

# 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.

FILED  
MAR 28 2022

Town of LaFayette

DEPARTMENT OF STATE

Local Law No. 1 of the year 2022.

A local law to amend Chapter 290, section 290-32 (H) (Solar farms) of the Code of the Town of LaFayette  
(Insert Title)

Be it enacted by the Town Board of the

Town of LaFayette as follows:

**Section 1.** Chapter 290, section 290-32(H) titled "Solar farms" of the Code of the Town of LaFayette is amended to read as follows:

## § 290-32 **Solar energy systems.**

### **H.**

Solar farms.

#### **(1)**

Districts where allowed. Subject to the issuance of site plan approval and a special use permit approval and other requirements as set forth herein, solar farms shall not be a permitted use in any zoning district other than the Agricultural (AG) District and the Industrial (I) District within the Town.

#### **(2)**

Districts where prohibited. Solar farms shall be prohibited in the Single-Family District (R-1), Residential Planned Cluster (RPC) District, Residential Multifamily (RM) District, Business (B) District, Commercial Planned Development (CPD) District, Hamlet (H) District and Floodplain (F) District.

[Amended 12-8-2020 by L.L. No. 2-2020]

#### **(3)**

Lot area and yard regulations. The following lot area and yard regulations shall apply to solar farms located in the Agricultural (AG) District and Industrial (I) District within the Town:

**(a)**

Minimum street frontage: 100 feet.

**(b)**

Minimum lot area: 15 acres.

**(c)**

Minimum front yard setback: 250 feet.

**(d)**

Minimum rear yard setback: 250 feet.

**(e)**

Minimum side yard setback: 250 feet.

**(4)**

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 LaFayette 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 approval issued by the Zoning Board of Appeals and a site plan approval issued by the Planning Board as hereinafter provided.

**(5)**

Special use permit approval.

**(a)**

In addition to the criteria established pursuant to § **290-38D** of this chapter, the following criteria are hereby established for purposes of the granting of special use permit approval for a solar farm:

**[1]**

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 LaFayette or that extends beyond the border of the Town of LaFayette. Such viewsheds are specially identified as Significant Views as shown on the Open Space Map & Potential Conservation Areas, found in the Town's 2021 Comprehensive Plan appendix.

[2] Areas of potential environmental sensitivity. A solar farm shall not be installed in any location that have areas of potential environmental sensitivity including unique natural

areas, floodplains, historic sites, state-owned lands, conservation easements, trails, parklands, prime soils, and wetlands as identified by Open Space Map & Potential Conservation Lands, found in the Town's 2021 Comprehensive Plan appendix.

The development and operation of the solar farm shall not have a significant impact on water quality, fish, wildlife, animal or plant species or their critical habitats, or other significant habitats identified by the town, federal or state regulatory agencies.

[3] Prime farmland. Solar farms shall not be installed in any location that contains soils identified as prime farmland or farmland of statewide importance identified in Map 6: Agricultural Soils in the Town's 2021 Comprehensive Plan.

**[4]**

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. Further, the applicant shall arrange for the filing of site plans and any emergency shutdown procedures with the Town Code Enforcement Officer and local first responders with training provided by the applicant.

**[5]**

Security. All solar farms shall be secured to the extent practicable to restrict unauthorized access. See Subsection **H(6)(a)[19]** of this section.

**[6]**

Access road. To the greatest extent possible, existing roadways shall be used for access to the site and its improvements. In the case of constructing any roadways necessary to access the solar farm, they shall be constructed in a way that allows for the passage of any emergency vehicles in the event of an emergency. Each application shall be accompanied by correspondence from the responding fire department and emergency care provider as to the acceptability of the proposed ingress to and egress from the solar farm site.

**[7]**

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 or federal or state regulatory agencies.

**[8]**

Setbacks. Additional setbacks may be required in addition to those set forth in Subsection **H(3)** by the Zoning Board of Appeals in order to provide for the public's safety, health and welfare.

**(b)**

Waiver. The Zoning Board of Appeals 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.

**(6)**

Site plan approval.

**(a)**

The following submission requirements must be observed regarding a site plan approval application for a solar farm. The Planning Board may also require any of the requirements of § **290-37** of this chapter as part of the submission.

**[1]**

A completed application form as supplied by the Town for site plan approval for a solar farm.

**[2]**

Proof of ownership of the premises involved or proof that the applicant has written permission of the owner to make such application, along with contact information of involved parties. Any transfer of ownership or operating/maintenance responsibility of a solar farm either during the pendency of an application or any time after approval of an application shall require the prior written approval of the Town Attorney.

**[3]**

Plans and drawings of the proposed solar farm installation signed, marked and/or stamped 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 further describe:

**[a]**

Property lines and physical dimensions of the proposed site, including contours at five-foot intervals.

**[b]**

Location, approximate dimensions and types of all existing structures and uses on the site.

**[c]**

Location and elevation of the proposed solar farm and all components thereof.

**[d]**

Location of all existing aboveground utility lines within 1,200 linear feet of the site.

**[e]**

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, National Fire Protection Association codes and Town requirements. The Planning Board may recommend waiving this requirement if sufficient engineering data is 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.

**[f]**

Location of all service structures proposed as part of the installation.

**[g]** Documentation of utility company notification and approval, including the electric service order number. No solar farm shall be constructed until evidence has been provided to the Planning Board that the utility company operating the electrical grid where the installation is to be located has been informed of the construction of the solar farm and has agreed to an interconnection.

**[h]**

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. Topsoil stripping and removal from the site is prohibited.

**[i]**

A berm, landscape screen or any other combination acceptable to the Town capable of screening the site shall be provided along any property line.

**[j]**

Soil type(s) at the proposed site.

**[4]**

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 from vantage points selected by the Planning Board.

**[5]**

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.

**[6]**

One- or three-line electrical diagram detailing the solar energy system installation, associated components and electrical interconnection methods, with all disconnects and over-current devices.

**[7]**

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

**[8]**

A plan for clearing and/or grading of the site and a stormwater pollution prevention plan (SWPPP) for the site certified by professional engineers demonstrating that storm water runoff will infiltrate into the ground beneath at a rate equal to or less than that of the prior infiltration rate.

**[10]**

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 this chapter 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 five 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.

[Amended 12-8-2020 by L.L. No. 2-2020]

**[11]**

Lightning Protection Plan. To be installed via internal lightning arrestors, surge protectors, or adequate ground.

**[12]**

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

**[13]**

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.

**[14]**

The average height of the solar panel array shall not exceed 20 feet measured from the ground and including any base or supporting materials.

**[15]**

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.

**[16]**

Glare. 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. All

photovoltaic modules used in the solar farm shall be coated with anti-reflection materials to prevent solar panel glare.

**[17]**

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.

**[18]**

Solar farms shall be enclosed by perimeter fencing to restrict unauthorized access as approved by the Planning Board. The style and type of fence shall be approved by the Planning Board as part of the site plan approval process.

**[19]**

The Planning Board may place reasonable hours restrictions during the construction phase of the solar farm. However, construction shall begin no earlier than 7:30 a.m. and shall cease no later than 8:30 p.m., Monday through Saturday.

**[20]**

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.

**[21]**

To the extent practicable, equipment that produces noise above ambient levels during normal operation shall be placed in the center of the solar array or at a minimum of 1,000 feet from the nearest property line.

**[22]**

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). A visual impact assessment (VIA) , performed by a qualified consultant following generally accepted guidelines (*e.g., Guide to Evaluating Visual Impact Assessments for Renewable Energy Projects*, US Department of Interior, 2014); shall be reported and submitted to the Planning Board, including but not limited to:

**(a)**

The qualifications of the consultant including list of VIAs completed for other solar farms. The VIA report will describe guidelines and methods used.

**(b)**



Photo simulations (*i.e.*, computer generated photomontages) of the proposed solar farm components and surrounding landscape (including how setback areas will be maintained) from key observation points (KOPs). KOPs are points on a travel route within a three-mile radius and other likely observations points on private property within a one-mile radius from the center of the project. KOPs will be selected in consultation with and approval of the Planning Board.

**(c)**

The visual impact from each KOP will be assessed and rated for contrast, sensitivity, and scenic quality of view, by an independent panel of three. An overall impact rating for each KOP will be presented and discussed. Visual impact mitigation techniques, planned and available, will be described, including photo simulations with and without mitigation.

**(d)**

The Planning Board will review and comment on the VIA, and may accept the report as is or ask for additional analysis, visual mitigation, and/or a revised VIA. As an agricultural town that values its natural resources, the following visual mitigation techniques are encouraged: (1) agrophotovoltaics (*i.e.*, sharing land use with agriculture such as crops, beehives, sheep pasturing, greenhouses), (2) plantings that encourage wildlife habitats (e.g., pollinators, wild flowers).

**(b)**

Site plan approval criteria. In addition to the above and subject to the criteria of § **290-37** of this chapter, no site plan approval shall be given unless the Planning Board determines that the proposed solar farm complies with the following additional requirements:

**[1]**

The use is oriented in its location upon the site as to layout, coverage, screening, means of access and aesthetics so that:

**[a]**

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

**[b]**

There is sufficient accessibility for any fire and other emergency vehicles and responders to the site; the applicant shall provide down-shielded lighting at the entrance points to the site and which shall be on file with the Town Codes Office and applicable Fire Department and first responders;

**[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.

**[f]** Saturation. In deciding whether to issue a special use permit, the Planning Board shall consider the proximity of similar large solar energy systems (i.e., greater than 1 MW) to the one being proposed. In no event shall a solar farm be placed within one mile (as measured as the distance between the property lines nearest each solar farm) of an existing solar farm, without specific findings by the Planning Board that such placement does not adversely affect the community character of the surrounding properties.

**(7)**

Public hearing. No action shall be taken by the Zoning Board of Appeals to issue special use permit approval, or by the Planning Board to issue site plan approval, nor 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 by each Board for each such approval. Proper notice of a hearing before a board shall be given, as the responsibility of the applicant, by legal notice published in the Post-Standard newspaper and on the Facebook page of the Town of LaFayette at least 10 days before the date set for such public hearing(s). The applicant shall be responsible for notifying, by certified mail, all property owners of record within three miles 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 and National Fire Protection Association codes.

**(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 and any applicable National Fire Protection Association codes. 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 and any applicable National Fire Protection Association codes.

**(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)**

USA made content. The applicant shall ensure that materials used in the solar farm be manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States.

**(11)**

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.

**(12)**

Post-construction/post-installation certification. Following the construction/installation of the solar farm, the applicant shall provide a post-construction/post-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 and this section.

**(13)**

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 \$5,000,000 property and personal liability coverage.

**(14)**

Inspections. The 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 Code Enforcement Officer or Town Engineer may order the system corrected, 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.

[Amended 12-8-2020 by L.L. No. 2-2020]

**(15)**

Power to impose conditions. In granting any site plan approval, special use permit approval or variance for a solar farm, the Zoning Board of Appeals or Planning Board, 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.

**(16)**

Decommissioning and removal of solar farm facilities.

**(a)**

The applicant shall agree, in writing to the Town Planning Board, 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 90 days 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. The applicant agreement shall also include its obligation to prepare, no less than 60 days prior to decommissioning commencement, a written decommissioning plan, to be approved by the Town Planning Board. The plan will include among other items, the applicant methods to control soil erosion and stormwater run off during and after decommissioning.

**(b)**

Bond/Security. The applicant shall be required to execute and file with the Town Clerk a bond, or other form of security for an initial term of up to and including the entire useful life of the solar farm as determined by and 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. The applicant shall submit, initially and every five years, documented justification, acceptable to the Town Attorney and Engineer, for the bond amount. 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 finished acceptable to the Town Attorney and Engineer. The Town Attorney may also require a corporate guarantee to assure compliance with this section.

**(c)**

If the applicant fails to decommission and/or remove the solar farm as provided herein, the failure to do so will result in the Town removing the solar farm and assessing the cost of removal on the property in excess of the forfeited bond, if any, which shall constitute a lien on said property and be collected in the same manner as property taxes.

**(17)**

Fees. Fees for applications and permits under this section shall be established by resolution of the Town Board of the Town of LaFayette. In accordance with the requirements of Chapter **160**, Fees, Article **I**, of the Town Code, 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.

**(18)**

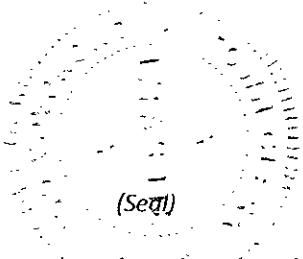
Waiver. The Planning Board or the Zoning Board of Appeals may, under appropriate circumstances, waive one or more of the submission requirements contained herein.

**Section 2. Severability.** If any provision, word, clause, sentence, paragraph, section, article or part of this local law, or the application thereof to any person or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate any other part of this local law or the application of this law, or any part thereof, to other persons or circumstances.

**Section 3.** This Local Law is effective upon filing with the Secretary of State.

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2022 of the Town of LaFayette was duly passed by the Town Board on March 8, 2022, in accordance with the applicable provisions of law.

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.



(Seal)

Jaqueline B. Roorda  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3/8/2022

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF ONONDAGA

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.

[Signature]  
Signature

Attorney for the Town  
Title

Town of LaFayette

Date: March 8, 2028