

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village

(Select one:)

of Henderson

FILED
STATE RECORDS

AUG 19 2024

Local Law No. 5 of the year 2024 DEPARTMENT OF STATE

A local law to Amend, Repeal and/or Replace Sections of Chapter 150 - Zoning of the Town Code
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village

(Select one:)

of Henderson

as follows:

SEE ATTACHED LOCAL LAW

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

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

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2024 of the (County)(City)(Town)(Village) of Henderson was duly passed by the Town Board on July 9 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 , in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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

I hereby certify that the local law annexed hereto, designated as local law no. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

Wesley M. Hagg
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 7/11/2024

(Seal)

Town of Henderson

Local Law 4 of 2024

To Amend, Repeal and/or Replace Sections of Chapter 150 – Zoning of the Town Code.

The existing Local Law shall be amended, repealed and/or replacement as follows:

CHAPTER 150 – Zoning

SCHEDULE IV

REPEAL - "Zone 97"

REPLACE – "District"

ADD

SCHEDULE V: Project Development Outline for solar Systems – Large Scale

ARTICLE II - Terminology

§150-6 Word Usage, definitions

A. **ADD** When defined in this chapter those words will have the defined meaning whether capitalized or not.

B. **ADD**

BATTERY ENERGY STORAGE SYSTEMS (BESS): Battery storage or battery energy storage systems (BESS) are devices that enable onsite generated energy to be stored and then released to the Public Utility electrical grid when the power is needed most. For clarity BESS does not include small scale energy storage devices for onsite generated energy storage for onsite energy consumption.

BATTERY ENERGY DEVICE for STORAGE (BEDS): Are small scale devices that enable onsite generated energy to be stored and then released only for onsite use when the power is needed most. For clarity BEDS is only meant to be associated with BIPV Systems and Solar System – Gound Mounted.

REPEAL

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEMS in its entirety

REPLACE with

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEMS: A combination of photovoltaic building components integrated into any structure's building envelop system such as vertical facades including glass and other face material, semi-transparent skylight systems, roofing materials, and shading over windows and shall generate no more than 110% of the daily electrical power consumption requirements for the parcel that the structure is located.

CORRIDOR OVERLAY

REPLACE the word "ZONE" with "DISTRICT"

ADD

KILOWATT (kW): A unit of power equal to one thousand watts of electrical power.

ADD

MEGAWATT (MW): a unit of power equal to one million watts of electrical power. 1,000 kW is equal to 1 MW.

REPEAL -SMALL SCALE SOLAR

REPEAL SOLAR ENERGY EQUIPMENT in its entirety

REPLACE with

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

REPEAL SOLAR FACILITY LOT COVERAGE in its entirety

REPLACE with

SOLAR FACILITY LOT COVERAGE: The area below the ground-mounted Solar Collectors, measured from the outer edge(s) of ground-mounted Solar Collectors, and the area below all Solar Energy Equipment, and all other mechanical equipment used to create or transmit solar energy, exclusive of fencing and roadways. If the ground-mounted Solar Collectors are movable, the surface area of the Solar Collectors and other Solar Energy Equipment shall be used to determine lot coverage of the Solar Energy System.

REPEAL SOLAR POWER FAST TRACK PROGRAM

REPEAL SOLAR STORAGE ENERGY

REPEAL SOLAR SYSTEM GROUND MOUNTED in its entirety

REPLACE with

SOLAR SYSTEM - GROUND MOUNTED: 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. For purposes of this Ordinance, the term "Solar System – Gound Mounted" refers to Solar Energy Systems used only for onsite energy production/consumption and Solar Panels that cover no more than 0.5 acres and generating no more than 125% of the daily electrical power of the onsite consumption.

REPEAL SOLAR SYSTEMS – LARGE SCALE in its entirety

REPLACE with

SOLAR SYSTEM - LARGE SCALE: A solar energy system that is ground mounted and produces energy for the purpose of off-site sale or consumption through a Public Utility electrical grid.

ARTICLE III - Establishment of Zoning District

REPEAL §150-7- Zoning Districts in its entirety

REPLACE with

§150-7- Zoning Districts

The Town of Henderson is hereby divided into the following zoning and overlay districts to preserve rural character, scenic corridors, economic and cultural resources of the town:

- A. Lakefront (LF) Purpose: To encourage controlled waterfront single family residential uses and private recreational uses while preserving scenic and natural public vistas of and along the lake or river.
- B. Island (I). Purpose: To allow for controlled development of existing islands, while preventing overcrowding and obstruction of water public vistas.
- C. Agriculture and Rural Residence (AR-40). Purpose: To encourage the continuation of agricultural use in harmony with single family development; to permit appropriately sited commercial services.
- D. Business (B). Purpose: To encourage commercial/service development access to, and visibility from, major traffic arterials, while moderating the proliferation of access points and preventing the obstruction of lake vistas.
- E. Business Residential (BR). Purpose: To allow both residential and a variety of office or compatible commercial development within the district to foster pedestrian accessible residential areas that incorporate support services.
- F. Residential (R-15). Purpose: To encourage a mix of residential and compatible small commercial uses in a medium-density hamlet setting.
- G. Harbor (H) Purpose: To allow a mix of residential and water dependent/water enhancing uses in a high-density setting, while preserving public vistas and physical access to Lake Ontario.
- H. Solar Development District (SDD) - Overlay. Purpose: An overlay district in the AR-40 zoning district to encourage and promote Solar System – Large Scale development, while preserving the highest quality agricultural soils, the Corridor Overlay District, and public or scenic vistas.
- I. Planned Development District (PDD) – Overlay. Purpose: To enable the Town to establish Planned Development Districts at designated specific locations by amending this chapter so as to encourage a mix or variety of compatible uses such as residential, affordable residential, office, commercial and/or recreational with

building types that complement each other within a single district where such combined uses might not be allowed under ordinary zoning district standards. Also to provide for the development of these mixed-use projects in a comprehensive manner instead of piecemeal to save open space that otherwise would be lost or wasted, and to promote more efficient use of land while protecting natural resources and priority character and view shed areas.

- J. Corridor Overlay District (COD) – Overlay. Purpose: To retain the agricultural and visual character and maintain the natural and scenic quality of and area while fostering residential, character sensitive commercial and agricultural related development where appropriate. It is also the intent within the district to preserve the arterial function of the state highways that comprise the corridor. When considering development in this area, proposed developments should be consistent with the overall Town planning vision, goals and strategies found in the Comprehensive Land Use Plan as well as this Law and the Town of Henderson Subdivision Law.
- K. Open Development District – Overlay. Purpose: To permit the issuance of building permits in areas of the Town where direct access to a public road is not possible, thus satisfying the requirements of New York State Town Law § 283a.

REPEAL §150-8 Zoning Map Certification, subsection A in its entirety

REPLACE with

§ 150-8. Zoning Map Certification.

- A. The above titled zoning districts are bounded as shown on the current map entitled "Town of Henderson Zoning and Overlay District Map", which map is filed in the Town Clerk's Office and is hereby adopted and declared to be part of this chapter. Changes may be made by the Town Board, within their authority.

REPEAL §150-9 Interpretation of district boundaries in its entirety.

REPLACE with

§ 150-9. Interpretation of district boundaries.

- A. Where uncertainty exists with respect to the exact boundaries of districts as shown on the Zoning Map, the final decision shall be made by the Town Zoning Board of Appeals.
- B. District boundary lines in general follow, or parallel at set distances, street lines, existing lot lines, and other man-made or natural features, and where uncertainty exists, a survey is required to accurately determine the district boundary line.
- C. Where a lot is located in two zoning districts as shown on the Town of Henderson Zoning Map, the stricter district standards and requirements shall apply as directed by Article IV of this Law, and the Town of Henderson Zoning Map. For clarity, SDD is the only zoning district that allows Solar Systems- Large Scale. When a dispute

exists the matter will be referred to the Town of Henderson Zoning Board of Appeals for a decision.

§150-12 Non Conforming uses, lots and structures.

REPEAL E(2) and E (3)

REPLACE WITH

E (2) Applications for site plan review shall be submitted to the Planning Board at their regularly scheduled meeting(s). An application is deemed completed when all information required by the Planning Board or its appointed consultant has been received and SEQRA has been completed, resulting in a Negative Declaration. For clarity, a submitted Application reviewed by a Planning Board meeting may not meet the threshold of a completed application.

(3) Within sixty-two (62) dates from the receipt of an completed application and Negative Declaration of DEQRA by the Planning Bard, a public hearing shall be held on the proposal to entertain public comment. A five (5) day advance public hearing notice of the hearing shall be published in the official newspaper. For clarity, this procedural step is not intended to limit public comments through the application review, SEQRA, and site plan review process.

(4) The final decision of the site plan by the Planning Board must be meaded in writing, sixty-two (62) days from the date of the close of the public hearing. Notwithstanding the foregoing provisions and as allowed by law, the time in which the Planning Board must take action may be extended by mutual consent of the applicant and the Planning Board. All decisions shall be immediately filed in the office of the Town Clerk and a copy mailed to the applicant.

REPEAL § 150-20. Special use permits in its entirety

REPLACE with

§ 150-20. Special use permits.

Purpose: The purpose of the special use permit is to allow approval of uses with conditions which are deemed to possess location, use, building, and traffic characteristics that are unique or special in form as to make it impractical or undesirable for their automatic inclusion as permitted or accessory uses in certain districts.

A. Authority. Pursuant to authority delegated in accordance with Section 274-b of the Town Law of the State of New York, the town board hereby authorizes the planning board to grant special use permits as set forth in this zoning law.

B. Applicability of special uses. Uses requiring a special use permit shall be controlled by the regulations in Articles V and VII in addition to the regulations which apply in each district for any specific use. Such uses must also follow the requirements for site plan review. No zoning

permit or certificate of compliance shall be issued for any use or structure requiring a special use permit until approval has been granted by the planning board as required below.

- C. Expiration. A special use permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than six months for any reason.
- D. Existing violations. No permit shall be issued for a special use for a property where there is an existing violation of this chapter or any other ordinance.
- E. Procedure. All Special Use Permits shall be issued in accordance with the requirements herein. A special use permit shall adhere not only to the following procedures and criteria but to those defined in Article VII Site Plan Review.

(1) Any individual desiring to establish, enlarge, alter, modify or change any of the uses requiring a special permit shall first make application to the Planning Board for a special use permit. In particular applicants for commercial uses shall first appear before the Planning Board for preliminary review of their proposals. Such application shall be made upon the forms provided therefore and available from the Enforcement Officer; and shall be signed by all owners of the affected property. Such application shall be accompanied by three copies of a map or plan containing all of the information required on a site plan as specified by this chapter. Upon receipt of an application and all supporting documentation as may be required by this chapter and any other law or ordinance, rule or requirement of the Town of Henderson or the State of New York (including Art. 8 of the Environmental Conservation Law), the Enforcement Officer shall cause copies of the application to be sent to the Planning Board, the Jefferson County Planning Board and any other agencies, individuals or departments as he deems appropriate.

(2) Applications for site plan review shall be submitted to the Planning Board at their regularly scheduled meeting(s). An application is deemed completed when all information required by the Planning Board, or its appointed consultants, has been received and SEQRA has been completed, resulting in a Negative Declaration. For clarity, a submitted Application reviewed at a Planning Board meeting may not meet the threshold of a completed application.

(3) Within sixty-two (62) days from the receipt of a completed application and Negative Declaration of SEQRA by the Planning Board a public hearing shall be held on the proposal to entertain public comment. A five (5) day advance public notice of the hearing shall be published in the official newspaper. For clarity, this procedural step is not intended to limit public comments through the application review, SEQRA and site plan review process.

(4) The final decision of the site plan by the Planning Board must be made in writing, sixty-two (62) days from the date of the close of the public hearing. Notwithstanding the foregoing provisions and as allowed by law, the time in which the Planning Board must take action may be extended by mutual consent of the applicant and the Planning Board. All decisions shall be immediately filed in the Office of the Town Clerk and a copy mailed to the applicant.

(5) The Planning Board may elect to allow the review process for a special permit to coincide with the site plan review process where site plan review is required by this chapter. Such a concurrent process may include simultaneous filing dates, public hearings and other procedural requirements. The Record of the Planning Board shall clearly document concurrent review where it is employed.

F. Criteria. Within sixty-two (62) days from the close of the public hearing at which the applicant is heard on the request for a special use permit, the Town Planning Board shall adopt a resolution setting forth its findings of fact and decision on the request. The decision will be based on the following criteria, and those contained in Article VII of this chapter, if relevant.

- (1) That the proposed use or structure in all respects meets the minimum requirements of this chapter.
- (2) That all other necessary approvals, permits or authorizations required by any department, agency or bureau of any other governmental agency, including the County of Jefferson, State of New York or the United States, have been obtained or, if not, that any grant of a special use permit shall be conditioned upon obtaining such approvals, etc.
- (3) That the character and neighborhood integrity of the land in the vicinity of the proposed use or structure will not be significantly disrupted or disturbed by the proposed use.
- (4) That the proposed use is reasonable considering such factors as:
 - (a) Traffic generation and impact on existing transportation systems.
 - (b) Proximity to other uses inherently incorporated with the proposed use
 - (c) Visual and aesthetic considerations regarding the proposed use.
 - (d) General compatibility of the proposed use with other uses in the vicinity.
 - (e) Availability of all municipal services.

(f) Any other factors affecting the general health, safety or welfare of the inhabitants of the Town of Henderson as the Town Planning Board may deem germane or important.

(g) Local rules, regulations and policies as are reasonable and appropriate.

(5) Compliance with any other specific criteria as set forth herein as applicable to the proposed use. The Town Planning Board shall be required to condition the approval of any such special use permit upon the applicant obtaining site approval.

G. Specific Review Criteria. The Town Planning Board may grant a special use permit in accordance with the procedures stated in the Zoning Code for Specific uses located in Schedule II Permitted Principal, Permitted Accessory & Special Uses. Particular standards to which the proposed project must conform are identified herein and are in addition to requirements specified elsewhere in §150-20, Article VII, Article VIII, Article IX, Article XI and Schedules I, III and IV of the Town Zoning Code.

ARTICLE VII - Site Plan Review

REPEAL § 150-37. Procedure in its entirety

REPLACE with

§ 150-37. Procedure.

- A. The applicant shall request a presubmission conference with the Planning Board prior to formal application submittal except when site plan review is required in accordance with Article V, Section 18 of this Chapter. This conference will be used to discuss site plan review procedure/criteria and other zoning matters.
- B. Applications for site plan review shall be submitted to the Planning Board at their regularly scheduled meeting(s). An application is deemed completed when all information required by the Planning Board, or its appointed consultants, has been received and SEQRA has been completed, resulting in a Negative Declaration. For clarity, a submitted Application reviewed at a Planning Board meeting may not meet the threshold of a completed application.
- C. The final decision of the site plan by the Planning Board must be made in writing, within sixty-two (62) days following the SEQRA Negative Declaration, or sixty-two (62) days following the public hearing (see procedure D for clarity of public hearing requirements). Notwithstanding the foregoing provisions, the time in which the Planning Board must take action may be extended by mutual consent of the applicant and the Planning Board. All

decisions shall be immediately filed in the Office of the Town Clerk and a copy mailed to the applicant.

- D. Unless a Special Use Permit is required, this procedure is optional prior to § 150-37 C, within sixty-two (62) days from the receipt of a completed application and Negative Declaration of SEQRA by the Planning Board a public hearing may be held on the proposal to entertain public comment. A five (5) day advance public notice of the hearing shall be published in the official newspaper. For clarity, this procedural step is optional for all Site Plan Reviews, except those requiring a Special Use Permit. It is not intended to limit public comments through the application review, SEQRA and site plan review process.
- E. The Planning Board may attach additional conditions to the proposed development, providing they are in keeping with the intent and goals of this chapter and do not create a variance, which can only be granted by the Zoning Board of Appeals.
- F. The Planning Board shall refer all site plans to the Jefferson County Planning Board for review when required under General Municipal Law Article 12-B.

§150-38 Information to be submitted by applicant

REPEAL the word "Zone" anywhere in this section

REPLACE the word "District" for "Zone" anywhere in this section

§150-44 Review Authority

REPEAL the word "Zone" anywhere in this section

REPLACE the word "District" for "Zone" anywhere in this section

§150-44 Review Authority

REPEAL the word "Zone" anywhere in this section

REPLACE the word "District" for "Zone" anywhere in this section

§150-45 Site Location Priorities

REPEAL the word "District" anywhere in this section

REPLACE the words "Corridor Overlay" for "District" anywhere in this section

§150-50 Supplemental Regulations Telecommunications Facility For

REPEAL the word "District" anywhere in this section

REPLACE the words "Corridor Overlay" for "District" anywhere in this section

§150-53 Definitions specifically pertaining to SWETS

REPEAL the word "District" anywhere in this section

REPLACE the words "Corridor Overlay" for "District" anywhere in this section

ARTICLE IX SOLAR ENERGY SYSTEM REGULATIONS

REPEAL §150-60 Purpose and Authority in its entirety

REPLACE §150-60 Purpose and Authority with

- A. The Town of Henderson recognizes the demand for generating electricity from Solar Energy Systems. These systems require the construction of Solar Collectors and Solar Energy Equipment. The intent of this local law is to regulate the height, size, location and other features of Solar Collectors for Solar Energy Systems, as herein defined, in order to provide standards for the safe provision of these facilities and to protect the town's interest in properly siting Solar Energy Systems in a manner consistent with sound land use planning, subject to the Town of Henderson's Comprehensive Land Use Plan and this Local Law.

- B. The Town of Henderson Planning Board is hereby authorized to fully approve, approve with conditions, or disapprove Solar Energy Systems using Special Use Permit or other permitting procedures in accordance with this law. A Site Plan Review conducted by the Planning Board is required before a building permit may be issued for any Solar Energy System. The Planning Board may hire a professional engineer or consultant to assist in the review of an application at the applicant's expense.

REPEAL §150-61 Operating Procedures in its entirety

REPLACE with

§ 150-61 General Procedures and Requirements.

- A. All Solar Energy Systems shall be operated without stray voltage damage to the underlying property and adjoining properties. Continuous monitoring shall be part of the project and filed with the Town of Henderson quarterly, or as otherwise agreed. Any stray voltage detection or damage will warrant all operations to cease until a professional engineer is consulted and it is certified that the stray voltage discharge is eliminated. All costs will be borne by the Solar Energy System operator.

- B. All Solar Energy Systems shall be maintained in good condition, in accordance with Article XI of the Town Zoning law.

- C. All Solar Energy Systems will require appropriate permits in accordance with Town Zoning law, Town and State Fire Safety and Building Codes, as well as National Electrical Codes, and as

applicable International Building Code, International Fire Prevention Code and National Fire Protection Association (NFPA) 70 Standards.

D. All Solar Energy Systems shall receive a NYS Building Code permit from Jefferson County Fire Prevention, when required.

E. All Solar Energy Systems shall be inspected by a Jefferson County Code Enforcement Officer, and as deemed necessary by the Planning Board, or law, an approved and certified electrical inspection person or agency. If appropriate, any connection to the Public Utility grid must be inspected and authorized by that Public Utility, or its designee.

F. All Solar Energy Systems site plan applications and building permit applications shall clearly show a means of shutting down (de-energizing) the system for safety, loss prevention and emergency needs. Free standing systems should have a permanent hard placard calling out location of AC & DC energy disconnects and 3-line diagram. Free standing systems should also store fire suppression equipment at site.

G. The requirements of this law shall apply to all Solar Energy Systems installed or modified after its adopted date, excluding general maintenance or repair and Building Integrated Photovoltaic Systems. Solar Energy Systems shall allow general maintenance and upkeep, excluding Substantial Improvement during maintenance, repair or modification, without approval from the Town Planning Board.

H. All Solar Energy Systems shall be designed, erected and installed in accordance with all applicable codes, regulations and standards (e.g., NYS Ag. & Mkts., NYSDEC, SPEDES, SWPP, etc.)

I. Excluding Solar System – Large Scale, all other Solar Energy Systems shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected. Nothing contained in this provision shall be construed to prohibit the sale of excess power through a "net billing" or "net-metering" arrangement in accordance with New York Public Service Law § 66-j or similar state or federal statute.

J. All Solar Energy Systems installations must be performed by a Qualified Solar Installer.

K. Construction of on-site access roadways shall be minimized.

L. All Solar Energy Systems and Solar Energy Equipment shall be permitted only if they are determined by the Permit Granting Authority and the Town of Henderson, or their agents and assigns, not to present any unreasonable safety risks, including, but not limited to, the following:

1. Weight load
2. Wind resistance
3. Ingress or egress in the event of fire or other emergency.

M. Installations in designated historic districts shall require a coordinated review Type I SEQRA to ensure appropriate evaluation is done during siting process with all involved agencies.

N. Violations. No Special Use Permit shall be issued if there are violations of any federal, state, or local law, statute or regulation on the property.

O. No Solar Energy Systems shall be constructed, reconstructed, modified, or operated in the Town of Henderson, except in compliance with Town of Henderson's Comprehensive Land Use Plan and this Ordinance.

P. Transfer. No transfer of any Solar Energy System Special Use Permit will occur without prior approval of the Zoning Board of Appeals. Such approval shall be granted upon written acceptance from the Zoning Board of Appeals and written acceptance by the transferee of the obligations of the transferor under this Zoning law. If ownership changes are not notified within 30 days of change, this will be considered a default under law and violation of the local law. The Zoning Enforcement Officer shall revoke permit immediately, the operation shall discontinue its operation and all costs to reinstate the permit shall be borne by the applicant.

Q. To the extent practicable, and in accordance with this law, the accommodation of Solar Energy Systems and the protection of access to sunlight for such equipment shall encouraged in the application of the various review and approval provisions of the Town Henderson Zoning Law.

R. All Solar Energy Systems shall have adequate lightning protection via internal lightning arrestors, surge protectors or sufficient grounding.

S. No Solar Energy System shall be installed in any location where the system may interfere with existing fixed broadcast, retransmissions, or reception antennae for radio, television, or wireless phone, unless such interference can be proven to be mitigated.

T. All BESS and BEDS shall follow safety and siting requirements as set forth by New York State, Jefferson County, and as outlined in this law.

REPEAL §150-62 Permit Required in its entirety

REPLACE with

§ 150-62. Permit Requirements Building-Integrated Photovoltaic Systems (BIPV)

1. BIPV Systems are permitted as an accessory use in all zoning districts when attached to any lawfully permitted structure. A valid zoning permit shall be obtained through the Town of Henderson Zoning Enforcement Officer, prior to installation.
2. Height. Roof mounted solar systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices/equipment.
3. Aesthetics. Roof mounted solar systems shall use the following design standards:
 - a. Panels must be mounted at the same angle as the roof's surface with a maximum distance of 18" between the roof and the highest edge of the system.
 - b. All solar collectors shall be installed to prevent glare and heat that is perceptible beyond said property's lot lines.
 - c. Panels shall set back 18" from all roof boundaries unless part of the roofing material itself.
4. Roof mounted solar systems that increase the height of the structure by more than eighteen (18") inches shall be subject to Site Plan Review by the Town Planning Board. Building-Integrated Photovoltaic Systems (BIPV) are permitted outright in all zoning districts.
5. Building-Integrated Photovoltaic (BIPV) Systems: BIPV systems are permitted outright in all zoning districts.
6. BIPV Systems, including any BEDS, shall meet New York's Uniform Fire Prevention and Building Code standards.
7. BIPV may possess BEDS for onsite storage of energy produced to be used for onsite consumption. Any energy storage equipment will be only as authorized and certified by Jefferson County Code Enforcement Officer, and as deemed necessary by the Planning Board, or law, an approved and certified electrical inspection person or agency.
8. If a Solar Energy System ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the Solar Energy System by no later than 90 days after the end of the twelve-month period from the property at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any permit shall constitute grounds for the revocation of the permit. Failure to notify and/or remove the obsolete Solar Energy System in accordance with these regulations shall be a violation of this local law. The cost of removing the Solar Energy

System and accessory structures shall be levied against the property owner by the Town of Henderson under all the rights it has by local, county, state and federal laws.

REPEAL §150-63 Additional Standards in its entirety

REPLACE with

§ 150-63. Permit Requirements Solar System - Ground Mounted (Free Standing):

1. Solar Systems - Ground Mounted are a permitted accessory use in AR-40 zoning district. A Special Use Permit must be granted for ground mounted units in all remaining zoning districts.
2. Building permits are required for the installation of all ground mounted Solar Collectors and any associated energy storage devices.
3. All Solar Collectors must be located in compliance with NYS Department of Environmental Conservation (DEC) and Federal Flood Plain regulations as they pertain to waterways, waterbodies, and identified wetlands.
4. Setbacks. All setback requirements of the underlying zoning district shall be enforced.
5. Height. Ground mounted unit shall not exceed fifteen (15') feet in height when oriented at maximum tilt, in all districts, except LF, H, I which shall not exceed ten (10) feet in height when oriented at maximum tilt.
6. All projects shall follow guidelines in New York State Department of Agriculture and Markets "Guidelines for Agricultural Mitigation for Solar Energy Projects (revision 4/19/2018 or later)
7. Prime soils, prime if drained, and soils of statewide importance are a valuable and finite resource. Consideration for the impact to these soils and a requirement to minimize the displacement of these soils caused by the Solar System – Ground Mounted.
8. Solar System – Ground Mounted may possess BEDS for onsite storage of energy produced to be used for onsite consumption. Any energy storage equipment will be only as authorized and certified by Jefferson County Code Enforcement Officer, and as deemed necessary by the Planning Board, or law, an approved and certified electrical inspection person or agency.
9. Aesthetics. All such systems shall be installed inside or rear yard beyond set-back requirements. Solar Energy Systems shall be located in a manner to reasonably minimize visual disturbance for surrounding properties without blocking adequate solar access for collectors.

Screening and landscape buffering shall be used at side and rear yards to mitigate impacts between adjoining parcels, consistent with Schedule IV of this law.

10. Lot Coverage/ Lot Size. Maximum lot coverage shall meet the requirements of the underlying zoning district specifications and include Solar Energy Systems in the calculations for lot coverage requirements, as follows:

- a. The surface area covered by ground mounted Solar Panels shall be included in total lot coverage. It is understood that the area below the panels is pervious, however lot coverage requirements are in accordance with maximizing Solar Energy System usage while maintaining appropriate open space to retain the character of the underlying zoning district.
- b. All mechanical equipment of the Solar Energy System, including any pad mounted structure for switchboard, or transformers.
- c. Paved access roads servicing the Solar Energy System.
- d. The minimum lot size for a Solar System – Ground Mounted shall meet the requirements of the underlying zoning district specifications.

11. Glare. All Solar Collectors shall be installed so as to prevent glare and heat that is perceptible beyond said subject property's lines. Particular attention shall be paid to panel orientation with regard to airport runway locations, and airplane flyover/approach patterns in order to minimize potential glare impact on pilots.

12. Abandonment and Decommissioning.

- (a) From the time that the permit is issued a Solar Energy Systems is considered abandoned after twelve (12) months without electrical energy generation, whether initially energized, or not. The abandoned Solar Energy System will have its permit revoked and must be timely removed from the property. Applications for six-month extensions may be reviewed by the Planning Board. The abandoned site shall be restored to its natural condition within twelve (12) months of permit removal, as if decommissioned.
- (b) Decommissioning Plan. To ensure the proper removal of Ground Mounted Solar Energy Systems, a decommissioning plan shall be submitted as part of the initial application. Compliance with this plan shall be made a condition of Special Use Permit approval under this section.
 - i. The Decommissioning Plan must specify that after the Solar Energy Systems is inoperable, or abandoned, or decommissioned, the applicant or subsequent owner shall remove all equipment.

- ii. The plan shall illustrate the removal of all infrastructure, both above and below grade, and a property plan for the remediation of soil/vegetation to its original state.
- iii. The plan shall include an expected timeline for execution.
- iv. A cost estimate detailing the project cost of the Decommissioning Plan is to be prepared by a licensed professional engineer, or certified contractor. Cost estimations shall consider inflation, removal of solar systems, and must be completed in accordance with the Decommissioning Plan.

If the above specified Solar Energy Systems is not decommissioned it shall be considered abandoned as defined above, then the municipality may remove the system, restore the property, and impose a lien on the property to cover these costs to the municipality.

- (c) Sureties/Bond. The applicant may be required to provide sureties, as set forth for the removal of the Ground Mounted - Solar System. Pursuant to the execution of the decommissioning plan, the applicant shall provide the Town with a bond in the amount as agreed upon between the Town and the applicant. The set amount shall cover the expense of the removal of the system and remediation of the landscape, in the event that the Town must remove the developed solar facility area. The Surety/Bond may be required to be adjusted in each three (3) year period to cover inflation and cost adjustments.
- (d) Failure to comply with this Surety/Bond adjustment by the applicant, or subsequent owner, is considered a default and shall result in revocation of the permit after reasonable notice. If the permit is revoked the above specified Solar Energy System shall be considered abandoned.

REPEAL §150-64 Appeals in its entirety

REPLACE with

§ 150-64. Permit Requirements Solar Systems - Large Scale

These systems are allowed only in the SDD zoning district through the issuance of a Special Use permit subject to the requirements set forth in this section and granted by the Town Planning Board. Requirements of this section, including Site Plan approval are prerequisites. Applications for the installation of a Large Scale Solar System shall be reviewed by the Zoning Enforcement Officer and referred to the Town Planning Board for review and action. Action on such projects includes approval, approval with conditions, and denial.

- 1. All Solar Energy Systems shall be designed by a NYS licensed architect or licensed engineer and installed in conformance with the applicable International Building Code (IBC), International Fire Prevention Code, and National Fire Protection Association (NFPA) 70 standards.

2. All Solar Collectors must be located in compliance with DEC and Federal Flood Plain regulations and specifications as they pertain to waterways, waterbodies, and identified wetlands.
3. Application requirements for all Solar Systems – Large Scale. Site Plan Review application and the following provisions are required in addition to the requirements stated in Town Code Chapter 150 Article VII:
 - a. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the said land for the duration of the project. Included easements and other agreements shall be submitted.
 - b. Detailed engineered plans showing the layout of the Solar Energy System signed by a Licensed Engineer or Registered Architect are required.
 - c. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters to be installed.
 - d. Onsite wiring shall be underground except at points of tie-in to the public utility company. This Standard may be modified by Planning Board review if the project location has extraordinary circumstances, i.e., excessive grading, biological impacts, or similar extenuating factors.
 - e. Property operation and maintenance plan shall be created and maintained. Such plan shall describe continuing photovoltaic maintenance and property upkeep (including mowing and brush trimming).
 - f. Fort Drum. The applicant shall notify Fort Drum Plans, Analysis, and Integration Office as soon as possible to determine potential impacts on Fort Drum airfield and training activities. The applicant must provide the Town with copies of all correspondence from Fort Drum.
 - g. Watertown International Airport. The applicant shall notify the Airport Manager as soon as possible to determine potential impacts on the airport. The applicant must provide the Town with copies of all correspondence from the airport.
 - h. Prime soils, prime if drained, and soils of statewide importance that are in agricultural production are a valuable and finite resource. Consideration for the impact to these

soils and a requirement to minimize the displacement of prime soils that are in agricultural production caused by the Large-Scale Solar Energy.

- i. Any connection to the public utility grid must be inspected and authorized by the appropriate public utility.

4. Design Standards:

- a. Setbacks. Minimum setback for Solar Energy Systems shall be 100' (feet) from the legal lot line and any right of ways. Any ancillary structure and equipment shall comply with all minimum setbacks for principal structures in accordance with Town of Henderson Zoning Law
- b. Height. Solar Systems - Large Scale shall not exceed twenty (20) feet in height when oriented at maximum tilt.
- c. Lot size. Lot minimum is five (5) acres in area.
- d. Lot coverage. Solar Systems - Large Scale, when added to other structures not associated with solar systems are limited to 50 percent maximum lot coverage. The surface area covered by Solar Panels shall be included in total lot coverage. It is understood that the area below the panels is pervious, however lot coverage requirements are in accordance with maximizing solar system usage while maintaining appropriate open space to retain the character of the underlying zoning district.
- e. Fencing requirements. Solar Systems - Large Scale. All mechanical equipment, , shall be enclosed by a 7-foot- high fence, as required by NEC, with a self-locking gate to prevent unauthorized access. The type of fencing shall be determined by the Town Planning Board. Fencing is in addition to required site screening.
- f. Screening. Solar Systems - Large Scale shall have the least visual effect practical on the environment, as determined by the Town Planning Board. Based on site specific conditions, including topography, adjacent structures, and roadways, a reasonable effort shall be made to minimize visual impacts by preserving natural vegetation whenever possible, and providing landscape screening to abutting roadways and residential properties. Screening will also be required in public/important view sheds or scenic vista areas. No more than fifteen (15) percent of the total existing brush, trees, and other vegetation on the parcel may be removed in order to accommodate a Solar

Energy System. Any appurtenant structures: such as inverters, equipment housing facilities, storage facilities, and transformers, shall be screened.

- g. Signage. Warning signs with the owners contact information shall be placed on the entrance and perimeter of the fencing. Solar Equipment shall not be used for displaying any advertising. All signs, flags, streamers, or similar, both temporary and permanent, are prohibited on Solar Equipment. Exceptions include: Manufacturers or installers identification; appropriate warning signs and place cards; signs that may be required by a Federal agency; and any signs that provide 24-hour emergency contact phone numbers to caution of dangers.
- h. Glare. All Solar Collectors shall be installed so as to prevent glare and heat that is perceptible beyond said subject property's lines. Particular attention shall be paid to panel orientation with regard to airport runway locations, and airplane flyover/ approach patterns in order to minimize potential glare impact on pilots.
- i. Noise. Noise producing equipment such as substations and inverters shall be located to minimize noise impacts on adjacent properties. Their setback from property lines should achieve no discernable difference from existing noise levels at said property lines.
- j. Access and Parking. An access road and parking will be provided to ensure adequate emergency and service access. Maximum use of existing public roads, shall be made.
- k. Any application under the section shall meet substantive provisions contained in Site Plan requirements of the Zoning Law. The judgement of the Planning Board is applicable to the proposed project. If none of the site plan requirements are applicable, the Planning Board may waive the requirement for Site Plan Review.
- l. The Planning Board may impose conditions on its approval of any Special Use Permit under this section in order to enforce the standards referred to in the Section, or in order to discharge obligations under the State Environmental Quality Review Act (SEQRA).
- m. Utility notification and approval. No Solar Energy System shall be constructed until evidence has been presented to the Town of Henderson that the Public Utility that operates the electrical grid where the installation is located has agreed to the proposed interconnection. Any delays of this approval shall be the sole cause and hardship of the Applicant, and they shall bear all costs and impacts associated with such, including permit revocation or denial.

- n. No Solar Energy System shall be continually artificially lit. Lighting shall be limited to lights as needed for emergency use, or other critical access while personnel are at site. Temporary lighting shall be arranged so as not to spill onto contiguous properties and shall comply with "dark skies" guidelines.
- o. Dry Hydrants, Hydrants or Stored water may be required at site as determined by the Planning Board for firefighting requirements. Roadways and site access shall be designed to allow adequate room for firefighting and emergency vehicles and equipment.
- p. BESS shall be adequately proven to be safely and properly designed and sited to protect the health and safety of Town of Henderson. The Town Planning Board shall consult with specialists in this evolving technology and Applicant shall comply with all requirements set forth that adjust their initial plan.
- q. Abandonment and Decommissioning.
 - a. From the time that the permit is issued, regardless of interconnection status, a Solar Energy Systems is considered abandoned after twelve (12) months without electrical energy generation, whether initially energized, or not. The abandoned Solar Energy System will have its permit revoked and must be timely removed from the property. Applications for six-month extensions may be reviewed by the Planning Board. The abandoned site shall be restored to its natural condition within twelve (12) months of permit removal, as if decommissioned.
 - b. Decommissioning Plan. To ensure the proper removal of Solar System – Large Scale, a decommissioning plan shall be submitted as part of the initial application. Compliance with this plan shall be made a condition of Special Use Permit approval under this section.
 - i. The Decommissioning Plan must specify that after the Solar Energy Systems is inoperable, or abandoned, or decommissioned, the applicant or subsequent owner shall remove all equipment.
 - ii. The plan shall illustrate the removal of all infrastructure, both above and below grade, and a property plan for the remediation of soil/vegetation to its original state.
 - iii. The plan shall include an expected timeline for execution.
 - iv. A cost estimate detailing the project cost of the Decommissioning Plan is to be prepared by a licensed professional engineer, or certified contractor. Cost estimations shall consider inflation, removal of solar systems, and must be completed in accordance with the Decommissioning Plan.

If the above specified Solar Energy Systems is not decommissioned it shall be considered abandoned as defined above, then the municipality may remove the system, restore the property, and impose a lien on the property to cover these costs to the municipality.

- c. Sureties/Bond. The applicant may be required to provide sureties, as set forth for the removal of the Solar System – Large Scale. Pursuant to the execution of the decommissioning plan, the applicant shall provide the Town with a bond in the amount as agreed upon between the Town and the applicant. The set amount shall cover the expense of the removal of the system and remediation of the landscape, in the event that the Town must remove the developed solar facility area. The Surety/Bond may be required to be adjusted in each three (3) year period to cover inflation and cost adjustments.
- d. Failure to comply with this Surety/Bond adjustment by the applicant, or subsequent owner, is considered a default and shall result in revocation of the permit after reasonable notice. If the permit is revoked the above specified Solar Energy System shall be considered abandoned.

5. Special Use Permit Criteria outlined in Schedule V of this law.

REPEAL §150-65. Procedures in its entirety

REPLACE with

§150-65 Appeals and Procedure.

- A. If an individual is found to be in violations of the provision of this Local Law appeals should be made in accordance with the established procedures of this law.
- B. If a building permit for a solar energy device is denied because of a conflict with other goals of the Town of Henderson, the applicant may seek relief from the zoning Board of Appeals which shall regard solar energy as a factor to be considered, weighed and balanced along with other factors.
- C. All building permit application fees for the construction and installation of solar panels on residential and non-residential buildings shall be as stated in this law, plus engineering, consulting and legal fees, where applicable by local, county, state and federal law
- D. All building permit applications for the installation of solar panels on residential and non-residential buildings shall receive expedited review by the Town of Henderson in order to expedite such applications and the issuance of building permits for solar panel installation.
- E. The Planning Board or the Zoning Board of Appeals may, at its discretion, hire a consultant to review permit applications at the applicant's expense.

REPEAL § 150-66. Application in its entirety

REPLACE WITH

§150-66 Application

Application for Solar Energy Systems Special Use Permits shall include:

A. Site Plan

1. Six copies of the complete Special Permit application shall be submitted to the Zoning Enforcement Officer. Payment of all application fees shall be made at the time of application submission.
2. Name, address and telephone number of the applicant(s). Name, address and telephone number of the property owner(s) (if different). If the property owner is not the applicant, the application shall include written permission signed by the property owner.
3. Name and address of all owners of record of parcels within 1,500 feet of the property lines of parcel where development is proposed.
4. A description of the project, including a plot plan prepared by a licensed surveyor or engineer drawn in sufficient detail to clearly describe the following:
 - a. Property lines and physical dimensions of the Site;
 - b. Location, approximate dimensions and types of existing structures and uses on Site, public roads, and adjoining properties within 1,500 feet of the Site;
 - c. Location and ground elevation of proposed Solar Energy System, including all lot line setback dimensions and measurements to all residences within 1500 feet of the Solar Energy System;
5. All proposed facilities, electrical lines, substations, BESS, BEDS, storage/maintenance units, and screening/fencing. All wiring shall be underground to the greatest extent possible.
6. The site plan shall depict the location and extent of prime soils, prime soils if drained, soils of statewide importance, and indicate whether the parcel(s) is/are receiving an agricultural valuation. The site plan shall also depict the location and extent of current agricultural uses on the land (e.g., g rotational crops, hay land, unimproved pasture, support lands, and fallow lands) the location of diversions and ditches, and areas where tile drainage has been installed.

7. A description site improvements/modifications such as tree removal, grading, soil erosion, dust prevention, access roads, fencing, etc. shall be adequately outlined in site plan.
8. Solar Energy System equipment specification sheets and wiring/utility diagrams.
9. Project timeline from Zoning Permit through operation, including sub-steps for construction, punch-list, inspection and other step to complete project.
10. Property Operation and Maintenance plan to describe continuing maintenance of Solar Energy System and property upkeep.
11. Other requirements in Schedule V of this law.

REPEAL SCHEDULE I - District Lot, Setback and Height Requirements in its entirety
REPLACE with
 SCHEDULE I - District Lot, Setback and Height Requirements

SCHEDULE I - District Lot, Setback and Height Requirements							
	ZONING DISTRICT						
Setback Requirements	LF	I	AR-40**	B	BR	R-15	H
Front yard-waterfront	75	75	-	-	-	-	*
Front yard non-waterfront	50	50	75	75	75	50	*
Rear yard	25	25	25	20	25	20	20
Single side yard minimum	20	20	30	20	20	20	15
Lot Dimensions							
Width (feet)	150	120	150	120	120	100	80
Area (square feet)	25,000	20,000	40,000	20,000	20,000	15,000	15,000
Maximum Building Height (feet)	35	35	35	35	45	35	35

Notes:

* The smallest distance on adjoining lot front yard setbacks, between the front lot line and the nearest building. In no case shall this be less than 10 feet.

** Special requirements exist in the SDD.

REPEAL SCHEDULE II - Permitted Principal, Permitted Accessory & Special Uses
REPLACE with

SCHEDULE II – Permitted Principal, Permitted Accessory & Special Uses									
	Zoning Districts								
Uses	LF	I	AR-40	B	BR	R-15	H	SDD	Corridor Overlay
Adult Use	NP	NP	SUP	NP	NP	NP	NP	SUP	UD
Agricultural uses	SP	SP	PP	SUP	SUP	NP	NP	PP	UD
Battery Energy Storage Systems (BESS)	NP	NP	NP	NP	NP	NP	NP	SUP	NP

SCHEDULE II – Permitted Principal, Permitted Accessory & Special Uses

Uses	Zoning Districts								
	LF	I	AR-40	B	BR	R-15	H	SDD	Corridor Overlay
Battery Energy Device for Storage (BEDS)	PA	PA	PA	PA	PA	PA	PA	PA	UD
Bed-and-Breakfast	SP	SP	SP	SP	SP	SP	SP	SP	UD
Big box retail	NP	NP	SUP	SUP	SUP	NP	NP	SUP	UD
Boathouses & Docks	PA	PA	PA	NP	SP	NP	PA	PA	UD
Campground	NP	SUP	SUP	NP	NP	NP	NP	SUP	UD
Cemetery	NP	NP	SP	NP	NP	NP	NP	SP	UD
Church	SUP	SUP	SP	SP	SUP	SUP	SUP	SP	UD
Commercial/Service	NP	NP	SUP	SP	SP	NP	NP	SUP	UD
Commercial, small	NP	SP	SP	SP	SP	SP	SP	SP	UD
Convenience store, retail	NP	NP	SUP	SP	NP	NP	NP	SUP	UD
Dock	PA	PA	PA	PA	PA	PA	PA	PA	UD
Digital sign, LED	NP	NP	SUP	SUP	SUP	NP	SUP	SUP	UD
Drive Through, Restaurant	NP	NP	SUP	SUP	NP	NP	NP	SUP	UD
Dwelling, Single Family	PP	PP	PP	PP	PP	PP	PP	PP	UD
Dwelling, Two-Family	NP	PP	PP	PP	PP	PP	PP	PP	UD
Dwelling, Multi-family	NP	NP	SP	SP	SP	SP	NP	SP	UD
Dwelling, Multiple	NP	NP	SUP	NP	SUP	NP	NP	SUP	UD
Farm Stand/ Produce Sales	SP	SP	SP	SP	SP	SP	SP	SP	UD
Fuel storage/supply	NP	NP	SUP	SUP	NP	NP	SUP	SUP	UD
Funeral home	NP	NP	SUP	SP	SUP	NP	NP	SUP	UD
Gasoline Service Station	NP	NP	SUP	SUP	NP	NP	NP	SUP	UD
Home Occupation	SP	SP	SP	SP	SP	SP	SP	SP	UD
Hydrofracking	NP	NP	NP	NP	NP	NP	NP	NP	NP
Institutional use	SUP	NP	SP	SP	SP	SP	SP	SP	UD
Junkyard	NP	NP	SUP	NP	NP	NP	NP	SUP	UD

SCHEDULE II – Permitted Principal, Permitted Accessory & Special Uses

Uses	Zoning Districts								
	LF	I	AR-40	B	BR	R-15	H	SDD	Corridor Overlay
Keeping of Domestic Animals	NP	NP	SUP	NP	NP	SUP	NP	SUP	UD
Kennel/ Animal Care Facility	NP	NP	SUP	NP	NP	NP	NP	SUP	UD
Light industrial use	NP	NP	SUP	SP	NP	NP	NP	SUP	UD
Marina- Commercial	NP	NP	NP	NP	NP	NP	SUP	NP	UD
Marina - Small	NP	SUP	NP	NP	NP	NP	SUP	NP	UD
Manufactured home- Single Wide	NP	NP	PP	NP	NP	NP	NP	PP	UD
Manufactured home- Double	PP	PP	PP	PP	PP	PP	PP	PP	UD
Manufactured home park	NP	NP	SUP	NP	NP	NP	NP	SUP	UD
Mixed Use Project	NP	NP	SUP	SUP	SUP	SUP	NP	SUP	UD
Motel/hotel	NP	SUP	SUP	SUP	NP	NP	SUP	SUP	UD
Motor vehicle repair shop	NP	NP	SUP	SUP	NP	NP	NP	SUP	UD
Nursing home	NP	NP	SP	NP	SP	SP	NP	SP	UD
Professional office	SUP	NP	SP	SP	SP	SP	SP	SP	UD
Public utility	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	UD
Quarry/Mining Operation	NP	NP	NP	NP	NP	NP	NP	SUP	NP
Recreation, outdoor	NP	NP	SUP	SUP	SUP	NP	NP	SUP	UD
Recreation, indoor	NP	NP	SP	SP	SUP	NP	NP	SP	UD
Restaurant	SUP	SUP	SP	SP	SUP	NP	SP	SP	UD
Retail, large product	NP	NP	SUP	SP	NP	NP	NP	SUP	UD
Retaining Wall, Bulkhead	SP	SP	SP	SP	SP	SP	SP	SP	UD
Roof Mounted Wind Turbine Tower, Private	PA	PA	PA	PA	PA	PA	PA	PA	PA
Self-Storage Facility	NP	NP	SUP	SUP	NP	NP	NP	SUP	UD
Senior citizen home	NP	NP	SP	SP	SP	SP	SUP	SP	UD
Shopping Center	NP	NP	SUP	SUP	NP	NP	NP	SUP	UD

SCHEDULE II – Permitted Principal, Permitted Accessory & Special Uses

Uses	Zoning Districts								
	LF	I	AR-40	B	BR	R-15	H	SDD	Corridor Overlay
Social Organization	SP	SP	SP	SP	SP	SP	SP	SP	UD
Solar System- Ground Mounted (Onsite Energy)	SUP	SUP	PA	SUP	SUP	SUP	SUP	PA	UD
Solar Systems- Large Scale (Offsite Energy)	NP	NP	SUP	NP	NP	NP	NP	SUP	NP
Storage building <1,250 square feet	SUP	SUP	PA	PA	SP	PA	SP	PA	UD
Storage building > or = 1,250 square feet	NP	NP	SP	SP	SP	NP	NP	SP	UD
Telecommunications Tower, un-camouflaged (refer to Article 8, Section 150-43, paragraph E.)	NP	NP	SUP	NP	NP	NP	NP	SUP	NP
Telecommunications Tower, camouflaged or co-located	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	UD
Warehouse	NP	NP	SUP	SP	SUP	NP	NP	SUP	UD
Wind Energy Tower System, Small (SWETS)	NP	NP	SUP	NP	NP	NP	NP	SUP	NP
On premise sale/service of farm goods	NP	NP	SP	NP	SP	NP	NP	SP	UD

- KEY:** UD = Refer to underlying district
 NP = Not permitted within the district
 PP = Permitted Principal Use
 PA = Permitted Accessory Use
 SUP = Special Use Permit required.
 SP = Site Plan Review required.

The following are accessory uses and structures that are permitted in all zoning districts and to any lot size without the need of review by the planning board: boat ramps; decks; fences; hedges; garages; carports; personal recreation facility; guest accommodations; rummage sales; roof mounted solar panels; satellite dish/antenna; signs; storage sheds; steps; walks; wheelchair ramps; wells for potable water; shore wells; wells for heat pumps; cable upgrades to existing cell towers; blacktop driveways; patios; excavation, filling, grading of less than 500 square feet of land.

REPEAL Schedule IV Additional Screening Requirements within the Corridor Overlay Zone
REPLACE with

Schedule IV – Additional Screening Requirements within the Corridor Overlay District and Solar Development District

1. Earthen Berms – Screening shall consist of earthen berms a minimum of 6 feet in width at the base and a minimum of 6 feet in height with rows of trees planted in the berms.
2. Trees – Trees shall be spaced at adequate distances to provide a proper screening effect. A minimum of two rows of coniferous trees or shrubs spaced alternately is required to a height to adequately screen the allowed use from public roads and neighboring properties. Indigenous species are preferred but other species such as juniper, spruce or cedar to provide suitable screening are acceptable.
3. Fencing – In addition to the required screening consisting of berms and trees, adequate fencing may require the approval of the Town Engineer and Planning Board consistent with Section 150-62 G 4 (e) and for the safety of the public.
4. Screening – Screening shall be established and maintained to protect viewsheds within the Corridor Overlay District through all seasons. The allowed use will be constructed so it cannot be seen from adjacent roads or highways and from neighboring properties through all seasons. The screening will be selected to not change the existing character of the neighborhood. The ongoing maintenance and upkeep if the screening is a continued obligation and costs for the Project. IF Project is notified by the Town that the screening is not kept to the standards required and Project does not take action to correct this can be considered a default and may result in penalties levied by the Town.

ADD

Schedule V

Project Development Outline for Solar System – Large Scale

The following outline is additional criteria to guide the Town and Applicant through the procedures of application, evaluation, SEQRA, permitting and ongoing reporting/obligations for Solar System – Large Scale projects.

Pre-Development

- Application
 - Lease/Legal Consent
- Site Analysis/Eligibility

- DEC and Feds flood plains regulations
- NYS approved licensed architect or engineer
- Investigatory Work Plan
 - Setbacks
 - Height
 - Noise
 - Lot size
 - Lot coverage
 - Access/parking
 - Fencing
 - Screening
 - Additional Planning Board comments
 - Signage
 - Fire Access and Suppression
 - BESS
- Action Work Plan
 - Should address all notes above
- Final Plans
 - Detailed Engineer Plans
 - Equipment Specification Sheets
 - Site Plan Approval

Development

- Infrastructure and Easements
 - Underground (potential modifications by Planning Board)
 - Utility Preparation
 - Site Preparation
 - BESS Preparation
 - Installation
 - Public/Private Interconnect

Commissioning

- Inspection by Code Enforcement Officer
- Net Billing/Net Routing
- Connection to Public Utility
- Bonding/Lien Protection

Management

- Site Management Plan
 - Operation and Maintenance Plan
 - Include Fort Drum/Watertown Airport

- Testing and Monitoring
- Annual Reporting
- Decommission Responsibilities
 - After 12 months of no interconnect
 - Specify inoperable or abandoned
 - Removal
 - Timeline
 - Cost estimate to decommission
 - If not decommissioned than can be removed and lien property to cover costs

OTHER RESOURCES

A. New York State Department of Agriculture and Markets "Guidelines for Agricultural Mitigation for Solar Energy Projects (revision 4/19/2018 or later)