

## **ARTICLE 15**

### **SOLAR ENERGY**

#### **Section 15.1 Authority**

This zoning for solar energy law is adopted pursuant to Sections 261, 262, 263, 264 and 265 of the Town Law of the State of New York, which authorizes the Town of Caneadea to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefore.

#### **Section 15.2 Statement of Purpose**

This zoning for solar energy law is adopted to advance and protect the public health, safety, and welfare of the Town of Caneadea, including:

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

#### **Section 15.3 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.

#### **Section 15.4 Low Impact Renewable Energy Generating Facilities**

Energy generating facilities related to solar energy production, but excluding wind energy and other types of renewable energy generation.

##### **A. Roof-Mounted Solar Energy Systems**

1. Roof-Mounted Solar Energy Systems that use the electricity onsite or offsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.
2. Height. 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 requirement: Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of eighteen (18) inches between the roof and highest edge of the system.
4. Roof-Mounted Solar Energy systems that use the energy onsite or offsite shall be exempt from site plan review.

## **B. Ground-Mounted Solar Energy Systems**

1. Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures in all Zoning Districts.
2. Height and Setback. Ground-Mounted Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.
3. The surface area covered by the Ground-Mounted Solar Panels shall be subject to approval by the Town Planning Board.
4. All such Systems in residential districts shall be installed in the side or rear yards.
5. Ground-Mounted Solar Energy Systems that use the electricity primarily onsite shall be exempt from site plan review.

## **Section 15.5 Approval standards for Large-Scale Solar Systems as a Special Use**

- A.** Large-Scale Solar Energy Systems are permitted through the issuance of a Special Use Permit within the Agricultural and Land Conservation Districts, subject to the requirements set forth in this Section, including Site Plan approval. Applications for the installation of a Large-Scale Solar Energy System shall be reviewed by the Zoning Officer and referred with comments to the Town Planning Board for its review and action, which can include approval, approval on conditions, and denial.

## **B. Special Use Permit Application Requirements.**

For a special permit application, the site plan application is to be used as supplemented by the following provisions.

1. 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.
2. Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.
3. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
4. Property, Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property up keep, such as mowing and trimming.
5. 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, 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 Professional Engineer or Contractor. Cost estimates 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 Town of Caneadea may

remove the system and restore the property and impose a lien on the property to cover these costs to the Town.

**C. Bond**

1. A decommissioning bond payable to the Town of Caneadea in an amount to be determined by the Town for removal of nonfunctional Large-Scale Solar System and restoration of the solar energy facility site shall be maintained by the applicant.
2. The bond, letter of credit, or other equivalent form of security must be confirmed to be sufficient to cover decommissioning and site restoration costs every five (5) years.

**D. Special Use Permit Standards**

1. Height and Setback. Large-Scale Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.
2. Lot Size. Large-Scale Solar Energy Systems shall be located on lots with a minimum lot size of ten (10) acres.
3. Lot Coverage. A Large-Scale Solar Energy System that is ground-mounted shall be subject to approval by the Town Planning Board. The surface area covered by the Solar Panels shall be included in total lot coverage.
4. All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determined by the Town Planning Board. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts.
5. Any application under this Section shall meet any substantive provisions contained in local site plan requirements in the zoning law that, in the judgment of the Town Planning Board, are applicable to the system being proposed. If none of the Site Plan requirements are applicable, the Town Planning Board may waive the requirement for site plan review.
6. The Town 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).

**Section 15.6 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 Town Planning Board for a period of sixty (60) days.