


**TOWN OF HARRISON  
VILLAGE OF HARRISON  
ATTORNEY'S OFFICE**

**MEMORANDUM**

E-15

TO: Supervisor Richard Dionisio  
Members of the Town Board

FROM: Jonathan D. Kraut, Village Attorney 

DATE: March 14, 2023

RE: **Public Notice for Proposed Local Law No. \_\_ of 2023**  
**Amending Section F(3) of Chapter 206, entitled "Solar Energy"**

Attached herewith is a Public Notice, proposing amendments to the above-referenced Section of the Solar Energy Ordinance.

If acceptable, please schedule a Public Hearing on the matter for the Town Board Meeting of March 30, 2023, in accordance with New York State Municipal Home Rule Law.

JDK:ld  
Attachment

## **PUBLIC NOTICE**

### **Proposed Local Law No. \_\_\_\_ of 2023 Amending Section F(3) of Chapter 206, entitled “Solar Energy” of the Town Code of the Town of Harrison**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Harrison, at its meeting to be held at 7:00 P.M., on March 30, 2023, will hold a Public Hearing pursuant to Article 2, Section 10 and Article 3, Section 20 of Municipal Home Rule Law, to Amend Section F(3) of Chapter 206, entitled “Solar Energy” of the Town Code of the Town of Harrison as follows: **(new material is underlined and deletions are in brackets [ ]).**

#### **F. Solar Energy System Permitting Requirements.**

All Solar Energy Systems shall be classified as either Tier 1, Tier 2 or Tier 3 as defined in Section C. above. The permitting and approval for each Tier is as follows:

##### **(3) Tier 3 Solar Energy Systems**

A Tier 3 Solar Energy System shall be permitted as a Special Exception Use in the SB-100, SB-35, SB-1, SB-0, R-1 and R-2 zoning districts only on parcels containing twenty-five (25) acres or greater in land area, subject to the following safeguards and conditions:

- a. A Tier 3 Solar Energy System shall be permitted pursuant to the issuance of Site Plan Approval by the Planning Board in accordance with §235-71 of the Town Code, and the issuance of Special Exception Use Approval by the Planning Board and reviewed by the Town Board in accordance with §235 Article V of the Town Code.
- b. A Tier 3 Solar Energy System that produces 25 MW or greater shall obtain a permit at the state level through the siting process administered through the Office of Renewable Energy Siting.
- c. A Tier 3 Solar Energy System shall not exceed 50% of the lot on which it is installed. If a landowner owns more than one contiguous lot, as part of an application for a Tier 3 Solar Energy System, lot coverage shall increase to 80% of the lot area, as long as the total area of coverage does not exceed 50% of all contiguously owned lots. Where a Tier 3 Solar Energy System is not the principal use of the site, the lot coverage may not exceed 50%, which shall also include all principal and accessory uses on the lot.
- d. A Tier 3 Solar Energy System shall not encroach into the 100-foot special Purchase buffer.

- e. A Tier 3 Solar Energy System shall not be located in a front, side or rear yard setback.
- f. All sides of a Tier 3 Solar Energy System shall be screened by a vegetated buffer. The height of the vegetated screening to the south shall be equal to the height of the solar panels, solar canopies and associate equipment, to allow for proper solar exposure, but also suitable to screen the facility from public view. Screening on the sides when solar exposure is unnecessary, shall be of a height deemed adequate in the judgement of the Planning Board to suitably screen the facility from surrounding properties. Screening can consist of landscaping, berms, architectural features or other screening methods, and shall be a minimum of 25 feet wide.
- g. Notwithstanding all other requirements contained in this chapter which shall be met, any Tier 3 Solar Energy System in an R-1 or R-2 Zone shall in addition meet the following requirements:
  - 1. Tier 3 Solar Energy Systems must be screened so as to not be visible from other private or public properties or roadways.
  - 2. Within five (5) business days of the filing of an application for a Tier 3 Solar Energy System within an R-1 or R-2 Zone, written notice shall be served by Return Receipt Requested to all property owners within one thousand (1,000) feet of the subject property and proof of same shall be filed with the Planning Board and the Town Clerk.
  - 3. No less than ten (10) business days prior to all required Public Hearings concerning a Tier 3 Solar Energy System within an R-1 or R-2 Zone, written notice shall be served by Return Receipt Requested to all property owners within one thousand (1,000) feet of the subject property and proof of same shall be filed with the Planning Board and the Town Clerk.

This Law shall take effect immediately upon filing with the Secretary of the State of New York.

ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO  
ATTEND AND BE HEARD.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF HARRISON.

Jacqueline Greer  
Town Clerk

Dated: Harrison, New York  
March 14, 2022