

RUSH Review of the Town Board's Proposed Solar Law Revision, Posted August 28, 2019

Section & Issue	What the revised law says	What TB has agreed to verbally	What RUSH needs/thinks
§ 120-74 A Purpose	. . . The purpose of allowing appropriately sized overlay districts and Tier 3 Solar Energy Systems in certain areas of the Town is to protect more concentrated residential areas and/or hamlets located in the Town of Rush and limit the cumulative impact of installed Tier 3 Solar Energy Systems.		This portion of the Purpose is insulting to residents in R-30 districts and should be deleted.
§ 120-74 C Definitions: Solar Overlay District	Nothing		A definition of Solar Overlay District (SOD). Suggestion: “A designated area within which a solar energy system is potentially authorized. The size of the SOD shall be the same as the system it encompasses. Therefore, the total acreage of SODs in the Town shall not exceed 150 acres.
§ 120-74 F (iv) - Glare	Glare: All [Tier 1] Solar Panels shall have anti-reflective coating(s) to reduce glare to the maximum extent practicable	We believe that Dan, Rita and John Mancuso verbally agreed that adding “ at the time of permitting ” makes sense in order to keep up with advances in technology.	Glare: All Solar Panels shall have anti-reflective coating(s) to reduce glare to the maximum extent practicable at the time of permitting
§ 120-74 G (d)	Glare: All [Tier 2] Solar Panels shall have anti-reflective coating(s) to reduce glare to the maximum extent practicable	We believe that Dan, Rita and John Mancuso verbally agreed that adding “ at the time of permitting ” makes sense in order to keep up with advances in technology.	Glare: All Solar Panels shall have anti-reflective coating(s) to reduce glare to the maximum extent practicable at the time of permitting
§ 120-74 H (3)(i)	(i) Solar Energy Systems Overlay Districts shall not collectively occupy more than a total of [___] acres in the Town of Rush;	???	Solar Energy Systems Overlay Districts shall not collectively occupy more than a total of 150 acres in the Town of Rush;
§ 120-74 H (3)(iii)	There is a minimum of 20 acres and a maximum of 50 acres for a single Tier 3 Solar Energy System installation including Solar Energy Equipment and fencing.	20 to 50 acres	20 to 30 acres
§ 120-74 H (6)	Setback. Tier 3 Solar Energy Systems shall adhere to the setback requirements of [200'/500'] from all property lines if adjacent property is residential and [200'/500'] feet from the centerline of the road.	Setback. Tier 3 Solar Energy Systems shall adhere to the setback requirements of 500' from all property lines if adjacent property is residential and 500' from the centerline of the road.	Setback. Tier 3 Solar Energy Systems shall adhere to the setback requirements of 500' from all property lines if adjacent property is residential and 500' feet from the centerline of the road.
§ 120-74 H (10)	. . . To accomplish this screening, existing vegetation shall be utilized to the fullest extent practicable and/or at least [___] row of native evergreen shrubs or other screening acceptable to the Planning Board which is capable of forming a continuous hedge [at least 14 feet in height at planting/within 2 years of planting] shall be required and maintained.	To accomplish this screening, existing vegetation shall be utilized to the fullest extent practicable and/or at least two rows of native evergreen trees or other screening acceptable to the Planning Board which is capable of forming a continuous hedge at least 14 feet in height at planting shall be required and maintained.	To accomplish this screening, existing vegetation shall be utilized to the fullest extent practicable and/or at least two rows of native evergreen trees or other screening acceptable to the Planning Board which is capable of forming a continuous hedge at least 14 feet in height at planting shall be required and maintained.

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§ 120-74 H (14)	Glare. All Solar Panels shall have anti-reflective coating(s) to reduce glare to the maximum extent practicable.	We believe that Dan, Rita and John Mancuso verbally agreed that adding “ at the time of permitting ” makes sense in order to keep up with advances in technology.	Glare. All Solar Panels shall have anti-reflective coating(s) to reduce glare to the maximum extent practicable at the time of permitting
§ 120-74 H (16)	Lighting. Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and shall comply with the requirements of Chapter 120, Article IV (Outdoor Lighting) of the Town Zoning Law	Lighting of the Solar Energy Systems shall be limited to Emergency Lighting only.	Lighting. Lighting of the Solar Energy Systems shall be limited to emergency lighting minimally required for safety and shall comply with the requirements of Chapter 120, Article IV (Outdoor Lighting) of the Town Zoning Law
§ 120-74 H (18)(b)	. . . The Planning Board shall report its recommendation(s) to the Town Board within thirty (30) days of the referral by the Town Board. The Planning Board shall report its recommendation(s) to the Town Board within sixty (60) days of the referral by the Town Board. . . .
§ 120-74 H (18)(f)	. . . If the Town Board approves the application, the Town Board shall amend the Zoning Map of the Town of Rush to establish and define the boundaries of the Solar Energy Systems Overlay District.		NOTE: We recommend provisionally approving the application until Special Permit is granted. This way, if the Special Permit is not granted, the Town has not unnecessarily amended the Zoning map.
§ 120-74 H (21)	Ownership Changes. If the owner or operator of the Tier 3 Solar Energy System changes or the owner of the property changes, the special permit shall remain in effect, provided that the successor owner and/or operator shall assumes in writing all of the obligations of the Solar Energy Systems Overlay District, site plan approval, and decommissioning plan. A new owner or operator of the Tier 3 Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within 30 days of the ownership change.		Ownership Changes. If the owner or operator of the Tier 3 Solar Energy System changes or the owner of the property changes, the special permit shall remain in effect, provided that the successor owner and/or operator shall assumes in writing all of the obligations of the Solar Energy Systems Overlay District, Special Permit , site plan approval, and decommissioning plan. A new owner or operator of the Tier 3 Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within 30 days of the ownership change.
§ 120-74 J	Upon cessation of electricity generation of a Tier 3 Solar Energy System on a continuous basis for 12 months, the Town of Rush shall notify and instruct the owner and/or operator of the Tier 3 Solar Energy System to implement the decommissioning plan. The decommissioning plan must be completed within 360 days of notification.	We believe that Dan, Rita and John Mancuso agreed that changing this time from 12 to 6 months was reasonable in view of the fact that it is consistent with the law regarding special permits.	Upon cessation of electricity generation of a Tier 3 Solar Energy System on a continuous basis for 12 6 months, the Town of Rush shall notify and instruct the owner and/or operator of the Tier 3 Solar Energy System to implement the decommissioning plan. The decommissioning plan must be completed within 360 days of notification.
§ 120-74 K	Complaints. To the Town Board may set up a procedure for filing and handling of complaints regarding the operation of Tier 3 Solar Energy Systems.		Complaints. To the Town Board may shall establish a procedure for filing and handling of complaints regarding the operation of Tier 3 Solar Energy Systems.

KEY ISSUES YET TO BE ADDRESSED

ISSUE	What the revised law says	Town Board Position	What RUSH needs/thinks
RPTL 487 OPT OUT	Nothing	The Town Board members agreed to opt out of RPTL 487 at the Aug 14 TB Meeting. But then at the Aug 28 TB Meeting, Councilwomen McCarthy and Coffey reversed their positions and the meeting ended without resolution.	Opting out of 487 is essential. The RUSH citizen's group adamantly supports this. The alternative is fraught with difficulties that will ultimately result in the Town losing tax dollars.
REAL PROPERTY VALUE PROTECTION	Nothing	This is being investigated by the TB	RUSH believes Real Property Value Protection is a prudent and important protection to add in this law.
ENERGY STORAGE BATTERIES	Nothing	This is being investigated by the TB	RUSH believes that large scale Energy Storage Battery systems pose an unacceptable threat to the Town. Much additional research is necessary and the Town should impose a moratorium on such systems pending further investigation.
NOISE	Nothing	This is being investigated by the TB	RUSH believes we need protection from noise generated by solar energy systems and that this needs to include measurable decibel levels at the property boundary, as well as low frequency noise
1000' SETBACKS/BUFFERS FROM TRAILS, RIVERS, STREAMS, TRACKS, ETC.	Nothing	???	RUSH believes our natural and historical resources need to be protected with a 500-1000' buffer. This would include the Genesee River, its principle tributaries, the Lehigh-Valley Trail, and Greenway Trail, historic homes and barns, etc.
MEGAWATT RANGE	Nothing	????	The maximum electrical power capacity needs to be stated in the law. RUSH believes there should be a 20 MW total for town with a maximum of 10 MW per installation.
SMALL (25KW TO 250 KW) TIER 3 SOLAR ENERGY SYSTEMS FOR ONSITE USE FOR BUSINESSES IN LIMITED INDUSTRIAL DISTRICTS	Nothing	?????	RUSH proposed this as a possibility for businesses located in our Limited Industrial districts. It has been overlooked during our deliberations but seems appropriate to reintroduce it here as a benefit for businesses in town.