

## TOWN SOLAR COMMITTEE

### May 10 Agenda

- I. Opening Remarks  
Greg Harkenrider/Bill Wenzel/Josh Houghton
- II. Intro of Members  
All members
- III. Recent Effort to Revise Law  
Bill W.
- IV. Oak Hill Lessons  
Josh H.
- V. Outline of Future Work  
Greg H.
  - A. Statement of Purpose
  - B. General application requirements
  - C. Specific performance standards
  - D. Construction standards & conditions
- VI. Format of Law  
— current structure or  
Rotterdam/Schoharie/Sharon format
- VII. Discussion of Statement of Purpose,  
examination of alternatives
- VIII. Privilege of Floor  
Public comments

**TOWN OF DUANESBURG  
LOCAL LAW No. \_\_ OF 2016**

**BE IT ENACTED** by the Town Board of the Town of Duanesburg, in the County of Schenectady, as follows:

SECTION ONE. TITLE.

This local law shall be known as the “Solar Energy Facilities Law.”

SECTION TWO. PURPOSE.

The purpose of this local law shall be to adopt a local law regarding the review of solar energy facilities and to amend the Town of Duanesburg Zoning Ordinance by providing for the siting, development, and decommissioning of solar energy systems subject to reasonable conditions to reduce potential impacts to adjoining properties while promoting development of renewable energy resources.

SECTION THREE. AUTHORITY.

This local law is adopted pursuant to sections 10 and 22 of the Municipal Home Rule Law.

SECTION FOUR. ADOPTING THE SOLAR ENERGY FACILITIES LAW AND AMENDING THE TOWN OF DUANESBURG ZONING ORDINANCE.

The Town of Duanesburg Code and Zoning Ordinance are hereby amended as follows:

1. Definitions.
  - a. Solar Energy System- A solar photovoltaic collection device and equipment that uses solar radiation to generate energy.
  - b. Solar energy system, accessory –a roof or ground mounted solar energy system designed to supply energy for a principal use on a residential or commercial parcel.
  - c. Solar energy system, major –a ground or roof mounted solar energy system that produces power to off-site customers.
2. Solar Energy System, Accessory. An accessory solar energy system shall comply with the following requirements:
  - a. A ground-mounted accessory solar energy system shall comply with the setback and height requirements for a major accessory structure.

- b. A roof-mounted accessory solar energy system shall be mounted as flush as possible to the roof. To achieve proper solar orientation, panels may exceed the roofline by five feet.
  - c. The requirements set forth below in (3)(a) – (g)
3. Solar Energy System, Major. A major solar energy system shall comply with the following requirements:
- a. All electrical and control equipment, including any battery and storage cells, shall be labeled and secured to prevent unauthorized access. Such equipment shall be enclosed with a six foot fence.
  - b. Signs. Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except: (a) manufacturer's or installer's identification; (b) appropriate warning signs and placards; (c) signs that may be required by a federal agency; and (d) signs that provide a 24-hour emergency contact phone number and warn of any danger.
  - c. Buffer/screening. A minimum twenty-five-foot perimeter buffer, consisting of natural and undisturbed vegetation, shall be provided around all mechanical equipment and solar panel arrays to provide screening to adjacent properties and to minimize glare on adjacent properties and roadways.
  - d. Glare. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways. Exterior surfaces of roof-mounted collectors and related equipment shall have a non-reflective finish and shall be color-coordinated to harmonize with roof materials and other dominant colors of the structure.
  - e. Evergreen tree plantings may be required to screen portions of the site from nearby residential property, public roads, and from public sites known to include important views or vistas.
  - f. Existing on site vegetation shall be preserved to the maximum extent practicable. Clear cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.
  - g. Height. Ground-mounted arrays shall not exceed 20 feet in height when oriented at maximum tilt.
  - h. Lot coverage. A major solar energy system shall not exceed 60 percent lot coverage. Lot coverage shall be defined as the area 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.

- i. Site disturbance, including but not limited to, grading, soil removal, excavation, soil compaction, and tree removal in connection with installation of solar energy facilities, including ground-mounted systems, shall be minimized to the extent practicable. Forested sites shall not be deforested to construct solar energy facilities.
- j. Noise. Substations and inverters shall be set back a minimum distance to achieve no discernable difference from existing noise levels at the property line.
- k. Setbacks. Any structures and equipment shall comply with all minimum setbacks for principal structures established in the Town of Duanesburg Zoning Ordinance except that any structures or equipment shall be located at least 100 feet from any lot containing a single or multi-family residence. Additional setbacks may be required by the Zoning Board or Planning Board to adequately buffer adjoining residential and public property.
- l. Access and parking. A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made.
- m. Abandonment. A major solar energy system that has not generated electricity for a period of 12 consecutive months shall be deemed to be abandoned and shall be decommissioned within six months. A decommissioning plan shall be submitted as part of the site plan or special use permit application and shall include, but not be limited to, the following:
  - (1) A schedule and methods for the removal of the solar energy system from the lot; and
  - (2) A plan for restoring the property to its preinstalled condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties.
4. Approvals Required:
  - a. Prior to installing a solar energy system accessory, a building permit shall be obtained from the Uniform Code Enforcement Officer of the Town of Duanesburg pursuant to the requirements set forth in Section 14.3.
  - b. Prior to installing a Solar Energy System Major, the applicant shall obtain site plan approval and a special use permit from the Town of Duanesburg Planning Board. A Solar Energy System Major shall only be permitted by special use permit and site plan approval in the R-2, C-1, and C-2 Zoning Districts. All of the substantive and procedural requirements for site plan review and special use permit review as set forth in the Town of Duanesburg Zoning Ordinance set forth in Section 14.6.

4. The Zoning Ordinance shall be amended to add a new section 13.8 which will provide "Solar Energy Facilities. See Solar Energy Facilities Law".

SECTION FIVE. SEQRA DETERMINATION.

The Town Board hereby determines that the adoption of this local law is a type one action that will not have a significant effect on the environment and therefore, no other determination or procedure under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION SIX. EFFECTIVE DATE.

This local law shall become effective upon its filing in the Office of the Secretary of State.

SECTION SEVEN. SEVERABILITY.

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

July 8, 2021

**SOLAR ENERGY FACILITIES LAW  
TOWN OF DUANESBURG  
LOCAL LAW No. 1\_ OF 2021**

**BE IT ENACTED** by the Town Board of the Town of Duaneburg, in the County of Schenectady, as follows:

SECTION ONE. TITLE.

This local law shall be known as the "Solar Energy Facilities Law," and shall repeal and replace Local Law No. 1 of the year 2016.

SECTION TWO. PURPOSE.

The purpose of this local law shall be to adopt a local law regarding the review of solar energy facilities and to amend the Town of Duaneburg Zoning Ordinance by providing for the siting, development and decommissioning of solar energy systems subject to reasonable conditions to reduce potential impacts to adjoining properties while promoting development of renewable energy resources.

SECTION THREE. AUTHORITY.

This local law is adopted pursuant to sections 10 and 22 of the Municipal Home Rule Law.

SECTION FOUR. ADOPTING THE SOLAR ENERGY FACILITIES LAW AND AMENDING THE TOWN OF DUANESBURG ZONING ORDINANCE.

The Town of Duaneburg Code and Zoning Ordinance are hereby amended as follows:

- I. Definitions:
  - a. Solar Energy System- A solar photovoltaic collection device and equipment that uses solar radiation to generate energy.
  - b. Solar Energy Equipment—Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.
  - c. Solar Energy System, Accessory –a roof or ground mounted solar energy system designed to supply energy for a principal use on a residential or commercial parcel and containing Solar Energy Equipment.

- d. Solar Energy System, Major -- a ground or roof mounted solar energy system that produces power to be sold to off-site customers.
  - e. Tree-Clear-Cutting -- any cutting of trees over six inches in diameter at breast height where the average residual basal area of trees over six inches in diameter at breast height remaining after such cutting is less than 30 square feet per acre.
  - f. Glare -- the effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.
  - g. Solar Panel-- A photovoltaic device capable of collecting and converting solar energy into electricity.
  - h. Solar Storage Battery-- A device that stores solar energy and makes it available in an electrical form.
2. Solar Energy System, Accessory. An accessory solar energy system shall comply with the following requirements:
- a. A ground-mounted accessory solar energy system shall comply with the setback and height requirements for a major accessory structure in the zoning district in which it is located.
  - b. A roof-mounted accessory solar energy system shall be mounted as flush as possible to the roof. To achieve proper solar orientation, panels may exceed the roofline by five feet.
  - c. The requirements set forth below in (3)(a) -- (g), with the exception that for the Solar Energy System, Accessory, ground mounted, a minimum perimeter buffer of 25 feet may be acceptable at the discretion of the Planning Board where sufficient screening exists or is proposed to screen the views of any ground mounted solar panels or equipment from surrounding properties.
3. Solar Energy System, Major. A major solar energy system shall comply with the following requirements:
- a. All electrical and control equipment, including any battery and storage cells, shall be labeled and secured to prevent unauthorized access. Such equipment shall be enclosed with a seven feet high fence as required by the National Electrical Code.
  - b. Signs. Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except: (a) manufacturer's or installer's identification; (b) appropriate warning signs and placards; (c) signs that may be

required by a Federal or State agency; and (d) signs that provide a 24-hour emergency contact phone number and warn of any danger.

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b.c. Visual Impact Evaluation. The Application shall include the submission of a GIS viewshed analysis of the Zone of Visual Impact (ZVI); defined as the area from which the proposed undertaking may be visible within a one-half mile (0.5) buffer around solar fields covering 4 to 40 acres in size, and a one-mile buffer around solar fields greater than 40 acres in size. Positive visibility of the solar field must be based upon bare-earth topography only (do not factor in vegetation). The analysis should be presented as an orthorectified aerial base map with the buffer boundary and project area indicated and ZVA highlighted.

c.d. Buffer/screening. A minimum one hundred feet perimeter buffer, consisting of natural and undisturbed vegetation, shall be provided around all mechanical equipment and solar panel arrays to provide screening to adjacent properties and to minimize glare on adjacent properties and roadways. Where the natural and undisturbed vegetation does not screen the views from the mechanical equipment and solar panel arrays, the Planning Board may require the Applicant may propose to enhance the perimeter buffer to improve its ability to screen the views.

d.e. Glare. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways. Exterior surfaces of roof-mounted collectors and related equipment shall have a non-reflective finish and shall be color-coordinated to harmonize with roof materials and other dominant colors of the structure.

e.f. Evergreen tree plantings or other visual screening may be required by the Planning Board to screen all or portions of the site from nearby residential property, public roads, and from public sites known to include important views or vistas.

f.g. Existing on-site vegetation shall be preserved to the maximum extent practicable. Clear cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited. This clearing restriction shall not apply to trees cleared for the access road.

g.h. Height. Ground-mounted arrays shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

h.i. Lot coverage. A major solar energy system shall not exceed 60 percent lot coverage. Lot coverage shall be defined as the area 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.

i.j. Site disturbance, including but not limited to, grading, soil removal, excavation, soil compaction, and tree removal in connection with installation of solar energy



facilities, including ground-mounted systems, shall be minimized to the extent practicable. Forested sites shall not be deforested to construct solar energy facilities.

j-k. Noise. Substations and inverters shall be set back a minimum distance to achieve no discernable difference from existing noise levels at the property line.

k-l. Setbacks. Any structures and equipment shall not be placed in the one hundred feet perimeter buffer with the exception of the access road and the electrical transmission lines and poles connecting the facility to the grid, as well as the stormwater structures and fencing associated with the access road and the electrical transmission lines. Additional setbacks may be required by the Planning Board to adequately buffer adjoining properties and scenic roadways.

m. Access and parking. A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Any proposed new access road will be reviewed for fire safety purposes by the Town Building Inspector and the Chief of the Fire Company that serves the area containing the property.

4. Abandonment. An owner or operator of a major solar energy system that has not generated electricity for a period of six (6) consecutive months must notify the Town Supervisor and the Town Building Inspector in writing that the system is no longer operating. If the system ceases to operate for an additional twelve (12) consecutive months the system shall be deemed to be abandoned and shall be decommissioned within six months by the owner or operator. A decommissioning plan shall be submitted as part of the special use permit application to the Planning Board. The decommissioning plan shall include, but not be limited to, the following requirements: the plan must be signed by the owner and/or operator of the Solar Energy System and shall be submitted by the applicant, addressing the following:
  - a. The cost of removing the entire Solar Energy System shall be estimated based upon prevailing wages and any other requirements applicable to municipalities under State or federal law and no salvage value shall be attributed to any of the components of the Solar Energy System and/or the Solar Energy Equipment.
  - b. A schedule and methods for the removal of the Solar Energy System and/or the Solar Energy Equipment, including any ancillary structures.
  - c. The time required to restore the property to its pre-existing condition and to repair any damage caused to the property by the installation and removal of the Solar Energy System.
  - d. A plan for restoring the property to its preinstalled condition, including grading and vegetative stabilization to eliminate any negative impacts to

surrounding properties, and, where if it was previously used for farming, with vegetation suitable for farming purposes, i.e. a hay field, crops or grazing.

- e. A proposed Decommissioning Agreement which shall be provided by the Applicant and approved by the Town of Duanesburg Town Board. No building permit shall be issued for a Solar Energy System until the Decommissioning Agreement has been negotiated between the Applicant and the Town Board, has been approved by the Town Board and has been fully executed.

#### 5. Security.

- a. The deposit, executions, or filing with the Town Clerk of cash, bond, or other form of security reasonably acceptable to the Town Board and/or the professional engineer advising the Town, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 125% of the cost of removal of the Solar Energy System and restoration of the property with an escalator of 2 % annually (or COI if more than the annual escalator of 2%) for the life of the Solar Energy System. The Decommissioning Agreement shall specify the amount of the bond and the form of the bond or equivalent financial security. No building permit shall be issued until the bond or equivalent financial security is in full force and effect and has been provided to the Town Clerk.
- b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until ninety (90) days after the restoration of the property as set forth in the decommissioning plan is completed.
- c. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in Section 10(b) and 10(c) herein.
  - (1) A schedule and methods for the removal of the solar energy system from the lot; and
  - (2) A plan for restoring the property to its preinstalled condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties.

6 Approvals Required: a. Prior to installing a solar energy system accessory, a building permit shall be obtained from the Uniform Code Enforcement Officer of the Town of Duanesburg pursuant to the requirements set forth in Section 14.3.

b. Prior to installing a Solar Energy System Major, the applicant shall obtain site plan approval and a special use permit from the Town of Duanesburg Planning Board. A Solar Energy System Major shall only be permitted by special use permit and site plan approval in the R-2, C-1, and C-2 Zoning Districts. The substantive and procedural requirements for site plan review and special use permit review are set forth in Section 14.6 of the Town of Duanesburg Zoning Ordinance. The public hearing that is required to be held in connection with application for a special use permit will also be held on the proposed site plan. All adjacent property owners will be notified of the public hearing on the application for special use permit and site plan approval in the manner set forth in the Town Zoning Code Section 14.6.2.4(B).

c. Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, decommissioning plan, bond and agreement. A new owner or operator of the Solar Energy System shall notify the Building Inspector and the Town Supervisor of such change in ownership or operator within 30 days of the ownership change.

7. The Zoning Ordinance shall be amended to add a new section 13.8 which will provide "Solar Energy Facilities. See Solar Energy Facilities Law".

SECTION FIVE, SEORA DETERMINATION.

~~The Town Board hereby determines that the adoption of this local law is a type one action that will not have a significant effect on the environment and therefore, no other determination or procedure under the State Environmental Quality Review Act ("SEORA") is required.~~

SECTION FIVESIX, EFFECTIVE DATE.

This local law shall become effective upon its filing in the Office of the Secretary of State.

SECTION SIX SEVEN, SEVERABILITY.

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

~~The applicant shall provide for the monitoring of water quality of groundwater and surface water resources. The monitoring program, including the timing and frequency of testing and the identification of chemical parameters to be tested shall be established at the time the integrated turf management plan and integrated pest management plan are approved as part of the application. The applicant may be required to install permanent water quality monitoring devices to monitor water quality on an ongoing basis. The Planning Board and the applicant shall mutually agree to an independent consultant who shall be responsible for carrying out the monitoring program and the cost of the monitoring shall be borne by the applicant/owner of the golf course facility. The results and findings of any water quality monitoring shall be submitted by the owner to the Town to ensure compliance with the conditions of special use permit approval.~~

## **24. Solar Facilities.**

### **A. Purpose and Intent**

1. The Town of Sharon recognizes that solar energy is a clean, readily available, and renewable energy source. It further recognizes that energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated.
2. The Town of Sharon has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents, and its businesses. This section aims to accommodate solar energy systems while balancing the potential impact on neighbors while preserving the rights of property owners to install solar energy systems. This section 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 be consistent with the Town of Sharon Comprehensive Plan; to uphold the public health, safety, and welfare; and to ensure that such systems will not have a significant adverse impact on the environment, and on aesthetic qualities and character of the Town.
3. Intent, greater restrictions to prevail. It is not intended by this section to repeal, except as herein stated, abrogate or impair existing conditions previously made or permits previously issued relating to the use of buildings or premises or to impair or interfere with any easements, covenants or agreements existing between parties. Except as otherwise provided herein, whenever this section imposes a greater restriction upon the use of buildings or premises than is required by existing provisions of law, ordinance, regulations or permits or by such easements, covenants or agreements, the provisions of this section shall control.

## B. Definitions

The following terms shall have the meanings indicated. The definitions contained in Article VII of the Town of Sharon Zoning Law shall also apply.

1. Building-Mounted Solar Energy System- A solar energy system that is affixed to the roof or side(s) of a building or other structure either directly or by means of support structures or other mounting devices. Solar energy systems constructed over a parking lot are considered building-mounted solar energy systems.
2. Ground-Mounted Solar Energy System- A solar energy system that is affixed to the ground either directly or by support structures or other mounting devices and that is not attached or affixed to an existing structure. Pole mounted solar energy systems shall be considered ground-mounted solar energy systems for the purposes of this local law.
3. 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 at the end of the month.
4. Reflector, Solar- A device for which the sole purpose is to increase the solar radiation received by a solar collector.
5. 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 a solar energy system on individual properties.
6. Small-Scale Solar Energy System- Any solar energy system that cumulatively on a lot meets all of the following provisions:
  - (a) Is an accessory use or structure, designed and intended to generate energy primarily for a principal use located on site.
  - (b) Produce up to ten kilowatts (kW) per hour of energy or solar-thermal systems which serve the building to which they are attached, and do not provide energy for any other buildings beyond the lot. Small-scale solar energy systems located on a farm operation (as per AML §301(11) definition of that term) and located in a New York State Agricultural District can produce up to 110% of the farm's needs as per the Department of Agriculture and Markets guidance document.
7. Solar Collector- A solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure affixed to the ground, a building, or other structure that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical, or

other usable energy, or that reflects or concentrates solar radiation to a solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure that directly or indirectly generates thermal, chemical, electrical, or other usable energy.

8. Solar Energy System - A complete system intended for the collection, inversion, storage, and/or distribution of solar energy and that directly or indirectly generates thermal, chemical, electrical, or other usable energy. A solar energy system consists of, but is not limited to, solar collectors, mounting devices or structures, generators/turbines, water and energy storage and distribution systems, storage, maintenance and/ or other accessory buildings, inverters, combiner boxes, meters, transformers, and all other mechanical structures.
9. Solar Sky Space- The space between a solar collector and the sun through which solar radiation passes.
10. Solar Panel – a device for the direct conversion of solar energy into electricity.
11. Solar Thermal System – A system that directly heats water or other liquid using sunlight.
12. Utility-Scale Solar Energy System or Solar Farm- Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, designed and intended to supply energy solely into a utility grid for sale to the general public.

#### **C. Applicability**

1. The requirements of this section shall apply to all solar energy system and equipment installations modified or installed after the effective date of this local law.
2. 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.
3. 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 Building Code.

#### **D. Requirements for Small Scale Solar Energy Systems**

1. No small scale solar energy system shall be installed or operated in the Town except in compliance with this section.
2. 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 are permitted as an accessory structure, shall meet all requirements of this sub-section (D), and shall require a building permit.

3. All solar collectors and related equipment shall be surfaced, designed, and sited so as not to reflect glare onto adjacent properties and roadways.
4. Setbacks for Solar Energy Systems by District: Solar collectors or panels are subject to the minimum setbacks, and other dimensions for whatever 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 front setbacks shall be 200' in all zoning districts.
5. 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 20 feet when oriented at maximum tilt.
6. 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.
7. 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 article. 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.
8. 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.
9. Free standing or ground mounted solar collectors are permitted as accessory structures in all zoning districts of the Town subject to the following additional conditions:
  - a. In the R and R-C Districts, a lot must have a minimum size of 40,000 square feet in order for a ground-mounted or free standing solar system to be permitted.
  - b. Screening shall be provided when practicable from adjoining lots through the use of architectural features, earth berms, landscaping, fencing, or other

screening which will harmonize with the character of the property and surrounding area. The proposed screening shall not interfere with normal operation of the solar collectors.

- c. The total surface areas of all ground mounted and freestanding solar collectors shall not exceed the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls, not including patios and decks.

## **E. Solar Farms/Utility-Scale Solar Energy Systems**

### **1. Applicability**

- a. Any utility-scale solar energy system erected, constructed, modified, or operated in the Town of Sharon after the effective date of this local law shall be in compliance with this Section. Subsection E is applicable to utility-scale solar energy systems and shall not apply to small-scale solar energy systems, as defined herein.
- b. A special use permit and site plan review by the Planning Board shall be required for all utility-scale solar energy systems. Such systems are prohibited from the R zoning district and are prohibited from the R-C district in the Town of Sharon.
- c. In order to promote innovative design and encourage the inclusion of alternative energy systems within the overall design of a building, solar energy systems determined by the Code Enforcement Officer to be building-integrated photovoltaic (BIPV) systems, as defined herein, are exempt from the requirements of this section. BIPV systems are still required to meet applicable building codes and obtain all necessary permits. The Code Enforcement Officer may request assistance from the Planning Board to determine whether a solar energy system should be considered a BIPV system.

### **2. Applications, Permits and Approvals Required and Applicable Zoning Districts**

- a. All applications for utility-scale solar energy systems shall be accompanied by an application for special use permit and site plan review, and all applicable fees as may be established by the Town Board. Both site plan and special use permit reviews and approvals are required. The Planning Board shall however, concurrently review the site plan and special use permit applications.
- b. All applications for utility-scale solar energy systems shall include the following:



- (1) Plans and drawings of the solar energy system installation signed by a professional engineer registered in New York State showing the proposed layout of the entire solar energy system along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of site plan approval.
- (2) An electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices identified.
- (3) Documentation of access to the project site(s), including location of all access roads, gates, parking areas, etc.
- (4) Plan for clearing and/or grading of the site.
- (5) A storm water pollution prevention plan as per NYS DEC requirements to detail storm water runoff management and erosion control plans for the site.
- (6) Documentation of utility notification, including an electric service order number.
- (7) Decommissioning plan and description of financial surety that satisfies the Town that all required improvements shall be made for utility-scale systems only. For all utility-scale solar energy systems, the applicant shall submit a decommissioning plan for review and approval as part of the special use permit application. The decommissioning plan shall identify the anticipated life of the project, method and process for removing all components of the solar energy system and returning the site to its preexisting condition, and estimated decommissioning costs, including any salvage value.
- (8) The Town shall require any applicant to pay all associated costs for any application review, including but not limited to engineering, legal, environmental, planning, and the review required under SEQRA to the Town Clerk. When the Planning Board determines that a review will require engineering, legal, environmental, or planning costs, they shall provide an estimate to the applicant. Subsequently, such payment shall be made prior to commencement of any further Planning Board review.
- (9) Photo simulations shall be included showing the proposed solar energy system in relation to the building/site along with elevation views and

dimensions, and manufacturer's specs and photos of the proposed solar energy system, solar collectors, and all other components.

(10) Part I of the Full Environmental Assessment Form filled out.

(11) Details of the proposed noise that may be generated by inverter fans. The Planning Board shall require a noise analysis to determine potential adverse noise impacts.

### **3. General Provisions**

All applications for utility-scale solar energy systems shall be in accordance with the following:

- a. All utility-scale solar energy systems shall adhere to all applicable Town of Sharon building, plumbing, electrical, and fire codes.
- b. A minimum parcel size of 15 acres is required for utility-scale solar energy systems.
- c. Development and operation of a solar energy system shall not have a significant adverse impact on fish, wildlife, or plant species or their critical habitats, or other significant habitats identified by the Town of Sharon or other federal or state regulatory agencies. Applicants shall use the adopted Town of Sharon Comprehensive Plan, including Appendix E and the Composite Map showing sensitive environmental features along with other site information to identify and describe how the proposed utility scale solar energy system shall avoid or mitigate adverse impacts to these resources. Lands which have the highest ecological values as evidenced by large, contiguous areas of forest, undisturbed drainage areas, wetlands, or NYS DEC identified critical habitats or rare plant and animal populations shall be avoided.
- d. There shall be a minimum 100 foot buffer between any component of the utility-scale solar energy system and the parcel boundary line. The Planning Board is authorized to increase the width of this buffer after analysis of site conditions and adjacent land uses.
- e. Any site containing a utility-scale solar energy system shall be enclosed by perimeter fencing to restrict unauthorized access at a height of 8 ½ feet.
- f. Previously cleared or disturbed areas are preferred locations for solar panel arrays. The clearing of additional lands to accommodate a proposed utility-scale solar facility may be permitted, provided the percentage of newly cleared land on any parcel does not exceed 30% of the existing woodlands on that parcel.

- g. Solar arrays and agriculture. In accordance with the Comprehensive Plan, the Town of Sharon does not support conversion of productive farmland to support grid-supply facilities. When proposed on an active farm located within the New York State Certified Agricultural District in Sharon, a utility-scale solar energy system may occupy up to 20% of any farmed parcel but in no case shall exceed 10 acres. Arrays shall be located on a parcel in such a manner as to avoid, to the maximum extent feasible, soils classified as prime farmland by the USDA, NYS or NRCS.
- h. Native grasses and vegetation shall be maintained below the arrays.
- i. The solar facility, including any proposed off-site infrastructure, shall be located and screened in such a way as to avoid or minimize visual impacts as viewed from:
  - (1) Publicly dedicated roads and highways, including Route 20 and 10;
  - (2) Existing residential dwellings located on contiguous parcels;
  - (3) A berm, landscape screen, or other opaque enclosure, or any combination thereof acceptable to the Town capable of fully screening the site, shall be provided.

(Photo of suggested landscape screen on file in Zoning Office)

- j. The design, construction, operation, and maintenance of any solar energy system shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks in excess of that which already exists.
- k. All structures and devices used to support solar collectors shall be non-reflective and/or painted a subtle or earth-tone color to aid in blending the facility into the existing environment.
- l. All transmission lines and wiring associated with a solar energy system shall be buried and include necessary encasements in accordance with the National Electric Code and Town requirements. The Planning Board may recommend waiving this requirement if sufficient engineering data is submitted by the applicant to demonstrate that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead and underground electric utility lines, including substations and junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the utility company's requirements for interconnection.

- m. Artificial lighting of solar energy systems shall be limited to lighting required for safety and operational purposes and shall be shielded from all neighboring properties and public roads.
  - n. Any signage used to advertise the solar energy facility shall be in accordance with the Town's signage regulations. The manufacturers or installer's identification and appropriate warning signage shall be posted at the site and clearly visible.
  - o. The average height of the solar panel arrays shall not exceed fifteen feet.
  - p. Due to the need to keep the solar skyspace for solar energy systems free from obstructions, the Planning Board may recommend modifying the landscaping requirements on an adjacent parcel when it is subject to a site plan or special use permit request to ensure that any landscaping proposed there is low-growth vegetation that will not obstruct the solar skyspace at mature height.
  - q. Following construction of a large-scale or utility-scale ground-mounted 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.
  - r. Special use permits granted for utility-scale solar energy systems shall be assignable or transferable to future landowners of that system on the approved parcel so long as they are in full compliance with this article and all conditions, and the Code Enforcement Officer is notified of the property transfer at least 15 days prior thereto.
  - s. Any post-construction changes or alterations to the solar energy system shall be done by amendment to the special use permit only and subject to the requirements of this article.
  - t. After completion of a utility-scale solar energy system, the applicant shall provide a post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans. The applicant shall further provide certification from the utility that the facility has been inspected and connected.
- F. Abandonment or Decommissioning Of Utility-Scale Systems
- a. Utility-scale solar energy systems which have not been in active and continuous service for a period of 1 year shall be removed at the owner's or operator's expense. Decommissioning shall include removal of all energy facilities, structures and equipment including any subsurface wires and footings from the parcel. Any access roads created for building or maintaining the system shall also be removed and re-planted with vegetation. The Planning Board shall require a bond, placed in an escrow account and in an amount

satisfactory to the Town, to ensure the removal of any utility-scale solar facility. In the event that the facility is not removed within one year and the site restored as required, the Town, after notice and hearing, may cause the same to be removed and the site restored using the funds in such escrow account.

- b. All safety hazards created by the installation and operation of the solar energy system shall be eliminated and the site restored to its preexisting condition within six months of the removal of the solar energy system:

## ~~25. Wind Facilities~~

### ~~A. Purpose~~

~~The purpose of the law is to provide for the construction and operation of Wind Energy Facilities in Town of Sharon, subject to reasonable conditions that will protect the public health, safety and welfare.~~

### ~~B. Applicability~~

~~The requirements of this law shall apply to all Wind Energy Facilities proposed, operated, modified, or constructed after the effective date of this law, including modification of existing Wind Energy Facilities and wind measurement towers erected for the purpose of testing the feasibility of wind energy generation.~~

### ~~C. Permits~~

1. ~~Permit Requirement.~~ No Wind Energy Facility shall be constructed, reconstructed, modified, or operated in the Town of Sharon except by first obtaining a Wind Energy Facility Permit as provided under this law.
2. ~~Exemptions.~~ No permit or other approval shall be required under this law for mechanical, non-electrical wind turbine utilized solely for agricultural operations. Replacement in-kind or modification of a Wind Energy Facility may occur without Planning Board approval when: (1) there shall be no increase in total height; (2) no change in the location of the wind turbine; (3) no additional lighting or change in facility color; and (4) no increase in noise produced by the wind turbine.
3. ~~Transfer.~~ Neither transfer of any Wind Energy Facility or Wind Energy Facility Permit, nor sale of the entity owning such facility shall eliminate the liability of an applicant or of any other party under this law.

### ~~D. Waivers~~

Local Law No. 1 of the year 2019  
Town of Florida, County of Montgomery  
A local law amending the Town of Florida Zoning Ordinance by  
amending provisions relating to solar energy systems

~~Section 1. Legislative Intent~~

~~It is the intent of this local law to amend the Town of Florida Zoning Ordinance, as may have been amended from time to time, to include provisions that address the installation of solar energy systems, as defined in this law, within the municipal boundaries of the Town of Florida.~~

~~Section 2. Authority~~

~~This local law is adopted by the Town Board of Town of Florida (hereinafter referred to as the "Town Board") pursuant to its authority to adopt local laws under Article IX of the New York State Constitution; Articles 2 and 3 of the Municipal Home Rule Law, and Article 16 of the Town Law, particularly sections 261 and 263 which authorize the Town to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor."~~

~~Section 3. Amendment~~

~~(A) Article VIII of the Town of Florida Zoning Ordinance is hereby amended by repealing and replacing the section, designated as "Section 45.5", to said Article VIII to read as follows:~~

~~Section 45.5: Solar Energy Systems and Equipment~~

~~A. Town Policy Statement~~

~~1. Introduction:~~

~~The following policy statement regarding solar energy systems is in addition to, and does not necessarily supersede, the general land use policies set forth in the Zoning Ordinance. Where policies conflict, the policies set forth in this section control only as they pertain to solar energy systems.~~

~~2. In General:~~

~~The Town of Florida supports sustainable renewable energy sources such as solar energy and does not seek to discourage such energy sources to be installed in the Town. However, like any land use, solar energy systems have impacts on the community and neighboring properties which the Town seeks to mitigate so as not to adversely effect the Town's unique character nor impinge on properties within the Town. As such, the Town finds that small scale solar energy systems which are accessory to the primary use of the parcel and are installed for the primary purpose of~~

supplying electricity to the buildings located on that parcel is in keeping with the Town's Comprehensive Plan and land use policies. Such accessory systems are to be encouraged so long as they do not impact neighboring properties, are safely installed, do not impair emergency access and are removed when no longer used.

### 3. Specific Policies:

With respect to what is defined herein as Large Scale Solar Energy Systems, the Town is concerned with the potential scale and location of such Systems not fitting in with the existing community character. However, with proper guidelines, criteria and planning, Large Scale Solar Energy Systems of a limited size (see Section C below) may be appropriate but would have to be reviewed on a case by case basis. These Systems are to be encouraged and allowed so long as they fit in with the Town's community character, do not impact neighboring properties, are safely installed and operated, and do not impair scenic views or vistas, future growth, or economic development of the Town, and are appropriately and promptly removed upon decommissioning. Placement of Large Scale Solar Energy Systems in existing fields or areas that do not require significant deforestation or clearcutting and are well-screened from public views as well as nearby properties would increase the possibility of compatibility with the Town's community character and decrease the possibility of significant adverse impacts. It is recognized by the Town that certain scenic views and vistas are important to the Town and should be preserved since they significantly contribute to the Town's rural residential character. The layout of the solar panels and equipment should utilize existing natural features for screening and should avoid detrimental impacts to important natural resources such as wetlands, streams and other surface waters, prime agricultural soils, areas important for outdoor recreation and tourism, historic districts and buildings, home and property values, and the aesthetics of the Town's natural environment. The following regulations are intended to ensure that Large Scale Solar Energy Systems are only allowed of a scale, location and plan that appropriately recognizes the aforementioned land use policies, as well as the policies set forth in the Town's Comprehensive Plan and Zoning Ordinance.

#### ~~B. Small-Scale Solar Collector System - Solar as an Accessory Use/Structure~~

##### ~~1. Solar: Roof-Mounted Energy Systems.~~

~~a) Roof Mounted Solar Energy Systems that use the electricity onsite are permitted as an accessory use in all zoning districts of the Town of Florida when attached to any lawfully permitted building or structure.~~

~~b) Height. Solar Energy Systems when mounted to a roof shall not exceed maximum height restrictions within the zoning district it is located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.~~

~~c) Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirement: Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the~~

~~retail or wholesale selling, office or other business services, or human habitation.~~

- ~~(2) No separate, dedicated utility connections such as electricity, water, telephone cable TV, or gas, shall be provided in the individual units, stalls or lockers.~~
- ~~(3) No outside storage shall be permitted, except that storage areas may be directly accessible from the outside on only one side of the building that is not facing a street or proposed street and is screened from view.~~
- ~~(4) A rental office may be included with accessory sales such as storage boxes, package shipping/drop-off services and other accessory uses as may be permitted by the Zoning Board of Appeals.~~
- ~~(5) Signage shall be placed inside the rental office or loading area stating that no hazardous, flammable or explosive materials use or storage is permitted.~~
- ~~(6) Building design shall conform to § 280-39C, Building design standards.~~

~~U. Solar energy system. [Amended 4-21-2020 by L.L. No. 1-2020]~~

- (1) Purpose. The purpose of this subsection is to provide for the siting, development, and decommissioning of solar energy systems in accordance with the Comprehensive Plan and subject to reasonable conditions to reduce potential impacts to adjoining properties while promoting development of renewable energy resources by:
  - (a) Supporting the Town's renewable energy initiatives in becoming a "Climate Smart Community" as recognized by the New York State Department of Environmental Conservation and a "Clean Energy Community" as recognized by the New York State Energy Research Development Agency, and pledging to address climate change by adopting climate smart land use principles, setting goals for climate action, decreasing fossil fuel energy use and shifting to renewable energy.
  - (b) Supporting the New York State Energy Plan (2015) of achieving 100% of the state's energy needs from renewable sources by 2040.
  - (c) Recognizing that solar energy is an abundant and renewable energy resource, and its conversion to electricity will reduce dependence on nonrenewable energy resources and decrease the greenhouse gas emissions that result from the use of nonrenewable energy sources.
  - (d) Protecting scenic and environmental resources from the impact of major solar energy facilities on parklands, trails, wetlands, wildlife, scenery, floodplains, historical and cultural sites, and recreational activities.

~~(2) Solar energy system, accessory. An accessory solar energy system shall comply with the following requirements:~~

- ~~(a) A ground-mounted accessory solar energy system shall comply with the~~



**5. Article 4 Section 4.8 entitled 'Small Scale Solar Installations' of the 2015 Town of Schoharie Zoning Law is hereby deleted in its entirety and replaced with a new Article 4 Section 4.8 entitled 'Solar Energy Systems' as follows:**

**Section 4.8 Solar Energy Systems**

**4.8-1 Purpose and Intent**

A. The Town of Schoharie recognizes that solar energy is a clean, readily available, and renewable energy source. It further recognizes that energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated.

B. The Town of Schoharie has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents, and its businesses. This section aims to accommodate solar energy systems while balancing the potential impact on neighbors while preserving the rights of property owners to install solar energy systems. This section 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 be consistent with the Town of Schoharie Comprehensive Plan; to uphold and protect the public health, safety, and welfare; and to ensure that such systems will not have a significant adverse impact on the environment, and on the aesthetic qualities and character of the Town.

**~~4.8-2 Applicability~~**

~~A. The requirements of this section shall apply to all solar installations modified or installed after the effective date of this local law.~~

~~B. Solar 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.~~

~~C. 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 Building Code.~~

**~~4.8-3 Level 1 Solar Energy Systems~~**

~~A. No Level 1 solar energy system shall be installed or operated in the Town except in compliance with this section.~~

**TOWN SOLAR LAWS COMPARED**

<b>Subject</b>	<b>Duanesburg</b>	<b>Duanesburg revised (not passed)</b>	<b>Princeton</b>	<b>Rotterdam</b>	<b>Sharon</b>	<b>Florida</b>	<b>Guilderland</b>	<b>Schoharie</b>	<b>Glen</b>	<b>Rush</b>	<b>Copake</b>	<b>Conway, Mass.</b>
<b>VISUAL IMPACT</b>	Buffer screening, 3c, Trees, 3e	Adds Visual Impact Evaluation	Buffer screening, 3c, Trees, 3e	Berm, landscape screening or other	Screened to avoid significant visual impact	Least possible visual effect on neighboring properties	Hedgerow habitat structure, yr-round screening	Screened to avoid significant visual impact	Visual Assessment Report	Two rows evergreens 14' high	Avoid or minimize view from residences	Screen 30' deep, 4 to 6' high & staggered
<b>GROUNDWATER/ STORMWATER POLLUTION</b>	None	None	None	SWPP per NYSDEC requirements	SWPP per NYSDEC requirements	None	SWPP per NYSDEC requirements	SWPP per NYSDEC requirements	None	None	SWPP per NYSDEC requirements	SWPP, specifics detailed
<b>ELECTRICAL INTERCONNECTION</b>	None	None	None	Electric diagram detailing system installation, components & interconnection methods	Electric diagram detailing system installation, components & interconnection methods	Equipment spec sheets for panels, mounting & inverters; Written confirmation that grid has capacity to support the energy generated	Electric diagram detailing system installation, components & interconnection methods; equipment spec sheet	Electric diagram detailing system installation, components & interconnection methods; certification from utility that interconnect is viable	Written confirmation of grid capacity	Electric diagram detailing system installation, components & interconnection methods	Electric diagram detailing system installation, components & interconnection methods	None
<b>WILDLIFE</b>	None	None	None	No significant adverse impact	No significant impact; lands with highest ecological value shall be avoided	None	None	No significant impact; lands with highest ecological value shall be avoided	None	None	No significant adverse impact	Not locate on officially designated habitat
<b>SOILS/ AGRICULTURE</b>	None	None	None	None	<= 20% of farm parcel up to 15 acres	<= 5 acres prime agricultural soils	None	<= 20% of farm parcel up to 15 acres	None	Implement Ag & Mkts guidelines for mitigation	Avoid prime farmland	incl. in SWPP
<b>DEFORESTATION</b>	Clear-cutting no more than 20,000 sq ft in contiguous area (3f, 3i)	Clear-cutting no more than 20,000 sq ft in contiguous area (3f, 3i)	Preserve existing to extent possible	<= 30% of woods on parcel	<= 30% of existing woodlands	<= 9 acres; avoid to maximum extent possible	Clear-cutting no more than 20,000 sq ft in contiguous area	<= 30% of existing woodlands	None	Minimize or offset by replanting on same property	<= 10% of woods on parcel	<= 10 acres
<b>DECOMMISSIONING</b>	Vague plan, no \$	Bond or security 125% of removal cost with 2% annual escalation	Performance bond, decommis trust or escrow acct. or LOC or financial guarantee in amt. based on est. cost of decommis.	Plan & descrip of financial surety — cash, LOC or combination	Plan & descrip of financial surety — cash, LOC or combination	Bond 125% of removal cost	Plan updated every 3 yrs, LOC, bond or other security, amt. TBD by zoning insp., town engr. & atty	Cash escrow act 150% of removal cost	LOC or bond, update cost estimate every five years	Cash, bond or LOC 125% of removal cost	Plan, incl. bond or other surety	Escrow, bond or other <= 125% of removal cost
<b>SETBACKS</b>	100' to houses	100' around all equipment	100' to houses	100' from property line	100' from property line	500' from property line	200' to houses	100' from property line	100' front & rear, 50' side	200' from all property lines	100' to boundary, 150' to road	100' from property line
<b>NOISE</b>	Not discernible from property line	Not discernible from property line	Not discernible from property line	Detail on inverter fans; noise analysis may be required	Detail on inverter fans; noise analysis may be required	Not discernible from property line	Not discernible from property line	Noise analysis	Minimize	None	Noise analysis on inverter fans	Noise generators >= 150' from property lines
<b>WETLANDS</b>	None	None	None	None	None	200' setback	None	None	None	None	Shall be avoided	Meet state wetland buffer & river protection standards
<b>LIGHTING</b>	None	None	None	Limited and shielded	Limited and shielded	For security or required by regulation only	None	Limited and shielded	For safety & security only	Minimum required to comply with zoning law	Limited and shielded from neighbors	Reasonably shielded from abutting properties, directed downward
<b>PANEL HEIGHT</b>	<= 20'	<= 15'	<= 20'	<= 25'	Average <= 15'	<= 20'	<= 20'	Permitted height of zoning district	<= 20'	<= 12'	<= 15'	<= 12'
<b>LOT COVERAGE</b>	<= 60%	<= 60%	<= 70%	None	None	10-15 acres, 1/3; 15-25 acres 40%; >25 acres 50%	<= 60%	<=50% up to 15 acres	<= 20%	<= 50%	<= 20%	None

Subject	Duanesburg	Duanesburg revised (not passed)	Princetown	Rotterdam	Sharon	Florida	Guilderland	Schoharie	Glen	Rush	Copake	Conway, Mass.
<b>MIN/MAX SIZE</b>	None	None	>= 100 acres	None	>= 15 acres	10-25 acres, max 5 MW	None	>= 15 acres	None	20-50 acres	<= 10 acres	<= 20 acres of previously undisturbed land
<b>SLOPE</b>	None	None	None	None	None	<= 12%	None	None	None	None	None	<- 15% as averaged over 50' horizontal
<b>ANNUAL REPORT</b>	None	None	None	None	None	Inspection reports every 3 years	Show rated capacity of system & amp of electricity generated, any ownership change & recalc of decommiss cost	Annual verification of O&M from utility	None	None	None	Info on maintenance completed, amount of electricity generated
<b>ESCROW ACCT FOR TOWN REVIEW</b>	No	No	No	Yes	Yes	No	No	Yes	No	Yes	Yes	No
<b>PART 1 FULL EAF</b>	No	No	No	Yes	Yes	Yes	No	Yes	No	Yes	Yes	No
Town of Knox has brief paragraph in zoning law with no specifics; Esperance restricts utility-scale to commercial district but does not specify standards												
Guilderland and wise energy address property values												
All towns have similar requirements for security/fencing, emergency access and avoidance of glare												
Richmondville has outright prohibition on utility-scale, Middleburgh plans to enact one												
Wise Energy includes aviation, electrical interference and list of toxic materials												
Florida has best statement of purpose												
Conway, Mass. addresses herbicide use												
Rush addresses cultural resoures												

## **DUANESBURG COMPREHENSIVE PLAN IMPLICATIONS FOR SOLAR LAW**

1. **Vision Statement** (pg. 6)
  - Encourage preservation of our attractive and cultural landscape
  - Committed to sustaining our valuable economic and natural resources, particularly agricultural land use, open spaces, natural habitats and fresh watersheds
  
2. **Goals, Objectives and Recommendations**
  - Commerce & Industry**
    - permit uses that ensure compatibility with surrounding area (pg. 38)
  - Community Development**
    - Objective: Maintain the Town’s rural character as development occurs
    - Overwhelming majority of town residents support the Town’s land use goal of maintaining a rural atmosphere (pg. 41)
    - Protect roadside views and home sites by encouraging and enforcing new development design layouts that blend into the landscape to the greatest extent possible. . . Stonewalls, hedgerows and other rural landscape elements should be retained where practicable (pg. 42)
    - Avoid construction on steep slopes (pg. 43)
  - Natural Resources**
    - Stormwater Runoff**
      - Prevent increases in stormwater runoff volumes and require appropriate erosion and sedimentation control measures (pg. 44)
      - Require land development activities to conform to up-to-date erosion and sedimentation control standards and substantive requirements of NYSDEC (SPDES) General Permit for Construction Activities GP-02-01 (pg. 45)
    - Wetlands Protection**
      - Incorporate pertinent state and federal wetlands and watercourse protection regulations into Town’s zoning and subdivision regulations
      - Ensure that wetland boundaries and watercourses are properly identified during development review process (pg. 46)
    - Soils Permeability**
      - Soil permeability rates of less than one inch per hour and depths to bedrock of less than three feet impact the development capability of most of Duanesburg’s soils. Allowing extensive or improper use of poorly drained, excessively steep or rocky areas increases the risk of surface/groundwater contamination and soil erosion (pg. 46)
    - Steep Slopes Preservation**
      - Slopes of 5 to 15 percent generally place moderate limitations on land use. Slopes of more than 15 percent are considered severe development constraints.
      - Consider establishing steep slope development restrictions in the Town’s zoning and subdivision regulations. Consider modifying the Town’s Zoning Ordinance to define these restrictions (pg. 47)
    - Forest Resources**
      - Develop and enforce a clear-cutting forestry practices permit process that restricts the clearing of large tracts of land for the purpose of minimizing erosion, preserving the town’s valuable forest cover and protecting designated Critical Environmental Areas and wildlife habitat ecosystems (pg. 47)

**DUANESBURG ZONING LAW**  
Solar-relevant sections

**Section 14.6.2 – Special Use Permits**

No special use permit shall be granted until the Planning Board shall find and determine that:

- (a) Such use is reasonably necessary or convenient to the public health, welfare or the economic or social benefit of the community;
  
- (c) The character of the neighborhood and values of surrounding property is reasonably safeguarded

**Section 14.6.3.1 – Specific Performance Standards**

In the Town, uses are not permitted which exceed the following standards measured at individual property lines. The Planning Board under its powers of site plan review and approval shall decide whether uses meet the standards. Uses shall meet State environmental standards and shall not:

- 1. Emit noise in excess of 70 decibels, dBA scale, of a standard sound level meter.
  
- 5. Cause, as a result of normal operation, a vibration, which creates displacement of 0.003 of one inch at the property line.
  
- 8. Cause harmful waste to be discharged into sewer, streams, or bodies of water, or to be stored on said property.

**Section 15.7 – Retention of Experts: Payment**

The Zoning Board of Appeals and the Planning Board are hereby authorized to retain engineering consultants and/or such other expert consultants as are determined to be necessary to enable the full performance of the duties of the respective Boards relative to any matters before it.

Payment for the services of such consultants and/or engineers is to be made from funds deposited by the applicant with the Town in escrow accounts established by the Town for such purpose. . .