



Town of Pawling Town Board

Pawling Town Hall
160 Charles Colman Blvd
Pawling, NY 12564

Regular Meeting of the Town Board

*Meeting will be broadcast live on the
Town of Pawling Facebook page*

Wednesday, December 13, 2023
6:00PM

*Dedicated in Honor and Appreciation of Councilman
Phil DeRosa*

James Schmitt, Supervisor
James McCarthy, Deputy Supervisor / Councilman
Phil DeRosa, Councilman
Coleen Snow, Councilwoman
Corinne Musella-Pitt, Councilwoman

Cathy Giordano, Town Clerk

RULES FOR PUBLIC COMMENT:

1. Each presentation to the Board made by an individual shall be limited to three (3) minutes in duration, unless extended by agreement by the Town Supervisor/ designee
2. Comments should be directed to the Board. Comments should be made in a respectful manner to the Board and from the Board to the community.

The Town Supervisor or designee may:

- a. Interrupt, warn, or terminate an individual's comment when the comment is personally directed, abusive or obscene.
- b. Request that any individual leave the meeting when that individual fails to observe reasonable decorum.
- c. Call for a recess or an adjournment to another time.

The intent of these rules are:

1. To allow members of the public a fair and adequate opportunity to be heard.
2. To assure that the regular agenda of the Town Board is completed; and
3. To recognize the nature of the Board and community's time and to use that time effectively.

Meeting Agenda

- a) Roll Call of the Town Board
- b) Pledge of Allegiance
- c) Privilege of the Floor with respect to Agenda Items only
- d) Resolutions
- e) Discussion
- f) Town Board Items for Special Consideration & New Business
- g) Privilege of the Floor with respect to Agenda & Non-Agenda items (3 minutes)
- h) Commendation – Phil DeRosa
- i) Adjournment

Resolutions

RESOLUTION 2023-171

Payment of Bills for the Town of Pawling

WHEREAS, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers for and has offered them for review, and

WHEREAS, the vouchers have been approved in accordance with the Town of Pawling policy, and

WHEREAS, the vouchers have been numbered 20231495-20231645, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby accepts the vouchers as prepared and on the recommendation of the Bookkeeper and hereby authorizes payment of said vouchers for the Town of Pawling on this date in the amount of \$311,169.16.

RESOLUTION 2023-182

Budget Amendments for Fiscal Year 2023

WHEREAS, a request for Budget Amendments has been received from the Bookkeeper, and

WHEREAS, normal course of business activity throughout 2023 has prompted the Bookkeeper to determine that various budget items should be amended to allow for the Town of Pawling to continue conducting business as usual, and

NOW THEREFORE BE IT RESOLVED, that the Bookkeeper has requested the following budget amendments:

A Fund					
ACCOUNT	ACCOUNT	CURRENT			REVISED
DESCRIPTION	NUMBER	BUDGET	INCREASE	DECREASE	BUDGET
Expenditures					
Salary	A.1620.1	262985	10000		272985
Maintenance Equip & Cap	A.1620.2	70383.25	5000		75383.25
Health Insurance	A.9060.8	517020		-15000	502020
Tax Collector	A.1330.1	23900	3000		26900
Clerk	A.1410.1	139,675	150		139825
Justice Court	A.1110.1	91,695		-3,150	88545
Supervisor	A.1220.4	9,000	1,000		10,000
Assessment	A.1355.4	90,500	4,000		94,500
Central Printing & Mailing	A.1610.4	8,400	1,500		9,900
Buildings, Fuel Oil	A.1620.416	40,500	9,000		49,500
Parks Permits	A.7110.450	16,500	4,000		20,500
BAN Interest	A.9730.7	1,125	500		1,625
Buidlings Wgs	A.1620.1	272,985		-5,000	267,985
Rec Wgs	A.7020.1	168,000		-4,000	164,000

Golf Wgs	A.7260.1	77,680		-2,000	75,680
Transfer Station	A.8160.1	101,225		-3,000	98,225
Health Insurance	A.9060.8	502,020		-6,000	496,020
Attorneys	A.1420.4	120,000	8,000		128,000
Medicare Reimbursement	A.9089.8	26,000	20,000		46,000
Garage Equipment	A.5132.2	22,000	3,100		25,100
Health Insurance	A.9060.8	517,020		-31,100	485,920
Employee Benefit HRA	A.9089.81	10,000	2,500		12,500
NYS Retirement	A.9010.8	134,730		-2,500	132,230
Triathlon Contractual	A.7310.441	15,250	300		15,550
HWY Supt. Contractual	A.5010.4	3,500	1,400		4,900
Traffic Control	A.3310.4	9,000		-1,400	7,600
Beach Contractual	A.7230.4	9,350		-300	9,050
Health Insurance	A.9060.8	464,920	20,250		485,170
Control of Dogs Contractual	A.3510.4	10,000		-9,900	100
Ambulance	A.4540.4	524,160		-5,000	519,160
NYS Retirement	A.9010.80	132,230		-5,350	126,880
		<u>4,391,753</u>	<u>93,700</u>	<u>-93,700</u>	<u>4,391,753</u>

B Fund

ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET
Zoning	B.8010.1	12,530	150		12,680
Planning	B.8020.1	71,030	200		71,230
Building Dept Contractual	B.3620.4	11,835	500		12,335
Zoning	B.8010.4	1,500	1000		2,500
Planning	B.8020.40	6,000	3500		9,500
Building Dept Wgs	B.3620.1	143,270		-5,350	137,920
		<u>246,165</u>	<u>5,350</u>	<u>-5,350</u>	<u>246,165</u>

DB Fund

ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET
Road Constuction Engineering	DB.5112.41	0	1400		1400
Brush	DB.5140.4	15000		-1400	13600
Road Construction Engineering	DB.5112.41	1400	865		2265
General Repairs	DB.5110.4	80000		-865	79135
Highway Personnel	DB.5110.1	428,815	45,000		473,815
Highway Personnel Snow	DB.5142.1	50,000		-45,000	5,000
		<u>478,815</u>	<u>45,000</u>	<u>-45,000</u>	<u>478,815</u>

LOCAL LAW NO. __ OF THE YEAR 2023

**A LOCAL LAW AMENDING CHAPTER 215 (ZONING)
OF THE TOWN CODE OF
THE TOWN OF PAWLING
ENTITLED “SOLAR ENERGY SYSTEMS”**

BE IT ENACTED by the Town Board of the Town of Pawling, County of Dutchess, as follows:

Section 1: Section 215-15 and Section 215 Attachment 1 of the Town of Pawling Code is hereby amended to add “Solar Energy Systems” as a Permitted Accessory Use subject to the conditions specified in Section 215-38.1.

Section 2: Chapter 215 (Zoning) of the Town of Pawling Code is hereby amended with the insertion of a new Section 215-38.1 to read as follows:

§ 215-38.1. Solar Energy Systems.

A. Statutory authority and jurisdiction.

(1) This section is hereby enacted pursuant to the provisions of Section 20 of the Municipal Home Rule Law and Sections 261 and 263 of Town Law of the State of New York, which authorize the Town of Pawling to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and make provision for, so far as conditions may permit, the accommodation of Solar Energy Systems and equipment, and access to sunlight necessary therefor.

(2) The authority to issue site plans pursuant to the provisions of this section is hereby delegated to the Town of Pawling Planning Board.

(3) References herein to zoning districts in the Town of Pawling are references to such districts as described in this Chapter 215 of the Town of Pawling Code.

B. Statement of purpose and intent.

(1) This section is adopted to advance and protect the public health, safety, and welfare of the Town of Pawling, including:

(a) Taking advantage of a safe, abundant, and non-polluting energy resource;

(b) Decreasing the cost of energy to the owners of certain residential and commercial properties;

(c) Decreasing the use of fossil fuels, which reduces the carbon footprint of the Town of Pawling, aids in energy independence of the Town of Pawling, and reduces polluting greenhouse gas emissions; and

(d) Increasing resiliency of the energy grid during storm events and times of peak energy demand.

(2) The use of solar energy to provide electrical power for the needs of the Town's residents and businesses is consistent with the Town of Pawling's commitment to green infrastructure and practices, and consistent with its goal of promoting long-term sustainability.

(3) This section is intended to permit and regulate, under specific circumstances, the use of Solar Energy Systems within the Town of Pawling.

(4) However, measures must be taken, as provided in this chapter, to:

(a) Minimize adverse impacts on neighboring properties;

(b) Protect the environment, including agricultural soils, vegetation, and tree cover;

(c) Protect the general public health, safety, and welfare; and

(d) Ensure that the use and siting of solar energy systems shall be compatible with the Town's Greenway Connections Ordinance and Comprehensive Plans.

C. Definitions.

ACCESSORY USE

A use which is customarily incidental and subordinate to the Principal Use of a lot or water area, and which is located on the same lot or water area therewith.

ALTERNATING CURRENT

An electric current that reverses direction at regular intervals, having a magnitude that varies continuously in a sinusoidal manner.

BUILDING-INTEGRATED SOLAR ENERGY PRODUCT

A building product that incorporates solar energy modules and functions as a component of the building envelope, which produces electricity for on-site consumption. These include, without limitation, vertical facades, semi-transparent skylight systems, roofing materials, and window shades.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM

A Solar Energy System that uses Building-Integrated Solar Energy Products.

DIRECT CURRENT

An electric current of constant direction, having a magnitude that does not vary or varies only slightly.

FACILITY AREA

This shall include: (1) all of the area within any fence surrounding a Solar Energy System; and (2) the area covered by and between all Solar Energy System components, including, but not limited to, access roads, transmission lines, and support buildings.

GROUND-MOUNTED SOLAR ENERGY SYSTEM

A Solar Energy System that is: (i) anchored to the ground or supported on a foundation; (ii) attached to a frame or other mounting system; or (iii) detached from any other structure. A Ground-Mounted Solar Energy System must be used primarily for producing electricity for on-site consumption, and must be approved by the Town of Pawling Planning Board. A Ground-Mounted Solar Energy System requires Site Plan Approval by the Town of Pawling Planning Board, and must comply with the regulations set forth in Sub Section 215-38.1(H) of this Chapter.

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 (not energy) and is the rate (not the duration) at which electricity is used. One thousand kW is equal to one Megawatt (MW).

KILOWATT-HOUR (kWh)

A unit of energy equivalent to one Kilowatt (kW) of power expended for one hour of time.

LARGE-SCALE SOLAR ENERGY SYSTEM

A Solar Energy System that produces more than one hundred and ten percent (110%) of the solar energy needed to serve the principal and accessory structures on site. Large-Scale Solar Energy Systems are prohibited within the Town of Pawling.

LEGALLY PERMITTED STRUCTURES

Principal and accessory structures that are either: (i) permitted under the current Town of Pawling Code for which a certificate of occupancy or a certificate of compliance has been issued; (ii) structures created before building permits were required; or (iii) structures that otherwise do not require a certificate of occupancy or certificate of compliance. Per Section 215-33 of the Town of Pawling Code, alteration of these structures may require Site Plan Approval from the Planning Board. The Building Inspector/Code Enforcement Officer shall determine whether Site Plan Approval is necessary, and whether he or she should issue a certificate of occupancy or certificate of compliance.

LOT COVERAGE

That percentage of the lot area covered by the combined area of all buildings or structures on the lot.

MEGAWATT (MW)

A unit of electrical energy equal to 1,000 Kilowatts. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used.

MEGAWATT-HOUR (MWh)

A unit of energy equivalent to one Megawatt (MW) of power expended for one hour of time.

NAMEPLATE CAPACITY

A Solar Energy System's maximum electric power output under optimal operating conditions. Nameplate Capacity may be expressed in terms of Alternating Current or Direct Current.

PLANNING DEPARTMENT

For the purposes of this Sub-Section, the Planning Department shall be made up of the Secretary of the Town of Pawling Planning Board, the Town of Pawling Planning Board, and the Town of Pawling Zoning Board. Applications for Solar Energy Systems which require the Town of Pawling Planning Department's approval shall be submitted to the Planning Department and shall be subject to Site Plan Approval by the Town of Pawling Planning Board.

PRINCIPAL SERVICE

All Solar Energy Systems in the Town of Pawling shall principally serve the buildings or structures on the property in question, whereby the owner can only produce one hundred and ten percent (110%) of a property's solar energy needs, including emergency needs. The buildings or structures must be located on the same lot as the Solar Energy System.

PRINCIPAL USE

The main use conducted on a lot, dominant in area, extent, or purpose, to other uses which may also be located on the lot.

ROOF-MOUNTED SOLAR ENERGY SYSTEM

A solar energy panel system installed on or above the roof covering of a legally permitted structure for the purpose of producing electricity for on-site consumption. Roof-Mounted Solar Energy Systems are comprised of solar energy panels that are either: (i) fixed and flush-mounted parallel to the roof; (ii) placed on rack-supported systems that may be articulated and tilted; (iii) solar energy roof coverings; or (iv) any combination of the three. A Roof-Mounted Solar Energy System cannot extend past the roofline. A Roof-Mounted Solar Energy System that produces more than 25 kW DC as rated by its Nameplate Capacity shall be referred to the Pawling Planning Board for Site Plan Approval.

SITE PLAN APPROVAL

All Ground-Mounted Solar Energy Systems, and any Roof-Mounted Solar Energy Systems producing more than 25 kW DC as rated by their Nameplate Capacity, require Site Plan Approval by the Town of Pawling Planning Board. All Solar Energy Systems which require Site Plan Approval must comply with the regulations set forth in the Town of Pawling Code, including Section 215-38.1(H) and Section 215-47.

SMALL-SCALE SOLAR ENERGY SYSTEM

A Solar Energy System that does not exceed more than one hundred and ten percent (110%) of the solar energy needed to serve the principal and accessory structures on the lot upon which the system is located. Nothing contained in this provision shall be construed to prohibit the sale of the excess ten percent (10%) of power not required for the on-site needs through a net billing or net

metering arrangement made in accordance with New York Public Service Law Section 66-j, or a similar state or federal statute.

SOLAR ACCESS

Space open to the sun and substantially 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 ENERGY EQUIPMENT

Electrical energy storage devices, materials, hardware, inverters, or other electrical equipment and conduits of solar energy devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM

An electrical generating system composed of a combination of Solar Panels and Solar Energy Equipment that produces electricity for primarily on-site consumption.

SOLAR PANEL

A solar energy device capable of collecting and converting solar energy into electrical energy. It is normally either: (i) attached to a building by mechanical means and is readily removable and replaceable; or (ii) it is ground-mounted and utilizes structural components.

D. Safety requirements.

(1) All Solar Energy Systems shall comply with the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation Construction Code established pursuant to New York Executive Law Section 381(2) (hereinafter referred to as the “NYS Uniform Code”), as well as any other applicable laws or regulations, to ensure compliance with all safety standards, including fire access.

(2) In the event that the New York Uniform Code contains more restrictive regulations covering Solar Energy Systems than those noted in this Sub-section and the regulations conflict, then the NYS Uniform Code regulations shall prevail.

(3) Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the Pawling Fire Department and, if the Solar Energy System is located in an ambulance district, the local ambulance corps.

E. Applicability.

(1) The requirements of this Section apply to all Solar Energy Systems and equipment installed or modified after the effective date of this Section, excluding general maintenance and repair.

(2) Solar Energy Systems constructed or installed prior to the effective date of this Section shall not be required to meet the requirements of this Section. However, if fifty-one percent (51%) of the

Nameplate Capacity of a Solar Energy System that was previously constructed or installed prior to the effective date of this Section is repaired, then the full Solar Energy System must comply with the requirements of the current Code.

(3) Farms within the Agricultural District, as defined in Chapter 215-3 of the Town of Pawling Code and in Article 25-AA of the New York State Agriculture and Markets Law, must meet all requirements found in Section 215-17.3 of the Town of Pawling Code. Farmland within the Agricultural District will be exempt from setback requirements and the five (5) acre zone requirement, as further discussed below. Farms must only use Solar Energy Systems for farm uses. Additionally, farms should not use prime farmland for such Solar Energy Systems. If prime farmland is used for the installation of a Solar Energy System, then the property owner must demonstrate that there are no other alternative locations for the Solar Energy System. The definition of prime farmland shall be the same definition as that promulgated by the United States Department of Agriculture.

(4) Roof-Mounted Small-Scale Solar Energy Systems installed on single- and multi- family residential properties are subject to compliance with this Chapter under the authority of the Building Inspector/Code Enforcement Officer, and generally do not require review and approval from the Town of Pawling Planning Board. However, the Building Inspector/Code Enforcement Officer may refer the application and associated materials to the Planning Department for review and recommendation.

(5) The following shall be automatically subject to review by the Planning Department:

(a) Roof-Mounted, Small-Scale Solar Energy Systems installed on non-residential properties;

(b) Roof-Mounted Solar Energy Systems that produce more than 25 kW DC, as rated by their Nameplate Capacity; and

(c) All Small-Scale Ground-Mounted Solar Energy Systems, regardless of the size of the Solar Energy Systems or the zoning district they are located in.

F. Installation requirements for all Solar Energy Systems.

(1) A building permit shall be required for the installation of all Solar Energy Systems.

(2) All Solar Energy System installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation requirements, and industry standards.

(3) Prior to the operation of the Solar Energy System, the electrical connections must be inspected by the Building Inspector/Code Enforcement Officer, and by an appropriate electrical inspector or agency, as approved by the Town of Pawling, funding for which shall be paid for by the applicant. Letters of inspection must be provided to the Building Inspector/Code Enforcement Officer prior to the issuance of a certificate of occupancy or certificate of compliance.

- (4) Any connection to the public utility grid must be inspected by the appropriate public utility, and documentation certifying this inspection must be provided to the Building Inspector/Code Enforcement Officer prior to the issuance of a certificate of occupancy or certificate of compliance.
- (5) Approvals by the Town of Pawling Planning Board shall include a review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (“SEQRA”)].
- (6) For Solar Energy Systems subject to Site Plan Approval, the Town of Pawling shall impose, and may update as appropriate, a schedule of fees to recover expenses associated with engineering, environmental, or legal services determined to be reasonably necessary in the processing of an application under this law.
- (7) Prior to the issuance of the building permit and final approval by the Town of Pawling Planning Board, construction and/or site plan documents must be signed and stamped by a New York State Licensed Professional Engineer or a New York State Registered Architect.
- (8) Infrastructure required for the installation of any Solar Energy System, including all Solar Panels, integrated monitoring systems, performance measuring equipment, batteries, and any screening, must be contained within the boundary lines of the property owner and outside of any utility/public right-of-way.
- (9) Infrastructure required by the utility for utility interconnection located in a utility/public right-of-way, and upgrades to an existing overhead utility service drop, are permitted.
- (10) When solar storage batteries are included as part of the Solar Energy System, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Code when in use, and when no longer used shall be disposed of in accordance with the laws and regulations of Dutchess County and other applicable laws and regulations.
- (11) All warning signs, equipment markings, and installations of Solar Energy Systems shall be in accordance with the New York State Uniform Code, the National Electric Code, the National Fire Protection Association Codes and Standards, and any other applicable laws and regulations.
- (12) The use and siting of Solar Energy Systems shall be compatible with the Town’s Greenway Connections Ordinance and Comprehensive Plans.

G. Roof-Mounted Solar Energy Systems.

- (1) Roof-Mounted Solar Energy Systems that primarily service the electricity on-site are permitted as an Accessory Use in all zoning districts when attached to any lawfully permitted building or structure, as indicated in the Use Table included at the end of this Chapter, and subject to any overlay district regulations set forth in the Town of Pawling Code, as defined herein and subject to the requirements set forth in this Section.
- (2) Roof-Mounted Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.

(3) Where Roof-Mounted Solar Energy Systems are proposed for a principal or accessory structure that does not meet the setback requirement of the underlying zoning district or zoning overlay district, an application shall be made to the Town of Pawling Zoning Board of Appeals for an area variance for the non-compliance to ensure there are no adverse impacts.

(4) Roof-Mounted Solar Energy Systems shall incorporate the following design requirements:

(a) Roof-mounted Solar Panels on a pitched roof shall be mounted in such a way that the maximum distance between the roof and the highest edge of any Solar Panel does not exceed twelve (12) inches.

(b) Roof-mounted Solar Panels on a flat roof shall be mounted in such a way that the maximum distance between the roof and the highest edge of any Solar Panel does not exceed twenty-four (24) inches.

(c) Solar Panels affixed to a flat roof shall be placed below the line of sight from a public right-of-way. If topography makes this requirement impractical, then the Building Inspector/Code Enforcement Officer shall make the determination relating to the enforcement of this provision when reviewing the New York State unified residential solar energy permit application and all the required materials submitted therewith.

(d) All Solar Panels shall be dark-colored (blue or black material) and designed with an anti-reflective coating.

(e) The applicant, and the Planning Board if Site Plan Approval is necessary, shall consider potential glare from the Solar Panels when designing the Solar Energy System.

(f) All stormwater runoff shall be managed on the subject property as required by the New York State Department of Environmental Conservation.

(g) Marking of electrical equipment and installations of Solar Energy Systems shall be in accordance with the New York State Uniform Code, the National Electric Code, the National Fire Protection Association Codes and Standards, and all other applicable Codes.

(h) The Roof-Mounted Solar Energy System cannot extend past the roofline.

(5) The applicant, prior to the installation of Roof-Mounted Solar Energy Systems, shall complete and provide to the Building Inspector/Code Enforcement Officer for review, approval, and issuance of a building permit, the following:

(a) The New York State unified residential solar energy permit application;

(b) All associated required documents, including specifications and construction documents referenced in the above application; and

(c) Payment of all required fees, including the application fee which shall be set by Town Board resolution.

(6) If a building permit or Site Plan Approval (if required) is issued for a Roof-Mounted Solar Energy System, the Chief of the Pawling Fire Department must be notified, and a copy of the final building permit should be sent upon issuance to the Chief by certified mail return receipt requested.

H. Small-Scale Ground-Mounted Solar Energy Systems.

(1) Small-Scale Ground-Mounted Solar Energy Systems are permitted through the issuance of Site Plan Approval within all zoning districts, as indicated in the Use Table included at the end of this Chapter, and subject to: (i) any overlay district regulations set forth in the Town of Pawling Code and (ii) the requirements set forth in this Section.

(2) Installations of Small-Scale Ground-Mounted Solar Energy Systems will be treated as accessory structures to Legally Permitted Structures, subject to the requirements set forth in this Section.

(3) All Solar Panels shall be dark-colored (blue or black material) and designed with an anti-reflective coating.

(4) The applicant and the Town of Pawling Planning Board shall consider possible glare from the Solar Panels when designing the Solar Energy System.

(5) All Small-Scale Ground-Mounted Solar Energy Systems in all zoning districts shall be installed in the side yard or rear yard.

(6) Small-Scale Ground-Mounted Solar Energy Systems are subject to setback requirements of the underlying zoning district with a minimum setback of at least one hundred (100) feet from any property line. The Town of Pawling Planning Board has the authority to increase the setback requirements where there is an adverse impact.

(7) Small-Scale Ground-Mounted Solar Energy Systems are restricted to a height of ten (10) feet from the ground under the Solar Panel to the highest point of the Solar Panel or racking structure, whichever is greater.

(8) Small-Scale Ground-Mounted Solar Energy Systems visible during leaf-off conditions, when viewed from the edge of an applicant's property line, shall be screened from adjacent properties and public rights-of-way by fencing, a landscape buffer, or a combination thereof, to minimize visual impact from the system to either public roads or neighboring properties. The screening shall be maintained at all times and shall be replaced as soon as practicable if damaged or destroyed for any reason. The Town of Pawling Planning Board has the authority to take the physical characteristics of the site into consideration as it relates to view-shed and screening requirements.

(9) Each applicant shall submit a copy of their application to the public electrical utility. Foreseeable infrastructure upgrades shall be documented and submitted, and all materials shall be submitted to the Town of Pawling Planning Board concurrent with application materials for Site

Plan Approval. All materials shall be subject to approval by the Town of Pawling Planning Board. No building permit will be issued for a Small-Scale Ground-Mounted Solar Energy System until such time as the electrical utility has verified its approval. Off-grid systems and systems designed to produce energy solely for the site it is installed on are exempt from this requirement.

(10) The total surface area of the Small-Scale Ground-Mounted Solar Energy System shall be included in Lot Coverage calculations and impervious coverage calculations. Lot Coverage for Ground-Mounted Solar Energy Systems shall comply with the maximum impervious surface coverage requirements of the underlying zoning district and/or zoning overlay district, as set forth in the Dimensional Table included at the end of this Chapter.

(11) It is the strong preference of the Town of Pawling that the installation of Small-Scale Ground-Mounted Solar Energy Systems do not require the removal of mature trees or forests. Therefore, where practicable, Ground-Mounted Solar Energy Systems shall be located on portions of properties that are currently free of trees.

(12) All Small-Scale Ground-Mounted Solar Energy Systems in residential districts shall be installed on properties that are a minimum of five (5) acres in size or more, and they shall be installed in the side or rear yards.

(13) Applications for Small-Scale Ground-Mounted Solar Energy Systems.

(a) Applications for the installation of Small-Scale Ground-Mounted Solar Energy Systems shall be reviewed by the Building Inspector/Code Enforcement Officer and the Planning Department, who shall refer the application, with comments, to the Town of Pawling Planning Board for its review and action, which can include approval, approval with conditions, or denial of Solar Energy System applications. If the application includes environmentally sensitive lands, the Planning Board may refer the application to the Town's environmental consultant.

(b) The application to the Town of Pawling Planning Board for Site Plan Approval shall include all items set forth in Section 215-47 of the Town of Pawling Zoning Code and the New York State unified residential solar energy permit application. Additionally, all applications shall include:

(i) The name, address, and contact information of the proposed or potential system installer. Such information regarding the final system installer shall be submitted prior to the issuance of a building permit.

(ii) The name, address, and contact information of the owner and/or operator of the Solar Energy System.

(iii) The name, address, contact information, and signature of the project applicant, as well as all of the property owners, demonstrating their consent to the application and the use of the property for the Solar Energy System.

(iv) The Nameplate Capacity of the Solar Energy System (as expressed in kW or MW).

(v) The zoning district designation for the parcel(s) of land comprising the Facility Area.

(vi) Property lines and physical features, including roads, for the Facility Area.

(vii) Adjacent land uses on contiguous parcels within a three hundred (300) foot radius of the Facility Area.

(viii) Proposed changes to the landscape of the site, including site grading, vegetation clearing, planting, the removal of any large trees, access roads, exterior lighting, signage, fencing, landscaping, and screening vegetation or structures.

(ix) A one- or three-line electrical diagram detailing the entire Solar Energy System layout, including the number of Solar Panels in each ground-mount array, solar collector installation, associated components, inverters, electrical interconnection methods, and utility meter, with all National Electrical Code compliant disconnects and over current devices. The diagram should describe the location and layout of all battery energy storage system components, if applicable, and should include applicable setback and other bulk and area standards.

(x) A preliminary equipment specification sheet that documents all proposed Solar Panels, system components, mounting systems, racking system details, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a building permit.

(xi) Any information which the Town of Pawling Planning Board deems reasonably relevant in order to properly review the application for the Small-Scale Ground-Mounted Solar Energy System.

(14) Abandonment of Small-Scale Ground-Mounted Solar Energy Systems.

(a) All applications for Small-Scale Ground-Mounted Solar Energy Systems shall be accompanied by a decommissioning plan to be implemented upon abandonment, cessation of activity, or in conjunction with the removal of the Ground-Mounted Solar Energy System, prior to the issuance of a building permit. The decommissioning plan shall be accompanied by a budget showing the cost of implementing the plan, certified by the project engineer and approved by the Pawling Town Board, and the applicant shall provide a performance bond or New York State bank letter of credit, for the benefit of the Town of Pawling, in the

amount shown on the budget, plus fifty percent (50%), available to the Town of Pawling for the life of the Solar Energy System or for so long as necessary to complete decommissioning, whichever is longer. This security will not be released until the Small-Scale Ground-Mounted Solar Energy Systems is fully decommissioned as set forth herein. The form and amount of the security must be reviewed and approved by the Town Board in conjunction with the Town Engineer and the Town Attorney. The security must remain in effect until the Small-Scale Ground Mounted Solar Energy System is removed. Review of the security by the Town Engineer and/or Town Attorney shall be paid from an escrow established by the applicant.

(b) The decommissioning plan shall include a time frame for the completion of site restoration work. Additionally, the decommission plan must ensure the site will be restored to a useful, non-hazardous condition without delay, including, but not limited to, the following:

(i) Restoration of the surface grade and soil after removal of equipment, as well as testing of the soils, if appropriate;

(ii) Removal of above-ground and below-ground equipment, structures, and foundations; and

(iii) Revegetation of restored soil areas with native seed mixes, excluding any invasive species.

(c) In the event that a Solar Energy System is not completed and functioning within twelve (12) months of the issuance of the final Site Plan Approval, the operator and/or owner of the Solar Energy System may request an additional extension of six (6) months from the Pawling Planning Board to complete the Solar Energy System. The Pawling Planning Board can choose to grant the extension unconditionally, grant the extension with conditions, or deny the extension.

(d) In the event that the Solar Energy System is not completed and functioning within twelve (12) months of the issuance of the final Site Plan Approval, unless an extension has been previously granted, the Town of Pawling may notify the operator and/or the owner to complete the construction and installation of the Solar Energy System within one hundred and eighty (180) days. If the owner and/or operator fails to perform, the Town of Pawling may notify the owner and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within one hundred and eighty (180) days of notification by the Town of Pawling.

(e) Upon cessation of activity of a constructed Solar Energy System for a period of one (1) year, the Town of Pawling may notify the owner and/or operator of the Solar Energy System to implement the decommissioning plan. Within one hundred and eighty (180) days of notice being served, the owner and/or operator can either restore the operation equal to eighty percent (80%) of the approved capacity or implement the decommissioning plan.

(f) If the owner and/or operator fails to fully implement the decommissioning plan within the one-hundred and eighty (180) day time period, the Town of Pawling may, at its discretion, provide for the restoration of the site in accordance with the decommissioning plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator, or from the performance bond or letter of credit. All unreimbursed or uncovered costs incurred by the Town of Pawling shall be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes.

(g) The owner and/or operator shall implement the decommissioning plan, and remove and dispose of all Solar Energy System components, in compliance with all applicable rules and regulations, including the regulations of the New York State Department of Environmental Conservation.

I. Large-Scale Solar Energy Systems. Large-Scale Solar Energy Systems, as defined previously in this Section, are not permitted uses under the provisions of the Town of Pawling Code.

J. Enforcement. Any violation of this Section shall be subject to the same civil and criminal penalties provided for in the Town of Pawling Code, a fee for the removal of the Stop Work Order as set by Town Board Resolution, as the same may from time to time be amended.

K. Payments in lieu of taxes. To the extent any real property with a Solar Energy System authorized hereunder is exempt from taxation by reason of the inclusion of such Solar Energy System under New York Real Property Tax Law Section 487, the property owner must enter into a contract with the Town of Pawling for payments in lieu of taxes (hereinafter referred to as a "PILOT"), as set forth in N.Y. R.P.T.L. Section 487(9). The Pawling Town Board shall set the amount of such PILOT, upon recommendation of the Pawling Town Assessor. Said recommendation shall be based upon industry-recognized standards (e.g., the New York State Energy Research and Development Authority PILOT calculators). Under N.Y. R.P.T.L. Section 487, Solar Energy Systems are not exempt from special district ad valorem taxes, which will be the responsibility of the property owner, in addition to any PILOT payments.

L. Ownership Changes. If the owner and/or operator of the Solar Energy System changes or the owner of the property changes, Site Plan Approval shall remain in effect, provided that the successor owner and/or operator assumes in writing all the obligations of the decommissioning plan. A new owner and/or operator of the Solar Energy System shall notify the Building Inspector/Code Enforcement Officer of such change in ownership or operator within thirty (30) days of the ownership change.

Section 3: Severability.

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances, and the Town Board of the Town of Pawling hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4: Effective Date.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Dated: _____, 2023

BY THE ORDER OF THE TOWN BOARD
TOWN OF PAWLING