

**VILLAGE OF LIVONIA
LOCAL LAW NO. 2 OF THE YEAR 2023**

A Local Law Entitled “Adding Article XVIII of Chapter 155 of the Zoning Ordinance of the Village of Livonia.”

History:

The Village of Livonia is a small village, one (1) square mile, located in upstate New York. There are four (4) zoning districts in the Village: Neighborhood Residential, Mixed use, Gateway Commercial and Core Commercial. Industrial is not one of the zones. This is a small residential community.

Early in the last century the western portion of the Village was dominated by a railroad and a railroad station with two large farms on the east. The Bush family and the Kurtz family were responsible for the two farms.

The Bush farm land no longer exists as a farm and the land is now occupied by: single family homes on North Street, Main Street and the western side of Summers Street, two (2) housing subdivisions (Sunset Drive & Frances Way), a large church complex and a Village Park that features baseball fields, basketball courts and a picnic pavilion, no tillable land remains. The Kurtz farm continues to function as a farm but much of its original land is now occupied by: single family homes on Main Street and the eastern side of Summers Street with a large church complex just to the east. The farm continues to produce hay, corn and wheat that helps feed their cattle.

Be it enacted by the Village Board of the Village of Livonia as follows:

A new Article XVIII of Chapter 155 of the Zoning Ordinance of the Village of Livonia shall be established hereby and shall read as follows:

Article XVIII Battery Energy Storage Systems

Authority and Legislative Intent.

The Village Board of the Village of Livonia states the following as its findings and legislative intent:

- A. This Local Law is adopted pursuant to New York State Village Law §7-700 & §7-703 & 7-704 which authorize the Village of Livonia to adopt zoning provisions that advance and protect the health, safety, and welfare of the community.
- B. This Local Law is a land use regulation and is intended and is hereby declared to address

matters of local concern, and not matters of statewide concern. This Local Law is intended to act as and is hereby declared to exercise the permissive “incidental control” of a zoning law and land use law that is concerned with the broad area of land use planning and the physical use of land and property within the Village, including the physical externalities associated with certain land uses, such as potential negative impacts of such uses on a community.

155-512. Definitions.

The following definitions shall apply to this Article:

Battery Energy Storage System - A rechargeable energy storage system consisting of one or more devices, including batteries, battery chargers, controls, power conditioning systems and associated electrical equipment, assembled together, capable of storing energy in order to provide electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

Large Scale Battery Energy Storage System Installation(s) - Any installation of a rechargeable Battery Energy Storage System having an aggregate energy capacity of 600kWh or more, consisting of electrochemical storage batteries or similar technology, battery chargers, controls, power conditioning systems, inverters, transformers, switchgears and associated electrical equipment designed to store electrical power received from a generating or transmission source and periodically discharging power from the Battery Energy Storage System into the power grid.

Non-commercial Battery Energy Storage Systems – A rechargeable Battery Energy Storage System typically used to provide standby or emergency power and/or an uninterruptable power supply, load shedding, load sharing, or similar capabilities relating to the energy consumed by a residence, farm operation or other business on site and having an aggregate energy capacity of less than 600kWh.

155-513. Zoning districts where allowed.

Subject to the provisions of this Article, Battery Energy Storage Systems shall be allowed as follows:

- A. Non-commercial Battery Energy Storage Systems are allowed as accessory uses in all zoning districts upon issuance of a zoning permit based on special application materials supplied by the Code Enforcement Officer.
 - (1) All applications for Non-commercial Battery Energy Storage Systems for business or farm, to the extent that the same require modification to the existing site of such business or farm, shall be subject to Site Plan review pursuant to Article XIV. Applications for Non-commercial Battery Energy Storage Systems for use on residential parcels may be subject to Site Plan review at the sole discretion of the Code Enforcement Officer.

- (a) Any application under this Section that requires Site Plan review shall meet substantive Site Plan requirements that, in the judgment of the Planning Board, are applicable to the Solar Energy System being proposed.
 - (2) Compliance with regulatory agencies. The Applicant is required to obtain all necessary regulatory approvals and permits from all federal, state, county and local agencies having jurisdiction and approval powers related to the completion of a Non-commercial Battery Energy Storage System.
- B. Large Scale Battery Energy Storage System Installation shall **not** be permitted in any zoning district within the Village of Livonia.

155-514. General regulations.

The placement, construction and major modification of any permitted Battery Energy Storage System within the boundaries of the Village of Livonia shall be permitted only as follows:

- A. Any inconsistent provisions of the Code of Livonia which purport to or may be interpreted to allow Battery Energy Storage System (or similar technology as a permitted primary or accessory use) in other districts are hereby superseded.
- B. All Battery Energy Storage System existing on the effective date of this Article shall be “grand fathered” and allowed to continue as they presently exist. Routine maintenance (including replacement with a new system of like construction and size) shall be permitted on such existing systems. New construction other than routine maintenance on pre-existing systems shall comply with the requirements of this Article.
- C. All new permitted Battery Energy Storage Systems and all additions and modifications to any pre-existing Battery Energy Storage Systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code, the NYS Energy Conservation Code and all local laws, codes, rules and regulations of the Village of Livonia.
- D. Any applications (including variance applications) pending for Battery Energy Storage Systems on the effective date of this article shall be subject to the provisions of this Article.
- E. This Article shall take precedence over any inconsistent provisions of the Zoning regulations contained within the Zoning Ordinance of the Village of Livonia.

155-515. Interpretation; conflict with other law.

In its interpretation and application, the provisions of this Article shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. This Article is not intended to interfere with, abrogate or annul other

rules, regulations or laws, provided that whenever the requirements of this Article are at a variance with the requirements of any other lawfully adopted regulations, rules or laws, the most restrictive, or those which impose the highest standards shall govern.

155-516. Severability.

If any section, subsection, phrase, sentence or other portion of this Article is for any reason held invalid, void, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

155-517.

This Local Law shall take effect immediately upon filing with the Secretary of State of New York.

VILLAGE OF LIVONIA

LOCAL LAW NO. 1 OF THE YEAR 2023

A Local Law Entitled “Adding Article XVII of Chapter 155 of the Zoning Ordinance of the Village of Livonia Regarding Solar Energy Systems.”

History:

The Village of Livonia is a small village, one (1) square mile, located in upstate New York. There are four (4) zoning districts in the Village: Neighborhood Residential, Mixed use, Gateway Commercial and Core Commercial. Industrial is not one of the zones. This is a small residential community.

Early in the last century the western portion of the Village was dominated by a railroad and a railroad station with two large farms on the east. The Bush family and the Kurtz family were responsible for the two farms.

The Bush farm land no longer exists as a farm and the land is now occupied by: single family homes on North Street, Main Street and the western side of Summers Street, two (2) housing subdivisions (Sunset Drive & Frances Way), a large church complex and a Village Park that features baseball fields, basketball courts and a picnic pavilion, no tillable land remains. The Kurtz farm continues to function as a farm but much of its original land is now occupied by: single family homes on Main Street and the eastern side of Summers Street with a large church complex just to the east. The farm continues to produce hay, corn and wheat that helps feed their cattle.

Be it enacted by the Village Board of the Village of Livonia as follows:

A new Article XVII of Chapter 155 of the Zoning Ordinance of the Village of Livonia shall be established hereby and shall read as follows:

Article XVII Solar Energy Systems

§155-501. Authority and Legislative Intent.

The Village Board of the Village of Livonia states the following as its findings and legislative intent:

- A. This Local Law is adopted pursuant to New York State Village Law §§7-700 & 7-704 which authorize the Village of Livonia to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and to provide for, so far as conditions may permit, the accommodation of Solar Energy Systems (as hereafter defined) and equipment which generate electricity primarily for on-site use.

- B. This Solar Energy Law is adopted to permit the construction of Solar Energy Systems in the Village of Livonia in a manner that advances and protects the public health, safety and welfare of the Village of Livonia while facilitating the production of renewable energy. In so doing, this Chapter seeks to:
- (1) Take advantage of a safe, abundant, renewable and non-polluting energy resource.
 - (2) Preserve and protect the natural resources within the Village of Livonia in accordance with the Village's Comprehensive Plan.
 - (3) Permit solar installations as hereinafter defined in all zoning districts for the production of renewable energy to be used principally on-site, subject to reasonable conditions to mitigate potential impacts to adjoining properties and preserve neighborhood aesthetics.

§155-502. Findings of Village Board.

The Village Board of the Village of Livonia makes the following findings:

- A. The Village Board of the Village of Livonia has previously adopted a Temporary Moratorium concerning the siting and construction of large scale or commercial/industrial Solar Energy Systems within the Village of Livonia. In connection with its review of this subject, the village Board has recognized the desirability of promulgating regulations as to the siting and construction of Solar Energy Systems in other applications.
- The Village Board of the Village of Livonia has **not** prohibited the erection or creation of small-scale Solar Energy Systems intended to primarily benefit the property on which the Solar Energy System is located. To date, existing Solar Energy Systems in the Village of Livonia have been built and used in residential applications.
- B. The Village Board of the Village of Livonia recognizes that solar energy can be a clean, readily available and renewable energy source. At this time, the Village of Livonia intends to accommodate the use of Solar Energy Systems in the context of residential and agricultural applications, as well as single-user commercial applications in which the Solar Energy System provides energy for the commercial property, but is not intended to create sufficient excess solar energy to make its resale as a marketable commodity the purpose of the Solar Energy System, but rather an incidental or subordinate product thereof.
- C. The Village Board acknowledges and finds a growing need to properly site Solar Energy Systems within the boundaries of the Village of Livonia so as to protect residential properties, business areas and other land use, to preserve the overall beauty, nature and character of the Village of Livonia, to promote the effective and efficient use of solar energy resources, and to protect the health, safety and general welfare of the citizens of the Village of Livonia.

- D. Prior to the adoption of this Chapter, no specific procedures existed to address the siting of Solar Energy Systems or to mitigate their potential impact upon adjoining properties or the public view shed. Accordingly, the Village Board finds that the promulgation of this article is necessary to direct the location and construction of these systems.
- E. Solar Energy Systems need to be regulated for removal when no longer utilized.

§155-503. Definitions.

The following definitions shall apply to this Chapter:

APPLICANT: The person or entity filing an application and seeking approval under this Chapter.

BUILDING-INTEGRATED PHOTOVOLTAIC SYSTEM: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM - Any Solar Energy System that is affixed to the side(s) of a building or other structure either directly or by means of support structures or other mounting devices, but not including those mounted to the roof or top surface of a building. Said system is designed and intended to generate electricity solely for use on said lot, potentially for multiple tenants, through a distribution system that is not available to the general public.

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 material aspects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM - Any Solar Energy System that is affixed directly or indirectly to the ground or land surface, rather than attached to the wall or roof of a structure. Said system is designed and intended to generate electricity solely for use on said lot, potentially for multiple tenants, through a distribution system that is not available to the general public.

LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption. Large-Scale Solar Energy Systems are not authorized or permitted in any zoning district within the Village of Livonia and are specifically intended to be a prohibited use within the Village of Livonia.

ROOFTOP-MOUNTED SOLAR ENERGY SYSTEM - Any Solar Energy System that is affixed to the roof of a building and wholly contained within the limits of the roof surface. Said system is designed and intended to generate electricity solely for use on the lot (upon which the structure containing the Solar Energy System is located), potentially for multiple tenants, through a distribution system that is not available to the general public.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the uses of active and/or passive Solar Energy Systems on individual properties.

SOLAR ENERGY EQUIPMENT: Electrical storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all of the land inside the perimeter of the Solar Energy System which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2 or Tier 3 Solar Energy System as follows:

- A. Tier 1 Solar Energy Systems include the following:
 - (1) Roof-Mounted Solar Energy Systems
 - (2) Building-Integrated Solar Energy Systems
- B. Tier 2 Solar Energy Systems are Ground-Mounted Solar Energy Systems that generate no more than 110% of the electricity consumed on the site or more than one site or piece of property within the jurisdictional limits of the Village of Livonia owned by the same person, entity, farm or business over the previous 12 months. Tier 2 Solar Energy Systems may include Solar Energy Systems that are developed, operated and maintained by a third-party by lease agreement or through a power purchase agreement, but in no event shall such systems produce power in excess of the 110% total consumption as referenced immediately above.
- C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

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: An expedited solar permitting process has been developed by the NY-Sun public-private partnership, which process utilizes a standard, unified permit across municipalities in New York State.

§155-504. Applicability. The placement, construction and major modification of all Solar Energy Systems within the boundaries of the Village of Livonia shall be permitted only as follows:

- A. A building permit issued by the Code Enforcement Officer shall be required for the installation of any Solar Energy System.
- B. All Solar Energy Systems existing on the effective date of this local law shall be allowed to continue in usage as such presently exist. Routine maintenance

(including replacement with a new system of like construction and size) shall be permitted on such existing systems. New construction other than routine maintenance shall comply with the requirements of this chapter.

- C. No Solar Energy System shall hereafter be erected, moved, reconstructed, changed or altered except in conformity with these regulations.
- D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Building Code), the NYS Energy Conservation Code ("Energy Code") and the Code of the Village of Livonia.
- E. Any applications pending for Solar Energy Systems on the effective date of this local law shall be subject to the provisions of this law.
- F. This local law shall take precedence over any inconsistent provisions of the Zoning Law of the Village of Livonia.

§155-505. Use Districts Where Allowed. Subject to the provisions of this Chapter, certain Solar Energy Systems shall be allowed as follows:

- A. Tier 1 Solar Energy Systems are permitted outright in all zoning districts in the Village.
- B. Tier 2 Solar Energy Systems are permitted as accessory structures in all zoning districts in the Village.
- C. Tier 3 Solar Energy Systems are prohibited in all zoning districts in the Village.
- D. Any inconsistent provisions of the Zoning Law which purport to or may be interpreted to regulate or to allow Solar Energy Systems other than as set forth in this Chapter are hereby superseded.

§155-506. Permitting Requirements for Solar Energy Systems.

- A. Tier 1 Solar Energy Systems shall be permitted in all zoning districts and shall be exempt from site plan review under the local zoning code or other land use regulation, subject to the following requirements for each type of Solar Energy System:
 - (1) Roof-Mounted solar energy Systems may be attached to any lawfully permitted building or structure and shall incorporate the following design requirements:
 - a. Roof-Mounted solar energy systems shall not exceed the maximum height restrictions of the zoning district within which are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.

- b. Solar panels on pitched roofs shall be mounted with a maximum distance of 12 inches between the roof surface and the highest edge of the system.
 - c. Solar panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 - d. Glare: All Solar Panels shall have anti-reflective coating(s).
- (2) Building-integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for any building containing such system and shall meet the following requirements:
- a. Building-mounted solar energy systems shall not be located or extend more than 7 feet from the building wall and in no instance shall any part of the system extend beyond the roof line or parapet wall.
- B. Tier 2 Solar Energy Systems shall be permitted in all zoning districts as accessory structures.

Site plan approval is required for Tier 2 Solar Energy Systems to be built or modified for the production of electricity principally for on-site use for a commercial or industrial business within the Village of Livonia.

All other Tier 2 Solar Energy Systems, including systems for farm operations, are exempt from site plan approval.

- (1) Tier 2 Solar Energy Systems shall be subject to the following requirements:
- a. Setbacks: Tier 2 Solar Energy Systems shall be subject to the setback regulations for a building or accessory structures within the underlying zoning district, whichever setback is greater.
 - b. Location: Tier 2 Solar Energy Systems shall be located in the side or rear yard of a property. No placement in a front yard shall be permitted unless the location is a minimum distance of (200) feet from the road and entirely concealed from view from the road due to topography or landscape conditions that must be maintained for the duration of the installation of said system.
 - c. Height: Tier 2 Solar Energy Systems shall not exceed a maximum height of fifteen (15) feet as measured from the highest point of any Solar Panel (oriented at maximum tilt) or Solar Energy Equipment, to the ground directly beneath it.
 - d. Glare: All Solar Panels shall have anti-reflective coating(s).

- e. Screening and Visibility: All Tier 2 Solar Energy Systems shall be screened so that the view of such systems is minimized from adjacent properties to the extent reasonably practicable. Evergreen tree plantings may be required to screen portions of the site from nearby residential property, public roads, and from public sites known to contain important views or vistas, such as gateway entrances to the Village. Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.
- (2) Tier 2 Solar Energy Systems which are a part of a farm operation as defined by Article 25 AA of the New York State Agriculture and Markets Law shall not be subject to site plan review and shall be subject to the following requirements:
- (a) Setbacks: Tier 2 Solar Energy Systems shall be subject to the setback regulations for a building or accessory structures within the underlying zoning district, whichever setback is greater.
 - (b) Height: Tier 2 Solar Energy Systems shall not exceed a maximum height of fifteen (15) feet as measured from the highest point of any Solar Panel (oriented at maximum tilt) or Solar Energy Equipment, to the ground directly beneath it.
 - (c) Glare: All Solar Panels shall have anti-reflective coating(s).
- C. Solar storage batteries. When solar storage batteries are included as part of any Solar Energy System, they shall be placed in secure container or enclosure meeting the requirements of the New York State Building Code. Such solar storage batteries shall only be permitted for purposes of storing energy for use on site and in conjunction with a permitted Solar Energy System. Large Scale Solar Energy Storage Systems are not permitted in any zoning district within the Village.
- D. All Solar Energy Systems shall adhere to all applicable federal, state, county and Village of Livonia codes, laws, regulations and building, plumbing, electrical and fire codes.
- E. Any Solar Energy System shall be situated in a location which shall be readily accessible for all emergency service vehicles and personnel.
- F. All structures and devices used to support solar collectors shall be non-reflective and/or painted a subtle or earth-tone color.
- G. The design, construction, operation and maintenance of any Solar Energy System shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads and public parks in excess of that which already exists.
- H. The development and operation of a 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 Village of Livonia or other federal or state regulatory agencies.

- I. Artificial lighting of any Solar Energy Systems shall be limited to lighting required for safety and operational purposes only, and shall be shielded from all neighboring properties and public roads so as to prevent the illumination of adjoining properties or excessive lighting.
- J. If the use of an approved Solar Energy System is discontinued, the owner or operator shall notify the Building Inspector within thirty (30) days of such discontinuance. If a Solar Energy System is to be retained and reused, the owner or operator shall further inform the Building Inspector of this in writing at such time and obtain any necessary approvals within one year, otherwise it shall be automatically deemed abandoned.

M§155-507. Maintenance, procedures and fees.

- A. Time limit on completion. After the granting of site plan approval of a Ground-Mounted Solar Energy System by the Planning Board, the building permit shall be obtained within six (6) months and the project shall be completed within twelve (12) months. If not constructed, the permit and/or site plan approval shall automatically lapse twelve (12) months after the date of approval by the Planning Board. A new application will be subject to ordinary review and approval to obtain a new building permit.
- B. Inspections. Upon reasonable notice, the Village of Livonia Building Inspector or his or her designee may enter a lot on which a Solar Energy System has been constructed for the purpose of compliance with any requirements or conditions. Twenty-four (24) hours advance notice by telephone to the owner/operator or designated contact person shall be deemed reasonable notice. Any fee or expense associated with this inspection shall be borne entirely by the permit holder. Consent to such inspection shall be deemed given by the applicant upon submission and granting of A Unified Solar Permit.
- C. General complaint process. During construction, the Village of Livonia Building Inspector can issue a stop order at any time for any violations of a site plan or building permit.
- D. Continued operation. A Solar Energy System shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all approval requirements and conditions. Further, the Building Inspector shall also have the right to request documentation from the owner for a Solar Energy System regarding the system's usage at any time.
- E. Removal and Soil Remediation. All Ground-Mounted Solar Energy Systems shall be dismantled and removed immediately from a lot where the permit or approval has been revoked by the Planning Board or the Solar Energy System has been deemed by the Code Enforcement Officer to be inoperative or abandoned for

a period of more than three hundred and sixty-five (365) days, which said dismantling and removal shall be at the cost of the Solar Energy System owner. Removal of all equipment and infrastructure and remediation of soil and vegetation in the entire area which supported the installation shall be required to be returned to its original state (prior to construction), within three hundred and sixty-five (365) days of such revocation of the permit or approval, or after having been deemed inoperative or abandoned. This work shall be inspected and approved for satisfactory compliance by the Code Enforcement Officer. If the Solar Energy System owner, applicant, successor or landowner (if different) does not dismantle and remove from the premises said Solar Energy System as required, and does not restore and remediate the soil so as to support vegetation and plant life of the type that would have been supported on said site prior to the installation of the Solar Energy System, the Village Board may, after a hearing at which the Solar Energy System owner, applicant, successor or landowner shall be given an opportunity to be heard and present evidence, dismantle and remove said facility and/or remediate the site and place the cost of removal and/or remediation as a tax lien on said parcel, regardless of whether the owner of the parcel owned or leased the Solar Energy System. The Village Board shall also be authorized to maintain an action at law to compel the Solar Energy System owner, applicant, successor or landowner to accomplish such removal and remediation, but the Board cannot be required to exercise this remedy, which shall be available to it in its reasonable discretion.

- F. Determination of Abandonment or Inoperability. A determination of the abandonment or inoperability of a Solar Energy System shall be made by the Code Enforcement Officer, who shall provide the Solar Energy System owner, applicant, successor or landowner with written notice by personal service or certified mail. Any appeal by the Solar Energy System owner, applicant, successor or landowner of the Code Enforcement Officer's determination of abandonment or inoperability shall be filed with the Joint Zoning Board of Appeals within thirty (30) days of the Code Enforcement Officer causing personal service or mailing certified mail his written determination and the Board shall hold a hearing on same. The filing of an appeal does not stay the following time frame unless the Zoning Board of Appeals or a court of competent jurisdiction grants a stay or reverses said determination. At the earlier of the three hundred and sixty-six (366) days from the date of determination of abandonment or inoperability without reactivation or upon completion of dismantling and removal, any approvals for the Solar Energy System shall automatically expire.
- G. Application and annual fees.
- (1) Site plan application for Ground-Mounted Solar Energy Systems. An applicant shall pay the standard site plan review fee as determined from time to time by the Village Board, by resolution.
 - (2) Fee for issuance of a building permit. In addition to any site plan application fee, an applicant shall pay a building permit fee for a:
 - (a) Building-Mounted, Ground-Mounted or Rooftop-Mounted Solar Energy System: one-half of one percent of the project cost, or such

other amount as the Village Board may, from time to time, determine by resolution.

- H. Prior to the issuance of a building permit, the applicant shall document that all applicable federal, state, county and local permits have been obtained.
- I. In the context of the requirement of site plan approval, the Planning Board may:
 - (a) For Ground-Mounted Solar Energy Systems when review is required by the Board pursuant to this article, grant site plan approval, deny site plan approval or grant site plan approval with written stated conditions. Denial of site plan approval shall be by written decision based upon substantial evidence considered by the Board. Upon issuance of a site plan approval, the applicant shall obtain a building permit for the Ground-Mounted Solar Energy System.
- J. Any changes or alterations after construction to a Ground-Mounted Solar Energy System shall be done only by amendment to any previously issued building permit and/or site plan (if required) subject to all requirements of this Code.

§155-508. Revocation. If the applicant violates any of the conditions of its building permit, site plan approval or violates any other local, state or federal laws, rules or regulations, this shall be grounds for revocation of the building permit or site plan approval. Revocation may occur after the applicant is notified in writing of the violations and the Planning Board holds a hearing on same.

§155-509. Applicability; Interpretation; conflict with other law. In their interpretation and application, the provisions of this article shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. It is not intended to interfere with, abrogate or annul other rules, regulations or laws, provided that whenever the requirements of this article are at a variance with the requirements of any other lawfully adopted regulations, rules or laws, the most restrictive, or those which impose the highest standards shall govern. The requirements of this law shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance and repair.

§155-510. Severability. If any section, subsection, phrase, sentence or other portion of this article is for any reason held invalid, void, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

§155-511. Effective date. This Local Law shall take effect immediately upon filing with the Secretary of State of New York.