

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.)

of FLORIDA

Local Law No. 1 of the year 2019

A local law Amending the Town of Florida Zoning Ordinance by amending provisions relating to solar
(Insert Title)
energy systems

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of FLORIDA as follows:

SEE ATTACHED LAW AND DOCUMENTATION

FILED
STATE RECORDS
MAR 21 2019
DEPARTMENT OF STATE

(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 2019 of the (County)(City)(Town)(Village) of FLORIDA was duly passed by the TOWN BOARD on MARCH 18TH 2019, in accordance with the applicable provisions of law.

~~**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.~~

~~**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____.~~

~~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.~~

* 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.

Emily Staley
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: March 19 2019

(Seal)

Local Law No. 1 of the year 2019
Town of Florida, County of Montgomery
A local law amending the Town of Florida Zoning Ordinance by
amending provisions relating to solar energy systems

Section 1. Legislative Intent

It is the intent of this local law to amend the Town of Florida Zoning Ordinance, as may have been amended from time to time, to include provisions that address the installation of solar energy systems, as defined in this law, within the municipal boundaries of the Town of Florida.

Section 2. Authority

This local law is adopted by the Town Board of Town of Florida (hereinafter referred to as the “Town Board”) pursuant to its authority to adopt local laws under Article IX of the New York State Constitution; Articles 2 and 3 of the Municipal Home Rule Law; and Article 16 of the Town Law, particularly sections 261 and 263 which authorize the Town to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”

Section 3. Amendment

(A) Article VIII of the Town of Florida Zoning Ordinance is hereby amended by repealing and replacing the section, designated as “Section 45.5”, to said Article VIII to read as follows:

Section 45.5: Solar Energy Systems and Equipment

A. Town Policy Statement

1. Introduction:

The following policy statement regarding solar energy systems is in addition to, and does not necessarily supersede, the general land use policies set forth in the Zoning Ordinance. Where policies conflict, the policies set forth in this section control only as they pertain to solar energy systems.

2. In General:

The Town of Florida supports sustainable renewable energy sources such as solar energy and does not seek to discourage such energy sources to be installed in the Town. However, like any land use, solar energy systems have impacts on the community and neighboring properties which the Town seeks to mitigate so as not to adversely effect the Town’s unique character nor impinge on properties within the Town. As such, the Town finds that small scale solar energy systems which are accessory to the primary use of the parcel and are installed for the primary purpose of

supplying electricity to the buildings located on that parcel is in keeping with the Town's Comprehensive Plan and land use policies. Such accessory systems are to be encouraged so long as they do not impact neighboring properties, are safely installed, do not impair emergency access and are removed when no longer used.

3. Specific Policies:

With respect to what is defined herein as Large Scale Solar Energy Systems, the Town is concerned with the potential scale and location of such Systems not fitting in with the existing community character. However, with proper guidelines, criteria and planning, Large Scale Solar Energy Systems of a limited size (see Section C below) may be appropriate but would have to be reviewed on a case by case basis. These Systems are to be encouraged and allowed so long as they fit in with the Town's community character, do not impact neighboring properties, are safely installed and operated, and do not impair scenic views or vistas, future growth, or economic development of the Town, and are appropriately and promptly removed upon decommissioning. Placement of Large Scale Solar Energy Systems in existing fields or areas that do not require significant deforestation or clearcutting and are well-screened from public views as well as nearby properties would increase the possibility of compatibility with the Town's community character and decrease the possibility of significant adverse impacts. It is recognized by the Town that certain scenic views and vistas are important to the Town and should be preserved since they significantly contribute to the Town's rural residential character. The layout of the solar panels and equipment should utilize existing natural features for screening and should avoid detrimental impacts to important natural resources such as wetlands, streams and other surface waters, prime agricultural soils, areas important for outdoor recreation and tourism, historic districts and buildings, home and property values, and the aesthetics of the Town's natural environment. The following regulations are intended to ensure that Large Scale Solar Energy Systems are only allowed of a scale, location and plan that appropriately recognizes the aforementioned land use policies, as well as the policies set forth in the Town's Comprehensive Plan and Zoning Ordinance.

B. Small-Scale Solar Collector System - Solar as an Accessory Use/Structure

1. Solar: Roof-Mounted Energy Systems.

- a) Roof Mounted Solar Energy Systems that use the electricity onsite are permitted as an accessory use in all zoning districts of the Town of Florida when attached to any lawfully permitted building or structure.
- b) Height. Solar Energy Systems when mounted to a roof shall not exceed maximum height restrictions within the zoning district it is located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
- c) Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirement: Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the

roof and highest edge of the system. All Solar Panels and Solar Equipment shall be made of such materials so as to not create or be conducive to glare.

d) Roof-Mounted Solar Energy Systems that use the energy onsite shall be exempt from site plan or special permit review and shall be allowed upon issuance of a building permit by the Town's Code Enforcement Officer/Building Inspector.

e) Plans prepared in accordance with the New York State Building Code shall be submitted to the Town's Code Enforcement Officer/Building Inspector and a permit issued prior to the commencement of installation. All electrical work shall be performed and/or inspected by an electrician or an electrical inspector licensed in New York State.

2. Ground-Mounted Solar Energy Systems.

a) Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures subject to issuance of a special use permit and site plan review, through the Planning Board, in all zoning districts of the Town of Florida.

b) Height and Setback. Ground-Mounted Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district in which they are located.

c) All such Systems shall be installed in side or rear yards at an adequate distance from adjacent properties and in no case less than 20 feet from all property lines.

d) All such Systems shall be located in such a manner so that the System is adequately screened with respect to neighboring properties so that the views of the System from neighboring properties, particularly residences, are not a significant detraction. Screening can be accomplished by utilizing existing buildings and vegetation as well as deer resistant evergreen plantings when necessary. Any screening which is proposed by the applicant as part of the application or required by the Town Board as part of the approval shall be fully installed prior to the issuance of a certificate of compliance and prior to any operation of the System. All Solar Panels and Solar Equipment shall be made of such materials so as to not create or be conducive to glare.

e) The location of Ground-Mounted Systems shall not interfere with adequate parking or with ingress and egress to the property on which it is located. Ground-Mounted Solar Energy Systems in all districts must allow room for emergency services access to all buildings on the property or neighboring properties. The systems must be at least 20 feet from any existing structures and must not block any existing roadways, lanes or other pathways to buildings. The intent of this section is to ensure adequate emergency access.

f) Once site plan approval is received, plans prepared in accordance with the New York State Building Code shall be submitted to the Town Code Enforcement Officer/Town Building Inspector and a permit issued prior to the commencement of installation. All electrical work shall be performed and/or inspected by an electrician or an electrical inspector in New York State prior to final approval.

3. General Directions for Accessory Solar Energy Systems.

a) Roof-Mounted Solar Energy Equipment such as batteries and control panels (except individual on/off switches) shall be installed inside walls and attic spaces to reduce their visual impact. Ground Mounted Solar Energy Equipment shall be located in out-buildings where feasible or otherwise in such a manner to reduce their visual impact. Electric lines or wires from the System or Equipment to buildings should be installed below ground.

b) Decommissioning: If the Solar Energy Equipment is no longer in use for more than 18 months or becomes obsolete, the property owner shall remove the Solar Energy Equipment and restore the property within a reasonable time-period after non-use. Failure to do so shall constitute a zoning violation and may be enforced pursuant to Article XI of the Zoning Ordinance.

C. Solar – Large/Utility Scale

Large Scale Solar Energy Systems are permitted only in the C-1 Commercial, C-2 Commercial, Industrial Business Parks, and Natural Products zoning districts of the Town of Florida and only upon issuance of a special use permit and site plan approval and compliance with the general standards and requirements in these regulations as well as the following requirements and standards. As is set forth below, the size of a Large Scale Solar Energy System is restricted in the Town of Florida. The reason for restriction is that the Town's current community character and economic well-being is dependent upon its natural resources and setting, its scenic views, its historic places and buildings, its agricultural history and its outdoor recreation and tourism opportunities. The future of the Town in terms of both its economy and the welfare of its residents depends on the continual preservation and promotion of such vital aspects of the Town. In this regard, the Town Board specifically finds that any Large Scale Solar Energy System greater in size than what is allowed by special use permit or otherwise as is set forth herein will be contrary to the community character and the future economic viability of the Town and would unreasonably burden the residents, taxpayers and the electric rate payers of the Town of Florida. The aforementioned policies and findings are based upon, supported by, and consistent with the Town of Florida's Comprehensive Plan.

1. Application Requirements.

Large Scale Solar Energy Systems are permitted through the issuance of a special use permit within the C-1 Commercial, C-2 Commercial, Industrial Business Parks, and Natural Products Districts, subject to the requirements set forth in this section, including site plan approval by the Planning Board. Applications for a special use permit shall be submitted to the Town Board for an initial review of completeness; once the Town Board determines that an application is complete, it will refer the application to the Planning Board for a report and recommendation; the Planning Board shall submit its report and recommendation to the Town Board within forty five days after receiving the referral; the Town Board will then commence its review and action, which can include approval, approval on conditions, or denial; following approval, or approval on conditions, the application will be subject to site plan review by the Planning Board.

a) Special Use Permit Application Requirements. For a Large Scale Solar Energy System, both the site plan and special permit applications, and required application materials, fees and submissions, are to be used in keeping with the relevant Articles of this Law, and supplemented by the following requirements:

1) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.

2) Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.

3) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.

4) A full environmental assessment form, with Part 1 completed, and the visual assessment form addendum.

5) Stormwater runoff calculations and drainage plan.

6) The location and extent of natural resources and other significant features of the site including but not limited to the following: streams, wetlands, ponds, prime agricultural soils, flood plain, rock outcroppings, extent of clearing of mature trees, existing or proposed easements or right-of-ways.

7) Landscaping/Screening Plan. Such plan shall describe the methods and types of screening that is proposed, including but not limited to existing vegetation, topography, fencing and structures, and also detailing the number, location, size and species of vegetation to be planted on site and the size and extent of berms. Such plan shall also include appropriate performance criteria specifying minimum vegetation sizes and measures to be taken in the event that the proposed vegetation fails to survive, flourish, or otherwise meet said performance criteria throughout the lifetime of the project.

8) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep including landscaping, mowing and trimming as well as any agricultural operations that will occur on the site or property once the System is installed.

9) The Applicant shall provide written confirmation that the electric grid has the capacity to support the energy generated from the proposed Large Scale Solar Energy System at its maximum peak design. A location map of the connection point to the grid shall be provided along with a description of any easements or

right-of-ways, clearing, infrastructure, appurtenances, and equipment that may be necessary or required to connect to the grid.

10) Decommissioning Plan. To ensure the proper removal of Solar Energy Systems and Equipment, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Section. The Decommissioning Plan must identify who will be responsible for the removal of the System after the Large Scale Solar Energy System is no longer in use. The Decommissioning Plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to installation. The Plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall take into account inflation. Removal of Solar Energy Systems must be completed in accordance with the Decommissioning Plan. The Town shall also require a decommissioning bond or other financial security in which to finance the cost of such removal and restoration if not removed by the party designated in the plan as the party responsible for removal of the System within the time specified for removal in the Decommissioning Plan.

2. Specific Standards for Large Scale Solar Systems as a Special Use.

a) Height and Setback. The Solar Energy System shall have a maximum height of twenty (20) feet from ground elevation and shall be setback at a minimum of five hundred (500) feet from all of the parcel's boundary lines and two hundred (200) feet from all wetlands, ponds and streams. Buildings and accessory structures other than Solar Energy Equipment, if any, shall adhere to the height and setback requirements of the underlying zoning district.

b) Lot and System Size. Large-Scale Energy Systems shall only be located on lots with a minimum lot size of ten (10) acres. The size of the Solar Energy System shall be limited to a maximum of 5 MW of electrical energy generation per design at peak levels of operation or the land surface area covered by the Solar Energy System including internal access roads, Solar Panels and all System components and Solar Equipment, shall not encompass more than twenty-five (25) acres of the lot regardless of whether the System is contiguous or noncontiguous.

c) Lot Coverage. For purposes of this section, the surface area covered by Solar Panels, Solar Equipment and all System components including internal access roads, shall be included in total lot coverage. If the area in which the Solar Energy System is to be placed is leased, then the terms "lots" and "entire lot size" shall mean the land area that is leased. A Large Scale Solar Energy System shall not exceed the maximum lot coverage of the lot on which it is installed as follows:

- For lots consisting of 10 to 15 acres, the maximum total lot coverage shall be $\frac{1}{3}$ ($\frac{33}{3}\%$) of the entire lot size.

- For lots consisting of 15 to 25 acres, the maximum total lot coverage shall be $\frac{2}{5}$ (40%) of the entire lot size.

- For lots greater than 25 acres, the maximum total lot coverage shall be $\frac{1}{2}$ (50%) of the entire lot size with a maximum system size as set forth in subsection b above.

d) No part of a Large Scale Solar Energy System shall be located above the elevation of 700 feet, along ridgelines, on hilltops, or on slopes greater than 12%.

e) All Solar Energy Systems shall be sited and screened in such a manner to have the least possible visual effect on neighboring properties, public roads and recreational areas, important scenic vistas and the general aesthetic environment. Screening by existing topography, trees and vegetation shall be incorporated to the maximum extent practicable and where not practicable screening must be installed such as vegetative berms or deer resistant evergreen plantings or a combination thereof.

f) Significant clearing of mature tree growth and hedgerows should be avoided to the maximum extent possible. Installation of Large Scale Solar Energy Systems on fields or land areas which do not require significant clearcutting is preferred. In no case shall the Solar Energy System require clearcutting of more than 9 acres. Once the land is cleared and the Solar Energy System is installed, the land disturbed must be reseeded or replanted with a combination of native plant species and native grass. Ground cover of gravel or other non-vegetative cover should only be used for access and internal roads to the maximum extent practicable.

g) Installation of Large Scale Solar Energy Systems on land areas which contain prime agricultural soils shall be avoided to the maximum extent possible. In no case shall the Solar Energy System cover more than 5 acres of prime agricultural soils.

h) The materials used for the Solar Energy System shall not be conducive to glare visible from beyond the lot's boundary lines. The Solar Energy System shall not generate noise or heat detectable from beyond the lot's boundary lines.

i) All Large-Scale Solar Energy Systems shall be enclosed by fencing no less than 8 feet in height to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determined by the Town Board or Planning Board. The fencing may need to be setback from boundary lines and roads and further screened by any landscaping needed to avoid adverse aesthetic and safety impacts.

j) Any associated structure shall be screened, placed underground, depressed, earth bermed or sited below the ridgeline to the greatest extent feasible, particularly in areas of

high visibility, and the same shall be noted in the Site Plan. Where feasible, all utilities serving the site shall be underground.

k) If solar storage batteries are included in the Solar Energy System, the batteries must be placed in a secure container or enclosure meeting the requirements of the International Building Code, International Fire Prevention Code and NFPA 70. When the batteries are no longer in use, they shall be disposed of in accordance with the International Building Code, International Fire Prevention Code and NFPA 70 as well as the local laws of the Town, and any other applicable laws or regulations.

l) No artificial light is permitted, unless the same is required by a federal, state or local authority or regulation. Exterior lighting may be provided for associated accessory structures and access entrances as may be determined appropriate for security purposes only. If lighting is proposed a lighting plan shall be included with the Site Plan that is compliant with lighting standards set forth in the Zoning Ordinance.

m) Roadways within the site for solar access shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction, while providing sufficient ability, including but not limited to load bearing ability, to accommodate fire and other emergency apparatus. The layout, location, and number of access roads will be subject to site plan review.

n) Roadways must be properly maintained and kept free of debris and snow. Snow removal shall be within 24 hours of accumulation of a minimum of 6" of snow.

o) Review and approval of the application by the nearest fire department for accessibility of emergency vehicles and equipment is required prior to site plan review.

p) Any application under this Section shall meet any provisions, requirements and standards contained in the Zoning Ordinance that, in the judgment of the Town Board and Planning Board pursuant to their respective jurisdictions, are applicable to the Large Scale Solar Energy System Solar Energy System being proposed. If none of such requirements are applicable, the reviewing Boards may waive certain of the requirements under their respective review jurisdictions.

q) The Town Board may impose conditions on its approval of any special use permit and the Planning Board may impose conditions on its approval of any site plan under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

3. Additional Requirements.

a) The owner or operator shall maintain general liability insurance coverage on any solar energy system in the amounts of \$1,000,000 for injuries and \$500,000 for property damages, naming the Town of Florida as additional insured.

- b) If in the course of the delivery, installation, maintenance, dismantling, removal or transport of the solar energy system or any components thereof the property of the Town of Florida, including but not limited to roadways, shoulders, drainage structures, signage, guide rails, etc., is damaged by the efforts of the applicant or any agents thereof, the applicant shall, within 30 days of the damage, completely replace or repair all damage to the satisfaction of the Town.
- c) Any damaged or unused components of the system shall be removed from the premises within 30 days and disposed of legally. All maintenance equipment and spare parts shall be kept in a designated storage area which is fenced and screened.
- d) If the ownership of a solar energy system changes, the special use permit and site plan approvals shall remain in full force and effect providing all the conditions of the special use permit, including bonding, letters of credit or continuing certification requirements or obligations, including maintenance, continue to be obligations of successor owners. The change in ownership shall be registered with the Town Clerk with a copy to the Code Enforcement Officer/Building Inspector within 30 days of the change taking effect. The Town Clerk shall notify the Town Board of such change.
- e) Any and all modifications, additions, deletions, or changes to the Solar Energy System, whether structural or not, shall be subject to the Town Board's approval as an amendment of the special use permit and/or site plan, except that such amendment shall not be required for repairs which become necessary in the normal course of use of such system.
- f) An inspection report prepared by a duly qualified engineer licensed in the State of New York shall be required at the time of installation and every three years thereafter. The cost for this inspection shall be borne by the applicant and/or the current owner. The inspection report is required at the time of installation and in advance of powering the system for use. Thereafter, it shall be done to inspect all components of the solar energy system to ensure proper operation. The inspection report must be filed with the Code Enforcement Officer/Building Inspector. All recommendations for maintenance and repair contained in said inspection report shall be completed at the expense of the applicant/owner and shall be conducted within a written scheduled time frame agreed upon by the Code Enforcement Officer/Building Inspector.
- g) No part of the Solar Energy System, including area of lot coverage, shall be used for the display of any advertising, decorative flags, streamers, or any other decorative items.
- h) When any Solar Energy System is installed and before it becomes active, the owner of the site and/or the Solar Energy System must contact the Town's emergency responders departments to make arrangements for a meeting at the site to review the components of the array and to be educated on safety issues and procedures for emergency response. This shall include detailed discussion related to the location of labeled warnings, access to the site and information on emergency disconnection of the system. In addition, the Town Board may require a plan for installation regarding the location of placards which

provide mutual aid responders with sufficient information to protect them when responding to calls on site.

i) Native grasses and vegetation shall be maintained below the arrays and shall not include use of herbicides.

j) Decommissioning: Large Scale Solar Energy Systems are considered abandoned after 18 months without electrical energy generation and must be removed from the property. Applications for extensions may be submitted to and are reviewed by the Town Board for a period of additional 6-month periods not to exceed a total of 18 additional months. The owner of a solar energy system shall annually, by January 15, file a declaration with the Town of Florida certifying the continuing safe operation of said system installed subject to these regulations, as well as the status notification set forth in subsection f above. Failure to file a declaration shall mean that the system is no longer in use and shall be considered abandoned. At the time that a system owner plans to abandon or discontinue operation of a solar energy system, such owner must notify the Town, in writing, of the proposed date of abandonment, or discontinuance of operations. In the event that a system owner fails to give notice, the system shall be deemed abandoned upon such discontinuance of operations. In any event, a Solar Energy System shall also be considered abandoned when it has not been used for the purpose for which it was permitted, for a period of 18 months. Upon abandonment or discontinuance of use, the system owner or operator shall in addition to complying with the decommissioning plan, assure, if not part of the approved decommissioning plan, physical removal of the Solar Energy System, and all accessory structures and/or equipment within 90 days from the date of abandonment or discontinuance of use. "Physically remove" shall include, but shall not be limited to: (i) removal of panels, collectors, support units (including all underground wiring), mounts, equipment shelters and security barriers from the property; (ii) proper disposal of the waste material from the site in accordance with local and state solid waste disposal regulations; and (iii) restoring the land area where the Solar Energy System was located to its natural condition, except that any landscaping and grading may remain in the "after" condition. If the owner of the system fails to properly remove said Solar Energy System and associated structures and equipment within 90 days from the date of abandonment, the Town may exercise its option to remove said system at its own discretion upon notification to the owner of the system and the property owner, at the expense of the owner or owners for which the surety, as described below, shall be used. The applicant must provide the Town with written authority from the owner or owners of record for the subject property where the Large Scale Solar Energy System is located to bind successors and assigns to allow the Town to enter onto the subject property to physically remove the system in the event that the party identified as the party responsible for removal of the System fails to timely remove the system in accordance with the requirement of this Section and the special use permit. Prior to commencement of construction of the approved Solar Energy System, the applicant shall provide the Town with a bond or other acceptable security in an amount determined by the Town Board, but in no case less than 125% of the cost for the removal of the system and remediation of the landscape, in the event the Town must remove the facility. The terms of the bond or other security shall be clear as to who is responsible for removal of the

System, the time in which removal must occur, and when or upon what circumstances the security is to be transferred to the Town. The bond or security instrument shall also be in a form acceptable to the Town's legal counsel, which includes but is not limited to letter of credit, perpetual bond, or any combination thereof. The amount of the bond or security shall be reviewed from time to time by the Town Board and shall be adjusted if deemed necessary by the Town Board. If the amount of the bond or security is adjusted, the applicant shall have 90 days from the date of the notice that adjustment is required to provide an adjustment bond or security in a form acceptable to the Town's legal counsel.

(B) Article III, Section 4 of the Town of Florida Zoning Ordinance is hereby amended to add the following terms and accompanying definitions to said Article, pursuant to their alphabetical placement in said Article, as follows:

PRIME AGRICULTURAL SOILS as defined and designated by the Montgomery County Agricultural and Farmland Protection Program and the Agriculture and Markets Law Article 25-AAA.

PRIMARY USAGE (e.g. "use the electricity primarily onsite" or "produces energy primarily for", "for power generation primarily for") shall equal no more than 110% of onsite electrical usage on average over the preceding 12 months as demonstrated on utility bills.

SOLAR - LARGE SCALE: An installation of Solar Panels and Solar Equipment that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption. Any installation producing electricity greater than 110% of onsite electrical usage on average over the preceding 12 months as demonstrated on utility bills is considered Large Scale Solar. It is a use allowed upon issuance of a special use permit and site plan approval only in the C-1 Commercial, C-2 Commercial, Industrial Business Parks, and Natural Products Town Zoning Districts.

SOLAR: ROOF-MOUNTED SYSTEM: Any solar collector, solar energy device or structure which is attached to the roof of a building or structure and whose primary usage and purpose is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, water heating, or for power generation primarily for the buildings and structures located on the same parcel as the solar energy system. This type of system requires a permit as an accessory use in all Town Zoning Districts prior to installation.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, 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 take effect immediately upon filing with the Secretary of State.

END OF LAW

**TOWN BOARD OF THE TOWN OF FLORIDA
COUNTY OF MONTGOMERY, STATE OF NEW YORK**

Resolution No. 45 of 2019
Adopted March 18, 2019

Introduced by: Councilman Harold Alikonis
who moved its adoption.

Seconded by: Councilman Ronald Phillips

Roll Call Vote: Supervisor Mead - Aye
Councilman Alikonis - Aye
Councilman Robataille - Aye
Councilman Rackowski - Absent
Councilman Phillips - Aye
Councilman Alikonis - Aye

4 – Ayes 0 Nays 0 Abstentions

**RESOLUTION ADOPTING PROPOSED LOCAL LAW
NO. 1 OF 2019 TITLED: A LOCAL LAW AMENDING THE TOWN OF
FLORIDA ZONING ORDINANCE BY AMENDING PROVISIONS
RELATING TO SOLAR ENERGY SYSTEMS**

WHEREAS, pursuant to Article 16 of Town Law and Section 10 of Municipal Home Rule Law, the Town Board of the Town of Florida (the “Town”) has the authority to adopt local laws concerning regulating and controlling land use within the Town and to protect the health, safety and welfare of its residents; and

WHEREAS, The Town supports the responsible development of sustainable renewable energy sources such as solar energy; and

WHEREAS, The Town acknowledges that solar energy systems have an impact on the community and neighboring properties; and

WHEREAS, The Town seeks to mitigate the impacts of solar energy systems so as not to adversely affect the Town’s unique character or contradict the Town’s comprehensive plan; and

WHEREAS, in order to accomplish the above, the Town desires a process that welcomes responsible use of solar energy systems while maintaining the necessary level of oversight and control; and

WHEREAS, after due deliberation the Town developed the proposed Local Law to repeal and replace the Article VIII Section 45.5 of the Town of Florida Zoning Ordinance; and

WHEREAS, pursuant to Article XIII section 58, of the Town’s Zoning Ordinance, the Town referred the proposed Amended Zoning Ordinance to the Planning Board for review and recommendation; and

WHEREAS, on March 4, 2019 the Planning Board reviewed, deliberated, offered comments, and recommended approval of the Town’s proposed Amended Solar Ordinance; and

WHEREAS, on March 6, 2019 the Town Board held a workshop with the Planning Board to review the

Planning Board's recommendations; and

WHEREAS, the Town finds and determines that this Local Law is necessary to protect the health, safety and welfare of its citizens; and

WHEREAS, the Town scheduled a public hearing to be held before the Town Board on March 18, 2019 p.m. at the Offices of the Town of Florida, 214 Fort Hunter Road, Amsterdam, New York, to hear all interested parties regarding the adoption of a proposed Local Law titled A local law amending the Town of Florida Zoning Ordinance by amending provisions relating to solar energy systems; and

WHEREAS, notice of said public hearing was duly posted and then published in *The Recorder* the official newspaper of the Town, on March 8, 2019, pursuant to and in conformance with Section 20 of the Municipal Home Rule Law; and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the proposed Local Law; and

WHEREAS, the Town declared that this action is an unlisted action under SEQRA, and declared itself to be lead agency for SEQRA review of the action and a Short Environmental Assessment Form for this proposed Local Law has been prepared.

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Florida as follows:

Section 1. The Town Board has taken a hard look at the potential adverse environmental impacts of the proposed action and has issued a negative declaration in connection with its findings pursuant to the State Environmental Quality Review Act ("SEQRA"), as codified under 6 NYCRR Part 617 et. seq., relative to the adoption of the proposed Local Law, whereby the adoption thereof constitutes an Unlisted Action that will not have any significant adverse impact upon the environment.

Section 2. The Town Board, upon due deliberation of the proposed Local Law and the comments presented at the public hearing, finds that the adoption of the same shall be in the best interests of the Town.

Section 3. The proposed Local Law is hereby adopted, copies of which are attached hereto and made a part hereof. The Law shall take effect immediately upon its filing in the Office of the Secretary of State.

Section 4. The clerk is hereby instructed to file a certified copy of the Local Law with the Secretary of State.

Section 5. This resolution shall take effect immediately.



Eric M. Mead, Supervisor
Emily Staley, Town Clerk
Steven Anderson, Hwy. Superintendent

214 Ft. Hunter Rd.
Amsterdam, NY 12010

Office: 518-843-6372
Fax: 518-843-3324

**RESOLUTION ADOPTING PROPOSED LOCAL LAW
NO. 1 OF 2019 TITLED: A LOCAL LAW AMENDING THE TOWN OF
FLORIDA ZONING ORDINANCE BY AMENDING PROVISIONS
RELATING TO SOLAR ENERGY SYSTEMS**

Adopted: 4 Ayes 0 Nays 0 Abstentions

Roll Call Vote: Supervisor Mead - Aye
 Councilman Alikonis – Aye
 Councilman Rackowski – Absent
 Councilman Robataille – Aye
 Councilman Phillips – Aye

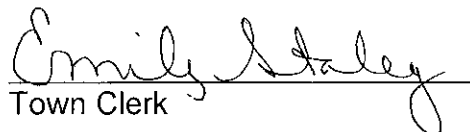
STATE OF NEW YORK
COUNTY OF MONTGOMERY
TOWN OF FLORIDA

CERTIFICATION

I, Emily Staley, Town Clerk of the Town of Florida, Montgomery County, New York, **DO HEREBY CERTIFY**, that I have compared the foregoing with the original resolution adopted by the Town Board of the Town of Florida at a meeting of said Board held on the 18th day of March 2019, and that the foregoing is a true and a correct transcript of said original resolution that is on file in my office.

I DO FURTHER CERTIFY that each of the members of said Town Board has due notice of said meeting, and that Supervisor Eric Mead, Councilman Ronald Phillips, Councilman Harold Alikonis and Councilman Guy Robataille were present at such meeting. Councilman Steven Rackowski was absent.

IN WITNESS WHEREOF I have hereunto set my hand and seal of the Town of Florida on this 19th day of March 2019.


Town Clerk

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Town Board, Town of Florida, NY							
Name of Action or Project: Adoption of Local Law amending zoning ordinance by amending provisions relating to solar energy systems							
Project Location (describe, and attach a location map): Various							
Brief Description of Proposed Action: Adoption of Local Law governing solar energy systems.							
Name of Applicant or Sponsor: Eric Mead, Town Supervisor		Telephone: 518-843-6372					
		E-Mail: emilystaley.tofclerk@outlook.com					
Address: 214 Fort Hunter Rd							
City/PO: Amsterdam		State: NY	Zip Code: 12010				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%; text-align: center;">NO</th> <th style="width: 50%; text-align: center;">YES</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%; text-align: center;">NO</th> <th style="width: 50%; text-align: center;">YES</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? _____ acres							
b. Total acreage to be physically disturbed? _____ acres							
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____							
<input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Eric Mead, Town Supervisor, Town of Florida</u> Date: <u>March 18, 2019</u></p> <p>Signature: _____</p>		

Project:

Date:

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

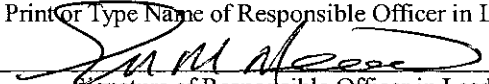
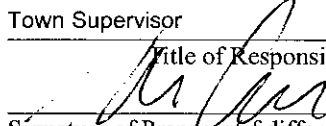
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Town Board, Town of Florida	March 18, 2019
Name of Lead Agency	Date
Eric Mead	Town Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)