

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

of Altona

Town

Village

Local Law No. 1 of the year 2021

A local law entitled, "Town of Altona, Solar Energy Local Law".
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County

City

of Altona

as follows:

Town

Village

See the text of the Town of Altona Solar Energy Local Law attached hereto
and made a part hereof.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certificate in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2021 of the ~~(County)~~(City)(Town)(Village) of Altona was duly passed by the _____ on _____ 2021, in accordance with the applicable *(Name of Legislative body)* provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved) *(Name of Legislative Body)* (not approved) (repassed after disapproval) by the _____ and was deemed *(Elective Chief Executive Officer*)* duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designate as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20____, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriated certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is correct transcript there from and the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Nicole Baskley
Clerk of the county legislative body, City, Town or Village Clerk or officer
Designated by local legislative body

(Seal)

Date: 12.13.21

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF CLINTON

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.

Joseph Lavorando
Signature

Joseph Lavorando, Town Attorney
Title

County
City
of Altona
Town
Village

Date: December 13, 2021

Town of Altona

Solar Energy Local Law

1. Authority

This Solar Energy Local Law is adopted pursuant to sections 261-263 of the Town Law and section 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt land use provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Town law of New York State, “To make provision, for so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefore.”

2. Statement of Purpose

This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of Town of Altona residents by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives.

- 1) To mitigate the potential impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, open spaces, wildlife, and other protected resources, and;
- 2) To identify the ideal locations for solar energy development and to avoid conflict with other land use goals, regulations, and long-term plans; and
- 3) To allow for well planned development of a safe, abundant, renewable, and non-polluting energy resource;
- 4) To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses; and
- 5) To increase employment and business development in the Town, to the extent reasonably practical, by providing a defined framework for review of Solar Energy Systems projects;

3. Definitions

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

FARMLAND OF STATEWIDE IMPORTANCE: Land, designated as “Farmland of Statewide Importance” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil

Survey that is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law.

GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity for onsite or offsite consumption.

NATIVE PERENNIAL VEGETATION: native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

POLLINATOR: bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

PRIME FARMLAND: Land, designed as “Prime Farmland” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey that has the best combination of physical and chemical characteristics of producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

PUBLIC ENVIRONMENTAL BENEFIT: An investment, improvement, program, contribution, project, or other action taken by a tier 3 solar energy developer that contributes to greenhouse gas reduction, energy efficiency, multimodal transportation, ecological diversity, or habitat preservation as determined by the Planning Board.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

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

SOLAR ENERGY EQUIPMENT: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection

equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows.

A. Tier 1 Solar Energy Systems include the following:

a. Roof-Mounted Solar Energy Systems

b. Building-Integrated Solar Energy Systems

B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to 25 kW AC and that generate no more than 110% of the electricity consumed on the site over the previous 12 months.

C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electricity.

STORAGE BATTERY: A device that stores energy and makes it available in an electrical form.

4. Applicability

- A. The requirements of this Local Law shall apply to all Solar Energy Systems permitted, installed, or modified in the Town of Altona after the effective date of this Local Law, excluding general maintenance and repair.
- B. Solar Energy Systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
- C. Modifications to the existing Solar Energy System that increase the Solar Energy System area by more than 5% of the original area of the Solar Energy System (exclusive of moving any fencing) shall be subject to this Local Law.
- D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code, the NYS Energy Conservation Code, and the town of Altona code.

5. General Requirements

- A. A Building permit shall be required for installation of all Solar Energy Systems.
- B. Local land use boards are encouraged to condition their approval of proposed developments in sites adjacent to Solar Energy Systems so as to protect their access to sufficient sunlight to remain economically feasible over time.
- C. Issuance of permits and approvals by Review Board shall include review pursuant to the State Environmental Quality Review Act (SEQRA)

6. Permitting Requirements for Tier 1 Solar Energy Systems

All tier 1 Solar Energy Systems shall be permitted in all zoning districts and shall be exempt from side plan review under the local zoning code or other land use regulations, subject to the following conditions for each type of Solar Energy Systems:

A. Roof-Mounted Solar Energy Systems

- 1) Roof-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements:
 - a. Solar Panels on pitched roofs shall be mounted with a maximum distance 8 inches between the roof surface and the highest edge of the system.
 - b. Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
 - c. Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 - d. Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.
- 2) Glare: All Solar Panels shall have anti-reflective coating.
- 3) Height: All Roof-Mounted Solar Energy Systems shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district.

- B.** Building-integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.
- C.** Modifications to an existing Solar Energy System that increases the Solar Energy area by more than 5% of the original area of the Solar Energy System (exclusive of moving any fencing) shall be subject to this Local Law.
- D.** All Solar Energy Systems shall be designed, erected, and installed in accordance with all the applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code (“Building Code”), the NYS Energy conservation code, and the Town code.

7. Permitting Requirements for Tier 2 Solar Energy Systems

All tier 2 Solar Energy Systems shall be permitted in all zoning districts as accessory structures and shall be exempt from site plan review under the local zoning code or other land use regulations, subject to the following conditions:

- A. Glare: All Solar Panels shall have anti-reflective coating(s).
- B. Setbacks: Tier 2 Solar Energy Systems shall be subject to the setback regulations specified for the accessory structures within the underlying zoning district. All Ground-Mounted Solar Energy Systems shall only be installed in the side or rear yards in residential districts.
- C. Height: Tier 2 Solar Energy Systems shall be subject to the height limitations specified for accessory structures within the underlying zoning district.
- D. Screening and Visibility.
 - 1) All Tier 2 Solar Energy Systems shall have views minimized for adjacent properties to the extent reasonably practicable.
 - 2) Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of view from surrounding properties and shading of property to the north, while still providing adequate solar access.
- E. Lot Size: Tier 2 Solar Energy Systems shall comply with the existing lot size requirement specified for accessory structures within the underlying zoning district.

8. Permitting requirements for Tier 3 Solar Energy Systems

All Tier 3 Solar Energy Systems are subject to Site Plan/Special Use Permit review and are permitted only through the issuance of a Special Use Permit within the zoning districts where such use is allowed, and subject to site plan/special use permit application requirements set forth in this Section.

Applications for the installation of Tier 3 Solar Energy System shall be reviewed in accordance with the procedures specified by the Town Zoning Law, concerning applications for special use permits currently in effect, or as amended in the future. In addition to the requirements set forth by the Town Zoning Law, the following additional requirements shall apply.

- A. Underground Requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.
- B. Vehicular Paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.
- C. Signage.
 - 1) No signage or graphic content shall be displayed on the Solar Energy Systems except the manufacture's name, equipment specification information, safety information, and 24-hour emergency contact information. Said signage must comply with the Town of Altona regulations for signs in the underlying district.
 - 2) As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A

clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

- D. Glare. All Solar Panels shall have anti-reflective coating(s).
- E. Lighting. Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall comply with the Town's Zoning Law lighting regulations for the underlying district:
- F. Tree-cutting. Removal of existing trees larger than 6 inches in diameter should be minimized to the greatest extent possible.
- G. Decommissioning.
 - 1) Solar Energy Systems that have been abandoned and/or not producing electricity for a period of 1 year shall be removed at the Owner's and/or Operator's expense, which at the Owner's option may come from any security provided to Town as set forth in Section 6. Subdivision G. (3) herein.
 - 2) A decommissioning plan, signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant, addressing the following:
 - a. The cost of removing the Solar Energy System.
 - b. The party responsible for the decommissioning and removal of the Solar Energy System and ancillary structures.
 - c. The time required to decommission and remove the Solar Energy System and ancillary structures.
 - d. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.
 - 3) Security.
 - a. The deposit, executions, or filing with the Town Clerk of cash, bond, or other form of security reasonably acceptable to the Town attorney and/or engineer, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the property with an escalator of 2% annually of the life of the Solar Energy System.
 - b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.
 - c. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in Section 6, Subsection G. herein.

H. Special Use Permit Standards.

- 1) Lot size-the property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements of the underlying zoning district.
- 2) Setbacks-The Tier 3 Solar Energy Systems shall comply with the setback requirements of the underlying zoning district for principal structures.
- 3) Height- The Tier 3 Solar Energy Systems shall comply with the building height limitations for principal structures of the underlying zoning district.
- 4) Lot coverage- The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:
 - i. Foundation systems, typically consisting of driven piles of monopoles or helical screws with or without small concrete collars.
 - ii. All mechanical equipment of the Solar Energy System, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.
 - iii. Paved access roads servicing the Solar Energy System.
 - iv. Lot coverage of the Solar Energy System, as defined above, shall not exceed the maximum lot coverage requirement of the underlying zoning district.
- 5) Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a fence, as required by NEC, with a self-locking gate to prevent unauthorized access. The fencing shall be compliant with Town Zoning Local Law Regulations for the underlying district.
- 6) Screening and Visibility.
 - a. Tier 3 Solar Energy Systems shall be required to:
 - i. Conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example, a digital view-shed report, may be required to be submitted by the applicant.
 - ii. Submit a screening & landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practical from public roadways, and adjacent properties to the extent feasible.
 - iii. The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system.
- 7) Public Environmental Benefit.

- a. Tier 3 Solar Energy Systems shall be required to construct, install, develop, or contribute to a public benefit project withing the Town that contributes to greenhouse gas reduction, energy efficiency, multimodal transportation, ecological diversity or habitat preservation including but not limited to:
 - i. Publicly located Electric Vehicle (EV) charging stations
 - ii. Walking Trail
 - iii. Purchase and dedication of ecologically significant land to the Town
 - iv. Recreational Field improvements
 - v. Public park improvements
 - vi. Urban tree planting/greenery

The Public Environmental Benefit contribution shall be equal to 1% of the fair market value of the completed project.

- 8) Agricultural Resources. For projects located on agricultural lands:
 - a. Any Tier 3 Solar Energy System located on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed 50% of the area of Prime Farmland or Farmland of Statewide Importance on the parcel.
 - b. To the maximum extent practicable, Tier 3 Solar Energy Systems located on Prime Farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
 - c. Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.
- 9) Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit and conditions of Planning Board approval shall remain in effect.

7. Safety

A. Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.

B. Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable

to the local fire department and, if the Tier 3 Solar Energy is located in an ambulance district, the local ambulance corps.

C. if Storage Batteries are included as part of the Solar Energy System, they shall meet the requirements of any applicable 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 federal, state, or county laws or regulations.

8. Permit Time Frame and Abandonment

- A. The Special Use Permit and site plan approval for a Solar Energy System shall be valid for a period of 12 months, provided that a building permit is issued for construction or construction is commenced. In the event construction is not completed in accordance with the final site plan approved by the Planning Board within 12 months after approval, the applicant may request to extend the time to complete construction for 180 days. The extension is subject to approval by the Town Planning Board. If the owner and/or operator fails to perform substantial construction after 24 months, the approvals shall expire.
- B. Upon cessation of electricity generation of a Solar Energy System on a continuous basis for 12 months, the Town may notify and instruct the owner and/or operator of the Solar Energy System to implement the decommission plan. The decommission plan must be completed within 60 days of notification.
- C. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the bond and/or security for removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan.

9. Enforcement

Any violation of this Solar Energy Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town.

10. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in full force and effect.

Appendix 1: Lot Size Requirements

The following table displays the size requirements of the lot for Ground-Mounted Solar Energy Systems to be permitted.

Table 1: Lot Size Requirements

Zoning District	Tier 3 Solar Energy Systems
Residential Low Density	> 2 acres
Residential High Density	-
Commercial / Business	> 5 acres
Light Industrial	N/A
Heavy Industrial	N/A
Agricultural/ Residential	>: 5 acres

Key:

-:Not Allowed

N/A Not Applicable

Appendix 2: Parcel Line Setbacks

The following table provides parcel line setback requirements for Ground-Mounted Solar Energy Systems. Fencing, access roads and landscaping may occur within the setback .

Tobie 2: Parcel line Setback Requirements

Zoning District	Tier 3 Ground-Mounted		
	Front	Side	Rear
Residential Low Density	100'	100'	100'
Residential High Density	-	-	-
Commercial / Business	30'	15'	25'
Light Industrial	30'	15'	25'
Heavy Industrial	30'	15'	25'
Agricultural/ Residential	30'	15'	25'

Key:

- : Not Allowed

N/A Not Applicable

Appendix 3: Height Requirements

The following table displays height requirements for each type of Solar Energy Systems. The height of systems will be measured from the highest natural grade below each solar panel.

Table 3: Height Requirements

Zoning District	Tier 1 Roof-Mounted	Tier 2	Tier 3
Residential Low Density	2' above roof	10'	15'
Residential High Density	2' above roof	10'	-
Commercial/ Business	4' above roof	15'	20'
Light Industrial	4' above roof	15'	20'
Heavy Industrial	4' above roof	15'	20'
Agricultural/ Residential	2' above roof	15'	20'

Key:

-: Not Allowed

Appendix 4: Example Decommissioning Plan

Date: [Date]

Decommissioning Plan for [Solar Project Name].

located at: (Solar Project Address) Prepared and

Submitted by [Solar Developer Name], the owner of

[Solar Farm Name]

As required by [Town village/City], [Solar Developer Name] presents this decommissioning plan for [Solar Project Name] {the "Facility"} .

Decommissioning will occur as a result of any of the following conditions:

1. The land lease, if any, ends
2. The system does not produce power for [12] months
3. The system is damaged and will not be repaired or replaced

The owner of the Facility, as provided for in its lease with the landowner, shall restore the property to its condition as it existed before the Facility was installed, pursuant to which may include the following:

1. Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of 36 inches below the soil surface.
2. Removal of any solid and hazardous waste caused by the Facility in accordance with local, state, and federal waste disposal regulations.
3. Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain .

All said removal and decommissioning shall occur within (12] months of the Facility ceasing to produce power for sale. The owner of the Facility, currently [Solar Developer Name], is responsible for this decommissioning

Facility Owner Signature:

,Date: