TOWN OF STONY POINT

LOCAL LAW NO. ___ OF 2017

TO AMEND THE CODE OF THE TOWN OF STONY POINT CHAPTER 215, ARTICLE XIII TO REGULATE SOLAR GENERATION FACILITIES.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF STONY POINT AS FOLLOWS:

Chapter 1. Legislative Intent.

This Local Law amends Chapter of the Town of Stony Point Code to provide modification to the Town's Zoning Code to add the Regulation of Solar Generation Facilities.

This Local Law is adopted to advance and protect the public health, safety, and welfare of the Town of Stony Point and is to accommodate and allow the use of Solar Generation Facilities and equipment so far as conditions may permit.

Chapter 2. Effect.

The Code of the Town of Stony Point, Chapter 215 is hereby amended to incorporate the following regulations as Section 215-92.4 (Solar Energy Facilities) and is to read as follows:

Definitions.

FREESTANDING OR GROUND-MOUNTED SOLAR ARRAY

A solar array that is directly installed in the ground, is not attached or affixed to an existing structure, is not roof-mounted, and is used for the primary purposed of producing electricity for off-site sale or consumption.

GLARE:

A continuous source of excessive brightness, relative to diffused lighting. This is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint which is a direct reflection of the sun from a solar panel.

LARGE-SCALE SOLAR GENERATION FACILITY

A solar generation facility that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption.

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 New York State Energy Research and Development Authority's (NYSERDA) list of eligible photovoltaic installers or who are certified as solar installers 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 NYSERDA'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 necessary personal protective equipment and job planning to perform the installation safely. Such training shall include the proper use of special precautionary techniques 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.

SOLAR ACCESS

Space open to the sun and substantially clear of overhangs or shade, including the orientation of streets and lots to the sun so as to permit the use of a solar generation facility on a lot.

SOLAR GENERATION FACILITIES

Solar panels, collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar generation facilities include solar thermal, photovoltaic and concentrated solar.

SOLAR PANEL

A device used for the collection and direct conversion of solar energy into electricity.

SOLAR STORAGE BATTERY

A device that stores solar energy and makes it available in an electrical form.

Applicability.

A. The requirements of this Chapter shall apply to all large-scale solar generation facilities developed, modified or deployed after the effective date of this Local Law.

B. All solar generation facilities for which a valid permit has been properly issued shall be designed, developed, erected, and deployed in accordance with all applicable codes,

regulations and standards. Any connection to a public utility grid must meet all applicable Town, State, Federal and public utility laws, rules, and regulations.

C. To the extent practicable, and in accordance with Town Code, the accommodation of solar generation facilities 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 Code.

Permitting.

A. No large-scale solar generation facility shall be installed or operated in the Town except in compliance with this Chapter.

B. Applications for the installation of large scale solar generation facilities shall submitted to and reviewed by the Planning Board and must include, in addition to any supplemental information that the Planning Board requests, the following:

1. If the property of the proposed solar generation facility is to be leased, legal consent between all parties, specifying the use of the land for the duration of the project, including easement and other agreements, shall be submitted;

2. Designs showing the proposed layout of the solar generation facility signed by a professional engineer or registered architect shall be required;

3. A list of the proposed equipment to be used including, but not limited to, the number of panels, the number of solar arrays, significant system components, mounting systems, safety equipment, storage technologies, transformers, and inverters that are to be installed;

4. A property maintenance plan; and

5. A Decommissioning Plan shall be submitted as part of the application to ensure the proper removal of large-scale solar energy installations. Compliance with this Plan shall be a condition of the issuance of a special use permit under this Chapter. The Decommissioning Plan must specify that after the large-scale solar energy installation can no longer be used, it shall be removed by the applicant or any subsequent owner. The Plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state, prior to construction. The Plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a licensed professional engineer. Cost estimations shall take into account inflation. Removal of large-scale solar energy installations must be completed in accordance with the Decommissioning Plan. If the large-scale solar energy installation is not decommissioned after being considered abandoned, the Town may remove the system, restore the property and impose a lien on the property to cover the costs or such removal and restoration to the Town. Large-scale solar generation facility installations

are considered abandoned after 180 days without electrical energy generation and must be removed from the property.

C. Large scale solar generation facilities are permitted through issuance of a special use permit within _____ zoning district(s), subject to the following conditions, in addition to § 217-79, set forth in this Chapter, including site plan approval:

1. Building permits are required for the development of all solar generation facilities;

2. Height and Setbacks. Large scale solar generation facilities are subject to special bulk requirements found in § 215-15 and § 215-16 of the Town Code. The maximum height of the solar collector and any mounts shall not exceed [20] feet when oriented at maximum tilt.

   a. For any large scale solar generation facility to be sited on a parcel that either sits in or abuts any Part I Residential District, the setback requirement may be increased at the discretion of the Planning Board.

3. Lot size. A solar generation facility shall be located on lots with a minimum lot size of ____acres;

4. Lot Coverage. A large scale solar generation facility shall not exceed 75 % of the lot on which it is located.

5. All solar arrays shall be designed to avoid glare and reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard;

6. The solar panels shall be located in a manner to reasonably minimize view blockage for surrounding properties;

7. The solar panels shall be screened, which will harmonize with the character of the property and surrounding area, through the use of architectural features, earth berms, landscaping, or other screening capable of providing year-round screening, and if not already provided, any such screening shall be installed along all sides in such a way as to not obstruct solar access. A visual analysis shall be provided during the approval process using line-of-sight profiles to the proposed solar generation facility location;

8. Fencing six (6) feet in height and signage shall be placed around the utility meter on all large-scale solar generation facility. Waterproof signage shall be placed immediately adjacent and/or in close proximity to the electric meter that clearly shows the location of the DC disconnect switch. Notification, with a location map, will be sent to the applicable fire district;

9. Access roads for solar generation facilities shall be subject to the driveway specifications in § 215-38 of the Town Code.

10. Tree maintenance and removal. No tree may be removed without prior approval of the Planning Board and such approval shall be granted if there is no significant environmental impact of the proposed tree removal, there is no significant environmental impact of erosion and drainage, and whether the applicant will replant, relocate or otherwise replace trees of similar or different specifies or add other vegetative material, or undertake other similar measure to offset the negative effects of tree removal;

11. Ground-mounted solar array installations require delineation and avoidance of freshwater wetland areas, in accordance with § 215-72 of the Zoning Law. Areas containing streams shall be delineated and avoided in accordance with § 215-71.1 of the Zoning Law. The Planning Board may consider construction plans along both streams and freshwater wetlands after a site inspection, in the siting of ground-mounted solar array installations.

D. Solar generation facilities and equipment shall be permitted only if they are determined by the Planning Board not to present any unreasonable safety risks, including, but not limited to, the following:

1. Weight load;
2. Wind resistance; and
3. Ingress and egress in the event of fire or other emergency.

E. Installations in designated historic districts shall require a certificate of appropriateness from the Architectural Review Board.

F. The Planning Board may, in its discretion, waive the requirements of this Chapter for a large scale solar generation facility that it finds is harmonious with land uses in the area where it is proposed to be built and where, because of its size or other considerations, the Planning Board finds that it does not need to be subjected to the special use permit and site plan regulations imposed by this Chapter. This waiver may be a partial waiver and the Planning Board may impose any individual conditions found in this Chapter.

G. The Planning Board may impose additional conditions on its approval of any special use permit under this Chapter in order to enforce the standards of the Town of Stony Point Code and the standards referred to in this Chapter or in accordance with the State Environmental Quality Review Act (SEQRA).

Safety.

A. All solar generation facility installations must be performed by a qualified solar installer.

B. Prior to operation, electrical connections must be inspected by the Town Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town.

C. Any connection to the public utility grid must be inspected by the appropriate public utility, and a certificate of inspection must be provided to the Town.

D. Solar generation facilities shall be maintained in good working order.

E. All solar generation facilities must meet New York Uniform Fire Prevention and Building Code Standards.

F. If solar storage technologies are included as part of the solar generation facility, the storage technology 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 in use shall be disposed of in accordance with any and all applicable laws, codes, rules, and/or regulations.

Enforcement.

Any violation of this Chapter shall be subject to the same civil and criminal penalties provided for in the zoning regulations of the Town of Stony Point.

Chapter 3. State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617, this Local Law is classified as a Type I Action.

Chapter 4. Severability.

If any portion this Local Law, or the application thereof to any person, entity, or circumstance, shall be determined by any court or tribunal of competent jurisdiction to be invalid or unenforceable, such determination shall be confined in its operation to the invalid part hereof, or in its application to such person, entity, or circumstance as is directly involved in the controversy in which such determination shall have been rendered, and the remainder of this Local Law shall not be impaired thereby and such determination shall not be deemed or construed to apply to other persons, entities, or circumstances.

Chapter 5. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Chapter 27 of the Municipal Home Rule Law.