

Minutes of the Town of Sennett Town Board Meeting Held on Thursday, March 21, 2024, at 6:30 PM at the Sennett Town Office Building.

Members Present: Thomas Blair, Supervisor
James Vivenzio, Councilman
Michael Wellauer, Councilman
Edward Rizzo, Councilman (Remote)
Kristopher LaPointe, Councilman

Also Present: Bill Perkins, Acting Highway Superintendent
Kristopher LaPointe, Water & Sewer Superintendent
Cheri Major, Bookkeeper
Harold Gilfus, Code Enforcement Officer
Kathleen Salisbury, Town Clerk

Kari Terwilliger, Cayuga County Planning Department

Residents: Bill Feocco, Aaron Powers, Lee Fordock, Marilyn Robbins, John Daly, Kirsten & Tyler Short

Remotely: Richard J. Andino, Esq.
Emilio Moran, MRB
Tom - Guest
Robert White

CALL TO ORDER - The meeting is called to Order at 6:30 p.m. by Supervisor Blair.

PLEDGE OF ALLEGIANCE - The meeting is opened with the pledge to the flag, followed by a prayer by Supervisor Blair.

ROLL CALL - Town Clerk Salisbury opens the meeting with a Roll Call, Councilman Vivenzio, Councilman Wellauer, Councilman LaPointe, Councilman Rizzo, and Supervisor Blair are present.

APPROVAL OF MEETING MINUTES - Meeting Minutes for February 15, 2024 are reviewed by the Board. A request is made from Councilman LaPointe to change page 3, section h., from Loader to SkidSteer. A motion to approve the minutes as amended is made by Councilman Vivenzio and seconded by Councilman Wellauer. 5 ayes 0 absent 0 nays. Carried.

PUBLIC HEARING

1 - Local Law A-2024 - Amending Zoning Re Hospitality

Motion to open public hearing by Councilman Wellauer, seconded by Councilman LaPointe regarding Local Law A-2024 - A Local Law to Amend the Zoning Law of the Town of Sennett Relative to the Adoption of New Regulations related to the

Hospitality-Tourism District in the Town at 6:35 p.m. All in favor. 5 Ayes 0 absent 0 Nays. Carried. There were no comments from the public, public hearing will stay open for SEQR purposes and proposed additional changes.

Motion to continue the public hearing by Councilman LaPointe, seconded by Councilman Wellauer at 6:37 p.m. All in favor. 5 Ayes 0 absent 0 Nays. Carried.

2 - Local Law B-2024 - Amending Zoning Law Re Solar

Motion to open public hearing by Councilman LaPointe, seconded by Councilman Vivenzio regarding Local Law A-2024 - A Local Law to Amend the Zoning Law of the Town of Sennett with Regard to Existing Article XI-A (Solar Energy Systems) and to Add a New Article XI-B (Solar Energy System Overlay District) Regulating Solar Power and Energy Systems in the Town at 6:39 p.m. All in favor. 5 Ayes 0 absent 0 Nays. Carried. There were no comments from the public.

Motion to close public hearing by Councilman LaPointe, seconded by Councilman Vivenzio at 6:40 p.m. All in favor. 5 Ayes 0 absent 0 Nays. Carried.

SCHEDULED SPEAKERS

1. Kari Terwilliger, County Planning – Ms. Terwilliger advised the Board that the Local Law A-2024 Introductory Resolution and SEQR for the Adoption of Zoning Amendments to the Town of Sennett Zoning Law, Initiation of the SEQRA Process, and Referral to the Cayuga County GML 239- L, M & N Review Committee were introduced at the February meeting. Supervisor Blair advises that the public hearing will stay open for purposes of SEQR and continue at the March Town Board meeting.
2. Vince Ryan, Keplinger Freeman – Town Park – Not present.
3. Emilio Moran, MRB – Mr. Moran went over Hospitality Water District Preliminary Engineering Report (PER) Proposal and the bonding procedure for closing out the Water 1&3project.

After discussion, a motion is made by Councilman Wellauer, seconded by Councilman Vivenzio to accept the PER Proposal Section A, PER (\$20,500.00) & Section E, Well Sampling (\$6,860.00) only in an amount not to exceed \$27,360.00.

With no further discussion, a roll call vote is taken:

Roll call vote:

Councilman Vivenzio	Yes
Councilman Wellauer	Yes
Councilman Rizzo	Yes
Councilman LaPointe	Yes
Supervisor Blair	Yes

Motion carried. 5 ayes 0 nays 0 absent

PUBLIC BE HEARD - Motion is made by Councilman LaPointe to open the Public Be Heard Period, seconded by Councilman Vivenzio. 7:04 pm. All in favor. 5 ayes 0 nays 0 absent, carried.

Question from resident Lee Fordock - Who is the contact person to request zoning changes or clarifications. Supervisor Blair advises Mr. Fordock to e-mail the Town Board members.

With no further public comments, a motion to close is made by Councilman LaPointe and seconded by Councilman Vivenzio. 7:05 pm. All in favor. 5 ayes 0 nays 0 absent, carried.

DEPARTMENT REPORTS

- a. **Attorney** - Attorney Andino advises on the proposed solar law - The Enactment Resolution for Local Law B-2024, A Local Law to Amend the Zoning Law of the Town of Sennett with Regard to Existing Article XI-A (Solar Energy Systems) and to Add a New Article XI-B (Solar Energy System Overlay District) Regulating Solar Power and Energy Systems in the Town, is in the Board's packet.

A motion is made by Councilman LaPointe, seconded by Councilman Rizzo, to enact Local Law B-2024, which will become 1-2024 as presented by Attorney Andino.

All in favor. 5 ayes 0 nays 0 absent. Carried.

Local Law 1-2024 Enactment Resolution is included at the end of the minutes.

The public hearing on Local Law A-2024 will remain open until the March Town Board meeting.

- b. **Bookkeeper** - Bookkeeper Major advised that she is working on the ARPA report; the auditors completed their 2022 report which was a good report, she will have the auditors at the March meeting to discuss.the 4th quarter sales tax was received. The 2022 audit is now complete. The 2023 audit will be a review.
- c. **Planning Board** - Councilman Rizzo advised, on behalf of Chairman Edmunds, that at the PB March meeting, they have been working on a site plan review for Crane Storage on Route 5, proposed Honda Relocation at 346 Grant Avenue Road.
- d. **Codes/Fire Marshal** - Code Enforcement Officer Gilfus advised his February report was in the Board's packet. Issued 3 permits, 5 year to date. 3 inquiries. 3 Certificates of Occupancy, 10 Certificates of Compliance, 4 violations corrected, 25 site visits, 4 fire/safety inspections. He has been following up on previously issued permits. He will be attending code training next month.
- e. **Zoning Enforcement Officer** - Supervisor Blair advises he has been in touch with Zoning Officer Vevone who has been busy following up on inquiries.
- f. **Assessor** - Councilman LaPointe read the report of Assessor Lowe who has been working on processing exemptions, renewals, meeting with residents regarding same and mailing out additional reminder letters. Recent property

transfer listings have been reviewed for inventory accuracy. There is an opening for a BAR member.

- g. Fire Dept.** - Supervisor Blair read the report of the fire department who has responded to 64 alarms in February, a total of 147 year to date. In addition, he advised he continues to work with the fire department regarding ambulance services.
- h. Highway Dept.** - Acting Highway Superintendent Bill Perkins advised his report was in the Board's packet. They have been busy plowing, salting, and continuing storm brush cleanup. Mr. Perkins presented the Board with bids for a new 2024 John Deere Skidsteer and a new 2025 Western Star 10-Wheeler Dump Truck with a 16 ft body package.

SkidSteer - Acting Highway Superintendent advises the forklift is old and needs to be replaced and he would like the Board's approval to purchase a 2024 John Deere Compact Track Loader with Rotary Cutter and Forks from Five Star Equipment. This is a County bid. The current forklift will be sold at auction when the new skidsteer is received.

After discussion, a motion is made by Councilman LaPointe, seconded by Councilman Vivenzio to authorize Acting Highway Superintendent Perkins to move forward with the purchase of a new 2024 John Deere Compact Track Loader with Rotary Cutter and Forks from Five Star Equipment.

Roll Call Vote

Councilman Vivenzio	Yes
Councilman Wellauer	Yes
Councilman Rizzo	Yes
Councilman LaPointe	Yes
Supervisor Blair	Yes

All in Favor. 5 Ayes 0 Nays 0 Absent, carried

Truck - Acting Highway Superintendent advises the dump truck is old and needs to be replaced and he would like the Board's approval to purchase a 2024 10-Wheeler Western Star Dump Truck from Tracey Road Equipment. This is a County bid. No payment will be needed until truck received, in about 14 months. The current dump truck will be sold at auction when the dump truck is received.

After discussion, a motion is made by Councilman LaPointe, seconded by Councilman Vivenzio to authorize Acting Highway Superintendent Perkins to move forward with the purchase of a new 2024 10-Wheeler Western Star Dump Truck from Tracey Road Equipment in an amount not to exceed \$212,298.00.

Roll Call Vote

Councilman Vivenzio	Yes
Councilman Wellauer	Yes
Councilman Rizzo	Yes
Councilman LaPointe	Yes
Supervisor Blair	Yes

All in Favor. 5 Ayes 0 Nays 0 Absent, carried

Trailer - Acting Highway Superintendent advises that a trailer is needed to transport the skidsteer and water department mower and he would like the Board's approval to purchase a 2023 Delta trailer from Carroll Equipment in an amount not to exceed \$9,499.00.

After discussion, a motion is made by Councilman Wellauer, seconded by Councilman Vivenzio to authorize Acting Highway Superintendent Perkins to move forward with the purchase of a new 2023 Delta trailer from Carroll Equipment in an amount not to exceed \$9,499.00 for the highway department as well as the water department. Said funds will be \$4,000 from the water department and the remaining \$5,499.00 from the highway department.

Roll Call Vote

Councilman Vivenzio	Yes
Councilman Wellauer	Yes
Councilman Rizzo	Yes
Councilman LaPointe	Yes
Supervisor Blair	Yes

All in Favor. 5 Ayes 0 Nays 0 Absent, carried

Superintendent Perkins presented four 284 Agreements for the Boards review and signature.

County Line Road from Skaneateles Line to Center Street Road, not to exceed \$29,579.53.

Town Hall-Walker Road to Route 20, not to exceed \$47,062.40.

Highland Street from South Hunter to Wegman, not to exceed \$18,265.00.

Walnut Street from South Hunter to Wegman Street, not to exceed \$18,165.00.

Ross Street Extension from North Hunter to Kenwood, not to exceed \$24,550.00.

Depew Street from South Hunter to Wegman Street, not to exceed \$18,165.00.

Four miles of town roads not to exceed \$50,000.

All expenditures are within budgeted funds for this year.

A motion is made by Councilman LaPointe and seconded by Councilman Wellauer to authorize the Supervisor and Councilmen to sign the four 284 Agreements and allow Highway Superintendent Perkins to proceed with the referenced road work as written. With no further discussion, a roll call vote is taken.

Councilman Vivenzio	Yes
Councilman Wellauer	Yes
Councilman Rizzo	Yes
Councilman LaPointe	Yes
Supervisor Blair	Yes

All in Favor. 5 Ayes 0 Nays 0 Absent, carried

- i. **Water Dept.** - Water Superintendent Kristopher A. LaPointe's report was in the Board's meeting packet for their review. In addition, Mutton Hill is complete and all nine residents are on public water. The annual water conference is in May and is requesting the Board's approval to attend.

A motion is made by Councilman Wellauer, seconded by Councilman Vivenzio to authorize Kris LaPointe to attend the water conference in May in Verona, NY.

With no further discussion, a roll call vote is taken.

Councilman Vivenzio	Yes
Councilman Wellauer	Yes
Councilman Rizzo	Yes
Councilman LaPointe	Yes
Supervisor Blair	Yes

All in Favor. 5 Ayes 0 Nays 0 Absent, carried

- j. **Town Clerk** - Town Clerk Salisbury advised the February 2024 monthly report was in the Board's meeting packet for their review. Fees received of \$5,253.50 for 27 dog licenses, 14 death certificate copies, 1 decal, 1 marriage certificate, 3 site plan reviews, with the amounts disbursed to the Supervisor in the amount of \$5,207.78, \$4.72 to decals and \$41.00 to the NYS Animal Population Control Program.

Clerk Salisbury advised that there is an opening for a part-time town administrator.

Clerk Salisbury provided the board with quotes for a new copier as the current copier is insufficient for the work production. After discussing the quotes, a request was made for the lease of a Xerox C8045 copier, with a buyout of the current machine.

After further discussion, a motion is made by Councilman Wellauer, seconded by Councilman LaPointe to authorize a 63-month lease (\$206.35/mo), with a buyout of the current machine. With no further discussion, a roll call vote is taken.

Councilman Vivenzio	Yes
Councilman Wellauer	Yes
Councilman Rizzo	Yes
Councilman LaPointe	Yes
Supervisor Blair	No

All in Favor. 4 Ayes 1 Nays 0 Absent, carried

- k. **Dog Control Officer** - Councilman Vivenzio read the report from the dog control officer who advised there was an incident involving two dogs.

l. Committees

- *Parks & Rec* - Councilman Rizzo advised the Park Committee recently met with the architects regarding the restrooms. He requested the Board to transfer the fourth quarter sales tax in the amount of \$346,826.00 the Town received to the park fund for bathrooms and a dog park. There is further discussion regarding park funds from a grant and ARPA.

With no further discussion, a motion is made by Councilman Rizzo, seconded by Supervisor Blair, authorizing a budget adjustment to the 2024 budget to allocate \$346,826.00 to the Park Fund, and that any monies spent require Town Board prior approval.

A roll call vote is taken.

Councilman Vivenzio	Yes
Councilman Wellauer	Yes
Councilman Rizzo	Yes
Councilman LaPointe	Yes
Supervisor Blair	Yes

All in Favor. 5 Ayes 0 Nays 0 Absent, carried

- *Veteran Affairs* - The office is complete. A ribbon cutting was held March 19th and there was a nice article in the Citizen. The quotes for the memorial flags and pole will be in shortly. Adam Jenks will be setting a schedule shortly.
- *Historian* - The office is complete, work has begun and pictures are being hung.

OLD BUSINESS

- Town Records Project update - submitted to the State, response due sometime in June or July.
- MUNICON - Supervisor Blair is working on this, as well as the CON application.
- E-Code 360 codification project status - meeting to be scheduled at a later date to move forward
- Veteran Affairs/Historian Office project update (ribbon cutting) - Complete
- Water & Sewer Rate studies - covered earlier
- Salt Barn (final closeout status) - Complete
- Town Hall capital needs (Ed Rizzo) - in progress - need to update
- Town branding & marketing project (Jim Vivenzio) - tabled
- Town Employee Handbook review (Kris LaPointe) - Councilman LaPointe provided an update and the requested changes have been made.

A motion is made by Councilman LaPointe to adopt the Handbook as revised, seconded by Councilman Wellauer. All in favor. 5 Ayes 0 Nays 0 Absent Carried

- Vehicle and Traffic Safety Signs status (roll out status) - All four traffic signs are out and running. It was discussed to relocate the mobile signs every two months to different areas of the Town. One will be moved to Depot Road in the next few weeks.
- New Insurance Plans for Town Retirees, 65 and older - Complete
- Possible updates to Subdivision Law re: water/wells - Supervisor Blair will refer the study to the Planning Board.
- Civil Service updates (Michael Wellauer) - In progress - need to update the Town's roster and current and outdated positions.
- AED purchases/replacements (Michael Wellauer) - AED has been ordered
- Teamster's Contract Review - Supervisor Blair went over the pay parameters requested by the union steward.

A motion is made by Councilman LaPointe to open the union contract for pay increase for review and discussion. There was no second.

NEW BUSINESS

- Highway Superintendent Position - A discussion is held regarding putting the referendum back on the Fall Election ballot.

Following a discussion, a motion is made by Councilman LaPointe to put the Referendum to Change Highway Superintendent Position from Elected to Appointed, seconded by Councilman Wellauer.

All in favor. 5 Ayes 0 Nays 0 Absent Carried

- Possible purchase of new 10-wheeler for Highway Department - discussed earlier.

SUPERVISOR CORRESPONDENCE/REPORT -

EXECUTIVE SESSION (IF NECESSARY) - NONE

PAYMENT OF MONTHLY BILLS - Vouchers - Motion by Councilman Wellauer, seconded by Councilman Vivenzio to pay the vouchers with three or more signatures. With no further discussion, a roll call vote is taken:

Roll call vote:

Councilman Vivenzio	Yes
Councilman Wellauer	Yes
Councilman Rizzo	Yes
Councilman LaPointe	Yes
Supervisor Blair	Yes

Motion carried. 5 ayes 0 nays 0 absent

MOTION TO ADJOURN MEETING - Motion to adjourn was made by Councilman LaPointe, seconded by Councilman Wellauer. All in favor. 8:41 p.m.

Respectfully submitted,

Kathleen Salisbury, Town Clerk
Town of Sennett

RESOLUTION #004 -3-21-2024:

**TOWN OF SENNETT
TOWN BOARD RESOLUTION**

March 21, 2024

LOCAL LAW NO. B-2024

(“A Local Law to Amend the Zoning Law of the Town of Sennett with Regard to Existing Article XI-A (Solar Energy Systems) and to Add a New Article XI-B (Solar Energy System Overlay District) Regulating Solar Power and Energy Systems in the Town”)

The following resolution was offered by Councilman LaPointe, who moved its adoption, seconded by Councilman Rizzo, to wit:

WHEREAS, pursuant to the provisions of the New York State Constitution, the Municipal Home Rule Law and the Statute of Local Governments, proposed Local Law No. B-2024, titled “A Local Law to Amend the Zoning Law of the Town of Sennett with Regard to Existing Article XI-A (Solar Energy Systems) and to Add a New Article XI-B (Solar Energy System Overlay District) Regulating Solar Power and Energy Systems in the Town,” was presented and introduced at a regular meeting of the Town Board of the Town of Sennett held on February 15, 2024; and

WHEREAS, a public hearing was held on such proposed local law on the 21st day of March, 2024, by the Town Board of the Town of Sennett and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Sennett in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, on February 15, 2024, the Town Board pursuant to Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law (SEQRA) declared that adoption of Local Law No. B-2024 was a Type I Action, that the Town Board would act as lead agency for purposes of SEQRA and made a determination that the aforementioned law would not result in any adverse environmental impacts and therefore issued a Negative Declaration; and

WHEREAS, the proposed Local Law was duly referred to the Cayuga County Planning Department for review and comment pursuant to the New York State General Municipal Law; and

WHEREAS, the Cayuga County Planning Board has previously reviewed the application for county-wide or intermunicipal impacts and returned the application for local determination; and

WHEREAS, the Town Board of the Town of Sennett has now determined that it is in the public interest to enact said Proposed Local Law No. B-2024.

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Sennett, Cayuga County, New York, does hereby enact Proposed Local Law No. B-2024 as Local Law No. 1-2024 as follows:

**“TOWN OF SENNETT
LOCAL LAW NO. 1-2024**

**A LOCAL LAW TO AMEND THE ZONING LAW OF THE TOWN OF SENNETT
WITH REGARD TO EXISTING ARTICLE XI-A (SOLAR ENERGY SYSTEMS) AND
TO ADD A NEW ARTICLE XI-B (SOLAR ENERGY SYSTEM OVERLAY DISTRICT)
REGULATING SOLAR POWER AND ENERGY SYSTEMS IN THE TOWN**

Be it enacted by the Town of Sennett Town Board, as follows:

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. PURPOSE AND INTENT.

The purpose of this Local Law is to repeal the entirety of Town of Sennett Local Law No. 2-2017 (“A Local Law to Amend the Zoning Law of the Town of Sennett (Local Law No. 7-2014) to Add a New Article Regulating Solar Power and Energy Systems in the Town”) and enact a new Article XI-A (“Solar Energy Systems”) and Article XI-B (“Solar Energy Systems Overlay Districts”) to permit and regulate the construction of solar energy systems in the Town of Sennett in a manner that preserves the health, safety and welfare of the Town, while also facilitating the production of renewable energy.

SECTION 3. AMENDING ARTICLE II (“DEFINITIONS”) SECTION 200 (“GENERAL”) OF THE ZONING LAW OF THE TOWN OF SENNETT TO REPEAL CERTAIN DEFINITIONS

Article II (“Definitions”) Section 200 (“General”) of the Zoning Law of the Town of Sennett is hereby amended by repealing the following definitions in their entirety:

NET-METERING – A billing arrangement that allows solar customers to receive credit for excess electricity which is generated from the customer’s Solar Energy System and delivered back to the grid so that customers only pay for their net electricity usage for the applicable billing period.

QUALIFIED SOLAR INSTALLER – A person who has skills and knowledge related to the construction and operation of Solar Energy Systems (and the components thereof) and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSEDA’s list of eligible installers or NABCEP’s list of certified installers may be deemed to be qualified solar installers if the Town Code Enforcement Officer or such other Town officer or employee as the Town Board designates determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

SOLAR ENERGY SYSTEM – A complete system of Solar Collectors, Panels, controls, energy devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy including but not limited to thermal and electrical, stored and protected from dissipation and distributed. A Solar Energy System shall not include any Solar Energy System of four square feet in size or less.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM – A Solar Energy System incorporated into and becoming part of the overall architecture, design and structure of a building in such a manner that the Solar Energy System is a permanent and integral part of the building structure.

FLUSH MOUNTED SOLAR ENERGY SYSTEM – A Rooftop-Mounted Solar Energy System with Solar Panels which are installed flush to the surface of a roof and which cannot be angled or raised.

GROUND MOUNTED SOLAR ENERGY SYSTEM – A Solar Energy System that is affixed to the ground either directly or by mounting devices and which is not attached or affixed to a building or structure.

ROOFTOP-MOUNTED SOLAR ENERGY SYSTEM – A Solar Energy System in which Solar Collectors/Panels are mounted on the roof of a building or structure either as a flush-mounted system or as panels fixed to frames which can be tilted to maximize solar collection. Rooftop-Mounted Solar Energy Systems shall be wholly contained within the limits of the building’s or structure’s roof surface.

SOLAR ACCESS – Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR COLLECTOR – A solar photovoltaic cell, panel, or array or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLAR FARMS – A Solar Energy System or collection of Solar Energy Systems or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider.

SOLAR PANEL – A device which converts solar energy into electricity.

SOLAR SKYSPACE – The space between a Solar Energy System and the sun through which solar radiation passes.

SOLAR STORAGE BATTERY – A device that stores energy from the sun and makes it available in an electrical form.”

SECTION 4. REPEALING ARTICLE XI-A (“SOLAR ENERGY SYSTEMS”) OF THE ZONING LAW OF THE TOWN OF SENNETT AND REPLACING SAME WITH A NEW ARTICLE XI-A

Article XI-A (“Solar Energy Systems”) of the Zoning Law of the Town of Sennett is hereby repealed in its entirety and now shall read in its entirety as follows:

**“ARTICLE XI-A
SOLAR ENERGY SYSTEMS**

1. Intent.

This Article regulates and promotes the safe, effective and efficient use of installed Solar Energy Systems in order to encourage renewable energy systems and a sustainable lifestyle, while protecting the health, safety and welfare and minimizing the adverse impacts on the adjacent and surrounding neighboring properties.

2. Statement of Purpose.

A. The purpose of this Solar Energy Systems Article is to advance and protect the public health, safety and welfare of the Town of Sennett, including but not limited to:

1. To take advantage of a safe, abundant, renewable and non-polluting energy resource;
2. To foster low-impact development of sites that are otherwise challenging to develop located near existing substations;
3. To broaden the economic tax-base without further depleting or drawing on limited resources;
4. To lessen the impacts of solar energy systems on environmental resources such as important agricultural lands, wetlands, forests, wildlife, and other protected resources, including but not limited to scenic byways and view sheds; and

5. To create synergy between solar and other community goals pursuant to the Town's Comprehensive Plan, such as to responsibly and safely create vibrant neighborhoods, manage land uses, create and preserve walkable areas and recreation spaces, and encourage investment in the Town.

3. **Definitions.**

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

ACTIVE FARMLAND - Land used for a Farm Operation in accordance with Agriculture and Markets Law §301 uses of which include production of crops, livestock, and livestock products within the past five years.

APPLICANT - Applicant shall include all owners and operators, including their successors and assigns, and any person, partnership, or entity responsible for submitting a Site Plan application for review, or otherwise being responsible for compliance with the terms, conditions, and requirements of this Local Law.

ARRAY - Any number of electrically connected photovoltaic (PV) modules providing a single electrical output.

BUILDING - A Structure wholly or partially enclosed within exterior walls, or within exterior party walls, and a whole or partial roof, affording shelter to persons, machinery, equipment or property.

BUILDING DEPARTMENT - The Building and Code Enforcement Office of the Town of Sennett.

BUILDING-INTEGRATED SYSTEM - A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or Structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other façade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

BUILDING-MOUNTED SYSTEM - A solar photovoltaic system attached to any part or type of roof on a Building or Structure that has an occupancy permit on file with the Town of Sennett and that is either the principal Structure or an accessory Structure on a recorded lot. This system also includes any solar-based architectural elements.

DRIPLINE - The outermost edge of a roof, including eaves, overhangs and gutters.

FARM OPERATION - Land and on-farm Buildings, equipment, facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock, and livestock products as a commercial enterprise (in accordance with Agriculture & Markets Law §301(11)).

FARMLAND OF STATEWIDE IMPORTANCE - A land, in addition to prime and unique farmlands, that is of statewide importance for the production of food, feed, fiber, forage, and oil seed crops as determined by the appropriate state agency or agencies. Farmlands of statewide importance may include tracts of land that have been designated for agriculture by state law.

FLOODPLAIN - Any jurisdictional or mapped flood plain identified by the Department of Environmental Conservation, US Army Corp of Engineers, or on jurisdictional flood plain and FEMA/FIRM maps.

GLARE - Harsh bright light to a receptor location resulting from the reflection of sunlight from photovoltaic (PV) arrays, calculated based on sun position, solar

orientation and tilt, reflectance, and environmental factors, which results in potential ocular hazard ranging from temporary afterimage to retinal burn, discomfort or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SYSTEM - A solar photovoltaic system that is anchored to the ground and mounted on a Structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other Structure, and the primary purpose of producing electricity or thermal energy for on-site or off-site use.

INTERCONNECTION - The technical and practical link between the solar generator and the grid providing electricity to the greater community.

KILOWATT (kW) - A unit of electrical power equal to 1,000 watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used. 1,000 kW is equal to 1 Megawatt (MW).

MEGAWATT (MW) - A unit of power equal to 1,000 kW.

MODULE - A module is the smallest protected assembly of interconnected PV cells.

NET METERING AGREEMENT - An agreement with a local electric utility that allows customers to receive credits for surplus electricity generated by certain renewable energy systems.

ON-FARM SOLAR ENERGY SYSTEM - A Solar Energy System located on a farm which is a “Farm Operation” (as defined by Article 25-AA of the Agriculture and Markets Law), which may include one or multiple contiguous or non-contiguous parcels in an agriculture district, which is designed, installed, and operated so that the anticipated annual total amounts of electrical energy generated do not exceed more than 110 percent of the anticipated annual total electrical energy consumed by the Farm Operation,

PRIME FARMLAND - Agricultural lands consisting of highly productive soils as identified by the United States Department of Agriculture-Natural Resources Conservation Service (USDA- NRCS) as land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these land uses (or as designated through alternative available resources such as the NYS Department of Agriculture and Markets Soil Groups 1 through 4). The parameters for Prime Farmland are national. Soils must meet specific criteria with respect to a number of soil properties, including temperature, moisture regime, erodibility, pH, water table, permeability, rock fragment content, and others as described in the National Soil Survey Handbook. Soils that are designated as Prime Farmland If Drained met all the prime farmland criteria except for depth to seasonal high water table, and are suitable for drainage.

QUALIFIED SOLAR INSTALLER - A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition.

REMOTE NET METERING - Allows solar photovoltaic owner generators to apply excess generation credits from the generator system (“host account”) to other meters on property that is owned or leased by the same customer and are within the same load zone as the generator (“satellites”).

SEQRA - The New York State Environmental Quality Review Act and its implementing regulations in Title 6 of the New York Codes, Rules and Regulations, Part 617.

SITE - The parcel(s) of land where a Solar Energy System is to be placed. Where multiple adjacent lots are in joint ownership or use, the combined lots shall be considered as one for purposes of applying setback requirements. Any property which has a Solar Energy System located upon it or has entered an agreement for a Solar Energy System or a setback agreement shall not be considered off-Site.

SOLAR-BASED ARCHITECTURAL ELEMENT - Structural/architectural element(s) that provide protection from weather that includes awnings, canopies, porches or sunshades and that are constructed with the primary covering consisting of solar PV modules and may or may not include additional solar PV-related equipment.

SOLAR COLLECTOR - A photovoltaic cell, panel or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLAR EASEMENT - A document recorded pursuant to New York State Real Property Law §335-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar energy system.

SOLAR ENERGY APPLICANT - Any person, firm, corporation or any other entity submitting an application to the Town of Sennett for a Solar Energy System.

SOLAR ENERGY EQUIPMENT - Solar collectors, controls, inverters, energy storage devices, and other materials and hardware, associated with the production of electrical or thermal energy from solar radiation.

SOLAR ENERGY SYSTEM - The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. A Solar Energy System is classified as follows:

- A. Tier 1 Building-Mounted Solar Energy Systems include the following:
 - Tier 1A. Residential Building-Mounted Solar Energy Systems and/or Building-Integrated Solar Energy Systems with an energy capacity of less than 25 kW.
 - Tier 1B. Commercial Building-Mounted Solar Energy Systems and/or Building-Integrated Solar Energy Systems with an energy capacity of greater than 25 kW and with total electrical energy generation not to exceed 110 percent of the annual total electrical energy consumed on-site.
- B. Tier 2 Small Scale On-site Solar Energy Systems include a solar panel 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 and with total electrical energy generation not to exceed 110 percent of the annual total electrical energy consumed on-site. Tier 2 Solar Energy Systems include the following:
 - Tier 2A. Residential On-site Ground-Mounted Solar Energy Systems with a total surface area of less than 2,000 square feet and with an energy capacity of less than 25kW.
 - Tier 2B. On-Farm Solar Energy Systems.
 - Tier 2C. Commercial/Industrial On-site Ground-Mounted Solar Energy Systems with a total surface area of 2,000 square feet or greater and/or with an energy capacity of 25 kW or greater.

- C. Tier 3 Large Scale Solar Energy Systems include the following:
Tier 3. A solar energy system with the power generation capacity larger than a Tier 2 small scale solar energy system that feeds into the utility grid, and/or generates greater than 110% of on-site power needs. Tier 3 Solar Energy Systems include a facility with battery storage, regardless of energy capacity.

SOLAR ENERGY SYSTEM OVERLAY DISTRICT - A floating zoning district as may be approved by the Town of Sennett Town Board as set forth in accordance with provisions of the Zoning Code of the Town of Sennett.

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

SOLAR PHOTOVOLTAIC (PV) RELATED EQUIPMENT - Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

SOLAR THERMAL SYSTEM - A system in which water or other liquid is directly heated by the sunlight. The heated liquid is then used for purposes such as space heating and cooling, domestic hot water and the heating of swimming pools.

STORAGE BATTERIES - Devices that store energy and make it available in an electrical form.

STRUCTURE - An assembly of materials located on or permanently affixed to the ground, directly or indirectly, usually including underground parts, such as a foundation, and above ground parts. A Building is one type of Structure.

TOWN - Town of Sennett, Cayuga County, New York.

TRACKING SYSTEM - A number of photovoltaic modules mounted such that they track the movement of the sun across the sky to maximize energy production, either with a single-axis or dual-axis mechanism.

4. **Applicability.**

A. This Article applies to all Solar Energy Systems installed and constructed after the effective date of this Article.

B. Solar Energy Systems constructed prior to the effective date of this Article are not required to meet the requirements of this Article.

C. Any upgrade, modification or structural change that alters the size or placement of an existing Solar Energy System shall comply with the provisions of this Article.

D. The installation of any Solar Energy System does not carry with it a right to a clear line of sight to the sun. It shall be the responsibility of the applicant, installer, or developer to gain any and all Solar Easements or agreements to maintain a line of sight to the sun if necessary.

E. The substantive requirements and standards for Tier 1, Tier 2, and Tier 3 Solar Energy Systems set forth in this Article are intended to apply to all projects with solar collectors and the enclosure and/or fence surrounding the Solar Energy System, including large projects subject to the siting authority of the New York State Board on Electric Siting and the Environment pursuant to New York State Executive Law §94-c.

F. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Uniform Fire Prevention and Building Code Act, the New York State Energy Conservation Code and the Town of Sennett Zoning Law. Such applicable industry standards include, but are not limited to: Institute of Electric and Electronic Engineers (“IEEE”); American

National Standards Institute (“ANSI”); National Fire Protection Association (“NFPA”) National Electrical Code (“NEC”).

5. Permitted Locations.

No Solar Energy System or device shall be installed or operated in the Town of Sennett except in compliance with this Article.

Table 1. Summary of Permitted Solar Energy Systems by Zoning District

Solar Energy System		ZONING DISTRICT						
		AR	R	C/LI	I	PDD	H-T	COD
Tier 1A	Residential building-mounted (<25kW)	P	P	P	P	P	P	P
Tier 1B	Commercial building-mounted (>25kW)	P	P	P	P	P	P	P
Tier 2A	On-site small-scale ground-mounted (<25kW)	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Tier 2B	On-farm solar	SUP	NP	SUP	SUP	SUP	SUP	SUP
Tier 2C	On-site small-scale ground-mounted (>25kW)	SUP	NP	SUP	SUP	SUP	SUP	SUP
Tier 3	Large-scale	FOD-S & SUP	NP	NP	NP	NP	NP	NP

P - Permitted, SUP - Special Use Permit with Site Plan, FOD-S - Floating Overlay District Requires Zone Change to Solar Energy System Overlay District and Special Use Permit with Site Plan, NP - Not Permitted

A. Tier 1 Solar Energy Systems.

1. Tier 1 Solar Energy Systems are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.

a. All Applicants and owners of Tier 1 Solar Energy Systems must file a Building Permit application with the Building and Codes Department, and obtain a valid Building Permit, prior to starting installations.

b. All Tier 1 Solar Energy Systems shall be exempt from the requirement for a Special Use Permit unless such System does not meet the requirements of Section 1100.6 (“Design, Installation, Removal, and Permitting Standards”).

B. Tier 2 Solar Energy Systems.

1. Tier 2 Solar Energy Systems are permitted as an accessory use through the issuance of a Special Use Permit by the Town of Sennett Planning Board per Table 1 by zoning district on lots having a minimum size of 3 acres, except as may otherwise be detailed herein, and shall adhere to the following:

a. All Applicants and owners of Tier 2 Solar Energy Systems must file a Building Permit application with the Building Department, and obtain a valid Building Permit, prior to starting installations.

b. All Applicants and owners of Tier 2 Solar Energy Systems where permitted in accordance with Table 1 must file a Special Use Permit application with the Planning Board, and obtain a valid Special Use Permit, prior to starting installations.

2. Locating of Ground-Mounted Tier 2 Solar Energy Systems avoids the following areas, unless special circumstances arise which create an unavoidable hardship to the Applicant and an exception is granted by the Planning Board in conjunction with the Special Use Permit approval process:

a. Agricultural lands consisting of highly productive soils (i.e., Prime Farmland soils and Soils of Statewide Importance) as identified by the

United States Department of Agriculture-Natural Resources Conservation Service (USDA- NRCS) or alternative available resource (NYS Department of Agriculture and Markets Soil Groups 1 through 4). The Town will use the following hierarchy as a guide to encourage preservation of Prime Farmland soils:

1. Not Prime Farmland;
2. Non-active Farmland: Prime Farmland if Drained;
3. Non-active Farmland: Farmland of Statewide Importance and Prime Farmland;
4. Active Farmland: Prime Farmland if Drained;
5. Active Farmland: Farmland of Statewide Importance and Prime Farmland.

b. Areas of potential environmental sensitivity, such as unique natural areas as designated by the Town of Sennett, Cayuga County Soil and Water Conservation District, Floodplains, historic sites, airports, state-owned lands, conservation easements, trails, parkland, prime soils, protected viewsheds, and wetlands as identified by the New York State Department of Environmental Conservation or the United States Army Corps of Engineers.

c. Areas with slopes of greater than 15%.

d. Front yards of residential lots, if any aboveground portion of the system is within 100 feet of a public or private highway, road, street, and/or right-of-way, it being the intent of the Town of Sennett to encourage residential Solar Energy Systems to be affixed to a Building pursuant to Tier 1 standards whenever and wherever reasonably possible.

e. Recreation areas and opens spaces designed for use by members of the public for recreation, hiking, biking, sporting events and similar activities, whether classified as pre-existing non-conforming uses or specially permitted.

C. Tier 3 Solar Energy Systems.

1. Zone Change Requirements. All parcels of real estate siting Tier 3 Solar Energy Systems are required to obtain rezoning approval from the Sennett Town Board to a floating Solar Energy System Overlay District pursuant to Article XI-B of the Town of Sennett Zoning Law.

6. Design, Installation, Removal, and Permitting Standards.

A. Tier 1 Solar Energy Systems – Building Mounted/Integrated.

1. Height and setback requirements.

a. Tier 1 Solar Energy Systems shall not exceed height limitations of the zoning district and shall adhere to the following:

1. Any Solar Energy System installed on a pitched roof that faces the front yard of a property must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of 18 inches between the roof and edge or surface of the system.

2. A Solar Energy System installed on a sloped roof shall not allow the highest point of the system to exceed the highest point of the roof to which it is attached.

3. A Solar Energy System installed on a flat roof shall not allow the highest point of the system to extend beyond six feet above the roof to which it is attached.
 2. Submittal Requirements and Fees.
 - a. At the time of submittal of the application, at a minimum and unless waived by the Code Enforcement Officer, the Solar Energy Applicant shall submit the following documents:
 1. Site Plan. Site Plan shall be progressed to include details of relevant Site features including, but not limited to, access height, dimensions, connections, screening, etc.
 2. Equipment specification sheets
 - b. Fees. The Applicant shall deliver to the Town of Sennett, along with its application for a Tier 1 Solar Energy System, the fee amount as determined in the Town's Fee Schedule.
 1. If required, the Town of Sennett, at the expense of the Applicant, may employ its own consultant(s) to examine the application and related documentation.
 3. Non-conformance.
 - a. If a Tier 1 Solar Energy System is to be installed on any Building or Structure that is nonconforming because its height violates the height restrictions of the zoning district in which it is located, the Tier 1 Solar Energy System shall be permitted, so long as it does not extend above the peak or highest point of the roof to which it is mounted and so long as it complies with the other provisions of this Article.
 - b. If a Tier 1 Solar Energy System is to be installed on a Building or Structure on a nonconforming property that does not meet the minimum setbacks required for the zoning district in which it is located, a Tier 1 Solar Energy System shall be permitted, so long as there is no expansion of any setback or lot coverage nonconformity and so long as it complies with the other provisions of this Article.
- B. Tier 2 Solar Energy Systems - Small Scale Ground-Mounted.**
1. Height and setback requirements.
 - a. Tier 2 Solar Energy Systems may not exceed the permitted height of accessory structures in the zoning district where the Solar Energy System is to be installed, or 16 feet from the ground at maximum tilt, whichever is less.
 - b. Tier 2 Solar Energy Systems may not be located within the front yard or within 100 feet of the edge of the side or rear limits of the parcel.
 - c. Tier 2 Solar Energy Systems that include building-mounted and building-integrated panels shall adhere to the requirements of Section 1100.6(A)(1).
 - d. Tier 2 Solar Energy Systems shall be installed in a manner so as to prevent glare to adjoining properties and residential structures or traffic/aircraft safety issues.
 2. Submittal Requirements and Fees.
 - a. Pre-Application Meeting. At least sixty (60) days prior to the submission of an Application, the Applicant shall conduct a pre-application meeting with the Town of Sennett Planning Board to ensure all parties have clear expectations regarding any Town requirements

applicable to the proposed Solar Energy System. A written request for this purpose shall be sent to the Planning Board. Submission and review of the Application shall not be delayed based on the failure of the Town to respond in a timely manner to a properly filed meeting request. At the pre-application meeting, the Applicant must provide (1) a brief description of the proposed facility and its environmental setting, (2) a map of the proposed facility showing project components, (3) the proposed facility's anticipated impacts, (4) a designated contact person with telephone number, email address, and mailing address from whom information will be available going-forward, and (5) an anticipated Application submission date.

b. Applications for Tier 2 Solar Energy Systems shall be reviewed by the Code Enforcement Officer for completeness. Applicants shall be advised within ten (10) business days of the completeness of their Application or any deficiencies that must be addressed prior to substantive review.

c. At the time of submittal of the application for a Special Use Permit for a Tier 2 Solar Energy System, at a minimum and unless waived by the Town of Sennett Planning Board, the Solar Energy Applicant shall submit the following documents to be reviewed and approved by the Town's designated engineer if requested by the Town of Sennett Planning Board:

1. Site Plans. Site Plans shall be progressed to include details of relevant Site features including, but not limited to, wetlands, streams and other environmentally sensitive areas to be protected, access driveways, fencing, signage, stormwater management practices, connection to the grid, landscaping, etc. Site Plan shall include layouts and details as necessary for the Town of Sennett Planning Board to review aesthetic impact (materials, colors, height, etc.).

2. Equipment specification sheets.

3. Soils maps.

4. For projects within an Agricultural District, provide a map showing Active and Prime Farmland, including USDA classifications (*e.g.*, Farmland of Statewide Importance, Prime Farmland and Prime Farmland If Drained).

5. A completed Part 1 of the NYS SEQRA Short Environmental Assessment Form.

6. Proposed screening and buffering between the Solar Energy System and neighboring properties for all seasons, as necessary through mechanisms including fencing and landscaping, to be incorporated to the satisfaction of the Planning Board.

d. Special provisions. The Town of Sennett 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 this section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA). Such conditions may include, but are not limited to, the submission of line-of-sight drawings, detailed elevation maps, visual simulations, before and after renderings, and alternate designs to more clearly identify adverse impacts for the purpose of their mitigation.

e. Fees. The Applicant shall deliver to the Town of Sennett, along with its application for a Tier 2 Solar Energy System, the Application fee amount as determined in the Town’s Fee Schedule.

1. If required, the Town of Sennett, at the expense of the Applicant, may employ its own consultant(s) to examine the application and related documentation.

3. Non-conformance.

a. If a Tier 2 Solar Energy System is to be installed on a property containing a Structure that is nonconforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the required setback established herein.

b. If a Tier 2 Solar Energy System includes building-mounted and building-integrated panels, the requirements of Section 1100.6(A)(3) shall apply.

7. **Right of Inspection.**

A. In order to verify that the Solar Energy System’s Applicant(s)/owners and any and all lessees, renters and/or operators of the Solar Energy System place, construct, modify and maintain such systems, including Solar Collectors and solar inverters, in accordance with all applicable technical, safety, fire, building and zoning codes, laws, ordinances and regulations and other applicable requirements, the Town of Sennett may inspect all facets of said system’s placement, construction, modification and maintenance.

B. Any inspections required by the Town of Sennett Building and Codes Department that are beyond its scope or ability shall be at the expense of the Solar Energy Applicant/Owner/Operator.

8. **Enforcement.**

A. The Town Board shall appoint such Town staff or outside consultants as it sees fit to enforce this Article, and each such person shall be deemed an Enforcement Officer under this Article.

B. All provisions of New York State law generally applicable to misdemeanors shall apply to any criminal proceeding brought under this Article, and for such purposes the violation of this Article is hereby declared an unclassified misdemeanor. The Town’s justice court is hereby vested with jurisdiction to issue administrative and other warrants in compliance with the New York Criminal Procedure Law and Administrative Codes of the State of New York, as well as to hear and adjudicate allegations relating to the criminal or civil violation of this Article and thereafter, if appropriate, impose any fine, penalty, or sanction.”

SECTION 5. AMEND THE ZONING LAW OF THE TOWN OF SENNETT BY ADDING A NEW ARTICLE XI-B (“SOLAR ENERGY SYSTEM OVERLAY DISTRICT”)

The Zoning Law of the Town of Sennett is hereby amended to add a new **Article XI-B (“Solar Energy System Overlay District”)** to read in its entirety as follows:

“ARTICLE XI-B

SOLAR ENERGY SYSTEM OVERLAY DISTRICT

9. **Authority.**

The Solar Energy System Overlay District is adopted pursuant to the New York State Constitution, New York State Town Law §§261-263 and Municipal Home Rule Law §§ 10 and 20.

10. **Statement of Purpose.**

This Solar Energy System Overlay District Article is adopted as the new Article XI-B of the Town of Sennett Zoning Law to allow there to be established “floating” zones in the Town of Sennett wherein Tier 3 Solar Energy Systems described in this Article may be installed to provide a source of renewable

energy to serve the community. It provides for the responsible development of adequately sized parcels located near substations that may be otherwise challenging to develop, difficult to reclaim and/or unsuitable for higher value development. The creation of floating Solar Energy System Overlay Districts shall require the consideration of the neighborhood's needs, including but not limited to aesthetics, safety, drainage, lot clearing impacts on natural resources, and private investment into community amenities (such as parks and trail systems). These overlay districts are adopted to advance and protect the public health, safety, and welfare of the Town by creating regulations for the installation and use of Solar Energy Systems and equipment with the following objectives:

- A. To take advantage of a safe, abundant, renewable and non-polluting energy resource;
- B. To foster low-impact development of sites that are located near existing substations and are otherwise challenging to develop, difficult to reclaim, and/or unsuitable for higher value development;
- C. To broaden the economic tax-base without further depleting or drawing on limited resources;
- D. To lessen the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources, including but not limited to scenic byways and view sheds; and
- E. To create synergy between solar and other community goals pursuant to the Town's Comprehensive Plan, such as to responsibly and safely create vibrant neighborhoods, manage land uses, create and preserve walkable areas and recreation spaces, and encourage investment in the Town.

11. Definitions and Provisions of Article XI-A.

A. Terms pertaining to the Solar Energy System Overlay District are defined in Article XI-A, Section 1100.3 ("Definitions") of the Zoning Law and the provisions of Article XI-A pertaining to Tier 3 Solar Energy Systems and the Solar Energy System Overlay District are incorporated herein by reference.

12. Applicability.

A. The requirements of this Article shall apply to all Tier 3 Solar Energy Systems permitted, installed, or modified in the Town of Sennett after the effective date of this Article, excluding general maintenance and repair.

B. Modifications to an existing Tier 3 Solar Energy System that increases the footprint and/or alters the layout of and/or adjusts the access configuration to a Solar Energy System shall be subject to this Article.

C. All Tier 3 Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Uniform Fire Prevention and Building Code Act, the New York State Energy Conservation Code and the Town of Sennett Zoning Law.

13. General Requirements.

A. All Applicants and owners of a Tier 3 Solar Energy System must file a Building Permit application with the Building and Codes Department together with a zone change Application for the subject parcel or parcels of land to be re-zoned to Solar Energy System Overlay District, together with a preliminary site plan application and a Special Use Permit application.

B. Any person or corporation having ownership of the property, or a possessory interest entitled to exclusive possession, or a contractual interest or future ownership, may file a request for the creation and use of the floating overlay district. No Building Permit application will be processed to completion until the Applicant first obtains approval from the

Sennett Town Board to re-zone the subject property(ies) to Solar Energy System Overlay District and approval from the Planning Board for Special Use Permit and Site Plan Review.

C. All Tier 3 Solar Energy System Overlay District applications are subject to the New York State Environmental Quality Review Act (“SEQRA”) as “Type I” projects. The Sennett Town Board shall serve as lead agency for SEQRA review.

14. Permitting/Application Requirements.

A. All Tier 3 Solar Energy Systems are permitted through Sennett Town Board for a zoning map amendment and Type I State Environmental Quality Review Act (“SEQRA”) review. The Town of Sennett Planning Board shall be a referral agency for the review of site plans and Special Use Permits.

B. Pre-Application Meeting. At least sixty (60) days prior to the submission of an Application, the Applicant shall conduct a pre-application meeting with the Sennett Town and Planning Boards, in joint session to ensure all parties have clear expectations regarding any Town requirements applicable to the proposed Tier 3 Solar Energy System re-zone Application. A written request for this purpose shall be sent to the Town Board. Submission and review of the Application shall not be delayed based on the failure of the Town to respond in a timely manner to a properly filed meeting request.

C. At the pre-application meeting, the Applicant must provide (1) a brief description of the proposed facility and its environmental setting, (2) a map of the proposed facility showing project components, (3) the proposed facility’s anticipated impacts, (4) a designated contact person with telephone number, email address, and mailing address from whom information will be available on a going-forward basis, and (5) an anticipated Application submission date.

D. Applications for Tier 3 Solar Energy Systems shall be reviewed by the Code Enforcement Officer for completeness. Applicants shall be advised within sixty (60) days of the Code Enforcement Officer’s receipt of the Applicant’s full Application as to the completeness of their Application or any deficiencies that must be addressed prior to substantive review.

E. At the time of submittal of the Application for a floating Solar Energy System Overlay District for a Tier 3 Solar Energy System, the Solar Energy Applicant shall submit all necessary supporting documents in accordance with Section 1100.16 to demonstrate that the proposed zoning change meets the criteria set forth in Section 1100.15 to the satisfaction of the Sennett Town Board. Said documentation may be reviewed and approved by the Town’s designated engineer if requested by the Sennett Town Board.

F. The Application and all supporting materials shall be referred to the Cayuga County Department of Planning and Economic Development by the Sennett Town Board pursuant to General Municipal Law §239-m, as required.

15. Findings Required for a Zoning Change.

A. The Town Board may approve establishment of a Solar Energy System Overlay District, provided that the Application materials and preliminary site plan establish that:

1. The proposed zoning change is in conformance with the general intent of this Article and the Town of Sennett Comprehensive Plan.

2. The proposed use will not be detrimental to surrounding uses and will allow for land surrounding the proposed development to be planned in coordination with the proposed development and that it be compatible in use.

3. The proposed location does not create materially adverse visual impacts to surrounding uses. The visual impact of the proposed use will not have an adverse impact on viewsheds, including but not limited to, established touring routes, existing residential areas, existing parklands and recreational uses, etc.

4. The use is not a prohibited use hereunder, or under any other provision of the Zoning Law of the Town of Sennett.

5. The use avoids installation on agricultural lands consisting of highly productive soils (*i.e.*, prime farmland soils and soils of statewide importance) as identified by the United States Department of Agriculture-Natural Resources Conservation Service (USDA- NRCS) or alternative available resource (NYS Department of Agriculture and Markets Soil Groups 1 through 4) as follows. The Town will use the following hierarchy as a guide to encourage preservation of prime farmland soils:

- a. Not Prime Farmlands;
- b. Non-active Farmland: Prime Farmland if Drained;
- c. Non-active Farmland: Farmland of Statewide Importance and Prime Farmland;
- d. Active Farmland: Prime Farmland if Drained;
- e. Active Farmland: Farmland of Statewide Importance and Prime Farmland.

6. The use avoids areas of potential environmental sensitivity, including unique natural areas, Floodplains, historic sites, state-owned lands, conservation easements, trails, parkland, prime soils, and wetlands as identified by the New York State Department of Environmental Conservation or the United States Army Corps of Engineers.

7. The use avoids installation on areas with slopes of greater than 15%.

8. The use avoids recreation areas and opens spaces designed for use by members of the public for recreation, hiking, biking, sporting events and similar activities, whether classified as pre-existing non-conforming uses or specially permitted.

9. The proposal preserves and/or reinstates vegetation on the parcel(s) and the parcel is otherwise challenging to develop, difficult to reclaim and/or unsuitable for higher value development.

B. Public hearing by the Town Board. The Town Board shall conduct a public hearing on the proposed change of zoning. The public hearing on the proposed zoning map amendment to the Solar Energy System Overlay District shall be given public notice as required for all zoning map amendments. After the public hearing, the zoning map may be amended, but such action shall only have the effect of granting permission for preparing site plans for the development of the specific proposal incorporating any conditions or modifications requested by the Town Board. The Town Board may use its sole discretion to deny approval of the zoning map amendment and any preliminary development plans.

C. Special provision. The Town of Sennett Town Board may impose conditions on its rezoning of any floating Solar Energy System Overlay District to enhance and/or enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA). Such conditions may include, but are not limited to, the submission of line-of-sight drawings, detailed elevation maps, visual simulations, before and after renderings, and alternate designs to more clearly identify adverse impacts for the purpose of their mitigation.

16. **Planning Board Review.** Upon approval by the Town Board for amendment(s) to the zoning map, an application for said approved use(s) via an overlay district shall be submitted to the Planning Board for review and approval of site plans and issuance of a Special Use Permit.

A. **Site Plan Application.** Application for any Tier 3 Solar Energy System requiring site plan approval shall include site plan submittal requirements listed in Article VI in addition to the following information:

1. Site Plans. Site Plans shall be progressed to include details of all relevant existing and proposed site features including, but not limited to:
 - a. Property boundaries and all adjacent landownership, zoning district designation for the parcel(s) of land comprising the site, existing topography and physical features including slopes analysis (greater than 5%, 10%, 15%, 20% and 25%)
 - b. Proposed changes to landscape features, grading, vegetation clearing and planting, screening and buffering vegetation features or structures
 - c. Internal access roads and external access/truck transportation routes to the project site
 - d. Location and details of all proposed site elements (*e.g.*, fencing, signage, stormwater management practices, underground utilities, poles and connection to the grid, etc.)
 - e. Profiles, sections and details as necessary to review aesthetic impact (materials, colors, height, etc.)
2. A one- or three-line electrical diagram detailing the Tier 3 Solar Energy System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
3. A preliminary equipment specification sheet which documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
4. Name, address, and contact information of the owner and/or operator of the Tier 3 Solar Energy System and proposed or potential system installer. Such information regarding the final system installer shall be submitted prior to the issuance of the building permit.
5. Name, address, phone number, and signature of the project Applicant and the property owners, demonstrating their consent to the application and the use of the property for the Tier 3 Solar Energy System. Copy of the Lease Agreement if applicable.
6. A completed Part 1 of the NYS SEQRA Full Environmental Assessment Form.
7. Soils maps.
8. For projects within an Agricultural District, provide a map showing Active and Prime Farmland, including USDA classifications (*e.g.*, Farmland of Statewide Importance, Prime Farmland and Prime Farmland If Drained).
9. Visual Impact Assessment. Conduct a visual impact assessment of the Tier 3 Solar Energy System facility in accordance with NYSDEC's latest guidance for Assessing and Mitigating Visual and Aesthetic Impacts. In conjunction with the preparation of a view shed analysis map, the Applicant should prepare the following:
 - a. Photo simulations that depict the proposed solar arrays in relation to the project site from sensitive receptor locations in all directions, including neighboring residential properties, roadways and viewsheds which may be visually impacted by the project.
 - b. Photo simulations should display the view of current site conditions, the view with the solar panels in place, and the view with vegetation screening in place if the solar panels will be visible from sensitive receptor locations.

- c. Include line of sight profiles and elevation views for each of the photo simulation locations.
- d. Depending upon the scope and potential significance of the visual impacts, additional supporting documentation may be requested at the discretion of the Town Board and/or Planning Board.
10. Other relevant supporting documentation and studies, including but not limited to, Noise Analysis (to the nearest property boundary), and Glare Analysis (potential impacts to adjacent roadways and structures, and airport routes within proximity to the site, if applicable).
11. Storm Water Pollution Prevention Plan (SWPPP) and Erosion and Sediment Control Plan prepared to applicable New York State Department of Environmental Conservation standards and guidance, and to such standards as may be established by the Planning Board. Modeling of peak flows and erosive forces is to be based on regional extreme weather data.
12. Operation and Maintenance Plan. The Solar Energy Applicant shall submit and agree to the ongoing implementation of an operation and maintenance plan with information including, but not limited to:
 - a. Project description and owner/operator contact information.
 - b. Map and/or description indicating the limits of the landscaping maintenance area, including the proposed buffer area outside of the fence line to be maintained by the facility Owner/Operator.
 - c. Maintenance activity and frequency for vegetation, landscaping and general property upkeep, such as mowing and trimming, establishment and protection of all landscaping elements. Include a timeframe for the replacement of dead/diseased trees/shrubs.
 - d. Identify the specific storm water practices used on site, maintenance activities/frequency, and identify common issues for each practice (*i.e.*, excessive vegetation, types of erosion, sediment accumulation, etc.) and how these items will be rectified when encountered.
 - e. List the responsible party for undertaking each maintenance activity and include contact details for responsible parties.
 - f. Where pervious access roadways are proposed, include ongoing monitoring and description of correction actions to ensure the access roadway remains pervious.
 - g. Inspection of landscaping at a minimum of once a year for the first five (5) years of operation by a Registered Landscape Architect or Arborist, providing a written report of findings and correction timeline to the Town and Planning Boards.
 - h. Include requirement for the Town to be notified within 30 days of the change of control of the site (*i.e.*, change to site owner and/or operator).
 - i. The owner/operator will be required to enter into a legally binding maintenance agreement for ongoing implementation of the operation and maintenance plan while the Solar Energy System is operational.
13. Decommissioning Plan in accordance with the requirements of

Section 1100.18(D)(11).

14. Prior to the issuance of the final approval by the Planning Board, final construction documents must be signed and sealed by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect.

15. Prior to issuance of the building permit, construction documents will be subject to final engineering review for conformance against the Plans and Documents approved by the Planning Board. The following documents shall to be provided:

- a. Final construction drawings and equipment specification sheets.
- b. Final SWPPP and NOI.
- c. Geotechnical investigations to support the proposed ground mount design (e.g., screw pile, concrete foundation, etc.).
- d. Final O&M Plan and Maintenance Agreement. The Solar Energy Applicant shall commit to the ongoing implementation of the O&M Plan and Maintenance surety in accordance with Section 1100.17(F). A copy of the Maintenance Agreement shall be provided demonstrating compliance with the requirements of Section 1100.16(A)(12).
- e. Final Decommissioning Plan and Surety in accordance with Section 1100.18(D)(11).

B. Standard for Planning Board Review.

1. Lot size. The property on which the Tier 3 Solar Energy System is placed shall be a minimum of 30 acres.

2. Setbacks. Tier 3 Solar Energy Systems may not be located within 200 feet of the edge of the front, side, or rear limits of the parcel and must be setback 500 feet from any existing residential structure.

3. Height. Tier 3 Solar Energy Systems shall comply with the building height limitations for principal structures of the underlying zoning district, or 16 feet from the ground, whichever is less.

4. Lot coverage. The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:

- a. Surface area of the panels and foundation systems, typically consisting of but not limited to driven piles or monopoles or helical screws with or without small concrete collars.
- b. All mechanical equipment of the Tier 3 Solar Energy System, including any pad-mounted structure for batteries, switchboard, transformers, or storage cells.
- c. Access roads servicing the Tier 3 Solar Energy System.
- d. Lot coverage of the Tier 3 Solar Energy System, as defined above, shall not exceed 50%.

5. Screening and visibility. Tier 3 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable using existing natural topography and vegetation, architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area. Applicants seeking to install Tier 3 Solar Energy Systems shall be required to:

- a. Submit a screening and landscaping plan to show adequate measures to screen through landscaping, grading, fencing or other means so that views of solar panels and solar energy equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.

1. The Planning Board shall exercise reasonable judgment to review the proposed landscaping plan to ensure the creation of a

vegetated barrier that is sufficient to screen the project while creating an attractive and natural look with appropriately spaced native species.

2. Tree cutting. Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property. No more than 20% of existing –mature trees should be removed.

3. Tier 3 Solar Energy System owners shall develop, implement and maintain vegetation by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, pollinators and/or agrivoltaics. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.

6. Ownership changes. If the owner or operator of the Tier 3 Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the Tier 3 Solar Energy System shall notify the Code Enforcement Officer of such change in ownership or operator within 30 days of the ownership change.

7. The Applicant has six (6) months from site plan approval to submit an application for a Building Permit. Such time period may be reasonably extended by the Planning Board upon notification to the Town and with good cause shown by the Applicant

17. **Security/Fees.**

A. **Application Fee.** An Application fee shall be submitted by the Applicant to the Town Board at the time of submittal, in accordance with the Town of Sennett fee schedule then in effect.

B. **Third Party Review.** The Town of Sennett, at the expense of the Applicant, may employ its own consultant(s) to examine the application and related documentation and make recommendations as to whether the criteria for the floating Solar Energy System Overlay District have been met, including but not limited to whether the Applicant’s conclusions regarding visual analysis, access, environmental impact, and stormwater management aspects are valid and supported by generally accepted and reliable engineering and technical data and standards utilized in the Finger Lakes Region of New York State.

C. **Application Review Escrow.** The Applicant for either state or local siting approval shall deliver to the Sennett Town Board, along with its application for a Tier 3 Solar Energy System if local approval is sought, and concurrent with the filing of a New York State Executive Law §94-c Permit Application, if applicable, an amount specified in the Town of Sennett fee schedule, then in effect (the “Initial Deposit”). This sum shall be held by the Town of Sennett in a non-interest-bearing account, and these funds shall be available to the Town of Sennett to pay consultants and attorneys engaged by the Town of Sennett to assist in application review if a local permit is sought, and to pay consultants and attorneys engaged by the Town of Sennett to assist in review of a Section 94-c Permit Application should awarded intervenor funds be insufficient to fully participate in the Section 94-c Process or should intervenor funds be otherwise exhausted. Following the issuance of a Final Building permit, the Town of Sennett shall return to the Applicant any excess remaining in escrow. If the escrow account has been depleted prior to grant or denial of the application, the Applicant shall replenish the escrow in accordance with the fee schedule, depositing such funds necessary for the Town of Sennett to pay any outstanding fees to said consultants.

D. **Construction Inspection Escrow.** The Sennett Town Board shall enter into an engineering escrow agreement with the Applicant in which the Applicant will agree to fund the escrow amount in accordance with Town's Fee Schedule to compensate the Town of Sennett for having its engineer inspect and advise the Sennett Town Board on the compliance of the construction with the approved drawings. The engineering escrow agreement must be approved by the Sennett Town Board and consulting Sennett Town Attorney and be signed by the Sennett Town Supervisor and by the Applicant. Escrow funds may also be used at the discretion of the Town to pay consultants and contractors engaged by the Town of Sennett to undertake corrective action required to address deficiencies identified within the construction inspection report, including deficiencies related to erosion and sediment control and/or other corrections for sites that are operating in violation of their site specific SWPPP, and which are not corrected by the Owner/Operator within seven days of notification.

E. **Annual Post-Construction Inspections.** After construction is complete, the Owner/Operator shall engage the services of a New York State licensed engineer to complete annual site inspections of the condition of the perimeter landscaping, fencing, site access road, stormwater management practices, overall condition of the site and vegetative cover. Following each annual site inspection, said engineer shall provide a written report to the Town of Sennett Zoning Enforcement Officer. Corrective action will be required by the Owner/Operator to address deficiencies as identified within the engineer's inspection report. The annual Site inspections will be performed each year no later than July 1st, with the corresponding inspection report delivered to the Town of Sennett no later than August 1st of the same year. If Owner/Operator fails to provide an annual inspection report, as required, the Town of Sennett may engage the services of the Town's designated engineer to provide services described above. If the Town's designated engineer is used for inspection report services, the Maintenance Bond referenced in Section 1100.17(F) may be used to compensate the Town's designated engineer for associated labor and expenses. Any and all corrective actions recommended in the engineer's inspection report shall be completed no later than September 15th of the same year, unless an extension of time for the completion of same is granted by the Sennett Town Board, in its sole discretion. The Maintenance Bond may also be used at the discretion of the Sennett Town Board to pay consultants and contractors engaged by the Town of Sennett to undertake corrective actions as required to address deficiencies identified within the annual site inspection which are not corrected by the Owner/Operator by the approved deadline for completing same.

F. **Maintenance Bond.** Where solar facilities are to be operated, maintained and inspected by and at the responsibility of the Applicant or developer, prior to issuance of the building permit, these entities may be required to provide the Town of Sennett with a bond, cash escrow, irrevocable letter of credit from an approved financial institution, or other acceptable surety, to ensure there are resources available to support and sustain the proper operation and maintenance of all stormwater management, site civil elements and landscaping until the facilities are removed from operation. If there is failure to properly inspect, operate and maintain said facility, the Town of Sennett may draw upon the account to cover costs of proper inspection, operation and maintenance, including legal, engineering and contractor costs. The bond amount shall be based on the estimated cost of annual inspections and typical maintenance actions over a five year period, subject to third party review at the developer's expense, if requested by the Town Board.

G. **Host Agreement.** An agreement between an applicant for a Tier 3 solar energy system and the Town of Sennett shall identify the gap in payments and/or special costs to the Town of hosting a Tier 3 solar energy system and provide a means by which the Applicant will provide for such periodic payments. The Host Agreement shall be in place before a Building Permit will be issued. Nothing contained in this law shall be read as limiting the ability of the

Sennett Town Board to enter into a Host Agreement and/or a Payment in Lieu of Taxes (“PILOT”) agreement with any Applicant to compensate the Town for expenses and/or impacts on the community.

H. **Payments in Lieu of Taxes (PILOT).** In every instance of a Tier 3 solar energy system application, the Town of Sennett hereby requires the applicant to enter into a Payment in Lieu of Tax (“PILOT”) Agreement. Notwithstanding this PILOT requirement, the applicant shall still be required to observe the requirements of Real Property Tax Law Section 487 relative to notification of a proposed Tier 3 solar energy system. Such notification shall be sent to the Town of Sennett Supervisor, with a copy to the Town Clerk, by Registered and U.S. First Class Mail and shall specifically state in bold lettering on the envelope and on the first page of the notice that the notice is being provided pursuant to NYS Real Property Tax Law Section 487(2). Upon receipt of said notice, the Town of Sennett will advise the applicant of the Town’s desire for a Payment in Lieu of Tax (“PILOT”) Agreement.

I. **Road Use Agreement.** The applicant/owner/operator shall be required to enter into a road use/remediation agreement with the Town. Performance of a baseline road condition survey is required for all roads to be used to transport equipment to and from the site (i.e., video or photographic log). The applicant shall be responsible for remediation of any roads or other public property damaged and/or degraded, during the construction of and/or completion of the installation (or removal) of any Tier 3 Solar Energy System approved pursuant to this Article. The applicant/owner/operator must post a security in an amount and form acceptable to the Town to compensate the Town for any damage to local roads that is not corrected by the applicant/owner/operator. Said security must be posted prior to the issuance of any building permit. The Highway Superintendent or Town Engineer is authorized to consult with any necessary professional to determine or confirm the security amount all at the sole cost and expense of the applicant/owner/operator. Such security shall be in addition to other securities required by this Article. Acceptable forms of the security shall include, in order of preference; cash; irrevocable letter of credit; or a bond that cannot expire; or a combination thereof.”

18. **Engineering.**

A. **Environmentally Sensitive Areas.** Wetlands, streams and other environmentally sensitive areas are to be clearly indicated on the Plans including a note on the Plans that they will be demarcated with orange construction fencing prior to site disturbance.

B. **Prime Farmland.** Removal of any Prime Farmland soil(s) from the subject Site is prohibited. Proposed Tier 3 Solar Energy Systems shall minimize the displacement of prime soils that are in active agricultural use and/or production. 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. rotational crops, hay land, un/improved pasture, support lands, and fallow lands), the location of diversions and ditches, and areas where tile drainage has been installed. It shall also depict the location(s) of adjacent prime soils and active agricultural uses.

C. **Utility Lines and Poles.** All on-site utility and transmission lines shall, to the extent feasible, be placed underground unless otherwise approved due to site constraints and/or owner preference. The installation of new or modification of existing above-ground utility poles should be minimized to the extent feasible.

D. **Appearance and Buffering.**

1. The Tier 3 Solar Energy System shall have the least visual effect on the environment as is practical and as is determined by the Town Board and Planning Board. Based on site-specific conditions, including topography, adjacent structures, and roadways,

reasonable efforts shall be made to minimize visual impacts by preserving natural vegetation, and providing landscape screening to abutting residential properties and roads.

2. Any exterior lighting is prohibited unless required for safety/emergency lighting, in which case exterior lighting shall be limited to staff-activated emergency lighting. Such exterior lighting shall not project off the Site and should only be activated when the area within the fenced perimeters has been entered. Any exterior lighting shall have the least visual effect practical on the contiguous properties and shall be approved by the Planning Board.

3. Equipment and vehicles not used in direct support, renovations, additions or repair of any Tier 3 Solar Energy System shall not be stored or parked on the facility site.

4. Tier 3 Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access approved by the Town of Sennett Town Board and Planning Board. The fencing shall:

a. Be decorative and/or supplemented with landscaping to avoid adverse aesthetic impacts.

b. Be a minimum 7-feet high self-locking.

c. Be wildlife friendly with minimum 6" clearance that allows the passage of small mammals and reptiles and is designed to minimize wildlife injury and death due to entanglement, unless deemed unnecessary for sites with limited surrounding wildlife habitat.

5. Tier 3 Solar Energy Systems shall be designed, erected, and installed in a manner so as to prevent undue Glare to adjoining properties or creating traffic/aircraft safety issues. All solar panels used in Tier 3 Solar Energy Systems shall have antireflective coating(s).

6. Access.

a. A locked gate at the intersection of the driveway and a public or private road may be required to obstruct entry by unauthorized vehicles. Such gate must be located entirely upon the lot and not on the public or private right-of-way.

b. Roadways within the site shall be the minimum feasible width allowing for safe/emergency access and shall be built along field edges and along elevation contours where practical, constructed at grade, and have a maximum width of 20 feet unless the solar energy applicant can demonstrate through engineering studies and to the satisfaction of the Town of Sennett that internal roadway requires increased width for safety and/or access requirements. Roadway construction shall limit the use of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.

7. Signage.

a. No signage or graphic content may be displayed on the Tier 3 Solar Energy System except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than eight square feet.

b. Disconnect and other emergency shutoff information will be clearly displayed on a light reflective surface.

c. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations not to exceed six square feet.

d. Warning signs with the Applicants/owners/operators name and twenty-four-hour emergency contact information shall be placed on all access points/gates to the Site and on the perimeter of the fencing therein.

e. Tier 3 Solar Energy Systems and related equipment shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. Materials used for marking shall be weather resistant. The Applicant shall submit details of signage along with site plans to the applicable local/county fire services and emergency response services for review.

8. Safety.

a. The Applicant/owner/operator shall provide a copy of the site plan application to the local/county fire department and emergency services and provide evidence that the site plans in relation to emergency access and response have been reviewed and approved by the appropriate agencies. Additionally, the Applicant/owner/operator shall provide evidence that the local and county fire and emergency services organizations have been offered relevant site/system specific safety training at the Applicant/owner/operator's expense. Representatives from local and county fire and emergency services organizations shall be invited to a pre-construction meeting, along with the Town Code Enforcement Officer and Town Designated Engineer, if requested.

b. All means of shutting down the photovoltaic Tier 3 Solar Energy System shall be clearly marked on the site plan and Building Permit applications.

9. Battery storage system.

a. All mechanical equipment, including any structure for batteries or storage cells, shall be enclosed by a fence with a self-locking gate. All relevant design standards within Article IIB that are applicable to the battery and storage system (*e.g.*, screening, safety, set-back, signage, etc.) are to be met as part of site plan approval for the battery and storage system, whether co-located or within a separate project parcel, at the discretion of the Town Board and their designated engineer.

b. If solar storage batteries are included as part of the Solar Energy Collection system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code. All solar storage batteries, their maintenance, placement, and location shall also comply with all applicable rules and regulations as promulgated by New York State Building Code and the National Electrical Code.

c. When batteries are no longer in use, they shall be disposed of in accordance with the laws of the State of New York and any applicable Federal or Local disposal rules or regulations. Projects that include battery storage must include this element within the Operations and Maintenance Plan and Decommissioning Plan.

d. All projects including battery storage shall require an Emergency Response Plan (ERP) be developed to address the relevant site specific safety considerations (*e.g.*, response plan and communications, source water for firefighting, containment and treatment needs for fire flow, exclusion zones or safe separation distances for personnel, monitoring and investigations, map and description of alarms and shut-offs, annual

training needs, etc.). The ERP shall be reviewed and formally accepted by the Fire Department and Emergency Responders.

e. At the developer's expense, all projects including battery storage shall require the developer to provide the Fire Department and Emergency Responders with induction into the Emergency Response Plan and ongoing regularly scheduled training (e.g., annually) as agreed with the Fire Department and Emergency Responders within the approved ERP.

f. Prior to issuance of a Building Permit for a Tier 3 Solar Energy System with battery storage, the owner or operator of the facility shall post a surety in an amount and form acceptable to the Town for the purposes of recovering the cost born by the Town in the event of an emergency (e.g., water, investigations, staff, fire equipment, etc.). The surety amount may be reviewed and adjusted, as necessary, by the Town at five year intervals.

10. Abandonment and removal.

a. A Tier 3 Solar Energy System shall be deemed to be abandoned after it has ceased operating for a continuous one (1) year period.

b. Upon cessation of operations of a Tier 3 Solar Energy System for a period of one (1) year, the Town may notify the owner and/or operator of the facility to implement the Decommissioning Plan. Within one-hundred and eighty (180) days of notice being served, the owner and/or operator can either restore operation equal to 80% of approved capacity or commence implementation of the Decommissioning Plan. At its discretion, and at any time, the Town is entitled to request operational data from the owner/operator.

c. In the event that construction of the Tier 3 Solar Energy System has been started but is not completed and functioning within eighteen (18) months of the issuance of the Building Permit, the Town may notify the operator and/or the owner to complete construction and installation of the facility within three-hundred and sixty-five (365) days. If the owner and/or operator fails to perform, the Town may require the owner and/or operator to implement the Decommissioning Plan.

d. Applications for extensions of the time periods set forth in this subsection of no greater than ninety (90) days shall be reviewed by the Town Board, with the Town Board having sole and unfettered discretion over any extension requests.

e. Upon recommendation of the Building Inspector/Code Enforcement Officer, the Sennett Town Board may waive or defer the requirement that a Tier 3 Solar Energy System be removed if it determines that retention of such facility is in the best interest of the Town.

f. If the owner and/or operator fails to fully implement the Decommissioning Plan within the prescribed time period and restore the site as required, the Town may use the financial surety posted by the owner and/or operator to decommission the site, or it may proceed with decommissioning at its own expense and recover all expenses incurred for such activities from the defaulted owner and/or operator.

g. Any costs 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. Decommissioning.

a. At the time of submittal of the Application for a Special Use Permit for a Tier 3 Solar Energy System, the Solar Energy Applicant shall submit and agree to the performance of a Decommissioning Plan and Indemnification Agreement approved by the Town Board, and subject to third party review at the developer's expense, if requested by the Town Board. If the Tier 3 Solar Energy System becomes abandoned as defined in Section 1100.18(D)(10), the Town of Sennett may require its removal in accordance with the Decommissioning Plan. The Town Building Inspector/Code Enforcement Officer shall provide the Tier 3 Solar Energy System owner/operator written notice of a request for decommissioning. Upon removal of a Tier 3 Solar Energy System, the land shall be restored to its previous condition, including but not limited to the seeding, soddening, replanting, roadway restoration and drainage patterns.

b. Prior to issuance of a Building Permit for a Tier 3 Solar Energy System, the owner or operator of the Tier 3 Solar Energy System shall post a surety in an amount and form acceptable to the Town for the purposes of removal in the event the Tier 3 Solar Energy System is abandoned. The amount of the surety required under this Section shall be 125% of the projected cost of removal of the Tier 3 Solar Energy System and restoration of the property with a minimum escalator of 2% annually for the life of the Tier 3 Solar Energy System. Acceptable forms shall include, in order of preference; cash; irrevocable letter of credit; or a bond that cannot expire; or a combination thereof. Such surety will be used to guarantee removal of the Tier 3 Solar Energy System should the system be abandoned. The surety amount may be reviewed and adjusted, as necessary, by the Town at five year intervals.

c. In such case as the Town of Sennett has provided written notice to remove the Tier 3 Solar Energy System, the owner/operator shall have one (1) year from written notice to remove the Tier 3 Solar Energy System including any associated accessory structures and/or equipment and restore the site to its previous condition as defined in the approved Decommissioning Plan. If the owner/operator fails to remove any associated structures or restore the Site to the condition approved by the Town of Sennett, all costs of the Town of Sennett incurred to enforce or comply with this condition shall be paid using the surety provided by the Applicant.

d. Decommissioning Plan. An application for a Tier 3 Solar Energy System shall include a Decommissioning Plan. Removal of a Tier 3 Solar Energy System must be completed in accordance with the Decommissioning Plan. The Decommissioning Plan shall:

1. Specify that after the Tier 3 Solar Energy System will no longer be used, it shall be removed by the owner and/or operator or any subsequent owner/operator and shall include a signed statement from the Applicant acknowledging such responsibility. The application shall disclose the lease start date, length of the

original lease, and number of options and timeframes if the lease is renewed.

2. Demonstrate how the removal of all infrastructures (including but not limited to aboveground and below ground equipment, structures and foundations) and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction.

3. Specify the removal of the Tier 3 Solar Energy System and all associated equipment, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, and gates up to four feet below the ground surface. Additionally, specify the decompaction of soils to a depth of 24 inches, along with regrading, reseeding and replanting as needed to restore the site to its original condition prior to project construction. Re-vegetation shall include native plants and seed mixes and exclude any invasive species.

4. Include photographs or archival color images of the proposed site plan area for Tier 3 Solar Energy System. Such information must, in aggregate, adequately portray the entire property for the purpose of future reference when soil and vegetation remediation of the property occurs.

5. State that disposal of all solid and hazardous waste shall be in accordance with local, state and federal waste disposal regulations.

6. Provide an expected timeline for decommissioning within a three-hundred-sixty-five-day (365) period.

7. Provide a site specific cost estimate detailing the projected cost of executing the Decommissioning Plan, subject to third party review at the developer's expense, if requested by the Town Board.

8. Specify that within 30 days of changing ownership, written notice shall be provided to the Town with the name of the new owner and contact information.

9. Plan shall be project specific and, where applicable, reference requirements of the latest version of NYS Department of Agriculture and Markets Guidelines for Construction Mitigation.

19. Right of Inspection.

A. In order to verify that the Tier 3 Solar Energy System's Applicant(s)/owners and any and all lessees, renters and/or operators of the Tier 3 Solar Energy System place, construct, modify and maintain such systems, including Solar Collectors and solar inverters, in accordance with all applicable technical, safety, fire, building and zoning codes, laws, ordinances and regulations and other applicable requirements, the Town of Sennett may inspect all facets of said system's placement, construction, modification and maintenance.

B. Any inspections required by the Town of Sennett Building and Codes Department that are beyond its scope or ability shall be at the expense of the Solar Energy Applicant/owner/operator.

20. Enforcement.

A. The Town Board shall appoint such Town staff or outside consultants as it sees fit to enforce this Article, and each such person shall be deemed an Enforcement Officer under this Article.

B. All provisions of New York State law generally applicable to misdemeanors shall apply to any criminal proceeding brought under this Article, and for such purposes the violation of this Article is hereby declared an unclassified misdemeanor. The Town’s justice court is hereby vested with jurisdiction to issue administrative and other warrants in compliance with the New York Criminal Procedure Law and Administrative Codes of the State of New York, as well as to hear and adjudicate allegations relating to the criminal or civil violation of this Article and thereafter, if appropriate, impose any fine, penalty, or sanction.”

SECTION 6. ENFORCEMENT.

This local law shall be enforced by the Code Enforcement Office of the Town of Sennett or such other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this Local Law.

SECTION 7. VALIDITY AND SEVERABILITY.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, 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 8. EFFECTIVE DATE.

This Local Law shall take effect immediately upon adoption and thereafter shall be filed with the New York State Department of State.”

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Thomas Blair	Supervisor	Voted	Yes
Kris LaPointe	Councilor	Voted	Yes
Ed Rizzo	Councilor	Voted	Yes
Jim Vivenzio	Councilor	Voted	Yes
Michael Wellauer	Councilor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: March 21, 2024

CERTIFICATE

STATE OF NEW YORK)
COUNTY OF CAYUGA)

I, the undersigned Town Clerk of the Town of Sennett, Cayuga County, New York, **DO HEREBY CERTIFY:**

That I have compared the foregoing Resolution with the original thereof on file in the Office of the Town Clerk of the Town of Sennett, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on March 21, 2024.

/s Kathleen Salisbury

KATHLEEN SALISBURY
Town Clerk

(SEAL)