

**LOCAL LAW FILING**

41 STATE STREET, ALBANY, NY 12231

(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.

**Be it enacted by the TOWN BOARD of the TOWN of GALEN as follows:**

Town of Galen Local Law No. 1-2019

A local law of the year 2019 entitled "Solar Development and Battery Storage Systems"

Be it enacted by the Town Board of the Town of Galen as follows: (Attached)

FILED  
STATE RECORDS

NOV 21 2019

DEPARTMENT OF STATE

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

I hereby certify that the local law annexed hereto, designated as local law No. 1-2019 of the Town of Galen was duly passed by the Town Board on November 11<sup>th</sup> 2019, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after 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 Town of Galen was duly passed by the \_\_\_\_\_

(Name of Legislative Body)

on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved) (not approved) (repassed after disapproval)

by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20 \_\_\_\_\_,

(Elective Chief Executive Officer\*)

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 Town of Galen was duly passed by the Town Board on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved) (not approved) (repassed after disapproval) by the Supervisor 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 Town of Galen was duly passed by the Town Board on \_\_\_\_\_ 20\_\_\_\_, and was (approved) (not approved) (repassed after disapproval) by the Supervisor 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.

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 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.

(SEAL)

  
 \_\_\_\_\_  
 Norma Lancaster, Galen Town Clerk

Adopted: November 11<sup>th</sup>, 2019

Resolution: No. 20-2019

Date: November 12<sup>th</sup>, 2019

A local law to amend the Town of Galen Zoning Law

ADD new "Appendix E" as follows:

APPENDIX E

SOLAR DEVELOPMENT AND BATTERY STORAGE SYSTEMS

E101 **Purpose and Intent.** While the Town encourages the installation of solar energy systems and battery storage systems, the Town Board recognizes that certain solar and battery storage projects pose unique challenges to the community, may have an adverse visual effect on neighboring properties, pose a challenge for emergency responders, and have long-term impacts on the use of the underlying land. This Appendix is adopted to clarify the standards to be used for solar development and battery storage systems within the Town of Galen.

E102 **Special Definitions.**

**BATTERY STORAGE SYSTEM** - A rechargeable energy storage system consisting of storage batteries, battery chargers, controls, and associated electrical equipment designed to store and provide electrical power to a structure, building, building system, or the grid.

**BUILDING AND FIRE CODE** – The New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the NYS Executive Law, as currently in effect and as hereafter amended from time to time.

**GLARE** – The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any materials respects.

**GRID** - The network of electrical transmission lines connecting generating stations to loads over a wide area, also known as the Electrical Grid or Power Grid.

**GROUND-MOUNTED** – Structurally mounted on the ground.

**LARGE BATTERY STORAGE SYSTEM** - A battery storage system having an aggregate energy capacity exceeding 80 kWh.

**LARGE-SCALE SOLAR DEVELOPMENT** – Solar photovoltaic systems that are (i) primarily used to convert solar energy into electricity for off-site energy consumption, and / or; (ii) solar photovoltaic and / or solar heating systems having 2,000 square feet or more of ground-mounted solar panels and / or solar thermal collectors.

**NATIVE PERENNIAL VEGETATION** – Native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

**POLLINATOR** – Bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

**PRIME FARMLAND** – Land, designated as “Prime Farmland” is the U. S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

**ROOF-MOUNTED** – Structurally mounted on the roof of a building or structure.

**SETBACK** - The minimum distance which a building or other structure must be set back from a street, property line, natural feature, or another building or improvement.

**SMALL BATTERY STORAGE SYSTEM** – A battery storage system having an aggregate energy capacity not exceeding 80 kWh.

**SMALL-SCALE SOLAR DEVELOPMENT** – Solar photovoltaic or solar heating systems that are (i) roof-mounted, or; (ii) have less than 2,000 square feet of ground-mounted solar panels or solar thermal collectors, and; (iii) which are primarily used for heating or to convert solar energy into electricity for on-site consumption.

**SOLAR DEVELOPMENT** – The construction, replacement, or modification of a solar photovoltaic system, solar heating system, or solar thermal power plant.

**SOLAR FURNACE** – A structure that uses concentrated solar power to produce high temperatures, usually for industrial purposes such as smelting.

**SOLAR HEATING SYSTEM** - A solar energy system that uses solar thermal collectors for the purpose of solar hot water heating, space heating, or for producing steam.

**SOLAR PANEL** – A photovoltaic device capable of collecting and converting solar energy into electricity.

**SOLAR PHOTOVOLTAIC SYSTEM** – Devices consisting of solar cells, inverter, and components necessary to generate electrical power when exposed to sunlight. Solar voltaic systems shall include but are not limited to all ground- and roof-mounted solar panels, transformers, battery storage systems and transmission lines installed on site and which are not part of the utility electrical grid.

SOLAR THERMAL COLLECTOR - A device designed to capture and use solar radiation for heating air or water or for producing steam to generate electricity.

SOLAR THERMAL POWER PLANT – An electricity generation plant that utilizes a solar heating system to generate electricity via mechanical means.

STORAGE BATTERY – A device that stores energy and makes it available in an electrical form.

UTILITY-SCALE SOLAR DEVELOPMENT – Any solar photovoltaic system larger than 25 MW and / or subject to jurisdiction by the New York State Siting Board pursuant to Article 10 of the Public Service Law.

E103 **Applicability.** This Appendix shall apply to solar development and battery storage systems hereinafter constructed, installed, replaced, expanded, substantially altered, or abandoned in the Town of Galen. Such systems shall be allowed in all zoning districts, subject to approval as follows.

*Exception:* Ground- and roof-mounted solar photovoltaic systems with a capacity not exceeding 12kW may comply with Appendix C of the Zoning Law.

E104 **Approvals.**

E104.1 **Small developments.** Small-scale solar development shall require a Building Permit from the Code Enforcement / Zoning Officer, subject to building and fire code compliance.

E104.2 **Large developments.** Large-scale solar development shall be subject to site plan review and / or a special use permit. Building parts shall be exempt from land use review, subject to building and fire code compliance.

E104.2.1 Large-scale solar development having between 2,000 square feet and 10 acres of solar panels or solar thermal collectors shall require Site Plan Review and Approval by the Planning Board.

E104.2.2 Large-scale solar development having more than 10 acres of solar panels or solar thermal collectors shall require a Special Permit from the Zoning Board of Appeals.

E104.3 **Utility-scale developments.** Utility-scale solar developments are subject to Article 10 of Public Service Law, and are under jurisdiction of the New York State Siting Board. To the extent required by Article 10, the requirements of this Appendix shall govern.

**E104.4 Battery storage systems.** Battery storage systems constructed or installed as part of a solar development shall be considered part of the development and shall not require separate approval. Battery storage systems constructed or installed for other purposes shall be approved as follows:

E103.4.1 Small battery storage systems shall require a Building Permit from the Code Enforcement / Zoning Officer, subject to building and fire code compliance, including setbacks required therein.

E103.4.2 Large battery storage systems having an aggregate energy capacity up to 600 kWh shall require Site Plan Review and Approval by the Planning Board.

E103.4.3 Large battery storage systems having an aggregate energy capacity exceeding 600 kWh shall require a Special Permit from the Zoning Board of Appeals.

**E104.5 Solar thermal power plants.** The construction or expansion of any solar thermal power plant shall require a Special Permit from the Zoning Board of Appeals.

**E104.6 Solar furnaces.** The construction or substantial alteration of any solar furnace shall require a Special Permit from the Zoning Board of Appeals.

**E105 Site plan requirements.** Site plans for large- and utility-scale developments and large-scale battery storage systems shall include all solar panel location(s) and surface area; location(s) and type(s) of battery storage systems; transmission line / equipment location(s); changes to existing substations; how the facility will connect to the grid; roadway access; fire department access; proposed water supply; exterior lighting; grading; vegetation clearing and planting; landscape maintenance plan; screening vegetation or structures; security gates and fencing; conceptual future development; and other items pertinent to the project.

**E106 Setbacks for small-scale solar development.** Small-scale, ground-mounted solar photovoltaic systems shall be subject to the setback regulations specified for accessory structures within the underlying zoning district.

*Exception:* Where ground-mounted systems cannot be installed in side or rear yards because of topography, waterways, grade, or inadequate solar access, such systems may be installed in the front yard.

**E107 Setbacks for large- and utility-scale solar development.** Large- and utility-scale, ground-mounted solar photovoltaic systems shall have a setback of not less than 150 feet from any highway right-of-way. The minimum setback from interior lot lines shall be 15 feet. Fencing, access roads and landscaping may occur within required setbacks.

- E108 **Screening and visibility.** Large- and utility-scale solar developments shall have views minimized from public roadways and adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area. Existing vegetation may be used to satisfy all or a portion of the required screening.
- E109 **Fencing requirements for large- and utility-scale solar developments, solar thermal power plants and solar furnaces.** Unless contained within a secure building or portion thereof, all mechanical equipment, including storage batteries, shall be enclosed by a minimum 7-foot high fence, with self-locking gates to prevent access.
- E110 **Preservation of agricultural resources.**
- E110.1 Large- or utility scale solar developments shall develop, implement and maintain native vegetation to the extent practicable by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.
- E110.2 To the maximum extent practicable, large- and utility scale solar developments located on prime farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
- E111 **Safety.**
- E111.1 Large- and utility-scale solar developments shall, to the extent practicable, comply with the latest edition of NFPA 1141, Standard for Fire Protection Infrastructure for Land Development in Suburban and Rural Areas.
- E111.2 Site access shall be maintained, including snow removal at a level acceptable to the local fire department and ambulance corps.
- E111.3 All solar energy systems, battery storage systems, and related equipment shall be certified under the applicable electrical and / or building and fire codes as required, and shall be maintained in good working order in accordance with industry standards.
- E111.4 All solar energy systems, battery storage systems, and related equipment shall be designed, constructed, and installed in accordance with all applicable provisions of the building and fire code.

E112 **Utility lines and electrical circuitry.** All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

E113 **Lighting.** Lighting of solar developments and battery storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

E114 **Glare.** All solar panels and solar thermal collectors shall have anti-reflective coatings.

*Exception:* The solar thermal collectors of a solar thermal power plant may include mirrors or lenses if approved by the Zoning Board of Appeals.

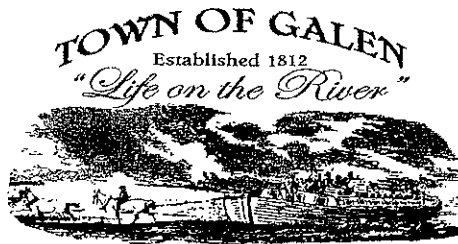
E115 **Decommissioning and site restoration.**

E115.1 Applications for large- and utility-scale solar developments, solar thermal power plants, and large battery storage systems shall require a Decommissioning Plan to ensure the proper removal of systems at the end of their useful life. The plan shall include the removal of all infrastructures and the remediation of soil and vegetation back to its original state prior to construction, unless otherwise permitted. The decommissioning plan shall also include a listing of any contingencies for removing a solar development and / or battery storage system from service that has been damaged by fire or other event.

E115.2 Upon cessation of electricity generation of a solar photovoltaic system or solar thermal power plant on a continuous basis for one (1) year, and / or the cessation of active use of a battery storage system on a continuous basis for one (1) year, the Town may notify and instruct the owner and / or operator to implement the decommissioning plan. The decommissioning plan must be completed within 1 year of notification.

E114.3 The abandonment of a small-scale solar development, small battery system, or solar furnace for a period of one (1) year shall require the removal of all visible exterior elements of the system(s), and the proper storage or disposal of all decommissioned materials in accordance with the manufacturers' instructions and generally accepted industry standards.

Steven J. Groat - Supervisor  
Norma Lancaster - Town Clerk  
Paul Plucinik - Hwy. Supt.  
Telephone - 315 923 7259  
Fax - 315 923 3421



MARENGO ~ LOCK BERLIN ~ LOCKPIT ~ CLYDE

**TOWN COUNCIL**  
Michael Kise - Deputy Supervisor  
Jeff Montemorano  
Donald Lancaster  
Nicole Malbone

### Town of Galen Resolution

**Resolution No. 20-2019** to adopt Local Law No. 1-2019 Galen Code Amendments Appendix E Solar Development and Battery Storage  
Motion by; Don Lancaster / 2<sup>nd</sup> by; Nicole Malbone  
Ayes; Steve Groat, Mike Kise, Don Lancaster, Nicole Malbone, Jeff Montemorano

Adopted on; 11/12/19

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