



Chautauqua County
DEPARTMENT OF PLANNING AND DEVELOPMENT

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1/30/2023

Brian McAvoy, Town Supervisor
Town of Arkwright
9543 Center Road
Fredonia, NY 14063

RE: MUNICIPAL REFERRAL No. 2023-02
LOCAL LAW FOR SOLAR ENERGY SYSTEMS REGULATIONS

Dear Supervisor McAvoy,

This letter is in response to your municipal zoning referral received in full by this office on January 9th, 2023 regarding the adoption of a solar energy systems law.

As one of the designated staff to the Chautauqua County Planning Board, I have reviewed the above noted referral to the County since it is within 500 feet of a municipal boundary.

I have reviewed the pertinent inter-community and county-wide considerations with respect to this proposal and its effect on the relevant concerns that are listed under General Municipal Law 239-1. Based on this review, I find that the proposed action would have no significant countywide or inter-community impact and that the proposal would be a matter of **local concern**.

However, in order to help the Town with its decision, I offer the following informal comments:

1. Decommissioning- I applaud the Town for including provisions in this proposed Solar Law that address decommissioning plan requirements. If the Town has not already done so, I would recommend referencing the Decommissioning Template for Chautauqua County Municipalities, which may help to address additional requirements that the Town may wish to consider. The Town may wish to include language that sets a timeframe for repairs that may be needed to the project, requirements of notification to the Town for potential ownership changes of the project, and to define requirements related to abandonment. The County also recommends that decommissioning plans be updated every four (4) years to include updated cost estimates.

The Decommissioning Template for Chautauqua County Municipalities can be found at <https://planningchautauqua.com/wp-content/uploads/2022/02/Decommissioning-Template-for-Chautauqua-County-Municipalities.pdf>.

2. Visual Impacts- Large scale solar energy systems can result in adverse visual impacts to nearby properties. Screening and landscaping requirements in local solar laws can help mitigate these visual impacts. The Town may find NYSERDA's Model Solar Energy Local Law a helpful resource for additional details on how to address screening and visibility for large scale solar projects. This model law can be found at the following address: <https://planningchautauqua.com/wp-content/uploads/2020/03/NYSERDA-Model-Solar-Energy-Law-Guidance-Document.pdf>.

3. Host Community Agreement- The Town may wish to include requirements for a Host Community Agreement between project applicants and the Town for large scale solar energy systems. This is a concept that our department has seen gain increasing traction in other communities in the state, and the fees collected through this agreement could help the Town address any potential impacts associated with large scale solar energy systems.
4. Tree Cutting- An increasing number of large-scale solar energy projects in Chautauqua County are clearing forested areas in order to construct solar arrays. With this in mind, the Town may wish to consider verbiage in the Town's solar law that speaks to the protection of trees or the replanting of trees removed from the project.
5. Solar Storage Batteries- I applaud the Town for including provisions for solar storage batteries in the proposed law. The Town may wish to include further permitting requirements for battery energy storage systems. In addition, I would recommend that the Town considers requiring a decommissioning plan for battery energy storage systems as well. The Town may find NYSERDA's Battery Energy Storage System Model Law a helpful resource for additional details on how to draft regulations for battery energy storage systems. The model law can be found at <https://www.nyserra.ny.gov/All-Programs/Clean-Energy-Siting-Resources/Battery-Energy-Storage-Guidebook>.
6. Definitions- An increasing number of communities utilize a "Tier" system to help define the sizing of solar energy systems. The Town may wish to consider this type of approach to see if it would be a preferred mechanism for definition. As previously stated, NYSERDA's Model Solar Energy Local Law may be a helpful resource for additional details. This model law can be found at the following address: <https://planningchautauqua.com/wp-content/uploads/2020/03/NYSERDA-Model-Solar-Energy-Law-Guidance-Document.pdf>.

If you have any questions regarding this matter, please contact our office at (716) 661-8900.

Respectfully,

Courtney Domst

Courtney Domst
Junior Planner

cc: Jane Lindquist, Town Clerk
Jeffery Passafaro, Town Attorney