
IN THE MATTER

Of

A LOCAL LAW 2022-(2) TO REPEAL SECTION 155-27.2 OF THE TOWN CODE REGULATING THE PLACEMENT OF SOLAR PHOTOVOLTAIC ENERGY SYSTEMS AND TO REPLACE IT WITH A MODIFIED LOCAL LAW TO REGULATE THE PLACEMENT OF SOLAR PHOTOVOLTAIC ENERGY SYSTEMS IN THE TOWN AND REMOVING SOLAR PHOTOVOLTAIC ENERGY SYSTEMS SITUATED ON TOWN PROPERTY FROM SITE PLAN AND SPECIAL PERMIT PROCESSES

**RESOLUTION CALLING FOR
A PUBLIC HEARING**

The **TOWN BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, and virtually on the platform commonly referred to as Zoom, and broadcast live to the Town Facebook page and YouTube on the 23rd of February, 2022, at 6:30 p.m.

The meeting was called to order by John T. Deer, Supervisor, and the following were present, namely:

John T. Deer	Supervisor
Sara Bollinger	Councilor
Elaine Denton	Councilor
Alissa Italiano	Councilor
William Nicholson	Councilor
Heather Allison Waters	Councilor
Absent: Katelyn Kriesel	Councilor

The following resolution was moved, seconded and adopted:

WHEREAS, climate change is an existential threat to the planet, the United States, the State of New York, Onondaga County and the Town of Manlius,

WHEREAS, the Town Board of the Town of Manlius believes it is the responsibility of governments at all levels to combat climate change;

WHEREAS, fossil fuels are a significant contributing factor to climate change,

WHEREAS, solar energy technology harnesses the natural photovoltaic energy from the sun and turns it into energy that could be used by Town residents, businesses and governments;

WHEREAS, solar energy is renewable and provides a clean source of energy and it is an important tool to fight climate change;

WHEREAS, the State of New York has a strong policy that encourages the production of solar energy;

WHEREAS, one of those policies is to make renewable energy production sites exempt from real property taxation;

WHEREAS, the previous Town Board disallowed the exemption for renewable energy;

WHEREAS, the current Town Board has reversed this decision and now allows the exemption on real property for the development of renewable energy;

WHEREAS, the Town Board has determined that the existing Solar Photovoltaic Energy Systems law, which was adopted in 2016, needs to be updated and modified to meet the current demands to combat climate change;

WHEREAS, the Town Board of the Town of Manlius created a committee to review the existing Solar Photovoltaic law and to recommend modifications to said law;

WHEREAS, the committee has been working on this local law for 10 months;

WHEREAS, the State of New York has adopted the 2015 New York State Energy Plan, an overview of which is attached to this resolution, which sets forth various renewable energy goals for the State;

WHEREAS, on July 18, 2019, the Climate Leadership and Community Protection Act (Climate Act) was signed into law which was among the most ambitious climate laws in the world and requires New York to reduce economy-wide greenhouse gas emissions 40 percent by 2030 and no less than 85 percent by 2050 from 1990 levels. <https://climate.ny.gov/>

WHEREAS, the Town Board strongly agrees with the goals set forth in these and all the State policies on renewable energy and encourages the production of renewable energy in the Town of Manlius;

WHEREAS, the Town Board desires to improve the efficiency of the solar photovoltaic energy system siting process and this is reflected in the changes that were made in Local Law 2022-(2);

WHEREAS, the Town Board, through Local Law 2022-(2) recognizes that siting solar photovoltaic energy systems on public property, especially closed landfills, has been determined by the New York State Department of Environmental Conservation as a Type II action under the State Environmental Quality Review Act, and thus will not have a significant environmental impact, including a visual impact;

WHEREAS, the Town Board is informed of various case law that makes the siting of certain public benefits which are privately owned, like cellular antennas on a State

owned cellular tower, exempt from zoning under the *City of Rochester v. Monroe County Airport* balancing of public interest test (see *Crown Communication New York Inc. v. Department of Transportation State of New York*, 4 NY 3rd 159);

WHEREAS, the Town Board believes that given the strong New York State policy of encouraging solar photovoltaic energy systems as a means of generating renewable energy, especially on closed landfills, is a public benefit because it provides renewable energy to meet the State's goals and it provides revenue to the Town through lease payments and PILOT payments;

WHEREAS, the Town Board desires to remove unnecessary procedures, that have already been recognized by the courts and the State as outside the purview of zoning regulations or outside the scope of SEQRA review that may prevent the Town from pursuing its strong policy goal of placing a solar array energy system on the closed Town landfill;

WHEREAS, the Town Board has received many letters in support of the solar photovoltaic project at the Town Landfill and believes the popular opinion of Town residents is to develop photovoltaic energy at the Landfill;

WHEREAS, the Town Board received a petition in support of the development of photovoltaic energy sources in the Town by over 300 people in 2021;

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law No. 2022-(2), amending Chapter 155 of the Town Code by repealing the existing Solar Photovoltaic energy systems law (Section 155-27.2) and replacing it with Local Law 2022-(2);

**LOCAL LAW 2022-(2), A LOCAL LAW REPEALING
SECTION 155-27.2 OF CHAPTER 155 AND REPLACING IT
WITH A NEW SOLAR PHOTOVOLTAIC ENERGY
SYSTEM LAW:**

Be it enacted by the Town Board of the Town of Manlius, Onondaga County, New York as follows:

Section 1. Section 155-27.2 of Article IV of Chapter 155 of the Town Code is hereby repealed and replaced by language set forth in Section 2 below.

Section 2. A new Section 155-27.2 of Article IV of Chapter 155 of the Town Code is replaced as follows:

§ 155-27.2 Solar photovoltaic energy systems.

A. Intent and purpose. The Town of Manlius, through this section, seeks to promote the safe, effective and efficient use of solar photovoltaic energy systems that reduce on-site and off-site consumption of energy generated from fossil fuels while protecting the health, safety and welfare of adjacent and surrounding land uses and properties. The Town of Manlius recognizes that solar energy is an abundant, renewable, nonpolluting energy resource and that its conversion to electric energy will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. It is therefore the intent and purpose of this section to balance the encouragement of this renewable resource with any impacts such use may have on health, welfare and safety to the community and preserving and protecting the aesthetic qualities of the Town of Manlius. It is also the intent of this Law to recognize the importance of New York State policy to encourage the placement of solar array systems on closed landfills based on Part 617.5 of the NYCRR which designates solar energy array systems on closed landfills where less than 25 acres is disturbed as a Type II action, meaning they will not have a significant environmental impact. The Town of Manlius similarly has a strong policy belief that encouraging renewable energy is vital to the fight against climate change and the Town should take the necessary steps to site solar energy arrays systems in the Town.

B. Definitions. The definitions set forth in this section are meant to be applicable to solar photovoltaic energy systems. Nothing contained herein is meant to change the definitions of other sections of Chapter **155** of the Manlius Code.

ACCESSORY STRUCTURE

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

ACCESSORY USE

A use which is clearly incidental to a principal structure or use, and is located on the same lot with the principal structure or use, is an accessory use. All accessory uses are subject to the restrictions in this section.

ARRAY

Any number of electrically connected photovoltaic (PV) modules providing a single electrical output.

BUILDING-INTEGRATED SYSTEM (BIS)

A solar photovoltaic energy system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

DRIP LINE

The outermost edge of a roof including eaves, overhangs and gutters.

GLARE

This is a continuous source of excessive brightness. It could be experienced by a stationary observer located in the path of reflected sunlight from the face of the panel.

GROUND-MOUNTED SYSTEM (GMS)

A solar photovoltaic energy system mounted on a structure, pole or series of poles constructed specifically to support the solar photovoltaic energy system and not attached to any other structure.

INTERCONNECTION

The technical and practical link between the solar photovoltaic energy system and the grid providing electricity to the greater community.

KILOWATT (kW)

A unit of electrical power equal to 1,000 watts, which is a metric measurement of instantaneous power (not energy).

LARGE SOLAR PHOTOVOLTAIC ENERGY SYSTEM (LSES)

A solar photovoltaic energy system with a rated capacity larger than 200kW. An LSES is considered an accessory use of the property, if the principal purpose is (i) to provide electrical power to be consumed onsite and for sale to the general power grid or (ii) to provide electrical power to be consumed onsite and to be sold to other power customers through a power purchase agreement. An LSES is not considered an accessory use if the principal purpose is to provide electrical power for offsite consumption.

MEDIUM SOLAR PHOTOVOLTAIC ENERGY SYSTEM (MSES)

A solar photovoltaic energy system with a rated power generation greater than 25kW and up to and including 200kW. It may be roof- or ground-mounted, providing power for the property and/or additional offsite buildings or customers.

MEGAWATT (MW)

A unit of electrical power equal to 1,000,000 watts, which is a metric measurement of instantaneous power (not energy).

NATIVE VEGETATION:

Native wildflower, 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.

NET METERING AGREEMENT

An agreement with a local electric utility company that allows customers to receive a credit for surplus electricity generated by certain renewable energy systems.

NEW YORK STATE UNIFIED SOLAR PERMIT

The permit issued pursuant to the application prepared by New York State and set forth in this section as Exhibit A and filed in the office of the Manlius Planning and Development Department. Where the term "building permit" is used in this section, it will mean the unified solar permit.

[Added 5-27-2020 by L.L. No. 3-2020]

PHOTOVOLTAIC (PV)

A semiconductor-based device that converts light directly into electricity.

PRINCIPAL USE

The primary or main use of land, building or structure, as distinguished from an accessory use, building or structure.

QUALIFIED SOLAR INSTALLER

A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSEDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Town of Manlius determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include, but not be limited to, the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

RATED SOLAR ENERGY SYSTEM CAPACITY

Aggregate sum of the AC kW ratings of all of the inverters in the system.

ROOF-MOUNTED SYSTEM (RMS)

A solar photovoltaic energy system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

SMALL SOLAR PHOTOVOLTAIC ENERGY SYSTEM (SSES)

A solar photovoltaic energy system with a rated capacity up to and including 25kW. It may be roof- or ground-mounted, and serve any residential, commercial, agricultural, institutional, or industrial building to which it is attached or associated.

The electrical power may also be supplied to accessory structures or for the supply of energy for other uses on the same parcel.

SOLAR PHOTOVOLTAIC (PV) RELATED EQUIPMENT

Various items related to photovoltaic installations, including solar photovoltaic cells, modules, panels or arrays, cables, inverters, panelboards, disconnect switches, mounting brackets, framing and foundations used for or intended to be used for collection of solar photovoltaic energy.

SOLAR PHOTOVOLTAIC ENERGY SYSTEM (PVS)

A power generation system that utilizes cells that convert solar radiation directly to piezoelectric power.

SOLAR TRACKING SYSTEM

A PVS that is mounted in a way to track the movement of the sun across the sky to maximize energy production, either with a single-axis or dual-axis mechanism.

SOLAR-BASED ARCHITECTURAL ELEMENT

A structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar photovoltaic cells and may, or may not, include additional solar photovoltaic related equipment.

UNREGULATED YARD AREA

Area not within a building and not in a defined setback or yard area.

C. Applicability.

(1) This section applies to all roof-mounted and/or ground-mounted installed and constructed after the effective date of this section. In addition, it does not apply to other types of systems that convert solar energy, including concentrated solar power systems and hot water systems.

(2) After the effective date of this section, any upgrade, modification or structural change that materially alters the size or placement of a PVS constructed prior to the effective date of this section shall comply with the provisions of this section.

(3) The Town of Manlius hereby adopts the unified solar application for the construction or placement of solar photovoltaic equipment and will use the unified solar permit in place of the building code.

(4) Permitted locations. No PVS or device shall be installed or operated in the Town of Manlius except in compliance with this section, state and local laws and, if applicable, in compliance with NYSERDA, New York State PSC and the local utility company.

D. (1) Roof-mounted solar photovoltaic energy systems, accessory use.

(a) RMSs may only be mounted on lawfully permitted principal or accessory structures. RMSs shall be considered a modification to an existing structure in the Town of Manlius subject to the following requirements:

[1] Unified solar permits are required for installation of all RMSs.

[Amended 5-27-2020 by L.L. No. 3-2020]

[2] At the discretion of the Town of Manlius Code Enforcement Officer, the structure may be subject to engineering review for suitability.

[3] For installations on a sloped roof:

[a] The system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of 12 inches between the roof and highest edge or surface of the system.

[b] The highest point of the system shall not exceed the highest point of the roof to which it is attached.

[c] RMSs on a sloped roof do not need to be screened.

[4] For medium and large RMSs installed on a flat roof:

[a] The highest point of the system shall be permitted to extend up to six feet above the roof to which it is attached.

[b] It shall be screened in a manner similar to other rooftop HVAC and mechanical equipment. This can be accomplished with architectural screening such as a building parapet and by setting the system back from the roof edge.

[c] These systems shall comply with the following conditions as presented in Subsection D(3)(6):

- [i] Noninterference.
- [ii] Proximity to radio, television and telephone systems.
- [iii] FAA requirements.
- [iv] Ownership.
- [v] Utility notification and approval.
- [vi] Lighting.
- [vii] Property operation and maintenance plan.

[5] Any height limitations of the Town of Manlius Code shall be applicable to solar systems.

(2) Small GMSs, accessory use.

(a) Small and medium GMSs are permitted based on the requirements for accessory structures in the property's zoning district subject to the following conditions:

[1] The unified solar permit shall be required for the installation of all GMSs.

[2] The location of the GMS must meet all applicable setback requirements for accessory structures in the zoning district in which it is located.

[3] GMSs shall be screened through the use of architectural features, earth berms, landscaping or other means. This screening should harmonize with the character of the property and the surrounding area and minimize the view of the solar energy system from a public right-of-way and from neighboring properties.

[4] (Reserved)⁽¹⁾

[5] The minimum distance between the ground and any part of the solar panel must be at least two feet.

[6] It is required that solar panels shall not exceed a total height of 20 feet measured from the ground to the top of the highest point of the panel.

[7] SSES shall not be allowed as a principal use.

(3) Building-integrated solar energy systems. BISs, as defined by this section, are not considered an accessory use and are not subject to the requirements of this section, but are subject to other building, electrical, and safety codes.

(4) MSES and LSES as principal use.

(a) MSES and LSES are permitted as primary structures in the Town of Manlius, subject to the following conditions:

[1] These solar systems are subject to all zoning restrictions in allowed zoning districts.

[2] These solar systems are only allowed on parcels that would provide at least fifty-foot setbacks, or more, as determined by the Planning Board while conforming to all other site restrictions.

[3] These solar systems are subject to the issuance of a special use permit by the Planning Board, pursuant to § 155-27 of the Town Code and upon site plan approval by the Planning Board pursuant to § 155-28 of the Town Code, unless the property on which solar systems are proposed are owned by the Town. If the property is owned by the Town, neither a special permit nor site plan approval from the Planning Board is required. Instead, the following requirements will be necessary:

[a] A lease between the Town Board and the developer of the solar system, which will include language related to notice of change of ownership and surety for the decommissioning of the solar photovoltaic system regardless of ownership;

[b] An exhibit to the lease that outlines the boundaries of the solar system on the Town's property and the lay-out of the solar system;

[c] A stormwater pollution and prevention plan acceptable to the engineer for the Town;

[d] A decommission plan and reclamation plan acceptable to the engineer for the Town;

[e] A building permit

[f] The Town Board shall consider and evaluate all the criteria set forth in Section D4b below before finalizing the lease.

[4] Removal of trees over 6 inches in trunk diameter shall be minimized, or mitigated by replacement tree plantings elsewhere on the property

[5] All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

[6] All solar panels shall have anti-reflective coatings.

[7] Applicants shall develop, implement and maintain native vegetation to the extent practicable, and in the discretion of the Code Enforcement Officer or the Town Engineer, pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators.

[8] If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special 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 System shall notify the Code Enforcement Officer of such changes in ownership or operator within thirty (30) days of the ownership changes.

[9] All Special Permit or Site Plan approved by the Planning Board for a Solar Energy System shall expire after twenty-four (24) months unless a building permit is issued. If the Applicant or its successor fails to perform substantial construction after twenty-four (24) months from the issuance of a building permit, to be determined by the Code Enforcement Officer, the special permit and site plan approval shall expire.

(b) In addition to the criteria established pursuant to § 155-27, the following criteria are hereby established for purposes of the Planning Board granting a special use permit for MSES and LSES solar systems under this chapter:

[1] Noninterference. These solar systems shall not be installed in any location along the major axis of an existing microwave communications operation where the solar system operation or similar solar system operations have been demonstrated to produce an electromagnetic interference in the existing microwave communications operation, unless such interference can be mitigated.

[2] Proximity to radio, television and telephone systems. These solar systems shall not be installed in any location where the solar system operation or similar solar systems operations have been demonstrated to interfere with existing fixed broadcast, retransmission, or reception antennae for radio, television or wireless phone, unless such interference can be mitigated.

[3] View sheds and screening. MSES and LSES shall be installed in a location and position that would minimize visibility from neighboring properties. A screening

plan, to be reviewed and accepted by the Planning Board, shall be required as part of the site plan review or special use permit review, which screening plan shall include a glare analysis. For purposes of this section, consideration shall be given to any relevant portions of the current, amended and/or future officially recognized Town Code. In addition, adequate measures shall be taken to screen through landscaping, grading or other means to reasonably mitigate the view of the solar panels and other equipment of the solar systems from roadways and neighboring residential properties.

[4] Security. Proper security of the site for large and medium GMSs is required. This can be accomplished by means proposed by the applicant as part of an overall security plan to be accepted by the Planning Board.

[5] FAA requirements. If the proposed site is near an airport, seaplane base, or established flight zone, such solar system must meet all Federal Aviation Administration requirements.

[6] Ground clearance. The minimum distance between the ground and any part of the solar panel must be at least two feet. If the array can rotate and/or change pitch, this is the minimum with the array extended at its maximum pitch.

[7] Emergency shutdown/safety. The applicant shall post an emergency telephone number so that the appropriate entities may be contacted should any portion of the solar system need immediate repair or attention. This telephone number should be clearly visible on signs located the site entrance or as determined by the Planning Board.

[8] Lightning protection. All solar systems shall have adequate lightning protection via internal lightning arrestors, surge protectors or adequate grounding.

[9] Ownership. Ownership of the property shall be clearly established by the applicant, and if the applicant is not the owner, the applicant shall provide proof that the owner agrees to the regulations set forth herein.

[10] Utility notification and approval. No solar system shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the construction of the solar system and has agreed to an interconnection.

[11] Lighting. No solar system under this provision shall be continually artificially lighted. Lighting shall be limited to lights as needed by solar array personnel while present at the site. Lighting to be arranged and angled to not spill onto adjacent properties.

[12] Access road. To the greatest extent possible, existing roadways shall be used for access to the site and its improvements. In the case of constructing any roadways necessary to access the solar energy systems, they shall be constructed in a way that allows reasonable access to all parts of the PVS and for the passage of emergency vehicles in the event of an emergency. Roadways to and within the site shall be constructed of gravel or other permeable surfacing and shall be flush with the surrounding land contours

[13] Property operation and maintenance plan. The applicant shall submit a property operation and maintenance plan to the Planning Board as part of the Special Use Permit application.

[14] Decommissioning and removal plan.

[a] The applicant shall submit a decommissioning and removal plan (DRP) to the Planning Board. The DRP shall include specific plans on how the owner plans to remove the obsolete or unused solar panel arrays and accessory structures and return the property to a state acceptable to the Town within a specific time period after the cessation of operations. This plan shall be approved by the Planning Board and prior to the granting of the special use permit. A site restoration plan shall be included as part of any decommissioning plan, to include, at a minimum, stockpiling of any topsoil removed during construction, for use in site restoration, removal of all foundations, de-compacting and de-rocking all disturbed areas, and removal of any roadways;

[b] Failure to conform to the DRP in the time period provided shall be a violation of this section and the cost to complete the plan shall be placed as a lien on the property owner's tax bill.

[15] Notice of decommissioning.

[a] The applicant shall also submit to the Planning Board a letter of intent committing the owner, and its successors-in-interest, to notify the Building Inspector within 30 days of the discontinuance of the use of the solar system. This letter of intent shall be filed with the Office of Planning and Development prior to the issuance of a building permit.

[b] Should the solar system be nonoperational for a continuous period of six months or greater, the owner shall submit a letter to the Office of Planning and Development indicating when it is expected to resume operations or whether the decommissioning of the site, in accordance with the DRP, shall commence. If the owner plans to continue operations, it shall have up to six months more to begin operations. If operations do not commence within said six months, decommissioning of the site, in accordance with the DRP, shall immediately commence.

[c] If the owner and/or operator fails to comply with the decommissioning upon any abandonment of the Solar Energy System, the Town may, at its discretion, utilize the restoration bond and/or security for the removal of the Solar Energy System and restoration of this site in accordance with the decommissioning plan.

[d] Upon abandonment of the Solar Energy System, the Town may notify and instruct the owner and/or operator of the Solar Energy System to implement the

Decommissioning and removal plan. The Decommissioning and removal must be completed within three hundred sixty-five (365) days of notification.

[16] Reclamation payment. A reclamation fund, for a term and in an amount to be determined during special use permit review, shall be filed with the Town Clerk to cover the costs of reclamation of the site. The amount shall be commensurate with the DRP submitted by the applicant.

[17] Public hearing. No action shall be taken by the Planning Board to issue a special use permit for a solar system until after public notice and public hearing.

[18] Saturation. In considering whether to issue a special use permit, the Planning Board shall consider the proximity of similar large solar energy systems to the one being proposed. In no event shall an LSES be placed within one mile of an existing LSES, without specific findings by the Planning Board that such placement does not adversely affect the community character of the surrounding properties.

(c) In coordination with the Planning Board issuing a special use permit, the Planning Board shall review the site plan for the MSES or LSES pursuant to § **155-28** of the Code. The following submission requirements must be observed regarding a site plan application.

[1] Completed application form as supplied by the Town of Manlius for site plan approval for a solar system.

[2] Proof of ownership of the premises involved or proof that the applicant has written permission of the owner to make such application and copies of all relevant agreements and documents between the owner and the applicant have been turned over to the Planning Board for their review.

[3] Submit a stormwater management plan, certified by a professional engineer that demonstrates stormwater runoff will infiltrate into the ground beneath at a rate equal to that of the infiltration rate prior to the placement of the system.

[4] A plot plan and development plan drawn in sufficient detail, as prepared by a licensed engineer or surveyor, clearly describing:

[a] Property lines and physical dimensions of the proposed site, including contours at five-foot intervals both before and after construction;

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

[c] Location and elevation of the proposed solar system;

[d] Blueprints or drawings of the proposed solar system installation showing the proposed layout of the solar system;

[e] Electrical diagram detailing the installation, associated components, electrical interconnection methods with all National Electrical Code compliant disconnects and overcurrent devices;

[f] Documentation of the major system components to be used, including PV panels, mounting system and inverter;

[g] Location of all existing aboveground utility lines and other on-site solar energy conversion systems within 1,200 linear feet of the site;

[h] Where applicable, the location of all transmission facilities proposed for installation;

[i] Location of all roads and other service structures proposed as part of the installation;

[j] Landscape plan showing all existing natural land features, trees, forest cover, streams, wetlands and all proposed changes to these features, including size and type of plant material;

[k] Plan showing proposed changes to the site including grading, clearing, lighting, screening and structures;

[l] Soil type at construction site.

[5] All applications shall be accompanied by a long environmental assessment form, including a visual impact analysis. The following additional material may be required by the Planning Board:

[a] Digital elevation model based project visibility map showing the impact of topography upon visibility of the project from any affected locations.

[6] In addition to the above, no action shall be taken to issue site plan approval until after public notice and public hearing by the Planning Board and unless the Planning Board determines that the proposed solar system complies with the following:

[a] That the use is oriented in its location upon the site, as to layout, coverage, screening, means of access and aesthetics so that:

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

[ii] Fire department and EMT services shall be given notice of the site plan showing the proposed ingress and egress to the facility and an opportunity to submit comments (either in writing or in person) regarding the ability of the proposed ingress and egress to accommodate emergency vehicles.

[iii] That there be reasonable compatibility on all respects with any structure or use in the neighborhood, actual or permitted, which may be directly substantially affected;

[iv] That there should not be any unreasonable detriment to any existing structure in the neighborhood.

[b] The Planning Board may, upon review and with due consideration, waive one or more of the submission requirements imposed herein. Relief from all other requirements must be made by way of area or use variance from the Zoning Board of Appeals.

E. Permitted zoning districts.

(1) RMSs are permitted in all zoning districts as an accessory structure to any lawfully permitted principal use on the same parcel upon issuance of the proper permit pursuant to § 59-13 and upon compliance with all requirements of this section and as elsewhere specified in this section.

(2) Small and medium GMSs are permitted on parcels larger than 40,000 square feet in all zoning districts as an accessory structure to any lawfully permitted principal use on the same parcel upon issuance of the proper permit pursuant to § 59-13 and upon compliance with all requirements of this section and as elsewhere specified in this section.

(3) Large GMSs are permitted as principal use upon issuance of the proper permit pursuant to § 59-13 and upon compliance with all requirements of this section and as elsewhere specified in this section. They shall be allowed in the following zoning districts:

- (a) Industrial.
- (b) R/A.

F. Design and installation standards.

(1) The solar photovoltaic energy system must be constructed to comply with the New York State Uniform Fire Prevention and Building Code, as amended, and any additional electrical and safety regulations adopted by the State of New York.

(2) All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by the State of New York.

(a) For GMSs, all exterior electrical lines must be buried below the surface of the ground where possible or be placed in conduit or in aluminum cable tray. Cable tray shall be covered wherever conductors will be exposed to direct sunlight.

(3) The solar energy system must be constructed to comply with the most recent fire code as amended and adopted by the State of New York.

(4) The solar energy system shall be properly maintained and be kept free from hazards including, but not limited to, faulty wiring, loose fastenings, or the creation of an unsafe condition or detriment to public health, safety or general welfare.

G. Signage and/or graphic content.

(1) No signage or graphic content may be displayed on the solar panels except the manufacturer's badge, the installer's name, safety information and equipment specification information. Said information shall be depicted within an area no more than 36 square inches in size.

(2) Disconnect and other emergency shutoff information will be clearly displayed on a light reflective surface.

(3) Systems and sites may not be used for displaying advertising except for reasonable identification of the owner/operator and shall comply with all signage restrictions.

H. Inspection, safety and removal.

(1) The Town of Manlius reserves the right to inspect a solar energy system for building or fire code compliance and safety.

(2) If upon inspection the Town of Manlius determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Town of Manlius may order the owner of the land or the operator of the facility to repair or

remove the system, within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the owner of the land or the operator of the facility of their right to appeal such determination.

(3) If the owner of the land or the operator of the facility fails to repair or remove a solar energy system as ordered, and all appeal rights have been exhausted, the Town of Manlius may enter the property, remove the system and charge the owner of the property or the operator of the facility or both for all costs and expenses of removal, including reasonable attorney's fees, or pursue other legal action to have the system removed at the owner of the land or the operator of the facility's expense.

(4) In addition to any other available remedies, any unpaid costs resulting from the Town of Manlius' removal of a vacated, abandoned or decommissioned solar energy system shall constitute a lien upon the property against which the costs were charged. Legal counsel of the Town of Manlius shall institute appropriate action for the recovery of such cost, plus attorney's fees, including but not limited to filing of municipal claims pursuant to 53 P.S. § 7107 et seq. for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Town of Manlius in connection with the removal work and the filing of the Town of Manlius' claim.

I. Severability. If any word, phrase, sentence, part, section, subsection or other portion of this section or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion or the proscribed application thereof, shall be severable, and the remaining provisions of this section, and all applications thereof, not having been declared void, unconstitutional, or invalid shall remain in full force and effect.

J. Conflict with other laws. Where this section differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the county, state, or federal government the more restrictive or protective of the Town and the public shall apply.

Section 3. This Local Law shall be filed in the office of the Secretary of State within 20 days of its approval.

WHEREAS, the Town Board desires to hold a public hearing on the above Local Law;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Manlius, County of Onondaga, State of New York, shall hold a Public Hearing in the matter of the adoption of the aforesaid Local Law, and that such Hearing shall be held in-person and by the virtual platform known as ZOOM, which directions to attend said public hearing are on the Official Town Website on March 23, 2022 at 6:30 p.m. and be it further

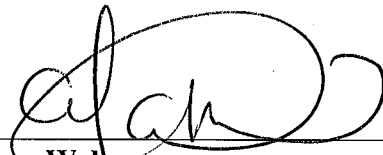
RESOLVED, that the Town Clerk give notice of such Public Hearing by the publication of a notice in at least one newspaper circulated in the Town, specifying the time when and the place where such Public Hearing will be held, and in general terms, describing the proposed Local Law. Such notice shall be published once at least five (5) days prior to the Public Hearing.

I, ALLISON WEBER, Town Clerk of the Town of Manlius, DO HEREBY CERTIFY that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 23rd day of February 2022; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Manlius, this 23rd day of February, 2022.

**DATED: February 23rd, 2022
Fayetteville, New York**



**Allison Weber
Town Clerk of the Town of Manlius
Onondaga County, New York**