

TOWN OF GLEN

LOCAL LAW No. 5 of 2022

BE IT ENACTED by the Town Board of the Town of Glen, in the County of Montgomery, as follows:

Section 1. Title

This local law shall be known as the “Solar Energy Facilities Law of the Town of Glen.”

Section 2. Authority

This Solar Energy Local Law is adopted pursuant to the Municipal Home Rule Law and the New York Town Law, which authorizes the Town to adopt laws and zoning provisions regulating uses that protect the health, safety and welfare of the Town.

This Law will repeal Local Law #2 of 2020, the Solar Energy Law in the Town of Glen, and replace that law with this law, Local Law No. 5 of 2022, the Solar Energy Facilities Law of the Town of Glen.

Section 3. Purpose and intent

The Town of Glen recognizes that solar energy is a clean, readily available, and renewable energy source. It further recognizes that energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated and connected to the grid.

The Town Board adopted a local law regulating solar projects in 2020, Local Law #2 of 2020. The Town Board, on the recommendation of the Planning Board, determined that the local law should be improved based on the experience that the Town has gained in reviewing solar projects since 2020 and based on changes in solar project design.

This section allows certain solar energy systems in the Town of Glen, while balancing the potential impacts on neighbors, preserving community character, and encouraging the installation of carefully sited solar energy systems.

The Town of Glen has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents, and its businesses. This section is intended to promote the effective and efficient use of solar energy resources; to encourage careful siting of solar energy systems to protect community character, environmentally sensitive areas and prime farmlands; to regulate placement, design, construction, and operation of such systems in a manner consistent with the Town of Glen Comprehensive Plan; to uphold the public health, safety, and welfare; and to ensure that such systems will not have a significant adverse impact on the environment or on aesthetic qualities and the character of the Town.

Section 4. Adopting the Solar Energy Facilities Law and Amending the Town of Glen

Land Use Management Law, Local law 5 of 2017. The Town of Glen Code is hereby amended as follows:

A. General design and siting requirements

The following general design and siting requirements shall apply to all types of solar facilities generating energy for on-site consumption.

1. All solar collectors and related equipment shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent properties or public roadways. A glare study shall be performed to demonstrate that the solar facilities will comply with this requirement.
2. All solar collectors and their associated support elements shall, at the time of installation, be designed according to generally accepted engineering practice to withstand heavy snow loads and wind pressures applied to exposed areas by wind from any direction and to minimize the migration of light or sound from the installation.
3. All solar collectors and their associated support elements shall have a non-reflective finish and neutral paint colors, using appropriate materials and textures to achieve visual harmony with the surrounding area.
4. Any on-site power lines shall be installed underground. In the event that such requirement is impossible or impracticable, the Planning Board shall have the discretionary authority to modify this requirement.
5. The location, size and intensity of the proposed project shall be in harmony with the orderly development of the district.
6. The character and appearance of the proposed project shall be in general harmony with the character and appearance of the surrounding neighborhood.
7. All areas of the proposed project shall be readily accessible for fire, emergency services and police protection.
8. Any permit or approval under this law shall be valid for a period of 24 months. The Planning Board shall have the discretionary authority to grant reasonable extensions of time to projects that cannot complete construction within the 24 month period.

B. Small-scale solar energy system (Permitted Use – Accessory Use)

1. Applicability

- a. The requirements of this section shall apply to all solar energy system and equipment installations modified or installed after the effective date of this section.
- b. Solar collector system installations for which a valid building permit has been properly issued shall not be required to meet the requirements of this section, as modified from the then-existing solar law in the Town of Glen, except in accordance with Subsection D, Safety.
- c. In addition to meeting all the requirements of the Town of Glen Land Use Management law, all solar collector systems shall be designed, installed and maintained in accordance with all applicable codes, regulations and industry

standards as referenced in the New York State Building Code, National Electric Code, New York State Energy Conservation Code, National Fire Protection Association Code, and the International Fire Code.

2. Permitting

a. Rooftop and flush-mounted systems for solar facilities generating energy.

- i. The following general design and siting requirements shall apply to rooftop and flush-mounted solar facilities generating energy for on-site consumption.
- ii. Rooftop and flush-mounted systems are permitted, as an accessory use or structure, as of right in all zoning districts in the Town of Glen.
- iii. Building permits shall be required for installation of all rooftop and flush-mounted solar systems.
- iv. Solar panels on pitched roofs shall be mounted with a maximum distance of eight (8) inches between the roof surface and the highest edge of the system.
- v. Solar panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
- vi. Solar panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
- vii. In no event shall solar collectors mounted on buildings be higher than five feet above the level of the permitted building height as set forth in the Town of Glen Code, Land Use Management Ordinance. The rooftop units must be three (3) feet from any chimney, shall not extend more than three (3) feet from the surface of the angle of the roof, and shall not be permitted on any roof overhangs. Solar panels on flat roofs shall not extend above the top of the surrounding parapet, or more than twenty-four (24) inches above the flat surface of the roof, whichever is higher.
- viii. Rooftop and flush-mounted solar energy systems are permitted on all principal structures and on all accessory structures that meet the principal structure setbacks as required in each zoning district. Such solar energy systems shall be designed according to NYS Building Code to withstand wind and heavy snow loads. Appropriate access points required to maintain the solar panels and solar equipment in proper working order shall be incorporated in all plans for installation of rooftop and flush mounted solar energy systems.
- ix. Rooftop and flush-mounted solar energy systems must be properly engineered so they can be adequately and safely supported by the roofs and structures upon which they are to be affixed. The roof structure shall be strong enough to support the additional weight of the solar units as per applicable residential, building, electrical and fire codes.
- x. Rooftop and flush-mounted solar energy systems shall be designed at the scale required to generate power for the reasonably projected on-site consumption by owners, lessees, tenants, residents, or other occupants of the parcel on which they are erected and the business or farms operated in conjunction with those parcels.
- xi. To ensure the safety of firefighters and other emergency responders, except in the case when solar panels are installed on an accessory structure less than 1,000 square feet in area, there shall be a minimum perimeter area around the

edge of the roof and pathways to provide space on the roof for walking around all solar collectors and panels.

b. Ground-mounted and freestanding systems for solar facilities generating energy.

- i. The following general design and siting requirements shall apply to ground-mounted and freestanding systems for solar facilities generating energy for on-site consumption.
- ii. Are permitted as an accessory structure in all zoning districts, in the Town of Glen, subject to site plan approval by the Planning Board and the issuance of a building permit by the Town Code Enforcement Officer.
- iii. Farms that generate electricity through a Solar Energy System for on-site consumption are subject to site plan review or special use permit requirements only as permitted by Section 305-a of the New York State Agricultural & Markets Law.
- iv. Ground-mounted or freestanding solar energy systems shall not be located in areas of potential environmental sensitivity, such as flood plains, historic sites, airports, state-owned lands, conservation easements, trails, parkland, and wetlands as identified by the New York State Department of Environmental Conservation or the United States Army Corps of Engineers.
- v. No Ground-mounted and freestanding solar collector is allowed in the required front yard setback except where the lot width and road frontage is greater than the depth, and where it is not feasible to meet all setbacks to place ground-mounted solar panels in the rear; ground-mounted solar panels may be allowed in the front yard setback placed to the side of the principal structure. No ground-mounted solar panels may be placed directly in front of the home or principal structure.
- vi. All ground-mounted racks and freestanding solar collectors shall have a maximum height of 20 feet from ground elevation, when oriented at maximum tilt.
- vii. All ground-mounted racks and freestanding solar collectors shall comply with the setback requirements for a principal structure found in Glen Code, Land Use Management, Article V, Area and Height Regulations, Lots, Yards and Buildings. Setbacks must be met on the land owned or leased by the Applicant.
- viii. Solar collectors and energy equipment shall be located in a manner that reasonably minimizes shading of adjacent property and blockage for surrounding properties while still providing adequate solar access for collectors.
- ix. Views of solar collectors and energy equipment shall be minimal from both adjacent properties and public roadways with all such views screened to the maximum extent practicable. The applicant is required to demonstrate how views of the solar collectors and energy equipment will be properly screened.
- x. In the Agricultural and Residential districts, a lot must have a minimum size of two acres in order for a ground-mounted or freestanding solar system to be permitted.
- xi. The total surface areas of all ground-mounted and freestanding solar

collectors shall not exceed more than 90% of the amount of projected on-site energy demand.

- xii. Stormwater – A Stormwater Pollution Prevention Plan must be prepared in compliance with the General Stormwater Permits issued by the New York State Department of Environmental Conservation.

3. Safety

- a. All solar energy systems, solar collectors and requisite signage shall be designed to be installed in conformance with applicable New York Uniform Fire Prevention and Building Code Standards.
- b. Prior to operation, electrical connections must be inspected by the Town of Glen Code Enforcement Officer and a certified third-party electrical inspection person or agency, as determined by the Town.
- c. If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the solar collector owner shall remove the collector, mount and all associated equipment by no later than 90 days after the end of the twelve-month period.
- d. Glare and heat: The applicant shall demonstrate that any glare or heat produced does not have a significant adverse impact on neighboring properties or roadways.

Section 5. Large Scale (Utility) solar energy system, (Special Permitted Uses – Public or Private Utility Facility with or without a building)

- 1. Large scale (utility) solar energy systems are prohibited in the Hamlet District. Large scale (utility) solar energy systems are allowed in the Rural Residential, Industrial and Commercial Districts upon site plan review and approval and the issuance of a special use permit by the Town Planning Board.
- 2. Bulk and area requirements: the following dimensional requirements shall apply to all utility- scale solar collector systems
 - a. Height
 - i. All solar collectors shall have a maximum height of 20 feet from ground elevation with the panels at maximum tilt.
 - ii. All buildings and accessory structures associated with the utility-scale solar collector system shall have a maximum height of 20 feet, excluding overhead transmission and sub-station components.
 - b. Setback
 - i. The following table provides parcel line setback requirements for Large Scale (Utility) solar energy systems.
 - ii. Fencing, access roads, stormwater measures, electrical wiring and conduit (both above and below ground) and landscaping may occur within the setback. The perimeter fencing shall be at least 7 feet high and shall allow for the movement of small wildlife by using fixed-knot woven wire or other wildlife-friendly fencing. Fencing for electrical and mechanical equipment, shall be at least seven feet high, as required by the National Electrical Code.

- iii. The setbacks for wetlands, ponds, and streams are 100 feet except where streams and or wetlands may need to be crossed by access roads or underground or above ground utilities (100 feet)
- iv. Lots owned by Participating Neighbors are considered a single lot for the purposes of the setbacks.

Zoning District	Front	Side	Rear
Rural Residential	500'	500'	500'
Industrial	50'	25'	25'
Commercial	50'	25'	25'
Hamlet	Not Allowed	Not Allowed	Not Allowed

c. Lot coverage

- a. See Lot Coverage for solar only definition. The same Maximum Lot Coverage for Public or Private Utility Facility without buildings (20%) shall apply. By way of example, lot coverage would be calculated as follows:
 - o Each Panel = 89.96in Long by 44.61in Wide
 - o 89.96in @ 25deg mounting angle = 81.53in
 - o 81.53 in x 44.61in = 3637in sq = 25.26 SF
 - o 25.26 SF x 12,688 modules = 320,499 SF = 7.357 Acres
 - o 7.357 Acres / 47.658 acres = 15.44%

- 3. Tree removal shall be minimized and replanting, to the extent practicable, at the discretion of the Planning Board, should be considered on parcels where a large number of mature trees (over six inches diameter at breast height) are being removed in order to install solar arrays.
- 4. Agricultural Resources- for projects located on agricultural lands and in accordance with the Comprehensive Plan, the Town of Glen does not support conversion of productive farmland to support grid-supply facilities. When proposed on an active farm located within the NYS Certified Agricultural District in Glen, a utility-scale solar energy system may occupy up to 20% of any farmed parcel but in no case shall exceed 10 acres. Arrays shall be located on a parcel in such a manner as to avoid, to the maximum extent feasible, soils classified as prime farmland by the USDA, NYS, or NRCS.
- 5. Large Scale (Utility) solar energy systems are prohibited in areas as follows:
 - a. Land that has slope greater than 15%;
 - b. Wetlands, streams and ponds with a 100 feet setback. The Planning Board has the discretion, however, to allow applicants to cross the resources and their setbacks with access roads or underground or above ground utilities;
 - c. Clear cutting of more than 9 acres of trees that are six inches diameter at breast height.
- 6. Site plan - All large scale (utility) solar energy systems shall apply for a special use permit and provide a site plan for site plan review in accordance with the Glen Code, Land Use Management, Article IV, Site Plan Approval and Special Permits. A full SEQRA EAF Part 1 shall also be submitted. In addition to the requirements imposed by the Glen Land Use Management Ordinance for such applications, a site plan for a Large Scale Utility System shall also include the following information:

- a. Property lines and physical features - including roads, for the project site;
- b. Proposed changes - to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, laydown area for materials and equipment and screening vegetation or structures;
- c. Preliminary Equipment Specification – a sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a building permit;
- d. Installer Contact Information – Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. Such information of the final system installer shall be submitted prior to the issuance of a building permit;
- e. Applicant Contact Information – Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the Solar Energy System;
- f. Zoning Designation – Showing on the plans the zoning district or districts for the parcel of land comprising the project site;
- g. Erosion and Sediment Control Plans – Prepared to the New York State Department of Environmental Conservation standards for construction and operation of facilities which may result in the discharge of stormwater—all large scale (utility) solar energy systems must submit a full Stormwater Pollution Prevention Plan;
- h. Electrical Diagrams - a one- or three-line electrical diagram detailing the System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical compliant disconnects and over current devices;
- i. Property Operation and Maintenance Plan – The plan will describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming, as well as long term maintenance of any vegetation screening views into the Project; and
- j. Final Approval – Prior to the issuance of the building permit by the Town Planning Board engineering documents must be signed and sealed by a New York State Licensed Professional Engineer or New York State Registered Architect.
- k. Signage - All signage shall be provided as part of site plan review and shall be in accordance with the Glen Code, Land Use Management, Article VII, Supplementary Regulations, Section 7.07 Signs.
- l. All approved large scale (utility) solar energy systems shall have clear signage as to who owns the site. Information on the sign must include owner name, address and phone contact, site GPS, and site address. The sign shall also indicate the party responsible for site maintenance and any other entities that may own parts of the complex, including but not limited to, transmission lines to the grid, fences, solar panels, and roadways. Contact information shall be updated each time a change in ownership or name occurs. Signage shall be posted in a prominent location at the property defined by the tax map parcel and shall be equal to or

greater than 3'x3' to ensure easy readability from a distance. Signs may also be placed along major roads for the purpose of notification. Each property defined by the tax map shall have a sign, regardless of whether or not they are the same project. A photograph of each sign posted must be filed with the Town Clerk who will post the photographs on the Town website.

7. Visual

- a. Large Scale (Utility) solar energy systems shall be sited, to the maximum extent practicable, to ensure that the solar array is not visible to surrounding non-participating property owners or those who pass by the array on public rights of way. Solar facilities, including any proposed off-site infrastructure, shall be located & screened to avoid or minimize visual impacts as viewed from:
 - o Publicly dedicated parkland, roads, highways and rights of way (e.g. rail trails and public hiking paths)
 - o Existing non-participating residential dwellings located on adjacent or contiguous parcels, including those on the opposite side of any public rights of way.
 - b. A visual assessment report with simulated views of the post construction conditions, including the proposed landscaping plan, shall be submitted to the Planning Board. The visual assessment will use computer modeling and photography showing existing conditions to thoroughly assess the visibility of the solar array from key viewpoints which will be identified by the Planning Board, taking into account existing tree lines, surrounding topography, and proposed elevations. The visual assessment report shall be completed in accordance with the NYSDEC guidance on visual impact assessment pursuant to SEQRA.
 - c. A complete Landscaping and Maintenance Plan will be required. Landscaping, screening and/or earth berming must be proposed to minimize the potential visual impacts associated with the utility-scale solar collector systems and its accessory buildings, structures and/or equipment. All landscaping, screening and/or earth berming must be maintained throughout the life of the project. Financial Security, in an amount and length of time as determined by the Planning Board, will be required to ensure that any measures designed to minimize views, such as landscaping and/or earth berming, are established and remain effective throughout the life of the project.
8. All associated structures shall be screened, placed underground, depressed, earth bermed or sited below the ridgeline to the greatest extent feasible, particularly in areas of high visibility. To the greatest extent possible, all such solar facilities will not be sited in areas of high visibility.
9. Lighting - A lighting plan shall be required. No large scale (utility) energy systems shall be artificially lit unless otherwise required by a federal or State laws or regulations. Exterior lighting may be approved at the discretion of the Planning Board only where the Planning Board determines such lighting is appropriate for safety and security purposes.
10. Utilities - The applicant shall provide written confirmation that the electric grid has the capacity to support the energy generated from the large scale (utility) solar energy system. Electrical and land-based telephone utilities extended to serve the site shall be

underground. It is the Town's strong preference that any interconnection points also be underground to the maximum extent possible and that only the minimum necessary number of aboveground poles be used for utility distribution interconnection points. The interconnection agreement must be provided as part of the application to the Planning Board.

11. Access - The applicant shall indicate on a site plan all existing and proposed access to the site, including road, electric power, emergency access, land-based telephone line connection, and other utilities existing and proposed within the property boundaries of the proposed location. Existing roadways shall be used for access to the site whenever possible and determined acceptable by the Planning Board through site plan review.
12. Glare and heat - The applicant shall demonstrate that any glare or heat to be produced by the solar project does not have a significant adverse impact on neighboring properties or roadways by providing a glare analysis that is acceptable to the Planning Board.
13. Ownership - If the property of the proposed project is to be leased or otherwise operated by other than the landowner, legal consent among all parties, specifying the use(s) of the land for the duration of the project including easements and other agreements, shall be submitted. Financial data including, option and rental payments, may be redacted from this submittal. All agreements with landowners who are not also project owners must provide that the landowners consent to the implementation of the decommissioning plan at the end of the Project and agree to continue to provide access to the Owner for such purposes or to the relevant governmental entity and its contractors for such decommissioning.
14. Security provisions- Each site shall have a minimum of a seven (7) foot security fence to prevent unauthorized access and vandalism to the utility-scale solar collectors and a security program for the site as approved by the Planning Board during site plan and special use permit review.
15. Noise - Noise-producing equipment shall be sited and/or insulated to minimize noise impacts on adjacent properties as approved by the Planning Board during site plan review. Noise impacts shall be evaluated in accordance with the policy of the NYSDEC on noise assessment pursuant to SEQRA.
16. Waste or materials to be recycled generated during construction should be contained in a covered dumpster and must be removed within 30 days of the generation of the waste or materials to be recycled.
 - i. Insurance- Applicant must require each contractor to have Workers Compensation insurance in the amount required by NYS at the time of the construction and general liability insurance in the amount of 2 million dollars. The Town must be named as an additional insured entity on the certificate of insurance at the Applicant's expense.
17. Erosion - Solar field developer(s), owner(s) and/or leaser of utility scale solar projects are responsible for erosion caused by the placement of the solar arrays, all other equipment and the associated drainage system. Solar field developer(s)/owner(s) and/or leaser are responsible for mitigation and repair associated with said erosion on the leased property/parcels and any surrounding properties/parcels caused by the solar project. All applicants shall prepare and submit for review to the Planning Board a stormwater pollution prevention plan that meets the requirements of the NYSDEC as set forth in the SPDES

general stormwater permit then in effect for discharges associated with construction.

18. After completion of a utility-scale solar energy system, the application shall provide a post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans. The applicant shall further provide certification from the utility that the facility has been inspected and connected.
19. Inspection- Each site must be inspected twice a year by the applicant or lessee, and a written report must be provided to the Town Clerk of Glen and the Town Code Enforcement Officer within 30 days of the date of the inspection. The format of the written report will be submitted by the Applicant and reviewed by the Planning Board during site plan/special use permit review.
20. Annual Report – On a yearly basis, the Large-Scale Solar Energy System owner shall provide the Town a report showing the rated capacity of the system and the amount of electricity that was generated by the system and transmitted to the grid. The report shall also identify any change in ownership of the System and shall be submitted no later than 30 days after the end of the calendar year.
21. Decommissioning- The following requirements shall be met for decommissioning:
 - i. Solar facilities and solar power plants which have not been in active and continuous service for a period of 12 consecutive months shall be removed by the owner or operator of the Solar Project at their expense and the site restored to pre-construction conditions or better. If the owner, operator or landowner refuses to commence or to complete decommissioning within 9 months after being provided notice in writing by the Town of Glen the Town Board of the Town of Glen shall have the option to use the decommissioning bond to remove the equipment in accordance with the decommissioning plan. The Town is not required to do so and may exercise its discretion to implement all or part of the decommissioning plan depending upon the availability of sufficient funds through the bond or other financial security provided by the owner or operator for decommissioning purposes.
 - ii. The site shall be restored to as natural a condition as possible within 12 months of removal. Any disturbed area must be reseeded and all footings, concrete bases, underground/buried utilities and roadways must be removed and the property restored to preconstruction condition. Notwithstanding, the property owner may ask the Planning Board for permission to retain the roadways on the site if they have a use for the roadways.
21. Removal of obsolete/unused facilities. Required sureties for construction, maintenance and removal of utility-scaled solar collector systems.
 - a. Decommissioning Cost Estimate
 - o The applicant or lessee must provide a Decommissioning Cost Estimate prepared by a N.Y.S. Licensed Engineer as part of the Planning Board review of the project. Prior to the issuance of the building permits, the amount shall be revalidated and the terms and conditions shall be agreed upon by Town Board, Town designated Attorney and the applicant/lessee. No building permit shall be issued until the approved Decommissioning Plan is in place and financial security has been granted to the Town in

underground. It is the Town's strong preference that any interconnection points also be underground to the maximum extent possible and that only the minimum necessary number of aboveground poles be used for utility distribution interconnection points. The interconnection agreement must be provided as part of the application to the Planning Board.

11. Access - The applicant shall indicate on a site plan all existing and proposed access to the site, including road, electric power, emergency access, land-based telephone line connection, and other utilities existing and proposed within the property boundaries of the proposed location. Existing roadways shall be used for access to the site whenever possible and determined acceptable by the Planning Board through site plan review.
12. Glare and heat - The applicant shall demonstrate that any glare or heat to be produced by the solar project does not have a significant adverse impact on neighboring properties or roadways by providing a glare analysis that is acceptable to the Planning Board.
13. Ownership - If the property of the proposed project is to be leased or otherwise operated by other than the landowner, legal consent among all parties, specifying the use(s) of the land for the duration of the project including easements and other agreements, shall be submitted. Financial data including, option and rental payments, may be redacted from this submittal. All agreements with landowners who are not also project owners must provide that the landowners consent to the implementation of the decommissioning plan at the end of the Project and agree to continue to provide access to the Owner for such purposes or to the relevant governmental entity and its contractors for such decommissioning.
14. Security provisions- Each site shall have a minimum of a seven (7) foot security fence to prevent unauthorized access and vandalism to the utility-scale solar collectors and a security program for the site as approved by the Planning Board during site plan and special use permit review.
15. Noise - Noise-producing equipment shall be sited and/or insulated to minimize noise impacts on adjacent properties as approved by the Planning Board during site plan review. Noise impacts shall be evaluated in accordance with the policy of the NYSDEC on noise assessment pursuant to SEQRA.
16. Waste or materials to be recycled generated during construction should be contained in a covered dumpster and must be removed within 30 days of the generation of the waste or materials to be recycled.
 - i. Insurance- Applicant must require each contractor to have Workers Compensation insurance in the amount required by NYS at the time of the construction and general liability insurance in the amount of 2 million dollars. The Town must be named as an additional insured entity on the certificate of insurance at the Applicant's expense.
17. Erosion - Solar field developer(s), owner(s) and/or leaser of utility scale solar projects are responsible for erosion caused by the placement of the solar arrays, all other equipment and the associated drainage system. Solar field developer(s)/owner(s) and/or leaser are responsible for mitigation and repair associated with said erosion on the leased property/parcels and any surrounding properties/parcels caused by the solar project. All applicants shall prepare and submit for review to the Planning Board a stormwater pollution prevention plan that meets the requirements of the NYSDEC as set forth in the SPDES

general stormwater permit then in effect for discharges associated with construction.

18. After completion of a utility-scale solar energy system, the application shall provide a post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans. The applicant shall further provide certification from the utility that the facility has been inspected and connected.

19. Inspection- Each site must be inspected twice a year by the applicant or lessee, and a written report must be provided to the Town Clerk of Glen and the Town Code Enforcement Officer within 30 days of the date of the inspection. The format of the written report will be submitted by the Applicant and reviewed by the Planning Board during site plan/special use permit review.

20. Annual Report – On a yearly basis, the Large-Scale Solar Energy System owner shall provide the Town a report showing the rated capacity of the system and the amount of electricity that was generated by the system and transmitted to the grid. The report shall also identify any change in ownership of the System and shall be submitted no later than 30 days after the end of the calendar year.

21. Decommissioning- The following requirements shall be met for decommissioning:

i. Solar facilities and solar power plants which have not been in active and continuous service for a period of 12 consecutive months shall be removed by the owner or operator of the Solar Project at their expense and the site restored to pre-construction conditions or better. If the owner, operator or landowner refuses to commence or to complete decommissioning within 9 months after being provided notice in writing by the Town of Glen the Town Board of the Town of Glen shall have the option to use the decommissioning bond to remove the equipment in accordance with the decommissioning plan. The Town is not required to do so and may exercise its discretion to implement all or part of the decommissioning plan depending upon the availability of sufficient funds through the bond or other financial security provided by the owner or operator for decommissioning purposes.

ii. The site shall be restored to as natural a condition as possible within 12 months of removal. Any disturbed area must be reseeded and all footings, concrete bases, underground/buried utilities and roadways must be removed and the property restored to preconstruction condition. Notwithstanding, the property owner may ask the Planning Board for permission to retain the roadways on the site if they have a use for the roadways.

21. Removal of obsolete/unused facilities. Required sureties for construction, maintenance and removal of utility-scaled solar collector systems.

a. Decommissioning Cost Estimate

o The applicant or lessee must provide a Decommissioning Cost Estimate prepared by a N.Y.S. Licensed Engineer as part of the Planning Board review of the project. Prior to the issuance of the building permits, the amount shall be revalidated and the terms and conditions shall be agreed upon by Town Board, Town designated Attorney and the applicant/lessee. No building permit shall be issued until the approved Decommissioning Plan is in place and financial security has been granted to the Town in

accordance with a Decommissioning Agreement between the Town Board and the Project Applicant.

b. Decommissioning Surety Bond

- o Prior to the start of construction, a surety bond to cover the full cost of the removal and disposal of the utility-scale solar collector system and any associated accessory structures shall be provided by the owner/operator. The owner/operator shall provide an updated Decommissioning Cost Estimate, accounting for anticipated rates of inflation, prepared by a Town designated N.Y.S. Licensed Engineer every five (5) years, and the surety bond shall be adjusted, if necessary, to reflect the then current decommissioning cost. Any such surety bond must be provided pursuant to a Decommissioning Agreement with the Town, approved by the Town Board and Town Attorney as to form, sufficiency and manner of execution. All surety bonds must not lapse before decommissioning is complete and must be provided by an A rated, or better, institution.
- o D. Building permit fees for solar panels

The fees for all building permits required pursuant to this Local Law shall be paid at the time each building permit application is submitted. The Applicant is responsible to pay all Town Designated Engineering Fees and Legal Fees incurred by the Town Board, Town Planning Board or Town Code Enforcement Officer in the review and approval of the project and in the satisfaction of any of the conditions of the project, as well as the evaluation of compliance with the Project approvals.

E. Prohibition of Battery Energy Storage Systems

1. Pursuant to this law, Battery Energy Storage Systems for Large Scale Solar Systems are not permitted in the Town.

F. Definitions

As used in this local law, the following terms shall have the meanings as indicated:

ACCESSORY STRUCTURE

A structure, the use of which is customarily incidental and subordinate to the principal building and is located on the same lot or premises as the principal building.

BATTERY ENERGY STORAGE SYSTEM

One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

BUILDING-INTEGRATED Solar Energy System

A solar energy system that consists of integrating photovoltaic modules into the building envelope system such as vertical facades including glass and other material, semi-transparent skylight systems, roofing materials, and shading over windows.

BUILDING-MOUNTED SOLAR COLLECTORS

An array of solar collectors mounted securely to racks attached to roof mounts, or integrated into

building materials such as roof tiles, siding, or windows of any legally permitted and / or constructed building or structure for the purpose of producing electricity.

BUILDING PERMIT GRANTING AUTHORITY

The Town of Glen Code Enforcement Officer is the authority authorized to grant building permits for the installation of alternative energy systems.

COLLECTIVE SOLAR

Solar installations owned collectively through subdivision homeowner associations, college student groups, or other similar arrangements.

CONVERSION OF PRODUCTIVE FARMLAND

The transformation of land that is currently used for farm production into land for Solar Energy System development.

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.

FLUSH MOUNTED SOLAR ENERGY SYSTEM

A rooftop-mounted solar energy system with solar panels which are installed flush to the surface of the roof and which cannot be angled or raised.

FREESTANDING OR GROUND-MOUNTED SOLAR COLLECTOR SYSTEM

A solar collector system that is directly installed on the ground and is not attached or affixed to an existing structure and used for the direct conversion of solar energy into electricity.

GLARE

The effect produced 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.

LARGE-SCALE SOLAR ENERGY SYSTEM

A Solar Energy generation facility, whether a ground-mounted and / or rooftop installation, principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, designed and intended to supply energy primarily into a utility grid for sale to the general public or to supply multiple users located off-site on which the energy system is located.

LOT COVERAGE-For Solar only

Solar panels are considered a disconnected impervious surface when water running off a panel is discharged to a pervious surface (e.g. turf, crop, perennial vegetation). Although the surface of solar panels is considered to be impervious, the solar panels as a whole qualify as disconnected impervious when a) there is pervious surface between each panel, and b) there is pervious surface beneath each panel. As rainfall drips off the solar panel's surface, some of it will infiltrate the pervious surfaces before it reaches an impervious surface such as a gravel path or road. Since Ground-Mounted Solar Energy Systems generally do not include much impervious surface, and since lot coverage requirements are designed, in large part, to reduce impervious surfaces and the run-off they create, this Solar Law measures lot coverage for a Ground-Mounted Solar Energy System by its actual impervious footprint, which results in a smaller measurement than the square footage of the solar panels.

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.

NET-METERING

A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

OFF-SITE CONSUMPTION

Energy generated primarily for the purpose of supplying energy into a utility grid for sale to the general public or to supply multiple users located off-site and not on the site on which the energy system is located

ON-SITE CONSUMPTION

Energy generated primarily for the purpose of providing power to the owners, lessees, tenants, residents, or other occupants of the parcel on which the solar energy systems are erected. Primarily is defined as the description of an amount of projected on-site energy demand not less than 90% of project energy generation.

PARTICIPATING NEIGHBORS

Adjacent landowners involved in the same large-scale (utility) solar project.

PHOTOVOLTAIC (PV) SOLAR ENERGY SYSTEMS

A solar energy system that produces electricity by the use of the semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

POLLINATOR

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

PRIME FARMLAND

Land, designated 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 for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses. Prime Farmland is defined by the U.S. Department of Agriculture as "land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods." 7 C.F.R. 657.5.

ROOFTOP OR BUILDING-MOUNTED SOLAR SYSTEM

A solar energy system in which solar panels are mounted on top of the structure of a roof of any legally permitted building either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle. This includes solar panels that are arranged to provide covered parking for vehicles.

SETBACK

The distance from a front lot line, side lot line, or rear lot line of a parcel within which a free standing or ground mounted solar energy system is installed. The setback commences at the edge of the fence line for the solar energy system. Landscaping, the access road, stormwater measures for the access road may be located within the setback area.

SEQRA

The New York State Environmental Quality Review Act and its implementing regulations in Title 6 of the New York Codes, Rules and Regulations, Part 617.

SMALL-SCALE SOLAR ENERGY SYSTEM-

A solar energy system that is designed and/or built to provide power for use by owners, lessees, tenants, residents, businesses or other occupants of the premises on which they are erected, i.e. on premises consumption of the power to be produced.

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 ARRAY

A group of multiple solar modules with purpose of harvesting solar energy.

SOLAR CELL

The smallest basic solar electric device which generates electricity when exposed to light.

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 EQUIPMENT

Electrical material, hardware, inverters, conduit, or other electrical and photovoltaic equipment, including tracking equipment to move the panels or equipment used to connect to the grid, associated with the production of electricity.

SOLAR ENERGY SYSTEM

A system of components and subcomponents intended for the collection, inversion, distribution of solar energy and the directly or indirectly generates thermal, chemical, electrical or other usable energy. This term includes Solar Panels and Solar Energy Equipment.

SOLAR, GROUND OR POLE-MOUNTED SOLAR ARRAY

Any solar collector, controls, solar energy device, heat exchanges or solar thermal energy system which is directly installed on the ground and not affixed to an existing structure.

SOLAR PANEL

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

SOLAR-THERMAL SYSTEMS

Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

STREAMS

Any protected stream or navigable water body identified by the NYSDEC pursuant to Article 15 of the Environmental Conservation Law or regulated by the USACE pursuant to the federal Clean Water Act.

WETLAND

Any jurisdictional or mapped Wetland identified by the NYSDEC pursuant to Article 24 of the Freshwater Wetlands Act or the USACE pursuant to the federal Clean Water Act.

G. Enforcement

1. Any violation of this Law shall be subject to the same enforcement provisions, including the civil and criminal penalties, provided for in the Land Use Management Ordinance of the Town of Glen.

2. If the owner of the site fails to comply with any conditions of the approval during construction or as part of the long-term maintenance of the site, all costs the Town incurs to enforce compliance with conditions of the approval shall be paid using the surety bond provided by the applicant. Failure to comply with the conditions of the approval or to maintain an acceptable level of surety will result in revocation of the special use permit and/or certificate of occupancy.

Section 6. 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.

Section 7. Effective Date

This law shall take effect after its adoption upon filing with the New York State Secretary of State.

I hereby certify that the local law annexed hereto, designated as Local Law No. 5 of 2022 of the Town of Glen was only passed by the Town Board on September, 12, 2022 in accordance with the applicable provisions of law.

(If any other authorized form of final adoption has been followed, please provide an appropriate 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 a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Date:

9/13/2022

Roxanne Douglass
TOWN CLERK

(Seal)

