

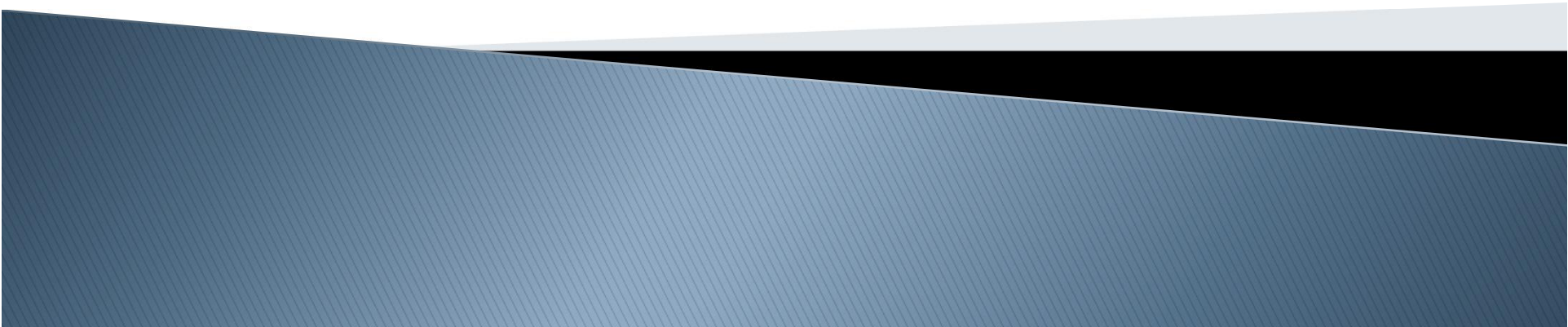


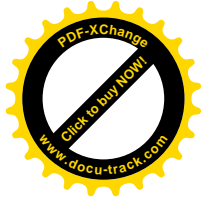
JACOBOWITZ  
AND GUBITS<sup>LLP</sup>  
COUNSELORS AT LAW



# Orange County Partnership Alliance for Balanced Growth

Planning and Zoning for Solar  
A presentation by John Cappello

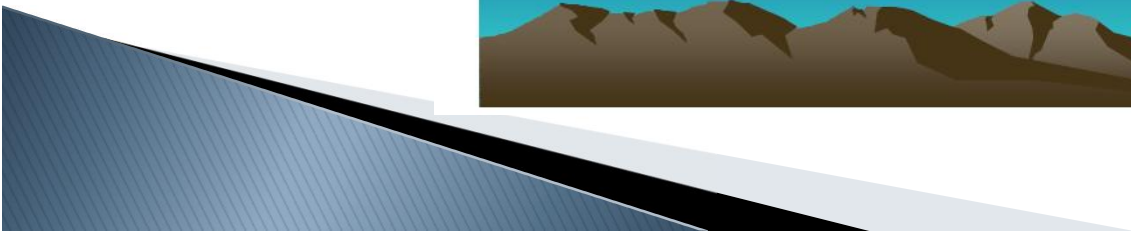


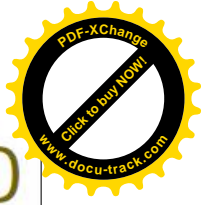


This slide is from a 2009 presentation on zoning for alternative energy. How'd we do?



PLAN  
PROACTIVELY,  
NOT REACTIVELY





# SURFACE AREA REQUIRED TO POWER THE WORLD

WITH ZERO CARBON EMISSIONS AND WITH SOLAR ALONE [www.landartgenerator.org](http://www.landartgenerator.org)



**BOXES TO SCALE WITH MAP**

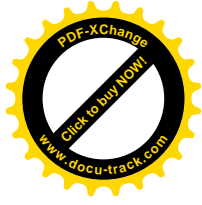
- 1980 (based on actual use)  
207,368 SQUARE KILOMETERS
- 2008 (based on actual use)  
366,375 SQUARE KILOMETERS
- 2030 (projection)  
496,805 SQUARE KILOMETERS

*Required area that would be needed in the year 2030 is shown as one large square in the key above and also as distributed around the world relative to use and available sunlight.*

- ➔ Areas are calculated based on an assumption of 20% operating efficiency of collection devices and a 2000 hour per year natural solar input of 1000 watts per square meter striking the surface.
- ➔ These 19 areas distributed on the map show roughly what would be a reasonable responsibility for various parts of the world based on 2009 usage. They would be further divided many times, the more the better to reach a diversified infrastructure that localizes use as much as possible.
- ➔ The large square in the Saharan Desert (1/4 of the overall 2030 required area) would power all of Europe and North Africa. Though very large, it is 18 times less than the total area of that desert.
- ➔ The definition of "power" covers the fuel required to run all electrical consumption, all machinery, and all forms of transportation. It is based on the US Department of Energy statistics of worldwide Btu consumption and estimates the 2030 usage (678 quadrillion Btu) to be 44% greater than that of 2008.
- ➔ Area calculations do not include magenta border lines.

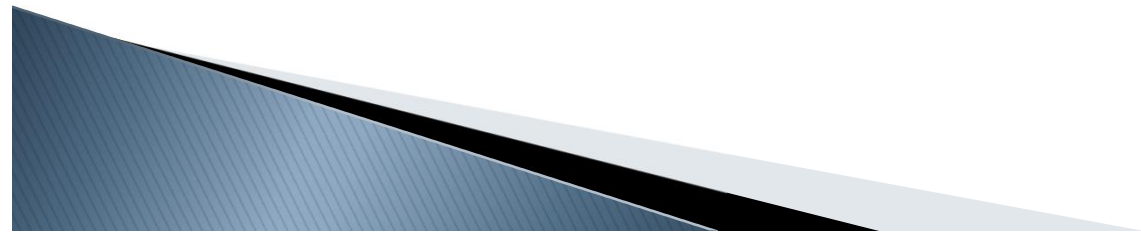
land art generator initiative





# Zoning for Individual Home Systems

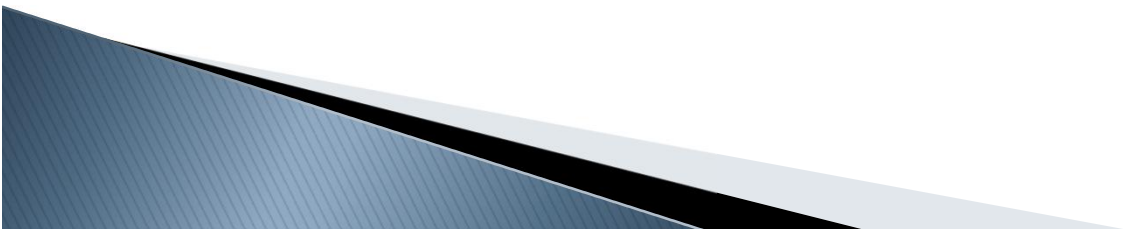
- Solar Arrays in yards
- Accessory use
- Roof mounted
  - Consider adopting NYS Unified Solar Permit
- Applies to systems under 12kw





# Small Scale Solar

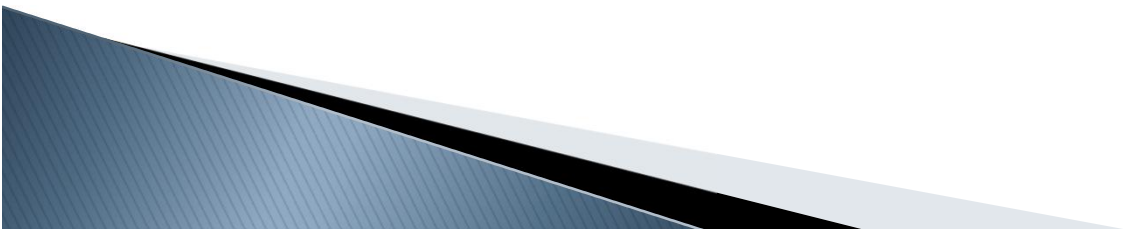
- Farms
  - Agricultural use if supplying only farm
- Businesses
- Universities and Non-Profits
- Group of home owners

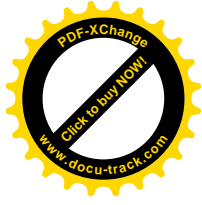




# Commercial Solar Farms

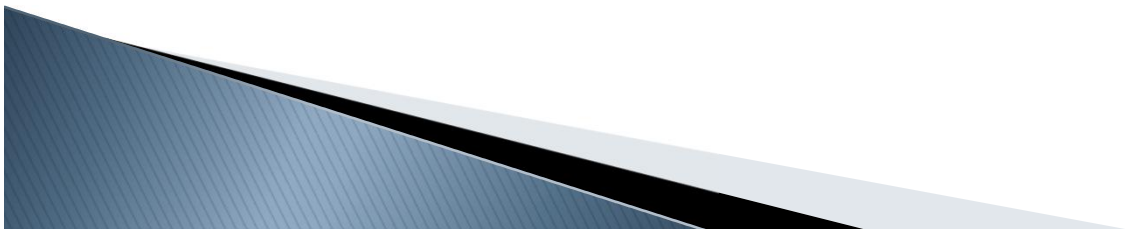
- Where should they be permitted
- Proper set backs, screening and mitigation of any visual impacts
- Height of structures
- Fencing and security
- Removal and decommissioning

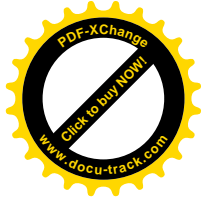




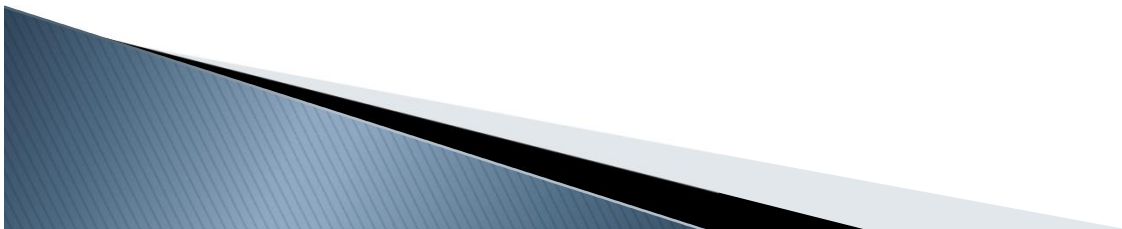
# Commercial Solar Farms

- Address Fears and Misconceptions
  - Fear of Clear Cutting forested areas
  - Fear of loss of large areas of farmland
  - Fear of use of massive amounts of pesticides to control vegetation growth
  - Disposal of solar panels when no longer used





# Leases – Landowners Hire an Attorney!



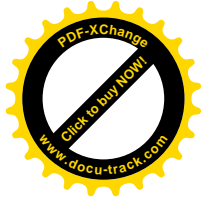




# Lease Issues to Consider:

- Due Diligence Period
- What happens to crops that may have been planted
- Term of Lease and Options
- Impact of Increased Assessment
  - Rollback taxes
  - Solar exemption – Opt out
  - Proportionality
- Assignment of Lease
- Insurance
- Impact on Remaining Lands
- Removal
- Utility Easements





# Contact Us



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