

**(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.

**Town of Sandy Creek**

Local Law No. Two (2) of the year 2024.

A local law providing for the regulation of Solar Energy Systems in the Town of Sandy Creek.

Be it enacted by the Town Board of the Town of Sandy Creek as follows:

**SECTION 1: TITLE**

This local law shall be known as Local Law No. 2 of 2024, a local law regulating Solar Energy Systems in the Town of Sandy Creek.

**SECTION 2: STATEMENT OF AUTHORITY**

The Board of Trustees of the Town of Sandy Creek, pursuant to the authority granted it under Article 16 of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

**SECTION 3: INTENTS AND PURPOSES**

- A. The Town of Sandy Creek recognizes that solar energy is a clean, readily available and renewable energy source. It further recognizes that energy generated from Solar Energy Systems can be used to offset energy demand on the grid where excess solar power is generated.
- B. The Town of Sandy Creek has determined that comprehensive regulations regarding the development of Solar Energy Systems are necessary to protect the interests of the Town, its residents and businesses. This local law aims to accommodate Solar Energy Systems while balancing the potential impact on neighbors and preserving the rights of property owners to install Solar Energy Systems. This local law is intended to promote the effective and efficient use of solar energy resources, set provisions for the placement, design, construction and operation of such systems, to uphold the public health, safety and welfare, and to ensure that such systems do not have a significant adverse impact on the environment, aesthetic qualities and character of the Town. In addition, it is the intent of this local law to ensure that all Solar Energy Systems adhere to the adopted Comprehensive Plan for the Town of Sandy Creek, The Village of Sandy Creek and The Town of Lacona.
- C. It is not intended by this local law to repeal, except as herein stated, abrogate or impair existing conditions previously made or permits previously issued relating to the use of buildings or premises or to impair or interfere with any easements, covenants or agreements existing between parties. Except as otherwise provided

herein, whenever this local law imposes a greater regulation upon the use of buildings or premises than is required by existing provisions of law, ordinance, regulations or permits, or by such easements covenants or agreements, the provisions of this local law shall control.

#### **SECTION 4: DEFINITIONS**

The following terms shall have the meaning indicated.

**Battery Energy Storage System (BESS):** A system consisting of multiple batteries for energy storage and energy discharge which are held within a container designed specifically for this purpose.

**Battery Management System (BMS):** A system designed to prevent damage to battery cells from over-charging and over-discharging.

**Building – Integrated Photovoltaic (BIPV) System:** A Solar Energy System that consists of integrating photovoltaic modules into the building structure, such as the roof or facade, which does not alter the relief of the roof.

**Building – Mounted Solar Energy System:** A Solar Energy System that is affixed to the roof or side(s) of a building or other structure, either directly or by means of support structures or other mounting devices. Solar Energy Systems constructed over a parking lot are considered building-mounted Solar Energy Systems.

**Condensed Aerosol Fire Suppression System:** A system connected to the fire detection system within the battery container which will deploy an encapsulator agent in aerosol form to flood the container.

**Encapsulator Agent:** A water additive solution to form and maintain stable spherical micelles capable of encapsulating combustible and flammable liquids rendering the flammable liquids nonflammable, non-ignitable and non explosive and maintaining encapsulation in high heat over an extended period of time.

**Gas Detector:** A system designed to detect off-gassing from batteries within a container and activates a ventilation system, local and remote alarms and provides early warning for the operator of the facility.

**Ground – Mounted Solar Energy System:** A Solar Energy System that is affixed to the ground either directly or by support structures or other mounting devices and that is not attached or affixed to an existing structure. Pole mounted Solar Energy Systems shall be considered ground-mounted Solar Energy Systems for the purposes of this local law.

**Net – Metering:** A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

**Reflector, Solar:** A device for which the sole purpose is to increase the solar radiation received by a solar collector.

**Residential/Small Business/Small-Scale Solar Energy System:** Any Solar Energy System that cumulatively on a lot meets all of the following provisions:

- a. Is an accessory use or structure designed and intended to generate energy primarily for a principal use on site, and
- b. Produce up to ten kilowatts (kW) per hour of energy or solar thermal systems which serve the building to which they are attached, and do not provide energy for any other buildings beyond the lot. Small-scale Solar Energy Systems located on a farm operation (as per NYS Agriculture and Markets Law section 301(11) definition of that term) can produce up to 110% of the farm's needs.

**Solar Access:** Space open to the sun and clear of overhangs or shade, including the orientation of streets and lots to the sun, so as to permit the use of a Solar Energy System on individual properties.

**Solar Collector:** A solar or photovoltaic cell, plate, panel, film, array, reflector or other structure affixed to the ground, a building or other structure, that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical or other usable energy, or that reflects or concentrates solar radiation to a solar or photovoltaic cell, plate, panel, film, array, reflector or other structure that directly or indirectly generates thermal, chemical, electrical or other usable energy.

**Solar Energy System:** A complete system intended for the collection, inversion, storage and/or distribution of solar energy and that directly or indirectly generates thermal, chemical, electrical or other usable energy. A Solar Energy System consists of, but is not limited to, solar collectors, mounting devices or structures, generators/turbines, water and energy storage and distribution systems, storage, maintenance and/or other accessory buildings, inverters, combiner boxes, meters, transformers and all other mechanical structures.

**Solar Skyspace:** The space between a solar collector and the sun through which solar radiation passes.

**Solar Panel:** A device for the direct conversion of solar energy into electricity.

**Solar Thermal System:** A system that directly heats water or other liquid using sunlight.

**Utility-Scale Solar Energy System or Solar Farm:** Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, designed and intended to supply energy principally into a utility grid for sale to the general public.

## **SECTION 5: APPLICABILITY**

The requirements of this local law shall apply to all Solar Energy System and equipment installations modified or installed after the effective date of this local law, excluding general maintenance and repair.

Solar Energy System installations for which a valid building permit has been issued or, if no building permit is presently required, for which installation commenced before the effective date of this local law shall not be required to meet the requirements of this local law.

## **SECTION 6: SOLAR DESIGN STANDARDS**

- A. All Solar Energy Systems shall be designed and installed in conformance with the current International Building Code requirements, the New York State Unified Solar Permit (where applicable), and the manufacturer's recommendations.
- B. All on-site electrical wires associated with Solar Energy Systems shall be installed underground.
- C. All Solar Energy Systems shall be operated such that no damage is caused by stray voltage. If it has been demonstrated that a system is causing stray voltage, the system operator shall promptly mitigate the damage or cease operation of the system.
- D. Photovoltaic systems that are integrated directly into building materials, such as roof shingles, and that are a permanent and integral part of, and not mounted on the building or structure, are exempt from the requirements of this local law.
- E. All solar collectors and related equipment shall be surfaced, designed and sited to minimize glare on adjacent properties and roadways.
- F. Ground-mounted Solar Energy Systems shall not exceed (15) feet in height when oriented at maximum tilt.
- G. All solar collectors and their associated support elements shall, at the time of installation, be designed according to generally accepted engineering practice to withstand wind pressures applied to exposed areas by wind from any direction, to minimize the migration of light or sound from the installation and to minimize the development of sight obstructions for adjacent structures or land parcels.
- H. All Solar Energy Systems, solar collectors and solar panels shall be maintained in good condition and in accordance with all requirements of this Local Law.
- I. All Solar Energy Systems shall be located in a manner to reasonable minimize view blockage from surrounding properties and shading of property to the north, while still providing adequate solar access for collectors.
- J. Solar Energy Systems and equipment shall be permitted only if they are determined by the Town of Sandy Creek not to present any unreasonable safety risks, including, but not limited to, weight load and ingress and egress in the event of an emergency.
- K. Small solar panels of less than one square yard used individually for charging batteries and powering small equipment or devices shall not require a permit.
- L. All Ground-Mounted Solar Energy Systems and Utility-Scale Solar Energy Systems or Solar Farms shall obtain site plan approval from the Sandy Creek Regional Planning Board prior to the issuance of a building permit.

## SECTION 7: ROOF MOUNTED SOLAR ENERGY SYSTEMS

- A. Roof-Mounted Solar Energy Systems that use the electricity onsite or offsite are permitted as an accessory use when attached to any lawfully permitted building or structure.
- B. Roof-mounted Solar Energy Systems shall not exceed the maximum height of three (3) feet above the level or the permitted building height and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.

#### **SECTION 8: GROUND-MOUNTED SOLAR ENERGY SYSTEMS**

- A. Ground-mounted Solar Energy Systems that use the electricity primarily onsite are permitted accessory structures.
- B. Ground-mounted Solar Energy Systems shall not exceed the maximum height of fifteen (15) feet and shall be set back a minimum of fifty (50) feet from all property lines.

#### **SECTION 9: RESIDENTIAL/SMALL BUSINESS/SMALL SCALE SOLAR ENERGY SYSTEMS**

- A. The installation of a solar collector or panel for a Residential/Small Business/Small Scale Energy System, whether attached to the main structure, an accessory building, or as a detached, free standing or ground mounted solar collector is permitted as an accessory structure, shall meet all requirements of this Section and shall require the issuance of a building permit.
- B. Free-standing or ground-mounted solar collectors for a Residential/Small Business/Small Scale Energy System are permitted as accessory structures subject to the following additional conditions:
  - 1. Lot size minimum of 43,560 square feet (one acre) for a ground-mounted or free-standing system
  - 2. Screening shall be provided from adjoining lots through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and surrounding area. The proposed screening shall not interfere with normal operation of the collectors.

#### **SECTION 10: UTILITY-SCALE SOLAR ENERGY SYSTEMS/SOLAR FARMS**

- A. Utility-Scale Solar Energy Systems or Solar Farms are permitted through the issuance of site plan approval subject to the requirements set forth in this section.
- B. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted in the application for site plan approval.
- C. Plans showing the layout of the Solar Energy System shall be signed by a Professional Engineer registered in New York State. Any Solar Energy Systems attached to a structure shall be required to submit a structural report to address all load impacts.

- D. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems and inverters that are to be installed.
- E. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
- F. Decommissioning Plan. To ensure the proper removal of Utility-Scale Solar Energy Systems or Solar Farms, a Decommissioning Plan shall be submitted as part of the application for site plan review. Compliance with this plan shall be made a condition of the issuance of site plan approval under this section. The Decommissioning Plan must specify that after the Utility-Scale Solar Energy System or Solar Farm can no longer be used, it shall be removed and disposed of by the applicant or any subsequent owner in a lawful and proper manner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. Removal of Utility-Scale Solar Energy Systems or Solar Farms must be completed in accordance with the Decommissioning Plan. If the Utility-Scale Solar Energy System or Solar Farm ceases to perform its originally intended function for more than twelve (12) consecutive months, the applicant or any subsequent owner shall remove the system, mounts and associated equipment and facilities by no later than ninety (90) days after the end of the twelve (12) month period. If the Utility-Scale Solar Energy System or Solar Farm is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover the costs to the municipality. The Planning Board may require that the applicant provide the Town with a decommissioning bond.
- G. Lot Size. Utility-Scale Solar Energy Systems or solar farms shall be located on lots with a minimum lot size of 5 acres.
- H. All Utility-Scale Solar Energy Systems or Solar Farms shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The Planning Board shall specify height and design of all fencing.
- I. Any application under this Section shall meet any substantive provisions contained in the Town's site plan requirements.
- J. The Planning Board may impose conditions on its approval of a site plan under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA)
- K. Construction of on-site access roadways shall be minimized.
- L. The setback from all road frontages to the fence-line shall be a minimum of 300 feet.
- M. A planting plan to provide a screening buffer shall be a part of the application, specifying type of plantings, spacing and any necessary maintenance.
- N. On Site Battery Energy Storage System (BESS).

If the proposed utility scale solar farm will have an on site BESS, the following conditions shall be met:

1. The BESS shall include a well designed and manufactured battery management system (BMS) providing oversight of the batteries' functions and operating conditions. The BMS shall be monitored by the facility operator and shall provide immediate data on any malfunction within the BESS.
2. The BESS shall include a gas detection system to shut down any faulty battery cells as well as activating a ventilation system while sounding local and remote alarms at both the Sandy Creek Fire Department and the facility operator's offices.
3. The BESS shall have a total flooding condensed aerosol fire suppression system with an encapsulation agent installed and connected to the fire detection system.
4. The BESS exterior shall have a quick connect dry pipe sprinkler or water misting system so that fire crews can cool the interior of the BESS container with an encapsulating agent.
5. A thermal imaging camera for detecting heat levels and hot spots from outside the BESS shall be provided to the Sandy Creek Fire Department at the operator's expense and shall be stored at the Sandy Creek Fire Department.
6. The Sandy Creek Fire Department shall be provided with all necessary and up to date training in proper procedure for fighting a Bess fire at the operator's expense.
7. Up to date MSDS sheets for all BESS facilities shall be provided to the Sandy Creek Fire Department.
8. In the event of a fire at a solar farm BESS all expenses incurred by the Sandy Creek Fire Department shall be reimbursed by the facility operator within one calendar year of the date of the fire.
9. Access through the gate of the facility shall be provided to the Sandy Creek Fire Department.
10. Access to the BESS shall not be impeded by snow or any other natural phenomena.
11. Contact information for the facility operator shall be updated annually from the date of Site Plan approval to the Sandy Creek Fire Department.
12. In the event of a fire at a BESS, all remediation following the fire shall be at the facility operator's expense. All materials removed as a consequence of fire at a BESS shall be properly disposed of, at the facility operator's expense, in a manner following all local, state and federal guidelines.
13. Ingress and egress from the facility will be wide enough to accommodate two Fire Trucks to pass one another at all points with the exception of the gated entrance.

## **SECTION 11: ABANDONMENT AND REMOVAL**

Solar Energy Systems are considered abandoned when the Code Enforcement Officer determines the site and system has not been maintained, is a safety risk, or after one year without electrical energy generation and must be removed from the property. If the Solar Energy System ceases to perform its originally intended function for more than twelve (12) consecutive months, the applicant or any subsequent owner shall remove the system, mount and associated equipment and facilities by no later than ninety (90) days after the end of the twelve (12) month period.

**SECTION 12: APPEALS**

All appeals of any decision by the Town of Sandy Creek shall be directed to the Board of Appeals.

**SECTION 13: PENALTIES**

- A. Any persons who shall violate any of the provisions of this local law shall be guilty of a misdemeanor and subject to a maximum fine of One Thousand Dollars (\$1,000.00) for each offense. Every such person shall be deemed guilty of a separate offense for each week the violation, disobedience, omission, neglect or refusal shall continue.
- B. In addition to the above provided penalties, the Board may also maintain an action or proceeding in the name of the Town in a court or competent jurisdiction to compel compliance with or restrain by injunction the violation of any article of this local law.

**SECTION 14. REPEAL.**

This local law shall repeal in its entirety, the existing Local Law No. 2 of 2017, and replace the same with this Local Law #2 of 2024.

**SECTION 15: SEVERABILITY**

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. Further, in adjudging such invalid, illegal or unconstitutional provision, the court shall attempt to modify same to a provision which is not invalid, illegal or unconstitutional and which best achieves the intent of the invalid provision.

**SECTION 16: EFFECTIVE DATE**

This local law shall be effective from the date of filing with the New York State Secretary of State. (Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)



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

I hereby certify that the local law annexed hereto, designated as Local Law No. 2 of 2024 of the (County)(City)(Village)(Town) of Sandy Creek was duly passed by the Town Board of the Town of Sandy Creek on \_\_\_\_\_, 2024 in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_ of the (County)(City)(Village)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 19\_\_, and was (approved)(not approved)(repassed  
*(Name of legislative Body)*

disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, 199\_ *(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 199\_ of the (County)(City)(Village)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 19\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_. Such local law was

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 \_\_\_\_\_ 19\_\_, 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 19\_\_ of the (County)(City)(Village)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_, and was (approved)(not approved)(repassed after  
*(Name of Legislative Body)*

disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_ Such local law was subject to *(Elective Chief Executive Officer\*)*

permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_  
19\_\_, 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  
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  
\_\_\_\_\_ 19\_\_, 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  
19\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to  
the electors at the General Election of November \_\_\_\_\_ 19\_\_, 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 Villages of  
said county considered as a unit voting at said general election, became operative.~~

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one (1) above.

\_\_\_\_\_  
Tammy Miller, Town Clerk

(Seal)

Date: \_\_\_\_\_

**(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 OSWEGO

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  
Courtney M. Hills

Attorney for the Town

Title  
County  
City of Sandy Creek  
~~Village~~Town

Date: \_\_\_\_\_, 2024

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a Village where such officer is vested with the power to approve or veto local laws or ordinances.