LOCAL LAW NO. 1 OF 2024

BE IT ENACTED,
BY THE BOARD OF THE TOWN OF KNOX, NEW YORK,
AS FOLLOWS:

Section 1. Title.

This local law shall be known and cited as the Regulation of Solar Energy Systems in the Town of Knox, bearing Local Law No. 1 of 2024. It may be known as the "Solar Energy System Law of the Town of Knox".

Section 2. Authority.

This local law is adopted pursuant to the authority and power granted by Articles 2 and 3 of the New York State Municipal Home Rule Law, by Article 2 of the New York State Statute of Local Governments, and by Town Law §§ 261 through 263 to protect the health, safety, and welfare of the community of the Town of Knox (hereinafter referred to as the "Town"), 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. Amendments.

A. The Zoning Ordinance of the Town of Knox, adopted December 10, 1974, as amended, is hereby further amended to add the following definitions to Article II as follows (existing definitions for Small and Large Scale Solar Arrays are repealed and replaced with definitions herein):

Section 20

ACTIVE AGRICULTURAL LAND: A parcel of land greater than seven (7) acres that was used for farming, agriculture, or nursery within five (5) years of the date the application is filed with the Town for a Large-Scale Solar Energy System. Agricultural uses include, but are not limited to, the production of crops, hay, livestock, and livestock products. Active Agricultural Land does not include gardens and crops intended solely for personal use, or consumption by, the property owner or tenant.

AGRIVOLTAICS: The sustainable land-use strategy that permits the installation of solar energy systems alongside agricultural practices, ensuring that agricultural activities remain the primary use of the land. This dual use of land enhances the productivity and health of agricultural operations while allowing for the generation of renewable energy through the integration of a solar energy system designed in a manner that prioritizes agricultural needs and sustains the local food systems, aligning with community renewable energy objectives.

BUILDING INTEGRATED SOLAR ENERGY SYSTEM: A combination of photovoltaic building components integrated into any building envelope system

such as vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows primarily intended for producing electricity for onsite use.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system that is affixed to the roof and up to 8" off the roof or side(s) of a building or other legally permitted structure either directly or by means of support structures or other mounting devices.

CANOPY TREE: Any tree or other woody plant that when fully grown will provide shade and/or shelter for the land beneath while allowing passage of people, animals, and/or vehicles upon the land beneath.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system that is directly anchored to the ground and attached to a pole or other mounting system, not attached or affixed to an existing structure, and detached from any other structure.

HIGH QUALITY WETLAND: A wetland that performs most of the following functions to a high degree: ground water recharge, ground water discharge, flood storage, sediment retention, shore line anchoring, water quality improvement, wildlife habitat, food chain support, and fish habitat.

MATURE FOREST: Mature forests are the stage of forest development immediately before old growth. The features that mark the transition from an immature to mature forest are unique to each forest type, underscoring the complexity of defining mature and old-growth forests. In general, one (1) acre or more of fully stocked forest land with a minimum mean stand diameter of 16 inches at breast height. Stocking levels are to be determined using a stocking guide appropriate for the Forest type. Refer to the Bureau of Land Management for further definition on forest type.

ONSITE: Located on the lot that is the subject of an application for development.

PRIME FARMLAND: Prime Farmland Soils (622.04) a. Definition. Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity or solar thermal power generation.

SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM: A photovoltaic electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment. Several scale systems are addressed in this local law as follows:

> AGRICULTURAL SOLAR ENERGY SYSTEM: An on-farm, small-scale solar energy system that provides no more than 110% of the energy required to operate a farm operation as defined by New York State Agriculture and Markets Law § 305-a. These may be roof-mounted or ground-mounted systems.
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> LARGE-SCALE SOLAR ENERGY SYSTEM: A solar energy system that produces energy primarily for supplying more than 50kW and up to 20,000 kW (20MW) of electrical energy into a utility grid for wholesale or retail offsite sale or consumption whether generated by photovoltaic, solar thermal devices, or other solar technologies, and whether ground-mounted or building-mounted. A large-scale solar energy system may also be referred to as a "solar plant," "solar energy system," "commercial solar energy system," or "solar power plant."
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> SMALL-SCALE SOLAR ENERGY SYSTEM: A roof-mounted or building-integrated solar energy system or solar thermal system servicing primarily the building or buildings on the parcel on which the system is located for onsite consumption for either residential or business use, and limited to those rooftops and building-integrated, roof-mounted, and ground-mounted solar collectors that produce up to a maximum of 50 kW or 110% of on-site demand.

SOLAR GRAZING: The sustainable land-use practice that primarily focuses on the operation of solar energy installations while incorporating livestock grazing as a secondary benefit. In this practice, livestock such as sheep or goats are used to manage vegetation around and beneath solar panels, offering a natural and efficient way to maintain the land. This approach supports renewable energy generation while also providing the added benefit of agricultural activity, contributing to the efficient use of land and aligning with local energy and agricultural goals.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy.

SOLAR THERMAL SYSTEM: Solar energy system that directly heats air, water or other liquid using sunlight. The heated air, water or other liquid is used for such

purposes including but not limited to space heating and cooling, domestic hot water and heating pool water.

VISUAL IMPACT ANALYSIS/VIEWSHED ANALYSIS: The analysis of the potential visual impacts to the landscape and landscape views resulting from a proposed development or land management action.

The Zoning Ordinance of the Town of Knox, adopted December 10, 1974, as amended, is hereby further amended to add Solar Energy System Regulations as a new Article VIII in said Zoning Ordinance as follows:

Article VIII – Solar Energy System Law of the Town of Knox

Section 80 – Purpose

Section 81 – Applicability

Section 82 – Permitting - Large Scale Solar Energy System

Section 83 – Glare Assessment

Section 84 – Review Costs

Section 85 – Enforcement

Section 80 – Purpose

A. The purposes of these zoning regulations are to advance and protect the public health, safety, and welfare of the Town of Knox by:

1. Supporting energy independence and community resiliency by taking advantage of a safe, abundant, renewable, and non-polluting energy resource;

2. Accommodating solar energy systems while balancing the potential impact on the environment, neighbors, and the community;

3. Establishing provisions for the placement, design, construction, and operation of such systems to be consistent with the Town of Knox Comprehensive Plan, as may exist and as may be amended from time to time; and

4. Furthering the health, safety, and welfare of the public.

Section 81 – Applicability

A. The requirements of this law shall apply to all solar energy systems installed or modified after this law's effective date.

B. Large-Scale Solar Energy Systems shall require site plan approval pursuant to this local law and Town of Knox Zoning Law § 61. All ground-mounted Solar Energy Systems, excluding Small-Scale Solar Energy Systems, shall require site plan review. Issuance of permits and approvals by the Planning Board shall include review pursuant to the State Environmental Quality Review Act (SEQRA) (Environmental Conservation Law Article 8 and its implementing regulations at 6 NYCRR Part 617).

C. Small-Scale, Agricultural, and Building-Integrated Solar Energy Systems, and general maintenance of such systems, do not require site plan review and shall be considered accessory structures allowed in all zoning districts except the Land Conservation District 1 and 2. Such systems shall be required to obtain a building permit from the Town of Knox prior to placement and operation; shall also meet all other requirements pertaining to accessory structures, and the following:

    1. For Small Scale, Agricultural, and Building-Integrated Solar Energy Systems the following conditions shall be met:

        a. Roof-mounted Solar Energy Systems shall be installed parallel to the roof surface on which they are mounted, shall not extend higher than the highest point of the roof surface on which they are mounted or the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is greater. To the extent practicable, solar panels shall be set back no less than three feet from the edge of the roof to allow for fire access and ventilation. On sloped roofs, this requirement does not apply along that portion of the bottom edge located more than three feet from the side edge. In the event that New York State shall adopt regulations that govern the placement of roof-mounted solar panels for fire prevention purposes, said regulations shall supersede this setback provision.

        b. All Solar Panels shall have anti-reflective coating.

        c. Building-Integrated Solar Energy Systems shall be shown on the plans submitted for any building permit application for the building containing the system.

D. Solar Energy System installations for which a valid building permit has been issued before the effective date of this local law shall not be required to meet the requirements of this local law.

E. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the New

York State Uniform Fire and Building Code, and those required by Public Service Commission regulations.

Section 82 – Permitting and Approval Requirements for Large-Scale Solar Energy Systems

A. Permitted Areas. Large-Scale Solar Energy Systems are permitted in all districts except the Land Conservation Districts 1 and 2 as defined by the Knox zoning ordinance, subject to site plan approval pursuant to the provisions within § 61(F) of the Zoning Law, and subject to the requirements set forth in this Section. All procedures, including but not limited to, site plan review, public hearing, and time frames pursuant to the zoning law shall be met.

B. Siting Considerations. It is a goal of the Town to preserve, to the maximum extent practicable, (a) agricultural land with Prime Soils, (as defined by USDA); (b) Mature Forests; and (c) High Quality Wetlands. No Large-Scale Solar Energy System shall be permitted on: (a) any site which impacts Prime Soils as defined herein, unless agrivoltaics practices are incorporated into the site plan or (b) any site that either (i) contains more than one (1) acre of Mature Forest or High Quality Wetland at the time the application was filed; or (ii) was a Mature Forest five (5) years prior to the time the application was filed. The applicant may submit information to demonstrate that the soils on the proposed project site are not Prime Soils or have poor drainage.

C. Application Requirements. In addition to the application requirements set forth in the Town of Knox Solar Checklist, annexed hereto as Appendix A, an application for a Large-Scale Solar Energy System shall also include:

1. Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect. Plans shall show the proposed layout of the entire Solar Energy System along with a description of all components, whether on-site or off-site, existing vegetation, existing or proposed access, gates, parking areas, mounting systems, inverters, panels, fencing, proposed clearing and grading of all sites involved, and proposed buffering and screening.

2. Stormwater runoff calculations, a drainage plan, and a clearing and grading plan. The clearing and grading plan shall include methods to stockpile, reduce erosion of, and reuse all topsoil from the site. If one acre or more of land is to be disturbed, the applicant shall submit Stormwater Pollution Prevention Plan consistent with NYSDEC or local municipal separate storm sewer system (MS4) requirements. Clearing and/or grading activities are subject to review

by the Planning Board and shall not commence until the issuance of site plan approval.

3. Wildlife species that may use the parcel shall be identified, including actual and potential wildlife travel corridors, migration paths (including both ground and aerial pathways), or critical habitats. The site plan and supporting application shall include an on-site evaluation of wildlife species that may use or migrate through the project site. Any lake or waterbody within one half (½) mile of the proposed site shall also be identified on the site plan.

4. Photo simulations showing the proposed Large-Scale Solar Energy System in relation to the building/site along with elevation views and dimensions, and manufacturer specifications and photos of the proposed Large-Scale Solar Energy System, solar collectors, and all other components. The Planning Board may require photo simulations to be provided from specific roads or other public or private areas that may be impacted. In the course of its review of a proposal for development of a Large-Scale Solar Energy System, the Planning Board shall require an applicant to conduct a visual assessment to assess if the viewshed, as referenced in the Town of Knox Comprehensive Plan, can be maintained in its current state after the system's construction. A viewshed analysis shall also be completed for residences up to two (2) miles from the proposed site. Applicants shall submit a viewshed analysis that meets the procedures set forth in the NYSDEC's SEQRA publication entitled "Assessing and Mitigating Environmental Impacts."

5. Details of any noise that may be generated by inverter fans, or other noise generating equipment that may be included in the proposal. The Planning Board may require a noise analysis to determine potential adverse noise impacts.

6. Documentation of utility notification, including an electric service order number. The equipment specification sheets shall be documented and submitted for all electric service order numbers, photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.

7. Landscaping/Screening Plan. Such plan shall describe the methods and types of landscaping/screening that is proposed, including but not limited to, existing vegetation, topography, fencing and structures, and also detailing the number, location, 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 plant sizes and measures to be taken in the event

that the proposed vegetation fails to survive, flourish or otherwise meet those performance criteria for five years.

8. 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 rights-of-way, clearing, infrastructure, appurtenances, and equipment that may be necessary or required to connect to the grid.

9. Decommissioning Plan. To ensure the safe and efficient removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this Decommissioning Plan shall be made a condition of the approval under this Section. The Decommissioning Plan shall specify that after the Large-Scale Solar Energy System has reached the end of its useful life as an energy generating system, it shall be removed by the applicant or the then-Owner. The Decommissioning Plan shall also include:

    a. Provisions describing the triggering events for decommissioning of the Solar Energy System.

    b. Provisions for the removal of all materials, including but not limited to, structures, debris, and cabling, including those below the soil surface.

    c. Provisions for the restoration of soil and vegetation. The decommissioning plan must outline the process for the complete removal of all infrastructure and specify the remediation process for soil and vegetation to ensure that the parcel is returned to a condition that closely resembles its original state or meets standards deemed acceptable by both the landowner and the planning board.

    d. A timetable approved by the Planning Board for site restoration.

    e. An estimate of the projected removal and decommissioning costs certified by a Professional Engineer. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer. Cost estimates shall consider inflation. Removal of Large-Scale Solar Energy Systems shall be completed in accordance with the Decommissioning Plan. Costs shall be reviewed by the Planning Board, on a periodic basis not to exceed 7 years.

f. Financial Assurance, secured by the Owner and/or Operator, for the purpose of adequately performing decommissioning, in an amount equal to the Professional Engineer's certified estimate of removal and decommissioning costs. The financial assurance shall be reviewed by the Town Attorney annually to ensure the Owner or Operator maintains the necessary bond assurances for decommissioning.

g. Identification of, and procedures for, Town of Knox to access and assess the Financial Assurances of the Owner and/or Operator.

h. A provision that the terms of the Decommissioning Plan shall be binding upon the Owner and/or Operator or any of their successors, assigns, or heirs.

i. A provision that the Town of Knox, its officials, employees, agents, or contractors shall have the right to reasonable access to the site, upon reasonable notice to the Owner and/or Operator, to effectuate or complete removal and decommissioning.

j. Removal of machinery, equipment, towers, and all other materials related to the project shall be completed within one year of decommissioning. If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, as described in §82 C (10), the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.

k. The Decommissioning Plan shall include an expected timeline for execution.

10. If the applicant does not begin construction of the project within 15 months of receiving final site plan approval, the applicant or any of their successors, assigns, or heirs must reapply. If the applicant begins, but does not complete, construction of the project within 18 months after receiving final site plan approval, this may be deemed abandonment of the project and require implementation of the Decommissioning Plan to the extent applicable. The Town may notify the Owner and/or Operator to complete construction and installation of the Solar Energy System within 180 days. If the Owner and/or Operator fails to perform, the Town may notify the Owner and/or Operator to implement the Decommissioning Plan. The Decommissioning Plan must be completed within 180 days of notification by the Town.

11. Upon cessation of activity of a Solar Energy System for a period of one year, site plan approval will be deemed null and void. The Town may notify the Owner and/or Operator of the Solar Energy System to implement the Decommissioning Plan. Within 180 days of notice being served, the owner and/or operator can either restore operation equal to 80% or greater of approved capacity or implement the Decommissioning Plan.

12. If the Owner and/or Operator fails to fully implement the Decommissioning Plan within the 180 day time period, the Town may, at its discretion, provide for the restoration of the site in accordance with the Decommissioning Plan and may recover all expenses incurred for such activities from the defaulted Owner and/or Operator. The cost incurred by the Town shall be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes.

13. If, in the course of the delivery, installation, maintenance, dismantling, removal, or transport of the Solar Energy System or any components thereof on the property of the Town of Knox, including but not limited to, roadways, shoulders, drainage structures, signage, or guide rails is damaged by 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. If applicable, development of a road agreement pursuant to NYS Highway Law and further compliance with New York State Highway Law § 320 relative to Injuries to Highways shall be required.

D. Standards. In addition, to the Requirements set forth in C above, the following shall be required:

1. Lot Size. Large-Scale Energy Systems shall be located on lots with a minimum lot size of 10 acres and not allowed in the Land Conservation Districts 1 and 2. They shall be allowed in Agricultural , Agricultural Mining, Residential/Recreational Districts, Business, Multi-use recreational, and Residential zoning districts with Planning Board approval.

2. All Large-Scale Solar Energy Systems shall be enclosed by fencing sufficient 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 approved by the Planning Board. The fencing may be required to be further screened by landscaping to avoid adverse aesthetic impacts, including construction of a berm to screen the Solar Energy System from public views.

3. There shall be a buffer of at least 200 feet between any component of the Large-Scale Solar Energy System and the parcel boundary line. There shall be a buffer of at least 500 feet between any component of the Large-Scale Solar Energy System and an occupied dwelling. The Planning Board is authorized to increase the width of this buffer if site conditions and adjacent land uses warrant a larger setback.

4. Vegetation shall be maintained below the Solar Panels. The ground within the fenced perimeter shall not be tamped, compressed, or otherwise conditioned with herbicides or other treatment to inhibit the growth of natural vegetation. The Planning Board may allow for co-usage of the lands under and around installed Solar Panels for grazing or growing of crops that could be grown or harvested without damaging or interfering with Solar Systems.

5. The Planning Board may require methods to mitigate adverse impacts to wildlife, wildlife habitats, travel corridors or migration routes. These may be, but are not limited to, use of LED lights to avoid attracting insects, netting to exclude birds from the Solar Panel area, visual deterrents, use of roosting or perching prevention, fencing with an eight-inch to twelve-inch space at the bottom that allows wildlife passage, or other use of lights, colors or decoys. Indicator lights on equipment shall be obscured with the exception of safety or warning lights.

6. All roadways on or associated with the Large-Scale Solar Energy System site shall remain unpaved and of pervious surfaces.

7. Traffic and Roadway Impacts. The Planning Board shall require a traffic impact assessment to evaluate potential adverse impacts on public roads. This may include New York State Department of Transportation review if the project is accessed from a State highway. If applicable, development of a road agreement pursuant to NYS Highway Law and further compliance with New York State Highway Law § 320 relative to Injuries to Highways shall be required.

8. All Large-Scale Solar Energy Systems shall be completely screened with a vegetative buffer or landscaping from all streets and adjacent residential uses.

    a. Appropriate landscaping and/or site design features, including both the maintenance of existing natural vegetation and the introduction of new plantings consisting of a naturally appearing blend of deciduous and coniferous species, shall be required to help screen the Solar Energy System and accessory structures from roads, neighboring residences,

and other uses. Any existing tree or group of trees (or "forest stands") located within or near a required planting area may be used to satisfy the screening and tree planting requirements. The protection of forest stands, rather than individual trees, is strongly encouraged.

b. Appropriate landscaping, as required in 8 a above, for screening includes the following:

With No Fence, Wall, or Berm	**With a 100% Opaque Wooden or Vinyl Fence or With a Wall or Berm**
5 canopy trees per 50'	1 canopy trees per 50'
12 understory trees per 50'	10 understory trees per 50'
20 shrubs per 50'	15 shrubs per 50'

9. The Planning Board may also require that all structures and devices used to support Large Scale Solar Systems be non-reflective and/or painted earth-tone green, brown, or dark gray colors to aid in blending the Large Scale Solar Energy System into the existing environment.

10. The design, construction, operation, and maintenance of any Large-Scale Solar Energy System shall prevent glare and/or reflection of solar rays onto neighboring properties and public roads in excess of that which already exists. All solar collectors and related equipment shall be surfaced, designed, and coated with anti-reflective materials, and sited so as not to reflect glare onto adjacent residences and roadways.

11. Artificial lighting of Large-Scale Solar Energy Systems shall be limited to lighting required for safety and operational purposes, and shall use fully shielded downward directed fixtures that allow for 0% uplighting, no more than 1.25 lumens per square foot of hardscape, and not allow more than one foot candle (one lumen) of light to be present at property lines and public roads.

12. 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.

13. Any signage used to advertise the Large-Scale Solar Energy System shall be in accordance with the Town's signage regulations. The manufacturers or

installer's identification, contact information, and appropriate warning signage shall be posted at the site and clearly visible.

14. Following construction of a Large-Scale Solar Energy System, 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. Pollinator-friendly vegetation is required unless agrivoltaics operation is planned.

15. When any Large-Scale Solar Energy System is installed and before it becomes active, the Owner of the site and/or the Solar Energy System must contact the appropriate fire and EMS services 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.

16. Any application under this Section shall meet any provisions, requirements and standards contained in the Zoning Law that, as determined by the Planning Board, are applicable to the Large-Scale Solar Energy System being proposed.

17. The Planning Board may impose conditions on its approval of any site plan under Town Zoning Law §61(F) in order to enforce the standards referred to in this Section, or in order to discharge its obligations under SEQRA.

18. If the ownership of a Solar Energy System changes, the site plan approvals shall remain in full force and effect. All the conditions of the permit, including bonding, letters of credit or continuing certification requirements or obligations, including maintenance will 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 within 30 days. The Town Clerk shall notify the Town Board of such change.

19. Stormwater Management. The Solar Energy System shall be designed with the ground cover as pervious to the maximum extent practicable so that stormwater infiltrates as sheetflow across the system. If solar panels are constructed in such a manner as to promote effective infiltration of rainfall the Solar Energy System may be considered pervious for Stormwater Pollution Prevention purposes. Other structures such as, but not limited to, transformers,

buildings, or paved entrance roads shall still be considered impervious. The following criteria shall be used to establish a Solar Energy System as pervious cover:

a. Solar Panels must be positioned to allow water to run off their surfaces.
b. Soil with adequate vegetative cover must be maintained under and around the Solar Panels.
c. The area around the panels must be adequate to ensure proper vegetative growth under and between the Solar Panels.

20. Wetland Protection. The Solar Energy System shall not be installed on a designated wetland as defined by the New York State Department of Environmental Conservation, the U.S. Army Corps of Engineers, or other governing body unless permitted by the regulatory agencies with jurisdiction.

21. Protection of Critical Environmental Areas. No Solar Energy System shall be installed on Critical Environmental Areas (CEAs) as defined by the New York State Department of Environmental Conservation, the U.S. Army Corps of Engineers, or other governing body.

22. Protection of Agricultural Resources.

    a. Stand alone Large-Scale Solar Energy Systems are not permitted on lands classified as Prime Farmland, as defined by the United States Department of Agriculture (USDA).

       An exception may be granted to permit Large-Scale Solar Energy Systems on lands classified as Prime Farmland, as defined by the United States Department of Agriculture (USDA), subject to an approved Site Plan Review. This exception is contingent upon the integration of agrivoltaic practices, as defined in Section 20 of this Solar Law. The Agrivoltaic system must implement a dual-use strategy that ensures compatibility with ongoing agricultural activities, maintaining agricultural productivity alongside renewable energy generation. Such systems are required to include measures for the management of soil health, water resources, and biodiversity, with regular monitoring and reporting to ensure adherence to dual-use standards. Approval is contingent upon the submission of a comprehensive plan demonstrating the successful integration of solar energy production with agricultural productivity, supported by evidence of a positive or neutral impact on the agricultural viability of

the land, in addition to compliance with other requirements specified in this document.

b. To the maximum extent practicable, Large-Scale Solar Energy Systems located on Farmland of Statewide Importance shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.

Section 83 – Glare Assessment for Large-Scale Solar Energy Systems

A. Applicants shall consult with the Schenectady County Airport and Albany International Airport early and throughout the planning process to ensure that a proposed project meets all FAA or other military requirements for such airfield. The Planning Board may require written acceptance of a project plan from the airfield.

B. In order to prevent unwanted visual impacts to air traffic control towers and airplane pilots, all applicants for Large-Scale Solar Energy Systems shall conduct a glare analysis. Depending on site specifics (existing land uses, location, size of project, proximity to flight paths, etc.), an acceptable evaluation could involve one or more of the following levels of assessment:

1. A qualitative analysis of potential impact in consultation with the Air Traffic Control Tower, pilots, and airport officials.

2. A demonstration field test with solar panels at the proposed site in coordination with Air Traffic Control Tower personnel.

3. A geometric analysis to determine days and times when there may be an ocular impact.

C. The applicant shall confer with Schenectady County Airport and Albany International Airport to identify observation points (i.e. from the Air Traffic Control Tower or from a series of points along an aircraft landing route) to conduct a glare analysis.

D. If glare were shown to be possible and impacting, minor adjustments to the tilt, direction, and location of the panels can be used to alleviate issues.

Section 84 – Review Costs

A Solar Energy System application shall be accompanied by a fee per the fee schedule as may be established by the Town Board of the Town of Knox. All costs that may be associated with the review of this project by the Town of Knox above this fee shall also

be borne by the applicant. When the Planning Board determines that a review will require additional engineering, legal, environmental, or planning costs, it shall provide a cost estimate to the applicant for such services. Subsequently, an escrow account shall be established, and the applicant shall pay into such escrow account sufficient funds to cover those costs. Such payment shall be made prior to commencement of any further Planning Board review.

Section 85 – Enforcement

Any violation of this Solar Energy System Law shall be subject to the same enforcement requirements, including civil and criminal penalties, provided for in the zoning regulations of the Town of Knox.

Section 4. Amendments to the Table of Allowable Uses.

The Table of Allowable Uses shall be amended to add the use, Small-Scale Solar Energy System, as an allowable accessory use in all zoning districts of the Town by building permit and to add the use, Large-Scale Solar Energy System, under the industrial or commercial category of uses as requiring site plan review and approval in all districts except the Land Conservation Districts 1 and 2.

Section 5. Severability.

Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing with the New York State Department of State. Effectuate

Appendix A

Town of Knox LARGE SCALE SOLAR ARRAY REQUIRED INFORMATION 26 Dec. 2016 Rev. 3

1. Project Engineer's Cover Letter with full contact information
2. Site Plan Review Application
3. Site Plan and Construction drawings including all related off-site work
    a. Must be 24 x 34 inches
    b. North at the top of dwg.
    c. Must show 10 ft. interval contour lines.
    d. Plans must include measures to install and maintain visual buffer between solar array project and adjoining lands, including such items as increased setbacks, year-round visual screenings such as plantings, existing vegetation or fencing, as appropriate.
4. Description of land transfer arrangement (e.g., lease, sale, subdivision) between applicant and current landowner
5. List of all adjacent land owners' names, addresses & Tax Map number
6. Information regarding what entity will be using the power
7. Environment review documentation
    a. Part 1 of the DEC SEQR Environmental Assessment Form
    b. US Army Corps of Engineers Pre-construction Notification form and NYSDEC joint application form, including wetlands survey, if applicable
    c. DEC SPDES Permit and Stormwater Pollution Prevention Plans (SWPPP)
    d. NYS Office of Parks, Recreation and Historic Preservation SHPO letter if applicable
    e. Letter from USFWS regarding endangered and threatened species coordination, including applicable time of year restrictions for tree removal for protected bat mitigation
8. Copies of NYSERDA related information
9. Natl. Grid CESIR draft paper work
10. Estimated construction time line document
11. Construction Insurance certificate
12. Operations & Maintenance Plan, including, but not be limited to:
    a. Measures for maintaining safe access and security and general procedures for operational maintenance of the facility.
    b. Annual site inspection & pollution control document.
    c. Proof of coordination of emergency plans with local fire and emergency agencies.
    d. Solar company emergency phone numbers and contact names.
13. Solar Array 20 year Decommissioning Plan with estimated costs. Plan should include, but not necessarily be limited to:
    a. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for 12 months, etc.);

b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations;
c. Restoration of property to condition prior to development of the project;
d. Timeframe for completion of decommissioning activities;
e. Description of agreement (e.g., lease) with landowner regarding decommissioning;
f. The party currently responsible for decommissioning;
g. Plans for updating this decommissioning plan.

14. Decommissioning Bond draft
15. Before final electrical inspection, the applicant must provide evidence that decommissioning plan was recorded with the Register of Deeds.

Note - the Planning Board reserves the right to hire independent third-party consultants to review large scale solar projects in consideration of the proposals impact to surrounding properties or public safety implications. Fees associated with the hiring of these consultants shall be borne solely by the project proponent.