

TOWN OF RHINEBECK
PROPOSED LOCAL LAW NO. __ OF THE YEAR 2019

BE IT ENACTED by the Town Board of the Town of Rhinebeck as follows:

Section 1: Title

This Local Law shall be entitled “A Local Law Amending Town Code Chapter 125, Zoning, in the matter of clarifying Solar Installation Screening Requirements for Rooftop Applications, except small-scale solar, providing guidance on when screening is required, and setting forth regulations for guiding screening requirements.”

Section 2. Amendment to Town Code Chapter 125, Zoning

- A. Amend Article V: Supplementary Regulations, Section 125-47, Solar Energy Systems, Subsection B. Definitions, by adding the following definition:

Obscure – Visual shielding that (i) breaks up the visible area of a project; (ii) mitigates adverse aesthetic impacts on views from residences and public highways; (iii) integrates the project with the surrounding landscape; but does not require a total visual barrier of the project.



- B. Amend Article V: Supplementary Regulations, Section 125-47, Solar Energy Systems, Subsection I (14) by replacing existing text with the following heading to read “Obscuring of Solar Power Plants.”
- C. Amend Article V: Supplementary Regulations, Section 125-47, Solar Energy Systems, Subsection I (14) by adding the following Subsections:
- (a) Solar panels on flat roofs shall not extend beyond the top of the surrounding parapet, or more than 24 inches above the flat surface of a roof, whichever is higher.
 - (b) Solar panels on angled roofs should be obscured from view of adjacent properties and roadways as follows:
 - [1] Natural terrain and topography can serve to obscure wherever feasible;
 - [2] Existing trees, shrubs, evergreens and other vegetation should be preserved and used as a method for obscuring wherever feasible;

- [3] New plantings and other landscaping materials installed for the purpose of obscuring shall be selected to meet erosion control needs. Plant selections shall be non-invasive and rated for an appropriate plant hardiness zone. New York native species are preferred.
- [4] Obscuring shall be provided on property owned and/or controlled by the property owner and/or operator of the solar facility.
- [5] The property owner and/or operator of the solar facility shall be responsible for maintaining, or replacing, any plantings as needed or required to retain the approved obscuring features.

Section 3. Supersession

This local law is hereby adopted pursuant to the provisions of Section 10 of the New York State Municipal Home Rule Law and Section 10 of the New York State Statute of Local Governments. It is the intent of the Town Board to supersede any provisions of the New York State Town Law to the extent they may be inconsistent with the provisions of this Local Law.

Section 4. Severability

If any section or part of this local law is declared invalid or unconstitutional by a court of competent jurisdiction, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this local law.

Section 5. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.