Chapter 103, Article 1, Section 103-3. Definition of Terms is amended to include the following terms.

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 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.

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 NYSERDA'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.

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 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. For purposes of this article, a solar energy system does not include any solar energy system of four square feet in size or less. A solar energy system shall be considered a structure pursuant to the definition of Building in Chapter 18, Section 18-3.

SOLAR FARM

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. A Solar Farm shall not be considered an essential service.

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.

Chapter 103, Article XV, Section 103-72.1 is repealed and replaced as follows:

§ 103-72.1 Solar Energy Systems

A. **Purpose and intent.**

The Town of Oneonta recognizes that solar energy is a clean, readily available and renewable energy source. Development of solar energy systems offers an energy source that can prevent fossil fuel emissions, reduce the Town's energy demands and attract and promote green business development within the Town. The Town of Oneonta has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents, and businesses. This article is intended to promote the effective and efficient use of solar energy systems; establish provisions for the placement, design, construction, operation and removal of such systems in order to uphold the public health,

safety and welfare; and to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and character of the Town.

B. **Applicability.**
This article shall apply to all solar energy systems in the Town of Oneonta which are installed or modified after the effective date of this article. All solar energy systems which are installed or modified after the effective date of this article shall be in compliance with all of the provisions hereof.

C. **Building-integrated solar energy systems.**

1. Districts where allowed. Building-integrated solar energy systems shall be permitted in all zoning districts within the Town subject to the submission of, application for and review and issuance of an applicable building permit.

2. Building-integrated solar energy systems shall be subject to the general requirements set forth at **§ 103-72.1(F)**.

D. **Rooftop-mounted solar energy systems.**

1. Districts where allowed. Rooftop-mounted solar energy systems shall be permitted in all zoning districts within the Town subject to the following requirements:

(a) A building permit shall be required for installation of all rooftop-mounted solar energy systems.

(b) Rooftop-mounted solar energy systems shall not exceed the maximum allowed height of the principal use in the zoning district in which the system is located.

(c) In order to ensure firefighter and other emergency responder safety, except in the case of accessory buildings under 1,000 square feet in area and to ensure access to the roof, provide pathways to the roof, provide smoke ventilation and emergency access, the installer will follow the Uniform Code in effect at the time of installation.

[1] Exceptions to these requirements may be requested where access, pathway or ventilation requirements are reduced due to:

[a] Unique site specific limitations;

[b] Alternative access opportunities (such as from adjoining roofs);

[c] Ground level access to the roof area in question;

[d] Other adequate ventilation opportunities when approved by the Codes Office;

[e] Adequate ventilation opportunities afforded by panels setback from other rooftop equipment (for example: shading or structural constraints may leave significant areas open for ventilation near HVAC equipment);

[f] Automatic ventilation devices; or

[g] New technology, methods or other innovations that ensure adequate emergency responder access, pathways and ventilation opportunities.

[2] In the event any of the standards in this Subsection (A)(3) are more stringent than the New York State Uniform Fire Prevention and Building Code, they shall be deemed to be installation guidelines only and the standards of the Code shall apply.

2. Rooftop-mounted solar energy systems shall be subject to the general requirements set forth at **§ 103-72.1(F)**.

3. Rooftop-mounted solar energy systems which are not eligible for the unified solar permit provisions set forth at**§ 103-72.1(D)(4)** shall otherwise be subject to and comply with the requirements set forth therein in addition to the requirements specified in **§ 103-72.1(D)(1)** and **2**.

4. Submission of the Town adopted unified solar permit for eligible rooftop-mounted solar energy systems.

(a) Provided the rooftop-mounted solar energy system meets the requirements for a unified solar permit, an applicant shall only be subject to and comply with the requirements specified in this **§ 103-72.1(D)(4)**. An applicant must submit the unified solar permit application to the Code Enforcement Officer as follows:

(i) Unified solar permit eligibility checklist.

(ii) A site plan showing location of major components of the solar energy system and other equipment on the roof or legal accessory structure. This plan should represent relative locations of components at the site, including, but not limited to, location of arrays, existing electrical service locations, utility meters, inverter locations, system orientation and tilt angles. This plan should show access and pathways that are compliant with New York State Uniform Fire Prevention and Building Code, if applicable.

(iii) One-line or three-line electrical diagram. The electrical diagram required by NYSERDA for an incentive application and/or utilities for an interconnection agreement may also be provided here.

(iv) Specification sheets for all manufactured components. If these sheets are available electronically, a web address will be accepted in place of an attachment, at the discretion of the Town.

(v) All diagrams and plans must be prepared by a professional engineer or registered architect as required by New York State law and include the following:

[a] Project address, section, block and lot number of the property;

[b] Owner's name, address and phone number;

[c] Name, address and phone number of the person preparing the plans; and

[d] System capacity in kW-DC.

(b) Permit review and inspection timeline. Unified solar permit determinations will be issued within 14 days upon receipt of complete and accurate applications. The municipality will provide feedback within seven days of receiving incomplete or inaccurate applications. Installation inspections will be conducted as necessary.

E. Ground-mounted solar energy systems.

1. Districts where allowed. Ground-mounted solar energy systems are permitted as accessory structures in the RA RA40, RA 80, ID and ID 2, PDD and MHD subject to the granting of site plan approval by the Planning Board and further subject to the following requirements:

(a) A building permit and site plan approval shall be required for installation of all ground-mounted solar energy systems.

(b) Ground-mounted solar energy systems are prohibited in front yards.

(c) Ground-mounted solar energy systems shall comply with the most restrictive area, yard and bulk regulations in each applicable zoning district in which the ground-mounted solar energy system is constructed.

(d) Setbacks. Further setbacks, area and yard requirements and bulk restrictions may be required by the Planning Board in addition to those set forth in § **§ 103-72.1(E)(1)(c)** above in order to protect the public's safety, health and welfare.

(e) The height of the solar collector/panel and any mounts shall not exceed 15 feet in height when oriented at maximum tilt measured from the ground and including any base.

(f) As part of the site plan approval, a ground-mounted solar energy system shall be screened when possible and practicable 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 the surrounding area. The proposed screening shall not interfere with the normal operation of the solar collectors/panels.

(g) The ground-mounted solar energy system shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for the solar energy system.

(h) Neither the ground-mounted solar energy system nor any component thereof shall be sited within any required buffer area.

(i) The total surface area of all ground-mounted solar energy system components shall not exceed 1000 Square feet.

(j) The area beneath the ground-mounted solar energy system shall not be included as impervious surface coverage in calculating whether the lot meets the maximum permitted lot coverage requirements for the applicable zoning district. Such uses shall also not be

counted toward the limitation on the number of accessory structures or uses permitted on a parcel.

(k) The criteria for site plan as set forth in Chapter **103, Article XVI** shall be demonstrated for each application.

2. Districts where prohibited. Ground-mounted solar energy systems shall not be permitted in RA 10, RA20, B-1, B-2 and HDDF.

F. General requirements applicable to solar energy systems.

1. All solar energy system installations must be performed by a qualified solar installer.

2. Solar energy systems, unless part of a Solar Farm, shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a net-metering arrangement in accordance with New York Public Service Law § 66-j or similar state or federal statute.

3. Prior to operation, electrical connections must be inspected by a Town Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town.

4. Any connection to the public utility grid must be inspected by the appropriate public utility and proof of inspection shall be provided to the Town.

5. Solar energy systems shall be maintained in good working order.

6. Solar energy systems shall be permitted only if they are determined by the Town to be consistent in size and use with the character of surrounding neighborhood.

7. Solar energy systems shall be permitted only if they are determined by the Town not to present any unreasonable safety risks, including but not limited to:

(a) Weight load;

(b) Wind resistance; and

(c) Ingress or egress in the event of fire or other emergency.

8. All solar energy systems described in this article shall meet and comply with all relevant and applicable provisions of the New York State Uniform Fire Prevention and Building Code Standards. To the extent the provisions of the New York State Uniform Fire Prevention and Building Code are more restrictive than the provisions set forth in this Article, the provisions of the New York State Uniform Fire Prevention and Building Code shall control.

9. If solar storage batteries are included as part of the solar energy system, they must be placed

in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town and other applicable laws and regulations.

10. All utility services and electrical wiring/lines shall be placed underground and otherwise be placed within the walls or unobtrusive conduit. No conduits or feeds may be laid on the roof. Feeds to the inverter shall run within the building and penetrate the roof at the solar panel location.

11. If a solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall completely remove the system, mount and all other associated equipment and components by no later than 90 days after the end of the twelve-month period or within 10 days of written notice from the Town.

12. To the extent practicable, solar energy systems shall have neutral paint colors, materials and textures to achieve visual harmony with the surrounding area.

13. The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.

14. Marking of equipment.

(a) Solar energy systems and components 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. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover.

(b) In the event any of the standards in this subsection for markings are more stringent than applicable provisions of the New York State Uniform Fire Prevention and Building Code, they shall be deemed to be guidelines only and the standards of the State Code shall apply.

G. **Solar farms.**

1. Districts where allowed. Subject to the issuance of site plan approval and a special use permit and other requirements as set forth herein, Solar Farms shall not be a permitted use in any zoning district other thanRA40, RA80, ID, ID2, and PDD districts, within the Town.

2. Districts where prohibited. Solar Farms shall be prohibited in RA 20, RA10, B-1,B-2, HDD, and Watershed Overlay District

3. Lot area and yard regulations. The following lot area and yard regulations shall apply to Solar Farms located in the RA40, RA80, ID, ID-2 District within the Town.

    (a) Minimum street frontage: 300 feet.

(b) Minimum lot area: 10 acres.

(c) Minimum front yard setback: 150 feet.

(d) Minimum rear yard setback: 100 feet.

(e) Minimum side yard setback: 100 feet.

4. Permits required. No person, firm or corporation, or other entity being the owner, occupant, or lessee of any land or premises within the Town of Oneonta shall use or permit the use of land or premises for the construction or installation of a Solar Farm without obtaining a building permit, a special use permit and site plan approval issued by the Planning Board as hereinafter provided.

5. Special use permit.

(a) In addition to the criteria established pursuant to § **103-96**, the following criteria are hereby established for purposes of granting a special use permit for a Solar Farm under this chapter:

(i) Scenic viewsheds. A Solar Farm shall not be installed in any location that would substantially detract from or block the view(s) of all or a portion of a recognized scenic viewshed, as viewed from any public road, right-of-way or publicly owned land within the Town of Oneonta or that extends beyond the border of the Town of Oneonta. For purposes of this subsection, consideration shall be given to any relevant portions of the current, amended and/or future Town of Oneonta Comprehensive Plan and/or any other prior, current, amended and/or future officially recognized Town planning document or resource.

(ii) Emergency shutdown/safety. The applicant shall demonstrate the existence of adequate emergency/safety measures. The applicant shall post an emergency telephone number so that the appropriate entities may be contacted should any solar panel or other component of the Solar Farm need immediate repair or attention. This emergency telephone number should be clearly visible and in a location which is convenient and readily noticeable to someone likely to detect a problem.

(iii) Security. All Solar Farms shall be secured to the extent practicable to restrict unauthorized access. See **§ 103-72.1(G)(6)(a)(xvii)**.

(iv) Access road. To the greatest extent possible, existing roadways shall be used for access to the site and its improvements. In the case of constructing any roadways necessary to access the Solar Farm, they shall be constructed in a way that allows for the passage of emergency vehicles in the event of an emergency. Each application shall be accompanied by correspondence from the responding fire department and emergency care provider as to the acceptability of the proposed ingress to and egress from the Solar Farm site.

(v) The development and operation of the Solar Farm shall not have a significant

impact on fish, wildlife, animal or plant species or their critical habitats, or other significant habitats identified by the Town of Oneonta or federal or state regulatory agencies.

(vi) Setbacks. Additional setbacks may be required from those set forth in **§ 103-72.1(G)(3)** by the Planning Board in order to provide for the public's safety, health and welfare.

(b) Waiver. The Planning Board may, upon exercise of its reasonable discretion, waive one or more of the submission requirements imposed herein. Relief from all other requirements must be made by way of an area or use variance from the Zoning Board of Appeals.

6. Site plan review.

(a) The following submission requirements must be observed regarding a site plan application for a Solar Farm. The Planning Board may also require any of the requirements of Chapter **133** as part of the submission.

(i) A completed application form as supplied by the Town of Oneonta for site plan approval for a Solar Farm.

(ii) Proof of ownership of the premises involved or proof that the applicant has written permission of the owner to make such application.

(iii) Plans and drawings of the proposed Solar Farm installation signed by a professional engineer registered in New York State showing the proposed layout of the entire Solar Farm along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of site plan approval. The plans and development plan shall be drawn in sufficient detail and shall further describe:

[a] Property lines and physical dimensions of the proposed site, including contours at five-foot intervals.

[b] Location, approximate dimensions and types of all existing structures and uses on the site.

[c] Location and elevation of the proposed Solar Farm and all components thereof.

[d] Location of all existing aboveground utility lines within 1,200 linear feet of the site.

[e] Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a Solar Farm shall be buried underground 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 demonstrating that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead electric utility/transmission lines (if permitted) and underground electric utility/transmission lines, including substations and junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the public utility company's requirements for interconnection. Any connection to the public utility grid must be inspected by the appropriate public utility.

[f] Location of all service structures proposed as part of the installation.

[g] Landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features, including size and type of plant material. The plan shall show any trees and/or vegetation which is proposed to be removed for purposes of providing greater solar access.

[h] A berm, landscape screen, or any other combination acceptable to the Town capable of screening the site, shall be provided along any property line.

[i] Soil type(s) at the proposed site.

(iv) Photographic simulations shall be included showing the proposed Solar Farm along with elevation views and dimensions and manufacturer's specifications and photos of the proposed solar energy systems, solar collectors, solar panels and all other components comprising the Solar Farm or from other vantage points selected by the Planning Board.

(v) Certification from a professional engineer or architect registered in New York State indicating that the building or structure to which a solar panel or solar energy system is affixed is capable of handling the loading requirements of the solar panel or solar energy system and various components.

(vi) One- or three-line electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices.

(vii) Documentation of access to the project site(s), including location of all access roads, gates, parking area etc.

(viii) A plan for clearing and/or grading of the site and a stormwater pollution prevention plan (SWPPP) for the site.

(ix) Documentation of utility notification, including an electric service order number.

(x) Sunchart. Where deemed appropriate, the Planning Board may require that the applicant submit a sunchart for the proposed site indicating the sun angle for the southern boundary of the site for a minimum four-hour continuous period during the time of the highest sun angle on December 21, along with the potential for existing buildings, structures, and/or vegetation on the site or on adjacent sites to obstruct the solar skyspace of

the proposed Solar Farm. The sunchart shall also indicate the potential for obstructions to the solar skyspace of the proposed Solar Farm under a scenario where an adjacent site is developed as otherwise permitted by applicable provisions of Chapter **103** of the Code of the Town of Oneonta with a building/structure built to maximum bulk and height at the minimum setback. Where no standards for setback are established, this scenario shall assume a maximum setback of five feet from the property line. The sunchart shall be kept on file at the Town Code Enforcement Office and determine the minimum setback required for any solar collectors from the south property line as well as the solar skyspace that should be considered when development of neighboring properties occurs. This section in no way places responsibility on the Town for guaranteeing the solar skyspace of a solar energy system in the event setbacks are waived at the applicant's request.

(xi) The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site and be clearly visible.

(xii) Solar energy systems shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the electric systems. Materials used for marking shall be weather-resistant. The marking shall be placed adjacent to the main service disconnect location clearly visible from the location where the lever is operated.

(xiii) The average height of the solar panel array shall not exceed 20 feet measured from the ground and including any base or supporting materials.

(xiv) Color. Neutral paint colors, materials and textures may be required for Solar Farm components, buildings and structures to achieve visual harmony with the surrounding area as approved by the Planning Board.

(xv) The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.

(xvi) Artificial lighting for the Solar Farm shall be limited to lighting required for safety and operational purposes, shall be shielded from all neighboring properties and public roads.

(xvii) The Solar Farm shall be enclosed by perimeter fencing to restrict unauthorized access as otherwise approved by the Planning Board. Style and type of fence shall be approved by the Planning Board as part of the site plan.

(xviii) Only signage used to identify the location of the Solar Farm shall be allowed and such signage shall otherwise comply with the Town's sign regulations and requirements.

(xix) The area beneath the solar energy systems comprising the Solar Farm shall not be included as impervious surface coverage in calculating whether the lot meets the maximum permitted lot coverage requirements for the applicable zoning district.

(xx) All applications shall be accompanied by a full environmental assessment form

for purposes of environmental review under the New York State Environmental Quality Review Act (SEQRA), including a visual impact analysis. The following additional material may be required by the Planning Board:

[a] A digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations, to a distance radius of three miles from the center of the project. Scaled use shall depict a three-mile radius as not smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features.

[b] No fewer than four color photos taken from locations within a three-mile radius from the proposed location, as selected by the Planning Board and computer-enhanced to simulate the appearance of the as-built aboveground Solar Farm components as they would appear from these locations.

(b) Site plan review criteria. In addition to the above and subject to the criteria from Chapter **103**, no site plan shall be approved unless the Planning Board determines that the proposed Solar Farm complies with the following:

(i)The use is oriented in its location upon the site as to layout, coverage, screening, means of access and aesthetics so that:

[a] The flow control and safety of traffic and human beings shall not be adversely affected to an unreasonable degree;

[b] There is reasonable compatibility in all respects with any structure or use in the surrounding area, actual or permitted, which may be directly substantially affected;

[c] There shall not be any unreasonable detriment to any structure or use, actual or permitted, in the surrounding area;

[d] There is a reasonable provision for open space and yard areas as appropriate to the surrounding area.

7. Public hearing. No action shall be taken by the Planning Board to issue a special use permit or site plan approval, nor the Zoning Board of Appeals to grant a use or area variance in relation to an application for a Solar Farm until after public notice and a public hearing. Proper notice of a hearing before a board shall be given by legal notice published in the official newspaper of the Town of Oneonta at least five days before the date set for such public hearing(s) and written notice mailed to the applicant or his agent at the address given in the application to be considered. The applicant shall be responsible for notifying, by certified mail, all property owners of record within 500 feet of the outside perimeter of the boundary line of the property involved in the application of the time, date and place of such public hearing at least 10 days prior to such hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property tax records of the Town Assessor or at the property address. At least seven days prior to such hearing, the applicant shall file with the Board his/her affidavit verifying the mailing of such notices. Failure of the property owners to receive such notice shall not be deemed a

jurisdictional defect.

8. Compliance with New York State Uniform Fire Prevention and Building Code.

(a) Building permit applications shall be accompanied by standard drawings of structural components of the Solar Farm and all its components (including but not limited to solar panel, solar collector, solar energy system, etc.). Drawings and any necessary calculations shall be certified, in writing, by a New York State-registered professional engineer that the system complies with the New York State Uniform Fire Prevention and Building Code. This certification would normally be supplied by the manufacturer.

(b) Where the structure, components or installation vary from the standard design or specification, the proposed modification shall be certified by a New York State-registered professional engineer for compliance with the structural design provisions of the New York State Uniform Fire Prevention and Building Code.

9. Compliance with state, local and national electric codes.

(a) Building permit applications shall be accompanied by a line drawing identifying the electrical components of the Solar Farm to be installed in sufficient detail to allow for a determination that the manner of installation conforms with the National Electric Code. The application shall include a statement from a New York State-registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electric Code, as well as applicable state and local electrical codes. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.

(b) Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State-registered professional engineer for compliance with the requirements of the National Electric Code and good engineering practices.

10. Following construction/installation of the Solar Farm, 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.

11. Post-construction/installation certification. Following the construction/installation of the Solar Farm, the applicant shall provide a post-construction/installation certification from a professional engineer registered in New York State that the project complies with any and all applicable codes and industry practices and has been constructed and operating according to the drawings and development plan(s) submitted to the Town.

12. Insurance. The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the Solar Farm at all times. Said policy shall provide a minimum of $2,000,000 property and personal liability coverage.

13. Inspections. The Building Inspector, Zoning Enforcement Officer, Code Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the

company of the owner or his agent, the premises on which a Solar Farm is being or is constructed, to inspect all parts of said Solar Farm installation and require that repairs or alterations be made if, in his judgment, there exists a deficiency in the operation or the structural stability of the Solar Farm or any component thereof. If necessary, the Building Inspector or Town Engineer may order the system secured or to otherwise cease operation. It shall not be required that the owner or agent be present in the event of an emergency situation involving danger to life, limb or property.

14. Power to impose conditions. In granting any site plan approval, special use permit or variance for a Solar Farm, the Planning Board may impose reasonable conditions to the extent that such board finds that such conditions are necessary to minimize any adverse effect or impacts of the proposed use on neighboring properties and to protect the general health, safety and welfare of the Town.

15. Decommissioning and removal of Solar Farm facilities.

(a) The applicant shall agree, in writing, to remove the entirety of the Solar Farm and all accessory structures and components thereof if the Solar Farm ceases to be used for its intended purpose for 12 consecutive months. Removal of such obsolete and/or unused Solar Farm components shall take place within three months thereafter. Such agreement shall also include a commitment by the applicant to impose a similar obligation to remove any unused and/or obsolete solar panels upon any person subsequently securing rights to relocate the solar panels.

(b) Bond/security. The applicant shall be required to execute and file with the Town Clerk a bond, or other form of security acceptable to the Town Attorney and Engineer, in an amount sufficient for the faithful performance of the terms and conditions of the permit issued under this chapter, and to provide the decommissioning removal and restoration of the site subsequent to the removal of the Solar Farm. The amount of the bond or security shall be no less than 150% of the cost of the removal of the solar panels and restoration of the site, and shall be reviewed and adjusted at five-year intervals. In the event of a default upon performance of such condition or any of them, the bond or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The bond or security shall remain in full force and effect until the complete removal of the solar panels and site restoration is finished.

16. Fees. Fees for applications and permits under this section shall be established by resolution of the Town Board of the Town of Oneonta. In accordance with the requirements of Chapter **28 and 103-76** it shall be the applicant's responsibility to reimburse the Town for any and all reasonable and necessary legal, engineering and other professional fees incurred by the Town in reviewing and administering an application for a Solar Farm under this article. The Town shall require a security deposit in anticipation of these fees.

17. Waiver. The Planning Board may, under appropriate circumstances, waive one or more of the submission requirements contained herein.

This shall be effectively upon filing with the Department of State.