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§ 247-68.23 Maintenance; procedures; fees.

- A. Removal. All solar energy systems shall be dismantled and removed immediately from a lot when the solar energy system has been deemed inoperative or abandoned by the Building Inspector/Code Enforcement Officer for a period of more than 365 days at the cost of the owner. If the owner does not dismantle and remove said solar energy system as required, the Town Board may, after a hearing at which the owner shall be given an opportunity to be heard and present evidence, dismantle and remove said facility and place the cost of removal to the security assigned to the project.

- B. Determination of abandonment or inoperability. A determination of the abandonment or inoperability of a solar energy system shall be made by the Town Building Inspector/Code Enforcement Officer, who shall provide the owner with written notice by personal service or certified mail. Any appeal by the owner of the Building Inspector/Code Enforcement Officer's determination of abandonment or inoperability shall be filed with the Town of Pendleton Zoning Board of Appeals within 30 days of the Building Inspector/Code Enforcement Officer causing personal service or mailing, certified mail, his written determination, and the Board shall hold a hearing on same. The filing of an appeal does not stay the following time frame unless the Zoning Board of Appeals or a court of competent jurisdiction grants a stay or reverses said determination. At the earlier of the 366 days from the date of determination of abandonment or inoperability without reactivation or upon completion of dismantling and removal, any approvals for the solar energy system shall automatically expire.

- C. Special use permit.
 - (1) All applications shall be subject to Planning Board site plan review per § 247-54.
 - (a) Environmental review (SEQR) is required.
 - (b) A public hearing is required.
 - [1] Four-hundred-foot notification is required.
 - (2) A special use permit issued by the Planning Board is required upon approval of the site plan and is subject to an annual review by the Planning Board. Planning Board review will be undertaken to ensure that all provisions listed herein are being adhered to. The Planning Board will have discretion to revoke the special use permit due to noncompliance and establish a time frame to correct the violation/violations.

D. Application and annual fees.

(1) Large-scale solar energy system. **See Chapter 131 for current fee schedule.** ~~An applicant shall pay an initial application fee of \$2,500 or such other amount as the Planning Board may determine for site plan review application to cover the cost of Town Engineer review of the site plan engineered drawings along with SWPPP review and SWPPP inspection fees.~~

~~(2) A public hearing fee of \$100 applies.~~

(3) See Chapter 131, Fees, to verify current fees.

E. Any changes or alterations post-construction to a large-scale energy system shall be done only by application to amend the site plan approval, subject to all requirements of this code.