

RESOLUTION NO. 746 NOVEMBER 6, 2025
ADOPTING LOCAL LAW 13 OF 2025
AMENDING THE CODE OF THE TOWN OF BABYLON, CHAPTER 213 (ZONING) BY ADDING
ARTICLE XLVII (RENEWABLE ENERGY FACILITIES)

The following resolution was offered by Councilman Manetta and seconded by Councilman Gregory

WHEREAS, the Town Board of the Town of Babylon duly called and held a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst NY 11757 on the 22nd day of October, 2025 upon the question of the enactment of Local Law No. 13 of 2025 of the Town of Babylon, Suffolk County, New York, being such a local law; and

WHEREAS, in accordance with Part 617.6 and 617.7(b), State Environmental Quality Review (SEQR), the adoption of Local Law No. 13 of 2025 is an Unlisted Action determined to have no significant effect on the environment pursuant to the Negative Declaration adopted by the Town Board as lead agency under SEQR on November 6, 2025.

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, by the Town Board of the Town of Babylon, that Local Law 13 of 2025 of the Town of Babylon, Suffolk County, New York, is hereby enacted as follows and is effective upon its filing with the New York State Department of State:

LOCAL LAW 13 OF 2025
AMENDING THE CODE OF THE TOWN OF BABYLON

Section 1. Legislative intent.

The Town Board hereby finds that the addition of Chapter 213, Article XLVII Renewable Energy Facilities is necessary in order to provide more specific criteria and requirements for renewable energy facilities within the Town.

Section 2. Addition.

Article XLVII shall be added to Chapter 213 of the Code of the Town of Babylon to read as follows:

CHAPTER 213
ZONING
ARTICLE XLVII
RENEWABLE ENERGY FACILITIES

§ 213-574. Purpose.

It is important to provide renewable energy facilities. It is equally important to protect our natural resources by providing standards for renewable energy facilities.

- A. It is altogether reasonable that the Town Board makes adequate provisions for these facilities, it is imperative that such facilities do not adversely affect surrounding and nearby properties.
- B. It is therefore the intent of this section to provide adequate safeguards for the location, siting and operation of renewable energy facilities.

§ 213-575. Definitions.

GLARE

The effect by reflections of light with intensity sufficient as determined in a reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respect.

QUALIFIED SOLAR INSTALLER

A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSERDA's list of eligible installers or NABCEP's list of certified installers may be deemed qualified solar installers if the Town of Babylon determines such persons have had

adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely, such as a licensed electrician. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from the other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

SOLAR CARPORT

A ground-mounted solar energy system that covers parking facilities.

SOLAR ENERGY EQUIPMENT

Electrical material, hardware, inverters, conduits, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR PANEL

A photovoltaic device capable of directly collecting and converting solar energy into electricity.

§ 213-576. Solar Carports.

A. Permitted Locations.

- (1) Solar carports shall only be permitted over existing and proposed parking facilities in the following zones: E-Business, Ea-Business, Eb-Business, G-Industry, Ga-Industry, Gb-Industry, H-Industry, P.I.P-Planning Industrial Park, MR-Multiple Residence, SCMR-Senior Citizen Multiple Residence, and MH-Motel-Hotel.
- (2) Solar carports shall not be permitted in the following zones: AA-Residence, A-Residence, B-Residence, C-Residence, D-Residence, or any other zone not expressly permitted above.
 - a. Solar carports shall not be permitted in the following areas of potential sensitivity:
 - i. 100-year flood hazard zones considered V or AE on the FEMA Flood Maps;
 - ii. Historic and/or culturally significant resources, in a historic district, historic district transition zone;
 - iii. Within 100-feet landward of a tidal or freshwater wetland; or
 - iv. Adjacent to, or within, the control zone of any airport, subject to the approval by the Federal Aviation Administration.

B. Permitting.

- (1) Solar carports shall be permitted as an accessory structure by special exception use permit from the Planning Board and are subject to the requirements set forth in the Special Exception Use Permit Requirements section of this Chapter and are subject to obtaining all other necessary approvals.
- (2) All solar carports shall be permitted by a special exception use permit and shall be subject to a limited review of the site plan, specific to the project area or portions of the site affected by the installation, and all other required construction documents. At the discretion of the Commissioner of Planning and Development, a departmental review or full site plan review may be required.
- (3) All solar carports shall be installed by a qualified solar installer and shall meet all Building Department and applicable NYS Building Code requirements, including but not limited to providing a fire underwriters certificate.

C. Special Exception Use Permit Requirements.

A solar carport as an accessory structure shall comply with all the special exception use permit requirements herein, including but not limited to the following:

(1) Lot Area.

The lot area shall be a minimum of one acre and have a minimum of 30 parking spaces. A solar carport shall not diminish more than 10% of existing parking.

(2) Lot Coverage.

The total lot coverage for a solar carport shall not exceed half of the total lot area.

(3) Height Restrictions.

The maximum height for a solar carport shall not exceed 20 feet in height above the ground. The minimum clearance of a solar carport shall be 14 feet in height above the ground to allow for all vehicles to safely pass.

(4) Setback Restrictions.

- a. There shall be a minimum front yard setback of 25 feet for all solar carports.
- b. There shall be a minimum side yard and rear yard setback of five feet from non-residential properties.
- c. There shall be a minimum side yard and rear yard setback of 25 feet from residential properties.
- d. All solar carports shall be a minimum of 25 feet away from the nearest building or structure.

(5) Buffer & Screening.

- a. There shall be a suitably planted landscaped strip running along the front yard of the site and shall be a minimum of 10 feet wide.
- b. When a parcel containing a solar carport shall abut upon a non-residential zoned parcel, there shall be a minimum buffer strip of five feet wide consisting of a minimum of two evergreen species at least six feet high at time of planting. There shall also be a six-foot-high fence installed to Town of Babylon specifications.
- c. When a parcel containing a solar carport shall abut upon a residential zoned parcel or any parcel used for residential purposes, there shall be a minimum buffer strip of 10 feet wide consisting of a minimum of two evergreen species at least six feet high at time of planting. There shall also be a six-foot-high fence installed to Town of Babylon standard.
- d. The Planning Board shall have authority to waive or reduce any of the above landscape requirements.

(6) Design Standards.

- a. Solar carports shall be designed and located in order to prevent reflective glare within airport approach zones, adjacent street rights-of-way, or any habitable or occupiable buildings on adjacent properties.
- b. Solar carport structures shall be made with corrosion-resistant materials and anti-corrosive protective coatings.
- c. Solar carports shall be regularly maintained by the owner or operator.

- d. Solar carports shall have concrete bases to anchor structures to the ground. Bases shall be a minimum of four feet in height. It is encouraged that bases are to be placed within a striped island to avoid encroachment into parking spaces. If not placed in an island, bases shall only be placed at the head of a parking space and shall not be placed in the center of a parking space. If bases encroach more than two feet into a parking space, the parking space shall be deemed lost.
- e. Solar carports shall only be located over parking stalls. Solar carports over travel aisles shall be prohibited.
- f. Snow guards shall be installed on all solar carports to prevent snow from falling off the structure. Snow guards shall be designed by a Professional Engineer and approved by the Town's Building Department.
- g. Electric vehicle (EV) charging stations shall be allowed underneath solar carports.
- h. The applicant/owner shall provide parking stalls that are ready with conduit lines for future EV charging stations.
- i. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
- j. Existing landscaping shall not be removed in order to install a solar carport unless, at the discretion of the Planning Board, it's deemed minimal and absolutely necessary.
- k. Landscape screening shall be provided in accordance with the provisions of this chapter.
- l. Solar carports shall be connected to the utility grid and shall provide a "proof of concept letter" from the local utility company acknowledging the solar energy production facility will be interconnected to the utility grid in order to sell electricity to the public utility entity.
- m. Battery energy storage systems shall be prohibited. Energy produced by solar carports shall not be stored on site.
- n. All debris and materials generated by site clearing or construction shall be removed from the site.
- o. Proper lighting shall be provided under solar carport structures. All lighting shall conform to the Town's exterior lighting standards.
- p. Fire access roads and access for fire apparatus equipment shall be provided, as approved by the Town Fire Marshal.
- q. All stormwater and drainage shall be contained on site in accordance with Town standards.
- r. Soil or material removal and disposal shall be in accordance with the Town standards.
- s. Grading shall be in accordance with Town standards.
- t. All solar carports shall be subject to Professional Engineer certification. All plans must be signed and stamped by a Professional Engineer.

(7) Signs.

No signage or graphic content shall be displayed on solar carport structures except for the manufacturer's badge, safety information, and equipment specification information, along with yellow caution signs on structure bases and minimum clearance height. Said information shall be depicted within an area no more than 36 square inches in size. Twenty-four-hour emergency contact information will be clearly displayed on side of structure.

D. Abandonment and Decommissioning.

Solar carports shall be considered abandoned after 12 consecutive months without electrical energy generation. All above-ground and below-ground equipment, structures, and foundations must be removed from the property at the owner and/or operators' expense no later than 90 days after deemed abandoned.

A decommissioning plan signed by the owner and/or operator shall be submitted by the applicant, including the anticipated life, all associated removal costs, removal methods, and restoration methods required, prior to issuance of a special exception use permit. The decommissioning plan shall state that the site shall be restored to its previous condition, including surface grade, soil, vegetation, or pavement, within six months of the removal. As part of the decommissioning plan, the applicant shall be required to post with the Town, as a condition precedent to receiving all necessary approvals, a performance bond approved by the Town Board of no less than 125% of the estimated removal costs. The applicant shall acknowledge that should the removal not occur in accordance with the plan, the bond shall be forfeited to the Town, which shall then utilize the funds to undertake or complete the decommissioning plan. The bond shall remain in effect until restoration of the property, as set forth in the decommissioning plan, is completed.

§213-577. Reserved.

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Section 3. Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which judgment should have been rendered.

Section 4. Effective date.

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

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Gregory

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.