

**TOWN OF JOHNSTOWN RESOLUTION RENUMBERING  
"LOCAL LAW 1 of 2022" to "LOCAL LAW 3 of 2023"**

WHEREAS, by adopted of Local Law 1 of 2022, the Johnstown Town Board amended Town Code Section 84-45.1 concerning the zoning districts in which "Solar Farms" are allowed, and

WHEREAS, all procedures required prior to adoption of Local Law 1 of 2022 were duly complied with; and

WHEREAS, the Town Clerk thereafter provided Local Law 1 of 2022 to the New York State Secretary of State for filing; and

WHEREAS, it was thereafter learned that the Secretary of State failed to file Local Law 1 of 2022 and subsequent efforts to cause the Secretary of State to file this Local Law have failed and;

WHEREAS, it is believed that the Secretary of State will not file the Local Law in 2023 as it bears the year 2022.

NOW, THEREFORE, BE IT

RESOLVED, to effectuate the Town Board's legislative authority and intent when adopting the Law and to bring about the lawful and appropriate filing of this Local Law and to address a mistake that appears to have been made by the Secretary of State, the Town Board hereby authorizes and directs the Town Clerk to change the number of the Local Law to Local Law 3 of 2023; and be it further

RESOLVED, that to bring about this purely administrative renumbering, the Town Board hereby authorizes the Town Supervisor, Town Clerk and Town Legal Counsel to undertake such other and further actions which may be necessary to further the intent of this Resolution.

Duly adopted this 19<sup>th</sup> day of September, 2023, by the following vote:

AYES : Christina VanValkenburgh, Paul Catucci, Joel Wilson, Jack Wilson, Tim Rizzo  
NOES : NONE  
ABSENT: NONE

**LOCAL LAW NO. 3 OF 2023**  
**LOCAL LAW ESTABLISHING REGULATIONS**  
**CONCERNING SOLAR FARMS**

BE IT ENACTED by the Johnstown Town Board that Section 84-45B of the Johnstown Town Code entitled "Solar Farms" is hereby repealed and replaced as follows:

**ARTICLE 1.** The Johnstown Town Code is hereby amended by inserting the following definitions in Johnstown Town Code Article 15 in alphabetical order:

Solar Collector – A device, structure, panel or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Solar Farm – The use of land where a series of one (1) or more solar collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power and said series of one (1) or more solar collectors placed in an area on a parcel of land collectively has a nameplate generation capacity of at least 15 kilowatts (kW) direct current (dc) or more when operating at maximum efficiency.

**ARTICLE 2.** The Johnstown Town Code is hereby amended to repeal and replace Zoning Appendix A (Allowable Use Table) and Zoning Appendix B (Area and Height Regulations) with the attached Appendices.

**ARTICLE 3.** The Johnstown Town Code is hereby amended by repealing and replacing Section 84-45B entitled "Solar Farms" with the following:

**Section 84-45B. Solar Farm Law.**

- A. Purpose. The requirements of this section are established for the purpose of allowing the development of solar farms in certain zoning districts within the Town and to provide standards for the placement, design, construction, operation, monitoring, modification and removal of these systems.
- B. Applicability. The standards found in this section are applicable to "Solar Farms" as defined in Article 15 of this Zoning Ordinance. The term "Solar Farm" shall not be construed to include, so as to prohibit, or have the effect of prohibiting, the installation of a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating or generating electricity for a residential property. The term "Solar Farm" shall also not be construed in such a way as to prohibit the installation or mounting of a series of one (1) or more solar collectors upon the roofs of residential and/or commercial structures regardless of whether the said series of one (1) or more solar collectors collectively has a total nameplate generation of at least 15 kilowatts (kw) direct current (dc) or more when operating at maximum efficiency.
- C. Solar Farms Allowed. Solar Farms shall be permitted only in the Residential Agricultural (RA), Agricultural Use Zone (AUZ) and the Manufacturing One (M-1)

zoning districts and are subject to Special Use Permit requirements. Solar Farms are not permitted in any other zoning district in the Town.

D. Special Use Application Information/Materials. In addition to any other information or materials required to be submitted in furtherance of a Special Use Permit elsewhere in the Town Code, an applicant seeking a Special Use Permit under this Chapter shall submit the following:

1. Blueprints or drawings of the solar photovoltaic installation signed by a licensed Professional Engineer showing the proposed layout of the system and any potential shading from nearby structures.
2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.
3. A description of the solar farm facility and the technical, economic and other reasons for the proposed location and design shall be prepared and signed by a licensed professional engineer.
4. Confirmation prepared and signed by a licensed professional engineer that the solar farm complies with all applicable Federal and State standards.
5. One or three line electrical diagram detailing the solar farm layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over-current devices.
6. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter.
7. An operation and maintenance plan which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.
8. Information on noise (Inverter) and reflectivity/glare of solar panels and identify potential impacts to abutters.

E. Minimum Requirements. In any district in which Solar Farms are permitted, the development shall conform to the following standards which shall be regarded as minimum requirements:

1. Solar Farms of less than 26 (kW) shall be on a parcel of not less than five (5) acres, otherwise a minimum of (10) acre parcel shall be required.
  2. All ground-mounted panels shall not exceed ten (10) feet in height.
  3. All mechanical equipment on a Solar Farm, including any structure for batteries or storage cells, are completely enclosed by a minimum 8' high fence with a self-locking gate.
  4. The total surface area of all ground-mounted and freestanding solar collectors, including solar voltaic cells, panels and arrays, shall not exceed
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80% of the total parcel area.

5. The installation of a vegetated perimeter buffer to provide year round screening of the system from adjacent properties.
6. Because of neighborhood characteristics and topography, the planning board shall examine the proposed location on a case by case basis. Ensuring the potential impact to its residents, business or traffic are not a detriment.
7. All solar energy production systems are designed and located in order to prevent reflective glare toward any habitable buildings, as well as streets and rights-of-way.
8. All onsite utility and transmission lines are, to the extent feasible, placed underground.
9. The installation of a clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
10. The system is designed and situated to be compatible with the existing uses on adjacent and nearby properties.
11. All solar energy system components shall have a 50 foot setback, unless abutting residential uses. Whereby it shall be located a minimum of 200' from property lines.
12. Solar modular panels shall not contain hazardous materials.
13. All appurtenant structures including but not limited to equipment shelters, storage facilities, transformers and substations shall be architecturally compatible with each other and shall be screened from the view of persons not on the parcel.
14. Lighting of "Solar Farms" shall be consistent with State and federal law. Lighting of appurtenant structures shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
15. There shall be no signs except announcement signs, such as "no trespassing signs or any signs required to warn of danger". A sign is required that identifies the owner and operator with an emergency telephone number where the owner and operator can be reached on a 24-hour basis.
16. There shall be a minimum of one (1) parking space to be used in connection with the maintenance of the solar photovoltaic facility and the site. However, it shall not be used for the permanent storage of vehicles.

F. Additional Conditions.

1. The solar farm owner or operator shall provide a copy of the project
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summary, electrical schematic, and site plan to the local fire chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar farm facility shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

2. No solar farm shall be approved or constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar farm owner's or operator's intent to install an interconnected customer-owned generator.
3. A solar farm owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar farm and any access road(s), unless accepted as a public way.
4. A valid performance bond assigned to the Town of Johnstown for 10 acre systems with dates and monetary amounts to be determined by the planning board for decommissioning purposes.

G. Decommissioning/Removal. All applications for a solar farm shall be accompanied by a Decommissioning Plan to be implemented upon abandonment and/or in conjunction with removal of the facility. Prior to removal of the solar farm, a permit for removal activities shall be obtained from the Code Enforcement Department. The Decommissioning Plan shall include the following provisions:

1. The owner, operator, his successors in interest shall remove any ground-mounted solar collectors which have reached the end of their useful life or have been abandoned. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Town Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal.
2. Physical removal of all ground-mounted solar collectors, structures, equipment, security barriers and transmission lines from the site.
3. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
4. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
5. Absent notice of a proposed date of decommissioning and written notice of

extenuating circumstances, the solar farm shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the solar farm fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

H. Estimate and Financial Surety. In addition to the Decommissioning Plan, the applicant shall also provide an estimate, prepared by a qualified engineer, setting forth the costs associated with decommissioning the solar farm at issue. In the event the Planning Board grants a Special Use Permit pursuant to this Chapter, it must also establish the amount of such surety to be established by the applicant prior to building permit issuance. The surety may be in the form of escrowed funds, bonds or otherwise, but it is the intention of this provision to ensure that the Town has sufficient funds available to remove the installations and restore landscaping consistent with Section F above, in the event the applicant fails to comply with its decommissioning obligations.

**ARTICLE 4.** The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

**ARTICLE 5.** All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed, including Local Law 1 of 2015 and Local Law 1 of 2016 which are hereby replaced.

**ARTICLE 6.** This Local Law shall take effect upon filing in the office of the New York State Secretary of State.