

Town of Northumberland
Local Law # ___ of the year 2023

A Local Law Amending Local Law #4 of the year 2006 and Local Law #2 of 2017 for Solar Energy Facilities.

Be it enacted by the Town Board of the Town of Northumberland as follows:

Local Law #4 of the year 2006 (The Zoning Ordinance of the Town of Northumberland) and Local Law #2 of 2017 (“A Local Law Amending Local Law #4 of 2006 and Repealing Local Law #2 of the year 2016”) are hereby amended as follows:

I. Amend Zoning Ordinance Article XI, Paragraph A-1(3)(General Regulations) by:

Deleting paragraph “k” in its entirety and replacing it with the following:

k. Solar energy system components shall be screened from adjoining lots and street rights-of-way through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and surrounding area.

Deleting paragraph “q” in its entirety and replacing it with the following:

q. Artificial lighting of solar energy systems shall be limited to lighting required for safety and operational purposes and shall be shielded from all neighboring properties and public roads and shall be operated via spring wound timer or similar switch to ensure the lighting turns off. Motion activated sensors are prohibited.

Deleting paragraph “t” in its entirety and replacing it with the following:

t. Freestanding/ground-mounted solar collectors.

(1) The height of a freestanding/ground-mounted solar collector and any associated system components shall not exceed 16 feet from ground level when oriented at maximum vertical extension and maximum tilt.

(2) The Maximum Lot Coverage for such systems is determined by calculating the area within the required perimeter fence along with any improved areas outside the perimeter fence including the area of the access road and, if different, the utility connection path. For the access road and utility connection path, the Lot Coverage is calculated by multiplying the length of the access road and utility connection path times the greater of the width required for grading or construction or 25 feet.

(3) In the Agricultural Protection District, the Planning Board for Freestanding/Ground-Mounted Solar Collection Systems is granted absolute discretion to direct siting away from and to prohibit siting on land that the Planning Board determines, in their judgment, to be superior agricultural land on the particular parcel.

(4) In all districts where Freestanding/Ground-Mounted Solar Collection Systems are allowed via Special Permit, such systems must be sited in accordance with the following hierarchy:

- (i) Land covered with non-agricultural vegetative cover
- (ii) Land in agricultural production or use.

If the highest priority is not proposed, the Applicant must provide a detailed site selection analysis identifying all lots within 2,000 feet of all suitable interconnection lines and points and identify with specificity why a site of the highest priority has not been proposed. In the site selection analysis, the applicant shall include comprehensive details of the site selection process including physical characteristics of potential sites and correspondence to and from property owners.

IV Amend ATTACHMENT A to change the allowed height of “Freestanding/Ground-Mounted Solar Collection System from 20 feet to 16 feet.

SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS

APD – Agricultural Protection District

		-----Setbacks -----					
	Min. Lot Frontage (ft)	Min. Lot Size (acres)	Front	Side	Rear	Max. Lot Coverage	Height
Permitted Accessory Uses							
Accessory Freestanding/ Ground-Mounted Solar Collection System	NA	NA	100 but no closer than any principal building	30	30	lot must be larger than 10 acres and array must be less than 1 acre in size.	15
Accessory Rooftop/Building-Mounted Solar Collection System	NA	NA	NA	NA	NA	NA	NA
Special Permit Uses							
Freestanding/ Ground-Mounted Solar Collection System	25	25	100	100	100	20%	16
Rooftop/Building-Mounted Solar Collection System	NA	NA	NA	NA	NA	NA	NA

SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS

I - Industrial

			-----Setbacks-----				
	Min. Lot Frontage (ft)	Min. Lot Size (acres)	Front	Side	Rear	Max. Lot Coverage	Height
<u>Special Permit Uses</u>							
Free Standing / Ground-Mounted Solar Collection System	25	25	100 but no closer than any principal building	100	100	20%	16
Rooftop / Building Mounted Solar Collection System	NA	NA	NA	NA	NA	NA	NA
<u>Permitted Accessory Uses</u>							
Accessory Freestanding/ Ground-Mounted Solar Collection System	NA	NA	100 but no closer than any principal building	30	NA	lot must be larger than 10 acres and array must be less than 1 acre in size	15
Accessory Rooftop/Building-Mounted Solar Collection System	NA	NA	NA	NA	NA	NA	NA

SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS

LF - Landfill

			-----Setbacks-----				
	Min. Lot Frontage (ft)	Min. Lot Size (acres)	Front	Side	Rear	Max. Lot Coverage	Height
<u>Permitted Accessory Uses</u>							
Accessory Freestanding/ Ground-Mounted Solar Collection System	NA	NA	100 but no closer than any principal building	30	30	lot must be larger than 10 acres and array must be less than 1 acre in size.	15
Rooftop / Building Mounted Solar Collection System	NA	NA	NA	NA	NA	NA	NA
<u>Special Permit Uses</u>							
Free Standing / Ground-Mounted Solar Collection System	25	25	100	100	100	20%	16
Rooftop / Building Mounted Solar Collection System	NA	NA	NA	NA	NA	NA	NA

V. Effective Date

This local law shall take effect immediately upon its filing with the Secretary of State of the State of New York.

The invalidity or unenforceability of any provision of this Local Law as declared by the valid judgment of any court of competent jurisdiction shall not affect the validity or enforceability of any other provision, which shall remain in full force and effect.