



TOWN OF AMENIA
TOWN BOARD

4988 Route 22, AMENIA, NY 12501
(845) 373-8860 www.ameniany.gov

RESOLUTION NO. 34 /2019

RE: INTRODUCING PROPOSED “LOCAL LAW NO. 2 OF THE YEAR 2019, TO AMEND CHAPTER 121, ZONING, OF THE AMENIA TOWN CODE TO ADD A NEW SECTION 121- _x_ ENTITLED SOLAR ENERGY SYSTEMS”

WHEREAS, in recent years there has been a substantial increase in interest in the installation of Solar Energy Systems in the Town of Amenia; and

WHEREAS, there are currently no provisions in the Town of Amenia Zoning Code to control the placement of Solar Energy Systems in the Town of Amenia; and

WHEREAS, solar energy is a renewable energy resource that can prevent fossil fuel emissions and reduce the demand for the production and transmission of electricity from large scale power plants; and

WHEREAS, the installation of solar energy systems can reduce the energy bills of the property owner; and

WHEREAS, the Town Board is considering the adoption of Local Law No. 2 of the Year 2019, to Amend Chapter 121, Zoning, of the Amenia Town Code to Add a New Section 121- _x_ entitled Solar Energy Systems; and

WHEREAS, the Town Board has determined that the proposed action is a Type I Action pursuant to Article 8 of the Environmental Conservation Law, Part 617 NYCRR (commonly known as “SEQRA”); and

WHEREAS, the proposed Local Law is an action for which there are no other involved agencies and that the Town Board is therefore, by default, the Lead Agency for this action; now, therefore, be it

RESOLVED, the Town Board hereby introduces for consideration of its adoption proposed Local Law No. 2 of the Year 2019, in the form annexed hereto; and be it further

RESOLVED, that the Town Board has determined that the proposed action is a Type I Action pursuant to Article 8 of the Environmental Conservation Law, Part 617 NYCRR (commonly known as “SEQRA”); and be it further

RESOLVED, that the Town Board is the only agency having the approval authority for the adoption of this Local Law and is therefore Lead Agency for the purpose of SEQRA; and be it further

RESOLVED, that the Town Board hereby schedules a Public Hearing regarding the proposed adoption of the annexed Local Law for 7:00 P.M., on the 20th day of June, 2019, to be held at Town Hall, 4988 Route 22, Amenia, New York, and the Town Clerk is directed to post a Notice of Public Hearing in the Town's official newspaper, the Millerton News, and on the sign board maintained by the Town Clerk in Town Hall not less than ten (10) days prior to said public hearing date, as required by law; and be it further

RESOLVED, that the Town Board further directs the Town Clerk to act as follows with respect to the proposed Local Law:

a. to serve a copy of this Resolution, the annexed proposed Local Law, Part 1 of the Full Environmental Assessment Form and the Notice of Public Hearing to the municipal clerk of each abutting municipality not less than ten (10) days prior to said public hearing;

b. to serve a copy of this Resolution, the annexed proposed Local Law and Part 1 of the Full Environmental Assessment Form to the Dutchess County Department of Planning and Development for Advisory Review in accordance with § 239-m. of the General Municipal Law;

c. to serve a copy of this Resolution, the annexed proposed Local Law, Part 1 of the Full Environmental Assessment Form and the Notice of Public Hearing to the Town of Amenia Planning Board for its review and recommendation prior to said public hearing.

d. to serve a copy of the proposed Local Law to the Department of Agriculture and Markets for review pursuant to § 305-a. of the New York State Agriculture and Markets Law.

Motion made by Perotti; Seconded by Somogyi

The foregoing resolution was voted upon with all councilwomen/councilmen voting as follows:

Supervisor Perotti	Aye
Councilwoman Doyle	Aye
Councilman Gutierrez	Absent
Councilman Morris	Aye
Councilwoman Somogyi	Aye

Dated: Amenia, New York
May 16, 2019


DAWN MARIE KLINGNER, TOWN CLERK

**NOTICE OF PUBLIC HEARING
TOWN OF AMENIA**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Amenia will conduct a PUBLIC HEARING on the 20th day of June, 2019, at 7:00 P.M. at the Town Hall, Town of Amenia, 4988 Route 22, Amenia, New York 12501, at which time all parties in interest and citizens shall have an opportunity to be heard as to whether the Town Board of the Town of Amenia shall adopt “Local Law No. 2 of the Year 2019, to Amend Chapter 121, Zoning, of the Amenia Town Code to Add a New Section 121-___ entitled Solar Energy Systems”.

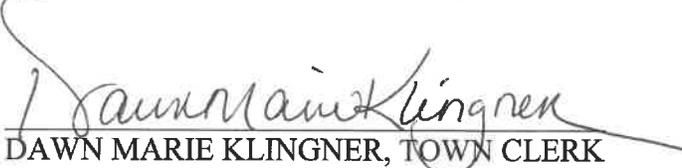
PLEASE TAKE FURTHER NOTICE that the purpose and intent of the proposed Local Law is to regulate solar energy systems within the Town of Amenia.

PLEASE TAKE FURTHER NOTICE that the proposed action is a Type I Action pursuant to Article 8 of the Environmental Conservation Law, Part 617 NYCRR (commonly known as “SEQRA”).

PLEASE TAKE FURTHER NOTICE that a copy of the proposed Local Law No. 2 of the Year 2019 is available for review and inspection at the Office of the Town Clerk during regular office hours, at the Town Hall, Town Hall, 4988 Route 22, Amenia New York and on the Town’s website at www.ameniany.gov.

Dated: Amenia, New York
May 16, 2019

BY ORDER OF THE TOWN BOARD


DAWN MARIE KLINGNER, TOWN CLERK

LOCAL LAW NO. ___ OF THE YEAR 2019

A Local Law entitled Local Law No. ___ of the Year 2019, to Amend Chapter 121, Zoning, of the Amenia Town Code to Add a New Section 121- __ entitled Solar Energy Systems.

BE IT ENACTED by the Town Board of the Town of Amenia as follows:

Section-I: TITLE.

This Local Law shall be known and cited as Town of Amenia Local Law No. ___ of 2019 entitled “A Local Law of the Town of Amenia, Dutchess County, New York to Amend Chapter 121, Zoning, of the Amenia Town Code to Add a New Section 121- __ entitled Solar Energy Systems.”

Section-II: LEGISLATIVE INTENT.

The intent of this law is to regulate Solar Energy Systems within the Town.

Section-III: AMENDMENT TO THE CODE.

Chapter 121, Zoning, of the Amenia Town Code is amended to add a new Section ___ reading as follows:

§ ___ Solar Energy Systems.

A. Purpose.

Because it is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life, the purpose of this section is to facilitate the development and operation of renewable energy systems based on solar energy. Solar Energy Systems are therefore permitted as an accessory use in zoning districts as indicated in the Use Table included at the end of this Chapter and subject to any Overlay District Regulations set forth in Article IV. However, measures must be taken, as provided in this Chapter, to minimize adverse impacts on neighboring properties; to protect the environment, including agricultural soils, vegetation, and tree cover; and to protect the general public health, safety and welfare.

B. Applicability.

- (1) This section shall apply to all Solar Energy Systems installed after its effective date. Modifications to an existing solar energy system that increases the Solar Energy System’s area by more than 5% of the original footprint or changes the solar panel type (e.g., photovoltaic to solar thermal) shall be subjected to this section.

- (2) Solar Energy Systems for which a valid certificate of completion or occupancy has been issued prior to the effective date of this section are not subject to the requirements of this section but shall be maintained in good working order and are subject to the New York State Uniform Code¹ and other applicable laws, rules and regulations.

[1] Editor's Note: See Ch. 63, Fire Prevention and Building Code Administration and Enforcement.

- (3) Any building permit for a Solar Energy System that has been properly issued prior to the effective date of this section shall be maintained in good working order and is subject to the New York State Uniform Code and other applicable laws, rules and regulations.

C. Definitions.

- (1) Building-Integrated Photovoltaic Product (BIPV):

A building product that incorporates photovoltaic modules and functions as a component of the building envelope, which includes photovoltaic siding, photovoltaic canopies and awnings, photovoltaic shingles and other photovoltaic roof coverings.

- (2) Building-Integrated Photovoltaic System:

A Solar Energy System that uses building integrated photovoltaic products.

- (3) Ground-Mounted System:

A Solar Energy System that is anchored to the ground and attached to a pole, frame or similar mounting system, detached from any other structure.

- (4) Legally Permitted Structures:

Legally Permitted Structures are principal and accessory structures permitted under the current Zoning Code for which a Certificate of Occupancy or a Certificate of Compliance has been issued and structures created before building permits were required or that otherwise do not require a Certificate of Occupancy or Certificate of Compliance. Per § 121-27 of the Zoning Code, alteration of these structures may require site plan approval from the Planning Board. The Zoning /Code Enforcement Officer shall determine the requirement for site plan approval and the subsequent issuance of a Certificate of Occupancy or Certificate of Compliance.

(5) Roof-Mounted System:

A photovoltaic panel system installed on or above the roof covering of a Legally Permitted Structure. Roof-mounted systems are comprised of photovoltaic panels that are fixed and flush-mounted to the roof, rack-supported systems that may be articulated and titled or a combination of the two. A roof-mounted photovoltaic system does not include building-integrated photovoltaic products like photovoltaic roof coverings.

(6) Solar Energy Equipment:

Energy storage devices, material, hardware, or electrical equipment and conduit associated with the production of electrical energy, not including solar panels.

(7) Solar Energy System:

An electrical generating system composed of a combination of both solar panels and solar energy equipment.

(8) Solar Field System:

Solar Field Systems are Ground-Mounted Solar Energy Systems that occupy an area greater than 50% of the footprint of the primary structure(s). A Solar Field System is a principal use allowed in accordance with the Use Table included at the end of this Chapter, subject to a special use permit and site plan approval.

(9) Solar Panel:

A device capable of collecting and converting solar energy into electrical energy.

D. Safety Requirements.

- (1) All Solar Energy Systems shall comply with the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation Construction Code established pursuant to New York Executive Law § 381(2) ("NYS Uniform Code").
- (2) In the event that the New York Uniform Code contains more restrictive regulations covering Solar Energy Systems than those noted in this subsection and the regulations conflict, then the NYS Uniform Code regulations shall prevail.

E. Building-integrated Photovoltaic (BIPV) Systems.

- (1) BIPV Systems integrated into one-two family dwellings and accessory buildings for one-two family dwellings are permitted accessory uses in zoning districts as indicated in the Use Table included at the end of this Chapter and subject to any Overlay District Regulations set forth in Article IV.
- (2) BIPV Systems integrated into new or existing buildings, other than one-two family dwellings are subject to site plan or special permit approval in the same manner as the building in which they are installed.
- (3) BIPV Systems are subject to all applicable zoning requirements for the building into which they are integrated.

F. Roof-Mounted Systems.

Roof-Mounted Solar Energy Systems (RMSES) are permitted as an accessory use in zoning districts as indicated in the Use Table included at the end of this Chapter, and subject to any Overlay District Regulations set forth in Article IV, when attached to a Legally Permitted Structure, as defined herein and subject to the requirements set forth in this section.

(1) Height:

RMSES shall not exceed maximum height restrictions within the underlying zoning district and zoning overlay district and shall comply with the exemptions defined in § 121-30E(2).

(2) Setback:

Where RMSES are proposed for a principal or accessory structure that does not meet the setback requirement of the underlying zoning district and zoning overlay district, an application shall be made to the Zoning Board of Appeals for an area variance for the non-compliance and a special use permit for the RMSES to ensure there is no adverse impact to neighboring properties.

(3) RMSES installations shall incorporate the following design requirements:

- (a) Solar Energy Equipment shall be installed inside walls and attic spaces, where practical, to reduce their visual impact. If Solar Energy Equipment is visible from a public right of way, it shall match the color scheme of the underlying structure to the extent possible. Marking of electrical equipment shall be in accordance

with the New York State Uniform Code, the National Electric Code (NEC), National Fire Protection Association (NFPA) or other applicable Codes.

- (b) Roof-mounted solar panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 12 inches between the roof and highest edge of any panel.
 - (c) Solar Panels affixed to a flat roof shall be placed below the line of sight from a public right of way. If topography makes this requirement impractical then the Zoning/Code Enforcement Officer shall make the determination relating to the enforcement of this provision when reviewing the New York State Unified Residential Solar Photovoltaic Permit Application and all the required materials submitted therewith.
 - (d) All Solar Panels shall be constructed of a material designed to minimize glare and designed and located in order to prevent reflective glare toward any inhabited building, adjacent properties or public roads.
 - (e) In no way will RMSES be permitted where snow or rain runoff will adversely affect public safety or adjacent property.
- (4) The applicant, prior to the installation of any RMSES, shall complete and provide to the Zoning /Code Enforcement Officer for review, approval and issuance of a building permit, the following:
- (a) the New York State Unified Residential Solar Photovoltaic Permit Application.
 - (b) all associated required documents, including specifications and construction documents referenced in the above Application; and
 - (c) all required fees.

G. Ground-Mounted Systems.

Ground-Mounted Solar Energy Systems (GMSES) are permitted as an accessory structure in zoning districts as indicated in the Use Table included at the end of this Chapter and subject to any Overlay District Regulations set forth in Article IV. Installations of GMSES will be treated as accessory structures to Legally Permitted Structures, subject to the requirements set forth in this section. It is the strong

preference of the Town of Amenia that the installation of GMSES not require the removal of mature trees and forests. Therefore, where practicable, GMSES shall be located on portions of properties that are currently free of trees.

(1) Setback:

GMSES are subject to setback requirements of the underlying zoning district, provided, however, that in zoning districts, and zoning overlay districts, which have a minimum lot size of 5 acres, a minimum setback of 100 feet from any property line is required.

(2) Height:

GMSES are restricted to a height of 12 feet from the ground under the solar panel to the highest point of the solar panel or racking structure whichever is greater.

(3) Lot Coverage:

The total surface area of GMSES shall be included in lot coverage calculations and impervious coverage calculations. Lot coverage for GMSES shall comply with maximum impervious surface coverage of the underlying zoning district and zoning overlay district as set forth in the Dimensional Table included at the end of this Chapter.

(4) Screening:

All GMSES shall be screened from adjacent properties and public rights-of-way with perimeter plantings, to consist of evergreen plantings having a minimum height of 4 feet at the time of installation and shall be placed in a manner to alleviate any visual impact from the system to either public roads or neighboring properties. The screening shall be maintained at all times and shall be replaced as soon as practicable if damaged or destroyed for any reason. The Planning Board has the authority to take the physical characteristics of the site into consideration as it relates to view-shed and screening requirements.

- (a) If the Planning Board determines that a landscape buffer will not provide adequate screening, then the Planning Board may require a ground-mounted system to be fully screened from adjacent properties and roads by fencing or a combination of fencing, and evergreen and deciduous plantings. Plantings used for screening shall be of such a height and width, at the time of planting, so as to obscure the ground-mounted system from adjacent properties. Said

screening shall be subject to the prior review and approval of the Planning Board to ensure compliance with this requirement. The Planning Board has the authority to take the physical characteristics of the site into consideration as it relates to viewshed and screening requirements.

(5) Verification of Utility Notification:

Each applicant shall submit a copy of their application to the public electrical utility. Foreseeable infrastructure upgrades shall be documented and submitted, and all materials shall be submitted to the Planning Board concurrent with application materials for Site Plan approval. All materials shall be subject to approval by the Planning Board. No building permit will be issued for a GMSES until such time as the electrical utility has verified its approval. Off-grid systems and systems designed to produce energy for the site it is installed on, are exempt from this requirement.

(6) GMSES shall be placed in such a way to balance the benefit to the property owner with adverse impacts to neighboring properties. The Planning Board has authority to increase the setback requirements where there is an adverse impact to neighboring properties.

(7) All GMSES in residential and commercial districts shall be installed in the side yard or rear yard.

(8) The application to the Town of Amenia Planning Board for site plan approval shall set forth the name, address, and contact information of the applicant, property owner(s), and agent submitting the proposed project.

(9) All applications shall include plans, acceptable to the consulting engineer for the Planning Board showing the layout of the solar energy system. All equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems and inverters that are to be installed.

H. Installation Requirements for all Solar Energy Systems.

(1) All Solar Energy System installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation requirements, and industry standards. Prior to operation, the electrical connections must be inspected by the Zoning/Code Enforcement Officer and by an appropriate electrical inspection person or agency, as approved by the Town, funding for which shall be paid for by the applicant. Letters of inspection must be provided to the Zoning/Code Enforcement

Officer prior to the issuance of a Certificate of Occupancy, Certificate of Compliance or building permit. In addition, any connection to the public utility grid must be inspected by the appropriate public utility and documentation certifying this inspection must be provided to the Zoning/Code Enforcement Office prior to the issuance of a Certificate of Occupancy, Certificate of Compliance or building permit.

- (2) Connection to the public utility grid system must be accomplished without additional infrastructure in the public right-of-way necessary to connect such system to the grid. Any new connecting lines on premise to connect the public right-of-way shall be placed underground. Infrastructure required, by the utility, for utility interconnection located in the utility right-of-way and upgrades to an existing overhead utility service drop is permitted.
- (3) When solar storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of Dutchess County and other applicable laws and regulations.
- (4) Warning Signs/Labels. All warning signs and equipment markings for the Solar Energy Systems shall be in accordance with the New York State Uniform Code, the National Electric Code (NEC) and the National Fire Protection Association (NFPA).

I. Solar Field Systems.

Due to the potential for negative impacts to neighborhood character and to other environmental resources, Solar Field Systems are strictly prohibited in all residential zoning districts in the Town. Solar Field Systems will be permitted, subject to special permit and site plan approval by the Planning Board, in the following zoning districts: Highway Commercial (HC), Office Commercial (OC), Industrial Manufacturing (IM) and Mixed-Use Institutional Conversion Overlay District (MCO). It is the strong preference of the Town of Amenia that the installation of Solar Field Systems do not require the removal of mature trees and forests. Therefore, where practicable, Solar Field System equipment shall be located on portions of properties that are currently free of trees. Only in such circumstances where there is no practical alternative to clearing mature trees and forests, shall the Town of Amenia consider siting for Solar Field Systems. Solar Field Systems must also comply with all regulations as set forth in Article IV of the Town of Amenia Code and shall also be subject to the following requirements:

- (1) Height and setback requirements:
 - (a) Solar Field Systems shall adhere to the height and setback requirements of the underlying zoning district and zoning overlay district. Additional restrictions and setback requirements may be imposed during the Planning Board site plan and special permit approval process at the sole discretion of the Planning Board, such that this discretion imposes requirements that are more restrictive than the underlying zoning and not less so.
 - (b) Height restrictions: The maximum height for Solar Field Systems shall not exceed 12 feet in height above the ground measured from the ground under the solar panel to the highest point of the solar panel or racking, whichever is greater.
- (2) Lot Coverage:
 - (a) Solar Field Systems shall be subject to lot coverage and maximum impervious surface coverage regulations in all districts where permitted.
- (3) Fencing:
 - (a) All Solar Field Systems shall be enclosed by fencing to prevent unauthorized access. The height and type of fencing shall be determined by the Planning Board during the site plan process and shall comply at minimum, with any standards presented in Article VII of the Town of Amenia Code.
- (4) Screening:
 - (a) All Solar Field Systems shall be screened with perimeter planting, to consist of evergreen plantings, having a minimum height of 4 feet at the time of installation and shall be setback as determined by the Planning Board in a manner to minimize the visual impact of the Solar Field System upon neighboring properties, public roads and public areas.
- (5) Tree Removal Plan:
 - (a) A tree removal plan is required and must include an inventory of existing trees, showing type, location, size and condition. The inventory shall include specimen and protected trees, trees or groupings of trees deemed significant.

- (b) For each tree proposed to be removed, another tree must be planted either on the same site, same property or at another designated location upon approval of the Planning Board.
- (6) Stormwater Pollution Prevention Control Plan (SWPPP):
 - (a) A SWPPP is required when a Solar Field covers more than one acre of land. The SWPPP shall be prepared in accordance with Department of Environmental Conservation regulations and approved by the Town Engineer.
- (7) Property Operation and Maintenance Plan:
 - (a) A property operation and maintenance plan is required, describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, fence inspection and any needed repairs, etc.
- (8) Design Standards:
 - (a) A landscape buffer shall be provided around all equipment fencing and solar panels to provide screening from adjacent properties and road. The Planning Board has the authority to take the physical characteristics of the site into consideration as it relates to view-shed and screening requirements.
 - (b) Ground cover under and between the rows of solar panels shall be low-maintenance, drought resistant natural fauna.
 - (c) Any new roadways within the site shall be constructed of pervious materials and shall be designed to minimize the extent of roadways, constructed and soil compaction.
 - (d) All on-site utility and transmission lines, shall, to the extent feasible, be placed underground.
 - (e) All solar panels within the Solar Field System facilities shall be constructed of a material designed to minimize glare and designed and located in order to prevent reflective glare toward any inhabited building and adjacent properties as well as public roads.
 - (f) All mechanical equipment of Solar Field Systems, including any structure for batteries or storage cells, shall be completely enclosed by a minimum six-foot high fence with a self-locking gate and provided with landscape screening in accordance with the landscaping provisions of this Chapter.

- (g) Solar Field Systems must meet the safety regulations as set forth in subsection D above.
- (9) Signs:
- (a) Warning signs with the owners contact information shall be placed on the entrance and perimeter of the fencing.
 - (b) A sign not to exceed 8 square feet shall be attached to the fence adjacent to the main access gate and shall list the facility name, owner and phone number.
 - (c) A clearly visible warning sign must be placed at the base of all pad-mounted transformers and sub-stations clearly marked "Danger" and list voltages present.
- (10) Abandonment:
- (a) All applications for Solar Field Systems shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the structure.
 - (b) The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, and must include at a minimum, the following:
 - (i) Equipment dismantling and removal plan including, removal of aboveground and below ground equipment structures and foundation.
 - (ii) Measures to be taken to mitigate environmental effects during decommissioning.
 - (iii) A site restoration plan including:
 1. Restoration of the surface grade and soil after removal of equipment;
 2. Revegetation of restored soil areas with native seed mixes, excluding any invasive species;
 3. Reforestation plan;
 4. Landscape maintenance plan; and

5. A time frame for the completion of site restoration work.
- (iv) A procedure for management and disposal of materials and waste.
 - (v) An accounting of all anticipated costs associated with decommissioning.
 - (vi) A Decommissioning fund. Prior to issuance of a building permit, the owner or operator of the facility or structure shall post a performance bond or other suitable guarantee in a face amount of not less than 150% of the estimated cost, or other approved method of addressing the solar systems end of life, as determined by the Town Engineer, to ensure removal of the solar energy system or facility or structure in accordance with the decommissioning plan described below. The form of the guarantee must be reviewed and approved by the Town Engineer and Town Attorney and the guarantee must remain in effect until the system is removed. Review of the guarantee by the Town Engineer and Town Attorney shall be paid from an escrow established by the applicant.
 - (vii) Prior to removal of a Solar Energy System production facility or structure, a demolition permit for removal activities shall be obtained from the Town.
- (c) If the applicant ceases operation of the Solar Field System for a period of 12 months, 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 from the Town.
 - (d) In the event that construction of the Solar Field System has not been completed and functioning within 12 months of the issuance of the final site plan approval and issuance of a Special Use Permit, the Zoning/ Code Enforcement Officer will notify the operator and require that construction and installation of the facility be completed within 180 days of notice. 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.
 - (e) If the owner and/or operator fails to fully implement the decommissioning plan within 180 days of receiving notice from the Town, and fails to fully restore the site as required, the Town may, at its own expense, provide for the restoration of the site in accordance with the decommissioning plan and in accordance with the law, 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 said property, shall be added to and become a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officer and in the same manner as other taxes.

- (11) In addition to the above restrictions, the following requirements shall apply:
- (a) Verification of Utility Notification.
 - (i) The applicant shall submit a copy of the Electrical Utility's Application with initial application materials submitted to the Planning Board. Required utility infrastructure upgrades shall be documented and submitted and shall be deemed part of the site plan approval required by the Planning Board. No building permit will be issued until such time that the Electrical Utility has verified its approval. Utility equipment in the right-of-way is exempt for this provision. A Solar Field System to be connected to the utility grid shall provide to the Planning Board a proof of concept letter from the local utility company acknowledging the Solar Field System will be interconnected to the utility grid in order to sell electricity to the public utility entity.
 - (b) The applicant shall submit the name, address, and contact information of the applicant, property owner(s), and agent submitting the proposed project.
 - (c) 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 projects, including easements and other agreements, shall be submitted.
 - (d) Site plan approval and a special use permit issued by the Planning Board are required. All required applications materials for Site Plan and Special Use Permit shall be submitted to the Planning Board.
 - (e) Plans of the solar installation showing the layout of the system, which are acceptable to the engineering consultant to the Planning Board shall be submitted.
 - (f) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.

J. Solar Energy Systems On Farm Operations in Certified Agricultural Districts.

- (1) No Solar Energy Systems may be installed on a farm operation in a Certified Agricultural Districts without the issuance of a building permit as required by the Uniform Code.
- (2) Roof Mounted Solar Energy Systems are permitted accessory uses on farm operations in Certified Agricultural Districts subject to the issuance of a building permit as required by the Uniform Code.
- (3) Ground Mounted Solar Energy Systems that are considered to be on farm equipment in accordance with the guidance of the NYS Department of Agriculture and Markets are permitted with a limited site plan review. For purposes of this review the applicant shall provide:
 - (a) Copies of any plans, drawings & specifications of the Ground Mounted Solar Energy System required by the Uniform Code;
 - (b) Sketch plan on an approved site survey completed by a licensed surveyor of the parcel showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways, and zoning district and zoning overlay district boundaries. Show the existing features of the site including land and water areas, wetlands and regulated wetland buffers, special flood hazard areas and the approximate location of all existing structures on or immediately adjacent to the site. Show the proposed location of the GMSES as well as any access roadways and utility connections;
 - (c) The Planning Board, as part of its limited site plan review, shall consider the location, siting, screening, tree removal/clearing, neighborhood or viewshed impacts, storm water run-off and other environmental impacts. In addition, the Planning Board shall consider a tree removal plan for the subject lot, a visual impact assessment, the location of residences on all adjoining properties and stormwater pollution prevention control plans (SWPPP). Negative environmental impacts, including clearing of existing trees, shall be avoided, to the extent possible, in the siting.
 - (d) Authorization of the owner if the applicant is not the owner of the property; and
 - (e) Application form and fee.

- (4) Ground Mounted Solar Energy Systems on farms that generate annual total amounts of electrical energy that exceed the annual electrical needs of the farm by 110% are not “on farm equipment” and are considered Solar Field Systems to be regulated under subsection I above.
- (5) Solar Energy Systems in certified agricultural districts should be located in such a manner to minimize impacts to the most productive agricultural soils on the property.

Section-IV: AMENDMENT TO CHAPTER 121 SCHEDULE OF USES.

The Code of the Town of Amenia shall be amended by revising the Schedule of Use Regulations, located at 121a Attachment 1 to Chapter 121 (Zoning) by revising the Schedule of Uses as follows: *SEE ATTACHED*

Section-V: AMENDMENTS TO CHAPTER 121. ZONING, ARTICLE IV. OVERLAY DISTRICT REGULATIONS.

Article IV. Overlay District Regulations of Chapter 121 (Zoning) of the Code of the Town of Amenia shall be amended as follows:

Adding new section 121-13 (D) Regulatory effect on land uses.

Within the Flood Plain Overlay District all of the underlying land use district regulations shall remain in effect except those that are modified by this section or the Overlay District Use Table included at the end of this Chapter.

Replacing section 121-14 (C) Regulatory effect on land uses.

Within the Stream Corridor Overlay District all of the underlying land use district regulations shall remain in effect except those that are modified by this section or the Overlay District Use Table included at the end of this Chapter.

Replacing section 121-14.1 (C) Regulatory effect on land uses.

Within the Scenic Protection Overlay District all of the underlying land use district regulations shall remain in effect except those that are modified by this section or the Overlay District Use Table included at the end of this Chapter.

Replacing section 121-14.2 (C) Regulatory effect on land uses.

Within the Historic Preservation Overlay District all of the underlying land use district regulations shall remain in effect except those that are modified by this section or the Overlay District Use Table included at the end of this Chapter.

Replacing section 121-15 (B)(3) Delineation and regulatory effect of district.

Within the Aquifer Overlay District, all of the underlying land use district regulations shall remain in effect except those that are modified by this section or the Overlay District Use Table included at the end of this Chapter. In case of conflict between this section and the underlying use regulations, the more restrictive shall control. Nothing in this section shall be construed to allow uses that are not permitted in the underlying land use district.

Adding section 121-16 (C)(1) Regulatory effect of district on land uses.

(1) Within the Mixed-Use Institutional Conversion Overlay District all of the underlying land use district regulations shall remain in effect except those that are modified by this section or the Overlay District Use Table included at the end of this Chapter.

Adding section 121-17 (C)(1) Regulatory effect of district on land uses.

(1) Within the Soil Mining Overlay District all of the underlying land use district regulations shall remain in effect except those that are modified by this section or the Overlay District Use Table included at the end of this Chapter.

Adding section 121-18 (C)(1) Regulatory effect of district on land uses.

(1) Within the Resort Development Overlay District all of the underlying land use district regulations shall remain in effect except those that are modified by this section or the Overlay District Use Table included at the end of this Chapter.

Adding section 121-44 (A)(2)

Within the Mobil Home Park Overlay District all of the underlying land use district regulations shall remain in effect except those that are modified by this section or the Overlay District Use Table included at the end of this Chapter.

Section-VI: AMENDMENT TO CHAPTER 121 SCHEDULE OF USES.

The Code of the Town of Amenia shall be amended by revising the Schedule of Use Regulations, located at 121g Attachment 7 to Chapter 121 (Zoning) by revising the Schedule of Uses as follows:
SEE ATTACHED

Section VII: NUMBERING FOR CODIFICATION.

It is the intention of the Town of Amenia and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Amenia; that the sections and subsections of the Local Law may be re-numbered or re-lettered to accomplish such intention; the Codifier shall make no substantive changes to this Local Law; the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and any such rearranging of the numbering and editing shall not affect the validity of the Local law or the provisions of the Code effected thereby.

Section VIII: SEVERABILITY.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section IX: EFFECTIVE DATE.

This Local Law shall take effect upon its adoption and filing with the Secretary of State in accordance with the provisions of Section 27 of the Municipal Home Rule Law.

Town of Amenia

Use Table

121a Attachment 1 (Amended)

Use Category	Use Districts								Section Reference
	RA	RR	HM	HR	SR	HC	OC	M	
Residential Uses									
Solar Energy Systems									
RMSES	P	P	P	P	P	P	P	P	
BIPV	P	P	P	P	P	P	P	P	
GMSES	PS	PS	PS	PS	PS	---	---	---	
Solar Field	---	---	---	---	---	S & PS	S & PS	S & PS	

121a Attachment 1.2 (Amended)

Use Category	Use Districts								Section Reference
	RA	RR	HM	HR	SR	HC	OC	M	
Business Uses									
Solar Energy Systems									
RMSES	P	P	P	P	P	P	P	P	
BIPV	P	P	P	P	P	P	P	P	
GMSES	PS	PS	PS	PS	PS	---	---	---	
Solar Field	---	---	---	---	---	S & PS	S & PS	S & PS	

121a Attachment 1.3 (Amended)

Use Category	Use Districts								Section Reference
	RA	RR	HM	HR	SR	HC	OC	M	
Community Uses									
Solar Energy Systems									
RMSES	P	P	P	P	P	P	P	P	
BIPV	P	P	P	P	P	P	P	P	
GMSES	PS	PS	PS	PS	PS	----	----	----	
Solar Field	----	----	----	----	----	S & PS	S & PS	S & PS	

Town of Amenia

Use Table

121g Attachment 7

Key:

- P** Designates a use permitted by right. Usually requires a zoning permit or a building permit and a certificate of occupancy from the Code Enforcement Official but does not require review by any municipal board.
- PS** Designates a use permitted by right, subject to site plan review by the Planning Board (see §§ 121-65 through 121-68).
- S** Designates a use permitted by special permit issued by the Planning Board with referral to the Zoning Board of Appeals for major projects (see §§ 121-60 through 121-64).
- ST** Designates a use permitted by special permit issued by the Town Board. Designates a prohibited use.

Overlay Districts

	FPO	SCO	SPO	HPO	AQO	MCO	SMO	RDO	MHO
Solar Energy Systems									
RMSES	P	P	PS	PS	P	P	----	PS	P
BIPV	P	P	PS	PS	P	P	----	PS	P
GMSES	----	----	----	----	----	S & PS	----	ST & PS	S & PS
Solar Field	----	----	----	----	----	ST & PS	----	----	----

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Zoning Provisions for Solar Energy Systems for the Town of Amenia		
Project Location (describe, and attach a general location map): Town of Amenia		
Brief Description of Proposed Action (include purpose or need): The proposed zoning amendments regulate the installation and zoning of solar energy systems in the Town of Amenia. The Zoning Code does not currently address solar energy systems. A discussion of the zoning amendments is more fully set forth in the attachment to the EAF.		
Name of Applicant/Sponsor: Town of Amenia		Telephone: 845-373-8118 E-Mail: vperotti@ameniany.gov
Address: 4988 Route 22		
City/PO: Amenia	State: New York	Zip Code: 12501
Project Contact (if not same as sponsor; give name and title/role): Ian Lindars, ESQ., Attorney to the Town of Amenia		Telephone: 845-298-2000 E-Mail: jlindars@srddlaw.com
Address: 1136 Route 9		
City/PO: Wappingers Falls	State: New York	Zip Code: 12590
Property Owner (if not same as sponsor):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town of Amenia Town Board	May 16, 2019
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Amenia Town Board	May 16, 2019
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dutchess County Department of Planning	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS Department of Agriculture and Markets	
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No
 If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):

Remediaton Sites:314007, Remediaton Sites:314006

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

The Town of Amenia is covered by the Dutchess County Farmland Protection Plan. The Town of Amenia has also developed an Open Space Development Plan

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
The Local Law deals with all zoning districts in the Town _____

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
If Yes,
i. What is the proposed new zoning for the site? Zoning text amendment to add new uses not contemplated under prior zoning _____

C.4. Existing community services.

a. In what school district is the project site located? Webutuck Central School District; Dover Union Free School District _____

b. What police or other public protection forces serve the project site?
New York State Police and Dutchess County Sheriff _____

c. Which fire protection and emergency medical services serve the project site?
Town of Amenia Fire District #1 and Wassaic Fire District _____

d. What parks serve the project site?
N/A _____

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
ii. Is a cluster/conservation layout proposed? Yes No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
• Total number of phases anticipated _____
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
• Anticipated completion date of final phase _____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

- Do existing sewer lines serve the project site? Yes No
- Will a line extension within an existing district be necessary to serve the project? Yes No

 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:

- How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
- Describe types of new point sources. _____
- Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 - If to surface waters, identify receiving water bodies or wetlands: _____
 - Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:

- Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

- Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

- Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:

- Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
- In addition to emissions as calculated in the application, the project will generate:
 - _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 - _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 - _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No
 If Yes:
 i. Estimate methane generation in tons/year (metric): _____
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No
 If Yes:
 i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____
 iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____
 iv. Does the proposed action include any shared use parking? Yes No
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____
 vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No
 If Yes:
 i. Estimate annual electricity demand during operation of the proposed action: _____
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
 iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.
 i. During Construction:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____
 ii. During Operations:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

- i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
- ii. Anticipated rate of disposal/processing:
 - _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 - _____ Tons/hour, if combustion or thermal treatment
- iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

- i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____
- ii. Generally describe processes or activities involving hazardous wastes or constituents: _____
- iii. Specify amount to be handled or generated _____ tons/month
- iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____
- v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban Industrial Commercial Residential (suburban) Rural (non-farm)
- Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
 i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
 If Yes,
 i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
 If Yes:
 i. Dimensions of the dam and impoundment:
 • Dam height: _____ feet
 • Dam length: _____ feet
 • Surface area: _____ acres
 • Volume impounded: _____ gallons OR acre-feet
 ii. Dam's existing hazard classification: _____
 iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
 If Yes:
 i. Has the facility been formally closed? Yes No
 • If yes, cite sources/documentation: _____
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

 iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
 If Yes:
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
 If Yes:
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): 314007, 314006
 Neither database
 ii. If site has been subject of RCRA corrective activities, describe control measures: _____

 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
 If yes, provide DEC ID number(s): 314007, 314006
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained: _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 825-8, 825-76, 825-75, 825-81, 825-82, 825-84, ... Classification C(T), C(TS), D, B
- Lakes or Ponds: Name 825-79.1 Classification C
- Wetlands: Name Federal Waters, NYS Wetland, Federal Waters, Fe... Approximate Size NYS Wetland (in a...
- Wetland No. (if regulated by DEC) AM-27, AM-23, AM-15, AM-16...

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____
 Rich Sloping Fen, Rich Shrub Fen, Rich Graminoid Fen
 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: 1.66, 0.66, 2.72, 2.92, 1.52 acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____
 Bog Turtle, Timber Rattlesnake, Carolina Whitlow Grass, Hill's Pondweed, Brook Floater, Dwarf Wedgemussel, Hidden Spike Moss, B...

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____
 New England Cottontail

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: DUTC021

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: Sarney Site, Millbrook Meadow
 ii. Basis for designation: Inactive landfill toxic pollutants present, Protect wetland
 iii. Designating agency and date: Agency:Dutchess County, Agency:Stanford, Town of, Date:6-19-85, Date:4-8-87

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: Eligible property: Town Hall (former Amenia Elementary School), Eligible property: Amenia Free Library (1938), Eligible...

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

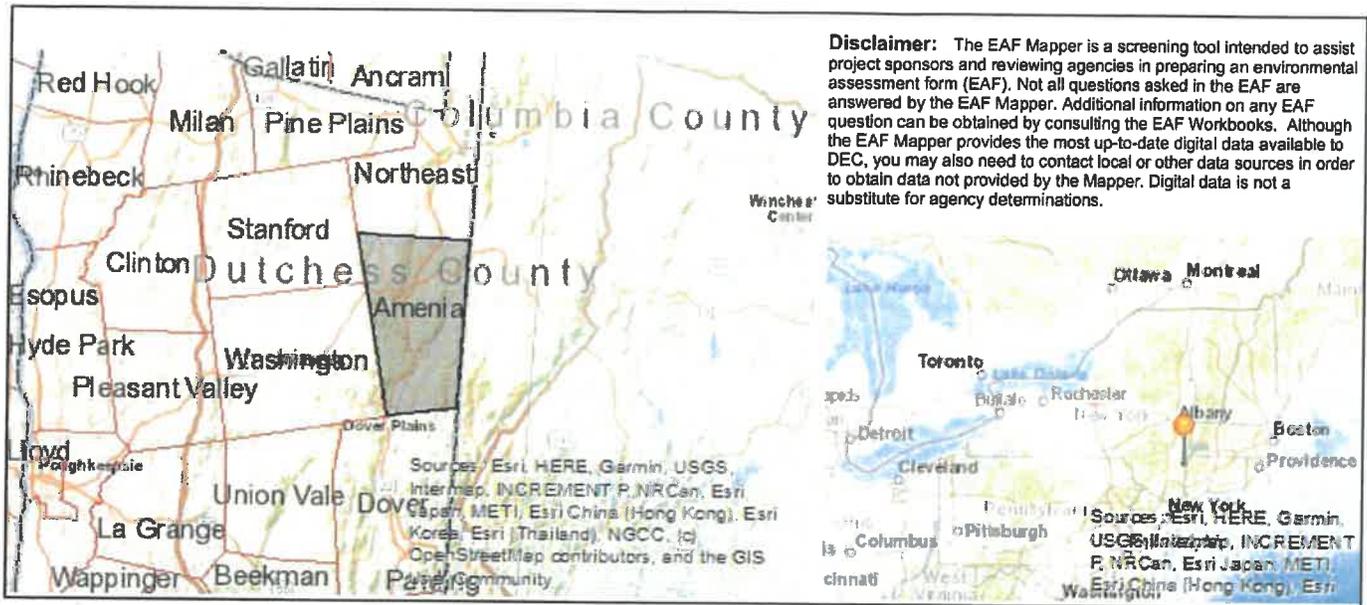
Applicant/Sponsor Name Town of Amenia Date May 16, 2019

Signature _____ Title Supervisor

PRINT FORM

EAF Mapper Summary Report

Monday, May 13, 2019 5:56 PM



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:314007, Remediation Sites:314006
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	314007, 314006
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	314007, 314006
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	825-8, 825-76, 825-75, 825-81, 825-82, 825-84, 825-77, 825-87, 825-85, 825-83, 825-135, 825-86, 825-106, 825-110, 825-110.2, 825-110.1, 825-136, 825-89, 825-89.1, 825-97, 825-91, 825-96.1, 825-90, 825-92, 825-95.1, 825-88, 825-105, 825-112, 825-107, 825-111, 825-93, 825-95.2, 825-113, 825-113.1, 825-94, 825-114

E.2.h.iv [Surface Water Features - Stream Classification]	C(T), C(TS), D, B
E.2.h.iv [Surface Water Features - Lake/Pond Name]	825-79.1
E.2.h.iv [Surface Water Features - Lake/Pond Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):29.2, NYS Wetland (in acres):59.7, NYS Wetland (in acres):33.8, NYS Wetland (in acres):137.5, NYS Wetland (in acres):16.6, NYS Wetland (in acres):119.0, NYS Wetland (in acres):186.8, NYS Wetland (in acres):27.1, NYS Wetland (in acres):53.0, NYS Wetland (in acres):22.4, NYS Wetland (in acres):19.5, NYS Wetland (in acres):23.1, NYS Wetland (in acres):217.4, NYS Wetland (in acres):14.8, NYS Wetland (in acres):19.0, NYS Wetland (in acres):18.2, NYS Wetland (in acres):34.4, NYS Wetland (in acres):290.9, NYS Wetland (in acres):34.3, NYS Wetland (in acres):52.7, NYS Wetland (in acres):120.5, NYS Wetland (in acres):43.3, NYS Wetland (in acres):24.2, NYS Wetland (in acres):58.6, NYS Wetland (in acres):21.6, NYS Wetland (in acres):17.0, NYS Wetland (in acres):66.3
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	AM-27, AM-23, AM-15, AM-16, AM-28, AM-25, AM-26, AM-22, AM-20, AM-17, AM-19, AM-18, AM-6, AM-32, AM-33, AM-8, AM-7, MT-29, AM-10, AM-9, AM-11, AM-12, AM-13, AM-5, AM-21, MT-35
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Rich Sloping Fen, Rich Shrub Fen, Rich Graminoid Fen
E.2.n.i [Natural Communities - Acres]	1.66, 0.66, 2.72, 2.92, 1.52
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Bog Turtle, Timber Rattlesnake, Carolina Whitlow Grass, Hill's Pondweed, Brook Floater, Dwarf Wedgemussel, Hidden Spike Moss, Bald Eagle
E.2.p. [Rare Plants or Animals]	Yes
E.2.p. [Rare Plants or Animals - Name]	New England Cottontail
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	DUTC021
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	Yes
E.3.d [Critical Environmental Area - Name]	Sarney Site, Millbrook Meadow
E.3.d.ii [Critical Environmental Area - Reason]	Inactive landfill toxic pollutants present, Protect wetland
E.3.d.iii [Critical Environmental Area - Date and Agency]	Agency:Dutchess County, Agency:Stanford, Town of, Date:6-19-85, Date:4-8-87
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.

E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:Town Hall (former Amenia Elementary School), Eligible property:Amenia Free Library (1938), Eligible property:FIRST PRESBYTERIAN CHURCH (GRIDLEY CHAPEL), Maxon Mills, St. Thomas' Episcopal Church, Winegar, Hendrik, House, Beth David Synagogue, Smithfield Presbyterian Church & Cemetery, Mumford, Lewis, Indian Rock Schoolhouse
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Full Environmental Assessment Form Part 1

F. Attachment

Need for Zoning Amendment

The Town of Amenia Zoning Code does not currently address solar energy systems. Solar energy is a renewable energy resource that can prevent fossil fuel emissions and reduce a municipality's energy load. Energy generated from solar energy systems can be used to offset energy demand on the electrical grid where excess solar power is generated. A predictable framework for installing Solar Energy Systems needs to be adopted.

Proposed Amendments

The proposed local law will create a scheme of zoning and building permit regulations for Solar Energy Systems in the Town of Amenia.

The two types of Solar Energy Systems regulated are:

- (1) Solar Photovoltaic (PV) Systems. PV systems convert solar energy into electricity (Photovoltaic (PV) systems are the most common type of installations; and
- (2) Solar Thermal Systems. Solar thermal systems use thermal solar energy to provide space heating or cooling, hot water heating, production of steam and swimming pool heating.

Solar Energy Systems are further classified by the manner of their installation:

- (1) Building Integrated. The photovoltaic modules function as a component of the building envelope, which includes photovoltaic siding, photovoltaic canopies and awnings, photovoltaic shingles and other photovoltaic roof coverings.
- (2) Rooftop Mounted Systems, (PV or Thermal)
- (3) Ground Mounted Systems (PV or Thermal)

The third classification for Solar Energy Systems is whether they are a Principal Use or an Accessory Use for zoning purposes.

Principal Use.

- a) Ground Mounted Solar Energy Systems on a lot with no other principal use.
- b) The proposed local law treats any Ground Mounted Solar Energy System that occupies an area that is greater than 50% of the footprint the principal structure on the lot to be a principal use.

Accessory Use.

- a) Building Integrated and Rooftop Mounted Systems are Accessory Uses under Zoning Law since they are attached to and subordinate to the principal structure.
 - Roof Mounted Solar Energy Systems are Accessory Uses permitted in all Zoning Districts in the Town except the Soil Mining Overlay District (SMO).
- b) Ground Mounted Solar Systems that occupy an area that is less than 50% of the footprint of the principal use.
 - Ground Mounted Solar Energy Systems are permitted to be allowed in RA, RR, HM, HR and SR Districts and in the MCO and MHO Overlay Districts.

Solar Energy System Approval Process

Building Integrated PV/Rooftop Solar Systems

Rooftop Solar Systems are permitted on residential and non-residential properties upon the issuance of a building permit except for the SPO, HPO and RDO Overlay Districts, which require site plan review by the Planning Board, otherwise, no special permit or site plan is required. NYSERDA has developed a statewide Unified Solar Permit which should be adopted to streamline the permit process. The Unified Solar Permit is discussed below.

Ground Mounted Solar Systems – As Accessory Use

Ground Mounted Solar Systems are permitted as an accessory use on a residential property and a non-residential property subject to site plan approval by the Planning Board in the RA, RR, HM, HR and SR Districts. They are also permitted as an Accessory Use on residential and non-residential property, subject to a special permit and site plan review by the Planning Board in the MCO and MHO Overlay Districts.

The following conditions must be met to obtain a site plan approval:

- Permitted in a side yard or rear yard.
- Must meet all applicable setback requirements for primary structures in the zoning district in which it is located, however, in districts with a minimum lot size of 5 acres; a minimum setback of 100 feet is required.
- Shall meet all other applicable zoning district requirements.
- Shall be no taller than 12 feet.
- Shall generally be included towards lot coverage maximum.
- Shall meet screening and buffer requirements.

Ground Mounted Solar Systems – As Primary Use - SOLAR FIELD

The proposed Local Law considers a Ground Mounted Solar Energy System that is a primary use to be a SOLAR FIELD. Solar Fields are permitted principal uses subject to special permit and site plan approval by the Planning Board in HC, OC and M Districts.

Agricultural/On-Farm Operations

Building Integrated, Roof Top and Ground Mounted Solar Systems are allowed as agricultural accessory uses and are permitted subject to limited site plan approval.

Unified Solar Permit

NYSERDA has developed a statewide Unified Solar Permit which should be adopted to streamline the permit process. As drafted, the permit would only apply to rooftop mounted solar systems.

Potential Impacts

The installation of rooftop and building integrated Solar Energy Systems (“SES”) is unlikely to have any adverse environmental impact as they are installed on buildings. Adverse Environmental Impacts may come about because of construction of the building but none directly attributable to the SES. There would be some aesthetic impacts, however, they are minor at best.

The installation of SES is beneficial to the environment in that it does not require the consumption of fossil fuels to generate electricity. SES also reduce the demand on the electrical grid on a whole that will reduce congestion on the already taxed electrical distribution system. These are benefits to the environment.

The adverse environmental impact of Ground Mounted Solar Energy Systems is similar to, or less than other typical accessory structures which are constructed on parcels. The proposed zoning amendments require Ground Mounted SES to be screened to reduce visual impacts. Special modeling is required for SES in the area of airports to prevent dangerous glare. SES do not generate traffic or sewer and do not use water.

It is common to install solar fields on agricultural properties as they typically have large cleared areas. While the installation of Ground Mounted SES may take some acreage out of agricultural production, a steady income stream derived from the SES greatly assists the economic viability of the farming operation.