Town of Richmond
Town Board Resolution
12-2021-xx

RESOLUTION TO SET PUBLIC HEARING TO ADOPT A LOCAL LAW TO AMEND THE TOWN CODE AT PART II "GENERAL LEGISLATION", CHAPTER 200 "ZONING", ARTCLE IV "DISTRICT REGULATIONS" AND ARTICLE VI "SPECIAL USE REQUIREMENTS" TO ADD AND CHANGE REQUIREMENTS FOR "SOLAR ENERGY SYSTEMS" AND CLARIFY USES IN THE "F INDUSTRIAL DISTRICT" AND THE "H MUNICIPAL PARKS AND OPEN SPACE DISTRICT".

WHEREAS, the Town of Richmond places great importance on the public health, safety, and welfare of the residents of the Town of Richmond; and

WHEREAS, the Town of Richmond encourages the use of solar energy systems within Town; and

WHEREAS, the Town Board seeks to amend the Richmond Town Code provisions addressing solar energy systems to provide comprehensive guidance to residents regarding proposed installations of solar energy systems and existing solar energy systems and clarify uses in the F Industrial District and the H Municipal Parks and Open Space District; and

WHEREAS, the Town Board seeks to amend the Richmond Town Code at Part II "General Legislation," Chapter 200 "Zoning", Article VI "Special Use Requirements", §200-50 (E) "Solar Energy Systems" by replacing current §200-50 (E) in its entirety with new §200-50 (E) and amend Chapter 200 "Zoning", Article IV "District Regulations" at §200-17 "F Industrial District" and §200-18.1 "H Municipal Parks and Open Space District" to add and change requirements for solar energy systems located in the Town and to clarify uses in the F Industrial District and the H Municipal Parks and Open Space District; and

WHEREAS, the Town Board seeks to have a Public Hearing to obtain public input; and now, therefore, be it

RESOLVED, that the Town Board of the Town of Richmond seeks to hold a public hearing to obtain public input as it considers the following proposed local law to amend the Richmond Town Code at Part II "General Legislation," Chapter 200 "Zoning", Article VI "Special Use Requirements", Section 200-50 (E) "Solar Energy Systems" by replacing current §200-50 (E) in its entirety with new §200-50 (E) and amend Chapter 200 "Zoning", Article IV "District Regulations" at §200-17 "F Industrial District" and §200-18.1 "H Municipal Parks and Open Space District"; and be it further

RESOLVED, that the Town will hold a Public Hearing to obtain public input as it considers the following Local Law to amend the Richmond Town Code; and be it further

RESOLVED, that a Public Hearing shall be had on the 11th day of January 2022, at 7:00 p.m., for the purpose of hearing comments on the following Local Law that proposes to replace §200-50 (E) "Solar Energy Systems" to add and change requirements for solar energy systems located in the Town and to amend §200-17 "F Industrial District" and §200-18.1 "H Municipal Parks and Open Space District" to clarify uses within these Districts:

A LOCAL LAW TO AMEND THE TOWN CODE AT PART II "GENERAL LEGISLATION", CHAPTER 200 "ZONING", ARTCLE IV "DISTRICT REGULATIONS" AND ARTICLE VI "SPECIAL USE REQUIREMENTS" TO ADD AND CHANGE REQUIREMENTS FOR "SOLAR ENERGY SYSTEMS" AND CLARIFY USES IN THE "F INDUSTRIAL DISTRICT" AND THE "H MUNICIPAL PARKS AND OPEN SPACE DISTRICT".

Section I. Authorization

The adoption of this Local Law is in accordance with Section 10 of New York's Municipal Home Rule Law.

Section II. Title and Purpose

This local law shall be known as and may be cited as Local Law No. _____-2022, to adopt a local law to amend the Richmond Town Code at Part II "General Legislation," Chapter 200 "Zoning", Article VI "Special Use Requirements", Section 200-50 (E) "Solar Energy Systems" by replacing current §200-50 (E) in its entirety with new §200-50 (E) and amend Chapter 200 "Zoning", Article IV "District Regulations" at §200-17 "F Industrial District" and §200-18.1 "H Municipal Parks and Open Space District".

Section III. Legislative Finding

The Town of Richmond places great importance on the public health, safety, and welfare of the residents of the Town of Richmond. The Town of Richmond furthermore encourages the use of solar energy systems within Town. The Town seeks to provide comprehensive guidance to residents regarding proposed installations of solar energy systems and existing solar energy systems as well as permitted uses within the F Industrial District and the H Municipal Parks and Open Space District. The proposed amendment contained herein is intended solely for clarification of the previously passed legislation.

Section IV. Amendment.

The Richmond Town Code at Part II "General Legislation," Chapter 200 "Zoning", Article VI "Special Use Requirements", Section 200-50 (E) "Solar Energy Systems" shall be replaced in its entirety with new §200-50 (E) and amend Chapter 200 "Zoning", Article IV "District Regulations" at §200-17 "F Industrial District" and §200-18.1 "H Municipal Parks and Open Space District" as follows:

§ 200-50 (E) Solar Energy Systems.

1. Statement of purpose. This solar energy law is adopted to advance and protect the public health, safety, and welfare of the Town of Richmond, including, but not limited to:

    a. Taking advantage of a safe, abundant, renewable, and nonpolluting energy resource;

    b. Decreasing the cost of energy to the owners of commercial and residential properties, including single-family houses;

c. Increasing employment and business development in the region by furthering the installation of solar energy systems;

d. To make the community more resilient during storm events;

e. To aid in the energy independence of the community as well as the country;

f. To diversify energy resources to decrease dependence on the grid;

g. To encourage investment in public infrastructure supportive of solar, such as generation facilities, grid-scale transmission infrastructure, and energy storage sites;

h. To minimize adverse impacts on neighboring properties through thoughtful design and installation of Solar Energy Systems; and

i. To protect farmland of statewide importance and prime farmland, and promote dual use/colocation of Solar Energy Systems to protect active farming and agricultural land.

2. Definitions. The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this subsection except where the context clearly indicates a different meaning:

ABANDONMENT OF LARGE-SCALE SOLAR ENERGY SYSTEM – A large-scale solar energy system is deemed abandoned when energy production has been reduced to an amount of 20% or less of capacity for a period of 180 days.

AGRICULTURAL DATA STATEMENT – A statement required for all solar applications on property within an agricultural district containing a farm operation or on property within 500 feet of a farm operation. The statement shall include all information set forth in §305-b of New York's Agriculture and Markets Law.

AGRICULTURAL LANDS – A parcel consisting of prime farmland or farmland of statewide importance that has been actively farmed for more than two farming seasons within the last five years.

BUILDING INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEM – A combination of photovoltaic building components used to replace conventional building materials and integrated into any building envelope system, including but not limited to vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

DECOMMISSIONING – The removal and disposal of all Solar Panels, Solar Energy Equipment, Structures, equipment and accessories, including subsurface foundations and all other material, concrete, wiring, cabling, or debris, that were installed in connection with a Solar Energy System and the restoration of the parcel of land to the original state prior to construction on which the Solar Energy System is built to either of the following, at the landowner's (either the Initial Landowner or it's heirs, successors or assigns) sole option: (i) the condition such lands were in prior to the development, construction and operation of the Solar Energy System, including but

not limited to restoration, regrading, and reseeding, or (ii) the condition designed by landowner (either the Initial Landowner or it's heirs, successors or assigns) and the Town. Details of the expected Decommissioning activities and costs are to be described in the Decommissioning Plan and Decommissioning Agreement as may be required pursuant to this Article.

DECOMMISSIONING AGREEMENT – A written Agreement between Applicant, Initial Landowner and Town that sets forth the obligations of the Applicant and/or the Initial Landowner to properly decommission the Solar Energy System if the use of such system is discontinued, abandoned or becomes inoperable.

ENVIRONMENTAL MONITOR (EM) – An individual possessing the skills and knowledge to effectively develop, reclaim and decommission a site for use as a large-scale Solar Energy System.

FARMLAND OF STATEWIDE IMPORTANCE – Land, designated as "farmland of statewide importance" in the U.S. Department of Agriculture Natural Resources Conservation Service's (NRCS) Soil Survey Geographic Database (SSURGO) on Web Soil Survey, that is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of statewide importance may include tracts of land that have been designated for agriculture by state law.

GLARE – The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respect.

GROUND-MOUNTED, FREESTANDING SOLAR ENERGY SYSTEM – A solar energy system that is anchored to the ground and attached to a frame, pole or other mounting system, detached from any other structure for the purpose of producing electricity for on-site consumption.

HONEOYE LAKE WATERSHED – The Honeoye Lake Watershed shall consist of all land south of U.S. Route 20A, within the Town of Richmond, abutting Honeoye Lake or any tributary, gulley, stream, and watercourses which carry runoff and sedimentation into Honeoye Lake. The most recent U.S. Geological Survey (USGS) series topographical maps for the Honeoye and Honeoye Lake quadrangles will be used to determine which properties are affected by this chapter.

INITIAL LANDOWNER – The record title owner to the real property upon which a Solar Energy System is constructed, at the time such Solar Energy System is originally constructed.

KILOWATT (kW) – A unit of electrical power equal to 1,000 watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power and is the rate at which electricity is used.

LARGE-SCALE SOLAR ENERGY SYSTEM – A Solar Energy System as defined §487(1)(B) of New York's Real Property Tax Law that is ground-mounted and produces more than 25 kilowatts (kW) or greater per hour of energy primarily for the purpose of off-site sale and/or consumption.

MEGAWATT (MW) – A unit of electric capacity or electric load. A MW is equal to 1,000 kilowatts (kW).

NATIVE PERENNIAL VEGETATION – Native wildflowers, 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.

NEC – National Electric Code.

OFF-SITE USE – A Solar Energy System designed to be used primarily for the export of solar energy to be used primarily by parcels other than the parcel that the Solar Energy System is located on.

ON-SITE NET ENERGY METERING – A system in which solar energy generators are connected to a public utility power grid and surplus power is transferred onto the grid, allowing customers to offset the cost of power drawn from the utility. The acceptance by utilities of balancing out the total amount of energy consumed from decentralized sources with the total amount of energy stored on-site by a solar PV system.

ON-SITE USE – A solar energy system designed to be used primarily by the building and/or parcel on which it is located.

OUT-OF-SERVICE SOLAR PANEL – A solar panel that is removed, replaced, or otherwise taken out of service.

POLLINATOR – Bees, birds, bats, and other insects or wildlife that pollinate flowering plants, including both wild and managed insects.

PRIME FARMLAND – Land, designated as “prime farmland” in the U.S. Department of Agriculture Natural Resources Conservation Service’s (NRCS) Soil Survey Geographic Database (SSURGO) on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops. Prime Farmland has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In general, Prime Farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime Farmlands are not excessively erodible or saturated with water for extended periods of time, and they either do not flood frequently or are protected from flooding.

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. Such training shall include 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 the exposed parts.

ROOFTOP OR BUILDING-MOUNTED SOLAR ENERGY SYSTEM – A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for on-site consumption.

SOLAR ENERGY EQUIPMENT – Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit, not to include any type of battery energy storage system or similar device, that are used with Solar Panels to produce and distribute electricity.

SOLAR ENERGY SYSTEM – Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit, not to include any type of battery energy storage system or similar device, that are used with Solar Panels to produce and distribute electricity.

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

STORAGE BATTERY – A device that stores energy and makes it available in an electrical form.

UNIFIED SOLAR PERMIT (USP) – An expedited solar permitting process developed by the NY-Sun public-private partnership which uses a unified permit across municipalities in New York State for certain Solar Energy Systems.

3. Applicability. All Solar Energy Systems installed in the Town:

    a. shall obtain a Special Use Permit and Site Plan Approval prior to installation, with the exception of Small-Scale Solar Energy Systems used for residential purposes; and

    b. shall be installed only after a building permit is obtained from the Code Enforcement Officer; and

    c. shall be installed by a Qualified Solar Installer; and

    d. shall meet all applicable setback requirements of the zone in which they are located or have obtained a variance from the Zoning Board of Appeals; and

    e. shall be installed in accordance with applicable electrical and building codes, the manufacturer's instructions and industry standards and, prior to operation, the electrical connections shall be inspected by the Town Code Enforcement Officer or by an appropriate electrical inspection person or agency, as determined by the Town; and

    f. shall be inspected by the appropriate public utility when connected to the public utility grid; and

    g. shall be designed and located so as to prevent reflective glare toward any inhabited buildings on adjacent properties and roads; and

    h. shall meet the standards of any applicable New York State Uniform Fire Prevention Building Code and National Energy Code standards; and

    i. shall be removed and the site fully decommissioned within 90 days after the Town has notified the owner that any of the conditions set forth in §200-50(E)(5)(b)(9)(g) have occurred; and

j. 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 solar energy systems or the sale of excess power through an On-Site Net Energy Metering arrangement in accordance with New York Public Service Law § 66-j or similar state or federal statutes.

4. Small-Scale Solar Energy Systems.

a. Standards for Rooftop, Building-Mounted or Ground-Mounted Small-Scale Solar Energy Systems.

1) Residential. Rooftop, building-mounted or ground-mounted Solar Energy Systems less than 25 kW that use the System's generated energy exclusively for on-site single-family residential purposes are permitted as an accessory use in all Zoning Districts and shall be exempt from Site Plan review. For the installation of such a system, the applicant shall file, with the Code Enforcement Office, a New York State Unified Solar Permit (USP) application and pay all fees in order to obtain a building permit.

2) Non-residential. Rooftop, building-mounted or ground-mounted Solar Energy Systems less than 25 kW for applications other than single-family residential, including, but not limited to, system applications for multifamily, office, municipal, commercial and industrial that use the Solar Energy System's generated energy exclusively on site are permitted as accessory structures in applicable Zoning Districts with a Special Use Permit from the Zoning Board of Appeals and Site Plan approval by the Planning Board.

3) Rooftop or building-mounted Solar Energy Systems shall meet New York's Uniform Fire Prevention and Building Code and National Electrical Code standards.

4) The height of the ground-mounted or free-standing Small-Scale Solar Energy System and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.

5) The total surface area of ground-mounted or free-standing Small-Scale Solar Energy System on the lot shall not exceed 1,000 square feet and, when combined with all other buildings and structures on the lot, shall not exceed 50% lot coverage.

6) Ground-mounted or free-standing Solar Energy Systems shall be located in a side or rear yard.

5. Standards for Large-Scale Solar Energy Systems.

a. Large-Scale Solar Energy Systems are permitted through the issuance of a Special Use Permit within the A Residential/Agricultural District and the G

Commercial/Light Industrial District, subject to the requirements set forth in this section, including Site Plan approval by the Planning Board. In accordance with standards set forth in § 200-39 of this chapter, applications for a Special Use Permit for the installation of a Large-Scale Solar Energy System shall be reviewed by the Code Enforcement Officer and referred to the Zoning Board of Appeals for Special Use Permit review which may result in approval, approval with conditions or denial. The Planning Board shall also review and comment on all Large-Scale Solar Special Use Permit applications and, if a Special Use Permit is granted, shall also require Site Plan approval from the Planning Board.

b. Large-Scale Solar Energy System Special Use Permit application requirements. Prior to the granting of a Special Use Permit, the applicant shall provide the Zoning Board of Appeals the following information:

1) A Memorandum of Lease that includes the names of the parties to the Lease, Lease term, and a description of the real property encumbered, if the property of the proposed project is to be leased. Any lease agreement between the Applicant and an Initial Landowner shall conform to or be amended such that it conforms with the requirements for Applicant and Initial Landowner as set forth in the Decommissioning Agreement referenced in § 200-50(E)(9).

2) An Agreement governing the relationship between any entity operating the Solar Energy System and the property owner as it relates to the project.

3) Verification that the utility company servicing the area can accommodate the additional load of the proposed Large-Scale Solar Energy System or verification that the applicant has agreed to make all necessary capacity improvements.

4) An Agreement that the owner of the Solar Energy System shall submit annually, on the anniversary of the certificate of occupancy, documentation from the utility company showing electricity produced by the Large-Scale Solar Energy System. Failure to submit the proper documentation shall constitute evidence of abandonment of the Large-Scale Solar Energy System.

5) Plans showing the layout of the Solar Energy System stamped and signed by a professional engineer or registered architect.

6) Information establishing that the use of the land required by the project shall not cause a material loss of valuable agricultural lands to the Town of Richmond.

7) The equipment specification sheets for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.

8) A Property Operation and Maintenance Plan that shall become a condition of the Special Use Permit. The Property Operation and Maintenance shall:

a) Describe the continuing maintenance of the property and include a plan for mowing, trimming and upkeep of the visual screening.

b) State the proposed use or uses of the remaining property not used for the Large-Scale Solar Energy System.

c) Set forth a plan to maintain access roads, including checks for sediment buildup, drainage issues, rutting and road failures.

d) Set forth a snow removal plan that is acceptable to the local fire department and, if the Large-Scale Solar Energy System is located in an ambulance district, the local ambulance corps.

e) Identify all stormwater practices.

f) Provide a plan for the inspection and maintenance of any culverts.

g) Identify all maintenance activities which have the potential to cause pollution including panel washing, the application of corrosion protection or lubricants, sanding or painting painted surfaces, herbicide applications and pest management, and specify the products or substances that are to be used.

h) Set forth a plan for the proper collection, transportation, recycling, and disposal of out-of-service solar panels, significant components, mounting systems, and inverters consistent with any applicable Town, County, State or Federal rules or regulations, as amended or revised.

9) Decommissioning Agreement. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Agreement must be signed by the landowner and the Large-Scale Solar Energy System owner and will be filed with the Town Clerk and the Deed recorded relating to the property in the Ontario County Clerk's Office. A Decommissioning Agreement shall be approved by the Zoning Board of Appeals and compliance with this Agreement shall be made a condition of the Special Use Permit under this section and be required to be filed with the Town prior to issuance of a permit.

a) The Decommissioning Agreement shall state that after a Decommissioning Event set forth in § 5[g] of this section occurs, the Large-Scale Solar Energy System shall be removed by the applicant or any subsequent owner within 90 days.

b) The Agreement 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.

c) The Agreement shall also include a timeline for execution.

d) The Agreement shall contain an itemized and site-specific Decommissioning Cost Estimate detailing the projected cost of

executing the Decommissioning Agreement and shall be stamped and signed by a professional engineer.

i. The cost estimate shall include an estimate to remove all component parts of the Solar Energy System including but not limited to solar panels, racking, wiring, fencing, riser poles, equipment pads and equipment.

ii. The cost estimate shall include an adjustment for inflation.

iii. The savings associated with scrapping metal or other material shall not be considered in the cost estimate.

iv. The cost estimate shall include a line item for repair of Town roadways damaged during decommissioning.

v. The cost estimate for the proper collection, transportation, recycling, and disposal of out-of-service solar panels, significant components, mounting systems, and inverters consistent with any applicable Town, County, State or Federal rules or regulations, as amended or revised.

c. As a condition of the Special Use Permit the applicant, the owner of the System or the landowner shall post a surety in an amount and form acceptable to the Town. The surety shall be for an amount that equals or exceeds the cost of removal set forth in the Decommissioning Cost Estimate. The Acceptable forms of surety shall include, in order of preference: letter of credit, a bond, or a combination thereof. Such surety will be used to guarantee removal of the Large-Scale Solar Energy System should the owner fail to remove it. The surety shall remain in full force and effect until such time as the Large-Scale Energy System shall be decommissioned to the satisfaction of the Town.

d. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Agreement.

e. The obligation to decommission the Solar Energy System shall occur if any of the following Decommissioning Events occur:

1) Construction of the Solar Energy System is not completed within 18 months after receiving the Special Use Permit, or if significant work has not yet commenced one year from final site plan approval, unless an extension is approved by the Town; or

2) The owner of the Solar Energy System has failed to submit annual documentation to the Town showing the Facility's monthly energy production; or

3) Energy production at the constructed Facility is less than 20% of capacity; or

4) The Decommissioning Bond or Letter of Credit guaranteeing the cost of removal is not renewed or replaced with a new Bond or Letter of Credit approved by the Town and provided same to the Town; or

5) The Solar Energy System is deemed inoperable or abandoned by the Town; or

6) The owner of the Solar Energy System or Landowner has transferred the property without notifying the Town or failed to provide Town with proof of new Owner's agreement to comply with the Decommissioning Agreement and the Property Operation and Maintenance Plan.

7) The Solar Energy System has completed its 30th year of operation (computed from the date on which the Facility commenced energy production) and the Owner has not obtained an extension from the Town to extend its obligation to decommission the System.

f. Notice. When a Decommissioning Event has occurred, the Code Enforcement Officer shall provide written notice to the owner of the Large-Scale Solar Energy System, the landowner and, if applicable, the company that posted the Decommissioning Bond stating that the System shall be removed, and the site restored in accord with the Decommissioning Agreement within 90 days from the date of the written notice.

g. If the Large-Scale Solar Energy System is not decommissioned within 90 days of a Decommissioning Event, the municipality may remove the System and restore the property by first using the proceeds of the surety. If the surety is unavailable, the costs incurred by the Town may be assessed against the property. These costs shall become a lien and tax upon the property, and enforced and collected with interest by the same officer and in the same manner as other taxes.

h. For Large-Scale Solar Energy Systems located within or adjacent to established Ontario County Agricultural District lands, the Special Use Permit shall have a general note that identifies and thereby acknowledges the provisions of the Town's Right-to-Farm Law.

i. Large-Scale Solar Site Plan Review standards. The Planning Board shall review all site plans for Large-Scale Solar Energy Systems. Prior to granting Site Plan approval, the Planning Board shall determine that the following standards are met. The Board may impose conditions on approval to enforce the standards.

1) Setbacks. The minimum setback for Large-Scale Solar Energy Systems shall be 200 feet from any property line.

2) Height. Large-Scale Solar Energy Systems shall not exceed 15 feet in height when oriented at maximum tilt.

3) Lot coverage maximum. Because Large-Scale Solar Energy Systems are largely comprised of panels that sit above the ground, allowing the ground underneath them to remain pervious. Large-Scale Solar Energy Systems

may comprise a maximum lot coverage of up to 80% of the lot on which it is installed. In order to minimize future loss of Farmland of Statewide Importance and Prime Farmland, if the subject parcel comprises of Agricultural Lands as defined herein, a Large-Scale Solar Energy System that is ground-mounted may comprise a maximum lot coverage of up to 50% of the lot on which it is installed.

4) Drainage. All Large-Scale Solar Energy Systems shall include a drainage and stormwater management plan that is acceptable to the Planning Board.

5) Easements. All Large-Scale Solar Energy Systems shall provide access, maintenance, and utility easements that are acceptable to the Planning Board.

6) The Planning Board must approve the Decommissioning Agreement submitted by applicant and approved by the Zoning Board of Appeals.

7) The Planning Board must approve the Property Operation and Maintenance Plan submitted by the applicant and approved by the Zoning Board of Appeals.

8) All access roads and paths required for the project shall be integrated into other uses on the property if possible. Access road siting and grading shall be designed to minimize any negative impacts from stormwater drainage.

9) Solar Energy Systems shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties and roads.

10) All mechanical equipment, including any structure for the storage of batteries shall be enclosed by an eight (8)-foot-high fence, as required by NEC, with a self-locking gate to prevent unauthorized access.

11) Screening. To avoid adverse aesthetic impacts, and to the extent practicable, all Large-Scale Solar Energy Systems shall be adequately screened with vegetative buffering to conceal the system from roadways and adjacent properties. All Large-Scale Solar Energy Systems are required to submit a screening and landscaping plan, stamped, and signed by a New York State licensed landscape architect, showing adequate measures to screen through landscaping, grading, berms or other means so that the solar panels and other equipment's visibility is minimized from roadways and neighboring properties. The screening and landscaping plan shall include the locations, elevations, height, plant species, materials, structures, landscaping and/or grading used to screen or mitigate any adverse aesthetic effects of the System.

12) Wetlands. No Large-Scale Solar Energy Systems shall be erected within a federal or state designated freshwater wetland or within any protected buffer area thereto, within a federal designated area of special flood hazard, on a portion of a site which has been determined to possess

important scenic vistas. The freshwater wetland and protected buffer restriction apply only to the array area and does not apply to site access roads or the medium voltage lines from the inverter within the array area needed to connect to the point of interconnection as long as the appropriate state and/or federal permits have been obtained.

13) Honeoye Lake Watershed. No Large-Scale Solar Energy System shall be erected in the Honeoye Lake Watershed, within the Town. A map of the Honeoye Lake Watershed can be found on the Town's website.

14) Scenic viewsheds. A solar farm shall not be installed in any location that would substantially detract from or block the view(s) of all or a portion of a recognized scenic viewshed, such as Honeoye Lake, as viewed from any public road, right-of-way or publicly owned land within the Town or that extends beyond the border of the Town. For purposes of this subsection, consideration shall be given to any relevant portions of the current, amended and/or future Town Comprehensive Plan and/or any other prior, current, amended and/or future officially recognized Town planning document or resource.

15) Viewshed/Line of Site Analysis – Applicant shall provide a viewshed/line-of-site analysis, with scaled color visual renderings to demonstrate the adequacy of proposed buffering/screening at the completion of construction of the Solar Energy System, and similar visual renderings of the projected maturation of the buffering/screening ten (10) years after completion of the Solar Energy System.

16) Tree Removal. Removal of trees and other existing vegetation shall be minimized or offset with planting elsewhere on the property.

17) Ground cover. Pollinator-friendly ground cover shall be planted on the ground around and under solar arrays utilizing seed cover crops such as clover or alfalfa instead of using gravel or concrete, in the most practical way possible, 20% of project area is covered by pollinator-friendly vegetation.

18) Environmental Impacts. So that development and operation of a Large-Scale Solar Energy System shall not have a significant adverse impact on fish, wildlife, or plant species or their critical habitats, or other significant habitats identified by the Town or other federal or state regulatory agencies. The applicant must supply specific information on the project's potential impacts to migrating birds. Habitat loss, habitat fragmentation, and wildlife corridors shall be reviewed for potential impacts on a case-by-case basis.

19) Security. All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs, not to exceed eight (8) square feet, with the name, address, and phone number of the system installer, the owner and/or operator of the large-scale Solar Energy System, as well as all the property owners, shall be placed on the entrance and

perimeter of the fencing. The type of fencing shall be determined by the Planning Board. The fencing shall be a minimum of eight (8) feet.

20) The Planning Board may require input from New York's State Historic Preservation Office (SHPO) regarding historic and archeological impacts or the New York State Department of Environmental Conservation (DEC) regarding wetlands. The Planning Board may impose conditions on its approval of any Site Plan to enforce the standards referred to in this section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

21) Ontario County Soil and Water. Site and stormwater management plan for Large-Scale Solar Energy Systems shall be reviewed by the Ontario County Soil and Water District prior to final Site Plan approval.

22) Signs. A sign not to exceed eight (8) square feet shall be displayed on or near the main access point and shall list the facility name, owner, phone number and address. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

23) When Storage Batteries are included as part of the Large-Scale Solar Energy System, the batteries must be placed in a secure container or enclosure meeting the requirements of the International Building Code, International Fire Prevention Code and NFPA 70, New York State Uniform Fire Prevention Building and Energy Code when in use. When the batteries are no longer in use, they shall be disposed of in accordance with any applicable Federal, State, County or Town laws.

24) Additional standards for projects located on agricultural lands

a) To the maximum extent practicable, Large-Scale 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) Large-Scale Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.

c) Large-Scale Solar Energy Systems located upon farmlands with soils classified as Class 1 through 4, as documented upon the Soil Group Worksheets prepared by the Ontario County Soil and Water Conservation District, shall require the project sponsor and/or project manager to coordinate with the Ontario County Soil and Water Conservation District and/or the New York State Department of

Agriculture and Markets to develop an appropriate schedule for inspections to assure these lands are being protected to the greatest extent possible during the construction or restoration phase of development.

d) Where Large-Scale Solar Energy Systems are to be located on Class 1 through 4 soils, then the following shall apply to the construction, restoration and follow-up monitoring of solar energy projects impacting such lands. Depending upon the size of the project, the applicant shall hire an Environmental Monitor (EM) to oversee the construction, restoration and follow-up monitoring in agricultural fields. The EM is to be on site whenever construction or restoration work is occurring on the Class 1 through 4 soils and is to be coordinated with the Ontario County Soil and Water Conservation District and/or the New York State Department of Agriculture and Markets to develop an appropriate schedule for inspections to assure these lands are being protected to the greatest extent possible. The person or company hired as an Environmental Monitor shall be paid by the applicant.

e) The applicant shall provide a completed Agricultural Data Statement identifying whether the proposed project lies within an area which is further regulated under § 283-a of New York State Town Law, as amended.

f) For Large-Scale Solar Energy Systems located within or adjacent to established Ontario County Agricultural District lands, the Site Plan shall have a general note that identifies and thereby acknowledges the provisions of the Town's Right-to-Farm Law.

g) Accommodating Compatible Agricultural Uses. To minimize the displacement of Prime Farmland and Farmland of Statewide Importance that are in agricultural production, Large-Scale Solar Energy Systems shall be designed to accommodate agricultural activities that are compatible on the lot on which it is installed. The applicant shall submit language from the lease or a property maintenance contract that allows for the establishment of apiary operations and sheep grazing under and around installed solar panels.

j. Exemptions. Large-Scale Solar Energy Systems that do not exceed 110% of a farm operation for usage and consumption which otherwise meets the requirements of the New York State Agriculture and Markets Law shall be exempt from the requirements of this section.

§ 200-17. F Industrial District.

A. Intent. The F Industrial District is the general industrial area of the Town. The intent of creating this district is to provide for growth and development of established enterprises and to provide area for new industrial uses which will provide employment opportunities and expand the local tax base. Regulations are intended to protect environmentally sensitive areas which are located in the district.

B. Permitted principal uses.

1. Customary and ordinary industrial and manufacturing operations.

2. Warehouses for enclosed storage of goods and materials, distribution centers, wholesale business and prefabrication industries.

3. Research and development laboratories; customary professional support services; professional offices.

4. Retail commercial businesses; lease and repair businesses.

5. Administrative offices; banks.

6. Agricultural activities and structures.

7. Any other use deemed by the Zoning Board of Appeals to be of a similar nature, provided that they are designed and arranged so as to prevent noxious gases, fumes, dust, odors, smoke or noises from being discharged beyond the property limits of such operation, or chemical constitutes from being discharged into any watercourse or wetland area.

C. Permitted accessory uses and structures.

1. Off-street parking and loading, subject to provisions of this chapter.

2. Signs, subject to the provisions of this chapter.

3. Fences, subject to the provisions of this chapter.

4. Ponds, structures and other functional and nonfunctional amenities.

5. Earth stations (dish antennas), and rooftop, building-mounted or ground-mounted small scale solar energy systems.

D. Special permit uses. The following uses require a special use permit:

1. Hotels and motels.

2. Restaurants, including fast-food and drive-ins.

3. Auto repair services, auto body repair services and auto service stations.

4. Banks with drive-in teller services.

5. Commercial logging and sawmill operations, provided that machinery is operated within an enclosed structure.

6. Prohibited uses which are a minor part of the total manufacturing process, provided that public health, safety and welfare and drinking water sources are adequately protected.

7. Essential services.

8. Commercial broadcast and commercial personal wireless service towers and antennas mounted on existing structures.

9. Appliance service and repair, car wash, dry cleaning, furniture stripping, photographic processing and printing establishments.

10. Motor vehicle service stations (including gasoline filling stations with or without repair services) and public garages.

11. Adult uses. The special use permit shall automatically expire after two years unless renewed. The Planning Board shall be authorized to extend this time period upon a showing of good cause.

§ 200-18.1 H Municipal Parks and Open Space District.

A. Intent. The intent of the H Municipal Parks and Open Space District is to preserve, conserve and protect the native and man-made recreation areas throughout the Town to ensure their continuation as parks, recreation areas, scenic vistas, and open space. It is intended that this district will provide open space for a variety of uses such as conservation of native amenities, aesthetics, hiking, wildlife habitat, and park and recreation facilities among other similar uses. The Municipal Parks and Open Space District shall be applied only to land owned by the Town of Richmond.

B. Permitted principal uses and structures.

1. Municipal park and open space uses, which include the retention of land in its natural state or the provision of such uses which are compatible with the native state and the native environment, including but not limited to walking and hiking trails, nature trails, aim to rehabilitate land to its native state, and manage the land for native species.

2. Facilities, structures, and uses that are designed for indoor and/or outdoor park, recreation, educational, and sport activities that enhance the public use of parks and open space.

3. Waterfront uses, which include but are not limited to beaches, fishing facilities, boat ramps, walking and hiking trails, and pedestrian bridges.

4. Maintain existing agricultural practices, including but not limited to the harvesting of hay crops, in accordance with the New York State Agriculture and Markets Law.

C. Permitted accessory uses.

1. Signs subject to the provisions of the Town Code.

2. Off-street parking and loading areas.

3. Rooftop or building-mounted solar energy systems.

D. Special permit uses.

1. Essential services.

E. Additional provisions and requirements.

1. Preservation and/or establishment of native flora or fauna in this district shall be encouraged.
2. Facilities, structures, and uses that are designed for indoor an/or outdoor park, recreation, educational, and sport activities that enhance the public use of municipal parks and open space, are subject to site plan review by Planning Board.

BE IT FINALLY RESOLVED, that the Town Clerk advertise for said Public Hearing in a manner consistent with law.