

**TOWN OF DUANESBURG
LOCAL LAW No. _ OF 2016**

BE IT ENACTED by the Town Board of the Town of Duanesburg, in the County of Schenectady, as follows:

SECTION ONE. TITLE.

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

SECTION TWO. PURPOSE.

The purpose of this local law shall be to adopt a local law regarding the review of solar energy facilities and to amend the Town of Duanesburg Zoning Ordinance by providing for the siting, development, and decommissioning of solar energy systems subject to reasonable conditions to reduce potential impacts to adjoining properties while promoting development of renewable energy resources.

SECTION THREE. AUTHORITY.

This local law is adopted pursuant to sections 10 and 22 of the Municipal Home Rule Law.

SECTION FOUR. ADOPTING THE SOLAR ENERGY FACILITIES LAW AND AMENDING THE TOWN OF DUANESBURG ZONING ORDINANCE.

The Town of Duanesburg Code and Zoning Ordinance are hereby amended as follows:

1. Definitions.
 - a. Solar Energy System- A solar photovoltaic collection device and equipment that uses solar radiation to generate energy.
 - b. Solar energy system, accessory –a roof or ground mounted solar energy system designed to supply energy for a principal use on a residential or commercial parcel.
 - c. Solar energy system, major –a ground or roof mounted solar energy system that produces power to off-site customers.
2. Solar Energy System, Accessory. An accessory solar energy system shall comply with the following requirements:
 - a. A ground-mounted accessory solar energy system shall comply with the setback and height requirements for a major accessory structure.

- b. A roof-mounted accessory solar energy system shall be mounted as flush as possible to the roof. To achieve proper solar orientation, panels may exceed the roofline by five feet.
 - c. The requirements set forth below in (3)(a) – (g)
3. Solar Energy System, Major. A major solar energy system shall comply with the following requirements:
- a. All electrical and control equipment, including any battery and storage cells, shall be labeled and secured to prevent unauthorized access. Such equipment shall be enclosed with a six foot fence.
 - b. Signs. Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except: (a) manufacturer's or installer's identification; (b) appropriate warning signs and placards; (c) signs that may be required by a federal agency; and (d) signs that provide a 24-hour emergency contact phone number and warn of any danger.
 - c. Buffer/screening. A minimum twenty-five-foot perimeter buffer, consisting of natural and undisturbed vegetation, shall be provided around all mechanical equipment and solar panel arrays to provide screening to adjacent properties and to minimize glare on adjacent properties and roadways.
 - d. Glare. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways. Exterior surfaces of roof-mounted collectors and related equipment shall have a non-reflective finish and shall be color-coordinated to harmonize with roof materials and other dominant colors of the structure.
 - e. Evergreen tree plantings may be required to screen portions of the site from nearby residential property, public roads, and from public sites known to include important views or vistas.
 - f. Existing on site vegetation shall be preserved to the maximum extent practicable. Clear cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.
 - g. Height. Ground-mounted arrays shall not exceed 20 feet in height when oriented at maximum tilt.
 - h. Lot coverage. A major solar energy system shall not exceed 60 percent lot coverage. Lot coverage shall be defined as the area measured from the outer

edge(s) of the arrays, inverters, batteries, storage cells and all other mechanical equipment used to create solar energy, exclusive of fencing and roadways.

- i. Site disturbance, including but not limited to, grading, soil removal, excavation, soil compaction, and tree removal in connection with installation of solar energy facilities, including ground-mounted systems, shall be minimized to the extent practicable. Forested sites shall not be deforested to construct solar energy facilities.
 - j. Noise. Substations and inverters shall be set back a minimum distance to achieve no discernable difference from existing noise levels at the property line.
 - k. Setbacks. Any structures and equipment shall comply with all minimum setbacks for principal structures established in the Town of Duanesburg Zoning Ordinance except that any structures or equipment shall be located at least 100 feet from any lot containing a single or multi-family residence. Additional setbacks may be required by the Zoning Board or Planning Board to adequately buffer adjoining residential and public property.
 - l. Access and parking. A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made.
 - m. Abandonment. A major solar energy system that has not generated electricity for a period of 12 consecutive months shall be deemed to be abandoned and shall be decommissioned within six months. A decommissioning plan shall be submitted as part of the site plan or special use permit application and shall include, but not be limited to, the following:
 - (1) A schedule and methods for the removal of the solar energy system from the lot; and
 - (2) A plan for restoring the property to its preinstalled condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties.
4. Approvals Required:
 - a. Prior to installing a solar energy system accessory, a building permit shall be obtained from the Uniform Code Enforcement Officer of the Town of Duanesburg pursuant to the requirements set forth in Section 14.3.
 - b. Prior to installing a Solar Energy System Major, the applicant shall obtain site plan approval and a special use permit from the Town of Duanesburg Planning Board. A Solar Energy System Major shall only be permitted by special use permit and site plan approval in the R-2, C-1, and C-2 Zoning Districts. All of the substantive and procedural requirements for site plan review and special use permit review as set forth in the Town of Duanesburg Zoning Ordinance set forth in Section 14.6.

4. The Zoning Ordinance shall be amended to add a new section 13.8 which will provide “Solar Energy Facilities. See Solar Energy Facilities Law.

SECTION FIVE. SEQRA DETERMINATION.

The Town Board hereby determines that the adoption of this local law is an unlisted action that will not have a significant effect on the environment and therefore, no other determination or procedure under the State Environmental Quality Review Act (“SEQRA”) is required.

SECTION SIX. EFFECTIVE DATE.

This local law shall become effective upon its filing in the Office of the Secretary of State.

SECTION SEVEN. SEVERABILITY.

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.