

Hamlin Public Hearing
April 26, 2017

The Hamlin Town Board held a Public Hearing in the Hamlin Town Hall located at 1658 Lake Road, Hamlin, New York. The meeting was called to order at 6:30 PM by Supervisor Peters. The locations of the fire exits and defibrillator were explained for those present. Everyone was invited to participate in the Pledge of Allegiance and a moment of silence for the deceased residents of Hamlin.

Present: Councilperson Jason Baxter, Councilperson Jennifer Voelkl, Councilperson Martin Maier, Councilperson David Rose, and Supervisor Eric Peters.

Also present: Richard Duffy, Eugene Dollard, James Peters, John and Linda DeRue, W.T and Audrey Smith and Phil Hurlbutt

LOCAL LAW AUTHORIZING AND REGULATING SOLAR ENERGY SYSTEMS WITHIN THE TOWN OF HAMLIN.

Section 1: Section 520-9 (“Definitions”) of Chapter 520 of the Town of Hamlin Zoning Law of 1991 is hereby amended by adding the following definitions:

GROUND –MOUNTED SOLAR ENERGY SYSTEMS – A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of producing electricity for onsite consumption.

LARGE-SCALE SOLAR ENERGY SYSTEM – A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption.

ROOF-MOUNTED SOLAR ENERGY SYSTEM - A Solar Panel System located on the roof of any legally permitted building or structure for the primary purpose of producing electricity for onsite consumption.

SMALL-SCALE SOLAR ENERGY SYSTEM - Any Solar Energy System which is not a Large-Scale Solar Energy System.

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 - An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

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

Section 2: Section 520-11 (R-VL District) of Chapter 520 of the Town of Hamlin Zoning Law of 1991 is hereby amended to add subparagraph (h) to subsection (A)(3) (Principal uses permitted subject to

special use permit approval by the Planning Board) as follows:

(h) Large Scale Solar Energy System subject to the specific provisions set forth in section 520-36 of this Chapter.

Section 3. Section 520-11 (R-VL District) of Chapter 520 of the Town of Hamlin Zoning Law of 1991 is hereby amended to repeal subparagraph (h) of subsection (A)(4) (Accessory uses) and replace it with the following:

(h) Small-Scale Solar Energy Systems subject to the specific provisions set forth in section 520-36 of this Chapter.

Section 4. Section 520-12 (R-L District) of Chapter 520 of the Town of Hamlin Zoning Law of 1991 is hereby amended to add subparagraph (e) to subsection (A)(3) (Principal uses permitted subject to special permit approval by the Planning Board) as follows:

(e) Large-Scale Solar Energy Systems subject to the specific provisions set forth in section 520-36 of this Chapter.

Section 5. Section 520-12 (R-L District) of Chapter 520 of the Town of Hamlin Zoning Law of 1991 is hereby amended to repeal subparagraph (h) of subsection (A)(4) (Accessory uses) and replace it with the following:

(h) Small-Scale Solar Energy Systems subject to the specific provisions set forth in section 520-36 of this Chapter.

Section 6. Section 520-14 (R-M District) of Chapter 520 of the Town of Hamlin Zoning Law of 1991 is hereby amended to add subparagraph (d) to subsection (A)(3) (Principal uses permitted subject to special use permit approval by the Planning Board) as follows:

(d) Large-Scale Solar Energy Systems subject to the specific provisions set forth in section 520-36 of this Chapter.

Section 7. Section 520-14 (R-M District) of Chapter 520 of the Town of Hamlin Zoning Law of 1991 is hereby amended to repeal subparagraph (f) of subsection (A)(4) (Accessory structures/uses) and replace it with the following:

(f) Small-Scale Solar Energy Systems subject to the specific provisions set forth in section 520-36 of this Chapter.

Section 8. Section 520-13 (R-L1 District) of Chapter 520 of the Town of Hamlin Zoning Law of 1991 is hereby amended to repeal subparagraph (h) of subsection (C)(2) (Permitted accessory uses) and replace

it with the following:

(h) Small-Scale Solar Energy Systems subject to the specific provisions set forth in section 520-36 of this Chapter.

Section 9. Section 520-15 (R-H District) of Chapter 520 of the Town of Hamlin Zoning Law of 1991 is hereby amended to repeal subparagraph (f) of subsection (A)(4) (Accessory structures/uses) and replace it with the following:

(f) Small-Scale Solar Energy Systems subject to the specific provisions set forth in section 520-36 of this Chapter.

Section 10. Section 520-18 (C-NB District) of Chapter 520 of the Town of Hamlin Zoning Law of 1991 is hereby amended to repeal subparagraph (e) of subsection (A)(4) (Accessory uses) and replace it with the following:

(e) Small-Scale Solar Energy Systems subject to the specific provisions set forth in section 520-36 of this Chapter.

Section 11. Section 520-19 (C-GB District) of Chapter 520 of the Town of Hamlin Zoning Law of 1991 is hereby amended to repeal subparagraph (e) of subsection (A)(4) (Accessory uses) and replace it with the following:

(e) Small-Scale Solar Energy Systems subject to the specific provisions set forth in section 520-36 of this Chapter.

Section 12. Section 520-20 (I District) of Chapter 520 of the Town of Hamlin Zoning Law of 1991 is hereby amended to repeal subparagraph (e) of subsection (B)(3) and replace it with the following:

(e) Small-Scale Solar Energy Systems subject to the specific provisions set forth in section 520-36 of this Chapter.

Section 13. Section 520-22 (R/CW District) of Chapter 520 of the Town of Hamlin Zoning Law of 1991 is hereby amended to repeal subparagraph (6) of subsection (B)(3) (Accessory structures/uses) and replace it with the following:

(6) Small-Scale Solar Energy Systems subject to the specific provisions set forth in section 520-36 of this Chapter.

Section 14. Section 520-36 (Solar energy structures) of Chapter 520 of the Town of Hamlin Zoning Law is hereby repealed and replaced with the following:

520-36. Solar Energy Systems.

A. Small-Scale Solar Energy Systems.

1. Small-Scale Solar Energy Systems are permitted as an accessory use in designated zoning districts.
2. Small-Scale Solar Energy Systems, and all components thereof, must comply with the setback and height requirements of the underlying zoning district.
3. A building permit is required for the construction of any Small-Scale Solar Energy System.
4. Upon approval of a building permit, the Building Inspector shall record, on the appropriate Town Zoning map, the location of the system on the lot for the purpose of minimizing future loss of solar access resulting from construction of structures on adjoining properties.

B. Large-Scale Solar Energy Systems.

1. Large-Scale Solar Energy Systems are permitted in designated zoning districts through the issuance by the Planning Board of a special use permit subject to the requirements set forth in this section and pursuant to site plan approval by the Planning Board.
2. Application Requirements for Special Use Permit: The site plan and special use permit application must comply with the requirements of sections 520-65 (Site plan review) and 520-67 (Special use permits) of this Chapter and be supplemented by the following:
 - a. If the site of the project is to be leased, written consent of the landowner is required and a copy of the lease and all agreements between the lessor and lessee must be provided, however, all financial terms may be redacted.
 - b. Detailed plans of the Solar Energy System, signed by a professional engineer or architect, together with specifications for all Solar Panels, photovoltaic panels, significant components, mounting systems and inverters.
 - c. If the solar energy system is to be connected to the utility grid, written acknowledgment from the utility company must be provided that the facility will be connected to the utility grid in order to sell electricity to the public utility.
 - d. A property operation and maintenance plan which details maintenance of all Solar Energy Equipment and maintenance of the grounds including upkeep of all access driveways and mowing and trimming of vegetation.

e. A decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the Solar Energy System. Prior to obtaining a building permit the owner or operator of the facility shall post a performance bond or other suitable guarantee in a face amount of not less than 150% of the estimated cost to ensure removal of the facility or structure in accordance with the decommissioning plan described below. The form of the guarantee must be approved by the town attorney and the guarantee must remain in effect until the system is removed. The decommissioning plan shall ensure that, in the event operation of the facility ceases operation for a period of 12 months, or if construction of the project begins but is not completed within 18 months thereafter, the site will be restored to a useful, nonhazardous condition without delay, including but not limited to the following:

1. Removal of aboveground and belowground equipment, structures and foundations.
2. Restoration of the surface grade and soil after removal of equipment.
3. Revegetation of restored soil areas.
4. A time-frame for completion of the restoration work.

In the event construction of the project begins but is not completed within 18 months thereafter, the town may notify the operator and/or the owner to complete construction and installation of the facility within 180 days. If the owner or operator fails to complete construction within that period of time the town may notify the owner or operator to implement the decommissioning plan.

Upon cessation of activity of the solar energy system for a period of 12 months, the town may notify the owner/operator of the facility to either restore operation of the system or implement the decommissioning plan. Within 180 days of service of said notice the owner and/or operator must either restore operation equal to 80% or more of approved capacity or implement the decommissioning plan.

If the owner and/or operator fails to fully implement the decommissioning plan within the timetable set forth in the plan, and to restore the site as required, the town may provide for the restoration of the site and recover the costs thereof from the bond or other guarantee provided by the owner and/or operator. The town may recover any additional expenses incurred from the owner and/or operator and in the event of default in payment, such costs shall be assessed against the property and be a lien upon such property, which lien may be enforced and collected in any manner authorized by law.

3. Special Use Permit Standards:

- a. Lot size: Large-Scale Solar Energy Systems shall be located on lots with a minimum lot size of twenty acres.
- b. Set-backs: The minimum front, side and rear set-backs are 100 feet.
- c. Maximum height: No Solar Panel or any Solar Energy Equipment shall be higher than 20 feet from grade level.

d. Maximum lot coverage: No Solar Energy System shall occupy more than seventy five per cent of the lot.

e. Screening: A landscaped buffer or screening is required around the perimeter of the facility. Such buffer or screening may include the use of earth berms, fencing, plantings or other screening which will harmonize with the character of the property and surrounding neighborhood.

f. Siting: To the extent feasible, the solar energy facility will be sited to minimize the loss of viable farmland.

g.. Reflective glare: Solar panels and equipment shall be designed and located to prevent reflective glare toward any inhabited building on adjacent properties.

h. Underground facilities: To the extent feasible, on-site utility and transmission lines shall be placed underground.

i. Security fencing: The entire Solar Energy System shall be enclosed by a minimum six-foot high fence with a locked gate.

j. Signage:

1. A sign shall be conspicuously displayed on or near the main access point which sets forth the facility name, owner and phone number.

2. A clearly visible warning sign concerning voltage shall be placed in close proximity to all transformers and substations and on each side of the perimeter fencing.

k. Removal of vegetation: Removal of trees and shrubs should be minimized and be offset with plantings elsewhere on the property.

C. Interference with Solar Access Prohibited.

The construction of any new fence or structure, or the planting of any new shrub or tree or other plant that obstructs or restricts sunlight from reaching or falling on any lawfully constructed solar energy structure, as determined by the building inspector, is prohibited. Existing structures and existing vegetation shall be exempt from this requirement.

Section 14. Effective Date: This local law shall be effective upon filing with the Secretary of State.

PUBLIC QUESTIONS

A correspondence was received from OneEnergy regarding proposed solar law dated April 17 expressing concern regarding certain provisions of the proposed law and that the town attorney submitted a report which addressed the concerns expressed by OneEnergy.

Bill Smith from Roosevelt Highway asked where we are looking at locations of the farms. The Supervisor indicated that the only proposed place at this time is on Redman Road.

Richard Duffy from Roosevelt Highway asked that you have indicated only one proposed area at this time, how do we know that there won't be 100 areas next year. The Supervisor indicated that we don't know. They could go anywhere as long as they go through the whole process. Each one is approved on a case to case basis and on a special use permit and justify their existence. They will have to go through the planning board and they are not open books to go ahead and build. There is stipulations that have to be met, processes to go through and public hearings to be had before they are approved. Councilperson Rose said that they took a broad look to protect everyone and our good land in the town. Supervisor Peters indicated they had several workshops and made sure they looked at all aspects to protect everyone involved and preserve our good town.

Jim Peters asked for Eugene Dollard about the Agricultural Tax Status Exemption. There is a minimum of 20 acres and on a parcel that is more than that would have to be subdivided and the rest of the land would be farm land.

With no one else wishing to address the board the Public Hearing was closed.

PUBLIC HEARING CLOSED

Resolution #119 Motion was made by Councilperson Maier, seconded by Councilperson Voelkl, requesting Town Board resolution to close the Public Hearing regarding the local law to Authorize and Regulate Solar Energy Systems within the Town of Hamlin at 6:40 PM as all business was concluded. Polled Votes: Councilperson Baxter aye, Councilperson Voelkl aye, Councilperson Maier aye, Councilperson Rose aye, Supervisor Peters aye. Motion carried.

Respectfully submitted,

Kathi A. Rickman, MMC
Hamlin Town Clerk