

SEND OR DELIVER TO:

GENESSEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404

DEPARTMENT USE ONLY:

GCDP Referral # T-03-PAV-8-17



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

RECEIVED
Genesee County
Dept. of Planning
8/2/2017

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATION

Board(s) Pavilion Town Board

Address 1 Woodrow Drive

City, State, Zip Pavilion NY 14525

Phone (585) 584 - 3850 Ext. _____

2. APPLICANT INFORMATION

Name Pavilion Town Board

Address 1 Woodrow Drive

City, State, Zip Pavilion NY 14525

Phone (585) 584 - 3850 Ext. _____ Email dlang@townofbatavia.com

MUNICIPALITY: City Town Village of Pavilion

3. TYPE OF REFERRAL: (Check all applicable items)

- Area Variance
- Use Variance
- Special Use Permit
- Site Plan Review

- Zoning Map Change
- Zoning Text Amendments
- Comprehensive Plan/Update
- Other: _____

- Subdivision Proposal
- Preliminary
- Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

A. Full Address 1 Woodrow Drive Pavilion NY 14525

B. Nearest intersecting road _____

C. Tax Map Parcel Number _____

D. Total area of the property _____ Area of property to be disturbed _____

E. Present zoning district(s) All

5. REFERRAL CASE INFORMATION:

A. Has this referral been previously reviewed by the Genesee County Planning Board?

NO YES If yes, give date and action taken _____

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

C. Please describe the nature of this request The Town of Pavilion is adding solar language to the current Town zoning code.

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- Local application
- Site plan
- Subdivision plot plans
- SEQR forms

- Zoning text/map amendments
- Location map or tax maps
- Elevation drawings
- Agricultural data statement

- New or updated comprehensive plan
- Photos
- Other: _____

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.
Email to planning@co.genesee.ny.us

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Daniel J Lang Title CEO/ZEO Phone (585) 343 - 1729 Ext. 222

Address, City, State, Zip 3833 West Main Street Road Batavia, NY 14020 Email dlang@townofbatavia.com

TOWN OF PAVILION

ONE WOODROW DRIVE

PO Box 126

PAVILION, NEW YORK 14525

PHONE 585-584-3850

FAX 585-584-8533

RECEIVED

AUG 04 2017

Genesee County
Department of Planning

NOTICE OF PUBLIC HEARING BY THE TOWN BOARD OF THE TOWN OF PAVILION, NEW YORK TO CONSIDER ADOPTING A PROPOSED LOCAL LAW PUBLIC NOTICE is hereby given that there has been presented to the Town Board of the Town of Pavilion, New York, proposed Local Law No. 1 of 2017 entitled "A Local Law to Amend the Town of Pavilion Zoning Ordinance to Add Criteria for Solar Energy Systems". Said Local Law proposes to amend the Town of Pavilion Zoning Ordinance as summarized as follows: Said Local Law establishes definitions for both commercial and residential solar energy systems and solar farms. The Local Law also requires that all solar energy systems and solar farms obtain a special use permit, a zoning permit and a building permit, and sets design standards for criteria such as height, setbacks, security fencing and signage, with a further provision that the property owner shall remove all obsolete or unused components within 12 months of the end of operations. PLEASE TAKE FURTHER NOTICE that on 9th of August 2017, at 6:30 pm of that day the Town Board of the Town of Pavilion, New York will conduct a public hearing at the Pavilion Town Hall, located at 1 Woodrow Drive, in the Town of Pavilion, New York, for the purpose of considering the advisability of enacting said proposed Local Law, at which time and place all persons interested will be heard. PLEASE TAKE FURTHER NOTICE that this notice represents only a summary of the proposed Zoning Ordinance Amendments. A complete copy of the Local Law is on file at the office of the Pavilion Town Clerk, 1 Woodrow Drive, Pavilion, New York, and is open for public inspection during regular office hours.

Solar Energy

Purpose and Intent

- A. *The purpose of this section is to provide requirements for and limitations on the installation and use of solar energy systems and to provide the opportunity to utilize solar energy systems and equipment. This section does not repeal, annul, impair, or interfere with any existing ordinance or local law.*
- B. *The Town of Pavilion intends to accommodate the use of solar energy systems to provide a cleaner energy source. Solar energy is a renewable and non-polluting energy resource that can prevent fossil fuel emissions and reduce a municipality's demand for energy produced by other methods.*

Definitions

As used in this section, the following terms shall have meanings as indicated:

Setback: The distance from a front, side or rear lot line to the portion of that lot where a solar energy system is installed. No solar energy systems shall be permitted on the front-facing side of any building or within the setbacks required by the applicable zoning district.

Solar energy system: A system that uses photovoltaic equipment to convert solar energy into electricity. Examples of solar energy systems include flush-mounted solar panels installed on the roof of a building, and freestanding or ground-mounted solar panels supported by posts fixed to the ground and not attached to an existing building.

Solar farm: An area of land used primarily for the purpose of producing electricity by means of a solar energy system.

Applicability

- A. *The requirements of this section shall apply to all solar energy systems modified or installed after the effective date of this section.*
- B. *All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Uniform Code and the Town of Pavilion Code.*

Where Allowed

Solar energy systems and solar farms may only be located in the following zoning districts with the approval and issuance of a Special Use Permit:

Agricultural Residential 1

Agricultural Residential 2

Commercial

Industrial

Exception: Ground mounted solar units within the hamlet not exceeding 15 feet in height strictly used for residential purposes for onsite residential solar and rooftop solar units in any other district strictly for the residential purpose for onsite residential solar shall be considered an accessory to the primary use and not require a Special Use permit.

Compliance

It is unlawful for any person to construct or install a solar energy system that is not in compliance with this section or with any condition contained in a special use permit or zoning permit issued pursuant to this section.

Permits Required

- 1. Special Use Permit. A special use permit is required in all zoning districts for freestanding or ground-mounted solar energy systems, including solar farms, within the Town of Pavilion.*

Exception: Ground mounted and rooftop solar units strictly for the residential purpose for onsite residential solar shall be considered an accessory to the primary use and not require a Special Use permit.

- 2. Zoning Permit. A zoning permit is required for all solar energy systems prior to installation and construction within the Town of Pavilion.*
- 3. Building Permit. A building permit is required for buildings or structures associated with solar energy systems if required.*

Special Use Permit Considerations

In addition to those criteria set forth under other sections of this chapter, the Planning Board shall consider the following factors when setting conditions upon a special use permit issued for a solar energy system within the Town of Pavilion.

- 1. Ingress and egress.*
- 2. Size and location of panels.*
- 3. Nature of land use on adjacent and nearby properties.*
- 4. Location of other solar energy systems in the surrounding area.*
- 5. Topography.*
- 6. Proximity to residential structures.*
- 7. Design characteristics.*
- 8. Possible adverse effects on wildlife.*
- 9. Glare and reflectivity issues.*
- 10. Any other factors that are relevant to the proposed system.*

Design Standards

Height. Systems, equipment and structures shall not exceed the maximum height allowed in the applicable zoning district as set forth in Zoning Schedule A of the Town of Pavilion code.

Residential Solar shall not exceed 110% of such proposed use.

Size. The size of a solar energy system or solar farm shall not exceed 20 acres.

Setbacks. A solar farm shall comply with the setback requirements of the zoning district in which it is located.

Distribution Lines. New electricity distribution lines may be located above or below ground.

Approval. All components must have a UL listing or equivalent.

Compliance. All solar energy systems shall meet the requirements of the New York State Uniform Code.

Abandonment. It is the responsibility of the property owner to remove all obsolete or unused solar energy systems within 12 months of cessation of operations. Reusable components are to be recycled whenever feasible.

Decommissioning Bond. A decommissioning bond shall be required prior to issuance of a special use permit for a non-residential solar energy system. Decommissioning Bonds shall be reviewed and approved by the Towns attorney prior to final approval of all solar farms. The decommissioning bond shall be made out to the Town of Pavilion in the amount specified by the Town Planning Board after consultation with the Town Attorney. The decommissioning bond is to be used by the Town for remediation in the event that all obsolete or unused solar energy systems or solar farm components are not removed within 12 months of the cessation of operations as required.

Security. A security fence shall surround the perimeter of a solar farm.

Property Maintenance Code. Solar farms shall adhere to all standards set forth by the New York State Property Maintenance Code and all applicable New York State Uniform Codes.

Accessibility. The site of a solar energy system shall be accessible for all emergency service vehicles.

Signage. All signage shall be prohibited on a solar farm or its fencing except as authorized in a special use permit.

Penalties. Any person, firm, corporation or entity which may violate any provisions of this chapter shall be guilty of violation and, upon conviction thereof, shall be subject to the penalties set forth by New York Town Law section 268 and in accordance with section 809 of the Town of Pavilion Zoning Ordinance. Any person, firm, corporation or entity which may violate any provisions of this chapter shall become liable to the Town for any actual expense or loss or damage occasioned by the Town by reason of such violation; in addition to any actual losses or damages sustained by the Town, such expense shall also include, but not limited to, statutory costs, disbursements and reasonable attorney's fees in the event that an action is commenced to enforce this chapter. The imposition of penalties herein prescribed shall not preclude the Town or any person from instituting appropriate legal action or proceedings to prevent a violation of this chapter or to restrain or enjoin the use of occupancy of premises or any part thereof in violation of this chapter.

Short Environmental Assessment Form

Part 1 - Project Information

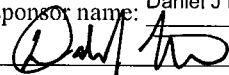
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Town of Pavilion Solar Code			
Project Location (describe, and attach a location map): Town of Pavilion			
Brief Description of Proposed Action: The Town of Pavilion is addressing Solar in the Town of Pavilion code.			
Name of Applicant or Sponsor: Ted Howard		Telephone: 585-584-3850	
		E-Mail:	
Address: 1 Woodrow Drive			
City/PO: Pavilion		State: NY	Zip Code: 14525
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Genesee County Planning Board.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>Administrative Action</u>			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ Administrative Action	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Administrative Action	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES _____ _____			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: Daniel J Lang Date: July 25th 2017</p> <p>Signature: </p>		