

## BFJ Planning: Working Draft of Pine Plains Solar Law, April 1, 2022

Note: Current solar law is Section 275-24. Accessory solar installations.

### Section 275-24 ~~Accessory solar~~ **Solar** installations

- A. Purpose. The Town of Pine Plains hereby recognizes that solar photovoltaic (PV) installations are now considered normal and customary accessory uses to residences, commercial buildings and farms. Installation of such facilities in all Town zoning districts shall be permitted ~~as accessory uses pursuant to a three-tiered system. Tier 1 is for accessory roof-mounted solar PV installations, Tier 2 is for accessory ground-mounted solar PV installations, and Tier 3 is for large-scale solar installations. Tier 3 is not considered a customary accessory use, as they generate power for off-property use.~~ the Town of Pine Plains NYS Unified Solar Permit Process by the Town Code Enforcement Officer.
- B. **Tier 1: Roof mounted Solar PV installations** ~~residential. Covered photovoltaic (PV) installations as accessory uses.~~
- (1) **Tier 1 applies to roof-mounted and Solar PV installations that are accessories to principal uses.** The installation of roof-mount Solar PV installations is permitted as an accessory use to residences, pursuant to the Town of Pine Plains NYS Unified Solar Permit Process by the Town Code Enforcement Officer.
- (2) In order to qualify as an accessory use permitted pursuant to the Town of Pine Plains NYS Unified Solar Permit, the following criteria must be met by the applicant:
- The facility must have a rated DEC capacity of 25kW or less;
  - The Solar PV installation may generate up to 110 percent of the existing or potential energy demand for on-site uses. The installation may not generate energy for off-site uses.
  - The facility must be mounted on a permitted roof structure or on a legal accessory structure such as garage or shed roof;
  - The facility must be installed by a solar installation contractor in compliance with all licensing and other requirements of the Town of Pine Plains and the state;
  - Glare: All Solar Panels shall have anti-reflective coating(s).
  - If the structure on which the facility is installed is a sloped roof, the solar panels must be mounted parallel to the roof's surface.
    - The Zoning Enforcement Officer may permit solar installations that vary slightly from being parallel to the roof's surface if there is a significant reason to do so.
    - Solar Panels on pitched roofs shall be mounted with a maximum distance of [8] inches between the roof surface the highest edge of the system.
    - Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
  - Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than [24] inches above the flat surface of the roof, whichever is higher.

- c. Height: The maximum height for Tier 2 solar installations on lots that are less than or equal to 2 acres shall not exceed 12 feet in height above the ground measured from the ground under the solar panel to the highest point of the solar panel or racking system, whichever is greater.
  - d. Lots greater than two acres.
    - i. Solar PV installations may be in the front, side, and rear yards.
    - ii. A setback of 10 feet is required from the parcel boundary. A larger setback may be required by the planning board for safety and to minimize visual impacts.
    - iii. A setback of 25 feet is required from any public roadway.
    - iv. A preapplication conference with the Building Inspector is recommended.
    - v. Glare: All Solar Panels shall have anti-reflective coating(s).
    - vi. Height: The maximum height for Tier 2 solar installations on lots greater than two acres but less than five acres shall not exceed 12 feet in height. The maximum height for Tier 2 solar installations on lots with an area of five acres or more shall not exceed 15 feet in height. Tier 2 solar installation height shall be measured from the ground under the solar panel to the highest point of the solar panel or racking system, whichever is greater.
- D. Tier 3. Large-Scale Solar Installations, Solar Farms, and Solar Installations that produce greater than 110% of on-site energy demand.
- (1) Tier 3 applies to any solar installation for off-property use or for a Solar PV installation that generates in excess of 110 percent of existing or potential demand.
  - (2) Purpose. Tier 3 regulations seek to preserve large parcels of land in Pine Plains and carefully regulate large-scale solar farms that generate energy for areas outside of the Town.
  - (3) Pre-Application Meeting Required.
    - a. A pre-application conference with the Planning Board is required for all Tier 3 installations. The applicant shall discuss the project with the Planning Board and should present a visual impact study and a sketch plan of the installation.
  - (4) Site Plan Approval is required for all Tier 3 installations.
    - a. During Site Plan Approval, the Planning Board shall review the application and visual impact study for proposed lighting, site security, grading and clearing of vegetation, and for impacts to rural character, farms, farm structures, and ridgelines. The Planning Board may require the installation to be screened when viewed from roads, parks, or public spaces, and may require that utilities be buried underground or otherwise hidden from view.
    - b. Applicants must submit a property operation and maintenance plan during site plan approval. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
    - c. The Planning Board may retain a consultant to assist with the review of the application, consistent with Section 275-105 of the Zoning Code.



- c. ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.
  - d. 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 the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment.
  - e. SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electricity.
- F. ~~Not covered. Applicants for solar PV systems not meeting the eligibility criteria in Subsection B above are not eligible for the Town of Pine Plains NYS Unified Solar Permit.~~

# CANNABIS RETAIL DISPENSARY ZONING

## TOWN OF PINE PLAINS

### DRAFT OUTLINE

Permitted in the H-BUS district with a special permit

1. Special permit conditions:

- (1) Location: Where?
- (2) License
- (3) Separation from other select uses
- (4) Hours of operation
- (5) Drive-through prohibited
- (6) Visibility from the street
- (7) Secure disposal
- (8) Ventilation Plan
- (9) Security
- (10) Lighting

2. Other Notes

- (1) Required off street parking is the same as retail uses: 1 space per 250 gross floor area

### DRAFT ZONING CHANGES

Add Adult Use Retail Dispensary as a definition in Section 275-116.

#### **Section 275-116**

- Adult Use Retail Dispensary: "Retailer" means any person who sells at retail any cannabis product, to cannabis consumers, 21 years and older. A retail dispensary license authorizes the acquisition, possession, sale and delivery of cannabis from the licensed premises of the retail dispensary by such licensee to cannabis consumers.
- Permitting Authority: Cannabis Control Board (CCB) and the Office of Cannabis Management (OCM) established pursuant to MRTA Section 72 for regulatory jurisdiction over adult-use cannabis.

## Off-Street Parking Requirements

### **Section 275-45. Off-street parking.**

*Table C: Schedule of Minimum Parking Space Requirements Applicable to All Zoning Districts*

Use	Minimum Number of Required Parking Spaces
Adult Use Retail Dispensary	1 for each 250 sf gfa

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