Town of Marcellus
Workshop Meeting
Wednesday, July 24, 2024
6:30 PM

Call to Order

Salute to Flag

I. Approve Financials

II. **Old Business**

A. Tim's Pumpkin Patch PUD

III. **New Business**

A. Permissive Referendum – Park
B. Proposal of adding additional trash receptacles throughout the park
C. Budget Adjustment: Tree Service- Cemetery Reserve
D. Budget Adjustment: Welcome Center- Park Capital Reserve

IV. **Discussion Agenda**

A. Fire Department
B. Solar Law

V. **Adjournment**

Future Meeting Dates

Planning/Zoning Meeting- Monday, August 5, 2024 - 6:30 pm- Town Hall
Town Board Meeting- Wednesday, August 7, 2024- 6:30 pm- Town Hall
Comprehensive Plan Public meeting August 8, 2024 5:00 pm- Town Hall
Workshop Meeting- Wednesday, August 21, 2024- 6:30 pm- Town Hall

New York State Contract PC# 69404

RTV-X1100CWL-H WEB QUOTE #2787541
Date: 6/13/2024 7:44:18 AM

– Customer Information –
Rossiter, Jim
Town of Marcellus Parks and Rec.
bsorbello@admarsupply.com
3155528601

Quote Provided By
Admar Supply
Brian Sorbello
7800 Brewerton Rd.
Cicero, NY 13039
email: bsorbello@admarsupply.com
phone: 3155528601

– Standard Features –

Kubota

V Series RTV-X1100CWL-H

*** EQUIPMENT IN STANDARD MACHINE ***

DIESEL ENGINE
Model Kubota D1105
3 Cyl. 68.5 cu in
+24.8 Gross Eng HP
75 Amp Alternator

TRANSMISSION
VHT-X
Variable Hydro Transmission
Forward Speeds:
Low 0 - 15 mph
High 0 - 25 mph
Reverse 0 - 17 mph
Limited-slip Front Differential
Rear differential lock

HYDRAULICS
Hydrostatic Power Steering with manual tilt-feature
Hydraulic Cargo Dump
Hydraulic Oil Cooler

FLUID CAPACITY
Fuel Tank 7.9 gal
Cooling 8.3 qts
Engine Oil 4.3 qts
Transmission Oil 1.8 gal
Brake Fluid 0.4 qts

CARGO BOX
Width 57.7in
Length 40.5 in
Depth 11.2 in
Load Capacity 1102 lbs
Vol. Capacity 15.2 cu ft

+ Manufacturer Estimate

KEY FEATURES
Factory Cab w/ A/C, Heater, Defroster
Fully opening roll-down door windows
Digital Multi-meter Speedometer
Pre-wired w/ speakers/antenna for stereo
Front Independent Adjustable Suspension
Rear Independent Adjustable Suspension
Brakes - Front/Rear Wet Disc
Rear Brake Lights / Front Headlights
2" Hitch Receiver, Front and Rear
Deluxe 60/40 split bench seats with driver's side seat adjustment
Underseat Storage Compartments
Deluxe Front Guard (radiator guard, bumper, and lens guard)

SAFETY EQUIPMENT
SAE J2194 & OSHA 1928 ROPS
Horn
Dash-mounted Parking Brake
Spark Arrestor Muffler
Retractable 2-point Seat Belts

DIMENSIONS
Width 63.2 in
Height 79.5 in
Length 120.3 in
Wheelbase 80.5 in
Tow Capacity 1300 lbs
Ground Clearance 10.4 in
Suspension Travel 8 in
Turning Radius 13.1 ft

Factory Spray-on Bedliner
"L" Models Only

Bright Alloy Wheels (Silver-painted)
Silver-painted with machined surface
"S" Models only

TIRES AND WHEELS
Heavy Duty Worksite 25 x 10 - 12, 6 ply

– Custom Options –

RTV-X1100CWL-H Base Price:	$26,399.00
(1) RTV-X1100C LED FRONT WORKLIGHT 77700-11811-RTV-X1100C LED FRONT WORKLIGHT	$193.53
(1) RTV-X1100C LED REAR WORKLIGHT 77700-11812-RTV-X1100C LED REAR WORKLIGHT	$104.01
(1) 66" RESIDENTIAL SNOWBLOWER PNF V5296-66" RESIDENTIAL SNOWBLOWER PNF	$5,659.00
(1) 4PT HITCH AND POWER UNIT V5293B-4PT HITCH AND POWER UNIT	$6,059.00
(1) PTO DRIVE AND K-CONNECT V5299B-PTO DRIVE AND K-CONNECT	$4,439.00
Configured Price:	$42,853.54
State of New York Discount:	($9,427.78)
SUBTOTAL:	$33,425.76
Dealer Assembly:	$1,191.67
Freight Cost:	$1,143.75
PDI:	$400.00
PDI Discount	($150.00)
Total Unit Price:	$36,011.18
Quantity Ordered:	1
Final Sales Price:	$36,011.18

Purchase Order Must Reflect the Final Sales Price

To order, place your Purchase Order directly with the quoting dealer

*All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price. All specifications and prices are subject to change. Taxes are not included. The PDI fees and freight for attachments and accessories quoted may have additional charges added by the delivering dealer. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown on the quote. All equipment as quoted is subject to availability.

INTEROFFICE MEMORANDUM

TO: THE MARCELLUS TOWN BOARD

FROM: JIM ROSSITER

SUBJECT: BUDGET ADJUSTMENT

DATE: JULY 16, 2024

CC: LORI PETROCCI

I would like to request a transfer up to $36,012.00 from the Park Capital Reserve (A878) to the expense line (A.7110.2000) Park Equipment for the purchase of a Kubota Utility Vehicle.

INTEROFFICE MEMORANDUM

TOWN BOARD RESOLUTION
TOWN OF MARCELLUS

SUBJECT TO PERMISSIVE REFERENDUM

At a workshop meeting of the Town Board of the Town of Marcellus, held at the Town Hall, 22 East Main Street, in said Town, County of Onondaga and State of New York on July 24, 2024, at 6:30 P.M., there were:

PRESENT:	Laurie Stevens	Town Supervisor
	Jeff Berwald	Councilor
	Percy Clarke	Councilor
	Gabe Hood	Councilor
	Terry Hoey	Councilor

WHEREAS, the Town of Marcellus Park Department has advised the Town Board of the Town of Marcellus of the Department's continuing need to repair, replace and update its fleet of equipment; and

WHEREAS, the Town of Marcellus Park Department desires to acquire a new Kubota V Series RTV-X1100CWL-H utility vehicle; and

WHEREAS, available through Admar Supply, is a Kubota V Series RTV-X1100CWL-H utility vehicle at a contract price not to exceed Thirty-Six Thousand Eleven Dollars and 18/100 Cents ($36,011.18); and

WHEREAS, this is a State and/or County approved price by way of the Bidding Process; and

WHEREAS, pursuant to Section 6-C of the General Municipal Law, the Town Board of the Town of Marcellus has created, by means of a resolution, an equipment reserve fund known as the "Park Capital Reserve" for purposes of funding the purchase of equipment in the Town of Marcellus; and

WHEREAS, such fund has been maintained in accordance with Section 10 of the General Municipal Law; and

WHEREAS, the Town Board of the Town of Marcellus is desirous of expending monies from the Park Capital Reserve of the Town of Marcellus and for the purchase of the aforementioned Kubota V Series RTV-X1100CWL-H utility vehicle for use by the Town of Marcellus Department in the physical betterment and improvement of the Town; and

WHEREAS, said utility vehicle shall be purchased from Admar Supply, at a purchase price of Thirty-Six Thousand Eleven Dollars and 18/100 Cents ($36,011.18) using monies from the Park Capital Reserve.

NOW THEREFORE, BE IT RESOLVED, the Town of Marcellus Town Supervisor is hereby authorized to enter into an agreement to acquire a Kubota V Series RTV-X1100CWL-H utility vehicle, at a price not to Thirty-Six Thousand Eleven Dollars and 18/100 Cents ($36,011.18), from Admar Supply; and

BE IT FURTHER RESOLVED that the sum of Thirty-Six Thousand Eleven Dollars and 18/100 Cents ($36,011.18), from the Park Capital Reserve, be designated for expenditure in furtherance of the acquisition of a Kubota V Series RTV-X1100CWL-H utility vehicle; and

BE IT FURTHER RESOLVED that this resolution is subject to permissive referendum as provided in Article 7 of the Town Law; and

BE IT FURTHER RESOLVED, that pursuant to Section 90 of the Town Law, that within ten (10) days from the date of this resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the resolution, shall contain an abstract of said resolution concisely setting forth the purpose and effect thereof, shall specify that this resolution was adopted subject to a permissive referendum, and shall publish such notice in the "Marcellus Observer," a newspaper published in Onondaga County having general circulation in the Town of Marcellus, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign board of the Town of Marcellus, a copy of such notice within ten (10) days after the date of adoption of this resolution.

Said resolution was offered by Councilor _____ and seconded by Councilor _____.

VOTE:	Laurie Stevens	AYE/NO
	Jeff Berwald	AYE/NO
	Percy Clarke	AYE/NO
	Gabe Hood	AYE/NO
	Terry Hoey	AYE/NO

Resolution duly adopted.
Dated:

NOTICE OF ADOPTION OF TOWN OF MARCELLUS TOWN BOARD RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that at a workshop meeting held on July 24, 2024, at 6:30 PM, the Town Board of the Town of Marcellus duly adopted a resolution, an abstract of which follows, which resolution is subject to a permissive referendum pursuant to Section 90 of the Town Law. The full resolution is available at the Town of Marcellus Town Hall located at 22 East Main Street, Marcellus, New York 13108 for review by all interested parties during regular business hours.

Abstract

The Town Board of the Town of Marcellus has approved a resolution authorizing the withdrawal from the Park Capital Reserve of an amount not to exceed $36,011.18 for the purchase of a Kubota V Series RTV-X1100CWL-H utility vehicle.

DATED: July 24, 2024

ROSEMARY TOZZI
TOWN CLERK

Rosemary Tozzi

From: Jane Attley
Sent: Tuesday, July 9, 2024 3:37 PM
To: Rosemary Tozzi
Subject: FW: Town Hall meeting item for 7/10/24
Attachments: Kami Export - park_map.pdf

-----Original Message-----
From: Kirk Stevenson <ks6of6@gmail.com>
Sent: Monday, July 8, 2024 9:52 PM
To: rjfrost@twcny.rr.com; Jane Attley <jattley@marcellusny.com>; aperretta@marcellusschools.org; Megan Newhouse <mnewhouse@marcellusschools.org>; srice@marcellusschools.org
Subject: Town Hall meeting item for 7/10/24

Kami Export - park_map.pdf
(766K)Kirk Stevenson
[redacted]

Marcellus Town Board
Attn: Jane Attley
22 E Main St,
Marcellus, NY 13108

Dear Ms. Attley and Members of the Marcellus Town Board,

I hope this letter finds you well. I am writing to share an experience and a proposal that I believe would greatly benefit our community for the July 10th Town Hall meeting.

On June 11th, I had the honor of being invited to serve as a judge at the 8th grade Earth and Environment Science Fair. During the event, I was drawn in by a project conducted by a group of students who undertook an initiative to clean up our local park. In the process, they collected a significant amount of garbage, including old soda cans that had been in the park so long that they had begun to decompose.

This finding highlighted a critical need within our park facilities:
the current "carry in, carry out" policy seems insufficient in preventing litter. The students proposed adding additional trash receptacles throughout the park, a suggestion I wholeheartedly support. To enhance visibility and encourage proper use, I suggest that these receptacles be painted in bright colors by our local high school students, making them stand out to all park visitors with pictures of animals painted on them.

In support of this initiative, I reached out to Rick Frost, a local business owner and community member. Mr. Frost has graciously offered to donate funds for this cause on the condition that his name is displayed on the receptacles. This partnership not only secures the necessary resources for the project but also fosters a sense of community involvement and pride.

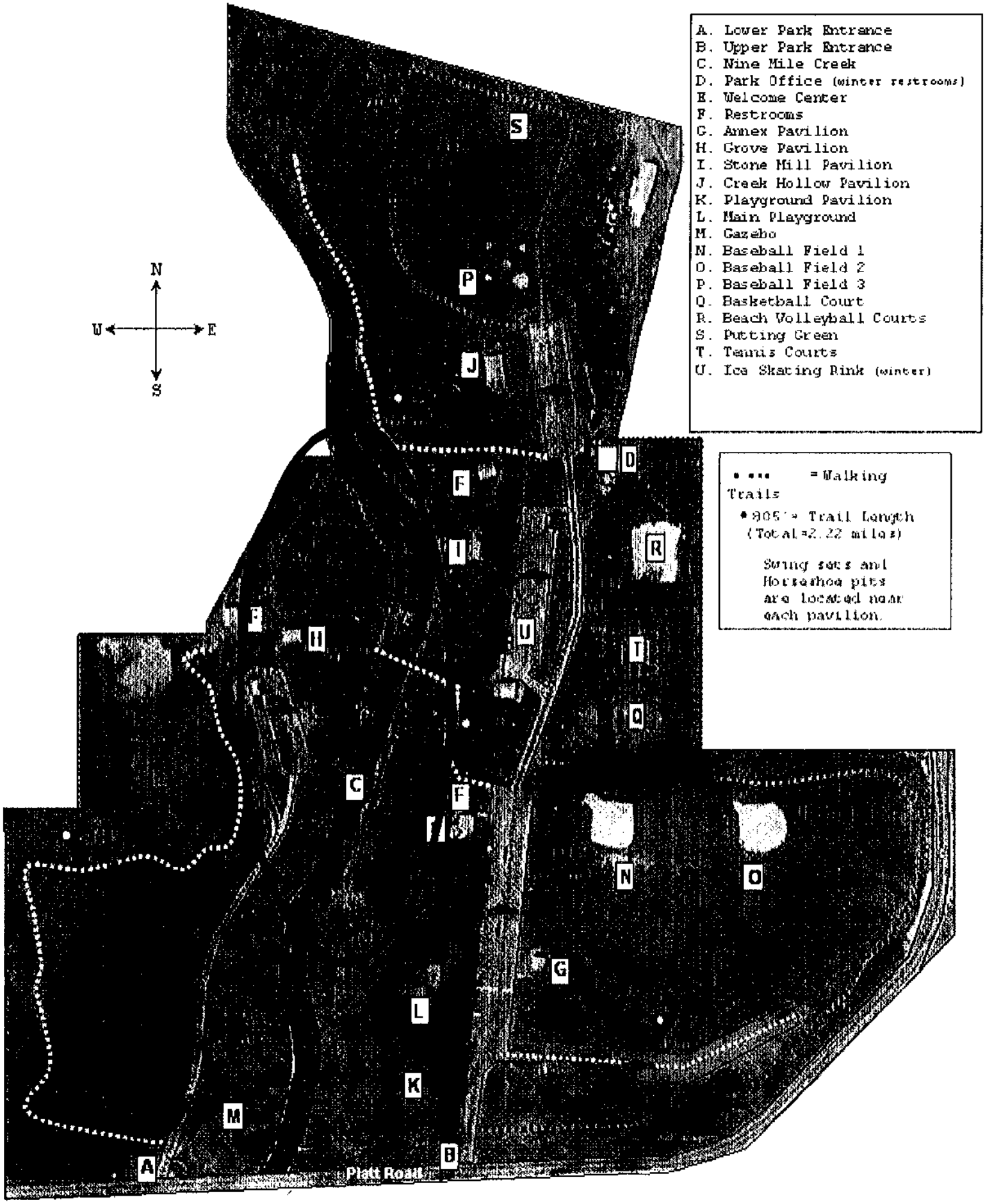
To assist in the planning and implementation of this project, I have included a map with proposed locations for the new trash receptacles.
The suggested sites were chosen based on areas of high foot traffic and locations where litter was most prevalent, as observed during the students' cleanup efforts. They also noted that a good majority of the trash was collected on the walking path that goes from South Street, behind Braeside apartments, and into the park.

I believe that implementing this proposal will significantly reduce litter in our park, making it a cleaner, safer, and more enjoyable environment for everyone. It also presents an excellent opportunity to educate our community about environmental stewardship and the importance of proper waste disposal.

I kindly request the Town Board's consideration and support in moving forward with this project. Your approval and assistance in facilitating the installation of these trash receptacles would be greatly appreciated by both the students and the wider community.

Thank you for your time and attention to this matter. I look forward to your positive response.

Sincerely,
Kirk Stevenson


A. Lower Park Entrance
B. Upper Park Entrance
C. Nine Mile Creek
D. Park Office (winter restrooms)
E. Welcome Center
F. Restrooms
G. Annex Pavilion
H. Grove Pavilion
I. Stone Mill Pavilion
J. Creek Hollow Pavilion
K. Playground Pavilion
L. Main Playground
M. Gazebo
N. Baseball Field 1
O. Baseball Field 2
P. Baseball Field 3
Q. Basketball Court
R. Beach Volleyball Courts
S. Putting Green
T. Tennis Courts
U. Ice Skating Rink (winter)
N
W
E
S
= Walking Trails
= Trail Length (Total=2.22 miles)
Swing sets and Horseshoe pits are located near each pavilion.
Platt Road

INTEROFFICE MEMORANDUM

TO: THE MARCELLUS TOWN BOARD

FROM: JIM ROSSITER

SUBJECT: BUDGET ADJUSTMENT

DATE: JULY 15, 2024

CC: LORI PETROCCI

I would like to request $3,600 from the Cemetery Reserve (A882) to the expense line (A.8810.4000) Cemetery Contractual for one tree removal and one trimming of a tree.

Cheslock Tree Removal, LLC

529 County Route 25
Oswego, NY 13126

Estimate

Estimate #2215
Date: 7/8/24

To:
Town of Marcellus
DPW
Michael Ossit, Deputy Superintendent

For:
TreeRemoval
Marcellus Village Cemetery
Marcellus, NY 13108

Description	Amount
Removal of large dead Spruce tree. 6 hours @ $325.00 per hour.	$1,950.00
Removal of large Silver Maple. 8 hours @ $325.00 per hour.	$2,600.00
Or	
Trimming of large Silver Maple. 5 hours @ $325.00 per hour.	$1,625.00

Make all checks payable to **Cheslock Tree Removal, LLC**
If you have any questions concerning this invoice, contact **Scott Cheslock** at **315-297-9677**

Thank you for your business!

INTEROFFICE MEMORANDUM

TO: THE MARCELLUS TOWN BOARD

FROM: JIM ROSSITER

SUBJECT: BUDGET ADJUSTMENT

DATE: JULY 16, 2024

CC: LORI PETROCCI

I would like to request up to $10,000 from the Park Capital Reserve (A878) to the expense line (A.7110.4000) Park Contractual for the updates to the Welcome Center to be reimbursed by the Grant.

TOWN OF MARCELLUS
PROPOSED LOCAL LAW NO. A OF THE YEAR 2017

A LOCAL LAW TO AMEND THE TOWN OF MARCELLUS ZONING LAW OF 2009 TO ADD A NEW SECTION REGULATING THE SITING AND CONSTRUCTION OF SOLAR ENERGY SYSTEMS WITHIN THE TOWN

Be it enacted by the Town Board of the Town of Marcellus as follows:

SECTION 1. LEGISLATIVE PURPOSE AND INTENT

The purpose of this Local Law is to permit and regulate the construction of Solar Energy Systems in the Town of Marcellus in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy.

SECTION 2. AUTHORITY

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 3. SOLAR ENERGY SYSTEM REGULATIONS

The Town of Marcellus Zoning Law of 2009 is hereby amended to add a new Subsection N to Section 24 of said Zoning Code titled, "SOLAR ENERGY SYSTEMS", as follows:

N. SOLAR ENERGY SYSTEMS

1. **Purpose and Intent.** The Town of Marcellus recognizes that solar energy is a clean, readily available and renewable energy source that has become increasingly affordable. The Town of Marcellus has determined that comprehensive regulations regarding the development of Solar Energy Systems are necessary to protect the interests of the Town, its residents, and businesses. This Subsection is intended to promote the effective and efficient use of Solar Energy Systems; establish provisions for the placement, design, construction, operation and removal of such systems in order to uphold the public health, safety and welfare; and to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and character of the Town.
2. **Applicability.** This Subsection shall apply to all Solar Energy Systems in the Town of Marcellus that are installed or modified after the effective date of this Subsection. All Solar Energy Systems that are installed or modified after the effective date of this Subsection shall be in compliance with all of the provisions hereof.
3. **Definitions.**
    a. **BUILDING-INTEGRATED SOLAR ENERGY SYSTEM** – A Solar Energy System incorporated into and becoming part of the overall architecture, design and structure of a building in manner that the Solar Energy System is a permanent and integral part of the building structure.

b. **FLUSH MOUNTED SOLAR ENERGY SYSTEM** – A Rooftop-Mounted Solar Energy System with Solar Panels which are installed flush to the surface of a roof and which cannot be angled or raised.

c. **GROUND MOUNTED SOLAR ENERGY SYSTEM** – A Solar Energy System that is affixed to the ground either directly or by mounting devices and which is not attached or affixed to a building or structure.

d. **NET-METERING** – A billing arrangement that allows solar customers to receive credit for excess electricity which is generated from the customer's Solar Energy System and delivered back to the grid so that customers only pay for their net electricity usage for the applicable billing period.

e. **QUALIFIED SOLAR INSTALLER** – A person who has skills and knowledge related to the construction and operation of Solar Energy Systems (and the components thereof) and installations and has received safety training on the hazards involved. 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 of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSERDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Town Code Enforcement Officer or such other Town officer or employee as the Town Board designates determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

f. **ROOFTOP-MOUNTED SOLAR ENERGY SYSTEM** – A Solar Energy System in which Solar Collectors/Panels are mounted on the roof of a building or structure either as a flush-mounted system or as panels fixed to frames which can be tilted to maximize solar collection. Rooftop-Mounted Solar Energy Systems shall be wholly contained within the limits of the building's or structure's roof surface.

g. **SOLAR ACCESS** – Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

h. **SOLAR COLLECTOR** – 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 the generation of electricity or transfer of stored heat.

i. **SOLAR ENERGY SYSTEM** – A complete system of Solar Collectors, Panels, controls, energy devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy including but not limited to thermal and electrical, stored and protected from dissipation and

distributed. For purposes of this Subsection, a Solar Energy System does not include any Solar Energy System of four square feet in size or less.

j. **SOLAR FARMS** – A Solar Energy System or collection of Solar Energy Systems or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider.

k. **SOLAR PANEL** – A device which converts solar energy into electricity.

l. **SOLAR SKYSPACE** – The space between a Solar Energy System and the sun through which solar radiation passes.

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

4. **Building-Integrated Solar Energy Systems.**

a. Districts where allowed. Building-Integrated Solar Energy Systems shall be permitted in all zoning districts within the Town subject to the submission of, application for and review and issuance of an applicable building permit.

b. Building-Integrated Solar Energy Systems shall be subject to the general requirements set forth at Subsection (N) (7) of this Section.

5. **Rooftop-Mounted Solar Energy Systems.**

a. Districts where allowed. Rooftop-Mounted Solar Energy Systems shall be permitted in all zoning districts within the Town subject to the following requirements:

i. A Building permit shall be required for installation of all Rooftop-Mounted Solar Energy Systems.

ii. Rooftop-Mounted Solar Energy Systems shall not exceed the maximum allowed height of the principal use in the zoning district in which the System is located.

b. In order to ensure firefighter and other emergency responder safety, except in the case of accessory buildings under 1,000 square feet in area, there shall be a minimum perimeter area around the edge of the roof and structurally supported pathways to provide space on the roof for walking around all Rooftop-Mounted Solar Energy Systems. Additionally, installations shall provide for adequate access and spacing in order to:

i. Ensure access to the roof

ii. Provide pathways to specific areas of the roof

iii. Provide for smoke ventilation opportunity areas

iv. Provide for emergency egress from the roof

c. Exceptions to the requirements in Subsection (N) (5) (b) of this Section may be requested where access, pathway or ventilation requirements are reduced due to:

i. Unique site specific limitations;

ii. Alternative access opportunities (such as from adjoining roofs);

iii. Ground level access to the roof area in question;

iv. Other adequate ventilation opportunities when approved by the Codes Office;

v. Adequate ventilation opportunities afforded by panels setback from other rooftop equipment (for example: shading or structural constraints may leave significant areas open for ventilation near HVAC equipment);
vi. Automatic ventilation devices; or
vii. New technology, methods or other innovations that ensure adequate emergency responder access, pathways and ventilation opportunities.

d. In the event any of the standards in Subsection (N) (5) (b) of this Section are more stringent than the New York State Uniform Fire Prevention and Building Code, the standards enumerated in said Subsection shall be deemed to be installation guidelines only and the standards of the Code shall apply.

e. Rooftop-Mounted Solar Energy Systems also shall be subject to the general requirements set forth at Subsection (N) (7) of this Section.

f. Unified Solar Permit for Eligible Rooftop-Mounted Solar Energy Systems. Provided the Rooftop-Mounted Solar Energy System meets the requirements for a Unified Solar Permit pursuant to this Subsection, in addition to the requirements specified in Subsections (N) (5) (a) and (b), an applicant must submit a Unified Solar Permit Application to the Code Enforcement Officer, which shall contain the following:
i. A Unified Solar Permit Eligibility Checklist.
ii. A Site Plan showing location of major components of the Solar Energy System and other equipment on the roof or legal accessory structure. This plan should represent relative locations of components at the site, including, but not limited to, location of arrays, existing electrical service locations, utility meters, inverter locations, system orientation and tilt angles. This plan should show access and pathways that are compliant with New York State Fire Code, if applicable.
iii. One-Line or 3-Line Electrical Diagram. The electrical diagram required by NYSERDA for an incentive application and/or utilities for an interconnection agreement can also be provided here.
iv. Specification Sheets for all manufactured components.
v. All diagrams and plans must be prepared by a professional engineer or registered architect as required by New York State law and include the following:
1. Project address, section, block and lot number(s) of the property;
2. Owner's name, address and phone number;
3. Name, address and phone number of the person preparing the plans; and
4. System capacity in kW-DC.

g. Permit Review and Inspection Timeline. Unified Solar Permit determinations will be issued within fourteen (14) days upon receipt of complete and accurate applications. The municipality will provide feedback within seven (7) days of receiving incomplete or inaccurate applications. If an inspection is required a single inspection should be sufficient and will be provided within seven (7) days of inspection request.

6. **Ground-Mounted Solar Energy Systems.**
    a. Districts where allowed. Ground-Mounted Solar Energy Systems are permitted as accessory structures in all zoning districts of the Town, subject to the following requirements:
        i. A Building permit shall be required for installation of all Ground-Mounted Solar Energy Systems.
        ii. Ground-Mounted Solar Energy Systems are prohibited in front yards.
        iii. Ground-Mounted Solar Energy Systems shall comply with the most restrictive area, yard and bulk regulations in each applicable zoning district in which the Ground-Mounted Solar Energy System is constructed.
        iv. Setbacks. Further setbacks, area and yard requirements and bulk restrictions may be required by the Planning Board in addition to those set forth in § 24 (N) (6) (a) (iii) above in order to protect the public's safety, health and welfare.
        v. The height of the Solar Collector/Panel and any mounts 15 feet in height when oriented at maximum tilt measured from the ground and including any base.
        vi. Ground-Mounted Solar Energy Systems shall be screened when possible and practicable from adjoining lots and street rights of way through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and the surrounding area. The proposed screening shall not interfere with the normal operation of the Solar Collectors/Panels.
        vii. The Ground-Mounted Solar Energy System shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate Solar Access for the Solar Energy System.
        viii. Neither the Ground-Mounted Solar Energy System, nor any component thereof, shall be sited within any required buffer area.
        ix. The total surface area of all Ground-Mounted Solar Energy System components shall not exceed the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls, excluding patios, decks, balconies, screened and open porches, and attached garages, provided that non-residential placements exceeding this size may be approved by the Planning Board subject to site plan review pursuant to Section 26 of this Zoning Law.
        x. The area beneath the Ground-Mounted Solar Energy System shall be included in calculating whether the lot meets the maximum permitted lot coverage requirements for the applicable district, notwithstanding that the collectors are not "buildings."
    b. Ground-Mounted Solar Energy Systems also shall be subject to the general requirements set forth at Subsection (N) (7) of this Section.
7. **General Requirements Applicable to Building-Integrated, Rooftop-Mounted and Ground-Mounted Solar Energy Systems.**

a. All Solar Energy System installations must be performed by a Qualified Solar Installer.
b. Solar Energy Systems, unless part of a Solar Farm, shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a net-metering arrangement in accordance with New York Public Service Law § 66-j or similar state or federal statute.
c. Prior to operation, electrical connections must be inspected by a Town Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town.
d. Any connection to the public utility grid must be inspected by the appropriate public utility.
e. Solar Energy Systems shall be maintained in good working order.
f. Solar Energy Systems shall be permitted only if they are determined by the Town to be consistent in size and use with the character of surrounding neighborhood.
g. Solar Energy Systems shall be permitted only if they are determined by the Town not to present any unreasonable safety risks, including but not limited to:
    i. Weight load;
    ii. Wind resistance; and
    iii. Ingress or egress in the event of fire or other emergency.
h. Rooftop-Mounted Solar Energy Systems shall meet New York's Uniform Fire Prevention and Building Code standards.
i. If solar storage batteries are included as part of the Solar Energy System, they must be placed in a secure container or 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 the Town and other applicable laws and regulations.
j. All utility services and electrical wiring/lines shall be placed underground and otherwise be placed within the walls or unobtrusive conduit. No conduits or fees may be laid on the roof. Feeds to the inverter shall run within the building and penetrate the roof at the solar panel location.
k. If a Solar Energy System ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall completely remove the System, mount and all other associated equipment and components by no later than ninety (90) days after the end of the twelve-month (12) period or within ten (10) days of written notice from the Town.
l. To the extent practicable, Solar Energy Systems shall have neutral paint colors, materials and textures to achieve visual harmony with the surrounding area.
m. The design, construction, operation and maintenance of the Solar Energy System shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.

n. Marking of equipment. Solar Energy Systems and components 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 should be placed on the outside cover. In the event any of the standards in this Subsection for markings are more stringent than applicable provisions of the New York State Uniform Fire Prevention and Building Code they shall be deemed to be guidelines only and the standards of the State Code shall apply.

8. Solar Farms.

a. Districts where allowed. Subject to the issuance of site plan approval and a special use permit and other requirements as set forth herein, Solar Farms shall not be a permitted use in any zoning district other than the Agricultural Zone and the Light Industrial Zone within the Town.

b. Districts where prohibited. Solar Farms shall be prohibited in all Residential Districts.

c. Lot Area and Yard Regulations. The following lot area and yard regulations shall apply to Solar Farms located in the Agricultural and Light Industrial Zones within the Town:

i. Minimum Street Frontage: 300 feet
ii. Minimum Lot Area: 15 acres
iii. Minimum Front Yard Setback: 250 feet
iv. Minimum Rear Yard Setback: 100 feet
v. Minimum Side Yard Setback: 100 feet

d. Permits required. No person, firm or corporation, or other entity being the owner, occupant, or lessee of any land or premises within the Town of Marcellus shall use or permit the use of land or premises for the construction or installation of a Solar Farm without obtaining a building permit, a special use permit issued by the Zoning Board of Appeals and a site plan approval issued by the Planning Board as hereinafter provided.

e. Special use permit. In addition to the criteria heretofore established, the following criteria are hereby established for purposes of granting a special use permit for a Solar Farm:

i. Scenic viewsheds. A Solar Farm shall not be installed in any location that would substantially detract from or block the view(s) of all or a portion of a recognized scenic viewshed, as viewed from any public road, right-of-way or publicly owned land within the Town of Marcellus or that extends beyond the border of the Town of Marcellus. For purposes of this subsection, consideration shall be given to any relevant portions of the current, amended and/or future Town of Marcellus Comprehensive Plan and/or any other prior, current, amended and/or future officially recognized Town planning document or resource.

ii. Emergency shutdown/safety. The applicant shall demonstrate the existence of adequate emergency/safety measures. The applicant shall post an emergency telephone number so that the appropriate entities may

be contacted should any Solar Panel or other component of the Solar Farm need immediate repair or attention. This emergency telephone number should be clearly visible and in a location which is convenient and readily noticeable to someone likely to detect a problem.

iii. Security. All Solar Farms shall be secured to the extent practicable to restrict unauthorized access.

iv. Ownership. Ownership of the Solar Farm is not required to be the same as the owner of the fee interest in the real property upon which it is situated, however, the terms of the lease agreement or other contract between the property owner and Solar Farm Operator must be approved by the Town.

v. Access road. To the greatest extent possible, existing roadways shall be used for access to the site and its improvements. In the case of constructing any roadways necessary to access the Solar Farm, they shall be constructed in a way that allows for the passage of emergency vehicles in the event of an emergency. Each application shall be accompanied by correspondence from the responding fire department and emergency care provider as to the acceptability of the proposed ingress to and egress from the Solar Farm site.

vi. The development and operation of the Solar Farm shall not have a significant impact on fish, wildlife, animal or plant species or their critical habitats, or other significant habitats identified by the Town of Marcellus or federal or state regulatory agencies.

vii. Setbacks. Additional setbacks may be required by the Zoning Board of Appeals in order to provide for the public's safety, health and welfare.

f. Waiver. The Zoning Board of Appeals may, upon exercise of its reasonable discretion, waive one or more of the submission requirements imposed herein. Relief from all other requirements must be made by way of an area or use variance from the Zoning Board of Appeals.

g. Site plan review. The following submission requirements must be observed regarding a site plan application for a Solar Farm. The Planning Board may also require any of the requirements of Section 26 of this Zoning Law as part of the submission:

i. A completed application form as supplied by the Town of Marcellus for site plan approval for a Solar Farm.

ii. Proof of ownership of the premises involved, or an express, written authorization by the owner of the premises for the applicant to make such application.

iii. Plans and drawings of the proposed Solar Farm installation signed by a professional engineer registered in New York State showing the proposed layout of the entire Solar Farm along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of site plan approval. The plans and

development plan shall be drawn in sufficient detail and shall further depict:

1. Property lines and physical dimensions of the proposed site, including contours at five-foot intervals.
2. Location, approximate dimensions and types of all existing structures and uses on the site.
3. Location and elevation of the proposed Solar Farm and all components thereof.
4. Location of all existing aboveground utility lines within 1,200 linear feet of the site.
5. Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a Solar Farm shall be buried underground and include necessary encasements in accordance with the National Electric Code and Town requirements. The Planning Board may recommend waiving this requirement if sufficient engineering data is submitted by the applicant demonstrating that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead electric utility/transmission lines (if permitted) and underground electric utility/transmission lines, including substations and junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the public utility company's requirements for interconnection. Any connection to the public utility grid must be inspected by the appropriate public utility.
6. Location of all service structures proposed as part of the installation.
7. Landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features, including size and type of plant material. The plan shall show any trees and/or vegetation which is proposed to be removed for purposes of providing greater Solar Access.
8. Screening. Screening requirements shall be approved by the Planning Board during the site plan review and approval process
9. Soil type(s) at the proposed site.

iv. Photographic simulations shall be included showing the proposed Solar Farm along with elevation views and dimensions and manufacturer's specifications and photos of the proposed Solar Energy Systems, Solar Collectors, Solar Panels and all other components comprising the Solar Farm or from other vantage points selected by the Planning Board.

v. If applicable, certification from a professional engineer or architect registered in New York State indicating that the building or structure to which a Solar Panel or Solar Energy System is affixed, is capable of

handling the loading requirements of the Solar Panel or Solar Energy System and various components.

vi. One or three line electrical diagram detailing the Solar Energy System installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices.

vii. Documentation of access to the project site(s), including location of all access roads, gates, parking area etc.

viii. A plan for clearing and/or grading of the site and a Stormwater Pollution Prevention Plan (SWPPP) for the site.

ix. Documentation of utility notification, including an electric service order number.

x. Sunchart. Where deemed appropriate, the Planning Board may require that the applicant submit a sunchart for the proposed site indicating the sun angle for the southern boundary of the site for a minimum four-hour continuous period during the time of the highest sun angle on December 21, along with the potential for existing buildings, structures, and/or vegetation on the site or on adjacent sites to obstruct the Solar Skyspace of the proposed Solar Farm. The sunchart shall also indicate the potential for obstructions to the Solar Skyspace of the proposed Solar Farm under a scenario where an adjacent site is developed as otherwise permitted by applicable provisions of the Zoning Code of the Town of Marcellus with a building/structure built to maximum bulk and height at the minimum setback. Where no standards for setback are established. this scenario shall assume a maximum setback of five feet from the property line. The sunchart shall be kept on filed at the Town Code Enforcement Office and determine the minimum setback required for any solar collectors from the south property line as well as the Solar Skyspace that should be considered when development of neighboring properties occurs. This section in no way places responsibility on the Town for guaranteeing the Solar Skyspace of a Solar Energy System in the event setbacks are waived at the applicant's request.

xi. The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site and be clearly visible.

xii. Solar Energy Systems shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the electric systems. Materials used for marking shall be weather resistant. The marking shall be placed adjacent to the main service disconnect location clearly visible from the location where the lever is operated.

xiii. The average height of the solar panel array shall not exceed 20 feet measured from the ground and including any base or supporting materials.

xiv. Color. Neutral paint colors, materials and textures may be required for Solar Farm components, buildings and structures to achieve visual harmony with the surrounding area as approved by the Planning Board.

xv. The design, construction, operation and maintenance of the Solar Energy System shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.

xvi. Artificial lighting of Solar Farms shall be limited to lighting required for safety and operational purposes and shall be shielded from all neighboring properties and public roads.

xvii. Solar Farms shall be enclosed by a perimeter fencing to restrict unauthorized access at a height of 8 ½ feet or as otherwise approved by the Planning Board.

xviii. Only signage used to notify the location of the Solar Farm shall be allowed and such signage shall otherwise comply with the Town's sign regulations and requirements.

xix. All applications shall be accompanied by a full environmental assessment form for purposes of environmental review under the New York State Environmental Quality Review Act (SEQRA), including a visual impact analysis. The following additional material may be required by the Planning Board:

1. A digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations, to a distance radius of three miles from the center of the project. Scaled use shall depict a three-mile radius as not smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features.
2. No fewer than four color photos taken from locations within a three-mile radius from the proposed location, as selected by the Planning Board and computer-enhanced to simulate the appearance of the as-built aboveground Solar Farm components as they would appear from these locations.

h. Site plan review criteria. In addition to the above, no site plan shall be approved unless the Planning Board determines that the proposed Solar Farm complies with the following:

i. The use is oriented in its location upon the site as to layout, coverage, screening, means of access and aesthetics so that:

1. The flow control and safety of traffic and human beings shall not be adversely affected to an unreasonable degree;
2. There is reasonable compatibility in all respects with any structure or use in the surrounding area, actual or permitted, which may be directly substantially affected;
3. There shall not be any unreasonable detriment to any structure or use, actual or permitted, in the surrounding area;
4. There is a reasonable provision for open space and yard areas as appropriate to the surrounding area;

i. Public hearing. No action shall be taken by the Zoning Board of Appeals to issue a special use permit or by the Planning Board to issue site plan approval, nor the Zoning Board of Appeals to grant a use or area variance in relation to

an application for a Solar Farm until after public notice and a public hearing. Proper notice of a hearing before a board shall be given by legal notice published in the official newspaper of the Town of Marcellus at least five days before the date set for such public hearing(s) and written notice mailed to the applicant or his agent at the address given in the application to be considered. The applicant shall be responsible for notifying, by certified mail, all property owners of record within 500 feet of the outside perimeter of the boundary line of the property involved in the application of the time, date and place of such public hearing at least 10 days prior to such hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property tax records of the Town Assessor or at the property address. At least seven days prior to such hearing, the applicant shall file with the board his/her affidavit verifying the mailing of such notices. Failure of the property owners to receive such notice shall not be deemed a jurisdictional defect.

j. Compliance with Uniform Fire Prevention and Building Code.

- **i.** Building permit applications shall be accompanied by standard drawings of structural components of the Solar Farm and all its components (including but not limited to Solar Panel, Solar Collector, Solar Energy System etc.). Drawings and any necessary calculations shall be certified, in writing, by a New York State registered professional engineer that the system complies with the New York State Fire Prevention and Building Code. This certification would normally be supplied by the manufacturer.
- **ii.** Where the structure, components or installation vary from the standard design or specification, the proposed modification shall be certified by a New York State registered professional engineer for compliance with the structural design provisions of the New York State Fire Prevention and Building Code.

k. Compliance with state, local and national electric codes.

- **i.** Building permit applications shall be accompanied by a line drawing identifying the electrical components of the Solar Farm to be installed in sufficient detail to allow for a determination that the manner of installation conforms with the National Electric Code. The application shall include a statement from a New York State registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electric Code, as well as applicable state and local electrical codes. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.
- **ii.** Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State registered professional engineer for compliance with the requirements of the National Electric Code and good engineering practices.

l. Following construction/installation of the Solar Farm, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low level vegetation capable of preventing soil erosion and airborne dust.

m. Post Construction/Installation Certification. Following the construction/installation of the Solar Farm, the applicant shall provide a post-construction/installation certification from a professional engineer registered in New York State that the project complies with any and all applicable codes and industry practices and has been constructed and operating according to the drawings and development plan(s) submitted to the Town.

n. Insurance. The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the Solar Farm at all times. Said policy shall provide a minimum of $2,000,000 property and personal liability coverage. Proof of said insurance policy shall be provided to the Town annually.

o. Inspections. The Building Inspector, Zoning Enforcement Officer, Code Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or his agent, the premises on which a Solar Farm is being constructed or is constructed, to inspect all parts of said Solar Farm installation and to require that repairs or alterations be made if, in his or her judgment, there exists a deficiency in the operation or the structural stability of the Solar Farm or any component thereof. Any of the aforementioned Town officials shall have the further authority to determine whether the Solar Farm should be decommissioned pursuant to Subsection (N) (8) (q) below. If necessary, the Building Inspector or Town Engineer may order the system secured or to otherwise cease operation. It shall not be required that the owner or agent be present in the event of an emergency situation involving danger to life, limb or property.

p. Power to impose conditions. In granting any site plan approval, special use permit or variance for a Solar Farm, the Zoning Board of Appeals or Planning Board, as the case may be, may impose reasonable conditions to the extent that such board finds that such conditions are necessary to minimize any adverse effect or impacts of the proposed use on neighboring properties and to protect the general health, safety and welfare of the Town.

q. Decommissioning and Removal of Solar Farm Facilities.

   i. The applicant shall agree, in writing, to remove the entirety of the Solar Farm and all accessory structures and components thereof if the Solar Farm ceases to be used for its intended purpose for twelve (12) consecutive months. Removal of such obsolete and/or unused Solar Farm components shall take place within three (3) months thereafter. Such agreement shall also include a commitment by the applicant to impose a similar obligation to remove any unused and/or obsolete Solar Panels upon any person subsequently securing rights to relocate the Solar Panels.

   ii. Bond/Security. The applicant shall be required to execute and file with the Town Clerk a bond, or other form of security acceptable to the Town Attorney and Engineer, in an amount sufficient for the faithful performance of the terms and conditions of the permit issued under this

Chapter, and to provide the decommissioning removal and restoration of the site subsequent to the removal of the Solar Farm. The amount of the bond or security shall be no less than 150% of the cost of the removal of the Solar Panels and restoration of the site, and shall be reviewed and adjusted at five (5) year intervals. In the event of a default upon performance of such condition or any of them, the bond or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The bond or security shall remain in full force and effect until the complete removal of the Solar Panels and site restoration is finished.

r. Fees. Fees for applications, inspections and permits under this section shall be established by resolution of the Town Board of the Town of Marcellus.

s. Waiver. The Planning Board or the Zoning Board of Appeals may, under appropriate circumstances, waive one or more of the submission requirements contained herein.

SECTION 4. SEVERABILITY

If the provisions of any section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Local Law.

SECTION 5. EFFECTIVE DATE

This Local Law shall be effective upon filing with the office of the Secretary of State.

TOWN OF CAMILLUS
LOCAL LAW NO. D-2023

A LOCAL LAW TO AMEND CHAPTER 30 OF THE TOWN OF CAMILLUS CODE TO ADD A NEW ARTICLE REGULATING SOLAR ENERGY SYSTEMS WITHIN THE TOWN OF CAMILLUS

BE IT ENACTED by the Town Board of the Town of Camillus as follows:

SECTION 1. PURPOSE AND INTENT.

The purpose of this Local Law is to amend Chapter 30 of the Town of Camillus Code pertaining to the regulation of solar energy systems within the Town of Camillus and to regulate the construction of solar energy systems in the Town Camillus in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy.

SECTION 2. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 3. REPEAL OF SECTION 405 "SOLAR ENERGY ACCESSORY USE SYSTEMS" OF THE TOWN OF CAMILLUS ZONING REGULATIONS

Section 405 "Solar Energy Accessory Use Systems of the Town of Camillus Zoning Regulations is hereby repealed in its entirety.

SECTION 4. AMENDMENT OF CHAPTER 30 OF THE TOWN OF CAMILLUS CODE TO ADD A NEW ARTICLE XVIII TITLED SOLAR ENERGY SYSTEMS.

"ARTICLE XVIII SOLAR ENERGY SYSTEMS.

Section 1800. Purpose and intent.

The Town of Camillus recognizes that solar energy is a clean, readily available and renewable energy source. Development of solar energy systems offers an energy source that can prevent fossil fuel emissions, reduce the Town's energy demands and attract and promote green business development within the Town. The Town of Camillus has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents, and businesses. This Article is intended to promote the effective and efficient use of solar energy systems; establish provisions for the placement, design, construction, operation and removal of such systems in order to uphold the public health, safety and welfare. promote the co-location of solar energy systems within active farming and agricultural lands in a manner that preserves the rural character of the Town of Camillus; to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and maintain the rural character of the Town. The Town, when appropriate, will promote the location of smaller commercial solar

projects in multiple locations to further mitigate impacts from such larger projects. Further, the Town of Camillus wishes to enhance agricultural viability within the Town and preserve productive agricultural land resources, mitigate the impacts of solar energy systems on environmental resources such as prime farmlands, prime soils (including USDA Prime Soils), prime soil lands, Farmland of Statewide Importance, other important agricultural lands, forests, wildlife, and other protected resources. This Article also recognizes that such uses in the Town may, in some instances, represent large disturbances of lands, the hosting of complex equipment and the need to assure that such projects and property are removed or disposed of at the time of the discontinuance, while minimizing impacts to local roads and nearby property values and avoiding financial burdens on taxpayers.

Section 1801. Applicability.

This Article shall apply to all solar energy systems (including solar heating panels) in the Town of Camillus which are installed or modified after the effective date of this Article. All solar energy systems which are installed or modified after the effective date of this Article shall be in compliance with all of the provisions hereof. Any proposed solar energy system subject to review by the New York State Board on Electric Generation Siting and the Environment pursuant to Article 10 of the New York State Public Service Law, or the Office of Renewable Energy Siting pursuant to Article 94-c of the New York State Executive Law or any subsequent law, shall be subject to all substantive provisions of this Article and any other applicable provisions of the Town of Camillus Zoning Regulations and applicable local laws.

Section 1802. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

ALTERNATING CURRENT (AC) - An electric current that reverses direction at regular intervals, having a magnitude that varies continuously in sinusoidal manner.

ATTERBERG LIMITS AND FIELD TESTS - A basic measure of the critical water contents of a fine-grained soil and its shrinkage limit, plastic limit, and liquid limit. Establishes the moisture contents at which fine-grained clay and silt soils transition between solid, semi-solid, plastic, and liquid states.

COMMERCIAL SOLAR PROJECT - A solar energy system or collection of solar energy systems or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider.

COMMUNITY SOLAR PROJECT - Proposed commercial solar projects sited in the Town of Camillus that will feature the ability to participate in subscriptions for lower electricity costs to Town residents.

DIRECT CURRENT - An electric current of constant direction, having a magnitude that does not vary or varies only slightly.

ENVIRONMENTAL MANAGER (EM) - An individual possessing the skills and knowledge to effectively develop a site for use as a solar PV system and then reclaim the site restoring it, to the greatest extent practical, to its original use.

FARMLAND OF STATEWIDE IMPORTANCE - Land, designated as "Farmland of Statewide Importance" in the U. S. Department of Agriculture Natural Resources Conservation Service's (NRCS) Soil Survey Geographic (SSURGO) Database on Web Soil Survey, and/or pursuant to the New York State classification system for Onondaga County, that is of statewide importance for the production of food, feed, fiber, forage, and oil seed. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by New York State.

HOST COMMUNITY AGREEMENT - A contract between a developer and a local governing body, whereby the developer agrees to provide the community with certain negotiated benefits and mitigate specified impacts of the solar project.

IMPORTANT BIRD AREA ("IBA") - An area determined by the New York Audubon to meet 1 of 3 criteria: (1) a place where birds congregate in large numbers at one time; (2) a place for species that are at-risk; and/or (3) a place that supports groups of birds representing certain habitats such as forests, wetlands, grasslands and shrublands.

KILOWATT (kW) - A unit of electrical power equal to 1,000 watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used; 1,000 kW is equal to one megawatt (MW).

MEGAWATT (MW) - A unit of electrical power equal to 1,000 kilowatts, which constitutes a unit of electrical demand.

NATIVE PERENNIAL VEGETATION - Native wildflowers and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

NET-METERING - A billing arrangement that allows solar customers to receive credit for excess electricity which is generated from the customer's solar energy system and delivered back to the grid so that customers only pay for their net electricity usage for the applicable billing period.

POLLINATOR - Bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

PRIME FARMLAND, PRIME SOILS, AND PRIME SOIL LANDS - Soils and land that are best suited for producing food, feed, forage, fiber, and oilseed crops, and must be available for this use. Such soils have the soil quality, growing season, and moisture supply needed to economically produce a sustained high yield of crop when it is treated and managed according to acceptable farming methods. Prime Farmland may now be in crops, pasture, woodland, or other land, but not in urban and built-up land or water areas.

QUALIFIED SOLAR INSTALLER - A person who has skills and knowledge related to the construction and operation of solar energy systems (and the components thereof) and installations

and has received safety training on the hazards involved. 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 of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSERDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Town Code Enforcement Officer or such other Town officer or employee as the Town Board designates determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

SOLAR ACCESS - Space open to the sun and clear of overhangs or shade, including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

SOLAR COLLECTOR - 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 the generation of electricity or transfer of stored heat.

SOLAR ENERGY SYSTEM - A complete system of solar collectors, panels, controls, energy devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy, including but not limited to thermal and electrical, stored and protected from dissipation and distributed. For purposes of this Section, a solar energy system does not include any solar energy system of four square feet in size or less.

> **BUILDING-INTEGRATED SOLAR ENERGY SYSTEM** - A solar energy system incorporated into and becoming part of the overall architecture, design and structure of a building in manner that the solar energy system is a permanent and integral part of the building structure.
>
> **FLUSH-MOUNTED SOLAR ENERGY SYSTEM** - A rooftop-mounted solar energy system with solar panels which are installed flush to the surface of a roof and which cannot be angled or raised.
>
> **GROUND-MOUNTED SOLAR ENERGY SYSTEM** - A solar energy system that is affixed to the ground either directly or by mounting devices and which is not attached or affixed to a building or structure.
>
> **ROOFTOP-MOUNTED SOLAR ENERGY SYSTEM** - A solar energy system in which solar collectors/panels are mounted on the roof of a building or structure either as a flush-mounted system or as panels fixed to frames which can be tilted to maximize solar collection. Rooftop-mounted solar energy systems shall be wholly contained within the limits of the building's or structure's roof surface.

SOLAR PANEL - A device which converts solar energy into electricity and/or heat.

SOLAR SKYSPACE - The space between a solar energy system and the sun through which solar radiation passes.

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

Section 1803. Building-integrated solar energy systems.

A. Districts where allowed. Building-integrated solar energy systems shall be permitted in all zoning districts within the Town subject to the submission of, application for and review and issuance of an applicable building permit.

B. Building-integrated solar energy systems shall be subject to the general requirements set forth at Section 1806.

Section 1804. Rooftop-mounted solar energy systems.

A. Districts where allowed. Rooftop-mounted solar energy systems shall be permitted in all zoning districts within the Town subject to the following requirements:

(1) A building permit shall be required for installation of all rooftop-mounted solar energy systems.

(2) Rooftop-mounted solar energy systems shall not exceed the maximum allowed height of the principal use in the zoning district in which the system is located and shall specifically prohibit solar racking systems extending from the roof surface more than 12 inches when measured from average grade of roof surface at maximum height.

(3) Rooftop-Mounted Solar Energy Systems shall be mounted parallel to the roof plane on which they are mounted. However, in the case of buildings which have a flat roof, a tilted mount may be permitted subject to site plan review before the Planning Board.

(4) In order to ensure firefighter and other emergency responder safety, except in the case of accessory buildings under 1,000 square feet in area, there shall be a minimum perimeter area around the edge of the roof and structurally supported pathways to provide space on the roof for walking around all rooftop-mounted solar energy systems. Additionally, installations shall provide for adequate access and spacing in order to:

(a) Ensure access to the roof.

(b) Provide pathways to specific areas of the roof.

(c) Provide for smoke ventilation opportunity areas.

(d) Provide for emergency egress from the roof.

(e) Exceptions to these requirements may be requested where access, pathway or ventilation requirements are reduced due to:

[1] Unique site specific limitations;

[2] Alternative access opportunities (such as from adjoining roofs);

[3] Ground level access to the roof area in question;

[4] Other adequate ventilation opportunities when approved by the Codes Office;

[5] Adequate ventilation opportunities afforded by panels setback from other rooftop equipment (for example: shading or structural constraints may leave significant areas open for ventilation near HVAC equipment);

[6] Automatic ventilation devices; or

[7] New technology, methods or other innovations that ensure adequate emergency responder access, pathways and ventilation opportunities.

(f) In the event any of the standards in this Subsection (A)(3) are more stringent than the New York State Uniform Fire Prevention and Building Code, they shall be deemed to be installation guidelines only and the standards of the Code shall apply.

B. Rooftop-mounted solar energy systems shall be subject to the general requirements set forth at Section 1806.

C. On structures having significant architectural features as defined by the U.S. Department of Interior, all installations will conform to the Secretary of the Interior's Standards for Rehabilitation of historical structures. Locational placement of such panels shall be made such that there is no direct adverse effect or visual impact on any significant architectural features. Destruction or alteration of historic or architecturally significant features or materials that characterize the structure shall be prohibited.

D. Permit application requirements for roof-top mounted solar energy systems.

(1) In addition to the requirements specified in Section 1804(A)-(B), an applicant must submit the following materials to the Code Enforcement Officer:

(a) A site plan showing location of major components of the solar energy system and other equipment on the roof or legal accessory

structure. This plan should represent relative locations of components at the site, including, but not limited to, location of arrays, existing electrical service locations, utility meters, inverter locations, system orientation and tilt angles. This plan should show access and pathways that are compliant with New York State Uniform Fire Prevention and Building Code, if applicable.

(b) One-line or three-line electrical diagram. The electrical diagram required by NYSERDA for an incentive application and/or utilities for an interconnection agreement may also be provided here.

(c) Specification sheets for all manufactured components. If these sheets are available electronically, a web address will be accepted in place of an attachment, at the discretion of the Town.

(d) All diagrams and plans must be prepared by a professional engineer or registered architect as required by New York State law and include the following:

[1] Project address, section, block and lot number of the property;

[2] Owner's name, address and phone number;

[3] Name, address and phone number of the person preparing the plans; and

[4] System capacity in kW-DC.

Section 1805. Ground-mounted solar energy systems.

A. Districts where allowed. Ground-mounted solar energy systems are permitted as accessory structures in the R-R Rural Residential; R-1 Residential; R-2 Residential; R-3 Residential; R-4 Residential and R-5 Residential Districts, subject to the granting of site plan approval by the Planning Board and further subject to the following requirements:

(1) A building permit and site plan approval shall be required for installation of all Ground-Mounted Solar Energy Systems.

(2) Ground-mounted solar energy systems are only permitted as an accessory use on parcels of land with a minimum lot size of 3 acres.

(3) Ground-Mounted Solar Energy Systems are prohibited in front yards. For purposes of this Section, a corner lot shall be considered to have a front yard on each street frontage. Ground-mounted solar energy systems shall be situated with a minimum side yard setback of 25 feet and a rear yard minimum setback of 30 feet. Further setbacks, area and yard requirements

and total area/lot coverage restrictions may be required by the Planning Board in order to protect the public's safety, health and welfare. To the extent the provisions of this Section conflict with any other provision of the Town of Camillus Zoning Regulations, the provisions of this Section shall apply.

(4) The height of the solar collector/panel and any mounts shall not exceed 12 feet in height when oriented at maximum tilt measured from the ground (average grade) and including any base. Ground-mounted Solar Energy Systems shall be fixed angle installations.

(5) A Ground-Mounted Solar Energy System shall be screened when possible and practicable from adjoining lots and street rights-of-way through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and the surrounding area. The proposed screening shall not interfere with the normal operation of the solar collectors/panels.

(6) The Ground-Mounted Solar Energy System shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for the Solar Energy System.

(7) Neither the Ground-Mounted Solar Energy System nor any component thereof shall be sited within any required buffer area, easement, right-of-way or setback.

(8) The criteria for site plan as set forth in Section 1205 of the Town of Camillus Zoning Regulations shall also be demonstrated for each application.

(9) The area beneath the ground-mounted solar energy system shall not be included as impervious surface coverage in calculating whether the lot meets the maximum permitted lot coverage requirements for the applicable zoning district.

(10) The Town Planning Board shall have the discretion to require that a Glare Study be performed of the proposed ground-mounted solar energy system.

B. Ground-mounted solar energy systems shall be subject to the general requirements set forth in Section 1806.

Section 1806. General requirements applicable to all solar energy systems.

A. All solar energy system installations must be performed by a qualified solar installer.

B. Solar energy systems, unless part of a commercial solar project, shall be permitted only to provide power for use by owners, lessees, tenants, residents or other

occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a net-metering arrangement in accordance with New York Public Service Law §66-j or similar state or federal statute. However, solar energy system applications in a residential setting and serving a residential use on a single parcel or lot shall be limited to 35 kW but not to exceed 110% of energy anticipated to be consumed on the site in the next 12 months. Solar energy system applications serving an associated commercial or industrial use shall not exceed 110% of the energy anticipated to be consumed on the site in the next 12 months. The applicant shall be responsible for demonstrating the anticipated energy usage.

C. Prior to operation, electrical connections must be inspected by a Town Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town. The electrical components and connections shall be in compliance with the most recently adopted National Electric Code (NEC) standards.

D. Any connection to the public utility grid must be inspected by the appropriate public utility and proof of inspection shall be provided to the Town.

E. Solar energy systems shall be maintained in good working order.

F. Solar energy systems shall be permitted only if they are determined by the Town to be consistent in size and use with the character of surrounding neighborhood.

G. Solar energy systems shall be permitted only if they are determined by the Town not to present any unreasonable safety risks, including but not limited to:

(1) Weight load;

(2) Wind resistance; and

(3) Ingress or egress in the event of fire or other emergency.

H. All solar energy systems described in this Section shall meet and comply with all relevant and applicable provisions of the New York State Uniform Fire Prevention and Building Code Standards. To the extent the provisions of the New York State Uniform Fire Prevention and Building Code are more restrictive than the provisions set forth in this Section, the provisions of the New York State Uniform Fire Prevention and Building Code shall control.

I. The application for any solar energy system shall specifically recite the use or nonuse of solar storage batteries, their placement, capacity, and compliance with all existing New York State and Federal rules and regulations. If solar storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code when in use and when no longer used

shall be disposed of in accordance with the laws and regulations of the Town and other applicable laws and regulations.

J. All utility services and electrical wiring/lines shall be placed underground and otherwise be placed within the walls or unobtrusive conduit. No conduits or feeds may be laid on the roof. Feeds to the inverter shall run within the building and penetrate the roof at the solar panel location.

K. If a solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall completely remove the system, mount and all other associated equipment and components by no later than 90 days after the end of the twelve-month period or within 10 days of written notice from the Town.

L. To the extent practicable, solar energy systems shall have neutral paint colors, materials and textures to achieve visual harmony with the surrounding area.

M. The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings. All panels and supporting structures shall utilize materials and colors that are non-reflective in nature.

N. Marking of equipment.

(1) Solar energy systems and components 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 should be placed on the outside cover.

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

O. Prior to the time of the issuance of a solar building or construction permit, the applicant/owner shall demonstrate to the Town Code Enforcement Officer a reliable and safe master method for the deenergizing of the solar energy system in the event of an emergency. The method and location to de-energize the Solar Energy System, once approved by the Code Enforcement Officer, shall be provided by the applicant to all applicable emergency services and first responders.

P. For applications requiring screening, the applicant may be encouraged to incorporate plantings that balance the need for screening against the impacts of

shading. Applicant should propose a balanced planting plan to allow for the most protected energy efficiency.

Section 1807. Commercial Solar Projects.

A. Districts where allowed. Subject to the issuance of a special use permit and other requirements as set forth herein, commercial solar projects shall be a permitted use in the R-R Rural Residential; R-1 Residential; I-Industrial and MUN-Municipal Zoning Districts. However, such use maybe permitted by the Zoning Board of Appeals ("ZBA") in a State Certified Agricultural District but only when it is demonstrated not to have negative impacts on the soils deemed to be USDA prime soils, prime farmland, prime soils, prime soil lands and lands deemed to be farmlands of Statewide importance.

B. Lot area, yard and other regulations. The following lot area, yard regulations and siting criteria shall apply to commercial solar projects:

(1) Minimum street frontage: 60 feet or such road frontage as determined by the Planning Board necessary to protect the health, safety and welfare of the area.

(2) Minimum lot area: 25 contiguous acres under single ownership or such acreage as determined by the Planning Board necessary to protect the health, safety and welfare of the area (when such parcel is not bisected by a public road).

(3) Minimum front yard setback to fence: 75 feet.

(4) Minimum rear yard setback to fence: 50 feet.

(5) Minimum side yard setback to fence: 50 feet.

(6) Commercial solar projects shall be set back at least 1,000 feet from any Important Bird Area as identified by the New York Audubon, and from Federal or State-listed wetlands as identified by the New York State Department of Environmental Conservation and/or the U.S. Army Corps of Engineers.

(7) Each commercial solar project application shall demonstrate that the facility operator owns or controls sufficient land area to properly operate and maintain the facility.

(8) To prevent the oversaturation of commercial solar projects in one (1) area of the Town of Camillus, no commercial solar project shall be approved if it is within one (1) mile of an already approved commercial solar project unless the ZBA makes specific findings that it will not have a significant impact on the community character of the area.

(9) In siting of commercial solar projects, the applicant shall avoid areas that substantially contribute to and are important to the scenic quality of the landscape.

(10) Each application shall formally address and assess the availability and feasible use of alternative sites.

C. Permits required. No person, firm or corporation, or other entity being the owner, occupant, or lessee of any land or premises within the Town of Camillus shall use or permit the use of land or premises for the construction or installation of a commercial solar project without obtaining a building permit and a special use permit as hereinafter provided. The ZBA shall refer all commercial solar project applications to the Planning Board for review and recommendations.

D. Special use permit.

(1) In addition to the criteria established pursuant to Section 1303 of the Town of Camillus Zoning Regulations, the following criteria are hereby established for purposes of granting a special use permit for a commercial solar project under this Section:

(a) Scenic viewsheds. A commercial solar project shall not be installed in any location that would materially detract from or block the view(s) of all or a portion of a recognized scenic viewshed, as viewed from any public road, right-of-way or publicly owned land within the Town of Camillus or that extends beyond the border of the Town of Camillus. For purposes of this subsection, consideration shall be given to any relevant portions of the current, amended and/or future Town of Camillus Comprehensive Plan and/or any other prior, current, amended and/or future officially recognized Town planning document or resource.

(b) Emergency shutdown/safety and signage. The applicant shall demonstrate the existence of adequate emergency/safety measures. The applicant shall post an emergency telephone number so that the appropriate entities may be contacted should any solar panel or other component of the commercial solar project need immediate repair or attention. This emergency telephone number should be clearly visible and in a location which is convenient and readily noticeable to someone likely to detect a problem. The manufacturer's, or installer's identification and appropriate warning signage shall be posted at the site and be clearly visible.

(c) Security. All commercial solar projects shall be secured to the extent practicable to restrict unauthorized access.

(d) Access road. To the greatest extent possible, existing roadways shall be used for access to the site and its improvements. In the case of

constructing any roadways necessary to access the commercial solar project, they shall be constructed in a way that allows for the passage of emergency vehicles in the event of an emergency. Each application shall be accompanied by correspondence from the responding fire department and emergency care provider as to the acceptability of the proposed ingress to and egress from the commercial solar project site.

(e) The development and operation of the commercial solar project shall not have a significant impact on fish, wildlife, animal or plant species or their critical habitats, or other significant habitats identified by the Town of Camillus or federal or state regulatory agencies.

(f) Setbacks. Additional setbacks may be required from those set forth in Section 1807(B) by the ZBA in order to provide for the public's safety, health and welfare.

(g) In the granting of a special use permit, the ZBA will strive to permit the location of commercial solar projects in such a manner so that no one area or neighborhood in the Town shall be over-burdened by the placement of any proposed commercial solar project(s). Screening, including plantings, berms, and other screening methods may be required to mitigate any unavoidable impacts. Such plantings and screening shall be continuously maintained and replaced if dead, dying, or falling into disrepair.

(h) Mitigation. When it is determined that an applicant's proposed mitigation of visual impacts to the site or area is insufficient, the ZBA may under such circumstances and in the exercise of its reasonable discretion require compensatory offsets to reduce the overall impacts to visual resources from such project. Such offsets may include but are not limited to financial or in-kind donations to a community project such as environmental conservation of a stream or site; restoration of a park, historic structure, or cultural resource; planting of trees along nearby streets; and other similar projects that enhance the community character and are of benefit to the Camillus community at large.

(i) Equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, batteries and inverters that are to be installed.

(j) Non-invasive, native ground cover, under and between the rows of solar panels, which are suitable for animal grazing and/or pasturing shall be low-maintenance, drought-resistant, non-fertilizer-dependent and shall be pollinator-friendly to provide a habitat for

bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

(k) For projects proposed by the applicant to be community solar projects, the reviewing board has the authority to require that the applicant open subscription services to Town residents before offering subscriptions to others.

(l) The use is oriented in its location upon the site as to layout, coverage, screening, means of access and aesthetics so that:

[1] The flow control and safety of traffic and human beings shall not be adversely affected to an unreasonable degree;

[2] There is reasonable compatibility in all respects with any structure or use in the surrounding area, actual or permitted, which may be directly substantially affected;

[3] There shall not be any unreasonable detriment to any structure or use, actual or permitted, in the surrounding area;

[4] There is a reasonable provision for open space and yard areas as appropriate to the surrounding area.

[5] The removal of existing trees larger than 6 inches in diameter has been minimized to the extent possible.

[6] It has been demonstrated that the establishment of the proposed solar facility will not have negative impacts to surrounding property values as established by competent evidence.

E. Submission Requirements.

(1) The following submission requirements must be observed regarding an application for a commercial solar project.

(a) A completed application form as supplied by the Town of Camillus for site plan approval for a commercial solar project.

(b) Proof of ownership of the premises involved or proof that the applicant has written permission of the owner to make such application.

(c) Plans and drawings of the proposed commercial solar project installation signed and stamped by a professional engineer registered in New York State showing the proposed layout of the entire commercial solar project along with a description of all

components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved, along with proposed screening and fencing. Clearing and/or grading activities are subject to review by the ZBA and shall not commence until the issuance of site plan approval and written authorization from the Town's Code Enforcement Officer. The plans and development plan shall be drawn in sufficient detail and shall further describe:

[1] Property lines and physical dimensions of the proposed site, including contours at five-foot intervals.

[2] Location, approximate dimensions and types of all existing structures and uses on the site.

[3] Location and elevation of the proposed commercial solar project and all components thereof.

[4] Location of all existing aboveground utility lines within 1,200 linear feet of the site.

[5] Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a commercial solar project shall be buried underground and include necessary encasements in accordance with the National Electric Code and Town requirements. The ZBA may recommend waiving this requirement if sufficient engineering data is submitted by the applicant demonstrating that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead electric utility/transmission lines (if permitted) and underground electric utility/transmission lines, including substations and junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the public utility company's requirements for interconnection. Any connection to the public utility grid must be inspected by the appropriate public utility.

[6] Location of all service structures proposed as part of the installation.

[7] Landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features, including size and type of plant material, and for screening purposes.

[8] The plan shall show any trees and/or vegetation which is proposed to be removed for purposes of providing greater solar access.

[9] A berm, landscape screen, or any other combination acceptable to the Town capable of screening the site, shall be provided along any property line.

[10] Soil type(s) at the proposed site.

[11] Submission of a written operation and maintenance plan for the proposed commercial solar project that include measures for maintaining safe access, operational maintenance of the commercial solar project, and general property upkeep, such as mowing and trimming and an agricultural soils preservation plan if applicable. The operation and maintenance plan shall be filed and recorded by the applicant in the Onondaga County Clerk's Office (indexed to the property) following approval of the special use permit.

i. or installations on farmland, projects shall comply with the most recently published New York State Department of Agriculture and Markets Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands. Where an agricultural soils preservation plan has been approved as part of a project, it shall be a condition of any such approval that such agricultural component will be maintained as approved. (*See also* the "Town of Camillus Solar Project Guidelines", as adopted by the Town of Camillus Town Board).

ii. Herbicides are prohibited except where the ZBA finds it impractical to use mechanical means to control vegetation and will not have a deleterious effect on the quality of soils.

(d) Photographic simulations shall be included showing the proposed commercial solar project including elevation views with dimensions in accordance with the manufacturer's specifications and photos of the proposed solar energy system, solar collectors, solar panels and all other components comprising the commercial solar project from all neighboring properties and from other vantage points and at selected hourly increments (including seasons) at full tilt in both directions (shadow study), all as selected by the ZBA. Such photos will depict before and after simulations showing the extent of mitigation from vantage points selected by the ZBA.

(e) When applicable, certification from a professional engineer or architect registered in New York State indicating that any building or structure to which a solar panel or solar energy system is affixed is capable of handling the loading requirements of the solar panel or solar energy system and various components.

(f) One- or three-line electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices.

(g) Documentation of access to the project site(s), including current and proposed location of all access roads, gates, parking areas, etc.

(h) Access Road Maintenance Agreement.

(i) A plan for clearing and/or grading of the site and a stormwater pollution prevention plan (SWPPP) for the site. The SWPPP shall be filed and recorded in the Onondaga County Clerk's Office (indexed against the property) by the applicant following ZBA approval (prior to commencement of construction) and shall provide for access to the Town of Camillus in the event of a default of the operator's obligations under the SWPPP. The SWPPP shall include a security amount approved by the Town's Consulting Engineer and shall remain in place until decommissioning is complete.

(j) Documentation of utility notification, including an electric service order number.

(k) Soil analysis, as performed by an independent third party.

(l) NYS Agriculture and Markets findings and report, applicable.

(m) U.S. Army Corps of Engineers wetlands determination, if applicable.

(n) Detail and specifications for all gates and/or fencing.

(o) Sign-off from First Responders/Emergency Medical Service providers.

(p) Sunchart. Where deemed appropriate, the ZBA may require that the applicant submit a sunchart for the proposed site indicating the sun angle for the southern boundary of the site for a minimum four-hour continuous period during the time of the highest sun angle on December 21, along with the potential for existing buildings, structures, and/or vegetation on the site or on adjacent sites to obstruct the solar skyspace of the proposed commercial solar

project. The sunchart shall also indicate the potential for obstructions to the solar skyspace of the proposed commercial solar project under a scenario where an adjacent site is developed as otherwise permitted by applicable provisions of the Town of Camillus Land Use Regulations with a building/structure built to maximum bulk and height at the minimum setback. Where no standards for setback are established and/or when existing adjacent structures are present, this scenario shall assume a maximum setback of five feet from the property line on the sunchart. The sunchart shall be kept on file at the Town Code Enforcement Office and determine the minimum setback required for any solar collectors from the south property line as well as the solar skyspace that should be considered when development of neighboring properties occurs. This section in no way places responsibility on the Town for guaranteeing the solar skyspace of a solar energy system in the event setbacks are waived at the applicant's request.

(q) Solar energy systems shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the electric systems. Materials used for marking shall be weather-resistant. The marking shall be placed adjacent to the main service disconnect location clearly visible from the location where the lever is operated.

(r) The average height of the solar panel array shall not exceed 12 feet at its highest tilt measured from the ground and including any base or supporting materials. However, the ZBA may consider heights in excess of 12 feet in circumstances when active agricultural uses are proposed for the life of the lease, but in no case shall panel height exceed 20 feet.

(s) Color. Neutral paint colors, materials and textures may be required for commercial solar project components, buildings and structures to achieve visual harmony with the surrounding area as approved by the ZBA.

(t) The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.

(u) Artificial lighting of commercial solar projects shall be limited to lighting required for safety and operational purposes, shall be shielded from all neighboring properties and public roads, downcast and shall meet dark skies requirements.

(v) Commercial solar projects shall be enclosed by perimeter fencing to restrict unauthorized access, with "HIGH VOLTAGE" placards affixed every 50 feet, and as otherwise approved by the ZBA. Style and type of fence shall be approved by the ZBA as part of the site plan.

(w) Only signage used to identify the location of the commercial solar project shall be allowed and such signage shall otherwise comply with the Town's sign regulations and requirements as applicable

(x) The area beneath the solar energy systems comprising the commercial solar project shall not be included as impervious surface coverage.

(y) All applications shall be accompanied by a full environmental assessment form for purposes of environmental review under the New York State Environmental Quality Review Act (SEQRA), including a visual impact analysis. The following additional material may be required by the ZBA:

[1] A digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations to distances as determined by the reviewing board from the center of the project. Scaled use shall depict the area as not smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features.

[2] No fewer than four (4) color photos taken from locations, as selected by the ZBA and computer- enhanced to simulate the appearance of the as-built aboveground commercial solar project components as they would appear from these locations.

(z) Applicant shall submit details of the proposed noise that may be generated by solar inverter fans or other commercial solar project components. The ZBA may require a noise analysis to determine potential adverse noise impacts.

F. Public hearing. No action shall be taken to issue a special use permit nor the granting of a use or area variance in relation to an application for a commercial solar project until after public notice and a public hearing. Proper notice of a hearing before a board shall be given by legal notice published in the official newspaper of the Town of Camillus at least five days before the date set for such public hearing(s) and written notice mailed to the applicant or his agent at the address given in the application to be considered. The applicant shall be responsible for notifying, by certified mail, all property owners of record within 500 feet of the

outside perimeter of the boundary line of the property involved in the application of the time, date and place of such public hearing at least 10 days prior to such hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property tax records of the Town Assessor or at the property address. At least seven days prior to such hearing, the applicant shall file with the Board his/her affidavit verifying the mailing of such notices. Failure of the property owners to receive such notice shall not be deemed a jurisdictional defect.

G. Compliance with New York State Uniform Fire Prevention and Building Code.

(1) Building permit applications shall be accompanied by standard drawings of structural components of the commercial solar project and all its components (including but not limited to solar panel, solar collector, solar energy system, etc.). Drawings and any necessary calculations shall be certified, in writing, by a New York State-registered professional engineer that the system complies with the New York State Uniform Fire Prevention and Building Code. This certification would normally be supplied by the manufacturer.

(2) Where the structure, components or installation vary from the standard design or specification, the proposed modification shall be certified by a New York State-registered professional engineer for compliance with the structural design provisions of the New York State Uniform Fire Prevention and Building Code.

H. Compliance with state, local and national electric codes.

(1) Building permit applications shall be accompanied by a line drawing identifying the electrical components of the commercial solar project to be installed in sufficient detail to allow for a determination that the manner of installation conforms with the National Electric Code. The application shall include a statement from a New York State-registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electric Code, as well as applicable state and local electrical codes. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.

(2) Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State-registered professional engineer for compliance with the requirements of the National Electric Code and good engineering practices.

I. Following construction/installation of the commercial solar project, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with

low-level vegetation capable of preventing soil erosion and airborne dust and demonstrating established growth. Every Operations and Maintenance Plan shall include provisions for reseeding and established growth.

J. Post-construction/installation certification. Following the construction/installation of the commercial solar project, the applicant shall provide a post-construction/installation certification from a professional engineer registered in New York State that the project complies with any and all applicable codes and industry practices and has been constructed and operating according to the drawings and development plan(s) submitted to the Town.

K. Insurance. The applicant, owner, lessee or assignee shall at all times during construction and operation maintain a current insurance policy which will cover installation and operation of the commercial solar project and shall be increased annually per industry standards. Said policy shall provide a minimum of $5,000,000 property and personal liability coverage. Proof of such policy shall be provided to the Town on an annual basis.' Notwithstanding any terms, conditions, or provisions in any other writing between the parties, the applicant shall agree to effectuate the naming of the Town as an additional insured on the applicant's insurance policies, with the exception of workers' compensation and NYS disability insurance. The policy naming the Town as an additional insured shall:

(1) Be an insurance policy from an A.M. Best rated "secured" or better insurer, authorized to conduct business in New York State. A New York State licensed insurer is preferred.

(2) State that the applicant's insurance coverage shall be primary and noncontributory coverage for the Town, its Board, employees, agents, and volunteers.

(3) Additional insured status shall be provided by standard or other endorsements that extend coverage to the Town for both on-going and completed operations. A completed copy of the endorsements shall be attached to the certificate of insurance.

(4) The applicant shall provide a copy of the declaration page of the liability policies with a list of endorsements and forms. If so requested, the applicant will provide a copy of the policy endorsements and forms.

(5) The certificate of insurance shall contain a provision that coverage afforded under the applicable policy shall not be cancelled or terminated until at least 30 days' prior notice has been provided to the Town. In the event of a termination, cancellation, or lapse of the required insurance coverage, the special use permit to operate the solar energy system shall be immediately suspended and operation of the system shall cease. Upon restoration of the required insurance coverage, to the satisfaction of the Town, permission to operate the commercial solar project may be restored.

L. Inspections. The Building Inspector, Zoning Enforcement Officer, Code Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or its agent, the premises on which a commercial solar project is being or is constructed, to inspect all parts of said commercial solar project installation and require that repairs or alterations be made if, in their judgment, there exists a deficiency in the operation or the structural stability of the commercial solar project or any component thereof. If necessary, the Building Inspector or Town Engineer may order the system secured or to otherwise cease operation. It shall not be required that the owner or agent be present in the event of an emergency situation involving danger to life, limb or property.

M. Power to impose conditions. In granting any special use permit or variance for a commercial solar project, the ZBA may impose reasonable conditions to the extent that such board finds that such conditions are necessary to minimize any adverse effect or impacts of the proposed use on neighboring properties and to protect the general health, safety and welfare of the Town.

N. Decommissioning and removal of commercial solar project facilities. The following shall be the minimum requirements to be addressed for the decommissioning of every commercial solar project:

(1) The submission of an acceptable Decommissioning Plan and Decommissioning Cash Security subject to review by the Town's consulting Attorneys and Engineers and approved by the Town of Camillus. For purposes of the Decommissioning Plan and Decommissioning Security, the following shall constitute "Decommissioning Events" triggering the decommissioning of the site and/or a call on the Decommissioning Cash Security: (a) if construction and installation of the project improvements are not completed within 18 months of commencement of construction (such time period may be reasonably extended upon notification to the Town and with good cause shown for any delays in completion);[1] (b) if the solar energy facility ceases to be used for its intended purpose for twelve (12) consecutive months (such time period may be reasonably extended upon notification to the Town with good cause shown); (c) at the time of decommissioning, complete removal of the project within ninety (90) days thereafter, except for any portions of the project access roads otherwise requested by the owner to remain to facilitate agricultural access to the property or conduit buried more than 4' below ground; (d) upon the end of the project's operation; (e) if the applicant, or its successors or assigns, seeks dissolution or files for bankruptcy or (f) failure to have in place or timely replace adequate decommissioning securities. Renewal securities shall be in place no less than ninety (90) days prior to the expiration of any existing securities.

[1] Such reasonable extensions as noted above may be granted upon a demonstration that said delay or default is caused by forces outside of the Applicant's control.

(2) All decommissioning activities shall be completed to the reasonable satisfaction of the Town, and consistent with the Decommissioning Plan.

(3) Such plan shall also include a commitment by the applicant to impose a similar obligation to remove any unused and/or obsolete solar panels upon any person subsequently securing rights to relocate the solar panels.

(4) At a minimum, the applicant shall include the following binding terms in the decommissioning plan:

(a) Complete removal of above-ground and below-ground equipment, fencing, structures, and foundations.

(b) Restoration of the surface grade and soil after removal of equipment to the condition (or better), which existed prior to the installation. This includes adding an adequate layer of topsoil where existing topsoil has been removed or eroded, and reseeding and/or reforestation of areas that were cleared of mature trees (with established growth demonstrated).

(c) Replanting/replacement of trees destroyed or lost in the decommissioning process with a species that will be capable of re-establishment after 25 years from planting (for those trees installed by the developer).

(d) Herbaceous revegetation of restored soil areas with native seed mixes, excluding any invasive species.

(e) Specifically address: the useful lifespan of proposed solar facility and any storage batteries; the current New York State and Federal rules and regulations regarding placement thereof and disposal thereof at the end of their useful lifespan; together with plans for replacement of solar storage batteries. The financial surety required by the Town shall take into account maintenance, replacement, and disposal of solar storage batteries if included in the application for a commercial solar project.

(f) Such Decommissioning Plan shall be executed by the applicant and the property owner and shall be recorded against the property in the Onondaga County Clerk's Office.

O. Cash Security. The applicant shall be required to deposit with the Town of Camillus cash security in an amount sufficient for the faithful performance of the terms and conditions of the permit issued under this Section, and to provide for expenses associated with the decommissioning removal and restoration of the site subsequent to the removal of the solar farm. The amount of the cash security shall be no less than 150% of the cost of the removal of the solar panels and restoration of the site, and shall further be reviewed and adjusted at five-year increments. Such amounts

shall account for inflation and prevailing wage costs for decommissioning. In the event of a default upon performance of such conditions or any of them, the cash security shall be forfeited to the Town, upon demand. The cash security shall remain in full force and effect until the complete removal of the solar panels and site restoration is finished.

P. Fees. Fees for applications and permits under these regulations shall be established by resolution of the Town Board of the Town of Camillus. It shall be the applicant's responsibility to reimburse the Town for any and all reasonable and necessary legal, engineering and other professional fees incurred by the Town in reviewing and administering an application and operation of a commercial solar project under this Section.

Q. Waiver. The ZBA may, under appropriate circumstances, waive one or more of the submission requirements contained herein.

R. Road remediation. The applicant shall be responsible for remediation of any roads or other public property damaged, during the construction of and/or completion of the installation (or removal) of any commercial solar projects approved pursuant to this Section. The Code Enforcement Officer is hereby authorized and directed to ensure a public improvement (road repairs) cash security be posted prior to the issuance of any building permit in an amount sufficient to compensate the Town for any damage to local roads that is not corrected by the applicant. The Highway Superintendent or Town Engineer is authorized to consult with any necessary professional to determine or confirm the cash security amount all at the sole cost and expense of the applicant. Such cash security shall be in addition to other securities required by this Section.

S. Agricultural resources. For projects located on agricultural lands:

(1) The ZBA shall in all instances give special consideration to areas that consist of Prime Farmland, Prime Soils, Prime Soil Lands, and/or Farmland of Statewide Importance and the removal of such lands when reviewing applications and granting special use permits and site plan approvals to commercial solar project applicants under this law.

(2) To the maximum extent practicable, commercial solar projects approved to be located on Prime Farmland, Prime Soils, Prime Soil Lands, and/or Farmland of Statewide Importance shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.

(3) Commercial solar project applicants 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, pollinators and grazing or pastured animals. To the extent practicable, when establishing perennial

vegetation and beneficial foraging habitat, the applicants shall use native plant species and seed mixes.

(4) Where a commercial solar project is to be located on Prime Farmland, Prime Soils, Prime Soil Lands, and/or Farmland of Statewide Importance, the applicant shall retain and designate an environmental monitor to oversee the construction, restoration, and subsequent monitoring of the agricultural lands. The environmental monitor is to be on site whenever construction is occurring on the agricultural land(s) and any construction shall be coordinated with the Town's Code Enforcement Officer and the New York State Department of Agriculture and Markets to develop an appropriate schedule for inspections to assure these lands are being preserved and protected to the greatest extent possible.

(5) Fencing and watering systems associated with rotational grazing systems and reduction in farmland viability due to the reduction in remaining productive farmland shall be assessed and mitigated to the greatest extent possible.

(6) Structures for overhead collection lines, interconnect cables and transmission lines installed aboveground (when unavoidable) shall be located outside agricultural field boundaries. When above-ground cables and transmission lines must cross agricultural fields, applicant shall use taller structures that provide longer spanning distances and locate poles on field edges to the greatest extent practicable.

(a) All buried electric cables in cropland, hay land and improved pastures shall have a minimum depth of 48 inches of cover.

(b) The Onondaga County Planning Department is to be consulted concerning the type of intercept drain lines whenever buried electric cables alter the natural stratification of soil horizons and natural soil drainage patterns.

(7) Access roads are to be located along the edge of agricultural fields, in areas next to hedgerows and field boundaries, and in the nonagricultural portions of the site.

(8) There shall be no cut and fill so as to reduce the risk of creating drainage problems by locating access roads, which cross agricultural fields, along ridge tops and by following field contours to the greatest extent possible.

(9) The width of access roads across or along agricultural fields is to be no wider than 20 feet so as to minimize the loss of agricultural lands and comply with the New York State Fire Code.

(10) The surface of commercial solar project access roads to be constructed through agricultural fields should be level with the adjacent field surface where possible.

(11) All existing drainage and erosion control structures such as diversions, ditches, and tile lines shall be preserved, and applicants shall take appropriate measures to maintain the design and effectiveness of these structures. Applicants shall repair any structure disturbed during construction to as close to original condition as possible unless such structures are to be eliminated based upon an approved site plan for the commercial solar project.

(12) Culverts and water bars are to be installed to maintain natural drainage patterns.

(13) All topsoil areas to be used for vehicle and equipment traffic, parking, equipment laydown, and as storage areas are to be stripped. All topsoil stripped from work areas (parking areas, electric cable trenches, along access roads) is to be stockpiled separate from other excavated materials (rock and/or subsoil).

(14) Where an open trench is required for cable installation, topsoil stripping from the entire work area may be necessary. As a result, additional workspace may be required as part of site plan approval.

(15) A maximum of 50 feet of temporary workspace is to be provided along open-cut electric cable trenches for proper topsoil segregation. All topsoil will be stockpiled immediately adjacent to the area where stripped/removed and shall be used for restoration on that particular site. No topsoil shall be removed from the site. The site plan shall clearly designate topsoil stockpile areas in the field and on the construction drawings.

(16) All vehicle and equipment traffic and parking to the access road and/or designated work areas, such as laydown areas, are to be limited in size to the greatest extent practical.

(17) No vehicles or equipment are to be allowed outside the work area without prior approval from the Environmental Manager.

(18) In pasture areas, it is necessary to construct temporary or permanent fences around work areas to prevent livestock access, consistent with any applicable landowner agreements.

(19) Excess concrete used in the construction of the site is not to be buried or left on the surface in active agricultural areas. Concrete trucks will be washed outside of active agricultural areas.

(20) Restoration requirements. Applicants shall restore all agricultural lands temporarily disturbed by construction as follows:

(a) Be decompacted to a depth of 18 inches with a deep ripper or heavy-duty chisel plow. Soil compaction results should be no more than 250 pounds per square inch (PSI) as measured with a soil penetrometer. In areas where the topsoil was stripped, soil decompaction should be conducted prior to topsoil replacement. Following decompaction, removal of all rocks four inches in size or greater from the surface of the subsoil shall occur prior to replacement of topsoil. Topsoil shall be replaced to original depth and original contours reestablished where possible. All rocks shall be removed that are four inches and larger from the surface of the topsoil. Subsoil decompaction and topsoil replacement shall be avoided after October 1 of each year.

(b) Regrade all access roads to allow for farm equipment crossing and to restore original surface drainage patterns, or other drainage pattern incorporated into the approved site design by ZBA.

(c) Seed all restored agricultural areas with the seed mix specified by the environmental monitor and this Section, in order to maintain consistency with the surrounding areas.

(d) All damaged subsurface or surface drainage structures are to be repaired to preconstruction conditions, unless said structures are to be removed as part of the site plan approval. All surface or subsurface drainage problems resulting from construction of the solar energy project shall be remedied with the appropriate mitigation measures as determined by the Environmental Manager.

(e) Postpone any restoration practices until favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration is not to be conducted while soils are in a wet or plastic state of consistency. Stockpiled topsoil should not be regraded, and subsoil should not be decompacted until plasticity, as determined by the Atterberg Limits and Field Test, is adequately reduced. No project restoration activities are to occur in agricultural fields between the months of October and May unless favorable soil moisture conditions exist.

(f) Following site restoration, remove all construction debris from the site.

(g) Following site restoration, the project sponsor is to provide a monitoring and remediation period of no less than two years. General conditions to be monitored include topsoil thickness, relative content of rack and large stones, trench settling, crop

production, drainage and repair of severed subsurface drain lines, fences, etc.

(h) Mitigate any topsoil deficiency and trench settling with imported topsoil that is consistent with the quality of topsoil on the affected site. All excess rocks and large stones are to be removed from the site.

(i) All concrete piers, footers, or other supports are to be removed to a depth of 48 inches below the soil surface."

(j) Restoration should include complete removal of conduits.

(k) There shall be no mixing of the subsoil with the topsoil and there shall be removal and replacement of soil contaminated with subsoil to restore the rich soil for farming.

T. Payment in Lieu of Tax ("PILOT") Agreement and Host Community Agreement.

(1) In every instance of a commercial solar project application, the applicant shall be required to propose a Payment in Lieu of Tax ("PILOT") Agreement. The developer shall also comply with the notice requirements of NYS Real Property Tax Law Section 487. The applicant will then contact the Town's legal counsel to negotiate the terms of said Agreement.

(2) In addition to a PILOT Agreement, the applicant shall propose to the Town, on projects involving 1 megawatt and above, a Host Community Agreement benefit package for consideration by the Town Board as part of the approval process. Once the application package materials are deemed complete and while the ZBA is completing its reviews, the project/application shall be referred to the Town Board to decide on the completion and terms of a Host Community Agreement. This Agreement shall be in addition to a PILOT Agreement.

U. Reference to Article 94-c. Any proposed solar energy system subject to review by the New York State Board on Electric Generation Siting and the Environment pursuant to Article 10 of the New York State Public Service Law, or the Office of Renewable Energy Siting pursuant to Article 94-c of the New York State Executive Law, shall be subject to all substantive provisions of this Section and any other applicable provisions of the Town of Camillus Land Use Regulations and applicable local laws.

V. Adherence to "Solar Project Guidelines". In addition to the above regulations, all commercial solar project applicants shall demonstrate to the ZBA compliance with the Town of Camillus "Solar Project Guidelines", as amended from time-to-time."

SECTION 5. AMENDMENT OF "TABLE OF LAND USES BY ZONING DISTRICT".

The Table of Land Uses by Zoning District is hereby amended to add "Commercial Solar Project" as a Principal Use and Ground-Mounted Solar Energy Systems as an "Accessory Use" consistent with the terms of this Local Law.

SECTION 6. SEVERABILITY.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

SECTION 7. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.

SCHEDULE "A"
SOLAR PROJECT GUIDELINES

Commercial solar projects are long term temporary, non-agricultural land developments in a community. They generally occur on leased farmlands that are proposed to be returned to the original condition at the end of the lease. Commercial solar projects often propose to use active or fallow agricultural lands as their construction sites. The following presents guidelines as to what lands are considered best suited for commercial solar projects use in the Town of Camillus and are deemed consistent with the Town's long term goals to balance renewable energy benefits and the potential impacts with agricultural resources.

Prime Farmlands

Where possible Commercial solar projects should be located using a site design that limits the potential for negative impacts to the long term use of productive farmland. "NYS Department of Agriculture and Markets (NYSDAM) recommends that project sponsors avoid installing solar arrays on the most valuable or productive farmland. The following is the order of importance recommended by NYSDAM for solar array avoidance:

- Active rotational farmland (most important)
- Permanent hay land
- Improved pasture
- Unimproved pasture
- Other support lands
- Fallow/inactive farmland (least important)"

Active rotational farmlands are generally considered to be prime farmland.

"Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 8 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service." (NRCS)

Based upon this definition the Town of Camillus considers soils designated by the NRCS as well drained soils with 0 to 8 percent slopes to be prime community farmland and that commercial solar project development on lands with these soils should be avoided.

Submittals

Prior to submitting engineering drawings for a commercial solar project development, the applicant for a commercial solar project shall submit three drawings/maps that will give provide information for the Town of Camillus ZBA to better under the features of the site when engineered drawings are submitted.

Site Specific Soil Survey: This document shall field identify the borders of existing site soils in accordance with NRCS standards and shall be performed by an accredited Soil Scientist whose name shall be noted on the drawing. Existing published soil maps and data shall only be used as guideline information by the Sol Scientist. In addition to field identifying site soils the Soil Scientist shall document the depth of the plow layer on the site.

Topographic Map: This document shall be a map of the property (commercial solar project area) showing topographic features and shall be drawn displaying existing contours at two-foot intervals.

Visibility Map: This document shall be a map depicting existing natural (vegetation, topography) and manmade landscape features along roadways bordering the commercial solar project and within a 1/2 mile radius of the site that provide potential visual screening for the proposed commercial solar project location. The map may use published data as its base. This document should include a graphic representation of the potential natural screening of a proposed commercial solar project site with a rating of high, medium, or low. The regulations include an option for the ZBA to request of a "digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations to a distance radius of three miles from the center of the project." However, this map may be more appropriate to use in areas of documented vistas and viewsheds established by the ZBA.

Commercial Solar Project Features

When engineering drawings are submitted for review, the following important features of the solar commercial solar project should be considered:

- Avoiding the use of concrete footings and driving the support posts into the ground to reduce or minimize disturbance of the existing farmland soil profile.
- Designing the structural system that the panels will sit upon so that a single post to can be used to support the individual solar panels.
- Spacing of solar panels and panel rows with sufficient distances between them that will allow adequate sunlight penetration for viable plant growth on the farmland surfaces under the panels.

- Enabling the potential for dual use of the commercial solar farmland by setting panels approximately 2 meters above grade so that grazing (cattle, cows, sheep) and planting of some farm crops may occur.

- Stringing electrical connections/wires on the panel structures or burying wires in shallow laid conduits setting them in the plow layer so the original soil profile is not disrupted.

- Designing the site plan and its management of stormwater runoff to work with existing topography to minimize site grading and disruption of existing farm soils.

- Restoration of the solar ground surfaces after construction. If not proposed for dual use the site should use pollinator plant species (grasses, wildflowers) to create habitat features for small animals, birds, butterflies, and insects. Mowing of these areas should be limited to no more than twice a year, once before May first and once near the end of October.

- If the commercial solar project surfaces are restored to habitat landscape small openings in the bottom of the fence should be made to allow movement of small animals in and out of the farm.

Visual Mitigation

The commercial solar project applicants should provide a system for screening views of commercial solar project from surrounding areas. This commonly entails a monoculture planting of smaller growth evergreen trees set in a line along the borders of the commercial solar project, but in a naturalistic way. Plant species often include arborvitae or red cedar. In suburban and rural areas, the arborvitae is deer food and the red cedar is a host for cedar apple rust (apple grower's problem). The monoculture evergreen planting when installed with 6 foot high plants will take a significant portion of the lease to provide a meaningful screen for the commercial solar project. Other visual mitigation solutions may exist.

On a relatively landscape area with a bordering local road a commercial solar project may be screened with a constructed low (6 foot +/-) mowable earthen berm following the roadway alignment that is planted to pollinator species of grasses and wildflowers.

Rather than installing a monoculture line of plants a commercial solar project plan may propose a hedgerow character planting using a mix of evergreen (60%) and deciduous (40%) species. The plantings should be clustered and staggered in much the same manner of natural hedgerow growth. Plants should be installed on a low mound thereby giving better height at time of planting and maintaining the original farm soil profile.

Planting of larger growth evergreen trees (white pine, white spruce) at locations in or bordering the commercial solar project that would be out of the sun angle and thereby not impact the electrical system. The mature growth would help to mitigate the overall visual impact of the commercial solar project.

Woodland Commercial Solar Project Sites

Woodland sites that may be proposed for commercial solar project use generally do not have prime agricultural soils. Use of a wooded area for a commercial solar project would require land clearing, stumping the land surface, and modifying of the soil profile.

Should a wooded site be proposed for commercial solar project use it should not be dominated by the growth of native plant species. These would include sugar maple, red maple, black birch, beech, hickory, red oak, white oak, shadblow, and white pine.

A commercial solar project site proposed in a woodland dominated by the alien buckthorn and Norway maple or an old declining plantation of spruce or pine could be an ideal woodland location for a commercial solar project.

TOWN OF SPAFFORD
PROPOSED LOCAL LAW A-2022

A LOCAL LAW TO REPEAL AND REPLACE ARTICLE XVI OF THE TOWN OF SPAFFORD ZONING LAW WITH NEW COMPREHENSIVE REGULATIONS REGARDING SOLAR ENERGY SYSTEMS IN THE TOWN OF SPAFFORD

SECTION 1. LEGISLATIVE PURPOSE AND INTENT.

The purpose of this Local Law is to permit and regulate the construction of solar energy systems in the Town of Spafford in a manner that preserve the health, safety and welfare of the Town while also facilitating the production of renewable energy.

SECTION 2. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law Section 10.

SECTION 3. REPEAL OF THE EXISTING ARTICLE XVI OF THE TOWN OF SPAFFORD ZONING LAW AND ADOPTION OF A NEW ARTICLE XVI WITH COMPREHENSIVE SOLAR ENERGY SYSTEM REGULATIONS.

Article XVI of the Zoning Law of the Town of Spafford is hereby repealed and replaced in its entirety as follows:

"ARTICLE XVI

SOLAR ENERGY SYSTEMS

Section 16-0. Purpose and Intent.

The Town of Spafford recognizes that solar energy is a clean, readily available and renewable energy source. Development of solar energy systems offers an energy source that can prevent fossil fuel emissions, reduce the Town's energy demands and attract and promote green business development within the Town. The Town of Spafford has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents, and businesses. This Article is intended to promote the effective and efficient use of solar energy systems; establish provisions for the placement, design, construction, operation and removal of such systems in order to uphold the public health, safety and welfare; to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and maintain the rural character of the Town. Further, the Town of Spafford wishes to enhance agricultural viability within the Town and preserve productive agricultural land resources, mitigate the impacts of solar energy systems on environmental resources such as prime farmlands, prime soils (including USDA Prime Soils), prime soil lands, Farmland of Statewide Importance, other important agricultural lands, forests, wildlife, and other protected resources. This Article promotes the dual use and colocation of solar energy systems to preserve and protect active farming and agricultural land in the Town of Spafford. This Article also recognizes that such uses in the Town

may, in some instances, represent large disturbances of lands, the hosting of complex equipment and the need to assure that such projects and property are removed or disposed of at the time of the discontinuance, while minimizing impacts to local roads and nearby property values and avoiding financial burdens on taxpayers.

Section 16-1. Applicability.

This Article shall apply to all solar energy systems in the Town of Spafford which are installed or modified after the effective date of this Article. All solar energy systems which are installed or modified after the effective date of this Article shall be in compliance with all of the provisions hereof. Any proposed solar energy system subject to review by the New York State Board on Electric Generation Siting and the Environment pursuant to Article 10 of the New York State Public Service Law, or the Office of Renewable Energy Siting pursuant to Article 94-c of the New York State Executive Law or any subsequent law, shall be subject to all substantive provisions of this Article and any other applicable provisions of the Town of Spafford local laws and regulations.

Section 16-2. Definitions.

ATTERBERG LIMITS AND FIELD TESTS - A basic measure of the critical water contents of a fine-grained soil and its shrinkage limit, plastic limit, and liquid limit. Establishes the moisture contents at which fine-grained clay and silt soils transition between solid, semi-solid, plastic, and liquid states.

COMMERCIAL SOLAR PROJECT - A Solar Energy System or collection of Solar Energy Systems or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider.

ENVIRONMENTAL MANAGER (EM) - An individual possessing the skills and knowledge to effectively develop a site for use as a solar PV system and then reclaim the site restoring it, to the greatest extent practical, to its original use.

FARMLAND OF LOCAL IMPORTANCE – Land that has been identified by the Town, a local agency or agencies as farmlands for the production of food, feed, fiber, forage and oilseed crops, even though these lands are not identified as having national or statewide importance. Farmland of Local Importance may include tracts of land that have been designated for agriculture by local law.

FARMLAND OF STATEWIDE IMPORTANCE - Land, designated as "Farmland of Statewide Importance" in the U. S. Department of Agriculture Natural Resources Conservation Service's (NRCS) Soil Survey Geographic (SSURGO) Database on Web Soil Survey, and/or pursuant to the New York State classification system for Onondaga County, that is of statewide importance for the production of food, feed, fiber, forage, and oil seed. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by New York State.

HOST COMMUNITY AGREEMENT - A contract between a developer and a local governing body, whereby the developer agrees to provide the community with certain benefits and mitigate specified impacts of the solar project.

KILOWATT (kW) - A unit of electrical power equal to 1,000 watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used; 1,000 kW is equal to one megawatt (MW).

MEGAWATT (MW) – A unit of electrical power equal to 1,000 kilowatts, which constitutes a unit of electrical demand.

NATIVE PERENNIAL VEGETATION - Native wildflowers and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

NET-METERING - A billing arrangement that allows solar customers to receive credit for excess electricity which is generated from the customer's Solar Energy System and delivered back to the grid so that customers only pay for their net electricity usage for the applicable billing period.

POLLINATOR - Bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

PRIME FARMLAND, PRIME SOILS, AND PRIME SOIL LANDS - Soils and land that are best suited for producing food, feed, forage, fiber, and oilseed crops, and must be available for this use. Such soils have the soil quality, growing season, and moisture supply needed to economically produce a sustained high yield of crop when it is treated and managed according to acceptable farming methods. Prime Farmland may now be in crops, pasture, woodland, or other land, but not in urban and built-up land or water areas.

QUALIFIED SOLAR INSTALLER - A person who has skills and knowledge related to the construction and operation of Solar Energy Systems (and the components thereof) and installations and has received safety training on the hazards involved. 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 of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition.

SOLAR ACCESS - Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR COLLECTOR - 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 the generation of electricity or transfer of stored heat.

SOLAR ENERGY SYSTEM - A complete system of Solar Collectors, Panels, controls, energy devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy including but not limited to thermal and electrical, stored and protected from dissipation and distributed. For purposes of this Article, a Solar Energy System does not include any Solar Energy System of four-square feet in size or less.

> **BUILDING-INTEGRATED SOLAR ENERGY SYSTEM** - A Solar Energy System incorporated into and becoming part of the overall architecture, design and structure of a building in manner that the Solar Energy System is a permanent and integral part of the building structure.
>
> **FLUSH-MOUNTED SOLAR ENERGY SYSTEM** - A Rooftop-Mounted Solar Energy System with Solar Panels which, unless otherwise provided, are installed flush to the surface of a roof.
>
> **GROUND-MOUNTED SOLAR ENERGY SYSTEM** - A Solar Energy System that is affixed to the ground either directly or by mounting devices and which is not attached or affixed to a building or structure.
>
> **ROOFTOP-MOUNTED SOLAR ENERGY SYSTEM** - A Solar Energy System in which Solar Collectors/Panels are mounted on the roof of a building or structure either as a flush-mounted system or as panels fixed to frames which can be tilted to maximize solar collection. Rooftop-Mounted Solar Energy Systems shall be wholly contained within the limits of the building's or structure's roof surface.

SOLAR PANEL - A device which converts solar energy into electricity.

SOLAR SKYSPACE - The space between a Solar Energy System and the sun through which solar radiation passes.

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

Section 16-3. Building-Integrated Solar Energy Systems.

A. Building-Integrated Solar Energy Systems shall be permitted in all areas of the Town subject to the submission of, application for and review and issuance of an applicable building permit. A proposed Building Integrated Solar Energy System shall be shown on the plans submitted for the building permit.

B. Building-Integrated Solar Energy Systems shall be subject to the general requirements set forth at Section 16-6.

Section 16-4. Rooftop-Mounted Solar Energy Systems.

A. Rooftop-Mounted Solar Energy Systems shall be permitted as an accessory use in all areas of the Town subject to the following requirements:

(1) A solar/building permit shall be required for installation of all Rooftop-Mounted Solar Energy Systems. An applicant shall submit the following application materials to the Code Enforcement Officer:

(a) A Site survey and building roof plan showing location of major components of the Solar Energy System and other equipment on the roof or legal accessory structure. This plan should represent relative locations of components at the site, including, but not limited to, location of arrays, existing electrical service locations, utility meters, inverter locations, system orientation and tilt angles. This plan should show access and pathways that are compliant with New York State Uniform Fire Prevention and Building Code, as applicable.

(b) One-Line or 3-Line Electrical Diagram. The electrical diagram required by NYSERDA for an incentive application and/or utilities for an interconnection agreement may also be provided.

(c) Specification Sheets for all manufactured components. If these sheets are available electronically, a web address will be accepted in place of an attachment, at the discretion of the Town.

(d) All electrical diagrams are to be prepared by a professional engineer or an architectural firm and the diagrams and plans must contain the applicable professional's stamp, mark, and/or signature as required by New York State law and include the following:

[1] Project address, section, block and lot number of the property;

[2] Owner's name, address and phone number;

[3] Name, address and phone number of the person preparing the plans; and

[4] System capacity in kW-DC.

(2) Rooftop-Mounted Solar Energy Systems shall not exceed the maximum allowed height under any applicable Town law. If practicable, a Rooftop-Mounted Solar Energy system on a pitched roof shall be mounted with a maximum distance of 8 inches or as required by the New York State Uniform Fire Prevention and Building Code, between the roof surface and the highest edge of the system.

(3) Rooftop-Mounted Solar Energy Systems shall be mounted parallel to the roof plane on which they are mounted. However, in the case of buildings which have a flat roof, a tilted mount may be permitted subject to site plan review before the Town Board.

(4) In order to ensure firefighter and other emergency responder safety, except in the case of accessory buildings under 1,000 square feet in area, there shall be a minimum perimeter area around the edge of the roof and structurally supported pathways to provide space on the roof for walking around all Rooftop-Mounted Solar Energy Systems. Additionally, installations shall provide for adequate access and spacing in order to:

(a) Ensure access to the roof.

(b) Provide pathways to specific areas of the roof. The specific pathway size per building will be determined and approved by the Fire Marshall or Code Enforcement Officer. The Fire Marshall or Code Enforcement Officer shall determine how close to the edge of the building that solar panels can go in order to provide sufficient area for fire fighters to work.

(c) Provide for smoke ventilation opportunity areas.

(d) Provide for emergency egress from the roof.

(e) Exceptions to these requirements may be requested where access, pathway or ventilation requirements are reduced due to:

[1] Unique site-specific limitations;

[2] Alternative access opportunities (such as from adjoining roofs);

[3] Ground level access to the roof area in question;

[4] Other adequate ventilation opportunities when approved by the Codes Office or Fire Marshall;

[5] Adequate ventilation opportunities afforded by panels setback from other rooftop equipment (for example: shading or structural constraints may leave significant areas open for ventilation near HVAC equipment);

[6] Automatic ventilation devices; or

[7] New technology, methods or other innovations that ensure adequate emergency responder access, pathways and ventilation opportunities.

B. Rooftop-Mounted Solar Energy Systems shall be subject to the general requirements set forth at Section 16-6.

Section 16-5. Ground-Mounted Solar Energy Systems.

A. Ground-Mounted Solar Energy Systems are permitted as an accessory use/structure in R-A and PDD Districts, and in the Lake Districts pursuant to special permit. In all cases, such systems shall be subject to the application for and issuance of a building permit by the Code Enforcement Officer, the granting of a site plan by the Town Board and further subject to the following requirements:

(1) A building permit and site plan approval shall be required for installation of all Ground-Mounted Solar Energy Systems.

(2) The Town Board may, in its discretion, refer the application for a Ground-Mounted Solar Energy System to the Planning Board for review and recommendation.

(3) Ground-Mounted Solar Energy Systems are prohibited in front yards. For purposes of this Section, a corner lot shall be considered to have a front yard on each street frontage. In addition, Ground-Mounted Solar Energy Systems shall comply with the Town's most restrictive area, yard and total area/lot coverage restrictions as adopted by the Town as applicable. Further setbacks, area and yard requirements and total area/lot coverage restrictions may be required by the Town Board in order to protect the public's safety, health and welfare.

(4) Ground-Mounted Solar Energy Systems shall only be permitted on lots which are 20,000 sq. ft. or larger.

(5) The height of the solar collector/panel and any mounts shall not exceed 12 feet in height when oriented at maximum tilt measured from the ground and including any base.

(6) A Ground-Mounted Solar Energy System shall be screened when possible and practicable from adjoining lots and street rights-of-way through the use of architectural features, earth berms, landscaping, fencing or other

screening which will harmonize with the character of the property and the surrounding area. The proposed screening shall not interfere with the normal operation of the solar collectors/panels.

(7) The Ground-Mounted Solar Energy System shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for the Solar Energy System.

(8) Neither the Ground-Mounted Solar Energy System nor any component thereof shall be sited within any required buffer area, easement, right-of-way or setback.

(9) The total surface area of all Ground-Mounted Solar Energy System components shall not exceed the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls, excluding patios, decks, balconies, screened and open porches, and attached garages.

B. Ground-Mounted Solar Energy Systems shall be subject to the general requirements set forth at Section 16-6.

Section 16-6. General requirements applicable to solar energy systems.

A. All Solar Energy System installations must be performed by a qualified solar installer.

B. Solar Energy Systems, unless part of a Commercial Solar Project, shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a net-metering arrangement in accordance with New York Public Service Law § 66-j or similar state or federal statute.

C. Prior to operation, electrical connections must be inspected by a Town Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town. An electrical inspector must supply written verification that all electrical connections pass inspection.

D. Any connection to the public utility grid must be inspected by the appropriate public utility and proof of inspection shall be provided to the Town.

E. Solar Energy Systems shall be maintained in good working order.

F. Solar Energy Systems shall be permitted only if they are determined by the Town to be consistent in size and use with the character of surrounding neighborhood.

G. Solar Energy Systems shall be permitted only if they are determined by the Town not to present any unreasonable safety risks, including but not limited to:

(1) Weight load;

(2) Wind resistance; and

(3) Ingress or egress in the event of fire or other emergency.

H. All Solar Energy Systems shall meet and comply with all relevant and applicable provisions of the New York State Uniform Fire Prevention and Building Code Standards. To the extent the provisions of the New York State Uniform Fire Prevention and Building Code are more restrictive than the provisions set forth in this Article, the provisions of the New York State Uniform Fire Prevention and Building Code shall control.

I. The application for any Solar Energy System shall specifically recite the use or nonuse of solar storage batteries, their placement, capacity, and compliance with all existing New York State and Federal rules and regulations. If solar storage batteries are included as part of the Solar Energy System, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town and other applicable laws and regulations.

J. All utility services and electrical wiring/lines shall be placed underground and otherwise be placed within the walls or unobtrusive conduit. Conduits or feeds which are laid on the roof shall be camouflaged to blend in with the roof and reduce aesthetically objectionable impacts. Where applicable, the Town Board may, for example, instruct that the conduit matches the building color, to the extent practical.

K. If a Solar Energy System ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall completely remove the System, mount and all other associated equipment and components by no later than 90 days after written notice from the Town. The Building Inspector, Code Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or his agent to ensure that the Solar Energy System remains operational.

L. To the extent practicable, Solar Energy Systems shall have neutral paint colors, materials and textures to achieve visual harmony with the surrounding area. Solar Energy Systems shall be composed of panels which are the same or similar in composition and color.

M. The design, construction, operation and maintenance of the Solar Energy System shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.

N. Prior to the time of the issuance of a solar/building permit, the applicant/owner shall demonstrate to the Code Enforcement Officer a reliable and safe method for de-energizing the Solar Energy System in the event of an emergency. The method and location to de-energize the Solar Energy System, once approved by the Code Enforcement Officer, shall be provided by the applicant to all applicable emergency services and first responders.

O. Marking of equipment. Solar Energy Systems and components 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 should be placed on the outside cover.

P. Fees. Fees for applications and permits under Sections 16-3, 16-4 and 16-5 shall be established by resolution of the Town Board of the Town of Spafford. It shall be the applicant's responsibility to reimburse the Town for any and all reasonable and necessary legal, engineering and other professional fees incurred by the Town in reviewing and administering an application and operation of a solar energy system under Sections 16-3, 16-4 and 16-5.

Section 16-7. Commercial Solar Projects.

A. Districts where allowed. Subject to the issuance of site plan approval and a special use permit and other requirements as set forth herein, Commercial Solar Projects shall be a permitted use in the R-A and PDD Districts. Applications for the installation of Commercial Solar Project shall be reviewed by the Zoning Enforcement Officer and referred to the Planning Board for its review and recommendation to the Town Board. The Town Board shall make the final determination on the site plan approval and issuance of a special use permit. However, such use may be permitted by the Town Board in a State Certified Agricultural District but only when it is deemed not to have negative impacts on the soils deemed to be USDA prime soils, prime farmland, prime soils, prime soil lands and lands deemed to be farmlands of Statewide importance.

B. Lot area and yard regulations. The following lot area and yard regulations shall apply to Commercial Solar Projects:

(1) Minimum street frontage: 200 feet.

(2) Minimum lot area: 50 contiguous acres.

(3) Minimum front yard setback to fence enclosing the solar energy system: 250 feet.

(4) Minimum rear yard setback to fence: 200 feet.

(5) Minimum side yard setback to fence: 200 feet.

(6) With the exception of screening, landscaping and/or plantings, nothing shall be permitted within the setback area. Also, additional setbacks may be required by the Town Board in order to provide for the public's safety, health and welfare.

(7) Each Commercial Solar Project application shall demonstrate that the facility operator owns or controls sufficient land area to properly operate and maintain the facility.

C. To prevent the saturation of Commercial Solar Projects in one (1) area of the Town of Spafford, no Commercial Solar Project shall be approved if it is within one (1) mile of the property boundary in all directions of an already approved Commercial Solar Project unless the Town Board makes specific findings that it will not have a significant impact on the community character of the area.

D. Avoid areas that substantially contribute to and are important to the scenic quality of the landscape.

E. The applicant must assess the availability and feasible use of alternative sites.

F. Permits required. No person, firm or corporation, or other entity being the owner, occupant, or lessee of any land or premises within the Town of Spafford shall use or permit the use of land or premises for the construction or installation of a Commercial Solar Project without obtaining a building permit, a special use permit and a site plan approval issued by the Town Board as hereinafter provided.

G. Special Use Permit Criteria.

(1) No Commercial Solar Project shall be granted a special use permit unless the Town Board make the following determinations:

(a) The proposed Commercial Solar Project is in the best interest of the Town, the convenience of the community, the public welfare, and shall be an acceptable addition to the neighborhood.

(b) The proposed Commercial Solar Project is suitable for the property in question and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance with the existing intended character of the general vicinity.

(c) The proposed Commercial Solar Project is suitable in terms of effect on street or highway traffic safety with adequate access arrangements.

(d) The proposed Commercial Solar Project will comply with all provisions and requirements of all other Town of Spafford local laws and regulations and will be consistent with any applicable comprehensive plan or master plan documents.

(e) The proposed Commercial Solar Project will not result in the release of harmful substances or any other nuisances, nor cause excessive noise, dust, odors, solid waste or glare.

(f) The proposed Commercial Solar Project will not cause undue traffic congestion, unduly impair pedestrian safety or overload existing roads, considering their current width, surfacing and condition.

(g) The proposed Commercial Solar Project will have appropriate parking and be accessible to fire, police and other emergency vehicles.

(h) The proposed Commercial Solar Project will not overload any public water, drainage or sewer system or any other municipal facility or service, including schools.

(i) The proposed Commercial Solar Project will not degrade any natural resource, ecosystem or historic resource.

(j) The proposed Commercial Solar Project will be suitable to such conditions on operation, design and layout of structures and provision of screening, buffer areas and off-site improvements as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic and scenic resources of the Town.

(k) Scenic viewsheds. A Commercial Solar Project shall not be installed in any location that would substantially detract from or block the view(s) of all or a portion of a recognized scenic viewshed, as viewed from any public road, right-of-way or publicly owned land within the Town of Spafford or that extends beyond the border of the Town of Spafford. For purposes of this subsection, consideration shall be given to any relevant portions of the current, amended and/or future Town of Spafford Comprehensive Plan and/or any other prior, current, amended and/or future officially recognized Town planning document or resource.

(l) Emergency shutdown/safety. The applicant shall demonstrate the existence of adequate emergency/safety measures. The applicant shall post an emergency telephone number so that the appropriate entities may be contacted should any solar panel or other component of the Commercial Solar Project need immediate repair or attention. This emergency telephone number should be clearly visible and in a location which is convenient and readily noticeable to someone likely to detect a problem.

(m) No Commercial Solar Project shall be installed on or within 1,000 feet of wetlands as identified/defined by the New York State Department of Environmental Conservation, the U.S. Army Corps

of Engineers or local governing body.

(n) Security. All Commercial Solar Projects shall be secured to the extent practicable to restrict unauthorized access.

(o) Access road. To the greatest extent possible, existing roadways shall be used for access to the site and its improvements. In the case of constructing any roadways necessary to access the Commercial Solar Project, they shall be constructed in a way that allows for the passage of emergency vehicles in the event of an emergency. Each application shall be accompanied by correspondence from the responding fire department and emergency care provider as to the acceptability of the proposed ingress to and egress from the Commercial Solar Project site. Access roads shall be at least 26 feet in width but upon good cause shown may be a minimum of 20 feet in width. Access roads shall comply with NYS DOT and/or Onondaga County DOT standards when applicable.

(p) The development and operation of the Commercial Solar Project shall not have a significant impact on fish, wildlife, animal or plant species or their critical habitats, or other significant habitats identified by the Town of Spafford or federal or state regulatory agencies.

(q) In the granting of a site plan approval, the Town Board will strive to permit the location of Commercial Solar Projects in such a manner so that no one area or neighborhood in the Town shall be over-burdened by the placement of any proposed Commercial Solar Project(s). Screening, including plantings, berms, and other screening methods may be required to mitigate any impacts. Such plantings and screening shall be continuously maintained and replaced if dead, dying, or falling into disrepair.

(r) Equipment specification sheets shall be documented and submitted to the Town Board for all photovoltaic panels, significant components, mounting systems, batteries and inverters that are to be installed.

(s) Non-invasive, native ground cover, under and between the rows of solar panels shall be low-maintenance, drought-resistant, non-fertilizer-dependent and shall be pollinator-friendly to provide a habitat for bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

(t) For community solar projects, the reviewing board has the authority to require that the applicant open subscription services to Town

residents before offering subscriptions to others.

H. Site plan submission requirements.

(1) The following submission requirements must be observed regarding a site plan application for a Commercial Solar Project.

(a) A completed application form as supplied by the Town of Spafford for site plan approval for a Commercial Solar Project.

(b) Proof of ownership of the premises involved or proof that the applicant has written permission of the owner to make such application.

(c) Plans and drawings of the proposed Commercial Solar Project installation signed and stamped by a professional engineer registered in New York State showing the proposed layout of the entire Commercial Solar Project along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved, along with proposed screening and fencing. Clearing and/or grading activities are subject to review by the Town Board and shall not commence until the issuance of site plan approval and written authorization from the Town's Code Enforcement Officer. The plans and development plan shall be drawn in sufficient detail and shall further describe:

[1] Property lines and physical dimensions of the proposed site, including contours at five-foot intervals.

[2] Location, approximate dimensions and types of all existing structures and uses on the site.

[3] Location and elevation of the proposed Commercial Solar Project and all components thereof.

[4] Location of all existing aboveground utility lines within 1,200 linear feet of the site.

[5] Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a Commercial Solar Project shall be buried underground and include necessary encasements in accordance with the National Electric Code and Town requirements. The Town Board may recommend waiving this requirement if sufficient engineering data is submitted by the applicant demonstrating that underground transmission lines are not feasible or practical. The applicant

is required to show the locations of all proposed overhead electric utility/transmission lines (if permitted) and underground electric utility/transmission lines, including substations and junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the public utility company's requirements for interconnection. Any connection to the public utility grid must be inspected by the appropriate public utility. The Applicant shall provide as part of the application a letter or other written confirmation from the appropriate utility provider that the Commercial Solar Project is capable of meeting the requirements for interconnection.

[6] Location of all service structures proposed as part of the installation.

[7] Landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features, including size and type of plant material, and for screening purposes. The plan shall show any trees and/or vegetation which is proposed to be removed for purposes of providing greater solar access.

[8] A berm, landscape screen, or any other combination acceptable to the Town capable of screening the site, shall be provided along any property line.

[9] Soil type(s) at the parcel and within the area proposed for the solar energy system.

[10] Submission of a written operation and maintenance plan for the proposed Commercial Solar Project that include measures for maintaining safe access, operational maintenance of the Commercial Solar Project, and general property upkeep, such as mowing and trimming and an agricultural soils preservation plan if applicable. The operation and maintenance plan shall be filed and recorded by the applicant in the Onondaga County Clerk's Office (indexed to the property) following approval of the site plan by the Town Board.

i. For installations on prime farmland, projects shall comply with the New York State Department of Agriculture and Markets Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands. Where an agricultural soils preservation plan

has been approved as part of a project, it shall be a condition of any such approval that such agricultural component will be maintained as approved. (*See also* Schedule A "Commercial Solar Project Guidelines" at the end of this Article).

ii. Herbicides are prohibited except where the Town Board finds it impractical to use mechanical means to control vegetation.

(d) Photographic simulations shall be included showing the proposed Commercial Solar Project along with elevation views and dimensions and manufacturer's specifications and photos of the proposed solar energy systems, solar collectors, solar panels and all other components comprising the Commercial Solar Project from all neighboring properties and from other vantage points selected by the Town Board.

(e) When applicable, certification from a professional engineer or architect registered in New York State indicating that any building or structure to which a solar panel or solar energy system is affixed is capable of handling the loading requirements of the solar panel or solar energy system and various components.

(f) One- or three-line electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices.

(g) Documentation of access to the project site(s), including location of all access roads, gates, parking area etc.

(h) A plan for clearing and/or grading of the site and a stormwater pollution prevention plan (SWPPP) for the site. The SWPPP shall be filed and recorded in the Onondaga County Clerk's Office (indexed against the property) by the applicant following Town Board approval (prior to commencement of construction) and shall provide for access to the Town of Spafford in the event of a default of the operator's obligations under the SWPPP. The SWPPP shall include a security amount approved by the Town's Consulting Engineer and shall remain in place until decommissioning is complete.

(i) Documentation of utility notification, including an electric service order number.

(j) Sunchart. Where deemed appropriate. the Town Board may require that the applicant submit a sunchart for the proposed site indicating

the sun angle for the southern boundary of the site for a minimum four-hour continuous period during the time of the highest sun angle on December 21, along with the potential for existing buildings, structures, and/or vegetation on the site or on adjacent sites to obstruct the solar skyspace of the proposed Commercial Solar Project. The sunchart shall also indicate the potential for obstructions to the solar skyspace of the proposed Commercial Solar Project under a scenario where an adjacent site is developed as otherwise permitted by the Town of Spafford laws and regulations with a building/structure built to maximum bulk and height at the minimum setback. Where no standards for setback are established, this scenario shall assume a maximum setback of five feet from the property line. The sunchart shall be kept on file at the Town Code Enforcement Office and determine the minimum setback required for any solar collectors from the south property line as well as the solar skyspace that should be considered when development of neighboring properties occurs. This section in no way places responsibility on the Town for guaranteeing the solar skyspace of a solar energy system in the event setbacks are waived at the applicant's request.

(k) The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site and be clearly visible.

(l) Solar energy systems shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the electric systems. Materials used for marking shall be weather-resistant. The marking shall be placed adjacent to the main service disconnect location clearly visible from the location where the lever is operated.

(m) The average height of the solar panel array shall not exceed 15 feet measured from the ground and including any base or supporting materials. Neutral paint colors, materials and textures may be required for Commercial Solar Project components, buildings and structures to achieve visual harmony with the surrounding area as approved by the Town Board.

(n) The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.

(o) Artificial lighting of Commercial Solar Projects shall be limited to lighting required for safety and operational purposes, shall be shielded from all neighboring properties and public roads, downcast and shall meet dark skies requirements.

(p) Commercial Solar Projects shall be enclosed by perimeter fencing to restrict unauthorized access, with "HIGH VOLTAGE" placards affixed every 50 feet, and as otherwise approved by the Town Board. Style and type of fence shall be approved by the Town Board as part of the site plan.

(q) Only signage used to identify the location of the Commercial Solar Project shall be allowed and such signage shall otherwise comply with the Town's sign regulations and requirements or as otherwise approved by the Town Board.

(r) All applications shall be accompanied by a full environmental assessment form for purposes of environmental review under the New York State Environmental Quality Review Act (SEQRA), including a visual impact analysis. The following additional material may be required by the Town Board:

[1] A digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations to a distance radius of three miles from the center of the project. Scaled use shall depict a three-mile radius as not smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features.

[2] No fewer than four color photos taken from locations within a three-mile radius from the proposed location, as selected by the Town Board and computer- enhanced to simulate the appearance of the as-built aboveground Commercial Solar Project components as they would appear from these locations.

(s) Applicant shall submit details of the proposed noise that may be generated by solar inverter fans or other Commercial Solar Project components. The Town Board may require a noise analysis to determine potential adverse noise impacts.

(2) Site plan review criteria. In addition to the above, no site plan shall be approved unless the Town Board determines that the proposed Commercial Solar Project complies with the following:

(a) The use is oriented in its location upon the site as to layout, coverage, screening, means of access and aesthetics so that:

[1] The flow control and safety of traffic and human beings shall not be adversely affected to an unreasonable degree;

[2] There is reasonable compatibility in all respects with any structure or use in the surrounding area, actual or permitted, which may be directly substantially affected;

[3] There shall not be any unreasonable detriment to any structure or use, actual or permitted, in the surrounding area;

[4] There is a reasonable provision for open space and yard areas as appropriate to the surrounding area.

[5] That the removal of existing trees larger than 6 inches in diameter has been minimized to the extent possible.

I. Public hearing. No action shall be taken by the Town Board to issue a site plan approval or special use permit in relation to an application for a Commercial Solar Project until after public notice and a public hearing. Proper notice of a hearing before a board shall be given by legal notice published in the official newspaper of the Town of Spafford at least five days before the date set for such public hearing(s) and written notice mailed to the applicant or his agent at the address given in the application to be considered. The applicant shall be responsible for notifying, by certified mail, all property owners of record within 500 feet of the outside perimeter of the boundary line of the property involved in the application of the time, date and place of such public hearing at least 10 days prior to such hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property tax records of the assessing unit or at the property address. At least seven days prior to such hearing, the applicant shall file with the Board his/her affidavit verifying the mailing of such notices. Failure of the property owners to receive such notice shall not be deemed a jurisdictional defect.

J. Compliance with New York State Uniform Fire Prevention and Building Code. Building permit applications shall be accompanied by standard drawings of structural components of the Commercial Solar Project and all its components (including but not limited to solar panel, solar collector, solar energy system, etc.). Drawings and any necessary calculations shall be certified, in writing, by a New York State-registered professional engineer that the system complies with the New York State Uniform Fire Prevention and Building Code. This certification would normally be supplied by the manufacturer. Where the structure, components or installation vary from the standard design or specification, the proposed modification shall be certified by a New York State-registered professional engineer for compliance with the structural design provisions of the New York State Uniform Fire Prevention and Building Code.

K. Compliance with state, local and national electric codes.

(1) Building permit applications shall be accompanied by a line drawing identifying the electrical components of the Commercial Solar Project to be installed in sufficient detail to allow for a determination that the manner of

installation conforms with the National Electric Code. The application shall include a statement from a New York State-registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electric Code, as well as applicable state and local electrical codes. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.

(2) Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State-registered professional engineer for compliance with the requirements of the National Electric Code and good engineering practices.

L. Following construction/installation of the Commercial Solar Project, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with non-invasive native low-level vegetation capable of preventing soil erosion and airborne dust and demonstrating established growth. Every Operations and Maintenance Plan shall include provisions for reseeding and established growth.

M. Post-construction/installation certification. Following the construction/installation of the Commercial Solar Project, the applicant shall provide a post-construction/installation certification from a professional engineer registered in New York State that the project complies with any and all applicable codes and industry practices and has been constructed and operating according to the drawings and development plan(s) approved by the Town.

N. Insurance. The applicant, owner, lessee or assignee shall at all times during construction and operation maintain a current insurance policy which will cover installation and operation of the Commercial Solar Project and shall be increased annually per industry standards. Said policy shall provide a minimum of $5,000,000 property and personal liability coverage. Proof of such policy shall be provided to the Town on an annual basis. Notwithstanding any terms, conditions, or provisions in any other writing between the parties, the applicant shall agree to effectuate the naming of the Town as an additional insured on the applicant's insurance policies, with the exception of workers' compensation and NYS disability insurance. The policy naming the Town as an additional insured shall:

(1) Be an insurance policy from an A.M. Best rated "secured" or better insurer, authorized to conduct business in New York State. A New York State licensed insurer is preferred.

(2) State that the applicant's insurance coverage shall be primary and noncontributory coverage for the Town, its Board, employees, agents, and volunteers.

(3) Additional insured status shall be provided by standard or other endorsements that extend coverage to the Town for both on-going and completed operations. A completed copy of the endorsements shall be attached to the certificate of insurance.

(4) The applicant shall provide a copy of the declaration page of the liability policies with a list of endorsements and forms. If so requested, the applicant will provide a copy of the policy endorsements and forms.

(5) The certificate of insurance shall contain a provision that coverage afforded under the applicable policy shall not be cancelled or terminated until at least 30 days' prior notice has been provided to the Town. In the event of a termination, cancellation, or lapse of the required insurance coverage, the site plan approval to operate the solar energy system shall be immediately suspended and operation of the system shall cease. Upon restoration of the required insurance coverage, to the satisfaction of the Town, permission to operate the Commercial Solar Project may be restored.

O. Inspections. The Building Inspector, Code Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or his agent, the premises on which a Commercial Solar Project is being or is constructed, to inspect all parts of said Commercial Solar Project installation and require that repairs or alterations be made if, in his judgment, there exists a deficiency in the operation or the structural stability of the Commercial Solar Project or any component thereof. If necessary, the Building Inspector or Town Engineer may order the system secured or to otherwise cease operation. It shall not be required that the owner or agent be present in the event of an emergency situation involving danger to life, limb or property.

P. Power to impose conditions. In granting any site plan approval or special use permit for a Commercial Solar Project, the Town Board may impose reasonable conditions to the extent that such Board finds that such conditions are necessary to minimize any adverse effect or impacts of the proposed use on neighboring properties and to protect the general health, safety and welfare of the Town.

Q. Decommissioning and removal of Commercial Solar Project facilities. The following shall be the minimum requirements to be addressed for the decommissioning of every Commercial Solar Project:

(1) The submission of an acceptable Decommissioning Plan and Decommissioning Cash Security subject to review by the Town's consulting Attorneys and Engineers and approved by the Town of Spafford. For purposes of the Decommissioning Plan and Decommissioning Cash Security, the following shall constitute "Decommissioning Events" triggering the decommissioning of the site and/or a call on the Decommissioning Cash Security: (a) if construction and installation of the project improvements are not completed within 18 months of

commencement of construction (such time period may be reasonably extended upon notification to the Town and with good cause shown for any delays in completion); (b) if the solar energy facility ceases to be used for its intended purpose for twelve (12) consecutive months (such time period may be reasonably extended upon notification to the Town with good cause shown); (c) at the time of decommissioning, complete removal of the project within ninety (90) days thereafter, except for any portions of the project access roads otherwise requested by the owner to remain to facilitate agricultural access to the property or conduit buried more than 4' below ground; (d) upon the end of the project's operation; (e) if the Applicant, or its successors or assigns, seeks dissolution or files for bankruptcy or (f) failure to have in place or timely replace adequate decommissioning securities. Renewal securities shall be in place ninety (90) days prior to the expiration of any existing securities. Such reasonable extensions as noted above may be granted upon a demonstration that said delay or default is caused by forces outside of the Applicant's control. All decommissioning activities shall be completed to the reasonable satisfaction of the Town, and consistent with the Decommissioning Plan. Such agreement shall also include a commitment by the applicant to impose a similar obligation to remove any unused and/or obsolete solar panels upon any person subsequently securing rights to relocate the solar panels. The applicant shall include the following binding terms in the decommission plan, at a minimum, the following:

(a) Complete removal of above-ground and below-ground equipment, fencing, structures, and foundations and any other installed infrastructure including plantings, landscaping and screening.

(b) Restoration of the surface grade and soil after removal of equipment to the condition (or better), which it existed prior to the installation. This includes adding an adequate layer of topsoil where existing topsoil has been removed or eroded, and reseeding and/or reforestation of areas that were cleared of mature trees (with established growth demonstrated).

(c) Herbaceous revegetation of restored soil areas with native seed mixes, excluding any invasive species.

(d) Specifically address: the useful lifespan of proposed solar facility and any storage batteries; the current New York State and Federal rules and regulations regarding placement thereof and disposal thereof at the end of their useful lifespan; together with plans for replacement of solar storage batteries. The financial surety required by the Town shall take into account maintenance, replacement, and disposal of solar storage batteries if included in the application for a Commercial Solar Project.

(e) Such Decommissioning Plan shall be executed by the applicant and the property owner and shall be recorded against the property in the Onondaga County Clerk's Office.

(2) Cash Security. The applicant shall be required to deposit with the Town of Spafford cash security in an amount sufficient for the faithful performance of the terms and conditions of the permit issued under this Article, and to provide for expenses associated with the decommissioning removal and restoration of the site subsequent to the removal of the Commercial Solar Project. The amount of the cash security shall be no less than 150% of the cost of the removal of the solar panels and restoration of the site, and shall further be reviewed and adjusted at five-year increments. Such amounts shall account for inflation and prevailing wage costs for decommissioning. In the event of a default upon performance of such conditions or any of them, the cash security shall be forfeited to the Town, upon demand. The cash security shall remain in full force and effect until the complete removal of the solar panels and site restoration is finished.

R. Fees. Fees for applications and permits under this section shall be established by resolution of the Town Board of the Town of Spafford. It shall be the applicant's responsibility to reimburse the Town for any and all reasonable and necessary legal, engineering and other professional fees incurred by the Town in reviewing and administering an application and operation of a Commercial Solar Project under this Article.

S. Road remediation. The applicant shall be responsible for remediation of any roads damaged, during the construction of and/or completion of the installation (or removal) and throughout the life of any Commercial Solar Projects approved pursuant to this Article. The Highway Superintendent or other official designated by the Town Board is hereby authorized and directed to ensure a public improvement (road repairs) cash security be posted prior to the issuance of any building permit in an amount sufficient to compensate the Town for any damage to local roads that is not corrected by the applicant. The Highway Superintendent or other official designated by the Town Board is authorized to consult with any necessary professional to determine or confirm the cash security amount all at the sole cost and expense of the applicant. Such cash security shall be in addition to other securities required in this Article.

T. Agricultural resources. For projects located on agricultural lands:

(1) The Town Board shall in all instances give special consideration to areas that consist of Prime Farmland, Prime Soils, Prime Soil Lands, and/or Farmland of Statewide Importance and the removal of such lands when reviewing applications and granting site plan approval and a special use permit to Commercial Solar Project applicants under this Article. A Commercial Solar Project located on a parcel that has Prime Farmland, Prime Soils, Prime Soil Lands, Farmlands of Local Importance and/or

Farmland of Statewide Importance shall not disturb more than 50% of the parcel's Prime Farmland, Prime Soils, Prime Soil Lands, Farmlands of Local Importance and/or Farmland of Statewide Importance and shall be designed to minimize the use of such areas.

(2) To the maximum extent practicable, Commercial Solar Projects approved to be located on Prime Farmland, Prime Soils, Prime Soil Lands, Farmlands of Local Importance and/or Farmland of Statewide Importance shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.

(3) Commercial Solar Project applicants 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 applicants shall use native plant species and seed mixes.

(4) Where a Commercial Solar Project is to be located on Prime Farmland, Prime Soils, Prime Soil Lands, and/or Farmland of Statewide Importance, the applicant shall hire an environmental monitor (EM) to oversee the construction, restoration, and subsequent monitoring of the agricultural lands. The EM is to be on site whenever construction is occurring on the agricultural land(s) and any construction shall be coordinated with the Town's Code Enforcement Officer and the New York State Department of Agriculture and Markets to develop an appropriate schedule for inspections to assure these lands are being preserved and protected to the greatest extent possible.

(5) Fencing and watering systems associated with rotational grazing systems and reduction in farmland viability due to the reduction in remaining productive farmland shall be assessed and mitigated to the greatest extent possible.

(6) Structures for overhead collection lines, interconnect cables and transmission lines installed aboveground (when unavoidable) shall be located outside agricultural field boundaries. When above-ground cables and transmission lines must cross agricultural fields, applicant shall use taller structures that provide longer spanning distances and locate poles on field edges to the greatest extent practicable.

(a) All buried electric cables in cropland, hay land and improved pastures 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.

(b) A review of the type of intercept drain lines whenever buried electric cables alter the natural stratification of soil horizons and natural soil drainage patterns shall be conducted by the Town or its appointed designee.

(7) Access roads are to be located along the edge of agricultural fields, in areas next to hedgerows and field boundaries, and in the nonagricultural portions of the site.

(8) There shall be no cut and fill so as to reduce the risk of creating drainage problems by locating access roads, which cross agricultural fields, along ridge tops and by following field contours to the greatest extent possible.

(9) The width of access roads across or along agricultural fields is to be no wider than 20 feet so as to minimize the loss of agricultural lands and comply with the New York State Fire Code.

(10) The surface of Commercial Solar Project access roads to be constructed through agricultural fields should be level with the adjacent field surface where possible.

(11) All existing drainage and erosion control structures such as diversions, ditches, and tile lines shall be preserved, and applicants shall take appropriate measures to maintain the design and effectiveness of these structures. Applicants shall repair any structure disturbed during construction to as close to original condition as possible unless such structures are to be eliminated based upon an approved site plan for the Commercial Solar Project.

(12) Culverts and water bars are to be installed to maintain natural drainage patterns.

(13) All topsoil areas to be used for vehicle and equipment traffic, parking, equipment laydown, and as storage areas are to be stripped.

(14) All topsoil stripped from work areas (parking areas, electric cable trenches, along access roads) is to be stockpiled separate from other excavated materials (rock and/or subsoil).

(15) Where an open trench is required for cable installation, topsoil stripping from the entire work area may be necessary. As a result, additional workspace may be required as part of site plan approval.

(16) A maximum of 50 feet of temporary workspace is to be provided along open-cut electric cable trenches for proper topsoil segregation. All topsoil will be stockpiled immediately adjacent to the area where stripped/removed and shall be used for restoration on that particular site. No topsoil shall be removed from the site. The site plan shall clearly designate topsoil stockpile

areas in the field and on the construction drawings.

(17) All vehicle and equipment traffic and parking to the access road and/or designated work areas, such as laydown areas, are to be limited in size to the greatest extent practical.

(18) No vehicles or equipment are to be allowed outside the work area without prior approval from the EM.

(19) In pasture areas, it is necessary to construct temporary or permanent fences around work areas to prevent livestock access, consistent with any applicable landowner agreements.

(20) Excess concrete used in the construction of the site is not to be buried or left on the surface in active agricultural areas. Concrete trucks will be washed outside of active agricultural areas.

(21) Restoration requirements. Applicants shall restore all agricultural lands temporarily disturbed by construction as follows:

(a) Be decompacted to a depth of 18 inches with a deep ripper or heavy-duty chisel plow. Soil compaction results should be no more than 250 pounds per square inch (PSI) as measured with a soil penetrometer. In areas where the topsoil was stripped, soil decompaction should be conducted prior to topsoil replacement. Following decompaction, removal of all rocks four inches in size or greater from the surface of the subsoil shall occur prior to replacement of topsoil. Topsoil shall be replaced to original depth and original contours reestablished where possible. All rocks shall be removed that are four inches and larger from the surface of the topsoil. Subsoil decompaction and topsoil replacement shall be avoided after October 1 of each year.

(b) Regrade all access roads to allow for farm equipment crossing and to restore original surface drainage patterns, or other drainage pattern incorporated into the approved site design by the Town Board, as applicable.

(c) Seed all restored agricultural areas with the seed mix specified by the EM and this Article, in order to maintain consistency with the surrounding areas.

(d) All damaged subsurface or surface drainage structures are to be repaired to preconstruction conditions, unless said structures are to be removed as part of the site plan approval. All surface or subsurface drainage problems resulting from construction of the solar energy project shall be remedied with the appropriate mitigation measures as determined by the EM.

(e) Postpone any restoration practices until favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration is not to be conducted while soils are in a wet or plastic state of consistency. Stockpiled topsoil should not be regraded, and subsoil should not be decompacted until plasticity, as determined by the Atterberg Limits and Field Test, is adequately reduced. No project restoration activities are to occur in agricultural fields between the months of October and May unless favorable soil moisture conditions exist.

(f) Following site restoration, remove all construction debris from the site.

(g) Following site restoration, the project sponsor is to provide a monitoring and remediation period of no less than two years. General conditions to be monitored include topsoil thickness, relative content of rack and large stones, trench settling, crop production, drainage and repair of severed subsurface drain lines, fences, etc.

(h) Mitigate any topsoil deficiency and trench settling with imported topsoil that is consistent with the quality of topsoil on the affected site. All excess rocks and large stones are to be removed from the site.

(i) All concrete piers, footers, or other supports are to be removed to a depth of 48 inches below the soil surface."

U. Payment in Lieu of Tax ("PILOT") Agreement and Host Community Benefit Program.

(1) In every instance of a Commercial Solar Project application, the Town of Spafford hereby requires the applicant to enter into a Payment in Lieu of Tax ("PILOT") Agreement. Notwithstanding this PILOT requirement, the applicant shall still be required to observe the requirements of Real Property Tax Law Section 487 relative to notification of a proposed solar facility. Such notification shall be sent to the Town of Spafford Supervisor, with a copy to the Town Clerk, by Registered and U.S. First Class Mail and shall specifically state in bold lettering on the envelope and on the first page of the notice that the notice is being provided pursuant to NYS Real Property Tax Law Section 487(2). Upon receipt of said notice, the Town of Spafford will advise the applicant of the Town's desire for a Payment in Lieu of Tax ("PILOT") Agreement. Said notice will direct the applicant to contact the Town's legal counsel to negotiate the terms of said Agreement.

(2) In addition to a PILOT Agreement, the applicant shall propose to the Town, on projects involving 2 megawatts and above, a Host Community Benefit

package for consideration by the Town Board as part of the approval process. This Agreement shall be in addition to a PILOT Agreement.

V. Reference to Article 94-c. Any proposed solar energy system subject to review by the New York State Board on Electric Generation Siting and the Environment pursuant to Article 10 of the New York State Public Service Law, or the Office of Renewable Energy Siting pursuant to Article 94-c of the New York State Executive Law, shall be subject to all substantive provisions of this Article and any other applicable provisions of the Town of Spafford Town Code and/or local laws.

W. Adhere to "Commercial Solar Project Guidelines". In addition to the above regulations, all Commercial Solar Project applicant shall demonstrate to the Town Board compliance with the attached "Commercial Solar Project Guidelines".

SECTION 4. SEVERABILITY.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

SECTION 5. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.

SCHEDULE "A"
COMMERCIAL SOLAR PROJECT GUIDELINES

Commercial Solar Projects are long term temporary, non-agricultural land developments in a community. They generally occur on leased farm lands that are proposed to be returned to the original condition at the end of the lease. Commercial Solar Projects often propose to use active or fallow agricultural lands as their construction sites. The following presents guidelines as to what lands are considered best suited for Commercial Solar Project use in the Town of Spafford and are deemed consistent with the Town's long term goals to balance renewable energy benefits and the potential impacts with agricultural resources.

Prime Farmlands

Where possible Commercial Solar Projects should be located using a site design that limits the potential for negative impacts to the long term use of productive farmland. "NYS Department of Agriculture and Markets (NYSDAM) recommends that project sponsors avoid installing solar arrays on the most valuable or productive farmland. The following is the order of importance recommended by NYSDAM for solar array avoidance:

- Active rotational farmland (most important)
- Permanent hay land
- Improved pasture
- Unimproved pasture
- Other support lands
- Fallow/inactive farmland (least important)"

Active rotational farmlands are generally considered to be prime farmland.

"Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service." (NRCS)

Based upon this definition the Town of Spafford considers soils designated by the NRCS as well drained soils with 0 to 8 percent slopes to be prime community farmland and that Commercial Solar Project development on lands with these soils should be avoided.

Submittals

Prior to submitting engineering drawings for a Commercial Solar Project development, the applicant for a Commercial Solar Project shall submit three drawings/maps that will provide information for the Town of Spafford Town Board to better understand the features of the site when engineered drawings are submitted.

Site Specific Soil Survey: This document shall field identify the borders of existing site soils in accordance with NRCS standards and shall be performed by an accredited Soil Scientist whose name shall be noted on the drawing. Existing published soil maps and data shall only be used as guideline information by the Soil Scientist. In addition to field identifying site soils the Soil Scientist shall document the depth of the plow layer on the site.

Topographic Map: This document shall be a map of the property (Commercial Solar Project area) showing topographic features and shall be drawn displaying existing contours at two foot intervals.

Visibility Map: This document shall be a map depicting existing natural (vegetation, topography) and manmade landscape features along roadways bordering the Commercial Solar Project and within a 1/2 mile radius of the site that provide potential visual screening for the proposed Commercial Solar Project location. The map may use published data as its base. This document should include a graphic representation of the potential natural screening of a proposed Commercial Solar Project site with a rating of high, medium, or low. The regulations include an option for the Town Board to request of a "digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations, to a distance radius of three miles from the center of the project." However, this map may be more appropriate to use in areas of documented vistas and viewsheds established by the Town Board.

Commercial Solar Project Features

When engineering drawings are submitted for review, the following important features of the Commercial Solar Project should be considered:

Avoiding the use of concrete footings and driving the support posts into the ground to reduce or minimize disturbance of the existing farmland soil profile.

Designing the structural system that the panels will sit upon so that a single post to can be used to support the individual solar panels.

Spacing of solar panels and panel rows with sufficient distances between them that will allow adequate sunlight penetration for viable plant growth on the farmland surfaces under the panels.

Enabling the potential for dual use of the Commercial Solar Project land by setting panels approximately 2 meters above grade so that grazing (cattle, cows, sheep) and planting of some farm crops may occur.

Stringing electrical connections/wires on the panel structures or burying wires in shallow laid conduits setting them in the plow layer so the original soil profile is not disrupted.

Designing the site plan and its management of stormwater runoff to work with existing topography to minimize site grading and disruption of existing farm soils.

Restoration of the solar ground surfaces after construction. If not proposed for dual use the site should use non-invasive. native pollinator plant species (grasses, wildflowers) to create habitat features for small animals, birds, butterflies, and insects. Mowing of these areas should be limited to no more than twice a year, once before May first and once near the end of October.

If the Commercial Solar Project surfaces are restored to habitat landscape small openings in the bottom of the fence should be made to allow movement of small animals in and out of the farm.

Visual Mitigation

The Commercial Solar Project applicants should provide a system for screening views of the Commercial Solar Project from surrounding areas. This commonly entails a monoculture planting of smaller growth evergreen trees set in a line along the borders of the Commercial Solar Project, but in a naturalistic way. Plant species often include arborvitae or red cedar. In suburban and rural areas, the arborvitae is deer food and the red cedar is a host for cedar apple rust (apple grower's problem). The monoculture evergreen planting when installed with 6 foot high plants will take a significant portion of the lease to provide a meaningful screen for the Commercial Solar Project. Other visual mitigation solutions may exist.

On a relatively landscaped area with a bordering local road a Commercial Solar Project may be screened with a constructed low (6 foot +/-) mowable earthen berm following the roadway alignment that is planted to pollinator species of grasses and wildflowers.

Rather than installing a monoculture line of plants a Commercial Solar Project plan may propose a hedgerow character planting using a mix of evergreen (60%) and deciduous (40%) species. The plantings should be clustered and staggered in much the same manner of natural hedgerow growth. Plants should be installed on a low mound thereby giving better height at time of planting and maintaining the original farm soil profile.

Planting of larger growth evergreen trees (white pine, white spruce) at locations in or bordering the Commercial Solar Project that would be out of the sun angle and thereby not impact the electrical system. The mature growth would help to mitigate the overall visual impact of the Commercial Solar Project.

Woodland Commercial Solar Project Sites

Woodland sites that may be proposed for Commercial Solar Project use generally do not have prime agricultural soils. Use of a wooded area for a Commercial Solar Project would require land clearing, stumping the land surface, and modifying of the soil profile.

Should a wooded site be proposed for Commercial Solar Project use it should not be dominated by the growth of native plant species. These would include sugar maple, red maple, black birch, beech, hickory, red oak, white oak, shadblow, and white pine.

A Commercial Solar Project site proposed in a woodland dominated by the alien or invasive species such as buckthorn and Norway maple or an old declining plantation of spruce or pine could be an ideal woodland location for a Commercial Solar Project.