TOWN OF STOCKBRIDGE
TOWN BOARD RESOLUTION

March 2, 2020

TOWN OF STOCKBRIDGE LOCAL LAW B OF 2020
(A Local Law to Amend the Town of Stockbridge Land Use Law
With Respect to Solar Energy Installations)

The following resolution was offered by Marshall, who moved its adoption, seconded by Meeker, to wit:

WHEREAS, pursuant to the Municipal Home Rule Law, a proposed local law titled "A Local Law to Amend the Town of Stockbridge Land Use Law With Respect to Solar Energy Installations," was presented and introduced at a regular meeting of the Town Board of the Town of Stockbridge held on February 3, 2020; and

WHEREAS, a public hearing was held on such proposed local law on this 2nd day of March, 2020, by the Town Board of the Town of Stockbridge and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Stockbridge in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the proposed Local Law was duly referred to the Madison County Planning Department for review and comment pursuant to the New York State General Municipal Law; and

WHEREAS, the enactment of proposed Local Law No. B-2020 has previously been determined to be a Type I Action pursuant to the SEQR process; and

WHEREAS, previously on February 3, 2020, after significant consideration and review, the proposed action to adopt the Local Law was deemed not to have any adverse environmental impact and the Town Board adopted a Negative Declaration in conjunction with the SEQR process; and

WHEREAS, it is in the public interest to enact said proposed Local Law No. B-2020.

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Stockbridge, Madison County, New York, does hereby enact proposed Local Law No. B-2020 as Local Law No. 2-2020 as follows:

"TOWN OF STOCKBRIDGE
LOCAL LAW NO. 2 OF 2020

A LOCAL LAW TO AMEND THE TOWN OF STOCKBRIDGE LAND USE LAW WITH RESPECT TO SOLAR ENERGY INSTALLATIONS

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

SECTION 1. AUTHORITY AND INTENT.

This Local Law is intended to be consistent with, and is adopted pursuant to the authority granted to the Town Board of the Town of Stockbridge under applicable provisions of the New York State Constitution, and the Laws of the State of New York, including but not necessarily limited to the Municipal Home Rule Law, the Statute of Local Governments and the Town Law.

The Town of Stockbridge 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 Stockbridge 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 legislation 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.

SECTION 2.

Section 301.3, and Section 302.3, which enumerate uses allowed upon issuance of a Special Use Permit in the RD and ARC zones respectively, are each amended to add "Ground-Mounted Solar Energy Systems" and "Solar Farms" as uses permitted only upon issuance of a Special Use Permit.

SECTION 3.

A new Section 605.17 of the Code of the Town of Stockbridge is hereby added and enacted to read as follows:

"SECTION 605.17. Solar Energy Systems.

A. Applicability.

This section shall apply to all solar energy systems in the Town of Stockbridge which are installed or modified after the effective date of this section. All solar energy systems which are installed or modified after the effective date of this section shall be in compliance with all of the provisions hereof.

B. Definitions.

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

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.

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.

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.

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
A 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 section, a solar energy system does not include any solar energy system of four 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.

C. Building-integrated solar energy systems.

1. 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.

2. Building-integrated solar energy systems shall be subject to the general requirements set forth in subsection F below.

D. Rooftop-mounted solar energy systems.

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

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

(b) Rooftop-mounted solar energy systems shall not exceed the maximum

allowed height of the principal use in the zoning district in which the system is located.

(c) In order 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:

(i) Ensure access to the roof.
(ii) Provide pathways to specific areas of the roof.
(iii) Provide for smoke ventilation opportunity areas.
(iv) Provide for emergency egress from the roof.

(d) Exceptions to these requirements may be requested where access, pathway or ventilation requirements are reduced due to:

(i) Unique site-specific limitations;

(ii) Alternative access opportunities (such as from adjoining roofs);

(iii) Ground level access to the roof area in question;

(iv) Other adequate ventilation opportunities when approved by the Codes Office;

(v) 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);

(vi) Automatic ventilation devices; or

(vii) New technology, methods or other innovations that ensure adequate emergency responder access, pathways and ventilation opportunities.

(e) In the event any of the standards in this Subsection D 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.

2. Rooftop-mounted solar energy systems shall be subject to the general requirements set forth in subsection F below.

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

(a) In addition to the requirements specified in Subsection D paragraphs 1 and 2 above, an applicant must submit the following materials to the Code Enforcement Officer:

(i) Unified solar permit eligibility checklist.

(ii) 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.

(iii) 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.

(iv) 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.

(v) 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:

[1] Project address, section, block and lot number of the property;
[2] Owner's name, address and phone number;
[3] Name, address and phone number of the person preparing the plans; and
[4] System capacity in kW-DC.

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

E. Ground-mounted solar energy systems.

1. 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:

(a) 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.

(b) Site plan approval from the Planning Board shall be required for the installation of all ground-mounted solar energy systems.

(c) Ground-mounted solar energy systems are prohibited in front yards.

(d) 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 in order to protect the public's health, safety and welfare.

(e) The height of the solar collector/panel and any mounts shall not exceed 12 feet in height when oriented at maximum tilt measured from the ground and including any base.

(f) 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.

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

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

(i) 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.

(j) 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."

F. General requirements applicable to building-integrated, rooftop-mounted and ground-mounted solar energy systems.

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

2. 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.

3. 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.

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

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

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

(a) Weight load;
(b) Wind resistance; and/or
(c) Ingress or egress in the event of fire or other emergency.

7. All solar energy systems described in this section 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 section, the provisions of the New York State Uniform Fire Prevention and Building Code shall apply.

8. 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.

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

10. 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.

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

12. 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.

13. Marking of equipment.

(a) Solar energy systems and components shall be marked in order 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.

(b) 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.

G. Solar farms.

1. Districts where allowed. Subject to the issuance of site plan approval and a special use permit and other requirements as set forth herein, and the entering into a binding payment in lieu of taxes agreement with the Town for projects contemplating an application for an exemption from taxation under section 487 of the New York Real Property Tax Law, , and upon compliance with all other applicable laws and regulations of the Town of Stockbridge (including but not limited to the requirements of the aquifer protection zone), State of New York and United States of America, solar farms shall be a permitted use in all zoning districts within the Town.

2. Lot area and yard regulations. The following lot area and yard regulations shall apply to all solar farms located within the Town[1]:

(a) Minimum street frontage: 300 feet.
(b) Minimum lot area: 10 acres.
(c) Maximum lot area: 50 acres
(d) Minimum front yard setback other than frontage upon a NYS highway: 250 feet.
(e) Minimum front yard setback from a NYS highway: 500 feet.
(f) Minimum rear yard setback: 100 feet.
(g) Minimum side yard setback: 100 feet.
(h) Maximum height from top of all solar panels and/or associated structures to the undisturbed ground immediately beneath the panel or structure shall be twelve feet (12') unless the applicant can demonstrate to the satisfaction of the Planning Board that a higher height will not be visible from any point off site. In no event shall the height of any panel or associated structure exceed a height of twenty feet (20') from the top of panel or structure to the undisturbed ground immediately beneath the panel.

3. 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 Stockbridge 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 herein provided.

4. Special use permit. In addition to any and all other applicable criteria set forth in this chapter, the following criteria are hereby established for purposes of granting a special use permit for a solar farm under this section:

(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 Stockbridge or that extends beyond the border of the Town of Stockbridge. For purposes of this subsection, consideration shall be given to any relevant portions of the current, amended and/or future Town of Stockbridge Comprehensive Plan and/or any other prior, current,

1 Corner lots shall be considered to have two front yards; setback requirements apply to all fencing as well as other structures.

amended and/or future officially recognized Town planning document or resource. Removal of Trees and other vegetation shall be permitted only to the extent necessary to allow for the proper function of the system. Clear cutting of trees and removal of existing ground cover vegetation shall not be permitted.

(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. All fencing shall be as approved by the Planning Board and shall include warning signs installed at regular intervals with the system operator's name, address and contact telephone number and email address.

(d) Access road. To the greatest extent possible, existing roadways shall be used for access to the site and its improvements. Access drives leading from a public highway to any gate or fence securing the site shall allow sufficient room for at least one full size pickup truck vehicle to stop and park entirely off the public highway right of way before entering the gated portion of the site. Access drives constructed within and upon the site shall be constructed of soils native to the site. Driveway surfaces shall remain unpaved and pervious to the penetration of rainwater. In the case of constructing any roadways necessary to access the solar farm, they shall be constructed to a sufficient width that allows for the passage of emergency vehicles in the event of an emergency. Each application shall be accompanied by correspondence from the fire department and emergency care provider with primary jurisdiction over the site 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 Stockbridge or federal or state regulatory agencies.

(f) Maintenance of Vegetation. All grass and ground cover on the project site in proximity to solar panels, driveways and appurtenances shall be kept mowed to a maximum height of eighteen (18) inches except in such cases where the operator can demonstrate to the satisfaction of the Planning Board the allowing vegetation at a greater height has a demonstrable environmental benefit.

(g) Subsurface Installations. No subsurface concrete shall be used in the installation of any portion of the facility installation. All anchoring structures or portions thereof shall be capable of being removed from the site in a manner that will not leave any significant depressions in or protrusions from the soil surface and without leaving any foreign objects or material in the soil.

(h) Buffering and Screening. Additional buffering and screening may be

required by the Planning Board in order to provide for the public's safety, health and welfare.

(i) Waiver. The Planning Board may, upon exercise of its reasonable discretion, waive one or more of the submission requirements imposed herein. Relief from all other requirements must be made by way of an area or use variance from the Zoning Board of Appeals.

5. Site plan review.

(a) In addition to any and all other applicable criteria set forth in this chapter, the following submission requirements must be observed regarding a site plan application for a solar farm.

(b) A completed application form as supplied by the Town of Stockbridge for site plan approval for a solar farm.

(c) Proof of ownership of the premises involved or proof that the applicant has written permission of the owner to make such application.

(d) 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 Planning Board capable of fully screening the site at the time of commencement of operation of the project site, shall be provided along any property line that abuts an existing public road, residence, or any property devoted to public or recreational use. All screening vegetation shall be of a minimum height of eight (8) feet at the time of planting. The project operator shall be obligated to replace any dead or diseased screening trees throughout the operational life of the project.

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

(e) 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.

(f) 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.

(g) 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.

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

(i) A plan for clearing and/or grading of the site and a stormwater pollution prevention plan (SWPPP) for the site.

(j) Documentation of utility notification, including an electric service order number.

(k) 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 Stockbridge 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 twenty 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.

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

(m) Solar energy systems shall be marked in order 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.

(n) The average height of the solar panel array shall not exceed 15 feet measured from the ground and including any base or supporting materials.

(o) 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.

(p) 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.

(q) 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.

(r) Solar farms shall be enclosed by a perimeter fencing to restrict unauthorized access at a height of 8 1/2 feet or as otherwise approved by the Planning Board.

(s) 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.

(t) 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-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 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 aboveground solar farm components as they would appear from these locations.

6. 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:

(b) The flow, control and safety of traffic and human beings shall not be adversely affected to an unreasonable degree;

(c) 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;

(d) There shall not be any unreasonable detriment to any structure or use, actual or permitted, in the surrounding area;

(e) There is a reasonable provision for open space and yard areas as appropriate to the surrounding area.

7. 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 Stockbridge at least five days before the date set for such public hearing(s) and written notice mailed to the applicant or his 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 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.

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

(a) 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.

(b) 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.

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

(a) 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.

(b) 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.

10. 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.

11. 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.

12. Insurance. The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the solar farm at all times. Said policy shall provide a minimum of $2,000,000 property and personal liability coverage and shall name the Town of Stockbridge as an additional insured.

13. Inspections. The Building Inspector, Zoning Enforcement Officer, Code Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or his 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 his judgment, there exists a deficiency in the operation or the structural stability of the solar farm or any component thereof. If necessary, the Building Inspector 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.

14. 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.

15. Decommissioning and removal of solar farm facilities.

(a) All facility operators shall be obligated to provide a report to the Town Supervisor within 60 days of the end of each calendar quarter indicating the operational status of the project and the days and amount of solar energy produced during the quarter which is the subject of the report. The applicant shall agree, in writing, to remove the entirety of the solar farm and all accessory structures and components thereof if the solar farm ceases to be used for its intended purpose for 12 consecutive months. Removal of such obsolete and/or unused solar farm components shall take place within three months thereafter. 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.

(b) Restoration. Upon removal of the solar facility and all of its components, the ground surface shall be restored to substantially the same condition as existed prior to the initial installation of the facility.

(c) Bond/security. The applicant shall be required to execute and file with the Town Clerk a bond, or other form of security acceptable to the Town Attorney and Engineer, in an amount sufficient for the faithful performance of the terms and conditions of the permit issued under this section, and to provide the decommissioning, removal and restoration of the site subsequent to the removal of the solar farm. The amount of the bond or security shall be no less than 150% of the cost of the removal of the solar panels and restoration of the site and shall be reviewed and adjusted at five-year intervals. In the event of a default upon performance of such condition or any of them, the bond or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The bond or security shall remain in full force and effect until the complete removal of the solar panels and site restoration is completed to the satisfaction of the Town as approved by the Code Enforcement Officer and Planning Board.

16. Fees. Fees for applications and permits under this section shall be established by resolution of the Town Board of the Town of Stockbridge in accordance with the requirements of the Land Use Law of the Town of Stockbridge. 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.

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder thereof but shall be limited in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the proceeding in which such judgment is rendered.

SECTION 5. EFFECTIVE DATE.

This local law shall be effective immediately upon its filing with the Secretary of State."

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Timothy Meeker	**Councilor**	**Voted**	**Yes/No**
James Strain	**Councilor**	**Voted**	**Yes/No**
Roland Shea	**Councilor**	**Voted**	**Yes/No**
Fred Marshall	**Councilor**	**Voted**	**Yes/No**
Alexander Stepanski	**Supervisor**	**Voted**	**Yes/No**

The foregoing resolution was thereupon declared duly adopted.

DATED: March 2, 2020

CERTIFICATION

STATE OF NEW YORK)
COUNTY OF MADISON)

I, the undersigned Clerk of the Town of Stockbridge, Madison County, New York, **DO HEREBY CERTIFY**:

That I have compared the foregoing Resolution with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town of March 2, 2020.

CAMI KIEHN, Town Clerk

(SEAL)