

**TOWN OF BLOOMING GROVE
INTRODUCTORY LOCAL LAW**

AMENDMENT TO THE TOWN OF BLOOMING GROVE SOLAR ZONING LAW

BE IT ENACTED by the Town Board of the Town of Blooming Grove, Orange County, State of New York, as follows:

Section 1. Article X, titled, “Solar Energy Systems,” of Chapter 235, titled “Zoning,” of the Code of the Town of Blooming Grove, is amended as follows:

§235-47, titled, “Definitions,” is amended by deleting the definition for “LARGE-SCALE SOLAR ENERGY SYSTEM” in its entirety and replacing it with the following definition:

LARGE-SCALE SOLAR ENERGY SYSTEM - A Solar Energy System that produces over 12 Kilowatts (kW) per hour of energy which primarily serves buildings or structures to which the system is not attached. The maximum amounts of electricity generated by the system and the maximum area of land upon which the system shall be erected are as follows:

- (1) Up to one (1) Megawatt per hour on an area of land no larger than ten (10) acres, excluding any easement for accessing the area; or
- (2) Over one (1) but not to exceed two (2) Megawatt per hour on an area of land no larger than twenty (20) acres, excluding any easement for accessing the area.

§235-47, titled, “Definitions,” is amended by adding a new definition to read as follows:

WIND ENERGY CONVERSION SYSTEM - The equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation or support, generator, infrastructure, nacelle, rotor, tower, transformer, turbine, vane, wire, substation, or control facilities or other components used in the system. The turbine or windmill may be on a horizontal or vertical axis. A wind energy conversion system may consist of one or more wind turbines. Wind energy conversion systems are prohibited.

§235-51, titled “Large-Scale Solar Energy Systems,” is amended by deleting Subsection A and Subsection B in their entirety and replacing them with a new Subsection A, B and C as follows:

A. Large-Scale Solar Energy Systems are prohibited in the following overlay districts: Scenic Viewshed Overlay District, Ridgeline Overlay District, Scenic Gateway Overlay District and Surface Water Overlay District.

B. Large-Scale Solar Energy Systems are permitted as a conditional use in all other zoning districts subject to site plan review and approval by the Planning Board, and subject to the requirements contained in Town Code §235-45.7.

C. Compliance with the State Environmental Quality Review Act. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act (“SEQRA”) as set forth in Article 8 of the Environmental Conservation Law and implemented in SEQRA’s governing regulations. An application for approval of a Large-Scale Solar Energy System shall constitute a Type 1 action under SEQRA.

§235-45.7, titled, “Large-Scale Solar Energy Systems,” is amended by deleting Subsections A, A(1), A(2) in their entirety and replacing them as set forth herein, and by adding a new Subsection A(10) as follows:

A. A Large-Scale Solar Energy System is a prohibited use in the following Overlay Districts: Ridgeline Overlay District, Scenic Viewshed Overlay District, Scenic Gateway Overlay District and Surface Water Overlay District. A Large-Scale Solar Energy System is a permitted conditional use and structure in all other zoning districts, subject to site plan approval by the Planning Board, and subject to the following requirements:

- (1) Any Large-Scale Solar Energy System shall be set back at least 200 feet from any public or private road, and from all lot lines and no less than ¼ mile from any other Large-Scale Solar System in the unincorporated Town of Blooming Grove that is existing, under construction or pending before the Town Planning Board. Applicants unable to comply with setback requirements may apply to the Zoning Board of Appeals for relief.
- (2) The average height of any Solar Panel or array shall not exceed 20 feet when oriented at a maximum tilt. The applicant shall identify the type of solar panel proposed and whether the panels track the sun. The Planning Board shall assess the potential noise impact to adjoining uses from any solar tracking system.
- (10) Construction of a large-scale solar energy system shall not require clearcut of the entire area of the installation. No greater than fifteen (15) percent of total land area may be cleared of existing brush, trees, and other screening vegetation to accommodate a large-scale solar farm. When significant trees are removed, no less than 75% of the "canopy cover" lost shall be replaced with new trees. The plan shall show the following: i) trees to be removed or likely to be removed; ii) replacement trees; and iii) the type and size of the trees identified in Items (i) and (ii). The area of "canopy cover" lost shall be determined by use of the canopy cover and/or basal area formulas. The Planning Board may reduce the number of new or replacement trees if, in its opinion, the plantings might damage other trees or flora or if the number of new or replacement trees is excessive for the site.

Section 2. If any clause, sentence, paragraph, section or other part of this local law shall be adjudged by any court of competent jurisdiction to be null, invalid, void or unconstitutional, such judgment shall not affect or impair or invalidate the remainder thereof, and shall be confined in its operation to the clause, sentence, paragraph, section or other part of this law that is directly involved in the controversy in which such judgment was rendered and all other parts of the law shall remain valid and in full effect.

Section 3. This local law shall take effect immediately upon filing with the Secretary of the State.