

Model Solar Law

Bill Oberkehr
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Dutchess County
May 04, 2022



NYSERDA



Agenda:

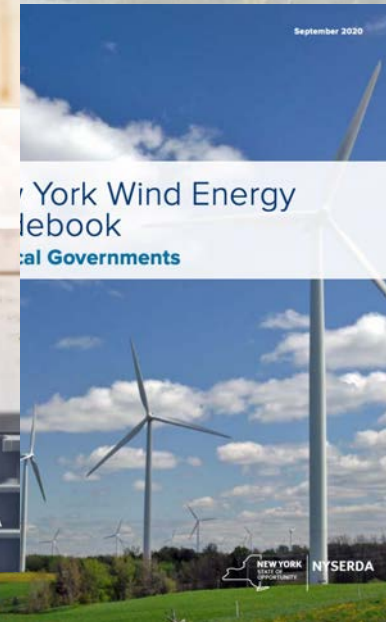
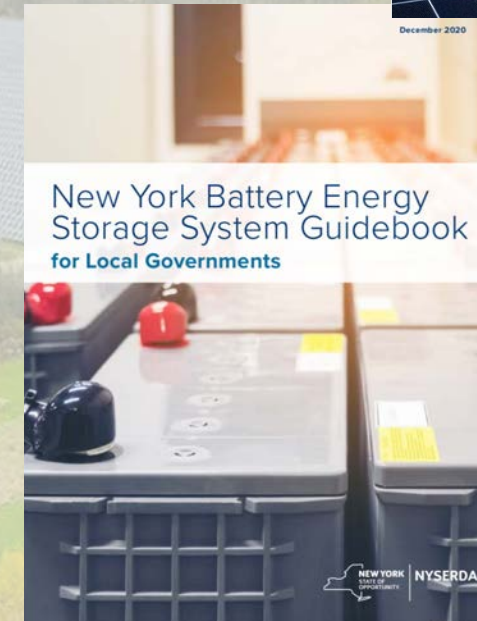
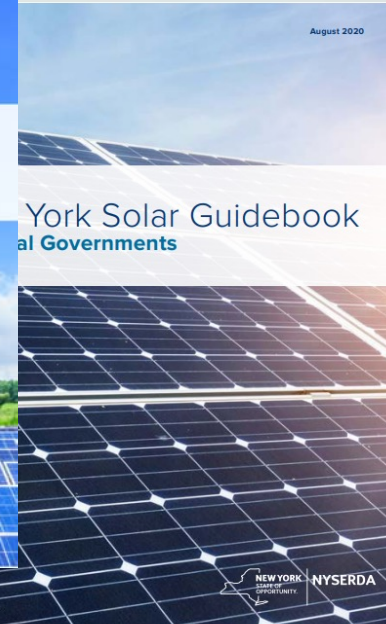
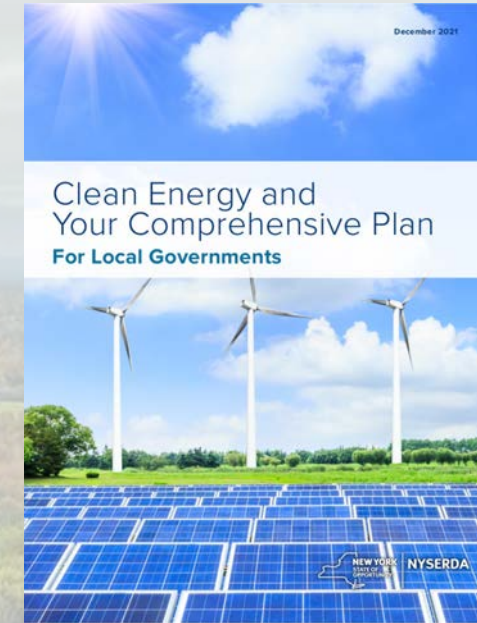
- **Introduction & NYS Clean Energy Overview**
- **Model Law: Solar Energy Systems**
- **Q&A**

Introduction

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Clean Energy Siting Team:
www.nyserda.ny.gov/Siting



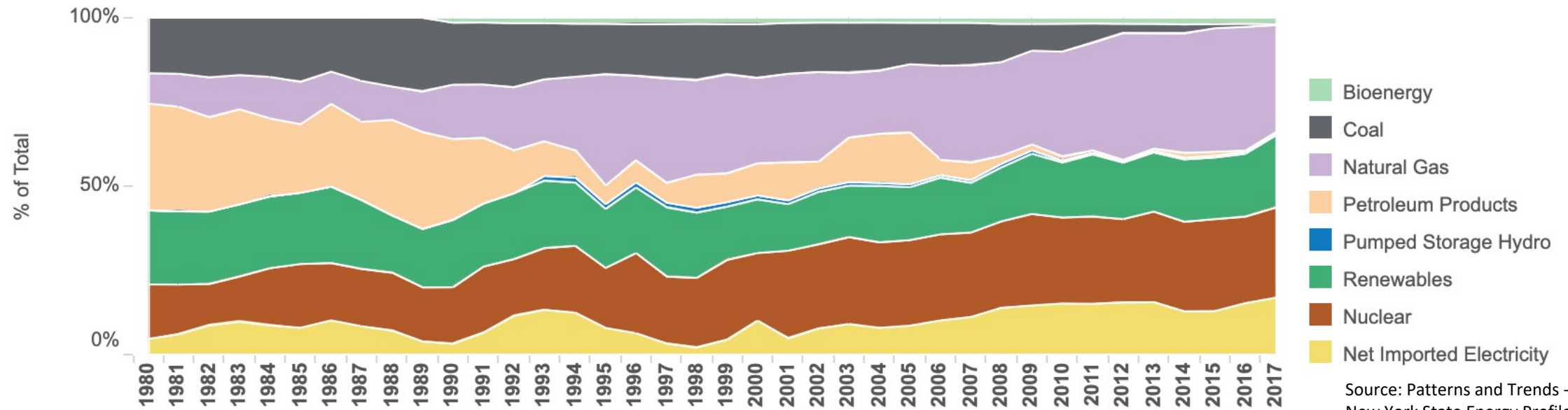
The Climate Leadership and Community Protection Act (Climate Act)

Electricity Sector Goals:

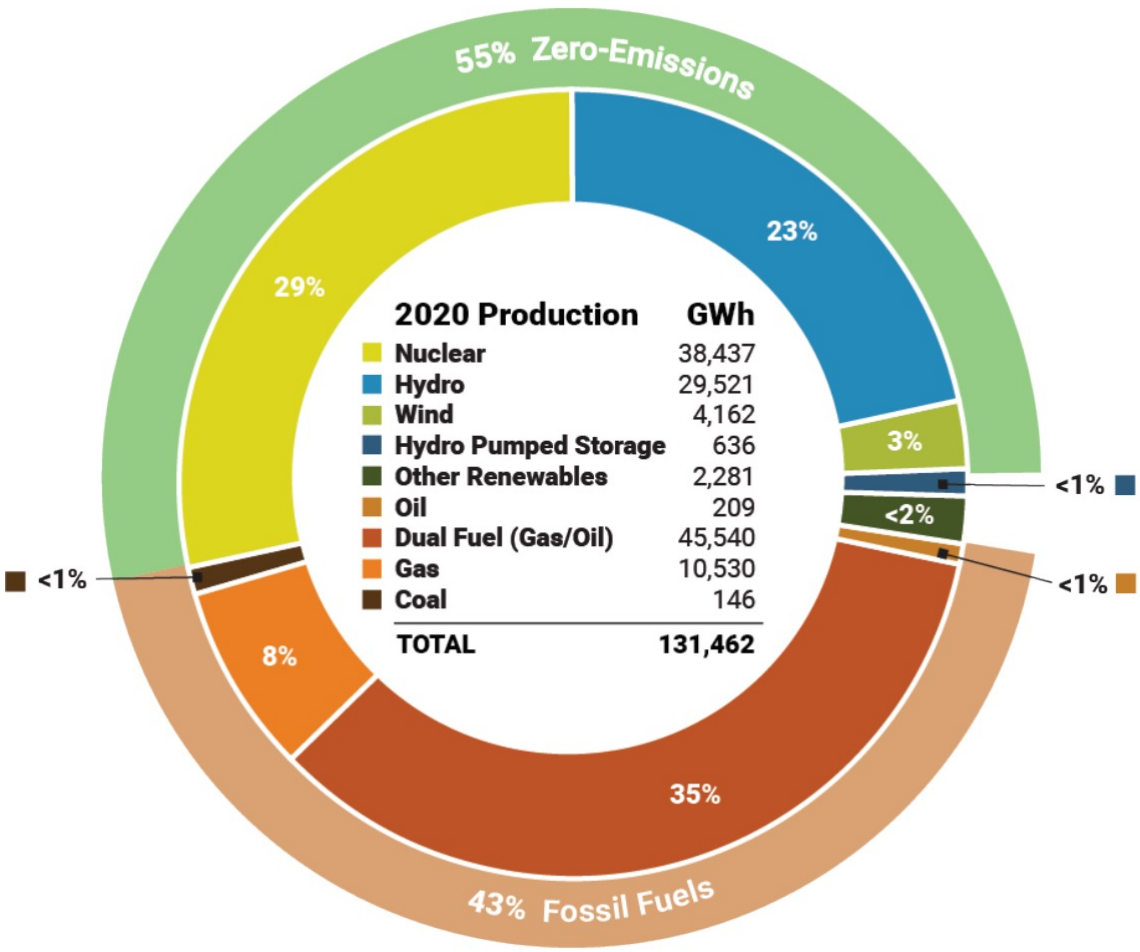
- 70% Renewable Electricity by 2030
- 100% Emissions-Free Grid by 2040

Technology-Specific Goals:

- 10,000 MW Distributed Solar by 2025*
- 9,000 MW Offshore Wind by 2035
- 1,500 MW Energy Storage by 2025;
3,000 MW by 2030

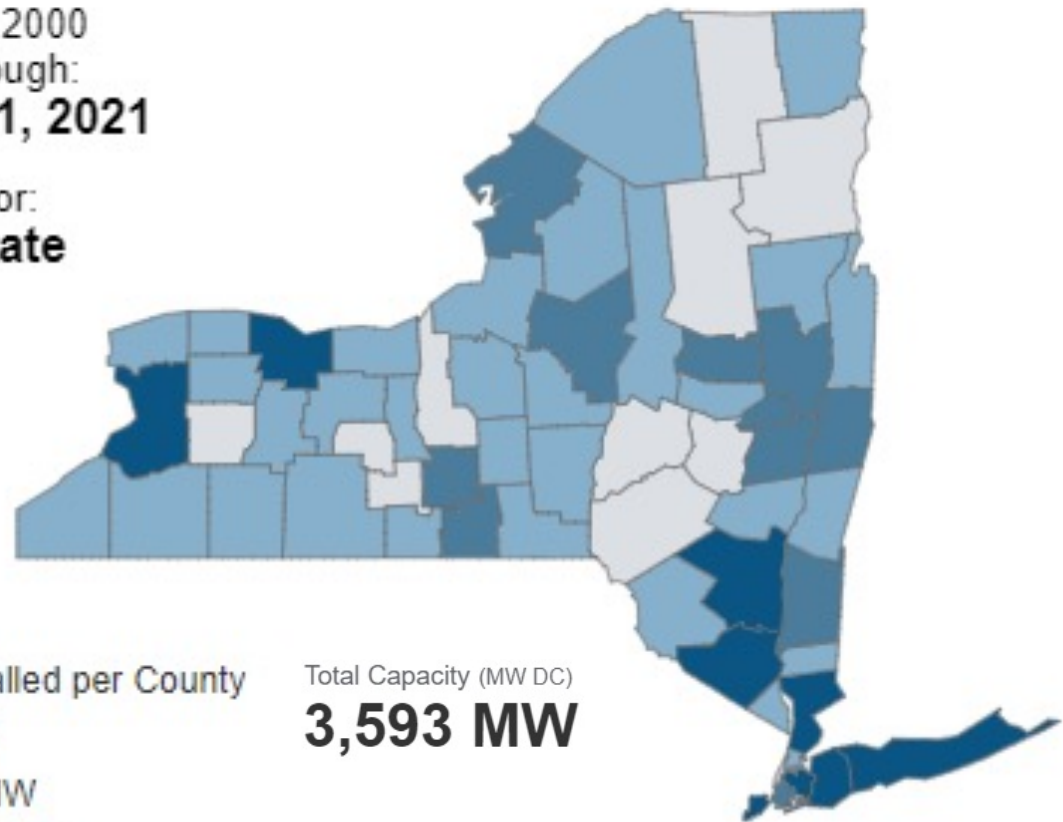


Snapshot: Clean Energy in NYS



Data beginning 2000
and current through:
December 31, 2021

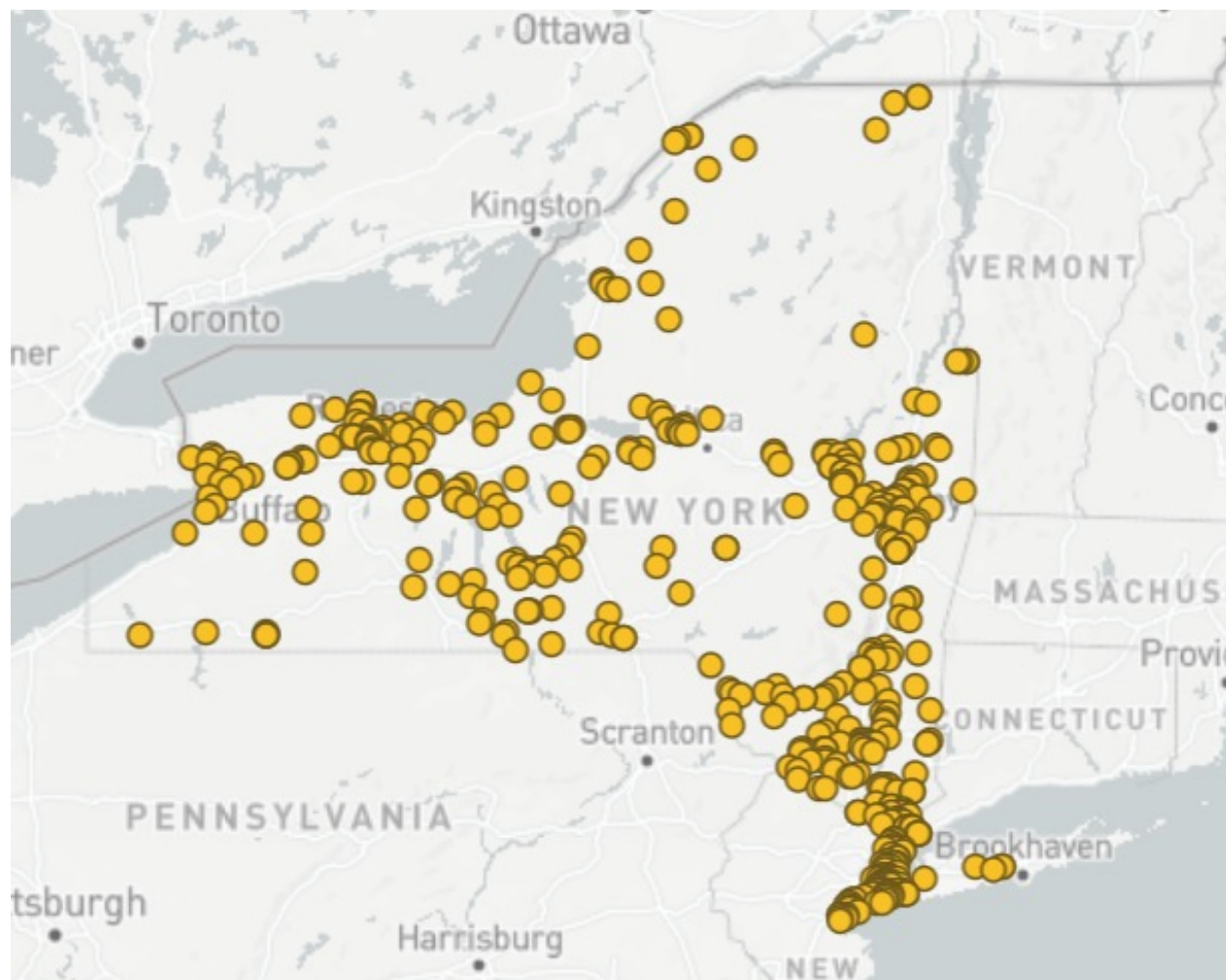
Showing Data for:
New York State



Total Capacity (MW DC)
3,593 MW

Number of Projects
165,336

Distributed Solar



- Map reflects nonresidential / small commercial through community solar-sized systems



NY-Sun Initiative

- Significantly expand installed solar capacity
- Attract private investment
- Enable sustainable development of a robust industry
- Create well-paying skilled jobs
- Improve the reliability of the electric grid
- Reduce air pollution
- Make solar available to all New Yorkers

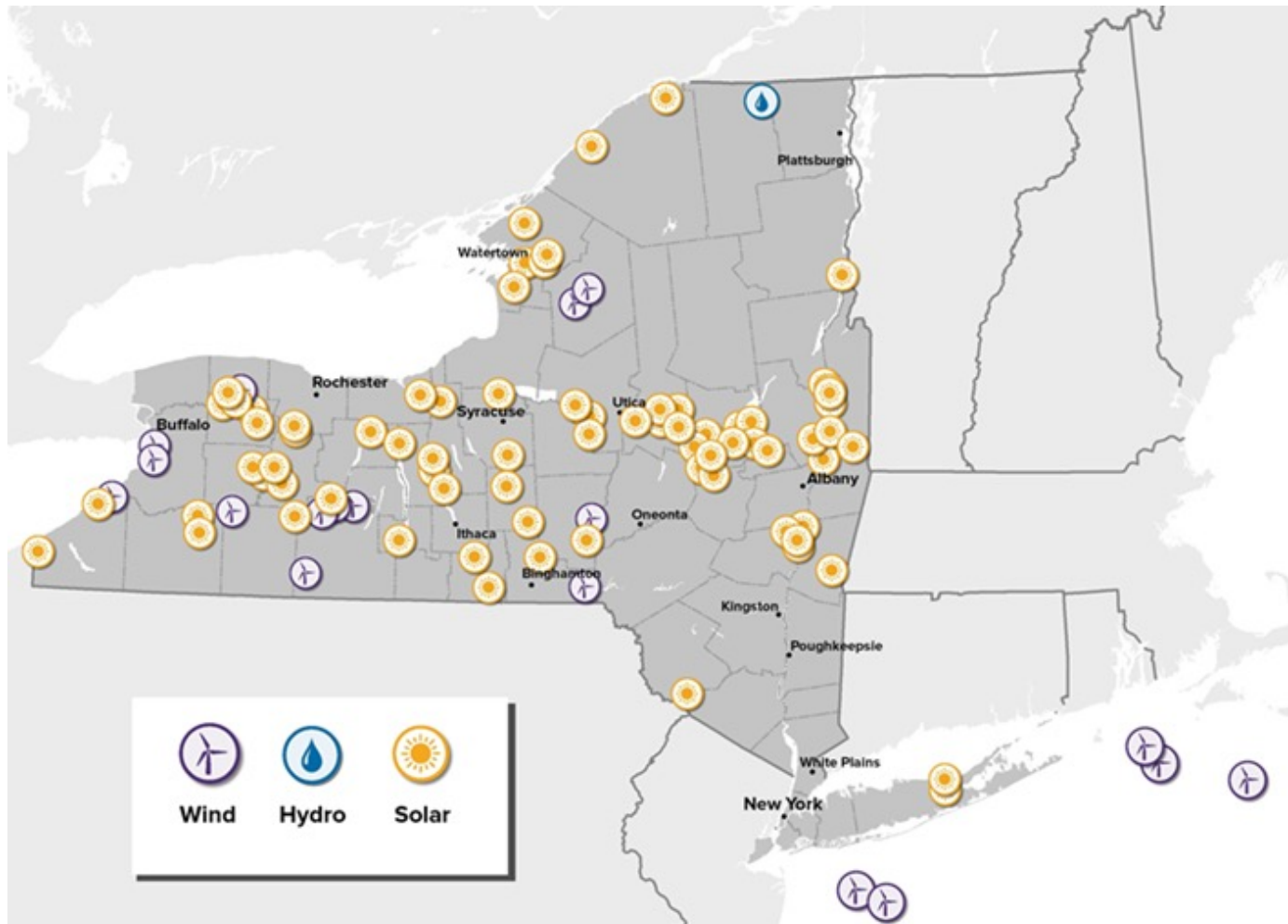
Reduce Soft Costs

Approx. \$1 Billion Total
Budget

Self-
Sustaining
Market

Statewide
Goal of
10 GW

Large-Scale Renewables



- Solicitations issued annually since 2017
- Total of **22** awarded projects for 2020 solicitation:
 - **21** solar projects (**2** including co-located energy storage)
 - **1** hydro-electric facility re-powering

Clean Energy Siting Team

Access the Clean Energy Guidebooks and other resources!

Clean Energy Siting for Local Governments

[Comprehensive Plan Guide](#)

[Energy Storage Guidebook](#)

[Energy Storage Trainings for Local Governments](#)

[EV Charging Station Permitting Resources](#)

[Siting for Large-Scale Renewables](#)

[Solar Guidebook](#)

[Technical Assistance and Workshops](#)

[Wind Energy Guidebook](#)

[Clean Energy Siting Email List](#)

Clean Energy Siting for Local Governments

NYSERDA offers several resources to help local governments understand how to manage responsible clean energy development in their communities. These resources include step-by-step instructions and tools to guide the implementation of clean energy, including permitting processes, property taxes, siting, zoning, and more.

If you have a question on clean energy siting in your community, or need help with a chapter of the Guidebook, email cleanenergyhelp@nyserda.ny.gov and we'll respond to you within 24 hours. For more hands-on support, learn more about our free [training and technical assistance opportunities](#).

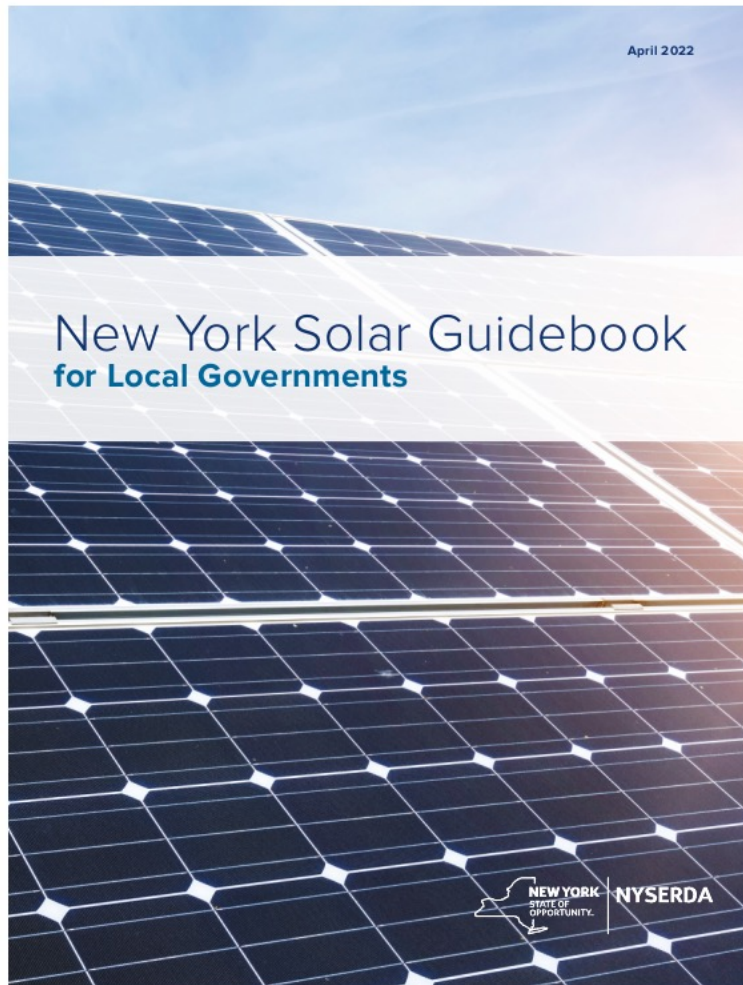
Stay up-to-date with the latest about Clean Energy Siting by [joining our email list](#) for local government officials.

Ask the team a question by emailing cleanenergyhelp@nyserda.ny.gov

Complete a technical assistance request form

www.nyserda.ny.gov/Siting

Solar Guidebook for Local Governments



Chapter 1 - Solar PV Permitting and Inspecting in NYS

Chapter 2 - Roof Top Access and Ventilation Requirements

Chapter 3 - State Environmental Quality Review (SEQR)

Chapter 4 - NYS's Real Property Tax Law § 487

Chapter 5 - Solar Payment-In-Lieu-of-Taxes Toolkit

Chapter 6 - Using Special Use Permits and Site Plan Regulations

Chapter 7 - Solar Installations in Agricultural Districts

Chapter 8 - Landowner Considerations for Solar Land Leases

Chapter 9 - Decommissioning Solar Panel Systems

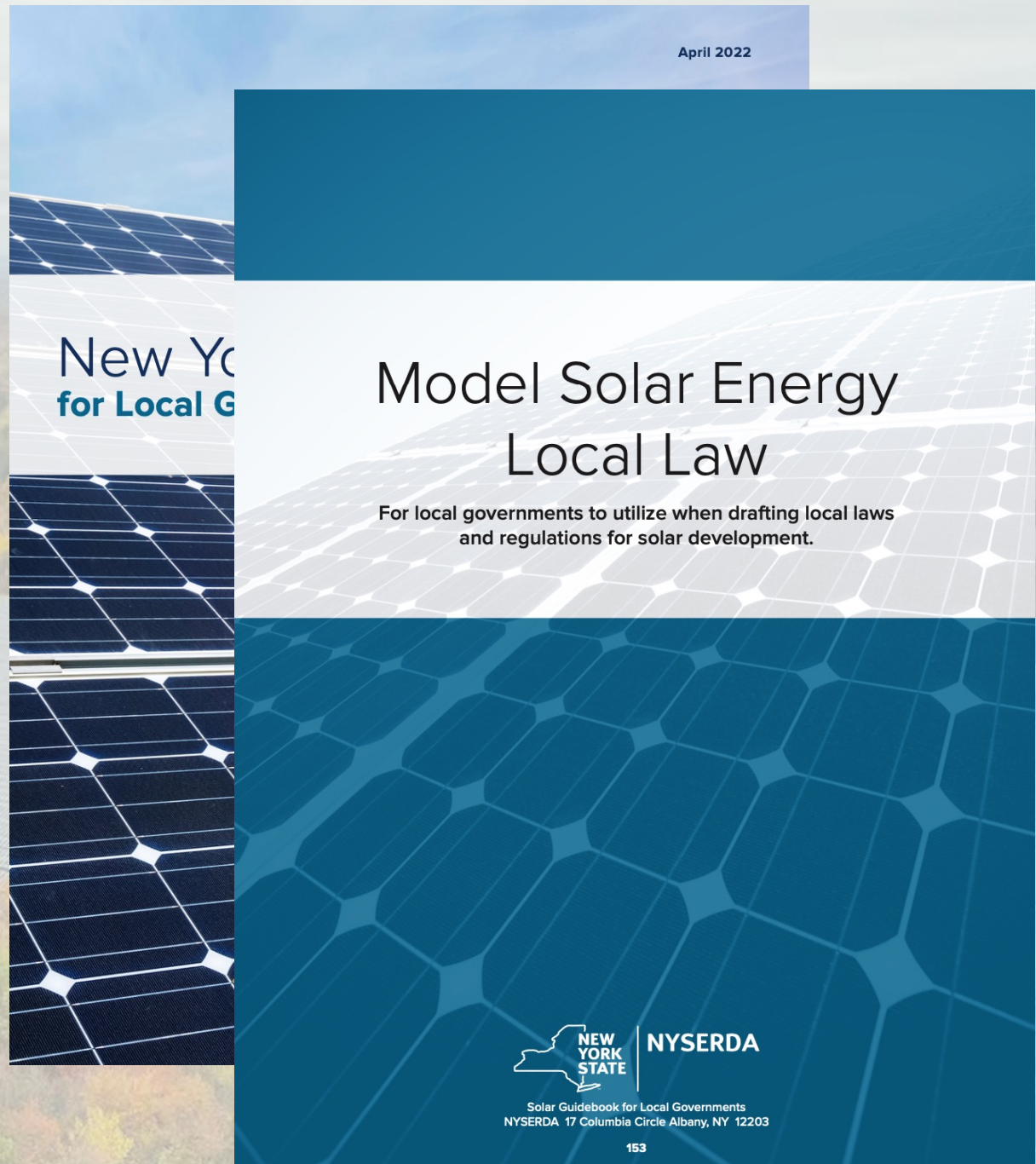
Chapter 10 - Model Solar Energy Local Law

Chapter 11 – Municipal Solar Procurement Toolkit

An aerial photograph of a large-scale solar farm. The solar panels are arranged in neat, parallel rows across a cleared field. The surrounding landscape is lush with trees displaying vibrant autumn colors in shades of yellow, orange, and red. In the far background, a winding river is visible, and the sky is filled with soft, grey clouds. The overall scene depicts a harmonious integration of renewable energy infrastructure with a natural, seasonal environment.

Model Law: Solar Energy Systems

Update!



Clean Energy Intro: Solar Energy

Solar Photovoltaics (PV) vs. Concentrated Solar Power (CSP) vs. Solar Thermal

Types of Solar PV installations:

- Residential
 - Commercial
 - Community Solar
 - Utility-Scale
- “Behind the Meter”**
Rooftop or Ground-Mounted
- “Front of the Meter”**
Ground-Mounted



Ground-Mounted Solar

- 5-7 acres per MW
- 100-200 homes per MW



Primary Land Use/Local Considerations

All technologies:

- Appropriate location/zoning
- Environmental impacts
- Bulk/area standards
- Decommissioning
- Taxation

Solar:

- Visual/aesthetic impacts
- Agricultural land impacts

Wind:

- Visual/aesthetic impacts
- Noise
- Shadow flicker

Energy Storage:

- Fire safety
- Incident management training



Permitting Solar Energy Systems

Permitting process **varies based on size** of the installation:

- **Projects < 25 MW:** Permitted at local level (SEQR, municipal requirements)
- **Projects > 25 MW:** Permitted at State level (Article 10, Office of Renewable Energy Siting [ORES])
- **Projects between 20 – 25 MW:**
May opt-in to State-level siting process through ORES



What Is the Model Solar Energy Law?

- This Model Law is an “all-inclusive” ordinance and is intended to provide a thorough review of all aspects of solar energy systems that could be regulated.
- The Model Law gives municipalities flexibility to choose the options that work best in some cases.
- Municipalities should review this model law, examine their local situation, and adopt regulations that make the most sense for their municipality by deleting, modifying, or adding other provisions as appropriate.

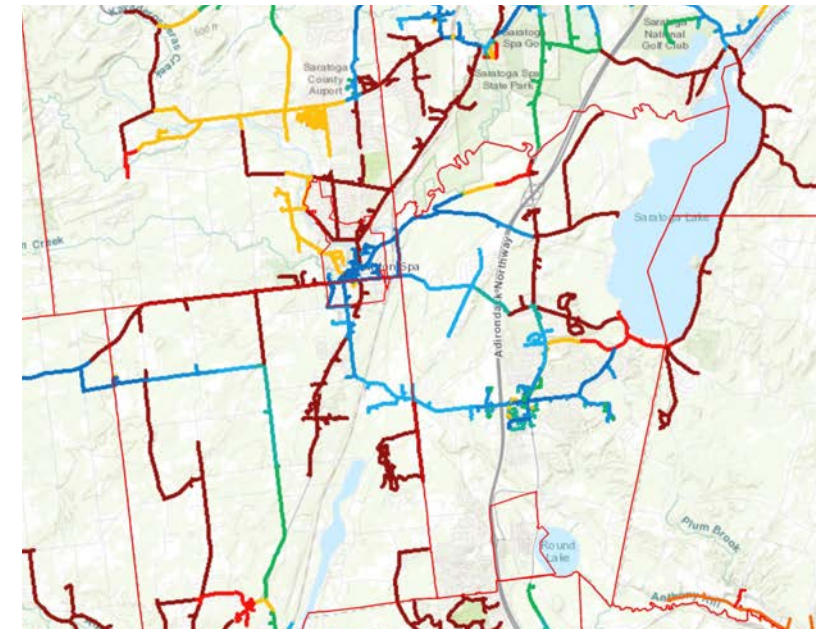
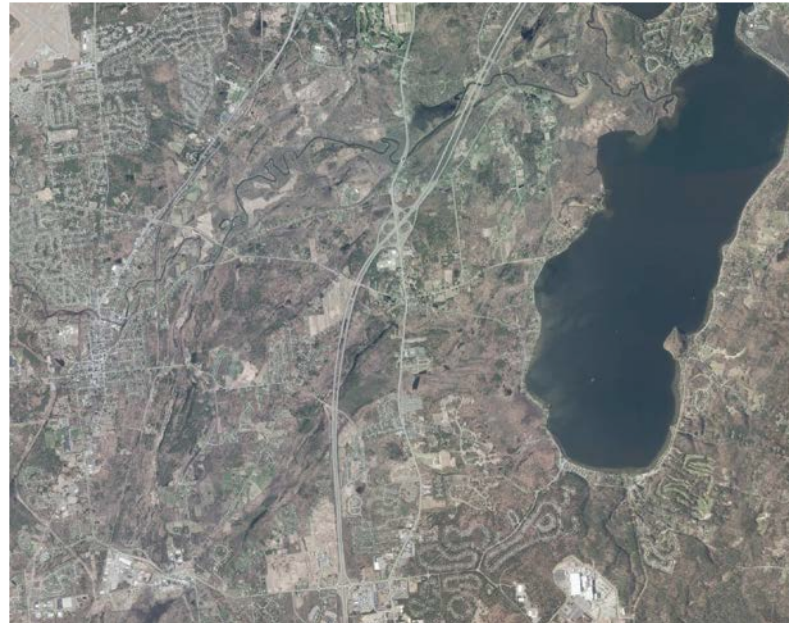
What Should Municipalities Do Before Drafting/Updating a Solar Energy Law?

1. Municipalities should first **review the available Hosting Capacity maps** to learn if/where the solar development is economic and possible.
2. Amend the **comprehensive plan** – before, if not concurrently– to include a strategy for municipality-wide solar development.
3. Conduct **outreach with the community** to gather all available ideas, identify divergent groups and views, and secure support from the entire community.
4. Create a **working group** that will conduct meetings on a community-wide basis and studies to determine whether existing policies, plans, and land use regulations require amendments to remove barriers to and facilitate solar energy development goals.

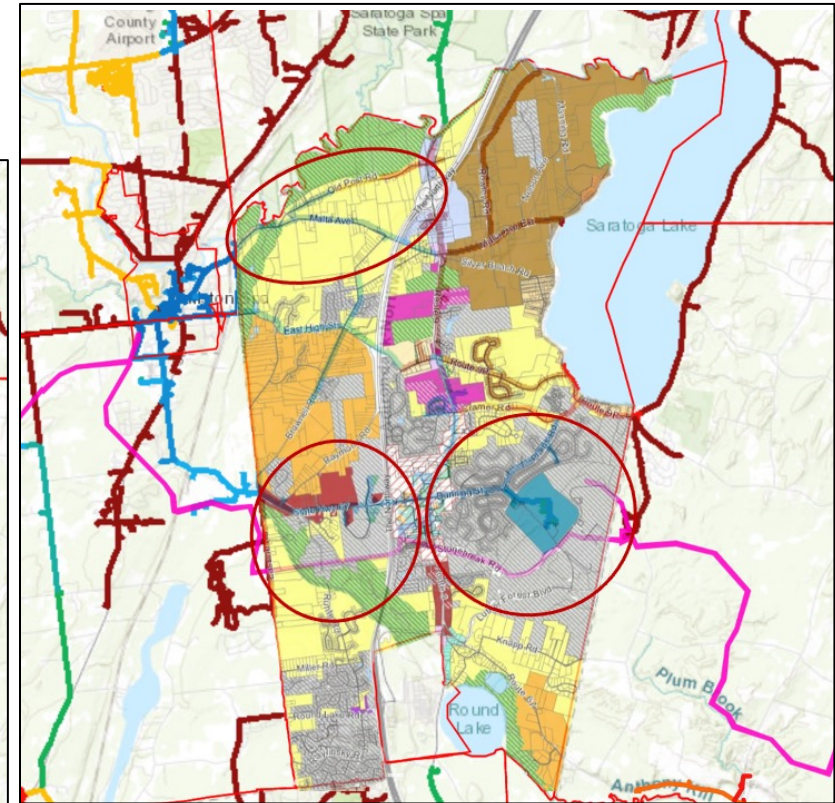
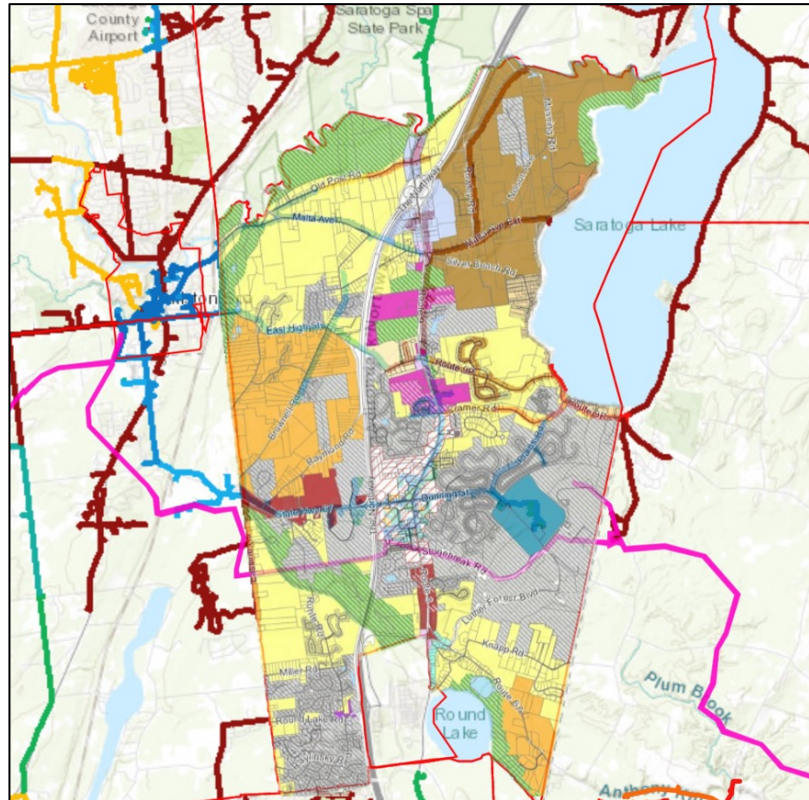
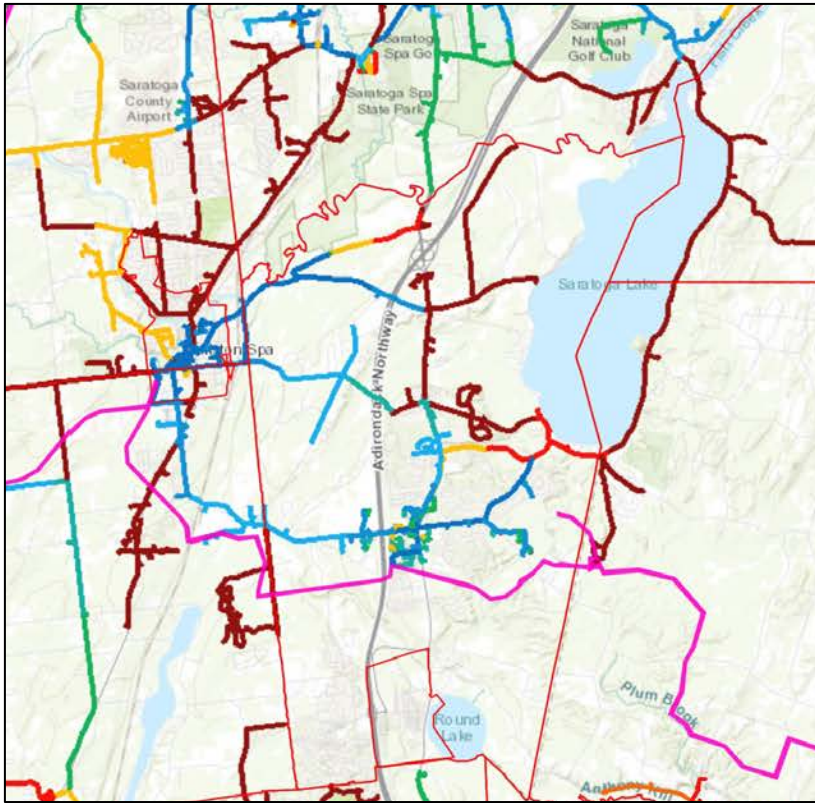
Hosting Capacity Mapping

Purposes of this exercise:

- Visualize local energy distribution infrastructure
- Identify general potential locations for solar development based on select criteria:
 - Grid proximity
 - Grid hosting capacity
 - Existing zoning
 - Proximal land use



Hosting Capacity Mapping

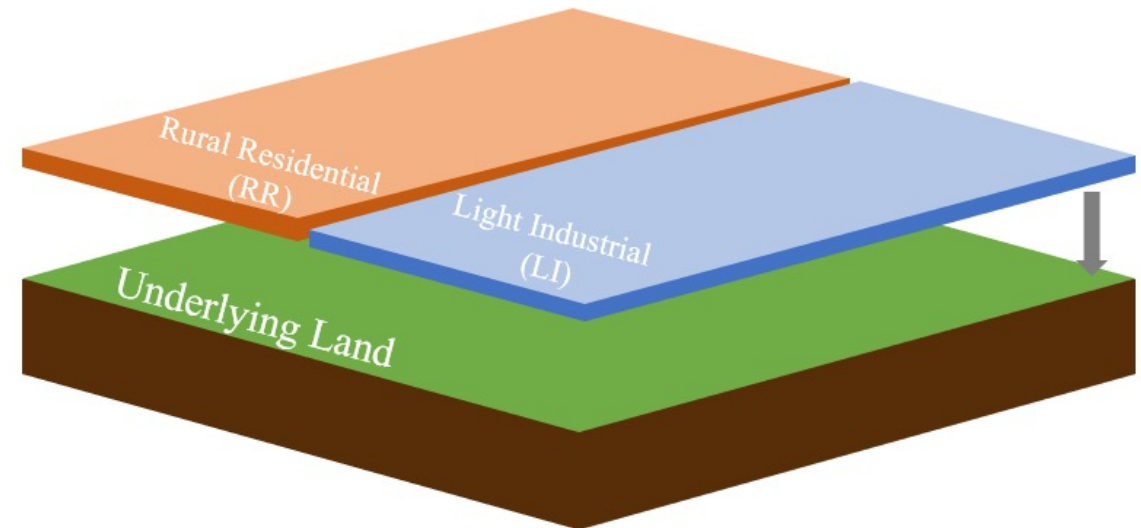


Choosing a Regulatory Tool for Solar

(1) Conventional Zoning

- Utilizes the municipality's existing division of lands, including authorized land uses and building/area restrictions
- Defines the allowance of solar energy systems across districts (e.g. principal use, accessory use, secondary use, special use)
- Likely more familiar/easier for the municipality to implement and enforce

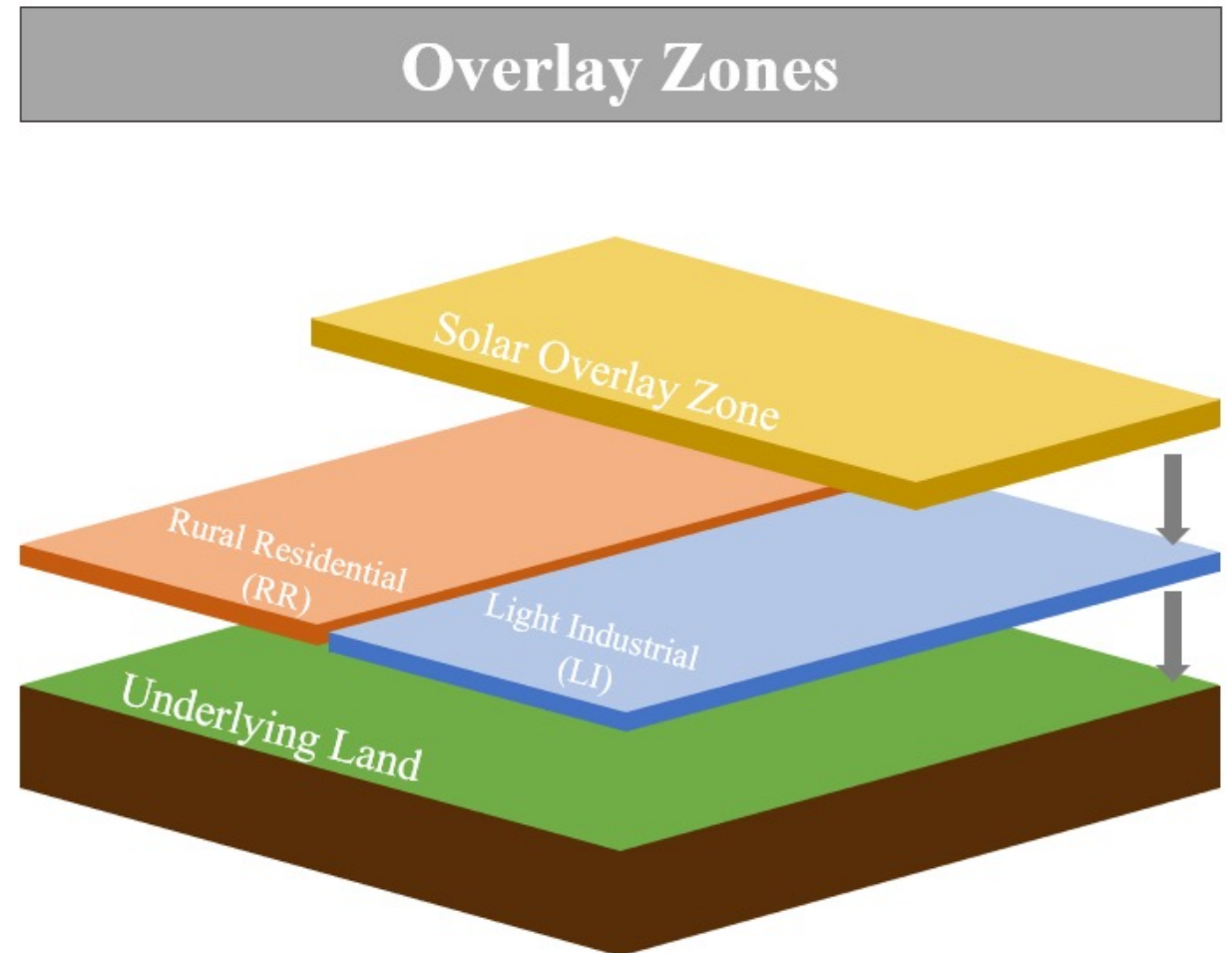
Conventional Zones



Choosing a Regulatory Tool for Solar

(2) Overlay Zoning

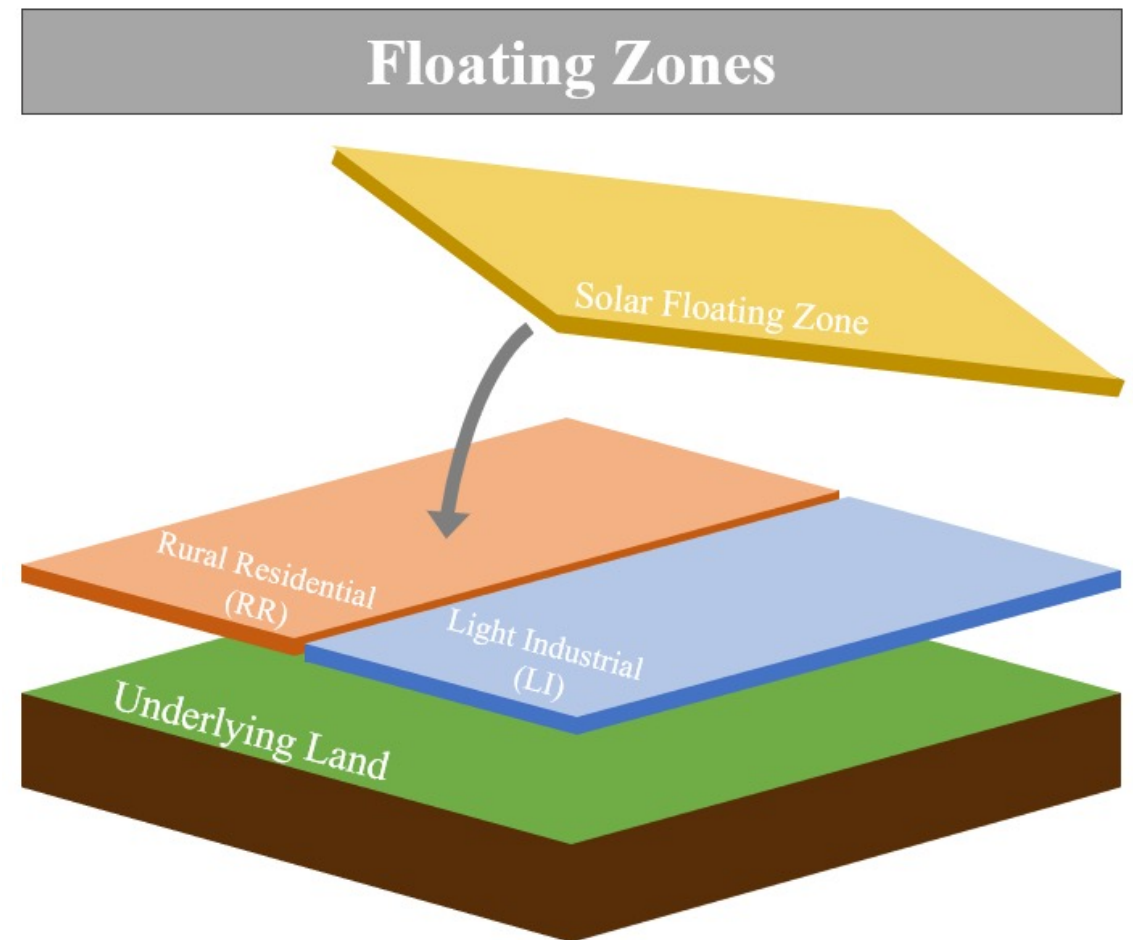
- Utilizes a defined overlay zone which is superimposed onto existing zoning map
- Enables more specific identification of areas where solar is an approvable use
- Requires additional time, resources, and work up front to define appropriate areas



Choosing a Regulatory Tool for Solar

(3) Floating Zoning

- Implements solar-specific zoning requirements but is not applied to the zoning map until approved on a project-by-project basis.
- To be added to the zoning map, a project must demonstrate compliance with the floating zone's conditions and requirements.
- Avoids the need for municipality to identify solar-appropriate areas up front, but creates a 2-step review process:
 - (1) Application of floating zone
 - (2) Project review & approval



Model Law Contents

Section 1: Authority

Section 2: Statement of Purpose

Section 3: Definitions

Section 4: Applicability

Section 5: General Requirements

Section 6: Permitting Requirements for Tier 1 Solar Energy Systems

Section 7: Permitting Requirements for Tier 2 Solar Energy Systems

Section 8: Permitting Requirements for Tier 3 Solar Energy Systems

Section 9: Safety

Section 10: Permit Time Frame and Abandonment

Section 11: Enforcement

Section 12: Severability

Section 1: Authority

This Solar Energy Local Law is adopted pursuant to [Select one: sections 261-263 of the Town Law / sections 7-700 through 7-704 of the Village Law / sections 19 and 20 of the City Law and section 20 of the Municipal Home Rule Law] of the State of New York

Which authorize the [Village/Town/City] to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the [Village/Town/City] law of New York State, “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”

Section 2: Statement of Purpose

1. To take advantage of a safe, abundant, renewable and non-polluting energy resource;
2. To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
3. To increase employment and business development in the [Village/Town/City], to the extent reasonably practical, by furthering the installation of Solar Energy Systems;
4. To mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources, and;
5. To create synergy between solar and other stated goals of the community pursuant to the municipality's comprehensive plan.

Section 3: Definitions

System Energy System Classifications

Tier 1 Solar Energy System:

- Roof-Mounted
- Building-Integrated

Tier 2 Solar Energy System: Ground-Mounted systems that generate up to 110% of the electricity consumed on the site over the previous 12 months.

- Either capacity-based (up to 1 MW AC) or physical size-based (up to 8 acres).
- Accessory use

Tier 3 Solar Energy System: Not included in the list for Tier 1 and Tier 2 Solar Energy System.

- Either capacity-based (up to 5 MW AC) or physical size-based (up to 40 acres).
- Principal use

Tier 4 Solar Energy Systems are Solar Energy Systems which are not included under Tier 1, 2, and 3 systems.

Model Solar Energy Law

Tier 1



Rooftop Installations

Tier 2



**Small Ground-Mount
Installations**

Tier 3 & 4



Larger than Tiers 1-2

Tier 1 Roof-Mounted Solar Energy System



Tier 1 Building-Integrated Solar Energy System



Tier 2 Ground-Mounted Solar Energy System



Tier 3 Ground-Mounted Solar Energy System



Permitting Solar Energy Projects

- Important to base solar planning decisions on feasibility and priorities – utilize Utility Hosting Capacity maps, transmission line maps, zoning map, soil maps, etc.
- Model Law permitting methodology:
 - Tier 1: permitted in all districts
 - Tier 2: permitted in all districts as accessory structures
 - Tier 3: permitted in ____ districts using **Special Use Permit, Site Plan Review**

Building Permit, NYS
Unified Solar Permit

PERMIT APPLICATION

NY State Unified Solar Permit

Unified solar permitting is available statewide for eligible solar photovoltaic (PV) installations. Municipal authorities that adopt the unified permit streamline their process while providing consistent and thorough review of solar PV permitting applications and installations. Upon approval of this application and supporting documentation, the authority having jurisdiction (AHJ) will issue a building and/or electrical permit for the solar PV installation described herein.

PROJECT ELIGIBILITY FOR UNIFIED PERMITTING PROCESS

By submitting this application, the applicant attests that the proposed project meets the established eligibility criteria for the unified permitting process (subject to verification by the AHJ). The proposed solar PV system installation:

- | | | |
|------------------------------|-----------------------------|---|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | 1. Has a rated DC capacity of 25 kW or less. |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | 2. Is not subject to review by an Architectural or Historical Review Board. (If review has already been issued answer YES and attach a copy) |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | 3. Does not need a zoning variance or special use permit. (If variance or permit has already been issued answer YES and attach a copy) |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | 4. Is mounted on a permitted roof structure, on a legal accessory structure, or ground mounted on the applicant's property. If on a legal accessory structure, a diagram showing existing electrical connection to structure is attached. |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | 5. The Solar Installation Contractor complies with all licensing and other requirements of the jurisdiction and the State. |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | 6. If the structure is a sloped roof, solar panels are mounted parallel to the roof surface. |

For solar PV systems not meeting these eligibility criteria, the applicant is not eligible for the Unified Solar Permit and must submit conventional permit applications. Permit applications may be downloaded here: [BUILDING DEPARTMENT WEBSITE] or obtained in person at [BUILDING DEPARTMENT ADDRESS] during business hours [INDICATE BUSINESS HOURS].

Section 4: Applicability

Requirements apply to all solar energy systems permitted, installed, or modified.

- Not applicable to systems installed prior to effective date.
- Applicable to modifications of an existing system by more than 5% of area.

State Fire, Building, Energy Codes, and the [Village/Town/City] Codes still apply.

Section 5: General Requirements

- Building permit
- Accommodation of solar energy systems and protection of access to sunlight are encouraged, in accordance with the municipal zoning law
- SEQR required under the rules by the NYS DEC

Section 6: Tier 1 Systems Permitting Requirements

Roof-Mounted

Incorporate designs that address placement and tilt of solar panels on pitched roof:

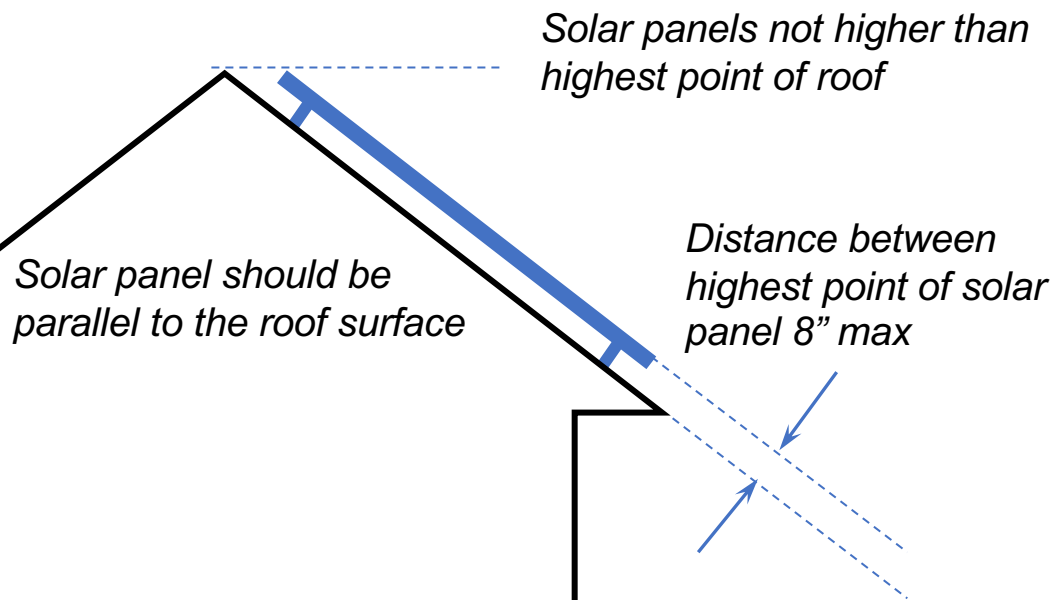
- On **pitched roofs**, the solar panels shall be mounted with a max 8" between roof surface and highest point of solar system, solar panels shall be parallel to roof surface they are mounted on/ attached to, and solar panels shall not extend beyond highest point of roof surface.
- Solar panels on **flat roofs** shall not extend beyond surrounding parapet, or more than 24" above flat roof surface, whichever is higher.



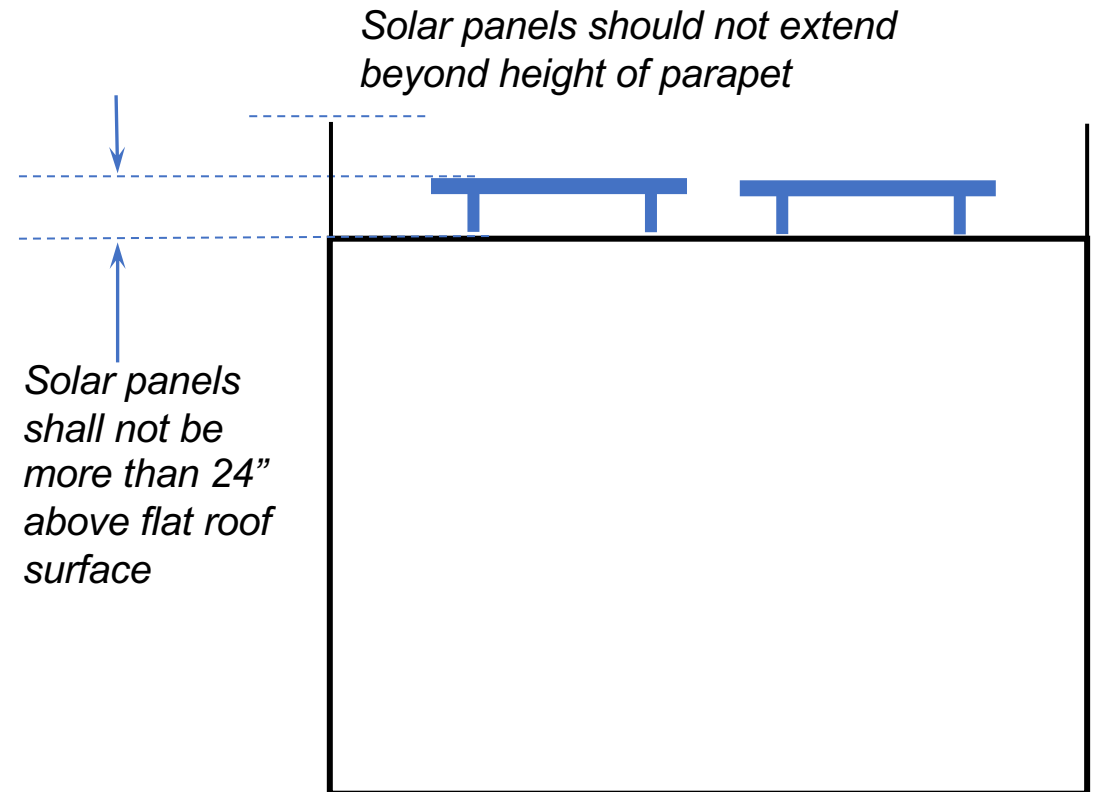
Glare – All solar panels shall have anti-reflective coating(s)

Section 6: Tier 1 Design Requirements

Pitched Roof



Flat Roof



Section 7: Tier 2 Systems Permitting Requirements

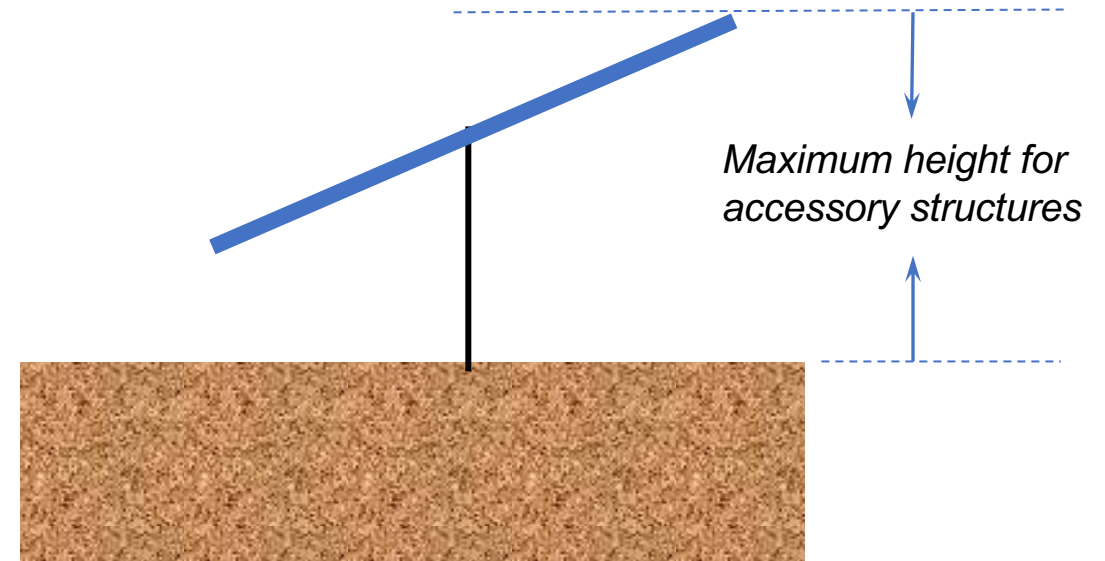
- Glare - All solar panels shall have anti-reflective coating(s).
- Screening & Visibility - Views shall be minimized from adjacent properties to the extent reasonably practicable.
- Lot size - Comply with the existing lot size requirement specified for accessory structures within the underlying zoning district.

Section 7: Tier 2 Height Requirements

Height (select from the following options):

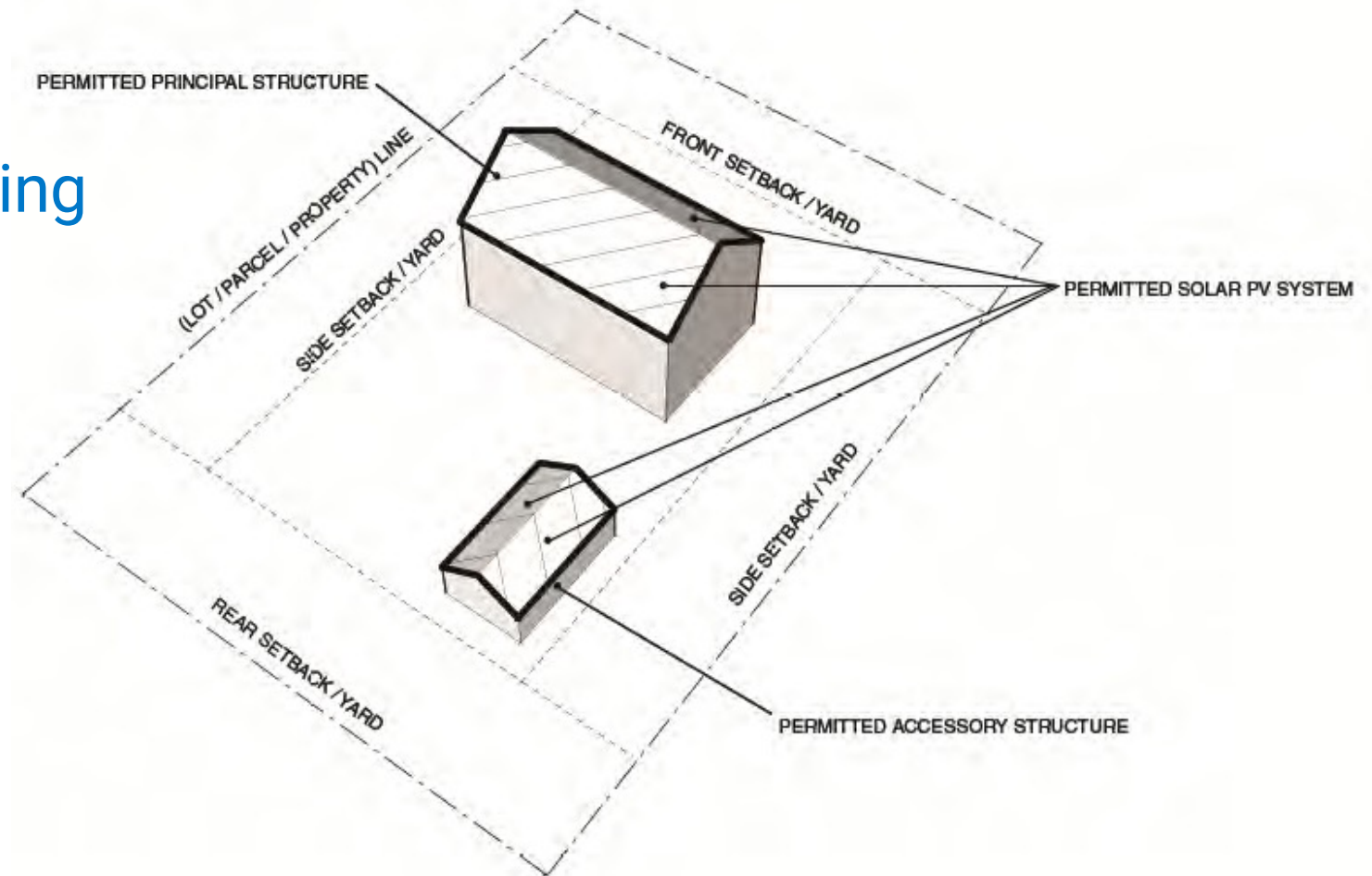
- Subject to the maximum height for accessory structures.
- Follow the height limitations suggested.

Zoning District (reference only)	Height
Residential Low Density	10'
Residential High Density	10'
Commercial / Business	15'
Light Industrial	15'
Heavy Industrial	15'
Agricultural / Residential	15'



Section 7: Tier 2 Setbacks

Subject to the setback requirement of accessory structures within the underlying zoning district



Section 8: Tier 3 Systems Permitting Requirements

Process for Approval

- Choose which zoning district(s) to permit systems.
- Applications shall be reviewed for completeness within 10 business days.
- Applications shall be subject to a public hearing and a notice shall be published in the official newspapers 5 days in advance.
- Referred to the [County Planning Department] pursuant to General Municipal Law § 239-m as required.
- Upon closing the public hearing, the reviewing board shall have 62 days to take action on the application. The 62-day period may be extended.

Requirements for Approval

- 1.Underground Requirements
- 2.Vehicular Paths
- 3.Signage
- 4.Glare
- 5.Lighting
- 6.Tree-cutting
- 7.Decommissioning
- 8.Site Plan Application
- 9.Special Use Permit Standards
- 10.Ownership Changes

Section 8.B-C: Tier 3 Permitting Requirements

1. **Underground Requirements -**
On-site utility lines shall be placed underground as permitted by the serving utility.
2. **Vehicular paths –**
Minimize the extent of impervious materials and soil compaction.



Section 8.C-G: Tier 3 Permitting Requirements

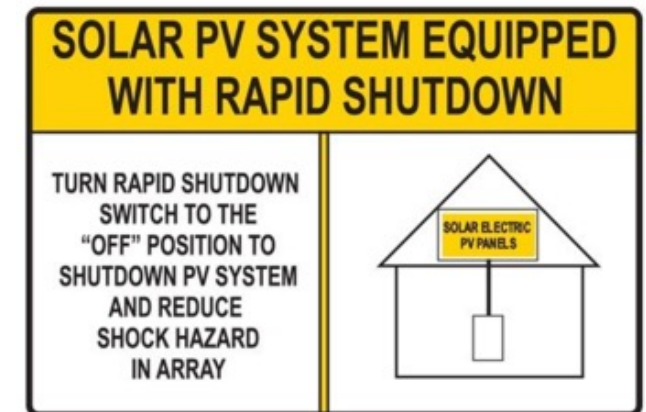
3. Signage

- Displaying the manufacturer's name, safety information, emergence contact, and equipment specification information, within an area no more than 8 square feet.
- Comply with the NEC for warning signs.

4. Glare - All solar panels shall have anti-reflective coating(s).

5. Lighting - Limited to that minimally required for safety and shall be reasonably shielded or downcast from abutting properties.

6. Tree-cutting - Minimize removal of existing trees larger than 6 inches in diameter.



Section 8.H: Tier 3 Decommissioning

Decommissioning is required when a system is abandoned, and/or not producing electricity for a period of 1 year.

- Applicant shall provide a decommissioning **plan** that includes the **cost** and **time** of removing the Solar Energy System, and the plan to repair damage caused to the property.
- Financial security
 - In cash, bond, or security formats reasonably acceptable to the [Village/Town/City].
 - In amount be [125]% of the cost of removal and restoration, with an escalator of [2]% annually for the life of the solar energy system.
 - The decommissioning amount shall be reduced by the estimated salvage value of the system.
- The security is forfeited in the event of default, and shall remain in full force and effect until restoration of the property is completed.

Section 8.I: Tier 3 Site Plan Requirements

- Property lines and physical features of site.
- Proposed changes to landscape, grading, vegetation, lighting etc.
- A one, or three-line electrical diagram showing layout, equipment components and associated National Electric Code compliant mechanisms.
- Equipment specification sheet for proposed panels, significant components, mounting system and inverter.
- General information including name, address, and contact info of system installer and owner/operator.
- Name, address, phone number and signature of the project applicant and owners, demonstrating their consent to the use of the property for the Solar Energy System.
- Zoning district designation.
- Property Operation and Maintenance Plan.
- Erosion and sediment control and storm water management plans.
- Signed and sealed engineering documents by a NYS Licensed Professional Engineer, or Registered Architect.

Section 8.J: Tier 3 Special Use Permit Standards

Lot size (select from the following options):

- Subject to the lot size requirement of the underlying zoning district.
- Follow the suggested lot size requirement for each zoning district.

Height (select from the following options):

- Subject to the height limitations of the underlying zoning district.
- Follow the suggested height limits for each zoning district.

Zoning District	Lot size	Height
Residential Low Density	≥ 2 acres	15 feet
Residential High Density	--	--
Commercial / Business	≥ 5 acres	20 feet
Light Industrial	N/A	20 feet
Heavy Industrial	N/A	20 feet
Agricultural/ Residential	≥ 5 acres	20 feet

Key:
--: Not Allowed
N/A: Not
Applicable

Section 8.J: Tier 3 Special Use Permit Standards

Setbacks (select from the following options):

- Subject to the setback requirement of the underlying zoning district.
- Follow the suggested setback requirement for each zoning district.

Zoning District	Front	Side	Rear
Residential Low Density	100'	100'	100'
Residential High Density	--	--	--
Commercial / Business	30'	15'	25'
Light Industrial	30'	15'	25'
Heavy Industrial	30'	15'	25'
Agricultural / Residential	30'	15'	25'

Section 8.J: Tier 3 Special Use Permit Standards

Lot coverage

- Calculation Methodology: the following surface areas shall be included in the calculations for lot coverage:
 - 1) Foundation systems
 - 2) All mechanical equipment of Solar Energy System
 - 3) Paved access roads
- Lot coverage, defined as above, shall not exceed the maximum lot coverage requirement of the underlying zoning district.

Section 8.J: Tier 3 Special Use Permit Standards

Fencing - a minimum 7-foot-high fence as required by National Electrical Code (NEC) with a self-locking gate.



Section 8.J: Tier 3 Special Use Permit Standards

Screening & Visibility

1. Systems <10 acres in size

- Have views minimized from adjacent properties to the extent reasonably practicable.
- Using architectural features, earth berms, landscaping or other screening methods.

2. Systems ≥10 acres in size (designated as Type I actions in SEQR)

- Could use the same assessment as the visual impact assessment required for SEQR to analyze visual impacts on public roadways and adjacent properties.
- A line-of-sight analysis shall be provided, a digital viewshed report is optional.

What should be included in the screening & landscaping plan?

- Locations, elevations, height, plant species, and/or materials that will be used to mitigate any adverse aesthetic effects.



Section 8.J: Tier 3 Special Use Permit Standards

- **Agricultural Resources:**

- Strategies to implement acreage and/or lot coverage restrictions for certain priority soils
- Impact mitigation strategies, such as seeding the parcel with pollinator-friendly and/or native vegetation
- Requires applicants to propose a vegetation management plan to ensure implementation and upkeep of vegetation promoting biodiversity or other benefits
- Require adherence to NYSAGM guidelines
- Could also encourage applicants to utilize site-appropriate solar co-location/continued agricultural use

7) Agricultural Resources. For projects located on agricultural lands:

1) Any Tier 3 Solar Energy System located on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed [50] % of the area of Prime Farmland or Farmland of Statewide Importance on the parcel.

OR

Any Tier 3 Solar Energy System located on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed [50] % of the entire lot.

AND/OR

Tier 3 Solar Energy Systems on Prime Farmland or Farmland of Statewide Importance shall be required to seed [20] % of the total surface area of all solar panels on the lot with native perennial vegetation designed to attract pollinators.

2) To the maximum extent practicable, Tier 3 Solar Energy Systems located on Prime Farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.

Commentary: For more details, please refer to NYS Department of Agriculture and Market's Guidelines for Agricultural Mitigation for Solar Energy Projects, available at www.agriculture.ny.gov/ap/agservices/SolarEnergyGuidelines.pdf.

3) Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.

Section 8.J: Tier 3 Agricultural Resource Protection



Section 8: Tier 4 Systems Permitting Requirements

Process & Requirements for Approval

- Choose which zoning district(s) to permit systems.
- Subject to Site Plan and Special Use permit Requirements established for Tier 3 Systems.
- Applications shall be reviewed for completeness within 60 business days.
- Applicants must conduct a **Pre-Application Meeting** with the Reviewing Board.
- Applications must include a **Community Engagement Plan**.
- Additional Special Use Permit Standards

Section 9: Permitting Requirements for Tier 4 Systems

Pre-Application Meeting:

- At least 60 days prior to submission, the Applicant will hold a meeting with the Reviewing Board to ensure clear expectations of all requirements.
- A written request for this purpose must be sent to the Reviewing Board.
- At the meeting, the applicant must provide:
 1. Description of the proposed facility and its environmental setting
 2. A map of the proposed facility
 3. The proposed facility's anticipated impacts
 4. A designated contact person
 5. Anticipated application submission date

Community Engagement Plan:

- The Plan should detail the proposed plans and strategies for ensuring adequate public awareness and encouraging program participation.
- Applicants are highly encouraged to submit this plan prior to the submission of a formal application.

Section 9: Permitting Requirements for Tier 4 Systems

Special Use Permit Requirement Adjustments:

Setbacks:

- Must meet all applicable parcel line and other setback requirements as outlined in Appendix 2.
- Fencing, collection lines, access roads and landscaping may occur within the setback.

Zoning District	Front	Side	Rear
Residential Low Density	100'	100'	100'
Residential High Density	--	--	--
Commercial / Business	30'	15'	25'
Light Industrial	30'	15'	25'
Heavy Industrial	30'	15'	25'
Agricultural / Residential	30'	15'	25'

Section 9: Permitting Requirements for Tier 4 Systems

Special Use Permit Requirement Adjustments:

Agricultural Resources: for Facility Areas including Active Agricultural Lands

- Tier 4 System components, equipment, and associated impervious surfaces shall not occupy more than [50%] of the Active Agricultural Lands within the Facility Area.
- Exceedance of lot coverage may be allowed based on the Reviewing Board's determination that the land is being used for a Farm operation
- Require adherence to NYSAGM guidelines

Section 10: Safety Requirements

Certified under the applicable electrical and/or building codes as required

Solar Energy Systems shall be maintained in good working order and in accordance with industry standards

Storage batteries of the solar energy system:

- Meet the requirements of any applicable fire prevention and building code when in use
- Disposal should be in accordance with the laws and regulations of the municipality and any applicable federal, state, or county laws or regulations

Section 11: Permit Time Frame & Abandonment

Special Use Permit and site plan approval are valid for 18 months provided that a building permit is issued for construction or construction is commenced. A 180-day extension may be possible.

In the case of abandonment where Solar system ceases to produce electricity for 12 months:

- [Village/Town/City] may notify owner/operator to implement decommissioning plan.
- Decommissioning must be completed within **360 days** of notification.
- In case of failure, the municipality may utilize the security for solar system removal and site restoration according to the decommissioning plan.

Section 12: Enforcement & Section 12: Severability

Violations to the Solar Energy Law are subject to the same enforcement requirements and criminal penalties provided for in zoning and land use regulations.

Invalidity or unenforceability of any part of the sections shall not affect the validity or enforceability of any other sections, which shall remain in full force and effect.



Notable changes:

- Adding content to the Model Law chapter to instruct municipalities on how to approach zoning for solar, and to introduce alternative zoning approaches (overlays/floating zones, incentive zoning, etc.).
- Adding a Tier 4 (distinguish between community solar & large-scale solar).
- Reformatting/reorganizing to distinguish between special use permit standards vs. site plan approval requirements.
- Alignment with standards/language in place by NYS Department of Agriculture and Markets, ORES, etc.
- More robust decommissioning plan template.

To access resources, ask questions, or
request technical assistance, please reach out to
cleanenergyhelp@nyserda.ny.gov