Solar Projects: Mapping, Local Land Use Controls, and the APA Act
Solar Projects in the Park

Scope of Current Work:
  5  Active Applications
  9  Pre-Applications
  3  Approved Permits

Total Projects Reviewed or Under Review:
  164MW
  980 Acres (approximate) of Fenced Area
  Total Fenced Acreage Constitutes About 0.03% of All Private Lands in the Park
Solar Projects in the Park

Issued Permits (3):
  15 MW (~2,250 – 3,150 homes)
  102 Acres

Active Applications (5):
  36.8 MW (~5,520 – 7,728 homes)
  198 Acres

Pre-Applications (9):
  112.3 MW (~16,845 – 23,583 homes)
  680 Acres
Applications for Solar Generating Facilities

- Issued Permits
- Current Applications
- Pre-Application
Approved Applications

- P2021-0033
- P2020-0008
- P2020-0277
Current Applications

- P2021-0084
- P2021-0167
- P2021-0123
- P2020-0157
- P2020-0199
Counties with Applications for Solar Generating Facilities

- Approved Applications
- Current Applications
- Pre-Application
Towns with Applications for Solar Generating Facilities

- Approved Applications
- Current Applications
- Pre-Application
Applications for Solar Generating Facilities

- Approved Applications
- Current Applications
- Pre-Application
Applications for Solar Generating Facilities

Applications mapped by tax parcel

- Approved Applications
- Current Applications
- Pre-Application
Diverse Sites

Application by Land Use Area
(by acreage)

- Hamlet: 5%
- Moderate Intensity Use: 9%
- Low Intensity Use: 12%
- Resource Management: 27%
- Industrial Use: 30%
- Rural Use: 17%

Diverse Sites:
- Hamlet Commercial District
- Former Mine
- Vacant Field
- Pasture
- Rural Residential

October 14, 2021
Diverse Sites

Project Site Characteristics (All Projects)

- Field(Ag): 59%
- Field(non-Ag): 7%
- Wooded: 34%

Issued Permits
- 100%

Active Applications
- 82%

Pre-Applications
- 46%
- 44%
Local Land Use Controls

Zoning Controls

- No Zoning
- Zoning - No Commercial Solar Regs
- Zoning for Commercial Solar
Agricultural Districts in NYS – over 9 million acres
Agricultural Districts in the Adirondack Park
103,921 acres
Agricultural Districts in the Adirondack Park
103,921 acres
Agricultural Use Parcels in the Adirondack Park
44,990 acres
Agricultural Use Parcels in the Adirondack Park
44,990 acres
Solar Generation Facility Controls

Local Land Use Controls in the Adirondack Park

- Site Plan Review
- Subdivision Regulations
- Subdivision & Site Plan Review
- Zoning
- Zoning & Subdivision
- APA-Approved Local Land Use Program

Villages:
- Corinth: Z & SD
- Dannemora: Z & SD
- Lake George: ALLUP
- Lake Placid: Z & SD
- Mayfield: Z
- Northville: Z & SD
- Saranac Lake: Z & SD
- Speculator: Z & SD
- Tupper Lake: Z & SD

Summary:
- 101 Towns/Villages in the Park
- 62 have Zoning (Z, Z & SD or ALLUP)
- 18 with ALLUP
- 25 without Zoning, Subdivision, Site Plan Review or an ALLUP

Prepared by:
- Local Government Services
- Adirondack Park Agency
- October 2021
- www.apa.ny.gov
Towns with Applications for Solar Generating Facilities

- Approved Applications
- Current Applications
- Pre-Application

Local Commercial Solar Regulations
<table>
<thead>
<tr>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solar Basics</td>
</tr>
<tr>
<td>Solar Permitting and Inspecting</td>
</tr>
<tr>
<td>Roof Top Access and Ventilation</td>
</tr>
<tr>
<td>State Environmental Quality Review (SEQR) for Solar</td>
</tr>
<tr>
<td>New York State’s Real Property Tax Law § 487</td>
</tr>
<tr>
<td>Solar Payment-in-Lieu-of-Taxes (PILOT)</td>
</tr>
<tr>
<td>Using Special Use Permits and Site Plan Regulations to Allow Large-Scale Solar Installations While Protecting Farmland</td>
</tr>
<tr>
<td>Solar Installations in Agricultural Districts</td>
</tr>
<tr>
<td>Landowner Considerations for Solar Land Leases</td>
</tr>
<tr>
<td>Decommissioning Solar Panel Systems</td>
</tr>
<tr>
<td>Model Solar Energy Local Law</td>
</tr>
<tr>
<td>Municipal Solar Procurement Toolkit</td>
</tr>
</tbody>
</table>
Common Zoning Considerations for Solar

- Districts/Locations
- Minimum Lot Size
- Setbacks

**Appendix 1: Lot Size Requirements**
The following table displays the size requirements of the lot for Ground-Mounted Solar Energy Systems to be permitted.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Tier 3 Solar Energy Systems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Low Density</td>
<td>≥ 2 acres</td>
</tr>
<tr>
<td>Residential High Density</td>
<td>—</td>
</tr>
<tr>
<td>Commercial / Business</td>
<td>≥ 5 acres</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>N/A</td>
</tr>
<tr>
<td>Heavy Industrial</td>
<td>N/A</td>
</tr>
<tr>
<td>Agricultural / Residential</td>
<td>≥ 5 acres</td>
</tr>
</tbody>
</table>

**Key:**
—: Not Allowed
N/A: Not Applicable

**Appendix 2: Parcel Line Setbacks**
The following table provides parcel line setback requirements for Ground-Mounted Solar Energy Systems. Fencing, access roads and landscaping may occur within the setback.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Tier 3 Ground-Mounted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front</td>
</tr>
<tr>
<td>Residential Low Density</td>
<td>100’</td>
</tr>
<tr>
<td>Residential High Density</td>
<td>—</td>
</tr>
<tr>
<td>Commercial / Business</td>
<td>30’</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>30’</td>
</tr>
<tr>
<td>Heavy Industrial</td>
<td>30’</td>
</tr>
<tr>
<td>Agricultural / Residential</td>
<td>30’</td>
</tr>
</tbody>
</table>

**Key:**
—: Not Allowed
# Common Zoning Considerations for Solar

- Panel Height
- Lot Coverage
- Signage
- Decommissioning

## Appendix 3: Height Requirements

The following table displays height requirements for each type of Solar Energy Systems. The height of systems will be measured from the highest natural grade below each solar panel.

**Table 3: Height Requirements**

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Tier 1 Roof-Mounted</th>
<th>Tier 2</th>
<th>Tier 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Low Density</td>
<td>2' above roof</td>
<td>10'</td>
<td>15'</td>
</tr>
<tr>
<td>Residential High Density</td>
<td>2' above roof</td>
<td>10'</td>
<td>15'</td>
</tr>
<tr>
<td>Commercial / Business</td>
<td>4' above roof</td>
<td>15'</td>
<td>20'</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>4' above roof</td>
<td>15'</td>
<td>20'</td>
</tr>
<tr>
<td>Heavy Industrial</td>
<td>4' above roof</td>
<td>15'</td>
<td>20'</td>
</tr>
<tr>
<td>Agricultural / Residential</td>
<td>2' above roof</td>
<td>15'</td>
<td>20'</td>
</tr>
</tbody>
</table>

**Key:**

- : Not Allowed
# Zoning and APA Act

## Municipal Zoning vs. APA Act

<table>
<thead>
<tr>
<th>Element</th>
<th>Municipal Zoning</th>
<th>APA Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zones for Uses</td>
<td>Any Use in Any Land Use Area</td>
<td>Any Use in Any Land Use Area</td>
</tr>
<tr>
<td>Setback Requirements</td>
<td>No Front/Side Yard (Shoreline Setback Requirements)</td>
<td>No Front/Side Yard (Shoreline Setback Requirements)</td>
</tr>
<tr>
<td>Height Restrictions</td>
<td>No Height Restrictions</td>
<td>No Height Restrictions</td>
</tr>
<tr>
<td>Minimum Lot Sizes</td>
<td>Average Overall Intensities</td>
<td>Average Overall Intensities</td>
</tr>
</tbody>
</table>

### VARIANCES

### PERMITS

- [NEW YORK STATE OF OPPORTUNITY](#) [Adirondack Park Agency](#)
Zoning and APA Act

Municipal Zoning  APA Act

Zones for Uses  Any Use in Any Land Use Area
Setback Requirements  No Front/Side Yard (Shoreline Setback Requirements)
Height Restrictions  No Height Restrictions
Minimum Lot Sizes  Average Overall Intensities

VARIANCES  PERMITS
Solar Planning, Policy, and Guidance


- Guidance Documents
  - DAP
  - Visual Analysis Methodology
  - Freshwater Wetlands Delineation Model

- Consistency in Agency Review

- Informal Pre-Application Conversations

- Formal Pre-Application Processes

- Pre-Permitting Processes
Implementing APA Act

Section 809(10) “The agency shall not approve any project...unless it first determines that such project meets the following criteria:”

a. “…consistent with the land use and development plan”

b. “…compatible with the character description and purposes, policies and objectives of the land use area wherein it is proposed to be located”

c. “…consistent with the overall intensity guideline for the land use area involved”

d. “…comply with the shoreline restrictions if applicable”

e. “…not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project. In making this determination, as to the impact of the project upon such resources of the park, the agency shall consider those factors contained in the development considerations of the plan which are pertinent to the project under review.”
Implementing APA Act

No Undue Adverse Impact to Section 805(4) Development
Considerations Including:

- Water Quality
- Existing Drainage and Runoff Patterns
- Viable Agricultural Soils
- Forest Resources
- Open Space Resources
- Habitats of Rare and Endangered Species and Key Wildlife Habitats
- Wetlands
- Scenic Vistas
- Natural and Man-Made Travel Corridors
- Slopes
- Erosion
- Municipal, School or Special District Taxes or Special District User Charges
Development Considerations/Benefits

Viable Agricultural Soils
• Preservation of Agricultural Soils

Open Space Resources
• Long-Term Preservation of Open Space

Habitats of Rare and Endangered Species and Key Wildlife Habitats
• Pollinator Plantings Support Diverse Habitats and Farms
• Wildlife-Friendly Fencing

Municipal, School or Special District Taxes or Special District User Charges
• Pilot Agreements, Community Benefit Agreements, and/or Increased Assessments Augment Municipal Revenue with Minimal Use of Local Services

Adjoining and Nearby Land Uses
• Night Sky Preservation
Potential Scale and Carbon Benefits

To Serve Park’s 131,000 Year-Round Residents:
- 223 – 312 MW of Electricity (Approx.)
- 1,560 – 2,183 Acres of Fenced Solar (Approx.)

This Level of Solar Would Constitute:
- 0.026% - 0.0364% of Total Park Acreage (Approx.)
- 0.054% - 0.076% of Private Land Acreage (Approx.)
- 1.5% - 2.10% of Park Land in Agricultural Districts (Approx.)
- 3.47% - 4.85% of Park Land in Agricultural Use (Approx.)

One Acre of Solar Panels Provides Enough Energy for 60-84 Residents
One Acre of Forest Sequesters the Carbon Emissions of 0.10 – 0.25 People

An Acre of Solar Panels Offsets Approximately 240 – 800 Times More Carbon than an Acre of Forest
Cumulative Impact Review

- Electric generating facilities are defined as a Major Public Utility in the APA Act

- Major Public Utilities do not constitute a Principal Building

- For most other uses, APA Act considered cumulative impacts through Principal Building definitions and Overall Intensity Guidelines

- How should potential or unknown future projects be considered in cumulative impact review?

- Agency staff seek to ensure no undue adverse impact to the development considerations for each individual project
Questions

Thank You