

TOWN OF SCHUYLER

SOLAR ORDINANCE

2021

Revised 11-23-2021

SECTION 1 – TITLE

This Local Law shall be referred to as "The Solar Ordinance".

SECTION 2 – SOLAR SITING

A new Article entitled 'Solar Ordinance' is hereby added to "Zoning" of the Town of Schuyler Municipal Code to read as follows:

Solar Siting

Purpose and Intent

- A. Solar energy is a renewable and non-polluting energy resource that can prevent fossil fuel emissions and reduce a municipality's energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid.
- B. The use of solar energy equipment for the purpose of providing electricity and energy for heating and/or cooling is a priority and is a necessary component of the Town of Schuyler's current and long-term sustainability agenda.
- C. This Article aims to promote the accommodation of solar energy systems, and to balance the potential impact on neighbors when solar collectors may be installed near their property, while preserving the rights of property owners to install solar energy systems without excess regulation. In particular, this legislation is intended to apply to solar energy system installations.

Definitions

As used in this Article, the following terms shall have the meanings indicated, unless the context or subject matter requires otherwise.

ALTERNATIVE ENERGY SYSTEMS – Structures, equipment, devices, or construction techniques used for the production of heat, light, cooling, electricity, or other forms of energy on site that may be either attached to, or may be separate from, the principal structure.

BUILDING – INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEMS – A solar energy system that consists of integrating photovoltaic modules into the building structure, including flush mounted panels.

GRID TIED SOLAR SYSTEM – Is a solar system tied into the power grid.

FREESTANDING – A solar energy system that is directly installed on the ground and is not attached or affixed to an existing structure. Pole mounted solar energy systems shall be considered Freestanding for purposes of this Local Law.

NET-MEETERING – A billing arrangement that allows solar customers to receive credit for excess electricity generated and delivered to the grid so that user only pays for their net electricity usage at the end of the month.

OWNER - The owner shall refer to the owner of the solar farm and not the land if they are separate entities.

PERMIT GRANTING AUTHORITY – The Town Codes Enforcement Officer is charged with granting permits for the operation of solar energy systems.

PHOTOVOLTAIC (PV) SYSTEMS – A solar energy system that produces electricity through the use of semiconductor devices, called photovoltaic cells that convert sunlight into energy.

QUALIFIED SOLAR INSTALLER – Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board Certified Energy Practitioners (NABCEP).

ROOFTOP SOLAR SYSTEM – A solar power system in which solar collectors are mounted on the roof, either as a flush-mounted system or as modules which can tilted.

SETBACK – The distance from a front lot line, side lot line, or rear lot line of a parcel within which a freestanding solar energy system must be installed.

SOLAR ACCESS – Space open to the sun and clear of overhangs or shade, as to permit the use of solar energy systems on individual properties.

SOLAR COLLECTORS – Shall include any solar systems including all related equipment which use solar panels and photovoltaic cells to convert sunlight into energy.

SOLAR-THERMAL SYSTEMS – Solar thermal systems that directly heat water or other liquid using sunlight.

SOLAR EASEMENT – An easement recorded pursuant to NY Real Property Law §335-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar collector.

SOLAR FARM OR SOLAR POWER PLANT – Energy generation facility used to convert solar energy to electricity. ,

SOLAR STORAGE BATTERY - A device that stores energy from the sun and makes it available in an electrical form.

Applicability

- A.** The requirement of this local law shall apply to all solar collectors and equipment installations modified or installed after the effective date of this local law.
- B.** Solar collectors for which a valid building permit has been issued or, if no building permit is presently required, for which installation has commenced before the effective date of this local law shall not be required to meet the requirements of this local law.
- C.** All solar collectors shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the State Building Code and the Schuyler Town Laws and Ordinances.

Permit Required

- A.** All Solar Collectors shall be installed or operated in the Town of Schuyler in compliance with this Article.
- B.** Rooftop building mounted solar collectors are permitted in all zoning districts in the Town subject to the following conditions:
 - 1.** Building permits shall be required for installation of all rooftop and building-mounted solar collectors, except a building permit shall not be required for Flush-Mounted Photovoltaic Panels, of devices less than 4 square feet.
 - 2.** Rooftop and Building-Mounted Solar Collectors must conform to the allowed height permitted in that zoning district.
- C.** Building-Integrated Photovoltaic (BIPV) Systems: BIPV collectors are permitted in all zoning districts and shall be shown on the plans submitted for the building permit application for the building containing the system.
- D.** Freestanding solar collectors: Free standing solar collectors are permitted as accessory structures in all zoning districts of the Town (except R-1).
 - 1.** Building permits are required for the installation of all freestanding solar collectors.
 - 2.** The location of a freestanding solar collector shall meet the setback requirements for Accessory Buildings set forth in this provision:
 - i.** CH, R-A, ~~R-1~~, R-2 Districts
 - Minimum required side yard setback 25 feet
 - Minimum required rear yard setback 30 feet
 - No freestanding solar collectors in the front yard

ii. Planned Development

- All solar power installations require a permit from the Planning Board.
 - 3. Free standing solar collectors shall be screened when possible and practicable from adjoining lots and streets through the use of architectural features, earth berms, landscaping, fencing, or other screening which will harmonize with the character of the property and surrounding area. The proposed screening shall not interfere with normal operation of the solar collectors.
 - 4. Solar collectors shall be located in a manner to reasonably minimize view blockage for surrounding properties, while still providing adequate solar access for collectors.
 - 5. Solar collectors shall not be sited within any required buffer area.
 - 6. The area beneath freestanding solar collectors shall be included in calculating whether the lot meets maximum permitted Lot Building Coverage and Lot Surface Coverage requirements for the applicable District, notwithstanding that the collectors are not 'buildings'.
 - 7. The installation of freestanding solar collectors shall be considered a Development or Development Activity for purposes of Stormwater Management of the Code of the Town of Schuyler.
- E. Solar-Thermal Systems: Solar-thermal systems are permitted in all zoning districts subject to the following conditions:
- 1. Buildings permits are required for the installation of all solar-thermal systems, except those of less than 4 square feet.
- F. Solar collectors and equipment shall be permitted only if they are determined by the Planning Board not to present any unreasonable safety risks, including, but not limited to, the following:
- 1. Weight load
 - 2. Wind resistance
 - 3. Ingress or egress in the event of fire or other emergency.
- G. Solar collectors and related equipment shall be surfaced, designed, and sited so as to not reflect glare onto adjacent properties and roadways.

Safety

- A. All solar collectors must be installed by a qualified solar installer.

- B.** Prior to operation, electrical connections must be inspected by the Town's Code Enforcement Officer and by a licensed electrical inspector.
- C.** Any connection to the public utility grid must be inspected by the appropriate public utility.
- D.** Solar collectors shall be maintained in good working order.
- E.** Rooftop and building-mounted solar collectors shall meet New York State's Uniform Fire Prevention and Building Code Standards.
- F.** If solar storage batteries are included as part of the solar collector system, then they must be placed in a secure container or enclosure, meeting the requirements of the New York State Building Code when in use. When no longer used, they shall be disposed of in accordance with the laws and regulations of the Town of Schuyler and other applicable laws and regulations.
- G.** Solar collectors and equipment shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. Materials used for marking shall be weather resistant. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking shall be placed on the outside cover.

For commercial applications, the marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated.

In the event any of the standards in this subsection H for markings are more stringent than applicable provisions of the New York State Uniform Fire Prevention and Building Code (the 'State Code'), they shall be deemed to be guidelines only, and the standards of the State Code shall apply.

Solar Farms and Solar Power Plants

Solar Farms and Solar Power Plants shall be permitted only in the RA districts subject to site plan review by the Zoning Board of Appeals, subject to the following supplementary regulations:

- A.** Solar farms and solar power plants shall be enclosed by a perimeter fence to restrict unauthorized access at a minimum height of 15 feet.
- B.** The manufacturer's installer's identification and appropriate warning signage shall be posted at the site and be clearly visible.

- C.** Solar farm and solar power plant buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment.
- D.** Appropriate landscaping and/or screening materials may be required to help reduce visibility from major roads and neighboring residences.
- E.** Solar farm and solar power plant panels and equipment shall be surfaced, designed, and sited so as to minimize glare onto adjacent properties and roadways.
- F.** Siting of solar farm shall be at least 100 feet, not to exceed 500 feet from all residences and other zoning districts. This shall be part of the site plan at the discretion of the Zoning Board of Appeals.
- G.** On-site power lines shall, to the maximum extent practicable, be placed underground.
- H.** A bond to cover the cost of deconstructing may be required.
- I.** The following requirements shall be met for deconstructing:
 - 1. Solar farms and solar power plants which have not been in active and continuous service for a period of 6 months shall be removed at the owner's or operator's expense within 90 days of the expiration of the 6 months.
 - 2. The site shall be restored to as natural a condition as possible within 3 months of the removal.
- J.** Any change of ownership and/or operation shall require a new application and if a bond had been required, then a new bond shall be required.

Appeals

- A.** Any findings in violation of the provisions of this Local Law, may be appealed in accordance with the established procedures and time limits of the Zoning Code and New York State Town Law.
- B.** If a building permit for a solar collector is denied based upon a failure to meet the requirements of this Local Law, the applicant may seek relief from the Zoning Board of Appeals in accordance with the established procedures and time limits of the Town of Schuyler Zoning Code and New York State Town Law.

Building Permit Fees for Solar Panels

The fees for all building permits required pursuant to this Local Law shall be paid at the time each building permit application is submitted in such reasonable amount as the Town Board may, by resolution, establish and amend from time to time.

Penalties for Offenses

The Schuyler Zoning Code applies to violations of this Article.

SECTION 3 – SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable. The remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 4 – CONFLICT WITH OTHER LAWS

Where this Law differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State, or Federal government, the more restrictive or protective of the Town Law safety shall apply.

SECTION 5 – EFFECTIVE DATE

This Law shall become effective upon filing with the New York State Secretary of State.

SECTION 6 – AUTHORITY

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede the provisions of Town Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

The laws of the State of New York shall govern all matters not specifically covered by this article, and any conflict shall be resolved in favor of the laws of the State of New York.

A. Additional Conditions

1. The solar farm owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an

emergency response plan. All means of shutting down the solar farm shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

2. No solar farm shall be approved or constructed until evidence has been given to the Zoning Board of Appeals that the utility company that operates the electrical grid where the installation is to be located has been informed, and has approved the contract for the solar farm owner's or operator's intent to install a grid-tied solar system.
3. A valid performance and payment bond assigned to the Town of Schuyler for solar collectors with dated and monetary amounts to be determined by the Zoning Board of Appeals for deconstruction shall be required.

B. Decommissioning/Removal

All applications for a solar farm shall be accompanied by a Deconstructing Plan to be implemented upon abandonment and/or in conjunction with removal of the facility. Prior to removal of the solar farm, a permit for removal activities shall be obtained from the Town Codes Enforcement Officer. The Deconstructing Plan shall include the following provisions:

1. The owner, operator, or successors in interest shall remove any ground-mounted solar collectors which have been abandoned for more than 6 months. The owner or operator shall physically remove the installation no more than 90 days after the date of discontinued operations or notice by the Town. The owner or operator shall notify the Town's Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal.
2. Physical removal of all ground-mounted solar collectors, structures, equipment, security barriers, and transmission lines from the site.
3. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal guidelines.
4. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Zoning Board of Appeals may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
5. If the owner or operator of the solar farm fails to remove the installation in accordance with the requirements of this section within 90 days of abandonment the Town may enter the property and physically remove the installation at the owner or operator's expense. The owners of record have an affirmative duty to notify the Schuyler Town Codes Enforcement Officer of

any interruption of business that exceeds or is scheduled to exceed seven (7) continuous days.

C. Estimates and Financial Surety

In addition to the Deconstructing Plan, the applicant shall also provide an estimate, prepared by a qualified independent engineer, approved by the Zoning Board of Appeals at the applicant's expense, setting forth the costs associated with deconstructing the solar farm at issue. In the event the Zoning Board of Appeals grants a Special Use Permit pursuant to this Chapter, it must also establish the amount of such surety to be established by the applicant prior to issuing the permit. The surety may be in the form of escrowed funds, bonds, or otherwise, but it is the intention of this provision to ensure that the Town has sufficient funds available to remove the installation and restore landscaping, in the event the applicant fails to comply with its deconstructing obligations.