

**Draft Solar Law Changes
Town of Claverack
Summary**

Section 2.

Added Definitions

- Active Agricultural Land
- Battery Energy Storage System
- Facility Area
- Farm Operation
- Kilowatt (KW)
- Megawatt (MW)
- Mineral Soil Groups 1-4
- Nameplate Capacity
- On-Farm Solar Energy System
- Solar Project Tier or Solar Energy System (adds new Tier 4 for large solar projects)

Deleted Definitions:

- Farmland of Statewide Importance: Term deleted as it was never used in the current law. New law uses Mineral Soil Groups which likely matches what the assessor uses.
- Prime Farmland: Term deleted as it was never used in the current law.
- Landscaping Maintenance Agreement: As used, it wasn't a definition but rather requirements associated with landscaping. These requirements are now spelled out in the body of the law.
- Large Scale Solar Energy System: Term unnecessary. Both Tier 3 and Tier 4 projects meet the prior definition.

Section 3. Applicability

- New section that states that the local law applies to all new Solar Energy Systems in the town and any modifications to existing Solar Energy Systems that increase the Facility Area by more than 5% of the original Facility Area.

Section 4. General Requirements

- New section that lays out the process for installation of a proposed Solar Energy System.

Section 5. Permitting Requirements for Tier 1 Solar Energy Systems

- Tier 1 is Roof-Mounted systems and Building-Integrated Solar Energy Systems
- As in current law, Roof-Mounted only need to obtain a building permit.

Section 6. Permitting Requirements for Tier 2 Solar Energy Systems

- Tier 2 is Ground-Mounted Solar Energy Systems and these applications must receive approval from the Planning Board. This section lays out the criteria that must be met and the steps for this process. Additional criteria are included from current law. Increased qualifications from 110% to 150% of current or anticipated energy needs.

Section 7. Permitting Requirements for Tier 3 Solar Energy Systems

- Tier 3 are Ground-Mounted systems that “feed the grid”. This section adds additional details and criteria from existing law that must be met in order to obtain approval from the Planning Board. **Need to determine what Zones Tier 3 Systems can be built in.**
- Adds language to the Decommissioning section to ensure that the land is restored to its original situation. Also adds language to revisit the bond/security amount every 5 years to ensure that it will cover any Decommissioning costs (125% of the cost).
- Stipulates that only landscaping may occur within the setback unless otherwise allowed by the Planning Board. (Current law allows access roads, fencing and collection lines within the setback.)
- Gives the Planning Board the right to add additional fencing requirements to help the project fit within the local community or meet other conservation needs such as requiring fencing that matches nearby agricultural fencing and/or is more suitable for wildlife movement.
- Includes section that describes Screening and Visibility requirements for projects under 10 acres and above 10 acres (different requirements). For projects over 10 acres, requires that a visual assessment of the visual impacts of the Solar Energy Systems on public roadways, adjacent properties and other residential properties within ½ mile of the project and clearly with the line-of-sight of the project as viewed from the residence. Gives the Town additional discretion to require more impact analyses for the viewshed of the proposed project. Also requires submission of screening and landscaping plan as part of the project when appearing before the Planning Board.
- Allows more than 50% coverage of a project if it incorporates an onsite activity or program which provides for the use of the land as a Farm Operation.
- Includes a requirement that if the owner or operator of the Solar Energy System changes, the Town must be notified in writing and all agreements/requirements of the previous owner/operator must be followed, including clarification of any non-written commitments made by the prior owner or operator.

Section 8. Permitting Requirements for Tier 4 Solar Energy Systems

- **New section that addresses large projects that may qualify to go through the NYS Office of Renewable Energy Siting. **Need to determine what Zones these projects would be allowed in.****
- Includes a requirement for a Pre-Application Meeting with the Town prior to the Planning Board process, as well as a Community Engagement Plan.
- Includes section that states that if a project ceases for 6 months, the Town may notify and instruct the owner/operator to implement a decommissioning plan.

Appendix 1. Lot Size Requirements

- Outlines the size requirements of the lot for Ground-Mounted Solar Energy Systems to be permitted in each of the Zones within the Town.

Appendix 2. Setback Requirements

- Sets forth the parcel line setback requirements for Ground-Mounted Solar Energy Systems. Only landscaping may occur within the setback.
- Increases the setback for “Non-Participating Occupied Residence” from current law of 100’ to 500’.

Appendix 3. Height Requirements

- Sets forth height requirements for each type of Solar Energy Systems. The height of the systems will be measured from the highest natural grade below each Solar Panel.

Appendix 4. Example Decommissioning Plan

Draft