

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Rodman

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STATE RECORDS

SEP 05 2019

DEPARTMENT OF STATE

Local Law No. 2 of the year 2019

A local law amending the development code of the Town of Rodman, New York to regulate solar
(Insert Title)
energy systems.

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Rodman

as follows:

see attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

A LOCAL LAW # 2 FOR THE YEAR 2019
AMENDING THE DEVELOPMENT CODE OF THE TOWN OF RODMAN, NEW YORK
TO REGULATE SOLAR ENERGY SYSTEMS

NOW THEREFORE, be it enacted by the Town Board of the Town of Rodman as follows:

Article II of the Town of Rodman Development Code is hereby amended to include the following definitions.

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows.

COMMUNITY DISTRIBUTED SOLAR ENERGY SYSTEM: A Solar Energy System consisting of all associated structures and infrastructure including associated control or conversion electronics where the energy produced is used by a cooperative with an anchor member that utilizes no more than 40% of the energy generated through net-metering. It may consist of shared ownership, possibly with a developer, local farmers, businesses, schools, municipalities and/or residents to reduce their energy costs.

ON-SITE SOLAR ENERGY SYSTEM: A solar panel system that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of producing electricity for onsite consumption.

LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of off-site sale or consumption. This includes a Community Distributed Solar Energy System.

LOT COVERAGE, SOLAR ENERGY SYSTEM: The area measured from the outer edge(s) of ground-mounted arrays, inverters, batteries, storage cells and all other mechanical equipment used to create solar energy, exclusive of fencing and roadways.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity.

SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM: An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

SOLAR PANEL: A Photovoltaic device capable of collecting and converting solar energy into electrical energy.

Article III, Section 310 of the Town of Rodman Development Code is hereby amended by adding the following use by special permit:

- (f) Large-Scale Solar Energy System

Article III is hereby amended by adding Section 315 Accessory Uses

Section 315 Accessory Uses

Development permits for solar accessory structures and uses shall be issued by the Enforcement Officer when the applicant has satisfactorily met all the applicable requirements in this local law.

Be it further enacted that Section 630 in Article VI of the Development Code of the Town of Rodman shall be added as follows:

Section 630 Solar Energy Systems

A. PURPOSE

The purpose of these Solar Energy regulation are to advance and protect the public health, safety, and welfare of the Town of Rodman including:

1. Taking advantage of a safe, abundant, renewable, and non-polluting energy resource;
2. Decreasing the cost of energy to the owners of commercial and residential properties, including single-family houses; and
3. Increasing employment and business development in the region by furthering the installation of Solar Energy Systems.

B. APPLICABILITY

The requirements of this law shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance and repair and Building-Integrated Photovoltaic Systems.

C. ROOF-MOUNTED SOLAR ENERGY SYSTEMS

1. Development Permit. Roof-Mounted Solar Energy Systems that use the electricity onsite or offsite are permitted as an accessory use when attached to any lawfully permitted building or structure. A valid land use and development permit shall be obtained through the Town of Rodman Zoning Enforcement Officer, prior to installation.

2. Height. Roof-Mounted Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
3. Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements:
 - a. Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of eighteen inches (18") between the roof and highest edge of the system.
 - b. Roof mounted structures shall be color-coordinated to harmonize with roof material and other dominant colors of the structure.
 - c. All solar collectors shall be installed so as to prevent any glare and heat that is perceptible beyond applicant property's lot lines.
4. Roof-Mounted Solar Energy Systems that use the energy onsite or offsite shall be exempt from Special Use Permits under the local development code or other land use regulations, unless such Roof-Mounted system increases the overall height of the structure by more than eighteen (18) inches, in which case Special use permit by the Planning Board shall be required.

D. GROUND-MOUNTED SOLAR ENERGY SYSTEMS

1. Development Permit. Ground-Mounted Solar Energy Systems that use the electricity onsite are permitted as accessory structures. A valid land use and development permit shall be obtained through the Town of Rodman Zoning Enforcement Officer, prior to installation.
2. Height and Setback. Ground-Mounted Solar Energy Systems shall not exceed sixteen (16) feet in height when oriented at maximum tilt. They shall be setback at least twenty (20) feet from side and rear lot lines. All solar collectors must be located in compliance with NYS Department of Environmental Conservation (DEC) and Federal Flood Plain regulations and specifications as they pertain to waterways, waterbodies, and designated wetlands.
3. Lot Coverage. Systems are limited to a maximum coverage of forty (40) percent. The surface area covered by Ground-Mounted Solar Panels shall be included in total lot coverage.
4. All such Systems shall be installed in the side or rear yards.
5. Glare. All solar collectors shall be installed so as to prevent any glare and heat that is perceptible beyond subject property's lot lines. Particular attention shall be paid to panel orientation with regard to airport runway locations, and airplane flyover/approach patterns to minimize potential glare impacts on pilots.

E. LARGE SCALE & COMMUNITY DISTRIBUTED SOLAR ENERGY SYSTEMS

1. Large-Scale & Community Distributed Solar Energy Systems are permitted through the issuance of a Special use permit subject to the requirements set forth in this Section. Applications for the installation of a Large-Scale & Community Distributed Solar Energy System shall be reviewed by the Enforcement Officer and referred to the Planning Board for its review and action, which can include approval, approval on conditions, and disapproval.
 - a. All Large-Scale & Community Distributed Solar Energy Systems shall be designed by a NYS licensed architect or licensed engineer and installed in conformance with the applicable International Building Code, International Fire Prevention Code and National Fire Protection Association (NFPA) 70 Standards.
 - b. All solar collectors must be located in compliance with DEC and Federal Flood Plain regulations and specifications as they pertain to waterways, waterbodies, and designated wetlands.
2. Application requirements for Large-Scale & Community Distributed Solar Energy Systems. The following items are required as well as those required in Section 515.
 - a. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
 - b. Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.
 - c. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
 - d. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
 - e. Glint and Glare Report is required to determine potential impacts to the Watertown International Airport and Wheeler-Sack Army Airfield.
 - f. Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a Special use permit under this Section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used, the applicant or any subsequent owner shall remove it. 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 Professional

Engineer or Contractor. Cost estimations shall take into account inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.

- g. Sureties/Bond. The applicant shall be required to provide sureties, as set forth, for the removal of the large scale solar energy system. Pursuant to the execution of the decommissioning plan, the applicant shall provide the Town with a bond in an amount determined by the Planning Board, but in no case less than 20% of the component/material cost (adjusted for inflation 20 years into the future after installation) to cover the expense of removal of the system and remediation of the landscape, in the event the Town must remove the facility. The bond shall be in a form acceptable to the Town Attorney, which includes but are not limited to a letter of credit, perpetual bond, or any combination thereof. The amount shall be reviewed every three years, by the Planning Board and shall be adjusted if deemed necessary. If the bond is deemed to be adjusted, the applicant shall have 90 days from notice to provide an adjustment bond.

3. Review Standards for Large-Scale Solar Systems.

- a. Height and Setback. Large-Scale Solar Energy Systems shall not exceed sixteen (16) feet in height when oriented at maximum tilt. Any structure and equipment shall comply with all the minimum setbacks for principal structures established in the Town of Rodman Development Code except that any solar structures and equipment shall be located at least 100 feet from any lot containing a single or multi-family residence.
- b. Lot Size. Large-Scale Energy Systems shall be located on lots with a minimum lot size of 5 acres.
- c. Lot Coverage. A Large-Scale Solar Energy System that is ground-mounted shall not exceed 40 percent of the total size of the lot or parcel on which it is installed. The surface area covered by Solar Panels shall be included in total lot coverage
- d. Prime soils. Prime if drained, and soils of statewide importance that are in agricultural production are a valuable and finite resource. Proposed Large-Scale & Community Distributed solar systems shall minimize the displacement of prime soils that are in agricultural production. The site plan shall depict the location and extent of prime soils, prime soils if drained, soils of statewide importance, and indicate whether the parcel(s) is/are receiving an agricultural valuation. The site plan shall also depict the location and extent of current agricultural uses on the land (e. g rotational crops, hay land, unimproved pasture, support lands, and fallow lands) the location of diversions and ditches, and areas where tile drainage has been installed.
- e. Roadways within the site shall be built along field edges and along elevation contours where practical, constructed at grade and have a maximum width of 16 feet. Roadways shall not

be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.

- f. Structures for overhead collection lines are to be located upon the nonagricultural areas and along field edges where possible. Electric interconnect cables and transmission lines are to be buried in agricultural fields wherever practical. Interconnect cables and transmission lines installed aboveground shall be located outside agricultural field boundaries. When above-ground cables and transmission lines must cross agricultural fields, taller structures that provide longer spanning distances and locate poles on field edges to the greatest extent practicable. All buried electric cables in cropland, hay land, and improved pasture shall have a minimum depth of 48 inches of cover. At no time is the depth of cover to be less than 24 inches below the soil surface.
- g. Fences. All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. The type of fencing shall be determined by the Planning Board. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts.
- h. Screening. All Large-Scale Solar Energy Systems shall have the least visual effect practical, as determined by the Planning Board. Based on site specific conditions, including topography, adjacent structures, and roadways, reasonable efforts shall be made to minimize visual impacts by preserving natural vegetation, and providing landscape screening to abutting residential properties, public roads, and from public sites known to include important views or vistas, but screening should minimize the shading of solar collectors. No more than fifteen (15) percent of the total existing brush, trees, and other perimeter screening vegetation on a parcel of property may be removed in order to accommodate a solar farm. Appurtenant Structures such as inverters, batteries, equipment shelters, storage facilities, transformers, shall be screened.
- i. Signage. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. 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-hours emergency contact phone number and warn of any danger.
- j. 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 all collectors and related equipment shall have a non-reflective finish. Particular attention shall be paid to panel orientation with regard to airport runway locations, and airplane flyover/approach patterns to minimize potential glare impacts on pilots based on the Glint and Glare Study.

- k. Noise. Noise producing equipment such as substations and inverters shall be located to minimize noise impacts on adjacent properties. Their setback from property lines should achieve no discernable difference from existing noise levels at the property line.
 - 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. Safety. The owner/operator shall provide evidence that a copy of the site plan application has been submitted to the Fire Chief of the Rodman Fire Department. All means of shutting down the photovoltaic solar energy system shall be clearly marked on the site plan and building permit applications.
 - n. Any application under the Section shall meet any substantive provisions contained in the special use permit requirements in the development code that, in the judgment of the Planning Board, are applicable to the system being proposed. If none of the special use permit requirements are applicable, the Planning Board may waive the requirement for Special Use permit.
 - o. The Planning Board may impose conditions on its approval of any Special use permit under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).
4. Abandonment and Decommissioning. Solar Energy Systems are considered abandoned after twelve (12) months without electrical energy generation and must be removed from the property. Applications for extensions are reviewed by the Planning Board for a period of six months. The site shall be restored to as natural a condition as possible within one (1) year of removal.

F. Solar Rights.

- 1. Pursuant to Chapter 263 of New York Town Law, all parcels within the Town of Rodman shall be permitted to enjoy access to direct sunlight.
- 2. No structure shall be constructed or vegetation installed that limits direct solar access greater than 50 percent of the ground surface of adjoining lots to less than six hours (per day) on any day of the year.

BE IT FURTHER RESOLVED THAT, this local law shall supersede all prior inconsistent local laws, ordinances or regulations.

BE IT FURTHER RESOLVED THAT, this local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20¹⁹ of the ~~(County)(City)(Town)(Village)~~ of Rodman _____ was duly passed by the Town Board _____ on July 10, 20¹⁹, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

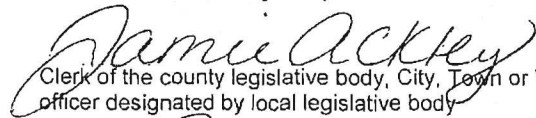
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

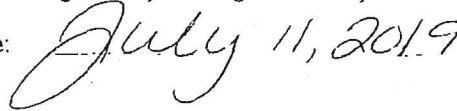
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date:



(Seal)