

Town of Summerhill Solar Law, Local Law #1 Of 2022

§1 Purpose

The Summerhill Town Board finds that it is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life. The purpose of this local law is to facilitate the development and operation of renewable energy systems based on sunlight. Solar energy systems are appropriate in the town when measures are taken, as provided in this local law, to minimize adverse impacts on neighboring properties, the environment, and protect the public health, safety, and welfare.

§2. Definitions

SOLAR ENERGY SYSTEMS

A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, secondary to the use of the premises for other lawful purposes, with the total surface area of all solar collectors on the lot not to exceed 3,000 square feet.

TIER I SOLAR COLLECTION SYSTEMS

Tier I systems are defined as roof mounted or building integrated solar energy systems.

TIER II SOLAR COLLECTION SYSTEMS

Tier II systems are defined as ground mounted systems that generate up to 110% of electricity consumed on site over the previous 12 months. Any system which is located at an agricultural farm, and which is designed to produce an amount of energy like what is consumed at that farm shall be a Tier I system, regardless of the total surface area of the collectors.

Tier III SOLAR COLLECTION SYSTEMS

An area of land or other area used for solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility, but also may be for on- site use, Solar farm facilities consist of one or more freestanding ground- or roof- mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and their structures and facilities.

§3. Permit requirements

A. Solar collectors and installations for Tier I and Tier II systems

1. Rooftop and building-mounted Tier I solar collection systems are permitted in the Town. Building permits shall be required for installation of rooftop and building mounted solar collectors.

2. Ground-mounted and freestanding Tier II solar collection systems are permitted as accessory structures in the Town, subject to the following requirements:

- (a) The location of the solar collectors meets all applicable setback laws.

(b) The total surface area of all solar collectors on the lot shall not exceed 3,000 square feet and when continued with all other buildings and structures on the lot, shall not exceed fifty percent lot coverage.

(c) A building permit has been obtained for the solar collectors.

(d) Solar collectors and other facilities shall be designed and located to prevent reflective glare toward any inhabited buildings on adjacent properties and roads.

(e) Site plan approval is required pursuant to Town of Summerhill Site Plan Review Law for systems, except for rooftop mounted systems on single family and two-family dwellings.

(f) All solar collector installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards, and prior to operational the electrical connections must be inspected by the Town Code Enforcement Officer or by an appropriate electrical inspection person or agency, as determined by the Town. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.

(g) When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of Cayuga County and other applicable laws and regulations.

(h) If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment and facilities no later than 90 days after the end' of the twelve-month period.

B. Solar collectors and installations for Tier III systems (solar farms)

1. No building or zoning permit shall be issued for any solar collectors and installations for Tier III Solar Collection Systems until a site plan has been reviewed by the Planning Board. After such review the Planning Board shall approve, approve with modifications, or disapprove such site plan.

2. A Tier III system or solar farm shall be constructed pursuant to local law #1, 1991 known as the Site Plan Review Law and must meet the criteria set forth below and obtain all other necessary approvals. In addition to the application any application regarding Tier III solar systems shall include detailed soil maps.

3. Areas of potential sensitivity which must be avoided:

(a) One-hundred-year flood hazard zones.

(b) Historic and/or culturally significant resources in an historic district or historic district transition zone.

(c) Within any freshwater wetland.

(d) Within any area that is primarily, classified as prime agricultural lands, using the soil classification system adopted by the NYS Department of Agriculture and Markets. I

4. A Tier III system or solar farm will be authorized by site plan approval from the planning board subject to the following terms and conditions.

(a) The total coverage of all buildings and structures on a lot, including freestanding solar panels, shall not exceed 50%.

(b) Height and setback restrictions.

(1) The minimum setback from property lines shall be 50 feet.

(2) A landscaped buffer maybe required around all equipment and solar collectors to provide screening from adjacent residential properties and roads. A detailed maintenance plan shall be submitted.

(c) Design standards.

(1) Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property.

(2) Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.

(3) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

(4) Solar collectors and other facilities shall be designed and located to prevent reflective glare toward any inhabited buildings on adjacent properties and roads.

(5) All solar equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six-foot-high fence with a self-locking gate and provided with landscape screening.

(6) A solar farm to be connected to the utility grid shall provide a "proof of concept" letter/from the utility company acknowledging the solar farm will be connected to the utility grid to sell electricity to the public utility.

(d) Signs.

(1) A sign not to exceed eight square feet shall be displayed on or near the main access point and shall list the facility name, owner, and phone number. Signs shall be placed every 50' around fencing.

(2) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(e) Abandonment.

(1) All applications for a solar farm shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the facility, prior to issuance of a building permit.

(2) If the applicant begins but does not complete construction of the project within 18 months after receiving final site plan approval, this may be deemed abandonment of the project and require implementation of the decommissioning plan to the extent applicable.

(3) The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay; including, but not limited to, the following:

[1] Removal of aboveground and below-ground equipment, structures, and foundations.

[2]. Restoration of the surface grade and soil after removal of equipment.

[3] Revegetation of restored soil areas with native seed mixes, excluding any invasive species.

[4] The plan shall include a time frame for the completion of site restoration work.

(4) In the event the facility is not completed and functioning within 18 months of the issuance of the final site plan approval, the Town may notify the operator and/or the owner to complete construction and installation of the facility within 180 days. If the owner and/or operator fails to perform, the Town may notify the owner and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of notification by the Town.

(5) Upon cessation of activity of a constructed facility for a period of one year, the Town may notify the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or operator can either restore operation equal to 80% of approved capacity or implement the decommissioning plan.

(6) If the owner and/or operator fails to fully implement the decommissioning plan within the one-hundred-eighty-day time, the Town may, at its discretion, provide for the restoration of the site in accordance with the decommissioning, plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Town shall be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes.

C. The Town Board shall have the authority to require a reclamation bond in an amount reasonably related to the expected cost to remove the facilities and restore the land.

§4. This local law is applicable within the boundaries of the Town of Summerhill.

§5 This local law shall take effect immediately; upon being filed by the Secretary of State.