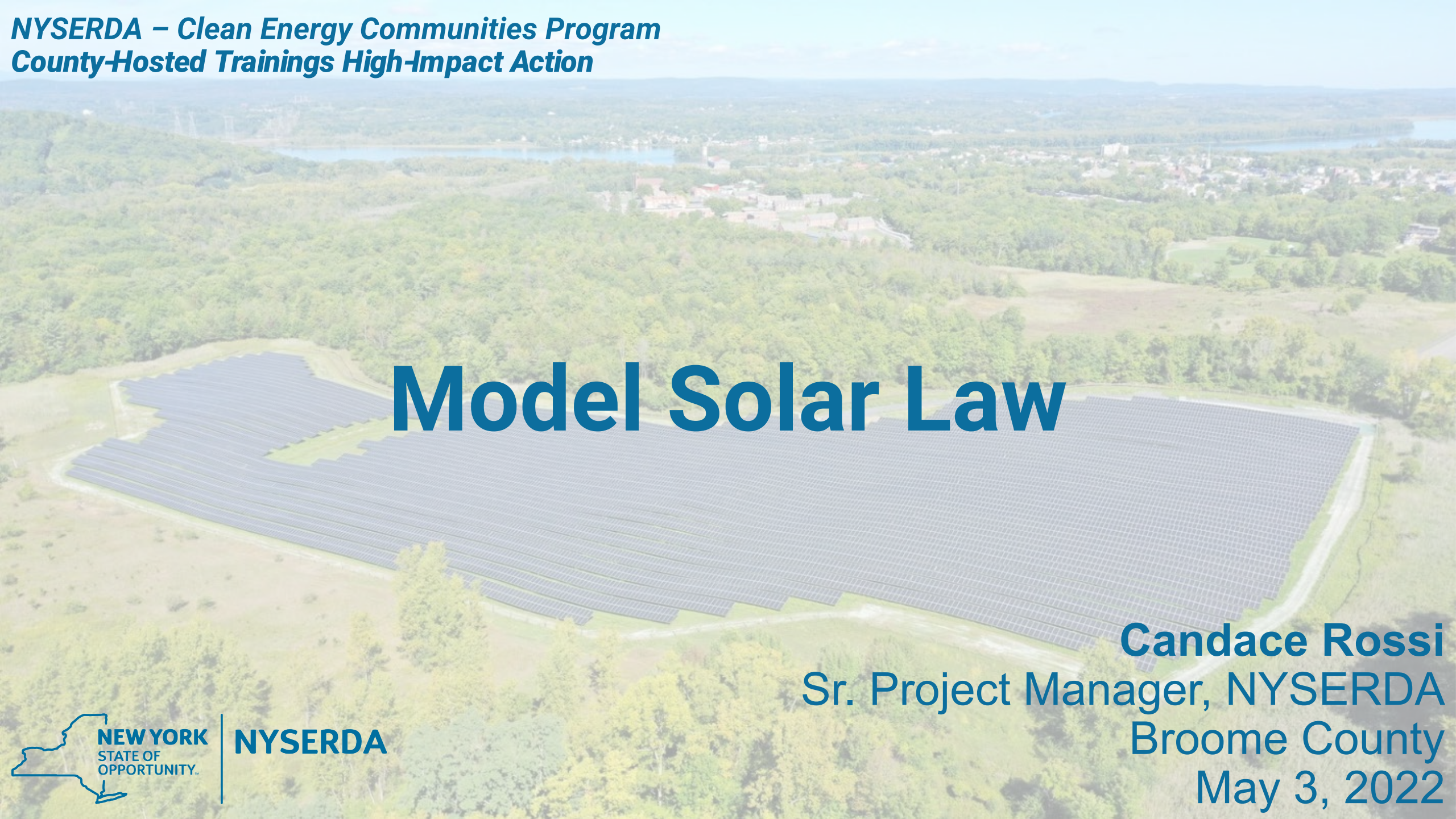


Model Solar Law

Candace Rossi
Sr. Project Manager, NYSERDA
Broome County
May 3, 2022

NEW YORK STATE OF OPPORTUNITY. | NYSERDA

Agenda:

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

Introduction

Candace Rossi
Sr. Project Manager
NYSERDA
Candace.Rossi@nyserda.ny.gov

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

Clean Energy Intro: Solar Energy

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

Types of Solar PV installations:

- Residential
- Commercial
  - Community Solar
- Utility-Scale

"Behind the Meter"
Rooftop or Ground-Mounted

"Front of the Meter"
Ground-Mounted

Ground-Mounted Solar

- 5-8 acres per MW
- 100-200 homes per MW

Primary Land Use/Local Considerations

All technologies:

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

Solar:

- Visual/aesthetic impacts
- Agricultural land impacts

Wind:

- Visual/aesthetic impacts
- Noise
- Shadow flicker

Energy Storage:

- Fire safety
- Incident management training

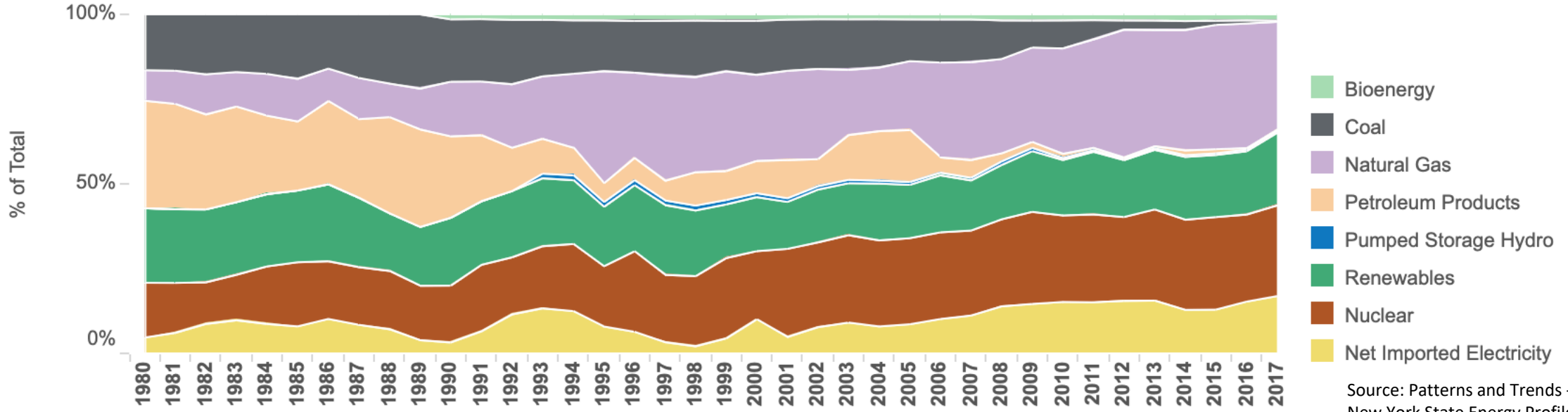
The Climate Leadership and Community Protection Act (Climate Act)

Electricity Sector Goals:

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

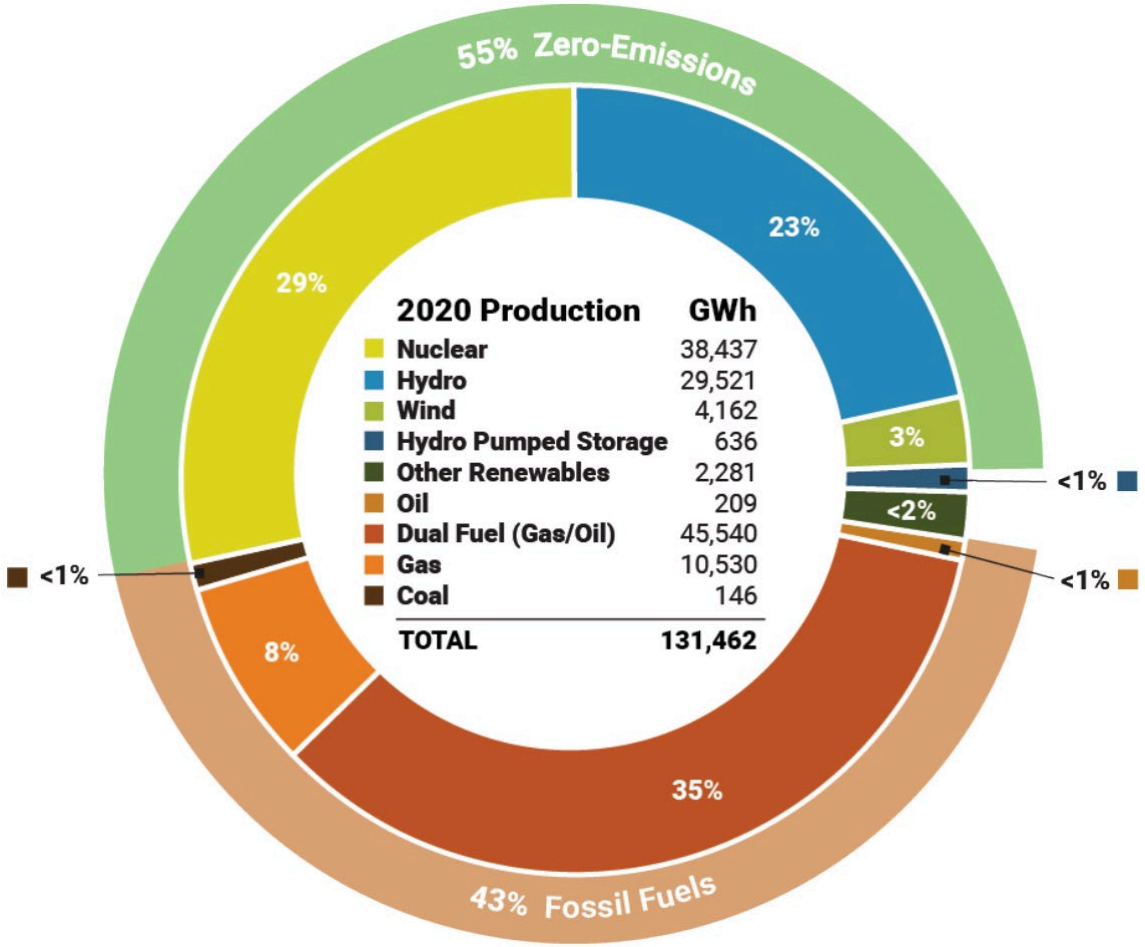
Technology-Specific Goals:

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



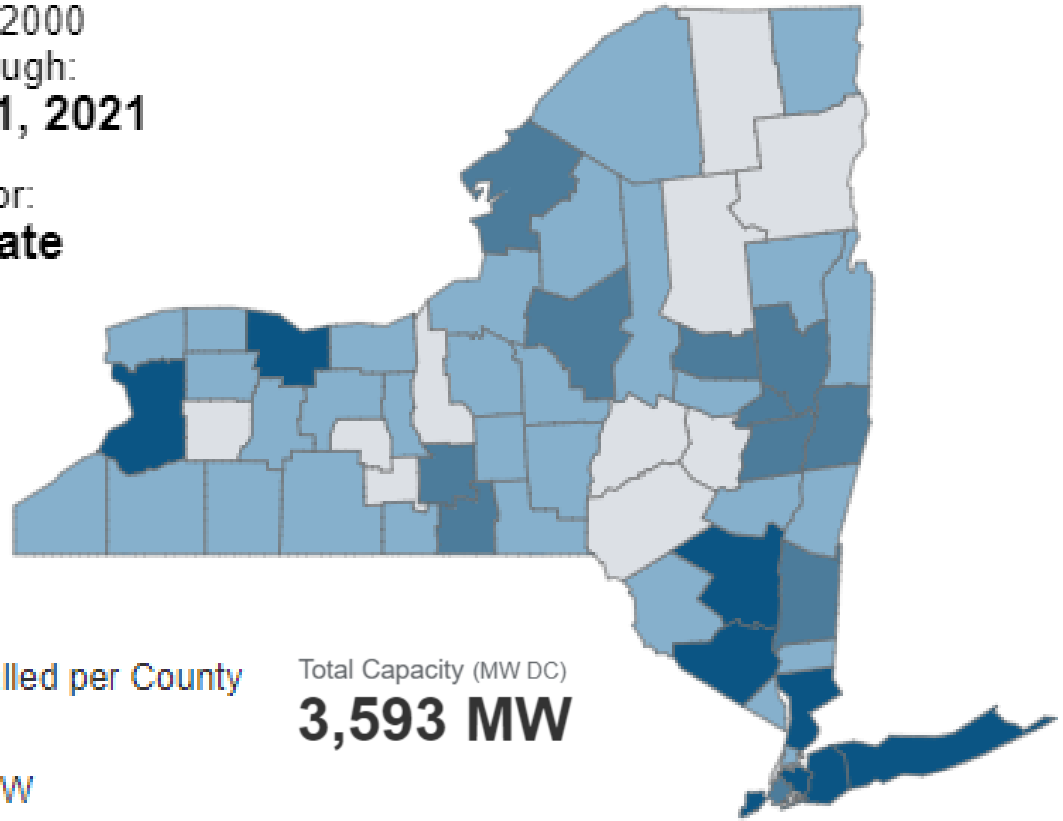
Source: Patterns and Trends - New York State Energy Profile (NYSERDA)

Snapshot: Clean Energy in NYS



Data beginning 2000
and current through:
December 31, 2021

Showing Data for:
New York State



Megawatts installed per County
- 0 to 10 MW
- >10 to 50 MW
- >50 to 100 MW
- >100 MW

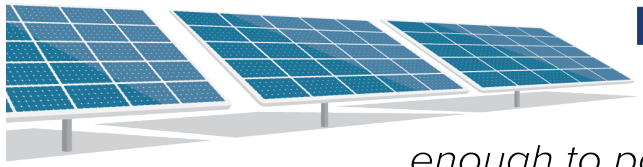
Total Capacity (MW DC)
3,593 MW

Number of Projects
165,336

NY-Sun Initiative

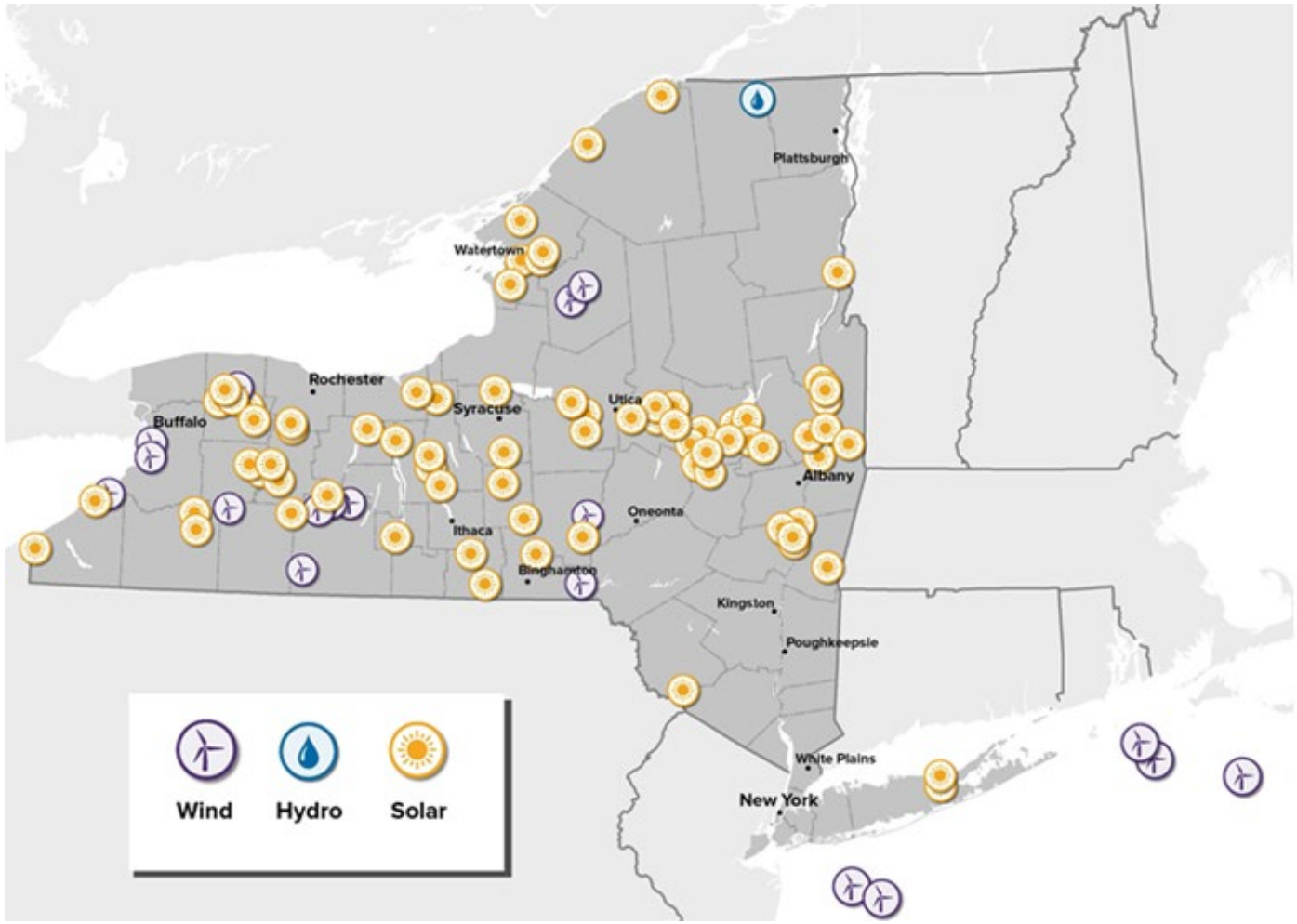
- NY-Sun is a **$1.6 billion** initiative to advance the scale-up of solar and create a sustainable, self-sufficient solar industry
- NY-Sun is helping New York to install **6,000 megawatts** of solar by 2025
  - Expanded existing goal of 3,000 MW by 2023
  - NY-Sun anticipates that most of the 6,000 MW goal will be achieved through community solar projects
- The PSC just approved an Order to increase NY-Suns goal to 10MW by 2030. This is expected to go live in June.

6,000 MW
of distributed solar
by 2025



enough to power 1 million homes

Large-Scale Renewables



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

Clean Energy Siting Team

Access the Clean Energy Guidebooks and other resources!

Clean Energy Siting for Local Governments

- Comprehensive Plan Guide
- Energy Storage Guidebook
- Energy Storage Trainings for Local Governments
- EV Charging Station Permitting Resources
- Siting for Large-Scale Renewables
- Solar Guidebook
- Technical Assistance and Workshops
- Wind Energy Guidebook
- Clean Energy Siting Email List

Clean Energy Siting for Local Governments

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

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

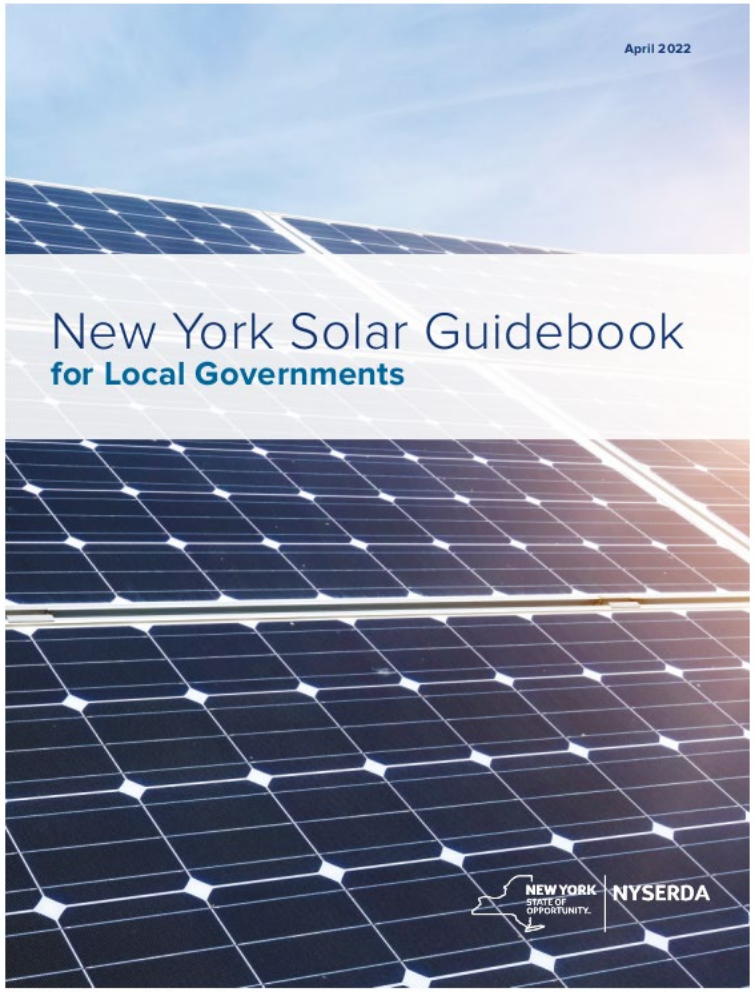
Stay up-to-date with the latest about Clean Energy Siting by joining our email list for local government officials.

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

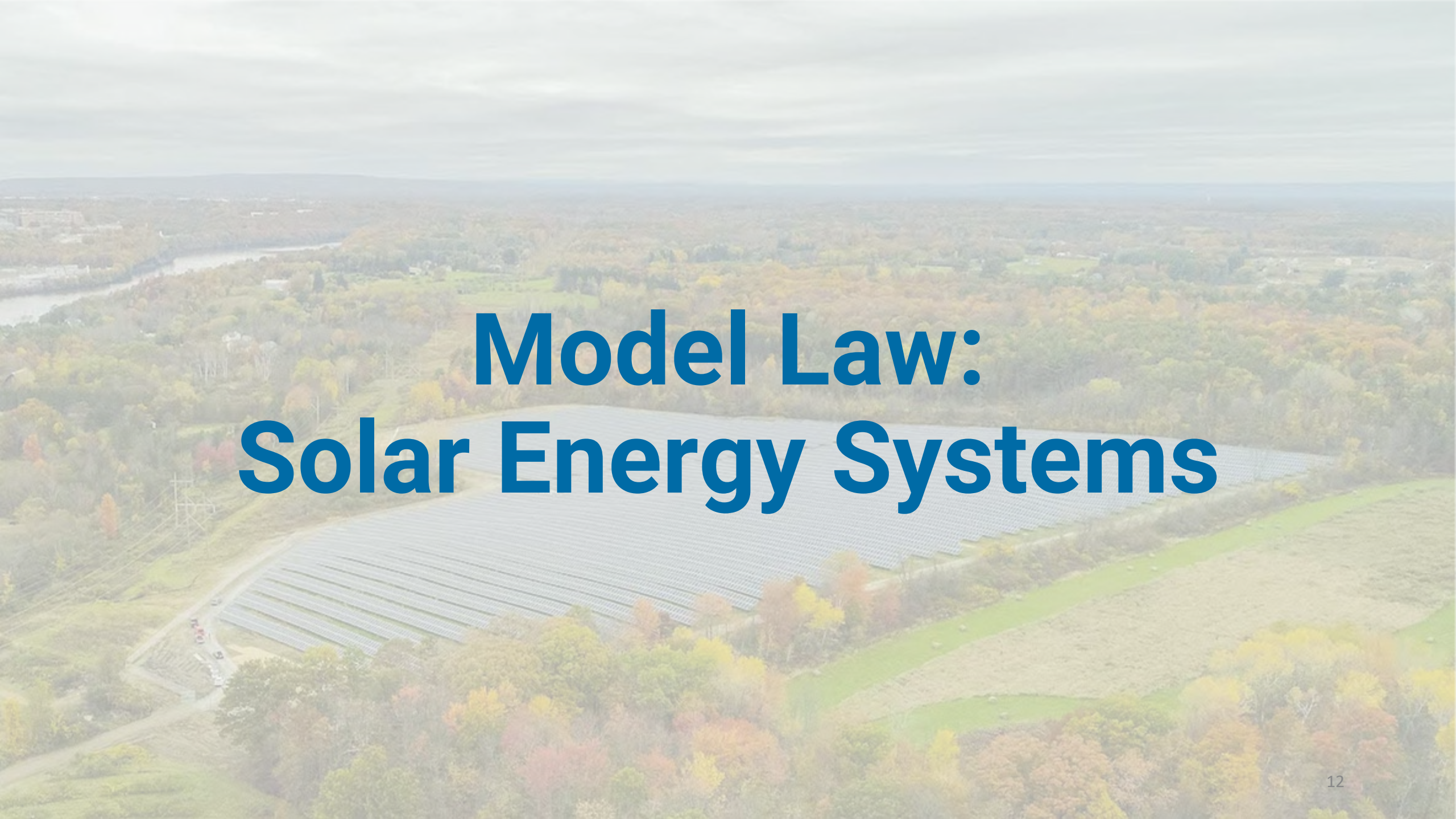
Complete a technical assistance request form

www.nyserda.ny.gov/Siting

Solar Guidebook for Local Governments

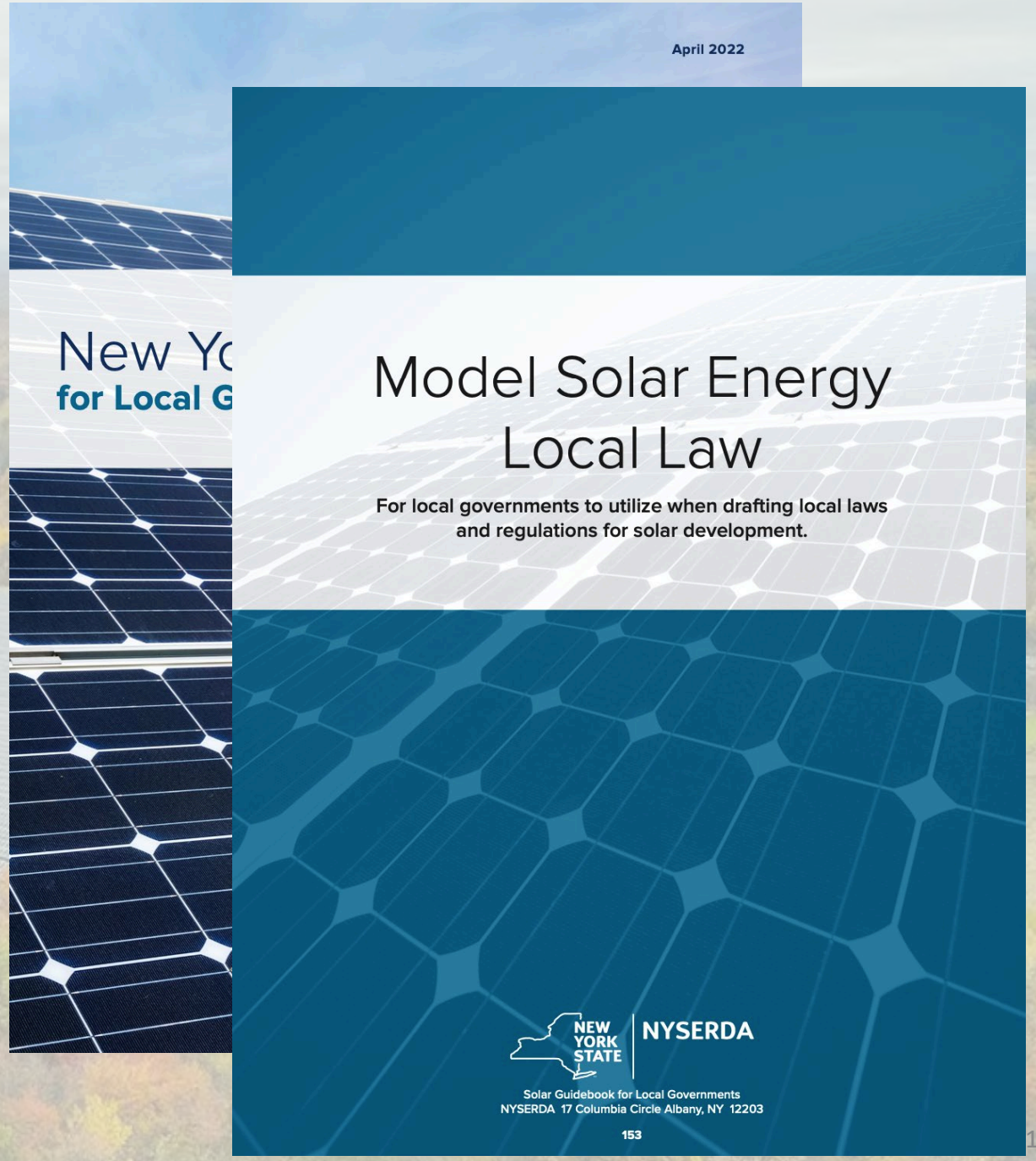


- **Chapter 1** - Solar PV Permitting and Inspecting in NYS
- **Chapter 2** - Roof Top Access and Ventilation Requirements
- **Chapter 3** - State Environmental Quality Review (SEQR)
- **Chapter 4** - NYS's Real Property Tax Law § 487
- **Chapter 5** - Solar Payment-In-Lieu-of-Taxes Toolkit
- **Chapter 6** - Using Special Use Permits and Site Plan Regulations
- **Chapter 7** - Solar Installations in Agricultural Districts
- **Chapter 8** - Landowner Considerations for Solar Land Leases
- **Chapter 9** - Decommissioning Solar Panel Systems
- **Chapter 10** - Model Solar Energy Local Law
- **Chapter 11** – Municipal Solar Procurement Toolkit



Model Law:
Solar Energy Systems

Update!


April 2022
New Yo
for Local G
Model Solar Energy Local Law
For local governments to utilize when drafting local laws and regulations for solar development.
NEW YORK STATE
NYSERDA
Solar Guidebook for Local Governments
NYSERDA 17 Columbia Circle Albany, NY 12203
153

Permitting Solar Energy Systems

Permitting process varies based on size of the installation:

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

What Is the Model Solar Energy Law?

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

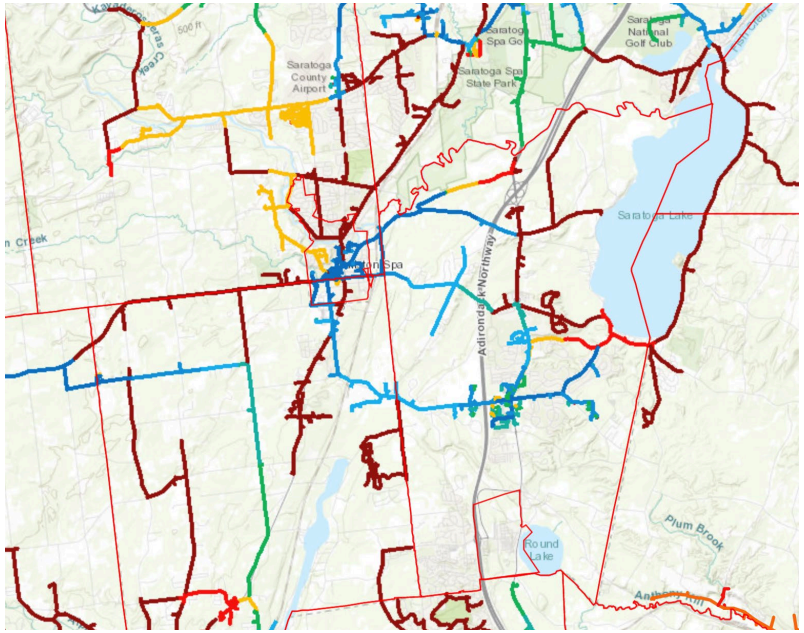
What Should Municipalities Do Before Drafting/Updating a Solar Energy Law?

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

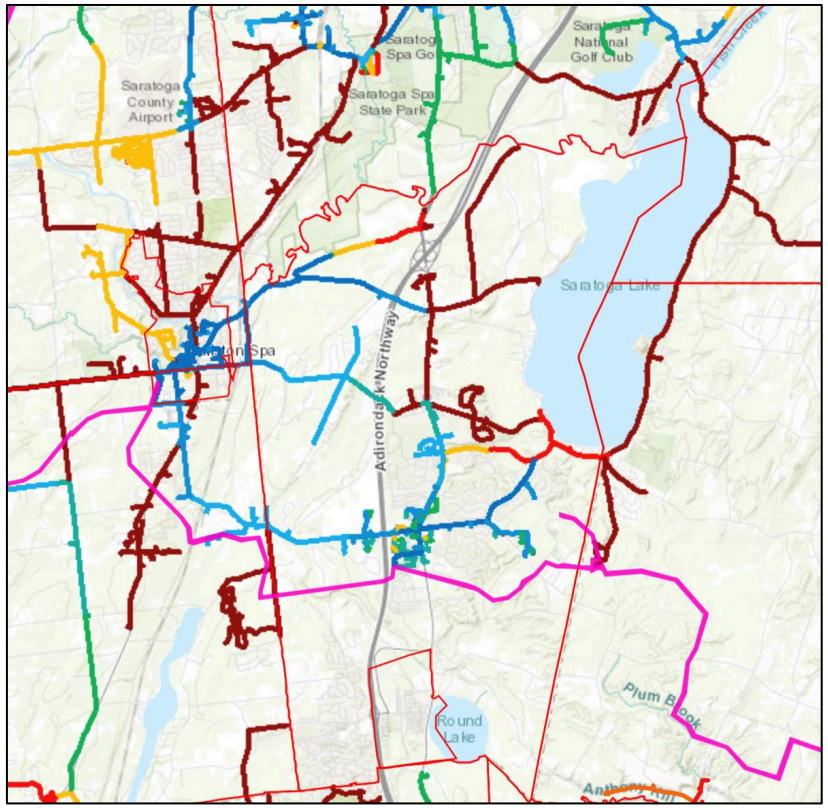
Hosting Capacity Mapping

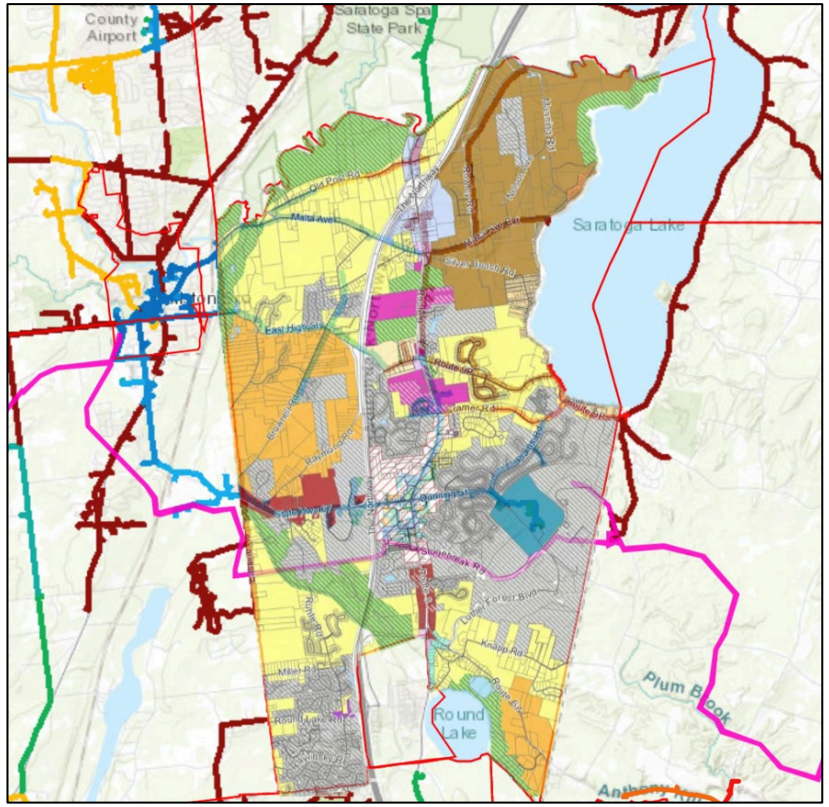
Purposes of this exercise:

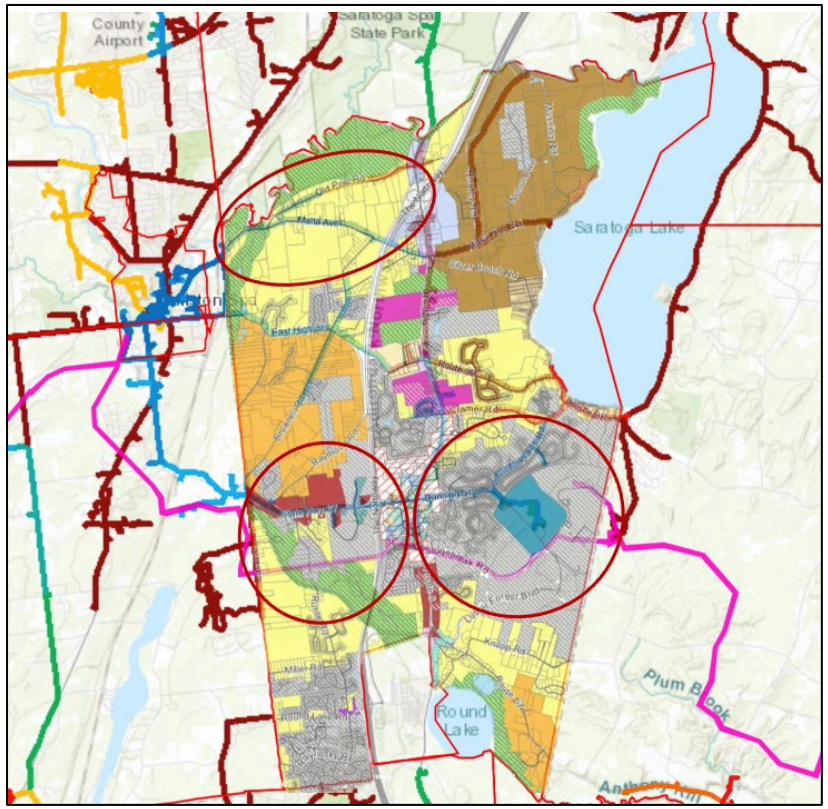
- **Visualize local energy distribution infrastructure**
- **Identify general potential locations for solar development based on select criteria:**
  - Grid proximity
  - Grid hosting capacity
  - Existing zoning
  - Proximal land use

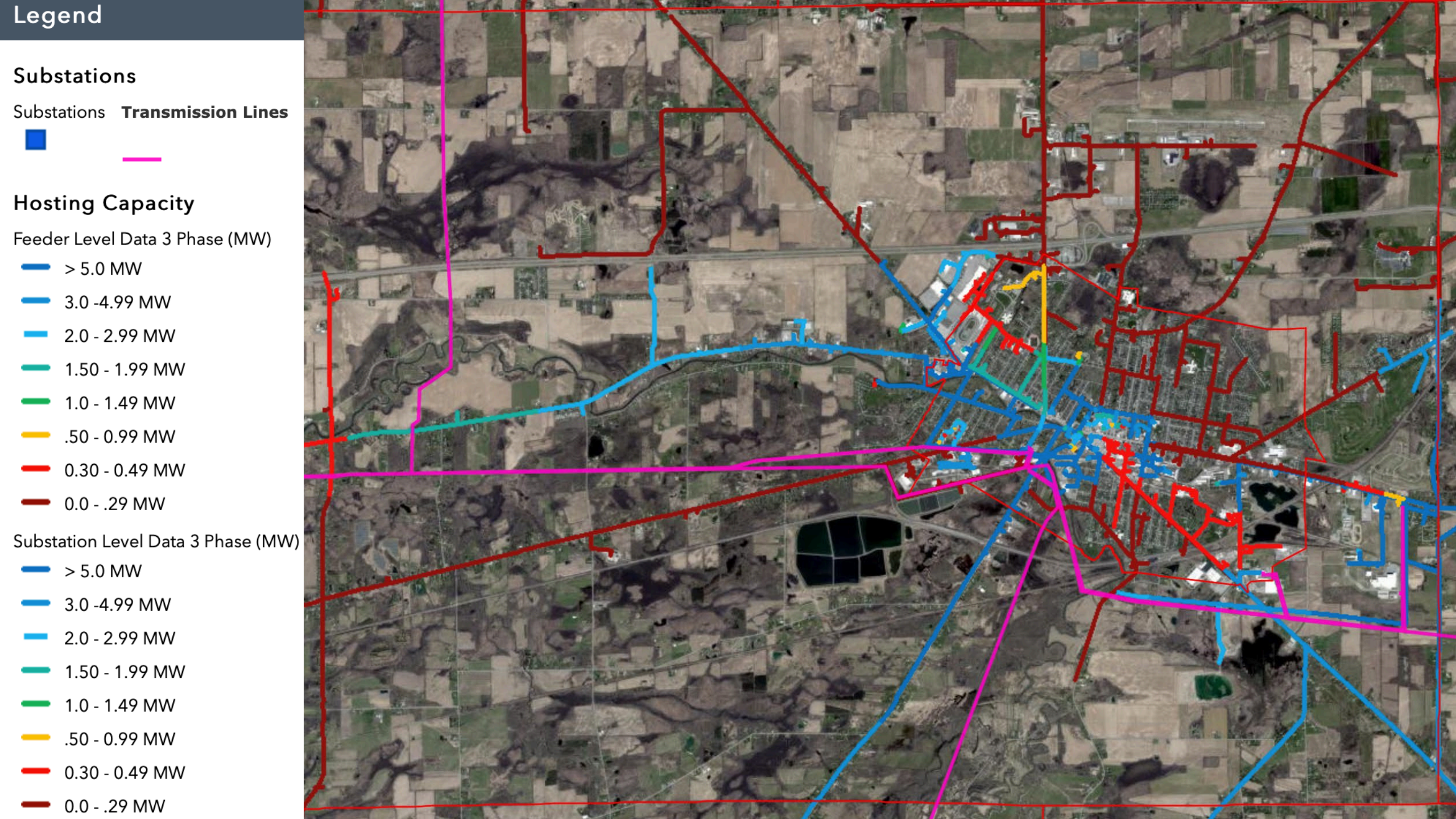


Hosting Capacity Mapping



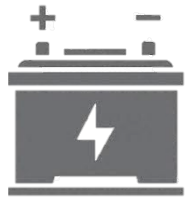


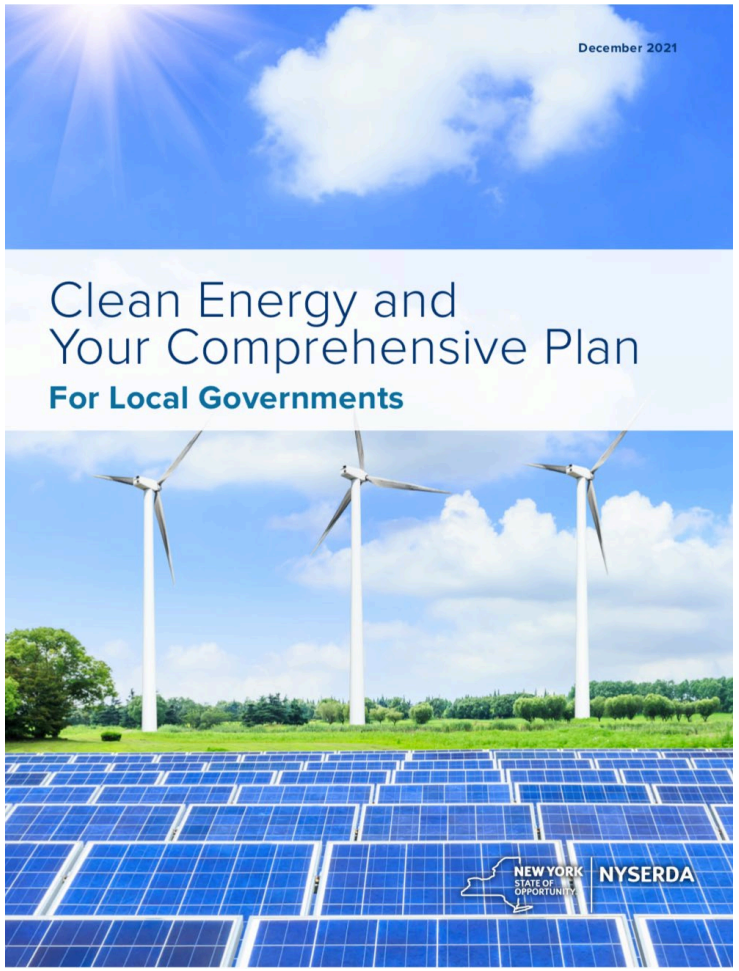



Legend
Substations
Substations
Transmission Lines
Hosting Capacity
Feeder Level Data 3 Phase (MW)
> 5.0 MW
3.0 -4.99 MW
2.0 - 2.99 MW
1.50 - 1.99 MW
1.0 - 1.49 MW
.50 - 0.99 MW
0.30 - 0.49 MW
0.0 - .29 MW
Substation Level Data 3 Phase (MW)
> 5.0 MW
3.0 -4.99 MW
2.0 - 2.99 MW
1.50 - 1.99 MW
1.0 - 1.49 MW
.50 - 0.99 MW
0.30 - 0.49 MW
0.0 - .29 MW

Comprehensive Planning

- **It's in the name: Comprehensive Plan**
- **NYS Enabling Statutes: "in accordance with a comprehensive plan"**
- **Benefits:**
  - Tangible representation of jurisdiction's priorities and policies
  - Clarity for municipal boards, decision makers, project developers, etc.
  - May strengthen jurisdiction's position in event of legal dispute, challenge
  - Access to grants and incentives





Land-Use Moratoria

The What: **A local law or ordinance suspending (for a reasonable time) property owners' rights to obtain development approvals.**

The Why: **Grant time to consider, draft, and adopt land-use plans to respond to circumstances not adequately dealt with under its current laws.**

The How: **Requires the local legislature to formally adopt and file a law or ordinance.**

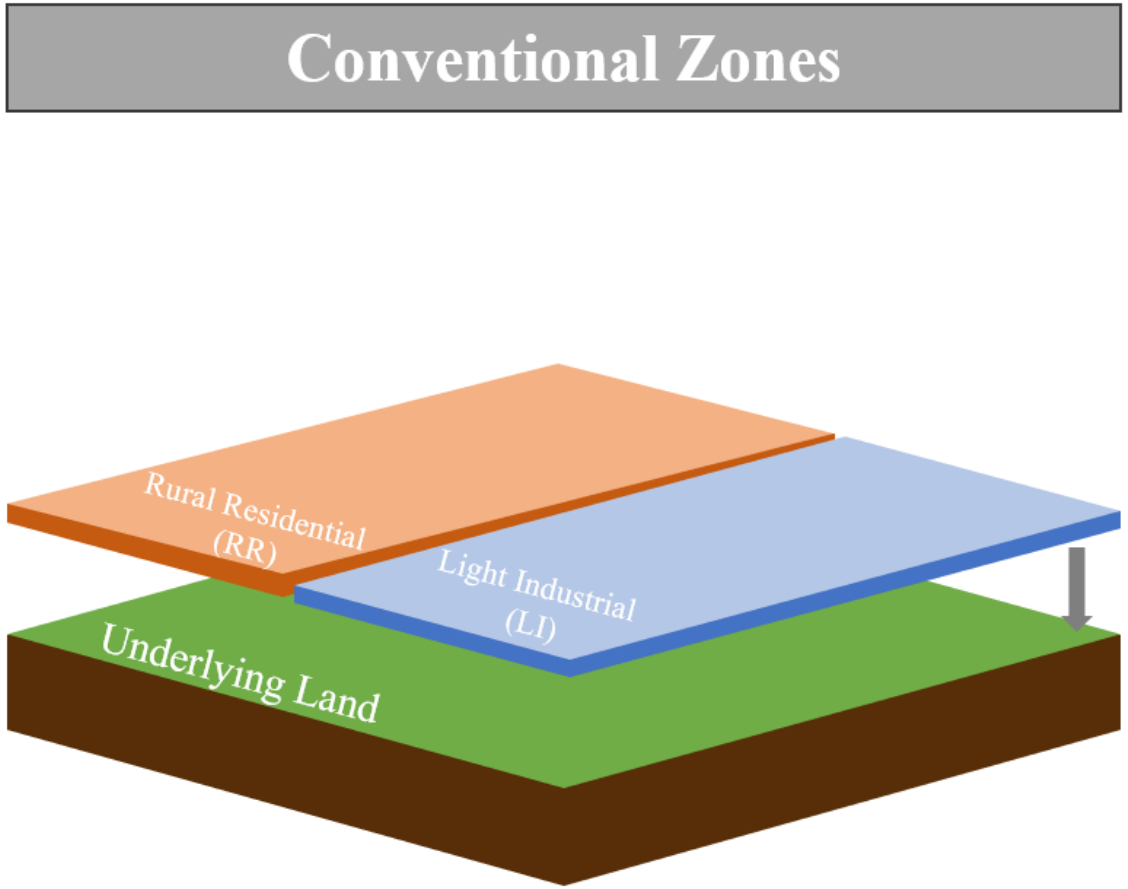
Things to Consider:

- "Reasonableness"
- Impacts on landowners/community
- Specificity of timeline & scope
- Legal standing

Choosing a Regulatory Tool for Solar

(1) Conventional Zoning

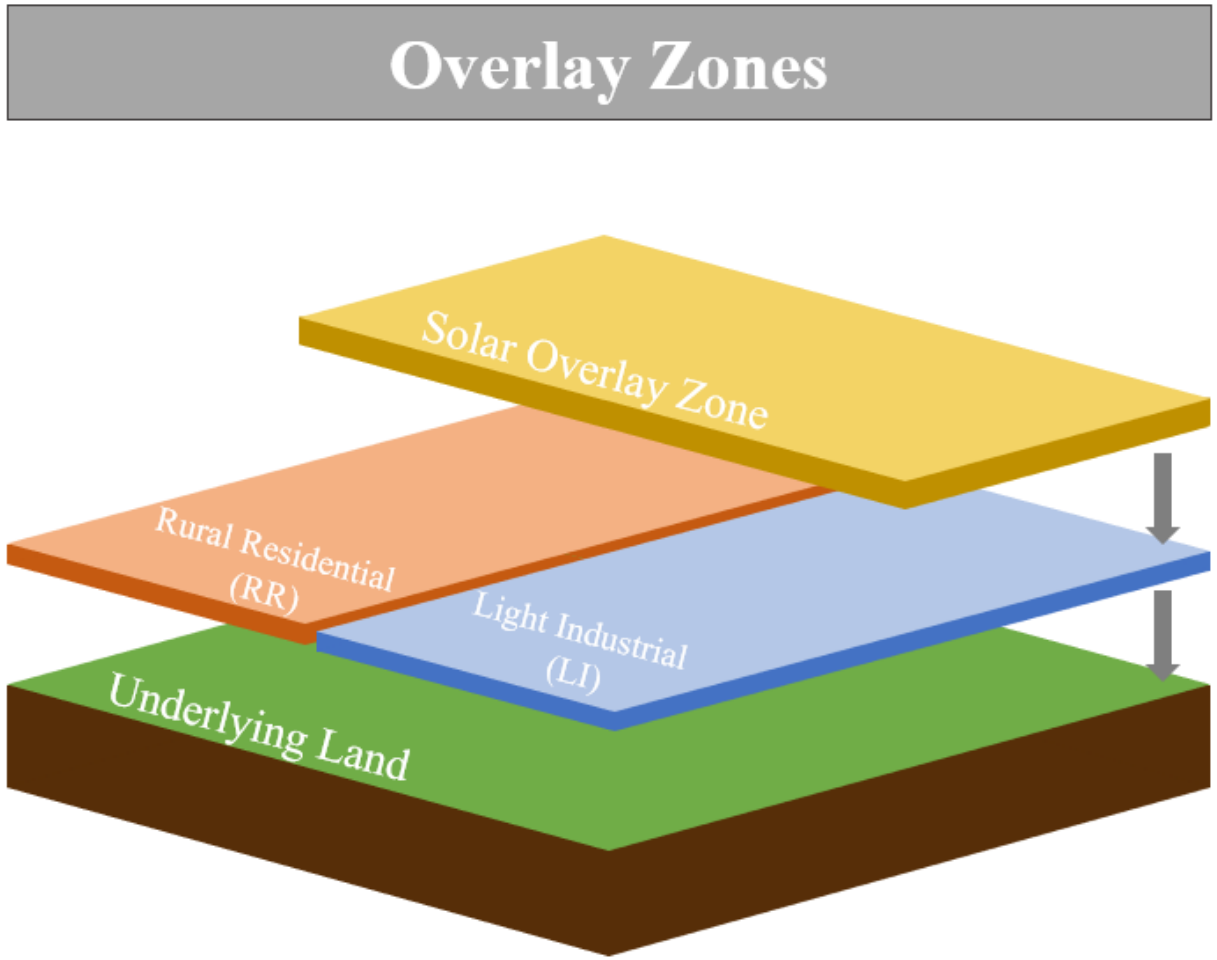
- **Utilizes the municipality's existing division of lands, including authorized land uses and building/area restrictions**
- **Defines the allowance of solar energy systems across districts (e.g. principal use, accessory use, secondary use, special use)**
- **Likely more familiar/easier for the municipality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



Choosing a Regulatory Tool for Solar

(2) Overlay Zoning

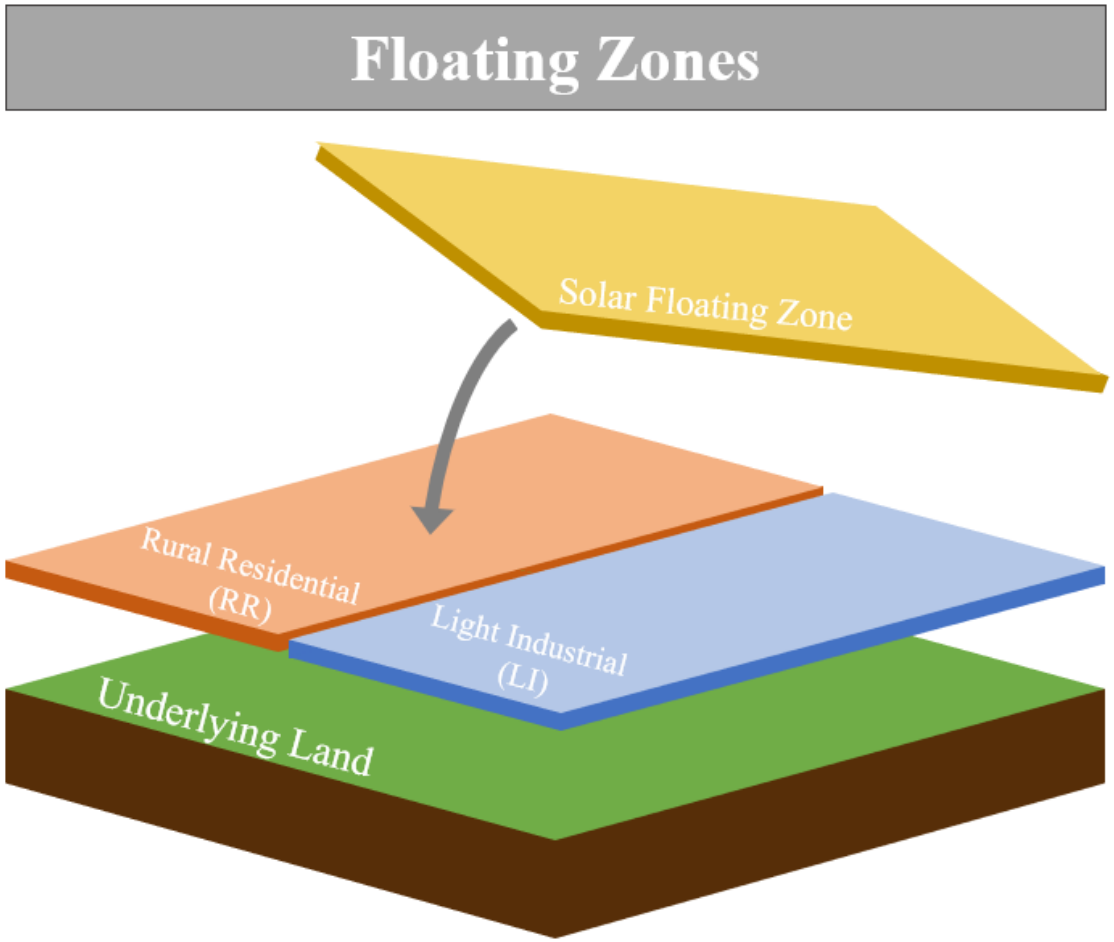
- **Utilizes a defined overlay zone which is superimposed onto existing zoning map**
- **Enables more specific identification of areas where solar is an approvable use**
- **Requires additional time, resources, and work up front to define appropriate areas**



Choosing a Regulatory Tool for Solar

(3) Floating Zoning

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



Model Law Contents

Section 1: Authority

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

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

Section 2: Statement of Purpose

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

Section 3: Definitions

System Energy System Classifications

Tier 1 Solar Energy System:

- Roof-Mounted
- Building-Integrated
- Ground-Mounted up to 25 kW AC or [4,000] sqft
- On-Farm Solar Energy Systems

Tier 2 Solar Energy System: Ground-Mounted systems not included in Tier 1 with a nameplate capacity up to [1] MWac OR facility area up to [8] acres and generates no more than 110% of the energy used on site.

Tier 3 Solar Energy System: Ground-Mounted systems not included in Tier 1or 2 with a nameplate capacity up to [5] MWac or a facility area of up to [40] acres.

Tier 4: Solar Energy Systems not included in Tier 1, Tier 2, or Tier 3.

Model Solar Energy Law

Tier 1

Rooftop Installations

Tier 1/2

Small Ground-Mount Installations

Tier 2/3/4

Larger than Tier 1

Tier 1 Roof-Mounted Solar Energy System

Tier 1 Building-Integrated Solar Energy System

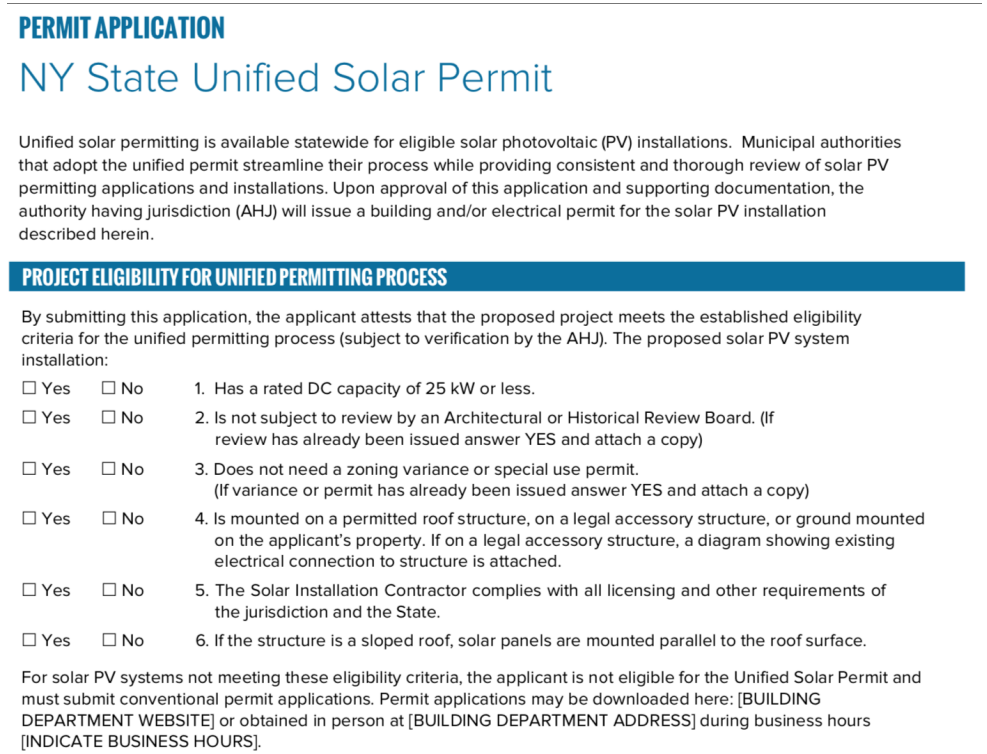
Tier 1 Ground-Mounted Solar Energy System

Ground-Mounted Solar Energy System

Permitting Solar Energy Projects

- Important to base solar planning decisions on feasibility and priorities – utilize Utility Hosting Capacity maps, transmission line maps, zoning map, soil maps, etc.

- Model Law permitting methodology:
  - Tier 1: permitted in all districts } Building Permit, NYS Unified Solar Permit
  - Tier 2: permitted in all districts as accessory structures using **Site Plan Review**
  - Tier 3: permitted in ___ districts using **Special Use Permit**, **Site Plan Review**
  - Tier 4: permitted in ___ districts using **Special Use Permit**, **Site Plan Review**



PERMIT APPLICATION

NY State Unified Solar Permit

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

PROJECT ELIGIBILITY FOR UNIFIED PERMITTING PROCESS

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

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

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

Section 4: Applicability

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

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

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

Section 5: General Requirements

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

Section 6: Tier 1 Systems Permitting Requirements

A. Roof-Mounted

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

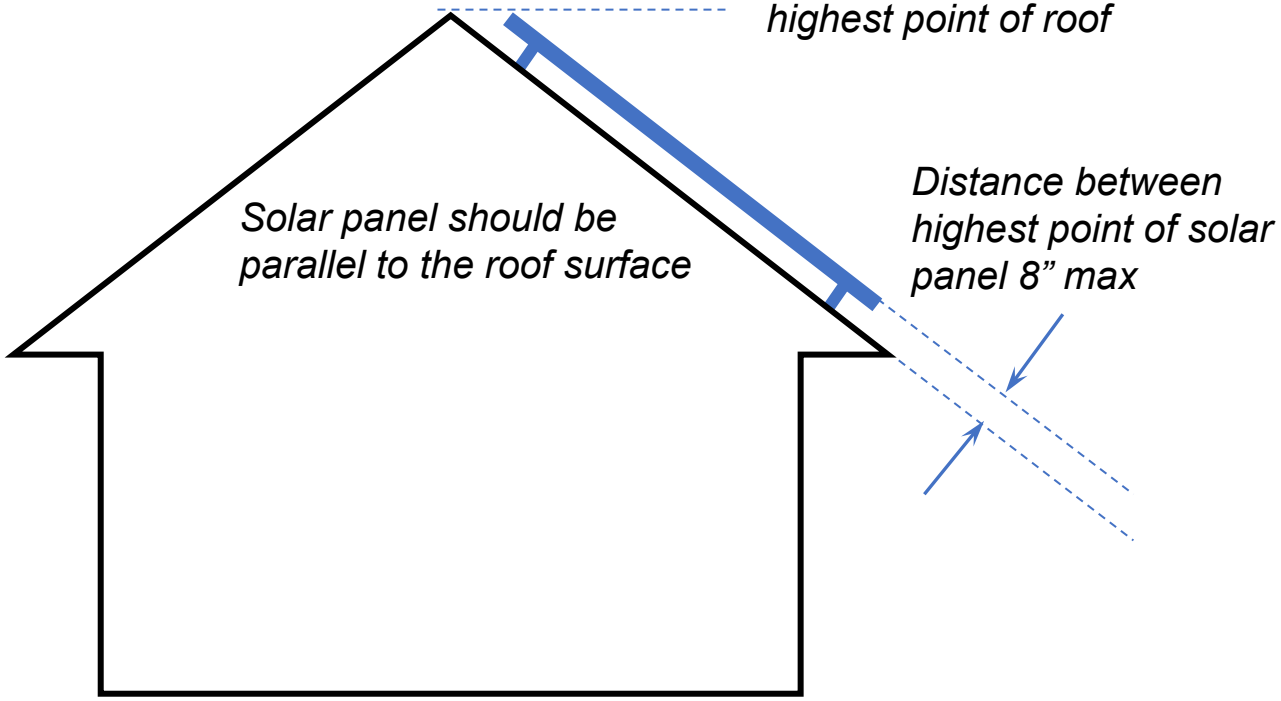
- On **pitched roofs,** the solar panels shall be mounted with a max 8” between roof surface and highest point of solar system, solar panels shall be parallel to roof surface they are mounted on/ attached to, and solar panels shall not extend beyond highest point of roof surface.

- Solar panels on **flat roofs** shall not extend beyond surrounding parapet, or more than 24” above flat roof surface, whichever is higher.

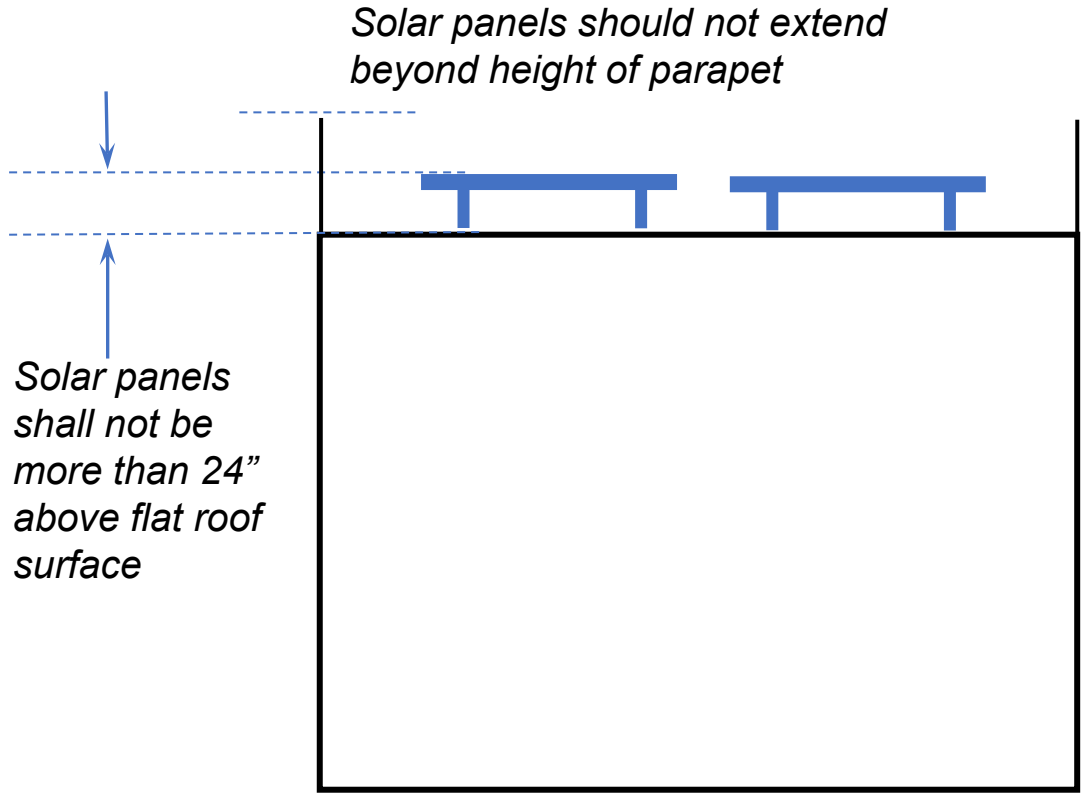
Glare – All solar panels shall have anti-reflective coating(s)

Section 6: Tier 1 Roof-Mounted Design Requirements

Pitched Roof



Flat Roof



Section 6: Tier 1 Systems Permitting Requirements

Ground-Mounted Solar Energy Systems

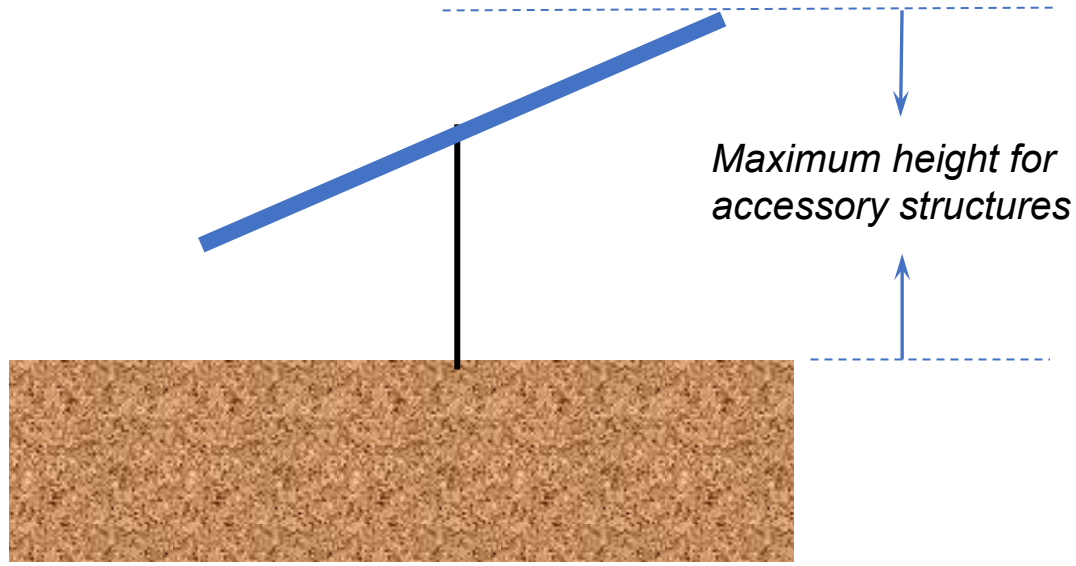
- **Glare – All solar panels shall have anti-reflective coating(s)**
- **Setbacks – subject to regulations for accessory structures and installed in side or rear yards in residential districts**
- **Height – subject to height limitations for accessory structures or as provided in Appendix 3 (10ft – 15ft)**
- **Lot Size – subject to existing lot size requirement**
- **Lot Coverage – exempt from the lot coverage requirements**
- **Screening & Visibility**
  - Views shall be minimized from adjacent properties to the extent reasonable practicable.
  - Located in a manner to avoid and/or minimize blockage of views from surrounding properties.

Section 6: Tier 1 Ground Mounted Height Requirements

Tier 1 Ground Mounted Height (select from the following options):

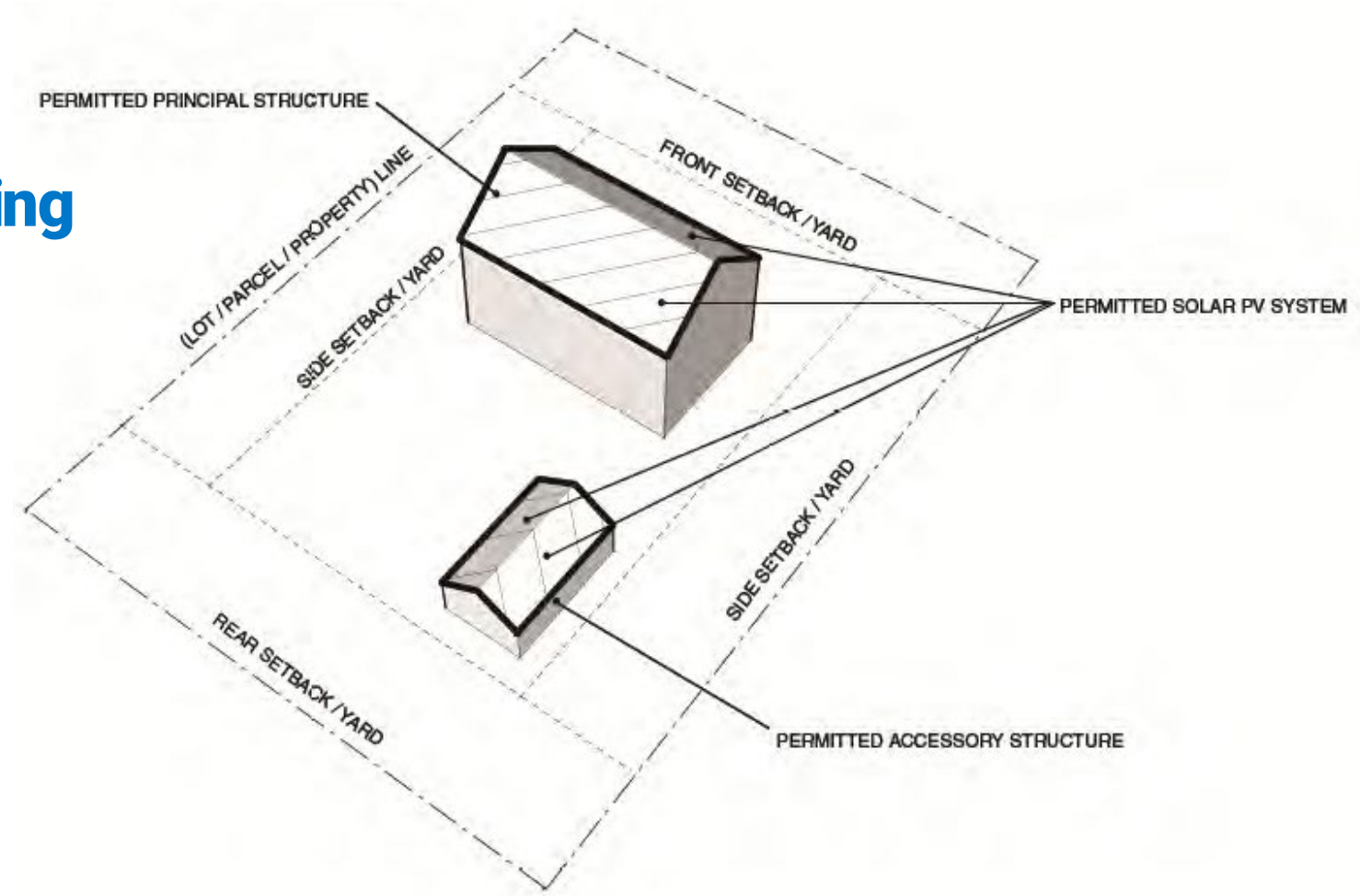
- Subject to the maximum height for accessory structures.
- Follow the height limitations suggested.

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



Section 6: Tier 1 Ground Mounted Setbacks

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



Section 7: Tier 2 Systems Permitting Requirements

A. Application & Site Plan Review Requirements

1. General information including name, address, and contact info of system installer and owner/operator.
2. General information for project applicant and property owners, demonstrating their consent to the application.
3. Nameplate Capacity of the system
4. Zoning district designation for the parcel of land
5. Property lines and physical features of the project site
6. Adjacent land uses on contiguous parcels
7. Proposed changes to landscape, grading, vegetation, lighting etc.
8. A one, or three-line electrical diagram showing layout, equipment components and associated National Electric Code compliant mechanisms.
9. Equipment specification sheet for proposed panels, significant components, mounting system and inverter.

Applicable Tier 1 Standards for Tier 2 Systems

Ground-Mounted Solar Energy Systems

- **Glare – All solar panels shall have anti-reflective coating(s)**
- **Setbacks – subject to regulations for accessory structures and installed in side or rear yards in residential districts**
- **Height – subject to height limitations for accessory structures or as provided in Appendix 3 (10ft – 15ft)**
- **Lot Size – subject to existing lot size requirement**

Section 7: Tier 2 Systems Permitting Requirements

B. Standards

- **Lot coverage – Tier 2 are exempt from the lot coverage requirements**

- **Screening/Visibility – shall have views minimized from adjacent properties to the extent practicable using architectural features, earth berms, and other landscaping methods**

- **Environmental Resources**
  - Tree-cutting – Removal of existing trees larger than [6] inches in diameter should be minimized to the extent possible.
  - To the extent practicable, Tier 2 Solar Energy System Owners shall utilize and maintain native perennial vegetation to provide foraging habitat for pollinators in all appropriate areas within the Facility Area.
  - Use integrated pest management practices to refrain from/limit pesticide use (including herbicides) for long-term operation and site maintenance.

Section 8: Tier 3 Systems Permitting Requirements

Process for Approval

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

Requirements for Approval

1. **Site Plan Application**
2. **Special Use Permit Standards**
    1. Underground Requirements
    2. Vehicular Paths
    3. Signage
    4. Glare
    5. Lighting
    6. Multiple lots
    7. Lot size
    8. Setbacks
    9. Height
    10. Lot coverage
    11. Fencing Requirements
    12. Screening and visibility
    13. Environmental Resources
    14. Agricultural Resources
3. **Ownership changes**

Section 8: Tier 3 Systems Permitting Requirements

B. Application & Site Plan Review Requirements

- **General information including name, address, and contact info of system installer and owner/operator.**
- **Nameplate Capacity of the system**
- **Zoning district designation for the parcel of land**
- **Property lines and physical features of the project site**
- **Map of MSG 1-4 Soils and Active Agriculture Lands on the parcel**
- **Adjacent land uses on contiguous parcels**
- **Proposed changes to landscape, grading, vegetation, lighting etc.**
- **Erosion and sediment control and storm water management plans prepared to NYSDEC standards**
- **A one, or three-line electrical diagram showing layout, equipment components and associated National Electric Code compliant mechanisms.**
- **Equipment specification sheet for proposed panels, significant components, mounting system and inverter.**
- **A Property Operation and Maintenance Plan**
- **Decommissioning Plan**

Section 8: Tier 3 Systems Permitting Requirements

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

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

2.4 Appendix 4: Example Decommissioning Plan

Date: [Date]

Decommissioning Plan for [Solar Project Name], located at: [Solar Project Address]

Prepared and Submitted by [Solar Developer Name], the owner of [Solar Farm Name]

As required by [Town/Village/City], [Solar Developer Name] presents this decommissioning plan for [Solar Project Name] (the "Facility").

System decommissioning shall be required as a result of any of the following conditions:

1. The land lease – if any – ends, unless the project owner has acquired the land.
2. The Solar Energy System ceases to generate electricity on a continuous basis for [12] months.
3. The Solar Energy System is damaged and will not be repaired or replaced by [Solar Developer Owner].

If any of the above conditions are met, and upon notification or instruction by the [Village/Town/City], [Solar Developer Name] shall implement this decommissioning plan. System decommissioning and removal, as well as all necessary site restoration or remediation activities, shall be completed within [12] months.

The owner of the Facility, as provided for in its lease with the landowner, and in accordance with the requirements of the [Village/Town/City] zoning law, shall restore the property to its condition as it existed before the Facility was installed, pursuant to which shall include the following:

1. Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations located less than 36-inches below the soil surface, and/or less than 48-inches below the soil surface in areas consisting of [Mineral Soil Groups (MSG) 1-4 and/or Active Agricultural Lands].
2. For projects located on areas consisting of [MSG 1-4 and/or Active Agricultural Lands], removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations in accordance with the decommissioning requirements contained in the NYS Department of Agriculture and Markets' "Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands."
3. Removal of any solid and hazardous waste caused by the Facility in accordance with local, state and federal waste disposal regulations.
4. Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain.

An appendix is included in this plan to provide a project schedule detailing a breakdown of tasks required for the decommissioning removal of the system, including:

1. Time required to decommission and remove the system and any ancillary structures.
2. Time required to repair any damage caused to the property by the installation and removal of the system.

The cost of system decommissioning and removal, as well as all necessary site remediation and restoration activities, is estimated to be $[XXX] as of the date and time this application is filed. A decommissioning security [has been OR will be] executed in the amount of [115]% of the cost of system decommissioning, removal, and site restoration.

This cost estimate and decommissioning surety will be revisited every [5] years and updated as needed to account for inflation or other cost changes.

The owner of the Facility, currently [Solar Developer Name], is responsible for this decommissioning.

Facility Owner Signature:_____ **Date:**_____

Section 8.C: Tier 3 Permitting Requirements

1. **Underground Requirements - On-site utility lines shall be placed underground as permitted by the serving utility.**

2. **Vehicular paths – Minimize the extent of impervious materials and soil compaction.**

Section 8.C: Tier 3 Permitting Requirements

3. **Signage**
   - Displaying the manufacturer's name, safety information, emergence contact, and equipment specification information, within an area no more than 8 square feet.
   - Comply with the NEC for warning signs.
4. **Glare - All solar panels shall have anti-reflective coating(s).**
5. **Lighting - Limited to that minimally required for safety and shall be reasonably shielded or downcast from abutting properties.**
6. **Multiple lots- At the discretion of the reviewing board, when a Facility Area comprises multiple lots, the combined lots may be treated as a single lot for the purposes of applying specific standards and requirements, such as lot size, setback, etc**

Section 8.C: Tier 3 Permitting Requirements

7. Lot size (select from the following options):

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

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

8. Setbacks (select from the following options):

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

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

N/A: Not Applicable

Section 8.C: Tier 3 Permitting Requirements

9. Height (select from the following options):

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

Zoning District	Height
Residential Low Density	15 feet
Residential High Density	--
Commercial / Business	20 feet
Light Industrial	20 feet
Heavy Industrial	20 feet
Agricultural/ Residential	20 feet

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

10. Lot Coverage

- Exempt from the lot coverage requirements in the underlying zoning district.

Section 8.C: Tier 3 Permitting Requirements

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

Section 8.C: Tier 3 Permitting Requirements

12. Screening & Visibility

a. Systems <10 acres in size

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

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

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

What should be included in the screening & landscaping plan?

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

Section 8.C: Tier 3 Permitting Requirements

13. Environmental Resources:

- Tree-cutting. Removal of existing trees larger than [6] inches in diameter should e minimized t the extent possible.
- Requires applicants to propose a vegetation management plan to ensure implementation and upkeep of vegetation promoting biodiversity or other benefits
- Use integrated pest management practices to reframe from/limit pesticide use for long-term operation and site maintenance.

Section 8.C: Tier 3 Permitting Requirements

14. Agricultural Resources:

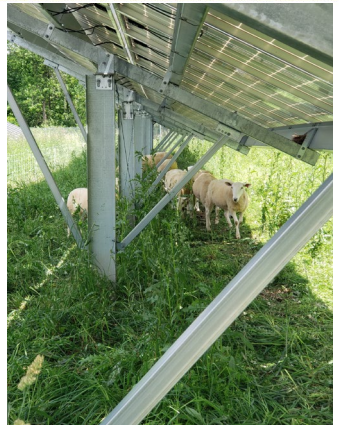
- Additional requirements for system's which the Facility Area includes lands consisting of MSG 1-4
- Strategies to implement acreage and/or lot coverage restrictions for certain priority soils
- Exceedance of lot coverage may be allowed based on the Reviewing Board's determination that the land is being used for a Farm Operation
- Require adherence to NYSAGM guidelines
- Could also encourage applicants to utilize site-appropriate solar co-location/continued agricultural use

Photos courtesy of Nexamp

Section 8.C: Tier 3 Agricultural Resource Protection





Section 8.C: Tier 3 Ownership Changes

Ownership Changes:

- **If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the decommissioning plan.**
- **A new owner or operator of the Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within [30] days of the ownership change.**

Section 9: Tier 4 Systems Permitting Requirements

Process & Requirements for Approval

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

Applicable Tier 3 Standards for Tier 4

- **Site Plan Application**
- **Special Use Permit Standards**
  - **Underground Requirements**
  - **Vehicular Paths**
  - **Signage**
  - **Glare**
  - **Lighting**
  - **Multiple Lots**
  - **Lot size**
  - ***Setback***
  - **Height**
  - **Lot Coverage**
  - **Fencing Requirements**
  - **Screening and Visibility**
  - **Environmental Resources**
  - ***Agricultural Resources***
- Ownership changes

Section 9: Tier 4 Systems Permitting Requirements

Pre-Application Meeting:

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

Community Engagement Plan:

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

Section 9: Tier 4 Systems Permitting Requirements

Special Use Permit Requirement Adjustments:

Setbacks:

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

Zoning District	Front	Side	Rear	Non-Participating Occupied Residence
Residential Low Density	100’	100’	100’	250’
Residential High Density	--	--	--	--
Commercial / Business	30’	15’	25’	250’
Light Industrial	30’	15’	25’	250’
Heavy Industrial	30’	15’	25’	250’
Agricultural / Residential	30’	15’	25’	250’

Section 9: Tier 4 Systems Permitting Requirements

Special Use Permit Requirement Adjustments:

Agricultural Resources: for Facility Areas including Active Agricultural Lands

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

Section 10: Safety Requirements

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

Solar Energy Systems shall be maintained in good working order and in accordance with industry standards, including snow removal

Storage batteries of the solar energy system:

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

Ensure emergency access to the Facility Area for local first responders by installing an emergency lock box or similar device in a location subject to approve by the Fire Chief of Village/Town/City

Section 11: Permit Time Frame & Abandonment

Special Use Permit and site plan approval are valid for [36] months provided that a building permit is issued for construction or construction is commenced.

If construction is not completed within 36 months, 12-month extension may be possible.

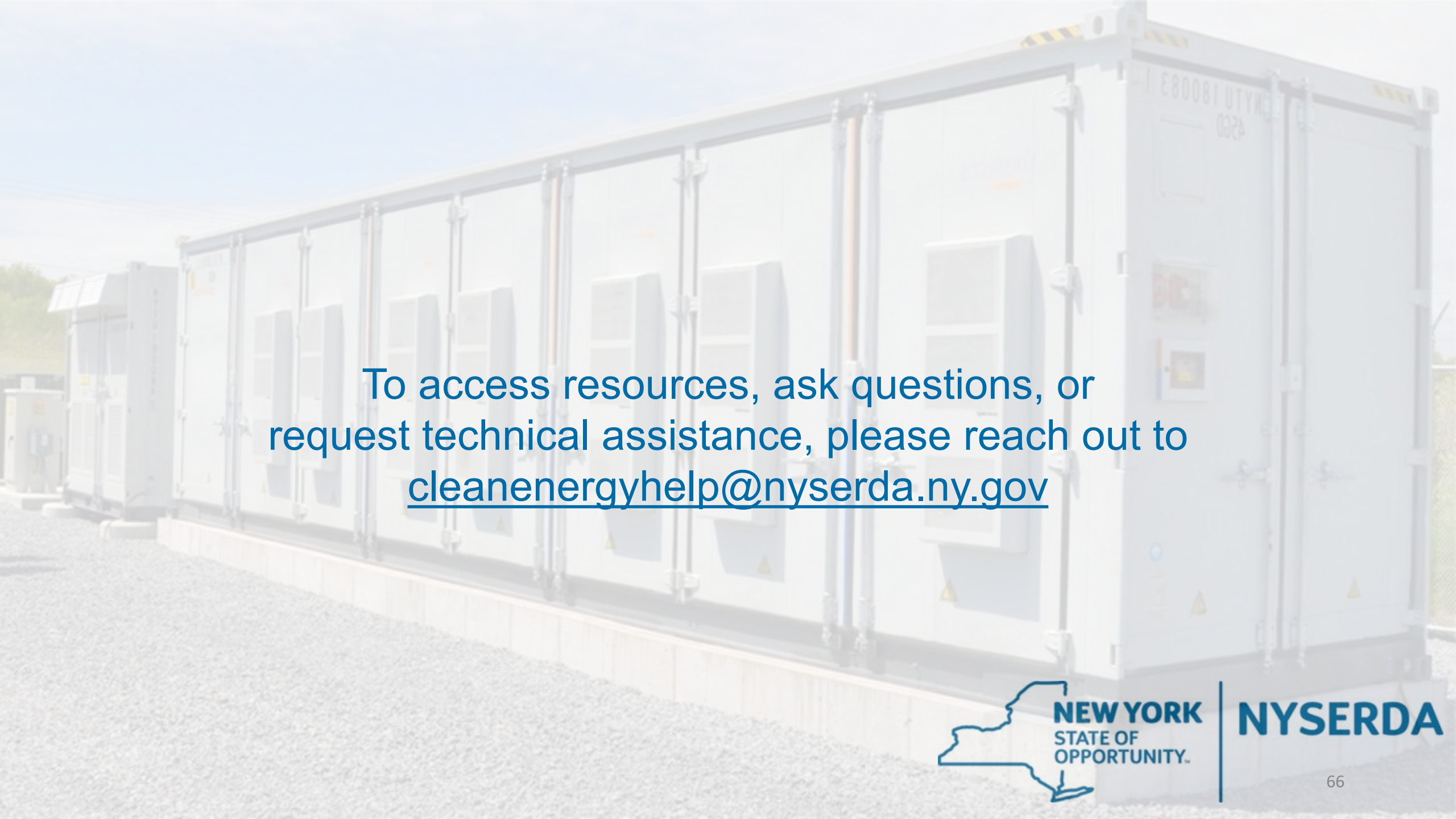
In the case of abandonment where Solar System ceases to produce electricity for 12 months:

- **[Village/Town/City] may notify owner/operator to implement decommissioning plan.**
- **Decommissioning must be completed within 12 months of notification.**
- **In case of failure, the municipality may utilize the security for solar system removal and site restoration according to the decommissioning plan.**

Section 12: Enforcement & Section 13: Severability

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

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



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

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