

Local Law Filing

Town of Pompey

Local Law No. 1 of the year 2015.

A local law to amend Chapter 165 (Zoning) of the Code of the Town of Pompey to add new
(Insert Title)
section 165-16.2 entitled "Solar Energy Conversion Systems" to regulate
solar energy conversion systems

Be it enacted by the Town Board of the

Town of Pompey as follows:

Section 1. Chapter 165, Article IV of the Code of the Town of Pompey entitled "Supplemental Regulations" is hereby amended by adding new § 165-16.2 entitled "Solar Energy Conversion Systems" to read as follows:

§ 165-16.1 Solar energy conversion systems

A. Purpose.

The purpose of this section is to allow the construction of solar energy conversion systems in the Town of Pompey in a manner that preserves the health, safety and welfare of the Town while facilitating the production of renewable energy. In so doing, this chapter establishes procedures for the use of generated energy by the principal user of a parcel with only ancillary sale of any excess energy to the public utility.

B. Definitions.

As used in this section, the following terms shall have the meanings indicated:

SOLAR COLLECTION SYSTEM (SCS)

A device or system to absorb, accumulate or convert or otherwise use the sun's energy as a source of heat or electricity. A facility is only allowed in the Town if it supplies electrical power or heat solely for on-site use, except that when a parcel on which a SCS is installed also receives

electrical power supplied by a utility company, excess electrical power generated by the SCS and not currently needed for on-site use may be used by the utility company in exchange for a reduction in the quantity of electrical power supplied by that company to the parcel for on-site use, as long as no net revenue is produced by such electrical power.

TOWN

Town of Pompey

UNIFIED SOLAR PERMIT (USP)

An expedited solar permitting process developed by the NY-Sun public-private partnership which uses a unified permit across municipalities in New York State.

C. Applicability.

This section shall apply to all SCS proposed in the Town, provided such generated energy is used primarily by the principal user of the property where the SCS is located. Commercial energy generation for sale off-site is prohibited.

Any SCS that falls within the parameters of the USP process as detailed in the USP application available through the Town Clerk or Code Enforcement Officer shall be eligible to obtain a USP.

D. Building permit required; application procedure.

All proposed uses of a SCS shall obtain a building permit prior to construction pursuant to the rules of Chapter 165. Unless eligible for the simplified procedures in the USP or as otherwise provided for in this section, the applicant shall first obtain site plan review approval from the Town Planning Board pursuant to § 165-44. The Planning Board may schedule a public hearing following the rules of § 165-44. When site plan review is approved, a building permit may be issued.

E. Specific district requirements.

SCS are permitted in the following districts subject to these specific regulations:

(1) Roof- and wall-mounted.

(a) Allowed in all districts.

(b) The size shall be limited to the roof area of the principal or accessory building on which it is mounted.

(c) Site plan review is not required for single-family dwellings or USP eligible projects.

(d) In all districts, SCS that are wall-mounted shall only be mounted on the rear wall of the principal or accessory building.

(2) Freestanding.

(a) In Residential, Hamlet Residential, Hamlet Commercial, and R-40 districts: not allowed.

(b) In all other districts:

(i) The maximum SCS area allowed is based on the lot size as follows:

[1] Less than three acres: 700 square feet.

[2] Greater than three acres and less than six acres: 1,400 square feet.

[3] Greater than six acres: 3,300 square feet.

(ii) The maximum height of any portion of the SCS above the ground is 10 feet when adjusted to the maximum tilt angle from horizontal of 12°.

(iii) Minimum setbacks for both principal and accessory structures:

[1] Front: only allowed in front yard if minimum 200' setback.

[2] Side: 25 feet.

[3] Rear: 25 feet

F. General requirements.

SCS are subject to the following requirements:

(1) All utility services and electrical wiring shall be underground and otherwise be placed within the walls or unobtrusive conduit.

(2) No signing, except for safety issues, is allowed.

(3) Lot coverage: The area occupied by the free standing SCS shall be included in lot and building coverage.

(4) The location of free standing SCS shall be at least 25 feet from:

(a) Any property line.

(b) Any public road right-of-way.

(c) Any overhead utility wires, unless otherwise approved by the utility company.

(5) Standards.

In addition to any standards set forth in the USP, the following standards shall apply to all SCS:

(a) The equipment shall be Underwriters Laboratory (UL) or equivalently listed.

- (b) SCS shall be approved for grid connection.
- (c) The energy generating equipment shall have its input/output ratings verified by a recognized independent third party.
- (d) Contractors installing SCS shall be certified by the North American Board of Certified Energy Practitioners (NABCEP). Contractor's information shall be submitted with the development permit application.

(6) Variances to the distance and equipment requirements of this chapter are not permitted.

G. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment is rendered.

Section 2. This Local Law shall be effective upon filing with the office of the Secretary of State, and the Town Clerk is directed to immediately file a copy of this Section with the New York State Secretary of State as required by law.

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2015 of the Town of Pompey was duly passed by the Town Board on _____, in accordance with the applicable provisions of law.

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.

Ann Christmas, Town Clerk

(Seal)

Date: _____

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Jeffrey Brown, Town Attorney

Date:_____