

Solar Law, Town of Glen

Definitions

As used in this section, 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.

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEMS

A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or facade, and which does not alter the relief of the roof.

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, "adopt-a-solar-panel" programs, or other similar arrangements.

ENERGY STORAGE DEVICE

A device that stores energy from the sun or another source and makes it available for use.

FLUSH-MOUNTED SOLAR PANEL

Solar collector systems, panels, and tiles that are installed flush to the surface of a roof or wall of a principal and/or an accessory structure and which cannot be angled or raised for the direct conversion of solar energy into electricity.

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.

LOT COVERAGE

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 qualifies 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.

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.

PARTICIPATING NEIGHBORS

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

PHOTOVOLTAIC (PV) 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.

ROOFTOP OR BUILDING MOUNTED SOLAR COLLECTOR SYSTEM

A solar collector in which solar panels are mounted on top of a roof of a principal and/or an accessory structure as a flush-mounted system for the direct purpose of converting solar energy into electricity.

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.

SMALL-SCALE SOLAR COLLECTOR SYSTEM

A solar energy system that is designed and/or built to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected and is constructed for the sale of excess power through an arrangement in accordance with New York Public Service Law 66-j or similar state or federal law or regulation.

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/SYSTEM

Solar collectors, controls, energy devices, heat pumps, heat exchangers, and or other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

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 device for the direct conversion of solar energy into electricity.

SOLAR STORAGE BATTERY

A device that stores energy from the sun and makes it available in an electrical form.

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.

UTILITY-SCALE SOLAR COLLECTOR SYSTEM

A solar energy system that is designed and/or built to provide energy as an ongoing commercial enterprise, or for commercial profit, or designed to distribute energy generated to a transmission system for distribution to customers rather than for use on the site. A utility-scale solar use may include solar energy system equipment and uses, such as but not limited to supporting posts and frames, buildings and/or other structure(s), access drives, inverter equipment, wires, cables and other equipment for the purpose of supplying electrical energy produced from solar technologies, whether such use is a principal use, a part of the principal use, or an accessory use or structure.

Solar Energy Systems and Equipment

Purpose and intent

The purpose of these regulations is to balance the potential impact on neighbors where solar collectors may be installed near their property while preserving the rights of property owners to install solar collection systems without excess regulation. These regulations are not intended to override any New York State or Federal regulations.

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

A. Applicability

1. The requirements herein shall apply to all solar collector system installations modified or installed after the effective date of this section; with the exception of small portable units.
2. Solar collector system installations for which a valid building permit has been properly issued, or for which installation has commenced before the effective date of this section, shall not be required to meet the requirements of this section, except in accordance with Subsection D, Safety, found here in this section. Any modification, expansion or alteration to an existing solar collector system shall only be permitted in accordance with Small scale solar collector system section herein.
3. All solar collector systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Building Code.

B. Permitting

1. Rooftop and flush-mounted solar collectors are permitted outright in all zoning districts in the Town of Glen subject to the following conditions:
 - a. Building permits shall be required for installation of all rooftop and flush-mounted solar collectors.
 - b. Height limitations for structures found in Glen Code, Land Use Management, 87 Attachment 1-4.
 - c. Rooftop and flush-mounted solar collector systems are permitted on the following structures:
 1. All principal structures.
 11. All accessory structures that meet the principal structure setbacks as required in each zoning district, see Glen Code, Land Use Management 87 Attachment 1 - 4.
 - d. Rooftop units must be three (3) feet from any chimney and shall not be permitted on any roof overhangs.
 - e. Any solar collector system attached to a pitched roof shall not extend more than three (3) feet from the surface of the angle of the roof.
2. Ground-mounted racks and freestanding solar collectors are permitted as an accessory structure in all zoning districts, in the Town of Glen, subject to the following conditions which shall be processed and enforced by the Town Code Enforcement Officer:
 - a. Building permits shall be required for installation of all ground-mounted and

- freestanding solar collectors.
- b. All ground-mounted racks and freestanding solar collectors shall have a maximum height of 20 feet from ground elevation.
- c. All ground-mounted racks and freestanding solar collectors shall comply with the setback requirements for a principal structure found in Land Use Management, Article V, Area and Height Regulations, Lots, Yards and Buildings, Glen Code, 87 Attachment 1 - 4.
- d. 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.
- e. Freestanding solar energy collectors shall be screened when possible and practicable through the use of architectural features; earth berms, landscaping or other screening which will harmonize with the character of the property and surrounding area.

C. Safety

- 1. All solar energy systems, solar collectors and requisite signage shall be designed to be installed to be in conformance with the New York Uniform Fire Prevention and Building Code Standards that are applicable.
- 2. Prior to operation, electrical connections must be inspected by the Town of Glen Code Enforcement Officer and by the appropriate electrical inspection person or agency, as determined by the Town.
- 3. If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment by no later than 90 days after the end of the twelve-month period.
- 4. Glare and heat: no direct glare or transmission of heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated.

Utility-scale solar collector system. (Special Permitted Uses – Public or Private Utility Facility with or without a building)

A. Bulk and area requirements: the following dimensional requirements shall apply to all utility- scale solar collector systems

- 1. Height
 - a. All solar collectors shall have a maximum height of 20 feet from ground elevation.
 - b. 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.
- 2. Setback
 - a. The following table provides parcel line setback requirements for Utility-scale Solar Energy Systems.
 - b. Fencing, access roads and landscaping may occur within the setback.
 - c. Lots owned by Participating Neighbors are considered a single lot for the purposes of setback.

Zoning District	Front	Side	Rear
Rural Residential	100'	50'	100'
Industrial	50'	25'	25'
Commercial	50'	25'	25'

3. Lot coverage
 - a. see Lot Coverage definition. The same Maximum Lot Coverage for Public or Private Utility Facility without building (20%) shall apply.
 - b. 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 are being removed in order to place solar arrays.
- B. General provisions
 1. Site plan - All utility-scale solar collector systems shall provide a site plan in accordance with Land Use Management, Article IV, Site Plan Approval and Special Permits chapter and the SEQRA Long EAF.
 2. Signage - All signage shall be provided as part of site plan review and shall be in accordance with Land Use Management, Article VII, Supplementary Regulations, Section 7.07 Signs.
 3. Visual
 - a. Utility-scale solar collector systems shall be sited in a manner to have the least possible practical visual effect on the environment.
 - b. A visual environmental assessment form (Visual EAF), landscaping plan and visual assessment report, including appropriate modeling and photography assessing the visibility from key viewpoints identified in the Visual EAF, existing tree lines, surrounding topography, and proposed elevations shall be required.
 - c. Landscaping, screening and/or earth berming may be provided to minimize the potential visual impacts associated with the utility-scale solar collector systems and its accessory buildings, structures and/or equipment. Additional landscaping, screening and/or earth berming may be required by the Planning Board to mitigate visual and aesthetic impacts.
 - d. The associated structure shall be screened, placed underground, depressed, earth bermed or sited below the ridgeline to the greatest extent feasible, particularly in areas of high visibility.
 4. Lighting - A lighting plan shall be required. No utility-scale solar collector system shall be artificially lit unless otherwise required by a federal, state or local authority. Exterior lighting may be provided as may be determined appropriate for safety and security purposes only.
 5. Utilities - The applicant shall provide written confirmation that the electric grid has the capacity to support the energy generated from the utility-solar collector system. Electrical and land-based telephone utilities extended to serve the site shall be underground.
 6. 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.
 7. Glare and heat – Solar Energy Equipment/Systems shall be designed and located in order to minimize reflective glare or transmission of heat that is perceptible beyond the boundaries of the lot on which such use is situated.
 8. Ownership - If the property of the proposed project is to be leased or otherwise operated by other than the land owner, 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.

9. 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 review.
 10. 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.
 11. The site must be inspected twice a year by the applicant or lessee, and a written report must be filed with the Town Clerk of Glen and sent to the Town Code Enforcement Officer. The format of the written report will be formalized during site plan review.
 12. The following requirements shall be met for decommissioning:
 - a. 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 at the owners or operators' expense, upon notification to the owner/operator.
 - b. The site shall be restored to as natural a condition as possible within 12 months of removal. Area must be reseeded and removal of all footings, concrete bases, underground/buried utilities and roadways created for the site shall be required .
 - c. Notwithstanding the foregoing, projects regulated by the State of New York under the PSL or similar state siting process shall be subject to the decommissioning requirements currently set forth in 16 NYCRR 1001.29. For all other Solar Energy Systems subject to regulation under this Local Law, the Decommissioning Plan shall comply with the requirements set forth in this Section B(12) and Section (C) below.
- C. Removal of obsolete/unused facilities. Required sureties for construction, maintenance and removal of utility-scaled solar collector systems.
- a. Decommissioning Cost Estimate
 - The applicant or lessee shall provide a Decommissioning Cost Estimate prepared by a N.Y.S. Licensed Engineer prior to the issuance of the building permits. The terms and conditions shall be agreed upon by all parties before site plan approval.
 - b. Decommissioning Security
 - Prior to the start of construction, a security to cover the full cost of the removal and disposal of the utility-scale solar collector system and any associated accessory structures less the salvage value of the utility scale solar collector system upon abandonment of said facility shall be provided by the owner/operator. The owner/operator shall provide an updated Decommissioning Cost Estimate prepared by a N.Y.S. Licensed Engineer every five (5) years, and the decommissioning surety shall be adjusted, if necessary, to reflect the then current decommissioning cost. Any such security must be provided pursuant to a written security agreement with the Town, approved by the Town Board and also approved by the Town Attorney as to form, sufficiency and manner of execution. The form of security shall be limited to those permissible under NYS Town Law. 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 of the Town incurred to comply with conditions of the approval shall be paid using the surety 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 certificate of occupancy.

c. Removal

- The utility-scale solar collector system, including any accessory structures and/or equipment, shall be dismantled and removed from the site when the utility-scale solar collector system has been inoperative or abandoned for 12 consecutive months. As a condition of the certificate of compliance, applicants shall post a surety in an amount and form acceptable to the Town for the purposes of removal or abandonment. The amount shall be determined by an estimate of a NYS Certified Engineer. Acceptable forms shall include, in order of preference: letter of credit; or a bond that cannot expire; or a combination thereof. Such surety will be used to guarantee removal of the utility-scale solar collector system should the system be abandoned. Abandonment shall be assumed by the Town if the annual documentation as required in Utility scale solar collector system Section 12 is not provided by the owner, applicant or lessee for one year to the Town of Glen Code Enforcement Officer. With the assistance of a NYS Certified Engineer the Town of Glen Code Enforcement Officer shall then provide written notice to the owner to remove the utility-scale solar collector system, and the owner shall have nine (9) months from written notice to remove the utility-scale solar collector system, including any associated accessory structures and/or equipment. and restore the site to a condition approved by the Planning Board; to include. but not limited to. water and soil contamination. If the owner, applicant or lessee fails to remove any associated structures or restore the site to the condition approved by the Planning Board, all costs of the Town incurred to comply with this condition shall be paid using the surety provided by the applicant.

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.

E. Effective date

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