

**TOWN OF LOCKPORT
SPECIAL USE PERMIT APPLICATION
UTILITY-SCALE SOLAR ENERGY SYSTEMS**

Property Location: _____ Property Owner: _____
_____ Owner Address: _____
SBL# _____
Date: _____ Phone #: _____

Applicant (Developer): _____
Applicant's Address: _____
_____ Phone #: _____
_____ Fax #: _____
Applicant's Representative: _____
Representative's Address: _____
Representative's Phone #: _____
Representative's Fax #: _____

Utility-Scale Solar System:

Any solar energy system that is designed and intended to supply energy solely into a utility grid for sale to the general public and has an overall footprint greater than fifteen (15) acres and less than fifty (50) acres

§ 200-200. Use Districts where allowed:
Agricultural Use District or (AG), Agricultural Residential
Use District (AR)

§ 200-201. General regulations:
The placement, construction, and major modification of all
solar energy systems can only be permitted by Special Use
Permit by the Town of Lockport Planning Board in use
districts (AG and AR).

§ 200-202. General Criteria:

A. Site Plan Requirements:

1. Plans and drawings of the solar energy system
installation signed by a professional engineer showing
the layout along with a description of all components,
existing vegetation, proposed clearing and grading, storm
water or erosion disturbances, utility lines, both above
and below ground on the site and adjacent to the site
2. Property lot lines and location and dimensions of all
existing structures and uses on site within five hundred
(500) feet of the solar panels
3. Any proposed fencing and/or screening
4. Any other information required by the Town's engineer,
Planning Board, Attorney, Building Inspector or any other
Town entity
5. A Public Hearing may be waived by the Planning Board

B. Solar Storage Batteries- If included, must be placed in a secure
container or enclosure

C. All solar energy systems must adhere to federal, state, county
and Town of Lockport laws, regulations and building, plumbing,
electrical, and fire codes

D. Any solar energy system must be accessible to all emergency
service vehicles and personnel

E. All structures and devices shall be non-reflective and/or
painted a subtle or earth-tone color

- F. The design, construction, operation and maintenance of any solar system must prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks
- G. The development of the solar system must not have an adverse impact on fish, wildlife, or plant species or their critical habitats
- H. Artificial lighting shall be limited to lighting required for safety and operational purposes
- I. If the energy system is discontinued, the owner or operator must contact the Building Inspector within thirty (30) days. If the system is to be retained and reused, the owner/operator shall notify the Building Inspector
- J. Any system to be used strictly for Agricultural use purpose may have some of the requirements waived by the Building Inspector or the Planning Board

§ 200-203. Special Permit requirements: (submit twelve (12) sets)

A. State Environmental Quality Review Act (SEQRA) Short form environmental assessment form (EAF) (unless otherwise noted)

B. Necessary Permit Information:

(1 & 2 listed above)

3. Documentation of clearing, grading, storm water and erosion control plans

4. Utility interconnection data and a copy of written notification to the utility of the proposed interconnection

5. One or three-line electrical diagram detailing the solar energy system installation, associated components, electrical interconnection methods, with all disconnects and over-current devices

6. A property owner who has or plans to install a utility-scale energy system may choose to negotiate with other surrounding property owners for necessary solar sky space

easements. Documentation of any sky space easements must be provided, recorded as such and shall include the following:

- a. Restrictions on buildings, structures, vegetation and other objects that would obstruct solar sky space
- b. Description of the dimensions of the easement, such as the maximum height of buildings and structures, vertical or horizontal angles measured in degrees, or the hours of the day on specific dates that during which direct sunlight may not be obstructed
- c. The amount, if any, of permissible obstruction of the solar sky space through the easement
- d. Provision for trimming vegetation that would obstruct sky space; including compensation for trimming expenses
- e. Provisions for compensation of the owner/operator benefitting from the easement in the event of impermissible obstruction
- f. Terms and conditions which the easement may be revised or terminated

C. Site Plan:

1. Plans and drawings of the solar energy system installation showing the proposal layout of the entire solar energy system, along with a description of all components, on site or off, existing vegetation and clearing and grading of the sites involved, and utility lines, above and below ground, on the site and adjacent to the site
2. Property lot lines and the location and dimension of the all existing structures and uses on site within five hundred (500) feet of the solar panels
3. Proposed fencing and/or screening for the project

§ 200-204. Special Permit Criteria:

- A. Minimum lot area of fifteen (15) acres
- B. Maximum lot area of fifty (50) acres
- C. Setbacks:

1. Minimum of five hundred (500) feet from all property lot lines bordering any residential (R1 or R2), business (B1 or B2), manufactured home park (MHP), or planned unit development (PUD) use district
 2. Minimum of one hundred (100) feet from all property lines bordering an industrial (IN) use district
 3. Minimum of one hundred (100) feet from any property lot line bordering any agricultural (AG or AR) use district
 4. From buildings or structures not on the proposed lot for the solar energy system:
 - a. A minimum of two hundred and fifty (250) feet from any building or structure on any adjacent lot and;
 - b. A minimum of five hundred (500) from any dwelling
 5. A minimum of one hundred feet (100) from any building, structure, or dwelling on the proposed lot
 6. From public roads and railroads:
 - a. A minimum of two hundred (200) feet from any public road or railroad and;
 - b. Where the lot line abuts a public right-of-way, the setbacks shall be measured from the right-of-way line
 7. A minimum of seven hundred and fifty (750) feet from the property lines of schools and public parks
- D. Height shall not exceed twenty (20) feet when oriented at maximum tilt
- E. There shall be only one utility-scale solar energy system per lot
- F. The system shall adhere to all applicable federal, state, county and Town of Lockport laws, regulations, building, electrical and fire codes
- G. Development and operation shall not have an adverse impact on fish, wildlife, or plant species or their habitats

- H. The design, construction, operation, and maintenance shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks
- I. All structures and devices used to support solar collectors shall be non-reflective and/or painted a subtle earth tone
- J. All transmission lines and wiring associated with the system must be buried and include the required encasements. Applicant is required to show locations of all proposed overhead and underground electric utility lines, including substations and junction boxes and other electrical components for the project on the site plan
- K. All transmission lines and wiring shall be in compliance with the company's requirements for interconnection
- L. Artificial lighting shall be limited to lighting required for safety and operational purposes and shielded from neighboring properties
- M. Signage to advertise the solar energy facility shall be in accordance with the Town's signage regulations
- N. A berm, landscape screen, or other opaque enclosure or any combination thereof acceptable to the Town of screening the site may be required along any property line that abuts an existing residence
- O. After completion, the applicant shall supply a post-construction certification that the project complies with codes and industry practices and is operating according to the design plans
- P. Applicant is required to obtain all regulatory approvals and permits from all federal, state, county and local agencies having jurisdiction and approval related to the project
- Q. A bond or other appropriate form of security to cover the cost of removal and site restoration and proof of which shall be filed prior to construction and on an annual basis

R. Clearing, grading, storm water and erosion control:

- a. Before the Town issues a permit for clearing, grading, storm water or building permit for utility-scale solar energy system, the applicant shall submit a storm water and Erosion Control Plan for review and approval
- b. The plan shall minimize adverse impacts on wetlands and Class I and II streams and minimize erosion

§ 200-205. Maintenance, procedures, and fees.

- A. Time limit on completion: Building permit must be obtained within six (6) months of approval, and project shall be completed within twelve (12) months
- B. Inspections: System shall be inspected annually, with a copy of the inspection sent to the Town Building Inspector. Any fees associated with this inspection shall be paid by the permit holder
- C. General complaint process: During construction, Town Building Inspector can issue a stop work order at any time for violations of the special or building permit. After construction is complete, the permit holder shall establish a contact person, for receipt of any complaint concerning requirements.
- D. Continued Operation: System must be maintained in operational condition at all times, which includes meeting all approval requirements and conditions.
- E. Removal: All systems must be dismantled and removed immediately if the permit is revoked or deemed inoperative or abandoned for more than three hundred and sixty-five (365) days
- F. Determination of Abandonment or Inoperability: Shall be made by the Town Building Inspector
- G. Application and Fees:

Special Use Permit Application Fee: \$2500

Annual Inspection Fee: \$1000

Building Permit Fee: 0.025 per sq ft of the project area