TOWN OF ELBRIDGE
LOCAL LAW NO. __FOR THE YEAR 2026

A LOCAL LAW TO AMEND THE TOWN OF ELBRIDGE ZONING LAW (CHAPTER 265 OF THE TOWN OF ELBRIDGE TOWN CODE) BY AMENDING ARTICLE X ("SOLAR ENERGY SYSTEMS")

Be it enacted by the Town Board of the Town of Elbridge as follows:

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. PURPOSE AND INTENT.

The Town of Elbridge Town Board has observed the proliferation of large-scale solar facilities throughout Central New York in recent years. This proliferation is anticipated to continue and increase as the State of New York continues to incentivize such projects. The Town therefore desires to address the potential negative impacts of such large-scale projects by providing additional protections related to agricultural resources, town roadways, decommissioning and uniform solar guidelines for such uses.

SECTION 3. AMEND ARTICLE X ("SOLAR ENERGY SYSTEMS"), CHAPTER 265 OF THE TOWN OF ELBRIDGE ZONING LAW.

Article X ("Solar Energy Systems") of Chapter 265 of the Town of Elbridge Zoning Law is hereby amended so as to read in its entirety as follows:

"§265-60 Purpose.

The Town of Elbridge recognizes that solar energy is a clean, readily available and renewable energy source. Development of solar energy systems offers an energy source that can prevent fossil fuel emissions, reduce the Town's energy demands and attract and promote green business development within the Town. The Town of Elbridge has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents, and businesses. This Article is intended to promote the effective and efficient use of solar energy systems; establish provisions for the placement, design, construction, operation and removal of such systems in order to uphold the public health, safety and welfare; and to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and character of the Town.

§265-61 Applicability.

This Article shall apply to all solar energy systems in the Town of Elbridge which are installed or modified after the effective date of this Article. All solar energy systems which are installed or

modified after the effective date of this Article shall be in compliance with all of the provisions hereof.

§265-62 Definitions.

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

ATTERBERG LIMITS AND FIELD TESTS - A basic measure of the critical water contents of a fine-grained soil and its shrinkage limit, plastic limit, and liquid limit. Establishes the moisture contents at which fine-grained clay and silt soils transition between solid, semisolid, plastic, and liquid states.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM - A solar energy system incorporated into and becoming part of the overall architecture, design and structure of a building in manner that the solar energy system is a permanent and integral part of the building structure.

ENVIRONMENTAL MANAGER (EM) - An individual possessing the skills and knowledge to effectively develop a site for use as a solar PV system and then reclaim the site, restoring it, to the greatest extent practical, to its original use.

FARMLAND OF STATEWIDE IMPORTANCE - Land, designated as "Farmland of Statewide Importance" in the U.S. Department of Agriculture Natural Resources Conservation Service's (NRCS) Soil Survey Geographic (SSURGO) Database on Web Soil Survey, and/or pursuant to the New York State classification system for Onondaga County, that is of statewide importance for the production of food, feed, fiber, forage, and oilseed. Farmland of statewide importance may include tracts of land that have been designated for agriculture by New York State.

FLUSH-MOUNTED SOLAR ENERGY SYSTEM - A rooftop-mounted solar energy system with solar panels which are installed flush to the surface of a roof and which cannot be angled or raised.

GROUND-MOUNTED SOLAR ENERGY SYSTEM - A solar energy system that is affixed to the ground either directly or by mounting devices and which is not attached or affixed to a building or structure.

HOST COMMUNITY AGREEMENT - A contract between a developer and a local governing body whereby the developer agrees to provide the community with certain benefits and mitigate specified impacts of the solar project.

KILOWATT (kW) - A unit of electrical power equal to 1,000 watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used; 1,000 kW is equal to one megawatt (MW).

MEGAWATT (MW) - A unit of electrical power equal to 1,000 kilowatts, which constitutes a unit of electrical demand.

NATIVE PERENNIAL VEGETATION - Native wildflowers 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.

NET-METERING - A billing arrangement that allows solar customers to receive credit for excess electricity which is generated from the customer's solar energy system and delivered back to the grid so that customers only pay for their net electricity usage for the applicable billing period.

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

PRIME FARMLAND, PRIME SOILS, AND PRIME SOIL LANDS - Soils and land that are best suited for producing food, feed, forage, fiber, and oilseed crops and must be available for this use. Such soils have the soil quality, growing season, and moisture supply needed to economically produce a sustained high yield of crop when it is treated and managed according to acceptable farming methods. Prime farmland may now be in crops, pasture, woodland, or other land but not in urban and built-up land or water areas. [As referenced by the Onondaga County Agriculture and Farmland Protection Plan; and lands designated as "Prime Farmland" in the U.S. Department of Agriculture Natural Resources Conservation Service's (NRCS) Soil Survey Geographic (SSURGO) Database on Web Soil Survey].

QUALIFIED SOLAR INSTALLER - A person who has skills and knowledge related to the construction and operation of solar energy systems (and the components thereof) and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSERDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Town Code Enforcement Officer or such other Town officer or employee as the Town Board designates determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

ROOFTOP-MOUNTED SOLAR ENERGY SYSTEM - A solar energy system in which solar collectors/panels are mounted on the roof of a building or structure either as a flush-mounted system or as panels fixed to frames which can be tilted to maximize solar collection. Rooftop-mounted solar energy systems shall be wholly contained within the limits of the building's or structure's roof surface.

SOLAR ACCESS - Space open to the sun and clear of overhangs or shade, including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

SOLAR COLLECTOR - solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLAR ENERGY SYSTEM - A complete system of solar collectors, panels, controls, energy devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process

by which solar radiation is collected and converted into another form of energy, including but not limited to thermal and electrical, stored and protected from dissipation and distributed. For purposes of this Article, a solar energy system does not include any solar energy system of four (4) square feet in size or less.

SOLAR FARMS - A solar energy system or collection of solar energy systems or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider.

SOLAR PANEL - A device which converts solar energy into electricity.

SOLAR SKYSPACE - The space between a solar energy system and the sun through which solar radiation passes.

SOLAR STORAGE BATTERY - A device that stores energy from the sun and makes it available in an electrical form.

§ 265-63 Building-Integrated Solar Energy Systems.

A. Districts where allowed. Building-integrated solar energy systems shall be permitted in all zoning districts within the Town, subject to the submission of, application for and review and issuance of an applicable building permit.
B. Building-integrated solar energy systems shall be subject to the general requirements set forth in § 265-66.

§ 265-64 Rooftop-Mounted Solar Energy Systems.

A. Districts where allowed. Rooftop-mounted solar energy systems shall be permitted in all zoning districts within the Town, subject to the following requirements:

    1. A building permit shall be required for installation of all rooftop-mounted solar energy systems.

    2. If practicable, a rooftop-mounted solar energy system on a pitched roof shall be mounted with a maximum distance of eight inches, or as required by the New York State Uniform Fire Prevention and Building Code, between the roof surface and the highest edge of the system. Rooftop-mounted solar energy systems shall be mounted parallel to the roof plane on which they are mounted. However, in the case of buildings which have a flat roof, a tilted mount may be permitted subject to site plan review before the Planning Board.

    3. To ensure firefighter and other emergency responder safety, except in the case of accessory buildings under 1,000 square feet in area, there shall be a minimum perimeter area around the edge of the roof and structurally supported pathways to provide space on the roof for walking around all rooftop-mounted solar energy systems. Additionally, installations shall provide for adequate access and spacing in order to:

a. Ensure access to the roof;
b. Provide pathways to specific areas of the roof;
c. Provide for smoke ventilation opportunity areas; and
d. Provide for emergency egress from the roof.

4. Exceptions to these requirements may be requested where access, pathway or ventilation requirements are reduced due to:

   a. Unique site-specific limitations,
   b. Alternative access opportunities (such as from adjoining roofs);
   c. Ground level access to the roof area in question;
   d. Other adequate ventilation opportunities when approved by the Codes Office;
   e. Adequate ventilation opportunities afforded by panels set back from other rooftop equipment (for example: shading or structural constraints may leave significant areas open for ventilation near HVAC equipment;
   f. Automatic ventilation devices; or
   g. New technology, methods or other innovations that ensure adequate emergency responder access, pathways and ventilation opportunities.

5. In the event any of the standards in this Subsection A are more stringent than the New York State Uniform Fire Prevention and Building Code, they shall be deemed to be installation guidelines only, and the standards of the code shall apply.

B. Rooftop-mounted solar energy systems shall be subject to the general requirements set forth in § 265-66.

C. Permit application requirements for rooftop-mounted solar energy systems.

1. In addition to the requirements specified in § 265-64(A) and (B), an applicant must submit the following materials to the Code Enforcement Officer:

   a. Unified solar permit eligibility checklist;
   b. A site plan showing the location of major components of the solar energy system and other equipment on the roof or legal accessory structure. This plan should represent relative locations of components at the site, including, but not limited to, location of arrays, existing electrical service locations, utility meters, inverter locations, system orientation and tilt angles. This plan should show access and pathways that are compliant with New York State Uniform Fire Prevention and Building Code, if applicable;
   c. One-line or three-line electrical diagram. The electrical diagram required by NYSERDA for an incentive application and/or utilities for an interconnection agreement may also be provided here;
   d. 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 Town; and
   e. All diagrams and plans must be prepared by a professional engineer or registered architect as required by New York State law and include the following:

i. Project address, section, block and lot number of the property;
ii. Owner's name, address and phone number;
iii. Name, address and phone number of the person preparing the plans; and
iv. System capacity in kW-DC.

2. Permit review and inspection timeline. Permit determinations will be issued within 14 days upon receipt of complete and accurate applications. The Town will provide feedback within seven (7) days of receiving incomplete or inaccurate applications. If an inspection is required, a single inspection should be sufficient and will be provided within seven (7) days of inspection request.

§ 265-65 Ground-Mounted Solar Energy Systems.

A. Districts where allowed. Ground-mounted solar energy systems are permitted as accessory structures in all zoning districts of the Town, subject to the following requirements:

1. A building permit shall be required for installation of all ground-mounted solar energy systems irrespective of the zoning district in which the ground-mounted solar energy system is located.

2. A special use permit must be obtained from the Planning Board for the installation of all ground-mounted solar energy systems located in the Rural Residential District, Residential (R-1) District and the Service District.

3. Site plan approval from the Planning Board shall be required for the installation of all ground-mounted solar energy systems located in the Agricultural (A) District, Business (B-1) District, Business (B-2) District, Business (B-3) District, and Industrial District.

4. Ground-mounted solar energy systems are prohibited in front yards.

   a. Ground-mounted solar energy systems shall comply with the area and yard regulations in each applicable underlying zoning district in which said system is constructed; provided, however, that further setbacks and bulk restrictions may be required by the Planning Board to protect the public's health, safety and welfare

5. The height of the solar collector/panel and any mounts shall not exceed 15 feet in height when oriented at maximum tilt measured from the ground and including any base.

6. Ground-mounted solar energy systems shall be screened when possible and practicable from adjoining lots and street rights-of-way through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and the surrounding area. The proposed screening shall not interfere with the normal operation of the solar collectors/panels.

7. The ground-mounted solar energy system shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for the solar energy system.

8. Neither the ground-mounted solar energy system, nor any component thereof, shall be sited within any required buffer area.

9. The total surface area of all ground-mounted solar energy system components shall not exceed the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls, excluding patios, decks, balconies, screened and open porches, and attached garages, provided that nonresidential placements exceeding this size may be approved by the Planning Board, subject to site plan review pursuant to Article XII, § 265-80.

10. The area beneath the ground-mounted solar energy system shall be included in calculating whether the lot meets the maximum permitted lot coverage requirements for the applicable district, notwithstanding that the collectors are not "buildings."

B. Ground-mounted solar energy systems shall be subject to the general requirements set forth in § 265-66.

§ 265-66 General Requirements Applicable to Building-Integrated, Rooftop-Mounted and Ground-Mounted Solar Energy Systems.

A. All solar energy system installations must be performed by a qualified solar installer.

B. Solar energy systems, unless part of a solar farm, shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a net-metering arrangement in accordance with New York Public Service Law § 66-j or similar state or federal statute.

C. Prior to operation, electrical connections must be inspected by a Town Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town.

D. Any connection to the public utility grid must be inspected by the appropriate public utility.

E. Solar energy systems shall be maintained in good working order.

F. Solar energy systems shall be permitted only if they are determined by the Town to be consistent in size and use with the character of the surrounding neighborhood.

G. Solar energy systems shall be permitted only if they are determined by the Town not to present any unreasonable safety risks, including but not limited to:

1. Weight load;

2. Wind resistance; and

3. Ingress or egress in the event of fire or other emergency.

H. All solar energy systems described in this article shall meet and comply with all relevant and applicable provisions of the New York State Uniform Fire Prevention and Building Code standards. To the extent the provisions of the New York State Uniform Fire Prevention and Building Code are more restrictive than the provisions set forth in this article, the provisions of the New York State Uniform Fire Prevention and Building Code shall apply.

I. If solar storage batteries are included as part of the solar energy 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 the laws and regulations of the Town and other applicable laws and regulations.

J. All utility services and electrical wiring/lines shall be placed underground and otherwise be placed within the walls or unobtrusive conduit. No conduits or fees may be laid on the roof. Feeds to the inverter shall run within the building and penetrate the roof at the solar panel location.

K. If a solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall completely remove, at his own sole cost and expense, the system, mount and all other associated equipment and components by no later than 90 days after the end of the twelve-month period or within 10 days of written notice from the Town.

L. To the extent practicable, solar energy systems shall have neutral paint colors, materials and textures to achieve visual harmony with the surrounding area.

M. The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.

N. Marking of equipment.

1. Solar energy systems and components shall be marked to provide emergency responders with appropriate warning and guidance with respect to isolating the solar energy system. Materials used for marking shall be weather-resistant. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover.

2. In the event any of the standards in this subsection for markings are more stringent than applicable provisions of the New York State Uniform Fire Prevention and Building Code, they shall be deemed to be guidelines only and the standards of the state code shall apply.

O. Prior to the time of the issuance of a solar/building permit, the applicant/owner shall demonstrate to the Code Enforcement Officer a reliable and safe method for de-energizing the solar energy system in the event of an emergency. The method and location to de-energize the solar energy system, once approved by the Code Enforcement Officer, shall be provided by the applicant to all applicable emergency services and first responders.

P. All solar energy systems shall be required to use solar panels made and manufactured in the United States of America.

§ 265-67 Solar Farms.

A. Districts where allowed. Subject to the issuance of site plan approval and a special use permit and other requirements as set forth herein, solar farms shall not be a permitted use in any zoning district other than Industrial District within the Town.

B. Districts where prohibited. Solar farms shall be prohibited in the Agricultural (A) District, Rural Residential District, Residential (R-1) District, Service District, Business (B-1) District, Business (B-2) District, Business (B-3) District and Municipal District and other zoning districts not specifically authorized for such use.

C. Lot area and yard regulations. The following lot area and yard regulations shall apply to solar farms located in the Industrial District within the Town:

1. Minimum street frontage: 300 feet

2. Minimum lot area: 50 acres

3. Minimum front yard setback: 250 feet

4. Minimum rear yard setback: 100 feet

5. Minimum side yard setback: 100 feet

D. Permits required. No person, firm or corporation, or other entity being the owner, occupant, or lessee of any land or premises within the Town of Elbridge shall use or permit the use of land or premises for the construction or installation of a solar farm without obtaining a building permit, a special use permit issued by the Planning Board and a site plan approval issued by the Planning Board as hereinafter provided.

E. Special use permit.

1. In addition to the criteria set forth in Article XII §81 (Special Use Permits), the following criteria are hereby established for purposes of granting a special use permit for a solar farm under this Article:

a. Scenic viewsheds. A solar farm shall not be installed in any location that would substantially detract from or block the view(s) of all or a portion of a recognized scenic viewshed, as viewed from any public road, right-of-way or publicly owned land within the Town of Elbridge or that extends beyond the border of the Town of Elbridge. For purposes of this subsection, consideration shall be given to any relevant portions of the current, amended and/or future Town of Elbridge Comprehensive Plan and/or any other prior, current, amended and/or future officially recognized Town planning document or resource.
b. Emergency shutdown/safety. The applicant shall demonstrate the existence of adequate emergency/safety measures. The applicant shall post an emergency telephone number so that the appropriate entities may be contacted should any solar panel or other component of the solar farm need immediate repair or attention. This emergency telephone number should be clearly visible and in a location which is convenient and readily noticeable to someone likely to detect a problem.
c. Security. All solar farms shall be secured to the extent practicable to restrict unauthorized access. *See* § 265-67(F)(1)(q).
d. Access road. To the greatest extent possible, existing roadways shall be used for access to the site and its improvements. In the case of constructing any roadways necessary to access the solar farm, they shall be constructed in a way that allows for the passage of emergency vehicles in the event of an emergency. Each application shall be accompanied by correspondence from the responding fire department and emergency care provider as to the acceptability of the proposed ingress to and egress from the solar farm site.
e. The development and operation of the solar farm shall not have a significant impact on fish, wildlife, animal or plant species or their critical habitats, or other significant habitats identified by the Town of Elbridge or federal or state regulatory agencies.
f. Setbacks. Additional setbacks may be required to those set forth in § 265-67(C) by the Planning Board in order to provide for the public's safety, health and welfare.
g. No solar farm shall be installed on or within 1,000 feet of wetlands as identified/defined by the New York State Department of Environmental Conservation, the U.S. Army Corps of Engineers or local governing body.
h. In the granting of a special use permit, the Planning Board will strive to permit the location of solar farms in such a manner so that no one area or neighborhood in the Town shall be overburdened by the placement of any proposed solar farm(s). Screening, including plantings, berms, and other screening methods, may be required to mitigate any impacts. Such plantings and screening shall be continuously maintained and replaced if dead, dying, or falling into disrepair.
i. Equipment specification sheets shall be documented and submitted to the Planning Board for all photovoltaic panels, significant components, mounting systems, batteries and inverters that are to be installed.
j. Noninvasive, native ground cover under and between the rows of solar panels shall be low-maintenance, drought-resistant, non-fertilizer-dependent and shall be pollinator-friendly to provide a habitat for bees, birds, bats, and other insects or wildlife that pollinate flowering plants and includes both wild and managed insects.

k. For community solar projects, the Planning Board has the authority to require that the applicant open subscription services to Town residents before offering subscriptions to others.

F. Site plan review.

1. The following submission requirements must be observed regarding a site plan application for a solar farm. The Planning Board may also require any of the requirements of Article XI, § 265-80, as part of the submission.

    a. A completed application form as supplied by the Town of Elbridge for site plan approval for a solar farm.
    b. Proof of ownership of the premises involved or proof that the applicant has written permission of the owner to make such application.
    c. Plans and drawings of the proposed solar farm installation signed by a professional engineer registered in New York State showing the proposed layout of the entire solar farm along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of site plan approval. The plans and development plan shall be drawn in sufficient detail and shall be further described:

        i. Property lines and physical dimensions of the proposed site, including contours at five-foot intervals.
        ii. Location, approximate dimensions and types of all existing structures and uses on the site.
        iii. Location and elevation of the proposed solar farm and all components thereof.
        iv. Location of all existing aboveground utility lines within 1,200 linear feet of the site.
        v. Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a solar farm shall be buried underground and include necessary encasements in accordance with the National Electrical Code and Town requirements. The Planning Board may recommend waiving this requirement if sufficient engineering data are submitted by the applicant demonstrating that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead electric utility/transmission lines (if permitted) and underground electric utility/transmission lines, including substations and junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the public utility company's requirements for interconnection. Any connection to the public utility grid must be inspected by the appropriate public utility.
        vi. Location of all service structures proposed as part of the installation.
        vii. A landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features, including size and type of plant

material. The plan shall show any trees and/or vegetation which is proposed to be removed for purposes of providing greater solar access.

viii. A berm, landscape screen, or any other combination acceptable to the Town capable of screening the site, shall be provided along any property line that abuts an existing residence or any property zoned other than Industrial.

ix. Soil type(s) at the proposed site.

x. Submission of a written operation and maintenance plan for the proposed solar farm that includes measures for maintaining safe access, operational maintenance of the solar farm, and general property upkeep, such as mowing and trimming, and an agricultural soils preservation plan if applicable. The operation and maintenance plan shall be filed and recorded by the applicant in the Onondaga County Clerk's office (indexed to the property) following approval of the site plan by the Planning Board

a. For installations on prime farmland, projects shall comply with the New York State Department of Agriculture and Markets Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands. Where an agricultural soils preservation plan has been approved as part of a project, it shall be a condition of any such approval that such agricultural component will be maintained as approved. (*See also* Schedule A "Solar Farm Guidelines" at the end of this Article.)

b. Herbicides are prohibited except where the Planning Board finds it impractical to use mechanical means to control vegetation

d. Photographic simulations shall be included showing the proposed solar farm along with elevation views and dimensions and manufacturer's specifications and photos of the proposed solar energy systems, solar collectors, solar panels and all other components comprising the solar farm or from other vantage points selected by the Planning Board.

e. If applicable, certification from a professional engineer or architect registered in New York State indicating that the building or structure to which a solar panel or solar energy system is affixed is capable of handling the loading requirements of the solar panel or solar energy system and various components.

f. A one- or three-line electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all disconnects and overcurrent devices.

g. Documentation of access to the project site(s), including location of all access roads, gates, parking area, etc.

h. A plan for clearing and/or grading of the site and a stormwater pollution prevention plan (SWPPP) for the site. The SWPPP shall be filed and recorded in the Onondaga County Clerk's office (indexed against the property) by the applicant following Planning Board approval (prior to commencement of construction) and shall provide for access to the Town of Elbridge in the event of a default of the operator's obligations

under the SWPPP. The SWPPP shall include a security amount approved by the Town's consulting engineer and shall remain in place until decommissioning is complete.

i. Documentation of utility notification, including an electric service order number.

j. Sunchart. Where deemed appropriate, the Planning Board may require that the applicant submit a sunchart for the proposed site indicating the sun angle for the southern boundary of the site for a minimum four-hour continuous period during the time of the highest sun angle on December 21, along with the potential for existing buildings, structures, and/or vegetation on the site or on adjacent sites to obstruct the solar skyspace of the proposed solar farm. The sunchart shall also indicate the potential for obstructions to the solar skyspace of the proposed solar farm under a scenario where an adjacent site is developed as otherwise permitted by applicable provisions of the Town of Elbridge Zoning Law with a building/structure built to maximum bulk and height at the minimum setback. Where no standards for setback are established, this scenario shall assume a maximum setback of five feet from the property line. The sunchart shall be kept on file at the Town Code Enforcement Office and determine the minimum setback required for any solar collectors from the south property line as well as the solar skyspace that should be considered when development of neighboring properties occurs. This section in no way places responsibility on the Town for guaranteeing the solar skyspace of a solar energy system in the event setbacks are waived at the applicant's request.

k. The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site and be clearly visible.

l. Solar energy systems shall be marked to provide emergency responders with appropriate warning and guidance with respect to isolating the electric systems. Materials used for marking shall be weather-resistant. The marking shall be placed adjacent to the main service disconnect location clearly visible from the location where the lever is operated.

m. The average height of the solar panel array shall not exceed 20 feet measured from the ground and including any base or supporting materials.

n. Color. Neutral paint colors, materials and textures may be required for solar farm components, buildings and structures to achieve visual harmony with the surrounding area as approved by the Planning Board.

o. The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.

p. Artificial lighting of solar farms shall be limited to lighting required for safety and operational purposes and shall be shielded from all neighboring properties and public roads and shall otherwise avoid spillage.

q. Solar farms shall be enclosed by a perimeter fencing to restrict unauthorized access at a height of 8 ½ feet or as otherwise approved by the Planning Board.

r. Only signage used to identify the location of the solar farm shall be allowed, and such signage shall otherwise comply with the Town's sign regulations and requirements.

s. All applications shall be accompanied by a full environmental assessment form for purposes of environmental review under the New York State Environmental Quality Review Act (SEQRA), including a visual impact analysis. The following additional material may be required by the Planning Board:

    i. A digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations, to a distance radius of three miles from the center of the project. Scaled use shall depict a three (3) mile radius as not smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features.
    ii. No fewer than four (4) color photos taken from locations within a three-mile radius from the proposed location, as selected by the Planning Board and computer-enhanced to simulate the appearance of the as-built above-ground solar farm components as they would appear from these locations.
    iii. The applicant shall submit details of the proposed noise that may be generated by solar inverter fans or other solar farm components. The Planning Board may require a noise analysis to determine potential adverse noise impacts.

2. Site plan review criteria. In addition to the above, no site plan shall be approved unless the Planning Board determines that the proposed solar farm complies with the following:

    a. The use is oriented in its location upon the site as to layout, coverage, screening, means of access and aesthetics so that:

        i. The flow control and safety of traffic and human beings shall not be adversely affected to an unreasonable degree;
        ii. There is reasonable compatibility in all respects with any structure or use in the surrounding area, actual or permitted, which may be directly substantially affected;
        iii. There shall not be any unreasonable detriment to any structure or use, actual or permitted, in the surrounding area;
        iv. There is a reasonable provision for open space and yard areas as appropriate to the surrounding area.
        v. The removal of existing trees larger than six (6) inches in diameter has been minimized to the extent possible.
        vi. It has been demonstrated that the establishment of the proposed solar facility will not have negative impacts to surrounding property values as established by competent evidence.

G. Public hearing. No action shall be taken by the Planning Board to issue a special use permit or site plan approval, nor by the Zoning Board of Appeals to grant a use or area variance in relation to an application for a solar farm, until after public notice and a public hearing. Proper notice of a hearing before a board shall be given by legal notice published in the official newspaper of the Town of Elbridge at least five (5) days before the date set for such public hearing(s) and written notice mailed to the applicant or their agent at the address given in the application to be considered. The applicant shall be responsible for notifying, by certified mail, all property owners of record within 500 feet of the outside perimeter of the boundary line of the property involved in the application of the time, date and place of such public hearing at least 10 days prior to such hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property tax records of the Town Assessor or at the property address. At least seven (7) days prior to such hearing, the applicant shall file with the Board his/her affidavit verifying the mailing of such notices. Failure of the property owners to receive such notice shall not be deemed a jurisdictional defect.

H. Compliance with New York State Uniform Fire Prevention and Building Code.

1. Building permit applications shall be accompanied by standard drawings of structural components of the solar farm and all its components (including but not limited to solar panel, solar collector, solar energy system, etc.). Drawings and any necessary calculations shall be certified, in writing, by a New York State registered professional engineer, that the system complies with the New York State Uniform Fire Prevention and Building Code. This certification would normally be supplied by the manufacturer.

2. Where the structure, components or installation vary from the standard design or specification, the proposed modification shall be certified by a New York State registered professional engineer for compliance with the structural design provisions of the New York State Uniform Fire Prevention and Building Code.

I. Compliance with state, local and national electric codes.

1. Building permit applications shall be accompanied by a line drawing identifying the electrical components of the solar farm to be installed in sufficient detail to allow for a determination that the manner of installation conforms with the National Electrical Code. The application shall include a statement from a New York State registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electrical Code, as well as applicable state and local electrical codes. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.

2. Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State registered professional engineer for compliance with the requirements of the National Electrical Code and good engineering practices.

J. Following construction/installation of the solar farm, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust.

K. Post-construction/installation certification. Following the construction/installation of the solar farm, the applicant shall provide a post-construction/installation certification from a professional engineer registered in New York State that the project complies with any and all applicable codes and industry practices and has been constructed and is operating according to the drawings and development plan(s) submitted to the Town.

L. Insurance. The applicant, owner, lessee or assignee shall at all times during construction and operation maintain a current insurance policy which will cover installation and operation of the solar farm and shall be increased annually per industry standards. Said policy shall provide a minimum of $5,000,000 property and personal liability coverage. Proof of such policy shall be provided to the Town on an annual basis. Notwithstanding any terms, conditions, or provisions in any other writing between the parties, the applicant shall agree to effectuate the naming of the Town as an additional insured on the applicant's insurance policies, with the exception of workers' compensation and NYS disability insurance. The policy naming the Town as an additional insured shall:

1. Be an insurance policy from an AM Best rated "secured" or better insurer, authorized to conduct business in New York State. A New York State licensed insurer is preferred.

2. State that the applicant's insurance coverage shall be primary and noncontributory coverage for the Town, its Board, employees, agents, and volunteers.

3. Additional insured status shall be provided by standard or other endorsements that extend coverage to the Town for both ongoing and completed operations. A completed copy of the endorsements shall be attached to the certificate of insurance.

4. The applicant shall provide a copy of the declaration page of the liability policies with a list of endorsements and forms. If so requested, the applicant will provide a copy of the policy endorsements and forms.

5. The certificate of insurance shall contain a provision that coverage afforded under the applicable policy shall not be cancelled or terminated until at least 30 days' prior notice has been provided to the Town. In the event of a termination, cancellation, or lapse of the required insurance coverage, the special use permit to operate the solar energy system shall be immediately suspended and operation of the system shall cease. Upon restoration of the required insurance coverage, to the satisfaction of the Town, permission to operate the solar farm may be restored.

M. Inspections. The Code Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or their agent, the premises on which a solar farm is being or is constructed, to inspect all parts of said solar farm installation and require that repairs or alterations be made if, in their judgment, there exists a deficiency in the operation or the structural stability of the solar farm or any component thereof. If necessary, the Code Enforcement Officer or Town Engineer may order the system secured or to otherwise cease operation. It shall not be required that the owner or agent be present in the event of an emergency situation involving danger to life, limb or property.

N. Power to impose conditions. In granting any site plan approval, special use permit or variance for a solar farm, the Planning Board or Zoning Board of Appeals, as the case may be, may impose reasonable conditions to the extent that such Board finds that such conditions are necessary to minimize any adverse effect or impacts of the proposed use on neighboring properties and to protect the general health, safety and welfare of the Town.

O. Decommissioning and removal of solar farm facilities. The following shall be the minimum requirements to be addressed for the decommissioning of every solar farm:

1. The submission of an acceptable decommissioning plan and decommissioning cash security subject to review by the Town's consulting attorneys and engineers and approved by the Town of Elbridge. For purposes of the decommissioning plan and decommissioning security, the following shall constitute "decommissioning events" triggering the decommissioning of the site and/or a call on the decommissioning security: a) if construction and installation of the project improvements are not completed within 18 months of commencement of construction (such time period may be reasonably extended upon notification to the Town and with good cause shown for any delays in completion); b) if the solar energy facility ceases to be used for its intended purpose for 12 consecutive months (such time period may be reasonably extended upon notification to the Town with good cause shown); c) at the time of decommissioning, complete removal of the project within 90 days thereafter, except for any portions of the project access roads otherwise requested by the owner to remain to facilitate agricultural access to the property or conduit buried more than four inches below ground; d) upon the end of the project's operation; e) if the applicant, or its successors or assigns, seeks dissolution or files for bankruptcy; or f) failure to have in place or timely replace adequate decommissioning securities. All decommissioning activities shall be completed to the reasonable satisfaction of the Town and consistent with the decommissioning plan. Such agreement shall also include a commitment by the applicant to impose a similar obligation to remove any unused and/or obsolete solar panels upon any person subsequently securing rights to relocate the solar panels. The applicant shall include the following binding terms in the decommission plan, at a minimum:

    a. Complete removal of aboveground and below-ground equipment, fencing, structures, and foundations.

    b. Restoration of the surface grade and soil after removal of equipment to the condition (or better) in which it existed prior to the installation. This includes adding an adequate layer of topsoil where existing topsoil has been removed or eroded and reseeding and/or reforestation of areas that were cleared of mature trees (with established growth demonstrated.)

    c. Herbaceous revegetation of restored soil areas with native seed mixes, excluding any invasive species.

    d. Specifically address: the useful lifespan of the proposed solar facility and any storage batteries; the current New York State and federal rules and regulations regarding placement thereof and disposal thereof at the end of their useful lifespan; together

with plans for replacement of solar storage batteries. The financial surety required by the Town shall take into account maintenance, replacement, and disposal of solar storage batteries if included in the application for a solar farm.

e. Such decommissioning plan shall be executed by the applicant and the property owner and shall be recorded against the property in the Onondaga County Clerk's office. As part of the decommissioning plan, the applicant shall be required to properly and safely recycle the solar panels that are end-of-life or broken.

2. Cash security. The applicant shall be required to deposit with the Town of Elbridge cash security in an amount sufficient for the faithful performance of the terms and conditions of the permit issued under this Article, and to provide for expenses associated with the decommissioning removal and restoration of the site subsequent to the removal of the solar farm. The amount of the cash security shall be no less than 150% of the cost of the removal of the solar panels and restoration of the site, and shall further be reviewed and adjusted at five (5) year increments. Such amounts shall account for inflation and prevailing wage costs for decommissioning. In the event of a default upon performance of such conditions or any of them, the cash security shall be forfeited to the Town upon demand. The cash security shall remain in full force and effect until the complete removal of the solar panels and site restoration is finished.

P. Fees. Fees for applications and permits under this section shall be established by resolution of the Town Board of the Town of Elbridge. In accordance with the requirements of Chapter 152 of the Town Code (Fees), enacted by Town of Elbridge Local Law No. 3 of 2001, it shall be the applicant's responsibility to reimburse the Town for any and all reasonable and necessary legal, engineering and other professional fees incurred by the Town in reviewing and administering an application for a solar farm under this section.

Q. Road remediation. The applicant shall be responsible for remediation of any roads damaged during the construction of and/or completion of the installation (or removal) of any solar farms approved pursuant to this Article. The Highway Superintendent is hereby authorized and directed to ensure a public improvement (road repairs) cash security be posted prior to the issuance of any building permit in an amount sufficient to compensate the Town for any damage to local roads that is not corrected by the applicant. The Highway Superintendent is authorized to consult with any necessary professional to determine or confirm the cash security amount all at the sole cost and expense of the applicant. Such cash security shall be in addition to other securities required in this Article/Chapter.

R. Agricultural resources. For projects located on lands used for agricultural operations:

1. Solar farms shall not be located on lands that consist of prime farmland, prime soils, prime soil lands, and/or farmland of statewide importance.

2. Solar farm applicants 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 applicants shall use native plant species and seed mixes.

3. Fencing and watering systems associated with rotational grazing systems and reduction in farmland viability due to the reduction in remaining productive farmland shall be assessed and mitigated to the greatest extent possible.

4. Structures for overhead collection lines, interconnect cables and transmission lines installed aboveground (when unavoidable) shall be located outside agricultural field boundaries. When aboveground cables and transmission lines must cross agricultural fields, applicants shall use taller structures that provide longer spanning distances and locate poles on field edges to the greatest extent practicable.

    a. All buried electric cables in cropland, hay land and improved pastures shall have a minimum depth of 48 inches of cover. At no time is the depth of cover to be less than 24 inches below the soil surface.

    b. The Onondaga County Soil & Water Conservation District is to be consulted concerning the type of intercept drain lines whenever buried electric cables alter the natural stratification of soil horizons and natural soil drainage patterns.

5. Access roads are to be located along the edge of agricultural fields, in areas next to hedgerows and field boundaries, and in the nonagricultural portions of the site.

6. There shall be no cut and fill so as to reduce the risk of creating drainage problems by locating access roads, which cross agricultural fields, along ridgetops and by following field contours to the greatest extent possible.

7. The width of access roads across or along agricultural fields is to be no wider than 20 feet so as to minimize the loss of agricultural lands and comply with the New York State Fire Code.

8. The surface of solar farm access roads to be constructed through agricultural fields should be level with the adjacent field surface where possible.

9. All existing drainage and erosion control structures such as diversions, ditches, and tile lines shall be preserved, and applicants shall take appropriate measures to maintain the design and effectiveness of these structures. Applicants shall repair any structure disturbed during construction to as close to original condition as possible unless such structures are to be eliminated based upon an approved site plan for the solar farm.

10. Culverts and water bars are to be installed to maintain natural drainage patterns.

11. All topsoil areas to be used for vehicle and equipment traffic, parking, equipment laydown, and as storage areas are to be stripped.

12. All topsoil stripped from work areas (parking areas, electric cable trenches, along access roads) is to be stockpiled separate from other excavated materials (rock and/or subsoil).

13. Where an open trench is required for cable installation, topsoil stripping from the entire work area may be necessary. As a result, additional workspace may be required as part of site plan approval.

14. A maximum of 50 feet of temporary workspace is to be provided along open-cut electric cable trenches for proper topsoil segregation. All topsoil will be stockpiled immediately adjacent to the area where stripped/removed and shall be used for restoration on that particular site. No topsoil shall be removed from the site. The site plan shall clearly designate topsoil stockpile areas in the field and on the construction drawings.

15. All vehicle and equipment traffic and parking to the access road and/or designated work areas, such as laydown areas, are to be limited in size to the greatest extent practical.

16. No vehicles or equipment are to be allowed outside the work area without prior approval from the EM.

17. In pasture areas, it is necessary to construct temporary or permanent fences around work areas to prevent livestock access, consistent with any applicable landowner agreements.

18. Excess concrete used in the construction of the site is not to be buried or left on the surface in active agricultural areas. Concrete trucks will be washed outside of active agricultural areas.

19. Restoration requirements. Applicants shall restore all agricultural lands temporarily disturbed by construction as follows:

    a. Be decompacted to a depth of 18 inches with a deep ripper or heavy-duty chisel plow. Soil compaction results should be no more than 250 pounds per square inch (PSI) as measured with a soil penetrometer. In areas where the topsoil was stripped, soil decompaction should be conducted prior to topsoil replacement. Following decompaction, removal of all rocks four inches in size or greater from the surface of the subsoil shall occur prior to replacement of topsoil. Topsoil shall be replaced to original depth and original contours reestablished where possible. All rocks shall be removed that are four inches and larger from the surface of the topsoil. Subsoil decompaction and topsoil replacement shall be avoided after October 1 of each year.

    b. Regrade all access roads to allow for farm equipment crossing and to restore original surface drainage patterns or other drainage pattern incorporated into the approved site design by the Planning Board/Board of Appeals, as applicable.

    c. Seed all restored agricultural areas with the seed mix specified by the environmental monitor (EM) and this Article in order to maintain consistency with the surrounding areas.

d. All damaged subsurface or surface drainage structures are to be repaired to preconstruction conditions unless said structures are to be removed as part of the site plan approval. All surface or subsurface drainage problems resulting from construction of the solar energy project shall be remedied with the appropriate mitigation measures as determined by the EM.

e. Postpone any restoration practices until favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration is not to be conducted while soils are in a wet or plastic state of consistency. Stockpiled topsoil should not be regraded, and subsoil should not be decompacted until plasticity, as determined by the Atterberg Limits and Field Test, is adequately reduced. No project restoration activities are to occur in agricultural fields between the months of October and May unless favorable soil moisture conditions exist.

f. Following site restoration, remove all construction debris from the site.

g. Following site restoration, the project sponsor is to provide a monitoring and remediation period of no less than two (2) years. General conditions to be monitored include topsoil thickness, relative content of rack and large stones, trench settling, crop production, drainage and repair of severed subsurface drain lines, fences, etc.

h. Mitigate any topsoil deficiency and trench settling with imported topsoil that is consistent with the quality of topsoil on the affected site. All excess rocks and large stones are to be removed from the site.

i. All concrete piers, footers, or other supports are to be removed to a depth of 48 inches below the soil surface.

S. Host community benefit program. In every instance of a solar farm application, the applicant shall propose to the Town on projects involving one megawatt and above a host community benefit package for consideration by the Town Board as part of the approval process. Once the application package materials are deemed complete and while the Planning Board/Board of Appeals are completing its reviews, the project/application shall be referred to the Town Board to decide on the completion of a host community agreement.

T. Reference to New York State Public Service Law Article VIII. Any proposed solar energy system subject to review pursuant to Article VIII of the New York State Public Service Law and the Office of Renewable Energy Siting shall be subject to all substantive provisions of this Article and any other applicable provisions of the Town of Elbridge Town Code.

U. Adhere to Solar Farm Guidelines. In addition to the above regulations, all solar farm applicants shall demonstrate to the Planning Board compliance with the attached Solar Farm Guidelines.

V. Made in America requirements. All solar farms shall be required to use solar panels, components and materials made and manufactured in the United States of America.

Solar Farm Guidelines

Solar farms are long-term temporary, nonagricultural land developments in a community. They generally occur on leased farmlands that are proposed to be returned to the original condition at the end of the lease. Solar farms often propose to use active or fallow agricultural lands as their construction sites. The following presents guidelines as to what lands are considered best suited for solar farm use in the Town of Elbridge and are deemed consistent with the Town's long term goals to balance renewable energy benefits and the potential impacts with agricultural resources.

Farmland

Where possible, solar farms should be located using a site design that limits the potential for negative impacts to the long-term use of productive farmland. Because NYS Department of Agriculture and Markets (NYSDAM) recommends that project sponsors avoid installing solar arrays on the most valuable or productive farmland, placement of solar farms on prime farmland, prime soils, prime soil lands, and/or farmland of statewide importance is prohibited. The following is the order of importance recommended by NYSDAM for solar array avoidance:

Active rotational farmland (most important)
Permanent hay land
Improved pasture
Unimproved pasture
Other support lands
Fallow/inactive farmland (least important)
Active rotational farmlands are generally considered to be prime farmland.

"Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service." (NRCS)
Based upon this definition, the Town of Elbridge considers soils designated by the NRCS as well-drained soils with 0% to 8% slopes to be prime community farmland and that solar farm development on lands with these soils should be avoided.

Submittals

Prior to submitting engineering drawings for a solar farm development, the applicant for a solar farm shall submit three drawings/maps that will give provide information for the Town of Elbridge Planning Board to better understand the features of the site when engineered drawings are submitted.

Site-Specific Soil Survey: This document shall field identify the borders of existing site soils in accordance with NRCS standards and shall be performed by an accredited soil scientist whose name shall be noted on the drawing. Existing published soil maps and data shall only be used as guideline information by the soil scientist. In addition to field identifying site soils, the soil scientist shall document the depth of the plow layer on the site.

Topographic Map: This document shall be a map of the property (solar farm area) showing topographic features and shall be drawn displaying existing contours at two-foot intervals.

Visibility Map: This document shall be a map depicting existing natural (vegetation, topography) and man-made landscape features along roadways bordering the solar farm and within a half-mile radius of the site that provide potential visual screening for the proposed solar farm location. The map may use published data as its base. This document should include a graphic representation of the potential natural screening of a proposed solar farm site with a rating of high, medium, or low. The regulations include an option for the Planning Board to request a "digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations, to a distance radius of three miles from the center of the project." However, this map may be more appropriate to use in areas of documented vistas and viewsheds established by the Planning Board/Board of Appeals.

Solar Farm Features

When engineering drawings are submitted for review, the following important features of the solar farm should be considered:

Avoiding the use of concrete footings and driving the support posts into the ground to reduce or minimize disturbance of the existing farmland soil profile.

Designing the structural system that the panels will sit upon so that a single post can be used to support the individual solar panels.

Spacing of solar panels and panel rows with sufficient distances between them that will allow adequate sunlight penetration for viable plant growth on the farmland surfaces under the panels.

Enabling the potential for dual use of the solar farmland by setting panels approximately two meters above grade so that grazing (cattle, cows, sheep) and planting of some farm crops may occur.

Stringing electrical connections/wires on the panel structures or burying wires in shallow-laid conduits, setting them in the plow layer so the original soil profile is not disrupted. Designing the site plan and its management of stormwater runoff to work with existing topography to minimize site grading and disruption of existing farm soils.

Restoration of the solar ground surfaces after construction. If not proposed for dual use, the site should use pollinator plant species (grasses, wildflowers) to create habitat features for small

animals, birds, butterflies, and insects. Mowing of these areas should be limited to no more than twice a year, once before May 1 and once near the end of October.

If the solar farm surfaces are restored to habitat landscape, small openings in the bottom of the fence should be made to allow movement of small animals in and out of the farm.

Visual Mitigation

The solar farm applicants should provide a system for screening views of the solar farm from surrounding areas. This commonly entails a monoculture planting of smaller growth evergreen trees set in a line along the borders of the solar farm, but in a naturalistic way. Plant species often include arborvitae or red cedar. In suburban and rural areas, the arborvitae is deer food and the red cedar is a host for cedar apple rust (apple grower's problem). The monoculture evergreen planting, when installed with six-foot-high plants, will take a significant portion of the lease to provide a meaningful screen for the solar farm. Other visual mitigation solutions may exist.

On a relatively landscape area with a bordering local road, a solar farm may be screened with a constructed low (six-foot +/-) mowable earthen berm following the roadway alignment that is planted to pollinator species of grasses and wildflowers.

Rather than installing a monoculture line of plants, a solar farm plan may propose a hedgerow character planting using a mix of evergreen (60%) and deciduous (40%) species. The plantings should be clustered and staggered in much the same manner of natural hedgerow growth. Plants should be installed on a low mound, thereby giving better height at time of planting and maintaining the original farm soil profile.

Planting of larger growth evergreen trees (white pine, white spruce) at locations in or bordering the solar farm that would be out of the sun angle and thereby not impact the electrical system. The mature growth would help to mitigate the overall visual impact of the solar farm.

Woodland Solar Farm Sites

Woodland sites that may be proposed for solar farm use generally do not have prime agricultural soils. Use of a wooded area for a solar farm would require land clearing, stumping the land surface, and modifying of the soil profile. Should a wooded site be proposed for solar farm use, it should not be dominated by the growth of native plant species. These would include sugar maple, red maple, black birch, beech, hickory, red oak, white oak, shadblow, and white pine. A solar farm site proposed in a woodland dominated by the alien buckthorn and Norway maple or an old declining plantation of spruce or pine could be an ideal woodland location for a solar farm."

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted 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, subdivision 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 5. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.