and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.
 - 2. Residential use ground-mounted and free standing small scale solar collectors that exceed the rated capacity definition of Solar Electric Generating Equipment; as defined in the New York State Public Service Law §66-j, as may be amended from time to time; are permitted as an accessory structure in all zoning districts of the Town of Rochester, subject to the following conditions:
 - a. Site plan approval shall be secured from the Planning Board for such use. Such matters shall be considered Type II actions under SEQRA.
 - b. Building permits are required for the installation of all ground-mounted solar collectors.
 - c. The location of the solar collector shall meet all applicable development standards for accessory structures in the zoning district in which it is located.

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- d. The height of the solar collector and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.
- e. Where such use will be contiguous to other residential uses, there shall be increased consideration for mitigating impacts to the residential use. For example, increased setbacks, visual screening that does not impair solar access, or sound buffering may be required by the Planning Board.
- f. A stormwater, erosion, and slope analysis of the land shall be required to be assessed by a New York State licensed professional engineer for the site and any road used to access the site. The total area of the face of all solar panels shall be calculated and considered impervious surface. The applicant shall comply with the State Pollutant Discharge Elimination System guidelines. A SWPPP (Stormwater Pollution Prevention Plan) shall be prepared, if determined to be required, and all local stormwater regulations shall be complied with.

(3) Agricultural Use and Farm Operation Small Scale Solar Energy Systems

- a) For the purposes of this section of code, the terms agricultural use and farm operation shall be construed as defined in §140-3 of this code.
- b) Agricultural Use and Farm Operation Small Scale Rooftop and Building-Mounted Solar Collectors: Rooftop and building-mounted small scale solar collectors are permitted as an accessory use in all zoning districts in the Town of Rochester subject to building permits.
- c) Farm Operation Small Scale Ground-Mounted and Free Standing Solar Collectors:
 - 1. Farm Operation ground-mounted and free standing small scale solar collectors that meet and do not exceed the rated capacity definition of Solar Electric Generating Equipment; as defined in the New York State Public Service Law §66-j, as may be amended from time to time; are permitted as accessory structures in all zoning districts of the Town of Rochester, subject to the following conditions:
 - a. Solar devices that do not exceed 110% of the farm's anticipated electrical needs shall be considered to be on-farm equipment. If the farm is eligible for remote net metering, multiple meters may be combined to determine the electrical needs of the on-farm equipment. The solar device must be part of a "farm operation" which otherwise meets NY State Agriculture and Markets law §301(11) definition of that term.
 - b. Building permits are required for the installation of all ground-mounted solar collectors.
 - c. The location of the solar collector meets all applicable development standards for accessory structures in the zoning district in which it is located.
 - d. The height of the solar collector and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.

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2. Farm operation ground-mounted and free standing small scale solar collectors that exceed the rated capacity definition of Solar Electric Generating Equipment; as defined in the New York State Public Service Law §66-j, as may be amended from time to time; are permitted as an accessory structure in all zoning districts of the Town of Rochester, subject to the following conditions:
 - a. An expedited Site Plan approval, pursuant to NYS Ag & Markets guidelines, shall be secured from the Planning Board for such use. The requirements for such Site Plan shall be as follows. Such matters shall be considered Type II actions under SEQRA.
 - i. Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways. Show the existing features of the site including land and water areas, water or sewer systems, utility lines, and the approximate location of all existing structures on or immediately adjacent to the site.
 - ii. Show the proposed location and arrangement of the small solar device on the site.
 - iii. Include copies of plans or drawings prepared by the manufacturer.
 - iv. Provide a description of the project and a narrative of the intended use of the proposed solar device, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.
 - v. A legible electrical diagram using unique line characteristics and standard symbols to clearly describe the solar device as it will be installed. The diagram must show all major system components from the solar device to the utility meter.
 - b. Building permits are required for the installation of all ground-mounted solar collectors.
 - c. The location of the solar collector meets all applicable development standards for accessory structures in the zoning district in which it is located.
 - d. The height of the solar collector and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.
 - e. A stormwater, erosion, and slope analysis of the land shall be required to be assessed by a New York State licensed professional engineer for the site and any road used to access the site. The total area of the face of all solar panels shall be calculated and considered impervious surface. The applicant shall comply with the State Pollutant Discharge Elimination System guidelines. A SWPPP (Stormwater Pollution Prevention Plan) shall be prepared, if determined to be required, and all local stormwater regulations shall be complied with.

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- f. A decommissioning plan, as detailed in 140-37 (l), shall be prepared
- d) Agricultural Use Small Scale Ground-Mounted and Free Standing Solar Collectors:
1. Agricultural use ground-mounted and free standing small scale solar collectors that meet and do not exceed the rated capacity definition of Solar Electric Generating Equipment; as defined in the New York State Public Service Law §66-j, as may be amended from time to time; are permitted as accessory structures in all zoning districts of the Town of Rochester, subject to the following conditions:
 - a. Building permits are required for the installation of all ground-mounted solar collectors.
 - b. The location of the solar collector meets all applicable development standards for accessory structures in the zoning district in which it is located.
 - c. The height of the solar collector and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.
 2. Agricultural use ground-mounted and free standing small scale solar collectors that exceed the definition of Solar Electric Generating Equipment; as defined in the New York State Public Service Law §66-j, as may be amended from time to time; are permitted as an accessory structure in all zoning districts of the Town of Rochester, subject to the following conditions:
 - a. Site Plan approval shall be secured from the Planning Board for such use.
 - b. Building permits are required for the installation of all ground-mounted solar collectors.
 - c. The location of the solar collector shall meet all applicable setback requirements for accessory structures in the zoning district in which it is located.
 - d. The height of the solar collector and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.
 - e. Where such use will be contiguous to residential uses, there shall be increased consideration for mitigating impacts to the residential use. For example, increased setbacks, visual screening that does not impair solar access, or sound buffering may be required by the Planning Board.
 - f. A stormwater, erosion, and slope analysis of the land shall be required to be assessed by a New York State licensed professional engineer for the site and any road used to access the site. The total area of the face of all solar panels shall be calculated and considered impervious surface. The applicant shall comply with the State Pollutant Discharge Elimination System guidelines. A SWPPP (Stormwater Pollution Prevention Plan) shall be prepared, if determined to be required, and all local stormwater regulations shall be complied with.

- g. A decommissioning plan, as detailed in 140-37 (l), shall be prepared

(4) Non-Residential Small Scale Solar Energy Systems

- a) Non-Residential Use Small Scale Rooftop and Building-Mounted Solar Collectors: Rooftop and building-mounted small scale solar collectors are permitted as an accessory use in all zoning districts in the Town of Rochester subject to building permits.
- b) Non-Residential Use Small Scale Ground-Mounted and Free Standing Solar Collectors:
 - 1. Non-Residential use ground-mounted and free standing small scale solar collectors are permitted as an accessory structure in all zoning districts of the Town of Rochester, subject to the following conditions:
 - a. Site Plan approval shall be secured from the Planning Board for such use.
 - b. Building permits are required for the installation of all ground-mounted solar collectors.
 - c. The location of the solar collector shall meet all applicable development standards for accessory structures in the zoning district in which it is located.
 - d. The height of the solar collector and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.
 - e. The applicant shall provide the means of restricting access by the public to the solar collector and indicate such on the site plan
 - f. A sign no greater than two square feet indicating the name of the facility owner(s) and a 24-hour emergency telephone number shall be posted. In addition, "No Trespassing" or other warning signs may be posted. All signage shall be maintained in legible condition and contain accurate information. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. No signage of any kind shall be allowed to be attached to solar panels or support structures, except any required safety warnings.
 - g. Where such use will be contiguous to residential uses, there shall be increased consideration for mitigating impacts to the residential use. For example, increased setbacks, visual screening that does not impair solar access, or sound buffering may be required by the Planning Board.
 - h. A stormwater, erosion, and slope analysis of the land shall be required to be assessed by a New York State licensed professional engineer for the site and any road used to access the site. The total area of the face of all solar panels shall be calculated and considered impervious surface. The applicant shall comply with the State Pollutant Discharge Elimination System guidelines. A SWPPP (Stormwater Pollution Prevention Plan) shall be prepared, if determined to be required, and all local stormwater regulations shall be complied with.

- i. A decommissioning plan, as detailed in 140-37 (l), shall be prepared

H. Solar Energy System Designed for Subdivision Use

- (1) When an application for Subdivision is presented to the Planning Board, which plans include incorporation of a solar energy system as a community energy source, the following criteria for the review and use shall be considered.
 - a) Solar energy collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the subdivision on which they are erected, but nothing contained in this provision shall be construed to prohibit collective solar installations or the sale of excess power through a net billing or net-metering arrangement in accordance with New York Public Service Law § 66-j or similar state or federal statute.
 - b) The solar energy system shall be located on one or more lots of the subdivision.
 - c) All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and standards.
 - d) A Homeowner's Association shall be established for the operation and maintenance of the solar energy system.
- (2) Shall be permitted under the Schedule of District Regulations when authorized by Site Plan approval from the Planning Board in conjunction with minor or major subdivision review subject to the following terms and conditions in the AR-3, R-1, R-2, R-5, and H zoning districts so long as the solar energy system meets the criteria set forth in this subsection and Chapter 140, subject to obtaining all other necessary approvals.
- (3) Site Plan requirements. A solar energy system designed for use in conjunction with a specific subdivision use shall comply with all the site plan requirements of Chapter 140 in addition to the subdivision requirements of Chapter 125. Additional requirements for the use shall include but not be limited to the following:
 - a) Maximum area. The maximum area of use for a solar energy system designed for a specific subdivision use shall occupy \leq two (2) acres of land area of use.
 - b) Height: The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed fifteen (15) feet in height above the ground.
 - c) The location of the solar collector shall meet all applicable development standards for accessory structures in the zoning district in which it is located.
 - d) The solar energy system shall be preferably located on an interior lot of the subdivision and placed away from contiguous residential use. Where a solar energy system designed for a specific subdivision use will abut other residential uses outside the boundaries of the

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- subdivision, there shall be increased consideration for mitigating visual impact to the residential use. For example, increased setbacks, visual screening that does not impair solar access, or sound buffering may be required by the Planning Board.
- e) A minimum twenty-five (25) foot perimeter buffer; except for the area of roadway access; which may be partially or totally within the subdivision perimeter lot line setback, consisting of natural and undisturbed vegetation, supplemented with evergreen plantings in accordance with Town of Rochester zoning code standards, as may be required by the Planning Board, shall be provided around all mechanical equipment and solar panel arrays to provide screening from adjacent properties and Town, county and state roads.
 - f) Existing on-site vegetation designated to be utilized as screening shall be preserved to the maximum extent possible and shall be diligently maintained to protect its vitality. Site plans shall be developed that provide for the preservation of natural vegetation in large unbroken blocks that also allow contiguous open spaces to be established when adjacent parcels are developed.
 - g) A land grading and vegetation clearing plan shall be prepared. Clear-cutting of all trees in a single contiguous area shall be limited to the area of the equipment compound plus the area of an emergency access roadway and the area required for solar access.
 - h) Landscape screening shall be provided in accordance with the landscaping provisions of this chapter. Non-invasive ground cover under and between the rows of solar panels shall be low-maintenance, drought-resistant, and non-fertilizer-dependent.
 - i) Debris, materials and/or mulch generated by site clearing or construction shall not be stockpiled onsite.
 - j) A stormwater, erosion, and slope analysis of the land shall be required to be assessed by a New York State licensed professional engineer for the site and any road used to access the site. The total area of the face of all solar panels shall be calculated and considered impervious surface. The applicant shall comply with the State Pollutant Discharge Elimination System guidelines. A SWPPP (Stormwater Pollution Prevention Plan) shall be prepared, if determined to be required, and all local stormwater regulations shall be complied with.
 - k) Conveyance of Energy to Subdivision Lots. The Site Plan shall show the pathways of utility service lines which will be put into place to convey energy to each lot of the subdivision. Necessary utilities to serve the site shall preferably be underground and in compliance with all local, State, and Federal laws, rules, and regulations, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate. Overhead lines shall follow access roads and/or existing tree lines to minimize visual impact upon surrounding properties.
 - l) The applicant shall provide the means of restricting access by the public to the solar collector and indicate such on the site plan

- m) Signs. A sign no greater than two square feet indicating the name of the facility owner(s) and a 24-hour emergency telephone number shall be posted. In addition, "No Trespassing" or other warning signs may be posted. All signage shall be maintained in legible condition and contain accurate information. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. No signage of any kind shall be allowed to be attached to solar panels or support structures, except any required safety warnings.
- n) A plan for the operation and maintenance of the solar energy facility shall be prepared including proposed covenants and restrictions and a management plan for the proposed Homeowners Association (HOA).
- o) A decommissioning plan, as detailed in 140-37 (l), shall be prepared

I. Decommissioning Plan for Solar Energy Systems

- (1) Any use which requires approval by the Planning Board shall include a decommissioning plan approved by the Planning Board and shall include and describe the detailed methods for:
 - a) Removal of all non-utility owned equipment conduits, structures, fencing, roads and foundations; restoration of property to condition prior to development.
 - b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - c) Stabilization or re-vegetation of the site as necessary to minimize erosion.
 - d) Timeframe for completion of removal and decommissioning activities
- (2) Shall include a signed statement from the party responsible for completing the Decommissioning Plan acknowledging such responsibility.

J. Abandonment and Removal of Energy Systems

- (1) Any solar energy facility which ceases to operate shall be wholly removed from the site. Ceases to operate is defined as not performing all normal functions associated with operation of the solar energy facility and its equipment on a continuous basis for a period of one year.
- (2) In the event the solar energy facility is not so removed, the Town Board, upon notice from the Code Enforcement Officer shall give written notice to the owner of such facility (i) stating that the solar energy facility is considered abandoned, and (ii) setting a time, date and place for a public hearing. Such public hearing shall be on not less than thirty days notice to such owner. Upon a finding that the solar energy facility has been abandoned, the Town Board shall deliver written notice to the facility owner indicating the reasons for its finding, and directing that the solar energy facility be removed within one hundred twenty days. In the event that the solar energy facility is not so removed, the Town Board may commence an action in Supreme Court against the owner of such facility seeking an order requiring the removal.

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- (3) Upon recommendation of the Building Inspector, the Town Board may waive or defer the requirement that a solar energy facility be removed if it determines that retention of such facility is in the best interest of the Town.
- (4) Should the town remove the solar energy facility pursuant to this subsection; the Town shall chargeback any costs against the owner and/or applicant. If the owner of said property does not pay said charges, they shall be included as a part of the next town tax bill, and said charge shall be due and payable by said owner at the time of payment of said bill.

Section 5 Appendix A, Schedule of District Regulations, shall be amended as follows:

Solar Energy System Designed for Subdivision Use * shall be added as a Principal Permitted Use in the AR-3, R-1, R-2, R-5, and H zoning districts. (Where *= with Site Plan review)

Solar Energy System Small Scale, Ground-Mounted and Free Standing, Agricultural Use greater than the rated capacity definition of Solar Electric Generating Equipment; as defined in the New York State Public Service Law §66-j* shall be added as a Principal Permitted Use in the all zoning districts. (Where *= with Site Plan review)

Solar Energy System Small Scale, Ground-Mounted and Free, Farm Operation Use greater than the rated capacity definition of Solar Electric Generating Equipment; as defined in the New York State Public Service Law §66-j* shall be added as a Principal Permitted Use in the all zoning districts. (Where *= with Site Plan review)

Solar Energy System Small Scale, Ground-Mounted and Free Standing, Non-Residential Use* shall be added as a Principal Permitted Use in the all zoning districts. (Where *= with Site Plan review)

Solar Energy System Small Scale, Ground-Mounted and Free Standing, Residential Use greater than the rated capacity definition of Solar Electric Generating Equipment; as defined in the New York State Public Service Law §66-j* shall be added as a Principal Permitted Use in the all zoning districts. (Where *= with Site Plan review)

Solar Energy System Small Scale, Roof top or Building-Mounted shall be added as an Accessory Use in all zoning districts

Section 6 Severability

If any part or provision of this local law is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision.

Section 7 Effective Date

This law shall become effective immediately upon filing in the office of the Secretary of State of the State of New York.