LOCAL LAW NO. 3 OF 2026 A LOCAL LAW REGULATING CERTAIN SOLAR ENERGY SYSTEMS IN THE TOWN OF MOUNT MORRIS, NEW YORK

§1. Title

This local law shall be known as the "Town of Mount Morris Solar Energy Law."

§2. Authority

This local law is adopted pursuant to the New York State Constitution, Municipal Home Rule Law §§ 10 and 11, Town Law §§ 130, 261, 267, 267-b, 272-a, 274-a, and 274-a,274-b, General Municipal Law § 239-m, Environmental Conservation Law Article 8,

§3. Legislative Findings and Intent

The Town Board of the Town of Mount Morris hereby finds, determines, and declares that this Local Law implements the Town of Mount Morris Comprehensive Plan by permitting appropriately scaled, on-site Solar Energy Systems while preventing additional large-scale solar energy development incompatible with the Town's agricultural economy, environmental constraints, and rural character (Town of Mount Morris Comprehensive Plan, 2021).

A. Comprehensive Plan Consistency.

Pursuant to Town Law §272-a, land use regulations must be adopted in accordance with a duly adopted comprehensive plan. The Town of Mount Morris Comprehensive Plan, adopted May 20, 2021, expressly states that it serves as the foundation for zoning regulations and amendments thereto, and that land-use regulations consistent with the Comprehensive Plan provide significant legal protection for municipal land use decisions (Town of Mount Morris Comprehensive Plan, 2021, Chapter 1: Background, p. 2, ¶¶ 2–4).

B. Agriculture as a Primary Land Use and Economic Driver.

The Comprehensive Plan identifies the Town of Mount Morris as a predominantly rural community whose land-use patterns and economy have historically been and continue to be driven by agriculture. The Plan recognizes that the Town contains extensive farmland and some of the highest-quality agricultural soils in New York State, and that agriculture remains the primary economic driver of the community (Town of Mount Morris Comprehensive Plan, 2021, Chapter 2: Mount Morris Today, p. 11, ¶¶ 1–3; USDA Natural Resources Conservation Service, Livingston County Soil Survey; New York State Department of Agriculture and Markets).

C. Prime Soils, Drainage, and Sensitivity to Disturbance.

The Comprehensive Plan documents that soils within the Town generally exhibit moderate-to-low permeability and poor natural drainage, conditions that heighten the risk of adverse impacts from grading, compaction, and large-scale land disturbance. The Plan further notes that most land outside the Village is actively farmed and located within a New York State Agricultural District, underscoring the need for land-use controls that avoid irreversible soil degradation (Town of Mount Morris Comprehensive Plan, 2021, Chapter 3: Natural Resources – Soils and Land Resources, p. 23, ¶¶ 2–5).

D. Rural Character, Open Space, and Community Values.

The Comprehensive Plan's Vision Statement emphasizes preservation of rural character, open space assets, scenic landscapes, and a small-town atmosphere as

defining characteristics of Mount Morris. Public participation and survey results incorporated into the Plan demonstrate that residents strongly value farmland preservation, environmental features, and protection of soil and water quality, and that incompatible or intensive land uses are discouraged (Town of Mount Morris Comprehensive Plan, 2021, Vision Statement, p. 3, ¶¶ 1–2; Chapter 1: Public Participation – Survey Results, p. 6, ¶¶ 6–9).

E. Energy Policy and Appropriate Scale.

While the Comprehensive Plan supports energy conservation and the use of alternative and renewable energy technologies, it does so primarily in the context of homes, businesses, and existing buildings. The Plan emphasizes energy efficiency, green building practices, and appropriately scaled renewable energy systems, and does not identify large-scale or utility-scale solar facilities as a preferred land use within agricultural or open-space areas (Town of Mount Morris Comprehensive Plan, 2021, Chapter 3: Sustaining Our Natural Resources – Alternative Energy, p. 27, ¶¶ 3-5).

F. Stormwater, Flooding, and Environmental Risk.

The Comprehensive Plan identifies stormwater management, drainage, and flooding as recurring concerns within the Town and directs that new development be carefully reviewed to ensure that it does not exacerbate these conditions. Given the Town's documented soil characteristics and drainage limitations, large-scale solar facilities involving extensive grading, vegetation removal, and soil compaction present heightened environmental risks inconsistent with the Plan's land-use objectives (Town of Mount Morris Comprehensive Plan, 2021, Chapter 3: Water Resources – Flood Zones and Stormwater, pp. 25–26, ¶¶ 1–4).

G. Cumulative and Irreversible Impacts.

The Town Board finds that large-scale Solar Energy Systems constitute long-term or effectively permanent land-use conversions that differ materially from traditional agricultural uses. Additional approvals of such facilities would result in further cumulative loss of farmland, fragmentation of agricultural operations, and erosion of rural character, contrary to the Comprehensive Plan's goals of farmland preservation, sustainable land stewardship, and long-term community resilience (Town of Mount Morris Comprehensive Plan, 2021, Chapter 3: Agriculture; Chapter 4: Effect of Adoption, p. 90, ¶¶ 1–2).

H. Intent.

Based on the policies, findings, and goals articulated in the Town of Mount Morris Comprehensive Plan and related adopted planning documents, it is the intent of this local law to:

1) Implement the land-use framework and policy direction of the Town's adopted Comprehensive Plan;

2) Protect Prime Farmland Soils and Soils of Statewide Importance from permanent or long-term conversion;

3) Encourage appropriately scaled renewable energy systems, including roof-mounted and building-integrated solar;

4) Prevent additional large-scale solar energy development that is incompatible with the Town's agricultural economy, environmental constraints, and rural character.

5) Encourage siting of larger-scale solar facilities on previously disturbed, underutilized, commercial, industrial, brownfield, landfill, remediated, or otherwise build-ready lands prior to consideration of agricultural, open-space, or environmentally sensitive lands.

I. Groundwater, Drinking Water Wells, and Source Water Protection.

The Town Board finds that the protection of groundwater, private drinking water wells, springs, drainageways, wetlands, and surface waters is essential to the public health, safety, and welfare of the Town. The Town further finds that large-scale solar energy development may involve grading, trenching, pile-driving, post-driving refusal work, drilling, boring, dewatering, access-road construction, concrete use, electrical equipment installation, chemical storage, vegetation management, panel replacement, damaged-panel handling, and eventual

decommissioning, all of which may affect soil conditions, drainage patterns, shallow groundwater movement, and the protection of nearby drinking water wells if not properly reviewed and controlled.

For purposes of this Local Law, the Town recognizes that all fresh groundwater in New York State is classified as Class GA groundwater, the best use of which is as a source of potable water supply, pursuant to 6 NYCRR §701.18 and related NYSDEC water-quality standards and guidance. The Town further recognizes that New York State's SPDES program regulates discharges to both surface waters and groundwaters and is intended to eliminate pollution and maintain the highest water quality possible.

The Town also recognizes that lead is a contaminant of particular public health concern. The United States Environmental Protection Agency has established a maximum contaminant level goal of zero for lead in drinking water because there is no known safe level of exposure, and the Lead and Copper Rule uses an action level of 15 parts per billion for public water systems. Although private wells are not regulated in the same manner as public water systems, these standards and guidance values may be used by the Town as protective benchmarks when reviewing solar energy projects that may affect private drinking water wells.

The Town further finds that solar panels and related electrical equipment may contain or be associated with materials requiring careful management, including lead, cadmium, silver, PFAS-containing materials, oils, coolants, batteries, coatings, sealants, or other hazardous or potentially hazardous substances. The EPA states that working solar panels are generally safe during ordinary use and do not leach toxic metals when intact, but also recognizes that some end-of-life solar panels may contain lead or cadmium at concentrations that cause them to fail the Toxicity Characteristic Leaching Procedure and be regulated as hazardous waste.

It is therefore the intent of this Local Law to require baseline testing, hydrogeologic review, contaminant disclosure, construction controls, post-construction monitoring, damaged-equipment containment, and enforceable response procedures to prevent contamination of groundwater and drinking water wells and to ensure that any change in water quality can be identified, investigated, mitigated, and remedied.

§4. Definitions

For purposes of this local law, the following definitions shall apply:

CONTAMINANTS OF CONCERN — Any substance that may adversely affect soil, groundwater, surface water, drinking water, agricultural productivity, wetlands, or public health, including but not limited to lead, cadmium, arsenic, mercury, selenium, chromium, copper, zinc, nickel, silver, petroleum products, volatile organic compounds, semi-volatile organic compounds, pesticides, herbicides, PFAS, PFOA, PFOS, GenX, battery-related chemicals, transformer oils, coolants, lubricants, solvents, concrete washout, and any other substance regulated or identified by NYSDEC, NYSDOH, EPA, or other agency having jurisdiction.

DRINKING WATER WELL — Any private, public, domestic, agricultural, commercial, or institutional well, spring, cistern, or other groundwater source used or reasonably capable of being used for potable water, livestock watering, food production, irrigation, or other domestic or agricultural purposes.

GROUNDWATER AND WELL PROTECTION AREA — The area within not less than 1,500 feet of the Facility Area, plus any additional downgradient, down-slope, down-dip, drainage-connected, fracture-connected, or hydrogeologically connected area identified by the Town Engineer, Code Enforcement Officer, Planning Board, Zoning Board of Appeals, County Health Department, NYSDEC, NYSDOH, or a qualified hydrogeologist. The Town may expand the Groundwater and Well Protection Area where site conditions, well depths, bedrock fractures, shallow groundwater, historic fill, nearby dumps, wetlands, drainageways, or other conditions indicate that contaminants could migrate beyond 1,500 feet.

HYDROGEOLOGIC ASSESSMENT — A study prepared by a qualified professional, such as a licensed professional engineer, professional geologist, or hydrogeologist, evaluating groundwater conditions, soil conditions, bedrock depth, groundwater flow direction, water-table elevation, drainage patterns, drinking water wells, springs, wetlands, surface waters, contamination sources, and potential contaminant migration pathways.

PILE-DRIVING AND SUBSURFACE DISTURBANCE — Any activity that penetrates, compresses, fractures, vibrates, excavates, drills, bores, drives, or otherwise disturbs soil, fill, hardpan, shale, bedrock, confining layers, groundwater-bearing zones, or subsurface drainage pathways, including pile-driving, post-driving, refusal work, pre-drilling, rock drilling, trenching, boring, excavation, dewatering, foundation installation, cable trenching, grounding installation, and removal of posts or foundations during decommissioning.

ACCESSORY USE — A use incidental and subordinate to a lawful principal use on the same parcel.

ACTIVE AGRICULTURAL LAND — Land used for a Farm Operation in accordance with Agriculture & Markets Law § 301 – uses of which include production of crops, livestock, and livestock products – within the past five years.

BATTERY ENERGY STORAGE SYSTEM (BESS) — Any system or facility that stores electrical energy for later use (excluding standalone consumer batteries, 12-volt car batteries, 12-volt marine batteries, or electric motor vehicles).

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM — A Solar Energy System incorporated into the building's design, such as photovoltaic shingles, or panels integrated into facades.

DUST — Fine particulate matter consisting of soil, sand, silt, clay, aggregate, or other earthen materials that become airborne as a result of land-disturbing activities associated with the construction, operation, maintenance, restoration, or decommissioning of a solar energy system. Dust includes fugitive particulate matter generated by grading, excavation, trenching, soil stockpiling, vehicle traffic, equipment operation, wind erosion of exposed soils, and disturbance of agricultural lands.

FARM OPERATION — Land and on-farm buildings, equipment, facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock, and livestock products as a commercial enterprise (in accordance with Agriculture & Markets Law § 301 [11]).

FACILITY AREA — The total area of all solar panels, racking, inverters, substations, energy storage (if applicable), access roads, gravel areas, and other operational components of a Solar Energy System, excluding setback areas, vegetative buffers, landscaping, and screening areas.

EXISTING OR APPROVED SOLAR ENERGY SYSTEM — Any Solar Energy System, other than a Tier 1 Solar Energy System, that has been constructed, issued a building permit, granted site plan approval, granted a special use permit, granted a variance, granted a state siting permit, or otherwise received final municipal or state approval, regardless of whether construction has commenced or whether the system is under the same or different ownership as a proposed Solar Energy System.

FLOATING SOLAR ENERGY SYSTEM — Any Solar Energy System mounted, installed, placed, anchored, or operated on floats, pontoons, rafts, barges, platforms, pilings, or other structures located on or over a pond, lake, reservoir, retention pond, stormwater basin, wetland, stream, watercourse, waterway, artificial impoundment, or other surface water.

GLARE — The presence of excessive brightness or reflected light that causes visual discomfort, distraction, or impairment, including specular or diffuse reflection from solar panels or associated equipment.

MOONLIGHT REFLECTION (MOONGLARE) — The reflection of lunar illumination from solar panels or related equipment that results in intermittent or sustained nighttime light intrusion onto neighboring properties, roadways, or agricultural lands.

NAMEPLATE GENERATING CAPACITY — The maximum rated output of a Solar Energy System in megawatts (MW) AC, as specified by the manufacturer and used to determine jurisdictional thresholds under applicable state law.

PRIME FARMLAND SOILS — Soils classified as Prime Farmland by the USDA Natural Resources Conservation Service.

QUALIFIED SOLAR INSTALLER — A person or entity with skills and training in safe solar installation.

REVIEWING BOARD — The Planning Board when reviewing site plan approval, special use permit approval, or other Planning Board approvals; the Zoning Board of Appeals when reviewing a variance or appeal; the Town Board when reviewing financial security,

agreements, amendments, or matters reserved to the Town Board; or ORES or any successor state agency when acting within state siting jurisdiction.

ROOF-MOUNTED SOLAR ENERGY SYSTEM — A Solar Energy System affixed atop a structure, either flush-mounted or on supporting frames to optimize sun exposure.

SENSITIVE RECEPTORS — Residences, public roads, farm dwellings, barns, livestock areas, crop lands, and farm operations, as defined in Agriculture and Markets Law §301(11), located on or adjacent to the project site.

SOILS OF STATEWIDE IMPORTANCE — Soils classified as Farmland of Statewide Importance by the USDA Natural Resources Conservation Service.

SOLAR ENERGY SYSTEM — A system of components intended for the collection, inversion, distribution, storage, or generation of energy from sunlight, including solar collectors, mounting devices, support structures, inverters, meters, and related equipment.

TIER 1 SOLAR ENERGY SYSTEM — Tier 1 Solar Energy Systems shall include:

Roof-mounted Solar Energy Systems; and

Building-Integrated Solar Energy Systems.

TIER 2 SOLAR ENERGY SYSTEM — Tier 2 Solar Energy Systems include ground-mounted Solar Energy Systems that:

Generate no more than 150 percent of the electricity consumed on the site over the previous twelve (12) months, and shall not increase total lot coverage beyond the maximum lot coverage permitted in the zoning district where located; or

Are located on a farm operation as defined in §301(11) of the New York State Agriculture and Markets Law, located within a New York State Agricultural District, primarily serve the energy needs of the farm operation, and produce up to 110 percent of the farm operation's needs, or such other amount established by resolution consistent with Department of Agriculture and Markets guidance.

A system otherwise meeting this definition shall not be excluded from Tier 2 classification due solely to the receipt of net-metering credits or sale of excess energy.

TIER 3 SOLAR ENERGY SYSTEMS — Solar Energy Systems not included in Tier 1, Tier 2, or Tier 4, including community solar projects, with a Facility Area not exceeding thirty (30) acres and a nameplate generating capacity of less than twenty-five (25) megawatts AC.

TIER 4 SOLAR ENERGY SYSTEMS — Any Solar Energy System with a facility area greater than thirty (30) acres or a nameplate generating capacity of twenty-five (25) megawatts AC or greater, including systems subject to state-level siting procedures administered by the Office of Renewable Energy Siting and Electric Transmission (ORES) pursuant to Public Service Law Article VIII, or any successor state siting law, office, or agency.

§5. Applicability and Prohibited Uses

This Local Law shall apply to all parcels within the Town of Mount Morris outside the Village of Mount Morris.

This Local Law is intended to amend, supersede, and replace the existing Solar Farm Law codified at §48-44.3 of the Town Code, and any other inconsistent provision of the Town Code, to the extent of such inconsistency. Existing provisions not inconsistent with this Local Law shall remain in effect.

Tier 4 Solar Energy Systems are not permitted as-of-right in any zoning district within the Town of Mount Morris and may be considered only pursuant to the requirements of this Local Law to the maximum extent permitted by state law.

No site plan approval, special use permit, or other discretionary approval shall be granted by the Town for a Solar Energy System prohibited by this Local Law.

Nothing in this Local Law shall be construed to eliminate or reduce the statutory jurisdiction of the Zoning Board of Appeals under New York State law, including Town Law §§ 267 and 267-b.

Floating Solar Energy Systems are prohibited within the Town to the maximum extent permitted by state and federal law. No person or entity shall construct, excavate, enlarge, convert, lease, or use a pond, reservoir, stormwater basin, waterway, wetland, artificial

impoundment, or other surface water for the purpose of siting, installing, or operating a Floating Solar Energy System. This prohibition shall not apply to a small, non-grid-connected solar-powered pond aerator, pump, fountain, or similar incidental accessory device, provided that such device is not used for electric generation for distribution or sale, does not materially increase lot coverage or water-resource impacts, and complies with all other applicable laws and permits.

§6. Solar Energy System Use Regulations

A. Tier 1 Solar Energy Systems – Permitted.

Tier 1 Solar Energy Systems are permitted in all zoning districts as accessory uses, subject to §7 of this Local Law and all applicable codes.

B. Tier 2 Solar Energy Systems – Limited and Regulated.

Tier 2 Solar Energy Systems may be permitted only upon Planning Board approval, provided that:

1) Prime Farmland Soils are avoided to the maximum extent practicable;

2) Land disturbance is limited to the minimum area necessary; and

3) All requirements of §8 of this Local Law are satisfied.

C. Tier 3 Solar Energy Systems – Severely Restricted.

1) Tier 3 Solar Energy Systems are prohibited on Prime Farmland Soils, Soils of Statewide Importance, Active Agricultural Land, and land within a New York State Agricultural District.

2) Tier 3 Solar Energy Systems may be considered only on previously disturbed, nonagricultural land and only upon full compliance with §9 of this Local Law. No Tier 3 system is permitted as-of-right.

D. Tier 4 Solar Energy Systems – Additional Requirements.

1) Where the Town has jurisdiction to review a Tier 4 Solar Energy System, the application shall, at a minimum, meet all applicable requirements of §9 of this Local Law (Tier 3 Solar Energy Systems) as baseline local standards, plus additional requirements set forth in §10 of this Local Law to address scale-related impacts. For projects subject to ORES under Public Service Law Article VIII, or any successor state siting process, these provisions are intended as substantive local standards for ORES and municipal comment, not as a separate Town approval requirement except to the extent expressly authorized by state law.

E. One-Mile Separation Between Ground-Mounted Solar Facilities.

1) No new Tier 3 or Tier 4 Solar Energy System shall be approved, constructed, or operated with any portion of its Facility Area located within one (1) mile of the Facility Area of any Existing or Approved Solar Energy System classified as Tier 3 or Tier 4.

2) The one-mile distance shall be measured in a straight line from the nearest edge of the proposed Facility Area, including panels, racking, inverters, transformers, battery energy storage systems, substations, interconnection equipment, access roads, and other operational infrastructure, to the nearest edge of the Facility Area of the Existing or Approved Solar Energy System.

3) The separation requirement shall apply regardless of parcel boundaries, ownership, project sponsor, utility interconnection point, leasing arrangement, project phasing, or whether the existing or approved facility has commenced construction. No project shall be divided, segmented, phased, or separately owned for the purpose of avoiding this requirement.

4) The separation requirement shall not apply to Tier 1 or Tier 2 Solar Energy Systems, ordinary maintenance, emergency repairs, or safety-related work that does not increase Facility Area, nameplate generating capacity, operational infrastructure, or nonconformity.

5) For purposes of this subsection, modification or expansion of an Existing or Approved Solar Energy System shall not be measured against itself; however, any such modification or expansion shall be reviewed under §11 of this Local

Law and must comply with all current standards applicable to the modification or expansion to the maximum extent permitted by law.

§7. Tier 1 Solar Energy Systems

A. Permitted Use

1) Tier 1 Solar Energy Systems are permitted in all zoning districts as accessory uses.

B. Required Approvals

1) Roof-mounted Tier 1 Solar Energy Systems require a building permit.

C. Roof-Mounted Design and Installation Standards

1) Tier 1 Solar Energy Systems shall comply with all of the following:

i. Systems shall be mounted parallel to the roof surface or fully integrated into the building structure.

ii. Panels shall not extend more than 18 inches above the roof surface on pitched roofs and shall not extend above the parapet or more than 24 inches above the roof surface on flat roofs.

iii. Installation shall not compromise roof integrity or structural safety.

iv. Required fire access pathways shall be maintained in accordance with the New York State Fire Code.

v. Electrical disconnects and rapid shutdown systems shall be clearly labeled and accessible.

vi. Glare shall be minimized through panel placement and non-reflective materials.

vii. Systems shall comply with the New York State Uniform Fire Prevention and Building Code, Fire Code, and National Electrical Code.

D. Building-Integrated Design and Installation Standards

1) Panels shall be integrated into building design and not obstruct windows, doors, or architectural features.

2) Panels shall not extend more than three (3) feet from the building façade.

3) The maximum height of a building-integrated Solar Energy System shall be 18 feet, as measured from the lowest point where the system is affixed to the vertical façade of the building.

E. Emergency and Safety Requirements

1) The power supply cutoff device for any Tier 1 Solar Energy System shall be located on the outside of the structure or structures that support such systems, in close proximity to where the power supply enters the system, along with twenty-four-hour emergency contact information, where it can be easily accessed by emergency personnel.

2) All solar systems must be designed to prevent glare onto neighboring properties, streets, or rights-of-way.

F. Maintenance and Removal

1) Any Tier 1 system that is not operational for twelve (12) consecutive months shall be deemed abandoned and shall be removed by the property owner within 90 days of notice.

§8. Tier 2 Solar Energy Systems

A. Permitted Use

1) Tier 2 Solar Energy Systems may be permitted in all zoning districts as accessory uses upon Planning Board approval and compliance with this Local Law.

B. Required Approvals

1) Tier 2 applications require:

i. Site plan approval by the Town Planning Board; and

ii. A building permit.

2) SEQRA review shall be conducted as required by Environmental Conservation Law Article 8 and 6 NYCRR Part 617. No action identified as Type II under 6 NYCRR §617.5 shall be designated as Type I by this Local Law. The Town may treat Tier 2 applications as Type I actions only to the extent authorized by SEQRA and the Town's duly adopted SEQRA procedures.

C. Design and Installation Requirements

1) All support structures shall be non-reflective, and glare shall be minimized through panel placement and non-reflective materials.

2) Required fire access pathways shall be maintained in accordance with the New York State Fire Code.

3) Electrical disconnects and rapid shutdown systems shall be clearly labeled and accessible.

4) Systems shall comply with the New York State Uniform Fire Prevention and Building Code, Fire Code, and National Electrical Code.

D. Height

1) The maximum height of a Tier 2 system shall be 15 feet above grade.

E. Siting and Layout Standards

1) Tier 2 Solar Energy Systems are considered accessory structures and shall be counted toward lot coverage calculations for the parcel.

2) Tier 2 systems shall:

i. Be located to minimize visual impacts and shading onto public roads and adjoining residential properties.

ii. Avoid Prime Farmland Soils to the maximum extent practicable.

iii. Not be located in front yards.

iv. Be sited to preserve existing hedgerows, tree lines, and natural screening where feasible.

F. Setbacks

1) Minimum setbacks for Tier 2 systems shall be:

i. 100 feet from any residence on an adjoining parcel;

ii. 50 feet from property lines;

iii. 75 feet from any public road right-of-way.

G. Screening and Fencing

1) Tier 2 systems shall be enclosed by fencing not less than seven (7) feet in height per NEC standards.

2) Evergreen vegetative screening shall be required where the system is visible from adjoining properties or public roads, unless waived by the Planning Board due to topography or existing vegetation.

3) Screening shall be maintained for the life of the system.

H. Safety and Signage

1) Clearly visible signage shall identify the system owner and emergency contact information.

2) Warning signs shall be posted at all access points.

3) Emergency access routes shall be maintained at all times.

I. Decommissioning and Financial Security

1) A decommissioning plan shall be submitted with the application.

2) The plan shall include removal of all equipment, restoration of soils, and reseeding.

3) Financial security equal to 125 percent of the estimated decommissioning cost shall be posted prior to construction.

4) Security shall be reviewed every five years and adjusted as necessary.

§9. Tier 3 Solar Energy Systems

A. Permitted Use

1) Tier 3 Solar Energy Systems are not permitted as-of-right in any zoning district within the Town of Mount Morris. Tier 3 Solar Energy Systems may be considered only by special use permit and site plan approval issued by the Planning Board, and only where the applicant affirmatively demonstrates that:

i. The proposed facility will be located entirely on previously disturbed, nonagricultural land;

ii. No portion of the Facility Area includes Prime Farmland Soils, Soils of Statewide Importance, or Active Agricultural Land;

iii. The project will not result in the permanent or long-term conversion of agricultural land;

iv. No reasonable alternative location exists that would result in less environmental, agricultural, visual, or community impact; and

v. Community solar projects and other commercial solar facilities classified as Tier 3 are expressly included within the scope of this section and shall be subject to all requirements herein.

B. Required Approvals

1) Tier 3 Solar Energy Systems shall require all of the following approvals:

i. i. A special use permit issued by the Planning Board;

ii. ii. Site plan approval by the Planning Board; and

iii. iii. Any other permit, approval, or referral required by applicable federal, state, county, or local law.

2) The Planning Board may deny an application where it finds that the proposed system:

i. Is inconsistent with the Town of Mount Morris Comprehensive Plan;

ii. Would adversely affect agricultural viability, soil resources, drainage patterns, or rural character;

iii. Would contribute to cumulative land-use impacts within the Town; or

iv. Fails to meet any standard set forth in this Local Law.

C. Design and Installation Requirements

1) Facility Area and Scale

i. The total facility area of a Tier 3 Solar Energy System shall not exceed thirty (30) acres.

ii. Nameplate generating capacity shall be less than twenty-five (25) megawatts (MW) AC.

iii. Tier 3 Solar Energy Systems shall comply with the one-mile separation requirement set forth in §6.E of this Local Law.

D. Setbacks

1) A minimum setback of 300 feet from any residential dwelling on an adjoining parcel;

2) A minimum setback of 200 feet from any property line;

3) A minimum setback of 250 feet from any public road right-of-way.

4) All setback requirements shall apply equally to solar panels, substations, interconnection equipment, transformers, inverters, battery energy storage systems, switching stations, utility structures, access roads, and all associated operational infrastructure.

E. Height

1) Solar panels and support structures shall not exceed 20 feet in height above grade at any point.

F. Visual Screening

1) Tier 3 facilities shall be fully screened from public roads and adjoining residential properties through a combination of existing vegetation, topography, fencing, and planted vegetative buffers.

2) Vegetative screening shall consist of native species and be designed to achieve year-round opacity within five (5) growing seasons.

3) Vegetative screening shall utilize a diverse mix of native deciduous and evergreen species designed to provide effective year-round screening, ecological resilience, and resistance to disease, invasive species, and environmental stressors.

4) All screening requirements shall apply equally to solar panels, substations, interconnection equipment, transformers, inverters, battery energy storage systems, switching stations, utility structures, access roads, and all associated operational infrastructure.

5) Screening shall be maintained for the life of the facility.

G. Escrow for Screening Replacement Surety (Five Growing Seasons)

Prior to issuance of any building permit, site plan approval endorsement, or commencement of any land disturbance for a Tier 3 Solar Energy System requiring vegetative screening, the applicant/owner shall establish an escrow agreement with the Town to guarantee the replacement and successful establishment of required screening trees, shrubs, and plantings for a period of five (5) growing seasons following installation ("Screening Establishment Period").

1) Escrow Amount

i. The escrow shall be funded in an amount equal to one hundred percent (100%) of the original screening installation cost, including all plant materials, delivery, soil preparation, amendments, staking/guying, mulch, initial watering, and installation-related equipment, plus the fair market value of labor necessary to remove and replace failed plantings and re-establish required screening during the Screening Establishment Period, as determined by the Town based on itemized contractor estimates and invoices and at least two (2) independent written quotes from qualified landscape contractors. The additional ten percent (10%) shall account for anticipated inflation, administrative costs, and potential cost increases during the Screening Establishment Period. No annual escalation factor shall be required.

2) Inspections and Replacement Standard

i. Screening plantings shall be inspected by the Code Enforcement Officer and/or a Town-retained qualified professional at least once per growing season during the Screening Establishment Period, and additionally upon receipt of a written complaint or observed failure. Failed Plantings shall be replaced within sixty (60) days of written notice, or by the next available planting season but in no case later than May 31 of the following year.

3) Release of Escrow

i. Escrow may be released only after completion of the fifth (5th) growing season following installation and the Town determines, based on inspection, that screening plantings meet the approved plan requirements and are healthy and established. Any draw on escrow shall be replenished by the owner/operator within thirty (30) days of written notice.

H. Pollinator-Friendly Ground Cover.

1) All disturbed areas beneath and surrounding solar panels shall be stabilized with native, non-invasive, pollinator-friendly vegetation unless otherwise approved by the Town for demonstrated agricultural co-location purposes.

Ground cover shall minimize mowing requirements, avoid monoculture grass-only seed mixes where practicable, and be maintained throughout the operational life of the facility.

2) The Operations and Maintenance Plan shall include procedures for establishment, maintenance, replacement, and long-term management of pollinator vegetation. Pollinator-friendly seed requirements shall apply to all Tier 3 and Tier 4 Solar Energy Systems.

I. Soil and Land Disturbance

1) Grading, compaction, and soil disturbance shall be minimized to the greatest extent practicable.

2) Topsoil shall be stripped, stockpiled, and replaced in accordance with NYSDAM agricultural mitigation guidance.

3) Permanent access roads shall be minimized in width and length.

4) Permanent and temporary access roads, emergency access routes, turnarounds, pull-offs, and fire apparatus routes shall be constructed and maintained for the life of the facility in a condition sufficient for safe access by fire apparatus, ambulances, maintenance vehicles, and Town inspection personnel. The Operations and Maintenance Plan shall include inspection schedules, snow removal obligations, spring restoration obligations, repair timelines, and standards for maintaining road width, surface stability, drainage, and passability.

5) The applicant shall consult with the Code Enforcement Officer and local fire department regarding emergency access design, road surface materials, turning radii, gates, locks, turnaround areas, de-energization procedures, emergency disconnect locations, fire apparatus staging areas, and any other site conditions affecting emergency response. Prior to electrical testing, temporary energization, or final interconnection, the owner/operator shall provide the Code Enforcement Officer and local fire department with final as-built emergency access maps, gate access information, emergency shutoff and disconnect locations, twenty-four-hour emergency contact information, utility contact information, and any manufacturer emergency-response guidance for panels, inverters, transformers, battery equipment, or other electrical components.

J. Lighting

1) Lighting shall be limited to that required for safety and security and shall be downward directed and shielded.

K. Glare

1) Solar Energy Systems shall be designed, sited, installed, and operated so as to avoid, minimize, and mitigate glare and moonlight reflection impacts to the maximum extent practicable. No Solar Energy System shall be permitted or operated in a manner that results in glare or moonlight reflection that:

i. Impairs the reasonable use or enjoyment of any neighboring residential or agricultural property;

ii. Interferes with agricultural practices or farm operations protected under Agriculture and Markets Law §301 and §305-a;

iii. Creates a traffic hazard or visual distraction on any public roadway; or

iv. Produces persistent or recurring nighttime light intrusion visible from any Sensitive Receptor.

v. Applications for Tier 3 and Tier 4 Solar Energy Systems shall include a Glare and Reflectivity Impact Analysis prepared by a qualified professional. At a minimum, the analysis shall:

a) Evaluate potential daytime glare and nighttime moonlight reflection from all panel orientations and tilt angles throughout the year;

b) Include a line-of-sight profile analysis from public roads and all Sensitive Receptors;

c) Identify the duration, intensity, seasonal variation, and frequency of any predicted glare or moonlight reflection;

d) Demonstrate the effectiveness of proposed mitigation measures; and

e) Certify that panel coatings, finishes, and materials are anti-reflective and nonspecular to the greatest extent practicable.

2) Mitigation Requirements.

i. Where glare or moonlight reflection is predicted or observed, the applicant or operator shall implement mitigation measures, which may include but are not limited to:

a) Adjustment of panel tilt, height, orientation, or tracking limits;

b) Installation of vegetative screening, berms, or opaque barriers designed specifically to block reflected light;

c) Use of enhanced anti-reflective coatings or alternative panel technology;

d) Relocation or removal of panels causing documented impacts; or

e) Operational restrictions during periods of known glare or moonlight reflection.

ii. Enforcement and Corrective Action.

a) Upon receipt of a written complaint or observed glare or moonlight reflection impact, the Town Code Enforcement Officer or a Town-retained qualified professional may conduct site inspections and require additional analysis at the owner or operator's expense.

b) If glare or moonlight reflection is determined to violate this section, the owner or operator shall, within thirty (30) days of written notice, implement corrective measures approved by the Town. Failure to do so shall constitute a violation of this Local Law and may result in fines, enforcement action, escrow draws, suspension or revocation of approvals, or other remedies permitted by law.

3) Agricultural Protections.

i. Nothing in this section shall be construed to limit or impair the protections afforded to farm operations under Agriculture and Markets Law §305-a. Glare or moonlight reflection that interferes with a lawful farm operation shall be deemed a significant adverse impact and grounds for enforcement or modification of approvals.

4) Rebuttable Presumption of Impact

i. Upon receipt of a written and substantiated complaint from an owner or occupant of a Sensitive Receptor alleging glare, reflectivity, or moonlight reflection impacts, there shall be a rebuttable presumption that the Solar Energy System is operating in violation of this section. The burden shall be on the owner or operator of the Solar Energy System to affirmatively demonstrate, through independent third-party analysis acceptable to the Town and conducted at the owner's or operator's sole expense, that:

a) The alleged glare or moonlight reflection does not exist; or

b) The glare or moonlight reflection exists but does not materially interfere with the reasonable use and enjoyment of the affected property, public roadway safety, or agricultural operations protected under Agriculture and Markets Law §301 and §305-a.

ii. Pending resolution of the complaint, the Town may impose temporary operational restrictions or require interim mitigation measures to prevent ongoing impacts.

5) Financial Security for Glare and Reflectivity Mitigation.

i. Any escrow, bond, or other financial security required or approved in connection with a Tier 3 or Tier 4 Solar Energy System—including but not limited to screening, landscaping, road use, or decommissioning surety—may be drawn upon by the Town to address glare, reflectivity, or moonlight reflection impacts.

ii. Authorized uses of such financial security shall include, but not be limited to:

a) Independent glare, reflectivity, or nighttime light studies;

b) Design, installation, or enhancement of vegetative screening, berms, fencing, or opaque barriers specifically intended to mitigate reflected light;

c) Adjustment, relocation, or removal of panels or equipment causing documented impacts; and

d) Town administrative, professional, and inspection costs incurred in responding to glare or moonlight reflection complaints.

iii. Any amounts drawn from escrow or other financial security shall be replenished by the owner or operator within thirty (30) days of written notice. Failure to replenish such security shall constitute a violation of this Local Law and grounds for suspension or revocation of approvals.

L. Road Use, Dust Control, and Restoration Surety.

1) Applications shall include a heavy vehicle/haul route plan, a pre-construction road condition survey (video and/or photographic documentation and, where appropriate, subsurface/base sampling), a dust control plan for construction traffic (including watering and/or approved dust suppressants such as calcium chloride where appropriate), and a road maintenance and restoration plan. Prior to commencement of construction, the applicant shall provide financial security (bond and/or escrow agreement approved by the Town Attorney) sufficient to fund road maintenance and full restoration of any Town roads used by the project during and after construction.

2) Prior to issuance of any building permit, the applicant shall enter into a Road Use Agreement with the Town governing approved haul routes, road maintenance obligations, traffic control measures, repair responsibilities, emergency access protections, and financial security requirements.

3) The owner/operator shall maintain all internal access roads and emergency access routes throughout the operational life of the facility. Roads shall be restored after winter conditions, heavy rainfall, construction activity, maintenance activity, or any other event that causes rutting, settling, washout, stone displacement, blocked drainage, or loss of passability. The Code Enforcement Officer may require additional inspection or repairs following a complaint, fire department concern, or observed deterioration.

4) Solar Energy Systems shall be constructed, operated, and maintained in a manner that prevents the generation and migration of dust or airborne particulate matter beyond the project site in quantities that unreasonably interfere with the use or enjoyment of neighboring properties; impair visibility or safety on any public or private roadway; adversely affect crops, livestock, farm dwellings, or farm operations protected under Agriculture and Markets Law §§301 and 305-a; or result in visible dust deposition on structures, vehicles, vegetation, or outdoor areas of neighboring properties.

5) Dust and Particulate Control Plan Required

i. Applications for Tier 3 and Tier 4 Solar Energy Systems shall include a Dust and Particulate Control Plan prepared by a qualified professional. The plan shall, at a minimum:

a) Identify all dust-generating activities, including grading, excavation, pile driving, material handling, and vehicle traffic;

b) Identify all haul routes, access roads, staging areas, and construction entrances;

c) Specify dust suppression measures to be implemented before, during, and after construction and during ongoing operation and maintenance;

d) Establish trigger conditions requiring intensified dust control measures, including dry weather, high winds, increased truck traffic, or documented complaints; and

e) Identify an on-site contact with authority to immediately implement additional dust control measures.

6) Roadway-Specific Dust and Haul Route Protections

All haul routes and access roads shall be expressly identified in the application and approved by the Town prior to commencement of construction. Use of any road not expressly approved shall constitute a violation of this Local Law.

7) Unpaved and Dirt Roads.

i. Where project traffic utilizes unpaved, dirt, or gravel roads, the owner or operator shall:

a) Implement continuous dust suppression measures, including watering and/or approved dust suppressants sufficient to prevent visible dust migration beyond the roadway;

b) Restrict vehicle speeds as directed by the Town;

c) Maintain road surfaces in a safe and passable condition at all times; and

d) Immediately address rutting, potholes, washboarding, or surface degradation caused by project traffic.

8) Temporary Road Treatment.

i. Where watering and dust suppressants are insufficient, the Town may require temporary stabilization measures, including oil-and-stone or equivalent treatment, prior to or during construction.

9) Post-Construction Restoration.

i. All roads used by the project shall be restored to equal or better condition than existed prior to project activity, as documented by pre-construction road condition surveys.

10) Rebuttable Presumption of Dust Impact

i. Upon receipt of a written and substantiated complaint from an owner or occupant of a neighboring property or farm operation, or upon observation by the Town, there shall be a rebuttable presumption that the project is operating in violation of this section. The burden shall be on the owner or operator to demonstrate, at its sole expense and through inspection or third-party evaluation acceptable to the Town, that adequate dust control measures are being implemented and that no violation exists. Pending resolution, the Town may require immediate corrective action, including modification or suspension of dust-generating activities or project traffic.

11) Monitoring, Enforcement, and Financial Security

i. The Town Code Enforcement Officer or a Town-retained qualified professional may conduct inspections upon receipt of a complaint, observation of dust impacts, or as part of routine monitoring. Any escrow, bond, or other financial security required or approved in connection with the project including

road use, screening, or decommissioning surety may be drawn upon immediately to:

a) Implement emergency dust suppression measures;

b) Repair or clean affected roadways or neighboring properties;

c) Retain third-party professionals to evaluate dust impacts; and

d) Reimburse the Town for administrative, inspection, and enforcement costs.

ii. Any funds drawn shall be replenished by the owner or operator within thirty (30) days of written notice. Failure to replenish shall constitute a violation of this Local Law.

12) Penalties

i. Each day a violation of this section continues shall constitute a separate offense and may result in civil penalties, appearance tickets, injunctive relief, suspension or revocation of permits, or other remedies authorized by law.

13) Minimum Required Mitigation Measures

i. At a minimum, dust control measures shall include, as applicable:

a) Regular watering of disturbed areas, access roads, and haul routes, including weekends and non-working days as necessary;

b) Use of approved dust suppressants (including calcium chloride or equivalent) where watering alone is insufficient, subject to environmental best practices;

c) Stabilization of exposed soils through seeding, mulching, matting, or temporary cover;

d) Limitation of vehicle speeds on unpaved surfaces;

e) Prompt cleanup of material tracked onto public roads;

f) Restriction of construction activities during high-wind conditions when dust cannot be adequately controlled; and

g) Maintenance or temporary improvement (e.g., oil and stone or equivalent treatment) of dirt roads used for project access where required by the Town.

14) SEQRA Consistency and Supplemental Review

i. Compliance with this section shall be deemed a material condition of any approval issued pursuant to the State Environmental Quality Review Act (SEQRA). Persistent, recurring, or unmitigated dust impacts, including those associated with haul routes or road degradation, shall be deemed a potentially significant adverse environmental impact not adequately mitigated by the original approval and may constitute grounds for:

a) Supplemental environmental review;

b) Modification of approval conditions;

c) Suspension of construction or operation; or

d) Revocation of approvals, as permitted by law.

M. Fencing and Security

1) The facility shall be enclosed by fencing not less than seven (7) feet in height.

2) Access gates shall be secured and locked when unattended.

3) Fence design shall, where practicable and compatible with security requirements, allow for small wildlife passage and migration.

N. Noise

1) Inverters, motors, cooling equipment, and all other operational components of a Tier 3 Solar Energy System shall not generate noise levels exceeding one hundred twenty-five percent (125%) of the pre-construction ambient noise level at any property line of the project site or at the property line of any abutting parcel.

2) Pre-construction ambient noise levels shall be established through field measurements conducted by a qualified professional using a calibrated sound level meter. Measurements shall be taken at the edge of the project parcel and at each abutting property line over a continuous one-hour daytime period prior to commencement of construction.

3) Post-construction operational noise levels shall be measured using the same methodology and locations. At no time shall operational noise levels exceed 125% of the documented pre-construction ambient noise level at any measured location.

4) Enforcement, Monitoring, and Compliance.

    i. The Town Code Enforcement Officer, or a Town-retained qualified professional, is authorized to conduct noise measurements upon receipt of a written complaint, observed noncompliance, or as part of routine or periodic compliance monitoring.

    ii. In addition to Town-conducted measurements, the Town may require independent third-party noise testing, performed by a qualified acoustical professional selected or approved by the Town. All costs associated with such testing, including follow-up testing, shall be borne entirely by the owner or operator of the Tier 3 or Tier 4 Solar Energy System.

    iii. If measured noise levels exceed the limits established herein, the owner or operator shall, within thirty (30) days of written notice from the Town, submit and implement a corrective action plan acceptable to the Town. Corrective actions may include, but are not limited to, equipment modification or replacement, operational restrictions, installation of sound attenuation measures, construction of noise barriers, or relocation of noise-generating equipment.

    iv. The Town may draw upon any escrow, bond, or other financial security required or approved in connection with the Tier 3 or 4 Solar Energy System to fund independent testing, enforcement activities, or corrective measures if the owner or operator fails to timely comply with the requirements of this section or fails to reimburse the Town for incurred costs.

    v. Failure to achieve compliance within the time period specified by the Town shall constitute a violation of this Local Law and may result in the issuance of appearance tickets, civil penalties, fines, or injunctive relief as permitted by law. Each day a violation continues shall constitute a separate offense.

    vi. Continued or repeated violations may result in the suspension or revocation of any special use permit or other approvals granted for the Tier 3 or 4 Solar Energy System to the extent permitted by law, following notice and an opportunity to be heard, in addition to any other remedies available to the Town.

5) SEQRA Consistency and Findings.

    i. Compliance with this section shall be deemed a material condition of any approval granted pursuant to the State Environmental Quality Review Act (SEQRA). Any exceedance of the noise limits established herein may be treated as a significant adverse environmental impact not previously mitigated and may constitute grounds for supplemental environmental review, modification of approvals, or denial of continued operation, as permitted by law.

O. Groundwater and Drinking Water Well Protection

1) All Tier 3 and Tier 4 Solar Energy Systems, and any Tier 2 Solar Energy System where required by the Planning Board due to site conditions, shall be

designed, constructed, operated, maintained, repaired, and decommissioned so as to avoid contamination, degradation, drawdown, turbidity, sedimentation, or other adverse impacts to groundwater, surface water, wetlands, springs, and drinking water wells.

2) No Solar Energy System shall be approved or operated in a manner that causes, contributes to, or materially increases the concentration of lead or any other Contaminant of Concern in any drinking water well, groundwater, spring, wetland, drainageway, stream, pond, or surface water. This requirement shall apply to contamination originating from or mobilized by solar panels, racking systems, piles, posts, coatings, electrical equipment, transformers, inverters, battery systems, herbicides, pesticides, dust suppressants, oils, lubricants, coolants, concrete, access-road materials, damaged panels, construction activities, pile-driving, decommissioning, or any other project-related activity.

3) All fresh groundwater shall be treated as a protected potable water resource consistent with Class GA groundwater standards and applicable NYSDEC, NYSDOH, EPA, and local requirements. Where no single numeric standard applies to a private well, the Town may use NYSDOH public drinking water standards, EPA drinking water standards, NYSDEC Class GA groundwater standards or guidance values, NYSDEC TOGS 1.1.1 guidance values, EPA health advisories, EPA Regional Screening Levels, and other generally accepted standards as protective benchmarks.

4) Pile-Driving, Refusal, Bedrock, and Subsurface Protection.

    i. No pile-driving, post-driving, drilling, boring, trenching, excavation, dewatering, or other subsurface disturbance shall commence until the applicant has submitted, and the Reviewing Board has accepted, a Hydrogeologic Assessment and Foundation Installation Plan demonstrating that the proposed construction methods will not contaminate or adversely affect groundwater, private drinking water wells, bedrock aquifers, springs, wetlands, or surface waters.

    ii. The Foundation Installation Plan shall identify all proposed pile, post, foundation, trench, boring, grounding, conduit, and subsurface utility locations; proposed depths; anticipated refusal depths; anticipated depth to bedrock; anticipated

    seasonal high groundwater; and any areas where construction may encounter shale, fractured bedrock, perched water, artesian conditions, contaminated fill, historic dumping, buried debris, hydric soils, or other conditions that could create preferential pathways for contaminant migration.

    iii. The Planning Board may require alternate foundation methods, reduced pile depths, pre-drilling controls, casing, grouting, sealing, increased setbacks, construction limits, or relocation of project components where the reviewing board determines that the proposed method could penetrate or compromise a confining layer, create a contaminant migration pathway, mobilize existing contaminants, or adversely affect a drinking water well or groundwater resource.

    iv. Pile-driving, drilling, or subsurface disturbance shall be prohibited within 200 feet of any drinking water well unless the applicant demonstrates, through a Hydrogeologic Assessment accepted by the Town Engineer and Reviewing Board, that the activity will not adversely affect the well. The Reviewing Board may require a greater separation distance where site-specific conditions warrant.

    v. Blasting, rock breaking, hydraulic hammering, or similar high-impact refusal methods shall be prohibited unless specifically authorized by the Reviewing Board following review by the Town Engineer, Code Enforcement Officer, County Health Department, and any agency having jurisdiction. If authorized, the Town may require expanded well testing, vibration monitoring, groundwater monitoring, and financial security.

    vi. If pile refusal, unexpected groundwater flow, artesian conditions, stained soil, petroleum odor, chemical odor, buried waste, unusual

turbidity, or suspected contamination is encountered, the applicant shall immediately stop work in the affected area, notify the Code Enforcement Officer and Town Engineer, secure the area, and submit a corrective action plan before work resumes.

5) Prohibited Materials, PFAS, and Chemical Controls.

   i. No lead-based paint, lead-based coating, coal tar, contaminated fill, contaminated road material, contaminated stone, hazardous waste, unapproved dust suppressant, or intentionally added PFAS-containing material shall be used in construction, operation, maintenance, access-road construction, screening installation, panel washing, vegetation management, or decommissioning.

   ii. The applicant shall provide certification that solar panels, coatings, electrical equipment, and associated materials do not contain intentionally added PFAS, including PFOA, PFOS, GenX, or similar per- and polyfluoroalkyl substances, unless specifically disclosed and approved by the Town and all agencies having jurisdiction.

   iii. The applicant shall not use herbicides, pesticides, fertilizers, dust suppressants, cleaning agents, solvents, oils, lubricants, coolants, or other chemicals except as expressly disclosed in the Operations and Maintenance Plan and approved by the Reviewing Board. Any approved chemical use shall be minimized, shall comply with applicable federal and state law, and shall not occur in a manner that threatens groundwater,

   wells, wetlands, surface waters, pollinator habitat, agricultural soils, or adjoining properties.

P. Grid Interconnection and Energization Notification.

1) The applicant shall provide written notice to the Town, Code Enforcement Officer, Town Engineer, and local fire district not less than ten (10) business days prior to electrical testing, temporary energization, recommissioning after major repair, and final interconnection to the electrical grid. The notice shall identify the date and time of proposed testing or energization, the utility or contractor responsible, the location of all disconnects and shutoffs, the site representative with authority to de-energize the facility, and the twenty-four-hour emergency contact. The Town may require temporary disconnection or postponement of energization to the extent authorized by law and within the Town's jurisdiction pending final approvals, certifications, inspections, emergency-response documentation, or corrective actions.

Q. Application Requirements

In addition to all materials required for site plan and special use permit review, an application for a Tier 3 Solar Energy System shall include, at minimum:

1) Agricultural Impact Statement, including:

   i. Identification of all soils on the project site using USDA NRCS data;

   ii. Analysis of impacts to agricultural operations within one (1) mile of the site;

   iii. Proposed mitigation measures.

2) Alternatives Analysis, demonstrating that the proposed project site represents the most appropriate and feasible location among reasonably available alternatives, based on a comparative evaluation of impacts to agricultural land, agricultural soils, and the Town's rural character, and explaining the reasons the selected site was chosen over other potential locations.

3) Cumulative Impact Analysis, evaluating existing and reasonably foreseeable solar development within the Town and surrounding municipalities.

4) Agricultural Data Statement, where required by Agriculture and Markets Law §305-b.

5) Visual Impact Assessment, including photo simulations from public roads and nearby residences, and a line-of-sight profile analysis identifying potential daytime and nighttime glare/reflectivity impacts to public roadways and adjacent properties.
6) Stormwater and Drainage Report, prepared by a licensed professional engineer, demonstrating no increase in downstream flooding or drainage impacts.
7) Emergency Response and Fire Safety Plan, prepared in consultation with local emergency services. The plan shall include site-specific fire, electrical, damaged-panel, storm, flood, and hazardous-material response procedures; de-energization and lockout/tagout procedures; emergency disconnect and shutoff locations; access-gate, Knox Box, key, or lock information; fire apparatus routes and staging areas; panel, inverter, transformer, battery, and substation hazard information; procedures for responding while the facility remains energized; utility and owner/operator contact information; and a pre-energization site orientation or training opportunity for local fire department personnel, with updated orientation offered upon material modification or upon request by the Town or fire department.
8) Decommissioning and Site Restoration Plan, including:
    i. Removal of all equipment and foundations;
    ii. Restoration of soils and vegetation;
9) Financial security equal to 125 percent of the estimated decommissioning cost, posted prior to construction.
    i. The Decommissioning and Site Restoration Plan shall include specific benchmarks and timelines for commencement and completion of decommissioning activities, including timelines for equipment removal, foundation removal, pile/post removal, soil restoration, revegetation, drainage restoration, and final stabilization.
    ii. Restoration shall return the site to substantially similar pre-construction conditions to the maximum extent practicable, including restoration of agricultural productivity where applicable. Decommissioning cost estimates shall expressly account for removal of all piles, posts, foundations, wiring, equipment pads, access-road materials, and any contaminated or damaged equipment requiring special handling.
10) Proof of Site Control for the full facility area.
    i. Applications shall include copies of leases, easements, or other site-control documents sufficient to demonstrate authority to construct, operate, access, maintain, repair, decommission, and restore the facility. The Town is not requesting private payment amounts or compensation formulas, and such financial payment terms may be redacted prior to submission, provided that the remaining terms demonstrate site control, access rights, decommissioning obligations, restoration obligations, assignment rights, and landowner/operator responsibilities.
    ii. The Code Enforcement Officer may provide a non-binding informational handout to landowners and applicants advising that solar leases, easements, and site-control agreements may affect land rights, access, taxation, decommissioning, and future use of the property, and encouraging landowners to consult independent legal counsel before signing such documents.
11) Any additional studies or information deemed necessary by the Planning Board to evaluate compliance with this Local Law and the Comprehensive Plan.
12) A mandatory pre-application conference with the Town Code Enforcement Officer shall be required for all Tier 3 Solar Energy Systems. Applications shall include all requirements set forth in §9 of this Local Law. Failure to meet any standard shall constitute sufficient grounds for denial. Submission of an application, without more, shall not create a vested right to approval under prior standards; vested rights, if claimed, shall be determined applicable law.

R. Detailed Soils Classification Mapping

The application shall include a detailed soils classification map for the entire project site prepared using USDA NRCS Soil Survey data and any additional information required by the Town. The map shall identify, at a minimum, Prime Farmland Soils, Farmland of Statewide Importance, hydric soils, actively farmed lands, Agricultural District boundaries, and areas of soil disturbance proposed by the project. The Town may require additional site-specific soil investigations where warranted by site conditions or proposed construction methods.

S. Host Community Benefit Agreement

As a condition of approval, the Town may require execution of a host community agreement, community benefit agreement, or other agreement authorized by law between the applicant/operator and the Town addressing community impacts, mitigation measures, infrastructure protections, emergency services support, agricultural protections, road use obligations, environmental monitoring, financial security, and other public benefits deemed necessary by the Town. The Town may consider such agreement separately from, or in addition to, any PILOT or tax-related arrangement to the extent permitted by law.

T. Environmental Monitor

For projects exceeding thresholds established by the Town, or where site conditions warrant, the Town may require retention of an independent Environmental Monitor funded by the applicant. The Environmental Monitor may oversee construction activities, agricultural mitigation compliance, soil restoration, stormwater compliance, wetland protection, groundwater and well protection, decommissioning activities, and restoration of agricultural lands.

U. Agrivoltaics or Dual-Use Plan, if proposed

If the applicant proposes grazing, crop production, pollinator habitat, beekeeping, or other agricultural co-location, the application shall include a plan addressing fencing, planting, livestock access, soil testing, water access, vegetation management, animal health, crop viability, agricultural exemptions, and long-term agricultural viability. Approval of a solar facility shall not be deemed approval of any agricultural co-location use unless such use is expressly reviewed and approved.

V. Soil Sampling and Monitoring Program

Applications shall include a soil sampling and monitoring program establishing baseline soil conditions across representative portions of the project site. Sampling shall be conducted in accordance with accepted soil testing guidance, utilize survey-grade location methods, include periodic post-construction testing intervals established by the Town, and identify any necessary mitigation measures.

W. Operations and Maintenance Plan

Applications shall include an Operations and Maintenance Plan addressing vegetation management, pollinator habitat maintenance, herbicide, pesticide, fertilizer, and chemical usage, water usage and well installation, wetland and habitat protections, inspection schedules, security inspections, access-road and emergency-route maintenance, snow removal, spring road restoration, damaged-panel handling, maintenance protocols, and compliance with applicable laws and regulations.

X. Solar Equipment Specifications

Applications shall include manufacturer specification sheets, material safety data sheets, chemical composition information, identification of hazardous materials, recycling and disposal procedures, identification of recycling facilities, and documentation that installed equipment matches approved specifications.

Y. Landscaping Plan

Applications shall include a Landscaping Plan prepared with assistance from a qualified landscape professional, biologist, botanist, or other qualified professional identifying all proposed vegetative screening, pollinator seed mixes, establishment procedures, replacement procedures, and long-term maintenance practices utilizing native, non-invasive species.

Z. Wetland Jurisdictional Determination

Where wetlands or waters may be impacted, the applicant shall obtain and provide any required jurisdictional determinations from the United States Army Corps of Engineers, NYSDEC, or other agency having jurisdiction, together with all associated permits prior to construction.

AA. Post Refusal and Foundation Study

Applications shall include soil boring data and a Post Refusal and Foundation Study evaluating potential bedrock impacts, alternate foundation systems, concrete usage, additional truck traffic, implications for drainage, stormwater, groundwater, well protection, and decommissioning obligations.

BB. Hydrogeologic Assessment and Water Resource Protection Plan

1) Applications for Tier 3 and Tier 4 Solar Energy Systems shall include a Hydrogeologic Assessment and Water Resource Protection Plan prepared by a qualified professional acceptable to the Town. The Planning Board may require the same for Tier 2 systems where site conditions, scale, groundwater sensitivity, proximity to wells, or proposed construction methods warrant.

2) The Hydrogeologic Assessment and Water Resource Protection Plan shall include, at a minimum: identification and mapping of all private wells, public wells, springs, ponds, streams, drainageways, wetlands, ditches, tile drainage systems, flood-prone areas, hydric soils, and surface waters within the Groundwater and Well Protection Area; identification of all known or reasonably suspected contamination sources within or near the Groundwater and Well Protection Area, including historic dumps, former disposal areas, landfills, junkyards, farm dumps, petroleum tanks, chemical storage areas, former industrial uses, contaminated fill, or other potential sources of lead or other Contaminants of Concern; review of available records from NYSDEC, NYSDOH, the Livingston County Department of Health, Livingston County Planning Department, USDA NRCS, USGS, municipal records, well completion reports, Agricultural District maps, wetland maps, soil maps, and any other relevant source; identification of depth to groundwater, seasonal high groundwater, direction of groundwater flow, bedrock depth, soil type, hydric soils, shallow restrictive layers, shale, fractured bedrock, drainage divides, and any conditions that could affect contaminant migration; identification of all pile-driving, post-driving, drilling, boring, trenching, dewatering, grading, access road, laydown, equipment storage, transformer, inverter, battery, and panel storage areas; evaluation of whether project activities could mobilize lead, PFAS, metals, petroleum, pesticides, herbicides, or other Contaminants of Concern from existing soil, fill, bedrock, groundwater, stormwater, construction materials, equipment, or project components; proposed avoidance, minimization, and mitigation measures; a proposed baseline and post-construction testing program; and an emergency response protocol for suspected contamination, exceedances, spills, damaged panels, fire events, flooding, or complaints from well owners.

CC. Baseline Drinking Water Well Testing

1) Before any site disturbance, pile-driving, tree clearing, grading, trenching, construction traffic, access-road installation, or equipment delivery, the applicant shall offer baseline drinking water testing, at the applicant's expense, to the owner of every drinking water well within the Groundwater and Well Protection Area.

2) Testing shall be performed by a laboratory certified under the New York State Department of Health Environmental Laboratory Approval Program, where applicable, and shall follow sampling protocols approved by the Town Engineer, County Health Department, NYSDOH, EPA, or other applicable authority. Where feasible, testing shall include both a raw-water sample prior to treatment and a potable tap sample in order to help distinguish groundwater conditions from plumbing-related lead sources.

3) Baseline well testing shall include, at minimum: lead; cadmium; arsenic; mercury; selenium; chromium, including hexavalent chromium if warranted; copper; zinc; nickel; silver; iron and manganese; pH, hardness, alkalinity, conductivity, turbidity, total dissolved solids, chloride, sulfate, sodium, nitrate, and nitrite; total coliform and E. coli; PFOA, PFOS, and other PFAS compounds

reasonably available for laboratory analysis; petroleum compounds, volatile organic compounds, semi-volatile organic compounds, pesticides, herbicides, or other parameters where prior land use, historic dumping, equipment storage, battery storage, transformers, or site conditions warrant; and any additional analyte required by the Reviewing Board, Town Engineer, County Health Department, NYSDEC, NYSDOH, or EPA guidance.

4) The applicant shall provide each participating well owner with the results of that owner's well testing and shall also provide the Town with copies of all testing results, subject to reasonable redaction of personal information where required by law. Refusal by a well owner to allow testing shall not relieve the applicant from complying with all other groundwater and well protection requirements.

DD. Soil, Groundwater, and Surface Water Sampling Program

1) The application shall include a Soil, Groundwater, and Surface Water Sampling Program establishing baseline conditions across representative portions of the project site and any areas of proposed disturbance. Soil sampling shall include agricultural soil characteristics and contaminant screening. At a minimum, the program shall evaluate pH, organic matter, soil texture, nutrients where agriculturally relevant, and Contaminants of Concern including lead, cadmium, arsenic, chromium, copper, mercury, selenium, silver, zinc, nickel, PFAS where appropriate, petroleum compounds, pesticides, herbicides, and any other analyte required by the Reviewing Board or Town Engineer.

2) Soil results shall be compared to applicable NYSDEC soil cleanup objectives, including protection of groundwater values where applicable, and to EPA lead screening guidance where relevant. The Town may require groundwater monitoring wells where the Hydrogeologic Assessment identifies shallow groundwater, fractured bedrock, known or suspected contamination, nearby drinking water wells, proposed dewatering, battery storage, transformer areas, post-refusal areas, or other groundwater vulnerability. Monitoring wells, if required, shall be installed and sampled according to protocols approved by the Town Engineer and appropriate agencies.

EE. Solar Equipment, Hazardous Component, and Leachability Documentation

1) In addition to the solar equipment specifications required elsewhere in this Local Law, the applicant shall provide complete documentation for all solar panels, racking systems, piles, posts, coatings, wiring, inverters, transformers, substations, battery energy storage systems, coolants, lubricants, oils, fire suppression materials, and other equipment that may contain lead, cadmium, PFAS, petroleum, or other Contaminants of Concern.

2) The documentation shall include manufacturer specification sheets, safety data sheets, chemical composition information, identification of intentionally added lead, cadmium, PFAS, or other hazardous substances, TCLP testing results or generator-knowledge documentation sufficient to determine whether panels or equipment may become hazardous waste when damaged, replaced, or decommissioned, recycling, reuse, and disposal procedures, identification of approved recycling or disposal facilities, procedures for damaged, cracked, burned, storm-damaged, or out-of-service panels and equipment, and certification that installed equipment matches the equipment reviewed and approved by the Town.

FF. Damaged Panel and Equipment Containment Plan

1) The Operations and Maintenance Plan shall include a Damaged Panel and Equipment Containment Plan. Damaged, cracked, broken, burned, leaking, or otherwise compromised panels, batteries, transformers, inverters, or electrical equipment shall be immediately removed from service, secured, and stored in a covered, labeled, leak-resistant containment area with an impermeable base or secondary containment adequate to prevent contact with soil, stormwater, groundwater, snowmelt, or surface water.

2) Damaged equipment shall not be stockpiled outdoors on bare ground. Removal, transportation, recycling, or disposal shall occur as soon as practicable and in accordance with all applicable NYSDEC, EPA, RCRA, and hazardous waste requirements. The applicant shall maintain manifests,

recycling records, disposal receipts, and inspection logs and shall provide them to the Town upon request.

GG. Burden of Proof

1) The burden of demonstrating full compliance with all provisions of this section shall rest entirely with the applicant. Failure to meet any requirement shall constitute sufficient grounds for denial.

HH. Construction, Monitoring, and Reporting Conditions

1) Construction Stormwater and Dewatering Controls

   i. No construction activity shall commence until all required stormwater approvals, SPDES coverage, SWPPP approvals, erosion and sediment controls, dewatering protocols, and spill prevention measures are in place. Construction activities involving soil disturbance of one or more acres, or smaller disturbances that are part of a larger common plan of development or are otherwise designated by NYSDEC, shall obtain coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity before construction begins. The Town may require a SWPPP, erosion and sediment control plan, or equivalent stormwater protection plan for disturbances of less than one acre where the Reviewing Board determines that the project may affect drinking water wells, groundwater, wetlands, drainageways, or surface waters.

   ii. Dewatering water, trench water, wash water, concrete washout, equipment wash water, panel wash water, or other project-related water shall not be discharged to soil, wetlands, drainageways, streams, ponds, or groundwater recharge areas unless expressly authorized by the Town and all agencies having jurisdiction. The Town may require testing for turbidity, pH, lead, metals, petroleum, PFAS, or other Contaminants of Concern before discharge.

II. Post-Construction Well and Water Monitoring

1) The applicant shall conduct post-construction drinking water well monitoring, at the applicant's expense, for all participating wells within the Groundwater and Well Protection Area according to the following minimum schedule: within thirty days after completion of pile-driving, post-driving, drilling, trenching, or major subsurface disturbance; within thirty days after substantial completion of construction; quarterly for the first year after construction; annually for years two through five after construction; following any spill, fire, flooding event, major stormwater failure, damaged panel event, battery event, transformer leak, unexpected groundwater condition, or written complaint by a well owner; and during decommissioning and one year after completion of decommissioning.

2) The Reviewing Board may reduce, extend, or expand the monitoring schedule based on site conditions, test results, agency recommendations, complaints, or the presence of sensitive groundwater conditions.

3) Contamination Trigger, Notice, and Response

   i. A contamination trigger shall occur if testing identifies lead at or above 15 parts per billion in a potable water sample; any confirmed increase in lead above baseline in a raw well-water sample where the Town Engineer, County Health Department, or qualified hydrogeologist determines the increase may be project-related; any exceedance of an applicable NYSDOH drinking water standard, EPA action level, NYSDEC Class GA groundwater standard or guidance value, EPA health advisory, or other applicable standard; a statistically significant increase above baseline for any Contaminant of Concern; visible sediment, turbidity, petroleum sheen, chemical odor, discoloration, or other physical change in a drinking water well following project construction or decommissioning; or any confirmed release, spill, leak, damaged panel event, battery event, transformer leak, or improper storage condition that could affect soil, groundwater, surface water, wetlands, or wells.

ii. Upon a contamination trigger, the applicant shall, within twenty-four hours of receiving notice or test results, notify the Code Enforcement Officer, Town Supervisor, Town Engineer, affected well owner, County Health Department, and all agencies having jurisdiction. The applicant shall immediately provide, at its expense, bottled water, temporary water, filtration, or other protective measures deemed necessary by the County Health Department, Town Engineer, or Reviewing Board.

iii. The applicant shall then submit a Contamination Investigation and Corrective Action Plan prepared by a qualified professional. The plan shall identify the likely source, determine whether the project caused, contributed to, mobilized, or worsened the condition, and propose remedial measures. The Town may require additional well testing, groundwater monitoring wells, soil testing, surface water testing, contaminant source removal, treatment systems, replacement wells, connection to an alternative water supply, or other mitigation.

iv. Where a contamination trigger occurs after commencement of project construction and within the Groundwater and Well Protection Area, the applicant shall bear the burden of demonstrating, by competent technical evidence and to the extent permitted by law, that the contamination was not caused, contributed to, mobilized, or worsened by the project.

4) Stop-Work Authority. The Code Enforcement Officer may issue a stop-work order for all or part of a project if there is evidence of a spill, release, turbidity event, well complaint, damaged-panel event, improper chemical storage, unexpected groundwater condition, pile refusal condition, suspected contaminated soil, or other circumstance that may threaten groundwater, drinking water wells, wetlands, surface waters, or public health. No work shall resume until the Code Enforcement Officer, after consultation with the Town Engineer and any appropriate agency, determines that the condition has been investigated and adequately controlled.

5) Financial Security for Groundwater and Well Protection

i. Before issuance of any building permit, site plan endorsement, or commencement of land disturbance, the applicant shall establish financial security in a form acceptable to the Town Board and Town Attorney to secure compliance with groundwater, drinking water well, soil, stormwater, damaged-panel, and contaminant-response obligations.

ii. This financial security shall be separate from decommissioning security and shall be sufficient to cover, at minimum: baseline and post-construction well testing; soil, groundwater, and surface water monitoring; Town engineering, hydrogeologic, legal, and consultant review; emergency bottled water or temporary water supply; filtration systems; replacement or deepening of affected wells; connection to an alternative water source where feasible; investigation and remediation of soil, groundwater, or surface water contamination; removal and proper disposal of contaminated soil, damaged panels, or hazardous materials; long-term monitoring; and enforcement costs.

iii. The amount of the financial security shall be determined by the Town Board after recommendation from the Town Engineer and may be reviewed and adjusted annually or upon any project modification, complaint, contamination trigger, damaged-panel event, spill, decommissioning activity, or change in risk conditions.

§10. Tier 4 Solar Energy Systems

Tier 4 Solar Energy Systems are not permitted as-of-right in any zoning district, nor are they permitted by special use in any zoning district. Nothing herein authorizes a Solar Energy System subject to state siting jurisdiction under Public Service Law Article VIII or any successor state siting process. Where state siting jurisdiction applies, this section establishes local substantive standards for ORES consideration and municipal comment, and applicants shall demonstrate consistency with the Town of Mount Morris Comprehensive Plan and compliance with all locally applicable standards not preempted or

waived by state law. This section shall not be construed to require a separate Town approval, consent, permit, certificate, contract, agreement, or other condition for a project subject to ORES jurisdiction except to the extent expressly authorized by state law.

Where the Town has jurisdiction to review a Tier 4 Solar Energy System, and for purposes of identifying locally applicable standards in an ORES proceeding, Tier 4 Solar Energy Systems shall, at a minimum, meet all applicable requirements of §9 of this Local Law (Tier 3 Solar Energy Systems), excluding Facility Scale and Area requirements, as baseline local standards, plus additional requirements set forth in this section to address scale-related impacts. Tier 4 Solar Energy Systems shall also comply with the one-mile separation requirement set forth in §6.E of this Local Law to the maximum extent permitted by law.

A. Community Engagement Plan.

    1) Applications shall include a community engagement plan detailing proposed plans and strategies for ensuring adequate public awareness and encouraging community participation, including a mailing (or other direct notice method approved by the Town) to all Town residents and property owners within the Town, and identification of a project liaison and methods for receiving and responding to public concerns.

B. Avoidance of Nonconforming Remnant Lots.

    1) The facility layout, fencing, and any excluded areas along public roads (including barns, ponds, or wooded areas not leased by the applicant) shall not create a nonconforming remnant lot. Any remnant lot intended to remain separately usable shall meet minimum lot area and frontage requirements (including, where applicable, a minimum of three (3) acres for a conforming lot) and shall be capable of supporting lawful residential use including septic placement, as applicable.

C. Application, Review, and Approval Requirements.

    1) Where the Town has jurisdiction to review a Tier 4 Solar Energy System, a mandatory pre-application conference with the Town Code Enforcement Officer shall be required. Failure to meet any standard shall constitute sufficient grounds for denial. Applications shall include all requirements set forth in §§9 and10 of this Local Law. Submission of an application, without more, shall not create a vested right to approval under prior standards; vested rights, if claimed, shall be determined under applicable law.

D. Groundwater, Well, Hazardous Component, and Environmental Protection Standards

    1) Tier 4 Solar Energy Systems shall comply with all groundwater, drinking water well, soil, hazardous component, PFAS, damaged-panel, post-refusal, pile-driving, stormwater, monitoring, financial security, and contamination-response requirements set forth in §9 of this Local Law, except to the extent expressly preempted by state law. The applicant shall identify any state-level standard that it claims preempts a local requirement and shall provide written legal and technical support for such claim.

§11. Existing and Approved Systems

A. Solar Energy Systems lawfully in existence prior to adoption of this Local Law, and Solar Energy Systems that received valid final municipal or state approvals prior to adoption of this Local Law, may continue only to the extent authorized by their existing approvals and applicable law. Nothing in this Local Law shall be construed to create a vested right to any to any expansion, intensification, repowering, additional phase, new or expanded interconnection, new or expanded battery energy storage system, or material modification not expressly authorized by the prior approval. Vested rights, if claimed, shall be determined under applicable law.

B. Ordinary maintenance, safety-related repairs, and like-kind replacement may be performed without triggering full review under this Local Law, provided that such work does not increase Facility Area, increase nameplate generating capacity, add panels, add or expand battery energy storage, alter approved drainage or access-road conditions, increase height, expand operational infrastructure, increase environmental impact, or increase any nonconformity.

C. Any modification that increases Facility Area by more than five percent (5%) of the original approved Facility Area, increases nameplate generating capacity, adds panels,

adds or expands battery energy storage, expands an interconnection point, substation, inverter, transformer, access road, laydown area, or other operational infrastructure outside the previously approved footprint, changes panel height, changes tracking technology, expands the term or intensity of operation, or materially increases impacts to groundwater, wells, stormwater, roads, neighboring properties, agriculture, visual resources, noise, dust, emergency response, or rural character shall be deemed an expansion or intensification and shall be subject to this Local Law to the maximum extent permitted by law.

D. Any expansion, intensification, repowering, additional phase, extension, or material modification of an existing or approved Tier 3 or Tier 4 Solar Energy System shall comply with the current standards of this Local Law, including groundwater and well protection, hazardous component disclosure, baseline and post-construction testing, road use, dust control, emergency response, fire safety, screening, financial security, decommissioning, and enforcement requirements. The one-mile separation requirement shall apply to other Existing or Approved Solar Energy Systems but shall not measure the subject facility against itself.

E. Previously approved but unbuilt or partially built Solar Energy Systems seeking extension, renewal, amended approval, amended site plan, amended special use permit, state siting amendment, building permit, or other municipal action after the effective date of this Local Law shall be required to demonstrate compliance with this Local Law to the maximum extent permitted by law, unless the Town Board, after consultation with Town counsel, determines that vested rights, state preemption, or other controlling law limits application of one or more requirements.

§12. Enforcement

A. Violations may be punishable by fines, injunctive relief, removal orders, and all remedies available under law. Each day a violation continues shall constitute a separate offense.

B. Failure to comply with any groundwater, well protection, testing, reporting, monitoring, chemical disclosure, damaged-panel containment, stormwater, dewatering, or contaminant-response requirement shall constitute a violation of this Local Law and a material violation of any special use permit, site plan approval, building permit, or other approval issued for the project.

C. In addition to any other remedy available by law, the Town may issue a stop-work order, suspend permits, revoke approvals, draw upon financial security, require additional testing, require remediation, require alternative water supply, require removal of equipment, or commence enforcement proceedings.

D. Any exceedance, contamination trigger, unreported spill, uncontained damaged-panel event, or failure to provide required testing or water protection measures may be treated as a significant adverse environmental impact requiring supplemental review under SEQRA to the extent permitted by law.

§13. Severability

If any provision of this Local Law is held invalid, such invalidity shall not affect the remaining provisions.

§14. Effective Date

This Local Law shall take effect upon filing with the New York State Secretary of State.