



PAUPACK TOWNSHIP SUPERVISORS

WAYNE COUNTY
25 DANIELS ROAD
LAKEVILLE, PA 18438

Paupack Township Zoning Ordinance Amendment 53.5

The following three (3) sections of the Paupack Township Zoning Ordinance shall be amended to address areas of concern within the Township.

Sections include the following:

1. **Definitions:** Updated definitions necessary for the proposed amendment.
2. **Schedule of District Regulations:** To provide clarity of where the proposed amendment is allowed and not allowed.
3. **Supplementary Regulations: Solar Energy Facility:** Regulations to maintain the health, safety, and welfare of the Township.

1. **Definitions:** The following definitions shall be added to, or replace existing definitions of the same term: *(to be added to Article II – Definitions)*

Decommissioning and Reclamation Plan: A document on file with the Township and the Wayne County Recorder of Deeds detailing the steps that will be taken to decommission a solar energy facility and restore the property, and the amount, form, and timing of financial assurance.

Performance Landscaping: Landscaping designed to create a visual buffer for specific site lines, allowing developers to mitigate any negative visual impacts to surrounding entities without screening the entire property.

Professional Engineer: An individual as defined in section 2(e) of the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law.

Solar Energy Facility: The development or construction of a facility that utilizes solar energy to produce or distribute energy.

Solar Energy Facility Agreement: A lease agreement between a grantee and a property owner that authorizes the grantee to operate a solar energy facility on leased property.

Solar Panel: A panel designed to absorb the sun's rays as a source of energy for generating electricity.

Solar Collector System: A collection of solar panels interconnected.

Solar Energy Storage System: Equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases, or solids), controls, and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

TWP. (570) 226-3115
OFFICE (570) 226-1359
FAX (570) 226-4257



BUILDING & ZONING (570) 226-0632
SEWAGE (570) 226-0442

PAUPACK TOWNSHIP SUPERVISORS

WAYNE COUNTY
25 DANIELS ROAD
LAKEVILLE, PA 18438

2. **Schedule of District Regulations:** *(To be added to Article III – Basic Zoning Regulations)*

Solar Energy Facilities shall be considered a Conditional Use in the C-1 General Commercial District.

Note: In the event a property is located in both the C-1 and R-R Districts, a Solar Energy Facility shall be permitted to occupy space within the R-R District as described herein.



PAUPACK TOWNSHIP SUPERVISORS

WAYNE COUNTY
25 DANIELS ROAD
LAKEVILLE, PA 18438

3. **Supplementary Regulations: Solar Energy Facilities**

Solar Energy Facilities that generate electricity for off lot use are classified as a Conditional Use and permitted in the C-1 District. In addition to all other applicable standards of the Paupack Township Zoning Ordinance, as well as all state and federal regulations, Solar Energy Facilities shall be subject to the standards in this Amendment §53.5.

In addition to all other standards in this Amendment and the Paupack Township Zoning Ordinance, a Land Development Plan will be required as outlined in the Paupack Township Subdivision and Land Development Ordinance.

Solar Energy Facilities constructed prior to the effective date of this amendment shall not be required to meet the terms and conditions of this amendment. Any physical modification to an existing solar energy system, whether or not existing prior to the effective date of this amendment that materially alters the solar energy facility shall require approval under this amendment. Routine maintenance or like-kind replacements do not require a permit.

This amendment is not meant to regulate solar energy production for onsite use. Residents and businesses located within the Township may install and use solar panels for the purpose of creating energy for use onsite, provided local, state, and federal regulations are followed. It is expected that said entities may experience net metering.

A. Purposes: To accommodate the need for solar energy facilities while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.

B. Permits, Use Regulations:

1. **Solar Energy Facility as a Principal Use or as a Second Principal Use:** A solar energy facility shall be permitted as a Principal Use on an empty lot of record, or as a Second Principal Use on a lot of record with an existing use, subject to the following land development standards:
 - a. The minimum lot area, minimum setbacks and maximum height required by this Amendment for the solar energy facility shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density, and other requirements.
 - b. Vehicular access to the solar energy facility shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - c. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed solar energy facility and that vehicular access is provided to the solar energy facility.

C. Standards and Design:



PAUPACK TOWNSHIP SUPERVISORS

WAYNE COUNTY
25 DANIELS ROAD
LAKEVILLE, PA 18438

1. Height: Solar panels shall be limited to a maximum height of twenty (20) feet. Accessory structures shall be subject to the height limitations for the underlying zoning district.
2. Parcel Size:
 - a. A minimum of one hundred (100) acres shall be required
 - b. The Solar energy facility, as well as all supporting infrastructure, shall occupy a maximum of 25% of the total number of acres of said parcel.
 - c. If the parcel crosses the C-1 District boundary line, whereas a portion of the parcel is located in the R-R District, the Solar Farm may extend into the R-R District with the following conditions:
 - i. At minimum of sixty percent (60%) of the total acres of the parcel (100 acre minimum) shall be located in the C-1 District.
 - ii. The Solar Farm shall be located primarily in the C-1 District to the greatest extent possible.
 - iii. Vehicular access to the Solar Farm shall be limited to State Route 590, Purdytown Tpk.
 - iv. Setbacks within the R-R District shall be increased by one hundred (100) feet as designated in subsection C.3.b and C.3.c herein.
 - v. Additional conditions may be set forth during the Conditional Use process.
3. Setbacks:
 - a. Front: Three hundred (300) feet
 - b. Sides: Two hundred (200) feet (if within the R-R District, three hundred (300) feet.
 - c. Rear: Two hundred (200) feet (if within the R-R District, three hundred (300) feet.
 - d. In cases where the solar energy facility may present a negative visual impact to the surrounding area, greater setbacks may be required as outlined in §53-18.B. of the Paupack Township Zoning Ordinance.
 - i. If greater setbacks do not sufficiently mitigate the visual impact, the implementation of performance landscaping shall be required in accordance with the provisions set forth in subsection C.5.a, herein.



PAUPACK TOWNSHIP SUPERVISORS

WAYNE COUNTY
25 DANIELS ROAD
LAKEVILLE, PA 18438

- ii. In the event greater setbacks are not feasible due to site constraints, performance landscaping may be employed as a mitigation measure for the visual impact, as set forth in subsection C.5.a, herein.
 - e. Setbacks for waterways and/or wetlands may be increased during the conditional use process based on the topographic features of the property.
4. Unauthorized Access: The applicant shall provide security measures to prevent unauthorized access to the solar facility. Security measures shall mitigate the impact on wildlife and natural habitats to the greatest extent possible.
5. Initial Site Prep: The application of low-impact herbicides, in conjunction with sediment and erosion control measures specifically engineered to mitigate the adverse effects of herbicides within the Lake Wallenpaupack watershed, shall be the preferred method for vegetation clearing. Mechanical stripping of the ground surface is strongly discouraged and shall be permitted only in instances where alternative methods have proven ineffective.
6. Landscaping:
 - a. Performance landscaping may be required to screen designated sections of the solar energy facility as determined during the conditional use process. The use of existing and/or newly planted vegetation, topography, and earth berms may be required to provide screening to nearby residences, business, or roadways.
 - b. A native seed mix shall be used as ground cover in the open areas of the solar energy facility. The inclusion of pollinator friendly plants is encouraged.
7. Access; Required Parking: Access to the solar energy facility shall be provided by means of an easement to State Route 590, Purdytown Tpk. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a gravel or better surface for its entire length. If the solar energy facility site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
8. Maintenance: Until decommissioning and reclamation are fully complete, the owner/operator shall:
 - a. Repair, maintain, and replace solar collectors and related equipment consistent with industry standards as needed to keep the facility in good repair and operating condition.
 - b. Maintain the vegetation and growth thereof via the use of natural methods that do not include the use of herbicides or chemicals.
 - c. Maintain an easement from the public road as well as parking facilities as described in C.8.



PAUPACK TOWNSHIP SUPERVISORS

WAYNE COUNTY
25 DANIELS ROAD
LAKEVILLE, PA 18438

9. Historic Structures: A solar energy facility shall not be located within five hundred (500) feet of any structure listed on any public historic register. Additional screening may be required as determined during the conditional use process.
10. Licenses; Other Regulations: The applicant shall demonstrate that it has obtained the required licenses from all necessary governing state and federal agencies. Additionally, the applicant shall present evidence that an Interconnection Application has been submitted to PPL and is under review or approved. The applicant shall also document compliance with all applicable state and federal regulations.
11. Communications Interference: The applicant shall document that the radio, television, telephone, or reception of similar signals for nearby properties will not be disturbed or diminished.
12. Glare: The applicant shall provide details about anticipated glare from the facility, including the time of day, time of year and direction of peak glare periods and document how potential nuisances to area properties and on public roads will be controlled. If glare is identified as a hazard on a public road after the completion of the solar energy facility, the owner/operator of the solar energy facility may be required to provide additional screening.
13. Standards; Certification: The solar energy facility layout, design, and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), , Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Township and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
14. Electrical Storage Systems: All electrical storage systems, including batteries, shall conform to relevant and applicable local, state and federal regulations/codes, as well as all relevant and applicable international standards.
15. Warnings: A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (ten) feet from the ground.
16. Signs: No advertising material or signs other than warning, manufacturer and equipment information or indication of ownership shall be allowed on any equipment or structures.
17. Transmission and Power Lines: On-site transmission and power lines shall, to the greatest extent possible, be placed underground.



PAUPACK TOWNSHIP SUPERVISORS

WAYNE COUNTY
25 DANIELS ROAD
LAKEVILLE, PA 18438

18. Stray Voltage/Electromagnetic Fields (EMF): The operator shall use good industry practices to minimize the impact, if any, of stray voltage and/or EMF.
 19. Emergency Services: The applicant shall provide details about any safety disconnect switches and fire suppression system installed in any accessory structure or equipment container associated with the solar power facility. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the solar energy facility.
 20. Site Plan: A full site plan shall be required for all solar energy facility sites, showing the solar energy facility, security measures, screening, buffers, access, and all other items required by the Paupack Township Zoning Ordinance.
 21. Engineer Review: The applicant shall provide a certificate from a third-party professional engineer confirming that the requirements set forth in section C, subsections 11, 12, 13, and 14 have been satisfactorily met as submitted with the application.
- D. Public Inquiries and Complaints**: The solar energy facility owner and operator shall maintain a phone for the public to contact with inquiries and complaints throughout the life of the project, and the solar energy facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.
- E. Decommissioning and Reclamation**:
1. Time Limit: The solar energy facility owner and/or operator shall, at its own expense, complete decommissioning and reclamation of the solar power facility, or individual components, within eighteen (18) months after the end of the useful life of the solar power facility or individual components. The solar power facility or individual components shall be presumed to be at the end of its useful life if no or minimal electricity is generated for a continuous period of twelve (12) months.
 2. Reclamation of Property: The solar energy facility owner shall be responsible for the following:
 - a. The removal of all non-utility-owned equipment, conduits, structures, fencing and foundations to a depth of at least three feet below grade. The solar energy facility owner shall not be required to remove equipment and materials that the public utility requires to remain on site.
 - b. The removal of graveled areas and access roads, unless the property owner requests in writing for graveled areas and access roads to stay in place.
 - c. The restoration of the property to a condition reasonably similar to the property's condition before the commencement of construction, including the replacement of topsoil removed or eroded on previously productive agricultural land.



PAUPACK TOWNSHIP SUPERVISORS

WAYNE COUNTY
25 DANIELS ROAD
LAKEVILLE, PA 18438

- d. The reseeding of a cleared area, unless requested in writing by the owner to not reseed due to plans for agricultural planting.

3. Financial Assurance Requirements

- a. Proof of financial assurance: A solar energy facility owner or operator who executes a solar energy facility agreement on or after the effective date of this amendment shall provide a decommissioning and reclamation plan, submit proof of financial assurance to the Township and the Wayne County Recorder of Deeds and provide notice to the property owner party to the solar energy facility agreement. Financial assurance shall conform to the requirements of this subsection to secure the performance of the owner's obligation to decommission and restore the property on which the solar energy facility is located. If the owner does not fulfill the owner's obligation to decommission the solar energy facility, the financial assurance shall be made payable to the Township.
- b. Amount of Financial Assurance: The amount of financial assurance shall be equal to the estimated cost to decommission and restore the property on which the solar energy facility is located. The amount of financial assurance shall be calculated and updated every five years by a third party professional engineer, the cost to be paid by the owner.
- c. Delivery: The owner shall deliver a decommissioning and reclamation plan and proof of financial assurance to the Township and Wayne County Recorder of Deeds in accordance with the following:
 - i. No later than 30 days before the commencement of construction of the solar energy facility, the owner shall provide the decommissioning and reclamation plan and proof of financial assurance to the Township and the Wayne County Recorder of Deeds in an amount equal to 10% of the estimated cost of decommissioning and reclamation, as determined by a third-party professional engineer.
 - ii. On or before the fifth anniversary of the commencement of construction of the solar energy facility, the owner shall provide an updated decommissioning and reclamation plan and proof of financial assurance to the Township and the Wayne County Recorder of Deeds in an amount equal to 10% of the estimated cost of decommissioning and reclamation, as determined by a third-party professional engineer.
 - iii. On or before the 10th anniversary of the commencement of construction of the solar energy facility, the owner shall provide an updated decommissioning and reclamation plan and proof of financial assurance to the Township and the Wayne County Recorder of Deeds in an amount equal to 40% of the estimated cost of decommissioning, less the facility's



PAUPACK TOWNSHIP SUPERVISORS

WAYNE COUNTY
25 DANIELS ROAD
LAKEVILLE, PA 18438

salvage value, except that the required proof of financial assurance shall not be less than 25% of the total estimated cost of decommissioning and reclamation, as determined by a third-party professional engineer.

- iv. On or before the 15th anniversary of the commencement of construction of the solar energy facility, the owner shall provide an updated decommissioning and reclamation plan and proof of financial assurance to the Township and Wayne County Recorder of Deeds in an amount equal to 60% of the estimated cost of decommissioning, less the facility's salvage value, except that the required proof of financial assurance shall not be less than 40% of the total estimated cost of decommissioning and reclamation, as determined by a third-party professional engineer.
- v. On or before the 20th anniversary of the commencement of construction of the solar energy facility, the owner shall provide an updated decommissioning and reclamation plan and proof of financial assurance to the Township and Wayne County Recorder of Deeds in an amount equal to 80% of the estimated cost of decommissioning, less the facility's salvage value, except that the required proof of financial assurance shall not be less than 60% of the total estimated cost of decommissioning and reclamation, as determined by a third-party professional engineer.
- vi. On or before the 25th anniversary of the commencement of construction of the solar energy facility, and every 5th anniversary thereafter, the owner shall provide an updated decommissioning and reclamation plan and proof of financial assurance to the Township and Wayne County Recorder of Deeds in an amount equal to 100% of the estimated cost of decommissioning and reclamation, less the facility's salvage value, except that the required proof of financial assurance shall not be less than 70% of the total estimated cost of decommissioning, as determined by a third-party professional engineer.
- vii. The calculation of the salvage value of a solar energy facility by a third-party professional engineer shall be limited to salvageable steel, aluminum and copper.

F. Forms of Financial Assurance: Any of the following shall be an acceptable form of financial assurance:

- d. An escrow account.
- e. A certificate of deposit or an automatically renewable, irrevocable letter of credit from a financial institution chartered or authorized to do business in this Commonwealth and regulated and examined by a federal agency



PAUPACK TOWNSHIP SUPERVISORS

WAYNE COUNTY
25 DANIELS ROAD
LAKEVILLE, PA 18438

- f. A bond executed between the solar energy facility owner and a corporate surety licensed to do business in this Commonwealth.
 - g. A negotiable bond of the Federal Government, the Commonwealth or a municipality within this Commonwealth.
- G. Transferability:** A decommissioning and reclamation plan, the associated financial assurance and the salvage value of a solar energy facility to reduce the financial assurance may not be separated from the solar energy facility through a change in ownership. The new owner shall submit proof of financial assurance in accordance with subsection E.3 of this amendment. The prior owner may not release or revoke the prior owner's financial assurance until the new owner's proof of financial assurance is filed with the Township and Wayne County Recorder of Deeds and notice is provided to the property owner party to the solar energy facility agreement.
- H. Penalties and Remedies:** Failure to adhere to the provisions of this amendment, the Paupack Township Zoning Ordinance, and/or any conditions set forth during the conditional use process shall be considered a violation of this Ordinance or amendment thereto.
- 1. **Causes of Action:**

In the event any provisions of this Amendment, the Paupack Township Zoning Ordinance, and/or the conditions set forth during the conditional use process are out of compliance, the Township, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such violation.
 - 2. **Enforcement Remedies:**
 - a. Violation: Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Amendment, the Paupack Township Zoning Ordinance, and/or any conditions set forth during the conditional use process shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a penalty of not more than \$500 (state law) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Amendment, the Paupack Township Zoning Ordinance, and/or any conditions set forth during the conditional use process to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this



PAUPACK TOWNSHIP SUPERVISORS

WAYNE COUNTY
25 DANIELS ROAD
LAKEVILLE, PA 18438

Amendment, the Paupack Township Zoning Ordinance, and/or any conditions set forth during the conditional use process, shall be paid over to the Township.

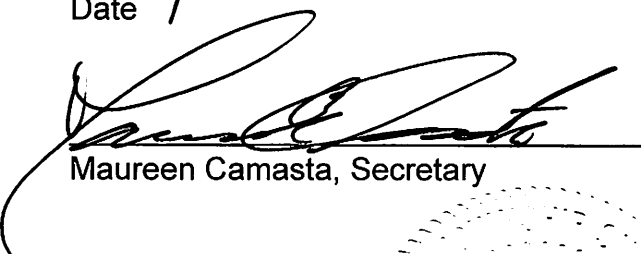
- b. Order of Stay: The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- c. Action Limited to Township: Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township, the right to commence any action for enforcement pursuant to this subsection F of this Amendment.

Enactment

Ordained and enacted on this 22nd day of May, 2025 by a vote of
3 () yes and 0 () no, this Amendment modifies the

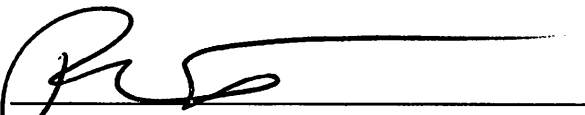
Paupack Township Zoning Ordinance 2012-53. This Amendment shall take effect on
the 27th day of May, 2025.

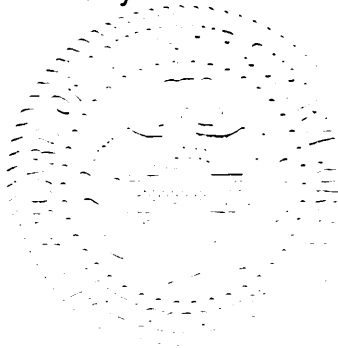
May 22nd, 2025
Date


Maureen Camasta, Secretary


Bruce Chandler, Chairperson


James Martin, Vice-Chairperson


Robert Boogertman, Supervisor



Page 10 of 10

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

