

Purpose:

To provide Land Use Regulations that encourage renewable energy systems utilizing sunlight, while minimizing adverse impacts on neighboring properties, agricultural and recreational land and providing protection to the public health, safety and welfare of the residents of New Lisbon.

Article 1

§100-1 GENERAL PROVISIONS

§100-1.1. Legislative Authority.

This chapter is adopted pursuant to the provisions of the New York Municipal Home Rule Law. The Town Board of the Town of New Lisbon, Otsego County, New York, does hereby amend Town of New Lisbon Site Plan Review Law (T NL LL1 of 2011) of Section 10 of the Municipal Home Rule Law and Section 274-a of Town Law as per section 100-1.8 of that law to incorporate the following requirements into section 100 to address “Solar Energy Farms”. The Law is hereby amended to incorporate the following:

Article II

§100-2.2 DEFINITIONS

SOLAR COLLECTOR – A device, structure, panel or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy. This includes but is not limited to a solar photovoltaic cell, panel, or array, or solar hot air or water collector device.

SOLAR ENERGY FARM – A system consisting of one or more Solar Collectors exceeding six (6) acres and including but not limited to accessory structures and buildings, substations, electrical infrastructure, transmission lines and other appurtenant structures whose primary use is to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity.

ARTICLE V

§100-5 Standards for Specific Land Uses

§100-5.8 Solar Energy Farms

- A. Solar Energy Farms shall be subject to the following standards and review criteria.
 1. Solar Energy Farms site plan review criteria. The Planning Board shall, in reviewing and acting upon application Solar Energy Farms, require the following standards and review criteria:
 - A. The location of Solar Energy Farms shall not be constructed areas of potential sensitivity as follows and shall follow SEQR Requirements:
 - B. Blueprints or drawings of the solar photovoltaic installation signed by a qualified licensed professional engineer showing the proposed layout of the system and any potential shading from nearby structures.

- C. A description of the solar energy farm and the proposed location and design shall be prepared and signed by a qualified licensed professional engineer and state that the solar energy farm complies with all applicable Federal and State standards.
- D. Information on noise (Inverter) and reflectivity/glare of solar panels and identify potential impacts to adjoining properties.

2. Solar Energy Farm Standards.

A. Accessibility

- Each Solar Energy Farm shall be accessible from a street.
- Each Solar Energy Farm shall provide, two (2) points of entry/exit at least one-hundred (100) feet apart.
 - a. Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out the site to minimize friction with the free movement of traffic on a public highway or street.
 - b. All entrances and exits shall be free of any material that would impede the visibility of the driver on a public highway or street.
 - c. All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with trailers and shall be at least fifty (50) feet in width for at least fifty (50) feet into the property.
- Each Solar Energy Farm shall have convenient access to all Solar Collectors
 - a. The road system shall be so designed to permit the safe and convenient vehicular circulation within the farm.
- Parking: Sufficient off-street parking spaces shall be provided on each Solar Energy Farm. Each space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet

- B. At no cost to the town or emergency and fire protection services: local training will be provided on how to fight fires and other potential emergency services for the purposed Solar Energy Farm.
- C. Site plan review approval renewal. Annual renewal of site plan review approval shall be required based upon inspection by the Town as to continued conformance with the requirements of this section. Such renewal shall also be considered a license for continued operation of the Solar Energy Farm, as provided under New York State Town Law. No Solar Energy Farm shall continue to operate without such renewal and license. The annual renewal shall be processed through the office of the Town Land Use officer.

D. Solar Energy Farm Site Requirements

- The Solar Energy Farm shall be at least six (6) acres in size.
- All solar energy system components shall have a 50 foot setback, unless abutting residential uses. Whereby it shall be located a minimum of 200' from property lines.
- All mechanical equipment on a Solar Farm, including any structure for batteries or storage cells, are completely enclosed by a minimum 8' high fence with a self-locking gate.
- The total surface area of all ground-mounted and freestanding solar collectors, including solar voltaic cells, panels and arrays, shall not exceed 80% of the total parcel area.
- All solar energy production systems are designed and located in order to minimize reflective glare toward any habitable buildings, as well as streets and rights-of-way.
- All onsite utility and transmission lines are, to the extent feasible, placed underground.
- There shall be no signs except announcement signs, such as "no trespassing signs or any signs required to warn of danger". A sign is required that identifies the owner and operator with an emergency telephone number where the owner and operator can be reached on a 24-hour basis.

E. Additional Conditions.

- The solar energy farm owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar farm facility shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- A solar farm owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar farm and any access road(s), unless accepted as a public way.

F. Decommissioning/Removal. All applications for a solar farm shall be accompanied by a Decommissioning Plan to be implemented upon abandonment (2 years without annual site renewal) and/or in conjunction with removal of the facility. Prior to removal of the solar farm, a permit for removal activities shall be obtained from the Code Enforcement Department. The Decommissioning Plan shall include the following provisions:

- The owner, operator, his successors in interest shall remove any ground-mounted solar collectors which have reached the end of their useful life or have been abandoned. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Land Use Officer by certified mail of the proposed date of discontinued operations and plans for removal.
 - Physical removal of all ground-mounted solar collectors, structures, equipment, security barriers and transmission lines from the site.
 - Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - Stabilization or re-vegetation of the site as necessary to minimize erosion. The Town Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
 - Absent notice of a proposed date of decommissioning and written notice of extenuating circumstances, the solar farm shall be considered abandoned when it fails to operate for more than two year without the written consent of the Town Board. If the owner or operator of the solar energy farm fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.
- G. Estimate and Financial Surety. In addition to the Decommissioning Plan, the applicant shall also provide an estimate, prepared by a qualified engineer, setting forth the costs associated with decommissioning the solar farm at issue. In the event the Town Board grants a Special Use Permit pursuant to this Chapter, it must also establish the amount of such surety to be established by the applicant prior to issuance. The surety may be in the form of escrowed funds, bonds or otherwise, but it is the intention of this provision to ensure that the Town has sufficient funds available to remove the installations and restore landscaping consistent with Section F above, in the event the applicant fails to comply with its decommissioning obligations.
- H. Operational Fee: The Operator of the Solar Energy Farm shall be responsible for paying a yearly fee in accordance with the Town Of New Lisbon Fee schedule to offset any possible loss in property taxes and maintenance and support required by the Town.