

Section 1. Section 98.98 of the Town of Torrey Zoning Law is hereby repealed and a new Section 98.98 [Adopted 1/18/2018] is hereby inserted in its place to read as follows:

Section 98.98 Solar Energy System Regulations

A. Purpose.

The purpose of this chapter is to facilitate the development and operation of renewable energy systems based on solar energy. Solar energy systems are appropriate in all zoning districts when measures are taken, as provided in this chapter, to minimize adverse impacts on neighboring properties and protect the public health, safety and welfare.

B.

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

MINOR OR ACCESSORY SOLAR COLLECTION SYSTEM - A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, for the collection of solar energy for electricity generation or transfer of stored heat where the electrical energy generated is not more than twice the electrical energy used on site.

MAJOR SOLAR COLLECTION SYSTEM OR SOLAR FARM - A solar collection system, other than a minor or accessory solar collection system, used to capture solar energy and convert it to electrical energy in which at least 50% of the electrical energy generated will be transferred to the public electric grid in order to sell electricity to a public utility entity. Solar farm facilities consist of one or more freestanding ground or roof-mounted solar collector devices, related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

C. Solar Collectors and Installations for Minor Systems.

1. Rooftop and building-mounted solar collectors that meet the definition of a minor or accessory solar collection system are permitted in all zoning districts in the Town as accessory structures.

- a. Building permits shall be required for installation of rooftop and building-mounted solar collectors.
- b. Solar energy systems shall not exceed the height restrictions for the zoning district within which they are located.

2. Ground-mounted and freestanding solar collectors that meet the definition of a minor or accessory solar collection system are permitted as accessory structures in all zoning districts of the Town, subject to the following requirements:

- a. The total surface area of all solar collectors, when combined with all other buildings and structures on the lot, shall not exceed lot coverage.
 - b. A building permit shall be obtained for the solar collectors.
 - c. The solar collectors shall be located in a side or rear yard and shall meet the setback and height requirements for accessory structures.
 - d. Solar collectors and other facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties and roads.
3. Where site plan approval is required elsewhere in the regulations of the Town for a development or activity, the site plan review shall include review of the adequacy, location, arrangement, size, design, and general site compatibility of proposed solar collectors.
 4. All solar collector installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards. Prior to operation, the electrical connections must be inspected by the Town Code Enforcement Officer or by an appropriate electrical inspection person or agency, as determined by the Town. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.
 5. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with current laws.
 6. If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment and facilities no later than 90 days after the end of the twelve-month period.

D. Solar Collectors and Installations for Major Systems or Solar Farms.

1. Where applicable, and unless more restrictive regulations also apply, the requirements of this chapter shall apply to major solar collection systems or solar farms.
2. A major solar collection system or solar farm shall be constructed pursuant to Site Plan approval from the Town Planning Board and issuance of a Special Use Permit from the town Zoning Board of Appeals.
3. Areas of potential sensitivity:
 - a. Historic and/or culturally significant resources.
 - b. Within 100 feet of a freshwater wetland.
 - c. The Viewshed of Seneca Lake.

d. Public roads.

4. A major solar collection system or solar farm may be permitted in all zoning districts in the Town subject to the following terms and conditions.

a. The total coverage of all buildings and structures on a lot, including freestanding solar panels, shall not exceed limits for the zoning district.

b. Height and setback restrictions.

(1) The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed 15 feet in height above the ground.

(2) The minimum setback from property lines shall meet the requirements of the zoning district for primary structures.

(3) A landscaped buffer shall be provided around all equipment and solar collectors to provide screening from adjacent residential properties and roads.

c. Design standards.

(1) Removal of trees and other existing vegetation shall be minimized or offset with planting elsewhere on the property.

(2) Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.

(3) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

(4) Solar collectors and other facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties and roads.

(5) All mechanical equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six-foot-high fence with a self-locking gate, and provided with landscape screening.

(6) A solar farm to be connected to the utility grid shall provide a "proof of concept" letter from the utility company acknowledging the solar farm will be connected to the utility grid in order to sell electricity to the public utility.

(7) Each solar system or farm shall be designed to minimize the total acreage of land to be developed.

(8) Each major solar collection system or solar farm site plan and storm water management plan shall be reviewed by Yates County Soil and Water District prior to final site plan approval.

(9) For major solar collection systems or solar farms impacting agricultural land, the “Guidelines for Agricultural Mitigation for Solar Energy Projects” prepared by the New York State Department of Agriculture and Markets shall be taken into consideration by the Planning Board and the Zoning Board of Appeals.

(10) Panels that are a part of a major solar collection system or solar farm must be mounted in such a way that they protect the Viewshed of Seneca Lake.

(11) Major solar collection systems or solar farms must be situated to minimize the visual impact from public roads.

d. **Signs.**

(1) A sign not to exceed eight square feet shall be displayed on or near the main access point and shall list the facility name, owner and phone number.

(2) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

e. **Abandonment.**

(1) All applications for a major solar collection system or solar farm shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the facility.

(2) If the applicant begins but does not complete construction of the project within 18 months after receiving final site plan approval, this may be deemed abandonment of the project and require implementation of the decommissioning plan to the extent applicable.

(3) The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, including, but not limited to, the following:

(a) Removal of aboveground and below-ground equipment, structures and foundations.

(b) Restoration of the surface grade and soil after removal of equipment.

(c) Re-vegetation of restored soil areas with native seed mixes, excluding any invasive species.

(d) The plan shall include a time frame for the completion of site restoration work.

(e) The decommissioning plan shall include an estimated cost of executing the plan. The cost estimate shall be prepared and certified by a professional engineer.

(4) In the event the facility is not completed and functioning within 18 months of the issuance of the final site plan approval, the Town may notify the operator and/or the owner to complete construction and installation of the facility within 180 days. If the owner and/or operator fails to

perform, the Town may notify the owner and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of notification by the Town.

(5) Upon cessation of activity of a constructed facility for a period of one year, the Town may notify the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or operator can either restore operation equal to 80% of approved capacity or implement the decommissioning plan.

(6) If the owner and/or operator fails to fully implement the decommissioning plan within the one-hundred-eighty-day time period, the Town may, at its discretion, provide for the restoration of the site in accordance with the decommissioning plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Town shall be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes.

(7) The site developer shall deposit with the Town clerk a bond or other form of security acceptable to the Town equal to 125% of the estimates decommissioning cost with an escalation of 2 % annually for the life of the facility prior to the permits being issued for any solar project. The bond shall be in place for the life of the facility and shall be used to fund the decommissioning of the facility in the event it is abandoned. *[Amended 12/14/2021]*

(8) Any solar farm developed prior to the adoption of this revision that deposited a bond or other security with a value greater than 125% of the estimated decommissioning cost shall be able to replace the original bond or security with one that complies with this current revision.
[Amended 12/14/2021]

Section 2. **Severability**

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 3. **Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State