

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

FILED
STATE RECORDS

of Wawarsing

JUN 14 2016

Local Law No. 1 of the year 2016 DEPARTMENT OF STATE

A local law Amending Chapter 112 of the Code of the Town of Wawarsing Regulating the
(Insert Title)

Placement of Solar Energy Systems

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Wawarsing

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2016 of the (County)(City)(Town)(Village) of Wawarsing was duly passed by the Town Board on June 6 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Roxanne Shamro
Roxanne Shamro, Town Clerk
Town of Wawarsing
Date: June 8, 2016

(Seal)

(Certification to be executed by William H. Collier, III Town Attorney,

STATE OF NEW YORK
COUNTY OF ULSTER

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

William H. Collier, III
Signature William H. Collier, III, Esq.

Town Attorney

Title Town Attorney, New York State

of Town of Wawarsing
Town

Date: 6-8-2016

LOCAL LAW # 1 OF THE YEAR 2016

**A LOCAL LAW AMENDING CHAPTER 112
OF THE CODE OF THE TOWN OF WAWARSING
REGULATING THE PLACEMENT OF SOLAR ENERGY
SYSTEMS IN THE TOWN OF WAWARSING**

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

Section 1

Purpose: The Town of Wawarsing Zoning currently provides no guidance for the development and siting of solar energy facilities. The purpose of this amendment to the code of the Town of Wawarsing is to provide increased guidance to those interested in installing solar energy systems in the Town of Wawarsing by making all such installations subject to a special use permit.

Section 2

The Town of Wawarsing Code § 112-3 Definitions shall be amended to add the following definitions, alphabetically, in that section:

SOLAR ENERGY - Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM - A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

ROOF-MOUNTED ACCESSORY SOLAR ENERGY SYSTEM – A Solar Energy System that is structurally mounted to the roof of a building or structure, and for which the energy generated is intended primarily to serve structures on the same lot on which the Solar Energy System is located.

GROUND-MOUNTED ACCESSORY SOLAR ENERGY SYSTEM – A Solar Energy System that is structurally mounted to the ground and is not roof-mounted, and for which the energy generated is intended primarily to serve structures on the same lot on which the Solar Energy System is located.

ROOF-MOUNTED EXPORT SOLAR ENERGY SYSTEM – A Solar Energy System that is structurally mounted to the roof of a building or structure, and for which the energy generated is intended primarily to serve structures not located on the same lot on which the system is installed.

GROUND MOUNTED EXPORT SOLAR ENERGY SYSTEM – a Solar Energy System for which energy generated is intended primarily to serve structures not located on the same lot on which the system is installed.

Section 3

The Town of Wawarsing Code § 1-12-8 Schedule of District Regulations shall be amended to reflect the following:

Ground Mounted Export Solar Energy Systems shall be allowed only as a special use in only the RU and IND Zoning districts.

Roof Mounted Export Solar Energy Systems shall be allowed only as a special use in the IND Zoning district.

Roof Mounted Accessory Solar Energy Systems and Ground Mounted Accessory Solar Energy Systems shall be considered accessory uses in all zones

Section 4

A new §112-40A Solar Energy Systems, shall be added to the Code of the Town of Wawarsing to read as follows:

- A. All Solar Energy Systems shall be designed to avoid glare and reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
- B. All Export Energy Systems shall comply with the following standards:
 - (1) Export Solar Energy systems shall be prohibited in historic districts.
 - (2) Location of Export Solar Energy Systems on prime soils of state wide significance within state designated agricultural districts shall be avoided and total lot coverage on lands meeting these criteria shall not exceed twenty per cent of the soils so designated on the parent lot.
 - (3) There shall be no clear cutting of wooded areas greater than five (5) acres and clear cutting of wooded areas greater than 10 acres in the aggregate is prohibited.
 - (4) Visual Analysis shall be required for all installations over five (5) acres in size.
 - (5) There shall be a minimum setback of 100 feet from all property line for Solar
 - (6) Ground Mounted Solar Energy Systems and associated structures shall be screened such that visibility will be minimized from the road and from adjacent properties.

The Planning Board shall require landscaping and screening, for purposes of separating incompatible activities and for shielding adjacent uses and adjacent properties from negative impacts. A buffer consisting of a solid fence of wood or other compatible material in compliance with the Town's fence height ordinance and/or a twenty-foot-wide dense evergreen planting not less than six feet high shall be maintained, unless the full width of the yard is wooded. Evergreen planting is the preferred buffer unless it can be demonstrated that fencing will provide a more effective buffer in particular circumstances.

(7) The Planning Board may require that a Ground Mounted Export Solar Energy System be required to submit a decommissioning plan for the installation as a condition of approval of the use. (A sample decommissioning plan is included in the appendices.)

(8) A Ground Mounted Export Solar Energy System that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the solar energy installation provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Code Enforcement Officer of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the Parcel to its condition prior to development of the solar energy installation.

a. Upon determination of abandonment, the Code Enforcement Officer shall notify the party (or parties) responsible they must remove the solar energy installation and restore the site to its condition prior to development of the Solar Energy System within three hundred and sixty (360) days of notice by the Code Enforcement Officer.

b. If the responsible party (or parties) fails to comply, the Code Enforcement Officer may arrange for the removal of the Solar Energy System, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the Solar Energy System and restore the site to a non-hazardous condition.

Section 5.

The following shall be included as an appendix to Chapter 112 of the Code of the Town of Wawarsing:

