Town of New Bremen
Zoning Law

Local Law No. 1 OF 2026

Amending Local Law No. 1 of 2024 – Town of New Bremen Zoning Law

Article I. Enacting Clause, Title, Purpose

Section 110. Enacting Clause

Pursuant to the authority conferred by Article 16 of the Town Law and Articles 2 and 3 of Municipal Home Rule Law of the State of New York, the Town Board of the Town of New Bremen hereby adopts and enacts the following law.

Section 120. Title

This law shall be known as “The Town of New Bremen Zoning Law”.

Section 130. Purpose of the Zoning Law

The purpose of the Town of New Bremen Zoning Law is to promote and guide development in an orderly and efficient manner. This will reduce land use conflicts, promote traffic safety, enhance and protect the historical and recreational attributes of the Town, retain and improve land values, encourage quality development, ensure wise use of the resources, and promote the general health and welfare of the Town residents. This law is designed to protect existing development while providing some control of growth so that future development will not be a detriment to the Town and its residents.

This zoning law has been made with reasonable consideration, among other things, as to the character of the Town and its suitability for particular uses, and with a view to conserving the value of buildings and encouraging the use of land appropriately throughout the Town of New Bremen.

Section 140. Type of Zone

For the purpose of this law, the Town of New Bremen is hereby designated as one zone, which shall be designated as Rural Residential.

Article II. Definitions

Section 210. General

Except where specifically defined herein, all words used in this law carry their customary meanings. Words in the present tense include the future, words in the singular tense include the plural and the plural the singular, and the word "shall" is intended to be mandatory.

Section 220. Specific Definitions

Access – entranceway for vehicles to leave or enter a property or lot from a public road or private road.

Accessory Structure – A subordinate structure located on the same lot as the main structure, occupied by or devoted to an accessory use. Where an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such structure shall be considered part of the main structure. This shall include, but not be limited to, garages, storage sheds, radio-and/or television receiving antenna towers and satellite dishes, playhouses, wind-generating devices, swimming pools, or similar structures.

Accessory Use – A use incidental and subordinate to the principal use and located on the same lot with such principal use.

Agricultural Use – A use that is directly related to the raising of livestock, or the growing of crops for the sale of agricultural produce, including farm structures, storage of agricultural equipment, horticulture and fruit operations, riding and boarding stables, and the like, or other commonly accepted agricultural operations, and, as an accessory use, the sale of agricultural or forest products.

ANSI – American National Standards Institute

Applicant – The person(s) who, except where otherwise provided herein, shall be the lot owner or the lot owner's designated representative.

Battery(ies) – A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purpose of this law, batteries utilized in consumer products are excluded from these requirements.

Battery Energy Storage Management Systems – An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

Battery Energy Storage System – One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-along 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

> Tier 1 Battery Energy Storage Systems – Have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

Tier 2 Battery Energy Storage Systems – Have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

Buffer Area – An undeveloped part of a lot or an entire lot specifically intended to separate and thus minimize the effect of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties.

Building – A structure designed to be used as a place of occupancy, business, storage, or shelter. The term "building" shall include the term "structure".

Building, Integrated Solar Energy System – A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows primarily intended for producing electricity for onsite use.

Building, Mounted Solar Energy System – A solar energy system that is affixed to the roof and up to 8" off the roof or side(s) of a building or other legally permitted structure either directly or by means of support structures or other mounting devices.

Building, Principal – The building on a lot that houses the primary use on a parcel of land.

Campgrounds – Land on which are located three (3) or more cabins, travel trailers, tents, campsites, shelters, or other accommodations suitable for seasonal or temporary living purposes, excluding mobile homes.

Cell – The basis electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

Commercial Use – This shall include, but not be limited to, the following: all wholesale and retail sales and services, and also including sales and service for new and used automobiles, trucks, mobile homes, boats, recreational vehicles, farm machinery, and other large items stored outdoors for retail sales; business or institutions providing overnight accommodations; institutional residences, care or confinement facilities; tree nurseries, storage and parking facilities, laundromats, restaurants, retail gasoline outlets, animal hospitals, airports, essential facilities, slaughterhouses, moto vehicle repair/paint shops, and warehouses.

Commissioning – A systematic process that provides documented confirmation that a Battery Energy Storage System functions according to the intended design criteria and complies with applicable code requirements.

Composting Facility – A solid waste management facility used to provide aerobic, thermophilic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material.

Construction and Demolition Debris – Solid waste resulting from the construction, remodeling, repair and demolition of utilities, structures and roads; such as wood (including painted, treated and coated wood and wood products), wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulations, roofing shingles and other roof coverings, asphaltic pavement, glass, electrical wiring and components containing no hazardous liquids, and pipe and metals that are incidental to any of the above.

Construction and Demolition Debris Processing Facility – A processing facility that receives and processes construction and demolition debris by any means excluding landfilling or incineration.

Dedicated-Use Building – A building that is built for the primary intention of housing battery energy storage system equipment, is classified as a Group F-1 occupancy as defined in the International Building Code, and complies with the following:

1. The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
2. No other occupancy types are permitted in the building.
3. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
4. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
    a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
    b. A means of egress is provided form the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

Drainage – A system of swales, ditches and culverts, catch basins, and piping to convey stormwater runoff to retention areas and stabilized discharge points.

Driveway – The established or traveled way leading to a particular building from the margin of a public or private road.

Dwelling – A building, or part thereof, used as living quarters for one family. The terms "dwelling", "one-family dwelling", "two-family dwelling", or "multiple-family dwelling" shall not include a motel, hotel, boarding housing, tourist home, single-wide mobile home or similar structures, but shall include modular homes and double-wide mobile homes.

Electronic Message Center – A sign that is capable of displaying words, symbols, figures or images that electronically changes by remote or automatic means.

Energy Code – The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

Erosion Control – The use of reseeding, revegetation, placement of mulch, or artificial matting or rip rap, or other methods to prevent soil erosion.

Essential Facilities – The operation or maintenance by municipal agencies or public/private utilities of telephone dial equipment centers, electric or gas substations, water treatment, storage and transmission facilities and lines, pumping stations, and similar facilities, operated or maintained by municipal agencies or public/private utilities.

Factory Manufactured Home – see Modular Home

Fire Code – The fire code section of the New York State Uniform Fire Prevention and Building Code adoption pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

Grading – The leveling of land for site development purposes including construction of roads building construction, drainage areas, and parking.

Ground-Mounted Solar Energy System – A Solar Energy System directly anchored to the ground and attached to a pole or other mounting system not attached or affixed to an existing structure, and detached from any other structure.

Gross Floor Area – The total interior floor area of a building, multiplied by the number of floors.

Home Occupation – A commercial or industrial use conducted on the property within a dwelling, mobile home, or accessory structure in accordance with the provisions of Section 410 of this Law.

Incinerator - An enclosed device using controlled flame combustion to thermally break down solid waste, including refuse-derived fuel, to an ash residue that contains little or no combustible materials.

Industrial Use – The utilization of a building, or of a land to manufacture, process, store, or generate products or goods for commercial use or sale, or to store, treat, or dispose of a by-product of such an activity, including utility facilities, incinerators, and contaminated soils recycling facilities.

Junk Vehicles, Junkyards, and Junkyard Items – Are as defined by County of Lewis Junkyard Law, Local Law No. 5 of 1987, as amended, and are incorporated in this Local Law by this reference.

Land Application Facility – A site where septage, food processing waste, sewage sludge, or other similar organic waste material is applied to the soil surface or injected into the upper layer of the soil to improve soil quality or provide plant nutrients.

Land Clearing Debris – Vegetative matter, soil, and rock resulting from activities such as land clearing and grubbing, utility line maintenance, or seasonal or store-related cleanup such as trees, stumps, brush, and leaves and including wood chips generated from these materials. Land clearing debris does not include yard waste that has been collected at the curbside.

Landfill – Land or a facility or part of one where solid waste or its residue after treatment is intentionally placed, and at which solid waste will remain after closure, excluding a land application facility, and injection wells.

Lot – a parcel of land where boundaries are established by deed or survey, and entirely owned by the same person or persons.

Lot – a parcel of land whose boundaries are established by deed or survey, and entirely owned by the same person or persons.

Manufactured Home – see Mobile Home.

Mobile Home – manufactured housing designed with a chassis, and construction to be towed, driven, or otherwise transported whole or in part to a site, and which is designed to permit occupancy for dwelling or sleeping purposes. A mobile home shall be constructed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. The term mobile home shall not include modular homes or travel trailers.

Mobile Home Park – a lot consisting of five or more mobile homes and buildings or other structures that may be pertinent to their use, any part of which may be occupied by persons for residential purposes other than recreation, traveling, or vacationing, and who are provided services or facilities necessary for their use of the property.

Mobile Home Site – a designated parcel of land in a mobile home park designated for accommodating one mobile home, its accessory buildings or structures, and accessory equipment for the use of the occupants.

Modular Home - a structure designed primarily for residential occupancy constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended or designed for permanent installation, or assembly and permanent installation, on a building site.

Nationally Recognized Testing Laboratory (NRTL) – A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC – National Electric Code.

NFPA – National Fire Protection Association.

Non-Dedicated-Use Building – All buildings that contain a Battery Energy Storage System and do not comply with the dedicated-use building requirements.

Non-Participating Property – Any property that is not a participating property.

Non-Participating Residence – Any residence located on a non-participating property.

Occupied Community Building – Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

Onsite – Located on the lot that is in the subject of an application for development.

Parking Space – an area reserved for the parking of a motor vehicle.

Participating Property – A Battery Energy Storage System host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the Battery Energy Storage System owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

Person – means any individual, group of individuals, partnership firm, corporation, association, or other legal entity.

Private Road – a deeded, established, or proposed route, other than a public road, which affords vehicular access to multiple lots.

Public Road - an established route for vehicular traffic which, under applicable law, constitutes a municipal, state, or federal highway.

Recyclable – Solid waste that exhibits the potential to be used repeatedly.

Recycling Facility – A solid waste processing facility, other than collection and transfer vehicles, at which non-putrescible recyclables are separated from the solid waste stream or where previously separated non-putrescible recyclables are processed.

Regulated Medical Waste – Regulated medical waste defined in 6NYCRR Part 360 Solid Waste Management Facilities Title 6 of The Official Compilation of Codes, Rules and Regulations, effective November 26, 1996, and as amended.

Road Right-of-Way – The extreme margins of potential development of a road, as determined by deed, dedication, or other public record. In the absence of a definitive public record, a road's margins shall be deemed to be 25 feet from its centerline.

Roof-Mounted Solar Energy System: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity or solar thermal power generation.

Runoff – Surface water that flows onto, within, and/or off of the site area.

Screening – Vegetation, fencing, or earthen materials used to block visibility toward and/or away from a site. Screening may also be used to lessen noise impacts from a particular site or from adjacent land uses.

SEQR Review (State Environmental Quality Review) – Review of an application according to the provisions of the State Environmental Quality Review Act, 6NYCRR, Part 617 (Statutory Authority: Environmental Conservation Law, Section 8-0113).

Sign – a name, identification, description, display, or illustration, or any other visual display, which is affixed to, or painted, or represented directly or indirectly upon a building, structure, or piece of land, which directs attention to an object, product, place, activity, person, institution, organization, industry, or business.

Sign, Free Standing – a sign that is attached to, erected on or supported by some structure such as a pole, mast, frame, or other structure that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of the sign.

Site Plan – Maps, drawings, and supporting data describing the project proposal or development plan on which are shown the existing or proposed conditions of the lot.

Solar Collectors – Any device intended or used for the absorption of solar radiation for the heating of water or buildings or the production of electricity. The term solar collector also encompasses and includes the individual components of a solar collection system including the solar panels, utility boxes, generators, and all other ancillary devices or equipment necessary to collect and produce solar energy.

Solar Energy Equipment – Electrical energy storage devices, material, hardware, inverters or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

Solar Energy System – A photovoltaic (PV) electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment. Several scale systems types, Agricultural Solar Energy

Systems, Large-scale Solar Energy Systems, and Medium Solar Energy Systems, are addressed in this local law.

Solar Energy System, Agricultural – An on-farm, Small-Scale Solar Energy System that provides no more than 110% of the energy required to operate a farm operation as defined by New York State Agriculture and Markets Law 305-a. These may be roof-mounted or ground-mounted systems.

Solar Energy System, Large-Scale – A Solar Energy System that produces energy primarily for supplying more than 20MW of electrical energy into a utility grid for wholesale or retail offsite sale or consumption whether generated by photovoltaics or building-mounted.

Solar Energy System, Medium-Scale – A Solar Energy System or Solar Thermal System that is ground-mounted or building-mounted and produces more than 25kW and up to 20MW of electricity for offsite sale and consumption.

Solar Energy System, Small-Scale – A roof-mounted or building-integrated solar energy system or solar thermal system servicing primarily the building or buildings on a parcel on which the system is located for on-site consumption for either residential or business use, and limited to those rooftop and building-integrated, roof-mounted, and ground-mounted solar collectors that produce less than 25kW of electricity.

Solar Panel – A photovoltaic device capable of collecting and converting solar energy into electrical energy.

Solar Thermal System – Solar Energy System that directly heats air, water, or other liquids using sunlight. The heated air, water, or other liquid is used for such purposes, including but not limited to, space heating and cooling, domestic hot water, and heating pool water.

Solid Waste – All putrescible and non-putrescible materials or substances discarded, or rejected as being spent useless, worthless, or in excess to the owners at the time of such discard, or rejection, including but not limited to garbage, refuse, industrial commercial and medical waste, sludges from air or water control facilities and paper mills, rubbish, ashes, incinerator residue, demolition and construction debris, and offal but not including sewage, septage and other diluted water carried materials or substances and those in gaseous form.

Solid Waste Management Facility – Any facility employed beyond the initial solid waste collection process and managing solid waste, including but not limited to: storage areas or facilities; transfer stations; rail-haul facilities; landfills; disposal facilities; solid waste incinerators; refuse-derived fuel processing facilities; pyrolysis facilities; construction and demolition debris processing facilities; land application facilities; composting facilities; surface impoundments; use oil storage, reprocessing, and re-refining facilities; recyclables handling and recovery facilities; waste tire storage facilities and regulated medical waste processing facilities. The term included all structures, appurtenances, and improvements on the land used for the management or disposal of solid waste.

Structure – Anything constructed or built; or building of any kind, which requires location on the ground, or is an attachment to something having a location on the ground, including but without limitation, swimming pools, covered patios, towers, poles, sheds, tanks, etc. excepting outdoor areas, such as paved areas and walkways.

Transfer Station – A solid waste management facility other than a recycling facility, used oil collection center, or a construction and demolition debris processing facility, where solid waste is received for the purpose of subsequent transfer or another solid waste management facility for further processing, treating, transfer, or disposal.

Travel Trailer – Also known as a Recreation Vehicle (RV), a motor home, a truck camper, or a camping trailer less than 48 feet in length and/or 720 square feet of interior floor space and is used for recreational purposes.

Uniform Code – The New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

Use, Principal – The specific purpose for which land or a building is designed, arranged, or intended, or for which it is principally utilized.

Use, Temporary – An activity conducted for a specified limited period of time. Examples of such uses are buildings incidental to new construction which are removed after the completion of the construction work.

Used Oil Collection Center – Any site or facility that accepts, aggregates, and/or stores used oil collected from commercial, service, or retail establishments and do-it-yourself oil changers, who bring used oil to the collection center in shipments of no more than 55 gallons.

Waste Tire – Any tire that is no longer being used for its intended purpose. This shall include tire casings separated for retreating and tires with sufficient tread for resale except when stored indoors at a bonafide commercial establishment.

Waste Tire Storage Facility – A site on which 1,000 or more waste tires are stored, placed, piled, or otherwise located except when used as part of an agricultural operation.

Water, Groundwater – The Water that infiltrates into the ground, accumulating and saturating the spaces in earth material.

Water, Surface – Water Contained in streams, rivers, ponds, wet areas, lakes, and other waterbodies and watercourses, or that drains across land.

Wetlands – Any lands or water that are defined as wetlands according to the NYS Freshwater Wetlands Act, Section 24-0107(1), pursuant to 6NYCRR 664, and filed with the State, County, or Town Clerk.

Zoning Enforcement Officer – An individual designated by resolution of the Town Board to assume, undertake, and exercise the duties and responsibilities reposed with that officer by the provisions of this law.

Zoning Permit – A permit issued under this law by the ZEO, allowing the alteration, or construction of any building or structure which requires site plan review.

Article III. Objectives

All land use activities requiring site plan approval shall be accompanied by a proposed site plan. In considering and acting on site plans, the Town Planning Board shall consider the public health, safety, welfare, comfort, and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area. The Town Planning Board may prescribe such appropriate conditions and safeguards as may be required in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives in particular:

Section 310. Vehicular Access

The proposed access points are not excessive in number, but provide adequate width, grade, alignment, and visibility; not located too close to intersections or places of public assembly; and other similar safety conditions. Access to all sites shall be consistent with the standards set forth in the Policy and Standards for Entrances to State Highways, as revised, published by the New York State Department of Transportation.

Section 320. Circulation and Parking

That adequate off-road parking and loading spaces are provided to prevent parking of vehicles on public highways by any persons connected with or visiting the development, that the interior circulation system is adequate to provide safe accessibility to all required parking lots, and that it provides adequate separation of pedestrian and vehicular movements.

Section 330. Landscaping and Screening

That the proposed development, all parking, storage, loading, and service areas are reasonably screened during all seasons of the year from the view of adjacent residential areas and that the general landscaping and method of construction on the site is in character with the surrounding areas. Consideration of aesthetics in the project design and compatibility of signs with neighboring uses should be given.

Section 340. Natural Features

That the proposed use, together with its sanitary and water services, and stormwater and drainage facilities, are adequately designed and compatible with geologic, hydrologic, and soil conditions of the site and adjacent areas, and that existing natural scenic features are preserved to the greatest extent possible.

Section 250. Manmade Features

That the proposed use will utilize appropriate and feasible measures to mitigate the adverse effects of smoke, noise, glare, dust, vibration, odors, or noxious and offensive uses.

Article IV. Applicability

Section 410. Site Plan Approval

All new commercial and industrial uses, mobile home parks, and campgrounds within the town which have not been substantially constructed by the effective date of this Law, shall require site plan approval before being undertaken. This shall also include home occupations that:

1. Generate significant traffic, parking, sewage water use, or noise in excess of what is normal for a residential dwelling; and/or
2. Create a hazard to person or property, results in electrical interference, or becomes a nuisance; and/or
3. Result in a significant outward change in the appearance of the residential dwelling or accessory structure that is not typical of a residential use; and/or
4. Exceed (2) employees in addition to members of the family residing in the household.

Section 420. Exempted Uses

The following land use activities are exempted from the requirements of this law; however, this law does not supersede, modify, or replace procedural or substantive requirements of other local, state, or federal laws or regulations which may apply to the development, or necessity the applicant comply with those laws and regulations and obtain all necessary permits and certificates thereunder, including those of New York State's Uniform Fire Prevention and Building Code.

1. All uses and activities other than commercial and industrial uses, certain solid waste management facilities other than those described in Subsection 7 below, mobile home parks, and campgrounds.
2. Home occupations except as described above in Section 410.
3. Dairy farming, the raising of crops or livestock, and other agricultural pursuits including maple syrup production.
4. Ordinary repair or maintenance of existing structures for commercial and industrial uses, mobile home parks, and campgrounds.
5. Exterior alterations or additions to a commercial or industrial structure, which will not increase the gross floor area of the existing structure by more than twenty-five percent (25%) within any five (5) year period.
6. Interior alterations that do not substantially change the nature or use of a commercial or industrial structure.
7. The following solid waste management facilities and activities:
    a) Disposal areas and/or burning of solid waste located within the property boundaries of a single-family residence or farm for solid waste generated from that residence or farm.
    b) Disposal areas for waste pesticides by the farmer who used them.
    c) Solid waste from nonhazardous inactive landfills which has been excavated as part of a construction project and is being returned to the same excavation or other excavation containing similar solid waste or otherwise relocated within the landfill's existing footprint.
    d) Disposal areas under the jurisdiction of government agencies for animals that are killed on local roads and State and County highways.

e) Land application facilities; however, compliance with NYS regulations apply.
f) Used oil collection centers.
g) Land Filling of uncontaminated materials including land clearing debris; bricks, concrete, and other masonry material, soil, and rock.

8. Junkyards; however, compliance with County of Lewis Junkyard Law, Local Law No. 5 of 1987, as amended, is required.

Section 430. Special Use Permit

In addition to site plan review, the following uses also require a special use permit:

1. Medium-Scale Solar Energy System
2. Large-Scale Solar Energy System
3. Battery Energy Storage System

Section 440. Existing Uses and Structures

This law does not apply to uses and structures that are lawfully in existence as of the date this law becomes effective. Any use that would otherwise be subject to this law, which has been discontinued for a period of two (2) years or more, shall be subject to review pursuant to the terms of this law before such use is resumed. Any use or structure shall be considered to be in existence provided such use or structure has been substantially constructed prior to the effective date of this law.

Section 450. Prohibited Uses

The following uses are hereby prohibited from being newly sited, newly constructed, or transferred to another location within the Town of New Bremen except as exempted in Section 420:

1. Solid waste landfills.
2. Construction and demolition debris landfills.
3. Transfer stations.
4. Recycling facilities.
5. Incinerators, except when located on the site of, and accessory to, a commercial, industrial, or licensed health care facility.
6. Regulated medical waste landfill, storage, and/or transfer facilities except when located on the site of a licensed health care facility pursuant to Public Health Law.

All other solid waste management facilities, including but not limited to, composting facilities, waste tire storage facilities, construction and demolition debris processing facilities, and petroleum-contaminated soil processing facilities shall be considered commercial and/or industrial uses and shall require site plan review and approval before being undertaken.

Article V. Procedures

Section 510. General

Any person, before undertaking any new land use activity at any location within the Town for which this law requires site plan review, shall submit a site plan together with appropriate supporting data to the Town Planning Board for review and approval in accordance with the standards and procedures set forth in this law. Upon the Town Planning Board's approval, and prior to the commencement of such activity, a zoning permit shall be issued by the Zoning Enforcement Officer (ZEO). All conditions and restrictions imposed upon the site plan approval or special use permit must be met in connection with the issuance of a zoning permit.

Section 520. Application for Site Plan Review

To apply for site plan review and a zoning permit, an applicant shall complete a site plan review application form and file it with the Town Clerk along with the application fee, as determined by resolution of the Town Board.

Section 530. Site Plan Review Submission Requirements

The site plan submitted for review and supporting documentation shall include the following information, as well as other information that may be requested by the Town Planning Board:

a) Title of site plan, including name and address of applicant and person responsible for preparing such drawing.
b) North arrow, scale and date.
c) Boundaries of property plotted to scale.
d) Location, size and existing use of building on premises.
e) Location and ownership identification of all adjacent lands as shown on the latest tax records.
f) Location, name, and width of existing adjacent roads.
g) Location, width, and identification of all existing and proposed rights-of-way, easements, setbacks, internal roads, reservations, and areas dedicated to public uses on or adjoining the property.
h) Grading and drainage plan, showing existing and proposed contours and water courses.
i) Location, type of construction and exterior dimensions of all buildings and mobile home sites.
j) Identification of the amount of gross floor area proposed for commercial/industrial facilities.
k) Locations, type of construction, and area of all parking and truck loading areas, showing access and egress.
l) Provision for pedestrian access, including public and private sidewalks, if applicable.
m) Location of outdoor storage, if any.
n) Location and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences.
o) Description of the method of sewage disposal and the location of such facilities.
p) Description of the method of securing water, location of such facilities, and approximate quantity of water required.
q) Location of fire lands and other emergency zones, including the location of fire hydrants, if required.

r) Location, design, and construction materials of all energy generation and distribution facilities, including electrical, gas, and solar energy.
s) Location, size, design and type of construction of all proposed permanent signs.
t) Location and development of all proposed buffer areas, including indication of existing and proposed vegetative cover.
u) Location and design of existing and proposed outdoor lighting facilities.
v) General landscaping and planting schedule.
w) Record of applications and approval state of all necessary permits from federal, state, county and local offices.
x) Estimated project construction schedule.
y) Other elements integral to the proposed development as may be specified by the Town Planning Board.

Section 540. Specifications of Materials to be Submitted for Site Plan Review

A. Site Plan Map

The site plan map shall be drawn at a scale of one hundred (100) feet to one inch or larger and shall show existing topography at a contour interval of not more than five (5) feet. This map shall show the site area and any pertinent natural features that may affect the proposed use such as water courses, swamps, wetlands, wooded areas, areas subject to flooding, etc.

B. Site Plan

The site plan for the proposed development shall be drawn to a scale of one hundred (100) feet to one inch or larger.

C. Elevations and/or Sections

Elevations and/or sections, illustrating front, rear, and side profiles drawn to the same or smaller/larger scale as the site plan, may be required by the Town Planning Board. The elevation and/or sections shall clearly delineate the bulk and height of all buildings and other permanent structures included in the proposal, including the dimensions and height of any proposed signs.

D. Engineering Plans

The Town Planning Board may require, as appropriate, engineering plans to illustrate and describe such development aspects as road improvements, drainage systems, grading plans, public or private utility systems, sewer and water facilities, and such other supporting data as may be necessary.

Section 550. Special Use Permits

A. Purpose

Uses subject to special use permits are generally appropriate within the single Rural Residential Zoning of the Town of New Bremen; however, these uses may not be suitable for a particular parcel of property within the district. The purpose of the special use permit review is to allow the Town Planning Board to assess the use for its suitability for the specific site on which it is proposed.

B. Actions, Waivers, and Conditions

The Town or Planning Board may approve, approve with modifications, or disapprove an application for a special use permit based on the criteria of this law. The Town or Planning Board is hereby authorized to waive any requirements of this law pertaining to a special use permit review and approval when such waiver is reasonable and where the requirements of this law are not requisite in the interest of the public health, safety, or general welfare or are inappropriate to a particular special use permit. The Town or Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit.

C. Approval Criteria

In considering and acting on special use permits, the Town or Planning Board shall consider the following:

1. That the proposed use is consistent with the comprehensive plan for the community and that the public health, safety, welfare, and comfort and convenience of the public in general are safeguarded;
2. That the public facilities to service the proposed use, including water supply, sewage disposal, drainage facilities, street and pedestrian facilities, solid waste facilities, and any other utilities and public services are adequate for the intended level of use;
3. That the proposed use is of character, scale and intensity of use compatible with the surrounding neighborhood, will not conflict with neighboring uses, and will not impair the value of properties;
4. That the proposed use shall not have a deleterious effect on the site or surrounding neighborhood with regard to natural resources, aesthetic resources, scenic, historic or archaeological sites or structures, or the quality of air or water;
5. That the proposed use shall not cause undue noise, vibration, odor, glare, smoke, dust, fumes, unsightliness or electrical disturbance, nor pose a danger to neighboring properties or the general neighborhood due to hazardous or volatile substances.

Section 560. Acceptance of Land Use Application

The Town Planning Board shall determine whether to accept the site plan review and/or special use permit application as complete and begin the review process or to reject the application as incomplete. Incomplete applications shall be returned to the applicant, without prejudice, with a letter stating the application deficiencies.

Section 570. Referral to Other Agencies and Boards

A. Coordinated Review

The Town Planning Board may refer the site plan and/or special use application for review and comment to local and county officials or their designated consultants, and to representatives of federal, state, and county agencies, including but not limited to the Soil Conservation Services, the New York State Department of Transportation, the State Department of Environmental Conservation, and the State or County Department of Health.

B. County Planning Board Review

The Town Planning Board shall provide notice of all site plan review and special use permit matters that fall within those areas specified under General Municipal Law, Article 12-B, Section 239-m to the County Planning Board as required by law unless otherwise noted in the 2005 Intermunicipal Agreement (IMA) between the County of Lewis and Town of New Bremen. According to said IMA, pursuant to General Municipal Law § 239-m[3](c), the Town of New Bremen and the County of Lewis agreed that only proposed actions that meet the criteria below, shall be referred to the County Planning Board for review and recommendation under § 239-m. All other proposed actions, formerly subject to referral under §239-m, shall be deemed matters of local concern.

1. The proposed actions shall be subject to the referral requirements of § 239-m if the proposed action involves one or more of the following:
    a. Adoption or amendment of a comprehensive plan pursuant to section two hundred seventy-two-a of the town law;
    b. Adoption or amendment of a zoning ordinance or local law, except:
        i. Amendments to the zoning ordinance which only involve changes or modifications to administration of the code or changes in the fee structure (i.e., general provisions, permit procedures, powers and duties of local boards and officers, penalties for offenses, public hearing requirements, organization, and amendment procedures); and
        ii. Amendments involving the regulation of signs.
    c. Issuance of special use permits and approval of site plans or use variances, except applications which involve:
        i. Signs
        ii. Home Occupations
        iii. Extensions to preexisting nonconforming buildings when the nonconforming involves extension of an existing building line;
        iv. The placement of single-family and two-family dwellings (including mobile homes and manufactured housing);
        v. Docks, moorings, and related waterfront structures that are on parcels utilized for a single- or two-family residence;
        vi. The expansion of existing uses in existing buildings on existing lots; and
2. The above actions shall be subject to the referral requirements of § 239-m only if they apply to real property within two hundred and fifty feet of the following:
    a. The boundary of any city, village, or town; or
    b. The boundary of any existing or proposed county or state park or any other recreation area; or
    c. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
    d. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or

e. The existing or proposed boundary of any county or state-owned land on which a public building or institution is situated; or
f. The boundary of a farm operation located in an Agricultural District, as defined by Article 25-AA of the NYS Agriculture and Markets Law, except this subparagraph shall not apply to the granting of area variances.

The notice and County Planning Board referral shall be accompanied by a full statement of the matter under consideration.

C. Agricultural Data Statement; Requirements

An application for a site plan review permit that would occur on a property within an agricultural district containing a farm operation or on a property with boundaries within 500 feet of a farm operation location in an agricultural district shall include an agricultural data statement. The Town Planning Board shall consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district.

D. Agricultural Data Statement; Content

An agricultural data statement shall include the following information: The name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 250 feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

E. Agricultural Data Statement; Notice Provision

Upon the receipt of such application by the Town Planning Board, written notice of such application shall be mailed to the owners of land as identified by the application in the agricultural data statement. Such notice shall include a description of the proposed project and its location. The cost of mailing said notice shall be borne by the applicant.

F. Environmental Review.

The Town Planning Board shall be responsible for compliance with the State Environmental Quality Review (SEQR) Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6NYCRR, 617.

Section 580. SEQR Compliance

The applicant shall demonstrate compliance for any actions subject to SEQR prior to site plan or special use permit approval.

Section 590. Public Hearing

The Town Planning Board may conduct a public hearing on the site plan and/or special use permit application. If the Town Planning Board decides to hold a public hearing, such hearing shall be held within sixty-two (62) days of submission of the complete application. A notice of such hearing shall be advertised in a newspaper in general circulation in the Town at least five (5) days prior and mailed to the applicant ten (10) days prior to the hearing.

Section 595. Town Planning Board Action

Following the conclusion of the SEQR review process, and within sixty-two (62) days of its receipt and acceptance of the complete application for site plan approval, or, if a public hearing is held, within sixty-two(62) days after the close of the hearing, the Town Planning Board shall render its decision to either approve, approve with modifications, or disapprove the site plan and/or special use permit.

A. Approval

Upon approval with or without modifications of the site plan or special use permit, and payment by the applicant of all fees and reimbursable costs due to the Town, the Town Planning Board shall endorse its approval with or without modifications, on a copy of the site plan review and/or special use permit application. The decision of the Town Planning Board shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered. A copy of such decision shall be mailed to the applicant, along with a written statement of approval with or without modifications.

B. Disapproval

Upon disapproval of the site plan or special use permit, the decision of the Town Planning Board shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered. A copy of such decision shall be mailed to the applicant along with a letter stating the Town Planning Board's reasons for disapproval.

Article VI. Design Standards

Section 610. Lot Development Criteria

An application for site plan review shall not be approved unless the proposed use meets the following minimum development standards.

A. Sewer, Water, and Public, Facilities

Sewer, water, and other utilities shall be provided in accordance with the requirements of the NYS Sanitary Code, and subject to any other Town requirements.

B. Access/Traffic Standards

Site plan approval shall be conditional upon the applicant obtaining any necessary approvals from the jurisdictional permitting authority, e.g. county, or town highway departments. In addition, the following access requirements shall apply:

1. Private roads and driveways shall be constructed and maintained so as to provide for year-round access.
2. Private roads and driveways shall be finished with a surface that will assure that it will be maintained free of dust and debris. Surface materials may include oil and chip, compact gravel, or blacktop.
3. There shall be a minimum distance of thirty-five (35) feet between proposed and existing driveways on public roads.
4. Driveways shall be combined wherever possible to minimize the number of access points onto public roadways.
5. No driveway centerline shall intersect a street line less than seventy (70) feet from the intersection of any two (2) roadways.
6. Driveway grade and width shall be such that adequate and safe access is provided for emergency and service vehicles during all seasons.
7. The minimum maintained width of driveways shall be twenty-four (24) feet which allows for incoming and outgoing vehicles to pass one another safely.
8. The additional traffic generated, together with existing traffic, shall not exceed the capacity of the highways(s) that serve the development.
9. In situations where the proposed additional traffic is likely to result in a significant decrease in traffic safety conditions, the Town Planning Board may require the applicant to provide traffic improvements as a condition of site plan approval, or to reduce the size or density of the proposed development.

C. Parking/Loading Standards

The following off-street loading standards may be required by the Town Planning Board in appropriate circumstances:

1. On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
2. Adequate off-street parking must be provided. There shall be at least two (2) parking spaces for each mobile home site within a park, and for each dwelling unit. Commercial/industrial uses shall have one (1) parking space per 1,000 square feet of

gross floor area, or one (1) space per three (3) employees, whichever will require a larger number of spaces.

3. Minimum dimensions of parking spaces shall be eight (8) feet by eighteen (18) feet. Car loading spaces shall be at least fifteen (15) feet in width and at least twenty-five (25) feet in length, exclusive of access and turning areas. Truck loading spaces shall be at least fifteen (15) feet in width and at least sixty (60) feet in length, exclusive of access and turning areas.
4. Curbing may be required along the frontage to delineate access points.
5. Where possible, parking/loading areas should be located to the sides or rear of the industry.
6. Any loading dock facing a road front shall be sufficiently far back from the road to enable the largest permitted tractor trailer to maneuver into said loading dock without obstructing traffic.

D. Landscaping and Screening

Landscaping and screening shall be provided as follows:

1. Existing vegetation shall be used to the greatest extent possible.
2. Along a property line facing a residential property, a twenty (20) feet wide buffer strip of evergreen planting shall be provided to effectively screen the commercial/industrial, mobile home park, or campground use from view.
3. Along road frontage, a twenty (20) feet wide buffer of landscaping shall be provided where appropriate, and designed so as not to obstruct sight distance at points of access.
4. Where appropriate, a well, fence, or earth berm of location, height, and design approved by the Town Planning Board, may be substituted for the required planting.
5. Where the existing topography and/or landscaping provides adequate screening, the Town Planning Board may modify the planting and/buffer area requirements.

E. Lighting

Adequate lighting shall be provided on a site to ensure safe movement of persons and vehicles and for security purposes. All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties.

1. The style of light and light standard should be consistent with the architectural style of the principal building.
2. The maximum height of free-standing lights should be the same as the principal building but not exceeding twenty-five (25) feet.
3. Where lights along the property lines will be visible to adjacent residents, the lights should be appropriately shielded.
4. Spotlight-type fixtures attached to buildings should be avoided.
5. Free-standing lights should be so located and protected to avoid being easily damaged by vehicles.

F. Signs

One sign per entrance that identifies the development is permitted and should be compatible with the general environment of the project site. Signs should conform to the following standards:

1. No sign shall be allowed which utilizes flashing or strobe-type lights, or any type of pulsating or moving light. Electronic message centers may only be used in accordance with the provisions of this Chapter.
2. Maximum height for a free-standing entrance sign, from base elevation, shall be no greater than twenty (20) feet.
3. Maximum area of one side or face of a sign shall not exceed thirty-two (32) square feet. Each side of a two (2) sided sign shall not exceed sixteen (16) square feet.
4. Maximum area of a one side or face affixed to a building shall be no greater than thirty-two (32) square feet.

G. Drainage

1. To the extent practicable all development shall conform to the natural contours of the land, and pre-existing manmade drainageways shall remain undisturbed.
2. All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
    a. The retention results from a natural wetland on site, or a technique, practice, or device deliberately installed as part of an approved sedimentation or stormwater runoff control plan.
3. Wherever practicable, the drainage system of a development shall be coordinated with the connections to the drainage systems or drainageways on surrounding properties or roads.
4. Construction specifications for drainage swales, and storm drainage shall be designed to town requirements as follows:
    a. The natural state of watercourses, swales, or rights-of-way shall be maintained as nearly as possible. All drainage facilities shall be designed for a 20-year storm, minimum. The Town Planning Board may require facilities sized for more intensive storms should development conditions in the vicinity of the site warrant a greater degree of protection.
    b. Surface water runoff shall be minimized and detained on-site as long as possible and practicable to facilitate groundwater recharge.
5. All developments shall be constructed and maintained so that adjacent properties are not impacted by surface waters as a result of such developments. No development shall be constructed or maintained so that such development impedes the natural flow of water thereby causing damage to any adjacent properties, or unreasonably collected and channels surface water onto adjacent properties at such locations or at such volume as to cause substantial damage to such lower adjacent properties.

H. Erosion Control

For the purpose of this section, disturbed land shall mean any use of the land by any person, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, wind, or ice from the site of its origin. This section shall not be construed to include the normal disturbance of the soil and its natural cover occurring in the ordinary course of agricultural use.

1. An Erosion Control Plan must be submitted and approved when an activity involves one of the following:
    a. Disturbs five (5) acres or more of land.
    b. Is to be conducted on a site that has a slope anywhere on the site that averages fifteen (15) percent or more over a horizontal distance of at least one hundred (100) feet.
2. All measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area shall be provided. Every effort shall be made by the applicant to minimize velocities of water runoff and retain sedimentation within the development site as early as possible following disturbances.

Section 620. Mobile Home Park Occupancy Restrictions

A. Mobile Home Skirting

1. The mobile home shall be provided with a skirt immediately upon placement at its site within the park in order to screen space between the mobile home and the ground; and
2. Such skirts shall be of permanent material providing a finished exterior appearance.

Section 630. Solar Energy System Requirements

Small-Scale Solar Energy Systems, Medium-Scale Solar Energy Systems, and Large-Scale Solar Energy Systems shall be considered a new industrial or commercial use that are allowed in the Town of New Bremen's single zoning district with the receipt of a Site Plan Approval and Special Use Permit. The requirements of this law shall apply to all Solar Energy Systems installed or modified after this law's effective date. Solar Energy System installations for which a valid building permit has been issued before the effective date of this local law shall not be required to meet the requirements of this local law. Medium-Scale and Large-Scale Solar Energy Systems shall require Site Plan Review pursuant to this Section and the entirety of Article VI. If there are conflicting requirements, the more restrictive requirement shall apply. Issuance of permits and approvals by the Town Board, Planning Board, or Zoning Board shall include review pursuant to the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617.

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 Fire and Building Code, as well as may be required by the Public Service Commission regulations.

A. Small-Scale, Agricultural, and Building-Integrated Solar Energy Systems

These Solar Energy Systems, as well as the general maintenance of such systems, do not require Site Plan Review and shall be considered Accessory Structures allowed in the one New Bremen zoning district. Such systems shall be required to obtain a building permit or a solar building

permit from the Town of New Bremen proper to placement and operation unless the Town exempts farm structures from requiring building permits and shall also meet all other requirements pertaining to Accessory Structures.

The following conditions shall be met:

1. Roof-Mounted Solar Energy Systems shall be installed parallel to the roof surface on which they are mounted, shall not extend higher than the highest point of the roof surface on which they are mounted or the top of the surrounding parapet, or more than 24" above the flat surface of the roof, whichever is greater.
2. All solar panels shall have anti-reflective coating.
3. Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building containing the system.

B. Medium-Scale Solar Energy Facilities

Medium-Scale Solar Energy Systems are permitted subject to receiving Site Plan Approval and a Special Use Permit from the Town of New Bremen Planning Board. The Board shall consider the visual effect of the proposed solar installation on scenic and historic resources and viewsheds, impacts on community character, compatibility of the proposed Solar Energy System with adjacent and other nearby land uses, compatibility with agriculture farmlands, managing stormwater runoff, and the effect of the proposed installation on ecologically sensitive land or water resources.

The following application materials are required for this use:

1. If the property of the proposed project is to be leased, legal consent between all parties, including easements and other agreements.
2. Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect. Plans shall show the proposed layout of the entire Solar Energy System along with a description of all components, whether on-site or off-site, existing vegetation, existing or proposed access, gates, parking areas, mounting systems, inverters, panels, fencing, proposed clearing and grading of all sites involved, and proposed buffering and screening.
3. Stormwater runoff calculations, drainage plan, clearing, and grading plans. The clearing and grading plan shall also include methods to stockpile, reduce erosion of, and reuse all topsoil from the site. If one acre or more of land is to be disturbed the applicant shall also submit a preliminary Stormwater Pollution Prevention Plan consistent with NYS DEC or local MS4 requirements. Clearing and/or grading activities are subject to review by the Town or Planning Board and shall not commence until the issuance of the Site Plan Approval.
4. Photo simulations shall be included showing the proposed Medium-Scale Solar Energy System in relation to the building/site along with elevation views and dimensions, and photo simulations of the proposed Medium-Scale Solar Energy System, solar collectors, and other components. The Town or Planning Board may require photo simulations to be provided from specific roads or other public areas that may be impacted. In the course of its review of a proposal for development, the

Town or Planning Board may require an applicant to submit a viewshed analysis that meets the procedures identified within the New York State Department of Environmental Conservation's SEQRA publication entitled "Assessing and Mitigating Environmental Impacts."

5. Part I of the Full Environmental Assessment Form filled out, unless deemed a Type II action pursuant to Part 617 (SEQR).
6. Details of any proposed noise that may be generated by inverter fans, or other noise-generating equipment that may be included in the proposal. The Town or Planning Board may require a noise analysis to determine potential adverse noise impacts.
7. Property operation and maintenance plans shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming, snow removal, and fence maintenance as well as any proposed use of pesticides or herbicides.
8. Landscaping and screening plans shall describe the methods and types of screening that is proposed, including but not limited to existing vegetation, topography, fencing and structures, and detailing the number, location and species of vegetation to be planted on-site and the size and extent of berms. A plan showing appropriate performance criteria specifying minimum plant sizes and measures to be taken in the event that the proposed vegetation fails to survive, flourish or otherwise meet said performance criteria shall be submitted with a building permit application. If at all possible, earth berms should be utilized for the screening of any Solar Energy System.
9. A location map of the connection point to the grid shall be provided along with a description of any easements or rights-of-way, clearing, infrastructure, apparatuses, and equipment that may be necessary or required to connect to the grid.
10. Decommissioning plans are required to ensure the proper removal of Medium-Scale Energy Systems. A Decommissioning Plan shall also be submitted with a building permit application. Compliance with this Decommissioning Plan must specify that after the Medium-Scale Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The decommissioning plan shall also include:
    a. Provisions describing the triggering events for decommissioning of the Solar Energy System;
    b. Provisions for the removal of structures, debris and cabling, including those below the soil surface;
    c. Provisions for the restoration of the soil and vegetation. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction;
    d. A timetable approved by the Town or Planning Board for site restoration;
    e. An estimate of the decommissioning costs certified by a Professional Engineer. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimates shall consider inflation. Removal of Medium-Scale

Solar Energy Systems must be completed in accordance with the Decommissioning Plan.

f. Financial Assurance in the form of a security deposit, escrow account, bond or in a manner otherwise acceptable to the Town, shall be secured by the Owner or Operator, for the purpose of adequately performing decommissioning in an amount equal to the Professional Engineer's certified estimate of removal and decommissioning costs. The financial assurance shall be reviewed by the Town Attorney annually to ensure the Owner or Operator and bond maintain the necessary assurances for decommissioning;
g. Identification of and procedures for the Town of New Bremen access to Financial Assurances;
h. A provision that the terms of the Decommissioning Plan shall be binding upon the Owner or Operator or any of their successors, assigns, or heirs;
i. A provision that the Town of New Bremen, its officials, employees, agents, or contractors shall have the right of access to the site, [pursuant to reasonable notice, to effectuate or complete removal and decommissioning];
j. Removal of machinery, equipment, tower, and all other materials related to the projects is to be completed within one year of decommissioning. If the Medium-Scale Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system, restore the property, capture the bond or associated financial assurance and impose a lien on the property to cover these costs to the municipality.
k. The Decommissioning Plan shall also include an expected timeline for execution.

11. If in the course of the delivery, installation, maintenance, dismantling, removal or transport of the Solar Energy System or any components thereof the property of the Town of New Bremen, including but not limited to roadways, shoulders, drainage structures, signage, guide rails, etc., is damaged by the efforts of the applicant or any agents thereof, the applicant shall, within 30 days of completing construction, completely replace or repair all damage in consultation with the Town Highway Superintendent.
12. The following standards shall be required:
    a. Anti-Glare. All solar collectors and related equipment shall be surfaced, designed, and coated with anti-reflective materials and shall be sited to minimize glare reflected onto adjacent residences and roadways.
    b. Height and Setback. All ground-mounted Solar Energy Systems:
        i. Shall not exceed 20' in height when oriented at maximum tilt. The height of arrays shall be measured from the highest natural grade below each solar panel to its maximum potential height.
        ii. Enclosure fence shall be located at least 150' from the centerline of any State road or at least 100' from the centerline of any County or Town road.

iii. Enclosure fence shall be located at least 150’ from side or rear non-participating property lot lines. If an applicant can prove that there is a visual benefit to minimizing the side or rear non-participating property lot lines, then the Town or Planning Board may allow a setback of no less than 50’.
iv. Solar Panels shall be placed at least 350’ from an occupied residence not involved in the project unless the owner of the residence agrees to waive the requirement in writing.
v. Solar Energy System inverters and battery systems should be placed near the center of the project, where practicable, in order to reduce noise propagation from the site.

c. Lot Area. A parcel must have a minimum lot area of 15 contiguous acres.
d. Fencing. All Medium-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the up-to-date owner’s contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be approved by the Town or Planning Board. Solar equipment shall not be used for displaying any advertising.
e. Screening. All Medium-Scale Solar Energy Systems that are viewable from any public road shall be required to provide landscaping along the entire street frontage to ensure the site is screened and harmonious with the character of the property and surrounding area. Appurtenant structures such as inverters, batteries, equipment shelters, storage facilities, and transformers, should be screened from adjoining residences. The Town Planning Board can waive this requirement if sufficient justification is provided by the applicant.
f. Stormwater Management. The Solar Energy System shall be designed with the ground cover as pervious to the maximum extent practicable so that stormwater infiltrates as sheet flow across the system. If solar panels are constructed in such a manner as to promote effective infiltration of rainfall, the Solar Energy System may be considered pervious for stormwater pollution prevention purposes. Other structures such as, but not limited to, transformers, buildings, or paved entrance roads shall still be considered impervious. The following criteria shall be used to establish a Solar Energy System as pervious cover:
    i. Solar Panels must be positioned to allow water to run off their surfaces;
    ii. Soil with adequate vegetative cover must be maintained under and around the panels; and
    iii. The area around the panels must be adequate to ensure proper vegetative growth under and between the panels.
g. Wetland Protection. Solar Energy Systems shall avoid designated wetlands as defined by the New York State Department of Environmental Conservation to the extent practicable. Impacts that are not practicable to

avoid shall be properly permitted or allowed by the applicable regulatory authority.

h. Protection of Critical Environmental Areas. No Solar Energy System shall be installed on Critical Environmental Areas (CEAs) as defined by the New York State Department of Environmental Conservation.

i. Protection of Agricultural Resources. Siting of any Medium-Scale Solar Energy System located on lots that contain Prime Farmland or Farmland of Statewide Importance shall be prioritized on portions of the lot that do not contain Prime Farmland or Farmland of Statewide Importance to the extent practicable. Medium-Scale Solar Energy Systems on Prime Farmland or Farmland of Statewide Importance shall be required to seed, buffer, or border areas around the periphery of solar panel areas with native perennial vegetation designed to attract pollinators.
   To the maximum extent practicable, Medium-Scale Solar Energy Systems located on Prime Farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.

j. Protection of Forested Land. The Town of New Bremen strongly discourages project locations that result in significant loss of land and natural resources, including farm and forest land, and encourages rooftop siting. Significant tree cutting is problematic because of the important water management, cooling, and climate benefits trees provide. During the development/exploratory stage, from the time the owner and/or operator initiates or enters an Option Lease with the Property Owner, removal of existing trees should be limited to less than 1 acre. Additionally, due to potential endangered species impacts, water management concerns, cooling, and climate benefits, prior to a decision from the Town or Planning Board, the applicant should consult with and receive approval from United States Fish and Wildlife Service and New York State Department of Environmental Conservation.

C. Large-Scale Solar Energy Facilities

Large-Scale Solar Energy Systems are permitted through the issuance of Site Plan Approval and a Special Use Permit within the single zoning district in the Town of New Bremen, in which the Town or Planning Board will review each application concurrently and is subject to the requirements set forth in this Section. All procedures including, but not limited to, sketch plan review, public hearing, and time frames pursuant to the zoning law shall be met.

All application requirements for Medium-Scale Solar Energy Facilities shall also apply to Large-Scale Solar Energy Facilities, with the addition of the following stipulations:

1. If the applicant does not complete construction of the project within 18 months after beginning construction, this may be deemed as abandonment of the project and require implementation of the decommissioning plan to the extent applicable. The Town may notify the operator and/or owner to complete construction and installation of the facility within 180 days. If the owner and/or operator fails to

perform, the Town may notify the owner and/or operator to implement the Decommissioning Plan. The Decommissioning Plan must be completed within 180 days of notification by the Town.

2. Upon cessation of activity of a constructed facility for a period of one year, the Town may notify the owner and/or operator of the facility to implement the Decommissioning Plan. Within 180 days of notice being served, the owner and/or operator can either restore operation equal to 80% of approved capacity or implement the Decommissioning Plan.
3. If the owner and/or operator fails to fully implement the Decommissioning Plan within the 180-day time period, the Town may, at its discretion, provide for the restoration of the site in accordance with the Decommissioning Plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Town shall be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes.
4. If in the course of the delivery, installation, maintenance, dismantling, removal or transport of the Solar Energy System or any components thereof the property of the Town of New Bremen, including but not limited to roadways, shoulders, drainage structures, signage, guide rails, etc., is damaged by the efforts of the applicant or any agents thereof, the applicant shall, within 30 days of completing construction, completely replace or repair all damage in consultation with the Town Highway Superintendent.
5. All standards required for Medium-Scale Solar Energy Systems shall also be required for Large-Scale Solar Energy Systems. In addition, the following shall be required:
    a. Acreage Limitations. Large-Scale Energy Systems shall not collectively occupy more than a total of 150 acres in the Town of New Bremen. Furthermore, there is a minimum of 20 acres and a maximum of 50 acres for a single Large-Scale Solar Energy System.
    b. All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the up-to-date owner's contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be approved by the Town or Planning Board. Solar equipment shall not be used for displaying any advertising.
    c. There shall be a minimum 75-foot buffer between any component of the Large-Scale Solar Energy System and the parcel boundary line.
    d. Vegetation shall be maintained below the solar panels. The ground within the fenced perimeter shall not be tamped, compressed, or similar treatments to inhibit the growth of natural vegetation. The Town or Planning Board may allow for co-usage of the lands under and around installed solar panels for grazing or growing of crops that could be grown or harvested without damaging or interfering with the Solar Energy System.
    e. The Town or Planning Board may require methods to mitigate adverse impacts to wildlife, wildlife habitats, travel corridors, or migration routes. These may be but are not limited to use of fencing that allows for an 8" to

12” space at the bottom that allows wildlife passage or other use of lights, colors, or decoys.

f. All roadways associated with the Large-Scale Solar Energy System shall remain unpaved and of pervious surfaces.
g. Traffic and Roadway Impacts. The Town or Planning Board may require a traffic impact assessment to evaluate potential adverse impacts on public roads. This may include New York State Department of Transportation review if the project is accessed from a state highway.
h. All Large-Scale Solar Energy Systems shall be adequately screened with a combination of vegetative buffers, earth berms, or landscaping from all streets and adjacent residential uses to the extent practicable.
    i. Appropriate landscaping and/or site design features, including both the maintenance of existing natural vegetation and the introduction of new plantings consisting of a naturally appearing blend of deciduous and coniferous species, shall be required to help screen the facility and accessory structures from roads, neighboring residences, and other uses. Any existing tree or group of trees which stands within or near a required planting area may be used to satisfy the screening and tree planting requirements.
i. Protection of Forested Land. The Town of New Bremen strongly discourages project locations that result in significant loss of land and natural resources, including farm and forest land, and encourages rooftop siting. Significant tree cutting is problematic because of the important water management, cooling, and climate benefits trees provide. From the time the owner and/or operator initiates or enters an Option Lease with the Property Owner, removal of existing trees should be limited to less than 1 acre. Additionally, due to potential endangered species impacts, water management concerns, cooling, and climate benefits, prior to a decision from the Town or Planning Board, the applicant should consult with and receive approval from United States Fish and Wildlife Service and New York State Department of Environmental Conservation.
j. The design, construction, operation, and maintenance of any Large-Scale Solar Energy System shall minimize glare into neighboring properties and public roads in excess of that which already exists.
k. Artificial lighting of Large-Scale Solar Energy Systems shall be limited to lighting required for safety and operational purposes and shall be directed downward and not spill onto adjacent properties to the extent practicable.
l. Where feasible, all utilities serving the site shall be underground. If solar storage batteries are included in the Solar Energy System, the batteries must be placed in a secure container or enclosure meeting the requirements of the International Building Code, International Fire Prevention Code, and NFPA 70. When the batteries are no longer in use, they shall be disposed of in accordance with the International Building Code, International Fire

Prevention Code, and NFPA 70 as well as the local laws of the Town, and any other applicable laws or regulations.

m. The manufacturer or installer's identification, contact information, and appropriate signage shall be posted at the site and clearly visible. All emergency contact information shall be displayed and updated within 15 days of any changes. The Town, County Planning Department, County Emergency Management Services, and Fire District should be notified in writing of the emergency contact information within 15 days of any changes.
n. Following the construction of a Large-Scale Solar Energy System, all disturbed areas where the soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust. Pollinator-friendly vegetation is preferred.
o. When any Large-Scale Solar Energy System is installed before it becomes active, the owner of the site and/or Solar Energy System must contact the Town's emergency responders to make arrangements for a meeting at the site to review the components of the Solar Energy System and to be educated on safety issues and procedures in the event emergency response is needed. This shall include detailed discussion related to the location of labeled warnings, access to the site and information on emergency disconnection of the system. In addition, the Town Planning Board may require a plan for installation regarding the location of placards which provide mutual aid responders with sufficient information to protect them when responding to calls on site.
p. If the ownership of a Solar Energy System changes, the Special Use Permit and Site Plan Approvals shall remain in full force and effect providing all conditions of the Special Use Permit, including bonding, letters of credit or continuing certification requirements or obligations, including maintenance continue to be obligations of successor owners. The change in ownership shall be registered with the Town Clerk with a copy to the Code Enforcement Officer and ZEO within 15 days of the change. The Town Clerk shall notify the Town Board and Planning Board of such change.

D. Glare Assessments

Both Medium-Scale and Large-Scale Solar Energy System applicant should consult with the Wheeler-Sack Army Airfield and the Watertown International Airport early and throughout the planning process to ensure that a proposed project meets all FAA or other military requirements for such airfield. The Town or Planning Board may require written submission of the project plan to the airfield.

In order to prevent unwanted visual impacts to air control towers and airplane pilots, all applicants for Medium-Scale and Large-Scale Solar Energy Systems shall conduct a glare analysis.

E. Solar Energy System Application & Review Costs

Given the complexities of Solar Energy Systems and the need for professional assistance, a Solar Energy System application shall be accompanied by a fee per the fee schedule established by the

Town Board of the Town of New Bremen. All costs that may be associated with the review of the project by the Town of New Bremen above and beyond this fee shall also be borne by the applicant. When the Town or Planning Board determines that a review will require additional engineering, legal, environmental, or planning costs, they shall provide a cost estimate to the applicant for such services.

Subsequently, an escrow account shall be established, and the applicant shall pay into such escrow account sufficient funds to cover those costs. Such payment shall be made prior to commencement of any further Town or Planning Board review.

Section 640. Battery Energy Storage Systems

A. General Requirements

1. A building permit and an electrical permit shall be required for installation of all Battery Energy Storage Systems.
2. Issuance of permits and approvals by the Town or Planning Board shall include review pursuant to the State Environmental Review Act.
3. All Battery Energy Storage Systems, all Dedicated Use Building, and all other buildings or structures that (1) contain or are otherwise associated with a Battery Energy Storage System and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform code, the Energy Code, and the Town Code.
4. The Town of New Bremen strongly discourages project locations that result in significant loss of land and natural resources, including farm and forest land. Significant tree cutting is problematic because of the important water management, cooling, and climate benefits trees provide. From the time the owner and/or operator initiates or enters an Option Lease with the Property Owner, removal of existing trees should be limited to less than 1 acre. Additionally, due to potential endangered species impacts, water management concerns, cooling, and climate benefits, prior to a decision from the Town or Planning Board, the applicant should consult with and receive approval from United States Fish and Wildlife Service and New York State Department of Environmental Conservation.

B. Permitting Requirements for Tier 1 Battery Energy Storage Systems

Tier 1 Battery Energy Storage Systems shall be permitted in the Town of New Bremen single zoning district, subject to the Uniform Code and shall be exempt from Site Plan Review or Special Use Permitting.

C. Permitting Requirements for Tier 2 Battery Energy Storage Systems

Tier 2 Battery Storage Systems are permitted through the issuance of a Special Use Permit and Site Plan Review approval and shall be subject to the Uniform Code and the Site Plan Application Requirements set forth in this Section.

1. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the

exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

2. Signage.
    a. The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the Battery Energy Storage Systems, any special hazards associated, the type of suppression system installed in the area of Battery Energy Storage Systems, and an up-to-date 24-hour emergency contact information, including reach-back phone number.
    b. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
3. Lighting. Lighting of the Battery Energy Storage Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.
4. Vegetation and tree-cutting. Areas within 10 feet of each side of Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground cover shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the greatest extent possible.
5. Noise. The 1-hour average noise generated from the Battery Energy Storage Systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the outside wall of any non-participating residence or occupied community building. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the Battery Energy Storage System to demonstrate compliance with this standard.
6. Decommissioning.
    a. Decommissioning Plan. The applicant shall submit a Decommissioning Plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The Decommissioning Plan shall include:
        i. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all Battery Energy Storage System components, structures, equipment, security barriers, and transmission lines from the site;
        ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
        iii. The anticipated life of the Battery Energy Storage System;

iv. The estimated decommissioning cost from a Professional Licensed Engineer and how said estimate was determined;
v. The method of ensuring that funds will be available for decommissioning and restoration;
vi. The method by which the decommissioning costs will be kept current;
vii. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the Battery Energy Storage System, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
viii. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

b. Decommissioning Fund. The owner and/or operator of the energy storage system shall continuously maintain a fund or bond payable to the Town of New Bremen in a form approved by the Town of New Bremen for the removal of the Battery Energy Storage System, in an amount determined by the Town for a period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed financial institution. All costs of the financial security shall be borne by the applicant.

7. Site Plan Review Application. Applications for a Tier 2 Battery Energy Storage System will require the following information:
    a. Property lines and physical features, including roads, for the project site.
    b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
    c. An electrical diagram detailing the Battery Energy Storage System layout, associated components, and electrical interconnection methods, with all National Electric Code-compliant disconnects and over current devices.
    d. A preliminary equipment specification sheet that documents the proposed Battery Energy Storage System components, inverters, and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a building permit.
    e. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Battery Energy Storage System. Such information of the final system installer shall be submitted prior to the issuance of building permit.
    f. Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the Battery Energy Storage System.

g. Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery Energy Storage System commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to the final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Town or Planning Board prior to the final inspection and approval and maintained at an approved on-site location.
h. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code. Prior to a final inspection, the Applicant must provide documentation proving that on-site training with the local emergency management personnel be comprehensively conducted and that the involved districts are comfortable with the training they have received.
i. Operation and Maintenance Manual. Such plan shall describe continuing Battery Energy Storage System maintenance and property upkeep, as well as design, construction, installation, testing, and commissioning information and shall meet all requirements set forth in the Uniform Code.
j. Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Town or Planning Board.
k. Prior to the issuance of the building permit or final approval by the Town or Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.
l. Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following:
    i. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
    ii. Procedures for inspection and testing of associated alarms, interlocks, and controls.

iii. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
iv. Emergency procedures to be followed in case of fire, explosion, release of liquid or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
v. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
vi. Procedures for dealing with Battery Storage Energy System equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged Battery Energy Storage System equipment from the facility.
vii. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
viii. Procedures and schedule for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedure.

8. Special Use Permit Standards.
    a. Setbacks. Tier 2 Battery Energy Storage Systems shall comply with the setback requirements of Medium and Large-Scale Solar Energy Systems.
    b. Height. Tier 2 Battery Energy Storage Systems shall not exceed 10 feet in height.
    c. Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a 7-foot-high fence with a self-locking gate to prevent unauthorized access housed in a dedicated-use building and not interfering with ventilation or exhaust ports.
    d. Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping or other screening methods that will harmonize with the character of the property and surrounding area and not interfere with ventilation or exhaust ports.
9. Ownership Changes. If the owner of the Battery Energy Storage System changes or the owner of the property changes, the Special Use Permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the Special Use Permit, Site Plan Approval, and Decommissioning Plan. A new owner or operator of the Battery Energy Storage System shall notify the

designated Zoning Enforcement Officer and Town Clerk of such change in ownership or operator within 15 days of the ownership change. A new owner or operator must provide such notification to the Zoning Enforcement Officer and Town Clerk in writing. The Special Use Permit and all other local approvals for the Battery Energy Storage System would be void if a new owner or operator fails to provide written notification to the Zoning Enforcement Officer and Town Clerk in the required time frame. Reinstatement of a void Special Use Permit will be subject to the same review and approval processes for new applications under this Local Law.

10. Safety.
    a. Safety Certification. Battery Energy Storage Systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for Battery Energy Storage Systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:
        a. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications);
        b. UL 1642 (Standard for Lithium Batteries)
        c. UL 1741 or UL 62109 (Inverters and Power Converters);
        d. Certified under the applicable electrical, building, and fire prevention codes are required.
        e. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.
    b. Site Access. Battery Energy Storage Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 2 Battery Energy Storage System is located in an ambulance district, the local ambulance corps.
    c. Battery Energy Storage Systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.
11. Permit Time Frame and Abandonment
    a. The Special Use Permit and Site Plan Approval for a Battery Energy Storage System shall be valid for a period of 24 months, provided that a building permit is issued for construction and construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Town or Planning Board, within 24 months after approval, the Town may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 36 months, the approvals shall expire.
    b. The Battery Energy Storage System shall be considered abandoned when it ceases to operate consistently for more than one year. If the owner and/or

operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.

Article VII. Guarantee of Site Improvements

Section 710. General

Subsequent to the granting of site plan approval, no certificate of occupancy shall be issued until all improvements shown on the site plan review are installed or a sufficient performance guarantee has been provided by the applicant for improvements not yet completed.

Section 720. Performance Guarantee Options

In order for the town to have assurance that the construction and installation of such improvements as storm sewers, water supply, sewage disposal, sidewalks, parking, and access roads will be constructed in accordance with these standards and/or any site plan approval modifications, the Town Planning Board may require that the applicant enter into one of the following agreements with the town.

1. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans.
2. Deposit certified check in sufficient amount up to the total cost of construction of such improvements as shown on the site plan.
3. Provide the town with a letter of credit that is of sufficient amount to cover up to one hundred ten percent (110%) of the total cost of improvements as shown on the site plan.

Section 730. Conditions

1. Any such bond, certified check, or letter(s) of credit shall require the approval of the Town Board, upon recommendation of the Town Planning Board, and in consultation with the Town Attorney as to form, sufficiency, manner of execution and/or surety, and duly notarized.

Section 740. Extension of Time

The construction or installation of any improvements or facilities, other than roads, for which a guarantee has been made by the applicant in the form of a bond or certified check deposit, shall be completed within one year from the date of approval of the site plan. The applicant may request that the Town Planning Board grant he or she an extension of time to complete such improvements, provided the applicant can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the town may use as much of the bond or check deposit to construct the improvements as necessary. The Town Planning Board may also grant the applicant an extension of time whenever construction of improvements is not performed in accordance with applicable standards and specifications.

Section 750. Schedule of Improvements

When a certified check or performance bond is issued pursuant to the preceding sections, the town and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation. However, ten percent (10%) of the check deposit or performance bond shall not be repaid to the applicant until one year following the completion and inspection by the town of all construction and installation covered by the check deposit or performance bond.

Article VIII. Administration/Enforcement

Section 810. Site Plan Review and Special Use Permit Compliance

No zoning permit or certificate of occupancy shall be issued by the Zoning Enforcement Officer (ZEO), except upon authorization by and in conformity with a Town Planning Board-approved site plan review and/or special use permit.

Section 815. Zoning Enforcement Officer

1. The Town Board may appoint a Zoning Enforcement Officer (ZEO) to carry out the duties assigned by this local law. If appointed, the ZEO shall be responsible for the overall inspection of site improvements including coordination with the Town Planning Board and other officials and agencies, as appropriate.
2. The Zoning Enforcement Officer shall:
    a. Issue zoning permits and certificates of occupancy.
    b. Refer appropriate matters to the Zoning Board of Appeals or Town Planning Board.
    c. Revoke permits and certificate of occupancy where there is false, misleading, or insufficient information or where the applicant has varied from the terms of the application.
    d. Issue stop work orders and appearance tickets and refer violations.

Section 820. Permit Expiration

A zoning permit issued under this law shall expire one (1) year from the date of issue if construction is not substantially started. Such permits may be renewed on a yearly basis.

Section 825. Discontinued Uses

Any use that requires site plan approval that has been discontinued for a period of two (2) years or longer shall be termed abandoned and may not be reinstituted without applying for a new permit.

Section 830. Temporary Permits

Temporary permits may be issued by the ZEO, upon approval by the Town Planning Board (as meeting the intent and purpose of this law) for a period not exceeding one (1) year. Such temporary permits are conditioned upon agreement by the owner or operator to remove any equipment upon expiration of the temporary permit or to bring the use into compliance by a specified time. Such permits may be renewed.

Section 835. Amendments

The Town Board may amend, supplement, or repeal the regulations and provisions of this law after public notice and public hearing pursuant to the requirements of the State of New York.

Section 840. Further Rules and Regulations

The Town Board may, after a public hearing, adopt such further rules and regulations as it deems reasonably necessary to carry out the provisions of this local law.

Section 845. Violations and Penalties

1. Wherever a violation of this law occurs, the Town Board or any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the ZEO who shall properly record and immediately investigate such complaints. If the complaint is found to be

valid, the ZEO shall issue a Violation Notice and/or Stop Work Order requiring all work to cease until the violation is corrected. If the violation is not corrected within the specified time, the ZEO shall take action to compel compliance.

2. Pursuant to Section 150.20(3) of the Criminal Procedure Law, the ZEO, as a designated public servant, is hereby authorized to issue an appearance ticket to any person, firm, or corporation causing a violation of this law, and shall cause such person, firm, or corporation to appear before the Town Justice.
3. Pursuant to Town Law Section 268, and as amended, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation.

   A violation of this law shall be punishable by a fine not exceeding three hundred fifty dollars ($350), or imprisonment for a period not to exceed six (6) months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five (5) years, punishable by a fine not less than three hundred fifty dollars ($350), nor more than seven hundred dollars ($700), or imprisonment for a period not to exceed six (6) months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a fine not less than seven hundred dollars ($700), nor more than one thousand dollars ($1,000), or imprisonment for a period not to exceed six (6) months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
4. The Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

Section 850. Appeals

A. Creation, Appointment, and Organization.

A Zoning Board of Appeals is hereby created. Said Board shall consist of three (3) members. The Town Board shall appoint the members of the Board of Appeals on a staggard term basis in conformance with Town Law and appoint a Chairman. The Board of Appeals shall select the Secretary and Vice-Chairman and shall prescribe rules for the conduct of its affairs.

B. Powers and Duties

The Board of Appeals shall have all the power and duties prescribed by Section 267 and 267-b as amended of the Town Law, and in particular the following:

1. Interpretation: Upon appeal, from a decision, by an administrative official or citizen to decide any question involving the interpretation of any provision of this law.

C. Procedure

The Board of Appeals shall act in strict accordance with the procedure specified by law. All appeals and applications made to the Board shall be in writing and on a form prescribed by the Town. Every appeal or application shall refer to the specific provisions of the law being appealed

and shall exactly set forth the interpretation that is claimed, the use for which it is claimed that the appeal should be granted, as the case may be. A hearing shall be held for all variance actions in conformance with the requirements of Town Law. Every decision of the Board of Appeals shall contain a full description of reasons for granting or denying the permit. The reasons for the action shall be set forth in the minutes of the Board of Appeals meeting at which the action was taken. A tally of each member's vote shall be recorded. All meetings and hearings of the Board shall be public and records thereof shall be filed with the Town Clerk.

Section 855. Waivers

The Town Planning Board may waive, subject to appropriate conditions, the provisions of any or all standards and/or requirements herein set forth if in the special circumstances of a particular application such standards are not in the interest of the public health, safety, and general welfare or strict adherence to such standards and/or requirements would cause unnecessary hardship for the applicant without achieving public benefit objectives. The Town Planning Board must state its reasons for granting any waivers in writing and file the same along with the site plan application and supporting documents.

Section 860. Severability

The provisions of this local law are severable. If any article, section, paragraph, or provision of this local law shall be ruled invalid, such invalidity shall apply only to the article, section, paragraph, or provisions(s) as judged invalid, and the rest of this local law shall remain valid and effective.

Section 865. Repeal, Amendment, and Supersession of Other Laws

This local law in no way affects the provisions or requirements of any other federal or state regulations. Where this local law is in conflict with any such law or regulation, the more restrictive shall apply. All other ordinances or local laws of the Town of New Bremen which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section 870. Effective Date

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