



Town of Wilton Code Revision Committee

To: Bob Barrett, Code Revision Chairperson:
From: Lucy Harlow
CC: Ryan Riper, Amy DiLeone, Mark Mykins, Mark Schachner
Re: 12/15/16 – Meeting Minutes
Present: R. Barrett, A. DiLeone, R. Slone, S. Streicher, C. Ramsdill, M. Mykins, J. Klepetar, R. Riper, L. Harlow, M. Dobis, D. Gabay.

Discussion of NYS Model Solar Energy Law:

3. DEFINITIONS should be checked against Building Code for comparison.

- Add Solar Thermal and Solar Hot Water Systems (SEE Town of Newburgh definition)

Anticipate problems: residential roof mounted systems should avoid shading, blocking other panels, reflection

5. SOLAR AS ACCESSORY USE OR STRUCTURE: it should say accessory to a primary structure.

A. Roof-Mounted systems:

3) AESTHETICS: Discussion: Roof pitch maximum of 18 inches between the roof and edge of system. Phrase “when feasible” could be in reference to historic buildings, possibly delete.

4) Committee discusses reference to Roof-Mounted Solar Energy Systems “shall be exempt from site plan review.” Concern is that there is no distinction between residential and commercial.

B. Ground-Mounted Systems:

1) Allowed in R-1, R-2, R-3 zoning districts as specially permitted use. Incorporate in zoning tables. All zoning regulations are subject to requests for variances.

2) Height and setback. Entire structure should be a maximum of 12 feet or under, which is height allowed for accessory structures.

3) System limitations: Specify square footage of lot or lot coverage percentage. Add maximum of 30 kilowatts in residential districts. Other towns use underlying zoning districts, i.e. Clifton park – applications sent to building dept. are denied and sent to planning board. Only one board (regulatory body) should review.

4) Side yard installations in subdivision – setbacks self-enforcing – use requirements of underlying zone.

5) Use of electricity primarily on-site exempt from sight plan review. (Large energy user such as Target would be in excess of KW limitation)

6. Approval Standards for Large-Scale Solar Systems as Special Use.

A. Not allowed in R-1 zone. Assign Kilowatt limitation: anything in excess of 50 Kw and/or produces energy for off-site use is considered large scale and is subject to review by Planning Board. (Should coincide with DEFINITION of Ground-Mounted System which



includes “primary purpose of producing electricity for off-site consumption”) See NYSERDA definition.

B. Special Permit Application Requirements use Site Plan Application

Keep subparts: 1) 2) and 3).

4) Property Maintenance: make distinction b/w mechanical or chemical harvesting; no use of chemicals allowed.

5) Discussion of Decommissioning Plan. When submitting site plan, installer must submit decommissioning plan. Have Professional Engineer prepare, **not contractor**. With special permit, a project can be reviewed every two years. Review for this could be every five years to keep track and discourage abandonment. Have a licensing fee of \$50-100 per year. What is considered “site abandonment?” Determine removal timeframe– set time limit (See No. 7) All uses are considered abandoned if not used within 2 years.

C. Special Use Permit Standards

1) Height maximum = 35 feet. **Roof top units not to exceed 12 feet above mounted surface.**

2) **Lot size for Large-Scale systems shall be located on lot not less than 5 acres.**

3) Lot coverage: system that is ground-mounted shall **not exceed 60% of the lot on which it is installed.**

4) All Large Scale Systems must be enclosed by fencing – type to be determined by planning board. The fencing and the system shall be further screened (kind: chain link with slats 8 feet high that face adjacent residential properties) by any landscaping need to avoid adverse aesthetic impacts.

5) & 6) Insert Planning Board as Regulatory Body in both instances.

7. Abandonment and Decommissioning (Have property owner put cost in escrow account.) Solar Energy Systems **considered abandoned after 2 years without energy generation for usage/consumption/resale.** Applications for extensions reviewed by **Planning Board**. Property Maintenance Code will cover maintenance in cases of abandonment. Thirty days to be in compliance.

8. Enforcement: Any violation subject to civil/criminal penalties provided for in **Town of Wilton Zoning Regulations.**

MISCELLANEOUS

- Come up with fee schedule for Planning Board Review of Solar System Site Plan.
- Suggestion: have solar installers come in for a presentation. NYSERDA deals with the solar energy training program – should have someone familiar with practical side of installation. Have pictures of different kinds of installations.
- Discussion of “Right-to-Solar” law that prevents prohibition of solar energy installations.
- Shade restrictions on neighbors not specified.

Next meeting: January 17, 2017 at 4 PM. Discussion of other Green Energy Systems.
