ARTICLE V
ENERGY CONVERSION SYSTEMS

136-22 SOLAR ENERGY SYSTEMS

PURPOSE

A. The Village of Sylvan Beach recognizes that solar energy is a clean, readily available and renewable energy source. It further recognizes that energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated.

B. The Village of Sylvan Beach has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Village, its residents and its businesses. This local law aims to accommodate solar energy systems while balancing the potential impact on neighbors and preserving the rights of property owners to install solar energy systems. This local law is intended to promote the effective and efficient use of solar 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 environment, aesthetic qualities and character of the Village.

REGULATIONS

A. APPLICABILITY

The requirement of this local law shall apply to all solar energy system and equipment installations modified or installed after the effective date of this local law, excluding general maintenance.

Solar energy system installations for which a valid building permit has been issued or, if no building permit is presently required, for which installation has commenced before the effective date of this local law shall not be required to meet the requirements of this local law.

1. The requirements of this article shall apply to solar energy systems modified or installed after the effective date of this article.
2. Solar energy systems for which a valid permit has been properly issued or for which installation has commenced prior to the effective date of this article shall not be required to meet the requirements of the article.
3. All solar energy systems shall be designed, erected and installed in accordance with all applicable federal, state, local and industry codes, regulations and standards.
4. 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 in this provision shall be construed to prohibit the sale of excess power through a "net billing" or "net-metering" arrangement in accordance with New York State Public Service Law § 66-j or similar federal or state statute.

B. SAFETY

1. All solar collector installations must be performed by a New York State Certified solar installer.
2. Prior to operation, electrical connections must be inspected by an appropriate electrical inspection person or agency.
3. Any connection to the public utility grid must be inspected by the appropriate public utility.
4. Solar energy systems shall be maintained in good working order.
5. If solar storage batteries are included as part of the solar collector 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 applicable laws.
6. Solar energy systems and equipment shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. Materials used for marking shall be weather resistant. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover. For commercial applications, the marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated.

DEFINITIONS 136-96

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

Building-Integrated Photovoltaic (BIPV) System – 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.

Building-Mounted Solar Energy System – 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 building mounted solar energy systems.

Ground-Mounted Solar Energy Systems – 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. Pole-mounted solar energy systems shall be considered ground-mounted solar energy systems for the purposes of this local law.

Net-Metering – A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

Reflector, Solar – A device for which the sole purpose is to increase the solar radiation received by a solar collector.

Residential/Small Business/Small-Scale Solar Energy System – Any solar energy system that cumulatively on a lot meets all of the following provisions:

a. Is an accessory use or structure designated and intended to generate energy primarily for a principal use located on site, and
b. Produce up to ten kilowatts (kW) of energy or solar thermal systems which serve the building to which they are attached, and do not provide energy for any other buildings beyond the lot.

Solar Access – Space open to the sun and clear of overhangs or shade, including the orientation of streets and lots to the sun, so as to permit the use of a solar energy system on individual properties.

Solar Collector – A solar or photovoltaic cell, plate, panel, film, array, reflector or other structure affixed to the ground, a building or other structure, that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical or other usable energy, or that reflects or concentrates solar radiation to a solar or photovoltaic cell, plate, panel, film, array, reflector or other structure that directly or indirectly generates thermal, chemical, electrical or other usable energy.

Solar Energy System – A complete system intended for the collection, inversion, storage and/or distribution of solar energy and that directly or indirectly generates thermal, chemical, electrical or other usable energy. A solar energy system consists of, but is not limited to, solar collectors, mounting devices or structure, generators/turbines, water and energy storage and distribution systems, storage, maintenance and/or other accessory buildings, inverters, combiner boxes, meters, transformers and all other mechanical structures.

Solar Panel – A device for the direct conversion of solar energy into electricity.

Utility-Scale Solar Energy System or Solar Farm – Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, designed and intended to supply energy principally into a utility grid for sale to the general public.

Village – Village of Sylvan Beach.

C. 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 qualified photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as solar installers for the purposes of this definition.

D. PERMITS REQUIRED

A. The provisions of this article apply to small-scale solar energy systems. No small-scale solar energy system or device shall be installed or operated in the Village except in compliance with this article.

B. Rooftop and building-mounted solar collectors. Rooftop and building-mounted solar collectors that constitute small-scale solar energy systems are permitted in all zoning districts subject to the following conditions:

1. Building permits shall be required for installation of all rooftop and building-mounted solar collectors.
2. Rooftop and building-mounted solar collectors shall not exceed the maximum allowed height of the principal use in any zoning district.
3. All rooftop and building-mounted solar collectors shall meet all applicable standards set forth in the New York State Uniform Fire Prevention and Building Code.

C. Building-integrated photovoltaic (BIPV) systems, BIPV systems that constitute small-scale solar energy systems are permitted in all zoning districts and shall be shown on the plans submitted for the building permit application for the building containing the system. All BIPV systems shall meet all applicable standards set forth in the New York State Uniform Fire Prevention and Building Code.

D. Freestanding or ground-mounted solar energy systems. Freestanding or ground-mounted solar collectors that constitute small-scale solar energy systems are prohibited except for municipal facilities.

E. Solar-thermal systems. Solar-thermal systems that constitute small-scale solar energy systems are permitted in all zoning districts subject to the following conditions:

1. Building permits are required for the installation of all solar-thermal systems;

F. Solar energy systems and equipment that constitute small-scale solar energy systems may be permitted only if they are determined not to present any unreasonable safety risks, including, but not limited to, related to the following:

1. Weight load.
2. Wind resistance.
3. Ingress or egress in the event of fire or other emergency.

G. Solar collectors and related equipment that constitute small-scale solar energy systems shall be surfaced, designed and sited so as not to reflect glare onto adjacent properties and roadways.

H. All small-scale solar energy systems shall be designed to produce only so much energy as may be required on the lot or in the building to be served by the system. The applicant shall submit proof of the last 12 months of electricity usage for such lot or building or, in the case where 12 months of electricity usage data cannot be produced, proof of the projected electricity usage for such lot or building. Any application that seeks to install a solar energy system that is designed to produce, or is capable of producing, energy in excess of the electricity usage data or projection for such building or lot shall be denied. A letter from the Installer certifying this shall be submitted with the building permit application.

I. Solar Energy equipment shall not be located in any principal front yard.

J. Variances to the distance and equipment requirements of this chapter are not permitted without a special use permit and variance from the Zoning Board of Appeals (ZBA).

K. No solar system shall be located or operated so as to reduce or impede the amount of sunlight that would fall on an adjoining lot absent the solar system. A letter from the Installer certifying this shall be submitted with the building permit application.

E. DELEGATION TO THE PLANNING BOARD FOR RULEMAKING

Recognizing that solar energy system are rapidly changing technologies, the Planning Board shall prepare and modify as necessary, additional guidelines, rules and regulations in order to carry out the spirit and intent of this chapter and incorporate them in the guidelines as provided for in Chapter 136, after their acceptance by the Village Board pursuant to 136 of the Village Code.

F. SERVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this chapter shall be adjudicated by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgement is rendered.

136-23 WOOD-BURNING OUTDOOR FURNACES

Furnaces wood-burning outdoors (FBO) are not permitted in the Village except for units installed prior to the effective date of this local law.

136- 24 WIND ENERGY CONVERSION SYSTEMS

Wind Energy Conversion Systems are not permitted in the Village.