

TOWN OF CAMBRIA
LOCAL LAW NO. 1 OF THE YEAR, 2015
a Local Law Amending Local Law No. 1 of 2013
Regulating Solar Energy Systems

I. LARGE-SCALE AND UTILITY-SCALE SOLAR ENERGY SYSTEMS

1. Purpose

- A. The Town of Cambria recognizes that solar energy is a clean, readily available, and renewable energy source. Development of solar energy systems offers an energy resource that can act to attract and promote green business development.
- B. The Town of Cambria has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents, and its businesses. This article is intended to promote the effective and efficient use of solar energy resources; set provisions for the placement, design, construction, and operation of such systems 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.

C. Definitions

- (1) Building-Integrated Solar/Photovoltaic (BIPV) System** ó A solar energy system incorporated into and becoming part of the overall architecture and design of a building or structure in a manner that the solar energy system is a permanent and integral part of the building envelope or structure.
- (2) Building-Mounted Solar Energy System** ó A solar energy system that is affixed to the side(s) of a building or other structure either directly or by means of support structures or other mounting devices, but not including those mounted to the roof or top surface of a building. Solar energy systems constructed over a parking lot are considered building-mounted solar energy systems.
- (3) Ground-Mounted Solar Energy System** ó A solar energy system that is affixed to the ground either directly or by support structures or other mounting devices.
- (4) Large-Scale Solar Energy System** ó Any solar energy system that cumulatively on a lot meets all of the following criteria:
 - (1) Is an accessory or principal use or structure, designed and intended to generate energy primarily for use on site, potentially by multiple tenants, through a distribution system or electrical grid that is not available to the general public. If excess energy is produced, it can be sold to a utility under a net metering agreement.
 - (2) Consists of an overall footprint of not less than 5,000 and not exceeding 100,000 square feet. Overall footprint shall be determined by the outline created on the ground, building/structure surface, or combination thereof, excluding all rooftop-mounted solar energy systems that meet the requirements of a small-scale or large-scale solar energy system, by wholly enclosing all components/structures of a solar energy system on a lot.
- (5) Reflector, Solar** ó A device for which the sole purpose is to increase the solar radiation received by a solar collector.

- (6) Rooftop-Mounted Solar Energy System** ó Any solar energy system that is affixed to the roof of a building and wholly contained within the limits of the roof surface.
- (7) Small-Scale Solar Energy System** ó Any solar energy system that cumulatively on a lot meets all of the following provisions:
- (1) Is an accessory use or structure, designed and intended to generate energy primarily for a principal use located on site. If excess energy is produced, it can be sold to a utility under a net metering agreement.
 - (2) Consists of an overall footprint of less than 5,000 square feet. Overall footprint shall be determined by the outline created on the building/structure surface.
- (8) Solar Collector** ó A solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure affixed to the ground, a building, or other structure that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical, or other usable energy, or that reflects or concentrates solar radiation to a solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure that directly or indirectly generates thermal, chemical, electrical, or other usable energy.
- (9) Solar Energy System** ó A complete system intended for the collection, inversion, storage, and/or distribution of solar energy and that directly or indirectly generates thermal, chemical, electrical, or other usable energy. A solar energy system consists of, but is not limited to, solar collectors, mounting devices or structures, generators/turbines, water and energy storage and distribution systems, storage, maintenance and/or other accessory buildings, inverters, combiner boxes, meters, transformers, and all other mechanical, electrical, and plumbing components.
- (10) Solar Skyspace** ó The space between a solar collector and the sun through which solar radiation passes.
- (11) Utility-Scale Solar Energy System** ó Any solar energy system that cumulatively on a lot meets at least one of the following:
- (1) Is a principal use or structure, designed and intended to supply energy solely into a utility grid for sale to the general public; or
 - (2) Consists of an overall footprint of greater than 100,000 square feet. Overall footprint shall be determined by the outline created on the ground, building/structure surface, or combination thereof, excluding all rooftop-mounted solar energy systems that meet the requirements of small-scale or large-scale solar energy systems, by wholly enclosing all components/structures of a solar energy system on a lot.

2. Applicability

- A. Any large-scale or utility-scale solar energy system erected, constructed, modified, or operated in the Town of Cambria after the effective date of this article shall be in compliance with this article. This article is only applicable to large-scale and utility-scale solar energy systems and shall not apply to small-scale solar energy systems, as defined herein.
- B. In order to promote innovative design and encourage the inclusion of alternative energy systems within the overall design of a building, solar energy systems determined by the Code Enforcement Officer to be building-integrated photovoltaic (BIPV) systems, as defined herein, are exempt from the requirements of this article. BIPV systems are still required to meet applicable building codes and obtain all necessary permits. The Code Enforcement Officer may request assistance from the Planning Board to determine whether a solar energy system should be considered a BIPV system.

3. Permits and Approvals Required and Applicable Zoning Districts

- A. Large-scale and utility-scale solar energy systems that meet the definition of a rooftop-mounted solar energy system, as defined herein, shall be considered a permitted use pursuant to this article requiring issuance of a building permit within the Industrial I-1 and Planned Development P-D zoning districts.
- B. Large-scale solar energy systems meeting the definition of a building-mounted or ground-mounted solar energy system as defined herein may be considered a permitted use pursuant to this article and subject to site plan review by the Planning Board and requiring issuance of a building permit within Industrial I-1 and Planned Development zoning districts.
- C. Large-scale and utility-scale solar energy systems shall not be a permitted use on a lot in any zoning district other than the Industrial I-1 or Planned Development P-D zoning districts.
- D. Utility-scale solar energy systems meeting the definition of a building-mounted or ground-mounted solar energy system as defined herein shall be considered a permitted use requiring the issuance of a special use permit pursuant to this Local Law and Article XI of the Town of Cambria Zoning Ordinance, and subject to site plan review by the Planning Board and requiring issuance of a building permit within the Industrial District I-1 and Planned Development P-D zoning districts.

4. Applications for Solar Energy Systems

- A. All applications for large-scale building-mounted and/or ground-mounted solar energy systems shall be accompanied by an application for site plan review, and all applicable fees.
- B. All applications for utility-scale building-mounted and/or ground-mounted solar energy systems shall be accompanied by an application for special use permit pursuant to this Local law and Article XI of the Town of Cambria Zoning Ordinance, an application for site plan review, and all applicable fees.
- C. All applications for large-scale or utility-scale solar energy systems shall include the following:
 - (1) Plans and drawings of the solar energy system installation signed by a professional engineer registered in New York State showing the proposed layout of the entire solar energy system 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.
 - (2) Certification from a professional engineer or architect registered in New York State indicating that the building or structure to which the solar energy system is to be affixed is capable of handling the loading requirements of the solar energy system and various components.
 - (3) 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.
 - (4) Documentation of access to the project site(s), including location of all access roads, gates, parking areas, etc.
 - (5) Plan for clearing and/or grading of the site. If necessary, a plan for stormwater management and erosion control of the site.
 - (6) Documentation of utility notification, including an electric service order number.
 - (7) Decommissioning plan and description of financial surety that satisfies Section 6 hereunder for utility-scale systems only.
 - (8) Sunchart. Where an applicant for a solar energy system requests that the setback for solar collectors from the south property line be less than that identified in Section 5A(11)(a)(i), 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 energy system. The sunchart shall also indicate the potential for obstructions to the solar skyspace of the proposed solar energy system under a scenario where an adjacent site is developed as otherwise permitted by applicable provisions of the Town of Cambria Zoning Ordinance with a building/structure built to maximum bulk and height at the minimum setback. Where no standards for height and/or setback are established, this scenario shall assume a minimum fifty-foot building height developed with a maximum setback of five feet from the property line. The sunchart shall be kept on file at the Town Building Department 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 article 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.

- D. All fees shall be approved by the Town Board by resolution. Nothing in this article shall be read as limiting the ability of the Town to enter into host community agreements with any applicant to compensate the Town for expenses or impacts on the community. The Town shall require any applicant to enter into an escrow agreement to pay the engineering and legal costs of any application review, including the review required under SEQRA if an EIS is required.

5. General Provisions

- A. All applications for large-scale or utility-scale solar energy systems shall be in accordance with the following:
- (1) All solar energy systems shall adhere to all applicable Town of Cambria building, plumbing, electrical, and fire codes.
 - (2) Development and operation of a solar energy system shall not have a significant adverse impact on fish, wildlife, or plant species or their critical habitats, or other significant habitats identified by the Town of Cambria or other federal or state regulatory agencies.
 - (3) The design, construction, operation, and maintenance of any solar energy system shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks.
 - (4) All structures and devices used to support solar collectors shall be nonreflective and/or painted a subtle or earth-tone color.
 - (5) All transmission lines and wiring associated with a solar energy system shall be buried 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 to demonstrate that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead and underground electric utility lines, including substations and junction boxes and other electrical components for the project on the site plan.
 - (6) All transmission lines and electrical wiring shall be in compliance with the utility company's requirements for interconnection.
 - (7) Artificial lighting of solar energy systems shall be limited to lighting required for safety and operational purposes and shall be shielded from all neighboring properties and public roads.
 - (8) Any signage used to advertise the solar energy facility shall be in accordance with the Town's signage regulations.
 - (9) Lot requirements. The overall footprint for any large-scale or utility-scale ground-mounted solar energy system shall be permitted to occupy up to 100% of the overall buildable area of the site, as required by the Town, and shall not be counted towards the site's maximum lot coverage as required by the Town. Overall footprint shall be determined by the outline created on the ground by wholly enclosing all components/structures of a solar energy system on a lot.
 - (10) Bulk and siting requirements.
 - (a) Large-scale or utility-scale solar energy systems located in the Industrial I-1 and Planned Development zoning districts.
 - (i) Rooftop-mounted solar energy systems.
 - (a) The maximum height of any rooftop-mounted solar energy system shall be eight feet, as measured from the finished surface of the roof to which the system is affixed.

- (b) Where rooftop-mounted solar energy systems are affixed to a pitched or peaked roof, the solar energy system should generally follow the slope of the roof.
- (c) A rooftop-mounted solar energy system shall not extend horizontally beyond the plane of the roof surface.
- (d) Where practical and when obstruction of solar skyspace can be avoided, a rooftop-mounted solar energy system shall be screened from view from the public right-of-way by use of a building parapet or other measure.

(ii) Building-mounted solar energy systems.

- (a) The maximum height of a building-mounted solar energy system shall be 15 feet as measured from the lowest point where the system is affixed to the vertical side of a building.
- (b) A building-mounted solar energy system shall not extend horizontally more than eight feet from the vertical surface of a building
- (c) Building-mounted solar energy systems should be integrated into the design of the building and shall not obstruct any window, door, or other architectural feature of the building.

(iii) Ground-mounted solar energy systems.

- (a) The maximum height of a ground-mounted solar energy system shall be 15 feet as measured from the finished grade.
- (b) Ground-mounted solar energy systems shall not be located within the front yard.

(11) Setbacks.

(a) Large-scale or utility-scale ground-mounted solar energy systems.

- (i) The setback from the south property line for all solar collectors constructed as part of a large-scale or utility-scale ground-mounted solar energy system shall be 135 feet.
- (ii) In no case shall the setback from the south property line be less than that determined by the setback for accessory structures identified for the zoning district in which the system is located.

(b) Utility-scale ground-mounted solar energy systems.

- (i) All solar energy equipment and components/structures developed as part of a utility-scale ground-mounted solar energy system shall be set back from any property zoned Agricultural and Residence A-R, Residence R-1, Light Retail Business B-1, General Business B-2, Escarpment, Medium Density Residential Use or Recreational-Campground R-C zoning districts, a public road, or any public park a minimum of 60 feet.
- (ii) All other setbacks for all solar energy equipment and components/ structures developed as part of a utility-scale ground-mounted solar energy system, whether developed as a principal use or accessory use, shall be as determined by the setback for principal structures identified for the zoning district in which the system is located.

- (c) All other setbacks for all solar energy system equipment and components/structures developed as part of a large-scale or utility-scale rooftop-mounted, building-mounted and/or ground-mounted solar energy system not identified above shall be as determined by the setback for accessory structures identified for the zoning district in which the system is located.
- (12) Due to the need to keep the solar skyspace for solar energy systems free from obstructions, the Planning Board may recommend modifying the landscaping requirements for any site proposed to contain solar collectors and shall ensure that any landscaping proposed is low-growth vegetation that will not obstruct the solar skyspace at mature height.
- (13) Following construction of a large-scale or utility-scale ground-mounted solar energy system, 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.

B. Applications for utility-scale solar energy systems shall meet the following additional criteria:

- (1) Photo simulations shall be included showing the proposed solar energy system in relation to the building/site along with elevation views and dimensions, and manufacturer's specs and photos of the proposed solar energy system, solar collectors, and all other components.
- (2) Any site containing a utility-scale solar energy system shall contain fencing or other enclosure acceptable to the Town enclosing all solar energy system components that present safety hazards.
- (3) A berm, landscape screen, or other opaque enclosure, or any combination thereof acceptable to the Town capable of screening the site, shall be provided along any property line that abuts an existing residence or any property zoned other than Industrial I-1 or Planned Development P-D.
- (4) After completion of a utility-scale solar energy system, the applicant shall provide a post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans.

6. Abandonment or Decommissioning

- A. Unsafe, inoperable, and/or abandoned solar energy systems and solar energy systems for which a special use permit has expired shall be removed by the owner. A solar energy system shall be deemed abandoned when it fails to produce energy for at least one year. All safety hazards created by the installation and operation of the solar energy system shall be eliminated and the site restored to its preexisting condition within six months of the removal of the solar energy system.
- B. For all utility-scale solar energy systems, the applicant shall submit a decommissioning plan for review and approval as part of the special use permit application. The decommissioning plan shall identify the anticipated life of the project, method and process for removing all components of the solar energy system and returning the site to its preexisting condition, and estimated decommissioning costs, including any salvage value.
- C. The applicant for a utility-scale solar energy system where the system is the principal use on a lot shall, as a condition of the special use permit and upon each renewal, provide and maintain a form of financial surety. Such financial surety shall be provided either through a security deposit, escrow account, bond, or in a manner otherwise acceptable to the Town. The amount shall be based upon the estimated decommissioning costs and shall not exceed \$50,000 per application. It is intended to cover, in whole or in part, the cost of decommissioning in the event the Town must remove any utility-scale solar energy systems and associated structures/components, as well as restore the site

subsequent to such removal in accordance with the approved decommissioning plan. Upon successful completion of all decommissioning activities, any remaining portion of the posted financial surety shall be returned to the applicant. Such financial surety shall not be required for municipally or state-operated solar energy systems or for utility-scale solar energy systems that meet all of the following criteria:

- (1) The solar energy system is constructed as part of an approved industrial or business park; and
- (2) The approved industrial or business park consists of a solar energy system or systems located on land that is owned by applicant or leased from the owner with ownership retained by the owner of the industrial or business park; and
- (3) The solar energy system supplies energy to tenants of the industrial or business park and not solely into the grid.

7. Transfer of special use permit

- A. Special use permits granted for utility-scale solar energy systems issued for large-scale or utility-scale solar energy systems shall be assignable or transferable so long as they are in full compliance with this article and all conditions, and the Building Department is notified of the transfer at least 15 days prior thereto.
- B. Any post-construction changes or alterations to the solar energy system shall be done by amendment to the special use permit only and subject to the requirements of this article.

II. SMALL-SCALE SOLAR ENERGY SYSTEMS

1. Interpretation. The provisions of this chapter shall be interpreted as providing minimum requirements for small-scale solar energy systems adopted for the purpose of promoting the health, safety, morals and general welfare of this community. Provisions for large-scale and utility-scale solar energy systems are provided in Article 1 hereof.
2. Intent; greater restrictions to prevail. It is not intended by this chapter to repeal, except as herein stated, abrogate or impair existing conditions previously made or permits previously issued relating to the use of buildings or premises or to impair or interfere with any easements, covenants or agreements existing between parties. Except as otherwise provided herein, whenever this chapter imposes a greater restriction upon the use of buildings or premises than is required by existing provisions of law, ordinance, regulations or permits or by such easements, covenants or agreements, the provisions of this chapter shall control.
3. Small-Scale Solar Energy Systems
 - A. Installation of small-scale solar energy systems and equipment is encouraged on all preexisting structures; however, access to sunlight which is necessary therefor cannot be obtained through the provisions of this chapter. The installation of a solar collector, whether attached to the main structure or as a detached accessory structure, shall require a building permit. Solar collectors are subject to the minimum setbacks, offsets and lot area coverage for whatever use district in which they are proposed to be installed. Height limitations for solar collectors shall be five feet above the level of the permitted building height. All solar collectors and their associated support elements shall be designed according to generally accepted engineering practice to withstand wind pressures applied to exposed areas by wind from any direction, to minimize the migration of light or sound from the installation and to minimize the development of sight obstructions for adjacent structures or land parcels. Installation of building-integrated photovoltaic (BIPV) systems, as defined herein, are exempt from the requirements of this article. BIPV systems are still required to meet applicable building codes and obtain all necessary permits. The Code Enforcement Officer may request assistance from the Planning Board to determine whether a solar energy system should be considered a BIPV system.

- B. Other alternative natural energy conservation devices shall be considered structures and shall require a building permit. All permit applications for such devices will be reviewed and considered pursuant to the Zoning Ordinance of the Town of Cambria.
- 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 Use and Recreational-Campground R-C zoning districts are only permitted if they contain solar collectors 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. Any other type of solar energy system is not a permitted use in any of the aforementioned zoning districts.

4. More restrictive provisions to prevail

- A. Whenever the regulations made by this chapter require a greater width or size of yards or courts or require a lower height of building or less number of stories or require a greater percentage of lot to be left unoccupied or impose other higher standards than required in any other ordinance or regulation, the provisions of the regulations made by this chapter shall govern.
- B. Whenever the provisions of any other ordinance or regulation require a greater width or size of yards or courts or require a lower height of building or less number of stories or require a greater percentage of the lot to be left unoccupied or impose other higher standards than are required by regulations made by this chapter, the provisions of such other ordinance or regulation shall govern.

5. General Provisions

A. Allowing or permitting the reflective glare of solar rays of any solar energy system/or array of solar panels, of any nature or kind or description, onto neighboring properties, public roads, or public parks, under any circumstances whatsoever, is strictly prohibited.

B. It is the responsibility of any landowner, resident, manager, tenant, or lessee of any premises upon which there is situate a solar energy system or array of solar panels of any nature, kind, or description to keep reflective glare of any description from going onto neighboring properties, public roads or public park at any time. In that regard it is the ongoing responsibility of such persons to conduct regular inspections of such systems or array to prevent the direction of reflective glare onto the property of another and, if necessary, to make appropriate adjustments to prevent the same from occurring.

C. In the event such persons (para. B above) become aware of, or with the exercise of reasonable care would have become aware of, or has received a complaint, that reflective glare from his solar energy system or array of solar panels is upon the property of another, such person shall undertake action to immediately block the reflective glare. This may be accomplished by adjusting the angles of the system or array, if possible, or by physically blocking the glare by covering the panels or by removing them.

D. Upon the failure, refusal or neglect of such person to immediately block the reflective glare as directed by paragraph C above, Town of Cambria workforces, at the direction of the Town Building Inspector and/or Code Enforcement Officer, shall cover such system or array of panels, if possible, to block the reflective glare. If not, the system or panels shall be physically de-constructed or removed to the point the reflective glare is blocked.

E. In the event the system or panels are removed or de-constructed as set forth in paragraph D above, the owner or person responsible for the system or array shall not replace or reconstruct the system or panels until he applies to and received from the Planning Board of the Town of Cambria a permit after submitting to the Building Inspector a plan of operation that will ensure no further incidents of reflective glare onto neighboring properties, public road, or public park will occur.

F. Further, or additional complaints of such incidents shall be grounds to revoke any permit received from the Town of Cambria for the system or array and the system or array shall be fully dismantled and removed from the premises.

EFFECTIVE DATE:

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.