

TOWN OF CONSTANTIA
MINUTES – PUBLIC HEARING, LOCAL LAW, SOLAR – October 15, 2019
7:00 pm Constantia Town Hall

Present: Kenneth Mosley - Supervisor
John Metzger, Richard Colesante, Thomas Moran– Council Members
Clare Haynes – Town Clerk
Warren Bader – Town Attorney
Absent: Frank Tomaino – Council Member

CALL TO ORDER:

At 7:00 pm Mr. Mosley, Supervisor called the public hearing to order with the pledge of allegiance.

PURPOSE:

The purpose of this public hearing is to hear comments or concerns on the proposed local law regulating solar power and energy systems in the town.

RESOLUTION:

Mr. Bader read the following resolution into the minutes:

**TOWN OF CONSTANTIA
TOWN BOARD RESOLUTION
October 15, 2019**

The following resolution was offered by Councilor Colesante, who moved its adoption, seconded by Councilor Moran to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law I-2019 “A Local Law of the Town of Constantia Regulating Solar Power and Energy Systems in the Town, was presented and introduced at a regular meeting of the Town Board of the Town of Constantia held September 17, 2019; and

WHEREAS, a public hearing was held on said proposed Local Law No. I-2019 on October 15, 2019 by the Town Board of the Town of Constantia and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Constantia in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, at its September 17, 2019 meeting the Town Board determined that this proposed legislation is a Type I action and issued a negative declaration for purposes of SEQR, thus concluding the environmental review process; and

WHEREAS, proposed Local Law I-2019 was duly referred to the Oswego County Department of Community Development, Tourism and Planning pursuant to General Municipal Law Section 239 l, m and n; and

WHEREAS, upon its review of proposed Local Law I-2019 Oswego County Department of Community Development, Tourism and Planning recommended approval with modifications relating to reduced lot area and yard requirements; and

WHEREAS, the Town Board of the Town of Constantia is the only entity authorized to enact local legislation and particularly laws regulating various uses in the Town of Constantia; and

WHEREAS, the Town Board of the Town of Constantia has broad home rules powers pursuant to the New York Municipal Home Rule Law and is fully empowered to enact local laws for the protection and enhancement of the Town’s physical and visual environment and for the government, protection, safety, health and well-being of persons and property within the Town; and

WHEREAS, pursuant to the Town Board’s broad home rules powers the Town Board is empowered to regulate and restrict the location and proliferation of land uses within the Town of Constantia, including the location of solar energy systems and specifically solar farms; and

WHEREAS, proposed Local Law I-2019 strikes an appropriate balance between allowing the proliferation of renewable energy sources and the use of certain solar energy systems within the Town while maintaining regulations and limitations designed to protect the health, safety, welfare and character of the Town; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. I-2019.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that, based upon the foregoing, the Town Board of the Town of Constantia, Oswego County, New York, does hereby enact Proposed Local Law No. I-2019 as Local Law No. 3-2019 as follows:

**“TOWN OF CONSTANTIA
PROPOSED LOCAL LAW NO. 3 of 2019
A LOCAL LAW OF THE TOWN OF CONSTANTIA
REGULATING SOLAR POWER AND ENERGY SYSTEMS IN THE TOWN**

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

SECTION 1. LEGISLATIVE PURPOSE AND INTENT

The purpose of this Local Law is to permit and regulate the construction of solar energy systems in the Town of Constantia in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy.

SECTION 2. AUTHORITY

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 3. DEFINITIONS.

BUFFER ZONE – A neutral space between two different types of buildings or properties with an interest in minimizing disturbances between potentially incompatible land uses.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM - A Solar Energy System incorporated into and becoming part of the overall architecture, design and structure of a building in manner that the Solar Energy System is a permanent and integral part of the building structure.

FLUSH MOUNTED SOLAR ENERGY SYSTEM - A Rooftop-Mounted Solar Energy System with Solar Panels which are installed flush to the surface of a roof and which cannot be angled or raised.

GROUND MOUNTED SOLAR ENERGY SYSTEM - A Solar Energy System that is affixed to the ground either directly or by mounting devices and which is not attached or affixed to a building or structure.

NET-METERING - A billing arrangement that allows solar customers to receive credit for excess electricity which is generated from the customer's Solar Energy System and delivered back to the grid so that customers only pay for their net electricity usage for the applicable billing period.

QUALIFIED SOLAR INSTALLER - A person who has skills and knowledge related to the construction and operation of Solar Energy Systems (and the components thereof) and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition.

ROOFTOP-MOUNTED SOLAR ENERGY SYSTEM - A Solar Energy System in which Solar Collectors/Panels are mounted on the roof of a building or structure either as a flush-mounted system or as panels fixed to frames which can be tilted to maximize solar collection. Rooftop-Mounted Solar Energy Systems shall be wholly contained within the limits of the building's or structure's roof surface.

SOLAR ACCESS - Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR COLLECTOR - 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 the generation of electricity or transfer of stored heat.

SOLAR ENERGY SYSTEM - A complete system of Solar Collectors, Panels, controls, energy devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy including but not limited to thermal and electrical, stored and protected from dissipation and distributed. For purposes of this Article, a Solar Energy System does not include any Solar Energy System of four-square feet in size or less.

SOLAR FARMS - A Solar Energy System or collection of Solar Energy Systems or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider.

SOLAR PANEL - A device which converts solar energy into electricity.

SOLAR SKYSPACE - The space between a Solar Energy System and the sun through which solar radiation passes.

SOLAR STORAGE BATTERY - A device that stores energy from the sun and makes it available in an electrical form.”

SECTION 4. SOLAR ENERGY SYSTEM REGULATIONS SOLAR ENERGY SYSTEMS

Purpose and Intent.

The Town of Constantia recognizes that solar energy is a clean, readily available and renewable energy source. Development of solar energy systems offers an energy source that can prevent fossil fuel emissions, reduce the Town's energy demands and attract and promote green business development within the Town. The Town of Constantia has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents, and businesses. This Article is intended to promote the effective and efficient use of solar energy systems; establish provisions for the placement, design, construction, operation and removal of such systems in order 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.

Applicability.

This Article shall apply to all solar energy systems in the Town of Constantia which are installed or modified after the effective date of this Article. All solar energy systems which are installed or modified after the effective date of this Article shall be in compliance with all of the provisions hereof.

Building-Integrated Solar Energy Systems.

- (1) Building-Integrated Solar Energy Systems shall be permitted within the Town subject to the submission of, application for and review and issuance of an applicable building permit.

Rooftop-Mounted Solar Energy Systems.

- (1) Rooftop-Mounted Solar Energy Systems shall be permitted within the Town subject to the following requirements:
 - (a) A building permit shall be required for installation of all Rooftop-Mounted Solar Energy Systems.

- (b) Rooftop-Mounted Solar Energy Systems shall not exceed the maximum allowed height of the Land Development Law of the Town of Constantia nor will any installation exceed the height of the roof line for residential by greater than 24 inches or 48 inches for commercial.
- (c) In order to ensure firefighter and other emergency responder safety, except in the case of accessory buildings under 1,000 square feet in area, there shall be a minimum perimeter area around the edge of the roof and structurally supported pathways to provide space on the roof for walking around all Rooftop-Mounted Solar Energy Systems. Additionally, installations shall provide for adequate access and spacing in order to:
 - [1] Ensure access to the roof.
 - [2] Provide pathways to specific areas of the roof.
 - [3] Provide for smoke ventilation opportunity areas.
 - [4] Provide for emergency egress from the roof.
 - [5] Exceptions to these requirements may be requested where access, pathway or ventilation requirements are reduced due to:
 - [1] Unique site-specific limitations;
 - [2] Alternative access opportunities (such as from adjoining roofs);
 - [3] Ground level access to the roof area in question;
 - [4] Other adequate ventilation opportunities when approved by the Codes Office;
 - [5] Adequate ventilation opportunities afforded by panels setback from other rooftop equipment (for example: shading or structural constraints may leave significant areas open for ventilation near HVAC equipment);
 - [6] Automatic ventilation devices; or
 - [7] New technology, methods or other innovations that ensure adequate emergency responder access, pathways and ventilation opportunities.
- [6] In the event any of the standards in this subsection (A)(3) are more stringent than the New York State Uniform Fire Prevention and Building Code, they shall be deemed to be installation guidelines only and the standards of the Code shall apply.
- (2) Rooftop-Mounted Solar Energy Systems shall be subject to the general requirements set forth in this Section.
- (3) Unified Solar Permit for Eligible Rooftop-Mounted Solar Energy Systems.
 - (1) Provided the Rooftop-Mounted Solar Energy System meets the requirements for a Unified Solar Permit, an applicant shall only be subject to and comply with the requirements of the Land Development Law of the Town of Constantia. An applicant must submit the Unified Solar Permit Application to the Code Enforcement Officer as follows:
 - [1] Unified Solar Permit Eligibility Checklist.
 - [2] A Site Plan showing location of major components of the Solar Energy System and other equipment on the roof or legal accessory structure. This plan should represent relative locations of components at the site, including, but not limited to, location of arrays, existing electrical service locations, utility meters, inverter locations, system orientation and tilt angles. This plan should show access and pathways that are compliant with New York State Uniform Fire Prevention and Building Code, if applicable.
 - [3] One-Line or 3-Line Electrical Diagram. The electrical diagram required by NYSERDA for an incentive application and/or utilities for an interconnection agreement may also be provided here.
 - [4] Specification Sheets for all manufactured components. If these sheets are available electronically, a web address will be accepted in place of an attachment, at the discretion of the Town.
 - [5] All diagrams and plans must be prepared by a qualified installer and include the following:
 - [1] Project address, section, block and lot number of the property;
 - [2] Owner's name, address and phone number;
 - [3] Name, address and phone number of the person preparing the plans; and
 - [4] System capacity in kW-DC.
 - (2) Permit Review and Inspection Timeline. Unified Solar Permit determinations will be issued within 14 calendar days upon receipt of complete and accurate applications and site plan review. The municipality will provide feedback within 7 calendar days of receiving incomplete or inaccurate applications. If an inspection is required a single inspection should be sufficient and will be provided within 14 calendar days of inspection request.

Ground-Mounted Solar Energy Systems.

- (1) Ground-Mounted Solar Energy Systems are permitted as accessory structures subject to the granting of site plan approval by the Planning Board and further subject to the following requirements:
 - (a) A building permit and site plan approval shall be required for installation of all Ground-Mounted Solar Energy Systems.
 - (b) Ground-Mounted Solar Energy Systems are prohibited in front yards as defined in the Land Development Law of the Town of Constantia.
 - (c) Ground-Mounted Solar Energy Systems shall comply with the most restrictive area, yard and bulk regulations of the Land Development Law of the Town of Constantia.

- (d) Setbacks. Further setbacks, area and yard requirements and bulk restrictions may be required by the Planning Board in addition to those set forth in the Land Development Law of the Town of Constantia in order to protect the public's safety, health and welfare.
- (e) The height of the Solar Collector/Panel and any mounts shall not exceed 15 feet in height when oriented at maximum tilt measured from the ground and including any base.
- (f) As part of the site plan approval, Ground-Mounted Solar Energy Systems shall be screened when possible and practicable from adjoining lots and street rights of way through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and the surrounding area. The proposed screening shall not interfere with the normal operation of the Solar Collectors/Panels.
- (g) Neither the Ground-Mounted Solar Energy System, nor any component thereof, shall be sited within any required buffer area.
- (h) The total surface area of all Ground-Mounted Solar Energy System components shall not exceed the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls, excluding patios, decks, balconies, screened and open porches, and attached garages.

General Requirements Applicable to Building-Integrated, Rooftop-Mounted and Ground-Mounted Solar Energy Systems.

- (1) All Solar Energy System installations must be performed by a Qualified Solar Installer.
- (2) Solar Energy Systems, unless part of a Solar Farm, shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a net-metering arrangement in accordance with New York Public Service Law §66-j or similar state or federal statute.
- (3) Prior to operation, electrical connections must be inspected by a Town Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town.
- (4) Any connection to the public utility grid must be inspected by the appropriate public utility and proof of inspection shall be provided to the Town.
- (5) Solar Energy Systems shall be maintained in good working order.
- (6) Solar Energy Systems shall be permitted only if they are determined by the Town of Constantia to be consistent in size and use with the character of surrounding neighborhood.
- (7) Solar Energy Systems shall be permitted only if they are determined by the Town of Constantia not to present any unreasonable safety risks, including but not limited to:
 - (a) Weight load;
 - (b) Wind resistance; and
 - (c) Ingress or egress in the event of fire or other emergency.
- (8) All Solar Energy Systems described in this Article shall meet and comply with all relevant and applicable provisions of the New York State Uniform Fire Prevention and Building Code Standards. To the extent the provisions of the New York State Uniform Fire Prevention and Building Code are more restrictive than the provisions set forth in this Article, the provisions of the New York State Uniform Fire Prevention and Building Code shall control.
- (9) If solar storage batteries are included as part of the Solar Energy System, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town and other applicable laws and regulations.
- (10) All utility services and electrical wiring/lines shall be placed underground and otherwise be placed within the walls or unobtrusive conduit. No conduits or feeds may be laid on the roof. Feeds to the inverter shall run within the building and penetrate the roof at the solar panel location.
- (11) If a Solar Energy System ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall completely remove the System, mount and all other associated equipment and components by no later than 90 days after the end of the 12-month period or within 10 calendar days of written notice from the Town.
- (12) To the extent practicable, Solar Energy Systems shall have neutral paint colors, materials and textures to achieve visual harmony with the surrounding area.
- (13) The design, construction, operation and maintenance of the Solar Energy System shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.
- (14) Marking of equipment.
 - (a) Solar Energy Systems and components shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. Materials used for marking shall be weather resistant. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover.
 - (b) In the event any of the standards in this Subsection for markings are more stringent than applicable provisions of the New York State Uniform Fire Prevention and Building Code they shall be deemed to be guidelines only and the standards of the State Code shall apply.

Solar Farms.

- (1) Areas where prohibited. Subject to the issuance of site plan approval and a special use permit and other requirements as set forth herein, Solar Farms shall not be permitted South of N.Y.S. Route 49 beginning at the intersection of Martin Road and N.Y.S. Route 49 and continuing along N.Y.S.

- Route 49 to the intersection of Lower Road, then south of the center line of Lower Road to the Town of West Monroe boundary.
- (2) Lot Area and Yard Regulations. The following lot area and yard regulations shall apply to Solar Farms located within the Town.
 - (a) Minimum Street Frontage: 300 feet
 - (b) Minimum Lot Area: 5 acres
 - (c) Minimum Front Yard Setback: 100 feet
 - (d) Minimum Rear Yard Setback: 100 feet
 - (e) Minimum Side Yard Setback: 100 feet
 - (3) Permits required. No person, firm or corporation, or other entity being the owner, occupant, or lessee of any land or premises within the Town of Constantia shall use or permit the use of land or premises for the construction or installation of a Solar Farm without obtaining a building permit, a special use permit issued by the Code Officer and a site plan approval issued by the Planning Board as hereinafter provided.
 - (4) Special use permit.
 - (a) In addition to the criteria established in the Land Development Law of the Town of Constantia, the following criteria are hereby established for purposes of granting a special use permit for a Solar Farm under this Section:
 - [1] The Ground-Mounted Solar Energy System shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate Solar Access for the Solar Energy System.
 - [2] Emergency shutdown/safety. The applicant shall demonstrate the existence of adequate emergency/safety measures. The applicant shall post an emergency telephone number so that the appropriate entities may be contacted should any Solar Panel or other component of the Solar Farm need immediate repair or attention. This emergency telephone number should be clearly visible and in a location which is convenient and readily noticeable to someone likely to detect a problem.
 - [3] Security. All Solar Farms shall be secured to the extent practicable to restrict unauthorized access.
 - [4] Access road. To the greatest extent possible, existing roadways shall be used for access to the site and its improvements. In the case of constructing any roadways necessary to access the Solar Farm, they shall be constructed in a way that allows for the passage of emergency vehicles in the event of an emergency. Each application shall be accompanied by correspondence from the responding fire department and emergency care provider as to the acceptability of the proposed ingress to and egress from the Solar Farm site.
 - [5] The development and operation of the Solar Farm shall not have a significant impact on fish, wildlife, animal or plant species or their critical habitats, or other significant habitats identified by the Town of Constantia or federal or state regulatory agencies.
 - [6] Setbacks. Additional setbacks may be required from the Planning Board in order to provide for the public's safety, health and welfare.
 - (b) Waiver. The Planning Board may, upon exercise of its reasonable discretion, waive one or more of the submission requirements imposed herein. Relief from all other requirements must be made by way of an area or use variance from the Board of Appeals.
 - (5) Site plan review.
 - (a) The following submission requirements must be observed regarding a site plan application for a Solar Farm. The Planning Board may also require any of the requirements of the Land Development Law as part of the submission.
 - [1] A completed application form as supplied by the Town of Constantia for site plan approval for a Solar Farm.
 - [2] Proof of ownership of the premises involved or proof that the applicant has written permission of the owner to make such application.
 - [3] Plans and drawings of the proposed Solar Farm installation signed by a professional engineer registered in New York State showing the proposed layout of the entire Solar Farm 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. The plans and development plan shall be drawn in sufficient detail and shall further described:
 - [a] Property lines and physical dimensions of the proposed site, including contours at 5-foot intervals.
 - [b] Location, approximate dimensions and types of all existing structures and uses on the site.
 - [c] Location and elevation of the proposed Solar Farm and all components thereof.
 - [d] Location of all existing aboveground utility lines within 1,200 linear feet of the site.

- [e] Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a Solar Farm shall be buried underground 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 demonstrating that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead electric utility/transmission lines (if permitted) and underground electric utility/transmission lines, including substations and junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the public utility company's requirements for interconnection. Any connection to the public utility grid must be inspected by the appropriate public utility.
- [f] Location of all service structures proposed as part of the installation.
- [g] Landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features, including size and type of plant material. The plan shall show any trees and/or vegetation which is proposed to be removed for purposes of providing greater Solar Access.
- [h] A berm, landscape screen, or any other combination acceptable to the Town capable of screening the site, shall be provided along any property line.
- [i] Soil type(s) at the proposed site.
- [4] Photographic simulations shall be included showing the proposed Solar Farm along with elevation views and dimensions and manufacturer's specifications and photos of the proposed Solar Energy Systems, Solar Collectors, Solar Panels and all other components comprising the Solar Farm or from other vantage points selected by the Planning Board.
- [5] Certification from a professional engineer or architect registered in New York State indicating that the building or structure to which a Solar Panel or Solar Energy System is affixed, is capable of handling the loading requirements of the Solar Panel or Solar Energy System and various components.
- [6] 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.
- [7] Documentation of access to the project site(s), including location of all access roads, gates, parking area etc.
- [8] A plan for clearing and/or grading of the site and a Storm water Pollution Prevention Plan (SWPPP) for the site.
- [9] Documentation of utility notification, including an electric service order number.
- [10] Sunchart. Where deemed appropriate, 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 Farm. The sunchart shall also indicate the potential for obstructions to the Solar Skyspace of the proposed Solar Farm under a scenario where an adjacent site is developed as otherwise permitted by applicable provisions of the Town of Constantia with a building/structure built to maximum bulk and height at the minimum setback. Where no standards for setback are established, this scenario shall assume a maximum setback of five feet from the property line. The sunchart shall be kept on file at the Town Code Enforcement Office 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 section 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.
- [11] The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site and be clearly visible.
- [12] Solar Energy Systems shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the electric systems. Materials used for marking shall be weather resistant. The marking shall be placed adjacent to the main service disconnect location clearly visible from the location where the lever is operated.
- [13] The average height of the solar panel array shall not exceed 20 feet measured from the ground and including any base or supporting materials.

- [14] Color. Neutral paint colors, materials and textures may be required for Solar Farm components, buildings and structures to achieve visual harmony with the surrounding area as approved by the Planning Board.
 - [15] The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.
 - [16] Artificial lighting of Solar Farms shall be limited to lighting required for safety and operational purposes, shall be shielded from all neighboring properties and public roads.
 - [17] Solar Farms shall be enclosed by perimeter fencing to restrict unauthorized access as otherwise approved by the Planning Board. Style and type of fence shall be approved by the Planning Board as part of the site plan.
 - [18] Only signage used to identify the location of the Solar Farm shall be allowed and such signage shall otherwise comply with the Town's sign regulations and requirements.
 - [19] All applications shall be accompanied by a full environmental assessment form for purposes of environmental review under the New York State Environmental Quality Review Act (SEQRA), including a visual impact analysis. The following additional material may be required by the Planning Board:
 - [a] A digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations, to a distance radius of three miles from the center of the project. Scaled use shall depict a three-mile radius as not smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features.
 - [b] No fewer than four color photos taken from locations within a 3-mile radius from the proposed location, as selected by the Planning Board and computer-enhanced to simulate the appearance of the as-built aboveground Solar Farm components as they would appear from these locations.
- (2) Site plan review criteria. In addition to the above, no site plan shall be approved unless the Planning Board determines that the proposed Solar Farm complies with the following:
- [1] The use is oriented in its location upon the site as to layout, coverage, screening, means of access and aesthetics so that:
 - [a] The flow control and safety of traffic and human beings shall not be adversely affected to an unreasonable degree;
 - [b] There is reasonable compatibility in all respects with any structure or use in the surrounding area, actual or permitted, which may be directly substantially affected;
 - [c] There shall not be any unreasonable detriment to any structure or use, actual or permitted, in the surrounding area;
 - [d] There is a reasonable provision for open space and yard areas as appropriate to the surrounding area.
- (6) Public hearing. No action shall be taken by the Planning Board to issue site plan approval or a special use permit, nor the Board of Appeals to grant a use or area variance in relation to an application for a Solar Farm until after public notice and a public hearing. Proper notice of a hearing before a board shall be given by legal notice published in the official newspaper of the Town of Constantia at least 5 calendar days before the date set for such public hearing(s) and written notice mailed to the applicant or his agent at the address given in the application to be considered. The applicant shall be responsible for notifying, by certified mail, all property owners of record within 500 feet of the outside perimeter of the boundary line of the property involved in the application of the time, date and place of such public hearing at least 10 calendar days prior to such hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property tax records of the Town Assessor or at the property address. At least 7 calendar days prior to such hearing, the applicant shall file with the board his/her affidavit verifying the mailing of such notices. Failure of the property owners to receive such notice shall not be deemed a jurisdictional defect.
- (7) Compliance with New York State Uniform Fire Prevention and Building Code.
- (a) Building permit applications shall be accompanied by standard drawings of structural components of the Solar Farm and all its components (including but not limited to Solar Panel, Solar Collector, Solar Energy System etc.). Drawings and any necessary calculations shall be certified, in writing, by a New York State registered professional engineer that the system complies with the New York State Uniform Fire Prevention and Building Code. This certification would normally be supplied by the manufacturer.
 - (b) Where the structure, components or installation vary from the standard design or specification, the proposed modification shall be certified by a New York State registered professional engineer for compliance with the structural design provisions of the New York State Uniform Fire Prevention and Building Code.
- (8) Compliance with state, local and national electric codes.

- (a) Building permit applications shall be accompanied by a line drawing identifying the electrical components of the Solar Farm to be installed in sufficient detail to allow for a determination that the manner of installation conforms with the National Electric Code. The application shall include a statement from a New York State registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electric Code, as well as applicable state and local electrical codes. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.
- (b) Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State registered professional engineer for compliance with the requirements of the National Electric Code and good engineering practices.
- (9) Following construction/installation of the Solar Farm, 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.
- (10) Post Construction/Installation Certification. Following the construction/installation of the Solar Farm, the applicant shall provide a post-construction/installation certification from a professional engineer registered in New York State that the project complies with any and all applicable codes and industry practices and has been constructed and operating according to the drawings and development plan(s) submitted to the Town.
- (11) Insurance. The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the Solar Farm at all times. Said policy shall provide a minimum of \$2,000,000 property and personal liability coverage.
- (12) Inspections. The Code Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or his agent, the premises on which a Solar Farm is being or is constructed, to inspect all parts of said Solar Farm installation and require that repairs or alterations be made if, in his judgment, there exists a deficiency in the operation or the structural stability of the Solar Farm or any component thereof. If necessary, the Building Inspector or Town Engineer may order the system secured or to otherwise cease operation. It shall not be required that the owner or agent be present in the event of an emergency situation involving danger to life, limb or property.
- (13) Power to impose conditions. In granting any site plan approval, the Planning Board may impose reasonable conditions to the extent that such board finds that such conditions are necessary to minimize any adverse effect or impacts of the proposed use on neighboring properties and to protect the general health, safety and welfare of the Town.
- (14) Decommissioning and Removal of Solar Farm Facilities.
 - (a) The applicant shall agree, in writing, to remove the entirety of the Solar Farm and all accessory structures and components thereof if the Solar Farm ceases to be used for its intended purpose for 12 consecutive months. Removal of such obsolete and/or unused Solar Farm components shall take place within 3 months thereafter. Such agreement shall also include a commitment by the applicant to impose a similar obligation to remove any unused and/or obsolete Solar Panels upon any person subsequently securing rights to relocate the Solar Panels.
 - (b) Bond/Security. The applicant shall be required to execute and file with the Town Clerk a bond, or other form of security acceptable to the Town Attorney and Engineer, in an amount sufficient for the faithful performance of the terms and conditions of the permit issued under this Chapter, and to provide the decommissioning removal and restoration of the site subsequent to the removal of the Solar Farm. The amount of the bond or security shall be no less than 150% of the cost of the removal of the Solar Panels and restoration of the site, and shall be reviewed and adjusted at 5 year intervals. In the event of a default upon performance of such condition or any of them, the bond or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The bond or security shall remain in full force and effect until the complete removal of the Solar Panels and site restoration is finished.
- (15) Fees. Fees for applications and permits under this section shall be established by resolution of the Town Board of the Town of Constantia. In accordance with the requirements of Chapter 75 (“Development and Project Fees”), it shall be the applicant’s responsibility to reimburse the Town for any and all reasonable and necessary legal, engineering and other professional fees incurred by the Town in reviewing and administering an application for a Solar Farm under this Article.
- (16) Waiver. The Planning Board may, under appropriate circumstances, waive one or more of the submission requirements contained herein.

SECTION 5. SEVERABILITY.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

SECTION 6. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.

The question of the foregoing Resolution was duly put to a vote and, upon roll call, the vote was as follows:

Ken Mosley	Supervisor	Voted	Yes
Richard Colesante	Councilor	Voted	Yes
John Metzger	Councilor	Voted	Yes
Tom Moran	Councilor	Voted	Yes

Frank Tomaino

Councilor

Absent

The foregoing Resolution was thereupon declared duly adopted.

DATED: October 15, 2019

ADJOURN:

At 7:18 pm with no one in attendance, and no additional comments, Mr. Colesante made the motion to close the public hearing on the proposed Solar Law I-2019, seconded by Mr. Metzger.

Carried: Moran – Yes Colesante – Yes Metzger – Yes Mosley - Yes