

**CHAPTER 111**

**Regulation & Approval Standards for Solar Collection Systems**

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**[History: Adopted by the Town Board of the Town of New Baltimore on August 8, 2016, L.L. No. 3-2016.]**

§111-1. Title. This law shall be known and cited as the "Town of New Baltimore Regulation and Approval Standards for Solar Collection Systems."

§111-2. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Expedited process: The application, review and approval process for any solar collector system with a rated capacity of 12 kW or less, as set forth in §3 below.

Small-scale solar collector system: A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun’s radiant energy for a beneficial use which is intended for and used solely by an individual/home purpose and which have a rate capacity of greater than 12 kW.

Utility scale solar collector system: A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun’s radiant energy for a beneficial use which is intended to be utilized for any purpose other than private residential or agricultural use.

§111-3. Expedited process for solar collector systems with a rated capacity of 12 kW or less  
A. Purpose and intent.

The expedited solar permitting process uses a unified permit across participating municipalities in New York State. A combined building and electrical permit for a grid-tied solar electric system will be issued pending proper completion of forms, submission of approved plans and approval by municipality. All applicants must submit:

## B. Applicability.

The expedited solar permitting process shall be applicable to all solar collector system with a rated capacity of 12 kW or less, whether intended for personal use or commercial use.

## C. Application, Review and Permitting.

## (1) Items to be submitted.

(a) Unified Solar Permit for Small-Scale Solar Electric Systems and an Eligibility Checklist; and

(b) A set of plans which must include the Project address, section, block and lot number of the property and the Owner's name, address and phone number and the name, address and phone number of the person preparing the plans;

(c) A Site Plan showing location of major components of solar system and other equipment on roof or legal accessory structure. This plan should represent relative location of components at site, including, but not limited to, location of array, existing electrical service location, utility meter, inverter location, system orientation and tilt angle. This plan should show access and pathways that are compliant with New York State Fire Code, if applicable.

(d) One-Line or 3-Line Electrical Diagram as required by and shall include:

[1] Specification Sheets for all manufactured components. If these sheets are available electronically, a web address will be accepted in place of an attachment, at the discretion of the Code Enforcement Officer.

[2] All diagrams and plans must be prepared by a PE or RA as required by New York State law and include the system capacity in kW-DC.

(2) Upon receipt and verification of each of the above items, the Code Enforcement Officer shall issue a building permit for the construction and completion of the system.

## §111-4. Regulation and approval standards for small-scale solar collector systems.

## A. Purpose and intent.

(1) The purpose of these regulations is to balance the potential impact on neighbors where solar collectors may be installed near their property while preserving the rights of property owners to install solar collection systems without excess regulation. These regulations are not intended to override the New York State Agriculture and Markets Law.

(2) Solar energy is a renewable and nonpolluting energy resource that can prevent fossil fuel emissions and reduce energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid when excess solar power is generated.

## B. Applicability.

(1) The requirements herein shall apply to small-scale solar collector system installations modified or installed after the effective date of this section with a rate capacity of greater than 12 kW.

(2) Solar collector system installations for which a valid building permit has been properly issued, or for which installation has commenced before the effective date of this section, shall not be required to meet the requirements of this section, except in accordance with

Subsection D, Safety, found herein this section. Any modification, expansion or alteration to an existing solar collector system shall only be permitted in accordance with §§201-70 and 201-71 of the Town of New Baltimore Zoning Law.

(3) All small-scale solar collector systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Building Code.

#### C. Permitting.

(1) Rooftop and flush-mounted solar collectors are permitted in all zoning districts in the Town of New Baltimore subject to the following conditions:

(a) Building permits shall be required for installation of all rooftop and flush-mounted solar collectors.

(b) Height limitations for structures found in this zoning law, shall apply.

(c) Rooftop and flush-mounted solar collector systems are permitted on the following structures:

[1] All principal structures.

[2] All accessory structures that meet the principal structure setbacks as required in each zoning district.

(d) Rooftop units must be three feet from any chimney and shall not be permitted on any roof overhangs.

(e) Any solar collector system attached to a pitched roof shall not extend more than three feet from the surface of the angle of the roof.

(2) Ground-mounted racks and freestanding solar collectors are permitted as an accessory structure in all zoning districts in the Town of New Baltimore subject to the following conditions:

(a) Building permits shall be required for installation of all ground-mounted and freestanding solar collectors except in the Hamlet and General Commercial Districts, where freestanding solar collectors shall not be allowed.

(b) Special use permit from the Planning Board is required for all ground-mounted racks and freestanding solar collectors greater than 10 feet in height or greater than 20 feet in length or if the solar array surface area is greater than 200 square feet in the aggregate in all residential zoning districts. All other ground-mounted racks and freestanding solar collectors shall follow the standard building permit process.

(c) All ground-mounted racks and freestanding solar collectors shall have a maximum height of 20 feet from ground elevation.

(d) All ground-mounted racks and freestanding solar collectors installed in the side or rear yards shall comply with the setback requirements for a principal structure found in this zoning law.

(e) Solar collectors may be installed in any front yard but shall not be less than 75 feet from the front property line and shall require a special use permit.

(f) Solar collectors shall be located in a manner that reasonably minimizes shading of adjacent property while still providing adequate solar access for collectors.

**D. Safety.**

(1) All solar energy systems and solar collectors must obtain a building permit and shall be designed to be and installed to be in conformance with the New York Uniform Fire Prevention and Building Code Standards that are applicable when the building permit is issued.

(2) If solar storage batteries are included, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use. When they are no longer in use, they shall be disposed of in accordance with the laws of New York State Fire Prevention and Building Code and local laws of the Town of New Baltimore and any other applicable laws or regulations.

(3) Glare and heat. No unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated.

**§111-5. Regulation and approval standards for utility-scale solar collector systems.****A. Purpose and intent.**

(1) The purpose of these regulations is to provide utility-scale solar collector systems through performance criteria that balance the unique characteristics of each site. Utility-scale solar collector systems are allowed in all zones in the town, subject to site plan review approval pursuant to Article VII of the Town of New Baltimore Zoning Law.

(2) In any instances where specific permitted uses, area, or height standards, development guidelines and/or review procedures specifically set forth in this section conflict with any other general provision or requirements of the Zoning chapter, the particular provisions set forth herein shall take precedence and control.

**B. Bulk and area requirements. The following dimensional requirements shall apply to all utility-scale solar collector systems:****(1) Height.**

(a) All solar collectors shall have a maximum height of 20 feet from ground elevation.

(b) All buildings and accessory structures associated with the utility-scale solar collector system shall have a maximum height of 35 feet, excluding the solar collector.

(2) Setback. All utility-scale solar collector systems and associated buildings, accessory structures and equipment shall have a minimum setback from any property line of 100 feet.

(3) Lot coverage. The maximum percentage of coverage of a parcel in each zoning district shall be determined by Article V of the Town of New Baltimore Zoning Law.

**C. General provisions.**

(1) Site plan. All utility-scale solar collector systems shall provide a site plan in accordance with Article VII. of the Town of New Baltimore Zoning Law.

(2) Signage. All signage shall be provided as part of site plan review and shall be in accordance with Article VI. of the Town of New Baltimore Zoning Law.

**(3) Visual.**

(a) Utility-scale solar collector systems shall be sited in a manner to have the least possible practical visual effect on the environment.

(b) A visual environmental assessment form (Visual EAF), landscaping plan and visual assessment report, including appropriate modeling and photography assessing the visibility from key viewpoints identified in the Visual EAF, existing tree lines, surrounding topography, and proposed elevations shall be required.

(c) Landscaping, screening and/or earth berming shall be provided to minimize the potential visual impacts associated with the utility-scale solar collector systems and its accessory buildings, structures and/or equipment. Additional landscaping, screening and/or earth berming may be required by the Town Board and/or the Planning Board to mitigate visual and aesthetic impacts.

(d) Any associated structure shall be screened, placed underground, depressed, earth bermed or sited below the ridgeline to the greatest extent feasible, particularly in areas of high visibility.

(4) Lighting. A lighting plan shall be required. No utility-scale solar collector system shall be artificially lighted unless otherwise required by a federal, state or local authority. Exterior lighting may be provided for associated accessory structures and access entrances as may be determined appropriate for security purposes only.

(5) Utilities. The applicant shall provide written confirmation that the electric grid has the capacity to support the energy generated from the utility-solar collector system. Electrical and land-based telephone utilities extended to serve the site shall be underground.

(6) Access. The applicant shall indicate on a site plan all existing and proposed access to the site, including road, electric power, emergency access, land-based telephone line connection, and other utilities existing and proposed within the property boundaries of the proposed location. Existing roadways shall be used for access to the site whenever possible and determined acceptable by the Planning Board through site plan review.

(7) Glare and heat. No unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated.

(8) Ownership. In the case of an application for a utility-scale solar collector system to be located on private lands owned by a party other than the applicant or the Town, a copy of the lease agreement with the property owner shall be filed with the Building Department.

(9) Proof of insurance. The applicant and the owner of the property where the utility-scale solar collector system is to be located shall file with the Building Department proof of insurance in a sufficient dollar amount to cover potential personal and property damage associated with construction and operation thereof.

(10) Security provisions. Each site shall have a minimum of an eight-foot security fence to prevent unauthorized access and vandalism to the utility-scale solar collectors and a security program for the site as approved by the Planning Board during site plan review.

(11) Noise. Noise-producing equipment shall be sited and/or insulated to minimize noise impacts on adjacent properties as approved by the Planning Board during site plan review.

(12) Documentation from the utility company, verifying that the utility-scale solar collector system is active, shall be provided annually to the Town of New Baltimore Building Department.

(13) Required sureties for construction, maintenance and removal of utility-scaled solar collector systems.

(a) Construction and maintenance. Prior to the issuance of a building permit for the utility-scale solar collector system and any associated accessory structures, the applicant shall post a surety in an amount and form acceptable to the Town for the purposes of construction and maintenance. The amount shall be up to 20% of the construction value. Acceptable forms shall include, in order of preference: cash; letter of credit; or a bond that cannot expire; or a combination thereof. Such surety will be used to guarantee compliance with the conditions of the approval for the utility-scale solar collector. If the owner of the site fails to comply with any conditions of the approval during construction or as part of the long-term maintenance of the site, all costs of the Town incurred to comply with conditions of the approval shall be paid using the surety provided by the applicant. Failure to comply with the conditions of the approval or to maintain an acceptable level of surety will result in revocation of the certificate of occupancy.

(b) Removal. The utility-scale solar collector system, including any accessory structures and/or equipment, shall be dismantled and removed from the site when the utility-scale solar collector system has been inoperative or abandoned for two years. As a condition of the certificate of compliance, applicants shall post a surety in an amount and form acceptable to the Town for the purposes of removal or abandonment. The amount shall be up to 20% of the construction cost. Acceptable forms shall include, in order of preference: cash; letter of credit; or a bond that cannot expire; or a combination thereof. Such surety will be used to guarantee removal of the utility-scale solar collector system should the system be abandoned. Abandonment shall be assumed by the Town if the annual documentation as required in C. (12) above, is not provided by the owner, applicant or lessee for two consecutive years to the Town of New Baltimore Building Department. The Town Building Inspector shall then provide written notice to the owner to remove the utility-scale solar collector system, and the owner shall have two years from written notice to remove the utility-scale solar collector system, including any associated accessory structures and/or equipment, and restore the site to a condition approved by the Planning Board. If the owner, applicant or lessee fails to remove any associated structures or restore the site to the condition approved by the Planning Board, all costs of the Town incurred to comply with this condition shall be paid using the surety provided by the applicant.

#### §111-6. Fees.

The Town Board may set application, review and/or approval fees by resolution, from time to time, as it deems appropriate.

#### §111-7. Severability.

If any clause, sentence, paragraph, word, section or part of this Code shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

§111-8. Effective Date.

This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.