

## PROPOSED AMENDMENTS TO LOCAL LAW NO. 1 OF THE YEAR, 2015

### *Article I. Large-Scale and Utility-Scale Solar Energy Systems*

#### Section 1. Purpose

Amend Section 1. , paragraph C., definition (7), as follows:

(7) Small Scale Solar Energy System

(2) Consists of an overall footprint of less than 5,000 square feet or as restricted in Article II. of this law. Overall footprint shall be determined by the outline created on the building/structure or the ground.

#### Section 3. Permits and Approvals Required and Applicable Zoning Districts

Amend Section 3., by adding a new item (E.) as follows:

- E. Any large-scale solar energy system to be used strictly for agricultural use purposes in accordance with NYS Agriculture and Markets Law, may have some requirements of this article waived by the Building Inspector or the Planning Board and will include an expedited approval process, as necessary.

#### Section 4. Applications for Solar Energy Systems

Amend Section 4., paragraph C. by adding new items (9) and (10) as follows:

- (9) A sign not to exceed 8 SQ. FT. shall be displayed on or near the main access point and shall list the facility name, owner, and telephone number; and
- (10) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers or substations not to exceed four square feet.

#### Section 6. Abandonment or Decommissioning

Amend Section 6., by removing existing paragraphs B. and C. and replacing with new paragraphs B. and C. as follows:

- B. A Decommissioning Plan to ensure the proper removal of utility-scale solar energy systems is to be submitted as part of the special use permit application to the Building Inspector for approval. The Plan must specify that after the utility-scale solar energy system is no longer in use (as determined by the owner/operator or the Building Inspector), it shall be removed by the applicant or any subsequent owner. The Decommissioning Plan shall identify the anticipated life of the project. The Plan shall demonstrate how the removal of all infrastructure and restoration shall be conducted to return the parcel to its

original state prior to construction. The plan shall also include an expected timeline for execution and a cost estimate for decommissioning prepared by a Professional Engineer or qualified Contractor. Cost estimates shall take inflation into consideration and be revised every five (5) years during operation of the system and include any salvage value. Removal of the large-scale solar energy system must be completed in accordance with the approved Decommissioning Plan and the standards provided as follows:

(1) All structures and foundations associated with the large-scale solar energy systems shall be removed;

(2) All disturbed ground surfaces shall be restored to original conditions including topsoil and seeding as necessary; and

(3) All electrical systems shall be properly disconnected and all cables and buried wiring shall be removed.

- C. A bond or other approved security shall be provided to cover the cost of removal and restoration of the area impacted by the solar system. Security shall be in an amount equal to 150% of the construction estimate as presented in the approved decommissioning plan. The bond shall be renewed every five (5) years or, as necessary, to reflect adjustments in the projected cost of decommissioning.

Add the following new section under this Article:

#### Section 8. Maintenance Procedure, and Fees

- A. Time limit on completion. After the granting of a special permit of a utility-scale solar energy system with concurrent site plan approval or site plan approval of a freestanding or ground-mounted solar energy system by the Planning Board, the building permit shall be obtained within six months and the project shall be completed within twelve months. A six month extension to obtain a building permit or the completion time can be issued by the Planning Board upon application by the applicant. If not constructed, the special permit and/or site plan approval shall automatically lapse within twelve months after the date of approval by the Town of Cambria Planning Board (unless an extension is granted).
- B. Inspections. Upon reasonable notice, the Town of Cambria Building Inspector or his or her designee may enter a lot on which a solar energy system has been approved for the purpose of compliance with any requirements or conditions. Twenty-four (24) hours advance notice by telephone to the owner/operator or designated contact person shall be deemed reasonable notice. Furthermore, a utility-scale solar system shall be inspected annually by a New York State licensed professional engineer who has been approved by the Town or at any

other time, upon a determination by the Town's Building Inspector that damage may have occurred, and a copy of the inspection report shall be submitted to the Town Building Inspector. Any fee or expense associated with this inspection shall be borne entirely by the permit holder.

- C. General complaint process. During construction, the Town Building Inspector can issue a stop order at any time for any violations of a special permit or building permit. After construction is complete, the permit holder of a utility-scale solar energy system shall establish a contact person, including name and phone number, for receipt of any complaint concerning any permit requirements.

## *Article II. Small-Scale Solar Energy Systems*

### Section 3. Small-Scale Solar Energy Systems

Amend Section 3.C., by deleting existing part (C.) and replacing with new "C." as follows:

- C. Small-scale solar energy systems located in the Agricultural and Residence A-R; Residence R-1; Light Retail Business B-1; General Business B-2; Escarpment; Medium Density Residential; and Recreational-Campground R-C are permitted if they contain solar collectors (up to 5,000 square feet) located on the rooftops of principal or accessory buildings. The solar collectors must be completely contained within the limits of the building roof. All other equipment and components of the solar energy system shall be located within the rear yard only and are subject to setbacks for accessory structures.

Amend Section 3, by adding the following new paragraphs:

- D. Small-scale solar energy systems featuring rooftop-mounted solar collectors (up to 5,000 square feet) on the rooftops of principal or accessory buildings are also permitted in the Industrial, I-1 and Planned Development, PD zoning districts. Rooftop mounted solar collectors must be completely contained within the limits of the principal or accessory building's roof.
- E. Rooftop and building-mounted, small-scale solar energy systems exceeding 750 SQ. FT. in size shall require site plan approval by the Town Planning Board.
- F. In the Agricultural and Residence A-R; Residence R-1; Medium Density Residential; Recreational-Campground R-C; and Escarpment zoning districts, ground-mounted solar units 500 SQ. FT. or less will be allowed as an accessory structure by site plan approval by the Town Planning Board.
  - 1. Units shall be prohibited from any side or front yard as defined by the Town Code.

2. Units shall be placed a minimum of 20 feet from any property line. In no case shall the Zoning Board of Appeals grant a variance of this setback requirement that would result in a setback of less than 15 feet.
  3. A ground-mounted solar unit will require a special site plan application to be completed and submitted to the Town.
- G. In the Agricultural and Residence, A-R; Medium Density Residential; Recreational-Campground, R-C; and Escarpment zoning districts, ground-mounted solar units greater than 500 SQ. FT., but equal to or less than 1500 SQ. FT., will be allowed as an accessory structure by site plan approval by the Town Planning Board, on lots that are minimum of 200 feet in lot width and a minimum of 3 acres in size.
1. Units shall be prohibited from any front or side yards as defined by the Town Code.
  2. Units shall be placed a minimum of 50 feet from any property lot line. In no case shall the Zoning Board of Appeals grant a variance for these setbacks that reduces this setback to less than 40 feet.
- H. In the Light Retail Business, B-1 and General Business, B-2 zoning districts, ground-mounted solar units less than 2500 SQ. FT. in size are allowed as an accessory structure by site plan approval by the Town Planning Board.
1. Units shall be prohibited from any front or side yard as defined by the Town Code.
  2. Units shall be placed a minimum of 50 feet from any property that is zoned Agricultural and Residence, A-R; Medium Density Residential; Recreational-Campground, R-C; or Escarpment district, otherwise the setback requirement is 20 feet from a property line.
- I. It must be noted that Cambria Town Law limits lots to two (2) accessory structures per lot