# Rev 9/19/23

**Solar Energy Facilities Law of the Town of Clarkson Introductory Local Law No. 7-C of the year 2023**

A local law to amend the Town of Clarkson's "Local Law No. 2-2019 of the Town of Clarkson”. Be it enacted by the Town Board of the Town of Clarkson.

Section 1. **Amended Matter**. Chapter 108 of the Code of the Town of Clarkson entitled "Local Law No. 2-2019 of the Town of Clarkson" is amended to read as follows:

1) **§ 108-5(E)**

# is amended to add the following definition:

**“HEDGE SLATS– A camouflage product consisting of green slats interwoven with a green garland like material designed to make a chain link fence simulate a landscaped hedge while making the fence opaque. (“HedgeLink” or equivalent)”**

2) **§ 108-5(E)**

# is amended so the following definitions are amended as follows:

RESIDENTIAL GROUND-MOUNTED ARRAY — Zero to 25 **KW** AC capacity. A

photovoltaic array mounted on a freestanding engineered or NRTL (nationally recognized testing laboratory) listed system used to support solar panels.

RESIDENTIAL ROOF-MOUNTED ARRAY — Zero to 25 **KW** AC capacity. These are solar photovoltaic array installations for residential use. They are mounted parallel to the roof structure using NRTL listed or engineered racking to attach the solar panels to the roof. These systems are designed to meet the electricity needs of the residence.

# 3) §108-7(B)(1)

**is amended to read as follows:**

(1) Solar Energy System Overlay Districts are permitted in only **the** RS-20 **district**.

# 4) § 108-7(C)(3)

**is amended to read as follows:**

1. Expiration of Approvals. If approved, the creation of the overlay district shall be deemed null and void after two years if no construction takes place within the two years. For the purpose of this provision, the term "construction" shall not refer to grading, excavating and other general site improvements, but to the commencement of the construction of the arrays and ancillary equipment, including the providing of the financial security therefor. Simultaneous with the nullification of the overlay district, any site plans, variances and special use permits pertaining to a community solar ground-mounted array (CSA) within that overlay district shall also be deemed nullified.”

# 5) § 108-8(C)(3)(h)

**is amended to add the following:**

(h) Construction schedule. Applicants must submit a proposed schedule for the completion of the project, including the proposed start date and proposed date of substantial completion, the expected date of connection to the power grid, and the expected date on which operation of the photovoltaic system shall commence. “

# 6) § 108-8(C)(4)

**is amended to read as follows:**

1. Application standards.
   1. C/I/A/M ground-mount solar arrays shall adhere to the height and setback requirements of the underlying zoning district except as follows herein; any C/I/A/M ground-mount solar array shall not exceed a height of 12 feet. The height of the solar array shall be calculated when the array panels are at maximum tilt. For C/I/A/M ground-mount solar arrays located on a property that abuts a property zoned RS-10, RS-20, mobile home or planned unit development, the front setback shall be 100 feet and side and rear setbacks shall be 75 feet. For other cases, the front setback shall be 75 feet and side and rear setbacks shall be 75 feet. **In all cases, the solar array shall be located in the rear yard.**

# Fence. All mechanical equipment on a C/I/A/M ground-mount solar array, including any structure for batteries or storage cells, shall be completely enclosed by a minimum seven-foot-high fence with the following requirements:

* + 1. **A self-locking gate.**
    2. **Galvanized steel chain link mesh with a minimum 9 gauge, 2" x 2" opening, and green vinyl (PVC) coating.**
    3. **All chain link mesh openings to be filled with Hedge Slats.**
    4. **Warning signs with the owner's contact information, including an emergency phone number, shall be placed on the entrance and perimeter of the fencing**.
  1. All applications shall meet any substantive provisions contained in local site plan requirements and the Zoning Code that, in the judgment of the Clarkson Planning Board, are applicable to the system being proposed.

# Landscaping. The fencing and the system shall be further screened by landscaping as determined necessary by the Planning Board to mitigate adverse aesthetic impacts. Such landscaping shall be reasonably consistent with the landscaping on neighboring properties and the neighborhood.

* 1. A building permit shall be required for all C/I/A/M ground-mount solar arrays before construction begins.

# 7) § 108-8(D)(2)

**is amended to read as follows:**

(2) **Permitted.** Community solar arrays are permitted only in Solar Energy System Overlay Districts. **As an accessory use, community solar arrays may include one or more Storage Batteries having an aggregate energy capacity not to exceed 200 KWH.**

# 8) § 108-8(D)(4)

**is amended to read as follows:**

1. Application requirements: **In addition to full sized plans, each copy of the application shall include an application package, contained in a looseleaf binder, or fully bound package, containing the following items listed below, which shall be separated by exhibit tabs. Document sheets within the application package shall be 8 ½” x 11" and/or 11" x 17" folded to fit within an 8 ½" x 11" format. The required items for the application package are:**
   1. **Letter of Intent. A letter from the applicants attorney and/or professional engineer discussing the application, the requested permits and the project overview**.
   2. **Engineer’s Justification.** A description of the solar facility and the

technical, economic and other justification for the proposed location and design shall be signed by a professional engineer or other licensed professional. This description shall demonstrate the array meets federal and state laws and the Clarkson Code.

# Engineering Letters. All correspondence analyzing the project as of the time of application by the project engineer and by the Town’s engineers.

* 1. **Site Plan. A complete Site Plan stamped and signed by a licensed professional engineer. The Site Plan in the looseleaf binder or fully bound package shall be 11" x 17".**
  2. **Photovoltaic Installation Drawings.** Drawings of the solar photovoltaic installation stamped and signed by a licensed professional engineer showing the proposed layout of the system and any potential shading from nearby structures.
  3. **Landscape Plan & Photo Simulations.** Proposed changes to the landscape of site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures. **This shall include a separate landscape plan stamped and signed by a licensed landscape architect. It shall also include a photo simulation for the landscaping at each of the following stages:**

# Initial planting.

* + 1. **5 years after initial planting.**
    2. **10 years after initial planting.**

**As to the photo simulations, these shall be submitted no later than the time of the public hearing.**

* 1. **Operation and Maintenance Plan.** An operation and maintenance plan which shall include measures for maintaining safe access to the installation, stormwater controls, grounds maintenance, landscape maintenance, and general procedures for operational maintenance of the installation. The plan shall include details about the proposed use or uses of the remaining property not used for the community solar array, as well as ingress and egress to all portions of the property.
  2. **Noise and Glare Control Plan.** Plans to control noise and glare of solar panels including potential impacts to abutters.

# SWPPP. A Stormwater Pollution Prevention Plan (SWPPP).

* 1. **System Component Data.** Documentation of the major system components to be used, including the PV panels, mounting system, foundation, and inverters, etc., shall be provided. Manufacturer's data sheets/brochures may be used to meet this requirement.
  2. **Lease and Legal Authority.** If the property of the proposed project is to be leased, documented legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements, leases and other agreements, shall be submitted.
  3. **Credit Report.** A Dun & Bradstreet or equivalent credit report.
  4. **Utility Feasibility Letter.** A letter providing proof of feasibility from the local utility company is to be provided as part of the application indicating that utility company can handle the demands of the proposed project.

# Electrical Schematic. An electrical schematic for the project.

* 1. **Emergency Response Plan. An Emergency Response Plan for the project.**
  2. **Construction schedule. Applicants must submit a proposed schedule for the completion of the project, including the proposed start date and proposed date of substantial completion, the expected date of connection to the power grid, and the expected date on which operation of the photovoltaic system shall commence.**
  3. **Decommissioning Plan. The decommissioning plan for the project.**

9) **§ 108-8(D)(5)(a-e)**

**are amended to read as follows:**

1. In addition to any site plan approval required by the Clarkson Planning Board herein, a special use permit is required for community solar arrays. The development shall conform to the following standards, which shall be regarded as minimum requirements.
   1. **Height and Setback.** Community solar arrays shall adhere to the height and setback requirements of the underlying zoning district except as follows herein; any community solar arrays that are ground-mounted shall not exceed a height of 12 feet. The height of the solar array shall be calculated when the array panels are at maximum tilt. **The front setback for the fenced enclosure containing the Community solar array shall**

# be 350 feet and side and rear setbacks shall be 100 feet.

* 1. **Fence.** All mechanical equipment on a community solar array, ~~including~~ any structure for batteries or storage cells, ~~are~~ **shall be** completely enclosed by a minimum **seven-**foot-high fence **with the following requirements:**

# A self-locking gate.

* + 1. **Galvanized steel chain link mesh with a minimum 9 gauge, 2" x 2" opening, and green vinyl (PVC) coating.**
    2. **All chain link mesh openings to be filled with Hedge Slats.**
  1. **Landscaping**. The installation of a **professionally landscaped** vegetated perimeter buffer **on the property** to provide year-round screening of the system and fence from **all** properties, **and public rights of way within 500 feet of the site**. **No application shall be complete until the landscape plan has been reviewed and commented on by the Town’s landscape consultant and/or town engineer. The cost of such review shall be borne by the applicant as per Chapter 116.**
  2. Because of neighborhood characteristics and topography, the Clarkson Planning Board shall examine the proposed location, ensuring that the potential impact to its residents, business or traffic is not a detriment.
  3. **Glare Prevention.** All solar energy production systems shall be made of antireflective material in order to prevent a driving hazard or unwanted glare.

# 10) § 108-8(D)(6)(c)

**is amended to read as follows:**

(c) A community solar array owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, **grounds maintenance, landscape maintenance**, structural repairs and integrity of security measures. Site access shall be maintained to a level acceptable to the Building Inspector and local emergency services. The owner or operator shall be responsible for the cost of maintaining the community solar array and any access road(s).

11) **§ 108-9(B)(3-5)**

# is amended to read as follows:

1. Include a cost estimate detailing the projected expense of executing the decommissioning plan signed by a professional engineer. Cost estimations shall take into account inflation.
2. Obligate the owner, operator and/or successors in interest to remove any

ground-mounted solar collector structures, batteries, equipment, security barriers and transmission lines which have reached the end of their useful life or have been abandoned, to physically remove the installation no more than six months after the date of discontinued operations and also notify the Clarkson Building Department by certified mail of the proposed date of discontinued operations and the plans for removal.

1. Include an obligation to dispose of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.

# Section 2. Effective Date.

This local law shall take effect immediately.