



TO: Town of Great Valley Town Board

FM: Peter J. Sorgi, Town Attorney

RE: Solar Law

DT: May 21, 2015

CC: Toni Evans, Town Clerk (Original for filing at Town Clerk's Office)
Aaron Tiller, PE, Town Engineer
Planning Board

Enclosed please find

Exhibit A: Cattaraugus County Planning Board Recommendation pursuant to NY General
Municipal Law § 239-m (Part 2)

Exhibit B: Completed Part 3 mailed to Cattaraugus County Planning Board on May 21, 2015

HOPKINS SORGI & ROMANOWSKI PLLC

Attorneys at Law

411 Main Street, Suite 201 • East Aurora, New York 14052
Office: 716-714-5699 • Fax: 716-714-5715 • www.hsr-legal.com

Exhibit A



PART 2 – ACTION TAKEN/OFFICE USE ONLY

Your referral has received the following disposition from the Cattaraugus County Planning Board:

DATE ON REFERRAL NOTICE: 04/13/2015

DATE RECEIVED: 04/15/2015

REQUEST RECEIVED BY: Paul R. Bishop, Senior Planner

TO: Peter J. Sorgi, Town Attorney
Town of Great Valley Town Board
411 Main St., Suite 201
East Aurora, NY 14052

Regarding proposed planning/zoning action identified as:

Amendment to Comprehensive Plan and Zoning Text to define individual and utility scale solar energy systems to define permitting status for individual and utility scale solar energy systems

Please be advised that the Cattaraugus County Planning Board:

- ☐ Finds the referred matter not subject to review under Sections 239-l and 239-m.
- ☐ Finds that the referred matter is ☐ consistent ☐ inconsistent with the Planning & Design Guidebooks that were adopted by the Cattaraugus County Legislature on May 26, 2004. Comments:

☒ Took the following action at its 04/30/2015 meeting.

☒ Has reviewed the referred matter and motioned:

☒ Approval ☐ Modifications ☐ Disapproval

☐ No significant countywide or inter-community impact

☐ Suggests:

☐ Advisory:

Please send notification of final action of this case to the Cattaraugus County Planning Board. If there is disagreement with Planning Board recommendations, please include a copy of the Resolution adopted (if any).

IDENTIFICATION NUMBER:

Paul R. Bishop
Planning Official or Director Signature

5/1/2015
Date

Exhibit B



PART 3 – LOCAL NOTICE OF FINAL ACTION ON ZONING REFERRAL ONLY

Municipality must complete this page for each zoning referral that has been acted on by the
Cattaraugus County Planning Board.

Send to: Cattaraugus County Economic Development, Planning & Tourism, 303 Court Street, Little Valley, NY 14755

LOCAL ACTION ON ZONING REFERRALS

Pursuant to Section 239 (m) (6) of General Municipal Law. As mandated by State Law, this form
must be completed and filed within 30 days after Final Action has been taken by the local agency.

Date: 5-21-2015

Municipality: Town of Great Valley

Regarding action identified as: Solar Energy Systems Law

☒ Agreement with County Planning Board Recommendations

☐ Overruled County Planning Board Recommendations

Copy of Resolution attached: ☒ yes ☐ no

If not, substance of resolution listed below:

attached – passed 3 Yes – 0 no
1 absence
1 vacant seat

5-21-2015

Date

Peter J Sorgi

Signature of Referring Officer

FROM: Great Valley Town Attorney

(Referral Office)

TELEPHONE: 716-714-5699

Peter J. Sorgi, Esq.

(Department, Municipality, Firm, etc.)

FAX: 716-714-5715

411 Main Street, Suite 201

(Address)

East Aurora, NY 14052

Article 12B, Section 239 (1) and (m) of the General Municipal Law requires the County Planning Board to review all zoning matters as specified by that resolution. It also provides that a recommendation of the County Planning Board may be overruled by the local referring agency. The local referring agency must pass a resolution expressing the reason for such action by a majority plus one vote of its membership. Article 12B requires that the local municipal agency file a report of its final action informing the County Planning Board of which action the local agency took.

PETITION FOR REZONING

APPLICANT: GREAT VALLEY TOWN BOARD

SOLAR ENERGY SYSTEMS LAW

May 11, 2015

The Great Valley Town Board hereby petitions for addition of solar energy systems to the Town Comprehensive Plan and definitions and permitting status of solar energy systems to the Town Zoning Code.

**Proposed Local Law No. 2 of the Year 2015
Amending Town of Great Valley Comprehensive Plan and Amending Zoning Code to
Define Solar Energy Systems and Permit Status**

Town of Great Valley, New York

Legislative Intent

To define Solar Energy Systems in Zoning Code and Permit Status.

2. Amendments to Comprehensive Plan

New York Town Law § 272-a(11)(a) requires that “all town land use regulations must be in accordance with a comprehensive plan.” The Town of Great Valley Comprehensive Plan, Adopted December 10, 2007, does not mention solar energy systems, therefore the following language is to be added to Section 9.3 at Page 9-7 of the Comprehensive Plan:

▪ **Solar Energy Systems**

Solar Energy Systems are an environmentally compatible energy source. Individual Solar Energy Systems provide energy to just the property they service and are supported by Public Policy and government funding. Individual Solar Energy Systems should be an allowed use via a special use permit in the Town.

Utility Scale Solar Energy Systems are larger and sell energy to the grid and at this time, should not be allowed due to their size until further study can be conducted and the Town can learn from allowing Individual Solar Energy Systems.

3. Content of Local Law

The following definitions should be added to the Zoning Code at Section 2.2 at Page 2-20:

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

- Individual Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating which is incidental and subordinate to another use on the same property and produces energy in an amount not to exceed 125% of the energy needs for said property, however this definition shall not include solar panels on roofs, which are permitted as a matter of right. Individual Solar Energy Systems are allowed in all zoning districts with a special use permit, provided that all setbacks are met and Individual Solar Energy System must be in rear yard and shall not cover more than 25% of rear yard. (Land Use Table 3-1 to be amended to reflect special use permit).

- Utility Scale Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating which is intended to primarily generate power for sale on the power grid or to utility companies. Utility Scale Solar Energy Systems are not allowed or permitted in any zoning district. (Land Use Table 3-1 to be amended to reflect that use not allowed in any district).

4. When Effective

Following adoption, this Local Law shall take effect immediately upon filing with the Secretary of State as required by law.

5. Severability Provision

Should any part of this Local Law be held contrary to law, the remainder shall continue in full force and effect.