

**Dryden Planning Board  
January 17, 2017**

**Members Present:** Marty Moseley (Chair), Tom Hatfield, Marty Hatch, David Weinstein, Craig Anderson, Joe Wilson and Hilary Lambert (John Kiefer was excused)

**Guests:** none

**Town Hall Staff:** Ray Burger, Planning Director

**Liaisons:** Deborah Cippolla – Dennis, Town Board

The special meeting to consider the Dryden Solar Law was called to order at 7:02pm.

No public comments were offered.

**Review of Solar Law:** D. Weinstein continued the review of the Solar Law (The red-lined solar law is attached)

- The Board started from the beginning again.
- The County recommended deleting the 2MW designation but the Board decided to keep that maximum.
- Solar Energy System Owner was added to the definitions
- Section C - Applicability
  - #1 They added “greater than 10 square feet” to eliminate the need for small solar panels (ie – sidewalk lighting, traffic lights, etc) to go through any permitting process.
  - #2 They removed a sentence as it was redundant and unnecessary.
  - #4 The Board added #4 to ensure the permits go with the facility not the owner.
- Section D – Building-Mounted Solar Energy Systems
  - #2 – a height restriction of an additional 6 feet was added
- Section E – Ground-Mounted Small-Scale Solar Energy Systems
  - #1b – the County recommended removing the citation of their mapping services but the Board determined that should remain.
  - #2a was increased to 18 feet to accommodate for systems that just exceed the 17 foot limit
- Section F - Ground Mounted Large Scale Energy Systems
  - #1 - the Planning Board was added to the language so they also get to review Zoning officer comments.
  - #3c – the recommended addition of complying with the standards of the solar energy industry was removed. D. Weinstein pointed out that the Town of Dryden has their own standards and although there may be industry standards out there, D. Weinstein stated he is unaware of any. J. Wilson added that he was under the impression that the Board had already determined not to include this part because it is self serving for the solar industry and not necessarily in the best interest of the Town. M. Moseley pointed out that standards required by this law should have a reference and since there are not any known standards in the solar industry (to the extent of the Planning Board’s knowledge), it is impossible to hold a developer to those standards.
  - #3d – the part of referring to the Greenway Plan was removed and a phrase was added holding developers to all of the existing or adopted plans in the Town of Dryden (the Comprehensive Plan, the Recreation Plan, the eventual Natural Resources Conservation Plan, etc). they discussed the potential of adding another subsection but ultimately determined to simply change the language in #3d.

- #3e – the Board reaffirmed their decision to add “the lot can be created via subdivision in accordance with the Town of Dryden subdivision law.”
  - An administrative subdivision results in four (4) lots or less.
  - add language that requires any and all subdivisions associated with large scale solar will be addressed using the major subdivision law.
- M. Hatch is concerned that the law is making it difficult for the development of solar in Dryden. He sees a lot of hurdles and delays. He knows that there are concerns about large scale solar farms but he does not understand those concerns.
- J. Wilson pointed out that the Planning Board and the Town Board both feel they can address the issue of buffering/screening and appropriate siting for the solar facilities.
- instead of having the applicant come to the Planning Board for a public hearing
- D. Cippolla-Dennis asked why the Planning Board wants to treat a subdivision for solar any differently than any other subdivision. A public hearing will be required for the special use permit (SUP).
  - One reason is to get the developer on record stating that they intend to install a solar facility.
  - A 60 acre lot being subdivided into four (4) 15 acre lots is a minor subdivision but the impact of 50 acres of solar panels is different than the impact of four (4) homes.
  - R. Burger pointed out that currently the process includes: two (2) public hearings and a 3 month minimum for subdivision through the Planning Board and one (1) public hearing and the SUP through the Town Board. The two processes can run simultaneously but it still a minimum 3 month process.
  - M. Moseley posed a scenario where someone subdivides their land this year with no intention of installing solar but then 5 years later, they change their minds and wish to put up solar panels. What would the process be then since the subdivision is already done and legal?
  - R. Burger recommended adding a phrase indicating that minor subdivisions anticipating a solar project should come before the Planning Board for an informal review.
- H. Lambert asked when neighbors are given notice. They are notified during the Special Use Permit process.
- C. Anderson expressed concern that solar projects are permitted almost everywhere in the Town.
- #3e has been changed to: Is located on a single lot and that lot can be created in accordance with the Dryden Subdivision law. Any subdivision for a solar installation must have a review by the Dryden Town Planning Board following mailed notification of all properties within 250 feet.
- #3g was changed to 18 feet.
- #4c (x) was edited to require a document that clearly delineates the party responsible.
- #4c (xvii) was edited to remove unnecessary language.
- #5a (i) removed “minimally adverse” since it was unnecessary.
- C. Anderson returned to Section E #1 (a) – he suggested changing the wording to the NRCS prime farmland soils map rather than the Town of Dryden soil analysis maps. He suggested changing that under Section F #2 (a) which also deals with prime soils.
- Section F.2. Industrial Scale Systems:
  - D. Weinstein estimated 43,000 megawatts of electricity is used in the Town of Dryden per year. That does not include heating. He used the County’s energy road map and

then did a proportional equation. M. Moseley used a different method and came up with 69,000.

- J. Wilson asked why the Board was considering megawatts rather than acres based on their concern about the number of acres covered by solar panels.
- The Board discussed what is appropriate to permit and should that be based on acreage or megawatts. Based on the extrapolated information, the County encouraged 1.5% of Town land can be dedicated to solar which is about 1000 acres.
- Another question is whether to limit solar to the amount that the Town of Dryden needs or is it going to go into the system to provide for more communities.
- The Town is using about 500 acres worth of solar power currently.
- D. Cippolla-Dennis was asked her opinion and she stated she doesn't believe we need a cap.
- M. Hatch said that he doesn't expect heavy agriculture to occur in the Town anymore.
- The Board continued to discuss what they believe should be the cap and the pros and cons of solar farms in Dryden. The point was made several times that the solar installations will have to get a permit to build so the opportunity to limit them will come up through that process.
- If a large solar project came to town, it can be dealt with separately.
- Several members feel there are enough provisions in the law to prevent unwanted sprawl.
- C. Anderson explained to several members that ag is going strong in this town and ag lands, even those with marginal soils, are in high demand right now. Ag lands are selling for \$3000-\$5000 per acre.
- H. Lambert believes setting a limit sends a message.
- 3500 acres is the limit for now - it is a number that can be adjusted later.
- The PSC has raised the maximum MW permitted on a lot from two (2) to five (5).
- C. Anderson pointed out that until last month we were only looking at two (2) MW systems, now we are considering large scale, industrial and where do we want that permitted.
- Where do we want to allow large solar farms (industrial)? Should they be restricted to industrial areas or permitted by SUP? Does the definition of Industrial-Scale Solar System still apply?
  - D. Weinstein stated that he doesn't hear any real interest in restricting the location of the solar systems. Guidelines can be created to encourage installation of large-scale solar in certain districts.
  - M. Moseley suggested a subsection in which the developer is encouraged to place the systems in certain areas; for example, the law can include language to the effect that these uses will be discouraged from being placed in rural residential zones.
- Fees and Deposits: a suggestion was to require a list of consultants and expected fees but the Board determined not to include that part. They did change the number of days for prior notice of outstanding fees from 30 to 10 days.
- J. Abandonment and Decommissioning:
  - J1 - "for reasons other than for repairs or beyond the reasonable control of the Solar Energy System Owner" - the Board didn't see any reason to add this to the law.

- The Board determined the second part only needed the first clause. The rest was unnecessary. "The Town shall provide the Solar Energy System Owner thirty (30) days prior written notice of a request for decommissioning."
- J2 - "or other form of financial security acceptable to the Town" was a suggested addition which was kept because the Planning Board isn't sure yet what the legality is of requiring a bond.
- J3 - the word "consecutive" was added to the term of six (6) months. The suggested addition of "for reasons other than for repairs or beyond the reasonable control of the Solar Energy System Owner" was not included.

### **Resolution #1 2017**

*D. Weinstein moved to accept the Planning Board's Energy Systems Law draft as modified and to forward the amended law to the Town Board for consideration.*

*J. Wilson seconded the motion which was unanimously approved.*

### **Proposed Subdivision Local Law Amendment: M. Moseley**

Article VII section 701 subsections would need to be amended for the applications submittal time constraints.

Subsection B.1, of section 701, already indicates that there is a 14-day filing time table for the sketch plan. "Submission of Sketch Plan. Seven (7) copies of the Sketch Plan and a Full Environmental Assessment Form (EAF) shall be filed at least 14 days prior to the regular meeting of the Planning Board at which the Sketch Plan will be first reviewed." This could stay the same as it would appear to be a workable time line for the applicants.

Subsection C.7. indicates that there be a minimum of a 30-day filing for the preliminary plat prior to the regularly scheduled Planning Board. I would recommend that this section be amended and read as follows: "Number of copies. Seven (7) copies of the Preliminary Plat and one (1) digital copy shall be filed at least 21 days prior to the regular meeting of the Planning Board at which the Preliminary Plat will be reviewed."

Subsection D.3. indicated that the final plat be submitted 30 days in advance of the regular Planning Board meeting. I would suggest that this be amended and read as follows: "Number of Copies. Seven (7) copies of the Final Plat and one (1) digital copy shall be filed at least 21 days prior to the regular meeting of the Planning Board at which the Final Plat will be reviewed."

Additionally, Article IX section 900 subsections would need to be amended as well for the applications submittal time constraints.

Subsection C.1, of section 900, already indicates that there is a 14-day filing time table for the sketch plan. "Submission of Sketch Plan, Existing Conditions Report and Conservation Analysis. Seven (7) copies of the Sketch Plan, Full Environmental Assessment Form (EAF), Existing Conditions Report and Conservation Analysis shall be filed at least 14 days prior to the regular meeting of the Planning Board at which the Sketch Plan, Existing Conditions Report and Conservation Analysis will be first reviewed." This could stay the same as it would appear to be a workable time line for the applicants.

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Subsection E. 9. indicated that the final plat be submitted 30 days in advance of the regular Planning Board meeting. I would suggest that this be amended and read as follows: "Number of Copies. Seven (7) copies of the Final Plat and one digital copy shall be filed at least 21 days prior to the regular meeting of the Planning Board at which the Final Plat will be reviewed."

**Resolution #2 2017**

*J. Wilson moved to accept the proposed changes to the Subdivision Law. M. Hatch seconded the motion which was unanimously approved.*

There being no further business, the meeting was adjourned at 9PM.

Respectfully Submitted,

Erin A. Bieber  
Deputy Town Clerk

**Here is a list of potential changes as suggested in comments we received. The changes that I would recommend are shown in red. The changes suggested that I would not recommend are shown below in red with a line through them, as in "~~Don't make this change.~~"**

**TOWN OF DRYDEN  
LOCAL LAW NO. \_\_\_\_ OF THE YEAR 2016**

**A LOCAL LAW TO AMEND THE RENEWABLE ENERGY FACILITIES LAW  
TO REMOVE ITS APPLICABILITY TO SOLAR ENERGY SYSTEMS AND TO  
ADD SOLAR ENERGY SYSTEMS PROVISIONS TO THE ZONING LAW**

Be it enacted by the Town Board of the Town of Dryden as follows:

**Section 1.** The Renewable Energy Facilities Law of the Town of Dryden, New York, Article I (General) is amended as follows:

A. The definition of "Renewable Energy Conversion System (RECS)" in Section 5 (Definitions) is amended to read as follows:

"RENEWABLE ENERGY CONVERSION SYSTEM (RECS) – means a Renewable Energy Conversion System other than a WECS or a Solar Energy System (as that term is defined in the Zoning Law) and includes but is not limited to geothermal heat pumps, wood, wood pellet, hay and other types of biomass stoves."

B. Section 7 (Applicability), subsection D is amended by deleting the phrase "solar panels mounted to the building being served;" so that subsection D reads as follows:

“D. Notwithstanding anything to the contrary in this local law, no Special Use Permit shall be required for mechanical wind turbines less than 50 feet tall; tower, pole or other independently structurally mounted RECS with a total height less than the structure served, or for geothermal heat pumps, wood, wood pellet, hay and other types of biomass stoves.”

**Section 2.** The Town of Dryden Zoning Law, Article III (Definitions) is amended by adding the following definitions:

**BUILDING-INTEGRATED PHOTOVOLTAIC SYSTEM** - Photovoltaic building components integrated into building envelope components such as glass or other building façade materials, skylights, or roofing materials.

**BUILDING-MOUNTED SOLAR ENERGY SYSTEM** - A Solar Energy System located on the exterior of any legally permitted building or structure or integrated into a building envelope for the purpose of producing electricity or providing thermal energy for onsite or offsite consumption. This system may be mounted to the roof or side of a Structure or be a Building-Integrated Photovoltaic System.

**GROUND-MOUNTED SOLAR ENERGY SYSTEM** - A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, that is detached from any other structure, and that has the primary purpose of producing electricity or thermal energy for onsite or offsite consumption.

**INDUSTRIAL-SCALE SOLAR ENERGY SYSTEM-** A Solar Energy System composed of adjacent or nearby lots, each containing a Large-Scale Solar Energy System.

**LARGE-SCALE SOLAR ENERGY SYSTEM** - A Solar Energy System that feeds electricity directly into the grid, is primarily for the purpose of onsite or offsite sale or

electricity consumption, and is larger than two thousand (2,000) square feet in area of solar collectors per lot (measuring the equipment surface area). This system may be ground- mounted or building-mounted and shall be limited to producing  $\leq 2$  MWac (megawatts- alternating current). ~~The County recommends deleting 2 MW. Public comment recommends reducing the limit from 2000, but 2000 sq feet would accommodate local neighborhood systems shared by a few houses.~~

**NET METERING** - A billing arrangement whereby the solar energy producer receives credit for excess electricity generated and delivered to the power grid, paying only for the power used in excess of that generated and delivered to the power grid.

**SMALL-SCALE SOLAR** Energy System – A Solar Energy System that has the primary function of serving the building(s) with which it is associated on the same lot, but also may have the ability to sell small quantities of energy back to the electric utility provider and does not exceed two thousand (2,000) square feet in area of solar collectors (measuring the equipment surface area) per lot. This system may be ground-mounted or building-mounted, and includes Building-Integrated Photovoltaic Systems, other types of photovoltaic Solar Energy

Systems, and Solar Thermal Systems.

**SOLAR COLLECTOR** - A 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 EASEMENT** - A document recorded pursuant to NYS Real Property Law 335-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a Solar Energy System.

**SOLAR ENERGY APPLICANT** - Any person, firm, corporation or any other entity submitting an application to the Town of Dryden for a Special Use Permit and/or Site Plan Review for a Solar Energy System.

**SOLAR ENERGY EQUIPMENT** – Solar collectors, controls, inverters, energy storage devices, and other materials and hardware, associated with the production of electrical or thermal energy from solar radiation.

**SOLAR ENERGY SYSTEM OWNER** – Any person, firm, corporation or any other entity which owns a Solar Energy System which has been granted a Special Use Permit by the Town of Dryden.

**SOLAR ENERGY SYSTEM** - An electrical or thermal energy generating system composed of Solar Collectors, Solar Thermal Systems, and/or Solar Energy Equipment.

**SOLAR PANEL** - A photovoltaic device capable of collecting and converting solar energy into electrical energy.

**SOLAR THERMAL SYSTEM** – A system in which water or other liquid is directly heated by the sunlight. The heated liquid is then used for purposes such as space heating and cooling, domestic hot water and the heating of swimming pools.

**Section 3.** The Town of Dryden Zoning Law, Article V (Use Regulations), Section 501 (Allowable Use Groups Chart) is amended by adding “Solar Energy Systems” in the Uses column of the chart and by adding the notation “See § 1312” for each zoning district cell in the Solar Energy Systems row.

**Section 4.** The Town of Dryden Zoning Law, Article VII (Varna), Section 702 (Varna Use Regulations) is amended by adding “Solar Energy Systems” in the Uses column of the chart and by adding the notation “See § 1312” for each zoning district cell and the Minimum Lot Size cell in the Solar Energy Systems row.

**Section 5.** The Town of Dryden Zoning Law, Article XIII (Standards and Requirements for Certain Uses) is amended by adding a new Section 1312 titled “Solar Energy Systems” as follows:

**“Section 1312: Solar Energy Systems**

**A. Authority.** This section is adopted pursuant to the powers granted by sections 261 and 263 of the Town Law of the State of New York, which authorize the Town of Dryden to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”

**B. Statement of Purpose.** This section is adopted to advance and protect the public health, safety, and welfare of the Town of Dryden, including:

1. Taking advantage of a safe, abundant, renewable, and non-polluting energy resource;
2. Decreasing the cost of energy to the owners of commercial and residential properties, including single-family houses; and
3. Increasing employment and business development in the region by furthering the installation of Solar Energy Systems.

**C. Applicability.**

1. The requirements of this section shall apply to all Solar Energy Systems **greater than 10 square feet in collecting area** installed or modified after its effective date, excluding general maintenance and repair and Building-Integrated Photovoltaic Systems.
2. The installation of any Solar Energy System does not carry with it a right to a clear line of sight to the sun. ~~A Solar Energy Applicant, installer, or developer has the responsibility to make sure that the Solar Energy System is positioned in such a way that it will achieve optimal energy production.~~ It shall be the responsibility of the Applicant, installer, or developer to gain any and all solar easements or agreements to maintain a line of sight to the sun if necessary.
3. The Town of Dryden Planning Department shall review and determine the correct path for all permitting requirements.
4. ~~Any and all permits granted pursuant to this section shall follow the related Solar Energy System and any and all obligations of the Solar Energy Applicant described herein shall be binding on its assignee, including any Solar Energy System Owner, if different from the Solar Energy Applicant, and such assignee shall become the holder of the related permit granted pursuant to this section.~~

**D. Building-Mounted Solar Energy Systems.**

1. Building-Mounted Solar Energy Systems that produce electricity or thermal energy for onsite or offsite use are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.
2. Height. Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions that apply to building-mounted mechanical devices or

equipment. ~~Systems installed on buildings already in existence must not increase the overall height of the structure by six (6) feet or more.~~

3. All Building-Mounted Solar Energy Systems that produce electricity or thermal energy for onsite or offsite use shall be exempt from Site Plan Review, unless such Building-Mounted system increases the overall height of the structure by six (6) feet or more, in which case Site Plan Review by the Planning Board shall be required.
4. All owners of Building-Mounted Solar Energy Systems must file a building permit application with the Planning Department, and obtain a valid building permit, prior to starting their installation.

#### **E. Ground-Mounted Small-Scale Solar Energy Systems.**

1. Ground-Mounted Small-Scale Solar Energy Systems shall not be located in the following areas, unless otherwise approved by the Planning Board in conjunction with a Site Plan Review process as provided in Article XI:
  - a. Prime farmland soils as identified by the Town of Dryden soil analysis maps.
  - b. Areas of potential environmental sensitivity, such as Unique Natural Areas as designated by the Tompkins County Environmental Management Council, flood plains, historic sites, airports, state-owned lands, conservation easements, trails, parkland, prime soils, and wetlands as identified by Tompkins County Planning Department mapping services, the New York State Department of Environmental Conservation, or the United States Army Corps of Engineers. ~~The County recommended not citing their Planning Department mapping services.~~
  - c. Development is prohibited on slopes of greater than fifteen percent (15%) unless the Solar Energy Applicant can demonstrate through engineering studies and to the satisfaction of the Town Engineer that the proposed development will cause no adverse environmental impact that will not be satisfactorily mitigated.
  - d. Placement within the front yards of residential lots.
2. Ground-Mounted Small-Scale Solar Energy Systems are permitted as principal and accessory structures in all zoning districts and shall adhere to the following:
  - a. Height and Setback. Ground-Mounted Solar Energy Systems shall not exceed seventeen ~~(17-18)~~ feet in height, and the setback requirements of the underlying zoning district shall apply.
  - b. Lot Coverage. The horizontal surface area covered by ground-mounted solar collectors shall be included in total lot coverage and when combined with the coverage of other structures, the total area shall not exceed the maximum lot coverage as permitted in the underlying zoning district.

3. Except as provided in subsection 1 above, Ground-Mounted Small-Scale Solar Energy Systems shall be exempt from Site Plan Review.

**F. Ground-Mounted Large-Scale Solar Energy Systems.**

1. Ground-Mounted Large-Scale Solar Energy Systems are permitted as principal and accessory uses through the issuance of a Special Use Permit as approved by the Town Board with prior review and recommendations on the Site Plan by the Planning Board within Conservation, Rural Agriculture, Rural Residential, Mixed-Use Commercial, and Light Industrial Zoning Districts, subject to the requirements set forth in this section, including site plan approval. Applications for the installation of a Ground-Mounted Large-Scale Solar Energy System shall be reviewed by the Zoning Officer and referred, with comments, to the **Town Planning Board and** Town Board for ~~its~~ **their** review and action, which can include approval, approval on conditions, or denial.
  - a. Ground-Mounted Large-Scale Solar Energy Systems that produce electricity or thermal energy primarily for active farming or agricultural uses, where the generation is less than one hundred and ten percent (110%) of the farm use, shall be exempt from the requirement to obtain a Special Use Permit.
2. Ground-Mounted Large-Scale Solar Energy Systems shall not be located in the following areas unless otherwise approved by the Town Board in conjunction with the Special Use Permit approval process as provided in this section:
  - a. Prime farmland soils as identified by the Town of Dryden soil analysis maps.
  - b. Areas of potential environmental sensitivity, including Unique Natural Areas, flood plains, historic sites, airports, state-owned lands, conservation easements, trails, parkland, prime soils, and wetlands as identified by Tompkins County Planning Department mapping services, the New York State Department of Environmental Conservation, or the United States Army Corps of Engineers.
  - c. On slopes of greater than fifteen percent (15%), unless the Solar Energy Applicant can demonstrate through engineering studies and to the satisfaction of the Town Engineer that the proposed development will cause no adverse environmental impact that will not be satisfactorily mitigated.
3. No Special Use Permit or renewal thereof or amendment of a current Special Use Permit relating to a Ground-Mounted Large-Scale Solar Energy System shall be granted by the Town Board unless the Solar Energy Applicant demonstrates that such Ground-Mounted Large-Scale Solar Energy System:
  - a. Conforms with all federal and state laws and all applicable rules or regulations promulgated by any federal or state agencies having jurisdiction.
  - b. Is designed and constructed in a manner which minimizes visual impact to the extent practical.
  - c. Complies with all other requirements of the Town of Dryden Zoning Law

and the Commercial Design Guidelines ~~as applicable, in accordance with generally accepted commercial standards of the solar energy industry,~~ unless expressly superseded herein.

- d. Is situated on the lot on which it is to be developed in such a manner and location as to allow for development ~~or conservation of any resource identified in the town's plans. of any portion of the Town's Greenway that is also to be located~~  
~~on such lot in accordance with the Town's Greenway Plan or any modification thereof as determined by the Town Board.~~
  - e. Is located on a single lot (see additional regulations for systems developed on a series of contiguous or nearby lots in the section "Industrial scaled Energy Systems").
  - f. Complies with a fifty-foot (50) front yard, rear yard, and side yard setback unless mounted on an existing building.
  - g. Does not exceed seventeen (~~17~~ 18) feet in height.
  - h. Has a solar collector surface area (as measured in the horizontal plane) that, when combined with the coverage of other structures on the lot, does not exceed the maximum lot coverage as permitted in the underlying zoning district, unless the Town Board authorizes the exceedance through the Special Use Permit process.
4. Special Use Permit Application Requirements. For a Special Use Permit application, the site plan application is to be used as supplemented by the following provisions and shall include, but not be limited, to the following:
- a. A completed project application form in such detail and containing such information as the Town Board may require.
  - b. In fulfilling the requirements of the State Environmental Quality Review Act ("SEQRA"), the Town Board may require a Full Environmental Assessment Form ("EAF") for the proposed Ground-Mounted Large-Scale Solar Energy System. The Town Board may require submittal of a more detailed visual analysis based on the information in, or analysis of, the EAF.
  - c. Site plan in accordance with the requirements of Article XI and this section including, without limitation:
    - i. Name, address and phone number of the person preparing the reports.
    - ii. Postal address and Tax Map parcel number of the property.
    - iii. Zoning district in which the property is situated.
    - iv. The exact location including geographic coordinates of the proposed Ground-Mounted Large-Scale Solar Energy System including any solar arrays, equipment and anchors, if applicable.

- v. Identification on site plans of areas of potential environmental sensitivity, including onsite or nearby Unique Natural Areas, slopes greater than 15%, flood plains, historic sites, airports, other government lands, conservation easements, trails, parkland, prime soils, and wetlands as identified by Tompkins County Planning Department mapping services, the New York State Department of Environmental Conservation, or the United States Army Corps of Engineers.
- vi. The maximum height of the proposed Solar Energy System, including all appurtenances.
- vii. A detail of solar collector type including but not limited to equipment specification sheets for all photovoltaic panels and collectors, significant components, mounting systems, and inverters that are to be installed; and proposed solar energy production capacity design level proposed for the Solar Energy System and the basis for the calculations of the area of the Solar Energy System's 'capacity.
- viii. The location, type and intensity of any lighting on the site.
- ix. Property boundaries and names of all adjacent landowners;
  - \* If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted. The lease document must clearly delineate the party responsible and the procedure for decommissioning at the end of the life of the system and in the event the owner of the system abandons the system for any reason. ~~It was suggested that since leases are confidential documents, the applicant could fulfill this obligation by submitting a Memoranda of Lease or Letter of Agreement.~~
- xi. The location of all other structures on the property.
- xii. The system shall be designed to accommodate emergency vehicle access. The design may include, but not be limited to, items such as the height, access ways for vehicles, firefighting capabilities, and other prominent features.
- xiii. Blueprints and a site plan showing the layout of the Ground-Mounted Large-Scale Solar Energy System, which must bear the seal of a design professional licensed to practice in New York State.
- xiv. Description of continuing Solar Energy System maintenance and property upkeep, such as mowing and trimming.
- xv. The location, nature and extent of any proposed fencing, landscaping and screening.
- xvi. The location and nature of any proposed utility easements and access roads or drives.

- xvii. A glare assessment survey and any mitigation efforts that may be utilized to minimize glare on contiguous parcels of land, ~~based on the review of which Planning Board may require a glare assessment survey~~
- xviii. A Decommissioning plan as set forth in the below provisions titled “Abandonment and Decommissioning”.

5. Special Use Permit Standards.

a. Appearance and Buffering:

- i. The Ground-Mounted Large-Scale Solar Energy System shall have the least visual ~~minimally adverse~~ effect practical on the environment, as determined by the Town Board. Based on site specific conditions, including topography, adjacent structures, and roadways, reasonable efforts shall be made to minimize visual impacts by preserving natural vegetation, and providing landscape screening to abutting residential properties and roads, but screening should minimize the shading of solar collectors.
- ii. Any glare produced by the solar array shall not impair or make unsafe the use of contiguous structures, any vehicles on or off the road, any airplanes, or uses by other possible impacted entities as determined by the Town Board.
- iii. Any exterior lighting installed shall have the least visual effect practical on the contiguous properties and shall be approved by the Town Board.
- iv. The Town Board may require additional information, such as line-of-sight drawings, detailed elevation maps, visual simulations, before and after renderings, and alternate designs to more clearly identify adverse impacts for the purpose of their mitigation.
- v. Equipment and vehicles not used in direct support, renovations, additions or repair of any Ground-Mounted Large-Scale Solar Energy System shall not be stored or parked on the facility site.

b. Access and Parking:

- i. Ground-Mounted Large-Scale Solar Energy Systems may be enclosed by fencing to prevent unauthorized access. Warning signs with the owner’s name and emergency contact information shall be placed on any access point to the system and on the perimeter of the fencing. The fencing and the system shall be further screened by any landscaping or decorative fencing needed to avoid adverse aesthetic impacts as approved by the Town Board.
- ii. Motion-activated or staff-activated security lighting around the equipment area of a Ground-Mounted Large-Scale Solar Energy System or accessory

structure entrance may be installed provided that such lighting does not project off the site. Such lighting should only be activated when the area within the fenced perimeters has been entered.

- iii. A locked gate at the intersection of the access way and a public road may be required to obstruct entry by unauthorized vehicles. Such gate must be located entirely upon the lot and not on the public right-of-way.

c. Engineering and Maintenance:

- i. Every Solar Energy System shall be built, operated and maintained to acceptable industry standards, including but not limited to the most recent, applicable standards of the Institute of Electric and Electronic Engineers (“IEEE”) and the American National Standards Institute (“ANSI”).

- ii. The Town, at the expense of the Solar Energy Applicant, may employ its own consultant(s) to examine the application and related documentation and make recommendations as to whether the criteria for granting the Special Use Permit have

been met, including whether the Applicant’s conclusions regarding safety analysis, visual analysis, structural inspection, and stormwater management aspects are valid and supported by generally accepted and reliable engineering and technical data and standards.

- d. The Town Board may impose conditions on its approval of any Special Use Permit under this section in order to enforce the standards referred to in this section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

6. Any application under this section shall also meet all provisions contained in Article XI for site plans that, in the judgment of the Town Board, are applicable to the system being proposed.

## **F. 2. INDUSTRIAL SCALE SYSTEMS (TO BE ADDED SHORTLY)**

Here are some possibilities:

- Create a limit to the total amount of wattage in the town, let’s say 2x the sum total of what his company is planning, which would make a total of about 50 MW for the whole town, or some 750 acres (assuming 2MW per 15 acres (wow, that seems like a lot)).
- Create a rule that says no more that 10 (or 12 MW) can be located within a mile (or two, or three) of existing or planned facilities within a 10 year period.
- Allow these systems to go into effect wherever, but create a more involved procedure to scrutinize projects involving more than 10 MW located within a mile to assess whether the environmental effects of each proposal would be too great, and therefore a SUP should be disallowed.

- Allow these systems to go into effect wherever there is no impact to any viewshed identified on an official map. (We'd have to figure out what map to use, and what constitutes a viewshed impact).
- Don't allow any large scale installation on any lot within a given distance (a mile? 2 miles? Etc.) of an existing or planned 2MW installation.

#### **G. Fees and Deposits.**

1. The fees for a Special Use Permit, Site Plan Review and Building Permit for a Solar Energy System shall be set from time to time by Town Board resolution.
2. The Solar Energy Applicant shall deliver with its application an amount equal to one percent (1%) of the estimated cost of the project (the "Initial Deposit"). This sum shall be held by the Town in a non- interest bearing account, and these funds shall be available to the Town to pay consultants engaged by the Town to assist in review of the application. ~~The Town shall provide the Solar Energy Applicant a list of expected consultants and costs prior to engaging any such consultants to provide the Solar Energy Applicant the opportunity to withdraw its application based on the review of such costs.~~ Following grant or denial of the application, the Town shall return to the Applicant any excess remaining in escrow. If the escrow account has been depleted prior to grant or denial of the application, the Applicant shall deposit such funds as are then necessary for the Town to pay any outstanding fees to said consultants. ~~The Town shall provide ten (30) days prior written notice to the Solar Energy Applicant in the event the outstanding fees to said consultants shall exceed the amount of the Initial Deposit~~

#### **H. Building Permits.**

1. A holder of a Special Use Permit from the Town Board granted under this section shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code and must maintain the same, in full force and effect, for as long as required by the Town or other governmental entity or agency having jurisdiction over the Solar Energy Applicant.
2. A holder of a Special Use Permit from the Town Board for a Solar Energy System shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted Solar Energy System in strict compliance with all current applicable technical, safety and safety-related codes adopted by the Town, County, State or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health and land use codes. In the event of a conflict between or among any of the preceding, the more stringent shall apply.
3. Unless waived by the Town Board, there shall be a pre-application meeting for the building permit application. The purpose of the pre-application meeting will be to address issues which will help to expedite the review and permitting process. A pre-application meeting

may also include a site visit, if required. Costs of the Town's consultants to prepare for and attend the pre-application meeting will be borne by the Solar Energy Applicant.

4. The Solar Energy Applicant shall furnish written certification that the Solar Energy System, foundation and attachments are designed and will be constructed ("as built") to meet all local, county, state and federal structural requirements for loads, including wind and snow loads. If the Solar Energy System is subsequently approved and constructed, similar as-built certification indicating that it has been constructed in accordance with all standards shall be furnished prior to the Town issuance of any certificate of occupancy or compliance.
5. After construction and prior to receiving a certificate of occupancy or compliance, the Solar Energy Applicant shall furnish written certification that the Solar Energy System is grounded and bonded so as to protect persons and property and installed with appropriate surge protectors by a certified and approved NYS Licensed Electrical Inspector.

#### **I. Right to Inspect.**

1. In order to verify that the Solar Energy System's owners and any and all lessees, renters and/or operators of the Solar Energy System place, construct, modify and maintain such Systems, including solar collectors and solar inverters, in accordance with all applicable technical, safety, fire, building and zoning codes, laws, ordinances and regulations and other applicable requirements, the Town may inspect all facets of said System's placement, construction, modification and maintenance.
2. Any inspections required by the Dryden Planning Department that are beyond its scope or ability shall be at the expense of the Solar Energy Applicant.

#### **J. Abandonment and Decommissioning.**

1. At the time of submittal of the application for a Special Use Permit for a Ground-Mounted Large-Scale Solar Energy System, the Solar Energy Applicant shall submit and agree to the performance of a decommissioning plan that includes the removal of the Solar Energy System and all associated equipment, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, and gates. If such System becomes technologically obsolete or ceases to perform its originally intended function **for reasons other than for repairs or beyond the reasonable control of the Solar Energy System Owner**, for more than six (6) consecutive months, the Town may require its removal in accordance with the decommissioning plan. **The Town shall provide the Solar Energy System Owner thirty (30) days prior written notice of a request for decommissioning, and in the event a reasonable explanation for the delay is not provided within such thirty (30) day notice period, the Town may require the removal in accordance with the decommissioning plan.** Upon removal of a

Ground-Mounted Large-Scale Solar Energy System, the land shall be restored to its previous condition, including but not limited to the seeding and sodding, as appropriate depending upon the season of the work, of exposed soils.

2. At the time of obtaining a building permit, the Solar Energy Applicant may be required to provide a financial security bond **or other form of financial security acceptable to the Town** for removal of the Ground-Mounted Large-Scale Solar Energy System and property restoration, with the Town of Dryden as the obligee, in an amount approved by the Town Board. Upon any amendment of the Special Use Permit, the Town Board may adjust the required amount to the financial security bond to adequately cover increases in the cost of removal of the Ground-Mounted Large-Scale Solar Energy System and property restoration. If the Ground-Mounted Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the Town may remove the system and restore the property and impose a lien on the property pursuant to Section 1802.B to recover these costs to the Town.
3. All other Solar Energy Systems shall be considered abandoned after 6 **consecutive** months without electrical energy or thermal energy generation **for reasons other than for repairs or beyond the reasonable control of the Solar Energy System Owner** and must be removed from the property. The Town Board may consider and grant, for good cause shown, an application for one extension not exceeding 24 months for Solar Energy Systems other than Ground-Mounted Large-Scale Solar Energy Systems.”

**Section 6.** This local law shall take effect upon filing in the office of the Secretary of State.

**Section 7.** The provisions of this local law are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part or provision of this local law is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections clauses, sentences, parts, or provisions of the Local Law.

**Section 8.** This local law shall supersede or repeal any prior inconsistent Local Law.