

Section 8. Solar Energy Systems Siting

Permitting

- A. The requirements of this article shall apply to solar energy systems modified or installed after the effective date of this article.
- B. All solar energy systems shall be designed, erected and installed in accordance with all applicable federal, state, local and industry codes, regulations and standards.
- C. Solar energy collectors shall be permitted to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected, but nothing in this provision shall be construed to prohibit the sale of excess power through a "net billing" or "net-metering" arrangement in accordance with New York State Public Service Law § 66-j or similar federal or state statute.
- D. Utility-scale solar energy collectors, properly permitted by the Village of Gouverneur, may be erected for the express purpose of generating electricity for sale as a commercial enterprise.
- E. No solar energy system or device shall be installed or operated in the Village of Gouverneur except in compliance with this article.
- F. Rooftop, building-mounted, ground mounted and freestanding solar collectors are permitted in all zoning districts in the Village of Gouverneur subject to the following conditions:
 - 1. Building permits shall be required for the installation of all solar collectors.
 - 2. The location of the solar collector meets all applicable setback requirements as set forth in the Zoning Schedule.
 - 3. The installation of rooftop and building-mounted solar collectors shall be a standard use in the R-1, R-2, and R-3 Zoning Districts, subject to building height restrictions for the zoning district. The installation of rooftop and building-mounted solar collectors shall be a special permit subject to site plan review in all other zoning districts. The installation of such systems on buildings listed on the National or New York State Register of Historic Places is prohibited; except for flush-mounted rooftop collectors not visible from the ground.
 - 4. The installation of freestanding or ground-mounted solar collectors shall be a special permit subject to site plan review in all zoning districts.
- G. Building-integrated photovoltaic systems shall be a standard use in the R-1, R-2 and R-3 Zoning Districts; and a special permit subject to site plan review in all other zoning districts. The installation of such systems on buildings listed on the National or New York State Register of Historic Places is prohibited; except for flush-mounted rooftop systems not visible from the ground.
- H. Solar thermal systems shall be a standard use in the R-1, R-2 and R-3 Zoning Districts and a special permit subject to site plan review in all other zoning districts. The installation of such

systems on buildings listed on the National or New York State Register of Historic Places is prohibited; except for flush-mounted rooftop systems not visible from the ground.

- I. Solar energy systems and equipment shall be permitted only if they are determined by the Village of Gouverneur not to present any unreasonable risks to the public's health, safety and welfare, including but not limited to the following:
 1. Weight load.
 2. Wind resistance.
 3. Ingress or egress in the event of fire or other emergency; for example, solar panels or collectors may not be installed in front of a window or door.
 4. Roof-mounted solar collectors shall not be installed with 24 inches of the edge of any roof surface or within 16 inches of any protrusion through a roof such as an electrical mast, chimney or vent shack.
- J. Utility-scale solar collectors shall be permitted within the IND Zoning District with a special permit subject to site plan review and the following conditions:
 1. The location of the solar collector meets all applicable setback requirements as set forth in the Zoning Schedule.
 2. The height of ground-mounted and freestanding solar collectors and any mounts shall not exceed 20 feet from finished grade when oriented at maximum tilt.
 3. Solar energy collectors and equipment shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of properties to the north, while still providing adequate solar access for the collectors.
 4. Freestanding solar energy collectors shall be screened when possible and practicable through the use of architectural features, earth berms, landscaping, vegetation or other screening that will harmonize with the character of the property and surrounding area.

Safety

Safety Rooftop and building-mounted solar collectors shall meet the requirements of New York's Uniform Fire Prevention and Building Code.

- A. If storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Village of Gouverneur and any applicable, federal, state, county or regional laws or regulations.
- B. If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mounts and associated equipment and return the site or building to its original condition no later than 90 days after the end of the twelve-month period.

- C. Appeals. If a building permit or special permit for a solar energy collector is denied because of a conflict with the Village of Gouverneur's Zoning Code, the applicant may seek relief from the Village of Gouverneur's Zoning Board of Appeals.

Zoning for future solar access

- A. New residential and nonresidential structures will be sited to take full advantage of solar access insofar as practical, including the orientation of proposed buildings with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation on and off site, and the impact of solar access to adjacent uses and properties.
- B. The impact of street trees on the solar access of the surrounding property will be minimized to the greatest extent possible in selecting and locating shade trees. Every effort shall be made to avoid shading solar collectors. The use of compact trees, particularly under overhead utility lines, is strongly encouraged.
- C. In the event that it is necessary to remove an existing tree(s) on public property to accommodate a solar collector, the property owner shall mitigate the loss of shade by planting a tree(s) in the public domain (parklands, schools, public streets).
- D. When the Planning Board or Zoning Board of Appeals reviews and acts upon an application for special permit approval or subdivision approval, area or use variance, it shall take into consideration whether the proposed construction would block or limit access to sunlight between the hours of 9:00 a.m. and 3:00 p.m. Eastern Standard Time for existing approved solar energy collectors or for solar collectors for which a permit or approval has been issued.

Section 9. REFERRALS TO THE COUNTY PLANNING BOARD

- A. Whenever any Special Permit, Variance or Map or Text Amendment would affect real property within a distance of five hundred (500) feet of the boundary of the Village of Gouverneur, or from the boundary of any existing or proposed County or State park, Thruway, Expressway, Road or Highway, or from the existing or proposed right of way of any stream or drainage channel owned by the County for which the County has established channel lines, or from the existing or proposed boundary of any County or State owned land on which a public building or institution is situated, the proposed special permit, site plan, variance or amendment shall be referred to the St. Lawrence County Planning Board. The Board shall have thirty (30) days in which to report its recommendations to the Village body from which it was referred. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval by the County Planning Board. If the County Planning Board disapproves the proposal, or recommends modification thereof, the Gouverneur Board having jurisdiction may act contrary to the County Planning Board's action only by a majority plus one vote of all the members and after a resolution fully setting forth the reason for such contrary action.
- B. Notification of action taken on any matter previously referred to the County Planning Board will be given to the County Planning Board within seven (7) days of the date of such action.