

## Chapter 215. Zoning

### Article XXVII. Large-Scale and Utility-Scale Solar Energy Systems

#### § 215-180. Applications for solar energy systems.

- A. All applications for large-scale building-mounted and/or ground-mounted solar energy systems shall be accompanied by an application for site plan review, pursuant to Article **XXIII** of Chapter **215**, Zoning, (and Article IXF of Chapter **215**, Zoning, where applicable), an application for a performance standards use permit, if applicable, pursuant to Article **VIII** of Chapter **215**, Zoning, and all applicable fees.
- B. All applications for utility-scale building-mounted and/or ground-mounted solar energy systems shall be accompanied by an application for special use permit, pursuant to Article **XIV** of Chapter **215**, Zoning, (and Article IXF of Chapter **215**, Zoning, where applicable), an application for site plan review, pursuant to Article **XXIII** of Chapter **215**, Zoning, an application for a performance standards use permit, if applicable, pursuant to Article **VIII** of Chapter **215**, Zoning, and all applicable fees.
- C. All applications for large-scale or utility-scale solar energy systems shall include the following:  
[Amended 6-17-2013 by L.L. No. 1-2013]
  - (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 and approval by the Planning Board and shall not commence until the issuance of site plan approval.
  - (2) Certification from a professional engineer or architect registered in New York State indicating that the building or structure to which the solar energy system is to be affixed is capable of handling the loading requirements of the solar energy system and various components.
  - (3) One- or three-line electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices.
  - (4) Documentation of access to the project site(s), including location of all access roads, gates, parking areas, etc.
  - (5) Plan for clearing and/or grading of the site. If necessary, a plan for stormwater management and erosion control of the site.

- (6) Documentation of utility notification, including an electric service order number.
- (7) Decommissioning plan and description of financial surety that satisfies § **215-182** for utility-scale only.
- (8) Sunchart. Where an applicant for a solar energy system requests that the setback for solar collectors from the south property line be less than that identified in § **215-181A(5)**, the Planning Board may require that the applicant submit a sunchart for the proposed site indicating the sun angle for the southern boundary of the site for a minimum four-hour continuous period during the time of the highest sun angle on December 21, along with the potential for existing buildings, structures, and/or vegetation on the site or on adjacent sites to obstruct the solar skyspace of the proposed solar energy system. The sunchart shall also indicate the potential for obstructions to the solar skyspace of the proposed solar energy system under a scenario where an adjacent site is developed according to Chapter **215**, Zoning, with a building/structure built to maximum bulk and height at the minimum setback. Where no standards for height and/or setback are established, this scenario shall assume a minimum fifty-foot building height developed with a maximum setback of five feet from the property line. The sunchart shall be kept on file at the Town Building Department and determine the minimum setback required for any solar collectors from the south property line as well as the solar skyspace that should be considered when development of neighboring properties occurs. This article in no way places responsibility on the Town for ensuring or enforcing solar skyspace easements, nor places responsibility for guaranteeing the solar skyspace of a solar energy system in the event setbacks are waived at the applicant's request.
- (9) A property owner who has installed or intends to install a solar energy system may choose to negotiate with other property owners in the vicinity for any necessary solar skyspace easements. The issuance of a special use permit does not constitute solar skyspace rights, and the Town shall not be responsible for ensuring impermissible obstruction to the solar skyspace as a result of uses or development performed in accordance with the Town Code. In the event that solar easements are negotiated by an applicant or property owner, a copy or documentation of any solar skyspace easements shall be provided, properly recorded as such, negotiated with neighboring property owners that shall, at a minimum, include:
  - (a) The restrictions placed upon buildings, structures, vegetation, and other objects or uses that would potentially obstruct the solar skyspace of the solar energy system.
  - (b) A description of the dimensions of the easement expressed in measurable terms, such as the maximum height of buildings and structures, vertical or horizontal angles measured in degrees, or the hours of the day on specified dates during which direct sunlight to a specified surface of a solar collector may not be obstructed, or a combination of these descriptions.
  - (c) The amount, if any, of permissible obstruction of the solar skyspace through the easement, expressed in measurable terms, such as a specific percentage of the solar skyspace that may be obstructed or hours during the day.
  - (d) Provisions for trimming vegetation that would impermissibly obstruct solar skyspace, including any compensation for trimming expenses.
  - (e) Provisions for compensation of the owner/operator benefiting from the easement in the event of impermissible obstruction of the solar skyspace that would be in violation of the easement.
  - (f) The terms or conditions, if any, under which the easement may be revised or terminated.
- (10) Where the owner of the property is different than the site host of a solar energy system, the owner of the property shall provide an

affidavit or evidence of agreement between the property owner and the solar energy system's owner/operator verifying that the system owner/operator has the permission of the property owner to install and operate the solar energy system.

- D. All fees shall be approved by the Town Board by resolution. Nothing in this article shall be read as limiting the ability of the Town to enter into host community agreements with any applicant to compensate the Town for expenses or impacts on the community. The Town shall require any applicant to enter into an escrow agreement to pay the engineering and legal costs of any application review, including the review required under SEQRA if an EIS is required.