**Chapter 134B**

**SOLAR ENERGY SYSTEMS**

**GENERAL REFERENCES**

**Subdivision of land — See Ch. 140. Zoning — See Ch. 160.**

**§ 134B-1. Purpose.**

The purpose of this chapter shall be to adopt statutory requirements to advance and protect the public health, safety and welfare of citizens of the Town of Catskill, New York; to take advantage of safe, abundant, renewable and nonpolluting energy resources; to decrease the cost of energy to the owners of commercial and residential properties; and to increase employment and business development in the region by furthering the installation of Solar Energy Systems.

**§ 134B-2. Legislative authority.**

This chapter is enacted pursuant to Town Law §§ 261 through 263 and § 10 of the Municipal Home Rule Law to adopt zoning provisions that advance and protect the health, safety and welfare of the community and to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.

**§ 134B-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE — A structure, the use of which is customarily incidental and subordinate to that of the principal building and is attached thereto or is located on the same lot or premises as the principal building.

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM — A combination of photovoltaic building components integrated into any building envelope system such as vertical facades, including glass and other facade material, semitransparent skylight systems, roofing materials and shading over windows.

GROUND-MOUNTED SOLAR ENERGY SYSTEM — A solar energy system which is anchored to the ground and attached to a pole or other mounting system, detached from any other structure, with or without tracking for the primary purpose of producing electricity for onsite consumption.

LARGE-SCALE SOLAR ENERGY SYSTEM — A solar energy system which produces a rated power of 20 kilowatts (kW) or greater per hour of energy for the purpose of producing electricity for on-site and off-site sale or consumption.

SMALL-SCALE SOLAR ENERGY SYSTEM — A solar panel system for the purpose of producing electricity for on-site or off-site consumption which produces a rated power of under 20 kilowatts (kW) per hour of energy.

SOLAR ENERGY COLLECTOR A solar photovoltaic cell, panel, array, 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 — Electrical energy storage devices, material,

hardware, inverters or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM — An electrical generating system composed of a

combination of both solar panels and solar energy equipment.

SOLAR PANEL — A photovoltaic device capable of collecting and converting solar energy into electrical energy.

SOLAR-THERMAL SYSTEM Solar thermal systems which directly heat water or other liquid using sunlight.

**§ 134B-4. Applicability.**

1. The requirements of this chapter shall apply to all Solar Energy Systems installed or modified after its effective date.
2. Solar energy collectors shall be permitted 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 collective solar installations or the sale of excess power through a net billing or net-metering arrangement in accordance with New York Public Service Law § 66-J or similar state or federal statute.
3. All Solar Energy Systems shall be designed, erected and installed in accordance with all applicable federal, state and local laws, regulations and standards.

**§ 134B-5. Permit required.**

1. Building permits shall be required in all zoning districts for installation of all solar energy collectors, stationary or tracking, for rooftop building-mounted, ground- or pole-Mounted, large-scale standing solar collectors; and building-integrated photovoltaic systems.
2. A building permit may be waived by the Code Enforcement Officer for portable solar energy collectors which are not permanently installed.

**§ 134B-6. Solar energy-systems as accessory uses or structures.**

1. Roof-mounted solar energy systems.
2. Roof-mounted Solar Energy Systems and Solar Thermal Systems are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.
3. Height. Solar Energy Systems and Solar Thermal Systems shall not extend greater than one foot above the building or roof on which they are mounted and shall not extend above the peak of the roof.

**§ 134B-7. Site Plan approval for Ground-mounted Solar Energy Systems.**

1. Height and setback. Ground- or pole-mounted Solar Energy Systems shall not exceed 15 feet in height when oriented at maximum tilt, and adhere to the setback requirements of the underlying zoning district.
2. Lot coverage. The surface area covered by and all area located between rows of panels of ground or pole-mounted Solar Energy Systems shall be included in the determination of total lot coverage.
3. Ground- or pole-mounted Solar Energy Systems shall be required to obtain a site plan approval required under the local zoning or other land use local laws.
4. Ground-mounted or pole-mounted Solar Energy Systems are prohibited in front yards and side yards.

**§ 134B-8. Residential Solar Energy Systems.**

Residential Solar Energy Systems and Solar Thermal Systems which produce 20 kilowatts (KW) per hour of energy or more do not need to comply with the performance guarantee requirements of 134B-7(C)(6).

**§ 134B-9. Approval standards for large-scale solar systems and ground-mounted and pole-mounted small scale solar systems as special uses.**

1. Large-scale Solar Energy Systems are permitted through the issuance of a special use permit within Rural Residential/Agriculture, Highway Commercial, or Industrial Zoning Districts and are subject to the requirements set forth in this section, including but not necessarily limited to site plan approval. Applications for the installation of a large-scale Solar Energy System shall be reviewed by the Town of Catskill Code Enforcement Officer and include a completed environmental impact form (SEQRA) referred, with comments, to the Town of Catskill Planning Board for its review, which review may include approval, approval on conditions or denial.
2. Ground-mounted and pole-mounted small scale solar energy systems are permitted through the issuance of a special use permit in all zones.
3. Special use permit applications requirements.
4. If the property of the proposed project is to be leased, a copy of the lease and, if applicable, other documents relating to legal consents between the parties specifying the use or uses of the land for the duration of the project, easements and any other relevant agreements shall be submitted.
5. Blueprints showing the layout of the Solar Energy Systems signed by a professional engineer, licensed land surveyor or registered architect shall be required.
6. The equipment specification sheets shall be documented and submitted for all Solar Energy Systems, significant components, mounting systems and inverters which are to be installed.
7. Property operation and maintenance plan. Such plan shall describe continuing Solar Energy System maintenance and property upkeep such as mowing and trimming.
8. The Town of Catskill may impose a tax levy on the subject lands in the amount of said costs incurred in the removal.
9. Decommissioning plan and performance guarantee. To ensure the proper removal of large-scale solar energy systems and ground mounted small scale solar energy systems, a decommissioning plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this section. The decommissioning plan must specify that after the large-scale solar energy system can no longer be used or is abandoned as defined in § 134A-9, it shall be removed by the applicant or any subsequent owner. The decommissioning plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the property to its original state prior to construction with photographs of the property 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 and shall be reviewed by the town engineer. Cost estimations shall take into account inflation. The applicant, as a condition of the granting of a special use permit, shall post a performance bond in a reasonable amount and form as determined by the Town Board. This bond shall be in force to cover the costs of the remediation of any damage to the landscape that occurs during the clearing of the site for construction and to cover the cost of the removal of the Solar Energy System.
10. Applications for special use permits or site plans will not be approved if a violation of Town Code or State Building Code exists at the parcel or parcels which are the subject to the proposed application or real property taxes are delinquent regarding said parcel or parcels.
11. In all zones large scale solar energy systems are permitted only on open fields which have been mowed, plowed or otherwise cultivated within the last twenty four months or other open space devoid of trees.

Removal of Large Scale Systems – Removal of large-scale solar energy and ground-mounted and pole-mounted small scale solar systems must be completed in accordance with the decommissioning plan. If the large-scale solar energy system is not decommissioned after it can no longer be used or is abandoned, the Town of Catskill may remove the system and restore the property and impose a lien on the property to cover these costs to the Town of Catskill.

1. Any application under this section shall meet any substantive provisions contained in the local site plan requirements in the Zoning Law that, in the judgment of the Town of Catskill Planning Board, are applicable to the Solar Energy System being proposed. The additional following requirements are applicable.
2. Height and setback. Large-scale solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt and setback shall be an additional 120 feet over the setback requirements of the underlying zoning district.
3. Lot size. Large-scale solar energy systems shall be located on lots with a minimum lot size as set forth in the zoning district.
4. Lot coverage. A large-scale solar energy system which is ground mounted shall not exceed 25% of the parcel where it is installed. The surface area covered by solar panels and all area located between rows of panels shall be included in the determination of total lot coverage.
5. All large-scale solar energy systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determined by the Town of Catskill Code Enforcement Office.
6. The large-scale solar mounting energy system may, in the discretion of the Town of Catskill Planning Board, be further screened by landscaping or other material as needed for protection and visual effect.
7. The Town of Catskill Planning Board may impose conditions on its approval of any special use permit 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).[[1]](#footnote-1)

**§ 134B-10. Safety inspections, maintenance and standards.**

1. Any connection to the public utility grid must be inspected by the appropriate public utility body.
2. Solar Energy Systems shall be maintained in good working order.
3. Rooftop and building-mounted solar energy collectors shall meet the New York State Uniform Fire Prevention and Building Code standard.
4. 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 Building Code when in use and when no longer used, shall be disposed of in accordance with the laws and regulations of the Town of Catskill and/or other applicable New York State and federal laws and regulations.

**§ 134B-11. Abandonment and decommissioning.**

Solar energy systems are considered abandoned after 90 days without electrical energy generation and must be removed from the property. Applications for extensions are reviewed by the Town of Catskill Code Enforcement Office for a period of 30 days.

**§ 134B-12. Enforcement; violations and penalties.**

Any violation of this solar energy use law shall be subject to the same civil and criminal penalties provided for in the zoning regulations of the Town of Catskill.[[2]](#footnote-2)

1. **Editor’s Note: See Environmental Conservation Law § 8-0101 et seq.** [↑](#footnote-ref-1)
2. **Editor’s Note: See Ch. 160, Zoning.** [↑](#footnote-ref-2)