

**TOWN OF WAWAYANDA  
NOTICE OF PUBLIC HEARING  
PROPOSED LOCAL LAW**

**PUBLIC NOTICE** is hereby given that there has been introduced before the Town Board of the Town of Wawayanda, New York, on April 5, 2018, a proposed local law entitled **“A LOCAL TO AMEND CHAPTER 195-42.1 LARGE SCALE SOLAR ENERGY SYSTEMS AND EQUIPMENT WITHIN THE TOWN OF WAWAYANDA.”**

The purpose of this Local Law is to update, amend and replace Chapter 195-42.1 Large Scale Solar Energy Systems due to advances in Large Scale Solar Technologies and an increase in inquiries to site Large Scale Solar Systems in our Town. We are amending our Solar Energy Systems and Equipment law to balance the potential impacts on neighbors where Large Scale Solar Collectors may be installed near their property, while preserving the rights of property owners to install Large Scale Solar Energy systems without excess regulation.

A complete copy of the proposed Local Law is available for inspection at the Town Clerk's Office.

**NOW THEREFORE**, pursuant to the Municipal Home Rule Law, and Section 29-1 of the Code of the Town of Wawayanda, the Town Board of the Town of Wawayanda, New York, will hold a public hearing on the aforesaid proposed Local Law at the Town Hall, 80 Ridgebury Hill Road, Slate Hill, New York on Thursday May 3, 2018, at 7:00 P.M., or soon thereafter, at which time all persons interested therein shall be heard.

The Town of Wawayanda will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

**BY ORDER OF THE TOWN BOARD OF THE  
TOWN OF WAWAYANDA  
Kathryn A. Sherlock, Town Clerk**

Dated: April 18, 2018

**LOCAL LAW # - OF 2018**

**A LOCAL LAW TO AMEND Chapter 195-42.1 E, LARGE SCALE SOLAR ENERGY SYSTEMS AND EQUIPMENT WITHIN THE TOWN OF WAWAYANDA**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WAWAYANDA, NEW YORK, AS FOLLOWS:

Section 1. Title

This Local Law shall be referred to as “A Local Law to Amend Large Scale Solar Energy Systems, Section 195-42.1 E of the code of the Town of Wawayanda”

Section 2. Purpose of this Enactment

Due to advances in Large Scale Solar Technologies and an increase in inquiries to site Large Scale Solar Systems in our Town, we are amending our Solar Energy Systems and Equipment law to balance the potential impacts on neighbors where Large Scale Solar Collectors may be installed near their property, while preserving the rights of property owners to install Large Scale Solar Energy Systems without excess regulation.

**195.42.1 Solar Energy Systems and Equipment**

**(E) Approval Standards for Large-Scale Solar Systems as a Special Use.**

- 1) The purpose of these regulations is to provide utility-scale solar collector systems through performance criteria that balance the unique characteristics of each site.
- 2) In any instances where specific permitted uses, area or height standards, development guidelines and/or review procedures specifically set forth in this section shall conflict with any other general provision or requirement of the Zoning Chapter, the particular provisions set forth herein shall take precedence and control. In all instances not specifically addressed in this section, the New York State Building Code shall apply.
- 3) Large-Scale Solar Energy Systems are permitted through the issuance of a special use permit within all zoning districts, subject to the requirements set forth in this section, including site plan approval. Applications for the installation of a Large-Scale Solar Energy System shall be reviewed by the *Town Engineer* and referred, with comments, to the Town of Wawayanda Planning Board for its review and action, which can include approval, approval on conditions, and denial.

- 4) Special Use Permit Applications Requirements. For a special use permit application, the site plan application is to be used as supplemented by the following provisions:
- a) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
  - b) Blueprints showing the layout of the Solar Energy System signed by a professional engineer or registered architect shall be required.
  - c) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems and inverters that are to be installed.
  - d) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
  - e) Visual.
    - 1) Utility-scale solar collector systems shall be sited in a manner to have the least possible practical visual effect on the environment.
    - 2) Landscaping, screening and/or earth berming shall be *capable of providing year-round screening, if not already provided, shall be installed along all sides in such a way* to minimize the potential visual impacts associated with the utility-scale solar collector systems and their 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.
    - 3) *A visual and Glare analysis shall be provided using line of sight profiles from public viewing locations to proposed solar locations.*
    - 4) *Because of neighborhood characteristics and topography, the Planning Board shall examine the proposed location on a case by case basis ensuring that the potential impact to residents, businesses or traffic are not a detriment.*
    - 5) *Any 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.*
  - f) Proof of Insurance. The applicant and the owner of the property where the utility-scale solar collector system is to be located shall file with the Building Department proof of insurance in a sufficient dollar amount to cover potential personal and property damage associated with construction and operation thereof.

- g) Security Provisions. Each site shall have a minimum of an 8 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 a site plan review.
- h) 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.
- i) Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, the applicant shall submit a decommissioning plan for review and approval as part of the special use permit application. The decommissioning plan shall identify the anticipated life of the project, method and process for removing all components of the solar energy system and returning the site to its preexisting condition, and estimated decommissioning costs, including any salvage value. Compliance with this plan shall be made as a condition of the issuance of a special use permit under this section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructures and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to the construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a professional engineer or contractor. Cost estimations shall take into account inflation. To secure such removal, the applicant shall provide and maintain a form of financial surety. Such financial surety shall be provided either through a security deposit, escrow account, bond, or in a manner otherwise acceptable to the Town and shall be in an amount to be established by the Town Board upon recommendation from the Town Engineer. The bond amount will be equal to one hundred twenty-five (125%) percent of the decommissioning and reclamation cost for the entire system. The full amount of the financial security shall remain in full force and effect throughout the term of the approval and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original approval. The Town may periodically review the financial security to determine if any adjustments in the bond amount are required. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property owner to cover these costs incurred by the municipality.

5) Special Use Permit Standards.

- a) Height and Setback. Large-Scale Solar Energy Systems shall not exceed 15 feet in height when orientated at maximum tilt. Minimum setback requirements shall be:
- 1) Front Yard: 75 feet
  - 2) Side Yard: 50 feet
  - 3) Rear Yard: 50 feet

No ground-mounted or free standing solar collectors are allowed in the front yard.

- b) *An additional 100' set back from the minimum yard setback along all property lines that abut a lot in a residential district. This additional setback shall apply to the front yard setback when the lot on the opposite side of the street is located in a residential district.*
- c) *Large Scale Solar Systems shall be set back a minimum of 200' from any public or private road.*
- d) *Lot Size. Large-Scale Solar Energy Systems shall be located on lots with a minimum lot size of 10 acres. The maximum size of all solar panels, equipment, apparatus and fenced in area shall not exceed 40 acres.*
- e) *Lot Coverage. A Large-Scale Solar Energy System that is ground-mounted shall not exceed 50 percent lot coverage of the lot on which it is installed.*
- f) All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing.
- g) Any application under this section shall meet any substantive provisions contained in local site plan requirements in the Zoning Code that, in the judgment of the Town of Wawayanda Planning Board, are applicable to the system being proposed. If none of the site plan requirements are applicable, the Town of Wawayanda Planning Board may waive the requirement for site plan review.
- h) The Town of Wawayanda Planning Board may impose conditions on its approval of any special use permit under this section in order to enforce the standards referred to in this section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

Effective Date: This Local Law shall take effect immediately upon filing with the Secretary of State.