

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

www.dos.state.ny.us/corps

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 underling to indicate new matter.

~~County~~

~~City~~ of POMFRET

~~Town~~

~~Village~~

Local Law No. 1 of the year 2022.

A local law to Amend Solar Energy Equipment and Systems Law Regulations, Local Law No. 2 of the year 2016.

Be it enacted by the Town Board of the Town of

~~County~~

~~City~~ of POMFRET

~~Town~~

~~Village~~

Section 1 – Purpose:

The Town of Board of the Town of Pomfret does desire to amend certain sections and provisions of the Solar Energy Equipment and Systems, law adopted as Local Law # 2 of 2016 within the Town of Pomfret.

Section 2 – Authority

The Town Board in enacting this legislation exercises authority granted to it under the New York State Constitution; Municipal Home Rule Law, and the Town Law of the State of New York which authorizes the Town to adopt zoning and land use provisions to protect the health, safety and welfare of persons and property within the Town.

Section 3 – Solar as Principal Use -Amending Section 5 - Large Scale Solar System

I. Large Scale Solar Energy Systems shall comply with all bulk area requirements, including height and

setback of the underlying Zoning District in which it is located, together with the following area requirements and setbacks, whichever is more restrictive. In addition such other restrictions on placement, height, location, and setback and/or buffers may be imposed during the Special Permit process by the Town Board.

Each and every part and/or section of the Solar Energy System shall be setback the following minimums:

- a) 300 feet from the edge of any public right-of-way.
- b) 250 feet from each property line bordering the premises, which are the subject of a solar application for special use permit.
- c) 350 feet from any residential premises on any adjoining property.
- d) At least 50 feet from any structure on the premises hosting the Solar Energy System.
- e) No part of the Solar Energy System and/or its components shall exceed 35 feet in height.
- f) In the sole discretion of the Town Board, for good cause shown, after the Public Hearing the Board may vary the strict application of these regulations.

II. Large scale solar systems shall be located on lots with a minimum lot size large enough to accommodate the proposed system.

Lot coverage – the surface area of the Solar Energy System, including but not limited to solar panels, utility or electronic sheds, and any other part of the System, shall be included in Lot coverage, together with any impervious service calculations, all of which shall not exceed fifty-percent (50%) of the lot size coverage of the premises on which the Solar System is to be constructed, and which is the subject of the application and permit review.

No large scale systems will be permitted to be located on multiple parcels, the parcel or parcels which are the subject of the application to host a Solar Energy Facilities System shall be under the control of the applicant, for and during the entire life expectancy of the Solar Energy Facilities System.

VI. h) Decommissioning Plan – All decommissioning plans submitted to the Town of Pomfret for review shall be prepared, signed and sealed by a professional engineer, licensed in the State of New York. This requirement is in addition to the criteria set forth in Local Law No. 2 of the Year 2016. Further, all such plans shall meet the

requirements adopted/recommended by Chautauqua County Planning Dept. as then currently in effect.

Section 4 – Solar Storage Batteries

If Solar Storage Batteries are included as part of the Solar Energy Collection System, its location, placement, and maintenance shall be governed by and in accordance with the Town of Pomfret Battery Energy Storage Law, New York State Uniform Code, and all regulations promulgated under the State Code and the National Electric Code.

When storage batteries are no longer in use, they shall be properly disposed of in accordance with the law in the State of New York, and any applicable Federal, State and/or Local disposal Rules and/or Regulations.

Section 5 – Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 6 – Conflict

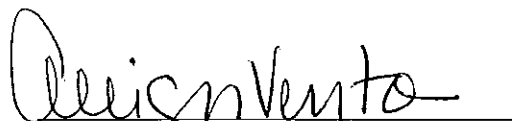
In the event of conflict between existing provisions and this law, the provisions of this law shall prevail. Inconsistent provisions of existing law are deemed repealed.

Section 7– Effective Date:

This Local Law shall be effective immediately upon filing with the Secretary of State.

1. I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2022 of the Town of Pomfret was duly passed by the Town Board of the Town of Pomfret on April 13, 2022, in accordance with the applicable provisions of law.

(Seal)


Allison Vento
Clerk of the Town of Pomfret

Date: April 13, 2022