

**VILLAGE OF CROTON-ON-HUDSON
BOARD OF TRUSTEES**

LOCAL LAW INTRODUCTORY NO. ____-2023

**A LOCAL LAW TO AMEND PROVISIONS OF CHAPTER 230 OF THE CODE OF THE
VILLAGE OF CROTON-ON-HUDSON CONCERNING THE PROVISION OF SOLAR
ENERGY SYSTEMS**

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:

Section One. Section 230-4, Terms defined, of the Zoning Law of the Village of Croton-on-Hudson is hereby amended as follows (see strike-through for deleted text and underline for added text):

§ 230-4 Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY

A building or use clearly incidental or subordinate to and customarily used in connection with the type of principal building or use on the same lot. In order for a structure to be considered part of a principal building, it must, at a minimum, share, a common wall with the principal building or be connected to the principal building by a common fully enclosed space.

ACCESSORY APARTMENT

A dwelling unit in a permitted one-family residence which is subordinate to the principal one-family dwelling unit in terms of size, location and appearance and provides complete housekeeping facilities for one family, including independent cooking, bathroom and sleeping facilities, with physically separate access from any other dwelling unit.

AMUSEMENT DEVICE

Any coin-controlled pinball and video amusement game or device.

BASEMENT

A story in a building, the structural ceiling level of which is four feet or more above the average level of finished grade where such grade abuts that exterior wall of such building which fronts on any street and the floor level of which is below finished grade at any point on the periphery of the building.

BATTERY(IES)

A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE SYSTEM

One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time (not to include a stand-alone 12-volt car battery or an electric motor

vehicle).

BED-AND-BREAKFAST ESTABLISHMENT

A residential dwelling that makes available a room or rooms for overnight accommodation to transient paying guests with or without inclusion of one daily morning meal per paying guest as part of the accommodations provided.

BILLBOARDS

The type of sign commonly known as a "billboard," which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing on the same lot or elsewhere than on the same lot where such sign is displayed.

BUILDING

Any combination of materials forming any construction. The term "building" shall include the term "structure" as well as the following:

- A. Signs.
- B. Fences over six feet in height and more than 25% solid.
- C. Walls, other than retaining walls, over five feet in height.
- D. Radio and television antennas, except for such antennas installed on the roof of a building and extending not more than 15 feet above the highest level of the roof of such building.
- E. Pergolas, porches, outdoor bins and other similar structures.
- F. Swimming pools either contemplated by § 230-9.1A(6) or conforming to § 230-9.1A(10)(c).
- G. Fallout shelters.
- H. Retaining walls.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM

A combination of solar panels and solar energy equipment integrated into any building envelope system, such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produces electricity for on-site consumption.

CANNABIS SHOP

A retail outlet selling or distributing any cannabis product, the sale of which requires a license under the provisions of Chapter 7-A, Cannabis, of the Consolidated Laws of the State of New York.

CANOPY

A permanent structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration. A canopy is permitted to be structurally independent or supported by attachment to a building on one or more sides.

CELLAR

Any space in a building, the structural ceiling level of which is less than four feet above the average finished grade where such grade abuts that exterior wall of such building which fronts on any street.

CHANGE OF USE

Any use that substantially differs from the previous use of a building or land.

COURT, INNER

An open space enclosed on all sides by exterior walls of a building.

COURT, OUTER

An open space enclosed on three sides by exterior walls of a building.

COURT, DEPTH OF OUTER

The linear average dimension measured from the unenclosed side of the court to the farthest wall thereof.

COURT, WIDTH OF OUTER

The linear dimension of the unenclosed side of the court.

CURB LEVEL

The established elevation of the street grade at the point that is opposite the center of the wall nearest to and facing the street line.

DAY-CARE CENTER

A facility, by whatever name known, which provides custody, care, training or babysitting for three or more children not related to the owner or operator. The term includes but is not limited to facilities commonly known as "day-care centers," "family day-care centers," "day nurseries," "nursery schools," "preschools" or "babysitting facilities."

DEDICATED-USE BUILDING

A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

- 1) The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
- 2) No other occupancy types are permitted in the building.
- 3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- 4) Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:

a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.

b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment."

DISH ANTENNA (SATELLITE RECEIVING ANTENNA)

Any parabolic or spherical dish-type antenna, the purpose of which is to receive, but not transmit, microwave or other electronic signals from satellites or other sources for television or radio reception, data transmission, teleconferencing or other types of telecommunication.

DRIVE-THROUGH WINDOWS

Facilities that encourage or permit customers to obtain goods, receive services, transact business, or be entertained, while remaining in their motor vehicles. The term "drive-through window" shall not include a single facility containing one ATM or teller or combination ATM/teller window that is attached to or an integral part of the principal building of a bank.

DWELLING, ATTACHED

A one-family dwelling having one or two side-party walls constructed on common interior lot lines, situated upon a separate lot, and having private entrances; each contiguous dwelling shall have an undivided 1/2 interest in each party wall.

DWELLING, MULTIPLE

A building or portion thereof containing three or more dwelling units.

DWELLING, ONE-FAMILY

A detached building containing one dwelling unit only, or one primary dwelling unit and one accessory apartment.

DWELLING, TWO-FAMILY

A detached building containing two dwelling units only.

DWELLING UNIT

A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space, other than vestibules, entrances or other hallways or porches, or cooking or sanitary facilities in common with any other dwelling unit. A boarding- or rooming house, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing or other similar home or other similar structure shall not be deemed to constitute a dwelling unit.

FACILITY AREA

The cumulative land area occupied during the commercial operation of the solar energy generating facility. This shall include all areas and equipment within the facility's perimeter boundary – including the solar energy system, onsite interconnection equipment, onsite electrical energy storage equipment, and any other associated equipment – as well as any site improvements beyond the facility's perimeter boundary such as access roads, permanent parking areas, or other

permanent improvements. The facility area shall not include site improvements established for impact mitigation purposes, including but not limited to vegetative buffers and landscaping features.

FAMILY

One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. More than five persons, exclusive of domestic servants, not related by blood, marriage or adoption shall not be considered to constitute one family.

FLOOR AREA

The sum of the gross horizontal areas of the several floors of the building or buildings on a lot measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings, excluding cellar and basement areas used only for storage or for the operation and maintenance of the building.

FLOOR AREA, HABITABLE

All spaces within the exterior walls of a dwelling unit exclusive of garages, cellars, heater rooms, unheated porches and breezeways, but shall include all spaces not otherwise excluded, such as habitable basements, principal rooms, utility rooms, bathrooms and all closets and hallways opening directly into and appurtenant to any rooms within the dwelling unit, and all attic space having clear height of seven feet six inches or greater from finished floor level to ceiling level over 50% of the area of such attic space.

FLOOR AREA RATIO

The floor area, in square feet, of all buildings on a lot divided by the area of such lot in square feet. For purposes of calculating residential floor area ratio, "floor area" shall mean habitable floor area.

FRONTAGE

In connection with the issuance of a building permit, a minimum of 20 feet abutting directly on an approved street or highway and suitable for ingress and egress of motor vehicles including police cars, fire apparatus, ambulances or emergency vehicles.

GLARE

The effect 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.

GROUND-MOUNTED SOLAR ENERGY SYSTEM

A solar energy system that is anchored to the ground via a pole, ballast system or other mounting system, detached from any other structure, that generates electricity for on-site or off-site consumption.

HEIGHT

- A. For buildings the front wall of which is within five feet of the street, the vertical distance in feet and in stories measured from the curb level to the highest level of the roof surface of roofs, the slope of which is not more than one inch vertical to one foot horizontal, or the mean point between the eaves and the highest point of the roof if the roof is of any other type.

- B. For buildings located in their entirety more than five feet from the street line, the height in feet and in stories shall be established by the Village Engineer in such a way that no building shall be prevented from attaining at least at one point the maximum height permitted in the district in which such building is proposed to be erected, such height to be measured above the elevation of the preconstruction grade abutting such building at that point.
- C. For one- or two-family dwellings, the vertical distance from the average level of the finished grade along the wall or walls of the building facing the street to the highest level of the roof surface of roofs, the slope of which is not more than one inch vertical to one foot horizontal, or the mean point between the eaves and the highest point of the roof if the roof is of any other type. For purposes of this definition, where the finished ground surface is made by filling, the level of such finished grade shall not be deemed to be more than four feet above the preconstruction grade, as determined by the Village Engineer and as is consistent with the regulations set out in Chapter **120**, Excavation, Filling and Topsoil Removal, of the Code.
- D. The height of any berm, wall, or other structure upon which a fence is placed shall be included in the measurement of the height of the fence, except that, if a fence is placed on the higher elevation side of a retaining wall and at a distance of four feet or more horizontally from the exterior face of such retaining wall, the height of the retaining wall shall not be included in the measurement of the height of the fence.
- E. The height of any wall shall include the height of any berm, wall, or other structure upon which the wall is constructed. If a wall or system of walls is constructed in "steps" or components within four feet of each other, it shall be considered one wall for the purpose of measuring its height.

KILOWATT (kW)

A unit of power equal to 1,000 watts. The Nameplate Capacity of residential and commercial solar energy systems may be described in terms of kW.

LOT

Any parcel of land, not necessarily coincident with a lot or lots shown on a map of record, which is occupied or which is to be occupied by a building and its accessory buildings, if any, or by a group of buildings having any land in common and the buildings accessory thereto, if any, together with the required open spaces appurtenant to such building or group of buildings.

LOT AREA

The area of a lot measured on the basis of the horizontal distance between lot lines or between a lot line and a street line or between street lines.

LOT, CORNER

A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135°. A lot abutting a curved street shall be deemed a "corner lot" if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135°.

LOT DEPTH

The minimum distance from the street line of a lot to the rear lot line of such lot.

LOT LINE

Any boundary of a lot other than a street line.

LOT LINE, REAR

The lot line generally opposite to the street line.

LOT WIDTH

The average distance between side lot lines measured along two lines parallel to a line connecting the end points of the front lot line and drawn through those two points of the principal building closest to and farthest from the street.

MAIN FLOOR

The largest area, found by the projection of a horizontal plane through the habitable floor area, which is enclosed by the exterior walls of the building.

MANUFACTURING

Any process whereby the nature, size or shape of articles or raw materials is changed or where articles are assembled or packaged in quantity.

MEGAWATT (MW)

A unit of power equal to 1,000 Kw. The Nameplate Capacity of larger solar energy systems may be described in terms of MW.

MIXED OCCUPANCY

A building which has nonresidential use of the street level and residential use of another level or levels.

NAMEPLATE CAPACITY

A solar energy system's maximum electric power output under optimal operating conditions. Nameplate Capacity may be expressed in terms of Alternating Current (AC) or Direct Current (DC).

NATIVE PERENNIAL VEGETATION

Native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

NONCONFORMING BUILDING OR USE

A building or use lawfully existing at the effective date of this chapter or any amendment thereto which does not conform to the regulations prescribed for the district in which it is situated.

OPEN SPACE

Any space or area characterized by natural scenic beauty or whose existing openness, natural condition or present state of use, if retained, would enhance the conservation of natural or scenic resources.

PASSIVE OPEN SPACE

Space or area left permanently open and undeveloped, save for foot trails or paths.

ACTIVE OPEN SPACE

Space or area which has been set aside and developed for activities, such as playing fields, pools, swimming ponds, tennis courts and skating rinks.

OPEN SPACE, USABLE

An unenclosed portion of the ground of a lot which is not devoted to driveways or parking spaces, which is free of structures of any kind, of which not more than 25% is roofed for shelter purposes only, the minimum dimension of which is 40 feet, and which is available and accessible to all occupants of the building or buildings on said lot for purposes of active or passive outdoor recreation. Accessory building roof space may be substituted for ground space, provided that such space is available and accessible to all said occupants by means of access other than stairs.

POLLINATOR

Bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

RESTAURANT

A business establishment engaged in preparing and serving food and beverages for consumption on the premises, which offers a full food menu and which provides table or counter service for patrons. An establishment shall be classified as a restaurant only if more than 50% of its revenues are derived from the service of food, as opposed to the service of alcoholic beverages, the charging of admission fees or any other source of revenue. Excluded from the definition of "restaurant" are business establishments which offer curb service, drive-through window service or any other type of drive-in or drive-through service.

RETAIL STORES

Includes but is not limited to stores pertaining to, connected with or engaged in the sale of commodities in small quantities directly to the general public or ultimate consumer, such as but not limited to beverages, whether alcoholic or nonalcoholic; household maintenance goods; soaps and toiletries; medicines; linen; wearing apparel; household appliances; furniture and furnishings; electric and electronic goods, including radio and television sets and sound and/or light recording and/or reproducing equipment and apparatus; toys; stationery goods; hardware goods; paints; craftsmen's supplies; notions; and novelty goods.

RETAINING WALL

Any wall or system of walls retaining more than four feet of earth. The height of earth retained shall be measured from the ground level at the lower side of the retaining wall(s) to the top of the retaining wall(s). When the word "wall(s)" is used in this chapter, it shall be deemed to include "retaining wall(s)" unless otherwise specified. "Retaining wall(s)" are a subset of "wall(s)."

ROOF-MOUNTED SOLAR ENERGY SYSTEM

A solar energy system located on the roof of any legally permitted building or structure that produces electricity for on-site or off-site consumption, ~~and including solar canopies over parking~~

lots.

SIGN

Any structure or part thereof, or any device attached thereto or painted thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, pennant, insignia, trademark, device or other representation used as or which is in the nature of an advertisement, announcement, designation, display, attraction or directive not required by law of any person, firm, group, organization, commodity, service, profession or enterprise, when placed in such manner that it provides visual communication to the general public out-of-doors, but not including:

- A. Signs maintained or required to be maintained by law or governmental order.
- B. The flag or insignia of any government or governmental agency.
- C. The flag of any civic, political, charitable, religious, fraternal or similar organization, which is hung on a flagpole or mast.
- D. Religious or other seasonal holiday decorations which do not contain commercial lettering, wording, designs, symbols or other devices.

SIGN AREA

Includes all faces of a sign measured as follows:

- A. When a sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such frame or outline shall be included. The signage supports which affix the sign to the ground or to a structure shall not be included in the sign area, unless such supports are evidently designed to be part of the sign as defined herein. Where a sign consists of several individual faces, the sign area shall be the aggregate area of all such faces which can be observed from any one point.
- B. When a sign consists only of letters, symbols, designs or figures engraved, painted, projected or in any manner affixed on a wall, the area of such sign shall be deemed to be that of the smallest single basic geometric shape (e.g., square, rectangle, triangle or circle) which encompasses all the letters, symbols, designs or figures.

SIGN, FREESTANDING

A sign which does not depend upon a building for its main support.

SIGN, PORTABLE

Any sign not permanently attached to the ground or other permanent structure, including but not limited to signs designed to be transported on wheels or by other means, blimps, or other similar vessels such as large balloons.

SOLAR ACCESS

Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive solar energy systems on individual properties.

SOLAR ENERGY EQUIPMENT

Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM

The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, solar panels and solar energy equipment. The area of a solar energy system includes all the land inside the perimeter of the solar energy system, which extends to any interconnection equipment. A solar energy system is classified as a Tier 1, Tier 2, ~~or Tier 3,~~ or Tier 4 solar energy system as follows:

A. Tier 1 solar energy systems include the following:

- (1) Roof-mounted solar energy systems.
- (2) Building-integrated solar energy systems.
- (3) Canopy-mounted solar energy systems over parking areas.

B. Tier 2 solar energy systems include ground-mounted solar energy systems where the total surface area of all solar panels on the lot does not exceed ~~1,800~~ 1,801 square feet or have a Nameplate Capacity of up to 1 MW AC and which generate no more than 100% of the electricity consumed on the site over the previous 12 months.

C. ~~Tier 3 solar energy systems are systems that are not included in the list for Tier 1 and Tier 2 solar energy systems.~~ Tier 3 solar energy systems include ground-mounted solar energy systems where the total surface area of all solar panels on the lot falls between 1,801 square feet and one acre or have a Nameplate Capacity of up to 5 MW AC.

D. Tier 4 solar energy systems are systems that are not included in the list for Tier 1, Tier 2 and Tier 3 solar energy systems.

SOLAR PANEL

A photovoltaic device capable of collecting and converting solar energy into electricity.

STORAGE DEVICE

A battery or other technology that stores energy and makes it available in an electrical form.

STORY

That part of any building, exclusive of cellars but inclusive of basements, comprised between the level of one finished floor and the level of the next higher finished floor or, if there is no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of roof beams.

STORY, HALF

Any space partially within the roof framing where the clear height of not more than 50% of such space between the top of the floor beams and the structural ceiling level is seven feet six inches or

more.

STREET

A street shown on the Official Map of the Village of Croton-on-Hudson and improved to the satisfaction of the Planning Board.

STREET LINE

The dividing line between a lot and a street.

STRUCTURAL ALTERATION

Any change in the supporting members of a building.

TOWNHOUSE

A one-family dwelling having one or two side-party walls and having private entrances in a single building on land in common ownership.

TRAILER

Any vehicle mounted on wheels, movable either by its own power or by being drawn by another vehicle and equipped to be used for living or sleeping quarters or so as to permit cooking. The term "trailer" shall include such vehicles if mounted on temporary or permanent foundations with the wheels removed. The term "trailer" shall include mobile homes, motor homes, travel trailers, campers and other similar vehicles.

USE, ACCESSORY

A use customarily incidental and subordinate to the main use on a lot, whether such accessory use is conducted in a principal or accessory building.

VAPE OR TOBACCO SHOP

A retail outlet selling or distributing primarily any electronic cigarette or vapor products or tobacco products, including but not limited to electronic cigarettes; vape pens; dissolvable liquids; vaporizing liquids, oils or gels; mods; atomizers; vape tanks; coilheads; cigars and cigarettes or other tobacco products.

YARD, FRONT

An unoccupied ground area fully open to the sky between the street line and a line drawn parallel thereto.

YARD, REAR

An unoccupied ground area fully open to the sky between the rear lot line and a line drawn parallel thereto.

YARD, SIDE

An unoccupied ground area fully open to the sky between any property line other than a street or rear lot line and a line drawn parallel thereto and between the front and rear yards.

Section Two. Section 230-48.1, Solar energy systems, of the Zoning Law of the Village of Croton-

on-Hudson is hereby repealed in its entirety and replaced with language to read as follows:

§ 230-48.1 Solar energy systems.

- A. Authority. These provisions for solar energy systems are adopted pursuant to §§ 7-700 through 7-704 of the Village Law and § 20 of the Municipal Home Rule Law of the State of New York, which authorize the Village to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Village Law of New York State, "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor."
- B. Purpose. This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of Village of Croton-on-Hudson, including:
 - (1) Taking advantage of a safe, abundant, renewable, and nonpolluting energy resource;
 - (2) Decreasing the cost of energy to the owners of commercial and residential properties, including single-family houses; and
 - (3) Increasing employment and business development in the region by furthering the installation of solar energy systems;
 - (4) Decreasing the use of fossil fuels, thereby reducing the carbon footprint of the Village of Croton-on-Hudson;
 - (5) Diversifying energy resources to decrease dependence on the grid.
- C. Applicability.
 - (1) The requirements of this section shall apply to all solar energy systems permitted, installed, or modified in the Village of Croton-on-Hudson after the effective date of this section, excluding general maintenance and repair.
 - (2) Solar energy systems constructed or installed prior to the effective date of this section shall not be required to meet the requirements of this section.
 - (3) Modifications to an existing solar energy system that increase the solar energy system area by more than 5% of the original area of the solar energy system (exclusive of moving any fencing) shall be subject to the provisions hereof.
- D. General requirements.
 - (1) A building permit shall be required for installation of all solar energy systems.
 - (2) Prior to the issuance of a building permit, construction and/or site plan documents, signed and stamped by a licensed professional engineer or registered architect shall be submitted to the Engineering Department.

- (3) All Village boards are encouraged to condition their approval of proposed developments on sites adjacent to solar energy systems so as to protect their access to sufficient sunlight to remain economically feasible over time.
 - (4) For solar energy systems subject to site plan review, the Village shall require the applicant to establish an escrow account to recover expenses associated with engineering, environmental or legal services determined to be reasonably necessary in the processing of an application under this law.
 - (5) All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the New York State Uniform Fire Prevention and Building Code (Building Code), the New York State Energy Conservation Code (Energy Code), and the Village Code.
- E. Permitting requirements for Tier 1 solar energy systems. All Tier 1 solar energy systems shall be permitted in all zoning districts as an accessory use and shall be exempt from site plan review, subject to the following conditions for each type of solar energy system:
- (1) Roof-mounted solar energy systems.
 - (a) Roof-mounted solar energy systems shall incorporate, when feasible, the following design requirements:
 - [1] Roof-mounted solar panels must be attached to a lawfully permitted building or structure, which may be an accessory structure.
 - [2] All roof-mounted solar energy systems shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district, with the height exemptions as provided for building-mounted mechanical devices or equipment.
 - [3] Glare. All solar panels shall have antireflective coating(s).
 - (2) Building-integrated solar energy systems and canopy-mounted solar energy systems shall be shown on the plans submitted for the building permit application for the building or property containing the system. Applicants for canopy-mounted solar energy systems shall submit all studies as required by the Village Engineer or Building Inspector.
- F. Permitting requirements for Tier 2 solar energy systems. All Tier 2 solar energy systems shall be permitted in all zoning districts except the RA-5 and RA-9 Zoning Districts as accessory structures and shall be exempt from site plan review, subject to the following conditions:
- (1) Glare. All solar panels shall have antireflective coating(s).
 - (2) Setbacks. Tier 2 solar energy systems shall be subject to the setback regulations specified for the accessory structures within the underlying zoning district, except that they shall be set back no less than 10 feet from any property line. In RA and RB Zoning Districts all ground-mounted solar energy systems shall only be installed in the side or rear yards.

- (3) Height. Tier 2 solar energy systems shall be subject to the height limitations specified for accessory structures within the underlying zoning district.
- (4) Screening and visibility.
 - (a) All Tier 2 solar energy systems shall have views minimized from adjacent properties to the extent reasonably practicable.
 - (b) Solar energy equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.
- (5) Lot size. Tier 2 solar energy systems shall comply with the existing lot size requirement specified for accessory structures within the underlying zoning district.
- (6) Lot coverage. The surface area covered by Tier 2 solar energy systems shall be included in the total lot coverage permitted within the underlying zoning district.
- G. Permitting requirements for Tier 3 solar energy systems. All Tier 3 solar energy systems are permitted, subject to a special permit by the Village Board of Trustees, within the RA-40, RA-60, C-2 and LI zoning districts, and subject to site plan application requirements set forth in this section.
 - (1) Applications for the installation of Tier 3 solar energy systems shall be reviewed by the Building Inspector or Village Engineer for completeness. Applicants shall be advised of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
 - (2) Special permit application requirements. For a special 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 of all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
 - (b) Plans showing the layout of the solar energy system, including property lines and physical features, such as roads, signed by a professional engineer or registered architect.
 - (c) Nameplate Capacity of the solar energy system (as expressed in MW).
 - (d) A one- or three-line electrical diagram detailing the solar energy system layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices. The diagram should describe the location and layout of all battery energy storage system components, if applicable, and should include applicable setback and other bulk and area standards.
 - (e) Proposed changes to the landscape of the site, including site grading, vegetation clearing and planting, the removal of any large trees, access roads, exterior lighting, signage, fencing,

landscaping and screening vegetation or structures.

- (f) A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- (g) Property operation and maintenance plan. Such plan shall describe continuing photovoltaic maintenance, anticipated dual-use and property upkeep, such as mowing and trimming.
- (h) Erosion and sediment control and stormwater management plans prepared to NYS Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
- (i) Any application under this section shall meet any substantive provisions contained in the site plan and special permit sections of this Code as, in the judgment of the Planning Board, are applicable to the system being proposed.
- (j) The Planning Board or Board of Trustees may impose conditions on its approval of any site plan or special 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).
- (k) Decommissioning plan. A decommissioning plan generally in a form to be provided by the Village and signed by the owner and/or operator of the solar energy system shall be submitted by the applicant as part of the special permit application, addressing the following:
 - [1] The cost of decommissioning and removing the solar energy system, as well as all necessary site remediation or restoration.
 - [2] The time required to decommission and remove the solar energy system and any ancillary structures.
 - [3] The time required to repair any damage caused to the property by the installation and removal of the solar energy system.
 - [4] A tree restoration plan, restoring the decommissioned area to a condition similar to the condition that existed prior to the installation. Recognizing that mature plantings cannot be easily relocated, the Planning Board may exercise discretion in determining the number, caliper, type and location of plantings in reviewing any such plan, but all plantings shall be native noninvasive species.
- (3) Special permit standards.
 - (a) Height and setback. Tier 3 solar energy systems shall adhere to the height and setback requirements of the underlying zoning district.
 - (b) Lot size. Tier 3 solar energy systems shall be located on lots with a minimum lot size of four acres.

- (c) Lot coverage.
 - [1] The following components of a Tier 3 solar energy system shall be considered included in the calculations for lot coverage requirements:
 - [a] Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - [b] All mechanical equipment of the solar energy system, including any pad-mounted structure for batteries, switchboard, transformers, or storage cells.
 - [c] Paved access roads servicing the solar energy system.
 - [2] Lot coverage of the solar energy system, as defined above, shall not exceed the maximum lot coverage requirement of the underlying zoning district.
- (d) Fencing. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a fence, as required by NEC, with a self-locking gate to prevent unauthorized access. Warning signs with the owner or operator's contact information shall be placed on the entrance and perimeter of the fencing. The type and height of fencing shall be determined as part of the site plan and special permit review. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts.
- (e) Lighting. Lighting of the solar energy systems shall be limited to that minimally required for safety and operational purposes, shall be reasonably shielded and downcast from abutting properties and shall minimize impacts on nocturnal animals where practicable.
- (f) Tree cutting and landscaping.
 - [1] Tree removal shall be subject to the permit requirements of Chapter **208**.
 - [2] Removal of existing trees larger than six (6) inches in diameter shall be minimized to the extent possible.
 - [3] Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing Native Perennial Vegetation and foraging habitat beneficial to game birds, songbirds, and Pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes and seed all appropriate areas within the Facility Area.
 - [4] Integrated pest management practices shall be used to refrain from or limit pesticide use (including herbicides) for long-term operation and site maintenance.
- (g) Underground requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

- (h) Vehicular paths. Vehicular paths within the site shall be designed in compliance with Uniform Code requirements to ensure emergency access, while minimizing the extent of impervious materials and soil compaction.
- (i) Signage.
 - [1] No signage or graphic content shall be displayed on the solar energy systems except the manufacturer's name, equipment specification information, safety information, and twenty-four-hour emergency contact information.
 - [2] As required by the National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light-reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
- (j) Glare. All solar panels shall have antireflective coating(s).
- (k) Screening and visibility.
 - [1] Solar energy systems smaller than one acre shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.
 - [2] Solar energy systems larger than one acre shall be required to:
 - [a] Conduct a visual assessment of the visual impacts of the solar energy system on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including, for example, a digital viewshed report, may be required to be submitted by the applicant.
 - [b] Submit a screening and landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of solar panels and solar energy equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible. The screening and landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Village.
- (l) Steep slopes. Tier 3 solar energy systems shall not be permitted to be located on areas of steep slopes as defined in Chapter **195**.
- (m) Conditions. The following shall be made conditions of all special permits issued for Tier 3 solar energy systems.
 - [1] Ownership changes. If the owner or operator of the solar energy system changes or the owner of the property changes, the special permit shall remain in effect, provided that the successor

owner or operator assumes in writing all of the obligations of the special permit, site plan approval, and decommissioning plan. A new owner or operator of the solar energy system shall notify the Village Engineer or Building Inspector of such change in ownership or operator within 30 days of the ownership change.

- [2] Upon cessation of electricity generation of a solar energy system on a continuous basis for a period of one year, the Village may notify and instruct the owner or operator of the solar energy system to implement the decommissioning plan. The decommissioning plan must be completed within 12 months of notification.
 - [3] Lien. In the event of default of the owner or operator in the performance of removal of a solar energy system and/or complying with the requirements of the decommissioning plan, after proper notice, the Village shall be entitled to arrange for removal or decommissioning and restoration of the property in accordance with the decommissioning plan, and the cost of same incurred by the Village shall constitute a lien on the owner's real property.
- H. Permitting requirements for Tier 4 solar energy systems. All Tier 4 solar energy systems are permitted through the issuance of a special permit within RA-40, RA-60, C-2 and LI Zoning Districts, and are subject to site plan and special permit application requirements established for Tier 3 solar energy systems in Section G, in addition to the following requirements.
- (1) At least 60 days prior to the submission of an application, the Applicant shall conduct a pre-application meeting with the Village Manager to ensure all parties have clear expectations regarding any Village requirements applicable to the proposed Solar Energy System. Submission and review of the application shall not be delayed based on the failure of the Village Manager to respond in a timely manner to a properly filed meeting request. At the pre-application meeting, the Applicant must provide (1) a brief description of the proposed facility and its environmental setting, (2) a map of the proposed facility showing project components, (3) the proposed facility's anticipated impacts, (4) a designated contact person with telephone number, email address, and mailing address from whom information will be available going-forward basis, and (5) an anticipated application submission date.
 - (2) Applications for the installation of Tier 4 solar energy systems shall be reviewed by the Building Inspector or Village Engineer for completeness. Applicants shall be advised within 60 days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
 - (3) Applications for a Tier 4 Solar Energy System shall include a Community Engagement Plan detailing the applicant's proposed plans and strategies for ensuring adequate public awareness and encouraging community participation. Applicants are highly encouraged to discuss the contents and details proposed in this plan with the Village Manager prior to the submission of a formal application.
- I. Safety.
- (1) Solar energy systems and solar energy equipment shall be certified under the applicable electrical and/or building codes as required.

- (2) Solar energy systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 solar energy system is located in an ambulance district, the local ambulance corps.
- (3) If a battery energy storage system is included as part of the solar energy system, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Village and any applicable federal, state, or county laws or regulations.
- (4) Where deemed necessary by the Board of Trustees or Planning Board, emergency access to the site for local first responders shall be provided by the installation of an emergency lock box or a similar device, in a location subject to the approval of the Fire Chief.

Section Three. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Four.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.