

LOCAL LAW #1 –

Regulating Solar Energy Systems Within the Town of Edmeston

Date Adopted: January 8, 2019

WHEREAS, solar energy is an abundant, renewable, and non-polluting energy resource;

WHEREAS, it is the intention of the Town of Edmeston to adopt a strategy for community-wide solar development for achieving the multiple economic, health, environmental, and educational benefits of solar energy, while maintaining the community character, public health, safety, and general welfare of the Town of Edmeston;

WHEREAS, it is the intent of the Town of Edmeston to examine its current policies, plans, programs, strategies, and regulations to determine whether they facilitate the deployment of appropriate solar energy facilities in the Town of Edmeston while maintaining adequate regulatory safeguards;

WHEREAS, there are various policies, plans, and programs that the Town of Edmeston can consider implementing to encourage the deployment of solar energy facilities, including:

- Adding a solar energy component to the Town of Edmeston's

Comprehensive Plan, making text amendments to the 1989 Master Plan, or adopting a stand-alone functional plan on solar energy;

- Ensuring that the permitting and inspection processes are transparent, predictable, and easily accessible for applicants to use

- Adopting the New York State Unified Solar Permit and the processes attendant to that Permit;

WHEREAS, there are various land-use regulations that can be adopted to appropriately control the deployment of solar energy facilities, including:

- Adding definitions of various types of solar energy facilities to the definitions section of the Town of Edmeston's Zoning Ordinance

- Amending the Town of Edmeston's Zoning Ordinance to specify how each type of solar energy facility will be furthered and properly controlled, while minimizing the expense of the review and approval process

- Declaring some types of solar energy facilities, including roof-mounted photovoltaic panels and some types of on-site solar arrays, to be legal accessory uses in most zoning districts.

- Exempting certain solar energy facilities from some zoning restrictions such as maximum heights, setbacks, lot area coverage requirements

- Permitting solar energy facilities as conditional uses where their impacts are significant and require mitigation

- Adopting tree regulations that consider the impact, whether positive or negative, on solar access of nearby properties;

TOWN OF EDMESTON

LOCAL LAW NO. _1_ OF 2019 REGULATING SOLAR ENERGY SYSTEMS

Be it enacted by the Town Board of the Town of Edmeston, Otsego County, New York, as follows:

Preface:

1. Title

This Local Law shall be referred to as "A Local Law Regulating Solar Energy Systems within the Town of Edmeston."

2. ENACTMENT

3. This Local Law is adopted and enacted pursuant to the authority and power granted by Articles 2 and 3 of the New York State Municipal Home Rule Law, Article 2 of the New York Statute of Local Governments and Article 16 of the New York State Town Law.

Purpose and Intent:

To provide Land Use Regulations that encourage renewable energy systems utilizing sunlight, while minimizing adverse impacts on neighboring properties, agricultural and recreational land and providing protection to the public health, safety and welfare of the residents of Town of Edmeston.

Applicability

The requirements of this section shall apply to all solar energy systems and equipment installations modified or installed after the effective date of this Local Law.

Solar energy system installations for which a valid building permit has been issued, or if no building permit is presently required, for which installation has commenced before the effective date of this local Law shall not be required to meet the requirements of this Local Law.

All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the State Fire Prevention and Building Code.

A Small Scale Energy Collector shall be a Permitted Standard Accessory Use in all zoning districts in the Town of Edmeston. Such systems shall meet all requirements of the Local Law and the NYS Fire Prevention and Building Code.

Requirements for Small Scale Solar Energy Systems:

No small-scale solar energy system shall be installed or operated in the Town of Edmeston except in compliance with this section.

The installation of a solar collector or panel, whether attached to the main structure, an accessory structure, or as a detached, free standing or ground mounted solar collector, is permitted as an accessory structure, shall meet all requirements of this sub-section and shall require a building permit.

All solar collectors and related equipment shall be surfaced, designed and sited so as not to reflect glare onto adjacent properties and roadways.

Setbacks for solar energy systems, collectors or panels are subject to the minimum setbacks and other dimensions for the zoning district in which they are proposed to be installed. In addition, for installation of a ground mounted or free-standing solar system located in a front yard, the setbacks shall be as follows: R80- 100 feet, RCD and RHD - no ground mounted or free standing solar collectors allowed in the front yard.

Height limits for solar collectors mounted on buildings shall be five feet above the level of the permitted building height. Ground mounted, or freestanding solar collector height shall not exceed 15 feet when oriented at maximum tilt.

All solar collectors and their associated support elements shall, at the time of installation, be designed according to generally accepted engineering practice to withstand wind pressures applied to exposed areas by wind from any direction, to minimize the migration of light or sound from the installation, and to minimize the development of sight obstructions for adjacent structures or land parcels.

Photovoltaic systems that are integrated directly into building materials such as roof shingles, and that are a permanent and integral part of and not mounted on the building or structure are exempt from the requirements of this local law. However, all applicable building codes shall be met and necessary permits obtained. The Code Enforcement Officer may request assistance from the Planning Board to determine whether a solar energy system should be considered exempt or not.

In order to ensure firefighter and other emergency responder safety, except in the case when solar panels are installed on an accessory structure less than 1,000 square feet in area, there shall be a minimum perimeter area around the edge of the roof and pathways to provide space on the roof for walking around all solar collectors and panels.

Standards for Specific land Uses

Solar Energy Farms

A Solar Energy Farms shall be subject to the following standards and review criteria.

1. Solar Energy Farms site plan review criteria. The Planning Board shall, in reviewing and acting upon application for a Solar Energy Farm, require the following standards and review criteria:
 - A. The location of Solar Energy Farms shall not be constructed on areas of potential sensitivity and follows and shall follow SEQR Requirements:
 - B. Blueprints or drawings of the solar photovoltaic installation signed by a qualified licensed professional engineer showing the proposed layout of the system and any potential shading from nearby structures.
 - C. A description of the solar energy farm and the proposed location and design shall be prepared and signed by a qualified licensed professional engineer and state that the solar energy farm complies with all applicable Federal and State standards.
 - D. Information on noise (Inverter) and reflectivity/glare of solar panels and identify potential impacts to adjoining properties.

2. Solar Energy Farm Standards.

A. Accessibility

- Each Solar Energy Farm shall be accessible from a street.

Each Solar Energy Farm shall provide, two (2) points of entry/exit at least one-hundred (100) feet apart.

 - A. Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out the site to minimize friction with the free movement of traffic on a public highway or street.
 - B. All entrances and exits shall be free of any material that would impede the visibility of the driver on a public highway or street.
 - C. All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with trailers and shall be at least fifty (50) feet in width for at least fifty (50) feet into the property.
- Each Solar Energy Farm shall have convenient access to all Solar Collectors
 - A. The road system shall be so designed to permit the safe and convenient vehicular circulation within the farm.
- **Parking:** Sufficient off-street parking spaces shall be provided on each Solar Energy Farm. Each space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet
 - B. At no cost to the town or emergency and fire protection services: local training will be provided on how to fight fires and other potential emergency services for the purposed Solar Energy Farm.

C. Site plan review approval renewal. Annual renewal of site plan review approval shall be required based upon inspection by the Town as to continued conformance with the requirements of this section. Such renewal shall also be considered a license for continued operation of the Solar Energy Farm, as provided under New York State Town Law. No Solar Energy Farm shall continue to operate without such renewal and license. The annual renewal shall be processed through the office of the Town Land Use officer.

D. Solar Energy Farm Site Requirements

- The Solar Energy Farm shall be at least six (6) acres in size.
- All solar energy system components shall have a 50 foot setback, unless abutting residential uses. Whereby it shall be located a minimum of 200' from property lines.
- All mechanical equipment on a Solar Farm, including any structure for batteries or storage cells, are completely enclosed by a minimum 8' high fence with a self-locking gate.
- The total surface area of all ground-mounted and freestanding solar collectors, including solar voltaic cells, panels and arrays, shall not exceed 80% of the total parcel area.
- All solar energy production systems are designed and located in order to minimize reflective glare toward any habitable buildings, as well as streets and rights-of-way.
- All onsite utility and transmission lines are, to the extent feasible, placed underground.
- There shall be no signs except announcement signs, such as "no trespassing signs or any signs required to warn of danger". A sign is required that identifies the owner and operator with an emergency telephone number where the owner and operator can be reached on a 24-hour basis.

E. Additional Conditions.

- The solar energy farm owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar farm facility shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- A solar farm owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar farm and any access road(s), unless accepted as a public way.

F. Decommissioning/Removal. All applications for a solar farm shall be accompanied by a Decommissioning Plan to be implemented upon abandonment (2 years without annual site renewal) and/or in conjunction with removal of the facility. Prior to removal of the solar farm, a permit for removal activities shall be obtained from the Code Enforcement Department. The Decommissioning Plan shall include the following provisions:

- The owner, operator, his successors in interest shall remove any ground-mounted solar collectors which have reached the end of their useful life or have been abandoned. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Land Use Officer by certified mail of the proposed date of discontinued operations and plans for removal.
- Physical removal of all ground-mounted solar collectors, structures, equipment, security barriers and transmission lines from the site.
- Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- Stabilization or re-vegetation of the site as necessary to minimize erosion. The Town Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- Absent notice of a proposed date of decommissioning and written notice of extenuating circumstances, the solar farm shall be considered abandoned when it fails to operate for more than two years without the written consent of the Town Board. If the owner or operator of the solar energy farm fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

G. Estimate and Financial Surety. In addition to the Decommissioning Plan, the applicant shall also provide an estimate, prepared by a qualified engineer, setting forth the costs associated with decommissioning the solar farm at issue. In the event the Town Board grants a Special Use Permit pursuant to this Chapter, it must also establish the amount of such surety to be established by the applicant prior to issuance. The surety may be in the form of escrowed funds, bonds or otherwise, but it is the intention of this provision to ensure that the Town has sufficient funds available to remove the installations and restore landscaping consistent with Section F above, in the event the applicant fails to comply with its decommissioning obligations.

H. Operational Fee: The Operator of the Solar Energy Farm shall be responsible for paying a yearly fee in accordance with the Town of Edmeston Fee schedule to offset any possible loss in property taxes and maintenance and support required by the Town.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF EDMESTON'S TOWN BOARD
the legislative policy of the Town of Edmeston to consider, evaluate, and support the adopting of these plans, programs, and regulations, as appropriate;

ADOPTED:

ATTEST

Town Clerk