

July 3, 2024

To Whom It May Concern:

Please be advised that at a Regular Session of the North Tonawanda Common Council held on the 2nd day of July, 2024 the following resolution was passed:

I. Mayor

April 29, 2024

**North Tonawanda Common Council
216 Payne Avenue
North Tonawanda, NY 14120**

**Re: Proposed Local Law 2024-1, Resolution to Adopt Solar Energy
System Regulations**

Dear Honorable Body,

Attached for consideration is the adoption of a new Local Law, Solar Energy Systems Regulations, which aims to regulate the types of solar installations within the City of North Tonawanda. This ordinance ensures the proper siting of solar energy systems to protect our residential and business areas, preserve the city's beauty and character, promote the efficient use of solar energy resources, and safeguard the health, safety, and welfare of our citizens.

The proposed Local Law includes two tiers of solar energy systems. Tier 1 includes building-integrated photovoltaic systems, while Tier 2 includes ground-mounted solar energy systems. The Local Law specifies that all solar energy systems must comply with applicable building codes, green codes, unified solar permit requirements, and county regulations.

Tier 1 building-integrated systems would be allowed in all zoning districts, while Tier 2 systems are limited to industrial districts, further protecting our residential neighborhoods and other sensitive areas.

By adopting this Local Law, the City of North Tonawanda will be taking a proactive approach to managing solar energy systems within our community. This strikes a balance between promoting the use of solar energy as an alternative energy source and ensuring that it is done in a way that is compatible with our existing land uses and preserves our city's unique character.

The attached Local Law has been reviewed and improved thanks to our Building Inspector Rob DePaolo as well. Passage of this will demonstrate our commitment to sustainable energy practices while protecting the interests of our residents and businesses.

Thank you for your time and consideration.

**Respectfully,
Austin Tylec
Mayor**

**MOVED by Alderman Lavey SECONDED by Alderman Schmigel
That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue,
North Tonawanda, New York at 6:30 PM on July 2nd, 2024, approved City of North
Tonawanda Local Law #2024-1 Solar Energy Systems Regulations and it reads as follows:**

**CITY OF NORTH TONAWANDA LOCAL LAW #2024-1
RESOLUTION TO ADOPT SOLAR ENERGY SYSTEMS REGULATIONS**

Definitions.

SOLAR COLLECTOR – a solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure affixed to the ground, a building, or other structure that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical, or other usable energy.

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

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. A Solar Energy System is classified as a Tier 1 or Tier 2 Solar Energy System as follows.

A. Tier 1 Solar Energy Systems include the following:

- 1. BUILDING INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEM (TIER1) – 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.**

B. Tier 2 Solar Energy Systems include the following:

- 1. Ground-Mounted Solar Energy Systems not included under Tier 1 Solar Energy Systems, intended to generate electricity for use on site or off site.**

Applicability.

A. The requirements of this Local Law shall apply to all Solar Energy Systems permitted, installed, or modified in the City after the effective date of this Local Law, excluding general maintenance and repair.

B. Solar Energy Systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.

C. 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”), Niagara County’s Solar Panel Recycling Regulations and the City Code.

General Permitting requirements.

A. The NYS Unified Soar Permit and Building Permit shall be required for installation of all Tire 1 and Tier 2 Solar Energy Systems.

B. The placement, construction, and major modification of all solar energy systems within the boundaries of the City of North Tonawanda shall be permitted only as follows:

1. Tier 1 systems are permitted in all zoning districts in the city.
2. Tier 2 systems are allowed in the following districts:
 - a. Industrial districts (M-1, M-2, M-3).
3. Tier 2 energy systems shall require site plan approval, before the issuance of a building permit and shall be subject to all provisions of this article where the lot in which the freestanding or ground-mounted solar energy system is situated on.

Preliminary Site Plan Review – Tier 2 Solar Energy Systems.

For Tier 2 solar energy systems, a site plan shall be required. The applicant shall be required to apply for a permit and a site plan review drawn in sufficient detail per the North Tonawanda Building Department.

Final Site Plan Review.

Applicants for a special use permit to place, construct, and make a major modification to a Tier 2 solar energy system within the boundaries of the City of North Tonawanda may require submission of the following information to the Building Inspector:

1. A completed State Environmental Quality Review Act (SEQRA) short form environmental assessment form (EAR), unless a full form is required by the City’s professional engineer or consultant or the City of North Tonawanda Planning Commission, with the City of North Tonawanda Planning Commission designated as lead agency for the SEQRA process.

2. A site plan drawn of the solar energy system installation signed by a professional engineer registered in New York State showing the proposal layout of the entire solar energy system along with a description of all components, existing vegetation and proposed clearing and grading of all sites involved, and utility lines, both above and below the ground, on the site and adjacent to the site.
3. Property lot lines and the location and dimensions of all existing & new structures on site.
4. Proposed fencing and/or screening for project.
5. Clearing, grading, stormwater, and erosion control.
6. Glare – All Solar Panels shall have anti-reflective coating(s) and proof of such must be provided with the site plan and then the building permit applications.
7. A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed shall be provided with the site plan/permit application. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
8. Any such additional information as may be required by the City.

Application and annual fees.

A Tier 1 & Tier 2 solar energy systems. An applicant shall pay a permit fee in the amount as set by the Building Inspector to cover the cost of processing and reviewing the application.

Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)

Nays: None (0)

CARRIED.

Donna L. Braun

City Clerk-Treasurer