1 2 3	DRAFT – LAST UPDATED AFTER A WORKSHOP/MEETING ON 6/2/25 Town of Otsego	
4	A Local Law Of the Town of Otsego Regulating Solar Energy Systems	
5		
6	Working Draft Solar Energy Local Law – Endnotes from NYSERDA have been deleted.	
7	They can be viewed in the earlier drafts including that of 2/24/25.	
8	Solar Energy Systems Local Law	
9	1. AUTHORITY	
10		
11	This Solar Energy Local Law is adopted pursuant to sections 261-263 of the Town Law of the	
12	State of New York, which authorize the lown of Otsego, NY to adopt zoning and planning	
13	provisions that advance and protect the nearth, safety and wenare of the community.	
14		
15	2. STATEMENT OF FOR OSE	
17	This Solar Energy Local Law is adopted to advance and protect the public health safety	
18	welfare, and the aesthetic and historic rural character of the Town of Otsego, NY by creating	
19	regulations for the installation and use of solar energy generating systems and equipment, with	
20	the following objectives:	
21	1. To take advantage of an abundant and renewable energy source, to the extent that it can be	
22	done in a safe and nonpolluting manner, using reliable products by responsible installers [see	
23	Appendix 1 and in ways that can contribute to and do not diminish the value and enjoyment of agricultural, residential or historic properties in existence before this solar law was adopted	
24 25	2 To increase employment and business development in the Town of Otserro. NY to the extent	
26	reasonably practical, by furthering the installation of Solar Energy Systems;	
27	3. To mitigate the negative impacts of Solar Energy Systems on environmental resources such	
28	as important agricultural lands, aquifers, forests, wildlife, water resources and other protected	
29	resources, including aesthetic and historic structures and properties in a manner consistent with the spirit and goals of the Town's Comprehensive Plan; and	
30	A To create supergy between selar energy agricultural recreational aesthetic and residential	
32	uses.	
33	5. To insure that any solar energy systems are installed in a manner consistent with such NYS	
34	and local building and fire codes and regulations that are applicable.	
35	6. To ensure that as the science regarding solar installations, including battery, storage facilities	
36	develops, our local firefighters, and emergency responders are protected.	
37	7. To ensure that financial procedures are reviewed, adopted, and maintained in ways that will best protect the community in the event that follows abandonment or inadequate	
38 30	decommissioning of solar energy systems occur	
40		
41	3. DEFINITIONS	
42		
13	ABANDONMENT A solar energy system shall be considered abandoned after 12 months	
44	without electrical energy generation	
••		

- 45 AC: Alternating Current as defined in this document as AC

ACTIVE AGRICULTURAL LAND: Land used for a Farm Operation in accordance with 47 Agriculture and Markets Law § 301 - uses of which include production of crops, livestock, and 48 livestock products - except that the period of time shall be five years, rather than two as 49 provided in § 301 of the Agriculture and Markets Law. 50 51 AQUIFER. A geologic formation that contains water and can provide a usable amount of 52 ground water for wells and public and private water systems. 53 54 55 BATTERY ENERGY STORAGE SYSTEM: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time period. 56 57 BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A combination of Solar Panels and 58 Solar Energy Equipment integrated into any building envelope system such as vertical facades, 59 semitransparent skylight systems, roofing materials, or shading over windows which produce 60 electricity for onsite consumption. 61 62 DECOMMISSIONING. The process for removing an abandoned Solar Energy System and 63 remediating the land. 64 65 FACILITY AREA: The cumulative land area occupied during the commercial operation of the 66 solar energy generating facility. This shall include all areas and equipment within the facility's 67 68 perimeter boundary - including the solar energy system, onsite interconnection equipment, onsite electrical energy storage equipment, and any other associated equipment - as well as 69 any site improvements beyond the facility's perimeter boundary such as access roads, 70 permanent parking areas, or other permanent improvements. The facility area shall not include 71 site improvements established for impact mitigation purposes, including but not limited to 72 vegetative buffers and landscaping features. 73 74 75 FARM OPERATION: Land and on-farm buildings, equipment, facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock, and livestock 76 products as a commercial enterprise (in accordance with Agriculture & Markets Law § 301[11] or 77 such similar section if § 301 is re-numbered). 78 79 GLARE: Direct or reflected light that creates discomfort, distraction or decreased visual 80 81 performance for the observer. 82 GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System or Structure which 83 is secured to the ground via a pole, ballast system, or other mounting system; is detached 84 from any other structure; and which generates electricity for onsite or offsite consumption. 85 86 KILOWATT (kW): A unit of power equal to 1,000 watts. The nameplate capacity of residential 87 and commercial solar energy systems may be described in terms of kW. 88 89 MEGAWATT (MW): A unit of power equal to 1,000 kW. The nameplate capacity of larger solar 90 energy systems may be described in terms of MW. 91

92

MINERAL SOIL GROUPS 1-4 (MSG 1-4): Soils recognized by the New York State (NYS) 93 Department of Agriculture and Markets as having the highest value based on soil productivity 94 and capability, in accordance with the uniform statewide land classification system developed 95 for the NYS Agricultural Assessment Program. 96 97 NAMEPLATE CAPACITY: A solar energy system's maximum electric power output under 98 optimal operating conditions. Nameplate Capacity may be expressed in terms of Alternating 99 Current (AC) or Direct Current (DC). 100 101 102 NATIVE PERENNIAL VEGETATION: Native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for Pollinators and shall not include any prohibited 103 or regulated invasive species as determined by the NYS Department of Environmental 104 Conservation. 105 106 NEC: National Electric Code 107 108 **ON-FARM SOLAR ENERGY SYSTEM:** A Solar Energy System located on a 109 farm which is a "farm operation" (as defined by Article 25-AA of the Agriculture and Markets Law. 110 which may include one or multiple contiguous or non-contiguous parcels) in an agricultural 111 district, which is designed, installed, and operated so that the anticipated annual total amounts 112 of electrical energy generated do not exceed more than 110 percent of the anticipated annual 113 total electrical energy consumed by the farm operation. 114 115 POLLINATOR: Bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and 116 includes both wild and managed insects. 117 118 PORTABLE SOLAR ENERGY SYSTEM: A portable solar energy system is not covered by the 119 provisions of this law so long as the total solar panel area is less than 100 square feet and it is 120 121 not connected to a battery storage system or an electrical grid. 122 ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System located on the roof of 123 124 any legally permitted building or structure that produces electricity for onsite or offsite consumption. 125 126 SEQRA. The letters that refer to the State Environmental Quality Review Act ECL Article 8 and 127 its implementing regulations at 6 NYCRR Part 617 ("SEQRA"). 128 129 SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the 130 use of active and/or passive Solar Energy Systems on individual properties. 131 132 SOLAR ENERGY PANEL: A photovoltaic (PV) device capable of collecting and converting solar 133 energy into electricity. 134 135 SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy 136 into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and 137 Solar Energy Equipment. A Solar Energy System is classified as a Tier 1, Tier 2, Tier 3, or Tier 4 138 Solar Energy System as follows:

139

Tier 1 Solar Energy Systems include the following:	
1. Roof-Mounted Solar Energy Systems.	
2. Building-Integrated Solar Energy Systems.	
3. Ground-Mounted Solar Energy Systems with a Nameplate Capacity of 1- 25 kW AC	
Or	
Ground-Mounted Solar Energy Systems with a total solar panel surface area of 16 - 2,000	
square feet that are not portable by nature.	
4. On-Farm Solar Energy Systems	
Tier 2 Selar Energy Systems include the following:	
Cround Mounted Solar Energy Systems Include the following.	
with a Namenlate Capacity of up to 1 MW/AC and which generate no more than 110% of	
the electricity consumed on the site over the previous 12 months	
or	
Ground-Mounted Solar Energy Systems not included under Tier 1 Solar Energy Systems	
with a Facility Area of up to 5 acres in size and which generate up to 110 % of the	
electricity consumed on the site over the previous <u>12</u> months.	
Tier 3 Solar Energy Systems include the following:	
Ground-Mounted Solar Energy Systems not included under Tier 1 or Tier 2 Solar Energy Systems with a Nameplate Capacity of up to 5 MW AC.	
or	
Ground-Mounted Solar Energy Systems not included under Tier 1 or Tier 2 Solar Energy	
Systems with a Facility Area of up to 25 acres in size.	
Tier 4 Solar Energy Systems are Solar Energy Systems which are not included under Tier 1,	
Tier 2, or Tier 3 Solar Energy Systems.	
4.APPLICABILITY	
A The requirements of this Local Law shall apply to all Solar Energy Systems permitted	
installed, or modified in the Town of Otsego, NY after the effective date of this Local Law,	
excluding general maintenance and repair.	
B. Solar Energy Systems constructed or installed prior to the effective date of this Local Law	
shall not be required to meet the requirements of this Local Law. However, in order to qualify for	
exemption from the requirements of this law, any solar energy system installed prior to the	
effective date of this law must be registered with the Town of Otsego Zoning Enforcement	
Officer within 60 days of the effective date. A photograph of the system to be exempted with	
details describing the system and date of installation is required.	
C. Modifications to an existing Solar Energy System that increase the Facility Area by more than	
5 % of the original Facility Area (exclusive of moving any fencing) shall be subject to this Local	
Law.	
	 Tier 1 Solar Energy Systems include the following: Roof-Mounted Solar Energy Systems. Ground-Mounted Solar Energy Systems with a Nameplate Capacity of 1- 25 kW AC Or Ground-Mounted Solar Energy Systems with a total solar panel surface area of 16 - 2,000 square feet that are not portable by nature. On-Farm Solar Energy Systems include the following: Ground-Mounted Solar Energy Systems not included under Tier 1 Solar Energy Systems with a Nameplate Capacity of up to 1 MW AC and which generate no more than 110% of the electricity consumed on the site over the previous 12 months or Ground-Mounted Solar Energy Systems not included under Tier 1 Solar Energy Systems with a Facility Area of up to 5 acres in size and which generate up to 110 % of the electricity consumed on the site over the previous 12 months. Tier 3 Solar Energy Systems include the following: Ground-Mounted Solar Energy Systems not included under Tier 1 or Tier 2 Solar Energy Systems with a Facility Area of up to 5 acres in size and which generate up to 110 % of the electricity consumed on the site over the previous 12 months. Tier 3 Solar Energy Systems not included under Tier 1 or Tier 2 Solar Energy Systems with a Nameplate Capacity of up to 5 MW AC. or Ground-Mounted Solar Energy Systems not included under Tier 1 or Tier 2 Solar Energy Systems with a Facility Area of up to 25 acres in size. Tier 4 Solar Energy Systems are Solar Energy Systems which are not included under Tier 1, Tier 2, or Tier 3 Solar Energy Systems. APPLICABILITY A Solar Energy Systems constructed or installed prior to the effective date of this Local Law, solar Caneral maintenance and repair. B. Solar Energy Systems constructed or installed prior to the effective date of this Local Law, shall not be requirements of this law, any solar energy system installed prior to the eff

5.GENERAL REQUIREMENTS 187 A. A permit shall be required for installation of all solar energy systems. The type of permit 188 189 required shall depend on the tier of the system. A zoning permit shall be required for a Tier 1 system. A zoning permit and the approval of the Planning Board shall be required for Ground 190 Mounted Tier 1 systems and for all Tiers 2 and above. 191 192 B. Prior to the issuance of the building permit or final approval by the Town of Otsego Planning 193 194 Board, construction and/or site plan documents must be signed and stamped by a NYS Licensed Professional Engineer or NYS Registered Architect. 195 196 C. Issuance of permits and approvals by the Town of Otsego Planning Board shall include 197 review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its 198 implementing regulations at 6 NYCRR Part 617 ("SEQRA")]. 199 200 D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all 201 applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire 202 Prevention and Building Code ("Uniform Code"), the NYS Energy Conservation Code ("Energy 203 Code"), and, to the extent relevant and not inconsistent with the Town of Otsego, NY Land Use 204 Law. 205 206 207 E. For Solar Energy Systems subject to site plan review, the Town of Otsego, NY shall impose, and may update as appropriate, a schedule of fees to recover expenses associated with 208 engineering, environmental, legal services, and/or such other experts determined to be 209 reasonably necessary in the processing of an application under this law. Said fees shall be paid 210 by the applicant. 211 212 F. The applicant must provide the Town (Planning Board) with a list of all property owners, along 213 with a tax map and aerial map showing all proposed easements for transmission lines. A draft 214 copy of the easement agreements suitable for recording at the Otsego County Clerk's Office 215 should be provided. Final recorded versions of these easements must be submitted for project 216 approval. These easements are required to demonstrate the project's feasibility and confirm the 217 applicant's due diligence. 218 219 220 G. Glare: All Solar Panels shall have anti-reflective coating(s) and shall be mounted so as to prevent direct or reflected light from creating discomfort, distraction or decreasing visual 221 222 performance. 223 224 6. PERMITTING REQUIREMENTS FOR TIER 1 SOLAR ENERGY SYSTEMS 225 226 Tier 1 ROOF-MOUNTED Solar Energy Systems shall be permitted in all zoning districts and 227 shall be exempt from site plan review except in the lake protection zone where site plan 228

shall be exempt from site plan review except in the lake protection zone where site plan
 review shall be required. Roof mounted systems must meet all other local zoning code AND
 other land use regulations, and are subject to the following conditions for each type of Solar
 Energy Systems:

232

186

A. Roof-Mounted Solar Energy Systems.

234 235 236	 Roof-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements (exceptions may be approved by the Town of Otsego Zoning Enforcement Officer):
237	Plans for new roof-mounted solar panels must be shown to the relevant local fire
238	fighting authority before installation to insure that the design will permit firefighters to
239	work safely on the roof. Property owners must show this approval to the Town Zoning
240	Enforcement Officer.
241	2. Height. All Roof-Mounted Solar Energy Systems shall comply with the height limitations in
242	of the relevant zone as shown on the table in Appendix 3.
243	and
244	All Roof-Mounted Solar Energy Systems shall be subject to the maximum height
245	regulations specified for principal and accessory buildings within the underlying zoning
246	district.
247	
248	B. Building-Integrated Solar Energy Systems
249	Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the
250	building permit application for the building containing the system and shall be reviewed by
251	the appropriate County authority.
252	
253	C. Ground-Mounted Solar Energy Systems
254	
255	1. Setbacks. Tier 1 Solar Energy Systems shall be subject to the setback regulations specified
256	for the accessory structures within the underlying zoning district as shown on the Table in
257	Appendix 3.
258	2. Height. Tier 1 Solar Energy Systems shall be subject to the height limitations specified for
259	accessory structures within the underlying zoning district.
260	And
261	Tier 1 Solar Energy Systems shall comply with the height limitations in Appendix 3.
262	3. Lot Size. Tier 1 Solar Energy Systems shall comply with the existing lot size requirement
263	specified for accessory structures within the underlying zoning district.
264	4. Lot coverage. Tier 1 Solar Energy Systems are not exempt from the lot coverage
265	requirements in the underlying zoning district.
266	5. Screening and Visibility.
267	a. All Tier 1 Solar Energy Systems shall have views minimized from adjacent properties
268	to the extent reasonably practicable.
269	b. Solar Energy Equipment shall be located in a manner to reasonably avoid and/or
270	minimize blockage of views from surrounding properties and/or shading of adjoining
271	property while still providing adequate Solar Access.
272	
273	7. PERMITTING REQUIREMENTS FOR TIER 2 SOLAR ENERGY SYSTEMS
274	All Tier 2 Ground-Mounted Solar Energy Systems shall be permitted in all zoning districts as
275	accessory structures and shall be subject to site plan approval. Tier 2 Solar Energy Systems
276	shall adhere to the standards and requirements established for Tier 1 Ground-Mounted Systems

- shall adhere to the standards and requirements established for Tier 1 Ground-Mounted Systems in Section [6(C)], in addition to (or in some cases amended by) the following requirements:
- 278

A. Application and Site Plan Review Requirements.

280 281	Applications for Tier 2 Solar Energy Systems, including materials for site plan review, shall include the following:
282 283 284	 Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. Such information of the final system installer shall be submitted prior to the issuance of building permit.
285	2. Name, address, contact information, and signature of the project applicant, as well as all
280	property for the Solar Energy System.
288	3. Nameplate Capacity of the Solar Energy System (as expressed in kW or MW).
289	4. Zoning district designation for the parcel(s) of land comprising the Facility Area.
290	5. Property lines and physical features, including roads, for the project site.
291	6. Adjacent land uses on contiguous parcels within a 500 feet radius of the site boundary.
292	7. Proposed changes to the landscape of the site, including site grading, vegetation clearing
293	and planting, removal of trees or changes to forest cover, access roads, exterior lighting,
294	signage, fencing, landscaping, and screening vegetation or structures.
295	8. A one- or three-line electrical diagram detailing the entire Solar Energy System layout, including the number of Solar Panels in each ground-mount array, solar collector
290	installation associated components inverters electrical interconnection methods and
298	utility meter, with all National Electrical Code compliant disconnects and over current
299	devices. The diagram should describe the location and layout of all Battery Energy Storage
300	System components if applicable and should include applicable setback and other bulk and
301	area standards.
302	9. A preliminary equipment specification sheet that documents all proposed Solar Panels,
303	installed. A final equipment specification sheet shall be submitted prior to the issuance of
305	building permit.
306	
307	B. Standards. Tier 2 Systems shall adhere to the following standards.
308	1. Screening/Visibility. Tier 2 Solar Energy Systems shall have views minimized from adjacent
309	properties to the extent reasonably practicable using architectural features, earth berms,
310	landscaping, or other screening methods that will harmonize with the character of the
311 212	2 Environmental Resources
212	2. Environmental Resources
313	bossible.
315	b. To the extent practicable. Tier 2 Solar Energy System Owners shall utilize current best
316	management practices for maintaining native perennial vegetation to provide foraging
317	habitat for pollinators in all appropriate areas within the Facility Area [Current best
318	management practices as supplied by DEC, Ag and Markets, or other entities.]
319	
320	c. Use integrated pest management practices to refrain from/limit pesticide use (including berbicides) for long term operation and site maintenance.
321	

323 8. PERMITTING REQUIREMENTS FOR TIER 3 SOLAR ENERGY

324 SYSTEMS

- All Tier 3 Solar Energy Systems are permitted through the issuance of a Solar Use permit
- within the Residential Agricultural 1 and 2 zoning districts, and subject to site plan application requirements set forth in this Section.
- 328

346

322

329 A. Applications for the installation of Tier 3 Solar Energy System shall be:

- Reviewed by the Planning Board for completeness. Applicants shall be advised within 45
 days of the completeness of their application or any deficiencies that must be addressed
 prior to substantive review.
- Subject to a public hearing to hear all comments for and against the application. This
 hearing shall be in compliance with all existing public hearing requirements established
 under law by the Town of Otsego, NY.
- In addition to existing public notice requirements under local law, applicants shall deliver
 notice by first class mail to adjoining landowners or landowners within 500 feet of the
 property at least 10 days prior to such a hearing. Proof of mailing shall be provided to the
 Town of Otsego Planning Board at the public hearing.
- 340 3. Referred to the County Planning Department pursuant to General Municipal Law § 239-m if
 required.
- 4. Upon closing of the public hearing, the Town of Otsego Planning Board shall take action on
 the application within 60-days of the public hearing, which can include approval, approval
 with conditions, or denial. The 60-day period may be extended upon consent by both the
 Town of Otsego Planning Board and applicant.
- B. Application & Site Plan Review Requirements. Applications for Tier 3 Solar Energy
 Systems, including materials for site plan review, shall include the following:
- Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. Such information of the final system installer shall be submitted prior to the issuance of building permit.
- Name, address, contact information, 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 Solar Energy System.
- 3. Nameplate Capacity of the Solar Energy System (as expressed in MW).
- 4. Zoning district designation for the parcel(s) of land comprising the Facility Area.
- 357 5. Property lines and physical features, including roads, for the project site.
- Map(s) of MSG 1-4 soils and Active Agriculture Lands on the parcel(s) comprising the
 Facility Area and adjacent parcels.
- 360 7. Adjacent land uses on contiguous parcels within a 500 foot radius of the site boundary.
- 8. Proposed changes to the landscape of the site, including site grading, vegetation clearing and planting, the removal of mature forest cover, access roads, exterior lighting, signage, fencing, landscaping, and screening vegetation or structures.
- Erosion and sediment control and storm water management plans prepared to NYS
 Department of Environmental Conservation standards, if applicable, and to such standards
 as may be established by the Planning Board.
- 10. A one- or three-line electrical diagram detailing the entire Solar Energy System layout,
 including the number of Solar Panels in each ground-mount array, solar collector

- installation, associated components, inverters, electrical interconnection methods, and
 utility meter, with all National Electrical Code compliant disconnects and over current
 devices. The diagram should describe the location and layout of all Battery Energy
- 372Storage System components if applicable and should include applicable setback and other373bulk and area standards.[Appendix 3]
- 11. A preliminary equipment specification sheet that documents all proposed Solar Panels,
 system components, mounting systems, racking system details, and inverters that are to
 be installed. A final equipment specification sheet shall be submitted prior to the issuance
 of building permit.
- A Property Operation and Maintenance Plan that describes continuing site maintenance,
 anticipated dual-use, and property upkeep, such as mowing and trimming.
- 13.A Decommissioning Plan [Appendix 2] signed by the owner and/or operator of the Solar
 Energy System shall be submitted by the applicant. The decommissioning plan shall
 address the following:
- a. The time required to decommission and remove the Solar Energy System and any
 ancillary structures.
- b. The time required to repair any damage caused to the property by the installation and
 removal of the Solar Energy System.
- c. The cost of decommissioning and removing the Solar Energy System, as well as all
 necessary site remediation or restoration.
- d. The provision of a decommissioning security which shall adhere to the following
 requirements:
- 3911. The deposit, executions, or filing with the Town of Otsego, NY Clerk of cash, bond,392or other form of security reasonably acceptable to the Town of Otsego, NY attorney393and/or supervisor, shall be in an amount sufficient to ensure the good faith394performance of the terms and conditions of the permit issued pursuant hereto and to395provide for the removal of all the solar system above or below ground level and396restorations of the site subsequent to removal.
- 3972. The amount of the bond or security shall be
115% of the estimated cost of removal
and site restoration for the Tier 3 Solar Energy System, and shall be revisited every 3
years and updated as needed to reflect any changes (due to inflation or other cost
changes).
- 4013. In the event of default upon performance of such conditions, after proper notice402and expiration of any cure periods, the cash deposit, bond, or security shall be403forfeited to the Town of Otsego, NY, which shall be entitled to maintain an action404thereon. The cash deposit, bond, or security shall remain in full force and effect until405restoration of the property as set forth in the decommissioning plan is completed.
- C. Solar Use Permit Standards. Town of Otsego Planning Board may issue a Solar Use
 permit for a Tier 3 Solar Energy System only after it has found that all the following
 standards and conditions have been satisfied:
- Underground Requirements. All utility lines located outside of the Facility Area 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. Vehicular Paths. Vehicular paths within the Facility Area shall be designed in compliance
- 416 with Uniform Code requirements to ensure emergency access, while minimizing the extent417 of impervious materials and soil compaction.

406

418	3. Signage.	
419	a. No signage or graphic content shall be displayed on the Solar Energy Systems except	
420	the manufacturer's name, equipment specification information, safety information, and	
421	24-hour emergency contact information. Said information shall be depicted within an	
422	area no more than 8 square feet and in compliance with town sign law.	
423	b. As required by National Electric Code (NEC), disconnect and other emergency shutoff	
424	information shall be clearly displayed on a light reflective surface. A clearly visible	
425	warning sign concerning voltage shall be placed at the base of all pad-mounted	
426	transformers and substations.	
427	4. Glare. All Solar Panels shall have anti-reflective coating(s).	
428	5. Safety and operational purposes and shall be reasonably shielded and downcast from	
429	abutting properties.	
430	6. Multiple lots. At the discretion of the Town of Otsego Planning Board, where a Tier 3 Solar	- (
431	Energy System's Facility Area comprises multiple lots (regardless of ownership by an	t
432	individual or multiple participating landowners), the combined lots may be treated a single	_
433	lot for the purposes of applying specific standards and requirements, including but not	
434	limited to lot size and setback requirements.	
435	7. Lot size. The property on which the Tier 3 Solar Energy System is placed shall meet the lot	
436	size requirements of the underlying zoning district. See appendix 3	
437	and	
438	The property on which the Tier 3 Solar Energy System is placed shall meet the lot size	
439	requirements in Appendix 3.	
440	8. Setbacks. The Tier 3 Solar Energy Systems shall comply with the setback requirements of	
441	the underlying zoning district for principal structures. Fencing, collection lines, access roads	
442	and landscaping may occur within the setback.	
443	and	
444	The Tier 3 Solar Energy Systems shall meet the parcel line setback requirements in	
445	Appendix 3. Fencing, collection lines, access roads and landscaping may occur within the	
446	setback.	
447	9. Height. The Tier 3 Solar Energy Systems shall comply with the building height	
448	limitations for principal structures of the underlying zoning district.	
449	and	
450	The Tier 3 Solar Energy Systems shall comply with the height limitations. [Appendix 3]	
451	a. This height requirement can be waived by the Town of Otsego Planning Board if the	
452	panels are being raised to accommodate continued or new agricultural purposes.	
453	10.Lot coverage. Lot coverage of the Solar Energy System, as defined below, shall not	
454	exceed the maximum lot coverage requirement of the underlying zoning district. The	
455	following components of a Tier 3 Solar Energy System shall be considered included in the	
456	calculations for lot coverage requirements:	
457	a. Foundation systems, typically consisting of driven piles or monopoles or helical	
458	screws with or without small concrete collars.	
459	b. All mechanical equipment of the Solar Energy System, including any pad	
460	mounted structure for Battery Energy Storage System components, switchboards, or	
461	transionmers.	
462	c. Praveu access roads servicing the Solar Energy System.	
463	Alternatively, the requirement below measures a system's lot coverage by Solar Panel	
464	square rootage and requires that the system not exceed a maximum lot coverage	
465	requirement established specifically for Ground-Wounted Solar Energy Systems.	

Commented [dd1]: Multiple Lots.Group needs to look at this more carefully - delete? Ask May?

466	The Tier 3 Solar Energy System shall not exceed 60% of the lot where it is installed. The	
467	surface area covered by Solar Panels shall be included in total lot coverage.	
468	11. Fencing Requirements. All mechanical equipment, including any structure for Battery	
469	Energy Storage System components, shall be enclosed by a 7-foot-high fence, as required	
470	by NEC, with a self-locking gate to prevent unauthorized access.	
471	12. Screening and Visibility.	
472	a. Solar Energy Systems smaller than 10 acres shall have views minimized from adjacent	
473	properties to the extent reasonably practicable using architectural features, earth berms,	
474	landscaping, or other screening methods that will harmonize with the character of the	
475	property and surrounding area.	
476		
477	b. Solar Energy Systems larger than 10 acres shall be required to:	
478	1. Conduct a visual assessment of the visual impacts of the Solar Energy System on	
479	public roadways and adjacent properties. At a minimum, a line-of-sight profile	
480	analysis shall be provided. Depending upon the scope and potential significance of	
481	the visual impacts, additional impact analyses, including for example a digital	
482	viewshed report, shall be required to submitted by the applicant.	
483	2. Submit a screening & landscaping plan to show adequate measures to screen	
484	through landscaping, grading, or other means so that views of Solar Panels and	
485	Solar Energy Equipment shall be minimized as reasonably practical from public	
486	roadways and adjacent properties to the extent feasible.	
487		
488	i. The screening and landscaping plan shall specify the locations, elevations, height,	
489	plant species, and/or materials that will comprise the structures, landscaping,	
490	and/or grading used to screen and/or mitigate any adverse aesthetic effects of the	
491	system. The landscaped screening shall be comprised of a minimum of 1	
492	evergreen tree, at least 6 feet high at time of planting, plus 2 supplemental shrubs	
493	at the reasonable discretion of the Town of Otsego Planning Board, all planted	
494	within each 10 linear feet of the Solar Energy System visible perimeter. Existing	
495	vegetation may be used to satisfy all or a portion of the required landscaped	
496	screening. A list of suitable evergreen tree and shrub species should be provided	
497	by the Town of Otsego, NY.	
498		
499	The screening & landscaping plan shall specify the locations, elevations, height,	
500	plant species, and/or materials that will comprise the structures, landscaping,	
501	and/or grading used to screen and/or mitigate any adverse aesthetic effects of	
502	the system, following the applicable rules and standards established by the Town	
503	of Otsego, NY.	
504	ii. The Town of Otsego Planning Board may elect to waive certain	
505	screening and landscaping requirements in select locations based on an	
506	applicant's demonstration of non-impact or impact mitigation on adjacent	
507	parcels.	
508		
509	13. Environmental Guidelines	
510	a. Tree-cutting. Removal of existing mature forest cover should be minimized to the extent	
511	possible.	
512	b. Tier 3 Solar Energy System owners shall develop, implement, and maintain native	
513	vegetation to the extent practicable pursuant to a vegetation management plan by	

514	providing Native Perennial Vegetation and foraging habitat beneficial to game birds,
515	songbirds, and Pollinators. To the extent practicable, when establishing perennial
516	vegetation and beneficial foraging habitat, the owners shall use native plant species and
517	seed mixes and seed all appropriate areas within the Facility Area. Any project which is
518	designed to incorporate agricultural or farm-related activities or uses within the Facility Area
519	may be excluded from this requirement based on the amount of space actually occupied by
520	the agricultural use(s). This exclusion will only be allowed based on the Town of Otsego
521	Planning Board determination that these lands are being used for actual agricultural uses.
522	

- c. Use integrated best management practices to refrain from/limit pesticide use (including herbicides) for long-term operation and site maintenance.
- Agricultural Guidelines. Tier 3 Solar Energy Systems for which the Facility Area includes
 lands consisting of MSG 1-4 shall adhere to the following requirements:
 - a. Tier 3 Solar Energy System components, equipment, and associated impervious surfaces shall occupy no more than 50% of the area of MSG 1-4 within the Facility Area.
 - A Tier 3 Solar Energy System may exceed the 50% MSG 1-4 coverage threshold if it incorporates an onsite activity or program which provides for the use of the land as a Farm Operation. Exceedance beyond the 50% threshold will only be allowed based on the Town of Otsego Planning Board's determination that the land is being used for a Farm Operation.
 - 2. Subject to discretion of the Town of Otsego Planning Board, if the landowner demonstrates that notwithstanding the classification as MSG 1-4 the land cannot be profitably employed due to excessive wetness, rocky conditions or slopes, the land may be excluded from the calculation required by this section.
 - b. To the maximum extent practicable, Tier 3 Solar Energy Systems located on MSG 1-4 shall be constructed, monitored, and decommissioned in accordance with the NYS Department of Agriculture and Markets' "Guidelines for Solar Energy Projects -Construction Mitigation for Agricultural Lands."
- D. Ownership Changes. If the owner or operator of the Solar Energy System changes or the
 owner of the property changes, the Solar Use permit shall remain in effect, provided that the
 successor owner or operator assumes in writing all of the obligations of the maintenance
 and decommissioning plans. [Appendix 2] A new owner or operator of the Solar Energy
 System shall notify the zoning enforcement officer of such change in ownership or operator
 within 30 days of the ownership change.

551 9. Permitting Requirements for Tier 4 Solar Energy Systems

Tier 4 Solar Energy Systems are only permitted through the issuance of a Solar Use permit within the Residential Agricultural 1 and 2 zoning districts, and are subject to the site plan and Solar Use permit application requirements established for Tier 3 Solar Energy Systems in Section 8, in addition to (or in some cases amended by) the following requirements:

557 A. Applications for Tier 4 Solar Energy Systems

These shall be reviewed by the Town of Otsego Planning Board for completeness. Applicants shall be advised within 75 days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.

VERSION: Group edits 6.4.25

525

528

529

530

531

532 533

534

535 536

537

538

539

540

541

542 543

550

556

558

563 B. **Pre-Application Meeting**.

At least 60 days prior to the submission of an application, the Applicant shall conduct a preapplication meeting with the Planning Board and Town Supervisor to ensure all parties have clear expectations regarding any Town requirements applicable to the proposed Solar Energy System. A written request for this purpose shall

569 be sent to the Town Supervisor. Submission and review of the application shall not be 570 delayed based on the failure of the Town Supervisor to respond in a timely manner to a 571 properly filed meeting request.

At the pre-application meeting, the Applicant must provide (1) a brief description of the proposed
facility and its environmental setting, (2) a map of the proposed facility showing project
components, (3) the proposed facility's anticipated impacts, (4) a designated contact person
with telephone number, email address, and mailing address from whom information will be

available going-forward basis, and (5) an anticipated application submission date.

577 578

584

595

562

564

c. Community Engagement Plan.

Applications for a Tier 4 Solar Energy System shall include a Community Engagement Plan
 detailing the applicant's proposed plans and strategies for ensuring adequate public awareness
 and encouraging community participation. Applicants are highly encouraged to discuss the
 contents and details proposed in this plan with the Town of Otsego Town Board and Town
 Supervisor prior to the submission of a formal application.

585 D. Solar Use Permit Standards

- Setbacks: Tier 4 Solar Energy Systems shall meet all applicable parcel line and other
 setback requirements as outlined in Appendix 3. Fencing, collection lines, access roads
 and landscaping may occur within the setback.
- Agricultural Resources: Tier 4 Solar Energy Systems for which the Facility Area includes
 Active Agricultural Lands shall adhere to the following requirements:
- a. Tier 4 Solar Energy System components, equipment, and associated impervious
 surfaces shall occupy no more than 50% of the Active Agricultural Lands within the
 Facility Area.
 A Tier 4 Solar Energy System may exceed the 50% Active Agricultural Land
 - i. A Tier 4 Solar Energy System may exceed the 50% Active Agricultural Land threshold if it incorporates an onsite
- 596activity or program which provides for the use of the land as a Farm Operation.597Exceedance beyond the 50% threshold will only be allowed based on the Town of598Otsego Planning Board's determination that the land is being used for a Farm599Operation.
- 600c.To the maximum extent practicable, Tier 4 Solar Energy Systems located on601Active Agricultural Lands shall be constructed, monitored, and decommissioned in602accordance with the NYS Department of Agriculture and Markets' "Guidelines for Solar603Energy Projects Construction Mitigation for Agricultural Lands."604

605 **10.SAFETY**

- 606
- A. Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable
 electrical and/or building codes as required.

B. Solar Energy Systems shall be maintained in good working order and in accordance with 609 industry standards. Site access shall be maintained, including snow removal at a level 610 acceptable to the local fire department and, if the Tier 3 Solar Energy System is located in an 611 ambulance district, the local ambulance corps. 612

613 c. If a Battery Energy Storage System is included as part of the Solar Energy System, they shall meet the requirements of any applicable fire prevention and building code when in use and, 614 when no longer used, shall be disposed of in accordance with the laws and regulations of the 615 Town of Otsego, NY and any applicable federal, state, or county laws or regulations. 616

D. Where deemed necessary by the Town of Otsego Planning Board, the Applicant shall ensure 617 emergency access to the Facility Area for local first responders by installing an emergency 618 lock box or similar device, in a location subject to approval by the Fire Chief of the respective 619 fire district. 620

622 **11. PERMIT TIME FRAME AND ABANDONMENT**

621 623

A. The Solar Use Permit and site plan approval for a Solar Energy System shall be valid for a 624 period of 24 months, provided that a building permit is issued for construction. In the event 625 construction is not completed in accordance with the final site plan, as may have been 626 amended and approved, as required by the Town of Otsego Planning Board, within 24 627 months, the applicant may request to extend the time to complete construction for 12 628 months. Approval of a request to extend the time to complete construction shall not be 629 unreasonably withheld by the Town of Otsego, NY. If the owner and/or operator fails to 630 perform substantial construction within 36 months, the approvals shall expire. 631

B. Upon cessation of electricity generation of a Solar Energy System on a continuous basis for 632 12 months, the Town of Otsego, NY may notify and instruct the owner and/or operator of the 633 Solar Energy System to implement the decommissioning plan. The decommissioning plan 634 must be completed within 12 months of notification. 635

c. If the owner and/or operator fails to comply with decommissioning upon any abandonment, 636 the Town of Otsego, NY may, at its discretion, utilize the bond and/or security for the 637 638 removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan. 639

12.ENFORCEMENT. 641

642

640

643 The Zoning Enforcement Officer is hereby authorized to act as the administrative and

enforcement officer of the Town for this law, with the following duties and authority: 644

1. In consultation with the Planning Board, to develop such forms, rules and regulations as 645

deemed necessary for proper administration and enforcement of this Local Law. Said forms, 646 647 rules

and regulations shall be reviewed and approved by the Town Board and shall be available for 648 public view at the Town Clerk's Office 649

650

651 2. To enter upon, examine or inspect, for the purpose of administering or enforcing this

Local Law all premises, public or private, with reasonable arrangements with the owner or in 652

any manner consistent with constitutional safeguards or, where needed, the conditions of any 653

requisite warrant any land, building or structure which is the subject of an application under this 654 Local Law

655

656		
657 658 659	3. To make follow up visits after solar energy plan permit approval to ensure adherence to any approval granted. A written report of each examination or inspection shall be kept on file in the Office of the Town Clerk.	
660		
661 662 663	4. To work with the County authority issuing Building, Fire Safety, Electrical and/or Plumbing permits for Solar Energy Systems covered by this law to confirm that the required permits of those types have been issued.	
664		
665 666	To receive, promptly investigate and maintain records regarding complaints of violations of this Local Law.	
667		
668 669 670	To issue notices or complaints against the owner, applicant, solar energy system organization or occupant of the premises where there appears to exist a violation of any provision of this Local Law.	
671		
672 673 674	7. To act upon any and all complaints and to serve a written notice of violation and/or Stop Work Order upon the owner or occupant of the premises where there appears to exist a violation of any provision of this Local Law.	
675		
676 677 678 679 680 681 682 683 683 684 685 686 687	8. To accept applications required by this Local Law and to issue, subject to conditions, or refuse to issue any requested permit, certificate or license within ten (10) days of the receipt of the application therefore, except that where such application involves review by an official board under the provisions of this Local Law. All applications clearly in violation of the provision of this Local Law shall be rejected. Where conformity with the Local Law is uncertain the application shall be referred to the Planning Board for disposition under the Planning Board's site plan review authority. Where such review is required, the Zoning Enforcement Officer shall notify the applicant of such fact and of any necessary applications, statements, plans, or other documentation required for such review within ten (10) days of receipt of the original application. The Zoning Enforcement Officer shall notify the applicant of point point of the application of meetings at which his application will be acted upon by any reviewing board and said officer shall take such action as may be directed by such Board within ten (10) days of such [direction].	
688		
689 690	9. To file with the Town Clerk copies of all applications received and permits issued.	

10. To perform any other administrative or enforcement duties specified in this Local Law
 including but not limited to the issuance of permits, licenses or certificates, accepting or
 reviewing applications, plans, or plats, and carrying out any lawful order of the Town Planning

Board, the Town Board, the Zoning Board of Appeals, or a Court having jurisdiction over this

Commented [dd2]: The part shaded in yellow is an area where there may be some redundancy with an earlier section.

VERSION: Group edits 6.4.25

695

696	law.	
697		_
698 600	11. To issue appearance tickets in accordance with New York State CPL § 150.20(3).	Co
700 701 702 703 704	PERMIT DENIAL OR REVOCATION. Failure to comply with the standards set forth in this law, shall give the Planning Board the legal authority to deny renewal of the permit or to revoke the permit if it is clearly in violation of the standards established under this law or where the owner refuses to comply with the standards of the any permits issued for solar energy systems of the types covered by this law.	or mi tic A, <u>20</u> su tic
703 706 707 708 709 710 711	VIOLATIONS. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this law or violates the terms of any permits issued in accordance with the terms of this law shall be committing a violation of law and shall, upon conviction, be fined not more than \$1000 for each offense. Each day that a violation shall exist shall constitute a separate offense.	pe ofi
712		ca
713	13. SEVERABILITY	im
714 715 716 717 718 719 720	The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.	th sp
720		
721	A corporate applicant must provide the following:	
722	A corporate applicant must provide the following.	
723		
724 725 726 727 728	 Company name Year founded and the number of continuous years in business Ownership status (public or private company, LLC, LLP, S-CORP, sole proprietorship) Federal tax identification number Corporate and local office location 	
729 730 731 732	 Number of employees in corporate and local office at time of submittal The firms experience modification rate (EMR) for each of the past three years and your firms OSHA ratings(recordable, incidents rates, and lost workday incident rates for the past three years 	
733 734 735	 A description of any ongoing or previous litigation your firm has been involved in, and state that you are not debarred, suspended, or otherwise prohibited or limited from conducting business by any federal, state or local agency. 	
736	B Project team	
737 738 739	 Provide information about key personnel to be assigned to this project Project team, organizational chart, including any key personnel and their proposed role roles 	

 Provide resumes as outlined in Appendix 1 for all key personnel that will be assigned to this project.

VERSION: Group edits 6.4.25

Commented [PK3]: 150.20(3). A public servant other than a police officer, who is specially authorized by state law or local law enacted pursuant to the provisions of the municipal home rule law to issue and serve appearance tickets with respect to designated offenses other than class A, B, C or D felonies or violations of <u>section 130.25, 130.40</u>, <u>205.10, 205.17, 205.19</u> or <u>215.56 of the penal law</u>, may in such cases issue and serve upon a person an appearance ticket when he has reasonable cause to believe that such person has committed a crime, or has committed a petty offense in his presence.

Commented [PK4]: In New York State, the maximum daily fine for a zoning code violation is \$1,000. This penalty can be imposed in addition to other potential sanctions like mprisonment (not exceeding one year). The specific fine amount and potential imprisonment can vary depending on the nature and severity of the violation, as well as the specific local zoning ordinances.

• Provide evidence of all relevant licenses, held by your firm to do work in New York State, attached list and copies of documents as outlined in Appendix 1.

744 C. References

Provide references for at least <u>three</u> completed and currently operating non-residential grid connected PV systems, with preference towards <u>New York municipalities and landfill or</u>

- 747 <u>brownfield projects</u>. Include the following information:
- Location and Utility Company name
- System size (kW DC)
- Metering Type (Remote Net Metering, Community Distributed Solar, Onsite)
- Date completed
- Host Customer and/or Owner contract information (name, email, address, phone)

753

763

764

766

773

742 743

754 D. Project Development Experience

- Provide the total number of megawatts of solar PV your firm has constructed over the last
 five (5) years.
- Provide the total number of megawatts of solar PV your firm has constructed over the last
 five (5) years in New York.
- Provide total number of megawatts and projects of solar PV your firm has constructed on landfills and brownfields.
- Detail the types of customers your firm has worked with in the past (for example, residential, commercial nonprofit, or government).
 - Describe your firm's implementation of PV construction standards and other safety measures.
- Provide the number of operational PV systems under your firm's management.

767 E. Project Financing Capability

- Provide number of PV systems that have been financed by you and/or your financing
 partner.
- Provide most recent audited financial statements, annual reports, consolidated financials, and Form 10-K (if any). If available, provide similar materials for parent entities, significant affiliates and collaborators.

774 APPENDIX 2. EXAMPLE DECOMMISSIONING PLAN

775 Date: [Date]

- 776 Decommissioning Plan for [Solar Project Name], located at: [Solar Project Address]
- 777 Prepared and Submitted by [Solar Developer Name], the owner of [Solar Farm Name]
- As required by Town of Otsego, NY, [Solar Developer Name] presents this decommissioning
 plan for [Solar Project Name] (the "Facility").
- 780 System decommissioning shall be required as a result of any of the following conditions:
- 1. The land lease if any ends, unless the project owner has acquired the land.
- 782 2. The Solar Energy System ceases to generate electricity on a continuous basis for 12
 783 months.
- The Solar Energy System is damaged and will not be repaired or replaced by [Solar
 Developer Owner].
- ⁷⁸⁶ If any of the above conditions are met, and upon notification or instruction by the Town of
- 787 Otsego, NY, [Solar Developer Name] shall implement this decommissioning plan. System

decommissioning and removal, as well as all necessary site restoration or remediation activities,
 shall be completed within 12 months.

790 The owner of the Facility, as provided for in its lease with the landowner, and in accordance with

the requirements of the Town of Otsego, NY zoning law, shall restore the property to its

792 condition as it existed before the Facility was installed, pursuant to which shall include the 793 following:

- Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and
 foundations located less than 36-inches below the soil surface, and/or less than 48-inches
 below the soil surface in areas consisting of [Mineral Soil Groups (MSG) 1-4 and/or Active
 Agricultural Lands].
- For projects located on areas consisting of [MSG 1-4 and/or Active Agricultural Lands],
 removal of all operator owned equipment, concrete, conduits, structures, fencing, and
 foundations in accordance with the decommissioning requirements contained in the NYS
 Department of Agriculture and Markets' "Guidelines for Solar Energy Projects -
- 802 Construction Mitigation for Agricultural Lands."
- 803 3. Removal of any solid and hazardous waste caused by the Facility in accordance with local,
 804 state and federal waste disposal regulations.
- 4. Removal of all graveled areas and access roads unless the landowner requests in writing
 for it to remain.
- An appendix is included in this plan to provide a project schedule detailing a breakdown of tasks required for the decommissioning removal of the system, including:
- 1. Time required to decommission and remove the system and any ancillary structures.
- 2. Time required to repair any damage caused to the property by the installation and removalof the system.

812 The cost of system decommissioning and removal, as well as all necessary site remediation and

restoration activities, is estimated to be \$[XXX] as of the date and time this application is filed. A decommissioning security has been OR will be executed in the amount of 115% of the cost of

system decommissioning, removal, and site restoration. IX 4

This cost estimate and decommissioning surety will be revisited every 3 years and updated as needed to account for inflation or other cost changes.

818 The owner of the Facility, currently [Solar Developer Name], is responsible for this

819 decommissioning.

820 Facility Owner Signature:_____ Date:_____

821

822 APPENDIX 3: LOT SIZE, SETBACK AND HEIGHT REQUIREMENTS

823

TIER 1								
Zoning Districts	Lot size min	Lot Coverage Max	Setback min. From road center	Setback min side yard	Setback min read yard	Max roof mounted height	Max ground mounted height	
2.03 Residential- Agricultural 1 (RA1)	3 acres	-	60 ft.	30 ft Each side	35 ft	40 ft	15 ft	
2.03 Residential- Agricultural 2 (RA2)	3 acres	-	60 ft	30 ft Each side	35 ft	40 ft	15 ft	
2.04 Hamlet Residential (H-R)	1 acre	-	60 ft	20 ft Each side	30 ft	30 ft	10 ft	

2.05 Hamlet Business	1 acre	-	60 ft	15 ft	30 feet	35 ft	10 ft
(H-B)				Each side			
2.06 General Business 1 (GB-1)	10,000 sq ft (cen sewr/H20) 20,000 sq ft (No cen sewr/H20)	70%	20 ft from State R.O.W.	25 ft from res or agric properties 10 ft. from Comm. prop. As long as no violations of NYSUFP&BC	25 ft from res or agric properties 10 ft. from Comm. prop. As long as no violations of NYSUFP&BC	35 ft.	15 ft
2.07 General Business 2 (GB-2)	1 Acre w/out cent h20 or sewer; 20,000 sq ft with cent h20 or sewer (unless specified otherwise)	70%	20 ft. from center of the road	25 ft from res or agric properties 10 ft. from Comm. prop. As long as no violations of NYSUFP&BC	25 ft from res or agric properties 10 ft. from Comm. prop. As long as no violations of NYSUFP&BC	40 ft.	15 ft
2.08 R/E Recreational/Educational	10 acres		20 ft	15 Each side	25 ft	50 ft.	15 ft
4.04 Section 4.04 Otsego and Canadarago Lake Protection Area	ALL TIER 1 MUST APPLY TO PLANNING BOARD Special rules apply in this overlay zone. Covers an area up to 500 ft from the Otsego lake shore and 100 ft from any tributaries.						

TIER 2								
Zoning Districts	Lot size min	Lot Coverag e Max	Setbac k min. From road center	Setback min side yard	Setback min read yard	Max roof mounte d height	Max ground mounte d height	
2.03 Residential- Agricultural 1 (RA1)	3 acres	-	60 ft.	30 ft Each side	35 ft	40 ft	15 ft	
2.03 Residential- Agricultural 2 (RA2)	3 acres	-	60 ft	30 ft Each side	35 ft	40 ft	15 ft	
2.04 Hamlet Residential (H-R)	1 acre	-	60 ft	20 ft Each side	30 ft	30 ft	10 ft	
2.05 Hamlet Business (H-B)	1 acre	-	60 ft	15 ft Each side	30 feet	35 ft	10 ft	
2.06 General Business 1 (GB-1)	10,000 sq ft (cen sewr/H20) 20,000 sq ft (No cen sewr/H20)	70%	20 ft from State R.O.W.	25 ft from res or agric properties 10 ft. from Comm. prop. As long as no violations of NYSUFP&B C	25 ft from res or agric properties 10 ft. from Comm. prop. As long as no violations of NYSUFP&B C	35 ft.	15 ft	
2.07 General Business 2 (GB-2)	1 Acre w/out cent h20 or sewer; 20,000 sq ff with cent h20 or sewer (unless specified otherwise)	70%	20 ft. from center of the road	25 ft from res or agric properties 10 ft. from Comm. prop. As long as no violations of NYSUFP&B C	25 ft from res or agric properties 10 ft. from Comm. prop. As long as no violations of NYSUFP&B C	40 ft.	15 ft	
2.08 R/E Recreational/Education al	10 acres		20 ft	15 Each side	25 ft	50 ft.	15 ft	
4.04 Section 4.04 Otsego and Canadarago Lake Protection Area Canadarago Lake						e Otsego		

TIER 3											
Zoning Districts	Lot size min	Lot Coverag e Max	Setbac k min. From road center	Setback min side yard	Setback min read yard	Max roof mounte d height	Max ground mounte d height				
2.03 Residential- Agricultural 1 (RA1)	3 acres	-	300 ft.	100 ft Each side	100 ft	40 ft	20 ft				
2.03 Residential- Agricultural 2 (RA2)	3 acres	-	300 ft	100 ft Each side	100 ft	40 ft	20 ft				
2.04 Hamlet Residential (H-R)	1 acre	-	300 ft	100 ft Each side	100 ft	30 ft	15 ft				
2.05 Hamlet Business (H-B)	1 acre	-	300 ft	100 ft Each side	100 feet	35 ft	15 ft				
2.06 General Business 1 (GB-1)	10,000 sq ft (cen sewr/H20) 20,000 sq ft (No cen sewr/H20)	70%	300 ft State R.O.W.	100 ft from res or agric properties 100 ft. from Comm. prop. As long as no violations of NYSUFP&B C	100 ft from res or agric properties 100 ft. from Comm. prop. As long as no violations of NYSUFP&B C	35 ft.	20 ft				
2.07 General Business 2 (GB-2)	1 Acre w/out cent h20 or sewer; 20,000 sq ft with cent h20 or sewer (unless specified otherwise)	70%	300 ft. from center of the road	100 ft from res or agric properties 100 ft. from Comm. prop. As long as no violations of NYSUFP&B C	100 ft from res or agric properties 100 ft. from Comm. prop. As long as no violations of NYSUFP&B C	40 ft.	20 ft				
2.08 R/E Recreational/Education al	10 acres		300 ft	100 Each side	100 ft	50 ft.	20 ft				
4.04 Section 4.04 Otsego and Canadarago Lake Protection Area	NO TIER 3 PERMITTED IN THIS DISTRICT Special rules apply in this overlay zone. Covers an area up to 500 ft from the Otsego lake shore and 100 ft from any tributaries.										

TIER 4												
Zoning Districts	Lot size min	Lot Coverag e Max	Setbac k min. From road center	Setback min side yard	Setback min read yard	Max roof mounte d height	Max ground mounte d height					
2.03 Residential- Agricultural 1 (RA1)	3 acres	-	300 ft.	100 ft Each side	100 ft	40 ft	20 ft					
2.03 Residential- Agricultural 2 (RA2)	3 acres	-	200 ft	100 ft Each side	100 ft	40 ft	20 ft					
2.04 Hamlet Residential (H-R)	1 acre	-	300 ft	100 ft Each side	100 ft	30 ft	15 ft					
2.05 Hamlet Business (H-B)	1 acre	-	300 ft	100 ft Each side	100 feet	35 ft	15 ft					
2.06 General Business 1 (GB-1)	10,000 sq ft (cen sewr/H20) 20,000 sq ft (No cen sewr/H20)	70%	300 ft from State R.O.W.	100 ft from res or agric properties 100 ft. from Comm. prop. As long as no violations of NYSUFP&B C	100 ft from res or agric properties 100 ft. from Comm. prop. As long as no violations of NYSUFP&B C	35 ft.	20 ft					
2.07 General Business 2 (GB-2)	1 Acre w/out cent h20 or sewer; 20,000 sq ft with cent h20 or sewer (unless specified otherwise)	70%	300 ft. from center of the road	100 ft from res or agric properties 100 ft. from Comm. prop. As long as no violations of NYSUFP&B C	100 ft from res or agric properties 100 ft. from Comm. prop. As long as no violations of NYSUFP&B C	40 ft.	20 ft					
2.08 R/E Recreational/Education al	10 acres		300 ft	100 Each side	100 ft	50 ft.	20 ft					
4.04 Section 4.04 Otsego and Canadarago Lake Protection Area	NO TIER 4 PERMITTED IN THIS DISTRICT Covers an area up to 500 ft from the Otsego lake shore and 100 ft from any tributaries.											