

# Local Law Filing

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Town of Little Falls

Local Law No. 2 of the year 2017

A Local Law Establishing Regulations Concerning Solar Farms

Be it enacted by the Town Board of the

Town of Little Falls as follows:

## AMENDED BY LOCAL LAW #2020-1

LOCAL LAW #2 OF 2017  
TOWN OF LITTLE FALLS, COUNTY OF HERKIMER

### **A local law establishing regulations concerning solar farms**

**BE IT ENACTED** by the Town Board of the Town of Little Falls, County of Herkimer as follows:

**Section 1.** The Town of Little Falls Code is hereby added by inserting the following definitions in Town of Little Falls Law in alphabetical order:

Solar Collector — A devise, structure, panel or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Solar Farm— The use of land where a series of one (1) or more solar collectors are placed in an area on a parcel of Land for the purpose of generating photovoltaic power and said series of one (1) or more solar collectors placed in an area on a parcel of land collectively has a nameplate generation capacity of at least 15 kilowatts (kW) direct current (dc) or more when operating at maximum efficiency.

**Section 2.** The Town of Little Falls Code is hereby amended by creating "Solar Farms" as follows:

Solar Farm Law.

A. Purpose. The requirements of this section are established for the purpose of allowing the

development of solar farms in the Town and to provide standards for the placement, design construction, operation, monitoring, modification and removal of these systems.

B. Applicability. The standards found in this section are applicable to "Solar Farms" as defined in this Local law. The term "Solar Farm" shall not be construed to include, so as to prohibit, or have the effect of prohibiting, the installation of a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating or generating electricity for a residential property. The term "Solar Farm" shall also not be construed in such a way as to prohibit the installation or mounting of a series of one (1) or more solar collectors upon the roofs of residential and/or commercial structures regardless of whether the said series of one (1) or more solar collectors collectively has a total nameplate generation of at least 15 kilowatts (kW) direct current (dc) or more when operating at maximum efficiency.

C. Solar Farms are subject to special use permits. Special use permit applications shall contain the following:

1. Blueprints or drawings of the solar photovoltaic installation signed by a licensed Professional Engineer showing the proposed layout of the system and any potential shading from nearby structures.

2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures and fences.

3. A description of the solar farm facility and the technical, economic and other reasons for the proposed location and design shall be prepared and signed by a licensed professional engineer.

4. Confirmation prepared and signed by a licensed professional engineer that the solar farm complies with all applicable Federal and State standards.

5. One or three-line electrical diagram detailing the solar farm layout, solar collector installation, associated component, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over—current devices.

6. Documentation of the major system components to be used including the PV panels, mounting system and inverter.

7. An operation and maintenance plan which shall include measures for maintaining safe access to the installation, storm water controls as well as general procedures for operational maintenance of the installation.

8. Information on noise (Inverter) and reflectivity/ glare of solar panels and identify potential impacts to abutters.

D. Minimum Requirements. The development shall conform to the following standards which shall be regarded as minimum requirements:

1. Solar Farms shall be required to be on a parcel of not less than 10 acres.
2. All ground—mounted panels shall not exceed ten (10) feet in height.
3. All mechanical equipment on a Solar Farm, including any structure for batteries or storage cells, is completely enclosed by a minimum 8 feet high fence with a self—locking gate.
4. The total surface area of all ground mounted and freestanding solar collectors, including solar voltaic cells, panels and arrays, shall not exceed 80% of the total parcel area.
5. The installation of a vegetated perimeter buffer to provide year round screening of the system from adjacent properties.
6. Because of neighborhood characteristics and topography, the Planning Board shall examine the proposed location on a case by case basis. Ensuring the potential impact to its residents, business or traffic is not a detriment.
7. All solar energy production systems are designed and located in order to prevent reflective glare toward any habitable buildings, as well as streets and rights—of—way.
8. All onsite utility and transmission lines are, to the extent feasible, placed underground.
9. The installation of a clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
10. The system is designed and situated to be compatible with the existing uses on adjacent and nearby properties.
11. All solar energy system components shall have a 100 foot setback unless abutting residential uses. Whereby it shall be located a minimum of 100 feet from property lines.
12. Solar modular panels shall not contain hazardous materials.
13. All appurtenant structures including but not limited to equipment shelters, storage facilities, transformers, and substations shall be architecturally compatible with each other and shall be screened from the view of persons not on the parcel.
14. Lighting of Solar Farms ' shall be consistent with State and Federal Law Lighting of appurtenant structures and shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties . Where feasible,

lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.

15. There shall be no signs except announcement signs, such as "no trespassing signs or any signs required to warn of danger". A sign is required that identifies the owner and operator with an emergency telephone number where the owner and operator can be reached on a 24 hour basis.

16. There shall be a minimum of one (1) parking space to be used in connection with the maintenance of the solar photovoltaic facility and the site. However, it shall not be used for the permanent storage of vehicles.

#### E. Additional Conditions.

1. The solar farm owner or operator shall provide a copy of the project summary, Electrical schematic and site plan to the local fire chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar farm facility shall be clearly marked. The owner or operator shall identify a responsible person for public inquires throughout the life of the installation.

2. No solar farms shall be approved or constructed until evidence has been given to the Planning Board that the utility company that operates the electric grid where the installation is to be located has been informed or the solar farm owner's or operator's intent to install an interconnected customer owned generator.

3. A solar farm owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar farm and any access road (s), unless accepted as a public way.

4. A valid performance bond assigned to the Town of Little Falls for all systems with dates and monetary amounts to be determined by the Planning Board for decommissioning purposes.

F. Decommissioning / Removal. All applications for a solar farm shall be accompanied by a Decommissioning Plan to be implemented upon abandonment and/or in conjunction with removal of the facility. Prior to removal of the solar farm, a permit for removal activities shall be obtained from the Code Enforcement Department. The Decommissioning plan shall include the following provisions.

1. The owner, operator, his successors in interest shall remove any ground—mounted solar collectors which have reached the end of their useful life or have been abandoned. The owner or operator shall physically remove the installation no more than 180 days

after the date of discontinued operations. The owner or operator shall notify the Town Code Enforcement Officer by certified mail or the proposed date of discontinued operations and plan for removal.

2. Physical removal of all ground-mounted solar collectors, structures, equipment, security barriers and transmission lines from the site.
3. Disposal of all solid hazardous waste in accordance with local, state and federal waste disposal regulations.
4. Stabilization or re—vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below grade foundations in order to minimize erosion and disruption to vegetation.
5. Absent notice of a proposed date of decommissioning and written notice extenuating circumstances, the solar farm shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the solar farm fails to remove the installation in accordance with the requirement of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

G. Estimate and Financial Surety. In addition to the Decommissioning Plan, the applicant shall also provide an estimate prepared by a qualified engineer, setting forth the costs associated with decommissioning the solar farm at issue. In the event the Planning Board grants a Special Use Permit pursuant to this Chapter, it must also establish the amount of such surety to be established by the applicant prior to building permit issuance. The surety may be in the form of escrowed funds, bonds or otherwise, but it is the intention of this provision to ensure that the Town has sufficient funds available to remove the installations and restore landscaping consistent with Section E above, in the event the applicant fails to comply with its decommissioning obligations.

SECTION 3. The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

SECTION 4. All local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed.

SECTION 5. This Local Law shall take effect upon filing in the office of the New York State Secretary of the State.

Adopted: March 21, 2017