



TRELINA SOLAR ENERGY CENTER

Case No.: 19-F-0366

1001.31 Exhibit 31

Local Laws and Ordinances

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Appendices

Appendix 31-1 Town of Waterloo Local Law, Chapters 79, 93, and 135

Appendix 31-2 Town of Waterloo Local Law #1 of 2019, Chapter 134, Solar Energy Systems

Exhibit 31: Local Laws and Ordinances

This Exhibit will track the requirements of proposed Stipulation 31, June 19, 2020, and therefore, the requirements of 16 NYCRR § 1001.31.

All of the local law provisions discussed herein are contained in Town of Waterloo Local Laws (Appendix 31-1) and Town of Waterloo Local Law #1 of 2019, Chapter 134, Solar Energy Systems (Appendix 31-2).

The Trelina Solar Energy Center (Project) will be located in the Town of Waterloo, Seneca County, New York. The Applicant has been implementing the Public Involvement Program (PIP) Plan for the Project as described in Exhibit 2. The Applicant has consulted with the Town, Seneca County, landowners, and the Seneca County Industrial Development Agency (IDA) and others as part of the PIP Plan. The Meeting Log is included as Appendix 2-4. Outreach to municipal stakeholders has included presentations at town board meetings and open house events to introduce the Applicant and the Project to the community. Coordination included the Applicant providing Project-specific information to the municipality, as well as consulting and responding to comments from agency stakeholders, such as the USFWS and NYSDAM, among others. The Applicant is also working with the Town of Waterloo (Supervisor Don Trout), the Waterloo Central School District (Superintendent Jane Lindaman), and the Seneca County IDA with the intention of executing a Payment in Lieu of Taxes (PILOT) agreement prior to construction of the Project.

Outreach to the Town of Waterloo for agreement on substantive and procedural requirements has been performed in accordance with the Article 10 requirements, and results of the coordination are summarized in the following sections.

31(a) Local Procedural Requirements Applicable to Construction/Operation of the Project Supplanted by Article 10

The following section contains lists of local ordinances, laws, resolutions, regulations, standards, and other requirements applicable to the construction and operation of the Project that are of a procedural nature for the Town of Waterloo. These local procedural requirements are supplanted by PSL Article 10 unless the Board expressly authorizes the exercise of the procedural requirement by the local municipality or agency.

Town of Waterloo Local Law Chapters 79 and 135

Chapter 79, Site Plan Review and Approval

- § 79-5. Standards for site plan review.

In reviewing an application for approval of a site plan, the Planning Board will be guided by the existing characteristics and conditions of the site and its surroundings, by any particular design objectives of the applicant and by the quality and distinctiveness of the proposal. Each site plan shall conform to all general standards listed in this § 79-5, as applicable, and to other specific concerns related to a particular site, as may be identified in writing by the Planning Board. On request, the Board may, by resolution, modify or waive any standard that is deemed to be not appropriate for the specific development under consideration.

A. Applicable requirements for special condition or special permit approvals, as may be set forth in a Town zoning law, if any, shall be complied with.

G. A landscaped buffer strip (see § 79-3) planted along such lot line may be required by the Planning Board.

I. An adequate amount of off-street parking shall be provided for the proposed use.

K. On comer lots, the location of driveway cuts shall not be approved by the Planning Board until after review and comment, as appropriate, by the Town Highway Superintendent, the County Highway Superintendent (for county roads) and the State Department of Transportation (for state roads).

L. Access and circulation plans for vehicular traffic, including roadway and intersection design, traffic controls, signage and lighting shall be adequate to handle expected traffic volumes generated by the proposed development.

Q. Sites located in any area of special flood hazard shall comply with the provisions of Chapter 78 of the Town of Waterloo Code.

- § 79-6. Site plan review procedure.
- E. Zoning and use permit.
- (1) When an application for approval of a site plan has been approved, with or without modification, a zoning and use permit shall be issued by the Code Enforcement Officer when there is also compliance with all other federal, state, county and local laws.
 - (2) A zoning and use permit shall expire 18 months from the date of issuance if the proposed activity has not been substantially implemented as determined by the Planning Board. One twelve-month extension may be granted by the Planning Board.

Chapter 135, Zoning

- § 135-6. General provisions.

G. Any fence or planting that does not conform to the requirements of this section and thereby results in an obstruction to the vision of motorists shall be corrected within 30 days from the date a notice thereof has been sent to the property owner by the Zoning Officer.

M. SEQR requirements. No discretionary action required by this chapter shall be taken until there has been compliance with applicable provisions of 6 NYCRR Part 617 (SEQR) and an environmental determination has been made by the lead agency.

N. Fences erected on residential lots or on land adjacent to residential lots.

(1) No fence shall be erected on a residential lot or on land adjacent to a residential lot unless a zoning permit has first been obtained. The application for such permit shall be accompanied by a site plan depicting height and location of the fence relative to all structures on the premises, to all property lines of the premises and to all public right-of-way lines.

(5) No temporary fence shall be erected unless permitted in writing by the Town Code Enforcement Officer and subject to such reasonable conditions as such Officer may impose.

- § 135-7. Supplementary regulations.

E. Signs.

(1) General provisions.

(a) After adoption of this chapter, no sign shall be erected, placed or maintained in the Town of Waterloo unless specifically permitted in this subsection or unless a permit therefor has been issued by the Zoning Board of Appeals. Replacement of any existing sign for any cause shall be in accordance with the more restrictive clause of this chapter.

(h) A sign to be installed on the face of any new building may be included in the permit covering the construction of such building and no other permit or fee shall be required.

- § 135-8. Special conditions and special use permits.

D. Special use permits.

(1) General requirements. Authorization for any special permit required by this chapter shall be obtained from the Planning Board. Such authorization shall be conditioned on provisions of adequate safeguards to protect the health, safety and general welfare of the public and to mitigate possible detrimental effects on land value and on adjacent property. To this end, before a special permit is authorized the Planning Board shall determine, after a duly advertised public hearing, that the following general requirements will be complied with as well as any other applicable requirements for certain specific land uses or activities as may be set forth elsewhere in Subsection D(2) of this section. The Planning Board shall determine:

(a) That the proposed land use or activity is to be located, constructed and operated so that the public health, safety and general welfare will be protected.

(b) That the existence of the proposed land uses or activity will not cause substantial injury to the value of other property in the surrounding neighborhood.

(c) That adequate landscaping and screening is to be provided.

(d) That adequate off-street parking and loading is provided and the ingress and egress thereto are so designed as to cause minimum interference with traffic on abutting roads.

(e) That the proposed land use or activity will not result in excessive erosion and will not increase surface water runoff onto abutting properties.

(f) The proposed water supply and sewage disposal system is determined by the appropriate jurisdictional authority to be adequate.

(g) That vibration, glare, heat, noise or other disturbance anticipated from the proposed development can be mitigated to prevent onerous conditions for any existing residence on adjacent or nearby property.

o § 135-11. Enforcement; zoning permit; certificate of compliance.

A. Enforcement officer; zoning permits. This chapter shall be enforced by the Town of Waterloo Zoning Officer who shall be appointed by and serve at the pleasure of the Town Board. The Zoning Officer shall have the power to make inspection of buildings or premises as is necessary to enforce this chapter.

B. Zoning permit.

(1) Permit required. No building or structure shall be demolished, erected, added to or structurally altered unless a zoning permit therefore has been issued by the Zoning Officer. Except upon a written order of the Zoning Board of Appeals, no zoning permit or certificate of compliance shall be issued for any building or structure if said structure, addition, alteration or use thereof would be in violation of any of the provisions of this chapter. Notwithstanding the foregoing, no zoning permit shall be required for the following: normal maintenance and repair work such as painting, roofing, siding, interior decoration; the demolition or erection of

an appurtenant structure having a total floor area of 140 square feet or less; or a pool having an interior depth of 24 inches or less.

C. Certificate of compliance.

(1) Application for a certificate of compliance may be made at any time and must be made coincident with the application for a zoning permit. An application for a certificate of compliance shall be filed with the Zoning Officer, in duplicate and together with the applicable fee, and shall include a detailed description, as of the date of the application of the use of the premises, of the improvements located thereon, and a plot plan, drawn to scale, showing the size of the lot and the location of all improvements thereon relative to the boundary lines thereof. The Zoning Officer shall issue a certificate of compliance if, after investigation and inspection of the premises, the Zoning Officer determines the application accurately reflects the use and improvement of the premises as of the date of the application and as of the date of inspection; otherwise, such application shall be denied in writing and stating the reasons for denial. No certificate of compliance shall be issued by the Zoning Officer if it shall appear that the improvement was made after the date of adoption of this section without first obtaining a zoning permit therefor.

Town of Waterloo Local Law #1 of 2019, Chapter 134, Solar Energy Systems

Chapter 134 Solar Energy Systems

§134.6. Large - Scale Solar Energy System

A. Large-scale solar energy systems greater than 1,000 square feet based on the perimeter occupied by the solar panels and greater than 25kW.

B. Permitting.

(1) Large-scale solar energy systems are permitted through the issuance of a special use permit and permitted in the following zoning districts: Industrial (I) and Agricultural (A), subject to the requirements set forth in this section, including site plan approval. Applications for the installation of Large-scale solar energy system shall be reviewed by the Zoning Officer and referred, with comments to the Planning Board for its review and action, which can include approval with conditions, or denial.

- (2) Applications for large-scale solar energy systems that are subject to independent professional services for inspection, engineering and legal consultation will be the responsibility of the Applicant. If additional funds are needed in the fee account, the Planning Board will obtain an estimate from the consultant as to the amount necessary for completion of the remaining review(s).

Said amount is to be paid by the Applicant to any further work being done by the consultant. Balance of the deposit will be returned upon completion of the project. The Planning Board will provide the Applicant in advance with established billing rates for engineering and legal services.

- (3) Special use permit application requirements. In addition to the requirements set forth in § 135-8 of this chapter, the following information must be included with an application for a special use permit for large-scale solar energy systems.

a) 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.

b) A letter providing proof of feasibility from the local utility company is to be provided as part of the application indicating that utility company can handle the demands of the proposed project.

c) A boundary survey prepared by a New York State licensed professional is to be provided, including the metes and bounds, monumentation, tax map information, property acreage, and easements.

d) Plans showing the layout of the solar energy system signed by a professional engineer or registered architect shall be required. A photograph of the site is also required.

e) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.

f) Plans and drawings for the Large-scale energy system signed by a Professional Engineer showing the proposed layout of the solar energy system along with providing

a description of all components, existing vegetation, any proposed clearing and grading of the lot(s) involved, any anticipated or possible storm water or erosion disturbances, and utility lines (both above and below ground) on the site and adjacent to the site.

g) A Property Operation and Maintenance Plan which describes all ongoing or periodic maintenance of the large-scale solar energy system and property upkeep, such as mowing, trimming, safety concerns, and access. The Property Operation and Maintenance Plan shall include details about the proposed use or uses of the remaining property not used for the large-scale solar energy systems, as well as ingress and egress to all portions of the property.

h) Decommissioning plan. To ensure the proper removal of a large-scale solar energy system, a decommissioning plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this section.

[1] In the event that the owner or lessee of any large-scale solar energy system ceases for a period of six (6) months to use or operate the said system or in the event the said system fails to generate electrical energy, as supported by metered use thereof, for a period of six (6) months, then in either event such by the owner or lessee. If the owner or lessee does not voluntarily dismantle the facility and remove the same from the site upon the occurrence of either event, the Code Enforcement Officer may recommend to the Town Board that the Town Board declare the system abandoned based on either or both events and the Town Board, upon receiving the recommendation of the Code Enforcement Officer and holding a hearing on due notice to the property owner and operator of the facility, may declare the system abandoned and order the dismantling and removal of the system by the owner and/or operator or, after the passing of 30 days from the date the Planning Board declares the facility abandoned, by Town staff or by a third party on contract with the Town. Failure to dismantle and remove a facility and restore the site to its natural state within 30 days after said facility has been declared abandoned by the Planning Board upon recommendation of the Code Enforcement Officer will result in forfeiture or the filing of a claim against the performance surety bond posted by said owner or lessee of said facility, as

provided in§ 134.6(1)(h)(4) herein. The Town may also impose a lien on the property to cover removal costs, plus a service charge of 25% thereof, to cover the cost of supervision and administration, to the Town, and such amount shall be assessed against the property on which the facility was situated. The amount so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town taxes and charges.

[2] The plan shall demonstrate how the removal of all infrastructure both above and below ground and the remediation of soil and vegetation shall be conducted to return the parcel to the condition the property was in prior to the installation of the large-scale solar energy system.

[3] The plan shall also include an expected timeline for execution.

[4] A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer. Cost estimations shall take into account inflation. A decommissioning performance surety bond shall be issued to the Town of Waterloo in that amount and shall remain in effect for as long as the large-scale energy system is in existence. The bond amount shall equal the decommissioning and reclamation costs for the entire system. The bond must remain valid until the decommissioning obligations have been met. A 20-year bond will be required for all large-scale solar energy systems, which will require renewal after fifteen (15) years, for an additional twenty (20) years. The cost estimate shall be reviewed by the Town Engineer and approved by the Town Attorney.

[5] Removal of large-scale solar energy systems must be completed in accordance with the decommissioning plan.

[6] If the large-scale solar energy system is not decommissioned after being considered abandoned, the Town may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality, and collect such amounts in the same way as other Town taxes, in addition to any other remedies available to the town.

- i) Construction schedule. Applicants must submit a proposed schedule for the completion of the project, including the proposed start date and proposed date of substantial completion, the expected date of connection to the power grid, and the expected date on which operation of the photovoltaic system shall commence.
- (4) Special use permit standards. No special use permit for a large-scale solar energy system shall be issued unless the Planning Board specifically finds that the proposed project is in compliance with each of the following:
- e) Security. All large-scale solar energy systems shall be enclosed by fencing to prevent unauthorized access, unless the Planning Board determines that fencing will cause environmental or ecological problems, or that such fencing is unnecessary. If the Planning Board makes such a determination, then the applicant must provide for other means, acceptable to the Planning Board, to prevent access to circuit conductors and other electrical components of the system. Warning signs with the property owner's contact information shall be placed on the entrance and perimeter of the property and of the solar energy system at locations acceptable to the Planning Board. Any fencing installed shall be acceptable to the Planning Board and shall include screening of said fencing as required by the Planning Board.
 - f) Drainage. All large-scale solar energy systems shall include a drainage and stormwater management plan that is acceptable to the Planning Board.
 - g) Easements. All large-scale solar energy systems shall provide access, maintenance, and utility easements that are acceptable to the Planning Board. If the large-scale solar energy system will be operated by any entity other than the property owner, the Planning Board must approve the lease or contractual agreement between the property owner and the system operator.
 - h) The Planning Board must approve the decommissioning plan submitted by the applicant. The Planning Board shall require that the applicant or property owner post an automatically renewing security bond for construction, maintenance, and removal of solar energy systems.

- i) The Planning Board must approve the property operation and maintenance plan submitted by the applicant.
- h) The Planning Board must approve the decommissioning plan submitted by the applicant. The Planning Board shall require that the applicant or property owner post an automatically renewing security bond for construction, maintenance, and removal of solar energy systems.
- i) The Planning Board must approve the property operation and maintenance plan submitted by the applicant.
- k) All Large-Scale Solar Energy Systems shall be adequately screened, as determined by the Planning Board, to avoid adverse aesthetic impacts.
- l) Any application under this section shall meet any substantive provisions contained in local site plan requirements in the Zoning Code that, in the judgment of the Planning Board, are applicable to the system being proposed. If none of the site plan requirements are applicable, the Planning Board may waive the requirement for site plan review.
- m) The Planning Board may impose conditions on the approval of any special use permit under this section in order to enforce the standards referred to in this section, or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).
- n) A special use permit shall expire 18 months from the date of issuance if the proposed activity has not been substantially implemented as determined by the Planning Board. One twelve-month extension may be granted by the Planning Board.

31(b) Local Procedural Requirements Requested to be Expressly Authorized by the Board

Except with respect to the New York State Uniform Fire Prevention and Building Code, as explained below, the Applicant does not request the Board to authorize a municipality to implement any local procedural requirements.

31(c) Local Agency Review and Approval of Compliance with Building Codes

The Town of Waterloo has expressly declined to administer the New York State Uniform Fire Prevention and Building Code. Rather, Seneca County is responsible for reviewing and approving building plans, inspecting construction work, and certifying compliance with the New York State Uniform Fire Prevention and Building Code, the Energy Conservation Construction Code of New York State, and the substantive provisions of any applicable local electrical, plumbing, or building code. If necessary, Seneca County can hire consultants to assist with the review and approval. The Applicant may make a request to the Board during the Article 10 proceeding pursuant to subdivision (b) of this section that the Board expressly authorize the exercise of the applicable electric, and building permit application, inspection, and certification processes by Seneca County. To the extent the Applicant requests the Board to make the aforementioned authorization to the County, the Applicant is willing to fund those consultations, to the extent such fees are not paid for from the fund for municipal and local party intervenors. Alternatively, the Applicant may request to submit for review the building plans to an entity qualified by the NYS Department of State, in order to obtain compliance certified with the NYS Uniform Fire Prevention and Building Code, the Energy Conservation Construction Code of NYS, and the substantive provisions of any applicable local electrical, plumbing, or building code.

31(d) Substantive Requirements

This section identifies the local ordinances, laws, resolutions, regulations, standards and other requirements applicable to the construction or operation of the proposed Project that are of a substantive nature. The text of these substantive requirements and the Project's compliance with them are presented in Table 31-3. The dimensional requirements under the local solar ordinance are presented in Table 31-1.

Town of Waterloo Zoning Ordinance Chapters 79, 93, and 135

Chapter 79, Site Plan Review and Approval

B. Special attention shall be given to proper site drainage so that run off of stormwater will not adversely affect neighboring properties or produce downstream flooding.

C. Development on erodible soils, or on slopes of greater than 10%, shall be designed to minimize erosion during construction and after construction has been completed.

D. In general, the total area of constructed impermeable surfaces (roofs, pavement, parking lots, walkways, etc.) should be limited to not more than 40% (75% for nonresidential projects) of any tax parcel included in the site plan review application.

E. Unless other requirements to the contrary are set forth in any Town zoning ordinance, all new buildings that are subject to site plan review and approval shall be located on a lot that has a minimum area of 30,000 square feet, with a minimum frontage of 150 feet, except that a minimum area of 40,000 square feet shall be provided for any lot located in any areas where there is no public water or sewer service available

F. A minimum building setback of at least 50 feet from the right-of-way line, or 75 feet from the center line of any road, whichever is greater, shall be provided, and no building shall be located less than 15 feet from all other property lines.

G. No commercial or industrial building or land use shall be located less than 50 feet from the lot line of a residence existing at the time of adoption of this chapter.

H. To preserve visibility at road intersections that are not controlled by a traffic light, nothing higher than three feet shall be located or planted less than 30 feet from the intersection of the road right-of-way lines.

I. No off-street parking space shall be less than nine feet by 18 feet or located less than 10 feet from any front property line.

J. All loading and unloading areas and outside storage areas, including used equipment storage and areas for the storage of trash, which face or are visible from a public road or an adjacent property shall be screened from public view by a vertical screen at least six feet in height. A landscaped buffer strip or a combination of landscaping and fencing may be used to provide the required screening. (See § 79-3.)

K. Multiple or extra-wide driveway cuts to provide access to any site shall be avoided in the site design whenever possible.

M. Exterior lighting, if any, shall be designed and located so that it does not produce glare on adjacent properties and does not impede the vision of traffic on adjacent roads.

P. No offensive noise, traffic, odor, smoke, dust, heat, glare or electrical disturbance shall be produced that cannot be mitigated or contained on the site.

Chapter 93, Noise

- § 93-6. Machinery and mechanical devices.
 - Except by a variance from the Town of Waterloo Zoning Board of Appeals it shall be unlawful for any person to operate any machinery, equipment, pump, fan, air-conditioning apparatus or similar mechanical device in any manner so as to exceed the noise levels permitted in any residential area where the noise created during either the nighttime or daytime hours exceeds the limits in the appendix.
- § 93-7. Construction.
 - During the nighttime hours it shall be unlawful for any person within a radius of 500 feet of a residence, to operate equipment or perform any outside construction or repair work except that of an emergency nature on buildings, structures or projects, or to operate any pile driver, pneumatic hammer, derrick, electric hoist or other construction equipment except to perform emergency work.

Chapter 135, Zoning

- § 135-6. General provisions.
 - G. Obstruction of vision. To preserve visibility at road intersections that are not controlled by a traffic light, nothing higher than three feet shall be located or planted less than 30 feet from the intersection of the road right-of-way lines.
 - I. Drainageways. Natural drainageways shall be preserved and shall be kept free of debris or other obstructions to water flow. Where relocation of a natural drainageway cannot be avoided, it must be located in a way that will assure the unobstructed flow of stormwater.

J. Rubbish and junk. Lots shall be kept free from abandoned or inoperable vehicles, discarded building material, discarded appliances and furniture, and all forms of rubbish and junk. (See§ 135-3, Definitions.)

L. General performance standards. All nonfarm land uses or activities in the Town of Waterloo shall be established, constructed or operated in accordance with the following performance standards:

(1) The activity shall not produce objectionable vibration, glare, heat or noise that is evident beyond the property line.

(2) The activity shall not result in the dissemination of noxious dust, gas, smoke, chemicals or odors beyond the property line.

(3) The activity shall not produce perceptible electromagnetic interference with normal radio or television reception in any area.

N. Fences erected on residential lots or on land adjacent to residential lots.

(2) Any such fence shall not exceed eight feet in height above the ground, shall not be located less than three feet from the side and rear property lines of the premises and shall not extend beyond the setback line from any public right-of-way.

(3) A fence not exceeding three feet in height from the ground may be constructed less than three feet but not less than six inches from the side, front and rear lines of the premises.

(4) The finished side of such fence shall face adjoining properties and public rights-of-way.

(6) No barbed wire or electric fence shall be erected in a residential district.

(7) Barbed wire or electric fence on a residential lot in nonresidential districts shall not be erected less than 50 feet from any residence.

- § 135-7. Supplementary regulations.

C. Floodplains.

(3) Wetlands. Notwithstanding any other provisions of this chapter, and particularly Schedule I, to the contrary, construction or any other development on any land in the Town of Waterloo designated as a wetland pursuant to Article 24 of the State Environmental Conservation Law, shall be in accordance with the provisions of said Article 24. In addition, construction or any other development shall be in compliance with wetland requirements in the Clean Water Act and all requirements of the U.S. Army Corps of Engineers and the United States Environmental Protection Agency.

E. Signs.

(1) General provisions.

(b) Signs must be constructed of durable material and maintained in good condition.

(c) Other than an official traffic sign or a sign required by law, no sign shall be erected within or shall overhang the right-of-way lines of a public thoroughfare.

(d) Signs shall not project beyond property lines and shall not block sight lines for vehicles entering or leaving a premises.

(e) No illuminated sign shall be permitted or installed that would be distracting or hazardous to traffic on an adjacent road. Illuminated signs shall not be flashing or animated

(f) No sign shall be higher than 30 feet from the ground.

(g) For signs painted or installed on opposite sides of a board or standard (a two-sided sign), only one side need be considered in determining the area of such sign.

Town of Waterloo Local Law #1 of 2019, Chapter 134, Solar Energy Systems

Chapter 134 Solar Energy Systems

§134.6.B.(3) (h)[1] In the event that the owner or lessee of any large-scale solar energy system ceases for a period of six (6) months to use or operate the said system or in the event the said system fails to generate electrical energy, as supported by metered use thereof, for a period of six (6) months, then in either event such by the owner or lessee. If the owner or lessee does not voluntarily dismantle the facility and remove the same from the site upon the occurrence of either event, the Code Enforcement Officer may recommend to the Town Board that the Town Board declare the system abandoned based on either or both events and the Town Board, upon receiving the recommendation of the Code Enforcement Officer and holding a hearing on due notice to the property owner and operator of the facility, may declare the system abandoned and order the dismantling and removal of the system by the owner and/or operator or, after the passing of 30 days from the date the Planning Board declares the facility abandoned, by Town staff or by a third party on contract with the Town. Failure to dismantle and remove a facility and restore the site to its natural state within 30 days after said facility has been declared abandoned by the Planning Board upon recommendation of the Code Enforcement Officer will result in forfeiture or the filing of a claim against the performance surety bond posted by said owner or lessee of said facility, as provided in § 134.6(1)(h)(4) herein. The Town may also impose a lien on the property to cover removal costs, plus a service charge of 25% thereof, to cover the cost of supervision and administration, to the Town, and such amount shall be assessed against the property on which the facility was situated. The amount so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town taxes and charges.

A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer. Cost estimations shall take into account inflation. A decommissioning performance surety bond shall be issued to the Town of Waterloo in that amount and shall remain in effect for as long as the large-scale energy system is in existence. The bond amount shall equal the decommissioning and reclamation costs for the entire system. The bond must remain valid until the decommissioning obligations have been met. A 20-year bond will be required for all large-scale solar energy systems, which will require renewal after fifteen (15) years,

for an additional twenty (20) years. The cost estimate shall be reviewed by the Town Engineer and approved by the Town Attorney.

- (4) Special use permit standards. No special use permit for a large-scale solar energy system shall be issued unless the Planning Board specifically finds that the proposed project is in compliance with each of the following:
- a) Setbacks. Large-scale solar energy systems shall be sited to create a front setback of no less than 200 feet from the right-of-way line of the road and setbacks of 100 feet from all side and rear property lines. In addition, no large-scale solar energy system shall be located closer than 300 feet from any residential structure located on another parcel.
 - b) Height. No part of the large-scale solar energy systems shall exceed ten (10) feet in height when oriented at maximum tilt.
 - c) Lot coverage. A large-scale solar energy system that is ground mounted shall not exceed 50% of the lot on which it is installed. The entire surface area of the solar panels shall be included in the total area regardless of the method by which the panels are supported or attached to the ground, or the angle at which they are placed.
 - d) Large-scale solar energy systems shall be located on lots with a minimum size of one (1) acre.
 - e) Security. All large-scale solar energy systems shall be enclosed by fencing to prevent unauthorized access.
 - f) Drainage. All large-scale solar energy systems shall include a drainage and stormwater management plan.
 - g) Easements. All large-scale solar energy systems shall provide access, maintenance, and utility easements.
 - j) All access roads and paths required for the project shall be integrated into other uses on the property, if possible. Access road siting and grading shall be designed to minimize any negative impacts from stormwater drainage.

- k) All Large-Scale Solar Energy Systems shall be adequately screened, to avoid adverse aesthetic impacts.

Table 31-1. Town of Waterloo Zoning Dimensional Requirements Summary for Large Scale Solar

DIMENSIONS	LARGE SCALE SOLAR ENERGY SYSTEM REQUIREMENTS	PROVIDED
Maximum Height	10 Feet	8 feet – fixed 13 feet – tracker*
Minimum Setback from right-of-way line of the road	200 Feet	200.35 Feet
Minimum Setback from all side and rear property lines	100 Feet	167 Feet
Minimum Setback from any residential structure located on another parcel	300 Feet	303 Feet
Minimum Lot Size	1 Acre	> 1 Acre
Maximum Lot Coverage	50%	39%**

*Denotes a waiver is requested from the Board.

**Refer to lot coverage interpretation in Section 31(e) below.

31(e) Local Substantive Requirements Applicant Requests the Board Not Apply

The Project is designed and will operate in compliance with applicable substantive local laws and regulations with the exception of three substantive requirements of the Town of Waterloo zoning ordinance:

- No part of the large-scale solar energy systems shall exceed ten feet in height when oriented at maximum tilt (§134.6.B(4)(b)).
- In the event that the owner or lessee of any large-scale solar energy system ceases for a period of six (6) months to use or operate the said system or in the event the said system fails to generate electrical energy, as supported by metered use thereof, for a period of six (6) months, then in either event such by the owner or lessee. If the owner or lessee does not voluntarily dismantle the facility and remove the same from the site upon the occurrence of either event, the Code Enforcement Officer may recommend to the Town Board that the Town Board declare the system abandoned based on either or both events and the Town Board, upon receiving the recommendation of the Code

Enforcement Officer and holding a hearing on due notice to the property owner and operator of the facility, may declare the system abandoned and order the dismantling and removal of the system by the owner and/or operator or, after the passing of 30 days from the date the Planning Board declares the facility abandoned, by Town staff or by a third party on contract with the Town. Failure to dismantle and remove a facility and restore the site to its natural state within 30 days after said facility has been declared abandoned by the Planning Board upon recommendation of the Code Enforcement Officer will result in forfeiture or the filing of a claim against the performance surety bond posted by said owner or lessee of said facility, as provided in § 134.6(1)(h)(4) herein (§134.6.B(3)(h)[1]).

- A 20-year bond will be required for all large-scale solar energy systems, which will require renewal after fifteen (15) years, for an additional twenty (20) years (§134.6.B(3)(h)[4]).

The Applicant is requesting that the Board elect not to apply these requirements as they are unreasonably burdensome in the view of existing technology and/or consumer needs and would prevent the Project from being built.

The land area making up the Project Area is particularly well-suited for development of a solar energy system due to its location directly adjacent to existing electric transmission infrastructure with available capacity and the availability of large open space. The Trelina Solar Energy Center will help the State achieve the goals established in the Climate Leadership and Community Protection Act (CL&CPA), the Clean Energy Standard (CES), and the most recent State Energy Plan (SEP). Moreover, Trelina Solar Energy Center has executed a contract with NYSERDA to sell the renewable energy attributes generated by the Project, in furtherance of the aforementioned CL&CPA, CES, and SEP. By adding 79.9 to 80 MW of clean, renewable, solar power into the New York State energy market, the Project will help the State achieve its targets of 70% renewable generation by 2030, zero emissions from the statewide electrical demand system by 2040, an 85% reduction in greenhouse gas emissions by 2050, and the operation of 6 GWs of solar generation by 2025.

With the exception of those provisions identified above, the Applicant has determined that none of the remaining local, applicable, substantive requirements are unreasonably burdensome in terms of existing technological, cost/economics, or consumer needs. Therefore, there are no

additional substantive requirements which the Applicant is requesting that the Board elect not to apply at this time.

The following provides additional information supporting the Applicant's request that the Siting Board elect not to apply these three requirements:

No part of the large-scale solar energy systems shall exceed ten feet in height when oriented at maximum tilt (§134.6.B(4)(b)): Statement of Justification

The Project proposes to install fixed-tilt or tracker racking systems. As the technology is rapidly evolving for solar panel technology, and market conditions at the time procurement decisions need to be made are unknown, the Applicant is proposing in this Application to evaluate both types of racking systems, with the final decision to be made and detailed in the Compliance Filing. In the event tracker technology is utilized for the Project, the panels will reach a maximum height of 13 feet when at full-tilt with a dual portrait solar panel orientation. The evolution of the dual portrait panel orientation is a more efficient, yet slightly taller configuration compared to a single portrait panel orientation. The maximum height of a tracker system is only sustained for a short period during daylight hours as the racking makes continuous angle adjustments to follow the sun. For example, tracker systems lay flat near mid-day when the sun is directly overhead resulting in a maximum panel height lower than 10-ft. As a result, for the majority of the time when the panels will be visible, the tracker system will be less than 10 feet in height. Although the panels will exceed the 10-foot maximum height at full-tilt, this will mainly occur when the panels are stored overnight, meaning the panels are much less likely to be visible. By constructing the arrays with a dual portrait solar panel presentation, and thus at a height slightly above the Town's 10-foot maximum height requirement, the Applicant is able to reduce the overall area/footprint that would be required to achieve its 79.5-80 MW generating capacity, which will reduce the overall project impacts.

Additionally, allowing the tracker racking system to exceed the Town's 10-foot maximum height requirement results in the need for less soil disturbance during construction. Should the Applicant be held to a maximum height of 10 feet, additional site grading would be required beyond what is currently depicted in the

preliminary design drawings included in Exhibit 11 in order to ensure adequate clearance between the bottom of the solar panels and the ground elevation. Discussions with AGM, participating landowners and the public during the Applicant's outreach efforts have all indicated the preference to limit soil disturbances to the minimum amount necessary to construct the Project so that it can more easily be reverted back to agricultural use following the useful life of the solar Project and decommissioning.

Accordingly, the height cap represents a technological limitation that would prevent the use of the tracker system if evolving market conditions compel the Applicant to use that system. In addition, the needs of consumers for a successful renewable project, able to satisfy the Applicant's obligations to deliver RECs under its NYSERDA contract, and to help achieve the State's GHG reduction targets in the Climate Act and in the SEP, outweigh the need to apply the local height restriction. Therefore, under either prong of 16 NYCRR § 1001.31 (h) (1) and (3), the Board has ample basis not to apply the height restriction.

Decommissioning Timeline (§134.6.B(3)(h)[1]). Statement of Justification:

Pursuant to the Town's solar law, a solar facility must be decommissioned if it ceases to operate or generate electricity for a period of 6 months. The law further requires that a facility be completely dismantled, removed, and the site restored within 30 days of the start of decommissioning. The Applicant seeks a waiver of both of these requirements.

As provided in the Application, the decommissioning process is expected to take between 3.5 to 5 months to complete. This time includes 2 weeks for site mobilization and preparation, 6 to 12 weeks for disassembly of the solar arrays and associated infrastructure, 4 weeks following disassembly to remove and reclaim the access roads, and 2 weeks to remove and reclaim the Project laydown area and complete demobilization for the site. To safely and completely remove all project components, remove access roads (as required), and restore the site will take considerably more time than the 30 days required by the Town's solar law. Additionally, this time is necessary to restore the site to substantially its pre-existing condition and to protect soils so that the landowners may return to farming operations in the future. As such, it is simply not technologically possible or feasible to completely disassemble and restore the site within 30 days.

Further, Department of Public Service Staff and other parties have previously agreed that 12 months is a more appropriate length of time to decommission a project if it ceases to operate or generate electricity (see proposed certification conditions for High River Energy Center [Case 17-F-0597] and East Point Energy Center [Case 17-F-0599]).

In particular, parties have recognized that there may be certain conditions that arise that prohibit a facility from operating or generating electricity for a length of time, such as the need to replace equipment with long lead times due to market conditions. Since consumer needs would best be met by a fully functioning solar facility so that it may fulfill its obligations under its NYSEERDA contract to help meet the State's renewable energy goals, a longer lead time is necessary before triggering decommissioning activities pose difficulties for financing projects. A twelve-month period was also agreed to by parties in the aforementioned two Article 10 proceedings. For these reasons, based upon the needs of consumers, the Siting Board should elect not to apply the 6 month decommissioning triggering deadline contained in §134.6.B(3)(h)[1] of the Town's solar law.

A 20-year bond will be required for all large-scale solar energy systems, which will require renewal after fifteen (15) years, for an additional twenty (20) years (§134.6.B(3)(h)[4]).
Statement of Justification:

The decommissioning plan in Exhibit 29 of the Application provides that the Applicant will work with NYSDPS Staff and the Town on an acceptable form of security and that the decommissioning security will remain active for the life of the Facility, until it is decommissioned. The Town's solar law, however, does not expressly allow for the Applicant to post a letter of credit for the 30-year life of the project, and instead requires a 20 year bond. Since the Applicant is committing to post security, most likely in the form of a letter of credit, for the entire life of the project, until fully decommissioned, the Siting Board should waive this requirement as it calls for a shorter time period for posting the bond. Siting Board precedent overwhelmingly supports the use of a letter of credit as an acceptable security for the useful life of the facility. This provision was also agreed to by parties in the aforementioned two solar Article 10 proceedings. Uniformity in posting security for solar projects is important to finance a solar project. In addition, predictability as to Article 10 requirements supports the successful development of a solar project, including fixing the term of, and type of security. Accordingly, based upon the needs of consumers to have the Project help achieve the State's GHG and other renewable goals, the Applicant requests the Board to elect not to apply these two requirements.

A large-scale solar energy system that is ground mounted shall not exceed 50% of the lot on which it is installed §134.6.B(4)(c). Statement of Justification:

Under §134.6.B(4)(c) of the Town of Waterloo Zoning Law, a large-scale solar energy system that is ground mounted shall not exceed 50% of the lot on which it is installed. The entire surface area of the solar panels shall be included in the total area regardless of the method by which the panels are supported or attached to the ground, or the angle at which they are placed.

Chapter 79, Site Plan Review and Approval of the Town of Waterloo's local codes defines "lot" as "*any parcel, plot, site or tract of land separated from other parcels, plots, sites or tracts by description or by metes and bounds*" (Ch. 79-3). Since the solar law only refers to a large-scale solar facility being installed on a single "lot," rather than multiple lots, consistent with the definition for "lot" as contained in the Site Plan Review law (which is the only place in the Town's laws where such term is defined), the Applicant interprets the term "lot" to refer to the entire 1,067-acre Project Area and not the individual parcels within the Project Area. The Law's definition of lot is expansive and is not limited to individual parcels, but rather includes sites or tracts of land that are separated merely by description. Here, the Project area is defined as the 1,067 acres under lease or purchase by the Applicant, which separates the Project from other land within the Town of Waterloo. As such, the Project Area comprises a lot under the Town's laws. The Applicant has consulted with the Town concerning this provision and further discussions are expected. Since Project components only cover approximately 39% of the Project Area, the Project complies with this substantive requirement.

A similar interpretation could be that the Town law never envisioned a solar facility being built on more than one lot, and therefore the coverage requirement is inapplicable to a Project that comprises more than one parcel.

The term "lot" might, however, potentially be interpreted as referring to the individual parcels making up the Project Area, meaning that each individual parcel can only have 50% lot coverage. Such an interpretation would hamper the ability of developers to site components in a manner that avoids and/or minimizes impacts to the maximum extent practicable.

Four parcels exceed this coverage threshold (Table 31-2) when assessed on an individual parcel basis for a total of 33.8 acres, representing approximately only ten percent of the total panel coverage proposed.

Table 31-2 Project Parcels Exceeding 50% Lot Coverage

Parcel ID	Total Acres	% Lot Coverage	Panel Area Exceeding 50%
20-1-75	41.24	52.2	0.9 acres
22-1-13	85.28	55.3	4.52 acres
22-1-31.11	118.44	59.3	11.01 acres
23-1-05	74.47	73.3	17.35 acres

The Applicant requests that the Board elect not to apply the latter interpretation. Designing the Project to achieve a 50% maximum lot coverage would be impractical because it unnecessarily spreads out components over a larger area to achieve the desired generating capacity and adds unnecessary lengths of collection lines. It would increase impacts by requiring more land to be utilized for panel placement as noted above. A design change to comply with this interpretation while also meeting the Project’s obligation to have a generating capacity of 80 MW, is not feasible within the Project Area, especially when other siting factors, such as avoiding and/or minimizing impacts environmental impacts, are considered. Because of the necessary facility component bulk for the Project, this interpretation would render the Project impossible to build within the Project Area in view of existing technology.

Nevertheless, in the event the Board chooses to apply this coverage restriction on a lot by lot basis, the Applicant respectfully requests that the Board elect not to apply the 50% coverage limitation to the aforementioned four parcels because it is unreasonably burdensome based upon the technological restrictions described above and the needs of consumers. Pursuant to 16 NYCRR § 1001.31(h)(3), the goals of the CL&CPA, the SEP, and the CES, as explained above, promote the urgent needs of consumers to reduce greenhouse gas emissions and those needs outweigh the insignificant potential impacts on the

community that could result by the Board refusing to apply this substantive restriction. Moreover, pursuant to 16 NYCRR § 1001.31(h)(2), the economic benefits to the community from payments to landowners, construction jobs, and PILOT payments outweigh the benefits of applying this provision. The Project will provide millions of dollars in additional revenue to the Town, County, and local school district and will create jobs. Finally, the GHG emission reductions outweigh the minimal impacts on the community that would result from refusing to apply the lot-by-lot interpretation of the provision or the coverage restriction itself. Thus, the factors all weigh in favor of the Board refusing to apply these restrictions.

31(f) Procedural Requirements Applicable to Interconnections in Public Rights of Way

The Applicant has determined that there are no procedural requirements applicable in local laws or regulations to the interconnection or use of water, sewer, or telecommunication lines that are applicable to the Project.

31(g) Substantive Requirements Applicable to Interconnections in Public Rights of Way

The Applicant has determined that there are no substantive requirements in local laws or regulations applicable to the interconnection or use of water, sewer, or telecommunication lines that are applicable to the Project.

31(h) Requirements Applicable to Interconnections in Public Rights of Way that the Applicant Requests the Board Not Apply

As there are no procedural or substantive requirements applicable to the interconnection or use of water, sewer, or telecommunication lines as identified above in Sections 31(f) and 31(g), there are no requirements which the Applicant is requesting that the Board elect not to apply.

31(i) List of Applicable Local Substantive Requirements and Compliance Assessment

Table 31-3. List of Applicable Substantive Requirements to the Facility and Plans to Adhere to the Requirements

Local Requirement	Project Compliance
Town of Waterloo Zoning Ordinance	

Local Requirement	Project Compliance
<p>§ 79-5.B. Special attention shall be given to proper site drainage so that run off of stormwater will not adversely affect neighboring properties or produce downstream flooding.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>§ 79-5.C. Development on erodible soils, or on slopes of greater than 10%, shall be designed to minimize erosion during construction and after construction has been completed.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>§ 79-5.D. In general, the total area of constructed impermeable surfaces (roofs, pavement, parking lots, walkways, etc.) should be limited to not more than 40% (75% for nonresidential projects) of any tax parcel included in the site plan review application.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>§ 79-5.E. Unless other requirements to the contrary are set forth in any Town zoning ordinance, all new buildings that are subject to site plan review and approval shall be located on a lot that has a minimum area of 30,000 square feet, with a minimum frontage of 150 feet, except that a minimum area of 40,000 square feet shall be provided for any lot located in any areas where there is no public water or sewer service available.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>§ 79-5.F. A minimum building setback of at least 50 feet from the right-of-way line, or 75 feet from the center line of any road, whichever is greater, shall be provided, and no building shall be located less than 15 feet from all other property lines.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>§ 79-5.G. No commercial or industrial building or land use shall be located less than 50 feet from the lot line of a residence existing at the time of adoption of this chapter.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>

Local Requirement	Project Compliance
<p>§ 79-5.H. To preserve visibility at road intersections that are not controlled by a traffic light, nothing higher than three feet shall be located or planted less than 30 feet from the intersection of the road right-of-way lines.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>§ 79-5.I. No off-street parking space shall be less than nine feet by 18 feet or located less than 10 feet from any front property line.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>§ 79-5.J. All loading and unloading areas and outside storage areas, including used equipment storage and areas for the storage of trash, which face or are visible from a public road or an adjacent property shall be screened from public view by a vertical screen at least six feet in height. A landscaped buffer strip or a combination of landscaping and fencing may be used to provide the required screening. (See § 79-3.)</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>§ 79-5.K. Multiple or extra-wide driveway cuts to provide access to any site shall be avoided in the site design whenever possible.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>§ 79-5.M. Exterior lighting, if any, shall be designed and located so that it does not produce glare on adjacent properties and does not impede the vision of traffic on adjacent roads.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>§ 79-5.P. No offensive noise, traffic, odor, smoke, dust, heat, glare or electrical disturbance shall be produced that cannot be mitigated or contained on the site.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>

Local Requirement	Project Compliance
<p>§ 79-5.R. All other applicable federal, state, county and local laws and regulations shall be complied with.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>§ 93-6. Machinery and mechanical devices. Except by a variance from the Town of Waterloo Zoning Board of Appeals it shall be unlawful for any person to operate any machinery, equipment, pump, fan, air-conditioning apparatus or similar mechanical device in any manner so as to exceed the noise levels permitted in any residential area where the noise created during either the nighttime or daytime hours exceeds the limits in the appendix.</p>	<p>The Project will comply with the substantive standards as identified in this Section. There is no appendix containing said limits.</p>
<p>§ 93-7. Construction. During the nighttime hours it shall be unlawful for any person within a radius of 500 feet of a residence, to operate equipment or perform any outside construction or repair work except that of an emergency nature on buildings, structures or projects, or to operate any pile driver, pneumatic hammer, derrick, electric hoist or other construction equipment except to perform emergency work.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>(§134.6.B(3)(h)[1]). In the event that the owner or lessee of any large-scale solar energy system ceases for a period of six (6) months to use or operate the said system or in the event the said system fails to generate electrical energy, as supported by metered use thereof, for a period of six (6) months, then in either event such by the owner or lessee. If the owner or lessee does not voluntarily dismantle the facility and remove the same from the site upon the occurrence of either event, the Code Enforcement</p>	<p>The Applicant is requesting the Board not apply the triggering six (6) month deadline See justification at Section 31(e) above.</p>

Local Requirement	Project Compliance
<p>Officer may recommend to the Town Board that the Town Board declare the system abandoned based on either or both events and the Town Board, upon receiving the recommendation of the Code Enforcement Officer and holding a hearing on due notice to the property owner and operator of the facility, may declare the system abandoned and order the dismantling and removal of the system by the owner and/or operator or, after the passing of 30 days from the date the Planning Board declares the facility abandoned, by Town staff or by a third party on contract with the Town. Failure to dismantle and remove a facility and restore the site to its natural state within 30 days after said facility has been declared abandoned by the Planning Board upon recommendation of the Code Enforcement Officer will result in forfeiture or the filing of a claim against the performance surety bond posted by said owner or lessee of said facility, as provided in § 134.6(1)(h)(4) herein. The Town may also impose a lien on the property to cover removal costs, plus a service charge of 25% thereof, to cover the cost of supervision and administration, to the Town, and such amount shall be assessed against the property on which the facility was situated. The amount so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town taxes and charges.</p>	

Local Requirement	Project Compliance
<p>(§134.6.B(3)(h)[1]). A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer. Cost estimations shall take into account inflation. A decommissioning performance surety bond shall be issued to the Town of Waterloo in that amount and shall remain in effect for as long as the large-scale energy system is in existence. The bond amount shall equal the decommissioning and reclamation costs for the entire system. The bond must remain valid until the decommissioning obligations have been met. A 20-year bond will be required for all large-scale solar energy systems, which will require renewal after fifteen (15) years, for an additional twenty (20) years. The cost estimate shall be reviewed by the Town Engineer and approved by the Town Attorney.</p>	<p>The Applicant is requesting the Board not apply the requirements on the form of, and terms of the security. See justifications at Section 31(e) above.</p>
<p>§134.6.B.(4) Special use permit standards.</p> <p>a) Setbacks. Large-scale solar energy systems shall be sited to create a front setback of no less than 200 feet from the right-of-way line of the road and setbacks of 100 feet from all side and rear property lines. In addition, no large-scale solar energy system shall be located closer than 300 feet from any residential structure located on another parcel.</p> <p>b) Height. No part of the large-scale solar energy systems shall exceed ten (10) feet in height when oriented at maximum tilt.</p> <p>c) Lot coverage. A large-scale solar energy system that is ground mounted shall not exceed 50% of</p>	<p>The Project will comply with the substantive standards as identified in this Section with the exception of height and lot coverage. See justifications at Section 31(e) above.</p>

Local Requirement	Project Compliance
<p>the lot on which it is installed. The entire surface area of the solar panels shall be included in the total area regardless of the method by which the panels are supported or attached to the ground, or the angle at which they are placed.</p> <p>d) Large-scale solar energy systems shall be located on lots with a minimum size of one (1) acre.</p> <p>e) Security. All large-scale solar energy systems shall be enclosed by fencing to prevent unauthorized access.</p> <p>f) Drainage. All large-scale solar energy systems shall include a drainage and stormwater management plan.</p> <p>g) Easements. All large-scale solar energy systems shall provide access, maintenance, and utility easements.</p> <p>j) All access roads and paths required for the project shall be integrated into other uses on the property, if possible. Access road siting and grading shall be designed to minimize any negative impacts from stormwater drainage.</p> <p>l) Any application under this section shall meet any substantive provisions contained in local site plan requirements in the Zoning Code.</p>	

Local Requirement	Project Compliance
<p>§135-6.G. Obstruction of vision. To preserve visibility at road intersections that are not controlled by a traffic light, nothing higher than three feet shall be located or planted less than 30 feet from the intersection of the road right-of-way lines.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>§135-6.I. Drainageways. Natural drainageways shall be preserved and shall be kept free of debris or other obstructions to water flow. Where relocation of a natural drainageway cannot be avoided, it must be located in a way that will assure the unobstructed flow of stormwater.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>§135-6.J. Rubbish and junk. Lots shall be kept free from abandoned or inoperable vehicles, discarded building material, discarded appliances and furniture, and all forms of rubbish and junk.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>§135-6.L. General performance standards. All nonfarm land uses or activities in the Town of Waterloo shall be established, constructed or operated in accordance with the following performance standards:</p> <p>(1) The activity shall not produce objectionable vibration, glare, heat or noise that is evident beyond the property line.</p> <p>(2) The activity shall not result in the dissemination of noxious dust, gas, smoke, chemicals or odors beyond the property line.</p> <p>(3) The activity shall not produce perceptible electromagnetic interference with normal radio or television reception in any area.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>

Local Requirement	Project Compliance
<p>§135-6.N. Fences erected on residential lots or on land adjacent to residential lots.</p> <p>(2) Any such fence shall not exceed eight feet in height above the ground, shall not be located less than three feet from the side and rear property lines of the premises and shall not extend beyond the setback line from any public right-of-way.</p> <p>(3) A fence not exceeding three feet in height from the ground may be constructed less than three feet but not less than six inches from the side, front and rear lines of the premises.</p> <p>(4) The finished side of such fence shall face adjoining properties and public rights-of-way.</p> <p>(6) No barbed wire or electric fence shall be erected in a residential district.</p> <p>(7) Barbed wire or electric fence on a residential lot in nonresidential districts shall not be erected less than 50 feet from any residence.</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>
<p>§ 135-7.E. Signs.</p> <p>(1) General provisions.</p> <p>(b) Signs must be constructed of durable material and maintained in good condition.</p> <p>(c) Other than an official traffic sign or a sign required by law, no sign shall be erected within or shall overhang the right-of-way lines of a public thoroughfare.</p> <p>(d) Signs shall not project beyond property lines and shall not block sight lines for vehicles entering or leaving a premises.</p> <p>(e) No illuminated sign shall be permitted or installed that would be distracting or hazardous to</p>	<p>The Project will comply with the substantive standards as identified in this Section.</p>

Local Requirement	Project Compliance
<p>traffic on an adjacent road. Illuminated signs shall not be flashing or animated</p> <p>(f) No sign shall be higher than 30 feet from the ground.</p> <p>(g) For signs painted or installed on opposite sides of a board or standard (a two-sided sign), only one side need be considered in determining the area of such sign.</p>	

31(j) Highway Work Permits

Three new access entrances to the Project are proposed along County Route 112 (Packwood Rd) along with a collection line crossing. The Applicant will consult with the County to determine any approvals required and/or the necessity of entering into a road use agreement. Road use agreements with the Town are also expected to be negotiated and access points and collection line crossings on local roadways may be addressed therein.

31(k) Zoning

The entire Project Area is located in the Agricultural (A) and Industrial (I) Zoning Districts (Table 31-4). Under §134.6. of the Town of Waterloo Zoning Law, Large-Scale Solar Energy Systems are permitted in these Districts.

Table 31-4. List of Parcels Comprising the Trelina Solar Energy Center and Associated Town of Waterloo Zoning Designation(s)

Parcel ID	Zoning District
20-1-70.11	A
20-1-70.12	A
20-1-75	A
20-1-78	A
22-1-04	A
22-1-12.1	A
22-1-13	C - A
22-1-23.1	A

Parcel ID	Zoning District
22-1-24	A
22-1-26.1	A
22-1-31.11	A
22-1-31.12	A
23-1-05	A
23-1-06	A
23-1-10.1	A
23-1-53	C - A
23-1-57	I - A

31(I) Town of Waterloo Applicable Laws, Codes, and Regulations

The above sections address the Town of Waterloo zoning ordinance, including applicable solar energy facilities code provisions in effect. Applicable laws, codes and regulations have been included as an appendix.

References

Town of Waterloo, Seneca County, New York, Chapter 79, Site Plan Review and Approval, December 19, 2000 (Updated 2011).

Town of Waterloo, Seneca County, New York, Chapter 93, Noise, September 8, 1980 (Updated 2011).

Town of Waterloo, Seneca County, New York, Chapter 135, Zoning, December 19, 2000 (Updated 2011).

Town of Waterloo, Local Law #1 of 2019, Chapter 134, Solar Energy Systems, April 12, 2019.

High River Energy Center [Case 17-F-0597] Proposed Certificate Conditions.

East Point Energy Center [Case 17-F-0599] Proposed Certificate Conditions.