

Town Board Resolution No. 87 of 2026

SOLAR ENERGY SYSTEM PERMIT FEE SCHEDULE

Adopted Pursuant to Local Law No. 2 of 2022

Date: May 28, 2026

I. AUTHORITY

This Fee Schedule is established pursuant to Article X, Section A of Local Law No. 1 of 2022 of the Town of Windham (the "Solar Energy Law"), which authorizes the Town Board to establish, by resolution, a schedule of fees for the submission of applications and the issuance of permits under that Law. This Fee Schedule may be amended from time to time by resolution of the Town Board.

II. PERMIT FEE TIERS

Permit fees for Solar Energy Systems shall be assessed according to the tier structure below, based on (a) the gross floor area of the principal residential structure on the subject parcel and (b) the total nameplate generating capacity of the proposed solar energy system.

Tier	Category	System Capacity	Structure Size	Permit Fee
Tier 1	Residential — Modest Home	≤ 25 kW nameplate	≤ 2,000 sq ft gross floor area	\$0.00 (No fee)
Tier 2	Residential — Large / Luxury Home	≤ 25 kW nameplate	> 2,000 sq ft gross floor area	\$350.00
Tier 3	Small-Scale Commercial / Oversized Residential	> 25 kW and ≤ 1 MW nameplate	Any	\$15.00 / kW (max \$1,000)
Tier 4	Large-Scale Community Solar	> 1 MW nameplate, all other cases	Any	\$15.00 / kW (max \$5,000) + Decommissioning Bond (see § VI)

Gross floor area shall be determined from Town building and assessment records, or as demonstrated by the applicant at the time of application. The applicable tier is established at submission and is not subject to retroactive adjustment.

III. MEASUREMENT OF NAMEPLATE CAPACITY

Nameplate capacity shall mean the total rated DC output of all solar panels proposed for installation, as stated in the manufacturer's specification sheets submitted with the application.

IV. TIER 1 AND TIER 2 — PERMIT PROCESS

A. Roof-Mounted Systems (No Review Required)

For Tier 1 and Tier 2 systems that are rooftop or flush-mounted, no site plan review or Planning Board approval shall be required. The application shall consist solely of: (i) the New York State Unified Solar Permit application form; (ii) a roof plan, photograph, or sketch showing the proposed panel location; and (iii) manufacturer's specification sheets for the panels and inverter. The Code Enforcement Officer shall issue the Unified Solar Permit within five (5) business days of confirming receipt of a complete application.

B. Ground-Mounted or Freestanding Systems (15-Day Review)

For Tier 1 and Tier 2 systems that are ground-mounted or freestanding, site plan review by the Planning Board is required per the Solar Energy Law. The Code Enforcement Officer shall issue or deny a Unified Solar Permit within fifteen (15) business days of receipt of a complete application. Failure to act within this period shall be deemed an approval, and the permit shall be issued forthwith.

V. TIER 3 — FEE CALCULATION

The permit fee for Tier 3 systems shall be \$15.00 per kilowatt (kW) of total nameplate capacity, subject to a maximum of \$1,000.00.

Example: 50 kW system = \$750.00 (50 × \$15). A 120 kW system = \$1,000.00 (maximum).

VI. TIER 4 — FEE CALCULATION AND DECOMMISSIONING BOND

A. Permit Fee

The permit fee for Tier 4 systems shall be \$15.00 per kilowatt (kW) of total nameplate capacity, subject to a maximum of \$5,000.00.

B. Decommissioning Security — Upfront Posting Required

In addition to the permit fee, all Tier 4 systems require posting of a decommissioning security with the Town Clerk prior to the commencement of any site plan review, as required by Article IX of the Solar Energy Law. No application for site plan approval shall be deemed complete, and

no Solar Building Permit shall be issued, until the decommissioning security has been received and accepted by the Town Clerk.

The amount of the decommissioning security shall be one hundred twenty-five percent (125%) of the total estimated decommissioning and site restoration cost, as reviewed and approved by a licensed professional engineer retained by the Town. The applicant shall bear all costs of such Town engineering review.

C. Acceptable Forms of Security

Decommissioning security shall be provided in one of the following forms, in order of Town preference:

1. Cash or certified funds held in escrow by the Town Clerk;
2. Irrevocable letter of credit from a financial institution approved by the Town Board;
3. Surety bond from a company licensed to do business in New York State, with a term that shall not expire prior to full decommissioning and site restoration, and shall be automatically renewed.

D. Periodic Adjustment

The decommissioning security shall be reviewed at each triennial renewal of site plan approval. The applicant shall submit an updated cost estimate prepared by a licensed professional engineer. If the Town Engineer determines the updated estimate exceeds the current security, the applicant shall increase the security to 125% of the updated estimate within sixty (60) days. Failure to increase the security shall constitute grounds for revocation of site plan approval.

VII. OTHER FEES

Fee Item	Amount / Notes
Triennial Renewal (Tier 4)	\$500.00 per renewal application, due at time of submission.
Certificate of Compliance / Certificate of Occupancy	\$50.00 per issuance, all tiers.
Site Plan Review Costs	All engineering, legal, environmental, and planning costs incurred by the Town in connection with site plan review shall be borne by the applicant per Article X, Section B of the Solar Energy Law.
Town Engineering Review (Decommissioning Bond)	At cost — applicant responsible for all fees charged by Town-retained engineer.

III. EXEMPTIONS

Tier 1 systems are exempt from all permit fees under this Schedule. Building-integrated solar energy systems that are part of a building permit application for new construction are also exempt from a separate solar permit fee; applicable building permit fees shall apply. All other requirements of the Solar Energy Law remain in effect regardless of fee tier.

IX. EFFECTIVE DATE AND SUPERSESSSION

This Fee Schedule shall take effect upon adoption by the Town Board and shall supersede any prior fee schedule adopted pursuant to Local Law No. 2 of 2022. The Town Board reserves the right to amend this Fee Schedule at any time by resolution.

A motion to adopt this resolution was made by Councilman _____ and seconded by Councilman _____.

In Favor 5 , Opposed 0 , Absent 0 .

ADOPTED: MAY 28, 2026

Supervisor:	Hoyt	Aye
Councilmen:	Van Valin	Aye
	Goettsche	Aye
	Peters	Aye
	Walker	Aye

ADOPTED by resolution of the Town Board of the Town of Windham this _____ day of _____, 20____.

Town Supervisor

Town Clerk

STATE OF NEW YORK)

)S.S:

COUNTY OF GREENE)

I, the undersigned,

DO HEREBY CERTIFY that I have compared the above copy of a resolution adopted _____ 2026 with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of said Town of Windham this _____ day of _____ 2026.

Bonnie Poehmel
Town Clerk