ARTICLE 1
INTRODUCTION

Section 1.01 Title

This local law shall be known and may be cited as the "West Monroe Solar and Wind Energy Law".

Section 1.02 Statement of Purpose

This local law is intended to promote the effective and efficient use of solar and wind energy resources, set provisions for the placement, design, construction and operation of such systems to uphold the public health, safety and welfare, and to ensure that such systems will not have a significant adverse impact on the ecological, environmental, agricultural, economic, or aesthetic qualities and character of the town while:

1. Taking advantage of a safe, abundant, renewable, and non-polluting energy resource;
2. Decreasing the cost of energy to the owners of commercial and residential properties, including single-family houses;
3. Increasing employment and business development in the region by furthering the installation of solar and wind energy systems;
4. Mitigating the impacts of solar and wind energy systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources; and
5. Protecting residents, homeowners, and taxpayers from any additional financial burden.

Section 1.03 Authority and Enacting Clause

This local law 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 provisions that advance and protect the health, safety, and welfare of the community.

Section 1.04 Applicability

1. The requirements of this law shall apply to all solar or wind energy systems and battery energy storage systems permitted, installed, or modified after its effective date, excluding general maintenance and repair.
2. A building permit application and Special Use Permit shall be required for the installation of all solar energy systems. Additionally, any business must submit a site plan application to the Planning Board. A valid building and special use permit shall be obtained through the town of West Monroe Code Enforcement Officer prior to installation, with the exception of:
    a. Building-integrated photovoltaic systems that are integrated directly into building materials, such as roof shingles, and that are a permanent and integral part of, and not mounted on the building or structure;
    b. Small solar collectors of less than one square yard used individually for charging of batteries and powering small equipment or devices (such as lighting); and
    c. Photovoltaic systems that meet the requirements of the New York State Unified Solar Permit (systems with a rated direct current (DC) capacity of 25 kW or less that meet other requirements).
3. A building permit application and Special Use Permit shall be required for the installation of all wind energy systems. Additionally, any business must submit a site plan application to the Planning Board. A valid building and special use permit shall be obtained through the town of West Monroe Code Enforcement Officer, prior to installation.
4. A building permit application and Special Use Permit shall be required for the installation of all battery energy storage systems. Additionally, any business must submit a site plan application to the Planning Board. A valid building and special use permit shall be obtained through the town of West Monroe Code Enforcement Officer, prior to installation.

ARTICLE 2
DEFINITIONS

Section 2.01 Word Usage

For the purpose of this law, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this article. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; words used in the plural number include the singular; the words "herein" means "in the law". When any subject matter, party or person is described or referred to by words importing the masculine gender, females as well as males, are included.

Section 2.02 Definitions

Accessory Use- Use of land or a structure that is found on the same parcel as the principal use but is subordinate and incidental.

Battery Energy Storage System- One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a small or large battery energy storage system as follows:

a. Small battery energy storage systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

b. Large battery energy storage systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

Battery(ies)- A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

Energy Generation Facility- A generator that uses a variety of sources and/or products for the production of power for sale as a primary use. Types of generating facilities may include, but are not limited to, petroleum, methane, ethanol, thermal, wind, solar, hydro-electric, and other energy generation systems.

Lot Coverage- That portion of the lot that is covered by solar or wind energy systems.

Lot Line, Front- The lot line separating a lot from a public road or private road. On a flag lot, the interior lot line most parallel to and nearest the road from which access is obtained. Where a road right-of-way is not established or is irregularly shaped, the front lot line shall be considered to be a line parallel to and 25 feet from the centerline or the road pavement of county, town and private roads or 35 feet from the centerline of the road pavement of state roads.

Lot Line, Rear- The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side- Any lot line other than a front or rear lot line.

Lot Line- A line bounding a lot that divides one lot from another lot.

Native Perennial Vegetation- Native flowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

Owner/Operator- The owner of equipment and appurtenances comprising the solar or wind energy system or battery energy storage system; said entity may also be the energy system or storage system operator.

Photovoltaic Systems- A solar energy system that produces electricity using semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

Pollinator- Bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

Prime Farmland- Land, designated as "Prime Farmland" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

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 Equipment- Solar collectors, controls, energy storage devices, heat pumps, heat exchangers/inverters, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic, and passive solar.

Solar Energy System- An electrical generating system composed of a combination of both solar panels and solar energy equipment.

Solar Energy System, Building-Integrated Photovoltaic System (BIPV): A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade, which does not alter relief of the roof. Some examples of BIPV systems include glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows.

Solar Energy System, Building-Mounted- A solar energy system that is affixed to the roof or side(s) of a building or other structure, either directly or by means of support structures or other mounting devices. Solar energy systems constructed over a parking lot are considered buildingmounted solar energy systems.

Solar Energy System, Ground-Mounted (Free Standing)- A solar energy system that is affixed to the ground either directly or by support structures or other mounting devices and that is not attached or affixed to an existing structure. Each contiguous structure is considered an accessory structure within this law. Pole-mounted solar energy systems shall be considered ground-mounted solar energy systems.

Solar Energy System, Large- Any solar energy system that cumulatively on a lot meets one of the following provisions:

a. Is intended to supply energy principally into a utility grid for the purpose of off-site sale or consumption,
b. Has a total ground surface area of greater than 4,000 square feet.

Solar Energy System, Small-Any solar energy system that has an accessory use and cumulatively on a lot meets all of the following provisions:

a. Is an accessory use or structure designed and intended to generate energy primarily for a principal use located on site.
b. Has a total ground surface area no larger than 4,000 square feet.

Wind Energy System- Facilities, including windmills, energy storage devices, and related materials, hardware, or equipment necessary to the process by which wind is converted into another form of energy, and such energy is stored, protected from unnecessary dissipation and distributed for private purposes.

Wind Energy System, Major- Wind generating facilities which generate 25 megawatts or more original power on site to be transferred to a transmission system for distribution to customers. The definition of major wind power generating facilities shall not include minor wind power generating facilities.

Wind Energy System, Minor- Wind generating facilities which generate original power on site that are designed to meet energy needs on premises.

Yard, Front- The space within and extending the full width of the lot from the front lot line to a line, parallel to the front lot line, that passes through the point of a principal structure nearest the front lot line.

Yard, Rear- The space within and extending the full width of the lot from the rear lot line to a line, parallel to the rear lot line, that passes through the point of a principal structure nearest the rear lot line.

Yard, Side- The space within and extending the full distance from the front yard to the rear yard and from the side lot line to that part of the building or structure which is nearest to such side lot line.

ARTICLE 3
SOLAR ENERGY SYSTEMS

Section 3.01 Solar Energy System Design Standards

1. Any proposed solar energy system including those subject to review by the Office of Renewable Energy Siting pursuant to Article 94-c of Executive Law, shall be subject to all substantive provisions of this Article and any other applicable local law.
2. The following standards shall apply to all solar energy systems:
    a. All solar energy systems shall be designed, erected, and installed by a licensed architect or licensed engineer registered in New York State in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Building Code"), International Building Code, International Fire Prevention Code and National Fire Protection Association (NFPA) 70 Standards, and the NYS Energy Conservation Code ("Energy Code").
    b. All on-site electrical wires associated with solar energy systems shall be installed underground, except for "tie-ins" to a public utility company and public utility company utility poles, towers, and lines. This standard may be modified by the town if the project terrain is determined to be unsuitable due to reasons of excessive grade, biological impacts, or similar factors.
    c. All solar energy systems shall be operated such that no damage is caused by stray voltage. If it has been demonstrated that a system is causing stray voltage, the system operator shall promptly mitigate the damage or cease operation of the system.
    d. All solar collectors shall have anti-reflective coatings.
    e. All solar collectors and related equipment shall be surfaced, designed, and sited to minimize glare on adjacent properties and roadways.
    f. All solar collectors and their associated support elements shall, at the time of installation, be designed according to generally accepted engineering practice to withstand wind pressures applied to exposed areas by wind from any direction, to minimize the migration of light or sound from the installation and to minimize the development of sight obstructions for adjacent structures or land parcels.
    g. All solar energy systems, solar collectors, and solar panels shall be maintained in good condition and in accordance with all requirements of this law and all applicable state laws.
    h. All solar energy systems shall be located in a manner to reasonably minimize view blockage for surrounding properties, while still providing adequate solar access for collectors.
    i. Solar energy systems and equipment shall be permitted only if they are determined by the town of West Monroe not to present safety risks, including, but not limited to, weight load on structures, ingress or egress to property in the event of an emergency, traffic site lines, and wildlife habitat.

Section 3.02 Small Solar Energy Systems

1. Procedural Requirements
    a. Any solar energy systems attached to a structure shall be required to submit a structural report to address all load impacts.
    b. The Planning Board/Code Enforcement officer may impose conditions on its approval of any building permit, special use permit or site plan under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).
2. Building-Mounted Small Solar Energy Systems
    a. Building-mounted solar energy systems that use the electricity onsite are permitted as an accessory use when attached to any lawfully permitted building or structure.
    b. Building-mounted solar energy systems shall incorporate the following design requirements:
        i. Solar collectors on pitched roofs shall be mounted at an appropriate distance between the roof surface and the highest edge of the system and approved by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect.
        ii. Solar collectors on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
        iii. Solar collectors on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
        iv. Solar collectors on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.
        v. Solar collectors shall not restrict chimney function in any way.
        vi. Solar collectors shall not create unsafe structural loads on roofs or walls.
        vii. Solar collectors shall not be located near any flammable materials.
        viii. Signage displaying disconnection and other emergency shutoff information shall be clearly displayed on a light reflective surface.
3. Ground-Mounted Small Solar Energy Systems
    a. Ground-mounted solar energy systems that use the electricity primarily onsite are permitted as an accessory use.
    b. Height and Setback. Ground-mounted solar energy systems shall not exceed eight feet in height when oriented at maximum tilt. All solar collectors must be located in compliance with NYS Department of Environmental Conservation (DEC) and Federal Flood Plain regulations and specifications as they pertain to waterways, waterbodies, and designated wetlands.
    c. Lot Coverage. Systems are limited to a maximum lot coverage of 50%.
    d. All such systems shall be installed in side or rear yards.

Section 3.03 Large Solar Energy Systems

1. Procedural Requirements. Large solar energy systems are permitted through the issuance of a building permit, special use permit and site plan review, subject to the requirements set forth in this Section and current West Monroe zoning law. Large solar energy systems in the town of West Monroe are subject to the following requirements.
    a. Any solar energy system attached to a structure shall be required to submit a structural report to address all load impacts.
    b. The Planning Board may impose conditions on its permit approval under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).
    c. Public Hearing and Decision. The Planning Board shall conduct a public hearing. Such public hearing shall be conducted within 62 days of the receipt of the completed application and shall be advertised at least five days before the hearing in a newspaper in general circulation in the town. A notice of the hearing shall be mailed to the applicant at least 10 days before the hearing. Where required under General Municipal Law Section 239-nn, notice must be made to the Clerk of the adjacent town at least 10 days in advance of the hearing. When concluded, the Planning Board shall act by motion to close the Public Hearing. The Planning Board shall approve, approve with conditions, or disapprove the application within 62 days after such hearing.
    d. County Planning Board Review. At least 10 days before the hearing, the Planning Board shall refer all applications that fall within those areas specified under General Municipal Law Section 239-m to the county planning board by mail or electronic submission for the county's recommendation thereon prior to final action. This shall include any use that falls within 500 feet of the following: the boundary of the town; a state or county park or recreation area; the Right-of-Way of a state or county road; a state or county owned stream or drainage channel; the boundary of a farm operation located within an agricultural district as defined by Article 25-AA of the Agricultural Law; or state or county land where a public building or institution is located. If the county planning board does not respond within 30 days from the time it received a full statement on the referral matter, then the Planning Board may act without such report. Within 30 days of taking final action, the Planning Board must submit a Report of Final Action (or equivalent) to the county.
2. Any building permit, special use permit or site plan application shall include the following information in addition to requirements set forth in the current West Monroe zoning law:
    a. Property lines and physical features, including roads, for the project site.
    b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
    c. A one- or three-line electrical diagram detailing the solar energy system layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
    d. 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 a building permit.
    e. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the solar energy system shall be submitted prior to the issuance of a construction permit.
    f. Name, address, phone number, and signature of the project applicant, as well as all property owners, demonstrating their consent to the application and the use of the property for the solar energy system. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted in the application.
    g. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.

h. 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 Town Law.
i. Vegetation Management Plan. Such plan shall describe how the large solar energy system owners will develop, implement, and maintain native vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators.
j. The site plan application shall identify wildlife species that may use the parcel, including potential wildlife travel corridors, migration paths, or critical habitats.
k. Prior to the issuance of the building permit or final approval by the Planning Board, 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.
l. Decommissioning Plan. To ensure the proper removal of a large solar energy system, a decommissioning plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of building permit approval under this Section. The decommissioning plan must specify that after the large solar energy system can no longer be used, it shall be removed and disposed of by the applicant or any subsequent owner in a lawful and environmentally proper manner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer or contractor. Cost estimations shall take inflation into account.

3. Location. Large solar energy systems shall not be located in the following areas to the maximum extent practicable:
   a. Prime farmland or farmland of statewide importance. Large solar energy systems shall not result in conversion of more than 10% of all prime farmland within the project areato the extent practicable, which includes all facility components, such as solar collectors, mechanical equipment, and support facilities. Any development on prime farmland shall include a mitigation plan with the permit application. Large solar energy systems located on prime farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
   b. Areas including flood plains, historic sites, airports, government lands, conservation easements, trails, parklands, and wetlands as identified by the New York State Department of Environmental Conservation, the United States Army Corps of Engineers, or Federal Flood Plain regulations and specifications.
4. Design Requirements. All large solar energy system shall incorporate the following design requirements:
   a. Lot Coverage. Large solar energy systems shall be located on lots with a minimum size of 10 acres. A large solar energy system that is ground-mounted shall not exceed 50% of the total size of the lot or parcel on which it is installed. The surface area covered by a large solar energy system includes all facility components, such as solar collectors, mechanical equipment, and support facilities.
   b. Height and Setbacks. Large solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt. Minimum setback from road right-of-way lines is 100 feet. Minimum setback from side lot lines is 300 feet. Minimum setback from rear lot lines is 200 feet. Minimum setback from any existing residential structures is 400 feet. The Planning Board may require greater setbacks if deemed necessary to lessen the impacts of the project on neighboring properties. The side and rear lot line setbacks for contiguous parcels that include facility components within one proposed project may be waived. Fencing, access roads and landscaping may occur within the setback.
   c. Fencing and Screening. All large solar energy systems shall be enclosed by fencing at least seven feet high with a self-locking gate to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The fencing and the system may be required to be screened by landscaping as needed to avoid adverse aesthetic impacts. Based on site specific conditions, including topography, adjacent structures, and roadways, reasonable efforts shall be made to minimize visual impacts by preserving natural vegetation, and

providing berms or landscape screening consisting of native species to abutting residential properties, public roads, public sites, and known areas of important views or vistas, but screening should minimize the shading of solar collectors.

d. Signage. Signage shall include and be limited to:
    i. The manufacturer's name, equipment specific information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than eight square feet.
    ii. Disconnection 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.
e. Tree-Cutting. Removal of existing trees larger than six inches in diameter should be minimized to the extent possible.
f. Vegetation. All large solar energy systems on Prime Farmland or Farmland of Statewide Importance shall be required to seed 20% of the total surface area of all solar panels on the lot with native perennial vegetation designed to attract pollinators.
    i. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the large solar energy system owners shall use native plan species and seed mixes.
    ii. Vegetation shall be maintained below solar collectors. The ground within the fenced perimeter shall not be tamped, compressed, or otherwise conditioned with herbicides or similar other treatment to inhibit the growth of natural vegetation.
g. The Planning Board may allow for or require co-usage of the lands under and around installed solar collectors for grazing or growing of crops that could be grown or harvested without damaging or interfering with solar facilities.
h. Temporary and Access Roads. All access, construction, or project-related roads cannot be less than three rods in width pursuant to Article 8 Section 171 of New York State Highway Law so as to provide access for firetrucks and other service vehicles in case of an emergency.

5. Removal. Removal of large solar energy system must be completed in accordance with the decommissioning plan. If the large solar energy system is not decommissioned after being considered abandoned, the town may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.
6. Large solar energy systems are considered abandoned when the Enforcement Officer determines the site and system has not been maintained, is a safety risk, or after one year without electrical energy generation and must be removed from the property. Applications for extensions are reviewed by the Town Board for a period of six months. If the solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the system, mount and associated equipment and facilities by no later than 90 days after the end of the 12-month period. The site shall be restored to as natural a condition as possible within one year of removal of the system. Failure to comply with this section will result in enforcement action detailed in Section 6.01.
7. Sureties/Bond. The applicant may be required to provide financial sureties, as set forth, for the removal of a large solar energy system. Pursuant to the execution of the decommissioning plan, the applicant shall provide the town with a bond in an amount determined by the Planning Board, but in no case less than 20% of the component and material costs [adjusted for inflation 20 years into the future after installation] to cover the expense of removal of the system and remediation of the landscape, in the event the town must remove the facility. The bond shall be in a form acceptable to the town attorney, which includes, but is not limited to, an escrow account, a letter of credit, perpetual bond, or any combination thereof.

ARTICLE 4
WIND ENERGY SYSTEMS

Section 4.01 Wind Energy System Design Standards

1. Any proposed wind energy system including those subject to review by the Office of Renewable Energy Siting pursuant to Article 94-c of Executive Law, shall be subject to all substantive provisions of this Article and any other applicable local law.
2. The following standards shall apply to all wind energy systems:
    a. The proposed installation is located in an area that is necessary and convenient for the efficient distribution of power from the energy generation facility to the area to be serviced by such facility.
    b. The design of any building constructed or used in connection with the energy generationfacility shall conform to the general character of the area and will not adversely affect the usage and reasonable enjoyment of property rights in the town.
    c. Reasonable landscaping shall be provided to create a visual and sound buffer between such facilities and adjoining properties.
    d. All electrical generating equipment, electrical storage equipment, transformers, and related equipment shall be enclosed in a secure structure. All such structures shall be secured by a fence.
    e. No wind power generating facility or related structure shall be located within 250 feet of any lot line.

Section 4.01 Minor Wind Energy Systems

1. Procedural Requirements. The Planning Board/Code Enforcement officer may impose conditions on its approval of any building permit or site plan application under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).
2. Location. Minor wind power generating facilities and wind test towers are allowed only in the rural zone of West Monroe.
3. Design Standards
    a. Setbacks. Lot line setback of minor wind power generating facilities and wind test towers shall be at least 110% of the height of the structure including rotor radius.
    b. Height. Maximum height of minor wind power generating facilities and wind test towers shall be 100 feet including rotor radius.
4. Removal. If a minor wind power generating facility or wind test tower ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the facility or tower and associated equipment no later than 90 days after the end of the 12-month period. The site shall be restored to as natural a condition as possible within one year of removal of the system. Failure to comply with this section will result in enforcement action detailed in Section 6.01.

Section 4.03 Major Wind Energy Systems

1. Procedural Requirements Major wind energy systems are permitted through the issuance of a building permit, special use permit and site plan review, subject to the requirements set forth in this Section and current West Monroe zoning law.
    a. Public Hearing and Decision. The Planning Board shall conduct a public hearing. Such public hearing shall be conducted within 62 days of the receipt of the completed application and shall be advertised at least five days before the hearing in a newspaper in general circulation in the town. A notice of the hearing shall be mailed to the applicant at least 10 days before the hearing. Where required under General Municipal Law Section 239-nn, notice must be made to the Clerk of the adjacent town at least 10 days in advance of the hearing. When concluded, the Planning Board shall act by motion to close the Public Hearing. The Planning Board shall approve, approve with modifications, or disapprove the application within 62 days after such hearing.
    b. County Planning Board Review. At least 10 days before the hearing, the Planning Board shall refer all applications that fall within those areas specified under General Municipal Law Section 239-m to the county planning board by mail or electronic submission for the county's recommendation thereon prior to final action. This shall include any use that falls within 500 feet of the following: the boundary of the town; a state or county park or recreation area; the Right-of-Way of a state or county road; a state or county owned stream or drainage channel; the boundary of a farm operation located within an agricultural district as defined by Article 25-AA of the Agricultural Law; or state or county land where a public building or institution is located. If the county planning board does not respond within 30 days from the time it received a full statement on the referral matter, then the Planning Board may act without such report. Within 30 days of taking final action, the Planning Board must submit a Report of Final Action (or equivalent) to the county.
    c. Any building permit, special use permit or site plan application shall include the following information in addition to requirements set forth in the current West Monroe zoning law:
        i. Property lines and physical features, including roads, for the project site
        ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures
        iii. A one- or three-line electrical diagram detailing the major wind energy systemlayout, turbine installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
        iv. A preliminary equipment specification sheet that documents all proposed wind turbines, significant components, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of construction permit.
        v. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the major wind energy system shall be submitted prior to the issuance of construction permit.
        vi. Name, address, phone number, and signature of the project applicant, as well as all property owners, demonstrating their consent to the application and the use of the property for the major wind energy system. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted in the application.
        vii. Property Operation and Maintenance Plan. Such plan shall describe continuing wind turbine maintenance and property upkeep, such as mowing and trimming.
        viii. 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 Town Law.
        ix. The site plan application shall identify wildlife species that may use the parcel, including potential wildlife travel corridors, migration paths, or critical habitats.

x. Prior to the issuance of the building permit or final approval by the Planning Board, 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.

xi. Decommissioning Plan. To ensure the proper removal of a major wind energy system, a decommissioning plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of building permit approval under this Section. The decommissioning plan must specify that after the major wind energy system can no longer be used, it shall be removed and disposed of by the applicant or any subsequent owner in a lawful and environmentally proper manner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer or contractor. Cost estimations shall take inflation into account.

2. Location. Major wind energy systems shall not be located in the following areas to the maximum extent practicable:
    a. Prime farmland or farmland of statewide importance. Any development on prime farmland shall include a mitigation plan with the permit application. Major wind energy systems located on prime farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
    b. Areas including flood plains, historic sites, airports, government lands, conservationeasements, trails, parklands, and wetlands as identified by the New York State Department of Environmental Conservation, the United States Army Corps of Engineers, or Federal Flood Plain regulations and specifications.
3. Design Standards. All major wind energy system shall incorporate the following design requirements:
    a. Setback from road right-of-way lines: 1000 feet plus the height of the structure including rotor radius, minimum on all state highways and 500 feet plus the height of the structure including rotor radius, minimum on all other roads.
    b. Setback from side and rear lot lines: 300 feet minimum. The Planning Board may require greater setbacks if deemed necessary to lessen the impacts of the project on neighboring properties. The side and rear lot line setbacks for contiguous parcels that include facility components within one proposed project may be waived.
    c. Setback from any existing residential structures: 1000 feet minimum.
    d. Fencing, access roads and landscaping may occur within the setback.
    e. Landscaping and screening. Appropriate landscaping is required to keep the site in a neat and orderly fashion. Appropriate screening is required to screen accessory structures from adjacent residences.
    f. Equipment on site. All electrical generating equipment, electrical storage equipment, transformers and related equipment shall be enclosed in a secure structure. All such structures shall be secured by a fence.
    g. Compliance with other agency regulations. All major wind generating facilities shall comply with applicable state and federal regulations.
    h. Lighting. Major wind generating facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
    i. Temporary and Access Roads. All access, construction, or project-related roads cannot be less than three rods in width pursuant to Article 8 Section 171 of New York State Highway Law so as to provide access for firetrucks and other service vehicles in case of an emergency.

4. Removal. Removal of major wind energy systems must be completed in accordance with the decommissioning plan. If the major wind energy system is not decommissioned after being considered abandoned, the town may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.
    a. The applicant shall submit an agreement to remove all driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower dedicated solely for use as a major wind power generating facility if such facility becomes technologically obsolete or ceases to perform its originally intended function for more than 12 consecutive months. The site shall be restored to as natural a condition as possible within one year of removal of the system. Failure to comply with this section will result in enforcement action detailed in Section 6.01.
5. Sureties/Bond. The applicant may be required to provide financial sureties, as set forth, for the removal of a major wind energy system. Pursuant to the execution of the decommissioning plan, the applicant shall provide the town with a bond in an amount determined by the Planning Board, but in no case less than 20% of the component and material costs [adjusted for inflation 20 years into the future after installation] to cover the expense of removal of the system and remediation of the landscape, in the event the town must remove the facility. The bond shall be in a form acceptable to the town attorney, which includes, but is not limited to, an escrow account, a letter of credit, perpetual bond, or any combination thereof.

ARTICLE 5
BATTERY ENERGY STORAGE SYSTEMS

Section 5.01 Battery Energy Storage Systems

1. Permitting requirements for small battery energy storage systems. Small battery energy storage systems shall be allowed in the town and shall require a building permit and special use permit. Small battery energy storage systems shall maintain a 100-foot minimum setback distance from any existing residential structure.
2. Permitting requirements for large battery energy storage systems. Large battery energy storage systems are permitted through the issuance of a building permit, special use permit and site plan review and shall be subject to the following requirements and design standards.
    a. Public Hearing and Decision. The Planning Board shall conduct a public hearing. Such public hearing shall be conducted within 62 days of the receipt of the completed application and shall be advertised at least five days before the hearing in a newspaper in general circulation in the town. A notice of the hearing shall be mailed to the applicant at least 10 days before the hearing. Where required under General Municipal Law Section 239-nn, notice must be made to the Clerk of the adjacent town at least 10 days in advance of the hearing. When concluded, the Planning Board shall act by motion to close the Public Hearing. The Planning Board shall approve, approve with modifications, or disapprove the application within 62 days after such hearing.
    b. County Planning Board Review. At least 10 days before the hearing, the Planning Board shall refer all applications that fall within those areas specified under General Municipal Law Section 239-m to the county planning board by mail or electronic submission for the county's recommendation thereon prior to final action. This shall include any use that falls within 500 feet of the following: the boundary of the town; a state or county park or recreation area; the Right-of-Way of a state or county road; a state or county owned stream or drainage channel; the boundary of a farm operation located within an agricultural district as defined by Article 25-AA of the Agricultural Law; or state or county land where a public building or institution is located. If the county planning board does not respond within 30 days from the time it received a full statement on the referral matter, then the Planning Board may act without such report. Within 30 days of taking final action, the Planning Board must submit a Report of Final Action (or equivalent) to the county.
    c. Any construction permit application shall include the following information:
        i. Property lines and physical features, including roads, for the project site
        ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, existing and proposed structures, exterior lighting, and screening and vegetation
        iii. A preliminary specification sheet that documents all proposed storage equipmentto be installed. A final equipment specification sheet shall be submitted prior to the issuance of construction permit
        iv. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system shall be submitted prior to the issuance of a construction permit
        v. Name, address, phone number, and signature of the project applicant, as well as all property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted in the application.
    d. Signage. Signage shall be in compliance with American National Standards Institute Z535 and shall include the type of technology associated with the battery energy storage system, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, 24-hour emergency contact information, and any information required by the National Electric Code. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

e. Vegetation and tree cutting. Areas within 10 feet on each side of large battery energy storage systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover shall be permitted if they cannot readily transmit fire. Removal of trees should be minimized to the extent possible outside the 10-foot radius of the large battery energy storage system.

f. Fencing and screening. Large battery energy storage systems, including all mechanical equipment, shall be enclosed by fencing at least seven feet high with a self-locking gate to prevent unauthorized access (unless housed in a dedicated-use building) and not interfering with ventilation or exhaust ports. Large battery energy storage systems shall be screened to minimize adverse visual impacts by preserving natural vegetation and providing earth berms and landscaped screening to abutting residential properties, public roads, public sites, and known areas of important views or vistas. Existing vegetation may be used to satisfy all or a portion of the required landscaped screening. Any unhealthy vegetation shall be removed and replaced, immediately. The Planning Board has the right to waive the landscaping requirements for large battery energy storage systems where an applicant can demonstrate no impact on adjacent parcels.

g. Setbacks. Minimum setback from road right-of-way lines is 100 feet. Minimum setback from side lot lines is 300 feet. Minimum setback from rear lot lines is 200 feet. Minimum setback from any existing residential structures is 400 feet. The Planning Board may require greater setbacks if deemed necessary to lessen the impacts of the project on neighboring properties. The side and rear lot line setbacks for contiguous parcels that include facility components within one proposed project can be waived. Fencing, access roads and landscaping may occur within the setback.

3. Safety.
   a. System Certification. Prior to the issuance of a Building permit from the Code Enforcement Officer, the applicant must submit copies of all safety certifications to the Planning Board and Code Enforcement Officer.
   b. Site Access. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and first responders in the area.
   c. Large battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with the most recent National Electric Code.
   d. The applicant must ensure that appropriate and acceptable training for first responders is available prior to commencing operations.
4. Decommissioning Plan and Fund for Large Battery Energy Storage Systems. The applicant shall submit a decommissioning plan to be implemented upon abandonment and in conjunction with removal of the facility. The owner and operator of the energy storage system shall continuously maintain a fund or bond payable to the town, in a form approved by the town for the removal of the large battery energy storage system, in an amount acceptable to the Planning Board, for the period of the life of the facility.
5. Abandonment and Removal of Large Battery Energy Storage Systems. Large battery energy storage systems shall be considered abandoned when they cease to operate consistently for more than 12 consecutive months. If the owner and operator fails to comply with decommissioning upon any abandonment, the town may enter the property and utilize the available bond or security for the removal of a large battery energy storage system and the restoration of the site in accordance with the decommissioning plan. Failure to comply with this section will result in enforcement action detailed in Section 6.01.

ARTICLE 6
ADMINISTRATION AND ENFORCEMENT

Section 6.01 Enforcement

1. In order to verify that the battery energy storage system, solar energy system, or wind energy system's owner or operator and any and all lessees and renters place, construct, modify, and maintain the battery energy storage system, solar energy system, or wind energy system in accordance with all applicable technical, safety, fire, building, and local codes, laws, ordinances, regulations, and other applicable requirements, the town may inspect all facets of placement, construction, modification, and maintenance.
2. Any inspections required by the town that are beyond the town's technical expertise or ability shall be conducted by third parties at the expense of the applicant.
3. Any violation of this law is an offense punishable by a fine not exceeding $350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than $350 nor more than $700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than $750 nor more than $1,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
4. The Town Board may institute any appropriate action or proceedings to prevent unlawful disposition of land, to restrain, correct or abate any violation of this law, or to prevent the use or occupancy of said land; and upon the refusal of the Town Board to institute any such appropriate action or proceeding for a period of 10 days after written request by a resident taxpayer of the town so to proceed, any three taxpayers of the town, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such Town Board is authorized to do.

ARTICLE 7
MISCELLANEOUS PROVISIONS

Section 7.01 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.

Section 7.02 Conflict

Any conflict with exiting law will be decided and or arbitrated by the sitting Town Board

Section 7.03 Effective Date

This local law shall take effect immediately upon filing with the Secretary of State