

**Tompkins County**  
**DEPARTMENT OF PLANNING AND SUSTAINABILITY**

121 East Court Street  
Ithaca, New York 14850

Edward C. Marx, AICP  
Commissioner of Planning and Sustainability

Telephone (607) 274-5560

February 15, 2017

Ray Burger, Planning Director  
Town of Dryden  
93 East Main Street  
Dryden, NY 13053

**Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law**  
**Action: Proposed Town of Dryden Local Law to Amend the Renewable Energy Facilities Law**

Dear Mr. Burger:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department pursuant to §239 -l and -m of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it may have negative inter-community, or county-wide impacts as described below. We recommend modification of the proposal. If the Board does not incorporate the recommendations, such approval will require a vote of a supermajority (meaning a majority plus one) of all members of the decision-making body.

We appreciate that the proposed law incorporates many of the recommendations we included in our letter of December 15, 2016. We have a two continuing recommendations and several new ones that have arisen as more solar projects and new circumstances have been submitted for our review.

**Recommended Modifications**

- To help prospective installers navigate the proposed legislation we recommend that the Town follow the format proposed by the New York State “Model Solar Energy Law” ([http://www.cuny.edu/about/resources/sustainability/reports/NYS\\_Model\\_Solar\\_Energy\\_LawToolkit\\_FINAL\\_final.pdf](http://www.cuny.edu/about/resources/sustainability/reports/NYS_Model_Solar_Energy_LawToolkit_FINAL_final.pdf)).
- The host of “potential environmental sensitivity” factors referenced in Section E (1) b, F (2) b, and F (4) c should include source data and not refer to the potentially dynamic “Tompkins County Planning Department mapping services.”
- We support the Town’s proposal to subject proposed ground-mounted systems on prime agricultural soils to additional review. We recommend the Town Law require that the applicant maintain a natural, vegetative cover or agricultural use under and around proposed panel installations in order to maintain soil health. In fact, we recommend this requirement for all installations, as maintenance of vegetative cover would also help to limit stormwater runoff from ground-mounted solar arrays regardless of location.
- We recommend the solar law prohibit development within the 100 year floodplain. Building in this area has the potential to impede the flow of floodwaters and collect debris that could have adverse impacts to surrounding properties. Placing solar panels in the floodplain could additionally result in adverse impacts to the power grid in the event of a flood.

- According to the proposed law in Section F (2), “Ground-Mounted Large-Scale Solar Energy Systems shall not be located in the following areas (Prime farmland soils, Unique Natural Areas, on slopes greater than 15%, etc.) unless otherwise approved by the Town Board in conjunction with the Special Permit Use Permit.” To ensure these impacts are adequately addressed, we recommend modification of the law in this section to say that “a Special Use Permit shall not be granted unless a determination is made that the proposal has no adverse impact upon these environmentally sensitive areas or that adequate mitigation of any impacts is identified and required.”
- We further note in Section E(1)d, small-scale energy systems are required to be set back 100 feet from public highway right-of-ways if located in the front yard of a residential lot. For consistency with the large-scale energy system standards (Section F(3)e) which require a 50 foot setback, we recommend the small-scale energy system setback be modified to 50 feet, thus matching the requirement for large-scale energy systems.

Please inform us of your decision so that we can make it a part of the record.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward C. Marx".

Edward C. Marx, AICP  
Commissioner of Planning and Sustainability