

MARCELLUS TOWN BOARD WORKSHOP AGENDA
May 26, 2016

CALL TO ORDER

SALUTE TO FLAG

- I. Audit of Bills
- II. Farm Land Protection Request

ADJOURN BUSINESS SESSION

WORKSHOP AGENDA

1. Discussion on:
 - A) Solar Panels in the Town of Marcellus

Discussion Agenda

- A. Items from the Board
- B. Items from the Floor

Adjournment

NOTE: This is a tentative agenda and is subject to change.

Future Meeting Dates:

Planning/Zoning Board Meeting – Monday, June 6, 2016 – 7:00 pm – Town Hall
Town Board Meeting – Monday – June 13, 2016 – 7:00 pm – Town Hall
Workshop Meeting – Thursday – June 23, 2016 – 5:30 pm – Town Hall

****The Town Hall will be closed on Monday, May 30, 2016 – Memorial Day****

Farm Land Protection Request

Danielle Volles [blondie3737@gmail.com]

Sent: Monday, May 23, 2016 7:54 AM

To: Karen Pollard

Cc: Burger, Mark [mburger@ocswcd.org]; Aaron Buchta [abuchta@ocswcd.org]

Dear Ms. Pollard,

My family and I own Volles Dairy Farm, LLC and Volles Realty, LLC in Marietta, NY. We own approximately 50 acres of farmland in the Town of Marcellus that I am hoping to submit to NYS for farmland protection. Parcel ID#'s 016.-03-06.0 and 016.-04-03.2.

One of the necessary steps for the NYS Grant Application is that I obtain letters of support from the local municipalities that my project land resides in.

Our family has been farming in Marietta since 1919, through 3 generations. We milk 1250 cows, cultivate 2500 acres of land and employ 22 full time workers. As our dairy farm continues to grow, we have always been mindful that we cannot accomplish our goals as a business without the security of farmland. Farmland acres are becoming few and far between. With the opportunity of protection, we can ensure that the farmland that we do have will always remain as such for future generations.

We are elated and humbled to be one of the 8 applicants approved by Onondaga County to move on to the State level. My applicant partner is Onondaga County Soil and Water, and I have copied them on this email so that you have their information readily at hand in the event that you wish to contact them.

I would love the opportunity to speak with you and answer any questions that you may have. I can be reached at 315-420-3780 at your earliest convenience. My deadline for the State application is June 13th, I am hoping that you will endorse my project and application and provide me with a letter of support.

The letter can be sent directly to me via email or mail as it will be electronically submitted to NYS with my grant application. The letter however would need to be addressed to:

Mr. David Behm
Farmland Protection Program Manager
New York State Department of Agriculture & Markets
10B Airline Drive
Albany, NY 12235

Thank you so much for your consideration and I look forward to hearing from you.

Sincerely,

Danielle R. Volles
Volles Dairy Farm, LLC
Volles Realty, LLC
2849 Buckwheat Rd.
Marietta, NY 13110
315-420-3780

E/bridge

ARTICLE IX

SOLAR ENERGY SYSTEMS

§30.90 Purpose

The use of Solar Energy Systems including Solar Collectors, storage facilities, and distribution components for space heating and cooling, the heating of water, use in industrial, commercial or agricultural processes, and the generation of electricity are recognized as a renewable and nonpolluting energy resource. The purpose of this section is to accommodate Solar Energy Systems as accessory uses while ensuring that such systems are appropriately located and installed.

§30.91 Definitions

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

ACCESSORY USE

A Solar Energy System which generates energy solely for onsite use to benefit the principal use of the land.

COLLECTIVE SOLAR

Solar installations owned collectively through a subdivision homeowner associations or other similar arrangements.

FLUSH-MOUNTED SOLAR PANELS

Photovoltaic panels and tiles that are installed flush to the surface of a roof which cannot be angled or raised.

FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM

A Solar Energy System that is directly installed in the ground and is not attached or affixed to an existing structure.

NET METERING

A billing arrangement that allows solar customers to obtain credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

PRINCIPAL USE

A solar Energy System where most or all of the energy produced is consumed onsite.

QUALIFIED SOLAR INSTALLER

A person who has skills and knowledge related to the construction and operation of solar electrical equipment 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.

ROOFTOP MOUNTED OR BUILDING MOUNTED

A Solar Energy System in which solar panels are mounted on top of the structure of a roof either as a Flush-Mounted system or modules fixed to frames which can be tilted toward the south at an optimal angle.

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 SYSTEMS/EQUIPMENT

Solar Collectors, controls, energy storage devices, heat pumps, heat exchangers, inverters and other electrical equipment and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, and/or stored.

SOLAR THERMAL SYSTEMS

Solar Thermal Systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

§30.92 Applicability

1. This section applies to all scales of Solar Energy Systems that are accessory to a principal use modified or installed after the effective date of this Article, unless a building permit was properly issued prior to the effective date of this Article.

2. All Solar Energy Systems shall be designed, erected and installed in accordance with all applicable codes, regulations and standards.
3. Solar energy collectors 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 Collective Solar installations or the sale of excess power through a net billing or net metering arrangement in accordance with New York Public Service Law, §66-j, or similar state or federal statutes.
4. For purposes of this Article, Freestanding or Ground-Mounted Solar Collectors are permitted accessory uses in all districts that shall meet the applicable development standards for accessory uses in this Article.

§30.93 Permitting

1. Rooftop Mounted Solar Energy Systems shall be permitted as of right in all zoning districts with the issuance of a building permit.
2. Building Mounted Systems require site plan review of Planning Board and a building permit.
3. Freestanding or Ground-Mounted Solar Collectors may be permitted in the side and rear yards in all zoning districts but shall require site plan review by the Planning Board and the issuance of a building permit, and shall be subject to additional requirements as prescribed by section 30.95.
4. Solar Thermal Systems are permitted as of right in all zoning districts with the issuance of a building permit.

§30.94 Standards

Solar Energy Systems and Equipment shall be permitted only if they are determined by the Code Enforcement Officer not to present any unreasonable safety risks, including, but not limited to, the following:

Weight load;

Wind resistance; and

Building or structure ingress and egress in the event of fire or other emergency.

§30.95 Additional requirements for Freestanding and Ground-Mounted Systems

Where Freestanding and Ground-Mounted Solar Energy Systems are to be installed, the following limitations and requirements shall apply:

1. The location of the Solar Collector shall comply with all applicable setback requirements for accessory structures in the zoning district in which it is located.
2. Solar energy equipment 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 collectors.
3. Freestanding and Ground-Mounted Solar Energy Systems shall be screened when possible and practicable through the use of architectural features, earth berms, landscaping, or other screening which will harmonize the character of the property and the surrounding area.

§30.96 Installation and Maintenance

1. All Solar Collector installations must be performed by a qualified solar installer.
2. Prior to operation, electrical connections must be inspected by the Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town.
3. Any connection to the public utility grid must be inspected by the appropriate public utility.
4. Solar Energy Systems shall be maintained in good working order.
5. Rooftop and Building Mounted Solar Collectors shall meet New York's Uniform Fire Prevention and Building Code Standards.
6. 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.

§30.97 Removal

If a Solar Collector ceases to perform its originally intended function for more than twelve consecutive months, the property owner shall remove the collector, mount and associated equipment by no later than ninety days after the end of the twelve-month period.

**INFORMATION REGARDING NEIGHBORING TOWNS REGARDING
SOLAR FARMS**

May 23, 2016

- **SKANEATELES** - They have no specific regulations regarding farms but are in the beginning stages of drafting regulations. If applicant came before the Board today they would need to meet their utility facility code which states that it must be operated by a public utility – example: National Grid.
- **ELBRIDGE** – Karen Pollard has a draft of their proposed regulations.
- **LYSANDER** – Never returned my phone messages.
- **VANBUREN** – No regulations at this time. The applicant would need to meet their industrial regulations.
- **ONONDAGA** – No regulations at this time.

**TOWN OF MARCELLUS
PROPOSED LOCAL LAW NO. __ OF 2016**

**A LOCAL LAW TO AMEND THE ZONING CODE OF THE TOWN OF MARCELLUS
TO ADD A NEW ARTICLE REGULATING SOLAR POWER AND ENERGY SYSTEMS
IN 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 Zoning Code of the Town of Marcellus is hereby amended to add a new Article _____ titled, "SOLAR ENERGY SYSTEMS", as follows:

SECTION _____

SOLAR ENERGY SYSTEMS

§ _____ - _____. 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 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; and to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and character of the Town.

§ _____ - _____. Applicability.

This Article shall apply to all solar energy systems in the Town of Marcellus that are installed or modified after the effective date of this Article. All solar energy systems that are installed or modified after the effective date of this Article shall be in compliance with all of the provisions hereof.

§ ____ - ____ . Definitions.

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.

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.

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.

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 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.

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.

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.

§ ____ - ____ . 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 § ____ - ____.

§ ____ - ____ . 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.
- (3) 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 § ____ - ____.

C. Unified Solar Permit for Eligible Rooftop-Mounted Solar Energy Systems.

(1) Provided the Rooftop-Mounted Solar Energy System meets the requirements for a Unified Solar Permit, in addition to the requirements specified in § ____ - ____ (A)-(B), an applicant must submit the Unified Solar Permit Application to the Code Enforcement Officer as follows:

(a) Unified Solar Permit Eligibility Checklist.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(2) 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.

§ ____ - ____ . **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:

- (1) A Building permit shall be required for installation of all Ground-Mounted Solar Energy Systems. (
- (2) Ground-Mounted Solar Energy Systems are prohibited in front yards.
- (3) Ground-Mounted Solar Energy Systems shall comply with the following lot area and yard regulations in each applicable zoning district as follows:

(a) Agricultural Zone:

- [1] Minimum Rear Yard Setback: 100 feet
- [2] Minimum Side Yard Setback: 50 feet
- [3] Maximum Lot Coverage:

(b) Light Industry Zone:

- [1] Minimum Rear Yard Setback: 100 feet
- [2] Minimum Side Yard Setback: 50 feet
- [3] Maximum Lot Coverage:

- (4) The height of the Solar Collector/Panel and any mounts shall not exceed ___ feet in height when oriented at maximum tilt measured from the ground and including any base.
- (5) 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.

- (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.
- (8) 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 Chapter _____.
- (9) 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."

§ ____ - ____ . 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:

- (1) Weight load;
 - (2) Wind resistance; and
 - (3) 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.
- (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.

§ ____ - ____ . 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 _____.

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.

(1) Minimum Street Frontage: 300 feet

(2) Minimum Lot Area: 15 acres

(3) Minimum Front Yard Setback: 250 feet

(4) Minimum Rear Yard Setback: 100 feet

(5) Minimum Side Yard Setback: 100 feet

(6) Maximum Lot Coverage:

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.

(1) 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 under this Chapter:

(a) 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. [DOES MARCELLUS HAVE THESE]

- (b) 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.
 - (c) Security. All Solar Farms shall be secured to the extent practicable to restrict unauthorized access.
 - (d) Ownership. Ownership of the Solar Farm must be the same as the owner of the fee interest in the real property upon which it is situated. In the event of transfer of ownership of the premises, the ownership of the Solar Farm must also be transferred to same or the Solar Farm must be decommissioned. **(LEASING PERMITTED?)**
 - (e) 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.
 - (f) 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.
 - (g) Setbacks. Additional setbacks may be required by the Zoning Board of Appeals in order to provide for the public's safety, health and welfare.
- (2) 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.

F. Site plan review.

- (1) 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 Chapter 133 as part of the submission.

- (a) A completed application form as supplied by the Town of Marcellus for site plan approval for a Solar Farm.
- (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 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 described:
 - [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 REQUIREMENTS?]

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

- (d) 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.
- (e) 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.
- (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.
- (i) Documentation of utility notification, including an electric service order number.
- (j) 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 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 ___ feet measured from the ground and including any base or supporting materials.
- (n) 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.
- (o) 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.
- (p) 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.
- (q) 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.
- (r) 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.
- (s) 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.

(2) 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:

(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;

G. 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.

H. Compliance with Uniform Fire Prevention and Building Code.

- (1) 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.
- (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 Fire Prevention and Building Code.

I. 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 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.
- (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.

J. 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.

K. 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.

- L. 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.
- M. 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 or is constructed, to inspect all parts of said Solar Farm 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 Solar Farm 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.
- N. 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.
- O. Decommissioning and Removal of Solar Farm Facilities.
 - (1) 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.
 - (2) 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.

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

Q. 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 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.