



Building Permit Requirements for Solar and Battery Energy Storage Systems

- **ALL** required documentation is listed below and on the front page of this section

Please review Town of Owego Code Chapter 98 (attached) in its entirety prior to submitting plans for a residential solar system or a commercial solar system (attached below.)

*** Ground mounted solar systems are prohibited in the floodplain within the Town of Owego in all zoning districts.**

In addition to being in compliance with Chapter 98, both residential, commercial and large-scale solar system applications will need to be accompanied by stamped plans designed by a licensed New York State Design Professional, and must include the following:

1. Wind load
2. Ground Snow load
3. Structural analysis of the roof (roof top only)
4. Cut sheets with specs. for the panels, racking and electrical
5. Emergency access paths (roof top only)
6. Plot plan

Prior to obtaining a building permit for large-scale and commercial Solar and Battery Energy Storage Systems, the applicant must complete the board process and obtain a Special Use Permit. Please refer to Chapter 98 of the Town of Owego Code for those requirements. All systems must also comply with the 2025 New York State Unified Codes (see NYS Codes on the front page of this section)

A Local Law to amend in all respects Chapter 98 of the Code of the Town of Owego

Local Law 1 of 2026

Chapter 98
SOLAR/BATTERY ENERGY SYSTEMS

ARTICLE I
Authority.

§98-1. Authority.

This chapter for solar/battery energy systems is adopted to advance and protect the health, safety and welfare of the community, and to make provision for, so far as conditions may permit, the accommodation of solar/battery energy systems and equipment and access to sunlight or other energy sources necessary.

§98-2. Statement of Purpose.

This chapter for solar/battery energy systems is adopted to advance and protect the public health, safety, and welfare of the community by creating regulations for the installation and use of solar/battery energy systems and equipment, with the following objectives:

- A. Taking advantage of a safe, abundant, and non-polluting energy resource;
- B. Decreasing the cost of energy to the owners of residential and commercial properties, including single-family houses;
- C. Increasing employment and business development in the region by furthering the installation of solar/battery energy systems;

ARTICLE II
Definitions

§98-3. Definitions.

ACCESSORY USE OR BUILDING: A use or building customarily incidental and subordinate to the principal use or building and located on the same lot.

ACCESSORY STRUCTURE: A non-habitable accessory facility or structure serving or being used in conjunction with a solar/battery energy system and usually located on the same lot. Examples of such structures include utility or transmission equipment storage sheds or cabinets.

AGRIVOLTAIC SYSTEM: Mounting system that enables efficient land use by combining solar energy generation with agricultural production.

BATTERY ENERGY SYSTEM: Any battery system attached to any type of solar and/or non-solar energy system, for the purpose of storing energy.

BUILDING-INTEGRATED PHOTOVOLTAIC SYSTEM: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows.

COMMUNITY HOST AGREEMENT: A legally binding contract between a project developer and a local town, detailing community benefits, developer responsibilities and operational protocols, insuring mutual gain and addressing potential project impacts, beyond standard regulations, especially for major developments.

FIRE APPARATUS ACCESS ROAD: A road that provides fire apparatus access from a fire station to a facility, building, or portion thereof. This is a general term, inclusive of all other terms such as fire lane, public street, private street, parking lot lane, and access roadway.

GROUND-MOUNTED SOLAR/BATTERY ENERGY SYSTEM: A solar/battery energy system that is anchored to the ground and is attached to a pole or other approved mounting system, detached from any other structure, for the primary purpose of producing or storing electricity for onsite consumption.

LARGE-SCALE SOLAR/BATTERY ENERGY SYSTEM: A solar/battery energy system that is ground-mounted and produces or stores energy primarily for the purpose of offsite sale or consumption.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

SOLAR/BATTERY ENERGY EQUIPMENT: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production or storage of electricity.

SOLAR/BATTERY ENERGY SYSTEM: An electrical system composed of a combination of both solar panels, solar energy equipment, or battery energy storage equipment.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electricity.

ARTICLE III
Permitted Locations, Approvals and Bulk Requirements

§98-4. Applicability.

A. The requirements of this law shall apply to all solar/battery energy systems installed or modified after the effective date of this local law.

§98-5. Solar as an Accessory Use or Structure.

A. Roof-Mounted Solar Energy Systems

1) Roof-Mounted solar energy systems that use the electricity onsite or offsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.

2) Height: Solar energy systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.

3) Aesthetics: Roof-Mounted solar energy system installations shall incorporate, when feasible, the following design requirements:

a. Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and the highest edge of the system.

4) Roof-Mounted solar energy systems that use the energy onsite or offsite shall be exempt from site plan review under the local zoning code or other land use regulations.

5) Roof-Mounted solar energy systems are subject to the issuance of a building permit.

B. Ground-Mounted Solar/Battery Energy Systems

1) Ground-Mounted solar/battery energy systems that use the electricity primarily onsite are permitted as accessory structures in all zoning districts.

2) Height and Setback. Ground-Mounted solar/battery energy systems shall adhere to the height and setback requirements of the underlying zoning district.

3) Lot Coverage. Systems are limited to lot coverage requirements of the underlying zoning district. The surface area covered by Ground-Mounted solar panels, solar panel access and appurtenances, including fenced areas, fire apparatus access road, and/or battery storage

units, shall be included in total lot coverage. Ground mounted solar panel area shall be calculated with panels placed parallel to existing ground.

- 4) All such systems in residential districts shall be installed in the side or rear yards.
- 5) Ground-Mounted solar/battery energy systems that use the electricity primarily onsite shall be exempt from site plan review under the local zoning code or other land use regulations.
- 6) Ground-Mounted solar/battery energy systems are subject to the issuance of a building permit.
- 7) If applicable, compliance with Town of Owego Floodplain Development and Stormwater Management regulations, pursuant to Town Code. No ground mounted solar/battery system shall be permitted in current Flood Insurance Rate Map (FIRM) within Zone AE and shaded Zone X.

§98-6. Approval Standards for Large-Scale Solar/Battery Energy Systems as a Special Use.

A. Large-Scale Solar/Battery Energy Systems are permitted through the issuance of a special permit within all zoning districts, subject to the requirements set forth in this section. Application for the installation of a Large-Scale solar/battery energy system shall be referred, with comments, to the Town of Owego Planning Board for its review and action, which can include approval, approval on conditions, or denial.

B. Special Permit Application Requirements. For a special permit application, the application is to be used as supplemented by the following provisions

- 1) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
- 2) If applicable, compliance with Town of Owego Floodplain development regulations, pursuant to current Town Code. No ground mounted solar/battery system shall be permitted in current Flood Insurance Rate Map (FIRM) within Zone AE and shaded Zone X.
- 3) Blueprints showing the layout of the solar/battery energy system, signed by a Professional Engineer or Registered Architect, licensed in New York State, shall be required.
- 4) The equipment specification sheets for solar/battery energy systems shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- 5) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic and/or agrivoltaic maintenance, battery storage and property upkeep, and such other conditions as may be determined by the Planning Board.

6) Decommissioning Plan. To ensure the proper removal of Large-Scale solar/battery energy systems, a decommissioning plan shall be submitted as part of this application, for final review and approval by the Town Board. Compliance with this plan shall be made a condition of the issuance of a special permit under this section. The decommissioning plan must specify that after the Large-Scale solar/battery energy system can no longer be used, it shall be removed by the applicant or any subsequent lessee, owner, successors or assigns. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer, licensed in the State of New York. Cost estimations shall take into account inflation and New York State current prevailing wage rate. Removal of Large-Scale solar/battery energy systems must be completed in accordance with decommissioning plan. If the Large-Scale solar/battery energy system is not decommissioned after being considered abandoned, the municipality may remove the solar/battery energy system and restore the property and impose a lien on the property to cover these costs to the municipality or pursue any other legal remedy available to the town.

7) Stormwater Pollution Prevention Plan (SWPPP). Applicant shall submit a finalized, signed and dated SWPPP to accompany this application. No edits or corrections shall be made by the applicant to the SWPPP after submission to the Town.

8) Payment in Lieu of Taxes (PILOT). In the event an owner or developer of a solar/battery energy system provides written notification, pursuant to current New York Real Property Tax Law Section 487(9)(a) to any taxing jurisdiction of its intent to construct such solar/battery energy system, the Planning Board shall simultaneously be provided a copy of such notification, by such owner or developer, as part of any Special Use Permit application. In such event, the Special Permit application shall not be complete until such written notification is provided to the Planning Board. The owner or developer must also provide a copy of such written notification under current New York Real Property Tax Law Section 487(9)(a) to the Town Clerk and to the Town Board. Said written notification shall not be deemed submitted as required to effectuate notice pursuant to current New York Real Property Tax Law Section 487(9)(a) unless the written notice references the correct owner and associated address and section, block and lot parcel number. It is the intent of the Town of Owego to require a contract for payment in lieu of taxes for all solar/battery energy systems. The PILOT yearly payment amount and any administrative costs may be set by Town Board resolution and shall be determined and approved by the Town Board for each project.

C. Special Permit Standards.

1) Height and setback. Large-Scale solar/battery energy systems shall adhere to the height and setback requirements of the underlying zoning district.

2) Lot Coverage. A Large-Scale solar/battery energy system that is ground-mounted shall not exceed lot coverage requirements of the underlying zoning district. The surface area covered by Large-Scale solar panels, solar panel access and appurtenances, including fenced

areas, fire apparatus access road, and/or battery storage units, shall be included in total lot coverage. Ground mounted solar panel area shall be calculated with panels placed parallel to existing ground.

3) All Large-Scale solar energy/battery energy systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The type and location of fencing shall be determined by the Planning Board. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts.

4) Any application under this Section shall meet any substantive provisions in the zoning code that, in the judgement of the Planning Board, are applicable to the system being proposed.

5) The Planning Board may impose conditions on its approval of any special permit under this Section in order to enforce the standards referred to in this Section and all current applicable sections of the Town Code, or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

6) A copy of Community Host Agreement to be provided to the Town.

7) A detailed plan prepared by a New York State Licensed Professional Engineer that includes pre-construction soil sampling and soil contamination testing. Frequency and type of testing to be included as part of the decommissioning plan and agreement.

§98-7. Abandonment and Decommissioning.

Solar/battery energy systems are considered abandoned after one year without electrical energy generation and must be removed from the property in accordance with approved decommissioning plan.

ARTICLE IV **Enforcement: Penalties for Offenses**

§98-8. Enforcement.

Any violation of this Solar Energy Law shall be subject to the same penalties, provided for in the zoning or land use regulations of the Town of Owego.

ARTICLE V **Severability**

§98-9. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or

enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

ARTICLE VI
Effective Date

§98-10. Effective date.

This chapter shall become effective upon filing with the Secretary of State.

