

<b>Topic:</b>	Solar Energy; Zoning
<b>Resource Type:</b>	Regulation
<b>State:</b>	New York
<b>Jurisdiction Type:</b>	Municipal
<b>Municipality:</b>	Town of Saugerties
<b>Year:</b>	2016
<b>Community Type- applicable to:</b>	Rural; Suburban
<b>Title:</b>	Amendment to Town of Saugerties, New York Zoning Code Chapter 245
<b>Document Last Updated in Database:</b>	June 18, 2018

***Abstract***

The amendment to the Town of Saugerties, New York Zoning Code allows large scale solar energy facilities via special use permits. The site for such facility shall be at least the minimum area required in the zoning district and the total area covered by the facility and all related appurtenances shall not exceed 70% of the gross area of the site. The required coverage as set for in the Schedule of Area and Bulk Regulations (Sec. 245-12) shall not apply to solar energy facilities where a solar array is designed and located so that the underlying lands remain and continue to function in a pervious condition. Any generating equipment facilities or accessory uses shall be set back at least 50' from all property lines and streets. A continuous "wildlife friendly" fence, at least 6' high shall enclose all equipment and facilities and shall be set back at least 25' from all street and property lines. A wildlife friendly fence shall have 5" x 12" openings at ground level spaced no more than 100' apart to allow unencumbered travel by small animals.

***Resource***

See separate PDF attached.

A LOCAL LAW AMENDING AN EXISTING LOCAL LAW

LOCAL LAW NO.                      OF THE YEAR 2016

(Revised by Shuster Assoc. March 4 and 15, 2016)

A Local Law Amending Chapter 245 of the Town of Saugerties Municipal Code entitled "Zoning, Town of Saugerties, New York."

Be It Enacted by the Town Board of the Town of Saugerties, New York as follows:

SECTION I - AMENDMENT

That Chapter 245 of the Town of Saugerties Municipal Code "Zoning, Town of Saugerties, New York" is amended as follows

A) That the Schedule of District Use Regulations (Section 24510, Division D: Transportation and Utility Uses) is amended to add a new sub-category under Electric, Gas and Sanitary entitled "Large Scale Solar Energy Facilities," as defined in Section 245-57, which are allowed in MDR (Moderate Density Residential) and LDR Low Density Residential Districts subject to issuance of a special use permit and in the OLI (Office and Light industrial) and I (Industrial) Districts, subject to site plan approval.

B) Section 245-11 "Standards for Certain uses requiring special use permits" is amended to add sub-section R, Large Scale Solar Energy Facilities, as follows:

(R) Large Scale Solar Energy Facilities: Any large scale solar energy facility located in a district where it is subject to issuance of a special use permit (MDR and LDR Districts) shall be subject to the following standards:

a. The site for such facility shall be at least the minimum area required in the zoning district and the total area covered by the facility and all related appurtenances shall not exceed 70% of the gross area of the site.

b. Any generating equipment facilities or accessory uses shall be set back at least 50 feet from all property lines and streets. A continuous "wildlife friendly" fence, at least six (6) feet high, equipped with shall enclose all equipment and facilities and shall be set back at least 25 feet from all street and property lines. A wildlife friendly fence shall have 5" x 12" openings at ground level spaced no more than 100 feet apart to allow unencumbered travel by small animals.

c. A buffer strip of natural vegetation or landscaping with a minimum dimension of at least 50 feet shall be located within the minimum setback.

d. No generating equipment, facilities or other structures shall exceed a height of 25 feet above existing grade except when utility engineering standards require that utility poles or towers to connect the solar energy facility to the utility distribution grid be of greater height.

e. No light, noise, vibration, glare or similar effect beyond that normally generated by other uses permitted in the district shall be discernable at or beyond the property boundary.

f. The siting of such facilities must take into consideration, where applicable, (1) the town's identification of agriculture as a primary land use in which activities affecting these lands minimize impacts on agricultural uses, and (2) the impacts on view sheds of special importance and forest cover.

g. Solar energy facilities shall be considered to be buildings for purposes of site plan review

. Decommissioning: The following conditions shall be attached to the special use permit.

(1) If the applicant ceases operations of the solar energy facility or begins, but does not complete, construction of the facility the applicant shall restore the site according to a plan approved by the Planning Board. Said plan shall provide that the owner and/or facility operator shall provide financial security in a form and amount acceptable to the Town attorney to secure the expense of dismantling said facility in its entirety

(2) The Solar Energy Facility owner shall notify the Code Enforcement Officer in writing immediately upon cessation of operations or abandonment of the facility and shall be responsible for removal of the facility within six (6) months of such notification or cessation of operations or abandonment of the facility, whichever first occurs.

(C) Section 245-13, Supplementary Regulations on Area and Bulk" is amended to add a new sub-section D Coverage Exceptions, as follows:

D. Coverage Exceptions: The required coverage as set forth in

the Schedule of Area and Bulk Regulations (Sec. 245-12) shall not apply to solar energy facilities as defined in Sec. 24-57 where a solar array is designed and located so that the underlying lands remain and continue to function in a previous condition.

D) Section 245-57. Land Use Table definitions is amended by the addition of the following sub-category to Division D, Electric, Gas and Sanitary Services:

- i) Large Scale Solar Energy Facilities: Solar power systems intended to produce electricity for distribution principally off-site that uses photovoltaic systems. Solar energy production facilities consist of one or more freestanding ground mounted solar collector devices, solar related equipment and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures And facilities.

## SECTION II SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

## SECTION III - EFFECT OF AMENDMENT

Except as herein modified, Chapter 245 of the Town of Saugerties Municipal Code, entitled "Zoning, Town of Saugerties, New York" and any subsequent valid amendments thereto, are hereby ratified and confirmed.

## SECTION IV - EFFECTIVE DATE

This Local Law shall be effective as provided by law, upon filing and acceptance by the New York State Secretary of State.

Upon a roll call vote,

Supervisor Helsmoortel	voting
	voting
Councilman Schirmer	
	voting
Councilwoman Thornton	
	voting
Councilman Costello	
	voting
Councilman Bruno	