LOCAL LAW

Town of SENECA
Local Law No. 6 of the year 2014.

A Local Law Adopting Regulations Pertaining to Solar Energy Systems

Be it enacted by the TOWN BOARD of the Town of SENECA as follows:

Section 1.

It is the purpose of this Local Law to adopt regulations pertaining to Solar Energy Systems in the Town of Seneca in order to regulate and facilitate the development and operation of renewable energy systems based on sunlight.

Section 2.

Article X of the Town of Seneca Zoning Law entitled "Additional Requirements For Specified Uses" is hereby amended to adopt and add a new Section to be numbered Section 92 and entitled "Solar Energy Systems" of said Article X as is more particularly set forth in the attachment to this Local Law.

Section 3.

This Local Law shall take effect immediately.

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2014 of the Town of Seneca was duly passed by the Seneca Town Board on _____, 2014, in accordance with the applicable provisions of law.

Date:_____

_____
TERRY QUARTARO
Seneca Town Clerk

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Date:_____

Michael J. Roulan
MICHAEL J. ROULAN
Town Attorney
Town of Seneca

SOLAR ENERGY SYSTEMS

Purpose.

The purpose of this chapter is to facilitate the development and operation of renewable energy systems based on sunlight. Solar energy systems are appropriate in all zoning districts when measures are taken, as provided in this chapter, to minimize adverse impacts on neighboring properties and protect the public health, safety and welfare.

Definitions.

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

MINOR OR ACCESSORY SOLAR COLLECTION SYSTEM - 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 collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, secondary to the use of the premises for other lawful purposes, with the total surface area of all solar collectors on the lot not to exceed 4,000 square feet.

MAJOR SOLAR COLLECTION SYSTEM OR SOLAR FARM -An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Solar farm facilities consist of one or more freestanding ground or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Solar Collectors and Installations for Minor Systems.

A. Rooftop and building-mounted solar collectors are permitted in all zoning districts in the Town as an accessory use. Building permits shall be required for installation of rooftop and building-mounted solar collectors.

B. Ground-mounted and freestanding solar collectors are permitted as accessory structures in all zoning districts of the Town, subject to the following requirements:

1. The total surface area of all solar collectors on the lot shall not exceed 4,000 square feet, and, when combined with all other buildings and structures on the lot, shall not exceed lot coverage.

2. A building permit has been obtained for the solar collectors.

3. The solar collectors are located in a side or rear yard.

4. Solar collectors and other facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties and roads.

C. Where site plan approval is required elsewhere in the regulations of the Town for a development or activity, the site plan review shall include review of the adequacy, location, arrangement, size, design, and general site compatibility of proposed solar collectors.

D. All solar collector installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards, and prior to operation the electrical connections must be inspected by the Town Code Enforcement Officer or by an appropriate electrical inspection person or agency, as determined by the Town. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.

E. When solar storage batteries are included as part of the solar collector 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 Ontario County and other applicable laws and regulations.

F. If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment and facilities no later than 90 days after the end of the twelve-month period.

Solar Collectors and Installations for Major Systems or Solar Farms.

A. Where applicable, and unless more restrictive regulations also apply, the requirements of this chapter shall apply to solar collectors and installations for major systems or solar farms.

B. A major system or solar farm shall be constructed pursuant to Site Plan approval from the Town Planning Board and must meet the criteria set forth below and obtain all other necessary approvals.

C. Areas of potential sensitivity:

1. Historic and/or culturally significant resources.

2. Within 100 feet landward of a freshwater (DEC) wetland.

3. Adjacent to, or within, the control zone of any airport.

D. A major system or solar farm may be permitted in the AG, C-1, C-2, and M-1districts in the Town when authorized by site Plan approval from the Planning Board subject to the following terms and conditions. The Town has determined that the protection of agricultural land and production, and the rural character of the Town are of primary importance. Therefore the Town has determined to limit the total cumulative installed capacity of major solar systems or farms within the Town to 16MW. All projects will be on a first come basis and will be processed once a complete application has been submitted to the Town with no preference given to any one location, property owner, or developer.

1. The total coverage of all buildings and structures on a lot, including freestanding solar panels, shall not exceed limits for the zoning district.

2. Height and setback restrictions.

   (a) The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed 15 feet in height above ground.

   (b) The minimum setback from property lines meets the requirements of the zoning district.

   (c) A landscaped buffer shall be provided around all equipment and solar collectors to provide screening from adjacent residential properties and roads.

3. Design standards.

   (a) Removal of trees and other existing vegetation shall be minimized or offset with planting elsewhere on the property.

   (b) Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.

   (c) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

   (d) Solar collectors and other facilities shall be designed and located in order to prevent

reflective glare toward any inhabited buildings on adjacent properties and roads.

(e) All mechanical equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six-foot-high fence with a self-locking gate, and provided with landscape screening.

(f) A solar farm to be connected to the utility grid shall provide a "proof of concept" letter from the utility company acknowledging the solar farm will be connected to the utility grid in order to sell electricity to the public utility.

(g) Each solar system or farm shall be designed to minimize the total acreage of developed land.

(h) Each solar system or farm, site and storm water management plan shall be reviewed by Ontario County Soil and Water District prior to final site plan approval.

4. Signs.

(a) A sign not to exceed 8 square feet shall be displayed on or near the main access point and shall list the facility name, owner and phone number.

(b) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

5. Abandonment.

(a) All applications for a solar farm shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the facility, prior to issuance of a building permit.

(b) If the applicant begins but does not complete construction of the project within 18 months after receiving final site plan approval, this may be deemed abandonment of the project and require implementation of the decommissioning plan to the extent applicable.

(c) The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, including, but not limited to, the following:

(1) Removal of aboveground and belowground equipment, structures and foundations.

(2) Restoration of the surface grade and soil after removal of equipment.

(3) Re-vegetation of restored soil areas with native seed mixes, excluding any invasive species.

(4) The plan shall include a time frame for the completion of site restoration work.

(d) In the event the facility is not completed and functioning within 18 months of the issuance of the final site plan approval, the Town may notify the operator and/or the owner to complete construction and installation of the facility within 180 days. If the owner and/or operator fails to perform, the Town may notify the owner and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of notification by the Town.

(e) Upon cessation of activity of a constructed facility for a period of one year, the Town may notify the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or operator can either restore operation equal to 80% of approved capacity, or implement the decommissioning plan.

(f) If the owner and/or operator fails to fully implement the decommissioning plan within the 180-day time period, the Town may, at its discretion, provide for the restoration of the site in accordance with the decommissioning plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Town shall be assessed against the property, shall become a lien and tax upon the property, and enforced and collected with interest by the same officer and in the same manner as other taxes.

(g) The site developer shall purchase a bond equal to 20% of the project installation cost prior to permits being issued for any solar project. The bond shall be in place for the life of the facility and shall be used to fund the de-commissioning of the facility in the event it is abandoned.