§ 270-24.1. Overlay zoning districts. [Added 12-20-2017 by L.L. No. 13-2017]

Four separate and distinct overlay zoning districts exist within the Town of Glenville. One is the Town Center Overlay Districtsecond is the Adult Use Overlay District, third is the Storage Overlay, and fourth is the Large-Scale Solar Energy Farm Overlay.

1. Town Center Overlay District. The regulations governing the Town Center Overlay District can be found in § 270-133 (Town Center Overlay District) within Article XVIII (Commercial Development Design Guidelines) of this chapter.
2. Adult Use Overlay District.
	1. Purpose.
		1. To provide for limited establishment of adult-oriented land uses, as well as other land uses which, by their very nature, have objectionable characteristics, while limiting their location and operation to an industrial area of Glenville where community impacts associated with these uses will be minimized.
		2. To promote the health, safety, moral or general welfare of the community, including the protection and preservation of property, and the maintenance of property values.
		3. It is further declared that the location of these uses, in regard to where our youth may regularly assemble, and the general atmosphere encompassing their operation, is of significant concern to the Town of Glenville. Therefore, these regulations shall accomplish the purpose of preventing and restricting accessibility to minors.
	2. Applicability. All applications for the land uses identified in Subsection B(4) below involving new building construction, changes in tenancy, exterior modifications/renovations, and additions are subject to the provisions of this section.
	3. Location of overlay district. Land uses permitted within the Adult Use Overlay District are limited to property and buildings within the boundaries of the overlay district, which in turn is delineated on the Town of Glenville Zoning Map. The Adult Use Overlay Zoning District is roughly a nineteen- acre rectangular area within the Glenville Business and Technology Park, along the northern boundary of the center portion of the Park, north of the 500-series of buildings and generally bounded by the railroad line to the north and Patent Parkway to the south.
	4. Uses allowed. All uses of land allowed within the underlying zoning district are permitted by site plan review and/or a conditional use permit, per the regulations of the underlying district. Additionally, the uses of land identified in Subsection B(4)(a) through (e) below are allowed within the Adult Use Overlay District only, subject to both site plan review and a conditional use permit. These uses are not permitted within any other zoning district of the Town of Glenville:
		1. Adult uses, including but not limited to adult bookstores, adult theaters, and adult entertainment cabarets.
		2. Pawn shops.
		3. Secondhand dealers.
		4. Vapor shops and lounges.
		5. Massage parlors.
		6. Marijuana Dispensaries, including CBD products
		7. Hookah shops, cafes or bars
	5. Minimum lot size, minimum yard setbacks, and all other dimensional requirements. All of the dimensional requirements of the underlying zoning district apply to the overlay district uses defined in Subsection B(4) above, with the exception of the maximum height requirement, which is limited to 35 feet, regardless of the maximum height provision of the underlying zoning district.
	6. Parking requirements. The off-street parking requirements for the uses identified in Subsection B(4) above are prescribed in Schedule A (Off-Street Parking Standards) of this chapter.**1**
	7. Architectural and design requirements. The uses of land identified in Subsection B(4) above are subject to the design standards and guidelines for commercial establishments outside of the Town Center Overlay District, as articulated in

§§ 270-134 to 270-137 of this chapter.

* 1. Signs.
		1. The uses of land identified in Subsection B(4) above are subject to the sign requirements of this chapter, including

**1. Editor's Note: Schedule A is included as an attachment to this chapter.**

all applicable provisions of Article IX (Sign Control) and

§ 270-134C(6) of this chapter.

* + 1. All adult businesses shall display one exterior sign, in the vicinity of the customer entrance and clearly visible to those who enter the building at the customer entrance, giving notice that the premises is off limits to minors.
	1. Visibility and display. No adult use shall be conducted in any manner that permits the observation of any material depicting or relating to sexual activities or anatomical areas customarily covered in clothing while in public from any public way or other property. This provision applies to any display, decoration, sign, banner, show window, screen or other building opening.
	2. Application and review procedures. All uses of land identified in Subsection B(4) above subject to the provisions herein require both site plan review/approval and a conditional use permit. The application and review procedures for site plan review and conditional use permits are detailed in Articles XVI and XVII of this chapter, respectively.
1. Storage overlay district. **[Added 12-4-2019 by L.L. No. 7-2019]**
	1. Purpose.
		1. The intent of this subsection is to accommodate storage of automobiles associated with automobile dealerships, automobile towing operations and automobile rental operations and provide for self-storage. However, in accommodating such activities, it is the intent that there be no appreciable degradation of the character of the surrounding neighborhoods in which these activities occur.
		2. The implementation of this district shall be established as an overlay district which imposes additional criteria on the underlying zoning districts. The overlay district shall be a floating zone in the HC District as additional permitted uses provided the following conditions are met herein.
	2. Specific regulations. Storage of automobiles for automobile dealerships, automobile towing operations, automobile rental operations, and self-storage are permitted by site plan review

in the HC District as detailed in Article XVI of this chapter, provided the use meets all of the following conditions:

* + 1. Lot requirements. The site shall be a minimum of one acre, shall not be located in a floodplain or flood-prone area as defined by Chapter 151, Flood Damage Prevention, and shall not take primary access, nor provide for deliveries, from a predominantly residential street.
		2. With the exception of automobile dealerships where vehicles are parked on the sales lot, parking lots will not be used to display vehicles for sale.
		3. For self-storage uses, all storage shall be inside a building.
		4. For automobile towing operations, the storage permitted is temporary only; no vehicle may be stored longer than 30 days. This use does not permit the site to be used as a junkyard or a salvage yard.
	1. Materials to be submitted:
		1. Site plan with all the items spelled out in the site plan checklist portion of the application packet included on the plan/map. (See § 270-106D.)
		2. Additionally, the site plan must show all proposed improvements, including driveways, parking, fencing, landscaping, lighting, and area for snow storage.
		3. Landscaping plans shall conform to Article XIX of this chapter.
		4. Stormwater pollution prevention plan. A stormwater pollution prevention plan (SWPPP) consistent with Article XI of this chapter shall be required for site plan approval. The SWPPP shall meet the performance, design criteria and standards set forth in Article XI. The approved site plan shall be consistent with the provisions of Article XI.
	2. Existing vegetation. Existing on-site vegetation must be preserved to the maximum extent possible. No cutting of trees exceeding four inches in diameter at breast height (DBH) shall take place prior to the approval of the site plan.
	3. Screening and landscaping. A combination of deciduous and evergreen tree plantings shall be required to screen the

parking lot from nearby residential properties and on the perimeter of the parking lot. Landscaping requirements for landscaping within the parking lot shall conform to Article XIX of this chapter. Interior landscaped parking islands and peninsulas are encouraged, but where they are used, the preferred layout is that of larger islands and peninsulas instead of numerous small islands.

* 1. Paving and stormwater management.
		1. The entire area used for parking must be paved. The use of permeable or porous pavement where practicable is preferred. Surfaces shall provide dust-free, all-weather material and will be graded and drained so as to dispose of all surface water without erosion, flooding, or negative impacts onto neighboring properties.
		2. All parking areas shall address stormwater on the site subject to stormwater requirements in Article XI. Where practical, stormwater management facilities should utilize green infrastructure best management practices (BMPs) to reduce impervious surfaces in the site design using on-site infiltration practices including rain gardens, vegetated swales, filter strips, stormwater planters, permeable pavement, and porous pavement. Further details about site infiltration practices can be found in the Capital District Regional Planning Commission Green Infrastructure Toolkit found at cdrpc.org.
	2. Setbacks. Setbacks for self-storage units shall follow the setbacks for the underlying districts; however, in no case shall parking lots be located closer than 25 feet to any street right-of-way, nor closer than 10 feet to the rear or side property lines, and they may not be located any closer than 40 feet from the property line of residential properties. Additionally, with the exception of entrance and exit driveways, only green space and vegetation will be permitted within the twenty five-foot strip/setback between the parking lot and street right-of-way and must conform to the requirements set forth in Article XIX.
	3. Access management. Off-street parking should be designed to minimize traffic conflicts and utilize combined access drives where feasible.
		1. There will be no more than one driveway on each street abutting the property.
		2. Driveways are not to exceed 30 feet in width.
		3. On corner lots, no driveways will be permitted within 50 feet of the intersection.
	4. Lighting. Any lighting associated with parking areas will be directed into the parking area and away from adjacent properties and public rights-of-way.
	5. Initiation of application. 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 use of the overlay district.
	6. Preliminary application.
		1. The applicant shall submit 23 copies of a preliminary site plan as required above with a written application for a change in district to a Storage Overlay District.
		2. Review by the Town Board.
			1. Findings required. The Town Board may recommend establishment of a Storage Overlay District, provided that the preliminary site plan establishes that:
				1. The uses proposed will not be detrimental to surrounding uses, but will have a beneficial effect, which could not be achieved in another district.
				2. Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in use.
				3. The proposed zoning change is in conformance with the general intent of this chapter and the Town of Glenville Comprehensive Plan.
				4. The proposed location does not create any adverse visual impacts to surrounding uses.
		3. 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 Storage 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 development of the specific proposal incorporating any conditions or modifications requested by the Town Board. The Town Board may deny approval of the zoning map amendment and any preliminary development plans.

* + 1. Review by the Planning and Zoning Commission. Upon approval by the Town Board for amendment(s) to the zoning map, an application for said approved use through an overlay shall be submitted to the Planning and Zoning Commission for review and approval as required by Town Code.
1. **Solar Energy Farm Overlay District**

**1. Authority**

The Solar Energy Farm Overlay District is adopted pursuant to sections 261-263 of the Town Law and section 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Town law of New York State, “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”

**2. Statement of Purpose**

a.The purpose of the Solar Energy Farm Overlay District is to allow installation of Solar Energy Farms as a source of renewable energy that serves the community. It provides for the responsible development of parcels adequately sized that are located near substations but are otherwise difficult to develop. The development of Solar Energy Farms requires consideration of the neighborhood’s needs including but not limited to aesthetics, safety and private investment into community amenities, such as the park system. Furthermore, this overlay district is 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 generating systems and equipment, with the following objectives:

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 difficult to develop located near existing substations;
3. To increase employment and business development in the Town, to the extent reasonably practical, by furthering the installation of Solar Energy Systems;
4. To broaden the economic tax-base without further depleting or drawing on limited resources;
5. To lessen the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources, and;
6. To create synergy between solar and other community goals pursuant to the Comprehensive Plan, such as to responsibly create vibrant neighborhoods, revitalize business growth, manage land uses, create walkable communities, and encourage investment into town services.

**3. Definitions**

Terms pertaining to the Solar Energy Farm Overlay District are defined in Town Code § 270-163, Definitions.

**4. Applicability**

a. The requirements of this Local Law shall apply to all Solar Energy Farms permitted, installed, or modified in Town after the effective date of this Local Law, excluding general maintenance and repair.

b. Solar Energy Farms constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.

c. Modifications to an existing Solar Energy Farm that increase the Solar Energy Farm area by more than five [5] % of the original area of the Solar Energy Farm (exclusive of moving any fencing) shall be subject to this Local Law.

d. All Solar Energy Farms shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code (“Building Code”), the NYS Energy Conservation Code (“Energy Code”), and the Town Code.

**5. General Requirements**

a. A Building permit shall be required for installation of all Solar Energy Farms.

b. Local land use boards are encouraged to condition their approval of proposed developments on sites adjacent to Solar Energy Farms so as to protect their access to sufficient sunlight to remain economically feasible over time.

c. Issuance of permits and approvals by the Town Board, Planning Zoning Commission (PZC) and Glenville Environmental Conservation Commission (GECC) shall include review pursuant to the State Environmental Quality Review Act ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (“SEQRA”).

d.[Fees and costs.](https://www.ecode360.com/6960536#6960536)

1. For each application for a zoning change, site plan or subdivision, the Town of Glenville shall collect a fee from the applicant. The schedule of these fees is established by resolution of the Town Board and updated from time to time.[**[1]**](https://www.ecode360.com/6960536#ft6960536-1) In addition to the fees which are designed to reimburse the Town for expenses of review by the Planning and Zoning Commission, the Town Board may authorize the charging of plan-specific fees for engineering review, SEQRA review and legal review for site plans and subdivisions submitted to the Planning and Zoning Commission. No permit or certificate of any kind shall be issued for any parcel of land for which there are monies due to the Town of Glenville pursuant to this chapter and resolutions enacted hereunder. Said fees shall be subject to the provisions of Article [**V**](https://www.ecode360.com/6960768#6960768) herein. *Editor's Note: See Ch.*[***139***](https://www.ecode360.com/6959129#6959129)*, Fees.*
2. Solar Farms Public Benefit Fees. Solar Farms constitute a unique land use that impacts the town’s ability to retain existing open space and occupies large swaths of green space. See Site Plan Review Fees in section 270-111 of Glenville’s Zoning Code.

**6. Permitting Requirements**

1. Initiation of application. 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 use of the overlay district.
2. All Solar Energy Farms are permitted through Glenville Environmental Conservation Commission (GECC) for Type I SEQR review, Town Board Zoning Change review and Planning and Zoning Commission (PZC) site plan review subject to requirements set forth in this Section.
3. Preliminary Applications for the installation of Solar Energy Farm shall be:
4. reviewed by the Zoning 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;
5. Reviewed by the Glenville Environmental Conservation Commission (GECC) for a Type I SEQR review recommendation Planning and Zoning Commission;
6. reviewed by the Town Board for consistency with the objectives of the overlay district;
7. Subject to a public hearing to hear all comments for and against the application. The Town Board of the Town shall have a notice printed in a newspaper of general circulation in the Town at least five [5] days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within [200] feet of the property at least [10] days prior to such a hearing. Proof of mailing shall be provided to the Town Board at the public hearing;
8. referred to the Schenectady County Planning Department pursuant to General Municipal Law § 239-m if required;
9. Approved or denied within 62 days of the public hearing, the Town Board shall take action on the application, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Town Board and applicant; and
10. Subject to site plan approval by the Planning and Zoning Commission.

[D.](https://www.ecode360.com/35101746#35101746) Findings required for a Zoning Change:

1. The Town Board may recommend establishment of a Solar Overlay District, provided that the preliminary site plan establishes that:
2. The uses proposed will not be detrimental to surrounding uses, but will have a beneficial effect, which could not be more effectively achieved in another district.
3. The proposal preserves vegetation on the parcel and the parcel is otherwise difficult to develop.
4. Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in use.
5. The proposed zoning change is in conformance with the general intent of this chapter and the Town of Glenville Comprehensive Plan.
6. The proposed location does not create substantially adverse visual impacts to surrounding uses.
7. 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 Farm 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 development of the specific proposal incorporating any conditions or modifications requested by the Town Board. The Town Board may deny approval of the zoning map amendment and any preliminary development plans.
8. Review by the Planning and Zoning Commission. Upon approval by the Town Board for amendment(s) to the zoning map, an application for said approved use through an overlay shall be submitted to the Planning and Zoning Commission for review and approval as required by Town Code.
9. Site plan application. Application for any Solar Energy Farm requiring site plan approval shall include site plan submittal requirements listed in §§270-106A-E in addition to the following information:
10. Property lines and physical features, including roads, for the project site
11. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures
12. A one- or three-line electrical diagram detailing the Solar Energy Farm layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
13. A preliminary equipment specification sheet that 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.
14. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy Farm. Such information of the final system installer shall be submitted prior to the issuance of building permit.
15. Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the Solar Energy Farm.
16. Zoning district designation for the parcel(s) of land comprising the project site.
17. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
18. Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
19. Prior to the issuance of the building permit or final approval by the Planning and Zoning Commission, but not required as part of the application, engineering documents must be signed and sealed by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect.
20. Standard for Planning and Zoning Commission Review
21. Proximity to Existing Substation. Boundary line of a parcel proposed for a Solar Energy Farm must be within ½ mile of an existing substation.
22. Lot size. The property on which the Solar Energy Farm is placed shall be a minimum of thirty [30] acres.
23. Setbacks. Solar Energy Farms shall comply with the setback requirements of the underlying zoning district for principal structures, EXCEPT those Solar Energy Farms adjacent to properties with existing housing or commercial structures shall sit 100’ from the front, side and rear property lines.
24. Height. Solar Energy Farms shall comply with the building height limitations for principal structures of the underlying zoning district.
25. Lot coverage. The following components of a Solar Energy Farm shall be considered included in the calculations for lot coverage requirements:
26. Foundation systems, typically consisting of but not limited to driven piles or monopoles or helical screws with or without small concrete collars.
27. All mechanical equipment of the Solar Energy Farm, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.
28. Paved access roads servicing the Solar Energy Farm.
29. Lot coverage of the Solar Energy Farm, as defined above, shall not exceed 50%.
30. Underground Requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.
31. Vehicular Paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.
32. Signage. No signage or graphic content shall be displayed on the Solar Energy Farms except the manufacturer’s name, equipment specification information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than eight [8] square feet.
33. As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
34. Glare. All Solar Panels used in Solar Energy Farms shall have anti-reflective coating(s).
35. Lighting. Lighting of the Solar Energy Farms shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.
36. Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a grounded 7-foot-high fence, as required by NEC, with a self-locking gate to prevent unauthorized access.
37. Screening and Visibility. Solar Energy Farms shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.
38. Applicants seeking to install Solar Energy Farms shall be required to:
39. Conduct a visual assessment of the visual impacts of the Solar Energy Farm on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, shall be required to submitted by the applicant.
40. Submit a screening & 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 screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system. The landscaped screening shall be comprised of a minimum of one [1] evergreen tree, at least six [6] feet high at time of planting, plus two [2] supplemental shrubs at the reasonable discretion of the Planning Zoning Commission, all planted within each [10] linear feet of the Solar Energy Farm. Existing vegetation may be used to satisfy all or a portion of the required landscaped screening. The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Town Landscape Guide.
		2. Tree-cutting. No more than thirty percent [30%] of existing trees stands – measured by lot coverage of tree stands - should be removed.
		3. Solar Energy Farm owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.
41. Agricultural Resources. For projects located on agricultural lands:
42. Any Solar Energy Farm located on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed fifty percent [50%] lot coverage of the area of Prime Farmland or Farmland of Statewide Importance on the parcel.
	* 1. Any Solar Energy Farm located on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed fifty percent [50%] of the entire lot, *AND/OR*
		2. Solar Energy Farms on Prime Farmland or Farmland of Statewide Importance shall be required to seed twenty percent [20%] of the total surface area of all solar panels on the lot with native perennial vegetation designed to attract pollinators.
43. To the maximum extent practicable, Solar Energy Farms located on Prime Farmland shall be constructed in accordance with the [construction requirements](https://www.agriculture.ny.gov/ap/agservices/Solar_Energy_Guidelines.pdf) of the New York State Department of Agriculture and Markets.
44. Public Benefit Contribution (PBC) is required at a one-time rate of $7,000 per acre of developed land to include all structures, equipment and infrastructure for each application. After one year if the project does not start, the applicant forfeits the PBC as it becomes nonrefundable and nontransferable. A subsequent applicant will be required to pay the PBC for proposed development of the same parcel.
45. Ownership Changes. If the owner or operator of the Solar Energy Farm 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 Solar Energy Farm shall notify the zoning enforcement officer of such change in ownership or operator within thirty [30] days of the ownership change.
46. The applicant has one [1] year from site plan approval to complete work.
47. **Decommissioning.**
	1. Solar Energy Farms that have been abandoned and/or not producing electricity for a period of one [1] year shall be removed at the Owner and/or Operators expense, which at the Owner’s option may come from any security made with the Town as set forth in Section 10(b) herein.
	2. A decommissioning plan (see Appendix) signed by the owner and/or operator of the Solar Energy Farm shall be submitted by the applicant, addressing the following:
48. The cost of removing the Solar Energy Farm.
49. The time required to decommission and remove the Solar Energy Farm any ancillary structures.
50. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy Farm.
51. Statement of disposal location.
	1. The decommissioning plan shall be reviewed and approved by a third-party design professional. Such review shall be paid through an escrow account funded by money submitted to the Town from the applicant based on the third party’s estimate of review costs.
52. **Security.**
	* + - 1. The deposit, executions, or filing with the Town Clerk of cash, bond, letter of credit or other form of security reasonably acceptable to the Town attorney, Comptroller and Town Board shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond, security or letter of credit shall be 125% of the cost of removal of the Solar Energy Farm and restoration of the property with an escalator of two [2] % annually for the life of the Solar Energy Farm. The decommissioning amount shall be reduced by the amount of the estimated salvage value of the Solar Energy Farm.
				2. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.
				3. In the event of default or abandonment of the Solar Energy Farm, the Solar Energy Farm shall be decommissioned as set forth in Section 10(b) and 10(c) herein.

**9. Safety**

* 1. Solar Energy Farms and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.
	2. Solar Energy Farms shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Solar Energy Farm is located in an ambulance district, the local ambulance corps.
	3. If Energy Storage Systems are included as part of the Solar Energy Farm, they shall meet the requirements of any applicable 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 any applicable federal, state, or county laws or regulations.
1. **Permit Time Frame and Abandonment**
	1. The Town Board zoning change and PZC site plan approval for a Solar Energy Farm shall be valid for a period of [12] months, provided that a building permit is issued for construction. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the PZC, within twelve [12] months after approval, the applicant or the Town may extend the time to complete construction for one hundred eighty [180] days. If the owner and/or operator fails to perform substantial construction after twelve [12] months, the approvals shall expire.
	2. Upon cessation of electricity generation of a Solar Energy Farm on a continuous basis for twelve [12] months, the Town may notify and instruct the owner and/or operator of the Solar Energy Farm to implement the decommissioning plan. The decommissioning plan must be completed within three hundred sixty [360] days of notification.
	3. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the bond and/or security for the removal of the Solar Energy Farm and restoration of the site in accordance with the decommissioning plan.

**11. Enforcement**

Any violation of the requirements pertaining to the Solar Energy Farm Overlay District shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of Town.

**12. Severability**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

**APPENDIX: DECOMMISSIONING PLAN**

Date: [Date]

Decommissioning Plan for [Solar Project Name], located at:

[Solar Project Address]

Prepared and Submitted by [Solar Developer Name], the owner of [Solar Energy Farm Name]

As required by the Town of Glenville, [Solar Developer Name] presents this decommissioning plan for [Solar Project Name] (the “Facility”).

Decommissioning will occur as a result of any of the following conditions:

1. The land lease, if any, ends

2. The system does not produce power for twelve [12] months

3. The system is damaged and will not be repaired or replaced

The owner of the Facility, as provided for in its lease with the landowner, shall restore the property similar to its condition as it existed before the Facility was installed, pursuant to which may include the following:

1. Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of 36 inches below the soil surface.

2. Removal of any solid and hazardous waste caused by the Facility in accordance with local, state and federal waste disposal regulations.

3. Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain.

All said removal and decommissioning shall occur within twelve [12] months of the Facility ceasing to produce power for sale.

The owner of the Facility, currently [Solar Developer Name], is responsible for this decommissioning.

Facility Owner Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_