

ARTICLE X-SUPPLEMENTARY
REGULATIONS

2. The applicant shall pay the fees and expenses of any consultations(s) incurred by the Town to assist in the review of the application, including but not limited to engineering.
- G. Electrical Inspection - The electrical inspection of the Small Wind Energy Device shall be conducted by a state recognized electrical inspector.

SECTION 1009 GENTLEMAN FARM OPERATION - TIER 1

- A. Intent - The purpose of this section is to recognize and address some concerns of the Town of Orangeville farming community. Due to various agricultural practices now in existence, it is necessary to preserve public health and safety with the reduction of animal waste and limited agricultural practices on parcels of land that may be inferior in size to support such uses. The specific merits of a proposal to farm on parcels less than seven (7) acres needs to be addressed and properly managed with an efficient, economical and predicable process to respond to the farmers' concerns while ensuring the ability to have local issues examined.
- B. A Gentleman Farm Operation - Tier 1, as defined in Article II, is considered the harboring of customary farm animals on less than seven (7) acres of land and may be allowed in Low Density Districts located in a State certified, county adopted agricultural district upon the approval of a permit by the Zoning Enforcement Officer.
- C. Said proposed activity is a farm operation as defined by Agriculture Markets Law, '301, subdivision 11.
- D. Prior to the issuance of a permit, the Zoning Enforcement Officer shall require site plan approval by the Planning Board pursuant to this section which is in lieu of the Site Plan Review set forth in Article III, Section 306 of this law.
 1. Site Plan Process:
 - a. Sketch of the parcel on a location map (i.e., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways.
 - b. Show the existing features of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.

ARTICLE X-SUPPLEMENTARY
REGULATIONS

- c. Show the proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic.
- d. Sketch of any proposed building, structure or sign, including exterior dimensions and elevation of front, side and rear views. Include any available blueprints, plans or drawings.
- e. Provide a description of the project and a narrative of the intended use of such proposed building, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes.
 - i. Include the name and address of the applicant and any professional advisors.
 - ii. If the applicant is not the owner of the property, provide authorization of the owner.
- f. If any new structures are going to be located adjacent to a stream or wetland, provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property and include the location of any new structures therein.
- g. Proper nutrient and manure management plans. The applicant shall submit a plan for animal feeding and waste disposal, i.e.: agreement with a neighboring farm, compost plan, etc.
- h. List of the type and number of animals to be harbored on the property with a narrative as to how animals will be pastured/grazed; exercised; and protected from the public.

SECTION 1010 GENTLEMAN FARM OPERATION - TIER 2

- A. Intent - The purpose of this section is to recognize and address some concerns of the Town of Orangeville farming community and the need to properly plan for agriculture on smaller parcels of property in order to preserve public health and safety with the reduction of animal waste and limited agricultural practices on parcels of land that may be inferior in size to support such uses.

ARTICLE X-SUPPLEMENTARY
REGULATIONS

- B. A Gentleman Farm Operation - Tier 2, as defined in Article II, is considered the harboring of customary farm animals on less than seven (7) acres of land in a State certified, county adopted agricultural district but does not constitute a farm operation as defined by Agriculture Markets Law, '301, subdivision 11 and is subject to the regulations set forth in Article X, Section 1010 of this law.
- C. The activity does not constitute a farm operation as defined by Agriculture Markets Law, '301, subdivision 11.
- D. The farming operation shall be a closed system with the bringing in of animal feed and the removal of animal wastes from the property. No feed crops for animals shall be raised and no animal wastes shall be applied to the property.
- E. Manure composting is an option.
- F. No farm type structures shall be placed in front of the primary dwelling.
- G. Prior to the issuance of a permit, the Zoning Enforcement Officer shall require site plan approval by the Planning Board pursuant to this section which is in lieu of the Site Plan Review set forth in Article III, Section 306 of this law.
 - 1. Site Plan Process:
 - a. Sketch of the parcel on a location map (i.e., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways.
 - b. Show the existing features of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.
 - c. Show the proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic.
 - d. Sketch of any proposed building, structure or sign, including exterior dimensions and elevation of front, side and rear views. Include any available blueprints, plans or drawings.

ARTICLE X-SUPPLEMENTARY
REGULATIONS

- e. Provide a description of the project and a narrative of the intended use of such proposed building, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes.
 - i. Include the name and address of the applicant and any professional advisors.
 - ii. If the applicant is not the owner of the property, provide authorization of the owner.
- f. If any new structures are going to be located adjacent to a stream or wetland, provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property and include the location of any new structures therein.
- g. Proper nutrient and manure management plans. The applicant shall submit a plan for animal feeding and waste disposal, i.e.: agreement with a neighboring farm, compost plan, etc.
- h. List of the type and number of animals to be harbored on the property with a narrative as to how animals will be pastured/grazed; exercised; and protected from the public.

SECTION 1011 LARGE SCALE BUILDING-MOUNTED AND / OR GROUND-MOUNTED SOLAR ENERGY SYSTEMS

- A. All applications for large-scale building-mounted and/or ground-mounted solar energy systems shall be accompanied by an application for site plan review, and all applicable fees.
- B. All applications for large-scale or utility-scale solar energy systems shall be in accordance with the following:
 - 1. All solar energy systems shall adhere to all applicable Wyoming County building, plumbing, electrical, and fire codes.
 - 2. Development and operation of a solar energy system shall not have a significant adverse impact on fish, wildlife, or plant species or their

ARTICLE X-SUPPLEMENTARY
REGULATIONS

critical habitats, or other significant habitats identified by the Town of Orangeville or other federal or state regulatory agencies.

3. The design, construction, operation, and maintenance of any solar energy system shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks.
4. All structures and devices used to support solar collectors shall be non-reflective and/or painted a subtle or earth-tone color.
5. All transmission lines and wiring associated with a solar energy system shall be buried and include necessary encasements in accordance with the National Electric Code and Town requirements. The Planning Board may recommend waiving this requirement if sufficient engineering data is submitted by the applicant to demonstrate that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead and underground electric utility lines, including substations and junction boxes and other electrical components for the project on the site plan.
6. All transmission lines and electrical wiring shall be in compliance with the utility company's requirements for interconnection.
7. 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.
8. Any signage used to advertise the solar energy facility shall be in accordance with the Town's signage regulations.
9. Lot requirements. The overall footprint for any large-scale or utility-scale ground-mounted solar energy system shall be permitted to occupy up to 100% of the overall buildable area of the site, as required by the Town, and shall not be counted towards the site's maximum lot coverage as required by the Town. Overall footprint shall be determined by the outline created on the ground by wholly enclosing all components/structures of a solar energy system on a lot.

ARTICLE X-SUPPLEMENTARY
REGULATIONS

10. Bulk and siting requirements. Large-scale or utility-scale solar energy systems located in the Agricultural Rural Residential and Industrial zoning districts.

a. Rooftop-mounted solar energy systems.

- i. The maximum height of any rooftop-mounted solar energy system shall be eight feet, as measured from the finished surface of the roof to which the system is affixed.
- ii. Where rooftop-mounted solar energy systems are affixed to a pitched or peaked roof, the solar energy system should generally follow the slope of the roof.
- iii. A rooftop-mounted solar energy system shall not extend horizontally beyond the plane of the roof surface.
- iv. Where practical and when obstruction of solar skyspace can be avoided, a rooftop-mounted solar energy system shall be screened from view from the public right-of-way by use of a building parapet or other measure.

b. Building-mounted solar energy systems.

- i. The maximum height of a building-mounted solar energy system shall be 15 feet as measured from the lowest point where the system is affixed to the vertical side of a building.
- ii. A building-mounted solar energy system shall not extend horizontally more than eight feet from the vertical surface of a building.
- iii. Building-mounted solar energy systems should be integrated into the design of the building and shall not obstruct any window, door, or other architectural feature of the building.

c. Ground-mounted solar energy systems.

ARTICLE X-SUPPLEMENTARY
REGULATIONS

- i. The maximum height of a ground-mounted solar energy system shall be 15 feet as measured from the finished grade.
- ii. Ground-mounted solar energy systems shall not be located within the front yard.
- iii. The setback from any property line shall be 75 feet except, said setback shall be 135 feet from the southerly property line.

11. Setbacks.

a. Large-scale or utility-scale ground-mounted solar energy systems.

- i. The setback from the south property line for all solar collectors constructed as part of a large-scale or utility-scale ground-mounted solar energy system shall be 135 feet.
- ii. In no case shall the setback from the south property line be less than that determined by the setback for accessory structures identified for the zoning district in which the system is located.
- iii. The setback from any property line shall be 75 feet from property line, or 100 feet from the centerline if property line is along the road and 135 feet from the south property line or 160 feet from centerline if property line is along the road.
- iv. Side setbacks shall be 75 feet.

b. Utility-scale ground-mounted solar energy systems.

- i. All solar energy equipment and components/structures developed as part of a utility-scale ground-mounted solar energy system shall be set back from any property zoned Low Density District and Medium Density District, Business B, Industrial I, a public road, or any public park a

ARTICLE X-SUPPLEMENTARY
REGULATIONS

minimum of 75 feet. As for Manufactured Home Park Districts MHD, the system shall be set back 200 feet.

- ii. All other setbacks for all solar energy equipment and components/ structures developed as part of a utility-scale ground-mounted solar energy system, whether developed as a principal use or accessory use, shall be as determined by the setback for principal structures identified for the zoning district in which the system is located.
 - iii. The setback from any property line shall be 75 feet from property line, or 100 feet from the centerline if property line is along the road and 135 feet from the south property line or 160 feet from centerline if property line is along the road.
 - c. All other setbacks for all solar energy system equipment and components/structures developed as part of a large-scale or utility-scale rooftop-mounted, building-mounted and/or ground-mounted solar energy system not identified above shall be as determined by the setback for accessory structures identified for the zoning district in which the system is located.
12. Due to the need to keep the solar skyspace for solar energy systems free from obstructions, the Planning Board may recommend modifying the landscaping requirements for any site proposed to contain solar collectors and shall ensure that any landscaping proposed is low-growth vegetation that will not obstruct the solar skyspace at mature height.
13. Following construction of a large-scale or utility-scale ground-mounted solar energy system, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust.

C. Applications for utility-scale solar energy systems shall meet the following additional criteria:

ARTICLE X-SUPPLEMENTARY
REGULATIONS

1. Photo simulations shall be included showing the proposed solar energy system in relation to the building/site along with elevation views and dimensions, and manufacturer's specs and photos of the proposed solar energy system, solar collectors, and all other components.
2. Any site containing a utility-scale solar energy system shall contain fencing or other enclosure acceptable to the Town enclosing all solar energy system components that present safety hazards.
3. A berm, landscape screen, or other opaque enclosure, or any combination thereof acceptable to the Town capable of screening the site, shall be provided along any property line that abuts an existing residence or any property zoned other than Low Density District or Industrial I.
4. After completion of a utility-scale solar energy system, the applicant shall provide a post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans.

D. Abandonment or Decommissioning

1. Unsafe, inoperable, and/or abandoned solar energy systems and solar energy systems for which a special use permit has expired shall be removed by the owner. A solar energy system shall be deemed abandoned when it fails to produce energy for at least one year. All safety hazards created by the installation and operation of the solar energy system shall be eliminated and the site restored to its preexisting condition within six months of the removal of the solar energy system.
2. For all utility-scale solar energy systems, the applicant shall submit a decommissioning plan for review and approval as part of the special use permit application. The decommissioning plan shall identify the anticipated life of the project, method and process for removing all components of the solar energy system and returning the site to its preexisting condition, and estimated decommissioning costs, including any salvage value.

ARTICLE X-SUPPLEMENTARY
REGULATIONS

3. The applicant for a utility-scale solar energy system where the system is the principal use on a lot shall, as a condition of the special use permit and upon each renewal, provide and maintain a form of financial surety. Such financial surety shall be provided either through a security deposit, escrow account, bond, or in a manner otherwise acceptable to the Town. The amount shall be based upon the estimated decommissioning costs and shall not exceed \$20,000 per acre. It is intended to cover, in whole or in part, the cost of decommissioning in the event the Town must remove any utility-scale solar energy systems and associated structures/components, as well as restore the site subsequent to such removal in accordance with the approved decommissioning plan. Upon successful completion of all decommissioning activities, any remaining portion of the posted financial surety shall be returned to the applicant. Such financial surety shall not be required for municipally or state-operated solar energy systems or for utility-scale solar energy systems that meet all of the following criteria:

- a. The solar energy system is constructed as part of an approved industrial or business park; and
- b. The approved industrial or business park consists of a solar energy system or systems located on land that is owned by applicant or leased from the owner with ownership retained by the owner of the industrial or business park; and
- c. The approved industrial or business park consists of a solar energy system or systems located on land that is owned by applicant or leased from the owner with ownership retained by the owner of the industrial or business park; and
- d. The solar energy system supplies energy to tenants of the industrial or business park and not solely into the grid.

E. Transfer of special use permit

1. Special use permits granted for utility-scale solar energy systems issued for large-scale or utility-scale solar energy systems shall be assignable

ARTICLE X-SUPPLEMENTARY
REGULATIONS

or transferable so long as they are in full compliance with this article and all conditions, and the Building Department is notified of the transfer at least 15 days prior thereto.

2. Any post-construction changes or alterations to the solar energy system shall be done by amendment to the special use permit only and subject to the requirements of this article.

SECTION 1012 SMALL SCALE SOLAR ENERGY SYSTEMS

- A. Interpretation. The provisions of this chapter shall be interpreted as providing minimum requirements for small-scale solar energy systems adopted for the purpose of promoting the health, safety, morals and general welfare of this community. Provisions for large-scale and utility-scale solar energy systems are provided in Article 1 hereof.
- B. Intent; greater restrictions to prevail. It is not intended by this chapter to repeal, except as herein stated, abrogate or impair existing conditions previously made or permits previously issued relating to the use of buildings or premises or to impair or interfere with any easements, covenants or agreements existing between parties. Except as otherwise provided herein, whenever this chapter imposes a greater restriction upon the use of buildings or premises than is required by existing provisions of law, ordinance, regulations or permits or by such easements, covenants or agreements, the provisions of this chapter shall control.
- C. Small-Scale Solar Energy Systems
 1. Installation of small-scale solar energy systems and equipment is encouraged on all preexisting structures; however, access to sunlight which is necessary therefor cannot be obtained through the provisions of this chapter. The installation of a solar collector, whether attached to the main structure or as a detached accessory structure, shall require a building permit. Solar collectors are subject to the minimum setbacks, offsets and lot area coverage for whatever use district in which they are proposed to be installed. Height limitations for solar collectors shall be five feet above the level of the permitted building height. All solar collectors and their associated support elements shall be designed according to generally accepted engineering practice to withstand wind pressures applied to exposed areas by wind from any direction, to minimize the

ARTICLE X-SUPPLEMENTARY
REGULATIONS

migration of light or sound from the installation and to minimize the development of sight obstructions for adjacent structures or land parcels. Installation of building-integrated photovoltaic (BIPV) systems, as defined herein, are exempt from the requirements of this article. BIPV systems are still required to meet applicable building codes and obtain all necessary permits. The Code Enforcement Officer may request assistance from the Planning Board to determine whether a solar energy system should be considered a BIPV system.

2. Other alternative natural energy conservation devices shall be considered structures and shall require a building permit. All permit applications for such devices will be reviewed and considered pursuant to the Zoning Ordinance of the Town of Orangeville.
3. Small-scale solar energy systems located in the Low Density District and Medium Density District, Business C, Manufactured Home MHD, and Industrial I zoning districts are only permitted if they contain solar collectors located on the rooftops of principal or accessory buildings. The solar collectors must be completely contained within the limits of the building roof. All other equipment and components of the solar energy system shall be located within the rear yard only and are subject to setbacks for accessory structures. Any other type of solar energy system is not a permitted use in any of the aforementioned zoning districts.

D. More restrictive provisions to prevail

1. Whenever the regulations made by this chapter require a greater width or size of yards or courts or require a lower height of building or less number of stories or require a greater percentage of lot to be left unoccupied or impose other higher standards than required in any other ordinance or regulation, the provisions of the regulations made by this chapter shall govern.
2. Whenever the provisions of any other ordinance or regulation require a greater width or size of yards or courts or require a lower height of building or less number of stories or require a greater percentage of the lot to be left unoccupied or impose other higher standards than are required by regulations made by this chapter, the provisions of such other ordinance or regulation shall govern.

E. General Provisions

ARTICLE X-SUPPLEMENTARY
REGULATIONS

1. Allowing or permitting the reflective glare of solar rays of any solar energy system/or array of solar panels, of any nature or kind or description, onto neighboring properties, public roads, or public parks, under any circumstances whatsoever, is strictly prohibited.
2. It is the responsibility of any landowner, resident, manager, tenant, or lessee of any premises upon which there is situate a solar energy system or array of solar panels of any nature, kind, or description to keep reflective glare of any description from going onto neighboring properties, public roads or Public Park at any time. In that regard it is the ongoing responsibility of such persons to conduct regular inspections of such systems or array to prevent the direction of reflective glare onto the property of another and, if necessary, to make appropriate adjustments to prevent the same from occurring.
3. In the event such persons (para. B above) become aware of, or with the exercise of reasonable care would have become aware of, or has received a complaint, that reflective glare from his solar energy system or array of solar panels is upon the property of another, such person shall undertake action to immediately block the reflective glare. This may be accomplished by adjusting the angles of the system or array, if possible, or by physically blocking the glare by covering the panels or by removing them.
4. Upon the failure, refusal or neglect of such person to immediately block the reflective glare as directed by paragraph C above, Town of Orangeville workforces, at the direction of the Building Inspector and/or Code Enforcement Officer, shall cover such system or array of panels, if possible, to block the reflective glare. If not, the system or panels shall be physically de-constructed or removed to the point the reflective glare is blocked.
5. In the event the system or panels are removed or de-constructed as set forth in paragraph D above, the owner or person responsible for the system or array shall not replace or reconstruct the system or panels until he applies to and received from the Planning Board of the Town of Orangeville a permit after submitting to the Building Inspector a plan of operation that will ensure no further incidents of reflective glare onto neighboring properties, public road, or public park will occur.
6. Further, or additional complaints of such incidents shall be grounds to

ARTICLE X-SUPPLEMENTARY
REGULATIONS

revoke any permit received from the Town of Orangeville for the system or array and the system or array shall be fully dismantled and removed from the premises.

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