

Regulation of Solar Farms

Local Law 2 2017

Article A: Introduction

Section I. Title

This local Law shall be known as the “Town of Groveland Regulation of Solar Farms Law”

Section II. Purpose

The purpose of this law is to provide a regulatory scheme for the construction and operation of Solar Farms in the Town of Groveland, subject to reasonable restrictions, which will preserve public health and safety.

Section III. Findings

The Town of Groveland finds that solar energy is an abundant, renewable and nonpolluting energy resource and that its conversion to electricity will reduce the dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Solar Farms also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the state’s energy supply portfolio.

Section IV. Authority

The Town Board of the Town of Groveland enacts this Local Law under the authority granted by:

1. New York State Constitution Article IX, Section 2(c) (6) and (10).
2. Local Governments Law Section 10(1), (6) and (7).
3. Municipal Home Rule Law Section 10(1) (i) and (ii), 10(1)(a)(6), (11), (12) and (14)

Section V. Interpretation

Where the conditions imposed by any provision of this law, are either more restrictive than comparable conditions imposed by any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

Article B: Definitions

For the purpose of this law, the following words and phrases shall have the meaning ascribed to them in this article. All other words used in this law carry their customary meaning.

Solar Collector - A device, structure, panel, or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Solar Farm - The use of land where a series of one (1) or more solar collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power and said series of one (1) or more solar collectors placed in an area on a parcel of land collectively has a nameplate generation capacity of at least 15 kilowatts (kW) direct current (dc) or more when operating at maximum efficiency.

Article C: Applicability

The “Solar Farm” shall not be construed to include, so as to prohibit, or have the effect of prohibiting, the installation of a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electrical for residential, agricultural and farming use property. The term “Solar Farm” shall also not be construed in such a way as to prohibit the installation or mounting of a series of one (1) or more solar collectors as an accessory structure upon the roofs of residential and/or commercial structures regardless of whether the said series of one (1) or more solar collectors collectively has a total nameplate generation of at least 15 kilowatts (kW) direct current (dc) or more when operating at a maximum efficiency.

Article D: Administration & Application

Solar Farms are allowed in all zoning districts of the Town subject to Conditional/Special Use Permit requirements. Conditional/Special Use Permit application shall contain the following:

(1) Blueprints or drawings of the solar photovoltaic installation signed by the licensed Professional Engineer showing the proposed layout of the system and any potential shading from nearby structures.

(2) Certification as to the existing soil classifications for the soil at the proposed development site as provided by the current United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, or as provided by such other state or local governmental agency maintaining official records of local soil classifications.

(3) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening, vegetation, or structures. (It is recommended that all surface grading top soil shall remain on sight for the purposes of decommissioning.)

(4) A description of the solar farm facility and the technical, economic, and other reasons for the proposed location and design shall be prepared and signed by a licensed Professional Engineer.

(5) Confirmation prepared and signed by licensed Professional Engineer that the Solar Farm complies with all applicable Federal and State standards.

(6) One of three-line electrical diagram detailing the Solar Farm layout, Solar Collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over-current devices.

(7) Documentation of the major system components to be used, including the PV panels, mounting system, and inverter.

(8) An operation and maintenance plan which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation and site.

(9) Information on noise (Inverter) and reflectivity/glare of solar panels and identification of potential impacts to abutters.

(10) Provide an acceptable emergency response plan in advance of the project and before final approval.

(11) A decommissioning plan shall be provided in advance with the Town Board including Cash or Letter of Credit to the value of the project to be determined with the Town Board and subject to revision in 5-year increments to allow for inflation.

(12) Prior to issuance of a Building Permit, the applicant shall provide the Town proof in the form of a duplicate insurance policy or a certificate issued by an insurance company, of liability insurance of a level to be determined by the Town Board in consultation with the Town's insurer, to cover damage or injury which might result from the failure of solar or panel or any other part(s) of the generation and solar facility. Continuous insurance coverage shall be in effect until the tower is removed.

(13) Name, address, telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.

Article E: Minimum Requirements

In any district requiring a Conditional/Special Use Permit for a Solar Farm, the development shall conform to the following standards which shall be regarded as minimum requirements:

(1) Solar Farms of less than 26 kW shall be on a parcel of not less than five (5) acres, otherwise a minimum of ten (10) acres shall be required.

(2) All ground-mounted panels shall not exceed (12) feet in height.

(3) All mechanical equipment on a Solar Farm, including any structure for batteries or storage cells, are completely enclosed by a minimum eight (8) foot high fence with a self-locked gate.

(4) The installation of a vegetated perimeter buffer to provide year-round screening of the system from adjacent properties.

(5) Because of neighborhood characteristics and topography, the Planning Board shall examine the proposed location on a case-by-case basis in order to ensure no detrimental impact to Town residents, businesses, or traffic.

(6) All solar energy production systems are designed and located in order to prevent reflective glare toward any habitable buildings, as well as streets and rights-of-way.

(7) All onsite utility and transmissions lines are, to the extent feasible, placed underground.

(8) The installation of a clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(9) The system is designed and situated to be compatible with the existing uses on adjacent and nearby properties.

(10) All solar energy system components shall have a sixty (60) foot setback in the front from the centerline of the highway and twenty (20) foot setbacks from the sides and the back unless there exist abutting residential uses, in which case all such components shall be a minimum one hundred (100) feet from any residential structures/dwelling, deviation from which requires an Area Variance to the Zoning Board of Appeals.

(11) Solar modular panels shall not contain hazardous materials.

(12) All appurtenant structures including but not limited to equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be screened from the view of persons not on the parcel.

(13) Lighting of Solar Farms shall be consistent with State and Federal law. Lighting of appurtenant structures shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.

(14) A sign is required of no less than 2 ft. x 2 ft. and no greater than 16 sqft. that identifies the owner and operator with an emergency telephone number where the owner and operator can be reached on a 24-hour basis to be located on the front entrance. There shall be no other signs except announcement signs, such as "No Trespassing" signs or any signs required to warn of danger.

(15) There shall be a minimum of one (1) parking space to be used in connection with the maintenance of the solar photovoltaic facility and the site. Such parking space shall not be used for the permanent storage of vehicles.

Article F: Additional Conditions.

(1) The Solar Farm owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the Solar Farm shall be clearly marked. The owner and/or operator shall identify a responsible person for public inquiries throughout the life of the installation.

(2) No Solar Farm shall be approved or constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the Solar Farm owner's or operator's intent to install as interconnected customer-owned generator.

(3) A Solar Farm owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, landscaping, vegetation overgrowth control and integrity of security measures. Site access shall be maintained in place to a level acceptable to the local fire chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the Solar Farm and any access road(s), unless accepted as a public way.

Article G: Decommissioning/Removal

All applications for a Solar Farm shall be accompanied by a Decommissioning Plan to be implemented upon abandonment and/or in conjunction with removal of the installation. Prior to removal of the Solar Farm, a permit for removal activities shall be obtained for the Code Enforcement Officer. The Decommissioning Plan shall include the following provisions:

- (1) The owner/operator, or his/her successors in interest shall remove any ground-mounted solar collectors which have reached the end of their useful life or have been abandoned. The owner or operator shall physically remove the installation no more than one hundred fifty (150) days after the date of the proposed date of discontinued operations and plans for removal.
- (2) Physical removal of all ground-mounted Solar Collectors, structures, equipment, security barriers, and transmission lines from the site.
- (3) Disposal of all solid and hazardous waste in accordance with local, State, and Federal waste disposal regulations.
- (4) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to the minimize erosion and disruption to vegetation.
- (5) Absent notice of a proposed date of decommissioning and written notice of extenuating circumstances, the Solar Farm shall be considered abandoned when it fails to operate for more than one (1) year without the written consent of the Planning Board. If the owner or operator of the solar farm fails to remove the installation in accordance with the requirements of this section within one hundred fifty (180) days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.
- (6) Upon the decommissioning of the project and removal of all equipment, the soils as the site shall be restored to the condition and classification that existed prior to the construction of the project.

Article H: Costs of Decommissioning/Removal

If any solar farm becomes inoperative or nonfunctional for continuous period of 12 months it shall be considered abandoned, the Applicant shall remove the solar facilities, including all solar panels and any accessory uses, at their expense within 90 days of receipt of notifying the owner of such abandonment. Failure to remove an abandoned system within 90 days shall be grounds to remove it at the owner's expense. The Code Enforcement Officer can grant a reasonable extension.

Section 1: Notice of Violation; Issuance of Summons

1. Whenever the enforcement officer determines that there is a violation of any provision of this chapter, he/she shall give notice of such violation to the person, persons or entities responsible therefore under this chapter.

2. Such notice shall be in writing and shall include a concise statement of the reason for the issuance.
3. Such notice shall be deemed to be properly and sufficiently served if a copy thereof is sent by mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax lists of the municipality or a copy thereof handed to such person or persons, or copy thereof left at the usual place of residence or business of such person or entities.

Section 2: Penalties

1. Any Solar Farm owner who shall violate any of the provisions of this local law shall be guilty of an unclassified misdemeanor and subject to a mandatory fine not to exceed two hundred fifty dollars (\$ 250.00) for the first violation and five hundred dollars (\$ 500.00) for each offense thereafter and up to fifteen (15) days in jail.
2. Every person shall be deemed guilty of a separate offense for each day such violation, disobedience, omission, neglect or refusal shall continue.

Article I: Severability

If any clause, sentence, paragraph, section or article of this local law shall be adjudicated by any court of competent jurisdiction to be invalid such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have been rendered.

Article J:

This Local Law shall take effect upon filing in the office of the New York State Secretary of State.

Introduced: 10/12/17

Adopted: 12/14/17

Local Law Filing

Instructions

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov/corps

PLEASE OBSERVE THESE INSTRUCTIONS FOR FILING LOCAL LAWS WITH THE SECRETARY OF STATE

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.

2. Each local law to be filed with the Secretary of State shall be an original certified copy.

3. Each local law shall be filed on a form provided by the Department of State. If additional pages are required, they must be the same size as the form. Typewritten copies of the text may be attached to the form. Only legible copies will be accepted.

4. File only the number, title and text of the local law.

5. In the case of a local law amending a previously enacted local law, the text must be that of the law as amended. Do not include any matter in brackets, with a line through it, italicized or underscored to indicate the changes made. The printed number of the bill and explanatory matter must be omitted.

6. For the purpose of filing a local law with the Department of State, number each local law consecutively, beginning with the number one for the first local law filed in each calendar year. The next number in sequence should be applied to each local law when it is submitted for filing, regardless of its date of introduction or adoption. The date of filing of a local law is the date on which the local law is placed on file by the Department.

It is suggested that municipalities use introductory identifying bill numbers for proposed local laws. After the local law is enacted (and approved by the voters, if required), the local law should then be numbered with the next consecutive local law number, as described above, and then submitted to the Department for filing.

7. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town or Village Clerk or other officer designated by the local legislative body. Certification forms are provided herewith.

8. A copy of each local law may be mailed or delivered to:

NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231.

(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village

(Select one:)

of Groveland

Local Law No. 2 of the year 20¹⁷

A local law Town of Groveland Regulation of Solar Farms Law

(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village

(Select one:)

of Groveland as follows:

See attached 6 page law.....

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2017 of the ~~(County)~~(City)(Town)(Village) of Groveland was duly passed by the Town Board on December 14, 2017, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*)
on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

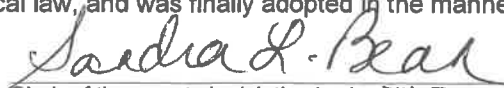
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(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.


Clerk of the county legislative body, ~~City~~ Town or Village Clerk or
officer designated by local legislative body

Date: 12/21/2017

(Seal)

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of Groveland

FILED
STATE RECORDS

DEC 29 2017

Local Law No. 2 of the year 2017 DEPARTMENT OF STATE

A local law Town of Groveland Regulation of Solar Farms Law
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of Groveland

as follows:

See attached 6 page law.....

(If additional space is needed, attach pages the same size as this sheet, and number each.)

DEPARTMENT OF STATE, DIVISION OF
CORPORATIONS, STATE RECORDS & UCC
ANDREW M. CUOMO, GOVERNOR ROSSANA ROSADO, SECRETARY OF STATE



[DOS Home](#) [Corporations Home](#)

Local Laws Search

Law Type Selection

Law Type * - Select -



* Law Type selection is required

Disclaimer: Every effort has been made to ensure that the information contained on this site is up to date and accurate. As the Department of State relies upon information provided to it, the information's completeness or accuracy cannot be guaranteed. The Department of State is not responsible for any loss, consequence, or damage resulting directly or indirectly from reliance on the accuracy, reliability, or timeliness of the information that is provided. All such information is provided "as is."

Search results - Currently showing Local Laws based on search of:

Municipality Type: TOWN

Law Number: ALL

Date Filed: 01/01/2017 - 12/31/2017

Municipality Name: Groveland

Search Term(s): N/A

GROVELAND_2017_1 (filesize: 272.8 KB)

Municipality Type: TOWN

Law Number: 1

Date Filed: 06/21/2017

Municipality Name: GROVELAND

Subject: A LOCAL LAW IMPOSING A SIX MONTH MORATORIUM AND PROHIBITION OF SOLAR FARM DEVELOPMENT

GROVELAND_2017_2 (filesize: 347.9 KB)

Municipality Type: TOWN

Law Number: 2

Date Filed: 12/29/2017

Municipality Name: GROVELAND

Subject: TOWN OF GROVELAND REGULATION OF SOLAR FARMS LAW

[DOS Home](#)

[A to Z Index](#)

[Applications](#)

[Accessibility](#)

[Privacy Policy](#)

[Disclaimer](#)

[Contact Us](#)